

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, 2011-JAN-24, COMMENCING AT 9:30 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. 4-9  
2010-DEC-13 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:**

COMMUNITY SAFETY AND DEVELOPMENT:

- (a) **Appointments to the Advisory Committee on Environmental Sustainability** Pg. 10-45

Staff's Recommendation: That Council:

1. *consider appointing two community at-large representatives (with expertise in energy conservation, water conservation or waste reduction) to the Advisory Committee on Environmental Sustainability from the following list of applicants:*

AND:

2. *confirm the appointment of Michelle Patterson as the Vancouver Island University representative to the Advisory Committee on Environmental Sustainability.*

(b) **Proposed Acquisition – Part of 2161 Boxwood Road**

Pg. 46-48

*Staff's Recommendation:* That Council recommend that the expropriation of part of 2161 Boxwood Road be submitted for Council's consideration at its open meeting to be held 2011-FEB-14.

**CORPORATE SERVICES:**

(c) **Towing and Storage Services Contract**

Pg. 49-54

*Staff's Recommendation:* That Council approve issuing a Request for Proposals (RFP) for towing and storage services that would combine the City's and RCMP's requirements, introducing a revenue model where the successful towing company would pay the City an annual fixed fee for the right to be the exclusive towing contractor for 3 years, with 2 single year options.

**COMMUNITY SERVICES:**

(d) **Water Supply Strategic Planning Options**

Pg. 55-56

(e) **Quarterway Bridge Replacement / Bowen Road Widening**

Pg. 57-69

*Staff's Recommendation:* That Council award the contract for the Bowen Road Widening to the low Tenderer, Windley Contracting Ltd., for the bid of \$7,867,776.00 (HST included).

10. **INFORMATION ONLY ITEMS:**

- (a) Report from Ms. J. E. Harrison, Manager, Legislative Services, re: Quarterly Claims Report – Period Ending 2010-DEC-31. *Pg. 70-77*
- (b) Report from Mr. B. Corsan, Manager of Real Estate, re: Notification of City's Interest in Acquiring a Portion of 7 Port Way. *Pg. 78-80*

11. **CORRESPONDENCE:**

12. **OTHER BUSINESS:**

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

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

# "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: APPOINTMENTS TO THE ADVISORY COMMITTEE ON  
ENVIRONMENTAL SUSTAINABILITY

### STAFF'S RECOMMENDATION:

That Council:

1. appoint two community at-large representatives (with expertise in energy conservation, water conservation or waste reduction) to the Advisory Committee on Environmental Sustainability; and
2. confirm the appointment of Michele Patterson as the Vancouver Island University representative to the Advisory Committee on Environmental Sustainability.

### EXECUTIVE SUMMARY:

The Advisory Committee on Environmental Sustainability currently has a vacancy for two seats reserved for the 'community at-large' (with expertise in energy conservation, water conservation and/or waste reduction). applications were received for this position. Council is requested to select two candidates from the list on the following page to serve on the Committee until 2012-MAR-31.

The Advisory Committee on Environmental Sustainability also has a vacancy for one representative from 'Vancouver Island University'. Council is requested to appoint Michele Patterson as the Vancouver Island University representative to serve on the Committee until 2012-MAR-31.

### BACKGROUND:

The Advisory Committee on Environmental Sustainability was created as an advisory committee to Council to advise on the initiation or development of programs that create or enhance sustainable practices within our community. This includes examining the impacts of existing policies and practices regarding land use and development on our natural environment.

The Committee is currently made up of eight members; one member of Council, two representatives from the environmental community, one representative from the business community, one representative of local schools, one representative from the Snuneymuxw First Nation, and two representatives from the community at-large. There are three available openings; two representatives from the community at-large (with expertise in energy

Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
 Meeting Date: 2011-JAN-24

conservation, water conservation or waste reduction), and one representative from Vancouver Island University.

Interest was received from the following applicants to join the Committee as 'community at-large' representatives for a term ending 2012-MAR-31. There are two positions available. Applications are attached.

Council is also requested to ratify the appointment of Michele Patterson as the 'Vancouver Island University' representative on the Committee for a term ending 2012-MAR-31.

|   |
|---|
| Michele Patterson<br>Manager of Environment & Sustainability<br>Vancouver Island University |
|---|

Respectfully submitted,

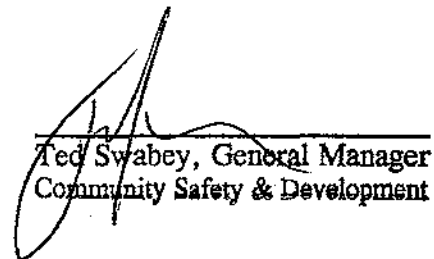


Bruce Anderson  
Manager of Community Planning  
Community Safety & Development



Andrew Tucker  
Director of Planning  
Community Safety & Development

/rt  
g:/CommPlan/Administration/Council Reports/2011/ACES Membership IC.doc  
Council Date: 2011-JAN-24



Ted Swabey, General Manager  
Community Safety & Development

# "IN CAMERA" STAFF REPORT

REPORT TO: ANDREW TUCKER, DIRECTOR OF PLANNING  
COMMUNITY SAFETY & DEVELOPMENT

FROM: BILL CORSAN, MANAGER, REAL ESTATE  
COMMUNITY SAFETY & DEVELOPMENT

RE: PROPOSED ACQUISITION – PART OF 2161 BOXWOOD ROAD

STAFF'S RECOMMENDATION:

That Council recommend the expropriation of part of 2161 Boxwood Road be submitted for Council's consideration at its open meeting of February 14, 2011.

EXECUTIVE SUMMARY:

A part of the subject property is identified for acquisition in connection with the City's proposed intersection improvements at Northfield Road and Boxwood Road. Construction of this intersection improvement is scheduled for Spring of 2011. Acquisition by expropriation is required to secure the land in time for this construction schedule.

BACKGROUND:

Staff has identified the need to provide a signalized intersection at the corner of Northfield Road and Boxwood Road. The new intersection will provide easier access for vehicles turning south from Northfield Road onto Boxwood Road and facilitate a safer turning movement for traffic travelling from Boxwood Road onto Northfield Road.

As part of the signalization, existing BC Hydro power poles need to be relocated and a new right hand turn lane needs to be constructed. The existing road right of way cannot accommodate these features. Staff has undertaken discussions with the agent for owners of 2161 Boxwood Road in an effort to acquire 99.3 m<sup>2</sup> (1,068 sq ft) of land to facilitate the reconstruction of the intersection.

Particulars of the subject property are as follows:

|                        |   |
|------------------------|---|
| Location:              | 2161 Boxwood Road (shown on Attachment A)   |
| Legal Description:     | Lot 1, Block 12, Section 17, Range 7 PL528, Mountain District   |
| Property Description:  | A large vacant site currently used as a holding property for a rezoning by a future investor. Site is a mix of scrub trees and grass. |
| Size of Parent Parcel: | 0.90 ha (2.2 acres)   |
| Size of Taking :       | Irregular - 99.3 m <sup>2</sup> (1,068 sq ft).  |
| Property Owner:        |   |


Council  
 Committee  
 Open Meeting  
 In-Camera Meeting  
 Meeting Date: 2011-JAN-24

Following approval by Council, the intersection upgrades are scheduled to take place in the Spring of 2011.

Respectfully submitted,

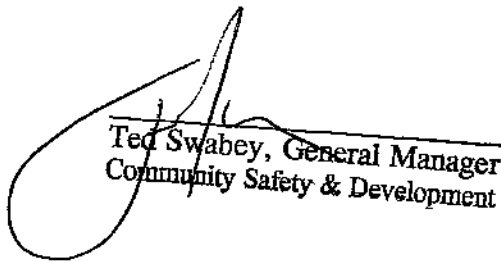


B. Corsan, Manager  
Real Estate  
Community Safety & Development



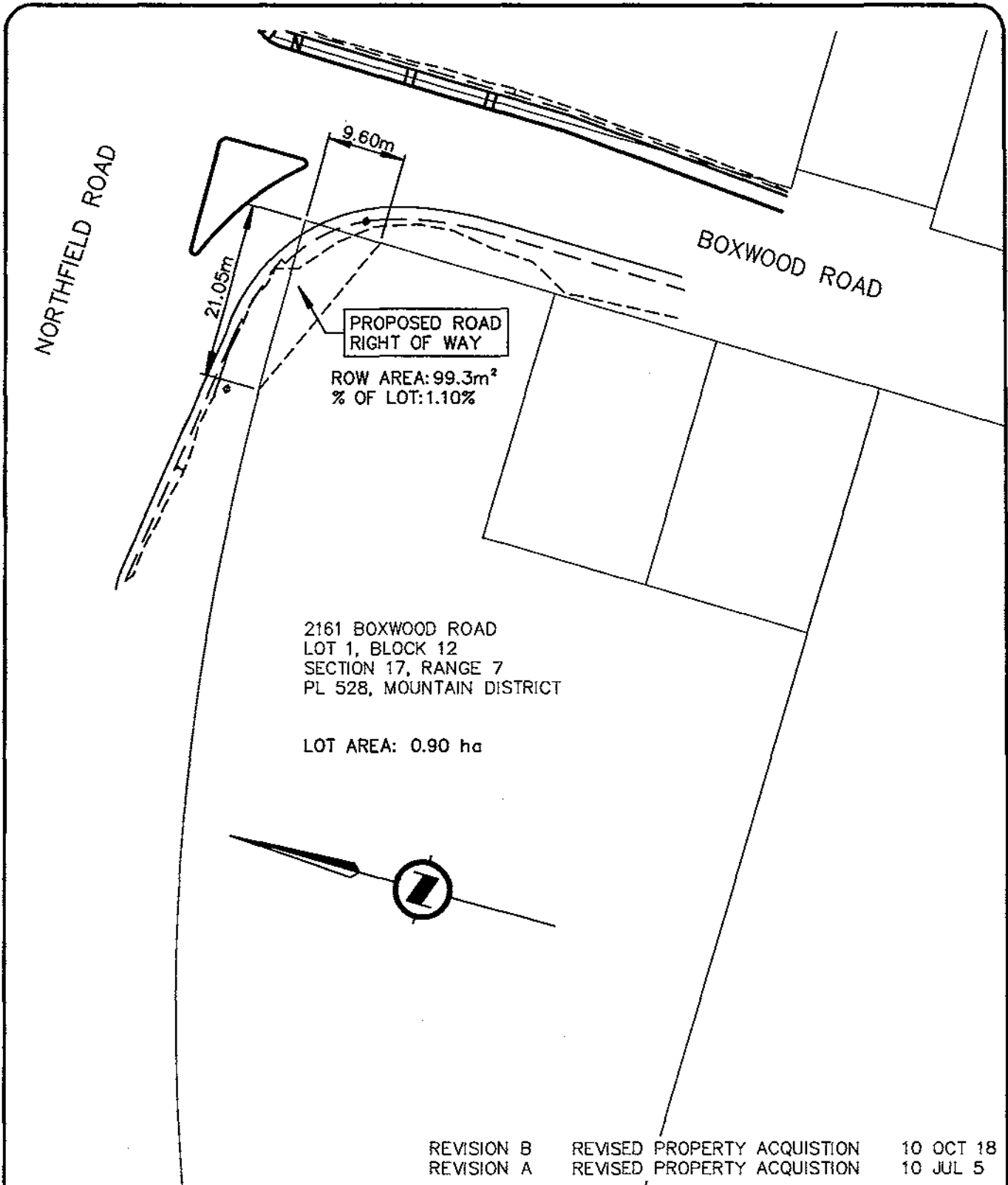
A. Tucker, Director  
Planning  
Community Safety & Development

BC/II  
Prospero: LD002355  
"IC" Council: 2011-Jan-17



Ted Swabey, General Manager  
Community Safety & Development

# ATTACHMENT A



ANDERSON CIVIL  
Consultants Inc.

CITY OF NANAIMO  
BOXWOOD/NORTHFIELD  
INTERSECTION

2161 BOXWOOD ROAD  
LOT 1, PLAN 528

DATE: 11 May 2010

SCALE: NTS

2213-SK1



**“IN CAMERA”  
STAFF REPORT**

REPORT TO: B. E. CLEMENS, DIRECTOR OF FINANCE  
FROM: K. FELKER, MANAGER, PURCHASING & STORES  
RE: TOWING AND STORAGE SERVICES CONTRACT

STAFF'S RECOMMENDATION:

That Council approve issuing a Request for Proposal (RFP) for towing and storage services that would combine the City's and RCMP's requirements, introducing a revenue model where the successful towing company would pay the City an annual fixed fee for the right to be the exclusive towing contractor for 3 years, with 2 single year options.

EXECUTIVE SUMMARY:

The City's current towing and storage contract with Mid-Island Towing expires on January 31, 2011 with no option to renew. Mid-Island Towing is prepared to provide services past January 31, 2011 on a month-to-month basis under the original terms and conditions of its contract until the new Request for Proposal process is completed.

Although the current contract does not contain a revenue model, the last time towing services were tendered saw two vendors proposing a revenue sharing model on a "per tow" basis.

Stakeholders met on November 17, 2010 to discuss the current towing contract and to consider options moving forward. This group is recommending the issuance of an RFP combining the City and RCMP requirements, including a revenue component modeled after some other British Columbia municipalities whom have successfully tendered this way.

Council should be aware that potential revenue to the successful contractor could be in excess of \$200,000 per annum. This revenue is generated by impoundments and motor vehicle accidents, with fees paid directly to the towing company by either the vehicle owner, ICBC or any other third party insurance provider. These opportunity tows are likely the primary motivation for companies to bid on the City contract.

The successful bidder will be the exclusive supplier of towing services for the City and RCMP and will provide all services as requested.

BACKGROUND:

The City issued Tender T-34-2005 in November 2005 for combined City/RCMP towing and storage services with a contract start date of February 1, 2006. Responses were received from Mid-Island Towing Ltd., Central Island Towing Ltd. and Nanoose Bay Towing and Transport Ltd. Mid-Island Towing was the highest-rated vendor based on the evaluation criteria and was

Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
Meeting Date: 2011-JAN-24

awarded the contract. The contract term was for 3 years with 2 single year options, to be exercised at the City's sole discretion. Both option years were exercised, with the contract concluding January 31, 2011.

Most towing and storage services are by paid by either the registered owner of the vehicle, by a third party insurance company like ICBC, or by private companies offering optional insurance.

Under the current contract, the City/RCMP does not pay for:

- Impounds not claimed by the owner and disposed of by the towing company.
- Towing of City and RCMP vehicles picked up and delivered within City limits.
- Pickup, towing, storage and disposal of abandoned vehicles as requested by the City.

Under the current contract, the City/RCMP pays for:

- Towing of City and RCMP vehicles picked up outside the City limits and brought back to Nanaimo.
- Storage charges payable by the RCMP for investigative purposes.
- Services required for special events (i.e. if vehicles need to be towed to clear parade route).
- Services to move bleachers, soccer nets and containers as requested.
- Services to tow derelict vehicles in and out of Fire Hall 2 for training purposes prior to being sent to the recycler.

Based on the past two years, current annual costs to the City average \$6,200 per year.

#### DISCUSSION:

Other municipalities were informally solicited to see how they currently manage their towing contracts and 8 responses were received:

##### City of Kelowna, District of North Vancouver, City of North Vancouver, City of Burnaby:

City and RCMP requirements combined into one tender. These municipalities use a revenue model whereby towing companies pay the municipality an annual flat rate for the right to be the exclusive towing contractor for all City and RCMP tows. The City and RCMP do not pay for any tows or storage.

##### City of Campbell River & District of Mission:

For both, the City and RCMP each tender/contract their own needs separately with no revenue model.

##### Delta & Saanich:

Both Cities have their own police forces and they issue a combined tender with no revenue model.

Of the municipalities that have revenue generating contracts, only the City of Kelowna was willing to share how much revenue they receive. Over the three year fixed period of its contract,

Kelowna averages approximately \$45,000 per year in revenue. Revenue is based on a flat amount per year. A flat amount per year method is the easiest to manage from an administrative standpoint, as opposed to a certain percentage per tow.

In anticipation of the expiry of the current contract, stakeholders met on November 17, 2010 to discuss the current towing contract and to consider options moving forward.

The options considered were:

- a) Tender the same tender as previously issued.
- b) Tender for City requirements only, with the RCMP contracting on its own.
- c) Tender with a revenue model.
- d) Issue a Request for Standing Offer, having individual Departments drawing down from the company of their choice depending on need. A Standing Offer is where vendors supply information detailing the services they are able to offer, providing a rate sheet for services.
- e) Purchase own towing equipment, hire own staff and perform services internally.

Pros and cons of each alternative are, but, not limited to:

- a) Tender the same tender as previously issued (combine City and RCMP):

| PROS   | CONS  |
|--|---|
| Quick and easy for the City to issue.              | Vendors not provided an opportunity to propose alternate methods of service delivery. |
| Vendors are familiar with this tender.             | Continual dissatisfaction amongst non-successful vendors.                             |
| Responsibilities are clearly defined.              |   |
| Service delivery requirements are clearly defined. |   |

- b) Tender for City requirements only. RCMP to contract on own:

| PROS   | CONS   |
|--|--|
| Easier to manage City requirements as less volume.                       | Potentially higher cost because the City would have to pay for all its tows that it currently enjoys at no charge. It is estimated this cost would be \$50,000 per year. |
| No need for impound facility.  | Not leveraging combined volume to generate revenue or be provided with no-cost services.   |
| Potentially fewer complaints from vendor community directly to the City. |  |

## c) Tender with a revenue model:

| PROS   | CONS   |
|--|--|
| New revenue stream.  | Vendors may not want to pay anything or may choose not to participate in the process.  |
| No towing or storage expenses for the City and RCMP.           | Some vendors may not have the necessary infrastructure already in place to adequately service the requirements of the contract.    |
| Contract easy to manage as only one service provider selected. | Potentially negative perception of the City using contracts and buying power to generate revenue that will be used to lower taxes. |

## d) Issue a Request for Standing Offer:

| PROS  | CONS  |
|---|---|
| More opportunity for all vendors to get a call out.   | Vendors are not guaranteed any work.                                |
| Vendors able to offer what they like. No obligation from the City or RCMP unless they draw down from the offer. | All providers may not be able to provide the same level of service. |
| Flexibility to call another vendor if service from one cannot be provided in the time frame requested.          | No control over pricing. Vendors establish their own pricing model. |
|   | Complaints from vendors if services are not distributed equally.    |

## e) Perform services in-house:

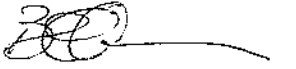
| PROS                                  | CONS   |
|---------------------------------------|--|
| Revenue opportunity.                  | Capital cost of the required equipment is expensive, as well as vehicle replacement. |
| Ability to directly manage workforce. | Would need to have/manage own storage compound and dispose of unwanted vehicles.     |
|                                       | Would need proper licencing and approvals from ICBC to perform all services.         |
|                                       | Would have to operate on a 24/7/365 basis.   |

Under a revenue model, the proposed draft Terms of Reference for a Request for Proposal call are, but, not limited to:

- 3 year firm contract with 2 single year options, each subject to mutually agreeable negotiations between the parties.
- Annual flat revenue amount they intend to pay the City being firm for each of the first 3 contract years. The highest, or any revenue model will not necessarily be accepted.
- No tow or storage fees for any City or RCMP requested work that would normally be paid by the City or RCMP.
- All tows and storage fees to be charged out to vehicle owners as per the latest ICBC Towing and Storage Rate Payment Schedule.
- Age and quantity of tow trucks with various capacities in order to service all of the potential tows.
- Successful vendor responsible for site cleanup when responding to motor vehicle accidents.
- Ability to provide, at their sole cost, a storage lot with the capacity to accommodate 50 – 75 vehicles at any one time.
- Ability to provide, at their sole cost, a heated garage-type building for forensic investigations for investigative tows.
- Average 20 minute response time dependent upon favourable weather conditions.
- Ability to demonstrate safety practices in compliance with latest WorkSafe BC regulations including vehicle flaggers.
- Monthly customizable reporting in a format acceptable to the City and RCMP.
- Successful vendor must possess a City of Nanaimo Business Licence at all times during the contract.
- Successful vendor must possess Commercial/Comprehensive General Liability Insurance in an amount not less than \$5 million dollars with the City named as Additional Insured.
- Successful vendor must possess Third Party Vehicle Liability Insurance in an amount not less than \$5 million dollars.
- All vehicles and operators must be properly licensed.
- Successful vendor must possess WorkSafe BC coverage indicating they are a member in good standing and their remittance is up to date to the last reporting period.
- Performance security in the amount of \$5,000.00 in a form acceptable to the City.
- Clearly defined evaluation criteria shall include, but not be limited to:
  - proposed revenue offered
  - storage and impound facility
  - vehicle fleet – age, quantity and various capacities
  - references
  - reporting capabilities
  - value added services
  - qualifications and number of experienced staff
  - response times
  - capability of being a Prime Contractor
  - vehicle disposal process

- During the proposal process, host a proponent's information meeting to explain the process and establish expectations.

Respectfully submitted,



K. Felker  
Manager,  
Purchasing & Stores



B.E. Clemens  
Director of Finance



D.W. Holmes  
Assistant City Manager/  
General Manager,  
Corporate Services

## “IN CAMERA” REPORT

**REPORT TO: T. HICKEY, DIRECTOR, ENGINEERING & PUBLIC WORKS**

**FROM: S. RICKETTS, MANAGER, ENGINEERING CONSTRUCTION**

**RE: QUARTERWAY BRIDGE REPLACEMENT/BOWEN ROAD WIDENING**

---

RECOMMENDATION:

That Council award the contract for the Bowen Road widening to the low tenderer, Windley Contracting Ltd., for the bid of \$7,867,776.00 (HST included).

EXECUTIVE SUMMARY:

Tenders were called for the Bowen Road Widening contract on 2010-NOV-23.

Five tenders were received by the Manager of Purchasing and Stores on Tuesday, 2010-DEC-21 and opened in the Purchasing and Stores Department at 2:00 p.m.

|    |   |                |
|----|---|----------------|
| 1. | Windley Contracting Ltd.                              | \$7,867,776.00 |
| 2. | Hazelwood Construction Services Inc.                  | \$7,987,089.50 |
| 3. | Knappett Industries (2006) Ltd.                       | \$8,019,186.92 |
| 4. | Copcan Contracting Ltd.<br>Milner Group Ventures Inc. | \$9,683,414.83 |

The tenders were checked and no mathematical errors were found. The tender from Milner Group Ventures Inc. is incomplete, as pages from the Tender Form were missing in their submission. A detailed review of the tenders for compliance to the tender requirements was done in consultation with the City Solicitor.

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


The low tender of \$7,867,776.00 is well under the City's project budget and as a result, the General Revenue budget for the project may be reduced by \$700,000, subject to resolution of the tender without legal action.

Staff will prepare an open report as a late item for this evening's meeting to make the decision public.

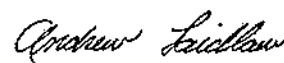
Respectfully submitted,



Steve Ricketts, Manager,  
Engineering Construction



Tom Hickey, Director  
Eng. & Public Works



Andy Laidlaw, General Manager  
Community Services

2011-JAN-24

G:\2011 Files\Tenders - Bids & proposals (1220-02)\RPT110117\_ICBowenRoadContract.doc





# "IN CAMERA"

## FOR INFORMATION ONLY

REPORT TO: ANDREW TUCKER, DIRECTOR OF PLANNING  
COMMUNITY SAFETY & DEVELOPMENT

FROM: BILL CORSAN, MANAGER OF REAL ESTATE  
COMMUNITY SAFETY & DEVELOPMENT

RE: NOTIFICATION OF CITY'S INTEREST IN ACQUIRING A PORTION OF 7 PORT WAY

---

### STAFF'S RECOMMENDATION:

That Council receives the report for information.

### EXECUTIVE SUMMARY:

7 Port Way (CP Wellcox Rail Lands) has been listed for a purchase price of \$7.9 million by the Canadian Pacific Railway Company. Colliers International is the listing agent. The property is approximately 21.6 ha (53.3 acres) in size and located adjacent to the downtown core. The property is heavily encumbered with existing rights of way, which leave approximately 39% of the site suitable for redevelopment. The site also has considerable environmental issues associated with it.

Council passed a resolution on 2009-MAR-02 identifying a portion of the property as a suitable location for a multiplex.

Staff has also been working with the Regional District of Nanaimo to identify a location for a new downtown bus exchange and a portion of this property has been recognized as a possible location.

Unless directed otherwise, Staff will contact Colliers International and identify that the City is interested in discussing the possibility of acquiring a portion of the property for a multiplex and bus exchange.

Attachment A contains a map outlining the existing leases and encumbrances.

### BACKGROUND:

Canadian Pacific Railway (CP Rail) has signed a contract with Colliers International to list 7 Port Way (CP Wellcox Rail Lands) for a price of \$7.9 million.

Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
Meeting Date: 2011-JAN-24

The property is 21.6 ha (53.3 acres) in size and split zoned I-4 and P-4. The parcel is roughly rectangular in shape, running from the northern property line with the Gabriola Ferry, south to the border of Snuneymuxw First Nation Reserve #1. The land is largely flat and built on filled foreshore that dates back to the founding of the city.

The land is bordered to the east by the Nanaimo Port Authority Assembly Wharf's property and to the west by Front Street and Esplanade Street.

The ownership of the land by CP Rail is clear; however, there are a number of existing uses, which are protected through perpetual right of way agreements. There are also a number of licence and unregistered lease agreements which complicate the title of the property. SeaSpan International has the rights to 6.27 ha (15.50 acres) of land in the north of the parcel. These lands are used for an Intermodal Yard and the roll-on-roll off marine transportation for trucks, semi-trailers, automobiles and railcars. The railyards themselves are protected in perpetuity for the Island Corridor Foundation. Staff estimates that 39% of the site has clear title for redevelopment. Attachment A provides a context of the parcel with the existing leases.

The property has been used for a rail marshalling yard and various industrial uses for over a century. There are likely numerous environmental issues associated with the property, which would require considerable investigation and resources to mitigate properly.

The City has identified a portion of the property for two important projects. On 2009-MAR-02, Council passed a motion indicating that a portion of these lands would be a suitable location for a multiplex. Staff has also been working with the Regional District of Nanaimo to identify a new location for a bus transit exchange. A portion of these lands would also be suitable for this use.

Staff believes that the \$7.9 million purchase price, the complex title, numerous encumbrances and environmental concerns do not make this parcel a suitable City acquisition. However, there is an opportunity to work with the potential purchaser for the City to acquire a portion of the lands for the multiplex and transit exchange.

Unless directed otherwise, Staff will contact Colliers International and identify that potential purchasers be notified of the City's interest in acquiring a portion of the site for a multiplex and transit exchange.

Staff will report back to Council once a purchaser has been identified and we have an opportunity to be involved in the purchase of a portion of the lands.

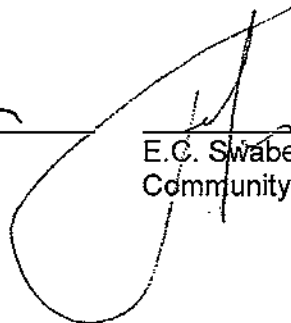
Respectfully submitted,



B. Corsan, Manager  
Real Estate



A. Tucker, Director  
Planning

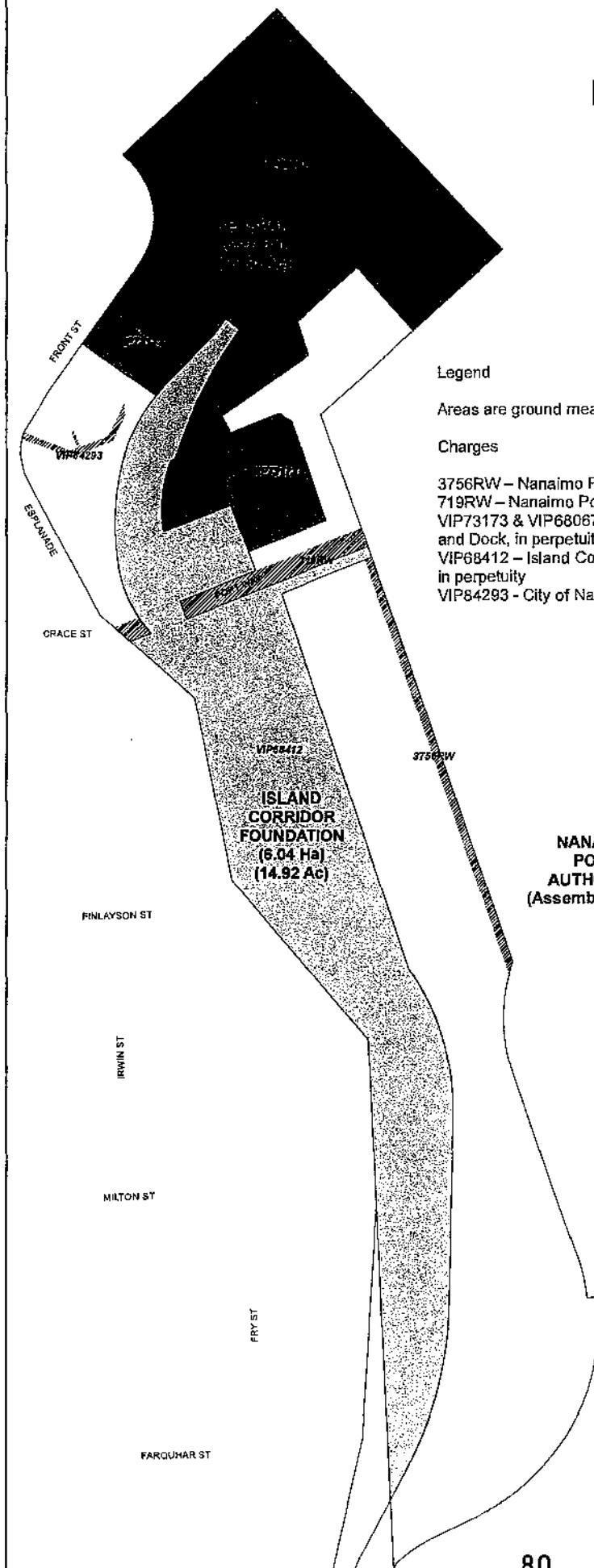


E.C. Swabey, General Manager  
Community Safety & Development

BC/tl/hp  
Prospero: CIL00325  
"IC" Council: 2011-Jan-24

# ATTACHMENT A

7 Port Way  
(005-851-885)  
Rem 1, Plan 6675



### Legend

Areas are ground measurements derived from registered legal plans.

### Charges

- 3756RW – Nanaimo Port Authority – SRW access rights
- 719RW – Nanaimo Port Authority – SRW access rights
- VIP73173 & VIP68067 – Seaspan Coastal Intermodal – SRW Intermodal Yard and Dock, in perpetuity
- VIP68412 – Island Corridor Foundation – SRW Railway and Industrial purposes, in perpetuity
- VIP84293 - City of Nanaimo – SRW sewerage works

**NANAIMO  
PORT  
AUTHORITY  
(Assembly Wharf)**



90  
Meters

R. Source: District of Nanaimo, 1:50,000 Scale Topographic Map, and District of Nanaimo, 1:50,000 Scale Topographic Map

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, 2011-JAN-24, COMMENCING AT 9:30 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

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  
T. F. Moscrip, Senior Manager of Engineering  
K. Felker, Manager of Purchasing and Stores  
B. Sims, Manager of Water Resources  
M. Dietrich, Manager of Police Support Services  
S. Ricketts, Manager of Construction  
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 9:33 a.m.

2. PROCEDURAL MOTION:

00111 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;
- (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:

00211 It was moved and seconded that the Agenda be adopted. The motion carried unanimously.

4. ADOPTION OF MINUTES:

00311 It was moved and seconded that the Minutes of the "In Camera" Meeting of Council held Monday, 2010-DEC-13 at 10:42 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) Appointments to the Advisory Committee on Environmental Sustainability

00411 It was moved and seconded that Council appoint James Redford and Michael Schellinck as the community at-large representatives (with expertise in energy conservation, water conservation or waste reduction) to the Advisory Committee on Environmental Sustainability. The motion carried unanimously.

00511 It was moved and seconded that Council confirm the appointment of Michelle Patterson as the Vancouver Island University representative to the Advisory Committee on Environmental Sustainability. The motion carried unanimously.

00611 It was moved and seconded that the appointments be brought forward to the Open Council Meeting for ratification. The motion carried unanimously.

(b) Proposed Acquisition – Part of 2161 Boxwood Road

00711 It was moved and seconded that Council recommend that the expropriation of part of 2161 Boxwood Road be submitted for Council's consideration at its open meeting to be held 2011-FEB-14. The motion carried.

Opposed: *Councillors Bestwick and Sherry*

CORPORATE SERVICES:

(c) Towing and Storage Services Contract

00811 It was moved and seconded that Council approve issuing a Request for Proposals (RFP) for towing and storage services that would combine the City's and RCMP's requirements, introducing a revenue model where the successful towing company would pay the City an annual fixed fee for the right to be the exclusive towing contractor for three years, with two single year options. The motion carried unanimously.

COMMUNITY SERVICES:

(d) Water Supply Strategic Planning Options

Councillor Kipp vacated the Board Room at 10:50 a.m.

Councillor Kipp returned to the Board Room at 10:51 a.m.

(e) Quarterway Bridge Replacement / Bowen Road Widening

01011 It was moved and seconded that Council award the contract for the Bowen Road Widening to the low tenderer meeting the specifications of the bid, Hazelwood Construction Services Inc., for the bid of \$7,987,089.50 (HST included). The motion carried.

*Opposed: Mayor Ruttan and Councillor Kipp*

01211 It was moved and seconded that Council direct Staff to release information regarding awarding the contract for Bowen Road Widening to the low tenderer meeting the specifications of the bid, Hazelwood Construction Services Inc., for the bid of \$7,987,089.50 (HST included) at this evening's Open Council Meeting. The motion carried unanimously.

6. INFORMATION ONLY ITEMS:

(a) Report from Ms. J. E. Harrison, Manager, Legislative Services, re: Quarterly Claims Report – Period Ending 2010-DEC-31.

(b) Report from Mr. B. Corsan, Manager of Real Estate, re: Notification of City's Interest in Acquiring a Portion of 7 Port Way.

Mr. A. C. Kenning, City Manager, advised that Staff intend to contact Colliers International and request that potential purchasers of 7 Port Way be notified that the City has an interest in a portion of the property for potential future Transit Exchange and Multiplex uses.

7. ADJOURNMENT:

01311 It was moved and seconded at 11:15 a.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

01411 It was moved and seconded at 11:15 a.m. that the Regular Meeting terminate. The motion carried unanimously.

---

M A Y O R

CERTIFIED CORRECT:

---

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, 2011-FEB-14, COMMENCING AT 9:30 A.M.

---

1. **INTRODUCTION OF LATE ITEMS:**

- Add Item 9 (b) – Staff Reports – Tourism Nanaimo Contract and delete Item 10 (b) – Information Only Items – Verbal report regarding Tourism Nanaimo.

2. **ADOPTION OF AGENDA:**

3. **ADOPTION OF MINUTES:**

- (a) Minutes of the Special "In Camera" Meeting of Council held Thursday, 2010-NOV-18 at 1:35 p.m. in the City Hall Board Room. *Pg. 3-5*
- (b) Minutes of the "In Camera" Meeting of Council held Monday, 2011-JAN-24 at 9:30 a.m. in the City Hall Board Room. *Pg. 6-9*

4. **PRESENTATIONS:**

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

- (a) *Pg. 10*

6. **MAYOR'S REPORT:**

7. **COMMISSION REPORTS:**

- (a) **Parks, Recreation and Culture Commission – Nanaimo Centre Stage – Sponsorship Naming – Fund Raising** *Pg. 11-12*

*Commission's Recommendation: That Council review the request for fund-raising naming as a sponsorship benefit for Nanaimo Centre Stage, and either approve or deny the request.*

- (b) **Parks, Recreation and Culture Commission – Minutes of the "In Camera" Parks, Recreation and Culture Commission Meeting held 2010-NOV-24** Pg. 13-15
- 

*Commission's Recommendation: That Council receive the Minutes of the "In Camera" Parks, Recreation and Culture Commission held 2010-NOV-24.*

8. **COMMITTEE REPORTS:**

9. **STAFF REPORTS:**

COMMUNITY SAFETY AND DEVELOPMENT:

- (a) Pg. 16-24

COMMUNITY SERVICES:

- (b) **Tourism Nanaimo Contract** Pg. 24.1-24.2

*Staff's Recommendation: That Council direct Staff to notify Tourism Nanaimo that City funding under this current service delivery model will be discontinued 2011-DEC-31.*

10. **INFORMATION ONLY ITEMS:**

- (a) Report from Mr. B. Anderson, Manager of Community Planning, re: Supportive Housing – 6230 Hammond Bay Road. Pg. 25-28
- (b) ~~Verbal report regarding Tourism Nanaimo.~~

11. **CORRESPONDENCE:**

12. **OTHER BUSINESS:**

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

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

## **"IN CAMERA"**

REPORT TO: MAYOR AND COUNCIL

FROM: DIANA JOHNSTONE, CHAIR  
PARKS, RECREATION AND CULTURE COMMISSION

**RE: NANAIMO CENTRE STAGE – SPONSORSHIP NAMING – FUND RAISING**

---

### COMMISSION'S RECOMMENDATION:

That Council review the request for fund-raising naming as a sponsorship benefit for Nanaimo Centre Stage, and either approve or deny the request.

### EXECUTIVE SUMMARY:

Mrs. Camela Tang, President, CVI Centre for the Arts made a presentation and request to the City of Nanaimo, Parks, Recreation and Culture Commission on 2011-JAN-26, on the fund raising needs & plans for Nanaimo Centre Stage (25 Victoria Road).

At their meeting held on 2011-JAN-26, the Parks, Recreation and Culture Commission moved and seconded that the request for fund raising naming as a sponsorship benefit be forwarded to Council for review and response to Commission on their concurrence on the process. The motion carried.

### BACKGROUND:

At her presentation to the Commission on 2010-SEP-22, Mrs. Tang advised of the fund raising campaign CAN was formulating to raise money for capital expenses at Nanaimo Centre Stage (NCS). Through the process CAN identified the needs of NCS, estimated the costs, and projected a fund raising target of \$120,000. Although initially CAN felt that \$120,000 would suffice, since that time, after obtaining more estimates and having further discussions, the figure has been revised to \$150,000.

Items identified included lights, lighting board and dimmer pack, speakers and stands, sound board, project and screen, and theatre curtains. For the building itself CAN has identified that exterior stucco and walls require repair and painting, proper signage is needed, re-carpeting, another dance surface on the main floor, upgrade of the heating system, replacement of sinks, faucets, toilets and urinals in 4 of the washrooms, painting of all interior surfaces and 75 chairs.

CAN also want to have an Endowment Fund or Angel Program to help youth and senior groups with theatre rentals, as well as set up a Capital Reserve for future capital expenses.

To date CAN has received \$27,900 towards their campaign and continue to submit applications to foundations as they are identified. CAN are also building a list of private donors they plan to approach.

CAN intends to have four levels of sponsorship on offer: one "Spotlight Partner"; three "Limelight Partners"; unlimited "Highlight Partners"; and, "Friends of the Theatre". CAN would like to offer the "Spotlight Partner" the naming rights to the building with their name attached to Nanaimo Centre Stage (e.g. Coastal Community Credit Union – Nanaimo Centre Stage, or, The Smith Family – Nanaimo Centre Stage). The naming rights will be limited to five years and the price is set at \$30,000.

Mrs. Tang requested approval in principle from the Parks, Recreation and Culture Commission to include the naming rights of the building in the Spotlight Partner sponsorship package. When such a partner is found, CAN will return to the Commission, and subsequently to City Council, for acceptance of the name.

At their meeting held on 2011-JAN-26, the Parks, Recreation and Culture Commission moved and seconded that the request for fund raising naming as a sponsorship benefit be forwarded to Council for review and response to Commission on their concurrence on the process. The motion carried.

Respectfully submitted,



Diana Johnstone, Chair  
Parks, Recreation and Culture Commission

**MINUTES OF THE "IN CAMERA"  
PARKS, RECREATION AND CULTURE COMMISSION MEETING  
HELD IN ROOMS 1 & 2 BEBAN PARK SOCIAL CENTRE  
ON WEDNESDAY, 2010-NOV-24, COMMENCING AT 6:30 P.M.**

---

PRESENT: Commissioner F. Pattje, Acting Chair

Members: Commissioner D. Johnstone  
Commissioner L. Avis  
Commissioner D. Burnett  
Commissioner J. Cowling  
Commissioner B. Dempsey  
Commissioner S. Lance  
Commissioner B. Meunier  
Commissioner B. Sparkes

Regrets: Commissioner L. McNabb, Chair  
Commissioner G. Rudischer  
Commissioner M. Young

Staff: R. Harding R. Tweed, recording  
J. Ritchie M. Tanner, observing  
S. Samborski

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

The "In Camera" Meeting was called to order at 6:32 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, 2010-OCT-27, at 4:30 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:

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

- (a) Mr. G. (Joe) Lindia, Jeff Miguez, and Damian Lange, of "Hockey For Life", c/o Nanaimo and District Hospital Foundation, 102 – 1801 Bowen Road, Nanaimo, BC, V9S 1H1, presenting to the Parks, Recreation and Culture Commission, advising that they wish to honour the late "NHL referee, Lloyd Gilmour, by retiring his name and number in the form of a banner to be hung from the rafters at Frank Crane Arena. This would be a special tie-in to their community charity event "Hockey for Life" scheduled for 2011-FEB-05.

Mr. Lindia provided a presentation to Commission with background and information on the "retiring" of the jersey and number of Mr. Lloyd Gilmour and their intention to facilitate this at a celebration event to be held on Saturday 2011-FEB-05. Mr. Lindia advised they had approached the NHL in this regard and were directed to seek approval from the Parks, Recreation and Culture Commission prior to proceeding to the national body.

7. CHAIRMAN'S REPORT:

- (a) Selection of Cultural Committee Member to fill vacancy for remainder of term to 2012-MAR-31.

It was moved and seconded that Ms. Julie Bevan be appointed as a member of the Cultural Committee for the remainder of the term to 2012-MAR-31. The motion carried unanimously.

8. REPORTS OF ADVISORY BODIES: None.

9. STAFF REPORTS: None.

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

11. CORRESPONDENCE: None.

12. NOTICE OF MOTION: None.

13. CONSIDERATION OF OTHER BUSINESS: None.

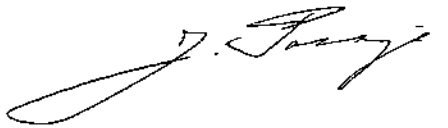
14. BUSINESS ARISING FROM DELEGATIONS:

- (a) Mr. Joe Lindia, "Hockey for Life" – Honouring Lloyd Gilmour

It was moved and seconded that the Parks, Recreation and Culture Commission approve the request by the "Hockey for Life" group and recommend that Council endorse the retiring of Mr. Lloyd Gilmour's jersey in Frank Crane Arena with a staff report endorsing the process and approval of the appropriate governing body. The motion carried unanimously.

15. UNFINISHED BUSINESS: None.
16. QUESTION PERIOD: None.
17. ADJOURNMENT:

It was moved and seconded at 7:07 p.m. that the "In Camera" meeting adjourn, with the next "In Camera" Meeting of Commission to be held, if required, Wednesday, 2011-JAN-26, in the Bowen Park Complex Conference Room, following adjournment of the regular Commission meeting. The motion carried unanimously.



---

F. Pattje, Acting Chair  
Parks, Recreation and Culture Commission

CERTIFIED CORRECT:



---

R. Harding, Director  
Parks, Recreation and Culture

February 10, 2011

# IN CAMERA STAFF REPORT

TO: A. Kenning, City Manager

FROM: I. Howat, Director of Strategic Relationships

RE: Tourism Nanaimo Contract

Council  
Committee  
Open Meeting  
In-Camera Meeting  
Meeting Date: 2011-FEB-14

## STAFF RECOMMENDATION:

That Council direct staff to:

1. Notify Tourism Nanaimo that City funding under this current service delivery model will discontinue December 31, 2011.

## EXECUTIVE SUMMARY:

As Council is aware, a Tourism Strategy Committee was formed to review all Tourism Services within the City of Nanaimo. The Committee has reached a point in the review where a decision from Council is necessary to move forward with the recommendations in an orderly manner. The committee concluded that the status quo of tourism service delivery is not ideal and that we should move toward a single arms length corporate model or move everything under the care and control of the City. Regardless of the future direction Council chooses, they both require fundamental changes to Tourism Nanaimo that cannot be undertaken under their existing constitution.

Tourism Nanaimo operates as a non-profit organization, the City will need to provide direction to Tourism Nanaimo in order for the Board and Staff to plan for the implications of the change. Advance notice will enable Tourism Nanaimo time to adjust staffing and budgeting levels so they can meet their financial commitments.

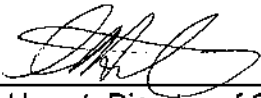
## BACKGROUND:

In August of 2010 staff met with Tourism Nanaimo's president Jolynn Green to discuss the future of Tourism Services for Nanaimo. From that discussion the Tourism Strategy Committee was formed. This committee has representation from City Council, Tourism Services, Tourism Nanaimo, Parks, Recreation & Culture, DNBIA, Chamber of Commerce and Nanaimo Accommodations Sector Association (NASA). The group met weekly from 2010-SEPT-30 to 2011-JAN-13. During the review process a S.W.O.T.(Strengths, Weaknesses, Opportunities, and Threats) was conducted, Tourism mission, vision and objectives developed, tourism servicing priorities established and discussion of the different tourism structures that would enable the community to deliver a more effective, efficient tourism services.

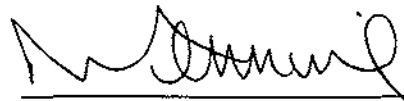


It is necessary for the City and Tourism Nanaimo, with the Tourism Strategy Committee, to develop a transitional plan identifying what will be done and by who during this interim period while the NEDC continue their service delivery review and ultimately report to Council for direction.

Respectfully submitted,



Ian Howat, Director of Strategic Relationships



A. Kenning, City Manager

**“IN CAMERA”**  
**FOR INFORMATION ONLY**

REPORT TO: ANDREW TUCKER, DIRECTOR OF PLANNING  
COMMUNITY SAFETY & DEVELOPMENT

FROM: BRUCE ANDERSON, MANAGER OF COMMUNITY PLANNING  
COMMUNITY SAFETY & DEVELOPMENT

RE: SUPPORTIVE HOUSING - 6230 HAMMOND BAY ROAD

---

**STAFF'S RECOMMENDATION:**

That Council receives this report for information.

**EXECUTIVE SUMMARY:**

On 2010-OCT-14, Council approved the utilization of 6230 Hammond Bay Road for supportive housing as per *Nanaimo's Response to Homelessness Action Plan*, and directed that this site be made available for the construction and operation of 35-40 units of supportive housing. City staff are finalizing discussions with BC Housing to incorporate this new site to the list of supportive housing projects for Nanaimo. This site was not part of the original Memorandum of Understanding (MOU) and therefore the public has not yet been advised of its location. Once BC Housing has confirmed funding for the Hammond Bay Road site, staff will bring forward an open report announcing the fourth City-owned site.

Given the recent experience with other supportive housing projects, it is anticipated this project will also be controversial. Staff will initiate a community engagement process with residents and businesses in the area. The process following the site announcement is for Staff to provide a brochure to address frequently asked questions, followed by a public information meeting. BC Housing will have issued a Request for Expressions of Interest call for a non-profit operator for the residential project at this site. When that call is completed and an operator is selected, the City intends to hold another information meeting to introduce the operator to the neighbourhood. The operator will then engage in an RFP process to retain an architect and builder, and then return to the neighbours for a design information meeting. A rezoning is not required for this site. The focus of the neighbourhood meeting would be to address design and operational issues. The development process would then close with an open house at the completed building. Subsequent good neighbour meetings would be the forum to address any post-occupancy issues that arise.

**BACKGROUND:**

The SAFER Downtown Report calls for the distribution of social housing and social services throughout the community. The addition of a supportive housing site at 6230 Hammond Bay Road allows the objectives of this strategy to be further realized. Additional rationale for the addition of a fourth City-owned site at 6230 Hammond Bay Road include:

- **Fairness** – We have committed to a strategy of distributing supportive housing projects across the city. 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 Council is able to support a north end site, then the City will have demonstrated its commitment to fairness in the distribution of social housing across the city.
- **Concentration** – The 70 units originally proposed for the Dufferin Crescent site is a significant concentration for any site in Nanaimo, and in very close proximity to another 35 units at Bowen Road, adding up to several units in one neighbourhood. It seems fair to reduce this concentration by moving 35 of those units from the Dufferin Crescent 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 transit, 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.

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 140 units identified in the MOU.

On 2010-AUG-16, Council received a report regarding the addition of a fourth site to the MOU properties. Initially, three sites were identified and authorized by Council to be used for supportive housing. Upon receiving comments and feedback from residents of the community and neighbourhood associations, particularly the Hospital Area Neighbourhood Association, staff recommended 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.

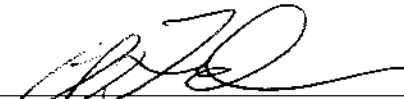
The site at 6230 Hammond Bay Road will be added to the other three City sites: 437 Wesley Street, 1598 Townsite Road, and 1400-1500 Bowen Road for supported housing. Two sites owned by third parties and included in the MOU are 477 Tenth Street (Salish Lelum) and 3515 Hillside Avenue (Provincial Government). A map showing the distribution of sites is attached (Attachment 1).

Respectfully submitted,



---

Bruce Anderson,  
Manager of Community Planning  
Community Safety & Development



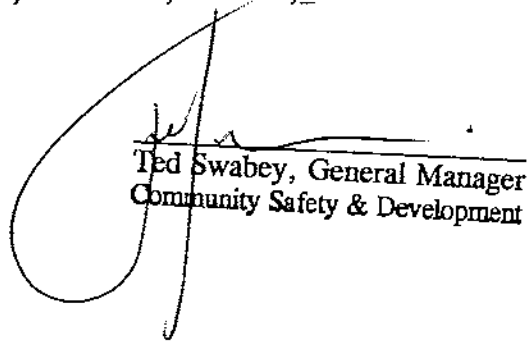
---

Andrew Tucker,  
Director of Planning  
Community Safety & Development

JH/ch

g:\commplan\admin\council rpts\2011\supportive hsg proj\hammond bay rd info only\_IC2

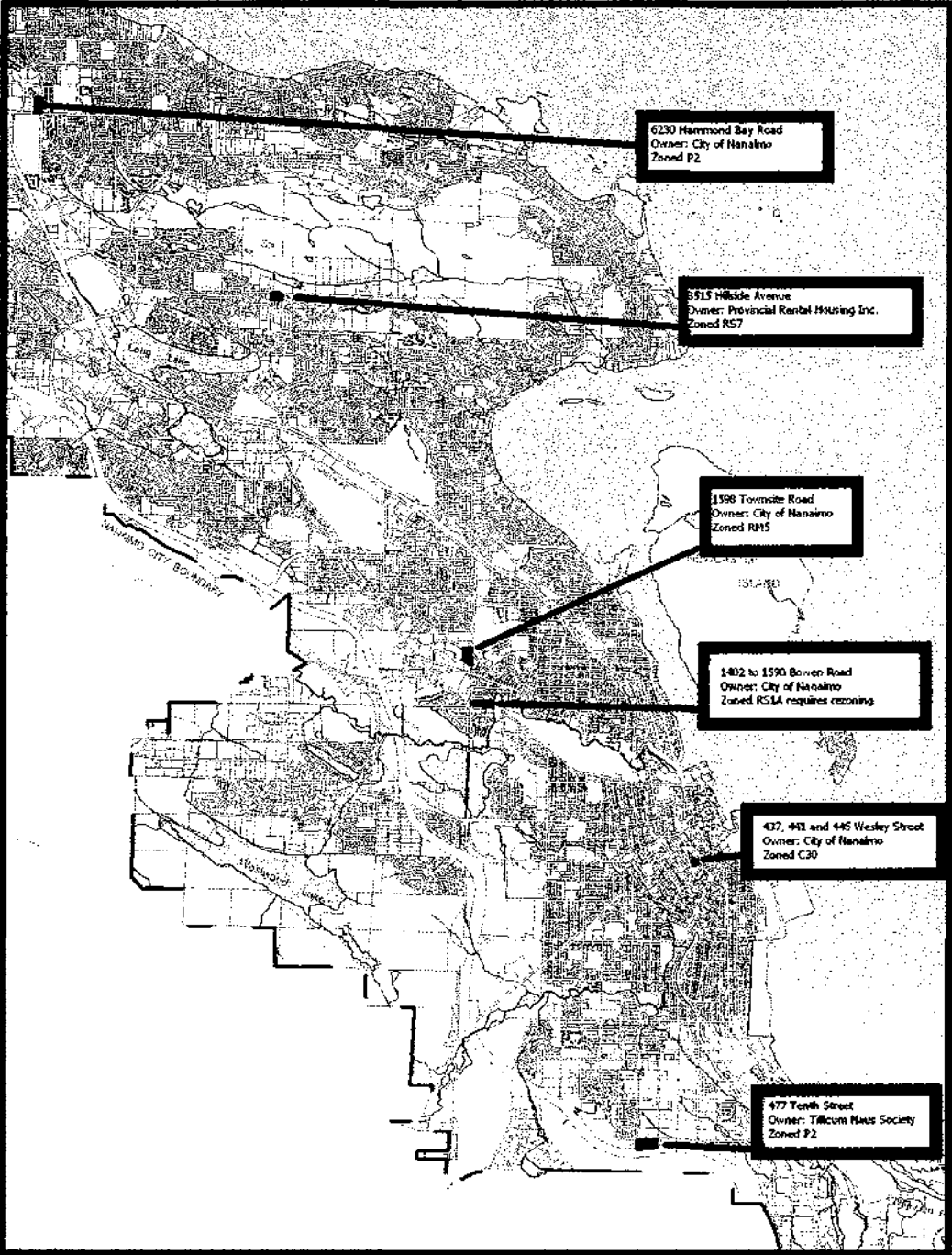
"I-C" Council Date: 2011-FEB-14



---

Ted Swabey, General Manager  
Community Safety & Development

ATTACHMENT 1



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, 2011-FEB-14, COMMENCING AT 9:30 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

Others: Mr. Ian Niamath (Arrived 9:35 a.m., Departed 9:45 a.m.)

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 (Left at 11:05 a.m.)  
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  
C. Richardson, Deputy Fire Chief, Operations  
B. Corsan, Manager, Real Estate  
B. Anderson, Manager, Community Planning  
S. Graham, Manager, Financial Planning and Payroll  
J. Horn, Social Planner  
Inspector A. O'Donnell, Acting OIC, Nanaimo Detachment  
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 9:30 a.m.

2. PROCEDURAL MOTION:

01511 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;
- (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; 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. INTRODUCTION OF LATE ITEMS:

- (a) Add Agenda Item 9 (b) – Staff Reports – Tourism Nanaimo Contract and delete Item 10 (b) – Information Only Items – Verbal report regarding Tourism Nanaimo.
- (b) Add Agenda Item 10 (c) – Information Only Items – Verbal report regarding Low Barrier Housing.
- (c) Add Agenda Item 10 (d) – Information Only Items – Verbal report regarding DL 56, Linley Valley Lands.
- (d) Councillor Pattje advised that he would be bringing forward a late item under Agenda Item 12 – Other Business – Cable Bay.

4. ADOPTION OF AGENDA:

01611 It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

5. ADOPTION OF MINUTES:

01711 It was moved and seconded that the Minutes of the Special "In Camera" Meeting of Council held Thursday, 2010-NOV-18 at 1:35 p.m. in the City Hall Board Room, 455 Wallace Street, Nanaimo, BC be adopted as circulated. The motion carried unanimously.

01811 It was moved and seconded that the Minutes of the "In Camera" Meeting of Council held Monday, 2011-JAN-24 at 9:30 a.m. in the City Hall Board Room, 455 Wallace Street, Nanaimo, BC be adopted as circulated. The motion carried unanimously.

6. DELEGATIONS PERTAINING TO AGENDA ITEMS:

Mr. Niamath entered the Board Room at 9:35 a.m.

- (a) Mr. Ian Niamath, 143 McKinnon Place, Nanaimo, was available to answer questions regarding the building permit application for 275 Nicol Street.

Mr. Niamath vacated the Board Room at 9:45: a.m.

7. STAFF REPORTS:

COMMUNITY SAFETY AND DEVELOPMENT:

- (a) AKAL Development Ltd. – Building Permit for 275 Nicol Street

01911 It was moved and seconded that Council direct Staff to issue a Building Permit to construct a four-storey apartment building on the property at 275 Nicol Street, subject to the property owner, Mr. Saroya of AKAL Developments Ltd., confirming a General Contractor for the development. The motion carried unanimously.

8. COMMISSION REPORTS:

- (a) Parks, Recreation and Culture Commission – Nanaimo Centre Stage – Sponsorship Naming – Fund Raising

02011 It was moved and seconded that Council direct Staff to provide more information on fund-raising naming as a sponsorship benefit for the Nanaimo Centre Stage facility at 25 Victoria Road, as well as options for future uses of the building. The motion carried.  
*Opposed: Mayor Ruttan, Councillors Holdom and Johnstone*

02111 It was moved and seconded that Ms. Camela Tang be advised of Council's decision to refer the report on sponsorship naming fund-raising back to Staff for more information. The motion carried unanimously.

- (b) Parks, Recreation and Culture Commission – Minutes of the "In Camera" Parks, Recreation and Culture Commission Meeting held 2010-NOV-24

02211 It was moved and seconded that Council receive the Minutes of the "In Camera" Parks, Recreation and Culture Commission held 2010-NOV-24. The motion carried unanimously.



7. STAFF REPORTS (CONTINUED):

COMMUNITY SERVICES:

(b) Tourism Nanaimo Contract

02311 It was moved and seconded that Council direct Staff to notify Tourism Nanaimo that City funding under the current service delivery model will be discontinued 2011-DEC-31. The motion carried unanimously.

9. INFORMATION ONLY ITEMS:

(a) Report from Mr. B. Anderson, Manager of Community Planning, re: Supportive Housing – 6230 Hammond Bay Road.

(b) Mr. A. C. Kenning, City Manager, provided a verbal report regarding Low Barrier Housing.

Mayor Ruttan vacated the Board Room at 11:13 a.m.

Mayor Ruttan vacated the Chair.

Councillor Unger assumed the Chair at 11:13 a.m.

Mayor Ruttan returned to the Board Room at 11:20 a.m.

Mayor Ruttan resumed the Chair.

(c) Mr. A.C. Kenning, City Manager, provided a verbal report regarding DL 56, Linley Valley Lands.

10. OTHER BUSINESS:

(a) Councillor Pattje requested tax and assessment information for the Cable Bay lands. Mr. A. C. Kenning will provide an email to Council with the information requested.

11. ADJOURNMENT:

02411 It was moved and seconded at 11:59 a.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

02511            It was moved and seconded at 11:59 a.m. that the Regular Meeting terminate. The motion carried unanimously.

---

M A Y O R

CERTIFIED CORRECT:

---

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, 2011-MAR-14, COMMENCING AT 9:30 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. 3-7*  
2011-FEB-14 at 9:30 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:**

10. **INFORMATION ONLY ITEMS:**

- (a) Report from Mr. R. Churchill, Manager of Bylaw, Regulation and *Pg. 8*  
Security, re: Street Entertainers on Port Authority Property.

11. **CORRESPONDENCE:**

12. **OTHER BUSINESS:**

- (a) Verbal Report from Mr. E. C. Swabey, General Manager of Community  
Safety & Development, re: Business Licensing Hours of Operation.

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

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

IN CAMERA  
FOR INFORMATION ONLY

REPORT TO: ANDREW TUCKER, DIRECTOR OF PLANNING

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

SUBJECT: STREET ENTERTAINERS ON PORT AUTHORITY PROPERTY

RECOMMENDATION:

That Council receive the report for information.

EXECUTIVE SUMMARY:

Street entertainers are an integral part of the downtown and waterfront areas in Nanaimo and perform on part of the seawall which is Port Authority property. It is our intention to continue the regulation of street entertainers on Port Authority property.

BACKGROUND:

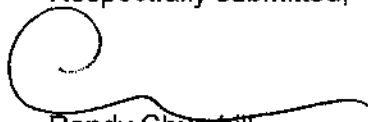
The City encourages and supports street entertainment on the seawall including the area which is under the Nanaimo Port Authority jurisdiction. On occasion, enforcement action is required to regulate street entertainers who are entertaining contrary to the provisions of the Street Entertainers Regulation Bylaw.

Staff attended a City of Nanaimo/Nanaimo Port Authority Liaison Committee meeting on 2010-Dec-15 seeking authorization to enforce the City's "STREET ENTERTAINERS REGULATION BYLAW 2004 NO. 5723" on the Port Authority property.

The Port Authority has acknowledged that they want street entertainers on the seawall. They do not wish to regulate street entertainment itself and has invited the City to continue to regulate street entertainment on Nanaimo Port Authority Lands as part of the proposed new Street Entertainers Bylaw. An agreement will be put in place which will set out the details of the understanding.

The new Street Entertainers Bylaw will be coming forward to Council within the next few months. A public meeting will be held in late March to give all stakeholders an opportunity to give their input regarding the street entertainer's bylaw. The input received will then be considered before the bylaw is presented to Council.

Respectfully submitted,

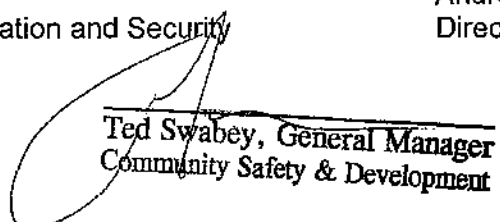


Randy Churchill  
Manager of Bylaw, Regulation and Security

Council: 2011-Mar-14



Andrew Tucker  
Director of Planning



Ted Swabey, General Manager  
Community Safety & Development

- Council
  - Committee
  - Open Meeting
  - In-Camera Meeting
- Meeting Date: 2011-MAR-14

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, 2011-MAR-14, COMMENCING AT 9:30 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

Staff: A. C. Kenning, City Manager  
T. M. Hickey, 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  
Chief R. Lambert, Nanaimo Fire Rescue (departed 10:16 a.m.)  
A. J. Tucker, Director of Planning  
B., Anderson, Manager of Community Planning  
D. Mousseau, Manager of Engineering and Subdivision  
R. Churchill, Manager of Bylaw, Regulation and Security  
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 9:30 a.m.

2. PROCEDURAL MOTION:

02611 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;
- (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. ADOPTION OF AGENDA:

02711 It was moved and seconded that the Agenda be adopted. The motion carried unanimously.

4. ADOPTION OF MINUTES:

02811 It was moved and seconded that the Minutes of the "In Camera" Meeting of Council held Monday, 2011-FEB-14 at 9:30 a.m. in the City Hall Board Room, 455 Wallace Street, Nanaimo, BC be adopted as circulated. The motion carried unanimously.

5. INFORMATION ONLY ITEMS:

- (a) Report from Mr. R. Churchill, Manager of Bylaw, Regulation and Security, re: Street Entertainers on Port Authority Property.

6. OTHER BUSINESS:

- (a) Mr. E. C. Swabey, General Manager of Community Safety & Development, provided a verbal Report re: Business Licensing Hours of Operation.

7. ADJOURNMENT:

02911 It was moved and seconded at 10:23 a.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

03011 It was moved and seconded at 10:23 a.m. that the Regular Meeting terminate. The motion carried unanimously.

---

MAYOR

CERTIFIED CORRECT:

---

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, 2011-MAR-28, COMMENCING AT 9:30 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, 2011-MAR-14 at 9:30 a.m. in the City Hall Board Room. *Pg. 3-4*

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) **Proposed Settlement of Expropriation of Part of 2161 Boxwood Road** *Pg. 5-7*

*Staff's Recommendation: That Council authorize Staff to settle the expropriation of part of 2161 Boxwood Road at the sum of \$9,900 for the land and a contribution of up to \$25,000 to construct a new driveway access on Northfield Road.*

10. INFORMATION ONLY ITEMS:

11. CORRESPONDENCE:



12. **OTHER BUSINESS:**

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

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

# "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  
2161 BOXWOOD ROAD

---

## STAFF'S RECOMMENDATION:

That Council authorizes Staff to settle the expropriation of part of 2161 Boxwood Road at the sum of \$9,900.00 for the land and a contribution of up to \_\_\_\_\_ to construct a new driveway access on Northfield Road.

## EXECUTIVE SUMMARY:

A part of 2161 Boxwood Road, as shown in Attachment A, was expropriated earlier this year by the City for the upgrade of the Boxwood/Northfield intersection. Subsequent negotiations with the owners have resulted in a proposed settlement of \$9,900.00 for the land and \_\_\_\_\_ costs, up to a maximum of \_\_\_\_\_ for the construction of a new driveway access on Northfield Road.

## BACKGROUND:

Staff has identified the need to provide a signalized intersection at the corner of Northfield Road and Boxwood Road. The new intersection will provide easier access for vehicles turning south from Northfield Road onto Boxwood Road and facilitate a safer turning movement for traffic travelling from Boxwood Road onto Northfield Road.

As part of the signalization, existing BC Hydro power poles must be relocated and a new right hand turn lane must be constructed. The existing road right of way cannot accommodate these features. Staff has undertaken discussions with the agent for the owners of 2161 Boxwood Road in an effort to acquire 102.1 m<sup>2</sup> of land to facilitate the reconstruction of the intersection. Time constraints made the acquisition of the land difficult to secure through the regular negotiation process therefore the expropriation process was deemed necessary. Staff has continued to work with the owners and now have a tentative deal in place.

The owners are prepared to accept a \$9,900.00 offer of compensation for the land if the City pays them up to \_\_\_\_\_ compensation to cover the cost associated with the construction of a new driveway access on Northfield Road.

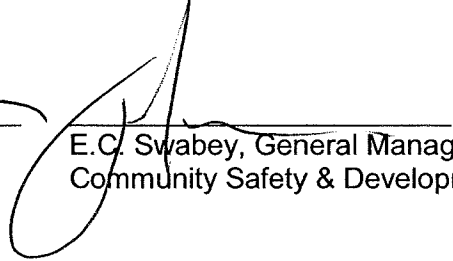
Respectfully submitted,



B. Corsan, Manager  
Real Estate



A. Tucker, Director  
Planning



E.C. Swabey, General Manager  
Community Safety & Development

BC/tl  
"IC" Council: 2011-MAR-28  
Prospero: LD002355

# ATTACHMENT A

PLAN/UPDATE

## REFERENCE PLAN OF PART OF LOT 1, BLOCK 12, SECTION 17, RANGE 7, MOUNTAIN DISTRICT, PLAN 526, EXCEPT PART IN PLANS 46698, VIP58484 AND VIP66379

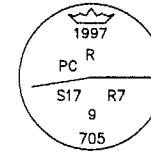
PLAN EPP10729

PURSUANT TO SECTION 6, EXPROPRIATION ACT

BCGS 92G.011

0 7.5 15 30 45 60 75

The intended plot size of this plan is 432mm in width by 280mm in height, B size, when plotted at a scale of 1:750



### LEGEND

Found Placed

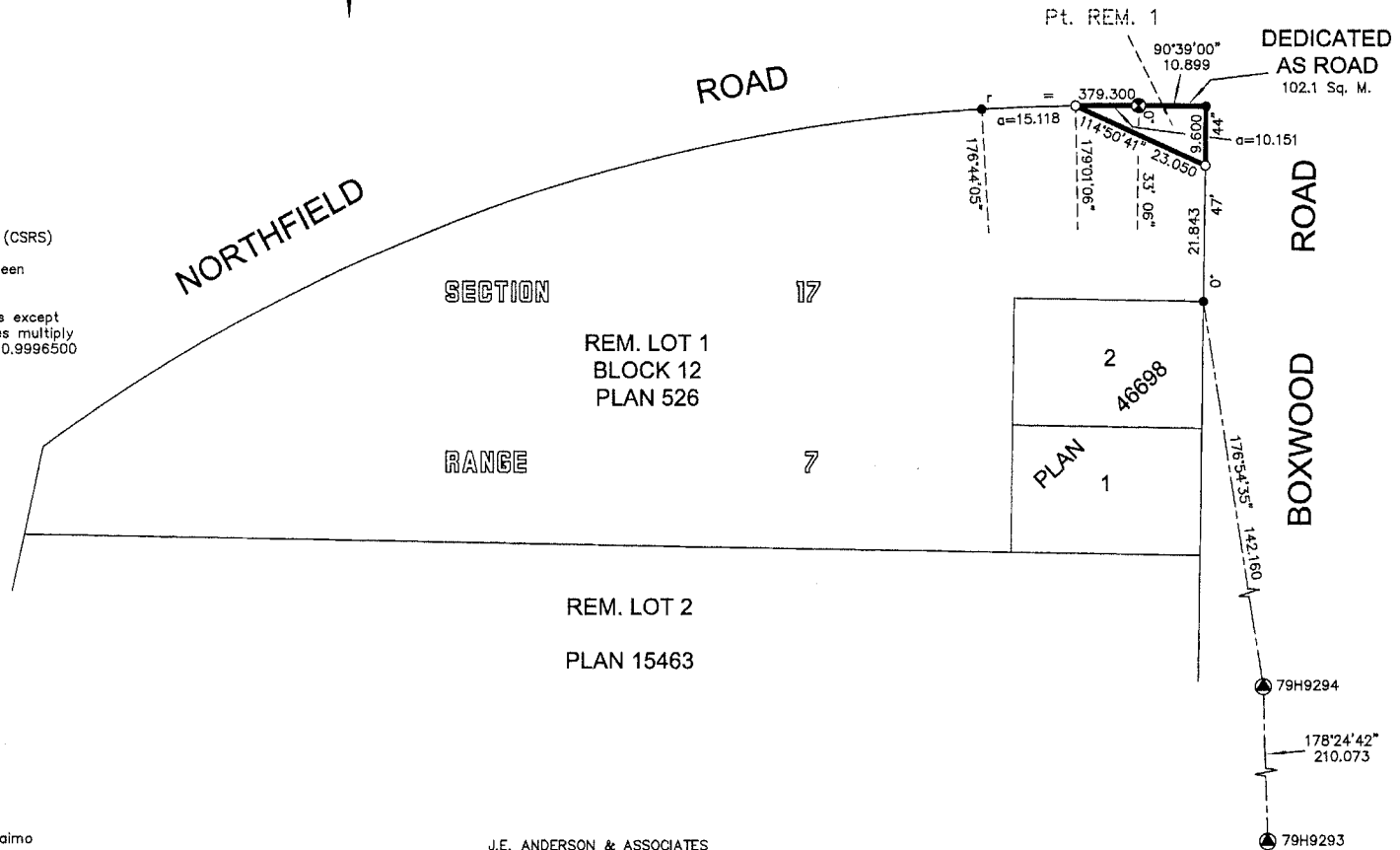
- ○ Standard Iron Post
- ⊙ Control Monument
- ⊕ Standard Capped Post

All distances are shown in metres

Integrated Survey Area No. 20, Nanaimo, NAD83 (CSRS)

Grid bearings are derived from observations between control monuments 79H9293 and 79H9294

This plan shows horizontal ground-level distances except where otherwise noted. To compute grid distances multiply ground-level distances by a combined factor of 0.9996500



This plan lies within the jurisdiction of 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 Douglas W. Holme, B.C.L.S., on the 21st day of December, 2010.

J.E. ANDERSON & ASSOCIATES  
B.C. Land Surveyors - Consulting Engineers  
Victoria - Nanaimo - Parksville, B.C.  
File: 87241

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, 2011-MAR-28, COMMENCING AT 9:30 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

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  
T. M. Hickey, General Manager of Community Services  
I. Howat, Director of Strategic Relationships  
T. L. Hartley, Director of Human Resources and Organizational Planning  
B. E. Clemens, Director of Finance  
A. J. Tucker, Director of Planning  
R. J. Harding, Director of Parks, Recreation and Culture  
Chief R. Lambert, Nanaimo Fire Rescue  
T. Moscrip, Senior Manager, Engineering  
P. Rosen, Design Engineer  
B. Corsan, Manager of Real Estate  
D. Mousseau, Manager of Subdivision and Engineering  
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 9:33 a.m.

2. PROCEDURAL MOTION:

03111 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. ADOPTION OF AGENDA:

03211 It was moved and seconded that the Agenda be adopted. The motion carried unanimously.

4. ADOPTION OF MINUTES:

03311 It was moved and seconded that the Minutes of the "In Camera" Meeting of Council held Monday, 2011-MAR-14 at 9:30 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) Proposed Settlement of Expropriation of Part of 2161 Boxwood Road

03411 It was moved and seconded that Council authorize Staff to settle the expropriation of part of 2161 Boxwood Road at the sum of \$9,900 for the land and a contribution of up to \$25,000 to construct a new driveway access on Northfield Road. The motion carried.  
Opposed: Councillor Sherry

6. ADJOURNMENT:

03511 It was moved and seconded at 9:41 a.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

03611 It was moved and seconded at 9:41 a.m. that the Regular Meeting terminate. The motion carried unanimously.

---

M A Y O R

CERTIFIED CORRECT:

---

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, 2011-APR-11, COMMENCING AT 9:30 A.M.

---

1. **INTRODUCTION OF LATE ITEMS:**

- Add Item 11 (b) – Correspondence –

2. **ADOPTION OF AGENDA:**

3. **ADOPTION OF MINUTES:**

- (a) Minutes of the "In Camera" Meeting of Council held Monday, 2011-MAR-28 at 9:30 a.m. in the City Hall Board Room. *Pg. 3-4*

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 2011-JAN-26** *Pg. 5-7*

*Commission's Recommendation: That Council receive the Minutes of the "In Camera" Parks, Recreation and Culture Commission meeting held 2011-JAN-26.*

8. **COMMITTEE REPORTS:**

9. **STAFF REPORTS:**

COMMUNITY SAFETY AND DEVELOPMENT:

- (a) **Disposition of Licenses to Occupy the City-Owned Community Services Building at 285 Prideaux Street** Pg. 8-13

Staff's Recommendation: That Council:

1. *approve the amendment of a License to Occupy office space in the Community Services Building to the Nanaimo Supportive Lifestyles Program;*

AND:

2. *approve a License to Occupy office space in the Community Services Building to the Nanaimo Brain Injury Society;*

AND:

3. *approve the delegation of authority to the General Manager of Community Safety & Development to facilitate the approval of future License to Occupy Agreements for use of office space in the Community Services Building.*

CORPORATE SERVICES:

- (b) **Exempt Compensation** Pg. 14-16

Staff's Recommendation: That Council direct Staff to retain an independent compensation consultant to identify the appropriate labour market for the City of Nanaimo and to conduct a review to assess the competitiveness of exempt Staff salaries with the identified market.

10. **INFORMATION ONLY ITEMS:**

11. **CORRESPONDENCE:**

- (a) Correspondence from dated 2011-MAR-29 from and attached Pg. 17-28  
background correspondence, regarding RFP #1003.

- (b) Correspondence dated 2011-APR-04 Pg. 28.1-28.9

12. **OTHER BUSINESS:**



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, 2011-JAN-26, COMMENCING AT 8:54 P.M.**

---

PRESENT: Commissioner D. Johnstone, Chair

Members: Commissioner F. Pattje  
Commissioner J. Kipp  
Commissioner L. Avis  
Commissioner D. Burnett  
Commissioner J. Cowling  
Commissioner B. Sparkes  
Commissioner S. Lance  
Commissioner B. Dempsey  
Commissioner G. Rudischer  
Commissioner M. Young

Regrets: Commissioner B. Meunier

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

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

The "In Camera" Meeting was called to order at 8:54 p.m.

2. INTRODUCTION OF LATE ITEMS:

- Add item 6.(b) – Late Delegation from BMX

It was moved and seconded that Commission allow Randy Little as a Late Delegation. The motion carried unanimously.

It was moved and seconded that Item 6.(b) be moved up on the Agenda to Item 6.(a). The motion carried unanimously.

3. ADOPTION OF AGENDA:

It was moved and seconded that the "In Camera" Agenda, as amended, 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-NOV-24, at 6:32 p.m., in Rooms 1 & 2, Beban Park Social Centre.

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

5. PRESENTATIONS: (None.)

6. DELEGATIONS:

- (a) Mr. Randy Little - Naming of BMX Track the Marie Davidson BMX Park.

It was moved and seconded that the Parks, Recreation and Culture Commission recommend that Council name the Beban Park BMX Track the "Marie Davidson BMX Park".

- (a) Mrs. Camela Tang,  
seeking permission from the Parks, Recreation and Culture Commission for permission in principle to offer the naming of the Nanaimo Centre Stage building as a sponsorship benefit.

Mrs. Tang advised that upgrades to the Nanaimo Centre Stage building were going to exceed the original estimate and asked the Commission for approval in principle for the naming of the Nanaimo Centre Stage building as a sponsorship benefit in their fund raising efforts.

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

It was moved and seconded that the request for fund raising naming as a sponsorship benefit be forwarded to Council for review and response to Commission on their concurrence on the process. The motion carried.

***Opposed: Commissioner Cowling and Commissioner Pattje.***

7. CHAIR'S REPORT:

- (a) Larry McNabb Sport Zone – presentation to Council last week. This Commission was anxious to recognize Chair McNabb in a meaningful way. Icons for each sport - metal cut-out silhouettes beginning, along, and end of Third Street – Larry McNabb Sport Zone. Still under review and then will return to Council

- (b) Naming of BMX Track after Marie Davidson. *[Note: dealt with under Item 6.(a)]*

8. REPORTS OF ADVISORY BODIES: (None.)

9. STAFF REPORTS: (None.)

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

11. CORRESPONDENCE: (Action)

- (a) Letter dated 2010-DEC-21 from Mr. Randy Little, Vice-President, Nanaimo BMX Association, c/o 2546 Westberry Place, Nanaimo, BC, V9R 6Y7, advising of Mrs. Marie Davidson's passing and supporting the naming of the site "Marie Davidson BMX Park" as a legacy to her many years of dedication to the sport.

*[Note: dealt with under Item 6(a).]*

CORRESPONDENCE: (Information) (None.)

12. NOTICE OF MOTION: (None.)

13. CONSIDERATION OF OTHER BUSINESS: (None.)

14. BUSINESS ARISING FROM DELEGATIONS: *[Note: dealt with under Item 6.]*

15. UNFINISHED BUSINESS: (None.)

16. QUESTION PERIOD: (No questions.)

17. ADJOURNMENT:

It was moved and seconded at 9:28 p.m. that the "In Camera" meeting adjourn, with the next "In Camera" Meeting of Commission to be held, if required, Wednesday, 2011-FEB-23, in the Bowen Park Complex Conference Room, following adjournment of the regular Commission meeting.

The motion carried unanimously.

CERTIFIED CORRECT:



---

D. Johnstone, Chair  
Parks, Recreation and Culture Commission

---

R. Harding, Director  
Parks, Recreation and Culture

# "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: DISPOSITION OF LICENSES TO OCCUPY THE CITY-OWNED COMMUNITY SERVICES  
BUILDING AT 285 PRIDEAUX STREET

---

## STAFF'S RECOMMENDATION:

That Council:

1. approve the amendment of a License to Occupy office space in the Community Services Building (CSB) to the Nanaimo Supportive Lifestyles Program;
2. approve a License to Occupy office space in the CSB to the Nanaimo Brain Injury Society; and
3. approve the delegation of authority to the General Manager of Community Safety & Development to facilitate the approval of future License to Occupy Agreements for use of office space in the CSB.

## EXECUTIVE SUMMARY:

The CSB is a three story building with approximately 1,000 m<sup>2</sup> (10,762 ft<sup>2</sup>) of leasable space. The former medical clinic was built in the 1950's. The City's mandate for the CSB is to rent office space to Nanaimo's non profit social service agencies at a market rent to cover operational expenditures. The Real Estate Section manages the licenses to occupy the building. Parks, Recreation and Culture look after the building maintenance. Floor plans of all three levels of the building outlining the status of tenancy as of June 1, 2011 are shown in Attachment A.

As of March 31, after thirty years of tenancy, the Multi-Cultural Society has vacated its space. As a result, all of the first floor and two offices on both the second and third floors are vacant.

A long-term tenant, Nanaimo Supportive Lifestyles (NSL) Program has vacated two offices on the third floor and is requesting Council's approval to amend the existing License to include two offices on the second floor formerly occupied by the Multi-Cultural Society.

The Nanaimo Brain Injury Society (NBIS), a prospective tenant, is requesting Council's approval for a License to Occupy 188 m<sup>2</sup> (2,024 ft<sup>2</sup>) of the available first floor space, conditional upon approval of its Board of Directors.

As a result of the above changes in tenancies, there will be 265 m<sup>2</sup> (2,852 ft<sup>2</sup>) of vacant space that needs to be rented in the coming months.

Due to the number of tenants, the current large vacancy, and the need to respond quickly with approving prospective licensees, the Real Estate Section is seeking Council approval to delegate the management and licensing of the CSB to the Community Safety & Development Division.

#### BACKGROUND:

CSB was purpose built as a medical centre in 1957. When the health unit staff vacated the building in 1980, the City implemented a licensing strategy that targeted non profit, community-based service agencies while producing revenue to cover the operational expenditures of the facility. The building operates with low vacancy rates and shows a small annual operating profit. The total leasable area in the building is 1,000 m<sup>2</sup> (10,762 ft<sup>2</sup>). Currently the CSB accommodates seven tenants.

The City licenses the CSB according to, and in order of the following priorities:

1. Voluntary social service agencies providing services within Nanaimo and District;
2. Community, cultural, leisure, sport and other groups of a non profit nature;
3. Statutory social services agencies; and
4. Other requests as approved by the Manager of Real Estate.

Applications from commercial organizations are not considered.

The Multi-Cultural Society had the longest tenure (over thirty years) but required additional space which was not available. The tenancy included all of the first floor as well as space on both the second and third floors for a total of 390 m<sup>2</sup> (4,198 ft<sup>2</sup>).

NBIS, a prospective tenant, is interested in occupying 188 m<sup>2</sup> (2,024 ft<sup>2</sup>) of the first floor as of June 1, conditional upon approval by its Board of Directors and City Council.

A market rent review by Staff has concluded that the current rents are at the low end of the range for this type of space which is in accordance with the mandate to provide affordable office space for non profit tenants. A slight increase of 4.5% for the first floor, from \$11.00 per square foot (gross) to \$11.50 is justified to cover increasing operational costs. The most recent rent increase was in 2006.

NSL has rented offices on the second and third floors since 2001. As of April 1, NSL will vacate its two offices on the third floor and are seeking Council approval to amend the existing License to include two offices on the second floor. The rent will remain the same at \$13.00 per square foot.

As a result of these changes in tenancies there will be 265 m<sup>2</sup> (2,852 ft<sup>2</sup>) of vacant space that needs to be filled in the coming months.

Due to the number of tenants, the current large vacancy, and the need to respond quickly with approving prospective licensees, the Real Estate Section is seeking Council approval to delegate the management and licensing of the CSB to the Community Safety & Development Division.

Respectfully submitted,



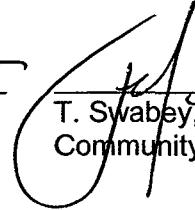
---

B. Corsan, Manager  
Real Estate



---

A. Tucker, Director  
Planning



---

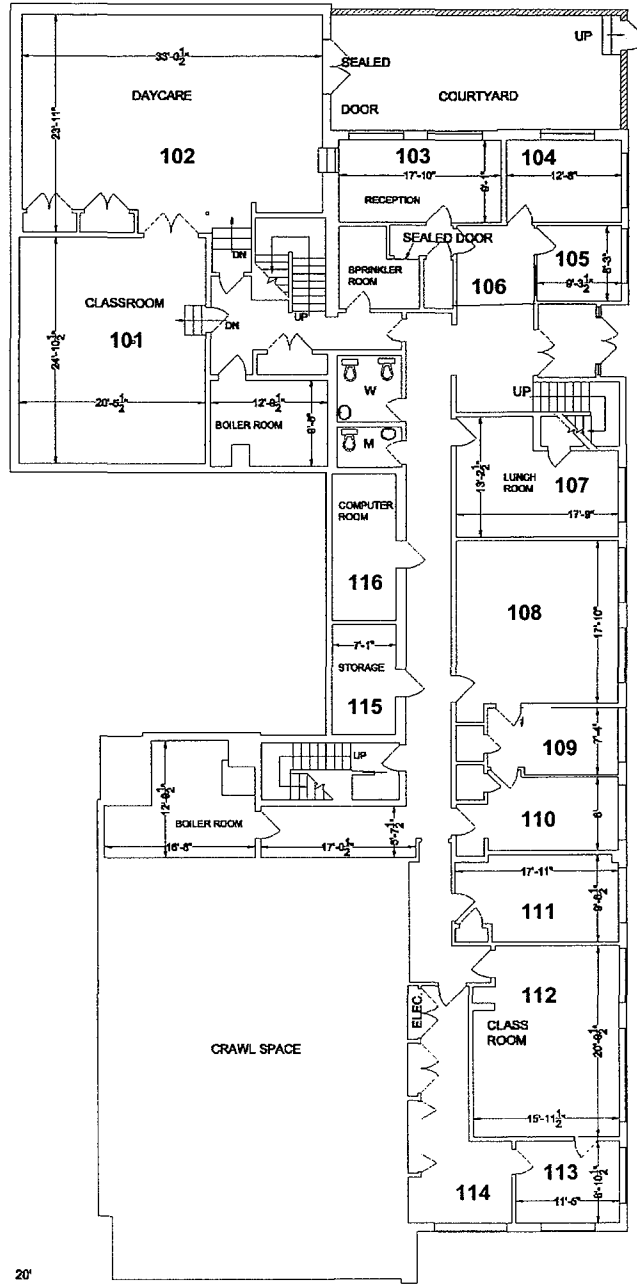
T. Swabey, General Manager  
Community Safety & Development

BC/tl  
"IC" Council: 2011-APR-11  
Prospero: INV00245

# ATTACHMENT A


Status of Tenancy as of June 1, 2011

LOWER LEVEL  
285 PRIDEAUX ST  
NANAIMO BC



PRIDEAUX STREET

MEASURED FEB 2009

|   |   |            |              |   |
|---|---|------------|--------------|---|
| DTZ BARNICKE<br>201-155 SKINNER STREET<br>NANAIMO BC V9R 5E8<br>TEL(250) 753-5757<br>FAX (250) 753-4993 | BLOCK 1<br>LOWER LEVEL<br><br>285 PRIDEAUX STREET<br>NANAIMO BC | FLOOR PLAN | 5 MARCH 2009 |  MEASURE MASTERS<br>VANCOUVER ISLAND - COMMERCIAL<br>3084 WESTBORNE ROAD<br>VICTORIA BC V8K 5Z2<br>TEL 250 478 2293 FAX 250 472 8888 |
|   |   | 09-1305    | 1/16" = 1'0" |   |

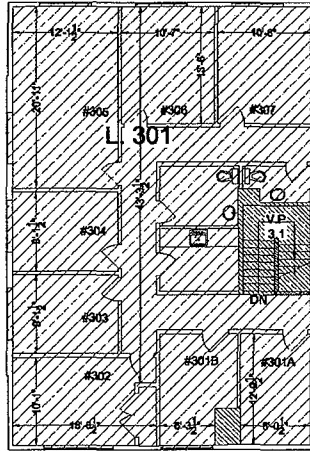
Nanaimo Brain Injury Society: 101, 102, 103, 104, 105, 106, 107, 116  
 Vacant: 108, 109, 110, 111, 112, 113, 114





Status of Tenancy as of June 1, 2011

UPPER LEVEL  
285 PRIDEAUX ST  
NANAIMO BC



BLOCK 6




| Lease  | Usable | Rentable |
|--------|--------|----------|
| L #301 | 1,648  | 1,697    |

|              |            |
|--------------|------------|
| VP 2.1       | 91         |
| VP 2.2       | 12         |
| <b>Total</b> | <b>104</b> |

| Upper Fl. Area Analysis |  | ft. <sup>2</sup> |
|-------------------------|--|------------------|
| Floor Rentable          |  | 1,697            |
| Floor Usable            |  | 1,648            |
| Combined R/U            |  | 1,0295           |
| Floor Common            |  | 0                |
| Building Common         |  | 0                |
| <b>Total Vertical</b>   |  | <b>104</b>       |

MEASURED FEB 2009

|  |   |            |              |   |
|--|---|------------|--------------|---|
| <b>DTZ BARNICKE</b><br>201-155 SKINNER STREET<br>NANAIMO BC V9R 5E8<br>TEL(250) 753-5757<br>FAX (250) 753-4993 | BLOCK 6<br>UPPER LEVEL<br>285 PRIDEAUX STREET<br>NANAIMO BC | FLOOR PLAN | 4 MARCH 2009 |  MEASURE MASTERS<br>SURVEYORS (S.S.) AND - COMMERCIAL<br>3004 WESTBORNE ROAD<br>VICTORIA BC V8K 5G2<br>TEL 250 418 8083 FAX 250 472 8848 |
|  |   | 09-1305    | 1/16" = 1'0" |   |

John Howard Society of North Island: 304  
Vacant: 301A, 301B, 303, 305

April 11, 2011

## **“IN-CAMERA” STAFF REPORT**

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

FROM: T.L. HARTLEY, DIRECTOR OF HUMAN RESOURCES &  
ORGANIZATIONAL PLANNING

RE: EXEMPT COMPENSATION

---

### **STAFF RECOMMENDATION**

It is recommended that Council direct staff to retain an independent compensation consultant to identify the appropriate labour market for the City of Nanaimo and to conduct a review to assess the competitiveness of exempt staff salaries with the identified market.

### **BACKGROUND**

At the Special “In-Camera” Finance/Policy Committee of the Whole Meeting on March 29, 2010, Council considered various exempt compensation options and approved a motion to maintain the status quo for 2010 salary adjustments but to review the annual salary adjustment system for 2011. This report is in response to the requested review.

### **DISCUSSION**

The purpose of compensation is to attract, engage, and retain employees.

#### **Attraction**

Exempt employees are at a much higher risk for retirement than either of the other employee groups. In fact, 38% of exempt employees will be eligible to retire with an unreduced pension between 2011 and 2015 and 48% of these employees will be eligible to retire by 2016.

Compensation will need to be competitive if we are to replace these employees with qualified people. This is particularly so since these workforce demographics are not unique to the City. Nationally & across the developed world, an aging population and declining birthrates will result in lower labour force participation rates. We will not be able to rely on either inter-provincial migration or immigration to solve the labour situation.

Significant labour market shortages are projected in management occupations (see Human Resources Development Canada, Looking Ahead: A 10 Year Outlook for the Canadian Labour Market, October 2006). The City is already experiencing some difficulties in management recruitment. While the economic downturn has reduced the stresses of a high demand for labour, there is a growing concern about severe and chronic labour shortages during this next period of economic growth.

## **Engagement**

The recent employee engagement survey demonstrates a high level of engagement amongst employees at the City, including exempt employees. This is positive since numerous studies have shown that organizations with highly engaged employees exceed their counterparts on performance measures that include customer service, productivity, quality of work, turnover and absenteeism (see, for example, Gallup Q12 Meta-Analysis, 2006).

However, some exempt employees are beginning to express dissatisfaction at what they see as an inequity in the annual wage increases received by the unionized workforce and their own salary adjustments. If this type of dissatisfaction continues to grow, it can potentially have a wide-spread, negative influence on the workforce.

## **Retention**

Exempt employees are at a higher risk to voluntarily leave the City than employees in the unionized groups. Exit interviews increasingly indicate that compensation is a factor in the exits of these employees.

## **Exempt Compensation Salary Adjustments**

Council's Exempt Compensation Policy, 1991, provides that the City will compensate its management group at the median (50<sup>th</sup> percentile) of the national public sector as determined annually by an independent survey. This policy has been modified for employees in Bands 1 to 3 (administrative assistants). These employees receive annual salary adjustments based on CUPE Local 401 across-the-board increases.

Traditionally, the City has used a survey conducted by the Hay Group in May of each year to determine the median of the national public sector. The data is normally received in August or September, and is used to adjust the salary ranges in accordance with the data for comparable management positions. The salary adjustments are retroactive to January 1<sup>st</sup> of the current year. Salary survey results reflect economic conditions at the time of the survey (higher increases in growth periods and lower or no increases during economic downturns).

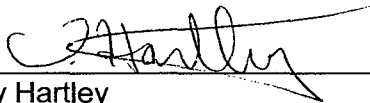
Staff have contacted similar-sized municipalities to assess alternative methods of determining exempt employee salary adjustments. In all cases other than the City of Nanaimo, these municipalities provide an annual across-the-board salary adjustment based on specified criteria (for example, applying the same increase as for unionized employees) and then conduct a market survey every 2-4 years to ensure exempt staff salaries are competitive. The City of Nanaimo uses the Hay survey to determine both the annual increase and to act as the market comparison, with the market defined as the national public sector.

A best practice in compensation is to use multiple sources of data as an indication of the market rather than one information source. The City has used only one source of data to adjust exempt employee salaries for the past 20 years. Another compensation principle is to define the labour market as constituting those employers the organization loses employees to and hires employees from. An analysis of exempt employee recruitments and exits over the past 5 years suggests that the national public sector is not the appropriate market. The City primarily recruits its exempt employees from and loses its exempt employees to local government organizations within British Columbia and Alberta. We also recruit exempt employees from the internal unionized ranks.

The City may not be maintaining pace with the labour market given that local government organizations often use CUPE general increases as the minimum increase for exempt staff. As shown on Attachment A, exempt salary adjustments are also not keeping pace with increases approved for internal CUPE and IAFF members. The latter situation is already causing problems with compression and it may eventually result in an inability to promote from amongst the union members.

Staff believes it is time to audit exempt staff compensation by comparing it to the appropriate market. This will provide an indication of whether exempt employee compensation is low or high relative to our particular labour market. Accordingly, we recommend that Council direct staff to retain an independent compensation consultant to identify the appropriate labour market for the City of Nanaimo and to conduct a review to assess the competitiveness of exempt staff salaries with the identified market. The cost of such a review is expected to range from \$7,500 to \$12,000, an amount that could be accommodated within the Human Resources budget.

Respectfully submitted,



---

Terry Hartley  
Director of Human Resources



---

Douglas 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, 2011-APR-11, COMMENCING AT 9:30 A.M.

---

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

Members: Councillor W. L. Bestwick  
Councillor T. Greves  
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

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  
(arrived 9:50 a.m.)  
T. M. Hickey, General Manager of Community Services  
T. L. Hartley, Director of Human Resources and Organizational Planning  
B. E. Clemens, Director of Finance  
I. Howat, Director of Strategic Relationships  
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  
P. Kristensen, Director, Information Technology  
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 9:30 a.m.

2. PROCEDURAL MOTION:

03711 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; 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. INTRODUCTION OF LATE ITEMS:

- (a) Add Agenda Item 11 (b) – Correspondence – Letter from Mr. Blaine Gurrie, President, CUPE 401.

4. ADOPTION OF AGENDA:

03811 It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

5. ADOPTION OF MINUTES:

03911 It was moved and seconded that the Minutes of the "In Camera" Meeting of Council held Monday, 2011-MAR-28 at 9:30 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) Parks, Recreation and Culture Commission – Minutes of the "In Camera" Meeting held 2011-JAN-26

04011 It was moved and seconded that Council receive the Minutes of the "In Camera" Parks, Recreation and Culture Commission meeting held 2011-JAN-26. The motion carried unanimously.

7. STAFF REPORTS:

- (a) Disposition of Licenses to Occupy the City-Owned Community Services Building at 285 Prideaux Street

04111 It was moved and seconded that Council:

1. approve the amendment of a License to Occupy office space in the Community Services Building to the Nanaimo Supportive Lifestyles Program;
2. approve a License to Occupy office space in the Community Services Building to the Nanaimo Brain Injury Society; and,
3. approve the delegation of authority to the General Manager of Community Safety & Development to facilitate the approval of future License to Occupy Agreements for use of office space in the Community Services Building.

The motion carried unanimously.

CORPORATE SERVICES:

(b) Exempt Compensation

04211 It was moved and seconded that Council direct Staff to retain an independent compensation consultant to identify the appropriate labour market for the City of Nanaimo and to conduct a review to assess the competitiveness of exempt Staff salaries with the identified market.

04311 It was moved and seconded to amend the motion to include a review of the whole compensation package including benefits. The motion carried.

Opposed: *Councillor Holdom*

The vote was taken on the main motion as amended. The motion carried unanimously.

8. CORRESPONDENCE:

(a) Correspondence dated 2011-MAR-29 from

(b) Correspondence dated 2011-APR-04 from Mr. Blaine Gurrie, President, CUPE 401,

9. ADJOURNMENT:

04311 It was moved and seconded at 11:05 a.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

04411 It was moved and seconded at 11:05 a.m. that the Regular Meeting terminate. The motion carried unanimously.

---

M A Y O R

CERTIFIED CORRECT:

---

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, 2011-MAY-02, COMMENCING AT 9:30 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, 2011-APR-11 at 9:30 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:

- (a) **Nanaimo Community Heritage Commission – Heritage Awards** Pg. 7-8

*Commission's Recommendation: That Council endorse the following heritage awards and direct the Nanaimo Community Heritage Commission to present them at the City of Nanaimo Awards Luncheon scheduled for 2011-MAY-18:*

1. *Mr. John Cass as the recipient of the John Thomson Heritage Memorial Award;*

*AND:*

2. *Heritage Building Rehabilitation Awards for:*
  - *The Bastion (98 Front Street);*
  - *Harris House (375 Franklyn Street); and,*
  - *Harrison Residence (546 Prideaux Street).*

- (b) **Parks, Recreation and Culture Commission – Proposed Disposition of Land from Loudon Walkway to Rectify Encroachment Issues at 4044 Apsley Avenue**

Pg. 9-11

*Commission's Recommendation: That Council authorize an alternate approval process to dispose of land from the Loudon Walkway.*

8. **COMMITTEE REPORTS:**

- (a) **Advisory Committee on Environmental Sustainability – 2011 Green Nanaimo Awards**

Pg. 12-13

*Committee's Recommendation: That Council approve the following recipients of the 2011 Green Nanaimo Awards, and that the awards be presented at an Awards Luncheon to be held Wednesday, 2011-MAY-18:*

|   | <b>Recipient</b>   | <b>Category</b>                         | <b>Achievement</b>   |
|---|--|---|--|
| 1 | Nancy Mackin & Robert Mackin-Lang                        | Green Design (Residential)              | Residential Home on 19 Captain Kidd's Terrace                                      |
| 2 | Island West Coast Developments                           | Green Design (Commercial)               | Commercial Office on 2214 McCullough Road  |
| 3 | Anna Dodds Nanaimo Foodshare Network Society             | Green Home / Neighbourhood              | For the Park Avenue Community School Garden  |
| 4 | Jim Harris Protection Island Community Garden            | Green Home / Neighbourhood              | For the Protection Island Community Garden (DIGS) and the "Little Diggers" Program |
| 5 | Charles Thirkill Fisheries Technician / Environmentalist | Environmental Awareness                 | For Raising Environmental Awareness and Understanding Throughout the Community     |
| 6 | Gord Graham Biology Teacher                              | Environmental Awareness                 | For Coordination of the Dover Bay Secondary School Eco Club                        |
| 7 | Nanaimo Recycling Exchange                               | Environmental Awareness                 | For Nanaimo's 2010 Environmental Mind Grind Program                                |
| 8 | Nanaimo and Area Land Trust (NALT)                       | Environmental Awareness                 | For the Edible Wild Plant Project  |
| 9 | Ron Hartman, iDUS Controls Ltd.                          | Green Design (Product) with Distinction | For Innovation in Design and Development of Water Conservation Products            |

9. **STAFF REPORTS:**

10. **INFORMATION ONLY ITEMS:**

- (a) Report from Ms. J. E. Harrison, Manager, Legislative Services, *Pg. 14-21*  
re: Quarterly Claims Report – Period Ending 2011-MAR-31.
- (b) Report from Mr. I. Howat, Director of Strategic Relationships, re: Annex *Pg. 22-23*  
Replacement Update.

11. **CORRESPONDENCE:**

12. **OTHER BUSINESS:**

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

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

# “IN CAMERA”

## REPORT TO: COUNCIL

FROM: CHAIR, NANAIMO COMMUNITY HERITAGE COMMISSION

RE: HERITAGE AWARDS

### COMMISSION'S RECOMMENDATION:

That Council endorses the following heritage awards, and direct the Heritage Commission to present them at the City of Nanaimo Awards Luncheon scheduled for 2011-MAY-18:

- a) John Cass as the recipient of the John Thomson Heritage Memorial Award; and
- b) Heritage Building Rehabilitation Awards for:
  - The Bastion (98 Front Street);
  - Harris House (375 Franklyn Street); and
  - Harrison Residence (546 Prideaux Street).

### EXECUTIVE SUMMARY:

The Commission is seeking Council endorsement for a number of heritage awards to be presented at the City of Nanaimo Awards Luncheon scheduled for 2011-MAY-18. The awards include presentation of the John Thomson Heritage Memorial Award to John Cass for outstanding heritage service and dedication to the community, as well as three Heritage Building Rehabilitation Awards recognizing significant heritage building rehabilitation projects completed in 2010/11.

### BACKGROUND:

The John Thomson Heritage Memorial Award was created by the City in 1994 to honour individuals who demonstrate outstanding heritage service and dedication to the community. Past recipients of the award include Catherine Gisborne in 1994, Elizabeth Norcross in 1996, Daphne Paterson in 2001, Pamela Mar in 2003, David Spearing in 2004, Clarence Karr in 2005, Gino Sedola in 2007, and Parker Williams in 2009.

John Thomson, a biologist at the Pacific Biological Station, served on both the Nanaimo Archive Society as its first vice-president in the early 1990s and as chair of the Heritage Commission from 1989-1993. Mr. Thomson died of cancer in 1993. The City created the award to recognize his accomplishments and dedication to the preservation of Nanaimo's heritage.

The Heritage Building Rehabilitation Awards are intended to recognize significant heritage building rehabilitation projects recently completed.

### **John Thomson Heritage Memorial Award Recommendation**

John Cass' legacy of service and dedication to heritage awareness in Nanaimo is long standing and significant, and it is with great pleasure that the Commission recommends that he be honoured with the John Thomson Memorial Heritage Award.

Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
 Meeting Date: 2011-MAY-02

John Cass was born in Nanaimo to a coal mining family in 1921. On 2011-SEP-22 he will celebrate his 90<sup>th</sup> birthday. From childhood, John's interest in the city, primarily its coal mining industry, was stimulated. After a short career in Canada's merchant marine, John and his wife Jean settled in Nanaimo, where his maritime career spanned 32 years, first with the Blackball Ferries and finally with BC Ferries. He retired in 1986.

Beginning in the 1960s, John started writing short filler articles on Nanaimo's history for the Nanaimo Daily Free Press. This expanded into a daily column "*Did You Hear?*" and radio vignettes on CHUB Radio. These generated considerable interest from the public and continued up until the Free Press relocated from its downtown location in 1986. The Nanaimo Museum has over 23 binders filled with John's articles. Over the past decades, John has been an important source of historical information for persons writing books about Nanaimo's history as well as for various organizations such as the Museum, Community Archives, Chamber of Commerce and the City of Nanaimo. As Bill Merilees notes in his nomination letter, a great many residents of Nanaimo not only enjoyed his material but also had their appreciation of Nanaimo enriched as well.

### **Heritage Building Rehabilitation Award Recommendations**

At its regular meeting held 2011-MAR-02, the Heritage Commission reviewed a number of heritage building rehabilitation projects completed in 2010/11 with assistance from the City's Heritage Façade Improvement Grant Program and the Heritage Home Grant Program. The Commission also looked at publicly owned heritage rehabilitation projects completed in the past two years. Of these, the following were considered to be particularly noteworthy and deserving of recognition by the City:

- The Bastion (98 Front Street);
- Harris House (375 Franklyn Street); and
- Harrison Residence (546 Prideaux Street).

### **Request for Endorsement**

If endorsed by Council, the Heritage Commission will present the John Thomson Memorial Heritage Award to John Cass and the Heritage Building Rehabilitation awards to the owners of the above-noted properties at the City of Nanaimo Awards Luncheon scheduled 2011-MAY-18.

Respectfully submitted,



William E. Gard, Chair,  
Nanaimo Community Heritage Commission

CS/rt  
g:\commplan\admin\2011\nchc heritage awards.doc  
Council: 2011-May-02

# "IN CAMERA"

REPORT TO: MAYOR AND COUNCIL

FROM: DIANA JOHNSTONE, CHAIR, PARKS, RECREATION AND CULTURE COMMISSION

RE: PROPOSED DISPOSITION OF LAND FROM LOUDON WALKWAY TO RECTIFY ENCROACHMENT ISSUES AT 4044 APSLEY AVENUE

---

## RECOMMENDATION:

That Council authorize an alternate approval process to dispose of land from the Loudon Walkway.

## EXECUTIVE SUMMARY:

At their "In Camera" meeting of 2011-APR-27, the Parks, Recreation and Culture Commission passed a motion supporting the recommendation that Council authorize an alternate approval process to dispose of land from the Loudon Walkway.

## BACKGROUND:

At the 2011-MAR-23 "In Camera" Parks, Recreation and Culture Commission meeting, the matter of the disposition of 250 square meters of the Loudon Walkway to rectify an outstanding encroachment at 4044 Apsley Avenue was referred to the Parks Committee for review, including a site visit and report back to Commission with a recommendation.

The property owner, \_\_\_\_\_, appeared as a delegation and requested that Commission provide approval in principle of the disposition of a portion of the Loudon Walkway land so that the corner of the house, carport and deck no longer encroach upon the Loudon Walkway. He also requested that the land above the 113 meter contour mark be included. Attachment A illustrates the proposed land disposal.

At their meeting of 2011-APR-14 and following a site visit on 2011-MAR-29 the Parks Committee recommends that the Parks, Recreation and Culture Commission recommend that Council authorize an alternate approval process to dispose of land from the Loudon Walkway. The Parks Committee is supportive of this request because there is a steep bank between the Loudon Walkway and the property and the difference in elevation between the house and the trail creates a distinction between public and private space.

The Loudon Walkway is deemed to be parkland and as such a disposal will require the adoption of a bylaw with the approval of the electors, pursuant to Section 88 of the Community Charter. The disposition will have no impact on the public's use and enjoyment of the Loudon Walkway.

## BACKGROUND:

The Loudon Walkway was originally dedicated as part of the Wellington subdivision as Lake Road. This roadway was never developed as a road. The full length of the roadway, which is immediately adjacent to Long Lake, was discontinued and closed by Council in 1983 and was cited as "Loudon Walkway and Park Reservation Bylaw 1983 No. 2671".

For years there have been many private property owners with improvements encroaching upon the Loudon Walkway lands. The City has sought to resolve the situation by requesting property owners to either remove their encroaching improvements or enter into Encroachment Agreements with the City.

Committee \_\_\_\_\_  
 Open Meeting  
 In-Camera Meeting  
Meeting Date: 2011-MAY-02

The goal has been to document the encroachments and address liability issues. Of the eleven properties with encroachments, two owners have executed Agreements and six have removed the encroachments from the Walkway lands.

4044 Apsley Avenue has been owned by the \_\_\_\_\_ family since 1972. \_\_\_\_\_ is one of three remaining property owners with encroachments without an executed Encroachment Agreement.

The subject property is a 241 square meter lot created as part of the Wellington subdivision in the early 1890's. It is triangular in shape and is located on the north side at the end of Apsley Avenue. The house was built in 1946 prior to the establishment of today's minimum lot size requirements. A carport, deck and an addition to the house were added over the years. A corner of the house and a portion of the deck and carport were not correctly located within the legal lot boundaries. No building permits for the improvements to the property were transferred to the City upon Wellington incorporating with the City.

At the "In Camera" Council meeting of 2004-NOV-24, the property owner approached Council to acquire a portion of the Loudon Walkway to rectify the encroachment issues. Council did not approve the disposition because there was uncertainty over the community's vision for Loudon Walkway.

In November 2006, the Parks, Recreation and Culture Commission adopted the Loudon Park and Loudon Trail Improvement Plan. Through the planning process, Staff worked with park user groups and residents to determine necessary and desired facility upgrades. As a result of the planning process, there is a broad consensus of how the trail way will be used in the future. The lands at 4044 Apsley have not been identified for public use.

With the completion of the Loudon Trail Improvement Plan, the owner of 4044 Apsley wishes to reopen the dialogue regarding a possible disposition. The lands identified in Attachment A are approximately 250 square meters.

The Parks Committee is supportive of this concept, as the land is above the 113 meter contour line, which is 3 meters above the trail. A policy of disposing of the land above the 113 meter contour line could be applied to the other properties that have encroachment issues (two additional properties would be eligible).

The disposition will require Council to authorize an alternate approval process under Section 88 of the Community Charter.

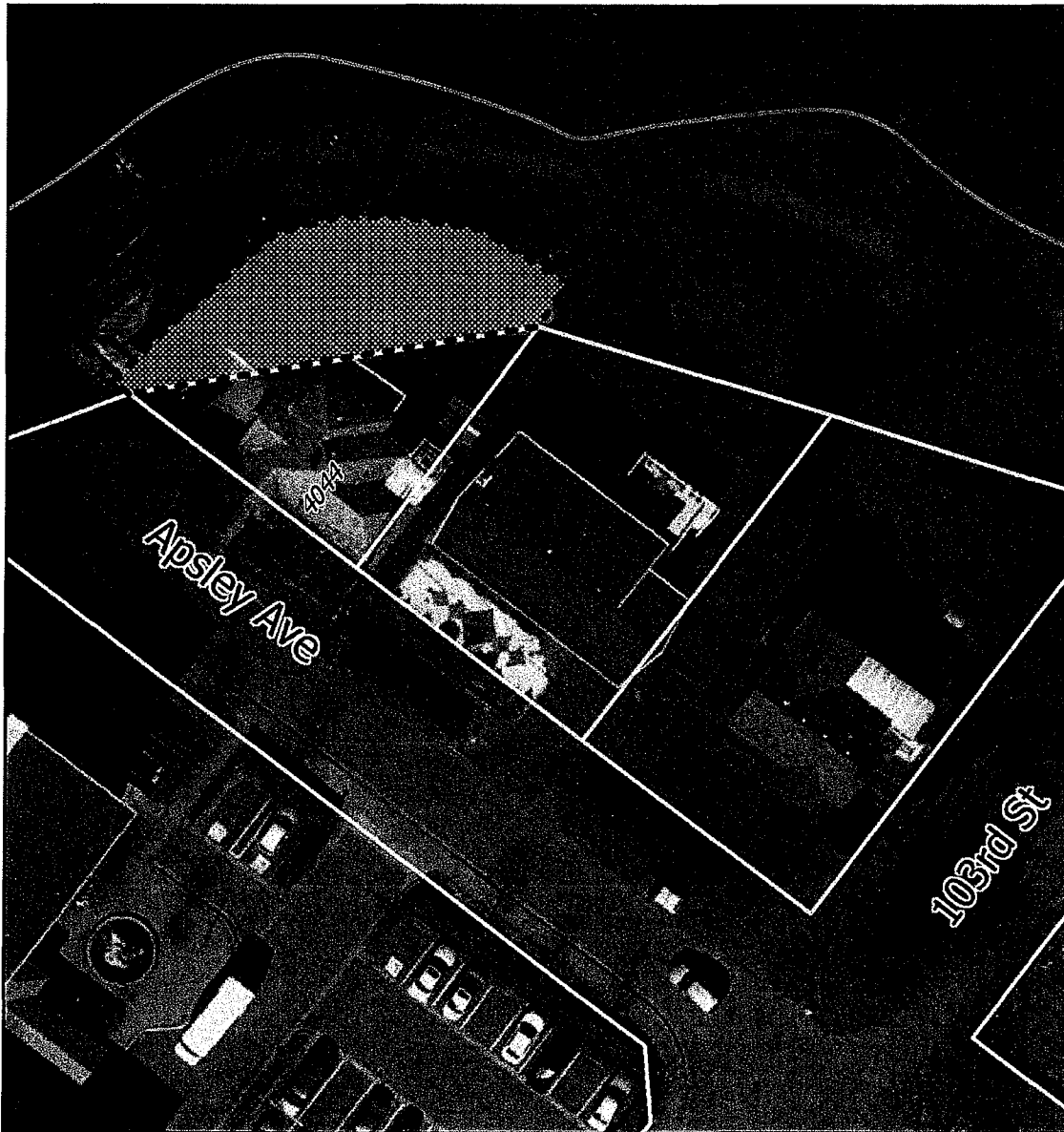
The property owner will be responsible for all costs including land acquisition, a professional appraisal, legal and survey work.

Respectfully submitted,



Diana Johnstone, Chair  
Parks, Recreation and Culture Commission

Attachment A



**Proposed Land Disposal  
LOCATION PLAN**

Civic: 4044 Apsley Avenue



**"IN CAMERA"****REPORT TO: COUNCIL**

FROM: CHAIR, ADVISORY COMMITTEE ON ENVIRONMENTAL SUSTAINABILITY

RE: 2011 GREEN NANAIMO AWARDS

**COMMITTEE'S RECOMMENDATION:**

That Council approve the following recipients of the 2011 Green Nanaimo Awards, and that the awards be presented at an Awards Luncheon to be held Wednesday, 2011-MAY-18.

**EXECUTIVE SUMMARY:**

The purpose of this report is to seek Council's approval of the Advisory Committee on Environmental Sustainability's (ACES) recommendations regarding recipients of the 2011 Green Nanaimo Awards. The Committee recommends that the awards be given to the following recipients:

|   | <b>Recipient</b>  | <b>Category</b>                         | <b>Achievement</b>   |
|---|---|---|--|
| 1 | Nancy Mackin & Robert Mackin-Lang                           | Green Design (Residential)              | Residential Home on 19 Captain Kidd's Terrace                                      |
| 2 | Island West Coast Developments                              | Green Design (Commercial)               | Commercial Office on 2214 McCullough Road  |
| 3 | Anna Dodds<br>Nanaimo Foodshare Network Society             | Green Home / Neighbourhood              | For the Park Avenue Community School Garden  |
| 4 | Jim Harris<br>Protection Island Community Garden            | Green Home / Neighbourhood              | For the Protection Island Community Garden (DIGS) and the "Little Diggers" Program |
| 5 | Charles Thirkill<br>Fisheries Technician / Environmentalist | Environmental Awareness                 | For Raising Environmental Awareness and Understanding Throughout the Community     |
| 6 | Gord Graham<br>Biology Teacher                              | Environmental Awareness                 | For Coordination of the Dover Bay Secondary School Eco Club                        |
| 7 | Nanaimo Recycling Exchange                                  | Environmental Awareness                 | For Nanaimo's 2010 Environmental Mind Grind Program                                |
| 8 | Nanaimo and Area Land Trust (NALT)                          | Environmental Awareness                 | For the Edible Wild Plant Project  |
| 9 | Ron Hartman, iDUS Controls Ltd.                             | Green Design (Product) with Distinction | For Innovation in Design and Development of Water Conservation Products            |

**BACKGROUND:**

The Green Nanaimo Awards (formerly called Environment Achievement Awards from 1999 to 2005) are given out to recognize individuals, businesses, schools and organizations from all over the City that make valuable contributions towards protecting and enhancing Nanaimo's natural environment. The awards have been presented in 1999-2005, 2006, 2007 and 2009.

Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
 Meeting Date: 2011-MAY-02

Nominations were solicited throughout the community in March and April, with a deadline of 2011-APR-11. During a special meeting held 2011-APR-18, the Committee reviewed the nominations based on their environmental benefit to the City; the level of creativity, originality and innovation of the nomination; and the overall impact on the community. Building nominations in the "Green Design" category are also reviewed by the Design Advisory Panel (DAP) before being recommended to Council.

If approved by Council, the Green Nanaimo Awards will be presented to the above noted recipients at an Awards Luncheon to be held Wednesday, 2011-MAY-18.

Respectfully submitted,



Meg Savory, Chair (April)  
Advisory Committee on Environmental Sustainability

RL/rt  
g:\commplan\admin\2011\ACES Green Awards IC.doc  
Council/FPCOW Date: 2011-MAY-02  
Deadline: 2011-APR-22

# “IN CAMERA” REPORT

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

**FROM: I. HOWAT, DIRECTOR OF STRATEGIC RELATIONSHIPS**

**RE: ANNEX REPLACEMENT UPDATE**

---

## RECOMMENDATION:

That Council receive this report for information.

## EXECUTIVE SUMMARY:

Council passed the following resolutions at an “In Camera” meeting held 2011-MAR-07:

“It was moved and seconded that Council direct Staff to proceed with construction of a new building at 411 Dunsmuir Street by entering into a contract with ICI/Windley Contracting to construct the building for a price of \$11,875 million, with a total budget of \$15.7 million, including taxes, fees, contingency funds, and furniture, fixtures and equipment. The motion carried.

It was moved and seconded that Council fund construction of the building through borrowing (up to \$4 million) and reserves, as outlined in this report. The motion carried.

It was moved and seconded that Council direct staff to prepare a report on future uses for the existing City Hall Annex at 238 Franklyn Street. The motion carried unanimously.”

This report is to provide Council with an update on the status of the direction provided to staff.

## BACKGROUND:

Since the meeting of 2011-MAR-07, staff have been working on ensuring that we have performed due diligence on the contract and the specifications of the building that we would be contracting ICI/Windley to design and build for the City. We are finalizing the contract and it will be ready to be executed within the week.

Following the execution of the contract, there are several issues that are identified to be potential change orders. These are:

1. Currently the building is to be built to LEEDS Gold standard. Staff have not concluded with the design-builder the financial order of magnitude of building to LEEDS Gold but not proceeding with certification. This is not an issue that should hold up the execution of the contract documents, so once the financial implications are fully understood, staff will report to Council seeking direction on whether to proceed to certification. This would result in a change order to reduce the cost of the contract.
2. The building is currently specified to be built to meet current building code requirements, however as previously discussed by Council; there is an opportunity to upgrade the building to meet post-disaster standards. This would be a change order funded out of the existing contingency established by Council. To date, we have an order of magnitude of \$250–300,000 but these costs must be confirmed and specifications written before we can return to Council with a recommendation to proceed with this design change.

Staff will be conducting an intensive space planning exercise to include all departments including those currently occupying the main City Hall building. A desired outcome of this process is to gain improvements in service to the public and interaction of departments. This exercise might result in the relocation of some services currently in City hall to the new Annex and some services in the Annex moving to City Hall.

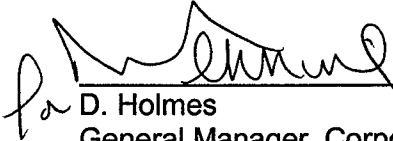
Based on our current assumptions it is expected that the building will be ready for occupancy by the fall of 2012.

Staff have drafted a proposed press release for Council's consideration. If Council is satisfied with the general intent of the message, staff recommend that the press release be released to the public following a general announcement by the Mayor during the open meeting of 2011-MAY-02.

As staff work through the key issues identified above, follow up reports will come to Council for further direction.

Respectfully submitted,

  
\_\_\_\_\_  
I. Howat  
Director of Strategic Relationships

  
\_\_\_\_\_  
for D. Holmes  
General Manager, Corporate Services

2011-MAY-02

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, 2011-MAY-02, COMMENCING AT 9:30 A.M.

---

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

Members: Councillor W. L. Bestwick  
Councillor G. E. Greves  
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

Staff: A. C. Kenning, City Manager  
D. W. Holmes, Assistant City Manager and General Manager of  
Corporate Services  
T. M. Hickey, General Manager of Community Services  
I. Howat, Director of Strategic Relationships  
T. L. Hartley, Director of Human Resources and Organizational Planning  
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  
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 9:30 a.m.

2. PROCEDURAL MOTION:

04511 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;
- (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:

04611 It was moved and seconded that the Agenda be adopted. The motion carried unanimously.

4. ADOPTION OF MINUTES:

04711 It was moved and seconded that the Minutes of the "In Camera" Meeting of Council held Monday, 2011-APR-11 at 9:30 a.m. in the City Hall Board Room, 455 Wallace Street, Nanaimo, BC be adopted as circulated. The motion carried unanimously.

5. COMMISSION REPORTS:

(a) Nanaimo Community Heritage Commission – Heritage Awards

04811 It was moved and seconded that Council endorse the following heritage awards and direct the Nanaimo Community Heritage Commission to present them at the City of Nanaimo Awards Luncheon scheduled for 2011-MAY-18:

1. Mr. John Cass as the recipient of the John Thomson Heritage Memorial Award; and,
2. Heritage Building Rehabilitation Awards for:
  - The Bastion (98 Front Street);
  - Harris House (375 Franklyn Street); and,
  - Harrison Residence (546 Prideaux Street).

The motion carried unanimously.

(b) Parks, Recreation and Culture Commission – Proposed Disposition of Land from Loudon Walkway to Rectify Encroachment Issues at 4044 Apsley Avenue

04911 It was moved and seconded that Council authorize an alternative approval process to dispose of land from the Loudon Walkway. The motion carried unanimously.

05011 It was moved and seconded that Council direct Staff to prepare a report regarding the Alternative Approval Process (AAP) for consideration at an open Council Meeting. The motion carried unanimously.

6. COMMITTEE REPORTS:

- (a) Advisory Committee on Environmental Sustainability – 2011 Green Nanaimo Awards

05111 It was moved and seconded that Council approve the following recipients of the 2011 Green Nanaimo Awards, and that the awards be presented at an Awards Luncheon to be held Wednesday, 2011-MAY-18:

|   | Recipient   | Category                                | Achievement  |
|---|---|---|--|
| 1 | Nancy Mackin & Robert Mackin-Lang                           | Green Design (Residential)              | Residential Home on 19 Captain Kidd's Terrace                                      |
| 2 | Island West Coast Developments                              | Green Design (Commercial)               | Commercial Office on 2214 McCullough Road  |
| 3 | Anna Dodds<br>Nanaimo Foodshare Network Society             | Green Home / Neighbourhood              | For the Park Avenue Community School Garden  |
| 4 | Jim Harris<br>Protection Island Community Garden            | Green Home / Neighbourhood              | For the Protection Island Community Garden (DIGS) and the "Little Diggers" Program |
| 5 | Charles Thirkill<br>Fisheries Technician / Environmentalist | Environmental Awareness                 | For Raising Environmental Awareness and Understanding Throughout the Community     |
| 6 | Gord Graham<br>Biology Teacher                              | Environmental Awareness                 | For Coordination of the Dover Bay Secondary School Eco Club                        |
| 7 | Nanaimo Recycling Exchange                                  | Environmental Awareness                 | For Nanaimo's 2010 Environmental Mind Grind Program                                |
| 8 | Nanaimo and Area Land Trust (NALT)                          | Environmental Awareness                 | For the Edible Wild Plant Project  |
| 9 | Ron Hartman, iDUS Controls Ltd.                             | Green Design (Product) with Distinction | For Innovation in Design and Development of Water Conservation Products            |

The motion carried unanimously.

7. INFORMATION ONLY ITEMS:

- (a) Report from Ms. J. E. Harrison, Manager, Legislative Services, re: Quarterly Claims Report – Period Ending 2011-MAR-31.
- (b) Report from Mr. I. Howat, Director of Strategic Relationships, re: Annex Replacement Update.

8. ADJOURNMENT:

05211 It was moved and seconded at 10:35 a.m. that the "In Camera" Meeting terminate.  
The motion carried unanimously.

05311 It was moved and seconded at 10:35 a.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, 2011-MAY-09, COMMENCING  
IMMEDIATELY FOLLOWING THE SPECIAL OPEN MEETING OF COUNCIL

---

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:

COMMUNITY SERVICES:

(a) Larry McNabb Sports Zone

Pg. 3-4

Staff's Recommendations: That Council:

1. *approve the designation of the Third Street Sports Zone to the Larry McNabb Sports Zone;*

*AND:*

2. *announce the 2011-MAY-28 dedication of the Larry McNabb Sports Zone at the next Open Meeting of Council to be held on 2011-MAY-16.*

10. INFORMATION ONLY ITEMS:

- (a) Report from Mr. K. Krastel, Chair, Design Advisory Panel, re: Design Awards – 2009 / 2010.

Pg. 5-6

11. **CORRESPONDENCE:**

12. **OTHER BUSINESS:**

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

# "IN CAMERA" STAFF REPORT

REPORT TO: MAYOR & COUNCIL

FROM: RICHARD HARDING, DIRECTOR, PARKS, RECREATION & CULTURE

RE: LARRY MCNABB SPORTS ZONE

---

RECOMMENDATIONS: That Council:

1. approve the designation of the Third Street Sports Zone to the Larry McNabb Sports Zone; and,
2. announce the 2011-MAY-28 dedication of the Larry McNabb Sports Zone at the next Open Meeting of Council to be held on 2011-MAY-16.

BACKGROUND:


The Sports Zone, located on Third Street, is home to the Nanaimo Aquatic Centre, Nanaimo Ice Centre, Serauxmen Fields and the Rotary Field House. Councilor Larry McNabb displayed an intense passion to make the Sports Zone and the facilities located within the sports zone a reality for the citizens of Nanaimo.

At the 2011-JAN-17 "In Camera" Finance / Policy Committee of the Whole meeting, it was moved and seconded that Council proceed with the Larry McNabb Sports Zone Project.

There will be ten figures representing various sports placed along Third Street between Nanaimo Ice Centre and the Rotary Field House (lacrosse, mountain biking, football, baseball, hockey, swimming, figure skating, soccer, track and field, family park use walking). In addition to the ten sports figures, an additional figure will be placed in front of the Nanaimo Ice Centre depicting and honoring Larry McNabb. Attached is a map showing the location of the sport figures. Pictures of all sports figures and the two gateway features will be available at the meeting for review. Bases for the figures are already in place. Installation will commence two weeks prior to the dedication event starting on 2011-MAY-17 so that all will be in place by the 2011-MAY-28 dedication.

The unveiling of the newly-named Larry McNabb Sports Zone has been planned for Saturday, 2011-MAY-28, at the Nanaimo Ice Centre. Mayor, City Council, Parks, Recreation & Culture Commission, Mr. McNabb's family, media and the public will be invited to the unveiling of the Larry McNabb Sports Zone figure, followed by a reception at the Nanaimo Ice Centre.

Respectfully submitted,



Richard Harding  
Director, Parks, Recreation & Culture

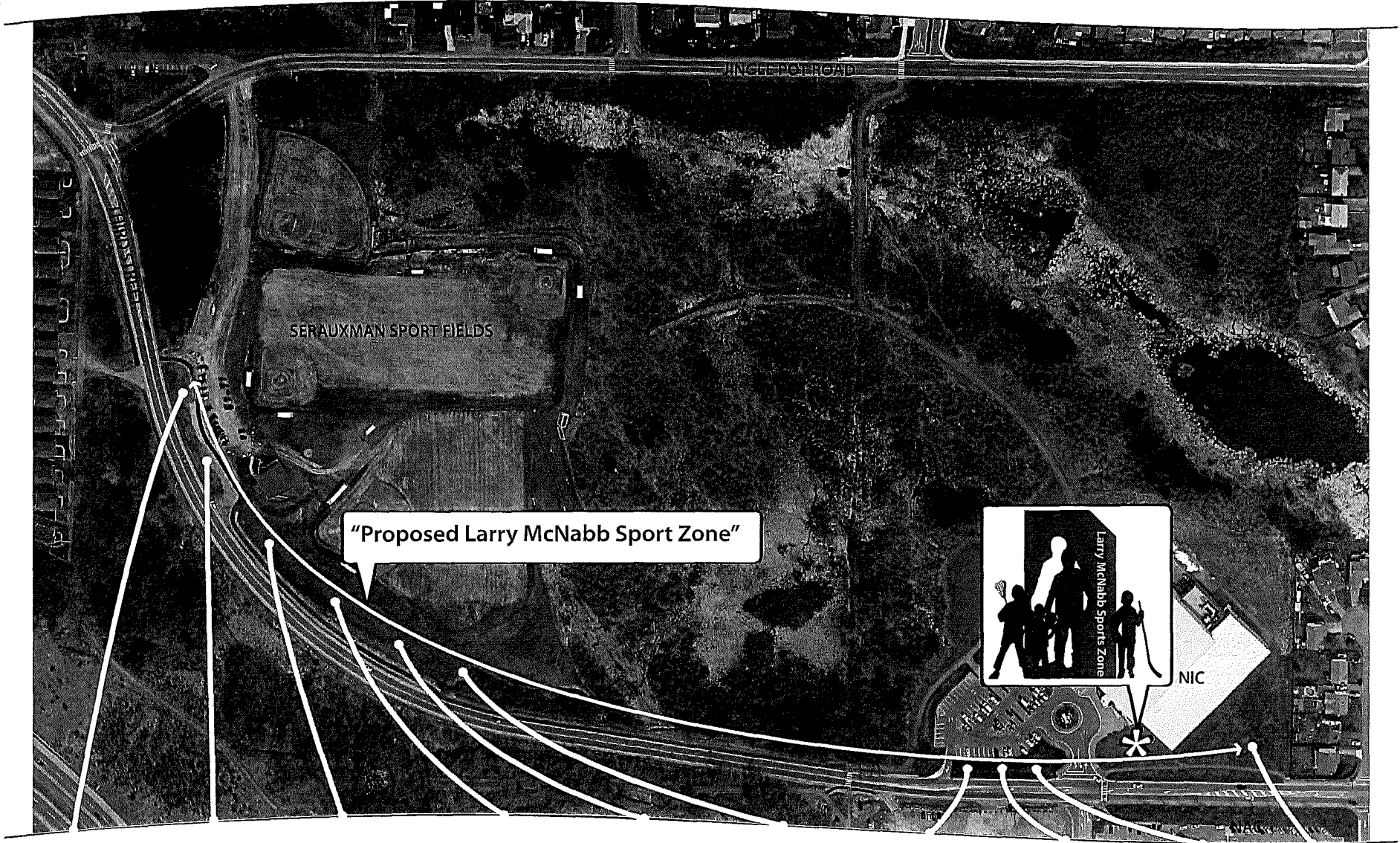
Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
Meeting Date: 2011-MAY-09

Attachment - Map

2011-MAY-04

File: A4-1-2 / C-9 / H11-2

G:\Admin\AdminIC\icStaff Reports to Council\2011\icRPT110509LarryMcNabbSportsZone.docx



"Proposed Larry McNabb Sport Zone"



CYCLING



SOCCER



BASEBALL



FOOTBALL



LACROSSE



TRACK



WALKING



FIGURE SKATING



HOCKEY



SWIMMING

# “IN CAMERA”

## FOR INFORMATION ONLY

REPORT TO: MAYOR AND COUNCIL

FROM: KEVIN KRASTEL, CHAIR, DESIGN ADVISORY PANEL

RE: DESIGN AWARDS - 2009/2010

STAFF'S RECOMMENDATION:

That Council receives the report for information.

EXECUTIVE SUMMARY:

The role of the Design Advisory Panel (DAP) is to review development proposals and make recommendations with respect to form and character. The Panel encourages and recognizes outstanding design in the community at a bi-annual Advisory Committee Awards luncheon.

BACKGROUND:

DAP reviewed all development permit projects completed within the past two calendar years (2009/2010) at its meeting held 2011-APR-28 and motioned to recognize the following projects with an award:

| <b>INDUSTRIAL DEVELOPMENTS</b>     |                      |  |
|------------------------------------|----------------------|--|
| DP000568                           | 2214 McCullough Road | Will Melville, Designer<br>Broad Commercial Management Inc.,<br>(Greg & Troy-Anne Constable) Developer |
| <b>MIXED-USE DEVELOPMENTS</b>      |                      |  |
| DP000311                           | 1406 Jinglepot Road  | Will Melville, Designer<br>Foad Rafii, Architect<br>Insight Developments, (Doug Bromage) Developer     |
| <b>MULTI-FAMILY DEVELOPMENTS</b>   |                      |  |
| DP000373                           | 347 Seventh Street   | Ian Niamath, Architect<br>Jolyon Brown, Architect<br>553080 BC Ltd., Developer                         |
| <b>SOCIAL HOUSING DEVELOPMENTS</b> |                      |  |
| DP000460                           | 2104 Bowen Road      | Will Melville, Designer<br>Don Brown, Architect<br>Nanaimo Affordable Housing Society                  |

Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
 Meeting Date: 2011-MAY-09

The recipients will be presented with an award at the Advisory Committee Awards luncheon to be held on 2011-MAY-18 at the Oliver Woods Community Centre.

Respectfully submitted,



---

Kevin Krastel, Chair  
Design Advisory Panel

/hd

Council: 2011-MAY-09

File: g:\devplan\files\admin\0360\20\P02\11\2011

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, 2011-MAY-16, COMMENCING AT 9:30 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, 2011-MAY-02 at 9:30 a.m. in the City Hall Board Room. *Pg. 3-6*
- (b) Minutes of the Special "In Camera" Meeting of Council held Monday, 2011-MAY-09 at 5:02 p.m. in the City Hall Board Room. *Pg. 7-9*

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 2011-MAR-23** *Pg. 10-13*

*Commission's Recommendation: That Council receive the Minutes of the "In Camera" Parks, Recreation and Culture Commission meeting held 2011-MAR-23.*

8. **COMMITTEE REPORTS:**

- (a) **Appointments to the Social Planning Advisory Committee** *Pg. 14-35*

*Committee's Recommendation: That Council appoint two community at-large members to fill vacancies on the Social Planning Advisory Committee (SPAC) from the applicants listed below:*

9. **STAFF REPORTS:**

10. **INFORMATION ONLY ITEMS:**

- (a) Report from Mr. B. Corsan, Manager of Real Estate, re: Renewal of Nanaimo Yacht Club Lease. *Pg. 36-38*

11. **CORRESPONDENCE:**

12. **OTHER BUSINESS:**

- (a) Mr. Ian Howat, Director of Strategic Relationships, to provide a verbal update
- (b) Mr. Ian Howat, Director of Strategic Relationships, to provide a verbal update re: Hotel.

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, 2011-MAR-23, COMMENCING AT 8:22 P.M.**

---

PRESENT: Commissioner D. Johnstone, Chair

Members: Commissioner F. Pattje  
Commissioner L. Avis  
Commissioner D. Burnett  
Commissioner B. Dempsey  
Commissioner S. Lance  
Commissioner B. Meunier  
Commissioner B. Sparkes  
Commissioner M. Young

Regrets: Commissioner J. Cowling  
Commissioner J. Kipp  
Commissioner G. Rudischer

Staff: S. Samborski J. Ritchie  
R. Tweed, recording

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

The "In Camera" Meeting was called to order at 8:22 p.m.

2. INTRODUCTION OF LATE ITEMS:

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, 2011-JAN-26, at 8:54 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:

- (a) Presentation to the Parks, Recreation and Culture Commission by Bill Corsan, Manager, Real Estate, Community Safety & Development, on the proposed disposition of a portion of Loudon Walkway to rectify an outstanding encroachment at 4044 Apsley Avenue.

6. DELEGATIONS:

- (a) requesting that the Parks, Recreation and Culture Commission approve a partial disposition of Loudon Walkway to rectify an outstanding encroachment of his property on the Walkway.

advised that it has been very difficult to obtain historical records and that they would like to have property line amended to move it from its current position and they are prepared to pay the costs of this as well as the cost of purchasing the property.

Commission question Staff with regard to the alternative approval process and asked when the matter goes out to the general public is the value stated – Staff responded in the affirmative.

There is an approximate 3 meter drop between the back yard and the Walkway and there have been issues with maintenance of the embankment.

7. CHAIRMAN'S REPORT:

- (a) Naming of Nanaimo BMX Park to "Marie Davidson BMX Park" - status.

The Chair provided a brief up date under Item 15.

8. REPORTS OF ADVISORY BODIES: (None.)

9. STAFF REPORTS:

(a) **Proposed Disposition Of Land From Loudon Walkway To Rectify Encroachment Issues At 4044 Apsley Avenue.**

*Staff's Recommendation: That the Parks, Recreation and Culture Commission refer the matter of the disposition of 250 sq m of the Loudon Walkway to rectify an outstanding encroachment at 4044 Apsley Avenue to the Parks Committee for review, including a site visit, and report back to Commission with a recommendation.*

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

10. INFORMATION ONLY ITEMS (staff reports):

(a) **Proposed Acquisition Of 175 Pryde Avenue For Parks Purposes.**

*Staff's Recommendation: That the Parks, Recreation and Culture Commission receive the Report.*

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

11. CORRESPONDENCE: (Action)

12. NOTICE OF MOTION: (None.)

13. CONSIDERATION OF OTHER BUSINESS: (None.)

14. BUSINESS ARISING FROM DELEGATIONS:

(a) - Outstanding Encroachment on Loudon Walkway.

Dealt with under Item 9. – to be moved to “Unfinished Business” pending the outcome of the Parks Committee recommendation.

15. UNFINISHED BUSINESS:

- (a) Naming of Nanaimo BMX Park to “Marie Davidson BMX Park”.
- (b) Nanaimo Centre Stage – Sponsorship Naming Benefit for Fund Raising.

It was moved and seconded that Item 15.(a), Naming of Nanaimo BMX Park to “Marie Davidson BMX Park”, be removed from Unfinished Business. The motion carried unanimously.

16. QUESTION PERIOD: (No questions.)

17. ADJOURNMENT:

It was moved and seconded at 8:47 p.m. that the "In Camera" meeting adjourn, with the next "In Camera" Meeting of Commission to be held, if required, Wednesday, 2011-APR-27, in the Bowen Park Complex Conference Room; following adjournment of the regular Commission meeting.

The motion carried unanimously.

CERTIFIED CORRECT:



---

D. Johnstone, Chair  
Parks, Recreation and Culture Commission



---

Suzanne Samborski for:  
R. Harding, Director  
Parks, Recreation and Culture

# "IN CAMERA"

REPORT TO: ANDREW TUCKER, DIRECTOR OF PLANNING  
COMMUNITY SAFETY & DEVELOPMENT

FROM: BRUCE ANDERSON, MANAGER OF COMMUNITY PLANNING  
COMMUNITY SAFETY & DEVELOPMENT

RE: APPOINTMENTS TO SOCIAL PLANNING ADVISORY COMMITTEE

STAFF'S RECOMMENDATION:

That Council appoint two community-at-large members to fill vacancies on the Social Planning Advisory Committee (SPAC) from the list of applicants below.

EXECUTIVE SUMMARY:

SPAC is composed of nine members representing the community-at-large as well as one member each from the Parks, Recreation and Culture Commission and School District #68. The City recently received notification from two of its community-at-large members, Adam Evans and Jane Templeman, that they were resigning from their positions. The positions were advertised with a closing date of 2011-Apr-29 and six applications were received. Council is requested to select two candidates from the list below to serve on the Committee until 2012-Mar-31.

BACKGROUND:

The vacant positions on SPAC were advertised and the following applications were received:

Applications are attached. Council is requested to appoint two community-at-large members to SPAC for a term ending 2012-Mar-31.

Respectfully submitted,



Bruce Anderson, Manager  
Community Planning  
Community Safety & Development

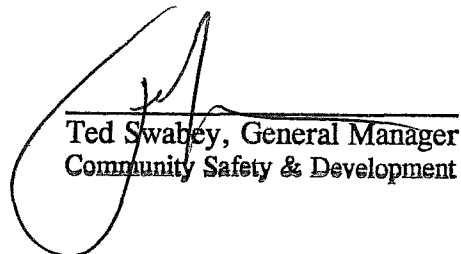


Andrew Tucker, Director  
Planning  
Community Safety & Development

/ch  
g:\commplan\admin\Council Rpts\2011\SPAC\_appointments\_IC  
Council Date: 2011-May-16 "I-C"

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

Meeting Date: 2011-MAY-16

  
Ted Swabey, General Manager  
Community Safety & Development

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

REPORT TO: ANDREW TUCKER, DIRECTOR OF PLANNING  
COMMUNITY SAFETY & DEVELOPMENT

FROM: BILL CORSAN, MANAGER OF REAL ESTATE  
COMMUNITY SAFETY & DEVELOPMENT

RE: RENEWAL OF NANAIMO YACHT CLUB LEASE

STAFF'S RECOMMENDATION:

That Council receives this report for information.

EXECUTIVE SUMMARY:

The Nanaimo Yacht Club (NYC) leases 86,685 ft<sup>2</sup> (1.99 acres) of land and water from the City of Nanaimo. The property is located at 380, 400 and 1-400 Newcastle Avenue.

The current Lease Agreement commenced on 2007-MAR-01 and ends on 2011-DEC-31. The lessee has the option of renewing the Agreement for an additional five years, subject to a rent review. Presently, NYC pays \$106,886.00 per annum for the lease area, or \$8,907.17 per month.

City Staff met with representatives from the NYC who indicated that they wish to exercise the renewal option. Staff will assemble the information necessary for the rent review and report back to Council once this information is available.

BACKGROUND:

The NYC has been in existence for 75 years and for the past 35 years has leased City-owned property. The leased land comprises 86,685 ft<sup>2</sup> (1.99 acres) of land and water located at 380, 400 and 1-400 Newcastle Avenue and illustrated in Attachment A. The NYC also leases a large area of foreshore from the Nanaimo Port Authority.

In 2007, the NYC began to pay market rent for the leased lands. Previously the NYC had leased the land for a nominal \$1.00 per annum. The NYC currently pays an annual rent of \$106,886.00, paid monthly at a rate of \$8,907.17. The rent was calculated based on the following:

- Council
- Committee.....
- Open Meeting
- In-Camera Meeting
- Meeting Date: 2011-MAY-16

|  |                      |
|--|----------------------|
| Appraised Value of Property                  | \$ 2,310,000.00      |
| Less Value of Waterfront Walkway             | \$ 172,289.00        |
| Net Appraised Value of Property              | \$ 2,137,711.00      |
| Yield Rate of Asset (Cap Rate)               | 6.0%                 |
| <b>Annual Rental Rate</b>                    | <b>\$ 128,263.00</b> |
| NYC Benefit to the Community (1.0% Annually) | \$ 21,377.00         |
| <b>Adjusted Annual Rent</b>                  | <b>\$ 106,886.00</b> |

The Lease Agreement has a term of 4 years and 10 months, commencing on 2007-MAR-01 and ending on 2011-DEC-31. The Lease has five renewal terms, each consisting of five years and retaining the same terms and conditions with the exception of the annual rental amount. The first renewal term runs from 2012-JAN-01 to 2016-DEC-31.

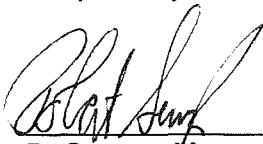
Staff met with representatives from the NYC on 2011-APR-28. NYC indicated its intention to exercise the first renewal option.

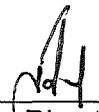
Staff will work with the NYC to determine the proposed rent for the first five-year renewal term based on the calculation used in the previous term. This calculation will be based on the following:

- The market value of the property based on an appraisal to be undertaken;
- Yield rate to be set by Council; and
- Community Benefit calculation, to be set by Council.

Staff will report back with a recommendation for the rental amount once the information has been assembled. It is anticipated that this information will be ready in July 2011.

Respectfully submitted,

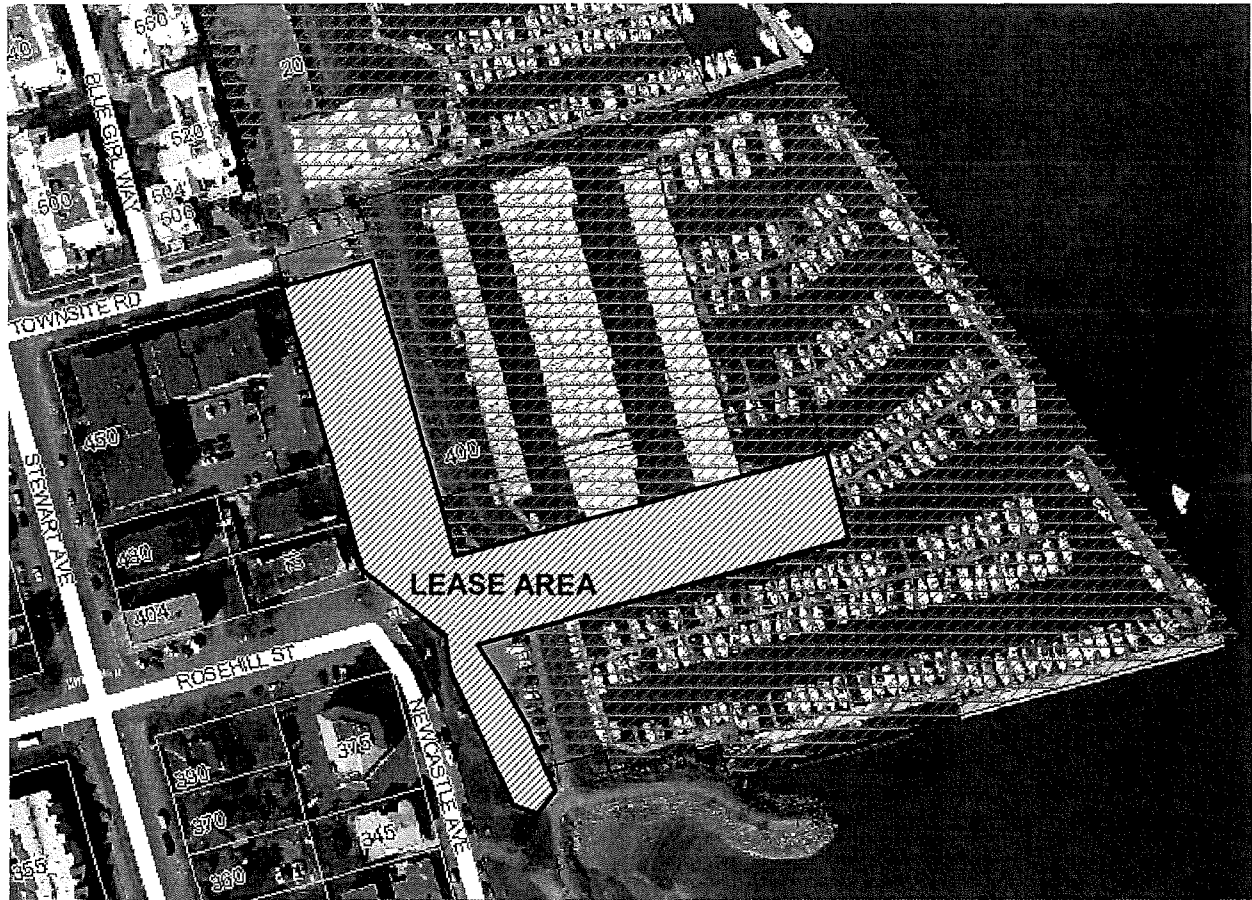
  
 B. Corsan, Manager  
 Real Estate

  
 A. Tucker, Director  
 Planning

  
 T. Swabey, General Manager  
 Community Safety & Development

BC/tl  
 Prospero: LD00323  
 "IC" Council: 2011-May-16

ATTACHMENT A



Map of Lease Area  
380, 400 and 1-400 Newcastle Avenue  
LD000323



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, 2011-MAY-30, COMMENCING AT 9:30 A.M.

---

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:

COMMUNITY SERVICES:

(a) **Status of Emergency Water Supply Agreement**

Pg. 3-4

Staff's Recommendations: That Council:

1. *authorize pre-purchase of materials for tie-in construction during this year's mill shut-down;*

AND:

2. *indicate its support for the general conditions of the agreement to share water via the emergency water connection now being negotiated.*

10. **INFORMATION ONLY ITEMS:**

- (a) Report from Mr. D. Holmes, Assistant City Manager/General Manager of Corporate Services, re: New City Annex. *Pg. 5-6*
- (b) Verbal report from Chief R. Lambert, Nanaimo Fire Rescue, re: Boarding Houses.

11. **CORRESPONDENCE:**

12. **OTHER BUSINESS:**

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

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

# "IN CAMERA" STAFF REPORT

REPORT TO: TOM HICKEY, GENERAL MANAGER, COMMUNITY SERVICES

FROM: BILL SIMS, MANAGER, WATER RESOURCES

RE: STATUS OF EMERGENCY WATER SUPPLY AGREEMENT

---

## STAFF'S RECOMMENDATION:

That Council:

1. authorize pre-purchase of materials for tie-in construction during this year's mill shut-down;
2. indicate its support for the general conditions of the agreement to share water via the emergency water connection now being negotiated.

## EXECUTIVE SUMMARY:

At its In Camera meeting of 2010-SEP-13, Council directed staff to negotiate the purchase of a right-of-way for an emergency water supply interconnection. Appraisal of the right-of-way, drafting of offer and negotiation is ongoing. On 2011-MAR-21, Council awarded the design of the interconnecting pipeline to Koers & Associates Engineering Ltd. Design of the pipeline is nearing completion.

Construction of the pipeline is proposed to be a 50/50 cost share between Nanaimo Forest Products (NFP) and the City of Nanaimo. Total construction value is estimated at \$2.5 million.

### *Materials Pre-purchase:*

Part of the work involves a tie-in to a steel section of the mill's water supply mains; this must occur during the annual two week shutdown, beginning 2011-Oct-17. Due to long delivery times, materials for this tie-in need to be ordered five months in advance. While it would not be appropriate to release a tender for the entire project prior to securing agreement on how the water is to be shared, or securing the right-of-way, in this case, due to the time crunch, staff is recommending pre-purchasing the materials needed for the mill tie-in only. Should we wait until agreements are in place, the project would need to be delayed by one year.

One of the motivations for NFP to participate in the project is to mitigate risk of failure of their wood stave supply mains, which are at the end of their useful life. They are in the process to replace these lines. Delaying the project by a year exacerbates the risk of failure. NFP have indicated they will proceed with the materials purchase in good faith, subject to a letter of intent being provided the City. Materials cost is estimated at \$150,000, and would be shared 50/50.

### *Emergency Water Services Agreement:*

Staff have developed a positive negotiating environment with NFP staff. The basis of the Emergency Water Services Agreement is that NFP and the City would work together to share water and mitigate supply risk for either party in case of supply interruption.

The main bullet points of the draft agreement (as it stands today) are:

- Capital cost of pipeline to be shared 50/50 between NFP and City.
- Capital and operating costs of future emergency pump station to be fully covered by City (pump station is required to lift water from NFP system to City system and is planned for 2015).
- City to purchase statutory right-of-way over pipeline/pump station.

- City will own and maintain pipeline and pump station.
- NFP will provide access their property for the City to maintain and operate the pump station and pipelines.
- In the event sharing of water is required:
  - Both parties to discuss nature of requirement, volume and duration.
  - This would be subject to availability (eg. The City cannot provide meaningful quantity during times of projected shortage).
- The City will supply water to NFP at a rate of \$9453 per day at 10,000 US gallons per minute. (This cost is based on full supply system cost to the City).
- NFP will supply water to the City at a rate equivalent to their costs. (This rate is still being determined, but is anticipated to be much less than \$5000 per day at 10,000 US gallons per minute).
- Nanaimo Forest Products agree to bind successors / future ownership to the agreement.

The above draft has been forwarded to the City's legal counsel to formalize and incorporate other elements such as:

- triggers to invoke the agreement;
- duration of supply, and
- comment on the City's ability to compel compliance.

The target for completing the agreement is 2011-July-01.

*Emergency Pipeline Contract:*

Subject to successful negotiation of the agreement and right-of-way acquisition, staff propose to proceed with the tender for construction of the pipeline in mid-July 2011. The project includes connection to both NFP and City water supply systems, control mechanisms and valving, and an approximately 1 km long 750mm diameter pipeline. The total estimated project value, including construction, engineering and contingency is \$2,500,000. Of this, the materials pre-purchase value is estimated to be \$150,000 plus installation. (These materials will be used in the tie-in to the NFP main.)

BACKGROUND:

Simultaneous with the discussions on the emergency agreement, City and NFP staff have been working towards the asset valuation of the entire NFP water system. Should the City acquire the NFP water assets, the emergency water services agreement would cease to exist. The pipeline and associated infrastructure will be able to function as either a stand-alone emergency supply, or be integrated into the overall City system.

Respectfully submitted,



---

Wm Sims, Manager  
Water Resources



---

T. Hickey, General Manager  
Community Services

In Camera: 2011-May-30  
WS/fg

# **“IN CAMERA” REPORT**

**TO: NANAIMO CITY COUNCIL**

**FROM: D.W. HOLMES, ASSISTANT CITY MANAGER/  
GENERAL MANAGER, CORPORATE SERVICES**

**RE: NEW CITY ANNEX**

---

## RECOMMENDATION:

That Council receive this report for information.

## EXECUTIVE SUMMARY:

Council has resolved to replace the City Hall annex with a new City Hall annex by using a design-built contract with ICI/Windley. Staff is currently working with the design builder to achieve a building design that provides the best possible customer service and the most efficient use of space. To properly do so, staff is evaluating the placement of all departments including those currently housed in City Hall. Staff has concluded that the public and Council would be best served by locating the City Manager's Office, Legislative Services, Human Resources (HR) and Payroll in City Hall and by locating all other departments with a single customer service centre in the new City Hall annex. Staff will proceed with this option which will include some changes to City Hall if it is affordable within the current overall budget of \$15.7M.

## BACKGROUND:

Council has directed staff to build a replacement for the City Hall annex at 411 Dunsmuir Street. The creation of a purpose-built building is an opportunity to provide better public service. The public is currently served in the downtown by staff housed in the old City Hall and in the existing City Hall annex. On numerous occasions this results in either a customer having to travel between two buildings for two different services or a customer starting at one building only to find out they need to actually be served at the other building. Staff believes that this confusion and inconvenience to the customer is largely avoidable by concentrating most of the service delivery in the new City Hall annex.

There are a number of meetings such as those with the Mayor and Councillors that will continue to occur in City Hall. Similarly, those with Legislative Services will continue at City Hall. This seems logical as many of the services provided by Legislative Services are tied to the operations of Council. The placement of the City Manager's Office in City Hall will create a better opportunity for the senior leadership team to work more closely with and better support Mayor and Council. Similarly, as the finalization of Council and Committee agendas involves the Mayor's Office, the City Manager's Office and Legislative Services, this is another process that would be facilitated by these working areas being proximate to one another.

Housing the Human Resources department (HR) in the City Hall building has a number of advantages. Included in these advantages is the fact that much of HR's walk-in traffic are those people who would prefer less contact with City staff except for those who will be directly related to their meeting in HR. For example, an internal applicant going to an interview or attending testing with the hopes of moving from one City department to another often prefers to do so discretely. Similarly, an applicant for a position from outside the current City's employ but from within the community often makes their application in confidence and therefore will seek to minimize contact with people except those requisite for the testing or interview process. We also have a number of people who come to HR to work through the difficult processes associated with medical leaves and the return to work process. These discussions are best achieved with maximum discretion as they can be quite personal in nature. These objectives can be best achieved by designing an access to the HR department that is separate from the access used by the rest of the public to interface with City staff in the normal course of operations.

The Payroll department is currently situated proximate to HR. While it is overseen by and is the responsibility of the Finance department, it works most closely with HR on a day-to-day basis. Because they are currently located near HR and that is working well, we will preserve that proximity by locating Payroll in the new City Hall near HR.

CONCLUSION:

While it would be possible to simply take the employees currently situated in the old City Hall annex and locate their working places in the new City Hall annex, there would be no improvements to customer service or in the working relationships currently experienced by the public and the employees of the City of Nanaimo. We believe that by Council directing the replacement of the old City Hall annex with a purpose-built building, there is an excellent opportunity to improve customer service to the public, to improve the support provided to Council, and to improve the interaction of the City's departments while maximizing the efficient use of space. Staff are currently evaluating designs that will house the above departments in City Hall in a way that preserves as much of the current office and work space configurations as possible (thereby minimizing costs). Staff will then cost this design to ensure it is affordable within the \$15.7M that has been authorized for the annex replacement. As with the new City Hall annex, staff will also seek to maximize the re-use of furniture, fixtures and equipment in City Hall.

Respectfully submitted,



D.W. Holmes,  
Assistant City Manager/  
General Manager, Corporate Services

DWH/jdk  
2011-MAY-30

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, 2011-MAY-30, COMMENCING AT 9:30 A.M.

---

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

Members: Councillor W. L. Bestwick  
Councillor G. E. Greves  
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

Staff: A. C. Kenning, City Manager  
E. C. Swabey, General Manager of Community Safety and Development  
T. M. Hickey, General Manager of Community Services  
I. Howat, Director of Strategic Relationships  
T. L. Hartley, Director of Human Resources and Organizational Planning  
T. P. Seward, Director of Development  
Chief R. Lambert, Nanaimo Fire Rescue  
R. J. Harding, Director of Parks, Recreation and Culture  
B. Sims, Manager, Water Resources  
S. Graham, Manager, Financial Planning & Payroll  
J. E. Harrison, Manager of Legislative Services  
L. Dennis, Recording Secretary

1. CALL THE OPEN MEETING TO ORDER:

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

2. PROCEDURAL MOTION:

06711 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;
- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; 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. INTRODUCTION OF LATE ITEMS:

- (a) Add Agenda Item 9 (b) – Staff Reports – VICC Hotel.

4. ADOPTION OF AGENDA:

06811 It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

5. STAFF REPORTS:

- (a) Status of Emergency Water Supply Agreement

06911 It was moved and seconded that Council:

1. authorize pre-purchase of materials for tie-in construction during this year's mill shut-down; and,
2. indicate its support for the general conditions of the agreement to share water via the emergency water connection now being negotiated.

The motion carried.

Opposed: *Councillors Sherry and Unger*

ADMINISTRATION:

- (b) VICC Hotel

07011 It was moved and seconded that Council:



07211 It was moved and seconded that Council direct Staff to hire Tyne Hospitality to oversee the letters of intent, at a maximum fee of \$10,000. The motion carried.  
Opposed: Mayor Ruttan, Councillors Bestwick and Kipp

6. INFORMATION ONLY ITEMS:

- (a) Report from Mr. D. Holmes, Assistant City Manager/General Manager of Corporate Services, re: New City Annex.
- (b) Chief R. Lambert, Nanaimo Fire Rescue, gave a verbal report

7. ADJOURNMENT:

07311 It was moved and seconded at 11:14 a.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

07411 It was moved and seconded at 11:14 a.m. that the Special Meeting terminate. The motion carried unanimously.

---

MAYOR

CERTIFIED CORRECT:

---

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, 2011-JUN-13, COMMENCING AT 9:30 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, 2011-MAY-16 at 9:30 a.m. in the City Hall Board Room. *Pg. 4-7*
- (b) Minutes of the Special "In Camera" Meeting of Council held Monday, 2011-MAY-30 at 9:30 a.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:**

8. **COMMITTEE REPORTS:**

9. **STAFF REPORTS:**

ADMINISTRATION:

- (a) **Designation of Park Land** *Pg. 11-29*

*Staff's Recommendation: That Council refer this topic to a "Lunch and Learn" as soon as a date is available.*

COMMUNITY SAFETY AND DEVELOPMENT:

- (b) **Crown Licence Application for Trail at Linley Valley, District Lot 56** Pg. 30-32

Staff's Recommendations: That Council:

1. authorize Staff to pursue a Crown Land Tenure for a Licence of Occupation to establish a permanent public pedestrian trail within the Linley Valley, through a portion of District Lot 56;

AND:

2. advise the Province that in the event District Lot 56 is transferred in ownership, or otherwise, to the Snuneymuxw, that the City would relinquish the licence.

- (c) **Authorization to Seek Legal Action – 18 Spyglass Lookout** Pg. 33-37

Staff's Recommendation: That Council authorize, in conjunction with the City Solicitor, to take legal action against the owners and occupiers of the property located at 18 Spyglass Lookout, Nanaimo, BC.

- (d) **Appointments to planNanaimo Advisory Committee** Pg. 38-56

Staff's Recommendations: That Council:

1. appoint one of the following applicants as a Community At Large representative to the planNanaimo Advisory Committee (PNAC) for a three-year term ending 2014-JUN-30;

AND:

2. appoint Sarah Boyd as the Youth (under 25 years of age) representative to the planNanaimo Advisory Committee for a three-year term ending 2014-JUN-30;

AND:

3. confirm the appointment of Ric Kelm as the Vancouver Island University representative to the planNanaimo Advisory Committee;

AND:

4. *confirm the appointment of Chris Cross as the Canadian Home Builders' Association of Central Vancouver Island representative to the planNanaimo Advisory Committee;*

AND:

5. *confirm the appointment of Clem Trombley as the Nanaimo Port Authority representative to the planNanaimo Advisory Committee.*

10. **INFORMATION ONLY ITEMS:**

11. **CORRESPONDENCE:**

12. **OTHER BUSINESS:**

- (a) Verbal update re: Downtown Parking

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

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

# “IN CAMERA” STAFF REPORT

REPORT TO: A.C. KENNING, CITY MANAGER

FROM: R.J. HARDING, DIRECTOR OF PARKS RECREATION AND CULTURE,  
J.E. HARRISON, MANAGER OF LEGISLATIVE SERVICES, AND  
B. CORSAN, MANAGER OF REAL ESTATE

RE: DESIGNATION OF PARK LAND

## STAFF'S RECOMMENDATION:

That Council refer this topic to a “Lunch and Learn”, as soon as a date is available.

## EXECUTIVE SUMMARY

This report has been drafted in response to a request by Council for information relating to dedication of park land and other options available to protect park land.

The majority of the City's lands are already protected in one form or another. The most significant form of protection is ownership by the City. When the City owns a parcel of land, the disposition process is highly transparent, requires Council approval in an open meeting and requires significant public process. Lands can be identified as park land through “designation” in the OCP and by placing a specific park “zoning” on the parcel. A further step in protecting park land is to dedicate it as park through bylaw. This only applies to fee simple lands owned by the City. A bylaw to dedicate land as park may only be adopted by an affirmative vote of at least two-thirds of all members of Council. A bylaw that removes a dedication may only be adopted with the approval of the electors. When the City purchases land in fee simple, the vendor has an option of placing a covenant on title or creating a trust for the property to ensure the land is used for park in perpetuity.

Staff recommends that Council consider the options or combination of options listed below and provide direction to Staff.

- Option A: consider the existing park designations and the parks zoning bylaw as sufficient;
- Option B: dedicate through bylaw, park lands that have been acquired using funds from development cost charges and/or through cash-in-lieu payments as part of the subdivision process as identified in Schedule A;
- Option C: dedicate through bylaw, park lands identified as fee simple in Schedule A;
- Option D: dedicate through bylaw, park lands identified as fee simple with conditions in Schedule A.

Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
 Meeting Date: 2011-JUN-13

## BACKGROUND:

At the Regular Finance / Policy Committee of the Whole Meeting held on 2011-Jan-17 Council adopted the following motion:

*"It was moved and seconded that Council direct Staff to prepare a detailed report on the advantages and disadvantages of the dedication of park land and other options that may be available to ensure the protection of park land. The motion carried unanimously."*

Staff was asked to ensure that this staff report was presented in time to proceed to referendum in conjunction with the November general local government elections if that was determined to be an appropriate course of action.

## DISCUSSION:

### How Park Land Can Be Protected

There are a number of ways in which park land can be protected. The following provides a discussion of the various tools available to Council.

#### **Ownership by the City**

As the City being the owner and in accordance with the rules of the *Community Charter*, disposition of City-owned property is highly transparent and regulated. Council is required in an open meeting to approve all dispositions, dispose of the property at fair market value and publish notice of the proposed disposition in the local newspaper.

#### **Designation in Official Community Plan**

The OCP provides a broad strategic direction on which lands within the City are to be protected for park and open space use. The designation applies to lands across the City that is titled as park land or otherwise serves as parks, plazas, open spaces, or recreation. Golf courses, open space areas, regional and provincial park land, undeveloped Crown lands and environmentally sensitive lands are also included in the designation, as well as lands used or reserved for public utilities and services.

While the OCP provides the broad definition of parks and open space, it does not identify specific fee simple parcels, rather it shows the City's intent within the general area.

#### **Zoning of Park Land**

Through the Zoning Bylaw, the City is able to specifically zone parcels of land for park purposes. On 2009-JUN-29 Bylaw 2007 No. 4000.426 was adopted which created three new park zones which were applied to the entire parks inventory. The zones are:

1. **Parks, Recreation and Culture Zone One (PRC-1):** The primary intent of this zone is to provide for the conservation of natural spaces within city parks. Where possible, the zone will allow for recreational and educational use when compatible with the preservation of natural features within the park.
2. **Parks, Recreation and Culture Zone Two (PRC-2):** This zone will provide park areas which allow for organized and unorganized outdoor recreational activities. Parks

within this zone shall include playgrounds, sports fields, and undeveloped parks with limited ecological value.

- 3. Parks, Recreation and Culture Zone Three (PRC-3):** This zone recognizes the wide variety of uses which exist within the city's developed parks. The primary intent of this zone is to provide opportunities for organized recreational and cultural activities.

Once a parcel of land is zoned park, the land uses within the park must conform to the zoning. This provides a significant level of regulation as any use not contemplated under the zoning bylaw would require a rezoning process and a formal public hearing.

Under the new zoning bylaw, lands that have been added to the inventory since July 2009 will be zoned accordingly to ensure the entire inventory is identified through zoning.

#### **Dedication of Park Land by Bylaw**

Council can, by bylaw adopted by affirmative vote of at least two-thirds of all members of Council, dedicate real property (in this case, fee simple parcels of land) as park. Upon adoption of the bylaw, a legal notation is placed on title. A bylaw to remove a dedication may only be adopted with the approval of the electors. Approval of the electors may be obtained either by alternate approval process or through referendum.

Staff has requested and received clarification from legal counsel that a referendum on the matter of the dedication of land for park would seek the opinion of the community and would not be binding on Council to proceed with the dedication. In addition, a referendum on the matter would not bind future Councils on the process for removing the dedication for park land. As stated, current legislation requires the approval of the electors before removing a park dedication which may be obtained by either an alternative approval process or referendum.

Park land dedication only applies to those lands that are held in fee simple by the City. It does not apply to park land that is leased from other bodies, is dedicated road right of way or has already been dedicated through subdivision.

#### **Protection by Covenant**

On occasion, a property is gifted to the City and the owner places a specific covenant on title to ensure the lands are used for a specific purpose. The covenant generally has a 'reverter' clause which returns the land to the original owner if it is not used for the intended purpose.

#### **Protection by Trust**

In some communities, land is gifted to the City through an estate and the land is protected through Trust. The property must be used for the purposes outlined in the gifting agreement and the City cannot alter use of the land without the estate of the family agreeing to the changes. Beacon Hill Park in Victoria is an example of a park land in trust.

### **How City Owned Park Land Is Acquired and Held**

In total, there are 1763.32 acres of park land within the City of Nanaimo. The park land is held under one of seven main categories, summarized in the table below. A full listing of the City parks inventory can be found in attachment A.

| <b>Nature of Holding</b>                          | <b>Number of Properties</b> | <b>Total Size (acres)</b> |
|---|-----------------------------|---------------------------|
| Fee Simple  | 108                         | 360.4                     |
| Acquired through DCCs or Cash-in-lieu             | 8                           | 258.0                     |
| Fee Simple with Conditions                        | 21                          | 367.22                    |
| Dedicated Park by Bylaw                           | 24                          | 134.62                    |
| Dedicated Park by Subdivision                     | 205                         | 419.04                    |
| Dedicated Land or Road Used as Park               | 40                          | 4.7                       |
| Not City Owned Managed by PRCC or Leased/Licensed | 20                          | 219.34                    |
| <b>Total</b>                                      | <b>426</b>                  | <b>1763.32</b>            |

#### **Fee Simple Ownership**

360.4 acres of the City's park inventory is held in fee simple ownership. These parks may have been acquired through acquisition, Crown granting, public gifting or tax sales. There are no legal restrictions on land or future uses; however there are usually strong moral arguments to be made for the parcel to be continued as park use (i.e. Beban Park and Joan Point Park).

#### **Fee Simple Acquired Through DCCs & Cash-in-lieu**

This is a subset of Fee Simple Ownership. The City has acquired 258 acres of land by using funds from Development Cost Charges and Cash-in-lieu contributions through the subdivision process.

#### **Fee Simple Park with Conditions**

Around 367 acres of the City's park land is held as fee simple with conditions. These properties have a legal notation on the title restricting the property to a specific park use. A restriction may include that the land be used for recreation or park purposes only (i.e. May Richard Bennett's Park and parts of Westwood Lake).

#### **Dedicated Park by Bylaw**

Past Councils have dedicated 24 fee simple parcels through bylaw. Once the bylaw is adopted a legal notation with the bylaw number is registered on the property's title. Bylaw examples include Bylaw No.'s 735, 2255, 2671 and 2803 (i.e. Colliery Dam Park and Departure Bay Centennial).

#### **Dedicated Park by Subdivision**

Most new park acquisition is the result of developers being required to dedicate 5% of land for park and trail system use through the subdivision process. There is no formal "title" to these lands (i.e. Beach Estates Park and Beaufort Park). This accounts for 419.04 acres of the City's park inventory.



### **Dedicated Land or Road (Utilized as Park)**

Some road rights of way within the City are developed as parks. These "parks" are neither designated nor dedicated parks (i.e. Charlaine boat launch and beach/park access walkways located in road rights of ways). It is not possible to dedicate these lands as park by bylaw. Around 4.7 acres of park land is dedicated road.

### **Not City Owned Property, Managed by PRCC - Licensed or Leased Park Land**

A portion of the City's park land is not under City ownership, but held in long-term leases or licenses with agencies such as the Provincial Government and Nanaimo Port Authority. These lease and license agreements indicate the use of the land for park purposes, but there is no official park designation on title (i.e. portions of Westwood Lake Park and a portion of Maffeo Sutton Park).

### **Options To Consider To Further Protect Park Land**

Through the use of the Zoning Bylaw, all the City's park lands are protected from non-park related uses occurring on the lands. Any change in the lands would require a rezoning and the corresponding public process. In many cases, the zoning protection is a satisfactory level of protection.

There are no options open to the City to further protect the lands that are dedicated by bylaw, dedicated park through subdivision, are road right of way or are owned by another party and leased to the City.

The City does have the ability to further dedicate through bylaw, the 108 fee simple zoned park parcels that are not already dedicated by bylaw. By dedicating these fee simple lands through bylaw, all further dispositions (including leasing) will require the approval of electors either through an Alternative Approval Process or a Referendum. This will add additional process and uncertainty for City tenants who wish to enter into lease agreements on these properties. Staff estimates the cost of registering a legal notation on the titles to be in the range of \$4,500.00. If registering a covenant on the titles, the cost is estimated at \$13,500.00. Legal costs associated with the registration process are estimated at an additional \$2,500.00.

The following options, or combination of options, are available to Council:


*Option A:* consider the existing protection of park lands through the zoning bylaw as sufficient;

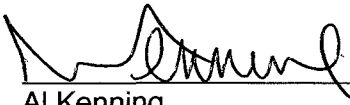
*Option B:* dedicate through bylaw, all lands that have been acquired with the assistance of development cost charges and through cash-in-lieu payments as part of the subdivision process and identified in Schedule A. These lands were acquired by using funds specifically designated for park land purposes.

*Option C:* Dedicate through bylaw, those park lands identified as fee simple in Schedule A. These 108 parcels have been held as fee simple by the City for decades with few issues associated with their protection. Council may wish to add an additional level of protection above that provided through the current park zoning by way of a Park Dedication Bylaw.

*Option D:* Dedicate through bylaw those park lands identified as fee simple with conditions in Schedule A. A number of parcels in the City park inventory are owned fee simple by the City, but have specific conditions on title which regulate their use. The conditions on title are generally considered a superior level of protection than by dedication through bylaw, but Council may decide that this extra step is redundant.

Respectfully submitted,

  
\_\_\_\_\_  
Richard Harding  
Director, Parks, Recreation and Culture

  
\_\_\_\_\_  
Al Kenning  
City Manager

\_\_\_\_\_  
Joan Harrison  
Manager, Legislative Services

  
\_\_\_\_\_  
Bill Corsan  
Manager of Real Estate

BC/np  
Council: 2011-JUN-13  
Prospero: CIL00309

SCHEDULE "A"  
DESIGNATION OF PARKLAND

| Park Name   | Address # | Street Name        |
|---|-----------|--------------------|
| <b>Held in Fee Simple - No Conditions on Title - 108 Properties - Total Acres of Land 360.4</b> |           |                    |
| Barney Moriez Playground  | 450       | Poplar Street      |
| Beban Park  | 2300      | Bowen Road         |
| Brechin Boat  | 1890      | Zorkin Road        |
| Chase River Park  | 845       | Park Avenue        |
| Chase River Watercourse   | 708       | Bruce Avenue       |
| Douglas & 8th Park  | 303       | Eighth Street      |
| Duke & Robins Park  | 62        | Duke Street        |
| Harry Wipper Park   | 5050      | Hammond Bay Road   |
| Joan Point Park   | 1080      | Phoenix Way        |
| Jordan/Nova Park  | 827       | Jordon Avenue      |
| Kinette Evergreen Park  | 451       | Ninth Street       |
| Knowles Park  | 68        | Rainer Street      |
| Knowles Park  | 76        | Rainer Street      |
| Loudon Park   | 4295      | Victoria Avenue    |
| Maffeo Sutton Park  | 2         | Cliff Street       |
| McGirr Park   | 6175      | McGirr Road        |
| Mcgregor Park   | 126       | Front Street       |
| Nanaimo Aquatic Center  | 741       | Third Street       |
| Nanaimo Ice Center  | 750       | Third Street       |
| Bowen Park (Parcel X)   | 400       | McKay Avenue       |
| Northfield Nature Park  | 2667      | Starlight Trail    |
| Oliver Road Park  | 6000      | Oliver Road        |
| Park Avenue Park  | 724       | Park Avenue        |
| Pipers Lagoon Park  | 3600      | Place Road         |
| Railway Park  | 730       | Connaught Avenue   |
| Railway Park  | 699       | Railway Avenue     |
| Rosamond Park   | 1         | Rosamond Park      |
| Serauxman Fields at Third Street Park   | 850       | Third Street       |
| Sugarloaf Mtn Park  | 3160      | Marion Way         |
| Valley Oak Park (Buttertubs Marsh West)   | 1900      | Jingle Pot Road    |
| Wardropper Park   | 2957      | Departure Bay Road |
| Westwood Lake Park  | 150       | Dogwood Road       |
| Chase River Estuary Park  | 1160      | Island Highway S.  |
| Kiwanis Park/Pioneer Cemetary   | 10        | Wallace Street     |
| Bastion Square Park   | 94        | Front Street       |
| Belford Avenue Park   | 1060      | Belford Avenue     |
| Bruce Avenue Park   | 329       | Bruce Avenue       |
| Bruce Park  | 330       | Bruce Avenue       |
| Chase River Park  | 840       | Park Avenue        |
| Chase River Park  | 418       | Seventh Street     |

SCHEDULE "A"  
DESIGNATION OF PARKLAND

| Park Name                 | Address # | Street Name          |
|---------------------------|-----------|----------------------|
| Chase River Park          | 775       | Park Avenue          |
| Chesterlea Park           | 343       | Chesterlea Avenue    |
| Connaught Avenue Park     | 705       | Connaught Avenue     |
| Connaught Avenue Park     | 709       | Connaught Avenue     |
| Connaught Avenue Park     | 713       | Connaught Avenue     |
| Connaught Avenue Park     | 717       | Connaught Avenue     |
| Connaught Avenue Park     | 719       | Connaught Avenue     |
| Connaught Avenue Park     | 725       | Connaught Avenue     |
| Connaught Avenue Park     | 729       | Connaught Avenue     |
| Connaught Avenue Park     | 733       | Connaught Avenue     |
| Connaught Avenue Park     | 737       | Connaught Avenue     |
| Connaught Avenue Park     | 741       | Connaught Avenue     |
| Connaught Avenue Park     | 745       | Connaught Avenue     |
| Connaught Avenue Park     | 749       | Connaught Avenue     |
| Connaught Avenue Park     | 753       | Connaught Avenue     |
| Connaught Avenue Park     | 757       | Connaught Avenue     |
| Connaught Avenue Park     | 761       | Connaught Avenue     |
| Connaught Avenue Park     | 765       | Connaught Avenue     |
| Connaught Avenue Park     | 769       | Connaught Avenue     |
| Connaught Avenue Park     | 773       | Connaught Avenue     |
| Connaught Avenue Park     | 777       | Connaught Avenue     |
| Duke Street Park          | 59        | Duke Street          |
| Duke Street Park          | 61        | Duke Street          |
| Duke Street Park          | 63        | Duke Street          |
| Douglas Park              | 320       | Eighth Street        |
| Durham Park               | 423       | Pine Street          |
| Haliday Cres Park         | 2930      | Haliday Crescent     |
| Harewood Centennial Park  | 739       | Howard Avenue        |
| Harewood Centennial Park  | 730       | Howard Avenue        |
| Kerry Lane Park           | 5790      | Kerry Lane           |
| Molly's Marsh Park        | 3742      | Cavendish Place      |
| Mountain Vista Drive Park | 2141      | Mountain Vista Drive |
| Nova Park                 | 536       | Nova Street          |
| Park Avenue Park          | 772       | Park Avenue          |
| Park Avenue Park          | 728       | Park Avenue          |
| Park Avenue Park          | 732       | Park Avenue          |
| Park Avenue Park          | 736       | Park Avenue          |
| Park Avenue Park          | 740       | Park Avenue          |
| Park Avenue Park          | 744       | Park Avenue          |
| Park Avenue Park          | 748       | Park Avenue          |
| Park Avenue Park          | 752       | Park Avenue          |
| Park Avenue Park          | 755       | Park Avenue          |
| Park Avenue Park          | 756       | Park Avenue          |
| Park Avenue Park          | 760       | Park Avenue          |

SCHEDULE "A"  
DESIGNATION OF PARKLAND

| Park Name                     | Address # | Street Name            |
|-------------------------------|-----------|------------------------|
| Park Avenue Park              | 764       | Park Avenue            |
| Park Avenue Park              | 768       | Park Avenue            |
| Ranchview Park                | 165       | Ranchview Drive        |
| Rutherford Park               | 5317      | Rutherford Road        |
| Sixth Street Park             | 60        | Sixth Street           |
| Sixth Street Park             | 62        | Sixth Street           |
| Sealand Park                  | 6100      | Sealand Road           |
| Smugglers Park                | 116       | Capt Morgans Boulevard |
| Smugglers Park                | 120       | Capt Morgans Boulevard |
| Smugglers Park                | 124       | Capt Morgans Boulevard |
| Smugglers Park                | 128       | Capt Morgans Boulevard |
| Southampton Rd Park           | 6544      | Southampton Road       |
| Stirling/Deering Park         | 840       | Stirling Avenue        |
| Sunrise Place Park            | 3675      | Sunrise Place          |
| Taylor Place Park             | 273       | Wakesiah Avenue        |
| Williamson Park               | 5250      | Williamson Road        |
| Lions Square                  | 280       | Wallace Street         |
| View Street Park              | 26        | View Street            |
| View Street Park              | 38        | View Street            |
| View Street Park              | 48        | View Street            |
| Fifth Street Park (Trailway)  | 81        | Fifth Street           |
| Park Area Adjacent Koram Park | 1606      | Townsite Road          |
| Robson Road Park              | 2930      | Robson Road            |
| The Anchor at Anchor Way      | 20        | Anchor Way             |

SCHEDULE "A"  
DESIGNATION OF PARKLAND

| Park Name  | Address # | Street Name          |
|--|-----------|----------------------|
| <b>Held in Fee Simple - Acquired<br/>Through DCC's &amp; Cash-in-Lieu - 8<br/>Properties - Total Acres of Land<br/>258</b> |           |                      |
| Third Street Park  | 1651      | Jingle Pot Road      |
| Westwood Lake Park 2   | 385       | Westwood Road        |
| Westwood Lake Park 2   | 389       | Westwood Road        |
| Neck Point Park  | 4050      | Morningside Drive    |
| Neck Point Park  | 1055      | Morningside Drive    |
| East Wellington Road Park  | 2191      | East Wellington Road |
| Linley Valley (Cottle Lake) Park   | 3669      | Rock City Road       |
| Neck Point Park  | 4000      | Shores Drive         |

SCHEDULE "A"  
DESIGNATION OF PARKLAND

| Park Name   | Address # | Street Name       |
|---|-----------|-------------------|
| <b>Held in Fee Simple with Conditions<br/>on Title - 21 Properties - Total<br/>Acres of Land 367.22</b> |           |                   |
| Millstone Park II   | 680       | Riverside Drive   |
| Caledonia Park  | 110       | Wall Street       |
| Cathers Lake Park   | 2213      | Michigan Way      |
| Gallows Point Light   | 208       | Colvilleton Trail |
| John Weeks Park   | 1407      | Island Highway S  |
| Mansfield Park  | 800       | St Andrews Street |
| May Richards Bennett Park   | 6700      | Dover Road        |
| Northfield Rotary Lookout Park  | 2450      | Northfield Road   |
| Ravine Park Access  | 2669      | Labieux Road      |
| St. George Ravine Park  | 980       | Terminal Avenue   |
| Westwood Lake Park  | 1655      | College Drive     |
| Westwood Lake Park  | 1675      | College Drive     |
| Westwood Lake Park  | 3850      | Kilpatrick Road   |
| Westwood Lake Park  | 3900      | Kilpatrick Road   |
| Westwood Lake Park  | 3940      | Kilpatrick Road   |
| Westwood Lake Park  | 395       | Westwood Road     |
| Westwood Lake Park  | 397       | Westwood Road     |
| Westwood Lake Park  | 399       | Westwood Road     |
| Westwood Ravine Park  | 2245      | Arbot Road        |
| Westwood Ravine Park  | 284       | Westwood Road     |
| Bowen Park  | 500       | Bowen Road        |

SCHEDULE "A"  
DESIGNATION OF PARKLAND

| Park Name   | Address # | Street Name        |
|---|-----------|--------------------|
| <b>Held in Fee Simple - Dedicated Park Through Bylaw (Bylaw # Indicated) - 24 Properties - Total Acres of Land 134.62</b> |           |                    |
| Cinnabar Valley Park - Bylaw 2255   | 2004      | Cinnabar Drive     |
| Colliery Dam Park - Bylaw 2255  | 635       | Wakesiah Avenue    |
| Colliery Dam Park - Bylaw 2255  | 645       | Wakesiah Avenue    |
| Departure Bay Centennial - Bylaw 2255   | 1420      | Bay Street         |
| Departure Bay Centennial - Bylaw 2255   | 1413      | Wingrove Street    |
| Departure Bay Centennial - Bylaw 2255   | 1415      | Wingrove Street    |
| Diver Lake Park - Bylaw 2255  | 2435      | Black Franks Drive |
| Diver Lake Park - Bylaw 2255  | 2436      | Oriole Drive       |
| Diver Lake Park - Bylaw 2255  | 2477      | Oriole Drive       |
| Elaine Hamilton Park - Bylaw 2255   | 1631      | Naylor Crescent    |
| Georgia Park - Bylaw 735  | 6         | Front Street       |
| Georgia Park - Bylaw 735  | 18        | Front Street       |
| Gyro Youth Park - Bylaw 2255  | 850       | Wentworth Street   |
| Harewood Centennial Park - Bylaw 2255   | 740       | Howard Avenue      |
| Harewood Centennial Park - Bylaw 2255   | 752       | Howard Avenue      |
| Harewood Centennial Park - Bylaw 2255   | 772       | Howard Avenue      |
| Harewood Centennial Park - Bylaw 2255   | 592       | Seventh Street     |
| Harewood Reservoir Park - Bylaw 2255  | 713       | Shorthorn Crescent |
| Loudon Walkway - Bylaw 2671   | 4295      | Victoria Crescent  |
| Pawson (Gyro) Park - Bylaw 2255   | 410       | Machleary Street   |
| Piper Park - Bylaw 2255   | 100       | Cameron Road       |
| Pleasant Valley Park - Bylaw 2255   | 6150      | Doumont Road       |
| Robins Park - Bylaw 2255  | 620       | Park Avenue        |
| Sechelt/Icarus Drive Park - Bylaw 2803  | 6026      | Waldbank Road      |



SCHEDULE "A"  
DESIGNATION OF PARKLAND

| Park Name   | Address # | Street Name            |
|---|-----------|------------------------|
| <b>Held as Park Dedicated by<br/>Subdivision Plan - 205 Properties -<br/>Total Acres of Land 419.04</b> |           |                        |
| Alpen Way Park  | 489       | Alpen Way              |
| Alpen Way Park 2  | 498       | Alpen Way              |
| Allison Way Park  | 3409      | Allison Way            |
| Amsterdam Park  | 5455      | Arnhem Terrace         |
| Applegreen Park   | 309       | Applegreen Avenue      |
| Arbot Road Park   | 2430      | Arbot Road             |
| Arbutus Park  | 291       | Rovere Place           |
| Ardoon Place Park   | 2702      | Labieux Road           |
| Barrington Park   | 3740      | Rock City Road         |
| Barrington Park   | 3750      | Rock City Road         |
| Barrington Park   | 3800      | Rock City Road         |
| Barsby Park   | 51        | Barsby Avenue          |
| Beach Estates Park  | 2140      | Departure Bay Road     |
| Beaufort Park   | 69        | Lorne Place            |
| Ben Gunn Park   | 120       | Cutlass Lookout        |
| Black Beard Park  | 46        | Capt Morgans Boulevard |
| Black Diamond Park  | 281       | Black Diamond Drive    |
| Bob-O-Link Park   | 1663      | Bob-O-Link Way         |
| Brackenwood Park  | 2360      | York Crescent          |
| Brackenwood/Briarwood Park  | 2331      | Briarwood Place        |
| Breonna/Schooner Park   | 5986      | Breonna Drive          |
| Broadway Park   | 5946      | Broadway Road          |
| Brookwood Park  | 5740      | Brookwood Drive        |
| Brookwood Park  | 4707      | Fairbrook Crescent     |
| Browns Lane Park  | 2350      | Brackenwood Place      |
| Butternut Park  | 4370      | Butternut Drive        |
| Camcrest Park   | 2747      | Camcrest Drive         |
| Camcrest Park   | 2784      | Sheffield Place        |
| Capilano Playlot 1  | 910       | Capilano Place         |
| Capilano Playlot 2  | 972       | Capilano Place         |
| Captain Flint Park  | 153       | Capt Morgans Boulevard |
| Captain Hook Park   | 49        | Capt Morgans Boulevard |
| Captain Morgan Park   | A-174     | Pirates Lane           |
| Carriage Way Park   | 5093      | Carriage Drive         |
| Carrington Park 1   | 5708      | Carrington Road        |
| Cathedral Grove Park/Parkwood Park  | 5957      | Cathedral Crescent     |
| Chase River Park  | 351       | Seventh Street         |
| Cilaire Park #2   | 121       | Cilaire Drive          |
| Cilaire Park #1   | 181       | Cilaire Drive          |
| Clarence Way Park   | 6074      | Clarence Way           |
| Cliffside Park  | 5527      | Cliffside Road         |

SCHEDULE "A"  
DESIGNATION OF PARKLAND

| Park Name                         | Address # | Street Name            |
|-----------------------------------|-----------|------------------------|
| Colborne Park                     | 5380      | Colbourne Drive        |
| Colinwood Drive Park              | 5388      | ColinWood Drive        |
| Cottle Creek Park                 | 605       | Nottingham Drive       |
| Country Club Park                 | 3399      | Country Club Drive     |
| Country Club Park 1               | 3058      | Rock City Road         |
| Country Club Park 2               | 2912      | Glen Eagle Crescent    |
| Country Hills Drive Park          | 1899      | White Blossom Way      |
| Crescent View Drive Park          | 1701      | Crescent View Drive    |
| Crystal Brook Way Park            | 2449      | Crystal Brook Way      |
| Davies Lane Park                  | 123       | Davies Lane            |
| Dennie Lane Park                  | 6193      | Dennie Lane            |
| Diver Lake Park                   | 2430      | Black Franks Drive     |
| Dogwood Park                      | 849       | Dogwood Road           |
| Doreen Place Park                 | 565       | Doreen Place           |
| Douglas Park                      | 316       | Eighth Street          |
| Duggan Road Park                  | 2161      | Duggan Road            |
| Dunbar Park                       | 6636      | Green Acres Way        |
| Dunster Park (Brannen Woods) Park | 5445      | Dunster Road           |
| Eagle view Park                   | 3947      | Gulf View Drive        |
| Eagle view Park                   | 3949      | Gulf View Drive        |
| Elmwood Park                      | 3977      | Elmwood Drive          |
| Emery Way Park                    | 203       | Emery Way              |
| Entwhistle Park                   | 5291      | Entwhistle Drive       |
| Estevan Road                      | 1885      | Estevan Road           |
| Entwhistle/Cabriolet Play Park    | 5250      | Entwhistle Drive       |
| Everest Drive Park                | 6635      | Everest Drive          |
| Fairbrook Crescent Park           | 4901      | Fairbrook Crescent     |
| Fern Road Park                    | 2235      | Fern Road              |
| Flagstone Park                    | 1813      | Flagstone Road         |
| Forest Drive Park                 | 2035      | Forest Drive           |
| Georgia Triangle Park             | 6156      | Shoreline Drive        |
| Glen Oaks Park (1)                | 3655      | Glen Oaks Drive        |
| Glen Oaks Park (1)                | 3655      | Glen Oaks Drive        |
| Glen Oaks Park (2)                | 3760      | Glen Oaks Drive        |
| Granite Park                      | 3237      | Granite Park Road      |
| Groveland Park                    | 6239      | Groveland Drive        |
| Groveland Park                    | 6255      | Groveland Drive        |
| Gyro 1 (Comox) Park               | 445       | Comox Road             |
| Hartwig Crescent Park             | 4947      | Hartwig Crescent       |
| Hawthorne Park                    | 638       | Sarum Rise Way         |
| Healy Road Park                   | 2043      | Healy Road             |
| Hidden Treasure Park              | 13        | Capt Morgans Boulevard |
| Holland Road Park                 | 190       | Holland Road           |
| Horth Park                        | 2745      | Horth Road             |

SCHEDULE "A"  
DESIGNATION OF PARKLAND

| Park Name                   | Address # | Street Name        |
|-----------------------------|-----------|--------------------|
| Invermere Beach Access Park | 6420      | Invermere Road     |
| Jack Point / Biggs Park     | 501       | Duke Point Highway |
| Janes Park                  | 859       | BrookField Drive   |
| Jesters Way Park            | 1392      | Jesters Way        |
| Jingle Pot Park             | 3849      | Jingle Pot Road    |
| Jordan Avenue Park          | 4851      | Jordan Avenue      |
| Keighley Park               | 2019      | Bay Street         |
| Kaz Court Park              | 1401      | Kaz Court          |
| Kenwill Park                | 5363      | Kenwill Drive      |
| Kinette Evergreen Park      | 1085      | Park Avenue        |
| Koram Park                  | 1610      | Townsite Road      |
| Labieux Park                | 2522      | Labieux Road       |
| Lagoon Park                 | 3710      | Lagoon Road        |
| Laguna 2 Park               | 5310      | Laguna Way         |
| Laguna 3 Park               | 4900      | Laguna Way         |
| Laguna Park                 | 4680      | Laguna Way         |
| Lakeside Park               | 6061      | Garside Road       |
| Lakeview Park               | 4351      | Lakeview Road      |
| Lakeview Park               | 4361      | Lakeview Road      |
| Lancashire Park             | 2106      | Lancashire Avenue  |
| Landmark Park               | 4000      | Landmark Crescent  |
| Lewis Park                  | 6466      | Lewis Road         |
| Long John Silver Park       | 12A       | Capt Kidds Terrace |
| Malibu Park                 | 5685      | Alder Way          |
| Malibu Park                 | 5747      | Malibu Terrace     |
| Malibu Park                 | 5625      | Porpoise Place     |
| McGirr Park                 | 6277      | McGirr Road        |
| McGirr Park                 | 6155      | McGirr Road        |
| McGirr Park                 | 6257      | McGirr Road        |
| McGirr Park                 | 6211      | McRobb Avenue      |
| Mckinnon Place Park         | 153       | McKinnon Place     |
| Millstone Park 1            | 301       | Millstone Avenue   |
| Molly's Marsh Park          | 3700      | Cavendish Place    |
| MonasheePark                | 6040      | Monashee Way       |
| Montclair Park              | 1155      | Tralee Road        |
| Morningside Park            | 1001      | Morningside Drive  |
| Ninth Street Park           | 221       | Ninth Street       |
| Ninth Street Park           | 230       | Ninth Street       |
| Nob Hill Park               | 400       | Milford Crescent   |
| Norasea Park                | 5651      | Norasea Road       |
| Nottingham Drive Park       | 356       | Nottingham Drive   |
| Nottingham Park 2           | 454       | Nottingham Drive   |
| Nottingham Park 3           | 457       | Nottingham Drive   |
| Noye Road / Big Bear Park   | 5521      | Noye Road          |

SCHEDULE "A"  
DESIGNATION OF PARKLAND

| Park Name                 | Address # | Street Name            |
|---------------------------|-----------|------------------------|
| Ocean Pearl Terrace       | 1209      | Ocean Pearl Terrace    |
| Orchard Circle Park 1     | 4117      | Orchard Circle         |
| Orchard Circle Park 2     | 4154A     | Orchard Circle         |
| Park Avenue Park          | 1080      | Park Avenue            |
| Parkway Drive Park        | 6030      | Parkway Drive          |
| Parkway Park              | 6150      | Parkway Drive          |
| Pirates Park              | 119a      | Pirates Lane           |
| Planta Park               | 3455      | Planta Road            |
| Quatsino Crescent Park    | 3711      | Quatsino Crescent      |
| Rafter Road Park          | 6074      | Icarus Drive           |
| Ranchview Park            | 159       | Ranchview Drive        |
| Richards Marsh Park       | 1729      | Idaho Place            |
| Richards Marsh Park       | 1920      | Kells Bay              |
| Richards Marsh Park       | 75        | Porter Road            |
| Richards Marsh Park       | 9         | Ranchview Drive        |
| Roberta Road Park         | 15        | Roberta Road East      |
| Rocky Point 1 Park        | 5021      | Winchelsea Place       |
| Rocky Point 2 Park        | 5026      | Winchelsea Place       |
| Rosstown Road Park        | 2443A     | Rosstown Road          |
| Roxanne Park              | 4780      | Roxanne Drive          |
| Rutherford 2 Park         | 5633      | Rutherford Road        |
| Rutherford Park           | 5305      | Rutherford Road        |
| Rutherford Park           | 6002      | Nelson Road            |
| Ryan Road Park            | 270       | Ryan Road              |
| Salal Park                | 4095      | Salal Drive            |
| Sandra Road Park          | 3682      | Sandra Road            |
| Saxer Park                | 6500      | Dover Road             |
| Schook Park               | 6748      | Schook Road            |
| Seabold Road Park         | 6695      | Seabold Road           |
| Sealand Park              | 6209      | Sealand Road           |
| Sealand Park              | 5901      | Waldbank Road          |
| Sechelt/Icarus Drive Park | 5981      | Icarus Drive           |
| Sechelt/Icarus Drive Park | 6238      | Sechelt Drive          |
| Shadow Mountain Park      | 6021      | Hammond Bay Road       |
| Shaughnessy Park          | 630       | Shaughnessy Place      |
| Shenton Park              | 3831      | Shenton Road           |
| Sheridan Ridge Park       | 4695      | Sheridan Ridge         |
| Sierra Park               | 6051      | Sierra Way             |
| Smugglers Park            | 86        | Capt Morgans Boulevard |
| Springfield Place Park    | 5373      | Fillinger Crescent     |
| Staffordshire Park        | 2810      | Staffordshire Terrace  |
| Stephenson Point Park     | 3263      | Stephenson Point Road  |
| Stephenson Point Park 2   | 3338      | Stephenson Point Road  |
| Stirling/Deering Park     | 850       | Stirling Avenue        |

SCHEDULE "A"  
DESIGNATION OF PARKLAND

| Park Name                             | Address # | Street Name         |
|---------------------------------------|-----------|---------------------|
| Sun Valley Drive Park                 | 2268      | Sun Valley Drive    |
| Tamara/Goldfinch Park                 | 2817      | Tamara Drive        |
| Theresa Terrace Park                  | 2599      | Theresa Crescent    |
| Thunderbird Park 1                    | 1100      | Thunderbird Drive   |
| Thunderbird Park 2                    | 1130      | Thunderbird Drive   |
| Trailway between Hammond Bay and lane | 5431      | Hammond Bay Road    |
| Tralee Park                           | 1620      | College Drive       |
| Trillium Park                         | 3960      | Trillium Lane       |
| Trinity Park                          | 380       | Cariboo Drive       |
| Turner/Carlton Park                   | 5697      | Turner Road         |
| Uplands Park 1                        | 3608      | Uplands Drive       |
| Uplands Park 1                        | 3597      | Hillside Avenue     |
| Walley Creek Trail Park               | 4665      | McGuffie Road       |
| Walley Creek Trail Park               | 4751      | Vista View Crescent |
| Walley Creek Trail Park               | 5230      | Williamson Road     |
| Walley Creek Trail Park               | 4885      | Logan's Run         |
| Waterfront Park                       | 4986      | Fillinger Crescent  |
| Wellington Park                       | 3170      | Ross Road           |
| Wessex Lane Park                      | 364       | Wessex Lane         |
| Westdale/Leslie Park                  | 5409      | Westdale Road       |
| Westhaven Park (Bayshore)             | 5323      | Bayshore Drive      |
| Westhill Park                         | 2361      | Westhill Place      |
| Westwood Park                         | 375       | Westwood Road       |
| Westwood Ravine Park                  | 2243      | Arbot Road          |
| Westwood Ravine Park                  | 310       | Westwood Road       |
| Westwood Ravine Park                  | 372       | Westwood Road       |
| Wexford Park                          | 2322      | Glenford Place      |
| Williamson Road Park                  | 5240      | Williamson Road     |
| Williamson Road Park 2                | 5201      | Williamson Road     |
| Pryde Avenue Park                     | 170       | Pryde Avenue        |
| Leo Terrace Park                      | 1997      | Leo Terrace         |
| Woodstream Park                       | 1555      | Bay Street          |

SCHEDULE "A"  
DESIGNATION OF PARKLAND

| Park Name  | Address # | Street Name           |
|--|-----------|-----------------------|
| <b>Held for Park Purposes - Dedicated Land or Road - 40 Properties - Total Acres of Land 4.7</b> |           |                       |
| Harewood Centennial  | 713       | Bruce Avenue          |
| Queen Elizabeth II Prm   | ROW       | Newcastle Avenue      |
| Michigan Way beach Access  | Access    | Michigan Way          |
| Michigan Way beach Access  | Access    | Michigan Way          |
| Tahoe Beach Access   | Access    | Tahoe Drive           |
| Uplands Park 2   | 3675      | Uplands Drive         |
| Pearson Park   | ROW       | Terminal Avenue       |
| Elks Park  | 940       | Comox Road            |
| Gyro Park  | 711       | Waddington Road       |
| Cable Bay Trail & Park   | ROW       | Cable Bay             |
| Dallas Square  | 85/106    | Church Street/Front   |
| Diver Lake Park  | 2440      | Black Franks Drive    |
| Emery Way Access   | Access    | Emery Way             |
| Avro Way Beach Access  | Access    | Avro Way              |
| Brannen Lake Boat Ramp   | 5500      | Dunster Road          |
| Charlaine Boat Launch  | Access    | Hammond Bay Road      |
| Pioneer Square   | 28        | Nicol Street          |
| Place Road Beach Access  | Access    | Place Road            |
| Cosgrove Crescent Square 2   | ROW       | Cosgrove Crescent     |
| Cosgrove Crescent Square 1   | ROW       | Cosgrove Crescent     |
| Morningside Beach Access   | Access    | Morningside Drive     |
| Bayshore ROW   | ROW       | Bayshore Drive        |
| Bayshore Park  | ROW       | Bayshore Drive        |
| Fillinger Waterfront Park  | ROW       | Fillinger Crescent    |
| Green Lake ROW   | ROW       | Jenkins Road          |
| Blueback Beach Access  | Access    | Icarus Drive          |
| Bonnie Drive View Point  | ROW       | Bonnie Drive          |
| Stephenson Point Beach Access 2  | Access    | Stephenson Point Road |
| Stephenson Point Beach Access 1  | Access    | Stephenson Point Road |
| Stephenson Point Beach Access 3  | Access    | Angus Road            |
| Hammond Bay Beach Access   | Access    | Hammond Bay Road      |
| Hammond Bay Beach Access   | Access    | Hammond Bay Road      |
| Catherine Gisborn Garden   | ROW       | Anchor Way            |
| Norasea Beach Access (Undeveloped)   | Access    | Norasea Road          |
| Camcrest Access  | Access    | Camcrest              |
| Browns Lane Park   | ROW       | Browns Lane           |
| Townsite Square  | ROW       | Townsite Road         |
| Garner Crescent Access   | Access    | Garner Crescent       |
| Dallas Square (Cenotaph)   | 85        | Front Street          |
| Italian Square   | 626       | Terminal Avenue       |

SCHEDULE "A"  
DESIGNATION OF PARKLAND

| Park Name   | Address # | Street Name        |
|---|-----------|--------------------|
| <b>Park Land Utilized by City - Not City Owned - Leased/Licenced - 20 Properties - Total Land Size 219.34 Acres</b> |           |                    |
| Long Lake Waterlot  | 4295      | Victoria Avenue    |
| Brechin Boat Ramp Waterlot  | 1844      | Stewart Avenue     |
| Kinsman Park  | 2730      | Departure Bay Road |
| Part-Kinsman Park   | 2730      | Departure Bay Road |
| Westwood Lake Park  | 2431      | Arbot Road         |
| Westwood Lake Park  | 3800      | Kilpatrick Road    |
| Westwood Lake Park  | 3700      | Kilpatrick Road    |
| Westwood Lake Park  | 381       | Westwood Road      |
| Westwood Lake Park  | 1555      | College Drive      |
| Westwood Lake Park  | 3890      | Kilpatrick Road    |
| Chinese Memorial Garden Park  | 105       | St George Street   |
| Maffeo Sutton Park  | 1         | Cliff Street       |
| Maffeo SuttonPark   | 10        | Comox Road         |
| Maffeo Sutton Park  | 50        | Comox Road         |
| Park of Linley Valley Park  | 3159      | Robin Hood Drive   |
| Trails at Neck Point  | 3075      | Shores Drive       |
| Part area adjacent to Valley Oak Park (Buttertubs Marsh West)   | 1946      | Jingle Pot Road    |
| Harbourfront Walkway  | 151       | Promenade Drive    |
| Parkway Trailway  |           |                    |
| E & N Trailway - Phases 1 and 2   |           |                    |

## “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: CROWN LICENSE APPLICATION FOR TRAIL  
AT LINLEY VALLEY, DISTRICT LOT 56

### STAFF'S RECOMMENDATION:

That Council:

1. authorizes Staff to pursue a Crown Land Tenure for a License of Occupation to establish a permanent public pedestrian trail within the Linley Valley, through a portion of District Lot 56; and
2. advise the Province that in the event District Lot 56 is transferred in ownership, or otherwise, to the Snuneymuxw, that the City would relinquish the license.

### EXECUTIVE SUMMARY:

The City has actively been pursuing the preservation of the Linley Valley as “open space” for years. Last year at UBCM, Council met with Minister Bell to discuss ways of protecting this important community open space in perpetuity. The Minister is of the opinion that the inclusion of District Lot 56 (DL 56) as part of the Coastal Douglas Fir Ecosystem will provide adequate long-term environmental and open space protection.

This notwithstanding, Provincial and City Staff have subsequently come to terms with respect to formalizing an agreement to use and maintain trails throughout the lands. Staff has been working to achieve a major link to this system by obtaining a trail license agreement with the Crown for a public pedestrian trail within a portion of the Linley Valley, DL 56. This trail license agreement will formally link DL 56 to the City's Linley Valley Park.

The Ministry of Forest, Lands and Natural Resource Operations (the Ministry) has advised Staff that they will support an application for a Nominal Rent Tenure License for 20 years over a limited trail system within DL 56.

As part of the tenure application, the Ministry requires a Council resolution supporting the tenure application.

Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
 Meeting Date: 2011-JUN-13



**BACKGROUND:**

DL 56 is a 156.5 acre parcel of Crown land located in the heart of the Linley Valley. The topography of the land consists of second growth forest, steep slopes, and has a series of well used informal trails. DL 56 is adjacent to the City's Linley Valley Park (121 acres).

In February 2011, Minister Pat Bell wrote to the City, endorsing the formalization of the trail network across DL 56. The Ministry has advised City Staff that they will support an application for a Nominal Rent Tenure License for 20 years over a limited trail system as shown in Attachment A.

The license agreement will formalize the alignment of the main trail that runs east to west along the bottom of the valley, paralleling Cottle Creek. The Parks, Recreation and Culture Department will take responsibility for this trail and upgrade it to the City's urban soft surface standard. Existing boardwalk and bridges that don't meet City standards will be replaced. Trees adjacent to the trail that are deemed dangerous by the City's Urban Forestry Coordinator will be trimmed or removed. The trail upgrades will begin in the spring of 2012 to coincide with the commencement of the license.

In the past month, Staff has secured a public pedestrian and bicycle right of way agreement over the privately-owned property at 200 Linley Road. This important trail connection provides the eastern trail connection from DL 56 to the Hammond Bay Road area.

This Staff recommendation, if authorized by Council, will form the Council resolution supporting the application.

Following Council approval, Staff will prepare the Crown Land Tenure application.

Respectfully submitted,

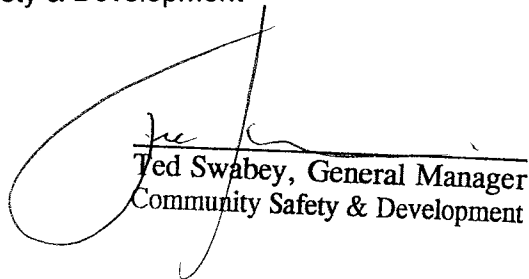


B. Corsan,  
Manager of Real Estate  
Community Safety & Development



A. Tucker,  
Director of Planning  
Community Safety & Development

BC/np/hp  
Prospero: LD002401  
Council: 2011-JUN-13



Ted Swabey, General Manager  
Community Safety & Development

# ATTACHMENT A



**GPS NOTES:**  
 DWG for the DL56 trails, it is a complicated area, with lots of minor trails. All trails that were found South of the main E/W trail were GPS'd, with the exception of one minor trail that was only partially completed (marked on the drawing). There are trails on the North side that were not done at this time.

The trails were separated into major/minor, and comments added where they were steep and/or dangerous. This DWG should fill the gap between other trails GPS'd in Cottle area.

**LEGEND:**

— MAIN PEDESTRIAN ROUTE  
 734 metres thru D.L. 56

— INFORMAL TRAILS - (GPS MARCH 2011)  
 — MAJOR TRAILS  
 - - - MINOR TRAILS  
 = BOARDWALK  
 \* VIEW POINTS



**Explore our Parks and Trails**  
 DEPARTMENT OF PARKS, RECREATION & CULTURE

D.L. 56 GPS PEDESTRIAN ROUTES (MARCH 2011)

Dated: 2011.04.06 | Drawn by: JET | SHEET: DL56

“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 – 18 SPYGLASS LOOKOUT

PROPERTY: 18 Spyglass Lookout  
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 18 Spyglass Lookout, Nanaimo, BC.

EXECUTIVE SUMMARY:

Complaints were received that there is a shipping container on the property in contravention of City of Nanaimo “ZONING BYLAW 1993 NO. 4000”.

BACKGROUND:

An inspection was conducted. The owner of the property stated that he is loading the container for shipment to Belize and that it could be there for a year. When informed the container must be removed, the owner was uncooperative.

Staff believe that legal action is required in order to have the container removed from the property.

Respectfully submitted,



Randy Churchill  
Manager  
Bylaw, Regulation and Security

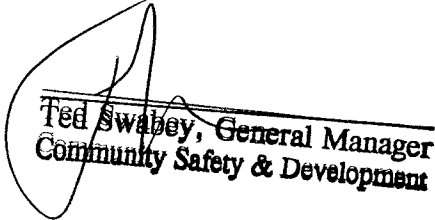


Andrew Tucker  
Director of Planning

Council: 2011-Jun-13

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

Meeting Date: 2011-JUN-13

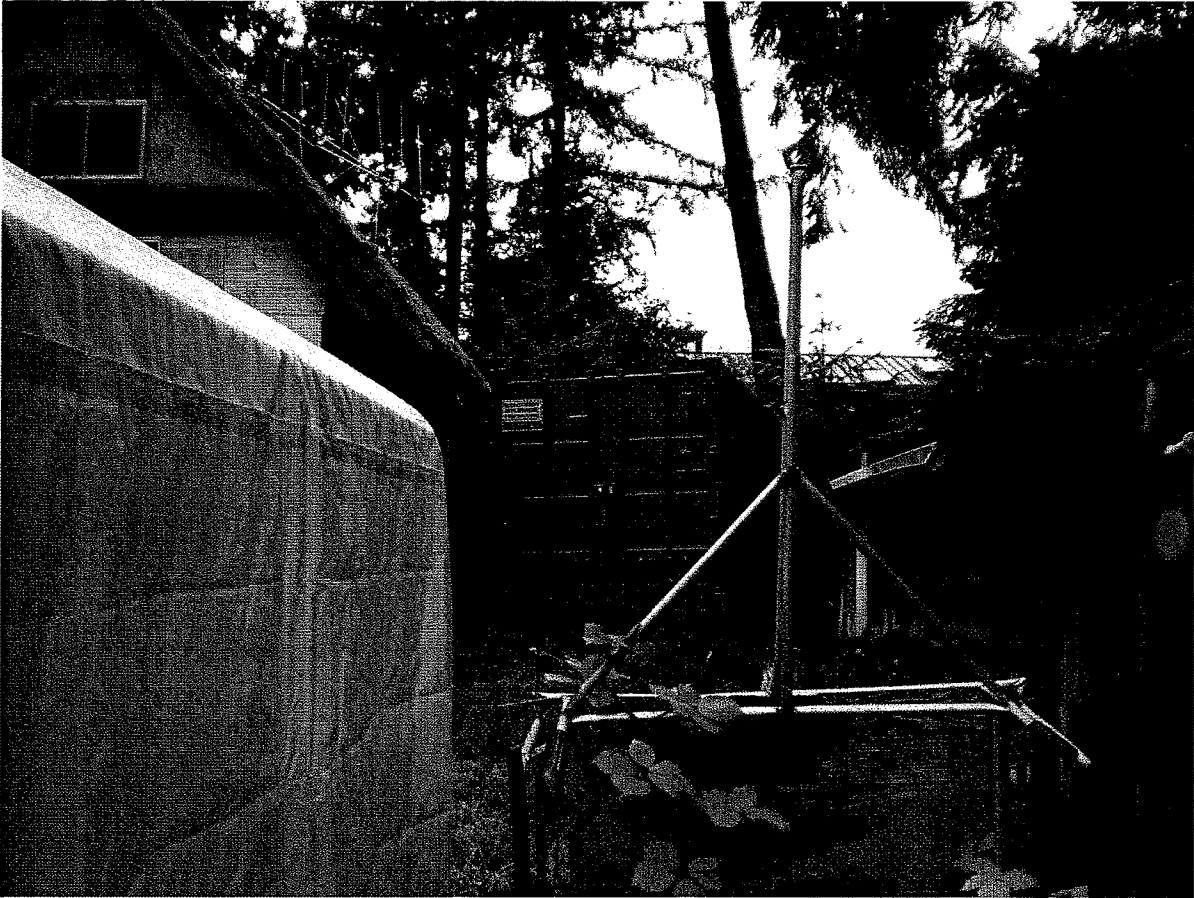
  
**Ted Swabey, General Manager  
Community Safety & Development**



2010:09:13 10:15:30  
18 Spyglass 2010-09-13 10-15-30009.jpg



2010:09:13 10:15:10  
18 Spyglass 2010-09-13 10-15-10010.jpg



2010:09:13 10:14:34  
18 Spyglass 2010-09-13 10-14-34011.jpg



2010:09:13 10:13:48  
18 Spyglass 2010-09-13 10-13-48016.jpg

# "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: APPOINTMENTS TO planNANAIMO ADVISORY COMMITTEE

### STAFF'S RECOMMENDATION:

That Council:

1. Confirm one of the following applicants as a Community At Large representative to the planNanaimo Advisory Committee (PNAC) for a three-year term ending 2014-JUN-30:
  
2. Confirm the following applicant as the Youth (under 25 years of age) representative to the planNanaimo Advisory Committee (PNAC) for a three-year term ending 2014-JUN-30:  
  
Sarah Boyd
3. Confirm the appointment of Ric Kelm as the Vancouver Island University representative to the planNanaimo Advisory Committee.
4. Confirm the appointment of Chris Cross as the Canadian Home Builders' Association of Central Vancouver Island representative to the planNanaimo Advisory Committee.
5. Confirm the appointment of Clem Trombley as the Nanaimo Port Authority 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 Neighbourhood Association representatives, Community At Large representatives, a Youth representative, an Environment Community representative, a Vancouver Island University representative, a Canadian Home Builders' Association of Central Vancouver Island representative, a Nanaimo Port Authority representative,

Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
 Meeting Date: 2011-JUN-13



and a Snuneymuxw First Nation representative. The term for these positions expires 2011-JUN-30, with the exception of two, which are currently vacant; therefore Council is requested to:

- 1) select one candidate from the list to serve as the Community At Large representative on PNAC until 2014-JUN-30;
- 2) confirm the Youth (under 25 years of age) representative to PNAC until 2014-JUN-30;
- 3) confirm the Vancouver Island University appointment to PNAC;
- 4) confirm the Nanaimo Port Authority appointment to PNAC; and
- 5) confirm the Canadian Home Builders' Association of Central Vancouver Island representative.

No applications were received for the vacant Environment Community, Neighbourhood Association, or Snuneymuxw First Nation positions.

#### BACKGROUND:

The planNanaimo Advisory Committee (PNAC) is currently composed of 18 members and one Council representative. The membership includes Neighbourhood Association representatives, Community At Large representatives, a Youth representative, an Environment Community representative, a Vancouver Island University representative, a Canadian Home Builders' Association of Central Vancouver Island representative, a Nanaimo Port Authority representative, and a Snuneymuxw First Nation representative. The term for these positions (excluding two, which are currently vacant) expires 2011-JUN-30, and the City recently advertised for one each of the Neighbourhood Association, Community At Large, Youth, and Environment Community representative positions (with a closing date of 2011-MAY-27).

No applications were received for the Environment Community, Neighbourhood Association, or Snuneymuxw First Nation positions; five applications were received in response to the posting for the Community At Large position; and one application was received in response to the Youth Representative position. The applicants are listed below, and shown in *Schedules A to F*, with each offering a range of experience and geographical representation.

#### ***Community At Large Representative:***

All 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 Community At Large position, for a term ending 2014-JUN-30.

**Youth (under 25 years of age) Representative:**

Boyd, Sarah

The applicant has expressed an interest in community involvement and has demonstrated involvement in various avenues throughout the community. Council is requested to appoint the applicant for the vacant PNAC Youth position, for a term ending 2014-JUN-30.

A number of other positions also expire 2011-JUN-30. In response, Vancouver Island University has put forward Ric Kelm as their representative (see *Schedule G*), the Nanaimo Port Authority has put forward Clem Trombley as their representative (see *Schedule H*), and the Canadian Home Builders' Association of Central Vancouver Island has put forward Chris Cross as their representative (see *Schedule I*). Council is requested to confirm these appointments.

Respectfully submitted,

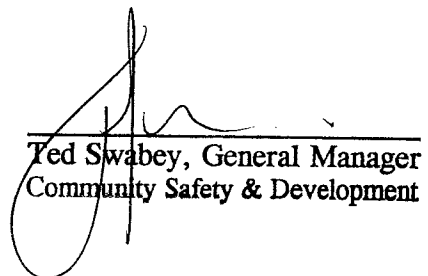


Bruce Anderson  
Manager of Community Planning  
Community Safety & Development Division



Andrew Tucker  
Director of Planning  
Community Safety & Development Division

Council: 2011-JUN-13  
g:\commplan\administration\council reports\2011\pnac membership.doc



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, 2011-JUN-13, COMMENCING AT 9:30 A.M.

---

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

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

Absent: Councillor W. J. Holdom

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  
T. M. Hickey, General Manager of Community Services  
I. Howat, Director of Strategic Relationships  
T. L. Hartley, Director of Human Resources and Organizational Planning  
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  
B. Prokopenko, Acting Senior Manager of Engineering  
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 9:30 a.m.

2. PROCEDURAL MOTION:

07511 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.

The motion carried unanimously.

3. INTRODUCTION OF LATE ITEMS:

- (a) Replace pages 30 to 31 – Agenda Item 9 (b) – Staff Reports – Crown Licence Application for Trail at Linley Valley, District Lot 56.
- (b) Mr. A. C. Kenning, City Manager, advised that Staff would be providing a verbal update on the annex building design process under Other Business.
- (c) Mr. A. C. Kenning, City Manager, advised that the newspaper story regarding postponement of kitchen waste collection was not correct and that the newspaper would be printing a retraction.

4. ADOPTION OF AGENDA:

07611 It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

5. ADOPTION OF MINUTES:

07711 It was moved and seconded that the Minutes of the "In Camera" Meeting of Council held Monday, 2011-MAY-16 at 9:30 a.m. in the City Hall Board Room be adopted as circulated. The motion carried unanimously.

07811 It was moved and seconded that the Minutes of the Special "In Camera" Meeting of Council held Monday, 2011-MAY-30 at 9:30 a.m. in the City Hall Board Room be adopted as circulated. The motion carried unanimously.

6. STAFF REPORTS:

ADMINISTRATION:

- (a) Designation of Park Land

07911 It was moved and seconded that Council refer the topic of designation of parkland to a "Lunch and Learn" information session to be tentatively scheduled for 2011-JUN-28. The motion carried unanimously.

COMMUNITY SAFETY AND DEVELOPMENT:

(b) Crown Licence Application for Trail at Linley Valley, District Lot 56

08011 It was moved and seconded that Council authorize Staff to pursue a Crown Land Tenure for a Licence of Occupation to establish a permanent public pedestrian trail within the Linley Valley, through a portion of District Lot 56. The motion carried unanimously.

(c) Authorization to Seek Legal Action – 18 Spyglass Lookout

08211 It was moved and seconded that Council authorize, in conjunction with the City Solicitor, to take legal action against the owners and occupiers of the property located at 18 Spyglass Lookout, Nanaimo, BC. The motion carried unanimously.

(d) Appointments to planNanaimo Advisory Committee

08311 It was moved and seconded that Council appoint Mr. Michael Harrison as a Community at Large representative to the planNanaimo Advisory Committee (PNAC) for a three-year term ending 2014-JUN-30. The motion carried.

Opposed: Councillor Johnstone

08411 It was moved and seconded that Council:

1. appoint Ms. Sarah Boyd as the Youth (under 25 years of age) representative to the planNanaimo Advisory Committee for a three-year term ending 2014-JUN-30;
2. confirm the appointment of Mr. Ric Kelm as the Vancouver Island University representative to the planNanaimo Advisory Committee;
3. confirm the appointment of Mr. Chris Cross as the Canadian Home Builders' Association of Central Vancouver Island representative to the planNanaimo Advisory Committee; and,
4. confirm the appointment of Mr. Clem Trombley as the Nanaimo Port Authority representative to the planNanaimo Advisory Committee.

The motion carried unanimously.

7. OTHER BUSINESS:

(a) Verbal Update re: Downtown Parking

08511 It was moved and seconded that Council refer the topic of downtown parking to a "Lunch and Learn" information session to be tentatively scheduled for 2011-JUN-22. The motion carried unanimously.

(b) Verbal Update re: New City Hall Annex

08611 It was moved and seconded that Council direct Staff to obtain costs to reinforce the foundation of the new annex building to allow for a six floor building. The motion carried unanimously.

8. ADJOURNMENT:

08711 It was moved and seconded at 10:49 a.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

08811 It was moved and seconded at 10:49 a.m. that the Regular Meeting terminate. The motion carried unanimously.

---

M A Y O R

CERTIFIED CORRECT:

---

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, 2011-JUN-27, COMMENCING AT 9:30 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, 2011-JUN-13 at 9:30 a.m. in the City Hall Board Room. *Pg. 4-7*

4. **PRESENTATIONS:**

5. **DELEGATIONS:**

- (a) Ms. France Tellier and Ms. Joanne Bevis, John Howard Society, to request Council's support in principle for the purchase of the Nanaimo Travellers Lodge for a community addiction treatment centre. *Pg. 8-29*
- (b) Mr. Roger Bird, President, Vancouver Island Military Museum Society, regarding a proposal from the Vancouver Island Military Museum to lease and occupy the Centennial Building at Piper Park. The VIMM Board of Directors will also be present. *Pg. 30-34*

6. **MAYOR'S REPORT:**

7. **COMMISSION REPORTS:**

8. **COMMITTEE REPORTS:**

9. **STAFF REPORTS:**

ADMINISTRATION:

- (a) **Hotel** *Pg. 35-59*

*Staff's Recommendation: That Council invite representatives from  
to meet with Council to  
explain their proposal to Council and to answer questions from Council.*

COMMUNITY SAFETY AND DEVELOPMENT:

- (b) **Disposition of Lease to Team Aquatic Supplies Ltd. at the Nanaimo Aquatic Centre, 741 Third Street** Pg. 60-63

Staff's Recommendation: That Council:

1. *approve in principle a Lease disposal at the Nanaimo Aquatic Centre, 741 Third Street, to Team Aquatic Supplies Ltd. to operate a retail Swim and Fitness Pro Shop for the sale of sports merchandise;*

AND:

2. *direct Staff to publish a Notice of proposed property disposition by way of Lease in accordance with the Community Charter, Section 26; and,*

AND:

3. *direct Staff to bring forward a report to the 2011-JUL-11 Council Meeting to approve the Lease Agreement executed by Team Aquatic Supplies Ltd. and to authorize the Mayor and the Manager of Legislative Services to execute the Lease.*

- (c) **Disposition of Lease to CBI Health Group Inc. at the Nanaimo Aquatic Centre, 741 Third Street** Pg. 64-67

Staff's Recommendation: That Council:

1. *approve in principle a Lease disposal at the Nanaimo Aquatic Centre, 741 Third Street, to CBI Health Group Inc. to operate a multidisciplinary health and wellness centre;*

AND:

2. *direct Staff to publish a Notice of proposed property disposition by way of Lease in accordance with the Community Charter, Section 26; and,*

AND:

3. *direct Staff to bring forward a report to the 2011-JUL-11 Council Meeting to approve the Lease Agreement executed by CBI Health Inc. and to authorize the Mayor and the Manager of Legislative Services to execute the Lease.*



COMMUNITY SERVICES:

- (d) **Military Museum Proposal for Use of Old Museum (Centennial Building) at Piper Park** Pg. 68-81

Staff Recommendations: That Council:

1. *proceed with the 2006 park planning process;*

OR:

2. *conduct a public request for proposals (RFP) process because several organizations may be interested in the use of this building.*

10. **INFORMATION ONLY ITEMS:**

- (a) Report from Mr. B. Corsan, Manager of Real Estate, re: Proposed Expropriation of Right of Way Across 1431 Bowen Road (LD2286). Pg. 82-85
- (b) Report from Mr. D. Holmes, Assistant City Manager / General Manager, Corporate Services, re: New City Hall Annex. Pg. 86-88

11. **CORRESPONDENCE:**

12. **OTHER BUSINESS:**

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

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

# “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: DISPOSITION OF LEASE TO TEAM AQUATIC SUPPLIES LTD. AT  
THE NANAIMO AQUATIC CENTRE, 741 THIRD STREET

STAFF'S RECOMMENDATION:

That Council:

1. approve in principle a Lease disposal at the Nanaimo Aquatic Centre, 741 Third Street, to Team Aquatic Supplies Ltd. to operate a retail Swim and Fitness Pro Shop for the sale of sports merchandise;
2. direct Staff to publish a Notice of proposed property disposition by way of Lease, in accordance with the *Community Charter*, Section 26; and
3. direct Staff to bring forward a report to the 2011-JUL-11 Council Meeting to approve the Lease Agreement executed by Team Aquatic Supplies Ltd. and to authorize the Mayor and the Manager of Legislative Services to execute the Lease.

EXECUTIVE SUMMARY:

The Nanaimo Aquatic Centre (NAC) has three tenants who have been conducting business under Licenses to Occupy. The License Agreements expired on 2011-MAY-31 and the tenants are over holding month-to-month.

Team Aquatic Supplies Ltd. (Attachment A) has an excellent relationship with the City and the business is well-suited for NAC, offering swimming and fitness products. It is seeking a new five (5) year term to occupy the space.

An appraisal was conducted for market rent of the Swim and Fitness Pro Shop, by Cunningham & Rivard Appraisals Ltd., which concludes that the current rent of \$9,600.00 per annum is still appropriate.

A Notice of Intent to enter into a new five (5) year Agreement with Team Aquatic Supplies Ltd. was published on the City website and on BC Auction. At the expiration of the Notice of Intent on 2011-MAY-19, there were no challengers to the incumbent tenant.

Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
 Meeting Date: 2011-JUN-27

Staff is supportive of a new Agreement and recommends that the City enter into a Lease with the tenant, rather than a License, as a Lease is the industry standard in a situation where a tenant occupies a commercial unit on an exclusive basis.

**BACKGROUND:**

In 2001, DB Perks & Associates Ltd. became the operator of the 25.6 m<sup>2</sup> (275 ft<sup>2</sup>) Swim and Fitness Pro Shop (Attachment A). A License to Occupy was granted by the City with the tenure of two consecutive five (5) year-terms. The tenant has been on a month-to-month tenancy since the second term expired 2011-MAY-31.

DB Perks & Associates Ltd. is now doing business as Team Aquatic Supplies Ltd. The City has an excellent relationship with the Swim and Fitness Pro Shop and the business is well-suited for NAC. It offers swimming and fitness products at competitive prices and would like to continue occupying the space at NAC for another five years.

Staff recommends that the City enter into a Lease Agreement with the tenant, rather than a License, as a lease is the industry standard when a tenant occupies a tenanted space in a commercial capacity.

An appraisal to determine market rent was conducted by Cunningham & Rivard Appraisals Ltd. of the three tenanted spaces at NAC. The current rent of \$9,600.00 per annum paid by Team Aquatic Supplies Ltd. is still a competitive market rate.

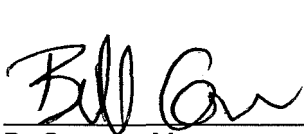
Prior to entering into a new Agreement with Team Aquatic Supplies Ltd., Staff published a Notice of Intent to enter into a new Agreement for a five (5) year Lease with rent of \$9,600.00 per annum on the City website, as well as BC Auction. This Notice informed interested parties that the City wished to enter into a new Agreement with Team Aquatic Supplies Ltd., outlining the terms of the Agreement and inviting parties interested in the opportunity, to put forward a proposal. At the expiration of the Notice of Intent, 2011-MAY-19, there were no challengers.

Following Council's approval in principle of the Lease, Staff will bring forward a report to the 2011-JUL-11 Council Meeting to seek approval of the Lease Agreement executed by Team Aquatic Supplies Ltd. and to authorize the Mayor and the Manager of Legislative Services to execute the Lease.

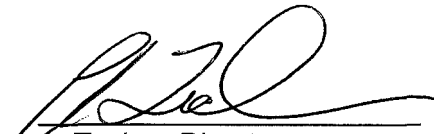
Salient terms and conditions of the Lease Agreement are as follows:

Lessee: Team Aquatic Supplies Ltd.  
Property Address: 741 Third Street  
Use: Swim and Fitness Pro Shop for the sale of sports merchandise  
Lease Rent: \$9,600.00 per annum paid \$800.00 monthly plus applicable taxes  
Occupancy Term: Five (5) years ending 2016-MAY-31  
Termination: Sixty (60) day termination clause

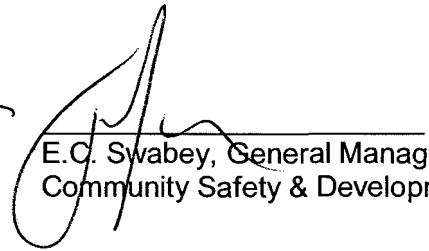
Respectfully submitted,



B. Corsan, Manager  
Real Estate



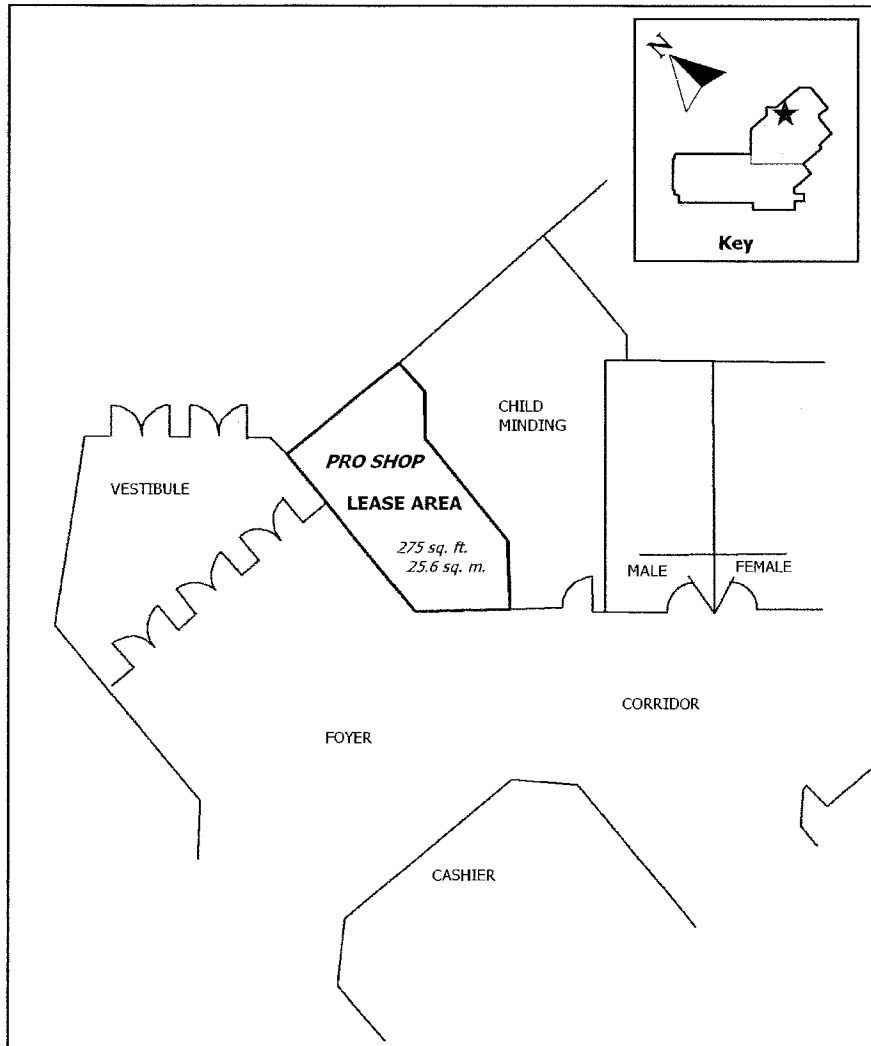
A. Tucker, Director  
Planning



E.C. Swabey, General Manager  
Community Safety & Development

BC/tl  
"IC" Council: 2011-JUN-27  
Prospero: LD000460

ATTACHMENT A



Lease Area at 741 Third Street, Nanaimo, B.C.  
Nanaimo Aquatic Centre  
ATTACHMENT A

# “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: DISPOSITION OF LEASE TO CBI HEALTH GROUP INC. AT  
THE NANAIMO AQUATIC CENTRE, 741 THIRD STREET

STAFF'S RECOMMENDATION:

That Council:

1. approve in principle a Lease disposal at the Nanaimo Aquatic Centre, 741 Third Street, to CBI Health Group Inc. to operate a multidisciplinary health and wellness centre;
2. direct Staff to publish a Notice of proposed property disposition by way of Lease in accordance with the *Community Charter*, Section 26; and
3. direct Staff to bring forward a report to the 2011-JUL-11 to approve the Lease Agreement executed by CBI Health Group Inc. and to authorize the Mayor and the Manager of Legislative Services to execute the Lease.

EXECUTIVE SUMMARY:

The Nanaimo Aquatic Centre (NAC) has three tenants who have been conducting business under Licenses to Occupy. The License Agreements expired on 2011-MAY-31 and the tenants are over holding month-to-month.

CBI Health Group Inc. (CBI) has an excellent relationship with the City and the business is well-suited for NAC, offering physiotherapy health and wellness programs. It is seeking a new five (5) year term to occupy the space. (Attachment A)

An appraisal was conducted for market rent of the CBI lease area by Cunningham & Rivard Appraisals Ltd., which concludes that the current rent of \$22,766.00 per annum is in the middle of an appropriate market range. Staff intends to phase in an increase over the new term.

A Notice of Intent to enter into a new five (5) year Agreement with CBI was published on the City website and on BC Auction. At the expiration of the Notice of Intent on 2011-MAY-19, there were no challengers to the incumbent tenant.

Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
 Meeting Date: 2011-JUN-27

Staff is supportive of a new Agreement and recommends that the City enter into a Lease with the tenant, rather than a License, as a Lease is the industry standard in a situation where a tenant occupies a commercial unit on an exclusive basis.

**BACKGROUND:**

In 2001, Summit Injury Management Inc. became the operator of the 151.2 m<sup>2</sup> (1,627 ft<sup>2</sup>) health and wellness centre (Attachment A). A License to Occupy was granted by the City, with a tenure of two consecutive five (5) year terms. The tenant has been on a month-to-month tenancy since the second term expired 2011-MAY-31.

Summit Injury Management Inc. is now doing business as CBI Health Group Inc. The City has an excellent relationship with the health and wellness centre and the business is well-suited for NAC. CBI is open to offering new and/or expanded services such as cardiac rehabilitation programs. It would like to continue occupying the space at NAC for another five years.

Staff recommends the City enter into a Lease Agreement with the tenant, rather than a License, as a Lease is the industry standard when a tenant occupies a tenanted space in a commercial capacity.

An appraisal to determine market rent of the three tenanted spaces at NAC was conducted by Cunningham & Rivard Appraisals Ltd. The current rent of \$22,776.00 per annum paid by CBI is in the middle of an appropriate market range. Staff intends to phase in an increase of 7% over the new five (5) year term.

Prior to entering into a new Agreement with CBI, Staff published a Notice of Intent to enter into a new Agreement of a five (5) year Lease with rent of \$22,776.00 per annum on the City website, as well as BC Auction. The Notice of Intent informed interested parties that the City wished to enter into a new Agreement with CBI, outlining the terms of the Agreement and inviting parties interested in the opportunity, to put forward a proposal. At the expiration of the Notice of Intent, 2011-MAY-19, there were no challengers.

Following Council's approval in principle of the Lease, Staff will bring forward a report for the 2011-JUL-11 Council Meeting to seek approval of the Lease Agreement executed by CBI and to authorize the Mayor and the Manager of Legislative Services to execute the Lease.

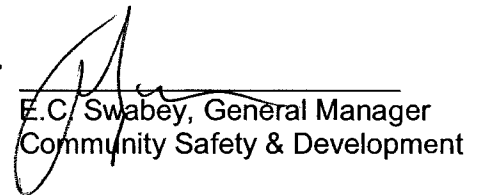
Salient terms and conditions of the Lease Agreement are as follows:

Lessee: CBI Health Group Inc.  
Property Address: 741 Third Street  
Use: The delivery of multidisciplinary therapy and wellness services  
Lease Rent: Year 1: \$21,960.00 paid monthly \$1,830.00 plus applicable tax  
Year 2: \$22,776.00 paid monthly \$1,898.00 plus applicable tax  
Year 3, 4 and 5: \$24,408.00 paid monthly \$2,034.00 plus applicable tax  
Occupancy Term: Five (5) years ending 2016-MAY-31  
Termination: Sixty (60) day termination clause

Respectfully submitted,

  
B. Corsan, Manager  
Real Estate

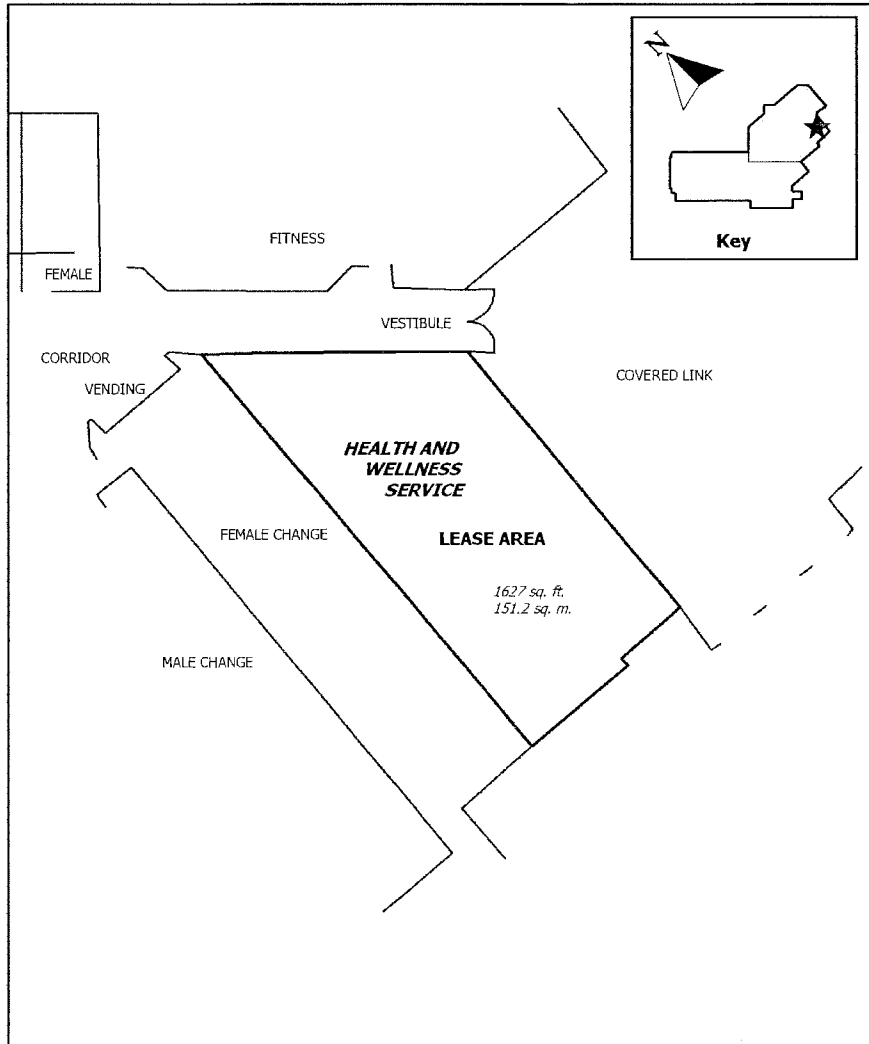
  
A. Tucker, Director  
Planning

  
E.C. Swabey, General Manager  
Community Safety & Development

BC/tl  
Council: 2011-JUN-27  
Prospero: LD000582



# ATTACHMENT A



Lease Area at 741 Third Street, Nanaimo, B.C.  
Nanaimo Aquatic Centre  
ATTACHMENT A

# **“IN CAMERA” STAFF REPORT**

**REPORT TO: TOM HICKEY, GENERAL MANAGER OF COMMUNITY SERVICES**

**FROM: RICHARD HARDING, DIRECTOR OF PARKS, RECREATION AND CULTURE**

**RE: MILITARY MUSEUM PROPOSAL FOR USE OF OLD MUSEUM  
(CENTENNIAL BUILDING) AT PIPER PARK**

---

STAFF RECOMMENDATION: That Council:

1. consider proceeding with the 2006 park planning process; or,
2. conducting a public request for proposals (RFP) process because several organizations may be interested in the use of this building.

EXECUTIVE SUMMARY:

The Nanaimo Military Museum is in need of a new location by the end of this year and has submitted a proposal for use of the bottom floor of the Old Museum (Centennial Building) at Piper Park. The proposal also mentions shared use of the upper floor with the Nanaimo Museum. This proposal is included in the agenda package.

Over the years a number of organizations have expressed an interest in possible use of the building. Most notable is the recent presentation by the Nanaimo Art Gallery to the Parks, Recreation and Culture Commission.

There are three options for Council to consider in relation to the Military Museum’s proposal:

1. Direct Staff to proceed with the Piper Park Planning process as approved in 2006.
2. Direct Staff to issue a Request for Proposal for the use of the building.
3. Direct Staff to work with the Military Museum on a draft lease agreement for Council’s consideration.

The Planning process would take six months if started this summer and would provide Council and the public a variety of options for the park and the building. However, this would not meet the Military Museum’s timeframe for securing a new home by the end of the year.

An RFP for the building could be conducted within the next few months which would provide other organizations the opportunity to submit potential uses to Council. This would indicate that it is Council’s desire to maintain the Old Museum building at Piper Park.

Staff recommend that Council consider either proceeding with the 2006 park planning process or conducting a public request for proposals (RFP) process because several organizations may be interested in the use of this building.

BACKGROUND:

Piper Park is situated between Front Street, the Port Theatre, the Vancouver Island Conference Centre, the proposed new hotel, and, Port Place Mall. The need for improvement to this park was identified and planned for during the new Nanaimo centre process - as the Nanaimo Museum would be moving into the Vancouver Island Conference Centre and the new major hotel would be situated up against it.

The Parks, Recreation and Culture Commission, at their regular meeting of 2006-MAY-24, approved the following park planning principles and process for Piper Park:

- To create an attractive, safe and vibrant downtown park that interfaces well with adjacent facilities and is physically and visually linked to the waterfront walkway and downtown.
- To increase pedestrian activity through and into the park.
- To capitalize on the site's view potential and enhance the landmark features of the park.
- To incorporate historical interpretation and public art within the park.

The following steps were established to carry out the redevelopment process:

- Meet with community stakeholders.
- Develop a design concept based on input received.
- Design concept and cost estimates forwarded to the Parks, Recreation and Culture Commission for review and comment.
- The redevelopment concept plan is presented to the public through an open house.
- Parks, Recreation and Culture Commission recommend the Piper Park Redevelopment Plan for City Council approval.
- Detail design completed.
- Park redevelopment initiated based on funding available.

At their meeting of 2006-JUN-12, Council received the planning process for the redevelopment of Piper Park as endorsed by the Parks, Recreation and Culture Commission; however, given the delays in proceeding with the new hotel, the park planning process has not proceeded to date and funds have been re-allocated to the 2012 Capital Plan.

#### Condition and Future Uses of the Old Museum Building:

In 2008, staff contracted to Herold Engineering to do an assessment of the building. This assessment is attached as Schedule "A" to this Report. Council will note the consultants provided costs based on four options:

1. Continued use of building with similar use (the Military Museum would be an example of this).
2. Demolish building (option to consider in park planning process).
3. Demolish building and second floor down to the main floor level and renovate the lower level (option to consider in park planning process).
4. Lease or renovate the entire building (the Art Gallery proposal would fit this option and would require major renovations and upgrades to the building).  
Note: the consultant also used the term "sell" in their proposal but was not aware of the restrictions on the parkland when writing their recommendations.

Currently the Nanaimo and District Museum are using the old museum building to construct display cases for the new museum as well as to store materials and supplies. The Museum has officially requested that the bottom floor of the building be available for their use (or a similar size and area of the building).

#### Existing Park Designation and Zoning

Piper Park is a designated Park by Bylaw and has the Park Zoning (PRC 3). The Military Museum and like uses are permitted under this zoning. There are no legal documents or agreements with other organizations, other than Nanaimo Museum, for use of the Building – this agreement has now expired.

#### Other Possible Users of the building

Since the Museum building has been vacated, other groups have indicated their desire to use this building. Some have made formal presentations to Council and the Parks, Recreation and Culture Commission while others have been mentioned in the media. Examples of these requests are: Nanaimo Art Gallery; Creating a Science Centre; an Arts School; Military Museum; restaurant; and, rental space to a variety of non-profit organizations. No formal agreements have been established for its use. Also, none of the groups to date who have requested use of the building have come forward with funds to upgrade the building. However, the Military Museum proposal does provide some financial options and their use would require the least amount of upgrades to the building (i.e.: roof, electrical, and potentially seismic).

#### Funding

The building has also not been identified by Council in its Five-Year Operating or Capital Plan priorities. There is \$362,176 allocated in the 2012 budget as part of the Piper Park improvement plan implementation that could be allocated to the building upgrades.

Respectfully submitted,



---

Richard Harding, Director  
Parks, Recreation and Culture



---

Tom Hickey, General Manager  
Community Services

Attachment – Schedule "A"

November 17, 2008

017-178/02

Via email: maurice.mauch@nanaimo.ca

City of Nanaimo  
Engineering Services  
200 Franklyn Street  
Nanaimo, BC V9R 2X4

Attn: Maurice Mauch, ASCT

**Re: Nanaimo Centennial Museum Building  
Pipers Park  
Nanaimo, BC**

Dear Maurice:

At your request, Herold Engineering Limited has completed a review of the above building to determine its current condition and its potential for future use and occupancy.

Herold Engineering Limited staff provided reviews on both the structural and architectural condition and functioning of the building and retained Mr. Les Brown of RB Engineering Ltd. to review the electrical systems. The City of Nanaimo retained Martell/Coral Refrigeration and Air Conditioning to review the mechanical heating, ventilating and air conditioning systems in the building. The plumbing systems were not inspected.

The reviews by the various disciplines included an on-site inspection of both the interior and exterior of the building as well as a review of the original building design/construction drawings made available to use by the City of Nanaimo. It is noted that there were no structural engineering drawings made available.

**Building Description**

The Nanaimo Centennial Museum in Pipers Park was designed by Barley & Weismiller Architects in 1966 for Canada's 1967 Centennial. It is a three storey octagonal reinforced concrete structure with a timber roof constructed above a flat concrete roof structure. The building was in all likelihood constructed with foundations on solid rock and it is assumed that it was designed to the requirements of the 1965 National Building Code of Canada.

.../2

The building measures 77'-3" out to out with 32'-0" typical for its eight octagonal sides. Floor elevations are as follows:

- Lower Floor..... 43'-6"
- Main Floor..... 55'-3"
- Second Floor ..... 67'-9"

Floor to floor heights are 11'-9" from lower to main floor and 12'-6" from main floor to second floor.

Floor areas are as follows:

- Lower Floor.....4,944 ft<sup>2</sup>
- Main Floor.....4,720 ft<sup>2</sup> (not including exterior walkway)
- Second Floor ..... 400 ft<sup>2</sup> (approx.)

General structural and architectural building systems are as follows:

- Roof: Cedar shakes on 1" x 4" @ 7½" o/c strapping on 2" x 6" @ 16" o/c rafters c/w 3" batt insulation supported by wood stud walls down to 7" reinforced concrete structural slab.
- Central part of roof structure and cupola supported by 5¼" x 11¾" glulam beams supported by eight 3" standard steel pipe columns.
- Second Floor: 7" reinforced concrete slab and integral concrete slab bands supported by nine interior (eight octagonal and one centre) 14" diameter reinforced concrete columns and 6" reinforced concrete exterior walls with 5" stone facing. There are also two concrete stairwells between the second and main floors.
- Main Floor: 9" reinforced concrete slab and integral concrete slab bands supported by nine interior (eight octagonal and one centre) 14" diameter reinforced concrete columns and 8" reinforced concrete exterior walls backfilled on the north and east and west sides. There is one concrete stairwell between the main and lower floor.
- Lower Floor: 4" concrete slab on 6 mil poly membrane on 2" concrete ground seal.

There are 8" unreinforced masonry partition walls on the main floor and 6" unreinforced masonry partition walls on the lower floor according to the original drawings and from our knowledge of construction practices at the time.

### Site Inspection

Our site inspection indicated that the building is in reasonable structural condition for its age with the original shake roof probably in need of replacement. There were some areas of

.../3

concrete distress, in particular at the centre of the concrete slab of the main floor where there appears to be a slab crack below the vinyl flooring radiating out from the column. Removal of the sheet vinyl flooring in the area of the crack and proper access below the slab would be required to determine the significance of the crack. It may be due to minimal top steel in the slab bands at the centre column support which is difficult to determine without structural drawings. Also there are some cracks on the exterior deck at the main floor level starting at the octagonal corner and radiating back in towards the building. These are probably due to shrinkage of the slab. Architectural finishes for ceilings, floors and walls are dated and in need of upgrading.

There were no signs of building settlement, which is expected due to foundations on rock.

### Mechanical

The mechanical heating, ventilating and air conditioning systems were reviewed by Martell/Coral Refrigeration and Air Conditioning and their single page report is appended to the end of this report.

### Electrical

#### **1.0 Overview**

The building is comprised of approximately 10,064 square feet of floor area over three floors and was constructed in 1967. The building is primarily constructed with concrete and block walls with wood stud partition walls.

#### **2.0 Electrical Services**

The facility is serviced from BC Hydro and Telus via an underground duct system from a utility pole located on Cameron Way to the electrical room located on the lower floor. This utility pole supports pole mounted BC Hydro transformers.

The BC Hydro service size is 600 amps, 120/208 volts, three phase, and this service is split into four separate sub services which are separately metered. The calculated demand as per the Canadian Electrical Code (CEC) for this type of building and occupant type is 440 amps.

The electrical distribution equipment consists of fused disconnect switches, splitters and circuit breaker panel boards located throughout the building. This equipment is original to the construction of the building.

#### **3.0 Lighting**

The interior light fixtures of the building are comprised of fluorescent and incandescent type. The fluorescent lights utilize T-12 lamps and magnetic ballasts. The lights are controlled from individual switches and the circuit breakers in the panel boards.

The exterior light fixtures of the building are incandescent type.

.../4

#### 4.0 Exit Signs

The exit signs were upgraded from incandescent to LED approximately five years ago. The locations of the exit signage do not completely comply with the current BC Building Code.

#### 5.0 Emergency Lights

The emergency lighting does not comply with the current BC Building Code. Emergency lights need to provide an average illumination level of 10 lux and a minimum illumination level of 1 lux for a minimum of 30 minutes in the corridors and paths leading to exits from open floor areas and service rooms.

#### 6.0 Fire Alarm System

The fire alarm system is a Mirtone 7516, this system is a single stage analogue system with manual pull stations and 10" diameter bells for audibility. The Mirtone system is obsolete and is no longer supported. The fire alarm devices do not comply with the current BC Building Code and the CAN/ULC- S524-01 (standard for installation of fire alarms).

#### 7.0 Summary

In summary:

- The BC Hydro service size has sufficient capacity for the type of use.
- The electrical distribution equipment is original and should be replaced.
- The Telus building service is sufficient.
- The interior lighting should be replaced with energy efficient T8 type fluorescent lights with electronic ballasts.
- The exterior lighting should be replaced with energy efficient fluorescent or high density discharge (HID) lights.
- New exit signs should be added to the existing signs to comply with the BC Building Code.
- All emergency lighting should be replaced to comply with the BC Building Code.
- The fire alarm system is obsolete and should be replaced to comply with the BC Building Code.

#### Code Review / Building Use

The existing building as a museum is deemed to be a Group A, Division 2 Assembly Occupancy Building. We have appended a section from the 2006 British Columbia Building Code indicating different uses in the Group A category and particularly in the Group A, Division 2 category.



---

To meet the current requirements of the Building Code, the building needs to be considered a "two storey" structure by Code since the roof is of combustible construction and a three storey Assembly Occupancy Building is not allowed to have any combustible construction including roof structure. The definition of grade in the Building Code defines the lower floor of this building to be the "first storey" and therefore the building does not meet the requirements of the Building Code since it is deemed by definition to be a three storey Assembly Occupancy Building with combustible construction.

### **Exiting**

A review of the existing exiting from the lower, main and second floors has exits meeting the requirements of the Building Code except there are some dead end corridors on the second floor in the access areas to the mechanical room that would be deemed to be a problem during a fire. Existing interior stairwells are open at floor levels and need to be complete with closure units or magnetic door holders to meet the requirements of exits.

### **Insulation / Vapour Barrier**

The existing drawings indicate 3" batt insulation in the roof and 2" batt insulation in the strapping on the interior of the exterior walls. Insulation levels are well below current Code requirements. The existing poly vapour barrier installed at the roof level applied to the underside of the framing is torn in numerous locations. There is no indication of a poly vapour barrier on the exterior walls.

### **Security**

The location of the building on the site and the location of the site itself close to the downtown and its transient and homeless population make the site, and particularly the north side of the building, a popular spot for Nanaimo's homeless. Due to this, security at the building is somewhat difficult and the presence of the homeless around the building must be recognized when looking at future uses of the site.

### **Existing Glazing**

The existing glazing units appear to be original, single pane in aluminum frames. Loose glass panels and broken seals were noted and building security as noted above is an issue. Future use of the building should consider replacement of all glazing units with thermally broken double pane units complete with security film on glazing.

### **Accessibility**

Existing washrooms do not meet the barrier-free requirements of the current British Columbia Building Code and the number of fixture units appears low for Assembly Occupancy.

There is no existing elevator between floors and access to the upper floor is via relatively steep exterior ramps that may be difficult to use during inclement weather.

.../6

---

### **Fire Protection**

The existing building structure does not need to be sprinklered to meet current Building Code requirements if it is deemed to be a two storey building. If the building is going to have extensive renovations, the City of Nanaimo sprinkler bylaw may be triggered and sprinklers may be required to be added as part of the remedial work. Sprinklering the building could cost in the area of \$60,000.00.

### **Seismic**

The building was probably structurally designed to the requirements of the 1965 National Building Code of Canada and would probably have been designed by a Professional Engineer. The architectural drawings did note that structural drawings were part of the construction drawings, but these drawings were not available for our review.

The seismic requirements of the 1965 National Building Code of Canada would have required the building to be designed for 10% of the dead weight of the structure and percentage of snow load. Current seismic requirements would need the structure to be designed for a minimum of 24% of dead weight of the structure and percentage of snow load.

The lateral load resisting system of the building is horizontal concrete floor diaphragms at both the main and upper floor areas and plywood roof diaphragm. Lateral load resisting elements are exterior 6" and 8" concrete walls and interior concrete stairwells and possible frame action of the concrete columns and slab bands.

Although a seismic analysis was beyond the scope of this report, it is our opinion that the building would perform marginally during a current design seismic event due mainly to clerestorey windows above the 6" concrete exterior walls at the main floor. The seismic performance of the building would be improved with infilling some of the exterior wall openings with concrete walls up to the second floor concrete slab.

The existing unreinforced 6" and 8" concrete block masonry walls on the lower and main floors are not allowed by current Code in our seismic zone and should be removed as part of any renovation.

### **Upper Balcony / Walkway Railings**

The existing steel balcony/walkway railings are considered guards and do not meet the safety requirements of the 2006 British Columbia Building Code due to openings in the guards and the ability for people to climb on the railings.

### **Options**

The City of Nanaimo has requested that the following three options be considered for the future use of the building and site:

1. Continued use of building with similar use.
2. Demolish the building.

.../7

- 3. Demolish the roof and second floor down to the main floor level and renovate the lower level.
- 4. Sell, lease or renovate the entire building.

We have also been asked to provide the probable cost for each of the foregoing alternatives. Following are our recommendations regarding each of the options and very rough probable costs associated with each option.

Option 1 – Continued Use of Building With Similar Use

If the City decided to sell or lease the building for re-use as an Assembly Occupancy, any renovations or tenant improvements would be completed by the new owners or the new tenants. If there is no change of Use or Occupancy, the City would not mandate any upgrades to the building and any tenant improvements would be at the discretion of the new tenants. The new use, even though it is considered Assembly Occupancy, would still need to meet the City's zoning requirements which may preclude some uses. Costs of this option would be dependent on the amount of tenant generated improvements.

Option 2 – Demolish the Building

Demolition of the existing building will require selective sorting of construction waste and with increased dumping charges at the local landfills, costs are much higher than they were several years ago:

Estimate of Probable Cost..... \$200,000 - \$300,000

Option 3 – Demolish Roof and Second Floor and Renovate Lower Floor

This option will require demolition down to the main floor slab and waterproofing of the slab. This option also includes complete renovations to the lower level. Estimate of probable costs is as follows:

|   |           |
|---|-----------|
| Demolition (including lower level walls) .....    | \$200,000 |
| Waterproofing and New Hard Landscape Surface..... | \$ 85,000 |
| Renovations @ \$100/ft <sup>2</sup> .....         | \$500,000 |
| HVAC.....   | \$ 35,000 |
| Sprinklers .....                                  | \$ 20,000 |
| TOTAL.....  | \$840,000 |

Option 4 – Renovate Entire Building

Due to the building designated as three storey by Code, it is our recommendation that the second floor be closed off to use and be used as mechanical space only, which would only leave the main and lower floor as leasable space. It is noted that a seismic assessment would be required by the City if the building's use is changed from Assembly Occupancy and the

Maurice Mauch, ASCT  
City of Nanaimo  
November 17, 2008

building would need to be upgraded to meet a minimum of 60% of current Seismic Code. Our previous section on seismic indicated that the building would have been required to be designed for a minimum of 10% of dead weight of the structure and current seismic loads would require approximately 24% of dead weight. It is expected that some seismic upgrading would be required to meet 60% of current Code.

Estimates of probable costs are as follows:

|  |                    |
|--|--------------------|
| Selective Demolition.....                    | \$ 50,000          |
| HVAC Upgrade .....                           | \$ 42,000          |
| Sprinklers .....                             | \$ 60,000          |
| Renovations @ \$100/ft <sup>2</sup> .....    | \$1,000,000        |
| Seismic Upgrade @ \$20/ft <sup>2</sup> ..... | \$ 200,000         |
| New Roof @ \$6/ft <sup>2</sup> .....         | \$ 42,000          |
| <b>TOTAL.....</b>                            | <b>\$1,394,000</b> |

The foregoing report is not to be considered an exhaustive or detailed condition assessment of the existing building and was completed in order for the City of Nanaimo to review alternatives for the future use of the building and site. Our estimate of probable costs are budget estimates only for comparison purposes and should not be construed as exact costing.

We trust the foregoing is sufficient for your needs at this time. Please contact the undersigned if you require any clarification on any items in this report.

Yours truly,

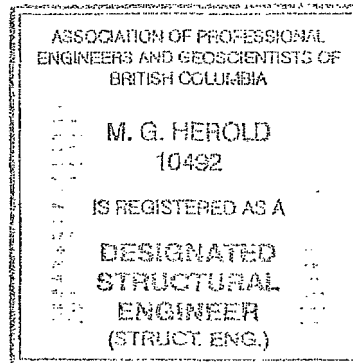
**HEROLD ENGINEERING LIMITED**



Mike Herold, P.Eng., Struct.Eng., M.I.Struct.E.

MGH/emb

Enclosure



11/18/08

## APPENDICES

2006 British Columbia Building Code Use and Occupancy

Mechanical Budget for HVAC Upgrade

**BRITISH COLUMBIA**

**Division B - Appendix A**

**Group A, Division 1**

- Motion picture theatre
- Opera houses
- Television studios admitting a viewing audience
- Theatres, including experimental theatres

**Group A, Division 2**

- Art galleries
- Auditoria
- Bowling alleys
- Churches and similar places of worship
- Clubs, nonresidential
- Community halls
- Courtrooms
- Dance halls
- Exhibition halls (other than classified in Group E)
- Gymnasias
- Lecture halls
- Libraries
- Licensed beverage establishments
- Museums
- Passenger stations and depots
- Recreational piers
- Restaurants
- Schools and colleges, nonresidential
- Undertaking premises

*NONWITHSTANDING  
FLOOR LOADING  
OR BONDING*

**Group A, Division 3**

- Arenas
- Indoor swimming pools, with or without spectator seating
- Rinks

**Group A, Division 4**

- Amusement park structures (not elsewhere classified)
- Bleachers
- Grandstands
- Reviewing stands
- Stadia

**Group B, Division 1**

- Jails
- Penitentiaries
- Police stations with detention quarters
- Prisons
- Psychiatric hospitals with detention quarters
- Reformatories with detention quarters

**Group B, Division 2**

- Children's custodial homes
- Convalescent homes
- Hospitals
- Infirmaries
- Nursing homes

- Manages
- Psychiatric hospitals without detention quarters
- Reformatories without detention quarters
- Sanitoria without detention quarters

**Group C**

- Apartments
- Boarding houses
- Clubs, residential
- Colleges, residential
- Convents
- Dormitories
- Hotels
- Houses
- Lodging houses
- Monasteries
- Motels
- Schools, residential

**Group D**

- Banks
- Barber and hairdressing shops
- Beauty parlours
- Dental offices
- Dry cleaning establishments, self-service, not using flammable or explosive solvents or cleaners
- Laundries, self-service
- Medical offices
- Offices
- Police stations without detention quarters
- Radio stations
- Small tool and appliance rental and service establishments

**Group E**

- Department stores
- Exhibition halls
- Markets
- Shops
- Stores
- Supermarkets

**Group F, Division 1**

- Bulk plants for flammable liquids
- Bulk storage warehouses for hazardous substances
- Cereal mills
- Chemical manufacturing or processing plants
- Distilleries
- Dry cleaning plants
- Feed mills
- Flour mills
- Grain elevators
- Lacquer factories
- Mattress factories



**MARTELL/CORAL REFRIGERATION & AIR CONDITIONING**

4 - 4396 Boban Drive, Nanaimo, BC V9T 5V9  
Phone: (250) 758-1731 • Fax: (250) 758-5918  
Email: nanaimo@coralcanadawide.com

August 27, 2008

Attn: Mr. Morris Mauch

RF: Museum - Hvac Replacement

Phone: 250 756-5328  
Fax: 250 756-5336

As per your request, Martell/Coral is submitting the following budget quotation for your review and consideration.

Supply and Install: 1 - York Heat Pump Unit

- c/w Pump down existing A/C Split Unit
- Remove and dispose indoor and outdoor sections
- Install new York Heat Pump, to be installed on existing frame
- Replace existing indoor cooling coil with Heat Pump coil
- Refrigerant Lines
- Necessary sheet metal alterations
- Re /Re electrical, Drain Lines
- Misc. welds and fittings

Budget Price: \$17,032.00 plus Gst.

**NOTE:**

This is a budget price only, changing out the Main Hvac system to Heat Pump, savings will be obtained. The existing inline heaters will stay in place for back up heat, if required.

Sincerely,

Robert Falk  
General Manager

MARTELL / CORAL REFRIGERATION & AIR CONDITIONING

• NO ELECTRICAL  
UPGRADE REQUIRED  
TO REPLACE HEAT  
PUMP

# "IN CAMERA" FOR INFORMATION ONLY

REPORT TO: ANDREW TUCKER, DIRECTOR OF PLANNING

FROM: BILL CORSAN, MANAGER OF REAL ESTATE

RE: PROPOSED EXPROPRIATION OF RIGHT OF WAY ACROSS 1431 BOWEN ROAD

---

STAFF'S RECOMMENDATION:

That Council receives the report for information.

EXECUTIVE SUMMARY:

The Quarterway Bridge/Bowen Road upgrade project involves the construction of a new bridge and realignment of Bowen Road.

A part of the bridge project involves the placement of rip rap material on an adjacent privately-owned property (1431 Bowen Road).

BACKGROUND:

In anticipation of the Quarterway Bridge replacement and Bowen Road re-alignment project, the City has been securing properties and rights of ways since 1991. The need for a right of way on 1431 Bowen Road was not previously identified until after the initial set of negotiations and expropriations in 2010.

The City's engineering consultant subsequently identified a need for:

1. the contractor to enter upon 1431 Bowen Road during construction of the bridge abutments;
2. the contractor to enter upon 1431 Bowen Road during construction of the new road approach to the bridge; and
3. the right to place earth fill and rock adjacent to the bridge abutments and roadway to provide lateral support and to prevent erosion by the Millstone River.

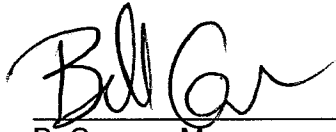
Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
 Meeting Date: 2011-JUN-27



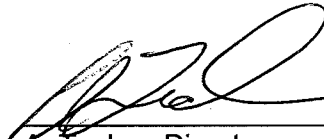
session of 2011-JUL-11 to begin the expropriation process.

Staff will report to Council's open

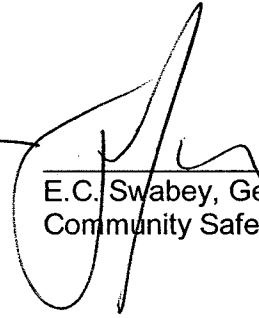
Respectfully submitted,



B. Corsan, Manager  
Real Estate



A. Tucker, Director  
Planning



E.C. Swabey, General Manager  
Community Safety & Development

RS/tl  
Prospero: LD 002286  
"IC" Council: 2011-JUN-27

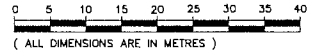
**PLAN OF STATUTORY RIGHT OF WAY OVER PART OF LOT 2, SUBURBAN LOT 7, SECTION 1, NANAIMO DISTRICT, PLAN 6025, EXCEPT PART IN PLAN 31163.**

PLAN EPP12275

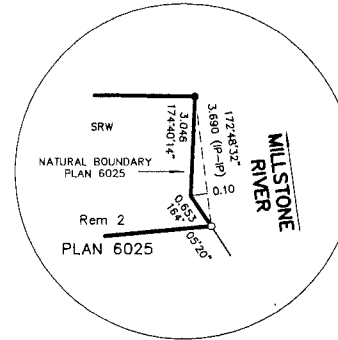
PURSUANT TO SECTION 113 OF THE LAND TITLE ACT.

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



| BOOK OF REFERENCE   |             |                     |
|---|-------------|---------------------|
| LEGAL DESCRIPTION   | PID         | AREA                |
| LOT 2, SUBURBAN LOT 7, SECTION 1, NANAIMO DISTRICT, PLAN 6025, EXCEPT PART IN PLAN 31163. | 004-361-415 | 53.7 m <sup>2</sup> |



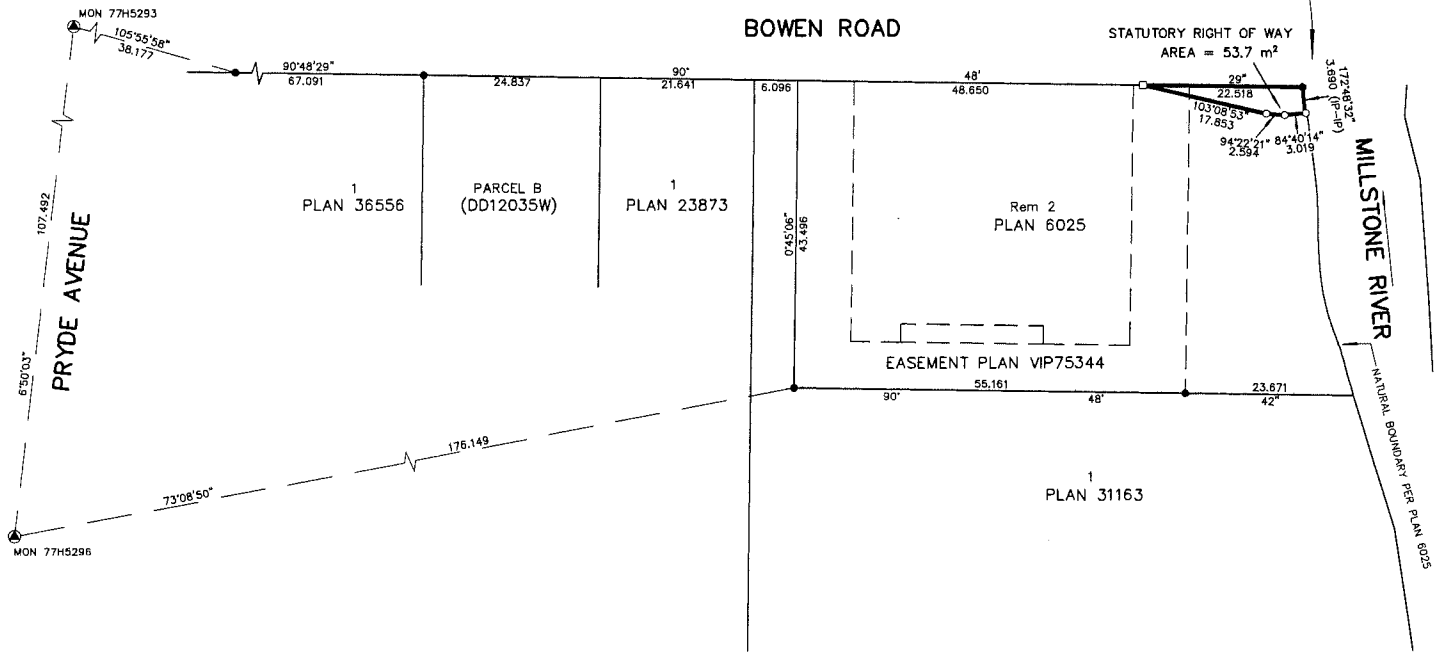
THIS PLAN LIES WITHIN THE JURISDICTION OF THE APPROVING OFFICER FOR THE CITY OF NANAIMO

**LEGEND**

GRID BEARINGS ARE DERIVED FROM OBSERVATIONS BETWEEN GEODETIC CONTROL MONUMENTS 77H5293 AND 77H5296. INTEGRATED SURVEY AREA No. 20, CITY OF 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 0.9996525.

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



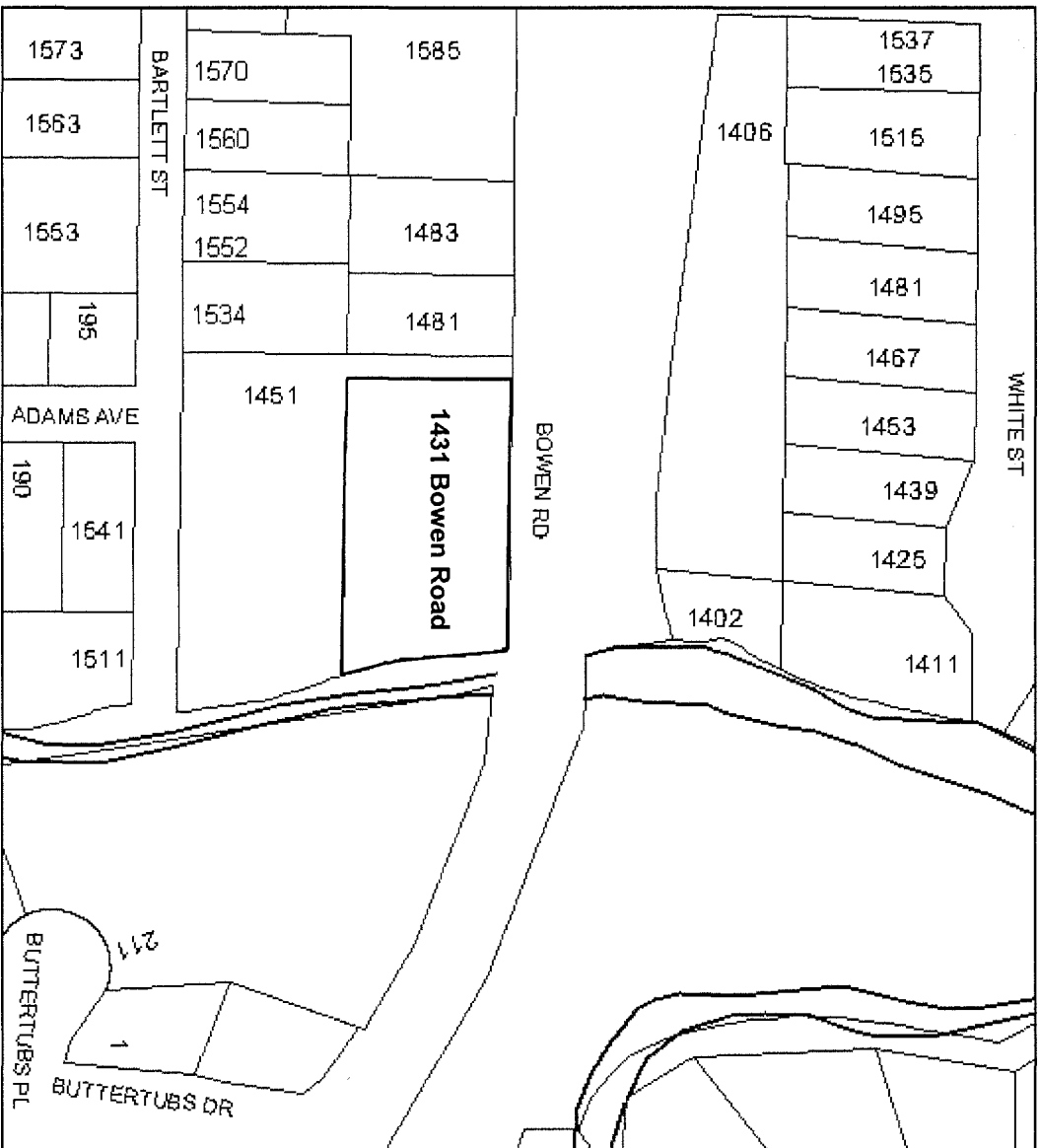
84

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

OUR FILE NO. 2232-71620-3  
 OUR DRAWING NO. 71620-3\_1431 BOWEN RD\_EASE.DWG

THIS PLAN LIES WITHIN THE REGIONAL DISTRICT OF NANAIMO  
 THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED BY  
 BRIAN DAVID WARDROP, BCLS ON 7TH DAY OF APRIL, 2011

ATTACHMENT B



"IC" For Information Only Report – 2011-JUN-27  
1431 Bowen Road/LD002286

# “IN CAMERA” FOR INFORMATION ONLY

REPORT TO: A.C. KENNING, CITY MANAGER

FROM: D.W. HOLMES, ASSISTANT CITY MANAGER/ GENERAL MANAGER,  
CORPORATE SERVICES

RE: NEW CITY HALL ANNEX

STAFF'S RECOMMENDATION:

That Council receives the report for information.

EXECUTIVE SUMMARY:

Council has directed staff to research the costs of preparing the new annex to be expandable from three floors to six floors at some point in the future. Our design-builder has estimated this cost to be approximately \$1.09 million. Our design-builder also cautions against the complexities of expanding on top of an occupied building. Given the cost, complexities and uncertainties of this option, unless Council directs otherwise, staff will be proceeding with the original design that allows for expansion by elimination of surface parking and placing a multi-story addition on the Wesley Street side.

BACKGROUND:

At Council's "In Camera" meeting held 2011-JUN-13, Council passed the following resolution:

*"It was moved and seconded that Council direct staff to obtain costs to reinforce the foundation of the new annex building to allow for a six floor building. The motion carried unanimously."*

Staff met with the City's design-builder who provided the following summary:

"This is a follow-up to our meeting yesterday and the discussion around the prospect of designing the three story annex to accept a future addition of three more floors.

1. From a geotechnical position there is no significant issue.
2. On the structural side, we have reviewed this with Mike Herold and he says that the increases in size of foundations and structural columns as well as changing the roof loading to floor loading would be in the order of magnitude of \$750,000.

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

Meeting Date: 2011-JUN-27

3. Architectural issues would be designing for exits. Currently we have exiting to Dunsmuir and Wesley Streets. We would have to anticipate a future additional stair when the three stories are added. Also the current single elevator is going to be a twin post hydraulic. Six stories with this type of elevator is a stretch. It could be changed to a conventional drilled in ground shaft but the hole would need to be drilled for the full six story travel. Provision for an additional elevator would be important. Drilling holes and providing the additional shaft would be around \$170,000.
4. The sanitary piping and the water piping would increase in anticipation of the added plumbing. Potentially \$10,000.
5. Sprinkler pipe sizing would get larger to allow for the future water volume and set up for additional zones. \$35,000.
6. The HVAC system typically has equipment at the roof level, centrally located for the most efficient distribution. This should possibly be relocated to the outside edge of the roof so that it becomes an outside wall when the floors are added. This less efficient location would possibly cost \$20,000. There would be new mechanical equipment added when the floors are added.
7. For electrical, the current building will have a service size of 800v to 1200v at 600 amps and would be a dip service by BC Hydro where they own and maintain the transformer. For the larger building you would need a high voltage service and the owner would pay for, and maintain, the transformation from 25kv down to 600v. Now you need to find space for this unit substation as well. The capital cost for this method of service would be an increase in the magnitude of \$100,000. I guess it is conceivable to run with the pad mount transformer from BC Hydro in this first phase and provide conduit over to a pre-established location for the unit substation. Probably \$10,000 would cover the planning and piping. Note that your emergency generator would also be too small.
8. Generally, the addition of three floors on top of three fully operational floors is very challenging. Maintaining safety for staff and public with a construction zone overhead is daunting. The existing plan for expansion on this project is for the elimination of surface parking and placing a multi-story addition on the Wesley Street side. This would be a more practical approach with its own structure, elevator, mechanical, etc.

We would not recommend the addition of floors as the direction to go.”


Further to the above summary, our discussions have yielded the following points, in no particular order:

- (a) The current zoning is for three stories, which raises the question of spending money now on something that may not be approved in the future.
- (b) The City could consider building the addition on the Wesley Street Side (as currently designed for) but higher than three storeys, (still requiring a rezoning).
- (c) Fire flow calculations may likely prove insufficient for a six storey building.
- (d) With an ever evolving building code, there is a chance that modifications made today would not meet a future building code for a six storey building.
- (e) After allowing for what we know today, this change would require funds in addition to the \$15.7 million.
- (f) The City's design-builder makes its technical recommendation against this option despite the fact that it would likely be lucrative for the design-builder.

CONCLUSION:

There are obvious advantages to preserving the ability to convert the new City Hall annex to a six storey building at some point in the future. However, the discussions among staff and the City's design-builder lead staff to not recommend this option due to its cost complexities and uncertainties. A minor portion of the advantages are preserved in the existing future expansion plans to the extent that a future addition can be built higher than three stories.

Respectfully submitted,

  
\_\_\_\_\_  
D.W. Holmes,  
Assistant City Manager/  
General Manager, Corporate Services

  
\_\_\_\_\_  
A.C. Kenning,  
City Manager

*Koz*

DWH/jdk/hp

Council: 2011-JUN-27

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, 2011-JUN-27, COMMENCING AT 9:30 A.M.

---

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

Members: Councillor W. L. Bestwick (left at 11:49 a.m.)  
Councillor G. E. Greves  
Councillor W. J. Holdom  
Councillor D. K. Johnstone  
Councillor J. A. Kipp (left at 11:58 a.m.)  
Councillor J. F. K. Pattje  
Councillor L. J. Sherry (left at 11:40 a.m.)  
Councillor M. W. Unger

Others: Ms. France Tellier, John Howard (arrived 9:33 a.m., departed 10:09 a.m.)  
Mr. Don Moody, John Howard (arrived 9:33 a.m., departed 10:09 a.m.)  
Ms. Joanne Bevins, John Howard (arrived 9:33 a.m., departed 10:09 a.m.)  
Ms. Barbara Rumney, John Howard (arrived 9:33 a.m., departed 10:09 a.m.)  
Mr. Roger Bird, VIMM (arrived 10:12 a.m., departed 10:49 a.m.)  
Mr. Brian McFadden, VIMM (arrived 10:12 a.m., departed 10:49 a.m.)  
Mr. Jack Seberg, VIMM (arrived 10:12 a.m., departed 10:49 a.m.)  
Mr. Evan Petley-Jones, VIMM (arrived 10:12 a.m., departed 10:49 a.m.)  
Mr. Gordie Swanson, VIMM (arrived 10:12 a.m., departed 10:49 a.m.)  
Mr. Phil Harris, VIMM (arrived 10:12 a.m., departed 10:49 a.m.)

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  
T. M. Hickey, General Manager of Community Services  
B. E. Clemens, Director of Finance  
Chief R. Lambert, Nanaimo Fire Rescue  
A. J. Tucker, Director of Planning  
R. J. Harding, Director of Parks, Recreation and Culture (left at 11:55)  
P. Kristensen, Director of Information Technology  
B. Sims, Manager of Water Resources  
D. Mousseau, Manager of Engineering & Subdivision  
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 9:32 a.m.

2. PROCEDURAL MOTION:

08911 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,
- (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) Add Item 12 (a) – Other Business - Verbal update regarding the Emergency Water Connection.

4. ADOPTION OF AGENDA:

09911 It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

5. ADOPTION OF MINUTES:

10011 It was moved and seconded that the Minutes of the "In Camera" Meeting of Council held Monday, 2011-JUN-13 at 9:30 a.m. in the City Hall Board Room, 455 Wallace Street, Nanaimo, BC be adopted as circulated. The motion carried unanimously.

The delegation from the John Howard Society entered the Board Room at 9:33 a.m.

6. DELEGATIONS:

- (a) Ms. France Tellier, Ms. Joanne Bevis, Ms. Barbara Rumney and Mr. Don Moody of the John Howard Society, outlined the proposal from the John Howard Society to purchase the Nanaimo Travellers Lodge for a community addiction treatment centre, and requested Council's support in principle for the project.

The delegation from the John Howard Society vacated the Board Room at 10:09 a.m.

The delegation from the Vancouver Island Military Museum (VIMM) entered the Board Room at 10:12 a.m.



- (b) Mr. Roger Bird, and Mr. Brian McFadden, accompanied by members of the Vancouver Island Military Museum Board of Directors, spoke regarding the proposal to lease and occupy the Centennial Building at Piper Park for museum space.

The delegation from VIMM vacated the Board Room at 10:49 a.m.

Mayor Ruttan vacated the Chair at 11:00 a.m.

Councillor Kipp assumed the Chair.

Mayor Ruttan resumed the Chair at 11:03 a.m.

10211 It was moved and seconded that Council direct Staff to provide a report on current costs to upgrade the Centennial Building at Piper Park should the building be used for museum or art gallery or other public assembly building.

10311 It was moved and seconded to table the motion until later in the agenda. The motion carried.

*Opposed: Mayor Ruttan, Councillors Sherry and Unger*

7. STAFF REPORTS:

(a) Hotel

10411 It was moved and seconded that Council invite representatives from Council and to answer questions from Council. The motion carried unanimously.

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

(b) Disposition of Lease to Team Aquatic Supplies Ltd. at the Nanaimo Aquatic Centre, 741 Third Street

---

10511 It was moved and seconded that Council:

1. approve in principle a Lease disposal at the Nanaimo Aquatic Centre, 741 Third Street, to Team Aquatic Supplies Ltd. to operate a retail Swim and Fitness Pro Shop for the sale of sports merchandise;
2. direct Staff to publish a Notice of proposed property disposition by way of Lease in accordance with the *Community Charter*, Section 26; and,
3. direct Staff to bring forward a report to the 2011-JUL-11 Council Meeting to approve the Lease Agreement executed by Team Aquatic Supplies Ltd. and to authorize the Mayor and the Manager of Legislative Services to execute the Lease.

The motion carried unanimously.

- (c) Disposition of Lease to CBI Health Group Inc. at the Nanaimo Aquatic Centre, 741 Third Street
- 

10611 It was moved and seconded that Council:

1. approve in principle a Lease disposal at the Nanaimo Aquatic Centre, 741 Third Street, to CBI Health Group Inc. to operate a multidisciplinary health and wellness centre;
2. direct Staff to publish a Notice of proposed property disposition by way of Lease in accordance with the *Community Charter*, Section 26; and,
3. direct Staff to bring forward a report to the 2011-JUL-11 Council Meeting to approve the Lease Agreement executed by CBI Health Inc. and to authorize the Mayor and the Manager of Legislative Services to execute the Lease.

The motion carried unanimously.

- (d) Military Museum Proposal for Use of Old Museum (Centennial Building) at Piper Park
- 

10711 It was moved and seconded that Council direct Staff to work with the Military Museum on a draft lease agreement for Council's consideration and to provide a report on the financial requirements to upgrade the facility based on that use. The motion carried unanimously.

8. INFORMATION ONLY ITEMS:

- (a) Report from Mr. B. Corsan, Manager of Real Estate, re: Proposed Expropriation of Right of Way Across 1431 Bowen Road (LD2286).
- (b) Report from Mr. D. W. Holmes, Assistant City Manager / General Manager of Corporate Services, re: New City Hall Annex.

9. OTHER BUSINESS:

- (a) Secondary Suite Issue

Mr. A. C. Kenning, City Manager, provided a verbal update

Councillor Bestwick vacated the Board Room at 11:49 a.m.

- (b) Nanaimo Travellers Lodge

Council and Staff discussed the timeline in which Staff received information regarding the John Howard Society's intention to purchase the Nanaimo Travellers Lodge for a community addiction treatment centre.

(c) Social Housing Projects Update

Council discussed the need to meet with the Vancouver Island Health Authority as soon as possible. BC Housing has tentatively scheduled 2011-JUL-11 as the date for the "Celebration of Construction" at the Wesley Street site and they would like to delay the announcement of the north end site to 2011-JUL-18.

(d) Emergency Water Connection

Mr. T. M. Hickey, General Manager of Community Services, and Mr. B. Sims, Manager of Water Resources, gave an update on the emergency water connection agreement and indicated that the agreement is nearing completion.

10711 It was moved and seconded that Council direct Staff to bring forward a bylaw to the 2011-JUL-13 open meeting of Council that would authorize an Emergency Water Connection Agreement between the City of Nanaimo and Nanaimo Forest Products, and also a report regarding the Alternative Approval Process that would provide the necessary elector approval. The motion carried unanimously.

Councillor Kipp vacated the Board Room at 11:58 a.m.

10. ADJOURNMENT:

10811 It was moved and seconded at 12:00 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

10911 It was moved and seconded at 12:00 p.m. that the Regular Meeting terminate. The motion carried unanimously.

---

M A Y O R

CERTIFIED CORRECT:

---

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, 2011-JUL-11, COMMENCING AT 9:30 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, 2011-JUN-27 at 9:30 a.m. in the City Hall Board Room. Pg. 3-7

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 2011-APR-27** Pg. 8-10

*Commission's Recommendation: That Council receive the Minutes of the "In Camera" meeting of the Parks, Recreation and Culture Commission held 2011-APR-27.*

8. COMMITTEE REPORTS:

9. STAFF REPORTS:

**COMMUNITY SAFETY AND DEVELOPMENT:**

- (a) **Proposed Disposition of Approximately 315.1 Square Metres of Land from the Loudon Walkway to Rectify Lot and Encroachment Issues at 4044 Apsley Avenue** Pg. 11-15

*Staff's Recommendation: That Council direct Staff to bring forward a road closure bylaw to the next Open Council meeting to close 315.1 square metres of road adjacent to 4044 Apsley Avenue.*

(b) **Renewal of BC SPCA Lease**

Pg. 16-20

Staff's Recommendations: That Council:

1. *direct Staff to notify the BC SPCA that its lease will not be renewed upon expiry on 2014-APR-30;*

AND:

2. *direct Staff to assist the BC SPCA with relocation of its facility to lands it owns at 154 Westwood Road.*

10. **INFORMATION ONLY ITEMS:**

(a) Report from Mr. R. Churchill, Manager of Bylaw, Regulation and Security, re: 18 Spyglass Lookout.

Pg. 21-22

11. **CORRESPONDENCE:**

12. **OTHER BUSINESS:**

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, 2011-APR-27, COMMENCING AT 8:45 P.M.**

---

PRESENT: Commissioner D. Johnstone, Chair

Members: Commissioner J. Kipp  
Commissioner F. Pattje  
Commissioner L. Avis  
Commissioner D. Burnett  
Commissioner B. Dempsey  
Commissioner S. Lance  
Commissioner B. Meunier  
Commissioner G. Rudischer  
Commissioner M. Young

Absent: Commissioner J. Cowling  
Commissioner B. Sparkes

Other: Councillor Ted Greves

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

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

The "In Camera" Meeting was called to order at 8:45 p.m.

2. INTRODUCTION OF LATE ITEMS:

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, 2011-MAR-23, at 8:22 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.)

Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
Meeting Date: 2011-JUL-11

7. CHAIRMAN'S REPORT: (None.)

8. REPORTS OF ADVISORY BODIES:

(a) **Parks Committee:** Commissioner Pattje to report on the "In Camera" Parks Committee meeting held on 2011-APR-14.

(i) **Proposed Disposition Of Land From Loudon Walkway To Rectify Encroachment Issues At 4044 Apsley Avenue.**

*Staff's Recommendation: That the Parks, Recreation and Culture Commission recommend that Council authorize an alternate approval process to dispose of land from the Loudon Walkway.*

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. NOTICE OF MOTION: (None.)

13. CONSIDERATION OF OTHER BUSINESS:

14. BUSINESS ARISING FROM DELEGATIONS: (None.)

15. UNFINISHED BUSINESS:

(a) Nanaimo Centre Stage – Sponsorship Naming Benefit for Fund Raising.

(b) Proposed Disposition of Land from Loudon Walkway to Rectify Encroachment Issues at 4044 Apsley Avenue.

It was moved and seconded that Item 15.(b) be removed from "Unfinished Business". The motion carried unanimously.

16. QUESTION PERIOD:

17. ADJOURNMENT:

It was moved and seconded at 8:52 p.m. that the "In Camera" meeting adjourn, with the next "In Camera" Meeting of Commission to be held, if required, Wednesday, 2011-MAY-25, in the Bowen Park Complex Conference Room, following adjournment of the regular Commission meeting.

The motion carried unanimously.

CERTIFIED CORRECT:



---

D. Johnstone, Chair  
Parks, Recreation and Culture Commission

---

R. Harding, Director  
Parks, Recreation and Culture



# "IN CAMERA" STAFF REPORT

REPORT TO: ANDREW TUCKER, DIRECTOR PLANNING,  
COMMUNITY SAFETY AND DEVELOPMENT

FROM: BILL CORSAN, MANAGER OF REAL ESTATE  
COMMUNITY SAFETY AND DEVELOPMENT

RE: PROPOSED DISPOSITION OF APPROXIMATELY 315.1 SQ M OF LAND FROM THE LOUDON  
WALKWAY TO RECTIFY LOT AND ENCROACHMENT ISSUES AT 4044 APSLEY AVENUE

---

## STAFF'S RECOMMENDATION:

That Council direct Staff to bring forward a road closure bylaw to the next Open Council meeting to close 315.1 sq m of road adjacent to 4044 Apsley Avenue.

## EXECUTIVE SUMMARY:

4044 Apsley Avenue is a triangular-shaped lot comprised of 218.5 sq m (less than one half the size of neighbouring properties). The existing house was built in 1946 prior to the Wellington District being incorporated into the City. There are no building permits on file. The property has been owned by the Rushak family since 1972.

At the 2011-MAY-02 "In Camera" Council meeting, approval in principle was granted for the disposition of a portion of the Loudon Walkway land so that the corner of the house, carport and deck no longer encroach upon the Loudon Walkway. Attachment A illustrates the proposed land disposal. Staff was supportive of this request because there is a steep bank between the Loudon Walkway and the property. The difference in elevation between the house and the trail creates a distinction between public and private space.

Staff was working under the assumption that the Loudon Walkway was dedicated park through the "Loudon Walkway and Park Reservation Bylaw 1983 No. 2671". The disposal of the dedicated park land required the consent of the electors through an Alternate Approval Process. Subsequent discussions with the City's lawyers indicate that the Bylaw is not valid as it was applied at a time when the roads within the City were under the jurisdiction of the Province.

As an Alternate Approval Process is not required, Staff will bring forward a road closure bylaw to the next Open Council meeting. The road closure bylaw will raise title to the land identified in Attachment A. Upon adoption of the road closure bylaw, Staff will bring forward a report to dispose of the lands and request authorization to publish a notice of disposition for two consecutive weeks in the newspaper, pursuant to Section 94 of the *Community Charter*.

The owner has paid for an independent appraisal which estimates the market value of the road right of way to be \$75,000. If the road closure bylaw is adopted and Council approves the disposal of the parcel, an Offer to Purchase will be submitted on this basis.

Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
 Meeting Date: 2011-JUL-11

BACKGROUND:

For years there have been many private property owners with improvements encroaching upon the Loudon Walkway lands. The City has sought to resolve the situation by requesting property owners to either remove their encroaching improvements or enter into Encroachment Agreements with the City. The goal has been to document the encroachments and address liability issues.

4044 Apsley Avenue has been owned by the \_\_\_\_\_ family since 1972. \_\_\_\_\_ is one of three remaining property owners with encroachments without an executed Encroachment Agreement.

The subject property is a 218.5 sq m lot created as part of the Wellington subdivision in the early 1890's. It is triangular in shape and is located on the north side at the end of Apsley Avenue. The house was built in 1946 prior to the establishment of today's minimum lot size requirements. A carport, deck and an addition to the house were added over the years. A corner of the house and a portion of the deck and carport were not correctly located within the legal lot boundaries. No building permits for the improvements to the property were transferred to the City upon Wellington incorporating with the City.

At the "In Camera" Council meeting of 2004-NOV-24, the property owner approached Council to acquire a portion of the Loudon Walkway to rectify the encroachment issues. Council did not approve the disposition because there was uncertainty over the community's vision for Loudon Walkway.

In November 2006, the Parks, Recreation and Culture Commission adopted the Loudon Park and Loudon Trail Improvement Plan. Through the planning process, Staff worked with park user groups and residents to determine necessary and desired facility upgrades. As a result of the planning process, there is a broad consensus of how the trail way will be used in the future. The lands at 4044 Apsley Avenue were not identified for public use.

With the completion of the Loudon Trail Improvement Plan, the owner of 4044 Apsley Avenue reopened the dialogue regarding a possible disposition in early 2010. The lands identified for disposition in Attachment A are approximately 315.1 sq m.

Staff is supportive of this concept, as the land is above the 113 m contour line, which is 3 m above the trail. A policy of disposing of the land above the 113 m contour line could be applied to the other properties that have encroachment issues (2 additional properties would be eligible).

The property owner will be responsible for all costs including land acquisition, a professional appraisal, legal and survey work.

At the 2011-APR-27 In Camera Parks Recreation and Culture Commission meeting, the Commission passed a motion supporting the recommendation that Council authorize an Alternate Approval Process to dispose of land from the Loudon Walkway.

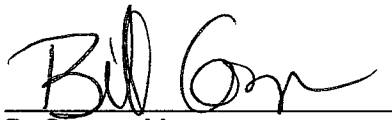
Subsequently, at the 2011-MAY-02 In Camera Council meeting, Council authorized an Alternate Approval Process to dispose of land from the Loudon Walkway and directed that a report be prepared regarding the Alternative Approval Process (AAP) for consideration at an Open Council meeting.

The Alternate Approval Process outlined under Section 88 of the *Community Charter* does not apply in this case, and Council can dispose of the land by adopting a road closure bylaw and then approving the disposition at an Open Council meeting.

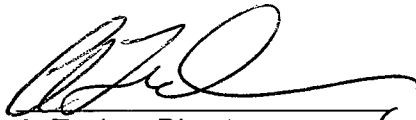
The owner has paid for an independent appraisal which estimates the market value of the road right of way to be \$75,000. If the road closure bylaw is adopted and Council approves the disposal of the parcel, an Offer to Purchase will be submitted on this basis.

There are two other properties along the Loudon Walkway that have significant encroachment issues but could be rectified by disposing of surplus lands to the owners without impacting the public's enjoyment of the Loudon Walkway.

Respectfully submitted,



B. Corsan Manager  
Real Estate



A. Tucker, Director  
Planning

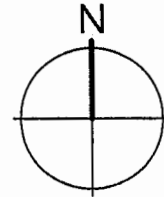


For: E. C. Swabey, General Manager  
Community Safety & Development

Prospero: LD000255  
"IC" Commission: 2011-JUL-11  
BC/tl

PLAN OF PROPOSED LOT A BEING A CONSOLIDATION OF LOT 1, BLOCK 8,  
PLAN 318, SECTION 5, WELLINGTON DISTRICT AND A PROPOSED CLOSED  
PORTION OF LAKE ROAD.

SCALE 1:300

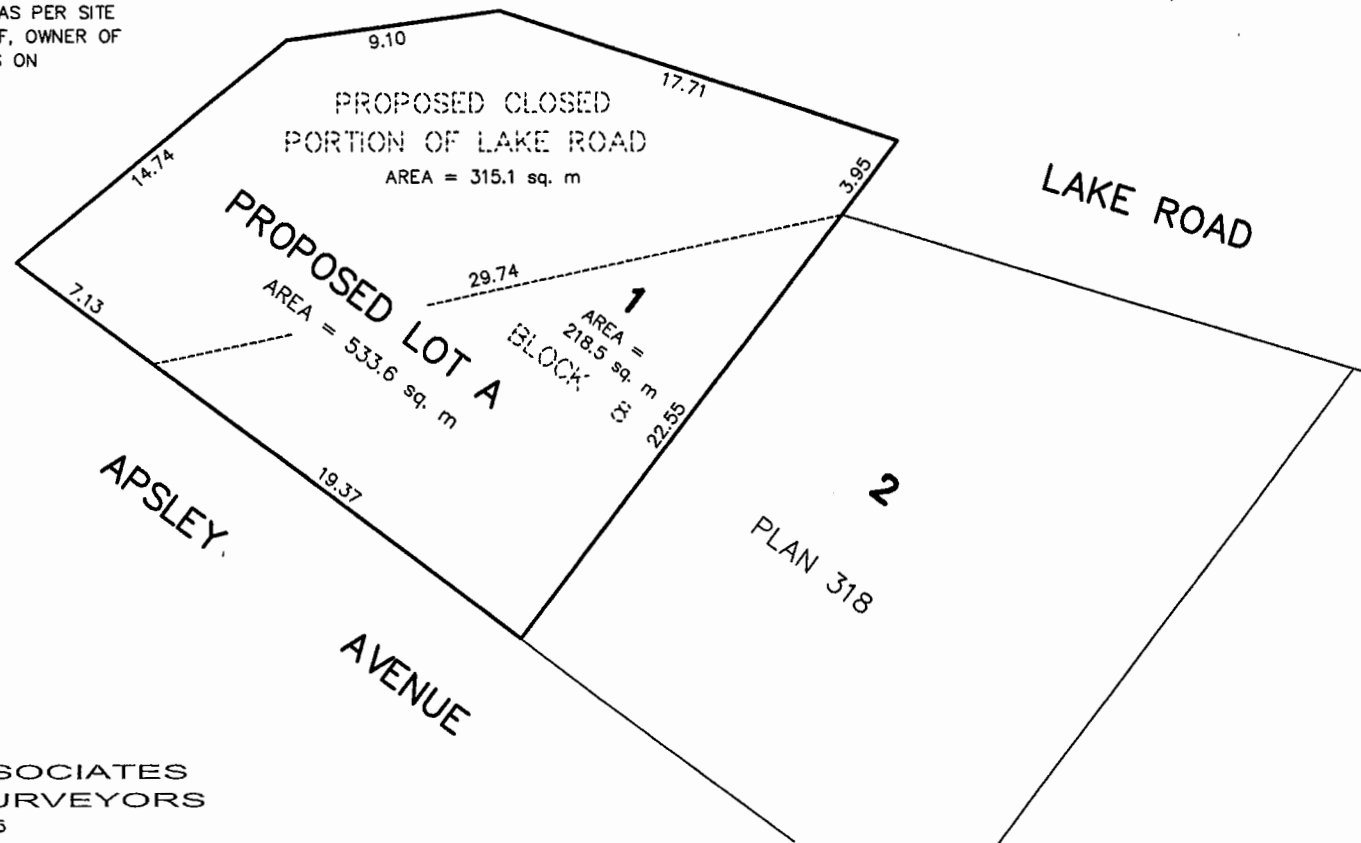


NOTES:

EXISTING AND PROPOSED LOT BOUNDARIES AND AREAS  
ARE PRELIMINARY AND SUBJECT TO LEGAL SURVEY.

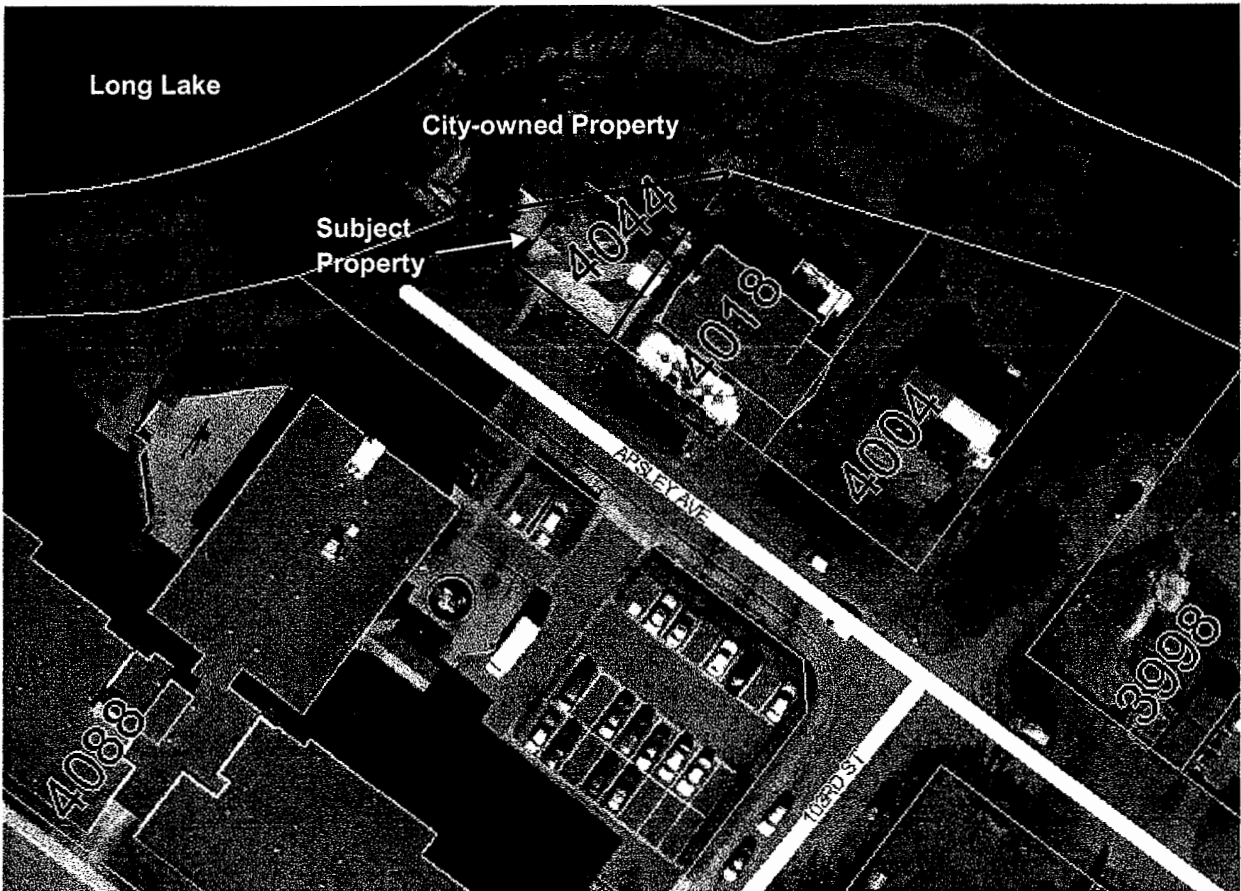
BOUNDARIES OF CLOSED ROAD AREA AS PER SITE  
MEETING WITH CITY OF NANAIMO STAFF, OWNER OF  
LOT 1 AND BROCK WILLIAMSON B.C.L.S ON  
JUNE 7, 2011.

PLAN COMPILED JUNE 21, 2011.



  
WILLIAMSON & ASSOCIATES  
PROFESSIONAL SURVEYORS  
3088 BARONS ROAD NANAIMO B.C. V9T 4B5  
FILE: 02234-5 REV. 0

ATTACHMENT B



IC Staff Report/4044 Apsley Avenue/LD000255

# "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: RENEWAL OF BC SPCA LEASE

STAFF'S RECOMMENDATION:

That Council:

1. direct Staff to notify the BC SPCA that its lease will not be renewed upon expiry on 2014-APR-30; and
2. direct Staff to assist the BC SPCA with relocation of its facility to lands it owns at 154 Westwood Road.

EXECUTIVE SUMMARY:

The British Columbia Society for the Prevention of Cruelty to Animals (BC SPCA) currently leases 0.31 ha (0.8 acres) of land from the City of Nanaimo for its animal shelter facility located at 2200 Labieux Road. The lease expires on 2014-APR-30.

The lands are immediately adjacent to the former Madill property which was purchased by 0868958 BC Ltd. (Wheaton Family) in November 2010.

The redevelopment potential of the Madill property would be enhanced by consolidating two City-owned parcels that are currently leased to 0868958 BC Ltd. and the BC SPCA. The addition of the BC SPCA lands would create a redevelopment site of 5.18 ha (12.78 acres) as outlined in Attachment A.

The BC SPCA owns a 14.6 acre parcel of land located at 154 Westwood Road (Attachment B) that would be suitable under the current zoning for an animal shelter.

Staff recommends that the lease with the BC SPCA not be renewed past 2014-APR-30 and that the BC SPCA be encouraged to relocate its animal shelter facility.

Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
 Meeting Date: 2011-JUL-11

BACKGROUND:

At the Finance/Policy Committee of the Whole meeting on 2011-APR-18, Council was presented with the opportunities and challenges associated with redeveloping the former Madill property (2560 Bowen Road) and the Laird Wheaton car dealership (2590 Bowen Road).

The redevelopment of the properties will require an amendment to the Official Community Plan, rezoning and subdivision of the new parcels, as well as substantial works and services. The continuation of Labieux Road to Kenworth Road, and a new intersection where the Island Highway meets with Rock City Road, were also discussed.

Staff believes that the City lands currently leased to 0868958 BC Ltd. (Wheaton family) for the former Madill property and the lands leased to the BC SPCA would serve a higher and better use if they were sold as part of a comprehensive redevelopment plan for the area. The City-owned lands could be sold at market value or exchanged in return for road network improvements in the immediate area.

The 5.18 ha (12.8 acre) redevelopment area includes the following lands:

|  | Hectares    | Acres        |
|--|-------------|--------------|
| 0851283 BC Ltd. (Laird Wheaton car dealership) | 2.27        | 5.60         |
| 0868958 BC Ltd. (former Madill property)       | 1.94        | 4.80         |
| City-owned lands leased to 0868958BC Ltd*      | 0.66        | 1.62         |
| City-owned lands leased to SPCA                | 0.31        | 0.76         |
| <b>Total</b>                                   | <b>5.18</b> | <b>12.78</b> |

\*Number reflects area to be disposed. This number is less than former lease areas as City lands are required to ensure sufficient land is set aside for road dedication.

Attachment A provides an overview to the proposed lot consolidation around the former Madill lands.

The BC SPCA lease area (2200 Labieux Road) is 3,085 sq m (0.76 acres) in size. Rent is set at a nominal \$1.00 per annum. The lands are located immediately west of the former Madill property. The SPCA building and lands are nearing the end of their economic and physical lives and require renewal in the medium term.

Staff believe the BC SPCA lease should not be renewed upon its expiry and that by providing early notice to the BC SPCA, they will have an opportunity to plan and fund raise to facilitate a move to an alternate location.

The BC SPCA currently owns an undeveloped 14.6 acre parcel at 154 Westwood Road which it purchased in 1998. This site would seem to be a logical location for its new operations.

The property at 154 Westwood is a hooked parcel, divided by the Nanaimo Parkway. Access to the main portion of the site is from Westwood Road and Madsen Road provides access to the remainder. Attachment B provides a location plan. Staff has reviewed the development potential of the site and believes that it is suitable for relocation. The property, zoned A-2 Rural Agricultural/Residential, is located within the ALR and is outside the Urban Containment Boundary.

An animal shelter is permitted within the ALR and within the A-2 zone. The BC SPCA would need to apply for a development permit and a building permit.

Staff will work closely with the BC SPCA to identify a work plan and help them navigate the development approvals process for the Westwood Road property.

Once notice is provided to the BC SPCA, Staff will contact 0868958 B.C. Ltd. to discuss the opportunity of consolidating the City parcels with the former Madill lands to help revitalize the area. A separate staff report regarding the disposition of these lands will be brought forward once discussions with the potential purchaser have taken place.

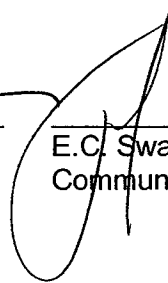
Respectfully submitted,



B. Corsan, Manager  
Real Estate



A. Tucker, Director  
Planning



E.C. Swabey, General Manager  
Community Safety & Development

BC/II  
"IC" Council: 2011-JUL-11  
Prospero: LD000121



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, 2011-JUL-11, COMMENCING AT 9:30 A.M.

---

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

Members: Councillor G. E. Greves  
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

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  
T. M. Hickey, General Manager of Community Services  
T. L. Hartley, Director of Human Resources and Organizational Planning  
B. E. Clemens, Director of Finance  
T. P. Seward, Director of Development  
C. Richardson, Deputy Chief - Administration, Nanaimo Fire Rescue  
A. J. Tucker, Director of Planning  
R. J. Harding, Director of Parks, Recreation and Culture  
P. Kristensen, Director of Information Technology  
B. Corsan, Manager of Planning  
K. King, Recording Secretary

1. CALL THE OPEN MEETING TO ORDER:

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

2. PROCEDURAL MOTION:

11011 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.

The motion carried unanimously.

3. ADOPTION OF AGENDA:

11111 It was moved and seconded that the Agenda be adopted. The motion carried unanimously.

4. ADOPTION OF MINUTES:

11211 It was moved and seconded that the Minutes of the "In Camera" Meeting of Council held Monday, 2011-JUN-27 at 9:30 a.m. in the City Hall Board Room, 455 Wallace Street, Nanaimo, BC be adopted as circulated. The motion carried unanimously.

5. COMMISSION REPORTS:

(a) Parks, Recreation and Culture Commission – Minutes of the "In Camera" Meeting held 2011-APR-27

---

11311 It was moved and seconded that Council receive the Minutes of the "In Camera" meeting of the Parks, Recreation and Culture Commission held 2011 APR-27. The motion carried unanimously.

6. STAFF REPORTS:

(a) Proposed Disposition of Approximately 315.1 Square Metres of Land from the Loudon Walkway to Rectify Lot and Encroachment Issues at 4044 Apsley Avenue

11411 It was moved and seconded that Council direct Staff to bring forward a road closure bylaw to the next Open Council meeting to close 315.1 square metres of road adjacent to 4044 Apsley Avenue. The motion carried unanimously.

(b) Renewal of BC SPCA Lease

7. INFORMATION ONLY ITEMS:

(a) Report from Mr. R. Churchill, Manager of Bylaw, Regulation and Security, re:

8. ADJOURNMENT:

11611           It was moved and seconded at 9:55 a.m. that the "In Camera" Meeting terminate.  
The motion carried unanimously.

11711           It was moved and seconded at 9:55 a.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, 2011-JUL-25,  
IMMEDIATELY FOLLOWING THE SPECIAL MEETING OF COUNCIL

---

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:

COMMUNITY SERVICES:

(a) **Water Treatment Plant Rezoning Issues**

Pg. 3-4

*Staff's Recommendations: That Council in principle, pending the outcome of the RDN Water Feasibility Study:*

1. *not support a potable water connection for the rural properties in the neighbourhood of the Water Treatment Plant;*

AND:

2. *support the installation of up to four hydrants on South Forks Road at RDN expense;*

AND:

3. *support provision of a metered water service at the future fire hall on Nanaimo River Road at City cost in exchange for including the Water Treatment Plant property in Extension Fire Department's Fire Protection Area.*

10. **INFORMATION ONLY ITEMS:**

11. **CORRESPONDENCE:**

12. **OTHER BUSINESS:**

(a) **Linley Valley**

Mr. E. C. Swabey, General Manager of Community Safety and Development, to give a verbal report on Linley Valley.

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

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

# "IN CAMERA"

REPORT TO: T. HICKEY, GENERAL MANAGER, COMMUNITY SERVICES

FROM: B. SIMS, MANAGER, WATER RESOURCES

RE: WATER TREATMENT PLANT REZONING ISSUES

---

## STAFF'S RECOMMENDATION:

That Council in principle, pending the outcome of the RDN Water Feasibility Study:

1. not support a potable water connection for the rural properties in the neighbourhood of the Water Treatment Plant;
2. support the installation of up to four hydrants on South Forks Road at RDN expense, and
3. support provision of a metered water service at the future fire hall on Nanaimo River Road at City cost in exchange for including the Water Treatment Plant property in Extension Fire Department's Fire Protection Area.

## EXECUTIVE SUMMARY:

In 2008-May, Council directed staff to acquire Block 17 for the Water Treatment Plant (WTP) site. The City submitted an application for a Sponsored Crown Grant to the province. In addition, the City reached agreement with Snuneymuxw to acquire the Crown Land.

The Ministry of Community Sport and Cultural Development notified the City that it was providing sponsorship in the amount of \$340,000 to cover the value (excluding trees) of the property. On 2011-Feb-17, the Ministry of Natural Resource Operations provided a Crown Grant Offer to the City for 25.037 hectares for the WTP. There are a number of preconditions attached to the offer that need to be met before land can be transferred in fee simple, including:

- Completion of a boundary survey, approval of subdivision.
- Written approval from the Lieutenant Governor.
- Approval of an access permit.
- Adoption of a zoning bylaw by the Regional District of Nanaimo.
- Payment of property transfer tax.
- That the land is used only for a community water treatment plant.

On 2011-Jun-28, Electoral Area Directors of the Regional District of Nanaimo (RDN) gave the first two readings of a Bylaw to rezone the water treatment plant property to Public Use. On 2011-Jul-18, staff attended a Public Hearing at which the RDN received submissions from area residents regarding the rezoning. On 2011-Jul-28, third reading of the Bylaw will be heard.

At its meeting of 2011-Jun-28, the RDN Board passed a motion directing that "a water supply study be completed on the South Forks Road area, including feasibility and cost of connecting to the City of Nanaimo project." A number of delegations in the area spoke about their desire to be connected to potable water and have fire hydrants.

Another issue that has been raised by residents and the Area Director is water service to a proposed fire hall on Nanaimo River Road, about 300m east of the intersection with South Forks Road. The potable water supply main crosses the frontage of the fire hall. If Council wished to provide a raw water connection to the fire hall to keep an on-site tank filled, it could be via a 300m long main from the raw water main at South Forks Road. To run the 300m main to the fire hall site could cost over \$100,000. The other option is from the potable supply main which fronts the property, but this may be tied to the potable supply study to area residents.

One option to consider is to supply a potable service to the proposed fire hall, in exchange for fire protection of the Water Treatment Plant site. Currently, the Water Treatment Plant site is outside Extension Fire District fire protection area, and fire response would be by Ministry of Forests.

BACKGROUND:

The Greater Nanaimo Water District (GNWD) came into existence in 1950, with its own provincial legislation. The GNWD was formed to supply water to the City and surrounding Improvement Districts (eg: Harewood, Departure Bay, South West Extension). The GNWD had powers of expropriation, the ability to borrow, and pass its own bylaws. In 2004, the GNWD was dissolved, and all assets became the property of the City. The GNWD Board of Directors was replaced by the Water Supply Advisory Committee (WSAC), a committee of Council. Currently, the WSAC has one member of council and one representative from the South West Improvement District, with open spots for representation by Snuneymuxw and the District of Lantzville. The Committee's primary function is to garner the opinions of the users and to provide advice about water supply to Council, and meets at the call of the Chair.

Respectfully submitted,



---

Bill Sims, Manager  
Water Resources



---

Tom Hickey, General Manager  
Community Services

FPCOW: 2011-Jul-25  
WS/fg

g:\admin\council reports\2011\WTP\_RezoningIssues

MINUTES OF THE SPECIAL "IN CAMERA" COUNCIL MEETING  
TO DISCUSS CONFIDENTIAL MATTERS,  
HELD IN THE BOARD ROOM, CITY HALL,  
ON MONDAY, 2011-JUL-25, COMMENCING AT 6:12 P.M.

---

PRESENT: Mayor J. R. Ruttan, Chair

Members:

Councillor G. E. Greves  
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

Staff:

D. W. Holmes, Assistant City Manager and General Manager of Corporate Services  
E. C. Swabey, General Manager of Community Safety and Development  
T. M. Hickey, General Manager of Community Services  
T. L. Hartley, Director of Human Resources and Organizational Planning  
B. E. Clemens, Director of Finance  
T. P. Seward, Director of Development (left at 6:34 p.m.)  
A. J. Tucker, Director of Planning  
R. J. Harding, Director of Parks, Recreation and Culture  
B. Prokopenko, Acting Senior Manager of Engineering  
M. Mauch, Project Manager  
J. E. Harrison, Manager of Legislative Services  
L. Dennis, Recording Secretary

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

The "In Camera" Meeting was called to order at 6:12 p.m.

2. ADOPTION OF AGENDA:

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

3. STAFF REPORTS:

(a) Water Treatment Plant Rezoning Issues

11811 It was moved and seconded that the information contained in the report be received and that Council direct Staff to arrange a seminar session on water treatment plant rezoning issues. The motion carried unanimously.



4. OTHER BUSINESS:

(a) LEED Status – New City Annex – 411 Dunsmuir Street

11911 It was moved and seconded that Council request a credit of \$71,800 from the design-build contractor to forgo the certification process. The motion carried unanimously.

12011 It was moved and seconded that Motion #11911, that Council request a credit of \$71,800 from the design-build contractor to forgo the certification process at 411 Dunsmuir Street, be moved out of "In Camera." The motion carried unanimously.

(b) Linley Valley

Mr. E. C. Swabey, General Manager of Community Safety and Development, gave a verbal report regarding interest that has been expressed to the City in preserving the Linley Valley west lands.

5. ADJOURNMENT:

It was moved and seconded at 6:58 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

---

CHAIR

CERTIFIED CORRECT:

---

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, 2011-AUG-08, COMMENCING AT 9:30 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, 2011-JUL-11 at 9:30 a.m. in the City Hall Board Room. Pg. 4-6
- (b) Minutes of the Special "In Camera" Meeting of Council held Monday, 2011-JUL-25 at 6:12 a.m. in the City Hall Board Room. Pg. 7-8

4. **PRESENTATIONS:**

- (a) Mr. Sid Chow of Chow Low Hammond, Mr. Rick Windley of Windley Contracting and Ms. Victoria Drakeford, Landscape Architect, to make a presentation regarding the new City Hall Annex design.
- (b) Mr. Dean Mousseau, Manager, Engineering and Subdivision, to give a presentation regarding the Interim Parking Strategy.

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

- (a) Representatives from the Vancouver Island Military Museum Board will be in attendance to answer questions regarding the draft lease agreement with the Nanaimo Museum for use of the old museum (Centennial Building) at Piper Park.

6. **MAYOR'S REPORT:**

- (a) Letter from School District #68 regarding parking at Serauxman Stadium. Pg. 9-10

7. **COMMISSION REPORTS:**

- (a) **Parks, Recreation and Culture Commission – Minutes of the "In Camera" Meeting held 2011-JUN-22** Pg. 11-13

*Commission's Recommendation: That Council receive the Minutes of the "In Camera" Parks, Recreation and Culture Commission meeting held 2011-JUN-22.*

8. **COMMITTEE REPORTS:**

9. **STAFF REPORTS:**

ADMINISTRATION:

(a) **Increase of Seismic Standard for 411 Dunsmuir Street (New Annex Building)**

Report to be distributed separately.

(b) **Designation of Park Land**

Pg. 14-19

*Staff's Recommendation:* That Council provide direction.

[Colour attachments included in Council's agenda packages]

COMMUNITY SAFETY AND DEVELOPMENT:

(c) **Park Acquisition Priorities**

Pg. 20-27

*Staff's Recommendation:* That Council:

1. receive the report;

AND:

2. direct Staff not to pursue the purchase of the Linley Valley or Ocean Cement lands at this time.

(d) **Proposed Acquisition of Part of 3075 Newton Street**

Pg. 28-31

*Staff's Recommendation:* That Council approve the acquisition of the land identified as "Dedicated as Road" on Attachment A in the Staff report, for the price of \$4,312.

(e) **Street Entertainers – Injunction**

Pg. 32

*Staff's Recommendation:* That Council retain the injunction granted against James Cunningham and "anyone else having knowledge of this Order" of the 22<sup>nd</sup> day of September 2003.

CORPORATE SERVICES:

(f) **Award of RFP for Review of Contracted Services**

Pg. 33-34

*Staff's Recommendation:* That Council:

1. award Request for Proposal No. 1176 for a review of contracted services to MMK Consulting;

AND:

2. *that the awarding of the contract be released from "In Camera."*

COMMUNITY SERVICES:

- (e) **Draft Lease Agreement with the Vancouver Island Military Museum (VIMM) and Nanaimo Museum for Use of The Old Museum (Centennial Building) at Piper Park** *Pg. 35-37*
- 

Staff's Recommendation: *That Council:*

1. *direct Staff to formalize a lease agreement with the Vancouver Island Military Museum Society and Nanaimo Museum Society as outlined in this report;*

**AND:**

2. *direct Staff to add the roof repair, electrical system upgrades and HVAC improvements in 2012 capital plan funding using funds allocated for Piper Park Improvements.*

10. **INFORMATION ONLY ITEMS:**

- (a) Report from Mr. B. Corsan, Manager of Real Estate, re: Licence Agreement for Use of 2103 Bowen Road by Twelve Cubed Homes. *Pg. 38*
- (b) Report from Ms. Joan Harrison, Manager of Legislative Services, re: Quarterly Claims Report – Period Ending 2011-JUN-30. *Pg. 39-46*

11. **CORRESPONDENCE:**

12. **OTHER BUSINESS:**

- (a) **CUPE Bargaining**

Verbal report from Ms. Terry Hartley, Director of Human Resources and Organizational Planning, regarding CUPE bargaining.

- (b) **DVP175 – 1009 Farquhar Street**

Verbal report from Mr. E.C. Swabey, General Manager of Community Safety and Development, regarding DVP175 at 1009 Farquhar Street (Loaves and Fishes site).

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

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



**SCHOOL DISTRICT 68 (NANAIMO LADYSMITH)**

395 Wakeseah Avenue  
Nanaimo, BC V9R 3K6

*Today's Learner - Tomorrow's Future*

**Pete Sabo**  
**Director of Planning and Operations**  
Telephone (250) 741-5265  
Fax (250) 741-5282

July 29, 2011

Attention: Mr. Richard Harding, Director, Parks, Recreation & Culture

City of Nanaimo  
455 Wallace Street  
Nanaimo, BC  
V9R 5J6

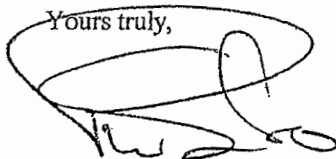
Dear Mr. R. Harding,

Re: Pay Parking at the Serauxmen Stadium site

Please be advised that the Board has approved and the District has entered into an agreement with Robbins Parking with respect to pay parking services at the Serauxmen Stadium site. Please find attached the plan of the pay parking area.

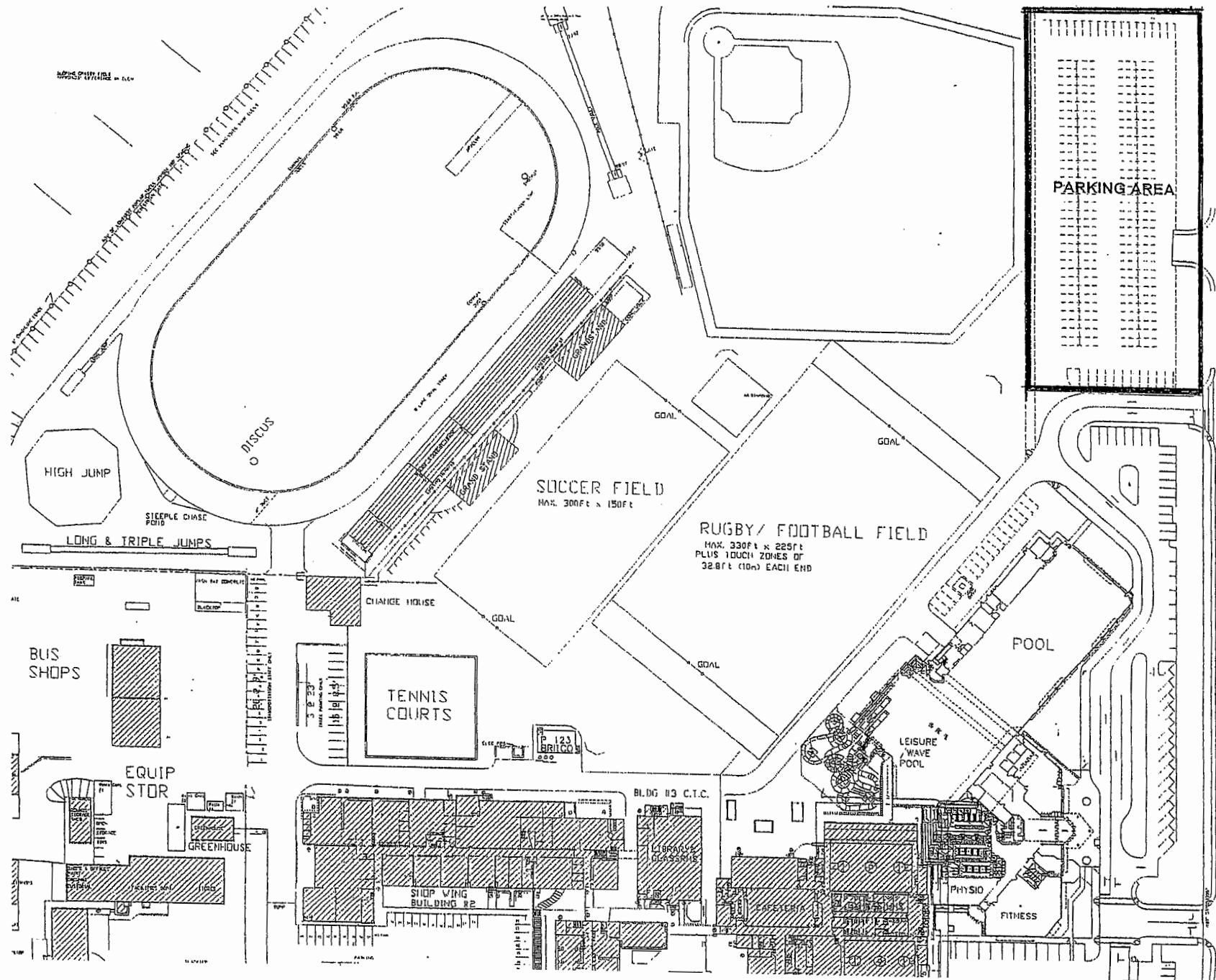
The pay parking schedule will be from 7:00 am – 5:00 pm from September to April. Evenings, weekends, May, June, July and August parking in the lot will be at no cost.

If you should have any questions or concerns, please do not hesitate to contact me.

Yours truly,  


Pete Sabo,  
Director of Planning and Operations

cc Tim Davidson, City of Nanaimo ✓  
Phil Turin, Secretary-Treasurer



**MINUTES OF THE "IN CAMERA"  
PARKS, RECREATION AND CULTURE COMMISSION MEETING  
HELD IN ACTIVITY ROOM #1, BOWEN PARK COMPLEX  
ON WEDNESDAY, 2011-JUN-22, COMMENCING AT 8:54 P.M.**

---

PRESENT: Commissioner D. Johnstone, Chair

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

Absent: Commissioner J. Kipp

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

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

The "In Camera" Meeting was called to order at 8:54 p.m.

2. INTRODUCTION OF LATE ITEMS:

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, 2011-APR-27, at 8:45 p.m. in the Bowen 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. CHAIR'S REPORT:

- (a) Selection of Cultural Committee Member to fill vacancy for remainder of term to 2012-MAR-31.

It was moved and seconded that Ms. Kamal Parmar be selected to fill the vacancy on the Cultural Committee for the remainder of the term to 2012-MAR-31. The motion carried unanimously.

8. REPORTS OF ADVISORY BODIES: (None.)

9. STAFF REPORTS: (None.)

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

11. CORRESPONDENCE: (Action) (None.)

CORRESPONDENCE: (Information) (None.)

12. NOTICE OF MOTION: (None.)

13. CONSIDERATION OF OTHER BUSINESS: (None.)

14. BUSINESS ARISING FROM DELEGATIONS: (None.)

15. UNFINISHED BUSINESS:

- (a) Nanaimo Centre Stage – Sponsorship Naming Benefit for Fund Raising.

Working on the Report to Council for Monday, 2011-JUN-27, pending receipt of additional details from Camela Tang.

16. QUESTION PERIOD: (No questions.)



17. ADJOURNMENT:

It was moved and seconded at 8:59 p.m. that the "In Camera" meeting adjourn, with the next "In Camera" Meeting of Commission to be held, if required, Wednesday, 2011-JUL-27, in the Bowen Park Complex Conference Room, following adjournment of the regular Commission meeting.

The motion carried unanimously.

CERTIFIED CORRECT:



---

D. Johnstone, Chair  
Parks, Recreation and Culture Commission

---

R. Harding, Director  
Parks, Recreation and Culture

2011-JUN-23

G:\Admin\Admin\IC\PRCC\Minutes\IC\icPRCC110622M.docx

# **“IN CAMERA”**

## **STAFF REPORT**

REPORT TO: A.C. KENNING, CITY MANAGER

FROM: R.J. HARDING, DIRECTOR OF PARKS RECREATION AND CULTURE,  
J.E. HARRISON, MANAGER OF LEGISLATIVE SERVICES, AND  
B. CORSAN, MANAGER OF REAL ESTATE

RE: DESIGNATION OF PARK LAND

---

### STAFF'S RECOMMENDATIONS:

Council direction is sought.

### EXECUTIVE SUMMARY

At the Regular Finance / Policy Committee of the Whole Meeting held 2011-JAN-17, Council adopted the following motion:

*“It was moved and seconded that Council direct Staff to prepare a detailed report on the advantages and disadvantages of the dedication of park land and other options that may be available to ensure the protection of park land. The motion carried unanimously.”*

Staff was asked to ensure that this staff report was presented in time to proceed to referendum in conjunction with the November general local government elections if that was determined to be an appropriate course of action.

At the In-Camera Council meeting held 2011-JUN-13 a detailed report on how parkland is owned, held and options available to Council to ensure the protection of park land was presented. For convenience, the content of the 2011-JUN-13 report is included under “Discussion”. The recommendation that was adopted at the 2011-JUN-13 meeting was: *“That Council refer this topic to a “Lunch and Learn”, as soon as a date is available”*.

A Council “Lunch and Learn” session was held on 2011-JUL-14. One request at this session was that the schedules of how parkland has been acquired and currently held be mapped and colour coded for easier viewing. This mapping has been completed and is attached to the report as part of the schedules. A larger map will also be available for viewing at the meeting. The City’s computer mapping system will be on to view any details Council may require as well.

As presented in this report and outlined at the "Lunch and Learn" session, the majority of the City's lands are already protected in one form or another. The most significant form of protection is ownership by the City. When the City owns a parcel of land, the disposition process is highly transparent, requires Council approval in an open meeting and requires significant public process. Lands can be identified as park land through "designation" in the OCP and by placing a specific park "zoning" on the parcel. A further step in protecting park land is to dedicate it as park through bylaw. This only applies to fee simple lands owned by the City. A bylaw to dedicate land as park may only be adopted by an affirmative vote of at least two-thirds of all members of Council. A bylaw that removes a dedication may only be adopted with the approval of the electors. When the City purchases land in fee simple, the vendor has an option of placing a covenant on title or creating a trust for the property to ensure the land is used for park in perpetuity.

Staff recommends that Council consider the options or combination of options listed below and provide direction to Staff.

- Option A: consider the existing park designations and the parks zoning bylaw as sufficient;
- Option B: dedicate through bylaw, park lands that have been acquired using funds from development cost charges and/or through cash-in-lieu payments as part of the subdivision process as identified in Schedule A;
- Option C: dedicate through bylaw, park lands identified as fee simple in Schedule A;
- Option D: dedicate through bylaw, park lands identified as fee simple with conditions in Schedule A.

## DISCUSSION:

### How Park Land Can Be Protected

There are a number of ways in which park land can be protected. The following provides a discussion of the various tools available to Council.

#### **Ownership by the City**

As the City being the owner and in accordance with the rules of the *Community Charter*, disposition of City-owned property is highly transparent and regulated. Council is required in an open meeting to approve all dispositions, dispose of the property at fair market value and publish notice of the proposed disposition in the local newspaper.

#### **Designation in Official Community Plan**

The OCP provides a broad strategic direction on which lands within the City are to be protected for park and open space use. The designation applies to lands across the City that are titled as park land or otherwise serves as parks, plazas, open spaces, or recreation. Golf courses, open space areas, regional and provincial park land, undeveloped Crown lands and environmentally sensitive lands are also included in the designation, as well as lands used or reserved for public utilities and services.

While the OCP provides the broad definition of parks and open space, it does not identify specific fee simple parcels; rather it shows the City's intent within the general area.

### **Zoning of Park Land**

Through the Zoning Bylaw, the City is able to specifically zone parcels of land for park purposes. On 2009-JUN-29 Bylaw 2007 No. 4000.426 was adopted which created three new park zones which were applied to the entire parks inventory. The zones are:

1. **Parks, Recreation and Culture Zone One (PRC-1):** The primary intent of this zone is to provide for the conservation of natural spaces within city parks. Where possible, the zone will allow for recreational and educational use when compatible with the preservation of natural features within the park.
2. **Parks, Recreation and Culture Zone Two (PRC-2):** This zone will provide park areas which allow for organized and unorganized outdoor recreational activities. Parks within this zone shall include playgrounds, sports fields, and undeveloped parks with limited ecological value.
3. **Parks, Recreation and Culture Zone Three (PRC-3):** This zone recognizes the wide variety of uses which exist within the city's developed parks. The primary intent of this zone is to provide opportunities for organized recreational and cultural activities.

Once a parcel of land is zoned park, the land uses within the park must conform to the zoning. This provides a significant level of regulation as any use not contemplated under the zoning bylaw would require a rezoning process and a formal public hearing.

Under the new zoning bylaw, lands that have been added to the inventory since July 2009 will be zoned accordingly to ensure the entire inventory is identified through zoning.

### **Dedication of Park Land by Bylaw**

Council can, by bylaw adopted by affirmative vote of at least two-thirds of all members of Council, dedicate real property (in this case, fee simple parcels of land) as park. Upon adoption of the bylaw, a legal notation is placed on title. A bylaw to remove a dedication may only be adopted with the approval of the electors. Approval of the electors may be obtained either by alternate approval process or through referendum.

Staff has requested and received clarification from legal counsel that a referendum on the matter of the dedication of land for park would seek the opinion of the community and would not be binding on Council to proceed with the dedication. In addition, a referendum on the matter would not bind future Councils on the process for removing the dedication for park land. As stated, current legislation requires the approval of the electors before removing a park dedication which may be obtained by either an alternative approval process or referendum.

Park land dedication only applies to those lands that are held in fee simple by the City. It does not apply to park land that is leased from other bodies, is dedicated road right of way or has already been dedicated through subdivision.

### **Protection by Covenant**

On occasion, a property is gifted to the City and the owner places a specific covenant on title to ensure the lands are used for a specific purpose. The covenant generally has a 'reverter' clause which returns the land to the original owner if it is not used for the intended purpose.

**Protection by Trust**

In some communities, land is gifted to the City through an estate and the land is protected through Trust. The property must be used for the purposes outlined in the gifting agreement and the City cannot alter use of the land without the estate of the family agreeing to the changes. Beacon Hill Park in Victoria is an example of a park land in trust.

**How City Owned Park Land Is Acquired and Held**

In total, there are 1763.32 acres of park land within the City of Nanaimo. The park land is held under one of seven main categories, summarized in the table below. A full listing of the City parks inventory can be found in attachment A.

| <b>Nature of Holding</b>                          | <b>Number of Properties</b> | <b>Total Size (acres)</b> |
|---|-----------------------------|---------------------------|
| Fee Simple  | 108                         | 360.4                     |
| Acquired through DCCs or Cash-in-lieu             | 8                           | 258.0                     |
| Fee Simple with Conditions                        | 21                          | 367.22                    |
| Dedicated Park by Bylaw                           | 24                          | 134.62                    |
| Dedicated Park by Subdivision                     | 205                         | 419.04                    |
| Dedicated Land or Road Used as Park               | 40                          | 4.7                       |
| Not City Owned Managed by PRCC or Leased/Licensed | 20                          | 219.34                    |
| <b>Total</b>                                      | <b>426</b>                  | <b>1763.32</b>            |

**Fee Simple Ownership**

360.4 acres of the City's park inventory is held in fee simple ownership. These parks may have been acquired through acquisition, Crown granting, public gifting or tax sales. There are no legal restrictions on land or future uses; however there are usually strong moral arguments to be made for the parcel to be continued as park use (i.e. Beban Park and Joan Point Park).

**Fee Simple Acquired Through DCCs & Cash-in-lieu**

This is a subset of Fee Simple Ownership. The City has acquired 258 acres of land by using funds from Development Cost Charges and Cash-in-lieu contributions through the subdivision process.

**Fee Simple Park with Conditions**

Around 367 acres of the City's park land is held as fee simple with conditions. These properties have a legal notation on the title restricting the property to a specific park use. A restriction may include that the land be used for recreation or park purposes only (i.e. May Richard Bennett's Park and parts of Westwood Lake).

**Dedicated Park by Bylaw**

Past Councils have dedicated 24 fee simple parcels through bylaw. Once the bylaw is adopted a legal notation with the bylaw number is registered on the property's title. Bylaw examples include Bylaw No.'s 735, 2255, 2671 and 2803 (i.e. Colliery Dam Park and Departure Bay Centennial).

### **Dedicated Park by Subdivision**

Most new park acquisition is the result of developers being required to dedicate 5 percent of land for park and trail system use through the subdivision process. There is no formal "title" to these lands (i.e. Beach Estates Park and Beaufort Park). This accounts for 419.04 acres of the City's park inventory.

### **Dedicated Land or Road (Utilized as Park)**

Some road rights of way within the City are developed as parks. These "parks" are neither designated nor dedicated parks (i.e. Charlaine boat launch and beach/park access walkways located in road rights of ways). It is not possible to dedicate these lands as park by bylaw. Around 4.7 acres of park land is dedicated road.

### **Not City Owned Property, Managed by PRCC - Licensed or Leased Park Land**

A portion of the City's park land is not under City ownership, but held in long-term leases or licenses with agencies such as the Provincial Government and Nanaimo Port Authority. These lease and license agreements indicate the use of the land for park purposes, but there is no official park designation on title (i.e. portions of Westwood Lake Park and a portion of Maffeo Sutton Park).

### **Options To Consider To Further Protect Park Land**

Through the use of the Zoning Bylaw, all the City's park lands are protected from non-park related uses occurring on the lands. Any change in the lands would require a rezoning and the corresponding public process. In many cases, the zoning protection is a satisfactory level of protection.

There are no options open to the City to further protect the lands that are dedicated by bylaw, dedicated park through subdivision, are road right of way or are owned by another party and leased to the City.

The City does have the ability to further dedicate through bylaw, the 108 fee simple zoned park parcels that are not already dedicated by bylaw. By dedicating these fee simple lands through bylaw, all further dispositions (including leasing) will require the approval of electors either through an Alternative Approval Process or a Referendum. This will add additional process and uncertainty for City tenants who wish to enter into lease agreements on these properties. Staff estimates the cost of registering a legal notation on the titles to be in the range of \$4,500.00. If registering a covenant on the titles, the cost is estimated at \$13,500.00. Legal costs associated with the registration process are estimated at an additional \$2,500.00.

The following options, or combination of options, are available to Council:

*Option A:* consider the existing protection of park lands through the zoning bylaw as sufficient;

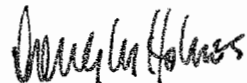
*Option B:* dedicate through bylaw, all lands that have been acquired with the assistance of development cost charges and through cash-in-lieu payments as part of the subdivision process and identified in Schedule A. These lands were acquired by using funds specifically designated for park land purposes.

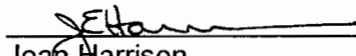
*Option C:* Dedicate through bylaw, those park lands identified as fee simple in Schedule A. These 108 parcels have been held as fee simple by the City for decades with few issues associated with their protection. Council may wish to add an additional level of protection above that provided through the current park zoning by way of a Park Dedication Bylaw.


*Option D:* Dedicate through bylaw those park lands identified as fee simple with conditions in Schedule A. A number of parcels in the City park inventory are owned fee simple by the City, but have specific conditions on title which regulate their use. The conditions on title are generally considered a superior level of protection than by dedication through bylaw, but Council may decide that this extra step is redundant.

Respectfully submitted,

  
Richard Harding  
Director, Parks, Recreation and Culture

  
Al Kenning  
City Manager

  
Joan Harrison  
Manager, Legislative Services

  
Bill Corsan  
Manager of Real Estate

**"IN CAMERA"**  
**STAFF REPORT**

**REPORT TO: E.C. SWABEY, GENERAL MANAGER,  
COMMUNITY SAFETY AND DEVELOPMENT**

**FROM: RICHARD HARDING, DIRECTOR, PARKS, RECREATION AND CULTURE**

**RE: PARK ACQUISITION PRIORITIES**

---

**STAFF'S RECOMMENDATION:**

That Council:

1. receive the report; and
2. direct staff not to pursue the purchase of the Linley Valley at this time. at

**EXECUTIVE SUMMARY:**

Based on growing community interest, staff believe Council will, in the near future, be asked to consider the acquisition of park property in the West Linley Valley area. Staff has also been approached confidentially

∴ Both these purchases would be very large and in the face of other competing priorities, seem unrealistic to consider at this time. Council is faced with a difficult task of prioritizing acquisition opportunities with the financial resources available.

Parkland acquisition priorities were developed in the 2004 Parks, Recreation and Culture Master and are as follows:

*"Focus of 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*
- *woodlands with extensive natural areas and*
- *consolidate future acquisitions and dedications to achieve areas larger than totlots"*

Over the last few years Council has been able to achieve these acquisition priorities with key parkland acquisitions such as:



- Neck Point Park addition of 3.2 acres of waterfront property
- Joan Point park acquisition of over 20 acres at Dodd Narrows
- East Wellington property this year of 30 acres of land along the Millstone River
- Linley Valley (Cottle Lake) Park
- Westwood Lake park acquisitions at two key locations
- Third Street property with Jingle Pot Marsh and the Catstream
- via development approval process, acquisition of natural areas, shorelines, lakes, streams and marshes in excess of what was required. A few examples are Northfield Marsh, Mollies Marsh, Richards Marsh, Chase River Estuary, and many sections of lakes, rivers and streams along the Millstone, Chase, Wally Creek, Diver Lake, Long Lake, etc.

Co-management of Newcastle Island Provincial Park with B.C. Parks, SFN and the City of Nanaimo is another way Council has met the goals of parkland and open space goals within the Master Plan.

Lands Currently Under Discussion:

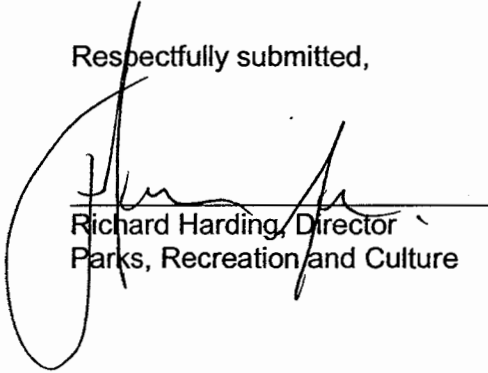
Attached to the report is Parks and Open Space Management and Acquisition Priorities from the 2004 Parks, Recreation and Culture Master Plan. In addition there are a number of properties under discussion and of interest at this time:

- Currently Council has an offer in for 60+ acres of the West Marsh that would also include a long section of the Millstone River and we are awaiting a response from the owners.
- Council has also authorized that the City take an active role in the management of public trails within DL56 and approved an application for a licence of use with the Province.

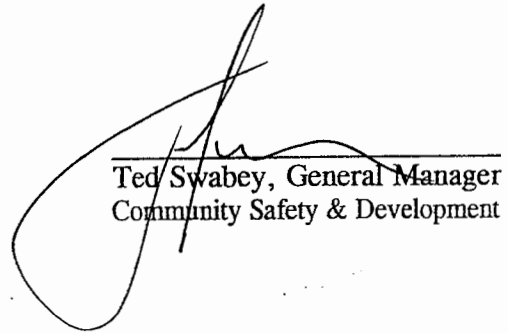
With all the competing interests and limited money available to purchase everything, staff wanted to provide Council a context in which to consider opportunities as they arise. At this time staff recommend not proceeding with the purchase of Linley Valley properties or

If Council would like to proceed with these large purchases, staff believe a referendum for debt is necessary to fund the acquisitions.

Respectfully submitted,



Richard Harding, Director  
Parks, Recreation and Culture



Ted Swabey, General Manager  
Community Safety & Development

2011-AUG-08  
File: A4-1-2 / Parkland (440-20)  
G:\Admin\IC\ReportToCouncil\icRPT110808parkacq.docx

## PARKS AND OPEN SPACE

but as already shown in FIGURE SIXTEEN above, other protected space exists in Nanaimo and contributes to the overall parks and open space system.

The City of Nanaimo has several roles to play in acquiring land for parks and open space. The 1994 Master Plan identified about 30 areas within the City that were considered to be environmentally significant and/or valued for their recreational, natural or green space features. The 2004 Master Plan identifies another 20 properties that should be acquisition and management priorities for the coming years. FIGURE SEVENTEEN provides details and proposed actions for these priority areas.

**FIGURE SEVENTEEN  
PARKS AND OPEN SPACE  
MANAGEMENT AND ACQUISITION PRIORITIES**

| Priority Class | Site   | Proposed Action | Options   |
|----------------|--|-----------------|---|
| A              | Additional seaside parks ie. Small Beach on Nanaimo Harbourfront Chase River | Acquire         | Seek opportunities to acquire key waterfront properties and access to ocean shoreline as public open space.   |
| A              | Brannen, Diver, Green, Long and Westwood Lakes                               | Acquire         | Increase parkland near lakes and, where appropriate, increase access to the water and along the shore.  |
| A              | Buttertubs Marsh and wetlands to west and south                              | Co-manage       | Recognize entire areas as environment-ally sensitive. Work with landowners, <i>Ministry of Environment, Lands and Parks</i> and BC Nature Trust to determine appropriate measures to protect the hydrological regime and aquatic habitat in Buttertubs Marsh. |
| A              | Harewood Plains  | Acquire         | Seek to acquire as park and to develop funding partners.  |



**PARKS AND OPEN SPACE**

**FIGURE SEVENTEEN (Continued)**

| Priority Class | Site  | Proposed Action      | Options   |
|----------------|---|----------------------|---|
| A              | Linley Valley                                   | Acquire              | Work with the BC Government, Crown Lands Division to acquire DL 56 for park purposes. Develop a comprehensive plan that provides the context for a city park. Consider a plan that protects key areas in exchange for limited housing development on remainder. Conduct an inventory of significant environmental resources within parkland designation.  |
| A              | Millstone River                                 | Acquire or Co-manage | Acquire lands to complete the walkway. Alternatively, designate shoreline leave strips as environmentally sensitive areas and regulate land use accordingly; and/or negotiate covenants with landowners for the retention and dedication of shoreline leave strips as natural areas. Coordinate with Regional District of Nanaimo to protect the river course across city and regional district boundaries. |
| A              | Nanaimo Correction Centre Lands on Brannen Lake | Acquire              | Negotiate with BC Government on possible future acquisition for park purposes should the centre be moved.   |
| A              | Properties adjacent to Westwood Lake Park       | Acquire              | In order to maintain and enhance the park character, seek to acquire properties that enhance park buffers.  |
| A              | Walley Creek                                    | Acquire or Co-manage | Continue to acquire streamside dedications for park/trails through subdivision and development applications. Work with neighbouring residents and the Hammond Bay Neighbourhood Association to rehabilitate and enhance.  |



FIGURE SEVENTEEN (Continued)

| Priority Class | Site  | Proposed Action      | Options   |
|----------------|---|----------------------|---|
| A              | Waterfront Access points  | Acquire              | Provide waterfront access (access minimum of every 500 m); where coast is too steep to allow access to the shore, access should provide viewpoints with rest areas that welcome users to enjoy the view in a quiet setting. |
| B              | Millstone Bluffs  | Co-manage or Acquire | Continue to work with the provincial <i>Ministry of Transportation and Highways</i> to protect the bluffs and trail along the Nanaimo Parkway.  |
| B              | Northfield Marsh  | Acquire or Co-manage | Designate as an environmentally significant area. Negotiate with the Ministry of Transportation and Highways to mitigate impacts of the parkway and Northfield connector. Acquire remaining wetlands as an ecological park. |
| B              | Provide neighborhood-type park in industrial zoned lands, to provide employees of businesses with green space and activity areas. | Acquire              | To increase greenspace for recreation and environmental benefits in industrial areas.   |
| B              | Robin's Gardens   | Acquire              | Acquire as future community or city park in collaboration with South End Citizens Association. Ensure that sufficient land use is present in the neighbourhood to provide on-going security to the site.                    |
| B              | Up to 2 ha of neighbourhood parks in Westwood Lake area (linked to Westwood Lake Park).   | Acquire              | To ensure adequate neighborhood park space in the area.   |



## **PARKS AND OPEN SPACE**

---

### ***Recommendations***

*Implement the actions presented in FIGURE SEVENTEEN regarding parks acquisition and open space co-management.*

*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*
- *Woodlands with extensive natural areas*

*Consolidate future acquisitions and dedications to achieve areas larger than totlots.*

### **6.3 PARKS AND OPEN SPACE OUTSIDE CITY BOUNDARIES**

City residents make recreational and visual use of many natural areas immediately outside the City boundary. Several of the prime recreational sites are under immediate threat and loss of the recreation and aesthetic benefits of these areas could have long-lasting impacts on the attractiveness of Nanaimo to residents and tourists. Furthermore, many activities such as rock climbing, hiking, mountain biking and nature appreciation in a wildlands setting cannot be provided effectively within the City boundary. Despite the fact that costs of land acquisition outside the City are substantially lower on a unit basis than the purchase of serviced land within the City boundary, adjacent Electoral Areas (e.g. Area C or D) do not have sufficient population or financial resources to protect these key areas on their own.

The City of Nanaimo already owns several properties outside the City boundary, including lands around Witchcraft Lake and a large property immediately south of the South City Boundary. Future acquisition of park space could occur outside the City boundaries to meet recreational and aesthetic needs.

Properties and areas outside of the City boundaries that might be considered for acquisition include:

- Diving activity at Snake Island
- Hiking and mountain biking on Westwood Ridges
- Nanaimo's visual backdrop and hiking paradise – Mt. Benson
- Hiking and spectacular scenery at Benson (Ammonite) Falls
- Appreciation of native wildflowers at Harewood Plains
- Salmon spawning and swimming at Nanaimo River



- Rock climbing at Westwood Ridges and Mt. Benson

In interviews with stakeholder groups and residents for the 2004 Parks, Recreation and Culture Master Plan, it was surprising how many respondents were not aware that these recreation resources are outside the City.

Many groups also make a strong case that these recreational features cannot be provided in Nanaimo, since they are based on the characteristics of the land, but that it is mainly Nanaimo residents and tourists staying in Nanaimo who are using these sites.

Respondents also reported that a lack of protection and management of these sites is hurting Nanaimo's opportunities for economic and tourism development.

The Regional District of Nanaimo is active in acquiring or managing some of these sites (e.g. Benson Falls). Local non-government organizations have expressed interests concerning some of the other sites as well. However, it is unlikely that non-government organizations or the Regional District, operating alone, will have the resources to effectively acquire or co-manage these important recreation features.

#### *Recommendations*

*As part of the open space planning and land acquisition process consider the opportunities of co-management of recreational lands outside City limits with the Regional District of Nanaimo.*

*Prepare open space and environmental management plans for lands owned by the City outside the City boundary (e.g. Witchcraft Lake).*

## 6.4 EXPAND AND IMPROVE TRAIL AND GREENWAY SYSTEM

As set out in the 1994 Parks, Recreation and Culture Master Plan, there has been excellent progress at completion of a major trail system, in particular along the Nanaimo Parkway and the E&N railway.

The rapid implementation of Nanaimo's trail system is becoming a factor in new residents choosing Nanaimo as a place to live. Similar to the results in 1994, the 2004 public survey showed that of those recipients who saw a need for additional outdoor facilities, a considerable number favored more trails for walking and cycling – making trails the most requested outdoor facility. The popularity of trails for walking and cycling is rapidly increasing, not only for recreational use but also as alternative means of getting from place to place. People want to get out of their cars and onto footpaths and bike trails for their own health, as well as the health of the environment.



# "IN CAMERA" STAFF REPORT

REPORT TO: ANDREW TUCKER, DIRECTOR OF PLANNING

FROM: BILL CORSAN, MANAGER OF REAL ESTATE

RE: PROPOSED ACQUISITION OF PART OF 3075 NEWTON STREET

---

## STAFF'S RECOMMENDATION:

That Council approve the acquisition of the land identified as "Dedicated as Road" on Attachment A, for the price of \$4,312.00.

## EXECUTIVE SUMMARY:

A part of the subject property has been identified for acquisition to facilitate the construction of a public sidewalk along Departure Bay Road. Negotiation with the owners has resulted in an understanding to recommend the purchase price to Council.

## BACKGROUND:

As a result of the issues of road geometry and public safety, Staff has determined a need to extend the public sidewalk from Rock City Elementary School to Newton Street. The design for this construction requires acquisition of a part of the subject property. The owners have agreed to sell the required land to the City, as identified in Attachment A. Attachment B shows a map of the surrounding area for context.

Particulars of the subject property are as follows:

|                        |  |
|------------------------|--|
| Location:              | 3075 Newton Street   |
| Property Description:  | Forms part of the side yard of a single family dwelling site |
| Size of Parent Parcel: | 105' x 60' = 6,300 ft <sup>2</sup> (585.27m <sup>2</sup> )   |
| Size of taking:        | Irregular – 192.68 ft <sup>2</sup> (17.9 m <sup>2</sup> )    |
| Zoning:                | RS-1 Single Family Residential                               |
| Owners:                |  |

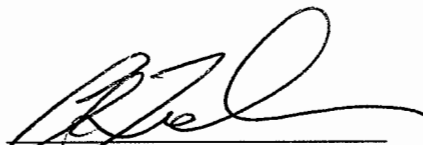


Acquisition of this property is required to provide sufficient space for the installation of a public sidewalk and Hydro poles. This purchase and construction will include the removal of the owners' fence to facilitate placement of fill for lateral support for the public sidewalk, restoration of the owners' side yard, reinstatement of the owners' fencing to the new property boundary and provision of a new building location survey certificate. Construction of this project is scheduled to begin in 2012.

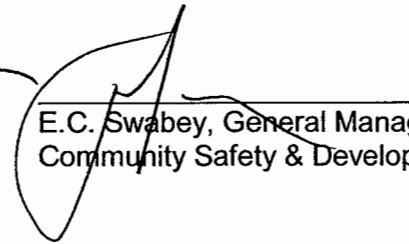
Respectfully submitted,



B. Corsan, Manager  
Real Estate



A. Tucker, Director  
Planning



E.C. Swabey, General Manager  
Community Safety & Development

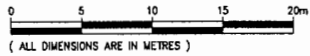
Prospero: LD002417  
"IC" Council: 2011-AUG-08  
RS/tl

**REFERENCE PLAN OF PART OF LOT 2,  
SECTION 15, WELLINGTON DISTRICT,  
PLAN 21571.**

PLAN EPP13550

PURSUANT TO SECTION 107 OF THE LAND TITLE ACT  
BCGS 92G.021

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 1:250



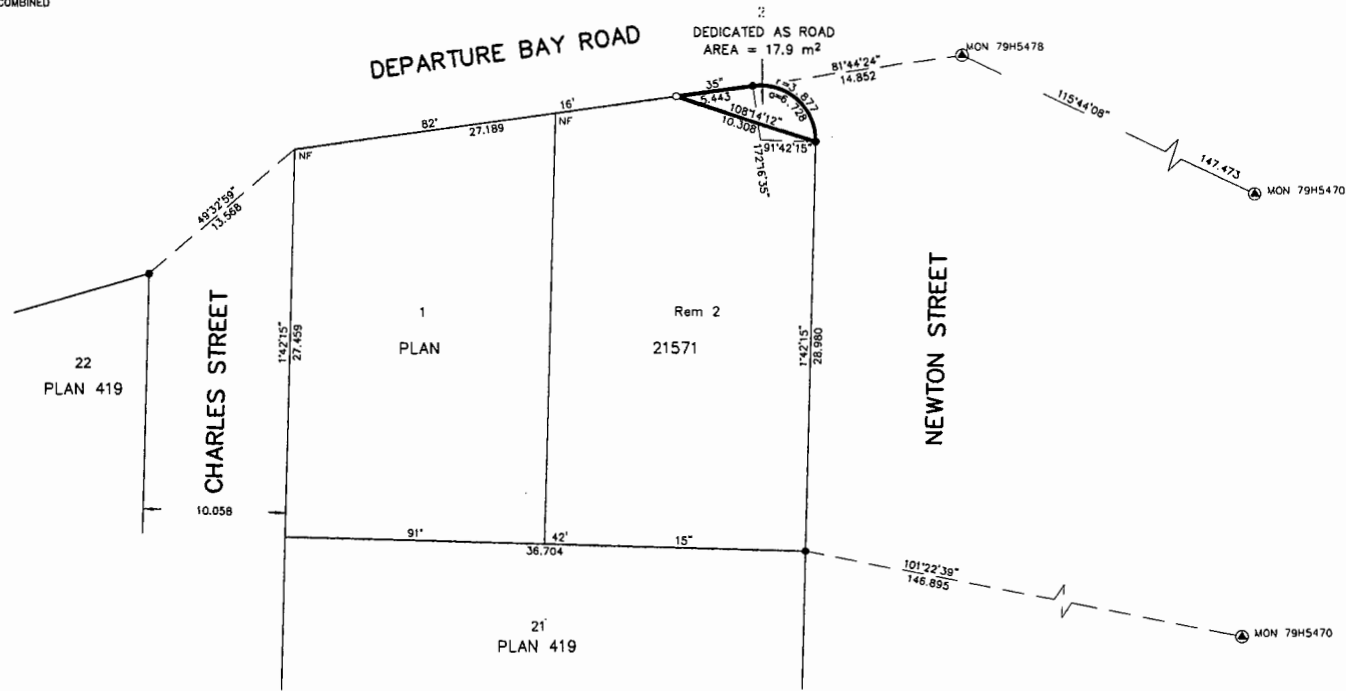
| BOOK OF REFERENCE                                     |             |                     |
|---|-------------|---------------------|
| LEGAL DESCRIPTION                                     | PID         | AREA                |
| LOT 2, SECTION 15,<br>WELLINGTON DISTRICT, PLAN 21571 | 003-463-061 | 17.9 m <sup>2</sup> |

**LEGEND**

GRID BEARINGS ARE DERIVED FROM OBSERVATIONS BETWEEN  
GEODETIC CONTROL MONUMENTS 79H5478 AND 79H5470  
INTEGRATED SURVEY AREA No. 20, CITY OF 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 0.9996571.

- DENOTES STANDARD IRON POST FOUND
- DENOTES STANDARD IRON POST SET
- ⊙ DENOTES CONTROL MONUMENT



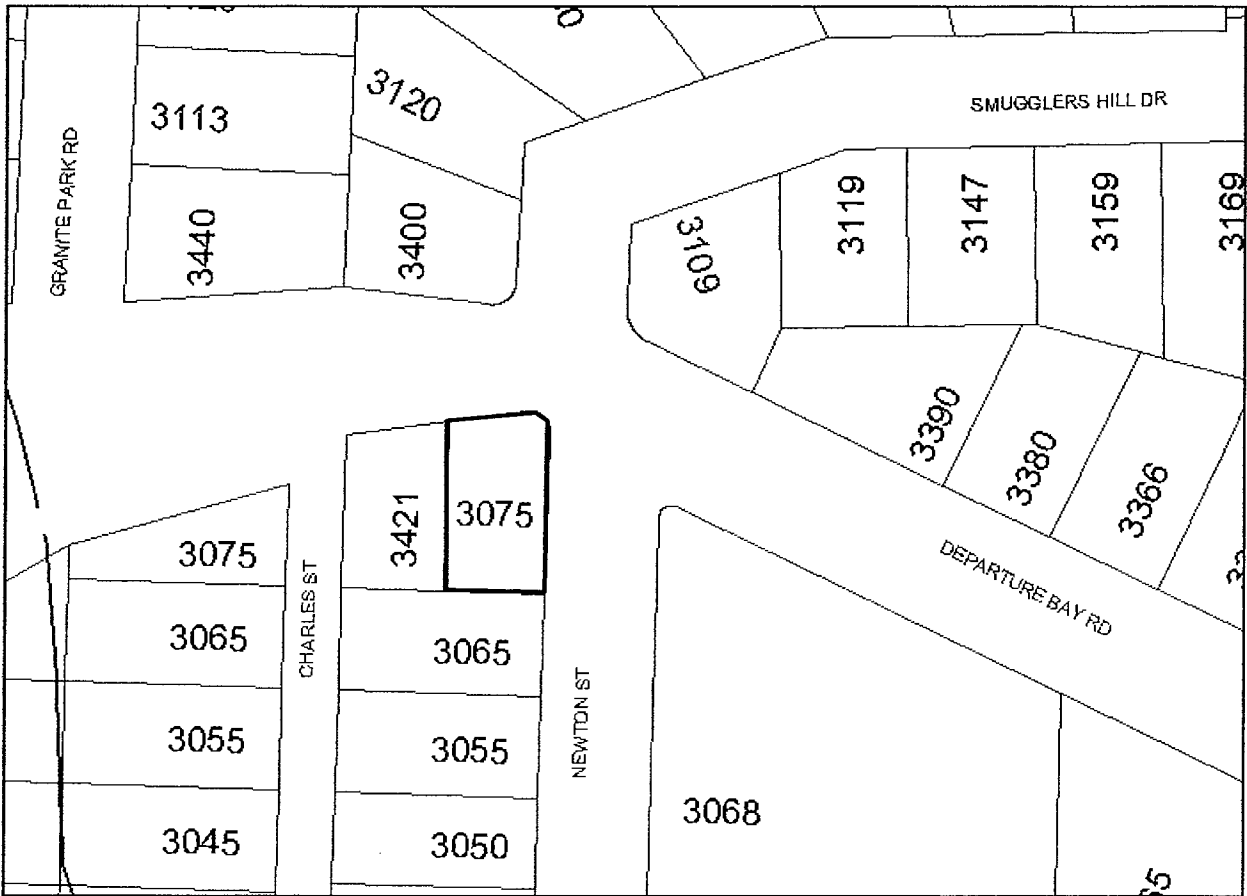
McELHANNEY ASSOCIATES  
LAND SURVEYING LTD.  
SUITE 1, 1351 ESTEVAN ROAD  
NANAIMO, B.C. V9S 3Y3  
TEL: 250-716-3336  
FAX: 250-716-3339

OUR FILE NO. 2232-71628-1  
OUR DRAWING NO. 71628-01 BASE.DWG

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

THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED BY  
BRIAN DAVID WARDROP, BOLS ON THE 15TH DAY OF JUNE, 2011.

ATTACHMENT B



"IC" Council Report 2011-AUG-08  
3075 Newton Street/LD002417

## **IN CAMERA STAFF REPORT**

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

FROM: B. E. CLEMENS, DIRECTOR OF FINANCE

RE: AWARD OF RFP FOR REVIEW OF CONTRACTED SERVICES

---

### STAFF'S RECOMMENDATION:

That Council:

1. Award Request for Proposal No. 1176 for a review of contracted services to MMK Consulting; and
2. That the awarding of the contract be released from In Camera.

### EXECUTIVE SUMMARY:

Council has directed staff to undertake an external review of contracted services. Three consulting firms responded to the RFP. Staff has reviewed the three proposals and are recommending MMK Consulting as the proposal that provides the best value to the City.

### BACKGROUND:

At the Regular Meeting of Council held 2011-MAR-28, Council adopted the following motion:

"... that Council direct staff to undertake an external core review on current contracting out of City services."

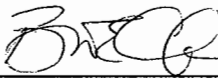
At the Regular Meeting of Council held 2011-JUN-13, Council approved the Request for Proposals and it was issued shortly thereafter. Three proposals were received, all of which were within the budget established for the project. The proposals have been reviewed by three staff members and rated based on criteria that were disclosed in the RFP including qualifications, experience, schedule, work plan and methodology, compensation structure and references. The proposals were ranked in the following order:

- |                   |          |
|-------------------|----------|
| 1. MMK Consulting | \$70,000 |
|-------------------|----------|

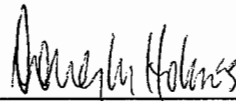
Staff believe that MMK Consulting provide the best value to the City for this project and recommend that Council award RFP 1176 to MMK Consulting.

This report has first been provided In Camera to allow Council to discuss aspects that may be protected by Freedom of Information/Protection of Privacy legislation. Once the discussion has been completed, then it is appropriate to release the information at the Open meeting.

Respectfully submitted,



B.E. Clemens  
Director of Finance



D.W. Holmes  
Assistant City Manager/General Manager,  
Corporate Services

BEC/ck  
COUNCIL: 2011-Aug-08

G:\ADMINISTRATION\Council\Reports\Award RFP for contracted services.docx

# **“IN CAMERA” STAFF REPORT**

**REPORT TO: TOM HICKEY, GENERAL MANAGER OF COMMUNITY SERVICES**

**FROM: RICHARD HARDING, DIRECTOR OF PARKS, RECREATION AND CULTURE**

**RE: DRAFT LEASE AGREEMENT WITH THE VANCOUVER ISLAND MILITARY MUSEUM  
(VIMMS) AND NANAIMO MUSEUM FOR USE OF THE OLD MUSEUM  
(CENTENNIAL BUILDING) AT PIPER PARK**

---

## STAFF RECOMMENDATIONS:

That Council:

1. direct Staff to formalize a lease agreement with the Vancouver Island Military Museum Society and Nanaimo Museum Society as outlined in this report; and,
2. direct Staff to add the roof repair, electrical system upgrades and HVAC improvements in 2012 capital plan funding using funds allocated for Piper Park Improvements.

## EXECUTIVE SUMMARY:

At the “In-Camera” Council meeting held 2011-JUN-27, Council received a delegation and proposal from the Vancouver Island Military Museum Society (VIMMS) regarding their need of a new location and desire to move to the vacant Old Museum building at Piper Park.

Staff provided a background report to Council and with the following options for consideration:

1. direct Staff to proceed with the Piper Park Planning process as approved in 2006;
2. direct Staff to issue a Request for Proposal for the use of the building; or,
3. direct Staff to work with the Military Museum on a draft lease agreement for Council’s consideration.

Council adopted option 3 and since this date staff has been working with VIMMS on details of a draft lease agreement as well as linking with the Nanaimo Museum Society as a co-lease holder.

Members of VIMMS and the Manager of the Nanaimo Museum Society will be available at the meeting to answer any questions Council may have.

## DISCUSSION:

Currently the Nanaimo Museum is using the old museum building to construct display cases for the new museum as well as to store materials and supplies. The Museum has officially requested that the bottom floor of the building be available for their use (or a similar size and area of the building).

Since Council direction of 2011-JUN-27 Staff have worked with VIMMS on a draft lease agreement that could include both VIMMS and Nanaimo Museum staff.

In summary, the building will work for both organizations with some initial improvements provided by VIMMS as well as proposed 2012 improvements to the building by the City.

In discussions with VIMMS and the Nanaimo Museum there is a desire to develop a cooperative lease agreement between the two societies. This agreement would see VIMMS utilizing the upper two floors of the building and the Nanaimo Museum having a portion of the lower floor for storage with both organizations sharing a workshop on the lower floor. Both organizations would share in operating costs at an agreed 70/30 split.

For a longer-term commitment to the building VIMMS have requested that a lease agreement rather than a licence agreement be secured. With a lease agreement and given that Piper Park is "dedicated" parkland an Alternative Approval Process will be required and if approved by Council could start this September with completion by the end of the year. This would fit within VIMMS needs of having a new venue to move into by January 1, 2012

#### Draft Terms of a Lease Agreement with the VIMMS and the Nanaimo Museum

Key points of the draft lease agreement are as follows:

- the lease will be with both non-profit societies (VIMMS and Nanaimo Museum) and will be for ten (10) years;
- all operating costs will be the responsibility of both societies which include city utilities, heat, power, and security is estimated at \$30,000 per year;
- based on a 70/30 split, VIMMS to contribute to the City \$21,000 per annum for operating costs. The Nanaimo Museum to contribute \$9,000 per annum for it's share of the operational costs;
- a \$21,000 per year contribution from VIMMS would go toward a reserve for improvement to the building and Piper Park;
- a \$9,000 per year contribution from the Nanaimo Museum would go toward operating costs for the building;
- the City of Nanaimo will be responsible for maintaining the main components of the building (roof, HVAC system, exterior of building and Park); and,
- minimum six month termination by both parties.

#### Lease Contribution

The estimated annual contribution from VIMMS, would be \$42,000 and Nanaimo Museum would be \$9,000 totalling \$51,000. From this amount \$30,000 will pay for operating costs and \$21,000 will be deposited in a reserve fund for Piper Park and building improvements.

#### Improvements to the Old Museum Building:

In 2008, Staff contracted to Herold Engineering to do an assessment of the building.

The building has not been identified the City of Nanaimo's Five-Year Operating or Capital Plan priorities. However, there is \$362,176 allocated in the 2012 budget as part of the Piper Park improvement plan implementation that could be allocated to the building upgrades. In addition, VIMMS are prepared to contribute up to \$25,000 this year towards some identified improvements.

The following are items that will be required to complete prior to VIMMS moving in or within the next year:

Existing Park Designation and Zoning

Piper Park is a designated Park by Bylaw and has the Park Zoning (PRC 3). The Military Museum and like uses are permitted under this zoning.

If Council approves the draft aspects of the lease agreement and required upgrades to the building Staff will formalize the lease documents and return to Council to start the public notification process.

Respectfully submitted,



---

Richard Harding, Director  
Parks, Recreation and Culture

---

Tom Hickey, General Manager  
Community Services

Council: 2011-AUG-08  
File: A4-1-2 / D1-5-1 / M1-18  
G:\Admin\AdminIC\IC Staff Reports to Council\  
icRPT110808MilitaryMuseumProposalForUseOfOldMuseum(CentennialBuilding)AtPiperPark.docx



**"IN CAMERA"  
FOR INFORMATION ONLY**

REPORT TO: ANDREW TUCKER, DIRECTOR OF PLANNING

FROM: BILL CORSAN, MANAGER OF REAL ESTATE

RE: LICENCE AGREEMENT FOR USE OF 2103 BOWEN ROAD BY  
TWELVE CUBED HOMES

STAFF'S RECOMMENDATION:

That Council receives the report for information.

EXECUTIVE SUMMARY:

At the 2010-JUL-09 "In Camera" Council meeting, Council granted a License and Temporary Use Permit for the use of 2103 Bowen Road to Twelve Cubed Homes. The License agreement was granted for a maximum of 2 years to expire on 2012-AUG-09. Twelve Cubed Homes has advised that they would like to terminate their License as of 2011-AUG-31.

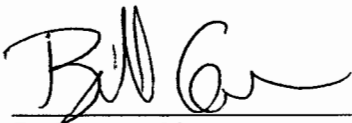
BACKGROUND:

In 2010-JUL-09 Council granted a non-exclusive right to Twelve Cubed Homes to use the City owned lands at 2103 Bowen Road to erect at a temporary 12 ft by 12 ft by 12 ft affordable housing demonstration showhome. Twelve Cubed Homes obtained the necessary building and servicing permits and located their building onto the site.

Twelve Cubed Homes wish to terminate their license as of 2011-AUG-31

They have advised that they will be disconnecting their services, removing the foundation they installed and will leave the site graded and clean.

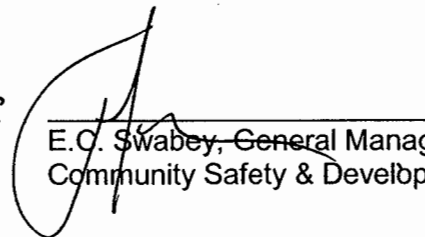
Respectfully submitted,



B. Corsan, Manager  
Real Estate  
BC/np  
Prospero: LD 00222352  
"IC" Council: 2011-AUG-08



A. Tucker, Director  
Planning



E.C. 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, 2011-AUG-08, COMMENCING AT 9:30 A.M.

---

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

Members: Councillor W. L. Bestwick  
Councillor G. E. Greves  
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

Others: Mr. Sid Chow (arrived 9:35, vacated 10:45 a.m.)  
Mr. Rick Windley (arrived 9:35, vacated 10:45 a.m.)  
Ms. Victoria Drakeford (arrived 9:35, vacated 10:45 a.m.)  
Mr. Cliff Thompson, (arrived 9:35, vacated 10:45 a.m.)  
Mr. Roger Bird, VIMM (arrived 11:00 a.m., departed 11:10 a.m.)  
Mr. Brian McFadden, VIMM (arrived 11:00 a.m., departed 11:10 a.m.)  
Mr. Evan Petley-Jones, VIMM (arrived 11:00 a.m., departed 11:10 a.m.)  
Mr. Phil Harris, VIMM (arrived 11:00 a.m., departed 11:10 a.m.)

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  
T. L. Hartley, Director of Human Resources and Organizational Planning  
B. E. Clemens, Director of Finance  
Chief R. Lambert, Nanaimo Fire Rescue  
A. J. Tucker, Director of Planning  
R. J. Harding, Director of Parks, Recreation and Culture  
B. Prokopenko, Acting Senior Manager of Engineering  
P. Kristensen, Director of Information Technology  
E. Doherty, Labour Relations Manager  
S. Ricketts, Manager, Engineering Construction (arrived 10:39 a.m.)  
K. Felker, Manager, Purchasing and Stores  
B. Sims, Manager, Water Resources  
D. Mousseau, Manager, Engineering & Subdivision  
R. Churchill, Manager, Bylaw, Regulation and Security  
N. Peterson, Real Estate Technician (left at 12:37 p.m.)  
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 9:31 a.m.

2. PROCEDURAL MOTION:

12111 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; 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. INTRODUCTION OF LATE ITEMS:

- (a) Move Agenda Item 5 (a) – Delegation from the Vancouver Island Military Museum, to follow Agenda Item 4 (a) – Presentation regarding the New City Hall Annex design.
- (b) Move Item 12 (a) – Other Business – CUPE Bargaining - to the end of the agenda.

4. ADOPTION OF AGENDA:

12211 It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

5. ADOPTION OF MINUTES:

12311 It was moved and seconded that the Minutes of the "In Camera" Meeting of Council held Monday, 2011-JUL-08 at 9:30 a.m. in the City Hall Board Room, 455 Wallace Street, Nanaimo, BC be adopted as circulated. The motion carried unanimously.

12411 It was moved and seconded that the Minutes of the Special "In Camera" Meeting of Council held Monday, 2011-JUL-25 at 6:12 p.m. in the City Hall Board Room, 455 Wallace Street, Nanaimo, BC be adopted as circulated. The motion carried unanimously.

Mr. Sid Chow of Chow Low Hammond, Mr. Rick Windley of Windley Contracting, Ms. Victoria Drakeford, Landscape Architect, and Mr. Cliff Thompson, Project Manager, entered the Board Room at 9:35 a.m.

6. PRESENTATIONS:

- (a) Mr. Sid Chow of Chow Low Hammond and Ms. Victoria Drakeford, Landscape Architect, made a presentation regarding the design and landscape design for the new City Hall annex building.

The presenters vacated the Board Room at 10:45 a.m.

12511 It was moved and seconded that Council direct Staff to forward the new City Hall annex project at 411 Dunsmuir Street to the Design Advisory Panel for review. The motion carried.

Opposed: *Councillors Bestwick, Holdom and Kipp.*

Mr. Roger Bird, Mr. Brian McFadden, Mr. Evan Petley-Jones, and Mr. Phil Harris of the Vancouver Island Military Museum Board entered the Board Room at 11:00 a.m.

7. DELEGATIONS PERTAINING TO AGENDA ITEMS:

- (a) Representatives from the Vancouver Island Military Museum Board were in attendance to answer questions regarding the draft lease agreement with the Nanaimo Museum for use of the old museum (Centennial Building) at Piper Park.

Mayor Ruttan vacated the Chair at 11:03 a.m.

Councillor Bestwick assumed the Chair.

Mayor Ruttan resumed the Chair at 11:07 a.m.

The Vancouver Island Military Museum Board representatives vacated the Board Room at 11:10 a.m.

8. PRESENTATIONS:

- (b) Mr. Dean Mousseau, Manager, Engineering and Subdivision, gave a presentation regarding the Interim Parking Strategy that will address staff and public parking issues during and after the construction of the new City Hall annex building.

9. MAYOR'S REPORT:

- (a) Letter from School District #68

10. COMMISSION REPORTS:

- (a) Parks, Recreation and Culture Commission – Minutes of the "In Camera" Meeting held 2011-JUN-22
- 

12611 It was moved and seconded Council receive the Minutes of the "In Camera" Parks, Recreation and Culture Commission meeting held 2011-JUN-22. The motion carried unanimously.

11. STAFF REPORTS:

ADMINISTRATION:

(a) Post Disaster Structural Capacity – New City Annex - 411 Dunsmuir Street

12711 It was moved and seconded that Council:

1. direct Staff to execute the change order with the design/build contractor to construct the new City Annex to meet post disaster structural requirements (defined as meeting seismic for levels 150% of the current BC Building Code) for an additional contract cost of \$219,375; and,
2. release the Staff Report and Council's direction from "In Camera."

The motion carried unanimously.

(b) Designation of Park Land

12811 It was moved and seconded that Council direct Staff to draft a bylaw for consideration by Council at an open meeting, to dedicate as park those fee simple lands that are identified as Items 1-161 in the Attachment to the Staff Report. The motion carried unanimously.

COMMUNITY SAFETY AND DEVELOPMENT:

(c) Park Acquisition Priorities

12911 It was moved and seconded that Council:

1. receive the report; and,
2. direct Staff not to pursue the purchase of the Linley Valley or Ocean Cement lands at this time.

The motion carried.

Opposed: *Councillor Bestwick*

(d) Proposed Acquisition of Part of 3075 Newton Street

13011 It was moved and seconded that Council approve the acquisition of the land identified as "Dedicated as Road" on Attachment A in the Staff report, for the price of \$4,312. The motion carried unanimously.

(e)

CORPORATE SERVICES:

(f) Award of RFP for Review of Contracted Services

13211 It was moved and seconded that Council:

1. award Request for Proposal No. 1176 for a review of contracted services to MMK Consulting; and,
2. release from "In Camera" the award of the contract.

The motion carried unanimously.

Mayor Ruttan vacated the Chair at 12:39 p.m.

Councillor Bestwick assumed the Chair.

COMMUNITY SERVICES:

(g) Draft Lease Agreement with the Vancouver Island Military Museum (VIMM) and Nanaimo Museum for Use of The Old Museum (Centennial Building) at Piper Park

13311 It was moved and seconded that Council:

1. direct Staff to formalize a lease agreement with the Vancouver Island Military Museum Society and Nanaimo Museum Society as outlined in the Staff Report; and,
2. direct Staff to add the roof repair, electrical system upgrades and HVAC improvements in 2012 capital plan funding using funds allocated for Piper Park Improvements.

The motion carried unanimously.

Councillor Bestwick vacated the Board Room on a perceived conflict of interest as he has an investment interest with Twelve Cubed Homes.

Councillor Bestwick vacated the Chair.

Councillor Pattje assumed the Chair.

12. INFORMATION ONLY ITEMS:

- (a) Report from Mr. B. Corsan, Manager of Real Estate, re: Licence Agreement for Use of 2103 Bowen Road by Twelve Cubed Homes.

Councillor Bestwick resumed the Chair.

- (b) Report from Ms. Joan Harrison, Manager of Legislative Services, re: Quarterly Claims Report – Period Ending 2011-JUN-30.

13. OTHER BUSINESS:

(a) DVP175 – 1009 Farquhar Street

Mr. E. C. Swabey, General Manager of Community Safety and Development, gave an update regarding DVP175 at 1009 Farquhar Street (Loaves and Fishes site) and advised that Staff will continue with the notification process for a development variance permit, with fees waived, and bring the DVP back to Council for approval.

All CUPE Staff vacated the Board Room at 12:45 p.m.

Mayor Ruttan resumed the Chair at 12:50 p.m.

(b) CUPE Bargaining

Ms. T. Hartley, Director of Human Resources and Organizational Planning, gave a verbal update regarding CUPE bargaining.

(c) Budget

Mr. A. Kenning, City Manager, gave a verbal update on the budget.

(d) Hotel

Mr. A. Kenning, City Manager, gave a verbal update on the Conference Centre Hotel.

14. ADJOURNMENT:

13411 It was moved and seconded at 1:00 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

13511 It was moved and seconded at 1:00 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, 2011-AUG-22, COMMENCING AT 10:00 A.M.

---

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:

COMMUNITY SAFETY AND DEVELOPMENT:

- (a) **Disposition of Lease to Sub on the Hub Restaurant Ltd. at the  
Nanaimo Aquatic Centre, 741 Third Street**

Pg. 3-6

Staff's Recommendations: That Council:

1. *approve in principle a Lease Agreement at the Nanaimo Aquatic Centre, 741 Third Street, to Sub on the Hub Restaurant Ltd. doing business as Tia Mei's Café to operate a food and beverage service;*

AND:

2. *direct Staff to publish a Notice of proposed property disposition by way of Lease in accordance with the Community Charter, Section 26;*

AND:



3. *direct Staff to bring forward a report to the 2011-SEP-12 Council meeting to approve the Lease Agreement executed by Sub on the Hub Restaurant Ltd. and to authorize the Mayor and the Manager of Legislative Services to execute the Lease.*

(b) **Disposition of License to Sub on the Hub Restaurant Ltd. at the Nanaimo Ice Centre, 750 Third Street**

*Pg. 7-10*

Staff's Recommendations: *That Council:*

1. *approve in principle a License Agreement at the Nanaimo Ice Centre, 750 Third Street, to Sub on the Hub Restaurant Ltd. doing business as Tia Mei's Café to operate a food and beverage service;*

*AND:*

2. *direct Staff to bring forward a report to the 2011-SEP-12 Council meeting to approve the License Agreement executed by Sub on the Hub Restaurant Ltd. and to authorize the Mayor and the Manager of Legislative Services to execute the License.*

10. **INFORMATION ONLY ITEMS:**

- (a) Report from Mr. I. Howat, Director of Strategic Relationships, re: Vancouver Island Conference Centre Hotel Update.

*Pg. 11-12*

11. **CORRESPONDENCE:**

12. **OTHER BUSINESS:**

- (a) Draft media release regarding Piper Park Museum Lease for information.

[Note: To be distributed separately.]

13. **ADJOURNMENT:**

# “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: DISPOSITION OF LEASE TO SUB ON THE HUB RESTAURANT LTD. AT  
THE NANAIMO AQUATIC CENTRE, 741 THIRD STREET

STAFF'S RECOMMENDATION:

That Council:

1. approve in principle a Lease Agreement at the Nanaimo Aquatic Centre, 741 Third Street, to Sub on the Hub Restaurant Ltd. doing business as Tia Mei's Cafe to operate a food and beverage service;
2. direct Staff to publish a Notice of proposed property disposition by way of Lease in accordance with the *Community Charter*, Section 26; and
3. direct Staff to bring forward a report to the 2011-SEP-12 Council meeting to approve the Lease Agreement executed by Sub on the Hub Restaurant Ltd. and to authorize the Mayor and the Manager of Legislative Services to execute the Lease.

EXECUTIVE SUMMARY:

The Nanaimo Aquatic Centre (NAC) has three commercial tenants who have been conducting business since the facility opened in 2001.

At the 2011-JUL-11 Council meeting, five (5) year Lease Agreements were approved for Team Aquatic Supplies Ltd. and CBI Health Group. The third commercial unit is for a food and beverage service. (Attachment A)

A Notice of Intent to direct award a new five (5) year Agreement to the existing tenant, (Sharkey's Express Foods Ltd.) was published on the City of Nanaimo website and on BC Auction. At the expiration of the Notice of Intent on 2011-MAY-19, there were two challengers to the incumbent tenant.

A competitive tender process was undertaken, with Sub on the Hub Restaurant Ltd., doing business as Tia Mei's Café, being the successful proponent, conditional upon Council's approval.

Staff is supportive of a new Agreement and recommends that the City enter into a Lease. The Lease will be four (4) years, nine (9) months in order to coincide with the 2016-May-31 expiration of the two additional commercial leases at NAC.

Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
 Meeting Date: 2011-AUG-22

BACKGROUND:

In 2001, Sharkey's Express Foods Ltd. (Sharkey's) became the operator of the 41.4 m<sup>2</sup> (446 ft<sup>2</sup>) food and beverage service area in NAC (Attachment A). A License to Occupy was granted by the City, with tenure of two consecutive five (5) year terms. The tenant has been on a month-to-month tenancy since the second term expired 2011-MAY-31.

Prior to entering into a new Agreement with Sharkey's, Staff commissioned an appraisal to determine the market rent. Cunningham & Rivard Appraisals Ltd., conclude that the current market rentable value for the service area lies within a market range of \$19,500.00 to \$21,000.00 per annum. The current rent is \$19,200.00 per annum.

Staff published a Notice of Intent on the City of Nanaimo website as well as BC Auction to direct award to Sharkey's a new five (5) year Agreement with escalating rent. The Notice of Intent informed interested parties, of the terms of the Agreement and invited them to put forward a proposal. At the expiration of the Notice of Intent, 2011-MAY-19, there were two challengers to the direct awarding.

A competitive tender process was undertaken to assess service provider's ability to offer food services according to terms of the proposed lease including preapproval of menu, price and portion size and alignment with the *Guidelines for Food and Beverage Sales in BC Schools, Ministry of Education and Ministry of Health*. The tender process included an evaluation by a team of three Staff using a total point system based on the above criteria as well as qualifications, references, resources, an interview and a sustainability plan.

The successful proponent, Sub on the Hub Restaurant Ltd., has been awarded the contract, conditional upon Council's approval, to operate the food and beverage service at NAC. The service provider will be doing business as Tia Mei's Café. The lease will be four (4) years, nine (9) months in order to coincide with the 2016-May-31 expiration of the two additional commercial Leases at NAC.

Following Council's approval in principle of the Lease, Staff will publish a Notice of proposed property disposition by way of Lease in accordance with the *Community Charter*, Section 26.

Staff will bring forward a report for the 2011-SEP-12 Council Meeting to seek approval of the Lease Agreement executed by Sub on the Hub Restaurant Ltd. and to authorize the Mayor and the Manager of Legislative Services to execute the Lease.

Salient terms and conditions of the Lease Agreement are as follows:

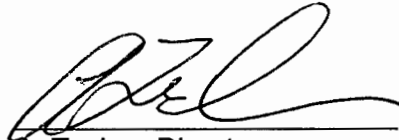
|                   |   |
|-------------------|---|
| Lessee:           | Sub on the Hub Restaurant Ltd.  |
| Property Address: | 741 Third Street  |
| Use:              | The delivery of food and beverage services  |
| Lease Rent:       | Year 1(nine months): \$14,787.00 paid monthly \$1,643.00 plus applicable tax<br>Year 2: \$20,304.00 paid monthly \$1,692.00 plus applicable tax<br>Year 3, 4 and 5: \$20,880.00 paid monthly \$1,740.00 plus applicable tax |
| Occupancy Term:   | Four (4) years, nine (9) months, ending 2016-MAY-31. Five (5) year option   |
| Termination:      | Sixty (60) day termination clause   |

Sub on the Hub has been selected to operate the food and beverage service at the Nanaimo Ice Centre. This service will be covered by a License Agreement as it is for occasional shared use and is presented in a separate Staff report on tonight's agenda.

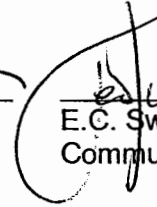
Respectfully submitted,



B. Corsan, Manager  
Real Estate

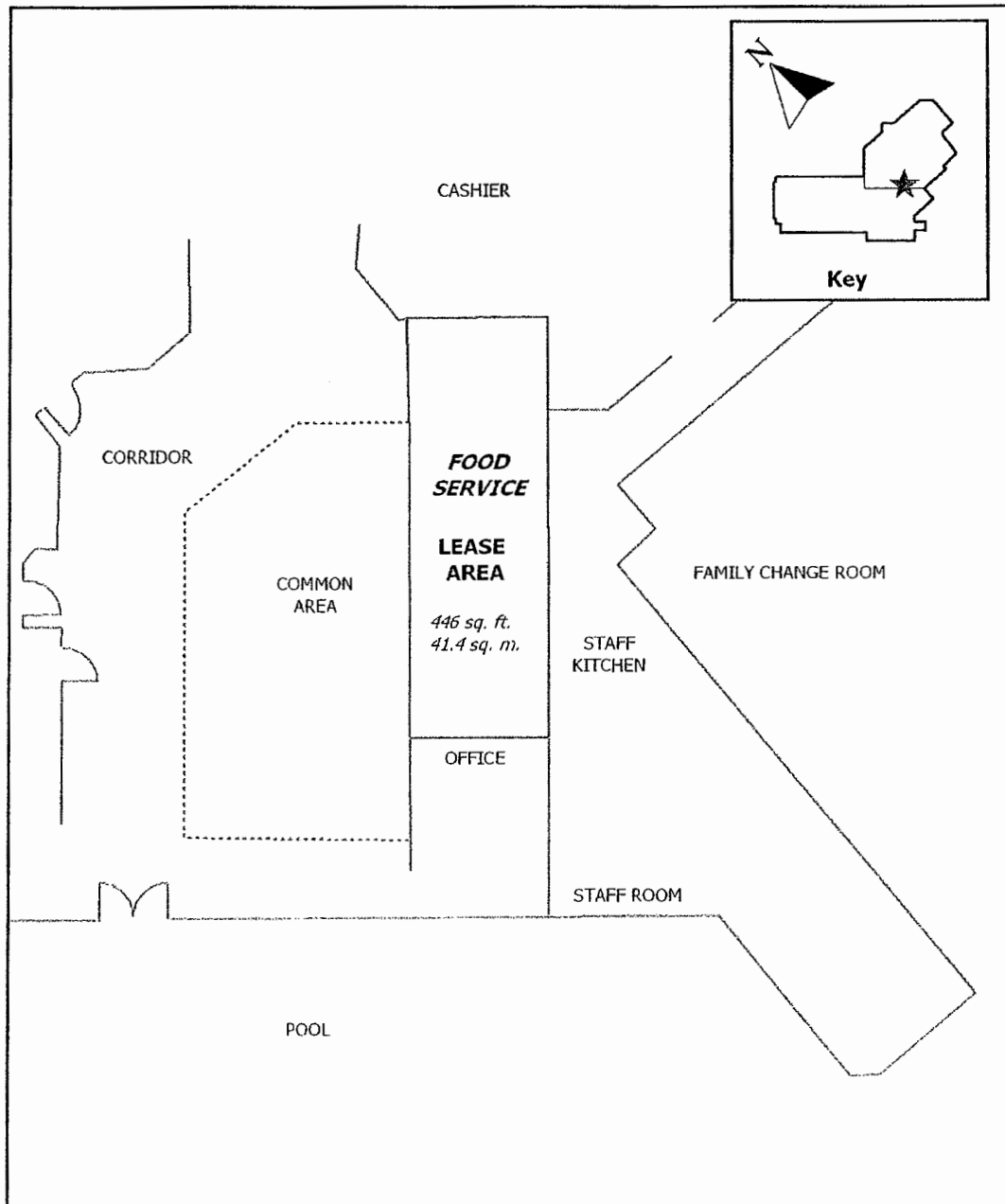


A. Tucker, Director  
Planning



E.C. Swabey, General Manager  
Community Safety & Development

BC/tl  
Council: 2011-AUG-22  
Prospero: LD002454



Lease Area at 741 Third Street, Nanaimo, B.C.  
 Nanaimo Aquatic Centre  
 ATTACHMENT A

## “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: DISPOSITION OF LICENSE TO SUB ON THE HUB RESTAURANT LTD. AT  
THE NANAIMO ICE CENTRE, 750 THIRD STREET

---

### STAFF'S RECOMMENDATION:

That Council:

1. approve in principle a License Agreement at the Nanaimo Ice Centre, 750 Third Street, to Sub on the Hub Restaurant Ltd. doing business as Tia Mei's Cafe to operate a food and beverage service;
2. direct Staff to bring forward a report to the 2011-SEP-12 Council meeting to approve the License Agreement executed by Sub on the Hub Restaurant Ltd. and to authorize the Mayor and the Manager of Legislative Services to execute the License.

### EXECUTIVE SUMMARY:

The Nanaimo Ice Centre (NIC) has one commercial rental space. The unit has been utilized as a food and beverage service operation on a part time basis with the space shared with the City of Nanaimo, since 2007-OCT-01.

A Notice of Intent to direct award a new five (5) year Agreement to the existing tenant, (Sharkey's Express Foods Ltd.) was published on the City of Nanaimo website and on BC Auction. At the expiration of the Notice of Intent on 2011-MAY-19, there were two challengers to the incumbent tenant.

A competitive tender process was undertaken, with Sub on the Hub Restaurant Ltd., doing business as Tia Mei's Café, being the successful proponent, conditional upon Council's approval.

Staff is supportive of a new Agreement and recommends that the City enter into a License with Sub on the Hub Restaurant Ltd. The license will be four (4) years, nine (9) months in order to coincide with the expiration of the Sub on the Hub Lease at Nanaimo Aquatic Centre, 2016-May-31.

Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
Meeting Date: 2011-AUG-22

BACKGROUND:

In 2007-OCT-01, Sharkey's Express Foods Ltd. (Sharkey's Café) became the operator of the 20.1 m<sup>2</sup> (216 ft<sup>2</sup>) food and beverage service area in NIC (Attachment A). A License to Occupy was granted by the City, with tenure of one (1) year term. In 2007-OCT-01 the Agreement was extended to 2011-MAY-31. The tenant has been on a month-to-month tenancy since the term expired 2011-MAY-31.

The License is for the delivery of food and beverage services during hockey and lacrosse seasons. The service area is shared with City of Nanaimo Staff from time to time.

Prior to entering into a new Agreement with Sharkey's Cafe, Staff determined that the current rent of 15% of the monthly gross sales for the service area was still appropriate.

Staff published a Notice of Intent on the City of Nanaimo website as well as BC Auction to direct award to Sharkey's a new five (5) year Agreement with rent of 15% of the monthly gross sales. The Notice of Intent informed interested parties of the terms of the Agreement and invited them to put forward a proposal. At the expiration of the Notice of Intent, 2011-MAY-19, there were two challengers to the direct awarding.

A competitive tender process was undertaken to assess service provider's ability to offer food services according to terms of the proposed license including preapproval of menu, price and portion size and alignment with the *Guidelines for Food and Beverage Sales in BC Schools, Ministry of Education and Ministry of Health*. The tender process included an evaluation by a team of three Staff using a total point system based on the above criteria as well as qualifications, references, resources, an interview and a sustainability plan.

The successful proponent, Sub on the Hub Restaurant Ltd., has been awarded the contract, conditional upon Council's approval, to operate the food and beverage service at NIC. The service provider will be doing business as Tia Mei's Café. The License Agreement will be four (4) years, nine (9) months in order to coincide with the expiration of the Sub on the Hub Restaurant at the Nanaimo Aquatic Centre, 2016-May-31.

Staff will bring forward a report for the 2011-SEP-12 Council Meeting to seek approval of the License Agreement executed by Sub on the Hub Restaurant Ltd. and to authorize the Mayor and the Manager of Legislative Services to execute the License.

Salient terms and conditions of the License Agreement are as follows:

|                   |   |
|-------------------|---|
| Licensee:         | Sub on the Hub Restaurant Ltd.  |
| Property Address: | 750 Third Street  |
| Use:              | The delivery of food and beverage services during hockey and lacrosse seasons   |
| License Rent:     | Non-tournaments: 15% of gross monthly sales payable to the City of Nanaimo<br>Tournaments: 5% of gross monthly sales to the City of Nanaimo; 10% of gross monthly sales to Nanaimo Minor Hockey or Lacrosse. All rent net of applicable taxes |
| Occupancy Term:   | Four (4) years, nine (9) months ending 2016-MAY-31. Five (5) year option  |
| Termination:      | Four (4) month termination clause   |

Sub on the Hub has been selected to operate the food and beverage service at the Nanaimo Aquatic Centre. This service will be covered by a Lease Agreement because of the tenant's exclusive use of the space, and is presented in a separate Staff report on tonight's agenda.

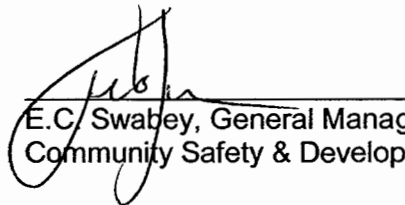
Respectfully submitted,



B. Corsan, Manager  
Real Estate



A. Tucker, Director  
Planning



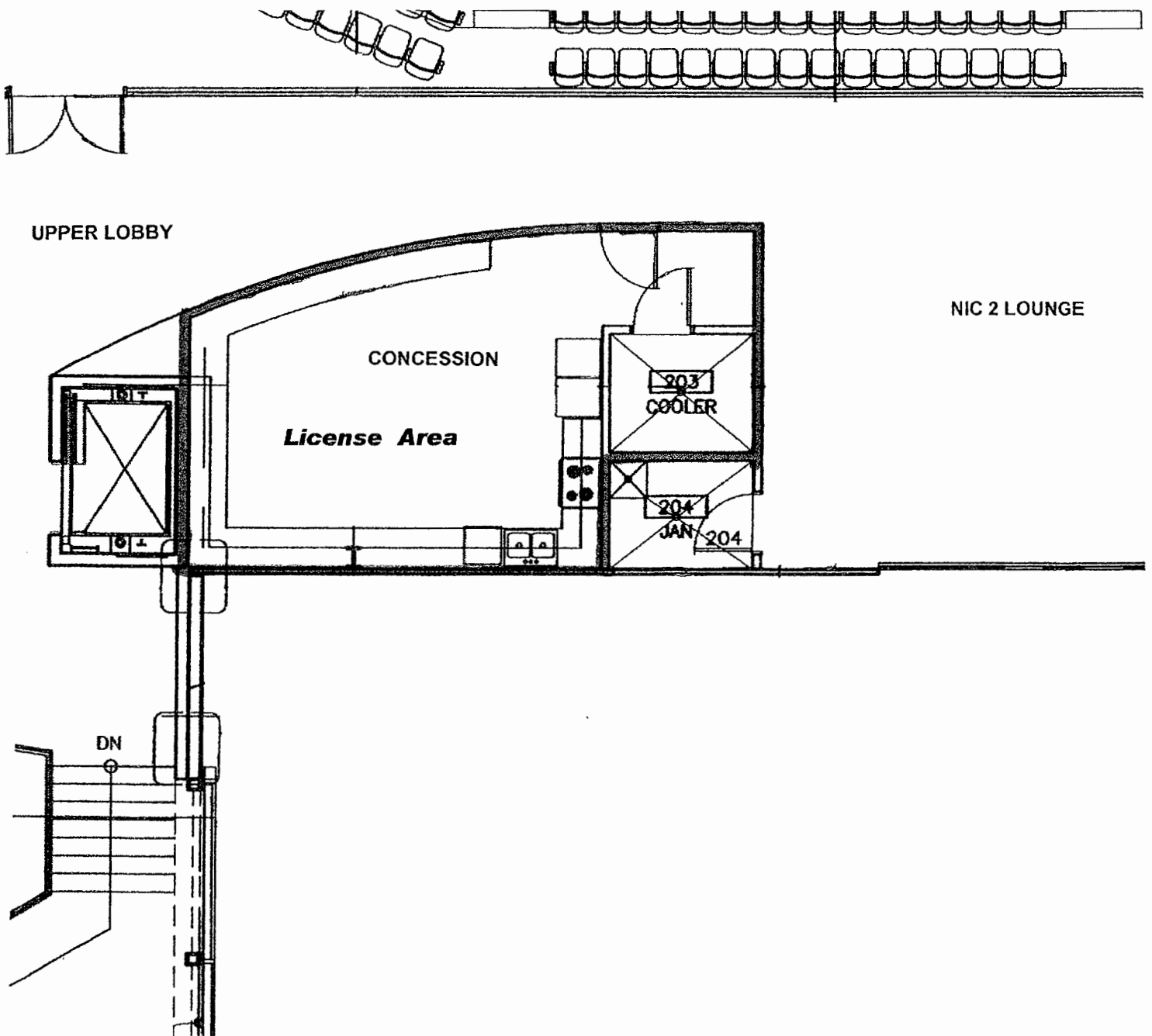
E.C. Swabey, General Manager  
Community Safety & Development

BC/tl  
Council: 2011-AUG-22  
Prospero: LD002440



# ATTACHMENT A

## *License Area*



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, 2011-AUG-22, COMMENCING AT 10:00 A.M.

---

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

Members: Councillor W. L. Bestwick  
Councillor G. E. Greves  
Councillor W. J. Holdom  
Councillor D. K. Johnstone  
Councillor J. A. Kipp  
Councillor J. F. K. Pattje (Arrived at 10:05 a.m.)

Absent: Councillor L. J. Sherry  
Councillor M. W. Unger

Staff: A. C. Kenning, City Manager  
I. Howat, Director of Strategic Relationships  
B. E. Clemens, Director of Finance  
T. P. Seward, Director of Development  
Chief R. Lambert, Nanaimo Fire Rescue  
A. J. Tucker, Director of Planning  
J. Ritchie, Senior Manager of Parks and Civic Facilities  
B. Prokopenko, Acting Senior Manager of Engineering  
B. Corsan, Manager of Real Estate  
T. Kraft, Manager of Engineering Projects  
J. E. Harrison, Manager of Legislative Services  
T. Wilkinson, Recording Secretary

1. CALL THE OPEN MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 10:00 a.m.

2. PROCEDURAL MOTION:

13611 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,
- (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:

13711 It was moved and seconded that the Agenda be adopted. The motion carried unanimously.

4. STAFF REPORTS:

COMMUNITY SAFETY AND DEVELOPMENT:

(a) Disposition of Lease to Sub on the Hub Restaurant Ltd. at the Nanaimo Aquatic Centre, 741 Third Street

13811 It was moved and seconded that Council:

1. approve in principle a Lease Agreement at the Nanaimo Aquatic Centre, 741 Third Street, to Sub on the Hub Restaurant Ltd. doing business as Tia Mei's Café to operate a food and beverage service;
2. direct Staff to publish a Notice of proposed property disposition by way of Lease in accordance with the *Community Charter*, Section 26; and,
3. direct Staff to bring forward a report to the 2011-SEP-12 Council meeting to approve the Lease Agreement executed by Sub on the Hub Restaurant Ltd. and to authorize the Mayor and the Manager of Legislative Services to execute the Lease.

The motion carried unanimously.

(b) Disposition of License to Sub on the Hub Restaurant Ltd. at the Nanaimo Ice Centre, 750 Third Street

13911 It was moved and seconded that Council:

1. approve in principle a License Agreement at the Nanaimo Ice Centre, 750 Third Street, to Sub on the Hub Restaurant Ltd. doing business as Tia Mei's Café to operate a food and beverage service; and,
2. direct Staff to bring forward a report to the 2011-SEP-12 Council meeting to approve the License Agreement executed by Sub on the Hub Restaurant Ltd. and to authorize the Mayor and the Manager of Legislative Services to execute the License.

The motion carried unanimously.

5. INFORMATION ONLY ITEMS:

- (a) Report from Mr. I. Howat, Director of Strategic Relationships, re: Vancouver Island Conference Centre Hotel Update.

14011 It was moved and seconded that Council direct Staff to arrange a session at 8 a.m. within the next 30 days to discuss options for the Vancouver Island Conference Centre Hotel as to alternate locations, the size and scope, and the delivery of incentives. The motion carried unanimously.

6. OTHER BUSINESS:

- (a) Draft media release regarding Piper Park Museum Lease – Vancouver Island Military Museum Finds New Home Subject to the Alternative Approval Process.

7. ADJOURNMENT:

14111 It was moved and seconded at 11:00 a.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

14211 It was moved and seconded at 11:00 a.m. that the Regular Meeting terminate. The motion carried unanimously.

---

M A Y O R

CERTIFIED CORRECT:

---

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, 2011-SEP-12, COMMENCING AT 9:30 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, 2011-AUG-08 at 9:30 a.m. in the City Hall Board Room. *Pg. 3-8*
- (b) Minutes of the Special "In Camera" Meeting of Council held Monday, 2011-AUG-22 at 10:00 a.m. in the City Hall Board Room. *Pg. 9-11*

4. **PRESENTATIONS:**

- (a) Superintendent Norm McPhail, OIC, Nanaimo Detachment, to provide a verbal report regarding RCMP operations for the last quarter.

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

- (a) Mr. Basil Hobbs, Commodore, Mr. Bob Bollinger, Vice-Commodore, and Mr. Dick Belcher, Nanaimo Yacht Club, regarding the renewal of the Nanaimo Yacht Club lease at 400 Newcastle Avenue.

6. **MAYOR'S REPORT:**

7. **COMMISSION REPORTS:**

8. **COMMITTEE REPORTS:**

9. **STAFF REPORTS:**

COMMUNITY SAFETY AND DEVELOPMENT:

- (a) **Renewal of Nanaimo Yacht Club Lease at 400 Newcastle Avenue** *Pg. 12-17*

*Staff's Recommendation: That Council:*

- 1. *approve setting the yield rate for the calculation of rent being charged by the City to the Nanaimo Yacht Club (NYC) for lease of the subject property at six percent of the market value;*

AND:

2. *approve the rent calculation to reflect the services provided by the Nanaimo Yacht Club to the community at an amount representing 1.5 percent of the market value of the property;*

AND:

3. *direct Staff to publish a Notice of Disposition required under Section 26 of the Community Charter.*

(b) **Proposed Acquisition of 175 Pryde Avenue – Counter Offer**

Pg. 18-24

Staff's Recommendation: *That Council approve, in principle, the acquisition of 175 Pryde Avenue (West Marsh) for a purchase price of \$1.1 Million with a \$500,000 cash contribution, a \$200,000 Ecological Gift Tax Credit and the remaining \$400,000 to be provided by non-profit partners.*

(c) **Highway Naming Bylaw 7139**

Pg. 25-29

Staff's Recommendation: *That Council direct Staff to present "MUNICIPAL HIGHWAY NAMING BYLAW (SUMMERHILL PLACE) 2011 NO. 7139" for consideration at the open Council Meeting to be held 2011-OCT-17.*

**CORPORATE SERVICES:**

(d) **Council Appointed Tax Sale Bidder**

Pg. 30-32

Staff's Recommendation: *That Council authorize the Manager of Real Estate or designate to bid at the annual Tax Sale,*

10. **INFORMATION ONLY ITEMS:**

11. **CORRESPONDENCE:**

12. **OTHER BUSINESS:**

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

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

# "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: RENEWAL OF NANAIMO YACHT CLUB LEASE AT 400 NEWCASTLE AVENUE

## STAFF'S RECOMMENDATION:

That Council:

1. approve setting the yield rate for the calculation of rent being charged by the City to the Nanaimo Yacht Club (NYC) for lease of the subject property at 6% of market value;
2. approve the rent calculation to reflect the services provided by the Nanaimo Yacht Club to the community at an amount representing 1.5% of the market value of the property; and
3. direct Staff to publish a Notice of Disposition required under Section 26 of *The Community Charter*.

## EXECUTIVE SUMMARY:

The NYC leases 86,685 ft<sup>2</sup> (1.99 acres) of land and water lot from the City of Nanaimo.

The current Lease Agreement commenced on 2007-MAR-01 and ends on 2011-DEC-31. The lessee has the option of renewing the Agreement for an additional five years, subject to a rent review. Presently, NYC pays \$106,886.00 per annum for the lease area, or \$8,907.17 per month.

Representatives from NYC have indicated they wish to exercise the renewal option. A subsequent rent review by Staff concludes that the current rental rate is at market value. The NYC has requested that Council consider an increased value in the Community Contribution from 1.0% in the expiring lease, to 1.5% for the new lease, which would reduce rent by approximately \$10,000.00 per annum.

During the negotiations for the previous lease, the issue of NYC's contribution of services to the community was discussed at length, as there are limited objective methods to analyze the value of their contribution. NYC representatives have provided their rationale (attached as Schedule B), which they believe demonstrates an increased service to the community and supports their request for a 1.5% reduction in their lease fee.

Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
 Meeting Date: 2011-SEP-12

**BACKGROUND:**

The NYC has been in existence for 75 years and for the past 35 years has leased City-owned property. The leased land comprises 86,685 ft<sup>2</sup> (1.99 acres) of land and water located at 400 Newcastle Avenue and illustrated in Attachment A. NYC also leases a water lot from the Nanaimo Port Authority.

In 2007, the NYC began to pay market rent for the leased lands. Previously the NYC had leased the land for a nominal \$1.00 per annum. The NYC currently pays an annual rent of \$106,886.00, paid monthly at a rate of \$8,907.17. The rent was calculated on the following basis:

|  |                      |
|--|----------------------|
| Appraised Value of Property                  | \$ 2,310,000.00      |
| Less Value of Waterfront Walkway             | \$ 172,289.00        |
| Net Appraised Value of Property              | \$ 2,137,711.00      |
| Yield Rate of Asset (Cap Rate)               | 6.0%                 |
| <b>Annual Rental Rate</b>                    | <b>\$ 128,263.00</b> |
| NYC Benefit to the Community (1.0% Annually) | \$ 21,377.00         |
| <b>Adjusted Annual Rent</b>                  | <b>\$ 106,886.00</b> |

The Lease Agreement has a term of 4 years and 10 months, commencing on 2007-MAR-01 and ending on 2011-DEC-31. The Lease has five renewal terms, each consisting of five years and retaining the same terms and conditions with the exception of the annual rental amount. The first renewal term runs from 2012-JAN-01 to 2016-DEC-31.

Staff has met several times with the NYC regarding the proposed renewal of Lease, and hired a real estate appraiser to determine the market value of the land. The appraisal indicates a land value of \$2,310,000.00, which has not changed from the value as was first determined in 2006. The current appraisal indicates that a rate of return for the subject land is best represented at 6%, consistent with the 2006 appraisal.

Staff's response to the NYC was to propose a renewal of the Lease on the same basis as the first term. The NYC has indicated support for the rent review but has requested the Community Benefit of the NYC should be increased to 1.5% reflecting the increased involvement in the community by the NYC over the past five years. Attachment B outlines the NYC's justification for an adjusted Community Contribution figure. NYC's counter proposal would result in the following calculation:


|  |                      |
|--|----------------------|
| Appraised Value of Property                  | \$ 2,310,000.00      |
| Less Value of Waterfront Walkway             | \$ 172,289.00        |
| Net Appraised Value of Property              | \$ 2,137,711.00      |
| Yield Rate of Asset (Cap Rate)               | 6.0%                 |
| <b>Annual Rental Rate</b>                    | <b>\$ 128,263.00</b> |
| NYC Benefit to the Community (1.5% Annually) | \$ 32,066.00         |
| <b>Adjusted Annual Rent</b>                  | <b>\$ 96,197.00</b>  |




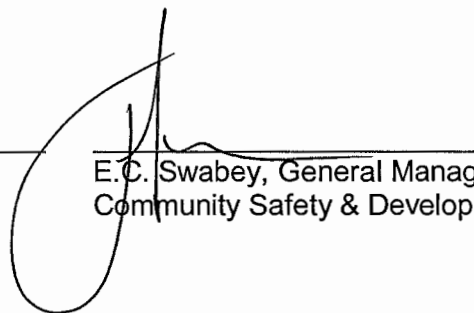
Staff is aware that a portion of the NYC facility, not included in the Lease encroaches into road right of way. The process required to officially "close" the road and create title would exceed the time line associated with renewal of the Lease. The NYC has not indicated any objection to renewing the Lease now, and to enter into future discussions to subsequently include the encroachment area into the Lease following enactment of a road closing bylaw.

The Lease is considered both as a disposal of an interest in City property and as an assistance to a private business. Section 96 of *The Community Charter* requires that this intent must be advertised to the public.

Respectfully submitted,

  
for: B. Corsan, Manager  
Real Estate

  
A. Tucker, Director  
Planning

  
E.C. Swabey, General Manager  
Community Safety & Development

BC/tl/kb  
Prospero: LD00323  
"IC" Council: 2011-SEP-12

ATTACHMENT A



Map of Lease Area  
380, 400 and 1-400 Newcastle Avenue  
LD000323

## ATTACHMENT B



# Nanaimo Yacht Club

400 Newcastle Avenue, Nanaimo, B.C. Canada V9S 4J1 Telephone 250-754-7011 Fax 250-754-7224  
Email n.y.c@shaw.ca www.nanaimoyc.ca

---

August 30, 2011

City of Nanaimo  
455 Wallace Street  
Nanaimo, B. C.  
V9R 5J6Address

Attention: Robert Senyk, Property Agent

Dear Sir:

Re: Renewal of Lease – 400 Newcastle Avenue, Nanaimo, B.C.

The Executive Committee of the Nanaimo Yacht Club has reviewed the proposed lease renewal term as detailing in your email memo to Bob Bollinger and Digby Belcher of August 16, 2011. We concur that the appraised value of the property as well as the Cap Rate (Yield Rate of the Asset) as determined by the Cunningham and Rivard Appraisal are reasonable and accordingly we accept these values as well as your offer to recommend to City Council the acceptance of the Annual Rental Rate.

Notwithstanding the above, we wish to appeal the one percent annual Nanaimo Yacht Club Benefit to the community proposed by you and ask that this annual rate be increased to 1.5%. There are a number of factors that we would like to detail in point form that we would ask that you consider in support of this half percent increase. As the directorship of the Nanaimo Yacht Club changes year after year, new ideas and new directions are taken by the Club as a whole. Briefly, here are some of the changes that have been made over the past 5 years which have resulted in increased benefits to the community.

1. The Annual Youth Sailing Program held throughout the summer months in Nanaimo harbour whereby young boys and girls, approx. 125 this year, were introduced to the enjoyment of sailing, with qualified instructors, vessels and equipment provided by the Club. Also 6 elementary schools in June were invited to attend an Introductory Day of Sailing.
2. The Introductory Sailing day held annually each summer at Long Lake where instructors, vessels and equipment are provided to any Nanaimo family that would like to experience the enjoyment of sailing.
3. The adult sailing program in which the Club provides sailing instruction, equipment, and vessels during the summer months for adults to experience sailing.
4. The Annual Regatta Weekend held each summer organized and hosted by the Club in which 40 sail boats took part with participation by some 400 people of approximately 200 of which were visitors to our community.

## ATTACHMENT B

5. Nanaimo Yacht Club's support of the Nanaimo Museum Society especially with regard to the Maritime History of our community, this support is in three forms, 1) direct financial support to the Museum through its adopt an artifact program 2) club members volunteering with the Club Archive committee to share the historical information with the Museum 3) advertising the Museum activities relating to Maritime History to our club members and to the community.
6. Biannual Open House to the community to experience what the club has to offer in youth and adult programs
7. Participation with the Community celebration of Easter at the Krall Plaza and with the organization of the annual Easter Egg Hunt on Newcastle Island in which the entire community was invited to attend.
8. Annual Christmas Light Cruise through the Nanaimo Harbour and Departure Bay in which all boaters (whether or not members of the Club) are invited to take part to celebrate the season with the community.
9. Participation and support of the Nanaimo Marine Rescue Society, who have been made members of the Club (to our knowledge this is the first time in Canada that a yacht club has made such a Society members) and in which the members of the Club give annually to support the costs incurred by the Society and the Coast Guard Auxiliary in an recognition of the invaluable service that they provide.
10. Organization of and participation in the Security of the Harbour through monthly meetings held at the Yacht Club with all marine user groups and the RCMP to strive to make our community a safer place.
11. Moorage and parking provided at the Club to the RCMP at no cost in their new thrust to patrol our harbour with their new patrol vessel.
12. Participation with the Port Authority in regards to Environmental contamination response.
13. Reciprocal moorage to visiting vessels (900 to date this year) from other Yacht Clubs in the pacific northwest in which it is acknowledged that the Nanaimo Yacht Club has one of the finest visitor moorage facilities and where the Club actively promotes the many attributes of the community to its visitors.
14. Hosting the Spring and Fall Wednesday evening racing sailing programs in which anyone in the community can come out and learn to crew with experienced racing sailors.

In short, the past five years have seen a dramatic increase in of the Club in its involvement with the community at all levels. The Directors of the Club are encouraged by the response from the community to these initiatives and plan to continue and increase them in the future.

We wish to be given the opportunity to attend the In Camera Council Meeting of September 12, 2011 in order to make a brief presentation as well as to answer any questions that may be put to us by Council or Staff members.

Finally, arriving at this point in the negotiations of the renewal of this lease has been a smooth and seamless process and we wish to thank all of those staff members who have been involved for their kind assistance and guidance.

Yours truly



Basil R. Hobbs, Commodore  
Nanaimo Yacht Club

## **“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 ACQUISITION OF 175 PRYDE AVENUE – COUNTER OFFER**

---

### STAFF'S RECOMMENDATION:

That Council provide approval in principle for the acquisition of 175 Pryde Avenue (West Marsh) for a purchase price of \$1.1 million

### EXECUTIVE SUMMARY:

The “West Marsh” (175 Pryde Avenue) has been identified as an important acquisition target by the Parks, Recreation and Culture Master Plan. The 26.13 ha (64.6 acre) parcel is an important component of the Millstone ecosystem. The lands provide valuable fish and bird habitat as well as flood protection and recreational opportunities.

The owners of the property are interested in working with the City to preserve the lands. Staff has assembled a group of partners who are interested in pursuing the acquisition for an appraised value of \$1.1 million.

At the 2011-MAR-07 “In Camera” Council meeting, approval in principle was granted to present the vendors with an offer for a purchase price of \$1.1 million,

Once a tentative deal has been put in place, Staff will report back to Council for formal approval.

### BACKGROUND:

175 Pryde Avenue is comprised of approximately 26.13 ha (64.6 acres) of vacant land located within the Millstone River valley, adjacent to the Buttertubs Marsh to the east and the Millstone River to the north (Attachment A). The Nanaimo Parkway is adjacent to the west and to the south are 3.2 ha (8 acres) of City-owned land and a small parcel owned by The Nature Trust. Jingle Pot Road is south of these properties. Access to the property is from Jingle Pot Road.

The subject property is comprised of 9.7 ha (24 acres) of low-lying wetlands that flood during wet seasons, 10 ha (24.6 acres) of cleared pasture south of the Millstone River, and 6.47 ha (16 acres) lying at a slightly higher elevation. The property has Agricultural Land Reserve designation.

The environmentally sensitive wet land component of the property is habitat for a variety of species of wildlife, as is Buttertubs Marsh, the adjacent ecological park.

In the summer of 2010, Staff met with the property owners, \_\_\_\_\_ to determine their level of interest in selling the property to the City in order to preserve the property for its environmental value. The Parks, Recreation and Culture vision for the property was shared with \_\_\_\_\_, which included the need to preserve fish habitat in the Millstone River, preserve valuable bird habitat, retain lands for flood mitigation, and the opportunity to create a new perimeter trail connecting the Buttertubs Marsh trail with the Parkway trail system.

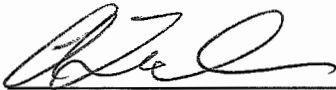
The owners saw the merit in the Parks, Recreation and Culture vision and a property appraisal report was undertaken by Cunningham and Rivard Appraisers. The appraised value as of October 5, 2010 is \$1,100,000.00. The 2011 assessed value is \$832,000.00.

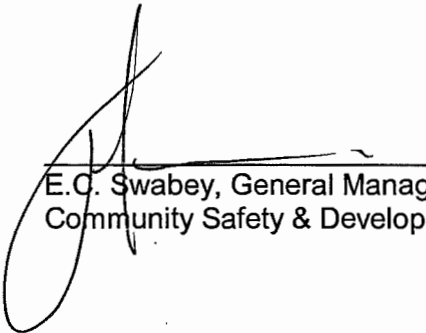
In December 2010, Staff met with representatives from the Department of Fisheries and Oceans (DFO), Ducks Unlimited, The Nature Trust, and a private donor to discuss their level of interest in partnering on the acquisition. The partners require up to a year to fund raise their contributions. There was broad support for the acquisition but at a lower price than the appraisal. It was recommended that the difference in the value between the cash purchase price and the appraised value could be covered through Environment Canada's Ecological Gifts Program which issues a tax receipt to the property owner.

Staff seeks approval in principle from Council prior to presenting the counter offer to the property owners. Staff will return with a report once a tentative agreement has been reached with the property owners and the partners.

Respectfully submitted,

  
B. Corsan, Manager  
Real Estate

  
A. Tucker, Director  
Planning

  
E.C. Swabey, General Manager  
Community Safety & Development

BC/ll  
"IC" Council: 2011-SEP-12  
Prospero: LD002374

**Attachment A: 175 Pryde Avenue**





# ATTACHMENT

Previous Report  
"IC" 2011-Mar-03

## "IN CAMERA"

### STAFF REPORT

REPORT TO: AL KENNING, CITY MANAGER

FROM: RICHARD HARDING, DIRECTOR OF PARKS, RECREATION AND CULTURE

RE: PROPOSED ACQUISITION OF 175 PRYDE AVENUE FOR PARKS PURPOSES.

---

#### STAFF RECOMMENDATION:

That Council provide approval in principle for the acquisition of 175 Pryde Avenue (West Marsh) for parks purposes.

#### EXECUTIVE SUMMARY:

The "West Marsh" (175 Pryde Avenue) has been identified as an important acquisition target by the Parks, Recreation and Culture Master Plan. The 26.13 ha (64.6 acre) parcel is an important component of the Millstone ecosystem. The lands provide valuable fish and bird habitat as well as flood protection and recreational opportunities.

The owners of the property are interested in working with the City to preserve the lands. Staff have assembled a group of partners who are interested in pursuing the acquisition for an appraised value of \$1.1 million. This would include a contribution of up to from the City of Nanaimo.

Staff seek approval in principle from Commission and Council to present an offer to the property owners.

#### BACKGROUND:

175 Pryde Avenue is comprised of approximately 26.13 ha (64.6 acres) of vacant land located within the Millstone River valley, adjacent to the Buttertubs Marsh to the east and the Millstone River to the north (Attachment A). The Nanaimo Parkway is adjacent to the west and to the south are 3.2 ha (8 acres) of City-owned land and a small parcel owned by The Nature Trust. Jingle Pot Road is south of these properties. Access to the property is from Jingle Pot Road.

The subject property is comprised of 9.7 ha (24 acres) of low-lying wetlands that flood during wet seasons, 10 ha (24.6 acres) of cleared pasture south of the Millstone River, and 6.47 ha (16 acres) lying at a slightly higher elevation. The property has Agricultural Land Reserve designation.

The environmentally sensitive wet land component of the property is habitat for a variety of species of wildlife, as is Buttertubs Marsh, the adjacent ecological park.

In the summer of 2010, Staff met with the property owners, to determine their level of interest in selling the property to the City in order to preserve the property for its environmental value. The Parks, Recreation and Culture vision for the property was shared with , which included the need to preserve fish habitat in the Millstone River, preserve

valuable bird habitat, retain lands for flood mitigation, and the opportunity to create a new perimeter trail connecting the Buttertubs Marsh trail with the Parkway trail system.

The owners saw the merit in the Parks, Recreation and Culture vision and a property appraisal report was undertaken by Cunningham and Rivard Appraisers. The appraised value as of October 5, 2010 is \$1,100,000.00. The 2011 assessed value is \$832,000.00.

In December 2010, Staff met with representatives from the Department of Fisheries and Oceans (DFO), Ducks Unlimited, The Nature Trust, and a private donor to discuss their level of interest in partnering on the acquisition. The partners require up to a year to fund raise their contributions. There was broad support for the acquisition but at a lower price than the appraisal. It was recommended that the difference in the value between the cash purchase price and the appraised value could be covered through Environment Canada's Ecological Gifts Program which issues a tax receipt to the property owner.

In January 2011, Staff met with the property owners to report back on the discussion with the partners and confirm support for moving forward. The owners have asked that the City present a formal offer that can include an extended closing date to accommodate time for the partners to fund raise and a component to include the Ecological Gift.

The tentative deal includes the following:

The property purchase will be funded with \_\_\_\_\_ from property reserves and \_\_\_\_\_ from Parks Development Cost Charges.

Staff seek approval in principle from Council prior to presenting an offer to the property owners. Staff will return with a report once a tentative agreement has been reached with the property owners and the partners.

Respectfully submitted,



Richard Harding, Director  
Parks, Recreation and Culture

Al Kenning  
City Manager

### Attachment A: 175 Pryde Avenue



# “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: HIGHWAY NAMING BYLAW 7139

STAFF'S RECOMMENDATION:

That Council grant approval for “MUNICIPAL HIGHWAY NAMING BYLAW (SUMMERHILL PLACE) 2011 NO. 7139” to be presented at the open Council session on 2011-OCT-17.

EXECUTIVE SUMMARY:

Staff is in receipt of an application to rename “Tianna Place” to “Summerhill Place” at the request of the property owner, Pacific Capital (West Hill) Holdings Corp. All properties which would be affected by the name change (1800, 1805, 1820 and 1825 Tianna Place) are owned by Pacific Capital and the land is currently vacant. (Attachment A)

BACKGROUND:

Section 39 (a) of the *Community Charter* empowers Council to name or change the name of municipal roads. This report is brought forward to rename Tianna Place to Summerhill Place by way of Bylaw No. 7139.

On 2008-MAY-12, Council adopted “MUNICIPAL HIGHWAY NAMING BYLAW 2008 NO. 7071” renaming Summerhill Place to Tianna Place. A copy of the Bylaw is attached hereto as Attachment B. The property owner at that time,

on 2010-JUN-30, the property was sold to Pacific Capital. Pacific Capital has been issued a development permit to create a multi-family development on the site. As part of the marketing and branding of the multi-family development, Pacific Capital would like to use the name of Summerhill Place, which necessitates the change of the road name back to Summerhill Place. Pacific Capital has paid the \$500.00 application fee. Staff is in support of the road name change.

Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
 Meeting Date: 2011-SEP-12

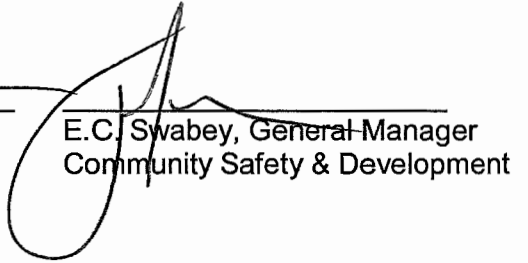
Respectfully submitted,



B. Corsan, Manager  
Real Estate



A. Tucker, Director  
Planning



E.C. Swabey, General Manager  
Community Safety & Development

TL/  
Council: 2011-SEP-12  
Prospero: LD001707

ATTACHMENT A



"IC" Report Tianna Place Road Renaming  
LD001707

**ATTACHMENT B**

**CITY OF NANAIMO**

**MUNICIPAL HIGHWAY NAMING BYLAW 2008 NO. 7071**

**A BYLAW TO PROVIDE FOR THE NAMING OF A MUNICIPAL HIGHWAY**

---

WHEREAS Section 39 of the *Community Charter* empowers Council to name or change the name of highways within their municipality and to assign numbers to buildings and other structures.

THEREFORE BE IT RESOLVED that the Municipal Council of the City of Nanaimo, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as "MUNICIPAL HIGHWAY NAMING BYLAW (TIANNA PLACE) 2008 NO. 7071".
2. That road currently named Summerhill Place as shown on the plan attached hereto, marked Schedule A, be renamed "Tianna Place".

PASSED FIRST READING 2008-APR-28.

PASSED SECOND READING 2008-APR-28.

PASSED THIRD READING 2008-APR-28.

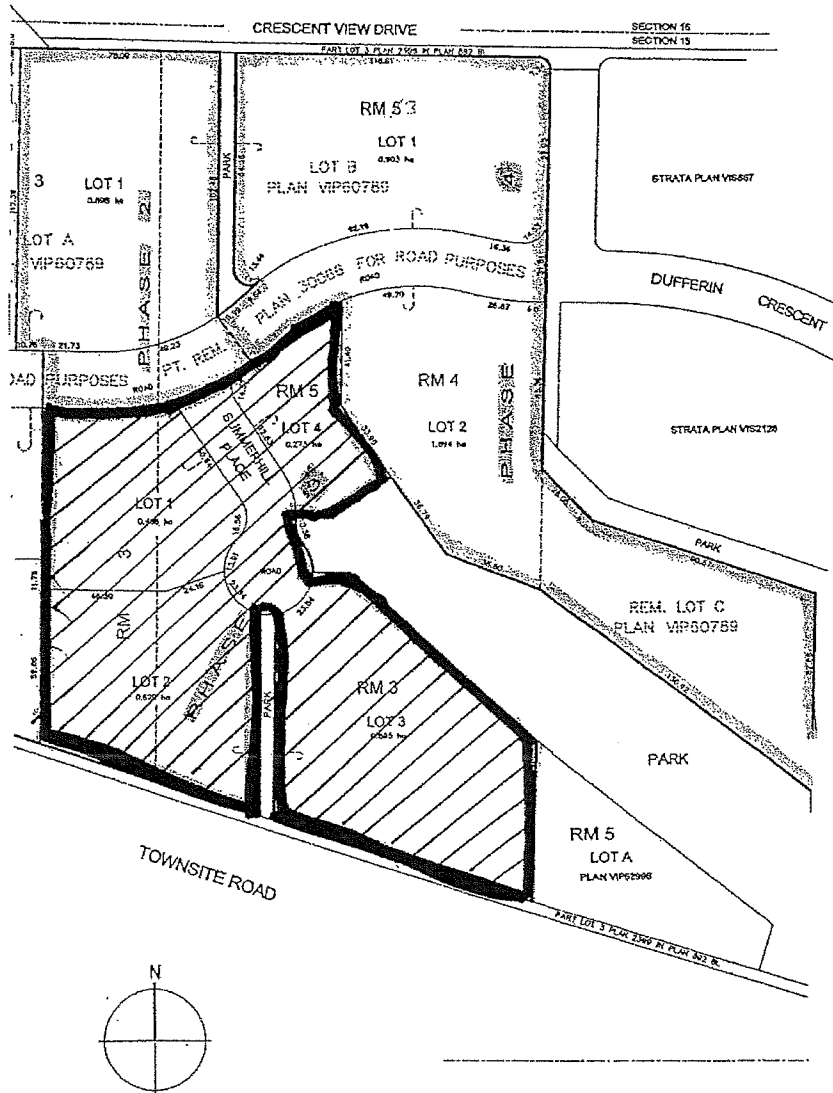
ADOPTED 2008-MAY-12.

G. R. KORPAN  
MAYOR

I. HOWAT  
DIRECTOR,  
LEGISLATIVE SERVICES

Attachment: LD001707

# SCHEDULE A





**“IN CAMERA”  
STAFF REPORT**

REPORT TO: B. E. CLEMENS, DIRECTOR OF FINANCE  
FROM: L. L. MERCER, 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 *Local Government Act* 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.

Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
Meeting Date: 2011-SEP-12

### 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. This could only have occurred because the municipality was the purchaser.

The purpose of this recommended policy is to discourage third party bidders. It will be applied to each property at the sale unless significant and relevant circumstances are brought to Council's attention prior to the sale. Council authorized a City bidder for the 2010 tax sale and staff believes that the outcome was very successful.

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 6% 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 (eg. 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.

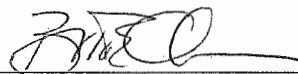
At risk is the possibility of acquiring a non-redeemed property with all its encumbrances. This is the same risk the City currently has as the default purchaser of properties. Usually, all properties sold at Tax Sale have been redeemed. However, there is one unredeemed property from the 2010 Tax Sale. 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.

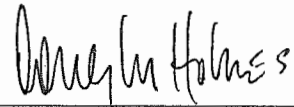
Respectfully submitted,



L. L. Mercer  
Manager, Revenue  
Services



B. E. Clemens  
Director of Finance



D. W. Holmes  
Assistant City Manager/  
General Manager,  
Corporate Services

LM/ck  
Council: 2011-Sept-12

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, 2011-SEP-12, COMMENCING AT 9:30 A.M.

---

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

Members: Councillor W. L. Bestwick  
Councillor G. E. Greves  
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

Others: Mr. Basil Hobbs, Commodore, Nanaimo Yacht Club  
Mr. Bob Bollinger, Vice-Commodore, Nanaimo Yacht Club  
Mr. Dick Belcher, Board Member, Nanaimo Yacht Club

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  
T. M. Hickey, Gen. Manager of Community Services (Arrived 10:42 a.m.)  
I. Howat, Director of Strategic Relationships  
T. L. Hartley, Director of Human Resources and Organizational Planning  
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  
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 9:33 a.m.

2. PROCEDURAL MOTION:

14311 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;
- (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.

The motion carried unanimously.

3. INTRODUCTION OF LATE ITEMS:

- (a) Delete Agenda Item 4 (a) – Presentations – Superintendent Norm McPhail.
- (b) Delete Agenda Item 9 (b) – Staff Reports - Proposed Acquisition of 175 Pryde Avenue – Counter Offer.

4. ADOPTION OF AGENDA:

14411 It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

5. ADOPTION OF MINUTES:

14511 It was moved and seconded that the Minutes of the "In Camera" Meeting of Council held Monday, 2011-AUG-08 at 9:30 a.m. in the City Hall Board Room, 455 Wallace Street, Nanaimo, BC be adopted as circulated. The motion carried unanimously.

14611 It was moved and seconded that the Minutes of the Special "In Camera" Meeting of Council held Monday, 2011-AUG-22 at 10:00 a.m. in the City Hall Board Room, 455 Wallace Street, Nanaimo, BC be adopted as circulated. The motion carried unanimously.

6. DELEGATIONS PERTAINING TO AGENDA ITEMS:

Mr. A. C. Kenning, City Manager, vacated the Board Room on a conflict of interest as he is a member of the Nanaimo Yacht Club.

Mr. Hobbs, Mr. Bollinger and Mr. Belcher entered the Board Room at 9:35 a.m.

- (a) Mr. Basil Hobbs, Commodore, Nanaimo Yacht Club, provided information regarding the activities, events, initiatives and future plans of the Nanaimo Yacht Club that are open to the general public to participate.

Mr. Hobbs, Mr. Bollinger and Mr. Belcher vacated the Board Room at 10:01 a.m.

7. STAFF REPORTS:

(a) Renewal of Nanaimo Yacht Club Lease at 400 Newcastle Avenue

14711 It was moved and seconded that Council:

1. approve setting the yield rate for the calculation of rent being charged by the City to the Nanaimo Yacht Club (NYC) for lease of the subject property at six percent of the market value;
2. approve the rent calculation to reflect the services provided by the Nanaimo Yacht Club to the community at an amount representing 1.5 percent of the market value of the property; and,
3. direct Staff to publish a Notice of Disposition required under Section 26 of the *Community Charter*.

The motion carried unanimously.

Mr. Kenning returned to the Board Room.

(b) Highway Naming Bylaw 7139

14811 It was moved and seconded that Council direct Staff to present "MUNICIPAL HIGHWAY NAMING BYLAW (SUMMERHILL PLACE) 2011 NO. 7139" for consideration at the open Council Meeting to be held 2011-OCT-17. The motion carried unanimously.

CORPORATE SERVICES:

(c) Council Appointed Tax Sale Bidder

14911 It was moved and seconded that Council authorize the Manager of Real Estate or designate to bid at the annual Tax Sale,  
The motion carried unanimously.

8. OTHER BUSINESS:

- (a) Discussion regarding the announcement from the Province of the North Nanaimo Location for Supportive Housing.

9. ADJOURNMENT:

15011 It was moved and seconded at 10:59 a.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

15111           It was moved and seconded at 10:59 a.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, 2011-OCT-03, COMMENCING AT 9:30 A.M.

---

1. **INTRODUCTION OF LATE ITEMS:**

2. **ADOPTION OF AGENDA:**

3. **ADOPTION OF MINUTES:**

- (a) Minutes of the "In Camera" Meeting of the Council of the City of Nanaimo held in the Board Room, 455 Wallace Street, Nanaimo, BC, on Monday, 2011-SEP-12 at 9:30 a.m. Pg. 4-7

4. **PRESENTATIONS:**

5. **DELEGATIONS:**

- (a) Representatives from the Tillicum Lelum Aboriginal Friendship Society regarding Tenth Street Development – Tillicum Lelum Aboriginal Friendship Centre. Pg. 8-9

6. **MAYOR'S REPORT:**

7. **COMMISSION REPORTS:**

- (a) **Parks, Recreation and Culture Commission – Minutes of the "In Camera" Meeting Held 2011-JUL-27** Pg. 10-11

*Commission's Recommendation: That Council receive the Minutes of the "In Camera" Parks, Recreation and Culture Commission meeting held 2011-JUL-27.*

8. **COMMITTEE REPORTS:**

9. **STAFF REPORTS:**

**ADMINISTRATION:**

- (a) **VICC Hotel Incentives** Pg. 12-16

*Staff's Recommendations: That Council direct Staff:*

1. *to develop a revitalization tax exemption policy for hotel/motel properties with the following criteria:*



- (a) *properties must have land use zoning for hotel/motel use;*
- (b) *the property's intended primary use must be the rental of short stay hotel/motel rooms;*
- (c) *for new construction or demolition and reconstruction, a minimum investment of \$2 Million is required; and,*
- (d) *renovations to existing properties must be significant and exceed ongoing upkeep of the business. Minimum investment must exceed 50 percent of the assessed value of the improvements or \$250,000, whichever is greater;*

AND:

- 2. *to include as possible incentives to prospective VICC hotel developers:*
  - (a) *the option to lease the VICC for a period of 20 years for \$1 subject to a partnering agreement being in place. The lease is to include an appropriate operating subsidy not to exceed \$1 Million and the consideration of a profit sharing scenario; and,*
  - (b) *in consideration of leasing the VICC as stated in recommendation 2 (a), provide the option to additionally lease the VICC parkade for a period of 20 years for \$1.00. This should also provide consideration for profit sharing.*

CORPORATE SERVICES:

(b) **Exempt Compensation**

Pg. 17-45

Staff's Recommendation: That Council:

- 1. *approve New Exempt Compensation Policy – Option A(2);*

AND:

- 2. *in accordance with the above, direct Staff to increase the 2011 exempt salary bands to the market median of the municipal comparators (as set out in the Sainas report) and to phase in the new salary ranges – Option B(2);*

AND:

3. *direct Staff to amend "Management Terms and Conditions of Employment Bylaw 2005 No. 7000" so that the vacation schedule maximum provided to exempt employees hired after the effective date of the bylaw amendment is 30 days (instead of 40 days) to correspond to the market median – Option C(2).*

(Limited Distribution)

10. **INFORMATION ONLY ITEMS:**

11. **CORRESPONDENCE:**

12. **OTHER BUSINESS:**

(a) Low Barrier Housing

Mr. E. C. Swabey, General Manager of Community Safety and Development to provide a verbal update on the public consultation process for the Uplands Low Barrier Housing project.

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

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

**MINUTES OF THE "IN CAMERA"  
PARKS, RECREATION AND CULTURE COMMISSION MEETING  
HELD IN ACTIVITY ROOM #1, BOWEN PARK COMPLEX  
ON WEDNESDAY, 2011-JUL-27, COMMENCING AT 8:56 P.M.**

---

PRESENT: Commissioner D. Johnstone, Chair

Members: Commissioner F. Pattje  
Commissioner L. Avis  
Commissioner D. Burnett  
Commissioner B. Sparkes  
Commissioner B. Dempsey  
Commissioner G. Rudischer  
Commissioner M. Young

Regrets: Commissioner J. Cowling  
Commissioner J. Kipp  
Commissioner S. Lance  
Commissioner B. Meunier

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

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

The "In Camera" Meeting was called to order at 8:56 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, 2011-JUN-22, at 8:54 p.m., in Activity Room #1, of the Bowen Park Complex.

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

5. PRESENTATIONS: (None.)

6. DELEGATIONS: (None.)

7. CHAIR'S REPORT: (None.)

8. REPORTS OF ADVISORY BODIES: (None.)

9. STAFF REPORTS: (None.)

10. INFORMATION ONLY ITEMS (staff reports):

(a) Piper Park / Old Museum Building – verbal update – R. Harding.

Based on the delegation of the Military Museum, Council have directed staff to work on a draft agreement and report with the goal that this would again go before Council on 2011-AUG-08.

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

11. CORRESPONDENCE: (Action) (None.)

CORRESPONDENCE: (Information) (None.)

12. NOTICE OF MOTION: (None.)

13. CONSIDERATION OF OTHER BUSINESS: (None.)

14. BUSINESS ARISING FROM DELEGATIONS: (None.)

15. UNFINISHED BUSINESS:

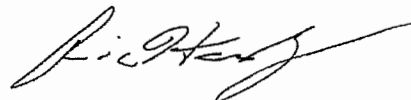
(a) Nanaimo Centre Stage – Sponsorship Naming Benefit for Fund Raising. (Have been meeting with Camela Tang over the last 2 ½ months. The goal is to return to Council with a Report on 2011-AUG-08.)

16. QUESTION PERIOD: (No questions.)

17. ADJOURNMENT:

It was moved and seconded at 9:04 p.m. that the "In Camera" meeting adjourn, with the next "In Camera" Meeting of Commission to be held, if required, Wednesday, 2011-SEP-21, in the Bowen Park Complex Conference Room, following adjournment of the regular Commission meeting. The motion carried unanimously.

CERTIFIED CORRECT:



---

D. Johnstone, Chair  
Parks, Recreation and Culture Commission

---

R. Harding, Director  
Parks, Recreation and Culture

2011-SEP-22

## "IN CAMERA" REPORT

TO: A.C. KENNING, CITY MANAGER

FROM: I. HOWAT, DIRECTOR OF STRATEGIC RELATIONSHIPS

RE: VICC HOTEL INCENTIVES

---

### RECOMMENDATION:

1. That Council direct staff to develop a revitalization tax exemption policy for hotel/motel properties with the following criteria:
  - a. properties must have land use zoning for hotel/motel use.
  - b. the property's intended primary use must be the rental of short stay hotel/motel rooms.
  - c. for new construction or demolition and reconstruction a minimum investment of \$2,000,000 is required.
  - d. renovations to existing properties must be significant and exceed ongoing upkeep of the business. Minimum investment must exceed 50% of the assessed value of the improvements or \$250,000, whichever is greater.
2. That Council direct staff to include as possible incentives to prospective VICC hotel developers:
  - a. the option to lease the VICC for a period of 20 years for \$1 subject to a partnering agreement being in place. The lease is to include an appropriate operating subsidy not to exceed \$1,000,000 and the consideration of a profit sharing scenario.
  - b. In consideration of leasing the VICC as stated in recommendation 2a, provide the option to additionally lease the VICC parkade for a period of 20 years for \$1.00. This should also provide consideration for profit sharing.

### EXECUTIVE SUMMARY:

Since the early stages of planning a conference centre for Nanaimo the need to incent a hotel to accompany the conference centre has been identified. With changes in market conditions and recent direction from Council, it is necessary to consider a new package of incentives that are current and relevant to today's conditions.

Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
Meeting Date: 2011-OCT-03

**BACKGROUND:**

Since the City's first intent to attract a flag hotel to accompany the conference centre, the City has had incentives to attract the prospective hotel developer. In a relatively small, unknown hotel market such as Nanaimo, incentives are necessary to attract the level of investment for a hotel of this nature. The original incentive was the development rights to 300,000 square feet of condominiums adjacent to Maffeo Sutton Park. Market conditions and Council priorities have changed since that original plan. The condominium site adjacent to Maffeo Sutton Park has recently been deemed to be parkland by Council removing that option from the table and the condominium market is not forecasted to be as robust as it was when this plan was originally conceived.

Additional benefits accrue to this site helping make this opportunity more attractive to a prospective hotel developer. These are:

|  |    |           |
|--|----|-----------|
| 1. Studies:  |    |           |
| Geotechnical Review – Hotel                            | \$ | 30,000    |
| Design Guidelines                                      |    | 50,000    |
| 2. City obligations to:                                |    |           |
| Site contamination                                     |    | 100,000   |
| Archaeological   |    | 100,000   |
| 3. Appraised value of hotel land sold for \$10         |    | 1,500,000 |
| 4. Development Cost Charges exempt: (estimated)        |    | 600,000   |
| 5. Value of hotel parking assuming 150 rooms           |    | 3,000,000 |
| 6. City pre-installed off-site requirements to service |    | 220,000   |
| Total  | \$ | 5,600,000 |

While the first three items noted above are site specific to the VICC hotel site the last three apply to all locations in the downtown core. Currently the downtown is DCC exempt, almost if not all sites in the downtown are fully serviced to the lot line, and while a site specific business plan may dictate the need for parking the City has waived all off-street parking requirements in the downtown.

The very reason why Nanaimo should be attractive to a would-be hotel developer is the same reason it is difficult for a developer to commit to this project. Nanaimo is a very small unknown market with few if any comparables to draw from to get meaningful statistical analysis done to prove or disprove industry support for such a project.

The City has recent data that indicates that the market value and the cost to construct are roughly the same. PKF Consultants, who carried out the City's recent feasibility study identified that the market value of the proposed hotel to be approximately \$21M. Earl Cutting, the City's consultant that assisted in the review of the two most recent proponents is an experienced hotel project manager and has been involved in the construction of many hotels. Mr. Cutting estimated the construction of a like hotel to be in the neighborhood of \$20.2M. Given the range of assumptions that have to be made in both of these numbers, staff feel it is reasonable to assume that the cost to construct is the same as the value of the facility without any factor for return on investment.

Incentives for a project like this need to be immediate and benefit the developer in the short term. The first five to ten years of operation pose the greatest risk and so it is in this time horizon that necessitates the greatest incentives. All of the incentives proposed in this paper are believed to meet this need. All of these incentives outlined below include financial incentives that do not result in any new taxation levels for the community but it is significant to note that these also reduce or eliminate elements of risk for the developer that are embedded in the current scenario.

1. Revitalization Tax Exemption (RTE):

- a. A permitted tool under the *Community Charter* to provide incentives for developing or redeveloping an area or areas of the community for the purposes of revitalization.
- b. Proposal only impacts new taxes. Would not impact current taxation levels.
- c. Can be applied to an entire zone applying to all hotels and motels in Nanaimo or to one parcel of land, or to a geographic region of the City.
- d. Staff propose that the RTE apply to all lands with land use zoning for hotels/motels in Nanaimo.
- e. This would apply to major renovations, additions, demolition and rebuild, and new construction.
- f. Provides a fair opportunity for all hotel/motel properties and incents all hotel/motel property owners to carry out significant capital improvements to raise the level of their accommodations.
- g. Not meant to replace the hotel/motel property owners' responsibility to upgrade and maintain their rooms to a standard to retain their current level of service.
- h. The RTE only applies to the municipal tax portion and only applies to the increase in assessment resulting from the capital improvement.
- i. The RTE is proposed for a 10 year term, which is the maximum allowed under the Community Charter

2. Twenty year lease of VICC for \$1 with an operating subsidy of \$1 million (or other predetermined amount):

- a. The success of the hotel is highly dependent on the operation of the VICC and vice versa.
- b. The would-be hotelier needs to build certainty into their business planning process and having an operations contract is insufficient, from a risk perspective, for some.
- c. Under a lease the hotelier would have full control of the VICC and would structure VICC business to maximize the use of the hotel (subject to the terms of the lease i.e. out of town multiday events).
- d. This ensures that the hotel and VICC are managed as one unit which is important in achieving the goal of maximizing the VICC's use of overnight events attracting people from outside the community.
- e. Operating risk would be reduced for the City. Our exposure would remain constant at \$1,000,000 or another amount predetermined by Council.
- f. After the subsidy there is an opportunity for the hotel to realize a profit from the conference centre, which provides financial reward to the hotel for operating the VICC well and brings people to the City, which is the City's goal.
- g. Through item (e) it might be possible to negotiate profit sharing which could result in some financial payback of the subsidy to the City taxpayers.

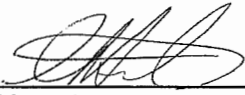
3. Twenty year lease of parkade for \$1:

- a. Like the VICC, the hotel is very reliant on the Port of Nanaimo Centre (PNC) parkade and without building some level of certainty and control into the agreement it is more challenging for a would-be developer to develop a business plan that has the degree of control necessary to accept the risk of proceeding with this project.
- b. The original feasibility study prepared in 2001 by Grant Thornton contemplated the parkade being managed by the VICC management company and those revenues being part of the VICC.
- c. The PNC parkade's primary customer is the VICC conference delegate and a hotel guest. Secondarily, customers of the downtown merchants will also access the VICC and should be encouraged so. This incentive would not change that desire.
- d. Currently, net proceeds from the PNC Parkade go into a parking reserve to maintain and upgrade parking in the City. Historically, the PNC parkade has not been a contributor to the reserve and so this incentive would have immaterial financial impact to the City.

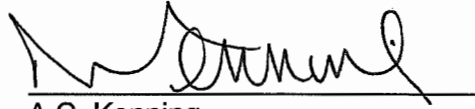


The recommendation has been packaged into two distinct packages. The first being the hotel revitalization tax exemption, which as presented would apply to all hotel/motel properties within the City providing incentives to broadly improve the inventory of existing hotel/motel rooms in Nanaimo and incent the construction of the VICC Hotel. The second being the long term lease of the VICC and its parkade. This site specific incentive is designed to provide performance based financial incentives and operational certainty to the hotel owner, given that the hotel is primarily relying on the VICC bookings and the parkade for its guests.

Respectfully submitted,



I. Howat  
Director of Strategic Relationships



A.C. Kenning  
City Manager

September 27, 2011

## **“IN-CAMERA” STAFF REPORT**

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

FROM: T.L. HARTLEY, DIRECTOR OF HUMAN RESOURCES &  
ORGANIZATIONAL PLANNING

RE: EXEMPT COMPENSATION

---

### STAFF RECOMMENDATION

That Council:

- (1) Approve New Exempt Compensation Policy – Option A(2); and
- (2) In accordance with the above, direct staff to increase the 2011 exempt salary bands to the market median of the municipal comparators (as set out in the Sainas report) and to phase in the new salary ranges – Option B(2); and
- (3) Direct staff to amend Management Bylaw #7000 so that the vacation schedule maximum provided to exempt employees hired after the effective date of the bylaw amendment is 30 days (instead of 40 days) to correspond to the market median – Option C(2).

### BACKGROUND

Council's Exempt Compensation Policy, 1991, provides that the City will compensate its management group at the median (50<sup>th</sup> percentile) of the national public sector as determined annually by an independent survey. This policy has been modified for employees in Bands 1 to 3 (administrative assistants). These employees receive annual salary adjustments based on CUPE Local 401 across-the-board increases. The Fire Chief is covered by the Exempt Compensation policy; however, other members of Fire Management are governed by a 1995 policy, which calculates salaries based on a compression formula (starting with a percentage differential between the Captain and Assistant Fire Chief rate).

At a March 29, 2010 Special In-Camera Meeting, Council approved maintaining the status quo compensation policy for exempt staff salaries in 2010 but asked for a review of the annual salary adjustment system for 2011.

A presentation on exempt employee compensation was provided to Council at a seminar on April 7, 2011 (see September 19, 2011 Council Report, Attachment "A"). With respect to market competitiveness, the presentation concluded that exempt staff salaries may not be maintaining pace with the external (municipal) labour market nor the internal (union) labour market. This was identified as a concern because of: (1) the need to attract qualified exempt employees to replace the large number of management staff who will be eligible to retire with an unreduced pension in the next 5-6 years; (2) the need to maintain the engagement of exempt employees, many of whom are becoming increasingly dissatisfied as a result of the perceived inequity

between union wage increases and exempt staff salary increases; and (3) the need to retain management employees who, on a percentage basis, resign more than other employee groups and who are more and more listing compensation as a factor in their resignations. The presentation provided an option for change, suggesting the engagement of an independent compensation consultant to identify the market and conduct a review to assess the competitiveness of City of Nanaimo management salaries with this market, and further to report back to Council on the results of the “audit” and any recommendations.

At the “In-Camera” Council Meeting on April 11, 2011 (see September 19, 2011 Council Report, Attachment “B”), Council directed staff to retain an independent compensation consultant to identify the appropriate labour market for the City of Nanaimo and to conduct a review to assess the competitiveness of exempt staff salaries and benefits within the identified market. Following a competitive bid process, Kathy Sainas of Sainas Consult Inc. was retained as the independent compensation consultant to perform the review. The results of the Sainas survey are attached to this report (Attachment “A”).

At a Special “In-Camera” Finance/Policy Committee Of The Whole meeting held on September 19, 2011, Council received a presentation made by compensation consultant Kathy Sainas. Council also received the staff report and its attachments for information and directed staff to prepare a report outlining options for consideration, including the implications of each option.

## DISCUSSION

Using information about the industry types and geographic locations the City recruits exempt employees from and loses exempt employees to, the consultant made recommendations regarding the organizations against which to assess the competitiveness of exempt staff salaries and benefits. This resulted in the identification of a labour market consisting of 14 municipalities (12 in British Columbia and 2 in Alberta) with a median population of 85,236 (see page 2 of Sainas report).

As with other surveys of this nature, a representative sample of exempt positions at the City of Nanaimo was selected so these could be evaluated against similar positions in the comparator organizations. To assess the quality of the match between City of Nanaimo exempt positions and comparison positions in other organizations, the consultant went far beyond a review of job titles. The consultant considered job scope and responsibility as well as the position’s fit within the organizational structure.

The survey asked questions about exempt staff salaries (2011), transportation allowances, group benefits, and employment practices (overtime, earned days off programs, vacation schedules) and was conducted in July and August 2011. All of the 14 municipalities who were asked to participate did respond to the questionnaire.

With respect to transportation allowances provided to Directors, General Managers and the City Manager (on a “grandparented” basis) as part of their compensation package, the results of the survey indicate that with the exception of the allowance provided to the City Manager, the transportation allowances provided to this group are generally competitive. The transportation allowance provided to the City Manager is below the market median by about \$1800 per year.

The group benefit programs offered at the City of Nanaimo are generally comparable to those in other municipalities but are somewhat more generous in the following areas: extended health is reimbursed at 100% rather than the median of 80%, orthodontic coverage is reimbursed at 80%

rather than the median of 50%, and life insurance is 2-1/2 times annual salary rather than the median of 2 times annual salary. The consultant did not review the details of benefit program coverage. For example, at the City of Nanaimo, orthodontic coverage is only available to dependent children (not employees or their spouses) and the payment for paramedical services under the extended health plan is limited to \$10 per visit.

The overtime policies of municipal organizations vary widely, however, they cannot be said to be more or less generous than the system in place at the City of Nanaimo. In about ½ the organizations surveyed, a compressed workweek or earned day off program is offered to exempt employees. At the City of Nanaimo, the Alternative Work Schedule policy allows all employees to apply for a compressed workweek schedule, however, as a matter of practice, this type of schedule has generally not been approved for management staff.

With respect to vacation entitlement, the City of Nanaimo provides 5 more days of vacation than the median of the comparator organizations in years 10-16, 2.5 more days in the 17<sup>th</sup> year, 5 additional days in years 20-29 and 10 more days in year 30 and beyond. On the other hand, Nanaimo does not have supplementary vacation, a program that allows for 5 “bonus” vacation days to be taken during specified years of service (usually every 5 years after the identified start date).

The Sainas report identifies the salary data as the most divergent. This data shows that the salaries of exempt employees at the City of Nanaimo are not competitive with the median of the municipal market. In fact, the 2010 exempt employee salary bands are an average of 6.8% behind the municipal market median for 2011. Although we have not purchased the Hay data for 2011 (pending Council’s decision on its Exempt Compensation Policy), Staff has been advised by our Hay contact that the average increase to the exempt salary bands for 2011 is 1.7% (1.8% for the Executive Bands and 1.6% for the Non-Executive Bands). This means that the exempt staff salary bands for 2011 are an average of 5.1% below the municipal median.

## A. COMPENSATION POLICY OPTIONS

### **(1) Maintain Status Quo**

Council may wish to stay with its current policy of paying exempt employees at the median of the national public sector. As indicated above, the median increase to the pay policy line for 2011 based on the national public sector median has been determined to average about 1.7%.

Council’s Exempt Compensation Policy has been in place for 20 years. It is an objective method of establishing exempt staff salaries. There are some who would suggest that the current policy has served the City well. We have been able to recruit and retain many well-qualified managers.

On the other hand, a basic compensation principal is that a competitive pay policy should define its comparison market (industry, geographic location) in accordance with where the organization recruits its employees from and loses its employees to. An analysis of exempt employee recruitments and exits over the past 5 years demonstrates that the national public sector is not the most appropriate market. The City primarily recruits its exempt employees from and loses its exempt employees to local government organizations within British Columbia and Alberta. Only 11 of the 160 survey participants in the May 2009 Hay survey were local government organizations. Accordingly, a pay policy which uses the national public sector as the comparison for exempt employee compensation does not meet a basic compensation principle.

There are a large number of Crown Corporations in the Hay broader public sector participant list. This may result in higher salary increases at the executive level. If the 2011 Hay survey data produces results similar to its 2010 survey (and the results were applied by band rather than across-the-board as in 2010), the exempt employees in the executive pay bands will receive higher pay increases than management employees in the lower pay bands. This will increase the differential between top and bottom salaries and will do this in a manner that is not in accordance with how positions are valued in the municipal labour market.

While the current Exempt Compensation Policy may have served the City well for a number of years, more recently there have been problems with recruitment and retention as well as dissatisfaction about union wage increases relative to exempt salary increases.

With respect to recruitment and retention, it is notable that in the past 8 months we have lost a Subdivision Manager and a Manager of Current Planning to higher paying jobs in a smaller municipality on the Island and we were unable to attract a Labour Relations Manager candidate from an Alberta municipality. Although we were able to hire a new Director, Engineering and Public Works, there was some hesitation in the candidate accepting the position; she was receiving higher pay for a manager-level job in a similar-sized municipality than the 100% pay point for the City of Nanaimo Director position.

The trend appears to be that employees who are later in their careers are more easy to attract to City positions (these employees often wish to retire to Nanaimo, and presumably, they are more financially secure) and employees who are mid-career are more easy to lose to better paying positions elsewhere. The problem with this trend is that we need employees in mid-career to replace the large group of managers (48%) who can retire with an unreduced pension in the next 6 years.

As indicated above, exempt employees are becoming increasingly dissatisfied with their salary increases in relation to those provided to unionized employees at the City. In the 2006-2010 time-frame, CUPE wage increases (level 11 and above) have averaged 3.4%, IAFF wage increases have averaged 4.25% (not including 2010 as this increase has not yet been negotiated) and management salary increases have averaged 2.66%. While we can address the issue of wage compression between union members and their supervisors by adjusting the exempt supervisor's salary upwards, this creates inequities between these managers and other managers in the same pay band who do not supervise unionized employees who are highly paid. It is also important to note that the City has historically filled many of its exempt staff vacancies through the internal promotion of unionized employees. The expectation of these employees is that a promotion to management will result in a pay increase sufficient to offset the loss of job security and access to union overtime provisions and that will reflect the increased level of accountability involved.

The 2011 Hay increase is lower than the increase expected to be negotiated with CUPE for this year. Accordingly, if Council chooses the status quo option, salary compression and challenges to our ability to promote from the internal union ranks will continue to be a concern. We will also continue to lose well-qualified employees to other municipalities. Staff believes that competition for managers in the municipal sector will ultimately require a change to the Exempt Compensation Policy, and that a future adjustment will be at a much higher cost.

If Council wishes to maintain the status quo, staff will purchase the Hay survey data, prepare a report for Council's information and proceed to implement the results for 2011.

## **(2) Adopt a New Exempt Compensation Policy using the Municipal Market**

As discussed previously, the City recruits employees from and loses employees to other local government organizations, primarily in British Columbia but also in Alberta. Based on this information, the compensation consultant recommended comparator organizations against which to assess exempt employee compensation. The result was a list of 14 municipalities with a median population of 85,416.

The market median for each exempt salary band was calculated by the consultant based on the survey results. Where the comparator positions under review were of a different size and scope, the market data was adjusted to take these differences into account. The recommended change to the 2011 band reference points (100% pay) is set out on page 9 of the Sainas report.

As indicated above, the consultant has recommended that the reference points be adjusted to correspond to the market median. The market median is also known as the 50<sup>th</sup> percentile, meaning that 50% of the identified organizations pay above the median and 50% of the organizations pay below the median. The median is the most commonly used pay point for exempt staff salaries; it is used by organizations that choose neither to lead nor trail the market.

The pay point identified in the current Exempt Compensation Policy is the market median, and staff recommends that Council continue to use the median as the pay point in the municipal market. If Council is concerned about affordability, it could choose a lower pay point. In staff's opinion, it is more important that Council choose the appropriate labour market against which to maintain salary competitiveness, even at a slightly lower pay point (e.g. 45<sup>th</sup> percentile), than to continue to assess exempt staff pay against an inappropriate labour market. However, adopting a lower pay point as a long-term compensation strategy (rather than an implementation strategy) should be used with caution as it sends a message to employees that the organization's pay levels are less than "average."

In most municipalities, across-the-board salary increases are applied to exempt employee salaries annually, and then a survey of the municipal market is conducted every 2-4 years to ensure pay bands are adjusted in accordance with the market. The basis for the annual increase varies by municipality, and includes: (1) CUPE increases; (2) average of increases applied to all unionized employees in the municipality; (3) average of increases provided to exempt employees in comparator municipalities; (5) average of increases applied to unionized employees in the municipality and exempt employees in the comparator municipalities; (6) median of broader public sector; and (7) 65<sup>th</sup> percentile of broader public sector.

While using any of the above methods of determining the amount of the annual salary adjustment would be satisfactory, staff believe the most appropriate method is to either take the average of increases to exempt staff provided by comparator municipalities (the Saanich approach) or to take the average of the increases applied to unionized employees in the municipality and the increase applied to exempt employees in comparator municipalities (the Prince George approach). The reason these two methods are most appropriate is because if the City is maintaining pace with the salary increases applied to our external comparators and/or are internal and external comparators, there should be no need for significant salary adjustments at the time of the market review. The market review is still important because it ensures that each of the salary bands continue to be aligned with the value of the benchmark positions in the municipal market.

Use of a combined approach in the policy (across-the-board adjustments and intermittent salary surveys to adjust the pay bands) would reduce the City's reliance on compensation surveys and the associated consulting fees.

## **B. COMPENSATION IMPLEMENTATION OPTIONS**

If Council wishes to adopt a pay policy that targets exempt employee salaries at the median of the identified municipal market, there are two general approaches to implementation.

### **(1) Implement the New Salary Ranges/Salary Increases in 2011**

Option (1) means moving each exempt employee to the new salary range based on their current placement on that range (e.g. 90% of current salary median to 90% of new salary median). If this change were to be implemented effective January 1, 2011, the associated cost would be about 6.8%.

### **(2) Phase-In the New Salary Ranges/Salary Increases over 3 Years (2011-2013)**

There are several methods of phasing in the new salary ranges (and accordingly, phasing in the associated cost). The implementation approach recommended in the Sainas report (page 10) would cost about 2.5% in 2011. Similar increases for the phasing-in would be required in 2012 and 2013 in addition to any percentage increase to maintain pace with the municipal market.

## **C. OTHER**

### **(1) Benefits**

According to the Sainas Report, some of the group benefits for exempt employees at the City of Nanaimo are more generous than the median of those provided by the comparator group. The review was focused upon premium payments and reimbursement levels/pay-out maximums, and did not consider specific benefit coverage. Staff is aware based on discussions with other municipalities, that the City of Nanaimo coverage relating to orthodontics and paramedical services are more limited than elsewhere. The paramedical coverage for exempt employees is equivalent to that provided for CUPE members, and CUPE currently has a bargaining proposal on the table to increase the City's contribution to paramedical services.

The City is transitioning its benefit plan coverage from Desjardins Financial Security to Sun Life Financial effective January 1, 2012. The Request for Proposal that led to this change required bidders to base their financial proposal on current benefit levels. While it would conceivably be possible to reduce benefit levels for the exempt employee group as we move to the new benefit provider, it may be difficult to achieve anything more than a marginal cost reduction over the 27 month contract. In addition, since management and Council benefits for health and dental coverage are currently the same, reducing benefit coverage only for exempt employees would result in Council members having better benefit coverage than its employees.

For the above reasons, staff recommends no change to benefits at this time. The City Manager is currently considering the establishment of an exempt staff committee to make recommendations on group benefit coverage. The terms of reference for such a committee would include a review of the market median for group benefits.

## (2) Vacation Schedule

The Sainas Report suggests that most employment practices at the City of Nanaimo are comparable to the municipal market median. The exception is the vacation schedule; the Nanaimo vacation schedule appears to be more generous than that of our comparators. The most significant difference relates to the maximum vacation level. The market median provides for a maximum of 30 days (6 weeks) vacation, while City of Nanaimo exempt employees can obtain a maximum of 40 days (8 weeks) vacation.

Staff believes that if Council is moving toward the market median on exempt staff salaries, it may also wish to move toward the market median on the vacation schedule maximum. It is recommended that this change apply to future employees rather than current employees. "Grandparenting" of existing employees is a common approach taken when reducing employment benefits. This approach also recognizes the fact that the vast majority of management employees are below the 100% market median for their position, even at the existing salary ranges.

### OPTION SUMMARY

#### A. Compensation Policy:

- (1) Maintain status quo - estimated cost 1.7% for 2011; or
- (2) Adopt a new compensation policy using the median of the municipal market (see implementation options and the estimated costs below).

#### B. Compensation Implementation (if Council adopts policy option A(2) above):

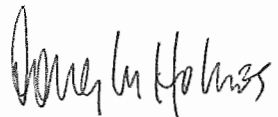
- (1) Implement new salary range for 2011 – estimated cost 6.8% for 2011; or
- (2) Phase in new salary ranges over 3 years – estimated cost 2.5% for 2011 (2012 and 2013 costs to be determined).

#### C. Other (if Council adopts policy option A(2) above):

- (1) Provide direction on benefits (staff recommend no changes at this time due to transitioning of benefit provider and unknown savings); and
- (2) Amend vacation schedule for all new exempt employees to reduce maximum vacation from 8 weeks to 6 weeks.

Respectfully submitted,

  
\_\_\_\_\_  
Terry Hartley  
Director of Human Resources  
& Organizational Planning

  
\_\_\_\_\_  
Douglas W. Holmes  
Assistant City Manager/General Manager,  
Corporate Services



ATTACHMENT A

CONFIDENTIAL

City of Nanaimo

Exempt Compensation Review

September 2011

*Sainas Consult Inc.*

---

September 12, 2011

**PRIVATE & CONFIDENTIAL**

Ms. Terry Hartley  
Director of Human Resources & Organizational Planning  
City of Nanaimo  
Human Resources Department  
238 Franklyn Street  
Nanaimo, BC  
V9R 2X4

Via e-mail: [terry.hartley@nanaimo.ca](mailto:terry.hartley@nanaimo.ca)

Dear Ms. Hartley:

We are pleased to present our report on the exempt salary survey conducted on behalf of the City of Nanaimo.

We look forward to discussing this report with you. If you have any questions in the meantime, please call.

Yours truly,

SAINAS CONSULT INC.



Katherine M. Sainas

## TABLE OF CONTENTS

---

|  |    |
|--|----|
| <u>INTRODUCTION AND WORK COMPLETED</u>           | 1  |
| Comparison Organizations and Benchmark Positions | 2  |
| <u>SURVEY FINDINGS AND RECOMMENDATIONS</u>       | 4  |
| Matches  | 4  |
| Non-Salary Compensation/Employment Practices     | 5  |
| <u>RECOMMENDATIONS</u>                           | 9  |
| Implementation of a New Salary Structure         | 10 |

---

## INTRODUCTION AND WORK COMPLETED

---

The City of Nanaimo has historically compared its management compensation with national public sector organizations. However, since the City primarily recruits from or loses exempt employees to local government organizations within British Columbia and Alberta, it requested assistance in reviewing its current compensation within this market.

The project scope and deliverables were to:

- Assist with the identification of the appropriate comparison organizations to survey
- Conduct a market survey of 8-10 comparison municipalities for 15-18 benchmark positions, plus obtain information from our compensation database for an additional 8-10 positions;
- Collect information on:
  - base salaries, car allowances, and incentives
  - the incidence and employee-employer cost-sharing of group benefits
  - employment practices relating to vacation and other paid time off, modified work week/flex time, and overtime arrangements;
- Develop recommendations for adjustments to the exempt salary structure, and identify anomalies within the existing hierarchy

This report contains our findings and recommendations.

---

## Survey Methodology

---

To complete this review, we undertook the following steps:

- 1) Obtained and reviewed current information on the exempt positions and assisted the City in identifying the survey benchmark positions and organizations.
- 2) Prepared a survey package including job profiles for matching purposes and a questionnaire to collect the compensation information desired for the survey benchmark positions.
- 3) Contacted the targeted organizations for participation and sent the survey package to them.
- 4) Reviewed the completed questionnaires and followed up with participants to clarify position matches and obtain any additional information required.
- 5) Extracted database information from the comparison municipalities on additional matching positions.
- 6) Tabulated and analyzed the market data relative to the City's benchmark positions.
- 7) Prepared this report with our findings and recommendations.

Comparison Organizations and Benchmark Positions

Market data was obtained from the following 14 municipalities:

| Organization | Est. 2010 Population* | Municipal Expenditures Consolidated (2009) Total Expenses (\$ Million)* | No. of FTE | No. of Exempt Positions |
|--------------|-----------------------|---|------------|-------------------------|
|              | 126,600               | 166.8   | 800        | 85                      |
|              | 121,306               | 238.3   | 780        | 130                     |
|              | 114,140               | 134.3   | 746        | 66                      |
|              | 104,697               | 142.6   | 470        | 96                      |
|              | 100,000               | 162.9   | 780        | 75                      |
|              | 88,370                | 134.3   | 500        | 80                      |
|              | 87,110                | 139.3   | 640        | 97                      |
|              | 83,362                | 154.1   | 780        | 80                      |
|              | 82,772                | 238.0   | 1250       | n/a                     |
|              | 77,975                | 86.4  | 350        | n/a                     |
|              | 76,418                | 92.2  | 342        | 54                      |
|              | 75,568                | 129.4   | 759        | 86                      |
|              | 74,637                | 263.6   | 1342       | n/a                     |
|              | 66,892                | 125.3   | 571        | 88                      |

\*Source: CivicInfo BC surveys and statistics (includes data from BC Municipalities and the Local Government Management Association of BC)

|                 |         |       |     |    |
|-----------------|---------|-------|-----|----|
| 25th percentile | 76,807  | 126.3 | 518 | 78 |
| mean            | 91,418  | 140.5 | 722 | 85 |
| median          | 85,236  | 136.8 | 753 | 85 |
| 75th percentile | 103,523 | 160.7 | 780 | 92 |
| Nanaimo         | 85,512  | 121.9 | 603 | 80 |

The benchmark positions were chosen based on the following considerations:

- They represent a cross-section of the organization, both hierarchically and functionally; and,
- They are positions that are common in the comparison organizations and likely to be easily matched.

The survey included the following eighteen positions, which are briefly outlined in Appendix A:

- CAO
- GM Community Services
- Director, Human Resources & Organizational Planning
- Director of Parks, Recreation & Culture
- Fire Chief
- Senior Manager, Parks & Civic Facilities
- Manager of Building Inspections
- Manager of Construction
- Manager, Financial Planning
- Manager, Technical & Client Services
- Manager of By-Laws, Regulations & Security
- Manager, Current Planning
- Manager, Utilities
- Manager, Aquatics
- Human Resources Consultant
- Manager, Roads & Traffic Services
- Traffic/Transportation Engineer
- Manager, Payroll & Benefits

In addition to the survey benchmark positions, current data was also obtained from our compensation database for the following positions at the comparison municipalities:

- GM Community Safety & Development
- Director of Finance
- Director, Information Technology
- Deputy Fire Chief
- Manager, Legislative Services
- Revenue Services Manager
- Manager, Accounting Services
- Manager, Purchasing & Stores
- Design Engineer
- Manager, Parks Operations

---

## SURVEY FINDINGS AND RECOMMENDATIONS

---

This section discusses the survey findings for salary and other elements of compensation and employment practices surveyed.

For our analysis of salaries, we used the current job rates of the salary ranges for comparison purposes rather than the actual salaries paid, since new incumbents may be paid lower in the range and thus skew the data downward. The job rate is the target salary for an individual who is meeting all expectations of the position, and in most cases is the maximum of the range. In the case of the City of Nanaimo, it would be the Salary Range Reference Point (100%). Most of the incumbents in the matching positions at the survey organizations are paid at or near the job rate.

One of the municipalities provides bonuses to a minority of the benchmark positions averaging about 2% of salary, which are not included in the data analysis.

### Matches

Organizational differences between the City of Nanaimo and the comparison municipalities affect the matches to some of the benchmark positions. The key differences are summarized in this section.

#### General Manager, Community Services

Reporting to the City Manager, this position at the City of Nanaimo has accountability for engineering, public works, parks, recreation and culture. Two of the matching positions are larger in scope (i.e. with responsibility for engineering and public works, parks and recreation, and development services), seven are smaller (i.e. typically with responsibility for engineering and public works only), and the remainder are close.

#### General Manager, Community Safety & Development

Reporting to the City Manager, this position at the City of Nanaimo has accountability for development services, planning, fire, and police. The majority of the matching positions are responsible for planning and development services only.

#### Director of Parks, Recreation & Culture

This position at the City of Nanaimo reports to the General Manager, Community Services. Half of the matching positions report directly to the City Manager. Other than reporting relationships, the position matches are close.

#### Director, Finance

This position at the City of Nanaimo reports to the Assistant City Manager/General Manager, Corporate Services. Half of the matching positions report to the City Manager, the other half report to a General Manager position. Other than reporting relationships, the position matches are close.

#### Director, Human Resources and Organizational Planning

This position at the City of Nanaimo reports to the Assistant City Manager/General Manager, Corporate Services and has responsibility for organizational planning. Eight of the matching

positions report to the City Manager. About half of the matching positions have responsibility for an additional function (e.g. communication, strategic planning).

**Fire Chief**

This position at the City of Nanaimo reports to the General Manager of Community Safety and Development. About half of the matching positions report to the City Manager.

Non-Salary Compensation/Employment Practices

This section provides the survey findings for vehicle perquisites, group benefits, vacation entitlements, overtime policies, and incidence of accumulated time off/earned days off program.

**Vehicle Perquisites**

All but two of the comparison municipalities provide a vehicle allowance or leased vehicle to the City Manager position. The majority provide a vehicle allowance to the positions reporting to the City Manager. In some cases, the vehicle allowance is considered a part of salary or a “special benefit” (pensionable) in addition to salary. The Fire Chief is typically provided with a municipal vehicle.

For those that provide a vehicle allowance, the statistics for the monthly vehicle allowances are as follows:

| Position        | City of Nanaimo Vehicle Allowance | Monthly Vehicle Allowance   |        |         |                             |
|-----------------|-----------------------------------|-----------------------------|--------|---------|-----------------------------|
|                 |                                   | 25 <sup>th</sup> Percentile | Median | Average | 75 <sup>th</sup> Percentile |
| City Manager    | \$650                             | \$735                       | \$800  | \$729   | \$850                       |
| General Manager | \$600                             | \$620                       | \$690  | \$669   | \$715                       |
| Director        | \$525                             | \$500                       | \$500  | \$544   | \$700                       |

Management positions other than those noted above do not typically receive vehicle perquisites.

**Accumulated Time Off/Earned Days Off**

Seven of the survey organizations offer an accumulated time off/earned days off program whereby employees work a slightly longer workday and have a day off every three weeks. The City of Nanaimo has an accumulated time off policy; however, at the present time, management staff have not typically been approved to participate in the program.



**Group Benefits**

The group benefits programs are outlined below:

| Benefit                                       | Survey Organizations   | City of Nanaimo   |
|---|--|---|
| Provincial Medical                            | All but one of the BC survey organizations pay 100% of the premiums  | 100%  |
| Extended Health                               | All survey organizations pay 100% of the premiums; median reimbursement is 80%; deductibles range from \$25 to \$150, with a median of \$50  | 100% premiums paid; \$25 deductible; 100% reimbursement             |
| Vision Care                                   | The highest is \$500, the lowest is \$150, and the median coverage over a 24 month period is \$400   | \$400 every 2 calendar years  |
| Dental  | <ul style="list-style-type: none"> <li>▪ Basic Dental: median reimbursement is 100%</li> <li>▪ Major Dental: median reimbursement is 70%</li> <li>▪ Orthodontics: median reimbursement is 50%</li> </ul> | Basic: 100%<br>Major: 80%<br>Ortho: 80%                             |
| Long-Term Disability                          | Six of the survey organizations pay 100% of the premiums; median of 66.67% of monthly salary; median monthly maximum is \$10,000   | 100% premiums paid; 70% of monthly salary to a maximum of \$10,000  |
| Group Life and Accident Insurance             | All but one organization pay 100% of the premiums; median coverage is 2x salary; median maximum is \$400,000   | 100% premiums paid; 2.5x annual salary to a maximum of \$500,000    |
| Sick Leave/Salary Continuance Sick Leave Plan | About half have a salary continuance sick leave plan (median 100% of earnings for 6 months) and half have an accumulated sick leave plan with a median number of 18 days per year                        | Cumulative sick leave plan, 18 days per year cumulative to 120 days |

One organization reported having a health spending account.

### Overtime Policies

All but two of the comparison municipalities have a policy for compensating exempt positions for overtime worked, typically in time off but occasionally in either time off or cash. The arrangements are varied; some earn overtime at half time and some at straight time. There is typically a limit of one to two weeks in lieu of overtime and those who are required to attend Council meetings may receive an additional week entitlement.

The City of Nanaimo provides the City Manager, Deputy City Manager, General Managers and Directors one additional week of vacation entitlement in recognition of overtime incurred. All other exempt positions are compensated for overtime at 50 percent of the total overtime worked to a maximum of 240 paid hours per year either by way of cash payment or time off, or a combination of cash payment and time off. The first 80 hours worked per year are paid at straight time, with a maximum of 50 percent paid out and a minimum of 50 percent taken as accumulated time off.

### Vacation Entitlement

The median vacation entitlement for the survey participants is as follows:

| Year of Employment | Market Median | City of Nanaimo |
|--------------------|---------------|-----------------|
| 1                  | 20            | 20              |
| 5                  | 20            | 25              |
| 9                  | 25            | 25              |
| 13                 | 25            | 30              |
| 17                 | 27.5          | 30              |
| 18                 | 30            | 30              |
| 20                 | 30            | 35              |
| 30                 | 30            | 40              |

Supplementary vacation is provided by six of the comparison organizations. In two cases, the supplementary vacation entitlement is typically five days in the 11<sup>th</sup> year and every five years thereafter. The other arrangements are: 5 extra days in years 25 and 30; 5 extra days in year 15 and every 5 years thereafter; 5 days in year 5 and year 19; and, an extra 20 days in year 25 which must be taken that year.

The City of Nanaimo does not provide supplementary vacation.

Overall, the City's non-salary compensation is generally competitive with market, with the following exceptions:

- City Manager's vehicle allowance is \$150 below the market median
- Group benefits are generally comparable; however, notable exceptions are the amount of reimbursement under the extended health program (100%) vs. the market median (80%), and the amount of life insurance coverage (2.5 x salary to a maximum of \$500,000) vs. the market median (2 x salary to a maximum of \$400,000)
- Vacation entitlements are more generous than the market median at years 5-9, 13-18, and after 20 years of employment

---

RECOMMENDATIONS

---

This section contains our recommendations based on the survey findings.

We analyzed the market matches relative to the benchmark positions at the City of Nanaimo and adjusted the market data to take into account differences in position size and scope. We then compared the City's current reference points/job rates (100% point in the range) with our adjusted market rates. Overall, with the exception of two positions that are paid close to market, the City's rates average approximately 11% below our adjusted market rates based on the municipal comparison group.

If the City were to adopt the policy to pay at the middle (median) of the targeted municipal comparison group, we would recommend a salary structure as follows:

| Pay Band | Current 2010 Reference Point | Recommended 2011 Reference Point |
|----------|------------------------------|----------------------------------|
| D        | \$220,794                    | No change                        |
| B        | \$167,323                    | \$175,000                        |
| A        | \$132,251                    | \$148,000                        |
| 8        | \$116,873                    | \$123,000                        |
| 7        | \$103,007                    | \$107,000                        |
| 6        | \$92,880                     | \$100,000                        |
| 5        | \$84,584                     | \$94,000                         |
| 4        | \$74,456                     | \$82,000                         |

The market data also indicated that the internal equity of the positions at the City is out of line with how the market "values" the positions relative to each other. We recommend the City consider reviewing the job content of the exempt positions to determine their appropriate placement in the salary structure. The internal review should take into account such position criteria as: education and experience requirements; responsibility for communicating with others both internal and external to the organization; complexity of decision-making; impact of decisions and actions; and, leadership requirements.

Implementation of a New Salary Structure

We understand the City has increments to the reference point/job rate as follows:

88% ----- 90% ----- 92% ----- 95% ----- 98% ----- 100%

When transitioning individuals from the old salary ranges to new ones, one approach may be to place individuals on the increment in the new pay band that is closest to, but not less than, their current salary. The City may also wish to consider length of time in the position and performance when making these implementation adjustments, and may also wish to develop a rule that establishes a minimum adjustment of, say \$1000.

If an employee is at or beyond the new reference point, and performance meets expectations, a general increase of 2-3% may be warranted. We expect that there are very few employees to which this would apply.

| Job No. | City of Nanaimo Benchmark Position        | BENCHMARK DESCRIPTION   |
|---------|---|---|
| 1       | City Manager                              | The City Manager is responsible for leading the overall administration of the City of Nanaimo. Reporting to the Mayor and City Council, the City Manager is accountable for the provision of direction to, and administrative coordination between, municipal divisions to ensure effective and efficient conduct of their assigned responsibilities as established by Council, City By-laws, and Provincial Statutes.  |
| 2       | GM Community Services                     | Reporting to the City Manager, the General Manager of Community Services is a member of the City's Senior Leadership Team and is accountable for the leadership and overall management of the Community Services Division, which includes Engineering & Public Works and Parks, Recreation & Culture. Through Department Heads, this position plans, organizes, directs and controls the Community Services Division; establishes and implements City policy, sets goals and objectives and selects, appoints, appraises and manages staff. Administers the Division in conformity with the strategic direction, corporate policy, and all relevant statutes, bylaws and resolutions. Provides direction and control related to the preparation of the provisional and annual budgets of the Community Services Departments; Coordinates and directs the preparation of long-range operational and capital plans. Maintains a high level of day-to-day contact with City Council to ensure appropriate liaison between staff and Council while also ensuring effective communication between staff and Council with regard to operational matters. Provides advice and recommendations to the City Manager.   |
| 3       | Director, HR and Organizational Planning  | Reporting to the Assistant City Manager, the Director of HR & Organizational Planning is a member of the City's Senior Leadership Team. In this role, the incumbent works with the City Manager and General Managers to provide support to City Council and overall leadership to employees. HR responsibilities include the provision of strategic advice and guidance to City Council and Senior Managers on all matters relating to human resources and labour relations. The incumbent plans, organizes, directs and controls, through subordinates, all HR functions including recruitment and selection, compensation and benefits, contract negotiation and administration, training and development, and occupational health and safety. Organizational planning responsibilities include facilitating the development of the corporate strategic plan and leading Department Heads in the execution of the plan.   |
| 4       | Director of Parks, Recreation and Culture | Reporting to the General Manager of Community Services, the Director of Parks, Recreation and Culture plans, coordinates, directs and controls, through subordinate Managers and Supervisors, the provision of parks, recreation and culture services and facilities. This includes directing the acquisition, development and maintenance of all municipal parks; the construction, operation and maintenance of municipal recreation and cultural facilities and the development and delivery of leisure programs throughout the community. The incumbent develops and recommends both short and long-term plans and priorities to meet and accommodate public needs and requirements for parks, recreation and culture services and facilities; determines operating requirements and prepares budgets for departmental operations, capital development programs and develops budgetary controls; oversees the work of consultants and contractors providing services to the Department of Parks, Recreation and Culture; oversees the design and planning of parks, recreation and culture facilities and spaces. The incumbent is responsible for developing public, private and non-profit sector partnering initiatives, administering contracts and/or leases for the management or use of facilities by external groups. |
| 5       | Fire Chief                                | Reporting to the General Manager, Community Safety and Development, the Fire Chief plans, organizes, directs and controls, through subordinate supervisors, the Fire Department and the activities of personnel engaged in firefighting, fire prevention, rescue and other related services. Provides advice and guidance to the General Manager, Community Safety and Development, City Manager and City Council and staff on all matters involving the Fire Department, firefighting, fire prevention, and other related services. The incumbent also provides for the budgeting and control for the Emergency Measures Program, including some general administration of the program and the "Emergency Program and Plan Bylaw".   |

| Job No. | City of Nanaimo Benchmark Position           | BENCHMARK DESCRIPTION   |
|---------|--|---|
| 6       | Senior Manager of Parks and Civic Facilities | Reporting to the Director of Parks, Recreation and Culture, the Senior Manager of Parks and Civic Facilities is responsible for park and open space planning, development and maintenance. Responsibilities include long-range planning, parks and open space design and development, project management, facilitating community development, park policy and bylaw development, managing parks maintenance operations and City-wide facility management including day-to-day maintenance and long-range facility planning.   |
| 7       | Manager of Building Inspections              | Reporting to the Director of Development, the Manager of Building Inspections is responsible for the planning, organizing, direction and control of the Building Inspection Section of the Development Services Department. Through subordinate supervisors, directs, assigns, supervises and reviews the work of subordinates engaged in: accepting applications for building, plumbing, and signage permits; reviewing related plans and specifications; conducting field reviews of building, signage and plumbing installations for compliance with applicable codes, bylaws and specifications; assigns building maintenance work and related projects. The position is designated as the City's Chief Building Inspector and is responsible for the approval of plans and specifications and the direction of the inspection of all buildings and structures in the City of Nanaimo, to ensure compliance with Building Code and bylaw requirements.  |
| 8       | Manager of Construction                      | Reporting to the Senior Engineering Manager, the Manager of Construction manages, through subordinate staff, personnel engaged in the provision of contract administration, cost control/inspection of local improvements, capital construction projects, and all other construction related to City construction, subdivisions, building developments, local improvements and utility installations. Plans and develops strategies for the most effective use of available capital resources; Acts on behalf of the City in litigations or actions arising out of contract construction, plans, organizes and monitors all capital work by planning the capital programs, preparing estimates, scheduling the work, organizing resources, coordinating the work with others, establishing and supervising a system for cost control, approving invoices, reviewing and consolidating budgets and re-assigning funds as required, and determining the effectiveness of capital construction alternatives; Supervises and directs the City's local improvement plan including meetings with residents, determining the appropriate areas and scope of work, proving detailed cost estimates, and determining the criteria for petitioning; directs and controls the City's inspection of work done by contract, subdividers, developers and the utility company installations within City controlled property.<br>Requirements include graduation from a recognized technical institute in civil engineering technology and supplemented by considerable management and organizational courses and skills or an extensive directly related experience at the superintendent level or a combination of equivalent training and education. |
| 9       | Manager of Financial Planning                | Reporting to the Director of Finance, the Manager of Financial Planning plans, develops and administers the financial planning systems of the City and is responsible for the accuracy, completeness and timeliness of payroll services. Responsibilities include maintaining and controlling all financial planning records, overseeing the preparation of financial reports and analysis, managing the City's chart of accounts, undertaking special projects of a financial nature, and providing advice and guidance on financial matters to Council and Senior Staff, as well as acting as a Financial Signing Officer. The incumbent acts as the Director of Finance in the absence of the Director. Requirements include a professional accounting designation, together with extensive experience in local government finance and administration, including a minimum of five (5) years' in a management position   |

| Job No. | City of Nanaimo Benchmark Position          | BENCHMARK DESCRIPTION  |
|---------|---|--|
| 10      | Manager, Technical and Client Services (IT) | Reporting to the Director of Information Technology, the Manager, Technical and Client Services manages the corporate information systems infrastructure. This includes the preparation and implementation of strategic, tactical, and operational plans and budgets for the data and voice services at all City locations. Areas of responsibility include the central computing centre, municipal area network, remote computing sites, internet services, voice services, voice network, and security services. Manages staff in the Technical and Client Support Section, including assigning and prioritizing of work, assessing training needs and conducting performance appraisals. Oversees the work of consultants, who provide development and support for the City's technology infrastructure. Requirements include a Bachelor's degree in Computer Science or Technical Administration plus 10 years relevant experience.  |
| 11      | Manager of By-Laws, Regulations, & Security | Reporting to the Director of Planning, the Manager of By-Law, Regulation, and Security is responsible for the implementation and administration of the City's Bylaw, animal control, and municipal regulatory services, and provides advice to staff and Council with respect to Municipal Bylaws and regulations. Develops and implements administrative, regulatory and financial procedures and policies within the department to ensure effective bylaw and regulatory services for the City; provides information, advice and recommendations to staff and Council with respect to Municipal bylaws and regulations; leads, organizes and develops strategies to address community security concerns, with primary focus for security in downtown and various community neighbourhoods; directs and manages the investigation of complex legal matters including prosecutions and civil injunction processes for all City departments.  |
| 12      | Manager, Current Planning                   | Reporting to the Director of Planning, the Manager of Current Planning is responsible for the planning, organizing, direction and control of the Current Planning Division of the Development Services Department. The Manager provides advice, guidance and direction on zoning and development related matters to City Council, Council Committees, associated bodies and senior Staff. Responsibilities include: administering the City's Zoning Bylaw Regulations including keeping the Bylaws current with priorities set by Council and the community; statutory notifications for development applications and coordinating the Public Hearing process; monitoring the effectiveness of existing planning regulations in achieving the public interest in circumstances of changing urban land use patterns and in response to major private and public land use initiatives; proposing and drafting new regulations to meet these changing interests. Requirements include a Masters Degree in Planning with a minimum of 5 years relevant experience; or, Completion of a University Degree in Urban or Regional Planning, or related field with a minimum of 7 years relevant experience.  |
| 13      | Manager, Utilities                          | Reporting to the Director of Engineering and Public Works, the Manager of Utilities plans, manages and controls the construction, operation, maintenance and repair of water distribution, water supply, storm drainage and sanitary sewer infrastructure for the City of Nanaimo. The incumbent coordinates work with other agencies and City departments, negotiates and manages service and equipment contracts, and -- through subordinate supervisors and a large group of staff engaged in the delivery of services -- ensures services are delivered in accordance with infrastructure requirements. Participates in the development of short and long range plans and priorities relating to the development and management of the infrastructure and provision of related services. Requirements include a Bachelor's degree in engineering or diploma from an accredited technical institute in an engineering discipline, or an equivalent combination of training and experience, plus a minimum of 5 years of relevant experience in water distribution and collection, hydraulic control systems, chlorination and de-chlorination procedures, and water system safety and environmental processes, including experience in managing a sizeable staff. |



| Job No. | City of Nanaimo Benchmark Position  | BENCHMARK DESCRIPTION  |
|---------|-------------------------------------|--|
| 14      | Manager, Aquatics                   | Reporting to the Senior Manager, Recreation and Cultural Services, the Manager, Aquatics is responsible for the direction and control of the day-to-day operation of the Nanaimo Aquatic Centre, Beban Park Indoor Pool, liaising with the society operating the Kinsmen Outdoor Pool, and waterfronts at Westwood Lake. The incumbent is responsible for planning, organizing, promoting, facilitating and coordinating the schedule of activities and events as well as allocation of aquatic facilities. Supervises the Aquatic Coordinators and various lifeguard/instructors and cashiers engaged in the delivery of aquatic programs and services; liaises with other Department Managers to ensure a coordinated effort in providing the highest quality leisure program service to the public; liaises with community groups, educational institutions, social service agencies, and private recreation agencies to coordinate all aquatic leisure services in the City; develops policies and makes recommendations to the Commission on admission fees and the rental rate schedule. The Manager is responsible for large sum of cash and general office procedures. Requirements include a degree in Recreation Administration or Leisure Services or a related discipline, plus a minimum of 5 years relevant experience.  |
| 15      | Human Resources Consultant          | Reporting to the Director of Human Resources and Organizational Planning, the Human Resources Consultant combines a generalist human resources role with specialist responsibilities in a defined area (e.g. recruitment, training and development). The HR Consultant provides dedicated support to the departments and employees in a designated customer group on a broad range of HR processes and activities. The HR Consultant exercises specialist responsibilities by providing leadership in the design, development and administration of a defined function. Where the specialty is in recruitment, this includes marketing the City as an employer, designing recruitment, screening and selection processes. Where the specialty is in training and development, this includes oversight of a comprehensive training and development program, career counseling, performance feedback processes and providing advice in the areas of organizational development and design. As a member of the HR Management Team, the Human Resources Consultant participates in the planning of HR programs, policies and processes, and implements them within the customer group. May supervise HR Assistant(s). Requirements include University degree in Business Administration or other relevant discipline and 5-10 years relevant experience.   |
| 16      | Manager, Roads and Traffic Services | Reporting to the Director of Engineering and Public Works, the Manager, Roads & Traffic Services plans, manages and controls the Road Rehabilitation Capital Improvement Program and operations and maintenance of all roads infrastructure including road surfaces, rights-of-way, traffic signals, traffic markings and signage. The Manager coordinates work with other agencies and City departments, negotiates and manages service and equipment contracts, and -- through subordinate supervisors and a large group of staff engaged in the delivery of services -- ensures services are delivered in accordance with infrastructure requirements, City policy and environmental and safety legislation. Plans, organizes, directs and controls programs and services relating to traffic engineering, traffic control and the construction, maintenance and repair of road infrastructure for the City; participates in the development of short and long range plans and priorities relating to the development and management of the roads infrastructure and provision of related services; supervises and/or prepares specifications and contract documents for equipment and services, including professional services associated with required studies, surveys and other technical requirements; negotiates contracts, monitors and/or oversees contract performance, and authorizes payment for services rendered. Requirements include a Bachelor's degree in engineering or diploma from an accredited technical institute in an engineering discipline, or an equivalent combination of training and experience, plus a minimum of 5 years relevant experience. |

| Job No. | City of Nanaimo Benchmark Position | BENCHMARK DESCRIPTION  |
|---------|------------------------------------|--|
| 17      | Traffic/Transportation Engineer    | Reporting to the Manager of Engineering Services, the Traffic/Transportation Engineer is responsible for traffic and transportation planning, City and neighbourhood transportation plan preparation requirements, and for the engineering aspects of matters affecting the flow and safety of traffic in the City. Liaises with other agencies, municipalities and citizens' groups concerning a wide range of issues including roads, truck routes, and traffic controls. Conducts long range planning of road networks, reviews road intersection layout, traffic signal design, accident analysis, development applications, traffic and parking studies and development of criteria and standards. Develops standards for the design and use of traffic control devices, road, street lighting and other items affecting traffic flow and safety. Identifies the need for and coordinates the selection of consultants, monitors the work of consultants to ensure study objectives are met. Requirements include a B.A.Sc. in Civil Engineering, specializing in Traffic/Transportation Engineering plus a minimum of 8 years relevant experience. |
| 18      | Manager of Payroll                 | Reporting to the Manager of Financial Planning, the Manager of Payroll is responsible for overseeing preparation of the bi-weekly payroll, the annual reconciliation of payroll information including T4 reports, employee quota bank accruals, wage accruals and reporting to other government agencies (e.g. WCB and Pension) as required. This includes reviews for accuracy, completeness, propriety of changes and conformity with departmental policies and regulations, as well as union contracts and bylaws. Responsible for monthly and year-end account reconciliations and year-end working papers for the payroll section. Modifies and develops existing SAP configuration and schema to meet business and operational requirements of the City; participates in the development of department policies and practices. Requirements include second level of a professional accounting designation (C.G.A., C.M.A. or C.A.) and a minimum of 4 years relevant experience in a large, multi-contact unionized environment.   |

## MARKET DATA – 2011 JOB RATES

| Benchmark Position                         | Nanaimo Current Job Rate (Top Step) | Nanaimo Pay Band | Market Data - Job Rate (Top Step) |           |           |                 |
|--|-------------------------------------|------------------|-----------------------------------|-----------|-----------|-----------------|
|  |                                     |                  | 25th Percentile                   | Median    | Average   | 75th Percentile |
| CAO  | \$220,794                           | D                | \$202,750                         | \$214,367 | \$222,033 | \$234,432       |
| GM Community Services                      | \$167,323                           | B                | \$160,290                         | \$173,484 | \$173,541 | \$179,733       |
| GM Community Safety & Development          | \$167,323                           | B                | \$159,291                         | \$166,191 | \$170,229 | \$178,209       |
| Director of Finance                        | \$132,251                           | A                | \$155,238                         | \$156,983 | \$158,430 | \$170,391       |
| Director of Parks, Recreation & Culture    | \$132,251                           | A                | \$150,463                         | \$155,549 | \$155,134 | \$160,290       |
| Fire Chief                                 | \$132,251                           | A                | \$139,100                         | \$149,123 | \$147,877 | \$156,949       |
| Director, Human Resources & Org Planning   | \$132,251                           | A                | \$135,010                         | \$141,800 | \$144,346 | \$148,887       |
| Director, Information Technology           | \$132,251                           | A                | \$115,610                         | \$121,240 | \$122,825 | \$127,325       |
| Senior Manager, Parks & Civic Facilities   | \$116,873                           | 8                | \$105,582                         | \$114,537 | \$114,144 | \$121,376       |
| Deputy Fire Chief                          | \$116,395                           | 8                | \$118,574                         | \$122,921 | \$122,524 | \$127,523       |
| Manager, Legislative Services              | \$103,007                           | 7                | \$119,643                         | \$124,022 | \$120,521 | \$127,133       |
| Manager of Construction                    | \$103,007                           | 7                | \$111,727                         | \$120,175 | \$119,071 | \$123,194       |
| Manager, Financial Planning                | \$103,007                           | 7                | \$106,348                         | \$111,845 | \$111,731 | \$116,988       |
| Manager, Accounting Services               | \$103,007                           | 7                | \$98,748                          | \$108,336 | \$105,209 | \$111,465       |
| Revenue Services Manager                   | \$103,007                           | 7                | \$99,072                          | \$107,305 | \$109,383 | \$111,845       |
| Manager of Building Inspections            | \$103,007                           | 7                | \$104,751                         | \$106,827 | \$111,312 | \$120,231       |
| Manager, Technical & Client Services       | \$103,007                           | 7                | \$99,439                          | \$104,682 | \$104,552 | \$104,816       |
| Manager, Current Planning                  | \$92,880                            | 6                | \$105,883                         | \$119,110 | \$113,092 | \$121,240       |
| Manager, Utilities                         | \$92,880                            | 6                | \$107,386                         | \$116,824 | \$115,408 | \$121,507       |
| Manager, Purchasing & Stores               | \$92,880                            | 6                | \$98,636                          | \$106,128 | \$103,136 | \$109,569       |
| Manager of By-Laws, Regulations & Security | \$92,880                            | 6                | \$95,172                          | \$104,682 | \$101,341 | \$109,814       |
| Manager, Roads & Traffic Services          | \$84,584                            | 5                | \$101,695                         | \$106,826 | \$105,426 | \$111,465       |

## MARKET DATA – 2011 JOB RATES

| Benchmark Position              | Nanaimo<br>Current Job<br>Rate<br>(Top Step) | Nanaimo<br>Pay Band | Market Data - Job Rate (Top Step) |           |           |                    |
|---------------------------------|--|---------------------|-----------------------------------|-----------|-----------|--------------------|
|                                 |  |                     | 25th<br>Percentile                | Median    | Average   | 75th<br>Percentile |
| Traffic/Transportation Engineer | \$84,584                                     | 5                   | \$98,372                          | \$106,036 | \$104,330 | \$111,135          |
| Design Engineer                 | \$84,584                                     | 5                   | \$96,196                          | \$102,103 | \$100,922 | \$106,587          |
| Manager, Aquatics               | \$84,584                                     | 5                   | \$95,170                          | \$99,439  | \$98,306  | \$106,348          |
| Manager, Parks Operations       | \$84,584                                     | 5                   | \$92,808                          | \$96,530  | \$96,789  | \$102,689          |
| Human Resources Consultant      | \$84,584                                     | 5                   | \$84,927                          | \$94,018  | \$93,093  | \$96,590           |
| Manager, Payroll & Benefits     | \$74,456                                     | 4                   | \$92,410                          | \$94,192  | \$93,033  | \$95,163           |

## ADJUSTED 2011 MARKET RATES

| Benchmark Position                         | Nanaimo Current Job Rate (Top Step) | Nanaimo Pay Band | Market Median Job Rate | Adjusted Market Rate | Nanaimo Current JR vs. Adjusted |
|--|-------------------------------------|------------------|------------------------|----------------------|---------------------------------|
| CAO  | \$220,794                           | D                | \$214,367              | n/a                  |                                 |
| GM Community Services                      | \$167,323                           | B                | \$173,484              | \$175,000            | 96%                             |
| GM Community Safety & Development          | \$167,323                           | B                | \$166,191              | \$175,000            | 96%                             |
| Director of Finance                        | \$132,251                           | A                | \$156,983              | \$150,000            | 88%                             |
| Director of Parks, Recreation & Culture    | \$132,251                           | A                | \$155,549              | \$150,000            | 88%                             |
| Fire Chief                                 | \$132,251                           | A                | \$149,123              | \$145,000            | 91%                             |
| Director, Human Resources & Org Planning   | \$132,251                           | A                | \$141,800              | \$145,000            | 91%                             |
| Director, Information Technology           | \$132,251                           | A                | \$121,240              | \$125,000            | 106%                            |
| Senior Manager, Parks & Civic Facilities   | \$116,873                           | 8                | \$114,537              | \$120,000            | 97%                             |
| Deputy Fire Chief                          | \$116,395                           | 8                | \$122,921              | \$125,000            | 93%                             |
| Manager, Legislative Services              | \$103,007                           | 7                | \$124,022              | \$125,000            | 82%                             |
| Manager of Construction                    | \$103,007                           | 7                | \$120,175              | \$120,000            | 86%                             |
| Manager, Financial Planning                | \$103,007                           | 7                | \$111,845              | \$107,000            | 96%                             |
| Manager, Accounting Services               | \$103,007                           | 7                | \$108,336              | \$107,000            | 96%                             |
| Revenue Services Manager                   | \$103,007                           | 7                | \$107,305              | \$107,000            | 96%                             |
| Manager of Building Inspections            | \$103,007                           | 7                | \$106,827              | \$107,000            | 96%                             |
| Manager, Technical & Client Services       | \$103,007                           | 7                | \$104,682              | \$105,000            | 98%                             |
| Manager, Planning                          | \$92,880                            | 6                | \$119,110              | \$120,000            | 77%                             |
| Manager, Utilities                         | \$92,880                            | 6                | \$116,824              | \$117,000            | 79%                             |
| Manager, Purchasing & Stores               | \$92,880                            | 6                | \$106,128              | \$107,000            | 87%                             |
| Manager of By-Laws, Regulations & Security | \$92,880                            | 6                | \$104,682              | \$105,000            | 88%                             |
| Manager, Roads & Traffic Services          | \$84,584                            | 5                | \$106,826              | \$107,000            | 79%                             |

## ADJUSTED 2011 MARKET RATES

| Benchmark Position              | Nanaimo Current Job Rate (Top Step) | Nanaimo Pay Band | Market Median Job Rate | Adjusted Market Rate | Nanaimo Current JR vs. Adjusted |
|---------------------------------|-------------------------------------|------------------|------------------------|----------------------|---------------------------------|
| Traffic/Transportation Engineer | \$84,584                            | 5                | \$106,036              | \$104,000            | 81%                             |
| Design Engineer                 | \$84,584                            | 5                | \$102,103              | \$102,000            | 83%                             |
| Manager, Aquatics               | \$84,584                            | 5                | \$99,439               | \$100,000            | 85%                             |
| Manager, Parks Operations       | \$84,584                            | 5                | \$96,530               | \$94,000             | 90%                             |
| Human Resources Consultant      | \$84,584                            | 5                | \$94,018               | \$94,000             | 90%                             |
| Manager, Payroll & Benefits     | \$74,456                            | 4                | \$94,192               | \$94,000             | 79%                             |

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, 2011-OCT-03, COMMENCING AT 9:30 A.M.

---

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

Members: Councillor W. L. Bestwick  
Councillor G. E. Greves  
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 (arrived 6:15 p.m.)

Others: Chris Beaton, Tillicum Lelum (arrived 9:37 a.m., left 10:00 a.m.)  
Grace Elliot-Nielsen, Tillicum Lelum (arrived 9:37 a.m., left 10:00 a.m.)  
Rene Robinson, Tillicum Lelum (arrived 9:37 a.m., left 10:00 a.m.)  
Tammy Wylie, Tillicum Lelum (arrived 9:37 a.m., left 10:00 a.m.)  
Inga Cooper, Tillicum Lelum (arrived 9:37 a.m., left 10:00 a.m.)  
Deborah Hollins, Tillicum Lelum (arrived 9:37 a.m., left 10:00 a.m.)

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  
T. M. Hickey, General Manager of Community Services  
I. Howat, Director of Strategic Relationships  
T. L. Hartley, Director of Human Resources and Organizational Planning  
B. E. Clemens, Director of Finance  
T. P. Seward, Director of Development  
Superintendent McPhail, OIC, Nanaimo Detachment RCMP  
Chief R. Lambert, Nanaimo Fire Rescue  
R. J. Harding, Director of Parks, Recreation and Culture (left at 10:44 a.m.)  
J. E. Harrison, Manager of Legislative Services  
L. Dennis, Recording Secretary

1. CALL THE OPEN MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 9:34 a.m.

2. PROCEDURAL MOTION:

15211 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;
- (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:

15311 It was moved and seconded that Item 9 (b) Exempt Compensation be moved to the end of the agenda. The motion carried unanimously.

4. ADOPTION OF AGENDA:

15411 It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

5. ADOPTION OF MINUTES:

15511 It was moved and seconded that the Minutes of the "In Camera" Meeting of Council held Monday, 2011-SEP-12 at 9:30 a.m. in the City Hall Board Room, 455 Wallace Street, Nanaimo, BC be adopted as circulated. The motion carried unanimously.

Mr. Chris Beaton, Project Manager, Ms. Grace Elliot-Nielsen, Executive Director, Ms. Rene Robinson, Board President, Ms. Tammy Wylie, Management, Ms. Inga Cooper, Management, and Ms. Deborah Hollins, Board Member, Tillicum Lelum Aboriginal Friendship Society entered the Board Room at 9:37 a.m.

6. DELEGATIONS PERTAINING TO AGENDA ITEMS:



7. COMMISSION REPORTS:

- (a) Parks, Recreation and Culture Commission – Minutes of the “In Camera” Meeting held 2011-JUL-27
- 

15711 It was moved and seconded that Council receive the Minutes of the “In Camera” Parks, Recreation and Culture Commission meeting held 2011-JUL-27. The motion carried unanimously.

Mayor Ruttan vacated the Board Room at 10:46 a.m.

Mayor Ruttan vacated at the Chair.

Councillor Pattje assumed the Chair.

Mayor Ruttan resumed the Chair at 10:49 a.m.

8. STAFF REPORTS:

- (a) VICC Hotel Incentives

15811 It was moved and seconded that Council direct Staff:

1. to develop a revitalization tax exemption policy for hotel/motel properties with the following criteria:
  - (a) properties must have land use zoning for hotel/motel use;
  - (b) the property’s intended primary use must be the rental of short stay hotel/motel rooms;
  - (c) for new construction or demolition and reconstruction a minimum investment of \$2 Million is required;
  - (d) renovations to existing properties must be significant and exceed ongoing upkeep of the business. Minimum investment must exceed 50 percent of the assessed value of the improvements or \$250,000, whichever is greater; and,

2. to include as possible incentives to prospective VICC hotel developers:

The motion carried unanimously.

9. OTHER BUSINESS:

(a) Low Barrier Housing

Mr. E. C. Swabey, General Manager of Community Safety and Development provided a verbal update on the public consultation process for the Uplands Low Barrier Housing project.

Mayor Ruttan vacated the Board Room at 11:30 a.m.

Mayor Ruttan vacated the Chair.

Councillor Pattje assumed the Chair.

15911 It was moved and seconded that Council recess the "In Camera" meeting until after the special open meeting of 2011-OCT-03. The motion carried.

Opposed: *Councillors Kipp and Johnstone*

The "In Camera" meeting recessed at 11:42 a.m.

The "In Camera" meeting reconvened at 6:15 p.m.

All Staff except for Mr. A.C. Kenning, Mr. D.W. Holmes, Mr. E.C. Swabey, Mr. T.M. Hickey and Ms. T. Hartley, vacated the Board Room.

8. STAFF REPORTS (CONTINUED):

CORPORATE SERVICES:

(b) Exempt Compensation

16011 It was moved and seconded that Council approve New Exempt Compensation Policy – Option A(1), to maintain the status quo – estimated cost 1.7% for 2011. The motion carried.

Opposed: *Mayor Ruttan, Councillors Greves and Johnstone*

10. ADJOURNMENT:

16111           It was moved and seconded at 6:55 p.m. that the "In Camera" Meeting terminate.  
The motion carried unanimously.

16211           It was moved and seconded at 6:55 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, 2011-OCT-17, COMMENCING AT 9:30 A.M.

---

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, 2011-OCT-03 at 9:30 a.m. in the City Hall Board Room. *Pg. 3-7*

4. **PRESENTATIONS:**

- (a) Presentation from Superintendent N. McPhail regarding the RCMP quarterly report update.

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

6. **MAYOR'S REPORT:**

7. **COMMISSION REPORTS:**

8. **COMMITTEE REPORTS:**

9. **STAFF REPORTS:**

**COMMUNITY SAFETY AND DEVELOPMENT:**

- (a) **Release to Public - MOU Supportive Housing Site Selection** *Pg. 8-15*

*Staff's Recommendation:* That Council release the "In Camera" report dated 2010-OCT-14 titled, "MOU Supportive Housing Site Selection" to the public through the City's website.

(b) **Nanaimo Yacht Club – Consent of Riparian Rights**

Pg. 16-18

Staff's Recommendation: That Council:

1. *waive the City's riparian rights for the lands fronting the Nanaimo Yacht Club to enable an expansion of the water lot lease with the Nanaimo Port Authority;*

AND:

2. *direct the Mayor and Manager of Legislative Services to provide the City's written consent to the Nanaimo Port Authority.*

10. **INFORMATION ONLY ITEMS:**

11. **CORRESPONDENCE:**

12. **OTHER BUSINESS:**

(a) **Collective Bargaining**

Ms. Terry Hartley, Director of Human Resources and Organizational Planning, to give a verbal update on Collective Bargaining.

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

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

# **“IN CAMERA”**

## **STAFF REPORT**

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

FROM: ANDREW TUCKER, DIRECTOR OF PLANNING,  
COMMUNITY SAFETY & DEVELOPMENT

RE: RELEASE TO PUBLIC - MOU SUPPORTIVE HOUSING SITE SELECTION

---

### STAFF'S RECOMMENDATION:

That Council release the “In Camera” report dated 2010-Oct-14 titled, *MOU Supportive Housing Site Selection* to the public through the City's website.

### EXECUTIVE SUMMARY:

Attached are two reports from previous meetings of Council dealing with the selection of a north end site for the City's Response to Homelessness Action Plan.

### BACKGROUND:

The first report (Attachment A) was an open “Information Only” report which was presented at the Finance/Policy Committee of the Whole (FPCOW) meeting of 2010-Aug-16 and dealt with the results of the public consultation about the two sites in the Nanaimo Regional General Hospital area and in particular, the need for downsizing of the Dufferin Crescent low barrier housing development from 70 units to 35 in response to public input and the need to find a new north end site for the units transferred from the Dufferin site. This report is already available on the City's website.


The second report (Attachment B) was presented at the “In Camera” meeting of Council on 2010-Oct-25 and recommended the selection of the site at Uplands and Hammond Bay, behind the Fire Hall, as the preferred north end location for 35 units of supportive housing. The second page of that report provides a rationale for the north end site, which was supported by Council and resulted in an amendment to the Memorandum of Understanding (MOU) with the Province, respecting the municipal sites to be used for low barrier housing.

Staff does not believe there is any need to withhold any of the information contained within the second report now that the Province has agreed with the proposed MOU amendments and released the Request for Proposals (RFP) for the north end site. Staff further believe that these reports may be of use when discussing with the general public “How, When and Why” Council included the Uplands property within Council's supportive housing strategy.

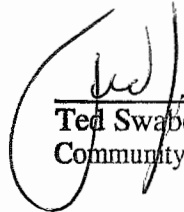
The intention to move 35 units from the Dufferin site to the north end has been public information since August of 2010 and formed part of the City's information in relation to the rezoning process for the Bowen Road location. The specific location of the north end site was made public on 2011-Sep-13 upon approval of the news release from the City's funding partner, BC Housing.

It is recommended that the report dated 2010-Oct-14 be released from "In Camera".

Respectfully submitted,



Andrew Tucker  
Director of Planning  
Community Safety & Development

---

**Ted Swabey, General Manager**  
**Community Safety & Development**

AT/hp  
G:Devplan/Andrew/Report/IC\_north\_end\_site\_release.docx  
Council: 2011-Oct-17

# ATTACHMENT A

2010-AUG-09

## FOR INFORMATION ONLY

REPORT TO: ANDREW TUCKER, DIRECTOR, PLANNING  
FROM: BRUCE ANDERSON, MANAGER, COMMUNITY PLANNING  
RE: SUPPORTIVE HOUSING (MOU) PROJECTS - UPDATE

---

### STAFF'S RECOMMENDATION:

That Council receives the report for information.

### EXECUTIVE SUMMARY:

On 2010-JUN-15, BC Minister of Housing, Rich Coleman, announced additional capital funding for construction of the remaining 140 units (of a 160-unit total) of housing for the homeless in the city of Nanaimo. City staff continues to work with the Province (BC Housing) toward the provision of supportive housing in Nanaimo, and is preparing for the selection of non-profit operators for the remaining housing unit allocation.

The City's agreement with the Province (MOU) identified three City-owned sites which would be made available for these supportive housing projects. Staff, through neighbourhood and service provider consultation, has identified the need to consider an additional fourth site to deliver on the total 160-unit target for supportive housing.

Recently, City staff, with RCMP and VIHA colleagues, met with residents of the hospital area neighbourhood regarding one of the sites; 1598 Townsite Road (Chinese Cemetery). After listening to feedback from the neighbourhood and consulting with service providers in the community, staff is of the opinion that, of the 70 units currently allocated to the Townsite Road site, 35 units should be designated to a fourth site in the community. In accordance with our commitment to distribute these kinds of social service facilities across the community, it is staff's opinion that the fourth site be located in the north part of Nanaimo, close to a major service centre such as Woodgrove or North Town Centre malls. A review of potential sites is currently underway and a recommendation for consideration is intended to be brought forward for consideration this fall.

### BACKGROUND:

On 2008-JUL-14, Council adopted "Nanaimo's Response to Homelessness Action Plan" which identified targets for the creation of new supportive affordable housing units in the City of Nanaimo. In October 2008, Council approved an MOU with the Province in which the City of Nanaimo would provide the land and the provincial government would provide the capital and operational funding for the housing projects. In discussions leading to the signing of the MOU, the municipal sites were provisionally allocated the following unit count: 35 units at 437 Wesley Street, 35 units at 1400-1500 Bowen Road (Quarterway bridge) and 70 units at 1598 Townsite Road (Chinese Cemetery). The Wesley Street site has proceeded through non-profit operator selection and is currently in the design phase. In addition to the municipal sites, 18 units are being constructed at 477 Tenth Street

23

Council  
 Committee of the Whole  
 Open Meeting  
 In-Camera Meeting  
Meeting Date: 2010-AUG-16



for Tillicum Lelum Aboriginal Friendship Society and 10 units are allocated to a provincially-owned site at 3515 Hillside Avenue.

With the announcement by Minister Coleman of the remaining capital funding commitment for supportive housing in Nanaimo, City staff and the Province (BC Housing) are working on the provision of the remaining supportive housing unit allocation for Nanaimo. The intent for the remaining housing projects is to proceed with the selection of non-profit operators in the fall and move forward on the design phase and toward construction in 2011.

Respectfully submitted,




Bruce Anderson,  
Manager of Community Planning  
Community Safety & Development Division



Andrew Tucker,  
Director of Planning  
Community Safety & Development Division

JH/rt  
g:\commplan\admin\Info Only FPCOW 4<sup>th</sup> site.docx  
Committee Date: 2010-AUG-16

  
for Ted Swabey, General Manager  
Community Safety & Development

2010-OCT-14

**"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

---

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).

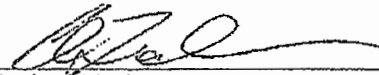
Rationale for the addition of a fourth City-owned site at 6230 Hammond Bay Road is:

- **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,

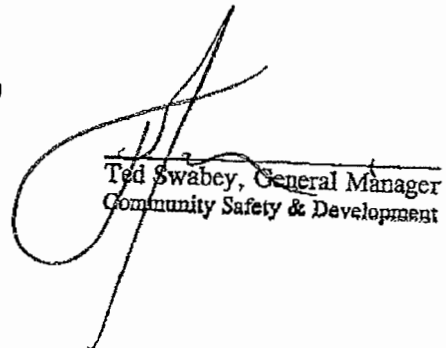


Bruce Anderson,  
Manager of Community Planning  
Community Safety & Development



Andrew Tucker,  
Director of Planning  
Community Safety & Development

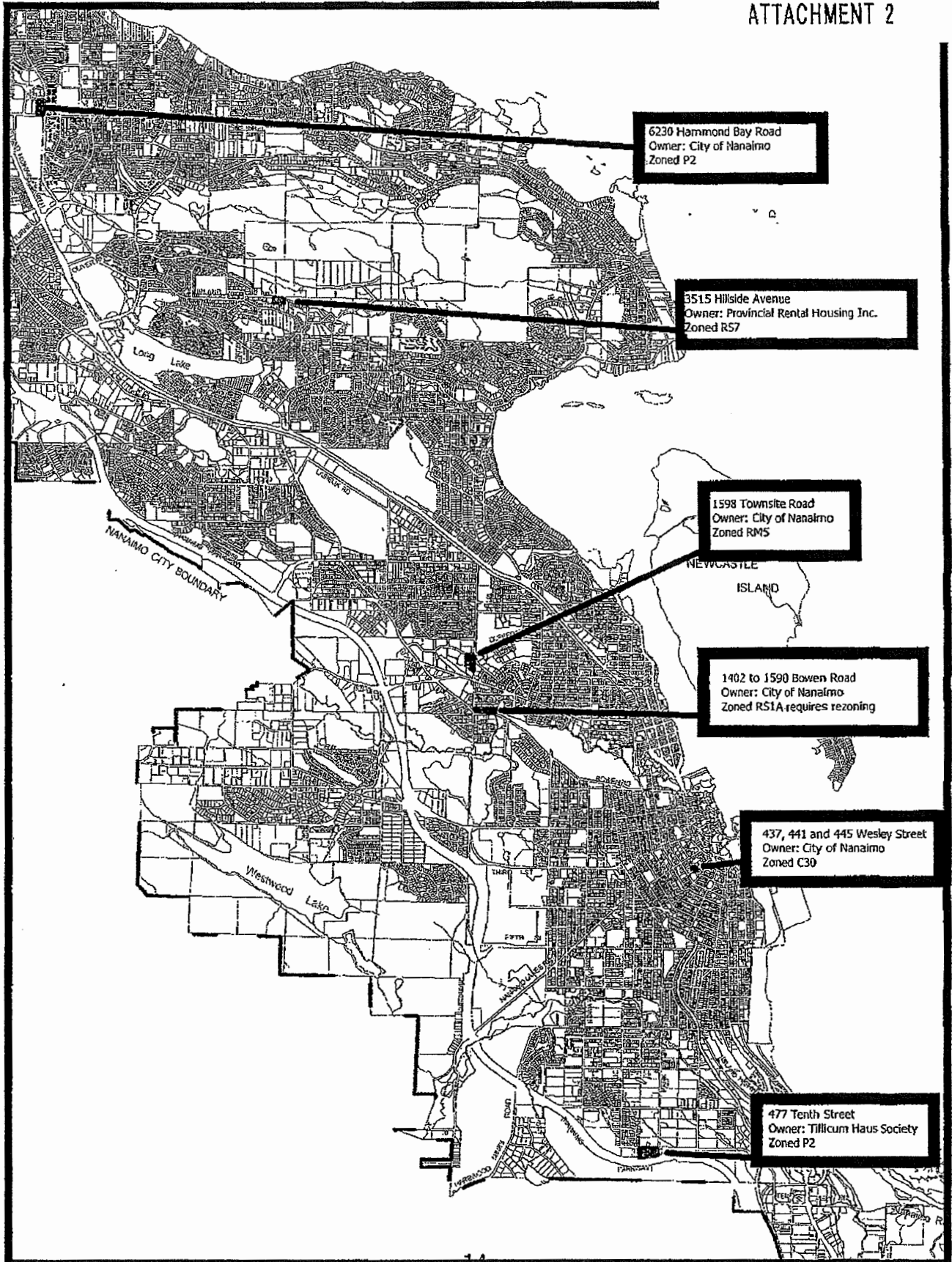
JH/ch  
g:\commplan\admin\council rpts\2010\hammond bay rd supportive hsg  
Council Date: 2010-Oct-25



Ted Swabey, General Manager  
Community Safety & Development



ATTACHMENT 2



## **"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: NANAIMO YACHT CLUB - CONSENT OF RIPARIAN RIGHTS

---

### STAFF'S RECOMMENDATION:

That Council:

1. waive the City's riparian rights for the lands fronting the Nanaimo Yacht Club to enable an expansion of the water lot lease with the Nanaimo Port Authority; and
2. direct the Mayor and Manager of Legislative Services to provide the City's written consent to the Nanaimo Port Authority.

### EXECUTIVE SUMMARY:

The Nanaimo Yacht Club (NYC) wishes to renew its lease with the Nanaimo Port Authority (NPA) for the water lot associated with its marina operations at 380 and 400 Newcastle Avenue. The NPA requires the owner of the riparian rights associated with the upland to provide formal consent for the use of the water lot. In this case, the riparian rights associated with the lands are owned by the City of Nanaimo.

Staff has reviewed the request and is of the opinion that the City's rights and interests are not impacted by providing consent.

### BACKGROUND:

The NYC currently leases 38,755 sq m of water lot from the NPA at 380 and 400 Newcastle Avenue. The existing lease has been in place for 20 years and expires on 2011-DEC-31.

The NYC and NPA are currently working on a new lease which will have a maximum term of 30 years. The NYC would also like to expand its lease area 6 m to the south to recognize an existing area that is being used by the club but not captured under the lease area. The NPA has agreed in principle to the expansion of the lease area, but requires the consent from the City of Nanaimo as the owner of the riparian rights associated with the upland.

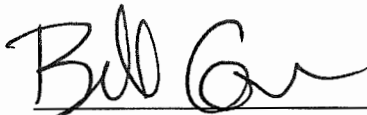
Riparian rights are common law rights associated with properties that are bounded by water. Riparian owners enjoy a number of rights including a right to protection from erosion, the right to quality and quantity of surface water flow, ownership of naturally accreted material and unimpeded access to and from the water.

Attachment A illustrates the existing lease area between the NYC and the NPA and the proposed expansion area to the south. The map also illustrates the lands associated with the City's riparian rights.

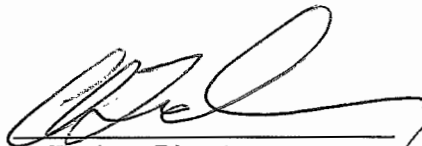
Staff believes that the southern expansion of the NYC lease area will not impact the public's use of the upland or foreshore.

Staff recommends that the consent provided to the NPA should run for the length of the proposed lease. This would provide the City an opportunity to revisit the riparian rights issue at the time of lease renewal in 30 years.

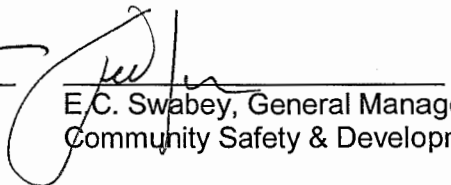
Respectfully submitted,



B. Corsan, Manager  
Real Estate



A. Tucker, Director  
Planning



E.C. Swabey, General Manager  
Community Safety & Development

BC/tl  
Prospero: LD00323  
"IC" Council: 2011-OCT-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, 2011-OCT-17, COMMENCING AT 9:30 A.M.

---

PRESENT: His Worship Mayor J. R. Ruttan, Chair (arrived 9:40 a.m.)

Members: Councillor W. L. Bestwick  
Councillor G. E. Greves  
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

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  
T. M. Hickey, General Manager of Community Services  
I. Howat, Director of Strategic Relationships  
T. L. Hartley, Director of Human Resources and Organizational Planning  
T. P. Seward, Director of Development  
Superintendent McPhail, OIC, Nanaimo Detachment RCMP  
Chief R. Lambert, Nanaimo Fire Rescue  
A. J. Tucker, Director of Planning  
R. J. Harding, Director of Parks, Recreation and Culture  
S. Clift, Director of Engineering and Public Works  
M. Dietrich, Manager, Police Support  
B. Corsan, Manager, Real Estate  
R. Churchill, Manager, Bylaw Regulation and Security  
S/Sgt B. Wright, Operations Support NCO, Nanaimo Detachment  
S. Graham, Manager, Financial Planning and Payroll  
J. E. Harrison, Manager of Legislative Services  
L. Dennis, Recording Secretary

1. CALL THE OPEN MEETING TO ORDER:

Councillor Pattje assumed the Chair and called the Special "In Camera" Meeting to order at 9:33 a.m.

2. PROCEDURAL MOTION:

16311 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) Add Agenda Item 12 (a) – Other Business, verbal report from Mr. I. Howat, Director of Strategic Relationships, regarding VICC Hotel.
- (b) Add Agenda Item 12 (b) – Other Business verbal report from Mr. T. M. Hickey, General Manager of Community Services, regarding Pipers Lagoon Park Waterline.
- (c) Add Agenda Item 12 (c) – Other Business, verbal report from Mr. E. C. Swabey, General Manager of Community Safety and Development, regarding Occupy Nanaimo.
- (d) Add Agenda Item 12 (e) - Other Business, verbal report from Ms. T. L. Hartley, regarding IAFF Bargaining Update.

4. ADOPTION OF AGENDA:

16411 It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

5. ADOPTION OF MINUTES:

16511 It was moved and seconded that the Minutes of the Special "In Camera" Meeting of Council held Monday, 2011-OCT-03 at 9:30 a.m. in the City Hall Board Room, 455 Wallace Street, Nanaimo, BC be adopted as circulated. The motion carried unanimously.

Councillor Pattje vacated the Chair at 9:40 a.m.

Mayor Ruttan assumed the Chair.

6. PRESENTATIONS:

- (a) Superintendent N. McPhail, OIC, Nanaimo Detachment, RCMP, provided a quarterly report update on Crime Statistics and Clearance Rates.

16611 It was moved and seconded that Council invite Superintendent McPhail to present the RCMP quarterly report at an open meeting of Council and that this practice of public updates continue on a regular basis. The motion carried unanimously.

7. OTHER BUSINESS:

(a) Occupy Nanaimo

Mr. E.C. Swabey, General Manager of Community Safety and Development, and Superintendent N. McPhail, OIC, gave an update on the Occupy Nanaimo protest taking place in the Diana Krall Square. The City will be providing portable toilets in the interest of keeping the area clean and sanitary, and the RCMP will be monitoring the crowd.

8. STAFF REPORTS:

(a) Release to Public - MOU Supportive Housing Site Selection

16711 It was moved and seconded that Council release the "In Camera" report dated 2010-OCT-14 titled, "MOU Supportive Housing Site Selection" to the public through the City's website.

The vote was taken on the main motion. The motion carried.  
Opposed: Councillor Unger

Mr. A. C. Kenning vacated the Board Room on a perceived conflict of interest as he is a member of the Nanaimo Yacht Club.

(b) Nanaimo Yacht Club – Consent of Riparian Rights

16911 It was moved and seconded that Council refer the report regarding consent of riparian rights for the Nanaimo Yacht Club back to Staff. The motion carried.  
Opposed: Councillor Kipp

Mr. A.C. Kenning returned to the Board Room.

7. OTHER BUSINESS (CONTINUED):

(a) VICC Hotel

Mr. I. Howat, Director of Strategic Relationships updated Council on his recent attendance at the Western Canada Hotel Investment Conference and on several promising leads of potential proponents for the Vancouver Island Conference Centre Hotel.

(b) Pipers Lagoon Park Waterline

Mr. T.M. Hickey, General Manager of Community Services gave a verbal update on the work that is underway to install the waterline through Piper Lagoon Park and informed Council that approximately twelve trees have had to be removed from the park in order to perform this work.

All CUPE Staff vacated the Shaw Auditorium at 11:15 a.m.

(c) CUPE Collective Bargaining

Ms. T. L. Hartley, Director of Human Resources and Organizational Planning, gave a verbal update on CUPE Collective Bargaining.

Mr. A. C. Kenning vacated the Board Room on a perceived conflict of interest as his son is a City of Nanaimo Firefighter.

(d) IAFF Collective Bargaining

Ms. T. Hartley, Director of Human Resources and Organizational Planning, gave a verbal update on IAFF Collective Bargaining.

Mr. A.C. Kenning returned to the Board Room.

9. ADJOURNMENT:

17011 It was moved and seconded at 11:42 a.m. that the Special "In Camera" Meeting terminate. The motion carried unanimously.

17111 It was moved and seconded at 11:42 a.m. that the Regular Open 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, 2011-OCT-31, COMMENCING AT 9:30 A.M.

---

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, 2011-OCT-17 at 9:30 a.m. in the City Hall Board Room. *Pg. 4-7*

4. **PRESENTATIONS:**

- (a) Mr. E. Doherty, Labour Relations Manager, to give a presentation on Collective Bargaining.

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

6. **MAYOR'S REPORT:**

7. **COMMISSION REPORTS:**

- (a) **Parks, Recreation and Culture Commission – Nanaimo Cultural Awards Recommendations for 2011** *Pg. 8-9*

*Commission's Recommendation: That Council:*

1. *approve Jillian Vanstone as the recipient of the 2011 Excellence in Culture Award;*

*AND:*

2. *approve Marian Smith as the recipient of the 2011 Honour in Culture Award;*

*AND:*

3. *approve the release of this resolution from "In Camera" for public information.*

- (b) **Minutes from the "In Camera" Parks, Recreation and Culture Commission Meeting held 2011-SEP-21** Pg. 10-13

*Commission's Recommendation: That Council receive the Minutes of the "In Camera" Parks, Recreation and Culture Commission meeting held 2011-SEP-21.*

8. **COMMITTEE REPORTS:**

9. **STAFF REPORTS:**

**COMMUNITY SAFETY AND DEVELOPMENT:**

- (a) Pg. 14-19

- (b) **Nanaimo Yacht Club – Consent of Riparian Rights** Pg. 20-24

*Staff's Recommendation: That Council:*

1. *provide consent for the Nanaimo Yacht Club to amend their water lot lease with the Nanaimo Port Authority;*

*AND:*

2. *direct the Mayor and Manager of Legislative Services to provide the City's written consent to the Nanaimo Port Authority.*

10. **INFORMATION ONLY ITEMS:**

- (a) Report from Ms. J. E. Harrison, Manager of Legislative Services, Pg. 25-32  
re: Quarterly Claims Report – Period Ending 2011-SEP-30.

11. **CORRESPONDENCE:**

- (a) Pg. 33

(b)

Pg. 34

12. **OTHER BUSINESS:**

(a) **Occupy Nanaimo**

Mr. E. C. Swabey, General Manager of Community Safety and Development, to give a verbal update on Occupy Nanaimo.

(b) **Staffing Issues**

Mr. A. C. Kenning, City Manager, to give a verbal update on Staffing Issues.

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

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

# **“IN CAMERA”**

## **REPORT TO: MAYOR & COUNCIL**

**FROM: DIANA JOHNSTONE, CHAIR, PARKS, RECREATION AND CULTURE COMMISSION**

**RE: NANAIMO CULTURAL AWARDS RECOMMENDATIONS FOR 2011.**

---

### RECOMMENDATIONS:

That Council approve:

1. Jillian Vanstone as the recipient of the 2011 Excellence in Culture Award;  
and,
2. Marian Smith as the recipient of the 2011 Honour in Culture Award.

That Council approve the release of this resolution from “In Camera” for public information.

### EXECUTIVE SUMMARY:

On 2011-SEP-20 the Cultural Awards Project Committee reviewed 6 nominations for the Excellence in Culture Award and 12 nominations for the Honour in Culture Award.

On 2011-OCT-05 at the “In Camera” Cultural Committee meeting, the membership reviewed the nominations for both the Excellence in Culture Award and the Honour in Culture Award and recommend that the Parks, Recreation and Culture Commission recommend that Council approve Jillian Vanstone as the recipient of the 2011 Excellence in Culture Award and Marian Smith as the recipient of the 2011 Honour in Culture Award.

At their meeting held on 2011-OCT-26, the Parks, Recreation and Culture Commission supporting the recommendation of the Cultural Committee, recommends that Council approve Jillian Vanstone as the recipient of the 2011 Excellence in Culture Award; and, Marian Smith as the recipient of the 2011 Honour in Culture Award.

### BACKGROUND:

Each year, the “Excellence in Culture” award is presented to an organization or individual that has achieved regional and/or national recognition in the field of arts and culture. The recipient of this award would be well recognized as a “Nanaimo Artist,” having demonstrated excellence in their field, and as being a significant inspiration to others. Previous recipients of this prestigious award include music teacher Brian Stovel, the Nanaimo Concert Band, internationally acclaimed jazz pianist/singer Diana Krall, author/historian Lynne Bowen, jazz trumpet player Ingrid Jensen, Vancouver Island Symphony conductor Marlin Wolfe, and blues musician David Gogo.

The “Honour in Culture” Award is presented to an individual, group or corporation that is known for their dedication and support of the development of the cultural fabric of Nanaimo. Previous recipients of this prestigious award have included arts administrator/volunteer Joyce Horner, theatre supporter Gordon Kirby, literary arts supporter Thora Howell, The Nanaimo Theatre Group, Arts Alive Summer School of the Fine Arts, and arts supporter Sandra Thomson.

Nominations for both awards are reviewed by the Cultural Committee with recommendations to the Parks, Recreation and Culture Commission for their endorsement. The awards will be

presented at the Port Theatre by City Council, in the form of a framed photograph of the recipient that will be displayed in the Margaret Strongitharm Gallery at the Port Theatre.

#### Excellence in Culture Award

Jillian Vanstone is being recommended for the Excellence in Culture Award for her excellence in the art of dance (ballet) and her commitment to the dance community of Nanaimo. Jillian grew up in Nanaimo and received her early training in ballet at the Kirkwood Academy of Dance under Nanaimo's 2003 Excellence in Culture Award recipient Carole Martyn. Jillian began as an apprentice with Canada's National Ballet School in 1999. Through her diligence and hard work Jillian has reached the top rank in her career as a dancer by being promoted to Principal dancer in 2011. Jillian is highly acclaimed and respected by her peers and artistic directors (Karen Kain and Mavis Staines) of the National Ballet of Canada.

#### Honour in Culture Award

Marian Smith is being recommended for the Honour in Culture Award. Marian came to Nanaimo almost 20 years ago and saw the need for a children's choir. She established the Nanaimo Youth Choir and sought to instill a lasting love of music in even the youngest child. Her goal was to develop within each child an ability to participate in music from childhood to adulthood.

Marian has used her exceptional talent and dedication, to teach choral music to literally hundreds of children in our community. The youth choirs she founded and continue to direct have been instrumental in building self-confidence, self discipline and self expression in children from ages 5 to 19.

The Nanaimo Youth Choir under Marian's direction has been consistent winners in the Upper Island Musical Festival, participants in the World of Children's Choirs in Vancouver, Winners of the BC Performing Arts Festival, and participants both in the BC Children's Honour Choir and the Calgary Children's Choir Festival.

Marian is a piano and voice teacher and has acted as mentor and accompanist for many of Nanaimo's talented vocalists, such as Callium Poppy. Marian has also been Director of the Camerata Singers, an adult community choir in Nanaimo, for more than 15 years. She began, continues to organize, and provides organ accompaniment for the free, annual Community Choirs Christmas Concert.

Respectfully submitted,



Diana Johnstone, Chair  
Parks, Recreation and Culture Commission



**MINUTES OF THE "IN CAMERA"  
PARKS, RECREATION AND CULTURE COMMISSION MEETING  
HELD IN THE BOWEN PARK COMPLEX CONFERENCE ROOM  
ON WEDNESDAY, 2011-SEP-21, COMMENCING AT 7:15 P.M.**

---

PRESENT: Commissioner D. Johnstone, Chair

Members: Commissioner F. Pattje  
Commissioner J. Kipp  
Commissioner L. Avis  
Commissioner J. Burnett  
Commissioner J. Cowling  
Commissioner B. Dempsey  
Commissioner S. Lance  
Commissioner B. Meunier  
Commissioner B. Sparkes  
Commissioner M. Young

Regrets: Commissioner G. Rudischer

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

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

The "In Camera" Meeting was called to order at 7:15 p.m.

It was moved and seconded that the Delegation appearing under item 6.(a) be moved forward in the Agenda.

2. INTRODUCTION OF LATE ITEMS:

- Add Item 11.(a) – Correspondence from Premier Christy Clark regarding the BC Community Achievement Award nominations.

3. ADOPTION OF AGENDA:

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

Council  
 Committee  
 Open Meeting  
 In-Camera Meeting  
Meeting Date: 2011-OCT-31

4. DELEGATIONS:

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

- (a) Ms. Kristy Tymos, 406 - 305 Milton Street, Nanaimo, BC, V9R 3B6, providing a brief history of Access Nanaimo, brief profile on Norm Hemstreet, and an overview of the memorial project to the Parks, Recreation and Culture Commission.

Ms. Tymos provided information on the parking strategy for handicapped access. Norm Hemstreet had been very passionate about current accessible handicapped parking spaces and their limitations for people who required more flexible and wider space. Side-loading ramps are an issue. Ms. Tymos and the Access Nanaimo group would like to have additional wider spaces as a complement to the existing spaces at community facilities. As Mr. Hemstreet spent a lot of time at the Nanaimo Aquatic Centre, the delegation would like to have one of the spots recognize Mr. Hemstreet's memory and have requested that this be accomplished by installing a plaque on an accessible, extended leaf picnic table. There are no accessible picnic tables at NAC at this time. Would like to see how this works at NAC first and then possibly apply the concept at other facilities. The plaque has been reviewed by family and friends for input. "Norm Hemstreet 1979-2010 Loving father, devoted son, treasured brother and loyal friend" with an acknowledgement of his legacy. The group would like to install the plaque, extend the picnic table, and have a brief ceremony.

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

It was moved and seconded that the Parks, Recreation and Culture Commission approve the installation of the plaque, extension of the picnic table, attend the commemoration, and review how access can be improved at other facilities. The motion carried unanimously.

It was moved and seconded at 7:29 p.m. that the Commission return to the regular, open meeting. The motion carried unanimously.

At 8:43 p.m., the "In Camera" Parks, Recreation and Culture Commission resumed.

5. ADOPTION OF MINUTES:

- (a) Minutes of the "In Camera" Parks, Recreation and Culture Commission Meeting held Wednesday, 2011-JUL-27 at 8:56 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.

6. PRESENTATIONS: (None.)

7. CHAIR'S REPORT: (None.)

8. REPORTS OF ADVISORY BODIES: (None.)

9. STAFF REPORTS (Action): (None.)

10. STAFF REPORTS (Information Only):

(a) May Richards Bennett Park – License to Occupy.

Verbal report from Jeff Ritchie. Staff will be taking the matter to the Joint Use Committee for review and recommendation and return to Commission with an update at a future date.

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

11. CORRESPONDENCE: (Action) (None.)

CORRESPONDENCE: (Information)

(a) Correspondence dated 2011-AUG-25 from Premier Christy Clark regarding the ninth annual British Columbia Community Achievement Awards and request for nominations of British Columbians who make a significant difference in their communities.

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

12. NOTICE OF MOTION: (None.)

13. CONSIDERATION OF OTHER BUSINESS: (None.)

14. BUSINESS ARISING FROM DELEGATIONS:

(a) Ms. Kristy Tymos – Access Nanaimo – Dedication of Parking Space at NAC.

*[Dealt with under Item 4.(a) above.]*

15. UNFINISHED BUSINESS:

- (a) Camela Tang – Sponsorship – Nanaimo Centre Stage – heating issues – there is a meeting scheduled with Ms. Tang and Staff for Friday, 2011-SEP-23.
- (b) Piper Park – Old Museum Building.

It was moved and seconded that Item 15.(b) be removed from "Unfinished Business". The motion carried unanimously.

16. QUESTION PERIOD: (No questions.)

17. ADJOURNMENT:

It was moved and seconded at 8:50 p.m. that the "In Camera" meeting adjourn, with the next "In Camera" Meeting of Commission to be held, if required, Wednesday, 2011-OCT-26, in the Bowen Park Complex Conference Room, following adjournment of the regular Commission meeting.

The motion carried unanimously.

CERTIFIED CORRECT:



---

D. Johnstone, Chair  
Parks, Recreation and Culture Commission

---

R. Harding, Director  
Parks, Recreation and Culture

# "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: NANAIMO YACHT CLUB - CONSENT OF RIPARIAN RIGHTS

---

## STAFF'S RECOMMENDATION:

That Council:

1. provide consent for the Nanaimo Yacht Club to amend their water lot lease with the Nanaimo Port Authority; and
2. direct the Mayor and Manager of Legislative Services to provide the City's written consent to the Nanaimo Port Authority.

## EXECUTIVE SUMMARY:

The Nanaimo Yacht Club (NYC) wishes to renew its water lot lease with the Nanaimo Port Authority (NPA) at 380 and 400 Newcastle Avenue. The NPA requires the owner of the riparian rights, the City to provide formal consent for the use of the water lot.

At the 2011-OCT-17 "In Camera" Council meeting, staff was directed to seek further clarification from the NYC on the amendment to their lease from the NPA. Staff has met with representatives from the NYC. Attachment A is a letter from the NYC clarifying the request for riparian consent. Attachment B illustrates the current lease area and the proposed amendment.

## BACKGROUND:

The NYC currently leases 38,755 sq m of water lot from the NPA at 380 and 400 Newcastle Avenue. The existing lease has been in place for 20 years and expires on 2011-DEC-31.

The NYC and NPA are currently working on a new lease which will have a maximum term of 30 years. The NYC would like to amend its lease area 8.35m to the south to recognize an existing area that is being used by the club, but not captured under the current lease area.

The amended lease area is currently used by the NYC in the summer months to accommodate visiting vessels. The NYC also plans to upgrade K Dock which would see six of the 36 foot slips become 40 foot slips. These changes would occur within the existing lease area. Within the

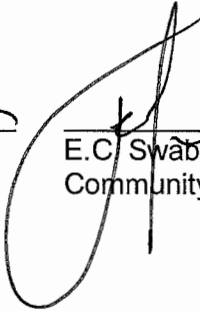
amended lease area, the Sailing School would use the western portion of the dock in the summer months for docking vessels. The eastern portion would be used as an overflow area for visiting vessels. Visiting vessels are not charged for the use of the dock as part of an agreement with other Yacht Clubs in the Pacific Northwest.

The NPA has agreed in principle to the amended lease area, but requires the consent from the City of Nanaimo as the owner of the riparian rights associated with the upland. Staff believes that the southern expansion of the NYC lease area will not impact the public's use of the upland or foreshore.

Respectfully submitted,

  
\_\_\_\_\_  
B. Corsan, Manager  
Real Estate

  
\_\_\_\_\_  
A. Tucker, Director  
Planning

  
\_\_\_\_\_  
E.C. Swabey, General Manager  
Community Safety & Development

BC/II  
Prospero: LD00323  
"IC" Council: 2011-OCT-31



# Nanaimo Yacht Club

400 Newcastle Avenue, Nanaimo, B.C. Canada V9S 4J1 Telephone 250-754-7011 Fax 250-754-7224  
Email n.y.c@shaw.ca www.nanaimoyc.ca

October 20, 2011

## ATTACHMENT A

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

Attn: Mr. W. Corsan

Dear Mr W. Corsan

Re: City of Nanaimo Riparian Consent for NPA Water Lot Lease

The Nanaimo Yacht Club (NYC) is currently in negotiations with the Nanaimo Port Authority (NPA) over NYC's water lot lease. As part of these discussions, the NPA wishes to amend the South water lease limit. Since the mid 1990s NYC, as a courtesy, has allowed visiting boats from other clubs in the Pacific NW to tie up to the outside of K dock overnight in suitable summer weather while visiting the City of Nanaimo. The subject area is only used when the more sheltered main visitor area on H Dock, along the channel is full. Offering this courtesy, of one night moorage, is a worldwide tradition amongst yacht clubs. During our renegotiation of our water lease the NPA requested that we formalize our K Dock overflow visitor dock use by getting a proper survey and amend the water lease area so that we can be invoiced by the PA for the use of this area. NYC does not receive any revenue from this area however, we believe it is a benefit to both visitors and the City and for this reason NYC agreed to solicit the amendment. The NPA requires the NYC to receive consent from the City of Nanaimo, as the upland owner, for the amendment to the water lot lease.

On a completely different and unrelated subject it is noted that prior to the initiation of our Water Lease negotiations we had requested approval from the NPA to relocate part of the inshore section of K Dock to the South limit of our water lease. This relocation is fully within our existing water lease and does not involve an amendment of the water lease. This section would be lined up with the existing section of K Dock used as a visitors dock. As this relocated dock is adjacent to our Jr. Sailing School launch and training area it cannot and will not be used for visitors. The purpose of this relocation of part of K Dock was to allow a reconfiguration of our moorage within the original water lease limits. This reconfiguration is being undertaken to better meet our membership needs. Our current member's boats are on average longer and significantly beamer than they were 20 years ago. This reconfiguration will in fact result in fewer slips at NYC but slips better suited to our members needs.

....2



# Nanaimo Yacht Club

400 Newcastle Avenue, Nanaimo, B.C. Canada V9S 4J1 Telephone 250-754-7011 Fax 250-754-7224  
Email n.y.c@shaw.ca www.nanaimoyc.ca

---

Page 2

Finally the area used by the Jr. Sailing school is within this amended limit. This sailing school has been in operation in the subject amended area of the water lot for many years. The school targets all interested Nanaimo youth and is subsidized and operated by NYC on a non profit basis as a community asset.

We have attached a copy of a survey plan which shows the lease boundaries requested by the NPA. The plan shows the water lease area in question is approximately 8.2 M (27 ft) further south of our current water lot limit and 16M ( 52 ft outside our foreshore lease with the City of Nanaimo.

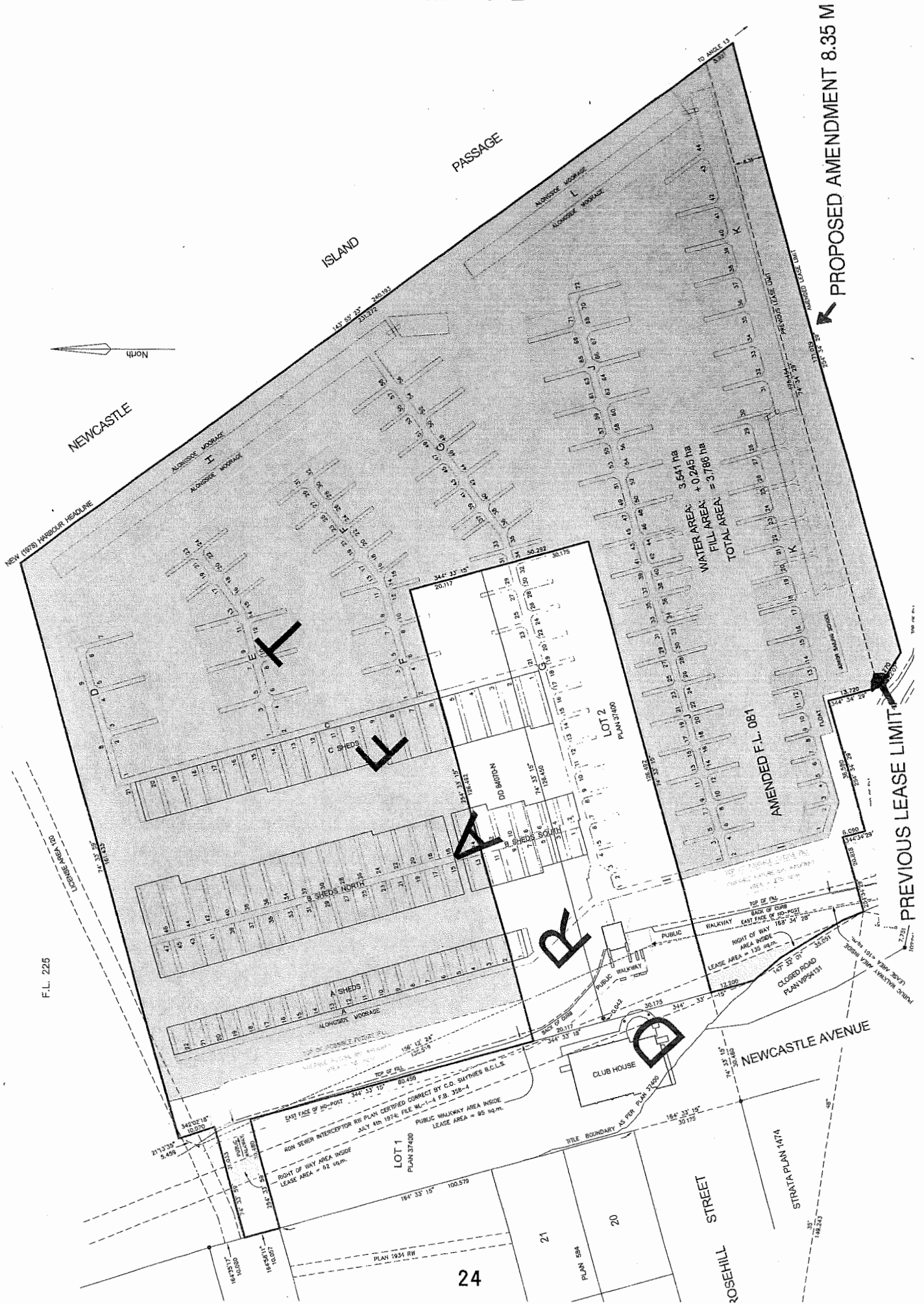
As set out above the issue driving the amended water lease is to legalize, at the request of the NPA, our current overflow visitor's area. Our intention is not generate additional revenue through this expansion. It is hoped that the City would recognize the benefit of having additional visitors staying in Nanaimo during peak summer months when all public marinas are fully utilized.

Yours truly,

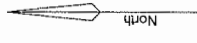
Basil Hobbs  
Commodore



# ATTACHMENT B



F.L. 225



PROPOSED AMENDMENT 8.35 M

PREVIOUS LEASE LIMIT

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, 2011-OCT-31, COMMENCING AT 9:30 A.M.

---

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

Members: Councillor W. L. Bestwick  
Councillor G. E. Greves  
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

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  
T. M. Hickey, General Manager of Community Services  
I. Howat, Director of Strategic Relationships  
T. L. Hartley, Director of Human Resources and Organizational Planning  
B. E. Clemens, Director of Finance  
T. P. Seward, Director of Development  
S. Clift, Director of Engineering and Public Works  
R. J. Harding, Director of Parks, Recreation and Culture  
A. J. Tucker, Director of Planning  
Chief R. Lambert, Nanaimo Fire Rescue  
Superintendent McPhail, OIC, Nanaimo Detachment RCMP (left  
11:45 a.m.)  
B. Prokopenko, Senior Manager of Engineering  
E. Doherty, Manager of Labour Relations  
M. Dietrich, Manager, Police Support, Police Services (left 11:45 a.m.)  
B. Corsan, Manager, Real Estate  
R. Churchill, Manager, Bylaw Regulation and Security (left 11:45 a.m.)  
J. E. Harrison, Manager of Legislative Services  
L. Dennis, Recording Secretary

1. CALL THE OPEN MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 9:30 a.m.

2. PROCEDURAL MOTION:

17211 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;
- (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;
- (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. ADOPTION OF AGENDA:

17311 It was moved and seconded that the Agenda be adopted. The motion carried unanimously.

4. ADOPTION OF MINUTES:

17411 It was moved and seconded that the Minutes of the "In Camera" Meeting of Council held Monday, 2011-OCT-17 at 9:30 a.m. in the City Hall Board Room, 455 Wallace Street, Nanaimo, BC be adopted as circulated. The motion carried unanimously.

All CUPE Staff vacated the Board Room at 9:33 a.m.

5. PRESENTATIONS:

- (a) Mr. E. Doherty, Labour Relations Manager, gave a presentation on Collective Bargaining.

All CUPE Staff returned to the Board Room at 11:01 a.m.

6. COMMISSION REPORTS:

- (a) Parks, Recreation and Culture Commission – Nanaimo Cultural Awards Recommendations for 2011
- 

17611 It was moved and seconded that Council:

1. approve Jillian Vanstone as the recipient of the 2011 Excellence in Culture Award;
2. approve Marian Smith as the recipient of the 2011 Honour in Culture Award; and,
3. approve the release of this resolution from "In Camera" for public information at an appropriate time.

The motion carried unanimously.

- (b) Minutes from the "In Camera" Parks, Recreation and Culture Commission Meeting held 2011-SEP-21
- 

17711 It was moved and seconded that Council receive the Minutes of the "In Camera" Parks, Recreation and Culture Commission meeting held 2011-SEP-21. The motion carried unanimously.

17811 It was moved and seconded that Agenda Item 14 (a) Occupy Nanaimo, be moved forward on the agenda. The motion carried unanimously.

7. OTHER BUSINESS:

- (a) Occupy Nanaimo

Mr. E. C. Swabey, General Manager of Community Safety and Development, Superintendent N. McPhail, RCMP, Mr. R. Churchill, Manager of Bylaw, Regulation and Security, and Mr. I. Howat, Director of Strategic Relationships, gave a verbal update on Occupy Nanaimo and informed Council that they are currently working on an exit strategy for the group that may include offering resources for public communication, or alternately, an injunction if protestors refuse to leave.

8. STAFF REPORTS:

- (a)

Mr. A. C. Kenning vacated the Board Room on a perceived conflict of interest, as he is a member of the Nanaimo Yacht Club.

(b) Nanaimo Yacht Club – Consent of Riparian Rights

18011 It was moved and seconded that Council:

1. provide consent for the Nanaimo Yacht Club to amend their water lot lease with the Nanaimo Port Authority; and,
2. direct the Mayor and Manager of Legislative Services to provide the City's written consent to the Nanaimo Port Authority.

The motion carried unanimously.

Mr. A. C. Kenning returned to the Board Room.

9. INFORMATION ONLY ITEMS:

- (a) Report from Ms. J. E. Harrison, Manager of Legislative Services, re: Quarterly Claims Report – Period Ending 2011-SEP-30.

10. CORRESPONDENCE:

- (a) Email dated 2011-OCT-26 from Chief D. White, Snuneymuxw First Nation,
- (b) Response from Mayor Ruttan to email from Chief D. White,

11. OTHER BUSINESS:

- (b) Staffing Issues

12. ADJOURNMENT:

18111 It was moved and seconded at 12:10 p.m. that the Special "In Camera" Meeting terminate. The motion carried unanimously.

18211           It was moved and seconded at 12:10 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 WEDNESDAY, 2011-NOV-02, COMMENCING AT 12:00 P.M.

---

1. **INTRODUCTION OF LATE ITEMS:**
2. **ADOPTION OF AGENDA:**
3. **OTHER BUSINESS:**
  - (a) Expropriation
  - (b) Employment Contract
4. **ADJOURNMENT OF THE SPECIAL "IN CAMERA" MEETING:**
5. **ADJOURNMENT OF THE SPECIAL 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 WEDNESDAY, 2011-NOV-02, COMMENCING AT 12:00 P.M.

---

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

Members: Councillor W. L. Bestwick  
Councillor G. E. Greves  
Councillor W. J. Holdom (Arrived at 12:30 p.m.)  
Councillor D. K. Johnstone  
Councillor J. A. Kipp  
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/General Manager of Corporate Services  
E. C. Swabey, General Manager of Community Safety and Development  
T. M. Hickey, General Manager of Community Services  
T. L. Hartley, Director of Human Resources and Organizational Planning  
T. P. Seward, Director of Development (Departed at 1:25 p.m.)  
B. Corsan, Manager of Real Estate (Departed at 1:25 p.m.)  
J. D. Kemp, Recording Secretary

Others: Ms. Marcia McNeill, Heenan Blaikie (Arrived at 1:25 p.m.)

1. CALL THE OPEN MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 12:05 p.m.

2. PROCEDURAL MOTION:

18311 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;
- (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.



3. INTRODUCTION OF LATE ITEMS:

(a) Councillor Unger advised he had a late item to discuss at the end of the agenda.

4. ADOPTION OF AGENDA:

18411 It was moved and seconded that the agenda, as amended, be adopted. The motion carried unanimously.

5. OTHER BUSINESS:

(a)

Councillor Holdom entered the Board Room at 12:30 p.m.

Toby Seward and Bill Corsan vacated the Board Room at 1:25 p.m.

Ms. Marcia McNeill entered the Board Room at 1:25 p.m.

(b) Contract

Mr. A. C. Kenning, City Manager, provided a verbal report on

18611 It was moved and seconded that Council receive the verbal report. The motion carried unanimously.

Councillor Sherry vacated the Board Room at 2:31 p.m.

(c) Councillor Unger Motion Re: Recognition of Councillor Sherry's 30 Years of Service on Council

---

6. ADJOURNMENT:

18811 It was moved and seconded at 2:35 p.m. that the "In Camera" meeting terminate.  
The motion carried unanimously.

18911 It was moved and seconded at 2:35 p.m. that the Regular Meeting terminate. The  
motion carried unanimously.

---

M A Y O R

CERTIFIED CORRECT:

---

MANAGER,  
LEGISLATIVE SERVICES

## **AMENDED**

**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, 2011-NOV-28, COMMENCING AT 9:30 A.M.**

---

**1. INTRODUCTION OF LATE ITEMS:**

- Add Item 5 (a) – Delegations Pertaining to Agenda Items – Representatives from Occupy Nanaimo.
- Add Item 9 (a-1) – Staff Reports –

**2. ADOPTION OF AGENDA:**

**3. ADOPTION OF MINUTES:**

- (a) Minutes of the Special "In Camera" Meeting of Council held Monday, 2011-OCT-31 at 9:30 a.m. in the City Hall Board Room. *Pg. 3-7*
- (b) Minutes of the Special "In Camera" Meeting of Council held Wednesday, 2011-NOV-02 at 12:00 p.m. in the City Hall Board Room. *Pg. 8-10*

**4. PRESENTATIONS:**

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

- (a) Representatives from Occupy Nanaimo at Diana Krall Plaza.

**6. MAYOR'S REPORT:**

**7. COMMISSION REPORTS:**

**8. COMMITTEE REPORTS:**

9. **STAFF REPORTS:**

ADMINISTRATION

(a-1)

---

Pg. 10.1-  
10.6

COMMUNITY SAFETY AND DEVELOPMENT:

(a) **Authorization to Seek Legal Action – 368 Hillcrest Avenue**

Pg. 11

*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 368 Hillcrest Avenue, Nanaimo, BC.

(b) **Authorization to Seek Legal Action – Occupy Nanaimo at Diana Krall Plaza – 51 Front Street**

Pg. 12-13

*Staff's Recommendations:* That Council authorize Staff, in conjunction with the City Solicitor to:

1. take legal action against the person or persons who are occupying Diana Krall Plaza at 51 Front Street in contravention of City of Nanaimo "PARKS REGULATION BYLAW 2008 NO. 7073"; and,
2. take legal action against any person or persons who occupy public property in contravention of City bylaws as a result of an eviction from Diana Krall Plaza.

10. **INFORMATION ONLY ITEMS:**

11. **CORRESPONDENCE:**

12. **OTHER BUSINESS:**

- (a) Verbal Report from Mr. E. C. Swabey, General Manager of Community Safety and Development, re: Supportive Housing.

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

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

“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 – 368 HILLCREST AVENUE

PROPERTY: 368 Hillcrest Avenue  
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 368 Hillcrest Avenue, Nanaimo, BC.

EXECUTIVE SUMMARY:

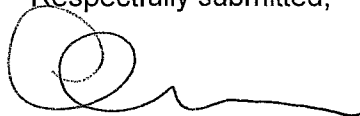
Complaints were received about two shipping containers, a small trailer, and building materials on the above property in contravention of City of Nanaimo “ZONING BYLAW 1993 NO. 4000”.

BACKGROUND:

An inspection was conducted. A representative of the owner attended and said that he had applied for a building permit for the property and therefore would not remove the containers, the trailer, or the building materials. There is no record of any building permit application for this address.

Staff believe that legal action is required in order to have the container removed from the property.

Respectfully submitted,



Randy Churchill  
Manager  
Bylaw, Regulation and Security

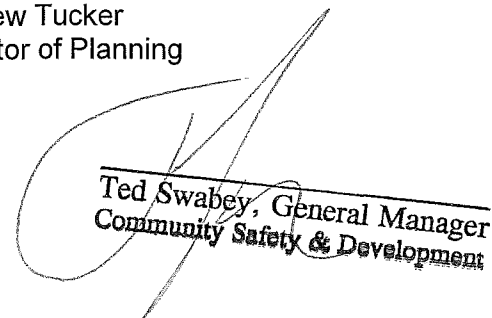


Andrew Tucker  
Director of Planning

Council: 2011-Nov-28

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

Meeting Date: 2011-NOV-28

  
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 & DEVELOPMENT

RE: AUTHORIZATION TO SEEK LEGAL ACTION – OCCUPY NANAIMO  
AT DIANA KRALL PLAZA – 51 FRONT STREET

STAFF'S RECOMMENDATION:

That Council authorizes staff, in conjunction with the City Solicitor:

1. to take legal action against the person or persons who are occupying Diana Krall Plaza at 51 Front Street in contravention of City of Nanaimo “PARKS REGULATION BYLAW 2008 NO. 7073”; and
2. to take legal action against any person or persons who occupies public property in contravention of City bylaws as a result of an eviction from Diana Krall Plaza.

EXECUTIVE SUMMARY:

Protesters have been occupying tents and other structures in Diana Krall Plaza since approximately 2011-Oct-15 as part of Occupy Nanaimo.

BACKGROUND:

The City supports the right of freedom of expression but from the beginning of their protest, the occupiers were aware that they are in contravention of City bylaws. The protesters have been cooperative with both City staff and RCMP. They also voluntarily moved their tents to accommodate a public event in the plaza.

Occupy Nanaimo originally had support from the business community and residents downtown, however, there has been increased opposition. Several complaints were received about public urination, smoking, and the proliferation of signs. The Downtown Nanaimo Business Improvement Association (DNBIA) has cancelled several public events scheduled for the plaza.

On 2011-Nov-08, the City served notice to the occupiers at Diana Krall Plaza requesting that tents and shelters be removed. To date, the occupiers have not vacated the plaza. The occupation is in contravention of several sections of the “PARKS REGULATION BYLAW 2008 NO. 7073”.

Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
 Meeting Date: 2011-NOV-28

Representatives of Occupy Nanaimo have met with the Mayor and City staff. The representatives have indicated that they plan to continue the occupation of Diana Krall Plaza as there is no consensus to vacate. Staff feel that continued occupation of the plaza is causing distress downtown. It is expected more complaints will be received from the business community and downtown residents.

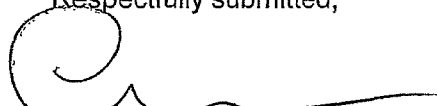
Municipalities across the country are seeking removal of "occupy" camps. Recently, Victoria and Vancouver obtained injunctions to have the camps removed from city property. Both municipalities based the injunction on contravention of bylaws.

All efforts will be made to have the occupiers vacate Diana Krall Plaza voluntarily. Staff will:

- monitor the plaza and document bylaw infractions
- continue to engage the protesters and encourage them to voluntarily vacate
- issue an eviction notice with a date they must leave

If the protesters do not leave, staff feel that there is no alternative but to seek an injunction for the removal of Occupy Nanaimo. If Council authorizes legal action be taken, a "short leave" application will be prepared which will be heard in Supreme Court early in December. If the application is approved, the protesters will be given notice and have the opportunity to be heard by the court at a subsequent hearing. During the second week of December, it is anticipated that a decision will be made by the Court. Enforcement will occur thereafter, if required.

Respectfully submitted,



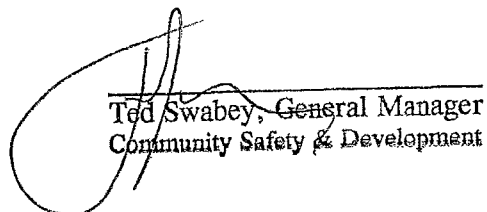
Randy Churchill  
Manager of Bylaw, Regulation & Security

Council: 2011-Nov-28

g:\reports 2011\1128ic.doc



Andrew Tucker  
Director of Planning



Ted Swabey, General Manager  
Community Safety & Development

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, 2011-NOV-28, COMMENCING AT 9:30 A.M.

---

PRESENT: His Worship Mayor J. R. Ruttan, Chair (arrived 9:35 a.m.)

Members: Councillor W. L. Bestwick (departed 11:38 a.m.)  
Councillor G. E. Greves (departed 12:19 p.m.)  
Councillor W. J. Holdom  
Councillor D. K. Johnstone  
Councillor J. A. Kipp (departed 12:13 p.m.)  
Councillor J. F. K. Pattje  
Councillor L. J. Sherry  
Councillor M. W. Unger

Others: (arrived 10:01 a.m. departed 10:50 a.m.)  
(arrived 10:01 a.m. departed 10:50 a.m.)  
(arrived 10:01 a.m. departed 10:50 a.m.)  
(arrived 10:01 a.m. departed 10:50 a.m.)  
(arrived 10:52 a.m. departed 11:42 a.m.)

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  
T. M. Hickey, General Manager of Community Services  
T. L. Hartley, Director of Human Resources and Organizational Planning  
B. E. Clemens, Director of Finance  
T. P. Seward, Director of Development  
S. Clift, Director of Engineering and Public Works  
Superintendent McPhail, OIC, Nanaimo Detachment RCMP  
Chief R. Lambert, Nanaimo Fire Rescue  
R. J. Harding, Director of Parks, Recreation and Culture  
A. J. Tucker, Director of Planning  
J. Ritchie, Senior Manager of Parks and Civic Facilities  
R. Churchill, Manager of Bylaw Services  
M. Dietrich, Manager of Police Support Services  
J. Horn, Social Planner  
J. E. Harrison, Manager of Legislative Services  
K. King, Recording Secretary

1. CALL THE OPEN MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 9:33 a.m.



2. PROCEDURAL MOTION:

18311 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;
- (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*;
- (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 5 (a) – Delegations Pertaining to Agenda Items – Representatives from Occupy Nanaimo.
- (b) Add Agenda Item 10 (a) – Information Only Items -

4. ADOPTION OF AGENDA:

18411 It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

5. ADOPTION OF MINUTES:

18511 It was moved and seconded that the Minutes of the Special "In Camera" Meeting of Council held Monday, 2011-OCT-31 at 9:30 a.m. in the City Hall Board Room, 455 Wallace Street, Nanaimo, BC be adopted as circulated. The motion carried unanimously.

18611 It was moved and seconded that the Minutes of the Special "In Camera" Meeting of Council held Wednesday, 2011-NOV-02 at 12:00 p.m. in the City Hall Board Room, 455 Wallace Street, Nanaimo, BC be adopted as circulated. The motion carried unanimously.

6. DELEGATIONS PERTAINING TO AGENDA ITEMS:

(a)

regarding the Occupy Nanaimo Protest at Diana Krall Plaza.

Board Room at 10:01 a.m.

entered the

provided information regarding Occupy Nanaimo and advised that they are prepared to vacate Diana Krall Plaza if a more suitable location can be provided that would allow them to continue their protest.

advised that Occupy Nanaimo wishes to remain in the Diana Krall Plaza, that they have thousands of supporters, have been peaceful and cooperative and are looking for Council's support for their movement.

advised of communities that have fully supported the Occupy movement, steps taken to show support and statistics regarding the amount of support from a survey of 376 local governments.

advised of her support of the Occupy Nanaimo protest from the perspective of a senior in Nanaimo.

Councillor Greves vacated the Board Room at 10:24 a.m.

Councillor Greves returned to the Board Room 10:27 a.m.

Board Room at 10:50 a.m.

vacated the

7. STAFF REPORTS:

ADMINISTRATION

(a)

Councillor Bestwick vacated the Board Room at 11:10 a.m.

Councillor Bestwick returned to the Board Room at 11:12 a.m.

Councillor Bestwick vacated the Board Room at 11:38 a.m.

18711 It was moved and seconded that Council authorize sending the letter, as attached to the report, together with the e-mail response to the City's proposal from Chief White, to the Chief and Council of the Snuneymuxw First Nation. The motion carried unanimously.

Ms. Katherine Gordon vacated the Board Room at 11:42 a.m.

COMMUNITY SAFETY AND DEVELOPMENT:

(b) Authorization to Seek Legal Action – 368 Hillcrest Avenue

18811 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 368 Hillcrest Avenue, Nanaimo, BC. The motion carried unanimously.

(c) Authorization to Seek Legal Action – Occupy Nanaimo at Diana Krall Plaza – 51 Front Street

18911 It was moved and seconded that Council authorize Staff, in conjunction with the City Solicitor, to take legal action against the person or persons who are occupying Diana Krall Plaza at 51 Gordon Street in contravention of City of Nanaimo "PARKS REGULATION BYLAW 2008 NO. 7073". The motion carried.

Opposed: *Councillors Holdom, Kipp and Pattje*

19011 It was moved and seconded that Council authorize Staff, in conjunction with the City Solicitor, to take legal action against any person or persons who occupy public property in contravention of City bylaws as a result of an eviction from Diana Krall Plaza. The motion carried.

Opposed: *Councillors Holdom, Kipp and Pattje*

Councillor Kipp vacated the Board Room at 12:13 p.m.

Councillor Greves vacated the Board Room at 12:19 p.m.

19111 It was moved and seconded that Council direct Staff to include the Press Release regarding a possible injunction against Nanaimo Occupiers at Diana Krall Plaza on this evening's Open Council Agenda under the Mayor's Report, once it has been reviewed and amended as required. The motion carried unanimously.

8. OTHER BUSINESS:

(a) Mr. E. C. Swabey, General Manager of Community Safety and Development, provided a verbal report regarding an upcoming announcement from the Province on supportive housing.

9. ADJOURNMENT:

19211 It was moved and seconded at 12:30 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

19311           It was moved and seconded at 12:30 p.m. that the Regular Meeting terminate. The motion carried unanimously.

---

M A Y O R

CERTIFIED CORRECT:

---

MANAGER,  
LEGISLATIVE SERVICES