

MINUTES
REGULAR COUNCIL MEETING
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2021-NOV-01, AT 5:00 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 (arrived 5:01 p.m.)

Staff: J. Rudolph, Chief Administrative Officer
D. Lindsay, General Manager, Development Services
B. Sims, General Manager, Engineering and Public Works
A. Groot, Director, Facilities and Parks Operations
J. Holm, Director, Development Approvals
L. Mercer, Director, Finance
S. Gurrie, Director, Legislative Services
K. Robertson, Deputy City Clerk
A. Mac Coll, Steno, Legislative Services
S. Snelgrove, Recording Secretary

1. CALL THE REGULAR MEETING TO ORDER:

The Regular Council Meeting was called to order at 5:00 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;
- (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;
- (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;
- (g) litigation or potential litigation affecting the municipality;

- (h) an administrative tribunal hearing or potential administrative tribunal hearing affecting the municipality, other than a hearing to be conducted by the Council or a delegate of Council;
- (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 may be excluded from the meeting;
- (o) the consideration of whether the authority under Section 91 [*other persons attending closed meetings*] should be exercised in relation to a Council meeting; 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 5:00 p.m.

Council moved out of In Camera at 6:03 p.m.

Council recessed the Open Meeting 6:03 p.m.

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

3. APPROVAL OF THE AGENDA:

It was moved and seconded that the Agenda be adopted. The motion carried unanimously.

4. 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-SEP-23 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-OCT-18 at 4:30 p.m.

The motion carried unanimously.

5. MAYOR'S REPORT:

Mayor Krog advised:

- Starting today, November 1, 2021 the new Provincial Health Order increases vaccine checking at recreation facilities including City of Nanaimo facilities. Parks, Recreation and Culture staff remind participants to bring their proof of vaccine and government issued identification.
- Remembrance Day on November 11, 2021 is approaching and the symbolic poppy pinning ceremony took place last Friday. Poppies are generally worn from the last Friday in October to November 11th. Donations raised from poppy sales will become part of a fund which the Legion uses to support veterans. Mayor Krog encouraged all citizens to wear a poppy, thanked those for their dedicated service to Canada and noted that a reduced capacity ceremony will be held at Dallas Square on Remembrance Day.

6. COMMITTEE MINUTES:

The following Committee Minutes were received:

- Minutes of the Environment Committee Meeting held virtually on Wednesday, 2021-MAY-12, at 5:01 p.m.
- Minutes of the Board of Variance Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Wednesday, 2021-JUN-30 at 4:00 p.m.
- Minutes of the Environment Committee Meeting held virtually on Wednesday, 2021-JUL-14, at 5:01 p.m.
- 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-SEP-22, at 9:00 a.m.
- 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-OCT-20, at 9:00 a.m.

7. CONSENT ITEMS:

Councillor Geselbracht requested that Agenda Item 10(a)(1) Fossil Fuel Divestment and Responsible Investing be removed to be voted on separately.

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

(a) Finance and Audit Committee Meeting 2021-OCT-20

1. Electric Vehicle Charging Station Participation Agreement

That Council direct Staff to:

1. Execute the attached Participation Agreement, dated June 23rd, 2021, to enter into contract with Community Energy Association to participate in the Mid-Island Electric Vehicle Charging Station Network;
2. Add a project to 2021 of the 2021-2025 Financial Plan, for the installation of four public, electric vehicle charging stations at City-owned sites within the community. These would be funded by a grant and a reallocation of existing resources; and
3. Collaborate with Regional District of Nanaimo staff to select specific locations within the area that optimize coverage.

2. Community Program Development Grant - Nanaimo Science and Sustainability Society

That Council approve the request from the Nanaimo Science and Sustainability Society (NS3) for a Community Program Development Grant in the amount of \$1,000 to assist in funding The Great Pumpkin Toss event for children and families.

(b) Governance and Priorities Committee Meeting 2021-OCT-25

1. Diana Krall Plaza Redevelopment Plan

That Council direct Staff to consider the material from the Diana Krall Plaza Redevelopment Plan as part of the upcoming discussions around the Commercial Street Revitalization Plan.

2. Downtown Hub Project Update

That Council direct Staff to focus on proofing concepts that accommodate a multi-story mixed use building on The Hub project site.

The motion carried unanimously.

(c) Separately Addressed Consent Items

1. Fossil Fuel Divestment and Responsible Investing

It was moved and seconded that 10% of the City of Nanaimo's investment portfolio excluding high interest saving accounts be socially responsible investments.

It was moved and seconded that Council defer consideration of the motion to a future Governance and Priorities Committee meeting. The motion was defeated.

Opposed: Mayor Krog, Councillors Armstrong, Hemmens, Maartman, Thorpe, Turley

The vote was taken on the main motion:

That 10% of the City of Nanaimo's investment portfolio excluding high interest saving accounts be socially responsible investments. The motion was defeated.

Opposed: Mayor Krog, Councillors Armstrong, Maartman, Thorpe, Turley

It was moved and seconded that Council update the current Investment Policy to include the following:

"Where possible, socially responsible investing (SRI) and green investing criteria will be applied to the selection of investments. The City's investment program will consider SRI products that adhere to statutory requirements and meet the objectives laid out in this policy. Organizations that adopt a socially responsible investment platform are preferred. Where SRI and green investments are within 5% of maximum available yields, SRI or green facilities will be exercised."

The motion carried.

Opposed: Councillors Bonner, Brown, Geselbracht, Hemmens

8. DELEGATIONS:

(a) Brian Snyder re: Manufactured Home Parks

Brian Snyder provided a PowerPoint presentation regarding protections for manufactured home parks in Nanaimo and requested that Council review and update "Mobile Home Parks Bylaw 1984 No. 2704" to add a compensation and relocation plan to protect owners. He noted manufactured homes provide an affordable housing source in the City, previous reviews completed, Provincial regulation and the consequences of redevelopment plan announcements.

9. REPORTS:

(a) Development Permit Application No. DP1206 - 1534 Extension Road

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

Delegation:

1. Chris Cathers spoke regarding the proposed 11-unit development including the urban farmhouse inspired contemporary design reflecting the history of local Scandinavian settlers of Chase River, low maintenance materials used

in the project, landscape design including fruit trees, native species, and drought tolerant plants and advised of the significant roadway improvements including sidewalks.

It was moved and seconded that Council issue Development Permit No. DP1206 at 1534 Extension Road to permit an 11-unit multi-family development with the following variances to:

- increase the maximum allowable fence height within the front yard setback from 1.2m to 2.8m for the proposed decorative arbour; and
- increase the maximum allowable percentage of small car parking spaces from 40% to 77%

The motion carried unanimously.

(b) General Amendments to City of Nanaimo Zoning and Parking Bylaws

Introduced by Jeremy Holm, Director, Development Approvals.

It was moved and seconded that “Zoning Amendment Bylaw 2021 No. 4500.182” (To make general text and mapping amendments to “City of Nanaimo Zoning Bylaw 2011 No. 4500”) pass first reading. The motion carried unanimously.

It was moved and seconded that “Zoning Amendment Bylaw 2021 No. 4500.182” pass second reading. The motion carried unanimously.

It was moved and seconded that “Off-Street Parking Regulations Amendment Bylaw 2021 No. 7266.02” (To make general text amendments to “Off-Street Parking Regulation Bylaw 2018 No. 7266”) pass first reading. The motion carried unanimously.

It was moved and seconded that “Off-Street Parking Regulations Amendment Bylaw 2021 No. 7266.02” pass second reading. The motion carried unanimously.

(c) Official Community Plan Amendment Application - No. OCP100 and Rezoning Application No. RA472 - 456 Milton Street

Introduced by Jeremy Holm, Director, Development Approvals.

It was moved and seconded that “Official Community Plan Amendment Bylaw 2021 No. 6500.046” (To allow seven residential units at 456 Milton Street) pass first reading. The motion carried unanimously.

It was moved and seconded that “Official Community Plan Amendment Bylaw 2021 No. 6500.046” pass second reading. The motion carried unanimously.

It was moved and seconded that “Zoning Amendment Bylaw 2021 No. 4500.193” (To rezone 456 Milton Street from R14 - Old City Low Density Fourplex Residential to R15 - Old City Medium Density Residential) pass first reading. The motion carried unanimously.

It was moved and seconded that “Zoning Amendment Bylaw 2021 No. 4500.193” pass second reading. The motion carried unanimously.

It was moved and seconded that Council direct Staff to secure a community amenity contribution and road dedication prior to adoption of the “Zoning Amendment Bylaw 2021 No. 4500.193”, should Council support the zoning amendment bylaw at third reading. The motion carried unanimously.

(d) Council Seating Arrangements Policy

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

It was moved and seconded that Council endorse the Council Seating Arrangements Policy as attached to the November 1, 2021 report by the Deputy City Clerk. The motion carried unanimously.

(e) Political Signage Regulation Bylaw

Introduced by Karen Robertson, Deputy City Clerk, Legislative Services

Political Signage Regulation Bylaw

It was moved and seconded that “Political Signage Regulation Bylaw 2021 No. 7335” (To govern the use of political signs within the City of Nanaimo) pass first reading. The motion carried.

Opposed: *Councillor Brown*

It was moved and seconded that “Political Signage Regulation Bylaw 2021 No. 7335” pass second reading. The motion carried.

Opposed: *Councillors Brown, Geselbracht*

It was moved and seconded that “Political Signage Regulation Bylaw 2021 No. 7335” pass third reading. The motion carried.

Opposed: *Councillors Brown, Geselbracht*

Traffic and Highways Amendment Bylaw

It was moved and seconded that “Traffic and Highways Regulation Amendment Bylaw 2021 No. 5000.047” (To remove references to election signage) pass first reading. The motion carried.

Opposed: *Councillor Geselbracht*

It was moved and seconded that “Traffic and Highways Regulation Amendment Bylaw 2021 No. 5000.047” pass second reading. The motion carried.

Opposed: *Councillor Geselbracht*

It was moved and seconded that “Traffic and Highways Regulation Amendment Bylaw 2021 No. 5000.047” pass third reading. The motion carried.

Opposed: *Councillor Geselbracht*

Sign Amendment Bylaw

It was moved and seconded that “Sign Amendment Bylaw 2021 No. 2850.23” (To remove references to political or campaign signs) pass first reading. The motion carried unanimously.

It was moved and seconded that “Sign Amendment Bylaw 2021 No. 2850.23” pass second reading. The motion carried unanimously.

It was moved and seconded that “Sign Amendment Bylaw 2021 No. 2850.23” pass third reading. The motion carried unanimously.

Bylaw Notice Enforcement Amendment Bylaw

It was moved and seconded that “Bylaw Notice Enforcement Amendment Bylaw 2021 No. 7159.14” (To assign fines associated with political sign violations) pass first reading. The motion carried unanimously.

It was moved and seconded that “Bylaw Notice Enforcement Amendment Bylaw 2021 No. 7159.14” pass second reading. The motion carried unanimously.

It was moved and seconded that “Bylaw Notice Enforcement Amendment Bylaw 2021 No. 7159.14” pass third reading. The motion carried unanimously.

(f) 2022 Vancouver Island Regional Library Board Appointments

Introduced by Sheila Gurrie, Director, Legislative Services.

It was moved and seconded that Council appoint Councillor Hemmens as trustee and Councillor Maartman as the alternate to the Vancouver Island Regional Library Board of Trustees for the January 1, 2022 to November 6, 2022 term. The motion carried unanimously.

10. BYLAWS:

(a) "Business Licence Bylaw 2021 No. 7318"

Mayor Krog requested that Council hear anyone wishing to speak with respect to "Business Licence Bylaw 2021 No. 7318".

No one in attendance wished to speak regarding business licence bylaw "Business Licence Bylaw 2021 No. 7318".

(b) "Fees and Charges Amendment Bylaw 2021 No. 7041.03"

It was moved and seconded that “Fees and Charges Amendment Bylaw 2021 No. 7041.03” (To add business licence fees) be adopted. The motion carried unanimously.

(c) "Bylaw Notice Enforcement Amendment Bylaw 2021 No. 7159.13"

It was moved and seconded that "Bylaw Notice Enforcement Amendment Bylaw 2021 No. 7159.13" (To replace the fine schedule for the Business Licence Regulation Bylaw) be adopted. The motion carried unanimously.

(a) "Business Licence Bylaw 2021 No. 7318" (continued)

It was moved and seconded that "Business Licence Bylaw 2021 No. 7318" (To regulate the operation of businesses within the City of Nanaimo) be adopted. The motion carried unanimously.

11. OTHER BUSINESS:

(a) Councillor Armstrong Motion re: Safety Audits and 911 Response Calls via Mental Health Specialists

It was moved and seconded that Council support the RCMP Community Policing Team in securing a meeting with the Honourable Sheila Malcolmson, MLA, to present the safety audit reports and request a solution. The motion carried unanimously.

It was moved and seconded that Council direct Staff to include the following recommendation in a Governance and Priorities Committee Meeting regarding resolutions for Council to consider endorsing for the Association of Vancouver Island and Coastal Communities Convention:

- That Council direct Staff to engage with the Union of British Columbia Municipalities (UBCM) to engage the Province on resolving the issue of how 9-1-1 calls can be routed and responded to by mental health specialists (whether Police or Ministry of Health) throughout the province.

The motion carried unanimously.

(b) Councillor Hemmens Motion re: Memorandum of Understanding with BC Housing

It was moved and seconded that Council direct Staff to negotiate a Memorandum of Understanding with BC Housing which incorporates the following:

- Addresses housing needs identified in the Health and Housing Action Plan;
- Explores opportunities to cap permanent supportive units at 35 residents;
- Creation of dry facilities; and
- Development of transitional housing

The motion carried.

Opposed: Councillor Brown

8. DELEGATIONS:

(a) Brian Snyder re: Manufactured Home Parks (continued):

Council discussion took place regarding inclusion of manufactured home parks in the Affordable Housing Strategy, inclusion of this topic in a future Governance and Priorities Committee meeting regarding affordable housing, the Province's role in regulation and specific zoning within the City of Nanaimo for manufactured home parks.

12. QUESTION PERIOD:

There were no members of the public in attendance to ask questions.

13. ADJOURNMENT:

It was moved and seconded at 9:04 p.m. that the meeting adjourn. The motion carried unanimously.

C H A I R

CERTIFIED CORRECT:

CORPORATE OFFICER