



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 16, 2010
at 7:00 p.m.

AGENDA

CALL TO ORDER

1. AGENDA APPROVAL

2. MINUTES

Adoption of the following minutes:

2.1. August 3, 2010

Page

1 - 5

3. BYLAWS (OCP / ZONING)

4. STAFF / ADVISORY COMMITTEE REPORTS

4.1. Cycling Infrastructure Partnerships Program (CIPP) – Bayview Street Connection

6 - 7

5. CORRESPONDENCE

5.1. Jeff Bray, Shaw Communications Inc.
Request for Letters of Support to CRTC

8 - 12

Staff Recommendation:

That Council consider if it wishes to write letters to the CRTC in support of Shaw Communications Inc.'s acquisition of Canwest Global's broadcasting assets, and of the company's license renewals.

6. BYLAWS

6.1. Heritage Revitalization Advisory Commission Bylaw 1998, No. 1279 Amendment
Bylaw 2010, No. 1735
May be adopted

13

7. NEW BUSINESS

8. UNFINISHED BUSINESS

8.1. Motion No. 2010-307 – July 5, 2010 Council Meeting

Council's consideration of the following resolution is requested:

That Resolution No. 2010-307 from the minutes of the July 5, 2010 Regular Council meeting be amended as follows:

It was moved, seconded and carried that staff be requested to prepare a Zoning Bylaw Amendment ~~n amendment to proposed Bylaw 1727~~ with respect to definitions of occupancy and dwelling units ~~for accessory buildings in residential zones.~~

9. DELEGATION

9.1. Darrel Byron, Royal Canadian Legion, Branch 71

2011 Highland Gathering (June 18, 2011)

10. QUESTION PERIOD

11. EXECUTIVE SESSION

In accordance with Section 90(1) of the *Community Charter*, this part of the meeting will be held *In Camera* to consider the following item:

- 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

ADJOURNMENT



LADYSMITH

TOWN OF LADYSMITH
MINUTES OF A REGULAR SESSION OF COUNCIL
TUESDAY, AUGUST 3, 2010 - 7:00 P.M.

COUNCIL MEMBERS PRESENT:

Mayor Rob Hutchins
Councillor Jillian Dashwood
Councillor Bruce Whittington

Councillor Steve Arnett
Councillor Lori Evans

Councillor Scott Bastian
Councillor Duck Paterson

STAFF PRESENT:

Patrick Durban

Sandy Bowden

Joanna Winter

CALL TO ORDER

Mayor Hutchins called the meeting to order at 7:00 p.m.

AGENDA APPROVAL

Mayor Hutchins requested Council's consideration of the following amendments to the agenda.

To add:

- 6.2 District Lot 108 Ladysmith Playing Fields - Phase I Service Facility Recommendations
- 9.1 Mariner Tourism Safety—Lighting at Community Marina
- 9.2 Meeting Schedules
- 9.3 Recognition of Young Ladysmith Citizens

To delete:

- 5.1 Cowichan Valley Regional District - Report on Cowichan Communities Health Network

2010-354

It was moved, seconded and carried that the agenda be adopted as amended.

DELEGATION

Bruce Findlay, Generation Properties
Proposed Strata Conversion at 218 Bayview Avenue

Bruce Findlay made a presentation to Council regarding the proposed strata conversion at 218 Bayview Avenue. He requested that Council consider giving full approval as opposed to approval in principal for the proposed conversion.

MINUTES

2010-355

It was moved, seconded and carried that the minutes of July 5,

July 13, July 19, and July 26, 2010 be adopted as amended.

**BYLAWS (OCP /
ZONING)**

Town of Ladysmith Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No. 29), 2010, No. 1705

2010-356

It was moved, seconded and carried that Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 29) 2010, No. 1705 be adopted

Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 78) 2010, No. 1706

2010-357

It was moved, seconded and carried that Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 78) 2010, No. 1706 be adopted.

**COUNCIL COMMITTEE
REPORTS**

Councillor D. Paterson

Government Services Committee Recommendations from the meeting of July 19, 2010

2010-358

It was moved, seconded and carried that staff be directed to review trolley ridership and determine if any adjustments to routes and schedules are required based on ridership patterns.

2010-359

It was moved, seconded and carried that the matter of providing visitor information to boaters be referred to the Tourism Advisory Committee for review and recommendations.

2010-360

It was moved, seconded and carried that Council write to all major transportation carriers on Vancouver Island (including Greyhound Canada, Pacific Bus Lines and VIA Rail) requesting that bicycle racks be installed on their vehicles, and that a copy of the letters be sent to Jawn Lafratta in response to the letter of June 7, 2010.

Councillor Paterson requested that the Town send letters of congratulations to the Ladysmith Celebrations Committee for a job well done on Ladysmith Days, to the Ladysmith and District Credit Union, 49th Parallel Grocery Store, and the Rotary Club of Ladysmith for their sponsorships, and to the Logger Sports Group for organizing the Logger Sports.

2010-361

It was moved, seconded and carried that the Town place an advertisement in the Ladysmith Chronicle expressing

appreciation and congratulations to all those who sponsored and organized Ladysmith Days 2010.

**STAFF / ADVISORY
COMMITTEE REPORTS**

Strata Conversion Application – 218 Bayview Avenue

2010-362

It was moved, seconded and carried that Council provide preliminary approval to convert 218 Bayview Avenue to strata title units, subject to:

1. Staff and the applicant finalizing a Housing Agreement Bylaw (s. 905, Local Government Act) to secure in general terms (1) on-going rental, (2) maximum rental increases, and (3) including an accessible unit, as defined by the BC Building Code, in the renovation of the building.
2. The applicant providing the following information and commitments, in a form acceptable to the Town:
 - a) The immediate payment of a non-refundable processing fee of \$200 per unit up to \$2,500.
 - b) Notarized declaration regarding notice to current tenants.
 - c) Written report from a registered architect or engineer, in a form acceptable to the building inspector, that the building is of reasonable quality for its age, including reference to the state of repair, general workmanship, and whether the building substantially complies with applicable bylaws and the Building Code.
 - d) Written report from an electrical engineer stating that all the electrical works have been upgraded to current electrical code standards and a letter from the Provincial Electrical Inspector verifying and confirming the contractor's report.
 - e) Written report from the Fire Chief stating that each unit has been inspected and the building and each unit meets the Fire Department's requirements and applicable Provincial and Town bylaw regulations, including consideration of the installation of a fire sprinkler system.
 - f) Written report from the gas inspector stating that a gas inspection has been completed and approval received.
 - g) Preparation of a Restrictive Covenant under section. 219 of the Land Title Act to secure (1) no change to the tenants' leases as part of the strata conversion; (2) right of first refusal for current tenants to purchase their suite, at a minimum 10% discount to the market value; (3) \$25,000 contribution to the Town's community amenity fund prior to final plan

approval.

3. That upon completion of the above items to the satisfaction of the Town within 18 months of Council's approval, unless an extension is granted upon request of the owner,
 - a) Preparation of a building strata plan, including dimensions, strata lots, limited common property and common property, in accordance with the provisions of the *Strata Property Act*.
 - b) Registration of the building strata plan.

Ladysmith Playing Fields (Lot 108) Service Facility Recommendations

2010-363

It was moved, seconded and carried that Council authorize the acquisition and/or lease, subject to budget, of refurbished washroom and change room facilities for the Ladysmith Playing Fields at Lot 108.

CORRESPONDENCE

BC Recreation and Parks Association

2010-364

It was moved, seconded and carried that Council write a letter of support to the BC Recreation and Parks Association initiative to address the need for recreation infrastructure renewal.

BYLAWS

Town of Ladysmith Heritage Revitalization Advisory Commission Bylaw 1998, No. 1279, Amendment Bylaw 2010, No. 1735

2010-365

It was moved, seconded and carried that Town of Ladysmith Heritage Revitalization Advisory Commission Bylaw 1998, No. 1279, Amendment Bylaw 2010, No. 1735 be read a first, second and third time.

NEW BUSINESS

Marine Tourist Safety

2010-366

It was moved, seconded and carried that staff be directed to work with the Ladysmith Maritime Society and other community groups as deemed appropriate for the installation of lighting on the stairways to the Ladysmith Community Marina and the Government Wharf, and that staff investigate possible grant funding to assist with the costs.

Meeting Schedule

Council was informed that Joint Council Meetings between Ladysmith Council and the Stz'uminus First Nation will resume in September.

2010-367

It was moved, seconded and carried that Council write letters of

congratulations to Stef Lang, Jeff Puska and Michelle Moore congratulating them on their recent accomplishments.

EXECUTIVE SESSION

2010-368

It was moved, seconded and carried that this meeting retire into Executive Session at 7:46 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

RISE AND REPORT

It was moved, seconded and carried that the Executive Session of Council arise without report.

ADJOURNMENT

2010-369

It was moved, seconded and carried that this Meeting of Council be adjourned at 8:05 p.m.

CERTIFIED CORRECT

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Director of Development Services
Date: August 13, 2010
File No:

Re: **CYCLING INFRASTRUCTURE PARTNERSHIPS PROGRAM (CIPP) – BAYVIEW STREET CONNECTION**

RECOMMENDATION(S):

That Council authorize staff to submit an application to the Province's Cycling Infrastructure Partnerships Program (CIPP) for multi-use pathway (bike lane) improvements for the Bayview Street Connection as outlined in the Ladysmith Bicycle Plan.

That Council direct that up to \$40,000.00 from the Gas Tax Agreement be made available for the Bayview Street Connection multi-use pathway as the Town's contribution to the Province's Cycling Infrastructure Partnerships Program (CIPP) grant application, and that the Financial Plan be amended accordingly.

PURPOSE:

The purpose of this report is to seek Council's authorization to submit a proposal to the Province's Cycling Infrastructure Partnerships Program (CIPP) for multi-use pathway (bike lane) improvements on the Bayview Street Connection as outlined in the Ladysmith Bicycle Plan.

INTRODUCTION/BACKGROUND:

Council adopted the Ladysmith Bicycle Plan (Bike Plan) in January 2010. The Bike Plan includes and prioritizes bicycle facility improvements to support the development of a high quality bicycle network. The Bayview Street Connection is one of the priority projects. The CIPP program is managed by the Ministry of Transportation and as the Bayview Street connection relates to the Highway this project is a great fit.

SCOPE OF WORK:

The scope of work is to complete and submit the application by September 1, 2010 and if the application is successful to undertake the improvements within one year of funding approval.

ALTERNATIVES: That staff not pursue the CIPP program grant at this time.

FINANCIAL IMPLICATIONS:

The maximum grant available is 50% of the eligible project cost up to \$100,000. It is estimated that the project would cost \$71,850.00. The municipal contribution must be a minimum of 50%. It is recommended that the Town's Gas Tax Agreement, which

supports cycling infrastructure and bike paths, be used to fund the Town's portion of the project. The \$40,000 amount is 55% of the estimated project cost.

LEGAL IMPLICATIONS:

Permits may be required by Ministry of Transportation.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The Ladysmith Bicycle Plan was developed with input from the public, including cyclists. The proposed project was determined to be a priority project offering an option to the Dogwood Dip.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The development of the grant proposal is involving all departments. The RCMP is also assisting with information.

RESOURCE IMPLICATIONS:

Preparing the application is within available staff resources. The project would be managed by Development Services and Engineering with the assistance of the Town's intern.

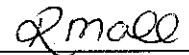
ALIGNMENT WITH STRATEGIC PRIORITIES:

Implementing the Town's sustainability plan and undertaking initiatives to reduce the community's greenhouse gas emissions are Council objectives.

SUMMARY:

The Ladysmith Bicycle Plan was accepted by Council in January 2010. The Province has recently announced the 2010/2011 Cycling Infrastructure Partnerships Program (CIPP). It is recommended that the Town apply for multi-use pathway (bike lane) improvements on the Bayview Street Connection as outlined in the Ladysmith Bicycle Plan.

I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

"None".

From: Jeff Bray [mailto:Jeff.Bray@sjrb.ca]
Sent: August 3, 2010 10:14 AM
To: Rob Hutchins
Subject: Ladysmith CRTC Support Letters

Hello Mayor Hutchins,

In June Jim Shaw wrote to you outlining our purchase of Canwest's broadcasting assets. The CRTC has just announced that it will conduct a public hearing on September 20, 2010 to review the merits of this transaction. The full application can be viewed at [BNC CRTC 2010-498](#).

On behalf of Shaw Communications, I am writing to solicit your support of our acquisition of Canwest's broadcasting assets. I encourage you to send a letter supporting this critically important transaction, which will ensure that Canwest emerges from bankruptcy protection as an integrated going concern, bringing stability to 1,700 employees and their families while strengthening the Canadian broadcasting system and economy. To achieve these objectives, the CRTC must approve this transaction without imposing any undue financial burdens or requiring any unnecessary structural changes that will only serve to weaken Canwest.

The CRTC **deadline for interventions is Monday, August 23, 2010** and I respectfully ask that if you are in support, you submit your comments prior to that date. Attached I have included a template letter with various talking points for your consideration.

In addition, the CRTC is holding our license renewals for BC the day after the Canwest hearing, this is the license for us to operate as a cable company for Ladysmith and Vancouver Island. I have taken the liberty of also attaching draft talking points for your consideration.

If I can provide any assistance or clarification, do not hesitate to contact me directly by email at jeff.bray@sjrb.ca or by phone at (250) 414-7416.

Your support is greatly appreciated!

Sincerely

Jeff Bray
Manager, Government and Regulatory Affairs - BC
Shaw Communications Inc.
861 Cloverdale Ave.
Victoria, BC V8X 4S7
Phone: (250) 414-7416 | **Fax:** (250) 475-7289
Jeff.Bray@sjrb.ca

ACCOUNTABLE BALANCE CUSTOMER FOCUSED INTEGRITY LOYALTY POSITIVE, CAN DO ATTITUDE TEAM PLAYER

Template for CRTC letters of support

Via Facsimile (819) 994-0218 - CRTC fax

August 3, 2010

Secretary General
CRTC
Ottawa, Ontario
K1A 0N2

RE: Broadcast Notice of Consultation CRTC 2010-497

I am writing in support of Shaw's License Renewal...

SUGGESTED POINTS OF INTEREST FOR INCLUSION IN SUPPORT LETTER

Shaw is committed to building and maintaining a world-class fibre network in all systems we serve, regardless of size. To this end, Shaw invests over \$700 million each year in capital expenditures, and has invested over \$6.5 billion since 2000.

Shaw has expanded our capacity to support new digital and high-definition services (since 2001, Shaw has added over 150 new digital services and over 60 HD channels)

Shaw has developed new applications and technologies that enrich the customer experience, including pay-per-view, video-on-demand (VOD), subscription VOD, music channels, and interactive program guides.

Shaw has closed the broadband gap by providing high-speed internet service to all the communities and provides customers with industry leading internet speeds up to 100 Mbps.

Shaw employs over 3,800 British Columbians and over 10,000 Canadians.

Shaw Contributions to the Canadian Programming are Important

Each year, Shaw Cable contributes over \$85 million to support the production of Canadian programming. In 2009:

- \$29 million to the Canada Media Fund (formerly the CTF)
- \$18 million to the Local Programming Improvement Fund
- \$29 million to local expression on the community channel

- \$10 million to the Shaw Rocket Fund (an independent production Fund focusing on youth and children's' programming)

As well, in 2009 Shaw paid over \$365 million in affiliation payments to the Canadian pay and specialty television services we carry.

Shaw TV provides significant benefits to the various communities they serve:

- Shaw supports hundreds of non-profit organizations by broadcasting their announcements free of charge and helping them raise money for their various causes
- in 2008-2009 Shaw raised over \$15 million for over 170 charities
- Shaw TV provides media training to hundreds of volunteers each year
- Shaw TV has ensured the creation and exhibition of more locally produced, locally-reflective community programming (roughly 9,000 hours each year)
- Annually, we produce over 1,000 hours of programming focused on federal political issues, from a local perspective.
- we produce over 120 community feature stories every day across western Canada
- Shaw provides "Accessibility" services including Described Video and Closed Captioning for persons with visual and hearing disabilities. Our website has a dedicated "special needs" section to assist persons with disabilities.

Shaw provides two dedicated Multicultural Channels in Vancouver and Calgary to support a diversity of local ethnic communities.

Sincerely,

c.c. Shaw Communications Inc. (250) 475-7289 fax

Template for CRTC letters of support

Via Facsimile (819) 994-0218 - CRTC fax

August 3, 2010

Secretary General
CRTC
Ottawa, Ontario
K1A 0N2

RE: BNC CRTC 2010-498 Shaw Acquisition of Canwest

Dear CRTC:

I am writing in support of the Shaw acquisition of Canwest ...

SUGGESTED POINTS OF INTEREST FOR INCLUSION IN SUPPORT LETTER

Shaw's acquisition of Canwest will preserve a strong and critical broadcasting network at a time when Canadians are expecting more competition – not less – in their domestic television universe. This deal would ensure the survival of a Canadian broadcast giant that is relied on by millions of Canadians as a news and entertainment source.

This acquisition will significantly strengthen Canadian ownership within the broadcasting system. While the network's specialty channel division is currently majority-owned by Goldman Sachs, the Shaw proposal would make all of Canwest's broadcast assets 100% owned and operated by Canadian interests.

This is the Canadian-made solution that Canadian consumers have been waiting for, as it would preserve local television through Canwest's 11 local stations, and ensure a healthy, dynamic and competitive Canadian broadcasting system for the future.

This acquisition will ensure that the benefits of the 2007 merger of Canwest and Alliance Atlantis are not lost through an asset break-up driven by insolvency.

Stable ownership by Shaw will end the uncertainty that has plagued Canwest during the past eighteen months, and re-establish the company's financial and operational viability. At a time of fragile economic recovery, the CRTC should support an acquisition that would bring security to Canwest's 1,700 full-time employees and their families.

This acquisition will ensure programming quality, preserve a strong local presence and sustain diversity of voices for the benefit of creators, viewers and the Canadian broadcasting system.

The combination of our second largest private television network and Canada's leading broadcasting distributor will ensure continued broadcasting competition and a modernization of broadcasting infrastructure to sustain a vibrant industry into the future.

A strong Canadian broadcasting system requires not only healthy competition but a solid financial footing. The financial, management and operational expertise that Shaw brings to this acquisition will position Canwest for the development of new and innovative business models and success in the emerging digital universe.

In today's open and fragmented media market, this acquisition will transform Canwest into an integrated, multi-platform communications company capable of competing on all fronts.

A secure major Western-based television network will preserve regional balance in a broadcasting sector otherwise dominated by Eastern Canada.

Sincerely,

c.c. Shaw Communications Inc. (250) 475-7289 fax

TOWN OF LADYSMITH

BYLAW NO. 1735

A Bylaw to amend "Heritage Revitalization Advisory Commission Bylaw 1998, No.1279".

WHEREAS the Town Of Ladysmith has adopted and wishes to amend the "Heritage Revitalization Advisory Commission Bylaw 1998, No.1279" to exclude the requirement that members be residents of the Town of Ladysmith,

NOW THEREFORE the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

1. The following Section 2.1 of "Heritage Revitalization Advisory Commission Bylaw 1998, No. 1279" is deleted in its entirety:
 - 2.1 The Commission shall be comprised of nine (9) members, seven of whom shall be appointed by Council.
2. Section 2.2 of "Heritage Revitalization Advisory Commission Bylaw 1998, No. 1279" is hereby amended as follows:
 - 2.2 The membership of the Commission shall be comprised of:
 - (a) 7 members ~~selected from residents of the Town of Ladysmith~~ appointed by the Council

Citation

3. This Bylaw may be cited for all purposes as "Heritage Revitalization Advisory Commission Bylaw 1998, No.1279 Amendment Bylaw 2010, No. 1735".

READ A FIRST TIME on the 3rd day of August , 2010

READ A SECOND TIME on the 3rd day of August , 2010

READ A THIRD TIME on the 3rd day of August , 2010

ADOPTED on the day of , , 2010

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)