

TOWN OF LADYSMITH

GOVERNMENT SERVICES COMMITTEE

Mandate –To advise Council on a broad spectrum of issues related to departmental matters

Monday, August 18, 2008 at 6:30 p.m.

Council Chambers, City Hall

A G E N D A

	<u>Pages</u>
Chairperson: Councillor Duck Paterson	
1. CALL TO ORDER	
2. AGENDA APPROVAL	
3. MINUTES <ul style="list-style-type: none">• July 21, 2008	1 - 4
4. DELEGATION None	
5. CITY MANAGER'S REPORT	
6. DIRECTOR'S REPORTS	
7. STAFF REPORTS	
.1 <u>Director of Parks, Recreation and Culture</u> Re: Gourlay Janes Park	5 - 7
.2 <u>Director of Public Works</u> Re: BCF-CC Grant Application	9
.3 <u>Director of Public Works</u> Re: Property Cleanup 624 Maplewood Way	11
.4 <u>City Manager</u> Re: Report from S. Hurst regarding DCC Update	13 - 23
.5 <u>Manager of Development Services</u> Re: Machine Shop – Future Directions	25 - 30
8. MEMBER SUBMISSIONS None	

9. **CORRESPONDENCE**

Pages

- | | | |
|----|---|----------------|
| .1 | <u>Petition from Town of Ladysmith Residents</u>
Re: Request to have ditch between Methuen Street and Belaire and Fourth Avenue to First Avenue closed in. | 31 - 34 |
| .2 | <u>Union of British Columbia Municipalities</u>
Re: TILMA | 35 - 40 |
| .3 | <u>Coastal Animal Control</u>
Re: Report on Ladysmith Days Parade and Transfer Beach Park Patrol August 2 and 3, 2008 and correspondence from impacted dog owners. | 41 - 43 |
| | a.) <u>B. Sedola</u>
Re: Ladysmith Days and Family Pets | |
| | b.) <u>S. Platt</u>
Re: Bylaw regarding no dogs on First Avenue during special events. | |

10. **NEW BUSINESS**

11. **UNFINISHED BUSINESS**

ADJOURNMENT



Town of Ladysmith

GOVERNMENT SERVICES COMMITTEE

Minutes of a meeting of the Government Services Committee held in Council Chambers at City Hall
on Monday, July 21, 2008 at 6:30 p.m.

COUNCIL MEMBERS PRESENT:

Duck Paterson
Jan Christenson
Donald Fyfe-Wilson

Mayor Rob Hutchins
Doug Fraser
Rob Johnson

COUNCIL MEMBERS ABSENT:

Scott Bastian

STAFF PRESENT:

Ruth Malli
Rebecca Kalina

Sandy Bowden
Mark Hermanson

The Chair, Councillor Duck Paterson, called the meeting to order at 5:37 p.m.

EXECUTIVE SESSION

Councillor R. Johnson vacated Council Chambers at 5:35 p.m. due to potential conflict of interest regarding Item 1 of the Executive Session of Government Services.

2008-107: It was moved, seconded and carried that this meeting retire into Executive Session pursuant to Section 90(1) of the Community Charter (5:37 p.m.)

Item 1: Community Charter Section 90(1)(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;

Item 2: Community Charter Section 90(1)(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;

Item 3: Community Charter Section 90(1)(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;

Item 4: 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;

Item 5: (Additional Item) Community Charter Section 90(1)(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;

The Executive Session of the Government Services Committee recessed at 6:30 p.m.

AGENDA APPROVAL

Additional Items:

- Sewer Treatment Zones in Ladysmith
- Thursday Night Live First Avenue Street Closure Request

2008-108: It was moved, seconded and carried that the agenda for the Government Services Committee meeting of Monday, July 21, 2008 be approved as amended.

MINUTES

2008-109: It was moved, seconded and carried that the minutes of the Government Services Committee meeting of Monday, June 16, 2008 be approved as circulated.

REPORTS

CITY MANAGER'S REPORT

R. Malli, City Manager answered questions from the Committee regarding her Work Plan Report dated July 16, 2008 outlining Quarter 1 and 2 projects; and projects to be considered after July 1, 2008.

2008-110: It was moved, seconded and carried to accept the City Manager's Work Plan Report for Quarter 2 dated July 16, 2008.

Councillor R. Johnson returned to Council Chambers at 6:37 p.m.

DIRECTOR'S REPORTS

Director of Public Works, J. Friesenhan and Director of Corporate Services, S. Bowden answered questions from the Committee regarding their Quarter 2 Work Plan reports.

REPORTS

2008-111: It was moved, seconded and carried that it be recommended to Council to authorize the additional expenditure of \$31,000 for the repair of the spirogestor with the funds to be taken out of the sewer utility reserve fund.

2008-112: It was moved, seconded and carried that it be recommended to Council that the contract for the supply of the rubber tired backhoe be awarded to WAJAX for the low tender price of \$98,237.20 (trade in - \$28,500) with the funds to come from the Equipment Pool Reserve Fund.

2008-113: It was moved, seconded and carried that it be recommended to Council that the contract for the curb and gutter work on Strathcona Road be awarded to Island Slipform Inc. for the unit prices tendered, \$13,989.48, being low tender.

2008-114: It was moved, seconded and carried that it be recommended to Council to award the annual tender for laboratory services to M.B. Laboratories Ltd. for the various prices quoted.

2008-115: It was moved, seconded and carried that it be recommended to Council that the Town of Ladysmith set the corporate rate payable for the use of privately owned vehicles driven on authorized Town business in accordance with the rate set by the Canada Revenue Agency (CRA) effective immediately.

2008-116: It was moved, seconded and carried that it be recommended to Council that staff be requested to amend Council Remuneration & Expense Bylaw 2001, No. 1427 and Travel Expenses Policy 05-1790-B to set the kilometric rate for the use of private vehicles on Town business in accordance with the rate established by the Canada Revenue Agency.

2008-117: It was moved, seconded and carried that it be recommended to Council that approval be given to the owner of 320 3rd Avenue to close 3rd Avenue between Baden-Powell and the laneway bordering 320 3rd Avenue between noon and 8:00 p.m. on Wednesday, August 6, 2008.

2008-118: It was moved, seconded and carried that it be recommended to Council that support be given for the closure of First Avenue from Roberts Street to White Street on September 13, 2008 from 9:00 a.m. to 1:00 p.m. to the First United Church and that they be requested to advise all businesses and residences in the vicinity of the closure.

SUSTAINABILITY VISIONING WORKSHOPS

The draft schedule for the Community Visioning Sustainability Workshops was reviewed

and discussed. R. Malli, City Manager, will confirm dates with the consultant working on the project.

2008-119: It was moved, seconded and carried that it be recommended to Council that Option 1 of the proposed colour palate for exterior paint colours for City Hall be approved.

CORRESPONDENCE

2008-120: It was moved, seconded and carried that it be recommended to Council that a letter of support be sent to the Canadian Union of Postal Workers outlining that the Town of Ladysmith does not support deregulation of the postal system.

2008-121: It was moved, seconded and carried that it be recommended to Council that the Town of Ladysmith send a letter to the Canada Post Corporation Strategic Review opposing deregulation of Canada Post and insisting that the Federal Government hold public hearings on the matter.

2008-122: It was moved, seconded and carried that it be recommended to Council that a letter of thanks be sent to the Minister of Community Services for the Towns allocation under the 2008 Traffic Fine Revenue Sharing grant program.

2008-123: It was moved, seconded and carried that it be recommended to Council that staff be requested to review if the signage regarding the use of engine brakes in residential areas bordering on the Trans Canada Highway is appropriate and, if not, to work with the Ministry of Transportation to install appropriate signage;

And that the RCMP Highway Patrol be asked to actively enforce the law regulating engine brakes bordering on residential areas on the Trans Canada Highway.

2008-124: It was moved, seconded and carried that it be recommended to Council that the letter from P. Legacy, President, Royal Canadian Legion Branch #171 Ladysmith, requesting the installation of a disabled parking sign in front of the Legion on First Avenue be referred to the Director of Public Works for review and installation if necessary.

2008-125: It was moved, seconded and carried that it be recommended to Council that the Director of Public Works be requested to evaluate the existing 15 minute parking spots in Town and make changes as required.

2008-126: It was moved and seconded that the letter from Minister Colin Hansen regarding the Community Mark Program for the 2010 Olympic and Paralympic Winter Games be received and filed.

DEFEATED

2008-127: It was moved, seconded and carried that it be recommended to Council that staff be requested to review opportunities and cost involved with the Community Mark Program for the 2010 Olympic and Paralympic Winter Games as outlined in the letter from Minister Colin Hansen dated June 24, 2008.

2008-128: It was moved, seconded and carried that it be recommended to Council that a letter be sent to the Union of British Columbia Municipalities asking them to establish a special commission to look into the Provincial fiscal imbalance in response to Mayor Sam Sullivan's letter regarding municipal / provincial fiscal imbalance and the report that was presented to Vancouver City Council.

2008-129: It was moved, seconded and carried that it be recommended to Council that the 'corner of Gatacre Street and Second Avenue' be added as an option to the list of locations for installation of Town benches;

And that staff be requested review if funds are available in the 2008 Budget to install a bench at that location.

NEW BUSINESS

2008-130: It was moved, seconded and carried that it be recommended to Council that the Environment Commission be requested to review the environmental impacts of using

bottled water.

2008-131: It was moved, seconded and carried that it be recommended to Council that the Town no longer purchase bottled water for Town events.

2008-132: It was moved, seconded and carried that it be recommended to Council that staff be requested to provide a report to Council on the existing legislation that permits sewage treatment in light and heavy industrial zones.

The Committee agreed that they would support the Director of Corporate Services to approve a request from the Downtown Business Association regarding a request for closure of First Avenue from Roberts Street to Gatacre Street at 4:00 p.m. on Thursday Night Live evenings for a Farmer's Market to be held.

The Executive Session of the Government Services Committee resumed at 7:45 p.m.

J. Friesenhan, Director of Public Works, vacated Council Chambers at 7:47 p.m.

ARISE AND REPORT

2007-133: It was moved, seconded and carried that the Executive Session of Monday, July 21, 2008 arise without report (8:38 p.m.)

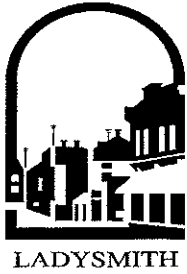
ADJOURNMENT

2008-134: It was moved, seconded and carried that this meeting adjourn. (8:38 p.m.)

CERTIFIED CORRECT:

Chair (Councillor D. Paterson)

Corporate Officer (S. Bowden)



Town of Ladysmith

STAFF REPORT

To: Government Services Committee
From: Patrick Durban, Director of Parks, Recreation & Culture
Date: August 13, 2008
File No: 6140-20

Re: GOURLAY JANES PARK

RECOMMENDATION:

That the Committee recommend to Council that the owner of 401 Blair Place be advised that the Town of Ladysmith will not consider installing a fence along the south/westerly border of Gourlay Janes Park.

BACKGROUND / HISTORY:

A request has been received from the owner of 401 Blair Place to place a fence along the border between her property and Gourlay Janes Park to stop the public from crossing her property to gain access to the park.

There is no record of the Town discussing the placement of a fence and the matter was not considered during the recent subdivision of the two parcels adjacent to the park.

The Town will attempt to provide more appropriate signage indicating the proper beach and park access routes.

ATTACHMENTS:

Map of Subject Property
Letter of Request from Property Owner at 401 Blair Place - July 4, 2008

NOT A LEGAL FORESHORE
(extracted from Air Photo)

D.L. 266

SUBJECT
PROPERTY



9:20 am LW
RECEIVED

JUL 07 2008

July 4, 2008

Dear Mayor & Council:

I am tired of asking the city to fence the Dourlay-Jane Park off from my property. How many council members would put up with an average of ten or more people crossing their property daily? I do not wish to be liable.

I have posted "No Trespassing" and "Private Property" only to have them destroyed or removed. It would be helpful if the city would put a more visible BEACH ACCESS sign at the beach access next to Mr. MacDonald's.

I have already had the property line partially fenced. It would take about 10 panels & posts to complete it.

I would like it done before the August weekend or I will have it done at the City's expense. I will accept a TEMPORARY FENCE for one month as long as it is up before long weekend.

When Mr. MacDonald's I were doing our development we had to pay "up front." Now it's the city's turn to be "up front."

John D. Power



Town of Ladysmith
STAFF REPORT

To: Government Services Committee
From: Joe Friesenhan, Director of Public Works
Date: August 5, 2008
File No:

Re: BCF-CC GRANT APPLICATION

RECOMMENDATION:

That the Committee confirm which of the two projects described below is priority in terms of seeking funding under the Canada-British Columbia Building Canada Fund Program – Community Component and that it be recommended to Council that staff be requested to submit an application for funding for the selected project.

BACKGROUND / HISTORY:

Applications for the first intake of the Canada-British Columbia Building Canada Fund Program, for Communities of less than 100,000, are due by September 5, 2008. The first application intake focuses on Drinking Water, Wastewater, Local Roads, Shortline Railways, Short Sea Shipping, and Tourism. Under these project types, municipalities may submit only one application.

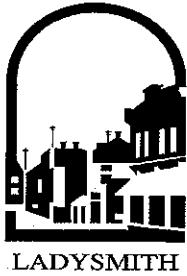
The Town of Ladysmith has been working towards achieving secondary treatment for its waste water treatment plant for a number of years. Council approved the process to be used for achieving secondary treatment in July. The Town received authorization to utilize the original 50% grant for the sewer upgrade along with an additional 2/3 grant towards the approved process. This leaves approximately \$6,000,000 unfunded.

In 2007, an unidentified substance was discovered in Holland Creek at Chicken Ladder. This episode identified the need to have Holland Lake tied into the Stocking Lake outfall with a pipeline to ensure a safe and adequate water supply for the entire Town. The approximate cost of the pipeline is approximately \$3,200,000. This price does not include land acquisition that may be required.

Preliminary design for both of the above projects is being undertaken at present but only one of the projects will be allowed an application under this first intake of applications for funding.

ATTACHMENTS:

None



Town of Ladysmith

STAFF REPORT

To: Government Services Committee
From: Joe Friesenhan, Director of Public Works
Date: July 31, 2008
File No:

Re: PROPERTY CLEANUP

RECOMMENDATION:

That it be recommended to Council that staff be authorized to remove the unsafe portion of the porch and clean up the remainder of the yard at 624 Maplewood Way with the cost to be recovered from the property owner.

BACKGROUND / HISTORY:

An unsigned complaint was received on March 19th regarding the condition of the lot at 624 Maplewood Way and since that time two subsequent complaints have been received. Inspection of the site showed a mobile home with the siding enclosed porch collapsing due to faulty supports along with an unregistered motor home. After unsuccessful attempts to contact the owner, a registered letter was sent to the owner on March 26th requesting cleanup of the lot per the Town of Ladysmith Nuisance Regulation Bylaw 1993, No 1094.

The Building Inspector and Bylaw Enforcement Officer met with the owner, Kevin O'Neil on April 16th. The owner agreed to remove the damaged porch area, clean up the yard and have the unregistered motor home removed within two weeks.

On May 20th, a second "Untidy" letter was hand delivered to the owner.

On June 26th, a third letter was sent via registered mail directing to cleanup occur within 10 days.

On June 30th, a final letter was hand delivered requiring cleanup within 10 days or the Town would obtain Council authorization for Public Works to clean up and charge the owner.

On July 21st, the Town received a letter from a resident requesting that the Town clean up the mess.

ATTACHMENTS:

None.



MEMO

TO: RUTH MALLI, CHIEF ADMINISTRATIVE OFFICER

FROM: SHERRY HURST, LEFTSIDE PARTNERS INC.
ALLAN NEILSON-WELCH, NEILSON-WELCH CONSULTING INC.

DATE: JULY 15, 2008

RE: DCC UPDATE

Local governments charge Development Cost Charges (DCCs) to recover, from development, the cost of infrastructure that is required to accommodate new growth. Road, water, sewer and drainage works may be funded using DCC revenues, as may the acquisition and development of parkland. The Town of Ladysmith, with assistance from Leftside Partners Inc. and Neilson-Welch Consulting Inc., is undertaking a review of its existing DCC bylaw. An amended bylaw, complete with a new set of DCC rates, is expected to result from the review. This brief is intended to update Council on the process, and provide a preliminary look at the rates and options under consideration. Council can then provide direction and feedback to staff.

As part of the review process, the Town has considered a variety of policy issues, and provided information regarding growth expectations, proposed infrastructure and cost estimates. The proposed DCC options also reflect the policy discussions regarding categories of development to charge, differentiation within these categories, and the units for charging DCCs. Two of the key principles incorporated into the process have been the Town's desire to keep the DCC simple – to enable it to be easily understood by residents and the development community, and administered without difficulty by staff – and to promote more efficient and sustainable development practices.

As a result of the policy directions, growth and cost estimates provided by staff, the consultants have developed a few options. The numbers in the calculations do not necessarily represent the final numbers – there are still a few outstanding projects that are being estimated – but the scale of these projects are not expected to change the rates dramatically. All options are based upon a timeline of 22 years (to 2030) and a population projection of 13,100 (2% annual growth). All rates also reflect a municipal assist factor of 1%, consistent with past practice.

Land Use	Ladysmith Scenario 1	Ladysmith Scenario 2	Ladysmith Scenario 3 (with waterfront)	Ladysmith Scenario 4 (with waterfront)	Ladysmith Scenario 5 (waterfront roads only)	Ladysmith Scenario 6 (waterfront roads only)
Single family	\$12,411.04	\$12,411.00	\$14,456.60	\$14,455.94	\$13,018.86	\$13,018.95
Small lot	\$10,927.43	\$10,927.65	\$12,459.04	\$12,459.05	\$11,474.47	\$11,474.81
Multi-family	\$9,108.85	\$9,152.08	\$10,254.10	\$10,310.26	\$9,471.52	\$9,524.15
Downtown multi-family	\$9,108.85	\$8,723.37	\$10,254.10	\$9,751.54	\$9,471.52	\$9,002.58
Commercial	\$75.89	\$86.81	\$94.71	\$108.45	\$90.24	\$103.63
Downtown commercial	\$75.89	\$52.23	\$94.71	\$64.99	\$90.24	\$61.20
Industrial	\$48.81	\$48.82	\$62.41	\$62.41	\$56.50	\$56.50
Institutional - care facility	\$5,287.78	\$5,287.83	\$5,891.11	\$5,891.08	\$5,424.34	\$5,424.41
Institutional (general)	\$66.90	\$66.90	\$85.70	\$85.70	\$74.33	\$74.34

leftside partners inc.

NEILSON-WELCH
CONSULTANTS TO GOVERNMENT



OPTIONS

Option 1

Option 1 reflects charging rates similar to how they are levied in the current bylaw, with the exception of adding institutional uses. The institutional uses have been broken down into a separate rate for assisted living facilities, and a general category which would apply to any other institutional facilities (except churches, which are exempt), but is primarily expected to reflect new school construction. The Town has not levied DCCs against institutional uses in the past; notably the City of Nanaimo, encompassed by the same School District, does charge DCCs for institutional uses, including new school buildings. Courtenay, Comox and Lantzville also have separate per unit rates for assisted living complexes. The City of Parksville charges assisted living facilities the same rate as the multi-family rate, and the City of Nanaimo and Town of Qualicum Beach charge institutional facilities the same rates as commercial uses.

Pros/Cons

This program is simple and easy to understand and administer. It is very similar to the Town's current program.

Option 2

This option provides lower rates for development within the downtown area – including both multi-family and commercial uses in this area. As a policy, this has the effect of encouraging growth in this area (through lower DCCs), and is consistent with smart growth policies and the promotion of development that has a reduced impact upon the Town's infrastructure, as well as lower greenhouse gas emissions, among other benefits. The rate does not reflect an arbitrary discount, but is rather calculated based on the increased densities permitted in this area, which impacts the storm water management rate, as well as an acknowledgement of the reduced trips in the downtown area (i.e. visits to multiple commercial stores from one car trip, as well as walking from downtown residential to local services that would otherwise involve a car trip). The reductions are therefore made in the storm water and roads categories.

Notably the City of Nanaimo exempts its downtown area from any DCCs, and Qualicum Beach has a reduced rate for multi-family uses in its Village core area.

Pros/Cons

This option reflects a more equitable DCC program; equity is optimized when developments with greater impacts on infrastructure pay higher DCC rates than developments with lower relative impacts. This option recognizes the reduced infrastructure costs and impacts of development that occurs in Ladysmith's downtown. However, the trade off is that the structure is somewhat more complicated to administer, and the Town must begin to track where the developments are occurring.

This option was also intended to reflect the Town's stated desire to work toward a DCC program that promotes more sustainable development. Granted, this is a small step toward promoting more sustainable development practices, but it represents a step in that direction relative to Option 1, and importantly, is still consistent with the Town's Official Community Plan. A subsequent section in this update will reference some of the challenges to making the Town's DCCs even more supportive of sustainable development.

Options 3 and 4

Option 3 and 4 are based on the same rationale as Options 1 and 2 respectively, but provide the difference of including the costs associated with infrastructure for the waterfront. The total combined cost of these projects is \$5,025,000. Waterfront projects



are included in the current DCC program, however, staff and the consultants were contemplating excluding the costs during this update.

Pros/Cons

A reasonable argument can be made on both sides of the issue on whether to include or remove the waterfront infrastructure costs. There is no "right" or "wrong" approach. The rationale for excluding these costs can be summarized as follows:

- The waterfront represents a distinct area where the extension of services serve primarily the developers, and not the greater public. The costs should therefore be borne directly by the benefiting developers, and not growth in general;
- As a comparison, the extension of trunk services for the Holland Creek development are not included in the current or proposed DCC program due to the limited benefit to residents other than the immediate neighbourhood. The same policy can apply to the waterfront;
- It is anticipated that a developer would front-end the service extensions/upgrades to facilitate development in the waterfront area, and recover the costs from adjacent developers through a latecomer agreement; and,
- Given the uncertainty about the development that will ultimately occur here, a new land use scheme is likely to emerge, necessitating new servicing estimates as well as an associated comprehensive financing strategy. If DCCs are to be collected, they should be based on updated estimates, land uses and financing mechanisms determined at that time.

To elaborate, the waterfront can be viewed as essentially a "greenfield" (or in this case brownfield) development. In a greenfield situation, often the services are required prior to the development occurring, so that there is rarely sufficient DCC revenue from the associated development to finance the service extension. The local government often resorts to borrowing to pay for the project, and only in limited situations can they recover the interest charges through the DCC. Therefore developers are often expected to front end the cost of extending services and recover funds through a latecomer's agreement that requires other developers to pay their share as they proceed. As a comparison, it is notable that the Town's DCC program does not include extensions of trunk services through the Holland Creek neighbourhood – another greenfield development. The requirement that an owner/developer front end the costs and recover them through a latecomer agreement is a common approach in an area where it is anticipated that there are one or two major landowners/developers that have the financial resources to front-end the costs, that the profit in developing that area is substantial enough to warrant the front end costs, and lastly, where there is realistic expectation of recuperating some of the costs from other developers/landowners.

Another argument in favour of removing these costs is the idea that when a new plan and agreement comes forward with the key players involved in the waterfront lands (Town, Province, etc.), the services planned for the area will have to be re-evaluated in that context, and a comprehensive strategy for financing completed. A combination of approaches – latecomer agreements, development works agreements, DCCs, etc. may be used to facilitate the required services. If changes are needed to the development cost charges program to reflect any new strategy, they could be made at that time.

Some of the arguments for the flip side – to keep the waterfront infrastructure costs in the DCC are summarized as follows:



- Consistency – these costs have been included in the DCC since 2000, and developers have been paying toward these projects. Nothing has changed at this point, so it is equitable to treat new growth the same as growth has been treated since 2000. The projects can always be removed when new information comes available, and it becomes clear whether alternate servicing needs and financing are required;
- Including the costs in the DCC program, despite the uncertainty, provides flexibility for the Town should they want or need to proceed with these projects prior to significant development occurring in this area (e.g. to encourage development or access/develop Town lands), particularly if no developers are willing or able to front end the costs due to other cost uncertainties (environmental clean-up), financial resources, or the uncertainty of recovering the cost from other developers;
- An example of this type of project currently included in the DCC program is the cost to extend services up to the proposed business park in South Ladysmith. The rationale is that the Town wants to encourage economic development, and to effectively market the land, a basic level of services (and an associated timeline to develop) is expected. A similar argument could be made for the waterfront;
- Including the costs in the DCC does not preclude a developer from front-ending the cost and receiving a rebate. The rebate typically only forms a small portion of the full cost; and,
- The waterfront, unlike a typical greenfield development, is a public place and a public amenity, and the costs to develop and provide access should be shared by growth on a larger scale than just the immediate developers.

Given the uncertainty regarding the costs and land uses, and the appropriate financing approach for the area, it may be better to continue collecting DCCs for the waterfront projects (as the Town currently does), providing flexibility to the Town by having some funds in place in the event that infrastructure upgrades are required. Again, this would be consistent with the past practice. The current situation could remain status quo until an alternate plan is clear or proposed, at which time the DCC could be amended (to either increase the cost accordingly, or remove them altogether if some other financial arrangement is made). In the meantime, the Town has been collecting funds in the event that it is necessary for the Town to construct any of the services identified in the DCC.

Council should be aware that excluding the costs from the DCC may limit the use of the Town's land or other properties on the waterfront where the Town may want to encourage development, particularly if no developer is willing or able to front end the servicing costs. This is why, as part of the DCC program, the Town has included the costs of extending services to (but not within) the proposed business park in South Ladysmith. In that area the Town has acknowledged that to encourage economic development a basic level of services (and an associated timeline to develop) is expected. A similar argument could be made for the waterfront.

If waterfront infrastructure costs are included in the DCC program and a developer does front end some of the costs, that developer would be eligible for a rebate of **some but not all** associated costs. Rebates can only be extended to the maximum that would apply to the specific development proposed by a developer. An example would be if a developer paid the \$1,700,000 costs to upgrade the road in the waterfront area, and was planning to build 200 multi-family units. The only rebate the developer would be eligible for would be the road DCC that applies to the property – which is proposed at approximately \$1,500 per unit, or \$300,000.



The last point is that it can be argued that the waterfront development is not a typical greenfield development. It is not a residential enclave that benefits only the local neighbourhood. The waterfront is intended as a much more public place, and indeed, a public amenity. In this sense, access to and development of this area is of a wider benefit, and the costs should therefore be shared accordingly.

Options 5 and 6

Options 5 and 6 are based on the same rationale as Options 1 and 2 (i.e. Option 6 includes reduced rates for downtown development). This set of options includes some of the waterfront costs. Options 1 through 6 include parkland in the waterfront area. However, based on the argument made above that the waterfront is intended as a more public place than the typical development, then the road costs – access to this “public amenity” – should also be included in the DCC program. Accordingly, storm water, sanitary sewer and water costs are left to be borne by the developers who will benefit directly from the provision of these services.

It should be reiterated that there is not one correct answer. Both approaches appear to be equally justifiable.

COMPARISON RATES

As one measure/test of how reasonable DCC rates are, most municipalities turn to other jurisdictions in their area to examine how the rates compare. It is particularly relevant to look at other municipalities that have recently updated their DCC bylaws. The following rates are provided for comparison purposes, with the years the bylaws were adopted. Notably some rates are not easily compared, due to the use of a different unit (i.e. charges applied per square metre instead of per unit, or applied per hectare instead of per square metre). Where different units are applied, an estimate of the comparable coverage ratio (50% for industrial uses) or unit size (average unit size of 93 m² or 1000 ft²) is used. Different institutional rates are the most difficult to compare, as some assisted living facilities are charged per unit, and others are on a per square metre basis. Because of the variety of amenities offered in an assisted living facility, it is more difficult to estimate an average “per unit size,” thus complicating the per unit and per m² rate comparison. Where conversion was necessary, a size of 80 m² (861 ft²) was used as a rough estimate.

Furthermore, in all the other jurisdictions compared, a combination of municipal and regional charges apply, as services are provided through a combination of regional and municipal governments. Typically the regional district provides sewage treatment or bulk water services. The applicable regional charges have therefore been added to the municipal rates to make more relevant comparisons. The regional rates applied to the City of Nanaimo and Lantzville were last updated in 2001 and are currently under review.

The first chart shows the original rates in both Nanaimo and Parksville, as well as the “first cut” of the rates proposed by staff, and the rates eventually included within the bylaws. This is to show the evolution of rates in these municipalities as they undertook a process similar to the Town of Ladysmith’s current review.



Land Use	Previous Nanaimo (2001)	First Cut Nanaimo	Nanaimo New Rates (2008)	Previous Parksville (2005)	First Cut Parksville	Parksville Proposed (2008)
Single family	\$13,410.79	\$20,013.05	\$19,107.50	\$12,542.47	\$20,900.24	\$19,217.98
Small lot	n/a	n/a	n/a	n/a	n/a	n/a
Multi-family	\$8,076.12	\$10,521.09	\$10,495.98	\$7,983.93	\$16,191.72	\$13,058.22
Downtown multi-family	no DCC	no DCC	no DCC	n/a	n/a	n/a
Commercial	\$53.58	\$92.70	\$80.70	\$70.44	\$124.21	\$114.10
Downtown commercial	no DCC	no DCC	no DCC	n/a	n/a	n/a
Industrial	\$14.44	\$24.41	\$22.16	\$42.03	\$76.10	\$69.21
Institutional - care facility	\$4,922.40	\$8,052.00	\$7,092.00	n/a	\$16,191.72	\$10,252.00
Institutional (general)	\$48.26	\$87.38	\$75.38	\$53.30	\$124.83	\$115.05

Land Use	Lantzville (2007)	Qualicum Beach (2006)	Courtenay (2005)	Comox (2006)
Single family	\$18,573.42	\$16,517.54	\$12,907.00	\$15,910.97
Small lot	n/a	n/a	n/a	n/a
Multi-family	\$12,609.26	\$11,852.01	\$9,279.00	\$12,383.11
Downtown multi-family	n/a	\$10,983.39	n/a	n/a
Commercial	\$107.34	\$100.41	\$80.52	\$80.22
Downtown commercial	n/a	n/a	n/a	n/a
Industrial	\$33.85	\$41.26	\$29.32	\$35.33
Institutional - care facility	\$6,103.10	n/a	\$4,639.50	\$5,659.65
Institutional (general)	\$255.89	\$122.16	\$80.52	\$45.80

Notably absent from the comparisons are the municipalities of Duncan and North Cowichan – neighbours of Ladysmith within the same Regional District. Both communities have outdated DCCs – North Cowichan's rates were prepared in 1993, and Duncan's DCCs, while updated with new charges in 2000, still reference the 1994 report. The rates are further complicated because the roads portion of the charges is levied "per parking space." Neither DCC program includes a parks acquisition or improvement charge. Suffice to say the rates are considerably lower – even than the Town of Ladysmith's current DCC rates, and have not been updated to reflect current construction costs.

INCREASES FROM PREVIOUS DCC RATE

Land Use	Ladysmith Scenario 1	Ladysmith Scenario 2	Ladysmith Scenario 3	Ladysmith Scenario 4	Ladysmith Scenario 5	Ladysmith Scenario 6	Nanaimo	Parksville
Single family	39.7%	39.7%	62.7%	62.7%	46.5%	46.5%	53.0%	85.6%
Small lot	33.7%	33.7%	52.5%	52.5%	40.4%	40.4%		
Multi-family	29.9%	30.5%	46.2%	47.0%	35.0%	35.8%	36.3%	120.7%
Downtown multi-family	29.9%	24.4%	46.2%	39.0%	35.0%	28.3%		
Commercial	203.6%	247.2%	278.8%	333.8%	261.0%	314.5%	56.2%	82.8%
Downtown commercial	203.6%	108.9%	278.8%	160.0%	261.0%	144.8%		
Industrial	450.9%	451.0%	604.4%	604.4%	537.7%	537.8%	62.7%	86.7%
Institutional - care facility								
Institutional (general)							56.2%	195.7%

* Nanaimo and Parksville rate increases reflect increases for municipal rates only

leftside partners inc.

NEILSON-WELCH
CONSULTANTS TO GOVERNMENT



In addition to the rates above, given that the Nanaimo and Parksville rates have just been changed, it is useful to note the increases in rates, and to compare the increases to those proposed in the Ladysmith context. Nanaimo's rates were updated from their 2001 bylaw, whereas the Parksville rates were implemented in 2005, and updated in 2008, so the increases are over a shorter period of time.

OPTIONS FOR CHANGING RATES

In addition to the scenarios proposed above, there is still the opportunity to influence the rates through the use of the municipal assist factor. The assist factor is the contribution that the existing community must provide to assist new growth in meeting its infrastructure cost obligations. The assist factor is over-and-above any portion of the infrastructure cost that is allocated to the existing population. As per the *Local Government Act*, the assist factor must be at least 1%.

The assist factor may vary by type of infrastructure, but not by type of development, or by DCC sector. The assist factor applied to road works, for example, may differ from the factor applied to waterworks. A common roads assist factor, however, must be applied to all types of development throughout the entire community.

Setting the assist factor is the final decision a local government will make in the process followed to establish a new DCC program. The setting of the assist factor is a political decision. Local governments that wish to have new growth pay as much of its own way as possible set a small assist factor, perhaps as low as 1%. This has been the past practice in the Town of Ladysmith. Governments that wish to encourage development may provide a high level of assist, possibly as high as 50%. Some local governments will set the assist factor at whatever level is required in order to make the DCCs politically acceptable to both the public and the development community. The degree to which new DCC rates differ from — that is, are higher than — previous local rates, and existing rates in neighbouring jurisdictions, may influence the level of assistance that is ultimately provided.

It must be remembered that the level of assistance provided to new growth must be made up from other municipal sources, including existing taxpayers. A situation in which existing taxpayers were expected to provide a high level of assistance to new growth may not be equitable.

LOOKING AHEAD

One of the Town's stated objectives in updating the DCC was to support more sustainable development. This proposed update provides one significant step in this direction — the potential to provide lower DCC rates in the downtown core. More changes can be made, such as those outlined briefly below, but two changes are required before this can be accomplished: there needs to be a shift in the policies that inform the DCC bylaw (OCP) that support changes in densities consistent with sustainable development practices, as well as steps taken to begin collecting data that will enable the Town to more accurately project the number, size and location of various building types to ensure sufficient funds are collected to support the DCC projects.

Council may already be aware of the recent changes to the *Local Government Act* through the passing of Bill 27 — The Local Government (Green Communities) Statutes Amendment Act, 2008. Those changes now allow local governments to waive or reduce



development cost charges for not-for-profit rental housing, for-profit affordable rental housing, subdivision of small lots that is designed to result in low green house gas emissions, and development designed to result in a low environmental impact. In addition to these new provisions, there are other policies that can encourage building of higher density and more efficient development patterns, such as charging residential uses based on their size (per m²) rather than per unit, to reward the building of smaller units with lower development cost charges. Similarly, providing a "density gradient" – different rates depending on the density, rather than rates associated with single family vs. multi-family units – can also facilitate lower development cost charges for higher density development.

One of the key principles in the development of a DCC program is having everything link back to the Town's key policy documents, the primary one being the Official Community Plan. The OCP is intended to reflect the broad development objectives and policies of the local government, from which master servicing plans are prepared, and proposed projects are compiled in the financial plan. The DCC program is therefore just a subset of the other local government documents. The Inspector of Municipalities and the Ministry look for this connection when approving the DCC, and the requirement to consider the broad planning context is highlighted in the Local Government Act, and referenced in the DCC Best Practices Guide.

In Ladysmith, the Town's progressive intentions are beyond that contained within the Official Community Plan and Local Area Plans. Without the aid of concrete land use policies, densities and the associated service plans, it is therefore difficult to translate the sustainable direction the Town is heading into the DCC rates and program. The Town's sustainability visioning process offers an opportunity to incorporate the resulting vision into the OCP. Once OCP revisions are adopted, the implications for the DCC program, administration and strategy can be evaluated.

To support that process, the Town should weigh the merits of collecting data that will enable the use of some of the approaches discussed above – use of sq.m. instead of unit charges, or a density gradient. These approaches are most beneficial if accurate projections can be made. The Town could begin collecting a more complete set of data during the building permit and planning process to identify not only projects and number of units, but the size of units, density, and location within the city, and storing that information on a database.

In addition to the land uses and densities, a DCC is also based on the cost and type of services provided. To begin to consider the implications of reducing or waiving charges for development with low environmental impacts, the Town should contemplate what changes they might be willing to consider – and how that relates to the Town's current subdivision standards and infrastructure plans. Depending on the service, the Town should consider how low impact development may extend the life of current services, create additional capacity or how it may change the standards that are currently required. For instance, if the Town wants to promote low impact development that has a low storm water impact, and low water usage, a DCC rate can be prepared that takes into account these specific impacts, provided the development can prove they meet these requirements. Considering what changes will be acceptable, what standards must be attained, and where alternate rates could be applied in advance of the DCC review will assist in the process

TOWN OF LADYSMITH - DEVELOPMENT COST CHARGE ESTIMATES

DCC COST ESTIMATES (Road Projects)

Year	Project	Cost	Comments & Description	Benefit Factor	Benefit to New Development	Municipal Assist Factor 1%	DCC Recoverable	Municipal Responsibility
1	Roberts St. from 2nd to 4th Ave	\$390,000.00	Includes curb & gutter, sidewalk, traffic claming, landscaping street lights, and storm drainage.	67%	\$261,300	\$2,613	\$258,687	\$131,313
2	Walkem Rd. from 4th. Ave to 628 Walkem Rd.	\$760,000.00	Includes curb & gutter, sidewalk, traffic claming, landscaping street lights, and storm drainage.	67%	\$509,200	\$5,092	\$504,108	\$255,892
3	South Davis Rd. from Hall Rd. to South Battie Dr.	\$750,000.00	Includes curb & gutter, sidewalk, traffic claming, landscaping street lights, and storm drainage.	67%	\$502,500	\$5,025	\$497,475	\$252,525
4	4th Ave. & 4th Ave ext. Alderwood Rd. to Belaire St.	\$2,610,000.00	Includes curb & gutter, sidewalk, traffic claming, landscaping street lights, and storm drainage.	67%	\$1,748,700	\$17,487	\$1,731,213	\$878,787
5	Dunsmuir Cres. From Malone Rd. to 6th. Ave.	\$475,000.00	Includes curb & gutter, sidewalk, traffic claming, landscaping and storm drainage.	67%	\$318,250	\$3,183	\$315,068	\$159,933
6	Malone Rd. from Mackie Rd. to Sivers Plc.	\$362,000.00	Includes sidewalk, some curb & gutter, traffic claming, and landscaping	67%	\$242,540	\$2,425	\$240,115	\$121,885
7	6th. Ave. from Methuen St. to Symonds St.	\$1,402,000.00	Includes curb & gutter, sidewalk, traffic claming, landscaping street lights, and storm drainage.	67%	\$939,340	\$9,393	\$929,947	\$472,053
8	Symonds St. from 2nd. to 4th. Ave.	\$400,000.00	Includes curb & gutter, sidewalk, traffic claming, landscaping street lights, and storm drainage.	67%	\$268,000	\$2,680	\$265,320	\$134,680
9	Buller St. from Esplanade Ave. to 4th. Ave.	\$941,000.00	Includes curb & gutter, sidewalk, traffic claming, landscaping street lights, and storm drainage.	67%	\$630,470	\$6,305	\$624,165	\$316,835
10	High St. 2nd. To 3rd. Ave.	\$240,000.00	Includes curb & gutter, sidewalk, traffic claming, landscaping street lights, and storm drainage.	67%	\$160,800	\$1,608	\$159,192	\$80,808
11	3rd. Ave. from Gatacre St. to High St.	\$125,000.00	Includes curb & gutter, sidewalk, traffic claming, landscaping and storm drainage.	67%	\$83,750	\$838	\$82,913	\$42,088
12	2nd. Ave Retaining Wall from French St. pass Warren St. (Length 140.0m)	\$320,000.00	Based on Duncan Engineering Design	67%	\$214,400	\$2,144	\$212,256	\$107,744
13	Chemainus Rd. from North Davis Rd. to Glen Ave.	\$2,240,000.00	Includes curb & gutter, sidewalk, traffic claming, landscaping storm drainage, and retaining walls. Based on Herold Engineering Design & Estimate	67%	\$1,500,800	\$15,008	\$1,485,792	\$754,208
14	Waterfront	\$1,700,000.00	Calculated 25% higher than year 2000 estimate	0%	\$0	\$0	\$0	\$1,700,000
	Dogwood-Belaire to Stephenson	\$870,000.00	Includes curb & gutter, sidewalk, traffic claming, landscaping and storm drainage.	67%	\$582,900	\$5,829	\$577,071	\$292,929
	DL 108 road access	\$90,000.00		67%	\$60,300	\$603	\$59,697	\$30,303
	Totals	\$13,675,000.00			\$8,023,250	\$80,233	\$7,943,018	\$5,731,983

DCC COST ESTIMATES

TOWN OF LADYSMITH - DEVELOPMENT COST CHARGE ESTIMATES

DCC COST ESTIMATES (Water Projects)

Year	Project	Cost	Comments & Description	Benefit Factor	Benefit to New Development	Municipal Assist Factor	DCC Recoverable	Municipal Responsibility
1	Farrell Rd. from Sterling Dr. to South Watts Rd.	\$740,000.00	Includes main line, fittings, service line and water meters	100%	\$740,000	\$7,400	\$732,600	\$7,400
2	Chemainus Rd. from North Davis Rd. to Glen Ave.	\$520,000.00	Includes main line, fittings, service line and water meters	50%	\$260,000	\$2,600	\$257,400	\$262,600
3	Craig Rd end to Russell Rd.	\$375,000.00	Approx 750m of 300mm pipe	80%	\$300,000	\$3,000	\$297,000	\$78,000
4	Distribution Network Improvement Projects	\$1,600,000.00	Includes main line, fittings, service line and water meters Up grade of all 100mm pipes approx. 4800m	40%	\$640,000	\$6,400	\$633,600	\$966,400
5	Waterfront Infrastructure	\$1,300,000.00	Calculated 25% higher than year 2000 estimates	0%	\$0	\$0	\$0	\$1,300,000
6	Water Supply Improvement	\$8,912,500.00	Water improvements up to 18,000 population. The option for long term supply. With present population of 8,100 suggested DCC portion is 55% (18000-8100)/18000	55%	\$4,901,875	\$49,019	\$4,852,856	\$4,059,644
Totals		\$13,447,500.00			\$6,841,875	\$68,419	\$6,773,456	\$6,674,044

TOWN OF LADYSMITH - DEVELOPMENT COST CHARGE ESTIMATES

DCC COST ESTIMATES (Storm Projects)

Year	Project	Cost	Comments & Description	Benefit Factor	Benefit to New Development	Municipal Assist Factor	DCC Recoverable	Municipal Responsibility
1	3rd. Ave from Roberts St. to Flume Lane	\$260,000.00	Includes main line, manholes, catch basin and service lines	67%	\$174,200	\$1,742	\$172,458	\$87,542
2	6th. Ave from Buller St. to Symonds St.	\$295,000.00	Includes main line, manholes, catch basin and service lines	67%	\$197,650	\$1,977	\$195,674	\$99,327
3	Symonds St. from 5th. Ave to 6th. Ave.	\$91,000.00	Includes main line, manholes, catch basin and service lines	67%	\$60,970	\$610	\$60,360	\$30,640
4	Flume Line from 4th. Ave. to 1st. Ave.	\$260,000.00	Includes main line, manholes, catch basin and service lines	67%	\$174,200	\$1,742	\$172,458	\$87,542
5	Stillin Dr. Easement from Symonds St. to Walkem Rd.	\$380,000.00	Lining 750 mm Trunk Main	67%	\$254,600	\$2,546	\$252,054	\$127,946
6	DL108 access road storm sewer	\$72,000.00		67%	\$48,240	\$482	\$47,758	\$24,242
7	Bayview Ave. from Dogwood Dr. to TCH	\$320,000.00	Includes main line, manholes, catch basin and service lines	67%	\$214,400	\$2,144	\$212,256	\$107,744
8	Waterfront Infrastructure	\$1,175,000.00	Calculated 25% higher than year 2000 estimate	0%	\$0	\$0	\$0	\$1,175,000
Totals		\$2,853,000.00			\$1,124,260	\$11,243	\$1,113,017	\$1,739,983

DCC COST ESTIMATES

TOWN OF LADYSMITH - DEVELOPMENT COST CHARGE ESTIMATES

DCC COST ESTIMATES (Sanitary Sewer Projects)

Year	Project	Cost	Comments & Description	Benefit Factor	Benefit to New Development	Municipal Assist Factor	DCC Recoverable	Municipal Responsibility
1	Farrell Rd. from Stirling Dr. to South Watts Rd.	\$1,100,000.00	Includes main line, manholes, service line and two lift stations	100%	\$1,100,000	\$11,000	\$1,089,000	\$11,000
2	Water Front	\$850,000.00	Calculated 25% higher than year 2000 estimate	0%	\$0	\$0	\$0	\$850,000
3	Sewage Treatment Upgrade [Secondary Treatment]	\$14,000,000.00	For 15,000 Population	46%	\$6,440,000	\$64,400	\$6,375,600	\$7,624,400
		\$4,000,000.00	Extra to buildout for 30,000 Population Present population is 8,100. Recommended DCC charges for first 14 million to be at 20% and next 4 million to be at 100%	0%	\$0	\$0	\$0	\$4,000,000
Totals		\$19,950,000.00			\$7,540,000	\$75,400	\$7,464,600	\$12,485,400

TOWN OF LADYSMITH - DEVELOPMENT COST CHARGE ESTIMATES

DCC COST ESTIMATES (Parks Acquisition and Improvement Projects)

Year	Project	Cost	Comments & Description	Benefit Factor	Benefit to New Development	Municipal Assist Factor	DCC Recoverable	Municipal Responsibility
P1	Transfer Beach	\$305,000.00		90%	\$274,500	\$2,745	\$271,755	\$33,245
P2	Holland Creek Trail	\$35,000.00		90%	\$31,500	\$315	\$31,185	\$3,815
P3	Rocky Creek Trail	\$240,000.00		90%	\$216,000	\$2,160	\$213,840	\$26,160
P4	Holland Creek Community Park/School	\$625,000.00		90%	\$562,500	\$5,625	\$556,875	\$68,125
P5	Collectors/Downtown Streetscape	\$145,000.00		90%	\$130,500	\$1,305	\$129,195	\$15,805
P6	108 Playing Field	\$6,000,000.00		90%	\$5,400,000	\$54,000	\$5,346,000	\$654,000
P7	FJCC/High School Fields	\$1,000,000.00		90%	\$900,000	\$9,000	\$891,000	\$109,000
P8	Aggie	\$1,350,000.00		90%	\$1,215,000	\$12,150	\$1,202,850	\$147,150
P9	Golf course	\$90,000.00		90%	\$81,000	\$810	\$80,190	\$9,810
P10	Beach Access Points	\$30,000.00		90%	\$27,000	\$270	\$26,730	\$3,270
P11	Trail Improvements	\$500,000.00		90%	\$450,000	\$4,500	\$445,500	\$54,500
P12	DL 146 (Lot A)	\$200,000.00		90%	\$180,000	\$1,800	\$178,200	\$21,800
P13	Neighbourhood Park	\$100,000.00		90%	\$90,000	\$900	\$89,100	\$10,900
P14	Waterfront Park	\$1,500,000.00		90%	\$1,350,000	\$13,500	\$1,336,500	\$163,500
P15	Russell Road (2 fields)	\$1,000,000.00		90%	\$900,000	\$9,000	\$891,000	\$109,000
Totals		\$13,120,000.00			\$11,808,000.00	\$118,080.00	\$11,689,920	\$1,430,080.00

DCC COST ESTIMATES



Town of Ladysmith
STAFF REPORT

To: Government Services Committee
From: Felicity Adams, Manager of Development Services
Date: August 6, 2008
File No:

Re: MACHINE SHOP: BUSINESS CASE

RECOMMENDATION:

That the Government Services Committee recommend to Council to receive the report.

SUMMARY OF KEY POINTS:

- The current lease revenue from the Machine Shop generates more revenue than the basic cost of operations and maintenance. However, significant capital upgrades have recently been undertaken (sprinkler system and boardwalk).
- The Machine Shop is about 50% leased. Lease rates are currently below commercial lease rates for similar space.
- It is estimated that about \$1 Million in annual sales is generated by the businesses that operate currently in the Machine Shop. At any one time, there are between 10 and 20 persons employed in the building.
- At its present level of occupation and uses, the Machine Shop tenants have a payroll of nearly \$500,000 and provide the community with a secondary economic benefit of just under \$300,000.
- At full capacity, and with a level of employment averaging at 30 persons, payroll could increase by nearly \$500,000 and the benefit to the community would increase by an additional \$200,000 or \$500,000 secondary economic benefit.
- A 1998 assessment conducted for the Town identified two potential themes for economic use of the building: cottage industrial or commercial retail. The study noted that in order to ensure viability of the building, the amount of space that is utilized for community groups unable to pay market rates must be kept to a minimum.
- The Machine Shop provides value to the community in various ways. This is exemplified in the amount of interest shown in leasing space in this building.

BACKGROUND / HISTORY:

In November 2007, Council requested that staff undertake an examination of the Machine Shop after increased interest was shown by the private sector, in addition to the proposal from the Ladysmith Arts Council and, more recently, by the Ladysmith Maritime Society. These proposals are attached to this report.

In 1998, the Town commissioned a study on the development opportunity for the Machine Shop. This study identified the possible uses as either "cottage industrial theme" or "commercial retail theme". The study recommended pursuing the cottage industrial theme in the short-term and that the commercial retail theme should complement not compete with downtown. Indeed current usage of the building has steered towards the "cottage industrial theme." No formal direction on uses in the building has been established over the recent years. Opportunities for leasing the space are within the economic development function.

The Ladysmith Arts Council operates a gallery within the Machine Shop and given some of the manufacturing processes used by business tenants, some incompatibilities have emerged.

The total building floor area is about 1200 sq.m. (13,000 sq.ft); the mezzanine is about one-quarter of that area (465 sq.m.)

Heritage Importance

The Machine Shop and associated buildings basically remain as they were when first built. The *Ladysmith Heritage Inventory* (R. Goodacre, 1990) identifies these buildings as "heritage structures of first importance not only because they represent an important era in the industrial history of Ladysmith, but more particularly because they are the only intact remnants of the waterfront's industrial past."

The Inventory provides this description of the original use of the Machine Shop. It was a maintenance building for machinery and equipment associated with the logging industry. In 1943, the Comox Logging and Railway built a large modern repair shop and auxiliary buildings to maintain the engines and extensive rolling stock transferred to Ladysmith, as well as the truck logging equipment. The building was built of solid mill construction, with galvanized iron reinforcing walls.

The Heritage Society of BC conferred an award of Honour to the Town in recognition of the Machine Shop. In 1999, the Town received federal funding to assist with upgrading the building.

Waterfront Area Plan

In the Waterfront Area Plan, the area where the Machine Shop is located allows the establishment of a community and cultural focal point for residents and visitors to the waterfront. Permitted uses may include a market, limited retail, heritage museum, cottage industry, community meeting rooms and offices, civic plaza and open space uses. The Waterfront is part of the Town's recently announced community sustainability visioning process.

Zoning Regulations

The parcel where the Machine Shop is located is zoned Community Commercial (CC) Zone. This zone permits a range of uses, including farmers', artisans', marine or similar market, cottage industry manufacturing and sales, restaurant, neighbourhood pub, retail use, personal services and office use, public assembly, museum and heritage exhibit, and rail passenger depot.

THE BUSINESS CASE

Current Occupancy and Revenue

There are currently six units occupied. The activities taking place include: kayak manufacturing, door manufacturing, cabinet making, pottery studio, art gallery and festival space. Business lease rates are between \$4.50 and \$5.00 per sq.ft.

Not including the short-term lease for the Ladysmith Maritime Society (festival space), current occupancy is at 50% of units which represents about 70% of the total space available in the building. Un-occupied units represent just less than 5,000 sq. ft of the building.

The annual rent collected (at the present rates) is \$36,000.00. The building unit plan is attached to this report.

It is worth noting that other light industrial buildings and spaces in Ladysmith and the immediate area, including North Cowichan, have lease rates of \$7.75 to \$12.00 per sq.ft. The average rate is \$8.00 to \$10.00 per sq.ft. Lease rates are highly dependant on services to the building such as power, water, sewer, etc.

	\$ per Sq Ft/Yr	2008 Annual Rent	Length of Occupancy	Lease Term
Unit B	5.00	\$15,950.00	3 years	One year with option to renew
Unit G	4.50	\$2,250.00	2 years, 4 mo's	One year with option to renew
Unit H	4.50	\$2,025.00	4 years, 2 mo's	One year with option to renew
Unit A	5.00	\$15,750.00	3 years, 4 mo's	One year with option to renew
Unit J/K	-	\$1.00	2 years, 2 mo's	One year with option to renew
Unit C/M	-	\$ TBD - Nominal Rate	NEW	"Festival Season"
		\$35,976.00		

Table 2 - Vacant Units and Potential Revenue			
	Sq. Footage	\$ per Sq Ft/Yr	Potential Annual Revenue
Unit C	448	4.50	\$2,016.00
Unit D	718	4.50	\$3,231.00
Unit F	712	4.50	\$3,204.00
Unit I	933	4.50	\$4,198.50
Unit L	1163	4.50	\$5,233.50
Unit M	970	4.50	\$4,365.00
			\$22,248.00

Operating and Capital Costs

The cost to operate and manage the building is about \$11,500.00 on an annual basis. These annual costs are currently covered by the revenue from the leases. Costs of operation such as power to the individual units are metered and are operated on a cost recovery system as part of the lease arrangements.

However, due to the age of the building and the need to maintain the building as an asset for the community, two major improvements have taken place in the last two years: the installation of a sprinkler system and the construction of a new boardwalk. These costs were borne by the Town without grants or other funding sources.

At the current revenue from leases, it will take nearly 5 years to recover the costs of the capital improvements (\$23,800 per year for 5 years). Any additional improvements to the building and surrounding sites would further increase the length of cost recovery.

Under the assumption of an increased use of the building, and a full lease value obtained, the cost of recovery of capital improvements would be met in two years. Additionally, the increased revenue stream from the leases would allow for a reserve fund to be established for other improvements such as paving, upgrade of washroom in the adjacent building or the addition of such facilities in the building itself.

Table 3 - Annual Cost of Operation (2007)

Staff costs (wages, benefits, etc) ¹	\$3,245.00
Utilities: Light and Power	\$3,005.00
Utilities: Telephone	\$187.00
Rental Own Equipment	\$825.00
Materials and Supplies	\$2,532.00
Insurance	\$1,650.00
TOTAL (2007)	\$11,444.00

Sprinkler System Installation	\$79,000.00
Boardwalk Repairs	\$40,000.00
TOTAL	\$119,000.00

Financial Analysis

The current level of occupancy is adequate to maintain the building in good order in terms of regular maintenance and operation. This does not include major capital improvements.

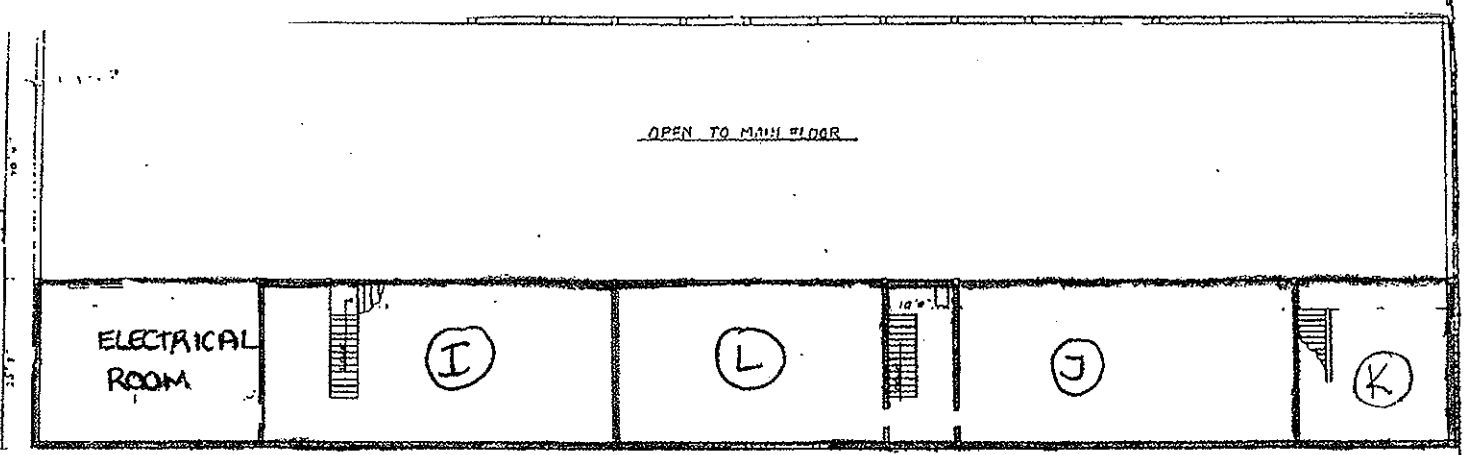
The unoccupied units in the Machine Shop have the potential to provide additional annual revenue of \$22,000 at the lowest per sq.ft. lease rate currently charged to existing business lease holders (potential additional revenue could be higher). The potential annual lease value at full occupancy is about \$60,000.

Revenue (2007)	\$36,000.00
Expenses - Operating (2007)	(\$11,500.00)
Expenses - Capital (5 yr amortization)	(\$23,800.00)
Net	\$700.00

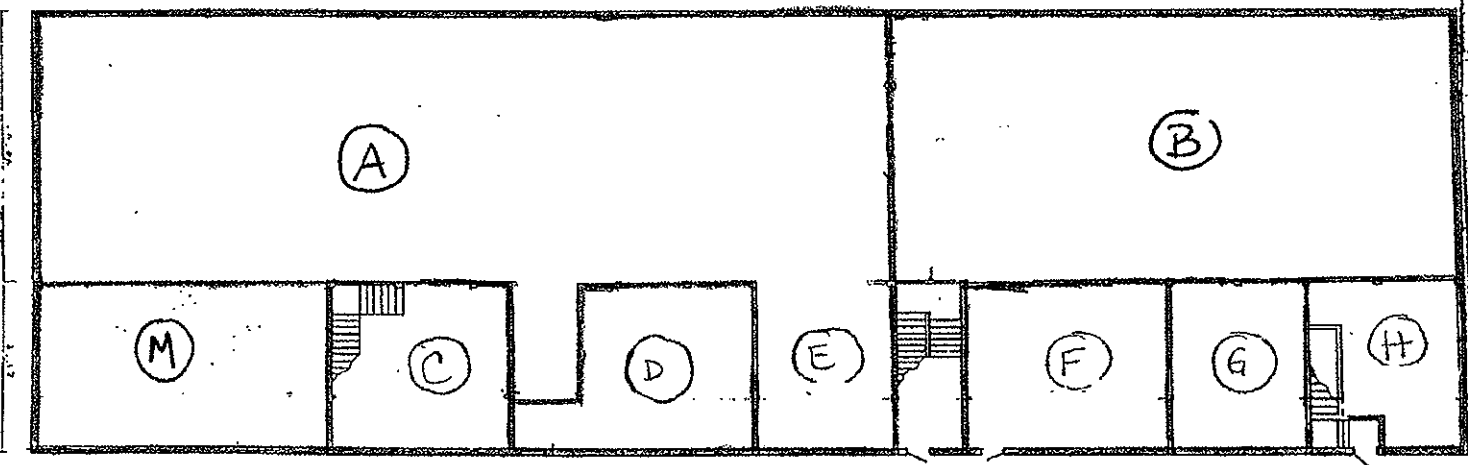
ATTACHMENT:

- Machine Shop - unit plan

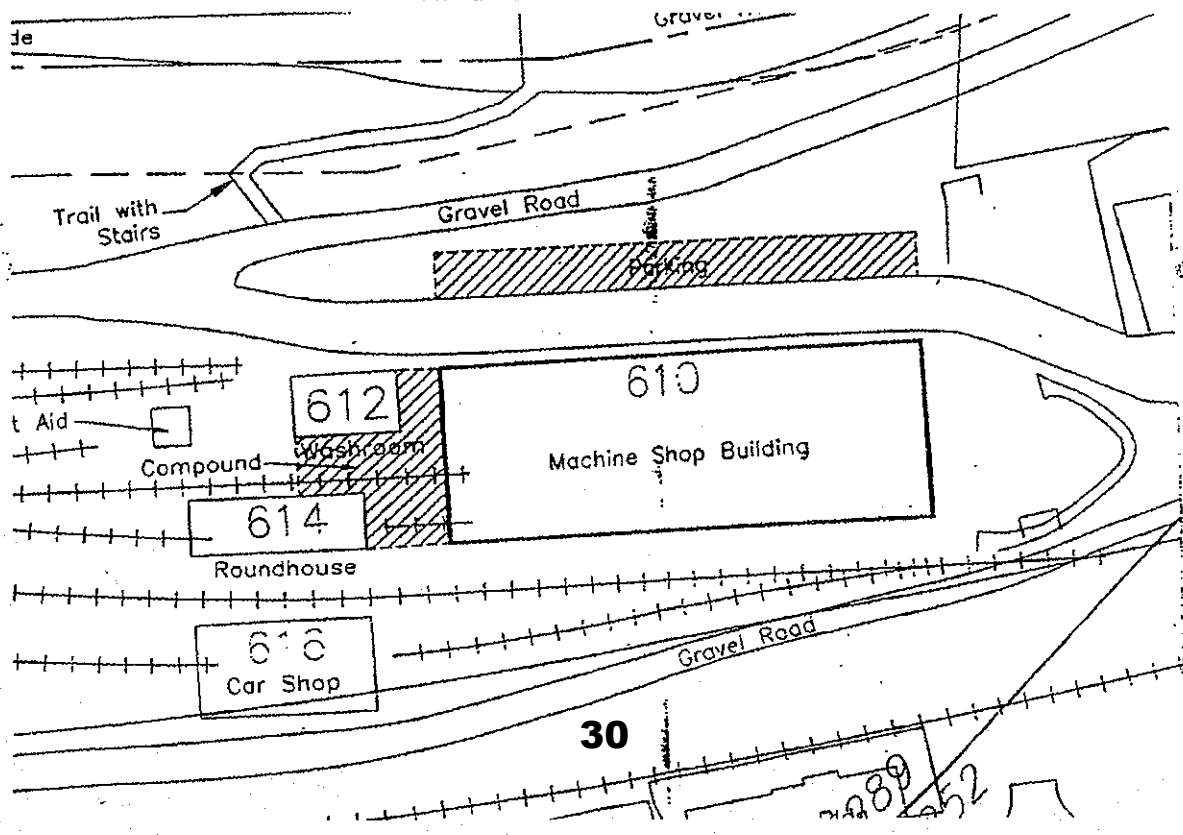
¹ This amount represents maintenance staff only and does not include time spent by Economic Development, Finance or Administrative Services staff.



SIEMPA PLAZA BAN MALLIYU



MAIN FLOOR PLAN scale 1/8" = 1'-0"



July 12, 2008

JUL 14 2008

The Town of Ladysmith
410 Esplanade
Ladysmith, BC

Attention: Mr. Mayor

Dear Sir:

We, as residents of Ladysmith, request you include in your Budget for the upcoming year the closing in of the ditch running between Methuen Street and Belaire from Fourth Ave to First Ave. We have repeatedly requested this to the Municipal Public Works office and to the various elected officials in Municipal Hall. We now feel that the risks have multiplied with the threat of mosquito breeding areas and the West Nile Virus. For years we have been concerned about the safety of children living around the area and travelling the alley. This concern wasn't enough to get your attention. We brought to attention the flooding that threatens our residences every year because of the open ditch, this also wasn't important to you. If it were not for the diligence and community co-operation of the residents of this area, flooding would already of taken place many times. More and more water has been diverted to this area with no improvement or thought to how the ditch could handle it. Now we are faced with standing water in the ditch which is a perfect breeding ground for mosquitos. We don't want to have to resort to using pesticides or anything harmful to the water that is running through so, please, listen to our concern and do something about this!!

Sincerely,

Ed & Maria Calache R
Adrian Maud
Alan Dool
Michael Kennedy
Joanne Smith
B. Tompa
Rob Churchill

July 12, 2008

The Town of Ladysmith
410 Esplanade
Ladysmith, BC

Attention: Mr. Mayor

Dear Sir:

We, as residents of Ladysmith, request you include in your Budget for the upcoming year the closing in of the ditch running between Methuen Street and Belaire from Fourth Ave to First Ave. We have repeatedly requested this to the Municipal Public Works office and to the various elected officials in Municipal Hall. We now feel that the risks have multiplied with the threat of mosquito breeding areas and the West Nile Virus. For years we have been concerned about the safety of children living around the area and travelling the alley. This concern wasn't enough to get your attention. We brought to attention the flooding that threatens our residences every year because of the open ditch, this also wasn't important to you. If it were not for the diligence and community co-operation of the residents of this area, flooding would already of taken place many times. More and more water has been diverted to this area with no improvement or thought to how the ditch could handle it. Now we are faced with standing water in the ditch which is a perfect breeding ground for mosquitos. We don't want to have to resort to using pesticides or anything harmful to the water that is running through so, please, listen to our concern and do something about this!!

Sincerely,

[Carol Jost CAROL JOST

[Laura Jost LAURA JOST

[Robert Dancer ROBERT DANCER.

[Wendy Dancer Wendy Dancer

[Wilma Wickham

[Tom Wickham

[John Andrews

[John Andrews JOHN ANDREWS

July 12, 2008

The Town of Ladysmith
410 Esplanade
Ladysmith, BC

Attention: Mr. Mayor

Dear Sir:

We, as residents of Ladysmith, request you include in your Budget for the upcoming year the closing in of the ditch running between Methuen Street and Belaire from Fourth Ave to First Ave. We have repeatedly requested this to the Municipal Public Works office and to the various elected officials in Municipal Hall. We now feel that the risks have multiplied with the threat of mosquito breeding areas and the West Nile Virus. For years we have been concerned about the safety of children living around the area and travelling the alley. This concern wasn't enough to get your attention. We brought to attention the flooding that threatens our residences every year because of the open ditch, this also wasn't important to you. If it were not for the diligence and community co-operation of the residents of this area, flooding would already of taken place many times. More and more water has been diverted to this area with no improvement or thought to how the ditch could handle it. Now we are faced with standing water in the ditch which is a perfect breeding ground for mosquitos. We don't want to have to resort to using pesticides or anything harmful to the water that is running through so, please, listen to our concern and do something about this!!

Sincerely,

Robert Sanderson

Gord DeFoor

Nigeria Fitchell

Angela Gilman

Quentin

Gary Turner

July 12, 2008

The Town of Ladysmith
410 Esplanade
Ladysmith, BC

Attention: Mr. Mayor

Dear Sir:

We, as residents of Ladysmith, request you include in your Budget for the upcoming year the closing in of the ditch running between Methuen Street and Belaire from Fourth Ave to First Ave. We have repeatedly requested this to the Municipal Public Works office and to the various elected officials in Municipal Hall. We now feel that the risks have multiplied with the threat of mosquito breeding areas and the West Nile Virus. For years we have been concerned about the safety of children living around the area and travelling the alley. This concern wasn't enough to get your attention. We brought to attention the flooding that threatens our residences every year because of the open ditch, this also wasn't important to you. If it were not for the diligence and community co-operation of the residents of this area, flooding would already of taken place many times. More and more water has been diverted to this area with no improvement or thought to how the ditch could handle it. Now we are faced with standing water in the ditch which is a perfect breeding ground for mosquitos. We don't want to have to resort to using pesticides or anything harmful to the water that is running through so, please, listen to our concern and do something about this!!

Sincerely,

Thelma L. Brunsmann Thelma L. Brunsmann

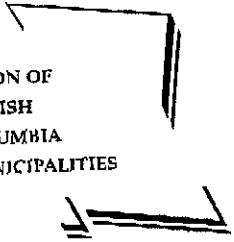
[Linda Wilson Linda Wilson

Ken Brown

Rose Brown ROSE BROWN

Karen Devlin KAREN DEVLIN

UNION OF
BRITISH
COLUMBIA
MUNICIPALITIES



Suite 60
10551 Shellbridge Way
Richmond
British Columbia
Canada V6X 2W9
604.270.8226
Fax 604.270.9116
ubcm@civicnet.bc.ca

TO: UBCM Members
FROM: UBCM Secretariat
DATE: July 29, 2008
RE: DON LIDSTONE LETTER TO GARY MACISAAC ON TILMA
ACCORD DATED JULY 28, 2008

The above referenced document was circulated to members yesterday.

This is the third document that has been circulated to members in response to the TILMA Accord that has been reached between UBCM and the Province. The Lidstone piece is an accompanying piece to the Joint Letter and UBCM member memo on TILMA that was circulated on July 25, 2008.

Our apologies for any confusion.

All of these documents are now posted on the UBCM website at: www.civicnet.bc.ca under New Documents.

Thank you.

LIDSTONE, YOUNG, ANDERSON
BARRISTERS & SOLICITORS

1616 - 808 Nelson Street
Box 12147, Nelson Square
Vancouver, BC V6Z 2H2
Tel: (604) 689-7400; Fax: (604) 689-3444
Toll Free: 1-800-665-3540

201 - 1441 Ellis Street
Ricco Plaza
Kelowna, BC V1Y 2A3
Tel: (250) 712-1130
Fax: (250) 712-1180

VIA EMAIL**REPLY TO: VANCOUVER OFFICE**

July 28, 2008

Mr. Gary MacIssac
Executive Director
Union of British Columbia Municipalities
Suite 60 - 10551 Shellbridge Way
Richmond, B.C. V6X 2W9

Dear Mr. MacIssac:

**Re: Accord Reached on the Trade Investment and Labour Mobility Agreement (TILMA)
Our File No. 00043-0160**

You have asked us to comment briefly and generally on the accord reached between the Union of British Columbia Municipalities (UBCM), the Alberta Urban Municipalities Association (AUMA) and the Alberta Association of Municipal Districts and Counties (AAMDC) on the one hand and the Provinces of British Columbia and Alberta on the other hand with respect to local government implications of TILMA. On July 25, 2008, UBCM President Susan Gimse and the Province issued a joint letter to UBCM members summarizing the principal attributes of the accord reached between the local government associations and the two Provinces. The UBCM Executive on the same day released a bulletin to UBCM members identifying the "key elements" of the accord.

In this letter we provide a brief general overview of the accord, to be followed at a later date by a legal opinion for the benefit of UBCM members. This letter is not a legal opinion but merely constitutes a general, broad overview in relation to ten local government issues. Readers are advised to seek a considered legal opinion before acting on any of the matters touched on in this letter.

Background

TILMA is an interprovincial agreement between British Columbia and Alberta. Other provinces, including Ontario and Quebec, are reportedly considering whether to enter into the Agreement. TILMA became effective on April 1, 2007. The Agreement was made under Article 1800 of the 1995 Agreement on Internal Trade (AIT) in respect of which Canada, the Provinces and Territories are parties. The Province has stated that the purpose of TILMA is to liberalize trade, investment and labour mobility among the Provinces beyond the AIT level. TILMA applies to measures of the Provinces and their government entities in relation to the matters set out in TILMA, including bylaws, resolutions, policies, orders, administrative practices or other procedures (measures) of municipalities, regional districts and the Islands Trust, subject to a number of exclusions. Although local governments are not parties to TILMA, their measures are subject to the Agreement. This does not mean a local government measure will be invalid if it runs afoul of TILMA. It means that even if the measure (e.g., a bylaw) is valid at law, it may be subject at the instance of a complainant to the dispute process under TILMA.

Generally, TILMA provides that each Province must ensure that its measures and those of its government entities do not restrict or impair trade, investment or labour mobility between the Provinces.

We will address in turn each of the ten local government issues discussed in the July 25, 2008 bulletin from the UBCM Executive to the UBCM members. These were raised by UBCM during the consultations further to the 2007 Convention Policy Paper recommendations endorsed by the membership.

Consultation

UBCM requested that the Provincial government negotiate amendments to TILMA under a consultation agreement and collaborate during the consultation process with AUMA and AAMDC. UBCM entered into a consultation agreement with the Province in October 2007 under section 277 of the *Community Charter*. The consultation agreement established a purpose, process and confidentiality arrangement. During the consultation process AUMA and AAMDC were invited to and did participate in the consultation process. The three local government associations have signed off on the consultation process.

Application of TILMA During Consultation Process

UBCM sought an amendment to TILMA to exempt measures of "municipalities or municipal organizations" as defined in TILMA during the two-year transition period. Although under Article 9(1) of TILMA, the measures of "municipalities, municipal organizations" are not subject to Parts II and IV during the transitional period, concern was expressed that:

1. under Article 9(4)(a), the Parties must ensure that no measure listed in Part VI (including local government measures) is amended or renewed in a manner that will decrease its consistency with TILMA during the transitional period; and
2. the dispute resolution procedures set out in Part IV of TILMA apply to Article 9 [including Article 9(4)(a)], so if a local government fails to ensure that no measure is amended or renewed in a manner that would decrease its consistency with TILMA, a complainant may attack the measure under the dispute resolution procedures during the transitional period.

In response to UBCM's submission, the Province is stating in writing to UBCM it is taking the position that no local government measure may be challenged under TILMA and the Province accordingly will not sanction local governments during the transitional period. Although the Provinces have not agreed to amend TILMA in this regard, British Columbia local governments have the benefit of a written statement from the Province that TILMA will not apply during the transitional period and that the Province will not sanction any local government in relation to a contravening measure. In the legal opinion, we will address how this helps protect local government measures during the transitional period.

Procurement - Thresholds

UBCM and the other Provincial local government associations requested that the TILMA requirement that municipal governments tender goods, services and construction over prescribed thresholds be amended such that the levels contained in the AIT would continue to apply. The Provinces agreed to amend TILMA for the MASH sector to provide for procurement thresholds that are significantly higher than those applying to other provincial entities. Under the existing TILMA, the goods threshold was \$10,000 and this will be increased to \$75,000. Construction will be increased from \$100,000 to \$200,000. Services will remain at \$75,000. At no time were the Provinces prepared to maintain the thresholds at the AIT level. The local government associations took the view that the existing TILMA thresholds, particularly in respect of goods, would result in minimal trade benefits and create an administrative burden on local government staff in relation to an expanded tendering process. We are satisfied on the basis of a UBCM procurement practices survey that the

proposed amendments are reasonable in the circumstances. These thresholds should be revisited routinely in relation to inflation.

Procurement – Policies

UBCM requested that local government be exempt from the requirement under TILMA that procurement must give the highest level of consideration to "...like, directly competitive, or substitutable goods, persons; services and investors or investments". The Provinces took a strong position that they were not prepared to amend TILMA to provide for local preferences over the TILMA thresholds. To the extent, however, that local preferences are valid under British Columbia law, the Provinces have provided local governments with room under the increased thresholds to procure locally.

Harmonization

UBCM requested that the Provinces amend TILMA to exempt local governments from the requirement to reconcile standards or regulations if the reconciliation would obviate local control over issues of local interest. The Provinces have agreed to amend TILMA to include a new section 11(b) to provide that "Parties and their municipal governments shall consider options to provide for the reconciliation of municipal business registration and reporting requirements. Until such time as the matter is resolved, Article 11(a) will not apply to municipal business licenses". This limits the Provincial commitment (in relation to municipal business registration, reporting requirements and business licenses) to "consideration" by local governments of options to provide for the reconciliation of municipal business registration and reporting requirements. In regard to Article 5 that provides that the parties must mutually recognize or otherwise reconcile existing standards and regulations that operate to restrict or impair trade, investment or labour mobility, the Province took the position that it had not identified any class of local government measure that would violate Article 5. Although the UBCM had requested the Province, accordingly, to exempt local governments from Article 5, the Province stated it was not prepared to amend TILMA to exempt local governments even if Article 5 did not appear to affect any local government standards or regulations.

Regulatory Bylaws

UBCM requested that the general exceptions under TILMA be expanded to include land use regulation, the regulatory spheres of jurisdiction listed in section 8(3) of the *Community Charter*, and similar regulatory powers of Vancouver and Alberta local governments. The submissions of local governments in relation to regulatory bylaws were focused on land use powers. Accordingly, it is our view that the TILMA amendment to except land use from TILMA (other than under Article 4 – Non-Discrimination), will constitute a constructive accommodation of local government concerns.

In regard to other regulatory spheres of jurisdiction under section 8(3) of the *Community Charter*, the Provinces have not agreed to exempt local governments. They took the position that, in the context of the other amendments and commitments of the Province in response to the submissions of the local government associations, exemption of local government measures under section 8(3) of the *Community Charter* would effectively eliminate local governments altogether from the ambit of TILMA. The Provinces also took the view that the majority of matters addressed under the regulatory spheres of jurisdiction are subject to existing TILMA exceptions including water, waste removal or energy conservation. In the detailed legal opinion we will comment on the extent to which (a) local government regulatory bylaws may impact investments; (b) the express exceptions cover water, waste and energy conservation but not all matters arising under section 8(3); and (c) the legitimate objective exceptions cited by the Provinces are subject to the superseding TILMA obligation to establish the level of protection necessary to achieve the objective.

Subsidies

UBCM requested that TILMA be amended to exempt local government assistance to, subsidization of, or incentives to a business that would otherwise be a valid exercise under the *Community Charter* or *Vancouver Charter*. The Provinces have refused to amend TILMA in this regard. Subject to TILMA, municipalities in Alberta have express statutory authority to subsidize. In British Columbia, a local government may not assist a business, except strictly in accordance with a complex matrix of statutory provisions (e.g., revitalization permissive tax exemptions, heritage permissive tax exemptions or assistance by way of a loan, land transfer, guarantee, etc. under a partnering agreement under which the business validly provides a municipal service on behalf of the municipality). In many cases, assistance will not necessarily constitute a subsidy. There are, however, circumstances where assistance may constitute a business subsidy if it is, for example, a "one off" to attract a business as opposed to a general policy that has defined program elements effectively making the programs generally available to all qualifying persons.

Dispute Resolution

UBCM requested that the Provinces amend TILMA to allow local governments to defend their measures in the dispute resolution process, whether or not the Provinces appear as a party or intervenor. Although the Provinces will not amend TILMA to permit local governments to defend their own measures, British Columbia has agreed to enter into a new consultation agreement with UBCM to provide that UBCM and the community that is the subject of a complaint under the dispute resolution process will be notified in a timely manner about the complaint; given an opportunity to be consulted and make submissions respecting the measure; and given an opportunity to be consulted and make submissions respecting appearing at any dispute resolution hearing to present an *amicus* brief. Under TILMA, disputes are to be governed by the UNCITRAL procedural rules. Noting the phraseology of TILMA and the UNCITRAL rules, it is our view that:

1. British Columbia and Alberta are the parties to TILMA. Local governments are not parties to TILMA. If there is a complaint, the parties are responsible for appearing before the dispute resolution panel in relation to the measures. Local governments do not have the right under TILMA or the applicable UNCITRAL rules to defend their measures before the dispute settlement panels. Given the tenor of TILMA and the public policy positions of the Province in relation to liberalizing trade, investment and labour mobility under TILMA, the municipalities cannot assume that the Province will defend the measures of local governments before TILMA dispute settlement panels. Accordingly, it is important for local governments in relation to disputed local government measures to be able under the proposed consultation agreement to have timely notice, an opportunity to be heard to explain the measure, and the opportunity to seek provincial consent or acquiescence with respect to the local government appearing as a third party to submit an *amicus* brief.
2. Article 25(2) of TILMA requires a complainant to exhaust all other reasonable means of resolution and we think this includes direct consultation with the applicable local government.
3. The Provinces in consultation with the municipal associations are developing a procurement protest mechanism (e.g., bid protest) to address tendering and other procurement disputes which will provide for direct initial involvement of the applicable local government in relation to a disputed local government procurement.

Sanctions

UBCM sought a legally binding arrangement with the Province under which the Province would not require local governments to repeal or amend or to pay penalties for measures (e.g., bylaws) that would be valid under applicable law but nonetheless found to be in breach of TILMA. The Provinces felt any such arrangement would allow local governments to contravene TILMA with impunity. The Provinces have stated that if a municipal measure is in violation of TILMA after April 1, 2009, the Provinces will "expect" the subject local government to bring the measure into compliance so there will be no issue with respect to monetary awards. The Provinces have a number of ways of encouraging local governments to comply with TILMA, including in relation to grants, tax sharing agreements, or other practical methods of persuasion. The detailed legal opinion will address the jurisdiction of the Province to enact legislation to amend or repeal a local government bylaw in the context of federal constitutional jurisdiction over interprovincial trade.

Vexatious and Frivolous Claims

We concur with the Provinces that this issue is addressed by the UNCITRAL Rules and TILMA Article 27(5).

Conclusion

Further to our participation on behalf of UBCM in the consultations, we believe UBCM has addressed the concerns of member local governments as far as possible in the circumstances and that the accord goes a long way to respond to the matters articulated in the 2007 UBCM convention policy paper.

Sincerely,

LIDSTONE, YOUNG, ANDERSON



Donald Lidstone, Q.C.
lidstone@lya.bc.ca

DL/ss

cc: Marie Crawford, Associate Executive Director

From: Coastal Animal Services
Sent: August 5, 2008 4:28 PM
To: Joanne Schneider
Subject: Parade and Park Patrol

Hi Rebecca

I spoke to Jane Brelsford (our park patrol officer) today about the activities in Ladysmith on the weekend. She advised me that she counted 29 dogs on First Ave at the time of the parade, most of them were at the lower end of First Ave. Most of them were small dogs and all but one of the dog owners she spoke to were not aware of the ban of dogs on First Ave during special events. On Sunday at the logger sports events she counted 21 dogs in a 4 hour period that she had spoken to regarding dogs on the beach. One lady in particular was quite upset as she had come from Qualicum and was not aware of the dog ban on the beach and didn't recall seeing anything in the supplement in the paper or on the Town of Ladysmith website concerning the by-law. While I didn't see it noted in the supplement or heard mention on the radio, I did see the post on the website.

Given the great success of the events the Town of Ladysmith puts on I think greater exposure of the by-laws concerning dogs would go a long way to inform people (especially from out of town) on how best to plan their stay at your beautiful beach. Most people would be agreeable to the ban of dogs on First Ave and at special functions if they are reminded in advance. I think the Town of Ladysmith is doing a great job in trying to balance the general public's enjoyment of special events and the dog owners' desire to have a place to take their pet and enjoy time spent with them.

Sue Hughes
Coastal Animal Services

2008-08-06

From: Brad Sedola
Sent: August 5, 2008 10:39 AM
To: info@tourismladysmith.ca
Subject: Dogwood Days and family pets

Since I belong to the Parks and Recreation Commission in Port Hardy, I know from meetings past that the first place people usually communicate any un-pleasantries regarding the town is either the Chamber of Commerce or the Tourist Bureau.

I've attended Dogwood Days for my entire 37 years of my life, perhaps not every year, but regularly nevertheless. Some of my family members have lived in Ladysmith for over 50 years. This is the first year that I was asked to leave because of a new bylaw regarding pets during special events. Due to it being a hot day, it ruled out the option of leaving my dog in the car, forcing me to go home.

I'd appreciate that during your next town council meeting you mention to the council the offense I took to this new bylaw. I didn't spend a dime in town this weekend due to this new rule. Please add my email to the pile of negatives that the bylaw propagates so that this bylaw may be reviewed and modified in the future.

Thank you.

Brad Sedola

Rebecca Kalina

From: Steve Platt
Sent: August 5, 2008 2:25 PM
To: info@tourismladysmith.ca
Subject: New Pet Bylaw

Hi,

I am from Campbell River and my Family lives in Ladysmith.

I came down to enjoy Dogwood Days with my family and brought my dog.

I was disgusted to find that my pet could not enjoy the day with me. I turned around and left.

Very disappointed with such a blanket bylaw. No more Ladysmith celebrations for me ☹

Sincerely,

Steve Platt