

MINUTES
REGULAR COUNCIL MEETING
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2019-OCT-07, AT 7:00 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: J. Rudolph, Chief Administrative Officer
R. J. Harding, General Manager, Parks and Recreation
D. Lindsay, General Manager, Development Services
B. Sims, General Manager, Engineering and Public Works
K. Fry, Fire Chief
J. Van Horne, Director, Human Resources
L. Mercer, Director, Finance (vacated 7:32 p.m.)
J. Holm, Director, Development Approvals
F. Farrokhi, Manager, Communications (arrived 4:36 p.m.)
M. Dunstan, Manager, IT Application Services (vacated 7:26 p.m.)
B. Wardill, Manager, Revenue Services (vacated 7:32 p.m.)
L. Bhopalsingh, Manager, Community and Cultural Planning (vacated 4:56 p.m.)
R. Botwright, Senior Applications Analyst (vacated 7:26 p.m.)
J. Jacob, Senior Applications Analyst (vacated 7:26 p.m.)
M. Willoughby, Supervisor, Geographic Info Systems (vacated 7:26 p.m.)
D. Johnstone, Communications and Digital Content Specialist (vacated 7:26 p.m.)
S. Drinnan, Engineering Services Technologist (vacated 7:26 p.m.)
M. Desrochers, Technical Support Specialist, Network
S. Gurrie, Director, Legislative Services
S. Snelgrove, Recording Secretary

1. CALL THE REGULAR MEETING TO ORDER:

The Regular Council Meeting was called to order at 4:31 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Add - *Community Charter* sections 90(1)(g) - litigation or potential litigation affecting the municipality and 90(1)(i) - the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

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:

- (c) labour relations or other employee relations;
- (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;
- (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;

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 6:47 p.m.

The Council meeting reconvened at 7:01 p.m. in the Shaw Auditorium.

2. INTRODUCTION OF LATE ITEMS (continued):

- (a) Add Agenda Item 9(b)(3) – Health and Housing Task Force Recommendations 2019-OCT-02 - Task Force Priorities Planning.
- (b) Agenda Item 11(h) - "Building Bylaw Amendment Bylaw 2019 No. 7224.02" - Rescind Third Reading of "Building Bylaw Amendment Bylaw 2019 No. 7224.02".
- (c) Sheila Gurrie, City Clerk, advised that in the printed front pages of the agenda provided to the public section 10 "Reports" had been omitted.

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-SEP-16, at 2:30 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-SEP-16, at 3:30 p.m.

The motion carried unanimously.

6. MAYOR'S REPORT:

(a) Environment Committee Members

Mayor Krog advised of member appointments to the Environment Committee during the "In Camera" Council meeting held on 2019-SEP-09:

- Elisa Justine Boulanger
- Dao-Fang (Darren) Chen
- Harvey DeRoches
- Lisa Frey
- Jerome Lesemann
- Lindsay McCunn
- Wally Wells

Councillor Brown and Councillor Geselbracht were appointed as Co Chairs.

(b) Council UBCM Update

Mayor Krog advised of meetings with various Ministers during the Union of BC Municipalities Conference (UBCM) in Vancouver, 2019-SEP-23 to 2019-SEP-27. Topics discussed include foot passenger ferry between downtown Nanaimo and downtown Vancouver, lack of health resources for those north of the Malahat, homelessness and access to specialist services.

Mayor Krog advised that Councillor Geselbracht was elected to the UBCM Executive, the Public Hearing which commenced on 2019-SEP-19 and was recessed, will continue on 2019-OCT-09. The Victoria Crescent Association provided the City of Nanaimo with a certificate of appreciation for community service and the Mayor attended the 90th birthday of Bernice Wardill, a long time Nanaimo resident.

Councillors Bonner, Geselbracht, Brown and Maartman provided a summary of their activities and highlights from the UBCM Convention.

7. PRESENTATIONS:

(a) Municipal Information Systems Association Award

Matthew Dunstan, Manager, IT Application Services, spoke regarding the Municipal Showcase segment of the Municipal Information Systems Association BC fall conference and the 2019 Spirit of Innovation Award. He thanked staff for their participation in the program and a video regarding the City Projects program was played.

8. CONSENT ITEMS:

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

(a) Advisory 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-JUL-17, at 9:00 a.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-AUG-26, at 2:00 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-SEP-04, at 3:00 p.m.

(b) Committee Recommendations

(1) Finance and Audit Committee Recommendations 2019-SEP-18

(1) Central Island Emergency Services Communications Partnership Funding

That Council approve the 900Mhz link system and allocate \$30,000 from the E911 Reserve.

(2) Hammond Bay Road Widening and Storm Improvements Projects

That Council approve the addition of \$195,107 from the Development Cost Charge (DCC) Roads Reserve for the Hammond Bay Road Widening and Utility Improvements Project.

(3) Harewood Youth Parks

That Council direct staff to amend the 2019 – 2023 financial plan to accelerate Phase 2 of the Harewood Youth Park project to 2020 so that Phase 1 and Phase 2 can be constructed concurrently in 2020.

(4) Additional Refuse Collection Fleet

That Council approve:

1. The purchase of two used refuse collection trucks for the purposes of adding one spare unit to the fleet for maintenance reasons and putting one additional collection vehicle in service in order to reduce route sizes; and,
2. Accelerating the start date of the additional Refuse Collector from January 2020 to December 1, 2019.

(5) Consideration of New Permissive Tax Exemption Applications

That Council award a Permissive Tax Exemption for the 2020 tax year to the Canadian Mental Health Association Mid-Island for property that is being leased (lower level) at 290 Bastion Street.

(6) One Time Bonus Gas Tax Payment

That Council use the one-time bonus Gas Tax payment to fund the Metral Drive Complete Streets Phase 2 project.

(2) Special Governance and Priorities Committee Recommendation 2019-SEP-30

(1) Amendments to "Council Procedure Bylaw 2018 No. 7272"

That Council proceed with three readings and adoption of "Council Procedure Amendment Bylaw 2019 No. 7272.01" as presented.

(3) Health and Housing Task Force Recommendations 2019-OCT-02

(1) Task Force Priorities Planning

That Council:

- direct Staff to organize a facilitated strategic planning session during the Health and Housing Task Force meeting scheduled for 2019-OCT-16; and,
- direct Staff to request financial support from the Nanaimo Homeless Coalition to provide a facilitator for future strategic planning sessions.

The motion carried unanimously.

R. Botwright, S. Drinnan, M. Dunstan, J. Jacob, D. Johnstone, B. Sims and M. Willougby, vacated the Shaw Auditorium at 7:26 p.m.

9. REPORTS:

(a) Property Tax Exemption Bylaw for 2020 Property Taxes

Introduced by Laura Mercer, Director, Finance.

It was moved and seconded that “Property Tax Exemption Bylaw 2019 No. 7293” (To provide exemptions from 2019 property taxes) pass first reading. The motion carried unanimously.

It was moved and seconded that “Property Tax Exemption Bylaw 2019 No. 7293” pass second reading. The motion carried unanimously.

It was moved and seconded that “Property Tax Exemption Bylaw 2019 No. 7293” pass third reading. The motion carried unanimously.

(b) Proposed Amendments to "Council Procedure Bylaw 2018 No. 7272"

Introduced by Sheila Gurrie, Director, Legislative Services.

It was moved and seconded that “Council Procedure Amendment Bylaw 2019 No. 7272.01” (To remove references to the Committee of the Whole and include amendments related to delegations, task forces and other administrative matters) pass first reading. The motion carried unanimously.

It was moved and seconded that “Council Procedure Amendment Bylaw 2019 No. 7272.01” pass second reading. The motion carried unanimously.

It was moved and seconded that “Council Procedure Amendment Bylaw 2019 No. 7272.01” pass third reading. The motion carried unanimously.

(c) Rezoning Application No. RA402 - 4961 Songbird Place

Introduced by Dale Lindsay, General Manager, Development Services.

L. Mercer and B. Wardill vacated the Shaw Auditorium at 7:32 p.m.

B. Sims returned to the Shaw Auditorium at 7:32 p.m.

It was moved and seconded that “Zoning Amendment Bylaw 2019 No. 4500.156” (To rezone 4961 Songbird Place 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. 4500.156” pass second reading. The motion carried unanimously.

It was moved and seconded that Council direct Staff to secure the community contribution, including off-site road improvements and active transportation improvements prior to adoption of the bylaw, should Council support the bylaw at third reading. The motion carried unanimously.

(d) Development Variance Permit No. DVP394 - 4680 Bates Road

Introduced by Dale Lindsay, General Manager, Development Services.

Mayor Krog requested that Council hear anyone wishing to speak with respect to DVP394 – 4680 Bates Road.

No one in attendance wished to speak with respect to DVP394 – 4680 Bates Road.

It was moved and seconded that Council issue Development Variance Permit No. DVP394 at 4680 Bates Road with the following variance:

- increase the maximum accessory building height for a roof pitch less than 6:12 from 4.5m to 4.6m.

The motion carried unanimously.

(e) General Amendments to the Zoning Bylaw

Introduced by Dale Lindsay, General Manager, Development Services.

It was moved and seconded that “Zoning Amendment Bylaw 2019 No. 4500.158” (To make general text and mapping amendments to “City of Nanaimo Zoning Bylaw 2011 No. 4500”) pass first reading. The motion carried unanimously.

It was moved and seconded that “Zoning Amendment Bylaw 2019 No. 4500.158” pass second reading. The motion carried unanimously.

(f) Economic Development Task Force - Terms of Reference

Introduced by Dale Lindsay, General Manager, Development Services.

It was moved and seconded that Council adopt the Terms of Reference for the Economic Development Task Force as outlined in the report titled “Economic Development Task Force – Terms of Reference” dated 2019 OCT-07.

It was moved and seconded that the Terms of Reference for the Economic Development Task Force be amended to include under the bullet “5 business leaders from any of the following sectors:” a sub bullet for members from the not-for-profit and social services sectors and that the word “business” be removed from the “5 business leaders” bullet. The motion carried unanimously.

The vote was taken on the main motion, as amended, as follows:

That Council adopt the Terms of Reference for the Economic Development Task Force as outlined in the report titled “Economic Development Task Force – Terms of Reference” dated 2019 OCT-07 with the amendment that under the bullet “5 business leaders from any of the following sectors:”, include a sub bullet for members from the not-for-profit and social services sectors and that the word “business” be removed from “5 business leaders” bullet. The motion carried unanimously.

(g) 580 Fitzwilliam Street - Future Use of Property

Introduced by Dale Lindsay, General Manager, Development Services.

It was moved and seconded that Council defer any decision with respect to the future use of 580 Fitzwilliam Street until completion of the Parks, Recreation and Culture Master Plan and a full assessment of the RCMP/City needs in the precinct area is undertaken. The motion carried unanimously.

(h) Proposed Road Closure - Lubbock Square adjacent to 618 Fitzwilliam Street and 285 Prideaux Street

Introduced by Dale Lindsay, General Manager, Development Services.

It was moved and seconded that Council approve the closure of Lubbock Square for consolidation with City-owned property at 618 and 666 Fitzwilliam Street and 285 Prideaux Street. The motion carried unanimously.

It was moved and seconded that “Highway Closure and Dedication Removal Bylaw 2019 No. 7292” (To provide highway closure and dedication removal of Lubbock Square adjacent to 618 Fitzwilliam Street and 285 Prideaux Street) pass first reading. The motion carried unanimously.

It was moved and seconded that “Highway Closure and Dedication Removal Bylaw 2019 No. 7292” pass second reading. The motion carried unanimously.

It was moved and seconded that Council direct Staff to proceed with public notice for the closure of Lubbock Square. The motion carried unanimously.

(i) Community Heritage Register Update

Introduced by Dale Lindsay, General Manager, Development Services.

It was moved and seconded that Council adopt the amended Community Heritage Register, which includes the following building additions:

- Lewis Residence (130 Howard Avenue)
- Ivers/Honey Residence (911 Wentworth Street)

and the following deletions:

- Jean Burns Building (6 Commercial Street)
- Nanaimo Hospital/Malaspina Lodge (388 Machleary Street)
- Grieve Residence (711 Wentworth Street)

The motion carried unanimously.

10. BYLAWS:

(a) "Zoning Amendment Bylaw 2019 No. 4500.134"

It was moved and seconded that "Zoning Amendment Bylaw 2019 No. 4500.134" (To rezone 1534 Extension Road from Single Dwelling Residential [R1] to Townhouse Residential [R6] with site-specific provisions to increase the maximum permitted floor area ratio) pass third reading. The motion carried.

Opposed: *Councillor Armstrong, Hemmens, Thorpe, Maartman,*

(b) "Zoning Amendment Bylaw 2019 No. 4500.136"

It was moved and seconded that "Zoning Amendment Bylaw 2019 No. 4500.136" (To rezone 2397 Barclay Road from Single Dwelling Residential [R1] to Single Dwelling Residential - Small Lot [R2]) be adopted. The motion carried unanimously.

(c) "Zoning Amendment Bylaw 2019 No. 4500.137"

It was moved and seconded that "Zoning Amendment Bylaw 2019 No. 4500.137" (To rezone 2387 Barclay Road from Single Dwelling Residential [R1] to Single Dwelling Residential - Small Lot [R2]) be adopted. The motion carried unanimously.

(d) "Zoning Amendment Bylaw 2019 No. 4500.147"

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]) be adopted. The motion carried unanimously.

(e) "Zoning Amendment Bylaw 2019 No. 4500.155"

It was moved and seconded that "Zoning Amendment Bylaw 2019 No. 4500.155" (To rezone 50 Tenth Street to allow "Cannabis Retail Store" as a site-specific use in the City Commercial Centre [CC3] zone) pass third reading. The motion carried unanimously.

(f) "Zoning Amendment Bylaw 2019 No. 4500.157"

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 third reading. The motion carried.

Opposed: *Councillors Armstrong, Brown*

(g) "Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.07"

It was moved and seconded that "Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.07" (To update Building Bylaw penalty fees in Schedule A - Designated Bylaw Contraventions and Penalties) be adopted. The motion carried unanimously.

(h) "Building Bylaw Amendment Bylaw 2019 No. 7224.02"

It was moved and seconded that Council rescind third reading of "Building Bylaw Amendment Bylaw 2019 No. 7224.02" (To introduce BC Energy Step Code regulations, and amend demolition permit expiration, amend works and services). The motion carried unanimously.

It was moved and seconded that "Building Bylaw Amendment Bylaw 2019 No. 7224.02" be amended to update Sections 3 and 4 to provide updated cross references. The motion carried unanimously.

It was moved and seconded that "Building Bylaw Amendment Bylaw 2019 No. 7224.02" (To introduce BC Energy Step Code regulations, and amend demolition permit expiration, amend works and services) pass third reading as amended. The motion carried unanimously.

(i) "Highway Closure and Dedication Removal Bylaw 2019 No. 7289"

It was moved and seconded that "Highway Closure and Dedication Removal Bylaw 2019 No. 7289" (To provide for highway closure and dedication removal of an unnamed road adjacent to 3500 Rock City Road) pass third reading. The motion carried unanimously.

(j) "Highway Closure and Dedication Removal Bylaw 2019 No. 7290"

It was moved and seconded that "Highway Closure and Dedication Removal Bylaw 2019 No. 7290" (To provide highway closure and dedication removal of a portion of Fifth Street adjacent to 900 Fifth Street) pass third reading. The motion carried unanimously.

(k) "Accommodation Tax Request Bylaw 2019 No. 7294"

It was moved and seconded that "Accommodation Tax Request Bylaw 2019 No. 7294" (To increase the Municipal and Regional District Tax [MRDT] rate from two percent to three percent) be adopted. The motion carried unanimously.

11. CORRESPONDENCE:

- (a) Correspondence, dated 2019-SEP-20, from Richard Stewart, Mayor, City of Coquitlam, requesting support re: Ride-Hailing letter to BC Minister of Transportation

Introduced by Mayor Krog.

It was moved and seconded that Council support the taxi industry's request to provide a level playing field with all transportation providers. The motion carried.

Opposed: Councillor Armstrong, Turley

12. OTHER BUSINESS:

- (a) Councillor Bonner advised that the Health and Housing Task Force may not be able to hire a facilitator for the 2019-OCT-16 date as listed in the recommendation under consent items and the facilitated session may be held on a different date.

13. QUESTION PERIOD:

No one in attendance wished to ask questions.

14. ADJOURNMENT:

It was moved and seconded at 8:22 p.m. that the meeting terminate. The motion carried unanimously.

C H A I R

CERTIFIED CORRECT:

CORPORATE OFFICER