

**MINUTES**  
REGULAR COUNCIL MEETING  
DOUGLAS RISPIN ROOM, AND SHAW AUDITORIUM,  
VANCOUVER ISLAND CONFERENCE CENTRE,  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2018-MAY-07, AT 4:30 P.M.

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Present: Mayor W. B. McKay, Chair  
Councillor S. D. Armstrong  
Councillor W. L. Bestwick (arrived 4:39 p.m., vacated 10:07 p.m.)  
Councillor M. D. Brennan  
Councillor G. W. Fuller  
Councillor J. Hong  
Councillor J. A. Kipp (vacated 8:23 p.m.)  
Councillor I. W. Thorpe  
Councillor W. M. Yoachim (arrived 4:49 p.m.)

Staff: J. Van Horne, Director of Human Resources (arrived 6:06 p.m., vacated 6:58 p.m., returned 7:22 p.m., vacated 8:04 p.m.)  
D. Lindsay, Director of Community Development (vacated 6:58 p.m., returned 8:16 p.m.)  
B. Sims, Director of Engineering and Public Works (arrived 10:37 p.m.)  
P. Rosen, Senior Manager Engineering (arrived 10:37 p.m., vacated 11:14 p.m.)  
J. Rose, Manager of Transportation (arrived 10:37 p.m., vacated 11:14 p.m.)  
L. Mercer, Manager Accounting Services (vacated 9:02 p.m.)  
W. Fulla, Manager, Business, Asset & Financial Planning (vacated 9:02 p.m.)  
B. Zurek, Planner (arrived 11:01 p.m., vacated 11:14 p.m.)  
M. Desrochers, Client Support Specialist (arrived 7:00 p.m.)  
S. Gurrie, City Clerk  
J. Vanderhoef, Recording Secretary

1. CALL THE REGULAR MEETING TO ORDER:

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

2. INTRODUCTION OF LATE ITEMS:

- (a) Agenda Item 2 – Procedural Motion to Proceed In Camera – add *Community Charter* Section 90(1):
  - (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.

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*:

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

The motion carried unanimously.

Council moved “In Camera” at 4:30 p.m.

Council moved out of “In Camera” at 6:58 p.m.

The Regular Council Meeting reconvened in the Shaw Auditorium at 7:01 p.m.

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

- (b) Agenda Item 9(b) – 2018 Property Tax Rates Bylaw – replace report.
- (c) Agenda Item 10(e) - Development Permit Application No. DP1064 -1400 Wingrove Street – add delegations from David Shillabeer and Ian Niamath, and correct wording of delegation from Matthew Roberts and Hilary Harlow to address Amrikkos property located at 1400 Wingrove Street.
- (d) Agenda Item 10(f) - Development Permit Application No. DP1085 - 2020 Estevan Road – add the following delegations:
  - 1. Terry Harrison;
  - 2. Ian Gartshore; and,
  - 3. Linda Braid.
- (e) Agenda Item 10(m) - 05-1835-01 Asset Management Policy – add delegation from Wally Wells, Executive Director of Asset Management BC.

- (f) Agenda Item 15(a) - Mayor McKay Notice of Motion Regarding Site Selection for Overdose Prevention Site – correct wording of Notice of Motion as follows:

"To identify sites available for a federally regulated and recognized supervised consumption service."

- (g) Remove Agenda Item 10(a) - Noise Control Bylaw Exemption report and delegation from Darren Wicks.
- (h) Councillor Bestwick advised that Helen Lemmon was in attendance and wished to address Council as a late delegation regarding Agenda Item 10(f) - Development Permit Application No. DP1085 - 2020 Estevan Road.
- (i) Councillor Armstrong requested that the Agenda be reordered to move Agenda Item 10(b) – Draft Hospital Area Plan to follow Agenda Item 10(n) – Policy 11-5400-09 Transportation Non Standard Crosswalk Marking Policy.

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 following Minutes be adopted as circulated:

- Minutes of the Special Meeting of the Council of the City of Nanaimo held in the Shaw Auditorium, 80 Commercial Street, Nanaimo, BC, on Monday, 2018-APR-09 at 10:00 a.m.
- Minutes of the Special Meeting of the Council of the City of Nanaimo held in the Shaw Auditorium, 80 Commercial Street, Nanaimo, BC, on Friday, 2018-APR-20 at 10:00 a.m.

The motion carried unanimously.

6. PRESENTATIONS:

- (a) Dr. Michelle Corfield, Board Chair, Nanaimo Port Authority, provided Council with a presentation regarding recent Nanaimo Port activities.

J. Van Horne entered the Shaw Auditorium at 7:22 p.m.

7. ADMINISTRATION:

(a) Advisory Committee Minutes

Introduced by Councillor Hong.

It was moved and seconded that the following Advisory Committee Minutes be received for information:

- Minutes of the Design Advisory Panel Meeting held on Thursday, 2018-FEB-08.
- Minutes of the Design Advisory Panel Meeting held on Thursday, 2018-MAR-08.

The motion carried unanimously.

Introduced by Councillor Hong.

It was moved and seconded that the Minutes of the Nanaimo Youth Advisory Council Meeting held on Wednesday, 2018-MAR-21 be received for information. The motion carried unanimously.

Introduced by Councillor Thorpe, Chair.

It was moved and seconded that the Minutes of the Parks, Recreation and Wellness Committee Meeting held on Wednesday, 2018-MAR-28 be received for information. The motion carried unanimously.

8. CORPORATE SERVICES:

(a) 2018 - 2022 Financial Plan Amendment Bylaw

Introduced by Laura Mercer, Manager of Accounting Services.

It was moved and seconded that “Financial Plan Amendment Bylaw 2017 No. 7253.02” (To amend the 2018 – 2022 Financial Plan), pass first reading. The motion carried.

Opposed: *Councillors Armstrong, Brennan, Thorpe*

J. Van Horne vacated the Shaw Auditorium at 8:04 p.m.

It was moved and seconded that “Financial Plan Amendment Bylaw 2017 No. 7253.02” pass second reading. The motion carried.

Opposed: *Councillors Armstrong, Brennan, Thorpe*

It was moved and seconded that “Financial Plan Amendment Bylaw 2017 No. 7253.02” pass third reading. The motion carried.

Opposed: *Councillors Armstrong, Brennan, Thorpe*

(b) 2018 Property Tax Rates Bylaw

Introduced by Laura Mercer, Manager of Accounting Services.

It was moved and seconded that “Property Tax Rates Bylaw 2018 No. 7264” (To set the property tax rates for 2018) pass first reading. The motion carried.

Opposed: *Councillors Armstrong, Brennan, Thorpe*

It was moved and seconded that “Property Tax Rates Bylaw 2018 No. 7264” pass second reading. The motion carried.

Opposed: *Councillors Armstrong, Brennan, Thorpe*

It was moved and seconded that “Property Tax Rates Bylaw 2018 No. 7264” pass third reading. The motion carried.

Opposed: *Councillors Armstrong, Brennan, Thorpe*

D. Lindsay entered the Shaw Auditorium at 8:16 p.m.

9. PUBLIC SERVICES:

(a) Housing Agreement - 1406 Bowen Road

Introduced by Dale Lindsay, Director of Community Development.

It was moved and seconded that “Housing Agreement Bylaw 2018 No. 7262” (To authorize a housing agreement for a 24-unit affordable housing complex at 1406 Bowen Road) pass first reading. The motion carried unanimously.

It was moved and seconded that “Housing Agreement Bylaw 2018 No. 7262” pass second reading. The motion carried unanimously.

It was moved and seconded that “Housing Agreement Bylaw 2018 No. 7262” pass third reading. The motion carried unanimously.

(b) Land Reserve Application - Application for Non-Farm Use in the Agricultural Land Reserve - 155 Pryde Avenue

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Introduced by Dale Lindsay, Director of Community Development.

It was moved and seconded that Council indicate it supports the applications for a subdivision, exclusion, the siting of a recreational trail, and a sanitary sewer upgrade in the Agricultural Land Reserve at 155 Pryde Avenue. The motion carried unanimously.

Councillor Kipp vacated the Shaw Auditorium at 8:23 p.m. stating a conflict of interest as he was involved in the original construction of the property at 1400 Wingrove Street.

(c) Development Permit Application No. DP1064 -1400 Wingrove Street

Introduced by Dale Lindsay, Director of Community Development.

Delegations:

1. Matthew Roberts and Hilary Harlow spoke regarding concerns relating to parking in the area and requested action regarding the property at 1400 Wingrove Street.
2. David Shillabeer spoke in favour of the development and suggested that the proposed development would encourage revitalization of the village centre in the Departure Bay area.
3. Ian Niamath spoke on behalf of the owner in support of the application for a development permit at 1400 Wingrove Street and explained how the proposed development could improve the area.

The Regular Council Meeting recessed at 9:02 p.m.

The Regular Council Meeting reconvened at 9:13 p.m.

It was moved and seconded that Council issue Development Permit No. DP1064 at 1400 Wingrove Street with the following variances:

- reduce the minimum required front yard setback from 7m to 4.7m for the front canopy;
- reduce the minimum required side yard setback from 2.25m to 0.73m for an entry portico;
- reduce the minimum required rear yard setback from 4.5m to 0.22m;
- reduce the Minimum Landscape Treatment Level 1d (Wingrove Street) from 1.8m to 0m;
- reduce the minimum required number of parking spaces from 54 to 13 spaces; and,
- reduce the minimum required number of loading spaces from 1 to 0.

The motion carried.

Opposed: *Councillor Armstrong*

(d) Development Permit Application No. DP1085 - 2020 Estevan Road

Introduced by Dale Lindsay, Director of Community Development.

Delegations:

1. Terry Harrison spoke in support of the Development Permit Application for 2020 Estevan Road and provided a brief overview of the Development Proposal.
2. Ian Gartshore spoke regarding his involvement with the Brechin United Church congregation and in support of the building permit application.
3. Linda Braid spoke in support of the 2020 Estevan Road Development Permit Application and the efforts being made to address parking concerns.

4. Helen Lemmon spoke regarding concerns relating to the size of the development and congestion of roadways in the area.

It was moved and seconded that Council issue Development Permit No. DP1085 at 2020 Estevan Road with the following variance:

- reduce the minimum required number of parking spaces for the multi-family use within the development from 122 parking spaces to 82 parking spaces.

The motion carried unanimously.

(e) Covenant Amendment Application No. CA8 - 5180 Universal Place

Introduced by Dale Lindsay, Director of Community Development.

Mayor McKay requested that Council hear anyone wishing to speak with respect to CA8 - 5180 Universal Place.

No one in attendance wished to speak with respect to CA8 - 5180 Universal Place.

It was moved and seconded that Council:

1. waive the requirement for Public Hearing for Covenant Amendment Application No. CA8 at 5180 Universal Place; and,
2. approve Covenant Amendment Application No. CA8 in order to amend the terms as proposed for the Section 219 covenant (EJ078164) registered on the title of 5180 Universal Place.

The motion carried unanimously.

(f) Development Variance Permit Application No. DVP346 - 2340 Wild Dove Road

Introduced by Dale Lindsay, Director of Community Development.

Mayor McKay requested that Council hear anyone wishing to speak with respect to DVP346 - 2340 Wild Dove Road.

No one in attendance wished to speak with respect to DVP346 - 2340 Wild Dove Road.

It was moved and seconded that Council issue Development Variance Permit No. DVP346 for 2340 Wild Dove Road with the following variance:

- reduce the minimum required rear yard setback from 5.5m to 3.6m for an open deck.

The motion carried unanimously.

Councillor Bestwick vacated the Shaw Auditorium at 10:07 p.m.

(g) Development Variance Permit No. DVP341 - 5901 Hammond Bay Road

Introduced by Dale Lindsay, Director of Community Development.

Mayor McKay requested that Council hear anyone wishing to speak with respect to DVP341 - 5901 Hammond Bay Road.

Delegations:

1. Matthew McMillan spoke regarding concerns relating to parking congestion in the area. He read aloud an email provided by Vivian Simons stating concerns relating to planning of this project.
2. Ken Grewall, applicant, explained the variance request is needed to increase road width for the proposed development at 5901 Hammond Bay Road.

Mayor McKay requested that Council hear anyone wishing to speak with respect to DVP341 - 5901 Hammond Bay Road.

No one in attendance wished to speak with respect to DVP341 - 5901 Hammond Bay Road.

It was moved and seconded that Council issue Development Variance Permit No. DVP341 for a proposed subdivision at 5901 Hammond Bay Road with the following variances:

- Reduce the minimum lot frontage for proposed Lots 4 and 6 from 15m to 14m; and,
- Reduce the minimum rear yard setback for an existing single dwelling on proposed Lot 2 from 7.5m to 5.7m.

The motion carried unanimously.

(h) Proposed Road Closure and Disposition - Part of Emil Place Adjacent to 5901 Hammond Bay Road

Introduced by Dale Lindsay, Director of Community Development.

It was moved and seconded that:

1. Council authorize the road closure and disposition of a portion of Emil Place adjacent to 5901 Hammond Bay Road to KSG Consulting Ltd;
2. the Mayor and Corporate Officer execute the conditional Road Closure and Sale Agreement; and,
3. Council direct Staff to proceed with public notice of closure and disposition of a portion of Emil Place.

The motion carried unanimously.

It was moved and seconded that “Highway Closure and Dedication Removal Bylaw 2018 No. 7263” (To provide for highway closure and dedication removal of a portion of Emil Place adjacent to 5901 Hammond Bay Road) pass first reading. The motion carried unanimously.

It was moved and seconded that “Highway Closure and Dedication Removal Bylaw 2018 No. 7263” pass second reading. The motion carried unanimously.

- (i) Official Community Plan Amendment Application OCP86 and Rezoning Application RA384 - 801, 1150, and 1151 Nanaimo Lakes Road

Introduced by Dale Lindsay, Director of Community Development.

It was moved and seconded that “Official Community Plan Amendment Bylaw 2018 No. 6500.036” (OCP86 – To re-designate from Resource Protection to Parks and Open Space a portion of 801, 1150, and 1151 Nanaimo Lakes Road; and to designate a separate portion of 801 Nanaimo Lakes Road as Parks and Open Space) pass first reading. The motion carried.

Opposed: Mayor McKay, Councillor Hong

It was moved and seconded that “Official Community Plan Amendment Bylaw 2018 No. 6500.036” pass second reading. The motion carried.

Opposed: Mayor McKay, Councillor Hong

It was moved and seconded that “Zoning Amendment Bylaw 2018 No. 4500.114” (RA384 - To rezone a portion of 801 and 1150 Nanaimo Lakes Road from Rural Resource [AR1] to Parks, Recreation and Culture One [PRC1]; to rezone a portion of 801, 1150, and 1151 Nanaimo Lakes Road from Rural Resource [AR1] to Parks, Recreation and Culture Two [PRC2]; and to rezone a portion of 1151 Nanaimo Lakes Road from Community Service Two [CS2] to Parks, Recreation and Culture Two [PRC2]) pass first reading. The motion carried.

Opposed: Mayor McKay, Councillor Hong

It was moved and seconded that “Zoning Amendment Bylaw 2018 No. 4500.114” pass second reading. The motion carried.

Opposed: Mayor McKay, Councillor Hong

It was moved and seconded that “Park Dedication Bylaw 2018 No. 7259” (To dedicate land for park purposes) pass first reading. The motion carried.

Opposed: Mayor McKay, Councillor Hong

It was moved and seconded that “Park Dedication Bylaw 2018 No. 7259” pass second reading. The motion carried.

Opposed: Mayor McKay, Councillor Hong

It was moved and seconded that “Park Dedication Bylaw 2018 No. 7259” pass third reading. The motion carried.

Opposed: Mayor McKay, Councillor Hong

- (j) OCP Amendment Application No. OCP87 and Zoning Amendment Application No. RA386 - 40 Maki Road
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Introduced by Dale Lindsay, Director of Community Development.

It was moved and seconded that "Official Community Plan Amendment Bylaw 2018 No. 6500.038" (OCP87 – To re-designate 40 Maki Road on the Future Land Use Plan [Map 1] from 'Neighbourhood' to 'Light Industrial'; and to re-designate 40 Maki Road on the Chase River Neighbourhood Plan Land Use schedule A-7.3 from 'Low-Medium Density Residential' to 'Service Industrial Enterprise Area') pass first reading. The motion carried unanimously.

It was moved and seconded that "Official Community Plan Amendment Bylaw 2018 No. 6500.038" pass second reading. The motion carried unanimously.

B. Sims, P. Rosen and J. Rose entered the Shaw Auditorium at 10:37 p.m.

It was moved and seconded that "Zoning Amendment Bylaw 2018 No. 4500.119" (RA386 - To rezone 40 Maki Road from Single Dwelling Residential-R1 to Highway Industrial-11) pass first reading. The motion carried unanimously.

It was moved and seconded that "Zoning Amendment Bylaw 2018 No. 4500.119" pass second reading. The motion carried unanimously.

10. BYLAWS:

- (a) "Revitalization Tax Exemption Bylaw 2018 No. 7261"

It was moved and seconded that "Revitalization Tax Exemption Bylaw 2018 No. 7261" (To create a new Downtown Tax Exemption Program) be adopted. The motion carried unanimously.

11. OTHER BUSINESS:

- (a) Councillor Kipp Notice of Motion Regarding Financial Policies

By unanimous consent this item was deferred to the Special Council Meeting scheduled for 2018-MAY-14.

- (b) Mayor McKay Notice of Motion Regarding Reconsideration of "Zoning Amendment Bylaw 2018 No. 4500.118"
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It was moved and seconded that "Zoning Amendment Bylaw 2018 No. 4500.118" (To rezone 1615 Northfield Road from Single Dwelling Residential [R1] to Residential Corridor [COR1]) pass third reading. The motion carried.

Opposed: Councillor Fuller

9. PUBLIC SERVICES: (Continued)

(k) 05-1835-01 Asset Management Policy

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

Delegation:

1. Wally Wells, Executive Director of Asset Management BC, spoke in support of the proposed policy, provided input regarding the function of the Asset Management Policy, and the need to maintain assets in order to provide service delivery within the City.

Councillor Brennan vacated the Shaw Auditorium 10:55 p.m.

It was moved and seconded that Council approve the “05-1835-01 Asset Management Policy” and endorse the “2017 Strategic Asset Management Plan”. The motion carried unanimously.

(l) Policy 11-5400-09 Transportation Non Standard Crosswalk Marking Policy

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

Councillor Brennan returned to the Shaw Auditorium at 10:58 p.m.

It was moved and seconded that Council approve “Policy 11-5400-09 Transportation Non-Standard Crosswalk Policy” dated 2018-MAY-07. The motion carried unanimously.

It was moved and seconded that the Council Meeting proceed past 11:00 p.m. The motion carried.

Opposed: *Councillor Yoachim*

B. Zurek entered the Shaw Auditorium at 11:01 p.m.

(m) Draft Hospital Area Plan

Introduced by Dale Lindsay, Director of Community Development.

Presentation:

1. Brian Zurek, Planner, provided a presentation regarding the Draft Hospital Area Plan.

It was moved and seconded that the report titled “Draft Hospital Area Plan” dated 2018-MAY-07, be received for information. The motion carried unanimously.

12. CORRESPONDENCE:

- (a) Correspondence from Cathy Peters, dated 2018-FEB-26, requesting a letter be sent to the BC Premier John Horgan and Public Safety Minister/Solicitor General Mike Farnworth in support of a Human Trafficking Task Force and enforcement of Protection of Communities and Exploited Persons Act regarding child sex trafficking in BC municipalities.

It was moved and seconded that Council receive the correspondence from Cathy Peters, dated 2018-FEB-26, for information. The motion carried unanimously.

P. Rosen, J. Rose and B. Zurek vacated the Shaw Auditorium at 11:14 p.m.

13. NOTICE OF MOTION:

- (a) Mayor McKay Notice of Motion Regarding Site Selection for Overdose Prevention Site

It was moved and seconded that Council direct Staff to identify sites available for a federally regulated and recognized supervised consumption service. The motion carried unanimously.

14. ADJOURNMENT:

It was moved and seconded at 11:17 p.m. that the meeting terminate. The motion carried unanimously.

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CHAIR

CERTIFIED CORRECT:

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CORPORATE OFFICER