

MINUTES
REGULAR COUNCIL MEETING
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2022-OCT-24, AT 5:00 P.M.

Present: Mayor L. Krog, Chair
Councillor S. D. Armstrong
Councillor D. Bonner (vacated at 8:12 p.m., re-entered at 8:13 p.m.)
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, General Manager, Development Services/Deputy 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
J. Holm, Director, Development Approvals
T. Webb, Communications Consultant
C. Horn, Planner
S. Gurrie, Director, Legislative Services
K. Robertson, Deputy City Clerk, Legislative Services
N. Sponaule, Legislative Communications Clerk
A. Chanakos, Steno, Legislative Services
K. Lundgren, 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:

- (c) labour relations or other employee relations;
- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (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 5:00 p.m.

Council moved out of In Camera at 5:43 p.m.

Council recessed the Open Meeting 5:43 p.m.

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

3. INTRODUCTION OF LATE ITEMS:

- (a) Remove Agenda Item 12(a) Remedial Action Requirement – Request for Reconsideration for 5 Durham Street.
- (b) Agenda Item 5 Adoption of the Minutes - Amend the Minutes of the 2022-SEP-29 Special Council (Public Hearing) to include Councillor Bonner as opposed to the motion to defer consideration of “Zoning Amendment Bylaw 2022 No. 4500.200”.

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, as amended, be adopted:

- Minutes of the Special Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2022-SEP-21, at 9:00 a.m.
- Minutes of the Special Council (Public Hearing) held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2022-SEP-29, 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, 2022-OCT-03, at 5:00 p.m.

The motion carried unanimously.

6. MAYOR'S REPORT:

Mayor Krog explained that he was wearing a Penticton Vees Junior Hockey Jersey as a result of a wager lost in May 2022 against Mayor John Vassilaki of Penticton.

Robb Hunter, Director of Business Operations, Nanaimo Clippers, spoke on behalf of the Nanaimo Clippers organization and thanked Mayor Krog for honouring the wager. He invited Mayor and Council to attend the Nanaimo Clippers game against the Surrey Eagles on October 28, 2022.

Mayor Krog continued the Mayor's Report and spoke regarding the following:

- Due to the continued drought conditions, the City has extended watering restrictions to October 31, 2022
- The City acknowledged and welcomed the expert report "A Rapid Investigation into Repeat Offending and Random Stranger Violence in British Columbia," by Dr. Amanda Butler, and ex-police chief Doug LePard, that calls for changes to criminal justice and health care approaches, among other recommendations
- Emergency alert testing is scheduled for October 25, 2022 at 10:25 a.m. through the City's emergency notification system, Voyent Alert! Registered users will receive a test alert by SMS text, phone call, email or notification through the app
- Condolences were expressed to the family, friends, and co-workers of Burnaby RCMP constable Shaelyn Yang, who was killed in the line of duty on October 18, 2022. He reminded the community of how RCMP, firefighters, paramedics, mental health workers, health workers and others go out every day and assist those in terrible conditions and living vulnerable lives
- The inaugural meeting of Council is on 2022-NOV-07 at 7 p.m. at the Vancouver Island Conference Centre. On behalf of the City of Nanaimo, he expressed sincere thanks to Councillors Bonner, Maartman and Turley who have served for the last four years

7. COMMITTEE MINUTES:

The following Committee Minutes were received:

- 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-JUN-22 at 4:00 p.m.
- 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-SEP-07 at 4:04 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, 2022-SEP-26, at 1:00 p.m.
- Minutes of the Environment Committee held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Wednesday, 2022-SEP-28, at 5:02 p.m.

8. CONSENT ITEMS:

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

(a) Governance and Priorities and Committee Recommendation 2022-SEP-26

1. Affordable Housing Projects 2023

That Council endorse the Staff recommended projects for 2023 to support and increase affordable housing in the City of Nanaimo as presented in the report dated 2022-JUN-27 by Christy Wood, Social Planner and Lisa Brinkman, Manager of Community Planning, with a prioritization of items A and C in the 2022-SEP-26 report Table 1 - Proposed Projects to Promote Affordable Housing in Nanaimo.

The motion carried unanimously.

9. DELEGATIONS:

- (a) Dave Hammond thanked Council for their service to the community. He acknowledged the work that Council has done over their term and gave his well wishes to Councillors Bonner, Maartman and Turley.

10. REPORTS:

(a) Illegal Construction - 2005 Boxwood Road

Introduced by Dale Lindsay, General Manager, Development Services/Deputy CAO.

Mayor Krog requested that Council hear anyone wishing to speak with respect to Illegal Construction - 2005 Boxwood Road.

No one in attendance wished to speak with respect to Illegal Construction - 2005 Boxwood Road.

It was moved and seconded that Council:

1. issue a Remedial Action Order at 2005 Boxwood Road pursuant to Sections 72 and 73 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 the structures constructed on each side of the main building without a permit.

The motion carried unanimously.

(b) Appeals Procedure Housekeeping Amendment Bylaws

Introduced by Sheila Gurrie, Director, Legislative Services.

1. Sewer Regulation and Charge Amendment Bylaw

It was moved and seconded that “Sewer Regulation and Charge Amendment Bylaw 2022 No. 2496.36 (a bylaw to include a provision that points to the Appeals Procedure Bylaw and other housekeeping amendments) be given first reading. The motion carried unanimously.

It was moved and seconded that “Sewer Regulation and Charge Amendment Bylaw 2022 No. 2496.36 be given second reading. The motion carried unanimously.

It was moved and seconded that “Sewer Regulation and Charge Amendment Bylaw 2022 No. 2496.36 be given third reading. The motion carried unanimously.

2. Flood Prevention Amendment Bylaw

It was moved and seconded that “Flood Prevention Amendment Bylaw 2022 No. 5105.01 (a bylaw to include a provision that points to the Appeals Procedure Bylaw and other housekeeping amendments) be given first reading. The motion carried unanimously.

It was moved and seconded that “Flood Prevention Amendment Bylaw 2022 No. 5101.01 be given second reading. The motion carried unanimously.

It was moved and seconded that “Flood Prevention Amendment Bylaw 2022 No. 5101.01 be given third reading. The motion carried unanimously.

3. Waterworks Rate and Regulation Amendment Bylaw

It was moved and seconded that “Waterworks Rate and Regulation Amendment Bylaw 2022 No. 7004.19” (a bylaw to include a provision that points to the Appeals Procedure Bylaw and other housekeeping amendments) be given first reading. The motion carried unanimously.

It was moved and seconded that “Waterworks Rate and Regulation Amendment Bylaw 2022 No. 7004.19” be given second reading. The motion carried unanimously.

It was moved and seconded that “Waterworks Rate and Regulation Amendment Bylaw 2022 No. 7004.19” be given third reading. The motion carried unanimously.

4. Management and Protection of Trees Amendment Bylaw

It was moved and seconded that “Management and Protection of Trees Amendment Bylaw 2022 No. 7126.02” (a bylaw to include a provision that points to the Appeals Procedure Bylaw and other housekeeping amendments) be given first reading. The motion carried unanimously.

It was moved and seconded that “Management and Protection of Trees Amendment Bylaw 2022 No. 7126.02 be given second reading. The motion carried unanimously.

It was moved and seconded that “Management and Protection of Trees Amendment Bylaw 2022 No. 7126.02 be given third reading. The motion carried unanimously.

5. Property Maintenance and Standards Amendment Bylaw

It was moved and seconded that “Property Maintenance and Standards Bylaw 2022 No. 7242.02” (a bylaw to include a provision that points to the Appeals Procedure Bylaw and other housekeeping amendments) be given first reading. The motion carried unanimously.

It was moved and seconded that “Property Maintenance and Standards Bylaw 2022 No. 7242.02 be given second reading. The motion carried unanimously.

It was moved and seconded that “Property Maintenance and Standards Bylaw 2022 No. 7242.02 be given third reading. The motion carried unanimously.

6. Business Licence Amendment Bylaw

It was moved and seconded that “Business Licence Amendment Bylaw 2022 No. 7318.01” (a bylaw to include a provision that points to the Appeals Procedure Bylaw) be given first reading. The motion carried unanimously.

It was moved and seconded that “Business Licence Amendment Bylaw 2022 No. 7318.01” be given second reading. The motion carried unanimously.

It was moved and seconded that “Business Licence Amendment Bylaw 2022 No. 7318.01” be given third reading. The motion carried unanimously.

7. Chauffeurs Regulation Amendment Bylaw

It was moved and seconded that “Chauffeurs Regulation Amendment Bylaw 2022 No. 7319 (a bylaw to include a provision that points to the Appeals Procedure Bylaw) be given first reading. The motion carried unanimously.

It was moved and seconded that “Chauffeurs Regulation Amendment Bylaw 2022 No. 7319” be given second reading. The motion carried unanimously.

It was moved and seconded that “Chauffeurs Regulation Amendment Bylaw 2022 No. 7319” be given third reading. The motion carried unanimously.

(c) Bylaw Notice Enforcement Amendment Bylaw - Housekeeping Amendments

Introduced by Sheila Gurrie, Director, Legislative Services.

It was moved and seconded that Bylaw Notice Enforcement Bylaw 2022 No. 7159.17 (a bylaw to correct references to bylaw provisions and address fine inconsistencies) be given first reading. The motion carried unanimously.

It was moved and seconded that Bylaw Notice Enforcement Bylaw 2022 No. 7159.17 be given second reading. The motion carried unanimously.

It was moved and seconded that Bylaw Notice Enforcement Bylaw 2022 No. 7159.17 be given third reading. The motion carried unanimously.

(d) Downtown Vandalism Relief Grant

Introduced by Dale Lindsay, General Manager, Development Services/Deputy CAO.

It was moved and seconded that Council authorize Staff to enter into a service agreement with the Greater Nanaimo Chamber of Commerce to formalize the Vandalism Relief Grant program to assist downtown businesses with the cost of work required to repair damage to, and remove graffiti from, their premises arising from incidents of break-in or vandalism. The motion carried.

Opposed: *Councillor Armstrong*

(e) Development Permit Application No. DP1272 and Development Variance Permit Application No. DVP419 – 6083 Garside Road

Introduced by Jeremy Holm, Director, Development Approvals.

Mayor Krog requested that Council hear anyone wishing to speak with respect to Development Variance Permit Application No. DVP419 – 6083 Garside Road.

No one in attendance wished to speak with respect to Development Variance Permit Application No. DVP419 – 6083 Garside Road.

It was moved and seconded that Council issue:

1. Development Permit No. DP1272 at 6083 Garside Road with a variance to the watercourse setback from the wetland adjacent to Brannen Lake from 15m to 1.1m to allow an existing non-conforming dwelling and proposed site improvements; and,
2. Development Variance Permit No. DVP419 at 6083 Garside Road with variances to the side and rear yard setbacks; fence height; and lot coverage as outlined in the “Proposed Variances” section of the Staff Report dated 2022-OCT-24.

The motion carried unanimously.

(f) Development Permit Application No. DP1253 - 2103 Bowen Road

Introduced by Jeremy Holm, Director, Development Approvals.

It was moved and seconded that Council issue Development Permit No. DP1253 for a multi-family residential development at 2103 Bowen Road with variances to building height setbacks; fence height; refuse receptacle enclosure setbacks; landscaping requirements; and parking requirements as outlined in the “Proposed Variances” section of the Staff Report dated 2022-OCT-24. The motion carried unanimously.

- (g) 235 Wallace Street - Acceptance of Project Under "Revitalization Tax Exemption Bylaw 2018 No. 7261"
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Introduced by Bill Corsan, Director, Corporate and Business Development.

It was moved and seconded that Council approve the Revitalization Tax Exemption Agreement for a proposed 195-unit multi-family development at 235 Wallace Street. The motion carried.

Opposed: *Councillors Brown and Geselbracht*

- (f) 340 Campbell Street - Amendment of Project Under "Revitalization Tax Exemption Bylaw 2018 No. 7261"
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Introduced by Bill Corsan, Director, Corporate and Business Development.

It was moved and seconded that Council approve the amended Revitalization Tax Exemption Agreement for a proposed 163-unit multi-family development at 340 Campbell Street. The motion carried.

Opposed: *Councillors Brown and Geselbracht*

11. BYLAWS:

- (a) "Zoning Amendment Bylaw 2020 No. 4500.169"

It was moved and seconded that "Zoning Amendment Bylaw 2020 No. 4500.169" (To rezone portions of 3500 Rock City Road from Low Density Residential [R6] to Medium Density Residential [R8] with site-specific Floor Area Ratio) be adopted. The motion carried unanimously.

- (b) "Zoning Amendment Bylaw 2022 No. 4500.198"

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) be adopted. The motion carried.

Opposed: *Councillor Brown*

- (c) "Zoning Amendment Bylaw 2022 No. 4500.200"

It was moved and seconded that "Zoning Amendment Bylaw 2022 No. 4500.200" (to rezone 2086 and 2090 East Wellington Road from Rural Resource [AR1] to High Tech Industrial [I3] with an additional site-specific use to allow a proposed data centre) pass third reading. The motion carried.

Opposed: *Councillor Geselbracht*

(d) “Zoning Amendment Bylaw 2022 No. 4500.204”

It was moved and seconded that “Zoning Amendment Bylaw 2022 No. 4500.204” (to rezone 444, 450, 500 Comox Road, 55 Mill Street, and 1 Terminal Avenue from Medium Density Residential [R8] and Gateway [DT12] to Comprehensive Development District Zone Seven [CD7] and to amend the CD7 zone with new zoning regulations, to facilitate a mixed-use development and subdivision) pass third reading. The motion carried unanimously.

(e) “Land Use Contract Discharge Bylaw 2022 No. 7355”

It was moved and seconded that “Land Use Contract Discharge Bylaw 2022 No. 7355” (to discharge an existing Land Use Contract from the property title of 500 Comox Road) pass third reading. The motion carried unanimously.

(f) “City of Nanaimo Housing Agreement Bylaw 2022 No. 7357”

It was moved and seconded that “Housing Agreement Bylaw 2022 No. 7357” (to secure the terms and conditions of occupancy for a residential shelter at 3059 Glen Eagle Crescent) be adopted. The motion carried unanimously.

Councillor Bonner vacated the Shaw Auditorium at 8:12 p.m. declaring a conflict of interest as he sits on the Makerspace Nanaimo Association Board.

(g) “Property Tax Exemption Bylaw, 2022 No. 7358”

It was moved and seconded that “Property Tax Exemption Bylaw, 2022 No. 7358” (a bylaw to exempt certain land and buildings from taxation) be adopted. The motion carried unanimously.

Councillor Bonner re-entered the Shaw Auditorium at 8:13 p.m.

12. QUESTION PERIOD:

Council received two questions from the public regarding agenda items.

13. ADJOURNMENT:

It was moved and seconded at 8:16 p.m. that the meeting adjourn. The motion carried unanimously.

CERTIFIED CORRECT:

CHAIR

CORPORATE OFFICER