

MINUTES
REGULAR COUNCIL MEETING
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2019-MAY-27, AT 5:00 P.M.

Present: Mayor L. Krog, Chair
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: B. Sims, Director, Engineering and Public Works
R. J. Harding, Director, Parks and Recreation
D. Lindsay, Director, Community Development
F. Farrokhi, Manager, Communications
D. Johnstone, Communications and Digital Content Specialist (vacated
7:29 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 5:00 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;
- (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;
- (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;
- (n) the consideration of whether a Council meeting should be closed under a provision of this subsection or subsection (2); and,

Community Charter 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 5:00 p.m.
Council moved out of “In Camera” at 6:56 p.m.

3. INTRODUCTION OF LATE ITEMS:

- (a) Agenda Item 10(c) – Proposed Pilot Sites for Unmanned Aerial Vehicles in Parks – Note the following changes:
 - 1. Replace “Unmanned Aerial Vehicles” with “Remotely Piloted Aircraft Systems” in the title and recommendation
 - 2. Remove Attachment B - Harry Wipper Park
 - 3. Move Attachment C to Attachment B - Elaine Hamilton Park
 - 4. Add Attachment C - Examples in Other Municipalities
 - 5. Add Document – Excerpt from Part IX of the Canadian Aviation Regulations on behalf of Delegation William Rollins
- (b) Agenda Item 10(f) - Development Permit Application No. DP1070 - 591 Bradley Street - Add the following delegations:
 - 1. Jean Playdon, The Owners, Strata Plan VIS 3635, Park Ridge Place Strata Corporation
 - 2. Raymond de Bleed, Raymond de Beeld Architects Inc.
- (c) Agenda Item 10(h) – Development Permit Application No. DP1123 – 4979 Wills Road – Add presentation and Delegation from Kyle Shick, Project Manager, Finlayson Bonet Architecture Ltd.
- (d) Agenda Item 10(n) - Rezoning Application No. RA422 - 111 Terminal Avenue - Add the following delegations:
 - 1. Joyti Grandham, Cannabis Stores Company
 - 2. Michael Bains, Cannabis Stores Company

- (e) Councillor Hemmens advised that she would be bringing forward a Notice of Motion regarding the Department of National Defence Lands.
- (f) Agenda Item 10(g) – Development Permit Application No. DP1119 – 4800 Uplands Drive and 6035 Linley Valley Drive – replace 16.6m with 16.62m to correct clerical error in the recommendation.

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, 2019 MAY-06, at 5:00 p.m.
- Minutes of the Special Council Meeting held in the Human Resources Training Room, 455 Wallace Street, Nanaimo, BC, on Monday, 2019-MAY-13 at 3:00 p.m.
- Minutes of the Special Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2019-MAY-13, at 5:30 p.m.
- Minutes of the Special Council Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Tuesday, 2019-MAY-21, at 11:20 a.m.

The motion carried unanimously.

6. MAYOR'S REPORT:

Mayor Krog spoke regarding the annual Bike to Work and Walk to School Week, which begins on May 27, 2019 and runs for one week. The Commuter Challenge event begins on June 3 and runs until June 9, which promotes cycling, walking or alternative methods to get to work or school.

7. PRESENTATIONS:

(a) City of Nanaimo and Snuneymuxw First Nation Protocol Agreement

Mayor and Council along with Chief Michael Wyse and the Council of the Snuneymuxw First Nation were present to announce the signing of the Protocol Agreement between the City of Nanaimo and the Snuneymuxw First Nation.

D. Johnstone vacated the Shaw Auditorium at 7:29 p.m.

8. CONSENT ITEMS:

Councillor Geselbracht requested that Consent Item (b)(2)(1)(1) be removed from the Consent Items for separate discussion.

It was moved and seconded that the following items be adopted by consent:

(a) Advisory Committee Minutes

1. Minutes of the Governance and Priorities Committee Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Monday, 2019-APR-08, at 12:00 p.m.
2. Minutes of the Finance and Audit Committee Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Wednesday, 2019-APR-10, at 9:00 a.m.
3. Minutes of the Special Finance and Audit Committee Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Monday, 2019-APR-15, at 9:00 a.m.
4. Minutes of the Board of Variance Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Thursday, 2019-APR-18, at 5:30 p.m.
5. Minutes of the Open Design Advisory Panel Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Thursday, 2019-APR-25, at 5:00 p.m.
6. Minutes of the Governance and Priorities Committee Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Monday, 2019-APR-29, at 9:00 a.m.

(b) Committee Recommendations

1. Approval of the Finance and Audit Committee Recommendations 2019-MAY-15:
 1. Arbot 2 Neighbourhood Park Improvement Request Under the Partners in Parks (PIP) Program

That Council:
 1. allocate \$25,000 from the 2019 Partners In Parks Program fund for Arbot 2 Neighbourhood Park improvements; and,
 2. approve the renaming of Arbot 2 Park to Royal Oak Park.
2. Approval of the Governance and Priorities Committee Recommendations 2019-MAY-21:

1. Draft Strategic Plan

1. That Council advocate for a fast ferry service or other forms of transportation improvements for connectivity, as action items under Economic Health in the draft Strategic Plan.
2. That Council amend the sixth bullet under Governance Excellence on the draft Strategic Plan to read “Advocate for the Provincial and Federal governments to take responsibility for mental health, affordable housing and social disorder issues”.

The motion carried unanimously.

(c) Separately Addressed Consent Items

It was moved and seconded that Council add the following action item under Environmental Responsibility “If requested the City of Nanaimo work with the Regional District of Nanaimo and community organizations to develop food security for the region”. The motion carried unanimously.

Opposed: Councillor Turley

9. REPORTS:

(a) Video Recording and Publishing of Public Hearings

Introduced by Sheila Gurrie, City Clerk.

It was moved and seconded that Council direct Staff to maintain the status quo and continue to not record or publish Public Hearings. The motion carried.

Opposed: Councillors Bonner, Geselbracht, Hemmens

(b) Deaccessioning of the Public Art Piece "The Frame" by Jason Gress

Introduced by Richard Harding, Director, Parks and Recreation.

It was moved and seconded that Council approve the deaccessioning of the public art piece “The Frame” by Jason Gress from the City of Nanaimo’s Public Art Collection. The motion carried unanimously.

(c) Proposed Pilot Sites for Remotely Piloted Vehicles in Parks

Introduced by Richard Harding, Director, Parks and Recreation.

Delegations:

1. Leo Katila spoke regarding radio controlled model aircrafts and drones flying in specified parks, proposed regulations and memberships with the Model Aeronautics Association of Canada (MAAC).
2. William Rollins spoke regarding Model Aeronautics Association of Canada (MAAC), Deputy Zone Director Southwest British Columbia and MAAC and its relationship with Transport Canada.

It was moved and seconded that Council approve a one-year pilot project that allows members of the Nanaimo Model Airs Club, or individuals who qualify for a permit from the Director of Parks and Recreation, to fly Remotely Piloted Aircraft Systems in designated locations at designated times. The motion carried unanimously.

Councillor Hemmens vacated the Shaw Auditorium at 7:54 p.m.

(d) Bruce Avenue and Fifth Street Road Cost Share

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

It was moved and seconded that Council direct Staff to:

1. enter into a Cost Share Agreement with the developer of 601 Bruce Avenue, for the work and,
2. amend the 2019 - 2023 Financial Plan to add \$152,980 for the project with \$64,113 to be funded from City Wide Roads Development Cost Charge (DCC) Reserve Fund and \$88,867 to be funded from the General Capital Reserve.

The motion carried unanimously.

Councillor Hemmens returned to the Shaw Auditorium at 7:56 p.m.

(e) Establishment of Morningside Drive Sewer and Sanitary Service Area and Parcel Tax

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

It was moved and seconded that “Local Area Service (Morningside Drive) Establishing Bylaw 2019 No. 7281” (To establish the Morningside Drive local area sewer and sanitary line service) pass first reading. The motion carried unanimously.

It was moved and seconded that “Local Area Service (Morningside Drive) Establishing Bylaw 2019 No. 7281” pass second reading. The motion carried unanimously.

It was moved and seconded that “Local Area Service (Morningside Drive) Establishing Bylaw 2019 No. 7281” pass third reading. The motion carried unanimously.

It was moved and seconded that “Morningside Drive Local Service Area Parcel Tax Bylaw 2019 No. 7288” (To provide the authority to impose a parcel tax on the Morningside Drive local service area) pass first reading. The motion carried unanimously.

It was moved and seconded that “Morningside Drive Local Service Area Parcel Tax Bylaw 2019 No. 7288” pass second reading. The motion carried unanimously.

It was moved and seconded that “Morningside Drive Local Service Area Parcel Tax Bylaw 2019 No. 7288” pass third reading. The motion carried unanimously.

(f) Development Permit Application No. DP1070 – 591 Bradley Street

Introduced by Dale Lindsay, Director, Community Development.

Delegations:

1. Paul Chapman, Nanaimo and Area Land Trust, spoke regarding the proposed development, environmental concerns and maintaining riparian areas.
2. Jean Playdon, the Owners, Strata Plan VIS 3635, Park Ridge Strata Corporation spoke regarding environmental, traffic and safety concerns and encroachment into the existing restricted covenant.
3. Raymond de Beeld, Raymond de Beeld Architects Inc., spoke regarding the steps completed to address environmental concerns, increase in traffic and pedestrian safety.

Correspondence:

1. Correspondence from Sandra Thomson, Volunteer Chair, Bradley Street Neighbourhood Association, dated 2019-MAY-20.

It was moved and seconded that Council receive the correspondence from Sandra Thomson, Volunteer Chair, Bradley Street Neighbourhood Association, dated 2019-MAY-20 for information. The motion carried unanimously.

It was moved and seconded that Council issue Development Permit No. DP1070 at 591 Bradley Street with the following variances:

- reduce the watercourse setback as measured from the top of bank of the Millstone River from 30m to 0m;
- reduce the minimum front yard setback from 1.8m to 0m for the underground parking structure;
- increase the maximum allowable building height from 14m to 18m; and,
- increase the maximum allowable percentage of small car spaces from 40% to 41%.

The motion carried.

Opposed: *Councillors Armstrong and Geselbracht*

(g) Development Permit Application No. DP1119 – 4800 Uplands Drive / 6035 Linley Valley Drive

Introduced by Dale Lindsay, Director, Community Development.

It was moved and seconded that Council issue Development Permit DP1119 at 4800 Uplands Drive / 6035 Linley Valley Drive with the following variances to:

- increase the maximum building height from 14m to 16.62m
- increase the maximum allowable height of retaining walls from 1.2m to 7.49m; and,
- reduce the landscape screening requirements for the proposed refuse receptacles.

The motion carried unanimously.

(h) Development Permit Application No. DP1123 – 4979 Wills Road

Introduced by Dale Lindsay, Director, Community Development.

Delegation:

1. Kyle Shick, Project Manager, Finlayson Bonet Architecture Ltd., spoke regarding the proposed development, parking and efforts to minimize the environmental impact.

It was moved and seconded that Council issue Development Permit DP1123 at 4979 Wills Road with the following variances:

- increase the maximum allowable building height from 14m to 26.13m;
- reduce the front yard setback from 6m to 4.7m,
- reduce the side yard setback from 3m to 1.14m,
- reduce the parking requirement from 101 to 96 spaces, and,
- reduce the minimum number of loading spaces from 3 to 1.

The motion carried unanimously.

Councillor Geselbracht vacated the Shaw Auditorium at 8:44 p.m.

(i) Development Variance Permit Application No. DVP381 – 1875 Boxwood Road

Introduced by Dale Lindsay, Director, Community Development.

Mayor Krog requested that Council hear anyone wishing to speak with respect to DVP No. 381.

No one in attendance wished to speak with respect to DVP381.

It was moved and seconded that Council issue Development Variance Permit No. DVP381 at 1875 Boxwood Road with the following variances:

- reduce the minimum side yard setback (south side) from 6m to 1.75m; and,
- increase the maximum allowable height of retaining walls from 2.4m to 3.65m within the south side yard setback, and from 3m to 3.42m where retaining walls are located outside of the required setback area.

The motion carried unanimously.

Councillor Geselbracht returned to the Shaw Auditorium at 8:46 p.m.

(j) Rezoning Application No. RA400 – 1300 Junction Avenue

Introduced by Dale Lindsay, Director, Community Development.

It was moved and seconded that “Zoning Amendment Bylaw 2019 No. 4500.147” (To rezone 1300 Junction Avenue from Single Dwelling Residential [R1] to Mixed Use Corridor [COR 2]) pass first reading. The motion carried unanimously.

It was moved and seconded that “Zoning Amendment Bylaw 2019 No. 4500.147” pass second reading. The motion carried unanimously.

It was moved and seconded that Council direct Staff to secure the community contribution, road dedication, a restricted use covenant requiring that the development be for rental use only and a statutory right-of-way to accommodate the future Wexford Creek restoration project. The motion was defeated.

Opposed: Mayor Krog, Councillors Armstrong, Brown, Hemmens, Thorpe and Turley

It was moved and seconded that Council direct Staff to secure the community contribution, road dedication, and a statutory right-of-way to accommodate the future Wexford Creek restoration project. The motion carried unanimously.

(k) Rezoning Application No. RA409 – 751 Haliburton Street

Introduced by Dale Lindsay, Director, Community Development.

It was moved and seconded that “Zoning Amendment Bylaw 2019 No. 4500.148” (To rezone 751 Haliburton Street to allow “office” as a site-specific use in the Local Service Centre [CC1] zone) pass first reading. The motion carried unanimously.

It was moved and seconded that “Zoning Amendment Bylaw 2019 No. 4500.148” pass second reading. The motion carried unanimously.

It was moved and seconded that Council direct Staff to secure the amenity contribution and road dedication by way of a covenant, should Council support the bylaw at third reading. The motion carried unanimously.

The Regular Council meeting recessed at 9:03 p.m.

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

(l) Rezoning Application No. RA418 – 52 Victoria Crescent

Introduced by Dale Lindsay, Director, Community Development.

It was moved and seconded that “Zoning Amendment Bylaw 2019 No. 4500.144” (To rezone 52 Victoria Crescent to allow “Cannabis Retail Store” as a site-specific use in the Terminal Avenue [DT4] zone) pass first reading. The motion carried unanimously.

It was moved and seconded that “Zoning Amendment Bylaw 2019 No. 4500.144” 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.

(m) Rezoning Application No. RA420 – 140 Terminal Avenue

Introduced by Dale Lindsay, Director, Community Development.

It was moved and seconded that "Zoning Amendment Bylaw 2019 No. 4500.145" (To rezone 140 Terminal Avenue to allow "Cannabis Retail Store" as a site-specific use in the Terminal Avenue [DT4] zone) pass first reading. The motion carried unanimously.

It was moved and seconded that "Zoning Amendment Bylaw 2019 No. 4500.145" pass second reading. The motion carried.

Opposed: Councillor Turley

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.

Opposed: Councillor Turley

(n) Rezoning Application No. RA422 – 111 Terminal Avenue

Introduced by Dale Lindsay, Director, Community Development.

Delegations:

1. Joyti Grandham, Cannabis Stores Company, requested that Council defer this item to a future Council meeting to provide opportunities to share more information with Council.

It was moved and seconded that Council defer consideration of "Rezoning Application No. RA422 – 111 Terminal Avenue", to a future Council meeting. The motion carried unanimously.

(o) Liquor Licence Application No. LA000135 – Units N & O, 11 Cliff Street

Introduced by Dale Lindsay, Director, Community Development.

It was moved and seconded that Council recommend that the Liquor Cannabis and Regulation Branch approve the application to permit a lounge endorsement for a proposed brewery manufacturing business to be located at 11 Cliff Street. The motion carried unanimously.

10. CORRESPONDENCE:

- (a) Correspondence from the Office of the Mayor, City of Burnaby, dated 2019-MAY-02, regarding “Expanding Investment Opportunities”

It was moved and seconded that be Council direct Staff to prepare a report regarding implications of correspondence from the Office of the Mayor, City of Burnaby, dated 2019-MAY-02, regarding “Expanding Investment Opportunities”. The motion carried.

Opposed: Councillor Brown

11. NOTICE OF MOTION:

- (a) Councillor Hemmens Notice of Motion re: Department of National Defence Lands

Councillor Hemmens advised that she would be bringing forward the following notice of motion for consideration at a future meeting:

“That correspondence be sent from Mayor and Council to the Department of National Defence requesting they convene a meeting with representatives of recreational user groups that have been using the Department of National Defence lands near Nanaimo with the intention of reaching a use agreement which works for all parties.”

12. QUESTION PERIOD:

No one in attendance wished to ask questions.

13. ADJOURNMENT:

It was moved and seconded at 9:38 p.m. that the meeting terminate. The motion carried unanimously.

CERTIFIED CORRECT:

CHAIR

CORPORATE OFFICER