



**MINUTES OF A MEETING OF COUNCIL OF THE
TOWN OF LADYSMITH
HELD IN COUNCIL CHAMBERS AT CITY HALL ON
MONDAY, JUNE 4, 2012**

COUNCIL MEMBERS PRESENT:

Mayor Rob Hutchins	Councillor Steve Arnett	Councillor Bill Drysdale
Councillor Jillian Dashwood	Councillor Gord Horth	Councillor Glenda Patterson
Councillor Duck Paterson		

STAFF PRESENT:

Ruth Malli	Sandy Bowden
John Manson	Lisa Brinkman

CALL TO ORDER

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

AGENDA APPROVAL

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

9.5 Special Occasion Licence Request

11.1 Royal Canadian Marine Search and Rescue/Coast Guard Auxiliary recognition

CS 2012-185

It was moved, seconded and carried that the agenda for the Regular Session of Council for June 4, 2012 be approved as amended.

MINUTES

CS 2012-186

It was moved, seconded and carried that the minutes of the Regular Meeting of Council held on May 22, 2012 be approved as circulated.

CS 2012-187

It was moved, seconded and carried that the minutes of the Special Meeting of Council held on May 28, 2012 be approved as circulated.

PUBLIC HEARING

Rezoning Application 320 4th Ave. Extension (M. Pilcher & Associates) (Lot 5, District Lot 56, Oyster District, Plan 965, except part in Plan 31211)

Lisa Brinkman, Planning Technician, provided an overview of the proposed rezoning. Maureen Pilcher representing the proponent provided further details of the proposal and Will Melville reviewed the design elements of the proposal. The Mayor called for questions from members of the audience on points of clarification.

Darcy Dean, 319 Fourth Avenue Extension inquired about:

- the current vacancy rate in the Town of Ladysmith;
- number of parking spaces for the development;
- proposed price of the units; current proposal is \$300,000; previously proposed to be \$235,000 to \$250,000

Mr. Dean suggested that the lower price point will encourage owners to rent out the units.

Yvonne Dean, 319 Fourth Avenue Extension, inquired about how long the project will take and was advised approximately two to three years. She was advised there are ways for the Town to mitigate dust emitted during construction.

Guy Lynn, 415 Hartley Place, inquired about the number of parking spaces required per residence and was advised that the plans include 46 parking spaces for 20 units. Mr. Lynn also inquired about a groundskeeper for the strata development.

Sandra Lynn, 415 Hartley Place, inquired about the structure of a strata development and how much input the Town of Ladysmith has into the regulations. She was advised that the strata regulations must comply with the Town's bylaws, but the Town does not have input into whether or not owners can rent out the units. Ms. Lynn also inquired about the likelihood of retirees living in two-storey units.

Margaret Austen, 356 Fourth Avenue Extension, was advised that the units will be 1,600ft².

Rob Johnson, 246 Bayview Avenue, inquired about the proposed unit prices and was advised that they are estimated to be \$300,000 per unit. He also inquired whether the requirement that the units not be heated with fossil fuel burning heat systems will result in increased per unit price.

The Mayor inquired for a second and third time if other members of the audience wish to ask questions of clarification. Hearing none the Mayor invited members of the public to provide comment on the proposed rezoning.

Roy Davies, 360 Fourth Avenue Extension, expressed concern regarding potential flooding as a result of the development and the stability of the trees located on Town property in the area.

Margaret Austen, 356 Fourth Avenue Extension, expressed concern regarding the flood potential as a result of the development.

Guy Lynn, 415 Hartley Place, read a statement and advised that he is not in favour of the rezoning.

Rob Johnson, 246 Bayview Avenue, suggested that Staff Recommendation #2 be amended to reflect that homes must use non-fossil fuel heat sources for their **primary** source of heat. He also recommended that Council review the proposed Section 219 covenant closely.

Darcy Dean, 319 Fourth Avenue Extension, expressed concern that a majority of the units will be occupied by renters and he anticipates an increase in the crime rate in the area, traffic and parking issues as a result of the proposed rezoning.

The Mayor called for comments a second and third time. There being none he declared the Public Hearing closed at 8:09 p.m.

DELEGATIONS

Linden Collette, Executive Director, Social Planning Cowichan Cowichan Affordable Housing Directorate - Update

Linden Collette provided an overview of recent activities of the Cowichan Affordable Housing Directorate and responded to questions regarding the organization. Council expressed its appreciation for the efforts of the Directorate.

Rob Waters, Melody Smythies, Jacquie Chellew, Ladysmith Chamber of Commerce Report on Visitor Centre Activities

The representatives of the Ladysmith Chamber of Commerce provided an overview of the Visitor Centre statistics and a discussion ensued. The representatives responded to questions from members of Council. It was noted that visitors to the centre have increased by 36% in 2012. Council expressed its appreciation for the work of the Chamber and encouraged them to continue with their objectives. The Chamber representatives thanked Council for their ongoing financial support for the Visitor Centre.

DEVELOPMENT APPLICATIONS

CS 2012-188

Rezoning Application – 320 Fourth Avenue Extension (Lot 5, District Lot 56, Oyster District, Plan 965, except part in Plan 31211) – Town of Ladysmith Zoning Bylaw 1995, No. 1160, Amendment Bylaw (No. 89), No. 1803

It was moved, seconded and carried that the application by Maureen Pilcher & Associates Inc. to amend the Town of Ladysmith Zoning Bylaw 1995, No. 1160 to permit 20 single family homes, be approved in principle, subject to the following conditions:

That prior to the enactment of amending Bylaw No.1803 the following shall be completed to the satisfaction of the Director of

Development Services:

- 1) Registration of a section 219 conservation covenant on the title of the land to protect in perpetuity:
 - natural vegetation on a two metre wide area adjacent to the western property boundary.
 - trees as shown on the site plan prepared by Delinea Design Consultants Ltd., dated January 3, 2012, which is attached to the covenant. The covenant may provide that a tree deemed by a certified arborist to be a danger tree or hazard tree may be considered for removal upon approval by the Town.
- 2) Registration of a section 219 covenant on the title of the land to secure the following:
 - Homes only utilizing non-fossil fuel heat sources for the primary heat source.
 - \$8000 to be paid to the Town's Community Amenity Fund at the time of the first building permit application.
 - Completion of the following site features by the time ten homes are constructed on the land:
 - i. A common area 520m² in size (as shown on Figure A of Bylaw 1803),
 - ii. A pedestrian path for residents of the development to access the Holland Creek Trail, and
 - iii. At least 6 visitor parking stalls.
- 3) Preparation of the required documents to allow for the dedication to the Town, upon the adoption of Bylaw 1803, of the 42.5 m² area of land containing a portion of the Holland Creek Trail.
- 4) Evidence that driveway access easements have been provided for 316 and 324 Fourth Avenue Extension.

And that the Mayor and Corporate Officer be authorized to execute the section 219 covenants.

Strata Conversion of a Previously Occupied Building – 9 White Street (Damon, O'Brien, McKimm & Lott for Oak Development Ltd.)

CS 2012-189

It was moved, seconded and carried that Council grant approval for the strata conversion of 9 White Street and authorize the Mayor and Corporate Officer to execute the discharge documents for Covenant FP125840, and that the Corporate Officer be authorized to endorse the strata plan for 9 White Street as attached to the report from the Director of Development Services dated May 29, 2012.

Development Variance Permit Application – 123 Forward Road (Hunter) – Lot A, D.L. 56, Oyster District, Plan 30646

CS 2012-190

It was moved, seconded and carried that Council approve Development Variance Permit 3090-12-01 for Lot A, District Lot 56, Oyster District, Plan 30646 (123 Forward Road) to permit a garage to be 58m² (624 ft²) in size and to permit the roof space to be 1.8 metres to the front lot line; and authorize the Mayor and Corporate Officer to sign DVP 3090-12-01.

COUNCIL COMMITTEE REPORTS

Government Services Committee Recommendations

CS 2012-191

It was moved, seconded and carried that the current Regular Council Meeting “Question Period Guidelines” be amended by deleting “Questions must relate strictly to matters which appear on the Council agenda at which the individual is speaking.”

CS 2012-192

It was moved, seconded and carried that the “Public Dialogue with Council” sessions held prior to the commencement of the first Regular Council meetings of each month be discontinued.

CS 2012-193

It was moved, seconded and carried that staff be requested to review options for including a “Public Dialogue with Council” during a Council meeting, including investigating practices in other local governments.

CS 2012-194

It was moved, seconded and carried that Council request staff to investigate the level of regional district participation in the upcoming BC Farm Women’s Network Seminar in Cowichan Bay from October 19 to 21, 2012, and to report back to Council with a recommendation as to whether Council should consider supporting the event.

CS 2012-195

It was moved, seconded and carried that Council request staff to survey users of the Transfer Beach Dog Park regarding the need for and possible types of fencing for the park, in response to the correspondence from Bill Johns dated April 28, 2012.

CS 2012-196

It was moved, seconded and carried that Council direct staff to obtain a copy of the Cat Bylaw from the Town of Creston for Council’s circulation.

CS 2012-197

It was moved, seconded and carried that the issue of a Cat Bylaw for the Town be referred to the 2013 strategic planning process.

CS 2012-198

It was moved, seconded and carried that the letter from Dr. Jill Molnar requesting Council’s consideration of implementing a Cat Bylaw dated April 20, 2012 be received and Dr. Molnar be advised that the matter was considered at a Town Hall meeting

in July of 2011 and was not considered a priority at that time, however Council will continue to monitor the issue and it will be considered during the 2013 strategic planning process.

CS 2012-199 It was moved, seconded and carried that Council direct staff to investigate possible solutions to safety and lighting concerns on Farrell Road.

CS 2012-200 It was moved, seconded and carried that Council direct staff to investigate possible solutions, to pedestrian safety in the TransCanada Highway underpass, including clearing brush.

CS 2012-201 **Alternative Approval Process – Fire Rescue Vehicle**
It was moved, seconded and carried that given no negative responses were received from the electorate as a result of the recent Alternative Approval Process, Council authorize the acquisition of a new fire rescue vehicle in the amount of \$446,000 plus applicable taxes from Safetek Emergency Vehicles.

CS 2012-202 **Fortis B.C. – Proposed Rate Equalization Initiative**
It was moved, seconded and carried that Council provide a letter in support of the rate equalization initiative currently being undertaken by Fortis B.C.

CS 2012-203 **Annual Public Works Tenders**
It was moved, seconded and carried that Council award the following contracts for 2012:

Item	Awarded To
Asphalt and Paving	Lafarge Canada
Laboratory Testing	Maxxam Analytics
Survey Layout	McCallan Construction
Container Rental	Haarsma
Concrete Supply	Mayco Mix
Septic Services	Coast Environmental
Chorine Supply	Brenntag Canada
Equipment Rental (other than tandem axle trucking)	Stalker Excavating
Equipment Rental (tandem axle trucking)	TRT Contracting
Gravel Supply and Disposal	Van Isle Aggregates

CS 2012-204 **CVRD Transit Service Review**
It was moved, seconded and carried that Council:

1. Direct staff to respond to the Cowichan Valley Regional

District (CVRD) offer letter of March 1, 2012, stating that the Town of Ladysmith is very interested in joining the CVRD Transit Service Function, and wish for the CVRD board to approve Ladysmith as a new Transit service partner;

2. Request that the CVRD Transit Committee consider the following requests with respect to the addition of the Ladysmith transit service in 2013:
 - a. Request that BC Transit consider using Ladysmith as a pilot area for the use of alternative fueled vehicles such as LNG and electric;
 - b. Consider the possible use of the Ladysmith Public Works Yard as a satellite yard for the storage and potentially repair of vehicles, should this option prove to be cost effective;
3. Direct staff to transition the existing trolley fleet to a single trolley, for use during special events only.

Special Occasion License Request – Ladysmith Madness Easter Seals Fund Raising

CS 2012-205

It was moved, seconded and carried that Council approve the request for a Special Occasion Licence from Ladysmith Madness for their Easter Seals fundraising event on June 16-17, 2012 at Aggie Fields

CORRESPONDENCE

**Jamie Brennan, Board Chair, School District 68
Nanaimo-Ladysmith Schools Strategic Plan**

CS 2012-206

It was moved, seconded and carried that Councillors Dashwood, Horth, and D. Paterson be authorized to attend a community consultation session regarding the Nanaimo-Ladysmith Schools Strategic Plan on Thursday, June 14th.

**Rosemary Sutton, Tire Stewardship B.C.
Funding Approval – Tire Stewardship B.C. Grant**

CS 2012-207

It was moved, seconded and carried that Council accept the grant from Tire Stewardship B.C. in the amount of \$12,141 for upgrading the surface at the Transfer Beach Spray Park, and that the Mayor and Corporate Officer be authorized to sign the funding agreement.

Staff was requested to confirm that the colourful design of the spray park will be maintained.

NEW BUSINESS

Royal Canadian Marine Search and Rescue (RCMSAR)

Councillor Paterson advised that over the past year the RCMSAR has rescued 15 individuals in emergency situations.

CS 2012-208 It was moved, seconded and carried that a letter of thanks be sent to the Royal Canadian Marine Search and Rescue organization for their exemplary efforts in search and rescue.

CS 2012-209 It was moved, seconded and carried that a letter be sent to the Federal government (copy to the Provincial government) requesting reconsideration of a recent decision to close the Royal Canadian Marine Search and Rescue facility located in Duncan.

QUESTION PERIOD P. Williams inquired about the proposed changes to the transit service, and recommended the Town consider utilizing smaller more efficient vehicles.

R. Johnson inquired about which trolley will remain in the Town's fleet to be used for special events. He suggested that the Town partner with the Regional District of Nanaimo rather than the CVRD regarding the transit service. R. Johnson inquired about the minutes of May 22nd and 28th.

EXECUTIVE SESSION

CS 2012-210 It was moved, seconded and carried at 10:25 p.m. that Council retire into Executive Session in order to discuss the following items in accordance with Section 90(1) of the Community Charter:

Item 1

Negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public

Item 2

Labour relations or other employee relations.

**RISE AND REPORT
ADJOURNMENT**

Council arose without report.

CS 2012-211 It was moved, seconded and carried that this meeting of Council be adjourned at 10:35 p.m.

Mayor (R. Hutchins)

CERTIFIED CORRECT

Corporate Officer (S. Bowden)