



**AGENDA**  
**REGULAR COUNCIL MEETING**

Monday, July 26, 2021

3:15 p.m. to Proceed In Camera, Reconvene Open Meeting at 7:00 p.m.

SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE

80 COMMERCIAL STREET, NANAIMO, BC

SCHEDULED RECESS 9:00 P.M.

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**1. CALL THE MEETING TO ORDER:**

**2. PROCEDURAL MOTION:**

That the meeting be closed to the public in order to deal with agenda items under the *Community Charter*:

Section 90(1) A part of the Council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

(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;

(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 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;

(h) an administrative tribunal hearing or potential administrative tribunal hearing affecting the municipality, other than a hearing to be conducted by the Council or a delegate of Council;

(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*;

(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;

(l) discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under Section 98 [*annual municipal report*];

(m) a matter that, under another enactment, is such that the public may be excluded from the meeting;

(n) the consideration of whether a Council meeting should be closed under a provision of this subsection or subsection (2);

(o) the consideration of whether the authority under Section 91 [*other persons attending closed meetings*] should be exercised in relation to a Council meeting; 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.

**3. INTRODUCTION OF LATE ITEMS:**

**4. APPROVAL OF THE AGENDA:**

**5. ADOPTION OF THE MINUTES:**

a. Minutes

Minutes of the Regular Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on 2021-JUL-05 at 4:00 p.m.

**6. MAYOR'S REPORT:**

**7. RISE AND REPORT**

**8. PRESENTATIONS:**

**9. COMMITTEE MINUTES:**

a. Minutes

Minutes of the Board of Variance Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Thursday, 2021-JUN-03 at 4:00 p.m.

b. Minutes

Minutes of the Governance and Priorities Committee Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2021-

JUN-14 at 1:00 p.m.

c. Minutes

Minutes of the Governance and Priorities Committee Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2021-JUN-28 at 1:00 p.m.

d. Minutes

Minutes of the Governance and Priorities Committee Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2021-JUL-12 at 1:00 p.m.

**10. CONSENT ITEMS:**

a. Governance and Priorities Committee Meeting 2021-JUL-12

[ A link to the 2021-JUL-12 Governance and Priorities Committee Agenda is provided for information.]

1. Policy and Bylaw Renewal Project Update

That Council repeal the 100 outdated or redundant Council policies highlighted in red within the Table of Contents linked to the July 12, 2021 report by the Deputy City Clerk.

2. Proposed Amendments to the Business Licence Bylaw

That Council change the liquor primary business licence fee from \$1100 to \$165 per year.

3. Proposed Amendments to the Business Licence Bylaw

That Council direct Staff to proceed with finalizing the “Business Licence Bylaw 2021 No. 7318”, and that once finalized, return to a future Regular Council meeting for first, second and third readings of the “Business Licence Bylaw 2021 No. 7318”, along with amendments to the “Fees and Charges Bylaw 2007 No. 7041” and the “Bylaw Notice Enforcement Bylaw 2012 No. 7159”.

4. Active Transportation Infrastructure Grant

That Council direct staff to submit two applications under the Active Transportation Infrastructure Grant Program and provide a Council resolution for each submission:

- That Council direct staff to submit an application for Metral Complete Street Corridor Phase 2, confirm the local share of \$2.54 million is available and supported, the project is a municipal priority, and the project is "shovel ready" and intended to be complete within the required timeline.

- That Council direct staff to submit an application for Fourth and Albert Complete Street Phase 4, confirm the local share of \$700,000 is available and supported, the project is a municipal priority, and the project is “shovel ready” and intended to be complete within the required timeline.

5. Community Amenity Contribution Policy

That Council direct Staff to work with the Nanaimo Development Group and other appropriate stakeholders, to look at options and provide more information regarding:

1. Calculation for townhouse residential dwellings based on a per area calculation
2. Amenity contribution values based on net floor area

b. Finance and Audit Committee Meeting 2021-JUL-21

[A link to the 2021-JUL-21 Finance and Audit Committee Agenda is provided for information.]

1. Live Fire Training Centre Remediation

That Council add a Live Fire Training Facility Remediation project in the amount of \$275,300 to the 2021 budget funded from the General Asset Management Reserve Fund.

2. Funding Request for Commercial Street Revitalization Plan

That Council amend the 2021-2025 Financial Plan to add \$150,000 in 2021 for a Commercial Street Revitalization Plan funded from Payment in Lieu of Taxes.

3. Update on Welcome Pole at Sway'a'Lana/Maffeo Sutton Park and Request for Additional Funds

That Council:

1. approve the proposed location of the pole at Sway'a'Lana/Maffeo Sutton Park as identified on Attachment “C” to the staff report; and
2. amend the 2021-2025 Financial Plan to include an additional \$50,000 for the installation of the Welcome Pole funded from the Strategic Infrastructure Reserve.

4. Community Program Development Grant - Nanaimo Climate Action Hub Society

That Council approve the request from the Nanaimo Climate Action Hub Society for a Community Program Development Grant in the amount of \$3,000 to assist in funding the Community Climate Circles program.

5. Nanaimo Operations Center - Phase 2 Environment Assessment

That Council increase the budget for the Public Works Facility: Conceptual Design by

\$100,000 to undertake a Stage 2 environmental site investigation funded from Payments in Lieu of Taxes.

6. Ending the B.C. Climate Action Revenue Incentive Program (CARP)

That Council send a letter to Premier John Horgan, the Minister of Municipal Affairs, the Minister of Environment and Climate Change Strategy, and the Union of B.C. Municipalities outlining the value of the BC Climate Action Revenue Incentive Program (CARIP) and the implications of the program's end

7. Sustainability and Emission Reduction Reserve Funds

That Council:

1. Direct Staff to include in the 2022 – 2026 Draft Financial Plan for Council consideration a new funding strategy for the Emission Reduction Reserve based on an annual allocation of \$165,000.
2. Direct Staff to transfer the balance in the Sustainability Reserve Fund to the Emission Reduction Reserve Fund and return to Council with an updated Emission Reduction Reserve Fund Bylaw that includes supporting both energy and emission reduction projects and initiatives.

11. DELEGATIONS:

- a. Laura Augustine re: Potentially Rezoning of Lands Surrounding Cable Bay Trail

12. REPORTS:

- a. Special Events in Nanaimo

To be introduced by Art Groot, Director, Facility and Parks Operations.

*Purpose: To provide an overview of outdoor events in City of Nanaimo parks and open spaces and outline how the City of Nanaimo facilitates the delivery of events with logistical support, funding opportunities and infrastructure.*

Presentation:

1. Julie Bevan, Manager, Culture and Special Events, and Michele Duerksen, Recreation Coordinator - Special Events.

- b. Off-Street Parking Reserve Fund Bylaw

To be introduced by Shelley Legin, General Manager, Corporate Services.

*Purpose: To introduce "Off-Street Parking Reserve Fund Bylaw No. 7328" for first, second and third readings, to establish a statutory reserve for cash-in-lieu payments received under "Off-Street Parking Regulations Bylaw 2018 No. 7266".*

Recommendation:

1. That “Off-Street Parking Reserve Fund Bylaw 2021 No. 7328” (To establish a statutory reserve for cash-in-lieu payments received under “Off-Street Parking Regulations Bylaw 2018 No. 7266”), pass first reading;
2. That “Off-Street Parking Reserve Fund Bylaw 2021 No. 7328” pass second reading; and,
3. That “Off-Street Parking Reserve Fund Bylaw 2021 No. 7328” pass third reading.

c. Endorsement of Draft Articles of Incorporation and Shareholder Agreement for the Nanaimo Prosperity Corporation

To be introduced by Dale Lindsay, General Manager, Development Services.

*Purpose: To provide Council with an update on the work completed to date to establish the Nanaimo Prosperity Corporation and to seek Council endorsement of the draft articles of incorporation and shareholder agreement.*

Presentation:

1. Bill Corsan, Director, Community Development.

Recommendation: That Council:

1. approve in principle the draft articles of incorporation and shareholder agreement for the Nanaimo Prosperity Corporation;
2. direct Staff to submit the articles of incorporation and shareholder agreement to the Inspector of Municipalities for approval;
3. delegate the Chief Administrative Officer to represent Council in discussions with the Inspector of Municipalities; and
4. direct Staff to return for Council’s final approval of the articles of incorporation and shareholder agreement following approvals by the Inspector of Municipalities and the respective Councils/Boards of the five shareholder organizations.

d. Official Community Plan Amendment OCP100 - 456 Milton Street and OCP101 - 120 Needham Street, 514 and 540 Haliburton Street, and 535 and 575 Nicol Street

To be introduced by Dale Lindsay, General Manager, Development Services.

*Purpose: The purpose of this report is to request direction from Council to proceed with two Official Community Plan amendment applications for proposed developments at 456 Milton Street (OCP100) and for the five properties located at 120 Needham Street, 514 and 540 Haliburton Street, and 535 and 575 Nicol Street (OCP101).*

Delegations:

1. Myron Calof, I4 Property Group, and Don Yen, Urban Architectural Solutions.

Recommendation: That:

1. Council direct Staff to proceed with processing Official Community Plan amendment

application OCP100 for 456 Milton Street; and

2. Council direct Staff to proceed with processing Official Community Plan amendment application OCP101 (120 Needham, 514 and 540 Haliburton Street, 535 and 575 Nicol Street).
- e. Development Variance Permit Application No. DVP420 - 4176 Wellesley Avenue
- To be introduced by Dale Lindsay, General Manager, Development Services.
- Purpose: To present for Council's consideration, a development variance permit application to reduce the minimum required front yard setback to allow a proposed dwelling on proposed Lot C.*
- Recommendation: That Council issue Development Variance Permit No. DVP420 for proposed Lot C (Lot 1, Block 7, Section 5, Wellington District, Plan 318 and Lot 5, Section 5, Wellington District, Plan EPP82222, to be consolidated) with the following variance:
- To reduce the minimum required front yard setback from 4.5m to 2m for a proposed dwelling.
- f. Property Disposition - 4176A Wellesley Avenue
- To be introduced by Dale Lindsay, General Manager, Development Services.
- Purpose: To obtain Council approval for the disposition of City-owned land at 4176A Wellesley Avenue to the owners of 4176 Wellesley Avenue.*
- Recommendation: That Council:
1. approve the property disposition of 4176A Wellesley Avenue for \$100,000 to Michael McKillican and Michelle Peakman; and
  2. authorize the Mayor and Corporate Officer to execute the Purchase and Sale Agreement.
- g. Property Disposition - 4220A and 4200A Victoria Avenue
- To be introduced by Dale Lindsay, General Manager, Development Services.
- Purpose: To seek Council approval for the property disposition of City-owned land at 4220A and 4200A Victoria Avenue to the owner of 4220 and 4200 Victoria Avenue.*
- Recommendation: That Council
1. approve the property disposition of 4220A and 4200A Victoria Avenue for \$134,000 to Karin Parakin; and
  2. authorize the Mayor and Corporate Officer to execute the Purchase and Sale Agreement.
- h. Development Permit Application No. DP1221 - 3945 Biggs Road

To be introduced by Dale Lindsay, General Manager, Development Services.

*Purpose: To present for Council's consideration, a development permit application for the redevelopment of the Nanaimo Correctional Centre at 3945 Biggs Road.*

Recommendation: That Council issue Development Permit No. DP1221 at 3945 Biggs Road with the following variances to:

- increase the maximum allowable building height from 14.0m to 18.73m; and
- reduce the minimum required watercourse setback from Brannen Lake from 15.0m to 0m and the Millstone River from 30.0m to 0m for proposed upgrades to the existing road, security fence, and utility infrastructure.

i. Development Permit Application No. DP1198 - 361 Albert Street

To be introduced by Dale Lindsay, General Manager, Development Services.

*Purpose: To present for Council's consideration, a development permit application for a five-storey building with 22 residential units and a live/work studio at 361 Albert Street.*

Recommendation: That Council issue Development Permit No. 1198 at 361 Albert Street with one variance to increase the maximum allowable building height from 11.2m to 14.0m.

j. Development Permit Application No. DP1210 - 6030 Linley Valley Drive

To be introduced by Dale Lindsay, General Manager, Development Services.

*Purpose: To present for Council's consideration, a development permit application for a multi-family residential development at 6030 Linley Valley Drive.*

Recommendation: That Council issue Development Permit No. DP1210 at 6030 Linley Valley Drive with variances to increase the maximum permitted building height of Building B from 14.0m to 16.2m and Building C from 14.0m to 16.0m.

k. Housing Agreement - 1125 Seafield Crescent

To be introduced by Dale Lindsay, General Manager, Development Services.

*Purpose: To obtain Council approval for a housing agreement for a 124-unit affordable seniors' housing development at 1125 Seafield Crescent in order to permit a 50% reduction in the development cost charges.*

Recommendation: That:

1. "Housing Agreement Bylaw 2021 No. 7329" (To secure unit affordability) pass first reading;
2. "Housing Agreement Bylaw 2021 No. 7329" pass second reading;
3. "Housing Agreement Bylaw 2021 No. 7329" pass third reading; and
4. Council direct Staff to register a covenant on the title of the land to reinforce the terms



of the housing agreement.

I. Video Surveillance of Civic Property Policy

To be introduced by Sheila Gurrie, Director, Legislative Services.

*Purpose: To introduce a new "Video Surveillance of Civic Property Policy" for Council's consideration.*

Recommendation: That Council repeal Council Policy COU-178 - "Video Surveillance of Civic Property Policy", dated 2008MAY-26, and replace it with COU-223 - "Video Surveillance of Civic Property Policy" as attached to the 2021JUL-26 report by the Records/Information & Privacy Coordinator.

m. Council Resolutions Update

To be introduced by Sheila Gurrie, Director, Legislative Services.

*Purpose: To provide Council with an update on Council's completed and outstanding resolutions.*

**13. BYLAWS:**

a. "Zoning Amendment Bylaw 2019 No. 4500.146"

That "Zoning Amendment Bylaw 2019 No. 4500.146" (To rezone 111 Terminal Avenue to allow Cannabis Retail Store as a site-specific use within the Terminal Avenue (DT4) Zone.) be adopted.

b. "Zoning Amendment Bylaw 2021 No. 4500.183"

That "Zoning Amendment Bylaw 2021 No. 4500.183" (To amend the Corridor Three [COR3] zone to allow 'automobile sales, service and rental' as a site-specific use within 2355 Kenworth Road and a portion of 2345 Kenworth Road) be adopted.

c. "Highway Closure and Dedication Removal Bylaw 2021 No. 7286"

That "Highway Closure and Dedication Removal Bylaw 2021 No. 7286" (To provide for highway closure and dedication removal of a portion of Eighth Street adjacent to 857 Old Victoria Road) be adopted.

d. "Housing Agreement Bylaw 2021 No. 7327"

That "Housing Agreement Bylaw 2021 No. 7327" (To secure unit affordability) be adopted.

**14. NOTICE OF MOTION:**

a. Notice of Motion Councillor Geselbracht re: City of Nanaimo Fossil Fuel Divestment and Ethical Investment Strategy and Policy Development

Councillor Geselbracht advised that he would be bringing forward the following notice of motion

for consideration at a future Council Meeting:

“That staff prepare a report on an investment policy and strategy that can achieve the following considerations:

- 1) Divest from fossil fuel companies, by supporting fossil fuel free investment portfolios, such as the MFA Fossil Fuel Free Short-Term Bond Fund and build on the examples of fossil fuel free investment strategies from other municipalities such as Vancouver and Victoria;
- 2) Select investments that make positive contributions to Environmental, Social and Governance (ESG) factors; and
- 3) Align investment with the Sec.183 of the Community Charter, and best practices for investing public funds.
- 4) Provide strategic options with associated budgetary considerations that include options for the immediate divestment of all funds that include holdings involved in the production and distribution of fossil fuels and options that take a more graduated approach.”

[Note: Reference material provided for information.]

**15. OTHER BUSINESS:**

**16. QUESTION PERIOD:**

**17. ADJOURNMENT:**