

MINUTES
REGULAR COUNCIL MEETING
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2019-JAN-21, AT 5:30 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. J. Harding, Director of Parks and Recreation (arrived 7:06 p.m.)
D. Lindsay, Director of Community Development (arrived 7:13 p.m.)
B. Sims, Director of Engineering and Public Works (arrived 7:00 p.m.,
vacated 7:58 p.m.)
K. Fry, Fire Chief (arrived 7:05 p.m.)
L. Mercer, Acting Director of Financial Services (arrived 7:46 p.m., vacated
8:11 p.m.)
D. Myles, Manager, Roads & Traffic Services (arrived 7:00 p.m., vacated
7:21 p.m.)
D. Blackwood, Client Support Specialist (arrived 7:00 p.m.)
S. Snelgrove, Deputy Corporate Officer
J. Vanderhoef, Recording Secretary

1. CALL THE REGULAR MEETING TO ORDER:

The Regular Council Meeting was called to order at 5:36 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Agenda Item 2 - Procedural Motion to Proceed In Camera – Add *Community Charter*:

Section 90(1):

- (g) litigation or potential litigation affecting the municipality;
- (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,

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.

3. 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:

- (c) labour relations or other employee relations;
- (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,

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 5:36 p.m.

Council moved out of "In Camera" at 6:51 p.m.

The Regular Council meeting recessed at 6:51 p.m.

The Regular Council meeting reconvened at 7:01 p.m.

2. INTRODUCTION OF LATE ITEMS (continued):

- (b) Remove Agenda Item 7(a) - A reading from Tina Biello, Poet Laureate.
- (c) Agenda Item 14(a) Councillor Armstrong Motion re: Nuisance Properties - Add the following delegations:
 - 1. Terry Lee Wagar
 - 2. Trevor Heshka
 - 3. Lynn Burrows
 - 4. Ken Clark

5. Dyane Brown
6. Heather and Edward Ambo

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 Regular Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2018-DEC-17 at 5:00 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, 2019-JAN-03 at 7:00 p.m.

The motion carried unanimously.

6. MAYOR'S REPORT:

Mayor Krog spoke regarding the recent passing of former Councillor Dawn Tyndall on January 6, 2019, and her numerous contributions to the community.

K. Fry entered the Shaw Auditorium at 7:05 p.m.
R. Harding entered the Shaw Auditorium at 7:06 p.m.
D. Lindsay entered the Shaw Auditorium at 7:13 p.m.

7. PRESENTATIONS:

(a) City Response to December 20 - 21 Windstorm

Bills Sims, Director of Engineering and Public Works, provided a presentation regarding the wind event on December 21st, 2018.

D. Myles vacated the Shaw Auditorium at 7:21 p.m.

8. REPORTS:

(a) Housing Agreement - 548 Steeves Road

Introduced by Dale Lindsay, Director of Community Development.

It was moved and seconded that “Housing Agreement Bylaw 2019 No. 7280” (To authorize a Housing Agreement between the City of Nanaimo and 0948423 BC Ltd. pertaining to 548 Steeves Road) pass first reading. The motion carried unanimously.

It was moved and seconded that “Housing Agreement Bylaw 2019 No. 7280” pass second reading. The motion carried.

Opposed: *Councillor Bonner*

It was moved and seconded that “Housing Agreement Bylaw 2019 No. 7280” pass third reading. The motion carried.

Opposed: *Councillor Bonner*

(b) Housing Agreement Amendment - 1406 Bowen Road

Introduced by Dale Lindsay, Director of Community Development.

It was moved and seconded that “Housing Agreement Amendment Bylaw 2019 No. 7262.01” (To amend the bylaw to ensure that all existing and future housing units on the site are used for affordable housing, and to update an outdated reference to the *Local Government Act*) pass first reading. The motion carried unanimously.

It was moved and seconded that “Housing Agreement Amendment Bylaw 2019 No. 7262.01” pass second reading. The motion carried unanimously.

It was moved and seconded that “Housing Agreement Amendment Bylaw 2019 No. 7262.01” pass third reading. The motion carried unanimously.

(c) Development Variance Permit Application No. DVP371 - 5284 Sherbourne Drive

Introduced by Dale Lindsay, Director of Community Development.

Mayor Krog requested that Council hear anyone wishing to speak with respect to Development Variance Permit Application No. DVP371 – 5284 Sherbourne Drive.

No one in attendance wished to speak regarding DVP371 – 5284 Sherbourne Drive.

It was moved and seconded that Council issue Development Variance Permit No. DVP371 at 5284 Sherbourne Drive with the following variance:

- reduce the minimum lot frontage requirement from 15m to 10.16m for proposed Lot A.

The motion carried unanimously.

(d) Rezoning Application No. RA406 - 111 Nicol Street

Introduced by Dale Lindsay, Director of Community Development.

It was moved and seconded that “Zoning Amendment Bylaw 2019 No. 4500.132” (To rezone 111 Nicol Street to allow a site-specific Cannabis Retail Store use in the Gateway [DT12] Zone) pass first reading. The motion carried unanimously.

It was moved and seconded that “Zoning Amendment Bylaw 2019 No. 4500.132” pass second reading. The motion carried unanimously.

It was moved and seconded that Council direct Staff to secure the amenity contribution and BC Liquor and Cannabis Regulation Branch approval prior to adoption of the bylaw, should Council support the bylaw at third reading. The motion carried unanimously.

(e) Proposed Road Closure-Part of Labieux Road and Land Exchange at 2560 Bowen Road

Introduced by Dale Lindsay, Director of Community Development.

It was moved and seconded that Council:

- authorize the road closure and disposition of a portion of Labieux Road adjacent to 2560 Bowen Road and direct Staff to enter into a Road Closure and Land Exchange Agreement; and,
- direct Staff to proceed with public notice of closure and disposition of a portion of Labieux Road.

The motion carried unanimously.

It was moved and seconded that “Highway Closure and Dedication Removal Bylaw 2019 No. 7274” (To provide for highway closure and dedication removal of a portion of Labieux Road adjacent to 2560 Bowen Road) pass first reading. The motion carried unanimously.

It was moved and seconded that “Highway Closure and Dedication Removal Bylaw 2019 No. 7274” pass second reading. The motion carried unanimously.

(f) Smoking Regulation Bylaw

Introduced by Dale Lindsay, Director of Community Development.

It was moved and seconded that Council rescind third reading of “Smoking Regulation Bylaw 2018 No. 7268” (To regulate smoking in the City of Nanaimo). The motion carried unanimously.

It was moved and seconded that Council approve revisions to the proposed “Smoking Regulation Bylaw 2018 No. 7268” at third reading as outlined in the report titled “Smoking Regulation Bylaw”, dated 2019-JAN-21: to revise buffer zones, ensure consistency with “Parks, Recreation and Culture Regulation Bylaw 2008 No. 7073”, and provide an adjudication process. The motion carried unanimously.

It was moved and seconded that “Smoking Regulation Bylaw 2018 No. 7268” pass third reading as amended. The motion carried unanimously.

L. Mercer entered the Shaw Auditorium at 7:46 p.m.

It was moved and seconded that “Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.03” (To include a schedule of penalties related to “Smoking Regulation Bylaw 2018 No. 7268”) pass first reading. The motion carried unanimously.

It was moved and seconded that “Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.03” pass second reading. The motion carried unanimously.

It was moved and seconded that “Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.03” pass third reading. The motion carried unanimously.

(g) Nanaimo Pride Society Multi - Year Funding Request

Introduced by Laura Mercer, Acting Director of Financial Services.

It was moved and seconded that Council award the Nanaimo Pride Society \$5,000 to be funded from the Council Contingency Fund as a one time grant for 2019. The motion was defeated.

Opposed: Mayor Krog, Councillors Armstrong, Bonner, Brown, Geselbracht, Hemmens, Maartman

It was moved and seconded that Council direct staff to award \$7,500 to the Nanaimo Pride Society, for a one-time grant for 2019, with funding to be provided from Council Contingency. The motion carried unanimously.

(h) Nanaimo & District BC SPCA Grant Application

Introduced by Laura Mercer, Acting Director of Financial Services.

It was moved and seconded that Council direct Staff to approve the Nanaimo & District BC SPCA grant request over two years (2019 – 2020) at \$12,500 per year funded from general taxation. The motion carried.

Opposed: Councillors Brown, Hemmens

It was moved and seconded that Council direct Staff to develop a policy that provides direction and expectations for responding to requests from non-profit organizations for financial support outside of the current grant programs. The motion carried unanimously.

B. Sims vacated the Shaw Auditorium at 7:58 p.m.

(i) Municipal and Regional District Tax (MRDT) Allocation of Online Accommodation Platform (OAP) Revenues

Introduced by Laura Mercer, Acting Director of Financial Services.

It was moved and seconded that Council direct Staff to submit the necessary documentation to Destination BC to allocate Online Accommodation Platform revenue to the Housing Legacy Reserve to fund affordable housing initiatives. The motion carried unanimously.

L. Mercer vacated the Shaw Auditorium at 8:11 p.m.

9. BYLAWS:

(a) "Official Community Plan Amendment Bylaw 2018 No. 6500.038"

It was moved and seconded that "Official Community Plan Amendment Bylaw 2018 No. 6500.038" (OCP87 - To re-designate 40 Maki Road on the Future land Use Plan (Map 1) from 'Neighbourhood' to 'Light Industrial'; and to re-designate 40 Maki Road on the Chase River Neighbourhood Plan Land Use schedule A from 'Low-Medium Density Residential' to 'Service Industrial Enterprise Area') be adopted. The motion carried unanimously.

(b) "Zoning Amendment Bylaw 2018 No. 4500.119"

It was moved and seconded that "Zoning Amendment Bylaw 2018 No. 4500.119" (RA386 - To rezone 40 Maki Road from Single Dwelling Residential-R1 to Highway Industrial-I1) be adopted. The motion carried unanimously.

(c) "Zoning Amendment Bylaw 2018 No. 4500.130"

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])

be adopted. The motion carried unanimously.

(d) "Highway Closure and Dedication Removal Bylaw 2018 No. 7275"

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) be adopted. The motion carried unanimously.

10. NOTICE OF MOTION:

(a) Councillor Maartman Notice of Motion re: Carbon Initiative

Councillor Maartman provided the following notice of motion for consideration at a future Council meeting:

“That the City of Nanaimo declare a climate emergency and takes a leadership role towards achieving carbon neutrality by 2030.”

11. OTHER BUSINESS:

(a) Councillor Armstrong Motion re: Nuisance Properties

Delegations:

1. Terry Lee Wagar spoke regarding 250 Terminal Avenue, crime rates being consistent within the area, considering the two temporary supportive housing locations separately, more support being provided to residents of the temporary supportive housing units and requested that adjustments to the facilities be based on feedback from a consultation process.
2. Trevor Heshka spoke regarding safety concerns in the community, vigilante activity, theft, intoxication, and what is being done to address mental health, drug addiction, communication with the public, and getting committees operating again to address issues.
3. Lynn Burrows spoke regarding Island Crisis Care Society, the temporary supportive housing facilities not being fully functional as of yet, changes to security services, and providing support to the temporary housing facilities.
4. Ken Clark spoke regarding the current drug crises, operation of the supportive housing units, value of the supportive housing units, small groups increasing the criminal activity in the area, consequences of criminal activity and increased theft in the community supporting costs of drug addictions.
5. Dyane Brown spoke regarding a balanced approach to 250 Terminal Avenue supportive housing, neighbours advocating the supportive housing facilities, individual residents success stories and requested that Council work with other levels of government to become involved in the solution.
6. Heather and Edward Ambo spoke regarding increased criminal activity surrounding the supportive housing unit at 2020 Labieux Street, residents tenancy requirements, and a lack of communication with Pacifica Housing as the operator of the facility.

It was moved and seconded that Council direct Staff to prepare a report for an open Council meeting with information gathered from the police, service providers, and other stakeholders, regarding the activities and trends occurring at 250 Terminal Avenue and 2020 Labieux Road, and that information be based on “Nuisance Abatement and Cost Recovery Bylaw 2003 No. 5645”. The motion was defeated.

Opposed: Mayor Krog, Councillors Bonner, Brown, Geselbracht, Hemmens, Maartman, Thorpe

The Council meeting recessed at 9:43 p.m.

The Council meeting reconvened at 9:55 p.m.

12. QUESTION PERIOD:

- Ken Clark re: Changing social economics and developments to provide more affordable housing.
- Heather Ambo re: Pacifica Housing being contacted for information regarding 2020 Labieux Road and addressing safety/security concerns.
- Darrel Gyorfi re: Measures to alleviate safety/security concerns around the temporary housing units and improving engagement.
- Janet Ismail re: Providing addicts opioids, regulations of shopping carts and alternative sites for permanent locations.
- Sandra Steward Kobewka re: Crime rates and cost of policing.
- Amanda Orum re: List of cannabis retail applications coming forward to Council.
- Laura Bonner re: Rules governing the temporary supportive housing units and availability of information/statistics for preparing a report.
- Kirsty Forsyth re: Approaching the Province to provide intravenous users with opioids.
- Terry Lee Wagar re: Relationships with the service providers of temporary supportive housing units and details of planned comprehensive report.

13. ADJOURNMENT:

It was moved and seconded at 10:35 p.m. that the meeting terminate. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

CORPORATE OFFICER