



# Town of Ladysmith

Minutes of a meeting of Council of the Town of Ladysmith held in Council Chambers at City Hall on Monday, February 2, 2009 at 7:00 p.m.

**COUNCIL MEMBERS PRESENT:**

Steve Arnett  
Lori Evans  
Duck Paterson

Jill Dashwood  
Mayor Rob Hutchins  
Bruce Whittington

**COUNCIL MEMBERS ABSENT:**

Scott Bastian

**STAFF PRESENT:**

Ruth Malli  
Rebecca Kalina

Sandy Bowden

Mayor Hutchins called the meeting to order at 6:00 p.m.

**EXECUTIVE SESSION**

2009-044: It was moved, seconded and carried that this meeting retire into Executive Session (6:00 p.m.) pursuant to Section 90(1) of the Community Charter to consider the following items:

- 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;
- 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;
- litigation or potential litigation affecting the municipality;

**AGENDA APPROVAL**

The Mayor requested Council's consideration of the following addition to the agenda: 12.6 - Request for Permission for a Youth Rock Concert - Ladysmith Fellowship Baptist Church

2009-045: It was moved, seconded and carried that the agenda for Monday, February 2, 2009 be adopted as amended.

**MINUTES**

2009-046: It was moved, seconded and carried that the Council minutes of January 5, 12, 19, 26, 2009 be approved as circulated.

**DELEGATIONS**

**PRESENTATION OF TROLLEY LOGO AWARD**

Mayor Hutchins presented a cheque for \$250 to Carleigh Yeomans as the winner of the Ladysmith Trolley Logo Contest.

**PRESENTATION OF GIFT TO FORMER COUNCILLOR**

Mayor Hutchins presented an E.J. Hughes print of Ladysmith to former Councillor Jan Christenson for her years serving as a member of Council from 2002 to 2008.

**PROCLAMATIONS**

Mayor Hutchins proclaimed:

- February, 2009 as "Heart Month"
- February 6 to 14, 2009 as "Spirit of BC Week"
- February 20, 2009 as "Kinsmen and Kinettes Day" and February 15 to 21, 2009 as "Kinsmen and Kinettes Week A Celebration of Kinsmen and Kinettes in Canada"
- April 25, 2009 as "World Malaria Prevention Day" in the Town of Ladysmith.

**DEVELOPMENT PERMITS / DEVELOPMENT**

**DEVELOPMENT PERMIT APPLICATION 3090-08-07**

Applicant, M. Khan, was in attendance to present additional information to Council

**VARIANCE PERMITS**

regarding Development Variance Permit Application 3090-08-07.

2009-047: It was moved, seconded and defeated that the Development Variance Permit Application 3090-08-07 submitted by Shoa Organization Services Ltd. to vary the height and maximum allowable finished floor area for the development of Lots 1 to 30, District Lot 52, Oyster District, Plan VIP86055 (Thetis Drive) be defeated.

(OPPOSED VOTES: Mayor R. Hutchins, Councillor J. Dashwood, Councillor S. Arnett, Councillor D. Paterson, Councillor L. Evans, Councillor B. Whittington)

2009-048: It was moved, seconded and carried that the Development Variance Permit 3090-08-07 submitted by Shoa Organization Services Ltd. to vary the allowable height from 9 metres to 14.07 metres roof peak elevation for the development of Lots 2 - 30, District Lot 52, Oyster District, Plan VIP86055 (Thetis Drive) be referred to staff to work with the applicant and proceed to public consultation and processing of statutory notification if deemed appropriate.

2009-049: It was moved, seconded and carried that the Development Variance Permit 3090-08-07 submitted by Shoa Organization Services Ltd. to vary the maximum allowable finished floor area from 240 square metres to 325 square metres for the development of Lot 1, District Lot 52, Oyster District, Plan VIP86055 (Thetis Drive) be denied.

2009-050: It was moved, seconded and carried that the Development Variance Permit 3090-08-07 submitted by Shoa Organization Services Ltd. to vary the allowable height from 9 metres to 10.68 metres for the development of Lot 1, District Lot 52, Oyster District, Plan VIP86055 (Thetis Drive) be referred to staff to work with the applicant and proceed to public consultation and processing of statutory notification if deemed appropriate.

**COUNCIL / COMMITTEE REPORTS**

Councillor J. Dashwood commented on a recent meeting of the Liquid Waste Management Committee.

Councillor S. Arnett noted that the Economic Development Commission met in January and reviewed their current work plan. Peter Richmond is the new Chair of the EDC.

Councillor D. Paterson advised that recommendations from the Parks, Recreation & Culture Commission will be coming forward to the Government Services Committee meeting in mid February.

**GOVERNMENT SERVICES COMMITTEE RECOMMENDATIONS**

2009-051: It was moved, seconded and carried that:

(a) staff be directed to include in Bylaw 1672, the triangular shaped area of land located generally west of the hydro line containing Lot 3, Block 1399, Oyster District, Plan VIP75559 Except Part in Plan VIP80608 and other parcels within the Town's urban containment boundary;

(b) Council give first and second reading to Bylaw 1672 and Bylaw 1673,

(c) the Public Hearing for this application be scheduled for March 2, 2009,

(d) with respect to opportunities for consultation on the OCP amendment for application 3360-06-13 that Council refer Bylaw 1672 to School District #68 and review Bylaw 1672 with the Chemainus First Nation Band Council at the next joint Council meeting.

2009-052: It was moved, seconded and carried that the requirement for on-site sewerage treatment for rezoning application 3360-06-13 be amended to require downstream sewer upgrades identified as undersized for this development.

2009-053: It was moved, seconded and carried that the dual (grey water reuse) system in the proposed development (Rezoning Application 3360-06-13) be referred back to staff for review and report prior to Council's consideration of third reading of Bylaw 1672 and 1673.

2009-054: It was moved, seconded and carried that staff be directed to prepare an amendment to Town of Ladysmith Development Procedures Bylaw 2008, No. 1667 for the consideration of development variance permit applications by Council, as follows:

- a) Staff to undertake the notice and forward the application directly to Council for consideration for the following types of DVP applications.
  - setback requests for the redevelopment or expansion of an existing development
  - setback requests for new development that are 0.6 of a metre or less
  - height requests for less than 0.6 metres;
- b) Consideration of and direction regarding notice on all other DVP applications will be recommended to Council by the Government Services Committee.

2009-055: It was moved, seconded and carried that Council support the Heritage Revitalization Advisory Commission to organize and sponsor a Heritage Tourism Workshop;

AND THAT the Town submit a funding request to Heritage BC for \$1200.

2009-056: It was moved, seconded and carried that Section 55 of Cemetery Bylaw 1668 be amended to read as follows: "Floral tributes may be removed by the Caretaker and disposed of when their condition is considered to be detrimental to the appearance and beauty of the Cemetery" and further that Section 56 be deleted.

2009-057: It was moved, seconded and carried that staff be requested to include fines associated with the Cemetery Bylaw in the Municipal Ticketing Bylaw 1457.

2009-058: It was moved, seconded and carried that Bylaw 1668 (Town of Ladysmith Cemetery Management Bylaw) be referred to the February 2, 2009 Council meeting for first three readings.

2009-059: It was moved, seconded and carried that the replacement of the bridge at the West end of the Holland Creek Trail system with a new structure be referred to the 2010 budget and that information obtained during the community visioning process be used to help determine the design of the bridge.

2009-060: It was moved, seconded and carried that the Town of Ladysmith not charge for water and sewer service at the boat ramp washroom / change rooms / office located at the foot of Ludlow Road and that the Town of Ladysmith be authorized to install a water meter to determine water consumption for the wharf.

2009-061: It was moved, seconded and carried that Section 12.5 be deleted from the Council Procedures Bylaw 2008, No. 1666.

2009-062: It was moved, seconded and carried that Section 15.3 be amended as follows: deletion of "by the mover and seconder of the motion" and further that Section 1.8 be deleted from Council Procedure Bylaw 2008, No. 1666.

2009-063: It was moved, seconded and carried that Council endorses the draft "Council Procedures Bylaw 2008, No. 1666" as amended and direct staff to place the bylaw on the February 2, 2009 Regular Council agenda for the first three readings;

AND FUTHER that staff be directed to process the statutory notification of Council's consideration of final adoption of the bylaw at the Council meeting scheduled for March 2, 2009 at 7:00 p.m. in accordance with the Community Charter.

2009-064: It was moved, seconded and carried that the annual Five Year Financial Plan review schedule be confirmed as outlined in the City Manager's memo dated January 4, 2009.

2009-065: It was moved, seconded and carried that an extension be authorized for the existing lease and operating agreement with the Ladysmith Chamber of Commerce for the

operation of the Visitor Information Centre for the period January 1, 2009 to December 31, 2009.

2009-066: It was moved, seconded and carried that the letter from S. Clark, Program Officer, Local Government Program Services, regarding the Town's approved application for funding through Phase 2 of the Community Tourism granting program be received and filed.

2009-067: It was moved, seconded and carried that the letter from Minister B. Lekstrom of the Ministry of Community Development, regarding the Trees for Tomorrow initiative be referred to the Director of Parks, Recreation and Culture for review.

2009-068: It was moved, seconded and carried that the letter from the Association of Vancouver Island and Coastal Communities regarding 2009 Resolutions and Annual General Meeting be circulated to Council for information.

2009-069: It was moved, seconded and carried that letters of support be forwarded to the Ladysmith Maritime Society for their applications to Island Communities Economic Trust and Community Futures.

2009-070: It was moved, seconded and carried that staff be directed to prepare a letter of support for the Rain Forest Challenge Race and that the draft letter be placed on the next Council meeting agenda for review.

Councillor S. Arnett left Council Chambers at 7:56 p.m. due to a potential conflict of interest with the following item.

2009-071: It was moved, seconded and carried that Staff be authorized to enter into a short term lease agreement with Nanaimo Youth Services on a month-to-month basis for use of the lower level of 224 High Street for the purpose of conducting customer service and tourism training at a monthly lease rate of \$800.

Councillor S. Arnett returned to Council Chambers at 7:57 p.m.

Councillor L. Evans advised that she attended the Vancouver Island Regional Library Board AGM and Orientation session on Saturday, January 31, 2009 as Council's Alternate Representative. She noted that the Heritage Revitalization Advisory Commission is planning a Heritage Tourism Workshop. Councillor Evans further noted that the Cowichan Social Planning Committee meetings conflict with Ladysmith Council meetings. Mayor Hutchins requested that she clarify with the committee if a community member could attend the meetings as the Town's representative.

Councillor B. Whittington advised that the Environment Commission is reviewing their priorities and actions and will be holding an additional meeting in February to finalize their action list.

## **REPORTS**

### **FIRE CHIEF'S REPORT**

2009-072: It was moved, seconded and carried that the Fire Chief's report for December, 2008 be received and filed.

### **BUILDING INSPECTORS REPORT**

2009-073: It was moved, seconded and carried that the Building Inspector's report for December, 2008 be received and filed.

### **CASSIDY AQUIFER ASSESSMENT**

2009-074: It was moved, seconded and carried that the Cassidy Aquifer Assessment and Evaluation Report be referred to the 2009 budget process.

### **PHONE VOTE RATIFICATION - B.E.A.T. PLANNING GRANT**

2009-075: It was moved, seconded and carried that the following motion be ratified: That staff submit an Expression of Interest (EOI) to UBCM for a Built Environment and Active

Transportation (BEAT) planning grant to:

- update the Town's 2000 Bicycle Plan,
- identify and design cycling infrastructure (signage, routes, marking, bike racks, etc),
- identify linkages to regional bike routes,
- prepare bicycle friendly policies for inclusion into the Town's OCP,
- prepare a cycling brochure for residents and visitors.

AND if the EOI is successful to submit a grant application.

#### AGGIE HALL KITCHEN UPGRADE

2009-076: It was moved, seconded and carried that the revised budget, as presented in the January 28, 2009 report from the Director of Parks, Recreation & Culture, for upgrades to the Aggie Hall kitchen be approved with the additional funds allocated from prior years surplus in the Parks, Recreation and Culture operating budget, to a maximum of \$15,000 and that the purchasing policy be waived in order that the work can be completed in a timely manner.

#### LOT CONSOLIDATION AND SUBDIVISION

2009-077: It was moved, seconded and carried that staff be authorized to offer for sale Town property off Battie Drive (Lot 5, DL52, Plan VIP86054) to the adjacent property owners for consolidation and subdivision.

#### RESERVE FUNDS EXPENDITURE BYLAW - CEMETERY CARE

Council reviewed the staff report from the City Manger regarding the Town of Ladysmith Cemetery Care Trust Funds Appropriation Bylaw 2009, 1674.

2009-078: It was moved, seconded and carried that staff be requested to write a letter to the Provincial Government to request the release of funds from the Cemetery Care Reserve Funds Account to fund upgrades to the Ladysmith Cemetery.

#### DEVELOPMENT COST CHARGES (ROADS) RESTRICTED RESERVE

Council reviewed the staff report from the City Manager regarding the Town of Ladysmith Development Cost Charges Roads Appropriation Bylaw 2009, No.1669.

#### RESERVE FUNDS EXPENDITURE BYLAW - PARKS

Council reviewed the staff report from the City Manager regarding Town of Ladysmith DCC Parks Appropriation Bylaw 2009, No. 1676.

#### CHEMAINUS ROAD RECONSTRUCTION

2009-079: It was moved, seconded and carried that an amendment to the project costs for the reconstruction of Chemainus Road be approved at \$2,998,660 and that the financial plan be amended accordingly:

MRIF Grant Funding \$1,800,000

Taxation (2008) \$251,515

Development Cost Charges Roads \$690,754

Development Cost Charges Water \$129,879

New Deal Community Works Fund Contribution \$126,512

Total \$2,998,660

#### GREEN MUNICIPAL FUND

2009-080: It was moved, seconded and carried that staff be authorized to apply for a Green Municipal Fund Grant in the amount of \$73,000 and any additional project costs for the Ladysmith Waterfront Assessment, and that the financial plan be amended accordingly.

### CORRESPONDENCE

#### POUND REPORT

2009-081: It was moved, seconded and carried that the Pound Report for December 2008 from Coastal Animal Control Services be received and filed.

#### GEORGIA STRAIT ALLIANCE

2009-082: It was moved, seconded and carried that a letter of support be sent to the Georgia Strait Alliance regarding their request for support for funding from the Province of

BC for research into the closed containment salmon aquaculture technology.

#### HONOURS AND AWARDS SECRETARIAT

2009-083: It was moved, seconded and carried that the letter from the Honours and Awards Secretariat regarding the 2009 call for nomination for the Order of British Columbia be received and filed; and if appropriate staff publicize the Call for Nominations in Town publications.

#### CVRD COMMUNITY SAFETY ADVISORY COMMITTEE MEMBERSHIP

2009-084: It was moved, seconded and carried that staff be requested to advertise for a representative from the Town of Ladysmith to serve on the Cowichan Valley Regional District Community Safety Advisory Committee and that the CVRD be so advised.

#### DOGGIE DRINKING FOUNTAIN

2009-085: It was moved, seconded and carried that the petition to Council regarding installation of a doggy drinking fountain at the dog park at Transfer Beach be referred to the Parks, Recreation & Culture Commission for review and recommendation.

#### REQUEST FOR APPROVAL

2009-086: It was moved, seconded and carried that the Ladysmith Fellowship Baptist Church be authorized to hold a Christian Youth Rock Concert at the church on Friday, February 27, 2009 from 7:00 p.m. to 9:15 p.m. and that the Church be requested to notify the neighbours affected by this concert in writing prior to the event.

### **BYLAWS**

2009-087: It was moved, seconded and carried that the Town of Ladysmith Council Procedure Bylaw 2008, No. 1666 be read a first, second and third time.

2009-088: It was moved, seconded and carried that the Town of Ladysmith Cemetery Bylaw 2008, No. 1668 be read a first, second and third time.

2009-089: It was moved, seconded and carried that the Town of Ladysmith Cemetery Care Trust Fund Appropriation Bylaw 2009, No. 1674 be read a first, second and third time.

2009-090: It was moved, seconded and carried that the Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 23), 2008, No. 1672 be read a first and second time.

2009-091: It was moved, seconded and carried that the Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 71), 2008, No. 1673 be read a first and second time.

2009-092: It was moved, seconded and carried that the Town of Ladysmith DCC Roads Appropriation Bylaw 2009, No. 1669 be read a first, second and third time.

2009-093: It was moved, seconded and carried that the Town of Ladysmith DCC Parks Appropriation Bylaw 2009, No. 1676 be read a first, second and third time.

### **NEW BUSINESS**

Councillor D. Paterson advised that everyone is welcome to attend the Spirit of BC Flag Raising Ceremony at the Transfer Beach Amphitheatre at Noon on Friday, February 6, 2009.

### **UNFINISHED BUSINESS**

2009-094: It was moved, seconded and carried that:

- a) the grant in the amount of \$53,356.48 for Phase 2 of the Community Tourism Program be received and that a letter of thanks for the grant be forwarded to the Local Government Program Services Branch.
- b) the Mayor and Corporate Officer be authorized to sign the agreement on behalf of the Town.
- c) the 5 year financial plan and budget be amended accordingly.

### **QUESTION PERIOD**

A member of the audience raised concerns regarding traffic issues on Malone Road and the new road that will be built to accommodate the new subdivision. He suggested that a four way stop be put in as soon as possible. The Mayor suggested that he write a letter to

Mayor and Council requesting that the four way stop be installed as soon as possible and not wait until the road is put in for the subdivision.

**EXECUTIVE SESSION**

Council returned to the Executive session of Council at 8:45 p.m.

**ARISE AND REPORT**

2009-095: It was moved, seconded and carried that the Executive Session of Monday, February 2, 2009 arise without report (9:33 p.m.).

**ADJOURNMENT**

2009-096: It was moved, seconded and carried to adjourn the meeting at 9:33 p.m.

**CERTIFIED CORRECT:**

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Mayor (R. Hutchins)

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Corporate Officer (S. Bowden)