

**MINUTES**  
REGULAR COUNCIL MEETING  
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2022-NOV-21, AT 3:00 P.M.

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Present: Mayor L. Krog, Chair  
Councillor S. Armstrong  
Councillor T. Brown  
Councillor H. Eastmure  
Councillor B. Geselbracht  
Councillor E. Hemmens (arrived 3:52 p.m.)  
Councillor P. Manly  
Councillor J. Perrino  
Councillor I. Thorpe

Staff: J. Rudolph, Chief Administrative Officer  
D. Lindsay, General Manager, Development Services  
B. Sims, General Manager, Engineering and Public Works  
Supt. L. Fletcher, Nanaimo Detachment RCMP  
T. Doyle, Fire Chief  
L. Bhopalsingh, Director, Community Development  
A. Groot, Director, Facilities and Parks Operations  
J. Holm, Director, Development Approvals  
D. LaBerge, Manager Bylaw Services  
T. Webb, Communications Consultant  
D. Thompson, Manager, Roads & Traffic Services  
C. Davis, Manager, Parks Operations  
S. Gurrie, Director, Legislative Services  
N. Sponaule, Legislative Communications Clerk  
S. Snelgrove, Steno Coordinator  
A. Chanakos, Recording Secretary

1. CALL THE REGULAR MEETING TO ORDER:

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

2. INTRODUCTION OF LATE ITEMS:

(a) Agenda item 2 Procedural Motion – Add *Community Charter* Sections 90(1)(e) and 90(1)(k).

3. 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*:

- (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;
- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (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 3:00 p.m.

Council moved out of In Camera at 6:19 p.m.

Council recessed the Open Meeting 6:19 p.m.

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

## 2. INTRODUCTION OF LATE ITEMS: (continued)

- (b) Agenda Item 8 Snow and Ice Preparedness Presentation – reorder to Agenda Item 12(a).
- (c) Agenda Item 10 Consent Items – Add Recommendations from the Finance and Audit Committee meeting held 2022-NOV-14.
- (d) Remove Agenda Item 11(a) Delegation from Dr. Dawn Johnson Re: Solutions to Major Issues in Nanaimo.
- (d) Reorder Agenda item 11(c) Voice of People on the Street to follow Agenda item 11(d) Nanaimo Area Network of Drug Users.

Councillor Brown rejoined the meeting electronically at 7:06 p.m.

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 the Council of the City of Nanaimo held in the Shaw Auditorium, 80 Commercial Street, Nanaimo, BC, on Monday, 2022-OCT-24 at 5:00 p.m. be adopted as circulated. The motion carried unanimously.

6. MAYOR'S REPORT:

(a) Mayor Krog spoke regarding the following:

- The annual fall catch basin cleaning program runs November 7, 2022 – December 2, 2022. Catch basins are cleared and vacuumed out, and residents are reminded to use caution around the work sites.
- Residents are reminded to help prevent flooding by clearing leaves and debris from catch basins outside their homes.
- During snowfalls, the City's priority is to plow Priority 1 routes first. Other roads will be cleared within 96 hours unless another major snowfall occurs before then. Residents are advised to call Public Works with any concerns.
- The City invites the public to submit nominations for the 2023 Culture Awards, with nominations being accepted until December 2, 2022. The three award categories are Excellence in Culture, Honor in Culture, and Emerging Cultural Leader (under 30 years of age).
- A budget-focussed e-Town Hall will take place at the 2022-DEC-05 Regular Council Meeting from 7:00 p.m. to 8:00 p.m. An extra 30 minutes will be allocated if necessary. Budget related questions can be submitted in person or ahead of time by phone, the City website, or through the City's Facebook and Twitter accounts.

7. CONSENT ITEMS:

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

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

1. Acceleration of the Community Safety Officers Vehicle Project from 2023 to 2022

That Council approve accelerating the Community Safety Officers Vehicle project from 2023 to 2022 in the 2022 – 2026 Financial Plan.

2. Consideration of Other Grant Request for Water Use

That Council award an Other Grant in the amount of up to \$10,000 for the 2022 calendar year to Growing Opportunities, with funding to come from the Strategic Infrastructure Reserve Fund, and that the 2022-2027 Financial Plan be amended accordingly.

3. BC Active Transportation Infrastructure Program

That Council direct Staff to submit an application under the B.C. Active Transportation Infrastructure Grant as follows:

- Submit an application for the Albert and Fourth Complete Street Ph 2 project, and confirm the local share of \$2,324,322 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.

8. DELEGATIONS:

(a) Delegation from Ann Livingston re: Nanaimo Area Network of Drug Users

Ann Livingston spoke on behalf of the Nanaimo Area Network of Drug Users (NANDU) and provided a PowerPoint presentation giving an overview of how the NANDU overdose prevention site operates and its goals of advocacy/education and support.

Council discussion took place regarding how the site is managed. Concerns included: neighbourhood safety issues, lack of data collection, and level of involvement from Island Health.

(b) Delegation from Ruth Taylor re: Nanaimo Area Network of Drug Users

Ruth Taylor provided a PowerPoint presentation highlighting the issues resulting from the NANDU site operating directly behind her property. She spoke about the harm to her family, as well as damage to her property, and numerous safety concerns resulting from users of the NANDU site.

Council discussion took place regarding concerns from other neighbours and lack of community outreach from NANDU prior to the site opening.

(c) Delegation from Brunie Brunie re: Voice of People on the Street

Brunie Brunie spoke regarding Staff asking unhoused individuals to pack up and move every day during cold weather and expressed concern over the lack of a warming centre in the City.

9. REPORTS:

(a) Snow & Ice Preparedness

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

Presentation:

1. David Thompson, Manager, Roads & Traffic Services and Charlotte Davis, Manager, Parks Operations provided a PowerPoint presentation. Highlights included:

- The different types of shifts and the amount of staff required to operate the snow plow equipment, as well as various tools used to keep roads safe;
- Areas of the City where snow and ice control takes place, including City roads, parking lots, civic facilities and trailways;
- The difficulties of snow and ice removal including budgeting, vehicles parked on the roads, and the costs of hiring contractors;
- The possibility of adding weather stations to improve tactical information with the expected cost to be about \$75,000 which is not in the current budget;
- The reasons for clearing the E&N trail before priority 2 routes to promote active transportation and encourage pedestrians from walking on the highway; and
- Property owners being responsible for clearing the sidewalk outside their property.

(b) Remedial Action Requirement - Request for Reconsideration for 5 Durham Street

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

Ms. Reinhold was invited to address Council. She advised that all building designs and reports were submitted to the Building Department to apply for a building permit last week, with the final inspection being performed today.

Staff advised that as long as the building permit had been submitted and the homeowners continue to work with the City, there is no reason to issue a remedial action order.

Council discussion took place and it was noted that the delegation has 30 days to be in compliance.

It was moved and seconded that Council confirm the following resolution that was passed at the October 3, 2022 Regular meeting:

That Council:

- Issue a Remedial Action Order at 5 Durham Street pursuant to Sections 72, 73, and 74 of the *Community Charter*;

- Direct Staff or its authorized agents to take action in accordance with Section 187 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
- Direct that the remedial action consist of removing the front entry deck, rear carport and second floor rooms and washrooms which have been constructed without a permit or inspection.

The motion carried unanimously.

- (c) Development Variance Permit Application Nos. DVP414 - 1213 Princess Royal Avenue; DVP436 - 6675 Mary Ellen Drive; DVP437 - 1835 Bowen Road; and DVP438 - 4275 Rutherford Road

Introduced by Jeremy Holm, Director, Development Approvals.

Mayor Krog requested that Council hear anyone wishing to speak with respect to DVP414, DVP436, DVP437 and DVP438.

No one in attendance wished to speak to DVP414, DVP436, DVP437 and DVP438.

It was moved and seconded that Council issue Development Variance Permits at:

- DVP414 at 1213 Princess Royal Avenue;
- DVP436 at 6675 Mary Ellen Drive;
- DVP437 at 1835 Bowen Road; and,
- DVP438 at 4725 Rutherford Road.

to allow the proposed LED menu board signs.

The motion carried.

Opposed: *Councillors Brown, Eastmure, Geselbracht, and Manly*

- (d) Development Variance Permit Application No. DVP439 - 6566 Kestrel Crescent

Introduced by Jeremy Holm, Director, Development Approvals.

Mayor Krog requested that Council hear anyone wishing to speak with respect to DVP439.

No one in attendance wished to speak to DVP439.

It was moved and seconded that Council issue Development Variance Permit No. DVP439 at 6566 Kestrel Crescent to increase the allowable maximum lot coverage from 40% to 41%; and to reduce the rear yard setback requirement from 7.5m to 6.19m for a proposed addition. The motion carried unanimously.

(e) Development Variance Permit Application No. DVP440 - 2592 Departure Bay Road

Introduced by Jeremy Holm, Director, Development Approvals.

Mayor Krog requested that Council hear anyone wishing to speak with respect to DVP440.

No one in attendance wished to speak to DVP440.

It was moved and seconded that Council issue Development Variance Permit No. DVP440 at 2592 Departure Bay Road to reduce the minimum flanking side yard setback from 4.0m to 2.0m for a proposed single residential dwelling. The motion carried unanimously.

(f) Rezoning Application No. RA477 - 5645 & 5655/5657 Metral Drive

Introduced by Jeremy Holm, Director, Development Approvals.

It was moved and seconded that “Zoning Amendment Bylaw 2022 No. 4500.205” (to rezone 5645 and 5655/5657 Metral Drive from Single Dwelling Residential [R1] and Duplex Residential [R4] to Low Density Residential [R6] with site-specific provisions to increase the maximum allowable floor area ratio to 0.75 and increase the maximum principal building height to 13.0m pass first reading. The motion carried unanimously.

It was moved and seconded that “Zoning Amendment Bylaw 2022 No. 4500.205” pass second reading. The motion carried unanimously.

It was moved and seconded that Council direct Staff to secure the conditions related to “Zoning Amendment Bylaw 2022 No. 4500.205” as outlined in the “Conditions of Rezoning” section of the Staff report dated 2022-NOV-21 should Council support the bylaw at third reading. The motion carried unanimously.

(g) Covenant Amendment Application No. CA18 - 514, 540 Haliburton Street, 120 Needham Street, and 575 Nicol Street

Introduced by Jeremy Holm, Director, Development Approvals.

It was moved and seconded that Council direct Staff to proceed with public notification prior to Council’s consideration of Covenant Amendment Application No. CA18 at an upcoming Council meeting. The motion carried unanimously.

10. BYLAWS:

(a) “Zoning Amendment Bylaw 2021 No. 4500.196”

It was moved and seconded that “Zoning Amendment Bylaw 2021 No. 4500.196” (to rezone 6033 and 6053 Nelson Road from the Single Dwelling Residential [R1], Duplex Residential [R4], Low Density Residential [R6] and Parks Recreation and Culture One [PRC-1] to Low Density Residential [R6] and Medium Density Residential [R8] and Parks Recreation and Culture One [PRC-1] to allow a multi-family residential development) be adopted. The motion carried unanimously.

(b) “Sewer Regulation and Charge Amendment Bylaw 2022 No. 2496.36”

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

(c) “Flood Prevention Amendment Bylaw 2022 No. 5105.01”

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

(d) “Waterworks Rate and Regulation Amendment Bylaw 2022 No. 7004.19”

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

(e) “Management and Protection of Trees Amendment Bylaw 2022 No. 7126.02”

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

(f) “Property Maintenance and Standards Bylaw 2022 No. 7242.02”

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

(g) “Business Licence Amendment Bylaw 2022 No. 7318.01”

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

(h) “Chauffeurs Regulation Amendment Bylaw 2022 No. 7319”

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

(i) “Bylaw Notice Enforcement Amendment Bylaw 2022 No. 7159.17”

It was moved and seconded that “Bylaw Notice Enforcement Amendment Bylaw 2022 No. 7159.17” (to correct references to bylaw provisions and address fine inconsistencies) be adopted. The motion carried unanimously.



11. QUESTION PERIOD:

Council received no questions from the public regarding agenda items.

12. ADJOURNMENT:

It was moved and seconded at 9:34 p.m. that the meeting adjourn. The motion carried unanimously.

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C H A I R

CERTIFIED CORRECT:

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C O R P O R A T E O F F I C E R