

MINUTES
REGULAR COUNCIL MEETING
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
TUESDAY, 2021-SEP-21, AT 4:30 P.M.

Present: Mayor L. Krog, Chair
Councillor S. D. Armstrong
Councillor D. Bonner
Councillor T. Brown
Councillor B. Geselbracht (joined electronically)
Councillor E. Hemmens
Councillor Z. Maartman
Councillor I. W. Thorpe (joined electronically, disconnected 8:21 p.m.)

Absent: 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
L. Fletcher, A/OIC, Nanaimo Detachment RCMP
T. Doyle, Fire Chief
B. Corsan, Director, Community Development
J. Holm, Director, Development Approvals
L. Mercer, Director, Finance
L. Bhopalsingh, Manager, Community Planning
F. Farrokhi, Manager, Communications
D. LaBerge, Manager, Bylaw Services
B. Wardill, Manager, Revenue Services
D. Stewart, Social Planner
K. Robertson, Deputy City Clerk
S. Gurrie, Director, 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;
- (c) labour relations or other employee relations;
- (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;

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 6:39 p.m.

Council recessed the Open Meeting 6:39 p.m.
Council reconvened the Open Meeting at 7:00 p.m.

3. INTRODUCTION OF LATE ITEMS:

- (a) Agenda Item 12(e) Short-Term Rental Bylaw Amendments – Add delegation from Nathan Rotman.
- (b) Mayor Krog declared a conflict of interest for Agenda Item 12(e) Short-Term Rental Bylaw Amendments as he has a close family member who runs an Airbnb.

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-JUL-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-AUG-30 at 4:00 p.m.

The motion carried unanimously.

6. MAYOR'S REPORT:

Mayor Krog:

- Thanked those who voted in the recent Federal election and candidates who ran
- Noted there has not yet been a determination of who will be the member of parliament (MP) and expressed thanks to Paul Manly who has served as MP
- Noted the closure of the Tilray facility at Duke Point and reported that two significant businesses are interested in the facility and expressed sympathy for those who cannot transfer their employment and have lost their jobs
- Announced he was delighted to hear that the Nanaimo Port Authority, Snuneymuxw First Nation and Conqora Capital Partners Inc. are entering into agreements to provide a high-speed passenger ferry service connecting Nanaimo and downtown Vancouver
- Advised the City is seeking feedback on Westwood Lake amenity improvements and encouraged the public to take the survey and provide feedback at www.getinvolvednanaimo.ca/westwood
- Council will consider adopting the Animal Responsibility Bylaw this evening and hopes people will take time to read the bylaw to ensure better treatment of animals
- Advised the BC Urban Mayors Caucus adopted the report "Ensuring Local Government Financial Resiliency: Today's Recovery and Tomorrow's New Economy". The report provides recommendations on reforming local government financing that, when implemented, will create positive outcomes for the provincial government and local governments
- Council submitted three resolutions to the Union of BC Municipalities Convention (UBCM) and the resolution regarding BC Circular Economy Strategy was endorsed. Resolutions regarding Right to Repair Legislation and Province-Wide Strategy to Manage Construction and Demolition Waste were similar to resolutions submitted by other municipalities which were endorsed at UBCM
- During UBCM Council met with numerous cabinet ministers such as the Hon. David Eby, Attorney General, Hon. Murray Rankin, Minister of Indigenous Relations and Reconciliation, Hon. Sheila Malcolmson, Minister of Mental Health and Addictions, Hon. Mike Farnworth, Minister of Public Safety and Solicitor General, as well as BC Assessment, BC Housing and BC Hydro
- The City has received some criticism regarding improvements to Metral Drive and Mayor Krog advised the City has won three awards for the design standards and implementation

7. RISE AND REPORT:

At the In Camera portion of the August 30, 2021 meeting, Council appointed Jill Yuzwa and Angela Buick as at-large members on the Design Advisory Panel for a three year term. Councillor Brown was appointed as Council representative and Councillor Hemmens as alternate.

8. PRESENTATIONS:

(a) Tourism Nanaimo Update

Introduced by Richard Harding, General Manager, Parks, Recreation and Culture.

Presentation:

1. Jenn Houtby-Ferguson, Interim Manager, Tourism Nanaimo, provided a presentation. Highlights included:
 - As of July 1st visitors to British Columbia were welcomed from across Canada, as of August 9th fully vaccinated Americans were welcomed and as of September 7th fully vaccinated international travellers were welcomed
 - Snapshot shows that year over year numbers for tourism are rising but compared to pre COVID-19, numbers are at 50%
 - Challenges include human resources capacity in restaurants and the accommodation sector
 - The perception of risk from wildfires and the state of emergency caused some advertising partners to back out and Nanaimo was impacted
 - Highway closures impacted the ability to move to and from parts of the province which impacted people coming to Nanaimo
 - Initiatives include a new website launch, ambassadors at the waterfront and at Departure Bay Beach, social and print campaigns in Alberta, working collaboratively with the Nanaimo Hospitality Association and a research and branding strategy with Vancouver Island University

9. REPORTS:

(a) Mural De-accession - Maffeo Sutton Park Washroom Building

Introduced by Richard Harding, General Manager, Parks, Recreation and Culture.

It was moved and seconded that Council approve the de-accession of the following artworks from the City of Nanaimo Public Art collection: Dan Richey, Underwater Fantasy (2005). The motion carried unanimously.

(b) Climate Action Reserve Fund Bylaw

Introduced by Laura Mercer, Director, Finance.

It was moved and seconded that “Climate Action Reserve Fund Bylaw 2021 No. 7330” (To establish a Climate Action Reserve Fund) pass first reading. The motion carried unanimously.

It was moved and seconded that “Climate Action Reserve Fund Bylaw 2021 No. 7330” pass second reading. The motion carried unanimously.

It was moved and seconded that “Climate Action Reserve Fund Bylaw 2021 No. 7330” pass third reading. The motion carried unanimously.

Councillor Geselbracht excused himself due to a conflict of interest and disconnected from the Zoom meeting at 7:27 p.m.

(c) 10 Year Property Tax Exemption Bylaw for the Island Corridor Foundation (ICF)

Introduced by Laura Mercer, Director, Finance.

It was moved and seconded that Council approve a cash grant of \$114,301.55 for 2021 property taxes to the Island Corridor Foundation for the properties that became taxable in 2021. The motion carried unanimously.

It was moved and seconded that “Property Tax Exemption Bylaw (Island Corridor Foundation) 2021 No. 7331” (To provide a 10-Year Permissive Tax exemption, 2022 to 2031 inclusive) pass first reading. The motion carried unanimously.

It was moved and seconded that “Property Tax Exemption Bylaw (Island Corridor Foundation) 2021 No. 7331” pass second reading. The motion carried unanimously.

It was moved and seconded that “Property Tax Exemption Bylaw (Island Corridor Foundation) 2021 No. 7331” pass third reading. The motion carried unanimously.

Councillor Geselbracht rejoined the meeting electronically at 7:32 p.m.

(d) Consideration of New Permissive Tax Exemption Applications

Introduced by Laura Mercer, Director, Finance.

It was moved and seconded that Council:

1. Award a permissive tax exemption for the 2022 tax year to the Nanaimo Association for Community Living for property owned at 3425 Uplands Drive;
2. Award a permissive tax exemption for the 2022 tax year to Woodgrove Senior Citizens Housing Society for property owned at 1145 Seafield Crescent;
3. Award a permissive tax exemption for the 2022 tax year to the Hai An Buddhist Society for property owned at 587 Seventh Street;
4. Award a permissive tax exemption for the 2022 tax year to the Nanaimo Affordable Housing Society for property owned at 858 Georgia Street;
5. Award a permissive tax exemption for the 2022 tax year to the Nanaimo Affordable Housing Society for property owned at 77 Mill Street;
6. Award a permissive tax exemption for the 2022 tax year to the Nanaimo Affordable Housing Society for property owned at 10 Buttertubs Drive; and
7. Award a permissive tax exemption for the 2022 tax year to Trinity United Church for the property recently purchased at 6011 Doumont Road.

The motion carried unanimously.

Mayor Krog declared a conflict of interest as his family member has an Airbnb and vacated the Shaw Auditorium at 7:36 p.m. Councillor Brown assumed the Chair.

(e) Short-Term Rental Bylaw Amendments

Introduced by Dale Lindsay, General Manager, Development Services and Jeremy Holm, Director, Development Approvals.

Delegation:

1. Nathan Rotman was not in attendance.

It was moved and seconded that “Zoning Amendment Bylaw 2021 No. 4500.186” (To regulate short-term rentals) pass first reading. The motion carried unanimously.

It was moved and seconded that “Zoning Amendment Bylaw 2021 No. 4500.186” pass second reading. The motion carried unanimously.

It was moved and seconded that “Off-Street Parking Regulations Amendment Bylaw 2021 No. 7266.01” (To require one parking space for a short-term rental use) pass first reading. The motion carried unanimously.

It was moved and seconded that “Off-Street Parking Regulations Amendment Bylaw 2021 No. 7266.01” pass second reading. The motion carried unanimously.

It was moved and seconded that Council:

1. confirm a business licence is required for all short-term rentals, including bed and breakfasts, in Nanaimo; and
2. direct Staff to prepare an explanatory guide and operator declaration form for Nanaimo residents interested in operating a short-term rental, including a bed and breakfast.

The motion carried unanimously.

Mayor Krog returned to the Shaw Auditorium at 7:52 p.m. and resumed the Chair.

(f) Development Variance Permit Application No. DVP424 - 147 Swanson Road

Introduced by Jeremy Holm, Director, Development Approvals.

Delegation:

1. Blair Yarocki advised the building is tenanted, he wanted to keep the property the same and was prepared to do what was needed to make it acceptable.

Mayor Krog requested that Council hear anyone wishing to speak with respect to DVP424 - 147 Swanson Road.

The immediate neighbour spoke in favour of the property being kept the same and inquired how development approvals occur within the City of Nanaimo.

It was moved and seconded that Council issue Development Variance Permit No. DVP424 at 147 Swanson Road to increase the maximum permitted Gross Floor Area for all accessory buildings on the lot from 90.0m² to 563.4m². The motion carried unanimously.

(g) Development Permit Application No. DP1200 - 155 Fry Street

Introduced by Jeremy Holm, Director, Development Approvals.

It was moved and seconded that Council issue Development Permit No. DP1200 for a mixed-use residential and commercial development at 155 Fry Street with the following variances to:

- increase the maximum allowable building height from 18.00m to 18.87m; and
- increase the maximum allowable percentage of small car parking spaces from 40% to 52%.

The motion carried unanimously.

(h) Development Permit Application No. DP1215 - 1205 Ocean Pearl Terrace

Introduced by Jeremy Holm, Director, Development Approvals.

Councillor Thorpe disconnected from the meeting at 8:16 p.m.

It was moved and seconded that Council issue Development Permit No. DP1215 at 1205 Ocean Pearl Terrace for a 30 unit multi-family development with the following variances to:

- increase the maximum allowable building height from 9.0m to 11.2m for the apartment building;
- increase the maximum allowable building height from 9.0m to 10.05m for the five-plex building;
- reduce the minimum required front yard setback from 6.0m to 5.2m for the five-plex building, and
- reduce the minimum required front yard setback from 6.0m to 3.0m for the proposed bike storage building.

The motion carried unanimously.

Councillor Thorpe rejoined the meeting electronically at 8:17 p.m.

(i) Development Permit Application No. DP1217 - 30 and 32 Lorne Place

Introduced by Jeremy Holm, Director, Development Approvals.

It was moved and seconded that Council issue Development Permit No. DP1217 at 30 and 32 Lorne Place to add four townhouse units with the following variances:

- increase the maximum allowable building height from 7m to 8.25m;
- reduce the minimum required rear yard setback from 7.5m to 2m (Units 1, 2 and 3);

- reduce the minimum required side yard setback from 3m to 1.5m (Unit 4)

The motion carried unanimously.

(j) Development Permit Application No. DP1227 - 20 Barsby Avenue

Introduced by Jeremy Holm, Director, Development Approvals.

It was moved and seconded that Council issue Development Permit No. DP1227 at 20 Barsby Avenue with a variance to increase the maximum allowable fence height from 3.00m up to 3.85m for a retaining wall. The motion carried unanimously.

Councillor Thorpe disconnected from the meeting at 8:21 p.m.

10. BYLAWS:

(a) "Fire Protection & Life Safety Regulation Amendment Bylaw 2021 No. 7108.03"

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) be adopted. The motion carried unanimously.

(b) "Fees and Charges Amendment Bylaw 2021 No. 7041.04"

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) be adopted. The motion carried unanimously.

(c) "Management Terms and Conditions of Employment Amendment Bylaw 2021 No. 7273.02"

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) be adopted. The motion carried unanimously.

(d) "Housing Agreement Bylaw 2021 No. 7326"

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) be adopted. The motion carried unanimously.

(e) "Animal Responsibility Bylaw 2021 No. 7316"

It was moved and seconded that "Animal Responsibility Bylaw 2021 No. 7316" (To include provisions for animal welfare, control, licensing, duties of animal owners, penalties, and enforcement) be adopted. The motion carried unanimously.

(f) "Fees and Charges Amendment Bylaw 2021 No. 7041.02"

It was moved and seconded that "Fees and Charges Amendment Bylaw 2021 No. 7041.02" (To add Animal Control Fees) be adopted. The motion carried unanimously.

(g) Bylaw Notice Enforcement Amendment Bylaw 2021 No. 7159.12 & Parks, Recreation & Culture Regulation Amendment Bylaw 2021 No. 7073.08

Introduced by Sheila Gurrie, Director, Legislative Services.

Bylaw Notice Enforcement Amendment Bylaw No. 7159.12

It was moved and seconded that "Bylaw Notice Enforcement Amendment Bylaw 2021 No. 7159.12" (To amend the fine schedule for the Parks, Recreation and Culture Bylaw and add a fine schedule for the Animal Responsibility Bylaw) pass first reading. The motion carried unanimously.

Councillor Geselbracht disconnected from the meeting at 8:25 p.m.

It was moved and seconded that "Bylaw Notice Enforcement Amendment Bylaw 2021 No. 7159.12" pass second reading. The motion carried unanimously.

Councillor Geselbracht rejoined the meeting electronically at 8:25 p.m.

It was moved and seconded that "Bylaw Notice Enforcement Amendment Bylaw 2021 No. 7159.12" pass third reading. The motion carried unanimously.

Parks, Recreation and Culture Regulation Bylaw No. 7073.08

It was moved and seconded that "Parks, Recreation and Culture Regulation Amendment Bylaw 2021 No. 7073.08" (To remove sections that will be administered under the Animal Responsibility Bylaw and replace the Violation and Penalty section) pass first reading. The motion carried unanimously.

It was moved and seconded that "Parks, Recreation and Culture Regulation Amendment Bylaw 2021 No. 7073.08" pass second reading. The motion carried unanimously.

It was moved and seconded that "Parks, Recreation and Culture Regulation Amendment Bylaw 2021 No. 7073.08" pass third reading. The motion carried unanimously.

11. OTHER BUSINESS:

(a) Councillor Brown Motion re: Supportive Housing Sites

It was moved and seconded that Staff identify two sites that could support supportive housing outside of Nanaimo's downtown and south end neighbourhoods and return to Council for further direction. The motion carried unanimously.

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

Councillors Armstrong and Brown advised they no longer wished to bring this item forward.

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

It was moved and seconded 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. The motion carried unanimously.

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

It was moved and seconded 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.

The motion carried unanimously.

12. QUESTION PERIOD:

There was no one in attendance to ask questions.

13. ADJOURNMENT:

It was moved and seconded at 8:52 p.m. that the meeting adjourn. The motion carried unanimously.

CHAIR

ACTING MAYOR

CERTIFIED CORRECT:

CORPORATE OFFICER