



MINUTES
REGULAR COUNCIL MEETING

Monday, March 18, 2024, 4:30 P.M.
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC

- Members: Mayor L. Krog, Chair (vacated 7:33 p.m.; returned 7:50 p.m.)
Councillor S. Armstrong
Councillor T. Brown (vacated 8:52 p.m.)
Councillor H. Eastmure (vacated 7:51 p.m.; returned 7:54 p.m.)
Councillor B. Geselbracht
Councillor E. Hemmens
Councillor J. Perrino (vacated 7:33 p.m.; returned 7:50 p.m.)
- Absent: Councillor P. Manly
Councillor I. Thorpe
- Staff: D. Lindsay, Chief Administrative Officer
L. Mercer, General Manager, Corporate Services
B. Sims, General Manager, Engineering and Public Works
W. Fulla, Director, Finance
S. Gurrie, Director, Legislative Services
J. Holm, Director, Planning and Development
D. Laberge, Director, Public Safety
L. Brinkman, Manager, Community Planning
H. Davidson, Manager, Permit Centre & Business Licensing
K. Biegun, Planner, Community Planning
N. Sponaugle, Communications Advisor
K. Lundgren, Recording Secretary

1. CALL THE MEETING TO ORDER:

The Regular Council Meeting was called to order at 4:30 p.m.

* Denotes electronic meeting participation as authorized by "Council Procedure Bylaw 2018 No. 7272"

2. INTRODUCTION OF LATE ITEMS:

- (a) Agenda Item 2 – Procedural Motion– Add *Community Charter* Section 90(2)(b).

3. PROCEDURAL MOTION:

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 a 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;
- (c) labour relations or other employee relations;
- (g) litigation or potential litigation affecting the municipality;
- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; 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 4:30 p.m.

Council moved out of In Camera at 6:08 p.m.

Council recessed the Open Meeting at 6:08 p.m.

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

2. INTRODUCTION OF LATE ITEMS (continued):

- (a) Agenda Item 10 – Add consent item from the Advisory Committee on Accessibility and Inclusiveness Meeting 2024-MAR-13.
- (b) Add report titled "Rezoning Application No. RA475 – 444, 450, 500 Comox Road, 55 Mill Street, and 1 Terminal Avenue" as Agenda Item 7(c) and reorder the remaining agenda items accordingly.
- (c) Agenda Item 16 Correspondence – Add correspondence from David Maloney, dated 2024-MAR-13, re: the pickleball courts at Beaufort Park.

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, 2024-FEB-26 at 4:30 p.m.
- Minutes of the Regular Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2024-MAR-04 at 4:30 p.m.

The motion carried unanimously.

6. MAYOR'S REPORT:

Mayor Krog advised of the following:

- The 2024 Culture Award recipients were announced on March 11th: Excellence in Culture Award recipient was Paul Gogo, Honour in Culture Award 2024 recipient was Sukhi Sangha, and Emerging Cultural Leader 2024 recipient was Annalise Lam
- Paid parking will be instituted around Nanaimo Regional General Hospital. A new HotSpot Parking app provides a convenient payment option. Pay parking will be in effect Monday to Friday 8:00 a.m. to 5:00 p.m.
- The Junior All Native Tournament was named the Canada Sport of the Year at the Prestige Sport Tourism Awards in Winnipeg on Friday, March 15th. The Junior All Native Tournament was hosted by Snuneymuxw First Nation and the City last year between March 19th and 24th

7. RISE AND REPORT:

The Mayor advised that during the In Camera portion of the March 18, 2024, meeting, Council appointed Councillor Geselbracht as a member to serve on the Nanaimo Systems Planning Organization Society Board of Directors.

8. COMMITTEE MINUTES:

The following Committee Minutes were received:

- Minutes of the Mayor's Leaders' Table Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Friday, 2023-DEC-15 at 9:00 a.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, 2024-FEB-12 at 1:00 p.m.
- Minutes of the Mayor's Leaders' Table Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Friday, 2024-MAR-08 at 8:31 a.m.

9. CONSENT ITEMS:

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

Prior to the vote, Councillor Armstrong requested that Agenda Item 10(b)(2) Council Procedure Amendment Bylaw, be removed to be voted on separately.

a. Mayor's Leaders' Table Meeting 2024-MAR-08

1. Healthcare Ecosystem Advocacy Group

That Council invite Donna Hais to present to Council regarding the Healthcare Ecosystem Advocacy Group.

b. Governance and Priorities Committee Meeting 2024-MAR-11

1. Development Procedures and Notification Bylaw Update

That Council require a one hundred (100) metre notification distance for amendments to the Official Community Plan and/or Zoning Bylaw, in the Development Procedures and Notification Bylaw.

That Council include a public information meeting requirement for amendments to the Official Community Plan and/or Zoning Bylaw, and significant Development Permits with associated variances that cannot be delegated for approval, in the Development Procedures and Notification Bylaw.

c. Advisory Committee on Accessibility and Inclusiveness Meeting 2024-MAR-13

1. Update on Accessibility Improvements to City Parks and Trails

That Council direct Staff to conduct assessment audits on the following parks, trails and open spaces in 2024/2025:

- Westwood Lake Trail System
- Oliver Woods Park grounds
- Neck Point Park
- Stadium District
- Harewood Centennial Park
- Beaufort Park
- Bowen Park grounds adjacent to the Bowen complex
- Waterfront Walkway

The motion carried.

Opposed: *Councillor Brown*

d. Separately addressed consent Items

1. Council Procedure Amendment Bylaw

It was moved and seconded that the Council Procedure Amendment Bylaw consent item from the 2023-MAR-11 Governance and Priorities Committee Meeting be referred back to a Governance and Priorities Committee Meeting for further discussion. The motion carried.

Opposed: *Councillor Brown*

10. DELEGATIONS:

- a. Dan Hula spoke requesting clarification regarding Council decision making, the World Economic Forum, and the Global Covenant of Mayors. He expressed concern regarding the Nanaimo Operations Centre and government abuses of power.

11. REPORTS:

- a. Development Variance Permit Application No. DVP462 - Unit 102 & Unit 104 - 2517 Bowen Road

Introduced by Jeremy Holm, Director, Planning and Development.

The Mayor requested to hear anyone wishing to speak with respect to Development Variance Permit Application No. DVP462 - Unit 102 & Unit 104 - 2517 Bowen Road.

1. Shirley Duong, AIBC, Brian Kapuscinski, Architect, AIBC and Andreas Wienecke, Owner, were available on Zoom to answer any questions.

No one wished to speak regarding Development Variance Permit Application No. DVP462 - Unit 102 & Unit 104 - 2517 Bowen Road.

It was moved and seconded that Council issue Development Variance Permit No. DVP00462 to increase the maximum permitted gross floor area for an individual retail use within an existing building at 2517 Bowen Road as outlined in the "Proposed Variance" section of the Staff Report titled "Development Variance Permit Application No. DVP462 - Unit 102 & Unit 104 - 2517 Bowen Road" dated 2024-MAR-18. The motion carried unanimously.

Mayor Krog vacated the Shaw Auditorium at 7:33 p.m. declaring a conflict of interest as a family member operates a short-term rental.

Councillor Perrino vacated the Shaw Auditorium at 7:33 p.m. declaring a conflict of interest as she owns a short-term rental in Lantzville.

Councillor Armstrong assumed the Chair.

b. Short-Term Rental Review

To be introduced by Jeremy Holm, Director, Planning and Development.

Presentation:

1. Kasia Biegun, Planner, Community Planning, provided a PowerPoint presentation. Highlights included:
 - Provided a program overview of the City of Nanaimo's Short-Term Rental (STR) regulations adopted by Council on 2022-FEB-07
 - 291 STR licenses were issued as of 2024-MAR-01
 - As of 2024-MAR-01 there were 980 active STR listings within the City limits based on data from airDNA
 - There have been 62 complaints connected to STRs since the inception of the program
 - The purpose of Bill 35 – *Short-Term Rental Accommodation Act* is to turn more STRs into long-term housing
 - Provided an overview of the implementation of the provincial phased approach
 - Staff have reviewed the approach of seven other BC municipalities
 - The proposed regulatory amendments to the City's STR program include minor bylaw amendments and monitoring impacts of the new provincial regulatory rollout

- Future considerations include seeking compliance for STRs currently operating without a business license and further restricting the types of housing units STRs are permitted in

It was moved and seconded that Council direct Staff to review the “Business Licence Bylaw 2021 No. 7318”; the “Bylaw Notice Enforcement Bylaw 2012 No. 7159”; and, the “Zoning Bylaw 2022 No. 4500”; and present amendments to these bylaws to improve short-term rental compliance and enforcement tools, including increasing the fines from \$250 to \$500 per infraction, per day. The motion carried unanimously.

Mayor Krog and Councillor Perrino returned to the Shaw Auditorium at 7:50 p.m.

Councillor Eastmure vacated the Shaw Auditorium at 7:51 p.m., declaring a conflict of interest as she lives near 1 Terminal Avenue.

- c. Rezoning Application No. RA475 - 444, 450, 500 Comox Road, 55 Mill Street, and 1 Terminal Avenue

To be introduced by Jeremy Holm, Director, Planning and Development.

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

It was moved and seconded that Council rescind third reading of “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). The motion carried unanimously.

Councillor Eastmure returned to the Shaw Auditorium at 7:54 p.m.

- d. Housing Legacy Reserve Fund Review

Introduced by Laura Mercer, General Manager, Corporate Services.

It was moved and seconded that “Housing Legacy Reserve Fund Establishing Bylaw Amendment Bylaw 2024 No. 7299.01” (to clarify the purpose for which the fund was established) pass first reading. The motion carried unanimously.

It was moved and seconded that “Housing Legacy Reserve Fund Establishing Bylaw Amendment Bylaw 2024 No. 7299.01” pass second reading. The motion carried unanimously.

It was moved and seconded that “Housing Legacy Reserve Fund Establishing Bylaw Amendment Bylaw 2024 No. 7299.01” pass third reading. The motion carried unanimously.

It was moved and seconded that Council rescind the January 2011 Policy (COU-187) “Housing Legacy Reserve – Funding Allocation Criteria”. The motion carried unanimously.

e. Online Accommodation Platform Reserve Fund

Introduced by Laura Mercer, General Manager, Corporate Services.

It was moved and seconded that “Online Accommodation Platform Reserve Fund Bylaw 2024 No. 7374” (to establish an Online Accommodation Platform Reserve Fund) pass first reading. The motion carried unanimously.

It was moved and seconded that “Online Accommodation Platform Reserve Fund Bylaw 2024 No. 7374” pass second reading. The motion carried unanimously.

It was moved and seconded that “Online Accommodation Platform Reserve Fund Bylaw 2024 No. 7374” pass third reading. The motion carried unanimously.

12. CORRESPONDENCE:

a. Correspondence dated 2024-MAR-05 from the Nanaimo Brain Injury Society re: The National Strategy on Brain Injuries Act

It was moved and seconded that Council:

1. endorse the content of, and support, the federal private member’s Bill C-277 – *National Strategy on Brain Injuries Act*.
2. request the Mayor to write to MP Alistair MacGregor, Prime Minister Justin Trudeau, federal Minister of Health Mark Holland, and Nanaimo MP Lisa Marie Baron, noting the City of Nanaimo’s support for Bill C-277 – *National Strategy on Brain Injuries Act*.

It was moved and seconded that the motion be amended to remove reference to Bill C-277 – *National Strategy on Brain Injuries Act*, and show support for a national strategy on brain injuries.

The vote was taken on the amendment.
The motion carried unanimously.

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

That the Mayor, on behalf of Council, write to MP Alistair MacGregor, Prime Minister Justin Trudeau, federal Minister of Health Mark Holland, and Nanaimo MP Lisa Marie Baron, noting the City of Nanaimo's support for a national strategy on brain injuries.

The motion, as amended, carried unanimously.

- b. Surfrider Foundation Canada Request for Letter of Support re: Clean Coast Clean Waters Initiative

It was moved and seconded that the Mayor, on behalf of Council, provide a letter of support to Surfrider Foundation Canada, for their application to the Clean Coast Clean Waters Initiative. The motion carried unanimously.

- c. Correspondence from David Maloney, dated 2024-MAR-13, re: The pickleball courts at Beaufort Park.

It was moved and seconded that the pickleball courts at Beaufort Park be closed Easter Sunday, March 31, 2024, and Easter Monday, April 1, 2024.
The motion carried.

Opposed: *Councillor Hemmens*

13. QUESTION PERIOD:

Council received seven questions from the public regarding agenda items.

14. ADJOURNMENT:

It was moved and seconded at 9:06 p.m. that the meeting adjourn. The motion carried unanimously.

CERTIFIED CORRECT:

MAYOR

CORPORATE OFFICER