

MINUTES
REGULAR COUNCIL MEETING
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2020-OCT-19, AT 4:30 P.M.

Present: Mayor L. Krog, Chair
Councillor S. D. Armstrong
Councillor D. Bonner
Councillor T. Brown (joined electronically)
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
S. Legin, General Manager, Corporate Services
D. Lindsay, General Manager, Development Services
B. Sims, General Manager, Engineering and Public Works
J. Holm, Director, Development Approvals
T. Daliran, Manager, Sanitation, Recycling and Cemeteries
F. Farrokhi, Manager, Communications
K. Gellein, Zero Waste Coordinator
K. Kronstal, Social Planner
K. Robertson, Deputy City Clerk
S. Gurrie, Director, Legislative Services
K. Gerard, Recording Secretary

1. CALL THE REGULAR MEETING TO ORDER:

The Regular Council Meeting was called to order at 4:30 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*:

- (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,

- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

The motion carried unanimously.

Council moved In Camera at 4:30 p.m.
Council moved out of In Camera at 6:45 p.m.

Council recessed the Open Meeting 6:45 p.m.
Council reconvened the Open Meeting at 7:00 p.m. in the Shaw Auditorium.

3. INTRODUCTION OF LATE ITEMS:

- (a) Agenda Item 12(a):
 1. Report titled “Bylaw and Policy Renewal Project Timeline” – Replace Pages 90 – 94.
 2. Add PowerPoint presentation from Karen Robertson, Deputy City Clerk titled: Bylaw & Policy Renewal Project Timeline.
- (b) Agenda Item 12(e) – Development Permit Application No. DP1138 – 600 Ninth Street – Add Delegations:
 1. Kenneth Brault
 2. Irene Wenngatz
- (c) Add Agenda Item 12(i) – Checkout Bag Regulation Bylaw.
- (d) Add Agenda Item 14(c) – Councillor Armstrong – Notice of Motion re: City Facilities Room Bookings for Non-profit Addiction Support Groups.
- (e) Add Agenda Item 15(a) - Correspondence dated 2020-OCT-14 re: Vancouver Island and Coastal Community Climate Leadership Plan - Resilience Summit 2020-NOV-06.

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, 2020-SEP-17, 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-SEP-28, at 4:29 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-OCT-05, at 4:30 p.m.

The motion carried unanimously.

6. MAYOR'S REPORT:

Mayor Krog spoke regarding:

- REIMAGINE NANAIMO pop-up kiosks will be located at Nanaimo North Town Centre on October 24th, 2020 from 12:00 p.m. to 4:00 p.m. and at University Village Shopping Centre on Sunday, October 25, 2020, also from 12:00 p.m. to 4:00 p.m. Mayor Krog encouraged residents to visit these kiosks to answer questions and have your say in City priorities and shaping the future of our City.
- City recreation facilities Staff, have faced public outrage and frustration over the last couple of weeks with the safety protocols put in place regarding public participation and viewing of recreational activities. Mayor Krog asked the public to be respectful to Staff as rules regarding COVID-19 are changing almost daily and Staff are doing their best to deal with these changes and protocols. Please treat each other kindly.
- With Halloween coming up, Mayor Krog reminded the public to have a safe and fun Halloween while following the safety guidelines put in place by the Province. He suggested putting a table at the end of your driveway to hand out candy to children. He asked that we remember that some of our neighbours may not be able to participate this year due to illness and to be kind and respectful of those neighbours.
- CleanBC and the City of Nanaimo are offering rebates to encourage homeowners to switch their heat source from fossil fuel heat source to electric air-source heat pump. Learn more at www.betterhomesbc.ca.

7. PRESENTATIONS:

(a) Rotary Centennial Garden Opening

Richard Harding, General Manager, Parks, Recreation and Culture, provided Council with a PowerPoint presentation regarding the opening of the Rotary Centennial Garden.

Delegation:

1. Dave Hammond, Rotary Club of Nanaimo, spoke regarding the Rotary Centennial Garden and thanked Council and Staff for their support in the project.

Mayor Krog, on behalf of the City of Nanaimo, officially opened the new Rotary Centennial Garden.

8. COMMITTEE MINUTES:

The following Committee Minutes were received:

- Minutes of the Environment Committee Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Wednesday, 2020-JUL-15, at 3:00 p.m.
- Minutes of the Board of Variance Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Thursday, 2020-JUL-16 at 5:30 p.m.
- Minutes of the Design Advisory Panel Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Thursday, 2020-AUG-13, at 5:00 p.m.
- Minutes of the Board of Variance Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Thursday, 2020-AUG-20 at 5:30 p.m.
- Minutes of the Design Advisory Panel Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Thursday, 2020-SEP-10, at 5:00 p.m.
- Minutes of the Advisory Committee on Accessibility and Inclusiveness Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Wednesday, 2020-SEP-30, at 3:00 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 Thursday, 2020-OCT-01, at 3:02 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, 2020-OCT-05, at 1:00 p.m.

9. CONSENT ITEMS:

Councillor Armstrong requested that Consent Item 10(a)(1) be removed from Consent Items for separate consideration.

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

- (a) Governance and Priorities Committee 2020-OCT-05
 - 1. Program Review of Cultural Grants

That Council endorse a review of the three grant funding programs administered by Culture & Events (Culture & Heritage Operating Grants, Culture & Heritage Project Grants, and Downtown Event Revitalization Grants), including research on best practices and dialogue with community stakeholders, and return with recommendations to improve and evolve processes to continue to meet the needs of the Nanaimo cultural community.

2. Art in Public Spaces Working Group

That Council to endorse the creation of an Art in Public Spaces Working Group to be facilitated by Culture & Events Staff.

The motion carried unanimously.

(b) Separately Addressed Consent Items

(a) Advisory Committee on Accessibility and Inclusiveness 2020-SEP-30

1. Madeleine Koch, Active Transportation Project Specialist re: "Intro to the City's Transportation Group"

It was moved and seconded that Council direct Staff to prepare report to Council on options for a bylaw, to prevent garbage cans and recycling cans from being placed on sidewalks, in order to improve accessibility in the City of Nanaimo.

The motion carried unanimously.

It was moved and seconded that Council direct Staff to prepare a report for improving transit stops within the City of Nanaimo including options to ensure all bus stops are uniform and highly visible so they are accessible for all citizens.

The motion carried unanimously.

(b) Health and Housing Task Force Meeting 2020-OCT-01

1. Emergency Food and Nutrition Security Strategy

Delegation:

1. Jen Cody, Executive Director, Nanaimo FoodShare, spoke regarding the Emergency Food and Nutrition Security Strategy. Highlights included:

- The purpose of a Food Policy Council is to create opportunities for strategic food security planning, reduce redundancies among community organizations and help support City policies including the Official Community Plan (OCP)
- Food Policy Council will not be a Council Committee but a separate entity that will work with the City of Nanaimo and other community partners

- Nanaimo FoodShare has allocated \$5000 per year towards staff time and will work with community partners to obtain additional funding

It was moved and seconded that Council:

- endorse the Emergency Food and Nutrition Strategy as formal stakeholder input into the REIMAGINE NANAIMO process;
- support the creation of a Nanaimo Food Policy Council as an independent, arms-length body that would continue collaborative work to strengthen the local food system and request that Staff bring forward a report on how the City can facilitate this work; and,
- direct Staff to include the Emergency Food and Nutrition Strategy on a future Governance and Priorities Committee Agenda for further discussion.

The motion carried unanimously.

10. REPORTS:

(a) Bylaw and Policy Renewal Project Timeline

Introduced by Sheila Gurrie, Director, Legislative Services.

Presentation:

1. Karen Robertson, Deputy City Clerk provided Council with a PowerPoint presentation regarding the bylaw and policy renewal project timeline. Highlights included:
 - Review of previous planning processes and development of a comprehensive review of City bylaws and policies
 - First steps included an audit to identify gaps and determine priorities
 - Phase one will include development of a master bylaw registry framework using an excel spreadsheet for internal use only and ensuring that all outdated bylaws are repealed
 - Bylaws continue to be updated as irregularities and redundancies are recognized
 - Disputes through adjudication vs. going to court
 - Review of bylaws coming forward to Council for consideration and replacement of outdated bylaws
 - Phase one deliverable will target completion in the fourth quarter of 2020 and other priority polices will be brought forward to Council in 2021

(b) Bylaw Notice Enforcement Bylaw Amendment - Fines for Zoning and Tree Protection Regulations

Introduced by Sheila Gurrie, Director, Legislative Services.

Zoning Amendment Bylaw

It was moved and seconded that “Zoning Amendment Bylaw 2020 No. 4500.179” (To replace the Violation and Penalty section and delete the fine schedule) pass first reading. The motion carried unanimously.

It was moved and seconded that “Zoning Amendment Bylaw 2020 No. 4500.179” pass second reading. The motion carried unanimously.

It was moved and seconded that:

Whereas 464(2) of the *Local Government Act* permits Council to waive the holding of a public hearing where a proposed zoning amendment bylaw is consistent with the Official Community Plan;

And Whereas "Zoning Amendment Bylaw 2020 No. 4500.179" is consistent with "Official Community Plan Bylaw 2008 No. 6500";

Be it resolved that Council waive the holding of a public hearing with respect to "Zoning Amendment Bylaw 2020 No. 4500.179".

The motion carried unanimously.

Management and Protection of Trees Amendment Bylaw

It was moved and seconded that “Management and Protection of Trees Amendment Bylaw 2020 No. 7126.01” (To replace the Violation and Penalty section and delete the fine schedule) pass first reading. The motion carried unanimously.

It was moved and seconded that “Management and Protection of Trees Amendment Bylaw 2020 No. 7126.01” pass second reading. The motion carried unanimously.

It was moved and seconded that “Management and Protection of Trees Amendment Bylaw 2020 No. 7126.01” pass third reading. The motion carried unanimously.

Bylaw Notice Enforcement Amendment Bylaw

It was moved and seconded that “Bylaw Notice Enforcement Amendment Bylaw 2020 No. 7159.08” (To replace the fine schedule for the Zoning Amendment Bylaw, add a fine schedule for the Management of Trees Bylaw, and replace Schedule B - Registry Agreement) pass first reading. The motion carried unanimously.

It was moved and seconded that “Bylaw Notice Enforcement Amendment Bylaw 2020 No. 7159.08” pass second reading. The motion carried unanimously.

It was moved and seconded that “Bylaw Notice Enforcement Amendment Bylaw 2020 No. 7159.08” pass third reading. The motion carried unanimously.

(c) Options for Prohibiting Bottling of Groundwater Within the City of Nanaimo

Introduced by Dale Lindsay, General Manager, Development Services.

It was moved and seconded that Council deny consideration of adopting a bylaw to prohibit the commercial bottling of groundwater within the City of Nanaimo. The motion carried.

Opposed: *Councillors Bonner, Brown, Geselbracht and Maartman*

(d) Covenant Amendment Application No. CA13 - 1060, 1070, 1074 and 1098 Douglas Avenue and 280 Tenth Street

Introduced by Jeremy Holm, Director, Development Approvals.

It was moved and seconded that Council direct Staff to proceed with public notification prior to Council’s consideration of Covenant Amendment Application No. CA13 at an upcoming Council meeting. The motion carried unanimously.

(e) Development Permit Application No. DP1138 - 600 Ninth Street

Introduced by Jeremy Holm, Director, Development Approvals.

Delegation:

1. Kenneth Brault, spoke regarding DP1138 – 600 Ninth Street and stated that parking will be onsite and has been upgraded.

It was moved and seconded that Council issue Development Permit No. DP1138 at 600 Ninth Street with the following variances:

- to increase the maximum permitted building height from 9m to 11.07m; and
- to increase the maximum permitted perimeter wall height from 7.32m to 8.23m.

The motion carried.

Opposed: *Councillor Brown*

(f) Development Permit Application No. DP1160 - 145 Stewart Avenue

Introduced by Jeremy Holm, Director, Development Approvals.

It was moved and seconded that Council issue Development Permit No. DP1160 at 145 Stewart Avenue with a variance to:

- increase the maximum allowable percentage of small car spaces from 40% to 56%.

The motion carried unanimously.

(g) Development Variance Permit Application No. DVP407 - 3602 Overlook Drive

Introduced by Jeremy Holm, Director, Development Approvals.

It was moved and seconded that Council issue Development Variance Permit No. DVP407 at 3602 Overlook Drive with the following variance:

- reduce the minimum required front yard setback for a covered patio from 4.5m to 2.9m.

The motion carried unanimously.

The Regular Council Meeting recessed at 8:58 p.m.

The Regular Council Meeting reconvened at 9:08 p.m.

(h) Property Disposition - 2230 Boxwood Road, 2221 and 2241 Bowen Road Mid-Town Gateway Project

Introduced by Dale Lindsay, General Manager, Development Services.

It was moved and seconded that Council:

1. authorize the disposition of a portion of City-owned lands located at 2241 Bowen Road to Christ Community Church in exchange for a portion of the Church's property at 2221 Bowen Road;
2. authorize the disposition of a portion of City-owned lands located at 2230 Boxwood Road and the portion of property the City will receive from the Church's property at 2221 Bowen Road to Island West Coast Developments; and
3. direct the Mayor and Corporate Officer to execute the necessary documents to affect the transactions.

The motion carried unanimously.

(i) Checkout Bag Regulation Bylaw

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

Presentation:

1. Taaj Daliran, Manager, Sanitation, Recycling and Cemeteries, and Kirsten Gellein, Zero Waste Coordinator, spoke regarding the proposed Checkout Bag Regulation Bylaw. Highlights included:
 - Reviewed timeline from December of 2017 to present and the steps Staff have taken to create the bylaw while following Federal and Provincial guidelines
 - Education and awareness campaign will begin in the Fall of 2020 and continue into the Spring of 2021
 - After approval of the bylaw by Council, the bylaw will then go to the Province for approval
 - The goal for full implementation of the bylaw will be 2021-JUL-01

It was moved and seconded that “Checkout Bag Regulation Bylaw 2020 No. 7283” (To regulate single use checkout bags) pass first reading. The motion carried unanimously.

It was moved and seconded that “Checkout Bag Regulation Bylaw 2020 No. 7283” pass second reading. The motion carried unanimously.

It was moved and seconded that “Checkout Bag Regulation Bylaw 2020 No. 7283” pass third reading. The motion carried unanimously.

It was moved and seconded that Council, in accordance with Section 9 of the *Community Charter* direct staff to forward “Checkout Bag Regulation Bylaw 2020 No. 7283” to the Minister of Environment and Climate Change Strategy for approval. The motion carried unanimously.

11. BYLAWS:

(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]) be adopted. The motion carried unanimously.

(b) “Property Tax Exemption Bylaw 2020 No. 7315”

It was moved and seconded that “Property Tax Exemption Bylaw 2020 No. 7315” (To provide exemption from 2021 property taxes) be adopted. The motion carried unanimously.

12. NOTICE OF MOTION:

(a) Councillor Bonner - Notice of Motion re: Free Menstrual Products in City Facilities

Councillor Bonner advised that he would be bringing forward the following notice of motion for consideration at a future Council meeting:

“That Council direct Staff to prepare a report within 30 days outlining options to provide free menstrual products in City facilities in the Spring of 2021, including:

- A list of City facilities and the cost and feasibility to provide barrier-free menstrual product distribution at each location; and
- Outline how the lessons learned from the pilot projects undertaken by the cities of Coquitlam, Port Moody and Victoria (in their civic facilities) can benefit a similar program in Nanaimo and evaluate partnership opportunities such as with the United Way's "Period Promise" campaign and provide future recommendations to Council as part of on-going program sustainment.”

(b) Councillor Armstrong - Notice of Motion re: Residential Street Parking

Councillor Armstrong advised that she would be bringing forward the following notice of motion for consideration at a future Council meeting:

“That Council direct Staff to prepare a report outlining options for Council to consider in order to permit residents to park on residential streets for more than twenty-four hours without having to move their vehicles.”

(c) Councillor Armstrong - Notice of Motion re: City Facilities Room Bookings for Non-profit Addiction Support Groups

Councillor Armstrong advised she would be bringing forward the following notice of motion for consideration at a future Council meeting:

“That Staff prepare a report for options to secure use of rooms at City of Nanaimo facilities to assist non-profit addiction support group meetings, which are a critical part of their recovery program.”

13. CORRESPONDENCE

- (a) Correspondence dated 2020-OCT-14 re: Vancouver Island and Coastal Community Climate Leadership Plan - Resilience Summit 2020-NOV-06.

14. ADJOURNMENT:

It was moved and seconded at 9:45 p.m. that the meeting adjourn. The motion carried unanimously.

C H A I R

CERTIFIED CORRECT:

CORPORATE OFFICER