



MINUTES

GOVERNANCE AND PRIORITIES COMMITTEE MEETING

Monday, March 11, 2024, 1:00 P.M.
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC

- Members: Councillor S. Armstrong, Chair
Mayor L. Krog
Councillor H. Eastmure
Councillor B. Geselbracht*
Councillor E. Hemmens
Councillor J. Perrino
- Absent: Councillor T. Brown
Councillor P. Manly
Councillor I. Thorpe
- Staff: D. Lindsay, Chief Administrative Officer
B. Sims, General Manager, Engineering and Public Works
S. Gurrie, Director, Legislative Services
J. Holm, Director, Planning and Development
K. Robertson, Deputy Corporate Officer
C. Davis, Manager, Parks Operations
L. Rowett, Manager, Current Planning
M. Squire, Manager, Water Resources
K. Mayes, Planner, Development Approvals
A. Chanakos, Steno, Legislative Services
J. Tonella, Recording Secretary

1. CALL THE MEETING TO ORDER:

The Governance and Priorities Committee Meeting was called to order at 1:00 p.m.

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

2. INTRODUCTION OF LATE ITEMS:

- Agenda Item 6(a)(4), Short-Term Rental Review, to be postponed to a future Council meeting.

3. APPROVAL OF THE AGENDA:

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

4. ADOPTION OF THE MINUTES:

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

5. AGENDA PLANNING:

a. Upcoming Topics and Initiatives

Sheila Gurrie, Director, Legislative Services, spoke regarding topics and initiatives scheduled for upcoming Governance and Priorities Committee (GPC) meetings.

6. REPORTS:

a. Healthy Nanaimo:

1. Dam Safety Primer for City of Nanaimo

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

- The City is currently in its 10-year Dam Safety Review
- Noted that the presentation goes over public safety around dams and dam safety as a whole

Mike Squire, Manager, Water Resources, provided a PowerPoint presentation. Highlights included:

- Overview of City-owned dams and their risk ratings from low to extreme
- Four risk factors include population at risk, loss of life, environmental/cultural impacts and infrastructure/economic losses

- The City owns and maintains two water supply dams and eight recreation dams
- A recent audit on Middle Colliery Dam resulted in a request for a log boom to ensure safety for park users

Presentation:

1. Dave Bonin, Hatch Engineering, continued the PowerPoint presentation. Highlights included:
 - Dam safety looks at failure of dams and losing containment of structures, while public safety is guiding the use of dams safely
 - Transport Canada requires a boom in front of all spillways
 - The City has installed fencing, signage, and spillway booms; however, there is a limited timeframe to complete construction on recreational dams due to public use
 - In Canada, 300 fatalities have been documented associated with public safety incidents, 105 of those have happened in the last 20 years
 - Dam safety focuses on the sudden failure of the dam resulting in the rapid release of stored water
 - Types of dam failure include overtopping, internal erosion, foundation stability, gate failure and operator error
 - Causes of dam failure include improper design or construction, unexpected conditions and lack of maintenance
 - Dam classifications from low to extreme are based upon what would happen if the dam failed, and is not a statement of the condition of the dam
 - Middle Colliery Dam is in need of repairs as the concrete is deteriorating, exposing the rebar, and the spillway is undersized
 - Middle Colliery Dam will undergo a hydrology analysis, dam classification, geotechnical and seismic analysis
 - A full dam safety report will go to Council in Fall 2024

Committee and Staff discussion took place. Highlights included:

- Repair costs for Middle Colliery Dam are to be determined and will depend on the required upgrades
- The provincial government has written the City an order regarding Middle Colliery Dam
- The importance of effective signage regarding public safety around dams
- Discussion regarding dam failure due to gate failure or operator error
- There is currently no federal or provincial grant funding available to maintain dams

Delegation:

1. Jeff Solomon provided a presentation and spoke regarding Colliery Dam's history as a popular swimming spot. He noted that debris is being collected along the boom at Lower Colliery Dam and that it is not being cleaned regularly. If a boom were to be put in Middle Colliery Dam it would create the same issues. He expressed his concerns regarding the aesthetics of the dam and the debris by the swimming area.

Committee and Staff discussion took place. Highlights included:

- Discussion regarding the debris along the walls, and swimming area, and the cleaning schedule of the boom
- The current position of the boom prevents debris from going down the spillway as well as protects the public
- The City would be held liable if the dam safety regulation was not followed
- Removing the debris is part of dam maintenance

2. Development Procedures and Notification Bylaw Update

Introduced by Jeremy Holm, Director, Planning and Development.

Presentation:

1. Laiyna Rowett, Manager, Current Planning, provided a PowerPoint presentation. Highlights included:

- A review was initiated in 2023 and is part of a suite of initiatives that are part of the City's Development Approval Process (DAP) Review
- The existing bylaw gives guidance to outline the requirements for development application submissions, public notification requirements for public hearings and other administrative matters
- Staff and consultants initiated a review to modernize the current bylaw, update forms, research best practices in local government procedures and introduce new procedures to support development application reviews
- Bill 44 statutes established new procedural requirements around public hearings and public notification. This created three scenarios for public hearings: mandatory, discretionary, and prohibited
- Bill 44 allows Council to waive public hearings in some situations with notice given prior to first reading

Kristine Mayes, Planner, Current Planning, continued the presentation. Highlights included:

- Public information meetings (PIMs) are voluntarily hosted by the applicants for Official Community Plan (OCP) and/or zoning bylaw amendments and significant development permits
- PIMs are informal and give an opportunity for the applicant to share information with the public, answer questions, and allow for discussion and adjustments to the proposal before Council considers the application
- Staff recommend requiring PIMs for OCP and/or zoning amendments and significant development permits with variances that cannot be delegated for approval to the Director of Planning and Development
- Public notification is required for OCP and zoning bylaw amendments, Temporary Use Permits (TUPs) and Development Variance Permits (DVPs)
- Staff recommend that the City maintain existing notification distance for DVPs and TUPs and increase OCP and zoning bylaw amendments from 10m to

75m to align with other jurisdictions notification distances that are between 75m and 100m

Committee and Staff discussion took place. Highlights included:

- The City has received responses from two neighbourhood associations on PIMs and public notification distances
- Discussion regarding increasing the notification distance to further than 75m as it impacts residents outside of that range
- Results and feedback from PIMs are included in Staff reports to Council
- Increased cost of postage for mailouts by increasing the notification distance
- Discussion regarding public notification through mailouts, social media, the City's website, and delivery
- Suggestion to increase the notification distance from 75m to 100m given the size of the City
- The draft bylaw considerations have had legal review and will be brought to Council

It was moved and seconded that the Governance and Priorities Committee recommend 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. The motion carried.

Opposed: *Mayor Krog*

Committee and Staff discussion took place. Highlights included:

- Discussion regarding language in the draft bylaw outlining the requirements of PIMs
- Draft bylaw considerations being brought forward to Council has had legal review

It was moved and seconded 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. The motion carried unanimously.

3. Council Procedure Amendment Bylaw

Introduced by Sheila Gurrie, Director, Legislative Services.

Karen Robertson, Deputy Corporate Officer, Legislative Services, continued the presentation. Highlights included:

- The Province recently made amendments to Section 464 of the *Local Government Act*, affecting public hearings for certain land use planning applications
- Changes made by the *Housing Statutes Amendment Act* now limit discretion as it relates to how public input can be gathered and when local governments cannot hold public hearings
- Staff participated in a legal workshop and sought guidance from the City's solicitor regarding best practices for public engagement, when a public hearing cannot be held
- Option to receive written submissions, or for the developer to hold public information meetings
- Local governments may need to amend their Procedure Bylaws to align with the new legislation
- Before the new legislation came into effect, public hearings were mandatory for rezoning applications
- The Council Procedure Bylaw currently allows unlimited delegations for up to five minutes each if the topic is on the agenda
- Permitting delegations at first reading, when a public hearing is not held, could indirectly be considered holding a de facto public hearing which may be an issue in the future.

Section 9.1 – Order of Proceedings and Business

It was moved and seconded that Council direct Staff to add a "Correspondence" section to Section 9.1 - Order of Proceedings and Business within Council's Procedure Bylaw. The motion carried unanimously.

Section 19.4(c) - Delegations Pertaining to Council Agenda Items

It was moved and seconded that Council direct Staff to add the words “been acted upon by Council” in Section 19.4(c) of Council’s Procedure Bylaw. The motion carried unanimously.

Section 19.4(d) – Delegations Pertaining to Council Agenda Items

Karen Robertson, Deputy Corporate Officer, noted that the public would be able to contact members of Council or Staff informally throughout the application process.

It was moved and seconded that Council add the following as Section 19(d) to Council’s Procedure Bylaw:

“Refuse to place a Delegation on the agenda if the matter relates to a bylaw in respect of which a public or statutory hearing is:

- i) prohibited in accordance with Section 464 of the *Local Government Act*;
- ii) notice of first reading has been given where Council has decided not to hold a public hearing; or,
- iii) has already been held.

The motion carried.

Opposed: *Councillor Geselbracht*

Section 19.9(b) – Delegations Pertaining to Council Agenda Items

Karen Robertson, Deputy Corporate Officer, noted the following:

- Currently delegations, both on agenda items and not, are given five minutes to present unless a longer time period is permitted by a unanimous vote of all Council members present
- There is no limit on the number of delegations that can appear before Council on an agenda item
- Staff are recommending unlimited delegations, but Council may wish to consider reducing the time limit from five minutes to three minutes so that an individual topic does not overshadow a meeting
- Members of the public still have the opportunity to provide commentary through email, phone, letter, or through the Get Involved Nanaimo forum

Committee and Staff discussion took place. Highlights included:

- Discussion regarding retaining the five-minute time limit as it is the main way people can engage with Council on issues
- Feedback received from the public regarding difficulties fitting their points into a five-minute timeframe

It was moved and seconded that Council retain the status quo of five minutes for delegations in Section 19.9 of Council's Procedure Bylaw. The motion carried.

Opposed: *Councillors Armstrong and Hemmens*

Section 19.14 - Delegations Unrelated to Agenda Items (Page 59)

It was moved and seconded that Council retain the status quo of five minutes for delegations in Section 19.9 of Council's Procedure Bylaw and that Section 19.10 be removed. The motion carried unanimously.

Section 19.15(a) – Delegations unrelated to Agenda Items

It was moved and seconded that Council add the following Section 19.15(a) to Council's Procedure Bylaw:

if the matter relates to a bylaw in respect of which a public or statutory hearing is:

- i) prohibited in accordance with Section 464 of the *Local Government Act*;
- ii) notice of first reading has been given where Council has decided not to hold a public hearing; or
- iii) has already been held.

The motion carried unanimously.

Section 19.15(k) – Delegations Unrelated to Agenda Items

It was moved and seconded that Council direct Staff to add a Section 19.15(k) to Council's Procedure Bylaw which states: "if the Delegation has already spoken to Council on the same matter and no new significant information is provided." The motion carried unanimously.

Section 19.17(c) – Delegations Unrelated to Agenda Items

It was moved and seconded that Council direct Staff to add a Section 19.17(c) to Council's Procedure Bylaw which states: "not act on a request from a delegation following the presentation unless consent by a two-thirds vote of Council present is given." The motion carried unanimously.

Section 23.1 – Question Period

Committee and Staff discussion took place regarding questions being asked and responded to being discussed within the five-minute timeframe.

It was moved and seconded that Council retain question period in Section 23.1 at 5 minutes. The motion carried unanimously.

Section 50.4 and 50.5

It was moved and seconded that Council direct Staff to make the necessary housekeeping amendments to Section 50.4 and 50.5 of Council's Procedure Bylaw as outlined in Attachment 1 to the 2024-MAR-11 staff report by the Deputy Corporate Officer. The motion carried unanimously.

Section 51.9, 51.10, and 51.11

It was moved and seconded that Council direct Staff to add the following Sections 51.9, 51.10, and 51.11 to Council's Procedure Bylaw:

"Motion to Amend Minutes

51.9 A Council member may make a motion requesting that the minutes be amended to correct an inaccuracy or omission; however, the Corporate Officer should be advised of the challenge to the minutes at least one hour before the Council meeting at which the minutes are to be officially confirmed, to allow the Corporate Officer to review the recording of that meeting.

Meeting Recording to Determine Accuracy of Minutes

51.10 If a Council member questions the accuracy of a portion of the minutes of a Council meeting, Committee meeting, Court of Revision or Special Council meeting, the recording

of that meeting, if available, shall be used to decide the question.

Adoption of Minutes

51.11 If there are no errors or omissions, Council must adopt the minutes as circulated.”

The motion carried unanimously.

Section 55.5 – Public Hearings

It was moved and seconded that Council direct Staff to make the necessary housekeeping amendments to Section 55.5 of Council’s Procedure Bylaw as outlined in Attachment 1 to the 2024-MAR-11 staff report by the Deputy Corporate Officer. The motion carried unanimously.

7. QUESTION PERIOD:

The Committee received no questions from the public regarding agenda items.

8. ADJOURNMENT:

It was moved and seconded at 3:26 p.m. that the meeting adjourn. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

CORPORATE OFFICER