

DISTRICT OF UCLUELET
MINUTES OF THE SPECIAL COUNCIL MEETING
HELD IN THE GEORGE FRASER ROOM, 500 MATTERSON DRIVE
JANUARY 22, 2015 AT 1:30 PM

Present: **Chair:** Mayor St. Jacques
 Council: Councillors Mole, Oliwa, and Noel
 Staff: Andrew Yeates, Chief Administrative Officer*; Jeanette O’Connor, Chief Financial Officer; Patricia Abdulla, Manager of Planning
 * Recording Secretary

Regrets: Councillor McEwen

1. CALL TO ORDER:

Mayor St. Jacques called the meeting to order at 1:30 pm

2. ADOPTION OF MINUTES:

None

3. PUBLIC INPUT, DELEGATIONS & PETITIONS:

D-1 Update from Wyndansea Development Corporation

- Mayor St. Jacques provided introduction for purpose of Special Meeting and directed Lui Carvello to give background on situation
- Lui Carvello, Carvello Law Corp., gave an overview of the current legal proceedings taking place, which are bankruptcy proceedings and a restructuring proposal involving acquisition of property by another entity
- Andrew Yeates, CAO, reported that all delegation parties invited to participate have chosen not to make public statements at this time
- Don Ferris, 855 Barkley Pl – stated his desire, as a representative of the Wild Pacific Trail Society, that the original Master Development Agreement with Wyndansea be fulfilled with respect to building trails to form part of the Wild Pacific Trail
- Tom Petrowitz, 1160 Coral Way – requested background information on how the present legal situation transpired with the District, and what has been paid to-date (Lui Carvello, in answer, explained the staggered nature of the agreements, payments, and provision of permits, and provided numbers)
- Margaret Brown, 936 Amphitrite Pl – requested clarification on District’s involvement in credit process (Mayor St. Jacques responded that majority of decisions are being made without the District’s involvement)
- Ann Turner, 1160 Coral Way – requested clarification on the \$1 million attached to property title (Lui Carvello responded that it is a covenant charge, has been on title since the 2006 rezoning, and was the only charge before the Bancorp mortgage)

4. CORRESPONDENCE:

None

5. INFORMATION ITEMS:

None

6. REPORTS:

None

7. LEGISLATION:

None

8. LATE ITEMS:

None

9. NEW BUSINESS:

None

10. PUBLIC QUESTION PERIOD:

None

11. ADJOURNMENT:

Mayor St. Jacques suspended the regular council meeting at 1:47 pm and moved in-camera under section 90(1), subsection (g), of the *Community Charter* at 1:50 pm.

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It was moved by Councillor Mole and seconded by Councillor Oliwa

THAT the Council of the District of Ucluelet are of the firm opinion that fairness and equity require the payment of the \$1,000,000 debt that pre-dated the Priority Mortgagee, and fair settlement of interest given the District's forbearance of other remedies and cooperation with all parties to allow restructuring and sale of the Lands;

AND THAT District staff and/or Legal Counsel advise:

- *The Monitor and the Court of further particulars concerning the Lands zoned CD-5A and CD-6, the Master Development Agreements and various Covenants that are presently in breach of required obligations, including a \$1,000,000 contribution to the District Amenity Reserve Fund that pre-dated the Priority Mortgagee (collectively but not exclusively the "District's Interests");*
- *The Monitor, the Petitioners, Priority Mortgagees, Onni Group, 1019073 BC Ltd. and 1019074 BC Ltd. and their respective affiliates, that the District considers it has been unjustly treated given the timing of the proceedings during the known District office Holiday Closure, the lack of notice and the lack of identification of pertinent information to the Court in the CCAA Proceedings regarding the District's Interests;*

- *The parties who were invited to the Special Meeting of Council but did not attend, of Council's disappointment for their choice not to participate;*

AND THAT District Staff and Legal Counsel are authorized to dispute, if deemed in the best interests of the District, any decision reached by the Monitor or Court that does not include prompt payment of property taxes and the \$1M amenity payment;

AND THAT District Staff and Legal Counsel are authorized to prepare and file a response to the Petition filed in the CCAA Proceedings, if deemed in the best interests of the District;

AND THAT District and Legal Counsel commence preparation of zoning amendment bylaw or bylaws for undeveloped portions of the CD-51 and CD-6 Lands, consistent with the District of Ucluelet Official Community Plan Bylaw No. 1140, 2011, for further consideration by Council, and representations from the owner(s) and the people of the District of Ucluelet in public hearing.

CARRIED

Mayor St. Jacques adjourned the in-camera meeting at 2:58 pm and resumed the open meeting at 2:59 pm.

Mayor St. Jacques adjourned the regular council meeting at 3:00 pm.

CERTIFIED CORRECT: Minutes of the Regular Council Meeting held on Thursday, January 22, 2015 at 1:30 pm in the George Fraser Community Room, 500 Matterson Road, Ucluelet, BC.



Dianne St. Jacques
Mayor



Andrew Yeates
Chief Administrative Officer