

**MINUTES**  
REGULAR COUNCIL MEETING  
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2018-AUG-13, AT 3:30 P.M.

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Present: Mayor W. B. McKay, Chair  
Councillor S. D. Armstrong  
Councillor W. L. Bestwick (vacated 9:29 p.m.)  
Councillor M. D. Brennan  
Councillor G. W. Fuller (vacated 10:07 p.m.)  
Councillor J. Hong  
Councillor I. W. Thorpe  
Councillor W. M. Yoachim

Absent: Councillor J. A. Kipp

Staff: J. Rudolph, Chief Administrative Officer  
D. Lindsay, Director of Community Development  
L. Rowett, Manager, Current Planning & Subdivision (vacated 10:28 p.m.)  
D. Blackwood, 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 3:32 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;
- (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;
- (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 3:32 p.m.

Council moved out of “In Camera” at 6:58 p.m.

The Regular Council meeting recessed at 6:58 p.m.

The Regular Council meeting reconvened at 7:01 p.m.

3. INTRODUCTION OF LATE ITEMS:

- (a) Add – Presentation from Dale Lindsay, Director of Community Development, Mid-Year Review.
- (b) Agenda Item 10(b) – Cannabis Zoning Regulation:
- Replace – Attachment A to correct the expected date for the Federal Cannabis Act (Bill C-45) and replace with the version handed out;
  - Replace – “Zoning Amendment Bylaw 2018 No. 4500.127” with version handed out and,
  - Add – Delegation from Cliff Wiltshire regarding Marijuana Legislation; and,
  - Add – Delegation from Leo Therrin, Northgate Liquor Store regarding Cannabis Zoning Regulation.
- (c) Agenda Item 10(m) - Development Permit No. DP1058 and Development Variance Permit No. DVP317- 3715 Lagoon Road – Replace Attachment D, Attachment E and Attachment F.
- (d) S. Gurrie, City Clerk, introduced Jake Rudolph as the new Interim Chief Administrative Officer.
- (e) Councillor Hong advised that Kevan Shaw was in attendance and wished to address Council as a late delegation regarding Victoria Crescent Day Fun Street Festival.

It was moved and seconded that Kevan Shaw be permitted to address Council as a late delegation under Agenda Item 6(b) – Presentations, 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) of the Council of the City of Nanaimo held in the Shaw Auditorium, 80 Commercial Street, Nanaimo, BC, on Monday, 2018-JUL-05 at 7:00 p.m.
- Minutes of the Regular Meeting of the Council of the City of Nanaimo held in the Shaw Auditorium, 80 Commercial Street, Nanaimo, BC, on Monday, 2018-JUL-09 at 3:00 p.m.
- Minutes of the Special Meeting of the Council of the City of Nanaimo held in the Shaw Auditorium, 80 Commercial Street, Nanaimo, BC, on Friday, 2018-JUL-13 at 9:00 a.m.
- Minutes of the Special Meeting of the Council of the City of Nanaimo held in the Shaw Auditorium, 80 Commercial Street, Nanaimo, BC, on Monday, 2018-JUL-23 at 4:00 p.m.

The motion carried unanimously.

6. PRESENTATIONS:

- (a) Presentation from Dale Lindsay, Director of Community Development, Mid-Year Review

Dale Lindsay, Director of Community Development, provided Council with a presentation regarding Business Licensing, Building Permits, Development Permits and Rezoning applications, processing times for building permits including residential and commercial buildings and the larger commercial and/or residential permits currently being reviewed.

- (b) Kevan Shaw – Victoria Crescent Day Fun Street Festival

Kevan Shaw, President, Victoria Crescent Association, spoke regarding the Victoria Crescent Day Fun Street Festival to be held on August 26<sup>th</sup>, 2018, from 12:00 p.m. – 6:30 p.m. He also presented Council with a Certificate of Appreciation regarding the Bathtub Day Festival.

7. MAYOR'S REPORT:

Mayor McKay spoke regarding the Dragon Boat Festival, the Child Development Centre Silly Boat Regatta, Bathtub Weekend and the Symphony by the Sea.

Mayor McKay expressed his sorrow for the passing of Ellen White, a well known member of the Snuneymuxw First Nations, an educator, political activist and advocate for First Nations people in Canada.

8. ADMINISTRATION:

(a) Committee Recommendations

(1) Parks, Recreation and Wellness Committee 2018-JUN-27

Fern Neighbourhood Park Improvement Request under the Partners in Parks Program

It was moved and seconded that Council allocate \$25,000 from the 2018 Partners in Parks Program, and \$20,000 from the Deferred Revenue Account for Future Partners in Park project, for Fern Neighbourhood Park improvements. The motion carried unanimously.

(2) Finance and Audit Committee 2018-JUL-11

Heritage Façade Grant - 155 Commercial Street

It was moved and seconded that Council:

1. approve a \$8,683.50 Heritage Façade Grant for the Parkin Block located at 155 Commercial Street to repaint the building exterior and recover its existing awnings; and,
2. provide for the \$7,978.04 Heritage Façade Grant shortfall through a budget transfer from the Heritage Home Grant Program.

The motion carried unanimously.

Community Program Development Grant - Mid-Island Youth & Community Cooperative

It was moved and seconded that Council approve the request from the Mid-Island Youth and Community Development Cooperative for a Community Program Development Grant in the amount of \$2,665 to assist in funding a community-based arts and food festival, Food-Art Fun. The motion carried unanimously.

Consideration of Nanaimo Deep Discovery Association Funding Request

It was moved and seconded that Council provide \$65,000 to the Nanaimo Deep Discovery Association, from the Council Contingency Fund, and that the Nanaimo Deep Discovery Association fund the balance required through other sources.

It was moved and seconded that the motion be amended to include the line “based on Council having full access to the reports completed by the Nanaimo Deep Discovery Association”. The motion carried.

Opposed: Councillor Armstrong

The vote was taken on the main motion as amended as follows:

It was moved and seconded that Council provide \$65,000 to the Nanaimo Deep Discovery Association, from the Council Contingency Fund, based on Council having full access to the reports completed by the Nanaimo Deep Discovery Association, and that the Nanaimo Deep Discovery Association fund the balance required through other sources. The motion carried.

Opposed: Councillor Armstrong

Councillor Brennan vacated the Shaw Auditorium at 7:52 p.m.

(b) Advisory Committee Minutes

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

- Minutes of the Public Safety Committee Meeting held in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Thursday, 2018-MAY-03, at 3:30 p.m.
- Minutes of the Design Advisory Panel Meeting held in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Thursday, 2018-MAY-24, at 5:00 p.m.
- Minutes of the Finance and Audit Committee Meeting held in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Wednesday, 2018-JUN-13, at 9:00 a.m.
- Minutes of the Community Planning and Development Committee Meeting held in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Tuesday, 2018-JUN-19, at 5:00 p.m.
- Minutes of the Nanaimo Youth Advisory Council Meeting held in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Wednesday, 2018-JUN-20, at 4:30 p.m.
- Minutes of the Community Engagement Task Force Meeting held in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Tuesday, 2018-JUN-26, at 4:30 p.m.
- Minutes of the Community Engagement Task Force Meeting held in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Tuesday, 2018-JUL-10, at 4:00 p.m.

The motion carried unanimously.

Councillor Brennan returned to the Shaw Auditorium at 7:53 p.m.

9. PUBLIC SERVICES:

(a) Smoking Regulation Bylaw 2018 No. 7268

Introduced by Dale Lindsay, Director of Community Development.

It was moved and seconded that “Smoking Regulation Bylaw 2018 No. 7268” (To regulate smoking in the City of Nanaimo) pass first reading. The motion carried unanimously.

It was moved and seconded that “Smoking Regulation Bylaw 2018 No. 7268” pass second reading. The motion carried unanimously.

It was moved and seconded that “Smoking Regulation Bylaw 2018 No. 7268” pass third reading. The motion carried unanimously.

(b) Cannabis Zoning Regulation

Introduced by Dale Lindsay, Director of Community Development.

Delegation:

1. Cliff Wiltshire, Chief Executive Officer of Salvation Botanicals, spoke regarding Marijuana Legislation and concerns regarding the designation of the industry in I4 zones and cannabis stores not adjacent to a liquor store.
2. Leo Therrin spoke regarding the Cannabis Zoning Regulations and does not support the recommendation regarding the distance required from liquor stores.

It was moved and seconded that “Zoning Amendment Bylaw 2018 No. 4500.127” (To regulate the sale, production, processing, and distribution of cannabis within the City of Nanaimo) pass first reading. The motion carried.

Opposed: *Councillors Bestwick and Hong*

It was moved and seconded that “Zoning Amendment Bylaw 2018 No. 4500.127” pass second reading. The motion carried.

Opposed: *Councillors Bestwick, Fuller and Hong*

It was moved and seconded that Council direct Staff to proceed and advertise a Public Hearing related to “Zoning Bylaw Amendment No. 4500.127” and the ‘Cannabis Retail Store Rezoning Criteria’. The motion carried.

Opposed: *Councillors Bestwick and Fuller*

The Regular Council meeting recessed at 9:29 p.m.  
Councillor Bestwick vacated the Shaw Auditorium at 9:29 p.m.  
The Regular Council meeting reconvened at 9:43 p.m.

(c) Off-Street Parking Regulations Bylaw

Introduced by Dale Lindsay, Director of Community Development.

It was moved and seconded that City of Nanaimo “Off-Street Parking Regulations Bylaw 2018 No. 7266” (To regulate parking within the City of Nanaimo) pass first reading. The motion carried unanimously.

It was moved and seconded that City of Nanaimo “Off-Street Parking Regulations Bylaw 2018 No. 7266” pass second reading. The motion carried unanimously.

It was moved and seconded that Council direct Staff to proceed and advertise for a Public Hearing related to the City of Nanaimo “Off-Street Parking Regulations Bylaw 2018 No. 7266” and the City of Nanaimo “Parking Variance Policy”. The motion carried unanimously.

(d) Mobile Food Vending Licensing

Introduced by Dale Lindsay, Director of Community Development.

Lainya Rowett, Manager of Current Planning and Subdivision, provided Council with a verbal presentation regarding mobile food vending licensing, suggestions and feedback made by Parks and Recreation Staff, stakeholders and food vendors and opening up more space in City of Nanaimo Parks for food vendors.

It was moved and seconded that "Business Licence Amendment Bylaw 2018 No. 5351.13" (To amend the mobile food vending licence process which allows food trucks and trailers to operate in specified on-street and city park locations) pass first reading. The motion carried unanimously.

It was moved and seconded that "Business Licence Amendment Bylaw 2018 No. 5351.13" pass second reading. The motion carried unanimously.

It was moved and seconded that "Business Licence Amendment Bylaw 2018 No. 5351.13" pass third reading. The motion carried unanimously.

(e) Property Disposition - Lot 7 Encroachment Area Adjacent to 4134 Wellesley Avenue

Introduced by Dale Lindsay, Director of Community Development.

It was moved and seconded that Council:

1. approve the disposition of City-owned property, Lot 7 Encroachment Area located adjacent to 4134 Wellesley Avenue, to Katie Hommy and Allen Armstrong for the sum of \$23,000 plus costs; and,
2. direct the Mayor and the Corporate Officer to execute the necessary documents to effect the transaction.

The motion carried.

Opposed: *Councillor Brennan*

Councillor Fuller vacated the Shaw Auditorium at 10:07 p.m.

(f) Rezoning Application No. RA389 - 65 and 77 Chapel Street

Introduced by Dale Lindsay, Director of Community Development.

Lainya Rowett provided Council with a presentation regarding the Rezoning Application which included height requirements, the Nanaimo Downtown Plan and requirements for new developments.

It was moved and seconded that “Zoning Amendment Bylaw 2018 No. 4500.126” (To rezone 65 and 77 Chapel Street to allow a site-specific Floor Area Ratio of 25 and a site-specific maximum building height of 78.5m in the Chapel Front [DT5] zone) pass first reading. The motion carried unanimously.

It was moved and seconded that “Zoning Amendment Bylaw 2018 No. 4500.126” pass second reading. The motion carried unanimously.

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

L. Rowett vacated the Shaw Auditorium at 10:28 p.m.

(g) Covenant Amendment Application No. CA9 - 6201 Oliver Road

Introduced by Dale Lindsay, Director of Community Development.

It was moved and seconded that Council direct Staff to proceed with a Public Hearing for Covenant Amendment Application No. CA9 at 6201 Oliver Road. The motion carried unanimously.

Council Hong vacated the Shaw Auditorium at 10:30 p.m., stating a conflict of interest as he has a current liquor licence.

(h) Liquor Licence Application No. LA000131 - 100 Port Drive

Introduced by Dale Lindsay, Director of Community Development.

It was moved and seconded that Council recommend that the Liquor and Cannabis Regulation Branch approve the application to permit a liquor primary licensed area within the HeliJet passenger terminal located at 100 Port Drive. The motion carried unanimously.

(i) Liquor Licence Application No. LA000132 - Unit 101A, 2046 Boxwood Road

Introduced by Dale Lindsay, Director of Community Development.

It was moved and seconded that Council authorize the Director of Community Development to notify the Liquor and Cannabis Regulation Branch that the City of Nanaimo permits the ancillary use of a picnic area outside of the Longwood Brewery located at 2046 Boxwood Road. The motion carried unanimously.

Councillor Hong returned to the Shaw Auditorium at 10:33 p.m.

(j) Development Permit Application No. DP1032 - 119 Haliburton Street

Introduced by Dale Lindsay, Director of Community Development.

It was moved and seconded that Council issue Development Permit No. DP1032 at 119 Haliburton Street with the following variances:

- increase the maximum building height from 14m to 16.1m;
- reduce the minimum required front yard setback for an underground parking structure from 1.8m to 0.97m;
- reduce the minimum landscape buffer width (north side yard) from 1.8m to 0m; and,
- reduce the minimum landscape buffer width (rear yard) from 1.8m to 1.2m.

The motion carried unanimously.

(k) Development Permit Application No. DP1096 - 1217 Manzanita Place

Introduced by Dale Lindsay, Director of Community Development.

It was moved and seconded that Council issue Development Permit No. DP1096 at 1217 Manzanita Place with the following variances:

- increase the maximum allowable building height from 7m up to 10.8m;
- reduce the required front yard setback from 6m to 5m; and,
- reduce the required rear yard setback from 7.5m to 3m.

The motion carried unanimously.

(l) Development Permit Application No. DP1109 - 940 Hecate Street

Introduced by Dale Lindsay, Director of Community Development.

It was moved and seconded that Council issue Development Permit No. DP1109 at 940 Hecate Street with the following variance:

- reduce the watercourse setback measured from the top of bank of the creek from 15m to 4.8m.

The motion carried unanimously.

(m) Development Permit No. DP1058 and Development Variance Permit No. DVP317 - 3715 Lagoon Road

Introduced by Dale Lindsay, Director of Community Development.

Mayor McKay requested that Council hear anyone wishing to speak with respect to DVP317 – 3715 Lagoon Road.

1. Brian Henning, Williamson and Associates Professional Land Surveyors, spoke regarding the plans for the property and location of the proposed new home.
2. Victoria Drake, Landscape Architect spoke regarding the landscaping plants and removal of the concrete seawall.
3. Rodney Simpson, neighbour of 3715 Lagoon Road, spoke in support of the Development Permit.

It was moved and seconded that Council:

1. Issue Development Permit No. DP1058 at 3715 Lagoon Road with the following variance:
  - reduce the watercourse setback measured from the natural boundary of the ocean from 15m to 8.4m; and,
2. Issue Development Variance Permit No. DVP317 at 3715 Lagoon Road with the following variance:
  - reduce the rear yard setback for a principal building from 7.5m to 1.5m.

The motion carried unanimously.

It was moved and seconded that the Council meeting proceed beyond the hour of eleven. The motion carried unanimously.

(n) Development Variance Permit Application No. DVP356 - 703 Hecate Street

Introduced by Dale Lindsay, Director of Community Development.

Mayor McKay requested that Council hear anyone wishing to speak with respect to DVP356 – 703 Hecate Street.

No one in attendance wished to speak with respect to DVP356.

It was moved and seconded that Council issue Development Variance Permit No. DVP354 for 703 Hecate Street with the following variances:

- reduce the minimum front yard setback from 6m to 4.5m;
- reduce the minimum rear yard setback from 7.5m to 7.14m; and,
- increase the maximum projection of an open deck into a rear yard setback from 2m to 2.44m.

The motion carried unanimously.

(o) Development Variance Permit Application No. DVP358 - 4461 Wellington Road

Introduced by Dale Lindsay, Director of Community Development.

Mayor McKay requested that Council hear anyone wishing to speak with respect to DVP358 – 4461 Wellington Road.

No one in attendance wished to speak with respect to DVP358.

It was moved and seconded that Council issue Development Variance Permit No. DVP358 at 4461 Wellington Road with the following variance:

- reduce the minimum lot frontage requirement from 15m to 14.3m for proposed Lots 2 to 5.

The motion carried unanimously.

(p) Development Variance Permit Application No. DVP359 - 380 Fifth Street

Introduced by Dale Lindsay, Director of Community Development.

Mayor McKay requested that Council hear anyone wishing to speak with respect to DVP359 – 380 Fifth Street.

1. Garry Pearson, Owner, advised Council that he was in attendance and available for questions if needed.

It was moved and seconded that Council issue Development Variance Permit No. DVP359 at 380 Fifth Street with the following variances:

- reduce the minimum rear yard setback from 7.5m to 5.64m; and,
- reduce the minimum flanking side yard setback from 4m to 3.14m.

The motion carried unanimously.

(q) Development Variance Permit Application No. DVP356 - 4285 Jingle Pot Road

Introduced by Dale Lindsay, Director of Community Development.

Mayor McKay requested that Council hear anyone wishing to speak with respect to DVP356 – 4285 Jingle Pot Road.

It was moved and seconded that Council issue Development Variance Permit No. DVP356 at 4285 Jingle Pot Road with the following variance:

- reduce the minimum lot depth requirement from 30m to 25.69m for proposed Lot 7.

The motion carried unanimously.

(r) Development Variance Permit Application No. DVP360 - 422 Howard Avenue

Introduced by Dale Lindsay, Director of Community Development.

Mayor McKay requested that Council hear anyone wishing to speak with respect to DVP360 – 422 Howard Avenue.

It was moved and seconded that Council issue Development Variance Permit No. DVP360 at 422 Howard Avenue with the following variance:

- increase the maximum accessory building height for a roof pitch less than 6:12 from 4.5m to 4.62m

The motion carried unanimously.

10. BYLAWS:

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

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

(b) "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]) be adopted. The motion carried unanimously.

(c) "Zoning Amendment Bylaw 2018 No. 4500.125"

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]) be adopted. The motion carried unanimously.

11. QUESTION PERIOD:

- Dorothy Houghton re: Agenda Item 10(b) – Cannabis Zoning Regulation, and Council had attendance at Cannabis Task Force meetings.
- Bill Manners re: Agenda Item 10(a) – Smoking Regulation Bylaw, and increased enforcement of the Smoking Regulation Bylaw.

12. ADJOURNMENT:

It was moved and seconded at 11:01 p.m. that the meeting terminate. The motion carried unanimously.

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C H A I R

CERTIFIED CORRECT:

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CORPORATE OFFICER