

MINUTES
REGULAR COUNCIL MEETING
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2019-NOV-04, 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
D. Lindsay, General Manager, Development Services
B. Sims, General Manager, Engineering and Public Works
K. Fry, Fire Chief (arrived 7:03 p.m.)
L. Mercer, Director, Finance (arrived 7:09 p.m., vacated 7:41 p.m.)
J. Holm, Director, Development Approvals (arrived 7:03 p.m.)
L. Bhopalsingh, Manager, Community and Cultural Planning (vacated 5:41 p.m.)
B. Corsan, Director, Community Development (vacated 6:40 p.m.)
F. Farrokhi, Manager, Communications (vacated 6:40 p.m.)
D. LaBerge, Manager, Bylaw Services (arrived 7:00 p.m., vacated 7:46 p.m.)
D. Blackwood, Client Support Specialist
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. 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; and,

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 7:00 p.m.

The Council meeting reconvened in the Shaw Auditorium at 7:02 p.m.

K. Fry and J. Holm entered the Shaw Auditorium at 7:03 p.m.
Councillor Brown vacated the Shaw Auditorium at 7:04 p.m.

3. INTRODUCTION OF LATE ITEMS:

- (a) Agenda Item 10(c) 2019 Reserve Fund Establishment Bylaws – Replace recommendations 32 and 33.
- (b) Sheila Gurrie, Director, Legislative Services, advised that Councillor Geselbracht had requested to add Agenda Item 13(b) regarding the Municipal Climate Leader Forum.

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 (Public Hearing) held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Thursday, 2019-SEP-19 at 7:00 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-OCT-09 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-OCT-21 at 7:00 p.m.

The motion carried unanimously.

Councillor Brown returned to the Shaw Auditorium at 7:05 p.m.

6. MAYOR'S REPORT:

Mayor Krog spoke regarding:

- Vancouver Island University's Fallen Soldiers Remembrance Day Project where a unique video memorial project shares the story of the lives of the Nanaimo soldiers who made the ultimate sacrifice during the First and Second World War.
- The City of Nanaimo and Nanaimo Port Authority have signed a Protocol Agreement which established an effective and collaborative relationship between the parties and a process and understanding that will advance shared opportunities, agreements and mutual benefits.
- Council's updated Procedure Bylaw comes into effect this week and reflects the change from a Committee of the Whole to a Governance and Priorities Committee meeting.
- The City is seeking input on the draft terms of reference for an Advisory Committee on Accessibility and Inclusiveness. The survey is available on the City's website and can be submitted via email or dropped off in person at City Hall (455 Wallace Street).
- The City is seeking input on the Downtown Mobility Hub Project. A public workshop will take place Wednesday, November 20, 2019 at the Coast Bastion Hotel from 5-7:30 p.m. RSVP to downtownmobility@nanaimo.ca.

L. Mercer entered the Shaw Auditorium at 7:09 p.m.

- Continuing its partnership with Green Thumb Garden Centre, the City of Nanaimo will once again provide residents with affordable trees for planting on their property. \$25 tree vouchers will be available for purchase at the Service and Resource Centre Building. The vouchers can be redeemed at Green Thumb Garden Centre for a designated tree worth up to \$90 in value.
- The City is switching to a new emergency call alert system and registration begins on November 21, 2019. The new Nanaimo Alerts system will have updated features which include the ability to text alerts and an app the public can download onto their phones.

Councillor Maartman vacated the Shaw Auditorium at 7:12 p.m.

- At the FortisBC Efficiency in Action Awards on Wednesday, October 30, 2019, the City of Nanaimo received the Public Sector – Municipal award for work done in lowering energy use and greenhouse gas emissions at Nanaimo's facilities.

7. CONSENT ITEMS:

(a) Advisory Committee Minutes

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

- Minutes of the Board of Variance Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Thursday, 2019-JUL-18.
- Minutes of the Board of Variance Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Thursday, 2019-AUG-15.
- Minutes of the Board of Variance Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Thursday, 2019-SEP-19.
- Minutes of the Finance and Audit Committee Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Wednesday, 2019-SEP-18 at 9:00 a.m.

(b) Committee Recommendations

1. Special Finance and Audit Committee Recommendations 2019-OCT-21:

1. Downtown Priority Projects

That Council accelerate the Front Street bi-directional cycle track portion of the Downtown Cycling Loop project from 2021 to 2020 and direct Staff to return to Council at a future Regular Council Meeting upon completion of the final design of the Installation of the Bi-directional Cycle Track on Front Street.

2. Downtown Priority Projects

That Council allocate \$220,000 from the Strategic Infrastructure Reserve Fund to implement the Public Realm Improvements identified for the downtown core and that Council direct Staff to remove the \$10,000 request for funding for the “Animate decorative lighting/lasers to the back wall of the Port Theatre” from the Public Realm Improvements/Beautification initiatives.

2. Committee of the Whole Meeting Recommendations 2019-OCT-28:

1. East Wellington Park Management and Action Plan Update

That Council direct Staff to:

- hold an open house at the park and post the draft East Wellington Park Management and Action Plan to the City of Nanaimo’s website to gather public input;
- submit a non-farm use application to the Agricultural Land Reserve for park development; and,

- report back to Council with the final draft plan.

2. 2019 Community Action Initiative Community Wellness and Harm Reduction Grant Application

That Council approve the City of Nanaimo's application to the 2019 Community Action Initiative Community Wellness & Harm Reduction Grant for \$50,000 for the purpose of supporting a peer-run skills and employment program.

3. Delegation from Nanaimo BMX Association

That Council refer the request from the Nanaimo BMX Association for \$35,000 for infrastructure upgrades to the Marie Davidson BMX Park to Staff to prepare a report for Council consideration as Council enters budget deliberations for this year.

3. Governance and Priorities Committee Recommendation 2019-OCT-28:

1. Commercial Properties Along Bus Routes

That Council direct Staff to prepare a communication strategy around snow and ice removal with the aim of educating residents and business owners about City bylaws relating to snow removal on sidewalks.

The motion carried unanimously.

Councillor Maartman returned to the Shaw Auditorium at 7:14 p.m.

8. REPORTS:

(a) Fire Station No. 1 - LEED Certification

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

It was moved and seconded that Council exempt the Fire Station No. 1 Project from the LEED certification requirement in the Green Building Strategy. The motion carried.

Opposed: Councillor Brown

(b) 2020 Appointments to the Regional District of Nanaimo Board

Introduced by Sheila Gurrie, Director, Legislative Services.

It was moved and seconded that Council renew, for a term ending 2020-DEC-31, appointments of the current Council members on the Regional District of Nanaimo Board as follows:

Mayor Krog	5 Votes
Councillor Hemmens	5 Votes
Councillor Armstrong	5 Votes

Councillor Geselbracht	5 Votes
Councillor Brown	5 Votes
Councillor Turley	4 Votes
Councillor Bonner	4 Votes
Councillor Thorpe	4 Votes
Councillor Maartman	Alternate

The motion carried unanimously.

(c) 2019 Asset Management Reserve Fund Amendment Bylaws

Introduced by Laura Mercer, Director, Finance.

It was moved and seconded that “General Fund Asset Management Amendment Bylaw 2019 No. 7186.01” (To amend the General Fund Asset Management Reserve Fund purpose) pass first reading. The motion carried unanimously.

It was moved and seconded that “General Fund Asset Management Amendment Bylaw 2019 No. 7186.01” pass second reading. The motion carried unanimously.

It was moved and seconded that “General Fund Asset Management Amendment Bylaw 2019 No. 7186.01” pass third reading. The motion carried unanimously.

It was moved and seconded that “Sewer Fund Asset Management Amendment Bylaw 2019 No. 7187.01” (To amend the Sewer Fund Asset Management Reserve Fund purpose) pass first reading. The motion carried unanimously.

It was moved and seconded that “Sewer Fund Asset Management Amendment Bylaw 2019 No. 7187.01” pass second reading. The motion carried unanimously.

It was moved and seconded that “Sewer Fund Asset Management Amendment Bylaw 2019 No. 7187.01” pass third reading. The motion carried unanimously.

It was moved and seconded that “Water Fund Asset Management Amendment Bylaw 2019 No. 7188.01” (To amend the Water Fund Asset Management Reserve Fund purpose) pass first reading. The motion carried unanimously.

It was moved and seconded that “Water Fund Asset Management Amendment Bylaw 2019 No. 7188.01” pass second reading. The motion carried unanimously.

It was moved and seconded that “Water Fund Asset Management Amendment Bylaw 2019 No. 7188.01” pass third reading. The motion carried unanimously.

(d) 2019 Reserve Fund Establishment Bylaws

Introduced by Laura Mercer, Director, Finance.

It was moved and seconded that “911 Reserve Fund Establishing Bylaw 2019 No. 7295” (To establish a 911 Call Answer Service Reserve Fund) pass first reading. The motion carried unanimously.

It was moved and seconded that “911 Reserve Fund Establishing Bylaw 2019 No. 7295” pass second reading. The motion carried unanimously.

It was moved and seconded that “911 Reserve Fund Establishing Bylaw 2019 No. 7295” pass third reading. The motion carried unanimously.

It was moved and seconded that “Cart Replacement Reserve Fund Establishing Bylaw 2019 No. 7296” (To establish a residential solid waste Cart Replacement Reserve Fund) pass first reading. The motion carried unanimously.

It was moved and seconded that “Cart Replacement Reserve Fund Establishing Bylaw 2019 No. 7296” pass second reading. The motion carried unanimously.

It was moved and seconded that “Cart Replacement Reserve Fund Establishing Bylaw 2019 No. 7296” pass third reading. The motion carried unanimously.

It was moved and seconded that “Copier Replacement Reserve Fund Establishing Bylaw 2019 No. 7297” (To establish a Copier Replacement Reserve Fund) pass first reading. The motion carried unanimously.

It was moved and seconded that “Copier Replacement Reserve Fund Establishing Bylaw 2019 No. 7297” pass second reading. The motion carried unanimously.

It was moved and seconded that “Copier Replacement Reserve Fund Establishing Bylaw 2019 No. 7297” pass third reading. The motion carried unanimously.

It was moved and seconded that “Emission Reduction Reserve Fund Establishing Bylaw 2019 No. 7298” (To establish an Emission Reduction Reserve Fund) pass first reading. The motion carried unanimously.

It was moved and seconded that “Emission Reduction Reserve Fund Establishing Bylaw 2019 No. 7298” pass second reading. The motion carried unanimously.

It was moved and seconded that “Emission Reduction Reserve Fund Establishing Bylaw 2019 No. 7298” pass third reading. The motion carried unanimously.

It was moved and seconded that “Housing Legacy Reserve Fund Establishing Bylaw 2019 No. 7299” (To establish a Housing Legacy Reserve Fund) pass first reading. The motion carried unanimously.

It was moved and seconded that “Housing Legacy Reserve Fund Establishing Bylaw 2019 No. 7299” pass second reading. The motion carried unanimously.

It was moved and seconded that “Housing Legacy Reserve Fund Establishing Bylaw 2019 No. 7299” pass third reading. The motion carried unanimously.

It was moved and seconded that “Information Technology Reserve Fund Establishing Bylaw 2019 No. 7300” (To establish an Information Technology Reserve Fund) pass first reading. The motion carried unanimously.

It was moved and seconded that “Information Technology Reserve Fund Establishing Bylaw 2019 No. 7300” pass second reading. The motion carried unanimously.

It was moved and seconded that “Information Technology Reserve Fund Establishing Bylaw 2019 No. 7300” pass third reading. The motion carried unanimously.

It was moved and seconded that “Nanaimo District Secondary School Community Field Reserve Fund Establishing Bylaw 2019 No. 7301” (To establish a Nanaimo District Secondary School Community Field Reserve Fund) pass first reading. The motion carried unanimously.

It was moved and seconded that “Nanaimo District Secondary School Community Field Reserve Fund Establishing Bylaw 2019 No. 7301” pass second reading. The motion carried unanimously.

It was moved and seconded that “Nanaimo District Secondary School Community Field Reserve Fund Establishing Bylaw 2019 No. 7301” pass third reading. The motion carried unanimously.

It was moved and seconded that “Parking Reserve Fund Establishing Bylaw 2019 No. 7302” (To establish a Parking Reserve Fund) pass first reading. The motion carried unanimously.

It was moved and seconded that “Parking Reserve Fund Establishing Bylaw 2019 No. 7302” pass second reading. The motion carried unanimously.

It was moved and seconded that “Parking Reserve Fund Establishing Bylaw 2019 No. 7302” pass third reading. The motion carried unanimously.

It was moved and seconded that “Property Acquisition Reserve Fund Establishing Bylaw 2019 No. 7303” (To establish a Property Acquisition Reserve Fund) pass first reading. The motion carried unanimously.

It was moved and seconded that “Property Acquisition Reserve Fund Establishing Bylaw 2019 No. 7303” pass second reading. The motion carried unanimously.

It was moved and seconded that “Property Acquisition Reserve Fund Establishing Bylaw 2019 No. 7303” pass third reading. The motion carried unanimously.

It was moved and seconded that “Strategic Infrastructure Reserve Fund Establishing Bylaw 2019 No. 7304” (To establish a Strategic Infrastructure Reserve Fund) pass first reading. The motion carried unanimously.

It was moved and seconded that “Strategic Infrastructure Reserve Fund Establishing Bylaw 2019 No. 7304” pass second reading. The motion carried unanimously.

It was moved and seconded that “Strategic Infrastructure Reserve Fund Establishing Bylaw 2019 No. 7304” pass third reading. The motion carried unanimously.

It was moved and seconded that “Sustainability Reserve Fund Establishing Bylaw 2019 No. 7305” (To establish a Sustainability/Energy Consumption Reduction Reserve Fund) pass first reading. The motion carried unanimously.

It was moved and seconded that “Sustainability Reserve Fund Establishing Bylaw 2019 No. 7305” pass second reading. The motion carried unanimously.

It was moved and seconded that “Sustainability Reserve Fund Establishing Bylaw 2019 No. 7305” pass third reading. The motion carried unanimously.

L. Mercer vacated the Shaw Auditorium at 7:41 p.m.

(e) Property Maintenance - 188 Capt. Morgans Boulevard and 63 Pirates Lane

Introduced by Dale Lindsay, General Manager, Development Services.

Delegation:

1. Dan Hibbert, part owner, 188 Capt. Morgans Boulevard and 63 Pirates Lane was not in attendance.

It was moved and seconded that Council, pursuant to “Property Maintenance and Standards Bylaw 2017 No. 7242”, direct the owners of the properties as listed below to remove the materials noted within fourteen days or the work will be done by the City or its agents at the owners’ cost:

1. 188 Capt. Morgans Boulevard – Unlicensed and/or derelict vehicles, boats, building materials, and garbage; and,
2. 63 Pirates Lane – Fifth-wheel travel trailer, building materials, scrap steel, lumber, derelict boat on trailer, derelict hovercraft, dump truck, old trailer full of renovation debris, and garbage.

The motion carried unanimously.

D. Laberge vacated the Shaw Auditorium at 7:46 p.m.

(f) Housing Agreement No. HA1 - 1400 Wingrove Street

Introduced by Dale Lindsay, General Manager, Development Services.

It was moved and seconded that “Housing Agreement Bylaw 2019 No. 7306” (To authorize a housing agreement for rental housing at 1400 Wingrove Street) pass first reading. The motion carried unanimously.

It was moved and seconded that “Housing Agreement Bylaw 2019 No. 7306” pass second reading. The motion carried unanimously.

It was moved and seconded that “Housing Agreement Bylaw 2019 No. 7306” 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.

(g) Development Permit Application No. DP1164 - 560 Third Street

Introduced by Dale Lindsay, General Manager, Development Services.

It was moved and seconded that Council issue Development Permit No. DP1164 at 560 Third Street to vary the City of Nanaimo “Off-Street Parking Regulations Bylaw 2018 No. 7266” to reduce the required number of parking spaces from 216 to 188. The motion carried.

Opposed: *Councillor Bonner*

(h) Development Variance Permit No. DVP390 - 1074 Old Victoria Road

Introduced by Dale Lindsay, General Manager, Development Services.

Mayor Krog requested that Council hear anyone wishing to speak regarding Development Variance Permit No. DVP390 - 1074 Old Victoria Road.

Chris Filardo advised he was present to answer any of Council’s questions and clarified that the house on the current pad will be replaced.

It was moved and seconded that Council issue Development Variance Permit No. DVP390 at 1074 Old Victoria Road with the following variances:

- reduce the front yard setback from 4.5m to 1.5m on the southern boundary of mobile home pad areas 14, 15, and 16;
- reduce the front yard setback from 4.5m to 3.5m on the northern boundary of mobile home pad area 14; and
- reduce the flanking side yard setback from 3.0m to 1.5m for mobile home pad area 16.

The motion carried unanimously.

(i) 507 Milton Street - Acceptance of Project Under the Revitalization Tax Exemption Bylaw

Introduced by Dale Lindsay, General Manager, Development Services.

It was moved and seconded that Council approve the Revitalization Tax Exemption Agreement for a proposed 27-unit mixed-use building at 507 Milton Street. The motion carried unanimously.

9. BYLAWS:

(a) "Zoning Amendment Bylaw 2019 No. 4500.154"

It was moved and seconded that "Zoning Amendment Bylaw 2019 No. 4500.154" (To amend Schedule D of the Zoning Bylaw to modify Category 5 – Energy Management to include reference to the BC Energy Step Code) be adopted. The motion carried unanimously.

(b) "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) be adopted. The motion carried unanimously.

(c) "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) be adopted. The motion carried unanimously.

10. OTHER BUSINESS:

(a) Request from Councillor Geselbracht re: Registration fee covered by City to attend the BC Municipal Climate Leadership Council in Richmond, BC, November 7-8, 2019

It was moved and seconded that Council approve the accommodation, travel, registration, and meal costs for Councillor Geselbracht to attend the BC Municipal Climate Leadership Council in Richmond, November 7-8, 2019. The motion carried unanimously.

(b) Councillor Geselbracht requested to refer the Green Building Strategy to the Environment Committee for review.

Council discussion took place regarding forwarding items to the Environment Committee at a future date.

(c) Councillor Bonner requested to add a review of the Density Bonusing Bylaw to Council's work plan.

11. QUESTION PERIOD:

- Bill Manners, re: 2019 Asset Management Reserve Fund Amendment Bylaws and 2019 Reserve Fund Establishment Bylaws.
- Kevin Hood, re: Green Thumb tree vouchers, distributing fire smart information and planting trees at low risk for fires.

12. ADJOURNMENT:

It was moved and seconded at 8:16 p.m. that the meeting terminate. The motion carried unanimously.

C H A I R

CERTIFIED CORRECT:

CORPORATE OFFICER