

AGENDA FOR THE "IN CAMERA" MEETING OF COUNCIL  
TO DISCUSS CONFIDENTIAL MATTERS,  
TO BE HELD IN THE CITY HALL BOARD ROOM,  
455 WALLACE STREET, NANAIMO, BC,  
ON MONDAY, 2010-JAN-11, COMMENCING AT 10:30 A.M.

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1. **INTRODUCTION OF LATE ITEMS:**

2. **ADOPTION OF AGENDA:**

3. **ADOPTION OF MINUTES:**

- (a) Minutes of the Special "In Camera" Meeting of Council held Monday, 2009-DEC-07 at 6:48 p.m. in the City Hall Board Room. *Pg. 3-4*
- (b) Minutes of the "In Camera" Meeting of Council held Monday, 2009-DEC-14 at 10:30 a.m. in the City Hall Board Room. *Pg. 5-7*

4. **CHAUFFEUR'S PERMIT APPEAL:**

- (a) Chauffeur Permit Appeal *Pg. 8-16*

5. **DELEGATIONS PERTAINING TO AGENDA ITEMS:**

- (a) Mr. Bob Moss, DTZ Barnicke Nanaimo Ltd. and Mr. Tom Andrews, Colliers International, to discuss the proposed consultant assignment for hotel attraction and negotiation.

6. **MAYOR'S REPORT:**

7. **COMMISSION REPORTS:**

8. **COMMITTEE REPORTS:**

9. **STAFF REPORTS:**

DEVELOPMENT SERVICES:

(a) **Expropriation of Part 2901 Hammond Bay Road & Part  
2915 Hammond Bay Road**

*Pg. 17-27*

Staff's Recommendations: That Council:

1. adopt the attached resolution as describe in Schedule 1, authorizing and approving the expropriation of part 2901 Hammond Bay Road;

AND:

2. adopt the attached resolution as described in Schedule 2, authorizing and approving the expropriation of part 2915 Hammond Bay Road.

10. **INFORMATION ONLY ITEMS:**

11. **CORRESPONDENCE:**

12. **OTHER BUSINESS:**

- (a) Update Regional Issues
- (b) Update Municipal Issues

13. **ADJOURNMENT OF THE "IN CAMERA" MEETING:**

14. **ADJOURNMENT OF THE REGULAR MEETING:**

# "IN CAMERA" STAFF REPORT

REPORT TO: ANDREW TUCKER, DIRECTOR, PLANNING

FROM: BILL CORSAN, MANAGER, REAL ESTATE

RE: EXPROPRIATION OF PART 2901 HAMMOND BAY RD. & PART 2915 HAMMOND BAY RD.

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## STAFF'S RECOMMENDATION:

That Council;

1. adopt the attached resolution as described in Schedule 1, authorizing and approving the expropriation of part 2901 Hammond Bay Road; and
2. adopt the attached resolution as described in Schedule 2, authorizing and approving the expropriation of part 2915 Hammond Bay Road.

## EXECUTIVE SUMMARY:

The subject properties are required for the reconstruction of Hammond Bay Road. Expropriation is required in order to obtain ownership of the lands prior to advertising a tender in March 2010. Expropriation must be initiated *immediately* in order to meet this time-line.

## BACKGROUND:

Hammond Bay Road is one of the City's most important major collector roads. The Engineering & Public Works Department has identified the need to improve the safety for motorists, cyclists and pedestrians along this road in the "Hammond Bay Road Mobility Study".

December, 2007 – the Engineering & Public Works Department established the terms of reference for the Request for Proposals for a design of improvements of Hammond Bay Road in the area between Departure Bay Road and just north east of Friar Tuck Way.

February 2008 – the Engineering & Public Works Department chose a private sector Engineering Consultant to design the project.

February, 2008 – the Engineering & Public Works Department advised those residents affected by the project of the anticipated works.

May, 2008 – the private sector Engineering Consultant submitted a 50% design for this project to the City.

June, 2008 – the Engineering & Public Works Department invited Council and affected residents to an "Open House" information presentation.

November, 2008 – the Real Estate Division was requested to begin negotiations for the acquisition of the required properties.

Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
 Meeting Date: 2010-JAN-11

December, 2008 – the Real Estate Division initiated negotiations for acquisition. Subsequent negotiations in the year 2009 resulted in the successful acquisition of two properties (parts 2923 & 2935 Hammond Bay Road) required for this project (approved by Council on August 10, 2009).

The owners of 2915 Hammond Bay Road indicated that while they did not wish to obstruct the City's project, the issue of compensation should be dealt with by the Court (because of the significant anticipated impact by the City's project).

The owner of 2901 Hammond Bay Road, indicated their serious concerns with the anticipated negative affect to the balance of their property due to the proposed decrease in set-back distance of the house to the front property boundary and the close proximity of the Hydro lines.

April, 2009 – as a result, the Engineering & Public Works Department contacted its private sector Engineering Consultant to determine whether a change in design could lessen the impact on 2901 Hammond Bay Road.

June 2009 – the private sector Engineering Consultant advised the City it was possible to lessen the impact on 2901 Hammond Bay Road, by deleting the concept of the proposed left hand turn storage lane from the project design.

Summer 2009 – the Engineering & Public Works Department advised Council of the intent to delete the left hand turn storage lane (as opposed to deleting either the pedestrian or bicycle facilities) from the design so as to lessen the impact on the private property.

October 2009 – the revised design was received from the private sector Engineering Consultant. The revised design is shown on Attachment A.

November 2009 – the Real Estate Division advised the owner of 2901 Hammond Bay Road, that for the purpose of addressing their concern, the City had changed the design so as to decrease the amount of land to be acquired. The Real Estate Division asked the owner to advise if it would now consider selling the required land to the City. Consent to the sale was not forthcoming and subsequently the owner denied permission for the City's surveyors to enter onto the property.

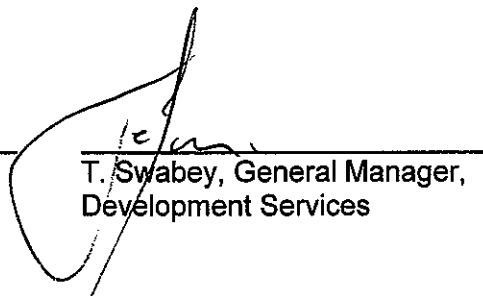
The owner of 2901 Hammond Bay Road has been consistently opposed to selling the land to the City. Further negotiations are unlikely to change the owner's position. The owners of 2915 Hammond Bay Road have already indicated their position that the matter of compensation should be dealt with by the Court. Immediate expropriation of the required properties is necessary for the project to proceed and to achieve the March 2010 tender. Copies of the Expropriation Notices are in the attached Schedules.

Funding for this acquisition program is available from project number P5135-01-03.

Respectfully submitted,

  
for B. Corsan, Manager,  
Real Estate

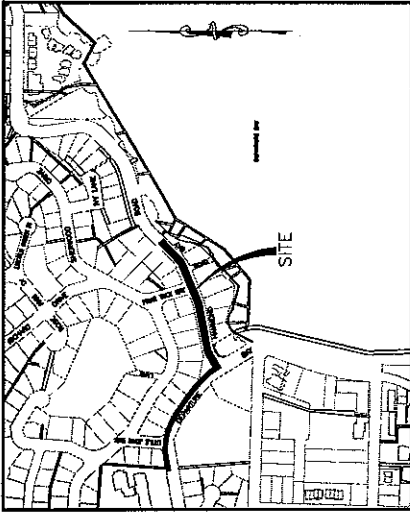
  
A. Tucker, Director,  
Planning

  
T. Swabey, General Manager,  
Development Services

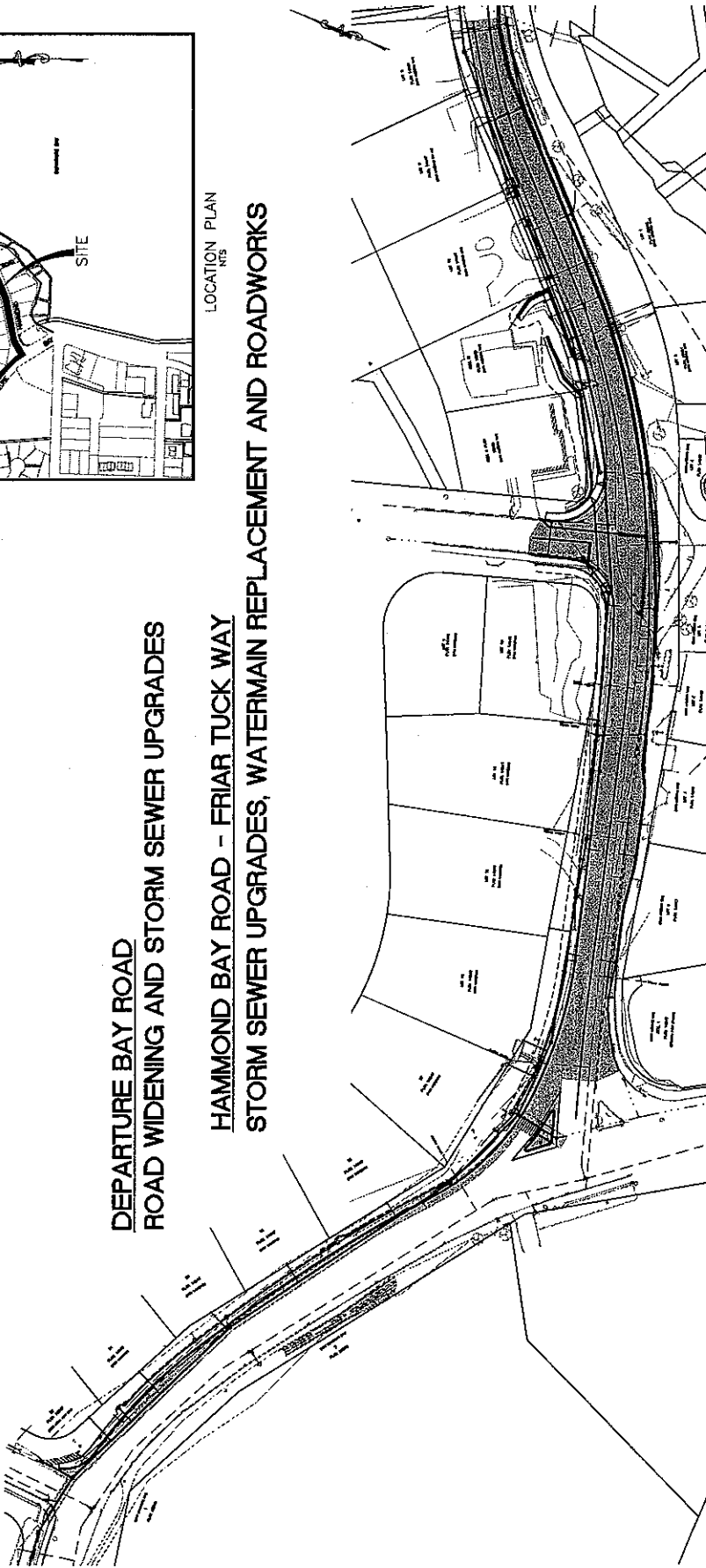


**DEPARTURE BAY ROAD  
ROAD WIDENING AND STORM SEWER UPGRADES**

**HAMMOND BAY ROAD - FRIAR TUCK WAY  
STORM SEWER UPGRADES, WATERMAIN REPLACEMENT AND ROADWORKS**



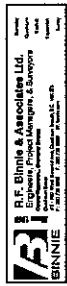
LOCATION PLAN  
NRS



KEY PLAN  
SCALE 1:500

SHEET No.	CITY DRAWING No.	CONTRACT No.	TITLE
1 OF 20	6056	08-003-01-1	DEPARTURE BAY ROAD FROM STA. 2+000 TO 2+100 ROADWORKS
2 OF 20	6057	08-003-01-2	DEPARTURE BAY ROAD FROM STA. 2+100 TO 2+200 ROADWORKS
3 OF 20	6058	08-003-01-3	DEPARTURE BAY ROAD FROM STA. 2+200 TO 2+300 ROADWORKS
4 OF 20	6059	08-003-01-4	HAMMOND BAY ROAD FROM STA. 0+819.0 TO 1+150 ROADWORKS & WATERMAIN REPLACEMENT
5 OF 20	6060	08-003-01-5	HAMMOND BAY ROAD FROM STA. 1+150 TO 1+217.2 ROADWORKS & WATERMAIN REPLACEMENT
6 OF 20	6061	08-003-01-6	TRUCK CROSS SECTION, RETAINING WALL DETAIL & LANDSCAPE RECONSTRUCTION DETAIL
7 OF 20	6062	08-003-01-7	DEPARTURE BAY ROAD FROM STA. 0+819.0 TO 1+150 STORM SEWER REPLACEMENT
8 OF 20	6063	08-003-01-8	HAMMOND BAY ROAD FROM STA. 1+150 TO 2+200 STORM SEWER REPLACEMENT
9 OF 20	6064	08-003-01-9	HAMMOND BAY ROAD FROM STA. 1+150 TO 1+217.2 STORM SEWER REPLACEMENT
10 OF 20	6065	08-003-01-10	FRIAR TUCK WAY ROADWORKS, WATERMAIN & STORM SEWER REPLACEMENT
11 OF 20	6066	08-003-01-11	RETAINING WALL CROSS SECTION

- NOTES:
- 1.) ALL CONSTRUCTION TO BE IN ACCORDANCE WITH CITY
  - 2.) ALL LOCATIONS AND ELEVATIONS OF EXISTING UTILITIES SHOWN ON THIS PLAN ARE TO BE VERIFIED BY FIELD SURVEY. CONFIRMED BY USE OF A PIPE LOCATOR AND MANUAL DIGGING. ALL OF ANY STRUCTURES NOT NECESSARILY SHOWN ARE TO BE DETERMINED BY GEOTECHNICAL SURVEY.
  - 3.) ELEVATIONS ARE TO GEODETIC DATUM.
  - 4.) LOCATION OF SERVICE CONNECTIONS TO BE DETERMINED ON SITE UNLESS SHOWN OTHERWISE.



## SCHEDULE 1 – pertaining to 2901 Hammond Bay Road

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

And Whereas the City of Nanaimo requires for the project the fee simple interest in part of the lands located at 2901 Hammond Bay Road, which part the City of Nanaimo has been unable to obtain through negotiation;

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

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

1. The expropriation of that part of the lands located at 2901 Hammond Bay Road described in the Expropriation Notice attached as Schedule "A" is hereby authorized and approved.
2. The General Manager, Development Services, and the Director, Legislative Services are hereby authorized to do all acts and things necessary to carry out the expropriation.

# SCHEDULE A FOR SCHEDULE 1

## *Land Title Act*

### **Application**

NATURE OF APPLICATION: Expropriation Notice

HEREWITH FEES OF: \$23.75

FULL NAME, ADDRESS AND TELEPHONE NUMBER of person presenting application:

Staples McDannold Stewart  
Barristers and Solicitors  
2<sup>nd</sup> Floor, 837 Burdett Avenue  
Victoria, B.C.  
V8W 1B3 tel. no. (250) 380-7744

.....  
*SIGNATURE OF APPLICANT OR  
SOLICITOR OR AUTHORIZED AGENT*

NOTE: The above Application shall only appear on the copy of the Expropriation Notice filed in the Land Title Office.

### *EXPROPRIATION ACT*

#### **FORM 1**

[am. B.C. Reg. 96/2005, s. 4.]

*(Section 6(1))*

### **EXPROPRIATION NOTICE**

Expropriation Notice No. \_\_\_\_\_

TO: 0745652 B.C. Ltd. (Inc. No. BC0745652)  
5455 Bayshore Drive  
Nanaimo, B.C.  
V9V 1G9

AND: City of Nanaimo  
455 Wallace Street  
Nanaimo, B.C.  
V9R 5J6

AND: Registrar,  
Victoria Land Title Office

#### **TAKE NOTICE that**

1. City of Nanaimo, 455 Wallace Street, Nanaimo, B.C., V9R 5J6, telephone No. (250) 754-4251 (the "expropriating authority") intends to expropriate land or an interest in land in respect of which 0745652 B.C. Ltd. is the registered owner, the particulars of which are as follows:

# SCHEDULE A FOR SCHEDULE 1

2

Those parts of

P.I.D. 000-655-767

Lot A, Section 2, Wellington District, Plan 15525, except Plan 41572

comprising 20.9 square metres, more or less, and shown as "Dedicated as Road" on Reference Plan EPP2690 certified by Michael J. Taylor, B.C.L.S. on December 16, 2009, a reduced copy of which is attached to this Expropriation Notice as Schedule "A".

2. The nature of the interest in the land intended to be expropriated is the fee simple estate.

NOTE: where an interest less than the fee simple is indicated, the Expropriation Notice must be accompanied by a written instrument in form and substance capable of registration as a charge under the *Land Title Act*.

3. The work or purpose for which the interest in the land is required is a linear development, namely the expansion and improvement of the public highway known as Hammond Bay Road.
4. The approving authority with respect to this expropriation is the City of Nanaimo, 455 Wallace Street, Nanaimo, B.C., V9R 5J6, telephone No. (250) 754-4251.
5. Where an owner is eligible under section 10 of the *Expropriation Act* to request an inquiry, the minister and the expropriating authority must be served with a Notice of Request for Inquiry (Form 2), a copy of which is attached hereto, within 30 days after the date this Expropriation Notice is served on the owner.
6. Where less than an entire parcel is affected by the expropriation and a fee simple interest is intended to be expropriated, a copy of a reference or explanatory plan must be attached to this Expropriation Notice and the application to file the notice in the Land Title Office must be accompanied by a plan package that complies with section 67(s) of the *Land Title Act*.

DATED at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

**City of Nanaimo**

Per: \_\_\_\_\_

Ted Swabey – General Manager  
Development Services

\_\_\_\_\_  
Director, Legislative Services





## SCHEDULE 2 – pertaining to 2915 Hammond Bay Road

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

And Whereas the City of Nanaimo requires for the project the fee simple interest in part of the lands located at 2915 Hammond Bay Road, which part the City of Nanaimo has been unable to obtain through negotiation;

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

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

1. The expropriation of that part of the lands located at 2915 Hammond Bay Road described in the Expropriation Notice attached as Schedule "A" is hereby authorized and approved.
2. The General Manager, Development Services, and the Director, Legislative Services are hereby authorized to do all acts and things necessary to carry out the expropriation.

# SCHEDULE A FOR SCHEDULE 2

## *Land Title Act*

### **Application**

NATURE OF APPLICATION: Expropriation Notice

HEREWITH FEES OF: \$23.75

FULL NAME, ADDRESS AND TELEPHONE NUMBER of person presenting application:

Staples McDannold Stewart  
Barristers and Solicitors  
2<sup>nd</sup> Floor, 837 Burdett Avenue  
Victoria, B.C.  
V8W 1B3 tel. no. (250) 380-7744

.....  
*SIGNATURE OF APPLICANT OR  
SOLICITOR OR AUTHORIZED AGENT*

NOTE: The above Application shall only appear on the copy of the Expropriation Notice filed in the Land Title Office.

### *EXPROPRIATION ACT*

#### **FORM 1**

[am. B.C. Reg. 96/2005, s. 4.]

*(Section 6(1))*

### **EXPROPRIATION NOTICE**

Expropriation Notice No. \_\_\_\_\_

TO: Eida Soder and  
Bendt Axel Nielsen  
2915 Hammond Bay Road  
Nanaimo, B.C.  
V9T 1E1

AND: City of Nanaimo  
455 Wallace Street  
Nanaimo, B.C.  
V9R 5J6

AND: Registrar,  
Victoria Land Title Office

### **TAKE NOTICE** that

1. City of Nanaimo, 455 Wallace Street, Nanaimo, B.C., V9R 5J6, telephone No. (250) 754-4251 (the "expropriating authority") intends to expropriate land or an interest in land in respect of which Eida Soder and Bendt Axel Nielsen are the registered owners, the particulars of which are as follows:

# SCHEDULE A FOR SCHEDULE 2

2

Those parts of

P.I.D. 000-655-732

Lot B, Section 2, Wellington District, Plan 15525, except Plan 41572

comprising 102.4 square metres, more or less, and shown as "Dedicated as Road" on Reference Plan EPP2689 certified by Michael J. Taylor, B.C.L.S. on December 16, 2009, a reduced copy of which is attached to this Expropriation Notice as Schedule "A".

2. The nature of the interest in the land intended to be expropriated is the fee simple estate.

NOTE: where an interest less than the fee simple is indicated, the Expropriation Notice must be accompanied by a written instrument in form and substance capable of registration as a charge under the *Land Title Act*.

3. The work or purpose for which the interest in the land is required is a linear development, namely the expansion and improvement of the public highway known as Hammond Bay Road.
4. The approving authority with respect to this expropriation is the City of Nanaimo, 455 Wallace Street, Nanaimo, B.C., V9R 5J6, telephone No. (250) 754-4251.
5. Where an owner is eligible under section 10 of the *Expropriation Act* to request an inquiry, the minister and the expropriating authority must be served with a Notice of Request for Inquiry (Form 2), a copy of which is attached hereto, within 30 days after the date this Expropriation Notice is served on the owner.
6. Where less than an entire parcel is affected by the expropriation and a fee simple interest is intended to be expropriated, a copy of a reference or explanatory plan must be attached to this Expropriation Notice and the application to file the notice in the Land Title Office must be accompanied by a plan package that complies with section 67(s) of the *Land Title Act*.

DATED at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

**City of Nanaimo**

Per: \_\_\_\_\_

Ted Swabey – General Manager  
Development Services

\_\_\_\_\_  
Director, Legislative Services



MINUTES OF THE "IN CAMERA" MEETING OF COUNCIL  
TO DISCUSS CONFIDENTIAL MATTERS,  
HELD IN THE CITY HALL BOARD ROOM, 455 WALLACE STREET, NANAIMO, BC,  
ON MONDAY, 2010-JAN-11, COMMENCING AT 10:30 A.M.

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

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

Others: Mr. Robert William Gallagher (Arrived 10:38 a.m., vacated 11:15 a.m.)  
Sgt. John Blaase, Nanaimo Municipal Traffic Division  
(Arrived 10:38 a.m., vacated 11:15 a.m.)

Mr. Bob Moss, DTZ Barnicke (Arrived 11:32 a.m., vacated 12:39 p.m.)  
Mr. Tom Andrews, Colliers International  
(Arrived 11:32 a.m., vacated 12:39 p.m.)  
Mr. Jason Winton, Colliers Mid Island  
(Arrived 11:32 a.m., vacated 12:39 p.m.)  
Mr. Randall Taylor, DTZ Barnicke  
(Arrived 11:32 a.m., vacated 12:39 p.m.)

Staff: A. C. Kenning, City Manager  
A. W. Laidlaw, General Manager of Community Services  
D. W. Holmes, General Manager of Corporate Services  
E. C. Swabey, General Manager of Development Services  
I. Howat, Director of Legislative Services  
T. L. Hartley, Director of Human Resources  
B. E. Clemens, Director of Finance  
T. M. Hickey, Director of Engineering and Public Works  
T. P. Seward, Director of Development  
R. J. Harding, Director of Parks, Recreation and Culture  
T. F. Moscrip, Senior Manager of Engineering  
M. Dietrich, Municipal Manager, RCMP  
M. Hutchinson, Economic Development Officer  
J. E. Harrison, Manager of Legislative Services  
K. King, Recording Secretary

1. CALL THE OPEN MEETING TO ORDER:

The Regular Meeting was called to order at 10:35 a.m.

2. PROCEDURAL MOTION:

00110 It was moved and seconded that the meeting be closed in order to deal with the following matters under the *Community Charter* Section 90(1):

- (e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure might reasonably be expected to harm the interests of the municipality;
- (f) law enforcement, if the Council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;
- (g) litigation or potential litigation affecting the municipality;
- (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.

The motion carried unanimously.

3. ADOPTION OF AGENDA:

00210 It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

4. ADOPTION OF MINUTES:

00310 It was moved and seconded that the Minutes of the Special "In Camera" Meeting of Council held Monday, 2009-DEC-07 at 6:48 p.m. in the City Hall Board Room be adopted as circulated. The motion carried unanimously.

00410 It was moved and seconded that the Minutes of the "In Camera" Meeting of Council held Monday, 2009-DEC-14 at 10:30 a.m. in the City Hall Board Room be adopted as circulated. The motion carried unanimously.

5. CHAUFFEUR'S PERMIT APPEAL:

- (a) Chauffeur Permit Appeal

6. DELEGATIONS PERTAINING TO AGENDA ITEMS:

00610 It was moved and seconded that Mr. Moss, Mr. Taylor, Mr. Winton and Mr. Andrews be permitted to address Council. The motion carried unanimously.

Mr. Moss, Mr. Taylor, Mr. Winton, and Mr. Andrews entered the Board Room at 11:32 a.m.

- (a) Mr. Bob Moss and Mr. Randall Taylor from DTZ Barnicke Nanaimo Ltd., and Mr. Tom Andrews and Mr. Jason Winton from Colliers, provided information regarding the proposed consultant assignment for hotel attraction and negotiation.

Councillor Bestwick vacated the Board Room at 12:15 p.m.

Councillor McNabb vacated the Board Room at 12:17 p.m.

Mr. Moss, Mr. Taylor, Mr. Winton and Mr. Andrews vacated the Board Room at 12:39 p.m.

00710 It was moved and seconded that Council direct Staff to proceed with the engagement of DTZ Barnicke to create an offering package for the Port of Nanaimo Centre hotel. The motion carried unanimously.

7. STAFF REPORTS:

DEVELOPMENT SERVICES:

- (a) Expropriation of Part of 2901 Hammond Bay Road & Part of 2915 Hammond Bay Road

00810 It was moved and seconded that Council:

1. adopt the following resolution authorizing and approving the expropriation of part of 2901 Hammond Bay Road:



WHEREAS the City of Nanaimo is carrying out a project to expand and improve the public highway known as Hammond Bay Road;

AND WHEREAS the City of Nanaimo requires for the project, the fee simple interest in part of the lands located at 2901 Hammond Bay Road, which part the City of Nanaimo has been unable to obtain through negotiation;

AND WHEREAS the City of Nanaimo has authority under section 31 of the *Community Charter* to expropriate real property;

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

- (a) The expropriation of that part of the land located at 2901 Hammond Bay Road described in the Expropriation Notice as Schedule "A" is hereby authorized and approved; and,
- (b) The General Manager of Development Services and the Director of Legislative Services are hereby authorized to do all acts and things necessary to carry out the expropriation.

2. adopt the following resolution authorizing and approving the expropriation of part of 2915 Hammond Bay Road:

WHEREAS the City of Nanaimo is carrying out a project to expand and improve the public highway known as Hammond Bay Road;

AND WHEREAS the City of Nanaimo requires for the project, the fee simple interest in part of the lands located at 2915 Hammond Bay Road, which part the City of Nanaimo has been unable to obtain through negotiation;

AND WHEREAS the City of Nanaimo has authority under section 31 of the *Community Charter* to expropriate real property;

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

- (a) The expropriation of that part of the land located at 2915 Hammond Bay Road described in the Expropriation Notice as Schedule "A" is hereby authorized and approved; and,
- (b) The General Manager of Development Services and the Director of Legislative Services are hereby authorized to do all acts and things necessary to carry out the expropriation.

The motion carried unanimously.

8. OTHER BUSINESS:

(a) Update Regional Issues

Mr. D. W. Holmes, General Manager of Corporate Services, provided information regarding funding for the film industry which will be considered by the RDN Board.

(b) Update Municipal Issues

Mr. E. C. Swabey, General Manager of Development Services, provided an update regarding the status of negotiations on the purchase of 495 Dunsmuir Street.

9. ADJOURNMENT:

00910 It was moved and seconded at 1:04 p.m. that the "In Camera" Meeting terminate.  
The motion carried unanimously.

01010 It was moved and seconded at 1:04 a.m. that the Regular Meeting terminate.  
The motion carried unanimously.

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MAYOR

CERTIFIED CORRECT:

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DIRECTOR,  
LEGISLATIVE SERVICES

MINUTES OF THE SPECIAL "IN CAMERA" MEETING OF COUNCIL  
TO DISCUSS CONFIDENTIAL MATTERS,  
HELD IN THE CITY HALL BOARD ROOM, 455 WALLACE STREET, NANAIMO, BC,  
ON TUESDAY, 2010-JAN-12, COMMENCING AT 2:00 P.M.

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

Members: Councillor W. J. Holdom  
Councillor D. K. Johnstone  
Councillor J. F. K. Pattje  
Councillor L. J. Sherry

Absent: Councillor W. L. Bestwick  
Councillor J. A. Kipp  
Councillor L. D. McNabb  
Councillor M. W. Unger

Others: Mr. Bob Hancox

Staff: A. C. Kenning, City Manager  
T. L. Hartley, Director of Human Resources

1. CALL THE OPEN MEETING TO ORDER:

The Special Meeting was called to order at 2:00 p.m.

2. PROCEDURAL MOTION:

01110 It was moved and seconded that the meeting be closed in order to deal with the following matters under the *Community Charter* Section 90(1):

(c) labour relations or employee negotiations;

The motion carried unanimously.

3. ADOPTION OF AGENDA:

01210 It was moved and seconded that the Agenda be adopted. The motion carried unanimously.

4. OTHER BUSINESS:

(a) Tekara Proposal

01310 It was moved and seconded that Council pursue the proposal prepared by Tekara as presented. The motion carried unanimously.

5. ADJOURNMENT:

01410           It was moved and seconded at 3:25 p.m. that the "In Camera" Meeting terminate.  
The motion carried unanimously.

01510           It was moved and seconded at 3:25 p.m. that the Regular Meeting terminate.  
The motion carried unanimously.

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M A Y O R

CERTIFIED CORRECT:

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DIRECTOR,  
LEGISLATIVE SERVICES

AGENDA FOR THE "IN CAMERA" MEETING OF COUNCIL  
TO DISCUSS CONFIDENTIAL MATTERS,  
TO BE HELD IN THE CITY HALL BOARD ROOM,  
455 WALLACE STREET, NANAIMO, BC,  
ON MONDAY, 2010-JAN-25, COMMENCING AT 10:30 A.M.

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1. **INTRODUCTION OF LATE ITEMS:**

2. **ADOPTION OF AGENDA:**

3. **ADOPTION OF MINUTES:**

- (a) Minutes of the "In Camera" Meeting of Council held Monday, 2010-JAN-11 at 10:30 a.m. in the City Hall Board Room.
- (b) Minutes of the Special "In Camera" Meeting of Council held Tuesday, 2010-JAN-12 at 2:00 p.m. in the City Hall Board Room.

4. **PRESENTATIONS:**

5. **DELEGATIONS PERTAINING TO AGENDA ITEMS:**

6. **MAYOR'S REPORT:**

7. **COMMISSION REPORTS:**

8. **COMMITTEE REPORTS:**

9. **STAFF REPORTS:**

DEVELOPMENT SERVICES:

- (a) **Offer to Purchase Property**

10. **INFORMATION ONLY ITEMS:**

- (a) Report from Mr. I. Howat, Director, Legislative Services, re: Quarterly Claims Report – Period ending 2009-DEC-31. *Pg. 20-27*

11. **CORRESPONDENCE:**

12. **OTHER BUSINESS:**

- (a) Update Regional Issues
- (b) Update Municipal Issues
1. Hotel Update – Verbal Report

13. **ADJOURNMENT OF THE "IN CAMERA" MEETING:**

14. **ADJOURNMENT OF THE REGULAR MEETING:**

MINUTES OF THE "IN CAMERA" MEETING OF COUNCIL  
TO DISCUSS CONFIDENTIAL MATTERS,  
HELD IN THE CITY HALL BOARD ROOM, 455 WALLACE STREET, NANAIMO, BC,  
ON MONDAY, 2010-JAN-25, COMMENCING AT 10:30 A.M.

---

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

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

Staff: A. C. Kenning, City Manager  
A. W. Laidlaw, General Manager of Community Services  
E. C. Swabey, General Manager of Development Services  
I. Howat, Director of Legislative Services  
T. L. Hartley, Director of Human Resources  
B. E. Clemens, Director of Finance  
T. P. Seward, Director of Development  
Chief R. Lambert, Nanaimo Fire Rescue  
A. J. Tucker, Director of Planning  
R. J. Harding, Director of Parks, Recreation and Culture  
J. Kemp, Executive Assistant  
L. Dennis, Recording Secretary

1. CALL THE OPEN MEETING TO ORDER:

The Regular Meeting was called to order at 10:32 a.m.

2. PROCEDURAL MOTION:

01610 It was moved and seconded that the meeting be closed in order to deal with the following matters under the *Community Charter* Section 90(1):

- (e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure might reasonably be expected to harm the interests of the municipality;
- (g) litigation or potential litigation affecting the municipality;
- (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.

The motion carried unanimously.

3. ADOPTION OF AGENDA:

01710 It was moved and seconded that the Agenda be adopted. The motion carried unanimously.

4. ADOPTION OF MINUTES:

01810 It was moved and seconded that the Minutes of the "In Camera" Meeting of Council held Monday, 2010-JAN-11 at 10:30 a.m. in the City Hall Board Room, 455 Wallace Street, Nanaimo, BC, be adopted as circulated. The motion carried unanimously.

01910 It was moved and seconded that the Minutes of the Special "In Camera" Meeting of Council held Monday, 2010-JAN-12 at 2:00 p.m. in the City Hall Board Room, 455 Wallace Street, Nanaimo, BC, be adopted as circulated. The motion carried unanimously.

5. STAFF REPORTS:

(a) Offer to Purchase Property

6. INFORMATION ONLY ITEMS:

(a) Report from Mr. I. Howat, Director, Legislative Services, re: Quarterly Claims Report – Period ending 2009-DEC-31.



7. OTHER BUSINESS:

(a) Update Municipal Issues

8. ADJOURNMENT:

02210 It was moved and seconded at 12:05 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

02310 It was moved and seconded at 12:05 p.m. that the Regular Meeting terminate. The motion carried unanimously.

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M A Y O R

CERTIFIED CORRECT:

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DIRECTOR,  
LEGISLATIVE SERVICES

AGENDA FOR THE "IN CAMERA" MEETING OF COUNCIL  
TO DISCUSS CONFIDENTIAL MATTERS,  
TO BE HELD IN THE CITY HALL BOARD ROOM,  
455 WALLACE STREET, NANAIMO, BC,  
ON MONDAY, 2010-MAR-08, COMMENCING AT 10:30 A.M.

---

1. **INTRODUCTION OF LATE ITEMS:**

2. **ADOPTION OF AGENDA:**

3. **ADOPTION OF MINUTES:**

- (a) Minutes of the "In Camera" Meeting of Council held Monday, 2010-JAN-25 at 10:30 a.m. in the City Hall Board Room. Pg. 3-5

4. **PRESENTATIONS:**

- (a) Dr. Lorna Medd, Medical Health Officer, and Ms. Allison Cutler, Executive Director, Population and Community Health, Vancouver Island Health Authority (VIHA), regarding the distribution of harm reduction supplies in Nanaimo.

5. **DELEGATIONS PERTAINING TO AGENDA ITEMS:**

6. **MAYOR'S REPORT:**

7. **COMMISSION REPORTS:**

8. **COMMITTEE REPORTS:**

9. **STAFF REPORTS:**

DEVELOPMENT SERVICES:

- (a) **625 Bowen Road**

Pg. 6

*Staff's Recommendation: That Council authorize Staff, in conjunction with the City Solicitor, to take legal action against the owners and occupiers of the property located at 625 Bowen Road, Nanaimo, BC.*

10. **INFORMATION ONLY ITEMS:**

11. **CORRESPONDENCE:**

12. **OTHER BUSINESS:**

(a) Update Regional Issues

(b) Update Municipal Issues

13. **ADJOURNMENT OF THE "IN CAMERA" MEETING:**

14. **ADJOURNMENT OF THE REGULAR MEETING:**

# STAFF REPORT

## “IN CAMERA”

REPORT TO: ANDREW TUCKER, DIRECTOR OF PLANNING

FROM: RANDY CHURCHILL, MANAGER OF BYLAW, REGULATION AND SECURITY

RE: AUTHORIZATION TO SEEK LEGAL ACTION – 625 BOWEN ROAD

---

PROPERTY: 625 Bowen Road

LEGAL: Lot A, Section 1, Nanaimo District, Plan 49704

### STAFF'S RECOMMENDATION:

That Council authorize staff, in conjunction with the City Solicitor, to take legal action against the owners and occupiers of the property located at 625 Bowen Road, Nanaimo, BC.

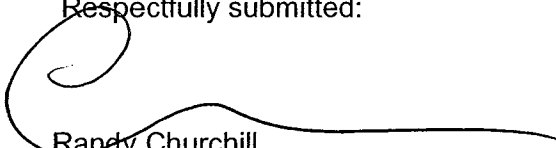
### EXECUTIVE SUMMARY:

The property at 625 Bowen Road has been the source of seven complaints regarding property maintenance since April of 2007.

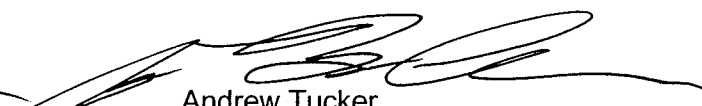
### BACKGROUND:

Bylaw Services staff have worked with the owner of the property in an effort to have the property brought into compliance with City of Nanaimo “PROPERTY MAINTENANCE BYLAW 1990 NO. 3704”. The owner continues to allow the property to contravene the bylaw. Staff recommend that an injunction be sought to compel the owners and occupiers to maintain the property in compliance with the bylaw.

Respectfully submitted:



Randy Churchill  
Manager  
Bylaw, Regulation and Security



Andrew Tucker  
Director of Planning

Council: 2009-Mar-08



Ted Swabey, General Manager  
Development Services Department

MINUTES OF THE "IN CAMERA" MEETING OF COUNCIL  
TO DISCUSS CONFIDENTIAL MATTERS,  
HELD IN THE CITY HALL BOARD ROOM, 455 WALLACE STREET, NANAIMO, BC,  
ON MONDAY, 2010-MAR-08, COMMENCING AT 9:50 A.M.

---

PRESENT: Acting Mayor W. J. Holdom, Chair

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

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

Others: Dr. Lorna Medd, Medical Health Officer, VIHA (arrived 10:30 a.m.)  
Ms. Allison Cutler, Executive Director, Population and Community  
Health, VIHA (arrived 10:30 a.m.)

Staff: A. C. Kenning, City Manager  
I. Howat, Director of Legislative Services  
T. L. Hartley, Director of Human Resources  
B. E. Clemens, Director of Finance  
Chief R. Lambert, Nanaimo Fire Rescue  
R. J. Harding, Director of Parks, Recreation and Culture  
B. Anderson, Manager of Community Planning  
R. Churchill, Manager of Bylaw, Regulation and Security  
Corporal D. LaBerge, RCMP  
J. Horn, Social Planner  
J. E. Harrison, Manager of Legislative Services  
L. Dennis, Recording Secretary

1. CALL THE OPEN MEETING TO ORDER:

The Regular Meeting was called to order at 9:50 a.m.

2. PROCEDURAL MOTION:

02310 It was moved and seconded that the meeting be closed in order to deal with the following matters under the *Community Charter* Section 90(1):

- (g) litigation or potential litigation affecting the municipality; and
- (j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act*.

The motion carried unanimously.

3. ADOPTION OF AGENDA:

02410 It was moved and seconded that the Agenda be adopted. The motion carried unanimously.

4. ADOPTION OF MINUTES:

02510 It was moved and seconded that the Minutes of the "In Camera" Meeting of Council held Monday, 2010-JAN-25 at 10:30 a.m. in the City Hall Board Room, 455 Wallace Street, Nanaimo, BC be adopted as circulated. The motion carried unanimously.

5. STAFF REPORTS:

(a) 625 Bowen Road

02610 It was moved and seconded that Council authorize Staff, in conjunction with the City Solicitor, to take legal action against the owners and occupiers of the property located at 625 Bowen Road. The motion carried unanimously.

6. OTHER BUSINESS:

(a) Update Regional Issues

(a) Regional update of proposed development.

The "In Camera" Meeting was recessed at 10:00 a.m.  
The "In Camera" Meeting reconvened at 10:30 a.m.

7. PRESENTATIONS:

Dr. Medd and Ms. Cutler entered the Board Room at 10:30 a.m.

(a) Dr. Lorna Medd, Medical Health Officer, and Ms. Allison Cutler, Executive Director, Population and Community Health, Vancouver Island Health Authority (VIHA), gave a presentation regarding VIHA's program to distribute harm reduction supplies such as crack pipe kits, in Nanaimo.

Dr. Medd and Ms. Cutler vacated the Board Room at 11:03 a.m.

8. ADJOURNMENT:

02710 It was moved and seconded at 11:03 a.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

02810           It was moved and seconded at 11:03 a.m. that the Regular Meeting terminate. The motion carried unanimously.

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M A Y O R

CERTIFIED CORRECT:

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DIRECTOR,  
LEGISLATIVE SERVICES

AGENDA FOR THE "IN CAMERA" MEETING OF COUNCIL  
TO DISCUSS CONFIDENTIAL MATTERS,  
TO BE HELD IN THE CITY HALL BOARD ROOM,  
455 WALLACE STREET, NANAIMO, BC,  
ON MONDAY, 2010-MAR-22, COMMENCING AT 10:30 A.M.

---

1. INTRODUCTION OF LATE ITEMS:

2. ADOPTION OF AGENDA:

3. ADOPTION OF MINUTES:

- (a) Minutes of the "In Camera" Meeting of Council held Monday, Pg. 4-6  
2010-MAR-08 at 9:50 a.m. in the City Hall Board Room.

4. PRESENTATIONS:

5. DELEGATIONS PERTAINING TO AGENDA ITEMS:

6. MAYOR'S REPORT:

7. COMMISSION REPORTS:

8. COMMITTEE REPORTS:

9. STAFF REPORTS:

DEVELOPMENT SERVICES:

- (a) **Consent to a 30-Year Lease to Seair Seaplanes Ltd. from the** Pg. 7-9  
**Integrated Land Management Bureau**

*Staff's Recommendation: That Council, as the owner of the riparian rights associated with the Brechin Boat Ramp, consent to the granting of a 30-year lease between the Integrated Land Management Bureau (ILMB) and Seair Seaplanes Ltd. for a portion of the foreshore shown on Schedule "A" of the report.*



(b) **Authorization to Seek Legal Action – 1041 Maughan Road**

Pg. 10

*Staff's Recommendation:* That Council authorize Staff, in conjunction with the City Solicitor, to take legal action against the owners and occupiers of the property located at 1041 Maughan Road, Nanaimo, BC.

**CORPORATE SERVICES:**

(c) **Ratification of External Appointments to the Economic Development Commission**

Pg. 11-22

*Staff's Recommendation:* That Council ratify in an open meeting the following representatives to the Economic Development Commission:

- Chamber of Commerce – A.J. Hustins
- Vancouver Island University – Dr. Ralph Nilson
- Snuneymuxw First Nation – Chief Douglas White
- Nanaimo Airport Commission – G.E. (Jerry) Pink
- Tourism Nanaimo – Jolynn Green
- Ministry of Small Business, Technology and Economic Development – Glen Scobie
- Nanaimo Port Authority - TBA

(d) **Council Appointments to the Economic Development Commission**

Pg. 23-106

*Staff's Recommendation:* That Council:

1. appoint 4 members at-large who best represent the technology, commercial banking, real estate, and industrial sectors;

AND:

2. direct Staff to amend "ECONOMIC DEVELOPMENT COMMISSION BYLAW 2010 NO. 7098" to make the Provincial representative a non-voting member and to add one more at-large position.

**ADMINISTRATION:**

(e) **Management Structure Review Interim Report**

*Note: Report to be distributed separately.*

10. **INFORMATION ONLY ITEMS:**

11. **CORRESPONDENCE:**

12. **OTHER BUSINESS:**

(a) Update Regional Issues

(b) Update Municipal Issues

13. **ADJOURNMENT OF THE "IN CAMERA" MEETING:**

14. **ADJOURNMENT OF THE REGULAR MEETING:**

# "IN CAMERA" STAFF REPORT

REPORT TO: ANDREW TUCKER, DIRECTOR OF PLANNING

FROM: BILL CORSAN, MANAGER, REAL ESTATE DIVISION

RE: CONSENT TO A 30-YEAR LEASE TO SEAIR SEAPLANES LTD. FROM THE INTEGRATED  
LAND MANAGEMENT BUREAU

## STAFF'S RECOMMENDATION:

That Council, as the owner of the riparian rights associated with the Brechin Boat Ramp, consent to the granting of a 30-year lease between the Integrated Land Management Bureau (ILMB) and Sear Seaplanes Ltd. for a portion of the foreshore shown in Schedule 'A'.

## EXECUTIVE SUMMARY

The lease for the Brechin Boat Ramp has been over-holding since 1991. Staff has been working on a new lease for the Brechin Boat Ramp with the Province of BC's Integrated Land Management Bureau (ILMB) since 2005. ILMB has granted the City a licence of occupation for a period of three years which will become a lease once a new survey of the water lot is submitted. The preparation of the survey provides an opportunity to revisit the original lease boundaries and address issues such as riparian rights and better reflect the area being used by the City.

## BACKGROUND:

The City of Nanaimo has leased the water lot for the Brechin Boat Ramp since February 1958. The lease was originally held with the Nanaimo Port Authority, who had a head lease from the Provincial Government. The agreement has been over-holding since 1991. In 2004, the Nanaimo Port Authority surrendered the lease back to the Province of BC. City staff began negotiating the terms of a new lease with ILMB in 2005. ILMB considered the process to be a lease renewal and replacement rather than a new agreement.

Through the statutory referral process, ILMB consulted with First Nations and required the City to give public notice. The Notice of Intent was published in the local newspaper in August 2008.

The Province issued a licence of occupation to the City in November 2009. A new 30-year lease will be granted to the City once a survey of the water lot is complete. A nominal rent will be charged to the City.

- Council
  - Committee.....
  - Open Meeting
  - In-Camera Meeting
- Meeting Date: 2010-MAR-22

The existing licence area is based on the 1958 survey which is outdated and does not reflect the development that has occurred within the water lot or the adjacent leaseholders. The preparation of the new survey provides the City with an opportunity to create a lease area that more accurately reflects the areas of the foreshore that are being used by the City. ILMB has agreed that the boundaries of the lease area can be modified.

One of the long outstanding issues is 'riparian rights' between the City and Seair Seaplanes Ltd. immediately to the north.

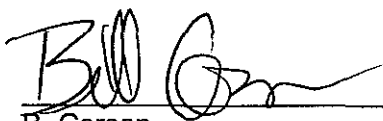
The Province will not lease filled foreshore or water lot to a party other than the upland owner unless the upland owner consents to the lease. Seair Seaplanes Ltd. (formerly McCully Aviation) has used a portion of the filled foreshore that was within the City's riparian boundary. Conversely, the City's public boat launch has infringed over Seair Seaplanes Ltd. water lot.

As part of this 'house-keeping' exercise, the City needs to provide consent as the upland owner for Seair Seaplanes Ltd. to infringe on a portion of the City's riparian rights for a period of 30 years. In return, Seair Seaplanes Ltd. will grant riparian consent to the City for the use of the water lot adjacent to the Brechin Boat ramp which fronts their upland parcel.

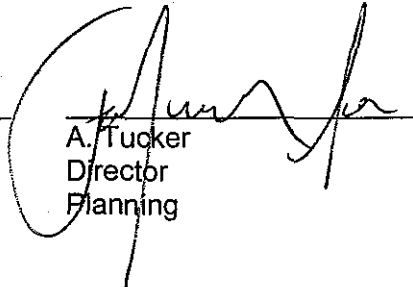
The riparian areas and proposed lease area are illustrated in Schedule 'A'.

Following Council approval to grant riparian consent, the final survey plan will be completed by a BC Land Surveyor and the City will finalize the 30-year lease for the Brechin Boat Ramp.

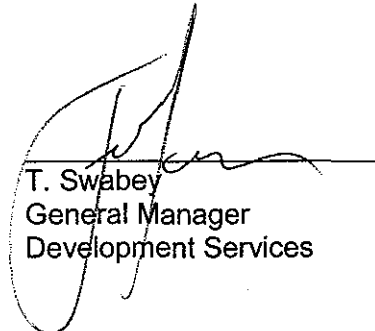
Respectfully submitted,



B. Corsan  
Manager  
Property Services



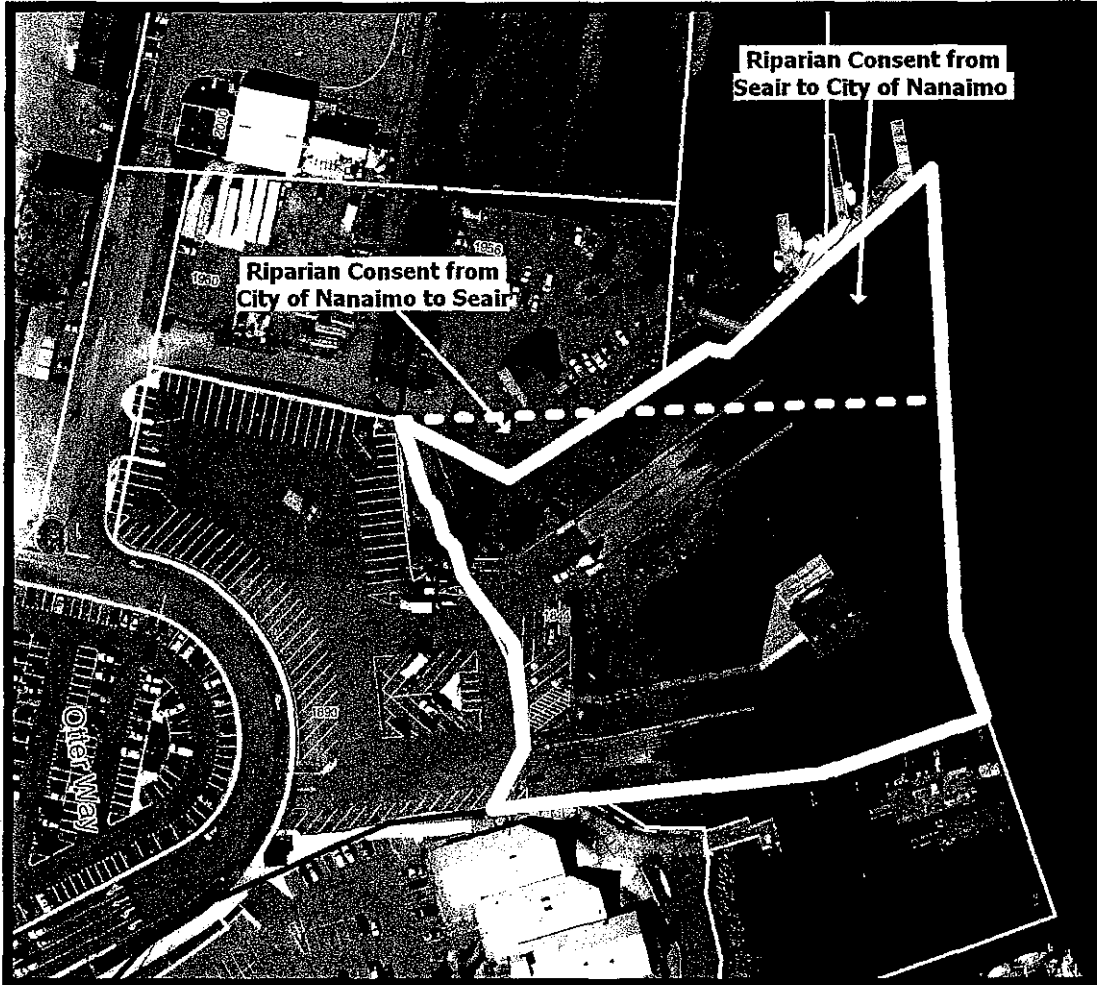
A. Tucker  
Director  
Planning



T. Swabey  
General Manager  
Development Services

Prospero: LD000493  
Council: 2010-MAR-22

Schedule A  
Brechin Boat Ramp  
Foreshore Lease Application to Integrated Land Management Bureau



**Riparian Boundary**

**Proposed City of Nanaimo  
Lease Area**

February 2010

# STAFF REPORT

## "IN CAMERA"

REPORT TO: ANDREW TUCKER, DIRECTOR OF PLANNING

FROM: RANDY CHURCHILL, MANAGER OF BYLAW, REGULATION AND SECURITY

RE: AUTHORIZATION TO SEEK LEGAL ACTION – 1041 MAUGHAN ROAD

PROPERTY: 1041 Maughan Road

LEGAL: Lot 21, Section 2, Range 8, Nanaimo District, Plan VIP63717

### STAFF'S RECOMMENDATION:

That Council authorize staff, in conjunction with the City Solicitor, to take legal action against the owners and occupiers of the property located at 1041 Maughan Road, Nanaimo, BC.

### EXECUTIVE SUMMARY:

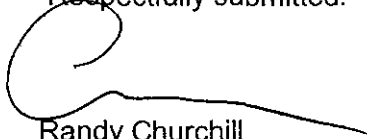
A wood recycling business is being operated from this location. The business is being operated without a City of Nanaimo business licence. There are also numerous structures on the property which contravene City of Nanaimo "BUILDING BYLAW 2003 NO. 5693".

### BACKGROUND:

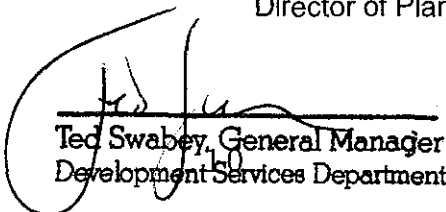
City of Nanaimo and Regional District of Nanaimo staff have been dealing with outstanding issues in respect to this operation since May 2009. The owner has not responded to any of Staff's requests. Mr. Paul Verhey appeared at Council on 2010-Feb-08 on behalf of Nanaimo Wood Products Recycling and stated that the company was working with staff to resolve the issue and that the deficiencies were expected to be rectified within 30 days. He also stated that the company was working with an engineering firm to present the City with a proposed use of the amalgamated business. To date, there has been no progress to rectify any of the outstanding issues.

The owner continues to operate the business. Staff recommend that an injunction be sought to compel the owners and occupiers to bring the property and the business into compliance with City bylaws.

Respectfully submitted:

  
Randy Churchill  
Manager  
Bylaw, Regulation and Security

  
Andrew Tucker  
Director of Planning

  
Ted Swabey, General Manager  
Development Services Department

Council: 2009-Mar-22

- Council
- Committee.....
- Open Meeting
- In-Camera Meeting
- Meeting Date: 2010-MAR-22

## IN-CAMERA REPORT

TO: D. W. HOLMES, GENERAL MANAGER OF CORPORATE SERVICES

FROM: I. HOWAT, DIRECTOR OF LEGISLATIVE SERVICES

RE: RATIFICATION OF EXTERNAL APPOINTMENTS TO THE  
ECONOMIC DEVELOPMENT COMMISSION

### RECOMMENDATION:

That Council ratify in an open meeting the following representatives to the Economic Development Commission:

- Chamber of Commerce – A.J. Hustins
- Vancouver Island University – Dr. Ralph Nilson
- Snuneymuxw First Nation – Chief Douglas White
- Nanaimo Airport Commission – G.E. (Jerry) Pink
- Tourism Nanaimo – Jolynn Green
- Ministry of Small Business, Technology and Economic Development – Glen Scobie
- Nanaimo Port Authority - TBA

### EXECUTIVE SUMMARY:

Council adopted the Economic Development Commission bylaw which outlines the form of membership. In accordance with the bylaw, 7 members are to be appointed from external stakeholders. The stakeholders have submitted their representatives for Council's ratification. The Province has requested that the Provincial representative be a non-voting member, which provides an opportunity for Council to add an additional at-large position.

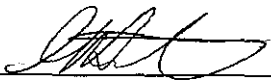
### BACKGROUND:

In accordance with the bylaw the 7 stakeholder groups were solicited for a representative to sit on the Economic Development Commission. The submissions received are attached for your convenience and summarized below:

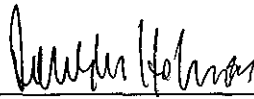
Chamber of Commerce	A. J. Hustins
VIU	Ralph Nilson
Nanaimo Airport Commission	G. E. (Jerry) Pink
SFN	Chief Douglas White
Ministry of Small Business, Technology and Economic Development ***Non-voting member***	Mr. Glen Scobie, Executive Director, Competitiveness
Tourism Nanaimo	Jolynn Green
Nanaimo Port Authority	TBA

The Province has requested that the Provincial representative be a non-voting member, which provides an opportunity for Council to add an additional at-large position. Under another report staff recommend that a bylaw amendment be considered by Council to reflect this request.

Respectfully submitted,



I. Howat  
Director of Legislative Services



D. W. Holmes  
General Manager, Corporate Services

Council: 2010-MAR-22



MINUTES OF THE "IN CAMERA" MEETING OF COUNCIL  
TO DISCUSS CONFIDENTIAL MATTERS,  
HELD IN THE CITY HALL BOARD ROOM, 455 WALLACE STREET, NANAIMO, BC,  
ON MONDAY, 2010-MAR-22, COMMENCING AT 10:30 A.M.

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

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

Staff: A. C. Kenning, City Manager  
A. W. Laidlaw, General Manager of Community Services  
D. W. Holmes, General Manager of Corporate Services  
E. C. Swabey, General Manager of Development Services  
I. Howat, Director of Legislative Services  
T. L. Hartley, Director of Human Resources  
B. E. Clemens, Director of Finance  
T. M. Hickey, Director of Engineering and Public Works  
T. P. Seward, Director of Development  
A. J. Tucker, Director of Planning  
R. J. Harding, Director of Parks, Recreation and Culture  
S. Larson, Administrative Assistant  
J. E. Harrison, Manager of Legislative Services  
K. King, Recording Secretary

1. CALL THE OPEN MEETING TO ORDER:

The Regular Meeting was called to order at 10:44 a.m.

2. PROCEDURAL MOTION:

02910 It was moved and seconded that the meeting be closed in order to deal with the following matters 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;
- (c) labour relations or employee negotiations;
- (e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure might reasonably be expected to harm the interests of the municipality;
- (g) litigation or potential litigation affecting the municipality.

The motion carried unanimously.

3. INTRODUCTION OF LATE ITEMS:

- (a) Add Agenda Item 10 (a) – Information Only Items – Report from Mr. A. C. Kenning, City Manager, re: Hotel
- (b) Add Pages 22.1 and 22.2 to Agenda Item 9 (c) – Staff Reports – Ratification of External Appointments to the Economic Development Commission – Application from Mr. Robert Bennie, Representative for the Nanaimo Port Authority.
- (c) Add Agenda Item 12 (b) Other Business – Update Municipal Issues – Requests for Information.

4. ADOPTION OF AGENDA:

03010 It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

5. ADOPTION OF MINUTES:

03110 It was moved and seconded that the Minutes of the "In Camera" Meeting of Council held Monday, 2010-MAR-08 at 9:50 a.m. in the City Hall Board Room, 455 Wallace Street, Nanaimo, BC, be adopted as circulated. The motion carried unanimously.

6. MAYOR'S REPORT:

Mayor Ruttan provided an update regarding Council's nomination of Muriel McKay Ross for the BC Community Achievement Award in recognition of her many contributions to the community over the years.

7. STAFF REPORTS:

DEVELOPMENT SERVICES:

- (a) Consent to a 30-Year Lease to Seair Seaplanes Ltd. from the Integrated Land Management Bureau

03210 It was moved and seconded that Council, as the owner of the riparian rights associated with the Brechin Boat Ramp, consent to the granting of a 30-year lease between the Integrated Land Management Bureau (ILMB) and Seair Seaplanes Ltd. for a portion of the foreshore shown on Schedule "A" of the report. The motion carried unanimously.

- (b) Authorization to Seek Legal Action – 1041 Maughan Road

03310 It was moved and seconded that Council authorize Staff, in conjunction with the City Solicitor, to take legal action against the owners and occupiers of the property located at 1041 Maughan Road, Nanaimo, BC. The motion carried unanimously.

CORPORATE SERVICES:

(c) Ratification of External Appointments to the Economic Development Commission

03410 It was moved and seconded that Council ratify in an open meeting, the following representatives to the Economic Development Commission:

- Chamber of Commerce – A.J. Hustins
- Vancouver Island University – Dr. Ralph Nilson
- Snuneymuxw First Nation – Chief Douglas White
- Nanaimo Airport Commission – G.E. (Jerry) Pink
- Tourism Nanaimo – Jolynn Green
- Ministry of Small Business, Technology and Economic Development – Glen Scobie
- Nanaimo Port Authority – Robert Bennie

The motion carried unanimously.

(d) Council Appointments to the Economic Development Commission

03510 It was moved and seconded that Council direct Staff to amend "ECONOMIC DEVELOPMENT COMMISSION BYLAW 2010 NO. 7098" to make the Provincial representative a non-voting member and to add one more at-large position. The motion carried unanimously.

03710 It was moved and seconded that Council appoint the following 4 at-large members to the Economic Development Commission:

- Moira Jenkins
- Douglas Slowski
- Rob Grey
- Terrence (Terry) Knight

The motion carried unanimously.

Councillor Bestwick vacated the Board Room at 11:40 a.m.

Councillor Bestwick returned to the Board Room at 11:43 a.m.

8. INFORMATION ONLY ITEMS:

- (a) Report from Mr. A. C. Kenning, City Manager, re: Hotel.

03810 It was moved and seconded that Council direct Staff to attempt to negotiate a settlement to recover from Millennium Nanaimo Properties Ltd. and Suro Development Company ("Joint Venture"), all fees paid by the City plus expenses and that this negotiation take place within the first two weeks of April, 2010, if the Joint Venture does not commence construction of the hotel by 2010-MAR-31. The motion carried.

*Opposed: Councillor McNabb*

7. STAFF REPORTS: Continued:

ADMINISTRATION:

- (e) Management Structure Review Interim Report

03910 It was moved and seconded that consideration of the Management Structure Review Interim Report be postponed to Monday, 2010-MAR-29. The motion carried unanimously.

9. OTHER BUSINESS:

- (a) Update Municipal Issues

10. ADJOURNMENT:

04010 It was moved and seconded at 11:54 a.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

04110 It was moved and seconded at 11:54 a.m. that the Regular Meeting terminate. The motion carried unanimously.

---

MAYOR

CERTIFIED CORRECT:

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DIRECTOR,  
LEGISLATIVE SERVICES

AGENDA FOR THE "IN CAMERA" MEETING OF COUNCIL  
TO DISCUSS CONFIDENTIAL MATTERS,  
TO BE HELD IN THE CITY HALL BOARD ROOM,  
455 WALLACE STREET, NANAIMO, BC,  
ON MONDAY, 2010-APR-12, COMMENCING AT 10:30 A.M.

---

1. INTRODUCTION OF LATE ITEMS:

2. ADOPTION OF AGENDA:

3. ADOPTION OF MINUTES:

- (a) Minutes of the "In Camera" Meeting of Council held Monday, Pg. 3-6  
2010-MAR-22 at 10:30 a.m. in the City Hall Board Room.

4. PRESENTATIONS:

5. DELEGATIONS PERTAINING TO AGENDA ITEMS:

6. MAYOR'S REPORT:

7. COMMISSION REPORTS:

8. COMMITTEE REPORTS:

9. STAFF REPORTS:

DEVELOPMENT SERVICES:

- (a) Offer to Purchase Property Pg. 7-16

CORPORATE SERVICES:

(b) **Conversion of Non-Permanent to Permanent Positions - CUPE**

Pg. 17-18

*Staff's Recommendation: That Council approve the creation of two (2) permanent part-time positions that fit within the meaning of Article 1(f)(vi) of the CUPE collective agreement as follows:*

- *Permanent Part-Time Custodian – Parks, Recreation and Culture.*
- *Permanent Part-Time Cashier - Parks, Recreation and Culture.*

(c)

Pg. 19

10. **INFORMATION ONLY ITEMS:**

11. **CORRESPONDENCE:**

12. **OTHER BUSINESS:**

(a) Update Regional Issues

(b) Update Municipal Issues

- (1) Verbal update from Mayor Ruttan on the water treatment plant.

13. **ADJOURNMENT OF THE "IN CAMERA" MEETING:**

14. **ADJOURNMENT OF THE REGULAR MEETING:**

# **“IN CAMERA”**

## **STAFF REPORT**

**TO: T.L. HARTLEY, HUMAN RESOURCES DIRECTOR**

**FROM: CHARLIE GALAN, MANAGER, LABOUR RELATIONS**

**RE: CONVERSION OF NON PERMANENT  
TO PERMANENT POSITIONS – CUPE**

**APRIL 12, 2010**

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### **STAFF RECOMMENDATION:**

We recommend that Council approve the creation of two (2) permanent part time positions that fit within the meaning of Article 1(f)(vi) of the CUPE collective agreement as follows:

- Permanent Part Time Custodian – Parks, Recreation and Culture
- Permanent Part Time Cashier – Parks, Recreation and Culture

### **BACKGROUND**

Article 1 (f) (vi) of the CUPE collective agreement states:

*“The parties shall meet in the September 2008 – October 2008 time period and annually during this time period thereafter to review the work performed by the permanent auxiliary employees to determine whether one (1) or more permanent positions (either part-time or full-time) is to be established and posted.”*

As a result of discussions between the Union and the City the City has determined that there is sufficient demand and an ongoing requirement for the creation of two (2) permanent part time positions.

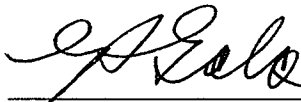
Permanent auxiliary employees are those temporary employees who have accumulated two thousand three hundred (2300) hours worked in any twenty-four (24) consecutive month period and have been under the CUPE collective agreement converted to permanent auxiliary employee status. These employees have permanent status as individuals but do not occupy permanent positions.

Pursuant to Article 1 (f) (vi), the parties agree to annually review work performed by permanent auxiliary employees to determine if there is an ongoing need for work to be performed in specific areas.

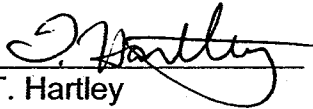
The Union and Human Resources jointly reviewed all work done by permanent auxiliary employees for the period July 2008 to July 2009 then examined which of those appeared to be of an ongoing nature. HR then contacted the Department managers and asked them to provide input into the nature of the work done and whether in their view there was a future need for this work to be performed or was it temporary in nature. The result is a staff recommendation for the creation of two (2) permanent part time positions. This change would essentially be cost neutral in that it would result in an increase in permanent wages and a corresponding decrease in temporary wages.

The Union may pursue the creation of additional permanent positions. If these are agreed upon, further recommendations may follow.

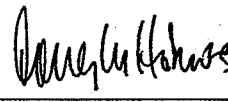
Respectfully submitted,



C. Galan  
Manager  
Labour Relations



T. Hartley  
Director,  
Human Resources



D. W. Holmes  
General Manager,  
Corporate Services



MINUTES OF THE "IN CAMERA" MEETING OF COUNCIL  
TO DISCUSS CONFIDENTIAL MATTERS,  
HELD IN THE CITY HALL BOARD ROOM, 455 WALLACE STREET, NANAIMO, BC,  
ON MONDAY, 2010-APR-12, COMMENCING AT 10:30 A.M.

---

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

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

Staff: A. C. Kenning, City Manager  
A. W. Laidlaw, General Manager of Community Services  
D. W. Holmes, General Manager of Corporate Services  
E. C. Swabey, General Manager of Development Services  
I. Howat, Director of Legislative Services  
T. L. Hartley, Director of Human Resources  
B. E. Clemens, Director of Finance  
T. M. Hickey, Director of Engineering and Public Works  
T. P. Seward, Director of Development  
A. J. Tucker, Director of Planning  
R. J. Harding, Director of Parks, Recreation and Culture  
Chief R. Lambert, Nanaimo Fire Rescue  
J. Kinch, Manager of Building Inspections  
C. Galan, Manager of Labour Relations  
J. Plasteras, Manager, Parks Operations  
S. Ricketts, Manager, Engineering Construction  
J. Ritchie, Senior Manager of Parks  
S. Samborski, Manager of Recreation and Culture Services  
J. E. Harrison, Manager of Legislative Services  
J. Kemp, Executive Assistant  
L. Dennis, Recording Secretary

1. CALL THE OPEN MEETING TO ORDER:

The Regular Meeting was called to order at 10:34 a.m.

2. PROCEDURAL MOTION:

04210 It was moved and seconded that the meeting be closed in order to deal with the following matters under the *Community Charter* Section 90(1):

- (c) labour relations or employee negotiations;
- (e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure might reasonably be expected to harm the interests of the municipality;
- (g) litigation or potential litigation affecting the municipality;
- (j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act*; and,
- (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;

The motion carried unanimously.

3. INTRODUCTION OF LATE ITEMS:

- (a) Councillor Holdom advised that he would be bringing forward a late item regarding

4. ADOPTION OF AGENDA:

04310 It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

5. ADOPTION OF MINUTES:

04410 It was moved and seconded that the Minutes of the "In Camera" Meeting of Council held Monday, 2010-MAR-22 at 10:30 a.m. in the City Hall Board Room, 455 Wallace Street, Nanaimo, BC be adopted as circulated. The motion carried unanimously.

6. STAFF REPORTS:

DEVELOPMENT SERVICES:

- (a) Offer to Purchase Property

04710 It was moved and seconded that the main motion be amended to include alternative options within the City (including those that are outside of Downtown). The motion carried.

Opposed: *Councillors Holdom and McNabb*

The vote was taken on the main motion, as amended:

04810 It was moved and seconded that Council direct Staff to prepare a report to Council that identifies alternative options within the City (including those that are outside of Downtown) , including identifying costs to construct a new office building in one or two phases to replace the City Hall Annex. The motion carried unanimously.

CORPORATE SERVICES:

(b) Conversion of Non-Permanent to Permanent Positions - CUPE

04910 It was moved and seconded that Council approve the creation of two (2) permanent part-time positions that fit within the meaning of Article 1(f)(vi) of the CUPE collective agreement as follows:

- Permanent Part-Time Custodian – Parks, Recreation and Culture.
- Permanent Part-Time Cashier - Parks, Recreation and Culture.

The motion carried unanimously.

Staff excluding General Managers, Mr. I. Howat, Director of Legislative Services, and Ms. T. Hartley, Director of Human Resources, vacated the Board Room at 11:00 a.m.

Staff returned to the Board Room at 11:15 a.m.

7. OTHER BUSINESS:

(a) Update Municipal Issues

- (1) Mayor Ruttan gave a verbal update on the proposed water treatment plant.
- (2) Council discussed expenditures related to the City Hall/Annex security upgrade.

8. ADJOURNMENT:

05110 It was moved and seconded at 11:35 a.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

05210 It was moved and seconded at 11:35 a.m. that the Regular Meeting terminate. The motion carried unanimously.

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M A Y O R

CERTIFIED CORRECT:

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DIRECTOR,  
LEGISLATIVE SERVICES

AGENDA FOR THE "IN CAMERA" MEETING OF COUNCIL TO DISCUSS CONFIDENTIAL MATTERS, TO BE HELD IN THE CITY HALL BOARD ROOM, 455 WALLACE STREET, NANAIMO, BC, ON MONDAY, 2010-APR-26, COMMENCING AT 10:30 A.M.

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1. **INTRODUCTION OF LATE ITEMS:**

2. **ADOPTION OF AGENDA:**

3. **ADOPTION OF MINUTES:**

- (a) Minutes of the "In Camera" Meeting of Council held Monday, 2010-APR-12 at 10:30 a.m. in the City Hall Board Room. *Pg. 3-6*

4. **PRESENTATIONS:**

- (a) Mr. Ross Fraser, Director, Nanaimo Port Authority, to provide an update regarding the Port Authority's operations.

5. **DELEGATIONS PERTAINING TO AGENDA ITEMS:**

6. **MAYOR'S REPORT:**

7. **COMMISSION REPORTS:**

8. **COMMITTEE REPORTS:**

9. **STAFF REPORTS:**

10. **INFORMATION ONLY ITEMS:**

- (a) Report from Mr. I. Howat, Director of Legislative Services, re: Quarterly Claims Report – Period Ending 2010-MAR-31. *Pg. 7-14*

11. **CORRESPONDENCE:**

12. **OTHER BUSINESS:**

(a) Update Regional Issues

(b) Update Municipal Issues

13. **ADJOURNMENT OF THE "IN CAMERA" MEETING:**

14. **ADJOURNMENT OF THE REGULAR MEETING:**

MINUTES OF THE "IN CAMERA" MEETING OF COUNCIL  
TO DISCUSS CONFIDENTIAL MATTERS,  
HELD IN THE CITY HALL BOARD ROOM, 455 WALLACE STREET, NANAIMO, BC,  
ON MONDAY, 2010-APR-26, COMMENCING AT 10:30 A.M.

---

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

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

Others:

Staff: A. C. Kenning, City Manager  
A. W. Laidlaw, General Manager of Community Services  
D. W. Holmes, General Manager of Corporate Services  
E. C. Swabey, General Manager of Development Services  
I. Howat, Director of Legislative Services  
T. L. Hartley, Director of Human Resources  
B. E. Clemens, Director of Finance  
T. P. Seward, Director of Development  
Chief R. Lambert, Nanaimo Fire Rescue  
R. J. Harding, Director of Parks, Recreation and Culture (departed at  
11:05 a.m.)  
J. E. Harrison, Manager of Legislative Services

1. CALL THE OPEN MEETING TO ORDER:

The Regular Meeting was called to order at 10:35 a.m.

2. PROCEDURAL MOTION:

05310 It was moved and seconded that the meeting be closed in order to deal with the following matters under the *Community Charter* Section 90(1):

(g) litigation or potential litigation affecting the municipality;

*Community Charter* Section 90(2):

(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party;

The motion carried unanimously.

3. ADOPTION OF AGENDA:

05410 It was moved and seconded that the Agenda be adopted. The motion carried unanimously.

4. ADOPTION OF MINUTES:

05510 It was moved and seconded that the Minutes of the "In Camera" Meeting of Council held Monday, 2010-APR-12 at 10:30 a.m. in the City Hall Board Room be amended to reflect that Ms. T. L. Hartley, Director of Human Resources was present for Council's consideration of Item 6 (c) and adopted as amended. The motion carried unanimously.

6. PRESENTATIONS:

7. INFORMATION ONLY ITEMS:

- a) Report from Mr. I. Howat, Director of Legislative Services, re: Quarterly Claims Report – Period Ending 2010-MAR-31.

Councillor McNabb vacated the Board Room at 11:27 a.m.

Councillor McNabb returned to the Board Room at 11:32 a.m.

05610 It was moved and seconded that a quarterly report from the Human Resources Department be provided on the status of all employee grievances.

05710 It was moved and seconded that the motion be amended to omit the word "quarterly" to read "that a report from the Human Resources Department be provided on the status of all employee grievances". The motion carried.

Opposed: *Councillors McNabb and Unger*

The vote was taken on the main motion, as amended.

The motion carried.

Opposed: *Councillors Johnstone, McNabb and Unger*



14. OTHER BUSINESS:

Update Municipal Issues

15. ADJOURNMENT:

05810 It was moved and seconded at 11:52 a.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

05910 It was moved and seconded at 11:52 a.m. that the Regular Meeting terminate. The motion carried unanimously.

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M A Y O R

CERTIFIED CORRECT:

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DIRECTOR,  
LEGISLATIVE SERVICES

**AMENDED**

AGENDA FOR THE "IN CAMERA" MEETING OF COUNCIL  
TO DISCUSS CONFIDENTIAL MATTERS,  
TO BE HELD IN THE CITY HALL BOARD ROOM,  
455 WALLACE STREET, NANAIMO, BC,  
ON MONDAY, 2010-MAY-10, COMMENCING AT 10:30 A.M.

---

1. **INTRODUCTION OF LATE ITEMS:**

- Remove pages 13-16. Replace with pages 13-16.2 – Staff Reports – Expropriation of Part Properties Required for Bowen Road Alignment.

2. **ADOPTION OF AGENDA:**

3. **ADOPTION OF MINUTES:**

- (a) Minutes of the "In Camera" Meeting of Council held Monday, 2010-APR-26 at 10:30 a.m. in the City Hall Board Room. Pg. 3-5

4. **PRESENTATIONS:**

5. **DELEGATIONS PERTAINING TO AGENDA ITEMS:**

6. **MAYOR'S REPORT:**

7. **COMMISSION REPORTS:**

8. **COMMITTEE REPORTS:**

9. **STAFF REPORTS:**

DEVELOPMENT SERVICES:

- (a) **Bradley Street Acquisition Program**

Pg. 6-8

*Staff's Recommendation:* That Council authorize Staff to proceed with compensation for the partial taking of four properties located at 529, 263, 565 and 567 Bradley Street including associated legal survey, Land Title registration and the associated legal fees.

(b) **Expropriation of Part Properties Required for Bowen Road Alignment** Pg. 9-18

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Staff's Recommendations: *That Council:*

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

AND:

2. *adopt the attached resolution as described in Schedule 2, authorizing the expropriation of part 211 Buttertubs Drive;*

AND:

3. *adopt the attached resolution as described in Schedule 3, authorizing the expropriation of part 1 Buttertubs Drive;*

AND:

4. *adopt the attached resolution as described in Schedule 4, authorizing the expropriation of part 1097 Bowen Road.*

10. **INFORMATION ONLY ITEMS:**

(a) Report from Mr. B. Corsan, Manager, Real Estate, re: Cancellation of Ceco/Madill Land Sale and Termination of Lease. Pg. 19-22

11. **CORRESPONDENCE:**

12. **OTHER BUSINESS:**

(a) Update Regional Issues

(b) Update Municipal Issues

13. **ADJOURNMENT OF THE "IN CAMERA" MEETING:**

14. **ADJOURNMENT OF THE REGULAR MEETING:**

# "IN CAMERA"

## STAFF REPORT

REPORT TO: ANDREW TUCKER, DIRECTOR, PLANNING

FROM: BILL CORSAN, MANAGER, REAL ESTATE

RE: BRADLEY STREET ACQUISITION PROGRAM

---

### STAFF'S RECOMMENDATION:

That Council authorize staff to proceed with compensation for the partial taking of four properties located at 529, 263, 565 and 567 Bradley Street including associated legal survey, Land Title registration and the associated legal fees.

### EXECUTIVE SUMMARY

The City has been using the front 10 feet of four properties on the south side of Bradley Street for a road since the 1950's. The owners of these properties have never been compensated for the partial taking by the City. Two of the owners have approached the City for compensation. Our lawyers indicate that the City is obligated to rectify the situation. Staff has obtained a Letter of Opinion from an Appraiser to determine the value of the land associated with the partial taking. Real Estate staff will begin negotiations with property owners in the coming weeks.

### BACKGROUND

There are four properties on the south side of Bradley Street (529, 563, 565 & 567), as shown in the attached map (Schedule A), where the City has used the front 10 feet of the property for roadway since the 1950's. The owners have not been compensated for the loss of their land and in some cases continue to pay property taxes for the land covered by road. All four of the subject sites measure 45' X 142' with the partial road taking on all lots being 10' x 45' (450 sq. ft) per parcel.

There is nothing in the file to indicate why the land from the four properties has not been acquired by the City. The two owners who have contacted the City for compensation became aware of the situation by using the City's Mapguide online mapping program.

We have consulted with our lawyers, and have been advised that we are obligated to compensate the owners.

The Letter of Opinion which was secured from a local appraiser determined that \$18.50 per sq. ft. best represented the value of the land within the current market. This equates to \$8,325.00 compensation per lot. Real Estate Section staff will use this as the maximum compensation level during negotiations with property owners.

The City will also be responsible for the costs associated with legal survey work and registration fees at the Land Title Office. We estimate the total cost of this project to be around \$50,000.00. Funding for the project will come from the City's Property Acquisition Fund.

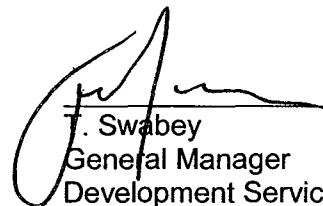
Respectfully submitted,



B. Corsan  
Manager  
Real Estate

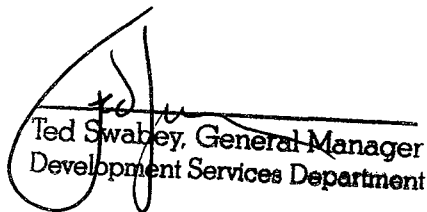


A. Tucker  
Director  
Planning



T. Swabey  
General Manager  
Development Services

BC/II  
Prospero: LD002299  
Council: 2010-May-10

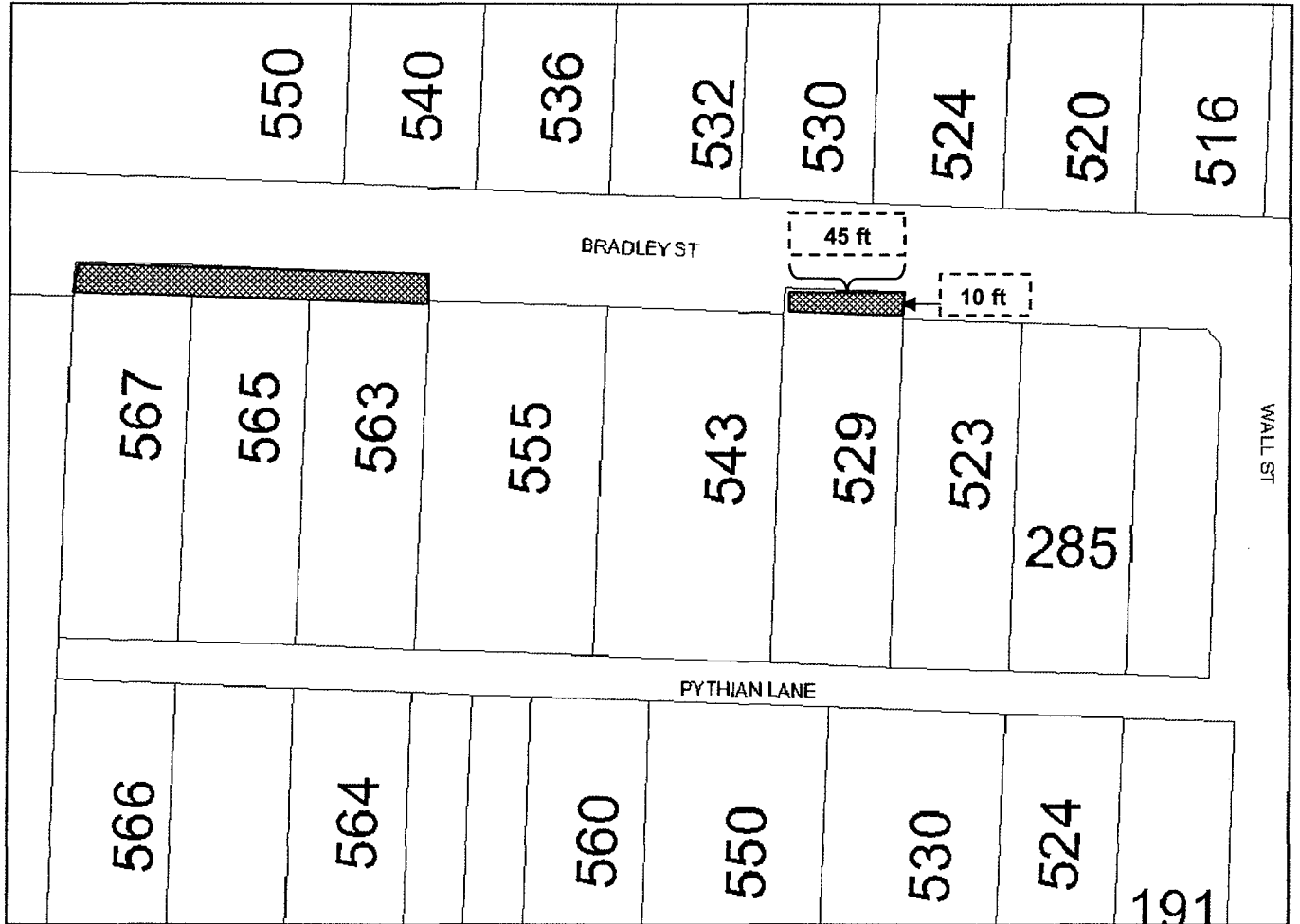


Ted Swabey, General Manager  
Development Services Department

SCHEDULE "A"

567, 565, 563 & 529  
BRADLEY STREET AQUISITIONS

(Subject Areas Hatched)



# **“IN CAMERA” STAFF REPORT**

REPORT TO: ANDREW TUCKER, DIRECTOR, PLANNING

FROM: BILL CORSAN, MANAGER, REAL ESTATE

RE: EXPROPRIATION OF PART PROPERTIES REQUIRED FOR BOWEN ROAD REALIGNMENT

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## **STAFF'S RECOMMENDATION:**

That Council:

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

## **EXECUTIVE SUMMARY:**

The subject properties are required for the reconstruction of Bowen Road. Expropriation is required in order to obtain ownership of the lands prior to advertising tenders in July 2010 and November 2010. The first official step will be to seek Council's authorization of the proposed expropriation. Staff will subsequently report to Council at a different meeting seeking its approval of the expropriation. This is required due to the provincial legislation which accommodates other jurisdictions where the authorizing authority and approving authority may be different entities. It is not certain that the Development Services Department can expropriate a right of way at 211 Buttertubs Drive in time for a July, 2010 tender.

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

- Twelve City owned residential properties located along the north side of Bowen Road between the Quarterway Bridge and Pryde Avenue – required for the realignment of Bowen Road.
- Six partial property acquisitions – four located west of Pryde Avenue and two located on each side of Buttertubs Drive – required for the realignment of Bowen Road.

- Two right of way acquisitions on either side of the Millstone River – required for the relocation of a sewer main.

### BACKGROUND:

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

- “Re-aligning Bowen Road from Caspers Way to approximately 250m south of Buttertubs Drive to enhance road safety.
- Include left turn lanes at intersections and at commercial accesses to reduce collisions.
- Build raised sidewalks on both sides of Bowen Road to enhance pedestrian safety.
- Provide bike facilities that meet current City standards.
- Build bus lay-bys to enhance transit service.
- Install a traffic signal at Buttertubs Drive to provide pedestrians and cyclists with a controlled crossing for the Trans Canada Trail.
- Upgrade water and sanitary sewer lines and storm drainage.
- Build a new bridge to accommodate a wider cross section that will pass a 1 in 200 year flood without causing up stream flooding.” (Engineering and Public Works Department, 2009)

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

**2001 to 2009** – The Quarterway Bridge and associated road widening/realignment has been in the five year Capital Estimates in each of these years.

**June 2007** –A pre-design Open House for the replacement of the Quarterway Bridge and widening of Bowen Road to four lanes was held.

**August 2007** – The City advertised a Request for Proposals for the design of road improvements and bridge replacement.

**October 2007** – Council approved the Staff recommendation that the design for the Quarterway Bridge and widening of Bowen Road be awarded to AMEC.

**April 2008** – Council approved the Staff recommendation to proceed with the detailed design on the Direct Access Concept for the commercial accesses between Pryde Avenue and the Quarterway Bridge.

**February 2009** – Council approved the acquisition of the 12<sup>th</sup> residential property located at 1520 Bowen Road for the sum of \$300,829.86.



**April 2009** - Council approved Staff's recommendation to apply to the Canada/BC Build Canada Fund, Communities Component, for the purpose of securing funding for the Quarterway Bridge and Bowen Road realignment.

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

**June 2009** – Staff initiated negotiations with various owners for the acquisition of portions of the remaining properties located to the North and South of the bridge which are required for the realignment of Bowen Road.

**August 2009** – Council approved Staff's recommendation to purchase a portion of the property located at 1610 Bowen Road for \$8,000.00.

**September 28, 2009** - The Provincial Ministry of Transportation and Infrastructure verbally advised the City that its grant application for funding for the Bowen project was not approved.

**October 2009** – Council approved Staff's recommendation to acquire a portion of the property located at 1608 Bowen Road for \$9,200.00.

A sewer main exists in the location of the proposed bridge. Construction of the new north span of the bridge requires that the City first re-route a sewer main to cross the river south of the existing bridge. This requires the acquisition of a right of way across strata property located at 211 Buttertubs Place. It is uncertain whether the strata council will be able to secure a three quarter majority approval from the strata owners to authorize such a conveyance. Negotiations are continuing in an attempt to gain possession of the required land. In order to meet the deadline for a July 2010 tender, the City must immediately begin the expropriation process. The balance of the land will be required for a November 2010 tender for major bridge components. The expropriation process must begin immediately in order to achieve that time line for that phase of the project. Schedule B provides an overview of the main steps in the expropriation process. This process will involve:

- Review of the certificate of titles
- Preparation of survey "road opening plans"
- Preparation of a list of the owners to be served
- Council authorization to begin the expropriation
- Execution of the Notices of Expropriation
- Registration of a Notice of Expropriation on titles of the affected properties
- Serving of Notices of Expropriation to approximately 138 owners and mortgage holders
- Arrange for court approval of substitutional service if owners can't be found
- Seek council approval of expropriation
- Execution of Notices of Approval
- Secure cheques for offers of compensation
- Service of Notice of Approval and advance payment to owners
- Publication in the newspaper

- Execution of Vesting Notice
- Registration of Vesting Notices at the Victoria Land Titles Office.

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

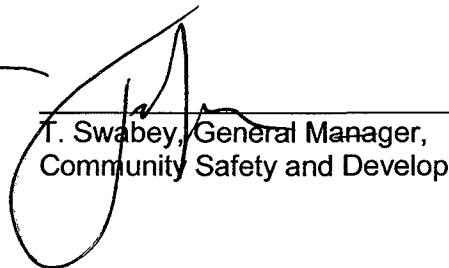
Respectfully submitted,



B. Corsan, Manager,  
Real Estate



A. Tucker, Director,  
Planning



T. Swabey, General Manager,  
Community Safety and Development

Prospero: LD002144  
Council: May 10, 2010

## **SCHEDULE 1 – Pertaining to 1602 Bowen Road**

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

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

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

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

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

REFERENCE PLAN OF PART OF LOT 2, SECTION 14, RANGE 8,  
EXCEPT PART IN PLAN 985 BL, AND PART OF LOT 3,  
SECTION 14, RANGE 8, MOUNTAIN DISTRICT, PLAN 22136

PLAN EPP7322

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

BCGS 92G.011

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



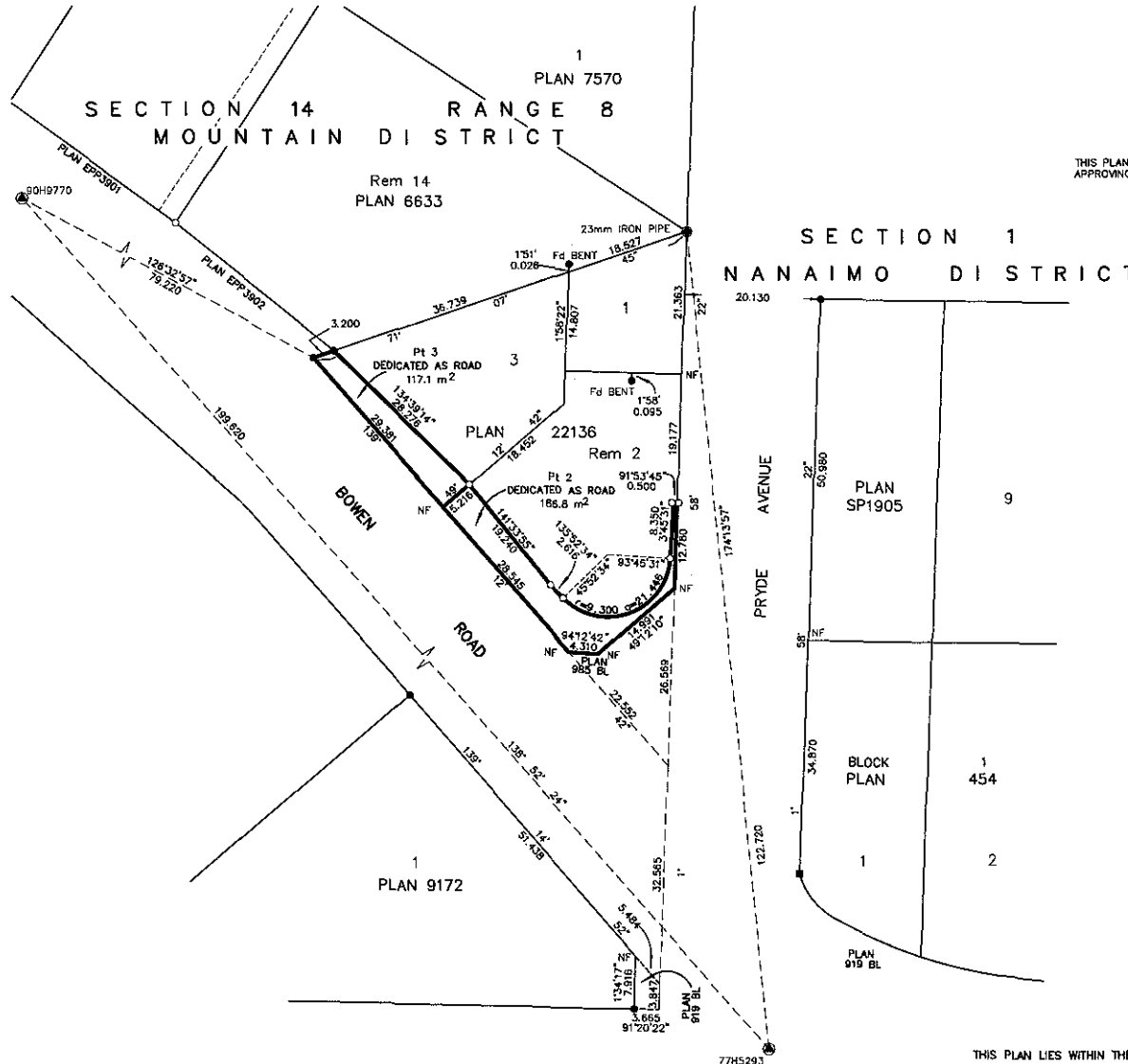
( ALL DIMENSIONS ARE IN METRES )

LEGEND

GRID BEARINGS ARE DERIVED FROM OBSERVATIONS BETWEEN  
GEODETIC CONTROL MONUMENTS 77H5293 AND 90H9770,  
INTEGRATED SURVEY AREA No. 20, NANAIMO, NAD 83 (CSRS).  
THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES  
EXCEPT WHERE OTHERWISE NOTED. TO COMPUTE GRID  
DISTANCES, MULTIPLY GROUND-LEVEL DISTANCES BY  
COMBINED FACTOR OF 0.999654.

- DENOTES STANDARD IRON POST FOUND.
- DENOTES STANDARD IRON POST SET.
- DENOTES STANDARD LEAD PLUG FOUND.
- ⊙ DENOTES CONTROL MONUMENT.
- Pt DENOTES PART

BOOK OF REFERENCE		
LEGAL DESCRIPTION	PID	AREA
LOT 2, SECTION 14, RANGE 8, MOUNTAIN DISTRICT, PLAN 22136 EXCEPT PART IN PLAN 985 BL	000-141-003	188.8 m <sup>2</sup>
LOT 3, SECTION 14, RANGE 8, MOUNTAIN DISTRICT, PLAN 22136	000-141-011	117.1 m <sup>2</sup>



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

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

13.1

## SCHEDULE 2 – Pertaining to 211 Buttertubs Drive

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

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

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

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

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

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

PLAN EPP7325

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

BCGS 92G.011

THE INTENDED PLOT SIZE OF THIS PLAN IS 432 mm IN  
WIDTH BY 280 mm IN HEIGHT (B-SIZE) WHEN PLOTTED  
AT A SCALE OF 1:250



( ALL DIMENSIONS ARE IN METRES )

## LEGEND

GRID BEARINGS ARE DERIVED FROM OBSERVATIONS BETWEEN  
GEODETTIC CONTROL MONUMENTS 77H5293 AND 77H5296,  
INTEGRATED SURVEY AREA No. 20, NANAIMO, NAD 83 (CSRS).  
THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES  
EXCEPT WHERE OTHERWISE NOTED. TO COMPUTE GRID  
DISTANCES, MULTIPLY GROUND-LEVEL DISTANCES BY  
COMBINED FACTOR OF 0.999654.

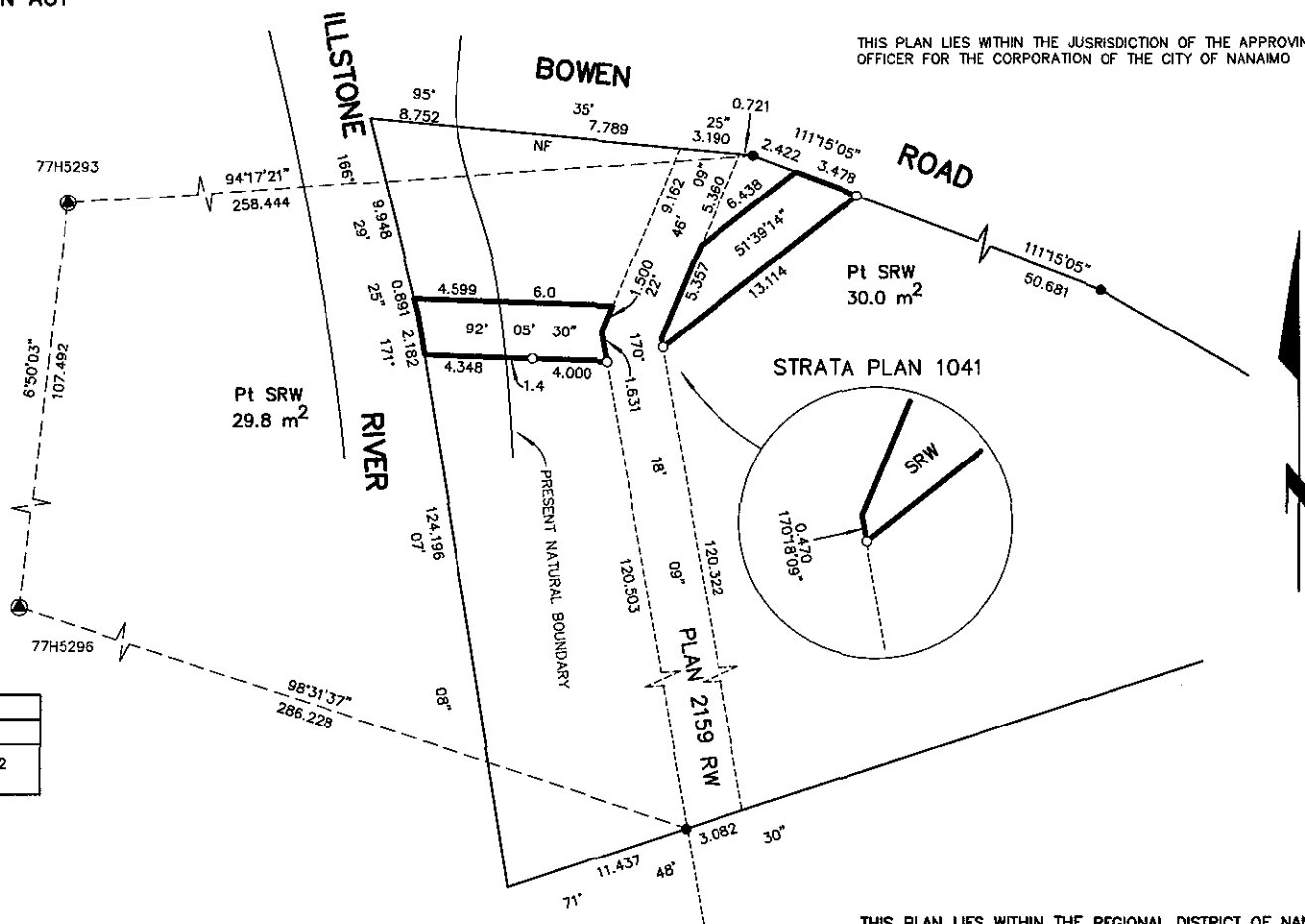
- DENOTES STANDARD IRON POST FOUND.
- DENOTES STANDARD IRON POST SET.
- ⊙ DENOTES CONTROL MONUMENT.
- PL DENOTES PART

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

McELHANNEY ASSOCIATES LAND SURVEYING LTD.  
PROFESSIONAL LAND SURVEYORS  
SUITE 1, 1351 ESTEVAN ROAD  
NANAIMO, B.C. V9S 3Y3  
TEL: 250-716-3336  
FAX: 250-716-3339

OUR DRAWING NO. 71620-1 SRW-211 BUTTER.DWG

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



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

14.1

### **SCHEDULE 3 – Pertaining to 1 Buttertubs Drive**

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

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

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

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

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

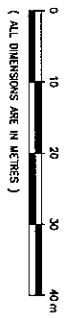
REFERENCE PLAN OF PART OF LOT 1, SECTION 1,  
NANAIMO DISTRICT, PLAN 23432

PLAN EPP7321

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

BCGS 92G.011

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



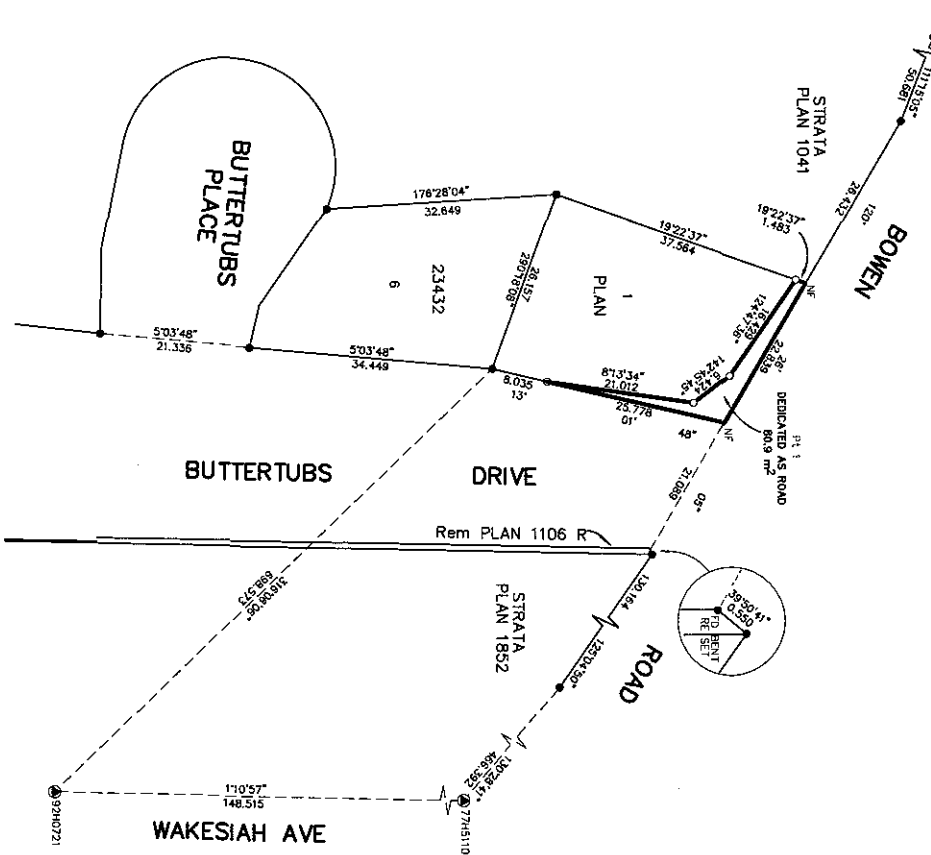
LEGEND

GRID BEARINGS ARE DERIVED FROM OBSERVATIONS BETWEEN  
GEO CONTROL MONUMENTS 774810 AND 9240721  
INTEGRATED SURVEY AREA NO. 20, NANAIMO, M40 83 (CSRS).  
THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES  
DIRECTLY MEASURED OR CALCULATED TO COMPLETE GRID  
CONFORMITY WITH THE NATIONAL TRIANGULATION NETWORK  
COMBINED FACTOR OF 0.999962

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

SOME LINES ENLARGED FOR CLARITY

LEGAL DESCRIPTION	PID	AREA
LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 23432	003-103-328	80.9 m <sup>2</sup>



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

THIS PLAN LIES WITHIN THE REGIONAL DISTRICT OF NANAIMO  
THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS  
COMPLETED BY BRIAN D. WARDROP, B.C.S ON THE \_\_\_\_th DAY OF  
\_\_\_\_ 2010.

MEGHANNEY ASSOCIATES LAND SURVEYING LTD.  
PROFESSIONAL LAND SURVEYORS  
SUITE 1, 1351 ESTEVAN ROAD  
NANAIMO, B.C. V9S 3Y3  
TEL: 250-755-3339  
FAX: 250-716-3339

OUR DRAWING NO.71820-1-REF-1 BUTTERTUBS.DWG

15.1



## SCHEDULE 4 – Pertaining to 1097 Bowen Road

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

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

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

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

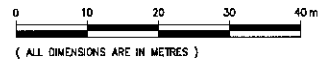
1. The expropriation of that part of the lands located at 1097 Bowen Road described in the Expropriation Notice attached as Schedule "A" is hereby authorized.
2. The General Manager, Development Services, and the Director, Legislative Services are hereby authorized to do all acts and things necessary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

**PLAN OF STATUTORY RIGHT OF WAY OVER  
PART OF COMMON PROPERTY STRATA PLAN 1852,  
SECTION 1, NANAIMO DISTRICT.**

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

BCGS 92G.011

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



**LEGEND**

GRID BEARINGS ARE DERIVED FROM OBSERVATIONS BETWEEN  
GEODETTIC CONTROL MONUMENTS 77H5110 AND 92H0721.  
INTEGRATED SURVEY AREA No. 20, NANAIMO, NAD 83 (CSRS).  
THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES  
EXCEPT WHERE OTHERWISE NOTED. TO COMPUTE GRID  
DISTANCES, MULTIPLY GROUND-LEVEL DISTANCES BY  
COMBINED FACTOR OF 0.9999652.

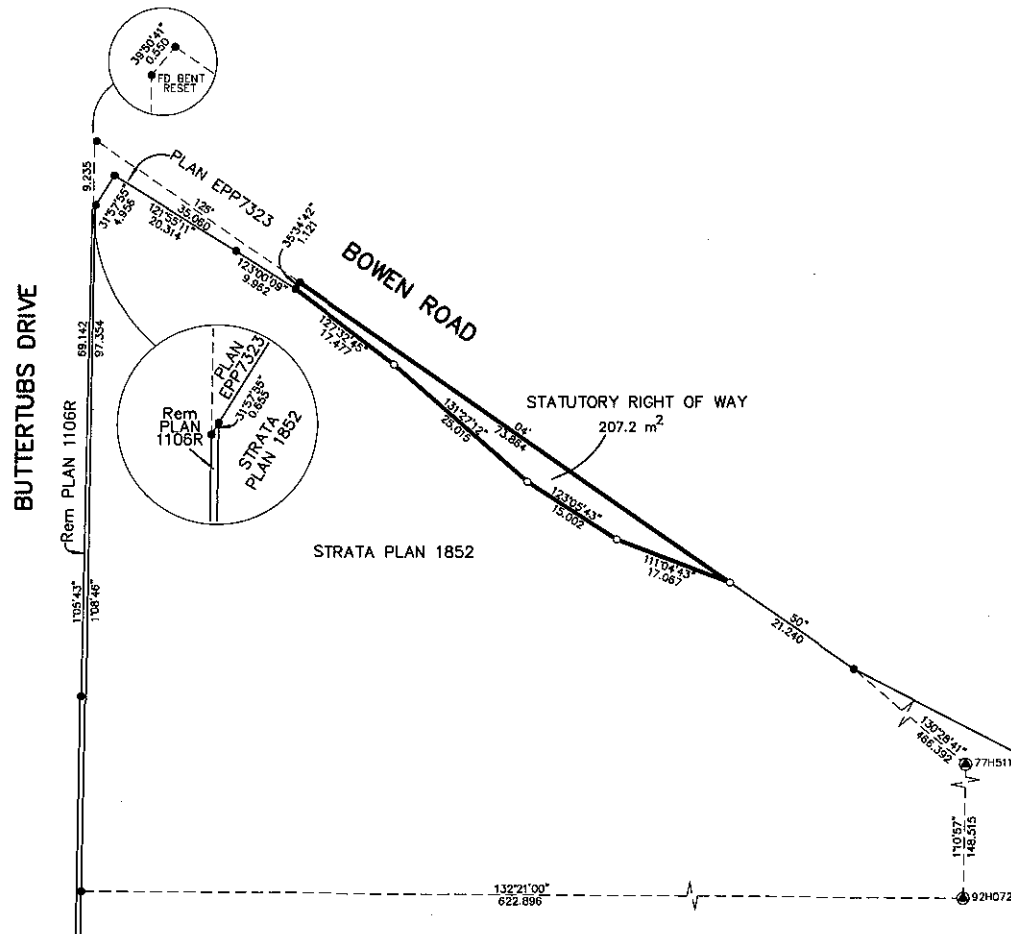
- DENOTES STANDARD IRON POST FOUND.
- DENOTES STANDARD IRON POST SET.
- ⊙ DENOTES CONTROL MONUMENT.
- Pt DENOTES PART

SOME LINES ARE EXAGGERATED FOR CLARITY.

BOOK OF REFERENCE	
LEGAL DESCRIPTION	AREA
PART OF COMMON PROPERTY STRATA PLAN 1852, SECTION 1, NANAIMO DISTRICT	207.2 m <sup>2</sup>

**PLAN EPP7324**

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



16.1

McELHANNAY ASSOCIATES LAND SURVEYING LTD.  
PROFESSIONAL LAND SURVEYORS  
SUITE 1, 1351 ESTEVAN ROAD  
NANAIMO, B.C. V9S 3Y3  
TEL: 250-716-3336  
FAX: 250-716-3338

OUR DRAWING NO.71620-1 SRWS\_1097 BOWEN.DWG

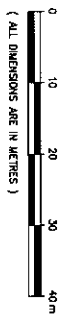
THIS PLAN LIES WITHIN THE REGIONAL DISTRICT OF NANAIMO  
THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS  
COMPLETED BY BRIAN D. WARDROP, BOLS ON THE \_\_\_ DAY OF  
\_\_\_\_\_, 20\_\_.

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

PLAN EPP7323

(PURSUANT TO SECTION 6 OF EXPROPRIATION ACT AND SECTION 107 OF THE LAND TITLE ACT)  
BCOS 92G.011

THE AVERAGE PLOT SIZE OF THIS PLAN IS 580 SQ.M. IN WIDTH BY 432 SQ.M. IN HEIGHT (G-SIZED) WHEN PLOTTED AT A SCALE OF 1:500  
( ALL DIMENSIONS ARE IN METRES )

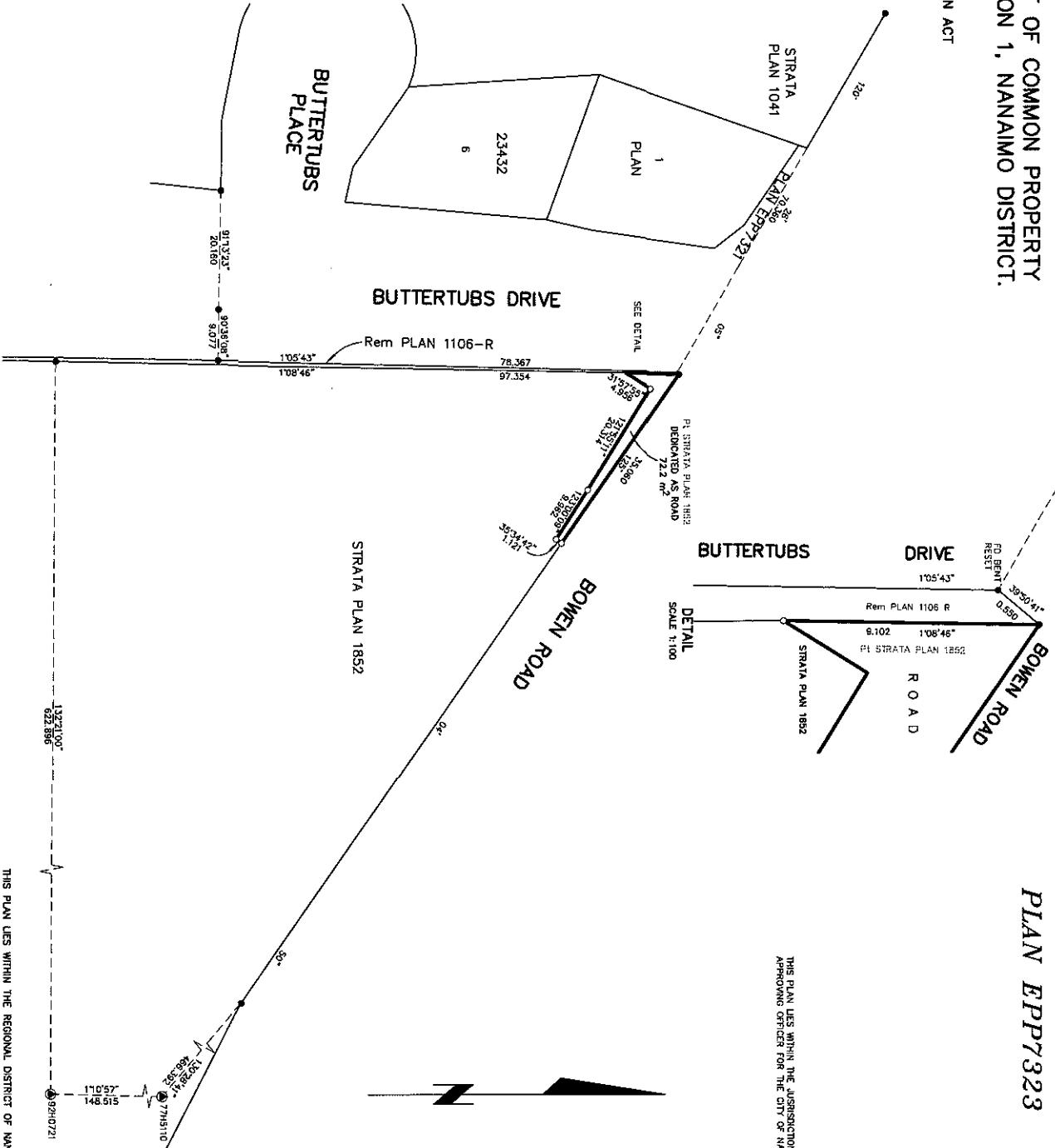


LEGEND

GOB BEARINGS ARE DERIVED FROM OBSERVATIONS BETWEEN GEODETIC CONTROL MONUMENTS 771610 AND 9240721 INTEGRATED SURVEY AREA NO. 20, NANAIMO, M.D. 83 (CRS81). THIS PLAN SHOWS HORIZONTAL, GROUND-LEVEL DISTANCES BETWEEN THE INTERIOR AND EXTERIOR CORNERS OF THE STRATA PLAN 1852, SECTION 1, NANAIMO DISTRICT. THE DISTANCES ARE LISTED TO THE RIGHT OF EACH CORNER. THE COMBINED FACTOR OF 0.999992.

- DENOTES STANDARD IRON POST FOUND.
  - DENOTES STANDARD IRON POST SET.
  - ⊙ DENOTES CONTROL MONUMENT.
  - PI DENOTES PART
- SOME LINES EXAGGERATED FOR CLARITY

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





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

THIS PLAN LIES WITHIN THE REGIONAL DISTRICT OF NANAIMO THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED BY BRIAN D. VANDERBIP, BOLS ON THE \_\_\_\_ DAY OF \_\_\_\_ 2010.

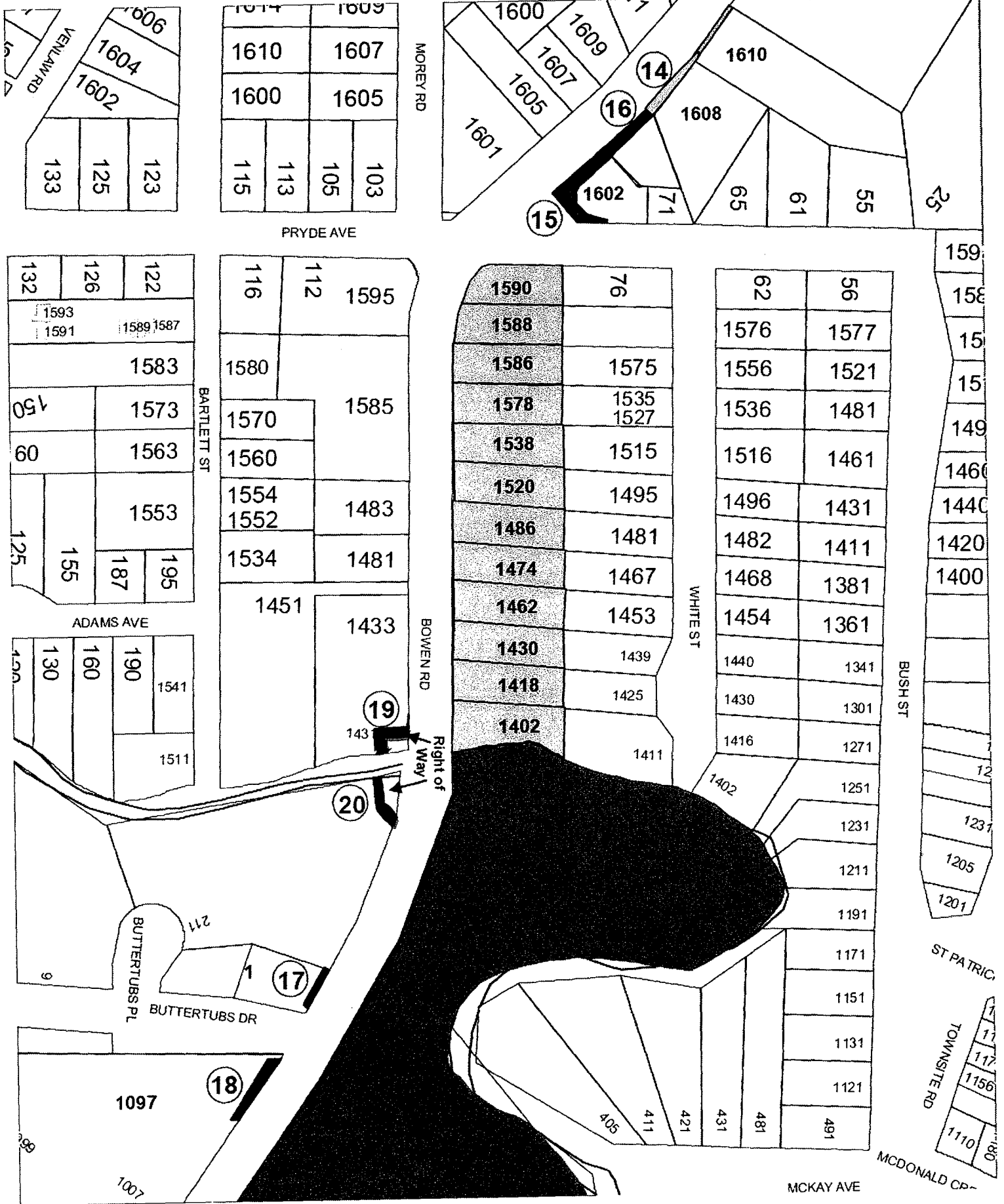
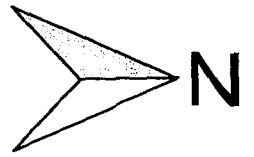
MEHLHANEY ASSOCIATES LAND SURVEYING LTD.  
PROFESSIONAL LAND SURVEYORS  
SUITE 1, 1351 ESTEVAN ROAD  
NANAIMO, B.C. V9S 3T3  
PHONE: 250-748-3333  
FAX: 250-748-3339

OUR DRAWING NO: 71829-1-REFS-1097 BOWEN.DWG

**Legend**

-  Purchased Property
-  Active Negotiations

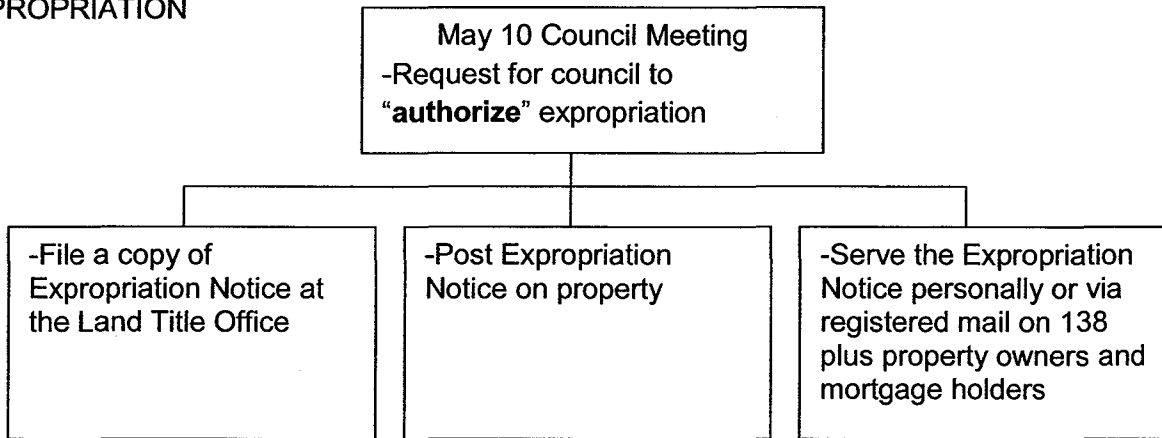
SCHEDULE A



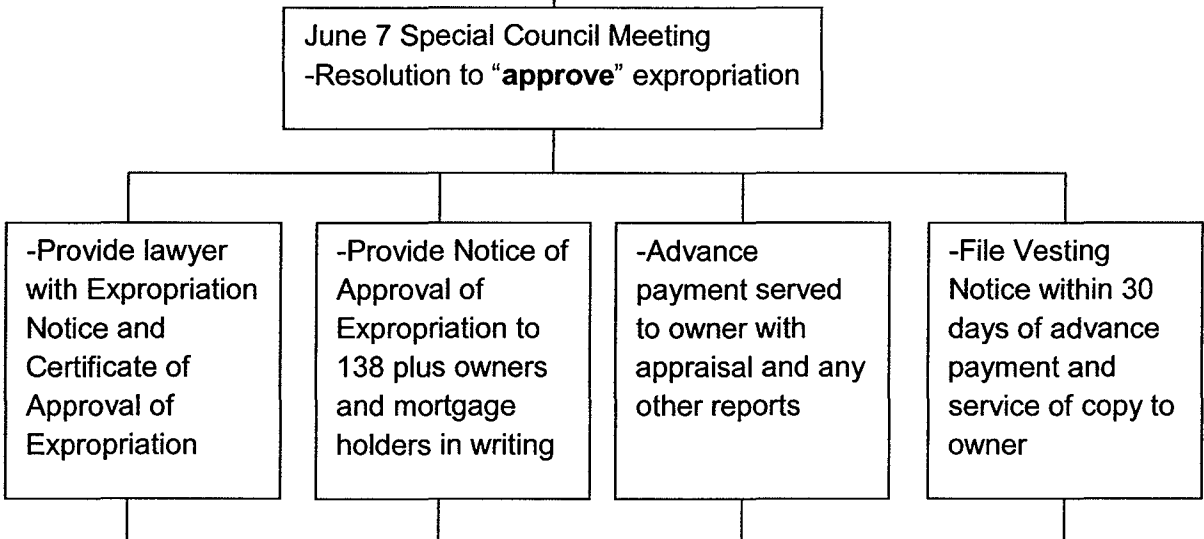
# SCHEDULE B

## BOWEN ROAD LAND ACQUISITION KEY STEPS IN THE EXPROPRIATION PROCESS

### PRE EXPROPRIATION

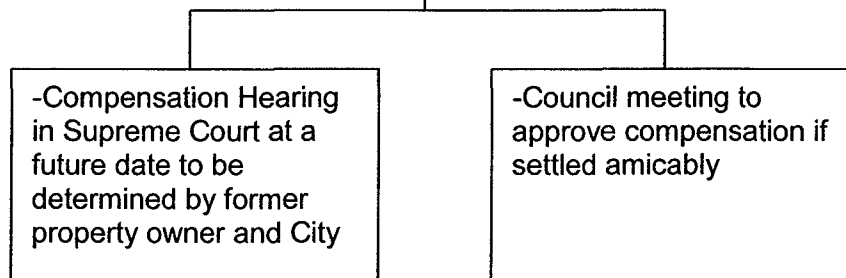


### EXPROPRIATION



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

### COMPENSATION



**"IN CAMERA"****FOR INFORMATION ONLY**

REPORT TO: ANDREW TUCKER, DIRECTOR, PLANNING

FROM: BILL CORSAN, MANAGER, REAL ESTATE

RE: CANCELLATION OF CECO/MADILL LAND SALE AND TERMINATION OF LEASE

---

**STAFF'S RECOMMENDATION:**

That Council receives the report for information.

**EXECUTIVE SUMMARY**

Ceco Properties has advised the Development Services Department that they do not wish to complete an acquisition of the lands that they currently lease on Labieux Road from the City. Ceco Properties has also indicated that they wish to cancel their lease with the City.

**BACKGROUND**

Ceco Properties Ltd. (Ceco) was the landlord to Madill who had a substantial manufacturing and head office facility located at 2560 Bowen Road. In addition to the lands owned by Ceco, which front on Bowen Road, they have also leased 10,570m<sup>2</sup> of adjoining land from the City of Nanaimo since 1969 (see Schedule A). The current lease expired on December 31 2009 and has been over holding since. There was one remaining renewal option available which would have taken the final expiry date to December 31, 2014. Rent is currently \$34,755.00 per annum.

At a Council meeting on April 22, 2008, Council approved the sale of 8,630m<sup>2</sup> of the lease area for a sale price of \$840,000.00 (see Schedule B). The land area available for sale was comprised of the original lease area, less the pump station and road extension requirements, plus a small area of Labieux Road right of way. Staff was authorized to execute the necessary documents to effect the transaction. Staff has spent the last two years attending to the road closure, rezoning the street closure parcels, arranging for Phase 1 and Phase 2 environmental studies, legal survey work and plans and securing preliminary subdivision approval from the Approving Officer. The estimated cost associated with this work has been \$51,000.00.

In April 2010, Development Services staff advised Ceco that it was in a position to complete the conveyance of the subject land and requested a meeting with Ceco. On April 19, 2010, Ceco advised staff it was no longer interested in acquiring the City owned property and also considered the lease to be at an end. Ceco informed staff that a prospective third party purchaser was in discussions with other City officials as to a rezoning of the Ceco property along with a possible consolidation with nearby land. Ceco further advised that:

- It hasn't been able to find a buyer for the former "Madill" site;
- That the existing buildings on the site may not contribute any value to the property due to their special purpose nature; and

- That demolition of the buildings may be warranted (staff infers this to be the main reason Ceco is no longer interested in purchasing the City property).

The termination of the lease will require Ceco to pay their outstanding rent. As of April 30, 2010, Ceco owes the City \$45,615.94. Ceco is obligated through the terms of the lease to return the site to the City in good condition. Development Services staff is of the position that this should include the demolition of the existing Paint Shop Building. A portion of the existing main building will encroach on the City lands and an interim lease will be prepared for the area of that encroachment until such time as the building is demolished or a new owner takes possession. Development Services staff will request that Ceco share in the cost of installing a new fence along the property line between the City and Ceco property.

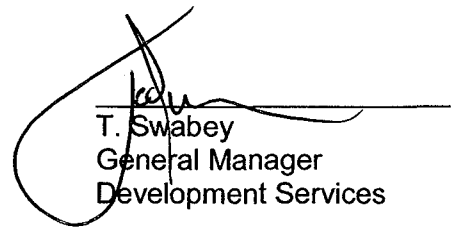
Respectfully submitted,



B. Corsan  
Manager  
Real Estate

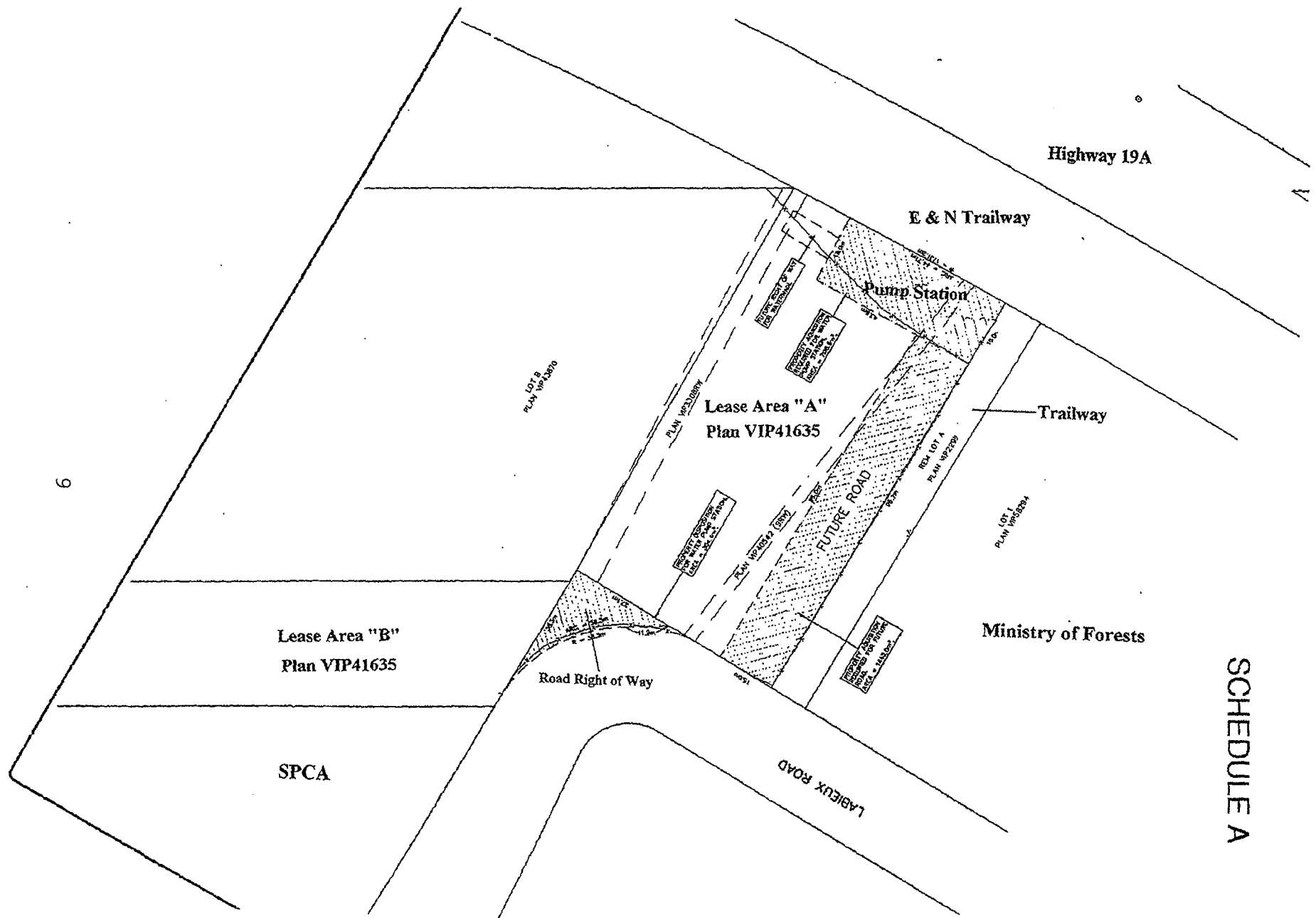


A. Tucker  
Director  
Planning



T. Swabey  
General Manager  
Development Services

BC/tl  
Prospero: LD000122  
Council: 2010-May-10



SCHEDULE A



# SUBDIVISION PLAN OF PART OF LOT A, SECTIONS 18, 19, AND 20, RANGE 7, MOUNTAIN DISTRICT, PLAN 2299, EXCEPT THOSE PARTS IN PLANS 16078, 27441, VIP58294 AND VIP62569; AND PART OF SECTION 20, RANGE 7, MOUNTAIN DISTRICT IN PLAN EPP6646.

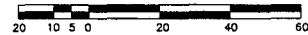
PLAN EPP6647

DRAFT

BCGS 92G.021

THE INTENDED PLOT SIZE OF THIS PLAN IS 550 mm IN WIDTH BY 432 mm IN HEIGHT (C-SIZE) WHEN PLOTTED AT A SCALE OF 1:1000

SCALE 1:1000

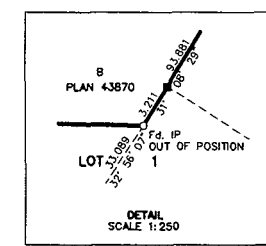
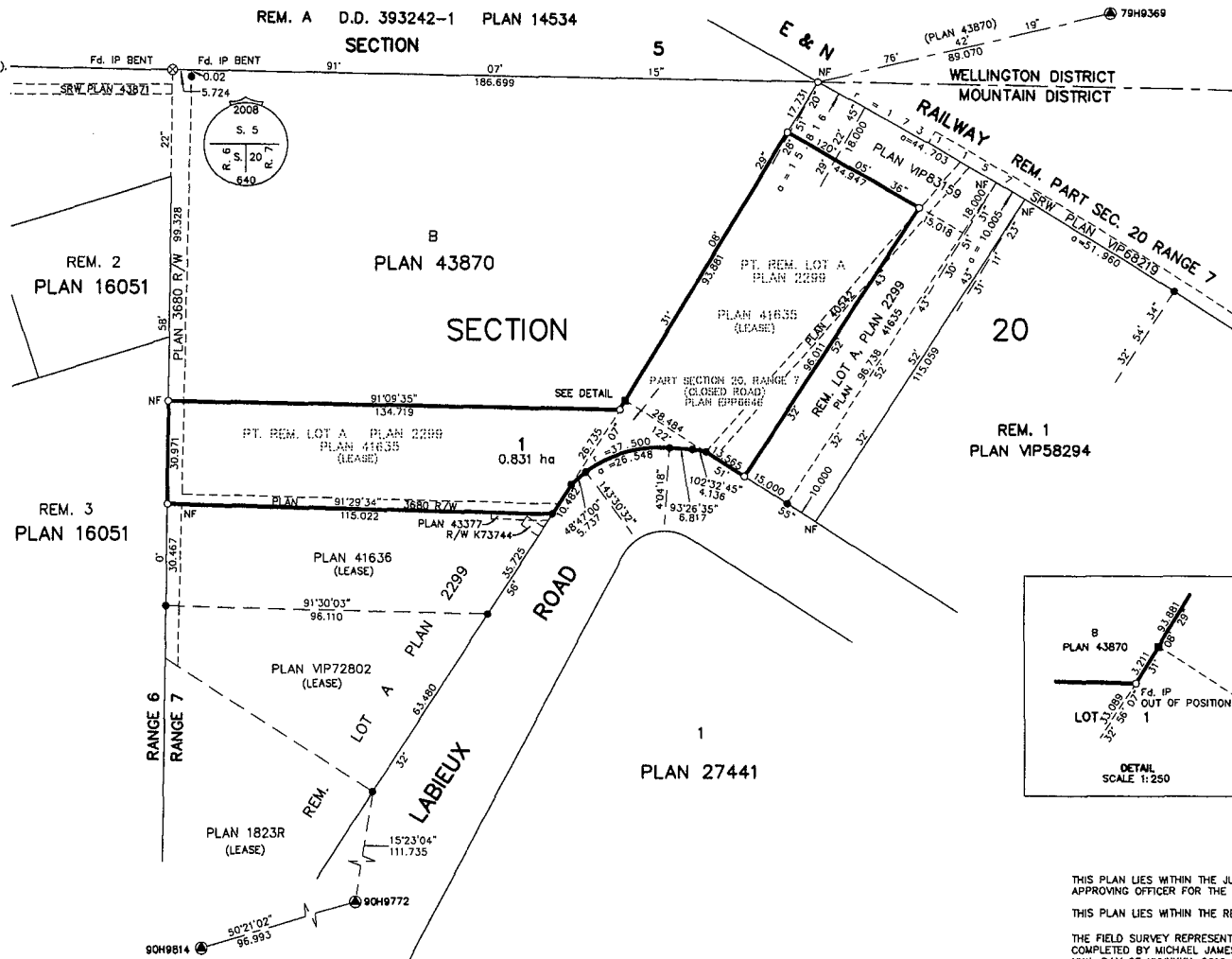


ALL DISTANCES ARE IN METRES UNLESS OTHERWISE NOTED

### LEGEND

GRID BEARINGS ARE DERIVED FROM OBSERVATIONS BETWEEN GEODETIC CONTROL MONUMENTS 90M9772 AND 90H9814. INTEGRATED SURVEY AREA NO. 20 (NANAIMO) HAS 83 (CSRS). THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES EXCEPT WHERE OTHERWISE NOTED. TO COMPUTE GRID DISTANCES, MULTIPLY GROUND-LEVEL DISTANCES BY COMBINED FACTOR 0.99965.

- DENOTES STANDARD IRON POST FOUND
- DENOTES STANDARD IRON POST SET
- ⊙ DENOTES CONTROL MONUMENT FOUND
- ⊕ DENOTES STANDARD LEAD PLUG FOUND
- ⊗ DENOTES STANDARD CAPPED POST SET
- PT. DENOTES PART



McELHANNAY ASSOCIATES  
 PROFESSIONAL LAND SURVEYORS  
 SUITE 1 - 1351 ESTEVAN ROAD  
 NANAIMO, B.C. V8S 3Y3  
 OUR FILE: 2232-71614-1.SUB

THIS PLAN LIES WITHIN THE JURISDICTION OF THE APPROVING OFFICER FOR THE CITY OF NANAIMO.  
 THIS PLAN LIES WITHIN THE REGIONAL DISTRICT OF NANAIMO.  
 THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED BY MICHAEL JAMES TAYLOR, BCLS ON THE XXth DAY OF XXXXXX, 2010.

MINUTES OF THE "IN CAMERA" MEETING OF COUNCIL  
TO DISCUSS CONFIDENTIAL MATTERS,  
HELD IN THE CITY HALL BOARD ROOM, 455 WALLACE STREET, NANAIMO, BC,  
ON MONDAY, 2010-MAY-10, COMMENCING AT 10:30 A.M.

---

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

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

Staff: A. C. Kenning, City Manager  
A. W. Laidlaw, General Manager of Community Services  
D. W. Holmes, General Manager of Corporate Services  
E. C. Swabey, General Manager of Community Safety & Development  
I. Howat, Director of Strategic Relationships  
T. L. Hartley, Director of Human Resources & Organizational Planning  
T. M. Hickey, Director of Engineering and Public Works  
T. P. Seward, Director of Development  
Chief R. Lambert, Nanaimo Fire Rescue  
A. J. Tucker, Director of Planning  
R. J. Harding, Director of Parks, Recreation and Culture  
T. Moscrip, Senior Manager, Engineering  
S. Graham, Manager, Financial Planning and Payroll  
B. Corsan, Manager, Real Estate  
J. E. Harrison, Manager of Legislative Services  
L. Dennis, Recording Secretary

1. CALL THE OPEN MEETING TO ORDER:

The Regular Meeting was called to order at 10:34 a.m.

2. PROCEDURAL MOTION:

06010 It was moved and seconded that the meeting be closed in order to deal with the following matters under the *Community Charter* Section 90(1):

- (e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure might reasonably be expected to harm the interests of the municipality.

The motion carried unanimously.

3. INTRODUCTION OF LATE ITEMS:

- (a) Note error on Agenda Item 9 (a) – Staff Reports – Bradley Street Acquisition Program – “263” should read “563.”
- (b) Remove Agenda pages 13-16. Replace with pages 13-16.2 – Staff Reports – Expropriation of Part Properties Required for Bowen Road Alignment.

4. ADOPTION OF AGENDA:

06110 It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

5. ADOPTION OF MINUTES:

06210 It was moved and seconded that the Minutes of the “In Camera” Meeting of Council held Monday, 2010-APR-26 at 10:30 a.m. in the City Hall Board Room, 455 Wallace Street, Nanaimo, BC be adopted as circulated. The motion carried unanimously.

6. PRESENTATIONS:

- (a) Mr. A. J. Tucker, Director of Planning introduced Council to Mr. B. Corsan, the new Manager of Real Estate.

7. STAFF REPORTS:

DEVELOPMENT SERVICES:

- (a) Bradley Street Acquisition Program

06310 It was moved and seconded that Council authorize Staff to proceed with compensation for the partial taking of four properties located at 529, 563, 565 and 567 Bradley Street including associated legal survey, Land Title registration and the associated legal fees. The motion carried unanimously.

- (b) Expropriation of Part Properties Required for Bowen Road Alignment

06410 It was moved and seconded that Council:

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

4. adopt the resolution as described in Schedule 4, authorizing the expropriation of part 1097 Bowen Road.

The motion carried unanimously.

8. INFORMATION ONLY ITEMS:

- (a) Report from Mr. B. Corsan, Manager, Real Estate,

9. OTHER BUSINESS:

- (a) Update Regional Issues

- (1) Regional District Board

Council discussed a Regional Growth Strategy Amendment application that will be coming before the Regional District Board at the 2010-MAY-11 meeting.

Councillor McNabb vacated the Board Room at 11:22 a.m.

- (2) Regional Hospital Board Update

The topic was raised regarding the Regional Hospital Board and recent applications for funding approval from the Vancouver Island Health Authority.

10. ADJOURNMENT:

06510 It was moved and seconded at 11:25 a.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

06610 It was moved and seconded at 11:25 a.m. that the Regular Meeting terminate. The motion carried unanimously.

---

MAYOR

CERTIFIED CORRECT:

---

MANAGER,  
LEGISLATIVE SERVICES

AGENDA FOR THE SPECIAL "IN CAMERA" MEETING OF COUNCIL  
TO DISCUSS CONFIDENTIAL MATTERS,  
TO BE HELD IN THE CITY HALL BOARD ROOM,  
455 WALLACE STREET, NANAIMO, BC,  
ON MONDAY, 2010-MAY-17, COMMENCING AT 9:30 A.M.

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1. INTRODUCTION OF LATE ITEMS:
2. ADOPTION OF AGENDA:
3. ADOPTION OF MINUTES:
4. PRESENTATIONS:
5. DELEGATIONS PERTAINING TO AGENDA ITEMS:
6. MAYOR'S REPORT:
7. COMMISSION REPORTS:
8. COMMITTEE REPORTS:
9. STAFF REPORTS:

DEVELOPMENT SERVICES:

- (a) **Alternatives to Seismically Upgrading the City Hall Annex – 238 Franklyn Street** Pg. 3-7

*Staff's Recommendation:* That Council direct Staff to draft an Expression of Interest, which would seek proposals from the development community to provide office space for Staff currently housed in the City Hall Annex.

- (b) **Proposed Acquisition of Part 1097 Bowen Road** Pg. 8-10

*Staff's Recommendation:* That Council approve the acquisition of the lands shown as "Dedicated as Road" on the attached Schedule "A", for the price of \$13,700.

CORPORATE SERVICES:

- (c) **Appointments of City of Nanaimo Representatives to the Downtown Nanaimo Business Improvement Association (DNBIA)** Pg. 11-28

*Staff's Recommendation: That Council appoint two of the following seven applicants to the Downtown Nanaimo Business Improvement Association (DNBIA):*

- (d) **Appointments to the Transportation Advisory Committee** Pg. 29-37

*Staff's Recommendations: That Council:*

1. *consider appointing any or all of the following three applicants to the Transportation Advisory Committee:*

*AND:*

2. *direct Staff to re-advertise for the remaining community-at-large member(s) to the Transportation Advisory Committee.*

10. **INFORMATION ONLY ITEMS:**
11. **CORRESPONDENCE:**
12. **OTHER BUSINESS:**
  - (a) Update Regional Issues
  - (b) Update Municipal Issues
13. **ADJOURNMENT OF THE "IN CAMERA" MEETING:**
14. **ADJOURNMENT OF THE REGULAR MEETING:**

# “IN CAMERA” STAFF REPORT

REPORT TO: E.C. SWABEY, GENERAL MANAGER,  
COMMUNITY SAFETY & DEVELOPMENT DIVISION

FROM: T.P. SEWARD, DIRECTOR OF DEVELOPMENT,  
COMMUNITY SAFETY & DEVELOPMENT DIVISION

RE: ALTERNATIVES TO SEISMICALLY UPGRADING THE CITY HALL ANNEX –  
238 FRANKLYN STREET

Council  
 Committee  
 Open Meeting  
 In-Camera Meeting  
Meeting Date: 2010-MAY-17

STAFF’S RECOMMENDATION:

That Council direct Staff to draft an Expression of Interest, which would seek proposals from the development community to provide office space for Staff currently housed in the City Hall Annex.

EXECUTIVE SUMMARY:

(including those that are outside of the downtown), including identifying costs to construct a new office building in one or two phases to replace the City Hall Annex.

Previously Staff has provided reports to Council 2010-Jan-05, 2010-Apr-07, 2009-Oct-28 and 2009-Aug-06, which reviewed options that include seismically upgrading the City Hall Annex, ; building a new office building on land currently owned by the City, or leasing office space.

The option to seismically upgrade the City Hall Annex remains, which has been estimated to cost \$6.2 Million and has been budgeted in 2010, 2011 and 2012 (Five-Year Capital Plan). In absence of another viable option, the seismic upgrading of the Annex should proceed, as for safety reasons it is not an option to have Staff remain in the building without the upgrading. Staff does not believe pursuing the seismic upgrade of the City Hall Annex is a cost effective solution, as the work would only result in the seismic upgrade and would leave the City with an old building (built in 1937), which will continue to cost a substantial amount of money to maintain/service and provides no long-term options for additional staffing needs (as the building currently is full).

The current seismic stability of the City Hall Annex is substantially deficient. Given the building’s deficiencies and the frequency of major earthquakes (Chile, Haiti, Indonesia, China, Samoa, etc.,) within the last year, Staff believes it is essential that the City proceed with a seismic upgrade of the City Hall Annex or identify a specific alternative to pursue within the next

four to six months. As outlined in previous reports, the City is obligated to take into consideration workers' health and safety needs in providing a safe work place.

At its meeting of 2010-Apr-12, Council directed Staff to consider alternate office space outside the downtown, as well as pursue existing downtown options. Council's recommendation is a significant change in philosophy, as previously, only office space options located in the downtown would be considered. Staff's opinion is that constructing a new City Hall Annex outside of the downtown will raise substantial criticism from many residents and businesses in the community, notably from occupants in the downtown who would see Council moving away from its previously stated priority of revitalizing the downtown. Staff believes constructing a replacement building for the City Hall Annex in the downtown supports the commitment and priority Council has expressed in downtown revitalization. It is essential that Council confirm now if they are firmly committed to moving this office space outside the downtown, as it would be very difficult to seek an Expression of Interest for proposals from throughout the city and thereafter decide to limit the choice to the downtown only. Whether Council directs Staff to search city-wide or to focus on the downtown only, Staff believes using a public open "Expression of Interest" approach will provide the broadest, most competitive and fairest way to explore private sector opportunities.

As Council has directed Staff to look for office space throughout the city, it is proposed that this search could be done in three ways:

1. Staff undertakes a search for new office space.
2. Prepare an Expression of Interest (EOI), allowing anyone in the development community to prepare a proposal.
3. Hire an agent to undertake the search.

There are numerous key decisions to consider in searching for new office space. These include consideration of the following variables:

- downtown location vs. a location anywhere in the city;
- buy an existing building vs. build a new office building; and
- lease vs. own.

No matter how the City sources out new office space, the above-noted variables will likely lead to many options that would be brought forward as part of the search.

If Council directs Staff to proceed with an EOI to source office space, Staff will prepare the appropriate documentation and return to Council in June with the EOI and will then advertise the EOI in July and August, with EOIs due by approximately 2010-Sep-15. The EOI would seek proposals for purchase/lease of existing buildings or a new building. Using the EOI approach will allow the City to explore all of the above criteria and provide the greatest flexibility for Council to decide how to proceed.

**BACKGROUND:**

Previously Council has received Staff's reports regarding the cost to seismically upgrade the City Hall Annex (\$6.2 Million) and



Also previously, Staff had outlined to Council that there are two other options to house Staff currently in the City Hall Annex, which included building a new 40,000 sq.ft. office building downtown (\$11 – \$15 Million if constructed in one phase or \$12 - \$18 Million if constructed in two phases) or lease office space in the downtown.

Up until now, Staff has limited its search to replacing relocated Staff from the City Hall Annex to either an existing building or a new building in the downtown area. As Council has now directed Staff to expand that search, Staff believes that one of the approaches to best seek alternatives throughout the city would be to initiate an EOI to determine what the market can bring forward as viable options. An EOI would raise the prospect of the City moving approximately 150 positions outside the downtown and may imply the City is reversing its commitment to remaining in and contributing to the growth of the downtown.

### ***Expression of Interest (EOI)***

An EOI is a tool which the City can use to solicit interest from Nanaimo's development community and others to determine if there are suitable properties to accommodate City Staff. The EOI allows the City to receive proposals without being bound to select any of the proposals. The EOI would outline the City's space requirements, budget, timing and other key criteria, such as level of seismic stability. The EOI will be prepared by Staff and approved by Council. The EOI would be advertised in local newspapers, posted on the City's website and distributed to parties that may be interested in putting forward a proposal. The bidders would return their Proposal by 2010-Sep-15 and the proposals will be rated by Staff and returned to Council for a decision. The selection criteria that would be used would be weighed to identify the most important areas of focus for the City, such as: office location, design; accessibility, seismic design, operating cost, etc.

The benefits of using an EOI process are:

- one process could lead to numerous responses and options;
- open and transparent to all members of the building community, both within Nanaimo and from the outside;
- encourages bidders to make their best and most creative offer up front;
- ensures that developers identify specific City needs;
- the evaluation of the proposals received is impartial; and
- does not bind the City to accept any of the proposals.

The disadvantages of using an EOI process are:

- process would have a high level of public scrutiny; and
- raises expectations that the City will follow through with one of the bids (although the EOI does not bind the City to do so).

### ***Funding***

As noted in previous reports to Council, funding for new office space will be extremely challenging. Currently, \$6.2 Million has been budgeted and Staff believes there is approximately \$1.8 Million additionally, that could be put towards this project. Any funding over and above this amount would either have to come from taxation or if the funding commitment is for in excess of five years, would require a counter petition or referendum. Funding for purchasing an existing building (if one was available) would likely be in the range of \$6.0 to \$12 Million for the 40,000 sq.ft. required by the City and would likely require additional

upgrading/funding to meet the City's needs. Funding for new construction (excluding the land), would likely range from \$11 to \$15 Million. Leasing a space (including lease and triple net costs), would likely cost \$700,000 to \$1 Million a year, plus tenant improvement costs that may be shared with the building owner.

There are a number of other methods that could be pursued to assist in funding, including:

- borrowing/repaying funds from City reserves;
- joint venturing with other user groups; and
- lease to buy arrangement.

### ***Options***

Given the six variables outlined in this report: downtown vs. city-wide, existing vs. building new, lease vs. purchase, Staff believes the following options are viable for Council to consider:

1. Move forward with seismic upgrading the City Hall Annex.
2. Pursue an EOI to house City Hall Staff either in the downtown only or throughout the city.
3. Staff undertakes a search, targeting specific properties/buildings.
4. Hire an agent (realtor, consultant, developer, etc.) to source the best options available.

### **Option 1 – City Hall Annex**

Staff believes that in absence of pursuing another option to house the 150 Staff currently in the City Hall Annex, seismically upgrading of the building must proceed within the next four to six months. Staff does not believe this is a cost effective option, as an expenditure of \$6.2 Million would result in a seismically upgraded building that is still old, expensive to maintain/operate and does not allow for future staffing needs. Also, engineers have provided a preliminary estimate cost of \$6.2 Million; however, the actual cost cannot be accurately determined until a design (costing \$100,000 - \$200,000) and tender have been completed. (If Council directs Staff to proceed with this option, engineers would commence with detailed design and working drawings that would take four to six months to complete.)

### **Option 2 – EOI Process**

An EOI would be a public process that would involve builders/developers/property owners providing proposals that would likely include purchase, lease or lease to own existing office buildings on privately-owned land or design/build a new building on City or privately-owned land that also could involve purchase, lease or lease to own. This process is public and would also likely result in public commentary and scrutiny respecting the process and expenditures which go along with any of the options.

### **Option 3 – Staff Undertake Property Search**

If Staff was to undertake a search, it would involve targeting existing buildings (similar to the process followed with the Dunsmuir building) or identifying City/private-owned land as a location for a new building, such as pursuing constructing a new building on the City-owned parking lot on Dunsmuir Street. As outlined previously to Council, such a building could be built in one or two phases; however, phasing the project would increase costs and would require Staff to determine alternate, temporary offices for some Staff until Phase 2 is complete. This property search would involve a considerable amount of time (search out sites, negotiate with property owners, retain consultants to analyse sites/building/space plan needs, etc.). Staff believes it would be very challenging to successfully undertake this work, given the existing workload and staffing levels.

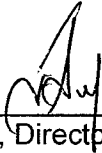
**Option 4 – Agent Undertakes Search**

Hiring an agent to source the best options available would have similarities to Staff undertaking a search; however, would allow an agent to work exclusively to find the best options, site, funding, etc., available. If this option was chosen, Staff would recommend that a competition be held to select the most qualified agent.

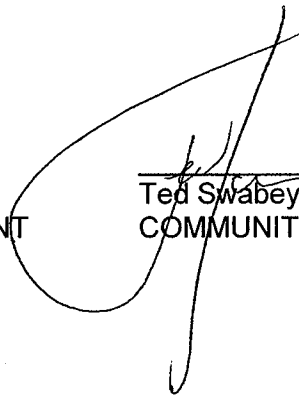
**Summary**

Up until now, the process of reviewing options to upgrade or replace the City Hall Annex has generally remained "In Camera". No matter which option Council chooses to pursue, will likely lead to this issue becoming an open and widely-debated subject. Staff believes pursuing an Expression of Interest (EOI), as recommended in this report, is the best approach to manage a search for new office space. Once a search is completed, Staff would provide Council with options and a strategy to address the key issues of location, funding, design, schedule, plus the numerous other issues outlined in this report.

Respectfully submitted,



\_\_\_\_\_  
Toby Seward, Director of Development  
COMMUNITY SAFETY & DEVELOPMENT



\_\_\_\_\_  
Ted Swabey, General Manager  
COMMUNITY SAFETY & DEVELOPMENT

TS/hp  
Prospero: CIA00005  
"IC" Special Council: 2010-May-17

# "IN CAMERA" STAFF REPORT

REPORT TO: ANDREW TUCKER, DIRECTOR OF PLANNING

FROM: BILL CORSAN, MANAGER, REAL ESTATE DIVISION

RE: PROPOSED ACQUISITION OF PART 1097 BOWEN ROAD

## STAFF'S RECOMMENDATION:

That Council approve the acquisition of the lands shown as "Dedicated as Road" on the attached Schedule A, for the price of \$13,700.00.

## EXECUTIVE SUMMARY:

The subject property is required for the re-alignment of Bowen Road and was identified for expropriation at the May 10, 2010 Council meeting. The owner has agreed to convey the subject property to the City and expropriation will not be required for this property. Council approval is required to complete the purchase.

## BACKGROUND:

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

- Realigning Bowen Road from Caspers Way to approximately 250m south of Buttertubs Drive to enhance road safety.
- Include left turn lanes at intersections and at commercial accesses to reduce collisions.
- Raised sidewalks on both sides of Bowen Road to enhance pedestrian safety.
- Bike facilities that meet current City standards.
- Bus lay-bys to enhance transit service.
- A traffic signal at Buttertubs Drive to provide pedestrians and cyclists with a controlled crossing for the Trans Canada Trail.
- Upgraded water and sanitary sewer lines and storm drainage.
- A new bridge to accommodate a wider cross section that will pass a 1 in 200 year flood without causing up stream flooding.

The acquisition program began in 1991 with the majority of the properties acquired through regular negotiations. Portions of four remaining properties are required for the project.

Council  
 Committee \_\_\_\_\_  
 Open Meeting  
 In-Camera Meeting  
 Meeting Date: 2010-MAY-17

On May 10, 2010, Council authorized staff to begin the expropriation process (taking without owner's consent) for portions of four properties required for the Bowen Road re-alignment, including the subject property at 1097 Bowen Road.

The owner subsequently agreed to complete a sale to the city.

The purchase price of \$13,700.00 is in accordance with a rate established by an appraiser retained by the city.

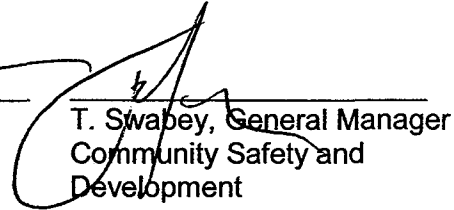
Respectfully submitted,



B. Corsan  
Manager  
Real Estate



A. Tucker  
Director  
Planning



T. Swabey, General Manager  
Community Safety and  
Development

Prospero: LD 002140  
Council: May 17, 2010

# SCHEDULE A

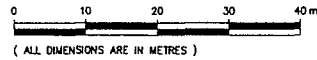
PLAN EPP7323

REFERENCE PLAN OF PART OF COMMON PROPERTY STRATA PLAN 1852, AND PART OF REMAINDER PLAN 1106-R, SECTION 1, NANAIMO DISTRICT.

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

BCGS 92G.011

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



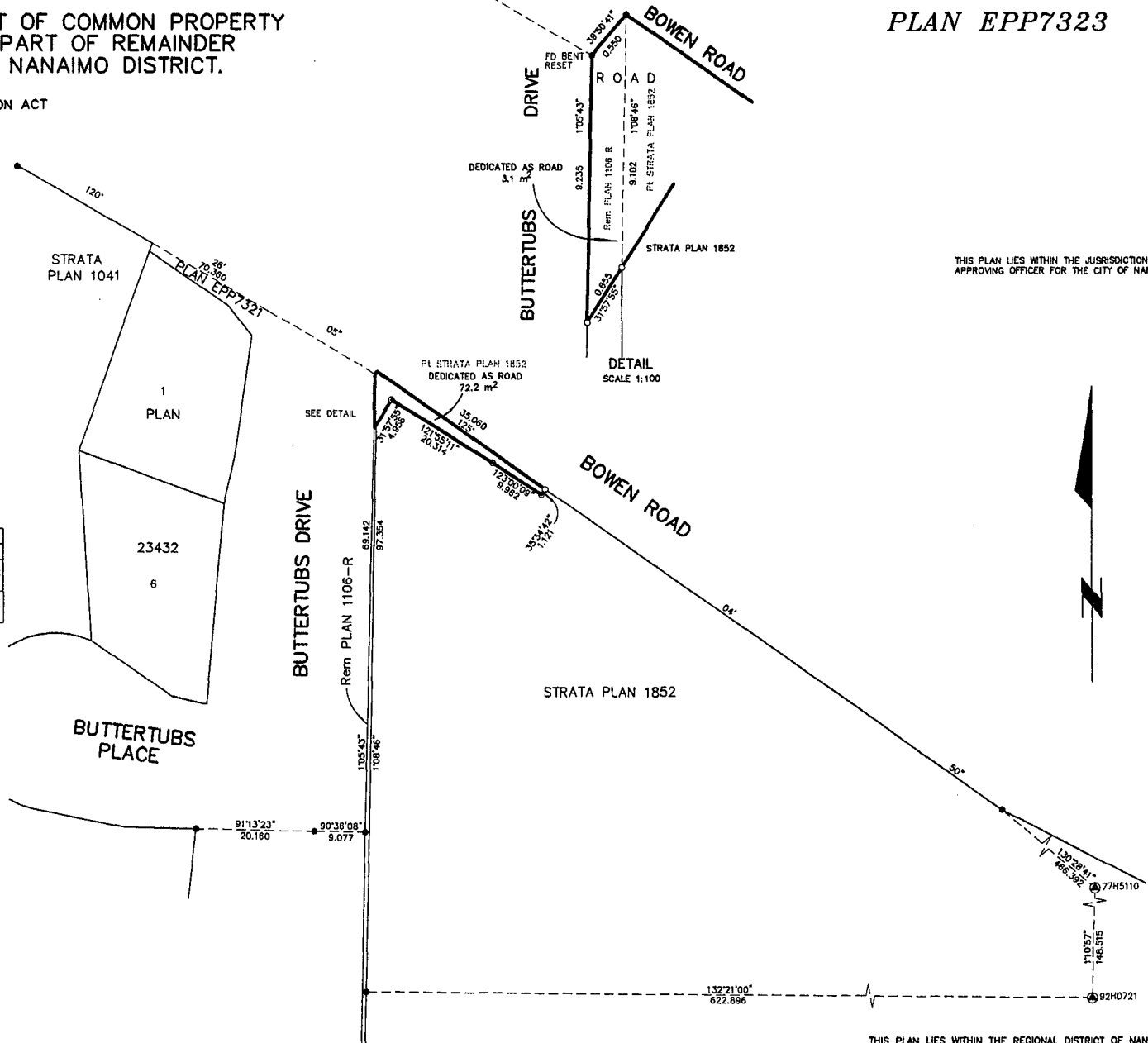
**LEGEND**

GRID BEARINGS ARE DERIVED FROM OBSERVATIONS BETWEEN GEODETIC CONTROL MONUMENTS 77H5110 AND 92H0721 INTEGRATED SURVEY AREA No. 20, NANAIMO, NAD 83 (CSRS). THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES EXCEPT WHERE OTHERWISE NOTED. TO COMPUTE GRID DISTANCES, MULTIPLY GROUND-LEVEL DISTANCES BY COMBINED FACTOR OF 0.999652.

- DENOTES STANDARD IRON POST FOUND.
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SOME LINES EXAGGERATED FOR CLARITY

BOOK OF REFERENCE	
LEGAL DESCRIPTION	AREA
PART OF COMMON PROPERTY STRATA PLAN 1852, SECTION 1, NANAIMO DISTRICT	72.2 m <sup>2</sup>
PART OF REMAINDER PLAN 1106R	3.1 m <sup>2</sup>



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



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

MELHANNEY ASSOCIATES LAND SURVEYING LTD.  
PROFESSIONAL LAND SURVEYORS  
SUITE 1, 1351 ESTEVAN ROAD  
NANAIMO, B.C. V9S 3Y3  
TEL: 250-716-3336  
FAX: 250-716-3339

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

10

# IN CAMERA STAFF REPORT

REPORT TO: D. W. HOLMES, GENERAL MANAGER OF CORPORATE SERVICES

FROM: J. E. HARRISON, MANAGER OF LEGISLATIVE SERVICES

RE: APPOINTMENTS OF CITY OF NANAIMO REPRESENTATIVES TO THE  
DOWNTOWN NANAIMO BUSINESS IMPROVEMENT ASSOCIATION (DNBIA)

STAFF'S RECOMMENDATION:

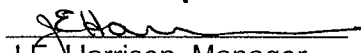
That Council:


1. appoint two of the following applicants to the Downtown Nanaimo Business Improvement Association (DNBIA):
  
2. confirm the appointment of Mr. Ian Howat, Director of Strategic Relationships, as the City of Nanaimo ex officio non-voting/staff representative to the DNBIA.

EXECUTIVE SUMMARY:

Following a review of the organizational structure of the Downtown Nanaimo Partnership Society (DNPS) over the summer of 2009, the DNPS amended its bylaws to create a new membership-based organization and changed its name to the Downtown Nanaimo Business Improvement Association (DNBIA). As part of the eleven member board, two members at-large are to be appointed by the City of Nanaimo. Accordingly, Staff advertised for applicants interested in serving on the DNBIA Board. The advertising process is now complete and seven applications are presented for Council's consideration.

Respectfully submitted,

  
 J.E. Harrison, Manager  
 Legislative Services

  
 D. W. Holmes, G.M.  
 Corporate Services

/kk  
 Council: 2010-MAY-17  
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Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
 Meeting Date: 2010-MAY-17

# IN CAMERA STAFF REPORT

REPORT TO: D. W. HOLMES, GENERAL MANAGER OF CORPORATE SERVICES

FROM: J. E. HARRISON, MANAGER OF LEGISLATIVE SERVICES

RE: APPOINTMENTS TO THE TRANSPORTATION ADVISORY COMMITTEE

### STAFF'S RECOMMENDATIONS:

That Council:

1. consider appointing any or all of the following applicants to the Transportation Advisory Committee:

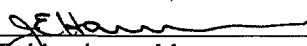
AND:

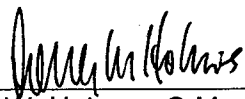
2. direct Staff to re-advertise for the remaining community-at-large member(s) to the Transportation Advisory Committee.

### EXECUTIVE SUMMARY:

At the Regular Meeting of Council held 2010-APR-12, Council received a report regarding Transportation Advisory Committee Membership and directed Staff to advertise for four community-at-large members for appointment to the Transportation Advisory Committee. The advertising process is now complete applications (attached) were received. Staff are recommending that the applicants be appointed and that Council direct Staff to re-advertise for the fourth community-at-large member.

Respectfully submitted,

  
 J.E. Harrison, Manager  
 Legislative Services

  
 D. W. Holmes, G.M.  
 Corporate Services

/kk

Council: 2010-MAY-17  
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Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
 Meeting Date: 2010-MAY-17



MINUTES OF THE SPECIAL "IN CAMERA" MEETING OF COUNCIL  
TO DISCUSS CONFIDENTIAL MATTERS,  
HELD IN THE CITY HALL BOARD ROOM, 455 WALLACE STREET, NANAIMO, BC,  
ON MONDAY, 2010-MAY-17, COMMENCING AT 9:30 A.M.

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

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

Absent: Councillor D. K. Johnstone

Staff: A. C. Kenning, City Manager  
D. W. Holmes, Assistant City Manager and General Manager of  
Corporate Services  
E. C. Swabey, General Manager of Community Safety and  
Development  
A. W. Laidlaw, General Manager of Community Services  
T. L. Hartley, Director of Human Resources and Organizational  
Planning  
T. M. Hickey, Director of Engineering and Public Works  
T. P. Seward, Director of Development  
R. J. Harding, Director of Parks, Recreation and Culture  
J. Kinch, Manager of Building Inspections  
J. Ritchie, Senior Manager of Parks  
S. Graham, Manager of Financial Planning and Payroll  
B. Anderson, Acting Director of Planning  
B. Corsan, Manager of Real Estate  
Chief R. Lambert, Nanaimo Fire Rescue  
K. King, Legislative Services Coordinator  
T. Wilkinson, Recording Secretary

1. CALL THE OPEN MEETING TO ORDER:

The Regular Meeting was called to order at 9:30 a.m.

2. PROCEDURAL MOTION:

06710 It was moved and seconded that the meeting be closed in order to deal with the following matters 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; and,
- (e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure might reasonably be expected to harm the interests of the municipality.

The motion carried unanimously.

3. INTRODUCTION OF LATE ITEMS:

- (a) Delete Agenda Item 9 (b) – Staff Reports – Proposed Acquisition of Part 1097 Bowen Road.
- (b) Add Agenda Item 9 (b-1) – Staff Reports – Proposed Acquisition of Part 1 Buttertubs Drive.
- (c) Add Agenda Item 12 (a) – Other Business – Update Regional Issues – Regional Growth Strategy.

4. ADOPTION OF AGENDA:

06810 It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

5. STAFF REPORTS:

DEVELOPMENT SERVICES:

- (a) Alternatives to Seismically Upgrading the City Hall Annex – 238 Franklyn Street

06910 It was moved and seconded that Council direct Staff to prepare an invitation for Expressions of Interest, seeking proposals for office space within the downtown (bounded by Comox Road, Milton Street, and Esplanade) to replace the City Hall Annex, including options for leasing or building. The motion carried unanimously.

07010 It was moved and seconded that Council direct Staff to prepare a report on the City's current land inventory and the concept of land banking. The motion carried unanimously.

- (b) Proposed Acquisition of Part 1 Buttertubs Drive

07110 It was moved and seconded that Council approve the acquisition of the lands shown as "Dedicated as Road" on Schedule "A" of the report, for the price of \$20,900. The motion carried unanimously.

CORPORATE SERVICES:

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

07210 It was moved and seconded that Council appoint the following two applicants to the Downtown Nanaimo Business Improvement Association (DNBIA):

- Mr. John Cooper, 601 Milton Street, Nanaimo
- Mr. Blake McGuffie, 10 Esplanade, Nanaimo

The motion carried unanimously.

07310 It was moved and seconded that Council approve releasing the DNBIA appointments information to Mr. Matt Hussmann at the DNBIA. The motion carried unanimously.

(d) Appointments to the Transportation Advisory Committee

07410 It was moved and seconded that Council:

1. appoint the following three applicants to the Transportation Advisory Committee:
  - Mr. Trevor McLeod, 121 Columbia Street, Nanaimo
  - Mr. James Routledge, 5858 Shadow Mountain Road, Nanaimo
  - Mr. Allan Davidson, 2730 Elk Street, Nanaimo; and,
2. direct Staff to re-advertise for a fourth community-at-large member to the Transportation Advisory Committee.

The motion carried.

Opposed: *Councillor McNabb*

6. OTHER BUSINESS:

(a) Update Regional Issues

Mr. B. Anderson, Manager of Community Planning provided a PowerPoint presentation regarding the Regional Growth Strategy.

7. ADJOURNMENT:

07510 It was moved and seconded at 11:22 a.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

07610 It was moved and seconded at 11:22 a.m. that the Regular Meeting terminate. The motion carried unanimously.

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M A Y O R

CERTIFIED CORRECT:

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MANAGER,  
LEGISLATIVE SERVICES

AGENDA FOR THE "IN CAMERA" MEETING OF COUNCIL TO DISCUSS  
CONFIDENTIAL MATTERS, TO BE HELD IN THE CITY HALL BOARD ROOM,  
455 WALLACE STREET, NANAIMO, BC, ON MONDAY, 2010-JUN-07,  
COMMENCING AT 10:30 A.M.

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1. **INTRODUCTION OF LATE ITEMS:**

2. **ADOPTION OF AGENDA:**

3. **ADOPTION OF MINUTES:**

(a) Minutes of the "In Camera" Meeting of Council held Monday, 2010-MAY-10 at 10:30 a.m. in the City Hall Board Room. *Pg. 3-5*

(b) Minutes of the Special "In Camera" Meeting of Council held Monday, 2010-MAY-17 at 9:30 a.m. *Pg. 6-8*

4. **PRESENTATIONS:**

5. **DELEGATIONS PERTAINING TO AGENDA ITEMS:**

6. **MAYOR'S REPORT:**

7. **COMMISSION REPORTS:**

8. **COMMITTEE REPORTS:**

9. **STAFF REPORTS:**

ADMINISTRATION:

*Pg. 9-19*

COMMUNITY SAFETY AND DEVELOPMENT:

(b) **Expression of Interest for City Hall Annex Replacement**

Pg. 20-31

*Staff's Recommendations: That Council:*

1. *direct Staff to advertise the attached Expression of Interest for the City Hall Annex replacement;*

*AND:*

2. *approve the downtown study area as outlined in the Expression of Interest.*

CORPORATE SERVICES:

(c) **Grievance Report**

Pg. 32-37

*Staff's Recommendation: That Council receive the report for information, or if Council wishes to receive grievance reports on a regular basis, it is recommended that the report be provided annually.*

COMMUNITY SERVICES:

(d)

Pg. 38-45

10. **INFORMATION ONLY ITEMS:**

11. **CORRESPONDENCE:**

12. **OTHER BUSINESS:**

(a) Update Regional Issues

(b) Update Municipal Issues

13. **ADJOURNMENT OF THE "IN CAMERA" MEETING:**

14. **ADJOURNMENT OF THE REGULAR MEETING:**

# "IN CAMERA" STAFF REPORT

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

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

RE: EXPRESSION OF INTEREST FOR CITY HALL ANNEX REPLACEMENT

## STAFF'S RECOMMENDATION:

That Council:

1. direct Staff to advertise the attached Expression of Interest for the City Hall Annex Replacement; and
2. approve the downtown study area as outlined in the Expression of Interest.

## EXECUTIVE SUMMARY

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

Staff has prepared the draft EOI (Attachment D) and has provided the boundary of the downtown study area, (Attachment A). As an alternative, a second (larger) downtown study area (Attachment B), has been prepared for Council's consideration. It is proposed that the EOI will be advertised in mid-June 2010 with responses required by the end of July 2010. Staff will report back to Council in August 2010 with a summary of the responses received from the development community.

If Council endorses Staff's recommendations noted above, this Report will be placed on Council's Open Agenda for tonight's meeting, to allow for the EOI to be advertised. (A Press Release will be prepared for distribution following tonight's Open Council Meeting.)

## BACKGROUND

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

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

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

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

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

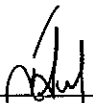
The EOI requests proposals from building owners or developers who can assist the City with the identification of a replacement option for the City Hall Annex.


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


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

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

Respectfully submitted,

  
\_\_\_\_\_  
for Bill Corsan  
Manager, Real Estate

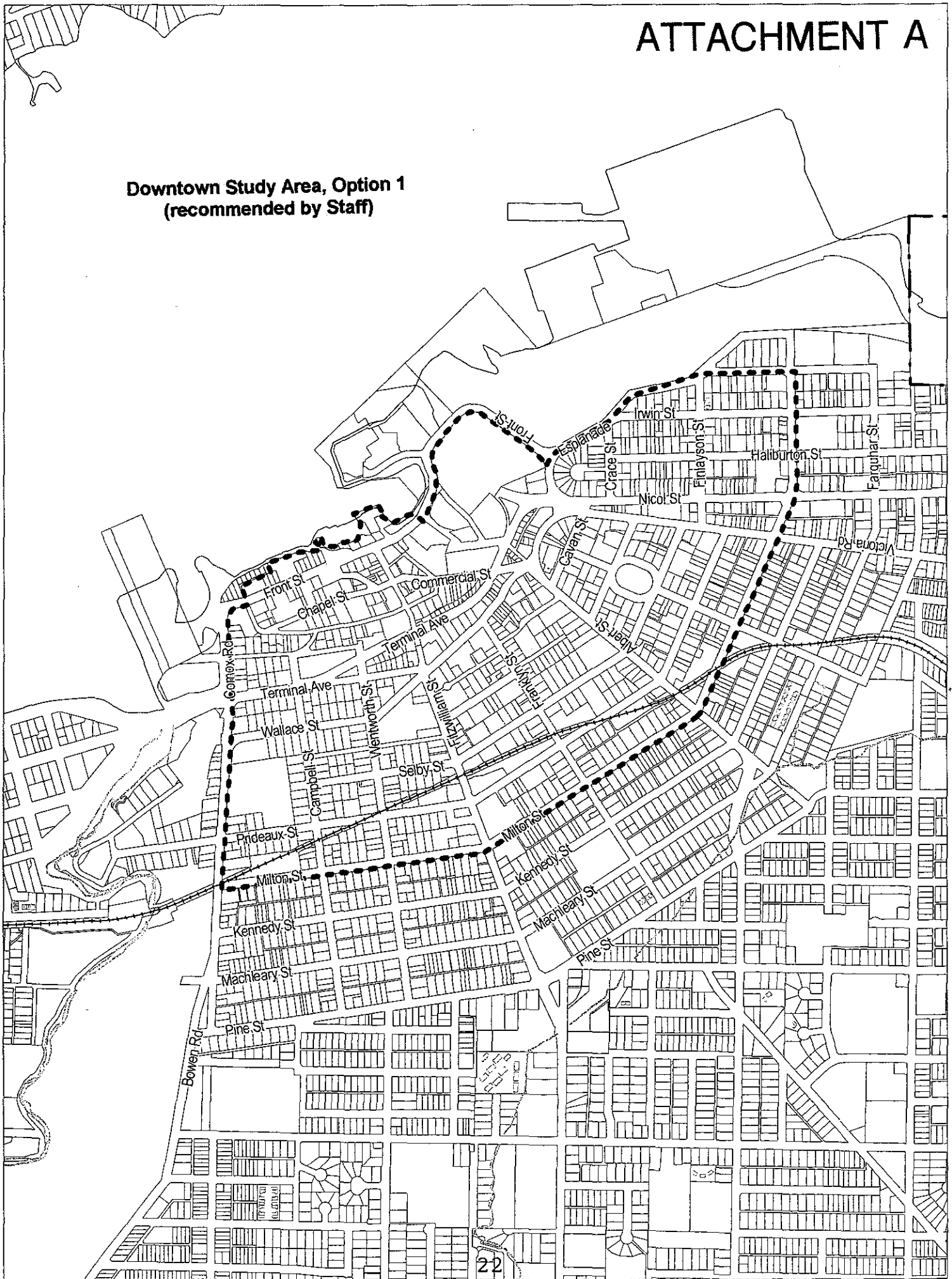
  
\_\_\_\_\_  
Toby Seward  
Director of Development

  
\_\_\_\_\_  
for Ted Swabey, General Manager,  
Community Safety & Development

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

# ATTACHMENT A

**Downtown Study Area, Option 1  
(recommended by Staff)**







# ATTACHMENT C

## CITY-OWNED PROPERTY ADJACENT TO CITY HALL



# ATTACHMENT D



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

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

Request for Expression of Interest No. 1051

Issue Date: 2010-JUNE-15

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

**Response Location Email:** [purchasinginfo@nanaimo.ca](mailto:purchasinginfo@nanaimo.ca)

**Response Location Facsimile:** 250-756-5327

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

**City Contact Person:**

Kurtis Felker, Manager, Purchasing & Stores

Phone: 250-756-5317

Fax: 250-756-5327

[kurtis.felker@nanaimo.ca](mailto:kurtis.felker@nanaimo.ca)

## **BACKGROUND**

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

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

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

## **OVERVIEW OF THE REQUIREMENT**

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

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

## **ENQUIRIES**

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

## **QUALIFICATIONS REVIEW COMMITTEE**

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

## **RESPONDENT EXPENSES**

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

## **ACCEPTANCE OF RESPONSES**

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

## **MODIFICATION OF TERMS**

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

## **OWNERSHIP OF RESPONSES**

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

## **CONFIDENTIALITY OF INFORMATION**

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

## **PROJECT SCOPE**

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

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

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

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

## **GENERAL TECHNICAL SPECIFICATIONS**

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

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

### **Specific Requirements**

#### **Additional Information Required for Existing Building Options**

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

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

#### **Additional Information Required for New Building Options**

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

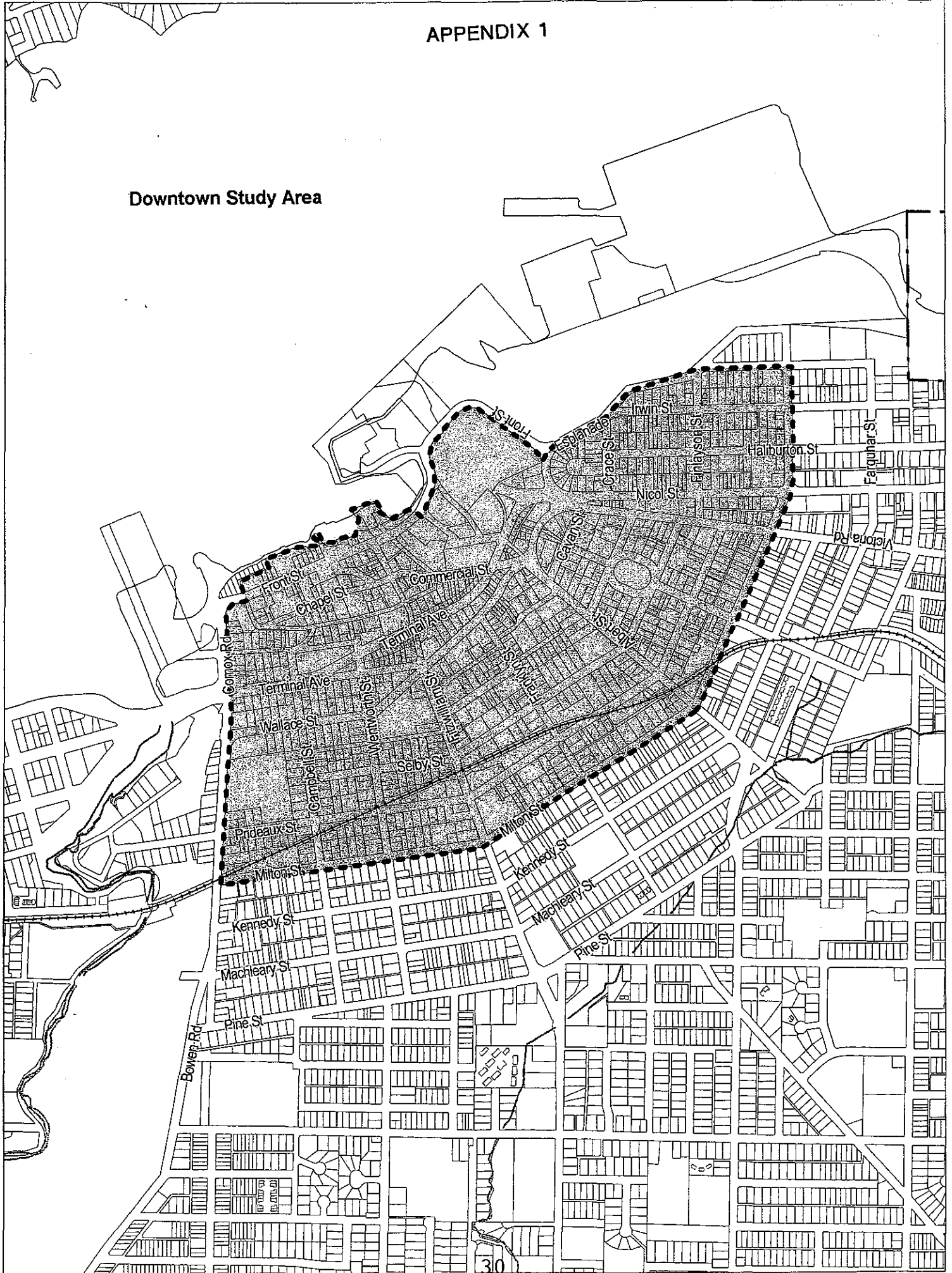
#### **Respondent's Submission**

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

#### **Interviews and Additional Information**

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

Downtown Study Area





APPENDIX 2

CITY-OWNED PROPERTY ADJACENT TO CITY HALL



MINUTES OF THE "IN CAMERA" MEETING OF COUNCIL  
TO DISCUSS CONFIDENTIAL MATTERS,  
HELD IN THE CITY HALL BOARD ROOM, 455 WALLACE STREET, NANAIMO, BC,  
ON MONDAY, 2010-JUN-07, COMMENCING AT 10:30 A.M.

---

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

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

Staff: A. C. Kenning, City Manager  
A. W. Laidlaw, General Manager of Community Services  
D. W. Holmes, Assistant City Manager and General Manager of  
Corporate Services  
E. C. Swabey, General Manager of Community Safety and  
Development  
T. L. Hartley, Director of Human Resources and Organizational  
Planning  
B. E. Clemens, Director of Finance  
T. M. Hickey, Director of Engineering and Public Works  
T. P. Seward, Director of Development  
A. J. Tucker, Director of Planning  
J. Ritchie, Senior Manager of Parks  
B. Sims, Manager of Water Resources  
G. Hamilton, Manager of Labour Relations  
B. Corsan, Manager of Real Estate Division (arrived 10:22 a.m.)  
J. Kemp, Executive Assistant, City Manager's Office  
J. E. Harrison, Manager of Legislative Services  
K. King, Recording Secretary

07710 It was moved and seconded that notice be waived to commence the meeting prior to the regularly scheduled time. The motion carried unanimously.

1. CALL THE OPEN MEETING TO ORDER:

The Regular Meeting was called to order at 10:13 a.m.

2. PROCEDURAL MOTION:

07810 It was moved and seconded that the meeting be closed in order to deal with the following matters under the *Community Charter* Section 90(1):

- (c) labour relations or employee negotiations;
- (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;

The motion carried unanimously.

3. ADOPTION OF AGENDA:

07910 It was moved and seconded that the Agenda be adopted. The motion carried unanimously.

4. ADOPTION OF MINUTES:

08010 It was moved and seconded that the Minutes of the "In Camera" Meeting of Council held Monday, 2010-MAY-10 at 10:30 a.m. in the City Hall Board Room be adopted as circulated. The motion carried unanimously.

08110 It was moved and seconded that the Minutes of the Special "In Camera" Meeting of Council held Monday, 2010-MAY-17 at 9:30 a.m. be adopted as circulated. The motion carried unanimously.

5. STAFF REPORTS:

ADMINISTRATION:

COMMUNITY SAFETY AND DEVELOPMENT:

(b) Expression of Interest for City Hall Annex Replacement

08310 It was moved and seconded that Council:

1. direct Staff to advertise the Expression of Interest as presented for the City Hall Annex replacement; and,
2. approve the downtown study area as outlined in the Expression of Interest.

The motion carried unanimously.

CORPORATE SERVICES:

(c) Grievance Report

08410 It was moved and seconded that Council receive the Grievance Report for information. The motion carried unanimously.

COMMUNITY SERVICES:

6. ADJOURNMENT:

08610 It was moved and seconded at 11:05 a.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

08710 It was moved and seconded at 11:05 a.m. that the Regular Meeting terminate. The motion carried unanimously.

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M A Y O R

CERTIFIED CORRECT:

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MANAGER,  
LEGISLATIVE SERVICES

AGENDA FOR THE "IN CAMERA" MEETING OF COUNCIL  
TO DISCUSS CONFIDENTIAL MATTERS,  
TO BE HELD IN THE CITY HALL BOARD ROOM,  
455 WALLACE STREET, NANAIMO, BC,  
ON MONDAY, 2010-JUN-21, COMMENCING AT 10:30 A.M.

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1. INTRODUCTION OF LATE ITEMS:

2. ADOPTION OF AGENDA:

3. ADOPTION OF MINUTES:

- (a) Minutes of the "In Camera" Meeting of Council held Monday, 2010-JUN-07 at 10:30 a.m. in the City Hall Board Room. Pg. 4-6

4. PRESENTATIONS:

5. DELEGATIONS PERTAINING TO AGENDA ITEMS:

6. MAYOR'S REPORT:

7. COMMISSION REPORTS:

8. COMMITTEE REPORTS:

9. STAFF REPORTS:

COMMUNITY SAFETY AND DEVELOPMENT:

- (a) **Disposition of a Portion of 350 Nanaimo River Road** Pg. 7-10

Staff's Recommendations: That Council:

1. provide Approval in Principle for the disposition of a portion of a City-owned parcel located at 350 Nanaimo River Road;

AND:

2. direct Staff to negotiate the price and terms of disposition with BC Hydro and draft a Purchase and Sale Agreement to be executed by BC Hydro signatories;

AND:

3. *direct Staff to report back to Council prior to execution of the Purchase and Sale Agreement by authorized City signatories.*

(b) **Appointments to planNanaimo Advisory Committee**

Pg. 11-18

Staff's Recommendations: That Council:

1. *confirm of the following applicants as a Neighbourhood Association representative to the planNanaimo Advisory Committee (PNAC) for a three-year term ending 2013-JUN-30:*

AND:

2. *confirm the appointment of Darwin Mahlum as the Vancouver Island Real Estate Board representative to the planNanaimo Advisory Committee;*

AND:

3. *confirm the appointment of Pete Sabo as the School District 68 representative to the planNanaimo Advisory Committee.*

**CORPORATE SERVICES:**

(c) **Appointment to the Transportation Advisory Committee**

Pg. 19-27

Staff's Recommendation: That Council consider appointing one of the following applicants to the Transportation Advisory Committee:

10. **INFORMATION ONLY ITEMS:**

- (a) Report from Mr. B. Corsan, Manager of Real Estate,

Pg. 28-30

11. **CORRESPONDENCE:**

12. **OTHER BUSINESS:**

(a) Update Regional Issues

(b) Update Municipal Issues

13. **ADJOURNMENT OF THE "IN CAMERA" MEETING:**

14. **ADJOURNMENT OF THE REGULAR MEETING:**

# "IN CAMERA" STAFF REPORT

REPORT TO: ANDREW TUCKER, DIRECTOR OF PLANNING

FROM: BILL CORSAN, MANAGER, REAL ESTATE

RE: DISPOSITION OF A PORTION OF 350 NANAIMO RIVER ROAD

## STAFF'S RECOMMENDATION:

That Council:

1. provide Approval in Principle for the disposition of a portion of a City-owned parcel located at 350 Nanaimo River Road;
2. direct Staff to negotiate the price and terms of disposition with BC Hydro and draft a Purchase and Sale Agreement to be executed by BC Hydro signatories; and
3. direct Staff to report back to Council prior to execution of the Purchase and Sale Agreement by authorized City signatories.

## EXECUTIVE SUMMARY:

The City owns a 113 acre property in the Regional District of Nanaimo currently being held for the City's future gravel requirements. The property is located adjacent to Hub City Paving Ltd. In March 2010, BC Hydro approached the City of Nanaimo to inquire if the City would dispose of, at market value, a portion (5-7 acres) of the property to locate a new substation. One of the many siting requirements of the proposed substation is to be near the transmission line which runs through the City property in a north-south direction, identified on the attached map (see Schedule A).

Due to significant growth and constraints on BC Hydro's electrical infrastructure the existing system is over capacity. Growth of the City, including developments such as Oceanview and Sandstone, will require this new substation. BC Hydro staff is working on a very tight time line to obtain their board approval this summer in order to secure the funding and start implementation to meet the in-service date in October 2013.

Staff has worked with BC Hydro to identify two potential sites on the City-owned parcel. These are identified on the attached map (see Schedule A). Staff is recommending the disposition of Site No. 1. Following approval by Council, BC Hydro will conduct a legal survey, an appraisal of the land value, a valuation of the gravel and negotiate with Staff a premium for the preferential characteristics of Site No. 1.

Council  
 Committee  
 Open Meeting  
 In-Camera Meeting  
 Meeting Date: 2010-JUN-21



Staff and BC Hydro will draft an Agreement of Purchase and Sale and report back to Council when the Agreement is executed by BC Hydro signatories.

### BACKGROUND:

In March 2010, BC Hydro approached the City of Nanaimo to inquire if the City would dispose of a portion (5-7 acres) of a 113 acre site at 350 Nanaimo River Road at fair market value for a new substation.

The City owns a 113 acre property bisected by Nanaimo River Road, located adjacent to and west of Hub City Paving Ltd. in the Regional District of Nanaimo. The majority of the site is on the north side of the public road and is currently being held for the City's future gravel requirements. There are existing Terasen and BC Hydro Rights of Way running through the property in a north-south direction (see Schedule A). There is a private road on the property with most of the road situated on the east side of the BC Hydro Right of Way. Fournier Excavating Ltd has a License of Use Agreement with the City which allows road access to their adjacent property situated to the north-west of City property.

### **The Project**

BC Hydro needs to construct a new substation to provide an alternative power source in the event of power failures and to increase capacity as future development takes place in the south end of the City. Due to significant growth and constraints on existing electrical infrastructure the system is over capacity. BC Hydro's plan is to have a substation in service by October 2013 in order to meet the expected peak demand in the winter of 2013. This very tight time line requires BC Hydro staff to obtain their board approval this summer in order to secure the funding and start implementation to meet the in-service date.

BC Hydro has used a number of siting criteria to identify the City-owned parcel as the preferred location. The key criteria are:

- North of Nanaimo River;
- Adjacent to BC Hydro transmission line;
- Level site;
- Significant distance from residential development;
- Suitable zoning; and
- Proximity to distribution line.

### **Options**

Staff has worked with BC Hydro to understand the siting requirements of the proposed substation, the constraints and the cost benefit of the proposal to the City. The loss of 5 - 7 acres would result in a loss of 4-6% of the gravel resources for which the City would require compensation. Two potential sites have been identified.

BC Hydro's preferred choice is Site No. 1 on the attached map (see Schedule A), located at the north-east corner of the intersection of Nanaimo River Road and the existing transmission line Right of Way. This level site is characterized by immature trees and undergrowth. The site is adjacent to the distribution system.

With Site No. 1, BC Hydro will pay the City the sum of appraised land value plus the value of the gravel as determined by an independent geologist familiar with the valuation of gravel reserves in the area. This will provide funding to allow the City to secure similar gravel replacement reserves elsewhere. BC Hydro will also provide the City with a premium for Site No. 1, as it is the most desired location.

BC Hydro's second choice is Site No. 2 on the attached map (Schedule A), located close to the north-west corner at the rear of City property. This parcel is level, not treed, with a cover of scotch broom. It is second choice because of the minimum \$1.34 million additional cost to run the 600 metre underground duct bank to Nanaimo River Road to reach the distribution system.

With Site No. 2, BC Hydro will pay the City the sum of appraised land value plus the value of the gravel as determined by an independent geologist familiar with the valuation of gravel reserves in the area. BC Hydro will pay little or no premium for this site.

The cost to the City of the disposal of five to seven acres of future gravel resource has been considered by City Staff. Staff believes that using the above methodology to determine value for either site is fair. The majority of the value is not the value of the raw land, but is the gravel as a resource.

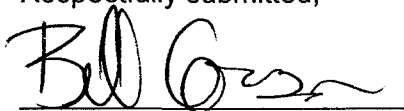
**Next Steps**

Following Council Approval in Principle, BC Hydro will, at no cost to the City, undertake the following:

- Obtain a legal lot survey;
- Conduct gravel evaluation;
- Conduct appraisal of land;
- Obtain BC Hydro board approval; and
- Prepare a draft Purchase and Sale Agreement.

Staff will negotiate the price and terms and report back to Council with a completed Agreement of Purchase and Sale of the subject property executed by BC Hydro signatories along with a request for Council to authorize City signatories to execute the Agreement.

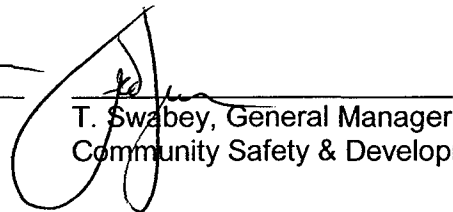
Respectfully submitted,



B. Corsan, Manager  
Real Estate

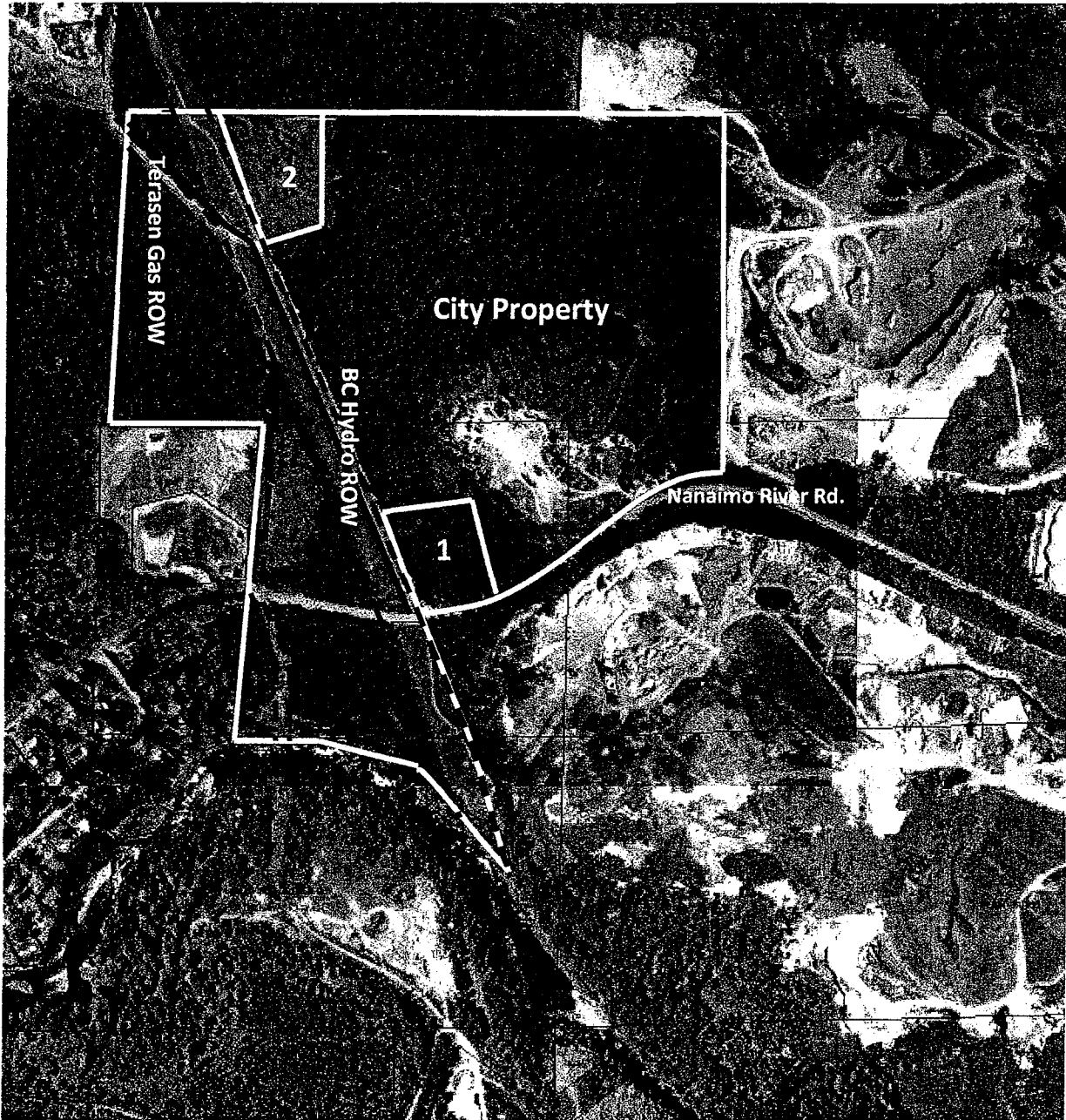


A. Tucker, Director  
Planning



T. Swabey, General Manager  
Community Safety & Development

# SCHEDULE A



Legend:

Right of Way      - - - -

Private Road      ————

# "IN CAMERA" STAFF REPORT

REPORT TO: ANDREW TUCKER, DIRECTOR OF PLANNING

FROM: BRUCE ANDERSON, MANAGER OF COMMUNITY PLANNING

RE: APPOINTMENTS TO planNANAIMO ADVISORY COMMITTEE

## STAFF'S RECOMMENDATION:

That Council:

1. Confirm one of the following applicants as a Neighbourhood Association representative to the planNanaimo Advisory Committee (PNAC) for a three-year term ending 2013-JUN-30:
  
2. Confirm the appointment of Darwin Mahlum as the Vancouver Island Real Estate Board representative to the planNanaimo Advisory Committee.
  
3. Confirm the appointment of Pete Sabo as the School District 68 representative to the planNanaimo Advisory Committee.

## EXECUTIVE SUMMARY:

The planNanaimo Advisory Committee (PNAC) is currently composed of 18 members and one Council representative. The membership includes three Neighbourhood Association representatives, one Environment Community representative, one Vancouver Island Real Estate Board representative, and one School District 68 representative. The term for these positions expires 2010-JUN-30, therefore Council is requested to:

- 1) select one candidate from the list to serve as the Neighbourhood Association representative until 2013-JUN-30;
- 2) confirm the Vancouver Island Real Estate Board appointment to PNAC; and
- 3) confirm the School District 68 appointment to PNAC.

No applications were received for the Environment Community position.

## BACKGROUND:

The planNanaimo Advisory Committee (PNAC) is currently composed of 18 members and one Council representative. The membership includes three Neighbourhood Association

Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
 Meeting Date: 2010-JUN-21

representatives, one Environment Community representative, one Vancouver Island Real Estate Board representative, and one School District 68 representative. The term for these positions expires 2010-JUN-30 and the City recently advertised for one each of the Neighbourhood Association and Environment Community representative positions (with a closing date of 2010-JUN-14).

No applications were received for the Environment Community position, and applications were received in response to the posting for the Neighbourhood Association position.

The remaining applicants are listed below, and shown in *Schedules A to B*, with both offering a range of experience and geographical representation.

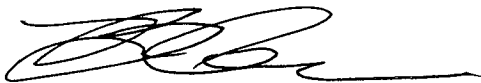
***Neighbourhood Association Representative:***

applicants have expressed an interest in community involvement and have demonstrated involvement of various avenues throughout the community. Council is requested to appoint one applicant for the vacant PNAC Neighbourhood Association position, for a term ending 2013-JUN-30.

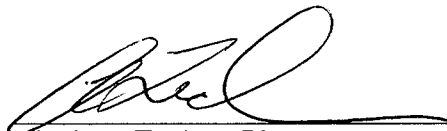
The Vancouver Island Real Estate Board representative position on the Committee also expires 2010-JUN-30. In response, the Vancouver Island Real Estate Board has put forward Darwin Mahlum as the Vancouver Island Real Estate Board representative (see *Schedule C*). Council is requested to confirm this appointment.

In addition to the above-noted positions, a new School District 68 representative has been added to the PNAC membership, which will expire 2011-DEC-31. In response, School District 68 has put forward Pete Sabo as the School District 68 representative (see *Schedule D*). Council is requested to confirm this appointment.

Respectfully submitted,

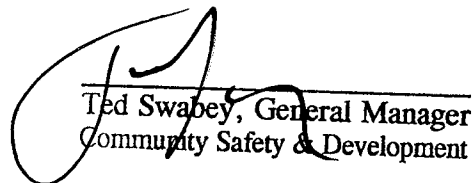


Bruce Anderson, Manager  
Community Planning  
Community Safety & Development  
Division



Andrew Tucker, Director  
Planning  
Community Safety & Development Division

Council: 2010-JUN-21  
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Ted Swabey, General Manager  
Community Safety & Development

# IN CAMERA STAFF REPORT

REPORT TO: D. W. HOLMES, GENERAL MANAGER OF CORPORATE SERVICES

FROM: J. E. HARRISON, MANAGER OF LEGISLATIVE SERVICES

RE: APPOINTMENT TO THE TRANSPORTATION ADVISORY COMMITTEE

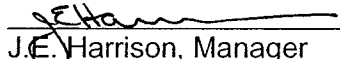
STAFF'S RECOMMENDATIONS:

That Council consider appointing one of the following applicants to the Transportation Advisory Committee:

EXECUTIVE SUMMARY:

At the Regular Meeting of Council held 2010-APR-12, Council received a report regarding Transportation Advisory Committee Membership and directed Staff to advertise for four community-at-large members for appointment to the Transportation Advisory Committee. The advertising process completed. Council appointed the three applicants and directed Staff to re-advertise for the fourth community-at-large member. That process is now complete with four applications having been received.

Respectfully submitted,

  
J.E. Harrison, Manager  
Legislative Services

  
D. W. Holmes, G.M.  
Corporate Services

/kk

Council: 2010-JUN-21  
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Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
Meeting Date: 2010-JUN-21

MINUTES OF THE "IN CAMERA" MEETING OF COUNCIL  
TO DISCUSS CONFIDENTIAL MATTERS,  
HELD IN THE CITY HALL BOARD ROOM, 455 WALLACE STREET, NANAIMO, BC,  
ON MONDAY, 2010-JUN-21, COMMENCING AT 10:30 A.M.

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

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

Absent: Councillor L. D. McNabb

Staff: A. C. Kenning, City Manager  
A. W. Laidlaw, General Manager of Community Services  
E. C. Swabey, General Manager of Community Safety and Development  
I. Howat, Director of Strategic Relationships  
B. E. Clemens, Director of Finance  
T. M. Hickey, Director of Engineering and Public Works  
T. P. Seward, Director of Development  
Chief R. Lambert, Nanaimo Fire Rescue  
A. J. Tucker, Director of Planning  
R. J. Harding, Director of Parks, Recreation and Culture  
G. Hamilton, Labour Relations Manager  
B. Corsan, Manager of Real Estate  
J. Kemp, Executive Assistant  
J. E. Harrison, Manager of Legislative Services  
L. Dennis, Recording Secretary

1. CALL THE OPEN MEETING TO ORDER:

The Regular Meeting was called to order at 10:44 a.m.

2. PROCEDURAL MOTION:

08810 It was moved and seconded that the meeting be closed in order to deal with the following matters 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;
- (e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure might reasonably be expected to harm the interests of the municipality.

The motion carried unanimously.

3. ADOPTION OF AGENDA:

08910 It was moved and seconded that the Agenda be adopted. The motion carried unanimously.

4. ADOPTION OF MINUTES:

09010 It was moved and seconded that the Minutes of the "In Camera" Meeting of Council held Monday, 2010-JUN-07 at 10:30 a.m. in the City Hall Board Room, 455 Wallace Street, Nanaimo, BC be adopted as circulated. The motion carried unanimously.

5. STAFF REPORTS:

COMMUNITY SAFETY AND DEVELOPMENT:

(a) Disposition of a Portion of 350 Nanaimo River Road

09110 It was moved and seconded that Council:

1. provide Approval in Principle for the disposition of a portion of a City-owned parcel located at 350 Nanaimo River Road;
2. direct Staff to negotiate the price and terms of disposition with BC Hydro and draft a Purchase and Sale Agreement to be executed by BC Hydro signatories; and,
3. direct Staff to report back to Council prior to execution of the Purchase and Sale Agreement by authorized City signatories.

The motion carried unanimously.

(b) Appointments to planNanaimo Advisory Committee

09210 It was moved and seconded that Council add the appointment terms to the recommendations for PNAC appointments. The motion carried unanimously.

09310 It was moved and seconded that Council confirm Ms. Nadine Schwager – Chase River Community Association, as a Neighbourhood Association representative to the planNanaimo Advisory Committee (PNAC) for a three-year term ending 2013-JUN-30. The motion carried.

Opposed: *Councillor Pattje*

09410 It was moved and seconded that Council:

1. confirm the appointment of Mr. Darwin Mahlum as the Vancouver Island Real Estate Board representative to the planNanaimo Advisory Committee for a term ending 2013-JUN-30; and,



2. confirm the appointment of Mr. Pete Sabo as the School District 68 representative to the planNanaimo Advisory Committee for a term ending 2011-DEC-31.

The motion carried unanimously.

CORPORATE SERVICES:

(c) Appointment to the Transportation Advisory Committee

09510 It was moved and seconded that the Transportation Advisory Committee be expanded by one member. The motion was defeated.

Opposed: *Mayor Ruttan, Councillors Bestwick, Kipp, Johnstone, Sherry and Unger*

09610 It was moved and seconded that Council appoint Ms. Michele Patterson to the Transportation Advisory Committee. The motion carried unanimously.

6. INFORMATION ONLY ITEMS:

- (a) Report from Mr. B. Corsan, Manager of Real Estate,

7. OTHER BUSINESS:

(a) Update Regional Issues

1. RDN Board

Council discussed the upcoming vote on building inspection requirements that will be coming forward at the next Regional District Board meeting.

8. ADJOURNMENT:

09710 It was moved and seconded at 11:30 a.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

09810 It was moved and seconded at 11:30 a.m. that the Regular Meeting terminate. The motion carried unanimously.

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MAYOR

CERTIFIED CORRECT:

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MANAGER,  
LEGISLATIVE SERVICES

## AMENDED

AGENDA FOR THE "IN CAMERA" MEETING OF COUNCIL  
TO DISCUSS CONFIDENTIAL MATTERS,  
TO BE HELD IN THE CITY HALL BOARD ROOM,  
455 WALLACE STREET, NANAIMO, BC,  
ON MONDAY, 2010-JUL-12, COMMENCING AT 10:30 A.M.

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1. **INTRODUCTION OF LATE ITEMS:**

- Item 4 (b) – Presentations – Mr. B. Prokopenko regarding property acquisition of 2230 Boxwood Road and 2241 Bowen Road.
- Item 12 (b) (2) – Other Business – Update Municipal Issues – Discussion regarding agenda review for Finance/Policy Committee of the Whole meetings.

2. **ADOPTION OF AGENDA:**

3. **ADOPTION OF MINUTES:**

- (a) Minutes of the "In Camera" Meeting of Council held Monday, 2010-JUN-21 at 10:30 a.m. in the City Hall Board Room. *Pg. 4-6*

4. **PRESENTATIONS:**

- (a) Mr. B. Anderson, Manager of Community Planning, to give a PowerPoint presentation on cruise-ship pier access.
- (b) Mr. B. Prokopenko, Manager of Engineering Services, to give a PowerPoint presentation regarding the acquisition of 2230 Boxwood Road and 2241 Bowen Road.

5. **DELEGATIONS PERTAINING TO AGENDA ITEMS:**

6. **MAYOR'S REPORT:**

7. **COMMISSION REPORTS:**

- (a) **Parks, Recreation and Culture Commission – Minutes of the "In Camera" Meeting held 2009-NOV-25** *Pg. 7-8*

*Commission's Recommendation: That Council receive the Minutes of the "In Camera" Parks, Recreation and Culture Commission meeting held 2009-NOV-25.*

8. **COMMITTEE REPORTS:**

9. **STAFF REPORTS:**

COMMUNITY SAFETY AND DEVELOPMENT:

- (a) **Renaming Balmoral Avenue to Strongitharm Avenue** Pg. 9-12

*Staff's Recommendation:* That Council prepare a bylaw to rename Balmoral Avenue to Strongitharm Avenue.

- (b) **Property Acquisition of 2230 Boxwood Road and 2241 Bowen Road** Pg. 13-19

*Staff's Recommendations:* That Council:

1. approve the acquisition of 2230 Boxwood Road and 2241 Bowen Road for a maximum price of \$2,200,000 subject to the City's conditions precedent being met;

AND:

2. authorize Staff to engage EBA Engineering Consultants for a cost of \$66,400 plus HST to conduct a subsurface environmental investigation to ensure existing contamination issues can be managed from a risk perspective and that migration is not occurring;

AND:

3. authorize the Mayor and General Manager of Community Safety and Development to execute the necessary documents to effect the transaction once the conditions precedent as listed in the Letter of Intent have been met.

- (c) **Road Closure – Portion of the Unnamed Lane South of Medea Way and West of Hecate Street** Pg. 20-22

*Staff's Recommendation:* That Council approve in principle the sale of the proposed road closure area to Shoa Organization Services Limited for the sum of \$12,000.

COMMUNITY SERVICES:

- (d) **Lease Agreement – Double H Holdings – Beban Park Pitch and Putt** Pg. 23-24

*Staff's Recommendation:* That Council agree, in principle, to a thirteen (13) year lease agreement commencing in 2010 with Double H Holdings to manage the Beban Park Pitch and Putt Golf Course, and instruct Staff to draft a lease agreement for Parks, Recreation and Culture Commission and Council approval.

10. **INFORMATION ONLY ITEMS:**

*Pg. 25-26*

11. **CORRESPONDENCE:**

12. **OTHER BUSINESS:**

(a) Update Regional Issues

(b) Update Municipal Issues

1. Verbal update from Chief R. Lambert, Nanaimo Fire Rescue, on labour relations with IAFF.
2. Scheduling agenda review for Finance/Policy Committee of the Whole meetings.

13. **ADJOURNMENT OF THE "IN CAMERA" MEETING:**

14. **ADJOURNMENT OF THE REGULAR MEETING:**

**MINUTES OF THE "IN CAMERA"  
PARKS, RECREATION AND CULTURE COMMISSION MEETING  
HELD IN THE BOWEN PARK COMPLEX CONFERENCE ROOM  
ON WEDNESDAY, 2009-NOV-25, COMMENCING AT 8:17 P.M.**

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PRESENT: Commissioner L. McNabb, Chair

Members: Commissioner D. Johnstone  
Commissioner F. Pattje  
Commissioner L. Avis  
Commissioner D. Burnett  
Commissioner J. Cowling  
Commissioner S. Lance  
Commissioner B. Dempsey  
Commissioner B. Meunier  
Commissioner G. Rudischer

Absent: Commissioner B. Sparkes  
Commissioner M. Young

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

1. CALL THE "IN CAMERA" MEETING TO ORDER:

The "In Camera" Meeting was called to order at 8:17 p.m.

2. INTRODUCTION OF LATE ITEMS: (None.)

3. ADOPTION OF AGENDA:

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

4. ADOPTION OF MINUTES:

(a) Minutes of the "In Camera" Parks, Recreation and Culture Commission meeting held Wednesday, 2009-OCT-28 at 7:31 p.m. in the Bowen Park Complex Conference Room.

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

5. PRESENTATIONS: (None.)

6. DELEGATIONS: (None.)

7. CHAIRMAN'S REPORT:

(a) Status of the Renaming of Gyro Youth Park at the corners of Wentworth and Machleary Streets from "Gyro Youth Park" to "Sid Clark Gyro Park". Would like to ensure that there is appropriate recognition for both the family and Bill Jarvie. May be going forward on Council Agenda for 2009-DEC-14.

Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
Meeting Date: 2010-306-12

8. REPORTS OF ADVISORY BODIES:

(a) Cultural Committee.

- (i) "In Camera" notes of the Cultural Committee meeting held 2008-OCT-27, adopted at the "In Camera" meeting held 2009-NOV-04.
- (ii) Commissioner Avis to report on the "In Camera" meeting held 2009-NOV-04.

Nanaimo Cultural Awards 2009 Recommendations.

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

- 1. Mr. David Gogo receive the Excellence in Culture Award for 2009; and,
- 2. Ms. Holly Bright receive the Honour in Culture Award for 2009.

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

9. STAFF REPORTS: (None.)

10. INFORMATION ONLY ITEMS (staff reports): (None.)

11. CORRESPONDENCE: (Action) (None.)

CORRESPONDENCE: (Information) (None.)

12. CONSIDERATION OF OTHER BUSINESS: (None.)

13. UNFINISHED BUSINESS: (None.)

14. ADJOURNMENT:

It was moved and seconded at 8:19 p.m. that the "In Camera" meeting adjourn, with the next "In Camera" Meeting of Commission to be held, if required, Wednesday, 2010-JAN-27, in the Bowen Park Complex Conference Room following adjournment of the regular meeting of the Commission. The motion carried unanimously.

CERTIFIED CORRECT:



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L. McNabb, Chair  
Parks, Recreation and Culture Commission

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R. Harding, Director  
Parks, Recreation and Culture

# "IN CAMERA" STAFF REPORT

REPORT TO: ANDREW TUCKER, DIRECTOR OF PLANNING

FROM: BILL CORSAN, MANAGER, REAL ESTATE

RE: RENAMING BALMORAL AVENUE TO STRONGITHARM AVENUE

## STAFF'S RECOMMENDATION:

That Council direct Staff to prepare a bylaw to rename Balmoral Avenue to Strongitharm Avenue.

## EXECUTIVE SUMMARY:

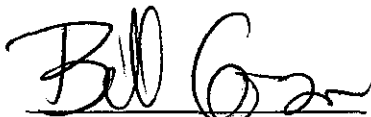
City Staff has received a request from George, Edward and Bryan Strongitharm to rename Balmoral Avenue to Strongitharm Avenue (see Attachment A). This report is brought forward for Council's consideration of the proposed name change, and, if in support, to direct Staff to prepare a bylaw to change the name of Balmoral Avenue to Strongitharm Avenue. If Council supports the name change, the bylaw will be presented to Council at their regular meeting of 2010-AUG-09.

## BACKGROUND:

The Strongitharm's request to rename the road is in recognition of their parents' many contributions to the City over the years. Section 39 (a) of the *Community Charter* empowers Council to name or change the name of municipal roads. City policy on road name changes states that, "Street name changes are usually initiated by the City. If members of the general public wish to change the name of their street, a majority of the residents who live on that street must agree with the proposed change." In this case, there are no residents living on Balmoral Avenue. Attachment B is a map showing the location of the road.

Staff supports the road name change from Balmoral Avenue to Strongitharm Avenue.

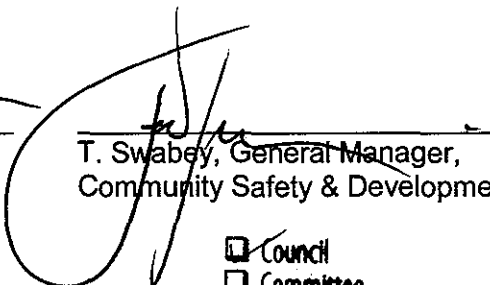
Respectfully submitted,



B. Corsan, Manager,  
Real Estate



A. Tucker, Director,  
Planning



T. Swabey, General Manager,  
Community Safety & Development

Attachment: CIL00341

Council Date: July 12, 2010

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

Meeting Date: 2010-JUL-12

# ATTACHMENT A

June 30, 2010

Mayor's Office  
City of Nanaimo  
455 Wallace Street  
Nanaimo, B.C. V9R 5T6

Dear Mayor John Ruttan:

In recognition of the contributions made to the City of Nanaimo by our parents, Edward (Ted) Strongitharm LLB, QC and Margaret Strongitharm, LLD (hon.), CM, we are requesting your support to rename Balmoral Ave to Strongitharm Ave.

In 1948 Ted and Margaret moved to Nanaimo, where Ted began the practice of law until his retirement in 1992. In 1955 they purchased a house on the corner of Balmoral Ave. and Departure Bay Road. It remained the family home for the next 50 years. There they raised their four children.

Ted and Margaret did not just move to Nanaimo, they embraced the community both in their professional and private lives. They believed in the importance of community involvement; that receiving from the community was not as important as giving to the community. As can be shown by their contributions to the City of Nanaimo, they led by example.

Ted was a strong supporter of his community and respected by all who knew him. Professionally, his peers elected him six times as a Bencher for the County of Nanaimo (he subsequently become a life Bencher). In 1968 he was appointed Queens Council and became Treasurer of the Law Society of B.C. in 1971. Ted's community involvement included: being an active member and president of local Parent/Teacher Associations; a member of Nanaimo Kinsmen and the Nanaimo Yacht Club; chaired the United Appeal; was a Warden of St. Paul's Anglican Church; a past president and member of the Nanaimo Branch of the John Howard Society; an executive member of the Royal Canadian Legion, Branch 10; and a board member of the Nanaimo Community Assistance Society.

Margaret's contribution to the City of Nanaimo, her province and country are well known. For more than 50 years she devoted herself to community work. She was a strong advocate for health, education, women's equality and arts and cultural issues. Margaret helped establish the Nanaimo non-profit day care centre (first president) and Nanaimo homemaker service (first director), was Chair of the Central Vancouver Island Health Board, president of the local PTA, and a member of the Malaspina College Board. Margaret served three terms as a Nanaimo School Trustee (a past Chair), was Chair of the B.C. Human Rights Commission, National Director of the Canadian Federation of University Women, National Director of the Multiple Sclerosis Society, and was a member of the National Advisory Commission on Affirmative Action.

Margaret served three terms on City Council, and six years as a Commissioner on the Nanaimo Parks, Recreational and Culture Commission. Her tireless work and low key persuasive approach earned the respect of citizens and colleagues alike. Perhaps her



greatest accomplishment was her vision for the creation of an arts and culture centre for Nanaimo. As a member of the Arts Council, she worked tirelessly to ensure the funding and development of the Port Theatre which opened in 1999.

Margaret was named Nanaimo's Woman of the Year (1968), Arts Leader of the Year (1995), and "Freeman of the City" (1996). She is a recipient of an Honorary Doctorate of the Humanities from Malaspina University-College (1999) and was invested as a Member of the Order of Canada (2000) in recognition of her community volunteerism.

Both Ted and Margaret Strongitharm gave more to their community than the received. The legacy they have left us is that to make a difference, we should all become involved in one form or another in community affairs.

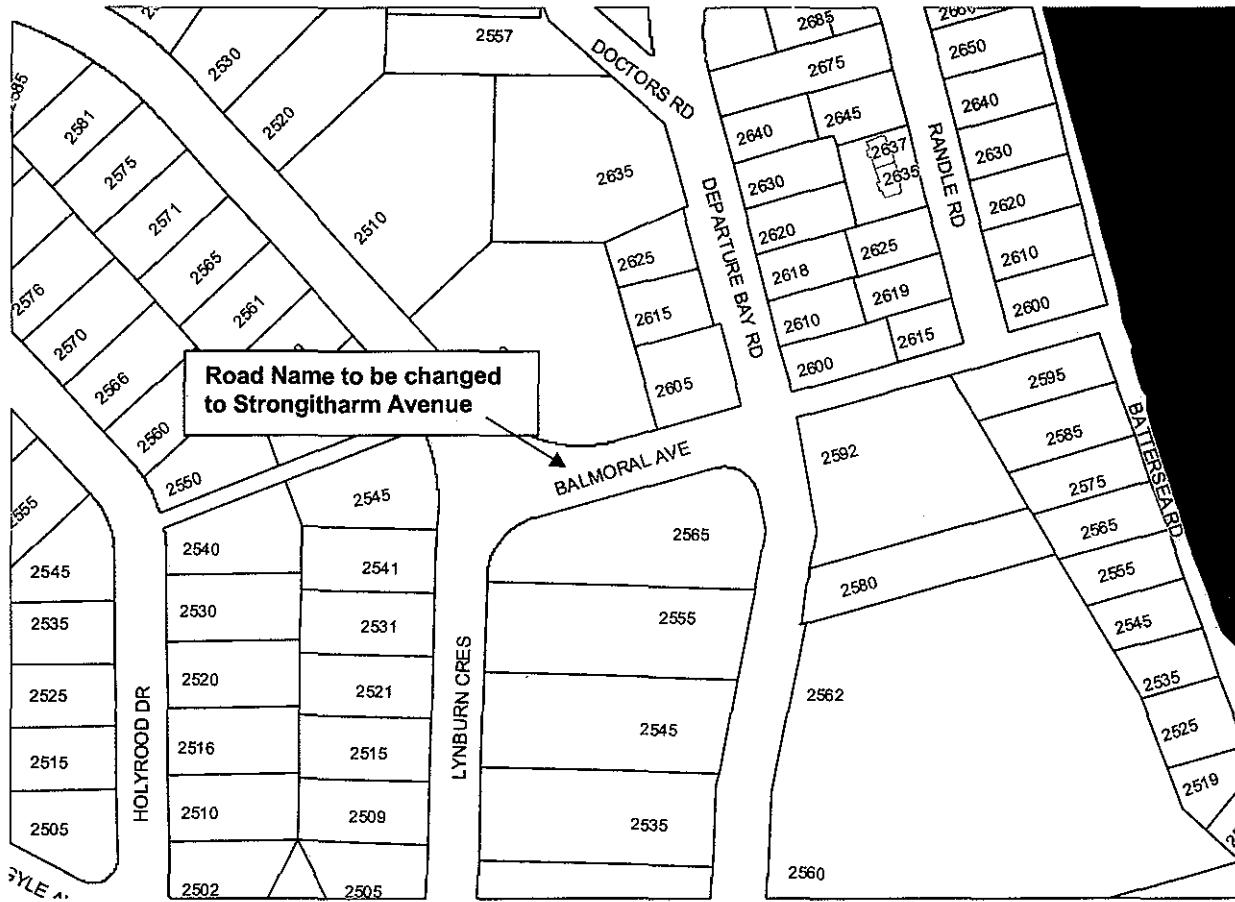
The Strongitharm name will always be joined with the City of Nanaimo. For that reason the family is most pleased and humbled that you and Council will lend your support to have a street named in their honour. The Family thanks you for your consideration.

Sincerely,

G. Douglas Strongitharm  
E. Bruce Strongitharm  
B. Deane Strongitharm

Cc. Toby Seward  
Bill Corsan

Attachment "B"



# "IN CAMERA" STAFF REPORT

REPORT TO: ANDREW TUCKER, DIRECTOR OF PLANNING

FROM: BILL CORSAN, MANAGER, REAL ESTATE AND

BOB PROKOPENKO, MANAGER, ENGINEERING SERVICES

RE: PROPERTY ACQUISITION OF 2230 BOXWOOD ROAD AND 2241 BOWEN ROAD

## STAFF'S RECOMMENDATION:

That Council:

1. approve the acquisition of 2230 Boxwood Road and 2241 Bowen Road for a maximum price of \$2,200,000.00 subject to the City's conditions precedent being met;
2. authorize Staff to engage EBA Engineering Consultants for a cost of \$66,400.00 plus HST to conduct a subsurface environmental investigation to ensure existing contamination issues can be managed from a risk perspective and that migration is not occurring; and
3. authorize the Mayor and General Manager of Community Safety and Development to execute the necessary documents to effect the transaction once the conditions precedent as listed in the Letter of Intent have been met.

## EXECUTIVE SUMMARY:

The subject properties are to be acquired to facilitate the Boxwood Connector Project. This new major transportation corridor will run from the intersection of Boxwood and Northfield, through the subject lands, to a new intersection on Bowen Road. The new intersection will consolidate the existing Beban Park access with the Boxwood Connector and replace the existing Rosstown Road intersection. The project is consistent with the Official Community Plan (OCP) and Development Cost Charge (DCC) Bylaws. The intention is to develop a long-term transportation network in the vicinity of the Bowen and Northfield intersection that facilitates local and city-wide transportation needs.

The subject properties are identified in Schedule A and comprise of 3.44 ha (8.49 acres). City Staff has been negotiating a purchase price and key terms for these properties. These terms have now been resolved and are outlined in a Letter of Intent (see Schedule B).

City Staff is seeking Council's approval to finalize the acquisition at a maximum purchase price of \$2,200,000.00 based on the City's conditions precedent being met. Funding for this project is through the DCC fund (\$500,000.00) and Property Acquisition Reserve (\$1.7 million).

Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
 Meeting Date: 2010-JUL-12

The properties are encumbered with covenants relating to environmental and geotechnical conditions. City Staff requires Council's approval to engage EBA Engineering Consultants to undertake a subsurface environmental investigation to ensure the existing soil, water and airborne environmental contamination levels can be adequately risk-managed and that there is no off-site migration of the contaminants.

If the property can be risk-managed and there is no off-site migration, Staff request authorization for the Mayor and General Manager of Community Safety and Development to execute the necessary documents.

**BACKGROUND:**

**The Project**

The subject properties are to be acquired to facilitate the Boxwood Connector Project. This new major transportation corridor will run from the intersection of Boxwood and Northfield, through the subject lands, to a new intersection on Bowen Road. The new intersection will consolidate the existing Beban Park access with the Boxwood Connector and replace the existing Rosstown Road intersection. The project is consistent with the Official Community Plan and Development Cost Charge Bylaws. The intention is to develop a long-term transportation network in the vicinity of the Bowen and Northfield intersection that facilitates local and city-wide transportation needs.

This project will help improve safety and relieve congestion at the Bowen and Northfield intersection by diverting the right and left-turning vehicles from Bowen and Northfield onto the Boxwood Road link. The concept includes new facilities and improvements to the existing pedestrian, bicycle and transit networks. Improved access to Beban Park and the local businesses will also be achieved. The new connection will provide increased access and development opportunities for the properties within the area bounded by Northfield, Bowen and Rosstown Roads.

The Boxwood Connector Project is the only realistic option available to provide long-term improvements to the area's transportation network. Other transportation network improvements can complement this project, but they will not replace the need for the Boxwood Connector. The current estimated construction cost for the project is \$5 million, with funding provided from Development Cost Charges. Project costing will be refined as more detailed design information is obtained. The project will be built in phases, with the initial work expected to commence within the five year capital planning horizon.

**Land Acquisition Details**

The two properties required for the project comprise of a land area of 3.44 ha (8.49 acres). City Staff has been negotiating with the property owner for the past year and has now been successful in arriving at a mutually acceptable price. The price and other key terms including the conditions precedent have been outlined in a Letter of Intent (see Schedule B).

2241 Bowen Road is 0.376 ha (0.93 acres) in size. The parcel is irregular in shape with frontage on Bowen Road consisting of 57.17 meters. The OCP designates the property as Corridor. The property is currently zoned C-4 (Mixed Use Commercial).

2230 Boxwood Road is 3.06 ha (7.56 acres) in size. The parcel is irregular in shape with frontage on Boxwood Road consisting of 211.78 meters. The OCP designates the property as Corridor. The property is currently zoned RM-5 (Medium Density Multiple Family Residential Zone).

Both properties are encumbered by a series of covenants that identify topographical and geotechnical conditions including mine spoil, risk of subsidence, contaminated fill material, mine shafts, low-lying pond areas and potential methane gas remediation issues.

The market value of the subject properties (acknowledging the environmental and geotechnical encumbrances) was estimated at

Funding for this acquisition is from the DCC fund (\$500,000.00) and Property Acquisition Reserve (\$1.7 million).

In October 2009, the City engaged EBA Engineering Consultants to conduct a desktop review of the environmental and geotechnical site conditions of these two parcels. The data used in the desktop report was based on soil and groundwater samples collected at 2230 Boxwood Road in 1992. The report recommended new subsurface environmental investigations (boreholes) be conducted to provide a more accurate determination of on-site contamination. EBA noted the issue of migration of contamination from these parcels into neighbouring lands would be a liability issue for the potential purchaser.

Staff is recommending that the City engage EBA Engineering Consultants to conduct a site investigation to determine the level of onsite groundwater, soil and airborne contamination and the potential risk of migration. The cost of this work will be approximately

Under the Letter of Intent, the City's conditions precedent must be removed in 90 days. To meet this tight timeline, Staff is requesting that Council approve the property purchase subject to confirmation that the level of contamination can be risk-managed and that there is no migration of water, soil or air borne contamination from these parcels.

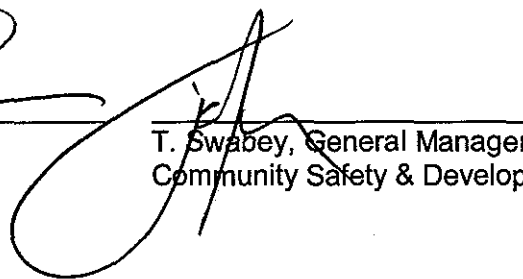
Respectfully submitted,



B. Corsan, Manager  
Real Estate



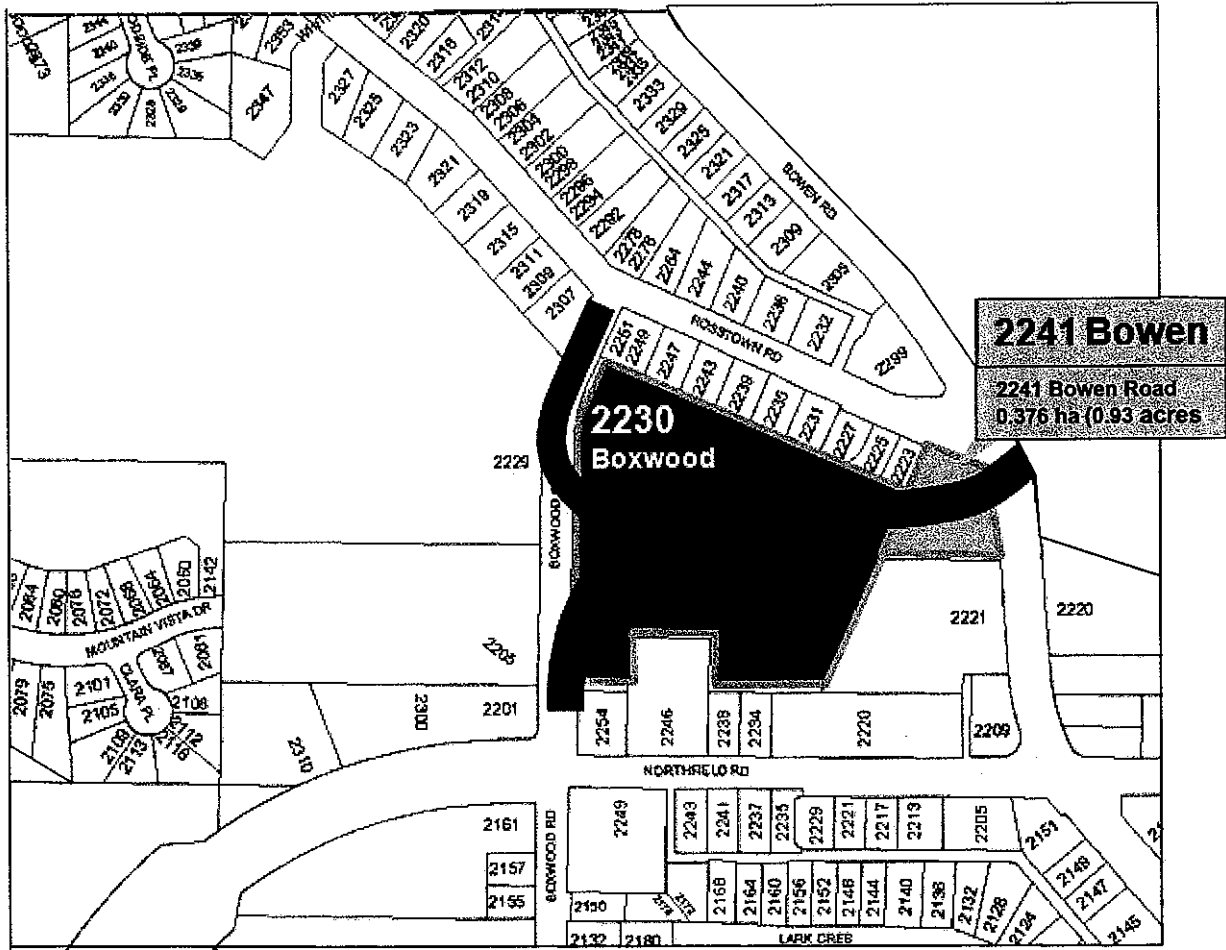
A. Tucker, Director  
Planning



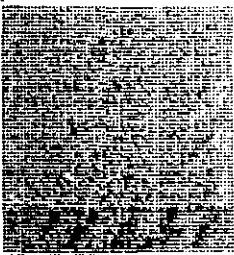
T. Swabey, General Manager  
Community Safety & Development

BC/tl  
Prospero: CLL00060  
Council: 2010-JUL-12

**SCHEDULE A**



SCHEDULE B



Frank Johnson, B.Sc., C.R.A. (R)

**RE/MAX of Nanaimo**

1 - 5140 Metral Drive  
Nanaimo, BC V9T 2K6  
Tel: (250) 751-1228  
Fax: (250) 751-1800  
E-mail: fjohnson@remax-nanaimo-bc.com  
Each Office Independently Owned and Operated

June 16, 2010

**LETTER OF INTENT**

BETWEEN:

THE CITY OF NANAIMO  
455 Wallace Street  
Nanaimo, B.C.  
V9R 5J6

(hereinafter referred to as the "Buyer")

AND:

BASE-MANA SECURITIES LTD. (Inc. No. BC0217055)  
3272 West 28<sup>th</sup> Avenue 301 - 2040 WEST 12<sup>TH</sup>  
Vancouver, B.C. V6J 2G2  
V6T 1A7

(hereinafter referred to as the "Seller")

INITIAL	
MF	S.F.

A. This Letter of Intent sets out the basic terms under which the Buyer is prepared to buy and the Seller is prepared to sell the following properties:

2230 Boxwood Rd.  
PID 023-477-741  
Lot 2, Section 18, Mountain District, Plan VIP63562

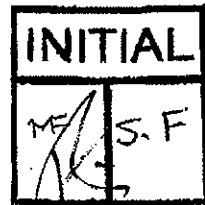
2241 Bowen Rd.  
PID 023-477-750  
Lot 3, Section 18, Range 7, Mountain District, Plan VIP63562

Free and clear of all encumbrances (the "Lands" and "Transaction")

The following outlines the principal terms and conditions under which the parties will proceed with the Transaction:

1. Closing

- a) The transaction will close 30 days after removal of all of the Buyer's Conditions Precedent and in any event, no later than ~~December 30, 2010~~ OCTOBER 29, ("Closing")

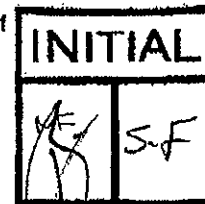


2. Purchase Price

- a) The purchase price for the Lands will be Two Million Two Hundred Thousand (\$2,200,000.00) Dollars payable as follows:
- i. A \$20,000.00 deposit currently held in Trust at Remax of Nanaimo from a previous offer dated July 2009.
  - ii. The balance owing will be due and payable on Closing.

3. Seller's Conditions Precedent – NONE

4. Buyer's Conditions Precedent – the Buyer's offer is subject to the following conditions precedent, which must be removed within ~~150~~ 90 days of acceptance of this Letter of Intent.



- a) The Vendor must fully disclose to the Purchaser, all environmental and geotechnical reports, site assessments, audits, studies, investigations, permits, approvals, licenses and records in possession or control of the Vendor with respect to the Property and relating to Contaminants, Environmental Laws and geotechnical soil conditions, and the Vendor will not have obtained, performed or received any environmental reports, site assessments, audits or other studies with respect to the property except as disclosed in writing to the Purchaser;
- b) The Purchaser to review, to its sole satisfaction, all information supplied to it by the Vendor as listed above;
- c) The Purchaser to obtain an Environmental assessment of the Property (separate from and in addition to any provided by the Vendor) to the Purchaser's sole satisfaction;
- d) The Purchaser, to review, to its sole satisfaction, the state of the certificate of title of the lands and the Existing Encumbrances; and



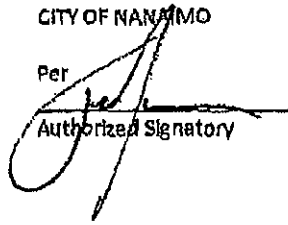
e) The Purchaser, to receive City of Nanaimo Council approval to proceed with the purchase of the Property in accordance with the terms of this Agreement.

DATED at Nanaimo, B.C., this 16<sup>th</sup> day of June 2010

CITY OF NANAIMO

Per

Authorized Signatory

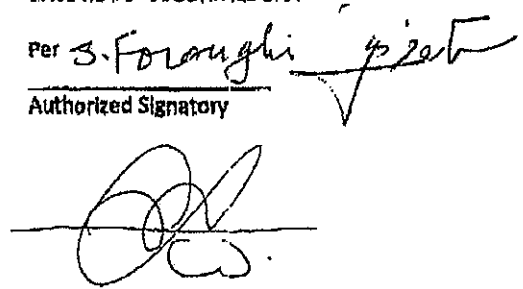


BASE MANA SECURITIES LTD.

Per

Authorized Signatory

S. Foroughi



# "IN CAMERA" STAFF REPORT

REPORT TO: ANDREW TUCKER, DIRECTOR OF PLANNING

FROM: BILL CORSAN, MANAGER, REAL ESTATE

RE: ROAD CLOSURE PORTION OF THE UNNAMED LANE  
SOUTH OF MEDEA WAY AND WEST OF HECATE STREET

**STAFF'S RECOMMENDATION:**

That Council approve in principle the sale of the proposed road closure area to Shoa Organization Services Limited for the sum of \$12,000.00.

**EXECUTIVE SUMMARY:**

Shoa Organization Services Limited has submitted a Development Permit Application for a long-term seniors' care facility at 940 Hecate Street. They have also submitted a road closure application for the acquisition of the lane as it is required to create a parcel of sufficient size to accommodate the proposed development. Staff has received the required Road Closure Plan (see Schedule A.). The developer has paid for an independent appraisal which estimates the market value of the road right of way to be \$12,000.00 and has submitted an Offer to Purchase on this basis.

**BACKGROUND:**

Shoa Organization Services Limited has submitted a Development Permit Application for a long-term seniors' care facility at 940 Hecate Street. The development is proposed in the area of the former Chinatown site. A portion of the site was used as an unofficial dump by the community. The Shoa Organization has assembled the majority of the parcels within the block to create a usable parcel. The acquisition of the laneway is necessary to create a buildable footprint.

The land area of the road closure comprises of approximately 588.1 m<sup>2</sup> (6,330 sq. ft.). While the laneway exists on a legal survey, the City has never improved the land and there are no utilities located in the lane.

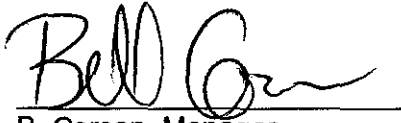
The lane provides legal access to City-owned parcels to the west (530, 540 and 550 Pine Street). Upon closure of the lane, new access will be secured through a blanket access easement which will be placed on the title of the consolidated development site as well as the title of the City-owned properties. The easement area will be surveyed and reduced to a specific area and registered once the sitting of the development is agreed upon.

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

Meeting Date: 2010-JUL-12

The laneway may have contamination issues due to the unofficial use of the land as a dump. The Shoa Organization will purchase the land "as is", acknowledging that the land is likely contaminated and will take full responsibility for future liability of environmental issues.

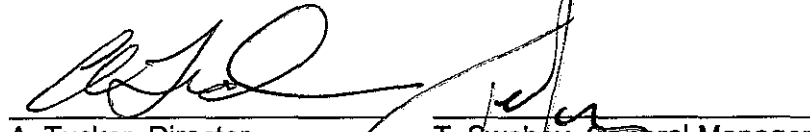
Respectfully submitted,



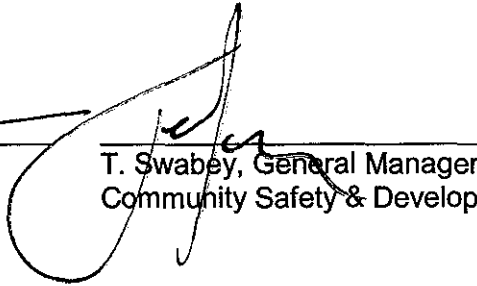
B. Corsan, Manager  
Real Estate

Prospero: LD001425

Council: 2010-JULY-12



A. Tucker, Director  
Planning



T. Swabey, General Manager  
Community Safety & Development

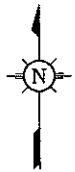
REFERENCE PLAN TO ACCOMPANY CITY OF NANAIMO ROAD CLOSURE BYLAW NO. \_\_\_\_\_ OF PART OF THE LANE IN BLOCK O, SECTION 1, NANAIMO DISTRICT, PLAN 584. PURSUANT TO SECTION 120 OF THE LAND TITLE ACT AND SECTION 40 OF THE COMMUNITY CHARTER. BOGS MAP SHEET 92G.011

Scale 1:500  
 ALL DISTANCES ARE WHOLE FEET AND DECIMAL THEREOF, UNLESS OTHERWISE NOTED.  
 THE INTENDED PLOT SIZE OF THIS PLAN IS 84 MM BY 107MM BY OR NEAREST TO THESE DIMENSIONS PLOTTED AT A SCALE OF 1:500.

LEGEND  
 ⊙ DENOTES CONTROL MONUMENT FOUND  
 ⊙ DENOTES STANCHION FROM POST FOUND  
 ○ DENOTES STANCHION FROM POST PLACED

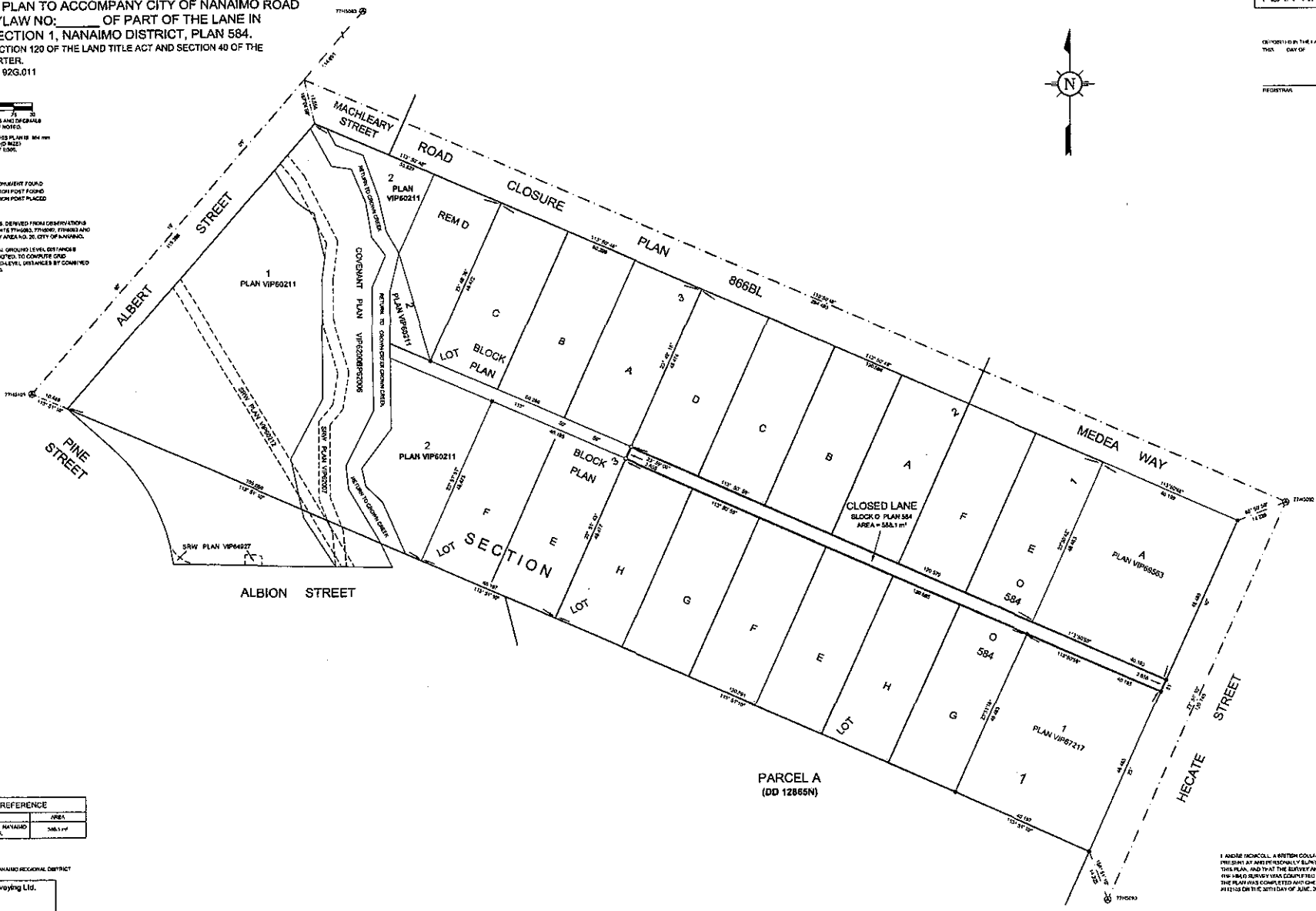
BEARINGS AND GRID BEARINGS DERIVED FROM OBSERVATIONS BETWEEN CONTROL MONUMENTS THROUGH FINISHED TRIANGULAR INTEGRATED SURVEY AREAS OF THE CITY OF NANAIMO. THIS PLAN SHOWS HORIZONTAL GROUND LEVEL DISTANCES EXCEPT WHERE OTHERWISE NOTED. TO COMPUTE GRID DISTANCES, HORIZONTAL GROUND LEVEL DISTANCES BY CONVEYED SCALE FACTOR OF 0.99940000.

PLAN VIP \_\_\_\_\_  
 DEPOSITED BY THE LAND TITLE OFFICE AT VICTORIA, B.C. THIS DAY OF \_\_\_\_\_, 2010.  
 REGISTRAR



SCHEDULE A

22



BOOK OF REFERENCE	
DESCRIPTION	AREA
LANE IN BLOCK O, SECTION 1, NANAIMO DISTRICT, PLAN 584	584.1 sq ft

THIS PLAN LIES WITHIN THE NANAIMO REGIONAL DISTRICT

Harbour City Land Surveying Ltd.  
 1225 ALBION ROAD  
 NANAIMO BC V9B 1J6  
 PHONE: 250-754-1100  
 DRAWING: 09218 PLAN 584 - CLOSURE  
 LAND: 09218 PLAN

I ANDREW HICKOLL, A BRITISH COLUMBIA LAND SURVEYOR, CERTIFY THAT I WAS PRESENT AT AND PERSONALLY SUPERINTENDED THE SURVEY REPRESENTED BY THIS PLAN, AND THAT THE SURVEY AND PLAN ARE CORRECT. THE LAND SURVEY WAS COMPLETED ON THE 24TH DAY OF JUNE, 2010. THE PLAN WAS COMPLETED BY ME AND MYSELF AND THE CHECKLIST FILED UNDER #115 ON THE 30TH DAY OF JUNE, 2010.

REG 3

# "IN CAMERA"

REPORT TO: MAYOR AND COUNCIL

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

RE: LEASE AGREEMENT – DOUBLE H HOLDINGS – BEBAN PARK PITCH AND PUTT

Council  
 Committee  
 Open Meeting  
 In-Camera Meeting  
Meeting Date: 2010-JUL-12

## RECOMMENDATION:

That Council agree, in principle, to a thirteen (13) year lease agreement commencing in 2010 with Double H Holdings to manage the Beban Park Pitch and Putt Golf Course and instruct Staff to draft a lease agreement for Parks, Recreation and Culture Commission and Council approval.

## EXECUTIVE SUMMARY:

In 1998 the City and Double H Holdings Ltd. entered into an agreement to construct and manage a pitch and putt golf course at Beban Park. The City provided land and Double H Holdings built the 18-hole facility at their cost. Double H Holdings manage the facility and pay the City an annual fee averaging \$25,000. Double H Holdings would now like to invest another \$300,000 into the facility to develop a training facility that would include a driving range. The training facility, with a driving range concept, has been previously approved by the Parks, Recreation and Culture Commission, but without substantial capital outlay the course could not be made safe. To finance the capital investment, Double H Holdings is requesting an extension of 10 years to the agreement that expires in 2013.

At their "In Camera" meeting of 2010-JUN-23, the Parks, Recreation and Culture Commission passed a motion supporting the recommendation that Council support a 10-year extension to the existing agreement that expires in 2013 between the City of Nanaimo and Double H Holdings Ltd., for the lands located at 2300 Bowen Road, known as the Beban Park Pitch and Putt.

Staff recommend that best means to achieve the desired results is to terminate the existing agreement and develop a lease agreement for 13 years. This would provide Double H Holdings the financial security required to invest an addition \$300,000 into the facility.

## BACKGROUND:

Since its development in 1998 the Beban Park Pitch and Putt Golf Course has managed successfully by Double H Holdings. This facility has been used by young and old and has not been a drain on taxpayers as it is user pay. The facility is used by 2-92 year olds - families, seniors, schools, churches, sports teams and birthday parties. Players include those with new knees, with hip replacements, those who have previously suffered heart attacks and those on scooters and young families with strollers. Double H Holdings run many lesson programs which sell out every year. In summer, they have a ladies night which is very popular with a large core of regulars. In good weather, they are fairly busy, but with the proposed change to nine holes with a driving range, they would be able to cater to more users during the shoulder seasons.

The Parks, Recreation and Culture Commission had passed a motion agreeing with the training facility concept. The training facility with driving range was tried and was successful, but without significant capital investment to provide safety netting the range could not be operated safely.

Currently Double H Holdings pays the City minimum amount of \$20,000 per year plus 27.5% of gross revenue earned over \$200,000 per year. Double H Holdings also pays all operating costs of the facility including taxes and utilities such as water and hydro.

To develop the training facility correctly a capital investment of up to \$300,000 would be required and Double H Holdings is prepared to make that investment in the facility, dependent upon a 10-year extension of the term to the current agreement which expires in 2013. This would result in a new lease agreement with a term of thirteen (13) years.

A training facility with driving range would encourage more people to take up golf and increase revenue for the City. Double H Holdings anticipate revenues of \$40,000 to \$50,000, with year 2 revenues of \$60,000 to \$80,000.

If approved by Council the following process would be initiated:

- Staff would draft a lease agreement with Double H Holdings Ltd. for a 13-year term commencing in 2010 and forward it to the Parks, Recreation and Culture Commission for review and recommendation to Council for consideration and approval.
- Once the draft lease agreement has been approved by Council advertise a 'Notice of Intent' for a period of 30 days in accordance with Section's 86, 87 and 88 of the Community Charter in order to provide the public with a counter-petition opportunity regarding the amending of use of the Beban Park Pitch and Putt and the partial disposal of City land by way of a lease to Double H Holdings Ltd.
- Once the counter petition process has been followed Staff to report back to Council with final agreement for approval.

Respectfully submitted,



Larry McNabb, Chair  
Parks, Recreation and Culture Commission

MINUTES OF THE "IN CAMERA" MEETING OF COUNCIL  
TO DISCUSS CONFIDENTIAL MATTERS,  
HELD IN THE CITY HALL BOARD ROOM, 455 WALLACE STREET, NANAIMO, BC,  
ON MONDAY, 2010-JUL-12, COMMENCING AT 10:30 A.M.

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

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

Staff: D. W. Holmes, Assistant City Manager and General Manager of Corporate Services  
E. C. Swabey, General Manager of Community Safety and Development  
I. Howat, Director of Strategic Relationships  
T. L. Hartley, Director of Human Resources and Organizational Planning  
B. E. Clemens, Director of Finance  
T. M. Hickey, Director of Engineering and Public Works  
T. P. Seward, Director of Development  
Chief R. Lambert, Nanaimo Fire Rescue  
A. J. Tucker, Director of Planning  
R. J. Harding, Director of Parks, Recreation and Culture  
J. Ritchie, Senior Manager of Parks  
B. Prokopenko, Manager, Engineering Services  
B. Anderson, Manager, Community Planning  
G. Foy, Traffic/Transportation Engineer  
B. Corsan, Manager, Real Estate  
E. Anderson, Manager, Revenue Services  
J. Kemp, Executive Assistant  
J. E. Harrison, Manager of Legislative Services  
L. Dennis, Recording Secretary

1. CALL THE OPEN MEETING TO ORDER:

The Regular Meeting was called to order at 10:34 a.m.

2. PROCEDURAL MOTION:

09910 It was moved and seconded that the meeting be closed in order to deal with the following matters under the *Community Charter* Section 90(1):

- (b) personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;

- (c) labour relations or employee negotiations; and,
- (e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure might reasonably be expected to harm the interests of the municipality.

The motion carried unanimously.

3. INTRODUCTION OF LATE ITEMS:

- (a) Agenda Item 4 (b) – Presentations – Mr. B. Prokopenko regarding property acquisition of 2230 Boxwood Road and 2241 Bowen Road.

4. ADOPTION OF AGENDA:

10010 It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

5. ADOPTION OF MINUTES:

10110 It was moved and seconded that the Minutes of the "In Camera" Meeting of Council held Monday, 2010-JUN-21 at 10:30 a.m. in the City Hall Board Room, 455 Wallace Street, Nanaimo, BC be adopted as circulated. The motion carried unanimously.

6. PRESENTATIONS:

- (a) Mr. B. Anderson, Manager of Community Planning, gave a PowerPoint presentation regarding cruise-ship pier access and options for getting passengers from the cruise ship terminal into the City and surrounding area, in order to accommodate the 2011 cruise season.
- (b) Mr. B. Prokopenko, Manager of Engineering Services, gave a PowerPoint presentation regarding the acquisition of 2230 Boxwood Road and 2241 Bowen Road and outlined a plan to divert traffic from the Northfield Road intersection so that road improvements can commence in that area without major disturbance to traffic flow.

7. COMMISSION REPORTS:

- (a) Parks, Recreation and Culture Commission – Minutes of the Meeting held 2009-NOV-25

10210 It was moved and seconded that Council receive the Minutes of the Parks, Recreation and Culture Commission meeting held 2009-NOV-25. The motion carried unanimously.



8. STAFF REPORTS:

(a) Renaming Balmoral Avenue to Strongitharm Avenue

10310 It was moved and seconded that Council direct Staff to prepare a bylaw to rename Balmoral Avenue to Strongitharm Avenue. The motion carried unanimously.

(b) Property Acquisition of 2230 Boxwood Road and 2241 Bowen Road

10410 It was moved and seconded that Council:

1. approve the acquisition of 2230 Boxwood Road and 2241 Bowen Road for a maximum price of \$2,200,000 subject to the City's conditions precedent being met;
2. authorize Staff to engage EBA Engineering Consultants for a cost of \$66,400 plus HST to conduct a subsurface environmental investigation to ensure existing contamination issues can be managed from a risk perspective and that migration is not occurring; and,
3. authorize the Mayor and General Manager of Community Safety and Development to execute the necessary documents to effect the transaction once the conditions precedent as listed in the Letter of Intent have been met.

The motion carried.

Opposed: *Councillors Bestwick, Kipp, Holdom and Sherry*

(c) Road Closure – Portion of the Unnamed Lane South of Medea Way and West of Hecate Street

10510 It was moved and seconded that Council approve, in principle, the sale of the proposed road closure area to Shoa Organization Services Limited for the sum of \$12,000. The motion carried.

Opposed: *Councillor Sherry*

7. COMMISSION REPORTS (CONTINUED):

(b) Lease Agreement – Double H Holdings – Beban Park Pitch and Putt

10610 It was moved and seconded that Council agree, in principle, to a thirteen (13) year lease agreement commencing in 2010 with Double H Holdings to manage the Beban Park Pitch and Putt Golf Course, and instruct Staff to draft a lease agreement for Parks, Recreation and Culture Commission and Council approval. The motion carried unanimously.

9. OTHER BUSINESS:

(a) Update Regional Issues

(b) Update Municipal Issues

Staff, with the exception of Ms. J.E. Harrison, Mr. D.W. Holmes, Ms. T.L. Hartley and Mr. E.C. Swabey, vacated the Board Room at 12:05 p.m.

10. INFORMATION ONLY:

11. ADJOURNMENT:

10810 It was moved and seconded at 12:22 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

10910 It was moved and seconded at 12:22 p.m. that the Regular Meeting terminate. The motion carried unanimously.

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M A Y O R

CERTIFIED CORRECT:

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MANAGER,  
LEGISLATIVE SERVICES

AGENDA FOR THE "IN CAMERA" MEETING OF COUNCIL  
TO DISCUSS CONFIDENTIAL MATTERS,  
TO BE HELD IN THE CITY HALL BOARD ROOM,  
455 WALLACE STREET, NANAIMO, BC,  
ON MONDAY, 2010-AUG-09, COMMENCING AT 10:30 A.M.

---

1. INTRODUCTION OF LATE ITEMS:

2. ADOPTION OF AGENDA:

3. ADOPTION OF MINUTES:

- (a) Minutes of the "In Camera" Meeting of Council held Monday, 2010-JUL-12 at 10:30 a.m. in the City Hall Board Room. Pg. 3-6

4. PRESENTATIONS:

5. DELEGATIONS PERTAINING TO AGENDA ITEMS:

6. MAYOR'S REPORT:

7. COMMISSION REPORTS:

- (a) Minutes of the Parks, Recreation and Culture Commission Meeting held 2010-JUN-23 Pg. 7-9

*Commission's Recommendation:* That Council receive the Minutes of the Parks, Recreation and Culture Commission Meeting held 2010-JUN-23.

8. COMMITTEE REPORTS:

- (a) Minutes of the Grants Advisory Committee Meeting held 2010-JUL-05 Pg. 10-14

*Committee's Recommendation:* That Council receive the Minutes of the Grants Advisory Committee Meeting held 2010-JUL-05.

9. **STAFF REPORTS:**

CORPORATE SERVICES:

(i) **Corporate Officer / Deputy Corporate Officer**

Pg. 15-16

Staff's Recommendation: That Council:

1. *appoint Joan Harrison, Manager of Legislative Services, as Corporate Officer for the purposes of fulfilling the responsibilities set out in Section 148 of the Community Charter:*

AND:

2. *appoint Brian Clemens, Director of Finance, as Deputy Corporate Officer.*

10. **INFORMATION ONLY ITEMS:**

- (a) Report from Councillor McNabb, Chair, Parks, Recreation and Culture Commission, re: Three Year Contract Renewal with Nanaimo Clippers Junior A Hockey Club.

Pg. 17-18

- (b) Report from Mr. B. Corsan, Manager, Real Estate, re: Licence to Great Canadian Casinos Ltd. for Parking Level 2 at the Vancouver Island Convention Centre.

Pg. 19-20

- (c) Report from Ms. J. E. Harrison, Manager, Legislative Services, re: Quarterly Claims Report – Period Ending 2010-JUN-30.

Pg. 21-28

11. **CORRESPONDENCE:**

12. **OTHER BUSINESS:**

- (a) Update Regional Issues
- (b) Update Municipal Issues

13. **ADJOURNMENT OF THE "IN CAMERA" MEETING:**

14. **ADJOURNMENT OF THE REGULAR MEETING:**



6. DELEGATIONS:

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

- (a) Mr. Harvey Hurd, Double H Holdings Ltd., wishing to discuss capital improvements to the facility and the possibilities of extending their Agreement with the City of Nanaimo with regard to the Beban Park Golf Course.

It was moved and seconded that the Parks, Recreation and Culture Commission recommend that Council support a 10-year extension to the existing agreement that expires in 2013 between the City of Nanaimo and Double H Holdings Ltd., for the lands located at 2300 Bowen Road, known as the Beban Park Pitch and Putt.

7. CHAIRMAN'S REPORT: (None)

8. REPORTS OF ADVISORY BODIES: (None.)

9. STAFF REPORTS:

(a) Naming Recognition of Deane Finlayson – Neck Point Park.

Staff's Recommendation: That the Parks, Recreation and Culture Commission's direction is sought.

It was moved and seconded that the Parks, Recreation and Culture Commission recommend to Council that the access road to Neck Point Park be named Deane Finlayson Way. The motion carried unanimously.

10. INFORMATION ONLY ITEMS (staff reports): (None.)

11. CORRESPONDENCE: (Action) (None.)

CORRESPONDENCE: (Information) (None.)

12. OTHER BUSINESS: (None)

14. UNFINISHED BUSINESS: (None)

15. ADJOURNMENT:

It was moved and seconded at 8:24 p.m. that the "In Camera" meeting adjourn, with the next "In Camera" Meeting of Commission to be held, if required, Wednesday, 2010-JUL-28, in Activity Room #1, Bowen Park Complex, following adjournment of the regular Commission meeting.

The motion carried unanimously.

CERTIFIED CORRECT:



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L. McNabb, Chair  
Parks, Recreation and Culture Commission

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R. Harding, Director  
Parks, Recreation and Culture

"IN-CAMERA" MINUTES OF THE GRANTS ADVISORY COMMITTEE MEETING  
HELD IN THE CITY HALL BOARDROOM, 455 Wallace Street  
July 5, 2010, 3:00 p.m.

---

Present: Councillor Diana Johnstone      William (Bill) Anderson  
          France Tellier                              John Neville  
          Don Bonner                                 Lynda Avis

Regrets: Judy Lekisch, Dawn Burnett

Delegation: Gordon Fuller, Nanaimo 7-10 Club Society

Staff: Guillermo Ferrero, Manager, Revenue Services & Financial Systems  
          Erin Anderson, Staff Liaison, Grants Advisory Committee  
          Cheryl Knapp, Recording Secretary

1. ADOPTION OF MINUTES:

MOVED by John Neville, SECONDED by France Tellier, that the Minutes of the 2010-Mar-31 Meeting of the Grants Advisory Committee be adopted. THE MOTION CARRIED.

2. INFORMATION ITEMS:

Reviewed.

Introduction of Erin Anderson, new Staff Liaison for the Committee

Guillermo Ferrero introduced Erin Anderson as the new staff Liaison for the Grants Advisory Committee. Guillermo advised that he is completing his secondment at the end of the month, returning to his previous job in the Information Technology Department and that Erin has recently been appointed the new Manager of Revenue Services.

3. CORRESPONDENCE RECEIVED:

The Committee received a letter of thanks from the Nanaimo Empire Days Society.

4. BUSINESS ARISING OUT OF PREVIOUS MEETING:

Downtown Churches and Parking Revenue

Committee members reviewed the information provided with the agenda package and acknowledged this will come in handy when the Committee undertakes its 3-year Permissive Tax Exemption Review later this year.

Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
Meeting Date: 2010-AUG-09



5. NEW BUSINESS:

Nanaimo 7-10 Club Society (OG-04)

MOVED for discussion purposes by Don Bonner, SECONDED by France Tellier, that the Grants Advisory Committee support, in principle, the Nanaimo 7-10 Club Society.

Guillermo and Erin informed Committee members that the Committee Guidelines suggests that "Cash grants will not be provided if an organization receives a permissive tax exemption". It was confirmed that this society is currently on the Permissive Tax Exemption Bylaw, for property the Society rents from the City at 305-285 Prideaux Street.

MOVED by Lynda Avis, SECONDED by France Tellier, for Council to consider awarding the Nanaimo 7-10 Club Society an Other Grant in the amount of \$9,900.00, to come from Council Contingency, representing a 50% reduction in yearly rent (2010 only) for premises the Society leases from the City at 305 – 285 Prideaux Street. THE MOTION CARRIED.

#### Nanaimo Family History Society (PTE-01)

Erin Anderson informed Committee members that while the Society has occupied the City-owned premises for some time, that the British Columbia Assessment Authority recently became aware of this due to a lease renewal. As such, the Society will now be taxed for the leasehold premises unless the Committee recommends placing the property on the Permissive Tax Exemption Bylaw. This year's taxes total \$1,880.66.

MOVED by Lynda Avis, SECONDED by John Neville, that the Nanaimo Family History Society be denied a Permissive Tax Exemption for property it leases from the City at 3999 Victoria Avenue, as the Society would be able to meet its tax obligation by charging a nominal fee for use by persons undertaking genealogical research.

#### Permissive Tax Exemption Review

Guillermo informed the Committee that the next (3-year) Permissive Tax Exemption review should occur in 2011, but as next year is an election year, it has been suggested that the Committee start the review in the Fall of this year. This review will commence after the 2010 Permissive Tax Exemption Bylaw (for 2011 taxes) is adopted by Council in October of this year. Accordingly, the Permissive Tax Exemption Review will deal with 2012 taxes.

Committee members stated that they would be willing to support a detailed review of all properties currently on the Permissive Tax Exemption Bylaw.

#### 6. NEXT MEETING DATE:

The next scheduled meeting of the Grants Advisory Committee is Wednesday, August 18 at 3:00 p.m. in the City Hall Boardroom.

7. ADJOURNMENT:

MOVED by France Tellier, SECONDED by Don Bonner, to adjourn the meeting (4:09 p.m.).  
THE MOTION CARRIED.

G:\ADMINISTRATION\Committees\Grants Advisory Committee\2010 Grants\July 5, 2010\Minutes.doc

# "IN CAMERA"

REPORT TO: D. HOLMES, ASSISTANT CITY MANAGER / GENERAL MANAGER OF CORPORATE SERVICES

FROM: J. E. HARRISON, MANAGER OF LEGISLATIVE SERVICES

RE: CORPORATE OFFICER / DEPUTY CORPORATE OFFICER

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## STAFF'S RECOMMENDATION:

That Council:

1. appoint Joan Harrison, Manager of Legislative Services, as Corporate Officer for the purposes of fulfilling the responsibilities set out in Section 148 of the *Community Charter*;

AND:

2. appoint Brian Clemens, Director of Finance, as Deputy Corporate Officer

## EXECUTIVE SUMMARY:

With the organizational structure changes that occurred in May 2010, the Director of Legislative Services was re-assigned to the position of Director of Strategic Relationships. The Director of Legislative Services currently holds the position of Corporate Officer in accordance with "OFFICERS APPOINTMENT AND DELEGATION BYLAW 2006 NO, 7031" and the Manager of Legislative Services holds the appointment of Deputy Director of Legislative Services or Deputy Corporate Officer. Staff will be bringing forward an amendment to Bylaw No. 7031 for Council's consideration to address this change and other matters but recommend that in the interim, Joan Harrison be appointed as Corporate Officer and Brian Clemens be appointed as Deputy Corporate Officer.

## BACKGROUND:

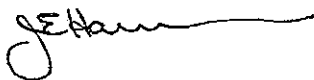
In May 2010, Al Kenning, City Manager, implemented various organizational structure changes within the City of Nanaimo. One of those changes was to re-assign Ian Howat, Director of Legislative Services to the position of Director of Strategic Relationships. Mr. Howat, in accordance with "OFFICERS APPOINTMENT AND DELEGATION BYLAW 2006 NO, 7031", was "assigned the responsibilities of corporate administration, including the powers, duties and functions set out in section 148 of the *Community Charter*" or Corporate Officer. Under this same bylaw, the Manager of Legislative Services was "appointed as the Deputy Director of Legislative Services" or Deputy Corporate Officer.

In the near future, Staff will be presenting a report to Council recommending amendments to Bylaw No. 7031 that will include appointments to the positions of Corporate Officer and Deputy Corporate Officer. However, in the interim, it is important for the City to have both a Corporate Officer and Deputy Corporate Officer appointed to ensure that documents can be processed in a timely manner.

Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
Meeting Date: 2010-AUG-09

Staff recommend that Joan Harrison, Manager of Legislative Services, be appointed as Corporate Officer and that Brian Clemens, Director of Finance be appointed as Deputy Corporate Officer. These appointments would be made on an interim basis, pending Council's consideration of an amendment to Bylaw No. 7031.

Respectfully submitted;



---

J. E. Harrison  
MANAGER  
LEGISLATIVE SERVICES



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Douglas Holmes  
ASSISTANT CITY MANAGER AND  
GENERAL MANAGER, CORPORATE SERVICES

# "IN CAMERA"

## Information Only Report

REPORT TO: MAYOR AND COUNCIL

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

RE: THREE YEAR CONTRACT RENEWAL WITH NANAIMO CLIPPERS  
JUNIOR A HOCKEY CLUB

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### RECOMMENDATION:

That Council receives this report for their information.

### EXECUTIVE SUMMARY

Frank Crane Arena has been home to the Nanaimo Clippers since 1975. The most recent contract with the Nanaimo Clippers expired at the end of the 2009/2010 hockey season.

The proposed three-year Nanaimo Clipper contract sets specific uses and restrictions on Frank Crane Arena as well as provides the Clippers the "right of refusal" clause with a new hockey team of equal or greater rating (higher level) without notice to the Nanaimo Clippers throughout the contract period. Staff want to ensure Commission and Council are aware of these provisions.

### BACKGROUND

Historically, the Nanaimo Clippers and the City of Nanaimo have entered into three-year contracts to provide stability for both the Nanaimo Clippers and the City of Nanaimo as far as rates, seasonal time frames, responsibilities, etc.

Over the past three years staff and the Clippers have worked together to clarify roles and responsibilities and to create more open lines of communication. Significant changes to the 2010 contract include:

1. A *Right of Refusal* clause outlining that the City will not engage in a contract with a new hockey team of equal or greater rating (higher level) without notice to the Nanaimo Clippers throughout the contract period of three years.
2. An expectation of a Letter of Credit from the Nanaimo Clippers to the City against payment of rent and/or damages. This is consistent with other teams in the British Columbia Junior Hockey League (BCJHL).
3. An advertising agreement that outlines the forgiveness of existing advertising revenues against the installation of the new advertising

Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
Meeting Date: 2010-AUG-09

boards and advertising placement and approvals (as per Commissions direction of 2010-APR-28).

4. The ability for the Nanaimo Clippers to negotiate food sales that enhance the spectator experience.
5. The separation of the actual contract document which outlines general contract terms from the Addendum (attached) that details fees, rental rates, and specific expectations of both parties.

Staff have worked through the details of the contract with representatives from the Nanaimo Clippers since 2010-JUN-28.

At their meeting held on 2010-JUL-28, the Parks, Recreation and Culture Commission received the Report and recommended that Council receive this Report for their information.

Respectfully submitted,



Larry McNabb, Chair  
Parks, Recreation and Culture Commission

2010-JUL-30  
File: A4-1-2 / C2-5  
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# "IN CAMERA" FOR INFORMATION ONLY

REPORT TO: ANDREW TUCKER, DIRECTOR OF PLANNING

FROM: BILL CORSAN, MANAGER, REAL ESTATE

RE: LICENSE TO GREAT CANADIAN CASINOS LTD. FOR PARKING LEVEL 2 AT THE VANCOUVER ISLAND CONVENTION CENTRE

STAFF'S RECOMMENDATION:

That Council receive this report for information.

EXECUTIVE SUMMARY:

Great Canadian Casinos Ltd. (GCC) has approached the City with a request for the use the parking area of the Vancouver Island Convention Centre (VICC) for a two-year period while redevelopment of the Casino and Port Place Mall takes place.

Sixty stalls on Parking Level 2 will be allocated to GCC on an exclusive basis. GCC will pay \$95.00 per month per stall which equates to \$5,700.00 plus HST per month. GCC will be responsible for providing directional signage.

BACKGROUND:

Great Canadian Casinos (GCC) has approached the City to request a two-year license for the partial use of Parking Level 2 in the Vancouver Island Conference Centre (VICC).

GCC requires the additional parking space to compensate for the stalls that will be lost during the planned expansion of the Casino and the redevelopment of Port Place Mall. Future phases of redevelopment at the Casino will include onsite parking for patrons.

Parking Level 2 at the VICC is underutilized and Staff believe that the use of this area by GCC will provide the City with a dependable stream of revenue that it would otherwise not receive. The short-term nature of the license will ensure that the parking stalls can be transferred back to the intended user groups once the VICC Hotel project is completed.

The key terms of the agreement include:


- Exclusive use of Parking Level 2 in the VICC (60 parking stalls) granted to GCC.
- A two-year term.
- Rent set at \$95.00 per stall per month for the length of the term (\$5,700.00 plus HST per month). This equates to \$136,800.00 plus HST over the 2-year term.
- The right for GCC to install proper directional signage for pedestrians and vehicles.

Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
 Meeting Date: 2010-AUG-09

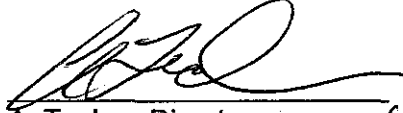
- The City and GCC would have the right to cancel the license with 60 days' notice.

The revenue received from GCC will be directed to the parking reseve.

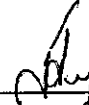
Respectfully submitted,



B. Corsan, Manager  
Real Estate



A. Tucker, Director  
Planning



*for* T. Swabey, General Manager  
Community Safety & Development

BC/tl

Prospero: LD002334

"IC" Council: 2010-Aug-9

MINUTES OF THE "IN CAMERA" MEETING OF COUNCIL  
TO DISCUSS CONFIDENTIAL MATTERS,  
HELD IN THE CITY HALL BOARD ROOM, 455 WALLACE STREET, NANAIMO, BC,  
ON MONDAY, 2010-AUG-09, COMMENCING AT 10:30 A.M.

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

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

Absent: Councillor W. J. Holdom  
Councillor J. A. Kipp  
Councillor L. J. Sherry

Staff: A. C. Kenning, City Manager  
A. W. Laidlaw, General Manager of Community Services  
T. L. Hartley, Director of Human Resources and Organizational Planning  
T. P. Seward, Director of Development  
Chief R. Lambert, Nanaimo Fire Rescue  
P. Kristensen, Director of Information Technology  
J. Ritchie, Senior Manager, Parks and Civic Facilities  
S. Samborski, Senior Manager, Recreation and Culture Services  
J. Holm, Manager of Current Planning  
B. Anderson, Manager of Community Planning  
B. Corsan, Manager of Real Estate  
J. E. Harrison, Manager of Legislative Services  
K. King, Recording Secretary

1. CALL THE OPEN MEETING TO ORDER:

The Regular Meeting was called to order at 10:30 a.m.

2. PROCEDURAL MOTION:

11010 It was moved and seconded that the meeting be closed in order to deal with the following matters 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;
- (e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure might reasonably be expected to harm the interests of the municipality;

- (g) litigation or potential litigation affecting the municipality;
- (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;

The motion carried unanimously.

3. INTRODUCTION OF LATE ITEMS:

- (a) Mr. A. C. Kenning, City Manager, advised that Chief R. Lambert, Nanaimo Fire Rescue, would be providing a verbal report regarding firefighter recruitment.

4. ADOPTION OF AGENDA:

11110 It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

5. ADOPTION OF MINUTES:

11210 It was moved and seconded that the Minutes of the "In Camera" Meeting of Council held Monday, 2010-JUL-12 at 10:30 a.m. in the City Hall Board Room, 455 Wallace Street, Nanaimo, BC, be adopted as circulated. The motion carried unanimously.

6. COMMISSION REPORTS:

- (a) Minutes of the Parks, Recreation and Culture Commission Meeting held 2010-JUN-23

11310 It was moved and seconded that Council receive the Minutes of the Parks, Recreation and Culture Commission Meeting held 2010-JUN-23. The motion carried unanimously.

7. COMMITTEE REPORTS:

- (a) Minutes of the Grants Advisory Committee Meeting held 2010-JUL-05

11410 It was moved and seconded that Council receive the Minutes of the Grants Advisory Committee Meeting held 2010-JUL-05. The motion carried unanimously.

8. STAFF REPORTS:

Ms. J. E. Harrison, Manager of Legislative Services, and Mr. B. E. Clemens, Director of Finance, vacated the Board Room.

(a) Corporate Officer / Deputy Corporate Officer

11510 It was moved and seconded that Council:

1. appoint Joan Harrison, Manager of Legislative Services, as Corporate Officer for the purposes of fulfilling the responsibilities set out in Section 148 of the *Community Charter*, and,
2. appoint Brian Clemens, Director of Finance, as Deputy Corporate Officer.

The motion carried unanimously.

Ms. Harrison and Mr. Clemens returned to the Board Room.

9. INFORMATION ONLY ITEMS:

Councillor Bestwick vacated the Board Room on a conflict of interest as he is an owner of the Nanaimo Clippers Junior A Hockey Club.

- (a) Report from Councillor McNabb, Chair, Parks, Recreation and Culture Commission, re: Three Year Contract Renewal with Nanaimo Clippers Junior A Hockey Club.

Councillor Bestwick returned to the Board Room.

- (b) Report from Mr. B. Corsan, Manager, Real Estate, re: Licence to Great Canadian Casinos Ltd. for Parking Level 2 at the Vancouver Island Convention Centre.
- (c) Report from Ms. J. E. Harrison, Manager, Legislative Services, re: Quarterly Claims Report – Period Ending 2010-JUN-30.

10. OTHER BUSINESS:

Update Municipal Issues

(a) Firefighter Recruitment

Chief Ron Lambert, Nanaimo Fire Rescue, provided a verbal report regarding Firefighter recruitment and the processes for screening and hiring candidates.

11. ADJOURNMENT:

11610 It was moved and seconded at 11:15 a.m. that the "In Camera" Meeting terminate.  
The motion carried unanimously.

11710 It was moved and seconded at 11:15 a.m. that the Regular Meeting terminate. The  
motion carried unanimously.

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M A Y O R

CERTIFIED CORRECT:

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MANAGER,  
LEGISLATIVE SERVICES

AGENDA FOR THE "IN CAMERA" MEETING OF COUNCIL  
TO DISCUSS CONFIDENTIAL MATTERS,  
TO BE HELD IN THE CITY HALL BOARD ROOM,  
455 WALLACE STREET, NANAIMO, BC,  
ON MONDAY, 2010-SEP-13, COMMENCING AT 10:00 A.M.

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1. INTRODUCTION OF LATE ITEMS:

2. ADOPTION OF AGENDA:

3. ADOPTION OF MINUTES:

- (a) Minutes of the "In Camera" Meeting of Council held Monday, Pg. 5-8  
2010-AUG-09 at 10:30 a.m. in the City Hall Board Room.

4. PRESENTATIONS:

- (a) Dr. Patrick Ross, regarding "Mission, Vision, Values" for Nanaimo Fire  
Rescue.

5. DELEGATIONS:

- (a) Pg. 9

6. MAYOR'S REPORT:

7. COMMISSION REPORTS:

8. COMMITTEE REPORTS:

9. STAFF REPORTS:

COMMUNITY SAFETY AND DEVELOPMENT:

- (a) **Land Exchange Agreement to Create Access for the Bowen Road  
Supportive Housing Project** Pg. 10-12

*Staff's Recommendation: That Council approve the disposition of part  
of former 1586 and 1588 Bowen Road in exchange for the acquisition of  
part of 1575 White Street as shown in the report on Attachment "A".*

(b) **350 Nanaimo River Road – Disposition of 7.5 Acres of City-Owned Property to BC Hydro** Pg. 13-16

Staff's Recommendations: That Council:

1. approve the disposition of 7.5 acres of the 113-acre City-owned parcel located at 350 Nanaimo River Road to BC Hydro for \$700,000;

AND:

2. authorize Staff to post a Public Notice of Disposition pursuant to the Community Charter;

AND:

3. authorize the Mayor and the General Manager, Community Safety & Development, to execute the necessary documents to complete the transaction.

(c) **Illegal Tree Removal** Pg. 17-19

Staff's Recommendation: That Council endorse the settlement with the owner of \_\_\_\_\_ regarding the removal of trees without a permit.

(d) **Bylaw to Recover the Costs of Providing 911 Services by Means of a Call Answer Levy** Pg. 20-50

Staff's Recommendation: That Council direct Staff to bring forward "911 CALL ANSWER LEVY BYLAW 2010 NO. 7114" at the regular meeting of Council on 2010-OCT-04.

[Note: Mr. P. Kristensen, Director of Information Technology to provide a PowerPoint Presentation.]

CORPORATE SERVICES:

(e) **Council Appointed Tax Sale Bidder** Pg. 51-54

Staff's Recommendations: That Council:

1. authorize the Manager, Real Estate or designate to bid at the annual Tax Sale,

AND:



COMMUNITY SERVICES:

(f) *Pg. 55-56*

10. **INFORMATION ONLY ITEMS:**

(a) Report from Mr. D. Mousseau, Manager, Engineering & Subdivision, re: Vacant Subdivision Planner Position. *Pg. 57-58*

(b) Report from Mr. R. Kroeker, Manager, Occupational Health & Safety, re: *Pg. 59-60*

(c) Report from Ms. T. Hartley, Director, Human Resources & Organizational Planning, *Pg. 61-62*

11. **CORRESPONDENCE:**

12. **OTHER BUSINESS:**

(a) Update Regional Issues

(b) Update Municipal Issues

(1) Fire Rescue Verbal Update – Chief R. Lambert

13. **ADJOURNMENT OF THE "IN CAMERA" MEETING:**

14. **ADJOURNMENT OF THE REGULAR MEETING:**

# "IN CAMERA" STAFF REPORT

REPORT TO: ANDREW TUCKER, DIRECTOR OF PLANNING

FROM: BILL CORSAN, MANAGER, REAL ESTATE

RE: LAND EXCHANGE AGREEMENT TO CREATE ACCESS FOR THE BOWEN ROAD  
SUPPORTIVE HOUSING PROJECT

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## STAFF'S RECOMMENDATION:

That Council approve the disposition of part of former 1586 and 1588 Bowen Road in exchange for the acquisition of part of 1575 White Street, as shown on Attachment A.

## EXECUTIVE SUMMARY:

1418 to 1588 Bowen Road, along with other properties, were acquired by the City for the Bowen Road realignment and the Quarterway Bridge replacement projects. The balance of the property not required for the realignment was subsequently identified as a site for a supportive housing project under the City's Housing First Initiative. Staff has been advised that the vehicular access from Bowen Road should be limited and ideally eliminated if an access point from White Street can be secured. Negotiations with the owner of 1575 White Street have resulted in a land exchange agreement through which the City will receive an 8 meter wide lane dedicated as public road, in exchange for the remainder lots owned by the City at 1586 and 1588 Bowen Road being consolidated with 1575 White Street. The land exchange agreement is illustrated in Attachment A.

## BACKGROUND:

1991 to 2009 – The City acquired all the residences along the north side of Bowen Road between the Quarterway Bridge and Pryde Avenue to support the Quarterway Bridge Replacement and Bowen Road Realignment projects.

November, 2008 – The City of Nanaimo and the Province of British Columbia entered into a memorandum of understanding to create five supportive housing projects in Nanaimo.

November, 2008 – The portions of 1418 to 1588 Bowen Road considered as surplus to the Bowen Road realignment, were identified as a possible site for a supportive housing project.

May, 2009 – Due to the proximity of the future supportive housing site to the Quarterway Bridge, a need for alternate access from White Street is required. 1575 White Street was identified as the preferred access point. A land exchange agreement, whereby equal areas of land are traded by both parties, was deemed an effective way of achieving the access.

July, 2009 – Staff initiated land exchange negotiations with the owner of 1575 White Street. The negotiations stalled for a period of time due to the owner's insistence that the agreement to convey the land to the city be conditional upon a guaranteed rezoning of the balance of their property to a multi-family or commercial designation. Staff advised the owner that while it was supportive of recommending approval of a rezoning to low density multi-family, it could not tie the two issues together.

August 2010 - The owner agreed to enter into the proposed land exchange and recognizes that submission of a rezoning application will be required at a later date. Staff and Council support will be conditional on the quality of the application and its compatibility with the Official Community Plan and surrounding neighbourhood. As part of the land exchange agreement, the owner's three lots will be consolidated into one parcel and a covenant will be registered on title prohibiting vehicular access from Bowen Road.

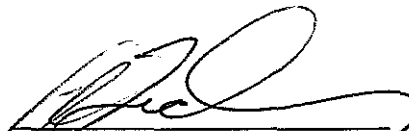
Following approval by Council:

- Staff will advertise the land exchange in the newspaper to meet the requirements under the *Community Charter*.
- A subdivision application will be submitted to create the new consolidated parcel at 1575 White Street, as well as the dedicated lane and the supportive housing site.
- A rezoning application for the supportive housing site will be submitted in late 2011 once a non profit operator has been identified by BC Housing and a preliminary concept plan has been prepared. The site will be rezoned from Single Family Residential to Medium Density Multiple Family Residential.

Respectfully submitted,



B. Corsan, Manager  
Real Estate



A. Tucker, Director  
Planning



T. Swabey, General Manager  
Community Safety & Development

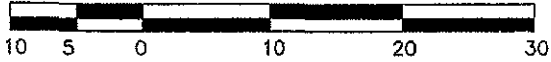
Prospero: LD002230  
"IC" Council: 2010-SEP-13

BC/tl

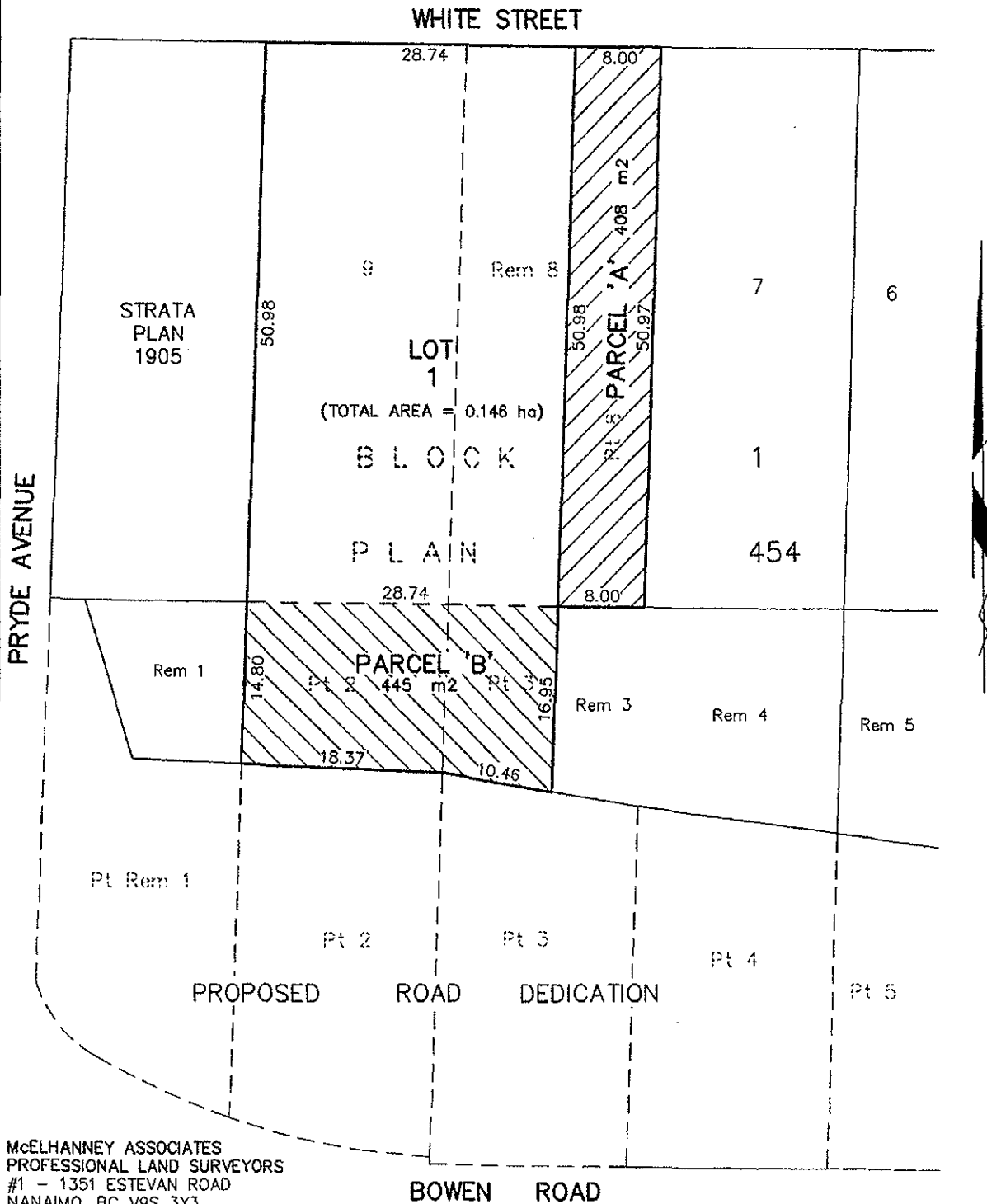
# ATTACHMENT A

## SKETCH PLAN OF PROPOSED LAND EXCHANGE

SCALE 1:500



ALL DISTANCES ARE IN METRES UNLESS OTHERWISE NOTED



McELHANNEY ASSOCIATES  
 PROFESSIONAL LAND SURVEYORS  
 #1 - 1351 ESTEVAN ROAD  
 NANAIMO, BC V9S 3Y3  
 OUR FILE: 2232-71620-1 VERSION 2

## "IN CAMERA" STAFF REPORT

REPORT TO: ANDREW TUCKER, DIRECTOR OF PLANNING

FROM: BILL CORSAN, MANAGER, REAL ESTATE

RE: 350 NANAIMO RIVER ROAD - DISPOSITION OF 7.5 ACRES OF CITY-OWNED PROPERTY  
TO BC HYDRO

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### STAFF'S RECOMMENDATION:

That Council:

1. approves the disposition of 7.5 acres of the 113-acre City-owned parcel located at 350 Nanaimo River Road to BC Hydro for \$700,000.00;
2. authorizes Staff to post a Public Notice of Disposition pursuant to the *Community Charter*, and
3. authorizes the Mayor and the General Manager, Community Safety & Development, to execute the necessary documents to complete the transaction.

### EXECUTIVE SUMMARY:

The City owns a 113-acre property on Nanaimo River Road which is situated between White Rapids Road and the Hub City Gravel operation. The property has been held since the 1950's as an aggregate reserve.

In March 2010, BC Hydro approached the City of Nanaimo to inquire if the City would consider disposing of a portion (7.5 acres) of the site at 350 Nanaimo River Road for fair market value.

A staff report was presented to Council at an "In Camera" Meeting on 2010-JUN-08, requesting direction on the disposition. Council directed Staff to negotiate a price and terms of disposition with BC Hydro and draft a Purchase and Sale Agreement to be executed by BC Hydro signatories. Staff was further instructed to report back to Council prior to execution of the Agreement by authorized City signatories.

BC Hydro engaged consultants to estimate the gravel reserves on the property and to prepare an appraisal of the property. Staff has a signed Offer to Purchase with BC Hydro, with the following key terms:

TOTAL PURCHASE PRICE           \$700,000.00

The offer is subject to a number of conditions including due diligence searches such as a review of the permitted encumbrances and any other site assessments, studies, audits, licenses or agreements related to the property. The offer is also conditional upon the satisfactory results of environmental audits, soil tests and geotechnical tests as well as approval by BC Hydro Senior Management. BC Hydro will have 90 days to remove the conditions, with an option to add an additional 90 days if required.

**BACKGROUND:**

**Property Background**

The City owns a 113-acre property on Nanaimo River Road which is situated between White Rapids Road and the Hub City Gravel operation. The property has been held since the 1950's as an aggregate reserve.

The property is vegetated with low value second growth timber. Approximately 75 acres of the site is suitable for gravel extraction and approximately 12 acres was previously used by the City for gravel extraction. The pit is currently inactive. EBA Engineering estimates that there is currently 3,200,000 m<sup>3</sup> of gravel on the parcel.

The property is bisected by a BC Hydro transmission line and the Terasen Gas main. A neighbouring gravel operation has a licence with the City for use of the BC Hydro right of way to provide access to its operations.

**BC Hydro Proposal**

In March 2010, BC Hydro approached the City of Nanaimo to inquire if the City would consider disposing of a portion (7.5 acres) of the site at 350 Nanaimo River Road for fair market value.

The site is required for a new substation to improve reliability and support growth in the south end of the City. Developments such as Oceanview and Sandstone will rely on the new substation for their electricity.

The parcel of land required by BC Hydro would be rectangular in shape and approximately 7.5 acres in size. It would be located adjacent to the current BC Hydro transmission line and the distribution network on Nanaimo River Road. The dimensions of the proposed parcel are approximately 130 meters wide by 220 meters in length.

**Council Direction**

A staff report was presented to Council at an "In Camera" Meeting on 2010-JUN-08, requesting direction to dispose of a portion of the 113-acre parcel to BC Hydro.

Council directed Staff to negotiate a price and terms of disposition with BC Hydro and draft a Purchase and Sale Agreement to be executed by BC Hydro signatories. Staff was further

instructed to report back to Council prior to execution of the Agreement by authorized City signatories.

**Arriving at a Value**

**Discussion of Value**

**BC Hydro Offer to Purchase**

BC Hydro has asked for 90 days to undertake its due diligence on the property (conditions precedent). It has also asked for the right to extend this by a further 90 days at its sole discretion.



The conditions precedent includes:

- review of permitted encumbrances;
- acceptable results of any environmental audits, soil tests, geotechnical tests, surveys, investigations or other assessments; and
- approval from BC Hydro's senior management.

Once the above condition precedents have been satisfied, the Agreement will be finalized and the closing date will be set 30 days from the removal of the conditions precedent.

### BC Hydro Timeline

BC Hydro has provided the following timeline for its next steps should Council grant permission for the disposition:

- Spring 2011 - Geotechnical analysis
- Fall 2011 - Clearing site and initial civil work
- Spring 2012 – Concrete foundations are laid
- Spring 2012 - Spring 2013 – Installation of equipment
- Summer 2013 – Commissioning of facility
- October 2013 – In service date

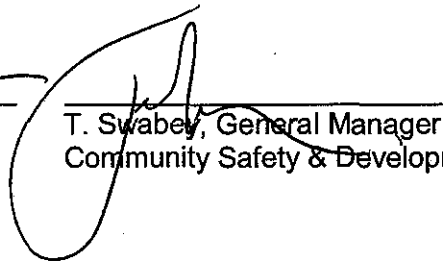
Respectfully submitted,



B. Corsan, Manager  
Real Estate



A. Tucker, Director  
Planning



T. Swabey, General Manager  
Community Safety & Development

Prospero: LD002331  
"IC" Council: 2010-SEP-13

BC/tl

# **"IN CAMERA" STAFF REPORT**

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

FROM: RON LAMBERT, FIRE CHIEF

RE: BYLAW TO RECOVER THE COSTS OF PROVIDING 911 SERVICES BY MEANS OF A CALL ANSWER LEVY

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## **STAFF'S RECOMMENDATION:**

That Council direct Staff to bring forward "911 CALL ANSWER LEVY BYLAW 2010 NO. 7114", at the next regular Council meeting on 2010-Oct-04.

## **EXECUTIVE SUMMARY:**

The purpose of this report is to introduce a bylaw to establish a call answer levy to recover the costs of 9-1-1 services and to require collection of the levy by telecommunication providers (Attachment A). The Operating Committee of the Central Island 9-1-1 Service has spent considerable time reviewing the implications of new types of telephone service on the current 9-1-1 call answer levy, which covers a portion of the costs of operating the 9-1-1 service within the City of Nanaimo, the Cowichan Valley Regional District and the southern portions of the Regional District of Nanaimo. While the current levy is providing break even revenues for the costs of the Primary Service Answering Point (PSAP), it does not extend to costs for fire dispatch services. Additionally, the call answer levy only applies to landline type services and is not applied to all new digital and wireless telephone subscribers who are a rapidly growing sector. Efforts to have the Province adopt legislation requiring all telecommunications providers to collect the call answer levy have been unsuccessful. In consultation with our legal counsel it has been determined that local governments have the authority to require telecommunications providers who wish to access our 9-1-1 call answering service, to collect the established call answer levy on our behalf. Bylaw No. 7114 attached to this report establishes a call answer levy in the amount of \$0.75 per month per telephone subscriber (includes all sectors of subscribers) which will cover the costs of both the 9-1-1 PSAP and fire communications center. The bylaw will require telecommunications providers to enter into an agreement to collect the call answer levy through subscriber bills and will permit them to retain \$0.07 per month per subscriber line to cover their costs of collection and administration.

## **BACKGROUND:**

The City of Nanaimo, the Cowichan Valley Regional District and the Regional District of Nanaimo entered into an agreement in 1994 to operate a 9-1-1 call answering service known as the Central Island 9-1-1 Service (CI 9-1-1). The costs of the service are recovered in two ways. The costs to provide a Primary Service Answering Point (PSAP) at the RCMP detachment in the City of Nanaimo are recovered by a levy on landlines within the three jurisdictions. The levy is collected by the telephone providers and remitted monthly to the City of Nanaimo who manages the service on behalf of the three members.

The collection mechanism was authorized by the Canadian Radio and Telecommunication Commission (CRTC) in 1998 to permit 9-1-1 providers the option of having telecommunication providers collect through individual telephone bills, a levy which is solely applied to the costs of a primary call taking center. The call answer levy authorized by the CRTC applies only to an incumbent (ie. Telus) or a Competitive Local Exchange Carrier (CLEC). CLEC providers have purchased access to an incumbent's telecommunications network. The collection mechanism does not include the Wireless Service Providers, whose cellular customers now make up 50 percent of the calls to 9-1-1.

9-1-1 systems also operate and maintain Secondary Service Answering Points (SSAP), which deal with the dispatching of local government fire departments for incidents involving fire services. The costs of SSAP services for the CI 9-1-1 service are currently recovered by taxation. The Central Island 9-1-1 members have stated their objective of recovering all costs of providing a 9-1-1 service through a user fee which would be collected through telephone bills.

The telecommunications environment has changed considerably and now includes digital services as well as wireless services. Neither of these services are covered by the original CRTC regulation and the CRTC has advised 9-1-1 service providers that there will be no further regulation requiring wireless or digital service providers to provide a similar collection service. There is nothing to prevent 9-1-1 providers entering into similar agreements with those alternative telecommunication providers to do so, however, to date all such attempts by the CI 9-1-1 service have been unsuccessful. The response of alternative providers has been that they are prepared to collect call answer levies only where there is a Provincial regulation in place for that purpose.

The Operating Committee of the CI 9-1-1 service has been exploring for several years two issues related to cost recovery. The first and foremost is the authority to have all telecommunications providers collect a call answer levy and the second is to have a call answer levy rate which is sufficient to cover all of the costs of providing the 9-1-1 service ( the costs of both the PSAP and SSAP services). Numerous attempts have been made by the CI 9-1-1 jurisdictions to have the Province of BC implement a provincial regulation requiring all telecommunication providers to collect a 9-1-1 call answer levy but to date this option has not been successfully implemented. In consultation with legal counsel, it has been determined that local governments have the authority to authorize a call answer levy and to require telecommunications providers who wish to provide access to the local government 9-1-1 call answering service, to collect that levy on our behalf. The bylaw attached to this report has been prepared for that purpose.

The current call answer levy is \$0.47 cents per month per landline telephone number. Of that amount \$0.07 cents is retained by the telecommunications company to cover their administration and remittance costs. The levy is currently assessed on approximately 100,000 telephone subscribers and is providing a breakeven recovery for the Primary Service Answering Point (PSAP) costs.

Staff estimates that there may be 100,000 additional "telephone" subscribers in the wireless and digital service sectors. If these subscribers were also assessed a call answer levy for PSAP purposes, it would be possible to reduce the current rate to something in the range of \$0.36 per month per telephone number. Ideally, all of the costs of the 9-1-1 service (both PSAP and SSAP costs) should be recovered by a call answer levy and the taxation levy would be eliminated. Under this alternative, the call answer levy is estimated at \$0.70 per month per telephone number (assuming 200,000 users per month).

The proposed bylaw establishes a call answer levy of \$0.75 per month per subscriber and requires any telecommunications provider wishing access to the CI 9-1-1 service to enter into an agreement to collect the levy through the telephone subscriber bill. The bylaw provides for an administrative fee of \$0.07 per month per telephone subscriber within the call answer levy to cover the providers' costs of collection and administration of the levy. Should a service provider fail to sign the agreement and collect the levy, the bylaw provides for a \$30.00 fixed fee be assessed for each 9-1-1 call received from their network.

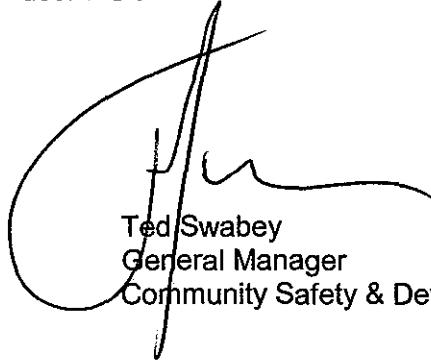
In the absence of a broader application of the current PSAP call answer levy, "user fee" revenues will predictably decline as existing landline customers move to digital telephone services or go completely wireless. This will require that the current levy rate be increased or additional taxation will be necessary to make up the difference.

As noted above, attempts have been made by the CI 9-1-1 jurisdictions to have the Province of BC require all telecommunication providers to collect a 9-1-1 call answer levy but to date this option has not been successfully implemented. The only alternative to implement and collect a user fee which meets the objectives of the members of the CI 9-1-1 service, is a local government bylaw as outlined above. This bylaw broadens the application of the call answer levy and increases the rate so that all costs of the 9-1-1 service are paid for by a "user fee".

Respectfully submitted,



Ron Lambert  
Fire Chief



Ted Swabey  
General Manager  
Community Safety & Development

# ATTACHMENT A

## CITY OF NANAIMO

### BYLAW NO. 7114

#### A BYLAW TO PROVIDE FOR THE RECOVERY OF COSTS OF PROVIDING 911 SERVICE IN THE CITY OF NANAIMO BY MEANS OF A CALL ANSWER LEVY

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WHEREAS pursuant to section 194 of the *Community Charter* a municipality may, by bylaw, impose a fee payable in respect of all or part of a service of the municipality;

AND WHEREAS the City of Nanaimo as a member of Central Island 911, along with the Cowichan Valley Regional District and the Regional District of Nanaimo, provides 911 service in the City of Nanaimo through participation in the 911 Network and operation of a Call Answer Centre;

AND WHEREAS it is deemed necessary to recover the costs of providing the Call Answer Centre service in the City of Nanaimo by means of a call answer levy;

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

1. Citation

This Bylaw may be cited as the "911 CALL ANSWER LEVY BYLAW, 2010 No. 7114".

2. Interpretation

In this Bylaw:

"911 Network"

means that telephone system operating on a province-wide network platform with enhanced features, including but not limited to automatic location identification, automatic number identification, and selective routing and transfer, to facilitate appropriate emergency response;

"911 Emergency Calling Service Agreement"

means an agreement, substantially in the form attached to this Bylaw as Schedule "B", under which a Participating Telecommunications Operator agrees to provide access to the Call Answer Centre to its customers, and to provide billing and collection services in relation to the Call Answer Levy.

- "Billing and Collection Fee" means the portion of the Call Answer Levy that a Telecommunications Operator may retain as compensation for the services provided to the City pursuant to this Bylaw, including the collection of the Call Answer Levy from Connected Customers, remittance of the required amount to the City, remittance of applicable taxes to the appropriate agencies, and providing the required monthly reports to the City;
- "Bylaw" means this bylaw, including its schedules
- "Call Answer Centre" means the 911 call answering and emergency response dispatch functions, within the 911 Network, provided in the Emergency Service Zone by the City through Central Island 911;
- "Call Answer Levy" means the monthly fee to be paid by each Connected Customer, prescribed in Schedule "A" attached to this Bylaw;
- "Central Island 911" means, the Call Answer Centre service provided by the City of Nanaimo, Cowichan Valley Regional District, and Regional District of Nanaimo.
- "City" means the City of Nanaimo;
- "Connected Customer" means:
- (i) a customer of a Participating Telecommunications Operator who is assigned a telephone number for which the central office code (NXX) is associated with the Emergency Service Zone;
  - (ii) where the service referred to in subparagraph (i) is billed as a centrex service, each working telephone number; or
  - (iii) with respect to each and every telephone number obtained, a Reseller who obtains the services mentioned in subparagraph (i), or (ii);

"Emergency Service Zone"	means the area within the boundaries of the City of Nanaimo;
"Local Exchange Carrier"	means a provider of Local Telephone Services that is recognized as an incumbent local exchange carrier or a competitive local exchange carrier by the Canadian Radio-television and Telecommunications Commission pursuant to the <i>Telecommunications Act</i> (Canada);
"Local Telephone Service"	means a telecommunications service that provides voice access to the public switched telephone network for the purpose of making and receiving telephone calls and that is capable of being used to dial 911;
"Participating Local Exchange Carrier"	means a Local Exchange Carrier that provides access to the Call Answer Centre through a 911 Emergency Calling Service Agreement;
"Participating Telecommunications Operator"	means a Participating Local Exchange Carrier or Participating Wireless Service Provider;
"Participating Wireless Service Provider"	means a Wireless Service Provider that provides access to the Call Answer Centre through a 911 Emergency Calling Service Agreement;
"Reseller"	means a person who rents telecommunications services or circuits from a Local Exchange Carrier or a Wireless Service Provider and resells them to individual users;
"Single Call Fee"	means the fee per 911 emergency call, prescribed in Schedule "A" attached to this Bylaw, to be paid by a Telecommunications Operator that has not entered into a 911 Emergency Calling Service Agreement;

"Telecommunications Operator" means a Local Exchange Carrier or a Wireless Service Provider;

"Wireless Service Provider" means a telecommunications carrier licensed to provide wireless communications services pursuant to the *Radiocommunication Act* (Canada);

3. 911 Emergency Calling Service Agreement

- (1) Every Telecommunications Operator that provides its customers with access to the Call Answer Centre must:
  - (a) enter into a 911 Emergency Calling Service Agreement; or
  - (b) pay for access on a fee-per-call basis in accordance with section 5.
- (2) Where a Telecommunications Operator, as of the effective date of this Bylaw, provides access to the Call Answer Centre to its customers, and provides billing and collection services in relation to the Call Answer Levy through an existing agreement with Central Island 911, section 3(1) shall not apply to that Telecommunications Operator so long as such existing agreement remains valid and in force.

4. Call Answer Levy

- (1) The Call Answer Levy is hereby established to recover the City's costs in connection with the provision of services in relation to the Call Answer Centre.
- (2) Subject to subsection (5), every Connected Customer is required to pay the Call Answer Levy.
- (3) Every Participating Telecommunications Operator is required to charge its Connected Customers the Call Answer Levy.
- (4) Every Participating Telecommunications Operator must within thirty (30) days after the end of each month for which services are provided to Connected Customers:



- (a) remit to the City all Call Answer Levy amounts required to be charged pursuant to subsection (3) for the month whether or not the amounts were collected, less the Billing and Collection Fees; and
  - (b) provide to the City a statement of the number of the Participating Telecommunications Operator's working lines and telephone numbers for which a Call Answer Levy was payable for the month.
- (5) The Call Answer Levy payable by a Connected Customer for service of less than a full month shall be prorated based on a thirty (30) day month, and the Billing and Collection Fee shall be prorated in the same proportion.
- (6) All amounts remaining unpaid by a Participating Telecommunications Operator after the thirty (30) day period referred to in subsection (4) are subject to interest at the rate of 1% per month, compounded monthly.

5. Fee-Per-Call Access

- (1) Where a Telecommunications Operator wishes to provide access to the Call Answer Centre to its customers but declines to enter into a 911 Emergency Calling Service Agreement, the Telecommunications Operator must:
- (a) pay to the City the Single Call Fee for every 911 emergency call placed in the Emergency Service Zone by a customer of the Telecommunications Operator;
  - (b) remit to the City payment for every Single Call Fee incurred under subsection 5(1)(a) within thirty (30) days of invoicing by the City.
- (2) Every Single Call Fee incurred under subsection 5(1)(a) shall constitute a debt due to the City. Single Call Fees remaining unpaid after the thirty (30) day period referred to in subsection 5(1)(b) are subject to interest at the rate of 1% per month, compounded monthly.

6. Signing Authority

The Mayor and the Director of Legislative Services are hereby authorized to enter into and execute 911 Emergency Calling Service Agreements on behalf of the City.

7. Commencement

This Bylaw shall be effective as of December 1, 2010.

PASSED FIRST READING

\_\_\_\_ year \_\_\_\_ month \_\_\_\_ day

PASSED SECOND READING

\_\_\_\_ year \_\_\_\_ month \_\_\_\_ day

PASSED THIRD READING

\_\_\_\_ year \_\_\_\_ month \_\_\_\_ day

ADOPTED THIS

\_\_\_\_ year \_\_\_\_ month \_\_\_\_ day

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Manager of Legislative Services

SCHEDULE "A"

Fees

1. The Call Answer Levy is \$0.75 per Connected Customer per month.
2. The Billing and Collection Fee portion of the Call Answer Levy is \$0.07 per Connected Customer per month.
3. The Single Call Fee is \$30.00 per 911 emergency call.

SCHEDULE "B"

911 Emergency Calling Service Agreement

**911 EMERGENCY CALLING SERVICE AGREEMENT**

**THIS AGREEMENT** made this    day of            , 20\_\_.

**BETWEEN:**

**CITY OF NANAIMO**  
455 Wallace Street  
Nanaimo, B.C. V9R 5J6

(the "City")

**OF THE FIRST PART**

**AND:**

\*

(the "Telecommunications Operator")

**OF THE SECOND PART**

**WHEREAS:**

- A. The City provides the service of a Call Answer Centre to enable its citizens to access emergency services through the 911 Network;
- B. The Telecommunications Operator wishes to provide its customers with access to the Call Answer Centre;
- C. The City, by bylaw, requires that if the Telecommunications Operator wishes to provide its customers with access to the Call Answer Centre, the Telecommunications Operator may enter into an agreement with the City establishing the terms and conditions of service, including the billing and collection of the Call Answer Levy;

**NOW THIS AGREEMENT WITNESSES** that in consideration of the premises, the terms and conditions hereinafter contained, the sufficiency and receipt of which are hereby acknowledged, the parties covenant and agree each with the other as follows:

## 1.0 DEFINITIONS AND INTERPRETATION

### 1.1 Definitions

For the purpose of this Agreement:

**“Accounts Receivable”** means the amounts that are owed to the City by Connected Customers through the imposition of the Call-Answer Levy;

**“Agreement”** means this agreement, including its recitals;

**“Automatic Location Identification”** or **“ALI”** means the 911 Network’s capability to automatically identify the location of the telephone being used by the caller and to provide a display of the location at the Call Answer Centre, and in the case of wireless telephone service, means the 911 Network’s capability to automatically identify the location of the Cell Site/Sector that captured a 9-1-1 call and to provide a display of the location at the Call Answer Centre;

**“Automatic Number Identification”** or **“ANI”** means the 911 Network’s capability to automatically identify the 10-digit calling telephone number and to provide a display of that number at the Call Answer Centre;

**“911 Network”** means that telephone system operating on a province-wide network platform with enhanced features, including but not limited to automatic location identification, automatic number identification, and selective routing and transfer, to facilitate appropriate emergency response;

**“911 Network Database”** means the database operated by the 911 Network Service Provider that contains street names, addresses, routing codes and other data required for the management of Selective Routing and Transfer, ALI and ANI;

**“911 Network Street Address Database”** means the database operated by the Telecommunications Operator that contains street names, address ranges, routing codes and other data required for the management of ALI and ANI;

**“911 Network Service Provider”** means the ILEC that provides Emergency Calling Service to the Call Answer Centre pursuant to a tariff or agreement through which access to the Emergency Calling Service is made available;

**“Billing and Collection Fee”** means the portion of the Call Answer Levy, as prescribed in the Bylaw, that the Telecommunications Operator may retain as compensation for the

services provided to the City pursuant to the Bylaw and this Agreement, including the collection of the Call Answer Levy from Connected Customers, remittance of the required amount to the City, remittance of applicable taxes to the appropriate agencies, and providing the required monthly reports to the City;

**“Bylaw”** means the City of Nanaimo’s 911 Call Answer Levy Bylaw, 2010 No. 7114, and any amendments thereto;

**“Call Answer Centre”** means the 911 call answering and emergency response dispatch functions, within the 911 Network, provided in the Emergency Service Zone by the City through Central Island 911;

**“Call Answer Levy”** means the monthly fee to be paid by each Connected Customer, as prescribed in the Bylaw;

**“Cell Site/Sector”** means an element of wireless network infrastructure at which wireless telecommunications signals are received and transmitted, most often associated with a tower structure. At any given tower structure (or equivalent infrastructure location), a single network element may be installed to operate omnidirectionally, in which case one refers to a Cell Site, or multiple network elements may be installed to each operate in a particular cardinal direction, in which case one refers to multiple Cell Sectors;

**“Central Island 911”** means, the Call Answer Centre service provided by the City of Nanaimo, Cowichan Valley Regional District, and Regional District of Nanaimo;

**“Commission”** or **“CRTC”** means the Canadian Radio-television and Telecommunications Commission and its successors;

**“Connected Customer”** means:

- (i) a customer of the Telecommunications Operator who is assigned a telephone number for which the central office code (NXX) is associated with the Emergency Service Zone;
- (ii) where the service referred to in subparagraph (i) is billed as a centrex service, each working telephone number; or
- (iii) with respect to each and every telephone number obtained, a reseller who obtains the services mentioned in subparagraph (i), or (ii);

**“Emergency Calling Service”** or **“ECS”** means the 911 Network emergency calling service or system that provides each end user subscriber with three digit dial access (911) to Emergency Response Agencies through the Call Answer Centre;

**“Emergency Response Agency”** or **“ERA”** means a communication centre to which emergency calls are transferred from the Call Answer Centre, and which is responsible for dispatching one of the three types of emergency personnel and apparatus (emergency medical, fire or law enforcement);

**“Emergency Service Routing Digits”** or **“ESRD”** means a network-based 10-digit routable, non-dialable telephone number used to uniquely identify a Cell Site/Sector. The ESRD is used by the 911 Network to route the call to the appropriate Call Answer Centre. The ESRD must be unique and must not be a telephone number assigned to an end user subscriber;

**“Emergency Service Zone”** means the area within the boundaries of the City of Nanaimo;

**“Exchange Service”** means any local telecommunications service offered directly or indirectly by the Telecommunications Operator to its end user subscribers that is capable of outward dialing;

**“Force Majeure”** means any event or circumstance excluding lack of funds not within the reasonable control of the party claiming the Force Majeure which prevents or delays that party from meeting an obligation hereunder and including:

- (a) acts of God, including wind, ice and other storms, lightning, floods, earthquakes, volcanic eruptions and landslides;
- (b) strikes, lockouts and other industrial disturbances;
- (c) epidemics, war (whether or not declared), blockades, acts of public enemies, acts of sabotage or terrorism, civil insurrections, riots and civil disobedience;
- (d) acts or omissions of federal, provincial or local governments (other than the City of Nanaimo) or any of their boards or agencies (other than boards or agencies of the City of Nanaimo), including delays of regulatory process and orders of a regulatory authority or Court of competent jurisdiction; and
- (e) explosion, fires or mechanical breakdowns.



**“Incumbent Local Exchange Carrier”** or **“ILEC”** means the company that operates the 911 Network platform or switching station which connects to the Call Answer Centre, being Telus Communications Inc., its successors or assigns;

**“Interconnection Agreement”** means an agreement between the Telecommunications Operator and the ILEC that enables the Emergency Calling Service to connect to the Call Answer Centre;

**“Reseller”** means a person who rents telecommunications services or circuits from the Telecommunications Operator and resells them to individual users;

**“Selective Routing and Transfer”** means a feature that automatically routes a 911 call to the appropriate Call Answer Centre and facilitates the transfer of the 911 call to the appropriate ERA based upon the ALI of the caller;

## 1.2 Gender, Number and Other Terms

In this Agreement, unless the context otherwise requires, words importing the singular include the plural and vice versa and words importing a corporate entity include individuals and vice versa.

## 1.3 Reference to Enactments

Unless otherwise stated, any reference to an enactment includes and is a reference to such enactment including amendments thereto and in force from time to time, and to any enactment that may be passed which supplements or supersedes such enactment.

## 1.4 No Contra Proferentum

The language in all parts of this Agreement shall in all cases be construed as a whole and neither strictly for nor strictly against either of the parties to this Agreement.

## 1.5 Currency

Except where otherwise expressly provided, all monetary amounts in this Agreement are stated and shall be paid in Canadian currency.

## 1.6 Governing Law and Attornment

This Agreement shall be governed by and construed in accordance with the law of British Columbia and the law of Canada applicable therein and all disputes and claims whether for damages, specific performance, injunction, declaration or otherwise, both at law and equity, arising out of, or in anyway connected with this Agreement will be

referred to the Courts of British Columbia and each of the parties hereby attorns to the jurisdiction of the Courts of British Columbia.

### 1.7 Cross-References

Unless otherwise stated, a reference in this Agreement to a designated article, section, subsection, paragraph or other subdivision or to a schedule is to the designated article, section, subsection, paragraph or other subdivision of, or schedule to this Agreement.

### 1.8 Approval

A requirement in this Agreement that a party provide approval or consent means that approval is not to be unreasonably withheld or delayed unless the paragraph specifies that the approval is to be in the sole discretion of a party, in which case approval is to be in the exclusive, complete and unfettered discretion of the party.

## 2.0 SERVICE DESCRIPTION

2.1 The Telecommunications Operator shall supply an ECS that provides each Connected Customer with the well-recognized three-digit (911) telephone access to emergency services through the Call Answer Centre. The Telecommunications Operator shall provide each Connected Customer access to the 911 code from each of its central offices.

2.2 The ECS supplied under section 2.1 must be provided to each Connected Customer connected to the Telecommunications Operator's network through any of the Telecommunications Operator's Exchange Services.

## 3.0 OBJECT OF SERVICE

3.1 In accordance with paragraph 286 of Telecom Decision CRTC 97-8, or any amendments thereto or superceding decisions of the Commission, as well as all legislation and regulations that may be applicable from time to time, the City and the Telecommunications Operator wish to provide appropriate terms and conditions in order to make ECS available to each Connected Customer of the Telecommunications Operator in the Emergency Service Zone.

## 4.0 CONDITIONS OF SERVICE

4.1 The Telecommunications Operator agrees to:

- (a) Make ECS accessible to all Connected Customers in the Emergency Service Zone;

- (b) Provide ECS in accordance with the requirements of section 5 through the network of the 911 Network Service Provider to the Call Answer Centre;
- (c) Provide ALI and ANI data, routing and other data by way of the 911 Network Service Provider to the City at the Call Answer Centre and such Emergency Response Agencies as are deemed appropriate by the City and the Telecommunications Operator;
- (d) Provide to the City at the Call Answer Centre a telephone number that is accessible on a 24 hour-per-day, 365 day-per-year basis, for purposes of reporting trouble with the ECS;
- (e) Provide to the City a facsimile number or alternative address such as email, or both, for purposes of dealing with problems with information as to Connected Customers and the 911 Network Street Address Database, and updating such information as required;
- (f) Operate, maintain and update a 911 Network Street Address Database in respect of its Connected Customers; and
- (g) Be responsible for any other requirements that are not specifically identified in this Agreement that are necessary to fulfil the requirement set out in section 4.1(a).

4.2 The City agrees to:

- (a) Provide and operate the Call Answer Centre on a 24 hour-per-day, 365 day-per-year basis. Answering and handling of emergency calls, along with any emergency response, are the responsibility of the City and beyond the scope of the services to be provided by the Telecommunications Operator;
- (b) Provide, operate and manage the personnel and the equipment, including terminal equipment, required to receive and process all emergency calls directed to the Call Answer Centre;
- (c) Coordinate participation of all Emergency Response Agencies in the Emergency Service Zone with respect to ECS, including:
  - (i) Ensuring the involvement of the Emergency Response Agencies;
  - (ii) Providing and validating, as reasonably required by the Telecommunications Operator, all geographical data, including street names and addresses, associated with the Emergency Service Zone;

- (iii) Informing the Telecommunications Operator as soon as reasonably possible of all changes that may occur in the geographical data referred to in subsection 4.2(c)(ii);
  - (d) Provide and maintain access to fire, law enforcement and emergency medical services within the City, and provide the address, contact, telephone and facsimile numbers of these services to the Telecommunications Operator. Subject to section 4.2(e) of this Agreement, the City will inform the Telecommunications Operator of any changes to this information by notice in writing;
  - (e) Provide the Telecommunications Operator with a minimum of ninety (90) days written notice of an intended change in the location of the Call Answer Centre or the boundaries of the Emergency Service Zone;
  - (f) Be responsible for any other requirements that are not specifically identified in this Agreement that are necessary to fulfil the requirement set out in section 4.2(a).
- 4.3 The City may contract with a third party for the management and operation of the Call Answer Centre but in such event, the City shall remain responsible for all aspects of the operation of the Call Answer Centre and shall not be relieved of any of its obligations under this Agreement.

## **5.0 EMERGENCY CALLING SERVICE FEATURES**

- 5.1 The ECS provided by the Telecommunications Operator shall, subject to section 5.2, permit the utilization of typical 911 features including, without limitation, ANI, ALI and Selective Routing and Transfer.
- 5.2 It is understood and agreed by the parties that the availability and reliability of ECS features depend on:
- (a) The terminal systems and the operating mode selected for the Call Answer Centre and Emergency Response Agencies;
  - (b) The type of Exchange Service and the equipment or telephone systems from which 911 calls originate;
  - (c) The accuracy of the geographical data, which itself is dependent upon the information provided by various sources (for example, the Telecommunications Operator, the City, the 911 Network Service Provider, other telecommunications carriers, and Connected Customers); and

- (d) The characteristics and reliability of the service provided by the 911 Network Service Provider, to the extent that the Telecommunications Operator's participation in providing ECS is dependent upon the 911 Network Service Provider.

## **6.0 CONFIDENTIALITY**

- 6.1 The Telecommunications Operator will provide information to the 911 Network Service Provider, on a call-by-call basis, including such information as the name, telephone number, class of service and location shown on the Telecommunications Operator's records as the address for the Exchange Service from which the 911 call is placed. The information, if confidential, shall be provided to the 911 Network Service Provider, on a confidential basis, for the sole purpose of responding to 911 emergency calls.
- 6.2 The information consisting of names, addresses and telephone numbers of any Connected Customers whose listings are not published in directories or listed in the 911 Network Service Provider's directory assistance records is confidential. The Telecommunications Operator acknowledges and agrees on its own behalf and on behalf of its Connected Customers that any individual placing a 911 emergency call waives the right to confidentiality to the extent that the name, telephone number, class of service and physical service location associated with the originating telephone are furnished to the parties involved in providing or responding to ECS.
- 6.3 Any information including any and all written documentation provided by the Telecommunications Operator to the City, its employees, servants, agents, assigns or contractors pertaining to the design, development, implementation, or operation and maintenance of ECS is confidential, and will be provided by the parties only to such persons who have a need to know for the purposes of this Agreement. The City will not permit any of its employees, servants, agents, assigns or contractors to use, disclose, duplicate or otherwise copy any such confidential information for any purpose whatsoever, except as may be required by any such employees, servants, agents, assigns or contractors with a need to do so for the purposes of providing ECS or enabling an ERA to respond to a 911 emergency call, or as required by law.
- 6.4 Confidential information regarding ANI and ALI and associated information of the Telecommunications Operator's Connected Customers will be provided to the Call Answer Centre and ERAs as directed by the City solely for the purpose of enabling the Call Answer Centre and ERAs to verify the location from which the 911 emergency call is placed and for the purpose of associating a 911 emergency call with a physical address. The City, the Call Answer Centre and the ERAs shall not use, disclose or duplicate such information for any other purpose whatsoever, except as required by law.

- 6.5 The City will retain the information regarding ANI and ALI and associated confidential information in confidence and will treat such confidential information with the greater of (i) the same degree of care that it employs for the protection of its own confidential information or (ii) a reasonable degree of care, and will not permit disclosure of such confidential information except to employees, servants, agents, assigns or contractors, including the Call Answer Centre and ERAs, where there is a need to know for purposes of providing ECS or responding to a 911 emergency call, or as required by law.
- 6.6 Confidential information shall not include, and neither party shall be under any obligation to maintain in confidence, any information disclosed to it by the other party to the extent that such information:
- (a) is in the public domain at the time of disclosure;
  - (b) following disclosure becomes generally known or available through no action or omission on the part of the receiving party;
  - (c) is furnished to others by the disclosing party without restriction on disclosure;
  - (d) is known, or becomes known, to the receiving party from a source other than the disclosing party provided that disclosure by such source is not in breach of a confidentiality agreement with the disclosing party; or
  - (e) is independently developed by the receiving party without violating any of its obligations under this Agreement.
- 6.7 The Telecommunications Operator and the City shall abide by all applicable federal and provincial legislation with respect to the protection of privacy in effect from time to time.

## **7.0 QUALITY OF ECS SERVICE**

- 7.1 The Telecommunications Operator agrees to install and operate an Emergency Calling Service in a manner that meets or exceeds the quality standards generally accepted in North America for such services.
- 7.2 The Telecommunications Operator shall use reasonable efforts to restore service as quickly as possible on a priority basis should there be any interruption, delay, mistake or defect in transmission or in its facilities.

## **8.0 QUALITY OF CALL ANSWER CENTRE SERVICE**

- 8.1 The City shall implement and ensure the operation of the Call Answer Centre in a manner that meets or exceeds the quality standards generally accepted in North America for such services.

## **9.0 IMPLEMENTATION SCHEDULE**

- 9.1 The Telecommunications Operator and the City agree that the implementation of ECS within the Emergency Service Zone will be carried out pursuant to an implementation schedule to be mutually agreed to by the Telecommunications Operator, the City and the 911 Network Service Provider in writing and which may be changed from time to time by agreement of the parties.

## **10.0 BILLING AND COLLECTION AUTHORIZATION**

- 10.1 The City represents and warrants to the Telecommunications Operator that it has the authority to designate the Telecommunications Operator as an agent of the City to perform the billing and collection functions described in this Agreement on behalf of the City.
- 10.2 The City hereby expressly authorizes the Telecommunications Operator to act as the City's agent to perform the billing and collection functions described in this Agreement and to refer orally or in writing to the City's name to explain the nature of the Call Answer Levy billed and collected by the Telecommunications Operator as agent for the City.

## **11.0 CALL ANSWER LEVY BILLING PROCEDURES**

- 11.1 Each month, the Telecommunications Operator may bill its Connected Customers, in the monthly bill for telecommunications products and services provided by the Telecommunications Operator, the amount of the Call Answer Levy or some portion thereof in respect of that month. The monthly bill may identify the amount of the Call Answer Levy or portion thereof so billed as a separate charge and the bill may also indicate that the Telecommunications Operator is billing the Call Answer Levy or portion thereof as an agent for the City.
- 11.2 Notwithstanding any decision by the Telecommunications Operator only to bill part of the Call Answer Levy to its Connected Customers or any subset thereof, or not to bill any part of the Call Answer Levy to those customers or any subset thereof in any given month, the Telecommunications Operator shall be deemed to have billed the full amount of the Call Answer Levy to its Connected Customers every month and the Telecommunications Operator shall owe and be responsible for remitting to the City the

amounts described in section 12.1 in the manner and according to the timing described therein.

11.3 If the Telecommunications Operator commits any errors in the establishment of the monthly bill, its responsibility to correct said error is limited to bringing the necessary correction to the next bill or summary and remitting amounts due to the City as set out in section 12.1.

## **12.0 CALL ANSWER LEVY REMITTANCE**

12.1 The Telecommunications Operator agrees to remit to the City or its assignee, within 30 days after the end of the month for which the Call Answer Levy was billed by the Telecommunications Operator:

(a) the Call-Answer Levy multiplied by the number of Exchange Services serviced by the Telecommunications Operator, for Connected Customers within the Emergency Service Zone, at the time of billing; less

(b) the Billing and Collection Fee multiplied by the number of Exchange Services serviced by the Telecommunications Operator, for Connected Customers within the Emergency Service Zone, at the time of billing.

12.2 The City may assign its rights to the amounts described in section 12.1 to the Call Answer Centre or other appropriate entity, provided that the City gives to the Telecommunications Operator at least sixty (60) days written notice of its intention to assign the rights to the Call Answer Centre or other appropriate entity. Upon the expiration of the notice period, the Telecommunications Operator will remit the amounts indicated in section 12.1 to the Call Answer Centre or other appropriate entity until otherwise indicated in writing by the City.

12.3 The City represents and warrants that it has the authority to sell, assign, transfer and set over unto the Telecommunications Operator all rights, title and interests in any Accounts Receivable with respect to the Call Answer Levy owed by Connected Customers each month, and subject to the Telecommunications Operator's obligations set out in section 12.1 hereby sells, assigns, transfers and sets over all such rights, title and interests in the Accounts Receivable to the Telecommunications Operator.

12.4 All amounts remaining unpaid by the Telecommunications Operator to the City or its assignee by the date set out in section 12.1 will carry interest at the rate prescribed in the Bylaw.



### **13.0 TELECOMMUNICATIONS OPERATOR RIGHTS AND OBLIGATIONS**

13.1 The Telecommunications Operator has the right to do all lawful acts necessary to protect and maintain the value of its interests relative to the Call Answer Levy identified in this Agreement.

### **14.0 TAXES**

14.1 The City is responsible for informing the Telecommunications Operator of all applicable taxes and the rates in respect thereof which must be applied to the Call Answer Levy. The Telecommunications Operator shall bill the taxes to its Connected Customers and shall remit such taxes to the appropriate authorities. The City agrees to save the Telecommunications Operator harmless from any claims arising in connection with the remittance of such taxes, subject to exceptions as described in section 16.2.

### **15.0 REPORTING**

15.1 At the same time that the Telecommunications Operator remits the amount required under section 12.1, the Telecommunications Operator will remit to the City or its assignee a report indicating the amount billed with respect to the Call Answer Levy for the City and the Billing and Collection Fee charged to the City. Taxes, levies or duties or similar charges, where applicable, will be itemized separately.

15.2 Reports submitted by the Telecommunications Operator under section 15.1 will be considered accurate, unless the City advises the Telecommunications Operator of errors within ninety (90) days of the end of the fiscal year in which the reports were submitted. The City may have these reports verified by auditors of its choice at the City's expense. The City acknowledges that the information upon which the reports are based changes constantly and cannot be retained by the Telecommunications Operator.

15.3 If the parties identify an error in a payment made under section 12.1, they will establish the correct amount and render compensation if due. The party who is owed, if there is one, will be reimbursed by making adjustments to the amount of the next remittance, whether the amounts are due to the City or to the Telecommunications Operator.

### **16.0 LIABILITY AND INSURANCE**

16.1 The Telecommunications Operator's liability to its Connected Customers for the performance of its obligations pursuant to this Agreement shall be subject to and governed by the Telecommunications Operator's general terms of service.

16.2 The City agrees to indemnify and save harmless the Telecommunications Operator from and against any and all losses, claims, demands, actions, costs and damages including reasonable legal fees and disbursements (hereinafter collectively referred to as "**Claims**") arising directly or indirectly from any act or omission of the City, or the reasonable acts or omissions of the Telecommunications Operator as the City's billing and collection agent in connection with the provision of services or facilities to be provided on behalf of the City pursuant to this Agreement, and undertakes to defend any legal action arising from such Claims at its own cost. Notwithstanding the foregoing, the City shall not be responsible to the extent that any Claims were caused or contributed to by the negligence, gross negligence, or willful misconduct by or on behalf of the Telecommunications Operator, and the Telecommunications Operator shall be responsible for, and indemnify the City from and against the consequences of the negligence, gross negligence, or willful misconduct by or on behalf of the Telecommunications Operator.

16.3 During the term of this Agreement, each of the City and the Telecommunications Operator shall maintain sufficient insurance to cover its respective obligations under this Agreement and shall provide evidence of the same to the other party hereto upon request.

#### **17.0 TERM AND RENEWAL**

17.1 This Agreement shall be effective as of the date shown on page one of this Agreement and continue for a term of five (5) years.

17.2 The term of this Agreement shall be automatically renewed and extended and remain effective for successive further periods of one (1) year each unless one party gives to the other at least six (6) months written notice of the termination prior to the end of the initial term or any renewal period.

17.3 If either party materially breaches this Agreement, the party not in breach may give to the other party written notice specifying the breach and, if within a period of seven (7) days the breach is not remedied, or, in the case of a breach which cannot reasonably be remedied within such period, the party not in breach has not accepted a schedule for remedying the breach, the party not in breach may, by a further written notice, terminate this Agreement immediately without penalty.

17.4 Notwithstanding sections 17.1 and 17.2, if the 911 Network Service Provider ceases or gives notice of its intention to cease to provide 911 Network service to the City, or in the event of the Telecommunications Operator ceasing, or giving notice of its intention to

cease, to obtain access to the City at the Call Answer Centre through or by way of the 911 Network Service Provider, the parties shall take all reasonable steps to ensure that the object of this Agreement as provided in section 3 is achieved.

## **18.0 FORCE MAJEURE**

- 18.1 Neither the Telecommunications Operator nor the City will be held responsible for any damages or delays as a result of Force Majeure.
- 18.2 In the event of Force Majeure, the Telecommunications Operator and the City will cooperate and make all reasonable efforts to provide temporary replacement service until permanent service is completely restored.
- 18.3 The costs incurred in providing temporary replacement service under section 18.2 will be borne in accordance with the sharing of obligations between the Telecommunications Operator and the City, as set out in section 4.

## **19.0 DISPUTE RESOLUTION**

- 19.1 Except with respect to any matter within the jurisdiction of the Commission, any dispute or disagreement that may occur pursuant to this Agreement is to be dealt with by the two parties attempting to reach a fair and equitable resolution by using, in good faith, one or more of the following means until such dispute or disagreement is resolved. The means to be used are:
- (a) Negotiation;
  - (b) Mediation; and
  - (c) Arbitration.
- 19.2 Except for purposes of preserving a limitation period or obtaining an interim order or remedy where reasonably necessary, the parties agree that legal proceedings shall be avoided until the procedures in this section have been tried and used in good faith in the order listed, as the parties recognize that among other aspects of legal proceedings, they are public. Any arbitration shall be settled by a single arbitrator under the Rules of the British Columbia Arbitration and Mediation Institute, and shall be held in British Columbia.

## **20.0 NOTICES**

- 20.1 Each notice sent pursuant to this Agreement ("**Notice**") shall be in writing and shall be sent to the relevant Party at the relevant address, facsimile number or e-mail address

set out below (the "**Contact Information**"). Each such Notice may be sent by registered mail, by commercial courier, by facsimile transmission, or by electronic mail.

20.2 The Contact Information for each of the parties is:

[P1]	[P2]
<i>[incl. email address – ensure long-standing address for contracts of long duration]</i>	

20.3 Each Notice sent by electronic mail ("**E-Mail Notice**") must show the e-mail address of the sender, the name or e-mail address of the recipient, and the date and time of transmission, must be fully accessible by the recipient, and unless receipt is acknowledged, must be followed within twenty-four (24) hours by a true copy of such Notice, including all addressing and transmission details, delivered (including by commercial courier) or sent by facsimile transmission.

20.4 Subject to sections 20.5 through 20.8 each Notice shall be deemed to have been given or made at the following times:

- (a) if delivered to the address (including by commercial courier), on the day the Notice is delivered;
- (b) if sent by registered mail, seven (7) days following the date of such mailing by sender;
- (c) if sent by facsimile transmission, on the date the Notice is sent by facsimile transmission; or
- (d) if sent by electronic mail, on the date the E-Mail Notice is sent electronically by e-mail by the sender.

- 20.5 If a Notice is delivered, sent by facsimile transmission or sent by electronic mail after 4:00 p.m., or if the date of deemed receipt of a Notice falls upon a day that is a Saturday, Sunday or holiday as defined in the *Interpretation Act* (British Columbia) then the Notice shall be deemed to have been given or made on the next business day following.
- 20.6 Notice given by facsimile transmission will be deemed to be received by the recipient only if the sender's facsimile machine generates written confirmation indicating that the facsimile transmission was sent.
- 20.7 If normal mail service, facsimile or electronic mail is interrupted by strike, slow down, force majeure or other cause beyond the control of the parties, then a Notice sent by the impaired means of communication will not be deemed to be received until actually received, and the party sending the Notice shall utilize any other such services which have not been so interrupted or shall personally deliver such Notice in order to ensure prompt receipt thereof.
- 20.8 Each party shall provide Notice to the other party of any change of address, facsimile number, or e-mail address of such party within a reasonable time of such change.

## **21.0 TIME**

- 21.1 Time is of the essence in this Agreement.

## **22.0 BINDING EFFECT**

- 22.1 This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and permitted assignees.

## **23.0 WAIVER**

- 23.1 The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.

## **24.0 HEADINGS**

- 24.1 The headings in this Agreement are inserted for convenience and reference only and in no way define, limit or enlarge the scope or meaning of this Agreement or any provision of it.

## **25.0 LANGUAGE**

25.1 Wherever the singular, masculine and neuter are used throughout this Agreement, the same is to be construed as meaning the plural or the feminine or the body corporate or politic as the context so requires.

## **26.0 CUMULATIVE REMEDIES**

26.1 No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.

## **27.0 LAW APPLICABLE**

27.1 This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

## **28.0 RELATIONSHIP OF PARTIES**

28.1 No provision of this Agreement shall be construed to create a partnership or joint venture relationship, an employer-employee relationship, a landlord-tenant, or a principal-agent relationship.

## **29.0 AMENDMENT**

29.1 This Agreement may not be modified or amended except by the written agreement of the parties.

## **30.0 INTEGRATION**

30.1 This Agreement contains the entire agreement and understanding of the parties with respect to the matters contemplated by this Agreement and supersedes all prior and contemporaneous agreements between them with respect to such matters.

## **31.0 SURVIVAL**

31.1 All representations and warranties set forth in this Agreement and all provisions of this Agreement, the full performance of which is not required prior to a termination of this Agreement, shall survive any such termination and be fully enforceable thereafter.

## **32.0 NOTICE OF VIOLATIONS**

32.1 Each party shall promptly notify the other party of any matter which is likely to continue or give rise to a violation of its obligations under this Agreement.

**33.0 ENTIRE AGREEMENT**

33.1 The whole agreement between the parties is set forth in this document and no representations, warranties or conditions, express or implied, have been made other than those expressed.

**34.0 SEVERABILITY**

34.1 Each article of this Agreement shall be severable. If any provision of this Agreement is held to be illegal or invalid by a Court of competent jurisdiction, the provision may be severed and the illegality or invalidity shall not affect the validity of the remainder of this Agreement.

**35.0 COUNTERPART**

35.1 This Agreement may be executed in counterpart with the same effect as if both parties had signed the same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement.

**IN WITNESS WHEREOF** the parties hereto have set their hands and seals as of the day and year first above written.

\* by its authorized signatories )  
)  
)  
\_\_\_\_\_)  
Name: )  
)  
)  
\_\_\_\_\_)  
Name: )  
)  
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\* by its authorized signatories )  
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\_\_\_\_\_)  
Name: )  
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\_\_\_\_\_)  
Name: )  
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)

**SIGNED, SEALED AND DELIVERED** )  
in the presence of: )  
 )  
 )  
\_\_\_\_\_)  
Witness )  
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\_\_\_\_\_)  
Address )  
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Occupation )

\_\_\_\_\_



**“IN CAMERA”  
STAFF REPORT**

REPORT TO: B. E. CLEMENS, DIRECTOR OF FINANCE

FROM: E. N. ANDERSON, MANAGER, REVENUE SERVICES

RE: COUNCIL APPOINTED TAX SALE BIDDER

---

STAFF'S RECOMMENDATION:

1. That Council authorize the Manager, Real Estate or designate to bid at the annual Tax Sale,

EXECUTIVE SUMMARY:

In order to avoid the complications associated with a third party bidder and give the current owner every opportunity available to extend the redemption period under the *Local Government Act*, Staff recommends that the City be an active bidder on each property at the annual Tax Sale. To do this, a staff member must be authorized to act as bidder for the City, to a maximum amount. This is permitted under section 406 of the *Local Government Act*.

BACKGROUND:

The *Local Government Act* requires the City to sell, by public auction, all properties with delinquent taxes. The annual Tax Sale takes place on the last Monday of September of each year. The minimum bid must equal or be greater than the “Upset Price”, which is the sum of all outstanding taxes, penalties, interest and administration costs. If there are no successful bidders, the property defaults to the City. The registered owner has one year after the property is sold at Tax Sale to pay the Upset Price plus interest to redeem the property.

Though the intent of the Tax Sale is to recover property taxes due, it is always done with the hope that people are not displaced or lose their home. When properties are purchased by the City, additional options are available to assist the current owner in redeeming their property. Additional time extensions are permitted under the *Community Charter* when the municipality is

the purchaser and there are improvements on the property. These extensions are not permitted when the properties are purchased by a third party.

Prior to Tax Sale, City staff makes many efforts to contact each owner to inform them of the process and urge them to make the necessary payments to avoid the sale. This is done by public announcements, letters and/or phone calls. Through these efforts, the list of properties is greatly reduced, ranging from 3 to 15 properties at the sale over the last 5 years.

#### City Bidder at Tax Sale

Section 406 of the *Local Government Act* allows Council to authorize a person to bid at Tax Sale up to a maximum amount. Should Council adopt this recommendation, each property at the sale would be bought by the City (unless outbid).

Some of the rights of the current owner remain; they continue to occupy the property in the same manner as prior to the sale. A charge is added to their property at Land Titles which details that the property was sold at a Tax Sale. The purchaser still has 1 year to redeem the property.

With the municipality as the purchaser and providing that there are improvements on the property, additional time beyond the one year redemption period is permitted providing a 50% payment is made within that first year. This option was exercised in 2008 when a property on Bowen Road could only pay-over \$700 prior to the redemption period expiring. Fortunately, there were no third parties involved so the redemption period was automatically extended per section 418 of the *Local Government Act*.

Even if there are no improvements on the property, Council can, by bylaw per section 417 (6) of the *Local Government Act*, extend the redemption period for an additional year. Council utilized this option in 2009 for the 2008 Tax Sale on a vacant property whose owner was out of the country since 2007. The owner returned in 2010 and contacted the City. Fortunately, with the time extension, the property was easily redeemed.

Other municipalities have successfully utilized a City bidder. These municipalities include Victoria, Tofino and Coquitlam. In the case of properties in rural areas, there is no Tax Sale auction. After three years, the property is automatically deemed to be purchased by the Province without the opportunity for a third party bidder.

#### Interest

The interest rate paid to the purchaser of a Tax Sale property is currently 5.75% as prescribed by the Province of BC. Interest is charged on the purchase price and must be paid prior to redemption. This interest amount is then payable to the purchaser. The unintended consequence of this proposed policy is the interest amount payable could increase if there is a third party bidder bidding more than the City's maximum bid. Again, it would be the responsibility of the owner to pay this additional interest amount.

### Valuation

The total general taxable assessment is made up of land value plus improvements (ie a house).

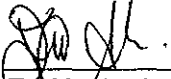
### Risk

Many of the properties that go to Tax Sale have encumbrances upon them in addition to those of the City. These can be mortgages, liens, judgments and other claims. Upon sale, most of the encumbrances are forfeited. Those placed by the Crown remain attached to the property and become the responsibility of the buyer.

At risk is the possibility of acquiring a non-redeemed property with all its encumbrances. This is the same risk the City currently has as the default purchaser of properties. Over the last 5 years, all properties sold at Tax Sale have been redeemed. In the event that a property is unredeemed and transfers to the City, the transaction would be funded from the Property Acquisition Reserve.

If the City purchases these properties at Tax Sale, there is the risk of becoming landlords to various renters. Steps may need to be taken to evict former occupants who have become our tenants. The properties the City acquires could be deemed "unsightly" or "nuisance" properties. The cost to restore these properties would be the responsibility of the City as the City would then be the owner.

Respectfully submitted,



---

E. N. Anderson  
Manager, Revenue  
Services



---

B. E. Clemens  
Director of Finance



---

D. W. Holmes  
Assistant City Manager/  
General Manager,  
Corporate Services

ENA/ck  
Council: 2010-Sept-13

# "IN CAMERA"

## STAFF REPORT

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

FROM: BILL SIMS, MANAGER, WATER RESOURCES

RE: RIGHT-OF-WAY PURCHASE FOR EMERGENCY WATER SUPPLY

---

### STAFF'S RECOMMENDATION:

That Council:

1. direct staff to initiate consultation with Snuneymuxw First Nation on the need for an emergency water connection and the statutory right-of-way, and
2. subject to SFN agreement, direct staff to negotiate a statutory right-of-way from Nanaimo Forest Products to accommodate infrastructure for an emergency water supply interconnection.

### EXECUTIVE SUMMARY:

Recently, staff have had exploratory discussions with officials at Nanaimo Forest Products (NFP) regarding an emergency connection to NFP's supply. NFP is amenable to the idea. The connection would consist of a 1 km long pipeline from the mill site to the Duke Point Reservoir, along with a pump station capable of moving water to the new Extension Reservoir, and then into the City.

Using a staged approach, staff recommend the first step is to negotiate and acquire a permanent statutory right-of-way from NFP to contain the potential pump station and pipeline. It is estimated that total costs for acquiring this right-of-way would be less than \$180,000. Future stages would include design and construction of the infrastructure, which is estimated at \$2.5 – \$3 million.

### BACKGROUND:

The City currently has a single source for its water supply, which creates vulnerability in the event of disruption. There are several emergency water intakes located near water supply facilities (e.g. Nanaimo River, Long Lake) that could be temporarily accessed by fire pumper trucks in the event of main supply disruption. However, these are limited in terms of capacity and area serviced, and would only be used for fire suppression. A more reliable emergency source would better protect the City in the event of major disruption to its water supply.

An emergency or temporary supply of water would also be used in the case of seismic disruption of the supply mains, during major tie-ins such as for the water treatment plant, or even potentially during expected water quality excursions if a new dam and reservoir flood new ground.

Respectfully submitted,




Bill Sims  
Manager,  
Water Resources

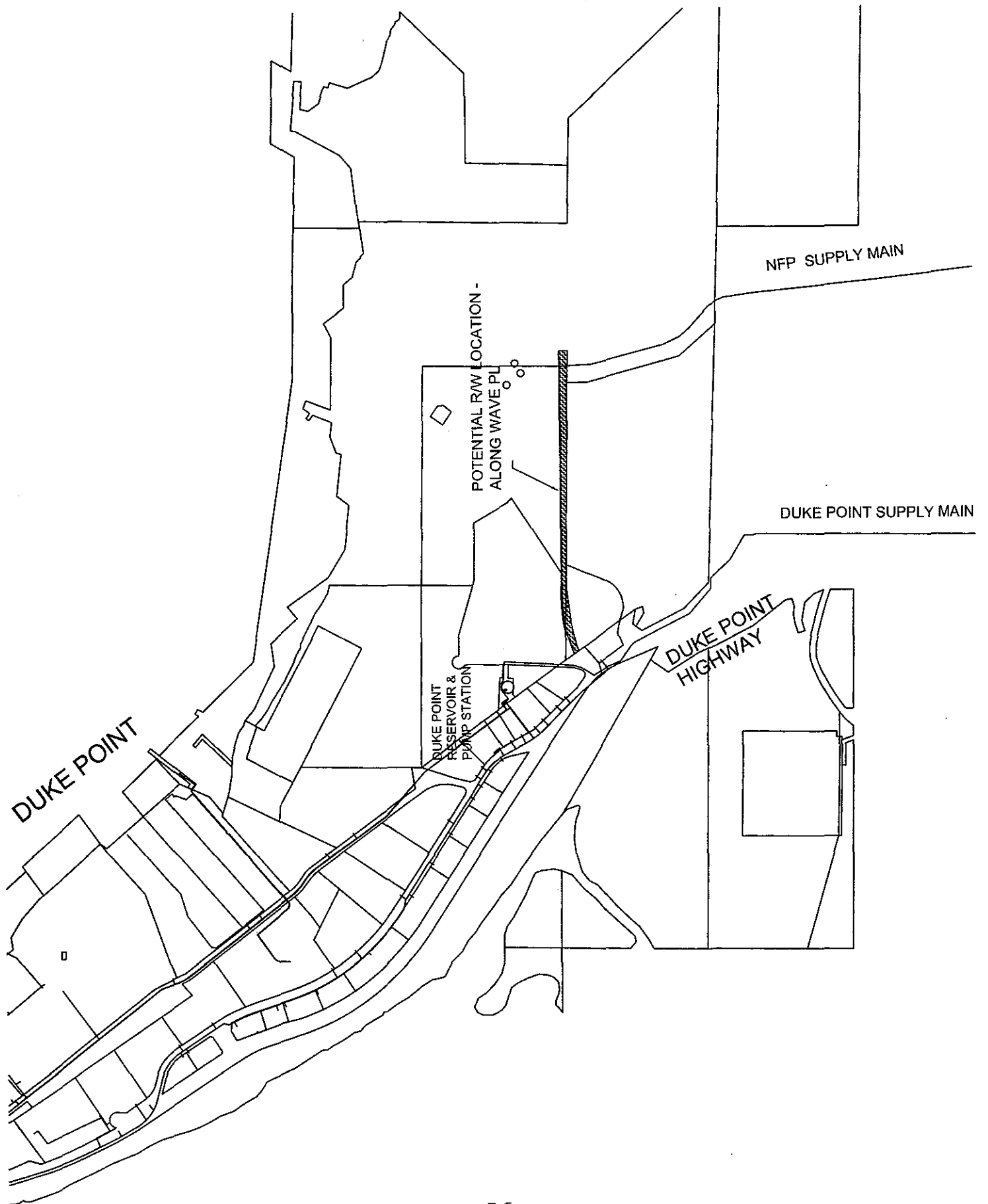
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Tom Hickey,  
Director,  
Engineering & Public Works



AW Laidlaw  
General Manager  
Community Services



## **“IN CAMERA”**

### **FOR INFORMATION ONLY**

REPORT TO: T. SEWARD, DIRECTOR OF DEVELOPMENT  
COMMUNITY SAFETY & DEVELOPMENT

FROM: D. MOUSSEAU, MANAGER, ENGINEERING & SUBDIVISION  
COMMUNITY SAFETY & DEVELOPMENT

RE: VACANT SUBDIVISION PLANNER POSITION

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#### STAFF'S RECOMMENDATION:

That Council receives this report for information.

#### EXECUTIVE SUMMARY:

During the 2010 budget deliberations the vacant Subdivision Planner position was removed from the budget to reduce costs in 2010 and it was noted that the position may be added back if demand picks up. Staff is planning to reinstate this position as the processing times in the Subdivision Section have increased by up to 50% and long-term subdivision planning initiatives are not being undertaken with the current staffing levels.

#### BACKGROUND:

During the 2010 budget deliberation, Council directed staff not to fill three positions that were vacant (Subdivision Planner, Planning Technician, Traffic/Engineering Technician) as a cost cutting measure that would contribute to decreasing the overall tax rate. Due to this Subdivision Planner position being vacant for 2010, plus illness experienced by other Subdivision staff, the Subdivision Section has been operating for an extended period of time with one management staff and one temporary technical staff, instead of three staff that have been in place for a number of years.

As a result of the decreased staffing levels, subdivision processing times have increased by one to two months. In addition, the following subdivision planning functions have been delayed or put on hold:

- revision of the Steep Slope Development Guidelines;
- development of Panhandle Lot Guidelines;
- development of Bareland Strata Subdivision Guidelines;
- review and amendments of the Subdivision Bylaw;
- detailed review of expiring PLA's; and
- detailed review of the new draft Zoning Bylaw.

It is anticipated that the process to fill this position would take approximately two months; therefore there would be minimum funding implications for 2010. If during 2011 budget deliberations, it is determined that staffing positions need to be eliminated, staff will bring forward alternatives for Council's consideration.

Respectfully Submitted,

For

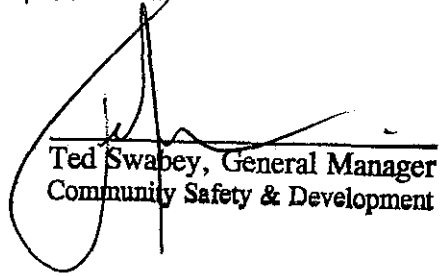


D. Mousseau  
Manager, Engineering & Subdivision  
COMMUNITY SAFETY & DEVELOPMENT



T. Seward  
Director of Development  
COMMUNITY SAFETY & DEVELOPMENT

TS/tr/hp  
COUNCIL: 2010-SEP-13  
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Ted Swabey, General Manager  
Community Safety & Development



**“IN-CAMERA”**

**INFORMATION ONLY REPORT**

**REPORT TO D. HOLMES, ASSISTANT CITY MANAGER &  
GENERAL MANAGER, CORPORATE SERVICES**

**FROM TERRY HARTLEY, DIRECTOR, HUMAN RESOURCES & ORGANIZATIONAL  
PLANNING**

**RE: 2010 EXEMPT STAFF SALARY ADJUSTMENTS**

---

**STAFF RECOMMENDATION:**

It is recommended that Council receive the report.

**EXECUTIVE SUMMARY:**

The City of Nanaimo has an Exempt Compensation Policy that Council approved in 1991 and amended in 2009. Exempt employees are those employees that are excluded from Union membership (i.e. executive, management and administrative exclusions). Executive and Management salaries are established based on information provided by an independent consultant placing the salaries at the median of the national public sector comparators. The average market movement provided by the consultant indicates an increase of 1.51% in the policy line for 2010. Excluded administrative employees (Bands 1-3) receive annual salary adjustments that are consistent with the across-the-board increases provided for in the CUPE Collective Agreement, which was 3.5% in 2010.

**BACKGROUND:**

Unionized groups at the City use collective bargaining to establish wage rates and other terms and conditions of employment. For employees who are excluded from union membership, the City of Nanaimo has an Exempt Compensation Policy, approved by Council in 1991, and amended in 2009, to determine annual salary adjustments. The 1991 policy states:

“The City will compensate its management group at the public sector national average (50<sup>th</sup> percentile) as determined annually by independent survey.”

In accordance with the policy, market adjustments are made annually based on information provided by an independent consultant as to the median of comparator positions in the national public sector. The City has traditionally used the Hay Group consulting firm to conduct the independent survey. We use the May salary survey data as it is based on actual market increases rather than projected increases. The 50<sup>th</sup> percentile pay line for the national public sector is established and salaries are adjusted in accordance with the data provided for comparable positions. The salary adjustments are retroactive to January 1<sup>st</sup> of each year.

In 2009, Council approved an amendment to the Exempt Compensation policy to provide that administrative assistant positions (employees in pay bands 1-3) receive annual salary adjustments that are consistent with the across-the-board increases provided for in the CUPE Collective Agreement. Since the CUPE Collective Agreement provided for an across-the-board salary increase of 3.5% in 2010, the employees in bands 1-3 received that same pay adjustment effective January 1<sup>st</sup>.

At the in-camera Finance and Policy Committee Meeting of the Whole held on March 29, 2010, Council received a report which outlined options for exempt staff salary adjustments in 2010 and 2011. As a result, Council passed a motion to maintain the status quo with respect to the exempt staff salary adjustment in 2010, and to review the annual salary adjustment system for 2011. The research into options is underway and a report on that topic will be presented to Council once the review is complete.

**DISCUSSION:**

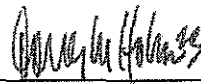
Information received from the latest HayGroup Compensation Report for national public sector management indicates the average increase in the base salary ranges for 2010 at the 50<sup>th</sup> percentile policy line is 1.51% above the current line. The overall cost of the increase is \$96,628.10. The budget for exempt salaries is sufficient to cover this amount.

For Council's information the most recently released information on the consumer price index (CPI) for B.C. was for the July 2009 to July 2010 period. The increase was 2.0%. The 2010 contractual pay increase for CUPE Local 401 members is 3.5%. The 2010 increase for IAFF Local 905 members has not yet been determined however, past wage settlements for this group have typically exceeded those of CUPE.

Respectfully submitted,



T. Hartley, Director  
Human Resources &  
Organizational Planning



D. Holmes  
Assistant City Manager &  
General Manager, Corporate Services

MINUTES OF THE "IN CAMERA" MEETING OF COUNCIL  
TO DISCUSS CONFIDENTIAL MATTERS,  
HELD IN THE CITY HALL BOARD ROOM, 455 WALLACE STREET, NANAIMO, BC,  
ON MONDAY, 2010-SEP-13, COMMENCING AT 10:29 A.M.

---

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

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

Others:

Staff: A. C. Kenning, City Manager  
A. W. Laidlaw, General Manager of Community Services  
D. W. Holmes, Assistant City Manager and General Manager of  
Corporate Services  
E. C. Swabey, General Manager of Community Safety and Development  
I. Howat, Director of Strategic Relationships  
T. L. Hartley, Director of Human Resources and Organizational Planning  
B. E. Clemens, Director of Finance  
E. Anderson, Manager of Revenue Services  
B. Sims, Manager of Water Resources  
T. M. Hickey, Director of Engineering and Public Works  
T. P. Seward, Director of Development  
Chief R. Lambert, Nanaimo Fire Rescue  
P. Kristensen, Director of Information Technology  
B. Corsan, Manager of Real Estate  
A. J. Tucker, Director of Planning  
R. J. Harding, Director of Parks, Recreation and Culture  
J. Kemp, Executive Assistant  
J. E. Harrison, Manager of Legislative Services  
L. Dennis, Recording Secretary

1. CALL THE OPEN MEETING TO ORDER:

The Regular Meeting was called to order at 10:29 a.m.

2. PROCEDURAL MOTION:

11810 It was moved and seconded that the meeting be closed in order to deal with the following matters under the *Community Charter* Section 90(1):

- (c) labour relations or employee negotiations;
- (e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure might reasonably be expected to harm the interests of the municipality; and,
- (f) law enforcement, if the Council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment.

The motion carried unanimously.

3. INTRODUCTION OF LATE ITEMS:

- (a) Delete Agenda Item 6 (a) – Presentations – Dr. Patrick Ross.
- (b) Add Agenda Item 15 (b) – Other Business – E&N Railway accident findings verbal update.

4. ADOPTION OF AGENDA:

11910 It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

5. ADOPTION OF MINUTES:

12010 It was moved and seconded that the Minutes of the "In Camera" Meeting of Council held Monday, 2010-AUG-09 at 10:30 a.m. in the City Hall Board Room, 455 Wallace Street, Nanaimo, BC be adopted as circulated. The motion carried unanimously.

6. DELEGATIONS:

7. STAFF REPORTS:

COMMUNITY SAFETY AND DEVELOPMENT:

(a) Land Exchange Agreement to Create Access for the Bowen Road Supportive Housing Project

12110 It was moved and seconded that Council approve the disposition of part of former 1586 and 1588 Bowen Road in exchange for the acquisition of part of 1575 White Street as shown in the report on Attachment "A". The motion carried unanimously.

(b) 350 Nanaimo River Road – Disposition of 7.5 Acres of City-Owned Property to BC Hydro

12210 It was moved and seconded that Council:

1. approve the disposition of 7.5 acres of the 113-acre City-owned parcel located at 350 Nanaimo River Road to BC Hydro for \$700,000;
2. authorize Staff to post a Public Notice of Disposition pursuant to the *Community Charter*, and,
3. authorize the Mayor and the General Manager of Community Safety and Development, to execute the necessary documents to complete the transaction.

The motion carried unanimously.

(c) Illegal Tree Removal

12310 It was moved and seconded that Council endorse the settlement with the owner of regarding the removal of trees without a permit. The motion carried unanimously.

(d) Bylaw to Recover the Costs of Providing 911 Services by Means of a Call Answer Levy

12410 It was moved and seconded that Council direct Staff to bring forward "911 CALL ANSWER LEVY BYLAW 2010 NO. 7114" at the Special Meeting of Council on 2010-SEP-20. The motion carried unanimously.

CORPORATE SERVICES:

(e) Council Appointed Tax Bidder

12510 It was moved and seconded that Council deal with the two Staff recommendations as separate items. The motion carried unanimously.

12610 It was moved and seconded that Council authorize the Manager, Real Estate or designate to bid at the annual Tax Sale,  
The motion carried unanimously.

8. INFORMATION ONLY ITEMS:

- (a) Report from Mr. D. Mousseau, Manager of Engineering and Subdivision, re: Vacant Subdivision Planner Position.

Staff, with the exception of Mr. A. C. Kenning, Mr. D. W. Holmes, Mr. E. C. Swabey, Mr. A. W. Laidlaw, and Ms. T. L. Hartley, vacated the Board Room at 12:15 p.m.

- (c) Report from Ms. T. L. Hartley, Director of Human Resources and Organizational Planning, re: 2010 Exempt Staff Salary Adjustments.

Councillor McNabb vacated the Board Room at 12:20 p.m.

9. OTHER BUSINESS:

(a) Update Municipal Issues

(1) E&N Railway Accident Findings

Mr. A. W. Laidlaw, General Manager of Community Services, gave a verbal update on the findings of the Transportation Safety Board

Staff returned to the Board Room.

(2) Fire Rescue Verbal Update – Chief R. Lambert

10. ADJOURNMENT:

12910 It was moved and seconded at 12:40 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

13010 It was moved and seconded at 12:40 p.m. that the Regular Meeting terminate. The motion carried unanimously.

\_\_\_\_\_  
M A Y O R

CERTIFIED CORRECT:

\_\_\_\_\_  
MANAGER,  
LEGISLATIVE SERVICES

AGENDA FOR THE SPECIAL "IN CAMERA" MEETING OF COUNCIL  
TO DISCUSS CONFIDENTIAL MATTERS,  
TO BE HELD IN THE CITY HALL BOARD ROOM,  
455 WALLACE STREET, NANAIMO, BC,  
ON MONDAY, 2010-SEP-20, COMMENCING AT 2:00 P.M.

---

1.    **INTRODUCTION OF LATE ITEMS:**
  
2.    **ADOPTION OF AGENDA:**
  
3.    **PRESENTATIONS:**
  - (a)    PowerPoint presentation regarding the EOI Process of Replacement of City Hall Annex.
  
4.    **STAFF REPORTS:**
  
5.    **INFORMATION ONLY ITEMS:**
  
6.    **OTHER BUSINESS:**
  - (a)    Update Regional Issues
  - (b)    Update Municipal Issues
    1.       Verbal report on the former City Manager's compensation.
    2.       Verbal update regarding 25 Victoria Road.
  
7.    **ADJOURNMENT OF THE SPECIAL "IN CAMERA" MEETING:**
  
8.    **ADJOURNMENT OF THE REGULAR MEETING:**



MINUTES OF THE SPECIAL "IN CAMERA" MEETING OF COUNCIL  
TO DISCUSS CONFIDENTIAL MATTERS,  
HELD IN THE CITY HALL BOARD ROOM, 455 WALLACE STREET, NANAIMO, BC,  
ON MONDAY, 2010-SEP20, COMMENCING AT 2:07 P.M.

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PRESENT: His Worship Mayor J. R. Ruttan, Chair (Arrived at 2:10 p.m.)

Members: Councillor W. L. Bestwick  
Councillor W. J. Holdom  
Councillor D. K. Johnstone  
Councillor J. A. Kipp  
Councillor L. D. McNabb (Arrived at 3:43 p.m.)  
Councillor J. F. K. Pattje  
Councillor L. J. Sherry  
Councillor M. W. Unger

Staff: A. C. Kenning, City Manager  
D. W. Holmes, Assistant City Manager and General Manager of  
Corporate Services  
E. C. Swabey, General Manager of Community Safety and Development  
I. Howat, Director of Strategic Relationships (Vacated at 3:55 p.m.)  
T. L. Hartley, Director of Human Resources and Organizational Planning  
B. E. Clemens, Director of Finance  
T. P. Seward, Director of Development  
A. J. Tucker, Director of Planning  
R. J. Harding, Director of Parks, Recreation and Culture (Vacated at  
3:00 p.m.)  
J. Kinch, Manager of Building Inspections (Vacated at 3:55 p.m.)  
M. Mauch, Project Manager, Community Services (Vacated at 3:55 p.m.)  
J. E. Harrison, Manager of Legislative Services

1. CALL THE OPEN MEETING TO ORDER:

The Regular Meeting was called to order at 2:07 p.m.

2. PROCEDURAL MOTION:

13110 It was moved and seconded that the meeting be closed in order to deal with the following matters under the *Community Charter* Section 90(1):

- (c) labour relations or employee negotiations;
- (e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure might reasonably be expected to harm the interests of the municipality.

The motion carried unanimously.

3. INTRODUCTION OF LATE ITEMS:

- (a) Add Agenda Item 6 (b) (3) – Other Business – Update Municipal Issues – Communications Protocol.

4. ADOPTION OF AGENDA:

13210 It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

5. PRESENTATIONS:

- (a) PowerPoint presentation regarding the EOI Process of Replacement of City Hall Annex.

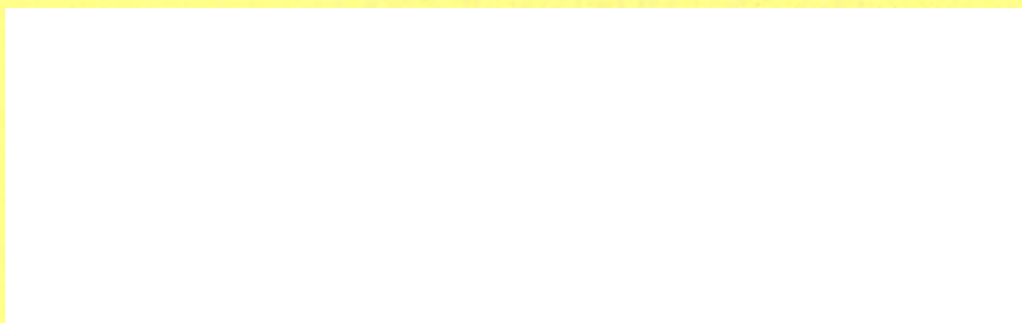
6. OTHER BUSINESS:

(a) Update Regional Issues

1. Mr. D. W. Holmes, Assistant City Manager and General Manager of Corporate Services informed Council that the 911 Call Levy Bylaw would be presented to the Regional District of Nanaimo for three readings on Tuesday, 2010-SEP-21, and to the Cowichan Valley Regional District for three readings on Wednesday, 2010-SEP-22.

(b) Update Municipal Issues

1. Verbal report on the former City Manager's compensation.



2. Mr. D. W. Holmes, Assistant City Manager and General Manager of Corporate Services, provided a verbal update regarding 25 Victoria Road.
3. Mr. A. C. Kenning, City Manager, provided comments and sought Council's views on the current internal communications protocol.

7. ADJOURNMENT:

13310 It was moved and seconded at 4:35 p.m. that the "In Camera" Meeting terminate.  
The motion carried unanimously.

13410 It was moved and seconded at 4:35 p.m. that the Regular Meeting terminate. The  
motion carried unanimously.

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MAYOR

CERTIFIED CORRECT:

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MANAGER,  
LEGISLATIVE SERVICES



AGENDA FOR THE "IN CAMERA" MEETING OF COUNCIL  
TO DISCUSS CONFIDENTIAL MATTERS,  
TO BE HELD IN THE CITY HALL BOARD ROOM,  
455 WALLACE STREET, NANAIMO, BC,  
ON MONDAY, 2010-OCT-04, COMMENCING AT 10:30 A.M.

---

1. INTRODUCTION OF LATE ITEMS:

2. ADOPTION OF AGENDA:

3. ADOPTION OF MINUTES:

- (a) Minutes of the "In Camera" Meeting of Council held Monday, 2010-SEP-13 at 10:00 a.m. in the City Hall Board Room. Pg. 3-7
- (b) Minutes of the Special "In Camera" Meeting of Council held Monday, 2010-SEP-20 at 2:07 p.m. in the City Hall Board Room. Pg. 8-10

4. PRESENTATIONS:

5. DELEGATIONS PERTAINING TO AGENDA ITEMS:

6. MAYOR'S REPORT:

7. COMMISSION REPORTS:

- (a) **Minutes of the Parks, Recreation and Culture Commission Meeting held 2010-JUL-28** Pg. 11-13

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

8. COMMITTEE REPORTS:

9. STAFF REPORTS:

ADMINISTRATION:

- (a) Pg. 14-21

COPORATE SERVICES:

(b) **2010 Exempt Staff Salary Adjustments Report**

Pg. 22

*Staff's Recommendation: That Council release from in camera, the Staff report titled "2010 Exempt Staff Salary Adjustments" as received by Council at their "In Camera" meeting of 2010-SEP-13.*

10. **INFORMATION ONLY ITEMS:**

(a) Report from Mr. B. Corsan, Manager of Real Estate, re: Property Acquisition of 2230 Boxwood Road and 2241 Bowen Road.

Pg. 23-25

(b) Report from Mr. T. P. Seward, Director of Development, Community Safety and Development, re: City Hall Annex Replacement Options.

Pg. 26-30

11. **CORRESPONDENCE:**

12. **OTHER BUSINESS:**

(a) Update Regional Issues

(b) Update Municipal Issues

13. **ADJOURNMENT OF THE "IN CAMERA" MEETING:**

14. **ADJOURNMENT OF THE REGULAR MEETING:**

**MINUTES OF THE "IN CAMERA"  
PARKS, RECREATION AND CULTURE COMMISSION MEETING  
HELD IN ACTIVITY ROOM #1, BOWEN PARK COMPLEX  
ON WEDNESDAY, 2010-JUL-28, COMMENCING AT 7:56 P.M.**

---

PRESENT: Commissioner L. McNabb, Chair

Members: Commissioner D. Johnstone  
Commissioner F. Pattje  
Commissioner L. Avis  
Commissioner D. Burnett  
Commissioner B. Sparkes  
Commissioner S. Lance  
Commissioner B. Dempsey  
Commissioner B. Meunier  
Commissioner G. Rudischer (to 8:06 p.m.)  
Commissioner M. Young

Absent: Commissioner J. Cowling

Staff: R. Harding                      J. Ritchie                      M. Smith  
          D. Osborne                     R. Tweed, recording

1. CALL THE "IN CAMERA" MEETING TO ORDER:

The "In Camera" Meeting was called to order at 7:57 p.m.

2. INTRODUCTION OF LATE ITEMS:

- Add Item 9(a): Verbal Staff Report – Beban Park Pitch & Putt Lease Agreement (Double H Holdings).

3. ADOPTION OF AGENDA:

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

4. ADOPTION OF MINUTES:

- (a) Minutes of the "In Camera" Parks, Recreation and Culture Commission Meeting held Wednesday, 2010-JUN-23 at 8:00 p.m. in Activity Room #1, Bowen Park Complex.

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

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

Meeting Date: 2010-OCT-04

5. PRESENTATIONS: (None).

6. DELEGATIONS: (None.)

7. CHAIRMAN'S REPORT: (None.)

8. REPORTS OF ADVISORY BODIES: (None.)

9. STAFF REPORTS:

(a) Beban Park Pitch & Putt Lease Agreement (Double H Holdings).

*Staff's Recommendation: That the Parks, Recreation and Culture Commission expedite the approval process for the Beban Park Pitch & Putt lease agreement with Double H Holdings by Staff submission of the draft lease agreement directly to Council for approval.*

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

(b) Three Year Contract Renewal With Nanaimo Clippers Junior A Hockey Club.

*Staff's Recommendation: That the Parks, Recreation and Culture Commission receives the report and forwards this report to Council for their information.*

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

9. INFORMATION ONLY ITEMS (staff reports):

10. CORRESPONDENCE: (Action) (None.)

CORRESPONDENCE: (Information) (None.)

11. NOTICE OF MOTION: (None.)

12. CONSIDERATION OF OTHER BUSINESS:

13. QUESTION PERIOD:



14. ADJOURNMENT:

It was moved and seconded at 8:08 p.m. that the "In Camera" meeting adjourn, with the next "In Camera" Meeting of Commission to be held, if required, Wednesday, 2010-SEP-22, in the Bowen Park Complex Conference Room, following adjournment of the regular Commission meeting.

The motion carried unanimously.

CERTIFIED CORRECT:



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L. McNabb, Chair  
Parks, Recreation and Culture Commission



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R. Harding, Director  
Parks, Recreation and Culture

# “IN CAMERA”

## STAFF REPORT

REPORT TO: D. W. HOLMES, GENERAL MANAGER OF CORPORATE SERVICES

FROM: J. E. HARRISON, MANAGER OF LEGISLATIVE SERVICES

RE: 2010 EXEMPT STAFF SALARY ADJUSTMENTS REPORT

### STAFF'S RECOMMENDATION:

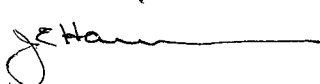
That Council release from in camera, the staff report titled “2010 Exempt Staff Salary Adjustments” as received by Council at their In Camera meeting of 2010-SEP-13.

### EXECUTIVE SUMMARY:

The information regarding 2010 Exempt Staff Salary Adjustments included in the 2010-SEP-13 In Camera Information Only report authored by Ms. Hartley, Director, Human Resources & Organizational Planning was requested by the media and with email consultation with Council, released to them last week.

As the information has been provided to the public via the media and is no longer deemed to be confidential, staff recommend that Council formally release this report from In Camera.

Respectfully submitted,



J. E. Harrison, Manager  
Legislative Services



D. W. Holmes, Assistant City Manager /  
G.M. Corporate Services

In Camera Council: 2010-OCT-04

Council  
 Committee  
 Open Meeting  
 In-Camera Meeting  
 Meeting Date: 2010-OCT-04

# "IN CAMERA" FOR INFORMATION ONLY

REPORT TO: ANDREW TUCKER, DIRECTOR OF PLANNING

FROM: BILL CORSAN, MANAGER, REAL ESTATE

RE: PROPERTY ACQUISITION OF 2230 BOXWOOD ROAD AND 2241 BOWEN ROAD

STAFF'S RECOMMENDATION:

That Council receives the report for information.

EXECUTIVE SUMMARY:

At the 2010-JUL-12 "In Camera" Council meeting, Council directed Staff to acquire 2230 Boxwood Road and 2241 Bowen Road (see Attachment A) for \$2,200,000.00 subject to the City's conditions precedent being met. The property is required to support the Bowen/Boxwood connector project. The conditions included a review of all existing environmental and geotechnical information on the property as well as engaging EBA Engineering Consultants to undertake a subsurface environmental investigation to ensure existing contamination issues can be managed from a risk perspective. A review of the existing encumbrances on title was also conducted.

Staff and consultants have completed the necessary reviews and the conditions precedent will be removed from the Purchase Contract. The environmental investigation conducted by EBA Engineering Consultants indicated that there is a low risk of off-site migration of the existing contamination. A review of the existing encumbrances on title did not yield any issues.

The Mayor and the General Manager of Community Safety and Development will execute the necessary documents to complete the transaction on or before 2010-OCT-29.

BACKGROUND:

At the 2010-JUL-12 "In Camera" Council meeting, Council directed Staff to:

1. approve the acquisition of 2230 Boxwood Road and 2241 Bowen Road for a maximum price of \$2,200,000.00 subject to the City's conditions precedent being met;
2. authorize Staff to engage EBA Engineering Consultants for a cost of \$66,400.00 plus HST to conduct a subsurface environmental investigation to ensure existing contamination issues can be managed from a risk perspective and that migration is not occurring; and

Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
 Meeting Date: 2010-OCT-04

3. authorize the Mayor and the General Manager of Community Safety and Development to execute the necessary documents to effect the transaction once the conditions precedent as listed in the Letter of Intent have been met.

EBA Engineering Consultants completed a limited environmental investigation and risk analysis for the two properties. The environmental investigation consisted of drilling sixteen boreholes, completing eight boreholes as groundwater monitoring wells, sampling soil and groundwater, installing and sampling ten soil vapor wells, and collecting surface water and sediment samples from the nearest drainage ditch located on the north side of the property.

The results of the investigation indicated that the on-site contamination is expected to present a low possibility of negatively affecting off-site human and ecological receptors. There is a low risk of migration of the soil, water and vapor from the property impacting neighboring properties.

The State of Title Certificate and the existing encumbrances have been reviewed and do not pose any issues to the City.

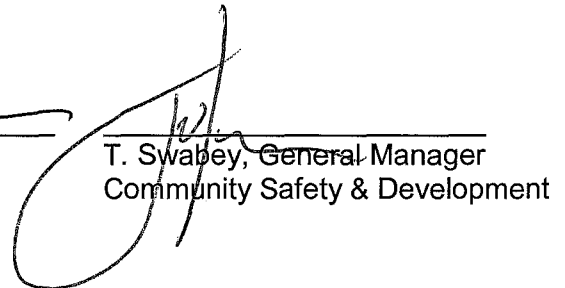
The conditions precedent will now be removed from the Purchase Contract.

The Mayor and the General Manager of Community Safety and Development will execute the necessary documents to complete the transaction on or before 2010-OCT-29.

Respectfully submitted,

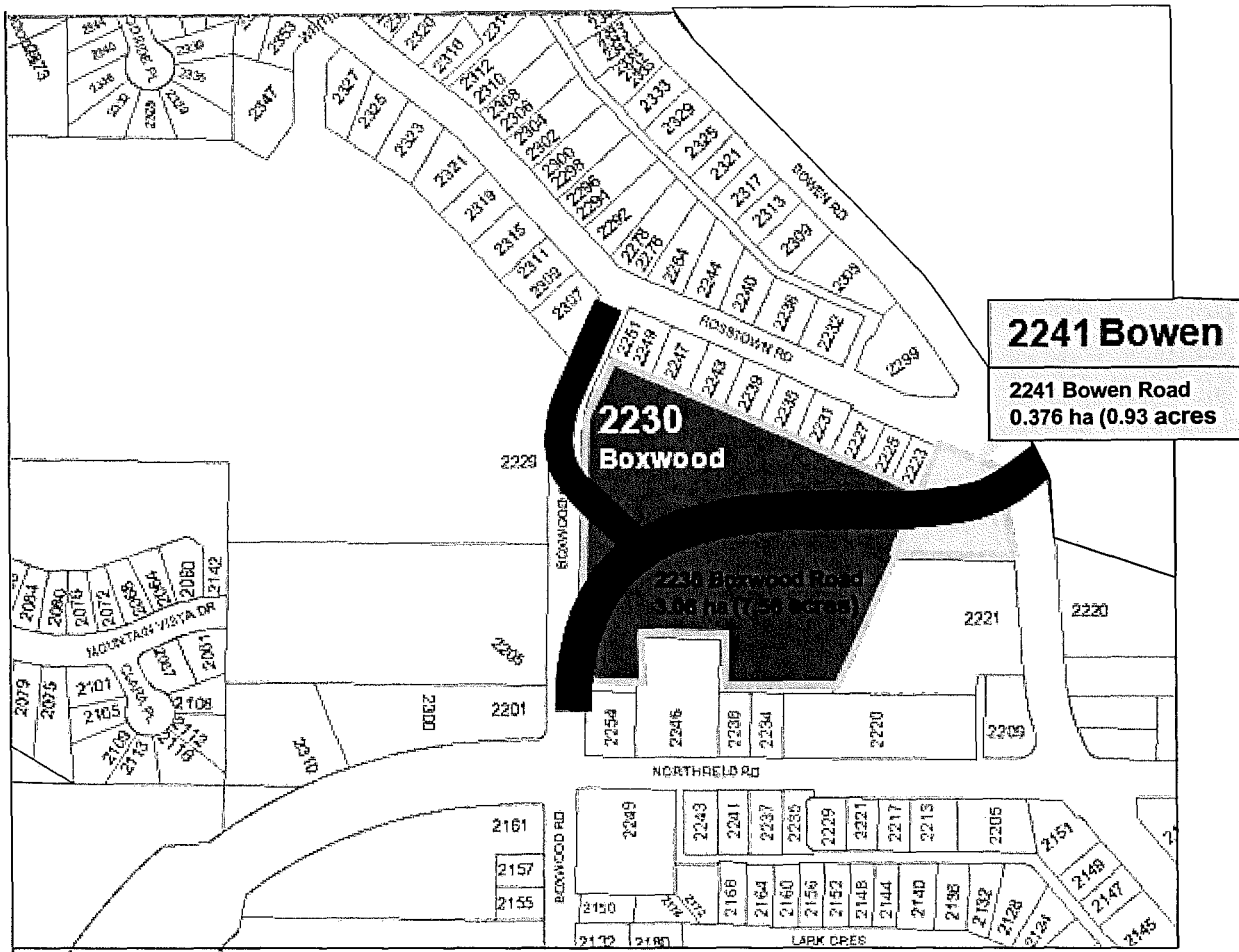
  
B. Corsan, Manager  
Real Estate

  
A. Tucker, Director  
Planning

  
T. Swabey, General Manager  
Community Safety & Development

BC/tl  
Prospero: CLL00060  
"IC" Council: 2010-Oct-04

ATTACHMENT A



# “IN CAMERA” FOR INFORMATION ONLY

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

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

RE: CITY HALL ANNEX REPLACEMENT OPTIONS

STAFF'S RECOMMENDATION:

That Council receives the report for information.

EXECUTIVE SUMMARY:

At its meeting of 2010-Sep-20, Council received a presentation from Staff regarding:

1. the 15 submissions received in response for the Expression of Interest (EOI) that the City had advertised; and
2. the funding options available for consideration.

This report provides a short summary of the information received at the previous Council meeting and further explores the options Council may wish to consider in evaluating the submissions received and methods to fund a replacement for the City Hall Annex.

Staff has prepared a flowchart that provides a process for key decisions that are to be considered in moving forward in this process (Attachment A). Prior to moving forward, Staff believes the fundamental question that needs to be answered is as follows:

Do you believe the community would positively support a referendum to borrow money for a new City Hall Annex?

Once this question has been reviewed and answered, consideration of options regarding funding methods, and thereafter, site selection can be explored.

BACKGROUND:

At its meeting of 2010-Sep-20, Staff presented a breakdown of the 15 submissions received in response to the EOI. Of these submissions, six propose building on the City Hall parking lot at 411 Dunsmuir Street and three submissions propose building on . The remaining six submissions were single proposals on other sites and included options for leasing, lease to own, and design build.

Also at its 2010-Sep-20 meeting, Staff outlined the five funding options that Staff believe could be used to fund replacement of the City Hall Annex. These options included funding from reserves, borrow money together with funding from reserves, or pursuing a referendum to borrow money with/without use of reserves.

- Council
- Committee
- Open Meeting
- In-Camera Meeting

Meeting Date: 2010-OCT-04

The decision process presented in this report builds on the information received at the previous Council meeting and provides a flow chart that identifies a series of questions and options that would assist in this review process.

Decisions made regarding key questions and options may lead to certain sites and funding options being eliminated, as they likely will not be able to be funded with the monies available, present too many unknowns to determine actual costs, or may take many years to finalize, due to the complexity of the proposal.

Further to the discussions that took place at the previous Council meeting, Staff has provided an updated chart analyzing the funding options available (Attachment B). The chart provides funding options available if a referendum was not pursued (Options 1 and 2) and funding options available if a referendum was pursued (Options 3, 4 and 5).

Also, Staff has provided a revised chart of the sites that were being proposed through the EOI submissions (Attachment C). Each site has only been listed once, although two sites have multiple applications. The chart also includes the option of seismic upgrade of the City Hall Annex.

Once the funding options have been reviewed, a shortlist of the EOI submissions can be established. Thereafter, the shortlist options and the Annex seismic upgrade option can be evaluated comparing the advantages and disadvantages of each option.

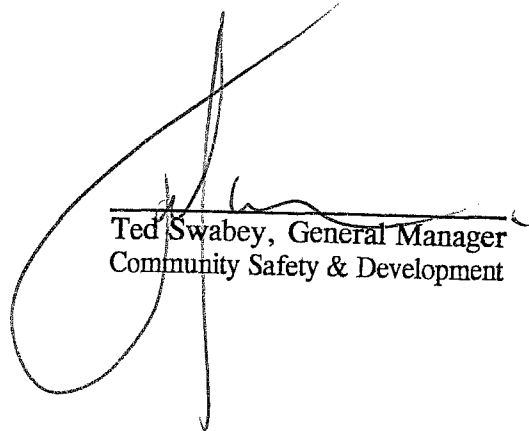
Once Council's input has been received, Staff will bring back a further report with more detailed information regarding the submissions that are proposed for short listing, including the option of the Annex seismic upgrade. Staff propose to bring back a report either at Council's meeting of 2010-Oct-25 or 2010-Nov-08. Following that meeting, the City may be in a position to advise the applicants for the EOI of the status of the review process and advise if they have been shortlisted or not.

Respectfully submitted,



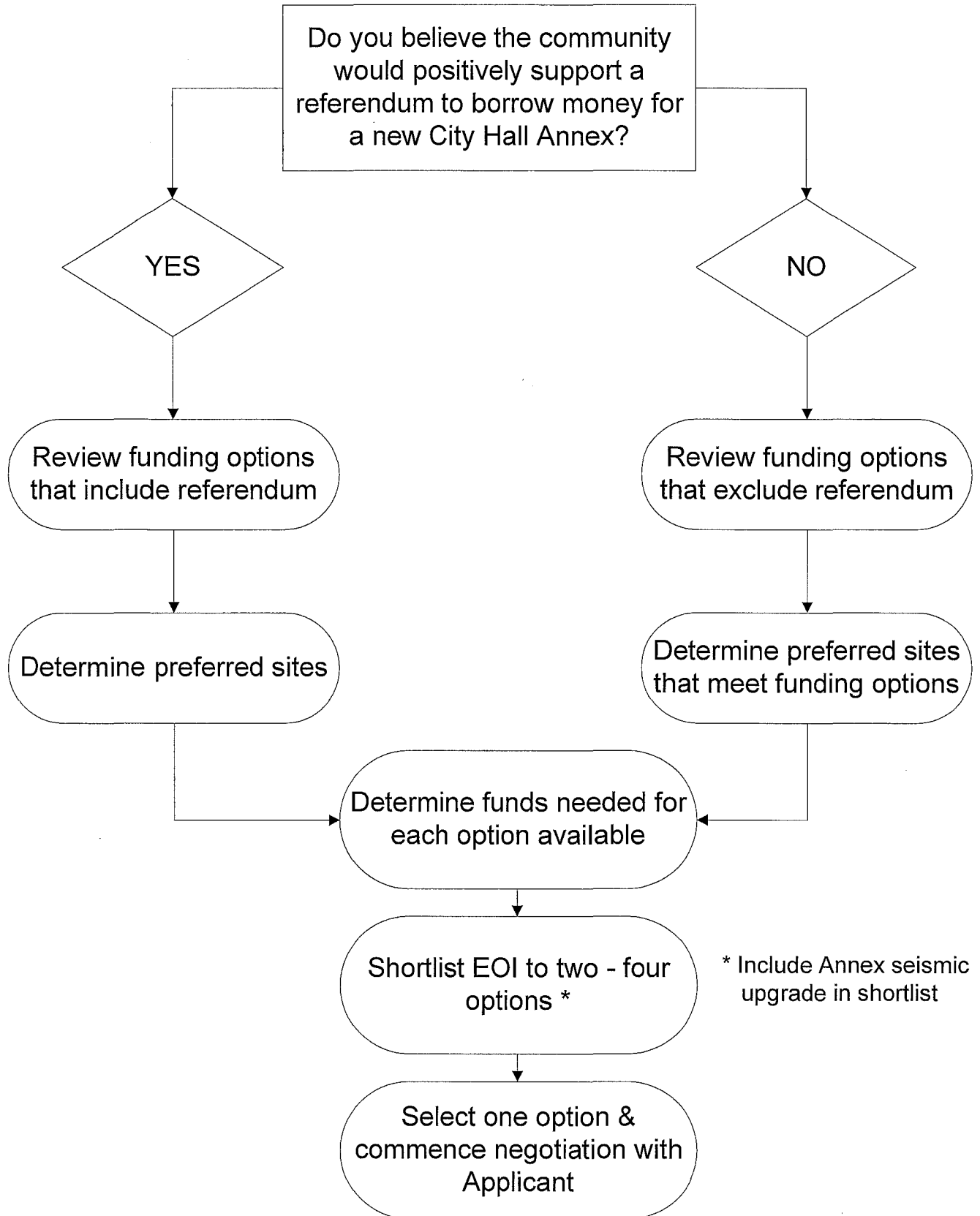
Toby Seward, Director of Development  
COMMUNITY SAFETY & DEVELOPMENT

TS/hp  
Council: 2010-Oct-04  
Prospero: CLL55



Ted Swabey, General Manager  
Community Safety & Development

ATTACHMENT A  
Annex Replacement Options





## ATTACHMENT B

# Funding Option Summary

	Option	Elector Approval	Short Term Tax Cost	Long Term Impact
1	\$15M Reserves	N	0.5%	Permanent
2	\$11M Reserves + \$4M ST Borrowing	N	1.4%	Permanent 5 years
3	\$6.25M Reserves + \$8.75M LT Borrowing (\$15M Option)	Y	1.2%	Permanent 20 years
4	Lease	Y	1.1%	Permanent
5	\$6.25M Reserves + \$13.75M LT Borrowing (\$20M Option)	Y	1.7%	Permanent 20 years

## ATTACHMENT C

### CITY HALL ANNEX REPLACEMENT Site Selection Options

*Submissions are not ranked in any order*

SUBMISSION	LOCATION	PROPOSAL
#1 –		Lease/Purchase 33,000 ft <sup>2</sup> + 10,000 ft <sup>2</sup> as leases expire
#2 –		19,000 ft <sup>2</sup> 26,000 ft <sup>2</sup> addition
#3 –		Lease only 45,000 ft <sup>2</sup>
#4 – City Hall Parking Lot	411 Dunsmuir Street *	6 Proposals 40,000 ft <sup>2</sup> - 45,000 ft <sup>2</sup>
#5 – City Hall Addition	455 Wallace Street *	41,000 ft <sup>2</sup> addition to City Hall
#6 –		3 Proposals 40,000 ft <sup>2</sup> - 45,000 ft <sup>2</sup>
#7 –		40,000 ft <sup>2</sup> - 45,000 ft <sup>2</sup>
#8 –		2 Phases 40,000 ft <sup>2</sup> - 45,000 ft <sup>2</sup> and additional space for all City Staff
#9 – City Hall Annex	238 Franklyn Street	Seismic upgrade of existing building

\* City-owned sites

MINUTES OF THE "IN CAMERA" MEETING OF COUNCIL  
TO DISCUSS CONFIDENTIAL MATTERS,  
HELD IN THE CITY HALL BOARD ROOM, 455 WALLACE STREET, NANAIMO, BC,  
ON MONDAY, 2010-OCT-04, COMMENCING AT 10:30 A.M.

---

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

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

Absent: Councillor W. L. Bestwick  
Councillor L. D. McNabb

Staff: A. C. Kenning, City Manager  
A. W. Laidlaw, General Manager of Community Services  
D. W. Holmes, Assistant City Manager and General Manager of  
Corporate Services  
E. C. Swabey, General Manager of Community Safety and Development  
I. Howat, Director of Strategic Relationships  
T. L. Hartley, Director of Human Resources and Organizational Planning  
T. P. Seward, Director of Development  
R. J. Harding, Director of Parks, Recreation and Culture  
B. Corsan, Manager, Real Estate  
J. E. Harrison, Manager of Legislative Services  
K. King, Recording Secretary

1. CALL THE OPEN MEETING TO ORDER:

The Regular Meeting was called to order at 10:34 a.m.

2. PROCEDURAL MOTION:

13510 It was moved and seconded that the meeting be closed in order to deal with the following matters under the *Community Charter* Section 90(1):

- (c) labour relations or employee negotiations;
- (e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure might reasonably be expected to harm the interests of the municipality;
- (g) litigation or potential litigation affecting the municipality;
- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act*.

The motion carried unanimously.

4. ADOPTION OF AGENDA:

13610 It was moved and seconded that the Agenda be adopted. The motion carried unanimously.

5. ADOPTION OF MINUTES:

13710 It was moved and seconded that the Minutes of the "In Camera" Meeting of Council held Monday, 2010-SEP-13 at 10:00 a.m. in the City Hall Board Room be adopted as circulated. The motion carried unanimously.

13810 It was moved and seconded that the Minutes of the Special "In Camera" Meeting of Council held Monday, 2010-SEP-20 at 2:07 p.m. in the City Hall Board Room be adopted as circulated. The motion carried unanimously.

6. COMMISSION REPORTS:

(a) Minutes of the Parks, Recreation and Culture Commission Meeting held 2010-JUL-28

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13910 It was moved and seconded that Council receive the Minutes of the Parks, Recreation and Culture Commission Meeting held 2010-JUL-28. The motion carried unanimously.

7. STAFF REPORTS:

ADMINISTRATION:

Councillor Kipp vacated the Board Room at 11:15 a.m.

CORPORATE SERVICES:

(b) 2010 Exempt Staff Salary Adjustments Report

14110 It was moved and seconded that Council release from in camera, the Staff report titled "2010 Exempt Staff Salary Adjustments" as received by Council at their "In Camera" meeting of 2010-SEP-13. The motion carried unanimously.

8. INFORMATION ONLY ITEMS:

- (a) Report from Mr. B. Corsan, Manager of Real Estate, re: Property Acquisition of 2230 Boxwood Road and 2241 Bowen Road.

Councillor Kipp returned to the Board Room at 11:16 a.m.

- (b) Report from Mr. T. P. Seward, Director of Development, Community Safety and Development, re: City Hall Annex Replacement Options.

Councillor Unger vacated the Board Room at 11:37 a.m.

Councillor Unger returned to the Board Room at 11:39 a.m.

14210 It was moved and seconded that Staff be directed to include only City Hall Annex replacement options that would not require a referendum vote. The motion carried.  
*Opposed: Councillor Sherry*

14310 It was moved and seconded that Staff prepare a report that will include only Funding Options No. 1 and 2 proposals as outlined in the "City Hall Annex Replacement Options" report. The motion carried unanimously.

9. ADJOURNMENT:

14410 It was moved and seconded at 12:02 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

14510 It was moved and seconded at 12:02 p.m. that the Regular Meeting terminate. The motion carried unanimously.

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M A Y O R

CERTIFIED CORRECT:

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MANAGER,  
LEGISLATIVE SERVICES

AGENDA FOR THE "IN CAMERA" MEETING OF COUNCIL  
TO DISCUSS CONFIDENTIAL MATTERS,  
TO BE HELD IN THE CITY HALL BOARD ROOM,  
455 WALLACE STREET, NANAIMO, BC,  
ON MONDAY, 2010-OCT-25, COMMENCING AT 10:30 A.M.

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1. **INTRODUCTION OF LATE ITEMS:**

2. **ADOPTION OF AGENDA:**

3. **ADOPTION OF MINUTES:**

- (a) Minutes of the "In Camera" Meeting of Council held Monday, 2010-OCT-04 at 10:30 a.m. in the City Hall Board Room. *Pg. 4-6*

4. **PRESENTATIONS:**

- (a) Superintendent Lott, IOC, to give a verbal presentation on the RCMP Quarterly Report.

5. **DELEGATIONS PERTAINING TO AGENDA ITEMS:**

6. **MAYOR'S REPORT:**

7. **COMMISSION REPORTS:**

8. **COMMITTEE REPORTS:**

9. **STAFF REPORTS:**

COMMUNITY SAFETY AND DEVELOPMENT:

- (a) **Renewal of License Agreement for VIA Rail Canada Inc. –  
Temporary Waiting Room Trailer at 336 Prideaux Street** *Pg. 7-8*

*Staff's Recommendation: That Council approve a two (2) year extension to the License with VIA Rail Canada Inc. for the purpose of operating a temporary waiting room on City-owned property at 336 Prideaux Street for the Dayliner rail service.*

- (b) **Renewal of License Agreement for Vancouver Island University Fish Hatchery Operations at 1050 Nanaimo Lakes Road** Pg. 9-10
- Staff's Recommendation:* That Council approve a three (3) year extension to the License with Vancouver Island University (VIU) for the purpose of operating a fish hatchery on City-owned property at 1050 Nanaimo Lakes Road.
- (c) **MOU Supportive Housing Site Selection** Pg. 11-14
- Staff's Recommendation:* That Council approve the utilization of 6230 Hammond Bay Road for supportive housing as per Nanaimo's Response to Homelessness Action Plan, and that this site be made available for the construction and operation of 35 units of supportive housing.
- (d) **Authorization to Seek Legal Action – 1615 Bay Street** Pg. 15-16
- Staff's Recommendation:* That Council authorize staff, in conjunction with the City Solicitor, to take legal action against the owners and occupiers of the property located at 1615 Bay Street, Nanaimo, BC.
- (e) **Authorization to Seek Legal Action – 4670 Hammond Bay Road** Pg. 17
- Staff's Recommendation:* That Council authorize Staff, in conjunction with the City Solicitor, to take legal action against the owners and occupiers of the property located at 4670 Hammond Bay Road, Nanaimo, BC.
- (f) **Authorization to Seek Legal Action – 3087 Departure Bay Road** Pg. 18
- Staff's Recommendation:* That Council authorize Staff, in conjunction with the City Solicitor, to take legal action against the owners and occupiers of the property located at 3087 Departure Bay Road, Nanaimo, BC.
- (g) **City Hall Annex Replacement Options** Pg. 19-22
- Staff's Recommendation:* That Council direct Staff to:
1. shortlist to six proposals: #1 ; #5, #6, #9 (411 Dunsmuir Street); #10 (455 Wallace Street); #16 (238 Franklyn Street), as listed on Attachment A;
- AND:
2. bring forward an analysis of the six proposals to replace or upgrade the City Hall Annex, as identified in Recommendation 1;
- AND:

3. *advise all Expression of Interest applicants as to whether their application will be considered further or not.*

10. **INFORMATION ONLY ITEMS:**

- (a) Report from Ms. J. E. Harrison, Manager of Legislative Services, *Pg. 23-30*  
re: Quarterly Claims Report – Period Ending 2010-SEP-30.

11. **CORRESPONDENCE:**

12. **OTHER BUSINESS:**

- (a) Update Regional Issues
- (b) Update Municipal Issues

13. **ADJOURNMENT OF THE "IN CAMERA" MEETING:**

14. **ADJOURNMENT OF THE REGULAR MEETING:**



## **"IN CAMERA" STAFF REPORT**

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

FROM: B. CORSAN, MANAGER OF REAL ESTATE,  
COMMUNITY SAFETY & DEVELOPMENT

RE: RENEWAL OF LICENSE AGREEMENT FOR VIA RAIL CANADA INC. TEMPORARY  
WAITING ROOM TRAILER AT 336 PRIDEAUX STREET

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### STAFF'S RECOMMENDATION:

That Council approves a two (2) year extension to the License with VIA Rail Canada Inc. for the purpose of operating a temporary waiting room on City-owned property at 336 Prideaux Street for the Dayliner rail service.

### EXECUTIVE SUMMARY:

The subject property has been occupied by VIA Rail Canada Inc. for the purpose of a temporary waiting room for the passengers of the Dayliner since the train station was damaged by fire in 2007. The current License Agreement commenced on 2007-Oct-15. It was renewed on 2009-Jan-01 for an additional year ending on 2009-DEC-31. VIA Rail Canada Inc. has asked that the License Agreement be extended to 2011-Dec-31.

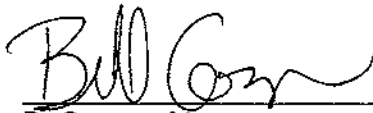
### BACKGROUND:

Following the fire that damaged the Nanaimo train station, Staff identified a temporary location for a waiting room for VIA Rail's Dayliner service. 10 parking stalls at the City-owned property at 336 Prideaux Street were licensed to VIA Rail for a waiting room commencing on 2007-OCT-15. The License was not taken to Council for approval. The License was renewed for an additional year on 2009-JAN-01 and ending on 2009-DEC-31. VIA Rail Canada Inc. would like to renew the License for a further two (2) year term on essentially the same terms and conditions as previous agreements. The License can be cancelled by either party with 60 days notice if VIA moves back into the train station prior to the end of 2011. Staff is supportive of the renewal.

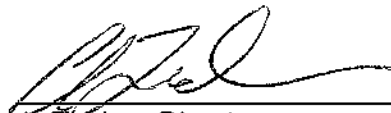
Salient terms and conditions of the renewal are as follows:

Licensee:	VIA Rail
Property Address:	336 Prideaux Street
Use:	Temporary Waiting Room
Monthly Fee:	\$400.00 plus HST
Occupancy Term:	Two (2) years ending December 31, 2011
Termination:	Sixty (60) day termination clause for both parties

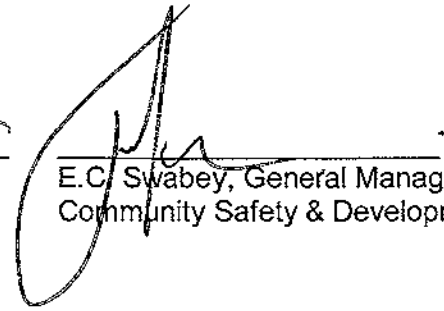
Respectfully submitted,



B. Corsan, Manager  
Real Estate



A. Tucker, Director  
Planning



E.C. Swabey, General Manager  
Community Safety & Development

BC/II  
"IC" Council: 2010-Oct-25  
Prospero: LD001911

# "IN CAMERA" STAFF REPORT

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

FROM: B. CORSAN, MANAGER OF REAL ESTATE,  
COMMUNITY SAFETY & DEVELOPMENT

RE: RENEWAL OF LICENSE AGREEMENT FOR VANCOUVER ISLAND UNIVERSITY FISH  
HATCHERY OPERATIONS AT 1050 NANAIMO LAKES ROAD

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## STAFF'S RECOMMENDATION:

That Council approves a three (3) year extension to the License with Vancouver Island University (VIU) for the purpose of operating a fish hatchery on City-owned property at 1050 Nanaimo Lakes Road.

## EXECUTIVE SUMMARY:

VIU has operated a fish hatchery at the City of Nanaimo's Water Reservoir #2 since November 1985. The current License Agreement commenced on 2000-Oct-01 and expired on 2005-Sep-30. The License was renewed for an additional five (5) year term and expired on 2010-Sep-30. VIU has requested a renewal for a further three (3) year term.

## BACKGROUND:

VIU has operated a fish hatchery at the City of Nanaimo's Water Reservoir #2 since November 1985. VIU would like to renew the License for a further three (3) year term on essentially the same terms and conditions as previous agreements. The nominal annual license fee reflects a partnership between the City and VIU. VIU is responsible for reimbursement of its share of BC Hydro costs. Staff is supportive of the renewal.

Salient terms and conditions of the renewal are as follows:

Licensee:	Vancouver Island University
Property Address:	1050 Nanaimo Lakes Road
Use:	Fish Hatchery
Annual License:	\$1.00
Occupancy Term:	Three (3) years ending September 30, 2013
Termination:	Six-month termination clause for both parties
Hydro Reimbursement:	\$650.00 plus HST per year with the City's option to review reimbursement amount if any significant change in use or consumption

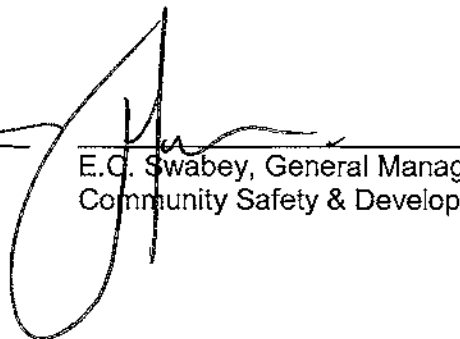
Respectfully submitted,



B. Corsan, Manager  
Real Estate



A. Tucker, Director  
Planning



E.C. Swabey, General Manager  
Community Safety & Development

BC/tl  
"IC" Council: 2010-Oct-25  
Prospero: LD000127

# "IN CAMERA"

## STAFF REPORT

REPORT TO: ANDREW TUCKER, DIRECTOR OF PLANNING  
COMMUNITY SAFETY & DEVELOPMENT

FROM: BRUCE ANDERSON, MANAGER OF COMMUNITY PLANNING  
COMMUNITY SAFETY & DEVELOPMENT

RE: MOU SUPPORTIVE HOUSING SITE SELECTION

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### STAFF'S RECOMMENDATION:

That Council approve the utilisation of 6230 Hammond Bay Road for supportive housing as per *Nanaimo's Response to Homelessness Action Plan*, and that this site be made available for the construction and operation of 35 units of supportive housing.

### EXECUTIVE SUMMARY:

The Province of BC has committed to funding the construction and operation of 160 units of supportive housing as part of the implementation of *Nanaimo's Response to Homelessness Action Plan*, adopted by Council on 2008-JUL-14. 140 of these units are to be built on sites owned by the City of Nanaimo. Initially, three sites were identified and authorized by Council to be used for this purpose. Upon soliciting comments and feedback from residents of the community and neighbourhood associations, staff is recommending the addition of a fourth City site upon which one 35-unit supported housing complex would be placed. This would be accompanied by a corresponding reduction in the number of housing units originally proposed for 1598 Townsite Road (corner of Dufferin and Boundary Crescents) from 70 to 35 units.

The property, 6230 Hammond Bay Road (site profile attached as Attachment 1), is currently the subject of a restrictive covenant limiting its use to "Library administration offices and Fire hall" uses. A request has been made to the Integrated Land Management Bureau (ILMB) of the Province to add "supportive housing" as a permitted use in the covenant. Staff anticipate a favourable response to this request to modify the covenant.

### BACKGROUND:

On 2008-JUL-14, Council adopted *Nanaimo's Response to Homelessness Action Plan*, and on 2008-NOV-12, Council entered into a MOU with the Province in which the two levels of government agreed to partner in building 160 units of housing for the homeless. On 2009-APR-06, Minister of Housing and Social Development, Rich Coleman, announced funding of \$14.95 million for two of the projects identified in the MOU: 437 Wesley Street and 477 Tenth Street. This was followed by the selection of Canadian Mental Health Association and Salish Lelum Aboriginal Friendship Society as, respectively, operators for those two projects.

On 2010-JUN-15, Minister Coleman announced additional funding of \$24.5 million for the remaining units identified in the MOU. On 2010-AUG-16, Council received a report regarding the addition of a fourth site to the MOU properties. If approved, the four City sites for supported housing would be: 437 Wesley Street, 1598 Townsite Road, 1400-1500 Bowen Road and 6230 Hammond Bay Road. Two sites owned by third parties and included in the MOU are 477 Tenth Street (Salish Lelum) and 3515 Hillside Avenue (Provincial Government). A map showing the distribution of sites is attached (Attachment 2).

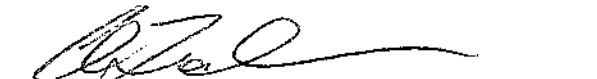
Rationale for the addition of a fourth City-owned site at 6230 Hammond Bay Road is:

- **Fairness** – We have committed to a strategy of distributing these kinds of social housing projects across the city, without overloading any one area. Most of the social services like needle exchanges, emergency shelters, etc. are in the south and central areas, and at public meetings for these housing projects, a belief has been articulated that we are protecting the north end from these initiatives. If we are able to agree to a north end site, then we will have demonstrated our commitment to fairness in the distribution of social housing across the city.
- **Concentration** - 70 units on one site is a significant concentration for any site in Nanaimo, and the proposed 70 units at Dufferin Crescent at Boundary are very close to another 35 units at Bowen Road, adding up to several in one neighbourhood. It seems fair to disperse that by moving 35 of those units from the Dufferin Crescent at Boundary site to another area of the city.
- **Easy & Convenient** - The additional site is build-ready and zoned appropriately, requiring only a subdivision process, plus the site is very accessible to bus, stores, services, etc. and the surrounding properties are mainly multi-family projects and institutional users like the Regional Library, Regional District, Nanaimo Firehall, etc.
- **Choices** - Additional client choice - some who are trying to break the lifestyle associated with street homelessness would prefer to be well away from the city centre and would prefer a north end residence.

Respectfully submitted,

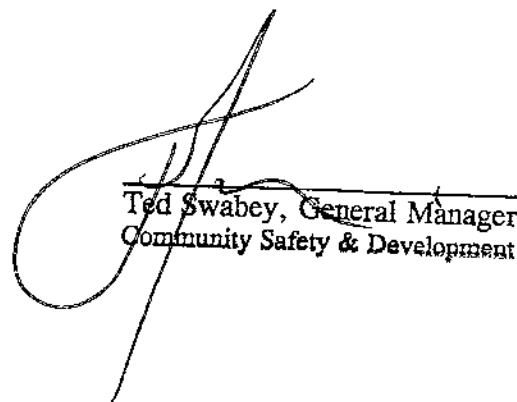


Bruce Anderson,  
Manager of Community Planning  
Community Safety & Development



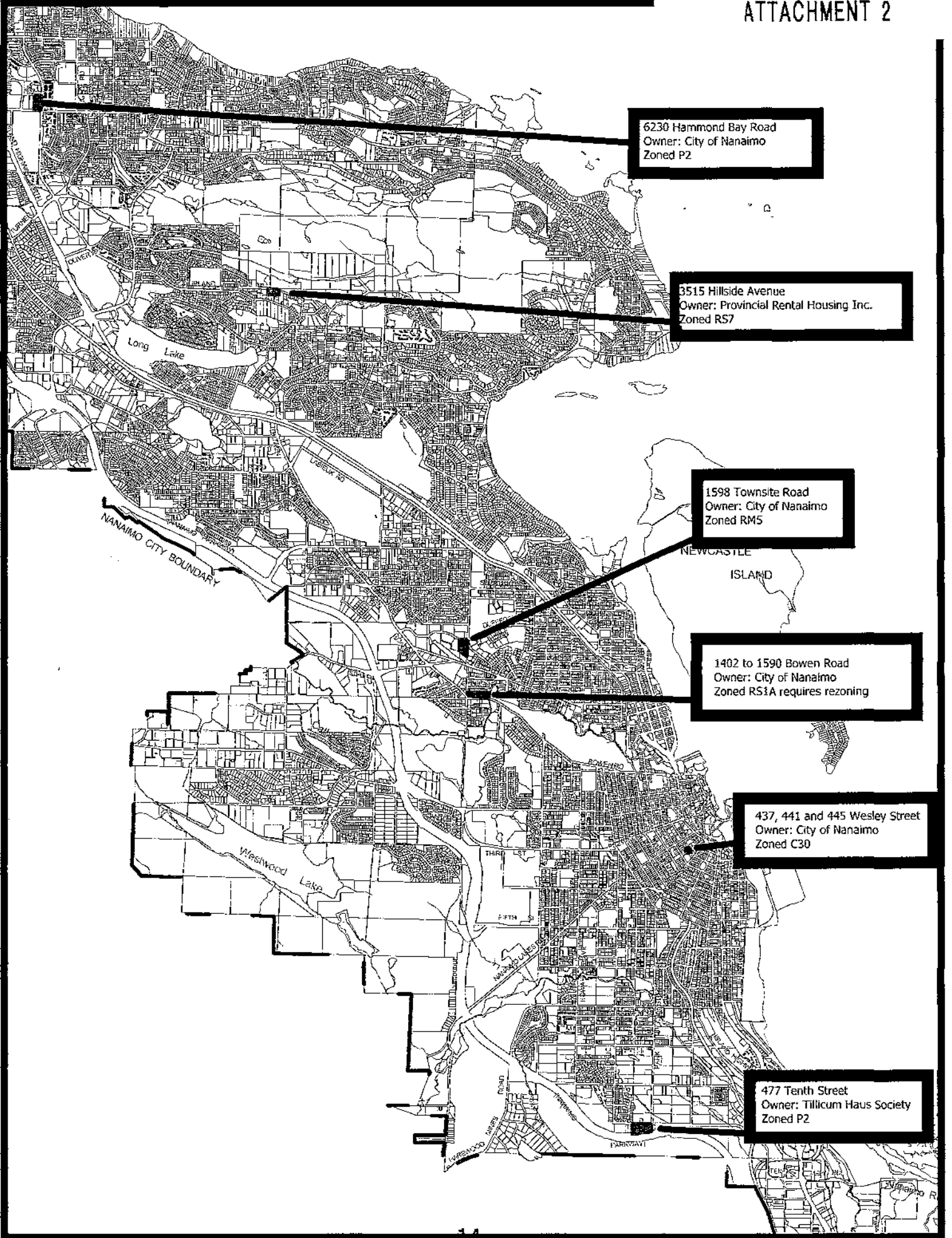
Andrew Tucker,  
Director of Planning  
Community Safety & Development

JH/ch  
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Council Date: 2010-Oct-25



Ted Swabey, General Manager  
Community Safety & Development





6230 Hammond Bay Road  
Owner: City of Nanaimo  
Zoned P2

3515 Hillside Avenue  
Owner: Provincial Rental Housing Inc.  
Zoned RS7

1598 Townsite Road  
Owner: City of Nanaimo  
Zoned RM5

1402 to 1590 Bowen Road  
Owner: City of Nanaimo  
Zoned RS1A requires rezoning

437, 441 and 445 Wesley Street  
Owner: City of Nanaimo  
Zoned C30

477 Tenth Street  
Owner: Tillicum Haus Society  
Zoned P2



## “IN CAMERA”

### STAFF REPORT

REPORT TO: ANDREW TUCKER, DIRECTOR OF PLANNING  
COMMUNITY SAFETY & DEVELOPMENT

FROM: RANDY CHURCHILL, MANAGER OF BYLAW, REGULATION AND SECURITY  
COMMUNITY SAFETY & DEVELOPMENT

RE: AUTHORIZATION TO SEEK LEGAL ACTION

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PROPERTY: 1615 Bay Street  
OWNER:

#### STAFF'S RECOMMENDATION:

That Council authorize staff, in conjunction with the City Solicitor, to take legal action against the owners and occupiers of the property located at 1615 Bay Street, Nanaimo, BC.

#### EXECUTIVE SUMMARY:

Based on the evidence provided by the property owner and that staff has been able to assemble, there was some form of structure/retaining wall in the general area that the current wall exists. The pre-existing structure/retaining wall would likely have been in place prior to the current watercourse protection regulations. It also appears, based on the evidence such as the location of the rotting wooden stairway and the lack of any significant disturbance in the down-sloping area, that the current retaining wall does not project further into, or further disrupt the leave strip setback area. As such, if there is no further disturbance of the leave strip area, staff does not see this as a riparian area issue based on the evidence.

A new retaining wall approximately 7' in height and fence is located within DP Area 3 Natural Hazard Area. As such a development permit is required for new construction in the DP area. A building permit is also required for retaining walls exceeding 5 feet in height.

Any work, other than emergency work, must be authorized by a development permit and/or a building permit. Such work must be completed in accordance with a geotechnical report. The property owner has taken no action to obtain a geotechnical report or to apply for the required development permits, therefore, legal action is recommended.

#### BACKGROUND:

As a result of a complaint, a bylaw enforcement officer attended on site and obtained photos of the retaining wall and fence. Correspondence was forwarded to the owner of the property

advising that reports were required from a geotechnical engineer, a biologist and a land surveyor, and that both a development permit and a building permit were required.

A meeting was held with the property owner who advised that the retaining wall was not new and that new footings were placed on the top of the wall to anchor new fence posts. He also stated that drain pipes in the wall were extended when the wall was repaired.

Evidence indicates that the "repairs" were more extensive than merely new footings and that the retaining wall is new. The current retaining wall is not a repair but a replacement. The wall does not project into the leave strip setback any further than the previous structure would have done.

The Planning Department requested that a geotechnical engineer be retained to provide a report on the safety of the wall as it relates to other properties as per the City's Geotechnical Guidelines and as per the Natural Hazard Land Development Permit Area (DPA3) Guidelines and to determine if a development permit or building permit is required. Further correspondence was sent to the owner outlining the above requirements.

The owner has not complied with the City's request. In an e-mail to the City, the property owner stated that he should not have to seek a geotechnical report, however, the subject property is located in the identified Natural Hazard Area adjacent to Departure Creek. Therefore, any works require geotechnical supervision.

To date, the property owner has not complied with the City's requests. Staff is therefore seeking authority to take legal action.

Respectfully submitted,

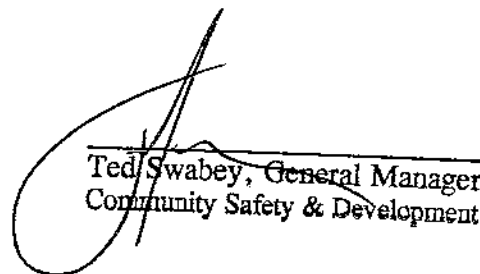


Randy Churchill  
Manager  
Bylaw, Regulation and Security

Council: 2010-Oct-25



Andrew Tucker  
Director of Planning



Ted Swabey, General Manager  
Community Safety & Development

“IN CAMERA”

STAFF REPORT

REPORT TO: ANDREW TUCKER, DIRECTOR OF PLANNING  
COMMUNITY SAFETY & DEVELOPMENT

FROM: RANDY CHURCHILL, MANAGER OF BYLAW, REGULATION AND SECURITY  
COMMUNITY SAFETY AND DEVELOPMENT

RE: AUTHORIZATION TO SEEK LEGAL ACTION

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PROPERTY: 4670 Hammond Bay Road  
OWNER:

STAFF'S RECOMMENDATION:

That Council authorize staff, in conjunction with the City Solicitor, to take legal action against the owners and occupiers of the property located at 4670 Hammond Bay Road, Nanaimo, BC.

EXECUTIVE SUMMARY:

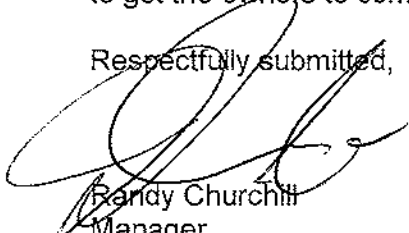
Complaints were received that there was fill being deposited and trees cut within the required setbacks of the wetland area.

BACKGROUND:

An inspection was conducted. Fourteen trees had been cut down and fill had been deposited on the property without authorization from the City. The owner admitted that the work had been done without permits and he was advised to cease any activity in the wetland area. A subsequent complaint was received that piles of gravel and sand had been deposited on the property. The owner denied bringing the fill onto the site.

There have been ongoing bylaw issues on this property. Staff feel that legal action is required to get the owners to comply with City bylaws.

Respectfully submitted,

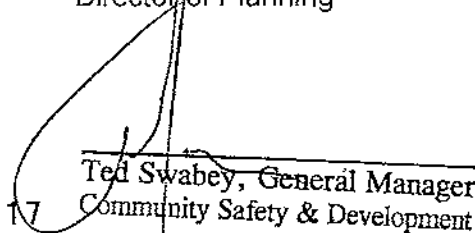


Randy Churchill  
Manager  
Bylaw, Regulation and Security

Council: 2010-Oct-25



Andrew Tucker  
Director of Planning



Ted Swabey, General Manager  
Community Safety & Development

"IN CAMERA"  
STAFF REPORT

REPORT TO: ANDREW TUCKER, DIRECTOR OF PLANNING  
COMMUNITY SAFETY & DEVELOPMENT

FROM: RANDY CHURCHILL, MANAGER OF BYLAW, REGULATION AND SECURITY  
COMMUNITY SAFETY AND DEVELOPMENT

RE: AUTHORIZATION TO SEEK LEGAL ACTION

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PROPERTY: 3087 Departure Bay Road  
OWNER:

STAFF'S RECOMMENDATION:

That Council authorize staff, in conjunction with the City Solicitor, to take legal action against the owners and occupiers of the property located at 3087 Departure Bay Road, Nanaimo, BC.

EXECUTIVE SUMMARY:

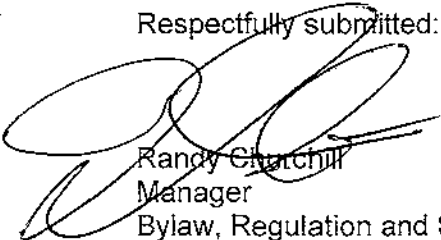
Two suites have been constructed in the duplex at 3087 Departure Bay Road.

BACKGROUND:

The duplex was illegally converted into a fourplex in 2001. Enforcement action was taken and the owner removed the two illegal suites. The duplex was again converted into a fourplex in 2006. The owner applied for rezoning at that time but was denied. Legal action was required to have the owner remove the suites in March of 2007.

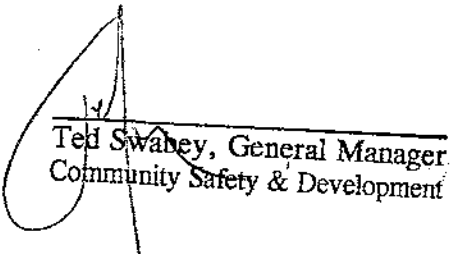
Suites have been reinstated in the duplex. Legal action is again sought to bring the property into compliance.

Respectfully submitted:

  
Randy Churchill  
Manager  
Bylaw, Regulation and Security

  
Andrew Tucker  
Director of Planning

Council: 2010-Oct-25

  
Ted Swabey, General Manager  
Community Safety & Development

## **“IN CAMERA” STAFF REPORT**

REPORT TO: E.C. SWABEY, GENERAL MANAGER,  
COMMUNITY SAFETY & DEVELOPMENT

FROM: T.P. SEWARD, DIRECTOR OF DEVELOPMENT,  
COMMUNITY SAFETY & DEVELOPMENT

RE: CITY HALL ANNEX REPLACEMENT OPTIONS

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### STAFF'S RECOMMENDATION:

That Council direct Staff to:

1. shortlist to six proposals: #1, #5, #6, #9 (411 Dunsmuir Street); #10 (455 Wallace Street); #16 (238 Franklyn Street), as listed on Attachment A;
2. bring forward an analysis of the six proposals to replace or upgrade the City Hall Annex, as identified in recommendation 1; and
3. advise all Expression of Interest applicants as to whether their application will be considered further or not.

### EXECUTIVE SUMMARY:

At its meeting of 2010-Oct-04, Council received a report from Staff regarding options to replace the City Hall Annex that included a Funding Option Summary (five options) and site selection review (15 proposals on 9 sites).

At that meeting, Council directed Staff to include only:

- City Hall Annex replacement options that would not require a referendum vote; and
- Funding Options 1 and 2, as outlined in the Staff Report.

As both Funding Options 1 and 2 have a maximum funding ceiling of approximately \$15 Million, Staff believes a number of the 15 Expression of Interest (EOI) proposals received, exceed this figure or lack sufficient information to be considered further (Attachment A).

Given the funding ceiling of approximately \$15 Million, Staff believes there are only four sites that can be considered:

1. 411 Dunsmuir Street (parking across from City Hall)
2. 455 Wallace Street (addition to the existing City Hall building)
3. . . . . and
4. 238 Franklyn Street (seismic upgrade of the existing City Hall Annex).

If Council believes one or more of the four options should be eliminated, Staff will delete those options from consideration. The challenge the City has with evaluating Options 1, 2 & 3 is that applicants will be hesitant to invest additional money in developing preliminary building plans and budgets, unless they believe their proposal is likely to be chosen as the successful applicant.

In order to evaluate the four options that could be completed with the funding available, Staff is proposing to provide an analysis of the proposal, cost implications and the advantages/disadvantages of each option. At a future Council meeting, Staff will also provide a separate report analyzing Funding Options 1 and 2, which will include a breakdown of options including funding from reserves or borrowing money together with funding from reserves.

BACKGROUND:

In two previous reports to Council, Staff has outlined the 15 submissions received in response to the EOI and the various funding options available for consideration. Seismic upgrading of the City hall Annex has been added as Option #16. At its meeting of 2010-Oct-04, Council directed Staff to proceed with determining options for replacement of the City Hall Annex, without considering a referendum. Provided Council endorses Staff's recommendation in this report, Staff will pursue a detailed analysis of options that could be considered within a budget of approximately \$15 Million.

Staff is recommending that an analysis be undertaken of the following four options:

411 Dunsmuir Street (City Hall parking lot across from City Hall)

In the 15 submissions received in response to the EOI, six applicants made proposals to build on this site. The site has a number of benefits, including its proximity to City Hall, ownership by the City, relatively flat site, etc. If Council believes this is the best site to construct a replacement for the City Hall Annex, Staff would pursue one of the following options:

- A. selecting three of the most viable proposals put forward for the site and determine which of the applicants' proposals best meets the City's needs for building design, cost, building size, etc.,
- B. seeking an Expression of Interest from the six original applicants for the EOI on this site; or
- C. pursuing a new EOI open to all companies who wish to construct the building.

*Estimated Cost \$14 – \$15.6 Million*

*Staff believes building new on this site is the most cost effective long-term alternative. Also, Staff would recommend selecting Option A. above and shortlist 3 of the applicants from the original EOI.*

455 Wallace Street (addition to the north end of City Hall)

In response to the EOI proposal, one submission was received for an addition to the existing City Hall building. Staff believes it is worthwhile to consider this proposal as it has a number of benefits (allows all Staff to work in one building, is on existing City-owned land, provides one service centre for all City Hall functions, etc.)

*Estimated Cost \$15 – \$16.9 Million*

*Staff believes this option has merit; however, the proposed five-storey addition would dwarf City Hall and likely exceed the funding budgeted.*

The owners of \_\_\_\_\_ have confirmed they are prepared to sell the building to the City and fill in the \_\_\_\_\_ to construct office space that would create sufficient overall floor space for the City's needs in the long term. A portion of the building is currently leased and would not be available to the City for an extended period of time.

Staff needs to undertake a more complete review of the building to confirm: lease commitments, seismic stability, layout of the current floor spaces, mechanical/electrical/cabling services available, etc.

*Estimated Cost \$11 – \$12 Million*

*Staff believes this option should be explored further, as the building is of a high quality, \_\_\_\_\_ costs are known and lower than a new build. Unfortunately, part of the building is leased long term; therefore, may not be viable from a space needs perspective.*

238 Franklyn Street (seismic upgrade of existing City Hall Annex)

As previously reported to Council, the seismic upgrade of the City Hall Annex is still an option. Even with the seismic upgrade, the building would still be inefficient and outdated, lack sufficient space for future staffing needs, likely would need replacing in the next 10 – 15 years and it would be tremendously disruptive to upgrade the building while existing Staff is in place.

*Estimated Cost \$6 – \$6.5 Million*

*Staff believes this option should be considered as a last resort.*

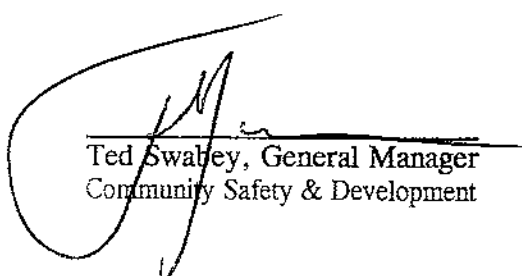
The analysis Staff proposes to undertake will involve discussions with a number of applicants to assess their design criteria, cost breakdown, etc. This assessment may lead to a recommendation that these applications be considered further or deleted.

Provided Council endorses Staff's Recommendation, applicants will be advised that a shortlist of applications has been established and that the remainder of the submissions will not be pursued.

Respectfully submitted,

  
Toby Seward, Director of Development  
COMMUNITY SAFETY & DEVELOPMENT

TS/hp  
Council: 2010-Oct-25  
Prospero: CLL55

  
Ted Swabey, General Manager  
Community Safety & Development

## Attachment A

### EXPRESSION OF INTEREST – CITY HALL ANNEX List of Submissions

*Submissions are not ranked in any order*

SUBMISSION	LOCATION	APPLICANT	RECOMMENDED SHORTLIST
#1 –			Yes
#2 –			No
#3 –			No
#4 – City Hall Parking Lot	411 Dunsmuir Street *		No
#5 – City Hall Parking Lot	411 Dunsmuir Street *		Yes
#6 – City Hall Parking Lot	411 Dunsmuir Street *		Yes
#7 – City Hall Parking Lot	411 Dunsmuir Street *		No
#8 – City Hall Parking Lot	411 Dunsmuir Street *		No
#9 – City Hall Parking Lot	411 Dunsmuir Street *	ICI/Windley – Nanaimo	Yes
#10 – City Hall Addition	455 Wallace Street *		Yes
#11 –			No
#12 –			No
#13 –			No
#14 –			No
#15 –			No
#16 – City Hall Annex	238 Franklyn Street *	City of Nanaimo	Yes

\* City-owned sites



MINUTES OF THE "IN CAMERA" MEETING OF COUNCIL  
TO DISCUSS CONFIDENTIAL MATTERS,  
HELD IN THE CITY HALL BOARD ROOM, 455 WALLACE STREET, NANAIMO, BC,  
ON MONDAY, 2010-OCT-25, COMMENCING AT 10:30 A.M.

---

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

Members: Councillor W. L. Bestwick  
Councillor W. J. Holdom  
Councillor D. K. Johnstone  
Councillor J. A. Kipp  
Councillor J. F. K. Pattje  
Councillor L. J. Sherry  
Councillor M. W. Unger (departed 12:00 p.m.)

Absent: Councillor L. D. McNabb

Staff: A. C. Kenning, City Manager  
A. W. Laidlaw, General Manager of Community Services  
D. W. Holmes, Assistant City Manager and General Manager of  
Corporate Services  
E. C. Swabey, General Manager of Community Safety and Development  
T. L. Hartley, Director of Human Resources and Organizational Planning  
B. E. Clemens, Director of Finance  
T. P. Seward, Director of Development  
Superintendent Lott, OIC, Nanaimo Detachment RCMP (departed 11:42 a.m.)  
Inspector O'Donnell, Nanaimo Detachment RCMP (departed 11:42 a.m.)  
M. Dietrich, Municipal Manager (departed 11:42 a.m.)  
Chief R. Lambert, Nanaimo Fire Rescue (departed 11:42 a.m.)  
A. J. Tucker, Director of Planning  
R. J. Harding, Director of Parks, Recreation and Culture (departed 11:53 a.m.)  
B. Corsan, Manager, Real Estate  
J. Horn, Social Planner  
J. E. Harrison, Manager of Legislative Services  
L. Dennis, Recording Secretary

1. CALL THE OPEN MEETING TO ORDER:

The Regular Meeting was called to order at 10:44 a.m.

2. PROCEDURAL MOTION:

14610 It was moved and seconded that the meeting be closed in order to deal with the following matters under the *Community Charter* Section 90(1):

- (e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure might reasonably be expected to harm the interests of the municipality; and,
- (g) litigation or potential litigation affecting the municipality.

The motion carried unanimously.

3. ADOPTION OF AGENDA:

14710 It was moved and seconded that the Agenda be adopted. The motion carried unanimously.

4. ADOPTION OF MINUTES:

14810 It was moved and seconded that the Minutes of the "In Camera" Meeting of Council held Monday, 2010-OCT-04 at 10:30 a.m. in the City Hall Board Room, 455 Wallace Street, Nanaimo, BC be adopted as circulated. The motion carried unanimously.

5. PRESENTATIONS:

- (a) Superintendent Lott, OIC, Nanaimo Detachment, gave Council a verbal explanation of the RCMP Quarterly Report and expanded on some of the statistics therein.
- (b) Mr. M. Dietrich, Municipal Manager, Nanaimo Detachment, gave a brief verbal update on the cell block renovation which is expected to be completed by July, 2011.

6. STAFF REPORTS:

COMMUNITY SAFETY AND DEVELOPMENT:

- (a) Renewal of Licence Agreement for VIA Rail Canada Inc. – Temporary Waiting Room Trailer at 336 Prideaux Street

14910 It was moved and seconded that Council approve a two (2) year extension to the Licence with VIA Rail Canada Inc. for the purpose of operating a temporary waiting room on City-owned property at 336 Prideaux Street for the Dayliner rail service. The motion carried unanimously.

- (b) Renewal of Licence Agreement for Vancouver Island University Fish Hatchery Operations at 1050 Nanaimo Lakes Road

15010 It was moved and seconded that Council approve a three (3) year extension to the Licence with Vancouver Island University (VIU) for the purpose of operating a fish hatchery on City-owned property at 1050 Nanaimo Lakes Road. The motion carried unanimously.

(c) MOU Supportive Housing Site Selection

15110 It was moved and seconded that Council approve the utilization of 6230 Hammond Bay Road for supportive housing as per Nanaimo's Response to Homelessness Action Plan, and that this site be made available for the construction and operation of 35 units of supportive housing. The motion carried.  
Opposed: *Councillor Bestwick*

(d) Authorization to Seek Legal Action – 1615 Bay Street

15210 It was moved and seconded that Council authorize Staff, in conjunction with the City Solicitor, to take legal action against the owners and occupiers of the property located at 1615 Bay Street, Nanaimo, BC. The motion carried unanimously.

(e) Authorization to Seek Legal Action – 4670 Hammond Bay Road

15310 It was moved and seconded that Council authorize Staff, in conjunction with the City Solicitor, to take legal action against the owners and occupiers of the property located at 4670 Hammond Bay Road, Nanaimo, BC. The motion carried unanimously.

(f) Authorization to Seek Legal Action – 3087 Departure Bay Road

15410 It was moved and seconded that Council authorize Staff, in conjunction with the City Solicitor, to take legal action against the owners and occupiers of the property located at 3087 Departure Bay Road, Nanaimo, BC. The motion carried unanimously.

Councillor Unger vacated the Board Room at 12:00 p.m.

(g) City Hall Annex Replacement Options

15510 It was moved and seconded that Council direct Staff to:

1. shortlist to six proposals: #1 #5, #6, #9 (411 Dunsmuir Street); #10 (455 Wallace Street); #16 (238 Franklyn Street), as listed on Attachment A;
2. bring forward an analysis of the six proposals to replace or upgrade the City Hall Annex, as identified in Recommendation 1; and,
3. advise all Expression of Interest applicants as to whether their application will be considered further or not.

The motion carried.

Opposed: *Councillor Bestwick*

7. INFORMATION ONLY ITEMS:

- (a) Report from Ms. J. E. Harrison, Manager of Legislative Services, re: Quarterly Claims Report – Period Ending 2010-SEP-30.

8. OTHER BUSINESS:

(a) Update Regional Issues

911 Call Answer Levy

Mr. A. Kenning, City Manager, reminded Council that the letters received from service providers regarding the 911 call answer levy bylaw will be on the Regional District Board agenda on Tuesday, 2010-OCT-26.

(b) Update Municipal Issues

9. ADJOURNMENT:

15610 It was moved and seconded at 12:20 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

15710 It was moved and seconded at 12:20 p.m. that the Regular Meeting terminate. The motion carried unanimously.

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M A Y O R

CERTIFIED CORRECT:

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MANAGER,  
LEGISLATIVE SERVICES



MINUTES OF THE SPECIAL "IN CAMERA" MEETING OF COUNCIL  
TO DISCUSS CONFIDENTIAL MATTERS,  
HELD IN THE CITY HALL BOARD ROOM, 455 WALLACE STREET, NANAIMO, BC,  
ON MONDAY, 2010-NOV-01, COMMENCING AT 2:30 P.M.

---

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

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

Absent: Councillor L. D. McNabb

Others: Mr. Colin Stewart, Staples, McDannold, Stewart

Staff: A. C. Kenning, City Manager  
D. W. Holmes, Assistant City Manager and General Manager of  
Corporate Services  
A. W. Laidlaw, General Manager of Community Services  
E. C. Swabey, General Manager of Community Safety and Development  
T. L. Hartley, Director of Human Resources and Organizational Planning  
A. J. Tucker, Director of Planning  
J. E. Harrison, Manager of Legislative Services

1. CALL THE OPEN MEETING TO ORDER:

The Regular Meeting was called to order at 2:30 p.m.

2. PROCEDURAL MOTION:

15810 It was moved and seconded that the meeting be closed in order to deal with the following matters under the *Community Charter* Section 90(1):

- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

The motion carried unanimously.

3. ADOPTION OF AGENDA:

15910 It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

4. OTHER BUSINESS:

(a) Update Municipal Issues

- (1) Discussion regarding legal opinion from City Solicitor regarding

5. ADJOURNMENT:

16010 It was moved and seconded at 4:30 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

16110 It was moved and seconded at 4:30 p.m. that the Regular Meeting terminate. The motion carried unanimously.

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M A Y O R

CERTIFIED CORRECT:

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MANAGER,  
LEGISLATIVE SERVICES

AGENDA FOR THE "IN CAMERA" MEETING OF COUNCIL  
TO DISCUSS CONFIDENTIAL MATTERS,  
TO BE HELD IN THE CITY HALL BOARD ROOM,  
455 WALLACE STREET, NANAIMO, BC,  
ON MONDAY, 2010-NOV-08, COMMENCING AT 10:30 A.M.

---

1. INTRODUCTION OF LATE ITEMS:

2. ADOPTION OF AGENDA:

3. ADOPTION OF MINUTES:

- (a) Minutes of the "In Camera" Meeting of Council held Monday, 2010-OCT-25 at 10:30 a.m. in the City Hall Board Room. Pg. 3-6
- (b) Minutes of the Special "In Camera" Meeting of the Council of the City of Nanaimo held in the Board Room, 455 Wallace Street, Nanaimo, BC, on Monday, 2010-NOV-01 at 2:30 p.m. Pg. 7-8

4. PRESENTATIONS:

5. DELEGATIONS PERTAINING TO AGENDA ITEMS:

6. MAYOR'S REPORT:

7. COMMISSION REPORTS:

- (a) **Parks, Recreation and Culture Commission – Minutes of the "In Camera" Meeting held 2010-SEP-22** Pg. 9-11

*Commission's Recommendation: That Council receive the Minutes of the "In Camera" Minutes of the Parks, Recreation and Culture Commission meeting held 2010-SEP-22.*

- (b) **Parks, Recreation and Culture Commission – Nanaimo Cultural Awards 2010** Pg. 12-14

*Commission's Recommendation: That Council approve the 2010 Nanaimo Cultural Awards as follows:*

- 1. *that Sandra Thomson receive the "Honour in Culture" Award for 2010;*

*AND:*

- 2. *that Steve Jones receive the "Excellence in Culture" Award for 2010.*



- (c) **Parks, Recreation and Culture Commission – Naming of Ice Sheet Number 1 at the Nanaimo Ice Centre to the "Larry McNabb Rink"** Pg. 15

*Commission's Recommendation: That Council approve the naming of Ice Sheet Number 1 of the Nanaimo Ice Centre to "Larry McNabb Rink."*

8. **COMMITTEE REPORTS:**

9. **STAFF REPORTS:**

**CORPORATE SERVICES:**

- (a) **Mayor's Letter to Sing Tao Daily News** Pg. 16-18

*Staff's Recommendation: That Council approve the letter from Mayor Ruttan to the Sing Tao Daily News regarding the Chinese Community.*

10. **INFORMATION ONLY ITEMS:**

11. **CORRESPONDENCE:**

- (a) Letter dated 2010-NOV-01 from Mr. Colin Haime, Mayor of the District of Lantzville, requesting a meeting with Council to discuss the extension of water supply to Lantzville. Pg. 19

12. **OTHER BUSINESS:**

- (a) Update Regional Issues  
(b) Update Municipal Issues

13. **ADJOURNMENT OF THE "IN CAMERA" MEETING:**

14. **ADJOURNMENT OF THE REGULAR MEETING:**

**MINUTES OF THE "IN CAMERA"  
PARKS, RECREATION AND CULTURE COMMISSION MEETING  
HELD IN BOWEN PARK COMPLEX CONFERENCE ROOM  
ON WEDNESDAY, 2010-SEP-22, COMMENCING AT 7:56 P.M.**

---

PRESENT: Commissioner L. McNabb, Chair

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

Absent: Commissioner L. Avis  
Commissioner D. Burnett  
Commissioner G. Rudischer

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

1. CALL THE "IN CAMERA" MEETING TO ORDER:

The "In Camera" Meeting was called to order at 7:56 p.m.

2. INTRODUCTION OF LATE ITEMS:

- Add Item 5. - Cultural Committee Member Resignations.
- Add Item 6. - Appointment of Cultural Committee Member.

3. ADOPTION OF AGENDA:

It was moved and seconded that the amended "In Camera" Agenda be adopted. The motion carried unanimously.

4. ADOPTION OF MINUTES:

- (a) Minutes of the "In Camera" Parks, Recreation and Culture Commission meeting held Wednesday, 2010-JUL-28 at 7:56 p.m. in Activity Room #1, Bowen Park Complex.

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

5. CULTURAL COMMITTEE MEMBER RESIGNATIONS:

6. APPOINTMENT OF CULTURAL COMMITTEE MEMBER.

Discussion was held with regard to the increase of PRCC members appointed to the Cultural Committee by one (1) to four (4).

It was moved and seconded that Commissioner Diana Johnstone be the 4<sup>th</sup> Parks, Recreation and Culture Commission member appointed to serve on the Cultural Committee for a term to end on 2011-DEC-31. The motion carried unanimously.

7. REPORTS OF ADVISORY BODIES:

- (a) Parks Committee. Commissioner Sparkes reported on the In-Camera meeting held 2010-SEP-09

Parks Committee's Recommendation: *That the Parks, Recreation and Culture Commission:*

- a. *direct that Parks, Recreation and Culture staff be an integral part of a Property Management Strategy; and,*
- b. *support that a minimum of 50% of this property be set aside as parkland.*

It was moved and seconded that the Parks, Recreation and Culture Commission recommend that Council:

- a. *direct that Parks, Recreation and Culture staff be an integral part of a Property Management Strategy for the city-owned land,*

The motion carried unanimously.

8. STAFF REPORTS: (Action) (None.)

9. STAFF REPORTS: (Information Only) (None.)

10. CORRESPONDENCE: (None.)
11. OTHER BUSINESS: (None.)
12. UNFINISHED BUSINESS: (None.)
13. ADJOURNMENT:

It was moved and seconded at 8:32 p.m. that the "In Camera" meeting adjourn, with the next "In Camera" Meeting of Commission to be held, if required, Wednesday, 2010-OCT-27, in the Bowen Park Complex Conference Room, following adjournment of the regular Commission meeting.

The motion carried unanimously.

CERTIFIED CORRECT:



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D. Johnstone, Acting Chair  
for: L. McNabb, Chair  
Parks, Recreation and Culture Commission

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R. Harding, Director  
Parks, Recreation and Culture

## **“IN CAMERA”**

REPORT TO: MAYOR AND COUNCIL

FROM: DIANA JOHNSTONE, ACTING CHAIR  
PARKS, RECREATION AND CULTURE COMMISSION

**RE: NANAIMO CULTURAL AWARDS 2010**

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### RECOMMENDATION:

That Council approve the 2010 Nanaimo Cultural Awards as follows:

1. that Sandra Thomson receive the “Honour in Culture” Award for 2010; and,
2. that Steve Jones receive the “Excellence in Culture” Award for 2010.

### EXECUTIVE SUMMARY

The Cultural Committee reviewed the 2010 nominations for the “Honour in Culture” Award and the “Excellence in Culture” Award at their “In Camera” meeting held on 2010-OCT-13. At their “In Camera” meeting of 2010-OCT-27, the Parks, Recreation and Cultural Commission moved that the Commission recommend to Council that Sandra Thomson receive the “Honour in Culture” Award for 2010, and that, Steve Jones receive the “Excellence in Culture” Award for 2010.

### BACKGROUND:

Every year, the “Honour in Culture” Award is awarded to an individual, group or corporation for outstanding service, dedication or support to the development of arts and culture in our City.

The “Excellence in Culture” Award is given to an individual or group for outstanding achievement in a cultural or arts field (e.g. a local artist with national or international recognition). The recipient of this award is to be recognized as a “Nanaimo Artist”, having demonstrated excellence in their field, and as being an inspiration to others.

The awards are presented by City Council and the Parks Recreation and Culture Commission in the form of a framed photograph of the recipient that will be displayed in the Margaret Strongitharm Gallery at the Port Theatre.

### **Honour in Culture Award: Sandra Thomson**

Sandra Thomson has been the Development Officer and General Manager for the Port Theatre Society for 20 years. Sandra has made a significant contribution to the cultural life of Nanaimo through her expertise in the areas of marketing, public relations, volunteer

management, fundraising and facility management. Sandra was instrumental in raising 13.1 million dollars to build the 800 seat Port Theatre on the waterfront in downtown Nanaimo. Sandra was responsible for creating and implementing the strategic plan to accomplish this major community development project. During the 8 year development phase, \$1.2 million was raised for operations, gifts in kind of almost \$500,000 were secured, while grants and donations totaling \$13.1 million were raised for the building fund. From 1998 – 2001 Sandra continued to work on the annual giving, sponsorship and membership campaigns. Several special capital projects were undertaken to enhance the Theatre's facilities and a \$1 million Endowment Fund campaign was launched. After serving 10 months as Acting General Manager, Sandra was appointed General Manager of The Port Theatre in June 2002. In November 2004, it was announced that The Port Theatre was selected Presenting Organization of the Year for season 2003 – 2004 by the Canadian Arts Presenting Association (CAPAOA). The Port Theatre was named Presenter of the Year by the BC Touring Council for season 2005 – 2006. In May 2006, Sandra began a successive planning process at The Port Theatre that saw her becoming the Director of Programming and mentoring Bruce Halliday who was promoted from Technical Director to General Manager / Programmer.

Sandra's work in promoting the Arts across the country has been remarkable, renowned and inspirational to a multitude of arts supporters, young administrators, well established professionals, all level of funding bodies, politicians, patrons of the arts and audiences. Arts and Culture would not have the national profile that it enjoys in Nanaimo, without Sandra's belief in the "Transformational power of the arts."

#### **Excellence in Culture: Steve Jones**

For thirty years Steve Jones has contributed to the musical development of local students. He has also administered and adjudicated numerous festivals across BC and at Musicfest Canada. His reputation across the country has drawn music students to Nanaimo where Mr. Jones has helped launch their musical careers. Steve Jones has joined the likes of Brian Stoveil, Diana Krall and Carmella Luvisotto in bringing national and international recognition to our City. Steve has been professor at Malaspina University College (Vancouver Island University) teaching jazz and music since 1979. He has also taught private lessons to scores of students including notables Phil Dwyer, Christine Jensen and Karen Graves, as well as conducting workshops and clinics to schools all over Vancouver Island.

Steve is also an excellent professional performer, performing in British Columbia and Washington State. His performances continue to enrich the cultural life of Nanaimo. He is the Musical Director and saxophonist for the Nanaimo Musicians Association Big Band; Musical Director, composer/arranger, saxophonist, for Decadence, a Nanaimo-based jazz tentet; Principal of the Steve Jones Trio performing at many events, restaurants, and private functions and numerous performances at festivals with many notable musicians such as Hugh Fraser, Ingrid Jensen, Phil Dwyer, Tommy Banks, Pat Coleman, Buff Allen, John Capon and others.

Steve Jones is being recommended for the "Excellence in Culture" Award on the basis of his excellence as a teacher/mentor, composer/arranger; adjudicator and performer of jazz music.

The Parks, Recreation and Culture Commission recommends that Council approve that Sandra Thomson receive the "Honour in Culture" Award for 2010 for her outstanding contribution to the cultural life of Nanaimo and the national recognition she has brought to our City and that Steve Jones receive the "Excellence in Culture" Award for 2010 for his outstanding achievements as a teacher, mentor and performer of jazz music locally, nationally and internationally.

Respectfully submitted,

A handwritten signature in cursive script that reads "Diana Johnstone".

Diana Johnstone, Acting Chair  
Parks, Recreation and Culture Commission

2010-OCT-28

File: A3-35-1

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## **“IN CAMERA”**

REPORT TO: MAYOR AND COUNCIL

FROM: DIANA JOHNSTONE, ACTING CHAIR  
PARKS, RECREATION AND CULTURE COMMISSION

**RE: NAMING OF ICE SHEET NUMBER 1 AT THE NANAIMO ICE CENTRE  
TO THE “LARRY MCNABB RINK”**

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### RECOMMENDATION:

That Council approve the naming of Ice Sheet Number 1 of the Nanaimo Ice Centre to “Larry McNabb Rink”.

### BACKGROUND:

The City reserves the naming of parks and facilities for individuals who have made a special contribution to the community, or for clubs and organizations to recognize their contribution in the development of a facility.

### DISCUSSION:

At the “In Camera” Parks, Recreation and Culture Commission meeting of 2010-OCT-27, the Parks, Recreation and Culture Commission discussed the naming of Ice Sheet Number 1 at the Nanaimo Ice Centre in recognition and honour of Councillor Larry McNabb. His contributions and efforts towards improving parks, recreation and culture facilities for over two decades with the City and the Parks, Recreation and Culture Commission has enhanced the quality of life for past, current and future generations in our community.

At their meeting of 2010-OCT-27, it was moved and seconded that the Parks, Recreation and Culture Commission recommend that Council approve the naming of Ice Sheet Number 1 of the Nanaimo Ice Centre, to “Larry McNabb Rink”. The motion carried unanimously.

Respectfully submitted,

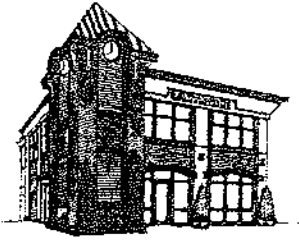


Diana Johnstone, Acting Chair  
Parks, Recreation and Culture Commission

File: A4-1-2 / D2-3-6-1  
2010-NOV-04

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# District of Lantzville

Incorporated June 2003

November 1<sup>st</sup>, 2010

## OFFICE OF THE MAYOR

**CONFIDENTIAL**

Nanaimo City Council  
City of Nanaimo  
455 Wallace Street  
Nanaimo, BC V9R 5J6

Dear Mayor Ruttan and Council

**Re: Invitation to Dinner Meeting – Water Discussions**

Late in December, 2009 the District of Lantzville Council requested a direct meeting between ourselves and the City of Nanaimo Council in order that we could make a presentation with respect to our position and challenges in regards to the extension of water supply to Lantzville.

We believe that there are synergies that can benefit both parties and the Region as a whole if such an extension was to occur. Therefore we are once again requesting a joint meeting of councils to review these issues. As a Council we wish to ensure that our current challenges, position and the reasons for these challenges are made clear to the City of Nanaimo Council..

We would like to host a dinner meeting between the two councils or, if schedules do not allow this, then a working meeting only. Noting that Mondays are usually left open to allow for Council meetings, we have identified November 29<sup>th</sup>, 2010 as the nearest available Monday evening that is currently unscheduled.

As the question of how to proceed is an important one to our community we ask that you advise Donna Smith at the District Office at 250.390.4006 or [donna@lantzville.ca](mailto:donna@lantzville.ca) prior to Friday, November 12<sup>th</sup> of your preferred meeting date. Once we hear from you, we will confirm the time and location of the meeting.

If you need further information or clarification regarding our request please contact me through the District office at 250-390-4006 or on my cell phone at 250-616-3986.

Sincerely

**Colin Haime**  
**Mayor**  
**District of Lantzville**

File: 0470-30-NAN  
G:\DOL\Cora\2010\Mayor\_City of Nanaimo Council\_dinner mtg request.doc

C: All Members of Council, District of Lantzville  
T. Graff, Chief Administrative Officer  
A. Kenning, City Manager, City of Nanaimo

Phone: (250) 390-4006 • Fax: (250) 390-5188

Email: [district@lantzville.ca](mailto:district@lantzville.ca) Website: [www.lantzville.ca](http://www.lantzville.ca)

P. O. Box 100, 7192 Lantzville Road, Lantzville, B.C. V0R 2H0

- Council
  - Committee.....
  - Open Meeting
  - In-Camera Meeting
- Agenda Item
  - Delegation
  - Proclamation
  - Correspondence

Meeting Date: 2010 - NOV - 08

MINUTES OF THE "IN CAMERA" MEETING OF COUNCIL  
TO DISCUSS CONFIDENTIAL MATTERS,  
HELD IN THE CITY HALL BOARD ROOM, 455 WALLACE STREET, NANAIMO, BC,  
ON MONDAY, 2010-NOV-08, COMMENCING AT 10:30 A.M.

---

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

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

Absent: Councillor L. D. McNabb

Staff: A. C. Kenning, City Manager  
A. W. Laidlaw, General Manager of Community Services  
D. W. Holmes, Assistant City Manager and General Manager of Corporate Services  
E. C. Swabey, General Manager of Community Safety and Development  
T. L. Hartley, Director of Human Resources and Organizational Planning  
B. E. Clemens, Director of Finance  
T. P. Seward, Director of Development  
A. J. Tucker, Director of Planning  
R. J. Harding, Director of Parks, Recreation and Culture  
J. E. Harrison, Manager of Legislative Services  
L. Dennis, Recording Secretary

1. CALL THE OPEN MEETING TO ORDER:

The Regular Meeting was called to order at 10:33 a.m.

2. PROCEDURAL MOTION:

16210 It was moved and seconded that the meeting be closed in order to deal with the following matters under the *Community Charter* Section 90(1):

- (b) personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;
- (j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act*; and,
- (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.

The motion carried unanimously.

3. INTRODUCTION OF LATE ITEMS:

- (a) Add Agenda Item 12 (b) (1) – Update Municipal Issues – Verbal Update on Personnel Issues.
- (b) Councillor Kipp advised that he would be bringing forward a late item regarding "In Camera" information.

4. ADOPTION OF AGENDA:

16310 It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

5. ADOPTION OF MINUTES:

16410 It was moved and seconded that the Minutes of the "In Camera" Meeting of Council held Monday, 2010-OCT-25 at 10:30 a.m. in the City Hall Board Room, 455 Wallace Street, Nanaimo, BC be adopted as circulated. The motion carried unanimously.

16510 It was moved and seconded that the Minutes of the Special "In Camera" Meeting of the Council of the City of Nanaimo held Monday, 2010-NOV-01 at 2:30 p.m. in the City Hall Board Room, 455 Wallace Street, Nanaimo, BC be adopted as circulated. The motion carried unanimously.

6. COMMISSION REPORTS:

- (a) Parks, Recreation and Culture Commission – Minutes of the "In Camera" Meeting held 2010-SEP-22

16610 It was moved and seconded that Council receive the Minutes of the "In Camera" Parks, Recreation and Culture Commission meeting held 2010-SEP-22. The motion carried unanimously.

- (b) Parks, Recreation and Culture Commission – Nanaimo Cultural Awards 2010

16710 It was moved and seconded that Council approve the 2010 Nanaimo Cultural Awards as follows:

- 1. that Sandra Thomson receive the "Honour in Culture" Award for 2010; and,
- 2. that Steve Jones receive the "Excellence in Culture" Award for 2010.

The motion carried unanimously.

- (c) Parks, Recreation and Culture Commission – Naming of Ice Sheet Number 1 at the Nanaimo Ice Centre to the "Larry McNabb Rink"
- 

16810 It was moved and seconded that Council consider options for naming a City of Nanaimo facility, street or landmark in honour of Councillor Larry McNabb, at the next "In Camera" Finance/Policy Committee of the Whole meeting on 2010-NOV-15. The motion carried unanimously.

7. STAFF REPORTS:

CORPORATE SERVICES:

- (a) Mayor's Letter to Sing Tao Daily News

16910 It was moved and seconded that Council approve the letter from Mayor Ruttan to the Sing Tao Daily News regarding the Chinese Community. The motion carried unanimously.

8. CORRESPONDENCE:

Mayor Ruttan vacated the Board Room on a perceived conflict of interest as he resides in Lantzville.

Mayor Ruttan vacated the Chair.

Councillor Unger assumed the Chair.

Mr. D. W. Holmes, Assistant City Manager and General Manager of Corporate Services, vacated the Board Room on a perceived conflict of interest as his wife is employed by the District of Lantzville.

- (a) Letter dated 2010-NOV-01 from Mr. Colin Haime, Mayor of the District of Lantzville, requesting a meeting with Council to discuss the extension of water supply to Lantzville.

17010 It was moved and seconded that Council express a willingness to have a working meeting to review issues of concern at a mutually acceptable date with the District of Lantzville Council, and to refer Lantzville Council to the City's previous position on water extension to Lantzville. The motion carried unanimously.

Mayor Ruttan returned to the Board Room.

Mayor Ruttan resumed the Chair.

Mr. D. W. Holmes returned to the Board Room.

Mr. B. E. Clemens, Mr. A. J. Tucker, Mr. T. P. Seward and Mr. R. J. Harding vacated the Board Room at 11:20 a.m.

9. OTHER BUSINESS:

(a) Update Municipal Issues

2. "In Camera" Information

Councillor Kipp prompted a discussion regarding the release of "In Camera" information

10. ADJOURNMENT:

17310 It was moved and seconded at 12:22 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

17410 It was moved and seconded at 12:22 p.m. that the Regular Meeting terminate. The motion carried unanimously.

---

M A Y O R

CERTIFIED CORRECT:

---

MANAGER,  
LEGISLATIVE SERVICES



17710           It was moved and seconded at 9:20 p.m. that the Regular Meeting terminate. The motion carried unanimously.

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M A Y O R

CERTIFIED CORRECT:

---

MANAGER,  
LEGISLATIVE SERVICES

MINUTES OF THE SPECIAL "IN CAMERA" MEETING OF COUNCIL  
TO DISCUSS CONFIDENTIAL MATTERS,  
HELD IN THE CITY HALL BOARD ROOM, 455 WALLACE STREET, NANAIMO, BC,  
ON THURSDAY, 2010-NOV-18, COMMENCING AT 1:35 P.M.

---

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

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

Others: Colin Stewart, Staples McDannold, Stewart

Staff: A. C. Kenning, City Manager  
A. W. Laidlaw, General Manager of Community Services  
D. W. Holmes, Assistant City Manager and General Manager of  
Corporate Services  
E. C. Swabey, General Manager of Community Safety and Development  
T. L. Hartley, Director of Human Resources and Organizational Planning  
J. E. Harrison, Manager of Legislative Services  
L. Dennis, Recording Secretary

1. CALL THE OPEN MEETING TO ORDER:

The Regular Meeting was called to order at 1:35 p.m.

2. PROCEDURAL MOTION:

63010 It was moved and seconded that the meeting be closed in order to deal with the following matters under the *Community Charter* Section 90(1):

- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

The motion carried unanimously.

3. ADOPTION OF AGENDA:

63110 It was moved and seconded that the Agenda be adopted. The motion carried unanimously.



Councillor Unger vacated the Board Room at 2:06 p.m.

Councillor Unger returned to the Board Room at 2:08 p.m.

4. OTHER BUSINESS:

(a) Update Municipal Issues

(1) Receipt of Advice from Colin Stewart

5. ADJOURNMENT:

63610 It was moved and seconded at 3:10 p.m. that the "In Camera" Meeting terminate.  
The motion carried unanimously.

63710 It was moved and seconded at 3:10 p.m. that the Regular Meeting terminate. The  
motion carried unanimously.

---

MAYOR

CERTIFIED CORRECT:

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MANAGER,  
LEGISLATIVE SERVICES

AGENDA FOR THE "IN CAMERA" MEETING OF COUNCIL  
TO DISCUSS CONFIDENTIAL MATTERS,  
TO BE HELD IN THE CITY HALL BOARD ROOM,  
455 WALLACE STREET, NANAIMO, BC,  
ON MONDAY, 2010-NOV-22, COMMENCING AT 10:30 A.M.

---

1. **INTRODUCTION OF LATE ITEMS:**
2. **ADOPTION OF AGENDA:**
3. **ADOPTION OF MINUTES:**
  - (a) Minutes of the "In Camera" Meeting of Council held Monday, 2010-NOV-08 at 10:30 a.m. in the City Hall Board Room. *Pg. 3-6*
  - (b) Minutes of the "In Camera" Meeting of Council held Monday, 2010-NOV-08 at 9:15 p.m. in the Douglas Rispin Room, 80 Commercial Street, Nanaimo, BC. *Pg. 7-8*
4. **PRESENTATIONS:**
5. **DELEGATIONS PERTAINING TO AGENDA ITEMS:**
6. **MAYOR'S REPORT:**
7. **COMMISSION REPORTS:**
8. **COMMITTEE REPORTS:**
9. **STAFF REPORTS:**
10. **INFORMATION ONLY ITEMS:**
11. **CORRESPONDENCE:**

12. **OTHER BUSINESS:**

(a) City of Nanaimo / District of Lantzville Council to Council Meeting

Consideration of possible items to include on the Agenda for the Council to Council Meeting between the City of Nanaimo and the District of Lantzville on 2010-NOV-29 at 7:00 p.m. at the District of Lantzville Office.

13. **ADJOURNMENT OF THE "IN CAMERA" MEETING:**

14. **ADJOURNMENT OF THE REGULAR MEETING:**

MINUTES OF THE "IN CAMERA" MEETING OF COUNCIL  
TO DISCUSS CONFIDENTIAL MATTERS,  
HELD IN THE CITY HALL BOARD ROOM, 455 WALLACE STREET, NANAIMO, BC,  
ON MONDAY, 2010-NOV-22, COMMENCING AT 10:30 A.M.

---

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

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

Absent: Councillor L. D. McNabb

Staff: A. C. Kenning, City Manager  
A. W. Laidlaw, General Manager of Community Services  
D. W. Holmes, Assistant City Manager and General Manager of Corporate Services  
T. L. Hartley, Director of Human Resources and Organizational Planning  
B. E. Clemens, Director of Finance  
T. M. Hickey, Director of Engineering and Public Works  
Chief R. Lambert, Nanaimo Fire Rescue  
A. J. Tucker, Director of Planning  
R. J. Harding, Director of Parks, Recreation and Culture  
J. E. Harrison, Manager of Legislative Services  
K. King, Recording Secretary

1. CALL THE OPEN MEETING TO ORDER:

The Regular Meeting was called to order at 10:33 a.m.

2. PROCEDURAL MOTION:

17810 It was moved and seconded that the meeting be closed in order to deal with the following matters under the *Community Charter* Section 90(1):

- (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;

The motion carried unanimously.

3. ADOPTION OF AGENDA:

17910 It was moved and seconded that the Agenda be adopted. The motion carried unanimously.

4. ADOPTION OF MINUTES:

18010 It was moved and seconded that the Minutes of the "In Camera" Meeting of Council held Monday, 2010-NOV-08 at 10:30 a.m. in the City Hall Board Room be adopted as circulated. The motion carried unanimously.

18110 It was moved and seconded that the Minutes of the "In Camera" Meeting of Council held Monday, 2010-NOV-08 at 9:15 p.m. in the Douglas Rispin Room, 80 Commercial Street, Nanaimo, BC, be adopted as circulated. The motion carried unanimously.

5. OTHER BUSINESS:

(a) City of Nanaimo / District of Lantzville Council to Council Meeting

18210 It was moved and seconded that Staff be directed to advise the District of Lantzville that Council would like the following issues to be included on the Agenda for the Council to Council Meeting between the City of Nanaimo and the District of Lantzville on 2010-NOV-29 at 7:00 p.m. at the District of Lantzville Office:

- policing costs
- 911 Call Answer Levy; and,
- Regional Growth Strategy

The motion carried unanimously.

(b) Tentative Dates for Special Open Finance / Policy Committee of the Whole Meetings regarding the 2011 – 2015 Financial Plan

Staff announced that the following dates are being considered for holding Special Open Finance / Policy Committee of the Whole Meetings regarding the 2011 – 2015 Financial Plan:

- 2010-NOV-29 at 4:30 p.m. in the Board Room
- 2010-DEC-02 at 4:30 p.m. in the Board Room; and,
- 2010-DEC-16 at 4:30 p.m. in the Board Room.

(c) Councillor Bestwick advised that he would be bringing forward the following motion for consideration at the Finance / Policy Committee of the Whole Meeting to be held 2010-DEC-06:

"That the time for holding "In Camera" Meetings of Council be rescheduled to 5:00 p.m. or immediately following the Regular Meeting of Council."

6. ADJOURNMENT:

18310 It was moved and seconded at 11:22 a.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

18410 It was moved and seconded at 11:22 a.m. that the Regular Meeting terminate. The motion carried unanimously.

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M A Y O R

CERTIFIED CORRECT:

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MANAGER,  
LEGISLATIVE SERVICES

AGENDA FOR THE "IN CAMERA" MEETING OF COUNCIL  
TO DISCUSS CONFIDENTIAL MATTERS,  
TO BE HELD IN THE CITY HALL BOARD ROOM,  
455 WALLACE STREET, NANAIMO, BC,  
ON MONDAY, 2010-DEC-13, COMMENCING AT 10:30 A.M.

---

1. INTRODUCTION OF LATE ITEMS:

2. ADOPTION OF AGENDA:

3. ADOPTION OF MINUTES:

- (a) Minutes of the "In Camera" Meeting of Council held Monday, 2010-NOV-22 at 10:30 a.m. in the City Hall Board Room. Pg. 5-7

4. PRESENTATIONS:

- (a) Chief Ron Lambert, Nanaimo Fire Rescue and Mr. Gavin Hamilton, Manager of Labour Relations, to provide a presentation regarding the IAFF Bargaining Mandate.

5. DELEGATIONS PERTAINING TO AGENDA ITEMS:

- (a) Mr. Joe Lindia, and Mr. Damian Lange, c/o Nanaimo and District Hospital Foundation, to request support and permission to honour the late NHL referee, Lloyd Gilmour, by retiring his jersey and number at the Frank Crane Arena. Pg. 8-10

6. MAYOR'S REPORT:

7. COMMISSION REPORTS:

- (a) **Parks, Recreation and Culture Commission – Retirement of Lloyd Gilmour's Jersey at the Frank Crane Arena** Pg. 11-13

Commission's Recommendations: That Council:

1. *endorse the jersey retirement guidelines as attached to the report;*

AND:

2. *approve the request by the "Hockey For Life" group and endorse the retiring of Mr. Lloyd Gilmour's jersey in Frank Crane Arena contingent on approval from the appropriate governing sport body.*



8. **COMMITTEE REPORTS:**

9. **STAFF REPORTS:**

ADMINISTRATION:

(a) **Core Services Review**

Pg. 14-35

Staff's Recommendations: That Council:

1. receive the report;

AND:

2. authorize the public release of the Tekara organizational structure review report;

AND:

3. if Council intends to proceed with a core services review, make a statement at the open meeting when the core services review is discussed about Council's intentions, e.g. that the focus of the review is intended to be on service and process improvements as well as on strategic planning and not on staff lay-offs or reductions in wages.

COMMUNITY SAFETY AND DEVELOPMENT:

(b) **Proposed Settlement of Expropriation of Part of 2915 Hammond Bay Road**

Pg. 36-38

Staff's Recommendation: That Council authorize Staff to settle the expropriation of part of 2915 Hammond Bay Road for the sum of

(c) **Acquisition of 2191 East Wellington Road for Park Dedication**

Pg. 39-43

Staff's Recommendations: That Council approve the acquisition of 2191 East Wellington Road for park purposes, subject to the following conditions:

1. accepting the contribution of \$600,000 from Henry Rempel for Park Dedication at 2058 Boxwood Road, 2080 East Wellington Road and 2160 East Wellington Road for park purposes;
2. authorizing the City expenditure of \$200,000 from the Parkland Dedication Fund for the acquisition;

3. *authorizing Staff to finalize the Agreement of Purchase and Sale; and,*
4. *authorizing the Mayor and General Manager of Community Safety and Development, to execute the necessary documents to complete the transaction.*

(d) **City Hall Annex Replacement Options**

Pg. 44-49

Staff's Recommendations: *That Council:*

1. *direct Staff to shortlist the following options to replace the City Hall Annex:*
  - (a) \_\_\_\_\_ ; and,
  - (b) *new building by ICI/Windley Contracting at 411 Dunsmuir Street;*

AND:

2. *negotiate with the two shortlisted applicants to determine the best option available to the City;*

AND:

3. *bring forward a future Council Report identifying the recommended applicant to build the replacement for the City Hall Annex;*

AND:

4. *advise the remainder of shortlisted applicants that their proposal will not be considered further.*

**CORPORATE SERVICES:**

(e)

Pg. 50

**COMMUNITY SERVICES:**

(f)

Pg. 51-52

10. **INFORMATION ONLY ITEMS:**

- (a) Report from Mr. B. Corsan, Manager of Real Estate, re: Acquisition of Ceco-Madill Property Located at 2560 Bowen Road by 0868958 B.C. Ltd. *Pg. 53-56*
- (b) Report from Mr. B. Corsan, Manager of Real Estate, re: Disposition of Wiseman House from 437 Wesley Street. *Pg. 57-58*
- (c) Report from Mr. J. Kinch, Manager of Building Inspections and Mr. R. Kroeker, Manager of Occupational Health and Safety, : *Pg. 59-62*

11. **CORRESPONDENCE:**

12. **OTHER BUSINESS:**

13. **ADJOURNMENT OF THE "IN CAMERA" MEETING:**

14. **ADJOURNMENT OF THE REGULAR MEETING:**

**REQUEST TO APPEAR AS A DELEGATION**

ON 2010 - December - 13  
year month day

Council  
 Committee  
 Open Meeting  
 In-Camera Meeting  
 Meeting Date: 2010-DEC-13

**COUNCIL**  
*(at 7:00 p.m. in the Shaw Auditorium, 80 Commercial Street)*

**FINANCE / POLICY COMMITTEE OF THE WHOLE**  
*(at 4:30 p.m. in the City Hall Board Room, 455 Wallace Street)*

<b>NAME OF PERSON MAKING PRESENTATION: <u>G. (Joe) LINDIA and Damian LANGE</u></b> <small style="text-align: right;">Print</small>			
<b>ADDRESS: <u>C/O Nanaimo and District Hospital Foundation, 102-1801 Bowen Road, Nanaimo, V9S 1H1</u></b> <small style="text-align: center;">street address City Province Postal Code</small>			
<b>PHONE: <u>250-729-1662 (Joe)</u></b>		<b><u>250-816-6375 (Damian)</u></b>	
<b>NAME OF APPLICANT IF OTHER THAN ABOVE: <u>Hockey for life</u></b>			
<b>DETAILS OF PRESENTATION:</b>			
<b>TO HONOUR THE LATE 'NHL' REFEREE, LLOYD GILMOUR BY RETIRING HIS</b>			
<b>NAME AND NUMBER IN THE FORM OF A BANNER TO BE HUNG FROM THE</b>			
<b>RAFTERS AT 'FRANK CRANE ARENA'. THIS WOULD BE A SPECIAL "TIE-IN"</b>			
<b>TO OUR COMMUNITY CHARITY EVENT "HOCKEY for LIFE" SCHEDULED FOR</b>			
<b>FEBRUARY 5<sup>TH</sup>, 2011. ALL PERTAINING DOCUMENTS AND DETAILS WILL BE</b>			
<b>PROVIDED AT TIME OF PRESENTATION.</b>			

**PLEASE NOTE**

- **Electronic presentations** must be provided on a CD or by e-mail no later than 9:00 a.m. the day of the Meeting.
- Please submit a written copy of your presentation to the Recording Secretary either at, or prior to, the Meeting.
- **Multiple speakers** on a single issue or topic shall be given 5 minutes each to make their presentations as per Section 18 of the Council Procedure Bylaw.

Dear Council Members,

What was once a dream for three nurses has turned to reality!

These nurses from the Nanaimo Regional General Hospital ER have assembled a hockey team comprised of other nurses, emergency physicians and members at arm's length to the ER. The game will be held at the Frank Crane Arena on February 5, 2011. There are also some pre-game activities being planned for the kids; and the Puck Drops @ 6pm.

The proceeds from this event go to the Nanaimo & District Hospital Foundation and the BC Children's Hospital Foundation. When it's all said and done, the real "Stanley Cup Champion" in this case will be the two Foundations; and most important, the children that will be in attendance! The effort of these healthcare professionals is to raise as much as possible for both these worthy foundations.

We have also approached Trevor Linden as a surprise for the kids in attendance, as well as performing the ceremonial face-off.

Why the request of Retiring of Lloyd Gilmour's Name & number with a banner from the rafters of the Frank Crane Arena; once the Alumni confirmed their attendance, we approached Lloyd Gilmour's daughter (ER nurse) about having her father do the Ceremonial Face-off, with the hopes of also having Trevor Linden with him; now since Mr. Gilmour's passing, the intent; of making a gesture and an impact around this event; is even stronger!

We feel that since Nanaimo was his home town - He came home to retire - He was instrumental to hockey - He was the master mind behind some of today's rules - He was a Pro - The Pros are coming to play against the ER staff - His daughter is an ER nurse.....

It's a natural tie-in!

With Fondest Regards,

Joe LINDIA,LPN ; Damian LANGE,RN ; Jeff MIGUEZ,RN



Re: Confirmation of Canucks Alumni Charity Game

August 27, 2010

Dear  
G. (Joe) Lindia,  
Damian Lange and  
Jeff Miguez

As per our conversation, The Vancouver Canucks Alumni are confirmed to participate in a fundraiser hockey game in support of **Nanaimo & District Hospital Foundation** and **BC Children's Hospital**.

The Vancouver Canucks Alumni are pleased for the opportunity to play in your community. Vancouver Canucks Alumni charity games are the highest-profile of Alumni activities. The Alumni play upwards of one dozen charity contests each season and find their way to the farthest reaches of the province. A number of the Alumni games are followed by a meet and greet with the Alumni team at a local restaurant. If you are interested in arranging a post-game meet and greet, please let me know and we can discuss the details further.

Your fundraiser details are as follows:

**DATE:** February 5, 2011  
**LOCATION:** Frank Crane Arena, Nanaimo  
**TIME:** tbd

We value and appreciate your generous spirit and desire to give back to your community. We look forward to working with you and making this a memorable night for everyone involved.

Sincerely,

A handwritten signature in black ink, appearing to read "Rod Brathwaite". The signature is stylized and cursive.

Rod Brathwaite  
Rod.brathwaite@canucks.com  
Vancouver Canucks Alumni Liaison  
604 899 7770

# "IN CAMERA"

REPORT TO: MAYOR AND COUNCIL

FROM: FRED PATTJE, ACTING CHAIR,  
PARKS, RECREATION AND CULTURE COMMISSION

RE: RETIREMENT OF LLOYD GILMOUR'S JERSEY AT FRANK CRANE ARENA

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## RECOMMENDATION:

The Parks Recreation and Culture Commission recommend that Council:

1. Endorse the jersey retirement guidelines as attached; and,
2. Approve the request by the "Hockey For Life" group and endorse the retiring of Mr. Lloyd Gilmour's jersey in Frank Crane Arena contingent on approval from the appropriate governing sport body.

## EXECUTIVE SUMMARY:

At the "In Camera" Parks, Recreation and Culture Commission meeting of 2010-NOV-24, Mr. G. (Joe) Lindia, Mr. Damian Lange, and Mr. Jeff Miguez, c/o Nanaimo and District Hospital Foundation, presented to the Parks, Recreation and Culture Commission, asking for support and permission to honour the late NHL referee, Lloyd Gilmour, by retiring his jersey and number at the Frank Crane Arena. While the group prefers to commemorate the retirement by hanging an official jersey or banner from the rafters at the arena, they are willing to work with the Commission and staff to find the most suitable locations.

The group is presently in discussion with the governing bodies of the NHL Referees to garner their support and permission. If all agree, the retirement would occur as part of the community charity event "Hockey for Life" scheduled for 2011-FEB-05.

## BACKGROUND:

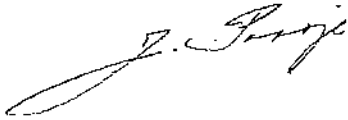
The City reserves the naming of parks and facilities for individuals who have made special contributions to the community, or for clubs and organizations to recognize their contributions in the development of facilities. However, the City does not have an official process for retiring jerseys or uniforms at its public recreation facilities.

In the past, long-term user groups wanting to recognize past players have displayed various memorabilia, including jerseys, in their display cases or on their display walls. For example, the Nanaimo Clippers have a recognition wall of players they have chosen to recognize and the Nanaimo Timbermen Lacrosse has display cases at Frank Crane Area. None of the examples to date have involved a formal ceremony or process.

Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
Meeting Date: 2010-DEC-13

The Commission requested that staff provide Council with guidelines to assist in dealing with these types of requests. This is the first of such request made to the City that we are aware of. As the timeline for the event is two months away, staff recommends that Council provide the support necessary to the group to allow them to continue discussion with the appropriate professional governing body to get their permission and direct staff to work with the group using the guidelines as attached.

Respectfully submitted,



Fred Pattje, Acting Chair  
Parks, Recreation and Culture Commission

2011-DEC-07

File: A4-1-2 / C9 / D1-1-11

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### **OFFICIAL JERSEY RETIREMENT GUIDELINES**

Groups wanting to officially retire jerseys through official governing bodies of the professional sport the retiree participated in will require Parks, Recreation and Culture and City Council approval.

1. The group will work with PRCC staff to outline process to date, work out location of item to be hung, next steps and details of the event or ceremony the group plans to use to commemorate the retirement.
2. The group will provide a report/presentation outlined to the PRCC requesting support. The following information must be included:
  - Statement of support or support in principal of governing body (if contingent on City support),
  - Description of item to be hung,
  - Dimensions of item,
  - Material of item,
  - Upkeep requirements and plan,
  - Preferred location(s) of hanging; and
  - Outline of event or ceremony that will take place to recognize the jersey retirement.
3. At this time, if there are any concerns regarding the retirement jersey the group may be asked to do further investigation and present back to staff or the Commission.
4. Upon receiving approval from the PRCC, a Commission report will go to Council outlining the proposal and requesting support.
5. The organizing group will work with City staff throughout the process to ensure the commemorative item meets the requirements of the governing body, is structurally sound and can withstand the environmental elements.

**“IN CAMERA”**

**STAFF REPORT**

**TO: NANAIMO CITY COUNCIL**

**FROM: A.C. KENNING, CITY MANAGER**

**RE: CORE SERVICES REVIEW**

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STAFF’S RECOMMENDATION:

It is recommended that Council:

1. receive this report;
2. authorize the public release of the Tekara organizational structure review report; and
3. if Council intends to proceed with a core services review, make a statement at the open meeting when the core services review is discussed about Council's intentions e.g. that the focus of the review is intended to be on service and process improvements as well as on strategic planning and not on staff lay-offs or reductions in wages.

BACKGROUND:

Council has requested that staff prepare a report on a core services review for Nanaimo.

A draft report on this subject is attached. This report will go forward to an upcoming public meeting in January 2011. The purpose of this “In Camera” report is to communicate some “In Camera” information and opinion before proceeding with the public report.

I believe staff have an obligation to inform the unions about the information in the open report before the report is made public as a core services review could easily be perceived by the employee groups as an attack on them and this issue needs to be carefully managed and Council’s intentions clearly communicated to minimize the negative fallout. Staff do not want to carry out this consultation with the unions in advance of discussions with Council so we have a better idea of Council’s intentions.

On 2010-MAR-22 I presented an “In Camera” report to Council entitled “Management Structure Review – Interim Report”. This report asked Council which of the two following choices is Council’s highest priority:

Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
Meeting Date: 2010-DEC-13

1. reducing future tax increases to the rate of inflation or lower; or
2. continuity of service levels and capacity to respond to community driven service requests (at reasonable cost).

The report went on to say that *"if Council's priority is number one above, then significant changes to the status quo will be required. Changes will be required that will impact all staffing levels and many service levels. In my opinion, the first step will be by necessity a reduction in management even if this negatively impacts the ability of the organization to provide services to the community."*

Council selected option two on 2010-MAR-29 by an eight to one vote. Some Councillors did note that they would still engage in consideration of budget reductions for the 2011 budget but staff interpreted the motion as general direction that major reductions in staffing or service levels were not in the cards.

On the strength of this direction, senior staff proceeded with the organizational planning initiative that is currently underway. This has included advising all staff that Council did not wish to cut services or cut staff but did want to support the organizational planning objectives (which includes continuous service and value improvements). If Council had selected option one, a whole different plan would have been initiated resulting in organizational downsizing.

If Council now proceeds with a core services review that resembles the Penticton review, it is my opinion that City employees will believe that they have been misled by Council, and by the senior leadership team.

When Council endorsed option two, it set us off on the organizational planning path we are now well underway with. This organizational planning effort includes many elements in common with a core services review.

Council also reviewed the organizational structure review completed by Tekara that concluded the current organizational structure is sound, and that managers are competent and carry appropriate workloads. As well, I believe managers are committed to operating effective services and are working hard to minimize costs within the constraints they are required to comply with.

I therefore believe that the City Council has already made commitments and has commenced a process that should take precedence over a consultant-led core services review at this time. As you will see from the open report, I am doubtful that a core services review could proceed without derailing the organizational planning project currently underway and without negatively impacting employee engagement unless it is very carefully directed and managed.

I understand that some Council members feel a certain amount of political pressure to undertake a core services review given the budget and economic challenges they believe

we face as a community. In my view, this pressure needs to be balanced with what processes will actually improve organizational effectiveness and efficiency to achieve Council's objectives.

This Council has clearly positioned itself in its term so far as a Council that does not support cuts to community services. It generally supports employment issues related to the unionized workforce and it has supported new service levels including additional requests for funding.

My best advice is that a predictable outcome of a core services review (unless it is given a specific mandate otherwise) is a list of potential service and employment cuts and this will be contrary to Council's current positioning and is likely to generate heated controversy with employee groups and citizens.

I also believe that Council should authorize release of the Tekara report on the organizational structure review so that the public is informed about related work that is already done. A copy of the Tekara report is attached. If Council agrees with releasing this document, I will attach it to the "open" core services review report. This Tekara report does contain some information about the "lack of trust" in the relationship between staff and Council that may be considered to be sensitive, however it is hardly a secret as staff have been very open about the need to "build trust".

If Council does wish to proceed with a core services review in some form, I would recommend that Council clarify for employees at the public meeting when the staff report is discussed that the focus of the review is intended to be on service and process improvements as well as strategic planning and not on staff lay-offs or reductions in wages.

I also note that if Council proceeds with a Penticton-style core services review which is intended to result in cuts to expenditures, then it needs to be prepared to follow the recommendations that will most likely reduce staff and services otherwise it will lose credibility with the public. If Council knows now that it will not implement staff or service cuts, then it should not start this type of review.

Respectfully submitted,



A.C. Kenning,  
City Manager

ACK/jdk

Council: 2010-DEC-  
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# STAFF REPORT

TO: NANAIMO CITY COUNCIL

FROM: A.C. KENNING, CITY MANAGER

RE: CORE SERVICES REVIEW

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## STAFF'S RECOMMENDATION:

Council direction is sought.

### Options:

- A. Do not proceed at this time with hiring a consultant to undertake a core services review.
- B. Proceed on the "Nanaimo" model (with a core services review with an emphasis on strategic planning and support and enhancement of the existing organizational planning project) as proposed in this report.  
Estimated costs – \$100,000 - \$150,000 (not including staff time)
- C. Proceed with a core services review on the Regina/Vancouver model.  
Estimated costs – \$200,000 - \$250,000 (not including staff time).
- D. Proceed with a core services review on the Penticton model.  
Estimated costs – \$120,000 - \$150,000 (not including staff time)

Should Council decide it wishes to hire a consultant to undertake a core services review then staff recommends option "B", based on the following terms of reference:

- 1. Work with City Council and lead Council through a process that results in identification and Council support for key strategic objectives.
- 2. Work with staff and Council to ensure alignment exists between staff and Council strategic objectives.
- 3. Support implementation of the City's existing organizational planning initiatives and any additional objectives that come out of Council's strategic initiative.
- 4. Support expansion of the organization planning initiative to include a major component involving cross-department work teams in identifying process improvements and other changes that would result in better customer service and better value for taxpayers. The consultant would specifically assist in identifying best practices and making comparisons to other communities.
- 5. Report to Council on initial work plan for consultant and on recommended process changes and potential saving resulting from the review.

If Council adopts Option B, staff further recommends that preparatory work proceed in 2011 (i.e. development of an RFP, engagement of a consultant) and that the actual review proceed after the upcoming municipal election. If Council wishes to begin the actual review before the next election, staff recommends that the strategic planning component of the review be deferred until after the election.

#### BACKGROUND:

At the Council meeting held Monday, 2010-NOV-08 Council requested a staff report "on the content and estimated time and cost" of a core services review. This report is written in response to that request.

Since a core services review can take a number of forms, staff has identified the following options for consideration:

1. Proceed with a core services review based on the Penticton approach.
2. Proceed with a core services review based on the Vancouver/Regina model.
3. Proceed with a core services review tailored to specific City of Nanaimo circumstances.

#### DISCUSSION:

Core service reviews have been undertaken by other Canadian municipalities recently. To be specific, we have information related to the reviews undertaken in Penticton, Vancouver and Regina. As well, we are aware and have some limited knowledge of a recent core service review in Moncton.

The objectives and work plan for the core services review varied depending on the community. There were differences among the communities studied, in my opinion depending on whether the review was primarily intended as a process to initiate positive organizational change and find new efficiencies and increase value for money or whether it was primarily intended as a financial "report card" to evaluate the City's financial status and managerial expertise to determine if change is desired or required.

These two options for approach are discussed below as is an alternative tailored to the City of Nanaimo circumstances.

#### Options

##### **1. Penticton Approach**

The need for the Penticton study was driven by an assessment by the Council that Penticton faced a significantly deteriorating financial situation and that significant change needed to occur to avoid future large tax increases. The Penticton core services review was focused on providing a financial "report card" in order for Council to determine the need and extent of change required. This focus was confirmed in conversation with the consultant.

In Penticton, the involvement of city staff in the process was minimal; however, the consultant who undertook the work stated his preference was for more involvement with the management team than what had occurred, because of the view that managers are key to making positive change happen.

Most of the recommendations that came out of the Penticton review are focussed on addressing Penticton's financial challenges and included reducing spending through a reduction in staffing (both management and union) and a reduction in union wages, looking at alternative service delivery mechanisms, and reducing service levels for "discretionary" services such as parks maintenance, etc.

The objectives of the Penticton review are listed in Appendix 1 of this report. Estimated costs of using this approach in Nanaimo are \$120,000-\$150,000, not including staff time.

## **2. Vancouver/Regina Model**

While the Vancouver and Regina core services reviews also originated from a desire to find ways to hold the line on taxes, my evaluation is that the Vancouver and Regina reviews reflect more of a focus on process improvements and efficiencies rather than on cuts in service levels and personnel.

In Regina and Vancouver, the consultants worked with heavily involved City staff project teams; staff teams that remained in place after the initial contract with the consultant was complete, tasked with roll out and implementation of recommendations coming out of the review process. This involvement of staff project teams in Regina and Vancouver was based on the perspective that to accomplish long-term change, it is necessary to engage the people within the organization. I am advised that the Moncton review followed this same philosophy.

Appendices 2 and 3 provide information about the objectives of the Vancouver and Regina core service reviews. Estimated costs of a core services review in Nanaimo under this model is \$200,000-\$250,000, not including staff time.

## **3. Nanaimo Approach**

### Nanaimo Circumstances

Nanaimo's financial situation shares some challenges in common with Penticton. Like Penticton, Nanaimo has made policy decisions resulting in expenditures for certain functions that are growing faster than can be attributed to inflation and population growth and like Penticton, the City has a major new facility that requires a larger operating subsidy than originally expected. (In Penticton the new facility is the South Okanagan Events Centre or multiplex, while in Nanaimo it is the Vancouver Island Conference Centre.)

I cannot comment on the South Okanagan Events Centre, but with regard to the Vancouver Island Conference Centre, I am confident that the operation is well managed. Its operation and management is outsourced to an expert operator who has developed an operational model that is providing excellent service. While bookings are lower than expected, there are a number of external factors out of the operator's control that contribute to this.

Like Penticton and most major municipalities, economic and competitive conditions and negotiated collective agreements have substantially increased wage costs in Nanaimo in the past few years. This is a fact that a core services review is unlikely to change. Given wording in existing collective agreements, there is little opportunity in Nanaimo to save costs through alternate service delivery mechanisms for existing functions (e.g. contracting out) even if Council had enthusiasm for the resulting layoffs or staff reductions. Alternately I see little enthusiasm in the community for the steps Council would have to take to change collective agreements. At any rate, Council has clearly indicated that its highest priority is continuation of existing service levels with no layoffs.

An objective review of taxes in Nanaimo reveals that only commercial class taxes are above provincial averages, and that these are not significantly over the average. Taxes are below average for the other major property classifications (i.e. residential and major industry). By most comparisons and observations, Nanaimo also enjoys a relatively high level of municipal services. As well, per capita debt levels in Nanaimo are below average.

Nanaimo City Council has made choices in service levels, service delivery models and in cost recovery options and it is my view that these choices can only be made by Council to properly reflect community opinions and values. These choices have financial implications that I believe Council took into account in making its decisions. The value in having an outside consultant give his or her opinion about the choices that Council has made is small unless it prompts Council to make different choices. I see little likelihood of this happening as I believe Council is already well aware through its review of City budgets as to what services the City funds and to what extent they are funded.

Given all the factors noted, it is my opinion that if Council wishes to proceed with a core service review, the best option, to make the review as valuable as possible for the community and the organization, is to focus the review more like the manner chosen by Regina and Vancouver but tailor it to meet the specific needs and situation in Nanaimo.

#### Features of a Nanaimo Approach to the Core Services Review

City of Nanaimo has undertaken a number of initiatives that reflect common components of a core services analysis. For example, an organizational structure review at the senior management level was completed several months ago. This review was the result of a commitment to Council I made at the time I was appointed City Manager approximately one year ago.

As part of the review process, the City engaged a consultant who undertook a study of "best practices" in senior management level organization structure for municipal organizations. The organizational changes that were made to management responsibilities reflected "best practices" in other municipalities as researched and reported by the consultant. A copy of this report is attached as Appendix 4.

As Council is also aware, the City of Nanaimo has recently embarked on a major organizational planning initiative. This work has many similarities to elements of the other core service reviews; however, the organizational planning effort in Nanaimo is restricted to strategies and initiatives that arise out of the vision and mission and strategic objectives for staff:



Vision

"In two years we will have built positive relationships with our Council, community, unions and employees that enable the City to deliver excellent services."

Mission

"To serve Council in its determination of community priorities so we are continuously improving the services to our citizens."

Objectives

1. Improve Council, community, union and employee relationships.
2. Renew the organizational structure.
3. Realign the organizational culture.
4. Support Council for strategic planning.
5. Ensure continuous service and value improvements.

The above-referenced strategic objectives have similarities to common features in core service reviews either because they are an identified component of the review process, or because they are listed among the recommendations following the review. For example, all of the core service review examples outlined in this report involved an evaluation of the organizational structure and a study of service and value improvements. In addition, in both the Penticton and Regina core service reviews, the consultants made a recommendation that these municipalities engage in a strategic planning process.

Staff has developed a number of initiatives in order to move each of the objectives forward and have created detailed work plans which are currently being implemented. As an example, strategies to implement the service and value improvements objective include:

- (a) define and communicate service levels in accordance with Council direction
- (b) identify performance measures
- (c) collect baseline information on performance, monitor progress and report results; and
- (d) provide employees with tools to provide service and value improvements (possibly including the use of cross-functional review teams and/or an employee suggestion program).

Another common element of a core services review is an employee engagement survey. Employee engagement has been shown to be a major determinate of organizational effectiveness, and the City of Nanaimo has recently undertaken an employee engagement survey as part of the organizational planning effort. This survey showed that Nanaimo has an engaged employee group, employees that are committed to providing excellent services for the citizens of Nanaimo.

I am anxious that undertaking a core services review at this time does not undermine the organizational planning work underway nor reduce employee engagement.

Depending on the terms of reference and timing, it has the potential to do both. Recent media reports reveal that reduced employee engagement is a problem for the City of Vancouver and it could be argued that this is at least in part due to the core services review.

City staff only have the capacity to take on a limited number of major new initiatives at any one time. Managers are already fully occupied by their prime objective of ensuring high quality services are delivered to Council and the community. In addition to the organizational planning effort, the City also has major safety and asset management initiatives already underway. The safety initiative is to improve the City's safety program and strive for certification as an employer that employs best practices in implementing health and safety and return to work programs. This alone is a major commitment by all City departments, especially the "operating" departments and it is very important that this continue to be given the high priority it deserves. When combined with the organizational planning work, the asset management work and existing ongoing workloads, it will be difficult if not impossible, for existing staff to take on the major work of a core services review without having something "give".

One option to reduce the negative impact on existing and important work priorities that would be caused by commencing work on a core services review is to proceed with a "core services review" but tailor the review to facilitate and enhance the existing organizational planning initiative to move it faster ahead and into new areas, specifically into the areas of determining best practices and comparisons to other communities as well as identifying process improvements and working with cross-departmental work teams to seek out and implement new practices. While still challenging for staff to implement, this would at least be consistent with current objectives.

Another part of most core services reviews where outside expertise could be put to excellent use is to assist Council in developing its own strategic plan. The fact that Council itself does not currently have a strategic plan for the community and the organization is a significant shortcoming in efforts to move the organization forward and to ensure staff's every day work synchronizes with Council's priorities.

Should Council believe that a core services review is necessary but agree with my view of how a core services review could be tailored to Nanaimo's needs, but not as negatively impact on existing high priority programs or employee engagement, I would propose the following terms of reference for an engagement of this type:

1. Work with City Council and lead Council through a process that results in identification and Council support for key strategic objectives for the community.
2. Work with staff and Council to ensure alignment exists between staff and Council strategic objectives.
3. Support implementation of the City's existing organizational planning initiatives and any additional objectives that come out of Council's strategic initiative.
4. Support expansion of the organization planning initiative to include a major component involving cross-department work teams in identifying process improvements and other changes that would result in better customer service and better value for taxpayers. The consultant would specifically assist in identifying best practices and making comparisons to other communities.
5. Report to Council on initial work plan for consultant and on recommended process changes and potential saving resulting from the review.

Estimated costs of this approach are \$100,000 - \$150,000, not including staff time.

### Timing

Timing of a core services review is an interesting issue as Council is now entering the final year of its three year mandate.

If Council supports a core services review that is tailored to the City of Nanaimo circumstances (Option B), it should consider the possibility of laying the groundwork for the review prior to the next election (develop RFP, select consultant) and commencing this work after the next election. The first element of the review should be working with Council to develop a strategic plan because City services and process should be aligned with Council's strategic priorities.

The value of doing this strategic planning work at this late date in Council's tenure is questionable. However, if Council wishes to proceed now the other elements of the review could proceed during 2011, with strategic planning occurring after the election. This is obviously not as good a process as starting with strategic planning but does allow for progress on the review process to occur during 2011.

Respectfully submitted,

---

A.C. Kenning,  
City Manager

ACK/jdk

## **APPENDIX 1**

### **PENTICTON**

#### **Scope and Purpose of the Study:**

In 2009, the City of Penticton initiated a core services review. The primary objectives of the review were to identify cost savings, service improvement opportunities and to review the City's organizational structure and workforce.

#### **Specific Objectives from RFP:**

1. Create an inventory of programs and services offered by departments.
2. Identify services and activities not mandated by legislation or Council.
3. Determine if discretionary programs can be altered/discontinued to become more cost-efficient.
4. Identify service improvement opportunities, including shared services.
5. Identify opportunities to become more accountable to citizens.
6. Link corporate strategic priorities and position the organization for the future.
7. Examine at a macro level the City's labour costs and staffing levels.
8. Recommendations or options for changes to org structure, reporting relationships and org flattening.
9. Review financial and budgeting practices.

Cost: \$70,000

Consultant: Helios Group

Date of study: 2009

## APPENDIX 2

### CITY OF VANCOUVER

#### Roles and Responsibilities:

1. The successful proponent will provide a team that will undertake an examination of shared services and/or service improvement opportunities in the City's provision of internal services including: information and technology services, human resources, legal, accounts payable, purchasing, time entry, payroll, security, building maintenance and other services identified by the project manager. This component of the review shall include all agencies and boards of the City including police, parks, PNE, EasyPark and library.
2. The second component of the review will be a complete review of all City activities to identify those activities not *mandated* by legislation. This element of the work will also focus on all City departments, boards and agencies with the exception of the police and fire departments as well as library services. Parks Board is part of this review but has a separate governance structure.
3. The third portion of the study will be a staffing review. Given that a substantial portion of the City's expenditure is staffing, the study should examine, at a macro level, the City's labour costs in comparison to other municipalities and other public sector employers. In particular the report should consider union/management ratios, benefits costs, salary and benefit escalation trends, etc.
4. Review financial and budgeting practices with the goal of recommending changes that would reduce costs and improve service. This would not include a full financial audit duplicating the activities of the City's external auditor.
5. Recommendations on necessary organizational structural changes, if appropriate.
6. The consultant will provide a report to Council outlining findings, recommendations, cost savings projections and other efficiencies over the next three years. The report will be a public document.
7. The successful proponent will report to the Project Manager and Chair of the Finance Committee and will work through a steering committee assigned by the City Manager.
8. Under the overall direction of the Project Manager, the services provided by the consultant will include:
  - (a) working with the Project Manager to assist in defining and controlling project scope and the project work plan;

- (b) accepting and validating key project deliverables in conjunction with the City Manager and key stakeholders;
- (c) preparing required project status reports and leading/facilitating functional team meetings and workshops;
- (d) assisting the Project Manager in ensuring project deliverables meet agreed upon quality standards;
- (e) assisting the Project Manager in defining a roadmap and implementation plan for shared services to help determine follow-on projects or activities associated with shared services, optimal service delivery methods and all other recommendations;
- (f) a high level work plan for the successful implementation of the report recommendations; and
- (g) development of easily measured metrics to track the progress of recommended actions. This shall include, but not be limited to, annualized bottom line savings, measureable service performance improvements, improved financial controls.

Cost: \$300,000.  
Consultant: Sierra Systems  
Date of study: 2009

## APPENDIX 3

### REGINA

#### Objectives:

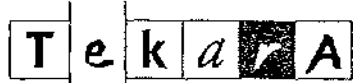
1. A City and Regina Police Service project team trained in program management techniques, with detailed knowledge of the organization and a clear understanding of the efficiency opportunities identified through the program.
2. An alignment of organizational focus from Council and the Board of Police Commissioners through to the senior administration of both organizations and cascading to front-line service delivery staff.
3. A plan of action for roll-out of recommendations and implementation including a framework for managing the plan.
4. A platform for organizational change and the capacity to implement.
5. A pool of current state data that allows the City and Regional Police Service to continuously improve and repeat the core services review process. The current state data collection has been an investment into the City's and RPS' future.

Cost: \$300,000

Consultant: TKMC

Date of study: 2004

APPENDIX 4



ORGANIZATIONAL EFFECTIVENESS INC.

**CONFIDENTIAL**

**ORGANIZATIONAL STRUCTURE REVIEW**

**INTERIM REPORT OF FINDINGS FOR THE  
CITY OF NANAIMO**

**PREPARED FOR:**

DESIGN TEAM

**PREPARED BY:**

PETER LEE  
TEKARA ORGANIZATIONAL EFFECTIVENESS INC.  
#405 - 808 NELSON ST.  
VANCOUVER, BC, V6Z 2H2

**MARCH 2010**



# 1 INTRODUCTION

Tekara Organizational Effectiveness Inc. (Tekara) was contracted by the City of Nanaimo to partner with an internal Design Team (comprised of the City Manager, General Managers, and Director of Human Resources) to review and renew the organizational design of the top layers of City Management.

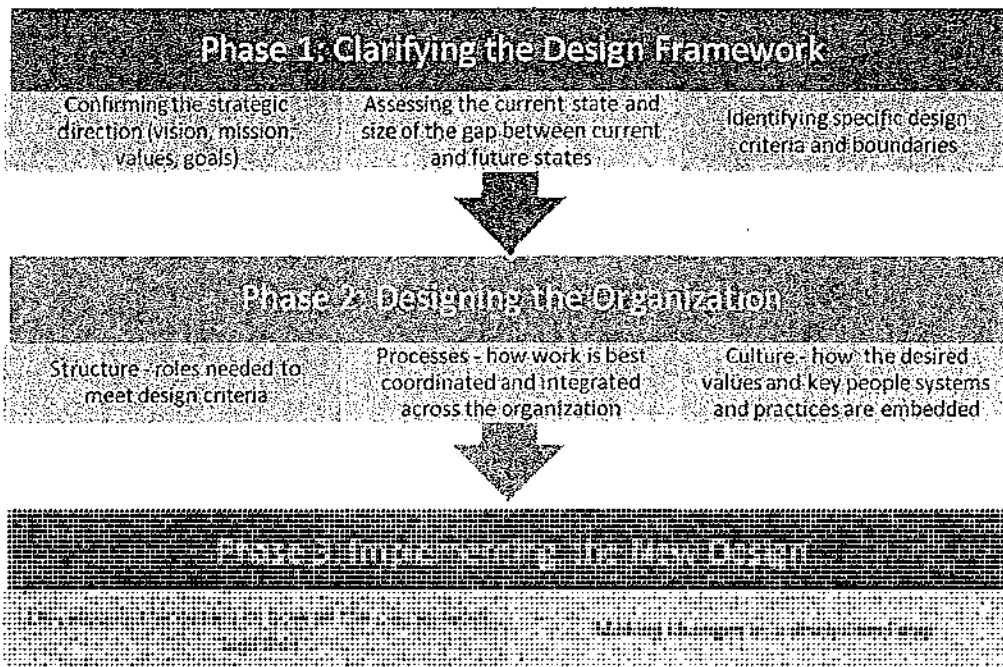
This interim report outlines the review process and initial findings, which will serve as the foundation for design options for an enhanced organizational design for the top tiers of City Management.

## 1.1 Organizational Design Process

The review and renewal of the City of Nanaimo's organizational design took place from January to March 2010, based on the roadmap (outlined below) for the project.

All members of the City's management structure (up to the Director level) and key managers of all departments were interviewed for their perspectives and feedback.

In addition to the activities outlined in Phase 1 of the roadmap, further research was conducted to learn from the organizational design and experience of other municipalities of a similar size who are facing similar challenges.



## 2 CLARIFYING THE DESIGN FRAMEWORK

This section of the report summarizes the work completed during Phase 1 of the project.

Strategic direction is the critical centerpiece to good organizational design. If the strategy is not clear, or not agreed upon by the leadership team, there are no criteria on which to base other design decisions – without the strategy component, it is impossible to make rational decisions along the way.

Here is the City of Nanaimo's strategic direction for the two-year period of 2010-2012.

### Vision

*In 2 years, we will have built positive relationships with our Council, community, unions and employees that allow the City to deliver excellent services.*

### Mission

*To serve Council in its determination of community priorities so that we are continuously improving the services to our citizens. (Note: this implies that City Management is adopting a "customer" strategic focus, and that for now, City Management's primary "customer" is Council).*

### Values

Existing Values	What It Means for Us
<b>Integrity</b>	<ul style="list-style-type: none"> <li>• Doing what you say you will do</li> <li>• Being consistent in your actions and values</li> </ul>
<b>Honesty</b>	<ul style="list-style-type: none"> <li>• Being truthful in everything you do</li> </ul>
<b>Service</b>	<ul style="list-style-type: none"> <li>• Providing quality products and services</li> <li>• A mindset of continuous improvement</li> <li>• Being responsive to customers – fast, friendly and efficient</li> </ul>
Desired Values	What It Means for Us
<b>Respect</b>	<ul style="list-style-type: none"> <li>• Treating others fairly and with good intent</li> <li>• Seeing the value in others and their perspectives</li> </ul>
<b>Accountability</b>	<ul style="list-style-type: none"> <li>• Taking responsibility for living to agreed-to expectations, actions and outcomes</li> </ul>
<b>Cross-Teamwork</b>	<ul style="list-style-type: none"> <li>• Early collaboration between departments</li> <li>• Providing support to other departments for mutual success</li> <li>• Being open in our communications with each other</li> </ul>

## 5 Strategic Priorities

Strategic Priority	Success will be defined by:
<p><b>1. Improve relationships with and between Staff, Council, the Union, Community and Employees</b></p>	<ul style="list-style-type: none"> <li>• Clear roles and responsibilities in place for all constituents (RACI)</li> <li>• Reduction in staff-council conflict – there are issues based discussions between Council and management</li> <li>• Less requests for corroborating information from Council</li> <li>• Council are having constructive debates with each other</li> <li>• Demonstration of mutual respect between unions and management</li> <li>• Staff understand and actively support the vision, mission, values, and strategic priorities</li> </ul>
<p><b>2. Renew our organizational structure</b></p>	<ul style="list-style-type: none"> <li>• Having the organizational structure aligned to strategic priorities</li> <li>• Succession management in place down to Manager level</li> <li>• Have knowledge of professional ambitions of staff</li> <li>• Skills and interest of individuals are matched with responsibilities</li> <li>• Opportunities for all to actively support the success of the strategic priorities</li> <li>• Council supporting the organizational structure</li> <li>• Ensuring structural changes are affordable</li> </ul>
<p><b>3. Realign our organizational culture</b></p>	<ul style="list-style-type: none"> <li>• Improved focus on what's best for the organization ("corporate thinking") versus the department</li> <li>• Increased input on decisions from those affected with clear ground rules for staff around decision-making and responsiveness</li> <li>• Clear meeting protocol ground rules in place and being lived (i.e., starting meetings on time, having clear meeting agendas)</li> <li>• Increased levels of delegation (i.e. pushing decision-making responsibility down to the appropriate levels)</li> <li>• Senior leaders are more focused on strategic versus operational issues</li> <li>• Higher level of staff engagement</li> <li>• Improved internal communication</li> <li>• Improved communication in reports to council (i.e. reports are more complete and thorough)</li> <li>• Union seen as a positive resource</li> </ul>
<p><b>4. Position Council for strategic planning</b></p>	<ul style="list-style-type: none"> <li>• Having an environment in place to promote and facilitate a successful strategic planning process (including an agreed-to framework for a joint strategic planning process)</li> <li>• Having an internal and external communication plan in place related to the strategic planning process</li> </ul>
<p><b>5. Ensure continuous service and value improvements</b></p>	<ul style="list-style-type: none"> <li>• Positive evaluations and feedback on community surveys</li> <li>• Improvements are aligned with strategic plan</li> <li>• Appropriate monitoring and action taken on customer complaints</li> <li>• Having service-level reviews with Council to ensure consistency with vision and policies</li> <li>• Appropriate benchmarking of services and costs (compared to other relevant municipalities and public/private sectors)</li> <li>• Having appropriate changes in budget from year to year to reflect strategic priorities</li> </ul>

## 2.1 Reviewing the Current Structure

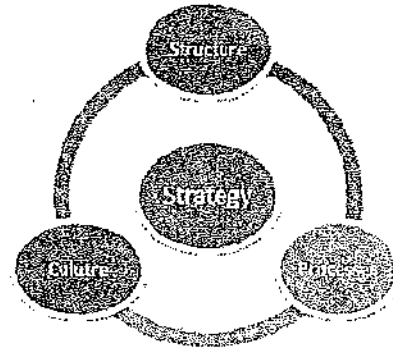
The purpose of this step was to provide the Design Team with qualitative data to help with a more accurate reflection on the potential scope and impact of this project. This understanding helped shape the project's design criteria, design process and approach to further consultation.

The assessment of the current state – and the gap between the current organizational design and a future design that is better aligned with the renewed strategic direction – was based on the model described below.

Organization design is the deliberate process of configuring structures, processes, cultural/people policies and practices to create an organization capable of achieving the organization's strategy.

- **Strategy** sets the organization's direction and typically includes the vision, mission, values, short and long-term goals. Strategy is the critical centerpiece to good organizational design. If the strategy is not clear, or not agreed upon by the leadership team, there are no criteria on which to base other design decisions – without the strategy component, it is impossible to make rational decisions along the way.
- **Structure** deals with the placement of accountabilities, formal power, authority and the related relationships and hierarchy. It should be noted that structure is usually overemphasized as it is the most visible component; however, structure is only one facet of effective organizational design.
- **Processes** outline the key systems that ensure appropriate information sharing and decision making to create the optimal levels of collaboration and connection to ensure the structure functions effectively.
- **Culture** deals with the underlying beliefs, values, and behaviours that determine the long-term success of an organization as well as the related people practices and systems that are central link between an organization's strategy, structure and processes.

Organizational Design Model



### Overall Summary of Key Findings

Critical issues that require immediate attention include:

- The lack of a trusting and constructive relationship between Council and management which has resulted in lower levels of engagement among the management group, who are generally committed to the City, but are not feeling appropriately acknowledged for working hard and continuing to deliver good levels of service to the community. (It should be noted that there appears to be little "fat" among the management structure as managers generally have high levels of technical competence, and carry workloads that appear appropriate, if not higher in many cases, for the culture of the organization.)
- No clear strategic direction from Council.
- Significant succession management challenges due to the aging demographics and retirement options of management over the next several years.
- Opportunities for improving communication, decision-making, planning, and leadership development processes.

## 2.2 Identifying Specific Design Criteria

The purpose of this step is to translate both the strategic direction and the findings of the current state assessment into implications for design in the form of specific design criteria. In simple terms, this means being really specific about what the Design Team hopes the new design will accomplish.

### Specific Design Criteria

The table below outlines the Design Team's effort to translate all of the review findings into design criteria for the renewed (future) organization design. These criteria will be important in shaping future organizational design options.

Component	Design Criteria
<b>Structure</b>	<ul style="list-style-type: none"> <li>• Be more focused on our customer and managing relationships (especially with Council)</li> <li>• Departmentalize by specialized function with clearer levels of span of control</li> <li>• Recast roles of higher level leaders/managers as more strategic</li> <li>• Delegate more decision making authority</li> <li>• Create a structure influenced by the future interests of key leaders</li> </ul>
<b>Processes</b>	<ul style="list-style-type: none"> <li>• Executive to create more political context and "corporate" thinking</li> <li>• Facilitate higher levels of collaboration and cross-teamwork</li> <li>• Create cross fertilization/learning processes for succession purposes</li> <li>• Strengthen accountability processes (especially in Finance)</li> </ul>
<b>Culture</b>	<ul style="list-style-type: none"> <li>• Need to increase levels of "Clan" practices (cross-teamwork and respect) and decrease levels "Systematic" practices (bureaucracy and red tape) in order to support a stronger focus on customer service (with Council as the customer)</li> <li>• Need to leverage "Entrepreneurial" characteristics (i.e., continuous improvement mindset)</li> <li>• Need to increase "Market" behaviour (i.e., focus on accountability)</li> </ul>

## 3 LEARNING FROM OTHER MUNICIPALITIES

The next part of the report outlines the key findings of the "best practices research" undertaken to learn from the organizational design and experiences of other municipalities. This research will also be very valuable in shaping the drafting of design options and recommendations.

Note that the this benchmarking process review included reviewing our current data base of research as well as interviewing comparable of a similar size who might be facing similar challenges, and to learn about their approaches in the hopes of finding some best practices that the City of Nanaimo might want to adopt or adapt.

The following municipalities contributed to the research by participating in interviews:

- City of Chilliwack
- City of Kamloops
- City of Kelowna
- District Municipality of Langley
- City of Lethbridge
- City of Medicine Hat
- City of Prince George
- City of Red Deer
- District Municipality of Saanich
- Regional Municipality of Wood Buffalo (including former City of Fort McMurray)

A number of other municipalities were also approached and invited to participate and either chose not to or did not respond:

- City of Langley
- City of Victoria
- City of Medicine Hat.

### Summary of Key Findings

- **Deputy City Manager Role:**
  - Wood Buffalo (Fort McMurray) has a Chief Operating Officer (COO) who handles all aspects of internal municipal operations, leaving the City Manager (or CEO) free to focus on his relationships with Mayor and Council, and with other external stakeholders in the community and industry.
  - Victoria has an Assistant City Manager. It appears from their chart that what would typically be considered corporate services functions (Finance, Human Resources, and Legislative and Regulatory Affairs) report to the Assistant City Manager, whereas the community services functions (Engineering, Planning, Development, Parks/ Recreation/Culture, and Fire) report to the City Manager. There is no General Manager or Director of Corporate Services on their chart.
  - Lethbridge has fairly new position called a "Director of the City Manager's Office" reporting directly to the City Manager with a focus on community relations and communications, performance measures, Intergovernmental affairs, regional issues, strategy management, city wide projects, and economic development liaison. Whenever the Senior Leadership Team identifies that an emerging issue or initiative is complex, multi-faceted, and requires coordination across divisions, it is referred to this Director to take the lead on it.
    - In Chilliwack, the General Manager of Community Development (which includes Municipal Development and Parks, Recreation and Culture) also plays the role of Deputy CAO, available to act in the CAO role when the CAO is away.
- **Office of the City Manager:**
  - Wood Buffalo (Fort McMurray) has an Office of the CEO that includes a variety of functions related to communications, risk and compliance, and strategic initiatives (Including economic development and liaison with First Nations).
  - Langley's Office of the C.A.O. includes the Manager of Human Resources and the Manager of Legislative Services and their staff (including Bylaw Enforcement and the Deputy Corporate Officer).
  - Lethbridge has a "Director of the City Manager's Office" described earlier (above).
- **The number of direct reports to the City Manager** ranges from 4 up to 8, and everything in between.
- **Membership on the senior leadership team** ranges from 4 to 8 as well, although not all direct reports to the City Manager are on the team, and some non-direct reports are invited in many cases based on the strategic or cross-functional nature of their portfolio.
- **Placement of Fire Services:** In several municipalities, the Fire Chief is a direct report of the General Manager or Director of a division, namely: Corporate Sustainability (Kelowna), Community Services (Lethbridge), Community and Corporate Affairs (Kamloops), Public Services (Medicine Hat), Development Services (Red Deer), and Public Safety (Wood Buffalo/Fort McMurray). In other municipalities, the Fire Chief reports directly to the City Manager (Chilliwack, Langley, Victoria, Saanich).

- **Placement of Police Chief/RCMP Superintendent:** The following municipalities have their own police forces (vs. RCMP): Saanich, Victoria, and Lethbridge. In those municipalities, the Chief of Police reports to an autonomous Police Board/Commission. In municipalities served by the RCMP, the Superintendent may or may not appear on the organizational chart, but there is some kind of liaison and coordination relationship in place. In some cases, the liaison happens at the level of the City Manager (e.g., Saanich, Medicine Hat, Kamloops), in others directly to Mayor and Council (e.g., Chilliwack), and in yet others, at the Division level (e.g., Kelowna).
- **Placement of Police Support Services:** In most municipalities, the police support services function is placed in the Community Services Division. A number of municipalities group police and bylaw services together.
- **Overall Protective Services function:** There were no clear commonalities around the grouping of Fire and Police services. In speaking to those municipalities who have recently undertaken organizational reviews, there is some new thinking about grouping Fire, Police, and other safety related functions together – for example, Wood Buffalo (Fort McMurray) has established a Public Safety Division.
- **Placement of Economic Development function:** In most municipalities, the Economic Development function does not appear explicitly in titles at the management group level in the organizational chart (within two reporting levels of the City Manager). Exceptions include Langley which has a Director of Development Services & Economic Development, and Red Deer which has a Manager of Land & Economic Development.
- **Placement of Corporate Communications:** A few municipalities have a communications function represented at the management group level. The following have Communications managers or directors reporting directly to the City Manager: Medicine Hat, Red Deer, Victoria, Prince George, Wood Buffalo (Fort McMurray). Lethbridge's Director of the City Manager's Office is responsible for community relations and communications. Kelowna has a Director of Community & Media Relations reporting through a General Manager.
- **Placement of Legislative Services:** In the following municipalities, the Legislative Services function sits in the Corporate Services Division: Red Deer, Kamloops, and Saanich. In other municipalities, a Manager of Legislative Services reports directly to the City Manager (Langley, Prince George, Wood Buffalo), or Assistant City Manager (Victoria).
- **Placement of Human Resources:** In the following municipalities, Human Resources (HR) reports directly to the City Manager: Langley, Medicine Hat, Red Deer, Kamloops. In Victoria, HR reports to the Assistant City Manager. In the remaining municipalities (Kelowna, Prince George, Wood Buffalo, Saanich, Lethbridge, and Chilliwack), the Manager/Director of HR sits in the Corporate Services Division.
- **Placement of Parks, Recreation & Culture:** In most municipalities, the Parks Recreation & Culture functions are grouped together under a Community/Public Services Division. The exceptions are: Langley, where Recreation & Culture fall under Community Services but Parks fall under Engineering, Parks & Environment. In Saanich, Victoria and Kamloops, they have their own division/department and report directly to the City Manager.
- **Strategic Initiatives & Special Projects:** Many municipalities have one or two positions reporting to the City Manager whose role is to work on strategic initiatives or special projects. For example, Prince George currently has an Integrated Community Sustainability Plan Leader, Kelowna and Wood Buffalo (Fort McMurray) both have a Director of Strategic Initiatives, Red Deer has a Manager of Communications & Strategic Planning, Lethbridge has a Director of the City Manager's Office who is responsible for strategic initiatives and special projects.

# "IN CAMERA" STAFF REPORT

REPORT TO: ANDREW TUCKER, DIRECTOR OF PLANNING  
COMMUNITY SAFETY & DEVELOPMENT

FROM: BILL CORSAN, MANAGER OF REAL ESTATE  
COMMUNITY SAFETY & DEVELOPMENT

RE: PROPOSED SETTLEMENT OF EXPROPRIATION OF PART OF 2915 HAMMOND  
BAY ROAD

## STAFF'S RECOMMENDATION:

That Council authorizes Staff to settle the expropriation of part of 2915 Hammond Bay Road at the sum of

## EXECUTIVE SUMMARY

A part of 2915 Hammond Bay Road, as shown in Attachment A, was expropriated early this year by the City for the reconstruction of Hammond Bay Road. Subsequent negotiations with the owners

## BACKGROUND

The Engineering & Public Works Departments identified the need to improve safety in the "Hammond Bay Road Mobility Study". To achieve this, a design was undertaken for the reconstruction of part of Hammond Bay Road which required the acquisition of a portion of several properties.

In November 2008, the Real Estate Section began negotiations with four property owners for the partial acquisition of the required properties. Staff was successful in acquiring a portion of two properties. Staff initiated expropriation of the two remaining properties with its report to Council dated 2010-JAN-11.

The owners of one of the expropriated properties, 2915 Hammond Bay Road, indicated that because of the significant anticipated impact of the City's project, the issue of compensation should be dealt with through the formal process of expropriation.

Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
Meeting Date: 2010-DEC-13

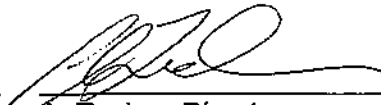


In June 2010, the City's contractor began its reconstruction of Hammond Bay Road. The City asked the owners to vacate their property for a two-month period for the mutual benefit of their safety and for better access to complete the construction of the property.

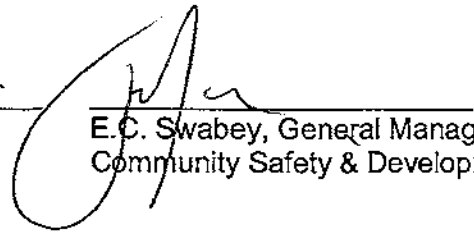
Respectfully submitted,



B. Corsan, Manager  
Real Estate



A. Tucker, Director  
Planning

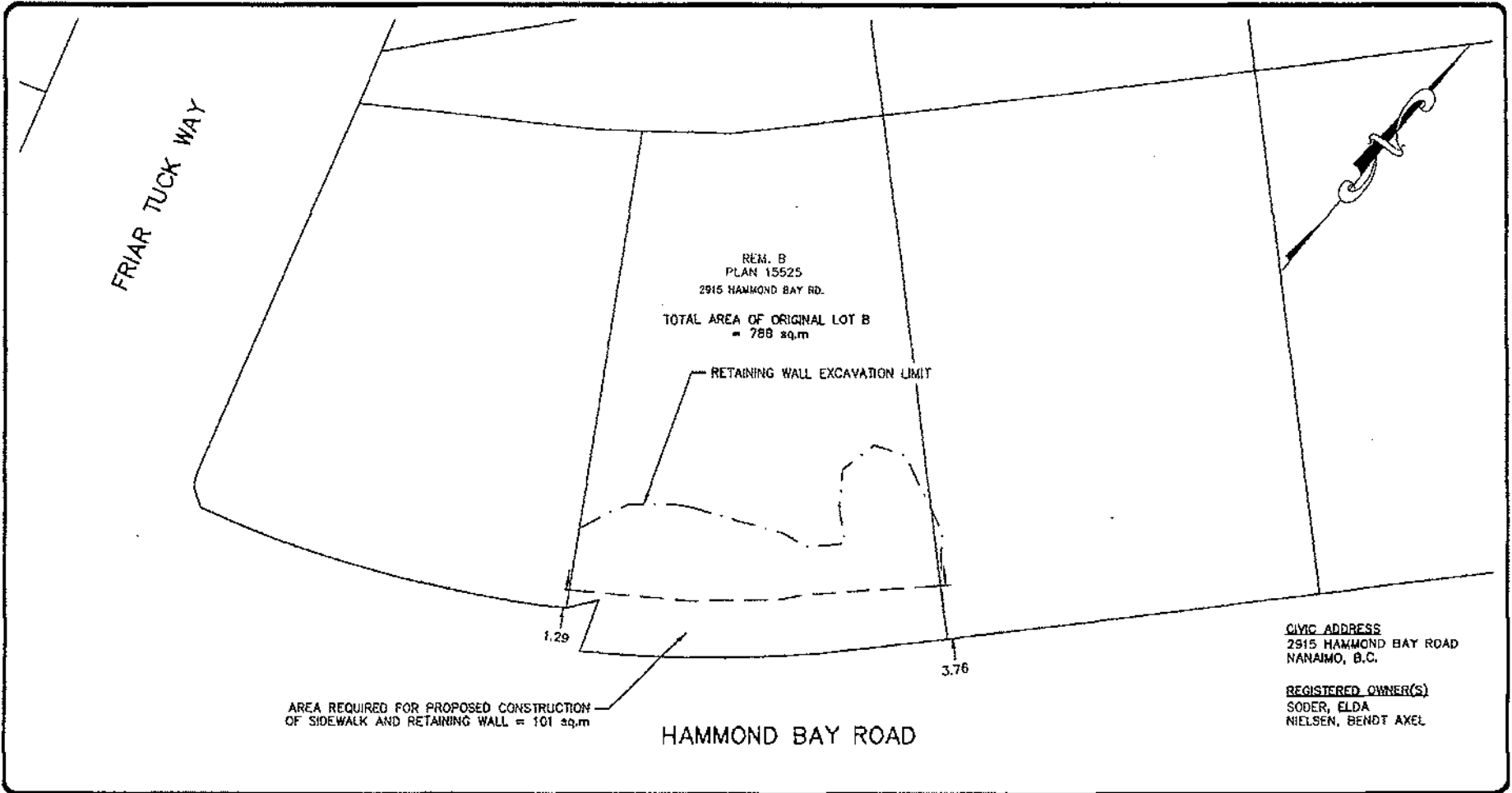


E.C. Swabey, General Manager  
Community Safety & Development

RS/tl  
"IC" Council: 2010-DEC-13  
Prospero: LD002130

# ATTACHMENT A

38



**CIVIC ADDRESS**  
2915 HAMMOND BAY ROAD  
NANAIMO, B.C.

**REGISTERED OWNER(S)**  
SODER, ELDA  
NIELSEN, BENDT AXEL

AREA REQUIRED FOR PROPOSED CONSTRUCTION  
OF SIDEWALK AND RETAINING WALL = 101 sq.m

HAMMOND BAY ROAD

Design by	Date
UC	JULY14/2009
Drawn by	Date
JTD	SEPT14/2009
Checked by	Date
Approved by	Date



Scale	1:100
Proj. No.	NTS
Sheet	1 of 1
Cost Center	
Drawing No.	

Project	HAMMOND BAY ROAD/FRIAR TUCK WAY STORM, WATER & ROAD WORKS
Title	LAND ACQUISITION SKETCH PART OF LOT B, SECTION 2, WELLINGTON DISTRICT, PLAN 15525

# "IN CAMERA" STAFF REPORT

REPORT TO: E.C. SWABEY, GENERAL MANAGER,  
COMMUNITY SAFETY & DEVELOPMENT

FROM: T.P. SEWARD, DIRECTOR OF DEVELOPMENT  
COMMUNITY SAFETY & DEVELOPMENT

RE: ACQUISITION OF 2191 EAST WELLINGTON ROAD FOR PARK DEDICATION

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## STAFF'S RECOMMENDATION:

That Council approves the acquisition of 2191 East Wellington Road for park purposes, subject to the following conditions:

1. accepting the contribution of \$600,000.00 from Henry Rempel for Park Dedication at 2058 Boxwood Road, 2080 East Wellington Road and 2160 East Wellington Road for park purposes;
2. authorizing the City expenditure of \$200,000.00 from the Parkland Dedication Fund for the acquisition;
3. authorizing Staff to finalize the Agreement of Purchase and Sale; and
4. authorizing the Mayor and General Manager of Community Safety & Development, to execute the necessary documents to complete the transaction.

## EXECUTIVE SUMMARY:

Henry and Mary Rempel are the owners of 2058 Boxwood Road, 2080 East Wellington Road and 2160 East Wellington Road which they have been developing for industrial use. As part of the subdivision approval process, they are required to provide the City with 2.3 ha (5.75 acres) of land for park purposes. The land has been appraised at \$400,000.00.

The Rempel family has approached the owner of 2191 East Wellington Road (Gordon Poirier Ventures Ltd.) and have a contract to purchase the 12 ha (29.65 acres) parcel for \$800,000.00 subject to the City agreeing that this property would satisfy their parkland dedication and that the City would pay \$200,000.00 towards the purchase of 2191 East Wellington Road. The Rempel family would contribute \$600,000.00 towards the purchase price. Providing this agreement can be completed, the Rempels would proceed with applying for a subdivision and rezoning of a portion of their property at 2080 East Wellington Road and 2160 East Wellington Road and eventually construct a road through the lands.

Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
 Meeting Date: 2010-DEC-13

Completing this acquisition is complex in that many funding options have been discussed and that Mr. Rempel has negotiated to purchase 2191 East Wellington Road for \$800,000 (appraised value is \$700,000) without the City being party to his negotiations. The attached spreadsheet (Attachment B) outlines the various values of the properties and alternative options.

2191 East Wellington Road is considered a priority acquisition in the Parks Master Plan. The size of the property enables the City to consider a number of activities to take place including community gardens, salmon habitat enhancement, a dog off-leash area, sports fields, etc. Provided the City is successful in acquiring this property, Parks, Recreation & Culture staff would undertake a study to review future uses for the property.

#### BACKGROUND:

Henry Rempel and Mary Rempel are the owners of 25 ha (61.7 acres) of land located at 2058 Boxwood Road, 2080 East Wellington Road and 2160 East Wellington Road. The Rempel family has been developing these lands for industrial uses through a phased subdivision process. Through this process, the owners are required to provide the City with 5% of the subdivided lands for park purposes which totals 2.3 ha (5.75 acres) of land. An appraisal was conducted and valued the lands at \$400,000.00.

The Parks, Recreation and Culture Department believes that 2.3 ha (5.75 acres) of parkland situated within an industrial area would not be well-used by the community. A preferable solution would be for the property owner to identify an adjacent property that meets the objectives of the 2005 Parks, Recreation and Culture Master Plan.

The Parks Master Plan recommends that the City of Nanaimo focus on the following features in future acquisition of lands for public open space in order of priority: waterfront and shoreline areas, lakes, streams and river courses and woodlands with extensive natural areas.

Parks, Recreation and Culture Staff has identified 2191 East Wellington Road as a property that meets the objectives of the Parks Master Plan. Particulars of the property are as follows:

Location:	2191 East Wellington Road, shown on Attachment A
Property Description:	Vacant, agricultural land
Area:	12 ha (29.65 acres)
Legal Description:	Lot 1, Sections 14 and 15, Range 7, Mountain District, Plan 14201, Except that Part in Plan 45345 (PID 003-629-414)
Zoning:	A-2, Rural Agricultural/Residential and located in ALR
Topography:	Flat, primarily pasture and low lying land adjacent to the Millstone River and subject to seasonal flooding
Owner:	Gordon Poirier Ventures Ltd.

2191 East Wellington Road has the potential to meet a number of Parks, Recreation and Culture objectives. Early thoughts include the use of the property for community gardens, a dog off-leash area, salmon habitat enhancement and the potential for sports fields in the long term.

City Staff considered two alternative options to satisfy the 5% parks dedication required as a condition of the subdivision:

1. Secure 5.75 acres of parkland on the Rempel property; or
2. Accept cash in lieu of \$400,000.00 and use the funds to acquire other parkland in the future.

Staff believes acquiring 2191 East Wellington Road property, as recommended in this report, is considerably more advantageous to the City.

The owner of 2191 East Wellington Road is prepared to sell the property for \$800,000.00. An appraisal determined the value of 2191 East Wellington Road to be \$700,000.00. The Rempel family is willing to commit \$600,000.00 towards the purchase price, with the City contributing the remaining \$200,000.00 from the Parkland Dedication Fund. The Rempel family will transfer ownership of the property to the City to meet their parkland dedication requirements.

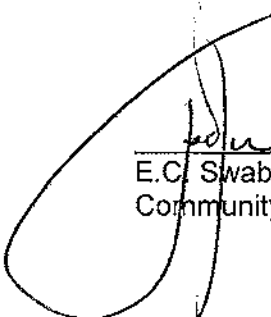
Providing this agreement can be completed, the Rempels would proceed with applying for a subdivision and rezoning for a portion of their property at 2080 East Wellington Road and 2160 East Wellington Road.

Staff is currently communicating with the property owner to the southwest of the Rempel lands regarding possible subdivision and rezoning of that 20± acre property. If the owner proceeds with subdivision, they will be required to provide 5% of the land for parkland or cash in lieu. The funds from this subdivision could be used to replenish the Parkland Dedication Fund, thus indirectly contributing to the costs of acquiring 2191 East Wellington Road. A report will be forwarded to Council at a future meeting, including options to secure parkland or cash in lieu for this property.

Upon approval by Council, the City's lawyers will prepare an amended Contract of Purchase and Sale to facilitate a timely transfer of the lands to the City.

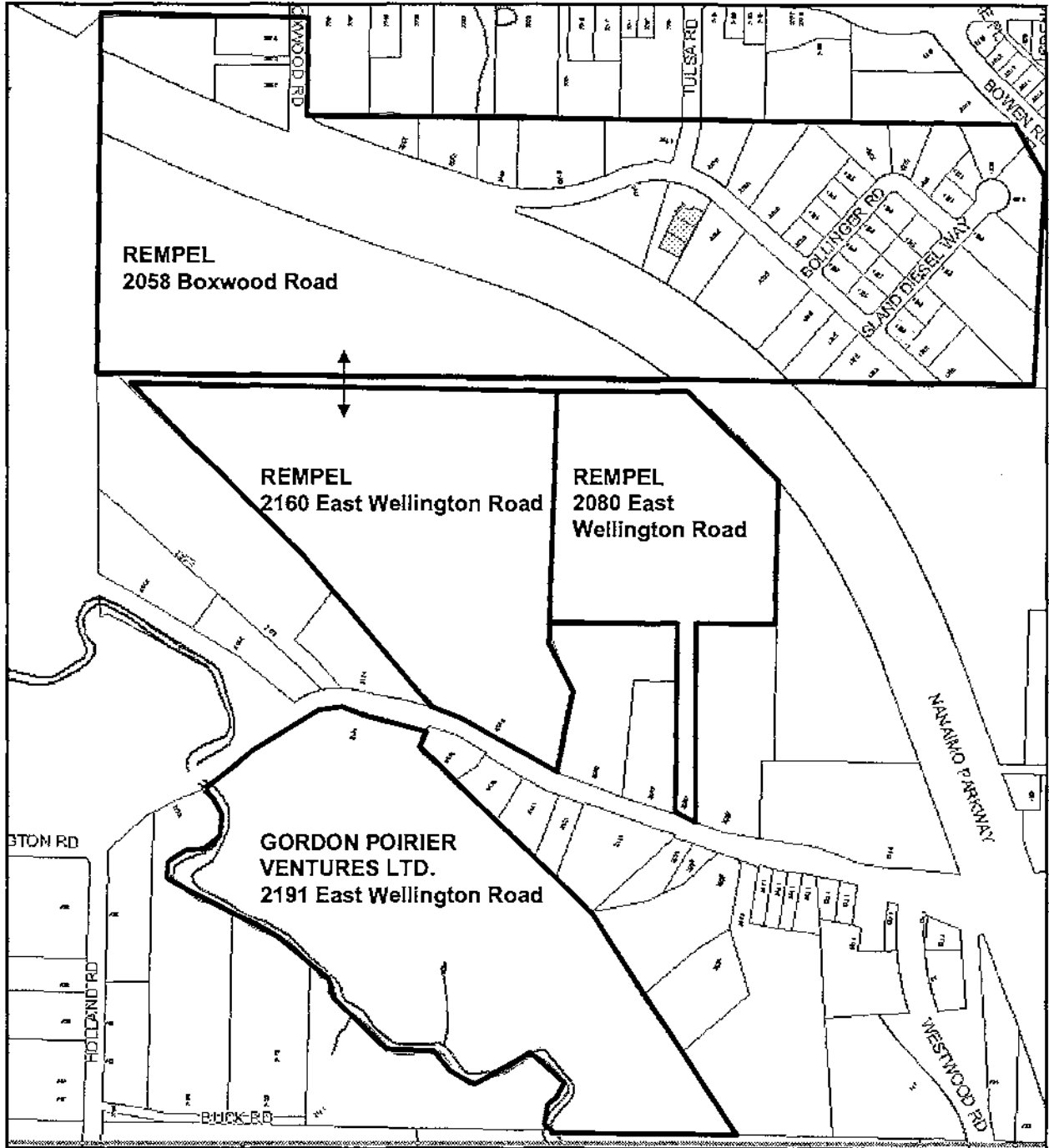
Respectfully submitted,

  
\_\_\_\_\_  
T.P. Seward, Director of Development  
Community Safety & Development

  
\_\_\_\_\_  
E.C. Swabey, General Manager  
Community Safety & Development

BC/H  
"IC" Council: 2010-DEC-13  
Prospero: LD002385

ATTACHMENT A



## ATTACHMENT B

### OPTIONS FOR PARKLAND DEDICATION FOR REMPEL SUBDIVISION

#### 1. Proposed acquisition of 2191 East Wellington Road

<u>Rempel</u>	+	<u>City</u>	=	<u>Poirier</u>	<u>Decision</u>
Rempel Parkland Dedication - Boxwood and E. Wellington Road - Appraised value: \$400,000	+	City of Nanaimo Funds - Funds available \$200,000±	=	Purchase of Poirier property at 2191 E. Wellington Road - Sale price: \$800,000 - Appraised value: \$700,000	

Scenarios:

A. \$400,000 (Yes)	+	\$200,000 (Yes)	=	\$600,000 (No)	Poirier: No
B. \$500,000 (Yes)	+	\$200,000 (Yes)	=	\$700,000 (No)	Poirier: No
C. \$500,000 (Yes)	+	\$300,000 (No)	=	\$800,000 (Yes)	City: No
D. \$600,000 (Yes)	+	\$200,000 (Yes)	=	\$800,000 (Yes)	All: Yes

**2. City receives cash in lieu for parkland of \$400,000 (appraised value) and reserve funds in Parkland Dedication Fund for future parkland purchases.  
(Not recommended by Staff)**

**3. City receives 5.75 acres of parkland dedication within the Rempel industrial zoned subdivision, either as a block of land or strip of land adjacent to the Parkway.  
(Not recommended by Staff)**

# “IN CAMERA” STAFF REPORT

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

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

RE: CITY HALL ANNEX REPLACEMENT OPTIONS

STAFF'S RECOMMENDATION:

That Council:

1. direct Staff to shortlist the following options to replace the City Hall Annex:
  - a. \_\_\_\_\_ and \_\_\_\_\_
  - b. new building by ICI/Windley Contracting at 411 Dunsmuir Street;
2. negotiate with the two shortlisted applicants to determine the best option available to the City;
3. bring forward a future Council Report identifying the recommended applicant to build the replacement for the City Hall Annex; and
4. advise the remainder of shortlisted applicants that their proposal will not be considered further.

EXECUTIVE SUMMARY:

At its meeting of 2010-Oct-25, Council received and approved a report from Staff that included a shortlist of six proposals to replace the City Hall Annex. Following that meeting, Staff requested additional information from the shortlisted applicants, to allow further evaluation of their proposals.

Staff has now reviewed re-submissions from five of the shortlisted applicants, plus Staff has analyzed the sixth option, to undertake a seismic upgrade of the existing City Hall Annex.

The submissions received have been summarized on the attached spreadsheet (Attachment A) and a breakdown of key issues regarding the six options has been attached for review (Attachment B).

The submissions received have been reviewed by Staff, considering numerous key issues, including cost, location, design, schedule for completion, disruption, long-term staffing needs, seismic design, LEED Standard, etc. Taking these issues into consideration, Staff recommends that council shortlist to two applicants:

- 1.

Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
 Meeting Date: 2010-DEC-13



2. 411 Dunsmuir Street ~ proposed new design build project on the parking lot across from City Hall. Applicant is ICI/Windley Group.

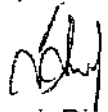
\* Seismic upgrade of the City Hall Annex remains an option, although Staff is not recommending this option.

Provided Council endorses the Staff recommendation, Staff will negotiate with the two applicants to determine which application best meets the needs of the City. Following the negotiations, Staff will return to Council for selection of a proponent for this project.

BACKGROUND:

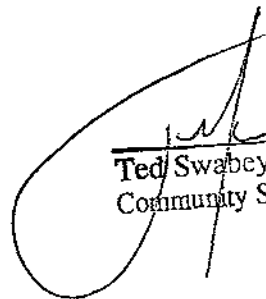
Attached is a spreadsheet analyzing the key issues regarding the six options (Attachment A). Also attached (Attachment B) is a review of each option, including a description of the applicant, their proposal, advantages, disadvantages and recommendations.

Respectfully submitted,



Toby Seward, Director of Development  
Community Safety & Development

TS/hp  
Council: 2010-DEC-13  
Prospero: CLL55



Ted Swabey, General Manager  
Community Safety & Development

**ATTACHMENT A**

**CITY HALL ANNEX REPLACEMENT**

Application Comparison

		<b>LOCATION</b>	<b>DESIGN</b>	<b>COST (Estimated)</b>	<b>PARKING</b>	<b>OCCUPANCY DATE</b>	<b>POST DISASTER COST</b>	<b>BUILDING EXPANSION OPTIONS</b>
1.		Existing building:		\$10.9 M purchase \$12.75 M Total	28 spaces at grade	2011-Sep-01 32,700 ft <sup>2</sup>  2026-Sep-01 10,300 ft <sup>2</sup>	Cost prohibitive on existing building	Possible 15,000 ft <sup>2</sup> 3 storey addition at front of building
2.	<b>Addition to City Hall 455 Wallace Street</b>	Addition to City Hall	5 storey: above parking	\$12.9 M construction \$16.88 M Total	18 spaces; remaining under building	2012-Jul-01	\$0.5 M	No additional area to expand on south side of building
3.	<b>411 Dunsmuir Street</b>	New building – 35m from City Hall	4 storey: partial parking under	\$13.6 M construction \$17.77 M Total	34 spaces at grade, plus underground parking	2013-Mar-01	Up to \$1.0 M	Possible to plan for additional storey of 14,000 ft <sup>2</sup>
4.	<b>411 Dunsmuir Street</b>	New building – 35m from City Hall	4-storey: partial parking under	\$13.6 M construction \$17.77 M Total	33 spaces at grade, plus underground parking	2013-Jun-15	\$0.15 M	Possible addition to fourth floor totaling 12,000 ft <sup>2</sup>
5.	<b>Windley Contracting Design build 411 Dunsmuir Street</b>	New building – 35m from City Hall	3 storey: Partial parking under	\$11.9 M construction \$15.66 M Total	18 spaces at grade, plus underground parking	2012-Jul-01	\$0.3 M	Possible addition at back of building
6.	<b>Seismic Upgrade City Hall Annex 238 Franklyn Street</b>	Existing building: 65m from City Hall	Existing 3 storey building	\$4.6 M construction \$6.20 M Total	17 spaces existing	2013-Mar-01	Cost prohibitive on existing building	No additional area to expand

# "IN CAMERA" FOR INFORMATION ONLY

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

FROM: B. CORSAN, MANAGER OF REAL ESTATE,  
COMMUNITY SAFETY & DEVELOPMENT

RE: ACQUISITION OF CECO/MADILL PROPERTY LOCATED AT 2560 BOWEN ROAD  
BY 0868958 B.C. LTD.

STAFF'S RECOMMENDATION:

That Council receives the report for information.

EXECUTIVE SUMMARY:

The property located at 2560 Bowen Road, formerly owned by Ceco Properties Ltd. (Ceco), was sold to 0868958 B.C. Ltd. on 2010-NOV-12 for \$2,900,000.00.

0868958 B.C. Ltd. (Wheaton Family) has assumed the existing lease of the City-owned lands that surround the property on a month-to-month basis (\$2,896.00 per month).

Steve Laird, representative for 0868958 B.C. Ltd., has indicated a desire to purchase the leased lands from the City as part of a larger lot consolidation which would bring together the City-owned lands, the recently purchased property at 2560 Bowen Road, and the existing Laird Wheaton site at 2590 Bowen Road. The new parcel would be approximately 5 ha (12 acres) in size and would be suitable for redevelopment for a commercial development. The redevelopment would require an amendment to the OCP, rezoning, subdivision and considerable works and services.

In the past, Council provided support for the sale of the City's leased lands to Ceco. Staff will work with 0868958 B.C. Ltd. to arrive at a purchase price and report back to Council early in the new year once a tentative deal is in place.

BACKGROUND:

Ceco Properties Ltd. (Ceco) was the landlord to Madill who had a substantial manufacturing and head office facility located at 2560 Bowen Road. In addition to the lands owned by Ceco, which front onto Bowen Road, they also leased 10,570m<sup>2</sup> of adjoining land from the City of Nanaimo since 1969 as shown on Attachment A. The current lease expired on 2009-DEC-31 and has been over holding since, creating a month-to-month tenancy. Rent is currently \$2,896.00 per month.

- Council
  - Committee
  - Open Meeting
  - In-Camera Meeting
- Meeting Date: 2010-DEC-13

Following the closure of Madill's operations at 2560 Bowen Road, Ceco listed its 2 ha (4.8 acre) property for sale. The property sold to 0868958 B.C. Ltd. (Wheaton family) for \$2,900,000.00 on 2010-NOV-12. The existing lease of the City lands with Ceco has been assigned to 0868958 B.C. Ltd. on a month-to-month basis.

Staff has met with the company representative Steve Laird, who has indicated an interest in purchasing the leased lands from the City.

The purpose of acquiring the property at 2560 Bowen Road is to create a new 5 ha (12 acre) parcel that will bring together the City-leased lands, the former Ceco/Madill property, and the Laird/Wheaton car dealership at 2590 Bowen Road. This provides an opportunity to redevelop the property for car dealerships, a food store and other retail ventures. Attachment A provides an overview to the proposed lot consolidation.

The redevelopment of the property will require an amendment to the OCP, rezoning and subdivision of the new parcels, as well as substantial works and services. The continuation of Labieux Road to Rock City Road and a new intersection for this connection to the Island Highway will be explored.

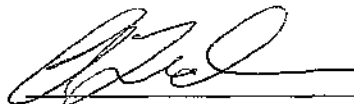
Council had previously directed Staff to sell the City-owned lands to Ceco for \$840,000.00. Staff was in the final stages of completing that sale when Ceco withdrew its interest in April 2010. Staff believe it is in the best interest of the City to continue with the sale of these lands to 0868958 B.C. Ltd.

The lands to be sold to 0868958 B.C. Ltd. must be resurveyed to account for the Labieux Road/Rock City Road Connector. Staff has engaged the services of a surveyor to confirm the size and specific area that will be offered for sale. Work on an appraisal has commenced to provide an indication of current market value. The existing Preliminary Layout Acceptance Plan which will see the City lands consolidated with the Madill property must be amended.

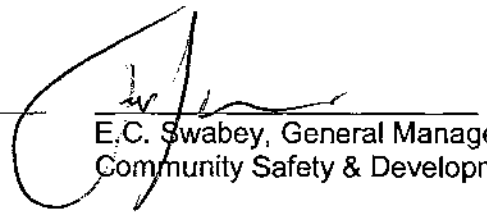
Respectfully submitted,



B. Corsan, Manager  
Real Estate

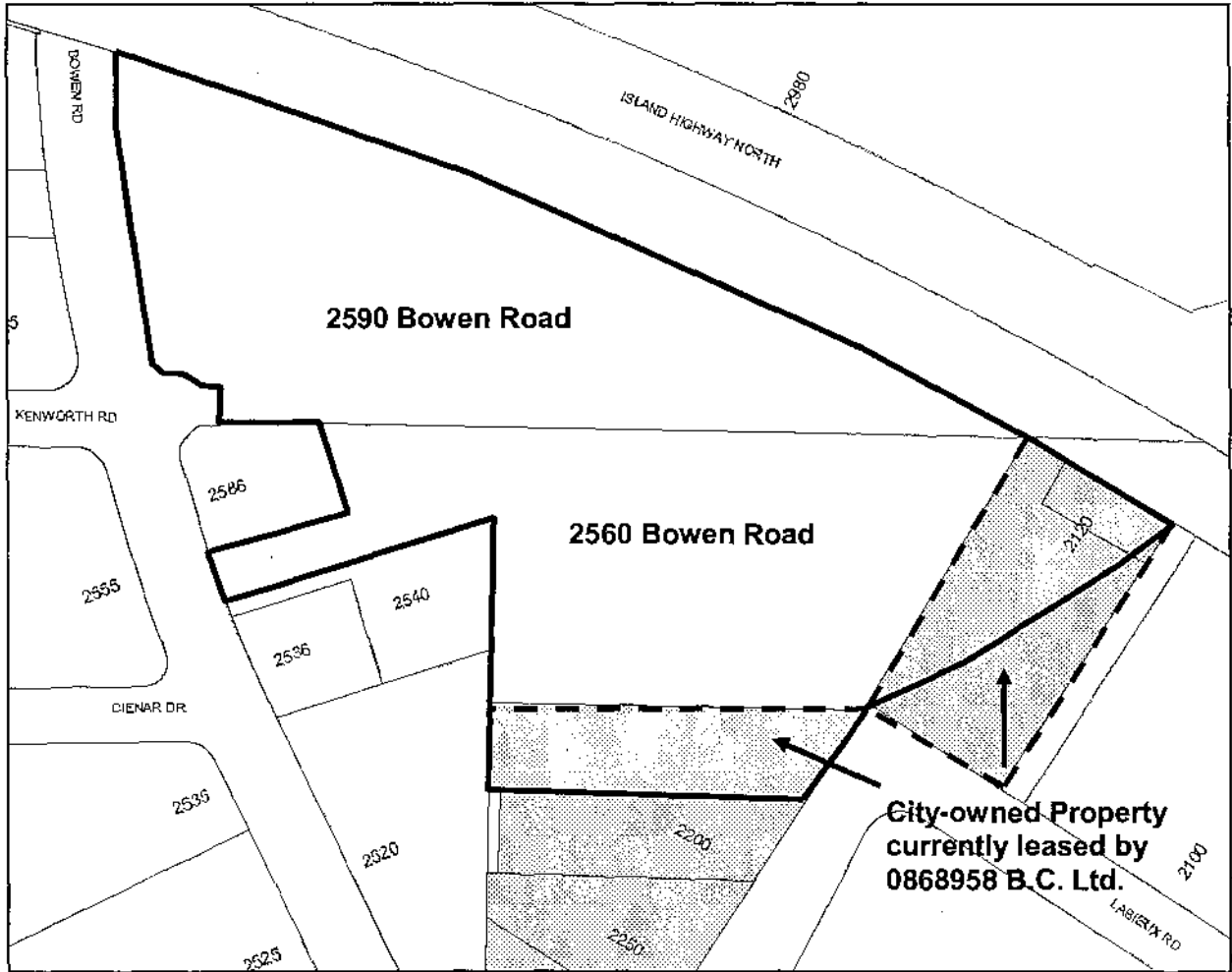


A. Tucker, Director  
Planning



E.C. Swabey, General Manager  
Community Safety & Development

ATTACHMENT A





BC Company Summary

For 0868958 B.C. LTD.

Date and Time of Search: December 02, 2010 04:09 PM Pacific Time
Currency Date: November 04, 2010

ACTIVE

Incorporation Number: BC0868958
Name of Company: 0868958 B.C. LTD.
Recognition Date and Time: Incorporated on December 16, 2009 10:03 AM Pacific Time In Liquidation: No
Last Annual Report Filed: Not Available Receiver: No

REGISTERED OFFICE INFORMATION

Mailing Address: #7 - 4180 ISLAND HIGHWAY NORTH NANAIMO BC V9T 1W6 CANADA
Delivery Address: #7 - 4180 ISLAND HIGHWAY NORTH NANAIMO BC V9T 1W6 CANADA

RECORDS OFFICE INFORMATION

Mailing Address: #7 - 4180 ISLAND HIGHWAY NORTH NANAIMO BC V9T 1W6 CANADA
Delivery Address: #7 - 4180 ISLAND HIGHWAY NORTH NANAIMO BC V9T 1W6 CANADA

DIRECTOR INFORMATION

Last Name, First Name, Middle Name: Laird, Stephen Davidson
Mailing Address: 5406 BAYSHORE DRIVE NANAIMO BC V9V 1G8 CANADA
Delivery Address: 5406 BAYSHORE DRIVE NANAIMO BC V9V 1G8 CANADA

NO OFFICER INFORMATION FILED .

# "IN CAMERA" FOR INFORMATION ONLY

REPORT TO: A. TUCKER, DIRECTOR OF PLANNING

FROM: B. CORSAN, MANAGER OF REAL ESTATE

RE: DISPOSITION OF WISEMAN HOUSE FROM 437 WESLEY STREET

Council  
 Committee  
 Open Meeting  
 In-Camera Meeting  
Meeting Date: 2010-DEC-13

STAFF'S RECOMMENDATION:

That Council receives the report for information.

EXECUTIVE SUMMARY:

The City of Nanaimo and BC Housing entered into a Memorandum of Understanding (MOU) in 2008 to provide supportive housing at five sites throughout the City. As part of this MOU, the City is obligated to provide development ready sites. In the case of the project at 437 Wesley Street, this involves the removal of the existing structure (Wiseman House).

Staff has explored a number of options to dispose of the Wiseman House which has included a public call for offers as well as contacting non profit organizations and developers to gauge their level of interest. To date, there has been no interest in the house, largely due to the poor condition of the interior and the high cost of moving the structure.

Staff has contacted Nicol Brothers Moving who has agreed to relocate the house prior to the commencement of construction on March 1, 2011. The City will be responsible for covering the costs associated with the temporary removal of the overhead wires between 437 Wesley Street and the harbour, estimated to be \$15,000.00. This cost is equivalent to the cost of demolishing the house.

BACKGROUND:

In November 2008, the City of Nanaimo and BC Housing entered into a partnership for the design, approvals and preconstruction work required to create five supportive housing sites in the City. The second project to be developed is located on City-owned property at 437 Wesley Street.

The MOU requires the City to provide the property to BC Housing development ready. In the case of 437 Wesley Street, this involves the removal of the existing structure, the Wiseman House. Construction of the new supportive housing project is expected to start in March 2011.

The existing house was constructed in 1912-1913 for the Wiseman family who operated a small farm on the property. The building was renovated in 1972 to make it useable as a youth services

residence. This renovation essentially gutted the inside of the building, removing any heritage value. The exterior of the house has been left largely untouched. The building is currently occupied by the John Howard Society. The house is approximately 346 sq m (3,100 sq ft) in size.

Staff has examined a number of options for removing the house. The first step was an open bidding process advertised on October 20, 2010 through an Invitation for Offer. The Offer was advertised in the local newspaper, the City's website and BC Bid. Potential purchasers were responsible for all costs associated with the move of the house. The Invitation for Offer closed on November 16, 2010 with no response from the public.

Since that date Staff has contacted the major developers in town to see if there is any interest in the house. No one has shown any interest.

Staff contacted Habitat for Humanity with an offer to relocate the house to a separate City lot which would then be sold to Habitat. They were not interested in this concept.

The condition of the interior of the house and the costs associated with moving the house have been the main deterrents for interested parties.


Given the relatively short period of time remaining to remove the house, Staff will contract Nicol Brothers Moving to relocate the house in early February. Nicol Brothers will be responsible for moving the house and finding a potential purchaser. The City will be responsible for the costs associated with removing the overhead wires between 437 Wesley Street and the waterfront where the house will be barged to a new location.

The estimated cost associated with the wire removal (\$15,000.00) is similar to a quote for demolition that was provided to the City.

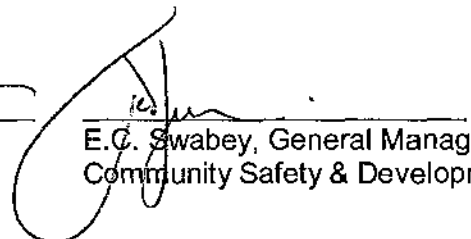
Respectfully submitted,



B. Corsan, Manager  
Real Estate



A. Tucker, Director  
Planning



E.C. Swabey, General Manager  
Community Safety & Development

BC/II  
"IC" Council: 2010-Dec-13  
Prospero: LD002231



# “IN CAMERA” FOR INFORMATION ONLY

REPORT TO: TOBY SEWARD, DIRECTOR OF DEVELOPMENT  
COMMUNITY SAFETY & DEVELOPMENT

FROM: JASON KINCH, MANAGER, BUILDING INSPECTIONS  
COMMUNITY SAFETY & DEVELOPMENT

RICK KROEKER, MANAGER, OCCUPATIONAL HEALTH & SAFETY

RE: ORDER ISSUED AGAINST CITY OF NANAIMO - WORKSAFEBC OHSR 20.112

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STAFF'S RECOMMENDATION:

That Council receives the report for information.

EXECUTIVE SUMMARY:

On 2010-NOV-19 WorkSafeBC issued an order to the City of Nanaimo to implement policies and procedures to eliminate or minimize the potential of exposure to workers from hazardous materials that they may be exposed to while engaged in work and to provide workers with appropriate information, instruction and training necessary to implement the policies and procedures.

This order resulted from WorkSafeBC becoming aware that on 2010-OCT-22 City Staff entered a building to conduct an inspection and the building was later found to contain asbestos containing materials within the scope of the renovation work. Both the general contractor (Bob Wall) and the City were written orders relating to this matter. This is the first time Staff is aware that an order of this type has been written in Nanaimo, and in fact, the City is only aware of a few recently being issued in the Province.

Staff has met with WorkSafe representatives and are working with them to develop and implement the policies and procedures needed to ensure compliance with the order. Staff is also planning to work with WorkSafeBC and the local construction industry to provide education on methods to evaluate and address hazardous material that may be disturbed during renovations and building demolition.

It should be noted that compliance with WorkSafeBC orders are mandatory. Staff takes safety issues very seriously and job safety is not related or influenced by monetary constraints. This notwithstanding, it's important for Council to understand that enforcing this issue for WorkSafeBC may cost the homeowner thousands of dollars in the form of additional studies evaluating the risk of hazards associated with the renovation, plus additional costs for any remediation required. The City will work with WorkSafeBC to clarify what size of renovation or conditions will trigger such a report; however, in the face of "business unfriendly" and allegations of "changing goal posts" this is a provincial requirement, not a City initiative.

Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
Meeting Date: 2010-DEC-13

## BACKGROUND:

WorkSafeBC, formally known as WCB, was originally formed in 1917 as a result of The Historic Compromise. Before the workers compensation system was established, injured workers had to use the courts and legal system to access financial support from their employer. In the Historic Compromise, workers gave up the right to sue their employers in exchange for guaranteed protection from loss of income regardless of fault. This legislation led to the first *Workers Compensation Act* which was proclaimed in Ontario on 1915-Jan-01. British Columbia followed suit in 1917 with the *Workman's Compensation Act*.

Asbestos exposure was an accepted part of the workplace until only a couple of decades ago. Although Crocidolite (the most dangerous form of asbestos) was banned in 1973, the other two commonly used forms (Amosite and Chrysotile) were used in building materials extensively until the 80s, and still commonly until the 90s.

In October 2003, the regulations surrounding control of exposure to asbestos in the workplace were amended to create rigid controls to exposure. Other hazardous substances, such as lead or other heavy metal, toxic, flammable or explosive materials, and bio-hazardous organic materials were also recognized. Under these regulations, a home or business owner or employer is required to have a professional assessment conducted to identify any of the aforementioned hazardous materials prior to undertaking any renovations, demolition or relocation of a structure.

### **The City of Nanaimo's Involvement**

WorkSafeBC sent a letter to all municipalities and regional districts on the Island dated 2010-Jun-18, outlining WorkSafeBC's initiative to involve local building departments in addressing the issue of hazardous materials that may be disturbed during building demolition and renovation. The letter stated that a significant number of workers in the province of British Columbia die each year as a result of occupational diseases, of which exposure to asbestos is one and asked the question "As an employer, how does the City or municipality know that their worker, i.e. Building Inspector, is not being exposed to hazardous materials when they enter a building that has been renovated for purposes related to their work?"

Following receipt of the letter, the City of Nanaimo's Building Inspection, Bylaw and OH&S managers, Jason Kinch, Randy Churchill and Rick Kroeker, along with the Building Section supervisors, Ralph Topliffe and Tom Weinreich, met with local WorkSafeBC representatives in August to discuss how to work together. It was agreed that the City would display information regarding Asbestos and WorkSafeBC's hazardous materials regulations in the Permit Center and include such information with residential renovation/alteration permits as they were issued. Staff also agreed to arrange more training with the inspectors to ensure they were properly trained in hazard recognition and assessment when entering renovation areas.

Since then, Permit Center staff has been informing members of the public considering renovation activities about WorkSafeBC's hazardous materials regulations, reviewing the Asbestos handout with them, and including it with Building Permits issued for residential renovation/additions. The public is also advised that in accordance with WorkSafeBC's regulations regarding a worker's right to refuse unsafe work, City Field Inspectors have the right to refuse to enter a site that they feel may be hazardous and may well do so if the owner cannot provide an assessment proving that the site is clear of hazardous materials.

Numerous discussions (including one on the day prior to the order being issued) have occurred with staff on the issue of hazardous materials (in particular asbestos) and training provided with respect to identifying potential hazardous materials exposure situations and how to utilize appropriate personal protective equipment.

On 2010-NOV-19 the City of Nanaimo was cited under WorkSafeBC Occupational Health and Safety Regulation (OHSR) 20.112 for allowing a Building Inspector to enter a premise under renovation where asbestos containing materials were being disturbed without controls. On 2010-OCT-22 a City Building Inspector conducted an insulation inspection of a renovation project in a building located at 210 Fourth Street. It was later identified by WorkSafe Occupational Health Officer (OHO) Karren Kossey that work had been done on vinyl floor tiles which contained 1-5% Cryotile asbestos and she found the City to be in violation of the Occupational Health and Safety Regulations and gave the City 30 days to comply with the directives.

The City of Richmond received an identical Inspection Report at the same time, but with no orders, as the officer who wrote it was unable to prove that an Inspector had actually entered a hazardous building. This, along with verbal warnings to many other municipalities, prompted a meeting between the British Columbia Municipal Safety Association (BCMSA) and WorkSafeBC senior officials.

### **Strategies for Compliance**

Training in recognizing risks and refusing entry between the OH&S department and the Building Inspectors had already begun before the order was written.

Written policies and procedures are being drafted to outline very clearly which situations pose minimal risk to inspectors and which situations pose significant risk to enter a premise without first seeing a Hazardous Materials Survey and confirmation that any identified hazards have been abated.

On 2010-DEC-06, staff met with WorkSafeBC to discuss what additional steps are needed to move this issue forward. It was agreed that further consultation with the industry is needed to increase awareness of hazardous materials and decided that Building Inspection staff will assist WorkSafeBC in making the necessary connections with organizations such as the local Home Builders' Association and Construction Association.

It was also agreed that staff would put together a compliance plan and meet with WorkSafeBC during the week of 2010-Dec-13 to -18 to review it for acceptability.

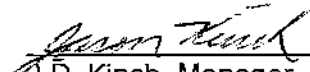
### **Conclusion**

Building Inspectors likely have the least potential for exposure to asbestos of any workers given that they are not usually present when the materials are airborne and are on site for a very minimal amount of time.

The Building Inspectors have received training in wearing the personal protective equipment required to enter sites with low to moderate risk of hazardous material exposure.

Staff will continue to work with WorkSafeBC to identify means of reducing risk to City workers and to develop and implement the policies and procedures needed to protect City workers as best we can.

Respectfully submitted,



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J.D. Kinch, Manager,  
Building Inspections  
Community Safety & Development



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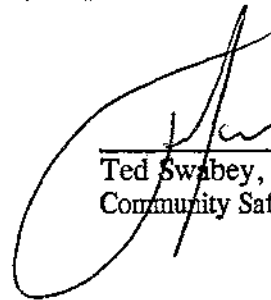
R. Kroeker, Manager  
Occupational Health & Safety



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T.P. Seward  
Director of Development  
Community Safety & Development

JK/JD/hp  
Council: 2010-DEC-13  
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Ted Swabey, General Manager  
Community Safety & Development

MINUTES OF THE "IN CAMERA" MEETING OF COUNCIL  
TO DISCUSS CONFIDENTIAL MATTERS,  
HELD IN THE CITY HALL BOARD ROOM, 455 WALLACE STREET, NANAIMO, BC,  
ON MONDAY, 2010-DEC-13, COMMENCING AT 10:42 A.M.

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

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

Absent: Councillor L. D. McNabb

Others: Mr. J. Lindia (Arrived 12:06 p.m., Departed 12:27 p.m.)

Staff: A. C. Kenning, City Manager  
D. W. Holmes, Assistant City Manager and General Manager of Corporate Services  
A. W. Laidlaw, General Manager of Community Services  
E. C. Swabey, General Manager of Community Safety and Development  
I. Howat, Director of Strategic Relationships  
T. L. Hartley, Director of Human Resources and Organizational Planning  
B. E. Clemens, Director of Finance  
T. M. Hickey, Director of Engineering and Public Works  
T. P. Seward, Director of Development  
Chief R. Lambert, Nanaimo Fire Rescue  
A. J. Tucker, Director of Planning  
R. J. Harding, Director of Parks, Recreation and Culture  
G. Hamilton, Manager of Labour Relations  
B. Corsan, Manager of Real Estate  
J. E. Harrison, Manager of Legislative Services  
K. King, Recording Secretary

1. CALL THE OPEN MEETING TO ORDER:

The Regular Meeting was called to order at 10:42 a.m.

2. PROCEDURAL MOTION:

18510 It was moved and seconded that the meeting be closed in order to deal with the following matters under the *Community Charter* Section 90(1):

- (b) personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;
- (c) labour relations or employee negotiations;
- (e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure might reasonably be expected to harm the interests of the municipality;
- (g) litigation or potential litigation affecting the municipality;
- (j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act*.

The motion carried unanimously.

3. INTRODUCTION OF LATE ITEMS:

- (a) Councillor Kipp advised the he would be bringing forward an item under Other Business regarding "IC" information.
- (b) Councillor Sherry advised that he would be bringing forward an item under Other Business regarding "IC" information.

4. ADOPTION OF AGENDA:

18610 It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

5. ADOPTION OF MINUTES:

18710 It was moved and seconded that the Minutes of the "In Camera" Meeting of Council held Monday, 2010-NOV-22 at 10:30 a.m. in the City Hall Board Room be adopted as circulated. The motion carried unanimously.

6. PRESENTATIONS:

Mr. A. C. Kenning, City Manager vacated the Board Room on a perceived conflict of interest as his son is a member of the IAFF.

- (a) Mr. Gavin Hamilton, Manager of Labour Relations, provided a presentation regarding the IAFF Bargaining Mandate.

Councillor Kipp vacated the Board Room at 11:25 a.m.

Councillor Kipp returned to the Board Room at 11:29 a.m.

18810 It was moved and seconded that Council authorize Staff to proceed with bargaining with IAFF using the parameters as set out in the presentation as the bargaining mandate. The motion carried.

Opposed: Councillor Sherry

Mr. Kenning returned to the Board Room.

The meeting recessed at 11:54 a.m.

The meeting resumed at 12:05 p.m.

7. DELEGATIONS PERTAINING TO AGENDA ITEMS:

Mr. Lindia entered the Board Room at 12:06 p.m.

- (a) Mr. Joe Lindia, c/o Nanaimo and District Hospital Foundation, requested support and permission to honour the late NHL referee, Lloyd Gilmour, by retiring his jersey and number at the Frank Crane Arena.

Mr. Lindia vacated the Board Room at 12:27 p.m.

18910 It was moved and seconded that Council approve "in principle" the request that the late NHL referee, Lloyd Gilmour be honoured by retiring his jersey and number at the Frank Crane Arena. The motion carried unanimously.

Councillor Bestwick vacated the Board Room at 12:29 p.m.

8. COMMISSION REPORTS:

- (a) Parks, Recreation and Culture Commission – Retirement of Lloyd Gilmour's Jersey at the Frank Crane Arena

19010 It was moved and seconded that Council endorse the jersey retirement guidelines as attached to the report. The motion carried unanimously.

9. STAFF REPORTS:

ADMINISTRATION:

(a) Core Services Review

19110 It was moved and seconded that Council:

1. receive the report; and,
2. authorize the public release of the Tekara organizational structure review report;

The motion unanimously.

Councillor Bestwick returned to the Board Room at 12:33 p.m.

19210 It was moved and seconded that Council proceed with a core services review and make a statement at the open meeting that when the core services review is discussed that the focus of the review is intended to be on service and process improvement as well as strategic planning review. The motion carried.

Opposed: *Mayor Ruttan, Councillors Holdom and Johnstone*

COMMUNITY SAFETY AND DEVELOPMENT:

(b) Proposed Settlement of Expropriation of Part of 2915 Hammond Bay Road

19310 It was moved and seconded that Council authorize Staff to settle the expropriation of part of 2915 Hammond Bay Road for the sum of

. The motion carried unanimously.

(c) Acquisition of 2191 East Wellington Road for Park Dedication

19410 It was moved and seconded that Council approve the acquisition of 2191 East Wellington Road for park purposes, subject to the following conditions:

1. accepting the contribution of \$600,000 from Henry Rempel for Park Dedication at 2058 Boxwood Road, 2080 East Wellington Road and 2160 East Wellington Road for park purposes;
2. authorizing the City expenditure of \$200,000 from the Parkland Dedication Fund for the acquisition;
3. authorizing Staff to finalize the Agreement of Purchase and Sale; and,
4. authorizing the Mayor and General Manager of Community Safety and Development, to execute the necessary documents to complete the transaction.

The motion carried unanimously.



(d) City Hall Annex Replacement Options

19510 It was moved and seconded that Council:

1. direct Staff to shortlist the following options to replace the City Hall Annex:
  - (a)
  - (b) new building by ICI/Windley Contracting at 411 Dunsmuir Street;
2. negotiate with the two shortlisted applicants to determine the best option available to the City;
3. bring forward a future Council Report identifying the recommended applicant to build the replacement for the City Hall Annex; and,
4. advise the remainder of shortlisted applicants that their proposal will not be considered further.

The motion carried.

Opposed: *Councillors Bestwick and Kipp*

CORPORATE SERVICES:

COMMUNITY SERVICES:

10. INFORMATION ONLY ITEMS:

- (a) Report from Mr. B. Corsan, Manager of Real Estate, re: Acquisition of Ceco-Madill Property Located at 2560 Bowen Road by 0868958 B.C. Ltd.

- (b) Report from Mr. B. Corsan, Manager of Real Estate, re: Disposition of Wiseman House from 437 Wesley Street.
- (c) Report from Mr. J. Kinch, Manager of Building Inspections and Mr. R. Kroeker, Manager of Occupational Health and Safety,

11. OTHER BUSINESS:

- (a) Councillor Sherry raised some concerns and questions regarding the "IC" information distribution list and procedures.
- (b) Councillor Kipp raised some concerns regarding distribution procedures for "IC" information.

12. ADJOURNMENT:

19810 It was moved and seconded at 1:36 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

19910 It was moved and seconded at 1:36 p.m. that the Regular Meeting terminate. The motion carried unanimously.

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M A Y O R

CERTIFIED CORRECT:

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MANAGER,  
LEGISLATIVE SERVICES