

AGENDA
FOR THE REGULAR PARKS COMMITTEE MEETING
TO BE HELD IN THE BOWEN PARK COMPLEX CONFERENCE ROOM
THURSDAY, 2010-MAR-11, COMMENCING AT 5:00 P.M.

1. **CALL THE REGULAR PARKS COMMITTEE MEETING TO ORDER:**

2. **INTRODUCTION OF LATE ITEMS:**

(Note: if there is a late delegation, a motion must be made to allow the delegation to address the committee.)

3. **ADOPTION OF AGENDA:**

(Motion required to adopt the agenda, or the amended agenda.)

4. **ADOPTION OF MEETING NOTES:**

- (a) Notes of the Regular Parks Committee Meeting held Thursday, 2010-JAN-14, at 5:30 p.m., in the Bowen Park Complex Conference Room.

Pgs.
007-009

(Motion required to adopt the meeting notes of the above date(s) as circulated)

5. **DELEGATIONS: (10 MINUTES)**

(Motion required to receive the following delegations.)

- (a) Mr. Wayne Reis, 5721 Bayshore Drive, Nanaimo, BC V9V 1G9, to "present concerns regarding decisions that were made regarding the Bayshore Drive Tot Lot and a failure to honour commitments that were made to the residents in our community".

Pg. 010

6. **CHAIR'S REPORT:**

- (a) Request for Advertising Signage at May Bennett Park.

At the 2010-FEB-24 meeting of the Parks, Recreation and Culture Commission, it was moved and seconded that the matter of allowing the Nanaimo Football Club to erect signage for advertisers on the equipment tower at May Bennett Park as well as put up sandwich board style signage at field level on game days be referred to the Parks Committee for report back to Commission with a recommendation.

- (b) Bayshore Drive Park Tree Removal Issue.

Pgs.
011-017

At the 2010-FEB-24 meeting of the Parks, Recreation and Culture Commission, it was moved and seconded that the Parks, Recreation and Culture Commission once again refer the matter of the ongoing concerns with regard to the removal of trees at Bayshore Drive Park to the Parks Committee for their review and return to Commission with a report.

(Motion required to receive verbal report.)

7. **REPORTS OF PROJECT COMMITTEES:** (None.)
(Motion required to receive project committee reports.)
8. **STAFF REPORTS:** (None.)
9. **INFORMATION ONLY ITEMS** (Staff reports):
 - (a) Review Panel for Maffeo-Sutton Park RFP Concessionaire Proposals. – verbal report.
 - (b) Buttertubs Marsh / Valley Oak Park – Dogs Issue – verbal.*(Motion required to receive information only items.)*
10. **CORRESPONDENCE:** (Action) (None.)
CORRESPONDENCE: (Information) (None.)
(Motion required to receive correspondence.)
11. **NOTICE OF MOTION:**
12. **OTHER BUSINESS:**
(Motion required if there is other business.)
13. **UNFINISHED BUSINESS:**
 - (a) Bowen Park Improvement Plan – update on the improvement plan to be brought to the Parks Committee;
 - (b) Steps at Pipers Lagoon – staff to meet with Mr. Dean and return to the Parks Committee with recommendations.
14. **QUESTION PERIOD:**
15. **ADJOURNMENT:**
(Motion required to adjourn with next meeting to be held, if required, on Thursday, 2010-APR-08, commencing at 5:00 p.m. in the Bowen Park Complex Conference Room.)

**NOTES OF THE REGULAR PARKS COMMITTEE MEETING
HELD IN THE BOWEN PARK COMPLEX CONFERENCE ROOM,
ON THURSDAY, 2010-JAN-14, COMMENCING AT 5:30 P.M.**

PRESENT: Commissioner Barry Sparkes, Chair

Members: Commissioner Fred Pattje
Commissioner Brian Dempsey
Commissioner Maureen Young
Commissioner Brent Meunier

Staff: Jeff Ritchie R. Tweed, Recording
Kirsty MacDonald

1. CALL THE OPEN MEETING TO ORDER:

The Regular Meeting was called to order at 5:30 p.m.

2. INTRODUCTION OF LATE ITEMS: (None.)

3. ADOPTION OF AGENDA:

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

4. ADOPTION OF MEETING NOTES:

- (a) Meeting Notes of the Regular Parks Committee Meeting held Thursday, 2009-NOV-12, at 5:00 p.m. in the Bowen Park Complex Conference Room.

It was moved and seconded that the Meeting Notes be adopted as circulated. The motion carried unanimously.

5. DELEGATIONS: (None.)

6. CHAIR'S REPORT:

- (a) Review proposed DRAFT "Dog Off- Leash Parks" Report to Commission.

Staff provided some information on the document "Summary of Survey Events From First Open House held July 29th at the Beban Park Dog off-leash Park", and summarized the Open House and the information comments received by members of the public that could not attend, and feedback received following the Open House by those that could attend. It is expected that there will be a period of public education of the process and it is also expected that there may be some issues with enforcing the Dog On-Leash vs. Dog Off-Leash areas. This has been discussed with the Dog Off-Leash Enforcement Officers and the pound. To date, our sports fields have been the largest area of infractions. There will be signage for those areas where dogs should again be leashed in order to prevent interaction with wildlife. Additionally, there will be signage regarding dangerous and restricted dogs – the signage will be consistent with the Bylaw regarding dangerous and restricted breeds. Two major financial issues in the installation of proposed new Dog Off-Leash Parks are water for the dogs and required fencing. There are also areas where the public do not,

and will likely not, effectively clean up after their dogs. Committee asked if there was a possibility that signage could be increased to more effectively deal with the clean up after dogs. The issue of liability was also raised. Staff will research other municipalities and how they deal with the issue of dogs in unfenced parks. Staff reviewed each of the Priority locations referenced in the document. Staff also advised of the donation of the property at 5978 Icarus Drive. This property is being considered for a "loop" walk from Invermere Park, along the waterfront, to, into, and back from, 5978 Icarus Drive. Committee members proposed that usage of the Diver Lake site be seasonal. Some areas of the Regional District, Area C being one, do not require that dogs be licensed. Signage in Nanaimo advises that dogs must be licensed to use the park.

The Committee approved the Report with the following amendments:

- Diver Lake Park be noted as "Seasonal Use";
- Colliery Dam Park have hours of use limitations;
- Beban Park be included in Phase 1;
- Phase 2 be adjusted to show the last half of 2010/first half of 2011)
- More emphasis be placed on the wording with regard to the one-year trial basis.

Staff to submit the amended draft to the Committee members for their final review before it is submitted to Commission.

It was moved and seconded that the "Dog Off-Leash Parks" report, with the changes as noted, be submitted to the Parks, Recreation and Culture Commission for their recommendation to Council to approve the phase-in implementation plan as re-written. The motion carried unanimously.

(b) **Loudon Park Improvement Plan Update**

Recommendation: That the Parks Committee recommend that the Parks, Recreation and Culture Commission adopt the amended Loudon Park Improvement Plan.

The attached drawing showing the footprint of the building and its proposed relocation is to be appended to these minutes for background and provision to the Parks, Recreation and Culture Commission for their review process.

It was moved and seconded that the Parks Committee recommend that the Parks, Recreation and Culture Commission adopt the amended Loudon Park Improvement Plan. The motion carried unanimously.

7. **REPORTS OF PROJECT COMMITTEES:** (None.)

8. **STAFF REPORTS:** (None.)

9. **INFORMATION ONLY ITEMS (staff reports):** (None.)

10. **CORRESPONDENCE:** (Action) (None.)

CORRESPONDENCE: (Information) (None.)

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11. NOTICE OF MOTION: (None.)

12. OTHER BUSINESS: (None.)

13. UNFINISHED BUSINESS:

- (a) Bowen Park Improvement Plan – update on the improvement plan to be brought to the Parks Committee;
- (b) Steps at Pipers Lagoon – staff to meet with Mr. Dean and return to the Parks Committee with recommendations.

It was moved and seconded that Item 13.(a) "Bowen Park Improvement Plan" be removed from Unfinished Business. The motion carried unanimously.

14. QUESTION PERIOD:

- (a) Commissioner Pattje raised the issue of the obstruction being created by a sludge collector along Departure Bay Creek which is preventing accessibility up the Creek by pink salmon. Staff to look into the matter with Mel Sheng (DFO and Pacific Salmon Foundation) and advise Committee members by e-mail.

15. ADJOURNMENT:

It was moved and seconded at 6:38 p.m. that the meeting adjourn, with the next Meeting of the Parks Committee to be held, if required, Thursday, 2010-FEB-11, commencing at 5:30 p.m. in the Bowen Park Complex Conference Room.

The motion carried unanimously.

Barry Sparkes

Commissioner Barry Sparkes, Chair
Parks Committee

CERTIFIED CORRECT:

Jeff Ritchie

Jeff Ritchie
Senior Manager, Parks Operations

APPROVED FOR DISTRIBUTION:

R. Harding

R. Harding, Director
Parks, Recreation and Culture



REQUEST TO APPEAR AS A DELEGATION

ON 2010 - MARCH - 11 - Parks Committee
year month day

NAME OF PERSON MAKING PRESENTATION: <u>Wayne Reis</u> Print			
ADDRESS: <u>5721 Bayshore Drive</u> <u>NANAIMO</u> <u>B.C.</u> <u>V9U1G9</u> street address City Province Postal Code			
PHONE: <u>250 758-6848</u> home		FAX: _____ business	
NAME OF APPLICANT IF OTHER THAN ABOVE: _____			
DETAILS OF PRESENTATION:			
<u>Present concerns regarding decisions that were made regarding the Bayshore Drive Tot lot and a failure to honour commitments that were made to the residents in our community.</u>			
		<div style="border: 1px solid black; padding: 5px; text-align: center;">RECEIVED FEB 26 2010 DEPARTMENT OF PARKS RECREATION AND CULTURE</div>	

PLEASE NOTE

- **Electronic presentations** must be provided on a CD or by e-mail no later than 9:00 a.m. the day of the Meeting.
- Please submit a written copy of your presentation to the Recording Secretary either at, or prior to, the Meeting.
- **Multiple speakers** on a single issue or topic shall be given 5 minutes each to make their presentations as per Section 18.6 of the Council Procedure Bylaw.

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Parks, Recreation and Culture Commission
500 Bowen Road, Nanaimo BC V9R 1Z7

Phone: (250) 755-7511
Fax: (250) 753-7277
parks@nanaimo.ca

REPORT TO: THE PARKS, RECREATION AND CULTURE COMMISSION
FROM: RICHARD HARDING, DIRECTOR, PARKS, RECREATION AND CULTURE
AUTHORED BY: ALAN KEMP, URBAN FORESTRY COORDINATOR
RE: BAYSHORE DRIVE PARK TREE REMOVAL REQUEST

RECOMMENDATION:

That the Parks, Recreation and Culture Commission:

1. approve the request to remove the plum trees as noted and replace them with new ornamental trees in Bayshore Park, subject to the agreement that these trees would be planted and cared for by the Bayshore Drive residents; and,
2. do not approve the removal of the two conifers.

EXECUTIVE SUMMARY:

Residents of Bayshore Drive have requested the removal of one fir tree and one cedar tree from the eastern edge of Bayshore Drive Park as well as the replacement of the six ornamental plums in the Park.

On 2009-MAY-06, staff met with the owners of the nine homes situated in the cul-de-sac of Bayshore Drive. The purpose of the meeting was to discuss the proposal as set out in their petition to Richard Harding dated 2007-SEP-20.

All nine home owners attended the meeting at 2:00 p.m. Seven of the owners signed the petition and two do not agree with the potential removals.

Mr. Wayne Reis was the unofficial spokesperson for the group and gave a brief history of the development of the area, concern about trees in general and views in particular. It was the groups' contention that retired Director Harry Wipper had promised "that the trees would never become a view issue". Two home owners in the group contended that the trees that Mr. Wipper was talking about were the ornamental trees in the park.

The existing ornamental plums in the park are not in good condition and it would be appropriate to consider replacing these. The cost of replacement trees (six existing and four new ones) would be approximately \$1200.00. Discussion ensued over the re-planting of trees and who would be willing to maintain the trees. Mr. Reis and others confirmed that they would be willing to plant and maintain the trees.

The two conifers at the bottom of the park are both in good condition and are not hazards. Staff believe that it would set a bad precedent to remove these trees for view purposes and as such cannot support their petition. The cost to remove the two conifers would be approximately \$1,600.00.

Respectfully submitted,

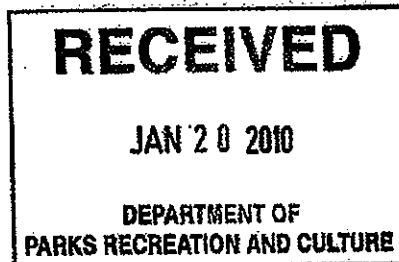
A handwritten signature in black ink, appearing to read "Richard Harding", with a stylized flourish at the end.

Richard Harding, Director
Parks, Recreation and Culture

2009-NOV-17 / File: A2-3 / D1-2-6 / F2-2
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5721 Bayshore Drive
Nanaimo, B.C.
January 20, 2010

Richard Harding, Director
Parks, Recreation and Culture
500 Bowen Road
Nanaimo, B.C.



Dear Mr. Harding:

I am writing to express my concern regarding the shortcomings in the consultative process that took place with the neighboring residents; decisions that were made regarding the Bayshore Drive Tot Lot and the failure of your department to honour commitments that were made to the residents in our community. I made two attempts to contact you by telephone during the first week of December to discuss this with you, however you have chosen not to return my calls.

In a petition that was delivered to your office on September 20, 2007, it was indicated that the residents surrounding the Bayshore Drive Tot Lot, "agree to replacing the two trees, a cedar and a fir, that stand in the ditch at the foot of the park, with three or four trees that are more appropriate to the setting. It is understood that the residents will plant and care for the new trees that are supplied by Nanaimo Parks, Recreation and Culture." This petition followed a meeting of these residents with you, where improvements to the park were discussed. It was at your direction that this petition was initiated. Seven out of nine residents signed in favor of this proposal.

It is my understanding that this issue was then turned over to Jeff Ritchie. Although several attempts were made to contact Mr. Ritchie, these residents heard nothing from him over the next 18 months.

In March of 2008, we received notification from Alan Kemp that he was given direction from Mr. Ritchie and you to meet with residents and look into this issue. A meeting was held with residents at the park and the issue of replacing the trees was discussed. At that time, we made Mr. Kemp aware, as we had done with you on previous occasions, of a commitment that was made to us at a neighbourhood park planning meeting by Mr. Harry Wipper, former Director of Parks and Recreation. He assured us then, that there would never be trees in the park that would obstruct the view of neighbouring residents. It was also noted at the meeting with Mr. Kemp, that the existing ornamental trees were not healthy. One of these had become overgrown and it was requested that it be trimmed and pruned. Mr. Kemp assured us that this would happen and that he would return to us with a plan regarding the trees in the park. He apologized for the length of time this had taken and that there would not be any further delays.

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However, several months passed, and when I contacted Mr. Kemp, he indicated that he had completed his report some time ago and that it was sitting on your desk. It was therefore very disconcerting to receive a message on my voicemail when I returned from vacation on November 29th, that Mr. Kemp's report had gone to the Parks and Recreation Commission meeting on November 25th. The residents of our neighbourhood had been given less than a week's notice of this meeting, with an invitation to attend or make a presentation. You must realize that this short notice gave little opportunity for us to rearrange our calendars to attend, much less to prepare a presentation for this meeting. I was away on a two week vacation, one of my neighbours had to work, while the other was never notified. It was even more disappointing that Mr. Kemp did not hold the follow-up meeting with the neighbourhood residents, as he had made a commitment to do, in order to present a plan to us for the future development of our park.

In my opinion, Mr. Kemp's report is somewhat misleading and incredibly short on detail considering the time that elapsed since our meeting with him. In his report he repeatedly speaks of the "removal" of the two trees, when it clearly states in our petition, and was re-emphasized in our meeting with him, that we were asking for the replacement of these trees with three or four trees that are more appropriate to the setting. He also mentions two homeowners in the group that differed with the other residents on the intent of Mr. Wipper's commitment to us. It should be noted that these two residents are a couple, living in the same residence. In Mr. Kemp's report he recommends the replacement of the six ornamental trees and the addition of four more, and states that I and others "would be willing to plant and maintain the trees". This is not a clear reflection of the discussion that he had with us. We made a commitment, as is clearly stated in our petition, that we would plant and care for the trees that replace the cedar and fir in the ditch at the bottom of the park. There was no discussion of planting and maintaining the other six trees, and I do not see that happening, considering the lack of cooperation that you have demonstrated so far. Mr. Kemp indicates that staff believes it would set a bad precedent to remove these trees. I do not understand how this would set a precedent unless other residents elsewhere in Nanaimo had been given the same commitment. As I see it, the only precedent that may be set is that your department might honour a commitment that was made in good faith. Applying a blanket policy sometimes doesn't always fit as was demonstrated when the "no firepit" policy, that was applied to our park three years ago, resulted in considerable expense to the city because of a lack of consultation on your part.

In a discussion with you and Mr. Ritchie over two years ago, you suggested a compromise solution to Mr. Wipper's commitment, which would result in the removal of one of these trees and the spiral pruning of the other. In a phone call to Mr. Ritchie, I asked if this had been considered in your discussions. He suggested that I submit this option to you in writing, which I do now, in order that it may be reconsidered. This at least provides some attempt to honour the commitment that was made to us.

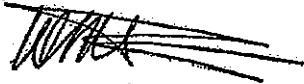
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I look forward to hearing from you, and urge you to work with us in a cooperative manner in the development of our neighbourhood park.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Wayne Reis', with several horizontal strokes extending to the right.

Wayne Reis

cc. Mr. Allan Kemp
Urban Forestry Coordinator

Mr. John Ruttan, Mayor
City of Nanaimo

Mr. Larry McNabb, Chair
Nanaimo Parks, Recreation and Culture Commission

Mr. Fred Pattje, Council Representative
Nanaimo Parks, Recreation and Culture Commission

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Parks, Recreation and Culture

2010-FEB-04

File: D1-2-6 / F2-2

Mr. Wayne Reis
5721 Bayshore Drive
Nanaimo, BC
V9V 1G9

Dear Mr. Reis:

RE: BAYSHORE DRIVE PARK – TREE REMOVAL REQUEST

Thank you for your letter that I received 2010-JAN-20. Within your letter you made a number of statements regarding this issue at Bayshore Drive Park and your displeasure in both my response and the Department's response to the neighbourhoods attempt at removing two trees within the road right-of-way, facing Bayshore Drive Park.

You and I have discussed this issue a number of times over the years and I totally agree with you that the time and extent on this issue has been too long; however, Parks Staff have always been consistent in telling you that the removal of trees for view issues alone is a very difficult process and a precedent which we do not support. The one option we were hoping for was that if there was consensus within the immediate neighbourhood for removal of the trees as well as desire from residents of re-planting and assisting us in maintaining replacement trees then possibly we could work something out. From my involvement starting a few years ago when we removed the fire pit, there is not a consensus from the residents for removal of these two trees within the road right-of-way.

I have also advised that if, at any time you do not agree with Staff's approach to this issue, that you present your issue to the Parks, Recreation and Culture Commission and if you do not agree with the Parks, Recreation and Culture Commission's stance, you have the ability to present your case in front of Council. I believe that I have also been very clear on that process over the years – if I have not been clear, my apologies.

In regards to Mr. Wipper's promise that trees would not obstruct views in the park it is our understanding he was referring to the then ornamental tree planting project by the residents of the day. The two trees that have then subsequently naturally grown within the road right-of-way were not part of this. Regardless how these two trees developed, they are there now and very healthy and except to remove for view enhancement there is no other reason to remove them.

As advised by Jeff Ritchie, Senior Manager of Parks Operations, a report from our City Arborist was presented to the Parks, Recreation and Culture Commission at their meeting held 2009-NOV-25, at which the unanimous decision by the Parks, Recreation and Culture

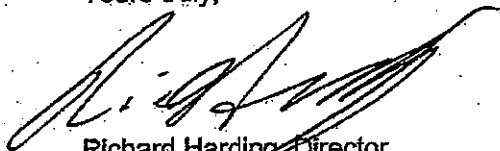
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Commission was not to remove the two trees. Staff did make the attempt to invite neighbourhood representation to that meeting. We understand that you believe there wasn't enough notice to attend that meeting, whereas we invited you to attend the 2010-JAN-27 Parks, Recreation and Culture Commission meeting to present your position, and which again you were not able to attend noting time constraints. We now encourage you to attend the 2010-FEB-24 Parks, Recreation and Culture Commission meeting if at all possible and we will put you on the Agenda as a delegation. The delegation request form and guidelines are attached for your completion and subsequent return to the Commission Secretary as directed in the guidelines. I know that the Parks, Recreation and Culture Commission will be keen to hear yours and other residents' perspectives on the situation. If the 2010-FEB-24 date does not work for you also, the Parks, Recreation and Culture Commission meets the fourth Wednesday of every month, with the exception of August and December.

In anticipation of your presentation to Parks, Recreation and Culture Commission on 2010-FEB-24, I am copying both your letter addressed to me received 2010-JAN-20, and this letter to the Parks, Recreation and Culture Commission for their information.

Mr. Reis I totally understand that this process has been frustrating for you and you have shown patience over the past couple of years in us trying to find a solution; however, as I have stated earlier, unless we have a consensus from the residents and a good program of re-planting following removal of the trees it is very difficult for Staff or the Parks, Recreation and Culture Commission to approve removal of two healthy trees just to improve the view of local residents. Please feel free to contact myself if you want to be on the Agenda for the February Parks, Recreation and Culture Commission meeting, or, Robin Tweed, Secretary to the Parks, Recreation and Culture Commission (250-755-7511).

Yours truly,



Richard Harding, Director
Parks, Recreation and Culture

Attachment

cc: Mr. John Ruttan, Mayor
City of Nanaimo

Parks, Recreation and Culture Commission

Mr. Jeff Ritchie, Senior Manager
Parks Operations

Mr. Allan Kemp, Urban Forestry Coordinator
Parks Operations