

MINUTES
SPECIAL COUNCIL MEETING (PUBLIC HEARING)
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
THURSDAY, 2020-MAR-05, 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. Holm, Director, Development Approvals
B. Corsan, Director, Community Development (vacated 7:32 p.m.)
L. Bhopalsingh, Manager, Community Planning (vacated 7:32 p.m.)
L. Rowett, Manager, Current Planning (vacated 7:32 p.m.)
D. LaBerge, Manager, Bylaw Services (vacated 7:38 p.m.)
G. Stevenson, Planner (vacated 7:32 p.m.)
S. Snelgrove, Deputy Corporate Officer
J. Vanderhoef, Recording Secretary

1. CALL THE SPECIAL COUNCIL MEETING TO ORDER:

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

2. INTRODUCTION OF LATE ITEMS:

- (a) Remove – Agenda Item 9(c) Bylaw Contravention Notice - Construction Started Without a Building Permit - 495 Dunsmuir Street.

3. ADOPTION OF AGENDA:

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

4. 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.

5. 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. RA432 - 3841 and 3817 Victoria Avenue and 3896, 3874, 3852, 3848 and 3816 Island Highway North - Bylaw 4500.167

Introduced by Gepke Stevenson, Planner.

Mayor Krog called for submissions from the Applicant:

1. Toby Seward, Seward Development Inc., spoke in favour as follows:

- Seven properties being rezoned from single dwelling residential (R1) to community corridor (COR3)
- Mix of residential/commercial units planned
- Interested in increasing the site density; however, parking is a limiting factor
- Road dedication and community amenity contribution
- Neighbourhood information meeting was held with no direct opposition to the development but discussion regarding traffic and parking
- Amenities purposed would fit with the surrounding area such as a medical clinic

Mayor Krog called for submissions from the Public:

No one in attendance wished to speak regarding Rezoning Application No. RA432 - 3841 and 3817 Victoria Avenue and 3896, 3874, 3852, 3848 and 3816 Island Highway North - Bylaw 4500.167.

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

No one in attendance wished to speak regarding Rezoning Application No. RA432 - 3841 and 3817 Victoria Avenue and 3896, 3874, 3852, 3848 and 3816 Island Highway North - Bylaw 4500.167.

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

No one in attendance wished to speak regarding Rezoning Application No. RA432 - 3841 and 3817 Victoria Avenue and 3896, 3874, 3852, 3848 and 3816 Island Highway North - Bylaw 4500.167.

One written submission was received prior to the start of the Special Council Meeting (Public Hearing), 2020-MAR-05, and no written submissions were received at the Public Hearing with respect to Rezoning Application No. RA432 - 3841 and 3817 Victoria Avenue and 3896, 3874, 3852, 3848 and 3816 Island Highway North - Bylaw 4500.167.

(b) Rezoning Application No. RA441 - 405 Rosehill Street - Bylaw 4500.171

Introduced by Gepke Stevenson, Planner.

Mayor Krog called for submissions from the Applicant:

1. Toby Seward, Seward Development Inc., spoke in favour as follows:
 - Rezoning single dwelling residential to low density residential
 - Five units planned with ten parking spaces on the lot to ensure parking does not spill onto the street
 - Multi-family units and commercial buildings in the surrounding area
 - Community amenity contribution towards Great Trail improvements
 - Neighbourhood information meeting was held and had limited attendance but those in attendance were interested in this development moving forward

Mayor Krog called for submissions from the Public:

No one in attendance wished to speak regarding Rezoning Application No. RA441 - 405 Rosehill Street - Bylaw 4500.171.

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

No one in attendance wished to speak regarding Rezoning Application No. RA441 - 405 Rosehill Street - Bylaw 4500.171.

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

No one in attendance wished to speak regarding Rezoning Application No. RA441 - 405 Rosehill Street - Bylaw 4500.171.

No written submissions were received prior to the start of the Special Council Meeting (Public Hearing), 2020-MAR-05, and no written submissions were received at the Public Hearing with respect to Rezoning Application No. RA441 - 405 Rosehill Street - Bylaw 4500.171.

(c) Supervised Consumption Site Zoning Amendments - Bylaw 4500.173

Introduced by Lainya Rowett, Manager, Current Planning.

Mayor Krog called for submissions from the Public:

1. Jeremy Kalicum, stated:
 - Things are not great for people who use drugs in Nanaimo
 - A few things save lives: supervised consumption sites, access to clean drugs and community
 - Importance of these changes being made as people are dying

2. Kevin Donaghy, spoke in favour, and stated:

- Was involved in previous pop-up site
- Encourages services being run by people with a history/experience with drug use to make drug users more comfortable and more likely to utilize the service
- Institutionalizing services makes it feel too uncomfortable
- City of Nanaimo, School District and other local organizations being open to working with a peer run drug user group

3. Erica Thompson, spoke in favour, and stated:

- Previously in street life
- Representative at one point for Canadian Hepatitis C Institute and worked with Fraser Health
- Identifies as a woman who uses drugs in difficult situations and is requesting help
- Increasing toxicity in current drugs supply
- Need for community support to deal with this issue
- Evidence based ways of dealing with the issues and fixing the system
- Finding a system that works for the end user without punishing
- Differences between a overdose prevention site and a supervised consumption site

Councillor Armstrong called a point of order as discussion was not related to the proposed wording of the bylaw.

1. Jeremy Kalicum, noted that previous site has federal jurisdiction.

4. Rene Silva, spoke in favour, and stated:

- Identifies as an opioid user
- Peer facilitator through peer outreach program
- Supports changing language to remove stigma related to drug use
- Medical terms and references help remove stigma around drug use

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

No one in attendance wished to speak regarding Supervised Consumption Site Zoning Amendments - Bylaw 4500.173.

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

No one in attendance wished to speak regarding Supervised Consumption Site Zoning Amendments - Bylaw 4500.173.

No written submissions were received prior to the start of the Special Council Meeting (Public Hearing), 2020-MAR-05, and no written submissions were received at the Public Hearing with respect to Supervised Consumption Site Zoning Amendments - Bylaw 4500.173.

6. 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.

7. ADJOURNMENT OF THE PUBLIC HEARING:

By unanimous consent the Public Hearing adjourned at 7:27 p.m.

8. BYLAWS:

Councillor Geselbracht vacated the Shaw Auditorium at 7:28 p.m. declaring a conflict of interest due to a family relation with property owner.

(a) "Zoning Amendment Bylaw 2020 No. 4500.167"

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 third reading. The motion carried unanimously.

Councillor Geselbracht returned to the Shaw Auditorium at 7:29 p.m.

(b) "Zoning Amendment Bylaw 2020 No. 4500.171"

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 third reading. The motion carried unanimously.

(c) "Zoning Amendment Bylaw 2020 No. 4500.173"

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 third reading. The motion carried unanimously.

L. Bhopalsingh, B. Corsan, L. Rowett and G. Stevenson vacated the Shaw Auditorium at 7:32 p.m.

9. REPORTS:

(a) 1667 Extension Road - Illegal Construction

Introduced by Dave LaBerge, Manager, Bylaw Services.

Mayor Krog requested that Council hear anyone wishing to speak with respect to 1667 Extension Road - Illegal Construction.

No one in attendance wished to speak with respect to 1667 Extension Road - Illegal Construction.

It was moved and seconded that Council:

1. issue a Remedial Action Order at 1667 Extension Road pursuant to Sections 72 and 73 of the *Community Charter*;
2. direct Staff to advise the owner that he may request Council reconsider the Remedial Action Order by providing written notice within 14 days of the date on which notice of the remedial action requirement was sent;
3. direct Staff or its authorized agents to take action in accordance with Section 17 of the *Community Charter* without further notice and at the owner's expense if the said remedial action is not undertaken within 30 days of Council's resolution; and,
4. direct the remedial action consisting of removal of the unauthorized structure.

The motion carried unanimously.

D. LaBerge vacated the Shaw Auditorium at 7:38 p.m.

(b) Bylaw Contravention Notice - Construction Not Completed as per Conditions of Building Permit - 6451 Portsmouth Road

Introduced by Jeremy Holm, Director, Development Approvals.

Mayor Krog requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice – 6451 Portsmouth Road.

No one in attendance wished to speak with respect to Bylaw Contravention Notice – 6451 Portsmouth Road.

It was moved and seconded that Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 6451 Portsmouth Road for construction not completed as per the conditions of the building permit. The motion carried unanimously.

(c) Bylaw Contravention Notice - Construction Not Completed as per Conditions of Building Permit - 740 Haliburton Street

Introduced by Jeremy Holm, Director, Development Approvals.

Mayor Krog requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice – 740 Haliburton Street.

1. Earl Wallace, spoke regarding the following:
 - Stop work order does not allow work to be completed
 - Engineer has passed safety of building
 - Roof overhangs on neighbours property but can be cut back to resolve the issue
 - A home warranty is now required because 75% of home has been rebuilt

2. Bruce Wade, spoke regarding the following:
 - Changes made to the inside of the house
 - With the addition of a new roof more than 75% of building is rebuilt
 - Applied to the City for revision of the permit and was told to continue with siding while waiting
 - Building Inspector came while revisions were underway and saw that the building was not according to previous drawings so placed a stop work order on the site

It was moved and seconded that Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 740 Haliburton Street for construction not completed as per the conditions of the building permit. The motion carried.
Opposed: Councillors Maartman and Turley

- (d) Bylaw Contravention Notice - Construction Started Without a Building Permit - 2112 Aaron Way
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Introduced by Jeremy Holm, Director, Development Approvals.

Mayor Krog requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice – 2112 Aaron Way.

No one in attendance wished to speak with respect to Bylaw Contravention Notice – 2112 Aaron Way.

It was moved and seconded that Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 2112 Aaron Way for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. The motion carried unanimously.

10. ADJOURNMENT:

It was moved and seconded at 7:51 p.m. that the meeting terminate. The motion carried unanimously.

C H A I R

CERTIFIED CORRECT:

CORPORATE OFFICER