

MINUTES
REGULAR COUNCIL MEETING
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2021-FEB-01, AT 4:00 P.M.

Present: Mayor L. Krog, Chair
Councillor S. D. Armstrong
Councillor D. Bonner
Councillor T. Brown
Councillor B. Geselbracht
Councillor E. Hemmens
Councillor Z. Maartman
Councillor I. W. Thorpe
Councillor J. Turley (joined electronically, joined in person 7:00 p.m.)

Staff: J. Rudolph, Chief Administrative Officer
R. Harding, General Manager, Parks, Recreation and Culture
S. Legin, General Manager, Corporate Services
D. Lindsay, General Manager, Development Services
B. Sims, General Manager, Engineering and Public Works
T. Doyle, A/Fire Chief (joined electronically)
B. Corsan, Director, Community Development
F. Farrokhi, Manager, Communications
D. Blackwood, Client Support Specialist
S. Gurrie, Director, Legislative Services
K. Robertson, Deputy City Clerk
S. Snelgrove, Recording Secretary

1. CALL THE REGULAR MEETING TO ORDER:

The Regular Council Meeting was called to order at 4:00 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Agenda Item 2 Procedural Motion - Add *Community Charter* Section 90(1)(k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the Council, could reasonably be expected to harm the interests of the municipality if they were held in public.

3. PROCEDURAL MOTION TO PROCEED IN CAMERA:

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

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

- (c) labour relations or other employee relations;
- (e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- (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;
- (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;
- (n) the consideration of whether a Council meeting should be closed under a provision of this subsection or subsection (2); and,

Community Charter Section 90(2):

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

The motion carried unanimously.

Council moved In Camera at 4:00 p.m.

Council moved out of In Camera at 6:49 p.m.

Council recessed the Open Meeting 6:49 p.m.

Council reconvened the Open Meeting at 7:00 p.m.

2. INTRODUCTION OF LATE ITEMS (continued):

- (b) Agenda Item 12(a) Animal Responsibility Bylaw, Associated Fees and Charges Amendment Bylaw & Promise to Return to Council Policy – Add Delegations from:
 - 1. Alison Cuffley, Officer, Government Relations, BC SPCA
 - 2. Leon Davis, Branch Manager, Nanaimo, BC SPCA
- (c) Agenda Item 12(d) Development Permit Application No. DP1154 – 475 Stewart Avenue – Add Delegations from:
 - 1. Nancy Mitchell, Newcastle Community Association
 - 2. Carolyn or Glenn Hallett
 - 3. Raymond de Beeld
 - 4. Norm Soares

4. APPROVAL OF THE AGENDA:

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

5. ADOPTION OF THE MINUTES:

It was moved and seconded that the Minutes of the Regular Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, on Monday, 2021-JAN-18, at 4:30 p.m. be adopted as circulated. The motion carried unanimously.

6. MAYOR'S REPORT:

Mayor Krog spoke regarding:

- The Central Island region has seen a dramatic increase in COVID-19 cases. According to Dr. Richard Stanwick, Chief Medical Health Officer for Island Health, we are now seeing more of the spread in the community setting, family to family and relative to relative. Dr. Stanwick encourages residents to continue to exercise restraint. Mayor Krog acknowledged the frustration felt and asked everyone to be patient and kind
- Mayor Krog announced that the BC Urban Mayor's Caucus, of which he is a member, met with Attorney General and Minister Responsible for Housing David Eby and Minister of Mental Health and Addictions Sheila Malcolmson to discuss strengthening mental health and substance use supports during the ongoing homelessness and opioid crises. The Caucus outlined four key priorities for urban communities across the province: Mental Health, Substance Use and Treatment; Affordable Housing; Public Transit; and A New Fiscal Framework.
- The City is accepting applications for a one time Resilience Grant, which supports arts and culture activity through 2021. The grant provides one-time rapid funding in the range of \$1,000 to \$5,000 to help recipients navigate change from the COVID-19 pandemic. Guidelines, criteria and application forms are available online at Nanaimo.ca
- Mayor Krog was pleased to make the formal announcement regarding the 2021 Culture & Heritage Award Recipients. He noted that Ay Lelum – The Good House of Design will receive the Excellence in Culture Award for their contributions to local, national and international fashion. Eliot White-Hill has been named Emerging Cultural Leader in recognition of his inspiring contributions as a published author, storyteller and artist. Marianne Turley will be celebrated with an Honour in Culture Award in recognition of her volunteer contributions to arts and culture in Nanaimo over many years. Christine Whitelaw will be celebrated with an Honour in Culture Award to recognize her passionate volunteer contributions to arts and culture in Nanaimo over many years
- Mayor Krog announced, based on BC government statistics projection growth, that the City of Nanaimo has reached and surpassed the 100,000 population milestone with the regional population of just over 175,000. He encouraged everyone to participate in the next census in May of this year which will confirm the true number.
- Mayor Krog provided a presentation regarding the history of Nanaimo to present day, including Snuneymuxw First Nation, industry, amalgamations, the City's Strategic Plan, Economic Development Strategy, partnerships and growth of the City. He advised people are choosing Nanaimo as the city they want to raise their family in, work in, invest in and learn and play in. As Mayor on behalf of Council he

congratulated the City of Nanaimo on reaching the 100,000 milestone for population growth

7. PRESENTATIONS:

- (a) Dr. Sandra Allison, Medical Health Officer, Central Vancouver Island Region, Island Health

Dr. Sandra Allison, Medical Health Officer, Central Vancouver Island Region, Island Health, introduced herself to Council and spoke regarding:

- She is a new Medical Health Officer for the Nanaimo region
- COVID-19 cases this week have been higher in our community than in past weeks and she is responding daily to cases in the community
- It is important that people recognize a vaccine is on the horizon but the community still has to maintain responsibility for responding to the pandemic by handwashing, physical distancing and keeping social circles small
- Provincial direction is being followed for vaccine rollout
- Invited Council to have a discussion about all manners of health
- Expressed a message that she tries to understand how to help the community achieve their health goals and understand what it will take to make Nanaimo a healthier place to be
- Unintended consequences of pandemic and not having local numbers but will be working with the team to understand if they are seeing an increase in domestic violence, crimes against persons etc.
- Any time change is implemented in one population there is a need to consider the supports that go with it such as education campaigns
- Office is adequately resourced to respond to the pandemic but when combined with the opioid crisis, poverty and the socially disconnected population it is not adequately resourced

8. COMMITTEE MINUTES:

The following Committee Minutes were received:

- Minutes of the Special Finance and Audit Committee Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Friday, 2020-DEC-04, at 9:13 a.m.
- Minutes of the Special Finance and Audit Committee Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Wednesday, 2020-DEC-09, at 8:30 a.m.
- Minutes of the Finance and Audit Committee Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Wednesday, 2020-DEC-16, at 9:00 a.m.
- Minutes of the Finance and Audit Committee Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Wednesday, 2021-JAN-20, at 9:00 a.m.

9. CONSENT ITEMS:

It was moved and seconded that the following items be adopted by consent:

(a) Finance and Audit Committee 2021-JAN-20

2. 2021 Social Planning Grant Recommendations

That Council approve a total of \$115,000 for the 2021 Social Planning Grant allocations as follows:

2021 Community Vitality Grants

Organization **Project** Amount

Nanaimo Community Kitchens Society **Cooking Kits for Families** \$7,000
Protection Island Lions Club **Protection Island Neighbourhood Connections** \$2,900
Newcastle Community Association **Illuminight** \$2,000
Nanaimo Region John Howard Society **Clothing for Success** \$11,600
Old Age Pensioners Nanaimo **Social Inclusion Program** \$1,500

2021 Social Response Grants

Organization **Project** Amount

AVI Health Centre **Trans Wellness Program** \$35,000
Nanaimo Foodshare E.A.T. **Everyone at the Table** \$25,000
Literacy Central Vancouver Island **Word on the Street** \$30,000

3. Community Program Development Grant - Nanaimo Science and Sustainability Society (NS3)

That Council approve the request from the Nanaimo Science and Sustainability Society (NS3) for a Community Program Development Grant in the amount of \$3,500 to assist in funding the Science in the Park program.

4. Proposed Bid for the 2026 BC Summer Games

That Council recommend that the City of Nanaimo provide a bid to host 2026 BC Summer Games and that an expenditure of \$55,000 cash and \$55,000 of in-kind be included in the 2026 budget if successful.

(b) Finance and Audit Committee 2020-NOV-18

1. Darren Moss - Community Connect Pilot Project Update to Council

That Council direct Staff to prepare a business case for consideration of the following financial request from the Community Connect Program, to be included in Council's budget deliberations:

“Fund a grant of \$147,000 to Community Connect to continue enhanced neighbourhood safety program between January 1, 2021 and June 30, 2021.”

2. Cardena Road Storm Sewer

That Council direct Staff to proceed with watermain replacements along Meadow Lane and Kite Way, with a projected cost of \$550,000.

3. Housing First Rent Supplements

That Council direct Staff to provide \$35,000 in funding from the Housing Legacy Reserve to the Nanaimo Region John Howard Society in order to continue to fund the Housing First Rent Supplement Program for 2021.

4. Downtown Business Improvement Area

That Council:

1. Direct Staff to work with the Downtown Nanaimo Business Association leading to the establishment the New Downtown Business Improvement Area for a term of 5 years starting in 2021; and,
2. Undertake the new Downtown Business Improvement Area as a Council initiative petition against.

5. Reserve Policy Update

That Council revise the minimum and set a maximum balance for the three (3) financial stability reserves, to be reviewed every five (5) years, as follows:

Minimum Balances:

1. \$15,000,000 for the General Financial Stability Reserve
2. \$500,000 for the Sewer Financial Stability Reserve
3. \$1,700,000 for the Water Financial Stability Reserve

Maximum Balances:

60 days of prior year's budgeted general operating expenditures for all three (3) financial stability reserves.

The motion carried unanimously.

(c) Separately Addressed Consent Items

(a) Finance and Audit Committee 2021-JAN-20

1. Sustainable Procurement Policy and Procurement Policy Update

It was moved and seconded that Council approve the revised Procurement Policy and the new Sustainable Procurement Policy. The motion carried unanimously.

10. REPORTS:

- (a) Animal Responsibility Bylaw & Associated Fees and Charges Amendment Bylaw & Promise to Return Council Policy
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Introduced by Sheila Gurrie, Director, Legislative Services.

Delegations:

1. Alison Cuffley, Officer, Government Relations, BC SPCA, advised the bylaw is one of the most proactive and progressive in the Province. It includes best practices based on scientific evidence, standards of care and removal of breed specific legislation. She noted no bylaw will satisfy all stakeholders, forewarned of potential issues specific language can cause and recommended Council approved the bylaw as written with the understanding that amendments can be made.
2. Leon Davis, Nanaimo Branch Manager, BC SPCA, thanked everyone involved in the process including Mayor and Council for giving the bylaw the serious consideration it deserves. He advised the bylaw provides for the welfare and protection of animals in Nanaimo and is a solid foundational bylaw. The bylaw will make things easier for people who are trying to increase the welfare of animals in the community. He noted that if there is no foundation in place then smaller organizations such as CatNap won't be able to help the 500+ cats they deal with.

It was moved and seconded that "Animal Responsibility Bylaw 2021 No. 7316" (To include provisions for animal welfare, control, licensing, duties of animal owners, penalties, and enforcement) pass first reading. The motion carried unanimously.

It was moved and seconded that "Animal Responsibility Bylaw 2021 No. 7316" pass second reading. The motion carried.

Opposed: Mayor Krog

It was moved and seconded that "Animal Responsibility Bylaw 2021 No. 7316" pass third reading. The motion carried unanimously.

It was moved and seconded that "Fees and Charges Amendment Bylaw 2021 No. 7041.02" (To add Animal Control Fees) pass first reading. The motion carried unanimously.

It was moved and seconded that "Fees and Charges Amendment Bylaw 2021 No. 7041.02" pass second reading. The motion carried unanimously.

It was moved and seconded that "Fees and Charges Amendment Bylaw 2021 No. 7041.02" pass third reading. The motion carried unanimously.

It was moved and seconded that Council adopt the Animal Responsibility – Promise to Return Council Policy as attached to the February 1, 2021 report by the Deputy City Clerk. The motion carried unanimously.

(b) Development Permit Application No. DP1195 - 3500 Departure Bay Road

Introduced by Dale Lindsay, General Manager, Development Services.

Delegations:

1. Ken Connolly, Owner/General Manager, Pheasant Hill Homes Ltd., advised Council of their goal to build the most sustainable home in Nanaimo. It is designed to be a net zero home and the homeowners are committed to driving electric vehicles. The site will provide food production which is a key driver of the siting of the home. Damaged habitat will be restored and a variety of sustainable and renewable building methods will be used. The house will be moved away from the creek, the riparian zone restored, invasive species removed and the natural environment restored.
2. Peter Woytiuk, property owner, advised Council of their intention for a large garden growing space, rainwater collection, proposed riparian restoration to offset development, motivation to work with neighbours to remove invasive species and their intention to remain good stewards of the creek.

It was moved and seconded that Council issue Development Permit No. DP1195 at 3500 Departure Bay Road with the following variance:

- reduce the watercourse setback measured from the top of bank of Joseph Creek from 15m to 5.99m for the proposed dwelling

The motion carried.

Opposed: *Councillor Geselbracht*

(c) Development Permit Application No. DP1173 - 1421 Princess Royal Avenue

Introduced by Dale Lindsay, General Manager, Development Services.

It was moved and seconded that Council issue Development Permit No. DP1173 at 1421 Princess Royal Avenue with the following variances:

- to reduce the minimum front yard setback from 6m to 1.5m;
- to reduce the minimum north side yard setback from 3m to 0.45m;
- to reduce the minimum rear yard setback from 10.5m to 7.35m;
- to reduce the minimum front yard setback for an underground parking structure from 1.8m to 1.5m;
- to increase the maximum allowable combined height of a fence and retaining wall in a side and rear yard from 2.4m to 3.3m; and,
- to increase the maximum allowable percentage of small car parking from 40% to 50%.

The motion carried unanimously.

Councillor Brown declared a conflict of interest noting he has a relationship with the immediate neighbour and someone on the development team. He vacated the Shaw Auditorium at 8:39 p.m.

(d) Development Permit Application No. DP1154 - 475 Stewart Avenue

Introduced by Dale Lindsay, General Manager, Development Services.

Delegations:

1. Nancy Mitchell, Newcastle Community Association, requested that Council deny the development permit and spoke regarding setting a development precedent in the neighbourhood, concerns regarding adherence to design guidelines and lack of community consultation.
2. Carolyn Hallett advised she is opposed to the development and noted concerns regarding the design of the building not fitting in with the neighbourhood, invasive variances, lack of space for garbage pickup, tree loss and number of units.
3. Raymond de Beeld spoke regarding community consultation with neighbours, landscaping and tree retention, interpretation and meeting design guidelines, lot coverage, similar projects in the area, changes as a result of community consultation, setbacks and guidelines that would apply if a single family home was built on the lot.
4. Norm Soares noted concerns regarding tree retention and liability and fencing on the south side of the property.

It was moved and seconded that Council issue Development Permit No. DP1154 at 475 Stewart Avenue with the following variances:

- to increase the maximum lot coverage from 40% to 44%;
- to reduce the minimum rear yard setback from 10.5m to 5.3m;
- to reduce the minimum south side yard setback from 3.0m to 1.2m; and,
- to increase the maximum allowable combined height of a fence and retaining wall in the north side and rear yard from 2.4m to 3.6m.

The motion was defeated.

Opposed: *Councillor Armstrong, Bonner, Geselbracht, Hemmens, Maartman, Thorpe*

Councillor Brown returned to the Shaw Auditorium at 9:12 p.m.

The Council meeting recessed at 9:13 p.m.

The Council meeting reconvened at 9:24 p.m.

(e) RDN Duke Point Sewer Service Amendment Bylaw

Introduced by Bill Sims, General Manager, Engineering and Public Works.

It was moved and seconded that Council consent, on behalf of the electors to the Regional District of Nanaimo's adoption of "Duke Point Sewer Service Amendment Bylaw No. 1004.08, 2020" and that the Regional District of Nanaimo be notified accordingly. The motion carried unanimously.

(f) Economic Development Strategy and External Corporation Charter

Introduced by Dale Lindsay, General Manager, Development Services.

Presentation:

1. Bill Corsan, Director, Community Development, provided a presentation. Highlights included:
 - History of the Economic Development Task Force and function
 - Economic Development Strategy providing guidelines for how to move forward
 - Timeframe of 3-5 years and connection with REIMAGINE Nanaimo process, Mayor's Task Force on Recovery and Resilience, and the Health and Housing Task Force Action Plan
 - Strategy development process included:
 - Background data research, focus groups, scenario planning, business and community surveys, planning workshops
 - Plan developed around six guiding principles:
 - Partnerships, focus on local, long-term, authenticity, equity and reconciliation and circular economy
 - Plan is set around six goal areas:
 - Economic capital, human capital, social and environmental capital, business development, innovation and technology, place-making and attraction
 - Immediate focus areas include:
 - Set up external agency, facilitate transportation connections such as a passenger ferry service, support Health and Housing initiatives, continue investment in 1 Port Drive and waterfront walkway, improve development processes and look at idea of logistics hub to bring more business opportunities to Nanaimo
 - There will be an in-house development team and an external economic development corporation
 - The Corporation Charter is the overall governance framework for the external organization
 - Corporation would be largely owned by City as the class A shareholder and there will be five class B shareholders

It was moved and seconded that Council:

1. endorse the final Economic Development Strategy;
2. endorse the External Corporation Charter; and
3. direct Staff to work with the Class B shareholders to prepare Letters of Incorporation and return to an upcoming meeting for Council approval.

The motion carried unanimously.

(g) Mid-Island Business Initiative - Tech Nanaimo Final Report

Introduced by Dale Lindsay, General Manager, Development Services.

- (h) 521 Hecate Street - Acceptance of Project Under "Revitalization Tax Exemption Bylaw 2018 No. 7261"

Introduced by Dale Lindsay, General Manager, Development Services.

It was moved and seconded that Council approve the Revitalization Tax Exemption Agreement for a proposed 10-unit multi-family development at 521 Hecate Street. The motion carried. Opposed: Councillor Brown

11. BYLAWS:

- (a) "Zoning Amendment Bylaw 2020 No. 4500.171"

It was moved and seconded that "Zoning Amendment Bylaw 2020 No. 4500.171" (To rezone 405 Rosehill Street from Single Dwelling Residential [R1] to Low Density Residential [R6]) be adopted. The motion carried unanimously.

12. OTHER BUSINESS:

- (a) Councillor Armstrong Motion re: Reduction in Business Licence Fees for Liquor Primary Establishments

It was moved and seconded that Council direct Staff to reduce the 2021 business licence fee for liquor primary establishments from \$1,100 to \$165. The motion carried unanimously.

- (b) Councillor Hemmens Motion re: Memorandum of Understanding between Island Health and BC Housing and Timeline for the Implementation of a Situation Table

It was moved and seconded that Council direct Staff to report back to Council with an update regarding the following:

1. Memorandum of Understanding between Island Health and BC Housing related to the Navigation Centre; and,
2. Timeline of implementing a provincially funded Situation Table in the City of Nanaimo.

The motion carried unanimously.

- (c) Councillor Bonner and Councillor Hemmens Motion re: Temporary Emergency Accommodation

It was moved and seconded that a report be prepared as quickly as possible outlining options for implementing a temporary emergency accommodation program, similar to the Cowichan Housing model, in Nanaimo and the report include:

1. The capital costs for 2-3 pilot locations and potential funding sources;
2. The estimated monthly operation costs, potential funding sources, and potential operators; and,

3. Any opportunities for community collaboration; and comment from appropriate city departments, the RCMP and community agencies.

The motion carried unanimously.

13. ADJOURNMENT:

It was moved and seconded at 10:37 p.m. that the meeting adjourn. The motion carried unanimously.

C H A I R

CERTIFIED CORRECT:

CORPORATE OFFICER