

MINUTES
REGULAR COUNCIL MEETING
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2021-JUN-21, AT 4:00 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
D. Lindsay, General Manager, Development Services
B. Sims, General Manager, Engineering and Public Works
Supt. C. Miller, OIC, Nanaimo Detachment RCMP
B. Corsan, Director, Community Development
L. Mercer, Director, Finance
F. Farrokhi, Manager, Communications
J. Rose, Manager, Transportation
D. Blackwood, Client Support Specialist
D. Johnstone, Communications and Digital Content Specialist
S. Gurrie, Director, Legislative Services
K. Robertson, Deputy City Clerk
K. Gerard, Steno, Legislative Services
K. Lundgren, 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*:

- (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;
- (g) litigation or potential litigation affecting the municipality; 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 4:01 p.m.

Council moved out of In Camera at 6:15 p.m.

Council recessed the Open Meeting 6:15 p.m.

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

3. INTRODUCTION OF LATE ITEMS:

- (a) Add Agenda Item 10(b) – Governance and Priorities Committee 2020-OCT-26 Recommendation – Short-Term Rental Regulations
- (b) Add Agenda Item 12(a) – 2020 Annual Municipal Report and re-order Report items accordingly.
- (c) Agenda Item 12(a) – 2020 Annual Municipal Report – Replace page 43 to correct 424 Wallace Street to read 424 Wesley Street.

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 from the Regular Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2021-JUN-07, at 4:30 p.m. be adopted as circulated. The motion carried unanimously.

6. MAYOR'S REPORT:

Mayor Krog spoke regarding:

- Recognizing that today, 2021-JUN-21, is National Indigenous Peoples Day. Celebrating and honouring the diverse and rich heritage, language, culture and outstanding achievements of First Nations, Inuit and Métis peoples who have lived on these lands for thousands of years. Reconciliation remains a top priority for this Council in building stronger relationships

- BC Housing and Snuneymuxw First Nation signing of the Memorandum of Understanding committing to building 75 housing units
- The City is seeking feedback on the proposed Departure Bay Waterfront Walkway. The project's brochure, video and survey are available on the City's online platform. The public is encourage to provide their input until 2021-JUN-30
- 2021-JUN-15 commenced annual water quality testing on Nanaimo's outdoor swim spots
- Lifeguards will be on duty at Westwood Lake Park daily from 12 p.m. – 6 p.m. from June 29th to September 5th. Starting 2021-JUN-29. Swimming lessons available at Westwood Lake Park from July 6th to September 2nd
- The City of Nanaimo and Regional District of Nanaimo (RDN) have been selected to participate in the Circular Cities & Regions Initiative peer to peer network. It is a pilot project created to advance circular economy knowledge sharing and capacity building in the local government sector
- Parks, Recreation and Culture program proposals for the upcoming Fall 2021 activity guide are now being accepted. Submission deadline is 4:00 p.m. 2021-JUL-14. Winter season program proposals may be submitted up until 2021-SEP-20
- Upgrades to the façade of the downtown theater at 25 Victoria Road are now complete and re-launching as The OV Art Centre
- Extending deepest condolences to family and friends of City of Nanaimo's former Mayor Graeme Roberts who served as mayor from 1984-1986. In 1986 Mayor Roberts proclaimed the new slogan for our City "The Harbour City".

7. PRESENTATIONS:

(a) RCMP Superintendent Cameron Miller

Mayor Krog spoke regarding RCMP Superintendent Cameron Miller's career and years of service. He thanked him for his performance and service to the City of Nanaimo, and wished him success in his new position as Officer in Charge of Vancouver Island Highway Patrol effective 2021-MAY-27.

8. COMMITTEE MINUTES:

The following Committee Minutes were received:

- Minutes from the Board of Variance Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Thursday, 2021-APR-01 at 4:00 p.m.
- Minutes from the Governance and Priorities Committee Meeting held virtually on Monday, 2021-MAY-31, at 10:01 a.m.

9. CONSENT ITEMS:

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

Prior to the vote Councillor Bonner requested that Agenda Item 10(b)(1) Short-Term Rental Regulations be removed to be voted on separately.

(a) Finance and Audit Committee Meeting 2021-JUN-16

1. Nanaimo Foodshare Society

That the City of Nanaimo grant Nanaimo Foodshare \$10,000 as bridging funding while community stakeholders identify additional funding sources.

2. Heritage Home Grant Application - 167 Irwin Street

That Council approve a \$1,706.25 Heritage Home Grant to repaint the exterior of the Land “Fernville” Residence at 167 Irwin Street.

3. Reopening of Beban Pool

That Council direct Staff to reopen Beban Pool on 2021-OCT-04 providing Provincial Health Orders permit.

4. Leisure Economic Access Pass (LEAP) Program Review Recommendations

That Council approve of the program review recommendations provided by the Advisory Committee on Accessibility and Inclusiveness and direct Staff to proceed with Phase 4 of the LEAP Program Review – Implementation.

5. Nanaimo Aquatic Centre Mechanical Mezzanine Roof Parapet and Wall Repairs

That Council approve adding \$227,000 to the 2021-2025 Financial Plan to complete the necessary repairs at the Nanaimo Aquatic Centre to be funded by the Facility Development Reserve.

6. Rotary Bowl Oval Renewal Project

That Council approve moving the Phase 2 rubberized track replacement project from 2024 to 2021 in the 2021-2025 Financial Plan funded from the Community Works Reserve Fund.

7. Update to the Temporary Public Art Program and Development of the Urban Design Roster

That Council consider an increase of \$25,000 to the public art budget during the 2022-2026 financial plan deliberations to support the Urban Design Roster initiative.

8. 2021 Resilience Grant Recommendations

That Council:

- (a) approve the 2021 Resilience Grant funding recommendations to allocate existing funds of \$28,559 as follows:

- **Project: Weaving Nature Ceremony and Ancestors**
 - **Applicant Name:** Dave Bodaly
 - **Recommend:** \$4,500
- **Project: Musicians Forum**
 - **Applicant Name:** Elise Boulanger
 - **Recommend:** \$4,379
- **Project: Riverbed Programs**
 - **Applicant Name:** Heather Kai-Smith
 - **Recommend:** \$4,500
- **Project: Digital Issue of Sad Girl Review**
 - **Applicant Name:** Amber R. Morrison
 - **Recommend:** \$3,730
- **Project: EMPATHY: Care for Collective**
 - **Applicant Name:** Sara Robichaud
 - **Recommend:** \$4,400
- **Project: Apples: A Very Gustatory and Cultural Review**
 - **Applicant Name:** Rachelle Stein-Wotton
 - **Recommend:** \$3,300
- **Project: Hul'q'umi'num Course**
 - **Applicant Name:** Eliot White-Hill
 - **Recommend:** \$3,750

- (b) approve the recommended reallocation of additional unclaimed funds from the 2021 Downtown Event Revitalization Fund and the 2021 Culture and Heritage Project grants to support the 2021 Resilience Grant recommendations of \$22,987 as follows:

- **Project: Digital Music Video Creation**
 - **Applicant Name:** Nicole Arendt
 - **Recommend:** \$3,800
- **Project: The Sun and the Moon – Online Dance**
 - **Applicant Name:** Holly Bright
 - **Recommend:** \$3,800
- **Project: Nanaimo Mastering Service**
 - **Applicant Name:** Arlen Thompson

- **Recommend:** \$3,800
- **Project: Visual Arts Workshops**
 - **Applicant Name:** Yvonne Vander Kooi
 - **Recommend:** \$3,750
- **Project: Forum Theatre Workshops**
 - **Applicant Name:** Pacific Coast Stage Company
 - **Recommend:** \$4,000
- **Project: Digital Theatre Initiative**
 - **Applicant Name:** Western Edge Theatre
 - **Recommend:** \$3,837

and;

- (c) direct Staff to return to the Finance & Audit Committee to report on recommendations for additional 2021 Resilience Grants funding, should further money be returned to the City or unclaimed from the 2021 Downtown Event Revitalization Fund and/or 2021 Culture and Heritage Project grants.

The motion carried unanimously.

(b) Separately Addressed Consent Items

1. Governance and Priorities Committee 2020-OCT-26

1. Short-Term Rental Regulations

That Council direct Staff to:

- 1. Prepare amendments to the City of Nanaimo's "Business Licence Bylaw 1998 No. 5351", "City of Nanaimo Zoning Bylaw 2011 No. 4500", and "Off-Street Parking Regulations Bylaw 2018 No. 7266" in order to:
 - a. add a definition to "City of Nanaimo Zoning Bylaw 2011 No. 4500" for "Short-Term Rentals";
 - b. add the definition of "Permanent Resident";
 - c. permit short-term rentals in Residential, Commercial, Downtown, and Corridor zones where the operator is a permanent resident of the dwelling unit or suite;
 - d. apply existing limits on the number of guests and guestrooms permitted within a bed and breakfast to all short-term rentals;
 - e. continue to allow short-term rental guestrooms within a secondary suite provided the total number of long-and/or short-term rental rooms does not exceed two per dwelling unit (house and suite);
 - f. require a business licence for all short-term rentals and bed and breakfasts within the City of Nanaimo based on proof of residency (including two of the following:

- voter registration, income tax returns, British Columbia driver's licence, British Columbia medical services card, Home Owner Grant application, and British Columbia identification card); and,
 - g. require one additional parking space for each short-term rental.
2. Prepare an explanatory guide and operator declaration form for short-term rentals that outlines short-term rental operator requirements, including providing contact information to Staff and neighbouring residences where the owner can be reached within 24 hours.
 3. Consult further with stakeholders and the public regarding Council's recommended option before returning to Council with bylaw amendments.

The motion carried unanimously.

10. REPORTS:

(a) 2020 Annual Municipal Report

Introduced by Sheila Gurrie, Director, Legislative Services.

It was moved and seconded that Council approve the 2020 Annual Municipal Report.
The motion carried unanimously

(b) Property Maintenance and Bylaw Notice Enforcement Amendment Bylaws

Introduced by Sheila Gurrie, Director, Legislative Services, and Karen Robertson, Deputy City Clerk, Legislative Services.

Property Maintenance and Standards Bylaw:

It was moved and seconded that "Property Maintenance and Standards Amendment Bylaw 2021 No. 7242.01" (To update the graffiti removal language, replace the Violation and Penalty section and delete the fine schedule) pass first reading. The motion carried
Opposed: Councillor Armstrong

It was moved and seconded that "Property Maintenance and Standards Amendment Bylaw 2021 No. 7242.01" pass second reading. The motion carried.
Opposed: Councillor Armstrong

It was moved and seconded that "Property Maintenance and Standards Amendment Bylaw 2021 No. 7242.01 pass third reading. The motion carried.
Opposed: Councillor Armstrong

Bylaw Notice Enforcement Amendment Bylaw:

It was moved and seconded that Bylaw Notice Enforcement Amendment Bylaw 2021 No. 7159.11” (To delete the fine schedule for the repealed Property Maintenance Bylaw 1990 No. 3704 and replace it with fine schedule for Property Maintenance and Standards Bylaw 2017 No. 7242) pass first reading. The motion carried.

Opposed: *Councillor Armstrong*

It was moved and seconded that “Bylaw Notice Enforcement Amendment Bylaw 2021 No. 7159.11” pass second reading. The motion carried unanimously.

Opposed: *Councillor Armstrong*

It was moved and seconded that “Bylaw Notice Enforcement Amendment Bylaw 2021 No. 7159.11” pass third reading. The motion carried.

Opposed: *Councillor Armstrong*

(c) Allocation of Pedestrian Budget to Enhance Accessibility - Part 2

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

It was moved and seconded that Council allocate the remaining Pedestrian Unallocated Budget as follows:

1. \$200,000 for transit stop accessibility improvements at the locations in Figure 1 of the report titled “Allocation of Pedestrian Budget to Enhance Accessibility - Part 2”, dated 2021-JUN-21;
2. \$250,000 for traffic signal accessibility improvements at the locations in Figure 2 of the report titled “Allocation of Pedestrian Budget to Enhance Accessibility - Part 2”, dated 2021-JUN-21; and
3. \$45,000 for miscellaneous accessibility improvements allocated to the Small Scale Road Improvement budget.

The motion carried unanimously.

(d) Development Permit Application No. DP1205 – 478 Machleary Street

Introduced by Dale Lindsay, General Manager, Development Services.

It was moved and seconded that Council issue Development Permit No. DP1205 at 478 Machleary Street with the following variances to:

- increase the maximum allowable principal building height from 7.75m to 8.75m; and,
- increase the maximum allowable fence height within the front yard setback from 1.2m to 2.2m for the proposed decorative arbours.

The motion carried unanimously.

(e) Development Variance Permit No. DVP421 – 5524 Cliffside Drive

Introduced by Dale Lindsay, General Manager, Development Services.

It was moved and seconded that that Council issue Development Variance Permit No. DVP421 at 5524 Cliffside Road with the following variances:

- 1. to increase the maximum allowable height for a proposed dwelling with a flat roof from 7m to 9m; and,
- 2. to increase the perimeter wall height from 7.32m to 9.30m on the east and west elevations, and increase the perimeter wall height from 9.14 to 9.50m on the south elevation.

The motion carried unanimously.

11. BYLAWS:

(a) "Zoning Amendment Bylaw 2021 No. 4500.180"

It was moved and seconded that "Zoning Amendment Bylaw 2021 No. 4500.180" (To amend Schedule D of "City of Nanaimo Zoning Bylaw 2011 No. 4500" to provide density bonusing points for rental and affordable housing developments) be adopted. The motion carried unanimously.

(b) "Bylaw Notice Enforcement Amendment Bylaw 2021 No. 7159.10"

It was moved and seconded that "Bylaw Notice Enforcement Amendment Bylaw 2021 No. 7159.10" (To replace Schedule B – Registry Agreement to authorize the District of North Cowichan to participate in the City's Dispute Adjudication Registry System) be adopted. The motion carried unanimously.

12. ADJOURNMENT:

It was moved and seconded at 7:48 p.m. that the meeting adjourn. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

CORPORATE OFFICER