

MINUTES
REGULAR COUNCIL MEETING
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2022-MAR-21, AT 5:00 P.M.

Present: Mayor L. Krog, Chair
Councillor S. D. Armstrong (joined electronically)
Councillor D. Bonner (joined electronically)
Councillor T. Brown (joined electronically)
Councillor B. Geselbracht (joined electronically)
Councillor Z. Maartman
Councillor I. W. Thorpe
Councillor J. Turley (joined electronically)

Absent: Councillor E. Hemmens

Staff: J. Rudolph, Chief Administrative Officer
D. Lindsay, General Manager, Development Services/Deputy Chief Administrative Officer
R. Harding, General Manager, Parks, Recreation and Culture
B. Sims, General Manager, Engineering and Public Works
J. Le Masurier, Deputy Fire Chief - Administration
L. Mercer, Director, Finance (joined electronically)
L. Wark, Director, Recreation Services
T. Webb, Communications Consultant
S. Gurrie, Director, Legislative Services
K. Robertson, Deputy City Clerk (joined electronically)
N. Sponaule, Legislative Communications Clerk
K. Gerard, 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; and,
- (c) labour relations or other employee relations.

The motion carried unanimously.

Council moved In Camera at 5:00 p.m.
Council moved out of In Camera at 5:24 p.m.

Council recessed the Open Meeting 5:24 p.m.
Council reconvened the Open Meeting at 7:00 p.m.

3. INTRODUCTION OF LATE ITEMS:

- (a) Agenda Item 10 Consent Items – Add Finance and Audit Committee Recommendations from 2022-MAR-16.
- (b) Agenda Item 12(a) – Parks, Recreation and Culture Bylaw and Associated Policies – replace Lynn Wark, Director, Recreation and Culture with Richard Harding, General Manager, Parks, Recreation and Culture to introduce the item.
- (c) Remove Agenda Item 15(a) – Councillor Armstrong re: The Caledonia Warming Centre.

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 Meeting of Council held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2022-FEB-28 at 4:00 p.m. be adopted as circulated. The motion carried unanimously.

6. MAYOR'S REPORT:

Mayor Krog spoke regarding:

- The City of Nanaimo's Public Works Department is currently conducting its annual water main flushing, which began on March 14th and completion is expected the week of May 1, 2022
- New regulations are coming into effect on April 1, 2022 for owners of short-term rentals and bed and breakfasts. At the 2022-FEB-07 Regular Council Meeting, Council adopted amendments to the zoning and off-street parking bylaws to regulate and permit short-term rentals
- Updates to the Provincial Health Order regarding COVID-19 were released on March 10, 2022 stating that masks are no longer mandatory in City of Nanaimo facilities but are still encouraged. As of April 8, 2022, the City is expecting to no longer be required to check for proof of vaccination for participation in programs or enter City facilities
- Phase 1 of improvements to Westwood Lake Park will begin this year with improvements to parking, mobility, accessibility and enhanced natural green space

- Applications are now being accepted for the Design Advisory Panel memberships. The deadline to submit applications is April 8th at 3:30 p.m. Applications can be emailed to legislative.servicesoffice@nanaimo.ca or dropped off at the Legislative Services Department at 455 Wallace Street
- The fire that occurred on March 17th at the Departure Bay Activity Centre is now under investigation and programs scheduled to take place there have been moved to other City facilities and School District #68 locations
- March 21, 2022 is World Down Syndrome Day. Mayor Krog reminded all employees and Council members to wear mismatched socks on March 21st to bring awareness and support

7. PRESENTATIONS:

(a) Update on Development Cost Charges rate review in the Regional District of Nanaimo

Sean De Pol, Director, Water and Wastewater Services, Regional District of Nanaimo, provided a PowerPoint presentation. Highlights included:

- Reviewed the areas within the Regional District of Nanaimo (RDN) that will be affected by the increase in Development Cost Charges (DCC's)
- Provided an outline on the requirements for DCC's and noted that the charges are based on the development type
- DCC's are used to pay for projects within the RDN including increasing capacity of wastewater facilities
- Reviewed the rate increases based on development type including a 57% increase for single family dwellings over a 5-year phased approach
- DCC's can be reduced by 50% for developments approved for affordable housing
- The two main capital projects earmarked with DCC funding are the Departure Bay Pump Station Upgrade and the Hammond Bay Road Forcemain Twinning
- Public information sessions will be held in June 2022 and new bylaws will be submitted to the Province in the summer of 2022

8. COMMITTEE MINUTES:

The following Committee Minutes were received:

- Minutes of the Environment Committee meeting held electronically on Wednesday, 2022-JAN-26, at 5:00 p.m.
- Minutes of the Finance and Audit Committee Meeting held electronically on Wednesday, 2022-FEB-16, at 9:02 a.m.
- Minutes of the Advisory Committee of Accessibility and Inclusiveness held electronically on Wednesday, 2022-FEB-23, at 3:58 p.m.

9. CONSENT ITEMS:

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

Prior to the vote Councillor Maartman requested that Agenda Item 10(a)(1) – Closed Captioning for Council Meetings be removed to be voted on separately.

(a) Finance and Audit Committee Recommendations 2022-MAR-16

1. Travel Assistance Grant - Nanaimo Minor Hockey U13

That Council approve a Travel Assistance Grant for the Nanaimo Minor Hockey Association U13 Tier 1 team in the amount of \$550 for eleven (11) Nanaimo players to attend the U13 Tier 1 Provincial Championships held from 2022-MAR-20 through 2022-MAR-23 in Maple Ridge, BC.

2. Public Engagement Summary and Phased Concept Plan for Westwood Lake Park Amenity Improvements

That Council:

1. Approve the Westwood Lake Park Final Concept Plan as presented for Phase One improvements in 2022; and
2. Include Phase Two and future improvements in the 2023-2027 Draft Financial Plan for Council's consideration.

3. Heritage Facade Grant - 41 Chapel Street

That Council approve a \$10,000 Heritage Façade Grant for rehabilitation work recently completed on the Shaw Residence located at 41 Chapel Street.

4. 2021 Surplus Allocation

That Council approve the allocation of the 2021 operating surplus as follows:

1. General Fund
 - a. General Financial Stability Reserve \$ 500,000
 - b. Property Acquisition Reserve 1,600,000
 - c. General Capital Reserve 2,068,782
 - \$ 4,168,782
2. Sewer Fund
 - a. Sewer Reserve \$ 472,068
3. Water Fund
 - a. Water Reserve \$ 930,884

5. 2022 Property Tax Due Dates

That Council:

- Keep the property tax due date at 2022-JUL-04
- Change the first property tax penalty due to 2% on 2022-JUL-04; and
- Change the second property tax penalty due to 8% on 2022-AUG-31

6. BC Sustainable Energy Association Cool It! Program for Nanaimo Schools

That Council commit \$10,000 from the Climate Action Reserve Fund to sponsor classes in the City of Nanaimo to participate in BC Sustainable Energy Association's Cool It! Climate Leadership Training program.

7. Consideration of New Permissive Tax Exemption

That Council award a Permissive Tax Exemption for the 2022 taxation year to the Loaves and Fishes Community Food Bank Society for the portion of the property that it leases from the City of Nanaimo at 1861 East Wellington Road that is utilized for charitable activities, commencing with the 2022 taxation year and to be reviewed annually until the property is fully utilized for charitable purposes by Loaves and Fishes.

8. Infrastructure Canada Active Transportation Fund

That Council:

1. direct Staff to submit an application to the Infrastructure Canada Active Transportation Fund for the Beban Trail Phase 1 project and that Council commits to funding \$330,000 of the project; and
2. direct Staff to submit an application to the Infrastructure Canada Active Transportation Fund for the Third Street: Watfield to Pine project and that Council commits to funding \$300,000 of the project.

The motion carried unanimously.

(b) Separately Addressed Consent Items

1. Captioning Options for Council Meetings

It was moved and seconded that Council maintain the status quo regarding captioning meetings on Shaw TV and direct Staff to advise Council once more information is available regarding the provision of Shaw TV/Rogers captions.

The motion was defeated.

Opposed: Councillors Armstrong, Bonner, Brown and Geselbracht

10. DELEGATIONS:

(a) Burnie Smith re: Dumont Road and Metral Drive Intersection

Burnie Smith spoke regarding Dumont Road and Metral Drive Intersection and spoke regarding concerns for pedestrian safety, removal of the right hand turn lane, previous plans that showed a left and right hand turn lane and large vehicles/trucks being able to turn onto and off of Metral Drive.

11. REPORTS:

(a) Parks, Recreation & Culture Bylaw and Associated Policies

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

It was moved and seconded that “Parks, Recreation and Culture Regulation Bylaw 2022 No. 7340” (A bylaw to regulate parks, recreation & culture services and facilities within the City of Nanaimo) pass first reading. The motion carried unanimously.

It was moved and seconded that “Parks, Recreation and Culture Regulation Bylaw 2022 No. 7340” pass second reading. The motion carried unanimously.

It was moved and seconded that “Parks Recreation and Culture Regulation Bylaw 2022 No. 7340” pass third reading. The motion carried unanimously.

It was moved and seconded that “Fees and Charges Amendment Bylaw 2022 No. 7336.01” (A bylaw to add the existing parks, recreation & culture fees and charges to the Fees and Charges Bylaw) pass first reading. The motion carried unanimously.

It was moved and seconded that “Fees and Charges Amendment Bylaw 2022 No. 7336.01” pass second reading. The motion carried unanimously.

It was moved and seconded that “Fees and Charges Amendment Bylaw 2022 No. 7336.01” pass third reading. The motion carried unanimously.

It was moved and seconded that “Bylaw Notice Enforcement Amendment Bylaw 2021 No. 7159.16” (A bylaw to add the fines associated with the new Parks, Recreation & Culture Regulation Bylaw) pass first reading. The motion carried unanimously.

It was moved and seconded that “Bylaw Notice Enforcement Amendment Bylaw 2021 No. 7159.16” pass second reading. The motion carried unanimously.

It was moved and seconded that “Bylaw Notice Enforcement Amendment Bylaw 2021 No. 7159.16” pass third reading. The motion carried unanimously.

It was moved and seconded that Council endorse the Guiding Principles for Parks, Recreation and Culture Fees, Charges and Rentals Council Policy as attached to the March 21, 2022 report by the Deputy City Clerk. The motion carried unanimously.

(b) Municipal Security Issuing Resolution - Fire Station No. 1

Introduced by Laura Mercer, Director, Finance.

Presentation:

1. Jodi Le Masurier, Deputy Fire Chief – Administration, provided a PowerPoint presentation regarding the current construction at Fire Station No. 1 and advised that Staff will be moving into the building at the end of April.

It was moved and seconded that Council:

1. Approve borrowing two hundred eighty thousand, two hundred and sixty nine dollars (\$280,269) from the Municipal Finance Authority of British Columbia, as part of the 2022 fall Borrowing Session and as authorized through “Fire Station #1 Borrowing Bylaw 2018 No. 7257”; and,
2. That the Regional District of Nanaimo be requested to consent to the City of Nanaimo borrowing the two hundred eighty thousand, two hundred and sixty nine dollars (\$280,269) over a 20-year term and include the borrowing in a Security Issuing Bylaw.

The motion carried unanimously.

(c) Illegal Structure, Shipping Container, Home Based Business Regulations Contravention - 6630 Valley View Drive

Introduced by Dale Lindsay, General Manager, Development Services/Deputy Chief Administrative Officer.

It was moved and seconded that Council:

1. issue a Remedial Action Order for bylaw contraventions at 6630 Valley View Drive pursuant to Sections 72, 73 and 74 of the *Community Charter*;
2. direct Staff or its authorized agents to take action in accordance with Section 17 of the *Community Charter* without further notice and at the owner’s expense if the said remedial action is not undertaken within 30 days of Council’s resolution; and,
3. direct that the remedial action consist of removing unpermitted structures and shipping containers.

The motion carried unanimously.

(d) Housing Agreement Repeal Bylaw – 416 Wakesiah Avenue

Introduced by Dale Lindsay, General Manager, Development Services/Deputy Chief Administrative Officer.

It was moved and seconded that “Housing Agreement Repeal Bylaw 2022 No. 7344” (A bylaw to repeal Housing Agreement Bylaw 2016 No. 7226 for 416 Wakesiah Avenue) pass first reading. The motion carried unanimously.

It was moved and seconded that “Housing Agreement Repeal Bylaw 2022 No. 7344” pass second reading. The motion carried unanimously.

It was moved and seconded that “Housing Agreement Repeal Bylaw 2022 No. 7344” pass third reading. The motion carried unanimously.

12. BYLAWS:

(a) “Regional Parks and Trails Parcel Tax Repeal Bylaw 2022 No. 7343”

It was moved and seconded that “Regional Parks and Trails Parcel Tax Repeal Bylaw 2022 No. 7343” (To repeal “Parcel Tax Roll Preparation Bylaw 2021 No. 7323” and “Regional Parks and Trails Parcel Tax Bylaw 2021 No. 7324”) be adopted. The motion carried unanimously.

(b) “Housing Agreement Bylaw 2022 No. 7342”

It was moved and seconded that “Housing Agreement Bylaw 2022 No. 7342” (To authorize a Housing Agreement securing no independent sales for 50% of the dwelling units at 6030 Linley Valley Drive) be adopted. The motion carried unanimously.

13. QUESTION PERIOD:

- Bill Manners spoke regarding the following items:
 - Agenda Item 6 – Mayor’s Report regarding the Public Engagement Summary and Phased Concept Plan for Westwood Lake Park Amenity Improvements
 - Difficulty seeing the large drop down screen in the Shaw Auditorium due to lighting
 - Agenda Item 7(a) - Update on Development Cost Charges rate review in the Regional District of Nanaimo.

14. ADJOURNMENT:

It was moved and seconded at 8:18 p.m. that the meeting adjourn. The motion carried unanimously.

CERTIFIED CORRECT:

CHAIR

CORPORATE OFFICER