

MINUTES
REGULAR COUNCIL MEETING
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2018-JUN-18, AT 4:00 P.M.

Present: Mayor W. B. McKay, Chair
Councillor S. D. Armstrong
Councillor M. D. Brennan
Councillor G. W. Fuller
Councillor J. Hong
Councillor I. W. Thorpe
Councillor W. M. Yoachim (vacated 6:58 p.m.)

Absent: Councillor W. L. Bestwick
Councillor J. A. Kipp

Staff: D. Lindsay, Director of Community Development
J. Van Horne, Director of Human Resources (vacated 7:12 p.m.)
K. Fry, Fire Chief/Director of Public Safety (vacated 7:12 p.m.)
L. Mercer, Manager Accounting Services (arrived 7:06 p.m., vacated 7:20 p.m.)
J. Slater, Manager of Revenue Services (vacated 7:20 p.m.)
M. Desrochers, Client Support Specialist
S. Gurrie, City Clerk
K. Gerard, Recording Secretary

1. CALL THE REGULAR MEETING TO ORDER:

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

2. 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*:

Section 90(1) A part of a 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;
- (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,

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 6:38 p.m.
The Regular Council meeting recessed at 6:38 p.m.
Councillor Yoachim vacated at 6:58 p.m.
The Regular Council meeting reconvened at 7:00 p.m.

3. INTRODUCTION OF LATE ITEMS:

- (a) Agenda Item 10(e) – Proposed Property Disposition of 897 Albert Street, 474 and 478 Pine Street – add delegations:
 - 1. Rob Hallam, Habitat for Humanity, Mid Vancouver Island Society; and,
 - 2. Paul Chapman, Nanaimo and Area Land Trust.
- (b) Add Agenda Item 8(c) – Committee Recommendations from the Finance and Audit Committee Meeting held on 2018-JUN-13.
- (c) Agenda Item 12(c) – Replace “Zoning Amendment Bylaw 2018 No. 4500.014” with attached version to show Ministry of Transportation and Infrastructure approval, 2018-JUN-15.
- (d) Add Agenda Item 12(f) – Bylaw Status Sheet (for information only).
- (e) Agenda Item 9(a) – 2017 Statement of Financial Information – change wording of recommendation from Ministry of Community, Sports and Cultural Development to Ministry of Municipal Affairs and Housing.

- (f) Council Thorpe advised that Don Bonner was in attendance and wished to address Council as a late delegation regarding Agenda Item 17 – Core Services Report and Delegations.

It was moved and seconded that Don Bonner be permitted to address Council as a late delegation regarding Agenda Item 17 – Core Services Report and Delegations, with a five-minute time limitation. The motion carried unanimously.

4. ADOPTION OF AGENDA:

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

5. ADOPTION OF MINUTES:

It was moved and seconded that the Minutes of the Regular Council Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, on Monday, 2018-MAY-28 at 4:30 p.m., be adopted as circulated. The motion carried unanimously.

6. ADMINISTRATION:

(a) Municipal Security Issuing Resolution

Introduced by Sheila Gurrie, City Clerk.

It was moved and seconded that Council approve borrowing from the Municipal Finance Authority of British Columbia, as part of the 2018 fall Borrowing Session, \$3,235,354 as authorized through “Fire Station #1 Borrowing Bylaw 2018 No. 7257” and that the Regional District of Nanaimo be requested to consent to our borrowing over a 20 year term and include the borrowing in a Security Issuing Bylaw. The motion carried unanimously.

(b) Advisory Committee Minutes

It was moved and seconded that Council receive the following minutes for information:

1. Minutes of the Nanaimo Youth Advisory Council Meeting held in the Boardroom, Service and Resource Centre on Wednesday, 2018-APR-18, at 4:30 p.m.
2. Minutes of the Community Engagement Task Force held in the Boardroom, Service and Resource Centre on Tuesday, 2018-MAY-22, at 4:30 p.m.

The motion carried unanimously.

J. Van Horne and K. Fry vacated the Shaw Auditorium at 7:12 p.m.

(c) Committee Recommendations

Introduced by Councillor Thorpe.

Finance and Audit Committee Recommendations – 2018-JUN-13.

It was moved and seconded that the following Finance and Audit Committee Recommendations be adopted as follows:

1. Travel Assistance Grant – VIPL – Upper Island Storm U18 Boys Soccer

Vancouver Island Premier League Upper Island Storm U18 Boys Soccer for a Travel Assistance Grant in the amount of \$250 for five (5) players to attend the BC Provincials Soccer Championships in Richmond, BC, to be held 2018-JUL-05 through 2018-JUL-08.

2. Travel Assistance Grant – VIPL Upper Island Storm U17 Girls Soccer

Vancouver Island Premier League Upper Island Storm U17 Girls Soccer for a Travel Assistance Grant in the amount of \$550 for eleven (11) players to attend the BC Provincials Soccer Championships in Richmond BC, to be held 2018-JUL-05 through 2018-JUL-08.

3. Community Program Development Grant – Haven Society

Haven Society for a Community Program Development Grant in the amount of \$656 to assist in funding Summer 2018 recreational activities for outreach clients.

4. Heritage Façade Grant – 499 Wallace Street

A \$9,715.13 Heritage Façade Grant for the Merchant's Bank of Canada building located at 499 Wallace Street to repaint the building's exterior and install exterior lighting and wrought iron window boxes.

5. Consideration of New permissive Tax Exemption Applications

1. award a Permissive Tax Exemption for the 2019 tax year to the Nanaimo Unique Kids Organization (NUKO) for property that it leases at 60 Needham Street;
2. award a Permissive Tax Exemption Cash Grant for the 2018 tax year (pro-rated for the period from 2018-MAR-01 to 2018-DEC-31) to the Nanaimo Unique Kids Organization (NUKO) for the property that the organization began to lease on 2018-MAR-01. The value of the cash grant is approximately \$12,715, of which \$5,000 will be provided through a Permissive Tax Exemption Cash Grant and the residual \$7,715 coming from Council's Contingency; and,
3. award a Permissive Tax Exemption for the 2019 tax year to the Felice Cavallotti Lodge for property that it owns at 2060 East Wellington Road.

The motion carried unanimously.

7. CORPORATE SERVICES:

(a) 2017 Statement of Financial Information

Introduced by Laura Mercer, Manager of Accounting Services.

Council requested information regarding the line item “\$4.1 million paid to Valkyrie Law, In Trust”. Staff responded that this money was for the purchase of land.

Council requested information regarding Broughton Law and why they are not listed as a line item. Staff responded stating that the amounts paid were not all in 2017, so if the amount was under \$25,000, it would not show as a line item.

Council inquired if KPMG has audited the 2017 Statement of Financial Information. Staff responded that the 2017 Statement of Financial Information was not audited by KPMG.

Sheila Gurrie, City Clerk, requested information regarding personnel expenses and if they are listed in the Supplier list. Staff responded yes.

Council requested information regarding the following payments:

1. NCI Ferry Services Ltd., for \$144,755.00;
2. Petroglyph Development LP, for \$27,350.00; and,
3. Waste Connections of Canada Inc., for \$912,043.84 (recycling contract).

Staff responses:

1. \$144,755.00 was paid for the development of the Saysutchun/Newcastle Island Business Plan subsidization of the foot ferry service. NCI Ferry Services Limited Partnership is a subsidiary of the Snuneymuxw First Nations;
2. \$5,000 was allocated for Aboriginal Day Funding and \$22,350 for Rogers Hometown Hockey Welcome/Feast; and,
3. \$912,043.84 was paid to Waste Connections of Canada Inc., for monthly recycling pickups.

It was moved and seconded that Council approve the City of Nanaimo 2017 Statement of Financial Information for filing with the Ministry of Municipal Affairs and Housing. The motion carried unanimously.

L. Mercer and J. Slater vacated the Shaw Auditorium at 7:20 p.m.

8. PUBLIC SERVICES:

(a) Development Variance Permit Application No. DVP350 – 5536 Noye Road

Introduced by Dale Lindsay, Director of Community Development.

Mayor McKay requested that Council hear anyone wishing to speak with respect to DVP No. 350 at 5536 Noye Road.

No one in attendance wished to speak with respect to DVP350.

It was moved and seconded that Council issue Development Variance Permit No. DVP350 at 5536 Noye Road with the following variance:

- reduce the minimum frontage requirement from 15m to 13.71m for proposed Lots A and B.

The motion carried unanimously.

(b) Development Variance Permit No. DVP351 – 2178 Lancashire Drive

Introduced by Dale Lindsay, Director of Community Development.

Mayor McKay requested that Council hear anyone wishing to speak with respect to DVP No. 351 at 2178 Lancashire Drive.

No one in attendance wished to speak with respect to DVP351.

It was moved and seconded that Council issue Development Variance Permit No. DVP351 at 2178 Lancashire Drive with the following variance:

- increase the maximum height of an accessory building with a roof pitch less than 6:12 from 4.5m to 5.1m.

The motion carried unanimously.

(c) Development Variance Permit No. DVP352 – 5030 Hammond Bay Road

Introduced by Dale Lindsay, Director of Community Development.

Mayor McKay requested that Council hear anyone wishing to speak with respect to DVP No. 352 at 5030 Hammond Bay Road.

No one in attendance wished to speak with respect to DVP352.

It was moved and seconded that Council issue Development Variance Permit No. DVP351 at 5030 Hammond Bay Road with the following variance:

- reduce the rear yard setback requirement from 6m to 4.9m for proposed Lot 3.

The motion carried unanimously.

(d) Development Variance Permit No. DVP353 – 5414 Bayshore Drive

Introduced by Dale Lindsay, Director of Community Development.

Mayor McKay requested that Council hear anyone wishing to speak with respect to DVP No. 353 at 5414 Bayshore Drive.

No one in attendance wished to speak with respect to DVP353.

It was moved and seconded that Council issue Development Variance Permit No. DVP353 at 5414 Bayshore Drive with the following variances:

- allow a heat pump to be located on the west side of the principal dwelling; and,
- reduce the required side yard setback for a heat pump from 4.5m to 3.3m.

The motion carried unanimously.

- (e) Proposed Property Disposition of 897 Albert Street, 474 and 478 Pine Street to Habitat for Humanity, Mid-Vancouver Island Society

Introduced by Dale Lindsay, Director of Community Development.

Delegations:

1. Mike Preston spoke regarding the Cat Stream Lands, the proposed development by Habitat for Humanity, Mid Vancouver Island Society and the effect this development may have on the his home, business and the surrounding area.
2. Steven Maughan spoke regarding the proposed Cat Stream development and protecting the habitat in and around 897 Albert Street, 474 and 478 Pine Street.
3. Rob Halam, Habitat for Humanity, Mid Vancouver Island Society, provided Council with a presentation regarding the Habitat for Humanity model and the development of 12 units of affordable housing at 897 Albert Street, 474 and 478 Pine Street.
4. Paul Chapman, Nanaimo and Area Land Trust spoke regarding the environmental values of the properties being considered for disposition.

It was moved and seconded that Council:

1. provide 'Approval in Principle' to dispose of City-owned land at 897 Albert Street, 474 and 478 Pine Street to Habitat for Humanity, Mid-Vancouver Island Society, for \$1.00 subject to Habitat for Humanity hosting an open house to present their development project to the public;
2. direct Staff to proceed with public notice of the property disposition; and
3. direct Staff to return to a Council meeting after the open house has been held and the notice has been published for Council's formal approval of the property disposition.

The motion carried unanimously.

- (f) Proposed Road Closure – Unnamed Land Adjacent to 897 Albert Street, 474 and 478 Pine Street

Introduced by Dale Lindsay, Director of Community Development.

It was moved and seconded that:

1. Council authorize the road closure and disposition for the unnamed lane adjacent to 897 Albert Street, 474 and 478 Pine Street to Habitat for Humanity, Mid-Vancouver Island Society;
2. the Mayor and Corporate Officer execute the conditional Road Closure and Sale Agreement; and,
3. Council direct Staff to proceed with public notice of closure and disposition of the unnamed lane.

The motion carried unanimously.

It was moved and seconded that “Highway Closure and Dedication Removal Bylaw 2018 No. 7265” (To Provide for Highway Closure and Dedication Removal of an Unnamed Lane Adjacent to 897 Albert Street, 474 and 478 Pine Street) pass first reading. The motion carried unanimously.

It was moved and seconded that “Highway Closure and Dedication Removal Bylaw 2018 No. 7265” pass second reading. The motion carried unanimously.

9. BYLAWS:

(a) "Official Community Plan Amendment Bylaw 2018 No. 6500.036

It was moved and seconded that “Official Community Plan Amendment Bylaw 2018 No. 6500.036” (OCP86 – To re-designate from Resource Protection to Parks and Open Space a portion of 801, 1150, and 1151 Nanaimo Lakes Road; and to designate a separate portion of 801 Nanaimo Lakes Road as Parks and Open Space) be adopted. The motion carried. Opposed: *Mayor McKay*

(b) "Official Community Plan Amendment Bylaw 2018 No. 6500.037"

It was moved and seconded that “Official Community Plan Amendment Bylaw 2018 No. 6500.037” (To amend the Official Community Plan to include the Port Drive Waterfront Master Plan) be adopted. The motion carried unanimously.

(c) "Zoning Amendment Bylaw 2018 No. 4500.114"

It was moved and seconded that “Zoning Amendment Bylaw 2018 No. 4500.114” (RA384 - To rezone a portion of 801 and 1150 Nanaimo Lakes Road from Rural Resource [AR1] to Parks, Recreation and Culture One [PRC1]; to rezone a portion of 801, 1150, and 1151 Nanaimo Lakes Road from Rural Resource [AR1] to Parks, Recreation and Culture Two [PRC2]; and to rezone a portion of 1151 Nanaimo Lakes Road from Community Service Two [CS2] to Parks, Recreation and Culture Two [PRC2]) be adopted. The motion carried. Opposed: *Mayor McKay*

(d) "General Election Amendment Bylaw 2018 No. 7129.03"

It was moved and seconded that "General Election Amendment Bylaw 2018 No. 7129.03" (To amend the bylaw to add a nomination deposit and increase the number of qualified nominators) be adopted. The motion carried unanimously.

(e) "Park Dedication Bylaw 2018 No. 7259"

It was moved and seconded that that "Park Dedication Bylaw 2018 No. 7259" (To dedicate land for park purposes) be adopted. The motion was defeated. Did not receive 2/3 consent of Council.

Opposed: *Mayor McKay*

10. COUNCIL APPOINTMENTS:

(a) Deputy Corporate Officer Appointments

Sheila Gurrie, City Clerk, read aloud the following motion which passed during the "In Camera" Council Meeting held on 2018-JUN-11:

1. renew the appointment of Ms. Sky Snelgrove, Steno Coordinator, and appoint Laura Mercer, Manager of Accounting Services as Deputy Corporate Officers until 2019-JUN-30 to fulfill the duties as set out in Section 148 of the *Community Charter*;
2. rescind the appointment of Mr. Brad McRae as Deputy Corporate Officer;
3. rescind the appointment of Mr. Victor Mema as Deputy Corporate Officer; and,
4. establish the order in which the Deputy Corporate Officers perform the duties in the absence of the Corporate Officer as follows:
 - (a) Sky Snelgrove, Steno Coordinator
 - (b) Laura Mercer, Manager Accounting Services

(b) Financial Officer and Deputy Financial Officer Appointments

Sheila Gurrie, City Clerk, read aloud the following motion which passed during the "In Camera" Council Meeting held on 2018-JUN-11:

1. rescind the appointment of Victor Mema as Chief Financial Officer;
2. appoint Ms. Laura Mercer, Manager of Accounting Services, as Financial Officer in order to fulfill the duties as set out in Section 149 of the *Community Charter*; and,
3. renew the appointment of Ms. Wendy Fulla, Manager of Business, Asset and Financial Planning, as the Deputy Financial Officer until 2019-JUN-30 to fulfill the duties as set out in Section 149 of the *Community Charter*.

11. CORE SERVICES REPORT AND DELEGATIONS

(a) Delegation from Don Bonner

Don Bonner spoke regarding the Core Services Review Recommendations

It was moved and seconded that Council direct Staff to return to Council with a report regarding the status of the recommendations contained in the Core Services Review Report. The motion carried unanimously.

12. QUESTION PERIOD:

- Ron Bolin re: the questions and responses for Agenda Item 9(a) – Statement of Financial Information.

It was moved and seconded that Council direct Staff to include the questions and responses from this meeting regarding Agenda Item 9(a) – Statement of Financial Information in the minutes dated 2018-JUN-18. The motion carried unanimously.

- Bill Manners re: Mayor McKay’s opposition to Agenda Items:
 - 12(a) – “Official Community Plan Amendment Bylaw 2018 No. 6500.036;
 - 12(b) – “Official Community Plan Amendment Bylaw 2018 No. 6500.037; and,
 - 12(g) – “Park Dedication Bylaw No. 7259”.

13. ADJOURNMENT:

It was moved and seconded at 7:54 p.m. that the meeting terminate. The motion carried unanimously.

C H A I R

CERTIFIED CORRECT:

CORPORATE OFFICER