

MINUTES
REGULAR COUNCIL MEETING
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2020-FEB-03, AT 4:00 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. Harding, General Manager, Parks, Recreation and Culture
D. Lindsay, General Manager, Development Services
B. Sims, General Manager, Engineering and Public Works
S. Legin, General Manager, Corporate Services (arrived 7:02 p.m.)
L. Mercer, Director, Finance (arrived 7:01 p.m.)
J. Holm, Director, Development Approvals
D. Stevens, Supervisor, Applications Support
S. Gurrie, Director, Legislative Services
K. Gerard, Steno, Legislative Services
J. Vanderhoef, Recording Secretary

1. CALL THE REGULAR MEETING TO ORDER:

The Regular Council Meeting was called to order at 4:00 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;
- (h) an administrative tribunal hearing or potential administrative tribunal hearing affecting the municipality, other than a hearing to be conducted by the Council or a delegate of Council;
- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (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); 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 4:00 p.m.
Council moved out of "In Camera" at 6:58 p.m.

The Open Meeting recessed at 6:58 p.m.
The Open meeting reconvened at 7:00 p.m.

3. APPROVAL OF THE AGENDA:

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

4. 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, 2020-JAN-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, 2020-JAN-13, at 5:30 p.m.

The motion carried unanimously.

L. Mercer entered the Shaw Auditorium at 7:01 p.m.

S. Legin entered the Shaw Auditorium at 7:02 p.m.

5. MAYOR'S REPORT:

Mayor Krog spoke regarding:

- Memorializing James Borserio by naming an access road within Harewood Centennial Park “Jim Borserio Way”
- Requested a motion to authorize expenses for Councillor Hemmens to register and attend the 2020 Civic Governance Forum

It was moved and seconded that Council authorize Councillor Hemmens travel expenses to register and attend the 2020 Civic Governance Forum – Committed to Action, being held in Vancouver on March 27 – 28, 2020. The motion carried unanimously.

- Reminded the public that 2020 Business Licences are past due
- Reminded dog owners to renew their dog licences
- Announced the Culture and Heritage awards recipients as follows:
 - Honour in Culture - Trish and Geoff Horrucks
 - Emerging Cultural Leader – Patrick Aleck
 - Excellence in Culture – Devon Joiner
 - Honour in Heritage – Gary and Adam Manson
- Invited all artists to submit their designs to the Street Banner Design Contest by Friday, February 28, 2020
- Requested a motion to endorse a letter from the Canadian Network to Abolish Nuclear Weapons to join the international Cities Appeal

It was moved and seconded that Council endorse the International Campaign to Abolish Nuclear Weapons Cities Appeal which states:

“Our city/town is deeply concerned about the grave threat that nuclear weapons pose to communities throughout the world. We firmly believe that our residents have the right to live in a world free from this Threat. Any use of nuclear weapons, whether deliberate or accidental, would have catastrophic, far-reaching and long-lasting consequences for people and the environment. Therefore, we warmly welcome the adoption of the Treaty on the

Prohibition of Nuclear Weapons by the United Nations in 2017, and we call upon our national Government to join it.”

The motion carried unanimously.

- Noted that the City service awards ceremony was held recently acknowledging Staff members who have contributed to the City for many years

6. PRESENTATIONS:

(a) Nanaimo Art Gallery

Julie Bevan, Executive Director, Debra Jacklin, Board President, and Ken Hammer, Vice President, provided Council with an update regarding Nanaimo Art Gallery events, educational programs and the impact the gallery has on the community and individuals.

7. CONSENT ITEMS:

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

(a) Committee Minutes

- Minutes of the Environment Committee Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Wednesday, 2019-NOV-20, at 5:00 p.m.
- Minutes of the Governance and Priorities Committee Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2019-NOV-25 at 1:00 p.m.
- Minutes of the Health and Housing Task Force Meeting held in the HR Training Room, City Hall, 455 Wallace Street, Nanaimo, BC, on Wednesday, 2019-NOV-27, at 3:00 p.m.
- Minutes of the Open Design Advisory Panel Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Thursday, 2019-NOV-28, 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-DEC-09 at 11:00 a.m.

The motion carried unanimously.

8. DELEGATIONS:

- (a) Laurie Bienert, Executive Director, Nanaimo Foundation and Daniel Martinez, Board Vice Chair, Nanaimo Foundation, re: Nanaimo Vital Signs Report

Laurie Bienert, Executive Director, Nanaimo Foundation, and Daniel Martinez, Board Vice Chair, Nanaimo Foundation, provided Council with a presentation regarding Nanaimo's population growth, crime rate, education, income rates, housing costs, and changes in water and solid waste service levels.

D. Lindsay vacated the Shaw Auditorium at 7:36 p.m.

9. REPORTS:

- (a) Association of Vancouver Island and Coastal Communities Resolution – Whistleblower Legislation

Introduced by Sheila Gurrie, Director, Legislative Services.

It was moved and seconded that Council direct Staff to submit the following resolution to the Association of Vancouver Island and Coastal Communities for consideration at their 2020 Annual General Meeting:

WHEREAS Whistleblower legislation has become statute for provincial government employees;

AND WHEREAS Local Government does not have an independent third party to receive whistleblower complaints or concerns;

THEREFORE BE IT RESOLVED that the Union of British Columbia Municipalities create an independent third party to handle complaints and concerns of local government employees and officials or lobby the Provincial Government to expand their program to include Local Government.

The motion carried unanimously.

D. Lindsay returned to the Shaw Auditorium at 7:41 p.m.

- (b) Association of Vancouver Island and Coastal Communities Resolution – Solid Waste

Introduced by Sheila Gurrie, Director, Legislative Services.

It was moved and seconded that Council direct Staff to submit the following resolution to the Association of Vancouver Island and Coastal Communities for consideration at their 2020 Annual General Meeting:

WHEREAS the Association of Vancouver Island and Coastal Communities has created a Special Committee for Solid Waste;

AND WHEREAS developing a circular economy is a vital component of sustainable solid waste management;

THEREFORE BE IT RESOLVED that the Association of Vancouver Island and Coastal Communities expand the terms of reference for their Special Committee on Solid Waste to include circular economy.

The motion carried unanimously.

(c) Association of Vancouver Island and Coastal Communities Resolution – Municipal Price Index

Introduced by Sheila Gurrie, Director, Legislative Services.

It was moved and seconded that Council direct Staff to submit the following resolution to the Association of Vancouver Island and Coastal Communities for consideration at their 2020 Annual General Meeting:

WHEREAS Local Government and household spending are often compared by taxpayers through the lens of the Consumer Price Index which measures changes in the prices paid by household consumers for goods and services;

AND WHEREAS Local Government purchases do not fall into the same category as household purchases with respect to the types of goods each purchases;

THEREFORE BE IT RESOLVED that the Union of British Columbia Municipalities lobby the Provincial Government to create a Municipal Price Index that more accurately reflects the projected costs of the types of goods that municipalities purchase.

The motion carried.

Opposed: *Councillors Bonner and Brown*

(d) Supervised Consumption Site Zoning Amendments

Introduced by Dale Lindsay, General Manager, Development Services.

It was moved and seconded that “Zoning Amendment Bylaw 2020 No. 4500.173” (To remove the definition for ‘Drug Addiction Treatment Facility’, amend the definition of ‘Office Medical/Dental’ to exclude Supervised Consumption Sites, and add a definition for Supervised Consumption Sites) pass first reading. The motion carried unanimously.

It was moved and seconded that “Zoning Amendment Bylaw 2020 No. 4500.173” pass second reading. The motion carried.

Opposed: *Councillor Turley*

(e) Development Permit Application No. DP1156 – 666 Fitzwilliam Street

Introduced by Dale Lindsay, General Manager, Development Services.

It was moved and seconded that Council issue Development Permit No. DP1156 at 666 Fitzwilliam Street with the following variances to:

- increase the building height from 12m to 15m; and
- reduce the front yard setback from 2.5m to 0m.

The motion carried unanimously.

- (f) Rezoning Application No. RA432 – 3841 and 3817 Victoria Avenue and 3896, 3874, 3852, 3848 and 3816 Island Highway North

Introduced by Dale Lindsay, General Manager, Development Services.

It was moved and seconded that “Zoning Amendment Bylaw 2020 No. 4500.167” (To rezone 3841 and 3817 Victoria Avenue and 3896, 3874, 3852, 3848 and 3816 Island Highway North from Single Dwelling Residential [R1] to Community Corridor [COR3]) pass first reading. The motion carried unanimously.

It was moved and seconded “Zoning Amendment Bylaw 2020 No. 4500.167” pass second reading. The motion carried unanimously.

It was moved and seconded Council direct Staff to secure the road dedication, off-site improvements, reciprocal access, lot consolidation, and a Community Amenity Contribution, should Council support the bylaw at third reading. The motion carried unanimously.

- (g) Rezoning Application No. RA441 – 405 Rosehill Street

Introduced by Dale Lindsay, General Manager, Development Services.

It was moved and seconded that “Zoning Amendment Bylaw 2020 No. 4500.171” (To rezone 405 Rosehill Street from Single Dwelling Residential [R1] to Low Density Residential [R6]) pass first reading. The motion carried unanimously.

It was moved and seconded that “Zoning Amendment Bylaw 2020 No. 4500.171” pass second reading. The motion carried unanimously.

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

- (h) Liquor Licence Application No. LA140 – 6359 Hammond Bay Road

Introduced by Dale Lindsay, General Manager, Development Services.

It was moved and seconded that Council recommend the Liquor Cannabis and Regulation Branch approve the application to permit liquor to be served at a spa located at 6359 Hammond Bay Road. The motion carried unanimously.

10. BYLAWS:

(a) “Sign Amendment Bylaw 2020 No. 2850.22”

It was moved and seconded that “Sign Amendment Bylaw 2020 No. 2850.22” (To amend sign regulations pertaining to home-based businesses) be adopted. The motion carried unanimously.

(b) “Zoning Amendment Bylaw 2019 No. 4500.168”

It was moved and seconded that “Zoning Amendment Bylaw 2019 No. 4500.168” (To rezone portions of 4271 Jingle Pot Road from Single Dwelling Residential [R1] and Duplex Residential [R4] to Low Density Residential [R6], R1, and R4) be adopted. The motion carried unanimously.

11. ADJOURNMENT:

It was moved and seconded at 8:08 p.m. that the meeting terminate. The motion carried unanimously.

C H A I R

CERTIFIED CORRECT:

CORPORATE OFFICER