



Town of Ladysmith

Minutes of a meeting of Council of the Town of Ladysmith held in Council Chambers at City Hall on Monday, June 1, 2009 at 7:00 p.m.

COUNCIL MEMBERS PRESENT:

Mayor Rob Hutchins
Lori Evans
Bruce Whittington

Steve Arnett
Duck Paterson
Scott Bastian

COUNCIL MEMBERS ABSENT:

Jill Dashwood

STAFF PRESENT:

Ruth Malli
Felicity Adams

Sandy Bowden
Rebecca Kalina

Mayor Hutchins called the meeting to order at 6:05 p.m.

EXECUTIVE SESSION

2009-313: It was moved, seconded and carried that this meeting retire into Executive Session (6:05 p.m.) pursuant to Section 90(1) of the Community Charter to consider the following items:

- 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;
- the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

The Regular Session of Council was called to order at 7:00 p.m.

AGENDA APPROVAL

The Mayor requested Council's consideration of the following addition to the agenda:

7.2 - Delegation - Ladysmith RCMP Staff Sergeant Roger Plamondon

2009-314: It was moved, seconded and carried that the agenda for the Regular Council meeting for Monday, June 1, 2009 be approved as amended.

MINUTES

2009-315: It was moved, seconded and carried that the Council minutes of May 4 and 11, 2009 be approved as circulated.

DELEGATIONS

MLA ELECT DOUG ROUTLEY

MLA Elect Mr. Doug Routley was in attendance to discuss a cooperative working relationship with the Town of Ladysmith. He would like to have Council's feedback on provincial policies and infrastructure development. Ruth Malli, City Manager, outlined the following current Public Works infrastructure projects: expansion of secondary sewer plant; pipeline proposal - Holland Lake to Stocking Lake; applications for Lot 108; and an application for Brownfield site opportunities. Mayor Hutchins thanked Mr. Routley for meeting with Council.

RCMP STAFF SERGEANT ROGER PLAMONDON

Staff Sergeant Plamondon introduced himself as the new Sergeant of the Ladysmith detachment. He stated that he will be providing a written statistical report to the Mayor in the near future. He will attend weekly Manager's meetings and the Protective Services Committee meetings. Mayor Hutchins thanked Staff Sergeant Plamondon for meeting with Council.

PUBLIC HEARINGS

PUBLIC HEARING
Bylaw 1656 and Bylaw 1657
APPLICANT AGENT: Joan Phillips

PUBLIC ATTENDANCE: 22

A public hearing for Bylaw 1656, Bylaw 1657, Bylaw 1685, Bylaw 1686 and Bylaw 1691 was held in Council Chambers at City Hall, 410 Esplanade, Ladysmith, B.C. on Monday, June 1, 2009 at 7:01 p.m.

Mayor Hutchins welcomed the public and noted that each public hearing is comprised of two parts: Part 1 is to entertain questions clarifying the project or bylaw and Part 2 affords attendees with an opportunity to provide comments to Council on the proposed project or bylaw.

F. Adams, Manager of Development Services, provided an overview of the application for Lot A, District Lot 43, Oyster District, Plan VIP69091 (379 Davis Road).

The purpose of the application is to designate the subject property as 'General Commercial' in the Official Community Plan and include it within the Commercial Development Permit Area (DPA 3) and to rezone the subject property to General Commercial Zone (C-2) in order to permit limited commercial uses on the property. If the bylaw is adopted the C-2 Zone would include a clause to limit uses on the subject property, including no drive-in restaurant. The amendments to Bylaw 1657 were directed by Council following input received at the public hearing held on September 2, 2008. A traffic review was undertaken.

The public hearing notice was printed in the Chronicle newspaper on May 19 and 26, 2009 and posted on community notice boards throughout Town and the Town's website. Notices were also mailed and delivered to neighbouring property owners and a copy was made available at the front counter at City Hall for the two week notice period. There were no written submission, telephone or in-person enquiries received at City Hall in connection with this Public Hearing.

Mayor Hutchins called for questions a first time.
Mayor Hutchins called for questions a second time.
Mayor Hutchins called for questions a third time.

No questions were asked.

Mayor Hutchins called for comments a first time.
Mayor Hutchins called for comments a second time.
Mayor Hutchins called for comments a third time.

No comments were made.

Mayor Hutchins called for any written submissions. No letters were forthcoming.

Hearing no further comments, Mayor Hutchins declared that the Public Hearing for Bylaw 1656 and Bylaw 1657 closed.

Bylaw 1685 and Bylaw 1686
APPLICANT AGENT: Guy Bezeau

PUBLIC ATTENDANCE: 24

F. Adams, Manager of Development Services, provided an overview of the application for Lot 1, District Lot 108, Oyster District, Plan 47290 (1323 Fourth Avenue).

The purpose of the application is to designate the subject property as Urban Reserve and Single Family Residential in the Official Community Plan and to include the land within the Town's urban containment boundary and to rezone the subject property to three different zones: Agriculture (A-2), Suburban Residential (R-1) and Mobile Home Park (MP-1). Bylaw 1686 would also create a new Agriculture (A-2) zone and amend the definition of

agriculture in the Zoning Bylaw.

The public hearing notice was printed in the Chronicle newspaper May 19 and 26, 2009 and posted on community notice boards throughout Town and the Town's website. Notices were also mailed and delivered to neighbouring property owners and a copy was made available at the front counter at City Hall for the two week notice period. There were no written submissions and one telephone enquiry received at City Hall in connection with this public hearing.

A neighbourhood information session was held by the applicant on May 21, 2009. The applicant reported that 18 people attended. There were no objections to the rezoning proposal. While many of the attendees were interested in the adjacent park and mobile home park development, attendees were advised that this was not the purpose of the neighbourhood meeting.

The bylaws were referred by Council to the Advisory Planning Commission which recommends to Council approval of Bylaws 1685 and 1686 and requests that Council consider the agricultural potential and agriculture related opportunities of the portion of land proposed to be designated "Urban Reserve" – proposed lot 6 and lot 7.

Mayor Hutchins introduced the applicant, Guy Bezeau.

Mr. Bezeau reviewed a plan of the proposed subdivision.

Mayor Hutchins called for questions a first time.

D. Lait– It appears this is the first stage of a larger development planned for this area. What are the planned road developments for the area?

F. Adams, Manager of Development Services – Fourth Avenue is considered a 'collector' road and is built to that standard. The Developer would be required to upgrade Fourth Avenue to that standard.

D. Lait - How wide would the road be?

F. Adams, Manager of Development Services – It would be the same as Fourth Avenue is now.

Mayor Hutchins – Fourth Avenue was designated as a 'collector' road approximately 20 years ago.

Mayor Hutchins called for questions a second time.

G. Cloke – Will Fourth Avenue carry on into the development at the same width?

Mayor Hutchins – Fourth Avenue is designated as a 'collector' road and will carry on at the same width into the new development. Davis Road is an example of a 'collector' road.

Mayor Hutchins called for questions a third time.

No further comments were made.

Mayor Hutchins called for comments a first time.

D. Lait – I would like to caution Council that when considering developments such as this one and the larger development to come that it is important to review road widths so it will accommodate two travel lanes and parking for cars along the road. Also, I am concerned that access to our backyards may be taken away.

Mayor Hutchins called for comments a second time.

Mayor Hutchins called for comments a third time.

No further comments were made.

Mayor Hutchins called for any written submissions. No letters were forthcoming.

Hearing no further comments, Mayor Hutchins declared that the public hearing for Bylaw 1685 and Bylaw 1686 closed.

Bylaw 1691

PUBLIC ATTENDANCE: 22

F. Adams, Manager of Development Services, stated that the purpose of Bylaw 1691 is to amend the Zoning Bylaw to prohibit new drive-through restaurants and prohibit pawn shops. This is a Council-initiated bylaw amendment.

The public hearing notice was printed in the Chronicle newspaper on May 19 and 26, 2009 and posted on community notice boards throughout Town and the Town's website.

There were no written submissions, telephone or in-person enquiries received at City Hall in connection with this public hearing.

The bylaw was referred by Council to the Advisory Planning Commission which recommends to Council approval of Bylaw 1691; and that Council consider forbidding drive-through service in general in the future.

Mayor Hutchins called for questions a first time.
Mayor Hutchins called for questions a second time.
Mayor Hutchins called for questions a third time.

No questions were asked.

Mayor Hutchins called for comments a first time.
Mayor Hutchins called for comments a second time.
Mayor Hutchins called for comments a third time.

No comments were made.

Mayor Hutchins called for any written submissions. No letters were forthcoming.

Hearing no further comments, Mayor Hutchins declared that the Public Hearing for Bylaw 1691 closed.

BYLAWS (OCP/ZONING)

2009-316: It was moved, seconded and carried that Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No. 20), 2008, No. 1656 be read a third time.

2009-317: It was moved, seconded and carried that Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 68), 2008, No. 1657 be read a third time.

2009-318: It was moved, seconded and carried that Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No. 24), 2008, No. 1685 be read a third time and adopted.

2009-319: It was moved, seconded and carried that Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 73), 2008, No. 1686 be read a third time and adopted.

2009-320: It was moved, seconded and carried that Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 74), 2008, No. 1691 be read a third time and adopted.

**COUNCIL / COMMITTEE
REPORTS**

Councillor S. Bastian stated that he will be attending the Protective Services Committee meeting and the Youth Advisory Committee meeting this week.

Councillor S. Arnett reported that he attended the Economic Development Commission meeting on May 26, 2009 and business recruitment and retention were discussed.

Councillor D. Paterson noted that the 5 Star Cultural Connection Leadership group project on Saturday, May 30, 2009 was a great success in bringing the Chemainus First Nation Council and the Ladysmith Council together.

2009-321: It was moved, seconded and carried that a letter be sent to the Maritime Festival Committee congratulating them on a successful festival and thanking them for all their work.

2009-322: It was moved, seconded and carried that a letter be sent to Captain Eric James of the Oriole thanking the Captain and crew for attending the Maritime Festival.

2009-323: It was moved, seconded and carried that a letter of thanks be sent to the Ladysmith - Leadership BC - 5 Star Cultural Connections group for their project and bringing the Councils of the Chemainus First Nation and the Town of Ladysmith together.

2009-324: It was moved, seconded and carried that a thank you letter be sent to the Ladysmith - Leadership BC Green Team group for their project and contribution to the community.

GOVERNMENT SERVICES COMMITTEE RECOMMENDATIONS

2009-325: It was moved, seconded and carried that the cemetery services fees be amended as outlined in the staff report dated May 14, 2009 by the Director of Public Works, and that staff be directed to include the revised cemetery service fees in the Town of Ladysmith Fees and Charges Bylaw.

2009-326: It was moved, seconded and carried that the expenditure of \$7,900 be authorized for the construction of the burling pond decking with the funds to come from the Amphitheatre Project Reserve Fund, and that the Financial Plan be amended accordingly.

2009-327: It was moved, seconded and carried that a letter be written to Ms. Faith Maslen, advising that the area of concern in the vicinity of the round-about as outlined in her correspondence of April 16, 2009 is privately owned land and that there are other walking routes available around the round-about and therefore the Town is not prepared to install a sidewalk at this time.

2009-328: It was moved, seconded and carried that the request to forgive outstanding parking tickets issued in the names of Shelley Brownlow, Anthony Brownlow and Nathan Martin be denied subject to Staff confirming that the parking tickets are enforceable.

2009-329: It was moved, seconded and carried that an additional \$15,000 be authorized for the Toilet Rebate Program with the funds to come from the Water Reserve Fund, and that the Financial Plan be amended accordingly.

2009-330: It was moved, seconded and carried that the purchase of the zero turn lawnmower from Island Tractor for \$12,705.90 plus GST be approved, with the funds to come from the Equipment Pool Reserve Fund, and that the Financial Plan be amended accordingly.

2009-331: It was moved, seconded and carried that staff be directed to arrange a neighbourhood meeting in order to seek citizen input into the four proposed options for the Resolution Place Green Space, and that the meeting be held before the end of June.

2009-332: It was moved, seconded and carried that Council grant temporary permission until the end of October, 2009 for construction on the 49th Parallel Grocery Store to take

place 24 hours a day, seven days a week when necessary, and further that all work performed after 11:00 p.m. be interior work only except for occasional deliveries and that 49th Parallel representatives be requested to minimize deliveries after 11:00 p.m. in consideration of residents in the area.

2009-333: It was moved, seconded and carried that representatives of the 49th Parallel Grocery be requested to advise adjacent property owners located within 150 metres of the site in writing of the construction hours for the project and that the letter be reviewed by Staff prior to being distributed to the neighbourhood.

2009-334: It was moved, seconded and carried that a reflector be installed across from the entrance to 385 Davis Road, and that speed limit and dangerous corner warning signs be installed, and that the Royal Canadian Mounted Police be requested to monitor speed in the area.

2009-335: It was moved, seconded and carried that the minutes of the Government Services Committee meeting held on Tuesday, May 19, 2009 be approved as circulated.

Councillor L. Evans stated that she attended the Heritage Revitalization Advisory Commission meeting in May and reported that the committee would like the Heritage Tourism Workshop Final Report forwarded to the Tourism Advisory Committee.

2009-336: It was moved, seconded and carried that the Heritage Tourism Workshop Final Report be forwarded to the Tourism Advisory Committee for their consideration in future planning.

Councillor B. Whittington reported that he attended the Advisory Planning Commission in May.

REPORTS

MACHINE SHOP TENANT SIGNAGE

2009-337: It was moved, seconded and carried that Council endorses the following recommendations subject to ratification by the Heritage Revitalization Advisory Commission and Staff be directed to review the suitability of installing roof signage on the Machine Shop, and further that Staff provide comment on the appropriateness of removing the alders and other vegetation around the Machine Shop to enhance signage visibility:

- (a) Tenant signage shall be painted wood, with historic typeface, and with few basic heritage colours on an individual sign;
- (b) Tenants may each have up to two signs in relation to their business in the Machine Shop - one 'highway sign' on the west face of the building and one 'unit sign' near or above the entry to their unit; and
- (c) The maximum permitted size of highway sign is 7m² and the maximum permitted size of unit sign is 2m².

TROLLEY SERVICE TO THE TOWN OF LADYSMITH

2009-338: It was moved, seconded and carried that Staff be authorized to begin the operation of a trolley service commencing on August 1, 2009 in accordance with the proposal entitled "Option 1 - Purchase New Diesel Trolley" as outlined in the report dated May 21, 2009 by the Director of Corporate Services and that the trolley schedule run six days per week (Monday to Saturday) from 8:00 a.m. to 6:00 p.m. initially:

AND THAT the expenditure for the trolley service not exceed \$250,000 for 2009, and that the Town's budget and financial plan be amended accordingly;

AND THAT the trolley service be reviewed October 31, 2009 by the Trolley Committee and that the Committee submit recommendations to Council regarding any changes in the service as deemed appropriate;

AND THAT the Town's purchasing policy be waived.

TRANSFER BEACH CONCESSION

2009-339: It was moved, seconded and carried that Staff be authorized to enter into a three year lease, with an option to renew for a further two years, with John Himel and Stacey Anderson for the operation of the Transfer Beach Concession.

FJCC HEATING VENTILATION AND AIR CONDITIONING SYSTEM

2009-340: It was moved, seconded and carried that Staff be authorized to retain the services of Rocky Point Engineering Ltd. to coordinate the installation of the FJCC HVAC Retrofit Project, including the supply of the unit from Engineered Air, at a total estimated cost of \$250,000, plus consulting fees of up to \$37,500, to be funded from the UBCM Regionally Significant Project Fund;

AND THAT the Town's purchasing policy be waived in order that the work can be carried out during the FJCC shutdown in August 2009.

SALE OF TOWN-OWNED LOTS

2009-341: It was moved, seconded and carried that the request for proposals for marketing/realtor services for the sale of the Town-owned lots located on Strathcona Road be awarded to Royal LePage Ladysmith as per their submission.

APPLICATION FOR FUNDING THROUGH THE PROVINCE OF B.C. BROWNFIELD RENEWAL PROGRAM

2009-342: It was moved, seconded and carried that Staff be authorized to submit an application to the Brownfield Renewal Funding Program for the Ladysmith Waterfront Brownfield Study, for an amount up to \$80,000, and that the financial plan be amended accordingly.

INSURANCE CLAIM FOR DAMAGE TO VEHICLE

2009-343: It was moved, seconded and carried that Staff be directed to reimburse Mr. Neil Stuart for damage to his vehicle sustained on April 13, 2009 caused by a hole in the road surface on Symonds Street in the amount of \$698.60 on a without prejudice basis.

FIRE CHIEF'S REPORT

2009-344: It was moved, seconded and carried that the Fire Chief's Report for April, 2009 be received.

BUILDING INSPECTOR'S REPORT

2009-345: It was moved, seconded and carried that the Building Inspector's report for the month of April, 2009 be received.

CORRESPONDENCE

POUND REPORT - APRIL 2009

2009-346: It was moved, seconded and carried that the April 2009 Pound report from Coastal Animal Control Services of BC be received.

GREYHOUND CANADA

2009-347: It was moved, seconded and carried that Staff be directed to send a letter to Greyhound Canada Transportation Corporation advising Greyhound that the Town is implementing a public transit system to service Ladysmith and request that Greyhound consider maintaining the current level of service to the Town and not proceed with the proposed reduction in service.

RELOCATION OF IVY GREEN RESIDENTS

2009-348: It was moved, seconded and carried that the letter from J. Sheridan dated April 29, 2009 regarding the relocation of Ivy Green residents be received.

257 ROYAL CANADIAN AIR CADETS

2009-349: It was moved, seconded and carried that representatives from 257 Royal Canadian Air Cadets Squadron be invited to attend a future Government Services Committee meeting to discuss their offer of services in case of an emergency and their emergency equipment.

2009 WEST NILE VIRUS RISK REDUCTION INITIATIVE - BASE FUNDING

2009-350: It was moved, seconded and carried that the grant for the 2009 West Nile Virus Risk Reduction Initiative in the amount of \$5,164.80 be received and that a letter of thanks for the grant be forwarded to the Ministry of Healthy Living and Sport;

AND THAT the Mayor and Corporate Officer be authorized to sign the agreement on behalf of the Town;

AND THAT the 5 year Financial Plan and budget be amended accordingly.

EXECUTIVE SESSION

The Executive Session of Council resumed at 8:38 p.m.

ARISE AND REPORT

2009-351: It was moved, seconded and carried that the Executive Session of Council rise without report. (9:22 p.m.)

ADJOURNMENT

2009-352: It was moved, seconded and carried that the meeting be adjourned at 9:22 p.m.

CERTIFIED CORRECT:

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)