

**MINUTES**  
SPECIAL COUNCIL MEETING (PUBLIC HEARING)  
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC  
THURSDAY, 2019-DEC-05, AT 7:00 P.M.

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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. Holm, Director, Development Approvals  
L. Rowett, Manager, Current Planning (vacated 7:44 p.m.)  
D. Laberge, Manager, Bylaw Services (arrived 7:10 pm.)  
C. Horn, Planner  
G. Stevenson, Planner (vacated 7:30 p.m.)  
B. Zurek, Planner (vacated 7:30 p.m.)  
S. Snelgrove, Deputy Corporate Officer, Legislative Services  
K. Gerard, Recording Secretary

1. CALL THE SPECIAL COUNCIL MEETING TO ORDER:

The Special Council Meeting was called to order at 7:00 p.m.

2. ADOPTION OF AGENDA:

It was moved and seconded that the Agenda be adopted. The motion carried unanimously.

3. CALL THE PUBLIC HEARING TO ORDER:

The Public Hearing Meeting was called to order at 7:00 p.m. Mayor Krog spoke regarding the purpose of a Public Hearing, advised that Council was meeting on the traditional territory of the Snuneymuxw First Nation and advised of the standard protocols for a Public Hearing.

4. PUBLIC HEARING AGENDA:

Lainya Rowett, Manager, Current Planning, explained the required procedures in conducting a Public Hearing and the regulations contained within Part 14 of the *Local Government Act*.

- (a) Rezoning Application No. RA398 - 307 Hillcrest Avenue and 308/326 Wakesiah Avenue - Bylaw 4500.164

Introduced by Caleb Horn, Planner.

Mayor Krog called for submissions from the Applicant.

The applicant was in attendance but did not speak regarding Rezoning Application No. RA398 – 307 Hillcrest Avenue and 308/326 Wakesiah Avenue.

Mayor Krog called for submission from the Applicant for a second time.

The applicant was in attendance but did not speak regarding Rezoning Application No. RA398 – 307 Hillcrest Avenue and 308/326 Wakesiah Avenue.

Mayor Krog called for submissions from the Public.

No one in attendance wished to speak regarding Rezoning Application No. RA398 – 307 Hillcrest Avenue and 308/326 Wakesiah Avenue.

Mayor Krog called for submissions from the Public for a second time.

No one in attendance wished to speak regarding Rezoning Application No. RA398 – 307 Hillcrest Avenue and 308/326 Wakesiah Avenue.

Mayor Krog called for submissions from the Public for a third time.

No one in attendance wished to speak regarding Rezoning Application No. RA398 – 307 Hillcrest Avenue and 308/326 Wakesiah Avenue.

No written submissions were received prior to the start of the Special Council Meeting (Public Hearing), 2019-DEC-05, and no written submissions were received at the Public Hearing with respect to No. RA398 – 307 Hillcrest Avenue and 308/326 Wakesiah Avenue.

- (b) Official Community Plan Amendment Application No. OCP90 and Rezoning Application No. RA423 - 4392 Jingle Pot Road - Bylaw 6500.041 and 4500.153

Introduced by Brian Zurek, Planner.

Mayor Krog called for submissions from the Applicant.

The applicant was in attendance but did not speak regarding Official Community Plan Amendment Application No. OCP90 and Rezoning Application No. RA423 - 4392 Jingle Pot Road.

Mayor Krog called for submissions from the Applicant for a second time.

The applicant was in attendance but did not speak regarding Official Community Plan Amendment Application No. OCP90 and Rezoning Application No. RA423 - 4392 Jingle Pot Road.

Mayor Krog called for submissions from the Public.

No one in attendance wished to speak regarding Official Community Plan Amendment Application No. OCP90 and Rezoning Application No. RA423 - 4392 Jingle Pot Road.

Mayor Krog called for submissions from the Public for a second time.

No one in attendance wished to speak regarding Official Community Plan Amendment Application No. OCP90 and Rezoning Application No. RA423 - 4392 Jingle Pot Road.

Mayor Krog called for submissions from the Public for a third time.

No one in attendance wished to speak regarding Official Community Plan Amendment Application No. OCP90 and Rezoning Application No. RA423 - 4392 Jingle Pot Road.

No written submissions were received prior to the start of the Special Council Meeting (Public Hearing), 2019-DEC-05, and no written submissions were received during the Public Hearing with respect to Official Community Plan Amendment Application No. OCP90 and Rezoning Application No. RA423 - 4392 Jingle Pot Road.

D. Laberge entered the Shaw Auditorium at 7:10 p.m.

(c) Rezoning Application No. RA439 - 847 Bruce Avenue - Bylaw 4500.162

To be introduced by Gepke Stevenson, Planner.

Mayor Krog called for submissions from the Applicant.

1. Keith Barbon, Chief Financial Officer, TTG Management Ltd., spoke in favour, and stated TTG Management Ltd, has a good reputation handling and selling controlled substances, a positive working relationship with Quality Foods and the property owner of 847 Bruce Avenue and met the requirements for public notification and held a public engagement session. Mr. Barbon stated that the community contribution is allocated for improvements to Harewood Centennial Park.

Mayor Krog called for submissions from the Public.

1. Bradley Baldwin, 1301 Cassell Place, spoke in opposition and stated his concerns regarding proximity to John Barsby Secondary School, Park Avenue Elementary School, daycares in the area and that Cannabis Retail Stores should not be in family/residential neighbourhoods.
2. Kathy Mayes, 595 Eighth Street, spoke in opposition and stated her concerns regarding inadequate notification, potential for an increase in crime in the area and these types of retail locations should be in industrial areas not residential.

Mayor Krog called for submissions from the Public for a second time.

No one in attendance wished to speak regarding Rezoning Application No. RA439 - 847 Bruce Avenue.

Mayor Krog called for submissions from the Public for a third time.

No one in attendance wished to speak regarding Rezoning Application No. RA439 - 847 Bruce Avenue.

Two written submissions were received prior to the start of the Special Council Meeting (Public Hearing), 2019-DEC-05, and no written submissions were received at the Public Hearing with respect to Rezoning Application No. RA439 - 847 Bruce Avenue.

(d) Rezoning Application No. RA440 - 5800 Turner Road - Bylaw 4500.163

Introduced by Gepke Stevenson, Planner.

Mayor Krog called for submissions from the Applicant.

1. Keith Barbon, Chief Financial Officer, TTG Management Ltd., 4407 Lynn Place, Victoria, BC, spoke in favour and stated that the applicant has met all the public notification requirements set out in the application process and have responded to any concerned community member who contacted the applicant directly.

Mayor Krog called for submissions from the Public.

No one in attendance wished to speak regarding Rezoning Application No. RA440 - 5800 Turner Road.

Mayor Krog called for submissions from the Public for a second time.

No one in attendance wished to speak regarding Rezoning Application No. RA440 - 5800 Turner Road.

Mayor Krog called for submissions from the Public for a third time.

No one in attendance wished to speak regarding Rezoning Application No. RA440 - 5800 Turner Road.

No written submissions were received prior to the start of the Special Council Meeting (Public Hearing), 2019-DEC-05, and no written submissions were received at the Public Hearing with respect to Rezoning Application No. RA440 – 5800 Turner Road.

5. FINAL CALL FOR SUBMISSIONS:

Mayor Krog announced that following the close of a Public Hearing, no further submissions or comments from the public or interested persons can be accepted by members of City Council, as established by provincial case law. This is to ensure a fair Public Hearing process and provide a reasonable opportunity for people to respond.

6. ADJOURNMENT OF THE PUBLIC HEARING:

It was moved and seconded that the Public Hearing adjourn at 7:22 p.m. The motion carried unanimously.

7. BYLAWS:

(a) "Zoning Amendment Bylaw 2019 No. 4500.164"

It was moved and seconded that "Zoning Amendment Bylaw 2019 No. 4500.164" (RA398 - to rezone 307 Hillcrest Avenue and 308 and 326 Wakesiah Avenue from Single Dwelling Residential [R1] and Residential Corridor [COR1] to Mixed Use Corridor [COR2] with a site-specific use to allow for a mixed-use student housing development) pass third reading. The motion carried unanimously.

Councillor Bonner vacated the Shaw Auditorium at 7:23 p.m. declaring a conflict of interest as the applicant is a client of his.

(b) "Official Community Plan Amendment Bylaw 2019 No. 6500.041"

It was moved and seconded that "Official Community Plan Amendment Bylaw 2019 No. 6500.041" (OCP90 - to re-designate 4392 Jingle Pot Road on the Future Land Use Plan [Map 1] from Neighbourhood to Corridor) pass third reading. The motion carried unanimously.

(c) "Zoning Amendment Bylaw 2019 No. 4500.153"

It was moved and seconded that "Zoning Amendment Bylaw 2019 No. 4500.153" (RA423 - to rezone 4392 Jingle Pot Road from Single Dwelling Residential [R1] to Mixed Use Corridor [COR2]) pass third reading. The motion carried unanimously.

Councillor Bonner returned to the Shaw Auditorium at 7:25 p.m.

(d) "Zoning Amendment Bylaw 2019 No. 4500.162"

It was moved and seconded that "Zoning Amendment Bylaw 2019 No. 4500.162" (RA439 - to rezone 847 Bruce Avenue to allow "Cannabis Retail Store" as a site-specific use in the Neighbourhood Centre [CC2] zone) pass third reading. The motion carried.

Opposed: Mayor Krog, Councillors Armstrong, Thorpe and Turley

(e) "Zoning Amendment Bylaw 2019 No. 4500.163"

It was moved and seconded that "Zoning Amendment Bylaw 2019 No. 4500.163" (RA440 - to rezone 5800 Turner Road to allow "Cannabis Retail Store" as a site-specific use in the City Commercial Centre [CC3] zone) pass third reading. The motion carried.

Opposed: *Councillor Turley*

G. Stevenson and B. Zurek vacated the Shaw Auditorium at 7:30 p.m.

8. REPORTS:

(a) Nuisance Property Abatement - 405 and 407 Selby Street

Introduced by Dave Laberge, Manager, Bylaw Services.

Mayor Krog requested that Council hear anyone wishing to speak with respect to Nuisance Property Abatement - 405 and 407 Selby Street.

1. Ronald Cornal, 3 - 614 Selby Street, spoke regarding the removal of the recreational vehicles, compliance with the Fire contravention notices, increase in crime, aggressive drug users and overdoses due to the opening of Wesley Street safe injection site and the owners relationship with the RCMP and Bylaw Department.

It was moved and seconded that Council declare 405 and 407 Selby Street a "Nuisance" pursuant to the "Nuisance Abatement and Cost Recovery Bylaw 2019 No. 7250", and to authorize Staff to record and charge for municipal services, including police, required to abate nuisance activity. The motion carried.

Opposed: *Councillors Armstrong and Turley*

L. Rowett vacated the Shaw Auditorium at 7:44 p.m.

(b) Nuisance Property Abatement - 853 Chelsea Street

Introduced by Dave Laberge, Manager, Bylaw Services.

Mayor Krog requested that Council hear anyone wishing to speak with respect to Nuisance Property Abatement – 853 Chelsea Street.

No one in attendance wished to address Council regarding Nuisance Property Abatement – 853 Chelsea Street.

It was moved and seconded that Council declare 853 Chelsea Street a "Nuisance" pursuant to the "Nuisance Abatement and Cost Recovery Bylaw 2019 No. 7250", and to authorize Staff to record and charge for municipal services, including police required to abate nuisance activity. The motion carried unanimously.

(c) Nuisance Property Abatement - 217 Irwin Street

Introduced by Dave Laberge, Manager, Bylaw Services.

1. Belinda Kandall, 215 Irwin Street, spoke regarding a numerous calls to RCMP to attend for criminal and nuisance activity at the location, alleged drug use and other criminal activities at the home and the large number of visitors to the home everyday at all hours of the day.
2. Tim Lander, 217 Irwin Street, Owner, advised that his house does have numerous people living in it and most are homeless. People do come and go at night but there is no noise.
3. Belinda Kandall, 215 Irwin Street, spoke again regarding garbage clean up and that most visitors and/or people at the home are not homeless.

It was moved and seconded that Council declare 217 Irwin Street a “Nuisance” pursuant to the “Nuisance Abatement and Cost Recovery Bylaw 2019 No. 7250”, and to authorize Staff to record and charge for municipal services, including police required to abate nuisance activity. The motion carried unanimously.

9. ADJOURNMENT:

It was moved and seconded at 8:02 p.m. that the meeting terminate. The motion carried unanimously.

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CHAIR

CERTIFIED CORRECT:

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CORPORATE OFFICER