

MINUTES
SPECIAL COUNCIL MEETING
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2018-MAY-14, AT 4:30 P.M.

Present: Mayor W. B. McKay, Chair
Councillor S. D. Armstrong
Councillor W. L. Bestwick (vacated the Douglas Rispin Room at 5:45 p.m.)
Councillor M. D. Brennan
Councillor G. W. Fuller
Councillor J. Hong
Councillor J. A. Kipp (vacated the Douglas Rispin Room at 5:45 p.m.)
Councillor I. W. Thorpe

Absent: Councillor W. M. Yoachim

Staff: B. Sims, Director of Public Works and Engineering
J. Van Horne, Director of Human Resources (vacated the Douglas Rispin Room at 5:45 p.m.)
K. Fry, Fire Chief
L. Mercer, Manager Accounting Services
B. Corsan, Deputy Director of Community Development
P. Rosen, Senior Manager Engineering
D. Stevens, Client Support Specialist
S. Gurrie, City Clerk
K. Gerard, Recording Secretary
G. Whitters, Recording Secretary

1. CALL THE REGULAR MEETING TO ORDER:

The Regular Council Meeting was called to order at 4:32 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 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;
- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and,

- (n) the consideration of whether a Council meeting should be closed under a provision of this subsection or subsection (2).

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 4:32 p.m.
Council moved out of “In Camera” at 5:25 p.m.
The Special Council Meeting recessed at 5:25 p.m.

Councillor Bestwick and Councillor Kipp vacated the Douglas Rispin Room at 5:45 p.m.

The Special Council Meeting reconvened at 7:00 p.m.

3. INTRODUCTION OF LATE ITEMS:

- (a) Agenda Item 8(b) – Committee Recommendations – Add Finance and Audit Committee Recommendations – 2018-MAY-09.
- (b) Remove Agenda Item 10(d) – 11-5600-03 Water Metering Policy.
- (c) Councillor Fuller advised that Bill Manners was in attendance and wished to address Council as a late delegation regarding Agenda Item 11(a) – Cameras in Taxicabs.

It was moved and seconded that Bill Manners be permitted to address Council as a late delegation with a five-minute time limitation. The motion carried unanimously.

4. ADOPTION OF AGENDA:

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

5. ADOPTION OF MINUTES:

It was moved and seconded that the Minutes of the Regular Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Monday, 2018-APR-23 at 5:00 p.m., be adopted as amended to show Mayor McKay left the Shaw Auditorium at 10:21 p.m. and returned at 10:30 p.m. The motion carried unanimously.

6. PRESENTATIONS:

(a) Delegation from the Grade 5 Class of Departure Bay Elementary School

The Grade 5 students from Departure Bay Eco School, led by their teacher Mr. McDowall, provided a presentation regarding playgrounds for inclusion in the Port Drive Waterfront Development plan and the importance of playgrounds in the community.

7. ADMINISTRATION:

(a) Advisory Committee Minutes

Introduced by Councillor Armstrong.

It was moved and seconded that Council receive the Minutes of the Community Engagement Task Force Meeting held on Tuesday, 2018-MAR-27 for information. The motion carried unanimously.

(b) Committee Recommendations

1. Public Safety Committee Recommendation – 2018-MAY-03

Introduced by Councillor Armstrong.

It was moved and seconded that Council ask Staff to inquire into incorporating graffiti proofing requirements in new developments (both residential and commercial) within the city, by way of an amendment to the building bylaw or other means. The motion carried unanimously.

2. Finance Audit Committee Recommendations – 2018-MAY-09

Introduced by Councillor Brennan.

It was moved and seconded that Council direct Staff to work with the KPMG auditors to implement best practices and the recommendations noted as significant control deficiencies named under Appendix A, in the report titled “2017 Annual Financial Statements”, dated 2018-MAY-09, and bring forward a report to a future Council meeting. The motion carried unanimously.

It was moved and seconded that Council direct staff to obtain a legal opinion regarding the release of the Human Resources personnel matters outlined on Page 75 of the Finance and Audit Committee Meeting Agenda, dated 2018-MAR-09, and report back to Council at a future “In Camera” meeting. The motion was defeated.

Opposed: *Mayor McKay, Councillors Armstrong, Brennan and Thorpe*

It was moved and seconded that Council approve the 2017 Annual Financial Statement for the City of Nanaimo. The motion carried.

Opposed: *Councillors Fuller and Hong*

It was moved and seconded that Council direct Staff to obtain an opinion of a possible breach of privacy from the Office of the Information and Privacy Commissioner with respect to the disciplinary letters outlined on Page 75 of the Finance and Audit Committee Meeting Agenda, dated 2018-MAR-09, and report back to Council at a future “In Camera” meeting. The motion carried.

Opposed: Mayor McKay

It was moved and seconded that Council approve the following Travel Assistance Grants:

- Cedar Community Secondary Senior A Basketball - \$50 for one (1) player to attend the Senior Boys Single A Island Basketball Championships in Ucluelet, BC, held 2018-FEB-22 through 2018-FEB-24;
- Vancouver Island University Mariners Volleyball Club - in the amount of \$350 for seven (7) players to attend the Provincial Championships Club Volleyball held 2018-APR-20 to 2018-APR-22 in Richmond, BC;
- Vancouver Island Special needs Hockey Association - in the amount of \$900 for eighteen (18) athletes to attend the 2018 Adaptive Hockey Challenge in Kelowna, BC from 2018-MAR-30 to 2018-APR-01; and,
- Wellington Secondary School Band - in the amount of \$600 for six (6) musicians to attend MusicFest Canada – Canadian Nationals in Toronto, Ontario held from 2018-MAY-14 through 2018-MAY-19.

The motion carried unanimously.

8. CORPORATE SERVICES:

- (a) Alternative Approval Process Results – “Fire Station #1 Borrowing Bylaw 2018 No. 7257”
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Introduced by Sheila Gurrie, City Clerk.

It was moved and seconded that Council receive the results of the Alternative Approval Process related to "Fire Station #1 Borrowing Bylaw 2018 No. 7257". The motion carried unanimously.

9. PUBLIC SERVICES:

- (a) 2018 Strategic Directions – Nanaimo Youth Advisory Committee

Introduced by Bill Corsan, Deputy Director of Community Development.

It was moved and seconded that Council endorse the 2018 Strategic Directions for the Nanaimo Youth Advisory Council as follows:

1. Youth Poverty;
2. Transportation; and,
3. Event Participation and Organization.

The motion carried unanimously.

(b) Cliff Street Contaminated Soils

Introduced by Bill Sims, Director of Engineering and Public Works.

It was moved and seconded that the “Cliff Street Contaminated Soils” report dated May 14, 2018 be received for information. The motion carried unanimously.

(c) Building Bylaw Amendment

Introduced by Bill Corsan, Deputy Director of Community Development.

It was moved and seconded that “Building Amendment Bylaw 2018 No. 7224.01” (To bring Building Bylaw 2016 No. 7224 into conformance with the Building Act) pass first reading. The motion carried unanimously.

It was moved and seconded that “Building Amendment Bylaw 2018 No. 7224.01” pass second reading. The motion carried unanimously.

It was moved and seconded that “Building Amendment Bylaw 2018 No. 7224.01” pass third reading. The motion carried unanimously.

10. PUBLIC SAFETY:

(a) Cameras in Taxi Cabs

Introduced by Karen Fry, Fire Chief and Director of Public Safety:

Delegation

1. Bill Manners spoke in support of cameras in taxi cabs for passenger and driver safety.

It was moved and seconded that Council receive the report titled “Cameras in Taxi Cabs”, dated May 14, 2018, be received for information. The motion carried unanimously.

11. BYLAWS:

(a) “Fire Station #1 Borrowing Bylaw 2018 No. 7257”

It was moved and seconded that “Fire Station #1 Borrowing Bylaw 2018 No. 7257” (To authorize the borrowing of up to \$17,000,000 for the reconstruction of Fire Station Number 1 [“Fire Station #1”]) be adopted. The motion carried.

Opposed: *Councillors Fuller and Hong*

12. OTHER BUSINESS:

(a) Councillor Kipp Notice of Motion regarding Financial Policies

During the Special Council Meeting held 2018-MAR-26 Councillor Kipp advised that he would be bringing forward the following motion for consideration:

"Whereas Finance was working on a number of policies and some Administrative Procedures and Guidelines, that are not in place but are necessary such as; Budget and Fiscal Management Policy, Reserve Policy, Revenue Policy, Debt Management Policy that stem from the Core Services Review and subsequent Council actions and Council requests an update and timeframe for these policies."

It was moved and seconded that Agenda Item 16(a) – Councillor Kipp Notice of Motion regarding Financial Policies be deferred to the next Regular Council Meeting to be held on 2018-MAY-28. The motion carried unanimously.

13. DELEGATIONS (not related to a report to Council)

(a) Delegation from Nicholas Heather

Nicholas Heather was not in attendance.

(b) Delegation from Deborah Hollins and Kahir Lalji

Deborah Hollins and Kahir Lalji were not in attendance.

(c) Delegation from Doug Bender

Doug Bender provided Council with a verbal presentation regarding the continued noise from the containers at Omni Foods on Fry Street and the lack of a noise mitigation plan.

By unanimous consent Council referred the sound mitigation concerns from the containers at Omni Foods on Fry Street, to Staff for further consultation with the Building and Permit department and owners of Omni Foods.

(d) Delegation from Ron Walker, Past President, BC and Yukon Branch, the Kidney Foundation of Canada

Ron Walker, Past President, BC and Yukon Branch, the Kidney Foundation of Canada, requested that the City of Nanaimo pass a resolution in support of the Organ Donor Program in line with the resolution of the Union of BC Municipalities.

It was moved and seconded that Council refer the request to pass a resolution in support of the Organ Donor Program to the Community Vitality Committee. The motion carried unanimously.

14. QUESTION PERIOD:

- Bill Manners re: Council meeting procedures current status of the updated procedural bylaw and the procedure for presentations.
- Pat McGee re: KPMG Summary of Findings report and Grade 5 class presentation.

15. ADJOURNMENT:

It was moved and seconded at 8:28 p.m. that the meeting terminate. The motion carried unanimously.

C H A I R

CERTIFIED CORRECT:

CORPORATE OFFICER