



## Town of Ladysmith

Minutes of a meeting of Council of the Town of Ladysmith held in Council Chambers at City Hall on Monday, October 19, 2009 at 7:00 p.m.

### COUNCIL MEMBERS PRESENT:

Mayor Rob Hutchins (Chair)  
Jillian Dashwood  
Duck Paterson

Steve Arnett  
Lori Evans  
Bruce Whittington

### COUNCIL MEMBERS ABSENT:

Scott Bastian

### STAFF PRESENT:

Ruth Malli  
Rebecca Kalina

Sandy Bowden  
Felicity Adams

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Mayor Hutchins called the meeting to order at 7:02 p.m.

### AGENDA APPROVAL

The Mayor requested Council's consideration of the following additions to the agenda:  
- 11.1 Proposed Reduction in Ferry Service - Departure Bay/Horseshoe Bay  
- 11.2 Government Services Committee Recommendation October 19, 2009 Meeting  
- Executive Session of Council to consider: 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;

2009-533: It was moved, seconded and carried that the agenda for the Regular Council meeting for Monday, October 19, 2009 be approved as amended.

### MINUTES

2009-534: It was moved, seconded and carried that the Council minutes of October 5, 2009 be approved as distributed.

### PUBLIC HEARINGS

PUBLIC HEARING - Bylaw 1696 and Bylaw 1697

APPLICANT AGENT  
Town of Ladysmith

PUBLIC ATTENDANCE: 12

A Public Hearing for Bylaw 1696 and Bylaw 1697 was held in Council Chambers at City Hall, 410 Esplanade, Ladysmith, B.C. on Monday, October 19, 2009 at 7:03 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.

Felicity Adams, Manager of Development Services, provided an overview of the application submitted by the Town of Ladysmith for Block B, District Lot 56, Oyster District, Plan 6460, Except Part in Plan 13908 and VIP68919. She noted that the property is located at 208 High Street and 217 Buller Street and that the purpose of Bylaw 1696 is to amend the Official Community Plan to re-designate the subject property from Multi-Family Residential to Institutional and remove the property from Commercial Development Permit Area (DPA3); the purpose of Bylaw 1697 is to amend the Zoning Bylaw to rezone the subject property from Multi-Family Residential (R-3) to Institutional Zone (P-1) to permit a Community Services Centre/Civic Space. She stated that Bylaw 1697 would also add a definition for Park and Open Space and would amend the definition of Public Assembly Use to include outdoor market and permit offices associated with public assembly uses and would permit Park and Open Space use in all zones.

Ms. Adams advised that the Public Hearing notice was published in the Chronicle newspaper and posted on community notice boards through out Town and on the Town's website. Notices were also mailed and delivered to neighbouring property owners and a copy was made available at the front counter at City hall for the two week notice period. She stated that a neighbourhood information meeting was held on October 6, 2009 and there were five members of the public in attendance. She noted that comments were supportive of the project and that two written submissions were received that provided the following comments.

- Support for the project;
- Concern about noise level and seniors' centre parking during construction;
- That the access to the food bank and resource centre needs to be at ground level;
- Concern about impact on view shed and height; noise during construction and potential extended hours for construction.

Ms. Adams advised that this application was reviewed by the Advisory Planning Commission (APC) at their October 8, 2009. The APC supported proposed Bylaws 1696 and Bylaw 1697 and encouraged green building design. She further commented that there were no written submissions, one telephone call was received and two in-person enquiries were received at City Hall in connection with this Public Hearing.

Mayor Hutchins called for questions a first time.

V. Power – Buller Street expressed concern regarding the possible closure of Second Avenue between Buller Street and High Street and access to her home from Second Avenue.

Mayor Hutchins stated that Second Avenue will not be closed.

S. Dice – Short Close informed Council that she is with the Pre-School Society that operates out of the United Church and they have concerns about their emergency kiosk and playground which is situated on a portion of the land.

R. Malli, City Manager responded that anyone who may be impacted by construction on the site will be involved in the site planning and will be consulted before any work begins.

R. Johnson – Bayview inquired what the permitted uses for Institutional Zoning are and what percentage of the land can be covered with buildings.

Felicity Adams, Manger of Development Services, reviewed the uses for the P1 Institutional Zone and stated that the zone permits 40% coverage.

R. Johnson – Bayview inquired If there will be further public hearings.

R. Malli, City Manager explained that only one public hearing will be held in accordance with the legislation but there will be a public consultation process regarding site designs for Spirit Square/Civic Space which will include several public meetings.

M. Quaife – Baden-Powell Street inquired where Spirit Square will be located on the site.

R. Malli, City Manager advised that the Provincial Government has approved moving Spirit Square to this new location and that the actual location of the square on the property will depend on public input during the consultation process.

Mayor Hutchins called for questions a second time

Mayor Hutchins called for questions a third time

J. Sheppard – High Street inquired if upgrade of the property will affect property taxes in the area.

R. Malli, City Manager advised that the BC Assessment Authority is responsible for assessments regarding the value of properties.

Mayor Hutchins stated that if there is development in an area it may increase the value of the homes in the area.

B. Verchere– 3rd Avenue expressed concerns regarding the height of the building on the property and how it will impact views.

N. Grant - Buller- inquired if there will be angle parking on Second Avenue and if there will be a community garden included on this site.

Mayor Hutchins

Stated that parking layout will be part of the design process and that a community garden is not planned for this site.

Mayor Hutchins called for comments a first time.

N. Gant – Buller expressed support for the proposed zoning changes and development.

R. Johnson – Bayview noted that he is not opposed to the re-zoning of the property and understands that all tenants of the site are supportive. He inquired if this is the appropriate site for a community building in terms of the vision the forefathers had for Ladysmith. He also pointed out that the public notice was not published in the October 13, 2009 edition of the Chronicle.

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 Bylaw 1696 and Bylaw 1697 was closed, (7:29 p.m.)

7: 45 p.m. R. Malli, City Manager, confirmed that the Public Hearing notice for Bylaw 1696 and Bylaw 1697 was not published in the October 13, 2009 edition of the Chronicle and therefore another public hearing will be scheduled.

## **REPORTS**

Councillor J. Dashwood vacated Council Chambers at 7: 32 p.m. for the following agenda item.

### **OFFICIAL COMMUNITY PLAN (OCP) AMENDMENT AND REZONING APPLICATION 3360-09-03**

2009-535: It was moved, seconded and carried that staff be directed to prepare bylaws to amend the Official Community Plan and Zoning Bylaw to permit 13 residential units at 315 Holland Creek Place, Lot 1, DL 43, Oyster District, Plan 32981 (3360-09-03 Holland Creek Holdings), and that Council supports staff working with the developer towards a land-use agreement for the proposed development of 315 Holland Creek Place (3360-09-03), to include the following commitments:

- To construct a walkway from the east end of the site to the sidewalk adjacent to Dogwood Drive.
- To register a restrictive covenant on title to protect the covenant area shown on the September 9, 2009 survey by G.W. Lindberg Land Surveying Inc. (Figure 1).
- To contribute \$5,000 towards the amenity fund; and
- To develop utilizing ‘Green Building Practices’ including an erosion and sediment control plan; maintain or reduce predevelopment site runoff levels; minimize light trespass to adjacent properties and Holland Creek Trail; install permeable surfaces for parking areas;

install energy efficient windows, energy efficient appliances, a high efficiency furnace or heat pump, low flow fixtures, as well as on-demand hot water supply; landscaping to consist of drought tolerant plant material; irrigation will be supplemented with a rain water collection system; and utilize regional building materials, renewable materials, or materials with recycled content.

Councillor J. Dashwood returned to Council Chambers at 7:38 p.m.

#### AMENDMENT OF PROTECTIVE SERVICES CAPITAL BUDGET ALLOCATION

2009-536: It was moved, seconded and carried that staff be directed to reallocate up to \$11,000 from the 2009 Protective Services - Fire Hall roof repair budget to the emergency power supply budget for a total of \$31,000.

#### FIRE CHIEF'S REPORT

2009-537: It was moved, seconded and carried that the Fire Chief's Report for September, 2009 be received.

#### BUILDING INSPECTOR'S REPORT

2009-538: It was moved, seconded and carried that the Building Inspector's Report for September, 2009 be received.

#### CORRESPONDENCE

#### POUND REPORT

2009-539: It was moved, seconded and carried that the Pound Report for September, 2009 from Coastal Animal Control Services of BC Ltd. be received.

#### BYLAWS

2009-540: It was moved, seconded and carried that Town of Ladysmith Fire Department Bylaw 1985 No. 832 Amendment Bylaw 2009, No. 1698 be adopted.

2009-541: It was moved, seconded and carried that Town of Ladysmith Permissive Tax Exemption Bylaw 2009, No. 1699 be adopted.

#### NEW BUSINESS

#### PROPOSED REDUCTION IN BC FERRY SERVICE - DEPARTURE BAY-HORSESHOE BAY ROUTE

2009-542: It was moved, seconded and carried that a letter be sent to BC Ferries expressing Council's concern regarding the proposed reduction in ferry service between Departure Bay and Horseshoe Bay and that the letter stipulate that Council supports the City of Nanaimo Council's position protesting the possible reduction in the service.

#### RECOMMENDATION FROM OCTOBER 19, 2009 GOVERNMENT SERVICES COMMITTEE MEETING

2009-543: It was moved, seconded and carried that, after consultation with the Kinsmen Club, staff be directed to remove the Kinsmen Park playground equipment.

#### UNFINISHED BUSINESS

#### SALE OF UNUSED ROAD RIGHT-OF-WAY

2009-544: It was moved, seconded and carried that staff be authorized to accept the offer from Steeves Enterprises Ltd. of twenty-one thousand (\$21,000) dollars , plus GST, for the portion of unused road right-of-way legally described as that Part of District Lot 91, Oyster District, show on plan VIP86877, and that the Mayor and Director of Corporate Services be authorized to sign any required legal agreements to complete this transaction.

#### EXECUTIVE SESSION

2009-545: It was moved, seconded and carried that this meeting retire into Executive Session (8:25 p.m.) pursuant to Section 90(1) of the Community Charter to consider the following item:

- 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;

**RISE AND REPORT**

2009-546: It was moved, seconded and carried that the Executive Session of Council rise without report (8:46 p.m.)

**ADJOURNMENT**

2009-547: It was moved, seconded and carried that the meeting be adjourned at 8:46 p.m

**CERTIFIED CORRECT:**

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Mayor (R. Hutchins)

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Corporate Officer (S. Bowden)