

**MINUTES**  
REGULAR COUNCIL MEETING  
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2018-JUL-09, AT 3:00 P.M.

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Present: Mayor W. B. McKay, Chair  
Councillor S. D. Armstrong  
Councillor W. L. Bestwick  
Councillor M. D. Brennan  
Councillor G. W. Fuller  
Councillor J. Hong  
Councillor J. A. Kipp  
Councillor I. W. Thorpe

Absent: Councillor W. M. Yoachim

Staff: D. Lindsay, Director of Community Development  
B. Sims, Director of Engineering and Public Works (vacated 7:24 p.m.)  
W. Fulla, Manager, Business, Asset and Financial Planning  
R. Lawrance, Environmental Planner (vacated 8:23 p.m.)  
D. Stevens, 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 3:00 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; and,
- (n) the consideration of whether a Council meeting should be closed under a provision of this subsection or subsection (2).

The motion carried unanimously.

Council moved "In Camera" at 3:00 p.m.

Council moved out of "In Camera" at 6:56 p.m.

The Regular Council meeting recessed at 6:56 p.m.

The Regular Council Meeting reconvened at 7:00 p.m.

### 3. INTRODUCTION OF LATE ITEMS:

- (a) Agenda Item 2 – Procedural Motion to Proceed In Camera – add Section 90(1)(g) and (i).
- (b) Agenda Item 10(d) – Development Permit No. DP1073 – 20 Barsby Avenue - add delegations from Martin Jirout and Raymond de Beeld.
- (c) Agenda Item 10(f) – Development Permit No. DP1088 – 3425 Uplands Drive - add delegation from Randy Dorma.
- (d) Agenda Item 10(g) – Development Permit No. DP1093 – 4775 Uplands Drive - add delegation from Judith Guy.
- (e) Agenda Item 10(j) – Provincial Support for Daytime Drop-in Resource Centre - add delegation from Matthew O'Donnell.
- (f) Agenda Item 10(k) – Cannabis Task Force Update:
  - 1. Replace Introduced by Dale Lindsay, Director of Community Development, with Councillor Kipp;
  - 2. Add delegation from Matthew O'Donnell; and,
  - 3. Add correspondence dated 2018-JUL-05, from Nanaimo Ladysmith Public Schools regarding Cannabis Task Force Recommendations.
- (g) Agenda Item 12(b) - Replace "Zoning Amendment Bylaw 4500.117" with attached version, to correct covenant registration date.
- (h) Agenda Item 12(c) Replace - "Zoning Amendment Bylaw 2018 No. 4500.121" with attached version, to show Ministry of Transportation and Infrastructure approval, 2018-JUN-25.
- (i) Agenda Item 12(d) - Replace Bylaw Status Sheet with attached version.

- (j) Council Hong advised that Kevan Shaw was in attendance and wished to address Council as a late delegation Under Agenda Item 6 – Presentations regarding the Victoria Crescent Association Bathtub Weekend Street Fair.

It was moved and seconded that Kevan Shaw be permitted to address Council as a late delegation 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 following Minutes be adopted as circulated:

- Minutes of the Special Council Meeting (Public Hearing) held in the Shaw Auditorium, 80 Commercial Street, Nanaimo, BC on Thursday, 2018-JUN-07 at 7:00 p.m.
- Minutes of the Regular Council Meeting held in the Shaw Auditorium, 80 Commercial Street, Nanaimo, BC on Monday, 2018-JUN-11 at 7:00 p.m.
- Minutes of the Regular Council Meeting held in the Shaw Auditorium, 80 Commercial Street, Nanaimo, BC on Monday, 2018-JUN-18 at 4:00 p.m.
- Minutes of the Special Council Meeting held in the Boardroom, 411 Dunsmuir Street, Nanaimo, BC on Tuesday, 2018-JUN-19 at 2:30 p.m.
- Minutes of the Special Council Meeting held in the Boardroom, 411 Dunsmuir Street, Nanaimo, BC on Thursday, 2018-JUN-21 at 9:00 a.m.
- Minutes of the Special Council Meeting held in the Douglas Rispin Room, 80 Commercial Street, Nanaimo, BC on Monday 2018-JUN-25 at 3:00 p.m.

The motion carried unanimously.

6. PRESENTATIONS:

- (a) Presentation re: Proposed Council Procedure Bylaw

Introduced by Sheila Gurrie, City Clerk.

Sheila Gurrie, City Clerk, provided Council with a presentation regarding the Proposed Council Procedure Bylaw including the proposed changes, reasons for the changes and the engagement process. A Public Engagement session will be held on 2018-AUG-28.

(b) Kevan Shaw, Victoria Crescent Association

Kevan Shaw, Victoria Crescent Association spoke regarding the Annual Bathtub Day Street Festival happening on Saturday, July 21, 2018.

7. MAYOR'S REPORT:

Mayor McKay spoke and stated that July is Marine Festival Month in Nanaimo. Activities in July include the Dragon Boat Festival, the Child Development Centre Silly Boat Races, Bathtub Day Races and the return of the Snowbirds Aerial Show on 2018-AUG-08.

8. ADMINISTRATION:

(a) Advisory Committee Minutes

It was moved and seconded that the following minutes be received for information:

- Minutes of the Public Works and Engineering Committee meeting held on Wednesday, 2018-APR-11 at 4:30 p.m.
- Minutes of the Finance and Audit Committee meeting held on Wednesday, 2018-MAY-09 at 9:00 a.m.
- Minutes of the Community Planning and Development Committee meeting held on Tuesday, 2018-MAY-15 at 5:00 p.m.
- Minutes of the Nanaimo Youth Advisory Council meeting held on Wednesday, 2018-MAY-16 at 4:30 p.m.
- Minutes of the Parks, Recreation and Wellness Committee meeting held on Wednesday, 2018-MAY-23 at 5:30 p.m.
- Minutes of the Special Community Engagement Task Force meeting held on Tuesday, 2018-JUN-05 at 4:30 p.m.

The motion carried unanimously.

9. CORPORATE SERVICES:

(a) Internal Borrowing Resolution

Introduced by Wendy Fulla, Manager, Business, Asset and Financial Planning.

It was moved and seconded that Council approve internal borrowing from the Development Cost Charge (DCC) City Wide Drainage Reserve in the amount of \$4,915,000 to fund the Sanitary Sewer DCC project DCC SS45: Chase River Pump Station and Forcemain, for a 20 year term at an interest rate of 2% with repayment of the internal borrowing to be from sewer operations. The motion carried unanimously.

10. PUBLIC SERVICES:

(a) Morningside Drive Sewer Cost Share

Introduced by Bill Sims, Director of Engineering and Public Works.

It was moved and seconded that Council authorize the installation of sanitary sewer along Morningside Drive, provided the property owners sign a formal petition to contribute \$12,200 per lot towards the cost of extending the service. The motion carried unanimously.

(b) Property Disposition - Part in Plan 174RW of Lot 7 - Nanaimo River Road

Introduced by Dale Lindsay, Director of Community Development.

It was moved and seconded that Council:

1. approve the disposition of City-owned land known as Part in Plan 174RW of Lot 7 – Nanaimo River Road to Lafarge Canada Inc. for the sum of \$16,500; and,
2. direct the Mayor and Corporate Officer to execute the necessary documents to effect the transaction.

The motion carried unanimously.

B. Sims vacated the Shaw Auditorium at 7:24 p.m.

(c) Rezoning Application No. RA390 - 215 Sabiston Street

Introduced by Dale Lindsay, Director of Community Development.

It was moved and seconded that “Zoning Amendment Bylaw 2018 No. 4500.125” (To rezone 215 Sabiston Street from Single Dwelling Residential [R1] to Townhouse Residential [R6]) pass first reading. The motion carried unanimously.

It was moved and seconded that “Zoning Amendment Bylaw 2018 No. 4500.125” pass second reading. The motion carried unanimously.

It was moved and seconded that Council direct Staff to secure the community contribution prior to the adoption of the bylaw, should Council support the bylaw at third reading. The motion carried unanimously.

(d) Development Permit No. DP1073 - 20 Barsby Avenue

Introduced by Dale Lindsay, Director of Community Development.

Delegations:

1. Martin Jirout and Raymond de Beeld spoke regarding walkway/pathway areas around the building, native vegetation and the removal of invasive plants.

It was moved and seconded that Council issue Development Permit No. DP1073 at 20 Barsby Avenue with the following variances:

- increase the maximum building height from 14m to 19.6m;
- reduce the minimum required front yard setback (Barsby Avenue) from 6m to 3m;
- reduce the minimum required front yard setback for an underground parking structure from 1.8m to 0m;
- reduce the minimum required flanking side yard setback (west) from 4m to 3m;
- reduce the watercourse setback measured from the top of bank from 30m to 0m; and,
- reduce the required number of parking spaces from 90 to 85 spaces.

The motion carried.

Opposed: *Councillor Hong*

(e) Development Permit No. DP1075 - 3598 Norwell Drive

Introduced by Dale Lindsay, Director of Community Development.

It was moved and seconded that Council issue Development Permit No. 1075 at 3598 Norwell Drive with the following variances:

- reduce the minimum lot depth requirement from 27m down to 19.46m and as outlined in the terms of the development permit;
- increase the maximum height for Units B and C from 9m to 9.97m; and,
- increase the maximum height for Units D and E from 9m to 9.36m.

The motion carried unanimously.

(f) Development Permit No. DP1088 - 3425 Uplands Drive

Introduced by Dale Lindsay, Director of Community Development.

Delegations:

1. Graham Morry, Executive Director, Nanaimo Association for Community Living, and John Jessup, Project Manager, Nanaimo Association for Community Living stated there is one disable parking space.
2. Randy Dorman spoke regarding parking concerns, visibility issues and his homes privacy being effected.

It was moved and seconded that Council issue Development Permit No. 1088 at 3425 Uplands Drive with the following variances:

- increase the maximum allowable height for Building A from 9m to 10.21m;
- increase the maximum allowable height for Building B from 9m to 9.88m;
- increase the maximum allowable height for Building C from 9m to 10.87;
- increase the maximum permitted projection of the eaves into the east side yard setback from 0.75m to 1.12m;
- reduce the Minimum Landscape Treatment Level 2d buffer width along the west property line from 1.8m to 1m; and,
- reduce the required onsite parking from 46 to 17 parking spaces.

The motion carried.

Opposed: *Councillors Armstrong and Bestwick*

(g) Development Permit No. DP1093 - 4775 Uplands Drive

Introduced by Dale Lindsay, Director of Community Development.

Delegation:

1. Judith Guy spoke regarding parking, safety, residents with mobility issues and visibility while entering and exiting the complex and tree removal.

It was moved and seconded that that Council issue Development Permit No. DP1093 at 4775 Uplands Drive with the following variance:

- increase the maximum building height for Building A and B from 14m to 16m.

The motion carried unanimously.

(h) BC Energy Step Code Implementation Strategy

To be introduced by Dale Lindsay, Director of Community Development.

Rob Lawrance, Environmental Planner, provided Council with a presentation regarding the BC Energy Step Code Implementation Strategy.

It was moved and seconded that Council endorse the implementation strategy for the BC Energy Step Code as outlined within the report titled “BC Energy Step Code Implementation Strategy” dated 2018-JUL-09. The motion carried unanimously.

R. Lawrance vacated the Shaw Auditorium at 8:23 p.m.

(i) Supervised Consumption Service - Proposed Zoning Bylaw Amendments

Introduced by Dale Lindsay, Director of Community Development.

It was moved and seconded that Council refer review of Zoning Bylaw Amendments related to Supervised Consumption Services to the Community Planning and Development Committee, and the Public Safety Committee, for recommendations. The motion carried unanimously.

(j) Provincial Support for Daytime Drop-in Resource Centre

Introduced by Dale Lindsay, Director of Community Development.

Delegation:

1. Matthew O'Donnell spoke regarding the proposed drop-in resource centre and the request for financial support the City of Nanaimo will be making to the Province of BC.

It was moved and seconded that Council direct Mayor McKay to send correspondence to Mr. Leonard Krog, MLA, regarding the City of Nanaimo's request for financial support from the Provincial Government for a daytime drop-in resource centre for homeless individuals in Nanaimo, and ask that this request be brought forward to an inter ministerial forum for consideration. The motion carried.

Opposed: *Councillors Bestwick and Kipp*

(k) Cannabis Task Force Update

Introduced by Councillor Kipp.

Dale Lindsay, Director of Community Development, provided Council with an overview and update of the Cannabis Task Force recommendations.

Delegation:

1. Matthew O'Donnell spoke regarding the recommendation of a minimum 300 meters between cannabis dispensaries.

It was moved and seconded that:

- Council direct Staff to prepare and introduce Zoning Bylaw amendments to clarify that Cannabis Retail Stores are separate use from retail;
- proposed Cannabis Retail Stores be required to submit site-specific rezoning applications;
- rezoning criteria, attached to the report titled "Cannabis Task Force Recommendations", dated 2018-JUL-09, including recommended minimum 300m from another Cannabis Retail Store, be considered for endorsement subject to receiving input from the Nanaimo School Board regarding recommended guidelines for separation from schools;



- specific business license fees for Cannabis Retail Stores not be established at this time and that business license fees for Cannabis Retail Stores be considered as part of any future review of liquor license fees;
- Council direct Staff to prepare and introduce Zoning Bylaw amendments to replace the existing use of “Medical Marijuana Growing and Production” with “Cannabis Production and Processing” and permit this as a use in the I4 (Industrial) Zone;
- Council direct Staff to prepare and introduce Zoning Bylaw amendments to allow small scale cannabis production in the I1 (Highway Industrial) and I2 (Light Industrial) zones subject to the development of an odour abatement strategy;
- cannabis production not be permitted in the Agricultural Rural Residential Zones (AR1 and AR2);
- no further restrictions be placed on the personal production of cannabis beyond those established by the Federal and Provincial Governments;
- Council adopt an updated and revised smoking bylaw to regulate the smoking of cannabis in public areas;
- Council direct Staff to refer the recommendations provided by the Cannabis Task Force to the School Board for input; and,
- Council direct Staff to complete a review of the cannabis-related bylaws and regulations one year following the adoption of the associated bylaws.

The motion carried unanimously.

11. BYLAWS:

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

It was moved and seconded that Council reconsider "Park Dedication Bylaw 2018 No. 7259." The motion carried unanimously.

It was moved and seconded that "Park Dedication Bylaw 2018 No. 7259" (To dedicate land for park purposed) be adopted. The motion carried.

Opposed: *Mayor McKay*

(b) "Zoning Amendment Bylaw 4500.117"

It was moved and seconded that "Zoning Amendment Bylaw 4500.117" (RA378 – To rezone a portion of 2560 Bowen Road to allow a site-specific use permitting automobile sales, service and rental in the Community Corridor Zone [COR3]) be adopted. The motion carried unanimously.

(c) "Zoning Amendment Bylaw 2018 No. 4500.121"

It was moved and seconded that "Zoning Amendment Bylaw 2018 No. 4500.121" (To rezone 2202 Meredith Road from Single Dwelling Residential [R1] to Townhouse Residential [R6] with site-specific provisions to increase the maximum permitted building height to 9.2m and increase the maximum allowable floor area ratio to 0.7) be adopted. The motion carried unanimously.

12. QUESTION PERIOD:

- Brunie Brunie re: Agenda Item 10(b) – Property Disposition – Part in Plan 174RW of Lot 7 – Nanaimo River Road and tree removal on new developments.
- Jess Anderson re: making lockers and/or storage available for homeless people in Nanaimo.

13. ADJOURNMENT:

It was moved and seconded at 9:32 p.m. that the meeting terminate. The motion carried unanimously.

CERTIFIED CORRECT:

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CHAIR

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CORPORATE OFFICER