

MINUTES
REGULAR COUNCIL MEETING
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2021-FEB-22, AT 3:31 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
B. Corsan, Director, Community Development
J. Holm, Director, Development Approvals
L. Mercer, Director, Finance
P. Rosen, Director, Engineering
F. Farrokhi, Manager, Communications
J. Rose, Manager, Transportation
T. Loewen, Communications and Marketing Specialist
K. Robertson, Deputy City Clerk
K. Gerard, Recording Secretary

1. CALL THE REGULAR MEETING TO ORDER:

The Regular Council Meeting was called to order at 3:31 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Add *Community Charter* Section 90(1)(n):

(n) the consideration of whether a Council meeting should be closed under a provision of this subsection or subsection (2).

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;

- (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;
- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under Section 21 of the Freedom of Information and Protection of Privacy Act;
- (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];
- (m) a matter that, under another enactment, is such that the public body may be excluded from the meeting;
- (n) the consideration of whether a Council meeting should be closed under a provision of this subsection or subsection (2); and,

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 3:32 p.m.

Council moved out of In Camera at 5:23 p.m.

Council recessed the Open Meeting 5:23 p.m.

Council reconvened the Open Meeting at 7:00 p.m.

2. INTRODUCTION OF LATE ITEMS (continued):

- (b) Agenda Item 12(f) – Development Permit Application No. DP1209 – 702 Nicol Street – Add delegations:
 - 1. Sean Rorison, BC Housing
 - 2. Chad Zyla, s2 Architecture
 - 3. Mike Ryan, s2 Architecture

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, 2021-JAN-21, 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, 2021-FEB-01, at 4:00 p.m.

The motion carried unanimously.

6. MAYOR'S REPORT:

Mayor Krog spoke regarding:

- “Walk On” Winter Wellness Challenge runs from February 8th to March 19th, 2021. The City of Nanaimo’s Parks, Recreation and Culture department and New Balance Nanaimo have partnered in the “Walk On” Winter Wellness Challenge. Participants are asked to wear a step-tracking device and input daily steps into the online form found at www.nanaimo.ca/goto/walk-on-challenge and each Friday participant’s progress will be collected and tallied. New Balance Nanaimo will be giving away the grand prize of a new pair of running shoes valued at up to \$200 at the end of the six-week challenge
- On February 12, 2021, the Honourable George Heyman, Minister of Environment and Climate Change Strategy, announced approval of Nanaimo’s “Checkout Bag Regulation Bylaw 2020 No. 7283”. The bylaw is on this evening’s agenda for adoption with an effective date of July 1, 2021
- Tim Doyle was appointed as the City of Nanaimo Fire Chief. Mr. Doyle has been the Deputy Fire Chief since 2017 and has been with Nanaimo Fire Rescue for 20 years
- 50% of BC residents are not following the COVID-19 public health orders. Please follow all the public health orders each and every day and encourage others to do the same
- The Nanaimo RCMP, in partnership with the City of Nanaimo and 4th year criminology students at Vancouver Island University, will be conducting Safety Audits in selected Nanaimo neighbourhoods. These audits have been utilized by many cities across Canada and the US and have been shown to be effective in addressing neighbourhood safety challenges. If you are interested in participating in this project or would like more information please visit Nanaimovolunteers.ca or email Christy Wood, Community Policing Coordinator at Christy.wood@rcmp-grc.gc.ca

- The Health and Housing Task Force has completed its mandate and recommendations were presented to Council at the 2021-FEB-22 Governance and Priorities Committee meeting. The key deliverable was to create a Health and Housing Action Plan that outlines priorities for Nanaimo and identifies targets, gaps and costs to address current and projected needs for our most vulnerable population.

Councillor Bonner and Councillor Hemmens spoke and thanked all the members of the Health and Housing Task Force and all those that participated including the Federal and Provincial governments, United Way, Canadian Mental Health Association and Dr. Alina Turner. Through partnership with service providers, fundraising agencies, and the Provincial and Federal governments Nanaimo will lay the groundwork for creating solutions and helping house the most vulnerable population.

7. 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-NOV-04, at 5:00 p.m.
- Minutes of the Governance and Priorities Committee held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Monday, 2021-JAN-11, at 1:00 p.m.
- Minutes of the Environment Committee Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Wednesday, 2021-JAN-27, at 5:01 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, 2021-FEB-08, at 1:00 p.m.
- Minutes of the Special Health and Housing Task Force Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Wednesday, 2021-FEB-10, at 3:00 p.m.

8. CONSENT ITEMS:

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

(a) Environment Committee 2021-JAN-27

1. 2021 Environment Committee Workplan

That Council endorse the 2021 Environment Committee Workplan as outlined in the report titled “2021 Environment Committee Workplan”, dated 2021-JAN-27.

2. City Portrait Environmental Indicators

That Council direct Staff to schedule a charrette to help refine indicators for use in developing the City Portrait for Nanaimo as part of the REIMAGINE NANAIMO process.

(b) Governance and Priorities Committee Meeting 2021-FEB-08

1. Right to Repair

That Council submit the following resolution and backgrounder to the Association of Vancouver Island and Coastal Communities for consideration at the 2021 Annual General Meeting and Convention:

Right to Repair

Whereas the longevity of items is decreasing because manufacturers are deliberately designing products to be disposable and;

Whereas citizens and businesses are deterred from repairing their belongings by companies that claim ownership over the intellectual property in their products, fail to provide parts or other aspects that make it hard to repair items;

Therefore be it resolved that UBCM ask the Province of BC to draft and enact Right to Repair legislation.

2. BC Government's Commitment to a Province Wide Strategy to Manage Construction and Demolition Waste

That Council submit the following resolution and backgrounder to the Association of Vancouver Island and Coastal Communities for consideration at the 2021 Annual General Meeting and Convention:

BC Government's commitment to a Province Wide Strategy to Manage Construction and Demolition waste

Whereas construction and demolition ("C&D") waste comprises approximately 2.8 million metric tonnes of materials annually in British Columbia ("BC"), and about one-third of municipal solid waste disposed in the province; and,

Whereas the materials disposed could have been resold, reused or recycled, they represent sources of embodied carbon, and deconstruction provides six times more job opportunities; and,

Whereas recent research in just Metro Vancouver suggests the value of salvageable wood at \$343 million annually, and the addition of other materials and other regions would radically increase this number of value;

Therefore be it resolved that UBCM request the Ministry of Environment and Climate Change Strategy develop a plan, including changes to regulations, provincial procurement policy, and economic and industrial policy, to significantly reduce Construction and Demolition waste.

3. BC Circular Economy Strategy

That Council submit the following resolution and backgrounder to the Association of Vancouver Island and Coastal Communities for consideration at the 2021 Annual General Meeting and Convention:

BC Circular Economy Strategy

Whereas the provisioning and management of goods and food consumed by BC communities produces excessive and unnecessary quantities of waste, pollution and carbon emissions that threatens environmental health; and,

Whereas the concept of a Circular Economy provides a vision and framework to design out waste and pollution, keep products and materials in use and regenerate natural systems to help BC communities move towards Zero Waste; and,

Whereas, the province has yet to develop a comprehensive strategy to transition BC's economy to a circular one;

Therefore, be it resolved that UBCM request that the province of BC develop a provincial Circular Economy strategy.

4. To Reinstate Three-Year Local Government Terms of Office

That Council submit the following resolution and backgrounder to the Association of Vancouver Island and Coastal Communities for consideration at the 2021 Annual General Meeting and Convention:

To Reinstate Three-Year Local Government Terms of Office

WHEREAS: Three-year terms allow greater accountability to voters, who are able to show, through, elections, their regard for the directions their local governments are taking, and;

WHEREAS: Four-year terms are an onerous commitment for many, and more likely to make potential candidates willing to stand for election hesitant to do so; and

THEREFORE: Be it resolved that the provincial government reinstate three-year local government terms of office.

(c) Special Health and Housing Task Force Meeting 2021-FEB-10

1. Health and Housing Action Plan Implementation

That Council endorse the draft Health and Housing Action Plan.

2. Health and Housing Action Plan Implementation

That Council direct Staff to convene a transition group to establish the overall governance requirements as well as guide the implementation of the System Planner Organization and report back to Council.

The motion carried unanimously.

9. REPORTS:

(a) Council Resolution to the Association of Vancouver Island and Coastal Communities Regarding Restorative Justice Programs

Introduced by Dale Lindsay, General Manager, Development Services.

(b) 2020 – 2024 Financial Plan Bylaw

Introduced by Shelley Legin, General Manager, Corporate Services.

It was moved and seconded that “Financial Plan Amendment Bylaw 2021 No. 7307.02” (To amend the 2020 – 2024 Financial Plan) pass first reading. The motion carried unanimously.

It was moved and seconded that “Financial Plan Amendment Bylaw 2021 No. 7307.02” pass second reading. The motion carried unanimously.

It was moved and seconded that “Financial Plan Amendment Bylaw 2021 No. 7307.02” pass third reading. The motion carried unanimously.

(c) Public Hearing Policy

Introduced by Karen Robertson, Deputy City Clerk.

It was moved and seconded that Council endorse the Public Hearing Process policy as attached to the February 22, 2021 report by the Deputy City Clerk.

It was moved and seconded that the motion be amended to change the reference to the time limit for speakers in the policy from three minutes to five minutes.

The vote was taken on the amendment.

The motion carried.

Opposed: Mayor Krog, Councillors Armstrong, Thorpe and Turley

The vote was taken on the main motion, as amended, to endorse the Public Hearing policy as attached to the February 22, 2021 report by the Deputy City Clerk with the amendment to change the time limit for speakers from three minutes to five minutes. The motion carried unanimously.

(d) Development Permit Application No. DP1146 - 3201 Lauren Mary Place

Introduced by Dale Lindsay, General Manager, Development Services.

It was moved and second that Council issue Development Permit No. DP1146 at 3201 Lauren Mary Place with the following variances:

- increase the maximum allowable building height for Block 1 from 9m to 10.71m;
- increase the maximum allowable building height for Block 2 from 9m to 11.32m;
- increase the maximum allowable building height for Block 3 from 9m to 11.77m; and,
- reduce the minimum required rear yard setback for Block 1 from 7.5m to 7.04m.

The motion carried unanimously.

(e) Development Permit Application No. DP1196 - 1174 Island Highway South

Introduced by Dale Lindsay, General Manager, Development Services.

It was moved and seconded that Council Development Permit No. DP1196 at 1174 Island Highway South with a variance to reduce the minimum required watercourse setback from 30m to 15.5m for the proposed valve station building at the Chase River Pump Station. The motion carried unanimously.

(f) Development Permit Application No. DP1209 - 702 Nicol Street

Introduced by Dale Lindsay, General Manager, Development Services.

Delegations:

1. Chad Zyla, s2 Architecture, spoke regarding DP1209 – 702 Nicol Street and stated that the property will be a supportive housing facility, developers are working in partnerships with BC Housing, and offices for support staff will be on the first floor with residences on the top three floors.
2. Sean Rorison, BC Housing, did not speak.
3. Mike Ryan, s2 Architecture, did not speak.

It was moved and seconded that Council issue Development Permit No. DP1209 at 702 Nicol Street, subject to the City receiving a Freeze Release from the Ministry of Environment, with the following variances:

- increase the maximum permitted building height from 14m to 15.6m;
- increase the maximum permitted fence height from 1.8m to 3.3m in the rear yard;
- reduce the minimum required landscape buffer width from 1.8m to 0m on portions of the side property lines; and
- reduce the minimum required parking spaces from 12 spaces to 7 spaces.

The motion carried unanimously.

It was moved and seconded that “Housing Agreement Bylaw 2021 No. 7322” (To secure unit affordability) pass first reading. The motion carried unanimously.

It was moved and seconded that “Housing Agreement Bylaw 2021 No. 7322” pass second reading. The motion carried unanimously.

It was moved and seconded that “Housing Agreement Bylaw 2021 No. 7322” pass third reading. The motion carried unanimously.

It was moved and seconded that Council direct Staff to register a covenant on the title of the land to reinforce the terms of the housing agreement. The motion carried unanimously.

(g) Development Variance Permit Application No. DVP411 – 1768 Rajeena Way

Introduced by Dale Lindsay, General Manager, Development Services.

It was moved and seconded that Council issue Development Variance Permit No. DVP411 at 1768 Rajeena Way with the following variance:

- increase the maximum combined height for a retaining wall and fence permitted within the rear and side yard setbacks from 2.4m to 5.41m.

The motion carried.

Opposed: *Councillor Brown*

10. BYLAWS:

(a) “Checkout Bag Regulation Bylaw 2020 No. 7283”

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

11. OTHER BUSINESS:

(a) Correspondence dated 2021-JAN-27, from the Regional District of Nanaimo, re: Letter to Minister Malcolmson Regarding Establishing Treatment Facilities and Complex Care Housing in the Regional District of Nanaimo

It was moved and seconded that the Mayor, on behalf of Council, send a letter of support to the Honourable Sheila Malcolmson, Minister of Mental Health and Addictions for establishing treatment facilities and complex care housing in the Regional District of Nanaimo. The motion carried unanimously.

(b) Correspondence received 2021-FEB-03 from Councillor Hamilton, City of Courtenay re: Help Cities Lead Campaign

It was moved and seconded that City of Nanaimo write a letter to the:

- Minister of Environment and Climate Change Strategy
- Minister of Energy, Mines and Low Carbon Innovation

- Minister of Municipal Affairs
- Attorney-General
- Minister responsible for Housing
- Minister of Finance

expressing its endorsement of the Help Cities Lead campaign; support for the directions set out in the November 2020 Ministerial mandate letters regarding GHG requirements for new buildings, PACE financing, and home energy labelling; and also requesting that the province empower local governments to opt to take action, if they so choose, on the two remaining items of the Help Cities Lead's campaign, namely GHG requirements for existing buildings and building energy benchmarking. The motion carried unanimously.

- (c) Correspondence dated 2021-JAN-18 from The PACE BC Steering Committee re: Adoption of the Property Assessed Clean Energy (PACE) Financing in British Columbia
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It was moved and seconded that the City of Nanaimo write a letter to the:

- Ministry of Environment
- Minister of Energy, Mines and Low Carbon Innovation
- Minister of Municipal Affairs
- Minister of Housing
- PACE BC

expressing support for B.C. Legislation enabling PACE by third party administration and confirming City of Nanaimo's interest in having a PACE program when it becomes available. The motion carried.

Opposed: Councillors Thorpe and Turley

12. ADJOURNMENT:

It was moved and seconded at 8:32 p.m. that the meeting adjourn. The motion carried unanimously.

CERTIFIED CORRECT:

CHAIR

DEPUTY CITY CLERK