

MINUTES
REGULAR COUNCIL MEETING
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2021-MAR-29, AT 4:30 P.M.

Present: Mayor L. Krog, Chair
Councillor S. D. Armstrong
Councillor D. Bonner
Councillor T. Brown
Councillor B. Geselbracht (arrived 4:33 p.m.)
Councillor E. Hemmens
Councillor Z. Maartman
Councillor I. W. Thorpe
Councillor J. Turley (joined electronically)

Staff: J. Rudolph, Chief Administrative Officer
S. Legin, General Manager, Corporate Services
D. Lindsay, General Manager, Development Services
B. Sims, General Manager, Engineering and Public Works
B. Corsan, Director, Community Development
J. Elliot, Director, Public Works (arrived 7:00 p.m.)
A. Groot, Director, Facilities and Parks Operations
J. Holm, Director, Development Approvals
L. Mercer, Director, Finance
L. Wark, Director, Recreation and Culture (arrived 7:00 p.m.)
L. Bhopalsingh, Manager, Community Planning (arrived 7:00 p.m.)
F. Farrokhi, Manager, Communications
J. Rose, Manager, Transportation (arrived 7:00 p.m.)
R. Fulla, Lead Supervisor, Waterworks (arrived 7:00 p.m.)
R. Lawrance, Environmental Planner (arrived 7:00 p.m.)
A. Mowatt, Clerk/Dispatcher (arrived 7:00 p.m.)
D. Johnstone, Communications and Digital Content Specialist (arrived 7:00 p.m.)
S. Gurrie, Director, Legislative Services
S. Snelgrove, Recording Secretary

1. CALL THE REGULAR MEETING TO ORDER:

The Regular Council Meeting was called to order at 4:30 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; and,

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.

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*:

- (c) labour relations or other employee relations;
- (d) the security of property of the municipality;
- (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; and,

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 4:30 p.m.

Council moved out of In Camera at 6:21 p.m.

Council recessed the Open Meeting at 6:21 p.m.

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

2. INTRODUCTION OF LATE ITEMS (continued):

- (b) Agenda Item 12(b) – Add report titled “Strengthening Communities Services Grant Program”.
- (c) Add Agenda Item 14(a) – Notice of Motion – Councillor Armstrong re: Support for Call for Public Inquiry: Stronger Sentencing for Prolific Offenders and replace attachment.

- (d) Agenda item 15(a) - Councillor Geselbracht - Motion re: Call for Immediate Protection of all at-risk Old-growth Forests in BC – replace wording of motion.

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, Nanaimo, BC, on Monday, 2021-MAR-15, at 4:30 p.m. be adopted as circulated. The motion carried unanimously.

6. MAYOR'S REPORT:

Mayor Krog advised:

- Public safety initiatives have been expanded in the City as Staff and the RCMP implement a provincially-funded Situation Table. Situation Tables bring together front line staff from the public safety, health, and social services sectors to identify vulnerable peoples in an effort to connect them with services they need in a coordinated and efficient way. Situation tables align well with the Health and Housing Action Plan.
- We are in the midst of Passover, the holiest weekend in the in Christian calendar and new restrictions from Dr. Henry. Mayor Krog advised that the public will have to restrict movements, behaviour, and public outings. He noted the hospitality industry has taken another hit and on behalf of Council offers sympathy and understanding and looks forward to the day we can move forward in a more normal fashion.
- On behalf of Council to all those in the community, Mayor Krog asked that we redouble our efforts to be kind, calm, safe, tolerant and patient with everyone.

7. RISE AND REPORT:

The Mayor advised that at the In Camera portion of the 2021-MAR-29 Meeting, Council passed the following resolution:

Council allocated \$100,000 from the Casino Reserve to “Sealand Park” and directed Staff to repair a damaged storm sewer in Sealand Park with appropriate measures for worker safety, review feasibility of slope stabilization in Sealand Park, and return to Council in the near future with a report on next steps.

8. PRESENTATIONS:

(a) Public Works Association of BC 2020 Awards

Chris Anderson, President of the Public Works Association of BC, presented via Zoom, the following 2020 Awards:

- 2020 Public Works Association BC - Manager of the Year to John Elliot, Director, Public Works
- 2020 Outstanding Public Works Employee to Ritchie Fulla, Lead Supervisor, Waterworks
- 2020 Public Works Association BC - Dedicated Service Award to Angela Mowatt, Clerk/Dispatcher, Public Works

9. COMMITTEE MINUTES:

The following Committee Minutes were received:

- Minutes of the Board of Variance Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Thursday, 2021-JAN-07 at 4:00 p.m.
- Minutes of the Design Advisory Panel Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Thursday, 2021-FEB-11 at 5:00 p.m.
- Minutes of the Design Advisory Panel Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Thursday, 2021-FEB-25 at 5:00 p.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-MAR-17, at 9:01 a.m.

10. CONSENT ITEMS:

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

(a) Finance and Audit Committee Meeting 2021-MAR-17

1. 2020 Surplus Allocation

That Council approve the allocation of the 2020 operating surplus as follows:

1. General Fund

- a. Special Initiatives Reserve \$7,482,599
 - b. Property Acquisition Reserve \$1,000,000
- Total: \$8,482,599

2. Sewer Fund

- a. Sewer Reserve \$589,873
 - b. Sewer Financial Stability Reserve \$28,751
- Total: \$618,624

2. Port Theater - Chiller Equipment Renewal and Low Carbon Electrification Options

That Council direct Staff to:

- 1. Proceed with installing the recommended Option A – Air Source Heat Recovery Heat Pump system to replace the existing chiller; and,
- 2. Increase the budget for the Port Theatre Chiller Replacement project by \$500,799 in 2021 funded by \$150,000 from the Emission Reduction Reserve and \$350,799 from the General Asset Management Reserve.

3. Serauxmen Stadium Maintenance for 2021

That Council approve adding \$59,113 to the 2021 Parks Operations Budget for Parks and Facility Operations to conduct additional facility and field maintenance of Serauxmen Stadium, to be funded from General Revenue.

4. Beban Park Pool Improvements for 2021

That Council amend the 2021-2025 Financial Plan to include \$255,000 in 2021 for change room and washroom upgrades at Beban Park Pool, to be funded from the Facility Development Reserve.

5. Proposed Development of a Medium-Sized Stadium at NDSS Community Field

That Council approve:

- 1. The NDSS Community Field be designated as the medium-sized stadium site for the City of Nanaimo;
- 2. That a phased implementation plan with options and costing be developed for Council's review and consideration in making NDSS Community Field a medium-sized stadium;
- 3. That in development of the phased improvement plan, that shared amenities that would benefit Rotary Bowl and Serauxmen Stadium be included; and,
- 4. That the current Joint Use Agreement with School District #68 be updated to address any changes required of this location being a medium-sized stadium.

6. Nanaimo Loaves and Fishes Food Bank

That Council direct Staff to review the Nanaimo Loaves and Fishes Food Bank's ask for funding, identify options and provide a report to Council for information.

(b) Governance and Priorities Committee Meeting 2021-MAR-22

1. Building Permit Function Review

That the Governance and Priorities Committee receive the March 2021, Building Permit Function Review draft report by Neilson Strategies Inc. and recommend that Council:

1. Refer the additional Staff positions recommended in the draft report to the Finance and Audit Committee for consideration in the 2021-2025 Financial Plan;
2. Direct Staff to proceed with implementation of the remaining six recommended changes outlined in the draft report:
 - a. That the City work with industry to develop and implement a Fast Track Process to process applications for targeted, low-risk tenant improvement and residential projects.
 - b. That the City work with industry to establish a time-limited Approved Professionals Pilot Project to test the ability to rely on the assurances of Registered Professionals in issuing building permits for targeted complex building projects.
 - c. That the City engage industry in the establishment of a Joint Building Permit Advisory Working Group with a mandate to advise on the design and implementation of initiatives aimed at reducing permit processing times, promoting City-industry relations, and addressing other issues and needs identified by the parties.
 - d. That the City support investments in technology to develop an online applications portal, facilitate online permit fee payments, and build a user-friendly application tracking dashboard tool for permit applicants.
 - e. That the City develop an internal service agreement to set out expectations for the processing of referrals by affected work groups.
 - f. That the City, to the extent possible, recover the costs associated with the recommendations in the Building Permit Function Review Draft Report through:
 - savings in overtime costs that are incurred today by Building Officials;
 - grant monies available under the Ministry of Municipal Affairs' recently-announced Local Government Development Approvals Program; and
 - increases to the City's building permit fees to align the fees with those charged by other 100,000 population-plus, high-growth municipalities.

3. Direct Staff to submit a grant application to the Union of British Columbia Municipalities' Local Government Development Approvals Program to support the implementation of established best practices and to test innovative approaches to improve development approvals processes.

2. Building Permit Function Review

That Council direct Staff to provide an information update every two months regarding development approval times compared to the benchmarks set by the City of Nanaimo.

3. Mayor's Leaders' Table

That Council establish the Mayor's Leaders' Table with representation of: Mayor and two Council members; key social, cultural, educational, healthcare, technology, labour, arts, tourism and business organizations; and, chaired by the Mayor and subject to applicable Legislative Support and oversight.

4. Nanaimo Builds - 100,000 Voices Campaign Concept

That Council direct staff to develop the 100,000 Voices Campaign Concept and report back to Council with the marketing and communications plan, including a budget.

5. Art in Public Spaces Working Group - Draft Guidelines and Process

That Council endorse the Art in Public Spaces Working Group Guidelines and Call for Applications and direct Staff to proceed.

6. Art in Public Spaces Public Art Collection De-accession 2021

That Council approve the de-accession of the following artworks from the City of Nanaimo Public Art collection:

1. Dan Richey, Dungeness Crab (2013);
2. Yvonne Vander Kooi and students of Bayview Elementary, The Hummingbird Project (2013); and,
3. Yvonne Vander Kooi, At Play (2007).

The motion carried unanimously.

Councillor Turley disconnected at 7:41 p.m.

11. REPORTS:

- (a) Participation in Provincial Motor Vehicle Act MicroMobility Pilot Project

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

It was moved and seconded that Council approve participation in the Province of British Columbia's Motor Vehicle Act (MVA) Pilot Projects Program to enable the use of micromobility devices within City streets. The motion carried.

Opposed: *Councillor Brown*

(b) Strengthening Communities' Services Grant Program

Introduced by Dale Lindsay, General Manager, Development Services.

It was moved and seconded that Council:

1. endorse the activities identified in Appendix A for funding in an application under the Strengthening Communities' Services Grant Program and commits to providing overall grant management;

Appendix A Items

- Temporary Housing Units and Shelters
 - Rent Bank
 - Housing First Rent Supplement
 - Youth Rent Supplement
 - Shower Program
 - Urban Clean Up
 - Community Connect Downtown Security
 - Portable Toilets
 - Cultural Services
 - Temporary Social Planner; and
2. commits to funding, if required, site servicing costs for the Temporary Housing Units from the Housing Legacy Reserve Fund if grant application is successful.

The motion carried unanimously.

(c) BC Energy Step Code Rezoning Policy

Introduced by Dale Lindsay, General Manager, Development Services.

Presentation:

1. Rob Lawrance, Environmental Planner, provided a PowerPoint presentation. Highlights included:
 - History of the BC Energy Step Code and combining different standards into one system
 - Performance based system looking at energy modelling, air tightness testing and doesn't include prescriptive requirements
 - In 2018 Council adopted the Step Code Implementation Strategy
 - Policy leads to Building Code net zero ready in 2032
 - Policy reviewed by the City's Environment Committee, Nanaimo development community and the Canadian Home Builders Association

Councillor Turley rejoined the meeting at 7:57 p.m.

It was moved and seconded that Council:

1. adopt the BC Energy Step Code Rezoning Policy; and
2. direct Staff to implement the Step Code Rezoning Policy three months after adoption.

The motion carried unanimously.

(d) Official Community Plan Amendment Application Process

Introduced by Dale Lindsay, General Manager, Development Services, and Jeremy Holm, Director, Development Approvals.

It was moved and seconded that Council postpone the 2021-MAY-01 and 2021-NOV-01 intake rounds for applications to amend the Official Community Plan until 2022-MAY-01. The motion carried.

Opposed: *Councillor Turley*

(e) Extension of Leases to CBI Health Group and Team Aquatic - 741 Third Street

Introduced by Dale Lindsay, General Manager, Development Services.

It was moved and seconded that Council:

1. approve a 21-month extension on the current lease agreements with CBI Health Group Inc. and Team Aquatic Supplies Ltd.; and
2. authorize the Mayor and Corporate Officer to execute the lease agreements.

The motion carried unanimously.

(f) Development Permit Application No. DP1190 - 1300 Junction Avenue

Introduced by Dale Lindsay, General Manager, Development Services.

Delegation:

1. Sarah Alexander advised she is excited to move forward with the application and she was present to answer questions from Council.

It was moved and seconded that Council issue Development Permit No. DP1190 at 1300 Junction Avenue with a variance to reduce the watercourse setback for Wexford Creek from 15.0m to 9.7m. The motion carried unanimously.

(g) Interim Transition to Virtual Meetings

Introduced by Sheila Gurrie, Director, Legislative Services.

It was moved and seconded that Council direct Staff to schedule meetings during the Shaw Auditorium renovation period virtually, with all members of Council and Staff attending through Zoom. The motion carried unanimously.

12. NOTICE OF MOTION:

- (a) Councillor Armstrong – Notice of Motion re: Support for Call for Public Inquiry: Stronger Sentencing for Prolific Offenders

Councillor Armstrong advised that she would be bringing forward the following notice of motion for consideration at a future Council Meeting:

“That Council support the Mayor of Williams Lake by sending a letter to the Solicitor General, Attorney General, and the Premier of British Columbia requesting a public inquiry into the justice system in BC, to determine why so many prolific offenders with serious charges are constantly released back into communities with ineffective deterrents to reoffend and to call for action to protect communities.”

13. OTHER BUSINESS:

- (a) Councillor Geselbracht Motion re: Call for Immediate Protection of all at-risk Old-growth Forests in BC

It was moved and seconded that:

WHEREAS ancient high productivity (big tree) old growth ecosystems are globally one of the most valuable climate mitigation and resiliency assets in terms of carbon storage, sequestration, protection against wildfire, storage of water and bank of biodiversity;

AND WHEREAS, of the miniscule amount (2.7%) of the original high productivity (big tree) old-growth forests that are left (less than 1% of BC's total current forested area), 75% are still slated to be eliminated through logging; BE IT RESOLVED

THAT the City of Nanaimo call on the provincial government to immediately defer logging in all high productivity, rare, oldest, and most intact old-growth forests as recommended by the Old-Growth Strategic Review, until all 14 of the panel's recommendations have been implemented; including deferrals in such at-risk old-growth forests as, the head waters of Fairy Creek, the Upper Walbran Valley, Nahmint Valley, Eden Grove, Edinburgh Mountain, Upper Tsitika Valley, East Creek, Klaskish Valley, Nimpkish Lake and the Inland Old-Growth Temperate Rainforest.

AND THAT the City of Nanaimo formally oppose the logging of at-risk old-growth forests;

AND THAT the City of Nanaimo call on the Government of British Columbia to allocate funding to enact deferrals in an economically just manner, in the full spirit of reconciliation and to support the economic transition of affected First Nations and

non-First Nation communities from unsustainable old-growth logging for the development of long-term sustainable local economies.

AND THAT the following resolution be sent to the Union of BC Municipalities and as a late submission to AVICC.

Immediate Protection for all at-risk Old-growth Forests in BC

WHEREAS ancient high productivity (big tree) old growth ecosystems are globally one of the most valuable climate mitigation and resiliency assets in terms of carbon storage, sequestration, protection against wildfire, storage of water and bank of biodiversity;

AND WHEREAS, of the minuscule amount (2.7%) of the original high productivity (big tree) old-growth forests that are left (less than 1% of BC's total current forested area), 75% are still slated to be eliminated through logging; BE IT RESOLVED

THAT the UBCM and AVICC call on the provincial government to immediately defer logging in all high productivity, rare, oldest, and most intact old-growth forests as recommended by the Old-Growth Strategic Review, until all 14 of the panel's recommendations have been implemented; including deferrals in such at-risk old-growth forests as the head waters of Fairy Creek, the Upper Walbran Valley, Nahmint Valley, Eden Grove, Edinburgh Mountain, Upper Tsitika Valley, East Creek, Klaskish Valley, Nimpkish Lake and the Inland Old-Growth Temperate Rainforest.

AND THAT the UBCM and AVICC call on the Government of British Columbia to allocate funding to enact deferrals in an economically just manner, in the full spirit of reconciliation and to support the economic transition of affected First Nations and non-First Nation communities from unsustainable old-growth logging for the development of long-term sustainable local economies.

The motion carried.

Opposed: *Mayor Krog, Councillors Armstrong, Thorpe, Turley.*

14. ADJOURNMENT:

It was moved and seconded at 9:05 p.m. that the meeting adjourn. The motion carried unanimously.

CERTIFIED CORRECT:

CHAIR

CORPORATE OFFICER