

MINUTES
REGULAR COUNCIL MEETING
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2018-DEC-17, AT 5:00 P.M.

Present: Mayor L. Krog
Councillor S. D. Armstrong
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
R. Harding, Director of Parks and Recreation (arrived 7:59 p.m., vacated 8:12 p.m.)
D. Lindsay, Director of Community Development (arrived 8:05 p.m.)
B. Sims, Director of Engineering and Public Works
K. Fry, Fire Chief (vacated 8:01 p.m.)
L. Mercer, Acting Director, Financial Services (vacated 8:01 p.m.)
W. Fulla, Manager, Business, Asset and Financial Planning (vacated 8:01 p.m.)
L. Bhopalsingh, Manager, Community & Cultural Planning (arrived 7:09 p.m.)
S. Gurrie, City Clerk (vacated 7:09 p.m.)
S. Snelgrove, Deputy Corporate Officer
K. Gerard, Recording Secretary

1. CALL THE REGULAR MEETING TO ORDER:

The Regular Council Meeting was called to order at 5:01 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;
- (b) personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;

- (c) labour relations or other employee relations;
- (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 5:01 p.m.
Council moved out of “In Camera” at 6:26 p.m.
The Regular Council meeting was recessed at 6:26 p.m.
The Regular Council meeting was reconvened 7:01 p.m.

3. INTRODUCTION OF LATE ITEMS:

- (a) Move Agenda Item 10(c) - Investing in Canada Infrastructure Program to Agenda Item 10(a), and reorder agenda items accordingly.

It was moved and seconded that Agenda Item 10(c) - Investing in Canada Infrastructure Program, move to Agenda Item 10(a), and that the remaining items be re-ordered accordingly. The motion carried unanimously.

- (b) Councillor Hemmens advised that she would be bringing forward an item under Agenda Item 13 – Notice of Motion regarding Governance and Priorities Committee.
- (b) Councillor Bonner advised that he would be bringing forward three items under Agenda Item 13 – Notice of Motion regarding:
 1. Community Amenity Contribution
 2. City Owned Property Leased by Arts and Culture Groups
 3. Truth and Reconciliation Call-to-Action #57

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 Minutes of the Special Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2018-DEC-06 at 7:00 p.m. be adopted as circulated. The motion carried unanimously.

6. MAYOR'S REPORT:

(a) Mid-Island Business Initiative - Launch Event

It was moved and seconded that Council approve Mayor Krog to attend the Mid-Island Business Initiative Launch Event on Wednesday, January 23, 2019, held in Vancouver, BC. The motion carried unanimously.

(b) Local Government Leadership Academy – Elected Officials Seminar

It was moved and seconded that Council approve Councillors Armstrong, Geselbracht, Hemmens and Thorpe to attend Session #1 of the Local Government Leadership Academy - Elected Officials Seminar on February 12 to 14, 2019, held in Parksville, BC. The motion carried unanimously.

It was moved and seconded that Council approve Councillor Bonner to attend Session #2 of the Local Government Leadership Academy - Elected Officials Seminar on February 13 to 15, 2019, held in Parksville, BC. The motion carried unanimously.

(c) Symposium on Water Stewardship in a Changing Climate

It was moved and seconded that Council approve Mayor Krog and Councillor Geselbracht, to attend the Symposium on Water Stewardship in a Changing Climate, held on April 3 and 4, 2019, in Parksville, BC. The motion carried unanimously.

7. CONSENT ITEMS:

(a) Advisory Committee Minutes

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

1. Special Community Engagement Task Force Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, Monday, 2018-NOV-06, at 4:30 p.m.
2. Community Engagement Task Force Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, Tuesday, 2018-NOV-27, at 4:30 p.m.

The motion carried unanimously.

S. Gurrie vacated the Shaw Auditorium at 7:09 p.m.

L. Bhopalsingh entered the Shaw Auditorium at 7:09 p.m.

8. REPORTS:

(a) Investing in Canada Infrastructure Program

Introduced by Laura Mercer, Acting Director, Financial Services.

Delegation:

1. Bruce Halliday, General Manager/Director of Programming, Port Theatre, spoke regarding the completion of the Performing Arts Centre, creation of employment during construction and operating of the centre and the various community uses the Performing Arts Centre would include.

It was moved and seconded that Council endorse the Port Theatre Community Performing Arts Centre, for application under the Community, Culture, and Recreation Stream of the Investing in Canada Infrastructure Program. The motion carried unanimously.

(b) Council Remuneration

Introduced by Jake Rudolph, Chief Administrative Officer.

It was moved and seconded that Council:

1. adjust Council base salaries to compensate net pay for the 1/3 tax exemption effective 2019-JAN-01;
2. amend the “Council Spending and Amenities Policy” to include a provision to annually revise the base compensation for Mayor and Council by applying the BC Annual Percent Consumer Price Index to the prior year’s base compensation amount to a maximum of 2% per year; and,
3. appoint an independent Council Remuneration task force to undertake a comprehensive review of Council compensation, Council Spending and Amenities Policy and any other related matters deemed appropriate by Council. The Council remuneration task force should be appointed no later than 2021 and submit its recommendations for implementation January 2023.

It was moved and seconded that point three (3) be amended to read:

3. appoint an independent Council Remuneration task force to undertake a comprehensive review of Council compensation, Council Spending and Amenities Policy and any other related matters deemed appropriate by Council. The Council remuneration task force should be appointed no later than 2019 and submit its recommendations for implementation January 2021.

The motion carried unanimously.

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

It was moved and seconded that Council:

1. adjust Council base salaries to compensate net pay for the 1/3 tax exemption effective 2019-JAN-01;
2. amend the “Council Spending and Amenities Policy” to include a provision to annually revise the base compensation for Mayor and Council by applying the BC Annual Percent Consumer Price Index to the prior year’s base compensation amount to a maximum of 2% per year; and,
3. appoint an independent Council Remuneration task force to undertake a comprehensive review of Council compensation, Council Spending and Amenities Policy and any other related matters deemed appropriate by Council. The Council remuneration task force should be appointed no later than 2019 and submit its recommendations for implementation January 2021. The motion carried unanimously.

The motion carried.

Opposed: *Councillor Turley*

(c) 2019 – 2023 Financial Plan Bylaw

Introduced by Laura Mercer, Acting Director, Financial Services.

It was moved and seconded that “Financial Plan Bylaw 2018 No. 7279” (To confirm and adopt the 2019 – 2023 Financial Plan), pass first reading. The motion carried.

Opposed: *Councillor Turley*

It was moved and seconded that “Financial Plan Bylaw 2018 No. 7279” pass second reading. The motion carried.

Opposed: *Councillor Turley*

It was moved and seconded that “Financial Plan Bylaw 2018 No. 7279” pass third reading. The motion carried.

Opposed: *Councillor Turley*

R. Harding entered the Shaw Auditorium at 7:59 p.m.

(d) Vancouver Island Exhibition - Approval of Lease for Exhibition Grounds

Introduced by Richard Harding, Director, Parks and Recreation.

It was moved and seconded that Council:

1. approve a 25-year lease to the Vancouver Island Exhibition Association based on the terms and conditions outlined in the staff report; and,
2. authorize the Mayor and Corporate Officer to execute the lease agreement.

The motion carried unanimously.

K. Fry, W. Fulla and L. Mercer vacated the Shaw Auditorium at 8:01 p.m.

(e) Nanaimo Equestrian Association - Approval of Lease for Beban Park Equestrian Grounds

Introduced by Richard Harding, Director, Parks and Recreation.

It was moved and seconded that Council:

1. approve a 10-year lease to the Nanaimo Equestrian Association; and,
2. authorize the Mayor and Corporate Officer to execute the lease.

The motion carried unanimously.

D. Lindsay entered the Shaw Auditorium at 8:05 p.m.

(f) 195 and 191 Fourth Street - Letter of Intent for Lease with Nanaimo Search and Rescue

Introduced by Richard Harding, Director, Parks and Recreation.

It was moved and seconded that Council:

1. direct the Corporate Officer to execute the Letter of Intent with Nanaimo Search and Rescue; and,
2. direct Staff to return to a future Council meeting for final approval of the lease once the conditions within the Letter of Intent have been satisfied.

The motion carried unanimously.

(g) Property Gifting - 603 Nottingham Drive

Introduced by Dale Lindsay, Director, Community Development.

It was moved and seconded that Council:

1. provide approval to accept a gifting of property located at 603 Nottingham Drive for park purposes; and,
2. direct Staff to issue a tax donation receipt for \$70,000 to Cottle Creek Ventures Inc.

The motion carried unanimously.

R. Harding vacated the Shaw Auditorium at 8:12 p.m.

(h) Development Variance Permit Application No. DVP365 - 125 Front Street

Introduced by Dale Lindsay, Director, Community Development.

Mayor Krog requested that Council hear anyone wishing to speak with respect to DVP365.

Mike Hesler, Technical Director of the Port Theatre, spoke regarding the Port Theatre's current advertising for upcoming shows and requested approval of the variance in order to place sign on the outside of the Port Theatre.

It was moved and seconded that Council issue Development Variance Permit No. DVP365 at 125 Front Street with the following variances:

- allow an animated sign; and,
- increase the maximum sign area of a freestanding sign from 10m² to 30.46m².

The motion carried.

Opposed: *Councillor Brown*

(i) Development Variance Permit Application No. DVP367 - 550 Seventh Street

Introduced by Dale Lindsay, Director, Community Development.

Mayor Krog requested that Council hear anyone wishing to speak with respect to DVP367.

No one in attendance wished to speak with respect to DVP367.

It was moved and seconded that Council issue Development Variance Permit No. DVP367 at 550 Seventh Street with a variance to allow an animated sign.

It was moved and seconded that the motion be amended to read: That Council issue Development Variance Permit No. DVP367 at 550 Seventh Street with a variance to allow an animated sign with an amendment that the sign be turned off from 8:00 p.m. to 7:00 a.m. The motion was defeated.

Opposed: *Mayor Krog, Councillors Geselbracht, Hemmens, Maartman, Thorpe, and Turley*

The vote was taken on the main motion as follows:

It was moved and seconded that Council issue Development Variance Permit No. DVP367 at 550 Seventh Street with a variance to allow an animated sign. The motion carried.

Opposed: *Councillor Brown*

(j) Development Variance Permit Application No. DVP369 - 3135 Mexicana Road

Introduced by Dale Lindsay, Director, Community Development.

Mayor Krog requested that Council hear anyone wishing to speak with respect to DVP369.

No one in attendance wished to speak with respect to DVP369.

It was moved and seconded that Council issue Development Variance Permit No. DVP369 at 3135 Mexicana Road with a variance to allow an animated sign. The motion carried.

Opposed: *Councillor Brown*

(k) Development Variance Permit Application No. DVP372 - 124 Tait Road

Introduced by Dale Lindsay, Director, Community Development.

Mayor Krog requested that Council hear anyone wishing to speak with respect to DVP372.

No one in attendance wished to speak with respect to DVP372.

It was moved and seconded that Council issue Development Variance Permit No. DVP372 at 124 Tait Road with the following variance:

- increase the maximum building height for an accessory building with a roof pitch less than 6:12 from 4.5m to 4.64m.

The motion carried unanimously.

(l) Development Variance Permit Application No. DVP373 - 110 Fry Street

Introduced by Dale Lindsay, Director, Community Development.

Mayor Krog requested that Council hear anyone wishing to speak with respect to DVP373.

1. Doug Bender, resident of area, spoke regarding the previous removal deadline, ineffective sound mitigation and concerns regarding enforcement of the previous extension.
2. Jack Anderson, consultant to Omni Foods spoke regarding delays in the building permits, sound mitigation, cost of refrigeration units, and request for partial occupancy.
3. Sydney Robertson spoke regarding the South End Neighbourhood Association concerns regarding noise, effects on residents surrounding the Omni Foods location and good neighbourhood agreements with other commercial properties in the area.

It was moved and seconded that Council issue Development Variance Permit No. DVP373 for 110 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 a maximum of four months;
- increase the maximum number of containers permitted on a property from one to two; and,
- reduce the rear yard setback from 7.5m to 4.5m for a building or structure in order to legalize the siting of two refrigerated shipping containers.

The motion was defeated.

Opposed: Councillors Armstrong, Bonner, Brown, Hemmens and Thorpe

The Regular Council meeting recessed at 9:17 p.m.

The Regular Council meeting reconvened at 9:32 p.m.

(m) Rezoning Application No. RA000404 – 5400 Dewar Road and 5431 Redmond Road

Introduced by Dale Lindsay, Director, Community Development.

It was moved and seconded that “Zoning Amendment Bylaw 2018 No. 4500.130” (To rezone portions of the subject properties at 5400 Dewar Road, 5351 Redmond Road and the adjacent Redmond Road right-of-way from:

- Single Dwelling Residential [R1] to Steep Slope Residential [R10] and Parks, Recreation and Culture One [PRC-1]; and,
- Steep Slope Residential [R10] to Parks, Recreation and Culture One [PRC-1]) pass first reading.

The motion carried unanimously.

It was moved and seconded that “Zoning Amendment Bylaw 2018 No. 4500.130” pass second reading. The motion carried unanimously.

(n) Proposed Road Closure – Part of Redmond Road Adjacent to 5400 Dewar Road and 5351 Redmond Road

Introduced by Dale Lindsay, Director, Community Development.

It was moved and seconded that:

1. Council authorize the road closure and disposition of a portion of Redmond Road adjacent to 5400 Dewar Road and 5351 Redmond Road;
2. Mayor and Corporate Officer execute the conditional Road Closure and Sale Agreement; and,
3. Council direct Staff to proceed with public notice of closure and disposition of a portion of Redmond Road.

The motion carried unanimously.

It was moved and seconded that “Highway Closure and Dedication Removal Bylaw 2018 No. 7275” (To provide for highway closure and dedication removal of a portion of Redmond Road adjacent to 5400 Dewar Road and 5351 Redmond Road) pass first reading. The motion carried unanimously.

It was moved and seconded that “Highway Closure and Dedication Removal Bylaw 2018 No. 7275” pass second reading. The motion carried unanimously.

(o) 2019 Temporary Outdoor Public Art Recommendations

Introduced by Dale Lindsay, Director, Community Development.

It was moved and seconded that Council approve the ten 2019 Temporary Outdoor Public Art selections totaling \$28,000, recommended by the 2019 selection panel. The motion carried unanimously.

9. BYLAWS:

(a) "Sewer Regulation and Charge Amendment Bylaw 2018 No. 2496.31"

It was moved and seconded that “Sewer Regulation and Charge Amendment Bylaw 2018 No. 2496.31” (To set the 2019 rates for sanitary sewer) be adopted. The motion carried unanimously.

(b) "Waterworks Rate and Regulation Amendment Bylaw 2018 No. 7004.14"

It was moved and seconded that “Waterworks Rate and Regulation Amendment Bylaw 2018 No. 7004.14” (To set the 2019 water rates) be adopted. The motion carried unanimously.

(c) "South West Bulk Water Rate Amendment Bylaw 2018 No. 7099.07"

It was moved and seconded that South West Bulk Water Rate Amendment Bylaw 2018 No. 7099.07” (To set the 2019 bulk water rates for South West Extension) be adopted. The motion carried unanimously.

(d) "Municipal Solid Waste Collection Amendment Bylaw 2018 No. 7128.10"

It was moved and seconded that “Municipal Solid Waste Collection Amendment Bylaw 2018 No. 7128.10” (To update the bylaw for the implementation of automated garbage collection and set the rates for 2019) be adopted. The motion carried unanimously.

(e) "Housing Agreement Bylaw 2018 No. 7276"

It was moved and seconded that “Housing Agreement Bylaw 2018 No. 7276” (To authorize a housing agreement between the City of Nanaimo and the Nanaimo Affordable Housing Society pertaining to 20 Prideaux Street) be adopted. The motion carried.

Opposed: *Councillor Armstrong*

(f) “Housing Agreement Bylaw 2018 No. 7277”

It was moved and seconded that “Housing Agreement Bylaw 2018 No. 7277” (To authorize a housing agreement between the City of Nanaimo and the Vancouver Island Mental Health Society pertaining to 285 Rosehill Street) be adopted. The motion carried unanimously.

(g) “Housing Agreement Bylaw 2018 No. 7278”

It was moved and seconded that “Housing Agreement Bylaw 2018 No. 7278” (To authorize a housing agreement between the City of Nanaimo and the Nanaimo Affordable Housing Society pertaining to 10 Buttertubs Drive) be adopted. The motion carried unanimously.

10. NOTICE OF MOTION:

(a) Notice of Motion – Councillor Hemmens regarding Governance and Priorities Committee

Councillor Hemmens provided the following notice of motion for consideration at a future Council Meeting:

“That Staff develop a Terms of Reference for a governance and priorities committee by March 1, 2019, with the following considerations:

1. The committee will include all members of Council;
2. The committee is intended to be an open forum for more robust discussion and debate on select priority topics, with recommendations provided to Council for consideration; and,
3. The committee is intended to be a forum where guests and subject matter experts can be invited to participate in discussion.”

(b) Notice of Motions - Councillor Bonner

Councillor Bonner provided the following three notice of motions for consideration at a future Council meeting:

1. Community Amenity Contribution

That Staff review the Community Amenity Contribution calculation currently set at \$1,000 per residential unit and \$34/m² of commercial gross floor area, to ensure it is consistent with current practices and market conditions and to ensure it responds to the local need for affordable housing.

2. City Owned Property Leased by Arts and Culture Groups

That Staff engage with Arts and Culture groups who lease property from the City of Nanaimo by May 1, 2019 to determine if the groups would benefit from multi-year lease agreements in order to be eligible apply to for grant funding from senior levels of governments for capitol projects.

3. Truth and Reconciliation Call-to-Action #57

That Staff develop an implementation plan for responding to Truth and Reconciliation Call-to-Action #57 for Council's consideration by July 1, 2019.

11. OTHER BUSINESS:

- (a) Correspondence from the Association of Vancouver Island and Coastal communities regarding the 2019 annual General Meeting and Convention

12. QUESTION PERIOD:

- Larry Whaley re: the wording of Lease Agreements for Agenda Items 10(d) - Vancouver Island Exhibition – Approval of Lease for Exhibition Grounds and 10(e) – Nanaimo Equestrian Association – Approval of Lease for Beban park Equestrian Grounds

13. ADJOURNMENT:

It was moved and seconded at 9:59 p.m. that the meeting terminate. The motion carried unanimously.

CERTIFIED CORRECT:

CHAIR

CORPORATE OFFICER