



LADYSMITH

MINUTES OF A MEETING OF COUNCIL OF THE  
TOWN OF LADYSMITH  
HELD IN COUNCIL CHAMBERS AT CITY HALL ON  
JUNE 6, 2011

**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:**

Ruth Malli  
Joanna Winter

Felicity Adams

Erin Anderson

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**CALL TO ORDER**

Mayor Hutchins called the meeting to order at 4:02 p.m.

**EXECUTIVE SESSION**

**2011-237**

It was moved, seconded and carried that Council retire into Executive Session at 4:02 p.m.

**ARISE AND REPORT**

Council arose from Executive Session without report.

**AGENDA APPROVAL**

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

Mayor Hutchins requested Council's consideration of the following addition to the agenda:

- Move 6.1 Good Neighbour Award Presentations to the top of the agenda
- Add 13.3 – Public Input Period Review Committee Recommendations

**2011-238**

It was moved, seconded and carried that the agenda for the Council Meeting of June 6, 2011 be adopted as amended.

**GOOD NEIGHBOUR AWARDS**

Mayor Hutchins presented Good Neighbour Awards to the following individuals whose names were drawn at random from the 27 nominations received:

- Terry Duffy
- Tony Fletcher
- Ed Gatey
- Carol Laxdal
- Karen and Gary McBurney

The Good Neighbour Awards recognize Ladysmith citizens who go out of their way to help their neighbours throughout the year; they are nominated by their neighbours. On behalf of Council, Mayor Hutchins congratulated all the nominees for the 2011 Good Neighbours Award, and thanked the nominators for wanting to recognize their actions.

## MINUTES

**2011-239**

It was moved, seconded and carried that the minutes of the Regular Meeting of Council held May 16, 2011 be approved as circulated.

## PUBLIC HEARING

APPLICANT:  
Satpal (Steve) Pabla  
Jerry Ellins, Architect

PUBLIC ATTENDANCE: 9

A Public Hearing for Bylaw 1753 and Bylaw 1754 was held in Council Chambers at City Hall, 410 Esplanade, Ladysmith, B.C. on Monday, June 6, 2011 at 7:10 p.m.

Mayor Hutchins welcomed the public and noted that the public input portion of the hearing would take place in two parts - Part 1 would entertain questions clarifying the project or bylaw and Part 2 would afford attendees an opportunity to provide comments to Council on the proposed development.

Felicity Adams, Director of Development Services, provided an overview of the application submitted by Satpal (Steve) Pabla. She noted that the legal description of the subject property is Lot 7 and Lot 8, District Lot 24, Oyster District, Plan 703A. The property is located at 11 and 17 Warren Street.

The purpose of **Bylaw 1753** is to amend the Official Community Plan (OCP) to add policy to allow density bonus increases up to 110 units per hectare for residential development in the 'Downtown Mixed Use' designated area when amenities are provided that contribute to reducing the impacts of climate change (such as highly energy efficient buildings and using alternative energy sources). The OCP currently permits up to 100 units per hectare when amenities such as senior's housing/affordable housing/underground parking are provided.

The purpose of **Bylaw 1754** is to amend the Zoning Bylaw to rezone the subject properties as "Downtown Residential Mixed

Use Zone (R-4)” to permit one at-grade commercial space and 14 multi-family resident units (110 units per hectare) when amenities are provided. The following amenities are included in Bylaw 1754:

- Use of the building will be free of rental restrictions
- Two adaptable dwelling units as defined by the Building Code of British Columbia will be included in the building
- The building will meet or exceed the ASHRAE 90.1 (2004) energy performance standards. (‘ASHRAE’ is the American Association of Heating, Refrigeration and Air Conditioning Engineers – included in the BC Building Code in 2008 for larger buildings (4+ storeys). It is the world’s best known energy standard for buildings. It uses building science to achieve energy efficiency. The Green Building Leaders research showed that for Ladysmith to reduce its community GHG emissions energy efficient buildings are key.)
- Indoor bicycle storage for 11 bicycles will be provided.

The commercial operation is limited to the hours of 7:00 a.m. to 10:00 p.m.

Council has provided direction that a land use agreement (covenant) is to be registered on the certificate of title for the subject properties to also secure the following:

- a performance bond (1% of construction costs) to secure the commitment that the building will meet the ASHRAE 90.1 (2004) energy performance standard;
- a contribution of \$14,000 toward the Town’s community amenity fund;
- the December 2010 Ellins Architect Inc. site plan and building elevation drawings for 11 and 17 Warren Street (which includes indoor bicycle storage);
- a commitment to installing a permeable parking area and landscaping with primarily native species; and
- a commitment to no restrictions on the renting of the residential units.

Council referred the bylaws to the Advisory Planning Commission and the Advisory Design Panel which made the following recommendations:

April 14, 2009 – Advisory Planning Commission:

*It was moved, seconded and carried that the Advisory Planning Commission recommends to Council approval of rezoning 3360-09-01 (Pabla) on the condition that the developer achieve the following:*

- *Develop an environmentally friendly parking area;*
- *Manage all storm water on-site;*
- *Every effort shall be made to re-use the existing dwelling on-site by moving it to another location and/or to re-use the building's wood; and*
- *Create a separate strata corporation for the commercial and residential uses.*

February 16, 2011 – Advisory Design Panel:

*It was moved, seconded and carried that the Advisory Design Panel (ADP) advises Council that it supports the rezoning to a 14 unit residential building and supports the proposed designs by J. Ellins (dated Dec. 2010).*

In April 2009, the APC and ADP considered an earlier design proposal presented by a different proponent for this property, which neither supported.

The applicant held a Neighbourhood Information Meeting on May 13, 2011 at Frank Jameson Community Centre from 5 p.m. to 7 p.m. The notice of the meeting was placed in The Chronicle newspaper on May 10, 2011. The applicant provided the following report:

One person attended the meeting and inquired about the hours of operation for the proposed business.

The Public Hearing notice was printed in the Chronicle newspaper on May 24, 2011 and May 31, 2011 and posted on community notice boards throughout Town and on the Town's website. Notices were also mailed and delivered to neighbouring property owners and a copy was made available at the front counter at City Hall for the two week notice period.

There have been no written submissions and no telephone or in-person enquiries received at City Hall in connection with this Public Hearing.

Mayor Hutchins introduced the applicant's architect, Jerry Ellins, who made a short presentation regarding the proposed development.

Mayor Hutchins called for questions a first time.

Wayne Johnson, 26 Warren Street, enquired why the proponent had not attended the public information session, whether the designated bus zone in front of the building could affect the

proposed parking plan, and whether there is adequate room for access to the building from the rear.

Mr. Ellins responded that he was unable to attend the meeting as he was out of Town on business. He stated that a staff member and Mr. Avtar Pabla attended the public meeting. Mr Ellins pointed out that the design includes adequate space for parking and access and that both were reviewed by the ADP and the APC. Ms Adams advised that the Town is encouraging better use of its rear lanes and that this proposal addresses that.

Mayor Hutchins called for questions a second time.

Mayor Hutchins called for questions a third time.

Mayor Hutchins called for comments a first time.

Wayne Johnson, 26 Warren Street, pointed out that he did not feel the proponents employed effective communications techniques in publicizing the public meeting and in responding to enquiries from neighbours and members of the public, and stated that he hopes communications from the proponents will improve in future.

Mayor Hutchins called for comments a second time.

Mayor Hutchins called for comments a third time.

Hearing no comments Mayor Hutchins called for any written submissions.

Hearing no further comments and receiving no written submissions, Mayor Hutchins declared the Public Hearing for Bylaw 1753 and Bylaw 1754 closed at 7:21 p.m.

## OCP / ZONING BYLAWS

**2011-240**

### **Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 36) 2011, No. 1753**

It was moved, seconded and carried that Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 36) 2011, No. 1753, be read a third time.

**2011-241**

### **Town of Ladysmith Zoning Bylaw 1995, No. 1160, Amendment Bylaw (No. 86) 2011, No. 1754**

It was moved, seconded and carried that Town of Ladysmith Zoning Bylaw 1995 No. 1160, Amendment Bylaw (No. 86) 2011,

No. 1754 be read a third time.

## DELEGATIONS

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

Mr. Little and Ms Light presented the results of the 2010 audit to Council.

The Director of Financial Services reviewed the audited financial statements for 2010 for Council.

**2011-242**

It was moved, seconded and carried that the Town of Ladysmith Draft Financial Statements for 2010 be approved.

## DEVELOPMENT PERMITS & DEVELOPMENT VARIANCE PERMITS

**2011-243**

### **Artisan Properties – Lot 3, District Lot 108, Oyster District, Plan VIP88238 (512 Jim Cram Drive) – Development Permit**

It was moved, seconded and carried that Development Permit 3060-11-09 be issued to permit a 48 unit town house development at 512 Jim Cram Drive (Lot 3, District Lot 108, Oyster District, Plan VIP88238), subject to the determination of the value of the landscape bond; and that the Mayor and Corporate Officer be authorized to sign the Development Permit.

The proponent agreed to work with the Fire Department to ensure that house numbers are assigned appropriately.

**2011-244**

The proponent stated that there are accessible parking spaces and that the ground floor units are level entry so they are accessible for people with mobility issues. He added that adaptations inside the homes for people with limited mobility would be made in conjunction with the home buyer.

**2011-245**

### **Ladysmith Marina – DL2061, Lease 0114642 (12335 Rocky Creek Road) – Development Permit Amendment and Development Variance Permit**

It was moved, seconded and carried that Development Variance Permit 3090-11-02 be approved for District Lot 2061, Lease 0114642 (12335 Rocky Creek Road) to vary the height of boat houses from nine metres to 11 metres for Dock A and that the Mayor and Corporate Officer be authorized to sign Development Variance Permit 3090-11-02.

**2011-246**

It was moved, seconded and carried that Development Permit

3060-11-12 be issued in order to amend the site plan for Ladysmith Marina Development Permit 3060-06-06, and that the Mayor and Corporate Officer be authorized to sign the Development Permit.

**COUNCIL COMMITTEE  
REPORTS**

Mayor Hutchins requested Council's attendance at a Town Hall meeting on Monday, June 27, 2011 at 6:30 p.m. to seek public input into Town priorities and activities. Councillors Paterson, Dashwood and Whittington volunteered to assist in organizing the session.

**Government Services Committee Recommendations**

**2011-247**

It was moved seconded and carried that staff be authorized to tender the construction of the centralized water 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.

**2011-248**

It was moved, seconded and carried that Dog Licensing, Control and Pound Bylaw No. 1155 be 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.

**2011-249**

It was moved, seconded and carried that staff be requested 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.

**Ladysmith Maritime Festival**

**2011-250**

It was moved seconded and carried that a letter of thanks and congratulations be sent to the Ladysmith Maritime Society for organizing a highly successful 2011 Maritime Festival.

**STAFF / ADVISORY  
COMMITTEE REPORTS**

**2011-251**

**Heritage Revitalization Advisory Commission – Museum Initiative**

It was moved, seconded and carried that support be provided to the Ladysmith and District Historical Society in 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.

**2011-252**

**Ladysmith Solar Community Program**

It was moved, seconded and carried that staff be requested to investigate the potential of and develop a recommendation for the Town's contribution toward the purchase and installation of a photovoltaic system that would generate electricity to offset the energy used during the Festival of Lights and to feed into BC Hydro's grid during the rest of the year.

*Councillor Evans opposed.*

**2011-253**      **Tender for Purchase of a Rotary Mower**  
It was moved, seconded and carried that the contract for the replacement of Unit 70, a 2001 rotary mower, be awarded to Oakcreek Golf & Turf for the total price of \$56,806.40, with the funds to come from the Equipment Replacement Fund.

**2011-254**      **Temporary Waiver of Council Policy #2000-594**  
It was moved, seconded and carried that the cheque signing policy be waived for payments under \$5,000 for the duration of the Canada Post Strike.

**2011-255**      **Proposed Loan Authorization Bylaw**  
It was moved, seconded and carried that the staff report regarding proposed Loan Authorization Bylaw No. 1763 be received.

**2011-256**      **Proposed Amendments to Election Procedures and Automated Voting Bylaw to Include Provisions for Voting by Mail Ballot**  
It was moved, seconded and carried that the staff report regarding a proposed bylaw to amend the Election Procedures and Automated Voting Bylaw to include provisions for voting by mail ballot be received.

**2011-257**      **Proposed Spirit Square Enhancements**  
It was moved, seconded and carried that funding of \$40,000 be redirected from the Amphitheatre project to the Spirit Square project, to provide additional tiered seating at the south east corner of the site as well as sprinklers and natural food planting in the remaining gardens, and that the Financial Plan be amended accordingly.

*Councillor Evans opposed.*

## **CORRESPONDENCE**

**2011-258**      **Chris Wood  
Dog Licensing, Control and Pound Bylaw Committee  
Recommendations**  
It was moved, seconded and carried that the correspondence



from Chris Wood dated June 1, 2011 regarding the Dog Licensing, Control and Pound Bylaw Committee Recommendations be received.

## **BYLAWS**

### **Ladysmith Heritage Revitalization Advisory Commission Bylaw 1994, No. 1279, Amendment Bylaw 2011, No. 1760**

**2011-259**

It was moved, seconded and carried that Ladysmith Heritage Revitalization Advisory Commission Bylaw 1994, No. 1279, Amendment Bylaw 2011, No. 1760 be adopted.

### **Town of Ladysmith Water System Construction Loan Authorization Bylaw 2011, No. 1763**

**2011-260**

It was moved, seconded and carried that Ladysmith Water System Construction Loan Authorization Bylaw 2011, No. 1763 be read a first, second and third time.

### **Town of Ladysmith Election Procedures and Automated Voting Bylaw 1999, No. 1339, Amendment Bylaw 2011, No. 1764**

**2011-261**

It was moved, seconded and carried that Town of Ladysmith Election Procedures and Automated Voting Bylaw 1999, No. 1339, Amendment Bylaw 2011, No. 1764 be read a first, second and third time.

## **NEW BUSINESS**

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

### **Attendance at Saving Small Towns Conference**

**2011-262**

It was moved, seconded and carried 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.

### **Proposed Resolution Regarding Cat Licensing**

**2011-263**

It was moved, seconded and carried that the following Resolution regarding Cat Licensing to go forward from BC Nature to the Union of BC Municipalities be endorsed.

#### **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 encourage member 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.

2011-264

**Recommendations from the April 15, 2011 Public Input Period Review Committee Meeting**

It was moved, seconded and carried that the recommendations from the Public Input Period Review Committee be adopted as follows:

- Monthly dialogue session entitled "Public Dialogue with Council" to occur the first Monday of each month from 6:30 p.m. to 6:55 p.m.
- Pre-registration of speakers is not required
- Attendees are requested to sign a "sign in" sheet
- Staff attendance is not required at these dialogue sessions other than the Recording Secretary
- Recording Secretary prepares notes which reflect the general discussion/points raised during the session including commitments made by Council to respond to queries for which a response was not provided during the

session. Notes are a separate document and do not form part of regular Council minutes

- The imposition of a time limit for speakers is at the discretion of the Chair
- The initial “Public Dialogue with Council” session to be held at the July 4, 2011 regular Council meeting.

## **UNFINISHED BUSINESS**

**2011-265**

### **Resolution for 2011 Union of British Columbia Municipalities Conference**

It was moved, seconded and carried 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 municipalities are experiencing changing environmental conditions;

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.

## **QUESTION PERIOD**

R. Johnson was advised that the Town’s contribution to the Spirit Square project was \$500,000, and that the motion passed at

this meeting adds an additional \$40,000 to that amount.

R. Johnson was advised that the revenue anticipation bylaw is a separate matter and has a different purpose from the proposed Loan Authorization Bylaw for the water supply system upgrades.

R. Johnson was advised that the purchase of LED light bulbs is not permitted under the terms of the Solar Energy grant.

M. Peterson requested a copy of the Auditors. comments.

R. Johnson was advised that the Annual Report will be produced by June 30 in accordance with the legislation.

## **ADJOURNMENT**

**2011-266**

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

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Mayor (R. Hutchins)

**CERTIFIED CORRECT**

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Corporate Officer (S. Bowden)