



## Town of Ladysmith

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

### **COUNCIL MEMBERS PRESENT:**

Mayor Rob Hutchins  
Scott Bastian  
Lori Evans  
Bruce Whittington

Steve Arnett  
Jillian Dashwood  
Duck Paterson

### **STAFF PRESENT:**

Ruth Malli  
Rebecca Kalina

Sandy Bowden

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Mayor Hutchins called the meeting to order at 6:41 p.m.

### **EXECUTIVE SESSION**

2009-565

It was moved, seconded and carried that this meeting retire into Executive Session (6:41 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 receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public;
- labour relations or other employee relations;

The Regular Session of Council was called to order at 7:00 p.m.

### **AGENDA APPROVAL**

The Mayor requested Council's consideration of the following additions to the agenda:

- 10.6 - Ladysmith Community Services Centre Construction Manager Contract
- 10.7 - Waterfront Environmental Assessment (Verbal Report)

2009-566

It was moved, seconded and carried that the agenda for the Regular Council meeting for Monday, November 16, 2009 be approved as amended.

### **MINUTES**

2009-567

It was moved, seconded and carried that the Council minutes of November 2, 2009 be approved as circulated.

### **PUBLIC HEARINGS**

PUBLIC HEARING - Bylaw 1696 and Bylaw 1697 - 208 High Street / 217 Buller Street

APPLICANT AGENT  
Town of Ladysmith

PUBLIC ATTENDANCE: 4

A Public Hearing for Bylaw 1696 and Bylaw 1697 was held in Council Chambers at City Hall, 410 Esplanade, Ladysmith, B.C. on Monday, November 16, 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.

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 on November 3, 2009 and November 10, 2009 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 meeting. The APC supported proposed Bylaws 1696 and Bylaw 1697 and encouraged green building design. She further commented that there was one written submission, one telephone call and two in-person enquiries received at City Hall in connection with this Public Hearing.

Mayor Hutchins called for questions a first time.

R. Jackson asked where the property in question is located.

Mayor Hutchins explained that the property is located at 208 High Street and 217 Buller Street.

Mayor Hutchins called for questions a second time.

Mayor Hutchins called for questions a third time.

No further 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 1696 and Bylaw 1697 was closed, (7:05 p.m.)

**BYLAWS (OCP/ZONING)**

2009-568

It was moved, seconded and carried that Town of Ladysmith Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No. 27), 2009 No. 1696 be read a third time and adopted;

And that Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 76), 2009, No. 1697 be read a third time and adopted.

**DEVELOPMENT PERMITS /****DEVELOPMENT****VARIANCE PERMITS**

DEVELOPMENT PERMIT APPLICATION 3060-09-09

2009-569

It was moved, seconded and carried that Development Permit 3060-09-09 be approved for a parking variance and setback variances for 128, 134, 140 Esplanade Ave. and 9 White Street to permit an 11 unit multi-family development;

AND THAT the Mayor and Corporate Officer be authorized to sign the Development Permit.

**COUNCIL / COMMITTEE REPORTS**

OCP AMENDMENT AND REZONING APPLICATION 3360-09-07

2009-570

It was moved, seconded and carried that OCP Amendment and Rezoning Application No. 3360-09-07 (Proposed Lot 6 of Lot 1, D.L. 108, Oyster District, Plan 47290) be referred to the Advisory Planning Commission (APC) for review and comment prior to a public hearing pursuant to S. 897 of the Local Government Act;

AND THAT staff be directed to prepare bylaws to amend the Official Community Plan and Zoning Bylaw to permit a medium density residential development on proposed lot 6 of Lot 1, D.L. 108, Oyster District, Plan 47290;

AND THAT staff be directed to work with the developer towards a land-use agreement for the proposed development, which sets parameters regarding amenities to be offered (\$1,000 per residential unit); as well as site and building design guidelines (including build green commitments).

**REPORTS**

HERITAGE GRANT - HISTORIC PLACES INITIATIVE CONTRACT FOR 2009/10

2009-571

It was moved, seconded and carried that:

- a) the grant for the Historic Places Initiative Contract for 2009/10 in the amount of \$5,000 be received and that a letter of thanks for the grant be forwarded to the BC Ministry of Tourism, Culture and the Arts.
- b) the Mayor and Corporate Officer be authorized to sign the agreement on behalf of the Town.
- c) the 5-year Financial Plan be amended accordingly.

2009-572

It was moved, seconded and carried that the purchasing policy for the Historic Places Initiative Contract 2009/10 be waived to permit the contract to be awarded to heritage consultant Christine Meuntzner who previously prepared statements of significance for the Town.

2009-573

It was moved, seconded and carried that staff be directed to include a "values statement for the west-side First Avenue streetscape from High Street to Roberts Street" within the 5 community heritage register records to be created as part of the Historic Places Initiative Contract 2009/10, and to request the Heritage Revitalization Advisory Commission to make building recommendations.

ARCHAEOLOGICAL IMPACT ASSESSMENT REPORT

City Manager, R. Malli, reported that the Archaeological Impact Assessment on the Town-

owned lands in Ladysmith Harbour prepared by Madrone Environmental Services Ltd. is complete and a copy of the report has been sent to Stz'uminus First Nation.

#### FIRE CHIEF'S REPORT

2009-574

It was moved, seconded and carried that the Fire Chief's Report for October, 2009 be received.

#### BUILDING INSPECTOR'S REPORT

2009-575

It was moved, seconded and carried that the Building Inspector's Report for October 2009 be received.

#### LADYSMTIH COMMUNITY SERVICES CENTRE CONSTRUCTION MANAGER CONTRACT

2009-576

It was moved, seconded and carried that staff be authorized to issue a Request for Proposals for a Construction Manager and Landscape Architect, for the Community Services Centre project and that Council waive the purchasing policy in order to meet the project timelines; and that the Mayor and Corporate Officer be authorized to sign an agreement with D'Ambrosio Architects for architectural services associated with the project.

#### WATERFRONT ENVIRONMENTAL ASSESSMENT

2009-577

It was moved, seconded and carried that staff be authorized to add a \$20,000 contingency (2010 Budget) amount to the funding of the contract for an environmental and geotechnical evaluation of Town-owned lands between Transfer Beach and Williams Point along Ladysmith Harbour by Golder and Associates.

### CORRESPONDENCE

#### POUND REPORT

2009-578

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

#### INFRASTRUCTURE PLANNING GRANT AWARD - ENVIRONMENTAL IMPACT STUDY

2009-579

It was moved, seconded and carried that:

- a.) the grant for the Environmental Impact Study in the amount of \$10,000 be received and that a letter of thanks for the grant be forwarded to Minister Bill Bennett, Ministry of Community and Rural development.
- b.) The Mayor and Corporate Officer be authorized to sign the agreement on behalf of the Town.
- c.) The 5 year financial plan be amended accordingly.

### BYLAWS

2009-580

It was moved, seconded and carried that Town of Ladysmith Waterworks Regulation Bylaw 1999, No.1298, Amendment Bylaw 2009, Bylaw 1670 be adopted.

### EXECUTIVE SESSION

The Executive Session of Council resumed at 7:35 p.m.

### RISE AND REPORT

2009-581

It was moved, seconded and carried that the Executive Session of Council rise with report (9:45 p.m.) with the following resolutions:

- That staff be directed to work with legal counsel to prepare a covenant to address site and building design guidelines, including build green practices, for the DL108 multiple family development;

AND THAT the covenant be registered on the title of the Town's DL108 multiple family sites prior to marketing/sale.

- That the City Manager be authorized to hire an MPA student for 2010 and that the Financial Plan be amended accordingly (approximate cost of \$15,000).

- That Council accept the resignation of Dana McFarland from the Heritage Revitalization Advisory Commission, and that a letter of thanks be sent;

AND THAT staff be directed to advertise the vacancy on the HRAC.

- That the Manager of Development Services title be changed to Director of Development Services.

**ADJOURNMENT**

2009-582

It was moved, seconded and carried that the meeting be adjourned at 9:45 p.m.

**CERTIFIED CORRECT:**

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Mayor (R. Hutchins)

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Corporate Officer (S. Bowden)