



**TOWN OF LADYSMITH
MINUTES OF A MEETING OF COUNCIL
TUESDAY, AUGUST 6, 2013
COUNCIL CHAMBERS, CITY HALL
7:00 P.M.**

COUNCIL MEMBERS PRESENT:

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

STAFF PRESENT:

| | | |
|------------------|---------------|----------------|
| Ruth Malli | Erin Anderson | John Manson |
| Clayton Postings | Sandy Bowden | Felicity Adams |

CALL TO ORDER Mayor Hutchins called the Regular Meeting of Council to order at 6:00 p.m. in order to retire immediately into the Closed Meeting.

CLOSED MEETING

CS 2013-260

It was moved, seconded and carried at 6:00 p.m. that Council retire into Closed Meeting in order to consider the following matters:

- 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
- labour relations or other employee relations
- litigation or potential litigation affecting the municipality
- the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose

REGULAR MEETING

Mayor Hutchins resumed the Regular Meeting of Council at 7:00 p.m.

AGENDA APPROVAL

CS 2013-261

It was moved, seconded and carried that the agenda for the Regular Council meeting held on August 6, 2013 be approved as circulated.

PUBLIC HEARING

Zoning Bylaw Text Amendment (3360-13-03) - Tourist Recreational Commercial (C-4) Zone - Town of Ladysmith Zoning Bylaw 1995, No. 1160, Amendment Bylaw (No. 93) 2013, No. 1830

A Public Hearing for Bylaw 1830 was held in Council Chambers at City Hall, 410 Esplanade, Ladysmith, B.C. on Tuesday, August 6, 2013 at 7:02 p.m.

Mayor Hutchins welcomed the members of the public and outlined

the process for the Public Hearing. He stated that the purpose of the Public Hearing and of Bylaw 1830 is to amend the Zoning Bylaw by adding the following uses to the Tourist Recreational Commercial Zone (C-4):

- Single family residential dwelling
- Home occupation
- Professional and business office

The first part of the Public Hearing was to allow questions clarifying the project or bylaw contents, and the second part was to allow comments to Council. Mayor Hutchins noted that written submissions may be submitted prior to the close of the Public Hearing.

Felicity Adams, Director of Development Services, provided an overview of the proposed Zoning Bylaw text amendments.

PUBLIC HEARING NOTICE

The Public Hearing notice was printed in the Chronicle newspaper on July 23, 2013 and July 30, 2013 and posted on community notice boards throughout Town, as well as on the Town's website. A copy of the Notice was made available at the front counter at City Hall for the two week notice period.

There were no written submission and one telephone inquiry received in connection with this Public Hearing.

QUESTIONS

Mayor Hutchins called for questions from the audience.

Mel Bowen, 622 Esplanade, inquired about the status of the residential building in the event of a fire where over 75% of the building is destroyed once this bylaw amendment is ratified. Mr. Bowen was advised that if Council authorizes the proposed Zoning Bylaw amendment, the building can be replaced by another residential building as it will no longer be considered a "non-conforming" structure.

Mayor Hutchins called for any further questions about the Bylaw Amendments.

Mayor Hutchins called for questions about the Bylaw Amendments a third time.

COMMENTS AND SUBMISSIONS

Hearing no further questions, Mayor Hutchins called for comments and submissions.

Kyla Nelson, 618 Esplanade, noted that it is difficult to obtain a mortgage under the current zoning. She expressed her support for the proposed Zoning Bylaw text amendments.

Mayor Hutchins called for any further comments about the Bylaw Amendments.

Mayor Hutchins called for further comments on the Bylaw Amendments a third time. Hearing no further comments, Mayor Hutchins declared the Public Hearing for Bylaws 1830 closed.

BYLAWS

Zoning Bylaw Text Amendment (3360-13-03) - Tourist Recreational Commercial (C-4) Zone - Town of Ladysmith Zoning Bylaw 1995, No. 1160, Amendment Bylaw (No. 93) 2013, No. 1830

CS 2013-262

It was moved, seconded and carried that Town of Ladysmith Zoning Bylaw 1995, No. 1160, Amendment Bylaw (no. 93) 2013, No. 1830 be given third reading.

MINUTES

CS 2013-263

It was moved, seconded and carried that the minutes of the Regular Meeting of Council held July 15, 2013 be approved.

DEVELOPMENT APPLICATIONS

Urban Rural Residential Zone (UR-1), Agriculture Zone (A-1) and Heavy Industrial Zone (I-2) – Proposed Text Amendments

CS 2013-264

It was moved, seconded and carried that Council:

1. Give first reading and second readings to the following bylaws:
 - a) “Town of Ladysmith Zoning Bylaw 1995, No. 1160, Amendment Bylaw (No. 94), 2013, No. 1831”
 - b) “Town of Ladysmith Zoning Bylaw 1995, No. 1160, Amendment Bylaw (No. 95), 2013, No. 1832”
 - c) “Area “G” Zoning Bylaw 1180, 1988, Amendment Bylaw (No. 2), 2013, No. 1833”;

and further, that Council waive the Public Hearing for Bylaws 1831, 1832 and 1833 in accordance with Section 890(4)(b) of the Local Government Act as these Bylaws are consistent with the Official Community Plan.

2. Direct staff to refer Bylaws 1832 and 1833 to the Stz’uminus First Nation at the next meeting of the Naut’ sa mawt Steering Committee.
3. Rescind Resolution No. 2013-237 directing staff to proceed with the preparation of amendments to Town of Ladysmith Zoning Bylaw 1995, No. 1160 to implement the Official

Community Plan Urban Reserve land use designation where it applies to areas zoned Urban Rural Residential (UR-1) by adding a specific provision to permit agriculture, horticulture and silviculture use on parcels within the zone that are identified as having a minimum 8.0 hectare lot size.

COUNCIL COMMITTEE REPORTS

Councillor Drysdale advised that he recently attended a Heritage Revitalization Advisory Commission meeting at which the Commission considered the Transfer Beach Pictorial project as well as sign applications.

Councillor D. Paterson noted that he attended a recent Parks, Recreation and Culture Commission meeting at which the recommendations from the Government Services Committee meeting held on July 15, 2013 were considered. It was noted that the Commission endorsed all recommendations as presented.

Government Services Committee Recommendations - July 15, 2013

CS 2013-265

It was moved, seconded and carried that Council confirm its sponsorship in the amount of \$1,500 for the proposed documentary about the Vancouver Island Miners' Strike, to be produced by Razmataz Productions, on receipt of written confirmation of script approval from the Ladysmith and District Historical Society.

CS 2013-266

It was moved, seconded and carried that Council approve the proposed Grant-in-Aid policy as presented.

CS 2013-267

It was moved, seconded and carried that Council approve the following additions to the Parks, Recreation and Culture Fees and Charges Policy No. 05-1810-E:

- a) At the end of the second paragraph under the heading "Fees and Charges Policy" (page 1), add "Fees and charges will be reviewed annually and any pricing adjustments will be effective September 1st;
- b) Under the "General Admissions Programs" heading (page 3), update user classifications to read:
 - Adult – 19 years of age and older
 - Senior – 60 years of age and older
 - Youth 13 years of age to 18 years
 - Child – 3 years of age to 12 years
 - Tot – 0 to 36 months of age

CS 2013-268

It was moved, seconded and carried that Council approve the following changes to Parks, Recreation and Culture Fees and charges Bylaw 1809 relating to user fees for Frank Jameson Community Centre and other Parks and Recreation facilities:

- Increase admissions and passes by three percent effective September 1, 2013, relating to Youth, Adult and Senior (Child rate – no change)
- Increase Family Admissions to equal two Adult Admissions
- Increase Facility Rental rates by three percent
- Provide free General Admission access to any member of the community who is 80 years or older
- Move parks-related fees (memorial bench, tree and picnic tables) from Bylaw 1752 to Bylaw 1809

CS 2013-269 It was moved, seconded and carried that Council permit one percent of all annual admissions and pass revenue associated with the fitness centre to be directed into an equipment reserve fund effective January 1, 2014.

CS 2013-270 It was moved, seconded and carried that Council direct staff to report back with recommendations for a plan to make Town of Ladysmith fees and charges consistent with neighbouring communities over the coming two to three years.

CS 2013-271 It was moved, seconded and carried that Council direct staff to report back with proposals for a family rate structure for monthly or quarterly passes.

CS 2013-272 It was moved, seconded and carried that Council refer the recommended proposed changes to the Parks, Recreation and Culture fees and charges to the Parks, Recreation and Culture Commission for review and comment.

CS 2013-273 It was moved, seconded and carried that Council direct staff to report back regarding the establishment of a policy for renting out the parking lot adjacent to the Amphitheatre with Amphitheatre bookings..

Councillor Arnett advised Council that Ladysmith Days celebrations held on the August long weekend were again very successful and expressed his appreciation to all staff and all of the volunteers and organizations who contributed to the success.

CS 2013-274 It was moved, seconded and carried that letters of thanks and congratulations be sent out to the various organizations and individuals who contributed to this year's Ladysmith Days.

It was noted that Maureen Martin was recently named as the 2013 Ladysmith Citizen of the Year.

CS 2013-275 It was moved, seconded and carried that a letter of thanks and congratulations be sent to Maureen Martin named as this year's

Citizen of the Year.

STAFF REPORTS

Rogers Tower Proposal (4300 Thicke Road) – Request for Council Concurrence

CS 2013-276

It was moved, seconded and carried that Council direct staff to advise Rogers Communications Inc. that:

- a) Rogers Communications Inc. has met the Industry Canada and additional consultation requirements as directed by Council on May 6, 2013;
- b) The Town of Ladysmith is satisfied with Rogers Communications Inc.'s public consultation process and does not require any further consultation with the public; and
- c) The Town of Ladysmith concurs with Rogers Communications Inc. proposal to construct a wireless telecommunications facility at 4300 Thicke Road, Ladysmith, BC provided it is constructed substantially in accordance with the plans dated May 31, 2013.

Mayor Hutchins and Councillor D. Paterson left the meeting due to a potential conflict of interest with the following item.

Special Occasion License Request – Lealand/Bates Wedding

CS 2013-277

It was moved, seconded and carried that the Special Occasion License for the Lealand/Bates wedding and reception to be held at the Transfer Beach Amphitheater on Saturday, September 7, 2013 from 12:00 p.m. to 10:00 p.m. be approved.

Forrest Field Overflow Parking and Signage

CS 2013-278

It was moved, seconded and carried that Council approve the construction of overflow parking at Forrest Field along with the addition of directional signage at Forrest Field on nearby roadways leading to the facility for approximately \$14,000, and that the Financial Plan be amended accordingly.

Inter-Community Business Licences

CS 2013-279

It was moved, seconded and carried that Council:

1. Approve in principle for Ladysmith to join the Inter-Community Business Licence Program.
2. Upon similar approval by, at a minimum, the City of Nanaimo, Town of Qualicum Beach, City of Port Alberni, City of Courtenay and Town of Comox, staff be directed to commence the statutory notification process for changes to business regulations and to prepare the appropriate Inter-Community Business Licence Program Bylaw for Council's consideration.

Bylaw Enforcement – Unsightly Premises – 201 Dogwood Avenue

CS 2013-280

It was moved, seconded and carried that Council direct staff to

clean up yard waste at 201 Dogwood Avenue pursuant to Bylaw No. 1094, and invoice the owner for the costs of cleaning up the property in accordance with the bylaw.

CS 2013-281

Bylaw Enforcement – Unsightly Premises – 336 Belaire Street

It was moved, seconded and carried that Council direct staff to clean up yard waste at 336 Belaire Street pursuant to Bylaw No. 1094, and invoice the owner for the costs of cleaning up the property in accordance with the bylaw.

CS 2013-282

Select Tender for Equipment for Sewage Treatment Plan Upgrade Stage III

It was moved, seconded and carried that Council approve the procurement of the MBBR/DAF sewage treatment equipment by a select tender process.

BYLAWS

CS 2013-283

Town of Ladysmith Zoning Bylaw 1996, No. 1160, Amendment Bylaw (No. 94) 2013, No. 1831

It was moved, seconded and carried that Town of Ladysmith Zoning Bylaw 1996, No. 1160, Amendment Bylaw (No. 94) 2013, No. 1831 be given first and second readings and the Public Hearing be waived in accordance with s. 890(4)(b) of the Local Government Act.

CS 2013-284

Town of Ladysmith Zoning Bylaw 1995, No. 1160, Amendment Bylaw 2013, No. 95, 2013, No. 1832

It was moved, seconded and carried that Town of Ladysmith Zoning Bylaw 1995, No. 1160, Amendment Bylaw 2013, No. 95, 2013, No. 1832 be given first and second readings and the Public Hearing be waived in accordance with s. 890(4)(b) of the Local Government Act.

CS 2013-285

Area G Zoning Bylaw 1180, 1988, Amendment Bylaw (no.2) 2013, No. 1833

It was moved, seconded and carried that Area G Zoning Bylaw 1180, 1988, Amendment Bylaw (no.2) 2013, No. 1833 be given first and second readings and the Public Hearing be waived in accordance with s. 890(4)(b) of the Local Government Act.

CORRESPONDENCE

CS 2013-286

Lt. Doug Judson, Ladysmith Fire/Rescue - Grant-in-Aid Reallocation

It was moved, seconded and carried that Council request the return of the unused grant-in-aid from the Ladysmith Fire/Rescue, as donations to other parties are not an intended alternative use for Grant-in-Aid funding.

**Julian Payne, Assistant Deputy Minister, Local Government Division
Gary MacIsaac, Union of B.C. Municipalities - Achievement of
Carbon Neutrality**

CS 2013-287

It was moved, seconded and carried that the correspondence received July 15, 2013 from the Green Communities Committee regarding the Town's achievement of carbon neutral status be received, and that staff add the 'carbon neutral' logo to Town letterhead, the website and other appropriate communications media and materials.

NEW BUSINESS

**Town of Ladysmith Regular Council Meeting Schedule for
September 16, 2013**

CS 2013-288

It was moved, seconded and carried that the Regular Council meeting scheduled for September 16, 2013 be cancelled due to Council members' attendance at the 2013 Union of BC Municipalities Conference in Vancouver, BC.

Council noted that a special meeting could be scheduled to deal with time-sensitive Council business if required.

EXECUTIVE SESSION

CS 2013-289

It was moved, seconded and carried at 7:50 p.m. that the Closed Meeting of Council resume.

ARISE AND REPORT

Council arose from the Closed Meeting at 8:05 p.m. without report.

ADJOURNMENT

CS 2013-290

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

CERTIFIED CORRECT:

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)