

**MINUTES**  
REGULAR COUNCIL MEETING  
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2019-FEB-25, AT 5:30 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  
R. J. Harding, Director of Parks and Recreation (arrived 7:10 p.m., vacated 7:25 p.m.)  
D. Lindsay, Director of Community Development (arrived 7:24 p.m.)  
K. Fry, Fire Chief (vacated 7:33 p.m.)  
L. Mercer, Acting Director of Financial Services (vacated 7:12 p.m.)  
B., Corsan, Deputy Director, Community Development (arrived 7:34 p.m.)  
P. Rosen, Senior Manager Engineering (vacated 7:42 p.m.)  
L. Rowett, Manager, Current Planning (arrived 7:43 p.m.)  
D. LaBerge, Manager of Community Safety (arrived 7:10 p.m.)  
L. Bhopalsingh, Manager, Community and Cultural Planning (arrived 7:43 p.m.)  
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 5:33 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;

- (d) the security of property of 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;
- (f) law enforcement, if the Council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;
- (g) litigation or potential litigation affecting the municipality;
- (h) an administrative tribunal hearing or potential administrative tribunal hearing affecting the municipality, other than a hearing to be conducted by the Council or a delegate of Council;
- (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*;
- (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;
- (l) discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under Section 98 [annual municipal report];
- (m) a matter that, under another enactment, is such that the public may be excluded from the meeting;
- (n) the consideration of whether a Council meeting should be closed under a provision of this subsection or subsection (2);
- (o) the consideration of whether the authority under Section 91 [other persons attending closed meetings] should be exercised in relation to a Council meeting;

*Community Charter* Section 90(2):

- (a) a request under the *Freedom of Information and Protection of Privacy Act*, if the Council is designated as head of the local public body for the purposes of that Act in relation to the matter;
- (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;
- (c) a matter that is being investigated under the *Ombudsperson Act* of which the municipality has been notified under Section 14 [ombudsperson to notify authority] of that Act;
- (d) a matter that, under another enactment, is such that the public must be excluded from the meeting; and,
- (e) a review of a proposed final performance audit report for the purpose of providing comments to the auditor general on the proposed report under Section 23 (2) of the *Auditor General for Local Government Act*.

The motion carried unanimously.

Council moved “In Camera” at 5:33 p.m.  
Council moved out of “In Camera” at 6:52 p.m.

3. INTRODUCTION OF LATE ITEMS:

- (a) Agenda Item 10(f) – Rezoning Application No. RA397 – 4900 Island Highway North – Add Lisa Bhopalsingh, Manager, Community and Cultural Planning to presentation.
- (b) Agenda Item 10(f) – Rezoning Application No. RA397 – 4900 Island Highway North - Add delegations from:
  - 1. Kim Smythe, CEO, Nanaimo Chamber of Commerce
  - 2. David Murchie
- (c) Agenda Item 10(e) – Home Based Business Regulation Review – Add presentation from Bill Corsan, Deputy Director, Community Development.

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 Regular Council Meeting held in the Shaw Auditorium, 80 Commercial Street, Nanaimo, BC on Monday, 2019-FEB-04 at 4:30 p.m. be adopted as circulated. The motion carried unanimously.

6. MAYOR’S REPORT:

Mayor Krog spoke regarding the Heritage Summit that took place on February 20, 2019, and stated that it was well attended by Council members and residents of Nanaimo. Mayor Krog thanked City Staff for their hard work with regards to the recent snowfall and snow removal.

7. CONSENT ITEMS:

It was moved and seconded that Council approve the consent items as follows:

- (a) Committee of the Whole Minutes
  - 1. Special Committee of the Whole Meeting held in the Shaw Auditorium, 80 Commercial Street, Nanaimo, BC, Monday, 2018-DEC-17 at 1:00 p.m.
  - 2. 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.

3. Special Committee of the Whole Meeting held in the Douglas Rispin Room, 80 Commercial Street, Nanaimo, BC on Monday, 2019-JAN-14 at 1:00 p.m.
4. Special Committee of the Whole Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Friday, 2019-JAN-18 at 9:00 a.m.
5. Regular Committee of the Whole Meeting held in the Shaw Auditorium, 80 Commercial Street, Nanaimo, BC on Monday, 2019-JAN-28 at 4:30 p.m.
6. Special Committee of the Whole Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Monday, 2019-JAN-28 at 12:00 p.m.

(b) Advisory Committee Minutes

1. Minutes of the Finance and Audit Committee Meeting held in the Shaw Auditorium, 80 Commercial Street, Nanaimo, BC on Wednesday, 2018-AUG-08, at 9:00 a.m.
2. Minutes of the Special Finance and Audit Committee Meeting held in the Shaw Auditorium, 80 Commercial Street, Nanaimo, BC on Monday, 2018-NOV-26 at 9:00 a.m.
3. Minutes of the Special Finance and Audit Committee Meeting held in the Shaw Auditorium, 80 Commercial Street, Nanaimo, BC on Tuesday, 2018-NOV-27 at 9:00 a.m.
4. Minutes of the Special Finance and Audit Committee Meeting held in the Shaw Auditorium, 80 Commercial Street, Nanaimo, BC on Tuesday, 2018-DEC-04 at 9:00 a.m.
5. Minutes of the Special Finance and Audit Committee Meeting held in the Shaw Auditorium, 80 Commercial Street, Nanaimo, BC on Wednesday, 2018-DEC-05 at 9:00 a.m.

(c) Committee Recommendations

1. Approval of the Committee of the Whole Recommendations 2019-FEB-11

1. New Horizons for Seniors Grant

That Council support the City of Nanaimo's participation in a collaborative Expression of Interest application to the Human Resources and Skills Development Canada New Horizons for Seniors Program for the purpose of enhancing social connectivity amongst adults 55 years and older.

2. Consultation Plan – Single-Use Checkout Bags Regulation

That Council approve the consultation plan as attached and add \$15,350 to the 2019 – 2023 Financial Plan, funded from General Taxation.

2. Approval of the Finance and Audit Committee Recommendations  
2019-FEB-20

1. Request for Additional Funding - Bastion Street Parkade Infrastructure

That Council approve an additional \$136,100, funded from the Parking Reserve, to complete the Bastion Parkade Post Tension Strand Construction capital project.

2. Downtown Metered Parking

That Council approve adding \$17,500 to the 2019 budget for a Downtown Parking Signage project to be funded from the Parking Reserve.

3. Road Safety Funding Allocation

That Council approve the addition of the three new projects in 2019 to install pedestrian warning flashers, to be funded by ICBC and the New Horizons Senior Program.

4. Automated Solid Waste Collection - Equipment Financing

That Council authorize up to \$432,396 be borrowed, under Section 175 of the *Community Charter*, from the Municipal Finance Authority, for the purpose of purchasing an automated garbage truck; and that the loan be repaid within five (5) years, with no rights of renewal.

The motion carried unanimously.

(d) Separately Considered Consent Items

2. Approval of the Finance and Audit Committee Recommendations  
2019-FEB-20

1. 2019 Finance and Audit Committee Key Date Calendar

That Council approve the 2019 Finance and Audit Committee Key Date Calendar.

It was moved and seconded that Council approve the 2019 Finance and Audit Committee Key date Calendar. The motion carried unanimously.

Opposed: Councillor Armstrong

R. Harding and D. Laberge entered the Shaw Auditorium at 7:10 p.m.

8. REPORTS:

(a) 2018-2022 Financial Plan Amendment Bylaw

Introduced by Laura Mercer, Acting Director, Financial Services.

It was moved and seconded that “Financial Plan Amendment Bylaw 2019 No. 7253.04” (To amend the 2018 – 2022 Financial Plan), pass first reading. The motion carried unanimously.

It was moved and seconded that “Financial Plan Amendment Bylaw 2019 No. 7253.04” pass second reading. The motion carried unanimously.

It was moved and seconded that “Financial Plan Amendment Bylaw 2019 No. 7253.04” pass third reading. The motion carried unanimously.

L. Mercer vacated the Shaw Auditorium at 7:12 p.m.

(b) "Parks, Recreation and Culture Regulation Amendment Bylaw 2019 No. 7073.07" and "Bylaw Notice Enforcement Amendment Bylaw 2018 No. 7159.04"

Introduced by David Laberge, Manager, Community Safety.

It was moved and seconded that “Parks, Recreation and Culture Regulation Amendment Bylaw 2019 No. 7073.07” (To allow for overnight shelter in City parks, and other regulatory matters) pass first reading. The motion carried unanimously.

It was moved and seconded that “Parks, Recreation and Culture Regulation Amendment Bylaw 2019 No. 7073.07” pass second reading. The motion carried unanimously.

It was moved and seconded that “Parks, Recreation and Culture Regulation Amendment Bylaw 2019 No. 7073.07” pass third reading. The motion carried unanimously.

It was moved and seconded that “Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.04” (To update enforcement penalty rates) pass first reading. The motion carried unanimously.

D. Lindsay entered the Shaw Auditorium at 7:24 p.m.

R. Harding vacated the Shaw Auditorium 7:25 p.m.

It was moved and seconded that “Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.04” pass second reading. The motion carried unanimously.

It was moved and seconded that “Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.04” pass third reading. The motion carried unanimously.

(c) City of Nanaimo "Public Nuisance Bylaw 2019 No. 7267" and City of Nanaimo "Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.05"

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Introduced by David Laberge, Manager, Community Safety.

It was moved and seconded that "Public Nuisance Bylaw 2019 No. 7267" (To update and consolidate offences relating to nuisances, disturbances and uncivil behaviour) pass first reading. The motion carried unanimously.

It was moved and seconded that "Public Nuisance Bylaw 2019 No. 7267" pass second reading. The motion carried unanimously.

It was moved and seconded that "Public Nuisance Bylaw 2019 No. 7267" pass third reading. The motion carried unanimously.

It was moved and seconded that "Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.05" (To include new offences and an updated fine schedule) pass first reading. The motion carried unanimously.

It was moved and seconded that "Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.05" pass second reading. The motion carried unanimously.

It was moved and seconded that "Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.05" pass third reading. The motion carried unanimously.

K. Fry vacated the Shaw Auditorium at 7:33 p.m.

B. Corsan entered the Shaw Auditorium at 7:34 p.m.

(d) Cross Connection Control Amendment Bylaw

Introduced by Poul Rosen, Senior Manager, Engineering.

It was moved and seconded that "Cross Connection Control Amendment Bylaw 2019 No. 7249.01" (To adopt amendments for consistent enforcement) pass first reading. The motion carried unanimously.

It was moved and seconded that "Cross Connection Control Amendment Bylaw 2019 No. 7249.01" pass second reading. The motion carried unanimously.

It was moved and seconded that "Cross Connection Control Amendment Bylaw 2019 No. 7249.01" pass third reading. The motion carried unanimously.

It was moved and seconded that "Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.06" (For ticketing and enforcement of penalty sections of the new Cross Connection Control Bylaw) pass first reading. The motion carried unanimously.

It was moved and seconded that "Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.06" pass second reading. The motion carried unanimously.

It was moved and seconded that "Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.06" pass third reading. The motion carried unanimously.

P. Rosen vacated the Shaw Auditorium at 7:42 p.m.

L. Rowett and L. Bhopalsingh entered the Shaw Auditorium at 7:43 p.m.

(e) Home-Based Business Regulation Review

Introduced by Dale Lindsay, Director, Community Development.

Presentation:

1. Bill Corsan, Deputy Director, Community Development, provided a presentation regarding the new rules and regulations for home based businesses including a new classification system, signage and parking.

It was moved and seconded that Council:

1. receive the report titled “Home-Based Business Regulation Review” dated 2019-FEB-25; and,
2. direct Staff to return to an upcoming Council meeting with amendments to “Zoning Bylaw 2011 No. 4500”, “Sign Bylaw 1987 No. 2850” and “Off-Street Parking Regulations Bylaw 2018 No. 7266” relating to the home-based business regulations.

The motion carried unanimously.

(f) Rezoning Application No. RA397 - 4900 Island Highway North

Introduced by Dale Lindsay, Director, Community Development.

Presentation:

1. Lainya Rowett, Manager, Current Planning, provided a presentation regarding Rezoning Application No. RA397 – 4900 Island Highway North, which included reasons and rationale regarding the Staff recommendation.

Delegations:

1. Mark Holland spoke on behalf of the owner regarding Rezoning Application No. RA397 – 4900 Island Highway North, upgrades to the area in the design plans, completion of a transportation study, Official Community Plan criteria and the public engagement session attended by surrounding businesses and residents.
2. Kim Smythe, CEO, Nanaimo Chamber of Commerce, spoke regarding the economic aspects and benefits of the proposed rezoning application and stated that the Chamber of Commerce was supportive of this Rezoning Application.

3. David Murchie spoke in opposition of the Rezoning Application No. RA397 - 4900 Island Highway North, and stated that this area should remain residential, traffic will increase making it unsafe to walk and this site would be good for affordable housing.

It was moved and seconded that “Zoning Amendment Bylaw 2019 No. 4500.131” (To rezone 4900 Island Highway North in order to permit site-specific automobile sales, service and rental use) pass first reading. The motion carried unanimously.

It was moved and seconded that “Zoning Amendment Bylaw 2019 No. 4500.131” pass second reading. The motion carried unanimously.

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

The Regular Council meeting recessed at 9:15 p.m.

The Regular Council meeting reconvened at 9:29 p.m.

(g) Development Variance Permit Application No. DVP374 - 60 Bryden Street

Introduced by Dale Lindsay, Director, Community Development.

Delegations:

1. Scott Mack, Townsite Planning, spoke regarding the adverse impacts to 210 Stewart Avenue if requested variances were approved.
2. Peter and Sandy King provided details of their application and stated that parking would not set a precedent for new homes in this area and they did consider the neighbouring properties when designing the home.

Mayor Krog requested that Council hear anyone wishing to speak with respect to Development Variance Permit Application No. DVP374 - 60 Bryden Street.

3. Peter Giovando spoke in favour and stated that he owns two properties in this area and has no concerns with the design of the proposed home and the requested variances.
4. Vic Sweett spoke in opposition and stated that he has concerns regarding parking, view from 210 Stewart Avenue, design and height of the proposed home and affect on property values in the area.
5. Jeff Sweett spoke in support of new construction but feels that any new construction should follow the required setbacks stated in the zoning bylaw.

It was moved and seconded that Council issue Development Variance Permit No. DVP374 for 60 Bryden Street with the following variances:

- reduce the minimum front yard setback from 4.5m to 1.8m;
- reduce the minimum side yard setback (west side) from 1.5m to 0.91m;
- reduce the minimum rear yard setback from 7.5m to 6m;
- increase the maximum allowable lot coverage from 40% to 44%; and,
- reduce the minimum of number of required off-street parking spaces from 2 to 0.

The motion carried.

Opposed: *Councillors Armstrong, Bonner and Geselbracht*

(h) Development Variance Permit Application No. DVP377 - 3583 Hammond Bay Road

Introduced by Dale Lindsay, Director, Community Development.

Mayor Krog requested that Council hear anyone wishing to speak with respect to Development Variance Permit Application No. DVP377 - 3583 Hammond Bay Road.

No one in attendance wished to speak with respect to Development Variance Permit Application No. DVP377 - 3583 Hammond Bay Road.

It was moved and seconded that Council issue Development Variance Permit No. DVP377 at 3583 Hammond Bay Road with the following variance:

- increase the maximum combined height for retaining walls within the front yard from 1.2m to 3.55m.

The motion carried unanimously.

9. BYLAWS:

(a) "Smoking Regulation Bylaw 2018 No. 7268"

It was moved and seconded that "Smoking Regulation Bylaw 2018 No. 7268" (To regulate smoking in the City of Nanaimo) be adopted. The motion carried unanimously.

(b) "Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.03"

It was moved the 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") be adopted. The motion carried unanimously.

(c) "Highway Closure and Dedication Removal Bylaw 2019 No. 7274"

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) be adopted. The motion carried unanimously.

10. QUESTION PERIOD:

- Dorothy Houghton re: Agenda Item 11(a) – “Smoking Regulation Bylaw 2018 No. 7268”

11. ADJOURNMENT:

It was moved and seconded at 10:13 p.m. that the meeting terminate. The motion carried unanimously.

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C H A I R

CERTIFIED CORRECT:

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CORPORATE OFFICER