



MINUTES
REGULAR COUNCIL MEETING

Monday, July 8, 2024, 4:29 P.M.
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC

Members:

- Mayor L. Krog, Chair
- Councillor S. Armstrong
- Councillor T. Brown
- Councillor H. Eastmure
- Councillor B. Geselbracht (entered 4:31 p.m.)
- Councillor E. Hemmens
- Councillor P. Manly
- Councillor J. Perrino
- Councillor I. Thorpe

Staff:

- D. Lindsay, Chief Administrative Officer
- L. Mercer, General Manager, Corporate Services
- B. Sims, General Manager, Engineering and Public Works
- S. Gurrie, Director, Legislative Services
- J. Holm, Director, Planning and Development
- K. Robertson, Deputy Corporate Officer
- N. Skeels, Acting Manager, Real Estate
- N. Sponaule, Communications Advisor
- A. Chanakos, Recording Secretary

1. CALL THE MEETING TO ORDER:

The Regular Council Meeting was called to order at 4:29 p.m.

2. 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*:

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

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:

- (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;
- (m) a matter that, under another enactment, is such that the public may be excluded from the meeting; 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 4:29 p.m.

Council moved out of In Camera at 6:29 p.m.

Council recessed the Open Meeting at 6:29 p.m.

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

3. INTRODUCTION OF LATE ITEMS:

- (a) Agenda Item 12(a) Lease Disposition to BC Housing – Portion of 1030 Old Victoria Road – Add delegation from Valentina Cardinalli

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-JUN-17, at 4:29 p.m.

- Minutes of the Public Hearing (Special Council) held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC on Thursday, 2024-JUN-20, at 7:00 p.m.
- Minutes of the Special Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2024-JUN-24, at 2:57 p.m.

The motion carried unanimously.

6. MAYOR'S REPORT:

Mayor Krog advised of the following:

- The City has implemented access changes to Westwood Lake Park, and the third access is now for boat launch traffic only, with all other parking lot access from the first and second access points. Additional beach space has also been added, including artificial turf and picnic tables
- Central Vancouver Island Crime Stoppers, in partnership with Nanaimo RCMP, ICBC and Auto Check Automotive, are hosting an event to raise awareness of the increased theft of catalytic converters in Nanaimo. On 2024-JUL-13 from 10:00 a.m. – 4:00 p.m., vehicle owners can bring their vehicles to Auto Check Automotive and have their catalytic converters engraved for free. The process takes 20 minutes and a free barbeque will also take place
- The Mayor expressed appreciation on behalf of Council to all those involved in putting together the Canada Day celebrations

7. COMMITTEE MINUTES:

The following Committee Minutes were received:

- Minutes of the Design Advisory Panel Meeting, held electronically, on Thursday, 2024-JAN-11, at 5:02 p.m.
- Minutes of the Design Advisory Panel Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Thursday, 2024-MAR-14, at 5:01 p.m.
- Minutes of the Public Safety Committee Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Wednesday, 2024-APR-10, at 4:00 p.m.

- Minutes of the Special Mayor's Leaders' Table Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Friday, 2024-MAY-03, at 9:01 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 Wednesday, 2024-JUN-12, at 7:00 p.m.
- Minutes of the Finance and Audit Committee Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Wednesday, 2024-JUN-19, at 9:00 a.m.

8. **CONSENT ITEMS:**

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

Prior to the vote Councillor Brown requested that Agenda Item 10(b)(3) be removed to be voted on separately.

a. Finance and Audit Committee Meeting 2024-JUN-19

1. Funding for the Nanaimo Curling Club

That Council direct Staff to bring forward a Staff report on the conditions of the Nanaimo Curling Club and options for assisting the Club with securing an operational chiller.

2. Nanaimo Aquatic Centre Roof Renewal Funding

That Council approve an increase to the 2024 project budget for the Nanaimo Aquatic Centre: Rear Mechanical Parapet Wall project from \$83,600 to \$393,600 funded by the Facility Development Reserve Fund.

3. Warming Centre Services and Supports Update

That Council:

1. allocate \$400,000 from the Special Initiative Reserve and reallocate the remaining 2023/2024 winter season funding to match funds provided by the Reaching Home Community Advisory Board to support up to two year-round drop-in hubs that can also serve as warming and cooling centre services for the City of Nanaimo's extreme weather response starting in the 2024 winter season; and,

2. direct Staff to provide Council with an evaluation of the drop-in hub service as part of the City's extreme weather response for future funding consideration in summer 2025.

4. Home Energy Retrofit Financing Program

That Council direct Staff to:

1. apply to the Federation of Canadian Municipalities (FCM) Community Energy Efficiency Financing (CEF) program for pilot funding to support a Property Assessed Clean Energy (PACE) style home energy financing program and if successful, launch a PACE style home energy financing program for Nanaimo residents; and,
2. allocate up to \$200,000 from the Climate Action Reserve Fund to support a home energy retrofit financing program.

5. Permissive Tax Exemption Policy and Security Checks and Other Grants Policy Updates

That Council:

1. Approve the Permissive Tax Exemption Administrative Policy as outlined in the Staff report titled "Permissive Tax Exemption Policy and Security Checks and Other Grants Policy Updates" dated 2024-JUN-19;
2. Approve the Security Checks and Other Grants Administrative Policy as outlined in the Staff report titled "Permissive Tax Exemption Policy and Security Checks and Other Grants Policy Updates" dated 2024-JUN-19; and
3. Repeal the Council 'Grants Policy and Guidelines' Policy COU-185.

b. Governance and Priorities Committee Meeting 2024-JUN-24

1. Upcoming Topics and Initiatives (Part One)

That Council direct Staff to provide an update on progress on City Plan integrated Action item 16 regarding updating the Urban Tree Canopy management Strategy, conducting a tree canopy assessment and updating tree protection bylaws and development guidelines to bring urban tree management into alignment with city plan objectives and targets.

2. Upcoming Topics and Initiatives (Part Two)

That Council direct Staff to include the following topics on the 2024-OCT- 28 Governance and Priorities Committee Meeting schedule, subject to Staff's discretion if items need to be deferred due to the size of the agenda:

- Incentives that support City Plan
- Amenity Cost Charge Bylaw Project
- Development Cost Charge Bylaw Update Project
- DPA8 Form and Character Design Guidelines

3. Nanaimo Operations Centre / Public Works Yard Project Update (Part Two)

That the Governance and Priorities recommend that Council direct Staff to look at other options with respect to debt servicing.

(c) Separately Addressed Consent Items

1. Nanaimo Operations Centre / Public Works Yard Project Update (Part One)

It was moved and seconded that Council defer the following motion to allow a broader discussion at the 2024-JUL-15 Governance and Priorities Committee meeting:

“That Council direct Staff to proceed with the ‘Highest Needs in Single Phase’ option and prepare a borrowing bylaw in support of the project.”

The motion carried.

Opposed: *Mayor Krog*

9. REPORTS:

a. Lease Disposition to BC Housing - Portion of 1030 Old Victoria Road

Introduced by Laura Mercer, General Manager, Corporate Services.

Nancy Skeels, Acting Manager, Real Estate, provided a presentation. Highlights included:

- In January 2024, the Province and City signed a Memorandum of Understanding for the HEART and HEARTH programs

- The City-owned property at 1030 Old Victoria Road was identified for a new Navigation Centre to house 60 people experiencing homelessness
- BC Housing identified Vancouver Island Mental Health Society to be the lead operator of the site
- If lease approval is received, BC Housing can establish a centre with a potential opening date of January 2025

Delegation:

1. Valentina Cardinalli spoke in opposition to the proposed housing project, noting concerns regarding increased density in the area, the lack of public engagement, and the model of housing being implemented.

It was moved and seconded that the following wording be included in a potential motion:

“subject to BC Housing agreeing to a good neighbour agreement and establishing a Community Advisory Committee”

The motion carried.

Opposed: *Mayor Krog*

It was moved and seconded that Council approve, subject to BC Housing agreeing to a good neighbour agreement and the establishment of a Community Advisory Committee, the disposition of a 3-year lease, with the option for two 2-year renewals, for a portion of City-owned land located at 1030 Old Victoria Road to the Provincial Rental Housing Corporation. The motion carried.

Opposed: *Councillor Armstrong*

b. Criminal Record Checks and Fingerprinting Fees

Introduced by Sheila Gurrie, Director, Legislative Services.

Karen Robertson, Deputy Corporate Officer, provided an overview of criminal record checks and fingerprinting fees. Highlights included:

- The issue was brought forward by a delegation in 2018 where it was requested that the City waive the municipal portion of fingerprinting fees when the gender and birthdate matches that of a convicted sexual offender

- The current fee for criminal record checks for employment purposes is \$25, and if during a vulnerable sector check the gender and birthdate matches that of a convicted sexual offender, an additional \$50 charge is applied for fingerprinting. \$25 of that fee is for the RCMP to access the database, and the other \$25 is the municipal portion
- Volunteers pay \$10 for a criminal record check, including fingerprinting if necessary
- Previously, convicted sexual offenders were allowed to change their name, prompting the extra fingerprinting fee; however, that is no longer the case
- In comparing Nanaimo's fees to other municipalities, Nanaimo had the lowest fees

It was moved and seconded that Council select Option 4 as outlined in the 2024-JUL-08 report by the Deputy Corporate Officer and direct Staff to bring forward a bylaw amendment to the Fees and Charges Bylaw 2021 No. 7336 to replace the existing criminal record check fee for employment purposes and replace it with the following:

- Criminal Record Checks (includes fingerprinting fee, if required) - \$55.00
- Fingerprinting Fee for private industry, records suspension, travel waiver or legal name change - \$50.00
- Criminal Record Check for Volunteer or Non-Profit (includes fingerprinting fee, if required) - \$10.00

The motion carried unanimously.

c. Liquor Licence Application No. LA156 - 2373 Rosstown Road

Introduced by Jeremy Holm, Director, Planning and Development.

Mayor Krog asked if anyone in attendance wished to speak with regard to Liquor Licence Application No. LA156 – 2373 Rosstown Road.

No one in attendance wished to speak regarding Liquor Licence Application No. LA156 – 2373 Rosstown Road.

d. Development Variance Permit Application No. DVP464 - 1610 Loat Street

Introduced by Jeremy Holm, Director, Planning and Development.

Mayor Krog asked if anyone in attendance wished to speak with regard to Development Variance Permit Application No. DVP464 – 1610 Loat Street.

1. An adjacent neighbour spoke regarding concerns with the property owner cutting branches off trees on City property.
2. Philip Baker spoke in opposition to the proposal, noting concerns regarding the height of the proposed buildings and potential uses of the accessory building, as well as concerns regarding the survival of trees in proximity to the foundation of the buildings.
3. Jake (did not state last name) spoke regarding concerns about the proximity of the proposed house to the ditch along the road, and noted concerns with the proposed driveway covering City sewer lines.

It was moved and seconded that Council issue Development Variance Permit No. DVP464 for a single residential dwelling and accessory building at 1610 Loat Street with variances outlined as in the "Proposed Variances" section of the Staff Report, titled "Development Variance Permit Application No. DVP464 - 1610 Loat Street", dated 2024-JUL-08. The motion carried unanimously.

e. Development Permit Application No. DP1317 - 4670 Hammond Bay Road

Introduced by Jeremy Holm, Director, Planning and Development.

It was moved and seconded that Council issue Development Permit No. DP1317 for a multi-family residential development at 4670 Hammond Bay Road with variances as outlined in the "Proposed Variances" section of the Staff Report, titled "Development Permit Application No. DP1317 - 4670 Hammond Bay Road", dated 2024-JUL-08. The motion carried unanimously.

f. Rezoning Application No. RA498 - 5360 Bergen-Op-Zoom Drive

Introduced by Jeremy Holm, Director, Planning and Development.

It was moved and seconded that "Zoning Amendment Bylaw 2024 No. 4500.227" (to rezone 5360 Bergen-Op-Zoom Drive from Single Dwelling Residential [R1] to Medium Density Residential [R8]) pass first reading. The motion carried unanimously.

It was moved and seconded that "Zoning Amendment Bylaw 2024 No. 4500.227" pass second reading. The motion carried unanimously.

It was moved and seconded that "Zoning Amendment Bylaw 2024 No. 4500.227" pass third reading. The motion carried unanimously.

It was moved and seconded that Council direct Staff to secure the conditions related to “Zoning Amendment Bylaw 2024 No. 4500.227” as outlined in the “Conditions of Rezoning” section of the Staff Report, titled “Rezoning Application No. RA498 - 5360 Bergen-Op-Zoom Drive”, dated 2024-JUL-08 prior to final adoption. The motion carried unanimously.

g. Integrated Action Plan - 2024 Neighbourhood Association Priority Requests

Introduced by Jeremy Holm, Director, Planning and Development.

It was moved and seconded that Council endorse the updated 2024 neighbourhood association priority requests as outlined in Attachment B of the 2024-JUL-08 Staff report, titled "Integrated Action Plan - 2024 Neighbourhood Association Priority Requests", and direct Staff to replace the Appendix of the *Integrated Action Plan* (IAP) with the updated 2024 priority requests. The motion carried unanimously.

Council recessed the meeting at 9:03 p.m.

Council reconvened the meeting at 9:13 p.m.

h. Cannabis Retail Store Policy - Council Policy COU-241

Introduced by Jeremy Holm, Director, Planning and Development.

- Every cannabis retail store in the City needs to go through a rezoning process, which can be lengthy and involves public engagement
- This process does not satisfy the Liquor and Cannabis Regulation Branch, if there were to be an amendment to a cannabis store licence. Any amendment currently requires the City to engage with the public again regarding the amendment
- Staff developed streamlined policy to simplify the process of gathering views of residents

It was moved and seconded that Council endorse Council Policy COU-241 – Cannabis Retail Store License Application Process. The motion carried unanimously.

10. BYLAWS:

a. “Highway Closure and Dedication Removal Bylaw 2024 No. 7370”

It was moved and seconded that “Highway Closure and Dedication Removal Bylaw 2024 No. 7370” (to provide for highway closure and dedication removal of a portion of Northfield Road adjacent to 2300 Northfield Road) be adopted. The motion carried unanimously.

b. “Highway Closure and Dedication Removal Bylaw 2024 No. 7372”

Mayor Krog asked if anyone in attendance wished to speak with regard to “Highway Closure and Dedication Removal Bylaw 2024 No. 7372”.

No one in attendance wished to speak regarding “Highway Closure and Dedication Removal Bylaw 2024 No. 7372”.

It was moved and seconded that “Highway Closure and Dedication Removal Bylaw 2024 No. 7372” (to provide for highway closure and dedication removal of a portion of Bryden Street adjacent to 266 and 268 Bryden Street) pass third reading. The motion carried unanimously.

c. “Revitalization Tax Exemption Bylaw (Downtown) 2024 No. 7384”

It was moved and seconded that “Revitalization Tax Exemption Bylaw (Downtown) 2024 No. 7384” (a bylaw to establish a revitalization tax exemption program for the downtown for a five-year period) be adopted. The motion carried unanimously.

d. “Revitalization Tax Exemption Bylaw (Hotel and Motel) 2024 No. 7385”

It was moved and seconded that “Revitalization Tax Exemption Bylaw (Hotel and Motel) 2024 No. 7385” (a bylaw to establish a revitalization tax exemption program for the hotels and motels for a five-year period) be adopted. The motion carried unanimously.

e. “Respectful Spaces Bylaw 2024 No. 7381”

It was moved and seconded that “Respectful Spaces Bylaw 2024 No.7381” (a bylaw to promote a safe, healthy, respectful, and positive environment for members of the public, volunteers, Council and Staff) be adopted. The motion carried unanimously.

f. “Bylaw Notice Enforcement Amendment Bylaw 2024 No. 7159.20”

It was moved and seconded that “Bylaw Notice Enforcement Amendment Bylaw 2024 No. 7159.20” (a bylaw to assign fines for violations against the Respectful Spaces Bylaw) be adopted. The motion carried unanimously.

- g. “Officer Designation and Delegation of Authority Amendment Bylaw 2024 No. 7353.02”

It was moved and seconded that “Officer Designation and Delegation of Authority Amendment Bylaw 2024 No. 7353.02” (a bylaw to reference the Respectful Spaces Bylaw and Revitalization Tax Exemption Bylaws within Schedule “A” and to update Staff titles) be adopted. The motion carried unanimously.

- h. “Off-Street Parking Regulations Amendment Bylaw 2024 No. 7266.03”

It was moved and seconded that “Off-Street Parking Regulations Amendment Bylaw 2024 No. 7266.03” (to implement amendments related to Transit Oriented Areas - Bill 47 – Housing Statutes and associated regulations) be adopted. The motion carried.

Opposed: *Councillors Armstrong and Thorpe*

11. CORRESPONDENCE:

- a. Correspondence re: Funding Support for Shelter Space in the City of Nanaimo
- b. Correspondence, dated 2024-JUN-26, from Honourable Ravi Kahlon, Minister of Housing, re: Proposed Housing Target Order

12. OTHER BUSINESS:

- a. Councillor Geselbracht Motion re: Update of Current Investment Policy

It was moved and seconded that Staff provide a report with options to update the current investment policy to include a percentage of the City’s portfolio be in socially responsible (ESG) and low GHG investments. Report to provide:

1. Budgetary considerations for socially responsible investments at 10%, 30%, 50%, 75%, 100% of total City portfolio; and,
2. Updated background on fossil fuel divestment and responsible investing with updated numbers from the October 2021 Staff report and brief summary of practices of other local governments leading in responsible investment.

The motion carried.

Opposed: *Mayor Krog, Councillors Armstrong, Perrino and Thorpe*

13. QUESTION PERIOD:

Council received 11 questions from the public regarding agenda items.

14. ADJOURNMENT:

It was moved and seconded at 10:18 p.m. that the meeting adjourn. The motion carried unanimously.

MAYOR

CERTIFIED CORRECT:

CORPORATE OFFICER