



# TOWN OF LADYSMITH

A REGULAR MEETING OF THE  
COUNCIL OF THE TOWN OF LADYSMITH  
WILL BE HELD IN  
COUNCIL CHAMBERS, CITY HALL ON  
MONDAY, OCTOBER 20, 2014  
Call to Order 5:00 p.m.  
Closed Meeting 5:01 p.m.  
Regular Open Meeting 7:00 p.m.

## AGENDA

**CALL TO ORDER 5:00 P.M. in order to retire immediately into Closed Session**

**1. CLOSED MEETING**

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:

- law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment
- personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality
- the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality

**2. RISE AND REPORT**

**REGULAR MEETING 7:00 P.M.**

**3. AGENDA APPROVAL**

**4. MINUTES**

**4.1. Minutes of the Special Meeting of Council held October 1, 2014**  
(to be circulated at the meeting)

**4.2. Minutes of the Regular Meeting of Council held October 6, 2014 ..... 1 - 6**

**5. PROCLAMATIONS..... 7**

**5.1 Waste Reduction Week**

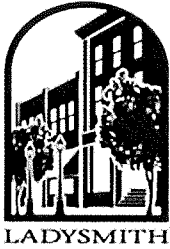
Mayor Hutchins has proclaimed October 20<sup>th</sup> to 26<sup>th</sup>, 2014 as “Waste Reduction Week” in the Town of Ladysmith.

- 6. PUBLIC HEARINGS – None
- 7. DEVELOPMENT APPLICATIONS – None
- 8. BYLAWS – (OCP AND ZONING) – None
- 9. REPORTS
  - 9.1. Proposed Funding Model for Cowichan Sportsplex .....8 - 10
- 10. BYLAWS – None
- 11. CORRESPONDENCE
  - 11.1. Cheri Mactier  
Lighting for Brown Drive Park and Kinsmen Playground..... 11 - 12  
  
Staff Recommendation:  
That Council refer the correspondence from Cheri Mactier proposing improved lighting at Brown Drive Park and Kinsmen Playground in order to address vandalism to the Royal Canadian Mounted Police for investigation and recommendation for additional means to resolve the issues raised in Ms. Mactier’s correspondence.
  - 11.2. Hon. Lisa Raitt, P.C., M.P., Minister of Transport  
Regulation of Watercraft Speeds in Ladysmith Harbour ..... 13 - 14  
  
Staff Recommendation:  
That Council receive the letter from the Honourable Lisa Raitt, federal Minister of Transport, and consider whether it wishes to submit an application for Vessel Operation Restriction Regulations, in consultation with Stz’uminus First Nation, Ladysmith Maritime Society, Ladysmith Marina and Ladysmith Fishermen’s Wharf Association and other harbour users, to address concerns related to speeding watercraft in Ladysmith Harbour.
- 12. NEW BUSINESS
- 13. UNFINISHED BUSINESS
- 14. QUESTION PERIOD
  - A maximum of 15 minutes is allotted for questions.
  - 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 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.

**15. ADJOURNMENT**





TOWN OF LADYSMITH  
MINUTES OF A MEETING OF COUNCIL  
MONDAY, OCTOBER 6, 2014  
COUNCIL CHAMBERS, CITY HALL  
CALL TO ORDER 5:30 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	Sandy Bowden	John Manson
Joanna Winter	Felicity Adams	Clayton Postings

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**CALL TO ORDER** Mayor Hutchins called this Regular Meeting of Council to order at 5:30 p.m.

**CLOSED SESSION**

**CS 2014-328**

*Moved and seconded at 5:31 p.m.:*

That Council retire into Closed Session to discuss the following items:

- labour relations or other employee relations
- 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

*Motion carried.*

**RISE AND REPORT**

Council arose from Closed Session at 6:45 p.m. without report.

**CALL TO ORDER**

Mayor Hutchins reconvened the Regular Meeting of Council at 7:01 p.m.

**AGENDA APPROVAL**

**CS 2014-329**

*Moved and seconded:*

That the agenda for the Regular Council Meeting of October 6, 2014 be approved.

*Motion carried.*

**MINUTES**

**CS 2014-330**

*Moved and seconded:*

That the minutes of the Regular Meeting of Council held Monday, September 15, 2014 be approved.

*Motion carried.*

**DEVELOPMENT  
APPLICATIONS**

Councillor Drysdale declared a conflict of interest with the following agenda item, as he is an owner of the subject property, and excused himself from the meeting.

**Development Variance Permit Application – 816 Malone Road (Drysdale) – Lot 17, District Lot 96, Oyster District, Plan 36808**

*Moved and seconded:*

**CS 2014-331**

That Council approve Development Variance Permit application 3090-14-01 for Lot 17, District Lot 96, Oyster District, Plan 36808 (816 Malone Road) to permit an addition to an attached garage.  
*Motion carried.*

Councillor Drysdale returned to the meeting.

Councillors Dashwood and Drysdale declared a conflict of interest with the following agenda item due to a personal relationship with the applicant, and excused themselves from the meeting.

**Development Variance Permit Application – 410 Third Avenue (Forrest) – Lot 1, Block 73, District Lot 56, Oyster District, Plan 703A (410 Third Avenue)**

*Moved and seconded:*

**CS 2014-332**

That Council direct staff to proceed with the statutory notice for Development Variance Permit application (3090-14-02) for Lot 1, Block 73, District Lot 56, Oyster District Plan 703A (410 Third Avenue).  
*Motion carried.*

Councillors Dashwood and Drysdale returned to the meeting.

**Development Variance Permit Application – 920 Malone Road (Bourodemos) – Lot 2, District Lot 96, Oyster District, Plan VIP57370**

*Moved and seconded:*

**CS 2014-333**

That Council not support the encroachment of the accessory structure located at 920 Malone Road on the Town boulevard; and  
That Council direct staff to proceed with the statutory notice for Development Variance Permit application (3090-14-03) for Lot 2, District Lot 96, Oyster District, Plan VIP57370 (920 Malone Road) to permit the siting of the accessory structure to be as close as zero metres from the side and rear lot lines; and that the applicant be required to provide a survey prepared by a B.C. Land Surveyor showing the location of the structure, prior to the statutory notification.  
*Motion carried.*

**REPORTS**

**Mayor Hutchins**

Mayor Hutchins announced that the Town of Ladysmith has been

awarded a total of \$11 million in funding for the new Waste Water Treatment Plant from the Green Municipal Fund. The funding is a combination of a \$1 million grant and a \$10 million low-interest-rate loan at 3.35 per cent. Mayor Hutchins indicated that a formal event with a representative of the federal government will take place at a later date.

Mayor Hutchins provided a summary of three legal actions in which the Cowichan Valley Regional District is involved – Cowichan Lake Weir, South Island Aggregate and the crematorium in Paldi, all of which could have an impact on other local governments, in particular the crematorium question.

#### **Municipal Services Committee Recommendations**

*Moved and seconded:*

**CS 2014-334**

That Council receive the Waterfront Area Plan Review – Developing the Scope of Work document considered at the September 15, 2014 Municipal Services Committee meeting, and direct staff to continue to work with the Federation of Canadian Municipalities Green Municipal Fund to secure funding for the project;

That Council establish the geographic area to be included in the Waterfront Area Plan Review to be the Waterfront Sub-Area as outlined on page 22 of the staff report titled *Waterfront Area Plan Review – Determining the Scope of Work*; and

That Council direct staff to report back with recommendations for an appropriate timeline for completion of a Review of the Waterfront Area Plan.

*Motion carried.*

OPPOSED: Councillor Horth and Councillor G. Patterson

#### **Ladysmith Baseball Association Request to Construct Scorekeeper's Building and Replace Batting Cage at Holland Creek Ball Fields**

**CS 2014-335**

*Moved and seconded:*

That Council accept the recommendation from the Parks, Recreation and Culture Commission, to grant permission to the Ladysmith Baseball Association to construct a scorekeeper's building and replace the batting cage at the Holland Creek Ball Fields and request staff to confirm the construction specifications prior to construction.

*Motion carried.*

#### **Proposed Contribution of Decorative Pavers for First Avenue**

*Moved and seconded:*

**CS 2014-336**

That Council accept the proposed contribution of decorative

pavers for First Avenue, and support a linear design of one set of pavers with eight fish, with placement at a less busy location near a bench or pedestrian crossing where the sidewalk widens.

*Motion carried.*

Councillor Dashwood's recommendation that a recent report concerning options for homeless people in Ladysmith be referred to a future meeting of the Municipal Services Committee for consideration was accepted.

Councillor Horth reported that the Cowichan Valley Regional District has established a sport tourism function under the auspices of the Economic Development Commission, and expressed sincere appreciation to residents of the Oyster Cove Strata for their patience with the traffic during construction of the new waste water treatment plant.

The Director of Infrastructure Services showed a slide of the first pouring of concrete at the new waste water treatment plant.

Councillor D. Paterson congratulated members of Ladysmith Fire/Rescue for their recent Awards Night and in particular those members who received their 15-year service pins. Council expressed deep appreciation to all members of Ladysmith Fire/Rescue for their exceptional service and many contributions to the community.

Councillor D. Paterson also announced that the Ladysmith Tour de Rock Committee raised \$45,000.

*Moved and seconded:*

**CS 2014-337**

That letters of gratitude be sent to the organizers of the community summer events including Ladysmith Days, Arts on the Avenue and Ladysmith Show & Shine.

*Motion carried.*

Councillor G. Patterson commended the Fraternal Order of Eagles (Ladysmith) for their support of the Ladysmith Soup Kitchen.

## **STAFF REPORTS**

### **Gas Operating Agreements – New Operating Fees**

*Moved and seconded:*

**CS 2014-338**

That Council endorse in the recommended format the Gas Operating Agreement with Fortis BC as proposed by the Association of Vancouver Island and Coastal Communities

*Motion carried.*

### **Watershed Study – Adjustment of Project Budget**

*Moved and seconded:*

**CS 2014-339**

That Council authorize an increase in the Watershed Study project



of \$17,000 to a total of \$52,000 with the funding to be reallocated from the Water Main Replacement Project, and amend the 2014 to 2018 Financial Plan accordingly.

*Motion carried.*

**Replacement of Storm Water Line, 100 Block of First Avenue**

*Moved and seconded:*

**CS 2014-340**

That Council authorize the replacement of the storm water line commonly known as the Flume Line, located in the 100 block of First Avenue, at a budget of \$103,000 and that the 2014 to 2018 Financial Plan be amended accordingly.

*Motion carried.*

**BYLAWS**

**Town of Ladysmith Permissive Tax Exemption Bylaw 2014, No. 1867**

*Moved and seconded:*

**CS 2014-341**

That Town of Ladysmith Permissive Tax Exemption Bylaw 2014, No. 1867 be adopted.

*Motion carried.*

**CORRESPONDENCE**

**Hon. Mary Polak, Minister of Environment  
Hydrocarbon Contamination in the Vicinity of Forward Road**

*Moved and seconded:*

**CS 2014-342**

That Council receive the correspondence from Hon. Mary Polak, Minister of Environment, and schedule a meeting with the residents of Forward Road to discuss options for next steps.

*Motion carried.*

**Bruce Joliffe, Vancouver Island Regional Library  
2015 to 2018 Financial Plan**

*Moved and seconded:*

**CS 2014-343**

That Council receive the correspondence from the Vancouver Island Regional Library Board of Trustees and the Library's 2015 to 2019 Financial Plan.

*Motion carried.*

**Kendra Thomas, Cowichan Women Against Violence Society  
'Purple Lights' Tree During Festival of Lights**

*Moved and seconded:*

**CS 2014-344**

That Council request the Festival of Lights Society to designate a tree to be strung with purple lights during the Ladysmith Festival of Lights in support of Cowichan Together Against Violence.

*Motion carried.*

**UNFINISHED BUSINESS**

**Cowichan Valley Sportsplex Proposed Funding Model**

Council reviewed the proposed model for Cowichan Valley Regional District funding for the Cowichan Sportsplex and considered whether to hold an opinion referendum on the matter during the November 15, 2014 local elections.

**CS 2014-345**

*Moved and seconded:*

That Council refer consideration of a proposed funding model for the Cowichan Sportsplex to the October 20, 2014 meeting of Council.

*Motion carried.*

**RECESS**

**CS 2014-346**

*Moved and seconded at 6:30 p.m.:*

That this Regular Meeting of Council recess, that Council retire into Closed Session, and that the Regular Meeting reconvene at 7:00 at the Aggie Hall.

*Motion carried.*

**QUESTION PERIOD**

Penelope Allen expressed appreciation to Council for their hard work on behalf of the Town and residents.

Thea Melvin inquired about the Town's commitment regarding the Victim Services Program.

Rob Johnson stressed the need to address issues with the Town's aging infrastructure and also inquired about the status of the new sound system for Council Chambers.

Carol Henderson asked about the permits required for the accessory building at 410 Third Avenue.

Russell Barling advised that the Forward Road neighbourhood would like to know what the next steps are regarding the hydrocarbon contamination in the area and if there are any possible health concerns associated with the contamination.

Cathleen McMahon proposed a community fundraising effort to support the Victim Services program.

**ADJOURNMENT**

**CS 2014-347**

*Moved and seconded:*

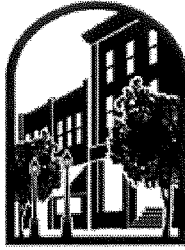
That this meeting of Council adjourn at 8:45 p.m.

*Motion carried.*

CERTIFIED CORRECT:

\_\_\_\_\_  
Mayor (R. Hutchins)

\_\_\_\_\_  
Corporate Officer (S. Bowden)



LADYSMITH

TOWN OF LADYSMITH

# PROCLAMATION

## "Waste Reduction Week"

**WHEREAS:** *As a municipality, we are committed to conserving resources, protecting the environment and educating the community; and*

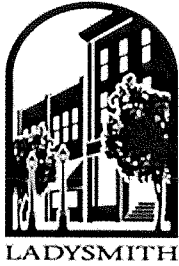
**WHEREAS:** *We recognize the generation of solid waste and the needless waste of water and energy resources as global environmental problems; and*

**WHEREAS:** *We endeavour to take the lead in our community toward environmental sustainability;*

**THEREFORE,** *I, Robert Hutchins, Mayor of the Town of Ladysmith, do hereby proclaim October 20th to 26<sup>th</sup>, 2014 as Waste Reduction Week in the Town of Ladysmith, British Columbia.*

Mayor R. Hutchins

October 1, 2014



## Town of Ladysmith

### **STAFF REPORT**

To: Ruth Malli, City Manager  
From: Sandy Bowden, Director of Corporate Services  
Date: October 9, 2014  
File No:

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**Re: Cowichan Sportsplex Funding**

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#### RECOMMENDATION(S):

That Council determine if it wishes to:

- a) conduct a non-binding referendum at the November 2014 Local Government Elections regarding the Cowichan Sportsplex funding model, and if so, direct staff to place the following question on the ballot:

“Are you in favour of the Town of Ladysmith contributing an amount no greater than \$16,700 or an amount equal to the amount that could be raised by a property tax value of 0.01583 per \$1,000 of net taxable value of land and improvements to assist the Chesterfield Sports Society with costs associated with the operation and maintenance of the Cowichan Sportsplex?”

OR

- b) refer consideration of the funding model for the Cowichan Sportsplex to the 2015 budget deliberations.

#### PURPOSE:

The purpose of this staff report is to provide Council with information regarding financing the Cowichan Sportsplex.

#### INTRODUCTION/BACKGROUND:

Council will recall that correspondence from the Cowichan Valley Regional District (CVRD) regarding a proposed funding model for the Cowichan Sportsplex was considered at the August 18<sup>th</sup> and October 6<sup>th</sup>, 2014 Council meetings. The matter was referred to the October 20<sup>th</sup> Council meeting for further consideration.

The CVRD is requesting the Town to consider creating an annual financial contribution service area to provide funding for the Cowichan Sportsplex based on a maximum annual requisition of \$16,700 (\$1.32 per \$100,000 assessed value for residential property owners).

All CVRD Electoral Areas and the Town of Lake Cowichan are conducting a referendum on this issue at the upcoming November local government elections. The City of Duncan and the Municipality of North Cowichan opted to consider the funding during their 2015 budget deliberations as they have done in the past.

SCOPE OF WORK:

If Council wishes to conduct a referendum on the Cowichan Sportsplex funding model issue, Staff will ensure that information regarding this matter, which is accessible from the Chesterfield Sports Society (CSS), will be available for the public in advance of the voting opportunities. The CSS has created a static display and has information available for the public regarding this issue. This static display could be set up at the Frank Jameson Recreation Centre if deemed appropriate.

For Council's information, the CSS circulated a newspaper "wrap" with this week's Cowichan Valley Citizen that erroneously includes reference to Ladysmith participating in the referendum. Staff has discussed this with the CSS and they apologize for the error.

If Council does not wish to conduct a referendum on this matter, staff will ensure it is brought forward during 2015 budget deliberations.

ALTERNATIVES:

See recommendations.

FINANCIAL IMPLICATIONS:

The CVRD has been providing funding for the Cowichan Sportsplex to an equivalent level for the last five years and therefore there is no net increase to the taxpayer. The impact will be a shift of the collection of tax from the Regional District to the Town.

LEGAL IMPLICATIONS:

In accordance with Sec. 83 of the *Community Charter*, Council is not required to process a non-binding referendum question in accordance with Part 4 (Other Voting) of the *Local Government Act*. Therefore establishing the question at the October 20<sup>th</sup> Council meeting is appropriate.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

This regional sports facility includes a cushioned synthetic surface running track, a field hockey facility, an outdoor lacrosse box, and other amenities that are not available in the Town of Ladysmith. The Cowichan Sportsplex attracts major multi-sports events to the region.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:



This issue will involve the Corporate Services and Financial Services Departments at this time.

RESOURCE IMPLICATIONS:

No additional resources are required.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

This initiative aligns with Sustainability Goal # 8, Create healthy communities and individuals, and the 7<sup>th</sup> Pillar of Sustainability, Healthy Community.

ALIGNMENT WITH STRATEGIC PRIORITIES:

This initiative aligns with Strategic Direction F, A Safe and Healthy Community and G, Supportive Corporate Governance.

SUMMARY:

The CVRD has requested all Cowichan Valley local governments and electoral areas to consider funding options for the Cowichan Sportsplex. All CVRD electoral areas and the Town of Lake Cowichan are including a referendum question on the ballots for the upcoming local government elections in November regarding this matter. It is appropriate for Council to determine if it wishes to conduct a non-binding referendum regarding the Cowichan Sportsplex funding at this evening's meeting or if it wishes to refer the matter to the 2015 budget deliberations.

I concur with the recommendation.



\_\_\_\_\_  
Ruth Malli, City Manager

ATTACHMENTS:

None

September 23, 2014

Dear Mayor and Council:



**RE: LIGHTING FOR THE KINSMEN PARK AT BROWN DRIVE**

On Wednesday, September 23<sup>rd</sup>, while out walking, I noticed that the gate at the entrance to the Kinsmen Park at Brown Drive had been completely removed, destroyed and impaled on a post in the playground.

On, Thursday, September 17<sup>th</sup>, I picked up 2 empty 40 oz. bottles of vodka and an empty 26 oz. bottle of gin, as well as 2 empty 2 liter bottles, a 1/2 dozen empty cans and some garbage from the Park. **This is not unusual.** Only days before I picked up over 2 dozen empties, broken glass, empty food containers, cigarette packages and clothing. On a regular basis I clean up garbage and empties after the many parties at the park, as well as being kept awake by the noise, listening to the hooting and hollering coming from across the street, well into the wee hours of the morning. **This too is not unusual.** There is rarely a weekend that goes by when there are not kids over at the park drinking and partying. In the summer it is during the week, as well, on a regular basis.

I have lived across the street from Brown Drive Park for over 13 years. In that time I have seen the cement picnic tables that were installed and paid for by the Kinsmen, **destroyed**, there has been damage to the kids play ground, the gate has been broken on many occasions, graffiti sprayed on the washroom. I have picked up endless empties, garbage, cloths, cell phones, shovels, an axe, metal pipes, broken glass and trashed furniture. There is also evidence of campfires being started in the woods. I have had to call the police, on occasion, because it was hard to detect if the screaming, coming from the park, was one of urgency or just drunkenness. One night three kids were falling down drunk in front of my house, one could not walk at all and the other two were carrying her into the park. I offered my assistance and recommended they call the parents to come. I called the police again on this occasion, when the police came, most fled into the darkness.

Not only is there noise from the drunken teenagers, there is noise from their cars that show up; slamming doors, squealing tires and loud music. **This has gone on for far too long.**

There are two lamp posts, in the park, that appear to be connected to the hydro pole. My question is **why are these lights not being used? Turned on?** The kids would be deterred by the presence of the lights because they would no longer be sitting invisible in the dark.

There is not a lot for the youth to do in town, unfortunately, however, drinking in a public park, disturbing the neighborhood and destroying property, **is not acceptable.** It would be very sad if something happened that could have been prevented simply by turning on the lights.

Halloween is just around the corner and this is another eventful night at the park, with the endless use of fireworks and alcohol.

**Please consider hooking up the lights in the park before tragedy strikes.**

Thank you,

**Cheri Mactier**

652 Belmont Ave





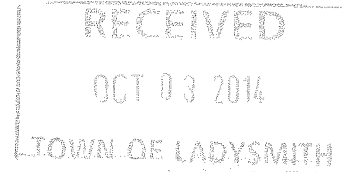
Minister of Transport



Ministre des Transports

Ottawa, Canada K1A 0N5

SEP 29 2014



His Worship Rob Hutchins  
Mayor  
Town of Ladysmith  
410 Esplanade  
PO Box 220  
Ladysmith BC V9G 1A2

Dear Mr. Mayor:

Thank you for your correspondence of August 19, 2014, regarding the regulation of watercraft speeds in Ladysmith's Inner Harbour.

The Vessel Operation Restriction Regulations (VORR), established under the *Canada Shipping Act, 2001*, permit any level of government to request the restriction of boats, either pleasure craft or commercial vessels, on all bodies of water in Canada. In order to achieve safety and environmental or public interest objectives, the restrictions include provisions prohibiting all boats, limiting engine power or the type of propulsion, and imposing speed limits.

As a local authority, the Town of Ladysmith can submit an application for Vessel Operation Restriction Regulations to address waterway concerns. The Local Authorities' Guide and Application Checklist outline the application process and steps to meet requirements. These documents are available on Transport Canada's website at [www.tc.gc.ca/ct365](http://www.tc.gc.ca/ct365) and [www.tc.gc.ca/e6laf](http://www.tc.gc.ca/e6laf), respectively.

For advice and consultation on the application process, and suggestions on non-regulatory solutions to address waterway concerns, your staff may contact Transport Canada, Marine Safety and Security, at 604-666-2681 or via email at **obs-pac-bsn@tc.gc.ca**.

Again, thank you for writing.

Sincerely,

A handwritten signature in cursive script, appearing to read "LRaitt".

The Honourable Lisa Raitt, P.C., M.P.  
Minister of Transport