

MINUTES
REGULAR COUNCIL MEETING
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2020-NOV-16, AT 2:00 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
S. Legin, General Manager, Corporate Services
D. Lindsay, General Manager, Development Services
B. Sims, General Manager, Engineering and Public Works
P. Rosen, Director, Engineering
J. Rose, Manager, Transportation
B. Thomas, Assistant Manager, Transportation
D. Thompson, Manager, Roads and Traffic Services
F. Farrokhi, Manager, Communications
D. Stevens, Client Support Specialist
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 2:00 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Agenda Item 2 – Procedural Motion – Add *Community Charter* reasons:
- (g) litigation or potential litigation affecting the municipality;
 - (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and,
 - (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.

3. 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;
- (d) the security of property of the municipality;
- (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;
- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and,
- (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.
- (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 2:01 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.

2. INTRODUCTION OF LATE ITEMS continued:

- (a) Agenda Item 8(a) - Replace Snow and Ice Preparedness Winter 2020/2021 PowerPoint presentation with revised presentation to be shown at the meeting.
- (b) Agenda Item 12(a) – 90 & 94 Victoria Road – Maintenance of Property Bylaw Appeal – Add Delegation from Anthony Gratl, Property Owner.
- (c) Agenda Item 12(b) – Animal Responsibility Bylaw – Add Report Titled “Animal Responsibility Bylaw”.
- (d) Add Agenda Item 12(h) – Revised 2021 Regional District of Nanaimo Board Appointments.
- (e) Agenda Item 15(a) – Councillor Geselbracht – Notice of Motion re: Riparian Review – move to follow Agenda Item 12(b) and Add:
 1. Briefing Notes re: Nanaimo Riparian Area Protection Bylaw and Development Permit Area 1 Review.
 2. Delegation Paul Chapman, Executive Director, Nanaimo and Area Land Trust re: Riparian Review.

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 Minutes of the Regular Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2020-NOV-02, at 7:00 p.m. be adopted as circulated. The motion carried unanimously.

6. MAYOR'S REPORT:

Mayor Krog spoke regarding:

- Upcoming winter weather and requested that residents start preparing for winter weather and storm conditions. Ensure that leaves and debris are clear from catch basins. In the event of snow, property owners have 24 hours to remove snow and ice from the sidewalk in front of their home. Exercise caution when using outdoor parks and trailways and advised residents that snow clearing is done on priority routes first to ensure emergency routes are clear. For more information or questions please contact the City of Nanaimo Public Works Yard at 250-758-5222.

- COVID-19 cases are increasing on Vancouver Island with the area from Duncan to Qualicum seeing the largest increase. As of today, there are 99 cases on Vancouver Island. Advised the community to ensure masks are being worn in all public places and to respect each other and be kind to one another.
- On November 8th, 2020, Nanaimo and Area Land Trust founding Executive Director, Gail Adrienne passed away. On November 11th, 2020, founding Board Director, Nanaimo and Area Land Trust also passed away. Both women were pioneers and their legacy will live on in Linley Valley, Cottle Lake and in the land trust movement. On behalf Council we send our condolences to their families.

7. PRESENTATIONS:

(a) City of Nanaimo – Snow and Ice Preparedness Winter 2020/2021

David Thompson, Manager, Roads and Traffic Services, provided Council with a PowerPoint presentation regarding Snow and Ice Preparedness Winter 2020/2021. Highlights included:

- Reviewed tools used to predict weather patterns which assists in planning for different types of weather
- Snow events can be challenging but Public Works, Parks and Recreation and Sanitation work together to ensure a high level of service to the community
- Public Works has brine tanks, sanders, salters, plows and 66 fully trained staff to deal with winter weather
- Priority one routes include 160 km of roadways, priority two routes total 83 km and 216 km of priority three routes which include cul-de-sacs
- Public Works has many tools for communication with the public such as Instagram, Twitter, Facebook, emergency alert, radio and local televised news

8. COMMITTEE MINUTES:

The following Committee Minutes were received:

- Minutes of the Special Governance and Priorities Committee held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2020-SEP-21, at 10:30 a.m.
- Minutes from the Design Advisory Panel Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Thursday, 2020-SEP-24, at 5:00 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-OCT-08, at 5:00 p.m.
- Minutes of the Health and Housing Task Force Meeting held in the Dodd Narrows Room A/B, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2020-OCT-14, at 3:04 p.m.

- Minutes of the Special Mayor's Task Force on Recovery and Resilience Meeting held on the Dodd Narrows Room A/B, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Friday, 2020-OCT-16, at 1:08 p.m.

9. CONSENT ITEMS:

Councillor Brown 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) Environment Committee 2020-NOV-04

1. 2021 Environment Committee Key Date Calendar

That Council approve the 2021 Environment Committee Key Date Calendar.

(b) Special Economic Development Task Force 2020-NOV-06

1. Economic Development Task Force Collaboration with Health and Housing Task Force

That the Economic Development Task Force continues preparation of its economic development strategy, which incorporates efforts to promote and link health and wellbeing and continues the pursuit of the Nanaimo Prosperity Agency focused on the implementation of the economic development strategy. The two initiatives (Economic Development initiative and Health and Housing initiative) would explore opportunities to share back of house resources and maintain constant communication and strategic alignment.

The motion carried unanimously.

(b) Separately Addressed Consent Items

(a) Environment Committee 2020-NOV-04

It was moved and seconded that Council direct Staff to prepare a report regarding the following three items and bring forward to a future Governance and Priorities Committee meeting for further discussion between Council and the REIMAGINE Nanaimo team:

1. That Council, as part of its Strategic Plan review process, consider replacing key Focus Area 1 under the Environmental Responsibility Key Focus Area with: "We will take responsibility to build a city and community that operates within the planetary boundaries necessary to maintain core life-sustaining ecological functions.
2. That the City of Nanaimo adopt the Doughnut Economic Model as a cohesive vision for all City initiatives and planning processes, focused on social and environmental sustainability as defined by the model, and be supported by a localized, objective-based, and evidence-based framework through the Re-Imagine Nanaimo process.

3. That Council amend the Environment Committee Work Plan and re-focus it to address the environmental components of this social and environmental sustainability framework

The motion carried unanimously.

10. REPORTS:

- (a) 90 & 94 Victoria Road - Maintenance of Property Bylaw Appeal

Introduced by Dale Lindsay, General Manager, Development Services.

Delegation:

1. Anthony Gratl, property owner, advised Council that he is working on cleaning up the property but has had numerous setbacks due to COVID-19 as he lives in the Lower Mainland. He has a request in for an encroachment agreement for use of the City owned alleyway behind the property and is asking for an extra 30 – 60 days to complete the clean-up.

It was moved and seconded that Council direct Staff to proceed with enforcement action to rectify contraventions of “Property Maintenance and Standards Bylaw 2017 No. 7242” at the properties 90 and 94 Victoria Road. The motion carried unanimously.

- (b) Animal Responsibility Bylaw

Introduced by Sheila Gurrie, Director, Legislative Services.

It was moved and seconded that readings of the Animal Control Bylaw be delayed until Staff have had the opportunity to post the Draft Bylaw to the City’s Bang the Table platform for three weeks of public input, create a report on that input for consideration of changes that might be incorporated into the draft Bylaw and bring back to Council for three readings in early January. The motion carried unanimously.

11. OTHER BUSINESS:

- (a) Councillor Geselbracht - Notice of Motion re: Riparian Review

Delegation:

1. Paul Chapman, Executive Director, Nanaimo and Area Land Trust, spoke regarding Councillor Geselbracht - Notice of Motion re: Riparian Review. Highlights included:
 - Ensuring development in riparian areas reflect the Official Community Plan (OCP)
 - Riparian areas provide wildlife corridors and offer rich biodiversity to the surrounding areas
 - Language in the OCP and other planning related documents needs to be changed to better protect watercourses

It was moved and seconded that the City's regulatory framework for watercourses be reviewed and revised as part of the REIMAGINE Nanaimo process in order to improve the protection of city watercourse riparian areas for the full range of the important environmental and community benefits they provide. The motion carried.

Opposed: *Councillors Thorpe and Turley*

It was moved and seconded that Council defer consideration of the following motion until Staff can report back to Council with a report regarding implications and complexities of the motion and return to Council at a future Governance and Priorities Committee meeting for consideration:

"It was moved and seconded that the City's regulatory framework for watercourses be reviewed and revised as part of the REIMAGINE Nanaimo process in order to improve the protection of city watercourse riparian areas for the full range of the important environmental and community benefits they provide."

The motion was defeated.

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

10. REPORTS continued:

(c) Opal Road Intersection Operation

Barbara Thomas, Assistant Manager, Transportation, spoke regarding the Opal Road Intersection Operation. Highlights included:

- Project began 14 months ago to slow traffic and control the amount of traffic on Opal Road
- After some complaints the current design has been modified to allow for left hand turns on Rock City Road

Council discussion took place. Highlights included:

- Concerns regarding drivers now turning illegally onto Opal Road, accidents and an increase in traffic near Rock City Elementary School
- Making Opal Road a cul-de-sac and other measures that could be taken

It was moved and seconded that Council return Opal Road to its original state prior to the traffic calming process with the exception of the speed bumps. The motion was defeated.

Opposed: *Councillors Bonner, Geselbracht, Hemmens, Thorpe and Turley*

It was moved and seconded that Council direct Staff to monitor the existing situation and report findings in May 2021. The motion carried.

Opposed: *Councillors Geselbracht and Maartman*

The Regular Council Meeting recessed at 9:04 p.m.
The Regular Council Meeting reconvened at 9:14 p.m.

(d) Lost Lake Road Traffic Calming Update

Barbara Thomas, Assistant Manager, Transportation, spoke regarding the Lost lake Road Traffic Calming Update and advised Council she was in attendance for any questions Council may have.

(e) Bay Street Traffic Calming Update

Barbara Thomas, Assistant Manager, Transportation, spoke regarding Bay Street Traffic Calming Update and advised Council she was in attendance for any questions Council may have.

It was moved and seconded that Council direct Staff to install two speed humps and one raised crosswalk on Bay Street between Glenayr Drive and Departure Bay Road. The motion carried unanimously.

(f) Development Permit Application No. DP1176 - 611 Kennedy Street

Introduced by Dale Lindsay, General Manager, Development Services.

It was moved and seconded that Council issue Development Permit No. DP1176 at 611 Kennedy Street with a variance to increase the maximum allowable percentage of small-car parking spaces from 40% to 100%. The motion carried unanimously.

(g) Vancouver Island Regional Library Board 2021 Appointments

Introduced by Sheila Gurrie, Director, Legislative Services.

It was moved and seconded that Council appoint Councillor Hemmens as the trustee to the Vancouver Island Regional Library Board of Trustees for the January 1, 2021 to December 31, 2021 term. The motion carried unanimously.

It was moved and seconded that Council appoint Councillor Maartman as the alternate to the Vancouver Island Regional Library Board of Trustees for the January 1, 2021 to December 31, 2021 term. The motion carried unanimously.

(h) Revised 2021 Regional District of Nanaimo Board Appointments

Introduced by Sheila Gurrie, Director, Legislative Services.

It was moved and seconded that Council:

1. rescind the appointment of Councillor Turley as a Director on the Regional District of Nanaimo Board;
2. appoint Councillor Maartman as a Director assigned four votes on the Regional District of Nanaimo Board for a term ending 2021-DEC-31; and,
3. appoint Councillor Turley as an alternate Director on the Regional District of Nanaimo Board for a term ending 2021-DEC-31.

The motion carried unanimously.

12. BYLAWS:

a. "Zoning Amendment Bylaw 2019 No. 4500.139"

It was moved and seconded that "Zoning Amendment Bylaw 2019 No. 4500.139" (RA416 - To rezone 1483 Bowen Road to allow "Cannabis Retail Store" as a site-specific use in the Community Corridor [COR3] Zone) be adopted. The motion carried unanimously.

b. "Zoning Amendment Bylaw 2019 No. 4500.140"

It was moved and seconded that "Zoning Amendment Bylaw 2019 No. 4500.140" (RA417 - To rezone 510 Fifth Street to allow "Cannabis Retail Store" as a site-specific use in the City Commercial Centre [CC3] Zone) be adopted. The motion carried unanimously.

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

13. ADJOURNMENT:

It was moved and seconded at 9:30 p.m. that the meeting adjourn. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

CORPORATE OFFICER