

TOWN OF LADYSMITH
MINUTES OF A REGULAR MEETING OF COUNCIL
MONDAY, MARCH 2, 2015
COUNCIL CHAMBERS, CITY HALL
7:00 PM.

COUNCIL MEMBERS PRESENT:

Mayor Aaron Stone

Councillor Carol Henderson

Councillor Steve Arnett

Councillor Cal Fradin

Councillor Rob Hutchins

Councillor Joe Friesenhan

Councillor Duck Paterson

STAFF PRESENT:

Ruth Malli

John Manson

Felicity Adams

Sandy Bowden

Sue Bouma

Erin Anderson

Clayton Postings

CALL TO ORDER

Mayor Stone called this regular meeting of Council to order at 4:00 p.m.

CLOSED MEETING

CS 2015-062

Moved and seconded:

That Council retire into closed session at 4:01 p.m. in order to consider the following item in accordance with *Community Charter* Section 90(1)(e): discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [annual municipal report]

Motion carried.

RISE AND REPORT

Council arose from Closed Session without report.

REGULAR MEETING

Mayor Stone reconvened the Regular Council Meeting at 7:00 p.m. and acknowledged the traditional territory of the Stz'uminus First Nation.

AGENDA APPROVAL

CS 2015-063

Moved and seconded:

That the agenda for the Council Meeting of March 2, 2015 be approved with the following amendments:

- a) Move item 9.1, Request for Discharge of Covenant EX60846 from Lot A, DL 41, Oyster District, Plan VIP84543, except part in Strata Plan VIS6497 (Phase 1) – Natura Developments Ltd. (606 Farrell Road) to beginning of agenda
- b) Note amended page 12 of staff report associated with item 9.1
- c) Add the draft resolution to Item 4.1 Proposal for a Round Table on Watershed Management delegation
- d) Add Private Member's Bill - Derelict Vessels to Unfinished Business

Motion carried.

STAFF REPORTS

Request for Discharge of Covenant EX60846 from Lot A, DL 41, Oyster District, Plan VIP84543, except part in Strata Plan VIS6497 (Phase 1) – Natura Developments Ltd. (606 Farrell Road)

Moved and seconded:

CS 2015-064

That Council deny the request to discharge covenant EX60846 from Lot A, DL 41, Oyster District, Plan VIP84543, except part in Strata Plan VIS6497 (Phase 1) (606 Farrell Road) received from Natura Developments Ltd.

Motion carried.

MINUTES

Moved and seconded:

CS 2015-065

That the minutes of the Regular Meeting of Council held February 16, 2015 be approved.

Motion carried.

DELEGATIONS

Greg Roberts - Proposal for a Round Table on Watershed Management

Mr. Roberts presented a proposal for a round table on watershed management, and outlined an interest-based approach which would provide a framework for the initiative. He provided a draft resolution for Council's consideration and urged Council to consider this initiative as a top planning priority. Mayor Stone thanked Mr. Roberts and his team for their proposal and reiterated that the protection of the watershed is a high priority for Council.

Moved and seconded:

CS 2015-066

That the presentation regarding the proposal for a round table on watershed management be received and Council provide support in principle for the draft resolution regarding this initiative, and further that the presentation materials and draft resolution be referred to the CVRD, the Stz'uminus First Nation and Town of Ladysmith staff for review and comment.

Motion carried.

PROCLAMATIONS

Mayor Stone proclaimed the month of March, 2015 as "Probus Month" in the Town of Ladysmith, recognizing the role of the Ladysmith Probus Club in educating and encouraging citizens to enjoy the benefits of a connected and vibrant retirement.

COMMITTEE REPORTS

Councillor Hutchins advised Council of the upcoming CVRD workshops on economic development.

Moved and seconded:

CS 2015-067

That Council request the CVRD to invite Town of Ladysmith staff, former members of the Ladysmith Economic Development Committee and members of Council to the upcoming Economic Development Workshops organized by the CVRD.

Motion carried

CS 2015-068

Leisure Access Program

Moved and seconded:

That Council direct staff to amend the Leisure Access Policy as follows:

- a) That the Administrative Supervisor will administer the Leisure Access Program;
- b) That the evaluation procedure will consist of a completed application with supporting documents (proof of income, proof of residency);
- c) That the monthly family income is within the most recent Statistics Canada Low Income Thresholds.

Motion carried.

CS 2015-069

Moved and seconded:

That Council direct staff to investigate further the inclusion of Cowichan Valley Regional District Area H in the Leisure Access Program, including a comparison of the operating costs in relation to the number of users from the Cowichan Valley Regional District and current funding contributions.

Motion carried.

**STAFF REPORTS
(CONT'D)**

CS 2015-070

Community Tourism Opportunity Program Funding Application

Moved and seconded:

That Council direct staff to submit the signage initiatives project to the Destination BC Community Tourism Opportunity Program for funding of up to \$8,400 for the 2015-2016 fiscal year, and that the 2014-2018 Financial Plan be amended accordingly.

Motion carried.

CS 2015-071

Council Remuneration/Provision of Benefits

Moved and seconded:

That Council direct staff to establish a committee, consisting of three members of the Ladysmith community, to review and provide direction regarding Council remuneration rates and provision of benefits for 2015, 2016, 2017, and 2018.

Motion carried.

CS 2015-072

Ladysmith Golf Course Creek Culvert Failure

Moved and seconded:

1. That emergency repairs as a result of the Golf Course creek culvert failure be authorized to a maximum cost of \$75,000 and that the 2014-2018 Financial Plan be adjusted accordingly;
2. That Council direct staff to meet with the Executive of the Golf Course Society to review the creek crossing options contained within the staff report; and,
3. That the preferred options be referred to the 2015 Financial Plan for Council's consideration.

Motion carried.

BYLAWS

Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644, Amendment Bylaw 2015, No. 1872

Moved and seconded

CS 2015-073

That Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644, Amendment Bylaw 2015, No. 1872 be adopted.

Motion carried.

CORRESPONDENCE

Nanaimo Airport Authority – Request for Letter of Support for Nanaimo Airport Expansion Project

Moved and seconded

CS 2015-074

That the correspondence from the Nanaimo Airport Authority requesting a letter of support for the Nanaimo Airport Expansion Project be received and staff be directed to prepare a letter of support for the grant application for the Nanaimo Airport Expansion Project through the Building Canada Fund.

Motion carried.

UNFINISHED

BUSINESS

Private Members Bill - Derelict Vessels

Moved and seconded:

CS 2015-075

That a joint letter from the Town of Ladysmith and the Stz'uminus First Nation be sent to Nanaimo-Cowichan Member of Parliament Jean Crowder and the Federal government expressing strong support for private member's bill C-638, an Act to amend the Canada Shipping Act 2001 to address the specific concern regarding derelict and abandoned vessels on BC coastlines.

Motion carried.

NEW BUSINESS

Encroachment Agreement to Accommodate the Construction of Stairs on Town Property Adjacent to 1140 Trans Canada Hwy

Moved and seconded:

CS 2015-076

That Council authorize the execution of the encroachment agreement between the Town of Ladysmith, and David Lynwood Jenkins and Carole Jenkins and Barry John Hopper and Janet Hopper, to accommodate the construction of a set of stairs on Town property located adjacent to 1140 Trans Canada Hwy., and that the Mayor and Corporate Officer be authorized to sign the agreement on behalf of the Town.

Motion carried.

QUESTION PERIOD

Members of the audience asked questions of Council or commented on the following issues: the derelict vessel Bill, the Golf Course bridge, the benches downtown and the protocol of notification with 606 Farrell Road.

CLOSED MEETING

Moved and seconded:

CS 2015-077

That Council retire into closed session at 8:30 p.m. in order to consider two items in accordance with Community Charter Section

90(1):

- 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
- 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

RISE AND REPORT

Council arose from the Closed Session with report on the following:

That Council rise and report in an open meeting on the following 2014 closed meeting resolutions:

- 2014-004 That a letter be sent to the Board of Trustees of School District 68 prior to the next meeting of the Board scheduled for January 29, 2014, requesting a meeting with representatives of the School District Board, School District staff, the Town of Ladysmith Council and Town staff, to be facilitated by David Gouthro, to discuss the school closure issue.
- 2014-005 That the Town enter into a contract with Jerry Berry to undertake a 360 degree performance review of the City Manager for a maximum contract price in the range of \$5,000 plus applicable taxes.
- 2014-011 That Council direct staff to:
1. Negotiate an extension of the existing solid waste collection contract with BFI, on a month-to-month basis for one year, generally in accordance with the terms of the current contract at a cost of \$11.90/household/month until April 1, 2014 and that an increase of 2% be implemented after April 1st and include a requirement to provide six months' notice of any proposed changes to the contract, with the Town receiving the MMBC rebate for recyclable materials.
- 2014-013 That the correspondence from the Vancouver Island Strata 2009 Oyster Cove be received, and staff be directed to negotiate, with the assistance of the Town's solicitor, an agreement that will address the residents' concerns and that a report be brought back to Council in this regard.
- 2014-016 That staff be directed to negotiate a legal agreement with Couverdon which prohibits Couverdon from harvesting timber on the four parcels of land known as the "watershed lands" prior to the completion of the transfer of these lands to the Town and that such title transfer could be phased-in.
- 2014-018 That the City Manager be authorized to accept the

- Fire/Rescue Department's request for duty pay.
- 2014-019 That Councillor Glenda Patterson be authorized to negotiate the acquisition of the Dominion Cup Trophy for a cost not to exceed \$2,100.
- 2014-023 That Council engage Jerry Berry to conduct a 360 degree performance assessment of the City Manager, including interviews with Council, management and members of the community, for a contract price not to exceed \$6,500 plus applicable taxes.
- 2014-024 That Councillor G. Patterson be authorized to offer up to \$2,400 to the Knight family for the acquisition of the Dominion Cup Trophy, with the Town's contribution remaining at \$1,000.
- 2014-030 That, subject to consultation with the District Municipality of North Cowichan regarding the resulting increase in honoraria, Council authorize the City Manager to negotiate a general increase in the honoraria for members of Ladysmith Fire Rescue of 2 per cent compounded for each of the years 2010, 2011, 2012 and 2013 with the new honoraria rate effective January 1, 2013, not to be paid retroactively to prior years;
That all future increases in pay will be tied to the negotiated CUPE contract for Ladysmith employees;
and
That an additional honorarium increase of \$20 per month be authorized for the Chief Training Officer
- 2014-037 That Council approve as presented the four-year package of language changes, Letters of Understanding, benefits and equipment compensation resulting from the collective bargaining process between the Town of Ladysmith and Canadian Union of Public Employees Local 401.
- 2014-039 That the following changes to the compensation for Ladysmith Fire Rescue be approved:
- A general increase in compensation for fire calls and practices to all members of Ladysmith Fire Rescue of 2 per cent compounded for each of the years 2010, 2011, 2012 and 2013, effective January 1, 2013, not to be paid retroactively to prior years.
 - A general increase in the honoraria for elected officers of Ladysmith Fire Rescue of 2 per cent compounded for each of the years 2010, 2011, 2012 and 2013 with the new honorarium rate effective January 1, 2013, not to be paid retroactively to prior years;
 - All future increases in compensation to be tied to the negotiated CUPE contract for Ladysmith;

- An additional honorarium increase of \$20 per month for the Chief Training Officer; and
 - Duty pay of \$50 per person per week of on-call duty.
- 2014-040 That Council thank G.W. Donovan for his interest in the Comox Logging Locomotive #11 as outlined in his correspondence dated February 7, 2014, and advise him in response to his offer to purchase it that plans are underway to restore the locomotive and display it in Ladysmith.
- 2014-050 That Council direct the City Manager to have essential services designated by the British Columbia Labour Relations Board, in the event of a strike by CUPE Local 401 members.
- 2014-056 That the Town agree to enter into non-binding mediation through the BC Labour Relations Board with Canadian Union of Public Employees Local 401 in an effort to reach a wage settlement.
- 2014-058 That the correspondence from Aaron Stone regarding the acquisition of Ecole Davis Road and site for a community asset be referred to staff to explore options and to report back to Council.
- 2014-059 That the correspondence from the Hon. Mary Polak regarding the Town's concerns about possible hydrocarbon contamination in the vicinity of Forward Road be received.
- 2014-069 That Council tour the buildings at the Machine Shop site as soon as possible with a representative of Omicron Architecture Engineering Construction Ltd. to review the findings of the property condition assessment of the Town-owned buildings on Oyster Bay Drive (Machine Shop complex) carried out by Omicron.
- 2014-075 That Council approve the proposed wage and benefits package between the Town and the Canadian Union of Public Employees Local 401 as presented in the report from the mediator.
- 2014-079 That Council authorize the City Manager to negotiate an employment contract with Kevin Goldfuss for the position of Manager of Operations.
- 2014-090 That Council direct staff to prepare a business case analysis of options for carrying out repairs at the Machine Shop complex on Oyster Bay Drive, and that the report include recommendations for repair priorities and timelines, and options for raising funds to support the repairs.
- 2014-096 That Council write again to the Minister of Environment repeating its 2013 request that the Ministry declare the area in the vicinity of 201 Dogwood Drive/Forward Road a contaminated site due to the occurrence of

- hydrocarbons in the area and issue a remediation order.
- 2014-097 That Council direct the Town's legal counsel to write to the executor of the Gary Dalby estate requesting information as to how the estate intends to deal with the hydrocarbon contamination in the vicinity of 201 Dogwood Drive/Forward Road.
- 2014-107 That Council extend the deadline for replying to the Freedom of Information Request for Access to Records concerning hydrocarbon contamination in the vicinity of Forward Road for 30 days to August 26, 2014 or sooner, given the extent of the records contained in the records management system regarding this matter and in accordance with Section 10(1)(b) of the Freedom of Information and Protection of Privacy legislation.
- 2014-108 That Council receive the response from the Chair of the Board of Education regarding the reassignment of Ladysmith Secondary School Principal Dave Street dated June 17, 2014.
- 2014-115 That Council confirm the following assumptions for the purpose of preparing a business case for the Machine Shop complex on Oyster Bay Drive:
1. The primary use for the Machine Shop building is "Mixed Use";
 2. The primary use for the out-buildings is for light industrial or business/commercial;
 3. There is an expectation that tenants assist in fundraising for upgrades to the Machine Shop;
 4. Analysis of the businesses/societies currently occupying the spaces is not part of this business case; and
- That Council approve funding of \$10,000 for the removal of the vapor barrier and insulation in the Machine Shop and direct staff to amend the 2014-2018 Financial Plan accordingly.
- 2014-117 That Council confirm its previous direction regarding the legal matters at the Island Pacific Transport Ltd. site at 1140 Fourth Avenue (owner: Parhar) and that staff be directed to instruct the Town's solicitor to set the matter for a hearing by way of a summary trial on the removal of the Quonset hut only at this time.
- 2014-119 That Council receive the report from the City Manager on the Town's strategic planning process.
- 2014-120 That Council request proponents of a proposal to acquire floating Caisson platforms from Shell Canada to serve as a breakwater in the Ladysmith Harbour to prepare a written business case for Council's consideration.
- 2014-126 That Council receive the applications for renewal from

current members of various advisory bodies and reappoint the following members for two-year terms expiring June 30, 2016:

- Tamara Hutchinson (Heritage Revitalization Advisory Commission)
- Maureen Martin (Heritage Revitalization Advisory Commission)
- Allen McDermid (Heritage Revitalization Advisory Commission)
- Ann Rogers (Heritage Revitalization Advisory Commission)
- Bruce Laxdal (Advisory Planning Commission)
- Bryon Adams (Parks, Recreation and Culture Commission)
- Kathy Holmes (Parks, Recreation and Culture Commission)

2014-127 That Council receive the applications from external applicants for positions on Town Commissions and make the following appointments for terms ending June 30, 2016:

- Kimberley Judson (Parks, Recreation and Culture Commission)
- Mayo McDonough (Advisory Planning Commission)
- J. Harald Cowie (Advisory Planning Commission)

2014-129 That Council waive the Terms of Reference for the Advisory Design Panel and reappoint Ron Kinney and Brian Childs to serve an additional two-year term ending on June 30, 2016.

2014-136 That Council authorize payment of the contractual Canadian Union of Public Employees salary increase to relevant exempt staff as per current policy as of July 1, 2014.

2014-138 That Council direct staff to explore with the Nanaimo Regional District options for rezoning the Town-owned property at the end of Thomas Road in Cassidy for higher and better use.

2014-144 That Council refer the staff report dated October 14, 2014 on the Machine Shop Buildings on Oyster Bay Drive to a Regular Meeting of Council in November 2014, and to request staff to meet with Machine Shop tenants regarding proposed repairs to the buildings prior to that Council meeting.

2014-145 That Council waive the purchasing policy and engage IPDS Property Development Group to prepare a feasibility study on the development potential for the Town-owned property at 1251 Christie Road, for an amount not to exceed \$13,500, subject to a positive reference check of at least three references; and that the Financial Plan be amended accordingly.

2014-159 That Council approve the sale of That Part of District Lot 56, Oyster District (laneway between 320 and 300 First Avenue) shown as Closed Road on Plan EPP35319 to the Ladysmith and District Credit Union on the terms and conditions in the Agreement of Purchase and Sale for \$32,000.

ADJOURNMENT

CS 2015-078

Moved and seconded:


That this meeting of Council adjourn at 8:41 p.m.

Motion carried.

CERTIFIED CORRECT:



Corporate Officer (S. Bowden)


Mayor (A. Stone)