



## Town of Ladysmith

Minutes of a meeting of Council of the Town of Ladysmith held in Council Chambers at City Hall on Monday, May 4, 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
Joe Friesenhan	

Mayor Hutchins called the meeting to order at 6:30 p.m.

### EXECUTIVE SESSION

2009-240: It was moved, seconded and carried that this meeting retire into Executive Session (6:30 p.m.) pursuant to Section 90(1) of the Community Charter to consider the following item:

- 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;

### ARISE AND REPORT

2009-241: It was moved, seconded and carried that the Executive Session of Council rise without report at 6:50 p.m.

### AGENDA APPROVAL

Mayor Hutchins requested Council's consideration of amending the order of the agenda as follows:

- Item 11.3 and 11.4 to appear after Item 9.3

2009-242: It was moved, seconded and carried that the agenda for the Regular Council meeting for Monday, May 4, 2009 be approved as amended.

### MINUTES

2009-243: It was moved, seconded and carried that the Council minutes of April 6, 16 and 20, 2009 be approved as circulated.

### PUBLIC HEARINGS

PUBLIC HEARING - Bylaw 1684

APPLICANT AGENT  
Mark Huntjens

PUBLIC ATTENDANCE: 14

A Public Hearing for Bylaw 1684 was held in Council Chambers at City Hall, 410 Esplanade, Ladysmith, B.C. on Monday, May 4, 2009 at 7:02 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 Mr. Huntjens for Lot 6, DL 139 Oyster District, Plan 7217. The property is located at 1142 Trans Canada Highway. The purpose of the application is to rezone the subject property from Urban Residential Zone (R-2) to Medium Density Residential Zone (R-3-A) to permit 4 multiple family residential units. The proposal is consistent with the Official Community

Plan.

The Public Hearing notice was published in the Chronicle newspaper on April 21 and 28, 2009 and posted on community notice boards throughout Town and on the Town's website. Notices were also mailed and delivered to properties within 50 metres of the subject site and a copy was made available at the front counter of City Hall for the two week notice period. A sign was posted on the subject property. There were no written submissions or telephone enquiries received in connection with this Public Hearing. The applicant held a public information meeting about the proposal on March 25, 2008.

The Manager of Development Services noted that the Advisory Planning Commission reviewed the proposal and recommended approval of the proposed rezoning. The Advisory Design Panel reviewed the proposal and supports the proposed change from R-2 to R-3-A to permit four attached residential units. It was noted that the access to the proposed development is from Second Avenue, and the proposal was referred to Ministry of Transportation given its proximity to the Trans Canada Highway. The Ministry has no objections to the rezoning provided that access is from Second Avenue and all structures located no closer than 4.5m from the north-east property line which is required by the Town's zoning regulations.

The Mayor introduced the applicant, Mark Huntjens.

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

No questions were asked.

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

No comments were made.

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

Hearing no further comments, Mayor Hutchins declared that the Public Hearing for Bylaw 1684 was closed. (7:05 p.m.).

#### **BYLAWS (OCP/ZONING)**

2009-244: It was moved, seconded and carried that Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 72), 2008, No. 1684 for 1142 Trans Canada Highway be read a third time.

2009-245: It was moved seconded and carried that Town of Ladysmith Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No. 24), 2008, No. 1685 for 1323 4th Avenue be read a first and second time.

2009-246: It was moved, seconded and carried that Town of Ladysmith Zoning Bylaw 1995, No. 1160, Amendment Bylaw (No. 73), 2008, No. 1686 for 1323 4th Avenue be read a first and second time.

2009-247: It was moved, seconded and carried that Bylaw 1685 and Bylaw 1686 (application 3360-08-02 - 1323 4th Avenue) be referred to the Advisory Planning Commission for review.

2009-248: It was moved seconded and carried that a public hearing date of June 1, 2009 be set for Bylaw 1685 and Bylaw 1686 (application 3360-08-02 - 1323 4th Avenue).

2009-249: It was moved, seconded and carried that the applicant, 3360-08-02 (1323 4th Avenue), be required to hold a neighbourhood information meeting and the meeting is to be held at least 5 days prior to the date of the public hearing.

**PROCLAMATIONS**

Mayor Hutchins proclaimed:

- April 28, 2009 as "National Day of Mourning for Workers Killed and Injured on the Job"
  - May 17 - 23, 2009 as "National Public Works Week"
  - June 6, 2009 as "Access Awareness Day"
- In the Town of Ladysmith.

**DEVELOPMENT PERMITS / DEVELOPMENT VARIANCE PERMITS****DEVELOPMENT VARIANCE PERMIT 3090-09-02**

2009-250: It was moved, seconded and carried that Development Variance Permit 3090-09-02 for Parcel A (DD1766N) of Lot 9, Block 47, DL 56, Oyster District, Plan 703A (321 3rd Ave) be approved to vary the height of the dwelling to 9.5 metres with dormers; to vary the front yard setback from 6 metres to 1.55 metres to permit a covered porch; and to vary the sideyard setback from 1.5 metres to 0.31 metres to permit a rooftop balcony; and that the Mayor and Corporate Officer be authorized to sign DVP 09-02.

**DEVELOPMENT PERMIT 3060-09-03**

2009-251: It was moved, seconded and carried that Council supports the new location for the Tim Horton's drive-through access lane as presented in the staff report dated April 30, 2009 from F. Adams, Manager of Development Services, regarding Development Permit Application 3060-09-03, 1111 and 1115 First Avenue.

**DEVELOPMENT VARIANCE PERMIT 3090-08-07**

2009-252: It was moved, seconded and carried that Council approve the Development Variance Permit application (DVP-08-07) for a height variance for Lot 1, District Lot 52, Oyster District, Plan VIP 86055 (Thetis Drive) submitted by Shoa Organizational Services Ltd. for a maximum height of 9.75 metres for the roof peaks.

2009-253: It was moved, seconded and carried that the Development Variance Permit application 3090-08-07 for a "blanket" height variance of Lots 5 to 19 District Lot 52, Oyster District, Pan VIP 86055 (Thetis Drive) be denied.

**CANADIAN SHELLFISH SANITATION PROGRAM**

2009-254: It was moved, seconded and carried that the Mayor and Director of Corporate Services be authorized to sign the Conditional Management Plan between the Canadian Food Inspection Agency, Fisheries and Oceans Canada, Environment Canada, British Columbia Ministry of Environment and the Town of Ladysmith.

**ROCKY POINT METALCRAFT**

2009-255: It was moved, seconded and carried that Rocky Point Metalcraft be authorized to work on Sundays during the construction of the headworks at the sewage treatment plant and that they be requested to notify area residents in writing of their intended work schedule.

**COUNCIL / COMMITTEE REPORTS**

Councillor S. Bastian reported that members of Council and the City Manager participated in a site tour of the Fire Hall and plans are underway to have a site visit of the RCMP building.

Councillor J. Dashwood noted that the Liquid Waste Management Committee has organized an Open House for Wednesday, May 27, 2009 from 6 to 9 p.m. at the Eagles Hall meeting of the Liquid Waste Management Committee will take place on Wednesday, June 10, 2009 at 6:00 p.m. at City Hall.

Councillor S. Arnett stated that the Chamber of Commerce has moved to their new location at 411B First Avenue. The Economic Development Commission is looking into an entrepreneurship study with Nanaimo.

Councillor D. Paterson reported that the Festival of Lights has put up the spring lights.

## GOVERNMENT SERVICES COMMITTEE RECOMMENDATIONS

2009-256: It was moved, seconded and carried that forty copies of "Dunsmuir's Dream" and "Ladysmith Heritage Inventory" books be given to the Ladysmith and District Historical Society to be available for sale at their Annual General meeting on April 21, 2009.

2009-257: It was moved, seconded and carried that Staff be requested to prepare a report for Council's consideration regarding the Ladysmith and District Historical Society taking over the inventory of "Dunsmuir's Dream" and the "Ladysmith Heritage Inventory" books to provide them for sale at the archives office; and that the funds from the sale of the books go directly to Ladysmith and District Historical Society.

2009-258: It was moved, seconded and carried that funds in the amount of \$4,732 from the Archive Building Reserve Fund be released to the Ladysmith and District Historical Society to support upcoming projects.

2009-259: It was moved, seconded and carried that the Heritage Revitalization Advisory Commission be requested to make a recommendation on the allocation of the Dunsmuir Dream Book Fund of \$4,810 to support the operations of the Ladysmith and District Historical Society.

2009-260: It was moved, seconded and carried that the recommended initiatives from the Environment Commission be referred to the City Manager for review, priority setting and report back to Council.

2009-261: It was moved, seconded and carried that the City Manager's written report for the first quarter of 2009 be received.

2009-262: It was moved, seconded and carried that the first quarter reports for 2009 for the Director of Public Works, the Director of Parks, Recreation and Culture, Director of Corporate Services and the Manager of Development Services be received.

2009-263: It was moved, seconded and carried that Staff be directed to develop a template for Machine Shop tenant signage.

2009-264: It was moved, seconded and carried that a letter of invitation be sent to representatives of TimberWest inviting them to meet with Council and discuss their memorandum dated April 14, 2009 entitled " Review of Potential 2009 activities in Holland, Banon, and Stocking Lake watersheds"; and that the Town requests that they do not proceed with any activities (especially the spraying of glyphosate) until Council has had an opportunity to meet with them.

2009-265: It was moved, seconded and carried that authorization be given for an address change to 1129 2nd Ave to 1129A 2nd Ave and 1129B 2nd Avenue;

AND THAT any costs associated with the address change be paid for by the Cherry Lane Strata Corporation.

2009-266: It was moved, seconded and carried that the 2008 Annual Water Report be approved as presented for submission and that the report be made available for review on the Town's website.

2009-267: It was moved, seconded and carried that an expenditure of \$85,000 in the Sewer Fund be authorized and a Sol-Air unit be purchased for \$63,020 plus taxes and that the Financial Plan be amended accordingly.

2009-268: It was moved, seconded and carried that the application for a Crown Land Right of Way for the Holland Lake to Stocking Lake pipeline submitted by Koers & Associates Engineering Ltd. on behalf of the Town be approved.

2009-269: It was moved, seconded and carried that Staff be requested to contact the Ministry of Environment for information regarding the concerns raised by the BC Bottle Depot Association in their letter of March 5, 2009 and to provide a report to the committee.

2009-270: It was moved, seconded and carried that the Town post the 1st Annual Diversity Champion Awards information flyer and nomination form on the Town's website.

2009-271: It was moved, seconded and carried that the 1st Annual Diversity Champion Awards information be forwarded to the May 4, 2009 Executive Session of Council for discussion regarding a potential nomination.

2009-272: It was moved, seconded and carried that the letter dated April 8, 2009 from R. Coleman, Minister of Housing and Social Development, regarding partnerships to create new homes for seniors and persons with disabilities be referred to Staff to review and make recommendations.

2009-273: It was moved, seconded and carried that a letter be sent to Mel Dorey, Director CVRD Area G, requesting a response to earlier correspondence regarding the appointment of an Area G representative to the Parks, Recreation and Culture Commission.

2009-274: It was moved, seconded and carried that Director Marcotte of the CVRD be advised that the Town welcomes a representative from North Oyster to the Parks, Recreation and Culture Commission and looks forward to receiving confirmation of the appointee.

2009-275: It was moved, seconded and carried that the CVRD be informed that the Town of Ladysmith supports the Yellow Funding Model entitled "Regional/Sub-Regional Recreation Funding Model with Sub-Regionally Funded Cowichan Aquatic Centre" as presented in the January 28, 2009 CVRD report.

2009-276: It was moved, seconded and carried that the minutes of the Government Services Committee meeting held on Monday, April 20, 2009 be approved as circulated.

Councillor L. Evans reported that she attended the Ladysmith and District Historical Society Annual General Meeting. The Heritage Revitalization Advisory Commission continues to work on a 100 year memorial miners plaque which will be installed on the picture collage on First Avenue. The Food Action Coordination Team (FACT) is moving forward with a consultation session on May 6th regarding the community gardens. Councillor Evans circulated the draft terms of reference and draft mission statement for Social Planning Cowichan.

Councillor B. Whittington reported that he will be attending the Vancouver Island Library Board meeting in late June and further noted that the Advisory Design Panel recently reviewed two applications.

## **REPORTS**

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

2009-277: It was moved, seconded and carried that the Fire Chief's report for March 2009 be received.

### **BUILDING INSPECTOR'S REPORT**

2009-278: It was moved, seconded and carried that the Building Inspector's report for the month of March 2009 be received.

### **WEST NILE VIRUS GRANT**

2009-279: It was moved, seconded and carried that Staff be authorized to retain the services of D. G. Regan and Associates Limited to carry out a West Nile Virus Risk Reduction Initiative Program as per the terms of the UBCM Project for a cost not to exceed \$8,000.00, and that the purchasing policy be waived.

## TOURISM SIGNAGE - TRANSFER BEACH

2009-280: It was moved, seconded and carried that Staff be directed to proceed with the installation of the new Transfer Beach sign (as per the Town's Signage Plan) at the Highway and Roberts Street in place of the Welcome to Ladysmith sign and custom banners, subject to available tourism grant funding.

2009-281: It was moved, seconded and carried that Staff be directed to review direction signage for other amenities at Transfer Beach and report back to Council in this regard.

## CANADA BC BUILDING CANADA FUND GRANT APPLICATION

2009-282: It was moved, seconded and carried that Staff be authorized to submit a Canada-British Columbia Building Canada Fund Program-Communities Component (BCF-CC) grant application in the amount of \$3.28 million for the development of multi-purpose fields on the property commonly known as Lot 108 in the Town of Ladysmith.

## JANITORIAL SERVICES - RCMP BUILDING

2009-283: It was moved, seconded and carried that the proposal from Big Island Services be accepted to provide janitorial services and paper products for the Ladysmith RCMP Detachment and that the Town of Ladysmith enter into a two-year contract with Big Island Services at the rate of \$914.55 per month and further that the proponent be requested to use environmentally friendly products where possible.

**CORRESPONDENCE**

## COASTAL ANIMAL CONTROL POUND REPORT FOR MARCH 2009

2009-284: It was moved, seconded and carried that the March 2009 Pound Report from Coastal Animal Control Services be received.

## TOURISM BRITISH COLUMBIA'S COMMUNITY TOURISM OPPORTUNITIES PROGRAM - GRANT APPROVAL

2009-285: It was moved, seconded and carried that the grant for the Community Tourism Opportunities in the amount of \$14,000 be received and that a letter of thanks for the grant be forwarded to Tourism British Columbia;

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

AND THAT the 5 year financial plan and budget be amended accordingly.

## TOWNS FOR TOMORROW GRANT

2009-286: It was moved, seconded and carried that the letter dated April 7, 2009 from Deputy Minister D. Wall, Ministry of Community Development, giving approval for the Towns for Tomorrow project to be reallocated to Lot 108 ball field from Aggie Field be received and a letter of thanks regarding the approval be forwarded to the Ministry of Community Development.

## LADYSMITH HEALTH CARE AUXILIARY 100TH ANNIVERSARY

2009-287: It was moved, seconded and carried that the letter dated April 6, 2009 from D. Benson, President, Ladysmith Health Care Auxiliary regarding their 100th Anniversary Celebration on May 13, 2009 from 1:00 to 4:00 p.m. at the Eagles Hall be received and that Staff be directed to purchase an appropriate gift for the event and that the Mayor attend the celebration to present the gift.

## AMBULANCE PARAMEDICS OF BRITISH COLUMBIA

2009-288: It was moved, seconded and carried that the letter dated April 15, 2009 from J. Strohmaier, Provincial President, CUPE Local 873, regarding ambulance emergency response services be received.

**BYLAWS**

2009-289: It was moved, seconded and carried that Town of Ladysmith Development Procedures Bylaw 2008, No. 1667, Amendment Bylaw 2009, No. 1681 be adopted.

2009-290: It was moved, seconded and carried that Town of Ladysmith Sewer Parcel Tax Bylaw 2009, No. 1690 be read a first, second and third time.

2009-291: It was moved, seconded and carried that Town of Ladysmith Water Parcel Tax Bylaw, 2009, No. 1689 be read a first, second and third time.

2009-292: It was moved, seconded and carried that Town of Ladysmith Financial Plan Bylaw 2009, No. 1688 be read a first, second and third time.

2009-293: It was moved, seconded and carried that Town of Ladysmith Tax Rates Bylaw 2009, No. 1687 be read a first, second and third time.

**ADJOURNMENT**

2009-294: It was moved, seconded and carried that the meeting be adjourned at 8:53 p.m.

**CERTIFIED CORRECT:**

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Mayor (R. Hutchins)

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Corporate Officer (S. Bowden)