



Town of Ladysmith

Minutes of a meeting of Council of the Town of Ladysmith held in Council Chambers at City Hall on Monday, March 2, 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
Felicity Adams	Rebecca Kalina

Mayor Hutchins called the meeting to order at 5:57 p.m.

EXECUTIVE SESSION

2009-109: 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:

- 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;

AGENDA APPROVAL

The Mayor requested Council's consideration of the following addition to the agenda: 12.7 - Strategic Community Investment Funds

2009-110: It was moved, seconded and carried that the agenda for the Regular Council meeting for Monday, March 2, 2009 be approved as amended.

MINUTES

2009-111: It was moved, seconded and carried that the Council minutes of February 2 and 16, 2009 be approved as circulated.

PUBLIC HEARINGS

PUBLIC HEARING - Bylaw 1672 and 1673

APPLICANT AGENT
GPM Developments Ltd. Chuck Meagher

PUBLIC ATTENDANCE: 18

A Public Hearing for Bylaws 1672 and 1673 was held in Council Chambers at City Hall, 410 Esplanade, Ladysmith, B.C. on Monday, March 2, 2009 at 7:01 p.m.

Mayor Hutchins welcomed the public and noted that the public input portion of the hearing would take place in two parts - Part 1 would entertain questions clarifying the project or bylaw and Part 2 would afford attendees an opportunity to provide comments to council on the proposed development.

F. Adams, Manager of Development Services, provided an overview of the application from GPM Development Ltd. for Lot 3, Block 1399, Oyster District, Plan VIP75559 except Part in Plan VIP80608. The property is located west of the Hydro right of way off Colonia Drive and Hanington Road. The purpose of the application is to permit a 190 unit multiple family development on the subject property.

F. Adams, Manager of Development Services, advised that Bylaw 1672 will:

- Change the Official Community Plan designation for the subject properties from Single Family Residential to Multi-Family Residential.
- Add the subject property to the Multi-Family Residential Development Permit Area (DPA4) and the Hazard Lands Development Permit Area (DPA7)
- Include the subject property within the urban containment boundary
- Designate the subject property as Multi-Family Residential in the Holland Creek Area Plan;

She further noted that Bylaw 1673 will change the Zoning designation for the subject property from Urban Rural Residential (UR-1) Zone to Medium Density Residential (R-3-A) Zone to permit a 190 unit residential development with a maximum height of 14 metres (4 storey).

The Public Hearing notice was printed in the Chronicle newspaper on February 17, and 24, 2009 and posted on community notice boards throughout Town and on the Town's website. Notices were also mailed and delivered to properties within 60 metres of the subject site and a copy was made available at the front counter of City Hall for the two week notice period. There were no written submissions and one telephone enquiry was received in connection with this Public Hearing. The OCP amendment was referred to School District 68 and no comments were received. The applicant held a public information meeting about the proposal on March 25, 2008.

The Mayor introduced the applicant, GPM Developments Ltd – Chuck Meagher. Representatives of GPM Developments Ltd. provided an overview of the development.

Mayor Hutchins called for questions a first time and stated that written submissions could be submitted to the recording secretary.

J. Rose inquired if there is a demand for houses at this time and expressed concerns regarding the visibility of the development from the Holland Creek Trail.

GPM Representative noted that it will be 2 to 3 years before much of the work will proceed on the development so the market may be better at that time. The densification of the development will make the cost of the units more affordable. The visual impact from Holland Creek Trail will be minimal. Part of the trail is on the property and that area has been dedicated as park land.

M. Quaife inquired about what lands will be donated as park land.

GPM Representative advised that approximately 2.6 acres of land will be donated as park land and also noted that GPM will improve the trail located on the site.

D. Harrison inquired if there will be a system for oil retention on the storm water runoff.

GPM Representative advised that such a system will be implemented and that traditional best practices will be followed for storm water run off, such as, bio-swales, rain garden and products that look after sediments and oils.

B. Drysdale expressed concerns regarding emergency access to the area.

GPM Representative noted that there will be a reservoir on the site which will have sufficient capacity to respond to fire emergencies.

P. Fraser inquired if the primary access to the development will be Malone Road and also inquired about the hydro right of way.

GPM Representative advised that easements will be established with hydro and the owner of the property, and will proceed once the zoning is approved.

P. Fraser inquired if the first Phase will be accessed via Colonia.

GPM Representatives commented that is difficult to say at this time. It will also depend on the other developer in the area.

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

Mayor Hutchins called for comments a first time.

J. Rose noted that the Holland creek Trail Committee recommends that a buffer zone between the development and the trail be retained. The Committee raised funds to purchase a portion of the land so that a buffer could be created. She noted that she is not opposed to development but she feels strongly about having buffer zones to shield the development from the trail.

P. Fraser noted that Colonia is not designed for the amount of traffic that will be created by this new development and is concerned about the primary access to the development.

D. Vetch expressed concern about traffic flow on Colonia and inquired about the location of the bridge.

GPM Representative reviewed the location of the building site in relation to the bridge.

D. Vetch expressed concern about the affects of the current development on Holland Creek Trail and noted that he is concerned with the noise emanating from the construction site. He noted his opposition to the proposed development.

M. Quaife expressed her concern regarding the affects on the trail from the current development and stated she is not supportive of the application in front of Council.

B. Cruickshank expressed her opposition to the proposed development.

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

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

Hearing no further comments, Mayor Hutchins declared that the Public Hearing for Bylaws 1672 and 1673 was closed. (7:45 p.m.).

BYLAWS (OCP/ZONING)

Councillor J. Dashwood vacated Council Chambers at 8:08 p.m. due to a potential conflict of interest with the following item.

2009-112: It was moved, seconded and carried that Council delete the requirement for grey water reuse in the proposed Colonia Ridge Development (3360-06-13) and replace it with a covenant requirement for the following: the installation of individual water meters, low-flow toilets, low-flow washing machines and low-flow showerheads and provide in Phase I of the development a system to collect and use rain water for toilet flushing and landscape irrigation purposes;

AND THAT the Phase 1 water use mitigation strategies be evaluated for use in future phases of the development.

2009-113: It was moved, seconded and carried that Town of Ladysmith Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No. 23), 2008, No. 1672 be read a third time.

2009-114: It was moved, seconded and carried that Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 71), 2008, No. 1673 be read a third time.

Councillor J. Dashwood returned to Council Chambers at 8: 10 p.m.

Council recessed for a break at 8:10 p.m. and the meeting resumed at 8:27 p.m.

PROCLAMATIONS

The Mayor proclaimed March 2009 as "Community Social Services Awareness Month" and "Canadian Red Cross Month" in the Town of Ladysmith.

DEVELOPMENT PERMITS / DEVELOPMENT VARIANCE PERMITS

DEVELOPMENT VARIANCE PERMIT APPLICATION 3090-08-07

2009-115: It was moved, seconded and carried that Staff be directed to proceed with the statutory notice for Development Variance Permit Application No. 08-07 for lots 1 and lots 5 to 19; District Lot 52, Oyster District, Plan VIP 86055 (Thetis Drive) to vary the height;

AND THAT Staff work with the Developer to bring forward a proposal to mitigate the view impact from below the proposed development.

HIGHWAY SIGN VARIANCES IN THE TOWN OF LADYSMITH

2009-116: It was moved, seconded and carried that the Staff report from F. Adams, Manager of Development Services, dated February 24, 2009 regarding highway sign variances in the Town of Ladysmith be received.

COUNCIL / COMMITTEE REPORTS

Councillor S. Bastian advised that the Protective Services Committee met in February at which time the Fire Chief reported on the buildings in Town which do and do not have fire alarm systems. He informed Council that COPPS will not be holding the Holland Creek Crunch this year. He also noted that he attended BC Tourism Conference in Vancouver in February.

Councillor J. Dashwood distributed a written report regarding the Fire Department.

Councillor S. Arnett noted that the Economic Development Commission met on February 16, 2009. The EDC will be looking at creating a higher profile for Ladysmith.

Councillor D. Paterson noted that the Celebrations Committee will meet on Thursday, March 5, 2009 and further advised that the Festival of Lights AGM will be held on March 9, 2009.

GOVERNMENT SERVICES COMMITTEE RECOMMENDATIONS

2009-117: It was moved, seconded and carried that the City Manager's Report, dated February 11, 2009, regarding her review of 2008 be received.

2009-118: It was moved, seconded and carried that the Director of Public Work's 2008 Annual Report dated January 23, 2009 be received.

2009-119: It was moved, seconded and carried 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.

2009-120: It was moved, seconded and carried 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.

2009-121: It was moved, seconded and carried that a two-percent increase to the Parks, Recreation & Culture Fees be approved beginning April 1, 2009.

2009-122: It was moved, seconded and carried 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.

2009-123: It was moved, seconded and carried 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.

2009-124: It was moved, seconded and carried 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.

2009-125: It was moved, seconded and carried 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,

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; and,

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

2009-126: It was moved, seconded and carried 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.

2009-127: It was moved, seconded and carried that Staff be authorized to apply for three positions under the Canada Summer Jobs 2009 Program for the Parks, Recreation & Culture summer daycamps.

2009-128: It was moved, seconded and carried 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.

2009-129: It was moved, seconded and carried that the minutes of the Government Services Committee meeting on Monday, February 16, 2009 be approved as circulated.

2009-130: It was moved, seconded and defeated 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).
(MOTION DEFEATED)

2009-131: It was moved, seconded and carried that Development Variance Permit 3060-09-01 (Cacchioni) for Lot 11, 12 and 13, District Lot 139, Oyster District, Plan 7217 (1156 - 1154- 1152 Trans Canada Trail be denied.

PARKS, RECREATION & CULTURE COMMISSION RECOMMENDATIONS

Councillor D. Paterson vacated Council Chambers at 9:00 p.m. due to a potential conflict of interest.

2009-132: It was moved, seconded and carried that the Kinsmen Club project to install an information kiosk and washroom at the westerly corner of Sixth Avenue and Methuen Street be approved and that the Town provide the services to the washrooms.

Councillor D. Paterson returned to Council Chambers at 9:04 p.m.

2009-133: It was moved, seconded and carried that the previous lease agreement between George Liaros Catering and the Town of Ladysmith be extended for the Transfer Beach Park Concession for a further three-year term with the lease rates to be reviewed.

2009-134: It was moved, seconded and carried that the request from the Parks, Recreation and Culture Commission for Council's consideration of amending Bylaw No. 1528 (Parks, Recreation and Culture Commission Bylaw) to delete the requirement for representatives from Electoral Areas G and H on the Commission, and to amend the number required for a quorum from five to four be referred to a future Council meeting, and that Staff be requested to seek comments from Areas G and H regarding the proposed amendment to the bylaw.

Councillor L. Evans noted that she recently received a tour of the Lodge on 4th and La Villa Rosa as a potential assisted living facility. She also advised that she attended the Heritage Revitalization Advisory Commission workshop on February 28, 2008 and reported that approximately 20 people attended with a good representation from the community.

HERITAGE REVITALIZATION ADVISORY COMMISSION RECOMMENDATION

2009-135: It was moved, seconded and carried that when a park pavilion is built at Transfer Beach Park, it be named the Kay Grouhel pavilion.

Councillor B. Whittington advised that he will be attending the Vancouver Island Regional Library Board meeting in late March. He also noted that the Environmental Commission will meet on March 5, 2009 and will finalize recommendations that will be forwarded to Council.

REPORTS

FIRE CHIEF'S REPORT

2009-136: It was moved, seconded and carried that the Fire Chief's Report for January 2009 be received.

BUILDING INSPECTOR'S REPORT

2009-137: It was moved, seconded and carried that the Building Inspector's Report for January 2009 be accepted.

SEWAGE TREATMENT FACILITY AWARD

2009-138: It was moved, seconded and carried that the tender for the headworks construction for the sewage treatment facility be awarded 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.

GRANT APPLICATION - PIPELINE - ARBUTUS RESERVOIR TO SOUTH END LADYSMITH

2009-139: It was moved, seconded and carried that Staff be directed to submit a grant application for the Canada-British Columbia Building Canada Fund Program -

Communities Component (BCF-CC) for the installation of a dual water main from Arbutus Reservoir to the South end of Ladysmith.

MACHINE SHOP INQUIRES

2009-140: It was moved, seconded and carried that Staff be directed to proceed with the statutory notification for the following proposed leases for the use of the following areas of the Town owned Machine Shop Building (610 Oyster Bay Drive) to :

Unit D - Dennis Brown
Unit F - Pacific Clay Works
Unit G - Janice Richards
Unit I - Ladysmith Maritime Society
Unit L - Arts Council

CANADA DAY CELEBRATION GRANT APPLICATION

2009-141: It was moved, seconded and carried that Staff be directed to submit an application for a Celebrate Canada Committee For BC grant in the amount of \$3,600 for a Canada Day event.

EARTH HOUR MARCH 28, 2009

2009-142: It was moved, seconded and carried that the Town register for Earth Hour which takes place on March 28, 2009 from 8:30 p.m. to 9:30 p.m. and advertise the event on the Town's website and in the local newspaper.

CORRESPONDENCE

COASTAL ANIMAL CONTROL JANUARY 2009 POUND REPORT

2009-143: It was moved, seconded and carried that the January 2009 Pound Report form T. Hughes of Coastal Animal Control Services be received and filed.

HERITAGE BC GRANT

2009-144: It was moved, seconded and carried that:

a) the grant in the amount of \$1,200 for the Heritage Workshop Program under the 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.

TREASURY BOARD DECISION

2009-145: It was moved, seconded and carried that the letter from Mayor J. Ruttan of Nanaimo dated February 3, 2009 regarding the Treasury Board's decision to roll back the planned wage increase for the member of the RCMP be received and that a letter of support for the RCMP be forwarded to the President of the Treasury Board of Canada, The Honourable Vic Toews.

ARTS COUNCIL OF LADYSMITH & DISTRICT REQUEST FOR ADDITIONAL SPACE IN MACHINE SHOP

2009-146: It was moved, seconded and carried that the letter from D. Brown, President of the Ladysmith & District Arts Council dated February 13, 2009 regarding additional space in the Machine Shop building be received and that staff advise the letter writer of the status of the request.

CHERRY LANE STRATA REQUEST

2009-147: It was moved, seconded and carried that the letter from K. Cameron the Chair of the Cherry Lane Strata dated February 8, 2009 for separate addresses for each unit in the strata be referred to staff for review and report.

REQUEST FOR USE OF TOWN LOGO

2009-148: It was moved, seconded and carried that the correspondence dated February 10, 2009 from Peter Blumel regarding his request to use the Town Logo on a post card be received;

AND THAT Staff be directed to develop a policy regarding the use of the Town Logo;

AND THAT Mr. Blumel be advised that he is authorized to use the Ladysmith Tourism Logo "A View To Sea" for this project.

STRATEGIC COMMUNITY INVESTMENT FUNDS

2009-149: It was moved, seconded and carried that the Mayor and Corporate Officer be authorized to sign the Strategic Community Investment Funds Agreement.

BYLAWS

2009-150: It was moved, seconded and carried that the Town of Ladysmith Council Procedure Bylaw 2008, No. 1666 be adopted.

2009-151: It was moved, seconded and carried that the Town of Ladysmith Cemetery Care Trust Fund Appropriation Bylaw 2009, No. 1674 be adopted.

2009-152: It was moved, seconded and carried that the Town of Ladysmith DCC Roads Appropriation Bylaw 2009, No. 1669 be adopted.

2009-153: It was moved, seconded and carried that the Town of Ladysmith DCC Parks Appropriation Bylaw 2009, No. 1676 be adopted.

2009-154: It was moved, seconded and carried that Town of Ladysmith Development Procedures Bylaw 2008, No. 1667 Amendment Bylaw 2009, No. 1681 be referred to the April 6, 2009.

2009-155: It was moved, seconded and carried that the Town of Ladysmith Community Centre and Facilities Fees and Charges Bylaw 2009, No. 1682 be read a first, second and third time.

EXECUTIVE SESSION

The Regular Session of Council adjourned and the Executive Session of Council resumed at 9:50 p.m.

ARISE AND REPORT

2009-156: It was moved, seconded and carried that the Executive Session of Council arise without report (10:30 p.m.).

ADJOURNMENT

2009-157: It was moved, seconded and carried that the meeting be adjourned (10:30 p.m.)

CERTIFIED CORRECT:

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)