

**MINUTES**  
REGULAR COUNCIL MEETING  
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2018-OCT-01, AT 4:00 P.M.

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Present: Mayor W. B. McKay, Chair  
Councillor S. D. Armstrong (arrived 7:01 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 (arrived 7:04 p.m.)  
Councillor W. M. Yoachim (arrived 7:01 p.m.)

Staff: J. Rudolph, Chief Administrative Officer (arrived 7:01 p.m.)  
B. Sims, Director of Engineering and Public Works  
J. Van Horne, Director of Human Resources (arrived 6:52 p.m.)  
B. Corsan, Deputy Director of Community Development  
Supt. C. Miller, OIC, Nanaimo Detachment RCMP (vacated 7:00 p.m.)  
D. LaBerge, Manager, Community Safety  
L. Mercer, Acting Director of Finance  
A. Groot, Manager, Facility Planning and Operations  
D. Blackwood, Client Support Specialist (arrived 7:00 p.m.)  
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:

- (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,

*Community Charter* 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.

Opposed: *Councillor Fuller*

Council moved “In Camera” at 4:00 p.m.

Council moved out of “In Camera” at 4:01 p.m.

It was moved and seconded that Council add *Community Charter* Section 90(1)(c) Labour relations or other employee relations as a reason to move “In Camera”. The motion carried unanimously.

Council moved back “In Camera” at 4:02 p.m.

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

Councillor Armstrong entered the Shaw Auditorium at 7:01 p.m.

### 3. INTRODUCTION OF LATE ITEMS:

- (a) Agenda Item 8(b) – Procedure Bylaw - Add report titled "Council Procedure Bylaw 2018 No. 7272".
- (b) Agenda Item 8(c) – Bylaw 7000 Revisions – Add report titled “Bylaw 7000 Revisions”.

Jake Rudolph entered the Shaw Auditorium at 7:01 p.m.

Councillor Yoachim entered the Shaw Auditorium at 7:01 p.m.

- (c) Agenda Item 10(b) – 1 Port Drive – Seaspán Right-Of-Way Final Disposition – Change wording of recommendation as follows:
  - (b) approve the disposition of 3.6 acres of water lot and 5.7 acres of upland with an estimated market value of \$3,050,500 from 1 Port Drive to Seaspán Ferries Corporation.
- (d) Remove – Agenda Item 10(c) - Development Variance Permit Application No. DVP363 - 1 Port Drive

- (e) Agenda Item 10(d) – Development Permit Application No. DP1089 – 285 Rosehill Street – Remove delegation Devan Cronshaw, M'akola Development Services.
- (f) Add – Agenda Item 10(i) – Covenant Amendment 6201 Oliver Road.
- (g) Agenda Item 10(e) – Replace Pg. 93 – Terms and Conditions of Development Permit Application No. DP1100 - 65 Pryde Avenue.
- (h) Remove - Agenda Item 11(a) – Parks Bylaw Amendment.
- (i) Agenda Item 12(1) – “Zoning Amendment Bylaw 2018 No. 4500.127” – Add “Zoning Amendment Bylaw 2018 No. 4500.127”.
- (j) Councillor Brennan advised that Sophie Denux and Robin Kelly were in attendance and wished to address Council as a late delegation with a five minute time limitation regarding Agenda Item 10(e) Development Permit Application No. DP1100 - 65 Pryde Avenue.

It was moved and seconded that Sophie Denux and Robin Kelly be permitted to address Council as a late delegation regarding Agenda Item 10(e) Development Permit Application No. DP1100 - 65 Pryde Avenue. The motion carried unanimously.

- (k) Mayor McKay requested to add Agenda Item 16(a) Request for payment for travel expenses under spending and amenities policy.

It was moved and seconded that Council add Agenda Item 16(a) Request for payment for travel expenses under spending and amenities policy. The motion carried unanimously.

Councillor Thorpe entered the Shaw Auditorium at 7:04 p.m.

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 held in the Douglas Rispin Room, 80 Commercial Street, Nanaimo, BC, on Thursday, 2018-SEP-06 at 5:30 p.m.
- Minutes of the Special Council Meeting (Public Hearing) held in the Shaw Auditorium, 80 Commercial Street, Nanaimo, BC, on Thursday, 2018-SEP-06 at 7:00 p.m.; and,

- Minutes of the Regular Council Meeting held in the Shaw Auditorium, 80 Commercial Street, Nanaimo, BC, on Monday, 2018-SEP-17 at 7:00 p.m.

The motion carried unanimously.

6. ADMINISTRATION:

(a) Advisory Committee Minutes

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

1. 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-JUL-17 at 5:00 p.m.
2. Minutes of the Special Public Safety Committee Meeting held in the Training Room, 2nd Floor, City Hall, 455 Wallace Street, Nanaimo, BC, on Thursday, 2018-AUG-02 at 3:30 p.m.
3. Minutes of the Design Advisory Panel Meeting held in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Thursday, 2018-AUG-23 at 5:00 p.m.

The motion carried unanimously.

(b) "Council Procedure Bylaw 2018 No. 7272"

It was moved and seconded that "Council Procedure Bylaw 2018 No. 7272" (To establish the Rules of Procedure for Council, Committee of the Whole and Committee Meetings) pass first reading. The motion carried unanimously.

It was moved and seconded that "Council Procedure Bylaw 2018 No. 7272" pass second reading. The motion carried.

Opposed: Councillor Fuller, Kipp

It was moved and seconded that "Council Procedure Bylaw 2018 No. 7272" pass third reading. The motion carried.

Opposed: Councillor Fuller, Kipp

(c) Bylaw 7000 Revisions

Introduced by John Van Horne, Director of Human Resources.

It was moved and seconded that Council direct Staff to proceed with Bylaw 7000 revisions. The motion was defeated. Opposed: Mayor McKay, Councillors Armstrong, Brennan, Hong, Thorpe

It was moved and seconded that Council defer consideration of the report Bylaw 7000 Revisions to the incoming Council. The motion carried. Opposed: *Councillors Bestwick, Fuller, Hong, Kipp*

7. PUBLIC SERVICES:

(a) Proposed Road Closure Adjacent to 400 Newcastle Avenue

Introduced by Bill Corsan, Deputy Director of Community Development.

It was moved and seconded that Council authorize the road closure of a portion of Newcastle Avenue adjacent to 400 Newcastle Avenue. The motion carried unanimously.

It was moved and seconded that “Highway Closure and Dedication Removal Bylaw 2018 No. 7255” (To provide for highway closure and dedication removal of a portion Newcastle Avenue adjacent to 400 Newcastle) pass first reading. The motion carried unanimously.

It was moved and seconded that “Highway Closure and Dedication Removal Bylaw 2018 No. 7255” pass second reading. The motion carried unanimously.

Councillor Kipp vacated the Shaw Auditorium at 8:06 p.m.

(b) 1 Port Drive - Seaspans Right-Of-Way Final Disposition

Introduced by Bill Corsan, Deputy Director of Community Development.

Councillor Yoachim vacated the Shaw Auditorium at 8:08 p.m.

Councillor Kipp returned to the Shaw Auditorium at 8:08 p.m.

Mayor McKay requested that Council hear anyone wishing to speak with respect to 1 Port Drive - Seaspans Right-Of-Way Final Disposition.

Bill Manners spoke regarding the rail connection.

Mayor McKay requested to hear anyone else wishing to speak.  
No one else in attendance wished to speak.

It was moved and seconded that Council:

- (a) approve the acquisition of the Seaspans Right-of-Way at 1 Port Drive for a purchase price of \$991,465;
- (b) approve the disposition of 3.6 acres of water lot and 5.7 acres of upland with an estimated market value of \$3,050,500 from 1 Port Drive to Seaspans Ferries Corporation.
- (c) delegate to the Chief Administrative Officer the power to approve the Transfer Agreement between the City of Nanaimo, Seaspans Ferries Corporation and Southern Railway of Vancouver Island Limited to formalize the commitments outlined in the Letter of Intent, dated 2018-SEP-13, and any related commitments on such terms and

- conditions as the Chief Administrative Officer deems appropriate, in his sole discretion; and,
- (d) direct the Mayor and Corporate Officer to execute the necessary documents to affect the transaction.

The motion carried unanimously.

(c) Development Permit Application No. DP1089 - 285 Rosehill Street

Introduced by Bill Corsan, Deputy Director of Community Development.

Delegation:

1. Howard Kim, Low Hammond Rowe Architects, and Taryn O'Flanagan, Vancouver Island Mental Health Society, spoke regarding Development Permit Application DP1089.

Bill Sims entered the Shaw Auditorium at 8:17 p.m.

It was moved and seconded that Council issue Development Permit No. 1089 at 285 Rosehill Street with the following variances:

- reduce the minimum required front yard setback from 3m to 1.5m; and,
- reduce the required onsite parking from 5 spaces to 2 spaces.

The motion carried.

Opposed: *Councillor Armstrong*

(d) Development Permit Application No. DP1100 - 65 Pryde Avenue

Introduced by Bill Corsan, Deputy Director of Community Development.

Delegation:

1. Sophie Denux and Robin Kelly, applicants, spoke in favour of the development and advised:
  - four transit stops in adjacent area
  - two bicycle lanes nearby
  - two accessible units on the ground floor
  - public art is defining characteristic on side of building
  - some interpretive boards with ecology information
  - building height variance is for roof slope,
  - committed to affordability for a minimum of 10 years
  - BC Housing standard of accessible housing

It was moved and seconded that Council issue Development Permit No. DP1100 at 65 Pryde Avenue with the following variances:

- reduce the minimum front yard setback along Pryde Avenue from 6m to 3.9m;
- increase the maximum building height from 14m to 14.6m; and,

- reduce the required onsite parking from 54 spaces to 50 spaces.

The motion carried unanimously.

(e) Development Permit Application No. DP1110 - 450 Wentworth Street

Introduced by Bill Corsan, Deputy Director of Community Development.

It was moved and seconded that Council issue Development Permit No. 1110 at 450 Wentworth Street with the following variances:

- reduce the minimum required side yard setback from 3m to 2.25m; and,
- permit a commercial use on the second storey of a commercial building within the Downtown – Old City Mixed Use (DT8) zone.

The motion carried unanimously.

(f) Affordable Rental Housing Agreement - 2020 Estevan Road

Introduced by Bill Corsan, Deputy Director of Community Development.

It was moved and seconded that “Housing Agreement Bylaw 2018 No. 7270” (To secure 38 affordable rental units within a new 74-unit development at 2020 Estevan Road in Nanaimo) pass first reading. The motion carried unanimously.

It was moved and seconded that “Housing Agreement Bylaw 2018 No. 7270” pass second reading. The motion carried unanimously.

It was moved and seconded that “Housing Agreement Bylaw 2018 No. 7270” pass third reading. The motion carried unanimously.

(g) Housing Agreement Bylaw 2018 No. 7269 - 2185 Salmon Road

Introduced by Bill Corsan, Deputy Director of Community Development.

It was moved and seconded that “Housing Agreement Bylaw 2018 No. 7269” (To increase the maximum permitted occupancy of 2185 Salmon Road to ten persons for the purpose of providing shelter to women and children fleeing violence) pass first reading. The motion carried unanimously.

It was moved and seconded that “Housing Agreement Bylaw 2018 No. 7269” pass second reading. The motion carried unanimously.

It was moved and seconded that “Housing Agreement Bylaw 2018 No. 7269” pass third reading. The motion carried unanimously.

(h) Covenant Amendment 6201 Oliver Road

Introduced by Bill Corsan, Deputy Director of Community Development.

It was moved and seconded that Council direct Staff to amend the existing Section 219 covenant (FA009239) registered on the title of 6201 Oliver Road in order to remove language referencing a previous development plan regarding geotechnical considerations, works and service requirements, tree protection, use, density and height. The motion carried.

Opposed: *Councillor Bestwick*

8. BYLAWS:

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

Councillor Yoachim vacated the Shaw Auditorium at 9:10 p.m. and advised the Clerk that he was unsure if he was in a conflict of interest.

It was moved and seconded that Council rescind third reading of "Zoning Amendment Bylaw 2018 No. 4500.127" (To regulate the sale, production, processing, and distribution of cannabis within the City of Nanaimo). The motion was defeated.

Opposed: *Mayor McKay, Councillors Armstrong, Brennan, Fuller, Hong, Kipp, Thorpe*

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) be adopted. The motion carried.

Opposed: *Councillor Bestwick*

It was moved and seconded that Council direct Staff to amend "Zoning Amendment Bylaw 2011 No. 4500" to allow cannabis production and processing within the Light Industrial Zone I2. The motion carried unanimously.

Councillor Yoachim returned to the Shaw Auditorium at 9:12 p.m.

(b) "Property Tax Exemption Bylaw 2018 No. 7271"

It was moved and seconded that "Property Tax Exemption Bylaw 2018 No. 7271" (To provide exemptions from 2019 property taxes) be adopted. The motion carried unanimously.

9. MAYOR'S REPORT

Mayor McKay advised that Council authorized the expenditures of up to \$301,800 as outlined in the closure plan of DisContent City with the required funding to be drawn from the 2018 surplus. These funds will support needle pick up costs, downtown parks clean up, community parks clean up outside of downtown, garbage collection, downtown security and downtown cleaning. Mayor McKay also advised that on Sunday, September 30, 2018 he attended the 2018 BC Law Enforcement Memorial Service at the BC Legislature.



10. OTHER BUSINESS:

- (a) Mayor McKay re: Request for Payment for Travel Expenses under the Council Spending Amenities Policy.

Mayor McKay requested authorization from Council for the payment of travel expenses to attend the 2018 BC Law Enforcement Memorial Service at the BC Legislature on Sunday, September 30, 2018.

It was moved and seconded that Council approve the payment of expenses in the amount of \$155.53 in order for Mayor McKay to be reimbursed for his attendance at the 2018 BC Law Enforcement Memorial Service held September 30, 2018 in Victoria. The motion carried unanimously.

11. QUESTION PERIOD:

- Mr. Ron Bolin, re: Council Procedure Bylaw 2018 No. 7272 and Notice of Intention.

12. ADJOURNMENT:

It was moved and seconded at 9:22 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