

**MINUTES**  
REGULAR COMMITTEE OF THE WHOLE COUNCIL MEETING  
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2019-JAN-28, AT 4:30 P.M.

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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 (arrived 4:41 p.m.)  
R. J. Harding, Director of Parks and Recreation (arrived 4:45 p.m., vacated 5:06 p.m.)  
D. Lindsay, Director of Community Development  
J. Van Horne, Director of Human Resources (arrived 4:53 p.m.)  
Supt. C. Miller, OIC, Nanaimo Detachment RCMP (vacated 5:07 p.m.)  
M. Desrochers, Client Support Specialist  
S. Snelgrove, Deputy Corporate Officer  
K. Gerard, Recording Secretary

1. CALL THE REGULAR COMMITTEE OF THE WHOLE MEETING TO ORDER:

The Regular Committee of the Whole Meeting was called to order at 4:30 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Add Agenda Item 6(f) – Delegation from Janet Ismail, Ida Adam and Rudy Adam regarding neighbourhood crime and security concerns in and around the Labieux Road Temporary Housing.
- (b) Add Agenda Item 9(a) – Councillor Bonner Five Notices of Motion regarding Growing Cannabis on the Agricultural Land Reserve.

3. APPROVAL OF THE AGENDA:

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

4. ADOPTION OF THE MINUTES:

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

- Minutes of the Special Committee of the Whole Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Monday, 2019-JAN-07 at 1:00 p.m.
- Minutes of the Special Committee of the Whole Meeting held in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2019-JAN-14 at 1:00 p.m.
- Minutes of the Special Committee of the Whole Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Friday, 2018-JAN-18 at 9:00 a.m.

The motion carried unanimously.

5. DELEGATIONS:

- (a) Delegation from Paul Chapman, Executive Director, Nanaimo and Area Land Trust, regarding the upcoming Water Stewardship in a Changing Climate Symposium

Paul Chapman, Executive Director, Nanaimo and Area Land Trust spoke regarding the upcoming Water Stewardship in a Changing Climate Symposium, effects of climate change on our rivers, lakes and creeks and provided Mayor and Council with a calendar that contains dates of the upcoming Nanaimo and Area Land Trust workshops he hopes they will attend.

J. Rudolph entered the Shaw Auditorium at 4:41 p.m.

- (b) Delegation from Dennis McMahon regarding the Nanaimo Arts Community

Dennis McMahon spoke regarding the need for suitable and affordable space for the Nanaimo Arts Community and the proposed designation of 580 Fitzwilliam Street as the location for a future Nanaimo Centre for the Creative Arts. Mr. McMahon provided a brief history of appearances before Council and requested that Council and the Nanaimo Arts Community work together to provide artists with a studio space where artists can practice, sell art and hold workshops for the arts community.

It was moved and seconded that the Committee of the Whole direct Staff to prepare a report that provides information and outlines the feasibility of 580 Fitzwilliam Street being designated as a community arts centre with options for other community groups to use the facility as well. The motion carried unanimously.

R. Harding entered the Shaw Auditorium at 4:45 p.m.

(c) Delegation from Angela Wood, Todd Vass and Michelle Corfield regarding Safety Concerns at Beban Park and Park Watch

Angela Wood, Todd Vass and Michelle Corfield, provided the Committee of the Whole with findings and recommendations regarding safety concerns at Beban Park that were gathered by various community members who created a public group called "Park Watch". They spoke regarding the following:

- Group of parents and volunteers created a group called Park Watch, which patrols the BMX and Steve Smith bike track at Beban Park
- Increase in vandalism, graffiti, damage to property, garbage including needles and crime/theft at Beban Park
- Group and organizations want to work with the City of Nanaimo, RCMP, and Staff at Beban Park to focus on recommendations provided by the Park Watch group
- Priority recommendations include: clearing of trees and brush for better sightlines and lighting

J. Van Horne entered the Shaw Auditorium at 4:53 p.m.

(d) Delegation from Ken Clark regarding Crime and Safety in Nanaimo Neighbourhoods

Ken Clark spoke regarding the severity of crime in the neighbourhoods surrounding the Labieux Road Temporary Housing site. Mr. Clark provided examples of crime in the area and voiced his concern for the safety of residents and users of Beban Park facilities.

(e) Delegation from Holden Southward regarding City of Nanaimo Property Taxes

Holden Southward spoke regarding practical ways to reduce City of Nanaimo property taxes by 25%, including recommendation such as; saving money instead of borrowing for major projects, cap all municipal salaries at \$125,000/year, no pension after retirement for past and present Mayor and Council, utilize volunteers for projects and stop passing debt onto next generations.

R. Harding and D. Lindsay vacated the Shaw Auditorium at 5:06 p.m.

C. Miller vacated the Shaw Auditorium at 5:07 p.m.

6. REPORTS:

(a) Public Engagement Pilot Program Session Four

Introduced by Sky Snelgrove, Deputy Corporate Officer.

It was moved and seconded that the report "Public Engagement Pilot Program Session Four", dated 2019-JAN-28, be received for information. The motion carried unanimously.

(b) Public Engagement Pilot Program – Final Report

Introduced by Sky Snelgrove, Deputy Corporate Officer.

Presentation:

1. Nancy Mitchell, Norm Smith, Les Barclay and Bill Manners, members of the Community Engagement Task Force, provided the Committee of the Whole with a verbal report regarding the Community Engagement Task Force Final Report, which included the following:
  - Outcome of the four sessions and noted that the community does want engagement regarding city matters
  - Encourages Mayor and Council to be active in community engagement and thanked Mayor and Council for attending the last public engagement session
  - Thanked Staff that assisted with and were part of the Community Engagement Task Force
  - Provided recommendation to ensure that community engagement remains active

It was moved and seconded that the Public Engagement Pilot Program – Final Report dated, 2019-JAN-28, be received for information. The motion carried unanimously.

(c) Code of Conduct

Introduced by John Van Horne, Director, Human Resources.

It was moved and seconded that the Committee of the Whole recommend that Council adopt the attached Code of Conduct and sign the accompanying declaration at the next regular meeting of Council. The motion carried unanimously.

D. Lindsay returned to the Shaw Auditorium at 5:34 p.m.

7. OTHER BUSINESS:

(a) Councillor Bonner Notice of Motion re: Growing Cannabis Plants on the Agricultural Land Reserve (ALR)

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Councillor Bonner provided the following Notice of Motion for consideration at a future Council meeting:

1. WHEREAS the *Agricultural Land Commission Act* states "farm use" means an occupation or use of land for farm purposes, including farming of land, plants and animals and any other similar activity designated as farm use by regulation, and includes a farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*;

AND WHEREAS the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (the ALR Regulation) has differentiated the lawful production of cannabis from other “farm use” by limiting the structures for production, and narrowing the definition of ‘necessary’ activities under section 2(3), unlike any other crop in British Columbia:

THEREFORE, BE IT RESOLVED that the AVICC request the provincial government to amend the ALR Regulation so that the lawful production of cannabis aligns with the growing structures and site development measures available for all other crops. More specifically, placing limits on the unique concrete structure growing method initially targeted for regulation to all crops. Thus enabling cannabis, when grown as any other crop, to be deemed a “farm use”, as defined in the *Agricultural Land Commission Act* and a “farm operation” under the *Farm Practices Protection (Right to Farm)*. Circumscribing cannabis production in structures that are lawful by regulation for all other crops, may not withstand judicial review.

2. WHEREAS the *Agricultural Land Commission Act* states “farm use” means an occupation or use of land for farm purposes, including farming of land, plants and animals and any other similar activity designated as farm use by regulation, and includes a farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*;

AND WHEREAS the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (the ALR Regulation) has differentiated the lawful production of cannabis from other “farm use” by limiting the structures for production, and narrowing the definition of ‘necessary’ activities under section 2(3), unlike any other crop in British Columbia:

THEREFORE, BE IT RESOLVED that the AVICC request the provincial government to amend the ALR Regulation in order to clarify the interpretation of section 2(2.5) of the ALR Regulation regarding the lawful production of cannabis “inside a structure (a) that has a base consisting entirely of soil”, and clarify that when producing cannabis in a greenhouse, it has the same meaning as “Greenhouse” under section 2(o)(i) of the Regulation. Circumscribing cannabis production in structures that are lawful by regulation for all other crops, may not withstand judicial review.

AND BE IT FURTHER RESOLVED THAT the AVICC request the provincial government to amend the ALR Regulation section 2(2.5) to resemble something like the following:

- (2.5) The lawful production of cannabis is designated as farm use for the purposes of the Act if produced outdoors in a field or inside a structure
  - (a) which has a base consisting entirely of soil, and
    - (i) that is moveable in nature; or
    - (ii) on a helical pile foundation; or
    - (iii) whose base does not create irreversible damage to the soil.

3. WHEREAS the structural use of concrete as a foundation system and associated fill, is known to cause irreparable damage to soil biology and render a site unfit for soil-based crops in the future, and low-impact, low carbon, removable foundation technologies are available as a new standard for agricultural structure foundations;

AND WHEREAS the *Agricultural Land Commission Act*, and the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (the ALR Regulation) regulate “farm use” structures on the agricultural land reserve (ALR) and the deposit of fill is considered a farm use for all activities under sections 2(1) to (2.2), and does not require notification to the ALR except under limited circumstances, and the National Farm Building Code applies to all agricultural “farm use” structures;

THEREFORE, BE IT RESOLVED that the AVICC request the provincial government to encourage the use of low carbon, low impact, cement-free foundation technologies for farm use structures and buildings within the ALR, thereby reducing the deposition of fill material and elimination of arable soil capability in the long term.

4. WHEREAS the *Agricultural Land Commission Act*, and the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (the ALR Regulation) Section 2(2.5)(b) has limited cannabis production to existing structures which were previously utilized for crop production, or were under continuous production prior to the regulatory change, eliminating the ability to convert non-crop or other structures within the Agricultural Land Reserve (ALR);

AND WHEREAS the Cannabis Act and Regulations require “good production practices” that create hygienic conditions for the cultivation and production of cannabis, and existing structures are available for federally compliant conversion, which would strengthen municipal 2018 BC Building Code oversight, reduce the pressure for new construction, and facilitate contribution to the local and BC Economy:

THEREFORE, BE IT RESOLVED that the AVICC request the provincial government to amend the ALR Regulation to allow for the retrofitting of existing non-residential structures on the ALR for cannabis production.

5. WHEREAS water sustainability, healthy watersheds and ground water are of vital importance and, commercial fertilizers can be damaging to groundwater and influence water quality in watersheds;

AND WHEREAS the use of fertilizers in greenhouses and indoor structures creates effluent that contains concentrated commercial fertilizers which, if released untreated can be damaging to groundwater and the overall watershed:

THEREFORE, BE IT RESOLVED that the AVICC request that the provincial government explore including in the BC Agricultural Best Practices, the requirement for closed loop greenhouse irrigation systems in commercial greenhouse and indoor agricultural structures, to prevent commercial fertilizers from being emitted into the environment.

8. QUESTION PERIOD:

- Mike Smith, President of Nanaimo BMX re: funding for lighting and assistance with clean up and maintenance of the bike parks.
- Chrissy Forsythe re: addiction services, repeat offenders and residents patrolling their neighbourhoods at night.
- Heather Ambo re: budget and cost of calls to emergency services.
- Ed Ambo re: assigning a single RCMP member to each temporary housing site as a contact for residents and neighbourhood groups.
- Sandra Steward-Kobeuka re: a clear plan to resolve the issues in and around the temporary housing sites
- Laura Bonner re: temporary portable be set up at each site as a community policing station and a portion of Brannen Lake Jail being made into a detox centre
- Les Barclay re: Agenda Item 7(c) – Code of Conduct.

Jake Rudolph, Chief Administrative Officer, spoke regarding the current action plan and summarized the various steps that are being taken at the temporary housing sites, which included the following:

- Neighbourhood advisory committees have been established and are meeting on an ongoing basis
- BC Housing has and is currently investing funding and time to work with the operators and service providers of each housing site
- Improvements have been made to the Terminal Avenue housing site including a new gate, fencing and better lighting; more work on the Labieux Road site will be done soon
- RCMP are maintaining a presence at both sites with regular officers, plain clothes officers and bike patrol
- RCMP are offering training for operators and outreach workers
- Island Health Authority is present at each site at least 5 days per week
- Staff, RCMP and neighbourhood groups are assisting in the maintenance, clean up and patrols of all parks and a new Parks Bylaw will be coming forward to Council soon that addresses overnight camping in Parks
- Mayor and Council, Staff, outreach workers, RCMP, operators and BC Housing are meeting on a regular basis
- Goal now is to look at long term solutions and identify potential properties for long term housing

9. ADJOURNMENT:

It was moved and seconded at 6:35 p.m. that the meeting terminate. The motion carried unanimously.

CERTIFIED CORRECT:

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CHAIR

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CORPORATE OFFICER