REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE REGULAR BOARD MEETING OF THE REGIONAL DISTRICT OF NANAIMO HELD ON TUESDAY, MAY 28, 2013 AT 7:00 PM IN THE RDN BOARD CHAMBERS

In Attendance:

Director J. Stanhope	Chairperson
Director D. Brennan	Deputy Chairperson
Director A. McPherson	Electoral Area A
Director H. Houle	Electoral Area B
Director M. Young	Electoral Area C
Alternate	
Director F. Van Eynde	Electoral Area E
Director J. Fell	Electoral Area F
Director B. Veenhof	Electoral Area H
Director B. Dempsey	District of Lantzville
Director J. Ruttan	City of Nanaimo
Director G. Anderson	City of Nanaimo
Director B. Bestwick	City of Nanaimo
Director T. Greves	City of Nanaimo
Director D. Johnstone	City of Nanaimo
Director M. Lefebvre	City of Parksville
Director D. Willie	Town of Qualicum Beach

Regrets:

Director G. Holme	Electoral Area E
Director J. Kipp	City of Nanaimo

Also in Attendance:

P. Thorkelsson	Chief Administrative Officer
J. Harrison	Director of Corporate Services
W. Idema	Director of Finance
T. Osborne	Gen. Mgr. Recreation & Parks
D. Trudeau	Gen. Mgr. Transportation & Solid Waste
G. Garbutt	Gen. Mgr. Strategic & Community Development
R. Alexander	Gen. Mgr. Regional & Community Services
J. Hill	Mgr. Administrative Services
N. Tonn	Recording Secretary

CALL TO ORDER

The Chairperson welcomed Alternate Director Van Eynde to the meeting.

DELEGATIONS

Ian MacDonnell, re OCP Application No. 2011-060 – Baynes Sound Investments – Electoral Area 'H'.

Mr. MacDonnell was not in attendance.

BOARD MINUTES

Minutes of the Regular Board meeting held Tuesday, April 23, 2013.

13-361 MOVED Director Johnstone, SECONDED Director Dempsey, that the minutes of the Regular Board meeting held on Tuesday, April 23, 2013, be adopted.

CARRIED

COMMUNICATION/CORRESPONDENCE

Tamie Nohr, District of Lantzville, re "Regional District of Nanaimo Pump & Haul Local Service Amendment Bylaw No. 975.58.

13-362 MOVED Director Dempsey, SECONDED Director Houle, that the correspondence from the District of Lantzville waiving the consent requirement under Section 801.4 of the *Local Government Act* for "Regional District of Nanaimo Pump & Haul Local Service Amendment Bylaw No. 975.58" be received.

CARRIED

K. King, City of Nanaimo, re "Regional District of Nanaimo Pump & Haul Local Service Amendment Bylaw No. 975.58.

13-363 MOVED Director Dempsey, SECONDED Director Houle, that the correspondence from the City of Nanaimo waiving the consent requirement under Section 801.4 of the *Local Government Act* for "Regional District of Nanaimo Pump & Haul Local Service Amendment Bylaw No. 975.58" be received.

CARRIED

UNFINISHED BUSINESS

BYLAW THIRD READING

Zoning Amendment Application No. PL2011-179 – Bylaw 500.382 – Jacqueline and John Pipes – 2925 Turnbull Road, Electoral Area 'H'.

13-364 MOVED Director Veenhof, SECONDED Director Young, that the report of the Public Hearing held on May 15, 2013 on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.382, 2013" be received.

CARRIED

13-365 MOVED Director Veenhof, SECONDED Director Young, that "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.382, 2013" be read a third time.

BYLAW ADOPTION

Zoning Amendment Application No. PL2012-035 – Bylaw 500.379 – 928323 BC Ltd. – 691 Wembley Road, Electoral Area 'G'.

13-366 MOVED Director Veenhof, SECONDED Director Van Eynde, that "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.379, 2013" be adopted.

CARRIED

STANDING COMMITTEE, SELECT COMMITTEE AND COMMISSION MINUTES & RECOMMENDATIONS

ELECTORAL AREA PLANNING STANDING COMMITTEE

Minutes of the Electoral Area Planning Committee Meeting held Tuesday, May 14, 2013.

13-367 MOVED Director Veenhof, SECONDED Director Houle, that the minutes of the Electoral Area Planning Committee meeting held Tuesday, May 14, 2013 be received for information.

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. PL2013-040 – Westwood – Shorewood Drive, Electoral Area 'G'.

13-368 MOVED Director Veenhof, SECONDED Director McPherson, that Development Permit Application No. PL2013-040 to permit the construction of a dwelling unit be approved, subject to the conditions outlined in Schedules 1 to 3.

ZONING AMENDMENT APPLICATIONS

Director Veenhof left the meeting citing a possible conflict of interest with the next Agenda item.

Zoning Amendment Application No. PL2012-123 – Bylaw 500.383 – Pilcher/Christensen/Masson – 2715 Turnbull Road, Electoral Area 'H'.

13-369 MOVED Director Fell, SECONDED Director Van Eynde, that "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.383, 2013" be introduced and read two times.

CARRIED

CARRIED

13-370 MOVED Director Fell, SECONDED Director McPherson, that the public hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.383, 2013" be chaired by an Electoral Area Director or an alternate.

Director Veenhof returned to the meeting.

OTHER

Electoral Area 'A' Draft Cedar Main Street Village Plan – Bylaw No. 1620.01, 2013.

13-371 MOVED Director McPherson, SECONDED Director Young, that "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Amendment Bylaw No. 1620.01, 2013" be given 1st and 2nd reading.

CARRIED

CARRIED

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13-372 MOVED Director McPherson, SECONDED Director Young, that "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Amendment Bylaw No. 1620.01, 2013" has been considered in conjunction with the Regional District of Nanaimo's Financial Plan and Liquid and Solid Waste Management Plans.

MOVED Director McPherson, SECONDED Director Young, that "Regional District of Nanaimo Electoral 13-373 Area 'A' Official Community Plan Amendment Bylaw No. 1620.01, 2013" proceed to Public Hearing.

13-374 MOVED Director McPherson, SECONDED Director Veenhof, that the Public Hearing on "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Amendment Bylaw No. 1620.01, 2013" be delegated to Director McPherson or his alternate.

13-375 MOVED Director McPherson, SECONDED Director Veenhof, that staff proceed with the recommended public consultation actions identified in the staff report.

Secondary Suites Study and Consultation Plan.

- 13-376 MOVED Director McPherson, SECONDED Director Fell, that staff be directed to proceed with the Secondary Suites Consultation Plan as outlined in Appendix 'A' of the staff report.
- 13-377 MOVED Director McPherson, SECONDED Director Veenhof, that the Secondary Suites Study as attached in Appendix 'B' of the staff report be received.

NEW BUSINESS

Mobile Homes / Manufactured Homes CSA Certification.

13-378 MOVED Director Fell, SECONDED Director Veenhof, that staff be directed to determine the minimal steps required to re-gualify a Mobile/Manufactured Home (manufactured between 1972 and the present) for resale or re-location in the event that the original CSA certification decal is lost, and report back to the Board on this issue, including options to amend or clarify the existing requirements.

COMMITTEE OF THE WHOLE STANDING COMMITTEE

Minutes of the Committee of the Whole meeting held Tuesday, May 14, 2013.

13-379 MOVED Director Lefebvre, SECONDED Director Willie, that the minutes of the Committee of the Whole meeting held Tuesday, May 14, 2013 be received for information.

COMMUNICATION/CORRESPONDENCE

Debra Oakman, North Island 9-1-1 Corporation, re North Island 9-1-1 Corporation Articles -Amendment.

13-380 MOVED Director Veenhof, SECONDED Director Willie, that the correspondence from the North Island 9-1-1 Corporation regarding amendments to the North Island 9-1-1 Articles be received.

CARRIED

CARRIED

CARRIED

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CARRIED

CARRIED

CARRIED

James G. Smith, StopSmartMeters.ca Society, re Support for a Citizens' Initiative Petition for Democratic Process on the BC Hydro Smart Metering Program.

13-381 MOVED Director Johnstone, SECONDED Director Fell, that the correspondence from the StopSmartMeters.ca Society regarding support for a Citizens' Initiative Petition for Democratic Process on the BC Hydro Smart Metering Program be received.

CARRIED

Len Walker, re OCP Application No. 2011-060 – Baynes Sound Investments – Electoral Area 'H'.

13-382 MOVED Director Veenhof, SECONDED Director Lefebvre, that the correspondence from Len Walker regarding Official Community Plan Application No. 2011-060 be received.

CARRIED

David G. Wallace, J.E. Anderson & Associates, re 1155 Leffler Road, Electoral Area 'F' – Building Bylaw Contravention.

13-383 MOVED Director Fell, SECONDED Director Ruttan, that the correspondence from J.E. Anderson & Associates regarding a request to speak on behalf of the owners at 1155 Leffler Road, Electoral Area 'F' be received.

FINANCIAL SERVICES

2012 Financial Statements and Audit Findings Report.

- 13-384 MOVED Director Brennan, SECONDED Director McPherson, that the Audit Findings Report and the financial statements of the Regional District of Nanaimo for the year ended December 31, 2012 be received.
- 13-385 MOVED Director Brennan, SECONDED Director McPherson, that the consolidated financial statements of the Regional District of Nanaimo for the year ended December 31, 2012 be approved as presented.

Operating Results for the Period Ending March 31, 2013.

13-386 MOVED Director Brennan, SECONDED Director McPherson, that the summary report of financial results from operations to March 31, 2013 be received for information.

CARRIED

Recommendations for 2013 Applications to the Regionally Significant Projects Program (Gas Tax Revenue Transfer Programs).

13-387 MOVED Director Lefebvre, SECONDED Director Dempsey, that the Board support the projects as outlined in the staff report for the allocation of the \$7,451,489 identified by the Union of BC Municipalities for Regional Significant Project funding.

CARRIED

13-388 MOVED Director Lefebvre, SECONDED Director Willie, that staff be directed to forward the list of projects to the Union of BC Municipalities for funding under the Regionally Significant Project Funding Program.

CARRIED

CARRIED

CARRIED

Recommendations for the 2013 Use of Community Works Program Funds.

- 13-389 MOVED Director Veenhof, SECONDED Director Houle, that the 2013 Community Works Funds program attached as Schedules A and B to the staff report be approved and that staff be authorized to commence work immediately with the exception of Area 'H' funding of \$200,000 to trail allotment between Dunsmuir and Deep Bay.
- 13-390 MOVED Director Veenhof, SECONDED Director Greves, that staff be directed to complete an agreement with the North Cedar Improvement District to transfer Community Works funding allocated to Electoral Area 'A' for their Water Supply and Storage Infrastructure Study.

13-391 MOVED Director Houle, SECONDED Director Greves, that staff be directed to complete an agreement with the Island Futures Society to transfer Community Works funding allocated to Electoral Area 'B' for their purchase of buses to be used in the Gabriola Island Community Bus system.

13-392 MOVED Director Lefebvre, SECONDED Director Houle, that the report on the use of Community Works Funds in 2012 be received for information.

Strategic Community Investment Funds Agreement.

13-393 MOVED Director Brennan, SECONDED Director Ruttan, that the staff report be received as the final public statement of the use of \$184,075 of Strategic Investment funds for 2012.

CARRIED

CARRIED

CARRIED

Gabriola Island Recreation Service Reserve Fund Establishment Amendment Bylaw 1671.01.

- 13-394 MOVED Director Houle, SECONDED Director Greves, that "Gabriola Island Recreation Service Reserve Fund Establishment Amendment Bylaw No. 1671.01, 2013" be introduced and read three times.
- 13-395 MOVED Director Houle, SECONDED Director Greves, that "Gabriola Island Recreation Service Reserve Fund Establishment Amendment Bylaw No. 1671.01, 2013" be adopted.

STRATEGIC AND COMMUNITY DEVELOPMENT

LONG RANGE PLANNING

Industrial Land Supply and Demand Study.

- 13-396 MOVED Director Veenhof, SECONDED Director Houle, that the report titled "Industrial Land Supply and Demand Study" be received.
- 13-397 MOVED Director Lefebvre, SECONDED Director Veenhof, that copies of the study be forwarded to the member municipalities and economic development organizations.

CARRIED

CARRIED

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CARRIED

CARRIED

CARRIED

BUILDING, BYLAW AND EMERGENCY SERVICES

872 Reid Road, Electoral Area 'G' – Unsightly Premises.

13-398 MOVED Director Brennan, SECONDED Director Johnstone, that the Board direct the owner of the property at 872 Reid Road, to remove from the premises those items as set out in the Resolution attached to the staff report within thirty (30) days, or the work will be undertaken by the Regional District of Nanaimo's agents at the owner's cost.

1802 Stalker Road, Electoral Area 'B' – Unsightly Premises.

13-399 MOVED Director Houle, SECONDED Director Johnstone, that the Board direct the owner of the property at 1802 Stalker Road, to remove from the premises those items as set out in the Resolution attached to the staff report within ninety (90) days, or the work will be undertaken by the Regional District of Nanaimo's agents at the owner's cost.

CARRIED

CARRIED

1155 Leffler Road, Electoral Area 'F' – Building Bylaw Contravention.

13-400 MOVED Director Ruttan, SECONDED Director Van Eynde, that staff be directed to register a Notice of Bylaw Contravention on the title of the subject property legally described as Lot 1, District Lot 139, Plan 18583, Nanoose District (1155 Leffler Road), pursuant to Section 57 of the *Community Charter*.

CARRIED

REGIONAL AND COMMUNITY UTILITIES

WASTEWATER SERVICES

Nanaimo Community Gardens Society Agreement – Greater Nanaimo Pollution Control Centre Greenhouses.

13-401 MOVED Director Johnstone, SECONDED Director McPherson, that the Regional District of Nanaimo enter into a one year agreement from September 1, 2013 to August 31, 2014 with the Nanaimo Community Gardens Society for the use of the greenhouses at Greater Nanaimo Pollution Control Centre.

CARRIED

Bylaw No. 975.59 – Pump & Haul Bylaw Amendment – 610 Gallagher Way, Gabriola Island, Electoral Area 'B'.

13-402 MOVED Director Houle, SECONDED Director Veenhof, that the boundaries of the "Regional District of Nanaimo Pump & Haul Local Service Establishment Bylaw No. 975, 1995" be amended to include Lot 61, Section 18, Plan 21586, Gabriola Island, Nanaimo District (Electoral Area 'B').

CARRIED

13-403 MOVED Director Houle, SECONDED Director Greves, that "Regional District of Nanaimo Pump & Haul Local Service Amendment Bylaw No. 975.59, 2013" be introduced and read three times.

UTILITIES

Bylaws No. 813.50, 869.09 and 889.64 – Inclusion of 691 Wembley Road into Sewer and Streetlighting Service Areas, Electoral Area 'G'.

13-404 MOVED Director Fell, SECONDED Director Ruttan, that "French Creek Sewerage Facilities Local Service Boundary Amendment Bylaw No. 813.50, 2013" be introduced and read three times.

CARRIED

13-405 MOVED Director Fell, SECONDED Director Ruttan, that "Morningstar Streetlighting Local Service Area Boundary Amendment Bylaw No. 869.09, 2013" be introduced and read three times.

CARRIED

CARRIED

13-406 MOVED Director Ruttan, SECONDED Director Brennan, that "Regional District of Nanaimo Northern Community Sewer Local Service Boundary Amendment Bylaw No. 889.64, 2013" be introduced and read three times.

RECREATION AND PARKS

RECREATION SERVICES

Cedar Heritage Centre Lease and Site Licence Agreement (2013-15) / Cedar School and Community Enhancement Society.

13-407 MOVED Director McPherson, SECONDED Director Young, that the proposed Lease and Site Licence agreement (Appendix 'A') between the Regional District of Nanaimo and the Cedar Community School and Enhancement Society for the operation and use of the Cedar Heritage Centre for a two (2) year, seven (7) month term from June 1, 2013 – December 31, 2015 be approved.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE MINUTES AND RECOMMENDATIONS

Transit Select Committee.

13-408 MOVED Director Brennan, SECONDED Director Ruttan, that the minutes of the Transit Select Committee meeting held Thursday, April 18, 2013 be received for information.

CARRIED

Cruise Ship Shuttle Service – 2013.

13-409 MOVED Director Brennan, SECONDED Director Ruttan, that the application made by the Nanaimo Port Authority for the Regional District of Nanaimo to provide bus service for cruise ships arriving in Nanaimo on May 11, 2013, May 12, 2013 and September 15, 2013, at the cost of the Nanaimo Port Authority, be approved.

CARRIED

Annual Operating Agreement Amendment #1 between Regional District of Nanaimo and BC Transit for 2012-2013.

13-410 MOVED Director Brennan, SECONDED Director McPherson, that the 2012/2013 Conventional and Custom Annual Operating Agreement (AOA) Amendment #1 with BC Transit be approved.

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

North Island 9-1-1 Corporation Articles – Amendment.

13-411 MOVED Director Willie, SECONDED Director Veenhof, that the Regional District of Nanaimo authorizes the execution of the special resolution (Appendix 'A') to make select alterations to the Articles of North Island 9-1-1 Corporation, as recommended by Singleton Urquhart LLO; and further that a waiver of notice (Appendix 'B') be executed.

CARRIED

StopSmartMeters.ca Society, re Support for a Citizens' Initiative Petition for Democratic Process on the BC Hydro Smart Metering Program.

13-412 MOVED Director Fell, SECONDED Director Johnstone, that Director Fell follow up with StopSmartMeters.ca Society regarding the matter of smart meters and produce, if appropriate, a motion for the Board's consideration.

NEW BUSINESS

Use of Actuary.

13-413 MOVED Director Willie, SECONDED Director Veenhof, that staff be directed to prepare a report that examines the cost effectiveness of utilizing the services of an Actuary to more accurately project the unfunded liabilities related to employee benefits for the Regional District of Nanaimo.

CARRIED

Community Library Branch within Electoral Area 'A'.

13-414 MOVED Director McPherson, SECONDED Director Young, that staff be directed to contact Vancouver Island Regional Library and to enter into discussions on requirements to establish a new community library branch within Electoral Area 'A', and more specifically, within the Cedar Rural Village Centre.

BOARD INFORMATION

Mary Sjostrom, Union of BC Municipalities, re 2013 UBCM Provincial Election Platform.

13-415 MOVED Director Lefebvre, SECONDED Director Willie, that the correspondence from the Union of BC Municipalities regarding UBCM's 2013 Provincial Election Platform be received.

COMMISSIONS

Electoral Area 'A' Parks, Recreation and Culture Commission.

13-416 MOVED Director McPherson, SECONDED Director Ruttan, that the minutes of the Electoral Area 'A' Parks, Recreation and Culture Commission meeting held on Wednesday, April 17, 2013 be received for information.

CARRIED

CARRIED

CARRIED

Recreation and Culture Grants.

13-417 MOVED Director McPherson, SECONDED Director Brennan, that the Electoral Area 'A' Recreation and Culture Grant application in the amount of \$1,500.00 from the Cedar 4H Club to be used toward a portable toilet, hand washing supplies, animal feed, cellphone rental, animal lease or purchase, shavings, A.G. information handouts and information signage be approved.

CARRIED

CARRIED

CARRIED

13-418 MOVED Director McPherson, SECONDED Director Brennan, that the Electoral Area 'A' Recreation and Culture Grant application in the amount of \$1,489.84 from the 1st Cedar Scouts to be used toward camping gear, including wheeler coolers, propane tanks, bows, arrows, Coleman stoves, lanterns and lightweight backpack stoves be approved.

- 13-419 MOVED Director McPherson, SECONDED Director Brennan, that the Electoral Area 'A' Recreation and Culture Grant application in the amount of \$450.00 from the Cedar Family of Community Schools to be used for the purchase of a digital camera, be approved.
- 13-420 MOVED Director McPherson, SECONDED Director Ruttan, that the Electoral Area 'A' Recreation and Culture Grant application in the amount of \$944.00 from the Cedar Family of Community Schools to be used toward equipment for gymnastics, including a foam learning beam, a low-training beam and a trestle climbing frame/horizontal bar, be approved.

District 69 Recreation Commission.

13-421 MOVED Director Veenhof, SECONDED Director Lefebvre, that the minutes of the District 69 Recreation Commission meeting held on Thursday, April 18, 2013 be received for information.

SCHEDULED ADVISORY AND SELECT COMMITTEES

Electoral Area 'G' Parks and Open Space Advisory Committee.

- 13-422 MOVED Director Veenhof, SECONDED Director Young, that the minutes of the Electoral Area 'G' Parks and Open Space Advisory Committee meeting held Monday, March 11, 2013 be received for information.
- 13-423 MOVED Director Brennan, SECONDED Director Young, that staff prepare a report on needs, costs, insurance, liability and availability of budget regarding capital upgrades and maintenance of the Little Qualicum Hall at Dashwood Community Park.

Agricultural Advisory Committee.

Transit Select Committee.

13-424 MOVED Director Johnstone, SECONDED Director Brennan, that the minutes of the Agricultural Advisory Committee meeting held Friday, April 5, 2013 be received for information.

13-425 MOVED Director Brennan, SECONDED Director McPherson, that the minutes of the Transit Select Committee meeting held Thursday, May 16, 2013 be received for information.

CARRIED

CARRIED

CARRIED

CARRIED

CARRIED

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2013/2014 Conventional and Custom Annual Operating Agreement – Regional District of Nanaimo / BC Transit.

13-426 MOVED Director Brennan, SECONDED Director McPherson, that the 2013/2014 Conventional and Custom Annual Operating Agreement (AOA) with BC Transit be approved.

BOARD INFORMATION

Karen Ayers, Ministry of Justice, Liquor Control and Licensing Branch, re Clarification of Eligibility Criteria for Catering Endorsements and Clarification of Where Catered Events May be Held.

13-427 MOVED Director Veenhof, SECONDED Director Houle, that the correspondence from the Ministry of Justice, Liquor Control and Licensing Branch, regarding clarification of eligibility criteria for catering endorsements and clarification of where catered events may be held at licensed establishments, be received.

IN CAMERA

13-428 MOVED Director Young, SECONDED Director Veenhof, that pursuant to Sections 90(1) (e), (f) and (i) of the *Community Charter* the Board proceed to an In Camera meeting for discussions related to land acquisitions, law enforcement and solicitor-client privilege.

TIME: 7:25 PM

RISE & REPORT

Legal Services Contract Extension.

13-429 MOVED Director Brennan, SECONDED Director Greves, that the Board extend its legal services agreements with Stewart McDannold Stuart in the area of municipal law and Harris & Co. in the area of labour law for an additional two year term expiring July 2015.

First Nations' Request for Custom Transit Service.

13-430 MOVED Director Brennan, SECONDED Director Bestwick, that staff be directed to work with the Snuneymuxw and Snaw-Naw-As First Nations on options for providing Custom Transit Service to their communities.

Management Compensation Review.

13-431 MOVED Director Brennan, SECONDED Director Anderson, that effective July 1, 2013, 2.5% of payroll be applied to management group salaries as outlined in Alternative 1 of the staff report, including position specific market adjustments, based on the 2012 compensation survey market data, to bring management group salaries (excluding the CAO) to the 50th percentile level.

CARRIED

13-432 MOVED Director Brennan, SECONDED Director Anderson, that effective May 1, 2014 and May 1, 2015, 1.5% of payroll be applied to management group salaries as outlined in Alternative 1 of the staff report and in accordance with the Board's Salary Administration Policy including position specific market adjustments to the CAO position.

CARRIED

CARRIED

CARRIED

CARRIED

ADJOURNMENT

MOVED Director Anderson, SECONDED Director Brennan, that this meeting terminate.

CARRIED

TIME: 8:33 PM

CHAIRPERSON

CORPORATE OFFICER