



## TOWN OF LADYSMITH

A regular meeting of the  
Council of the Town of Ladysmith  
will be held in Council Chambers at City Hall on

**MONDAY, MARCH 2, 2009  
at 7:00 P.M.**

# AGENDA

### CALL TO ORDER

Page

1 **AGENDA APPROVAL**

2 **EXECUTIVE SESSION (6:00 p.m.)**

In accordance with Section 90(1) of the *Community Charter*, the first section of the meeting will be held In Camera 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 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;

3 **ARISE AND REPORT**

4 **PUBLIC HEARING**

4.1 Official Community Plan and Zoning Amendment 3360-06-13

Subject Property: Lot 3, Block 1399, Oyster District, Plan VIP75559 Except Part in Plan VIP80608

5 **BYLAWS (OCP / ZONING)**

5.1 OCP and Zoning Bylaw Amendment Application – Upper Holland Creek (GPM Developments Ltd.) – Subject Property: Lot 3, Block 1399, Oyster District, Plan VIP75559 Except Part in Plan VIP80608

**1 - 7**

5.2 Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 23), 2008, No. 1672

Re: May be read a third time.

**9 - 12 &  
15-18**

5.3 Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 71), 2008, No. 1673

Re: May be read a third time.

**13 - 14 &  
15-18**

6 **MINUTES**

Adoption of following minutes:

- February 2, 2009
- February 16, 2009

**19 - 25  
27 - 29**

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7	<b>DELEGATIONS</b> None.	
8	<b>PROCLAMATIONS</b>  8.1 <u>Mayor Hutchins has proclaimed March, 2009 as:</u> “Community Social Services Awareness Month” “Canadian Red Cross Month” in the Town of Ladysmith.	
9	<b>DEVELOPMENT PERMITS / DEVELOPMENT VARIANCE PERMITS</b>	
9.1	<u>Development Variance Permit (DVP Application 3090-08-07</u> Shoa Organizational Services Ltd. – Lot 1 and Lot 5 to 19, District Lot 52, Oyster District, Plan VIP 86055 (Thetis Drive)	<b>31 - 39</b>
9.2	<u>Manager of Development Services</u> Re: Highway Sign Variances in the Town of Ladysmith (#10 – Government Services Committee Recommendations)	<b>41 - 43</b>
10	<b>COUNCIL COMMITTEE REPORTS</b>  <u>Mayor R. Hutchins</u> CVRD; Task Force on Emergency Preparedness; Trolley Committee; Early Years Partnership  <u>Councillor S. Bastian</u> Advisory Planning Commission; Protective Services Committee; Trolley Committee  <u>Councillor J. Dashwood</u> Protective Services Committee; Trolley committee; Liquid Waste Management Committee  <u>Councillor S. Arnett</u> Economic Development Commission; Parks, Recreation & Culture Commission; Chamber of Commerce  <u>Councillor D. Paterson</u> Government Services Committee; Parks, Recreation and Culture Commission; Celebrations Committee; Festival of Lights	
10.1	<u>Government Services Committee Recommendations from the February 16, 2009 Meeting</u>	<b>45 - 49</b>
10.2	<u>Parks Recreation &amp; Culture Commission Recommendations from the February 18, 2009 Meeting</u>	<b>51</b>
10.3	<u>Heritage Revitalization Advisory Commission Recommendation from the February 12, 2009 Meeting</u>	<b>53</b>
	<u>Councillor B. Whittington</u> Vancouver Island Regional Library Board; Advisory Design Panel; Environment Commission	
11	<b>STAFF / ADVISORY COMMITTEE REPORTS</b>	
11.1	<u>Fire Chief</u> Re: Fire Chief’s Report for January, 2009	<b>55</b>
11.2	<u>Building Inspector</u> Re: Building Inspector’s Report for January, 2009	<b>57</b>

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11.3	<u>Director of Public Works</u> Re: Headworks for Sewage Treatment Facility	<b>59 – 64</b>
11.4	<u>Director of Public Works (Report to be distributed at meeting.)</u> Re: Grant Application – Pipeline – Arbutus Reservoir to South End	
11.4	<u>Manager of Development Services</u> Re: Machine shop – Lease Inquiries	<b>65 – 67</b>
11.5	<u>Director of Parks, Recreation &amp; Culture</u> Re: Canada Day Celebration	<b>69</b>
11.7	<u>City Manager</u> Re: Participation in Earth Hour March 28, 2009	<b>71</b>
<b>12</b>	<b>CORRESPONDENCE</b>	
12.1	<u>T. Hughes, Coastal Animal Control Services of BC Ltd.</u> Re: Pound Report for January, 2009	<b>73</b>
12.2	<u>R. Goodacre, Executive Director – Heritage BC</u> Re: Grant Approval under the Heritage BC Workshop Program	<b>75</b>
12.3	<u>Mayor J. Ruttan, City of Nanaimo</u> Re: Treasury Board Decision Regarding RCMP Wage Increase	<b>77</b>
12.4	<u>D. Brown, President, Ladysmith &amp; District Arts Council</u> Re: Request for Expanded Space in the Machine Shop Building (Expo Legacy Building)	<b>79</b>
12.5	<u>K. Cameron, Chair, Cherry Lane Strata</u> Re: Request for Separate Street Addresses	<b>81</b>
12.6	<u>P. Blumel</u> Re: Request for use of Town Logo	<b>83 – 87</b>
<b>13</b>	<b>BYLAWS</b>	
13.1	<u>Town of Ladysmith Council Procedure Bylaw 2008, No. 1666</u> Re: May be adopted.	<b>89 – 100</b>
13.2	<u>Town of Ladysmith Cemetery Care Trust Fund Appropriation Bylaw 2009, NO. 1674</u> Re: May be adopted.	<b>101 – 102</b>
13.3	<u>Town of Ladysmith DCC Roads Appropriation Bylaw 2009, No. 1669</u> Re: May be adopted.	<b>103 – 104</b>
13.4	<u>Town of Ladysmith DCC Parks Appropriation Bylaw 2009, NO. 1676</u> Re: May be adopted.	<b>105 – 106</b>
13.5	<u>Town of Ladysmith Development Procedures Bylaw 2008, No. 1681 Amendment Bylaw</u> Re: May be read a first, second and third time.	<b>107</b>
13.6	<u>Town of Ladysmith Community Centre and Facilities Fees and Charges Bylaw 2009, No. 1682</u> Re: May be read a first, second and third time.	<b>109 – 111</b>
<b>14</b>	<b>NEW BUSINESS</b> None.	
<b>15</b>	<b>UNFINISHED BUSINESS</b> None.	

16      **QUESTION PERIOD**

**ADJOURNMENT**



## Town of Ladysmith

### **STAFF REPORT**

To: Ruth Malli, City Manager  
From: Felicity Adams, Manager of Development Services  
Date: February 24, 2009  
File No: 3360-06-13

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Re: OCP AND ZONING BYLAW AMENDMENT APPLICATION - UPPER HOLLAND CREEK (GPM Developments Ltd.) – Subject property: Lot 3, Block 1399, Oyster District, Plan VIP75559 Except Part in Plan VIP80608

#### RECOMMENDATION:

##### *Option 1:*

That Council require a covenant condition for grey water (tub water / shower water) reuse in the proposed Calonia Ridge development (3360-06-13) if the Building Code permits such systems at the time the project, or phases of the project, are built.

##### *Option 2:*

That Council remove the requirement for grey water reuse in the proposed Calonia Ridge development (3360-06-13) and require individual water meters and low flow washing machines to be installed in each unit.

##### *Option 3: (Recommended option.)*

That Council amend the requirement for grey water reuse in the proposed Calonia Ridge development (3360-06-13) to a covenant requirement for the provision of a system to collect and use rainwater for toilet flushing,

And further that the applicant provide a contribution of \$200 per unit to the community amenity fund for the establishment of a washer rebate program in 2009.

#### BACKGROUND / HISTORY:

At its meeting held February 2, 2009, Council referred the matter of dual (grey water reuse) system in the proposed development (Rezoning Application 3360-06-03) to staff for review and report prior to Council's consideration of third reading of Bylaw 1672 and 1673.

Council has provided direction that the following amenities and commitments are to be secured through a covenant registered on the title of the subject property. 2.5 acre park dedication and development, including removal of invasive species, picnic tables, benches and trails to connect to the existing Holland Creek trail,

- Project construction to a Built Green Multi Pilot program standard,
- Rental of units expressly permitted within the condominium buildings,

- Implementation of the recommendations of the Preliminary Geotechnical Assessment by Levelton Consultants Ltd. Dated April 28, 2008,
- On-site storm water management,
- Downstream sewer upgrades identified as undersized for this development,
- Trolley bus stop at the site to serve the development to meet the Town's transit objectives, and
- \$80,000 amenity contribution at the time of building permit.

The preparation and review of the covenant is the responsibility of the applicant. Such agreements are registered prior to final consideration of the bylaws by Council. The covenant has not yet been provided.

#### *Applicant's Proposal*

The applicant has provided an alternate proposal (see attached letter). The applicant is requesting that Council remove the requirement for grey water reuse. The highlights of this proposal include:

- Build to CHBA green standards, Bronze standard or higher
- Build to Power Smart standards established by BC Hydro
- Individually meter each unit for water consumption
- Install low-flow washers, toilets and shower heads in each unit

The applicant had also suggested a cash contribution of \$200 per unit to establish a rebate program for low-flow washers.

The applicant has requested that if grey water reuse is to be required that the following conditions apply.

- that grey water reuse be limited to reuse of shower and sink effluent in toilets
- that treatment not require that the reused water be treated so as to be potable
- that the grey water reuse be clearly approved in the Building Code and that the Town have the authority to approve the system being installed (i.e. that there are not be a series of provincial or federal approvals to be obtained, or any other expensive and time-consuming studies or other documentation required)
- that the Town agree to credit back any DCCs related to sewerage
- that the Town agree to cap the contribution to downstream upgrades to the sewerage facilities of the Town at \$140,000.

#### ANALYSIS:

In this report, grey water means tub water / shower water.

Staff has reviewed the alternative proposals from the applicant and provides the following information.

Applicant Proposal	Analysis
Build to CHBA green standards, Bronze standard or higher	Council has previously accepted an offer from the developer to build to CHBA Built Green standards.
Build to Power Smart standards established by BC Hydro	The CHBA Built Green standard uses Power Smart initiatives to achieve EnerGuide ratings from 72 (Bronze) to 77 (Gold). Without undertaking additional special energy saving measures, construction under the Building Code results in an EnerGuide rating of 72.
Individually meter each unit for water consumption	The Built Green program includes various options for achieving points for water conservation, including: front loading clothes washers in each unit (3 points); water meters in each unit (3 points) and grey water re-use (5 points).
Install low-flow washers, toilets and shower heads in each unit	The Building Code requires ultra low-flow toilets (6L) and shower heads to be installed in new development.

The applicant has requested that if grey water reuse is to be required that the following conditions apply.

Applicant Proposal	Analysis
Grey water reuse be limited to reuse of shower and sink effluent in toilets.  Treatment not require that the reused water be treated so as to be potable	<ul style="list-style-type: none"> <li>• While grey water re-use is not currently permitted, developing Building Code regulations to support the implementation of grey water re-use in new construction continues to be a high priority for the Province.</li> <li>• The Building Code permits rainwater to be collected and re-used for toilet flushing.</li> <li>• Rainwater harvesting for reuse in landscape irrigation can be achieved now (which is included in the project's storm water management plan)</li> </ul>
Grey water reuse be clearly approved in the Building Code required)	<ul style="list-style-type: none"> <li>• Grey water reuse from bathroom fixtures (e.g. tub or shower) could well be permitted by the Province by 2010.</li> </ul>
Credit back any DCCs related to sewerage	<ul style="list-style-type: none"> <li>• Council has provided direction that Phase 2 of the DCC project include "greening" which could include a system for rebates. Such a system is not in place at this time.</li> </ul>
The contribution to downstream upgrades to the sewerage facilities of	<ul style="list-style-type: none"> <li>• The downstream sewer upgrades would be undertaken as a late-comers project so that other developments benefiting from the upgrade would also pay a share which would be recouped by the original developer.</li> </ul>

the Town at \$140,000.	This approach will be used for other rezoning projects that increase residential density. <ul style="list-style-type: none"><li>• The costs would be determined at the time of the work, but are estimated to be about \$200,000.</li></ul>
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The applicant's alternate proposal includes items already included in this development proposal as outlined in the tables above. Three options are presented for the consideration of Council: (1) require grey water re-use when permitted by the Building Code, (2) not require grey water reuse and require individual unit water metering and low flow washing machines, or (3) require rainwater re-use for toilet flushing and a contribution to a low-flow washer rebate program.

I concur with the recommendation:

  
\_\_\_\_\_  
Ruth Malli, City Manager

ATTACHMENTS:

- Letter dated February 19, 2009 from GPM Developments Ltd.



## GPM Developments Ltd

2015 Dron Place Victoria B.C. 250 721-1650 [cmcagg@shaw.ca](mailto:cmcagg@shaw.ca)

Town of Ladysmith  
410 Esplanade  
P.O Box 220  
Ladysmith, B.C. V9G 1A2

Feb. 19 2009

Attn: Mayor and Council

Dear Sir/Madam:

**RE: GPM DEVELOPMENTS LTD.  
REZONING OF Reminder Lot 3, Plan VIP75559**

I write in respect of a particular issue with our rezoning application. Council has directed that we, the developer, look at grey water reuse for our proposed development. We have done so, and have concluded that grey water reuse is not feasible at this time.

The current Building Code applicable to British Columbia does not currently allow grey water reuse in residential developments. There has been some suggestion that this may change in the future. As land developers, and particularly in the current economic climate, we must be very careful about the costs of development, in order to produce a quality product that is affordable in the marketplace. The real estate boom of the past few years is quickly becoming history as prices continue on a downward trend on Vancouver Island and market activity slows. Thus we, as developers have to look at ways to control costs and still bring quality, affordable product to the market. Otherwise, there is no point in proceeding.

It has been suggested by staff that we agree to install grey water reuse facilities IF it becomes permissible under the Building Code. We cannot make such an agreement that is based upon speculation as to what might occur in the future. If the Building Code were to mandate grey water reuse in the future, any agreement would be moot as we would be required to comply with the Building Code. At present we understand the fundamental difficulty with grey water reuse in residential developments is potential for human contact with unsanitized water in plumbing fixtures, like a toilet tank. For example, a child who got into grey water in a toilet tank could become seriously ill. We understand that the healthcare community is strongly opposed to the introduction of such a potential hazard to a residential environment.

Our research indicates that the cost of installing grey water reuse facilities would significantly increase the development costs per unit. Further, we can not know when changes might be made to the Building Code or what the Building Code might say in the future. It is simply economically impractical for a developer to proceed through a development with the RISK that the costs might increase significantly depending on what might become part of the Building Code. In such a scenario a developer would be unable to confirm with reasonable certainty that the finished product would be at a marketable price point. I would respectfully suggest that no responsible business person would proceed on that basis.

GPM Developments is prepared to pursue a Green Initiative for this project which would include:

- a) build to CHBA green standards, Bronze or higher;
- b) build to Power Smart standards established by BC Hydro;
- c) individually meter each unit for water consumption; and
- d) install low flow washers, toilets and showerheads in each unit.

We have determined that we can more cost-effectively work towards the goal of reducing both the inflows of water to the development and the outflows of effluent from the development by the aggressive use of water-saving fixtures and prudent water-usage techniques. We expect the use of water-saving fixtures to reduce the outflow from our development by approximately 35% or more from what the outflows would be with conventional fixtures.


We therefore, are respectfully asking Council to remove the requirement for grey water use in our development, and instead focus on the positive flow-reduction techniques that we have proposed and that we believe in due course will have a substantial impact on the Town's water usage on a per unit basis while still allowing the developer to produce a quality and affordable product.

If the Town is going to insist that we commit to installing grey water reuse facilities, if they are in the future permitted by the Building Code, then we would, at a minimum require the following conditions on our commitment:

- a) that 'grey water reuse' be limited to reuse of shower and sink effluent in toilets;
- b) that treatment not require that the reused water be treated so as to be potable;
- c) that the grey water reuse be clearly approved in the Building Code and that the Town have the authority to approve the system being installed (i.e. that there not be a series of provincial or federal approvals to be obtained, or any other expensive and time-consuming studies or other documentation required);
- d) that the Town agree to credit back to us any development cost charges related to sewerage;
- e) that the Town agree to cap our contribution to any downstream upgrades to the sewerage facilities of the Town at \$140,000.

If such an agreement was committed to by the Town, then we would be prepared to re-evaluate the economic viability of the development to determine if we could move forward. I trust that you can see from the above the problems inherent in asking a developer to agree to what is effectively an unknown and incalculable future cost. We do want to be as 'environmentally friendly' as reasonably possible, and would be pleased if cost-effective technologies and systems were available at the time of construction.

Thank you very much for your attention to the above.

Yours truly,  
  
GPM DEVELOPMENTS LTD.  
Chuck Meagher President



**TOWN OF LADYSMITH**

**BYLAW NO. 1672**

A bylaw to amend "Official Community Plan Bylaw, 2003, No. 1488"

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**WHEREAS** pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the Official Community Plan;

**AND WHEREAS** after the close of the Public Hearing and with due regard to the reports received, the Municipal Council considers it advisable to amend "Official Community Plan Bylaw, 2003, No. 1488".

**NOW THEREFORE** the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

- (1) Schedule "A" – "Town of Ladysmith Community Plan" is amended by:
  - (a) including on Figure 6:  
the subject area shown on Schedule 1 attached to this Bylaw within the Urban Containment Boundary.
  - (b) placing on Map 1 "Land Use":  
"Multi-Family Residential" on the subject property Lot 3, Block 1399, Oyster District, Plan VIP75559 Except part in Plan VIP80608 as shown on Schedule 2 attached to this Bylaw.
  - (c) placing on Map 2 "Development Permit Areas":  
"Development Permit Area 4 – Multi-Family Residential" and "Development Permit Area 7 – Hazard Lands" on the subject property Lot 3, Block 1399, Oyster District, Plan VIP75559 Except part in Plan VIP80608 as shown on Schedule 2 attached to this Bylaw.
- (2) Schedule "C" - "Holland Creek Area Plan" is amended by:
  - (a) deleting the following residential policy:  
" 3.1.2.11 An Urban Reserve will be designated in an isolated portion of the northwest of the Plan Area to provide for forestry uses over the near term and long term potential urban residential uses for a future period beyond the life of this Local Area Plan."
  - (b) placing on Figure 4:  
"Multi-Family" on the subject property Lot 3, Block 1399, Oyster District, Plan VIP75559 Except part in Plan VIP80608 as shown on Schedule 2 attached to this Bylaw.
  - (c) amending "Table 1: Residential Land Use" - Total Developable Area as follows:  
reducing "Reserve" by 5.3 ha and increasing "Multi-Family Development" by 5.3 ha.

**CITATION**

(3) This bylaw may be cited for all purposes as "Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No.23), 2008, No. 1672".

**READ A FIRST TIME** on the 2<sup>nd</sup> day of February, 2009

**READ A SECOND TIME** on the 2<sup>nd</sup> day of February, 2009

**PUBLIC HEARING** held pursuant to the provisions of the *Local Government Act*

on the day of

**READ A THIRD TIME** on the day of

**ADOPTED** on the day of

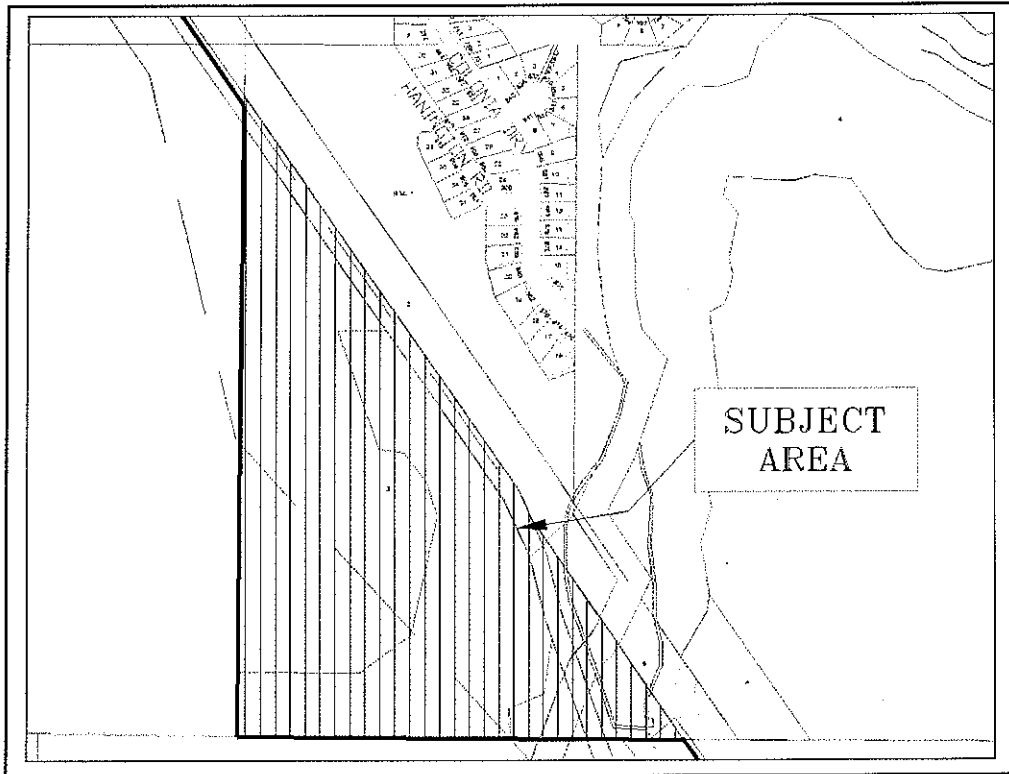
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Mayor (R. Hutchins)

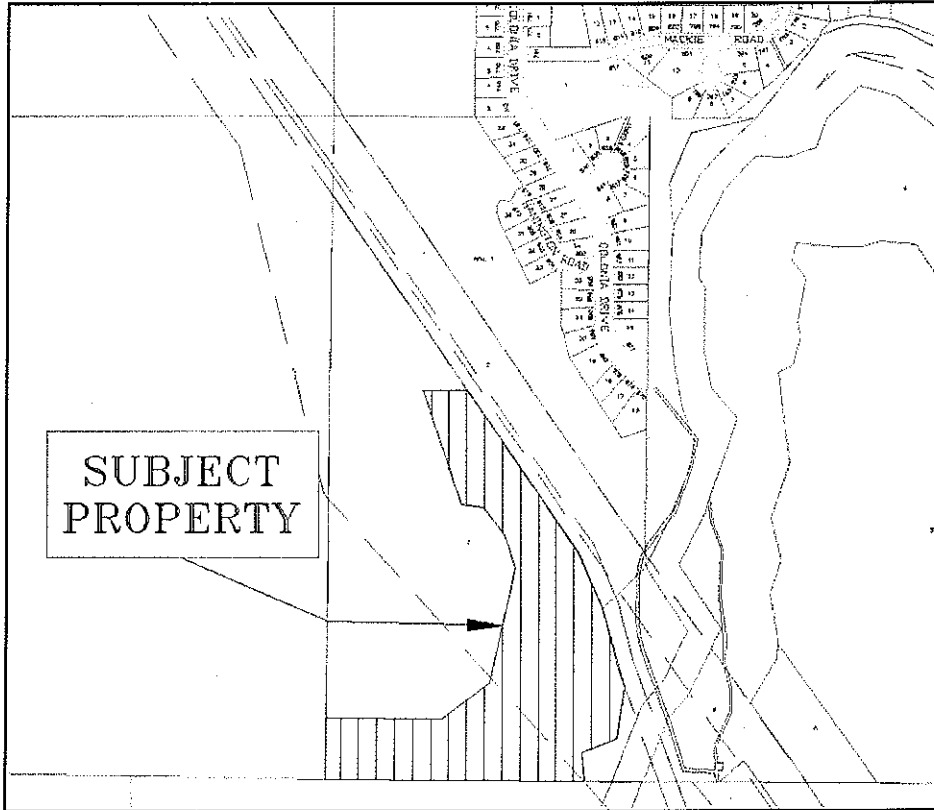
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Corporate Officer (S. Bowden)

**Bylaw 1672 - Schedule 1**



Bylaw 1672 – Schedule 2





**TOWN OF LADYSMITH**

**BYLAW NO. 1673**

A bylaw to amend "Town of Ladysmith Zoning Bylaw, 1995, No. 1160"

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**WHEREAS** pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the zoning bylaw;

**AND WHEREAS** after the close of the Public Hearing and with due regard to the reports received, the Municipal Council considers it advisable to amend "Town of Ladysmith Zoning Bylaw 1995, No. 1160";

**NOW THEREFORE** the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

- (1) The text of "Town of Ladysmith Zoning Bylaw 1995, No. 1160" as amended is hereby further amended by adding the following site specific regulations to Section 13.0 Medium Density Residential Zone:
  - (a) "13.2 (2)(a) Despite 13.2 (2) the height of an apartment building located on Lot 3, Block 1399, Oyster District, Plan VIP75559 Except Part in Plan VIP80608 shall not exceed 14.0 metres (4 storey).", and
  - (b) "13.2 (4)(a) Despite 13.2(4) the number of residential units located on Lot 3, Block 1399, Oyster District, Plan VIP75559 Except Part in Plan VIP80608 shall not exceed 190 units."
- (2) The map, being 'Schedule A' to "Town of Ladysmith Zoning Bylaw 1995, No. 1160" is hereby amended by placing:  
 "Medium Density Residential (R-3-A) Zone" on the subject property Lot 3, Block 1399, Oyster District, Plan VIP75559 Except Part in Plan VIP80608 as shown on Schedule 1 attached to this Bylaw.

**CITATION**

- (2) This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No.71), 2008, No. 1673".

**READ A FIRST TIME** on the 2<sup>nd</sup> day of February, 2009

**READ A SECOND TIME** on the 2<sup>nd</sup> day of February, 2009

**PUBLIC HEARING** held pursuant to the provisions of the *Local Government Act*

on the day of

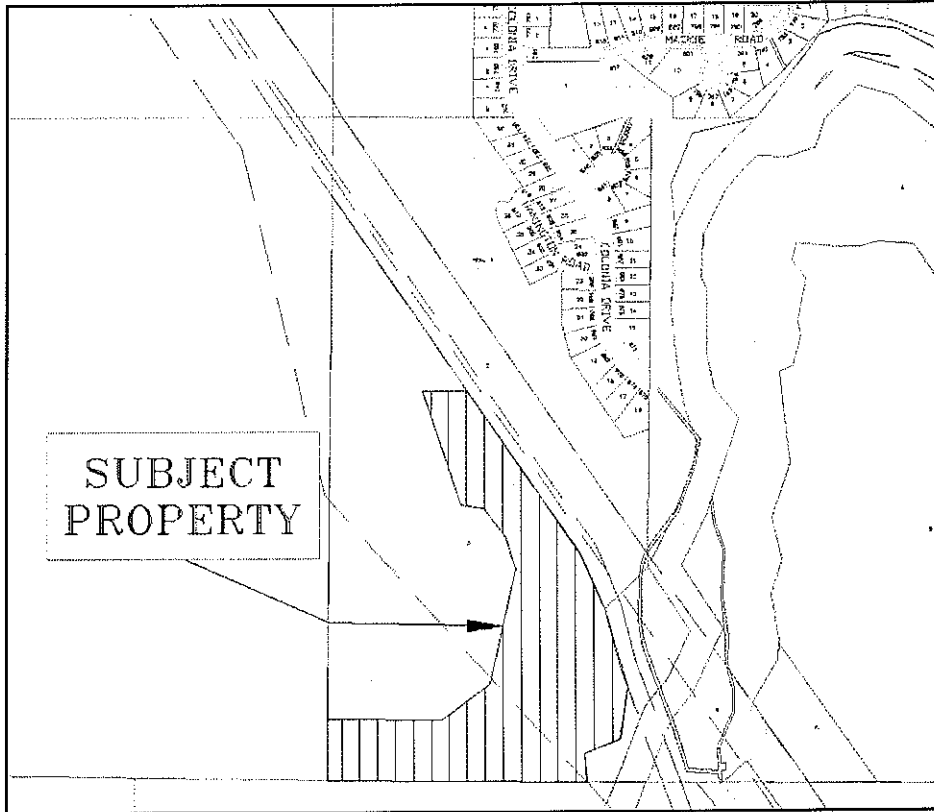
**READ A THIRD TIME** on the day of

**ADOPTED** on the day of

\_\_\_\_\_  
Mayor (R. Hutchins)

\_\_\_\_\_  
Corporate Officer (S. Bowden)

**Bylaw 1673 – Schedule 1**





Town of Ladysmith  
**STAFF REPORT**

To: Ruth Malli, City Manager  
From: Felicity Adams, Manager of Development Services  
Date: January 12, 2009  
File No: 3360-06-13

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Re: OCP AND ZONING BYLAW AMENDMENT APPLICATION - UPPER HOLLAND CREEK (GPM Developments Ltd.) - Subject property: Lot 3, Block 1399, Oyster District, Plan VIP75559 Except Part in Plan VIP80608

**RECOMMENDATION:**

That the Government Services Committee recommends that Council:

- (a) directs staff 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) amends the requirement for on-site sewerage treatment for rezoning application 3360-06-13 to a requirement for downstream sewer upgrades identified as undersized for this development and a dual (grey water reuse) system in the proposed development,
- (c) gives first and second reading to Bylaw 1672 and Bylaw 1673,
- (d) sets a Public Hearing date of March 2, 2009,
- (e) 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.

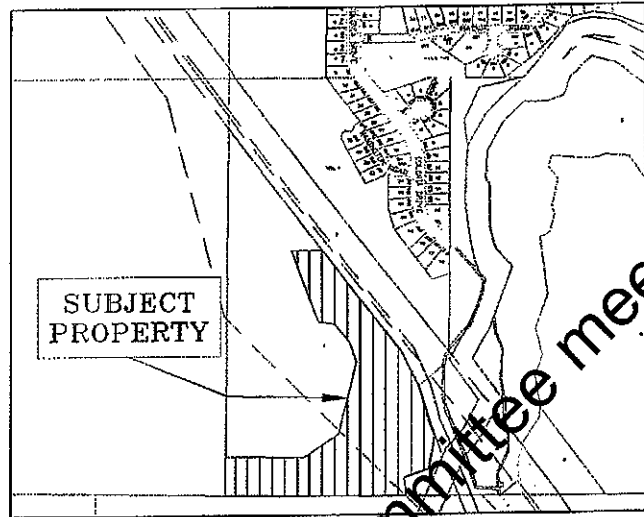
**BACKGROUND / HISTORY:**

Council has the authority to amend, by bylaw, the Official Community Plan and the Zoning Bylaw. Such amendments require a public hearing to be held prior to third reading of the bylaws.

The applicant is proposing to rezone the lands to Medium Density Residential (R-3-A) Zone with a maximum density of 190 units located within three 4-storey condominium apartments and 30 townhouse units.

- The apartment unit sizes range from 525 to 1150 sq.ft. and the townhouse units would be about 2000 sq.ft.

- The proposed maximum building height is 14 metres (4-storey condominium).
- 294 parking spaces would be provided (183 underground and 111 surface spaces).
- A park dedication of 2.5 acres adjacent to Holland Creek Park is proposed.
- The project is not proposed as a LEED® project, but would be built to Built Green™ standards for multi-family development.
- Rental of units would be expressly permitted within the condominium buildings.



The proposal has been considered by the Advisory Planning Commission and the Advisory Design Panel and Council has previously considered these comments. Both commissions were generally in support of the rezoning proposal.

At its meeting held August 5, 2008, Council provided direction to prepare bylaws, subject to road access being resolved to the satisfaction of the Town. Primary road access via Malone Road has now been resolved to the satisfaction of the Town.

Also at that time, Council has provided direction that the following amenities and commitments are to be secured through a covenant registered on the title of the subject property. The preparation and review of the covenant is the responsibility of the applicant. Such agreements are registered prior to final consideration of the bylaws by Council. The covenant has not yet been provided.

- 2.5 acre park dedication and development, including removal of invasive species, picnic tables, benches and trails to connect to the existing Holland Creek trail,
- Project construction to a Built Green Multi Pilot program standard,
- Rental of units expressly permitted within the condominium buildings,
- Implementation of the recommendations of the Preliminary Geotechnical Assessment by Levelton Consultants Ltd. Dated April 28, 2008,
- On-site storm water management and on-site sewerage treatment (see discussion in the next section below),
- Trolley bus stop at the site to serve the development to meet the Town's transit objectives, and
- \$80,000 amenity contribution at the time of building permit.

**ANALYSIS:**

Bylaw 1672 amends the Official Community Plan and Holland Creek Area Plan and Bylaw 1673 amends the Zoning Bylaw.

**Bylaw 1672:**

*Official Community Plan Amendments*

This Bylaw includes the subject property within the "urban containment boundary" that has been established in the Official Community Plan (OCP). The Bylaw also adds the subject property to Development Permit Area 4 – Multi-Family Residential (DPA4) and Development Permit Area 7 - Hazard Lands (DPA7). A development permit would be required prior to alteration of the land and construction of buildings.

Two options are presented with respect to the lands to be included within the urban containment boundary: the subject property only or the entire triangular portion of land located west of the hydro right-of-way including the subject property. It is expected that all of the lands within this area will be proposed for residential development.

*Holland Creek Area Plan Amendments:*

Bylaw 1672 changes the land use designation of the subject property from "Reserve" to "Multi-Family". It also deletes policy 3.1.2.11 as it would no longer be relevant if the rezoning is successful. Technical data in the plan is also updated.

**Bylaw 1673:**

Bylaw 1673 rezones the subject property from Single Family to Multi-Family. The Bylaw also includes two site specific amendments to permit the height of the condominium apartment buildings to be 14 metres (4 storeys) and a maximum of 190 units.

**Access and Servicing:**

The applicant has provided agreements from the affected property owners regarding primary road access from Malone Road to the subject property as required by Council.

Council has directed that on-site sewage treatment is to be provided. The applicant's engineers have reviewed this requirement and have made an alternate proposal to the Town to manage the sewage flows from the development through the reduction of outflows (source control) combined with improvements to the downstream capacity. The proposal is that:

1. The downstream portion of the sewer system, identified as being under-sized for this development by Herold Engineering, will be improved to provide additional sewer capacity. Latecomer's charges would apply to future development benefiting from these upgrades.
2. The developer will pay the Town the full amount of the sanitary sewer DCCs in addition to the developer paying the cost of improving downstream works.
3. The project will be built to the CHA Built Green Program which includes low flow appliances such as washing machines which would substantially reduce the flow.

Staff has reviewed and support the revised proposal, with the addition of the installation of a dual (grey water re-use) system within the proposed development.

**OCP Consultation:**

The *Local Government Act* requires that when an OCP is being prepared or amended that Council consider opportunities for consultation, including with the regional district, adjacent municipalities, first nations, school district and provincial and federal governments. It is recommended that Bylaw 1672 be referred to School District #68 and reviewed with Chemainus First Nation Band Council.

The applicant held a public information meeting on March 25, 2008; about 10 to 12 people attended. The applicant advises that the issues identified by the public were: stormwater management, slope stability, blasting during construction, traffic generated by the project and phasing of construction. These concerns have been addressed through the rezoning process. At the time of the public meeting, primary access from Malone Road was not yet determined. The housing options presented were favourable to several people.

I concur with the recommendation:

Ruth Mall, City Manager

ATTACHMENTS:

- Bylaws 1672 and 1673.

Reviewed at previous Government Services Committee meeting.



## 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

**19**

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 to the existing lines 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)





## Town of Ladysmith

Minutes of a meeting of Council of the Town of Ladysmith held in Council Chambers at City Hall on Monday, February 16, 2009 at 7:00 p.m.

### **COUNCIL MEMBERS PRESENT:**

Mayor Rob Hutchins	Steve Arnett
Scott Bastian	Jill Dashwood
Lori Evans	Duck Paterson
Bruce Whittington	

### **STAFF PRESENT:**

Ruth Malli	Sandy Bowden
Rebecca Kalina	Felicity Adams

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Mayor Hutchins called the meeting to order at 7:03 p.m.

### **AGENDA APPROVAL**

2009-097: It was moved, seconded and carried that the agenda for Monday, February 16, 2009 be adopted as circulated.

### **DELEGATIONS**

#### **BILL ELLER - TREELINE PROPERTIES LIMITED**

Bill Eller of Treeline Properties Ltd., requested that the Holland Creek Local Area Plan be reviewed as soon as possible and that Treeline Properties Ltd. will co-fund the Holland Creek Local Area Plan review on an equitable basis with the other landowners and the Town. The Chair thanked Mr. Eller for his presentation.

#### **SMALL CRAFT HARBOURS AND LADYSMITH FISHERMEN'S WHARF ASSOCIATION**

Andrew Cornell, Senior Project Engineer and Mike Doutaz, Area Chief for Vancouver Island, from Small Craft Harbours, Fisheries and Oceans Canada and a representative of the Ladysmith Fishermen's Wharf Association were in attendance. Mr. Cornell provided the Committee with information on the West Coast Community Adjustment Program Breakwater Project and pedestrian boardwalk. The Chair thanked Mr. Cornell for his presentation.

### **REPORTS**

#### **LADYSMITH GOVERNMENT DOCK / FISHERMEN'S WHARF - BREAKWATER PROJECT**

2009-098: It was moved, seconded and carried that Small Craft Harbours (SCH), at its cost, make an application to the Integrated Land Management Bureau to transfer a portion of Block C, DL 2016 to SCH for the construction of a rock breakwater structure to connect the existing breakwater to shore, as long as the breakwater structure is constructed in such a way as to make possible vehicle access, pedestrian access and future use as a causeway / public access recreational opportunity, and to not impede or affect the existing boat ramp by this work now or in the future following completion of the project;

AND FURTHER THAT the Chemainus First Nation be notified, for information, of the proposal from SCH.

2009-099: It was moved, seconded and carried that Resolution No.2009-097 be amended to read as follows:

That Small Craft Harbours (SCH), at its cost, work with staff to make an application to the Integrated Land Management Bureau to transfer/provide Licence of Occupation for a

portion of Block C, DL 2016 to SCH for the construction of a rock breakwater structure to connect the existing breakwater to shore, as long as the breakwater structure is constructed in such a way as to make possible vehicle access, pedestrian access and future use as a causeway / public access recreational opportunity, and to not impede or affect the existing boat ramp by this work now or in the future following completion of the project and to not impede access opportunities to the southern portion of the lot;

AND FURTHER THAT the Chemainus First Nation be notified, for information, of the proposal from SCH.

#### DUNSMUIR WALKWAY - LIGHTS

2009-100: It was moved, seconded and carried that the installation of lights for the Dunsmuir walkway will be considered during the 2009 budget discussion.

#### OLYMPIC TORCH RELAY

2009-101: It was moved, seconded and carried that a letter be sent to the Olympic Relay Committee requesting that the relay be diverted through parts of Ladysmith or that Ladysmith be designated a Celebration Community.

#### TREE PROTECTION BYLAW

2009-102: It was moved, seconded and carried that staff be requested to make the completion of the Tree Protection Bylaw a high priority.

#### ARTIFICIAL TURF - AGGIE FIELDS

2009-103: It was moved, seconded and carried that Staff be requested to continue to pursue funding opportunities for a multi-use artificial turf field site and that this request be referred to the Sportfield Task Force.

### CORRESPONDENCE

#### LADYSMITH MARITIME SOCIETY - REQUEST FOR ADDITIONAL SPACE IN THE MACHINE SHOP

2009-104: It was moved, seconded and carried that the Ladysmith Maritime Society be granted a lease for use of Unit C of the Machine Shop.

Staff were requested to advise Council of all parties interested in space in the Machine Shop.

#### MPH HOLDING LTD. REQUEST TO REVIEW HOLLAND CREEK AREA PLAN

2009-105: It was moved, seconded and carried that the letter from J. Manning, Director of MPH Holdings Ltd. be referred to staff for review and inclusion in the visioning implementation strategy.

### QUESTION PERIOD

A member of the audience asked when the draft 2009 budget would be available for review. The City Manager, R. Malli, stated that Council had approved a schedule for the budget at a previous meeting, the process starts on March 30, 2009.

### EXECUTIVE SESSION

2009-106: It was moved, seconded and carried that this meeting retire into Executive Session (7:10 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;
- discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [annual municipal report];



- 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;
  - personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;
- Additional Item
- the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

**ARISE AND REPORT**

2009-107: It was moved, seconded and carried that the Executive Session of Monday, February 16, 2009 arise without report (11:00 p.m.).

**ADJOURNMENT**

2009-108: It was moved, seconded and carried to adjourn the meeting at 11:00 p.m.

**CERTIFIED CORRECT:**

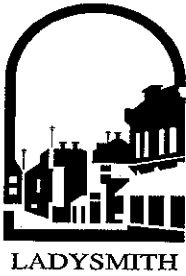
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Mayor (R. Hutchins)

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Corporate Officer (S. Bowden)





Town of Ladysmith  
**STAFF REPORT**

To: Ruth Malli, City Manager  
From: Felicity Adams, Manager of Development Services  
Date: February 24, 2009  
File No: 3090-08-07

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Re: Development Variance Permit (DVP) Application  
Shoa Organizational Services Ltd. - Lot 1 and Lot 5 to 19, District Lot 52,  
Oyster District, Plan VIP 86055 (Thetis Drive)

RECOMMENDATION:

**Option 1: (recommended option)**

THAT Council directs staff to proceed with the statutory notice for DVP height application 08-07 for lots 1 and lots 5 to 19.

**Option 2:**

THAT Council does not support DVP application 08-07 and denies the application.

BACKGROUND / HISTORY:

This staff report will update Council regarding the DVP application 08-07 for Shoa Organizational Services Ltd.

The applicant created a 30 lot subdivision in the Battie Drive – Thetis Road area in 2008 (see Figure 1). In January 2009 a Development Variance Permit (DVP) application was presented to Council for a height variance of 1 metre for all 30 of the proposed homes and to increase the permitted floor area for 17 of the 30 proposed homes. On January 5th, 2009 Council passed a motion to not support the height variance request and not support the requested increases in floor area.

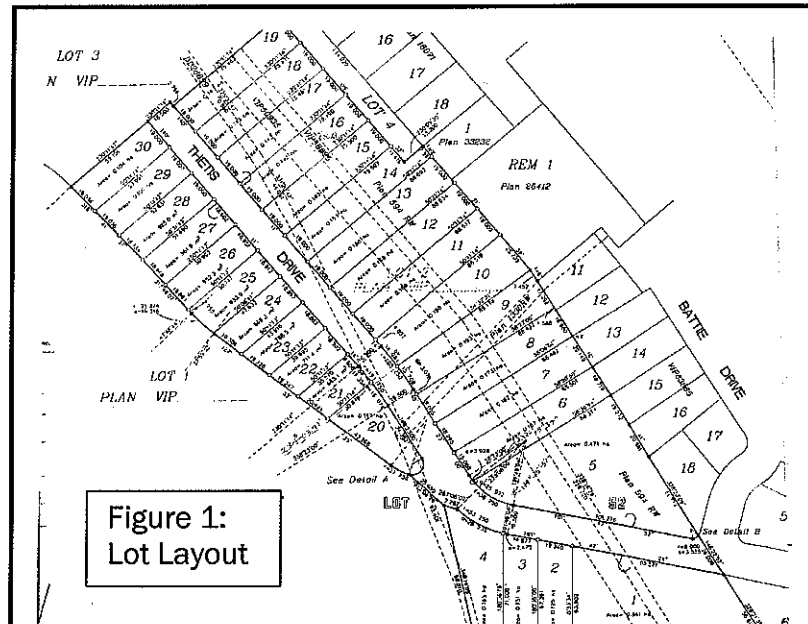


Figure 1:  
Lot Layout

At the February 2nd, 2009 Council meeting the applicant presented a revised variance request. At this time the applicant requested to vary the allowable height from 9 metres to 14.07 metres for potential dwellings on lots 2 to 30 and to vary the allowable height from 9 metres to 10.6 metres for a potential dwelling on lot 1. Staff were then directed to work with the applicant on the variance request and proceed to public consultation and statutory notification if appropriate.

Since February 2<sup>nd</sup> 2009 Shoa Organizational Services Ltd. has revised the variance requests as shown in Table 1. The applicant will likely apply for height variances for lots 20 to 30 at a future date as the proposed heights for homes on these lots are unknown at this time. The applicant no longer wishes to vary the maximum permitted floor area for the homes.

**Table 1: Typical Height Variances Requested**

	Permitted residence height (UR-1)	Proposed residence height	Variance requested	Proposed height from curb level of Thetis Drive.
Lot #1	9 metres (29.5ft)	11.48 metres (37.7 ft)	2.48 metres (8.1ft)	n/a
Lot #5	9 metres (29.5ft)	10.89 metres (35.7ft)	1.89 metres (6.2ft)	5.7 metres (18.7 ft)
Lot #12	9 metres (29.5ft)	10.97 metres (35.9ft)	1.97 metres (6.5ft)	5.7 metres (18.7 ft)
Lot #19	9 metres (29.5ft)	9.10 metres (29.9ft)	0.10 metres (0.3ft)	5.7 metres (18.7 ft)

*Council Authority*

The *Local Government Act* enables Council to vary zoning regulations, except use and density regulations through the issuance of a development variance permit. This is a discretionary decision of Council.

Notice that a development variance permit may be issued is required to be provided (by mail) to neighbouring properties. The notice area is 60 metres of the boundary of a parcel that is subject to the permit.

ANALYSIS:

The subject lots are in the “Urban Residential Zone” (UR-1).

**Lot 1**

The applicant is proposing a height of 11.48 metres for the proposed lot 1 dwelling, thus requesting a variance of 2.48 metres. The applicant’s rationale for the variance is as follows:

“The height of 9 meters as determined by the zoning bylaw is based upon the average of the existing grades the corners of the building. The main floor level and garage floor levels are set at the existing grades at the west side of the lot, however at the east side of the lot there is low pocket and the those grades are 2 meters below the basement level and will need fill and levelling. It is these eastern corners that bring down the average grade calculation. As there is a riparian area set back required on this property there is no other location on the property for the house.”

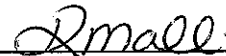
For the above mentioned reason it is recommended to proceed with the notice for the variance request of 2.48 metres for the proposed dwelling on lot 1.

**Lots 5 to 19**

Due to the steep topography of lots 5 to 19 on the north-east side of Thetis Drive it is difficult for the applicant to design a home that can meet the permitted height of 9 metres. An approach used for steep lots in the City of Nanaimo is to permit dwelling height to be measured from the curb level of the highest street abutting the property. The City of Nanaimo steep slope zone sets a maximum height of 5 metres measured from the curb level of the highest street abutting a property. It is recommended to use this approach and consider a variance for lots 5 to 19 to allow a maximum height of 5.7 metres from the curb level of Thetis Drive.

The applicant has supplied three sample height measurements for the section of lots 5 to 19. The height of lot 5, 12, and 19 were carefully measured (see Table 1) to show how the lots are less steep towards lot 19. Thus, the variance for lot 5 is 1.89 metres and as the grade levels towards lot 19 the actual height variance is marginal at 0.10 metres.

I concur with the recommendation:



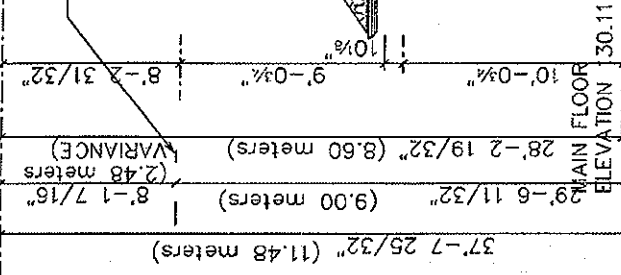
Ruth Malli, City Manager

**ATTACHMENTS:**

- Schedule A – Lot 1 – Front Elevation
- Schedule B – Lot 5 – Front and Rear Elevation
- Schedule C – Lot 5 – Side Elevation
- Schedule D – Lot 12 - Front and Rear Elevation
- Schedule E – Lot 12 - Side Elevation
- Schedule F – Lot 19 - Side Elevation

PROPOSED ROOF PEAK ELEVATION 138.71 Meters

MAX ALLOWABLE ROOF PEAK ELEV. 136.14 M.

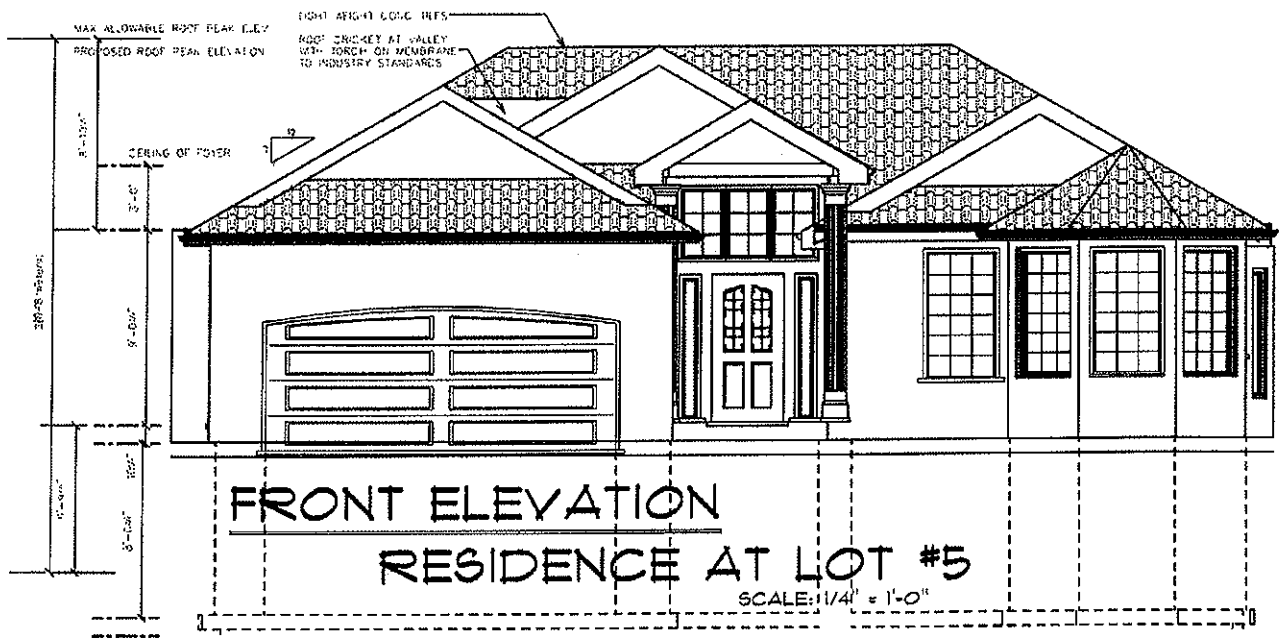


GARAGE SLAB ELEVATION 127.30

RESIDENCE FOR LOT # 1 SEASIDE ACRE

FRONT ELEVATION

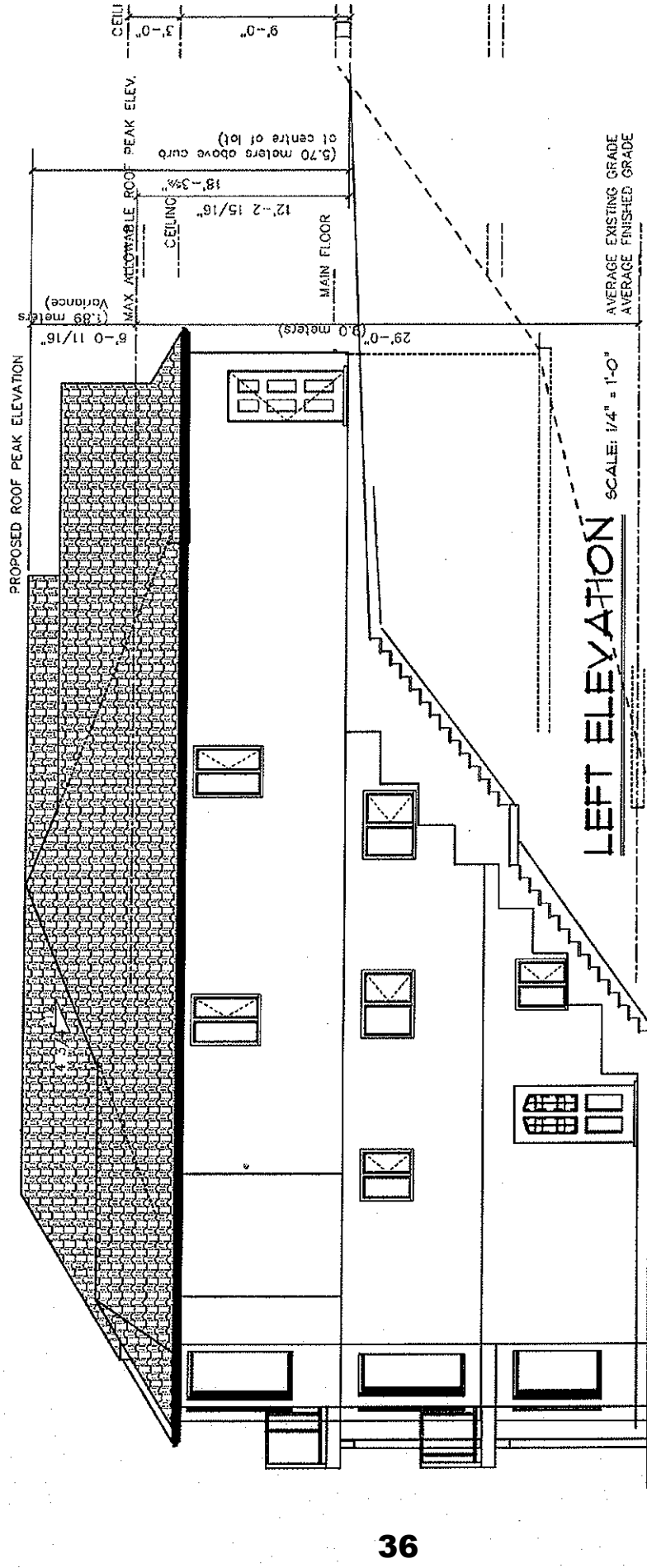
AVERAGE EXISTING GRADE 127.14 METERS  
BACK OF CURB ELEVATION 122.14 M.



AVERAGE EXISTING GRADE  
AVERAGE FINISHED GRADE



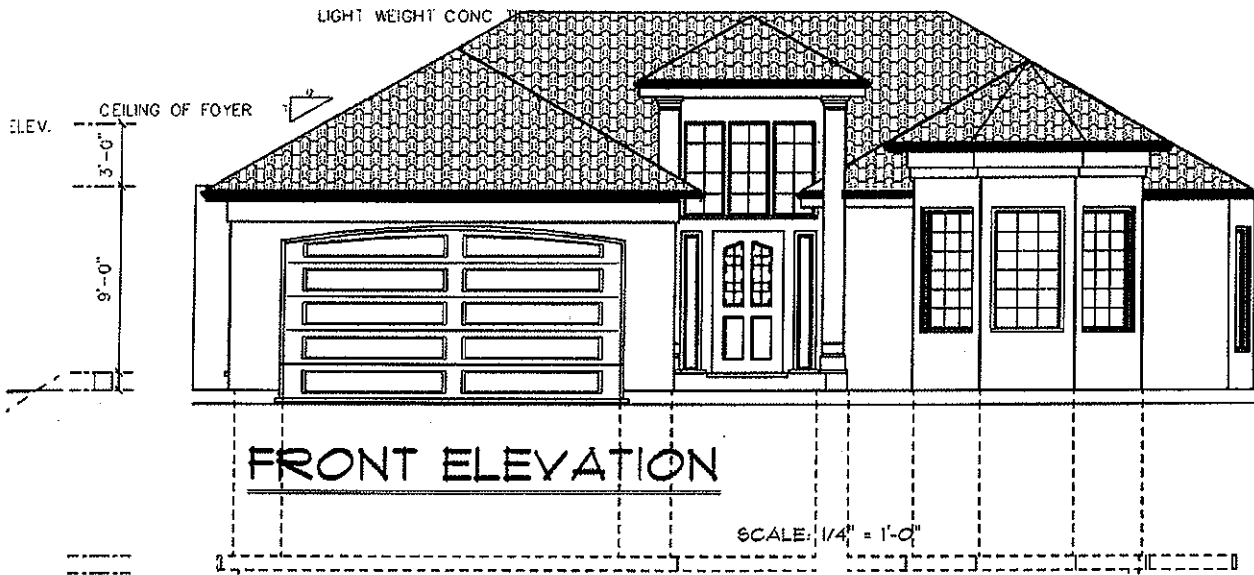
BUILDING PERMIT PLANS DEC 31 2008



**RESIDENCE AT LOT #5 Seaside Acres**

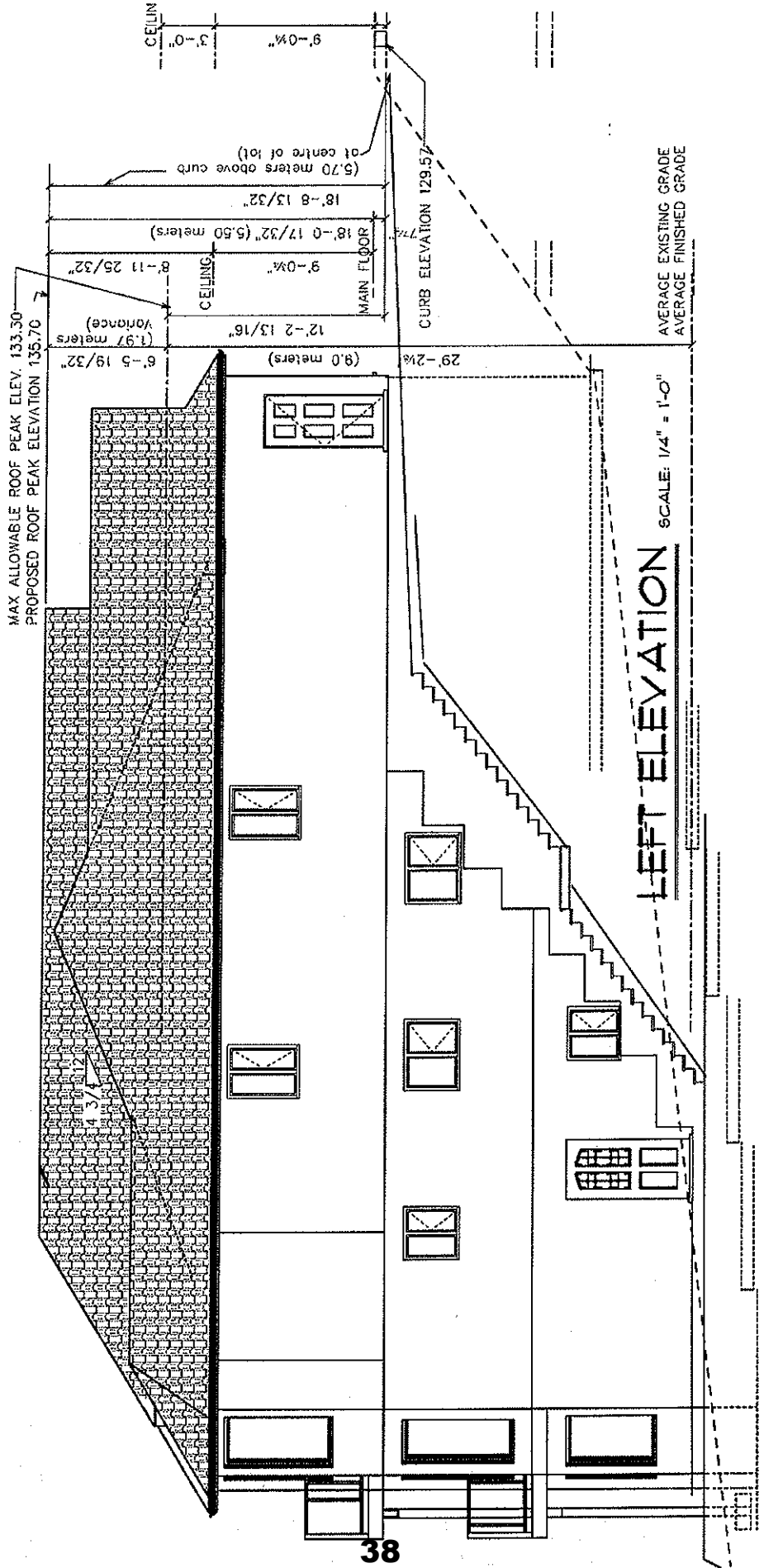
Schedule C - Lot 5 - Side Elevation





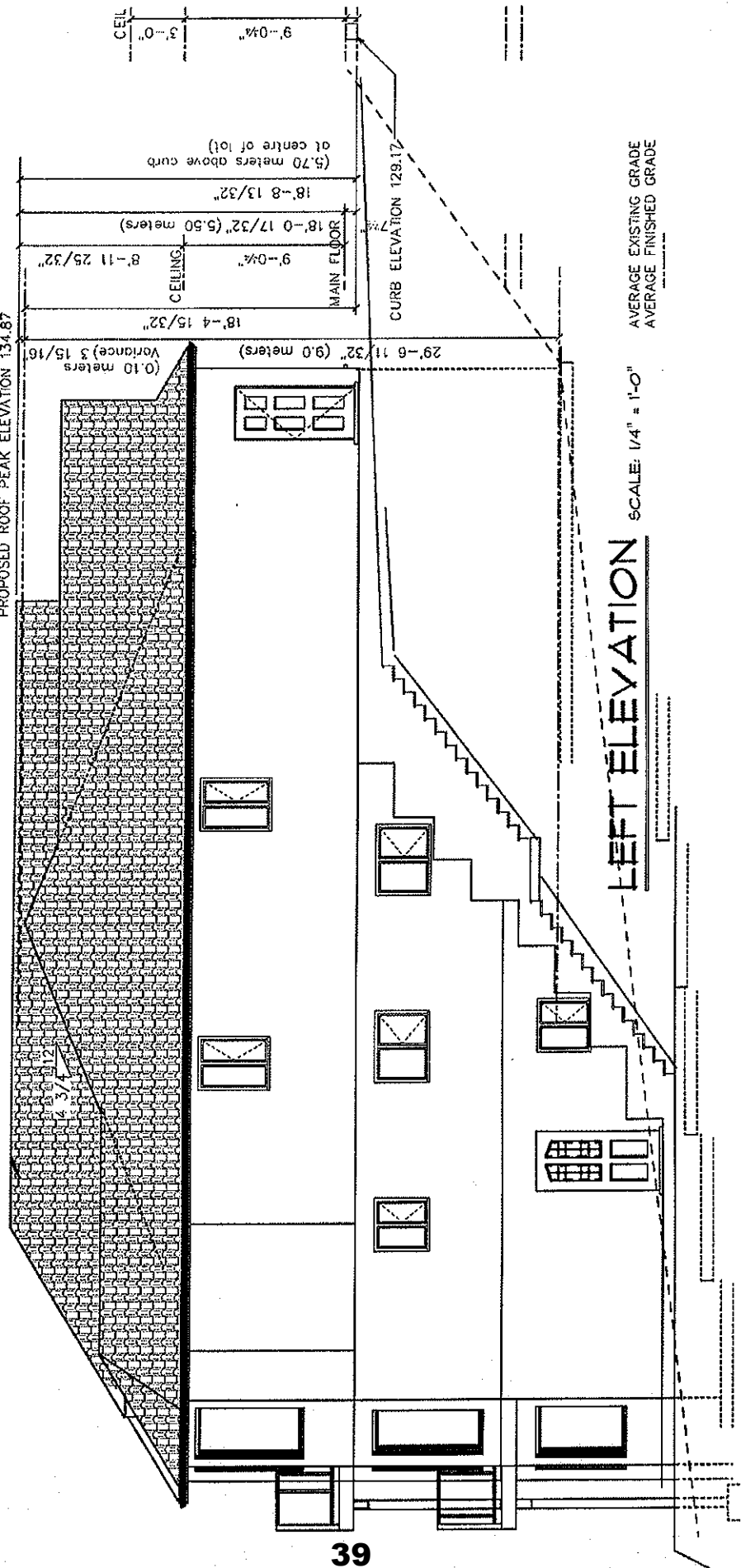
RESIDENCE AT LOT #12 Seaside Acres





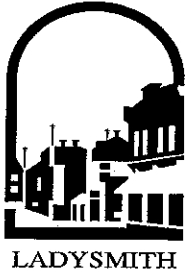
RESIDENCE AT LOT #12 Seaside Acres

MAX ALLOWABLE ROOF PEAK ELEV. 134.77  
PROPOSED ROOF PEAK ELEVATION 134.87



# RESIDENCE AT LOT #19 Seaside Acres





**Town of Ladysmith**  
**STAFF REPORT**

To: Ruth Malli, City Manager  
 From: Felicity Adams, Manager of Development Services  
 Date: February 24, 2009  
 File No: 3090

**RE: HIGHWAY SIGN VARIANCES IN THE TOWN OF LADYSMITH**

**RECOMMENDATION:**

That Council receive this report.

**BACKGROUND / HISTORY:**

At its meeting held February 2, 2009 Council requested the following information which summarizes variances for freestanding signage for properties designated as Highway Commercial.

File No.	Business Name	Summary
DVP 95-01	Coronation Mall sign	Freestanding sign is 10 metres in height (variance to previous sign bylaw approved).
DVP 95-03	McDonalds	Freestanding sign is 6.4 metres in height (variance to previous sign bylaw approved).
DP 99-03	Co-op Gas Station	Increase in signage display area requested to 8.43 m <sup>2</sup> - not approved. Variance approved to allow a second freestanding sign.
DP 00-10	Shell Canada	Increase in display area requested to 16.72 m <sup>2</sup> - not approved. Height variance requested 7.63 m - not approved. The variances approved were to allow a second freestanding sign and to permit 4 additional suspended signs.
DP 00-11	Petro Canada	Increase in signage display area requested to 9.07 m <sup>2</sup> - not approved.
DP 03-02	Tim Hortons	No variances.
DVP 05-03	Re-Max	Increase in signage display area approved from to 2.9 m <sup>2</sup> to 5.2m <sup>2</sup> . Also, variance approved to allow a second freestanding sign.

I concur with the recommendation:

*Ruth Malli*

Ruth Malli, City Manager



## Town of Ladysmith

### STAFF REPORT

To: Ruth Malli, City Manager  
From: Felicity Adams, Manager of Development Services  
Date: February 10, 2009  
File No: 3060-09-01

RE: DEVELOPMENT VARIANCE PERMIT APPLICATION – CACCHIONI  
LOT 11, 12, AND 13 DISTRICT LOT 139, OYSTER DISTRICT, PLAN 7217

#### RECOMMENDATION:

##### Option 1: (recommended option)

THAT the Government Services Committee recommends that Council direct staff to proceed with the statutory notice for DVP application 09-01.

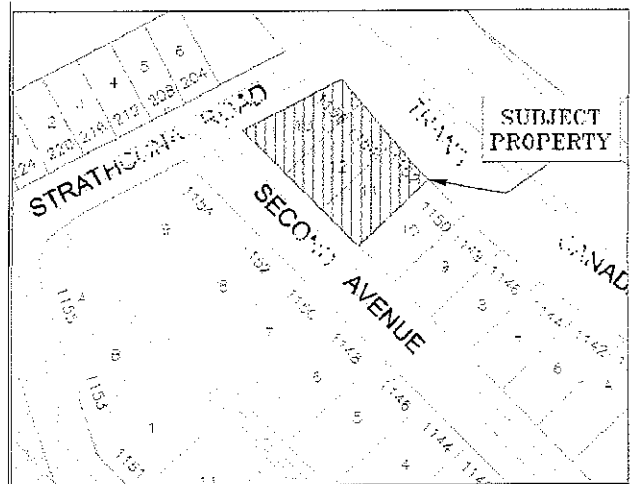
##### Option 2:

THAT the Government Services Committee recommends that Council not support DVP application 09-01 and denies the application.

#### BACKGROUND / HISTORY:

##### *Applicant's Request*

The owner of the business 'Ladysmith Car-Care' is converting the business to an 'Esso' station but will offer similar services such as convenience store, service bays and gas pumps. The owner has applied for a Development Variance Permit to vary the permitted height and display area of the new free-standing 'Esso' sign. The owner has also applied for a Development Permit as they intend to improve the canopy over the gas pumps and change the signage on the canopy. Please note that the business straddles three lots (Lots 11, 12 and 13). See Schedule A – Site Plan.



##### *Council Authority*

The *Local Government Act* enables Council to vary certain regulations, except use and density regulations through the issuance of a development variance permit. This is a discretionary decision of Council.

Notice that a development variance permit may be issued is required to be provided to neighbouring properties. The notice area is 60 metres of the boundary of a parcel that is subject to the permit.

**ANALYSIS:**

The subject properties are designated as 'Highway Commercial' in the Official Community Plan which is a designation applied to locations intended to serve both local and the travelling public. The properties are zoned 'Highway/Service Commercial Zone (C-3)' which permits signs to be located within 0 metres of the front lot line. The location of the proposed sign will be the same as the current freestanding "GAS" sign (see Schedule A). The current sign is 4 metres in height and has a display area of 4.5m<sup>2</sup> (see Schedule C).

The Sign Bylaw (Bylaw #1176) states that the permitted maximum height of a freestanding sign in the Highway Commercial area is 6 metres, however 9 metres in height is proposed. The Sign Bylaw also limits the permitted total display surface area of a free-standing sign in the area to 7.4m<sup>2</sup>, and the proposed 'Esso' sign has a surface area of 9m<sup>2</sup> (see Schedule B).

<i>Sign Bylaw (#1176)</i>	<i>Permitted</i>	<i>Proposed</i>	<i>Variance Requested</i>
<i>Height</i>	6 metres	9 metres	3 metres
<i>Display Surface Area</i>	7.4 m <sup>2</sup>	9 m <sup>2</sup>	1.6 m <sup>2</sup>

A review of neighbouring municipalities sign regulations shows that free-standing signs in similar highway locations may be up to 8.9 metres in height with 10m<sup>2</sup> -18m<sup>2</sup> of display area. The applicant states that due to the height of the hill just north of the proposed property, the 3 metre height variance would allow for the sign to be seen better by vehicles on the highway. The display area is the same as other standard Esso signs with the addition of a section that states "Service Bays".

It is recommended by staff to proceed with the notification of a development variance permit to neighbouring properties within 60 metres of the boundary of the subject parcels as required by the Development Procedures Bylaw (#1667).

I concur with the recommendation:

\_\_\_\_\_  
Ruth Malli, City Manager

**ATTACHMENTS:**

- Schedule A - Site Plan - Plan 7217, Lot 11, 12 and 13
- Schedule B - Illuminated Pylon Sign - with measurements
- Schedule C - Illuminated Pylon Sign - photo rendering





## Town of Ladysmith

### **COMMITTEE REPORT**



**LADYSMITH**

To: Mayor and Council  
From: The Chair, Councillor Duck Paterson  
Date: February 18, 2009  
File No: 0550-20

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Re: GOVERNMENT SERVICES COMMITTEE - February 16, 2009

At its meeting on February 16, 2009 the Government Services Committee recommended to Council the following:

- 1.) That the City Manager's Report, dated February 11, 2009, regarding her review of 2008 be received.
- 2.) That the Director of Public Work's 2008 Annual Report dated January 23, 2009 be received.
- 3.) That the 2008 fourth quarter reports from the Manager of Development Services, dated February 2, 2009, the Director of Corporate Services, dated February 10, 2009, and the Director of Parks Recreation and Culture, dated February 1, 2009, be received.
- 4.) That Staff be requested to prepare a report proposing a snow clearing policy which includes the issuing of fines for failure to comply with the sidewalk snow clearing regulations and to review the possibility of Town staff clearing snow and ice from sidewalks identified as major pedestrian routes and that the report also include an implementation plan.
- 5.) That a two-percent increase to the Parks, Recreation & Culture Fees be approved beginning April 1, 2009.
- 6.) That the Heritage Revitalization Advisory Commission (HRAC) be supported to develop a full project plan for a Community Heritage Register and Statement of Significance Project;  
  
AND THAT the project focus on heritage resources within Development Permit Area 2- Downtown primarily First Avenue between Roberts Street and High Street;  
  
AND FURTHER THAT when it is developed, the HRAC forward the full project plan to Council for consideration as a 2009 project.
- 7.) That the annual tenders for services be awarded to the low tenderer at the unit prices tendered as follows:

Concrete Supply - Bedrock Redi-Mix Ltd.  
Asphalt & Paving - Hub City Paving  
Gravel Supply - Island Aggregate Ltd.  
Septic Services - Coast Environmental Ltd.

Survey & Layout - McCallan Construction Survey Ltd.  
Equipment Rental (Heavy Equipment) - David Stalker Excavating Ltd.  
Chlorine & Chemical Supply - Brenntag Canada Inc.

AND THAT the tender for the supply of trucking be awarded to TRT Contracting Inc. as the contractor is based within the Town boundary.

8.) That Council support in principle the Spirit of BC Committee approaching the Vancouver Olympic Committee to determine the requirements for establishing a Town of Ladysmith initiated 2010 Olympic / Paralympic Homestay Program.

9.) That:

1) the development of a land use policy in support of manufactured home parks, as a means to supply affordable housing, be part of the Official Community Plan review, and

2) staff be directed to prepare an amendment to the Town of Ladysmith Development Procedures Bylaw 2008, No. 1667 to require applicants intending to redevelop a site causing displacement of tenants to include with the rezoning application a communications plan, information about the redevelopment proposal, and tenant financial assistance and relocation plan similar to the District of Sooke Manufactured Home Park Redevelopment Policy;

3) staff be directed to create a zone for Mobile/Manufactured Home Parks.

10.) That staff be requested to proceed with the statutory notice for DVP 3060-09-01 (Cacchioni) Lot 11, 12 and 13, District Lot 139, Oyster District, Plan 7217 (1156 - 1154 - 1152 Trans Canada Highway).

11.) That before the Town is willing to consider the Baker Road boundary extension proposal, that the applicant consult with neighbouring properties in the area of Baker Road and provide the results of the consultation to the Town.

12.) That Staff be authorized to apply for three positions under the Canada Summer Jobs 2009 Program for the Parks, Recreation & Culture summer daycamps.

13.) That the proposed schedule of "Global" commission meetings for 2009 be approved and that Staff be directed to make the necessary arrangements for the meetings including notifying all advisory commission members, securing an appropriate location for the meetings etc.

14.) That the minutes of the Government Services Committee meeting on Monday, February 16, 2009 be approved as circulated.



# Town of Ladysmith

## GOVERNMENT SERVICES COMMITTEE

Minutes of a meeting of the Government Services Committee held in Council Chambers at City Hall on Monday, February 16, 2009 at 6:00 p.m.

### COUNCIL MEMBERS PRESENT:

Duck Paterson	Steve Arnett
Jill Dashwood	Scott Bastian
Lori Evans	Mayor Rob Hutchins
Bruce Whittington	

### STAFF PRESENT:

Ruth Malli	Sandy Bowden
Rebecca Kalina	Patrick Durban
Joe Friesenhan	Felicity Adams

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The Chair, Councillor Duck Paterson, called the meeting to order at 5:00 p.m.

### ARISE AND REPORT

2009-025: It was moved, seconded and carried that the Executive Session of Monday, February 16, 2009 arise without report (6:05 p.m.)

### AGENDA APPROVAL

2009-026: It was moved, seconded and carried that the agenda for the Government Services Committee meeting of Monday, February 16, 2009 be approved as circulated.

### MINUTES

2009-027: It was moved, seconded and carried that the minutes of the Government Services Committee meeting of Monday, January 19, 2009 be approved with the following amendment:

Resolution 2009-004 add the words: "to the existing lines" after the words "downstream sewer upgrades".

### REPORTS

#### CITY MANAGER'S REPORT

The City Manager presented the Committee with her written report on 2008 in review.

2009-028: It was moved, seconded and carried that it be recommended to Council that the City Manager's Report, dated February 11, 2009, regarding her review of 2008 be received.

#### DIRECTOR'S / MANAGER'S REPORTS

The Director of Public Works presented his written 2008 annual report to the Committee.

2009-029: It was moved, seconded and carried that it be recommended to Council that the Director of Public Work's 2008 Annual Report dated January 23, 2009 be received.

The Manager of Development Services, the Director of Corporate Services and the Director of Parks Recreation and Culture presented written reports outlining activities of the last quarter of 2008 in their respective departments.

2009-030: It was moved, seconded and carried that it be recommended to Council that the 2008 fourth quarter reports from the Manager of Development Services, dated February 2, 2009, the Director of Corporate Services, dated February 10, 2009, and the Director of Parks Recreation and Culture, dated February 1, 2009, be received.

SIDEWALK SNOW REMOVAL

2009-031: It was moved, seconded and carried that it be recommended to Council that Staff be requested to prepare a report proposing a snow clearing policy which includes the issuing of fines for failure to comply with the sidewalk snow clearing regulations and to review the possibility of Town staff clearing snow and ice from sidewalks identified as major pedestrian routes and that the report also include an implementation plan.

#### FEES AND CHARGES FOR PARKS, RECREATION & CULTURE

2009-032: It was moved, seconded and carried that it be recommended to Council that a two-percent increase to the Parks, Recreation & Culture Fees be approved beginning April 1, 2009.

#### HERITAGE REVITALIZATION ADVISORY COMMISSION PROJECT PROPOSAL

2009-033: It was moved, seconded and carried that it be recommended to Council that the Heritage Revitalization Advisory Commission (HRAC) be supported to develop a full project plan for a Community Heritage Register and Statement of Significance Project;

AND THAT the project focus on heritage resources within Development Permit Area 2-Downtown primarily First Avenue between Roberts Street and High Street;

AND FURTHER THAT when it is developed, the HRAC forward the full project plan to Council for consideration as a 2009 project.

#### AWARD OF ANNUAL TENDERS

2009-034: It was moved, seconded and carried that it be recommended to Council that the annual tenders for services be awarded to the low tenderer at the unit prices tendered as follows:

Concrete Supply - Bedrock Redi-Mix Ltd.  
Asphalt & Paving - Hub City Paving  
Gravel Supply - Island Aggregate Ltd.  
Septic Services - Coast Environmental Ltd.  
Survey & Layout - McCallan Construction Survey Ltd.  
Equipment Rental (Heavy Equipment) - David Stalker Excavating Ltd.  
Chlorine & Chemical Supply - Brenntag Canada Inc.

AND THAT the tender for the supply of trucking be awarded to TRT Contracting Inc. as the contractor is based within the Town boundary.

#### OLYMPIC / PARALYMPIC ATHLETE OLYMPIC / PARALYMPIC ATHLETE HOMESTAY

2009-035: It was moved, seconded and carried that it be recommended to Council that they support in principle the Spirit of BC Committee approaching the Vancouver Olympic Committee to determine the requirements for establishing a Town of Ladysmith initiated 2010 Olympic / Paralympic Homestay Program.

#### MANUFACTURED HOME PARK POLICY

2009-036: It was moved, seconded and carried that it be recommended to Council that:

1) the development of a land use policy in support of manufactured home parks, as a means to supply affordable housing, be part of the Official Community Plan review, and

2) staff be directed to prepare an amendment to the Town of Ladysmith Development Procedures Bylaw 2008, No. 1667 to require applicants intending to redevelop a site causing displacement of tenants to include with the rezoning application a communications plan, information about the redevelopment proposal, and tenant financial assistance and relocation plan similar to the District of Sooke Manufactured Home Park

Redevelopment Policy;

3) staff be directed to create a zone for Mobile/Manufactured Home Parks.

**DEVELOPMENT VARIANCE PERMIT APPLICATION 3060-09-01**

2009-037: It was moved, seconded and carried that it be recommended to Council that staff be requested to proceed with the statutory notice for DVP 3060-09-01 (Cacchioni) Lot 11, 12 and 13, District Lot 139, Oyster District, Plan 7217 (1156 - 1154 - 1152 Trans Canada Highway).

(OPPOSED VOTE - Councillor L. Evans)

Councillor S. Arnett arrived in Council Chambers at 6:51 p.m.

**BOUNDARY EXTENSION REQUEST - 11235 BAKER ROAD**

2009-038: It was moved, seconded and carried that it be recommended to Council that before the Town is willing to consider the Baker Road boundary extension proposal, that the applicant consult with neighbouring properties in the area of Baker Road and provide the results of the consultation to the Town.

**CANADA SUMMER JOBS 2009**

2009-039: It was moved, seconded and carried that it be recommended to Council that Staff be authorized to apply for three positions under the Canada Summer Jobs 2009 Program for the Parks, Recreation & Culture summer daycamps.

**PROPOSED QUARTERLY "GLOBAL" COMMISSION MEETINGS**

2009-040: It was moved, seconded and carried that it be recommended to Council that the proposed schedule of "Global" commission meetings for 2009 be approved and that Staff be directed to make the necessary arrangements for the meetings including notifying all advisory commission members, securing an appropriate location for the meetings etc.

**ADJOURNMENT**

2008-041: It was moved, seconded and carried that this meeting adjourn. (6:54 p.m.)

**CERTIFIED CORRECT:**

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Chair (Councillor D. Paterson)

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Corporate Officer (S. Bowden)





Town of Ladysmith

**COMMISSION REPORT**

To: Ruth Malli, City Manager  
From: Patrick Durban, Director of Parks, Recreation & Culture  
Date: February 25, 2009  
File No:

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**RE: PARKS, RECREATION & CULTURE COMMISSION RECOMMENDATIONS FROM THE MEETING HELD FEBRUARY 18, 2009**

**Holland Creek Trail Kiosk**

THAT the Parks, Recreation & Culture Commission recommend that Council consider supporting the Kinsmen Club project to install an information kiosk and washroom at the westerly corner of Sixth Avenue and Methuen Street and the Town provide the services to the washrooms.

**Transfer Beach Concession Lease Agreement**

THAT the Parks, Recreation & Culture Commission recommend that Council consider extending the previous lease agreement between George Liaros Catering and the Town of Ladysmith for the Transfer Beach Parks Concession for a further three-year term with the lease rates to be reviewed.

**Parks, Recreation & Culture Commission Quorum**

THAT the Parks, Recreation & Culture Commission recommend that Council consider amending Bylaw 1528 Parks and Rec. Commission Bylaw 1998, to remove the electoral Area G and Area H representation;

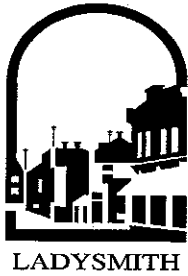
AND reduce the quorum from five to four, which is consistent with other Town Committees and Commissions.

**ATTACHMENTS:**

None.







Town of Ladysmith

**COMMISSION REPORT**

To: Mayor and Council  
From: Heritage Revitalization Advisory Commission  
Date: February 23, 2009  
File No:

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Re: MAYOR KAY GROUHEL REFERRAL

RECOMMENDATION:

That if and when a park pavilion is built at Transfer Beach Park, it be named the Kay Grouhel pavilion.

BACKGROUND / HISTORY:

Following consideration of the HRAC recommendation from October 2008, Council requested the HRAC to consider additional suggestions to honour former Mayor Kay Grouhel.

ANALYSIS:

At its meeting held February 12, 2009, the HRAC received a report from the sub-committee formed to further consider the referral.

The HRAC made the following recommendation.

*It was moved, seconded and carried that the Heritage Revitalization Advisory Commission recommend to Council that if and when a park pavilion is built at Transfer Beach Park, it be named the "Kay Grouhel Pavilion".*

ATTACHMENTS:

None.





# Ladysmith Fire / Rescue

P.O. Box 760 Ladysmith, B.C. V9G 1A5  
 Phone: 250-245-6436 • Fax: 250-245-0917



## FIRE CHIEF'S REPORT

MONTH: **January**, 2009

TYPE OF CALL OUT	J	F	M	A	M	J	J	A	S	O	N	D	YEAR'S TOTALS
Alarms Activated: Pulled Station													
By mistake	1												1
Electrical problem													
Due to cooking													
Assistance													
Burning Complaint													
Fire: Structure	2												2
Chimney	1												1
Interface / Bush													
Vehicle	1												1
Other	1												1
Hazardous Materials													
Hydro Lines: Down / Fire	1												1
Medical Aid	3												3
Mutual Aid	1												1
MVI	2												2
Rescue													
<b>MONTH TOTALS (not incl. Practises)</b>	<b>13</b>												<b>13</b>
Practises (Totals for each Month)	4												4

**ALARMS ACTIVATED (location/owner):**

- maintenance crew working around sensor – Ladysmith High School (6<sup>th</sup> Avenue)

**OTHER**

- smoke sighed in area of Malone Rd & Dunsmuir Cr. Cause was woodstoves in area.

**COMPARISONS:**

Year to Date / 09 13 (excl. practises)  
 Year to Date / 08 18 (excl. practises)  
 Year to Date / 07 07 (excl. practises)

**APPROVED:**

*R. Delcourt*  
 Fire Chief



TOWN OF LADYSMITH  
 BUILDING PERMIT  
 SUMMARY REPORT  
 MONTH: JANUARY 2009

Commercial	Industrial	Institutional	(New) Residential	# Dwelling Units	Residential Adds / Renos	Permits This Month	Permits For Year To Date	Bldg & Plng Permit Fees This Month	Permit Values This Month	Permit Values This Year
0	0	0	516000	4	28000	5	5	4546	544000	544000

SUMMARY - YEAR TO DATE

	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
JAN	-	-	0	0	0	0	0	0	0	0
FEB										
MAR										
APR										
MAY										
JUN										
JUL										
AUG										
SEP										
OCT										
NOV										
DEC										
TOTAL	\$ -	\$ -	\$ 0	\$ 0	\$ 516,000	\$ 28,000	\$ 4,546	\$ 544,000	\$ 544,000	\$ 544,000

# of Demolitions for month = 0 for YTD = 0

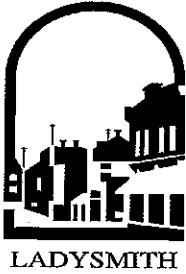
# DWELLING UNITS / VALUE	YEAR TO DATE / 09	YEAR TO DATE / 08	YEAR TO DATE / 07	YEAR TO DATE / 06
4	\$ 516,000	\$ 1,137,000	\$ 121,000	\$ 1,022,000

COMPARISONS

PERMITS ISSUED / VALUE	YEAR TO DATE / 09	YEAR TO DATE / 08	YEAR TO DATE / 07	YEAR TO DATE / 06
5	\$ 544,000	\$ 1,277,300	\$ 177,160	\$ 1,100,080

BUILDING INSPECTOR





Town of Ladysmith  
**STAFF REPORT**

To: Ruth Malli  
From: Joe Friesenhan, Director of Public Works  
Date: February 27, 2009  
File No:

---

Re: HEADWORKS FOR SEWAGE TREATMENT FACILITY

RECOMMENDATION:

That Council award the tender for the headworks construction for the sewage treatment facility to Rocky Point Metalcraft Ltd. for the low tendered price of \$2,819,013.67 and that the project be funded from grants, DCC's and reserve funds.

BACKGROUND / HISTORY:

Tenders for the headworks for the Sewage Treatment Facility were received until 2:00 p.m. on February 19, 2009. Nine valid tenders were received as follows:

Rocky Point Metalcraft Ltd.	\$2,819,013.67
Maple Reinders Ltd.	\$2,965,999.75
Knappett Projects Ltd.	\$2,966,245.00
Kinetic Construction Ltd.	\$3,081,904.76
D. Robinson Contracting Ltd.	\$3,192,460.45
IDL Projects Ltd.	\$3,446,010.00
Island Westcoast Developments Ltd.	\$3,624,584.00
Kenadian Contracting Ltd.	\$3,961,863.11

The tenders were sent to Dayton & Knight Engineering for their evaluation. Attached is a letter from Dayton & Knight recommending the low tender.

During the design of the headworks, a number of additions were designed into the project, such as the blower room and the electrical room, which would normally be added to the next phase of the project. Due to the location of the headworks, there were some increased costs associated with the geotechnical stability of the bank. The initial \$2,261,000 of the total cost is funded through the original 50% grant, DCC's and reserve funds with the remainder being funded through the second 2/3 grant, DCC's and reserves.

ATTACHMENTS:

Recommendation from Dayton & Knight

I concur with the recommendation

  
Ruth Malli, City Manager



February 27, 2009

**VIA E-MAIL AND MAIL**

Mr. Joe Friesenhan, A.Sc.T.  
Director of Public Works  
**Town of Ladysmith**  
Box 220  
410 Esplanade  
Ladysmith, B.C.  
V0R 2E0

Dear Mr. Friesenhan:

**RE: Town of Ladysmith: Contract 218.066.302**  
**Wastewater Treatment Plant Upgrade - Headworks**

The above Tender closed at 2:00 p.m. on February 19, 2009, at which time eight tenders were received and opened at the Town of Ladysmith Municipal Hall.

**1.0 TENDERS RECEIVED**

At the tender opening, tenders were received from eight contractors. At the opening, all tenderers appeared to have satisfied the tender requirements. Five of the eight tenderers submitted tender price adjustments by fax prior to the tender closing time.

Dayton & Knight reviewed the tender submissions based on price, and conformance with the Tender Documents. The tendered prices are summarized below:

Tenderer	Subtotal	GST	Total
Rocky Point Metalcraft Ltd.	\$2,819,013.67	\$140,950.68	\$2,959,964.25
Maple Reinders Ltd.	\$2,965,999.75	\$148,299.99	\$3,114,299.74
Knappett Projects Ltd.	\$2,966,245.00	\$148,312.25	\$3,114,557.25
Kinetic Construction Ltd.	\$3,081,904.76	\$154,095.24	\$3,236,000.00
D. Robinson Contracting Ltd.	\$3,192,460.45	\$159,623.02	\$3,352,083.47
IDL Projects Ltd.	\$3,446,010.00	\$172,300.50	\$3,618,310.50
Island Westcoast Developments Ltd.	\$3,624,584.00	\$181,229.20	\$3,805,813.20
Kenaidan Contracting Ltd.	\$3,961,863.11	\$198,093.16	\$4,159,956.27



Tenderers were requested to submit the tender price Schedule of Quantities and Prices (pages 3 through 17 of the Offer) per Addendum No. 3. Submission of this was allowed up to 24 hours after tender closing time. However, changes to the tender price are not permitted after the tender closing, and the schedule of quantities and prices is used for the review of the tenders and to confirm the unit price breakdowns.

## **2.0 TENDER REVIEW**

### **2.1 Tender Evaluation**

Five of the eight tenderers submitted the detailed schedule of quantities and prices as requested, including the three lowest tenderers. Minor errors were noted in the summation of the tender breakdown prices. These occurred in the tenders from Rocky Point Metalcraft Ltd., and Knappett Projects Ltd. In a subsequent clarification, Rocky Point Metalcraft confirmed that the unit prices should reflect the original tendered price, resulting in no change in the adjusted tendered price.

Dayton and Knight reviewed the tender submissions and the supporting detailed information for the three lowest bidders: Rocky Point Metalcraft, Maple Reinders Ltd. and Knappett Projects Ltd.

The information provided in the schedule of quantities and prices showed that, although there were wide variations in some individual pay items, the overall prices in each division were generally balanced among the three lowest bidders.

All three tenderers submitted a schedule illustrating that they could complete the contract within the required seven month period with Knappett Projects providing a detailed schedule and Rocky Point providing the least amount of detail (only showing 5 main items).

### **2.2 Tenderers Past Projects**

All tenderers provided references from recent past projects in the municipal water and wastewater business. Maple Reinders Ltd., the second tenderer, is well known to Dayton & Knight Ltd. and is an experienced contractor in the water and wastewater treatment projects. Maple Reinders has successfully completed numerous water and wastewater treatment projects for Municipal Clients of Dayton & Knight Ltd.

Rocky Point Metalcraft Ltd. is not known to Dayton and Knight Ltd., and has not completed any recent projects for Dayton and Knight either as a main contractor or sub-contractor. However, Rocky Point have provided references for the following projects:

- a UV Disinfection Facility in Campbell River (sub-contractor to Kinetic Construction Ltd.)
- a UV Disinfection Facility for Sooke in the CRD (sub-contractor)

- a pump station for the City of Port Alberni – the Argyle Pump Station – (main contractor)
- two large watermain projects for the CRD (main contractor)
- other projects for the CRD.

It appears that Rocky Point's direct experience with water and wastewater treatment has mainly been as a sub-contractor.

Dayton and Knight contacted the main references provided by Rocky Point Metalcraft, and received either neutral or positive feedback. We did not receive any reference that would lead us to believe that they could not perform to the requirements of the current contract. We note that the largest project of a similar nature that Rocky Point has carried out as a main contractor is the Argyle Pump Station for the City of Port Alberni (\$0.95M).

### **3.0 PROJECT BUDGET**

The tendered prices for the Headworks Building exceed the original construction cost estimates prepared earlier by Dayton and Knight Ltd. (\$1,950,000 – excluding GST). The increased construction cost is attributable to design changes that resulted from structural and geotechnical considerations associated with locating the structure on the north slope of the site.

The available construction area at the wastewater treatment plant is limited due to the topography of the site, and is further impacted by the presence of an archaeological midden covering the south portion of the available building area. The configuration of the new plant avoids the area of archaeological interest, and the location of the headworks building allows the existing plant to operate unimpeded throughout construction. The location of the headworks building - on the north slope of the site – required a basement type foundation for seismic stability. Dayton & Knight has provided two accesses and an equipment access to this area, and integrated this basement space into the overall planning for the new plant. As a result these efforts, the following substantial benefits are now realized:

- the lower room will be the future blower room for the biological treatment process;
- the lower room has also been utilized to house the existing compressors thus freeing up space adjacent to the existing sludge building for future use;
- the lower room can also house future energy extraction or saving equipment such as heat pumps and heat exchangers;
- a utility gallery is partially constructed to the new MBBR tanks; and
- the basement rooms required under the bin room and the MCC room have been modified so that they may be utilized as a recycled water storage reservoir and pump room in future.

Dayton and Knight has estimated that the additional construction costs associated with the above benefits are in the order of \$0.6M - \$0.7M. Notwithstanding the above benefits, the geotechnical issues associated with construction of the headworks building have a more significant impact on the construction costs than was earlier estimated. We estimate that the additional costs

associated with soil anchors and slope stability measures at \$0.1M – \$0.15M which were not included in the earlier cost estimates.

#### **4.0 RECOMMENDATION**

Based on our review of the submitted tenders, and the responses we received for the references provided by Rocky Point Metalcraft Ltd., we have no reason to believe that Rocky Point Metalcraft Ltd. could not perform under the contract and complete the project as tendered. Based on this, we recommend that Contract 218.066.302 for the Ladysmith WWTP Upgrade – Headworks, be awarded to Rocky Point Metalcraft Ltd. at the tendered price of \$2,959,964.25 (GST included), provided funding is legally available.

I trust this will satisfy your requirements for the award of Contract 218.066.302. Please do not hesitate to call should you have any questions.

Yours truly,

**Dayton & Knight Ltd.**

A handwritten signature in black ink, appearing to read 'S. Frain', with a long horizontal flourish extending to the right.

Seamus Frain, P.Eng.

SF/ad  
218.066.3023  
Encls.

TOWN OF LUDWIGSBURG Tender No. 218.006.432 WWTU UPGRADE - HEADWORKS											
TABLE 1: TENDER TABULATION SUMMARY											
Item No.	Description or Classification of Work	Tender (as submitted)	Adjusted Tender Price (\$)	Tender (as submitted)	Adjusted Tender Price (\$)	Tender (as submitted)	Adjusted Tender Price (\$)	Tender (as submitted)	Adjusted Tender Price (\$)	Tender (as submitted)	Adjusted Tender Price (\$)
1	Division 1 - General Requirements	207,657.50	207,657.50	419,000.00	253,000.00	145,600.00	145,600.00	145,600.00	145,600.00		
2	Division 2 - Sitework	272,839.00	272,839.00	350,000.00	319,000.00	240,000.00	240,000.00	240,000.00	240,000.00		
3	Division 3 & 4 - Concrete & Masonry	600,539.35	600,539.35	1,310,000.00	630,000.00	712,500.00	712,500.00	712,500.00	712,500.00		
4	Division 4 - Electricity										
5	Division 5 - Metals										
6	Division 6 & 7 - Woodwork and Carpentry	278,128.50	278,128.50	500,000.00	287,000.00	234,500.00	234,500.00	234,500.00	234,500.00		
7	Division 7 - Building Systems	60,971.20	59,791.20	140,000.00	80,000.00	82,500.00	82,500.00	82,500.00	82,500.00		
8	Division 8 - Doors and Windows	80,927.00	80,927.00	80,000.00	27,000.00	24,750.00	24,750.00	24,750.00	24,750.00		
9	Division 9 - Finishes	23,515.00	23,515.00	40,000.00	40,000.00	46,100.00	46,100.00	46,100.00	46,100.00		
10	Division 10 - Specialties	8,370.00	8,370.00								
11	Division 11 - Equipment	577,922.10	577,922.10	400,000.00	670,000.00	300,000.00	400,541.00	400,541.00	400,541.00		
12	Division 12 - Furnishings										
13	Division 13 - Special Construction										
14	Division 14 - Ceilings and Walls	28,983.00	28,983.00	50,000.00	31,000.00	24,800.00	24,800.00	24,800.00	24,800.00		
15	Division 15 - Mechanical	302,161.71	276,550.11	597,000.00	280,000.00	558,000.00	543,570.00	543,570.00	543,570.00		
16	Division 16 - Electrical	383,349.75	256,900.00	711,000.00	670,000.00	560,000.00	428,000.00	428,000.00	428,000.00		
	Subtotal	262,030.00	262,030.00	230,000.00	320,000.00	200,000.00	200,000.00	200,000.00	200,000.00		
	Subtotal	3,020,541.92	2,819,134.67	5,038,000.00	2,968,000.00	2,968,271.00	2,968,271.00	2,968,271.00	2,968,271.00		
	OT & ADJUSTMENT OF TENDERS	151,027.10	149,950.48	257,500.00	148,500.00	148,433.55	148,433.55	148,433.55	148,433.55		
	OT & ADJUSTMENT OF TENDERS BY FAX	3,171,258.07	2,859,994.25	5,297,500.00	3,114,200.00	3,114,424.64	3,114,424.64	3,114,424.64	3,114,424.64		
	Final Adjustment	611,584.77	611,584.77	614,900.00	614,900.00	614,900.00	614,900.00	614,900.00	614,900.00		
	Adjusted Tender Price	2,859,994.25	2,859,994.25	3,114,200.00	3,114,200.00	3,114,200.00	3,114,200.00	3,114,200.00	3,114,200.00		
	REMARKS										
WORKINGS		YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
TENDER SUMMARY FORM		YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
TENDER FORM		YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
MAJOR SUB-CONTRACTORS											
	Aggressive Excavating	0		Bar None		C&G Paving		CPIA Construction			
	0		Family Neuroline		Toy and Sona	Specialty Machine Works, All Star		Hand's Helper, Iron-Kraft			
	0		Hide Electric		Storage Kahan	Storage Kahan		Riddlee		Copen Mechanical	
	0		Storage Kahan		Storage Kahan	Storage Kahan		Hide Electric		CR Plumbing	
	0		Storage Kahan		Storage Kahan	Storage Kahan		Hide Electric		Hide Electric	



Town of Ladysmith

**STAFF REPORT**

To: Ruth Malli, City Manager  
 From: Felicity Adams, Manager of Development Services  
 Date: February 23, 2009  
 File No:

Re: MACHINE SHOP – LEASE INQUIRIES

RECOMMENDATION:

That Council receive the report.

BACKGROUND / HISTORY:

At its meeting held, February 16, 2009, Council requested information regarding lease inquiries for the Machine Shop building.

Staff was previously directed to not enter into negotiations to lease space until the Art's Council proposal was reviewed by the EDC and a business case was prepared. A business case for the Machine Shop was presented to Council last fall; consideration of the report was put on-hold until the completion of the Visioning process. Current tenants have month-to-month lease arrangements.

ANALYSIS:

The table below provides a list of current tenants and recent lease inquiries. No advertising has taken place to offer leases in the Machine Shop.

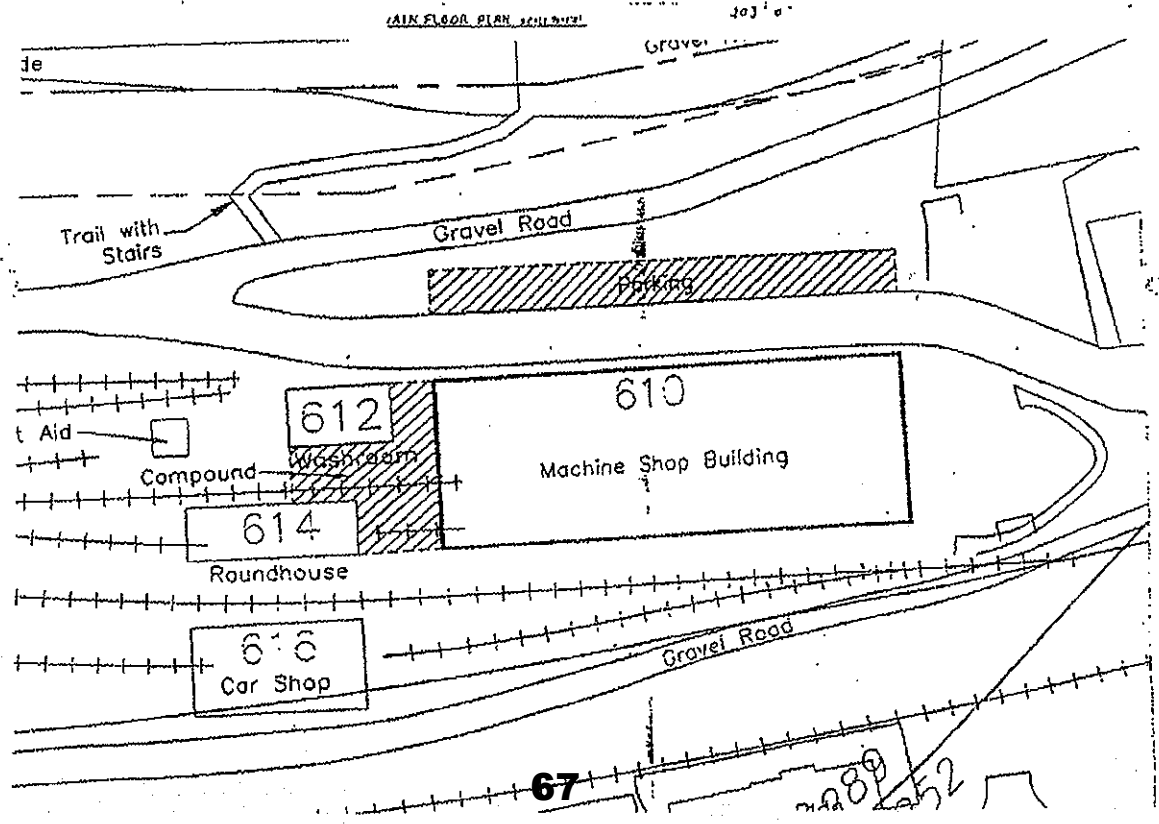
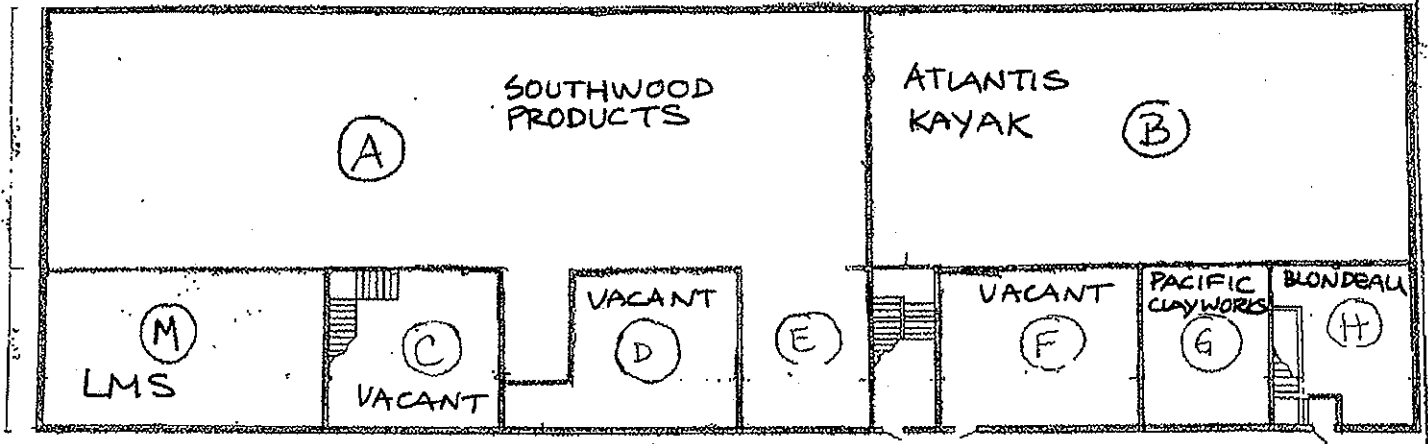
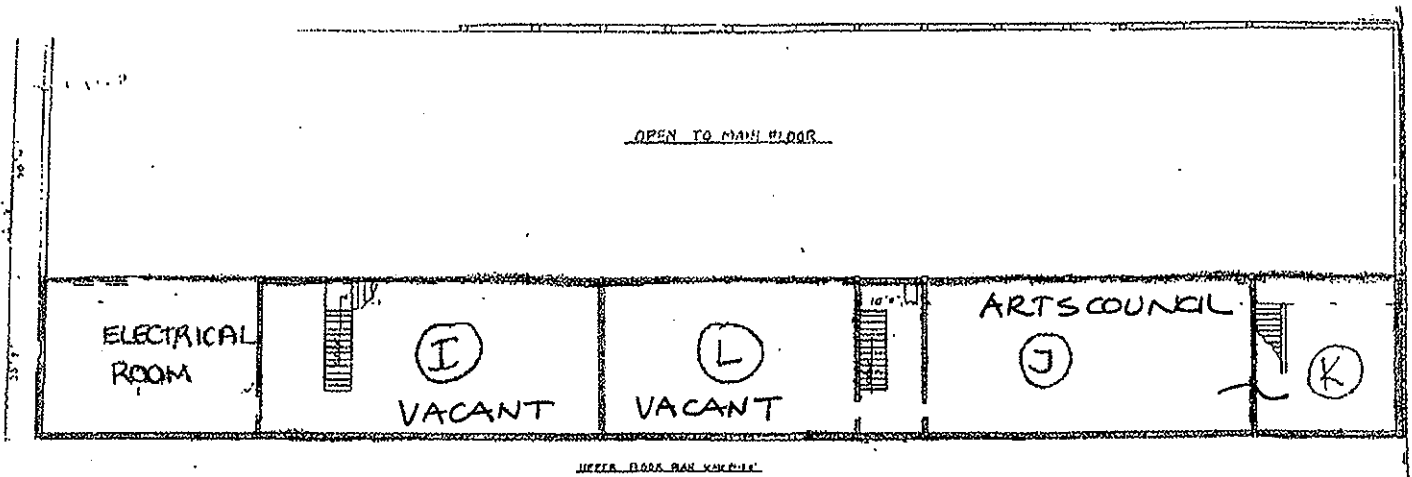
Name	Business / Activity	Current Tenant	Interested Tenant
Southwood Products	Custom wood products	Unit A/E	
Atlantis Kayak	Kayak manufacturer	Unit B	
Ladysmith Maritime Society	Community marina		Unit C
Dennis Brown	Artist		Unit D
Pacific Clayworks	Potter	Unit G	Unit F
Janice Richards	Abstract Painter		Unit F
Blondeau Cabinetmaker	Spray booth	Unit H	
Ladysmith Maritime Society	Community marina		Unit I
Arts Council	Art gallery	Unit J/K	Unit I & L
Ladysmith Maritime Society	Community marina	Unit M	
B & B Woodworks	Woodworking business		1000

			square feet
Airwest Heating	Storage/warehouse/sheet metal manufacturing		TBD

I concur with the recommendation:

  
\_\_\_\_\_  
Ruth Malli, City Manager

ATTACHMENTS:  
Machine Shop – Unit Plan









Town of Ladysmith  
**STAFF REPORT**

To: Ruth Malli, City Manager  
From: Patrick Durban, Director of Parks, Recreation & Culture  
Date: February 25, 2009  
File No:

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**RE: CANADA DAY CELEBRATION**

RECOMMENDATION

**THAT Council authorize staff to make application for a Celebrate Canada Committee for BC grant in the amount of \$3,600 for a Canada Day event.**

BACKGROUND

The Town of Ladysmith applies every year for funding to assist with the Canada Day Celebration.

ATTACHMENTS:

None.

I concur with the recommendation

\_\_\_\_\_  
Ruth Malli, City Manager





Town of Ladysmith  
**STAFF REPORT**

To: Mayor & Council  
From: Ruth Malli, City Manager  
Date: February 27, 2009  
File No:

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Re: EARTH HOUR MARCH 28, 2009

**RECOMMENDATION:**

That the Town sign up for Earth Hour and advertise on the Town website.

**BACKGROUND / HISTORY:**

Earth Hour is on March 28, 2009. The initiative calls for us to turn off all unnecessary lights and equipment between 8:30 and 9:30 p.m. and to share this information with our employees.

The Town's green Team is supportive of this initiative.

The switching off of lights is just one simple action that we can take to help make a difference and it sends a powerful message that we care about our planet.

To sign up for Earth Hour and access WWF-Canada's promotional ideas and toolkit at [www.earthhourcanada.org](http://www.earthhourcanada.org).

To take action everyday join Team Power Smart at [www.bchydro.com](http://www.bchydro.com).

**ATTACHMENTS:**

None.



**COASTAL ANIMAL CONTROL SERVICES OF BC LTD**

2202 Herd Rd. Duncan, BC. V9L 6A6


(250) 748-3395

**TOWN OF LADYSMITH POUND REPORT**  
January 2009

RECEIVED  
FEB 09 2009

<b>Disposition of Impounded Dogs</b>	<b>Current Month</b>	<b>2009 Totals</b>
Stray dogs impounded	0	0
Stray dogs claimed	0	10
Stray dogs put up for adoption	0	5
Stray dogs euthanized	0	2
Stray livestock / cats	0	0
<b>Calls Received and Investigated</b>	<b>3</b>	<b>3</b>
Aggressive dogs	1	1
Dogs at large	2	2
Noise (barking) complaints	0	0
Other non specific dog related calls	0	0
Wildlife / livestock / cats	0	0
<b>Monthly Pound and Board Fees Collected</b>	<b>\$0.00</b>	<b>\$0.00</b>
Impound fees	\$0.00	\$0.00
Daily board fees	\$0.00	\$0.00
<b>Tickets issued</b>	<b>0</b>	<b>7</b>
Unlicenced dog	\$00.00	\$0.00
Dog at large	\$00.00	\$0.00
Dangerous dog at large	\$00.00	\$0.00
<b>Licencing Statistics</b>		
	Tags	4
	Revenue	\$80.00

Trevor Hughes



Coastal Animal Control Services of BC Ltd



# Heritage BC



February 6, 2009

Sandy Bowden  
Director of Corporate Services  
Town of Ladysmith  
410 Esplanade  
P.O. Box 220  
Ladysmith, B.C.  
V9G 1A2

Dear Ms. Bowden

Re: Application for Funding – Heritage Tourism Workshop

I am pleased to inform you that an award of up to \$1,200 under the Heritage BC Workshop Program has been approved to assist with the costs the above-captioned workshop. I understand that the proposed date for the session is February 28, 2009, and that Ursula Pfahler will be the instructor/facilitator.

The award is to cover professional fee and related travel expenses, as per the estimate of costs provided in your letter of February 3. Following workshop completion, payment will be made to the Town of Ladysmith on receipt of a brief written report and a copy of invoice.

All publicity relating to the workshop must acknowledge the assistance of Heritage BC and the Ministry of Tourism, Culture and the Arts.

I wish you success with the workshop.

Sincerely,

Rick Goodacre  
Executive Director

c.c. Jennifer Iredale, Senior Curator, Heritage Branch, Ministry of Tourism,  
Culture and the Arts

914 Garthland Place West, Victoria, BC, V9A 4J5 / TEL: 250.384.4840  
[www.heritagebc.ca](http://www.heritagebc.ca)

Recommendation to Council that the following motion be approved:

That:

a) the grant in the amount of \$1,200 for the Heritage Workshop Program under Heritage BC Workshop Program be received and that a letter of thanks for the grant be forwarded to the Rick Goodacre, Executive Director of Heritage BC.

b) the Mayor and Corporate Officer be authorized to sign the agreement on behalf of the Town.

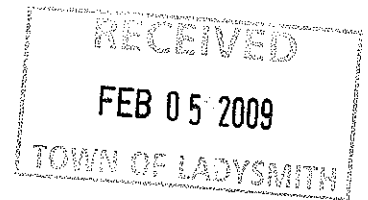
c) the 5 year financial plan and budget be amended accordingly.

I concur with the recommendation:

R. Mall, City Manager







2009-FEB-03

The Honourable Vic Toews  
President of the Treasury Board of Canada  
Suite 306, Justice Building  
House of Commons  
Ottawa, ONTARIO K1A 0A6

Dear Mr. Toews:

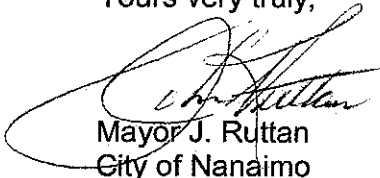
I am writing on behalf of the Council of the City of Nanaimo with respect to the 2008-DEC-11 Treasury Board decision to roll back the planned wage increase for the members of the Royal Canadian Mounted Police.

We are concerned that this unilateral change to a negotiated agreement made between the RCMP members and the Treasury Board in June 2008 will clearly have a deleterious effect on the morale and, consequently, the effectiveness of the RCMP members providing vital services to this community.

The Nanaimo Detachment currently has one of the highest case loads per member in this Province, and it is natural for the police to compare their circumstances and working conditions to other City employee groups. The Council is committed to maintaining fair and equitable working conditions for all its public servants, and Council is concerned that this unilateral action by the Federal government is not consistent with these community goals.

On behalf of my Council and the citizens of Nanaimo, I strongly urge you to reconsider your decision of 2008-DEC-11 and to fulfill your earlier agreement with the Royal Canadian Mounted Police to ensure that our communities continue to be served with the best possible police service.

Yours very truly,



Mayor J. Ruttan  
City of Nanaimo

pc: Hon. John van Dongen, Minister of Public Safety and Solicitor General (BC)  
Commissioner W.J.S. Elliott, RCMP Ottawa  
Deputy Commissioner G. Bass, Commanding Officer, RCMP "E" Division  
James Lunney, MP  
Jean Crowder, MP  
G.D. Berry, City Manager  
A.C. Kenning, Deputy City Manager  
A.W. Laidlaw, General Manager Community Services  
Union of BC Municipalities  
Councils of RCMP Municipalities in BC



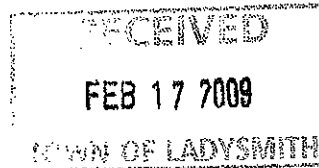





# Arts Council of Ladysmith & District

February 13, 2009

Mayor R. Hutchins  
Town of Ladysmith  
410 Esplanade,  
Ladysmith, B.C. V9G 1A2



<b>STAFF RECOMMENDATION</b>
That the correspondence be received and referred to staff for review and report.
I concur with the recommendation:
 R. Malli, City Manager

Dear Mayor and Council

The Arts Council of Ladysmith is very appreciative of the interest and support the Town of Ladysmith and its Council have shown since allowing us Gallery space in the Expo Legacy Building in September 2006 to promote the arts in Ladysmith. By observing the full capacity turnout for openings of our regular events and juried Fall Multi-Media show, many of you have experienced first hand evidence of the community support for the Waterfront Art Gallery operated by the Arts Council.

The purpose of this letter is to inquire as to the progress of our request to expand our facilities at the Expo Legacy Building. At this time we propose an expansion of our current facilities to include the remaining unoccupied south half of the upper floor adjacent to the Waterfront Gallery.

Our plans for the enlarged floor space include:

- Providing individual studio space for working artists, especially those artists who may be apartment dwellers or lack space or funds to have a studio in their homes,
- Space which may be used for short term projects and events, whether: dance, music, visual/verbal arts or workshops.

As an alternative to the south half of the upper area, should an equivalent space be made available on the ground floor, we would convert our present upper area into studio use and develop the more accessible ground level area into the public gallery.

As reflected by our increasing Arts Council membership, Ladysmith is indeed fortunate to have a large number of extremely talented people with very diverse backgrounds in arts and culture who have decided to make their home here. An expanded venue for the arts will continue to attract new residents to Ladysmith, a vibrant and active community.

Yours truly,

  
Dennis Brown, President, Board of Directors  
Ladysmith & District Arts Council

PO Box 2370, Ladysmith, B.C. V9G 1B8  
610 Oyster Bay Drive, Ladysmith, B.C.

Tel: 250-245-1252

Website: <http://www.ladysmithwaterfrontgallery.com>

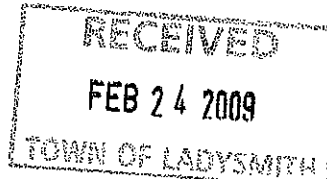


STAFF RECOMMENDATION  
Refer to Staff for review and report back to Council.  
I concur with the recommendation  
*R. Mall*  
R. Mall, City Manager

# Cherry Lane Strata

PO Box 453, Ladysmith, BC, V9G 1A3

His Worship The Mayor and Council  
Town of Ladysmith  
PO Box 220 (410 Esplanade)  
Ladysmith  
V9G 1A2



February 8<sup>th</sup>, 2009

Dear Sirs and Mesdames,

Our street address is 1129 2nd Ave., an address that we share with another strata. At this address are two legal entities with separate property titles. We have separate water lines and utilities, and are billed separately for them by the Town of Ladysmith.

One legal entity is the Cherry Lane Strata, which we represent. The other is registered to Brad Harley Construction, we believe. Our strata was built over 15 years ago, while the strata registered to Brad Harley was built within the last two years and still has unsold units so does not yet have a strata corporation, as far as we know.

The owners of the homes in the newly constructed strata have a right of way through our strata, and use our driveway to access their property.

Just before the end of last year we found out that Slegg Lumber had registered liens against each home in our strata because of unpaid bills by Brad Harley Construction incurred with regard to building the other strata. Slegg Lumber informed us that they did this as a consequence of information provided to them by the Town of Ladysmith. They have now removed those liens, however, we have no way of knowing whether other companies will also register liens.

At a meeting held with Brad Harley and ourselves, and with the participation of the Town's planner and engineer, we requested that separate street addresses be given to each strata. This was refused, the reason given being that it had no precedent.

Firstly, we are renewing that request for separate street addresses. The easiest way would be to designate Cherry Lane Strata as being at 1129A 2<sup>nd</sup> Ave., and the other strata as being at 1129B 2<sup>nd</sup> Ave.

Secondly, we request that two separate entries be made in the Town's records, one for each designation, and that the existing designation be removed. That is, that 1129 2<sup>nd</sup> Ave. be removed completely from all records and separate new entries for 1129A and 1129B be entered. Inquirers would then be required to know to which of the properties their inquiry referred.

Yours truly,

Karen Cameron (McIntyre),  
Chair, Cherry Lane Strata

Linda Llewellyn,  
Treasurer

cc. Manager, Town of Ladysmith



FEBRUARY 10, 2009

STAFF RECOMMENDATION

That the correspondence be received and Staff be directed to develop a policy regarding the use of the Town logo.

At this time staff suggest that the Town requests Mr. Blumel's consideration of using the Ladysmith Tourism logo, "A View To Sea", for the Historical Society's post card project.

  
R. Mall, City Manager

THE MAYOR + COUNCIL  
TOWN OF LADYSMITH  
BRITISH COLUMBIA

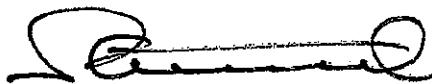
RE: PERMISSION TO USE T

IN ASSOCIATION WITH THE LADYSMITH + DISTRICT HISTORICAL SOCIETY I AM TRYING TO DEVELOP A 5"x7" POSTCARD FOR SPRING 2009 SHOWING SEVERAL OF THE TOWN'S HISTORIC BUILDINGS.

A PHOTOCOPY OF THE FIRST MOCK-UP IS ENCLOSED TOGETHER WITH A SAMPLE OF MY FORMER COMPANY'S "DEEP COVE" CARDS AFTER WHICH THE LADYSMITH POSTCARD WOULD BE PATTERNED.

I WOULD LIKE TO ASK FOR PERMISSION TO USE THE TOWN'S LOGO ON THE BACK IN THE UPPER LEFT-HAND CORNER AS SHOWN IN RED ON THE MOCK-UP. THIS WOULD BE SIMILAR TO THE USE OF THE LOGO ON MICHAEL DEAN'S GREETING CARD OF FIRST AVENUE IN LADYSMITH (SAMPLE ENCLOSED). PLEASE ADVISE OF YOUR DECISION AS SOON AS POSSIBLE.

SINCERELY,



J.U. PETER BLUMEL  
P.O. BOX 519  
LADYSMITH, B.C.

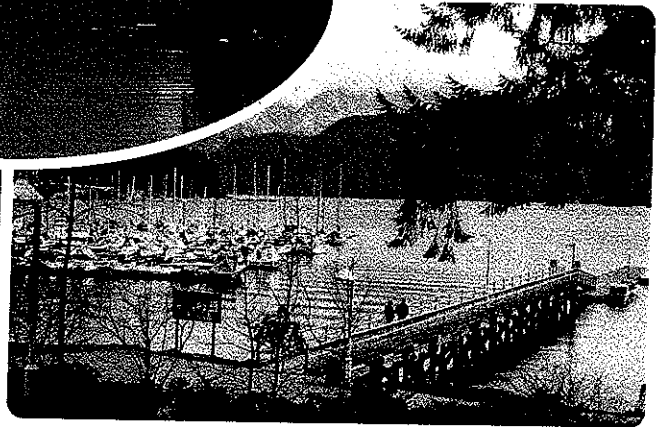
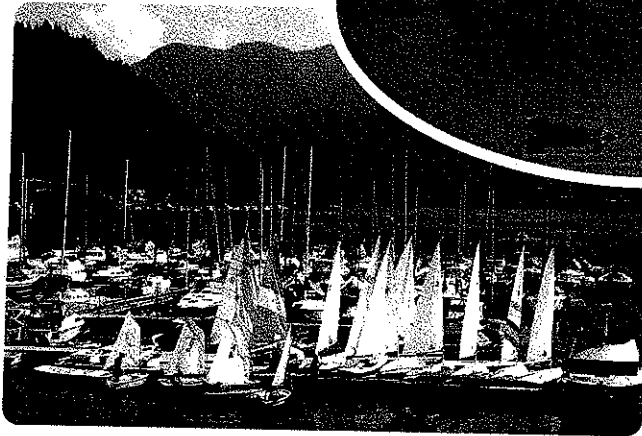
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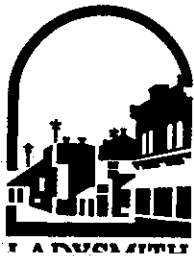
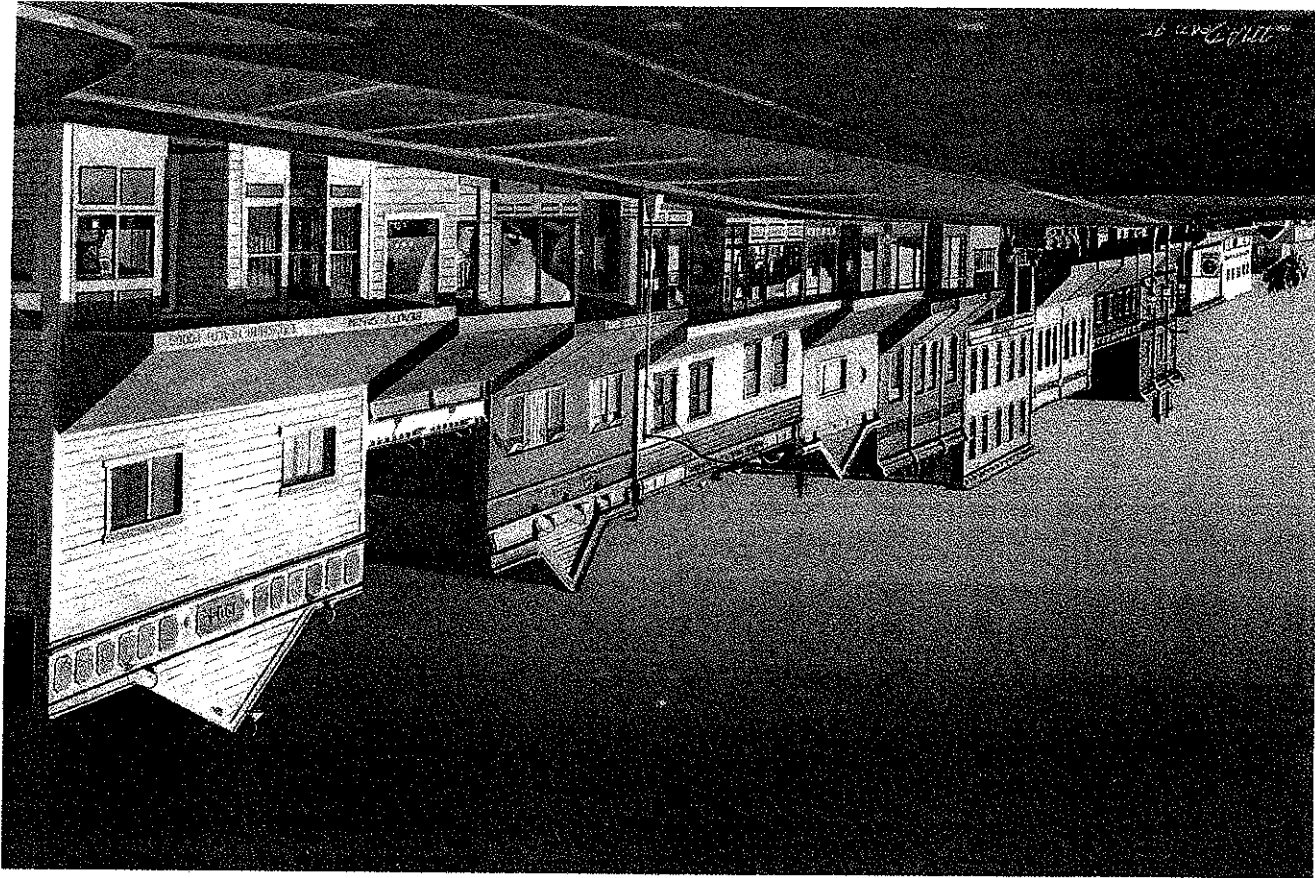
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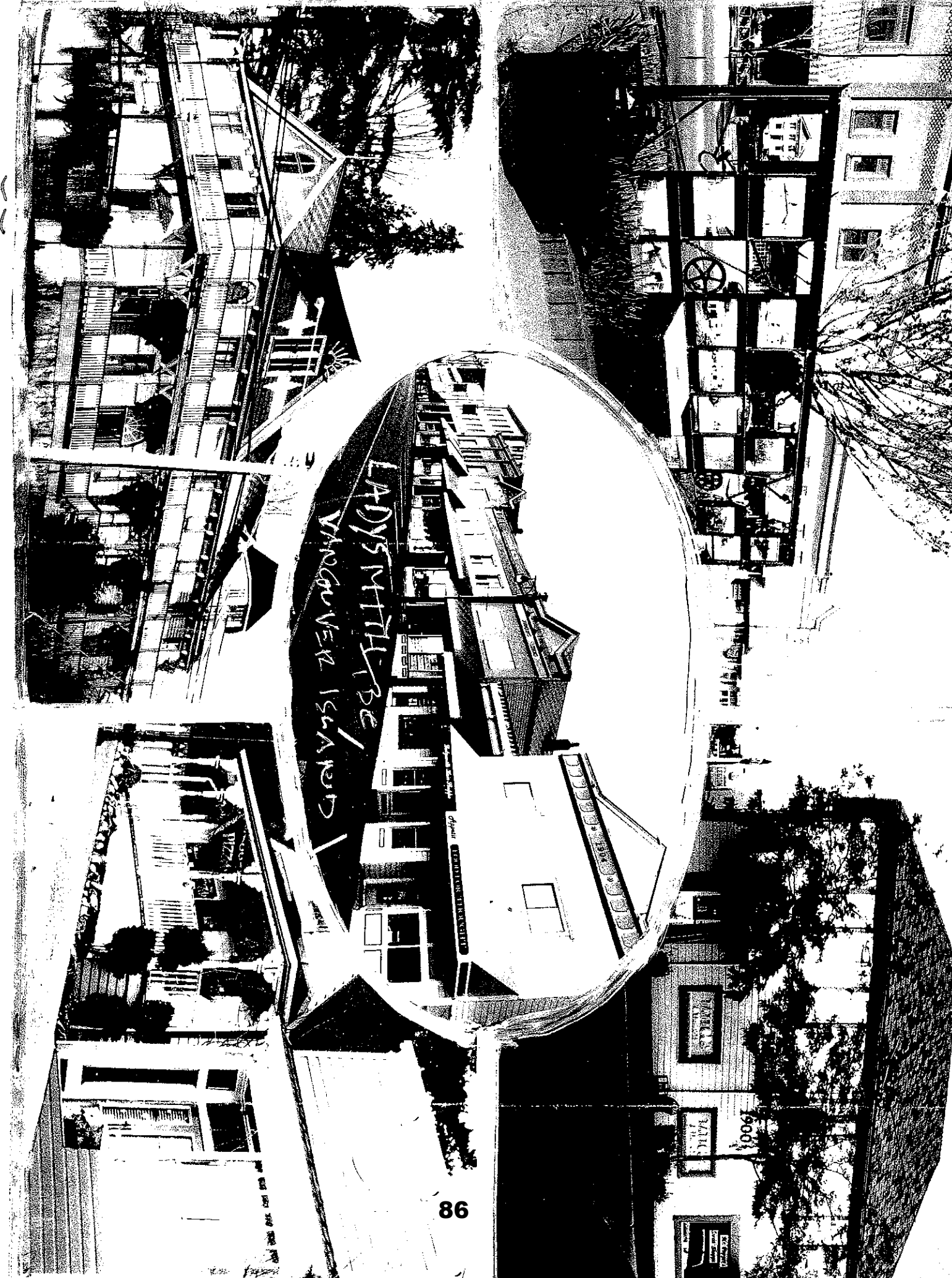


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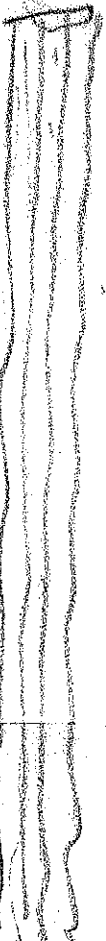








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TOWN OF LADYSMITH

**BYLAW NO. 1666**

**A BYLAW TO ESTABLISH PROCEDURES FOR THE CONDUCT OF COUNCIL AND COUNCIL COMMITTEE MEETINGS FOR THE TOWN OF LADYSMITH**

**WHEREAS** Section 124 of the *Community Charter* prescribes that Council must, by bylaw, establish the general procedures to be followed by council and council committees in conducting their business;

**NOW THEREFORE** the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

**1. INAUGURAL MEETING OF COUNCIL**

1.1 The Inaugural Meeting of Council shall be held on the first Monday of December following a local government election. At this inaugural meeting the Mayor shall appoint a Councillor to serve as the Deputy Mayor to serve in the absence, illness or disability of the Mayor. The Mayor may from time to time change the appointment of the Deputy Mayor.

**2. REGULAR MEETINGS OF COUNCIL**

2.1 Subject to Subsection 2.2 to 2.4 inclusive of this bylaw, regular meetings of Council shall be held on the first and third Monday of each month at 7:00 p.m. in the Council Chambers at City Hall, except where Council determines that a meeting will be held elsewhere.

2.2 When a regular Council Meeting falls on a statutory holiday, as defined in the *Interpretation Act*, the meeting shall be held on the next business day following which is not a holiday.

2.3 A regular meeting may be cancelled by a resolution of Council, provided that two consecutive meetings are not cancelled.

2.4 The Mayor may, after providing at least two clear day's written notice, through the office of the Corporate Officer postpone any regular meeting of Council to a day, time and place named in such notice.

2.5 A regular meeting shall adjourn at 11:00 p.m. unless a resolution to proceed beyond that time is passed.

**3. NOTICE OF REGULAR COUNCIL MEETINGS**

3.1 At least 72 hours before a regular meeting of Council, the Corporate Officer must give public notice of the time, place and date of the meeting by way of a notice posted on the notice board. The "notice board" is the notice board at City Hall.

3.2 At least 24 hours before a regular meeting of Council, the Corporate Officer must give further public notice of the meeting by:

- (a) posting a copy of the agenda on the notice board; and
- (b) leaving copies of the agenda at the reception counter at City Hall for the purpose of making them available to members of the public.

3.3 At least 24 hours before a regular meeting of Council, the Corporate Officer must deliver a copy of the agenda to each member of Council at the place to which the Council member has directed notices to be sent.

**4.0 NOTICE OF SPECIAL COUNCIL MEETINGS**

- 4.1 Except where notice of a special meeting is waived under Section 127(4) of the *Community Charter*, at least 24 hours before a special meeting of Council, the Corporate Officer must:
- (a) give advance public notice of the time, place and date of the meeting by way of notice posted on the notice board at City Hall; and
  - (b) give notice of the special meeting in accordance with Section 127 of the *Community Charter*.

**5.0 NOTICE OF COMMITTEE MEETINGS**

- 5.1 In this section:  
"Primary Committee" means the following committee of council:  
(a) Government Services  
  
"Secondary Committee" means a committee of council which is not a Primary Committee.
- 5.2 At least 72 hours before a regular meeting of a Primary Committee, the Corporate Officer must give public notice of the time, place and date of the meeting by way of a notice posted on the notice board.
- 5.3 At least 24 hours before a regular meeting of a Primary Committee, the Corporate Officer must give further public notice of the meeting by:
- (a) posting a copy of the agenda on the notice board; and
  - (b) leaving copies of the agenda at the reception counter at City Hall for the purpose of making them available to members of the public.
- 5.4 At least 24 hours before a regular meeting of a Primary Committee, the Corporate Officer must deliver a copy of the agenda to each member of the committee at the place to which the committee member has directed notices to be sent.
- 5.5 At least 24 hours before:
- (a) a special meeting of a Primary Committee, or
  - (b) a meeting of a Secondary Committee
- the Corporate Officer must give advance public notice of the time, place and date of the meeting by way of a notice posted on the notice board.

**6.0 ATTENDANCE OF PUBLIC AT MEETINGS**

- 6.1 Subject to Sections 90(3) and 133(1) of the *Community Charter*, all Council meetings must be open to the public.
- 6.2 Where Council wishes to close a meeting to the public, it may do so by adopting a resolution in accordance with Section 90 of the *Community Charter*.
- 6.3 This section applies to meetings of bodies referred to in Section 93 of the *Community Charter*, including, without limitation:
- (a) Select or standing committees of council
  - (b) Board of Variance
  - (c) Court of Revision
  - (d) Advisory Commissions
  - (e) Other Commissions

**7. SPECIAL AND "IN CAMERA" MEETINGS OF COUNCIL**

- 7.1 Special Meetings of Council ~~90~~ when required shall be open to the public, except

where Council has determined by resolution that it is in the public interest to exclude the public from such meetings.

- 7.2 Only those matters shown on the agenda of a Special Meeting shall be dealt with at that Special Meeting of Council, except where a resolution to place an additional item on the agenda has been passed unanimously at that meeting, as the first item of business.
- 7.3 Special Meetings of Council held with the public excluded shall be called "Executive Session" Meetings, and only the following matters may be considered at such meetings:
  - 7.3.1 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;
  - 7.3.2 personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;
  - 7.3.3 labour relations or other employee relations;
  - 7.3.4 the security of the property of the municipality;
  - 7.3.5 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;
  - 7.3.6 law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;
  - 7.3.7 litigation or potential litigation affecting the municipality;
  - 7.3.8 an administrative tribunal hearing or potential administrative tribunal hearing affecting the municipality, other than a hearing to be conducted by the council or a delegate of council;
  - 7.3.9 the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
  - 7.3.10 information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the Freedom of Information and Protection of Privacy Act;
  - 7.3.11 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;
  - 7.3.12 discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 (annual municipal report);
  - 7.3.13 a matter that, under another enactment, is such that the public may be excluded from the meeting;
  - 7.3.14 the consideration of whether a council meeting should be closed under provisions of the Community Charter;
  - 7.3.15 the consideration of whether the authority under section 91 of the *Community Charter (other persons attending closed meetings)* should be exercised in relation to a council meeting
- 7.4 A part of a council meeting must be closed to the public if the subject matter being considered related to one or more of the following:
  - 7.4.1 a request under the *Freedom of Information and Protection of Privacy Act*, if the council is designated as head of the local public body for the purposes of that Act in relation to the matter;

- 7.4.2 the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between the provincial government or the federal government or both and a third party;
- 7.4.3 a matter that is being investigated under the *Ombudsman Act* of which the municipality has been notified under section 14 of the *Community Charter* (ombudsman to notify authority) of that *Act*;
- 7.4.4 a matter that, under another enactment, is such that the public must be excluded from the meeting.

## 8. COUNCIL MEETING AGENDA

- 8.1 Prior to each regular, Special or Inaugural Meeting, the Corporate Officer shall prepare an agenda of all business to be brought before the Council at such meeting, and Council shall proceed with the business in the order set out, unless that agenda is altered by resolution.
- 8.2 All documents intended to be submitted for the agenda of a regular meeting of Council must be delivered to the Corporate Officer not later than 4:00 p.m. on the Wednesday preceding the day of the regular meeting, except that when a holiday falls on the intervening Friday, the documents must be delivered not later than 4:00 p.m. on the Tuesday preceding the day of the regular Council Meeting.
- 8.3 The agenda for regular Council Meetings, for Special Council Meetings for the purpose of holding Public Hearings shall be made available to the public in accordance with Council policy.
- 8.4 Council may by resolution, at a regular Council Meeting, as the first item of business after the adoption of the minutes of the previous meeting:
  - 8.4.1 add further items to the agenda; and
  - 8.4.2 delete any items from the agenda.
- 8.5 Subject to Subsection 20.3, any items added to the agenda in accordance with Subsection 8.4.1 shall be delegable, and any item deleted from the agenda in accordance with Subsection 8.4.2 shall cease to be delegable.

## 9. OPENING OF PROCEEDINGS

- 9.1 As soon after the time for a meeting as there is a quorum present, the Mayor shall, if present, take the Chair and call the meeting to order.
- 9.2 Where the Mayor is absent, the Acting Mayor shall take the Chair and call the meeting to order.
- 9.3 Where both the Mayor and Acting Mayor are not in attendance within fifteen minutes after the time appointed for a meeting, the Corporate Officer shall call the members to order, and if a quorum is present, the members shall choose a member to Chair the meeting until the arrival of the Mayor or Acting Mayor.
- 9.4 If a quorum is not present within fifteen minutes after the time fixed for a meeting, the Corporate Officer shall record the names of the members present, and the meeting shall be deemed to have been cancelled.

## 10. MINUTES OF COUNCIL AND STANDING COMMITTEES

- 10.1 The minutes of the proceedings of Council Meetings shall be kept as statutorily required.
- 10.2 The minutes of the proceedings of Standing Committees shall be kept as statutorily



required.

- 10.3 Not less than 48 hours before the holding of each regular meeting the Corporate Officer shall send to each member of Council, a copy of the minutes of:

10.3.1 the last regular Council meeting;

10.3.2 any Special Council meetings, including Public Hearings;

10.3.3 Standing Committee meetings of Council;

10.3.4 Advisory commission and other commission meetings

for their adoption or receipt at the next regular meeting, where such meetings or hearings have been held more than five days prior to that regular Council Meeting.

## 11. RULES OF CONDUCT IN COUNCIL CHAMBERS

- 11.1 Members shall address the presiding member by that person's title of Mayor, Acting Mayor, Chair or Councillor.
- 11.2 A member shall not speak disrespectfully of Her Majesty The Queen or any other member of the Royal Family, the Governor General, the Lieutenant Governor, persons administering the Government of Canada or British Columbia, Council, or the members of Council.
- 11.3 A member shall not use words in a Council Meeting which, in the opinion of the Chair, are offensive.
- 11.4 When a member is speaking, another member shall not disturb or interrupt the speaker, except to raise a point of order.
- 11.5 When the Chair is putting a question, no member shall absent himself without permission from the Chair.
- 11.6 Every member shall abide by the decision of the Chair on points of order, practice, and the interpretation of Council procedures, and every member has the right of statutory appeal.
- 11.7 Where any member is disrespectful to any of the persons mentioned in Section 11.2 of this bylaw, or if he resists the rules of conduct or debate, the Chair may ask for that member to withdraw their remarks and may order the member to leave their seat. If the member refuses to leave, the Chair may order the removal of the member for the remainder of that meeting, and shall then declare a ten minute recess. If the offending member apologizes, Council may, by resolution, permit the member to resume their seat.

## 12. RULES OF DEBATE IN COUNCIL CHAMBERS

- 12.1 A member shall not speak other than on the motion under debate.
- 12.2 The Chair, or any member through the Chair, may call a Point of Order regarding the subject matter which the member is addressing.
- 12.3 When a Point of Order is raised, the Chair shall immediately suspend the debate, and the member in question shall refrain from speaking until the Point of Order is determined.
- 12.4 A member may request the motion under discussion to be read at any time during debate, but may not interrupt a member who is speaking.
- 12.5 Questions of information or clarification may be addressed to a speaker through the Chair, and the member to whom such questions are addressed shall be permitted the

opportunity to reply.

12.6 A member shall not speak to any motion, or provide clarification of any matter, for a period longer than five minutes, without permission from Council. The mover of a motion may, however, speak again to close debate but shall be limited to a further five minutes.

12.7 After a question has been called by the Chair, a member shall not speak to the motion and no member shall make a further motion until after the result of the vote has been declared. The decision of the Chair as to whether the question has been called shall be final.

### 13. ANNUAL MEETING

13.1 The Corporate Officer must give notice of the council meeting or other public meeting in respect of which Council has resolved to consider:

13.1.1 the annual report prepared under Section 98 of the *Community Charter*, and

13.1.2 submissions and questions from the public

by giving public notice by

13.1.3 posting notice of the date, time and place of the annual meeting on the notice board at City Hall, and

13.1.4 publishing notice of the date, time and place of the annual meeting in accordance with Section 94 of the *Community Charter*.

### 14. ELECTRONIC MEETINGS

14.1 Subject to the *Community Charter*

14.1.1 a special meeting may be conducted by means of electronic or other communication facilities,

14.1.2 a member of Council or a council committee who is unable to attend a council meeting or a council committee meeting, as applicable, may participate in the meeting by means of electronic or other communication facilities.

### 15. MOTIONS

15.1 When a motion has been moved and seconded, the Chair shall permit debate on that motion, and that motion shall be recorded in the minutes.

15.2 The Chair, after determining that all members wishing to speak on the matter have done so, may close debate by calling the question on the motion.

15.3 After a motion has been stated or read, it is deemed to be in the possession of the Council and it may be withdrawn by the mover and seconder of the motion, only with the unanimous consent of the Council members present.

15.4 When a motion is under consideration, and prior to the calling of the question, only the following motions shall be entertained, and in the following precedence:

15.4.1 a motion to refer;

15.4.2 a motion to amend;

15.4.3 a motion to table;

15.4.4 a motion to call the question.

- 15.5 Where the Chair is of the opinion that a motion is contrary to the rules and privileges of Council, the Chair shall advise the members accordingly without calling the question, and shall cite without argument or comment, the rule or authority applicable to the case. A member of Council who is dissatisfied with the decision of the Chair shall have the statutory right of appeal.
- 15.6 When an amendment to a main motion has been moved and seconded, the Chair shall on the request of a member, state the original motion, and the amendment, and shall permit debate only on the amendment.
- 15.7 A member, other than the mover of a main motion, may propose an amendment to that motion, but that amendment must be disposed of before any subsequent amendments are proposed.
- 15.8 If the amending motion is defeated and no further amendments are proposed, the Chair shall again propose the main motion, and debate may ensue on the main motion. If the amending motion is passed and no further amendments are proposed, the Chair shall then propose the main motion as amended.
- 15.9 A member may propose a sub-amendment to an amendment, and the provisions of Subsections 15.7, 15.8 and 15.9 regarding entitlement to move and speak to amendments, and with regard to the sequence in which the Chair shall deal with amendments shall also apply, so far as applicable, to sub-amendments.
- 15.10 The Chair shall put amendments to Council in the following order:
- 15.10.1 the sub-amendment;
  - 15.10.2 the amendment to the main motion;
  - 15.10.3 the main motion.
- 15.11 The amendments permitted under Subsection 15.7 and the sub-amendments permitted under Subsection 15.10 may be proposed by the deletion, addition, or substitution of words or figures, provided such words or figures do not, in the opinion of the Chair, affect the main motion or the amendment, whichever is applicable, to the extent that it is either:
- 15.11.1 negated; or
  - 15.11.2 changed in such a way that either an alternative action is proposed or all reference to the original action is eliminated.

## 16. RESCINDING OF A RESOLUTION

- 16.1 A resolution adopted at a regular or special Council meeting may be rescinded at the next regular Council meeting provided:
- 16.1.1 Council has given due consideration to the actions, if any, taken by an officer, employee or agent of the Town on the basis of such resolution; and
  - 16.1.2 A Notice of Motion regarding the intent to rescind has been served by a member who voted with the prevailing side; and either at the meeting at which the resolution was adopted, or in writing to the Corporate Officer prior to the next regular Council meeting in accordance with Subsection 8.2.
- 16.2 The server of a Notice of Motion in accordance with Subsection 16.1 shall, upon the motion being seconded, be requested by the Chair to state the reasons for the Notice. If the member who served the Notice is not present, the Notice of Motion shall be deemed to have been withdrawn.
- 16.3 A motion resulting from a Notice of Motion served under Subsection 16.1 to rescind

a resolution of Council:

- 16.3.1 is debatable;
- 16.3.2 may not be amended, tabled or referred;
- 16.3.3 is not delegable; and
- 16.3.4 may only be withdrawn by the server on a Point of Order, prior to being seconded or, upon being seconded, only with the unanimous consent of all the members present.

## 17. RECONSIDERATION OF A DEFEATED MOTION

- 17.1 A motion which has been defeated at a regular or special Council meeting may be reconsidered by the Council provided that the request to reconsider is:
  - 17.1.1 brought forward by a member who voted with the prevailing side; and
  - 17.1.2 presented either at the meeting at which the resolution was defeated, or the next regular Council meeting provided the member presents the request in writing to the Corporate Officer in accordance with Subsection 8.2.
- 17.2 The Server of a Notice of Motion in accordance with Subsection 17.1 shall, upon the motion being seconded, be requested by the Chair to state the reasons for the Notice. If the member who served the Notice is not present, the Notice of Motion shall be deemed to have been withdrawn.
- 17.3 A motion to reconsider a defeated motion resulting from a Notice of Motion served under Subsection 11.1:
  - 17.3.1 may not be amended, tabled or referred;
  - 17.3.2 is not delegable; and
  - 17.3.3 may only be withdrawn by the server on a Point of Order, prior to being seconded; or upon being seconded, only with the unanimous consent of all the members present.
- 17.4 A motion to reconsider a defeated motion, resulting from a Notice of Motion, is debatable as to the merits of reconsideration and, if passed, Council shall immediately reconsider the original motion. The original motion:
  - 17.4.1 is debateable;
  - 17.4.2 may not be amended, tabled, referred or withdrawn; and
  - 17.4.3 is not delegable.
- 17.5 Council shall not reconsider any defeated motion under this Subsection more than once.
- 17.6 The provisions of this Section shall also apply to Special "Executive Session" Meetings and a Notice of Motion in connection with the reconsideration of a defeated motion at a Special "Executive Session" Meeting, unless Council authorizes that such actions be considered at a regular meeting.

## 18. VOTING ON A MOTION

- 18.1 Whenever a vote of Council is taken for any purpose, each member of the Council present shall signify their vote upon the motion by raising their hand, whereupon the Chair shall declare the result. The Corporate Officer shall record the results of the vote in the minutes.
- 18.2 When a motion under consideration contains several propositions, the vote upon each proposition shall be taken separately, if so requested by any member of

Council. A further mover and seconder shall not be required for each proposition, and the question shall be called on each proposition based on the original mover and seconder.

18.3 After council has taken a vote on any motion, Council shall not vote on that motion again at that same meeting.

18.4 When a vote is taken, all negative votes shall be recorded.

## 19. PROCEDURES FOR DELEGATIONS TO COUNCIL

19.1 A person or organization wishing to address Council as a delegation shall be heard by Council provided notification of this intent, including a summary of the matter which is the subject of the delegation and of the specific action which is being requested from Council by the delegation, is submitted to the Corporate Officer in accordance with the requirements of Subsection 8.2 of this Bylaw, for circulation with the Council agenda.

19.2 Notwithstanding Subsection 19.1 of this Bylaw, a person or organization wishing to address Council as a delegation, and who has not complied with the requirements of Subsection 8.2 of this Bylaw, may do so with a two-thirds majority consent of the Council.

19.3 Notwithstanding Subsection 19.1 of this Bylaw, delegations shall not be heard at regular or Special Council Meetings on matters relating to:

19.3.1 Official Community Plan amendment bylaws or zoning amendment bylaws which have received first reading and which have not yet been adopted or defeated;

19.3.2 Development Permits or Development Variance Permits except where Council is considering the issuance of such a permit at the same meeting.

19.4 The provisions of Subsections 19.1 to 19.3 inclusive do not apply to a Special Council Meeting for the purpose of holding Public Hearings on land use matters.

19.5 A delegation intending to use audio or audio-visual equipment or both, for the purposes of making a submission to Council shall advise the Corporate Officer prior to the Council meeting, of the intent to use such equipment, on the understanding that the Town will assist with, but not be responsible for, the provision of the necessary equipment.

## 20. PROCEDURES REGARDING BYLAWS

20.1 Every proposed bylaw, except a bylaw requiring a Public Hearing, may be introduced and given first, second and third readings in one motion.

20.2 The introduction and readings of a bylaw shall be undertaken separately if so requested by any member of Council.

20.3 Any member may move that Council, after any reading of a bylaw, consider the bylaw clause by clause.

20.4 Every proposed bylaw shall come into force and effect on the date of adoption unless, in accordance with the provisions of the *Community Charter*, a subsequent date is specified in the bylaw.

20.5 Every proposed bylaw on which a Public Hearing is required shall, upon being given first and second reading, be submitted to a future meeting for the purpose of holding Public Hearings for which all statutory notification and advertising requirements can be satisfied unless Council, by resolution, directs otherwise.

**21. PROCEDURES FOR PUBLIC HEARINGS ON LAND USE MATTERS**

- 21.1 All Public Hearings shall be held at meetings of Council, and except as otherwise stated, the rules of Council shall be observed, so far as may be applicable, during these Public Hearings.
- 21.2 Prior to each Council meeting for the purpose of holding Public Hearings, the Corporate Officer shall prepare an agenda of all business to be dealt with at such meeting, and Council shall proceed with the business set out in that agenda, unless that agenda is altered by resolution.
- 21.3 Each speaker will be permitted to address the hearing for a maximum of ten (10) minutes. All comments must be relevant to the issues at hand.
- 21.4 The bylaws will be considered individually and in numerical order, unless otherwise indicated, and the order of proceedings, after completion of the opening statement, will be as follows:
  - 21.4.1 a brief statement by the Corporate Officer regarding the bylaw under consideration;
  - 21.4.2 a brief presentation will be requested from the applicant or agent for each land use application;
  - 21.4.3 the Corporate Officer will report on written submissions which have been received as part of the record;
  - 21.4.4 oral submissions from the public will then be heard;
  - 21.4.5 supplementary oral submissions from the public and the developer (if any) will then be heard. A limit of ten minutes applies to supplementary submissions;
  - 21.4.6 the bylaw readings will be considered at the next regular Council meeting.

**22. STANDING COMMITTEES OF COUNCIL AND SELECT COMMITTEES**

- 22.1 At the Inaugural Meeting of Council, or at such other times as considered appropriate, the Mayor may establish Standing Committees of Council, and shall appoint members thereto.
- 22.2 The Mayor shall be an Ex-Officio member of all Committees established in accordance with Subsection 22.1 of this bylaw, and shall be entitled to vote at all meetings thereof. In the absence of the Mayor, the Acting Mayor shall have the same Ex-Officio voting privileges at Standing and Select Committee Meetings, except where the Acting Mayor is already a voting member of that Committee.
- 22.3 The mandate of each of the Standing Committees of Council shall be as established by Council policy, but the general duties of Standing and Select Committees shall be to:
  - 22.3.1 report to Council from time to time, as often as the interests of the Town require, on all matters connected with the duties imposed upon them, and to recommend such action by Council as may be deemed necessary and expedient; and
  - 22.3.2 consider and report upon all matters referred to them by Council.
- 22.4 Any business referred to a Standing Committee shall not be determined by Council until the Committee has reported on it, unless the Committee fails to report within the time set in the referral motion or, if no time is set, within a time considered by Council to be reasonable.
- 22.5 Members may attend the meetings of a Standing Committee of which they are not a member and;

22.5.1 may participate in discussion on items on the Committee agenda upon being recognized by the Chair;

22.5.2 shall not be allowed to vote at the Committee meeting of which they are not a member.

The provisions of this Subsection do not apply to the Mayor or, in the Mayor's absence, the Acting Mayor.

**23. MISCELLANEOUS PROVISIONS**

23.1 All points of procedure not provided for in this bylaw shall be decided in accordance with Roberts Rules of Order.

23.2 If any Section, Subsection, Paragraph, Clause or Phrase of this bylaw is held to be invalid by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw.

23.3 Any provision of this bylaw, excluding those governed by the *Local Government Act* and *Community Charter*, may be waived by a majority of the Council members present.

**24. REPEAL OF PREVIOUS BYLAWS**

24.1 "Procedure Bylaw 1995, No. 1159" and any amendments thereto is hereby repealed.

**25. CITATION**

25.1 This bylaw may be cited for all purposes as "Council Procedure Bylaw 2009, No. 1666".

**READ A FIRST TIME** on the 2<sup>nd</sup> day of February, 2009

**READ A SECOND TIME** on the 2<sup>nd</sup> day of February, 2009

**READ A THIRD TIME** on the 2<sup>nd</sup> day of February, 2009

**ADOPTED** on the \_\_\_\_\_ day of \_\_\_\_\_, 2009

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer



Town of Ladysmith

**STAFF REPORT**

To: Ruth Malli, City Manager  
From: Sandy Bowden, Director of Corporate Services  
Date: December 3, 2008 (updated January 9, 2009)  
File No: 0530-00

Re: COUNCIL PROCEDURES BYLAW

RECOMMENDATION:

That it be recommended to Council that Council endorse the draft "Council Procedures Bylaw 2008, No. 1666" as presented and direct Staff to place the bylaw on the February 2, 2008 Regular Council agenda for first three readings; and further 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*.

SUMMARY OF KEY POINTS:

As Council is aware, Section 124 of the Community Charter states that Council must establish the general procedures to be followed by council and council committees in conducting their business. The current Council Procedure Bylaw 1995, No. 1159 has been amended by bylaw several times and requires updating and consolidating. The following amendments to the Council Procedure Bylaw are proposed for Council's consideration. Several items noted are considered housekeeping items. Significant amendments to the bylaw are denoted with an arrow in the right hand margin of the bylaw document.

- Delete all references to the "Municipal Act" and replace with the appropriate legislation (i.e. either the "Local Government Act" or the "Community Charter");
- Delete all references to "Clerk" and "Manager of Corporate Services" and replace with "Corporate Officer";
- Amend Section 1.1 to state that the Inaugural Meeting of Council shall be held on the first Monday of December following a local government election (as required by Section 125[1] of the *Community Charter*);
- Amend start time for all regular meetings of Council from 7:30 p.m. to 7:00 p.m. (in accordance with the current practice) and confirm the frequency of the meetings to twice per month (first and third Monday);
- Consolidate all amendments to Bylaw 1159 into the new Bylaw No. 1666;
- Delete all references to gender to ensure gender neutrality;
- Renumber sections as appropriate;
- Other housekeeping matters.

In accordance with Section 124(3) of the Community Charter "A bylaw under this section must not be amended, or repealed and substituted, unless the council first gives notice in accordance with section 94 [public notice] describing the proposed changes in general terms." Staff will process the necessary notice prior to adoption of the bylaw.

I concur with the recommendation:

ATTACHMENT:

Council Procedure Bylaw 2008, No. 1666 (DRAFT)

  
Ruth Malli, City Manager



TOWN OF LADYSMITH

**BYLAW NO. 1674**

A bylaw to appropriate monies from the Cemetery Care Trust Fund.

**WHEREAS** the sum of \$140,367.90 is on deposit in the Cemetery Care Trust Fund; and

**WHEREAS** it is deemed necessary to appropriate the sum of up to \$2,300.00 from the Cemetery Care Fund for the purpose of the Cemetery; and

**NOW THEREFORE** the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

1. The sum of up to two thousand three hundred dollars (\$2,300.00) is hereby appropriated from the Cemetery Care Trust Fund and transferred to the General Revenue Fund to provide for the cemetery.
2. This bylaw may be cited as the "Cemetery Care Trust Fund Appropriation Bylaw 2009, No. 1674".

**READ A FIRST TIME** on the 2<sup>nd</sup> day of February, 2009

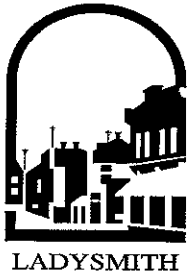
**READ A SECOND TIME** on the 2<sup>nd</sup> day of February, 2009

**READ A THIRD TIME** on the 2<sup>nd</sup> day of February, 2009

**ADOPTED** on the \_\_\_\_\_ day of \_\_\_\_\_, 2009

\_\_\_\_\_  
Mayor (R. Hutchins)

\_\_\_\_\_  
Corporate Officer (S. Bowden)



Town of Ladysmith  
**STAFF REPORT**

To: Mayor & Council  
From: R. Malli, City Manager  
Date: January 26, 2009  
File No: 3900-20 (No. 1674)

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Re: Reserve Funds Expenditure Bylaw – Cemetery Care

RECOMMENDATION:

That Council give the Town of Ladysmith Cemetery Care Trust Funds Appropriation Bylaw 2009, No. 1674 first, second and third readings.

BACKGROUND:

“Cemetery Care Trust Fund Appropriation Bylaw 2009, No. 1674” is attached. The purpose of this bylaw is to authorize the transfer of \$2,300.00 from the Cemetery Care Trust Fund.

This bylaw may be introduced and read a first, second and third time at the February 2, 2009 Council meeting.

ATTACHMENT:

Cemetery Care Trust Funds Appropriation Bylaw 2009, No. 1674

*Report reviewed at previous meeting.*

TOWN OF LADYSMITH

**BYLAW NO. 1669**

A bylaw to appropriate monies from the Development Cost Charges (Roads) Restricted Reserve.

**WHEREAS** the Town of Ladysmith has collected monies under the authority of the provisions of the Development Cost Charges Bylaw, 2000, No. 1374, of the Town of Ladysmith, which monies have been deposited in the Development Cost Charges Reserve Fund; and

**WHEREAS** there is an unappropriated balance in the Development Cost Charges (Roads) Restricted Reserve of \$1,084,106.37, and

**WHEREAS** it is deemed appropriate to use a portion of the monies set aside under said Bylaw No. 1374 for the purpose of debt repayment for and construction of road projects;

**NOW THEREFORE** the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

1. The sum of seven hundred fifty-one thousand six hundred and eighty-two dollars (\$751,682) is hereby appropriated from the Development Cost Charges Restricted Reserve (Roads), to be expended for the purpose of debt repayment for and construction of road projects.
2. Should any of the above amount remain unexpended after the expenditures hereby authorized have been made, any unexpended balance shall be returned to the credit of the said Reserve Fund.
3. This bylaw may be cited as the "DCC Roads Appropriation Bylaw 2009, No. 1669".

**READ A FIRST TIME** on the 2<sup>nd</sup> day of February, 2009

**READ A SECOND TIME** on the 2<sup>nd</sup> day of February, 2009

**READ A THIRD TIME** on the 2<sup>nd</sup> day of February, 2009

**ADOPTED** on the \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Mayor (R. Hutchins)

\_\_\_\_\_  
Corporate Officer (S. Bowden)



Town of Ladysmith

**STAFF REPORT**

To: Mayor & Council  
From: R. Malli, City Manager  
Date: January 28, 2009  
File No: 3900-20 (No. 1669)

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Re: Development Cost Charges (Roads) Restricted Reserve

RECOMMENDATION:

That Council give the Town of Ladysmith Development Cost Charges Roads Appropriation Bylaw 2009, No. 1669 first, second and third readings.

BACKGROUND:

"Development Cost Charges Roads Appropriation Bylaw 2009, No. 1669" is attached. This bylaw authorizes the transfer of funds in the amount of \$751,682 from the DCC - Roads Reserve to fund the following contained in the Financial Plan:

Chemainus Road	\$690,754
Davis Road Sidewalk	40,498
Walkem-Christie Sidewalk	<u>20,430</u>
	<u>\$751,682</u>

This bylaw may be introduced and read a first, second and third time at the February 2, 2009 Council meeting.

ATTACHMENT:

DCC Roads Appropriation Bylaw 2009, No. 1669

TOWN OF LADYSMITH

**BYLAW NO. 1676**

A bylaw to appropriate monies from the Development Cost Charges (Open Space & Parkland) restricted Reserve.

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**WHEREAS** the Town of Ladysmith has collected monies under the authority of the provisions of the Development Cost Charges Bylaw, 2000, No. 1374, of the Town of Ladysmith, which monies have been deposited in the Development Cost Charges Restricted Reserve; and

**WHEREAS** there is an unappropriated balance in the Development Cost Charges (Open Space & Parklands) Restricted Reserve of \$1,194,426; and

**WHEREAS** it is deemed appropriate to use a portion of the monies set aside under said Bylaw No. 1374 for the purpose of development of Parkland and Open Space;

**NOW THEREFORE** the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

1. The sum of seventy-one thousand two hundred and four dollars (\$71,204) is hereby appropriated from the Development Cost Charges (Open Space & Parklands) Restricted Reserve, to be expended for the purpose of development of Open Space and Parkland.
2. Should any of the above amount remain unexpended after the expenditures hereby authorized have been made, any unexpended balance shall be returned to the credit of the said Restricted Reserve.
3. This bylaw may be cited as the "DCC Parks Appropriation Bylaw 2009, No. 1676".

**READ A FIRST TIME** on the 2<sup>nd</sup> day of February, 2009

**READ A SECOND TIME** on the 2<sup>nd</sup> day of February, 2009

**READ A THIRD TIME** on the 2<sup>nd</sup> day of February, 2009

**ADOPTED** on the day of

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Mayor (R. Hutchins)

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Corporate Officer (S. Bowden)



Town of Ladysmith  
**STAFF REPORT**

To: Mayor & Council  
From: R. Malli, City Manager  
Date: January 28, 2009  
File No: 3900-20 (No. 1676)

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Re: Reserve Funds Expenditure Bylaw – Parks

RECOMMENDATION:

That Council give the Town of Ladysmith DCC Parks Appropriation Bylaw 2009, No. 1676 first, second and third readings.

BACKGROUND:

Town of Ladysmith DCC Parks Appropriation Bylaw 2009, No. 1676 is attached. This bylaw permits the appropriation of up to \$71,204 from the DCC – Parks for the following projects contained in the Financial Plan – DCC – Parks:

Transfer Beach Washrooms	\$71,204
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Any unexpended funds will be returned to the Reserve Fund.

This bylaw may be introduced and read a first, second and third time at the February 2, 2009 Council meeting.

ATTACHMENT:

DCC Parks Appropriation Bylaw 2009, No. 1676

**TOWN OF LADYSMITH**

**BYLAW NO. 1681**

**A BYLAW TO AMEND THE LADYSMITH DEVELOPMENT  
PROCEDURES BYLAW 2008, NO. 1667**

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The Municipal Council of the Town of Ladysmith in open meeting assembled enacts as follows:

1. Amendments:

Delete Section 11(a) in its entirety and replace it with the following:

(a) If Council is considering issuing a Development Variance Permit, notice of the proposed variance to be considered shall be provided in accordance with the *Local Government Act* to owners and tenants of parcels, any part of which is the subject of the permit or lies within 60 metres of the boundary of a parcel that is subject to the permit for the following types of applications:

- (i) Setback requests for the redevelopment or expansion of an existing development;
- (ii) Setback requests for new development that are 0.6 of a metre or less;
- (iii) Height requests for less than 0.6 of a metre, and

for all other applications upon the direction of Council.

2. Citation

This bylaw may be cited for all purposes as "Ladysmith Development Procedures Bylaw 2008, No. 1667 Amendment Bylaw 2009, No. 1681".

**READ A FIRST TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2009

**READ A SECOND TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2009

**READ A THIRD TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2009

**ADOPTED** on the \_\_\_\_\_ day of \_\_\_\_\_, 2009

\_\_\_\_\_  
Mayor (R. Hutchins)

\_\_\_\_\_  
Corporate Officer (S. Bowden)





**TOWN OF LADYSMITH**

**BYLAW NO. 1682**

**A bylaw to repeal the Frank Jameson Community Centre and other recreation facilities fee schedules.**

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**WHEREAS** the Council may by bylaw, pursuant to the *Community Charter* establish fees for the use of recreation or community use property in the municipality;

**AND WHEREAS** it is deemed appropriate to establish fees for use of the Frank Jameson Community Centre and other recreation facilities;

**NOW THEREFORE** the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

1. The fees set forth in Appendices "A" and "B" attached to and forming part of this bylaw are the fees for the use of the Frank Jameson Community Centre and other recreation facilities.

2. **Repeal**

"Community Centre and Facilities Fees and Charges Bylaw 2007, No. 1682" is hereby repealed.

3. **Citation**

This bylaw may be cited for all purposes as "Ladysmith Community Centre and Facilities Fees and Charges Bylaw 2009, No. 1682".

**READ A FIRST TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2009

**READ A SECOND TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2009

**READ A THIRD TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2009

**ADOPTED** on the \_\_\_\_\_ day of \_\_\_\_\_, 2009

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Mayor (R. Hutchins)

**Appendix A  
Prices include GST.**

**Rates for 2009 - Effective April 1, 2009**

**Single Admissions**

Child	2.55
Youth	3.40
Adult	4.80
Senior	3.40
Family	8.40

**10 X Punch Card**

Child	21.40
Youth	28.70
Adult	40.60
Senior	28.70
Family	70.95

**30 X Punch Cards**

Child	N/A
Youth	76.05
Adult	107.00
Senior	76.05
Family	N/A

**One-Month Pass**

Child	N/A
Youth	34.00
Adult	42.45
Senior	34.00
Family	N/A

**Three-Month Pass**

Child	N/A
Youth	91.65
Adult	114.60
Senior	91.65
Family	N/A

**Six-Month Pass**

Child	N/A
Youth	173.15
Adult	216.50
Senior	173.15
Family	N/A

This is Appendix "A" attached to and forming part of "Ladysmith Community Centre and Facilities Fees & Charges Bylaw 2009, No. 1682"

\_\_\_\_\_  
Corporate Officer (S. Bowden)

**Appendix B -**

**Facility Fees**

**Facility Rentals (plus GST) - Commercial Bookings are plus 20% and Not for Profit are less 50%**

<b>Pool Rentals</b>		<b>FJCC Upper Hall</b>	
1 Pool	63.19	Hourly Rate	23.82
2 Pool	94.61	Kitchen Hourly Rate	31.62
Extra Guard	34.53	Day Rate	166.72
Prime Time Rate - Club	59.11	<b>Meeting Room</b>	
Non-Prime Time Rate - Club	41.16	Hourly Rate	19.13
School District 68	37.89	Hourly Rate with Pool	17.70
School District - Other	42.28	Day Rate	133.72
Special Needs	39.42	<b>FJCC Gymnasium</b>	
<b>Aggie Hall</b>		Fair - Day 1	298.40
Hourly Rate	34.53	Fair - Day 2	209.81
Hourly Rate for Kitchen	29.73	Fair - Day 3	214.00
Daily Rate inc. Kitchen	159.22	Extra Maintenance	33.81
Fair - Day 1 inc. Kitchen	236.49	FJCC Kitchen/hr	34.53
Fair - Day 2 inc. Kitchen	168.91	Gym / Hour	34.53
Fair - Day 3 inc. Kitchen	123.93	<b>FJCC Lower Program Space</b>	
Reception / Dance / Party	313.09	Hourly Rate	34.02
<b>Misc. Rentals</b>		Hourly Rate with Pool	17.70
Table / Day	5.61	Daily Rate	116.74
Chair / Day	0.71	<b>Transfer Beach</b>	
<b>Ball Fields</b>		Shelter - Resident / Day	42.84
Fees for Tournaments Only	112.20	Amphitheater - Day Event	304.06
		Amphitheater / Hour	23.36

This is Appendix "B" attached to and forming part of "Ladysmith Community Centre and Facilities Fees & Charges Bylaw 2009, No. 1682"

Corporate Officer (S. Bowden)