

MINUTES
REGULAR COUNCIL MEETING
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2018-MAR-19, AT 2:00 P.M.

Members: Mayor W. B. McKay, Chair
Councillor S. D. Armstrong (arrived 2:02 p.m.)
Councillor W. L. Bestwick
Councillor M. D. Brennan (arrived 2:02 p.m.)
Councillor G. W. Fuller
Councillor J. Hong
Councillor J. A. Kipp
Councillor I. W. Thorpe (arrived 2:02 p.m.)

Absent: Councillor W. M. Yoachim

Staff: D. Lindsay, Director of Community Development (vacated at 2:17 p.m., entered 3:47 p.m., vacated 6:21 p.m.)
Bruce Anderson, Manager of Community & Cultural Planning (arrived 5:00 p.m., vacated 6:06 p.m.)
B. Sims, Director of Public Works and Engineering (arrived 6:05 p.m. vacated 6:16 p.m.)
L. Mercer (arrived 6:40 p.m., vacated 8:05 p.m.)
P. Rosen Manager of Engineering (arrived at 6:05 p.m., vacated 6:16 p.m.)
K. Fry, Fire Chief/Director of Public Safety (arrived 6:40 p.m.)
Al Britton, Manager, Parks Operation (arrived 6:40 p.m.)
D. Stevens, Supervisor, Applications Support (arrived 6:40 p.m.)
S. Gurrie, City Clerk (vacated at 2:17 p.m., entered 3:47 p.m.)
K. Gerard, Recording Secretary (arrived 4:58 p.m.)

1. CALL THE REGULAR MEETING TO ORDER:

The Regular Council Meeting was called to order at 2:00 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;

- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; 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 2:00 p.m.
Council moved out of “In Camera” at 6:31 p.m.

3. INTRODUCTION OF LATE ITEMS:

- (a) Add Agenda Item 8(c) – Finance and Audit Committee Recommendations – Response to Health, Social and Safety Issues in the Downtown, and add delegation from Matthew O’Donnell.
- (b) Agenda Item 10(e) – Development Permit Application No. DP1081 - 6540 Metral Drive – add delegation from Kevin Rurka
- (c) Agenda Item 10(i) – Development Variance Permit Application No. DVP343 – 110 and 114 Fry Street – add the following delegations:
 - 1. Linda Vavra
 - 2. Kevin Mah and Jeff Bazinet
- (d) Agenda Item 11(a) – Karen Fry, Fire Chief/Director of Public Safety, Update from Council’s motion 2018-MAR-12 re: School Board Safety Meeting – add the following delegations:
 - 1. Alison Evans
 - 2. Domenico Iannidinaro
- (e) Agenda Item 12(b) – “Cross Connection Control Bylaw 2018 No 7249” – add delegation from Leon Cake.
- (f) Add Agenda Item 16(a) – Proposed Resolution for the Association of Vancouver Island Coastal Communities regarding funding of park and playfield improvements.
- (g) Councillor Hong advised Kevin Donaghy, Mercedes Courtoreille and Amber McGrath were in attendance and wished to address Council as late delegations regarding Agenda Item 8(c) – Finance and Audit Committee Recommendation – Response to Health, Social and Safety Issues in the Downtown.

It was moved and seconded that Kevin Donaghy, Mercedes Courtoreille and Amber McGrath be permitted to address Council as a late delegations regarding Agenda Item 8(c) - Finance and Audit Committee Recommendation – Response to Health, Social and Safety Issues in the Downtown, with a five-minute time limitation each. The motion carried unanimously.

- (h) Mayor McKay advised that Jeff Windley, Windley Contracting Ltd., was in attendance and wished to address Council as a late delegation regarding Agenda Item 10(e) - Development Permit Application No. DP1081 – 6540 Metral Drive.

It was moved and seconded that Jeff Windley, Windley Contracting Ltd., be permitted to address Council as a late delegation regarding Agenda Item 10(e) – Development Permit Application No. DP1081, 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 Regular Meeting of the Council of the City of Nanaimo held in the Shaw Auditorium, 80 Commercial Street, Nanaimo, BC, on Monday, 2018-FEB-19 at 4:30 p.m.
- Minutes of the Special Meeting of the Council of the City of Nanaimo held in the Millstone River Room, 80 Commercial Street, Nanaimo, BC, on Monday, 2018-MAR-01 at 10:30 a.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-MAR-05 at 4:00 p.m.

The motion carried unanimously.

6. MAYOR'S REPORT:

Mayor McKay advised that Council passed a motion during the "In Camera" Council meeting, 2018-MAR-19, directing Staff to rise and report on all "In Camera" reports and minutes dated from 2017-DEC-17 – 2018-MAR-19, relating to the Rapid Response to Homelessness issue.

7. ADMINISTRATION:

- (a) Council Appointments to the Parcel Tax Roll Review Panel

Introduced by Sheila Gurrie, City Clerk.

It was moved and seconded that Council direct Staff to refer Agenda Item 8(a) - Council Appointments to the Parcel Tax Roll Review Panel, to the next scheduled Committee of the Whole Meeting, Monday, 2018-MAR-26. The motion carried unanimously.

(b) Advisory Committee Minutes

It was moved and seconded that Council receive the Minutes of the Community Engagement Task Force Meeting held on Tuesday, 2017-NOV-28 at 4:30 p.m. for information. The motion carried unanimously.

It was moved and seconded that Council receive the Minutes of the Finance and Audit Committee Meeting held on Wednesday, 2017-DEC-13 at 9:00 a.m. and continuing 2017-DEC-14 at 9:00 a.m. for information. The motion carried unanimously.

It was moved and seconded that Council receive the Minutes of the Public Safety Committee Meeting held on Thursday, 2018-JAN-04 at 3:30 p.m. for information. The motion carried unanimously.

It was moved and seconded that Council receive the Minutes of the Finance and Audit Committee Meeting held on Wednesday, 2018-JAN-10 at 9:00 a.m. for information. The motion carried unanimously.

It was moved and seconded that Council receive the Minutes of the Nanaimo Youth Advisory Council Meeting held on Wednesday, 2018-JAN-17 at 4:30 p.m. for information. The motion carried unanimously.

It was moved and seconded that Council receive the Minutes of the Public Safety Committee Meeting held on Thursday, 2018-FEB-01 at 3:30 p.m. for information. The motion carried unanimously.

(c) Committee Recommendations

1. Finance and Audit Committee – 2018-MAR-14

Introduced by Councillor Bestwick.

(1) Response to Health, Social and Safety Issues in the Downtown

Delegations:

1. Matthew O'Donnell spoke, in favour, regarding the recommendations put forward by the Finance and Audit Committee.
2. Amber McGrath spoke, in favour, regarding the potential daytime resource centre.
3. Kevin Donaghy spoke, in favour of the recommendations and regarding The Society of Organized Drug Users and the potential daytime resource centre.
4. Mercedes Courtoreille spoke, in favour of the recommendations regarding tent city at City Hall and her experience being present and speaking with the homeless people.

It was moved and seconded that Council approve the following recommendations:

1. Continuation of daytime security services via contract with enhanced hours;
2. Urban Clean Up Initiative, (twice weekly);
3. Continue annual support to the Extreme Weather Shelter at 595 Townsite Road and direct Staff to approach the Province of BC to request additional funding in order for the shelter to remain open at existing hours year round;
4. Provision of rent supplements in support of Housing First program for homeless individuals;
5. Provision of three portable toilets in the downtown;
6. Additional safe syringe disposal boxes and direct Staff to increase the funding for safe syringe boxes to \$10,000 per year;
7. Additional garbage cans at key locations;
8. Continue provision of shower facilities for homeless individuals; and,
9. Pursue partnerships to provide a daytime resource centre for homeless individuals and that Council allocate up to \$100,000 per year towards a daytime drop in resource centre in the 2018 budget cycle and proceed with determining potential locations for the resource centre and report back to Council.

The motion carried unanimously.

8. CORPORATE SERVICES:

(a) Parks and Trails Parcel Tax Bylaw

Introduced by Laura Mercer, Manager of Accounting Services.

It was moved and seconded that “Parcel Tax Roll Preparation Bylaw 2018 No. 7260” (To allow preparation of the Parcel Tax Roll related to the Regional District of Nanaimo Parcel Tax for Regional Parks and Trails) pass first reading. The motion carried unanimously.

It was moved and seconded that “Parcel Tax Roll Preparation Bylaw 2018 No. 7260” pass second reading. The motion carried unanimously.

It was moved and seconded that “Parcel Tax Roll Preparation Bylaw 2018 No. 7260” pass third reading. The motion carried unanimously.

9. PUBLIC SERVICES:

(a) 2018 Strategic Directions – Public Works and Engineering Committee

Introduced by Bill Sims, Director of Public Works and Engineering.

It was moved and seconded that Council approve the 2018 Strategic Directions for the Public Works and Engineering Committee as follows:

1. Limiting the use of garburators and flushable wipes in the City of Nanaimo;
2. Implementing residential composting for multifamily units;
3. Begin a Water Supply Strategic Plan Update; and,
4. Review traffic dividing island standards, maintenance and upgrades.

The motion carried unanimously.

Mayor McKay requested Bill Sims, Director of Engineering and Public Works, speak regarding the upcoming Water to Earth month.

Bill Sims, Director of Engineering and Public Works, stated that all residents can participate with the City of Nanaimo & Regional District of Nanaimo, as they celebrate Water to Earth Month 2018 from Thursday, 2018-MAR-22 to Sunday, 2018-APR-22, with programs and events taking place throughout the community.

(b) Covenant Amendment Application No. CA6 – 6975 Island Highway North

Introduced by Dale Lindsay, Director of Community Development.

Mayor McKay requested that Council hear anyone wishing to speak with respect to CA6 – 6975 Island Highway North.

No one in attendance wished to speak with respect to CA6 – 6975 Island Hwy North.

It was moved and seconded that Council:

1. direct Staff to not proceed with a Public Hearing for Covenant Amendment Application No. CA6 at 6975 Island Highway North; and
2. approve Covenant Amendment Application No. CA6 in order to amend the conditions of the Section 219 covenant (CA2700532) registered on the title of 6975 Island Highway North.

The motion carried unanimously.

(c) Covenant Amendment Application – No. CA7 – 4745 Ledgerwood Road

Introduced by Dale Lindsay, Director of Community Development.

It was moved and seconded that Council defer Covenant Amendment Application - No. CA7 – 4745 Ledgerwood Road, back to Staff to ensure that the community contribution is reflective of Council's current policy.

The motion carried unanimously.

(d) Development Permit Application No. DP1060 – 1205 Ocean Pearl Terrace

Introduced by Dale Lindsay, Director of Community Development.

It was moved and seconded that Council issue Development Permit DP1060 at 1205 Ocean Pearl Terrace with the following variances:

1. increase the maximum building height as follows:
 - apartment – from 9m to 10.97m;
 - five-plex – from 9m to 10.05m; and,
2. reduce the front yard setback for the proposed five-plex on Ocean Pearl Terrace from 6m to 5.1m.

The motion carried unanimously.

(e) Development Permit Application No. DP1081 – 6540 Metral Drive

Introduced by Dale Lindsay, Director of Community Development.

Delegations:

1. Jeff Windley, Windley Contracting Ltd., spoke regarding road access and addressed parking concerns.

It was moved and that Council issue Development Permit No. DP1081 at 6450 Metral Drive with the following variances:

- increase the maximum building height of Building A from 14m to 19.81m;
- increase the maximum building height of Building B from 14m to 18.32m;
- reduce the required rear yard setback from 7.5m to 4m;
- reduce the required number of off-street parking spaces from 167 to 106 parking spaces;
- to increase the required percentage of small car parking spaces from 33% to 35.8%; and,
- reduce the required number of loading spaces from 1 to 0 for the commercial rental unit.

The motion carried.

Opposed: *Councillors Armstrong and Thorpe*

(f) Development Variance Permit Application No. DVP335 – 191 King Road

Introduced by Dale Lindsay, Director of Community Development.

Mayor McKay requested that Council hear anyone wishing to speak with respect to DVP335 – 191 King Road.

1. Brian Senini, spoke regarding the timeframe for this project and requested the building permit be approved.
2. Gabriel Haggart spoke regarding steep road and safety concerns relating to the site and intersection.
3. Mark Warbrick, P. Eng., Newcastle Engineering, advised that the development plan includes improvements to the intersection.

It was moved and that Council issue Development Variance Permit No. DVP335 at 191 King Road to reduce the minimum lot depth requirement for three proposed lots within a seven-lot subdivision as follows:

- Lot 4 – from 28m to 27.15m; and,
- Lot 5 & 6 – from 28m to 24.66m.

The motion carried unanimously.

(g) Development Variance Permit Application No. DVP338 – 2454 Rosstown Road

Introduced by Dale Lindsay, Director of Community Development.

Mayor McKay requested that Council hear anyone wishing to speak with respect to DVP338 – 2454 Rosstown Road.

No one in attendance wished to speak with respect to DVP338 – 2454 Rosstown Road.

It was moved and seconded that Council issue Development Variance Permit No. DVP338 at 2454 Rosstown Road with the following variance:

- reduce the required minimum lot size from 800m² to 780m² to allow a secondary suite in an accessory building on an existing lot.

The motion carried unanimously.

(h) Development Variance Permit Application No. DVP340 – 1305 Waddington Road

Introduced by Dale Lindsay, Director of Community Development.

Mayor McKay requested that Council hear anyone wishing to speak with respect to DVP340 – 1305 Waddington Road.

No one in attendance wished to speak with respect to DVP340 – 1305 Waddington Road.

It was moved and seconded that Council issue Development Variance Permit No. DVP340 for 1305 Waddington Road (Lot 1) with the following variance:

- reduce the minimum required flanking side yard setback from 4m to 2m for a single residential dwelling.

The motion carried unanimously.

The Regular Open Council meeting recessed at 8:54 p.m.

The Regular Open Council meeting reconvened at 9:05 p.m.

(i) Development Variance Permit Application No. DVP343 – 110 and 114 Fry Street

Introduced by Dale Lindsay, Director of Community Development.

Delegations:

1. Linda Vavra spoke regarding the noise level, retaining wall and construction started without a building permit.
2. Kevin Mah and Jeff Bazinet spoke regarding noise, resale value of properties around 110 and 114 Fry Street and the building permit.

Mayor McKay requested that Council hear anyone wishing to speak with respect to DVP343 – 110 and 114 Fry Street.

1. Jack Anderson, Green Plan, working with Omni Foods spoke regarding the owner's plans and timelines to re-build the warehouse. Stated that the owners are planning to build a fence to lessen the noise level.
2. Doug Bender spoke regarding noise pollution.
3. David Lobay, developer of Robins Gardens, spoke on behalf of himself and the owner/developer of Robin Gardens, and stated concerns regarding the noise level and resale value of the properties at Robins Gardens.
4. Kelley Davis employee of Omni Foods, spoke regarding the location of the containers.

It was moved and seconded that Council issue Development Variance Permit No. DVP343 for 110 and 114 Fry Street with the following variances:

- increase the maximum allowable size of a container from 20m² to 29.75m²;
- increase the length of time containers are permitted to be located on a property from 30 days within a calendar year to 6 months;
- increase the maximum number of containers permitted on a property from one to two to be located at 110 Fry Street;
- reduce the rear yard setback from 7.5m to 4.5m for a building or structure in order to permit the placement of refrigerated shipping containers;
- increase the maximum allowable height for a retaining wall/fence from 1.8m to 6.5m within the rear yard located at 114 Fry Street; and,
- direct the applicant to implement a sound mitigation plan within 30 days.

The motion carried unanimously.

(j) Rezoning Application No. RA385 – 1615 Northfield Road

Introduced by Dale Lindsay, Director of Community Development.

It was moved and seconded that “Zoning Amendment Bylaw 2018 No. 4500.118” (To rezone 1615 Northfield Road from Single Dwelling Residential (R1) to Residential Corridor [COR1]) pass first reading. The motion carried.

Opposed: *Councillor Bestwick*

It was moved and seconded that “Zoning Amendment Bylaw 2018 No. 4500.118” pass second reading. The motion carried unanimously.

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

Opposed: *Councillor Bestwick*

Councillor Kipp vacated the Shaw Auditorium at 10:20 p.m. declaring a conflict of interest as he created the original building plans for 1400 Wingrove Street.

(k) 1400 Wingrove Street

Introduced by Dale Lindsay, Director of Community Development.

Delegation:

1. Ian Niamath spoke regarding demolition of the building, estimated timeline for beginning construction and the owner’s response to community concerns.

It was moved and seconded that Council receive the report dated 2018-MAR-19 regarding an update on 1400 Wingrove Street, for information. The motion carried unanimously.

Councillor Kipp returned to the Shaw Auditorium at 10:31 p.m.

10. PUBLIC SAFETY:

- (a) Karen Fry, Fire Chief and Director, Public Safety - Update from Council's Motion 2018-MAR-12 re: School Board Safety Meeting

Karen Fry, Fire Chief and Director of Public Safety provided Council with an update regarding needles, clean up, roles/responsibilities and security.

Delegations:

1. Alison Evans spoke regarding residents in the community that share her concerns regarding Comox Park and Pauline Haarer Elementary School.
2. Domenico Iannidinardo spoke regarding his concerns about Comox Park and Pauline Haarer Elementary School.

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

Opposed: *Councillor Brennan*

It was moved and seconded that Council direct Staff to:

1. Negotiate and enter into a joint responsibility and cost sharing agreement with the School District to share the cost of a security guard that will patrol the school and Comox Park at night for a cost of \$24,000;
2. Expand the Day and Night security contract to include Comox Park (minimum 2x day and 2x night patrol, no additional cost but no consistent security); and,
3. Add funding for temporary seasonal workers to conduct park sweeps, needle pick up, graffiti removal and clean up, with emphasis on times before school, recess, lunchtime and after school and before any events are held at the park in the summer, until such time as regular Parks staff summer maintenance concludes (October 2018) which will also include a part-time sanitation worker to pick up garbage, needles in extended hours (4:30 pm – 8:30 pm) at a cost of \$45,000.

The motion carried unanimously.

Councillor Thorpe vacated the Shaw Auditorium at 11:14 p.m.

11. BYLAWS:

- (a) "Highway Closure and Dedication Removal Bylaw 2018 No. 7258"

It was moved and seconded that "Highway Closure and Dedication Removal Bylaw 2018 No. 7258" (To provide for highway closure and dedication removal of a portion of Beadall Road adjacent to 11 Roberta Road East) pass third reading. The motion carried unanimously.

Councillor Thorpe returned to the Shaw Auditorium at 11:18 p.m.

(b) “Cross Connection Control Bylaw 2018 No. 7249”

Delegation:

1. Leon Cake spoke regarding implementing a back flow plan in Nanaimo.

It was moved and seconded that “Cross Connection Control Bylaw 2018 No. 7249” (To operate and maintain a Municipal Water System Cross Connection Control program) be adopted. The motion carried.

Opposed: *Councillors Fuller and Kipp*

12. CORRESPONDENCE:

- (a) Correspondence dated 2018-MAR-06 and 2018-MAR-09 between the City of Nanaimo and the Ministry of Municipal Affairs and Housing regarding modular housing.

13. OTHER BUSINESS:

- (a) Proposed Resolution for the Association of Vancouver Island and Coastal Communities

Introduced by Dale Lindsay, Director of Community Development.

It was moved and seconded that Council direct Staff to submit the following resolution to the Association of Vancouver Island and Coastal Communities:

"WHEREAS The Province, through the *Local Government Act*, (Section – 566(2)(b)) allows communities to collect Development Cost Charges for investments in limited park improvements;

AND WHEREAS The Province through the Ministry of Municipal Affairs and Housing has interpreted the legislation so as to allow some forms of park and playfield improvements and not others;

THEREFORE BE IT RESOLVED that the Association of Vancouver Island Coastal and Communities request the Province amend the *Local Government Act* in order to allow local government's greater flexibility in determining and funding park and playfield improvements that are required by community growth."

The motion carried unanimously.

14. ADJOURNMENT:

It was moved and seconded at 11:29 p.m. that the meeting terminate. The motion carried unanimously.

C H A I R

CERTIFIED CORRECT:

CORPORATE OFFICER