

MINUTES
SPECIAL COUNCIL MEETING
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2022-SEP-21, AT 9:00 A.M.

Present: Mayor L. Krog, Chair
Councillor S. D. Armstrong (joined electronically)
Councillor D. Bonner
Councillor T. Brown
Councillor B. Geselbracht
Councillor E. Hemmens
Councillor Z. Maartman
Councillor I. W. Thorpe
Councillor J. Turley (entered the Shaw Auditorium at 9:32 a.m.)

Staff: J. Rudolph, Chief Administrative Officer
R. Harding, General Manager, Parks, Recreation and Culture
B. Sims, General Manager, Engineering and Public Works
T. Doyle, Fire Chief
L. Bhopalsingh, Director, Community Development
B. Corsan, Director, Corporate and Business Development (joined electronically)
J. Holm, Director, Development Approvals
L. Mercer, Director, Finance
P. Rosen, Director, Engineering
D. Bailey, Manager, Accounting Services
D. LaBerge, Manager Bylaw Services
T. Pan, Manager, Sustainability
J. Rose, Manager, Transportation
J. Rushton, Manager, Purchasing and Stores
J. Slater, Manager, Revenue Services
T. Webb, Manager, Communications
S. Gurrie, Director, Legislative Services (joined electronically)
K. Robertson, Deputy City Clerk
A. Chanakos, Steno, Legislative Services
N. Sponaugle, Legislative Communications Clerk
K. Lundgren, Recording Secretary

1. CALL THE REGULAR MEETING TO ORDER:

The Regular Council Meeting was called to order at 9:00 a.m.

2. APPROVAL OF THE AGENDA:

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

3. ADOPTION OF THE MINUTES:

It was moved and seconded that the Minutes of the Regular Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2022-AUG-29 at 5:30 p.m. be adopted as circulated. The motion carried unanimously.

4. MAYOR'S REPORT:

The Mayor spoke regarding the following:

- The “Play On” ball hockey event was held throughout the City last weekend. He expressed thanks to those who participated as well as to the Parks, Recreation & Culture Department
- The National Day for Truth and Reconciliation will be on September 30th. City of Nanaimo and Nanaimo-Ladysmith Public Schools are honouring our ancestors, survivors and families by honouring a Snuneymuxw way of being. There will be a number of events taking place in the community
- The passing of the Queen Elizabeth II was acknowledged and thanks was extended to those who volunteered and organized a ceremony that was held on at the Branch 265 Legion in Nanaimo

5. RISE AND REPORT:

The Mayor advised that at the In Camera portion of the August 29, 2022 meeting, Council appointed Nelson Allen to the Board of Variance for a three-year term ending 2025-AUG-29.

6. CONSENT ITEMS:

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

(a) Advisory Committee on Accessibility and Inclusiveness Meeting 2022-SEP-07

1. Transit Stop Accessibility

That Council direct Staff to:

- Update the City of Nanaimo’s existing best practices for Complete Streets to consider the findings of the Transit Stop Accessibility Working Group;
- Develop an internal process to retrofit existing transit stops while consulting appropriate stakeholders; and,
- Work with the Advisory Committee on Accessibility and Inclusiveness members to determine and implement appropriate accessibility upgrades at existing transit stops.

The motion carried unanimously.

7. REPORTS:

(a) Vancouver Island Conference Centre - Exterior Sign Replacement Project

Bill Corsan, Director, Corporate and Business Development, informed Council that the replacement project for the exterior LED sign at the Vancouver Island Conference Centre has been cancelled.

(b) Nuisance Property Abatement - 52 Athletic Street

Introduced by Dave LaBerge, Manager Bylaw Services.

Delegation:

1. Randolph and Susan Rauch, spoke regarding their intention to sell the property and that they are preparing to clean up the property. They apologized and expressed frustration with the current situation and difficulties with the tenants.

It was moved and seconded that Council declare 52 Athletic Street a “Nuisance” pursuant to the “Nuisance Abatement and Cost Recovery Bylaw 2019 No. 7250”, and to authorize Staff to record and charge for municipal services including police required to abate nuisance activity. The motion carried unanimously.

(c) Continuation of Home Energy Assessment Rebates

Introduced by Lisa Bhopalsingh, Director, Community Development.

It was moved and seconded that Council allocate \$4,000 from the Climate Action Reserve Fund to support the continuation of City of Nanaimo’s home energy assessments rebates. The motion carried unanimously.

(d) Consideration of Other Grant Application (CatNap Society)

Introduced by Laura Mercer, Director, Finance, and Jamie Slater, Manager, Revenue Services.

It was moved and seconded that Council award an ‘Other Grant’ in the amount of \$15,000 for the 2022 calendar year to the CatNap Society, with funding of \$2,000 from the existing Other Grants budget, and \$13,000 from the Strategic Infrastructure Reserve Fund; and that the 2022-2026 Financial Plan be amended accordingly. The motion carried unanimously.

It was moved and seconded that Council add a decision point for Council consideration to the 2023-2027 Financial Plan deliberations to increase the annual funding amount for the ‘Other Grant’ stream. The motion carried unanimously.

(e) Consideration of New Permissive Tax Exemption

Introduced by Jamie Slater, Manager, Revenue Services.

It was moved and seconded that Council award a Permissive Tax Exemption commencing with the 2023 taxation year to the Nanaimo Hungarian Cultural Society for the property that it owns at 4840 Hammond Bay Road. The motion carried unanimously.

(f) Quarterly Purchasing Report (Single and Sole Source Purchases in Excess of \$250,000 and Instances of Non-Compliance Purchases)

Laura Mercer, Director, Finance, provided Council with a summary of the Quarterly Purchasing report for the period 2022-APR-01 to 2022-JUN-30.

Councillor Turley entered the Shaw Auditorium at 9:32 a.m.

(g) Financial Results for the Six Months 2022-JUN-30

Laura Mercer, Director, Finance, provided Council with a summary of the financial results for the six months ending 2022-JUN-30.

(h) Council Expenses for the Six Months Ending 2022-JUN-30

Laura Mercer, Director, Finance, provided Council with a summary of year-to-date Council expenses for the six months ending 2022-JUN-30.

(i) Sustainable Procurement Update

Laura Mercer, Director, Finance, and Jane Rushton, Manager, Purchasing and Stores, provided Council with an update on Sustainable Procurement for the period 2021-JUN-01 to 2022-JUN-30.

(j) UBCM Asset Management Planning Grant Application - Ecological Accounting Process Partnership

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

It was moved and seconded that Council:

1. Direct Staff to submit an application with the Regional District of Nanaimo, Municipality of North Cowichan, the Partnership for Water Sustainability and the Mount Arrowsmith Biosphere Region Research Institute to the Union of British Columbia's Asset Management Planning Grant program for a project to embed ecological accounting expertise within Vancouver Island University;
2. Direct Staff to provide overall grant management; and
3. Add a project to the 2022 – 2026 Financial Plan for \$30,000 in 2023, 2024 and 2025, funded from the Strategic Infrastructure Reserve.

The motion carried unanimously.

(k) BC Active Transportation Infrastructure Grant

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

It was moved and seconded that Council direct Staff to submit two applications under the Active Transportation Infrastructure Grant Program as follows:

1. Submit an application for the cycling and sidewalk portion of the Albert and Fourth Complete Street Phase 2 project, and confirm the local share of \$847,793 is available and supported, the project is a municipal priority, and the project is "shovel ready" and intended to be complete within the required timeline.
2. Submit an application for the multi-use path portion of the Midtown Gateway project, and confirm the local share of \$580,000 is available and supported, the project is a municipal priority, and the project is "shovel ready" and intended to be complete within the required timeline.

The motion carried unanimously.

(l) Buttertubs Sanitary Sewer Upgrade Alignment Study

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

It was moved and seconded that Council direct Staff to undertake the Buttertubs Sanitary Sewer Alignment Study and add a project to 2022 for \$150,000, funded from the Sanitary Sewer Reserve, to complete the work. The motion carried unanimously.

(m) Budget Transfer Disclosure - Kenwill, Ninth, and Laguna

Bill Sims, General Manager, Engineering and Public Works, advised Council of the three projects which require budget transfers in excess of \$100,000.

(n) Officer Designation and Delegation of Authority Bylaw and Appeals Procedure Bylaw

Karen Robertson, Deputy City Clerk, Legislative Services, provided an overview of the revised "Officer Designation and Delegation of Authority Bylaw No. 2022 No. 7353" which will streamline municipal decision making on more routine responsibilities of Council.

It was moved and seconded that "Officer Designation and Delegation of Authority Bylaw, 2022 No. 7353" (a bylaw to provide for the appointment of Officers and the Delegation of Authority) pass first reading. The motion carried unanimously.

It was moved and seconded that "Officer Designation and Delegation of Authority Bylaw, 2022 No. 7353" pass second reading. The motion carried unanimously.

It was moved and seconded that "Officer Designation and Delegation of Authority Bylaw, 2022 No. 7353" pass third reading. The motion carried unanimously.

Council recessed the meeting at 10:35 a.m.
Council reconvened the meeting at 10:46 a.m.

Karen Robertson, Deputy City Clerk, Legislative Services, provided an overview of the “Appeals Procedure Bylaw 2022 No. 7354” that will provide a consistent process when matters that have been delegated to Staff are reconsidered by Council.

It was moved and seconded that “Appeals Procedure Bylaw, 2022 No. 7354” (a bylaw to establish the procedure for hearing appeals) pass first reading. The motion carried unanimously.

It was moved and seconded that “Appeals Procedure Bylaw, 2022 No. 7354” pass second reading. The motion carried unanimously.

It was moved and seconded that “Appeals Procedure Bylaw, 2022 No. 7354” pass third reading. The motion carried unanimously.

8. BYLAWS:

(a) "Subdivision Control Amendment Bylaw 2022 No. 3260.07"

It was moved and seconded that “Subdivision Control Amendment Bylaw 2022 No.3260.07” (To remove Schedules G and H) be adopted. The motion carried unanimously.

(b) "Zoning Amendment Bylaw 2021 No. 4500.192"

It was moved and seconded that “Zoning Amendment Bylaw 2021 No. 4500.192” (To rezone 6004 Nelson Road from Single Dwelling Residential [R1] to Low Density Residential [R6]) be adopted. The motion carried unanimously.

(c) "Building Bylaw Amendment Bylaw 2022 No. 7224.04"

It was moved and seconded that “Building Bylaw Amendment Bylaw 2022 No. 7224.04” (To update the reference to the Fees and Charges Bylaw) be adopted. The motion carried unanimously.

(d) "Fees and Charges Bylaw 2022 No. 7336.03"

It was moved and seconded that “Fees and Charges Bylaw 2022 No. 7336.03” (To include Development Services fees within the Fees and Charges Bylaw) be adopted. The motion carried unanimously.

(e) "Development Approval Procedures and Notification Bylaw Amendment Bylaw 2022 No. 7356"

It was moved and seconded that “Development Approval Procedures and Notification Bylaw Amendment Bylaw 2022 No. 7356” (To update the reference to the Fees and Charges Bylaw) be adopted. The motion carried unanimously.

9. OTHER BUSINESS:

(a) Councillor Armstrong re: Boxwood Road Walkway

Bill Sim, General Manager, Engineering and Public Works, and Poul Rosen, Director, Engineering, provided an overview and background of the Boxwood Road project.

It was moved and seconded that Council:

1. Direct Staff to:

- a. work in consultation with affected businesses on Boxwood Road to remove barricades erected for the two-way bike lanes/walkway that are impeding the ability for trucks' safe access;
- b. proceed with Council's direction to create a buffered walkway as previously adopted; and,
- c. consult with the cyclist community, truck drivers, WorkSafe, ICBC, RCMP Traffic Services and the City's liability insurer MIABC to ensure the viability of a buffered walkway.

2. Direct Staff to report back to Council with options and costs for an alternative paved walkway over the Midtown Watermain project next to Boxwood Road instead of the buffered walkway.

It was moved and seconded that Councillor Armstrong's motion be deferred to a future Council meeting for a more detailed Staff report that incorporates any community feedback. The motion was defeated.

Opposed: *Councillors Armstrong, Bonner, Brown, Geselbracht, Maartman, Hemmens and Turley*

The Mayor requested that the motion be considered seriatim.

1. It was moved and seconded that Council direct Staff to:

- a. work in consultation with affected businesses on Boxwood Road to remove barricades erected for the two-way bike lanes/walkway that are impeding the ability for trucks' safe access;
- b. proceed with Council's direction to create a buffered walkway as previously adopted; and,
- c. consult with the cyclist community, truck drivers, WorkSafe, ICBC, RCMP Traffic Services and the City's liability insurer MIABC to ensure the viability of a buffered walkway.

The motion was defeated.

Opposed: *The Mayor and Councillors Bonner, Brown, Geselbracht, Maartman and Hemmens*

2. It was moved and seconded that Council direct Staff to report back to Council with options and costs for an alternative paved walkway over the Midtown Watermain project next to Boxwood Road instead of the buffered walkway.

It was moved and seconded that the motion be amended to remove the words “an alternative” and “instead of the buffered walkway”.

Councillor Thorpe called a Point of Order as the proposed amendment to remove the words “instead of the buffered walkway” would change the intent of the motion.

The vote was taken on the amendment to remove the words “instead of the buffered walkway”.

Opposed: The Mayor and Councillors Bonner, Brown, Geselbracht, Maartman and Hemmens.

The vote was taken on the main motion, as amended, to read:

That Council direct Staff to report back to Council with options and costs for an alternative paved walkway over the Midtown Watermain project next to Boxwood Road.

The motion was defeated.

Opposed: The Mayor and Councillors Armstrong, Bonner, Brown, Geselbracht, Maartman, Hemmens, Thorpe and Turley.

10. QUESTION PERIOD:

Council received no questions from the public regarding agenda items.

11. 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;
- (n) the consideration of whether a Council meeting should be closed under a provision of this subsection or subsection (2); 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 11:46 p.m.
Council moved out of In Camera at 1:37 p.m.

12. ADJOURNMENT:

It was moved and seconded at 1:37 p.m. that the meeting adjourn. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

DEPUTY CITY CLERK