



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, AUGUST 17, 2009
at 7:00 p.m.

A G E N D A

Page

CALL TO ORDER

1. AGENDA APPROVAL

2. PUBLIC HEARING

None

3. BYLAWS (OCP / ZONING)

None

4. MINUTES

Adoption of the following minutes:

- August 4, 2009

1 - 5

5. DELEGATIONS

None

6. PROCLAMATIONS

None

7. DEVELOPMENT PERMITS / DEVELOPMENT VARIANCE PERMITS

7.1 Development Variance Permit Application – DVP 3090-09-04

Shoa Organization Services Ltd. – Lot 21, District Lot 52, Oyster District, Plan VIP 86055
(440 Thetis Drive)

6 - 12

8. STAFF / ADVISORY COMMITTEE REPORTS

8.1 Permit to Operate a Water System

13 - 1

8.2 Community Energy System

17 - 2

8.3 Grants in Aid – 2009

23 - 2

9. CORRESPONDENCE

None

BYLAWS

Page

- 9.1. Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644
Amendment Bylaw, 2009, No. 1680
May be adopted.

25 - 26

10. NEW BUSINESS

None

11. UNFINISHED BUSINESS

None

12. QUESTION PERIOD

ADJOURNMENT



Town of Ladysmith

Minutes of a meeting of Council of the Town of Ladysmith held in Council Chambers at City Hall on Tuesday, August 4, 2009 at 7:00 p.m.

COUNCIL MEMBERS PRESENT:

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

STAFF PRESENT:

Ruth Malli	Sandy Bowden
Rebecca Kalina	

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

EXECUTIVE SESSION

2009-421: 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:

- labour relations or other employee relations;
- litigation or potential litigation affecting the municipality;

The Regular Session of Council was called to order at 7:02 p.m.

ARISE AND REPORT

2009-422: It was moved, seconded and carried that the Executive Session of Council rise without report. (6:55 p.m.)

AGENDA APPROVAL

The Mayor requested Council's consideration of removing item 11.3 Manager of Development Services Report - Amendment to Downtown Design Guidelines (Town Initiated) from the agenda.

2009-423: It was moved, seconded and carried that the agenda for the Regular Council meeting for Tuesday, August 4, 2009 be approved as amended.

MINUTES

2009-424: It was moved, seconded and carried that the Council minutes of July 6, 20 and 25, 2009 be approved as circulated.

COUNCIL / COMMITTEE REPORTS

Mayor Hutchins congratulated the Celebrations Committee and all volunteers on a very successful Ladysmith Days. The Mayor reported that the Ladysmith trolley service commenced today and there were approximately 49 riders. The feedback regarding the service was very positive.

2009-425: It was moved, seconded and carried that staff be requested to send flowers on behalf of Council to Citizens On Patrol volunteer Gordon Reid who is ill.

2009-426: It was moved, seconded and carried that letters of thanks be sent to those involved in Ladysmith Days events.

GOVERNMENT SERVICES COMMITTEE RECOMMENDATIONS

2009-427: It was moved, seconded and carried that the City Manager's Report, dated July 15, 2009, regarding the second quarter of 2009 be received.

2009-428: It was moved, seconded and carried that the 2009 second quarter reports from the Director of Public Works, dated July 14, 2009, the Manager of Development Services,

dated July 13, 2009, the Director of Corporate Services, dated July 14, 2009, and the Director of Parks Recreation and Culture, dated July 16, 2009 and the report on the Status of the Top 25 Strategic Priorities be received.

2009-429: It was moved, seconded and carried that Staff be directed to process Official Community Plan and Zoning Bylaw amendment application 3360-09-03 (Holland Creek Holdings - Kolk).

2009-430: It was moved, seconded and carried that Staff be directed to proceed with the following Official Community Plan consultation pursuant to S. 879 of the Local Government Act for OCP and Zoning Bylaw amendment application 3360-09-03 (Holland Creek Holdings - Kolk):

(i) Refer the application to the Advisory Planning Commission (APC) and the Advisory Design Panel (ADP) for review and comment prior to Council direction on the development of amending bylaws, and;

(ii) Undertake First Nations' consultation by referring the application to the Stz'uminus First Nation for comment given that the location of the subject property is in the vicinity of Holland Creek.

2009-431: It was moved, seconded and carried that the Cowichan Valley Regional District (CVRD) be requested to participate with the Town of Ladysmith in a year-long study to determine where users of Frank Jameson Community Centre reside and how often they use the facility, in order to assist the CVRD in determining the most appropriate regional recreation funding model.

2009-432: It was moved, seconded and carried that Council authorize the expenditure of \$30,000 for the Environmental Impact Study for the sewage treatment facility with the funds to be allocated from the Sewer Utility Reserve Fund, and that the Financial Plan be amended accordingly.

2009-433: It was moved, seconded and carried that the letter from D. Mackie dated June 8, 2009 regarding the Brown Drive Park fence be referred to Staff for review and recommendation.

2009-434: It was moved, seconded and carried that Council support the following Canadian Union of Postal Workers' resolution regarding post office closures in rural and small towns:

WHEREAS the report also recommends that rural mailbox delivery be reconsidered.

WHEREAS these recommendations, if implemented by the federal government, would undermine public postal service and jobs in our community and fundamentally change the nature of Canada Post's retail and delivery network.

WHEREAS the report proposes that Canada Post's highly inadequate community consultation process be used when closing or "rationalizing" a post office/outlet and that a similar process be used when replacing rural mailbox delivery with delivery to a community box, green box or post office.

BE IT RESOLVED THAT the Town of Ladysmith write to Rob Merrifield, the Minister responsible for Canada Post, and request that the government preserve public postal service and jobs in our community by rejecting CPCS recommendations that would:

1. Put an end to the moratorium on post office closures in rural and small towns and give Canada Post the flexibility to close post offices covered by the current moratorium or convert these public post offices to private outlets
2. Cut delivery to rural mailboxes without exploring all options or properly consulting with residents or the representatives of rural delivery workers.

BE IT FURTHER RESOLVED that we request that Minister Merrifield consult with the public, postal unions and other major stakeholders to develop a uniform and democratic process for making fundamental changes to Canada Post's retail and delivery network.

2009-435: It was moved, seconded and carried that Staff be directed to contact the Union of British Columbia Municipalities regarding the correspondence dated June, 2009 from the Canadian Union of Postal Workers regarding rural mail delivery and small post offices and request their input on the issue.

2009-436: It was moved, seconded and carried that the minutes of the Government Services Committee meeting held on Monday, July 20, 2009 be approved as circulated.

Councillor L. Evans reported that she attended the Social Planning Cowichan meeting in July and that short/long term goals and activities were discussed. Councillor Evans also stated that she attended the July meeting of the Food Action Coordinating Team at which they discussed how to become a registered society.

Councillor B. Whittington informed Council that the Vancouver Island Regional Library (VIRL) has expressed concerns that they have not yet received a Provincial grant which they applied for in March. Lack of grant funding may effect services provided by the VIRL Board.

REPORTS

SPECIAL OCCASION LICENSE REQUESTS

2009-437: It was moved, seconded and carried that a Special Occasion License be granted to the Royal Canadian Legion for their picnic scheduled for September 13, 2009 at the Transfer Beach Horseshoe Pitch from 12:00 p.m. to 5:30 p.m.

2009-438: It was moved, seconded and carried that a Special Occasion License be granted to the Ladysmith Fraternal Order of Eagles for a Beer Garden scheduled for August 9, 2009 at the Transfer Beach Horseshoe Pitch from 12:00 p.m. to 4:00 p.m.

UTILITY VEHICLE TENDER

2009-439: It was moved, seconded and carried that the tender for the supply of a utility vehicle be awarded to Surfwood Supply for the low tender price of \$28,193.52 (taxes included), with the funds to come from the Equipment Pool Reserve, and that the Financial Plan be amended accordingly.

OFFICIAL COMMUNITY PLAN & REZONING APPLICATION - 10930 WESTDOWNE RD. (PARCEL B, (DD9863W) OF LOT 14, DISTRICT LOT 72, OYSTER DISTRICT, PLAN 8793)

2009-440: It was moved, seconded and carried that Staff be directed to prepare amending bylaws for Official Community Plan and Zoning Bylaw amendment application 3360-09-04 (10930 Westdowne Rd.).

2009-441: It was moved, seconded and carried that Official Community Plan and Zoning Bylaw Amendment application 3360-09-04 (10930 Westdowne Rd.) be referred to the Advisory Planning Commission (APC) for review and comment.

2009-442: It was moved, seconded and carried that the requirement for an information meeting for Official Community Plan and Zoning Bylaw amendment application 3360-09-04 be waived, as no change of use is proposed for 10930 Westdowne Rd.

NEW MANUFACTURED HOME PARK AND RESIDENTIAL DEVELOPMENT (TOWN INITIATED) BYLAWS 1692 AND 1693

2009-443: It was moved, seconded and carried that the following Official Community Plan consultation, pursuant to S. 879 of the Local Government Act, for OCP and Zoning Bylaw amendment application 3360-09-05 (Town initiated – DL108) be approved as follows:

- (a) Hold a public meeting prior to the public hearing,
- (b) Refer Bylaws 1692 and 1693 to the Advisory Planning Commission for comment, and
- (c) Refer Bylaws 1692 and 1693 to the Cowichan Valley Regional District for comment, as the land is adjacent to the "North Oyster/Diamond" electoral area of the CVRD.

AND THAT a public hearing be scheduled for Bylaw 1692 and Bylaw 1693 for September 21, 2009.

2009-444: It was moved, seconded and carried that the road standard for the internal public road to serve the park and residential development known as DL 108 be as narrow as possible with the ability to accommodate non-car transportation options.

FIRE CHIEF'S REPORT

2009-445: It was moved, seconded and carried that the Fire Chief's Report for June, 2009 be received.

BUILDING INSPECTOR'S REPORT FOR MAY AND JUNE, 2009

2009-446: It was moved, seconded and carried that the Building Inspector's reports for May and June, 2009 be received.

CORRESPONDENCE

S/SGT R. PLAMONDON - LADYSMITH RCMP - JUNE 2009 REPORT

2009-447: It was moved, seconded and carried that the June, 2009 report from S/Sgt R. Plamondon of the Ladysmith RCMP be received and that S/Sgt Plamondon be invited to attend the August 17, 2009 Government Services Committee meeting to answer questions regarding information presented in his report.

FESTIVAL OF LIGHTS - GRANT IN AID

2009-448: It was moved, seconded and carried that the letter dated July 15, 2009 from R. Holland, President, Ladysmith Festival of Lights regarding their appreciation for a 2009 Grant In Aid be received.

BYLAWS

BYLAW 1680

2009-449: It was moved, seconded and carried that the Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644, Amendment Bylaw 2009, No. 1680 be read a first, second and third time.

BYLAW 1692

2009-450: It was moved, seconded and carried that Town of Ladysmith Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No. 25), 2009, No. 1692 be read a first and second time.

BYLAW 1693

2009-451: It was moved, seconded and carried that Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 75), 2009, No. 1693 be read a first and second time.

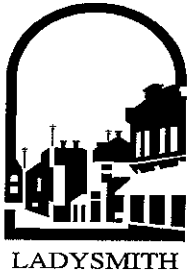
ADJOURNMENT

2009-452: It was moved, seconded and carried that the meeting be adjourned at 7:46 p.m.

CERTIFIED CORRECT:

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Manager of Development Services
Date: August 12, 2009
File No: 3090-09-04

Re: DEVELOPMENT VARIANCE PERMIT (DVP) APPLIATION – 440 Thetis Dr.
Lot 21, District Lot 52, Oyster District, Plan VIP86055

RECOMMENDATION(S):

OPTION 1

THAT Council undertakes statutory notice for Development Variance Permit 3090-09-04 for Lot 21, DL 52, Oyster District, VIP 86055 (440 Thetis Dr.) to permit a terraced dwelling and:

- i) to vary the dwelling average height from 7.5 m to 10.78 m for a flat roof;
- ii) to vary the maximum parcel coverage from 33% to 34.9%; and
- iii) to vary the permitted finished floor area from 219.5m² to 232.3m²

and waive the requirement for a neighbourhood information meeting as there are no existing residents within the 60m circulation area.

OPTION 2

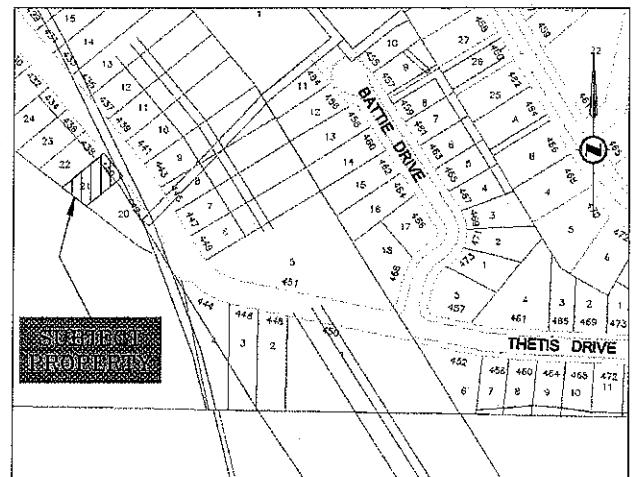
THAT Council not approve Development Variance Permit Application 3090-09-04 for Lot 21, DL 52, Oyster District, VIP86055 (440 Thetis Dr.).

PURPOSE:

The purpose of this report is to present to Council a Development Variance Permit application for a proposed dwelling at 440 Thetis Drive.

INTRODUCTION/BACKGROUND:

The owner of 440 Thetis Drive, Shoa Organization Services Ltd., is proposing to construct a three storey Mediterranean style dwelling with an average height of 10.78 metres and with lot coverage of 34.9%. The subject property is zoned Urban Residential Zone (UR-1). The UR-1 Zone permits dwellings with a roof pitch less than 4:12 to be 7.5 metres in height, thus the applicant is requesting a height variance of 3.28 metres. (See Schedule A). The maximum permitted parcel coverage is the lesser of 33% parcel coverage and a maximum permitted finished



applicant is proposing that the parcel coverage be 34.9% with a finished floor area of 232.3m² (2500ft²).

Table 1: DVP 09-04 Variance Requests

	Maximum Permitted UR-1 Zone	Proposed	Variance Requested
Average Height	7.5m (flat roof) 9m (pitched roof)	10.78m (flat roof)	3.28m
Parcel Coverage	33%	34.9%	1.9%
Finished Floor Area (Floor area on any storey of a building)	219.5m ²	232.3m ²	12.8m ²

SCOPE OF WORK:

The 30 lot subdivision, west of Battie Drive, is characterized by steep slopes. At 440 Thetis Drive (Lot 21) the applicant is proposing to construct a Mediterranean style dwelling with terraces to alleviate the massing. (See Figure 2).

While fronting on Thetis Drive, Lot 21 will be accessed by a private road at the rear of the property (due to steep slopes). The west elevation is proposed to be 4.18 metres in height from the curb level of the private access road. The east elevation (facing Thetis Drive) is proposed to be 10 metres from the base of the house to the roof. The dwelling is setback 6 metres from Thetis Drive and the base of the east wall is approximately 3 metres above or up-the-slope from Thetis Drive.

The terracing is intended to contribute to reducing the apparent height of the dwelling. The middle floor terrace is setback between 0.6m (2 feet) and 4.3m (14 feet) from the exterior wall of the floor below. The top floor terrace is setback between 3m (10 feet) and 4.3 m (14 feet) from the exterior wall of the floor below. (See Schedule B). Due to the terraces and main floor area desired by the applicant, the house is “stretched out” along the length of the lot, which creates a house footprint of 34.9%. (See Schedule C).

ALTERNATIVES:

Two options have been presented.

FINANCIAL IMPLICATIONS; n/a

LEGAL IMPLICATIONS:

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.

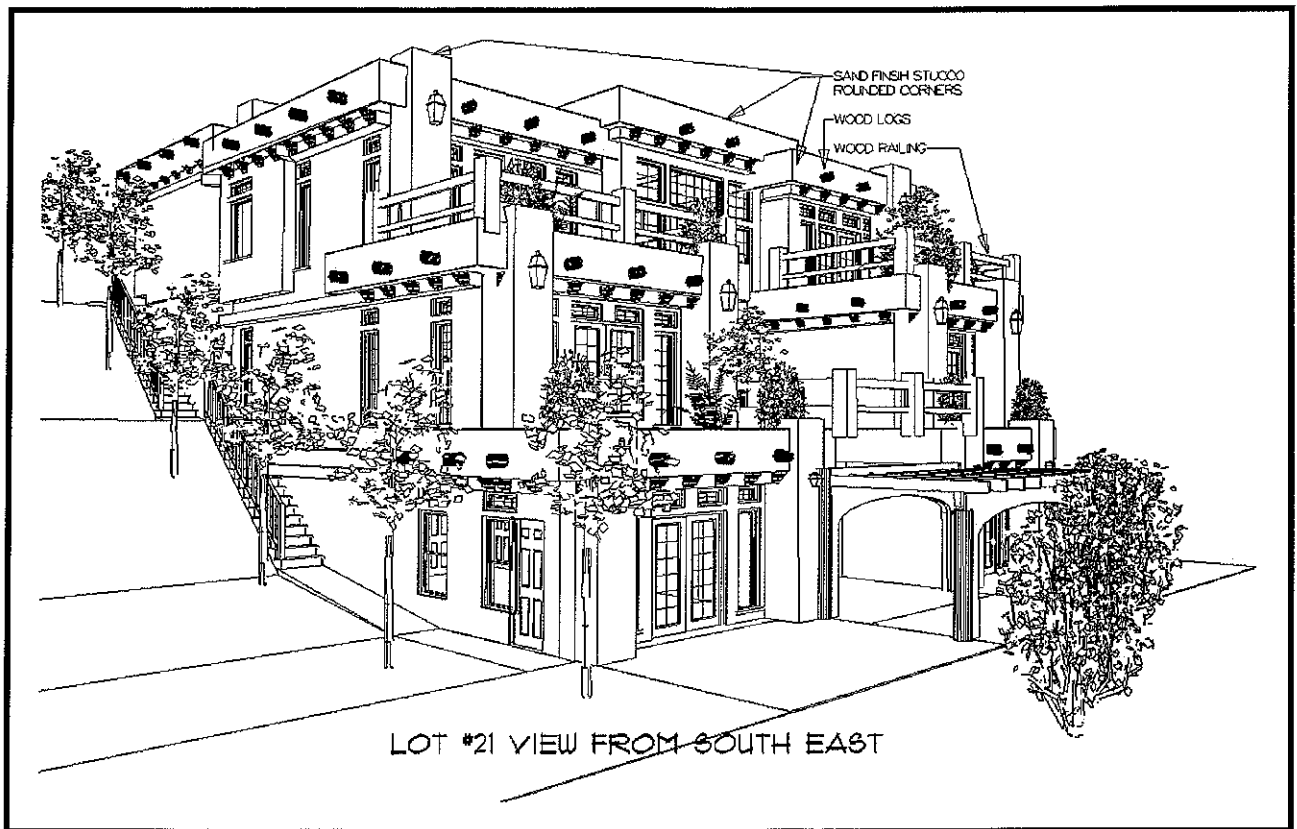


Figure 2: Lot #21 View from South East (Thetis Drive Elevation)

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

If Council wishes to proceed with this application, Town of Ladysmith notice regarding this DVP application will be sent to neighbouring properties as required by the Local Government Act and the Development Procedures Bylaw (Bylaw 1667).

Bylaw 1667 requires that development variance applications proposing a height variance greater than 3 metres shall hold a neighbourhood information meeting. Generally it is recommended that the notice area for this meeting be 60 metres from the subject property. However, this is a new subdivision and there are no neighbours currently residing within 60 metres of Lot 21, thus it is recommended to waive the information meeting requirement.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Due to the steep slope of the lot a 'Hazard Lands' Development Permit was previously issued by Council, establishing geotechnical requirements for residential development. Additional geotechnical work will be required by the Building Inspector at the building permit stage.

RESOURCE IMPLICATIONS:

Processing development variance permit applications is a core function of the Development Services Department. Processing this application is within available staff resources.

ALIGNMENT WITH STRATEGIC PRIORITIES 8n/a

SUMMARY:

A development variance permit application has been received for a proposed dwelling at 440 Thetis Drive. The applicant is proposing to vary the building height, permitted parcel coverage, and permitted finished floor area. Two options are presented for Council's consideration.

I concur with the recommendation.



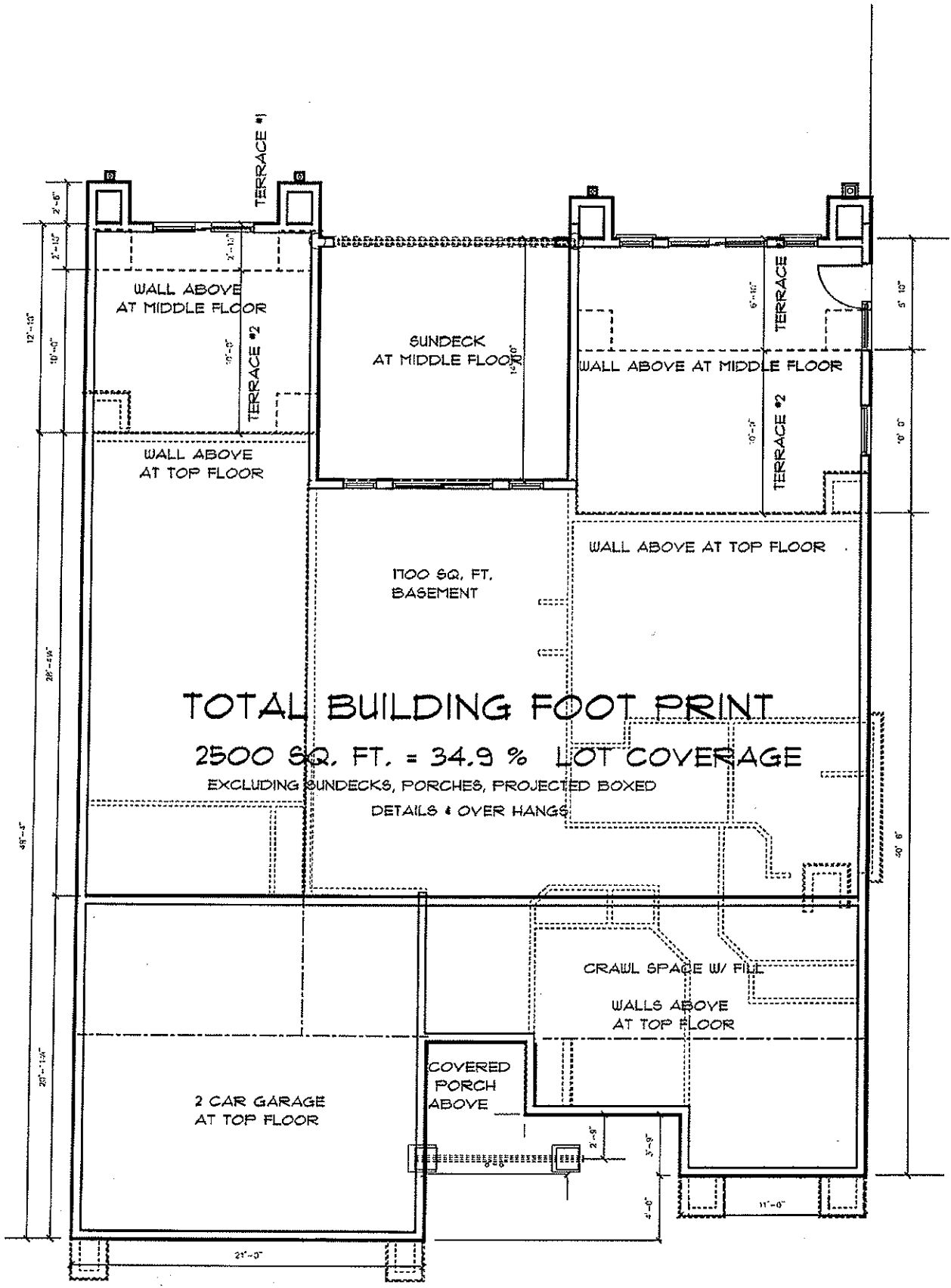
Ruth Malli, City Manager

ATTACHMENTS:

Schedule A - South Elevation

Schedule B - Building Footprint and Terrace Measurements

Schedule C - Proposed House Footprint



THETIS

**Schedule B – Building Footprint and
 Terrace measurements
 440 Thetis Drive**

**B.C. LAND SURVEYOR'S CERTIFICATE OF PROPOSED LOCATION ON:
LOT 21, PLAN VIP86055, DISTRICT LOT 52, OYSTER DISTRICT.**

SCALE 1 : 300 DISTANCES AND ELEVATIONS ARE IN METRES.
LOT DIMENSIONS ARE DERIVED FROM REGISTERED PLANS.
CIVIC ADDRESS: 438 THETIS DRIVE.

● DENOTES STANDARD IRON POST FOUND.

NOTES:
ELEVATION DATUM IS GEODETIC AND IS
DERIVED FROM CONTROL MONUMENT 8743263.
ELEVATION = 78.884.

ELEVATION AT HOUSE CORNERS ARE BASED ON
TOPOGRAPHIC SURVEY CONDUCTED FEBRUARY
19 AND 20, 2009.

HOUSE DESIGN FROM STRAIGHT STREET DESIGN.
DRAWINGS DATED JULY 2009.

▭ DENOTES PROPOSED GARAGE SLAB.
NG 138.7 DENOTES TYPICAL SPOT ELEVATION OF PROPOSED
NATURAL GRADE FROM TOPOGRAPHIC
SURVEY CONDUCTED FEBRUARY 19 AND 20,
2009.

FG DENOTES TYPICAL SPOT ELEVATION OF PROPOSED
FINISHED GRADE (FG).

THIS PLAN PURPORTS TO POSITION ONLY THE ACTUAL
AND/OR PROPOSED IMPROVEMENT(S) SHOWN RELATIVE
TO ONLY THE BOUNDARIES SHOWN OF OR APPURTENANT
TO THE ABOVE DESCRIBED PARCEL(S).
THIS PLAN PROVIDES NO WARRANTY OR
REPRESENTATION WHATSOEVER WITH RESPECT TO THE
LOCATION OF ANY OTHER ACTUAL OR PROPOSED
IMPROVEMENT(S) RELATIVE TO ANY BOUNDARY OF OR
APPURTENANT TO THE ABOVE DESCRIBED PARCEL(S).
THIS PLAN IS NOT TO BE USED TO RE-ESTABLISH
BOUNDARY LINES.

Harbour City Land Surveying Ltd.
1825 LATIMER ROAD
© 2009
NANAIMO BC V9S 5H2
PHONE: 250-758-4180
DRAWING: 09033_HS-VARIANCE-JULY-15-2009.DWG
LAYOUT: 2

MEAN NG	134.30
MAXIMUM HEIGHT PER BYLAW	9.00
MAXIMUM ROOF PEAK	143.30
PROPOSED MAIN FLOOR	_____
APPROX. HEIGHT TO PEAK	_____
PROPOSED ROOF PEAK	_____
VARIANCE REQUIRED	_____

GARAGE SLAB ELEVATION	140.9
BACK OF SIDEWALK ELEVATION	_____
GARAGE SLAB ELEVATION	140.9
DRIVEWAY SLOPE	0.0 %

THIS PARCEL MAY BE SUBJECT TO REGISTERED CHARGES:
COVENANT: FB235718;
STATUTORY RIGHT OF WAY: 274444G.
STATUTORY BUILDING SCHEME: FB235703.

THIS PLAN DOES NOT PURPORT TO VERIFY COMPLIANCE WITH
THE RESTRICTIONS THEREIN.

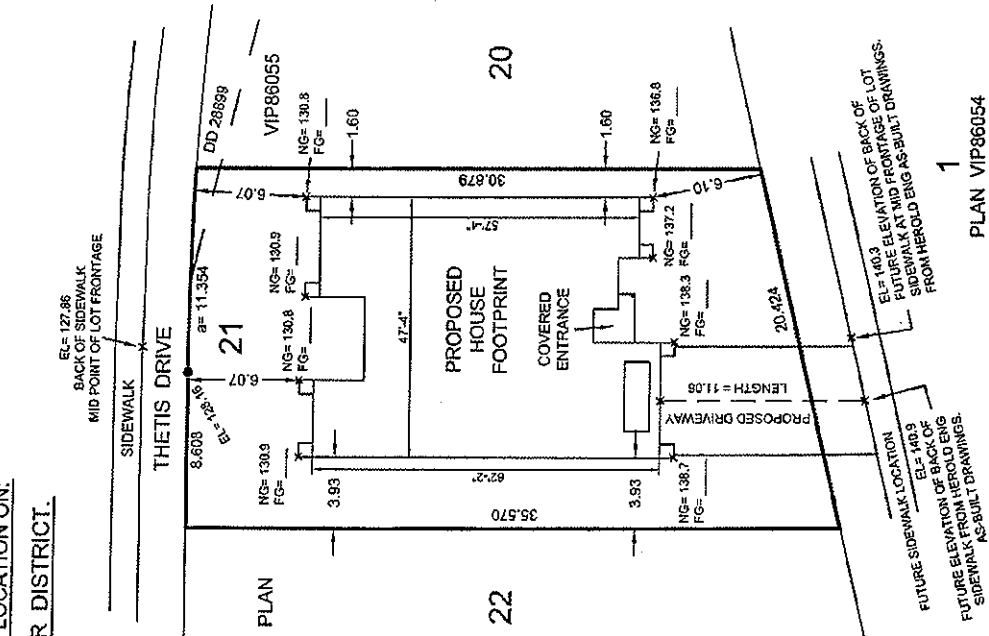
THE SIGNATORY ACCEPTS NO RESPONSIBILITY OR LIABILITY
FOR ANY DAMAGES THAT MAY BE SUFFERED BY A THIRD
PARTY AS A RESULT OF ANY DECISIONS MADE, OR ACTIONS
TAKEN BASED ON THIS DOCUMENT.

THIS BUILDING LOCATION CERTIFICATE HAS BEEN
PREPARED IN ACCORDANCE WITH THE MANUALLY
STANDARD PRACTICE AND IS CERTIFIED CORRECT
DATE OF : JULY 15, 2009.

ANDRE MCNICOLL

B.C.L.S.

PRELIMINARY





Town of Ladysmith

STAFF REPORT

To: Ruth Malli, City Manager
From: Joe Friesenhan, Director of Public Works
Date: August 6, 2009
File No:

Re: PERMIT TO OPERATE A WATER SYSTEM

RECOMMENDATION(S):

That Council authorize the installation of a new turbidity meter at the south end chlorination station for an amount not to exceed \$10,000 to be allocated from the Water Utility Reserve, and that the Financial Plan be amended accordingly.

PURPOSE:

The purpose of this staff report is to advise Council of the new conditions set out in the Operating Permit for the water system and to seek Council's authorization to purchase a new turbidity meter.

INTRODUCTION/BACKGROUND:

The Vancouver Island Health Authority has developed a new treatment standard for all surface water systems. The new standard, known as 4-3-2-1, is a performance standard for water suppliers to ensure the provision of microbiological safe drinking water.

The Town has recently received the new operating permit for operating a water system from VIHA with a number of conditions attached to bring the Town's system into compliance with the new regulations. Under the new conditions set out in the permit, the Town must meet some standards immediately and others must be achieved by set dates.

SCOPE OF WORK:

In order to meet the immediate requirements, a data recorder must be installed at the south end chlorinator. The present turbidity meter does not allow for continuous data recording.

The remaining standards are included in the five year plan and must be completed as submitted.

ALTERNATIVES:

None.

FINANCIAL IMPLICATIONS:

The cost of the new turbidity meter installation is approximately \$10,000 and the costs can be taken from the Water Utility Reserve.

LEGAL IMPLICATIONS:

Non-compliance with the regulations may result in a fine being levied against the Town.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

None.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The work undertaken to install the new turbidity meter will be done by the Public Works Department. Financial Services will ensure the financial plan is amended.

RESOURCE IMPLICATIONS:

As noted above, all work will be done in house. Current staffing is adequate to complete the task.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The supply of good potable water to the residents of Ladysmith is one of the top strategic priorities.

SUMMARY:

In order to meet the immediate requirements of the Towns permit to operate a water system, a new turbidity meter needs to be installed at the south end chlorination station.

I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

Operating Permit from VIHA.

PERMIT to OPERATE

A WATER SUPPLY SYSTEM

Water System Name: **TOWN OF LADYSMITH WATER WORKS**
Premises Number: **1310824**

Premises Address: **330 6th Avenue
Ladysmith, BC
V0R 2E0**

Water System Owner: **Town Of Ladysmith**

Town Of Ladysmith is hereby permitted to operate the above potable water supply system and is required to operate this system in accordance with the ***Drinking Water Protection Act*** and in accordance with the conditions set out in this Operating Permit and conditions established as part of any construction permit.

The water supply system for which this operating permit applies is generally described as:

Service Delivery Area: **Town of Ladysmith**
Source Water: **Holland Lake, Holland Creek Watershed and Stocking Lake**

Water Treatment methods are: **None**
Water Disinfection methods are: **Chlorination**

Number of Connections **301-10,000 Connections - DWT**

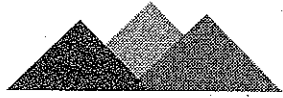
Operating conditions specific to this water supply system are in Appendix A.

Date: July 24, 2009

Issued By: 
Environmental Health Officer

**THIS PERMIT MUST BE DISPLAYED
IN A CONSPICUOUS PLACE AND IS NOT TRANSFERABLE**

PLACE DECAL HERE



APPENDIX A

WATER SYSTEM OPERATING CONDITIONS FOR

TOWN OF LADYSMITH WATER WORKS

330 6th Avenue

Ladysmith, BC, V0R 2E0

1. Existing Performance Standards

The Water System Owner (Town of Ladysmith) shall ensure the disinfection system is in good working order and provide the following:

- Raw water turbidity must be recorded on a continuous basis and shall not exceed 1 NTU in more than 5% of the average daily measurements in each calendar month. If the raw water exceeds an average of 5 NTU for a period of more than 12 hours, the Drinking Water Officer must be contacted immediately.

2. Treatment Specification

The Water System Owner shall provide two treatment processes acceptable to the Vancouver Island Health Authority, to achieve a 4-log removal/inactivation of viruses, a 3-log removal/inactivation of Giardia cysts and Cryptosporidium oocysts, and produce a finished water with less than 1 NTU turbidity.

The Water System Owner is required to meet the following implementation plan dates:

- | | |
|-----------------------------|--|
| a. <u>December 31, 2009</u> | Completion of the design for the centralized treatment facility and the interconnection main between the Arbutus Reservoir and the south end |
| b. <u>June 1, 2010</u> | Construction has begun on the centralized treatment facility with completion scheduled for December 31, 2010 |
| c. <u>December 31, 2011</u> | Completion of the Holland Lake to Stocking Lake outlet diversion pipe |
| d. <u>December 31, 2013</u> | Completion of reservoir servicing South Ladysmith |

Date: July 24, 2009

Issued By: 
 Environmental Health Officer



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Patrick Durban, Director Parks, Recreation & Culture
Date: August 13, 2009
File No:

Re: COMMUNITY ENERGY SYSTEM

RECOMMENDATION:

That the Town of Ladysmith enter into a Memorandum of Understanding with Terasen Energy Services Incorporated to investigate the creation of a Community Energy System for Town facilities on Sixth Avenue.

SUMMARY OF KEY POINTS:

The intent is to reduce Green House Gas emissions by using alternative energy technologies. This Memorandum of Understanding will permit the Town and Terasen Energy Services Incorporated to explore integrating a separate facility energy system.

BACKGROUND / HISTORY:

Town staff and a representative of School District 68 met with Terasen Energy Services Incorporated to investigate the possibility of establishing a Community Energy System for the facilities on Sixth Avenue, which would include: Frank Jameson Community Centre, Ladysmith Senior Secondary School, Ladysmith Primary School, Ladysmith Fire Hall, Public Works, RCMP and the Colonia Gardens.

ANALYSIS:

ATTACHMENTS:

Memorandum of Understanding

I concur with the
recommendation:


Ruth Malli, City Manager

Memorandum of Understanding

Town Of Ladysmith Community Energy System

This Memorandum of Understanding (“MOU”), dated the **15th** day of **July**, 2009 (the “**Effective Date**”), is between:

Terasen Energy Services Inc. (hereinafter “**TES**”), with an address at 3700 – 2nd Avenue, Burnaby, British Columbia, V5C 6S4

and:

The Town of Ladysmith (hereinafter “**the Town**”), with an address at PO Box 220, Ladysmith, British Columbia, V9G 1A2

BACKGROUND

A. The Town is currently interested in reducing the green house gas (GHG) emissions associated with the heating systems of several buildings near to and including the Recreation Center on 6th Ave. The methods being considered to achieve the GHG reductions include the integration of the separate facility energy systems to create a community energy system (CES) and the introduction of alternative energy technologies to offset the use of natural gas.

B. TES is an experienced utility operator with technical expertise in the area of energy utility operations for utility customers.

C. TES has expressed an interest in a possible business arrangement with the Town to own, operate and maintain the CES

UNDERSTANDINGS

1. Project Overview

1.1 The Town is involved in investigating methods to reduce it’s overall GHG emissions, and is considering installing a CES that would integrate multiple facility heating systems. The facility heating systems being considered for integration include: the Frank Jameson Community Center, Ladysmith Secondary School, Ladysmith Primary School, and a 41 unit townhome complex at 815 Dunsmuir Crescent.. with the possibility of adding the Fire Hall, Ladysmith Public Works yard, and the RCMP building.

1.2 Time is of the essence for the Town and as a result, upon signature of this MOU, the Town together with TES will commence investigations related to the feasibility of using a CES

described in 1.1 for the heating requirements. The objective is to come to an agreement by **December 31st of 2009**, whether or not to jointly develop the CES.

1.3 TES proposes to construct, own, and operate the CES. Specifically, TES would:

- (a) Operate the CES after TES has designed the CES in collaboration with the Town and following construction managed by TES;
- (b) Maintain all aspects of the CES; and
- (c) Own the CES, thereby assuming the appropriate proportional financial and operational risk after certified completion of the CES.

1.4 The Town and TES will collaborate to develop mutually beneficial agreements (the “**Definitive Agreements**”) that would have TES own and operate the CES infrastructure (the “**Infrastructure**”) for the Project.

2. Terms of Reference and MOU Activities

2.1 TES and the Town will negotiate the Definitive Agreements based on the following terms of reference:

- (a) TES will provide the ongoing management, operation and maintenance, and renewal of the CES in return for monthly fees and/or energy usage payments that provide both an appropriate return on investment and energy costs that are competitive with conventional alternatives for comparable service in British Columbia.
- (b) TES will develop, design and construct the CES on a collaborative basis. The design and installation plans and specifications for the CES and the construction and installation of the CES system will be subject to TES approval.
- (c) On a date and terms to be agreed to by the parties, TES will commence operation of the CES.
- (d) TES and the Town will develop a capital sharing and revenue guarantee agreement to arrive at appropriate apportioning of risks and rewards.

2.2 Prior to finalizing the Definitive Agreements the parties will engage in the following activities:

- (a) The Town and TES will conduct a joint study, related to the feasibility of implementing a CES system based on waste heat recovery, geo-exchange or other source of alternative energy,. During the feasibility study the Town will make the necessary materials and information available to TES in a timely manner;
- (b) After completion of the feasibility assessment, TES will submit to The Town a proposal to design, construct, own, operate and maintain the CES;
- (c) Upon acceptance of the TES proposal by the Town, TES will prepare proposed infrastructure charges, and financial charges between TES and the Town, lease holders, occupants and other applicable third parties.

3. Exclusivity and Interim Expenses

3.1 Based on the foregoing, the Town will work exclusively with TES in the development of the CES.

3.2 It is understood that the activities described in Section 2.2 may require the services of third parties. TES will fund all third party expenses related to the activities described in Section 2.2. It is further understood that TES will include all expenses (including its share of third party expenses) that it incurs in connection with these activities in its costs when determining monthly fees. Each party will bear its own internal expenses arising under this MOU.

3.3 In the event that TES and The Town do not enter into a Definitive Agreement prior to the expiry of the MOU or if, for any reason, TES's involvement in the CES is terminated prior to the completion of the CES, the Town will reimburse TES for the third party Expenses incurred by TES, upon request by TES, if the Town uses the third party report or information for it's exclusive purposes.

3.4 Provisions 3.2 and 3.3 shall survive termination of this MOU.

4. Confidentiality

All information or documentation received by either the Town or TES (the "**Receiving Party**") regarding the business affairs or trade secrets of the other party (the "**Disclosing Party**"), including information and documentation pertaining to or arising from the business relationship between the parties, shall be deemed to be confidential and proprietary to the Disclosing Party. Except as otherwise provided herein, the Receiving Party shall not directly or indirectly disclose any such confidential information or documentation to any third party without the prior written consent of the Disclosing Party. Such consent is not required where the third party is another contractor or consultant retained by the Disclosing Party for the purposes of this project and to

the extent that such disclosure is necessary for the proper performance of the parties' respective obligations contemplated herein or to the extent that such disclosure is required by law.

Notwithstanding the foregoing, the Receiving Party may use such confidential information or documentation pertaining to or arising from the business relationship if necessary in connection with the preparation for and conduct of submissions to regulatory agencies.

The obligation of confidentiality set out above shall not apply to material, data or information which is known to the Receiving Party prior to its receipt thereof, which is generally available to the public or which has been obtained from a third party which has the right to disclose the same. The confidentiality covenants of the parties herein shall survive the termination of this MOU for a period of two (2) years from the date of termination

5. Term of MOU

This MOU is for an initial period of 12 months commencing on the Effective Date after which it can only be extended by written approval of both TES and the Town.

6. Assignment

It is understood that any reference in this MOU to TES means Terasen Energy Services Inc. or any of its affiliates as determined by Terasen Energy Services Inc. and that TES may assign its rights and obligation under this MOU to any of its affiliates. The Town may assign its rights and obligations under this MOU with the prior written consent of TES, such consent not to be unreasonably withheld.

7. Binding Terms

This MOU sets out the understanding that has been reached between the parties as to the key terms and the parties' mutual objectives that apply to the Project. With the exception of Section 3 and Section 4 above, this MOU is not a binding legal agreement and does not create any binding obligations on either party. This MOU reflects an understanding and establishes a framework which is intended to assist the parties in negotiating in good faith the legally binding Definitive Agreements in respect of the Project.

8. Legal Jurisdiction

This MOU shall be governed by the laws of British Columbia.

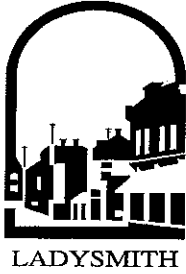
Made effective this ____ day of _____, 2009.

For and on behalf of
Terasen Energy Services Inc.

For and on behalf of
The Town of Ladysmith

Authorized Signatory

Authorized Signatory



Town of Ladysmith
STAFF REPORT

To: Mayor and Council
From: Ruth Malli, City Manager
Date: August 12, 2009
File No:

Re: Grants in Aid-2009

RECOMMENDATION(S):

That Council finalize decisions on grants in aid requests as follows:

Ladysmith and District Historical Society	\$ 5,350
Ladysmith Resources Centre Association	11,500

Two thirds majority of Council required.

INTRODUCTION/BACKGROUND:

At a meeting held June 15, 2009 Council directed that further information be obtained with respect to a grant in aid request for the Ladysmith Resource Centre Association (LRCA), RCMP Community Policing and the Ladysmith and District Historical Society. The requested information has been obtained from the agencies, although there is still some outstanding information for the LRCA request.

Given that other agencies (such as the Ladysmith and District Historical Society) are awaiting a decision on the requests, it is recommended that the decisions proceed at the August 17th meeting.

The request from the Ladysmith and District Historical Society is for a grant of \$14,000 and from the LRCA for \$18,155. Additional requests have been received from the Ladysmith RCMP Community Policing for \$2,500 and the Food Action Coordinating Team for \$1,000. These requests total \$36,655. Following decisions already made by Council, there is only \$16,850 remaining in the budget.

The FACT group is not a registered charity and their request for assistance could be accommodated by providing assistance in kind.

ALTERNATIVES:

Council can choose to award any or the entire remaining budget of \$16,850 to any qualified applicant.

FINANCIAL IMPLICATIONS:

Budget remaining is \$16,850. There is no additional funding.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Grants in aid enable community groups to serve our community.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Alignment with Strategic Priority A

Wise Financial Management (Secure new sources of revenue and alternate ways to finance community services).

SUMMARY:

Grants in aid requests have been received totalling \$36,655. The remaining budget is \$16,850. Agencies are awaiting a decision. Recommended decision is to fund the LRCA at the same level as last year (\$11,500), the RCMP Community Policing to be funded from RCMP operations, the FACT group is assisted with in-kind assistance and the balance of funding in the grants in aid budget be given to the Ladysmith and District Historical Society.

ATTACHMENTS:

None

TOWN OF LADYSMITH

BYLAW NO. 1680

A bylaw to amend "Ladysmith Fees and Charges Bylaw 2008, No. 1644"

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

1. "Ladysmith Fees and Charges Bylaw 2008, No. 1644" is hereby amended by adding the following Schedule 3:

SCHEDULE "3"

TOWN OF LADYSMITH FEES AND CHARGES BYLAW NO. 1644

Cemetery Services:	Fee
Ground Burial Lots:	
Full Burial Lot Interment Right - Resident (or former resident) Adult	\$750.00
Full Burial Lot Interment Right - Resident Child (12 & under)	\$375.00
Cremated Remains Lot Interment Right - Resident (or former resident)	\$350.00
Full Burial Lot Interment Right - Non Resident	\$1,200.00
Cremated Remains Lot Interment Right - Non Resident	\$500.00
Ground Burial Services:	
Open & Close for Adult Full Burial	
Grave Liner	\$1,000.00
Open & Close for Child Full Burial	
Grave Liner	\$650.00
Open & Close - Single Cremation Burial	
Cremation Vault (8" x 8" approx.)	\$400.00
Open & Close - Double Cremation Burial	
Cremation Vault (15" x 10" approx.)	\$450.00
Open & Close - Additional Interment to Double Vault	\$200.00
Exhumation or Disinterment - Full Burial	\$1,400.00
Exhumation or Disinterment - Cremated Remains	\$500.00
Memorial Installation:	
Install Single Marker - size up to 60x30cm (24"x12")	\$160.00
Install Double Marker - size up to 75x45cm (30"x18")	\$240.00
Removal & Re-installation of Memorial	\$160.00
Administration Fees: (In addition to above Fees)	
Late Arrival - after 3:00pm	\$150.00
Cremation Burial services on Saturday	\$150.00
Full Burial services on Saturday	\$300.00
Transfer or Surrender Fee for Interment Right Certificate	\$50.00
Special Services and Handling Fees	Prior arrangement with administrator.
Note: All fees are subject to GST	

2. Citation

This bylaw may be cited for all purposes as “Ladysmith Fees and Charges Bylaw 2008, No. 1644, Amendment Bylaw 2009, No. 1680”.

READ A FIRST TIME on the 4th day of August, 2009

READ A SECOND TIME on the 4th day of August, 2009

READ A THIRD TIME on the 4th day of August, 2009

ADOPTED on the _____ day of _____, 2009

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)