

**A PUBLIC HEARING AND REGULAR MEETING OF THE
COUNCIL OF THE TOWN OF LADYSMITH
AGENDA
7:00 P.M.**

Monday, June 3, 2019
Ladysmith Eagles Hall
921 1st Avenue

Pages

1. CALL TO ORDER (5:00 p.m. at Council Chambers, City Hall)

Call to Order 5:00 p.m. in Open Session, in order to retire immediately into Closed Session.

Members of the public are welcome to attend all Open Meetings of Council, but may not attend Closed Meetings.

2. CLOSED SESSION

In accordance with section 90 of the Community Charter, this section of the meeting will be held *In Camera* to consider the following matters, for the reasons as noted:

- Negotiations - section 90(1)(i)and (j)
- Committee Appointments - section 90(1)(a)
- Human Resources Matter - section 90(1)(c)

Recommendation

That, in accordance with section 90(1) of the *Community Charter*, Council retire into closed session in order to consider items related to the following:

- Negotiations - section 90(1)(i)and (j)
- Committee Appointments - section 90(1)(a)

3. OPEN MEETING AGENDA APPROVAL (7:00 p.m. at Eagles Hall)

Recommendation

That Council approve the agenda for this Public Hearing and Regular Meeting of Council for June 3, 2019.

4. PUBLIC HEARING AND REGULAR MEETING

Outline of Public Hearing Process - Mayor Stone

4.1 Official Community Plan Bylaw Amendment and Zoning Bylaw Amendment: Bylaws 2011 and 2012

Subject Properties: 610, 612, 614 and 616 Oyster Bay Drive

(Lot 4, District Lots 8G, 11G, 24 and 56, Oyster District, Plan 45800, except part in Plans VIP64405, VIP71943 and VIP72131)

4.1.1 Introduction of Bylaws and Statutory Requirements - Director of Development Services

4.1.2 Submissions

4.1.3 Call for Submissions to Council (Three Times) - Mayor Stone

4.1.4 Declaration that the Public Hearing for Bylaws 2011 and 2012 is Closed - Mayor Stone

5. BYLAWS (SUBJECT OF THE PUBLIC HEARING)

5.1 Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 58) 2019, No. 2011 and Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 25) 2019, No. 2012 – Arts and Heritage Hub

9

Subject Properties: 610, 612, 614 and 616 Oyster Bay Drive

(Lot 4, District Lots 8G, 11G, 24 and 56, Oyster District, Plan 45800, except part in Plans VIP64405, VIP71943 and VIP72131)

Recommendation

That, subject to any additional matters raised at the public hearing, Council:

1. Proceed with third reading and final adoption of Bylaw 2011, cited as “Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 58) 2019, No. 2011.”
2. Proceed with third reading of Bylaw 2012, cited as “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 25) 2019, No. 2012.”
3. Direct staff to refer Bylaw 2012 to the Ministry of Transportation and Infrastructure pursuant to the Transportation Act.

6. RISE AND REPORT- Items from Closed Session

7. MINUTES

7.1 Minutes of the Regular Meeting of Council held December 3, 2018 16

Recommendation

That Council adopt the minutes of the Regular Meeting of Council, held December 3, 2018, as amended to include the following missed resolution:

- CS 2018-500

That Council direct staff to provide information as available on the number of vehicles jumping the curb on 1st Avenue in the last four years, including the location of these incidents.

7.2 Minutes of the Special Meeting of Council held May 13, 2019 26

Recommendation

That Council approve the minutes of the Special Meeting of Council held May 13, 2019.

8. PROCLAMATIONS

8.1 Built Green Day 31

Mayor Stone has proclaimed June 5, 2019 as “Built Green Day” in the Town of Ladysmith, British Columbia, reflecting the Town’s dedication to encouraging sustainable development.

9. BYLAWS- OFFICIAL COMMUNITY PLANNING AND ZONING

9.1 OCP & Zoning Amendment Application – 422 First Ave. (Traveller's Hotel) 32

Recommendation

That Council:

1. Proceed with first and second reading of Bylaw 1989, cited as “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 56) 2019, No. 1989”.
2. Proceed with first and second reading of Bylaw 1990, cited as “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.23) 2019, No. 1990”.
3. Direct that prior to consideration of final approval of Bylaws 1989 and 1990, a contribution of \$30,000 be collected for the Municipal Parking Fund.

4. Receive the Conservation Plan (CDH Design Ltd.) for the Traveller’s building and require that the Conservation Plan form part of the Development Permit for 422 First Avenue, in place of a Heritage Revitalization Agreement.
5. Direct staff to assign a public 15 minute parking space adjacent to the lane at 422 First Avenue, at time of Occupancy Permit issuance for 422 First Avenue.
6. Refer Bylaw 1989 and Bylaw 1990 to public hearing.

10. REPORTS

10.1 2019 Q1 Water Adjustments 54

Recommendation

That Council direct staff to adjust the water billing account #07340000 for up to \$5,715 due to a water leak.

10.2 Revitalization Tax Exemption – Economic 59

Recommendation

That Council:

1. Determine if it wishes to amend the “Town of Ladysmith Revitalization Tax Exemption – Economic Revitalization Bylaw 2012, No. 1807”; and
2. Refer the matter to an upcoming Municipal Services Committee meeting, should Council wish to amend the “Town of Ladysmith Revitalization Tax Exemption – Economic Revitalization Bylaw 2012, No.1807”.

10.3 Lot 108 Updated Site Plan 81

Recommendation

That Council:

1. Direct staff to include in the 2019-2023 Financial Plan a new 2019 project titled “Lot 108 Site Plan Concept Plan Update” for \$20,000, with the funds to come from the Parks Appropriated Equity Reserve; and
2. Amend the 2019-2023 Financial Plan; and
3. Waive the purchasing policy and award the contract as presented for the updated Lot 108 Site Plan to Lees and Associates Landscape Architects for up to \$20,000.

10.4 4th Avenue Crossing at Rocky Creek Tender Award 91

Recommendation

That Council award the 4th Avenue Crossing at Rocky Creek to Milestone Equipment Contracting Inc., for a total cost of \$789,831.00 excluding GST.

10.5 1st Avenue Bollards Initiative -- Update 94

Recommendation

That Council receive for information the report, dated May 28, 2019 and prepared by the Director of Infrastructure Services and the Manager of Legislative Services, on the 1st Avenue Bollards Initiative.

10.6 Frank Jameson Community Centre 2019 Capital Plan Update 99

Recommendation

That Council:

1. Direct Staff to amend the 2019-2023 Financial Plan, by including the Frank Jameson Community Centre Main Pool Basin Tile Repair for \$40,000, with the funding to come from the deferral of the Frank Jameson Community Centre Change Room upgrade project for \$30,000 and the adjustment to the Frank Jameson Community Centre Domestic Water Lines project of \$10,000; and
2. Waive the purchasing policy and direct award the Frank Jameson Community Centre Main Pool Basin tile repair and grouting to Cornerstone Tile for \$38,560.00 + taxes.

10.7 Machine Shop Restoration Project Construction Management 104

Recommendation

That Council waive the purchasing policy and award the Machine Shop Restoration Project Construction Management Services directly to Windley Contracting Ltd., in accordance with their proposal, for up to \$81,500.00 + taxes.

11. BYLAWS

11.1 Ladysmith Development Procedures Bylaw 2008, No. 1667, Amendment Bylaw 2019, No. 2009 109

The purpose of Bylaw 2009 is to facilitate referrals of development applications to the Community Planning Advisory Committee.

Recommendation

That Council adopt "Ladysmith Development Procedures Bylaw 2008, No. 1667, Amendment Bylaw 2019, No. 2009"

- 11.2 Ladysmith Sign and Canopy Bylaw 1995, No. 1176, Amendment Bylaw 2019, No. 2010** 110

The purpose of Bylaw 2010 is to update the advisory committee process for sign referrals in the Downtown Specified Area.

Recommendation

That Council adopt "Ladysmith Sign and Canopy Bylaw 1995, No. 1176, Amendment Bylaw 2019, No. 2010".

12. CORRESPONDENCE

- 12.1 Jack Anderson, Agent for Ladysmith Health Care Auxillary - Request to Exempt Consolidated Parcel (910 and 920 1st Avenue) from Sprinkler Requirement Bylaw No. 1940** 111

Recommendation

That Council refer to staff the request by Jack Anderson, Agent of the Ladysmith Health Care Auxillary, in his correspondence dated May 15, 2019 to exempt consolidated parcel 910 and 920 1st Avenue from the requirements of Town of Ladysmith Building Fire Sprinkler System Bylaw 2017, No. 1940.

- 12.2 Allen McDermid, President, Ladysmith Search and Rescue - Requesting Land Lease to Construct a Facility for Ladysmith Search and Rescue Storage** 120

Recommendation

That Council refer to staff the request from Allen McDermid, President of the Ladysmith Search and Rescue Society, in his correspondence dated April 30, 2019, to lease land in order to construct a storage facility for the society.

- 12.3 Bill and Sheila Andreychuk - Requesting Russell Road Park to be Named "Oiva Rutti Park"** 121

Staff Comment:

The Town does not have a park naming policy, nor a list of potential park names.

When the Town named Forrest Field, Council struck a committee (the Local User Group Task Force) to recommend a name for the field that would recognize someone who had contributed significantly to sports,

health and wellness in Ladysmith. The ball fields, park and club house were to be named to recognize financial contributions.

Recommendation

That Council refer to the Parks, Recreation & Culture Advisory Committee the request by Bill and Sheila Andreychuk, in their correspondence dated May 27, 2019, to name the Russell Road Park "Oiva Rutti Park".

13. NEW BUSINESS

13.1 Dogwood Tree Provided by the Ladysmith and District Credit Union

In celebration of 75 years serving Ladysmith and the surrounding community, the Ladysmith and District Credit Union has generously donated a dogwood tree to the Town of Ladysmith.

Recommendation

That Council:

1. Accept with gratitude the donation of a dogwood tree by the Ladysmith and District Credit Union to mark 75 years of serving the community;
2. Direct staff to schedule a tree planting ceremony with Directors and officials of the Ladysmith and District Credit Union, and Town of Ladysmith Council.

14. UNFINISHED BUSINESS

15. 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.

16. ADJOURNMENT

STAFF REPORT TO COUNCIL

Report Prepared By: Felicity Adams, Director of Development Services
Date: May 27, 2019
Report Reviewed By: Guillermo Ferrero, Chief Administrative Officer
Meeting Date: June 3, 2019
File No: 3360-19-04
RE: **BYLAWS 2011 AND 2012 – ARTS AND HERITAGE HUB**

RECOMMENDATION:

That, subject to any additional matters raised at the public hearing, Council:

1. Proceed with third reading and final adoption of Bylaw 2011, cited as “Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 58) 2019, No. 2011.”
2. Proceed with third reading of Bylaw 2012, cited as “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 25) 2019, No. 2012.”
3. Direct staff to refer Bylaw 2012 to the Ministry of Transportation and Infrastructure pursuant to the Transportation Act.

PURPOSE:

The purpose of this staff report is to present recommendations to Council regarding further consideration of Bylaw 2011 and Bylaw 2012 following the close of the public hearing earlier tonight.

PREVIOUS COUNCIL DIRECTION

Resolution	Meeting Date	Resolution Details
CS 2019-169	05/06/2019	That Council: 1. Proceed with first and second readings of Bylaw 2011 cited as “Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 58) 2019, No. 2011.” 2. Proceed with first and second readings of Bylaw 2012 cited as “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 25) 2019, No. 2012.” 3. Having further considered s. 475 of the Local Government Act, refer Bylaw 2011 to Stz’uminus First Nation pursuant to the Town/Stz’uminus Memorandum of Understanding. 4. Having considered s. 477 of the Local Government Act, refer Bylaw 2011 and Bylaw 2012 to public hearing.



INTRODUCTION/BACKGROUND:

The current stage of this application is to: 1) consider comments received or heard at the public hearing; 2) consider third reading and adoption of Bylaw 2011; 3) consider third reading and referral to the Ministry of Transportation and Infrastructure of Bylaw 2012.

Bylaw 2011

Bylaw 2011 proposes to amend the Official Community Plan by amending the Institutional (Arts and Heritage Hub) policies in the Waterfront Area Plan to provide support for commercial and mixed-use businesses and activities that both contribute to a diverse, vibrant, interactive and creative people place and generate revenue.

Bylaw 2012

Bylaw 2012 proposes to amend the Zoning Bylaw by amending the Comprehensive Development 4 Zone (CD-4) by:

- Adding additional uses of Artifact and boat restoration; Brewery, distillery, bottling and distribution; Coffee shop; Micro-brewery; Restaurant; and Retail Sales to Sub-Area B of CD-4
- Removing the maximum size of 100.0 square metres for retail sales and the maximum size of 10 square metres for enclosed buildings; and
- Changing the maximum height for buildings to 9.0m.

And, amending the Specific Use Regulations for cottage industry to permit a business entry to be located such that it is directly accessible from the fronting street.

ALTERNATIVES:

Council can choose to not proceed with Bylaws 2011 and 2012.

FINANCIAL IMPLICATIONS;

None.

LEGAL IMPLICATIONS;

Following the close of the public hearing, Council must consider information received as part of the public hearing and determine if any changes are required to the proposed bylaws. This could initiate the requirement for a further public hearing.

Pursuant to the Transportation Act, referral to the Ministry of Transportation and Infrastructure will be required for Bylaw 2012 as the zoning amendments affect property within 800 metres of a controlled access highway.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Notification regarding the public hearing was mailed and delivered to the required circulation area, a public hearing sign was placed in the area, and the public hearing notice was published in the local newspaper on May 23 and 30, 2019.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

None.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Complete Community Land Use | <input type="checkbox"/> Low Impact Transportation |
| <input type="checkbox"/> Green Buildings | <input type="checkbox"/> Multi-Use Landscapes |
| <input type="checkbox"/> Innovative Infrastructure | <input type="checkbox"/> Local Food Systems |
| <input type="checkbox"/> Healthy Community | <input checked="" type="checkbox"/> Local, Diverse Economy |
| <input type="checkbox"/> Not Applicable | |

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Employment & Tax Diversity | <input type="checkbox"/> Natural & Built Infrastructure |
| <input type="checkbox"/> Watershed Protection & Water Management | <input type="checkbox"/> Partnerships |
| <input type="checkbox"/> Communications & Engagement | <input type="checkbox"/> Not Applicable |

SUMMARY:

It is recommended that, after considering the comments heard or received at the public hearing, Council consider whether it wishes to proceed further with Bylaw 2011 and Bylaw 2012.

I approve the report and recommendation(s).

Guillermo Ferrero, Chief Administrative Officer

ATTACHMENT(S):

Bylaw 2011
Bylaw 2012

TOWN OF LADYSMITH

BYLAW NO. 2011

WHEREAS pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the Official Community Plan;

AND WHEREAS after the close of the Public Hearing and with due regard to the reports received, the Municipal Council considers it advisable to amend “Official Community Plan Bylaw 2003, No. 1488”.

NOW THEREFORE the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

- 1. “Official Community Plan Bylaw 2003, No. 1488” is hereby amended as set out in Schedule A attached to this Bylaw.

Citation

- 2. This Bylaw may be cited for all purposes as “Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.58) 2019, No. 2011”.

READ A FIRST TIME on the **6th** day of **May**, **2019**

READ A SECOND TIME on the **6th** day of **May**, **2019**

PUBLIC HEARING held pursuant to the provisions of the *Local Government Act*
on the day of ,

READ A THIRD TIME on the day of ,

ADOPTED on the day of ,

Mayor (A. Stone)

Corporate Officer (J. Winter)

Bylaw No. 2011 - Schedule A

1. Schedule “B” – “Waterfront Area Plan” of the Town of Ladysmith Official Community Plan is amended as follows:

3.1 Land Use

- a. Adding a new policy 2 in the section headed “Institutional” and renumbering as required:
 - “2. Commercial and mixed-use businesses and activities that contribute to a diverse, vibrant, interactive and creative people place are supported in the Arts and Heritage Hub for additional revenue generation.”

TOWN OF LADYSMITH

BYLAW NO. 2012

A bylaw to amend "Town of Ladysmith Zoning Bylaw 2014, No. 1860"

WHEREAS pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the Zoning Bylaw;

AND WHEREAS after the close of the Public Hearing and with due regard to the reports received, the Municipal Council considers it advisable to amend "Town of Ladysmith Zoning Bylaw 2014, No. 1860";

NOW THEREFORE the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

- 1) Schedule A – Zoning Bylaw Text of “Town of Ladysmith Zoning Bylaw 2014, No. 1860” is hereby amended by:
 - a) Amending (a)(i) of “Section 6.9 Cottage Industry Regulations” to read as follows:
 - “(i) All of the customer operations shall be conducted within the area of the *Building* directly accessible from the fronting *Street*.”
 - b) Amending “Section 17.4 Comprehensive Development 4 – Waterfront Reserve Zone (CD-4)” by:
 - i. Adding the following principal uses to Section 17.4.3 “Principal Uses: Sub-Area B”:
 - “l) *Micro-Brewery*
 - m) *Brewery, Distillery, Bottling and Distribution*
 - n) *Retail Sales*
 - o) *Coffee Shop*
 - p) *Restaurant*
 - q) *Artifact and Boat Restoration*”
 - ii. Amending Section 17.4.4 “Accessory Uses” by deleting the following text at the end of Section 17.4.4 (b): “..., subject to Section 17.4(10)(a).”
 - iii. Deleting Section 17.4.6(a) in its entirety and renumbering the section:
 - “a) Enclosed *Buildings* shall not exceed 10 square metres.”
 - iv. Amending Section 17.4.7(a) by replacing “5.0 metres” with “9.0 metres,” so that it reads:
 - “a) No *Building* shall exceed a *Height* of 9.0 metres.”
 - v. Deleting Section 17.4.10 “Other Regulations” in its entirety:
 - “10. Other Regulations
 - a) *Retails Sales* shall be limited to 100.0 square metres of *Gross Floor Area*.”

CITATION

- (2) This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 25) 2019, No. 2012”.

READ A FIRST TIME on the 6th day of May, 2019

READ A SECOND TIME on the 6th day of May, 2019

PUBLIC HEARING held pursuant to the provisions of the *Local Government Act*

on the _____ day of _____ ,

READ A THIRD TIME on the _____ day of _____ ,

APPROVED pursuant to s. 52(3)(a) of the *Transportation Act*

on the _____ day of _____ ,

ADOPTED on the _____ day of _____ ,

Mayor (A. Stone)

Corporate Officer (J. Winter)

**MINUTES OF A REGULAR MEETING OF COUNCIL
MONDAY, DECEMBER 3, 2018
CALL TO ORDER 6:32 P.M.
COUNCIL CHAMBERS, CITY HALL**

COUNCIL MEMBERS PRESENT:

Mayor Aaron Stone	Councillor Amanda Jacobson
Councillor Robert Johnson	Councillor Tricia McKay
Councillor Duck Paterson	Councillor Marsh Stevens
Councillor Jeff Virtanen	

STAFF PRESENT:

Guillermo Ferrero	Felicity Adams	Erin Anderson
Kim Fowler	Geoff Goodall	Clayton Postings
Joanna Winter	Sue Bouma	

CALL TO ORDER Mayor Stone called this Regular Meeting of Council to order at 6:32 p.m.

CLOSED SESSION *Moved and seconded:*
That, in accordance with section 90(1) of the Community Charter, Council retire into closed session at 6:33 p.m. in order to consider items related to the following:

CS 2018-468

- Property Acquisition – section 90 (1) (e): 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 rose from Closed Session at 6:57 p.m. without report.*

REGULAR OPEN MEETING Mayor Stone called this Meeting of Council to order at 7:03 p.m., recognizing the traditional territory of the Stz’uminus People.

Mayor Stone thanked and commended all volunteers for producing one of the most successful Light-up celebrations to date.



AGENDA APPROVAL
CS 2018-469

Moved and seconded:
That Council approve the agenda for this Regular Meeting of Council for December 3, 2018.
Motion carried.

MINUTES
CS 2018-470

Moved and seconded:
That Council approve the minutes of the Regular Meeting of Council held November 19, 2018.
Motion carried.

DELEGATION

**Helen Koning, Koning Consulting – Local Government Consultant
Commission and Committee Review Report and Recommendations**

Helen Koning of Koning Consulting made a presentation to Council regarding her review of the Town’s commissions and committees, a project that had stemmed from Council’s strategic priority of communications and engagement. She discussed the methodology she used to research each of the committees, reviewed best practices, provided highlights of the survey of volunteers, staff and Council members, and discussed how she analyzed each committee and commission. She then made recommendations for each of the Town’s committees and commissions.

Ms. Koning responded to Council’s questions. Council thanked Ms. Koning for her comprehensive and enlightening report.

CS 2018-471

Moved and seconded:
That Council move item 10.1., “Commission and Committee Review and Recommendations – Next Steps” to immediately follow the presentation by Ms. Koning.
Motion carried.

REPORTS

Commissions & Committee Review and Recommendations - Next Steps

CS 2018-472

Moved and seconded:
1. That Council, having received the consultant’s report and recommendations on the Town of Ladysmith Commission and Committee Review, direct staff to implement the following recommendations specific to existing Committees and Commissions:

Advisory Planning Commission	Develop Terms of Reference for a Community Planning Committee that includes: <ul style="list-style-type: none"> • A mandate to consider heritage matters when reviewing land use applications
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	<ul style="list-style-type: none"> • A mandate to include an advisory design function • Appropriate membership to address these matters
Parks, Recreation and Culture Advisory Committee	Revise the Terms of Reference to include oversight of the Invasive Species Strategy and to include youth in the membership
Invasive Species Advisory Committee	Disband this committee
Protective Services Committee	Create Terms of Reference for this Committee after consulting with committee members and other local governments
Liquid Waste Management Committee	Draft Terms of reference for a Liquid Waste Management Plan Monitoring Committee to replace the Liquid Waste Management Committee
Economic Development Commission	Repeal the establishing bylaw for the Economic Development Commission to disband the commission
Heritage Revitalization Advisory Commission	Repeal the establishing bylaw for the Heritage Revitalization Advisory Commission to disband the commission
Environment Commission	Repeal the establishing bylaw for the Environment Commission to disband the commission

Motion carried.

Moved and seconded:

CS 2018-473

That Council:

1. Refer identification of opportunities for new Task Forces or Ad Hoc Committees to the January 2019 meeting of the Municipal Services Committee.
2. Refer discussion of appointments to external organizations to the January 2019 meeting of the Municipal Services Committee.

Motion carried.

Moved and seconded:

CS 2018-474

That Council direct staff to review the Service Agreement with the Ladysmith and District Historical Society and recommend appropriate amendments to permit the Society to undertake initiatives referred by

Council.
Motion carried.

CS 2018-475 *Moved and seconded:*
That Council direct staff to review the Agreement with the Ladysmith and District Chamber of Commerce and recommend appropriate amendments to permit the Chamber of Commerce to undertake heritage tourism promotion initiatives in addition to overall tourism marketing on behalf of the Town.
Motion carried.

CS 2018-476 *Moved and seconded:*
That Council direct staff to develop a communications plan to support implementation of the recommendations of the Commission and Committee review.
Motion carried.

CS 2018-477 *Moved and seconded:*
That Council schedule a volunteer appreciation session for current and new appointees to Town of Ladysmith Commissions and Committees after new committees are established.
Motion carried.

CS 2018-478 *Moved and seconded:*
That Council refer discussions regarding an annual community volunteer appreciation and recognition night to the January 2019 meeting of the Municipal Services Committee.
Motion carried.

**DEVELOPMENT
APPLICATIONS**

**Coach House Intensive Residential Development Permit Application
3060-18-16 (Paulina Chung, 1106859 BC Ltd)
Subject Property: Lot 14, Block 12, District Lot 56, Oyster District, Plan
703 (12 White Street.)**

CS 2018-479 *Moved and seconded:*
That Council:

1. Issue DP 3060-18-16 to permit the issuance of a building permit for the construction of a two storey coach house on Lot 14, Block 12, District Lot 56, Oyster District, Plan 703 (12 White Street).
2. Authorize the Mayor and Corporate Officer to sign DP 3060-18-16.
3. Direct staff to remove Development Permit (DP) 3060-17-19 from the Certificate of Title on Lot 14, Block 12, District Lot 56, Oyster District, Plan 703 (12 White Street) as this permit is replaced with DP 3060-18-16.

Motion carried.

**BYLAWS – OFFICIAL
COMMUNITY PLAN
AND ZONING**

Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.20) 2018, No. 1978 (Licenced Cannabis Cultivation, Processing and Research)

Moved and seconded:

CS 2018-480

That Council adopt “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.20) 2018, No. 1978”.

Motion carried.

Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.22) 2018, No. 1985

Moved and seconded:

CS 2018-481

That Council:

1. Proceed with first and second reading of Bylaw 1985 cited as “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.22) 2018, No. 1985”;
2. Waive the holding of the public hearing for Bylaw 1985 pursuant to s.464(2) of the *Local Government Act*; and
3. Direct staff to proceed with notification of the waiver of public hearing as required by the *Local Government Act*.

Motion carried.

COMMITTEE REPORTS

Recommendations from the Parks, Recreation and Culture Advisory Committee

CS 2018-482

Moved and seconded:

That Council authorize the Town to enter into a Memorandum of Understanding with the Boys and Girls Clubs of Central Vancouver Island.

Motion carried.

CS 2018-483

Moved and seconded:

That Council define the terms and formalize a process to select a candidate for Ladysmith’s First Poet Laureate.

Motion carried.

Lot 108 Sports Complex

Moved and seconded:

CS 2018-484

That Council refer the recommendation from the Parks, Recreation and Culture Advisory Committee to develop a plan for the enhancement and completion of the Lot 108 sports complex to the 2019 budget deliberations.

Motion carried.

Recommendations from the Heritage Revitalization Advisory Commission

CS 2018-485

Moved and seconded:

That Council send a letter recognizing the success of the Ladysmith and District Historical Society in regards to the publication of an article on the Great War in the BC History magazine, and the publication of an article on a series of heritage videos (Lives and Legends) in the BC Museums Association's Roundup magazine.

Motion carried.

Councillor Johnson declared a conflict of interest with the following agenda item due to his role on the board of the Ladysmith and District Historical Society and excused himself from the meeting.

CS 2018-486

Moved and seconded:

That Council authorize the Ladysmith and District Historical Society to take on the project of updating the metal collage on the Commission's behalf with a budget of up to \$3000.

Motion carried.

Councillor Johnson returned to the meeting.

BYLAWS

Council Remuneration Bylaw 2018, No. 1986

CS 2018-487

Moved and seconded:

That Council receive for information the correspondence from Steve Arnett, dated November 19, 2018, regarding Council remuneration.

Motion carried.

CS 2018-488

Moved and seconded:

That Council adopt "Council Remuneration Bylaw 2018, No. 1986".

Motion carried.

CS 2018-489

2019 Revenue Anticipation Borrowing Bylaw 2018, No. 1987

Moved and seconded:

That Council give first, second and third readings to "2019 Revenue Anticipation Borrowing Bylaw 2018, No. 1987".

Motion carried.

Town of Ladysmith Building and Plumbing Bylaw 1994, No. 1119, Amendment Bylaw (No. 21) 2018, No. 1988

CS 2018-490

Moved and seconded:

That Council give first, second and third readings to “Town of Ladysmith Building and Plumbing Bylaw 1994, No. 1119, Amendment Bylaw (No. 21) 2018, No. 1988”.

Motion carried.

CORRESPONDENCE

Stan Skelton

Dangerous Traffic Situation at the Corner of 3rd Avenue and High Street

Moved and seconded:

CS 2018-491

That Council refer to staff for review the concerns expressed by Stan Skelton in his correspondence dated November 19, 2018, regarding potential traffic safety issues at the corner of 3rd Avenue and High Street.

Motion carried.

Councillor Stevens declared a conflict of interest with the following agenda item due to his role on the board of the Ladysmith Resources Centre Association and excused himself from the meeting.

Guido Weisz, Chair of the Building Committee for Ladysmith Resources Centre Association

Request to Amend “Town of Ladysmith Not-for-Profit Rental Housing Development Cost Charges Reduction Bylaw, 2012, No. 1804”

Moved and seconded:

CS 2018-492

That Council refer to staff for review the request by Guido Weisz, Chair of the Building Committee for the Ladysmith Resources Centre Association, dated November 21, 2018, to amend the “Town of Ladysmith Not-for-Profit Rental Housing Development Cost Charges Reduction Bylaw, 2012, No. 1804”.

Motion carried.

Councillor Stevens returned to the meeting.

NEW BUSINESS

Installation of Bollards along 1st Avenue in the Downtown Core

Moved and seconded:

That Council:

CS 2018-493

1. Direct staff to review present plans for the installation of some 160 bollards along 1st Avenue in the downtown core
2. Direct staff to report back by the end of February 2019 with three options for consideration, including complete costing, timeframe for installation and a safety factor that will protect downtown shoppers and buildings; and

3. Authorize the expenditure of up to \$3,000 for this review.

Amendment

Moved and seconded:

CS 2018-494

That resolution CS 2018-493 be amended with the addition of the following:

That Council:

4. Direct staff to provide information as available on the number of vehicles jumping the curb on 1st Avenue in the last four years, including the location of these incidents.

Amendment carried.

OPPOSED: Mayor Stone and Councillors McKay and Johnson

Amendment

Moved and seconded:

CS 2018-495

That item 3 of resolution CS 2018-493 be amended to read as follows:

That Council:

3. Direct staff to bring back a quote for Council's review regarding options to bollards.

Amendment carried.

Opposed: Mayor Stone and Councillors McKay and Stevens

Moved and seconded:

CS 2018-496

That Council consider separately each item from Councillor Johnson's motion regarding the installation of bollards along 1st Avenue in the downtown core.

Motion carried.

OPPOSED: Councillors McKay and Paterson

Moved and seconded:

CS 2018-497

That Council direct staff to review present plans for the installation of some 160 bollards along 1st Avenue in the downtown core.

Motion carried.

OPPOSED: Councillor McKay

MOTION DEFEATED

Moved and seconded:

CS 2018-498

That Council direct staff to report back by the end of February 2019 with three options for consideration, including complete costing, timeframe for installation and a safety factor that will protect downtown shoppers and buildings.

Motion defeated

OPPOSED: Mayor Stone and Councillors McKay, , Jacobson, Stevens, Paterson and Virtanen

CS 2018-499

Moved and seconded:

That Council direct staff to bring back a quote for Council's review regarding options for installing bollards on 1st Avenue.

Motion defeated unanimously

CS 2018-500

Moved and seconded:

That Council direct staff to provide information as available on the number of vehicles jumping the curb on 1st Avenue in the last four years, including the location of these incidents.

Motion carried.

UNFINISHED BUSINESS

DL 2016 Holdings Corporation Annual General Meeting (verbal report)

K. Fowler, Project Manager of the Waterfront Area Plan Implementation provided the new members of Council with background information about the DL 2016 Holdings Corporation. She explained to Council that the corporation has a licence agreement with the Ladysmith Maritime Society to operate a marina on District Lot 2016, and that in accordance with the Articles of Incorporation, two representatives of the Ladysmith Maritime Society are required to serve as directors on the DL 2016 board. She noted that both of these positions were currently vacant, and that these vacancies had hindered holding the required annual general meeting. The Ladysmith Maritime Society representatives must be senior employees, managers or directors of the Society.

Ms. Fowler recommended that Council choose to appoint the Executive Director and the Treasurer of the Ladysmith Maritime Society to the DL 2016 board so that an annual general meeting could be held, or, alternatively, to invite the president of the Ladysmith Maritime Society to the next meeting of Council to discuss membership.

CS 2018-501

Moved and seconded:

That Council appoint the Alan Newell and Richard Wiefelspuet to serve as Directors on the Board of DL 2016 Holdings Corporation representing the Ladysmith Maritime Society, in accordance with the articles of the corporation.

Motion withdrawn

CLOSED MEETING

CS 2018-502

Moved and seconded:

That this meeting of Council recess at 9:48 p.m., and that Council retire into closed session.

Motion carried

RISE AND REPORT

Council rose at 10:13 p.m. with report on the appointment of Alan Newell and Richard Wiefelspuett to the Board of Directors of DL 2016 Holdings corporation, representing the Ladysmith Maritime Society.

QUESTION PERIOD

There were no questions from the public.

ADJOURNMENT

CS 2018-503

Moved and seconded:

That this Regular Meeting of Council adjourn at 10:14 p.m.

Motion carried.

CERTIFIED CORRECT:

Mayor (A. Stone)

Corporate Officer (J. Winter)



MINUTES OF A SPECIAL MEETING OF COUNCIL

Monday, May 13, 2019

6:00 P.M.

Council Chambers, City Hall

Council Members Present:

Mayor Aaron Stone
Councillor Duck Paterson
Councillor Amanda Jacobson
Councillor Rob Johnson

Councillor Tricia McKay
Councillor Marsh Stevens
Councillor Jeff Virtanen

Staff Present:

Guillermo Ferrero
Erin Anderson
Geoff Goodall

Joanna Winter
Sue Bouma

1. CALL TO ORDER

Mayor Stone called this Special Meeting of Council to order at 5:01 p.m. in order to retire immediately into closed session.

2. CLOSED SESSION

CS 2019-183

That in accordance with section 90 of the Community Charter, Council retire into Closed Session at 5:02 p.m. in order to consider items related to the following:

- Bylaw Enforcement Matter - section 90(1)(f & g)

Motion Carried

3. OPEN MEETING (6:00 P.M.)

Mayor Stone called this Special Meeting of Council to order at 6:00 p.m., recognizing the traditional territory of the Stz'uminus First Nation.

4. AGENDA APPROVAL

CS 2019-184

That Council approve the agenda for this Special Meeting of Council for May 13, 2019.

Motion Carried

5. RISE AND REPORT- Items from Closed Session

Council rose from Closed Session at 5:17 p.m. without report.

6. MINUTES

6.1 Minutes of the Regular Meeting of Council held May 6, 2019

CS 2019-185

That Council approve the minutes of the Regular Meeting of Council held May 6, 2019.

Motion Carried

7. PROCLAMATIONS

7.1 Access Awareness Day

Mayor Stone proclaimed June 1, 2019 as Access Awareness Day in the Town of Ladysmith.

8. REPORTS

8.1 Gill Road Lift Station Tender Award

CS 2019-186

That Council:

1. Award the contract for the Gill Road Lift Station improvements to David Stalker Excavating Ltd. for \$267,509 plus applicable taxes; and
2. Increase the capital budget for the Gill Road Lift Station improvements by \$80,000, to a total project cost of \$322,230, with the additional funds to come from Sewer Reserves.

Motion Carried

8.2 1260 Churchill Place Property Development

CS 2019-187

That Council:

1. Direct staff to retain:
 - a. Turner Surveying to complete a survey of 1260 Churchill Place as well as develop two lot layout proposals, one based on the existing zoning (R-1) and the other on R-1-B zoning; and
 - b. Aquaparian Environmental Consulting to complete a Riparian Areas Regulation Assessment for 1260 Churchill; and
 - c. The services of a real-estate firm to estimate the value of lots as proposed in the two options that will be generated by Turner Surveying and an engineering consultant to assist with construction cost estimating.
2. Direct staff to amend the 2019-2023 Financial Plan in the amount of \$15,000 to complete the work at 1260 Churchill Place with funds to come from the Real Property Reserve.
3. Direct staff to bring back the results of this work program to Council for further direction.

Motion Carried

9. BYLAWS

9.1 Town of Ladysmith Financial Plan Bylaw 2019, No. 2000

CS 2019-188

That Council adopt "Town of Ladysmith Financial Plan Bylaw 2019, No. 2000".

Motion Carried

9.2 Town of Ladysmith Tax Rates Bylaw 2019, No. 2001

CS 2019-189

That Council adopt "Town of Ladysmith Tax Rates Bylaw 2019, No. 2001".

Motion Carried

9.3 Water Parcel Tax Bylaw 2019, No. 1998

CS 2019-190

That Council adopt "Water Parcel Tax Bylaw 2019, No. 1998".

Motion Carried

9.4 Sewer Parcel Tax Bylaw 2019, No. 1999

CS 2019-191

That Council adopt "Sewer Parcel Tax Bylaw 2019, No. 1999".

Motion Carried

10. NEW BUSINESS

10.1 Flag Policy -- Pride Flag

CS 2019-192

That, in accordance with section 3.1 of the Town of Ladysmith Flag Policy, and together with other Cowichan Region communities, Council direct that the Pride Flag be raised at City Hall on Tuesday, May 14 and flown until the end of June 2019 in recognition of May 17, International Day Against Homophobia, Transphobia and Biphobia, as well as Pride Month in June.

Motion Carried

11. UNFINISHED BUSINESS

11.1 Single Use Plastic Bags

CS 2019-193

That Council refer to the next meeting of the Municipal Services Committee the issue of single use plastic bags for discussion and recommendation.

Motion Carried

12. ADJOURNMENT

CS 2019-194

That this Special Meeting of Council adjourn at 6:17 p.m.

Motion Carried

Mayor (A. Stone)

Corporate Officer (J. Winter)

Subject to Adoption



TOWN OF LADYSMITH

PROCLAMATION

BUILT GREEN DAY

WHEREAS: The Town of Ladysmith is committed to sustainable growth and responsible stewardship of our natural environment; and

WHEREAS: Built Green Canada is a national organization that advocates for sustainable environmental practices in the residential building sector; and

WHEREAS: Built Green Canada delivers programs to assist builders in building more sustainably using the latest technologies to create healthier, more efficient and durable homes; and

WHEREAS: the Town of Ladysmith is dedicated to protecting our natural resources and encouraging sustainable development;

THEREFORE, I, Aaron Stone, Mayor of the Town of Ladysmith, do hereby proclaim June 5, 2019 as "Built Green Day" in the town of Ladysmith, British Columbia.

Mayor A. Stone

May 24, 2019

STAFF REPORT TO COUNCIL

Report Prepared By: Lisa Brinkman, Senior Planner
Date: May 27, 2019
Report Reviewed By: Felicity Adams, Director of Development Services
Meeting Date: June 3, 2018
File No: 3360-18-13
RE: OCP & Zoning Amendment Application – 422 First Ave.

RECOMMENDATION:

That Council:

1. Proceed with first and second reading of Bylaw 1989, cited as “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 56) 2019, No. 1989”.
2. Proceed with first and second reading of Bylaw 1990, cited as “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.23) 2019, No. 1990”.
3. Direct that prior to consideration of final approval of Bylaws 1989 and 1990, a contribution of \$30,000 be collected for the Municipal Parking Fund.
4. Receive the Conservation Plan (CDH Design Ltd.) for the Traveller’s building and require that the Conservation Plan form part of the Development Permit for 422 First Avenue, in place of a Heritage Revitalization Agreement.
5. Direct staff to assign a public 15 minute parking space adjacent to the lane at 422 First Avenue, at time of Occupancy Permit issuance for 422 First Avenue.
6. Refer Bylaw 1989 and Bylaw 1990 to public hearing.

PURPOSE:

The purpose of this staff report is to present: Official Community Plan (OCP) amending Bylaw 1989; Zoning Bylaw amending Bylaw 1990; the Conservation Plan for the building, and to report on consultation regarding the proposed restoration of the Traveller’s Hotel located at 422 First Avenue.

PREVIOUS COUNCIL DIRECTION

Date and Resolution #	Council Resolution
Dec. 17, 2018 CS-2018-510	That Council: 1. Consider the application (3360-18-13) to amend: (a) The Official Community Plan by amending the permitted floor space ratio for the property at 422 First Avenue from 1.0 to 2.0 to allow for the restoration of the Traveller’s Hotel for 20 hotel rooms. (b) The Zoning Bylaw for the property at 422 First Avenue by amending: i) the permitted floor space ratio from 1.0 to 2.0; ii) the permitted average building height from 12



	<p>to 16.5 metres; and iii) the required onsite parking from 24 on-site spaces to 9 on-site spaces.</p> <ol style="list-style-type: none"> 2. Having given consideration to s.475 of the Local Government Act (consultation during OCP development) direct staff to: <ol style="list-style-type: none"> (a) Refer the OCP amendment application 3360-18-13 to the Stz'uminus First Nation, pursuant to the Town's Memorandum of Understanding; and (b) Refer application 3360-18-13 to a joint meeting of the Advisory Planning Commission, Advisory Design Panel, and Heritage Revitalization Advisory Commission in January 2019. 3. Support in principle: <ol style="list-style-type: none"> (a) The proposed restoration to the Traveller's Hotel building (3360-18-13) subject to the applicant providing a professionally prepared conservation plan to document the details of the character defining elements and to outline how these elements will be protected or restored during development; and that this plan form part of a Heritage Alteration Agreement between the applicant and the Town. (b) An encroachment for front façade mouldings over the sidewalk of First Avenue and an encroachment of side façade window sills over the lane to the south; and that encroachment agreement details be presented at the time of Development Permit application (422 First Ave). 4. Direct staff to: <ol style="list-style-type: none"> (a) Work with the applicant regarding land use matters (i.e. on-site parking variance and request for use of one parking space on First Ave); (b) Report the results of the applicant's Neighbourhood Information Meeting; (c) Commence the preparation of the Official Community Plan (OCP) amendment bylaw, Zoning Bylaw amendment bylaw and the Heritage Revitalization Agreement Bylaw for application 3360-18-13 (422 First Ave.).
--	--

INTRODUCTION/BACKGROUND:

The current stage of this rezoning application is to present OCP amending Bylaw 1989; Zoning Bylaw amending Bylaw 1990; the Conservation Plan for the building, and to report on consultation. The applicant, M. Roethe, intends to restore the Traveller's Hotel building with a restaurant and hotel lobby on the first floor and 20 hotel accommodation units on the upper storeys. The applicant is proposing to add a partial fourth floor to the building which would be setback from the front and side building face. The property is 910m² (9795ft²) in size and the applicant is proposing a total gross floor area of 1769m² (19,041ft²) for the hotel building, which would be a Floor Space Ratio (FSR) of 2.0.

Bylaw 1989

Bylaw 1989 proposes to amend Section 3.8.1 of the OCP by adding the following sentence to the 'Downtown Core' paragraph:

"A higher FSR may be supported for the restoration of buildings on the Community Heritage Register."

Bylaw 1990

Bylaw 1990 proposes to amend the Zoning Bylaw by adding a site specific regulation to the 'Downtown Commercial' (C-2) Zone for the property at 422 First Avenue. The site specific regulation states that:

- A floor space ratio of 2.0 is permitted;

- The average permitted building height is 14 metres, with the exception of a stair tower which may protrude 2.5 metres above the roof of the fourth storey.
- The fourth floor of the building shall be setback 2.7 metres from the front parcel line and 1.5 metres from the exterior side parcel line (adjacent to lane).
- Nine standard parking spaces shall be provided onsite, rather than 24 spaces, and that the parking spaces shall comply with the design standards in the Zoning Bylaw.

Table 1: 422 First Avenue Application Summary (3360-18-13)

<i>Official Community Plan</i>	<i>Current</i>	<i>Proposed</i>
Designation	Downtown Core	Downtown Core
Development Permit Area	Downtown (DPA 2)	Downtown (DPA 2)
Floor Space Ratio (FSR)	1.0	A higher FSR may be considered for the restoration of buildings on the Community Heritage Register.

<i>Zoning Bylaw</i>	<i>Current</i>	<i>Proposed</i>
Zone	Downtown Commercial (C-2)	Downtown Commercial (C-2)
Floor Space Ratio	1.0	2.0
Height	12 metres (three storeys)	14 metres (four storeys) with the exception of an enclosed stair tower which may protrude 2.5 metres above the roof of the fourth storey.
Setbacks	0 metres from Front parcel line 0 metres from Side parcel line	The fourth floor of the building must be setback 2.7 metres from the Front parcel line and 1.5 metres from the Exterior side parcel line (adjacent to lane).
Parking	24 on-site parking spaces required	9 on-site parking spaces required

Conservation Plan

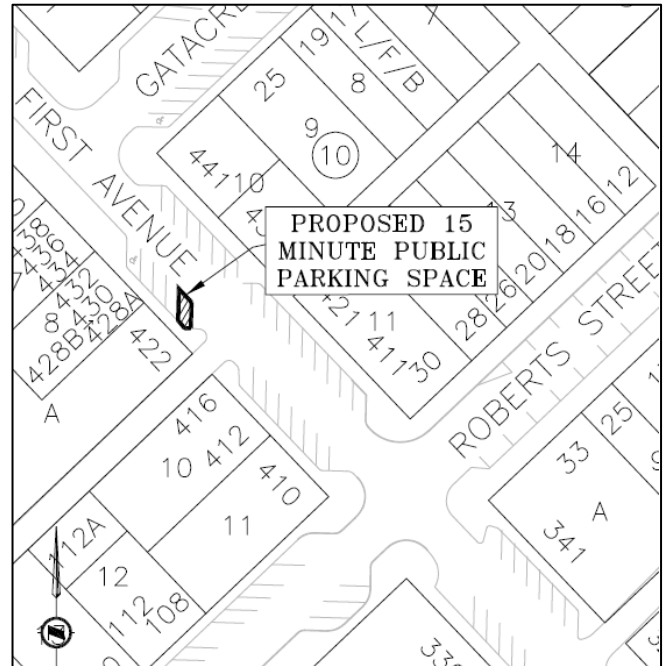
The applicant has provided a professionally prepared Conservation Plan (see attached), which documents the details of the character-defining elements of the Traveller’s building and outlines which of these elements will be protected, restored or replaced during development and how this will be done. Originally the Conservation Plan was to be part of a Heritage Alteration Agreement between the landowner and the Town. However, the applicant has requested that the Conservation Plan be secured as part of the Development Permit process, rather than in the form of a Heritage Alteration Agreement. The Downtown Development Permit Area (DPA 2) includes guidelines for the preservation, rehabilitation and restoration of heritage buildings, thus staff is supportive of utilizing the Development Permit to secure the commitments in the Conservation Plan.

Parking Discussion

On-site and off-site parking solutions have been reviewed with the applicant. Both staff and the applicant agree with the following two solutions:

a) The Zoning Bylaw states that an owner in the parking pay-in-lieu area (downtown) may at their option pay to the Town \$4000 per off-street parking space in lieu of up to 50% of the parking spaces not provided onsite. The funds collected are deposited to the municipal parking fund. The municipal parking fund may be used for the purpose of providing new and existing off-street parking spaces in the downtown area. The applicant is required to provide 24 onsite parking spaces; nine are provided, thus there is a shortfall of 15 spaces. 50% of 15 spaces is 7.5 spaces. $7.5 \times \$4000$ equals \$30,000. The applicant has agreed to provide the \$30,000 to the municipal parking fund prior to final adoption of the OCP and Zoning amendment bylaws.

b) The applicant has agreed that assigning a 15 minute public parking space on First Avenue, in front of the Hotel, will satisfy the hotel needs. The parking space closest to the lane on First Avenue is the preferred 15 minute space. This would be a public parking space and would not be exclusive to the Traveller's Hotel. Currently there are several 15 minute parking spaces in the downtown and these have been effective to ensure better parking availability for short term needs.



ALTERNATIVES:

Council can choose to not proceed with bylaw readings and provide additional direction to staff.

FINANCIAL IMPLICATIONS:

None

LEGAL IMPLICATIONS:

The subject property is located within 800 metres of a controlled access highway, thus must be referred to the Ministry of Transportation & Infrastructure for approval following third reading of Zoning Amendment Bylaw No. 1990.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The applicant held a neighbourhood information meeting on December 6, 2018. Approximately 48 people attended the ‘open house’ style meeting held in the Traveller’s Hotel building. The meeting was an opportunity for those interested to learn more about the project. No comment sheets were submitted to the applicant or the Town.

The OCP amendment and Zoning Bylaw amendment application was presented to a joint meeting of the Heritage Revitalization Advisory Commission (HRAC), the Advisory Planning Commission (APC), and the Advisory Design Panel (ADP) for review on January 17, 2019. The joint committee passed the following motion:

“It was moved, seconded and carried that the joint HRAC, APC, and ADP committee recommends to Council: 1) approval of the Traveller’s Hotel project in principal and supports the proposed building height, design and density as presented for 422 First Avenue; and 2) that staff investigate parking solutions with the applicant.”

Staff have discussed parking solutions with the applicant, see ‘Parking Discussion’ section earlier in this report.

The proposed OCP amendment was sent by mail to the Stz’uminus First Nation for consideration and was discussed at the February 19, 2019 Naut’sa Mawt Steering Committee meeting. No concerns were identified.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The Infrastructure Services Department has no concerns with the proposed project. Service connection design details will be reviewed at the time of Building Permit.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- Complete Community Land Use
- Green Buildings
- Innovative Infrastructure
- Healthy Community
- Not Applicable
- Low Impact Transportation
- Multi-Use Landscapes
- Local Food Systems
- Local, Diverse Economy

ALIGNMENT WITH STRATEGIC PRIORITIES:

- Employment & Tax Diversity
- Watershed Protection & Water Management
- Communications & Engagement
- Natural & Built Infrastructure
- Partnerships
- Not Applicable

SUMMARY:

It is recommended to: a) proceed with first and second reading of Bylaws 1989 and 1990; b) accept a contribution of \$30,000 for the Municipal Parking Fund; c) receive the Conservation Plan and direct that it form part of the Development Permit; d) direct staff to assign a public 15 minute parking space adjacent to the lane at 422 First Avenue; and; d) refer Bylaws 1989 and 1990 to public hearing.

I approve the report and recommendations.

Guillermo Ferrero, Chief Administrative Officer

ATTACHMENT(S):

Conservation Plan – Traveller’s Hotel (CDH Design Ltd.)
Bylaw 1989 and 1990

HERITAGE CONSERVATION PLAN

MAY 2019

THE TRAVELLERS HOTEL 422 FIRST AVENUE - LADYSMITH, BC



TRAVELLERS HOTEL HERITAGE CONSERVATION PLAN

TABLE OF CONTENTS

1.0 INTRODUCTION	3
2.0 STATEMENT OF SIGNIFICANCE	5
2.1 Description of the Historic Place	5
2.2 Heritage Value of the Historic Place	5
2.3 Character Defining Elements	6
3.0 HERITAGE CONSERVATION REVIEW	
3.1 Conservation Strategy	7
3.2 Materials, Condition & Conservation Strategy for the First Avenue Façade	8
3.2.1 Ground-level Brick Columns / Piers & Articulated Detailing	8
3.2.2 Storefront Windows, Doors & Transoms	8
3.2.3 Upper & Lower Pressed Metal Cornice	9
3.2.4 Upper Casement Windows	9
3.2.5 Detailed Sidewalk Tiles	10
3.2.6 Central Pressed Metal Signage at the Roofline	10
APPENDIX A: RESEARCH SOURCES	11
APPENDIX B: ARCHITECTURAL RENDERINGS	12

TRAVELLERS HOTEL HERITAGE CONSERVATION PLAN

1.0 INTRODUCTION

SUBJECT PROPERTY:	Travellers Hotel 422 First Avenue Ladysmith, British Columbia
CONSTRUCTION DATE:	1912 – 1913
ORIGINAL OWNER:	Annie and Chris Stevens
ARCHITECT / BUILDER:	Unknown
LEGAL ADDRESS:	LOT A, DISTRICT LOT 56, OYSTER DISTRICT, PLAN VIP67911

The Travellers Hotel is a three-storey, Edwardian era commercial masonry structure with a flat roof and prominent streetscape façade located at 422 First Avenue - the main thoroughfare of the Town of Ladysmith's downtown core.

The original three-storey brick facades are characterized by: multi-coloured articulated brick which also compose the decorative elements on the streetscape façade; high-fire pressed red brick with painted common red brick along the side and rear facades; detailed projecting parapet and ornate upper and lower pressed metal cornices that extend the full width of the building; tile detailing on the First Avenue streetscape sidewalk at the ground floor entry; large storefront windows; brick columns flanking either side of a central entry and casement windows with leaded glass transoms. Since its construction, the condition of the historic brick façade along First Avenue has remained substantially unaltered.

The purpose-built Travellers Hotel reflects the prosperity that existed in pre-war Ladysmith due to its establishment as a coal trans-shipment point in the early 1900's. This economic growth saw Ladysmith transform from a rough camp to a lively urban centre, until 1912 when a lengthy and bitter coal miners strike brought an end to the first economic boom period. Despite construction not being completed until 1913, the Travellers Hotel provides tangible evidence of the town's early development and accompanying sense of optimism. The Travellers Hotel is a fine example of an early twentieth century brick hotel in Ladysmith, set apart from other buildings in its vicinity by its height and brick embellishments.

The Travellers Hotel represents a tangible reminder of the economic benefits provided by hotel construction in the Town of Ladysmith's history. Originally intended to serve short-term guests, as the Travellers Hotel name implies, the structure also served long-term boarders since its inception; providing suitable accommodation for the primarily single, often transient men found in most early twentieth century mining communities.

The Travellers Hotel is recognized by the Local Government Act, section 954, *designating the structure on the Community Heritage Register*, meaning it contributes to the historic character of the area and streetscape and should not be altered significantly such as to lose this historic status as a landmark in the Town of Ladysmith.

TRAVELLERS HOTEL HERITAGE CONSERVATION PLAN



Ladysmith First Avenue circa 1915

<http://www.prairie-towns.com/ladysmith-images.html>

TRAVELLERS HOTEL HERITAGE CONSERVATION PLAN

2.0 STATEMENT OF SIGNIFICANCE

NOTE: EXISTING STATEMENT OF SIGNIFICANCE AS PROVIDED BY CANADA'S HISTORIC PLACES, FORMALLY RECOGNIZED 2006/05/01 – NOT REVISED

2.1 DESCRIPTION OF THE HISTORIC PLACE

The Travellers Hotel is a brick, three-storey Edwardian era building located on the main thoroughfare of Ladysmith's downtown core. The historic place is confined to the building footprint.

2.2 HERITAGE VALUE OF HISTORIC PLACE

The large and highly detailed Travellers Hotel building speaks to the prosperity and optimism that existed in pre-war Ladysmith. From 1900, when it was first established as a coal trans-shipment point, to 1912, Ladysmith experienced rapid economic growth that saw the community transformed from a rough camp into a bustling urban centre. In 1912, a protracted regional coal miner's strike brought work in the mines to a halt and Ladysmith's first economic 'boom' period was effectively over. Although construction was not completed until 1913, the Travellers Hotel is an important tangible reminder of Ladysmith's earliest development and the sense of possibility and progress that accompanied it.

The Travellers Hotel is an excellent example of an Edwardian-era, commercial style building. The symmetrical façade, simple form and massing are typical of Edwardian Classicism while the highly detailed brick façade and heavy cornice express an earlier, more exuberant Victorian aesthetic. The most striking features are the brick swastika symbols on the front façade. At the time of construction, the swastika was a relatively common symbol of prosperity and peace; during World War II, concerns were expressed about the symbol's association with Nazism. The building was not altered in response to these concerns and the Travellers Hotel remains in substantially original condition.

The Travellers Hotel is also a tangible reminder of the social and economic importance of hotels in Ladysmith's history. Although originally built to serve short-term guests, as its name implies, the Travellers Hotel also served long-term boarders. Like most mining communities, early Ladysmith had a large population of single, often transient, men. As affordable alternatives, hotels functioned as living quarters and, in the bars and restaurants located on the ground floor, as social centres.

The Travellers Hotel is located within a grouping of historic buildings on the main thoroughfare in the commercial core. Its height and mass, especially in relation to the smaller buildings that flank it, make it a highly visible community landmark.

Source: Town of Ladysmith – HRAC – 001CD

TRAVELLERS HOTEL HERITAGE CONSERVATION PLAN

2.3 CHARACTER DEFINING ELEMENTS - (SUMMARIZED)

Key elements that define the heritage character of 422 First Avenue include its:

- location on First Avenue, the main thoroughfare of the downtown core
- the three-storey massing in relation to lower buildings on First Avenue
- the simple Edwardian era form and massing of a commercial building type
- the use of the ground floor commercial purposes
- multi-coloured articulating brick façade and detailing
- large commercial storefront windows
- the pressed metal cornice detailing & roofline signage extending the full width of the building
- brick columns dividing the storefront
- the casement windows on the upper floors
- the blue and white sidewalk tiles at the front entry the spell out the building's name
- the brick swastika symbols on the front façade



3.0 HERITAGE CONSERVATION REVIEW

3.1 CONSERVATION STRATEGY

The Parks Canada Standards and Guidelines for the Conservation of Historic Places in Canada (Second Edition - 2010) is the source utilized to determine the approach of intervention for conservation projects. Respecting these standards and guidelines, the proposed interventions for the Travellers Hotel include aspects from three categories: preservation, rehabilitation and restoration, as defined below:

Preservation: The action or process of protecting, maintaining, and/or stabilizing the existing materials, form, and integrity of the historic place or of an individual component, while protecting its heritage value.

Rehabilitation: The action or process of making possible a continuing or compatible contemporary use of an historic place or individual component, through repair, alterations and/or additions, while protecting its heritage value.

Restoration: The action or process of accurately revealing, recovering, or representing the state of an historic place or of an individual component, as it appeared at a particular period in history, while protecting its heritage value.

Interventions on the Travellers Hotel should also be based on: the Standards and Guidelines, which are conservation principles of best practice; and Town of Ladysmith Official Community Plan section Development Permit Area 2 (DPA 2) Downtown guidelines and recommendations.

The remainder of this section is a description and photographs of the First Avenue façade affected by the proposed Rezoning Application submitted by Jonathan Ehling Architect & the First Ave Hotel Ltd for the revitalization of the streetscape façade, reflecting the original historic appearance, its existing conditions and proposed work incorporating the recommended heritage conservations strategy.

The overall conservation strategy is focused on the restoration and preservation of original streetscape elements (such as the brick detailing & pressed metal cornices), and the installation of new storefront elements that will reflect functional alterations, while respecting the proportions and relationships of the original construction.

TRAVELLERS HOTEL HERITAGE CONSERVATION PLAN

3.2 MATERIALS, CONDITION & CONSERVATION STRATEGY FOR THE FIRST AVENUE FAÇADE

3.2.1 – GROUND-LEVEL BRICK COLUMNS / PIERS AND ARTICULATED DETAILING



Original Appearance

The four brick columns along the First Avenue streetscape are pressed red brick on painted red concrete pad foundations.

Existing Condition

The brick columns appear to be in excellent conditions, with minor discolouration and damage that would be expected being exposed to the elements in close proximity to the ocean shoreline. Minor damage is visible on a small number of individual bricks.

Proposed Heritage Conservation Strategy

The proposed conservation strategy is for restoration of the original appearance of the four brick columns by extensive cleaning to the original pressed red brick, as well as removal of the red paint along the concrete foundations using a non-abrasive method chemical stripping process, with an application of a new coat of historic red paint to match the original.

3.2.2 – STOREFRONT WINDOWS, DOORS & TRANSOMS

Original Appearance

The original storefront is significant only in terms of its relationship to the streetscape and the amount of glazing that has existed since its original construction. The original windows and doors were replaced with wood frame single-pane windows and detailed, raised-panel wood entry doors. The transoms, directly below the lower cornice, have also been replaced and repainted over the years.

Existing Conditions

Historic photos show that the three double-entry doors, the wood cross mullions of the storefront windows and the transom glazing, all appear to have been installed at some juncture over the lifetime of the Travellers Hotel in a different layout from original. All woodwork has been “patch painted” several times and show significant signs of warping due to water infiltration and absorption.

Proposed Heritage Conservation Strategy

The storefront windows, doors and transoms shall be replaced by new construction to restore the existing relationship of the ground-level commercial storefront windows, doors and transoms to the pedestrian sidewalk along First Avenue. Windows and doors will be upgraded

TRAVELLERS HOTEL HERITAGE CONSERVATION PLAN

to meet the latest requirements of the BC Building Code and the existing transom glazing will be replaced by commercial storefront glazing. Existing materials shall not be restored, reused or repurposed.

3.2.3 – UPPER & LOWER PRESSED METAL CORNICES



Original Appearance

According to historic photographs, pressed metal cornices have existed since initial construction above the ground-level commercial storefront, in addition to the upper-most portion of the streetscape façade parapet.

Existing Condition

The pressed metal cornices, both upper and lower, still remain in their existing location and construction, with visible rusting and damage that has occurred over time.

Proposed Heritage Conservation Strategy

The existing metal cornices will be restored through newly fabricated pressed metal cornice detailing that will reflect the conditions and locations of the original construction. These newly fabricated cornices will be attached to the existing brick façade by means of newly designed structural connection points / anchors.

3.2.4 – UPPER CASEMENT WINDOWS

Original Appearance

The out-swinging casement windows and transoms that have existed since initial construction appear to be intact today in their existing location and configuration. The wood framed windows are of single-pane glass.

Existing Conditions

The window frames show rot and general deterioration and appear to have been painted a number of times throughout the lifespan of the building. There have been decorative lights stapled to the window frames on the exterior.

Proposed Heritage Conservation Strategy

The existing windows and frames are not recommended to be reused for the new structure. Proposed rehabilitation to create new metal framed glazing, sufficiently insulated, shall be constructed with the same casement style with transom above.

TRAVELLERS HOTEL HERITAGE CONSERVATION PLAN

3.2.5 – DETAILED SIDEWALK TILES

Original Appearance

Blue and white tiles were constructed initially within sidewalk tiles at the central entry door, depicting “The Travellers Hotel”.

Existing Conditions

The tiles have seen significant wear and tear over the years and have minor damage throughout.

Proposed Heritage Conservation Strategy

The blue and white mosaic tiles shall be restored to create a new representation of the original tile signage, in both colour and location within the sidewalk at the hotel entrance.

3.2.6 – CENTRAL PRESSED METAL SIGNAGE AT THE ROOFLINE

Original Appearance

The pressed metal signage located centrally at the streetscape façade has stood as a defining element of the Travellers Hotel since its initial construction. The signage had been constructed in a similar motif as the pressed metal cornices and the words “The Travellers” reads prominently.

Existing Condition

The pressed metal signage still exists in its original location. There has been a significant amount of rust and weathering over the past century.

Proposed Heritage Conservation Strategy

The existing metal signage will be restored through newly fabricated pressed metal signage detailing that will reflect the conditions and locations of the original construction. This newly fabricated signage will be attached to the existing brick parapet by means of newly designed structural connection points / anchors.



TRAVELLERS HOTEL HERITAGE CONSERVATION PLAN

APPENDIX A: RESEARCH SOURCES

CIVIC ADDRESS: 422 FIRST AVENUE

HISTORIC / CURRENT NAME: THE TRAVELLERS HOTEL

ORIGINAL OWNER: ANNIE AND CHRIS STEVENS

CONSTRUCTION DATE: 1912-1913

ARCHITECT: UNKNOWN

BUILDER: UNKNOWN

FUNCTION – CATEGORY & TYPE:

- Commerce / Commercial Services: Hotel, Motel or Inn
- Commerce / Commercial Services: Eating or Drinking Establishment

LOCATION OF SUPPORTING DOCUMENTATION: Town of Ladysmith – HRAC – 001CD

FEDERAL / PROVINCIAL / TERRITORIAL IDENTIFIER: DfRw-87

REFERENCES:

- Canada's Historic Places (www.historicplaces.ca)
 - Recognition Authority: Local Governments (BC)
 - Recognition Statute: Local Government Act, s.954
 - Recognition Type: Community Heritage Register
 - Recognition Date: 2006/05/01



https://commons.wikimedia.org/wiki/File:422_First_Avenue_Ladysmith_BC_-_Traveller%27s_Hotel_plaque.jpg

APPENDIX B: ARCHITECTURAL RENDERING



TOWN OF LADYSMITH

BYLAW NO. 1989

WHEREAS pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the Official Community Plan;

AND WHEREAS after the close of the Public Hearing and with due regard to the reports received, the Municipal Council considers it advisable to amend “Official Community Plan Bylaw 2003, No. 1488”.

NOW THEREFORE the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

1. “Official Community Plan Bylaw 2003, No. 1488” is hereby amended as set out in Schedule A attached to this Bylaw.

Citation

2. This Bylaw may be cited for all purposes as “Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 56) 2019, No. 1989”.

READ A FIRST TIME **on the** **day of** ,

READ A SECOND TIME **on the** **day of** ,

PUBLIC HEARING held pursuant to the provisions of the *Local Government Act*

on the **day of** ,

READ A THIRD TIME **on the** **day of** ,

ADOPTED **on the** **day of** ,

Mayor (A. Stone)

Corporate Officer (J. Winter)

Bylaw No. 1989 - Schedule A

1. Schedule “A” – “Town of Ladysmith Community Plan” is amended as follows:

- (a) Section 3.8.1 “Land Use Designations” is amended by adding a new sentence to the end of the paragraph ‘Downtown Core’:
“A higher FSR may be supported for the restoration of buildings on the Community Heritage Register”.
- (b) Table 8 “Density Summary” is amended by adding:
 - (i) A new Note 6:
“⁶ Higher FSR potential for restoration of buildings on the Community Heritage Register.”
 - (ii) Note 6 to Downtown Core - Commercial.

TOWN OF LADYSMITH

BYLAW NO. 1990

A bylaw to amend "Town of Ladysmith Zoning Bylaw 2014, No. 1860"

WHEREAS pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the Zoning Bylaw;

AND WHEREAS the Municipal Council considers it advisable to amend "Town of Ladysmith Zoning Bylaw 2014, No. 1860";

NOW THEREFORE the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

- (1) Schedule A – Zoning Bylaw Text of “Town of Ladysmith Zoning Bylaw 2014, No. 1860” is hereby amended by:
 - (a) Amending Section 11.2 Downtown Commercial (C-2) Zone by adding a new subsection (g) to Section 10 Site Specific Regulations:

“(g) For the *Parcel* legally described as Lot A, District Lot 56, Oyster District, Plan VIP67911 (422 First Ave.) the following site specific regulations shall apply:

 - i) Despite Section 11.2(4)(c), the *Floor Space Ratio* shall not exceed 2.0.
 - ii) Despite Section 11.2(5)(a), no *Principal Building* shall exceed a *Height* of 14 metres, with the exception of an enclosed stair tower which may protrude 2.5 metres above the roof of the fourth storey.
 - iii) Despite Section 11.2(5)(c), the fourth storey of a *Principal Building* shall be setback 2.7 metres from the *Front Parcel Line* and 1.5 metres from the *Exterior Side Parcel Line*.
 - iv) Despite Section 11.2(7)(b), nine (9) off-street parking spaces are required to be provided on-site and shall comply with the design standards in Section 8.2(9).

CITATION

- (2) This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.23) 2019, No.1990”.

READ A FIRST TIME on the _____ day of _____,

READ A SECOND TIME on the _____ day of _____,

PUBLIC HEARING held pursuant to the provisions of the *Local Government Act*

on the _____ day of _____,

READ A THIRD TIME on the day of ,

APPROVED pursuant to s. 52(3)(a) of the *Transportation Act*.

on the day of

ADOPTED on the day of

Mayor (A. Stone)

Corporate Officer (J. Winter)

STAFF REPORT TO COUNCIL

Report Prepared By: Camelia Copp, Revenue Accountant
Date: May 22, 2019
Report Reviewed By: Erin Anderson, Director of Financial Services
Meeting Date: June 3, 2019
File No:
RE: 2019 Q1 WATER ADJUSTMENTS

RECOMMENDATION:

That Council direct staff to adjust the water billing account #07340000 for up to \$5,715 due to a water leak.

PURPOSE:

The purpose of this staff report is to present to Council specific properties with high water consumption due to water leaks and request authorization to adjust the water billing accounts.

PREVIOUS COUNCIL DIRECTION

Town of Ladysmith Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2017, No. 1930:

Where any account is rendered pursuant to this section, the Director of Finance, in estimating the account, shall consider previous billing periods when such meter was registering correctly, seasonal variations, changes in occupancy, and any other factors which, in the opinion of the Director, may affect the consumption of water. The maximum adjustment amount is \$3,000 per account.

INTRODUCTION/BACKGROUND:

Water billings adjustments due to water breaks or leaks are permitted under the Waterworks Regulation Bylaw. Since January 1, 2019, the Town received and approved 17 applications for water billing adjustments, reducing water revenues by a total of \$10,706.20 (see Attachment A). An additional request was received to reduce a billing account by \$5,714.92 due to a leak around the water meter. This request is greater than the approval threshold delegated to the Director of Finance and, therefore, requires the approval of Council to adjust the bill.

The leak was discovered on Dec 13, 2018, but it was not repaired until Feb 26, 2019, which is beyond the bylaw's 45 day repair window. The repair job was delayed due to the accumulation of snow during that period and the assistance from the Town to cut into the sidewalk was

required. As soon as the snow melted and the Town provided access, the repair job was completed.

ALTERNATIVES:

Council can choose to:

- Not provide an adjustment to the water billing accounts; or
- Amend the bylaw to provide only half of the adjustment amount; or
- Amend the bylaw to restrict the type of adjustments permitted.

FINANCIAL IMPLICATIONS:

Adjustments to the water billing accounts affect the water revenues. To date, water revenues were reduced by \$10,706.20. There will be a further reduction in revenues if Council approves this adjustment.

The water revenue budget for 2019 is \$1,109,031. First quarter billings were \$211,802. Please note that the majority of revenue is charged during the second and third quarters when the water consumption is greater.

LEGAL IMPLICATIONS:

There are no legal implications to providing an adjustment to the water billing account.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Citizens are encouraged to quickly repair any water leak when it is discovered. The incentive of a potential adjustment supports repairs made in a timely manner.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The Utilities department in the Public Works Department is involved, from reading the meters, notifying property owners of high consumption and monitoring consumption until it returns to a normal range. Finance calculates the billing and any subsequent adjustments.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- | | |
|--|--|
| <input type="checkbox"/> Complete Community Land Use | <input type="checkbox"/> Low Impact Transportation |
| <input type="checkbox"/> Green Buildings | <input type="checkbox"/> Multi-Use Landscapes |
| <input type="checkbox"/> Innovative Infrastructure | <input type="checkbox"/> Local Food Systems |
| <input type="checkbox"/> Healthy Community | <input type="checkbox"/> Local, Diverse Economy |
| <input checked="" type="checkbox"/> Not Applicable | |

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|---|---|
| <input type="checkbox"/> Employment & Tax Diversity | <input type="checkbox"/> Natural & Built Infrastructure |
| <input checked="" type="checkbox"/> Watershed Protection & Water Management | <input type="checkbox"/> Partnerships |
| <input type="checkbox"/> Communications & Engagement | <input type="checkbox"/> Not Applicable |

SUMMARY:

There is a property owner requesting a \$5,714.92 water billing adjustment due to a water leak. It is a decision of Council to approve water billing adjustment requests over \$3,000.

I approve the report and recommendation(s).

Guillermo Ferrero, Chief Administrative Officer

ATTACHMENT(S):

A - Utility Billing Adjustments – Jan 1, 2019 – May 22, 2019



Print Option
Account Range : All Accounts
Batch Range : All Batches
Report Sequence : Account No. and Batch No.
Transaction Source Range : All Sources
Service Rate Range : 00 ADJ-M To 00 ADJ-M
Transaction Date Range : 01-Jan-2018 To 22-May-2019
Include Unapplied Credits : All Unapplied Tran

Customer	Name				
Date	Source	Rate Code	Description	Reference	Amount
000-0344000-000 31-Dec-2018	T/M	ADJ-M	Water Leak Adjustment	water leak q4 adj to 34m3	-276.03
					<u>-276.03</u>
000-0163000-000 14-Mar-2019	T/M	ADJ-M	Water Leak Adjustment	Q4 leak adj to 40.34m3	-204.35
					<u>-204.35</u>
000-0371000-000 14-Mar-2019	T/M	ADJ-M	Water Leak Adjustment	Q4 2018 leak adj to 32.34m3	-194.84
					<u>-194.84</u>
000-0459000-000 04-Apr-2019	T/M	ADJ-M	Water Leak Adjustment	leak adj to 22m3	-405.93
					<u>-405.93</u>
000-1050060-000 04-Apr-2019	T/M	ADJ-M	Water Leak Adjustment	Q4 leak affected Q1 to 18m3	-218.09
					<u>-218.09</u>
000-1052024-000 04-Apr-2019	T/M	ADJ-M	Water Leak Adjustment	leak adj CS 2019-057	-4372.21
					<u>-4372.21</u>
000-1163000-000 04-Apr-2019	T/M	ADJ-M	Water Leak Adjustment	Q1 adj to 127 m3 main water break	-1318.75
					<u>-1318.75</u>
000-1197000-000 04-Apr-2019	T/M	ADJ-M	Water Leak Adjustment	Q4 leak adj affected Q1 to 40m3	-232.00
					<u>-232.00</u>

TOWN OF LADYSMITH
Transaction List



Customer	Name				
Date	Source	Rate Code	Description	Reference	Amount
000-1348239-000					
04-Apr-2019	T/M	ADJ-M	Water Leak Adjustment	leak adj to 22 m3	-585.93
					<u>-585.93</u>
					<u><u>-585.93</u></u>
000-1348315-000					
04-Apr-2019	T/M	ADJ-M	Water Leak Adjustment	leak adj Q1 to 38.34m3	-80.48
					<u>-80.48</u>
					<u><u>-80.48</u></u>
000-1348316-000					
04-Apr-2019	T/M	ADJ-M	Water Leak Adjustment	leak adj Q1 to 38.34m3 each	-80.48
					<u>-80.48</u>
					<u><u>-80.48</u></u>
000-1348630-000					
04-Apr-2019	T/M	ADJ-M	Water Leak Adjustment	Q4 leak affected Q1 to 38m3	-96.58
					<u>-96.58</u>
					<u><u>-96.58</u></u>
000-1348670-000					
04-Apr-2019	T/M	ADJ-M	Water Leak Adjustment	Q1 leak adj to 34m3	-351.14
					<u>-351.14</u>
					<u><u>-351.14</u></u>
000-1382450-000					
04-Apr-2019	T/M	ADJ-M	Water Leak Adjustment	Q1 water leak adj to 61m3washing machine	-593.90
04-Apr-2019	T/M	ADJ-M	Water Leak Adjustment	Q4 leak adj to 45m3	-421.86
					<u>-1015.76</u>
					<u><u>-1015.76</u></u>
000-0371000-000					
29-Apr-2019	T/M	ADJ-M	Water Leak Adjustment	Q4 water leak affected Q1	-76.94
					<u>-76.94</u>
					<u><u>-76.94</u></u>
000-1382590-000					
10-May-2019	T/M	ADJ-M	Water Leak Adjustment	main water leak Q\$ qnd Q1 to min	-487.06
					<u>-487.06</u>
					<u><u>-487.06</u></u>
000-1073150-000					
13-May-2019	T/M	ADJ-M	Water Leak Adjustment	water leak adj to 18m3	-689.63
					<u>-689.63</u>
					<u><u>-689.63</u></u>

STAFF REPORT TO COUNCIL

Report Prepared By: Erin Anderson, Director of Financial Services
Date: May 22, 2019
Report Reviewed By:
Meeting Date: June 3, 2019
File No: 1970-04
RE: REVITALIZATION TAX EXEMPTION – ECONOMIC

RECOMMENDATION:

That Council:

1. Determine if it wishes to amend the “Town of Ladysmith Revitalization Tax Exemption – Economic Revitalization Bylaw 2012, No. 1807”; and
2. Refer the matter to an upcoming Municipal Services Committee meeting, should Council wish to amend the “Town of Ladysmith Revitalization Tax Exemption – Economic Revitalization Bylaw 2012, No.1807”.

PURPOSE:

The purpose of this report is to provide information for Council to make a decision regarding the current Economic Revitalization Program.

PREVIOUS COUNCIL DIRECTION

GS 2012-069	07/16/2012	It was moved, seconded and carried that the Committee recommend to Council that property classes 4, 5 and 6 be designated to receive an economic revitalization tax exemption.
GS 2012-070	07/16/2012	It was moved, seconded and carried that the Committee recommend to Council that the economic revitalization exemption program for Classes 4 and 5 apply to all appropriately zoned lands in the Town of Ladysmith.
GS 2012-071	07/16/2012	It was moved, seconded and carried that the Committee recommend to Council that staff be directed to develop recommendations with respect to geographic areas in the Town of Ladysmith in which an economic revitalization exemption for class 6 would apply.
GS 2012-072	07/16/2012	It was moved, seconded and carried that the Committee recommend to Council that the value of construction, demolition and reconstruction of a project be set at \$200,000 in order for the project to be eligible for an economic revitalization tax exemption.



GS 2012-073	07/16/2012	It was moved, seconded and carried that the Committee recommend to Council that the period of eligibility for an economic revitalization tax exemption be set at five years. Opposed: Councillors Dashwood and Drysdale
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INTRODUCTION/BACKGROUND:

In 2012, Council approved a Revitalization Tax Exemption program bylaw aimed at encouraging economic development within the Town. The intent of the program is to provide a financial incentive to encourage commercial and industrial redevelopment in specific areas of Town. Since that time, only one property has taken advantage of the program. Two other properties made inquiries to the Finance Department but did not make application.

The one property that took advantage of the exemption program saw a tax savings of over \$135,000 over 5 years (see table 1).

Table 1 - 1030 Oyster Bay Road

	land	improvement	exemption	total net assessed value	taxes foregone
2013	222,000	361,000	-	583,000	
2014	236,000	1,880,000	- 1,880,000	236,000	28,282.63
2015	232,000	1,858,000	- 1,858,000	232,000	29,028.38
2016	355,000	1,757,000	- 1,757,000	355,000	25,806.33
2017	369,000	1,852,000	- 1,852,000	369,000	25,500.28
2018	380,000	2,065,000	- 2,065,000	380,000	26,607.93
Total					\$ 135,225.56

The current program provides a 5-year property tax exemption from municipal taxation on the value of the improvement that is constructed. To qualify, the building permit construction value must be over \$200,000, the property must be classified by BC Assessment as a Major Industrial, Light Industrial or Business/Other, be located in specific areas of Town, and meet the following objectives:

- To stimulate construction and alteration of buildings within Ladysmith; and
- To encourage new business investment in commercial and industrial used lands and, in turn, encourage new employment; and
- To promote a higher standard of urban design within business areas and employment areas in order to increase the attractiveness of these locations; and
- Generally reinforce the Town’s commitment to economic revitalization.

Staff have received inquiries as to why the program term is not the full 10 years as allowed under the legislation. It was previous Council direction to cap the term at 5 years.

This program is to provide an incentive before the construction of a project, not to provide a financial rebate after the construction has occurred. As such, the valuation of the tax exemption means that the Town foregoes new construction revenue for the first year and defers this growth revenue to the year after the exemption expires. If Council wishes to extend the exemption to a 10-year term, that would be 10 years of foregone property tax revenue. Based on the example shown in Table 1, the amount of the taxes foregone over 10 years would be approximately doubled (\$270,451). Staff suggest that if an exemption term is extended to 10 years, a major investment, such as over \$4 million dollars, be required to qualify.

There is a time constraint for making changes to this program bylaw. The bylaw must be in place before property owners can make application. Council must approve the application, along with all of the necessary advertising, before October 31st to be in effect for the following taxation year.

ALTERNATIVES:

Council can choose to:

- Keep the program as it is currently; or
- Provide for a 10 year exemption with construction values over \$4 million; or
- Provide for a decreasing exemption over the remaining 5 years on projects over \$4 million. For example, in year 6, the exemption would reduce by 10%, in year 7 by 30%, in year 8 by 50%, in year 9 by 70% and year 10 by 90%; or
- Require the property owner to demonstrate a community benefit in order to qualify for the longer exemption. For example, require 5% of contract trades be local, or construction trades must provide local apprentice positions, or construct on the public lands immediately adjacent the property a community project such as benches or public art.

FINANCIAL IMPLICATIONS:

As discussed, property taxation is foregone during the period of the exemption.

LEGAL IMPLICATIONS:

Revitalizations Exemptions are permitted under section 227 of the *Community Charter*.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Advertising, as detailed in the *Community Charter*, will commence upon Council's direction.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Development Services and Financial Services work together to ensure projects are compliant with the requirements set out in the bylaw.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- | | |
|--|--|
| <input type="checkbox"/> Complete Community Land Use | <input type="checkbox"/> Low Impact Transportation |
| <input type="checkbox"/> Green Buildings | <input type="checkbox"/> Multi-Use Landscapes |
| <input type="checkbox"/> Innovative Infrastructure | <input type="checkbox"/> Local Food Systems |
| <input type="checkbox"/> Healthy Community | <input type="checkbox"/> Local, Diverse Economy |
| <input checked="" type="checkbox"/> Not Applicable | |

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Employment & Tax Diversity | <input type="checkbox"/> Natural & Built Infrastructure |
| <input type="checkbox"/> Watershed Protection & Water Management | <input type="checkbox"/> Partnerships |
| <input type="checkbox"/> Communications & Engagement | <input type="checkbox"/> Not Applicable |

SUMMARY:

The Town currently provides for a 5-year municipal property tax exemption under the Revitalization Tax Exemption – Economic Revitalization Bylaw 2012, No.1807. Staff have received inquiries from potential developers as to why the program is not 10 years as permitted under legislation. Staff are asking Council if it wishes to explore revising the program bylaw.

I approve the report and recommendation(s).

Guillermo Ferrero, Chief Administrative Officer

ATTACHMENT(S):

TOWN OF LADYSMITH
BYLAW NO. 1807

A Bylaw to Establish a Revitalization Tax Exemption – Economic Program

WHEREAS Council may, by bylaw, establish a revitalization tax exemption program;

AND WHEREAS Council wishes to establish a revitalization tax exemption for economic revitalization in order to encourage the commercial and industrial redevelopment of those areas, identified in Schedule “A” of this Bylaw, which are experiencing challenges in attracting and retaining investment;

AND WHEREAS Council wishes that the following objectives of the program be established by this Bylaw:

- To stimulate construction and alteration of buildings within Ladysmith; and
- To encourage new business investment in commercial and industrial used lands and, in turn, encourage new employment; and
- To promote a higher standard of urban design within business areas and employment areas in order to increase the attractiveness of these locations; and
- Generally reinforce the Town’s commitment to economic revitalization.

AND WHEREAS Council has included within this Bylaw a description of the reasons for and objectives of the program and a description of how the program is intended to accomplish the objective, as required by the section 227 of the *Community Charter* and consider this bylaw in conjunction with the objectives and policies set out in section 165 (3.1)(c) of the *Community Charter* and in the Town’s financial plan.

NOW THEREFORE the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

Eligible Development

1. For the purposes of this Bylaw, any proposed development that occurs within the lands shown in coloured shading with assessment class of either Class 4 (Major Industry), Class 5 (Light Industry), or Class 6 (Business/Other) on Schedule A attached to and forming part of this Bylaw constitutes a class of eligible development for that purpose.

2. In this bylaw:

“Assessed Value”	means the most recent assessed value of the Parcel for land and improvement as determined by the BC Assessment Authority
“Baseline Assessment”	means the last published assessed value of the Parcel for land and improvements prepared by the BC Assessment immediately before the commencement of the Project;
“Commercial and Industrial Use”	means a Parcel classed by BC Assessment as Class 4, 5 or 6 and located within the Revitalization Area;
“Council”	means the council of the Town of Ladysmith;
“Parcel”	means a legal parcel within the Revitalization Area upon which an owner proposes a Project;
“Project”	means an eligible revitalization Project on a Parcel involving the construction or alteration of an existing improvement;
“Revitalization Area”	means those areas included with the areas shown shaded on Schedule “A”
“Tax Exemption”	means a municipal revitalization tax exemption pursuant to a Tax

Exemption Certificate;

“Tax Exemption Certificate”

means a revitalization tax exemption certificate issued by the Town pursuant to this Bylaw and pursuant to the provisions of Section 226 of the Community Charter, in the form attached as Schedule “C”, which is attached to and forms part of this Bylaw.

3. The Program is hereby established pursuant to the provisions of section 226 of the *Community Charter* which is intended to achieve its objectives by providing property tax relief to property owners who undertake eligible construction within the Revitalization Area.
4. The terms and conditions upon which a Tax Exemption Certificate may be issued are as set out in this Bylaw, in the Agreement and in the Tax Exemption Certificate.
5. The amount of the annual Tax Exemption shall be equal to the municipal portion of property taxes imposed under section 197(1)(a) of the *Community Charter* on that part of the Assessed Value calculated by deducting the Baseline Assessment from the current Assessed Value and multiplying the difference by the current municipal tax rate.
6. The Revitalization Tax Exemption shall not include an exemption from any parcel tax, local service tax or business improvement area tax payable in the designated area in which the Parcel is located.
7. Council may provide a Tax Exemption under this Bylaw to an owner of eligible lands where:
 - a) Properties that are the subject of a building permit for construction of a new building or improvement or alteration of an existing building or improvement having a project value, as determined by the building inspector, of \$200,000 (two hundred thousand dollars) or greater for the portion that is deemed the eligible Project, where the building permit was issued after April 1, 2012 and Occupancy Permit is issued within two (2) years.
 - b) The Project is for a use that is:
 - i. one of the uses permitted in the applicable zone for the Parcel, as set out in the Town of Ladysmith Zoning Bylaw as amended from time to time; and
 - ii. consistent with the future land use designation for the Parcel, as set out in the Official Community Plan Bylaw as amended from time to time; and
 - iii. meets all other applicable Town policies and bylaws.
 - c) The owner of the Parcel must enter into an Agreement with the Town; and
8. This Bylaw does not apply to:
 - a) a Parcel currently subject to another tax exemption from the Town;
 - b) a Parcel in respect of which there are property taxes in arrears; and
 - c) projects involving proposals to alter a building listed on the Town of Ladysmith Heritage Register.
9. The maximum term of a Tax Exemption shall be five (5) years.
10. The Tax Exemption is attached to the Parcel and is transferrable to subsequent property owner within the term of the Agreement.
11. If an owner wishes Council to consider entering into an Agreement with the owner, the owner must apply to the Director of Financial Services in writing and must submit the following with the application:

- a) a certificate that all taxes assessed and rates, charges and fees imposed on the Parcel have been paid, and, where taxes, rates or assessments are payable by instalments, that all instalments owing at the date of application have been paid; and
 - b) a completed written application in a form prescribed by the Town; and
 - c) a description of the Project from the owner’s design professional in a form acceptable to the Town, including details regarding the extent and value of the applicable portion of the Project certifying that the construction value of the Project will exceed \$200,000, which will be confirmed through the building permit process; and
 - d) a fee in the amount prescribed by the Town of Ladysmith “Fees and Charges Bylaw 2007, No. 1644”, payable upon approval in principle of the Project.
12. Once the requirements established under this Bylaw and the Tax Exemption Agreement have been fulfilled, a Tax Exemption Certificate must be issued for the Parcel in the form attached as Schedule “C” attached to and forming part of this Bylaw.
 13. A Tax Exemption Certificate issued for the Parcel is subject to the condition that all of the conditions set out in the Agreement continue to be met.
 14. A Tax Exemption Certificate may be cancelled by Council if any of the conditions set out in the Agreement are not met.
 15. During the term of the Bylaw, the tax exemption amount received by the owner must be repaid to the Town if the building is destroyed or altered without proper authorization from the Town (other than by a natural disaster) or if the use of the building on the Property is discontinued for a period of more than three (3) months. In either of these circumstances, the exemption certificate will be cancelled. If such cancellation occurs, the owner of the property for which the certificate was issued will remit to the Town an amount equal to the total value of the current year exemption received under this Agreement within 30 days of cancellation. If the amount is not paid within that 30 day period, any amount unpaid will bear interest at a rate of 1.0% per month, compounded annually.
 16. The Director of Finance for the Town is designated the municipal officer for the purpose of section 226(13) of the *Community Charter*.

Citation


17. This Bylaw may be cited for all purposes as “Town of Ladysmith Revitalization Tax Exemption – Economic Revitalization Bylaw 2012, No 1807”.

READ A FIRST TIME on the 4th day of September, 2012

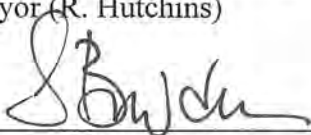
READ A SECOND TIME on the 4th day of September, 2012

READ A THIRD TIME on the 4th day of September, 2012

ADOPTED on the 17th day of September, 2012



 Mayor (R. Hutchins)

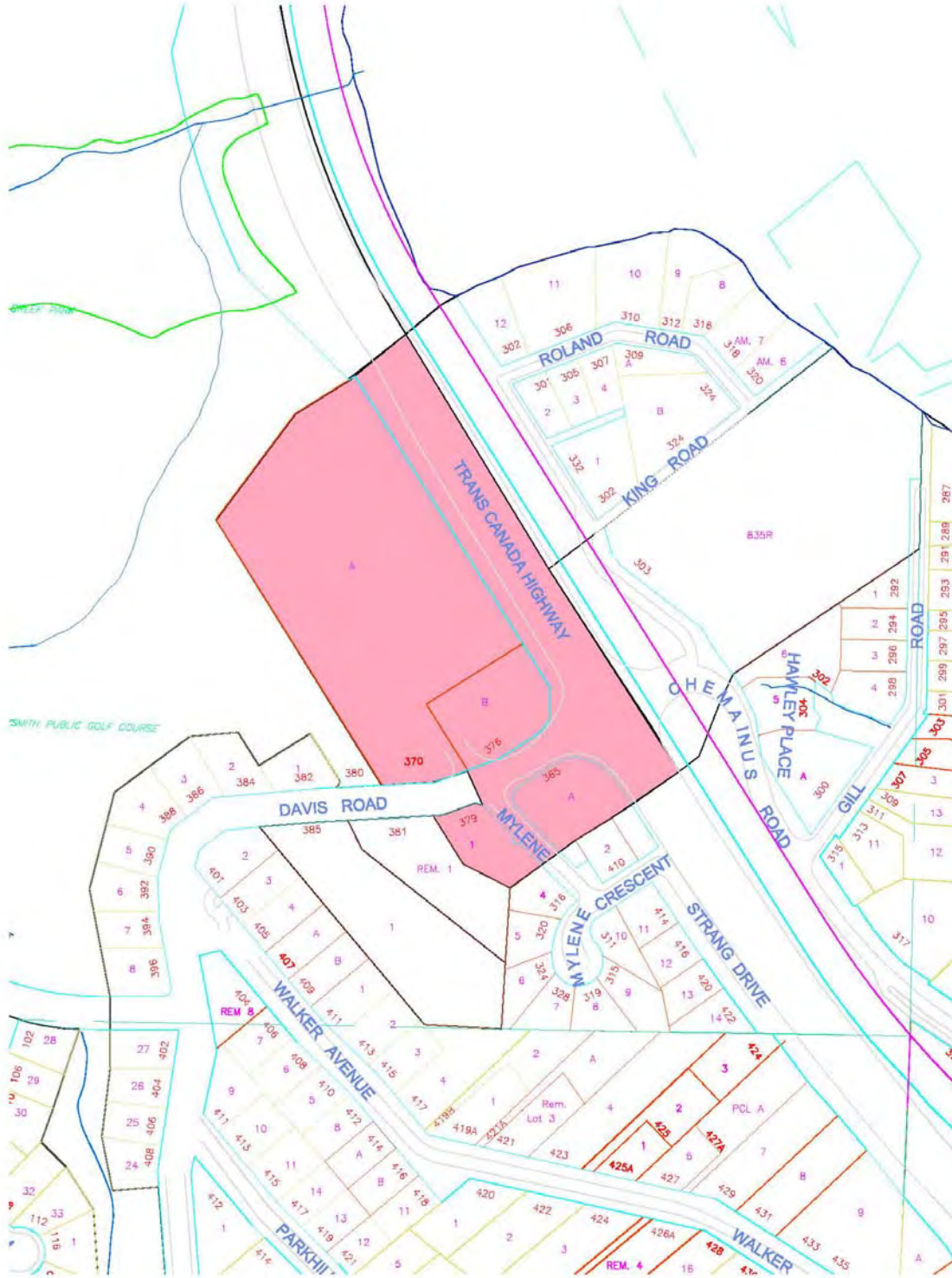


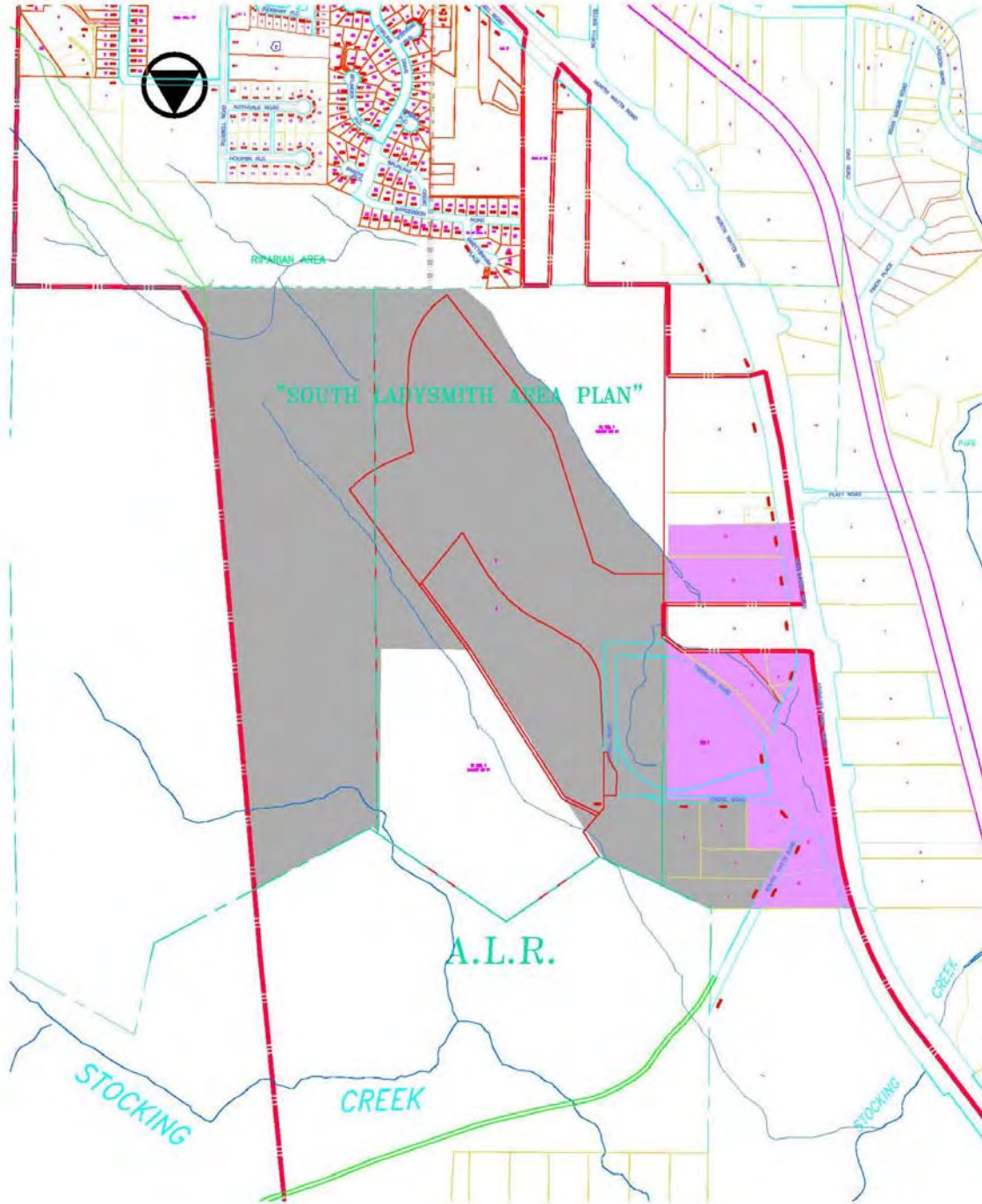
 Corporate Officer (S. Bowden)



Schedule A
Designated
Areas







Schedule "B"
Revitalization Tax Exemption - Economic Agreement

THIS AGREEMENT dated for reference the ____ day of _____, 20__ is

BETWEEN:

(the "Property Owner")

AND:

TOWN OF LADYSMITH
410 Esplanade, PO Box 220
Ladysmith, BC
V9G 1A2

(the "Town")

GIVEN THAT:

- A. The Property Owner is the registered owner in fee simple of lands in the Town of Ladysmith at [*civic address*] legally described as [*legal description*] (the "Property");
- B. Council has established a revitalization tax exemption program within the Town of Ladysmith "Town of Ladysmith Revitalization Tax Exemption – Economic Revitalization Bylaw 2012 No. 1807" (the "Bylaw") the designation of a land use zone which include the Parcel as a revitalization area; and
- C. This Agreement contains the terms and conditions respecting the granting of a municipal property tax exemption under the Bylaw;

THIS AGREEMENT is evidence that in consideration of the promises exchanged below, the Property Owner and the Town covenant and agree each with the other as follows:

1. In this Agreement, the following words have the following meanings:

"Assessed Value" means the most recent assessed value of the Parcel for land and improvement as determined by the BC Assessment Authority

“Baseline Assessment”	means the last published assessed value of the Parcel for land and improvements prepared by the BC Assessment Authority immediately before the commencement of the Project;
“Bylaw”	means Town of Ladysmith “Revitalization Tax Exemption – Economic Revitalization Bylaw 2012 No. 1807”
“Commercial and Industrial Use”	means Parcel assessed as Class 4, 5 or 6 and located within the Revitalization Area;
“Council”	means the council of the Town of Ladysmith;
“Parcel”	means the lands legally described as <hr/> ;
“Project”	means an eligible revitalization Project on a Parcel involving the construction or an alteration of an existing improvement;
“Revitalization Area”	means a Parcel which is currently within a land use designation as indicated on Schedule “A”
“Tax Exemption”	means a municipal revitalization tax exemption pursuant to a Tax Exemption Certificate;
“Tax Exemption Certificate”	means a revitalization tax exemption certificate issued by the Town pursuant to this Bylaw and pursuant to the provisions of Section 226 of the Community Charter, in the form attached as Schedule “C”, which is attached to and forms part of the Bylaw.

1. **The Project** – The Property Owner will use its best efforts to ensure that the Project is constructed, maintained, operated and used in a fashion that will be consistent with and will foster the objectives of the revitalization tax exemption program, and, without limiting the generality of the foregoing, the Property Owner covenants to use its best efforts to ensure that the Project will:
 - (a)
 - (b)
 - (c)
2. **Operation and Maintenance of Project** – Throughout the term of the Tax Exemption the

Property Owner must operate, repair and maintain the Project and will keep the Project in a state of good repair as a prudent owner would do.

3. **Revitalization Tax Exemption** – Subject to fulfillment of the conditions set out in this Agreement and in the Bylaw, the Town will issue a revitalization tax exemption certificate (the "Certificate") to the Property Owner entitling the Property Owner to a property tax exemption in respect of the Property (the "Tax Exemption") in an amount and for the calendar years set out in this Agreement. The Certificate will be in the form attached to this Agreement as Schedule "B".
4. **Conditions** – The following conditions must be fulfilled before the Town will issue a Tax Exemption Certificate to the Property Owner:
 - (a) The owner must obtain a building permit from the Town for the project on or before _____, 20____, and begin construction within one year on or before _____, 20____ ;
 - (b) The Property Owner must provide the Town with a certificate from the Property Owner's design professional (if applicable), in form and content satisfactory to the Town's Director of Financial Services, certifying the actual cost to construct the completed Project.
 - (c) All property taxes, business licenses, and user fees must be paid in full throughout the term of the Agreement.
 - (d) The Property Owner must complete or cause to be completed construction of the Project in a good and workmanlike fashion and in strict accordance with the building permit and the plans and specifications attached hereto as Schedule "B" and the Project must be inspected by the Town building inspector and certified complete on or before _____, 20____ ;
 - (e) The completed Project must substantially satisfy the performance criteria set out in Schedule "C" hereto, as determined by the Town's Director of Development Services and Building Inspector;
 - (f) Variations from the original construction plan, Bylaw infractions or poor quality work may result in rescinding of the tax exemption approval;
 - (g) Any changes or upgrades made to the structure of the building due to the improvements must comply with all applicable bylaws;
5. **Calculation of Revitalization Tax Exemption** – the amount of the Tax Exemption in each year shall be equal to that part of the municipal portion of property taxes on that part of Assessed Value calculated by deducting the Baseline Assessment from the current Assessed Value and multiplying the difference by the current municipal tax rate.

6. **Term of Revitalization Tax Exemption** – provided the requirements of this Agreement, and of the Town of Ladysmith Revitalization Tax Exemption Bylaw No.1807 are met, the Tax Exemption shall be for the taxation years _____ to _____, inclusive for a maximum of 5 years. If the Certificate is issued before October 30th of the current year, then the Tax Exemption will be available for the following calendar year.
7. **Compliance with Laws** – The Property Owner will construct the Project and, at all times during the term of the Tax Exemption, use and occupy the Property and the Project in compliance with all statutes, laws, regulations and orders of any authority having jurisdiction and, without limiting the generality of the foregoing, all federal, provincial, or municipal laws or statutes or bylaws, including all the rules, regulations, or the like made under or pursuant to any such laws.
8. **Effect of Strata Property Act Subdivision** – If the Property Owner subdivides the Parcel under the Strata Property Act the Tax Exemption shall be prorated among the strata lots in accordance with the unit entitlement of each strata lot for:
 - (a) The current and each subsequent tax year during the currency of this Agreement if the strata plan is accepted for registration at the Land Title Office before May 1; or
 - (b) For the next calendar year and each subsequent tax year during the currency of this Agreement if the strata plan is accepted for registration at the Land Title Office after May 1.
9. **Representations and Warranties** – The Owner represents and warrants to the Town that the Owner is the Owner of the Parcel for the purpose of property assessment and taxation.
10. **Cancellation** – The Town may in its discretion cancel the Certificate at any time:
 - (a) On the written request of the Property Owner; or
 - (b) Effective immediately upon delivery of a notice of cancellation to the Property Owner if at any time any of the conditions in the Exemption Certificate or the Exemption Agreement are not met.
11. **Repayment of Exempt Taxes** - During the term of the Bylaw, the tax exemption amount received by the owner must be repaid to the Town if the building is destroyed or altered without proper authorization from the Town (other than by a natural disaster) or if the use of the building on the Property is discontinued for a period of more than three (3) months. In either of these circumstances, the exemption certificate will be cancelled. If such cancellation occurs, the owner of the property for which the certificate was issued will remit to the Town an amount equal to the total value of the current year exemption received under this Agreement within 30 days of cancellation. If the amount is not paid

within that 30 day period, any amount unpaid will bear interest at a rate of 1.0% per month, compounded annually.

12. **No Refund** – For greater certainty, under no circumstances will the Property Owner be entitled under or pursuant to this Agreement or under or pursuant to the revitalization tax exemption program to any cash credit, any carry forward tax exemption credit or any refund for any property taxes paid.
13. **Notices.** Any notice or other writing required or permitted to be given hereunder or for the purposes hereof to any party shall be sufficiently given if delivered by hand or posted on the Property, or if sent by prepaid registered mail (Express Post) or if transmitted by facsimile to such party:
 - (i) in the case of a notice to the Town, at:

THE TOWN OF LADYSMITH
410 Esplanade, PO Box 220
Ladysmith, BC V9G 1A2

Attention: Director of Financial Services
Facsimile: 250-245-6411
 - (ii) in the case of a notice to the Property Owner, at:

Attention:
Facsimile:

or at such other address or addresses as the party to whom such notice or other writing is to be given shall have last notified the party giving the same in the manner provided in this section.

Any notice or other writing sent in compliance with this section shall be deemed to have been given and received on the day it is given unless that day is not a Business Day, in which case the notice shall be deemed to have been given and received on the next day that is a Business Day. In this section, "Business Day" means any day other than Saturday, Sunday, any statutory holiday in the Province of British Columbia or any day on which banks generally are not open for business in Ladysmith, British Columbia.

14. **No Assignment** – The Property Owner may not assign its interest in this Agreement except to a subsequent owner in fee simple of the Property.
15. **Severance** - If any portion of this Agreement is held invalid by a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Agreement.

16. **Interpretation** - Wherever the singular or masculine is used in this Agreement, the same shall be construed as meaning the plural, the feminine or body corporate where the context or the parties thereto so required.
17. **Further Assurances** - The parties hereto shall execute and do all such further deeds, acts, things and assurances that may be reasonably required to carry out the intent of this Agreement.
18. **Waiver** - Waiver by the Town of a default by the Property Owner shall be in writing and shall not be deemed to be a waiver of any subsequent or other default.
19. **Powers Preserved** - This Agreement does not
 - (a) affect or limit the discretion, rights or powers of the Town under any enactment (as defined in the Interpretation Act, R.S.B.C. 1979, c.206, on the reference date of this Agreement) or at common law, including in relation to the use or subdivision of the Land;
 - (b) affect or limit any enactment relating to the use or subdivision of the Property, or
 - (c) relieve the Property Owner from complying with any enactment, including in relation to the use or subdivision of the Property, and without limitation shall not confer directly or indirectly any exemption or right of set-off from development cost charges, connection charges application fees, user fees or other rates, levies and charges payable under any Bylaw of the Town.
20. **References** - Every reference to each party is deemed to include the heirs, executors, administrators, personal representatives, successors, assigns, servants, employees, agents, contractors, officers, licensees and invitees of such party, wherever the context so requires or allows.
21. **Enurement** - This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors and permitted assigns.

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of the day and year first above written.

Signed, Sealed and Delivered by the
TOWN OF LADYSMITH by its
authorized signatories:

Mayor:

Corporate Officer:

Signed, Sealed and Delivered by
by its authorized signatories:

Name:

Name:

Appendix "A"
(Forms Part of Schedule B)
Map of Affected Parcel

Appendix "B"
(Forms Part of Schedule B)
Plans and Specifications for the Project

Appendix "C"
(Forms Part of Schedule B)
Performance Criteria for the Project

Schedule "C"
Revitalization Tax Exemption Certificate

Section 226 of the *Community Charter*, SBC 2003, c. 26

In accordance with the Town of Ladysmith Revitalization Tax Exemption Bylaw No. 1807 and in accordance with the Revitalization Tax Exemption Agreement dated for reference the ___ day of _____, 20____ (the "Agreement") entered into between the Town of Ladysmith (the "Town") and _____ (the "Owner"), the registered owner(s) of the property described below, this certificate certifies that the Property (as defined below) is subject to a revitalization tax exemption in an amount equal to the amount of any increase in municipal property taxes which would otherwise be payable as a result of any increase in the assessed value of improvements on the Property, due to the revitalization, (as hereinafter defined) between 20____ and 20____, inclusive (the "Tax Exemption"), subject to the maximum aggregate exemption prescribed by the formula in Section 226 (5) (b) of the *Community Charter*.

The Property to which the Tax Exemption applies is in the Town of Ladysmith and is legally

described as: _____,

CIVC ADDRESS: _____

PID _____

The Tax Exemption is provided on the following conditions:

1. the Owner does not breach any covenant or condition in the Agreement and performs all obligations to be performed by the Owner set out in the Agreement and Bylaw; and
2. the Owner has not sold all or any portion of his or her equitable or legal fee simple interest in the Property without the transferee taking an assignment of the Agreement, and agreeing to be bound by it; and
3. the Owner, or a successor in title to the Owner, has not allowed the property taxes for the

Property to go into arrears or to become delinquent; and

4. the Property is not put to any use that is not permitted.

If any of these conditions are not met, then the Council of the Town of Ladysmith may cancel this Revitalization Tax Exemption Certificate.

STAFF REPORT TO COUNCIL**Report Prepared By:** Clayton Postings, Director Parks, Recreation & Culture**Date:** May 28, 2019**Report Reviewed By:****Meeting Date:** June 3, 2019**File No:****RE: LOT 108 UPDATED SITE PLAN****RECOMMENDATION:**

That Council:

1. Direct staff to include in the 2019-2023 Financial Plan a new 2019 project titled “Lot 108 Site Plan Concept Plan Update” for \$20,000, with the funds to come from the Parks Appropriated Equity Reserve; and
2. Amend the 2019-2023 Financial Plan; and
3. Waive the purchasing policy and award the contract as presented for the updated Lot 108 Site Plan to Lees and Associates Landscape Architects for up to \$20,000.

PURPOSE:

Provide Council with a proposal to develop an updated site plan utilizing a phased-in approach for Lot 108, and prepare the Town for possible future grant funding opportunities with a project-ready plan.

PREVIOUS COUNCIL DIRECTION**CS 2019-172**

That Council:

1. Receive the information update from the Lot 108 Working Committee (Rotary, Lions, Eagles, Kinsmen and Mid Isle Soccer) and refer the proposed revised plan to the Parks, Recreation & Culture Advisory Committee for comment and feedback.
2. Direct staff to report back to Council on the options related to developing an updated Lot 108 site plan and the process and costs associated with updating this concept plan.

*Motion Carried***INTRODUCTION/BACKGROUND:**

The Town has an amazing sports facility in Forrest Field. This facility has been used extensively for community use and has also drawn many major events including the recent 2018 BC Summer Games. The existing site plan concept was developed in 2009 and has not been updated since that time. The 2016 Parks, Recreation and Culture Master Plan included recommendations to update the concept plan and look at ways to prepare the site for future development.

There have been a number of changes within the community since 2009, and input has continued to be received through the Master Plan and even the Youth Plan. Partnership with the School District is also being explored, resulting in updates to what was initially planned at the Lot 108 Site.

Part of the rationale for conducting the updated site plan now is the growing community interest in looking at adding facilities to the site. Development of an overall concept plan should be completed prior to one-off facilities being added.

This project is not part of the existing work plan for the Parks, Recreation & Culture Department. The project as presented in the attached proposal is achievable within the 2019 work plan. However, if Council desires, extensive community consultation, adjustments to the current work plan or deferral of this project to a future year is necessary.

Parks, Recreation and Culture Advisory Committee Comments:

PRCAC on May 15, 2019 made the following comments and resolution:

Lot 108 Improvements Projects – Gerry Beltgens provided the Committee with an overview of the project so far and updated concept plans. Committee members provided feedback and agreed that:

- it was important to have an overall plan in place prior to making decisions on immediate changes to the park;
- that in order to maintain the momentum and keen volunteerism, the project be deemed a priority;
- and that the plan include practical phases for implementation/construction

Moved and seconded:

2019-15: That Parks, Recreation and Culture Advisory Committee recommend that Council consider directing staff to, in a timely manner, update the current plan and costings for Lot 108 through a public process to reflect possible changing needs of the community.

Town staff received a proposal from Erik Lees of Lees & Associates Landscape Architect, regarding completion of the updated site plan. Lees & Associates are well known consultants who have completed many community spaces in BC. Mr. Lees was also the original architect on

the Lot 108 project. Staff are recommending this consultant due to his past experience at the site.

ALTERNATIVES:

Council may choose not to proceed with developing an updated site plan at this time and look at including this project into the 2020 Financial Plan.

FINANCIAL IMPLICATIONS:

There are some funds set aside in Appropriated Equity for Park development. If funded, this will leave the reserve with \$10,865.

LEGAL IMPLICATIONS:

There are no legal implications identified

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

There has been extensive community engagement in regards to sport, parks, and recreation over the past few years. It is believed that most of the key areas of interest to the community have been identified through these recent processes. These priorities need confirmation allowing for updated plan to be developed.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

There is no interdepartmental involvement or other implications identified.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- | | |
|---|--|
| <input type="checkbox"/> Complete Community Land Use | <input type="checkbox"/> Low Impact Transportation |
| <input checked="" type="checkbox"/> Green Buildings | <input checked="" type="checkbox"/> Multi-Use Landscapes |
| <input checked="" type="checkbox"/> Innovative Infrastructure | <input type="checkbox"/> Local Food Systems |
| <input checked="" type="checkbox"/> Healthy Community | <input checked="" type="checkbox"/> Local, Diverse Economy |
| <input type="checkbox"/> Not Applicable | |

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|--|--|
| <input type="checkbox"/> Employment & Tax Diversity | <input checked="" type="checkbox"/> Natural & Built Infrastructure |
| <input type="checkbox"/> Watershed Protection & Water Management | <input checked="" type="checkbox"/> Partnerships |
| <input checked="" type="checkbox"/> Communications & Engagement | <input type="checkbox"/> Not Applicable |

SUMMARY:

With recent community support for updating the Lot 108 site plan, as well as the Parks, Recreation and Culture Committee support, staff are seeking direction from Council on whether to allocate \$20,000 from Parks Appropriated Equity to fund this project in 2019.

I approve the report and recommendation(s).

Guillermo Ferrero, Chief Administrative Officer

ATTACHMENT(S):

Update Lot 108 Site Plan Proposal - Lees and Associates

Lot 108 Current Concept plan – 2009

Lot 108 Advisory Group proposal plan



Approximate location of the proposed Lot 108 Improvements

- == Lot 100 Property Outline
- - - Phase 1 - All Access Fitness Trail - Easy walking / wheelchair
- Phase 2 - Mini Soccer and Practice Pitch
- - - Phase 3 - Running and Walking Trail - Variable grades
- Phase 4 - Fitness stations

Existing sidewalk along Jim Cram Dr to be included in trails

May 28, 2019

Town of Ladysmith

810 Sixth Avenue

PO Box 220 Ladysmith, BC

V9G1A2

Attention: Clayton Postings, Director of Parks, Recreation and Culture

Dear Clayton

Re: Lot 108 Parks Plan Update

Thank you for being in touch regarding Lot 108. This is a project near and dear to us and hence our enthusiasm to help the Town on yet another important project.

Project Understanding

It is my understanding that the facilities built on the “Lot 108” lands have been very well received by the community but that the long term plan for the park needs to be revisited with a focus on higher priority initiatives that would lend themselves to that site. It is necessary to revisit the need for more full sized fields, or whether the park is better developed with more walking trails, possibly a lacrosse box, including a bike skills park. Or is a ½ size practice or warm up field appropriate? It now seems unlikely that the Town will be able to take over the logging/access road that borders the “back” side of the park. That reduction in available land will, in itself, necessitate a need to look at the park layout and all the different elements that will have to be accommodated in the park.

The key question that this updated strategy needs to address is: “how does the Town utilize the remaining lands to meet all or most of the program objectives?” And how can a phased in approach to implementing the concept occur as there are a number of interested user group as well as grant opportunities, and some are better suited for smaller scale projects. This would mean looking at adding facilities in a phased in approach, yet maintaining the overall updated concept plan.

The extent of engagement with the public will be limited in this updated plan. The 2016 Parks and Recreation Master Plan was quite thorough and the community was involved at many points in the generation of that plan. It is anticipated that the Parks and Recreation Committee, a small working group of stakeholders and Council would be tapped to provide feedback and input in to a new plan for the Lot 108 Park.

Proposed Workplan

We propose a 5 phase workplan:

- Phase I: Startup meeting, site review and stakeholder meetings
- Phase II: Develop Draft of Updated Lot 108 Park Plan (2 options)
- Phase III: Review of the Draft Plan with Parks and Rec Committee, Council, Stakeholders
- Phase IV: Draft the Final version of the Updated Lot 108 Park Plan
- Phase V: Presentation of the Final Park Plan to Council

We envision an Updated Plan that is primarily focused on the site master plan, with a short form summary report that highlights the input from stakeholders, an implementation plan and recommended budget levels for the main components.

The following budget is based on the assumption that we can accomplish all of Phase I and III in single days in Ladysmith.

Fees

We propose the above program of consulting services would be delivered for a fixed fee of \$16,500.00 not including taxes and disbursements. We recommend a budget of \$1,000 to cover travel and accommodation.

Schedule

We are able to proceed with this work within 2 weeks of your notice to proceed and would recommend no less than 2 – 3 months of calendar time to complete the updated plan. The time necessary to complete the project hinges to a great extent on Staff and stakeholder availability to provide feedback in a timely manner.

Thank you, once again, for the opportunity to work with you and the community on this park plan update. Please do not hesitate to contact me if you have any questions.

Sincerely,



Erik Lees, FCSLA, RPP

cc: Jennifer Thibert, Office Manager

STAFF REPORT TO COUNCIL**Report Prepared By:** Director of Infrastructure Services**Date:** May 24, 2019**Report Reviewed By:****Meeting Date:** June 3, 2019**File No:****RE:** 4th Avenue Crossing at Rocky Creek Tender Award**RECOMMENDATION:**

That Council:

1. Award the contract for construction of the 4th Avenue Crossing at Rocky Creek to Milestone Equipment Contracting Inc., for a total cost of \$789,831.00 excluding GST;
2. Confirm that the unbudgeted funds of \$560,000 for this project will come from the Infrastructure Reserve, Gas Tax funds, and reallocation of budgets for other projects.; and
3. Direct staff to amend the 2019 to 2023 Financial Plan accordingly.

PURPOSE:

To award the contract for the construction of the 4th Avenue Crossing at Rocky Creek.

PREVIOUS COUNCIL DIRECTION**INTRODUCTION/BACKGROUND:**

The tender for the 4th Avenue Crossing at Rocky Creek closed on May 16, 2019. Three tenders were received as follows:

Company Name	Tender Price (Excl. GST)
Milestone Equipment Contracting Inc.	\$ 789,831.00
David Stalker Excavating Ltd.	\$ 914,787.90
Knappett Industries (2006) Inc.	\$1,269,788.00

Herold Engineering completed a review of the tenders and found all tenders to be compliant. Herold Engineering has reviewed the offer and qualifications of Milestone Equipment Contracting Inc. and has recommended award to this contractor.

Fortis BC has also provided an estimate to complete the gas work associated with the project.

This estimate is \$140,700.

The pipe arch culvert has also been pre-purchased by the Town with a before tax cost of \$110,000.

In addition to the tender Council has also received correspondence related to speed and dust control for the Churchill/McKinley alternate access that will be utilized during construction. The Town will undertake a dust control service on a regular basis utilizing magnesium chloride applications. Speed on the streets associated with the alternate access is more difficult to control; staff have obtained a cost estimate to purchase portable speed bumps that can be placed on any street. Currently the plan would be to place one or more sections on McKinley Road. Alternate locations could be considered if there was public concern. The cost to purchase enough material to complete 3 sections is approximately \$2,500.

Other speed control options being pursued include regular speed monitoring by Citizens on Patrol and RCMP, as well as the use of the Town's traffic counter in key stretches of the alternative route to help determine any particular problem areas.

FINANCIAL IMPLICATIONS;

The total cost of the project is estimated as follows:

• Construction Tender	\$ 789,831
• FortisBC	\$ 140,700
• Pipe Arch	\$ 110,000
• Engineering Services	\$ 95,500
• Contingency (15%)	<u>\$ 170,405</u>
• Total Cost	\$1,306,436

The budgeted amount for the project is \$750,000.

Staff are recommending that the unbudgeted funds come from Infrastructure Reserve, Gas Tax funds, and reallocation of budgets for other projects.

LEGAL IMPLICATIONS;

No legal issues have been identified.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Residents that use this crossing have concerns about access to their homes, which includes access for emergency vehicles. Council has purchased 1260 Churchill Place and constructed an alternative access route that will be utilized throughout the crossing construction. In addition, an emergency route will be available at the end of 4th Avenue, utilizing the Timber West forestry road. This road would only be available in emergencies.

A communications plan for residents and the broader community has been developed and will be implemented as soon as the contract is awarded. Highlights include:

- Notices delivered directly to area residents advising them of the impending construction and other relevant information
- Notices to Forrest Field User Groups advising them of the construction, providing information about the detour route for out-of-town tournament participants, and seeking cooperation in controlling speed through the detour route
- Up to date project information and construction updates on the Town's website and social media

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

This project will involve considerable resources in the Engineering Department.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- | | |
|---|--|
| <input type="checkbox"/> Complete Community Land Use | <input type="checkbox"/> Low Impact Transportation |
| <input type="checkbox"/> Green Buildings | <input type="checkbox"/> Multi-Use Landscapes |
| <input checked="" type="checkbox"/> Innovative Infrastructure | <input type="checkbox"/> Local Food Systems |
| <input type="checkbox"/> Healthy Community | <input type="checkbox"/> Local, Diverse Economy |
| <input type="checkbox"/> Not Applicable | |

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|--|--|
| <input type="checkbox"/> Employment & Tax Diversity | <input checked="" type="checkbox"/> Natural & Built Infrastructure |
| <input type="checkbox"/> Watershed Protection & Water Management | <input type="checkbox"/> Partnerships |
| <input type="checkbox"/> Communications & Engagement | <input type="checkbox"/> Not Applicable |

SUMMARY:

The tender for the 4th Avenue Crossing at Rocky Creek has closed and staff are recommending award to the low bidder, Milestone Equipment Contracting Inc., for a total cost of \$789,831.00, excluding taxes. In addition, staff have provided information about dust control and speed on the alternate access route that will be utilized during the 4th Ave construction closure.

I approve the report and recommendation(s).

Guillermo Ferrero, Chief Administrative Officer

ATTACHMENT(S):

INFORMATION REPORT TO COUNCIL

Report Prepared By: **Geoff Goodall, Director of Infrastructure Services**
Joanna Winter, Manager of Legislative Services
Date: May 28, 2019
Meeting Date: June 3, 2019
File No: 5460-04
RE: 1st AVENUE BOLLARDS INITIATIVE -- UPDATE

RECOMMENDATION:

That Council receive this report for information.

PURPOSE:

The purpose of this report is to provide Council with an update on the 1st Avenue Bollards initiative, as well as accident information, as requested.

PREVIOUS COUNCIL DIRECTION:

CS 2018-144	2018-05-07	That Council: 1. Direct staff to move forward with the installation of nine bollards on 1 st Avenue utilizing ductile iron decorative bollard R-7592 from Reliance Foundry. 2. Confirm that the first nine bollards will be installed across the frontage of 528 1 st Avenue. 3. Continue to budget \$30,000 each year until all 160 bollards on 1 st Avenue have been installed. Motion carried. OPPOSED: Councillors Fradin and Friesenhan
CS 2018-497	2018-12-03	That Council direct staff to review present plans for the installation of some 160 bollards along 1st Avenue in the downtown core. Motion carried. OPPOSED: Councillor McKay
CS 2018-498	2018-12-03	MOTION DEFEATED That Council direct staff to report back by the end of February 2019 with three options for consideration, including complete costing, timeframe for installation and a safety factor that will protect downtown shoppers and buildings. Motion defeated OPPOSED: Mayor Stone and Councillors McKay, Jacobson, Stevens, Paterson and Virtanen
CS 2018-499	2018-12-03	MOTION DEFEATED That Council direct staff to bring back a quote for Council's review regarding options to bollards.

		Motion defeated unanimously
CS 2018-500	2018-12-03	That Council direct staff to provide information as available on the number of vehicles jumping the curb on 1 st Avenue in the last four years, including the location of these incidents.

DISCUSSION:

Accident History

Staff conducted a survey through the Downtown Business Improvement Association between December 18, 2018 and January 8, 2019. In addition, surveys were mailed to a small number of businesses who are not members of the Ladysmith Downtown Business Association. The survey results are attached and are summarized as follows:

The Town received 37 completed surveys with 30 respondents answering that they had not been impacted by an incident in the past four years. (One person who responded ‘Yes’ was a member of Ladysmith Fire/Rescue who had attended an accident scene, but is not the owner/manager of a business on 1st Avenue, while another noted that they had two incidents captured outside of the four year scope).

Anecdotally, respondents noted the following incidents of cars jumping the curb and hitting buildings:

- 2 – Fall 2018
- 1 – April 2016
- 1 – July 2018
- 1 -- Summer 2015
- 2 – Summer 2017

Another respondent stated that they had been affected four times in the past 12 years by cars hitting their building.

The majority of curb-jumping incidents have occurred in the section of 1st Avenue between Roberts and High Streets, as these are the parking spaces with the highest use.

ICBC and RCMP data do not provide a sufficient level of detail that will permit a detailed analysis of vehicle crashes involving buildings on 1st Avenue.

2019 Bollard Installation

As previously reported to Council, staff have determined that there are a number of underground services under the sidewalk on 1st Avenue, directly beneath the bollard locations.

The project is scheduled to begin in the first week of August. It is also important to note that no as-built information for underground services along 1st Avenue exists. Therefore, staff are unable to ascertain accurately at this time the extent of disruption to sidewalks and businesses

due to the need to relocate these services. This would include removing or closing sidewalks, as well as closing on-street parking to carry out the necessary work.

Staff have considered a number of options to minimize disruption to businesses and pedestrians. These include working in the evenings and on weekends, or postponing the work until later in the fall. Working outside regular hours will increase the project costs and could create night-time disturbance for residents along 1st Avenue. Scheduling the project into the fall means that it could be delayed by wet weather.

Council has previously directed that a total of 160 bollards be installed along 1st Avenue, at a budgeted cost of \$30,000 per year beginning in 2020.

FINANCIAL IMPLICATIONS

The original project budget for the first nine bollards was \$30,000 in 2018. The work to purchase the bollards and prepare the locations cost \$15,000 in 2018, and the remaining \$15,000 was carried forward into 2019.

The existence of underground infrastructure directly below where the bollards will be installed has affected the project budget. Staff have estimated that the original budget to install the first nine bollards in 2019 will need to be increased by \$5,000 to \$20,000. The additional \$5,000 is expected to be found in savings from a combination of other Public Works projects.

ALTERNATIVES

Council can choose to:

- Continue with the planned installation of nine bollards on 1st Avenue in the summer of 2019
- Direct staff to carry out installation work in evenings and on Sundays and to increase the project budget accordingly
- Postpone the project until later in the year
- Cancel the bollard installation

SUMMARY POINTS:

Information on the status of the 1st Avenue bollard installation is provided for Council's information as previously directed.

I approve the report and recommendation(s).

Guillermo Ferrero, Chief Administrative Officer

ATTACHMENT(S):

Survey Results – 1st Avenue Curb Jumping Incidents

1ST AVENUE OWNER/MANAGER SURVEY -- ACCIDENTS INVOLVING VEHICLES HITTING BUILDINGS	
Has your business been impacted by an incident involving a vehicle in the past four years?	If yes, how many times and on which date(s)?
No	
No	
No. My office location is on 2nd Avenue	
No	
No	n/a
No	
No	
no	
No	
No	N/A
We have not been directly impacted as a business but have witnessed several incidents where cars have jumped the sidewalk in varying increments.	I can recall at least 4 but have no known dates.
No	
Not in the last 4 years but previously	We have had two incidents of vehicles or scooters coming through out store front in the last 12 years
No	
No	
No	
Yes	Once September of 2018
No	
No	n/a
No	
no	
no	
Yes	Once this past fall. Specific date I am unsure of

No	
Yes	Every time, im a paid on call firefighter, and respond everytime one goes into a building. I have to leave by business and this is a disruption.
Yes	Once, 2015 (I believe)
Yes	Twice at least. Apr. 2016 & July 2018
no	
No	
No	
No	
Yes	Once since we have been renting our office space. July 2017
No	
No	0
Yes	Jun-17
No	
No	

STAFF REPORT TO COUNCIL

Report Prepared By: Clayton Postings, Director Parks, Recreation and Culture
Date: May 28, 2019
Report Reviewed By:
Meeting Date: June 3, 2019
File No:
RE: Frank Jameson Community Centre 2019 CAPITAL PLAN UPDATE

RECOMMENDATION:

That Council:

1. Direct Staff to amend the 2019-2023 Financial Plan, by including the Frank Jameson Community Centre Main Pool Basin Tile Repair for \$40,000 with the funding to come from the deferral of the Frank Jameson Community Centre Change Room upgrade project for \$30,000 and the adjustment to the Frank Jameson Community Centre Domestic Water Lines project of \$10,000; and
2. Waive the purchasing policy and direct award the Frank Jameson Community Centre Main Pool Basin tile repair and grouting to Cornerstone Tile for \$38,560.00 + taxes.

PURPOSE:

Provide Council with an update on the planned capital projects for Frank Jameson Community Centre (FJCC) and provide recommended adjustments to the 2019 capital plan.

PREVIOUS COUNCIL DIRECTION

CS 2019-188

That Council adopt "Town of Ladysmith Financial Plan Bylaw 2019, No. 2000".

CS 2018-247

That Council receive the Park Asset Inventory and Condition Assessment Report, and direct staff to develop a capital and financial plan for implementing recommendations contained in the report.

INTRODUCTION/BACKGROUND:

The 2019 facility capital plan was developed and presented based on the 2018 facility condition assessment reports and asset management plan. As the Town staff continue preparing for the implementation of the 2019 capital plan projects a number of factors have begun to present

some challenges.

The major FJCC projects in the 2019 capital plan include:

- Sump pump - \$25,000
- Change room flooring upgrades – \$30,000
- Domestic water lines - \$25,000
- FJCC Sprinkler Replacement & Backflow preventer - \$30,000
- FJCC Electrical Panel - \$10,000

The recommended change to the 2019 projects would include:

- Change room flooring upgrades – move to future year
- Sump pump - \$25,000
- Domestic water lines - \$15,000
- Main pool basin tile repairs and grouting - \$40,000
- FJCC Sprinkler Replacement & Backflow preventer - \$30,000 (no change)
- FJCC Electrical Panel - \$10,000 (no change)

Facility staff have provided the following updates on the main pool condition and work required:

- Staff have been advised by the engineer consultant retained for the sump pump upgrades that draining the pool will be required to complete this project.
- The main swimming pool basin is experiencing tiles lifting, which is a concern and needs to be inspected and repairs and grouting to occur. The risk of not repairing is that patrons have a risk of cuts from the sharp tile edges. Preliminary investigation by staff going into the water to inspect the grout condition showed grout missing and several tiles lifting. The loss of grout could allow water to seep under the tiles causing additional tiles to lift and damaged to the basin.
- Staff have been in contact with various tile companies regarding the tiling project. Due to the large size of the FJCC swimming pool it is a challenge to find a group that can handle this type of project. Numerous swimming pool operators on the island have recommended Cornerstone, and, as such, staff are recommending this company be awarded the contract to complete the work.
- The main pool basin repairs are included in the asset management plan for 2020.

MAIN SWIMMING POOL DRAINING

The main pool was last drained in 2015 when new floor drains were installed.

The main pool holds 450 Cubic Meters or 120,000 US Gallons (liquid) of water.

It is staff's recommendation that the pool be drained in 2019 to allow for the sump pump project and the tile repairs and grouting to occur simultaneously, resulting in reducing the number of times the pool needs to be emptied in the coming years.

Facilities and Utilities staff have reviewed the project and the impact of draining and refilling the pool during this summer period. It is felt that a refilling in September would be an option that can occur, however it would be preferred if the pool filling was done at another point in the year. It is suggested that in future years when the pool requires refilling, maintenance plans be adjusted to move this project to the winter/spring period. This adjustment will greatly impact users, along with impacting the operating budget.

SCHEDULE:

The updated work schedule would result in one additional week of pool closure, meaning a four week closure commencing August 17 and reopening on September 16. This annual maintenance closure period continues to have minimal impact on users as the remaining portions of the building fitness centre and gymnasium continue to be open.

RISK:

It is important to note that there continues to be a risk for these type of projects due to the restrictive time lines. Staff continue to be challenged coordinating consultants and contractors, which is an ongoing issue. Staff are optimistic that the engineer will have everything complete relating to the sump pump, allowing time to find a contractor to complete the work.

ALTERNATIVES:

Council can choose to:

Move the annual shut down to another period in the year, possibly late 2019 early 2020, due to the main pool requiring refilling. This would have a major impact to facility users.

Staff have been preparing for a future main pool refilling project and adjusting the time period to occur during another point in the year which is more desirable. These changes would coincide with adjustments to the operating budget.

FINANCIAL IMPLICATIONS:

No implications to the operational budget is expected with these proposed changes. If approved, staff will update the capital plan for 2020–2024 Financial Plan with these project adjustments when it is presented to Council.

If the shutdown projects relating to the main pool draining are moved to another period in the year there would be impacts to the operating budget.

LEGAL IMPLICATIONS:

None identified

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The closure is expected to have minimal impact on the community as the community.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

None identified

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- | | |
|---|--|
| <input type="checkbox"/> Complete Community Land Use | <input type="checkbox"/> Low Impact Transportation |
| <input type="checkbox"/> Green Buildings | <input type="checkbox"/> Multi-Use Landscapes |
| <input type="checkbox"/> Innovative Infrastructure | <input type="checkbox"/> Local Food Systems |
| <input checked="" type="checkbox"/> Healthy Community | <input type="checkbox"/> Local, Diverse Economy |
| <input type="checkbox"/> Not Applicable | |

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|---|--|
| <input type="checkbox"/> Employment & Tax Diversity | <input checked="" type="checkbox"/> Natural & Built Infrastructure |
| <input checked="" type="checkbox"/> Watershed Protection & Water Management | <input type="checkbox"/> Partnerships |
| <input type="checkbox"/> Communications & Engagement | <input type="checkbox"/> Not Applicable |

SUMMARY:

Staff are working on the plans for the annual pool shutdown projects, and are recommending some reallocation to the 2019 projects, allowing for work to be completed in the main pool during shutdown while the pool is empty. Staff are also exploring moving the annual shutdown dates to another time in the year, when a scheduled pool draining is planned.

I approve the report and recommendation(s).

Guillermo Ferrero, Chief Administrative Officer

ATTACHMENT(S):

FJCC Main Pool Basin tile repairs and grouting proposal - Cornerstone



3061 Barons Road
Nanaimo, BC V9T 3Y6

Estimate

Date Estimate #
4/1/2019 8024

Project

Name / Address

Frank Jameson Community Centre
810 6th Ave
Ladysmith BC
V9G 1N8

Job No.	Phone No.	Estimator	Rep
		Dave	DL

Description	Qty	U/M	Rate	Total
Pool maintenance estimate				
Budget to re-grout pool tank, need to confirm extent, this is based on 82'x42' tank and walls of 244LF by an average of 5'. Includes consumables and scaffolding.				
Supply & install tile epoxy grout, this price includes the following: 1.) Kerapoxy CQ grout to tank bottom and sides.	1		37,000.00	37,000.00
Labour - random replacement of tiles if / as needed. Only loose or missing tiles would need to be replaced. Clean off tiles / substrate and install with under water rated thinset. Regular shop rate is \$75/hour. This is a budget price, time to be tracked and charged accordingly.	24		65.00	1,560.00
References for similar work: Mike Chestnut - Ravensong Aquatic Centre 250-752-5014 Mchestnut@rdn.bc.ca Mark Demecha - City Of Nanaimo - Mark.Demecha@nanaimo.ca Les Harrison - City of Nanaimo - les.harrison@nanaimo.ca Art Groot Manager, Facility Planning and Operations City of Nanaimo, B.C. Parks and Recreation. art.groot@nanaimo.ca 250-755-7542? GST on sales			5.00%	1,928.00

Signature			Subtotal	\$38,560.00
Phone #	250-756-9996	GST/HST No.	847172855	
Fax #	250-756-7772	cornerstone-tile.com		Total \$40,488.00

STAFF REPORT TO COUNCIL

Report Prepared By: Clayton Postings, Director Parks, Recreation and Culture
Date: May 28, 2019
Report Reviewed By:
Meeting Date: June 3, 2019
File No:
**RE: MACHIN SHOP RESTORATION PROJECT CONSTRUCTION
 MANAGEMENT SERVICES**

RECOMMENDATION:

That Council waive the purchasing policy and award the Machine Shop Restoration Project Construction Management Services directly to Windley Contracting Ltd., in accordance with their proposal, for up to \$81,500.00 + taxes.

PURPOSE:

The purpose of this report is to seek Council authorization to award Construction Management Services to Windley Contracting Ltd. as required for the Machine Shop Restoration project.

PREVIOUS COUNCIL DIRECTION

CS 2018- 452	11/19/2018	That Council: 1. Receive the Machine Shop Pre-Design Report drafted by Hotson Architecture; 2. Receive the Machine Shop Structural Report drafted by Herold Engineering; 3. Direct staff to commence the next phases of the Machine Shop Restoration Project relating to design and construction, focusing on identified structural and code improvements; 4. Direct staff to contract with Hotson Architecture to continue as project lead for the Machine Shop Restoration Project, specific to implementation phases (design, securing contractor and construction) at a cost up to \$250,000 and waive the Purchasing Policy accordingly; and 5. Continue to include the Machine Shop Users Advisory Group and tenants in project updates.
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INTRODUCTION/BACKGROUND:

The Town is entering the final design and construction phases of the Machine Shop Restoration Project. It is a recommendation to secure construction management services prior to entering the final design phase, thus allowing the construction manager to assist in preparing for the construction period.



The Town and existing architecture and engineering consultants have reviewed various options for construction management services and Windley has been determined to be the most suitable. Windley is familiar with all consultants on this project, and as well, the company has completed a number of significant projects in the community. They also bring local contracting services, which during these challenging periods of securing construction services will be a benefit to the project. With this project being on the smaller scale in terms of budget, it has been a challenge to find firms that would be available for this project.

Council has previously authorized the continued services of Hotson Architecture and consultants to continue through the design and construction phase. It is now expected that these two groups (Hotson and Windley), along with the sub consultants, will commence the final phases of the project and move toward construction commencing late summer.

The project is now narrowing down priorities including seismic, structural, code and building improvements. The priority is to match the priorities with the construction budget. The Town Staff will begin working with the tenants to prepare them for the construction period ensuring minimal impact for all groups.

ALTERNATIVES:

Council can choose to direct Staff to seek other construction management services. This may result in a delay in the project moving to the next phase.

FINANCIAL IMPLICATIONS;

The costs associated with this expense are included in the Machine Shop Restoration Project Grant Funding.

The Construction Management Services are estimated as follows:

- Pre-construction** - 3 months (June-August) \$2,500 per month = \$7,500
- Construction** - 4 months (September – December) \$4,500 per month = \$18,000
- Construction management fee** - 4% of construction costs, estimated at \$1.4M = \$56,000
- *construction management fee does not include consultant fees

Total contract fee: \$81,500

Staff have been advised that the industry standard for construction management services is between 3-5%.

Budget (funded by Grants)		1,870,000
Spent to date, included in committments:		145,222

Consulting fees design and construction	Hotson	170,000
Project Manager	TBD	12,000
Contingency		150,000
Proposed Construction Management	Windly	82,000
Subtotal		559,222
Remaining Construction budget:		1,310,778

LEGAL IMPLICATIONS:

None identified

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

N/A

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Facility Maintenance is within the Parks, Recreation and Culture Department, though construction management is not an expertise, nor is it in the current work plan for the Department.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- | | |
|---|--|
| <input type="checkbox"/> Complete Community Land Use | <input type="checkbox"/> Low Impact Transportation |
| <input type="checkbox"/> Green Buildings | <input type="checkbox"/> Multi-Use Landscapes |
| <input type="checkbox"/> Innovative Infrastructure | <input type="checkbox"/> Local Food Systems |
| <input checked="" type="checkbox"/> Healthy Community | <input type="checkbox"/> Local, Diverse Economy |
| <input type="checkbox"/> Not Applicable | |

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|--|--|
| <input type="checkbox"/> Employment & Tax Diversity | <input checked="" type="checkbox"/> Natural & Built Infrastructure |
| <input type="checkbox"/> Watershed Protection & Water Management | <input checked="" type="checkbox"/> Partnerships |
| <input type="checkbox"/> Communications & Engagement | <input type="checkbox"/> Not Applicable |

SUMMARY:

The Machine Shop Restoration Project is entering the final design and construction phases. It is recommended that a Construction Management Services contract to Windley Contracting Ltd. to oversee the construction project.

I approve the report and recommendation(s).

Guillermo Ferrero, Chief Administrative Officer

ATTACHMENT(S): Windley Contracting Ltd proposal

3711 Shenton Road
Nanaimo, B.C.
Canada V9T 2H1

Telephone: 250 758 3411
Facsimile: 250 758 0917
www.windleycontracting.com



May 27, 2019

Town of Ladysmith
810 – 6th Avenue, Mail: PO Box 220
Ladysmith, BC V9G 1A2

Attn; Mr. Clayton Postings, Director of Parks, Recreation and Culture cpostings@ladysmith.ca

Re: The Comox Logging and Railway Co.
1943 Shops Building, 610 Oyster Bay Drive, Ladysmith

Responding to your request at our meeting May 17th, Windley Contracting Ltd. is pleased to present our offer for Construction Management Services for your Phase 1 of this building upgrade project. You provided a brief tour of portions of the building along with a narrative of the priorities. This first Phase has an “order of magnitude” budget of \$1.4 million including consultants’ fees. Your desire is to have a Construction Manager join the team early in the design stage to offer input for construction methods and cost strategies that will assist the Architect and Engineers on the team.

Windley Contracting Ltd. has undertaken many projects as Construction Manager. As we are a General Contractor, we offer the advantage of possessing human resources and equipment that can be utilized on the project if necessary.

Our Fee Structure is as follows:

1. Pre-Construction Services - \$2,500 per month
This covers the construction manager’s time attending meetings, reviewing drawings and details, and providing budget costing.
2. Construction Services - \$4,500 per month
This covers the construction manager’s time during construction to liaise with the Consultants and the Client and the jobsite. This fee also includes his time, along with his assistant’s time, for ordering materials, awarding contracts, ensuring there is a Site Safety Plan, preparing schedules, instructing site activities, reviewing and monitoring costs, preparing progress draws, monitoring Holdback money, maintaining Quality Control, and collecting applicable product warranties.
3. Construction Management Fee will be 4% of the Cost of the Work, earned as the Cost of the Work accrues.

The foregoing fee structure follows the guidelines of the CCDC-5B Construction Management Contract - for Services and Construction.

The following Documents have been reviewed to give us context of the Project:

- Hotson Architecture Inc. – Pre-design Report – June 6, 2018
- Hotson Architecture Inc. – Schematic Design Report – April 15, 2019
- BTY Cost Management Report – 1.0 – May 7, 2019 – Class C Budget

Windley Contracting Ltd. is familiar with the Ladysmith community and has enjoyed working on these past projects:

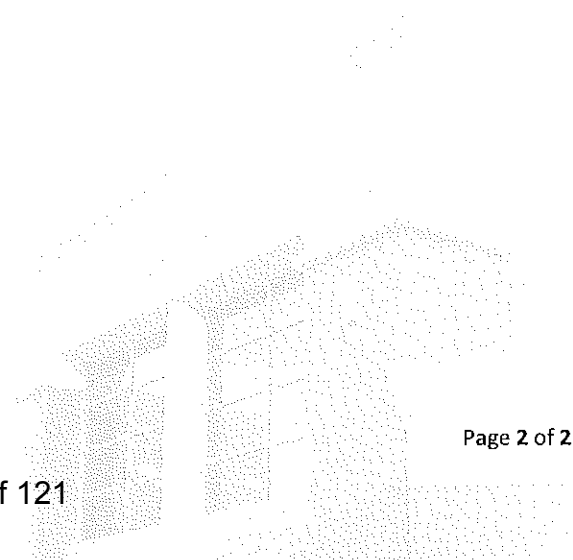
- Frank Jameson Center Alterations
- Ladysmith Community Centre
- Ladysmith Spirit Square
- Ladysmith Resource and Seniors Centre
- Black Press Warehouse & Operations Building

Thank you for the opportunity to provide our proposal for the Phase I 1943 Shops Building project. We look forward to sharing our industry knowledge and expertise with you.

Sincerely,



Cliff Thompson
Project Manager
Windley Contracting Ltd.



TOWN OF LADYSMITH

BYLAW NO. 2009

A BYLAW TO AMEND THE LADYSMITH DEVELOPMENT PROCEDURES BYLAW 2008, NO. 1667

The Municipal Council of the Town of Ladysmith in open meeting assembled enacts as follows:

1. Amendments:

Town of Ladysmith Development Procedures Bylaw 2008, No. 1667, as amended, is further amended as follows:

- (a) Section 8 “Referral Process” is deleted in its entirety and replaced with the following:

"8. Referral Process

a) The Director:

- (i) May refer any application to federal and provincial government agencies;
- (ii) Shall refer the following applications to the Community Planning Advisory Committee for feedback to applicants and recommendations to Council:
 - a. OCP amendment applications where a change in land use designation is proposed;
 - b. Rezoning applications where a change in zone, land use and/or density is proposed;
 - c. Development Permit applications for new construction in Development Permit Area 2 – Downtown; and
 - d. Development applications for the development or redevelopment of land, buildings and structures on the Community Heritage Register.

- (b) Section 9 “Council Consideration” is amended by updating the *Local Government Act* reference in section 9(c)(ii) from “Section 894(1)(b)” to “Section 470(1)(b).”

2. Citation

This bylaw may be cited for all purposes as “Ladysmith Development Procedures Bylaw 2008, No. 1667, Amendment Bylaw 2019, No. 2009”.

READ A FIRST TIME on the 6th day of May, 2019

READ A SECOND TIME on the 6th day of May, 2019

READ A THIRD TIME on the 6th day of May, 2019

ADOPTED on the _____ day of _____, 2019

Mayor (A. Stone)

Corporate Officer (J. Winter)

TOWN OF LADYSMITH

BYLAW NO. 2010

A bylaw to amend Sign and Canopy Bylaw 1995, No. 1176 of the Town of Ladysmith.

The Municipal Council of the Town of Ladysmith in open meeting assembled enacts as follows:

1. Amendments

Sign and Canopy Bylaw 1995, No. 1176, as amended, is hereby further amended as follows:

(a) Section 3.2 “Application” is amended by deleting the following section and renumbering as necessary.

“3.2.2 The Building Inspector shall refer every sign application(s) for property located in the Downtown Specified Area to the Heritage Revitalization Advisory Commission for consideration and report to him on colour, design, location and style prior to issuance of the permit.”

2. Citation

This bylaw may be cited as “Ladysmith Sign and Canopy Bylaw 1995, No. 1176, Amendment Bylaw 2019, No. 2010”.

READ A FIRST TIME on the 6th day of May, 2019

READ A SECOND TIME on the 6th day of May, 2019

READ A THIRD TIME on the 6th day of May, 2019

ADOPTED on the day of, 2019

Mayor (A. Stone)

Corporate Officer (J. Winter)

May 15, 2019

Town of Ladysmith
Mayor and Council

Ladysmith Health Care Auxiliary – Thrift Store Expansion
Bylaw No.1940 – Sprinkler Requirements

The Ladysmith Health Care Auxiliary would like to request that City of Ladysmith Council consider appropriate amendments to Town of Ladysmith Bylaw No. 1940 (adopted Dec. 2017), to exempt the recently consolidated parcel (910 and 920 First Avenue) from the Downtown Bylaw requirement area. This letter, and referenced attachments, are provided to assist Council in understanding the rationale to support this request.

The LHCA has operated the Thrift Store for many years within the community as a not for profit organization and the many volunteers are very proud of the ample financial donations they offer annually to support health and community care. While these volunteers very much would welcome the expansion of facilities to improve the currently confined working conditions, it was clearly noted at the project outset that they were not prepared to proceed if it dramatically limited their ability to continue making their significant annual donations. The professional consultants to this project feel responsible to make all efforts to minimize any unnecessary project development costs.

Project Architect, Will King of Waymark Architecture, has undergone an extensive Building Code Review of the existing building and implications for the proposed addition and has determined that the major building occupancy classification and the occupant load as per the BC Building Code would not require the existing building or addition to be sprinklered to meet life safety requirements. (Please see letter from Will King in Attachment 1). This code interpretation offered the potential for significant project development savings however, the Town of Ladysmith, Bylaw 1940 includes the subject properties within the boundaries of the Downtown Sprinkler Area and thereby the Bylaw overrides the Building Code to require a full sprinkler system and associated costs.

The internal sprinkler system for the old and new building is anticipated to add an additional \$60,000. These internal costs are then compounded by projected professional and construction fees to upgrade the service connection in First Avenue through to the building to provide the necessary water pressure for the sprinkler system to operate efficiently. Jim Buchanan of JE Anderson, Civil Engineers has provided calculations and a projected cost estimate of \$50,000 for the system upgrade requirements to adequately service the building for a sprinkler system. (See attachment 2). The projected total cost of having to provide a sprinkler system to a building will be approximately \$110,000, (\$60K + \$50K).

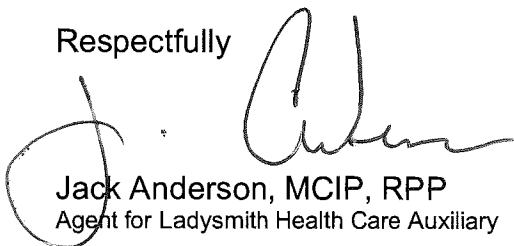
The significant expense of sprinkler system for the non-profit LHCA, combined with the realization that the Building Code doesn't require them for life safety, has provided the motivation to explore an exemption for our proposed building. It is also important that we examine the original intent for creating Bylaw 1940 in the first place to determine if a requested exemption would negate an important reason for its original implementation.

Review of Bylaw 1940 and the defined Downtown Sprinkler Bylaw area as noted in Schedule A, illustrates that the subject area is focused on First Avenue but includes the blocks to the west edge of Esplanade Avenue and the east edge of Second Avenue. The length of the area extends for Baden Powell Street to Simonds Street. This defined area is primarily focused around the historical buildings of nationally recognized First Avenue promenade that is central to the Ladysmith identity far and wide. This is highlighted by the economic opportunities this section of First Avenue has garnered for movie productions. To protect this asset, sprinkler systems are valued to limit the spread of fire within these historic facilities in advance of community firefighting bringing potential fires under control. It is also noted that many of these buildings are wood frame with brick facades which could burn quickly and spread to neighbouring buildings. The other critical feature of the buildings on First Avenue is that many are multi-story and thus have mixed uses including residential accommodation (or night time occupancy) on these upper floors. In this situation, (historic buildings, wood framed construction, multi-story structures and night time occupancy) sprinklers are certainly justified as there is great value in the sprinkler bylaw to address the protection of these community assets and life-safety.

In the circumstances of the existing Thrift Store, we recognize that the building is a one-story structure with external wall construction of non-combustible concrete block. The old building has limited historic value and is only occupied during business hours with no over-night occupancy. The proposed addition will again be only 1 story structure, utilizing non-combustible exterior siding, with no expectation of night time occupancy. Furthermore, as Will King notes in the Attachment 1, the building with addition is easily accessed on 3 sides for fire-fighting and we are receptive to working with the Fire Department and Building Inspection services to address alternate solutions to any concerns for fire-fighting or life safety.

In summary, we acknowledge and respect the importance of implementing a Sprinkler Bylaw for First Avenue properties however, the recognized rationale for its creation would not appear to apply to our subject property and proposed development. Furthermore, the cost of the installation is significant for the non-profit LHCA particularly when the BC Building Code analysis, confirms that for life safety of the proposed occupancy of this building, a sprinkler system is unnecessary. We thereby would appreciate Ladysmith Council's consideration to address Bylaw 1940 to exempt the subject property from the bylaw requirements.

Respectfully



Jack Anderson, MCIP, RPP
Agent for Ladysmith Health Care Auxiliary

Cc: LHCA c/o Pam Frazer
Waymark Architecture – Will King
JE Anderson – Jim Buchanan



Mayor and Council
Town of Ladysmith
410 Esplanade, PO Box 220
Ladysmith, British Columbia
V9G 1A2

RE: SPRINKLER REQUIREMENTS FOR THE LADYSMITH HEALTHCARE AUXILIARY THRIFT STORE

Mayor and Council Members,

During our initial review of the proposed project to expand the Ladysmith Thrift Store we completed a thorough life-safety and building code review of the existing building and the implications of adding a new addition. Our report can be made available to you in full if you wish to review it in detail. We have determined that the major occupancy classification will be a Mercantile Occupancy and that it will support an occupant of load of approximately 105 patrons and 43 staff in the combined facility. The building size is small enough to allow the building to be classified as a building in Group E, up to 2 stories (described in the BC Building Code, section 3.2.2.68). This means that the building is not required to be sprinklered throughout.

We understand that the Town of Ladysmith has created it's own By-law requiring buildings in the downtown area to be sprinklered regardless of the provincial requirements, however we believe that the risks to neighbouring building from uncontrolled fire in this case will be very limited. There are also fire hydrants directly in front of the store and fire trucks will have direct access to three sides of the building. Should the Town amend it's By-law to allow provincial jurisdiction in the matter of sprinklers for this building, we will be happy to work with your fire department and building department to ensure that any and all concerns related to fire fighting and life safety of this building are resolved to your satisfaction.

Sincerely,

A handwritten signature in black ink, appearing to read "Will King".

Will King, Architect AIBC, MRAIC. LEED AP



JEA File 89446

May 16, 2019

 GREENPLAN
 1655 Cedar Road
 Nanaimo, BC V9X 1L4

By email: jack@greenplan.ca

Attn: Jack Anderson

RE: Civil Engineering - Comments On Water Supply Related to Fire Sprinklers

Per discussions, we provide the following related to water supply for fire protection.

Town of Ladysmith Standards and Specifications requires that fire flows are per FUS. At the FUS flows, minimum residual pressure at the hydrant must be 20 psi.

See attached FUS Calculation sheet indicating a fire flow of 11,300 L/min required. Ladysmith may be able to supply this flow.

If the new building were non combustible, the C value would drop to 0.93, and the fire flow required would be 8,800 L/min which Ladysmith would more likely have available.

Cost Estimate for Providing Fire Water Service:

Assume 100mm service is required

Assume the existing service (assumed to be 19mm) is sufficient for the building

Assume Check Valve is required outside the building

100mm water service across 1 st Street	\$16,000
Single Detector Check Valve at PL (may now be double)	\$26,000
Domestic Service	\$ 2,000
Subtotal	\$44,000
Engineering and Contingency at +/-15%	\$ 6,000
Total	\$50,000

GST Additional

Ladysmith should take this into account when reviewing sprinkler requirements.

Please call me if you have any questions.

Yours truly,

JE Anderson & Associates



Jim Buchanan, P. Eng.



FIRE UNDERWRITERS SURVEY

A SERVICE TO INSURERS AND MUNICIPALITIES

FIRE FLOW ESTIMATE

City LADYSMITH

Date MAY 16/19

Eng. JIM BUCHANAN

Previous Fire Flow No. _____

Fire Flow No. _____

LADYSMITH THRIFT STORE

Address (name of occupant if prominent)

Type Dist. _____

Fire Area Considered

465 ORDINARY (CONC, WOOD ROOF)
300 WOOD FRAME

Types of Construction:

$$C = (465 \times 1 + 300 \times 1.5) / 765 = 1.2$$

Ground Floor Area _____

No. of
Stories 1

Total Floor Area (if needed) 765

Fire Flow From Table: $220 \times 1.2 \times \sqrt{765} = 7300$

gpm(a)

Occupancy: COMMERCIAL

Add or Subtract 0 % 0

Sub Total 7300

gpm(b)

Automatic Sprinklers: _____

Subtract _____ % x b = 0

Sub Total 7,300

Exposures:

Distance

Exposure

	Distance	Exposure	Add	%
1. Front	<u>20-30</u>	<u>10%</u>	<u>10</u>	%
2. Left	<u>20-30</u>	<u>10%</u>	<u>10</u>	%
3. Rear	<u>3-10</u>	<u>20%</u>	<u>20</u>	%
4. Right	<u>10-20</u>	<u>15%</u>	<u>15</u>	%

Total 55 %

Use 55 % x b = + 4000 l/min

Total 11,300 gpm

Fire Flow Required 11,300 gpm

Notes and/or Calculations:

Draw Sketch on other side if needed.

TOWN OF LADYSMITH

BYLAW NO. 1940

A bylaw to establish a local building requirement for Fire Sprinkler and Fire Sprinkler Systems

WHEREAS the Council of the Town of Ladysmith wishes to maintain a local building requirement for the installation of fire sprinklers and fire sprinkler systems pursuant to the Building Act General Regulation (BC Reg. 131/2016);

NOW THEREFORE the Council of the Town of Ladysmith, in open meeting assembled, hereby enacts as follows:

Definitions

1. In this Bylaw, unless the context otherwise requires, the following words have the following meanings:

"**Applicant**" means either the owner of a parcel or a person authorized in writing by the owner to apply for and obtain a *Building Permit*;

"**Building**" means any structure used or intended for supporting or sheltering any use or occupancy except those prescribed by regulation as exempted from the *Building Code*;

"**Building Code**" means the Code as defined in the Buildings and Other Structures Bylaws Regulation, BC Reg. 86/2004;

"**Building Bylaw**" means the Town of Ladysmith "Building and Plumbing Bylaw 1994, No. 1119" as amended or replaced from time to time;

"**Building Inspector**" means the building inspector of the *Municipality* from time to time;

"**Construction value**" means the value of construction provided by the applicant or a construction valuation calculation accepted as an equivalent by the Building Inspector;

"**Municipality**" means the Town of Ladysmith;

"**Permit**" means a *Permit* issued by the *Building Inspector* for the construction or alteration of a building, or the installation, alteration or replacement of plumbing pursuant to the *Building Bylaw*;

"**Professional Engineer**" means a person who is registered or licenced as a professional engineer under the Engineers and Geoscientists Act [RSBC 1996], c. 116.

Fire Sprinklers and Fire Sprinkler Systems

- 2.1 A person who constructs or causes to be constructed a *Building* within that part of the *Municipality* shown in heavy outline on Schedule A to this Bylaw must, as part of the construction of the *Building*, install an automatic sprinkler system throughout the entire building.
- 2.2 No *Permit* will be issued for a *Building* to which section 2.1 applies unless the applicant for the *Permit* has submitted a design drawing from a *Professional Engineer* in accordance with the *Building Code* showing the location of the fire sprinklers and associated water lines.
- 2.3 The automatic sprinkler system required under section 2.1 shall be installed in accordance with the *Building Code*.
- 2.4 The automatic sprinkler system required under section 2.1 shall be maintained in

accordance with the *Building Code* and the requirements of the National Fire Protection Association (NFPA) "Inspection, Testing and Maintenance of Water-Based Fire Protection Systems."

- 2.5 Section 2.1 does not apply where the construction will result in any of the following:
- 2.5.1 the creation and/or location of no more than a single residential unit on the parcel;
 - 2.5.2 the construction of a detached *Building* having a total gross floor area of less than 100 square metres (1076.4 square feet);
 - 2.5.3 an addition to an existing *Building* that will not exceed the lesser of 25% of the existing floor area of the *Building* or a maximum gross floor area of 200 square metres (2152.8 square feet);
 - 2.5.4 the construction of an unoccupied mechanical *Building* having a floor area not exceeding 300 square metres (3,229.2 square feet) or a non-combustible *Building* used only for a car wash having a floor area which does not exceed 300 square metres (3,229.2 square feet);
 - 2.5.5 the creation of non-combustible canopies over gasoline pumps or other areas where flammable liquids are handled;
 - 2.5.6 an application for a *Permit* for only plumbing fixtures and/or plumbing reconfiguration; or
 - 2.5.7 the alteration of an existing *Building* where the *Construction Value* will not exceed 50% of the assessed value of the *Building* as determined by the B.C. Assessment Authority in the assessment immediately preceding the *Permit* application.
- 2.6 For the purposes of section 2.5.7, any construction of or to a *Building* shall be deemed to include construction for which a *Permit* was issued within the thirty-six (36) months immediately preceding the application for a *Permit*.

Administrative Remedies

- 3.1 A *Building Inspector* may order the cessation of any work that is proceeding in contravention of the *Building Code* or this Bylaw, by posting a "Stop Work Order" on the parcel on which such work is undertaken.
- 3.2 An owner of property on which a "Stop Work Order" has been posted shall cease or cause the cessation of all further work on the *building* immediately and shall not do any work until all provisions of the *Building Code*, this Bylaw and the *Building Bylaw* have been fully complied with.

Repeal

4. "Building and Plumbing Bylaw 1994, No. 1119, Amendment Bylaw 1995, No. 1178" is hereby repealed.

Penalties and Enforcement

- 5.1 A person who violates a provision of this Bylaw is liable on summary conviction to a maximum penalty of Ten Thousand Dollars (\$10,000) and costs.
- 5.2 Each day that a violation occurs or is permitted to continue constitutes a separate offence.

Severability

6. If any section of this Bylaw is held invalid by a court, the invalid portion shall be severed from this Bylaw without affecting the validity of the remainder of the Bylaw.

Citation

7. This Bylaw may be cited for all purposes as the "Town of Ladysmith Building Fire Sprinkler System Bylaw 2017, No. 1940."

READ A FIRST TIME	on the 20th	day of November,	2017
READ A SECOND TIME	on the 20th	day of November,	2017
READ A THIRD TIME	on the 20th	day of November,	2017
ADOPTED	on the 4th	day of December,	2017



 Mayor (A. Stone)



 Corporate Officer (J. Winter)



Schedule "A"

TOWN OF LADYSMITH

Building Sprinkler System Bylaw 2017, No. 1940



TOWN OF LADYSMITH
 SCHEDULE A OF BYLAW 1940
 DRAWN BY: Eng
 DATE: 10/30/2017



Ladysmith Search and Rescue

PO Box 1808 Ladysmith B.C., V9G 1B4

April 30, 2019

The Town of Ladysmith

Mayor and Council

Dear Mayor and Council,

I am writing on behalf of the volunteer members of the Ladysmith Ground Search and Rescue (LSAR). We would like to thank the Town of Ladysmith for the generous support over the many years. In 2018 LSAR responded to 25 emergency callouts.

LSAR, (53 plus years), has been growing with approximately 36 members and with an array of vehicles and equipment of various sizes and capabilities. Some are housed in the canopy shelter in the Town's Public Works yard and also the compound we share with the Ladysmith Fire / Rescue. We recently have added another 20' X 8' container to store our Swiftwater Team's rubber kayaks and our new raft plus assorted rope equipment. However, LSAR would like to pursue having a building to house all the operational equipment under one roof.

We therefore ask the Town of Ladysmith, Mayor and Council, if there is the possibility of leasing some land where we could construct a more permanent facility for LSAR. LSAR can apply for BCLC Capital Grants towards funding the construction of a facility, but the major roadblock is finding the land so we can move forward. As we are a non-profit society, funds to purchase any land are non-existent. We would also consider the possibility of leasing a suitable structure that is owned by the Town of Ladysmith.

LSAR would welcome further dialog and any ideas the Town of Ladysmith has, regarding this matter. If you have any questions please call me on my cell phone 250-734-1897 or by email allenmcdermid@ladysmithsearchandrescue.com

Sincerely,

Allen McDermid, **President**

Ladysmith SAR.

www.ladysmithsearchandrescue.com

May 27, 2019

Attention Mayor and Council:

Regarding the development of 41 Lots on Russell Road

A portion of this property which belonged to the Rutti family was designated a park for the people and their families in the area to enjoy.

The Rutti family (“100 year pioneers on Russell Road”) have fifteen living generations, one of which is still living, Mrs. Ethel Rutti, at 97 years of age. The family would very much like to leave a legacy and have the park named “Oiva Rutti Park”.

The neighbours and people using the park would like the Mayor and Council to seriously consider with respect to the Rutti family their wish to name the park “Oiva Rutti Park”.

Yours truly,

Bill and Sheila Andreychuk
43 years on Russell Road