

MINUTES
REGULAR COUNCIL MEETING
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2019-JUL-08, AT 4:30 P.M.

Present: Mayor L. Krog, Chair
Councillor S. D. Armstrong
Councillor D. Bonner
Councillor T. Brown
Councillor B. Geselbracht
Councillor E. Hemmens
Councillor I. W. Thorpe
Councillor J. Turley

Absent: Councillor Z. Maartman

Staff: J. Rudolph, Chief Administrative Officer
D. Lindsay, General Manager, Development Services (arrived 7:00 p.m., vacated 9:57 p.m.)
B. Sims, General Manager, Engineering and Public Works (vacated 8:19 p.m.)
J. Van Horne, Director, Human Resources (vacated 8:03 p.m.)
Supt. C. Miller, OIC, Nanaimo Detachment RCMP (vacated 7:20 p.m.)
K. Fry, Fire Chief (arrived 7:00 p.m., vacated 8:02 p.m.)
B. Wood, Assistant Fire Chief (arrived 7:00 p.m., vacated 8:02 p.m.)
L. Bhopalsingh, Manager, Community and Cultural Planning, (vacated 9:57 p.m.)
D. Blackwood, Client Support Specialist (arrived 7:00 p.m.)
S. Gurrie, Director, Legislative Services
G. Whitters, Recording Secretary

1. CALL THE REGULAR COUNCIL MEETING TO ORDER:

The Regular Council Meeting was called to order at 4:32 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;
- (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;
- (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];
- (n) the consideration of whether a Council meeting should be closed under a provision of this subsection or subsection (2).

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 4:32 p.m.
Council moved out of "In Camera" at 6:55 p.m.

3. INTRODUCTION OF LATE ITEMS:

- (a) Remove - Agenda Item 7(a) – Soroti Member of Parliament and Municipal Council

(b) Agenda Item 10(e) – Rezoning Application No. RA427 – 4061 Norwell Drive:

- (1) Add delegation from Keir Macpherson.
- (2) Replace Option 2 of the report to read:

Option 2 – That:

1. "Zoning Amendment Bylaw 2019 No. 4500.151" (To rezone 4061 Norwell Drive in order to permit "Cannabis Retail Store" as a site-specific use in the Neighbourhood Centre [CC2] zone) pass first reading;
2. "Zoning Amendment Bylaw 2019 No. 4500.151" pass second reading; and,
3. 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.

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 Special Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC on Monday, 2019-JUN-10 at 5:30 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-JUN-13 at 7:00 p.m.
- Minutes of the Regular Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC on Monday, 2019-JUN-17 at 5:00 p.m.
- Minutes of the Special Council Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Wednesday, 2019-JUN-19 at 9:00 a.m.

The motion carried unanimously.

6. MAYOR'S REPORT:

Mayor Krog spoke regarding:

- Partnerships to study childcare needs in the City and area through the provincial Child Care Planning Grant.
- The City of Nanaimo is looking for applications to the Board of Variance for the appointment of 1 member for a 3-year term. Interested applicants must submit an application by 4:30 p.m., Friday, July 12. Application forms can be downloaded from the City's website at www.nanaimo.ca
- A reminder that municipal property taxes were due July 2 and that charges are now in effect for late payments.
- Chief Michael Wyse and Mayor Krog were interviewed by Shaw regarding the signing of the Protocol Agreement and the interview will be broadcasted on Wednesday, July 10, at 5:30 p.m.
- The recent reorganization of City Staff was unanimously endorsed and implemented as of July 2, 2019 and will be completed as positions are filled.

7. PRESENTATIONS:

- (a) Presentation from Supt. C. Miller, OIC, Nanaimo Detachment, RCMP, regarding the Annual Policing Priorities

Supt. Cameron Miller, OIC, Nanaimo Detachment, RCMP, provided a presentation which included information regarding the annual policing priorities, the RCMP file count since 2018; traffic statistics including speeding, impaired driving violations, and motor vehicle fatalities; the Federal RCMP strategic priorities and stakeholder engagement.

Supt. C. Miller vacated the Shaw Auditorium at 7:20 p.m.

- (b) Presentation from Dale Lindsay, General Manager, Development Services, regarding the Development Services Mid-Year Update

Dale Lindsay, General Manager, Development Services, provided a presentation which included information regarding the number of building permits issued and applied for in the first six months of 2019.

D. Lindsay vacated the Shaw Auditorium at 7:40 p.m.

J. Van Horne vacated the Shaw Auditorium at 7:41 p.m.

- (c) Presentation from Brad Wood, Assistant Fire Chief, regarding the City of Nanaimo Community Wildfire Protection Plan
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Introduced by Karen Fry, Fire Chief.

Brad Wood, Assistant Fire Chief, provided a presentation regarding the Community Wildfire Protection Plan (CWPP), strategic opportunities for improvement, future initiatives, goals and objectives, results of the fire behaviour threat assessment, key recommendations from the CWPP and the progress on key recommendations.

Councillor Armstrong vacated the Shaw Auditorium at 7:53 p.m.

8. CONSENT ITEMS:

Councillor Geselbracht requested that Consent Item 9(b)(1)(1)(3) be removed from the Consent Items for separate discussion.

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

(a) Advisory Committee Minutes

- Minutes of the Design Advisory Panel Meeting held 2019-MAY-23 at 5:00 p.m. in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC
- Minutes of the Design Advisory Panel meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on 2019-JUN-13 at 5:00 p.m.

(b) Advisory Committee Recommendations

- (1) Approval of the 2019-JUN-26 Finance and Audit Committee Recommendations:

- (1) 2020 - 2024 Financial Plan Development Workshop

That Council direct Staff to prepare a business case regarding the addition of an environmental position focused around coordination of the Environmental Sustainability Action Plan.

- (2) Unitarian Emergency Shelter Funding Request

That Council approve an allocation of \$20,000 from the Housing Legacy Reserve to the First Unitarian Fellowship of Nanaimo to extend shelter hours in order to provide additional programming, services and supports at the Unitarian Shelter until 2020-MAR-31.

(3) 911 Funding

That Council approve the 911 Firewall upgrade and allocate \$30,000 from the E911 Reserve.

(4) Green Fleet Strategy

That Council direct Staff to join the E3 Fleet program and complete the Green Fleet Performance Review in 2019.

(5) Union of BC Municipalities Funding Program for Flood Risk Assessment, Mapping and Mitigation Planning

That Council approve adding \$100,000 to 2019 and \$200,000 to 2020 for the South Fork and Jump Creek Dams Inundation Mapping Study to be funded from a grant contribution of \$150,000 and \$150,000 from Water Reserves.

The motion carried unanimously.

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

Councillor Geselbracht vacated the Shaw Auditorium at 7:56 p.m. stating a conflict of interest.

J. Van Horne returned to the Shaw Auditorium at 7:57 p.m.

(c) Separately Addressed Consent Items

(1) Community Program Development Grant – Mid-Island Youth and Community Development Cooperative

It was moved and seconded that Council approve the request from the Mid-Island Youth and Community Development Cooperative for a Community Program Development Grant in the amount of \$2,850 to assist in funding Nanaimo Earth Day Social Enterprise. The motion carried unanimously.

Councillor Geselbracht returned to the Shaw Auditorium at 7:57 p.m.

9. REPORTS:

(a) Management Terms and Conditions of Employment Bylaw Revision

Introduced by John Van Horne, Director, Human Resources.

It was moved and seconded that “Management Terms and Conditions of Employment Bylaw 2019 No. 7273” (To establish the terms and conditions of employment for officers and excluded employees of the City) pass first reading. The motion carried unanimously.

It was moved and seconded that “Management Terms and Conditions of Employment Bylaw 2019 No. 7273” pass second reading. The motion carried unanimously.

It was moved and seconded that “Management Terms and Conditions of Employment Bylaw 2019 No. 7273” pass third reading. The motion carried unanimously.

K. Fry and B. Wood vacated the Shaw Auditorium at 8:02 p.m.

J. Van Horne vacated the Shaw Auditorium at 8:03 p.m.

D. Lindsay returned to the Shaw Auditorium at 8:03 p.m.

(b) "Subdivision Control Bylaw 1989 No. 3260" Proposed Amendments to the Manual of Engineering Standards and Specifications

Introduced by Bill Sims, General Manager, Engineering and Public Works.

(c) 25 Victoria Road Co-Management Agreement Disposition

Introduced by Dale Lindsay, General Manager, Development Services.

It was moved and seconded that Council:

1. approve a ten-year co-management agreement with the Harbour City Theatre Alliance Society at 25 Victoria Road; and
2. authorize the Mayor and Corporate Officer to execute the agreement.

The motion carried unanimously.

(d) Development Permit Application No. DP1126 - 560 Third Street

Introduced by Dale Lindsay, General Manager, Development Services.

It was moved and seconded that Council issue Development Permit No. DP1126 at 560 Third Street with the following variances:

- increase the percentage allocated for residential use in order to be eligible for a shared parking reduction from 75% to 96%;
- increase the maximum permitted building height from 14m to 15m; and
- increase the maximum permitted height of a retaining wall outside of the required yard setback area from 3m to 4.1m

The motion carried unanimously.

(e) Rezoning Application No. RA427 - 4061 Norwell Drive

Introduced by Dale Lindsay, General Manager, Development Services.

B. Sims vacated the Shaw Auditorium at 8:19 p.m.

Delegation:

1. Keir Macpherson, Owner, Monte's Green House, stated that they aim to work closely with the community, they meet all the provincial requirements, they will be providing a \$10,000 donation to improvements of Loudon Park and they were not aware of any other applicants in this area.

It was moved and seconded that Council deny the application and associated readings to “Zoning Amendment Bylaw 2019 No. 4500.151” (To rezone 4061 Norwell Drive in order to permit “Cannabis Retail Store” as a site-specific use in the Neighbourhood Centre [CC2] zone). The motion carried.

Opposed: *Councillor Brown*

(f) Supervised Consumption Service Zoning Options

Introduced by Dale Lindsay, General Manager, Development Services.

S, Gurrie vacated the Shaw Auditorium at 8:31 p.m.

Presentation:

1. Lisa Bhopalsingh, Manager, Community and Cultural Planning, provided a presentation regarding the services provided at a supervised consumption site (SCS), the Wesley Street Overdose Prevention Site (OPS), local government’s role in the siting of an SCS, current applicable zoning in the City, other municipalities responses to the zoning, the advantages and disadvantages of the different zoning options and Health Canada’s community engagement requirements.

S. Gurrie returned to the Shaw Auditorium at 8:41 p.m.

Delegation:

1. Dr. Paul Hasselback, Medical Health Officer, Island Health spoke regarding the City’s approval, other communities, site-specific zoning, Public Hearings, fencing around Wesley Street, and opportunities to contribute to future solutions.

It was moved and seconded that Council direct Staff to:

- a) bring forward proposed changes to “City of Nanaimo Zoning Bylaw 2011 No. 4500” to repeal the definition of ‘Drug Addiction Treatment Facility’;
- b) bring forward proposed changes to “City of Nanaimo Zoning Bylaw 2011 No. 4500” to add a definition for ‘Supervised Consumption Service’; and
- c) provide Council an update on the 2017-DEC-11 Staff report "Response to Health, Social and Safety Issues in the Downtown".

The motion was defeated.

Opposed: *Councillors Bonner, Geselbracht, Thorpe and Turley*

It was moved and seconded that Council direct Staff to:

- a) bring forward proposed changes to “City of Nanaimo Zoning Bylaw 2011 No. 4500” to repeal the definition of ‘Drug Addiction Treatment Facility’;
- b) bring forward proposed changes to “City of Nanaimo Zoning Bylaw 2011 No. 4500” to revise the definition of ‘Office Medical/Dental’ with siting requirements developed in consultation with Island Health.

The motion carried.

Opposed: Mayor Krog, Councillors Armstrong and Thorpe

L. Bhopalsingh and D. Lindsay vacated the Shaw Auditorium at 9:57 p.m.

10. CORRESPONDENCE:

- (a) Correspondence from the Office of the Ombudsperson, dated 2019-JUN-15, regarding the Quarterly Report: January 1 - March 31, 2019
- (b) Correspondence from the Regional District of Nanaimo, dated 2019-JUN-07, regarding the Regional District of Nanaimo Offer to Partner in Hosting the 2020 Association of Vancouver Island and Coastal Communities Convention

It was moved and seconded that the City of Nanaimo partner with the Regional District of Nanaimo in hosting the 2020 Association of Vancouver Island Coastal Communities Convention. The motion carried unanimously.

11. NOTICE OF MOTION:

- (a) Councillor Bonner Re: Reinforcement of “Traffic and Highways Regulation Bylaw 1993. No. 5000”

That Council direct Staff to send a letter to all property owners of commercial properties along all bus routes in the City of Nanaimo reminding the owners of the following:

- “Traffic and Highways Regulation Bylaw 1993. No. 5000” Section 3(21) titled “Trees over Highways” which reads “Every person being the owner or occupier of real property shall cause all trees, shrubs, or other vegetation to be properly trimmed and cut back, so as to prevent physical obstruction or visibility impairment to pedestrian and vehicle traffic on a sidewalk or highway.”

And

- “Traffic and Highways Regulation Bylaw 1993. No. 5000” PART 3 Section 22(1) titled “Removal of Snow, Ice or Rubbish” which reads “Owners or occupiers of real property shall remove snow, ice or rubbish from the sidewalk and footpaths bordering the property owned or occupied by them within 24 hours of the accumulation of such snow, ice or rubbish on such sidewalk.”

And that both sections of the bylaw will be strictly enforced by ticketing without warning starting September 1, 2019.

12. QUESTION PERIOD:

- No one in attendance wished to ask any questions.

13. ADJOURNMENT:

It was moved and seconded at 10:00 p.m. that the meeting terminate. The motion carried unanimously.

C H A I R

CERTIFIED CORRECT:

CORPORATE OFFICER