

MINUTES
REGULAR COUNCIL MEETING
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2018-NOV-19, AT 4:00 P.M.

Present: Mayor L. Krog
Councillor S. D. Armstrong (joined via teleconference at 7:00 p.m., disconnected 7:57 p.m.)
Councillor D. Bonner
Councillor T. Brown
Councillor B. Geselbracht
Councillor E. Hemmens
Councillor Z. Maartman
Councillor I. W. Thorpe
Councillor J. Turley

Staff: J. Rudolph, Chief Administrative Officer
D. Lindsay, Director of Community Development
B. Sims, Director of Engineering and Public Works
K. Fry, Fire Chief
B. Corsan, Deputy Director, Community Development (arrived 7:00 p.m.)
D. Laberge, Manager of Community Safety
T. Webb, Communications Coordinator
D. Blackwood, Client Support Specialist
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 4:02 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;

- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under Section 21 of the *Freedom of Information and Protection of Privacy Act*;
- (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 unanimously.

Council moved “In Camera” at 4:03 p.m.

The Regular Council meeting recessed at 6:27 p.m.

The Regular Council meeting reconvened at 7:00 p.m. in the Shaw Auditorium.

3. INTRODUCTION OF LATE ITEMS:

- (a) Remove Agenda Items 11(a) - “Zoning Amendment Bylaw 2018 No. 4500.119” and 11(d) “Official Community Plan Amendment Bylaw 2018 No. 6500.038”.
- (b) Add Agenda Item 11(g) – Bylaw Status Sheet (For Information Only).

4. APPROVAL OF THE AGENDA:

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

5. ADOPTION OF THE MINUTES:

It was moved and seconded that the following Minutes be adopted as circulated:

- Minutes of the Special Council Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Wednesday, 2018-OCT-03 at 3:00 p.m.
- Minutes of the Special Council Meeting (Public Hearing) held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo BC, on Thursday, 2018-OCT-04 at 7:00 p.m.
- Minutes of the Special Council Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Friday, 2018-OCT-12 at 11:00 a.m.

- Minutes of the Regular Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2018-OCT-15 at 5:00 p.m.

The motion carried unanimously.

6. MAYOR'S REPORT:

Mayor Krog spoke and stated that members of Council have already been active in the community and have received training in their new duties as Mayor and Council. Mayor Krog congratulated Councillor Thorpe on his appointment as Chair of the Regional District of Nanaimo Board and noted that Councillor Thorpe had emceed the Remembrance Day Ceremony. Mayor Krog stated his expectation of respect for Mayor and Council, the public and City of Nanaimo staff.

7. CONSENT ITEMS

It was moved and seconded that Council receive for information the following items:

(a) Advisory Committee Minutes

1. Design Advisory Panel Meeting held on Thursday, 2018-APR-12, at 5:00 p.m.
2. Community Vitality Committee Meeting held on Wednesday, 2018-MAY-02 at 4:30 p.m.
3. Community Vitality Committee Meeting held on Wednesday, 2018-JUN-06 at 4:30 p.m.
4. Public Works and Engineering Committee Meeting held on Wednesday, 2018-JUN-13 at 4:30 p.m.
5. Community Vitality Committee Meeting held on Wednesday, 2018-JUL-04 at 4:30 p.m.
6. Design Advisory Panel Meeting held on Thursday, 2018-SEP-13 at 5:30 p.m.
7. Community Planning and Development Committee Meeting held on Tuesday, 2018-SEP-18, at 5:00 p.m.
8. Nanaimo Youth Advisory Committee Meeting held on Wednesday, 2018-SEP-19, at 4:30 p.m.

The motion carried unanimously.

8. REPORTS

(a) 2018 Election Results

Introduced by Sheila Gurrie, City Clerk.

It was moved and seconded that the 2018 Election Results report, dated 2018-NOV-19, be received for information. The motion carried unanimously.

(b) Committee of the Whole Delegation Policy Report

Introduced by Sheila Gurrie, City Clerk.

It was moved and seconded that Council refer the Committee of the Whole Delegation Policy to Staff until after Council has received training on “Procedure Bylaw 2018 No. 7272” and discussion regarding the Committee of the Whole Delegation Policy has occurred. The motion carried unanimously.

(c) Nuisance Property Abatement – 5350 Metral Drive

Introduced by David Laberge, Manager, Community Safety.

It was moved and seconded that that Council declare 5350 Metral Drive a “Nuisance” pursuant to the “Nuisance Abatement and Cost Recovery Bylaw 2003 No. 5645”, and to authorize Staff to record and charge for municipal services including police required to abate nuisance activity. The motion carried unanimously.

(d) Appointment of Fire Inspectors and Fire Fighters as Bylaw Enforcement Officers

Introduced by David Laberge, Manager, Community Safety.

It was moved and seconded that Council appoint Fire Inspectors and Fire Fighters as Bylaw Enforcement Officers to enforce the provisions of City of Nanaimo “Fire Protection and Life Safety Regulations Bylaw 2011 No. 7108”. The motion carried unanimously.

(e) 440 Selby Street – Update to the Revitalization Tax Exemption Agreement

Introduced by Bill Corsan, Deputy Director, Community Development.

It was moved and seconded that Council approve an update to the Revitalization Tax Exemption Agreement for a proposed three-storey hotel at 440 Selby Street. The motion carried unanimously.

(f) Improperly Fenced Swimming Pool – 3168 Uplands Drive

Introduced by David Laberge, Manager, Community Safety.

It was moved and seconded that Erik Hyatt, owner of 3168 Uplands Drive, be permitted to address Council as a late delegation with a five-minute time limitation. The motion carried unanimously.

Delegation:

1. Erik Hyatt, owner of 3168 Uplands Drive, stated that he is currently constructing a fence to meet the requirements of “Building Bylaw 2016 No. 7224”, but needs more time to complete the fence. He requested that Council allow for an extension of 60 days.

It was moved and seconded that Council receive the delegation from Erik Hyatt regarding Agenda Item 10(f) – Improperly Fenced Swimming Pool – 3168 Uplands Drive, for information. The motion carried unanimously.

It was moved and seconded that Council, pursuant to Sections 72 and 73 of the *Community Charter*, order the owner of 3168 Uplands Drive, within 30 days, to erect a fence as required pursuant to the City of Nanaimo “Building Bylaw 2016 No. 7224” or remove the swimming pool. The motion carried.

Opposed: Councillor Turley

(g) Development Variance Permit No. DVP363 – 1 Port Drive

Dale Lindsay, Director, Community Development and Bill Corsan, Deputy Director, Community Development, provided Council with a brief overview and background regarding previous work completed at 1 Port Drive including demolition, environmental studies, arrangements with Seaspans and Right of Way issues.

Mayor Krog requested that Council hear anyone wishing to speak with respect to DVP363 – 1 Port Drive.

Brunie Brunie stated that 1 Port Drive should be set aside for green space and encouraged Council to look into an alternative plan for this area.

Mayor Krog requested, for a second time, that Council hear anyone wishing to speak with respect to DVP363 – 1 Port Drive.

No one in attendance wished to speak with respect to DVP363.

It was moved and seconded that Council issue Development Variance Permit No. DVP363 at 1 Port Drive, to vary “Subdivision Control Bylaw 1989 No. 3260”, to exempt the proposed subdivision from the required works and services. The motion carried unanimously.

(h) Development Variance Permit Application No. DVP364 – 4822 Whalley Way

Introduced by Dale Lindsay, Director, Community Development.

Mayor Krog requested that Council hear anyone wishing to speak with respect to DVP364 – 4822 Whalley Way.

No one in attendance wished to speak with respect to DVP364.

It was moved and that Council issue Development Variance Permit No. DVP364 at 4822 Whalley Way with the following variance:

- reduce the minimum setback for garage doors facing a street from 6m to 4.37m.

The motion carried unanimously.

(i) Development Variance Permit Application No. DVP366 – 3712 Polaris Drive

Introduced by Dale Lindsay, Director, Community Development.

Mayor Krog requested that Council hear anyone wishing to speak with respect to DVP366 – 3712 Polaris Drive.

No one in attendance wished to speak with respect to DVP366.

It was moved and seconded that Council issue Development Variance Permit No. DVP366 at 3712 Polaris Drive with the following variance:

- allow a heat pump to be located to the front of the principal dwelling.

The motion carried unanimously.

(j) Development Variance Permit Application No. DVP368 – 171 Calder Road

Introduced by Dale Lindsay, Director, Community Development.

Mayor Krog requested that Council hear anyone wishing to speak with respect to DVP368 – 171 Calder Road.

No one in attendance wished to speak with respect to DVP368.

It was moved and seconded that Council issue Development Variance Permit No. DVP368 at 171 Calder Road with the following variances within the Parkway Buffer on lands designated as part of the “Rural Parkway”:

- allow a backlit fascia sign; and
- increase the maximum allowable fascia sign size from 5m² to 11.65m².

The motion carried.

Opposed: Councillor Brown

9. BYLAWS:

(a) “Zoning Amendment Bylaw 2018 No. 4500.126”

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 4.25m and a site-specific maximum building height of 78.5m in the Chapel Front [DT5] zone) be adopted. The motion carried unanimously.

(b) “Zoning Amendment Bylaw 2018 No. 4500.128”

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]) be adopted. The motion carried unanimously.

(c) “Highway Closure and Dedication Removal Bylaw 2018 No. 7255”

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) be adopted. The motion carried unanimously.

(d) “Highway Closure and Dedication Removal Bylaw 2018 No. 7265”

It was moved and seconded that “Highway Closure and Dedication Removal Bylaw 2018 No. 7265” (To provide for highway closure and dedication removal of an unnamed lane adjacent to 897 Albert Street and 474 and 478 Pine Street) be adopted. The motion carried unanimously.

10. QUESTION PERIOD:

- Les Barclay re: Procedural Motion, delayed Advisory Committee Minutes, tax exemptions and the public being allowed to speak regarding Development Variance Permits.

It was moved and seconded at 7:57 p.m. that Council recess the Regular Council meeting. The motion carried unanimously.

The Regular Council meeting recessed at 7:57 p.m.

The Regular Council meeting reconvened at 8:05 p.m. and moved “In Camera”.

11. ADJOURNMENT:

It was moved and seconded at 9:25 p.m. that the meeting terminate. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

CORPORATE OFFICER