

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE REGULAR BOARD MEETING
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, AUGUST 23, 2016 AT 7:00 PM IN THE
RDN BOARD CHAMBERS**

In Attendance:

Director C. Haime	Chairperson
Director A. McPherson	Electoral Area A
Director H. Houle	Electoral Area B
Director M. Young	Electoral Area C
Director B. Rogers	Electoral Area E
Director J. Fell	Electoral Area F
Director J. Stanhope	Electoral Area G
Alternate	
Director M. Recalma	Electoral Area H
Director B. McKay	City of Nanaimo
Director B. Bestwick	City of Nanaimo
Director J. Hong	City of Nanaimo
Director W. Pratt	City of Nanaimo
Alternate	
Director D. Brennan	City of Nanaimo
Director I. Thorpe	City of Nanaimo
Alternate	
Director G. Fuller	City of Nanaimo
Director M. Lefebvre	City of Parksville
Director T. Westbroek	Town of Qualicum Beach

Regrets:

Director W. Veenhof	Chairperson
Director J. Kipp	City of Nanaimo
Director B. Yoachim	City of Nanaimo

Also in Attendance:

D. Trudeau	Interim Chief Administrative Officer
R. Alexander	Gen. Mgr. Regional & Community Utilities & Solid Waste
G. Garbutt	Gen. Mgr. Strategic & Community Development
T. Osborne	Gen. Mgr. Recreation & Parks
J. Harrison	Director of Corporate Services
W. Idema	Director of Finance
T. Armet	Mgr. Building & Bylaw Services
J. Hill	Mgr. Administrative Services
B. Ritter	Recording Secretary

CALL TO ORDER

The Chairperson called the meeting to order and respectfully acknowledged the Coast Salish Nations on whose traditional territory the meeting took place.

The Chairperson welcomed Alternate Directors Fuller and Recalma to the meeting.

DELEGATIONS

Line Robert, Island Coastal Economic Trust, re Status Report and Outline of Funds Available

Line Roberts provided a presentation on the Island Coastal Economic Trust, providing an overview of its history and programs, and an overview of the services it has provided to the community over the past 10 years.

Roy Alexander, San Parel Owners and Residents Association, re Support for Developing a San Parel Community Neighborhood Plan.

Roy Alexander provided an overview of the concerns of the San Parel neighbourhood residents, and the desire for the residents and the Regional District of Nanaimo to cooperate together in creating an open, inclusive San Parel community neighbourhood plan.

BOARD MINUTES

Minutes of the Regular Board meeting held Tuesday, July 26, 2016.

- 16-566 MOVED Director Stanhope, SECONDED Director Thorpe, that the minutes of the Regular Board meeting held Tuesday, July 26, 2016, be adopted.

CARRIED

COMMUNICATION/CORRESPONDENCE

Doug Anastos, Telus, re Request from the Regional District of Nanaimo to Commence a Dispute Resolution Process for a Telecommunications Tower.

- 16-567 MOVED Director Stanhope, SECONDED Director Lefebvre, that the correspondence from Doug Anastos, Telus, regarding the request from the Regional District of Nanaimo to commence a dispute resolution process for a telecommunications tower be received.

CARRIED

Leonard F. Bradley, re Commendation to staff of the Recreation and Parks Office.

- 16-568 MOVED Director Stanhope, SECONDED Director Lefebvre, that the correspondence from Leonard F. Bradley, regarding commendation to staff of the Recreation and Parks office be received.

CARRIED

John Adams, Cook Roberts LLP, re 2954 Canyon Road, Electoral Area 'A'.

- 16-569 MOVED Director Stanhope, SECONDED Director Lefebvre, that the correspondence from John Adams, Cook Roberts LLP, regarding 2954 Canyon Road, Electoral Area 'A', be received.

CARRIED

Colin Stewart and Kathryn Stuart, Stewart McDannold Stuart, July - August 2016 Correspondence re 2954 Canyon Road, Electoral Area 'A'.

- 16-570 MOVED Director Stanhope, SECONDED Director Lefebvre, that the correspondence from Colin Stewart and Kathryn Stuart, Stewart McDannold Stuart, regarding 2954 Canyon Road, Electoral Area 'A', be received.

CARRIED

Kelly Olson, French Creek Cell Towers.

- 16-571 MOVED Director Stanhope, SECONDED Director Lefebvre, that the correspondence from Kelly Olson regarding French Creek cell towers be received.

CARRIED

SCHEDULED STANDING, ADVISORY, AND SELECT COMMITTEES

Emergency Management Select Committee

Minutes of the Emergency Management Select Committee meeting held Monday, July 25, 2016.

- 16-572 MOVED Director Houle, SECONDED Director Rogers, that the minutes of the Emergency Management Select Committee meeting held Monday, July 25, 2016 be received for information.

CARRIED

ADMINISTRATOR'S REPORTS

Directors Bestwick, Brennan, Fuller, Hong and Kipp left the meeting at 7:34 pm citing a potential perceived conflict of interest with the next agenda item.

2954 Canyon Road, Electoral Area 'A' - Hazardous and Dilapidated Property.

- 15-573 MOVED Director McKay, SECONDED Director Fell, that the matter regarding 2954 Canyon Rd, Electoral Area 'A' - Hazardous and Dilapidated Property be deferred until the next Regular Board meeting.

DEFEATED

- 15-574 MOVED Director McPherson, SECONDED Director Stanhope, that the Board declare that the remaining burned out structure and burned/charred building materials, open foundation, metal stair and landing assembly, open well/wellhead and ground openings on the property legally described as Lot 1, Section 3, Range 8, Cranberry District, Plan 15453 (2954 Canyon Road) create an unsafe condition and are so dilapidated and unclean as to be offensive to the community pursuant to Sections 73(1) and 74(1) of the *Community Charter*.

CARRIED

15-575 MOVED Director McPherson, SECONDED Director Stanhope, that the owner of the property, 0904255 B.C. Ltd. (the Owner) be ordered to take the following remedial actions within fifteen (15) days of the receipt of notice of this Order:

- Lawfully remove and lawfully dispose of any asbestos or other hazardous materials present at the property;
- Demolish and remove from the property the burned building;
- Cover securely the well and protect the wellhead to prevent access and groundwater contamination;
- Fill in or cover securely all artificial openings in the ground located at the property including two underground storage tanks and the open foundation and basement of the burned out building that remains as an artificial opening in the ground once the burned out building is demolished and removed; and
- Contract with a specialist in hazardous materials to conduct tests for asbestos on the burned out building remnants and provide the results to the Regional District of Nanaimo (RDN).

The time period for carrying out this work is shorter than the default time period of thirty (30) days in section 76 of the *Community Charter*, under section 79 of the *Community Charter* because the conditions at the property pose a significant risk to the health and safety of the community.

CARRIED

15-576 MOVED Director McPherson, SECONDED Director Rogers, that the Regional District of Nanaimo or its contractors be authorized, in default of such remedial measures being undertaken by the Owner, to carry out or have such work carried out and the expense charged to the Owner. If unpaid on December 31st in the year in which the work is done, the expense shall be added to and form part of the taxes to be paid on the real property as taxes in arrears or be collected as a debt.

CARRIED

15-577 MOVED Director McPherson, SECONDED Director Rogers, that the time period of fourteen (14) days to seek reconsideration of this Order as set out in section 78 of the *Community Charter* be shortened to seven (7) days under section 79 of the *Community Charter* because there is a significant risk to the health and safety of the public due to the unsafe conditions at the property.

CARRIED

15-578 MOVED Director McPherson, SECONDED Director Rogers, that resolutions 16-414, 16-415 and 16-416 of the Board made June 28, 2016 regarding this property be repealed because of the change in circumstances caused by the fire at the property after the June 28, 2016 resolutions were made.

CARRIED

Directors Bestwick, Brennan, Fuller, Hong and Kipp returned to the meeting at 7:56 pm.

Director Recalma left the meeting at 7:57 pm citing a possible conflict of interest with the next agenda item.

Qualicum First Nation Cooperation Protocol Working Group.

15-579 MOVED Director Stanhope, SECONDED Director Lefebvre, that the report Qualicum First Nation Cooperation Protocol Working Group be received for information.

CARRIED

Director Recalma returned to the meeting at 8:01 pm.

Release of Funds from the Gabriola Island Recreation Service Reserve Fund to Gabriola Recreation Society.

15-580 MOVED Director Houle, SECONDED Director Young, that the Board return the surplus fund transfer payment of \$6,058.54 made by Gabriola Recreation Society in 2015.

CARRIED

15-581 MOVED Director Houle, SECONDED Director Young, that the Board release \$20,000 from the Gabriola Island Recreation Service Reserve Fund to the Gabriola Recreation Society to be used for the acquiring of capital - equipment (\$10,000) and as a contingency fund (\$10,000).

CARRIED

Green's Landing Wharf Reserve Fund Establishment Bylaw No. 1748.

15-582 MOVED Director Houle, SECONDED Director Lefebvre, that "Green's Landing Wharf Reserve Fund Establishment Bylaw No. 1748, 2016" be introduced and read three times.

CARRIED

15-583 MOVED Director Houle, SECONDED Director Thorpe, that "Green's Landing Wharf Reserve Fund Establishment Bylaw No. 1748, 2016" be adopted.

CARRIED

To Introduce Community Sewer Amendment Bylaws Nos. 888.07 and 889.72.

15-584 MOVED Director McKay, SECONDED Director Brennan, that "Regional District of Nanaimo Southern Community Sewer Local Service Amendment Bylaw No. 888.07, 2016" be introduced, read three times, and forwarded to the Inspector of Municipalities for approval.

CARRIED

15-585 MOVED Director Fell, SECONDED Director McKay, that "Regional District of Nanaimo Northern Community Sewer Local Service Amendment Bylaw No. 889.72, 2016" be introduced, read three times, and forwarded to the Inspector of Municipalities for approval.

CARRIED

15-586 MOVED Director Fell, SECONDED Director McKay, that "Regional District of Nanaimo Southern Community Sewer Local Service Amendment Bylaw No. 888.06, 2015" be abandoned.

CARRIED

15-587 MOVED Director Fell, SECONDED Director McKay, that "Regional District of Nanaimo Northern Community Sewer Local Service Amendment Bylaw No. 889.71, 2015" be abandoned.

CARRIED

Westurne Heights Water Service Area - Transfer of Ownership to the RDN.

15-588 MOVED Director Fell, SECONDED Director Young, that the Board direct staff to execute the agreements and legal documents required to transfer ownership of the Westurne Heights Water Utility to the Regional District of Nanaimo.

CARRIED

Nanoose Bay Peninsula Water Service Area Capital Improvements - Security Issuing Bylaw No. 1750.

15-589 MOVED Director Rogers, SECONDED Director Fell, that Regional District of Nanaimo "Nanoose Bay Peninsula Water Service Area Capital Improvements Security Issuing Bylaw No. 1750, 2016", be introduced and read three times.

CARRIED

15-590 MOVED Director Rogers, SECONDED Director Fell, that Regional District of Nanaimo "Nanoose Bay Peninsula Water Service Area Capital Improvements Security Issuing Bylaw No. 1750, 2016", be adopted.

CARRIED

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

San Pareil Neighbourhood Plan.

15-591 MOVED Director Stanhope, SECONDED Director Rogers, that the Board direct staff to prepare a report to the Board outlining options and recommendations to address San Pareil Owners and Residents Association's request for a San Pareil neighbourhood plan.

CARRIED

Island Coastal Economic Trust.

15-592 MOVED Director Westbroek, SECONDED Director Hong, that the Regional District of Nanaimo write to the Provincial government asking Premier Clark to reconsider replenishing the funds that have been used by the Island Coastal Economic Trust for the Trust's purposes.

CARRIED

NEW BUSINESS

Nelson Road Boat Ramp – Park Use Permit.

15-593 MOVED Director McPherson, SECONDED Director Houle, that the Board direct staff that in the review and consideration of issuing a Park Use Permit to the owners of 1628 Murdoch Road, who have requested use of the Nelson Road boat ramp in Electoral Area 'A' for access to the foreshore to construct a retaining wall, that no blanket daily closures be permitted, that public access to the ramp must be maintained on a daily basis, and the public must be notified of when the ramp will not be available for use when machinery is in transport on the ramp to the construction site.

CARRIED

IN CAMERA

15-594 MOVED Director Stanhope, SECONDED Director Lefebvre, that pursuant to sections 90 (1) (a), (c), (e) and (i) of the *Community Charter* the Board proceed to an In Camera Meeting for discussions related to Board appointments, labour relations, land acquisition and solicitor-client privilege.

CARRIED

TIME: 8.15 PM

ADJOURNMENT

MOVED Director Stanhope, SECONDED Pratt, that this meeting be adjourned.

CARRIED

TIME: 9:00 PM

CHAIRPERSON

CORPORATE OFFICER