

MINUTES
REGULAR COUNCIL MEETING
ELECTRONIC MEETING
MONDAY, 2022-JAN-17, 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

Staff: J. Rudolph, Chief Administrative Officer
D. Lindsay, Deputy Chief Administrative Officer/General Manager,
Development Services
R. Harding, General Manager, Parks, Recreation and Culture
B. Sims, General Manager, Engineering and Public Works
T. Doyle, Fire Chief
B. Corsan, Director, Corporate and Business Development
J. Holm, Director, Development Approvals
L. Mercer, Director, Finance
P. Rosen, Director, Engineering
J. Rose, Manager, Transportation
M. Squire, Manager, Water Resources
P. Stewart, Manager, Engineering Projects
M. Elliott, Project Manager, Engineering and Public Works
K. Robertson, Deputy City Clerk
N. Sponaule, Legislative Communications 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 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*:

Section 90(1) A part of the Council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

- (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;
- (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; 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 6:28 p.m.

Council recessed the Open Meeting 6:28 p.m.

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

Mayor Krog advised that for the month of January Council will be attending meetings electronically in response to COVID-19. He noted the January Public Hearings have been postponed and staff continue to monitor and evaluate the situation. He noted registered delegations are encouraged to attend meetings electronically.

3. INTRODUCTION OF LATE ITEMS:

- (a) Agenda Item 12(e) Development Permit Application No. DP001204 - 25 Spyglass Lookout – Add delegation information form for Mark Kelly and add the following delegations:
 - 1. Greg Herringer
 - 2. Jurgen Goering
 - 3. James MacQuarrie
 - 4. John Sinclair
 - 5. Corinne Brolewicz

6. Alfredo Tura
7. Christina Nichol

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-NOV-18 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-DEC-06 at 4:00 p.m.
- 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-DEC-16 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-DEC-20 at 4:00 p.m.

The motion carried unanimously.

6. MAYOR'S REPORT:

Mayor Krog spoke regarding:

- Extra garbage collection pick-up has been added to make up for missed collection days due to the snow events
- The 20 meter tank at Beban Park Pool is open, upgrades have been completed and an accessibility audit was completed last year
- The "Complete Street" upgrades on Fourth Street start in January with closures between Bruce and Pine Streets and detours are in effect. Phase one will be completed by the summer
- Complete Streets are designed for everyone, they increase safety and comfort and the Federal government contributed \$750,000 to the Fourth Street project
- Mayor Krog extended a sincere thank you to City crews who worked long hours in challenging circumstances through the unprecedented snowfall
- He noted there is an organized system to ensure priority routes are cleared of snow, based on consultation with the RCMP, paramedics, ambulance and other emergency services

- Each year Staff review changes and improvements that can be made to the priority route clearing process

7. PRESENTATIONS:

(a) Poetry Reading

Poet Laureate Kamal Parmar provided a pre-recorded poetry reading titled Flying High, to welcome the New Year.

(b) Regional District of Nanaimo Freshwater Perspectives 2021 Public Benchmark Survey Results

Julie Pisani, Drinking Water & Watershed Protection Program Coordinator, Regional District of Nanaimo (RDN), provided a PowerPoint presentation. Highlights included:

- The RDN Board received the 2021 freshwater perspectives survey results and directed individual presentations to Council's across the region
- The main objective of the research is to gain a better understanding of community behaviours, perspectives and priorities concerning freshwater resources in the region
- Noted City of Nanaimo resident responses to watershed and drinking water awareness, water conservation behaviours, water protection behaviours, and advised residents stressed the importance of access to recreational freshwater locations
- Next steps include public education, awareness and advertising to protect local fresh water and the survey will act as a benchmark for further surveys and analysis

8. COMMITTEE MINUTES:

The following Committee Minutes were received:

- Minutes of the Special District 68 Sports Field and Recreation Committee Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Thursday, 2020-DEC-03 at 2:00 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-NOV-22 at 1:00 p.m.

9. REPORTS:

(a) Mid-Town Water Supply Project

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

Presentation:

1. Mike Squire, Manager, Water Resources, provided a PowerPoint presentation. Highlights included:
 - Previous water supply strategy focused on water quality while the current strategy focusses on being risk adverse and building system redundancy into the core water supply system
 - Singular water main supplying midtown and north Nanaimo through Buttertubs Marsh
 - Significant failure of primary essential service in April 2020 resulted in 22 million litres of water lost within hours, including three main reservoirs drained, and the upper floors of the hospital were out of water
 - Consequence of future failures result in extreme risk to the water supply
 - Plan to install a new primary main extending from Fifth Street at College Drive, along the Parkway Highway to Northfield Road to the Labieux Pump Station
 - Dedicated water supply service will be provided to the hospital
 - Staff reviewed how to integrate the project with other projects such as building a trail system over the supply main access road which will further enhance the community's walkable network
 - Project expedited due to risk and Staff are currently engaging the contractor
 - Cost of construction since preliminary design increased dramatically
 - Noted current budget of \$28.4 million and the anticipated timeline of two years to complete the project

(b) Abandoning Bylaws Not Proceeding to Adoption

Introduced by Sheila Gurrie, Director, Legislative Services.

It was moved and seconded that Council abandon the following bylaws:

1. "Zoning Amendment Bylaw 2019 No. 4500.153"
2. "Official Community Plan Amendment Bylaw 2019 No. 6500.041"
3. "Traffic and Highways Regulation Amendment Bylaw 2019 No. 5000.046"
4. "Trapping Bylaw 2013 No. 7183"; and
5. "Port Theatre Borrowing Bylaw 2019 No. 7282"

The motion carried unanimously.

(c) Options to Ban Conversion Therapy

Introduced by Sheila Gurrie, Director, Legislative Services.

It was moved and seconded that Council receive for information the January 17, 2022 report by the Deputy City Clerk regarding options to ban conversion therapy. The motion carried unanimously.

(d) Appointment of Chief Election Officer and Deputy Chief Election Officer

Introduced by Sheila Gurrie, Director, Legislative Services.

It was moved and seconded:

1. That Sheila Gurrie, Director of Legislative Services, be appointed as the Chief Election Officer for the City of Nanaimo 2022 General Local Election;
2. That Sky Snelgrove, Steno Coordinator, be appointed as the Deputy Chief Election Officer for the City of Nanaimo 2022 General Local Election; and
3. That despite Section 14.1 of the “Management Terms and Conditions of Employment Bylaw 2019 No 7273”, the Director of Legislative Services be compensated for any hours worked on the election (outside of the regular work day) at straight time under the terms and conditions as outlined under section 14.2 of the bylaw.

The motion carried unanimously.

(e) Development Permit Application No. DP1204 - 25 Spyglass Lookout

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

Delegations:

1. Mark Kelly spoke in support of the project, requested that Council support Staff’s recommendation and advised of the impact of the Waterfront Walkway project in terms of foreshore development compared to this project.
2. Greg Herringer spoke in support of the project, noted the location of the building on the highest point of land, noted other properties on Protection Island at similar elevations and spoke regarding the sewage system, wave action and protection from winds.
3. Jurgen Goering spoke regarding concerns with the project, including land submerged at high tides, negative impacts of sea level rise on the structure, parking concerns and advised 148 people have signed a letter in opposition to the proposal.
4. James MacQuarrie spoke regarding concerns with the project, including the increased risk due to rising sea levels, protection of the salt marsh and Garry Oak meadow ecosystems, and severe environmental stress development would have on the property.
5. Mrs. John Sinclair spoke regarding concerns with the project, including problematic construction, the City’s liability for damages and significant legal costs, the reasonableness of the development and the proponent being aware of the restricted options for the property.

6. Corinne Brolewicz, representing approximately 140 people opposed to the project, requested that Council acquire the property and noted options for use such as public park. She noted the proposed building will shade trees, advised of concerns with the footprint of the building and noted historical issues with the property.
7. Alfredo Tura spoke in support of the project and noted how the project has evolved over three previous applications, the limited surface piling physically contacting ground, costs to complete the application supported by a professional team and highlighted features of the project.
8. Christina Nichol was not in attendance.

Council discussion took place. Highlights included:

- The Nanaimo Port Authority reviewing the application after the outcome of the development permit determined
- Approving the development contrary to policy direction

It was moved and seconded that Council deny Development Permit No. DP1204 at 25 Spyglass Lookout. The motion carried.

Opposed: Mayor Krog, Councillors Armstrong, Turley

Councillor Brown declared a conflict of interest regarding Development Permit Application No. DP1208 - 497 Menzies Ridge Drive due to a business relationship and was placed in the electronic waiting room at 8:52 p.m.

(f) Development Permit Application No. DP1208 - 497 Menzies Ridge Drive

Introduced by Jeremy Holm, Director, Development Approvals.

It was moved and seconded that Council issue Development Permit No. DP1208 at 497 Menzies Ridge Drive to permit a multi-family townhouse development with the following variances to:

- reduce the minimum landscape buffer requirement for the side and rear yard from 1.8m to 0m; and
- increase the maximum allowable fence height within the front yard setback from 1.2m to 2.8m for the proposed decorative arbours.

The motion carried unanimously.

Councillor Brown returned to the electronic meeting at 8:56 p.m.

(g) Rezoning Application No. RA438 - 5707 Lost Lake Road

Introduced by Jeremy Holm, Director, Development Approvals.

It was moved and seconded that “Zoning Amendment Bylaw 2022 No. 4500.198” (To rezone 5707 Lost Lake Road from Single Dwelling Residential [R1] to Low Density Residential [R6] to allow a multi-family residential development) pass first reading. The motion carried.

Opposed: Councillors Brown, Geselbracht

It was moved and seconded that “Zoning Amendment Bylaw 2022 No. 4500.198” pass second reading. The motion carried.

Opposed: Councillors Brown, Geselbracht

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

The meeting recessed at 9:04 p.m.

The meeting reconvened at 9:15 p.m.

(h) Liquor Licence Application No. LA145 - 1431 Bowen Road

Introduced by Jeremy Holm, Director, Development Approvals. Highlights included:

- Temporary patio established under the Liquor Cannabis Regulation Branch pandemic allowances for temporary outdoor patios
- Summary of comments will be brought forward to Council with a subsequent report

Councillor Bonner declared a conflict of interest regarding Approval of Nanaimo Yacht Club Lease Renewal - 400 Newcastle Avenue as he has a family member employed by the Nanaimo Yacht Club and was placed in the electronic waiting room at 9:19 p.m.

(i) Approval of Nanaimo Yacht Club Lease Renewal - 400 Newcastle Avenue

Introduced by Bill Corsan, Director, Corporate and Business Development.

It was moved and seconded that Council:

1. set an annual market rent of \$179,659 to be charged to the Nanaimo Yacht Club for the 2022-2026 lease renewal;
2. provide annual assistance of \$71,863 to the Nanaimo Yacht Club, in recognition of its contribution to the community, by way of rent abatement; and
3. authorize the Mayor and Corporate Officer to execute the 2022-2026 Lease Renewal Agreement.

The motion carried unanimously.

Councillor Bonner returned to the electronic meeting at 9:22 p.m.

(j) Approval of Articles of Incorporation and Shareholder Agreement for the Nanaimo Prosperity Corporation

Introduced by Bill Corsan, Director, Corporate and Business Development.

It was moved and seconded that Council:

1. approve the Articles of Incorporation and Shareholder Agreement for the Nanaimo Prosperity Corporation;

2. appoint Councillor Turley as a non-voting director to the Board of the Nanaimo Prosperity Corporation until November 2022; and
3. direct Staff to work with the Nanaimo Prosperity Corporation shareholders to host the inaugural Board meeting no later than 2022-MAR-30.

The motion carried unanimously.

10. BYLAWS:

- (a) "School Site Acquisition Charges Bylaw 2021 No. 7338"

It was moved and seconded that "School Site Acquisition Charges Bylaw 2021 No. 7338" (To require the payment of school site acquisition charges on developments of two and three residential units) be adopted. The motion carried unanimously.

11. OTHER BUSINESS:

- (a) Request from Councillor Hemmens re: Local Government Leadership Academy Training

It was moved and seconded that in accordance with the Council Spending and Amenities Policy, Councillor Hemmens be permitted to attend training at the Local Government Leadership Academy. The motion carried unanimously.

12. QUESTION PERIOD:

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

13. ADJOURNMENT:

It was moved and seconded at 9:30 p.m. that the meeting adjourn. The motion carried unanimously.

CERTIFIED CORRECT:

CHAIR

CORPORATE OFFICER