

**MINUTES**  
REGULAR COUNCIL MEETING  
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2018-SEP-17, AT 7:00 P.M.

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Present: Mayor W. B. McKay, Chair  
Councillor S. D. Armstrong (via telephone, disconnected 8:30 p.m.)  
Councillor W. L. Bestwick  
Councillor M. D. Brennan  
Councillor G. W. Fuller  
Councillor J. Hong  
Councillor J. A. Kipp  
Councillor I. W. Thorpe  
Councillor W. M. Yoachim (arrived 4:19 p.m.)

Staff: J. Rudolph, Chief Administrative Officer  
D. Lindsay, Director of Community Development  
L. Mercer, Manager Accounting Services (vacated at 7:56 p.m.)  
P. Rosen, Senior Manager Engineering (vacated 8:01 p.m.)  
J. Rose, Manager of Transportation (vacated 8:01 p.m.)  
K. Kronstal, Social Planner (arrived 7:52 p.m.)  
M. Desrochers, Client Support Specialist  
S. Gurrie, City Clerk  
S. Snelgrove, 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; 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 4:01 p.m.

Council moved out of “In Camera” at 7:00 p.m. and reconvened the Open Council meeting in the Shaw Auditorium.

3. INTRODUCTION OF LATE ITEMS:

- (a) Agenda Item 12(b) – Add “Zoning Amendment Bylaw 2018 No. 4500.120”
- (b) Agenda Item 12(d) – Remove “Smoking Regulation Bylaw 2018 No. 7268”
- (c) Mayor McKay advised that Kim Smythe was in attendance and wished to address Council as a late delegation with a five minute time limitation regarding Agenda Item 10(b) – Rezoning Application No. RA397 – 4900 Island Highway N.

It was moved and seconded that Council add Kim Smythe as a late delegation with a five minute time limitation regarding Agenda Item 10(b) Rezoning Application No. RA397 – 4900 Island Highway N. The motion carried unanimously.

Councillor Armstrong joined the meeting via telephone at 7:03 p.m.

- (d) Remove Agenda Item 11(a) - Unauthorized Suite 100 Ashlar Avenue.

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, Vancouver Island Conference Centre, on Monday, 2018-AUG-02 at 7:00 p.m.
- Minutes of the Special Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, on Monday, 2018-AUG-13 at 1:00 p.m.

- Minutes of the Regular Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, on Monday, 2018-AUG-13, at 3:30 p.m.  
The motion carried unanimously.

6. MAYOR'S REPORT:

Mayor McKay spoke regarding the ongoing crisis in housing affordability and homelessness in Nanaimo and other towns and cities across BC and North America. He spoke regarding actions being taken by the City and advised the City has been in contact with the Ministry of Municipal Affairs and Housing, Island Health and the and Ministry of Children and Family Development. He noted the increase in residents of Tent City and that Fire Chief Karen Fry issued a second Provincial Fire Safety Order because the amount and types of combustibles and the overall state of the camp has increased the risk of fire. The City is still waiting for the Court to issue a final ruling on the request to be able to enforce the first Fire Safety Order so that the City can make things safer for everyone.

7. ADMINISTRATION:

(a) Committee Recommendations

Public Safety Committee 2018-AUG-02

Introduced by Councillor Armstrong, Chair.

1. Meetings between Chief Administrative Officer and Committees

It was moved and seconded that Council direct Jake Rudolph, Chief Administrative Officer, to meet with the various advisory committee members as a group. The motion carried. Opposed: *Councillors Armstrong, Brennan, Kipp, Hong*

Councillor Hong vacated the Shaw Auditorium on a perceived conflict of interest at 7:14 p.m. as he owns a building near the Community Policing Services Office.

2. Discussion re: Community Policing Services Office

It was moved and seconded that Nanaimo Mayor and Council continue to fund the Community Policing Services Office (CPSO) building, on an annual basis, and change the name of the building to Community Safety Office. The motion carried.  
Opposed: *Councillors Bestwick, Fuller, Kipp*

Councillor Hong returned to the Shaw Auditorium at 7:20 p.m.

Finance and Audit Committee 2018-AUG-08

Introduced by Councillor Fuller, Acting Chair.

1. Travel Assistance Grant – Nanaimo Baseball Association Mosquito Pirates

It was moved and seconded that Council approve the request from the Nanaimo Minor Baseball Mosquito Pirates for a Travel Assistance Grant in the amount of \$550 for eleven (11) players to attend the Mosquito AAA Tier 1 Provincial Championships held from 2018-AUG-02 through AUG-06. The motion carried unanimously.

2. Travel Assistance Grant – Nanaimo Minor Baseball Association Mosquito Pirates A

It was moved and seconded that Council approve the request from the Nanaimo Minor Baseball Mosquito Pirates A for a Travel Assistance Grant in the amount of \$600 for twelve (12) players to attend the Mosquito A Provincial Championships held from 2018-AUG-02 through AUG-06 in Cloverdale, BC. The motion carried unanimously.

3. Travel Assistance Grant – Nanaimo Minor Baseball Association Tadpole Pirates

It was moved and seconded that Council approve the request from the Nanaimo Minor Baseball Tadpole Pirates for a Travel Assistance Grant in the amount of \$500 for ten (10) players to attend the Tadpole Provincial Championships held from 2018-JUL-27 through JUL-29 in Cloverdale, BC. The motion carried unanimously.

4. Travel Assistance Grant – Nanaimo District Lacrosse Peewee A

It was moved and seconded that Council approve the request from the Nanaimo District Lacrosse Peewee A for a Travel Assistance Grant in the amount of \$850 for seventeen (17) players to attend the 2018 BCLA Minor Box Lacrosse Provincial Championships held from 2018-JUL-11 through JUL-15. The motion carried unanimously.

5. Travel Assistance Grant – Nanaimo District Lacrosse Peewee C

It was moved and seconded that Council approve the request from the Nanaimo District Lacrosse Peewee C for a Travel Assistance Grant in the amount of \$700 for fourteen (14) players to attend the 2018 BC Lacrosse Provincial Championships held from 2018-JUL-12 through JUL-15. The motion carried unanimously.

6. Snuneymuxw First Nation Water and Sewer Connection Fee Credit Agreement

It was moved and seconded that Council approve the Water and Sewer Connection Fee Credit Agreement between the Snuneymuxw First Nation and the City of Nanaimo. The motion carried unanimously.

Community Vitality Committee 2018-JUL-04

Introduced by Councillor Fuller, Chair.

1. Kidney Foundation Challenge to Save Lives Through Organ Donation

It was moved and seconded that Council endorse a Nanaimo-specific resolution similar to the UBCM resolution to "accept the Kidney Foundation's challenge to Save Lives Through Organ Donation" and work with the Foundation to increase the number of people registered as organ donors in the community. The motion carried unanimously.

It was moved and seconded that Council consider creating and adopting a City-wide policy for ways in which the City can offer support to non-profit groups.

It was moved and seconded that Council refer the following resolution to the Community Vitality Committee for clarification regarding what they mean and the types of support the City can offer:

"That Council consider creating and adopting a City-wide policy for ways in which the City can offer support to non-profit groups."

The motion carried.

Opposed: Councillors Bestwick, Fuller

(b) Advisory Committee Minutes

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

1. Minutes of the Community Vitality Committee Meeting held in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Wednesday, 2017-NOV-01, at 4:30 p.m.
2. Minutes of the Community Vitality Committee Meeting held in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Wednesday, 2017-DEC-06, at 4:30 p.m.
3. Minutes of the Community Vitality Committee Meeting held in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Wednesday, 2018-JAN-03, at 4:30 p.m.
4. Minutes of the Community Vitality Committee Meeting held in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Wednesday, 2018-FEB-07, at 4:30 p.m.
5. Minutes of the Community Vitality Committee Meeting held in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Wednesday, 2018-APR-04, at 4:30 p.m.
6. Minutes of the Public Safety Committee Meeting held in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Thursday, 2018-JUL-05, at 3:30 p.m.
7. Minutes of the Finance and Audit Committee Meeting held in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Thursday, 2018-JUL-11, at 9:00 a.m.

8. Minutes of the Design Advisory Panel Committee Meeting held in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Thursday, 2018-JUL-12, at 5:00 p.m.
9. 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-24, at 4:30 p.m.
10. Minutes of the Design Advisory Panel Meeting held in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Thursday, 2018-JUL-26, at 5:00 p.m.

The motion carried unanimously.

(c) Council and Committee of the Whole Meeting Video Recording During Municipal Election Process

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Introduced by Sheila Gurrie, City Clerk.

It was moved and seconded that the Council and Committee of the Whole Meeting Video Recording During Municipal Election Process report, dated 2018-SEP-17, be received for information. The motion carried.

Opposed: *Councillor Yoachim*

It was moved and seconded that Council record and live stream Council and Committee of the Whole Meetings during the election period. The motion carried.

Opposed: *Mayor McKay, Councillors Brennan, Hong, Thorpe*

8. CORPORATE SERVICES:

(a) 2018-2022 Financial Plan Bylaw Amendment

Introduced by Laura Mercer, Manager, Accounting Services.

It was moved and seconded that “Financial Plan Amendment Bylaw 2018 No. 7253.03” (To amend the 2018 – 2022 Financial Plan) pass first reading. The motion carried unanimously.

It was moved and seconded that “Financial Plan Amendment Bylaw 2018 No. 7253.03” pass second reading. The motion carried unanimously.

It was moved and seconded that “Financial Plan Amendment Bylaw 2018 No. 7253.03” pass third reading. The motion carried unanimously.

L. Mercer vacated the Shaw Auditorium at 7:56 p.m.

9. PUBLIC SERVICES:

(a) Boxwood Road Temporary Traffic Calming

Introduced by Poul Rosen, Senior Manager of Engineering.

It was moved and seconded that the report titled “Boxwood Road Temporary Traffic Calming”, dated 2018-SEP-17, be received for information. The motion carried unanimously.

Poul Rosen and Jamie Rose vacated the Shaw Auditorium at 8:01 p.m.

(b) Rezoning Application No. RA397 - 4900 Island Highway N

Introduced by Dale Lindsay, Director of Community Development.

Delegations:

1. Mark Holland presented on behalf of the applicant and spoke in favour of Rezoning Application No. RA397 – 4900 Island Highway N. He advised:
  - the use is for a new car dealership
  - he would like to see this project go through the review process
  - the property is next to a four lane highway
  - the project is appropriate for this site
  - significant street and pedestrian improvements will be completed
  - a bike lane and parallel parking will be added to the street
  - 70 full-time jobs above minimum wage will be provided
  - the design is clean, simple and modern
  - additional underground parking is provided
  - land is in the auto dealership precinct
2. Kim Smythe, CEO & President, Greater Nanaimo Chamber of Commerce, spoke in favour of Rezoning Application No. RA397 - 4900 Island Highway N and advised:
  - the Chamber of Commerce is in favour
  - this project will boost economic development
  - this is a Nanaimo business that has attained success and wishes to expand
  - career type jobs well above living wage will be provided
  - proposed use fits the zoning criteria
  - Nanaimo is open for business

It was moved and seconded that Council direct Staff to proceed with rezoning application RA397 – 4900 Island Highway N. The motion carried unanimously.

Councillor Brennan vacated the Shaw Auditorium at 8:29 p.m.

Councillor Bestwick vacated the Shaw Auditorium at 8:30 p.m.

Councillor Armstrong left the meeting via telephone at 8:30 p.m.

(c) Development Variance Permit Application No. DVP361 - 3680 Lagoon Road

Introduced by Dale Lindsay, Director of Community Development.

Delegation:

1. Mike Testini, 3360 White Tail Place, spoke regarding location of heat pump and advised there is limited space to site the heat pump as the property narrows and the neighbour is in agreement with the proposal.

Councillor Brennan returned to the Shaw Auditorium at 8:31 p.m.

Mayor McKay requested that Council hear anyone wishing to speak to Development Variance Permit Application No. DVP361 - 3680 Lagoon Road.

No one in attendance wished to speak with respect to DVP361- 3680 Lagoon Road.

It was moved and seconded that Council issue Development Variance Permit No. DVP361 at 3680 Lagoon Road with the following variance:

- allow a heat pump to be located on the south side of the principal building.

The motion carried unanimously.

Councillor Bestwick returned to the Shaw Auditorium at 8:32 p.m.

(d) Development Permit Application No. DP927 - 5757 Turner Road, 6010 and 6020 Linley Valley Drive

Introduced by Dale Lindsay, Director of Community Development.

Councillor Yoachim vacated the Shaw Auditorium at 8:33 p.m.

It was moved and seconded that Council issue Development Permit No. DP927 at 5757 Turner Road, 6010 and 6020 Linley Valley Drive with the following variance:

- reduce the watercourse setback measured from the top of bank of the creek from 15m to 7.5m from the centreline of the creek.

The motion carried unanimously.

Councillor Hong vacated the Shaw Auditorium at 8:34 p.m. declaring a conflict of interest as he has a liquor licence.

(e) Liquor Licence Application No. LA000134 - 1630 East Wellington Road – Royal Canadian Legion, Branch 256

Introduced by Dale Lindsay, Director of Community Development.

It was moved and seconded that Council:



1. waive the requirement for a Public Meeting for Liquor Licence Application No. LA134 at 1630 East Wellington Road; and,
2. recommend that the Liquor and Cannabis Regulation Branch approve the application to convert an existing liquor primary club license to a liquor primary licence for the Royal Canadian Legion, Branch 256, located at 1630 East Wellington Road.

The motion carried.

Opposed: *Councillor Brennan*

Councillor Hong returned to the Shaw Auditorium at 8:39 p.m.

(f) Rezoning Application No. RA391 - 4525 and 4461 Wellington Road

Introduced by Dale Lindsay, Director of Community Development.

It was moved and seconded that “Zoning Amendment Bylaw 2018 No. 4500.128” (To rezone portions of the subject properties at 4525 and 4461 Wellington Road from Single Dwelling Residential [R1] to Duplex Residential [R4]) pass first reading. The motion carried unanimously.

It was moved and seconded that “Zoning Amendment Bylaw 2018 No. 4500.128” pass second reading. The motion carried unanimously.

(g) Nanaimo Affordable Housing Strategy and Nanaimo's Action Plan to End Homelessness – Endorsement

Introduced by Dale Lindsay, Director of Community Development and Karin Kronstal, Social Planner.

Councillor Yoachim returned to the Shaw Auditorium at 8:43 p.m.

Presentation:

Noha Sedky, CitySpaces Consulting, provided a presentation regarding Nanaimo’s affordable housing strategy including the context of the strategy, the strategy vision, the policy goals and objectives.

It was moved and seconded that Council:

1. endorse the Nanaimo Affordable Housing Strategy; and
2. endorse Nanaimo’s Action Plan to End Homelessness (2018-2023).

The motion carried unanimously.

The Council meeting recessed at 9:01 p.m. with the intention to reconvene at 9:15 p.m.  
The Council meeting reconvened at 9:15 p.m.

(h) "Zoning Amendment Bylaw 2018 No. 4500.127"

Introduced by Dale Lindsay, Director of Community Development.

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 third reading. The motion carried.

Opposed: Councillors Bestwick, Fuller, Yoachim

(i) Cannabis Retail Store Rezoning Criteria

Introduced by Dale Lindsay, Director of Community Development.

It was moved and seconded that Council adjust the Cannabis Retail Store Rezoning Criteria as follows:

- Section 1 Location: Subsection 1.2: Change the minimum separation distance from 150m to 200m and include a referral to the school district.

It was moved and seconded that Council amend the motion to change the distance in Section 1 Location: Subsection 1.2: from 150m to 300m. The motion was defeated.

Opposed: Councillors Bestwick, Fuller, Kipp, Yoachim.

The vote was taken on the main motion as follows:

That Council adjust the Cannabis Retail Store Rezoning Criteria as follows:

- Section 1 Location: Subsection 1.2: Change the minimum separation distance from 150m to 200m and include a referral to the school district.

The motion carried unanimously.

It was moved and seconded that Council adjust the Cannabis Retail Store Rezoning Criteria as follows:

- Section 1 Location: Remove Subsection 1.3

The motion carried unanimously.

It was moved and seconded that Council adjust the Cannabis Retail Store Rezoning Criteria as follows:

- Section 1 Location: Subsection 1.4: Change the distance from 300m to 200m.

The motion carried.

Opposed: Councillor Bestwick.

It was moved and seconded that Council remove bullet three - market study requirement from the Application Requirements section of the Cannabis Retail Store Rezoning Criteria. The motion carried.

Opposed: Mayor McKay, Councillors Brennan, Thorpe

It was moved and seconded that Council add to the Cannabis Retail Store Rezoning Criteria that a radius of 200m be included as consultation zone for the neighbourhood. The motion carried. Opposed: Councillor Yoachim.

It was moved and seconded that Council approve the Cannabis Retail Store Rezoning Criteria as amended. The motion carried unanimously.

10. BYLAWS:

(a) "Zoning Amendment Bylaw 2017 No. 4500.116"

It was moved and seconded that "Zoning Amendment Bylaw 2017 No. 4500.116" [RA383 – To rezone 285 Rosehill Street from Medium Density Residential (R8) to Mixed Use Corridor (COR2)] be adopted. The motion carried unanimously.

(b) "Zoning Amendment Bylaw 2018 No. 4500.120"

It was moved and seconded that "Zoning Amendment Bylaw 2018 No. 4500.120" (To rezone 311 Selby Street from Community Service Three [CS3] to Fitzwilliam [DT2]) be adopted. The motion carried unanimously.

(c) "Off-Street Parking Regulations Bylaw 2018 No. 7266"

It was moved and seconded that "Off-Street Parking Regulations Bylaw 2018 No. 7266" (To regulate parking within the City of Nanaimo) be adopted. The motion carried unanimously.

11. QUESTION PERIOD:

No one in attendance wished to ask questions.

It was moved and seconded that Council proceed In Camera at 10:32 p.m. The motion carried unanimously.

Council moved In Camera at 10:32 p.m.  
Council moved out of In Camera at 10:55 p.m.

12. ADJOURNMENT:

It was moved and seconded at 10:55 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