

MINUTES
REGULAR COUNCIL MEETING
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2022-MAY-16, AT 3:00 P.M.

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

Absent: Councillor S. D. Armstrong

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
L. Bhopalsingh, Director, Community Development
B. Corsan, Director, Corporate and Business Development
A. Groot, Director, Facility and Parks Operations
J. Holm, Director, Development Approvals
L. Mercer, Director, Finance (joined electronically)
P. Rosen, Director, Engineering
J. McAskill, Manager, Facility Asset Planning
S. Gurrie, Director, Legislative Services
K. Robertson, Deputy City Clerk
N. Sponaugle, Legislative Communications Clerk
K. Gerard, Recording Secretary

1. CALL THE REGULAR MEETING TO ORDER:

The Regular Council Meeting was called to order at 3:00 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:

- (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;

- (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,

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 3:00 p.m.

Council moved out of In Camera at 6:12 p.m.

Council recessed the Open Meeting 6:12 p.m.

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

3. INTRODUCTION OF LATE ITEMS:

- (a) Move recommendation #27 on Attachment A of the Governance and Priorities Committee Recommendations from 2022-MAY-09 Agenda item 10(c)(1) to Separately Addressed Consent Items and add the following delegations:
 - 1. Paul Chapman
 - 2. Liz Sparkes
 - 3. Erin Tzvetcoff
 - 4. Jain Alcock-White
 - 5. Paul Sadler
 - 6. Bruce Martin
- (b) Agenda item 12(c) CleanBC Communities Fund Grant Application for Mechanical Renewal at Nanaimo Aquatic Centre - replace the introduction by Laura Mercer, Director, Finance with Bill Sims, General Manager, Engineering and Public Works.
- (c) Agenda item 12(d) Development Permit Application No. DP1241 - 6330 McRobb Avenue – Add the following delegations:
 - 1. Robin Kelley
 - 2. Daryoush Firouzli

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 Regular Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2022-APR-25, at 4:00 p.m.
- Minutes of the Regular Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2022-MAY-02, at 3:00 p.m.

The motion carried unanimously.

6. MAYOR'S REPORT:

The Mayor spoke regarding the following:

- The Mayor of Nanaimo has issued a formal challenge to the Mayor of Penticton in anticipation of the Nanaimo Clippers and Penticton Vees BCHL Fred Page Cup Finals. The next games will be held in Nanaimo at Frank Crane Arena on May 17th and 18th
- The Annual Car Trunk Sale returns with registration for vendors now open. Register to reserve a spot by emailing sorttosstoll@nanaimo.ca. The event will take place from 9:00 a.m. to 2:00 p.m. on July 16, 2022
- Residents are reminded to be careful around our lakes, rivers and ocean as the weather gets warmer and community members spend more time near water
- At the Special Council Meeting held on 2022-MAY-09, Council adopted the 2022 - 2026 Financial Plan
- The City of Nanaimo is currently recruiting workers for the 2022 General Election. Applications are available online and can be emailed to elections@nanaimo.ca or dropped off to the Legislative Services office located at City Hall, 455 Wallace Street
- Democracy is a very important part of our culture and more residents are encouraged to vote as the average turn out per election is 30%

7. RISE AND REPORT:

The Mayor advised that at the In Camera Council Meeting held 2022-MAY-02, Council appointed Kevin Krastel, Marie Leduc, and Kaien Shimizu as at-large members on the Design Advisory Panel for a three-year term. Councillor Brown is the appointed Council representative and Councillor Hemmens is the alternate.

8. COMMITTEE MINUTES:

The following Committee Minutes were received:

- a) Minutes of the Special Advisory Committee on Accessibility and Inclusiveness Meeting held electronically on Wednesday, 2022-MAR-23 at 4:04 p.m.

- b) Minutes of the Governance and Priorities Committee Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2022-MAR-28, at 1:00 p.m.
- c) Minutes of the Governance and Priorities Committee meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2022-APR-11, at 1:00 p.m.
- d) Minutes of the Special Governance and Priorities Committee Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Thursday, 2022-APR-21, at 3:30 p.m.
- e) Minutes of the Advisory Committee on Accessibility and Inclusiveness Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Wednesday, 2022-APR-27 at 4:01 p.m.

9. CONSENT ITEMS:

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

Prior to the vote Mayor Krog announced that Agenda Item 10(b)(1) would be removed and be voted on separately as item 10(c)(1) in Separately Addressed Consent Items.

(a) Advisory Committee on Accessibility and Inclusiveness Recommendations 2022-APR-27

1. Design Commercial Update

That the Advisory Committee on Accessibility and Inclusiveness support, in principle, the project concept as outlined in the 2022-APR-27 report by James Knight, Capital Project Management Specialists, with the following suggestions for consideration:

- Smooth road surfaces (not textured);
- Accessible washrooms, especially during events;
- Ensure branches from trees are trimmed so that they do not hang below a minimum of seven feet; and
- Encourage the business community to make their businesses fully accessible.

(b) Governance and Priorities Committee Recommendations 2022-MAY-09

That Council:

- 1. Support the amendments to the Draft City Plan as detailed in Attachment A: Draft City Plan – GPC Amendments (attached to the 2022-MAY-16 agenda).
- 2. Support the amendments to the Draft City Plan as detailed in Attachment B: Draft City Plan – Recommended Amendments (attached to the 2022-MAY-16 agenda).

3. Support adding a new policy under section C1.1 of the Draft City Plan to support, prioritize and advocate for low-carbon energy systems in all new construction.

The motion carried unanimously.

(c) Separately Addressed Consent Items

1. Governance and Priorities Committee Recommendation 2022-MAY-09

Attachment A: Recommendation #27

Change the buffer between industrial lands and the Cable Bay Trail from 50 metres to an average of 100 metres.

Delegations:

1. Paul Chapman, Executive Director, Nanaimo and Area Land Trust, spoke regarding the significance of mature forests, habitat, flood mitigation and recreation activities that the Cable Bay Trail supports. He noted that the buffer zone around any trail networks should be 3 times the length of the tallest tree so 100 meters should be the minimum buffer zone for the Cable Bay Trail.
2. Liz Sparkes conveyed concerns regarding loss of green space and habitat. She noted that outdoor recreational activities are a major tourism draw for Nanaimo and highlighted the benefits of parks and trails for the environment and long-term health.
3. Erin Tzvetcoff spoke regarding the benefits of green space, diverse habitats and ecosystems, tourism opportunities, the health benefits of outdoor spaces and walking/hiking trails.
4. Jain Alcock-White spoke regarding the petition, balancing social, economic and development needs; ensuring development does not negatively effect the Cable Bay Trail and changing the focus from industrial development to cultural values.
5. Paul Sadler, Chief Executive Officer, Harmac Pacific Mill, provided a brief history of the Cable Bay Trail and Harmac Pulp Mill. He advised Council that Nanaimo Forest Products, Harmac Pulp Operations, would work with the City of Nanaimo (the City) to ensure that the 100-metre buffer zone is implemented through the rezoning process. Ownership of the area within the 100-metre buffer zone would be transferred to the City through a community contribution and designated as parkland.
6. Bruce Martin, employee, Nanaimo Forest Products, Harmac Pulp Operations, spoke on behalf of all employees and stated that the Cable Bay Trail is an important piece of parkland and all employees are in support the 100 metre buffer zone.

It was moved and seconded that Council direct Staff to change the buffer between industrial lands and the Cable Bay Trail from 50 metres to an average of 100 metres. The motion carried unanimously.

10. REPORTS:

(a) Code of Conduct for Council & Committee Members

Introduced by Sheila Gurrie, Director, Legislative Services.

Karen Robertson, Deputy City Clerk, introduced the proposed Code of Conduct Bylaw, Ethics Commissioner Establishment Bylaw, Elected Officials Oath of Office Bylaw and the Council Spending and Amenities Policy Amendment. She provided an overview of the following:

- A background on the proposed legislation that would require councils to consider developing a code of conduct or review ones if they already exist;
- The following four parts to the proposed Code of Conduct Bylaw:
 - Part 1 - Definitions and Scope
 - Part 2 - Foundational Principles
 - Part 3 - Behavioural Expectations to support the Foundational Principles
 - Part 4 – Accountability and processes for breaches, complaint handling, and disciplinary action to support compliance of Part 3
- The Ethics Commissioner Establishment Bylaw which could be a formally appointed Ethics Commissioner or a Third Party Investigator hired on an as-needed basis;
- The Council Spending and Amenities Policy Amendment that would include compensation breaches to support expectations and to assist in off-setting the costs associated with a formal investigation; and
- The Oath of Office Bylaw, which is a companion document to support the Code of Conduct Bylaw.

Reece Harding, Solicitor, Young Anderson, then advised Council that the City is behind other municipalities in implementing a robust Code of Conduct for local governments. He stated that the proposed changes offer: clear intake processes and jurisdiction to refer items to the appropriate place; a good balance to openness and public transparency; addresses privacy concerns; and protects members involved in an investigation for procedural fairness with clear language around censure and sanctions.

It was moved and seconded that “Code of Conduct Bylaw 2022 No. 7348” (To regulate the conduct for Council and Committee Members) pass first reading. The motion carried unanimously.

It was moved and seconded that “Code of Conduct Bylaw 2022 No. 7348” pass second reading. The motion carried unanimously.

It was moved and seconded that “Code of Conduct Bylaw 2022 No. 7348” pass third reading. The motion carried unanimously.

It was moved and seconded that Council direct Staff to remove the word “made” from Section 4.5 of the “Ethics Commissioner Establishment Bylaw 2022, No. 7349”. The motion carried unanimously.

It was moved and seconded that “Ethics Commissioner Establishment Bylaw 2022 No. 7349” (To establish an Ethics Commissioner or ad hoc Commissioner) pass first reading. The motion carried unanimously.

It was moved and seconded that “Ethics Commissioner Establishment Bylaw 2022 No. 7349” pass second reading. The motion carried unanimously.

It was moved and seconded that “Ethics Commissioner Establishment Bylaw 2022 No. 7349” pass third reading. The motion carried unanimously.

It was moved and seconded that “Elected Officials Oath of Office Bylaw 2022 No. 7350” (To establish the oath or solemn affirmation of office for Mayor and the office of Councillor) pass first reading. The motion carried unanimously.

It was moved and seconded that “Elected Officials Oath of Office Bylaw 2022 No. 7350” pass second reading. The motion carried unanimously.

It was moved and seconded that “Elected Officials Oath of Office Bylaw 2022 No. 7350” pass third reading. The motion carried unanimously.

It was moved and seconded that Council endorse the amendments to section two and three of the Council Spending and Amenities Policy related to code of conduct breaches and attendance at in-town or out-of-town meetings as outlined in red within Attachment 4 to the 2022-MAY-16 report by the Deputy City Clerk. The motion carried unanimously.

(b) Downtown Nanaimo Safety Action Plan

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

Council discussion took place regarding the graffiti relief grant program and the ambassador program implemented through different agencies.

The Regular Council Meeting recessed at 8:46 p.m.
The Regular Council Meeting reconvene at 8:59 p.m.

It was moved and seconded that Council receive the Downtown Nanaimo Community Safety Action Plan. The motion carried unanimously.

(c) CleanBC Communities Fund Grant Application for Mechanical Renewal at Nanaimo Aquatic Centre

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

Jenn McAskill, Manager, Facility Asset Planning, spoke regarding the CleanBC Communities Fund Grant application for mechanical renewal at the Nanaimo Aquatic Centre (NAC) and stated NAC has been in operation for approximately 20 years and upgrades to the mechanical system are required to ensure longevity.

It was moved and seconded that Council:

1. Direct staff to submit an application to CleanBC's Clean Communities Fund for the Mechanical Renewal at Nanaimo Aquatic Centre (NAC), and commit to funding \$1,493,520 of the project, as well as any cost overruns;
2. Amend the 2022 – 2026 Financial Plan to remove the NAC Boiler Replacement Project in 2024/2025 for \$799,200 funded from the Facility Development Reserve Fund; and
3. Amend the 2022 – 2026 Financial Plan to add the Mechanical Renewal at NAC to 2023/2024 for \$5,600,000 funded from a \$4,106,480 grant, \$1,093,520 from the Facility Development Reserve Fund and \$400,000 from the Climate Action Reserve Fund with project contingent on a successful grant application.

The motion carried.

Opposed: *Councillor Geselbracht*

(d) Development Permit Application No. DP1241 - 6330 McRobb Avenue

Introduced by Jeremy Holm, Director, Development Approvals.

Delegations:

1. Robin Kelley, President/Partner, Camargue Properties Inc., was in attendance to answer questions.
2. Daryoush Firouzli, Architect, was in attendance to answer questions.

It was moved and seconded that Council issue Development Permit No. DP1241 for a multi-family residential development at 6330 McRobb Avenue with a variance to increase the maximum permitted building height from 14.0m to 19.6m. The motion carried unanimously.

11. BYLAWS:

Councillor Bonner vacated the Shaw Auditorium at 9:13 p.m., stating a conflict of interest as he resides near the proposed development.

(a) "Zoning Amendment Bylaw 2021 No. 4500.187"

It was moved and seconded that "Zoning Amendment Bylaw 2021 No. 4500.187" (To rezone the properties at 2220, 2232, 2238, 2246, 2254 Northfield Road, and 2230 Boxwood Road from Single Dwelling Residential [R1], Duplex Residential [R4], Medium Density Residential [R8], and Community Service One [CS1] to Mixed Use Corridor [COR2] with site-specific maximum gross floor area for a grocery store) be adopted. The motion carried unanimously.

Councillor Bonner returned to the Shaw Auditorium at 9:15 p.m.

12. OTHER BUSINESS:

(a) Councillor Hemmens - Motion re: Inclusion of Space for a New Primary Care Clinic

It was moved and seconded that Council direct Staff to pursue the inclusion of space for a new primary care clinic in future public projects, such as the South End Community Centre. The motion carried unanimously.

(b) Councillor Hemmens - Motion re: NAC Youth Hub Model

It was moved and seconded that Council direct Staff to deliver a report on the possible expansion of the NAC Youth Hub model of primary care to other populations and locations in the City. The motion carried unanimously.

13. QUESTION PERIOD:

No one was in attendance to ask questions.

14. ADJOURNMENT:

It was moved and seconded at 9:21 p.m. that the meeting adjourn. The motion carried unanimously.

C H A I R

CERTIFIED CORRECT:

CORPORATE OFFICER