

**MINUTES**  
SPECIAL COUNCIL MEETING (PUBLIC HEARING)  
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC  
THURSDAY, 2018-JUL-05, AT 7:00 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 J. A. Kipp  
Councillor I. W. Thorpe

Absent: Councillor J. Hong  
Councillor G. W. Fuller  
Councillor W. M. Yoachim

Staff: D. Lindsay, Director of Community Development  
L. Rowett, Manager of Current Planning and Subdivision  
B. Zurek, Planner  
D. Stewart, Planner  
D. Pady, Subdivision Planner  
S. Gurrie, City Clerk  
J. Vanderhoef, Recording Secretary

1. CALL THE SPECIAL COUNCIL MEETING TO ORDER:

The Special Council Meeting was called to order at 7:00 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Agenda Item 5(c) – Rezoning Application No. RA392 – 580 St. Andrews Street – add presentation from Wayne Mueller, the applicant.
- (b) Add - Procedural Motion to Proceed In Camera to become Agenda Item 10, and reorder Adjournment to become Agenda Item 11.

It was moved and seconded that Procedural Motion to Proceed In Camera be added as a late item to become Agenda Item 10. The motion carried unanimously.

3. ADOPTION OF AGENDA:

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

4. CALL THE PUBLIC HEARING TO ORDER:

The Public Hearing Meeting was called to order at 7:02 p.m. Mayor McKay spoke regarding the purpose of a Public Hearing, advised that Council was meeting on the traditional territory of the Snuneymuxw First Nation and advised of the standard protocols for a Public Hearing.

5. PUBLIC HEARING AGENDA:

Lainya Rowett, Manager, Current Planning and Subdivision, explained the required procedures in conducting a Public Hearing and the regulations contained within Part 14 of the *Local Government Act*.

(a) Hospital Area Plan

Introduced by Brian Zurek, Planner.

Mayor McKay called for submissions from the Public:

1. Donna Hais, 6040 Hammond Bay Road, spoke in favour of the Hospital Area Plan and stated the following:

- increased number of people in this neighbourhood is being addressed by the proposed plan;
- requested assistance in dealing with increased social issues within the area;
- the Area Plan implementation strategy recommends a bylaw officer to enforce parking regulations in the area;
- she requested on behalf of businesses in the neighbourhood that the bylaw officer also be tasked with addressing drug use and homelessness in the area; and,
- she also requested that future revenues from the parking area be invested back into the surrounding community.

Mayor McKay called for submissions from the public a second time.

No one in attendance wished to speak with respect to the Hospital Area Plan.

Mayor McKay called for submissions from the public a third time.

No one in attendance wished to speak with respect to the Hospital Area Plan.

No written submissions were received regarding the Hospital Area Plan.

(b) Rezoning Application No. RA393 – 101 and 105 Linley Road

Introduced by Dave Pady, Subdivision Planner.

1. Brock Williamson, Williamson and Associates, 90 White Eagle Terrace, the applicant, spoke regarding communication that has been done with members of the neighbourhood and was available for questions.

Mayor McKay called for submissions from the Public.

No one in attendance wished to speak with respect to Rezoning Application No. RA393 – 101 and 105 Linley Road.

Mayor McKay called for submissions from the public a second time.

No one in attendance wished to speak with respect to the Rezoning Application No. RA393 – 101 and 105 Linley Road.

Mayor McKay called for submissions from the public a third time.

No one in attendance wished to speak with respect to the Rezoning Application No. RA393 – 101 and 105 Linley Road.

No written submissions were received regarding the Rezoning Application No. RA393 – 101 and 105 Linley Road.

(c) Rezoning Application No. RA392 – 580 St. Andrews Street

Introduced by Dave Pady, Subdivision Planner.

Presentation:

1. Wayne and Debbie Mueller, 580 St. Andrews Street, the applicants, spoke regarding the following:
  - the property is a large oversized lot within the Townsite area;
  - similar homes within the area with increased revitalization and renovations being done;
  - attempts have been made to gain feedback from neighbours who would be affected by the rezoning application;
  - feedback from neighbours has been positive; and,
  - request is to rezone from Single Dwelling Residential (R1) to Single Dwelling Residential – Small Lot (R2) in order to facilitate one additional lot and one new home.

Mayor McKay called for submissions from the Public.

No one in attendance wished to speak with respect to Rezoning Application No. RA392 – 580 St. Andrews Street.

Mayor McKay called for submissions from the public a second time.

No one in attendance wished to speak with respect to the Rezoning Application No. RA392 – 580 St. Andrews Street.

Mayor McKay called for submissions from the public a third time.

No one in attendance wished to speak with respect to the Rezoning Application No. RA392 – 580 St. Andrews Street.

No written submissions were received regarding the Rezoning Application No. RA392 – 580 St. Andrews Street.

6. FINAL CALL FOR SUBMISSIONS:

Mayor McKay announced that following the close of a Public Hearing, no further submission or comments from the public or interested persons can be accepted by members of City Council, as established by provincial case law. This is to ensure a fair Public Hearing process and provide a reasonable opportunity for people to respond.

7. ADJOURNMENT OF THE PUBLIC HEARING:

It was moved and seconded that the Public Hearing adjourn at 7:20 p.m. The motion carried unanimously.

8. BYLAWS:

(a) "Official Community Plan Amendment Bylaw 2018 No. 6500.039"

It was moved and seconded that "Official Community Plan Amendment Bylaw 2018 No. 6500.039" (To include the Hospital Area Plan as an amendment to the Official Community Plan) pass third reading. The motion carried unanimously.

(b) "Zoning Amendment Bylaw 2018 No. 4500.122"

It was moved and seconded that "Zoning Amendment Bylaw 2018 No. 4500.122" (To rezone portions of the subject properties at 101 and 105 Linley Road from Steep Slope Residential [R10] to Single Dwelling Residential [R1]) pass third reading. The motion carried unanimously.

It was moved and seconded that "Zoning Amendment Bylaw 2018 No. 4500.122" (To rezone portions of the subject properties at 101 and 105 Linley Road from Steep Slope Residential [R10] to Single Dwelling Residential [R1]) be adopted. The motion carried unanimously.

(c) "Zoning Amendment Bylaw 2018 No. 4500.123"

It was moved and seconded that "Zoning Amendment Bylaw 2018 No. 4500.123" (To rezone the subject property at 580 St. Andrews Street from Single Dwelling Residential [R1] to Single Dwelling Residential - Small Lot [R2]) pass third reading. The motion carried unanimously.

9. REPORTS:

(a) Liquor Licence Application No. LA131 - 100 Port Drive

Introduced by David Stewart, Planner.

Presentation:

1. Bert Hick, Rising Tide Consultants, the applicant, spoke regarding the Liquor Licence Application and explained that this service would be for HeliJet passengers and not open to the public. Service would be provided within the business hours of 9:00 a.m. – 9:00 p.m. with drink service most likely starting in the afternoon.

Mayor McKay requested that Council hear anyone wishing to speak with respect to Liquor Licence Application No. LA131 – 100 Port Drive.

No one in attendance wished to speak with respect to Liquor Licence Application No. LA131 – 100 Port Drive.

(b) Bylaw Contravention Notice - Construction Started Without a Building Permit – 896 Townsite Road

Introduced by Dale Lindsay, Director of Community Development.

Mayor McKay requested that Council hear anyone wishing to speak with regard to Bylaw Contravention Notice - 896 Townsite Road.

No one in attendance wished to speak with respect to 896 Townsite Road.

It was moved and seconded that Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 896 Townsite Road for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. The motion carried unanimously.

(c) Bylaw Contravention Notice - Construction Started Without a Building Permit – 1357 Fielding Road

Introduced by Dale Lindsay, Director of Community Development.

Mayor McKay requested that Council hear anyone wishing to speak with regard to Bylaw Contravention Notice – 1357 Fielding Road.

No one in attendance wished to speak with respect to 1357 Fielding Road.

It was moved and seconded that Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 1357 Fielding Road for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. The motion carried unanimously.

(d) Bylaw Contravention Notice - Construction Started Without a Building Permit – 46 Pirates Lane

Introduced by Dale Lindsay, Director of Community Development.

Mayor McKay requested that Council hear anyone wishing to speak with regard to Bylaw Contravention Notice – 46 Pirates Lane.

No one in attendance wished to speak with respect to 46 Pirates Lane.

It was moved and seconded that Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 46 Pirates Lane for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. The motion carried unanimously.

(e) Bylaw Contravention Notice - Construction Started Without a Building Permit – 837 Brookfield Drive

Introduced by Dale Lindsay, Director of Community Development.

Mayor McKay requested that Council hear anyone wishing to speak with regard to Bylaw Contravention Notice – 837 Brookfield Drive.

No one in attendance wished to speak with respect to 837 Brookfield Drive.

It was moved and seconded that Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 837 Brookfield Drive for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. The motion carried unanimously.

(f) Bylaw Contravention Notice - Construction Started Without a Building Permit – 432 Stable Place

Introduced by Dale Lindsay, Director of Community Development.

Mayor McKay requested that Council hear anyone wishing to speak with regard to Bylaw Contravention Notice – 432 Stable Place.

1. Susan Olive, 432 Stable Place, spoke stating that a building permit application has been submitted to attempt to legalize the suite.

It was moved and seconded that Council refer Bylaw Contravention Notice - Construction Started Without a Building Permit - 432 Stable Place to Staff for review. The motion carried unanimously.

(g) Bylaw Contravention Notices - Secondary Suites

Introduced by Dale Lindsay, Director of Community Development.

Mayor McKay requested that Council hear anyone wishing to speak with regard to Bylaw Contravention Notices – Secondary Suites at the following locations:

1. 3677 Country Club Drive

1. Barry Bender, 5101 Carriage Drive, asked what would appear on the property title.

2. 806 Glengarry Crescent

Mayor McKay requested that Council hear anyone wishing to speak with regard to Bylaw Contravention Notices - 806 Glengarry Crescent.

No one in attendance wished to speak with respect Bylaw Contravention Notice 806 Glengarry Crescent.

3. 5829 Tweedsmuir Crescent

1. David and Susan Flaton, 5829 Tweedsmuir Crescent, spoke explaining the reason for the renovation and asked for clarification on why a permit was required after the work was completed.

It was moved and seconded that Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the following properties:

1. 3677 Country Club Drive – authorized secondary suite
2. 806 Glengarry Crescent – illegal secondary suite
3. 5829 Tweedsmuir Crescent – illegal secondary suite

The motion carried unanimously.

10. 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:

- (d) the security of property of the municipality;
- (f) law enforcement, if the Council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;
- (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;

- (m) a matter that, under another enactment, is such that the public may be excluded from the meeting; 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 7:59 p.m.

Council moved out of “In Camera” at 8:47 p.m.

11. ADJOURNMENT:

It was moved and seconded at 8:47 p.m. that the meeting terminate. The motion carried unanimously.

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CHAIR

CERTIFIED CORRECT:

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CORPORATE OFFICER