



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, JUNE 6, 2011
7:00 p.m.

AGENDA

Page

CALL TO ORDER

1. EXECUTIVE SESSION (6:15 P.M.)

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

- 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;
- the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

2. AGENDA APPROVAL

3. MINUTES

3.1. Minutes of the Council Meeting held May 16, 2011 1 - 5

4. PUBLIC HEARING

4.1. Proposed Amendments to the Official Community Plan and Zoning Bylaw 11 and 17 Warren Street (Bylaws 1753 and 1754) 6 - 10

5. BYLAWS (OCP / ZONING)

5.1. Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No. 36), 2011, No. 1753 6 - 7
May be read a third time.

5.2. Town of Ladysmith Zoning Bylaw 1995, No. 1160, Amendment Bylaw (No. 86), 2011, No. 1754 8 - 10
May be read a third time.

6. DELEGATIONS

6.1. Good Neighbours Award Presentations

6.2. Dan Little, Cara Light – Hayes, Stewart, Little – Auditors
Town of Ladysmith 2010 Financial Statements

	<u>Page</u>
7. PROCLAMATIONS	
None	
8. DEVELOPMENT PERMITS / DEVELOPMENT VARIANCE PERMITS	
8.1. Artisan Properties – Lot 3, District Lot 108, Oyster District, Plan VIP88238 (512 Jim Cram Drive) – Development Permit	11- 20
8.2. Ladysmith Marina – DL2061, Lease 0114642 (12335 Rocky Creek Road) – Development Permit Amendment and Development Variance Permit	21 – 28
9. COUNCIL COMMITTEE REPORTS	
9.1. Mayor R. Hutchins Cowichan Valley Regional District; Heritage Revitalization Advisory Commission; Trolley Committee; Liquid Waste Management Committee	
9.2. Councillor S. Bastian Parks, Recreation and Culture Commission; Community Health Advisory Committee; Youth Advisory Committee	
9.3. Councillor J. Dashwood Liquid Waste Management Committee; Trolley Committee; Chamber of Commerce; Ladysmith Early Years Partnership	
9.4. Councillor S. Arnett Government Services Committee; Advisory Planning Commission; Environment & Economic Development Commission	29
9.4.1. Government Services Committee Recommendations	
9.5. Councillor D. Paterson Protective Services Committee; Celebrations Committee; Festival of Lights	
9.6. Councillor L. Evans Parks, Recreation and Culture Commission; Protective Services Committee, Social Planning Cowichan Affordable Housing Directorate	
9.7. Councillor B. Whittington Vancouver Island Regional Library Board; Advisory Design Panel; Environment & Economic Development Commission; Ladysmith Downtown Business Association	
10. STAFF / ADVISORY COMMITTEE REPORTS	
10.1. Heritage Revitalization Advisory Commission – Ladysmith Museum	30
10.2. Ladysmith Solar Community Program	31 – 32
10.3. Tender for Purchase of a Rotary Mower	33 – 34
10.4. Recommendation to Temporarily Waive Cheque Signing Policy	35 – 36

10.5.	Proposed Loan Authorization Bylaw	37 – 38
10.6.	Proposed Amendments to Election Procedures and Automated Voting Bylaw to Include Provisions for Voting by Mail Ballot	39 – 40
10.7.	Proposed Spirit Square Enhancements	41 – 42
11.	CORRESPONDENCE	
11.1.	Chris Wood Dog Licensing, Control and Pound Bylaw Review Committee Recommendations	43
12.	BYLAWS	
12.1.	Ladysmith Heritage Revitalization Advisory Commission Bylaw 1994, No. 1279, Amendment Bylaw 2011, No. 1760 May be adopted <i>Council will recall that at the February 7, 2011 Council meeting Staff were directed to bring forward an amendment to the Heritage Revitalization Advisory Commission bylaw to include provision for a representative from the Ladysmith and District Historical Society to sit on the Heritage Revitalization Advisory Commission as a liaison between the two groups. Bylaw No. 1760 is presented for adoption.</i>	44
12.2.	Town of Ladysmith Water System Construction Loan Authorization Bylaw 2011, No. 1763 May be read a first, second and third time. <i>The Staff Report regarding Bylaw 1763 will be considered by Council under Agenda item 10.5</i>	45
12.3.	Town of Ladysmith Election Procedures and Automated Voting Bylaw 1999, No. 1339, Amendment Bylaw 2011, No. 1764 May be read a first, second and third time <i>The Staff Report regarding Bylaw 1764 will be considered by Council under Agenda item 10.6</i>	46 – 48
13.	NEW BUSINESS	
13.1.	Attendance at ‘Saving Small Towns’ Conference Councillor Paterson has requested Council’s consideration of his participation in the Saving Small Towns conference, June 23 to 25 in Qualicum Beach. <u>Staff Recommendation</u> <i>That Councillor Paterson be authorized to attend the Saving Small Towns conference, taking place in Qualicum Beach from June 23 to 25, 2011, for a registration fee of \$308, plus expenses.</i>	

13.2. Proposed Resolution Regarding Cat Licensing

Councillor Whittington requests Council's consideration of the following resolution to be considered at the 2011 Annual General Meeting of the Federation of BC Naturalists (formerly BC Nature) regarding cat licensing:

Resolution 2011-01 Cat Licensing (*Submitted by Victoria Natural History Society*)

WHEREAS cats that roam free, whether owned, stray, or feral, kill birds and other wildlife, including endangered species; and

WHEREAS free-roaming cats spread disease to other cats, wildlife, and humans; and

WHEREAS free-roaming cats often lead short, traumatic, and painful lives; and

WHEREAS as part of BC Nature's role as a steward of this province's biological diversity, it is incumbent upon us to be doing all we can to preserve and protect our region's wildlife; and

WHEREAS many communities in other provinces have already recognized the importance of responsible pet ownership and have extended pet requirements to cover cats as well as dogs. These communities include, but are not limited to, Calgary, Edmonton, Regina, and Toronto;

THEREFORE BE IT RESOLVED that BC Nature urge the BC Union of Municipalities to implement cat licensing, as well as control and restraint ordinances, to help ensure that cats receive the care and protection they deserve. Progressive provisions found in ordinances should include the following:

- Requirement for all cats to be licensed;
- Mandatory spay/neuter of all cats over six months of age, unless owner purchases annual intact permit and/or breeders permit. Medical exemptions can be offered;
- Requirement for all cats to be vaccinated against rabies; and
- Cats must be confined to their owner's property or physically restrained when off the premises.

14. UNFINISHED BUSINESS

14.1. Resolution for the Union of BC Municipalities

Council will recall that at the meeting held on April 4, 2011 the following resolution was adopted:

That staff be requested to work with the Mayor, Deputy Mayor and staff of the Union of British Columbia (UBCM) Municipalities to draft a resolution to be put forward at the 2011 UBCM convention calling for senior government assistance in the acquisition of watershed lands by local governments for future protection.

Staff Recommendation:

That the following resolution be approved and referred to the Union of BC Municipalities for consideration at the 2011 convention:

WHEREAS many local governments draw surface water for their water systems, and such sources are vulnerable to degradation and pollution caused by a variety of industrial and recreational activities;

AND WHEREAS watersheds are not recognized in legislation, leaving local governments without adequate tools to enact measures for the protection of watersheds;

AND WHEREAS many local governments get their drinking water from sources on privately owned land;

AND WHEREAS the provincial health authorities are increasing the requirements for the provision of clean water from local government water systems:

THEREFORE BE IT RESOLVED that UBCM request the provincial government to develop a funding program that facilitates local government acquisition of both the watershed and adjacent land for those local governments with water systems on privately owned land;

AND BE IT FURTHER RESOLVED that all activities in watersheds used for drinking water be subject to final approval and control by the major water license holders and the Ministry of Environment (MOE), and that MOE be legislatively required to ensure that the quality and quantity of water in watersheds meet provincial health requirements.

15. QUESTION PERIOD

- Persons wishing to address Council during “Question Period” must be Town of Ladysmith residents, non-resident property owners, or operators of a business.
- Individuals must state their name and address for identification purposes
- Questions must relate strictly to matters which appear on the Council agenda at which the individual is speaking
- Questions put forth must be on topics which are not normally dealt with by Town staff as a matter of routine
- Questions must be brief and to the point
- Questions shall be addressed through the Chair and answers given likewise. Debates with or by individual Council members or staff members are not allowed
- No commitments shall be made by the Chair in replying to a question. Matters which may require action of the Council shall be referred to a future meeting of the Council

ADJOURNMENT



LADYSMITH

MINUTES OF A MEETING OF COUNCIL OF THE
TOWN OF LADYSMITH
HELD IN COUNCIL CHAMBERS AT CITY HALL ON
MAY 16, 2011

COUNCIL MEMBERS PRESENT:

Mayor Rob Hutchins
Councillor Jillian Dashwood

Councillor Steve Arnett
Councillor Duck Paterson

Councillor Scott Bastian

COUNCIL MEMBERS ABSENT:

Councillor Lori Evans

Councillor Bruce Whittington

STAFF PRESENT:

Ruth Malli
Joe Friesenhan

Sandy Bowden
Joanna Winter

Pat Durban

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 addition to the agenda:

- 10.1 - Playground Equipment Acquisition

2011-224

It was moved, seconded and carried that the agenda for the Council Meeting of May 16, 2011 be adopted as amended.

MINUTES

2011-225

It was moved, seconded and carried that the minutes of the Regular Meeting of Council held May 2, 2011 be adopted as circulated.

2011-226

It was moved, seconded and carried that the minutes of the Special Meeting of Council held May 3, 2011 be adopted as circulated.

2011-227

It was moved, seconded and carried that the minutes of the Special Meeting of Council held May 5, 2011 be adopted as circulated.

2011-228

It was moved, seconded and carried that the minutes of the Special Meeting of Council held May 9, 2011 be adopted as circulated.

DELEGATIONS

Teresa Pring, Executive Director, Habitat for Humanity Central Vancouver Island gave a presentation about the organization and requested that Council consider donating a piece of property for construction of a new Habitat for Humanity duplex home in Ladysmith.

Council thanked Ms Pring for her presentation and the organization's good work.

2011-229

It was moved, seconded and carried that the request from Habitat for Humanity for the donation of land for construction of a new home be referred to staff to review possible properties and report back to Council.

STAFF / ADVISORY COMMITTEE REPORTS

2011-230

New Photocopier for City Hall

It was moved, seconded and carried that Council approve the purchase by a five year lease through Municipal Finance Authority of a RICOH MP6501 photocopier for a total purchase price of \$18,434 plus applicable taxes and an estimated total lease price of \$22,180.55.

CORRESPONDENCE

2011-231

Tim Chadwick, Ladysmith Search and Rescue

It was moved, seconded and carried that the request to donate a Ladysmith Fire/Rescue 1986 Ford Rescue Truck to Cowichan Search and Rescue, as outlined in the correspondence dated May 1, 2011, be referred to staff for consideration.

2011-232

Bryan Henderson, Arts Council of Ladysmith and District

It was moved, seconded and carried that the card of thanks from the Ladysmith and District Arts Council for the Town's support of the 2011 Islands Celtic Festival be received.

NEW BUSINESS

2011-233

Councillor Paterson declared a possible conflict of interest with the following agenda item and left the meeting.

Playground Equipment

It was moved, seconded and carried that the purchasing policy be waived and that playground equipment be purchased from Henderson Recreation Equipment Limited for the playgrounds at Forrest Field and Brown Drive Kin Park.

2011-234

It was moved, seconded and carried that a donation of \$51,000 towards the purchase of playground equipment for Kin Park from the Ladysmith Kinsmen Club be accepted; and that the Financial

Plan be amended accordingly; and that playground equipment be purchased for Kin Park for \$61,033.02 including taxes; and that equipment be purchased for the playground at Forrest Field for an amount not to exceed \$32,000.

Councillor Paterson returned to the meeting.

Hogweed Issue

Councillor Dashwood reported that hogweed had been discovered in the vicinity of Sixth Avenue. Council requested that staff investigate the matter and take appropriate measures to ensure the hogweed is removed.

EXECUTIVE SESSION

2011-235

It was moved, seconded and carried that the Regular Meeting of Council be adjourned at 7:21 p.m. and that Council retire into Executive Session.

RISE AND REPORT

Council rose from Executive Session and reported on the following items:

- The following resolutions from Executive Council meetings held from January 1, 2011 to March 31, 2011:

Resolution No. 2011-004

That the appraisal report for the Town-owned property at 900 Russell Road be received and that staff be directed to work with the Land Agent to list a portion of the property for sale, keeping approximately 2.8 acres of the north-east portion for future consideration. (Note: Appraisal document not accessible.)

Resolution No. 2011-017

That the report from the Director of Financial Services dated December 22, 2010, regarding the status of properties in the 2010 Tax Sale, be received.

Resolution No. 2011-027

That Council not proceed with a Nominal Rent Tenure application as requested by the Ladysmith Maritime Society in their electronic correspondence dated November 14, 2010.

Resolution No. 2011-028

That a letter be sent to the Integrated Land Management Bureau to enquire as to the grounds on which an application

for Nominal Rent Tenure would be approved.

Resolution No. 2011-037

That the turf field in the development currently known as Lot 108 be named after an individual or individuals who have contributed significantly to sports, health and wellness in Ladysmith and/or to the creation of the complex at District Lot 108.

Resolution No. 2011-040

That the new road in the development currently known as Lot 108 be named after an individual or individuals who have contributed significantly to sports, health and wellness in Ladysmith and/or to the creation of the complex at District Lot 108.

Resolution No. 2011-041

That the names of the two Ball Diamonds, the Club House and the Park Complex at Lot 108 be determined through financial contribution from an individual, family organization or business that is part of Ladysmith and area.

Resolution No. 2011-042

That the Local Users Group Task Force be requested to convene and review the resolutions regarding the naming of the facilities at District Lot 108.

Resolution No. 2011-043

That pursuant to Section 117 of the Community Charter, the Mayor and City Manager be authorized to discuss the process by which senior management salaries are established.

Resolution No. 2011-053

That the City Manager be authorized to communicate Council's decision regarding the Ladysmith Maritime Society's request for the Town to submit an application to the Integrated Land Management Bureau under the Nominal Rent Tenure Program for DL 2016, which was ratified at the Executive Council meeting held February 7, 2011.

Resolution No. 2011-066

That the recommendation from the Field User Task Force to name the new turf field at District Lot 108 "The Forrest Field" be accepted.

Resolution No. 2011-067

That the new road at District Lot 108 be named "Jim Cram Drive", subject to Mr. Cram's acceptance of the offer to name the road in recognition of his contributions to sports, health and wellness in the community.

Resolution No. 2011-068

That the recommendation from the Field User Task Force that the naming of the proposed new clubhouse / field house, two baseball diamonds and DL 108 Park / Playfield complex be determined and recognized through financial contribution from an individual, family, organization or business that is part of Ladysmith and area be accepted.

- Authorization of an extension to the employment contract with the Director of Public Works to May 31, 2012.

ADJOURNMENT

2011-236

It was moved, seconded and carried that this meeting of Council be adjourned at 8:10 p.m.

CERTIFIED CORRECT

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)

TOWN OF LADYSMITH

BYLAW NO. 1753

A bylaw to amend "Official Community Plan Bylaw, 2003, No. 1488"

WHEREAS pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the Official Community Plan;

AND WHEREAS after the close of the Public Hearing and with due regard to the reports received, the Municipal Council considers it advisable to amend "Official Community Plan Bylaw, 2003, No. 1488".

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

- (1) The "Official Community Plan Bylaw, 2003, No. 1488" is hereby amended as set out in Schedule A to this Bylaw.

CITATION

- (2) This bylaw may be cited for all purposes as "Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No.36), 2011, No. 1753".

READ A FIRST TIME on the 18th day of April, 2011

READ A SECOND TIME on the 18th day of April, 2011

PUBLIC HEARING held pursuant to the provisions of the *Local Government Act*

on the day of

READ A THIRD TIME on the day of

ADOPTED on the day of

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)

BYLAW NO. 1753
SCHEDULE A

- (1) Schedule "A" – "Town of Ladysmith Community Plan" is amended as follows:
- (a) The paragraph 'Downtown Mixed Use' in Section 3.8.1 'Land Use Designations' is amended by adding a new sentence following the sentence: "Density increases to allow up to 100 units per hectare for residential development may be considered through density bonusing (for such amenities as senior's housing/affordable housing/underground parking) as provided in the Zoning Bylaw", as follows:
- "Density increases to allow up to 110 units per hectare for residential development may be considered through density bonusing (for such amenities as highly energy efficient buildings, utilizing alternative energy sources such as solar, wind, or geothermal and other features or community amenity fund contributions that contribute to reducing the impacts of climate change) as provided in the Zoning Bylaw."*
- (b) Table 8 "Density Summary" – Delete the following note:
"1 Bonus density potential up to 100 uph."
And replace it with the following note:
"1 Bonus density potential up to 110 uph."

TOWN OF LADYSMITH

BYLAW NO. 1754

A bylaw to amend "Town of Ladysmith Zoning Bylaw, 1995, No. 1160"

WHEREAS pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the zoning bylaw;

AND WHEREAS after the close of the Public Hearing and with due regard to the reports received, the Municipal Council considers it advisable to amend "Town of Ladysmith Zoning Bylaw 1995, No. 1160";

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

- (1) The text of "Town of Ladysmith Zoning Bylaw 1995, No. 1160", as amended, is hereby further amended by adding a new zone "Downtown Residential Mixed-Use (R-4)", as shown on Schedule 1 to this Bylaw.
- (2) The zoning map, being 'Schedule A' to "Town of Ladysmith Zoning Bylaw 1995, No. 1160", is hereby amended by placing "Downtown Residential Mixed-Use (R-4)" on Lot 7 and Lot 8, Block 5, District Lot 24, Oyster District, Plan 703A (11 and 17 Warren St.) as shown on Schedule 2 to this Bylaw.

CITATION

- (3) This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 1995, No. 1160, Amendment Bylaw (No. 86), 2011, No. 1754".

READ A FIRST TIME on the 18th day of April, 2011

READ A SECOND TIME on the 18th day of April, 2011

PUBLIC HEARING held pursuant to the provisions of the *Local Government Act*

on the day of

READ A THIRD TIME on the day of

ADOPTED on the day of

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)

BYLAW No. 1754 – SCHEDULE 1

12A.0 DOWNTOWN RESIDENTIAL MIXED USE ZONE (R-4)

12A.1 Permitted Uses

The following uses and no other uses are permitted in this Zone:

- (a) multi-family residential dwellings;
- (b) home occupation;
- (c) personal service establishment;
- (d) business or professional office.

12A.2 Conditions of Use

- (1) The maximum parcel coverage shall not exceed 75 percent.
- (2) The height of a principal building shall not exceed 12 metres.
- (3) The height of an accessory building shall not exceed 7.5 metres.
- (4) No buildings or structures located on a parcel within this Zone shall be closer than:
 - (a) 0.0 metres to the front lot line.
 - (b) 2.0 metres to one side lot line and a minimum of 1.5 metres to the other side lot line.
 - (c) 4.5 metres to the rear lot line.
- (5) A personal service establishment, business, or professional office use must be located at grade below the primary multi-family residential use.
- (6) The permitted hours of operation for a personal service establishment, business, or professional office use are from 7 a.m. to 10 p.m.
- (7) The maximum number of dwelling units permitted in this Zone is 75 units per hectare of lot area.
- (8) The minimum finished floor area for each different type of dwelling unit contained in a multi-family residential use building shall be in compliance with the requirements set out in the table below:

Type of Dwelling	Minimum Finished Floor Area Per Dwelling
Bachelor Dwelling Unit	32.0 square metres
One Bedroom Dwelling Unit	60.0 square metres
Two Bedroom Dwelling Unit	70.0 square metres
Three Bedroom Dwelling Unit	85.0 square metres
Townhouse	70.0 square metres

12A.3 Minimum Lot Size

- (1) All development must be connected to water and sewer services.
- (2) The minimum parcel size permitted shall not be less than 1336 square metres.

12A.4 Off Street Parking and Loading

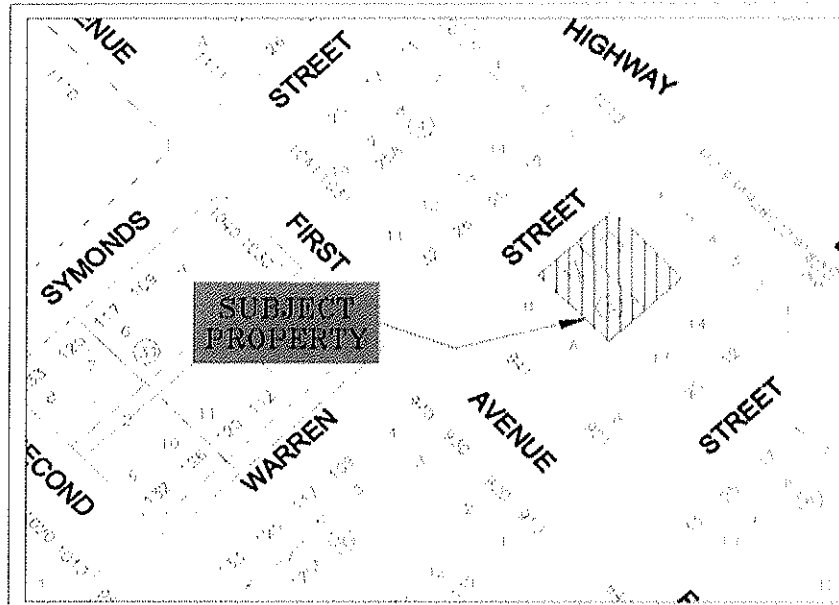
Off-street parking and loading must be provided as required by the Municipality's parking regulations.

12A.5 Density Bonus

Despite section (7) above, a density bonus may be permitted in specific locations as indicated in the table below. The table below shall be interpreted as follows: for the subject property listed in Column One, and where the developer provides the amenities listed in Column Two, a density bonus is permitted as listed in Column Three.

COLUMN ONE: SUBJECT PROPERTY	COLUMN TWO: AMENITIES	COLUMN THREE: DENSITY BONUS
Lot 7 and Lot 8, Block 5, District Lot 24, Oyster District, Plan 703A (11 and 17 Warren St.)	Use of the building will be free of rental restrictions. Two adaptable dwelling units as defined by subsection 3.8.5 of the Building Code of British Columbia. The building built on the land meets or exceeds the ASHRAE 90.1 (2004) energy performance standards. Indoor bicycle storage for 11 bicycles.	The maximum number of dwelling units permitted is 110 units per hectare of lot area (14 units).

BYLAW No. 1754 – SCHEDULE 2





Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Director of Development Services
Date: May 31, 2011
File No: 3060-11-09

Re: Development Permit Application - Artisan Properties
512 Jim Cram Drive (Lot 3, District Lot 108, Oyster District, Plan VIP88238)

RECOMMENDATION(S):

That Council issue Development Permit 3060-11-09 to permit a 48 unit townhouse development at 512 Jim Cram Drive (Lot 3, District Lot 108, Oyster District, Plan VIP88238), subject to determination of the value of the landscape bond;

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

PURPOSE:

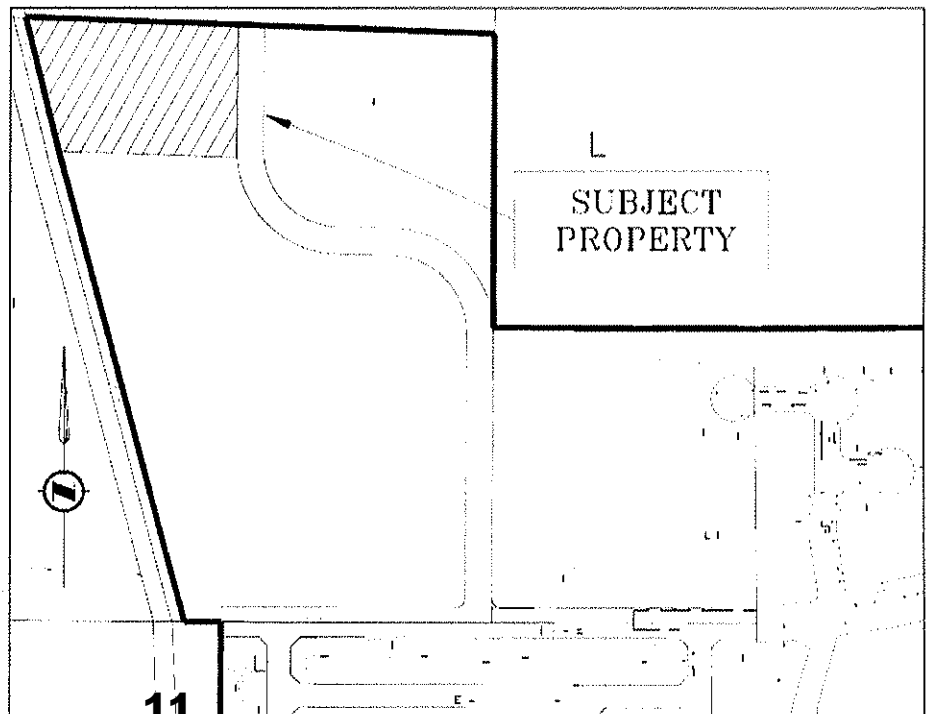
The purpose of this report is to present a development permit application for a proposed 48 unit townhouse development at 512 Jim Cram Drive.

INTRODUCTION/BACKGROUND:

The applicant, Artisan Properties, is proposing to construct a medium density residential development consisting of stacked townhomes. It is anticipated that the price point for the homes would be in the range of \$230,000 to \$249,000 per unit.

SCOPE OF WORK:

The property is located at the end of 4th Avenue on Jim Cram Drive, in the northwest corner of Ladysmith. The property is 1.1 hectares (2.7 acres) in size and has been cleared of vegetation and is currently vacant. The neighbourhood is generally residentially zoned, with a new manufactured home park constructed directly across the street. The new turf field (Forrest Field) is located to the south and Haul Road is immediately west of the site. North of the site is rural land in the



Cowichan Valley Regional District.

The subject property is designated 'Multi-Family Residential' in the Official Community Plan and is zoned 'Medium Density Residential' (R-3-A). The design guidelines from 'Development Permit Area 4 – Multi-Family Residential (DPA 4)' apply to the subject property. Also, a covenant with design guidelines is registered on the certificate of title.

The site plan proposes a strata development with 12 buildings (see attached Site Plan). Each building contains 4 residential units (2 units with an entry at ground level, and 2 units above entered at the second level). Each residential unit is 118m² (1,275 square feet) in size and each unit contains three bedrooms. The buildings consist of three variations of building form as shown in the attached plans "Building Plans A, B and C". The proposed buildings are within the 10 metre height limit and meet the required setbacks of the R-3-A Zone.

The property slopes down from west to east and this topography will offer variation in the roof levels of the buildings. Variation is also provided in the façade materials and in colour selection. The exterior façade consists of horizontal and vertical hardi-plank fiber cement siding; wood trim for vinyl windows and vinyl doors; timber posts; and asphalt shingles. Each unit contains outdoor patio/deck space at the front as well as patio/deck space at the rear.

For this development 75 parking stalls are required, however 81 parking stalls are provided (32 small car stalls and 47 large car stalls). To accommodate the parking stalls the applicant is requesting variances to the number and size of small car stalls, and a variance to the width of the maneuvering aisle as shown in Table 1 below:

Table 1: Parking Variances

	Permitted/Required	Proposed	Variance
Number of Small Car Stalls	20 stalls	32 stalls	12 stalls
Size of Small Car Stall (width x length)	2.6 m X 5.8 m	2.5 m X 5.5 m	0.1m X 0.3 m
Maneuvering aisle width	7.3 m	6.7 m	0.6 m

All lower units are handi-cap accessible. A pedestrian sidewalk and bicycle parking is available through the site. The landscaping consists of largely native, drought tolerant plants and includes a blend of deciduous trees, coniferous trees, shrubs, kinnikinnick and grasses. Shrubs and trees are strategically located to provide privacy to outdoor spaces. The irrigation system will be energy and water efficient. Alternative stormwater management strategies will be utilized such that drainage off the site will not be increased and will remain at pre-development conditions.

The proposed development meets the general intent of the applicable design guidelines. It is recommended to support the development permit.

ALTERNATIVES:

To not support the development permit for reasons related to the development permit guidelines or design covenant.

FINANCIAL IMPLICATIONS: n/a

LEGAL IMPLICATIONS: n/a

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The development permit was presented at the May 24th Advisory Design Panel (ADP) meeting. The ADP passed a motion recommending that Council support the development permit application for the 48 unit townhouse development subject to the developer presenting an alternative to vinyl siding to better meet the requirement for 'natural materials for exterior finishing'. The applicant has responded to the ADP's request and is using hardi-plank fiber cement siding rather than vinyl siding.

The Advisory Design Panel also recommended that attractive and secure outdoor garbage/recycling containers be provided, and the developer has agreed to include this in the development plans.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The plans for the proposed 48 unit townhouse development were referred to the Director of Public Works, the Director of Parks and Recreation, and the Building Inspector. Their comments have been integrated into the development plans.

RESOURCE IMPLICATIONS:

Processing Development Permit applications is within available staff resources.

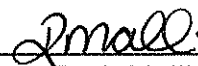
ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

The Sustainability Visioning Report recommends increasing density in the Town's neighbourhoods and recommends offering a diversity of housing choices.

SUMMARY:

It is recommended to support a development permit application for a 48 unit townhouse development at 512 Jim Cram Drive.

I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

DP 3060-11-09

TOWN OF LADYSMITH
DEVELOPMENT PERMIT 3060-11-09
(Section 920 Local Government Act)

DATE: June 6, 2011

TO: 0843780 B.C. Ltd. (Len Wansbrough, Artisan Properties)

Address: 813 Goldstream Avenue
Victoria, B.C.
V9B 2X8

1. This Development Permit is subject to compliance with all of the bylaws of the Town of Ladysmith applicable thereto, except as specifically varied by this Permit.
2. This Permit applies to and only to those lands within the Town of Ladysmith described below, and any and all buildings structures and other development thereon:

Lot 3
District Lot 108
Oyster District
Plan VIP88238
PID# 028-311-906
CIVIC ADDRESS: 512 Jim Cram Drive
(referred to as the "Land")

3. This Permit has the effect of authorizing the issuance of a building permit for the construction of buildings or structures on the Land in accordance with the plans and specifications attached to this Permit, and subject to all applicable laws, except as varied by this Permit; subject to the conditions, requirements and standards imposed and agreed to in section 6 of this Permit.
4. With respect to the Land Town of Ladysmith Zoning Bylaw 1995, No. 1160 is hereby varied as follows:
 - a. Section 5.18 "Off-street Parking and Loading" is varied as shown on Schedule A: Site Plan.
5. This Permit does not have the effect of varying the use or density of the Land specified in Zoning Bylaw No. 1160.
6. The Permittee, as a condition of the issuance of this Permit, agrees to:
 - i) Develop the Land as shown in:

Schedule A: Site Plan – 4 Site Design Ltd. - March 2011
Schedule B: Fourplex "A" Plans – 4 Site Design Ltd. - March 2011
Schedule C: Fourplex "B" Plans – 4 Site Design Ltd. - March 2011
Schedule D: Fourplex "C" Plans – 4 Site Design Ltd. – March 2011
Schedule E: Landscape Plan – Keith N. Grant Architecture Ltd. – May 16, 2011
 - ii) The interior unit layout shown on Schedules B, C, and D is not subject to the Development Permit.
 - iii) The exterior colours shall consist of three schemes using natural colours such as pecan, mahogany, light grey, and cream, with black accents.
 - iv) Install low flush toilets; double pane windows; energuide appliances; and each unit will have a water meter.
 - v) Install attractive, outdoor, waterproof, and secure garbage and recycling storage containers for each residential unit.

7. This Permit is issued on the condition that the Permittee has provided to the Town of Ladysmith security in the form of an irrevocable Letter of Credit to guarantee the performance of the conditions in section 6 of this Permit respecting landscaping. The Letter of Credit shall be automatically extended, and shall be in the amount of \$ _____. The landscape security may be submitted in three phases and shall be submitted prior to the issuance of a building permit for that phase.
8. Should the Permittee fail to satisfy the conditions referred to in section 6 and 7 of this Permit, the Town of Ladysmith may undertake and complete the works required to satisfy the landscaping condition(s) at the cost of the Permittee, and may apply the security in payment of the cost of the work, with any excess to be returned to the Permittee.
9. Should there be no default as herein provided, or where a Permit lapses, the Town of Ladysmith shall return any security provided to the Permittee.
10. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.927 of the *Local Government Act*, and upon such filing, the terms of this Permit 3060-11-09 or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
11. If the Permittee does not substantially start any construction permitted by this Permit within two years of the date of this Permit as established by the authorizing resolution date, this Permit shall lapse.
12. The plans and specifications attached to this Permit are an integral part of this Permit.
13. This Permit prevails over the provisions of the Bylaw in the event of conflict.
14. Despite issuance of this permit, construction may not start without a Building Permit, Sign Permit or other necessary permits.

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL OF THE TOWN OF
LADYSMITH ON THE ____ DAY OF _____ 201__.

MAYOR

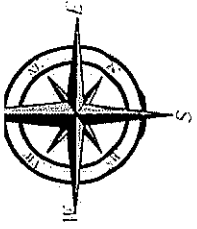
CORPORATE OFFICER

OWNER

PLEASE PRINT NAME

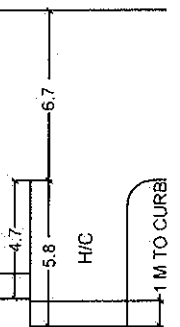
OWNER

PLEASE PRINT NAME



UNIT 1 TO UNIT 10 / 10000 THE SQ. FT. UNIT
 PARK IS 498 M SQ. / 4.5%
 PARKING IS 48 X 1.5 FOR 72 SPACES +
 48 X 2 VISITOR PARKING FOR 9.6 SPACES
 PARKING PROVIDED 32 SIC (40%) 2 H/C & 47 LC
 FOR 81 SPACES

D.L. 73



- ARBOR
- BLOCK TYPICAL
- BOULEVARD TREES

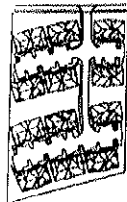
SITE PLAN
 1/20/2014
 UNIT 1 TO UNIT 10 / 10000 THE SQ. FT. UNIT

Meadow Woods

555 MILL CREEK DRIVE
LADYSMITH B.C.

LOT 3 DISTRICT LOT 026
OYSTER DISTRICT
PLAN VPP83235

ZONE - R-1-14

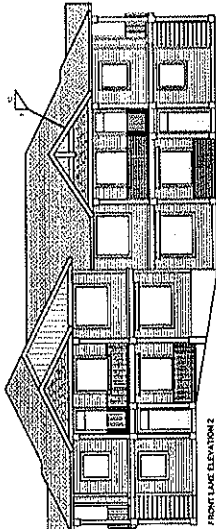
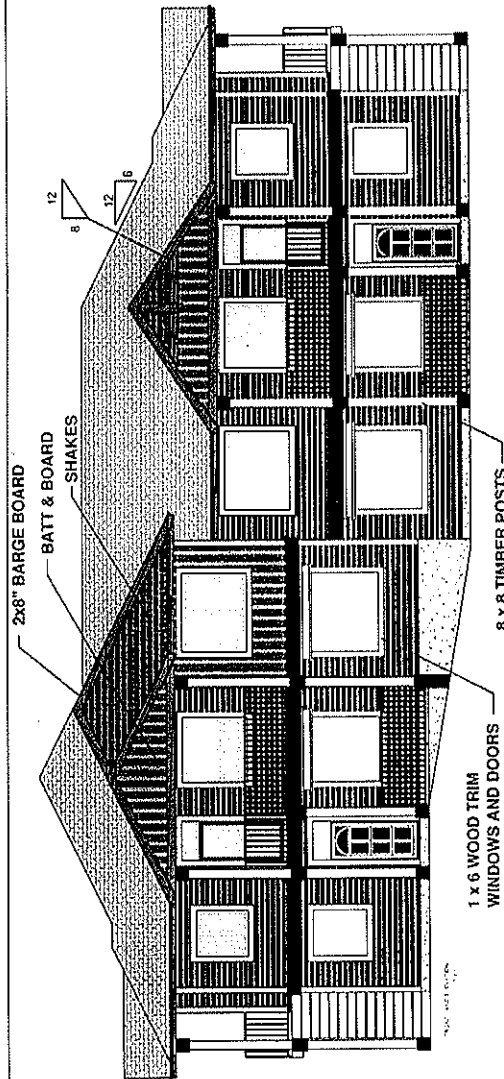
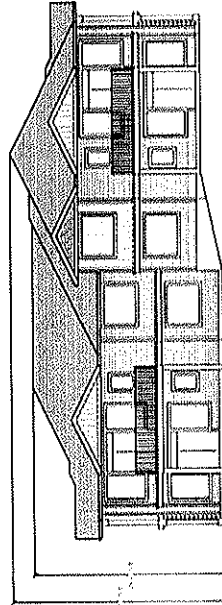
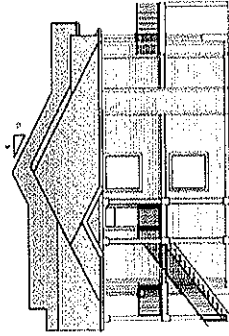
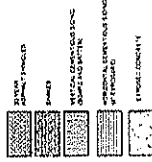


4 SITE DESIGN LTD.

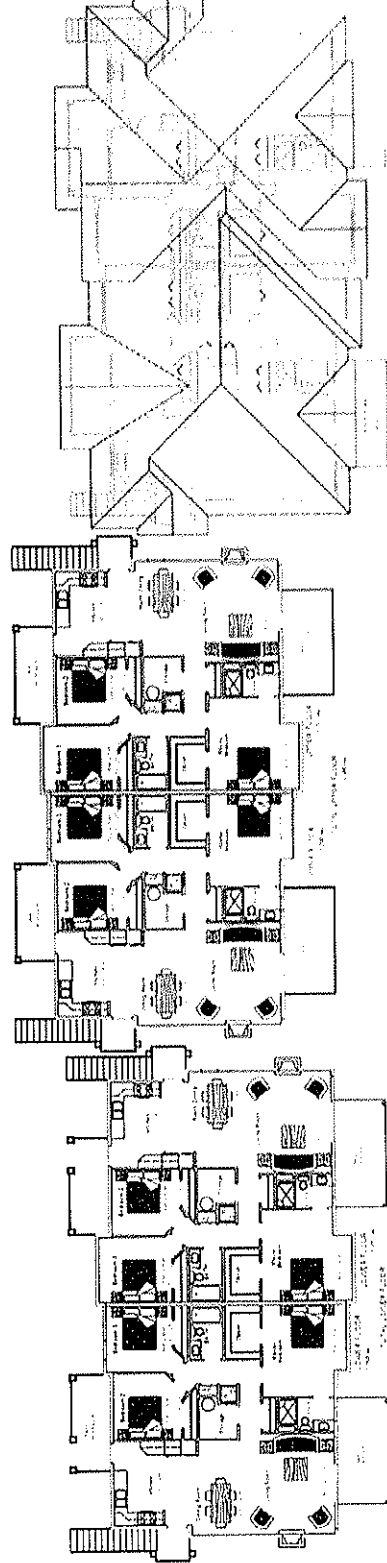
Mark Currier
552 THORNHILL AVENUE #101
VANCOUVER, BC V6M 2K2 CAN
TEL: 604-273-1234
WWW.4SITEDESIGN.COM

**FOURPLEX "A"
PLANS**

MATERIAL KEY



THESE PLANS ARE FOR THE FOURPLEX "A" ONLY. ALL OTHERS ARE NOT TO BE USED.




Schedule B: Fourplex "A" Plans - 4 Site Design Ltd. - March 2011
DP 3060-11-09 - Len Wainwright, Arisan Properties

Meadow Woods

512 JIM CRAIG DRIVE
LADYSMITH B.C.

LOT 3 DISTRICT LOT 108
R1-12 DISTRICT
PLAN VPR2238

ZONE - R-3-A






































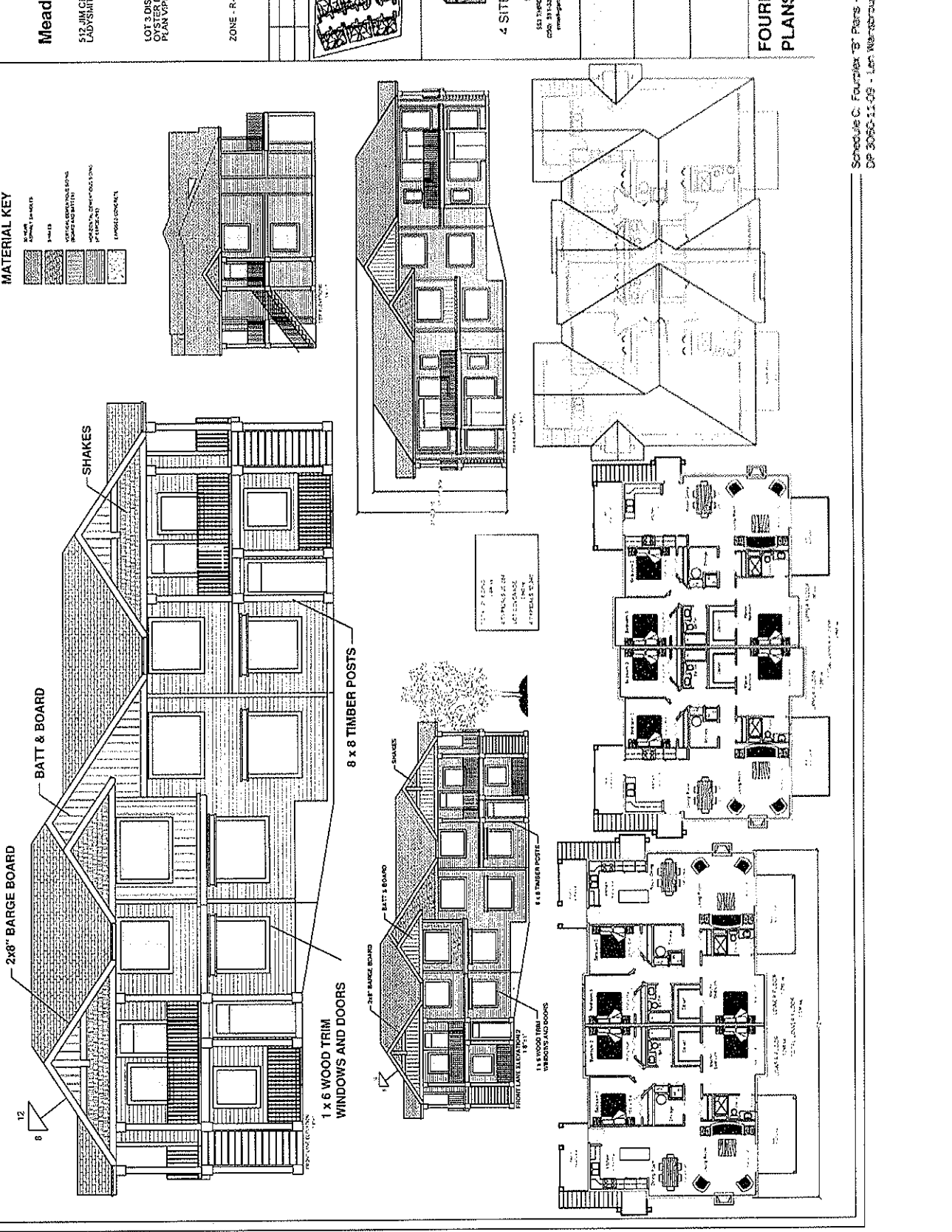
4 SITE DESIGN LTD.

Mark Carter
551 THREE ST. SUITE 202 VES VBC
COX 31-1325 Bldg. COX 462-1327 546
www.sitedesignltd.com

FOURPLEX "B" PLANS

MATERIAL KEY

-  SHAKES
-  BATT & BOARD
-  2x8" BARGE BOARD
-  1x6" WOOD TRIM
-  8x8" TIMBER POSTS
-  1x6" WOOD TRIM
-  1x6" WOOD TRIM
-  1x6" WOOD TRIM
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-  1x6" WOOD TRIM



Schedule C: Fourplex "B" Plans - 4 Site Design Ltd. - March 2011.
 DP 306C-11-09 - Len Weintraub, Architect Properties

Meadow Woods

512 JIM CRAM DRIVE
LADYSMITH B.C.

LOT 3 DISTRICT LOT 108
OYSTER DISTRICT
PLAN VP85223

ZONE - R-3-A



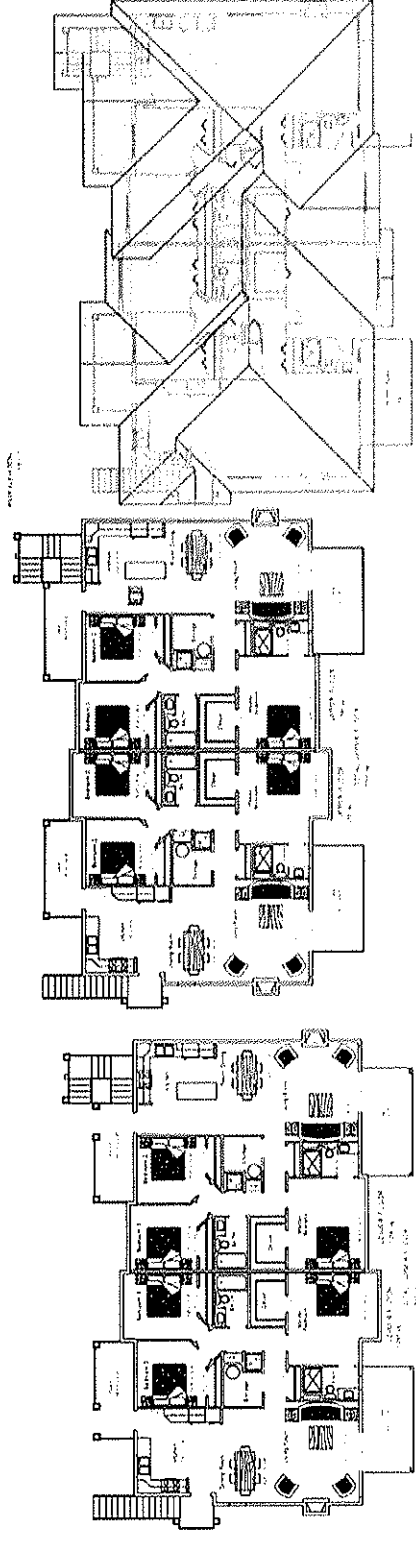
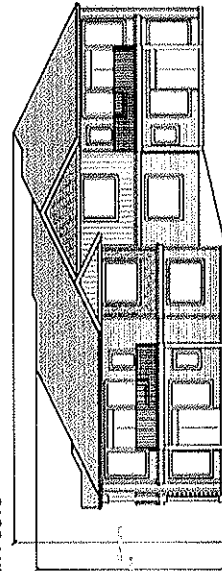
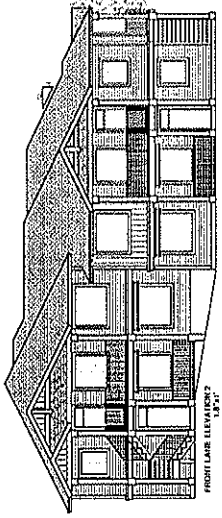
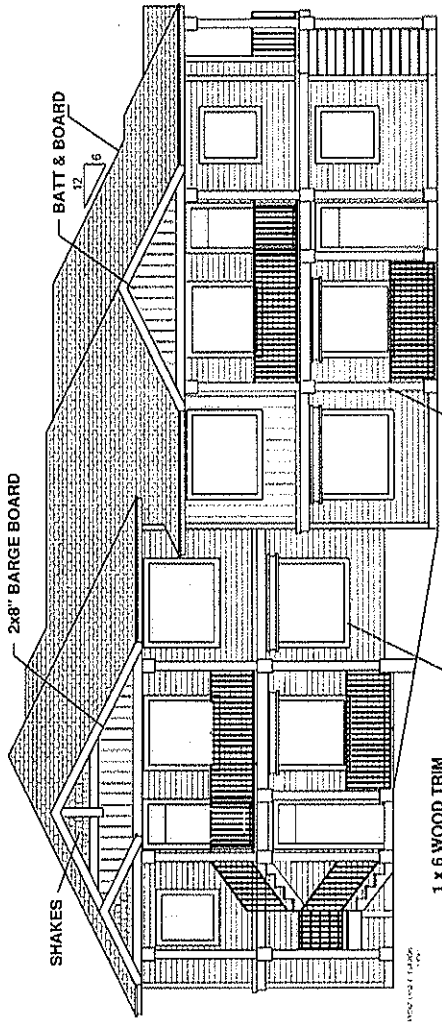
4 SITE DESIGN LTD.

Mark Gurnett
593 TORBID ST. KAMLOUS BC V2C 1G6
C250 84-2201 Fax: C250 842-1077
email: mark@4sitedesign.com

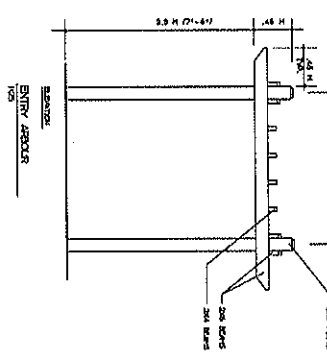
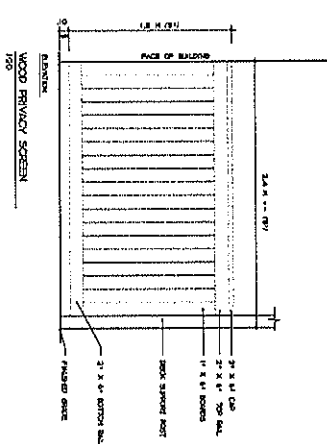
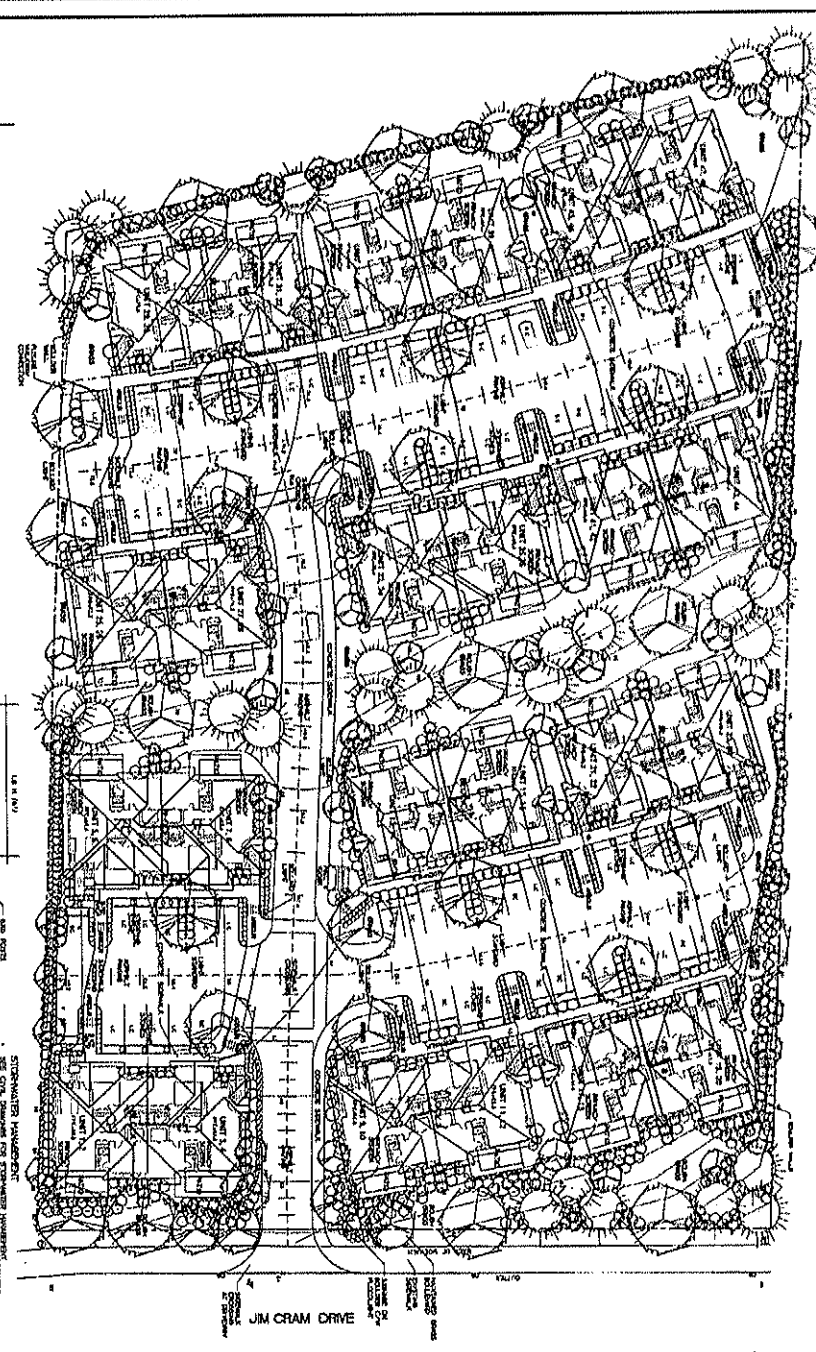
**FOURPLEX "C"
PLANS**

MATERIAL KEY

	SHAKES
	BATT & BOARD
	2x8" BARGE BOARD
	1 x 6 WOOD TRIM
	8 x 8 TIMBER POSTS
	WINDOWS AND DOORS



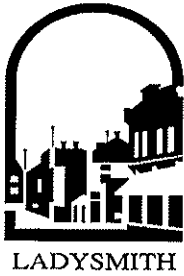
Schedule D: Fourplex "C" Plans - 4 Site Design Ltd. - March 2011
DP 3050-11-09 - Len Wainwright, Architect-Proprietor



STORMWATER MANAGEMENT:
 STORMWATER MANAGEMENT OF THIS SITE SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE DRAINAGE ACT AND THE DRAINAGE REGULATIONS. THE DRAINAGE PLAN SHALL BE SUBMITTED TO THE DRAINAGE COMMISSIONER FOR APPROVAL. THE DRAINAGE PLAN SHALL SHOW THE LOCATION AND DESIGN OF ALL DRAINAGE STRUCTURES AND THE METHOD OF COLLECTION AND DISPOSAL OF STORMWATER. THE DRAINAGE PLAN SHALL ALSO SHOW THE LOCATION AND DESIGN OF ALL STORMWATER STORAGE TANKS AND THE METHOD OF COLLECTION AND DISPOSAL OF STORMWATER. THE DRAINAGE PLAN SHALL ALSO SHOW THE LOCATION AND DESIGN OF ALL STORMWATER TREATMENT PLANTS AND THE METHOD OF COLLECTION AND DISPOSAL OF STORMWATER.

- LEGEND**
- PLANT SYMBOLS: Various symbols for trees and shrubs with associated quantities.
 - LANDSCAPE LEGEND: Symbols for different types of landscaping elements.
 - NOTES: A list of notes providing specific instructions for the landscaping plan.

		<p>MEADOW WOODS TOWNHOUSES 512 JIM CRAM DRIVE, LAKESIDE, B.C.</p>		<p>LANDSCAPE PLAN</p>	
<p>DATE: MAY 16, 2011 PROJECT: S71 02</p>	<p>SCALE: 1:250 PLOT: ARCH D</p>	<p>20</p>			



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Director of Development Services
Date: May 31, 2011
File No: 3090-11-02 and 3060-11-12

Re: Development Variance Permit (DVP) Application; and
Development Permit (DP) Amendment Application
Ladysmith Marina - 12335 Rocky Creek Road

RECOMMENDATION(S):

THAT Council approve Development Variance Permit 3090-11-02 for District Lot 2061, Lease 0114642, (12335 Rocky Creek Road) to vary the height of boathouses from 9 metres to 11 metres for dock A and authorize the Mayor and Corporate Officer to sign Development Variance Permit 3090-11-02.

That Council issue Development Permit 3060-11-12 (District Lot 2054 and 2061 - 12335 Rocky Creek Road) to amend the 'Site Plan' of Ladysmith Marina Development Permit 3060-06-06, and that the Mayor and Corporate Officer be authorized to sign the Development Permit.

PURPOSE:

The purpose of this report is to obtain Council direction regarding a DVP application to vary the height of boathouses for a section of dock at the Ladysmith Marina. Also, to obtain Council direction to amend the original Ladysmith Marina Development Permit (3090-06-06).

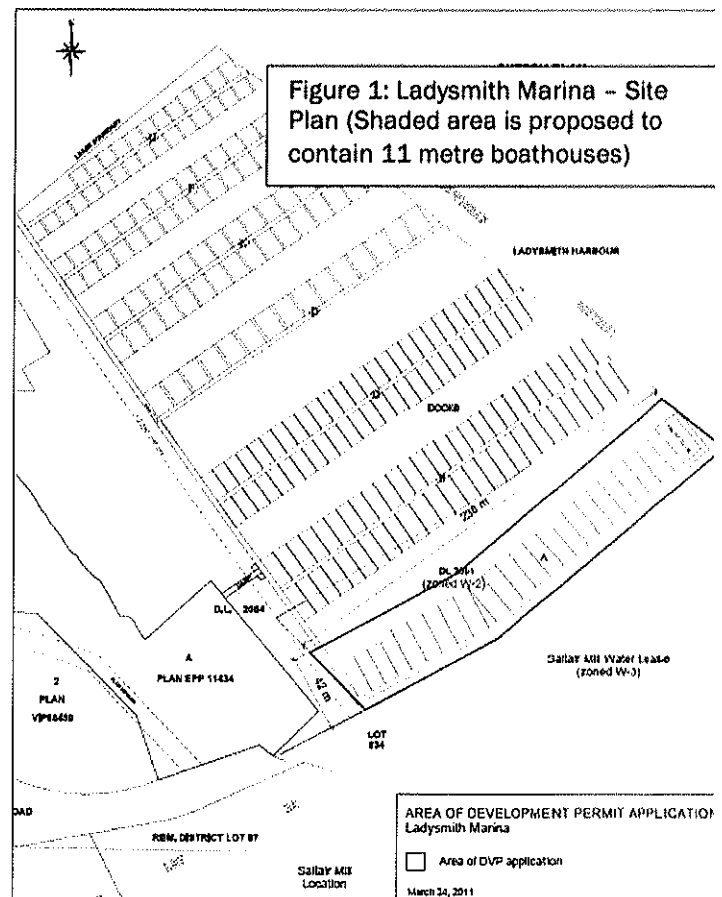
INTRODUCTION/BACKGROUND:

DVP

The applicant is proposing a height variance for boathouses, from 9 metres to 11 metres, to accommodate taller recreational powerboats, and to respond to client requests for the taller boathouses. The area for the proposed height variance is limited to dock A in the marina (as shown in the shaded area of Figure 1). At its meeting held May 2, 2011 Council directed staff to undertake the statutory notice for the DVP application.

DP

The 2006 approved Ladysmith Marina Development Permit requires amending to reflect the layout and use of the moorage and boathouse areas.



SCOPE OF WORK:

The Ladysmith Marina water lease area is zoned "Water Marina Zone (W-2)". Boathouses and moorage is a permitted use in the W-2 Zone. The maximum height for boathouses in this zone is 9 metres. The applicant is proposing a height variance for dock A of the Marina to permit boathouses with a height of 11 metres. A diagram of a typical boathouse design is shown in Figure 2.

Table 1: Height Variance Request

Permitted Height of Boathouses	Requested Height of Boathouses for dock A	Requested Variance
9 metres	11 metres	2 metres

The Ladysmith Marina water lease area falls within Development Permit Area 1 – Waterfront (DPA1). The objective of the DPA1 guidelines is to ensure the appropriate scale and form of development and to ensure that the natural features of the waterfront area are protected. An analysis of the guidelines relevant to the subject application are:

Buildings shall reflect the bulk, mass, character, shape and form of similar buildings in Ladysmith and shall be consistent with the area's rail, logging, and marine heritage. The peaked roof design and galvanized metal exterior of the boathouses is in keeping with the industrial style of the area.

Viewplanes of Ladysmith Harbour shall be maintained: Viewplanes of the Ladysmith Harbour are not impacted at higher elevations such as Rocky Creek Road, the Island Highway or First Avenue. Views from the foreshore are impacted but the east – west orientation of the boathouses helps to maintain view corridors. Also, restricting the taller 11 metre boathouses to dock A will help to maintain view corridors.

Buildings shall be designed in keeping with the west coast climate: The construction and materials for the boathouse are intended to withstand the West Coast climate.

Low impact lighting to reduce glare and spillage onto adjacent sites: The lighting on the docks and boathouses will respect these lighting guidelines.

The original Ladysmith Marina development permit proposes a landscaped parking area and the Town of Ladysmith holds a security bond for the landscaping portion. The applicant has just recently obtained official ownership of the parking area, as it was previously a provincial lease, thus the landscaping work has not yet been completed.

Given that boathouses already exist at Ladysmith Marina, and that the marina is located in an industrial area where views are not significantly impacted it is recommended to support the proposed height variance

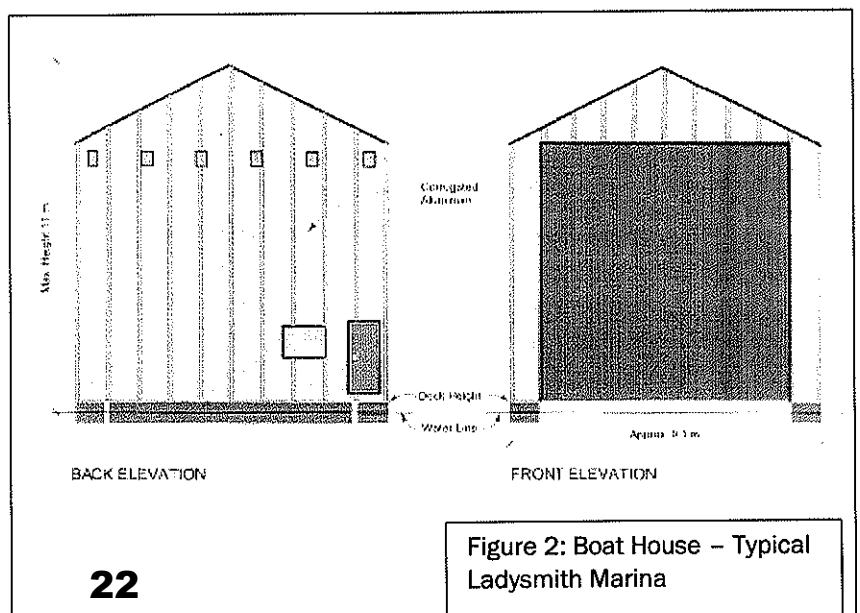


Figure 2: Boat House – Typical Ladysmith Marina

request for boathouses on dock A. It is also recommended to support the Development Permit to update the site plan for the water lease area of the Ladysmith Marina.

ALTERNATIVES:

That Council not support DVP 3090-11-02 and deny the application.

That Council not support DP 3060-11-12 for reasons related to the DPA1 guidelines.

FINANCIAL IMPLICATIONS: n/a

LEGAL IMPLICATIONS:

The *Local Government Act* enables Council to vary zoning regulations, except use and density regulations through the issuance of a development variance permit. This is a discretionary decision of Council. Public notification is required.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The Town of Ladysmith notice regarding this DVP application was sent to neighbouring properties on May 17, 2011. At the date of this staff report no objections had been received regarding the proposed variances.

The applicant has provided one letter of support for the height variance from the Division Manager of Western Forest Products, the adjacent property to the south.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The proposed Ladysmith Marina plans have been reviewed at an April 2011 meeting with the Director of Parks, Recreation and Culture; the Building Inspector; and the Engineering Technologist and no issues were identified with the proposal.

RESOURCE IMPLICATIONS:

Processing Development Variance Permit and Development Permit applications is within available staff resources.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

The Sustainability Visioning Report suggests that a successful boating area should include a marina that provides long and short term moorage.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Marine Sector is a key target sector for Ladysmith economic development.

SUMMARY:

It is recommended to support Development Variance Permit 3090-11-02 to permit boathouses to be 11 metres on dock A of the Ladysmith Marina. Also, it is recommended to issue Development Permit 3060-11-12 (amending DP 06-06) to reflect the layout and use of the Ladysmith Marina moorage and boathouse areas.

I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

DVP Form 3090-11-02

DP Form 3060-11-12

TOWN OF LADYSMITH
DEVELOPMENT PERMIT 3060-11-12
(Section 920 Local Government Act)

DATE: June 6, 2011

TO: Oak Bay Marina Ltd. (Applicant: CitySpaces Consulting Ltd.)

Address: 1327 Beach Drive
Victoria, B.C. V8S 2N4

1. This Development Permit amends Development Permit 3060-06-06 and is subject to compliance with all of the bylaws of the Town of Ladysmith applicable thereto, except as specifically varied by this Permit.
2. This Permit applies to and only to those lands within the Town of Ladysmith described below, and any and all buildings structures and other development thereon:

District Lots 2054 and 2061
Cowichan District
Province of BC Lease No. 0114642
CIVIC ADDRESS: 12335 Rocky Creek Road
(referred to as the "Land")
3. This Permit has the effect of authorizing the issuance of a building permit for the construction of a building or structure on the Land in accordance with the plans and specifications attached to this Permit and subject to the conditions, requirements and standards imposed and agreed to in section 5 of this Permit.
4. This Permit does not have the effect of varying the use or density of the Land specified in Zoning Bylaw No. 1160.
5. The Permittee, as a condition of the issuance of this Permit, agrees to:
 - a) Develop the Land as shown in "Schedule A: Moorage Layout and Boathouse Locations". 'Schedule A' amends the 'Site Plan' of Development Permit 3060-06-06 by replacing the "Future Moorage" areas with the "Moorage Layout and Boathouse Locations".
6. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.927 of the *Local Government Act*, and upon such filing, the terms of this Permit 3060-11-12 or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
7. If the Permittee does not substantially start any construction permitted by this Permit within **two years** of the date of this Permit as established by the authorizing resolution date, this Permit shall lapse.

8. The plans and specifications attached to this Permit are an integral part of this Permit.
9. This Permit prevails over the provisions of the Bylaw in the event of conflict.
10. Despite issuance of this permit, construction may not start without a Building Permit, Sign Permit or other necessary permits.

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL OF THE TOWN OF
LADYSMITH ON THE _____ DAY OF _____ 201_____.

MAYOR

CORPORATE OFFICER

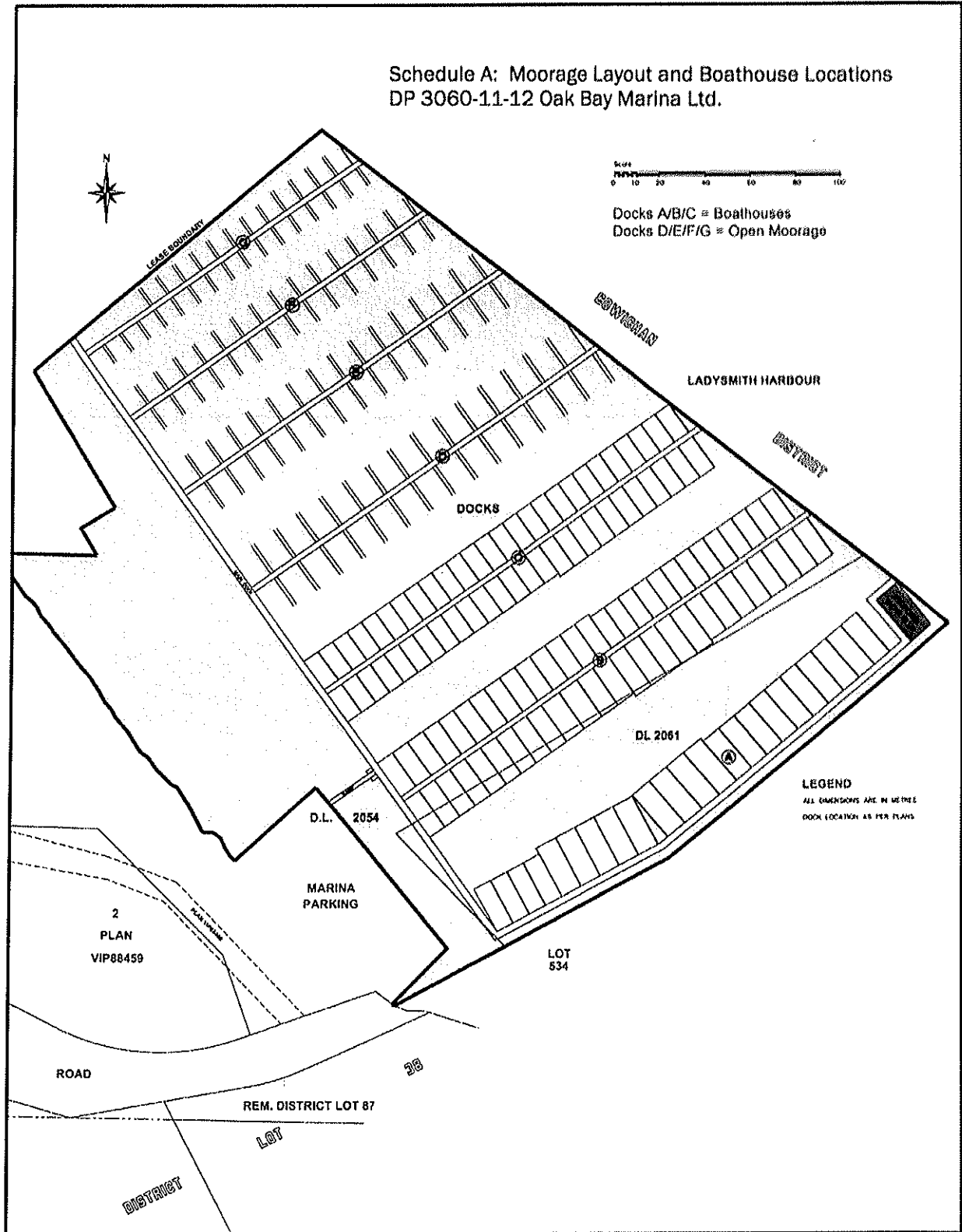
OWNER

PLEASE PRINT NAME

OWNER

PLEASE PRINT NAME

Schedule A: Moorage Layout and Boathouse Locations
 DP 3060-11-12 Oak Bay Marina Ltd.



TOWN OF LADYSMITH
DEVELOPMENT VARIANCE PERMIT 11 - 02
DATE: June 6, 2011

TO:	Oak Bay Marina Ltd. (Applicant: CitySpaces Consulting Ltd.)
ADDRESS:	1327 Beach Drive Victoria, B.C. V8S 2N4

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Town of Ladysmith applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit applies to and only to those lands within the Town of Ladysmith described below and any and all buildings, structures and other development thereon:

District Lot 2061, Cowichan District (Lease #0114642)
3. Section 30.2 "Conditions of Use" in the Water Marina Zone (W-2) of the "Town of Ladysmith Zoning Bylaw 1995, No. 1160", as amended, is varied for the subject property as follows:

From:
Section 30.2 (5)(i) "for boathouses, maximum height shall not exceed 9.0 metres."

To:
Section 30.2 (5)(i) "for boathouses, maximum height shall not exceed 9.0 metres, except for Dock A of District Lot 2061 (as shown in Schedule A) where the maximum height for boathouses shall not exceed 11.0 metres."
4. The land described herein shall be developed strictly in accordance with terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part thereof.
5. The following plans and specifications are attached:
 - a) Schedule A: Ladysmith Marina - Area of Height Variance (March 24, 2011)
6. THIS PERMIT IS NOT A BUILDING PERMIT. No occupancy permit shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Corporate Officer.

AUTHORIZING RESOLUTION passed by Municipal Council on the _____ day of _____, 20_____.

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)

I HEREBY CERTIFY that I have read the terms and conditions of the Development Variance Permit contained herein. I understand and agree that the Town of Ladysmith has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with Oak Bay Marina Ltd. (CitySpaces Consulting Ltd.) other than those contained in this permit.

Signed

Witness

Title

Occupation

Date

Date

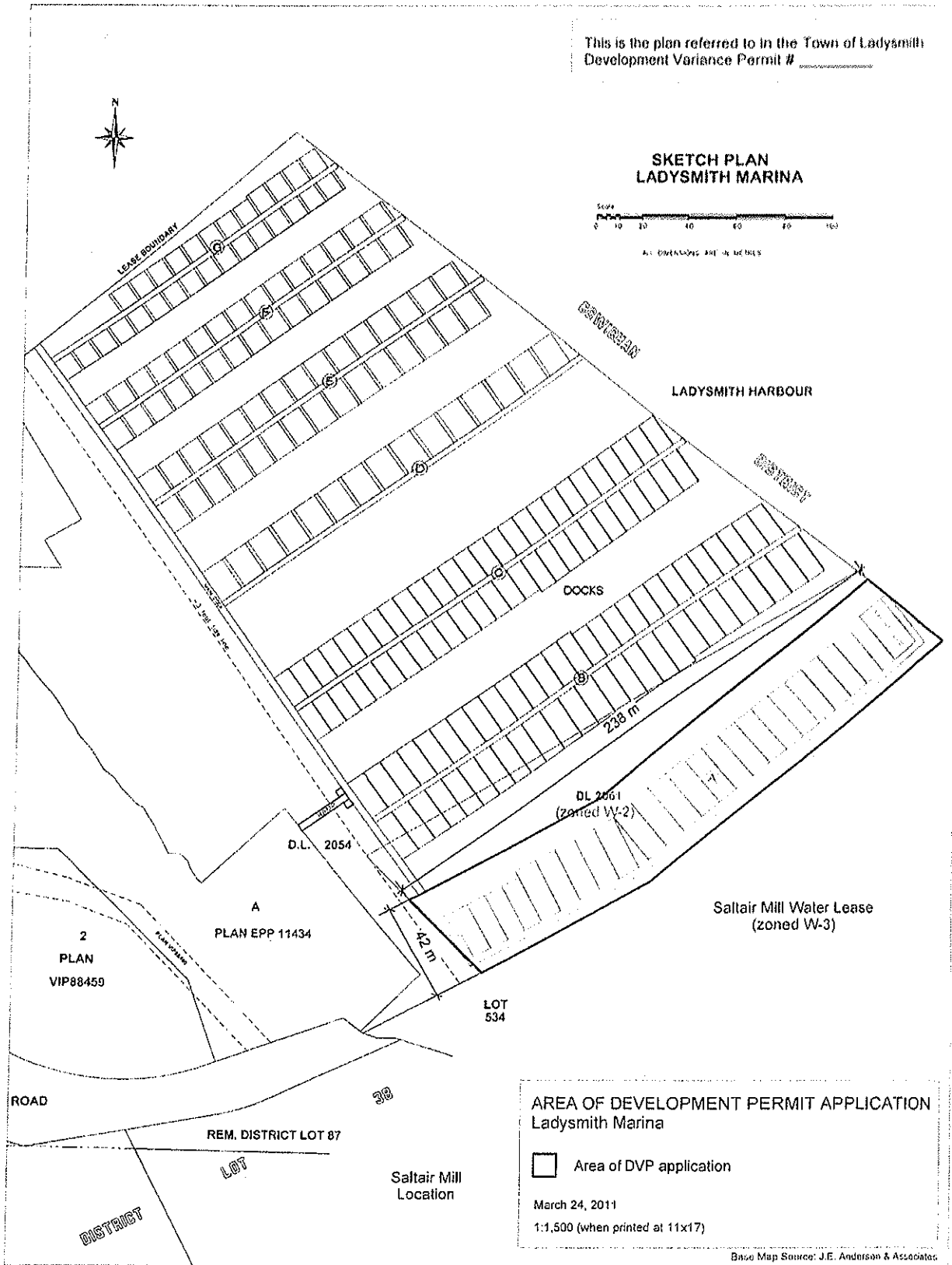
This is the plan referred to in the Town of Ladysmith
Development Variance Permit # _____



**SKETCH PLAN
LADYSMITH MARINA**



ALL DIMENSIONS ARE IN METRES



AREA OF DEVELOPMENT PERMIT APPLICATION
Ladysmith Marina

□ Area of DVP application

March 24, 2011
1:1,500 (when printed at 11x17)

Base Map Source: J.E. Anderson & Associates

Schedule A: Ladysmith Marina – Area of Height Variance
(March 24, 2011)
DVP 2890-11-02 – Oak Bay Marina Ltd. (CitySpaces
Consulting Ltd.)

Town of Ladysmith

COMMITTEE REPORT



LADYSMITH

To: Mayor and Council
From: Councillor S. Arnett, Chair
Date: May 18, 2011
File No: 0550-20

Re: GOVERNMENT SERVICES COMMITTEE - May 16, 2011

At its meeting on May 16, 2011 the Government Services Committee recommended to Council the following:

1. That Council authorize staff to tender the construction of the centralized treatment facility, the dual pipeline from the south end chlorinator to the Arbutus Reservoir, and the new power supply, to be funded from the Water Utility Reserve Fund.
2. That Council amend Dog Licensing, Control and Pound Bylaw No. 1155 (as amended) to include the option of enrolment in the Canine Good Neighbour Certification Program in order for restricted breed dogs and dog owners to qualify for exemption from restricted breed regulations as outlined in the bylaw.
3. That Council request staff to review the previous report on the investigation into installing angle parking in the vicinity of 320 - 322 First Avenue, and report back to Council.



Town of Ladysmith

COMMISSION REPORT

To: Mayor and Council
From: Heritage Revitalization Advisory Commission
Date: May 27, 2011
File No:

Re: MUSEUM INITIATIVE

RECOMMENDATION:

It is recommended to Council that the Town provide support to finding grants and a location for the establishment of a museum in Ladysmith, and that key partners include the Town, Ladysmith and District Historical Society, Ladysmith Maritime Society, Stz'uminus First Nation, local businesses and other Town commissions/committees.

BACKGROUND / HISTORY:

At its meeting held May 2, 2011, Council made the following referral to the Heritage Revitalization Advisory Commission (HRAC):

It was moved, seconded and carried that the matter of the proposed Ladysmith Museum as outlined in the correspondence from the Ladysmith and District Historical Society dated April 5, 2011, be referred to the Heritage Revitalization Advisory Commission and to the Parks, Recreation and Culture Commission.

ANALYSIS:

At its meeting held May 12, 2011, members of the HRAC reviewed the Council referral and letter from Ladysmith and District Historical Society (LDHS) and discussed the idea of a Ladysmith museum.

Staff noted that the establishment of a museum is in alignment with action 7.4 of the Heritage Strategic Plan – *Maintain a reserve fund for a museum or heritage centre.*

Members agreed the Town should play the central role in the establishment of a museum and that key partners should include LDHS, Ladysmith Maritime Society, the Stz'uminus First Nation, local businesses and other Town commissions/committees. Members emphasized the importance of inviting the Stz'uminus First Nation to be involved.

The HRAC provided the following recommendation to Council:

It was moved, seconded and carried that the Heritage Revitalization Advisory Commission provide Council its enthusiastic support for the idea of establishing a museum in Ladysmith.

ATTACHMENTS: "None".



Town of Ladysmith

STAFF REPORT

To: Ruth Malli, City Manager
From: Chris Trumpy, Manager, Special Projects
Date: June 1, 2011
File No:

Re: Ladysmith Solar Community Program

RECOMMENDATION(S):

That Council provide staff with direction on which solar energy initiative option it wishes to pursue for the use of a \$5,000 Solar Community Program Grant.

PURPOSE:

The purpose of this report is to provide Council with background information and options regarding potential options for using a \$5000 grant from Solar BC.

INTRODUCTION/BACKGROUND:

Ladysmith signed the Climate Action Charter in 2007 which commits the Town to being carbon neutral with respect to its corporate emissions by 2012. Furthermore, the Town was recently designated a 'Solar Community' by Solar BC. With this designation came a \$5000 grant to further promote solar energy in Town.

Recent solar accomplishments in Ladysmith include:

- The installation of a solar hot water heater at City Hall.
- Adoption of a solar hot water ready bylaw.
- The Town's building inspector has attended numerous solar hot water training sessions.
- Ladysmith has hosted a solar days event.
- Business case analysis of solar hot water ready options at the FJCC completed.
- Completed pilot project of Big Belly Solar Compactors.
- Ladysmith Secondary School is installing solar hot water heaters.

SCOPE OF WORK

Scope of work is dependent on the Council direction regarding the three alternatives presented below.

ALTERNATIVES:

Three options have been developed by staff for further discussion with Council.

1. Provide the Ladysmith Maritime Society funding of approximately \$3000 to install solar hot water at the new Visitor Centre. The remaining \$2000 would be used to produce and install interpretive signage at this installation as well as at Town Hall to promote the use of solar hot water.

2. Investigate the potential and/or contribute towards purchasing and installing a photovoltaic system that would generate electricity that would offset the Town's energy use during the Festival of Lights and be fed into BC Hydro's grid the rest of the year.
3. Purchase one Big Belly Solar Compactor to be installed on First Avenue. Initial results from the pilot project conducted in March indicate that the Big Belly Solar Compactor was effective at reducing the amount of time by staff spent cleaning and picking up garbage.

FINANCIAL IMPLICATIONS:

All options described above would only use the \$5000 allocated from Solar BC.

LEGAL IMPLICATIONS:

N/A

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The Visioning Report and Energy Plan provide clear direction to guide the Town's actions towards the reduction of green house gases and the promotion of alternative energy technologies.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The Public Works and Development Services Departments were involved in the development of the proposed options.

RESOURCE IMPLICATIONS:

Resource implications are dependent on Council direction on the three alternatives presented above.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Community Energy Plan and the Ladysmith Community Visioning Report both identify the reduction of GHGs and the promotion of alternative energy technologies as key strategic priorities for the Town.

SUMMARY:

It is recommended that Council provide staff with direction on which option it wishes to pursue.

I concur with the recommendation.



Ruth Malli, City Manager



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Joe Friesenhan, Director of Public Works
Date: May 31, 2011
File No:

Re: MOWER TENDER

RECOMMENDATION(S):

That Council award the tender for the replacement of Unit 70, a 2001 rotary mower, to Oakcreek Golf & Turf for the total price of \$56,806.40 being low tender with the funds to come from the Equipment Replacement Fund.

PURPOSE:

To award the tender for the purchase of the replacement for unit 70, a 2001 Jacobson Mower.

INTRODUCTION/BACKGROUND:

Tenders were received until 2:00 p.m. Wednesday, May 11, 2011 for the replacement of Unit 70, a 2001 Rotary Mower. Three tenders were received as follows:

	<u>New Mower</u>	<u>Trade-in</u>	<u>HST</u>	<u>Total</u>
Oakcreek Golf & Turf	\$56,720.00	\$6,000	\$6,086.40	\$56,806.40
Prairie Coast Equipment	\$59,710.00	\$4,500	\$6,625.00	\$61,835.20
Rollins Machinery Ltd.	\$62,920.00	\$6,500	\$6,770.40	\$63,190.40

The replacement price for the new mower is lower than the original mower.

SCOPE OF WORK:

Purchase of replacement equipment

ALTERNATIVES:

- Award the tender as submitted
- Not replace mower and make it last another year.

FINANCIAL IMPLICATIONS:

The cost of the replacement mower is from the Equipment Replacement Fund

LEGAL IMPLICATIONS:

N/A

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

N/A

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Public Works and Finance Department

RESOURCE IMPLICATIONS:

Current employees

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

N/A

ALIGNMENT WITH STRATEGIC PRIORITIES:

N/A

SUMMARY:

Tenders were received for the replacement of Unit 70, a 2001 rotary mower. The cost of the mower is in the Equipment Replacement fund. The new mower is less money than the 2001 mower. Low tender is Oakcreek Golf & Turf.

I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

Tender Packages can be viewed at City Hall.



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Erin Anderson, Director of Financial Services
Date: May 31, 2011
File No:

Re: Temporarily Waive Council Policy #2000-594

RECOMMENDATION(S):

That Council consider waiving the Cheque Signing Policy for the duration of the Canada Post Strike.

PURPOSE:

To temporarily waive the policy for a Council signature on payments to vendors.

INTRODUCTION/BACKGROUND:

Canada Post is set to strike June 3, 2011. The Town Of Ladysmith utilizes the services of Canada Post to deliver the majority of our payments to various vendors.

Currently, the Director of Finance along with a Council member signs the cheques. For payments under \$5,000, the Council signature automatically prints on the cheque.

In light of the pending job action, it is requested the Council waive this policy to utilize more electronic options. In doing so, it is requested that Council authorize the second signature for payments under \$5,000 be another authorized Staff member. This signature would be located on the actual invoice and payment would be set up for funds transferred by the Director of Finance.

SCOPE OF WORK:

Additional work lies with the Director of Finance in keying the vendor information into the banking software.

ALTERNATIVES:

Continue with the current practice and risk late penalties.

Send out all payments via courier.

FINANCIAL IMPLICATIONS:

Payments are already factored into the 2011 financial plan.

LEGAL IMPLICATIONS:

None

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

None

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Coordinating with the Director of Corporate Services and the Manager of Accounting Services is necessary for any payment to be made.

RESOURCE IMPLICATIONS:

No additional staff is required.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Keeping penalties and mailing costs at a minimum is consistent with wise financial management.

SUMMARY:

It is requested that Council consider temporarily waiving the Cheque signing policy requirement for a Council signature on payments under \$5,000. This will allow payments to be made electronically in the event of a Canada Post strike.

I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

None



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Erin Anderson, Director of Financial Services
Date: June 6, 2011
File No:

Re: **LOAN AUTHORIZATION BYLAW**

RECOMMENDATION(S):

That Council consider first three readings of the Loan Authorization Bylaw.

PURPOSE:

To obtain approval to borrow \$1 million to fund the construction of a new water works system.

INTRODUCTION/BACKGROUND:

Included in the 2011 Financial Plan was the construction of a new water system. This water system included:

- Pipeline from the South end to Arbutus
- Central Treatment Plan
- Power Supply to Arbutus
- Holland Creek Crossing

The total estimated cost of this is approximately \$2.47M. The funding for this project included using available water fund reserves, funding from parcel taxes and utility rates as well as borrowing \$1 million dollars.

Using today's interest rates, the cost to service \$1M annually is approximately \$81,000. The increase to the parcel tax rate in 2011 was used to offset this debt servicing cost.

Ladysmith currently uses 4% of revenues to service debt. According to 2010 statistics, that is \$51 per capita.

The funds will be borrowed through the CVRD and the Municipal Financing Authority (MFA). This is consistent with all of the past borrowings for the Sewer (2000) and First Avenue (2000).

SCOPE OF WORK:

Borrowing funds through MFA requires a number of steps. Approval by the Province and potentially by the electors is required prior to adoption. The Provincial approval can take up to 1 month and the electors approval has 2 options: (1) Referendum (2) Alternative Approval Process (AAP).

(1) A General Municipal Election will take place in November. Adding an additional ballot question would require minimal work.

(2) AAP requires at least 6 weeks of mailing time plus processing time. Additional costs associated with printing and mailing would apply.

The bylaw is required to sit for a quashing period of 1 month after approval by the Town. It is then passed to the CVRD for borrowing at MFA.

The MFA borrows on the open market twice a year. Depending on the timelines required to construct the pipeline and the approval of the Province, the Town may be borrowing this fall or use interim financing and borrow in the spring.

ALTERNATIVES:

There are no alternatives to the process or borrowing.

FINANCIAL IMPLICATIONS:

Interest rates are always a consideration. Borrowing through the MFA is the most cost effective, though interest rates could increase between now and the actual borrowing.

LEGAL IMPLICATIONS:

The borrowing process is tightly regulated.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Citizens are aware through newspaper articles and tax notice inserts that this project is scheduled for 2011.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

This process requires a great amount of inter-department workings between the actual project with Public Works, the potential referendum or electoral assent with Corporate Services and the actual borrowing and financing with the Finance Department.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

n/a

ALIGNMENT WITH STRATEGIC PRIORITIES:

This aligns with the priority Enhanced Standard of Infrastructure.

SUMMARY:

It is requested that Council consider first three readings of the following bylaws of the Loan Authorization Bylaw in order to proceed with the water works construction.

I concur with the recommendation.



Ruth Marli, City Manager

ATTACHMENTS:

none



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Sandy Bowden, Director of Corporate Services
Date: May 26, 2011
File No:

Re: Proposed Amendments to Election Procedures and Automated Voting Bylaw No. 1339 to Include Provisions for Voting by Mail Ballot

RECOMMENDATION(S):

That Council direct staff to proceed with the necessary amendments to Ladysmith Election Procedures and Automated Voting Bylaw 1999, No. 1339 to include the provisions for voting by mail ballot.

PURPOSE:

The purpose of this staff report is to seek Council's authorization to proceed with amending the Election Procedures and Automated Voting Bylaw No. 1339 to provide for mail ballot voting (see attachment).

INTRODUCTION/BACKGROUND:

In 2008 the *Local Government Act* was amended to expand the criteria for electors to vote by mail in local government elections. The criteria includes "(a) persons who have a physical disability, illness or injury that affects their ability to vote at another voting opportunity, and (b) persons who expect to be absent from the municipality on general voting day and at the times of all advance voting opportunities." Staff is in favour of any opportunity to enhance voter turn-out and as such recommends the inclusion of mail ballot voting in the bylaw.

In discussions with other Chief Election Officers staff note that mail ballots are not frequently utilized in local government elections, however, it is important to provide the electorate with the opportunity to utilize mail ballot voting if required.

SCOPE OF WORK:

Once the bylaw amendments are adopted staff will proceed with preparing for mail ballot voting in accordance with Section 100 of the *Local Government Act*.

ALTERNATIVES:

Council could approve the staff recommendation to include provisions for mail ballot voting in Bylaw No. 1339 or Council could direct staff to continue with the status quo.

FINANCIAL IMPLICATIONS:

n/a

LEGAL IMPLICATIONS:

n/a

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

It is anticipated that expanding voting opportunities for eligible Ladysmith electors will be positively received.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

n/a

RESOURCE IMPLICATIONS:

No additional resources will be required to manage mail in ballots.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

n/a

ALIGNMENT WITH STRATEGIC PRIORITIES:

This initiative aligns with Strategic Direction G – Supportive Corporate Governance and also aligns with one of the Corporate Services Department’s top three strategic directions for 2011 – Local Government Elections.

SUMMARY:

In 2008 the *Local Government Act* was amended to expand the criteria for mail ballot voting to ensure that voters who anticipated being absent from the local government in which they are eligible to vote for regular and advance voting opportunities could vote. Staff recommends that the Town’s Election Procedures and Automated Voting Bylaw No. 1339 be amended to include mail ballot voting provisions.

I concur with the recommendation.



Ruth Malli, City Manager



Town of Ladysmith **STAFF REPORT**

To: Council
From: Ruth Malli, City Manager
Date: May 31, 2011
File No: 2380-20

Re: **SPIRIT SQUARE**

RECOMMENDATIONS:

That Council consider if it wishes to instruct staff to re-direct funding of \$40,000 (original project total \$42,000) from the Amphitheatre project to the Spirit Square project; funds to provide additional tiered seating at the south-east corner of the site, sprinklers and natural food plantings in the remaining gardens; and

That should Council so direct the change as outlined, then the Financial Plan be amended.

PURPOSE:

The purpose of this staff report is to provide Council with information regarding the completion of the Spirit Square site. A decision is required from Council on a change in the scope of the work on the site and to move funding from one project to another in the 2011 Capital project list.

INTRODUCTION/BACKGROUND:

Council will recall that the Spirit Square site was moved from its original location to the new site at the corner of High and Buller streets. During construction of the site, unanticipated soil and slope conditions were encountered that affected the design of the site. Decisions were made to ensure that safety, environmental and structural enhancements received the highest priority. Two of the decisions made were to eliminate non-essential sprinklers and any non essential retaining walls. Both of these decisions were necessary, although challenging. The final site is mostly completed; however, an opportunity has arisen on another project at the same time a request was made to consider some other options on the Spirit Square site.

First the opportunity: one of the other projects for 2011 is the continuation of the stabilization work at the amphitheatre. This project includes the purchase of rock material. A local source has come available and the rock material can be acquired at a much lower cost.

The request is for consideration of including some more sprinklers at the site (due to the high cost of hand watering) and to enhance the south-east corner of the site to its' original concept design. This would provide additional tiered seating for casual enjoyment of the site.

SCOPE OF WORK:

The construction project is nearing completion. Changes to the site construction will be completed before the end of June.

ALTERNATIVES:

Council can choose to make amendments to the project, or Council can choose to not make amendments to the project.

FINANCIAL IMPLICATIONS:

Council has previously directed that the project be constructed within budget parameters, any changes will increase costs. The costs would be covered as a result of an opportunity to fund another project through donation of material. The return on the property is in cash provided by partners and community service provided by the agencies.

LEGAL IMPLICATIONS:

There are no legal implications, other than a decision has to be made within a reasonable timeframe to not delay contractors.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The development of the site with the two buildings and the Civic Square is a high-profile project and a significant capital undertaking for the Town. Nearly completed, the site will provide a gathering space for the entire community, offering important programs and services as well as leisure opportunities. It is a model for agencies to come together and share resources to make the community stronger.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Staff from various departments have been involved in providing input into the recommendation. Staff from parks recreation and culture are involved in the management of the project; in addition, public works will be involved with the sprinkler and planting decisions on the site. There are no new resources available, therefore, any time spent watering this site will be time away from other works.

RESOURCE IMPLICATIONS:

There will be costs to the Town associated with the ongoing maintenance of the property.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

The Spirit Square and Community Services Centre meets several of the Town's sustainability goals through the concept as well as the actual construction:

- Reduce Green house gas and other emissions
- Reduce fossil fuel energy consumption and shift to renewable energy;
- Reduce potable water usage and manage wastewater efficiently including re-use;
- Manage materials use to reduce or eliminate waste;
- Provide stable, diverse and prosperous local economic opportunities; and
- Create healthy communities and individuals

In addition, the Centre meets the vision expressed for the Downtown Area.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Ladysmith Community Services Centre is one of Council's top 25 Strategic Priorities.

SUMMARY:

It is recommended that Council consider a scope of work change on the Spirit Square site.



439 Walker Ave.
Ladysmith, BC, V9G 1V7
tel: 250-245-9191, fax: 604-677-5470
toll-free: 1-888-602-9361

Mayor Rob Hutchins and Council
Town of Ladysmith
P.O. Box 220
Ladysmith, BC
V9G 1A2

June 1, 2011

Dear Mayor and Council:

Thank you for striking a committee to review Ladysmith's restricted dog bylaw, and through you allow me to thank the individuals who gave their time to serve on that committee.

While the committee's decision did not meet all my hopes, I respect the effort it gave to the question. Also I would like to thank it for recommending that the Town release an individual animal that earns a 'Canine Good Neighbours' certificate from the requirements of the bylaw's 'restricted' category.

I urge you to accept this recommendation.

Yours truly,
Chris Wood

439 Walker Ave.
Ladysmith

TOWN OF LADYSMITH

BYLAW NO. 1760

A BYLAW TO AMEND THE LADYSMITH HERITAGE REVITALIZATION ADVISORY COMMISSION BYLAW 1994, NO. 1279

The Municipal Council of the Town of Ladysmith in open meeting assembled enacts as follows:

1. Amendments:

(a) Delete the first "WHEREAS" clause and "NOW THEREFORE" of the second clause.

(b) Add the following section 2.2(d):

1 non-voting member from the Ladysmith and District Historical Society to act as liaison between the two groups.

2. Citation

This bylaw may be cited for all purposes as "Ladysmith Heritage Revitalization Advisory Commission Bylaw 1994, No. 1279 Amendment Bylaw 2011, No. 1760".

READ A FIRST TIME on the	2 nd day of	May, 2011
READ A SECOND TIME on the	2 nd day of	May, 2011
READ A THIRD TIME on the	2 nd day of	May, 2011
ADOPTED on the	day of	2011

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)

TOWN OF LADYSMITH

BYLAW NO. 1764

A BYLAW TO AMEND THE LADYSMITH ELECTION PROCEDURES AND AUTOMATED VOTING BYLAW 1999 NO. 1339 TO INCLUDE PROVISIONS FOR VOTING BY MAIL BALLOT

The Municipal Council of the Town of Ladysmith in open meeting assembled enacts as follows:

1. Bylaw Amendments:

- (a) Add the following Section 5 and renumber all subsequent sections accordingly:

5. **Mail Ballot Voting**

Authorization

- (1) Voting by mail ballot and elector registration by mail in conjunction with mail ballot voting are hereby authorized.
- (2) The only electors who may vote by mail ballot are the following:
- (a) persons who have a physical disability, illness or injury that affects their ability to vote at another voting opportunity; and
- (b) persons who expect to be absent from the Town of Ladysmith on general voting day and at the times of all advance voting opportunities.

Application Procedure

- (3) A mail ballot package may be requested by an elector who is registered and who in person, by mail, by fax or by email, presents the Chief Election Officer or designate a written request by giving their name and address for such purpose.
- (4) The Chief Election Officer may deliver mail ballot packages by hand to electors who request a mail ballot package in person or the Chief Election Officer may deliver mail ballot packages to electors by mail for those electors who request the ballot package by mail, fax or email.
- (5) The time limits in relation to voting by a mail ballot may be determined by the Chief Election Officer, including the time limit to apply for a mail ballot package.
- (6) Upon receipt of a request for a mail ballot, the Chief Election Officer or designate shall in accordance with the time limits established by the Chief Election Officer:
- (a) make available to the applicant, a mail ballot package as specified in Section 100(7) of the *Local Government Act*, together with a statement advising the elector that the elector must meet one or more of the mail ballot criteria specified in Section (2) of this bylaw, and that they must attest to such fact; and
- (b) immediately record and, upon request, make available for inspection:
- (i) the name and address of the person to whom the mail ballot package was issued; and
- (ii) the number of the voting division in which the person is registered as an elector, or "new elector", if that person is not on the register of electors.

Voting Procedure

- (7) To vote using a mail ballot, the elector shall mark the ballot in accordance with the instructions contained in the mail ballot package provided by the Chief Election Officer.
- (8) After marking the ballot, the elector shall:

- (a) place the ballot in the secrecy envelope provided and seal the secrecy envelope;
- (b) place the secrecy envelope in the certification envelope, and complete and sign the certification printed on such envelope, and then seal the certification envelope;
- (c) place the certification envelope, together with a completed elector registration, if required, in the outer envelope, and then seal the outer envelope;
- (d) mail, or have delivered, the outer envelope and its contents to the Chief Election Officer at the address specified so that it is received no later than the close of voting on general voting day.

Ballot Acceptance or Rejection

- (9) In accordance with the time limits established by the Chief Election Officer, the Chief Election Officer or designate, upon receipt of a ballot package, shall immediately record the date of such receipt and shall then open the outer envelope and remove and examine the certification envelope and the completed elector registration application, if applicable, and if satisfied as to:

- (a) the identity and entitlement to vote of the elector whose ballot is enclosed; and
- (b) the completeness of the certification; and
- (c) the fulfillment of the requirements of Section 56 of the *Local Government Act* in the case of a person who is registering as a new elector;

the Chief Election Officer or designate shall mark the certification envelope as "accepted", and shall retain in his or her custody all such certification envelopes in order to deal with any challenges made in accordance with Section (16) of this bylaw and the voting book shall be marked to indicate that the elector has voted.

- (10) The unopened certification envelopes shall remain in the custody of the Chief Election Officer or designate until 4:00 pm on the Thursday two days before general voting day, at which time the certification envelopes containing the secrecy envelopes shall be opened in the presence of at least one other person, including any scrutineers present.
- (11) At 4:00 pm on the Thursday two days before general voting day, the Chief Election Officer or designate shall place all secrecy envelopes received up until that time into a ballot box specified for such purpose, where such secrecy envelopes were received from persons whose right to vote using a mail ballot has not been challenged, or where such challenge has been resolved and the challenged person permitted to vote.
- (12) Where an outer envelope and its contents are received by the Chief Election Officer or designate between 4:00 pm on the Thursday two days before general voting day and the close of voting on general voting day, the provisions of Section (9) of this bylaw with regard to ballot acceptance shall apply and the Chief Election Officer or designate shall retain such envelopes in their possession until the close of voting and at that time shall open such certification in the presence of at least one other person, including any scrutineers present, and place the secrecy envelope containing the ballot into the ballot box containing the other unopened secrecy envelopes.
- (13) As soon as possible after all of the secrecy envelopes have been placed in the ballot box designated for that purpose, the ballot box shall be opened under the supervision of the Chief Election Officer or designate, and in the presence of at least one other person and any scrutineers present:
- (a) open the accepted certification envelopes;
 - (b) place the unopened secrecy envelopes together into a ballot box;
 - (c) open the secrecy envelope and remove the ballot within; and
 - (d) insert the ballot into the vote tabulating unit.
- (14) Where:
- (a) upon receipt of an out outer envelope, the Chief Election Officer is not satisfied as to the identity of the elector whose ballot is enclosed; or

- (b) in the case of a person required to complete an application for registration as an elector, such application has not been completed in accordance with Section 56 of the *Local Government Act*; or
- (c) the outer envelope is received by the Chief Election Officer or designate after the close of voting on general voting day.

the certification envelope shall remain unopened and the Chief Election Officer shall mark such envelope as "rejected". And shall note the reasons therefore, and the ballot contained therein shall not be counted in the election.

- (15) Any certification envelopes and their contents rejected in accordance with Section (14) of this bylaw shall remain unopened and shall be subject to the provisions of Section 150(6) of the *Local Government Act* with regard to their destruction.

Challenge of Elector

- (16) A person exercising the right to vote under the provisions of this bylaw may be challenged in accordance with and on the grounds specified in Section 116 of the *Local Government Act*.
- (17) The provisions of Section 116(2) to (5) inclusive of the *Local Government Act* shall apply where a challenge of an elector using a mail ballot has been made.

Elector's Name Already Used

- (18) Where, upon receiving a request for a mail ballot, the Chief Election Officer determines that another person has voted or has already been issued a mail ballot in the elector's name, the provisions of Section 117 of the *Local Government Act* shall apply, so far as applicable.

Replacement of Spoiled Ballot

- (19) Where an elector unintentionally spoils a mail ballot before returning it to the Chief Election Officer, the elector may request a replacement ballot by advising the Chief Election Officer or designate of the ballot spoilage and by mailing or otherwise delivering by an appropriate means, the spoiled ballot package in its entirety to the Chief Election Officer or designate.
- (20) The Chief Election Officer shall, upon receipt of the spoiled ballot package, record such fact, and proceed in accordance with Section (4) of this bylaw.

2. Citation

This bylaw may be cited for all purposes as "Ladysmith Election Procedures and Automated Voting Bylaw 1999, No. 1339 Amendment Bylaw 2011, No. 1764".

READ A FIRST TIME	on the	day of	2011
READ A SECOND TIME	on the	day of	2011
READ A THIRD TIME	on the	day of	2011
ADOPTED	on the	day of	2011

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)