

MINUTES
REGULAR COUNCIL MEETING
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2019-AUG-26, 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 Z. Maartman
Councillor I. W. Thorpe
Councillor J. Turley

Staff: J. Rudolph, Chief Administrative Officer
R. J. Harding, General Manager, Parks, Recreation and Culture (arrived 4:39 p.m.)
D. Lindsay, General Manager, Development Services
B. Sims, General Manager, Engineering and Public Works
J. Holm, Director, Development Approvals
B. Corsan, Director, Community Development
F. Farrokhi, Manager, Communications
D. LaBerge, Manager, Community Safety (arrived 7:46 p.m.)
D. Blackwood, Client Support Specialist
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 4:30 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Add – *Community Charter* section 90(1):

- (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.

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:

- (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;
- (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;
- (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 4:31 p.m.
Council moved out of “In Camera” at 6:54 p.m.

2. INTRODUCTION OF LATE ITEMS: (continued)

- (a) Agenda Item 10(d) - OCP Amendment Application - OCP89 and Rezoning Application RA395 - 388 Machleary Street – Add the following delegations:
 - 1. Lawrence Rieper
 - 2. Dr. Eric Norman
- (b) Agenda Item 14(a) – Councillor Bonner Motion regarding Commercial Properties along Bus Routes – replace wording of Councillor Bonner’s motion and add delegation from Bill Manners.
- (c) Add Agenda Item 13(a) - Councillor Bonner Notice of Motion re: Funding Beds at the John Howard Society.

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, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2019-JUL-22, at 4:00 p.m. be adopted as circulated. The motion carried unanimously.

D. Lindsay entered the Shaw Auditorium at 7:03 p.m.

6. MAYOR'S REPORT:

Mayor Krog spoke regarding:

- The number of operating smoke alarms installed in homes and safety concerns for the community.
- Temporary closure on Departure Bay Road for slope stabilization, work commenced 2019-AUG-19 and is planned to take two weeks.
- Preventable fires - Nanaimo Fire Rescue is launching a new campaign to draw attention to how quickly a spark from a tossed cigarette can cause a fire. Nanaimo fire crews have responded to 37 brush fires this year.
- The deadline for applications to the Environment Committee has been extended to 2019-AUG-30.
- Recent delays to waste collection due to mechanical issues and additional pressure on the sanitation section.
- A section of Bruce Avenue will be closed beginning 2019-AUG-26 until 2019-SEP-13 for road upgrading.

Mayor Krog spoke regarding the sudden passing of Tim Ripka who had worked for the City of Nanaimo since 2008 as an asphalt equipment operator. Mr. Ripka was bright, friendly and very popular with his co-workers. Mr. Ripka passed away suddenly on Friday, August 9th. Mayor Krog spoke on behalf of Council and the citizens of Nanaimo to extend condolences to his wife, daughter and family.

Mayor Krog spoke regarding the passing of Mike Rogers on Saturday August 24th. Mr. Rogers had worked for the City of Nanaimo as a sanitation worker since 2009 and was an incredibly fit and active person with a reputation for slinging two cans at a time during manual collections. On behalf of Council and the citizens of Nanaimo Mayor Krog offered condolences to Mr. Roger's girlfriend, step-son and family.

7. CONSENT ITEMS:

Councillor Turley requested that Consent Item 9(b)(2)(1) – Downtown Nanaimo Key Opportunities be pulled from the consent items for separate consideration.

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

(a) Committee Minutes

- Minutes of the Finance and Audit Committee Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Wednesday, 2019-JUN-26, at 9:00 a.m.
- Minutes of the Design Advisory Panel Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Thursday, 2019-JUL-11, at 5:00 p.m.
- Minutes of the Governance and Priorities Committee Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Monday, 2019-JUL-15, at 1:00 p.m.
- Minutes of the Design Advisory Panel Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Thursday, 2019-JUN-27, at 5:00 p.m.
- Minutes of the Health and Housing Task Force Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Wednesday, 2019-JUL-17, at 3:00 p.m.

(b) Committee Recommendations

1. 2019-JUL-15 Governance and Priorities Committee Meeting

1. Agenda Committee

That Staff prepare Terms of Reference for an Agenda Committee for discussion during the August or September Governance and Priorities Committee meeting; the Agenda Committee would review and prioritize agenda items for the Governance and Priorities Committee, Finance and Audit Committee and Regular Council meetings.

3. 2019-AUG-07 Health and Housing Task Force Meeting

1. Health and Housing Task Force Key Date Calendar

That Council approve the Health and Housing Task Force Key Date Calendar as presented.

The motion carried unanimously.

(c) Separately Addressed Consent Items

1. 2019-JUL-29 Governance and Priorities Committee Meeting

1. Downtown Nanaimo Key Opportunities

It was moved and seconded that Council approve the ‘quick wins’ as presented in the Staff Report titled “Downtown Nanaimo Key Opportunities”, dated 2019-JUL-29, and direct Staff to move forward with their implementation. The motion carried unanimously.

8. REPORTS:

(a) Liquor Licence Application No. LA139 - 245 Fraser Street

Introduced by Dale Lindsay, General Manager, Development Services.

It was moved and seconded that Council recommend the Liquor Control and Licensing Branch approve an application to extend the hours of liquor service for the existing liquor primary licence for the property located at 245 Fraser Street from the current 11 a.m. to 9 p.m. (Sunday), 11 a.m. to 11 p.m. (Monday through Thursday), and 11 a.m. to 12 a.m. (Friday and Saturday) to the new hours of 11 a.m. to 1 a.m., seven days a week. The motion carried unanimously.

(b) Housing Agreement - 337 Robson Street

Introduced by Dale Lindsay, General Manager, Development Services.

It was moved and seconded that “Housing Agreement Bylaw 2019 No. 7291” (To authorize a housing agreement for a 31-unit multiple-family rental housing building at 337 Robson Street) pass first reading. The motion carried unanimously.

It was moved and seconded that “Housing Agreement Bylaw 2019 No. 7291” pass second reading. The motion carried unanimously.

It was moved and seconded that “Housing Agreement Bylaw 2019 No. 7291” pass third reading. The motion carried unanimously.

It was moved and seconded that Council direct Staff to register a covenant to reinforce the terms of the housing agreement. The motion carried unanimously.

(c) Rezoning Application No. RA372 - 2379 Browns Lane

Introduced by Dale Lindsay, General Manager, Development Services.

Delegation:

1. Jack Anderson, Greenplan, spoke regarding the traffic access point for this development, it is a pedestrian friendly location with many amenities within walking distance, the site concept, housing features, and anticipated popularity with students and seniors.

It was moved and seconded that “Zoning Amendment Bylaw 2019 No. 4500.157” (To rezone 2379 Browns Lane from Single Dwelling Residential [R1] to Residential Corridor [COR1]) pass first reading. The motion carried unanimously.

It was moved and seconded that “Zoning Amendment Bylaw 2019 No. 4500.157” pass second reading. The motion carried unanimously.

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

(d) OCP Amendment Application - OCP89 and Rezoning Application RA395 – 388 Machleary Street

Introduced by Dale Lindsay, General Manager, Development Services.

Delegations:

1. Janet Wright, member of Nanaimo Old City Association, spoke regarding concerns of residents surrounding 388 Machleary Street regarding parking, traffic flow, scale of the development, density and incompatibility with surrounding neighbourhood.
2. Andre Molnar, Molnar Group, spoke regarding the planning process, public consultation, the current zoning on the property which allows for 230 - 240 senior housing units, the rezoning request would to allow for other types of housing with 175 units planned and a lower density per square foot.
3. David McGrath, Wensley Architecture Ltd., spoke regarding amenities included in previous building projects, public engagement, and the traffic study suggested no changes needed to surrounding intersections.

Dave LaBerge entered the Shaw Auditorium at 7:46 p.m.

4. Lawrence Rieper spoke regarding the number of units planned for this development compared with other buildings around Nanaimo, the neighbourhood plan and maximum density proposed by the Official Community Plan.
5. Dr. Eric Norman spoke regarding signage requirements for rezoning applications, dwelling units versus seniors units, and the potential number of occupants if 175 units were built on the site.

It was moved and seconded that “Official Community Plan Amendment Bylaw 2019 No. 6500.040” (To re-designate 388 Machleary Street on the Future Land Use Plan [Map 1] from ‘Neighbourhood’ to ‘Corridor,’ and to amend the text of Section 4.1.2 ‘Land Use Designations’ of the Old City Neighbourhood Concept Plan) pass first reading. The motion carried unanimously.

It was moved and seconded that “Official Community Plan Amendment Bylaw 2019 No. 6500.040” pass second reading. The motion carried unanimously.

It was moved and seconded that “Zoning Amendment Bylaw 2019 No. 4500.124” (To rezone 388 Machleary Street from Community Service One [CS1] to Comprehensive Development Eleven [CD11]) pass first reading. The motion carried unanimously.

It was moved and seconded that “Zoning Amendment Bylaw 2019 No. 4500.124” pass second reading. The motion carried unanimously.

It was moved and seconded that Council direct Staff to secure road dedication, community amenity contribution, site improvements, and public rights-of-way prior to adoption of the “Zoning Amendment Bylaw 2019 No. 4500.124”, should Council support the bylaw at third reading. The motion carried unanimously.

(e) Nuisance Abatement and Cost Recovery Bylaw

Introduced by Dale Lindsay, General Manager, Development Services.

It was moved and seconded that “Nuisance Abatement and Cost Recovery Bylaw 2019 No. 7250” (To prevent, abate, and prohibit nuisances and provide for the cost recovery of abatement or nuisances) pass first reading. The motion carried unanimously.

It was moved and seconded that “Nuisance Abatement and Cost Recovery Bylaw 2019 No. 7250” pass second reading. The motion carried unanimously.

It was moved and seconded that “Nuisance Abatement and Cost Recovery Bylaw 2019 No. 7250” pass third reading. The motion carried unanimously.

(f) Traffic and Highways Regulation Bylaw Amendment

Introduced by Dale Lindsay, General Manager, Development Services.

It was moved and seconded that “Traffic and Highways Regulation Amendment Bylaw 2019 No. 5000.046” (To remove the time-limit and payment exemptions for vehicles displaying disabled parking permits in City parkades) pass first reading. The motion carried unanimously.

It was moved and seconded that “Traffic and Highways Regulation Amendment Bylaw 2019 No. 5000.046” pass second reading. The motion carried unanimously.

It was moved and seconded that “Traffic and Highways Regulation Amendment Bylaw 2019 No. 5000.046” pass third reading. The motion carried unanimously.

9. BYLAWS:

(a) "Subdivision Control Amendment Bylaw 2019 No. 3260.04"

It was moved and seconded that "Subdivision Control Amendment Bylaw 2019 No. 3260.04" (To amend Schedule A - Manual of Engineering Standards and Specifications) be adopted. The motion carried unanimously.

(b) "Zoning Amendment Bylaw 2019 No. 4500.142"

It was moved and seconded that "Zoning Amendment Bylaw 2019 No. 4500.142" (To rezone 6683 Mary Ellen Drive to allow "Cannabis Retail Store" as a site-specific use in Woodgrove Urban Centre [CC4] Zone) be adopted. The motion carried unanimously.

(c) "Zoning Amendment Bylaw 2019 No. 4500.143"

It was moved and seconded that "Zoning Amendment Bylaw 2019 No. 4500.143" (To rezone 3200 Island Highway North to allow "Cannabis Retail Store" as a site-specific use in the City Commercial Centre [CC3] Zone) be adopted. The motion carried unanimously.

(d) "Zoning Amendment Bylaw 2019 No. 4500.150"

It was moved and seconded that "Zoning Amendment Bylaw 2019 No. 4500.150" (To rezone 6404 Metral Drive to allow "Cannabis Retail Store" as a site-specific use in the Woodgrove Urban Centre [CC4] zone) be adopted. The motion carried unanimously.

10. NOTICE OF MOTION:

(a) Councillor Bonner Notice of Motion re: Funding Beds at the John Howard Society

"Whereas it's recognized that the City has an addictions crisis and that there are not enough addiction facilities to meet the demand for treatment and that the John Howard Society presently has 5 beds available for addiction treatment that are not being used because of lack of funding.

That a one-time grant of \$70,500 be provided to the John Howard Society to fund 5 beds at the Vancouver Island Therapeutic Community for 6 months."

11. OTHER BUSINESS:

(a) Councillor Bonner Motion regarding Commercial Properties along Bus Routes

Delegation:

1. Bill Manners spoke regarding the proposed motion applying to all residents rather than specifically commercial properties along bus routes.

It was moved and seconded that Council defer consideration of the following motion and direct Staff to prepare a report for the 2019-OCT-28 Governance and Priorities Committee meeting on this topic:

"Whereas Council has stated that "livability" is a Council Priority in the 2019-2022 Strategic Plan, namely that "We proactively plan for Nanaimo's growth and focus on community infrastructure to support an inclusive, healthy and desirable place to live"; and that, "a safe and connected community" and "active transportation" are key focus areas of the 2019-2022 Strategic Plan; specifically, the necessity of clear and accessible sidewalks for Nanaimo pedestrians, who are disproportionately our most vulnerable citizens: children,

the elderly, and the disadvantaged; regarding Bylaw 5000 (Consolidated), Sections 3, Paragraph 21; Section 18; and Section 22,

- a) Directs Staff to develop and launch a broad communications campaign by October 1, 2019, targeting businesses and commercial property owners and other key stakeholders, that indicates that the City considers compliance with these bylaw sections by commercial property owners a priority;
- b) Directs Bylaw Services to develop and implement a clear, concise and efficient enforcement policy for implementation by 1 November 2019, that outlines the specific systematic approach that will be taken to enforce these bylaw sections; and
- c) Supports the commitment and efforts of Bylaw Services to implement the new bylaw policies and procedures, and to enforce Bylaw 5000 (Consolidated), Sections 3, Paragraph 21; Section 18; and Section 22, with all commercial properties, in support of this Council's 2019-2022 Strategic Plan, in order to help make Nanaimo sidewalks safer for all its citizens.
- d) In six months following implementation, it is proposed that Staff return to Council with an evaluation of the effectiveness of the initiative including financial impacts.”

The motion carried.

Opposed: *Councillor Bonner*

It was moved and seconded that Council direct Staff to prepare a report and presentation for a Governance and Priorities Committee meeting that provides an overview of the bylaw enforcement function, breakdown of the annual enforcement budget and revenues, and how this compares with other similar municipalities and the general bylaw policy of the organization. The motion carried.

Opposed: *Mayor Krog, Councillors Armstrong, Thorpe, Turley*

12. QUESTION PERIOD:

- Bill Manners re: Downtown Nanaimo Key Opportunities – tax rates reflecting assessed property values and start times for Governance and Priorities Committee Meetings.
- Steve Burri re: “Traffic and Highways Regulation Amendment Bylaw 2019 No. 5000.046” – directing Staff to consult with minority groups for future decision making.

13. ADJOURNMENT:

It was moved and seconded at 9:05 p.m. that the meeting terminate. The motion carried unanimously.

C H A I R

CERTIFIED CORRECT:

CORPORATE OFFICER