

**MINUTES**  
REGULAR COUNCIL MEETING  
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2021-AUG-30, AT 4:00 P.M.

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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  
D. Lindsay, General Manager, Development Services  
B. Sims, General Manager, Engineering and Public Works  
T. Doyle, Fire Chief  
B. Corsan, Director, Community Development  
J. Van Horne, Director, Human Resources  
W. Fulla, Manager, Business Asset and Financial Planning  
L. Rowett, Manager, Current Planning  
B. Wardill, Manager, Revenue Services  
K. MacDonald, Parks and Open Space Planner  
K. Robertson, Deputy City Clerk, Legislative Services  
S. Snelgrove, 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*:

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

- (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; 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 4:00 p.m.

Council moved out of In Camera at 6:35 p.m.

Council recessed the Open Meeting 6:35 p.m.

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

3. INTRODUCTION OF LATE ITEMS:

- (a) Agenda item 12(f) Development Permit Application No. DP1185 – 388 Machleary Street – Add delegation from Greg Persanyi.
- (b) Agenda Item 12(g) Development Permit Application No. DP1214 – 400 Fitzwilliam Street – Add delegation from Jordan Royer and Pablo Yuste.
- (c) Agenda Item 12(h) Development Permit Application No. DP1228 - 591 Bradley Street – Add delegation from Raymond de Beeld.
- (d) Remove Agenda Item 8(a) Tourism Nanaimo Update.

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 2021-JUL-26 at 3:15 p.m. be adopted as circulated. The motion carried unanimously.

6. MAYOR'S REPORT:

Mayor Krog spoke regarding:

- The September 20, 2021 Council Meeting will be moved to Tuesday, September 21, 2021 to accommodate the federal election being held on September 20, 2021
- Masks are mandatory and required in all public indoor settings for those born in 2009 or earlier (twelve years old or older) and noted areas where masks are required
- We are in the middle of the fourth COVID-19 wave and understand how frustrated everyone is feeling but advised that the restrictions are for public health and asked the public to cooperate
- The City has received a 2.5 million dollar grant to support community resilience. The Strengthening Communities' Services Grant Program supports unsheltered homeless populations and addresses related community impacts experienced by the Nanaimo and Snuneymuxw communities
- The City is considering options for the 500 block of Terminal Avenue, also known as The Hub, and is seeking public feedback on options which include new plaza and park spaces, improved cycle and pedestrian connections and streetscape upgrades. The deadline to provide input on The Hub is October 4, 2021. To learn about the project and make your views known, please visit [www.getinvolvednanaimo.ca/thehub](http://www.getinvolvednanaimo.ca/thehub)
- The Province of BC has declared Drought Level 5 for Eastern Vancouver Island – its highest level, reflecting extremely dry conditions. The City of Nanaimo is at Stage 3 watering restrictions until October 1, 2021. Due to the very good conservation by the public over many years, there is adequate water in the watershed to supply the City and meet fire protection demand. Under Nanaimo's Stage 3 watering restrictions, even and odd watering days, based on address number, are in place for a maximum of two hours sprinkling between 7-10 a.m. or 7-10 p.m. Residents are encouraged to go further and voluntarily reduce all non-essential outdoor water use.
- The second Sunday in September of each year, September 12<sup>th</sup> in 2021, is Firefighters' National Memorial Day to recognize firefighters who have fallen in the line of duty. Flags will be at half mast which commemorates courage, selflessness and serving communities
- September 30<sup>th</sup> has been declared a national holiday, "National Day for Truth and Reconciliation", and with the guidance and leadership of Chief Wyse, Snuneymuxw First Nation, stakeholders are working towards events to honour that day
- Mayor Krog spoke regarding the threat to democracies around the world and encouraged everyone to vote and to send a message that Canadians value democracy and are going to exercise it

7. PRESENTATIONS:

(a) Development Approvals 2021 Mid-Year Update

Introduced by Dale Lindsay, General Manager, Development Services.

Presentation:

1. Lainya Rowett, Manager, Current Planning, provided a PowerPoint presentation. Highlights included:

- Mid-year residential construction value and total construction values pushing record numbers
- Single Family Dwellings and Two Family Dwellings in the first six months of 2021 are at 142 units
- Building permits issued represent strength and investment in the City
- Provided an overview of significant rezoning applications, development permits, infill projects and reviewed major projects approved
- Council will consider approving 442 units this evening
- Discussed permit processing times and factors that impact processing times
- Total units approved between January 1<sup>st</sup> and July 31<sup>st</sup> is 909 units
- Projecting over 1300 units for 2021

Dale Lindsay, General Manager, Development Services, continued the presentation. Highlights included:

- Seeing a sustained demand for building permits with extremely high activity and lots of pressure on Staff
- Recognized high activity in the Fall and Staff did incredible work adjusting to the pandemic
- Hired Neilson Strategies to complete the Building Permit Function Review and returned to Council with a number of recommendations, including:
  - Fast Track Permit Group – positions filled and stream established
  - Actively looking to fill two positions; however, hiring level 3 building officials is extremely difficult
  - Established Joint Building Permit Advisory Working Group to look at terms and conditions of the Fast Track program
  - Investment in technology - Expression of Interest issued to help with the online application process including communicating transparently regarding status of applications and to give a better picture of where time is being spent
  - Cost Recovery – Hoping successful grants cover costs

8. COMMITTEE MINUTES:

The following Committee Minutes were received:

- Minutes of the Finance and Audit Committee Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Wednesday, 2021-JUN-16 at 9:00 a.m.

9. REPORTS:

(a) New Statutory Holiday

Introduced by John Van Horne, Director, Human Resources.

It was moved and seconded that “Management Terms and Conditions of Employment Amendment Bylaw 2021 No. 7273.02” (To amend the provisions of the Management Terms and Conditions of Employment Bylaw 2019 No. 7273, to include the National Day for Truth and Reconciliation) pass first reading. The motion carried unanimously.

It was moved and seconded that “Management Terms and Conditions of Employment Amendment Bylaw 2021 No. 7273.02” pass second reading. The motion carried unanimously.

It was moved and seconded that “Management Terms and Conditions of Employment Amendment Bylaw 2021 No. 7273.02” pass third reading. The motion carried unanimously.

(b) Official Community Plan Amendment Application No. OCP93 and Rezoning Application No. RA463

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Introduced by Dale Lindsay, General Manager, Development Services and Lainya Rowett, Manager, Current Planning.

Delegations:

1. Selena Kwok, Low Hammond Rowe Architects, and Andrea Blakeman, Nanaimo Affordable Housing Society, via Zoom, advised they were in attendance to answer questions. Tinni Lalli, TGR Developments, was not in attendance.

It was moved and seconded that “Official Community Plan Amendment Bylaw 2021 No. 6500.042” (To re-designate 54, 55, 65, 66, 69, 70, and 73 Prideaux Street; and 503, 531, 605, 619, and 685 Comox Road on the Future Land Use Plan [Map 1] from Neighbourhood to Urban Node, and the text amendment of Section 4.1.2 Land Use Designations of the Old City Neighbourhood Concept Plan) pass first reading. The motion carried unanimously.

It was moved and seconded that “Official Community Plan Amendment Bylaw 2021 No. 6500.042” pass second reading. The motion carried unanimously.

It was moved and seconded that “Zoning Amendment Bylaw 2021 No. 4500.188” (To rezone 55, 65, 66, 69, and 73 Prideaux Street by increasing the maximum permitted building height and floor area ratio regulations in the Old City Mixed Use [DT8] zone) pass first reading. The motion carried unanimously.

It was moved and seconded that “Zoning Amendment Bylaw 2021 No. 4500.188” pass second reading. The motion carried unanimously.

It was moved and seconded that Council direct Staff to secure an off-site fire hydrant; an on-site storm water system; an expanded storm water right-of-way; and a covenant securing a community amenity contribution for market housing units and lot consolidation of the subject properties prior to adoption of “Zoning Amendment Bylaw 2021 No. 4500.188”, should Council support the bylaw at third reading. The motion carried unanimously.

(c) Rezoning Application No. RA464 – 608 Sandy Court

Introduced by Lainya Rowett, Manager, Current Planning.

It was moved and seconded that “Zoning Amendment Bylaw 2021 No. 4500.190” (To rezone 608 Sandy Court from Single Dwelling Residential [R1] to Three and Four Unit Residential [R5]) pass first reading. The motion carried.

Opposed: *Councillors Brown and Geselbracht*

It was moved and seconded that “Zoning Amendment Bylaw 2021 No. 4500.190” pass second reading. The motion carried.

Opposed: *Councillors Brown and Geselbracht*

It was moved and seconded that Council direct Staff to secure street trees, stormwater management upgrades, a community amenity contribution, and road dedication, should Council support the bylaw at third reading. The motion carried.

Opposed: *Councillors Brown, Geselbracht*

(d) Rezoning Application No. RA466 – 6643 Aulds Road

Introduced by Lainya Rowett, Manager, Current Planning.

It was moved and seconded that “Zoning Amendment Bylaw 2021 No. 4500.191” (To rezone 6643 Aulds Road from Single Dwelling Residential [R1] to Duplex Residential [R4]) pass first reading. The motion carried unanimously.

It was moved and seconded that “Zoning Amendment Bylaw 2021 No. 4500.191” pass second reading. The motion carried unanimously.

It was moved and seconded that Council direct Staff to secure the road dedication, road reserve covenant, community amenity contribution, and building orientation and driveway access covenant, should Council support the bylaw at third reading. The motion carried unanimously.

(e) Development Permit Application No. DP1236 and Housing Agreement Application No. HA5 – 6010 Hammond Bay Road

Introduced by Lainya Rowett, Manager, Current Planning.

It was moved and seconded that Council issue Development Permit No. DP1236 at 6010 Hammond Bay Road with a variance to increase the maximum permitted front yard setback from 6.00m to 13.75m on the north property line and from 6.00m to 7.69m on the south property line. The motion carried unanimously.

It was moved and seconded that “Housing Agreement Bylaw 2021 No. 7326” (To authorize a Housing Agreement to secure affordable housing at 6010 Hammond Bay Road) pass first reading. The motion carried unanimously.

It was moved and seconded that “Housing Agreement Bylaw 2021 No. 7326” pass second reading. The motion carried unanimously.

It was moved and seconded that “Housing Agreement Bylaw 2021 No. 7326” pass third reading. The motion carried unanimously.

It was moved and seconded that Council direct Staff to register a covenant to reinforce the terms of the Housing Agreement. The motion carried unanimously.

(f) Development Permit Application No. DP1185 – 388 Machleary Street

Introduced by Lainya Rowett, Manager, Current Planning.

Delegation:

1. Greg Persanyi, Vice President of Development, The Molnar Group, advised Council that his company was happy to be back in Nanaimo and to see the project built.

It was moved and seconded that Council issue Development Permit No. DP1185 at 388 Machleary Street. The motion carried unanimously.

(g) Development Permit Application No. DP1214 – 400 Fitzwilliam Street

Introduced by Lainya Rowett, Manager, Current Planning.

Delegation:

1. Jordan Royer, Development Manager, Omicron, via Zoom, thanked Council for its consideration and provided details of the proposal including an onsite public amenity, landscaping and working with Staff on all frontages. He noted they are very excited to begin this development process, look forward to next steps and was in available to answer questions. Pablo Yuste was not in attendance.

It was moved and seconded that Council issue Development Permit No. DP1214 at 400 Fitzwilliam Street with a variance to increase the maximum permitted building height of Building A from 14m to 17m and Building B from 14m to 19m. The motion carried.

Opposed: *Councillor Geselbracht*

(h) Development Permit Application No. DP1228 - 591 Bradley Street

Introduced by Lainya Rowett, Manager, Current Planning.

Delegations:

1. Raymond de Beeld, via zoom, advised he was in attendance to answer questions.

It was moved and seconded that Council issue Development Permit No. DP1228 at 591 Bradley Street with the following variances to:

- reduce the watercourse setback as measured from the top of bank of the Millstone River from 30m to 0m;

- increase the maximum allowable building height from 14.00m to 17.92m;
- reduce the minimum front yard setback from 1.8m to 0m for the underground parking structure; and
- increase the maximum allowable percentage of small car spaces from 40% to 41%.

The motion was defeated.

Opposed: *Councillor Armstrong, Brown, Geselbracht, Maartman and Thorpe*

(i) Liquor Licence Application No. LA144 – Unit 2, 75 Front Street

Introduced by Lainya Rowett, Manager, Current Planning.

(j) Fire Protection and Life Safety Regulation and Fees & Charges Amendment Bylaws

Introduced by Karen Robertson, Deputy City Clerk, Legislative Services.

It was moved and seconded that “Fire Protection & Life Safety Regulation Amendment Bylaw 2021 No. 7108.03” (To give delegated authority to the Fire Chief to enter into First Responder Training Agreements with other local governments) pass first reading. The motion carried unanimously.

It was moved and seconded that “Fire Protection & Life Safety Regulation Amendment Bylaw 2021 No. 7108.03” pass second reading. The motion carried unanimously.

It was moved and seconded that “Fire Protection & Life Safety Regulation Amendment Bylaw 2021 No. 7108.03” pass third reading. The motion carried unanimously.

It was moved and seconded that “Fees and Charges Amendment Bylaw 2021 No. 7041.04” (To incorporate the fees associated with the Fire Protection & Life Safety Regulation Bylaw) pass first reading. The motion carried unanimously.

It was moved and seconded that “Fees and Charges Amendment Bylaw 2021 No. 7041.04” pass second reading. The motion carried unanimously.

It was moved and seconded that “Fees and Charges Amendment Bylaw 2021 No. 7041.04” pass third reading. The motion carried unanimously.

10. BYLAWS:

(a) “Zoning Amendment Bylaw 2019 No. 4500.159”

It was moved and seconded that “Zoning Amendment Bylaw 2019 No. 4500.159” (To rezone 150 Esplanade and 155 Fry Street from Community Corridor [COR3] to Mixed Use Corridor [COR2]) be adopted. The motion carried unanimously.



(b) “Off-Street Parking Reserve Fund Establishing Bylaw 2021 No. 7328”

It was moved and seconded that “Off-Street Parking Reserve Fund Establishing Bylaw 2021 No. 7328” (To establish a statutory reserve for cash-in-lieu payments received under “Off-Street Parking Regulations Bylaw 2018 No. 7266”) be adopted. The motion carried unanimously.

(c) “Housing Agreement Bylaw 2021 No. 7329”

It was moved and seconded that “Housing Agreement Bylaw 2021 No. 7329” (To secure unit affordability) be adopted. The motion carried unanimously.

11. NOTICE OF MOTION:

(a) Councillor Brown Notice of Motion re: Supportive Housing Sites

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

"That Staff identify two sites that could support supportive housing outside of Nanaimo's downtown and south end and return to Council for further direction."

(b) Councillor Armstrong and Councillor Brown Notice of Motion re: Bicycle Storage Facilities

Councillor Armstrong and Councillor Brown advised that they would be bringing forward the following notice of motion for consideration at a future Council Meeting:

"That Staff prepare a scope of work for a pilot project to install secured bicycle storage facilities in the downtown for funding consideration at the 2022 budget deliberations."

(c) Councillor Armstrong and Councillor Brown Notice of Motion re: Chase River and Cinnabar Valley Mobility Plan

Councillor Armstrong and Councillor Brown advised that they would be bringing forward the following notice of motion for consideration at a future Council Meeting:

"That a scope of work and possible funding options for a comprehensive Chase River and Cinnabar Valley mobility plan, that includes consideration of automobile, pedestrian, public transit, cycling and other accessible transportation modes, be prepared for the Governance and Priorities Committee Meeting on connectivity challenges in south Nanaimo."

(d) Councillor Geselbracht Notice of Motion re: Zero Waste Circular Economy Strategy

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

"That the City of Nanaimo 2022 work plan include the development of a Zero Waste circular economy strategy that:

- seeks to leverage municipal powers to advance the regional goal of 90% diversion of waste from landfill by applying the framework of the zero waste hierarchy and the systems and process of Circular economy that eliminate waste and pollution, keep materials in circulation, and regenerate natural systems; and
- Includes investigating initiatives that improve access to recycling services and amenities, eliminate unnecessary single use items, implement deconstruction and sustainable demolition regulations, and support circular business entrepreneurship."

12. OTHER BUSINESS:

- (a) Councillor Geselbracht Motion re: City of Nanaimo Fossil Fuel Divestment and Ethical Investment Strategy and Policy Development

It was moved and seconded that Staff prepare a report on an investment policy and strategy that can achieve the following considerations:

1. Divest from fossil fuel companies, by supporting fossil fuel free investment portfolios, such as the MFA Fossil Fuel Free Short-Term Bond Fund and build on the examples of fossil fuel free investment strategies from other municipalities such as Vancouver and Victoria;
2. Select investments that make positive contributions to Environmental, Social and Governance (ESG) factors; and
3. Align investment with the Sec. 183 of the Community Charter, and best practices for investing public funds.
4. Provide strategic options with associated budgetary considerations that include options for the immediate divestment of all funds that include holdings involved in the production and distribution of fossil fuels and options that take a more graduated approach.

It was moved and seconded that Council refer consideration of the motion to a Governance and Priorities Committee Meeting with intent of receiving information from Staff regarding investment limitations, what the City's portfolio looks like and receiving advice. The motion to refer was defeated.

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

The vote was taken on the main motion. The motion carried.

Opposed: Mayor Krog, Councillors Armstrong, Turley, Thorpe

13. QUESTION PERIOD:

There was no one in attendance to ask questions.

14. ADJOURNMENT:

It was moved and seconded at 9:40 p.m. that the meeting adjourn. The motion carried unanimously.

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C H A I R

CERTIFIED CORRECT:

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CORPORATE OFFICER