



TOWN OF LADYSMITH

A REGULAR MEETING OF THE
COUNCIL OF THE TOWN OF LADYSMITH
WILL BE HELD IN COUNCIL CHAMBERS AT CITY HALL ON
MONDAY, JANUARY 16, 2017

Call to Order and Closed Meeting

5:00 p.m.

Regular Open Meeting

7:00 p.m.

AGENDA

CALL TO ORDER (5:00 P.M.)

1. CLOSED SESSION

In accordance with section 90(1) of the *Community Charter*, this section of the meeting will be held *In Camera* to consider matters related to the following:

- Strategic Priorities workshop - Section 90 (1) (l)
- Status of sale of Town-owned properties and proposed property acquisitions – Section 90 (1) (l)
- Provision of a municipal service - Section 90 (1) (k)

REGULAR MEETING (7:00 P.M.)

2. AGENDA APPROVAL

3. RISE AND REPORT – Items from Closed Meeting

4. MINUTES

- 4.1. Minutes of the Regular Meeting of Council held December 19, 20161 - 4
4.2. Minutes of the Special Meeting of Council held January 9, 20175

5. DELEGATIONS

- 5.1. Dialog Design
Jennifer Fix, Project Manager and Engagement Specialist
Waterfront Area Plan Presentation

6. PROCLAMATIONS

- 6.1. BC Aware Days 20176
Mayor Stone has proclaimed January 30th to February 10th, 2017 as “BC Aware Days 2017” in the Town of Ladysmith, to promote awareness and prevention of cybercrime.

7. DEVELOPMENT APPLICATIONS -

- 7.1. **Coach House Intensive Residential Development Permit Application – 533 Kitchener Street (J. McNeil)7 - 14**

Staff Recommendation:

That Council Issue Development Permit 3060-16-16 to permit the issuance of a building permit for the construction of a coach house dwelling on Lot 8, Block 126, Oyster District, Plan 703 (533 Kitchener Street).

8. 2017 – 2021 FINANCIAL PLAN DELIBERATIONS

- 8.1. Presentation and Discussion

- 8.2. Public Input and Questions

9. REPORTS

- 9.1. **Consideration of Declaration of Nuisance – 1261 4th Avenue..... 15 - 33**

Staff Recommendation:

That Council, under the authority provided in Section 74 of the Community Charter, declare the dwelling (the Building) located at 1261 4th Avenue, legally described as Lot 6, District Lot 97, Oyster District, Plan VIP55384 (the Lands) to be in such condition that it is a nuisance, and

1. Impose requirements as set out in Schedule A to this Report (the “Remedial Action Requirement (RAR)”) to remediate the nuisance conditions, including:
 - Remove all clutter, garbage and damaged items from the Building so that a rodent trapping and monitoring program can be set up to determine the extent and activity level of the rodent population;
 - Establish a rodent trapping and recording program conducted by, or under the direction of, a licenced pest control specialist that will continue until the rodent infestation is eliminated; and
 - Make repairs to the Building to seal all access points where rodents can enter the Building.
2. Authorize Staff to take all appropriate actions in accordance with Section 17 of the Community Charter to ensure the Building is brought into compliance with the remedial action detailed in Schedule A subject to the following:
 - a. The property owner has not fully complied with the Remedial Action Requirement on or before the compliance date specified in this Council Resolution; and
 - b. That all costs incurred by the Town of Ladysmith to bring the property into compliance shall be at the expense of the property owner and as per Section 17 of the Community Charter, these costs shall be treated as a debt owed to the Town of Ladysmith.

3. Set the time limit for compliance with the Remedial Action Requirement (RAR) detailed in Schedule A at 60 days commencing the date the RAR is mailed or personally served; and
4. Set the time limit for a notice of a request for Council to reconsider the Remedial Action Requirement at 14 days, commencing the date the RAR is mailed or personally served.

9.2. Waste Water Treatment Plant Budget Increase..... 34 - 36

Staff Recommendation:

That Council:

1. Approve an additional \$200,000 for the Waste Water Treatment Plant upgrade, with funds to come from the Sewer Reserve and Operations; and
2. Direct Staff to amend the Financial Plan accordingly.

10. BYLAWS

10.1. Town of Ladysmith Cemetery Care Trust Fund Appropriation Bylaw 2017, No. 1922 37 - 38

The purpose of Bylaw 1922 is to authorize the Town to withdraw funds from the Cemetery Care Trust Fund to support cemetery maintenance, in accordance with the legislation.

Staff Recommendation:

That Council give first three readings to Town of Ladysmith Cemetery Care Trust Fund Appropriation Bylaw 2017, No. 1922.

11. CORRESPONDENCE

11.1. Festival of Lights 39 - 40
Request for Letter of Support

Staff Recommendation:

That Council provide a letter of support for the Festival of Lights Society to accompany their application to the Cowichan Valley Arts Council for grant funding.

11.2. Ladysmith and District Arts Council41
Request for Letter of Support

Staff Recommendation:

That Council provide a letter of support for the Ladysmith and District Arts Council to accompany their application for B.C. Arts Council funding.

12. NEW BUSINESS

12.1. PlaceSpeak – Platform for Residents to Engage with the Issues that Directly Impact their Community (presentation by City Manager)

Staff Recommendation:

That Council receive the presentation regarding the launch of community engagement tool PlaceSpeak for information.

12.2. Attendance at 2017 Convention, Association of Vancouver Island and Coastal Communities; Potential Resolution and/or Nomination Submission 42 - 51

Staff Comment:

Town of Ladysmith policy permits the Mayor and up to four Councillors to attend the Association of Vancouver Island and Coastal Communities annual convention.

Staff Recommendation:

That Council:

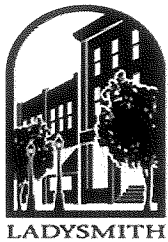
1. Determine which members will attend the Association of Vancouver Island and Coastal Communities annual convention from April 7 to 19, 2017 in Campbell River; and
2. Determine whether it wishes to submit a resolution to the Association of Vancouver Island and Coastal Communities ; and
3. Determine whether it wishes to nominate any members of Council to run for Executive Positions with the Association of Vancouver Island and Coastal Communities.

13. UNFINISHED BUSINESS

14. QUESTION PERIOD

- A maximum of 15 minutes is allotted for questions.
- Persons wishing to address Council during “Question Period” must be Town of Ladysmith residents, non-resident property owners, or operators of a business.
- Individuals must state their name and address for identification purposes.
- Questions put forth must be on topics which are not normally dealt with by Town staff as a matter of routine.
- Questions must be brief and to the point.
- Questions shall be addressed through the Chair and answers given likewise. Debates with or by individual Council members or staff members are not allowed.
- No commitments shall be made by the Chair in replying to a question. Matters which may require action of the Council shall be referred to a future meeting of the Council.

ADJOURNMENT



**TOWN OF LADYSMITH
MINUTES OF A REGULAR MEETING OF COUNCIL
MONDAY, DECEMBER 19, 2016
CALL TO ORDER 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL**

COUNCIL MEMBERS PRESENT:

Mayor Aaron Stone
Councillor Joe Friesenhan
Councillor Duck Paterson

Councillor Steve Arnett
Councillor Carol Henderson

Councillor Cal Fradin
Councillor Rob Hutchins

STAFF PRESENT:

Guillermo Ferrero
Geoff Goodall
Sue Bouma

Felicity Adams
Clayton Postings

Erin Anderson
Joanna Winter

CALL TO ORDER

Mayor Stone called this Meeting of Council to order at 6:04 p.m.

CLOSED SESSION

CS 2016-413

Moved and seconded:

That, in accordance with section 90(1) of the *Community Charter*, Council retire into closed session at 6:05 p.m. in order to consider items related to the following:

- Appointments to advisory committees – Section 90 (1) (a)
- Information related to negotiations between the provincial government and a third party – Section 90(2)(b)

Motion carried.

REGULAR OPEN MEETING

Mayor Stone called this Special Open Meeting to order at 7:07 p.m., recognizing the traditional territory of the Stz'uminus First Nation, acknowledging 5,500 years of history and stewardship and expressing gratitude to be here.

AGENDA APPROVAL

CS 2016-414

Moved and seconded:

That Council approve the agenda for this Regular Meeting of December 19, 2016 with the following amendments:

- Item 12.1 Council Member Attendance at Upcoming Conferences
- 12.2 Snow Removal Expense Contingency

Motion carried.

RISE AND REPORT

Council rose from Closed Session at 7:00 p.m. without report.

MINUTES

CS 2016-415

Moved and seconded:

That Council approve the minutes of the Regular Meeting of Council held December 5, 2016.

Motion carried

Moved and seconded:

CS 2016-416

That Council approve the minutes of the Special Meeting of Council held December 12, 2016.

Motion carried

DELEGATIONS

Ladysmith and District Arts Council

Kathy Holmes

Thank you to Council

Kathy Holmes, past president of the Ladysmith and District Arts Council, provided an overview of the growth and development of their education programs and special events. She highlighted the numerous ways this growth impacts the Town culturally and economically.

Ms. Holmes thanked Council and Staff for their partnership and continued support, and Council expressed appreciation for both Ms. Holmes' and the Arts Council's numerous contributions to the Town.

Vancouver Island University Student Union

Sarah Segal and Avery Bonner

Don't Close the Doors Campaign – Adult Basic Education Programs

Sarah Segal and Avery Bonner gave a presentation to Council outlining the history and value of Adult Basic Education programs, noting that changes to funding have resulted in tuition fees for courses that were previously free. They requested Council's endorsement of the "Don't Close the Doors Campaign" to restore funding to the program.

Council thanked Ms. Segal and Mr. Bonner for their presentation.

Moved and seconded:

CS 2016-417

That Council refer the "Don't Close the Doors Campaign" to the next Municipal Services Committee meeting for discussion.

Motion carried.

BYLAWS (OFFICIAL COMMUNITY PLAN AND ZONING)

CS 2016-418

Bylaw 1921 – Amend Zoning Bylaw to Explicitly Prohibit Retail Sale of Marihuana

Moved and seconded:

That Council give first and second reading to Bylaw 1921 and refer the bylaw to a future public hearing.

Motion carried.

STAFF REPORTS

CS 2016-419

Road Closure and Exchange – Holland Creek

Moved and seconded:

That Council:

1. Approve in principle the Land Exchange Agreement between the Town of Ladysmith and 0963984 BC Ltd., and authorize the Mayor and Corporate Officer to execute the agreement; and

2. Proceed to give first three readings to Road Closure and Dedication Removal Bylaw 2016, No. 1916, under the Bylaws section of this agenda.

Motion carried.

Financial Plan Deliberations

Moved and seconded:

CS 2016-420

That Council authorize the following schedule of meetings to review the 2017 - 2021 Financial Plan:

- Monday, January 16th - preliminary 2017 operating and capital budgets
- Monday, January 23rd - first budget workshop at a special Municipal Services meeting
- Monday, January 30th - second budget workshop at a special Municipal Services meeting
- Monday, February 20th - presentation of the 2017 - 2021 Financial Plan at a regular Council meeting.

Motion carried.

Updated Bylaw to Regulate Parks Usage

Moved and seconded:

CS 2016-421

That Council refer the matter of an updated Bylaw to Regulate Parks Usage in the Town of Ladysmith to the Parks, Recreation and Culture Advisory Committee and the Protective Services Committee for review and input.

Motion carried.

BYLAWS

Town of Ladysmith 2017 Revenue Anticipation Borrowing Bylaw 2016, No. 1918

Moved and seconded:

CS 2016-422

That Council adopt Town of Ladysmith 2017 Revenue Anticipation Borrowing Bylaw 2016, No. 1918.

Motion carried.

Town of Ladysmith Road Closure and Dedication Removal Bylaw 2016, No. 1916

Moved and seconded:

CS 2016-423

That Council give first three readings to Town of Ladysmith Road Closure and Dedication Removal Bylaw 2016, No. 1916.

Motion carried.

Town of Ladysmith Water Filtration Plant Loan Authorization Bylaw 2016, No. 1920

Moved and seconded:

CS 2016-424

That Council give first three readings to Town of Ladysmith Water Filtration Plant Loan Authorization Bylaw 2016, No. 1920.

Motion carried.

Town of Ladysmith Parks, Recreation and Culture Commission Repeal Bylaw 2016, No. 1919

Moved and seconded:

CS 2016-425

That Council give first three readings to Town of Ladysmith Parks, Recreation and Culture Commission Repeal Bylaw 2016, No. 1919.

Motion carried.

NEW BUSINESS

Council Member Attendance at Upcoming Conferences

Moved and seconded:

CS 2016-426

That Council authorize Councillor Paterson to attend the Local Government Leadership Academy Forum in Richmond, B.C. from February 1 to 2 inclusive, at an estimated cost of \$800.

Motion carried.

Moved and seconded:

CS 2016-427

That Council authorize Mayor Stone to attend the Federation of Canadian Municipalities 2017 convention in Ottawa, at an estimated cost of \$4000.

Motion carried.

Snow Removal Expense Contingency

Moved and seconded:

CS 2016-428

That Council authorize additional funding for any snow removal expenditures over budgeted amounts from Appropriated Equity.

Motion carried.

**QUESTION PERIOD
ADJOURNMENT**

Members of the public wished Council and Staff a Merry Christmas.

Moved and seconded:

CS 2016-429

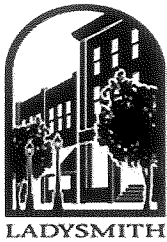
That this meeting of Council adjourn at 7:46 p.m.

Motion carried.

CERTIFIED CORRECT:

Mayor (A. Stone)

Corporate Officer (J. Winter)



**TOWN OF LADYSMITH
MINUTES OF A SPECIAL MEETING OF COUNCIL
MONDAY, JANUARY 9, 2017
CALL TO ORDER 5:00 P.M.
COUNCIL CHAMBERS, CITY HALL**

COUNCIL MEMBERS PRESENT:

Mayor Aaron Stone	Councillor Steve Arnett	Councillor Cal Fradin
Councillor Joe Friesenhan	Councillor Carol Henderson	Councillor Rob Hutchins
Councillor Duck Paterson		

STAFF PRESENT:

Guillermo Ferrero	Erin Anderson	Geoff Goodall
Clayton Postings	Joanna Winter	

CALL TO ORDER

Mayor Stone called this Special Meeting of Council to order at 5:00 p.m., acknowledging the traditional territory of Stz'uminus First Nation, acknowledging 5,500 years of history and stewardship and expressing gratitude to be here.

CLOSED SESSION

CS 2017-001

Moved and seconded:

That Council retire into closed session at 5:01 p.m. in order to consider matters related to the following:

- Strategic Priorities workshop - Section 90 (1) (I)
- Acquisition of property - Section 90 (1) (e) *Motion carried.*
-

RISE AND REPORT

Council rose from Closed Session at 8:42 p.m. without report.

ADJOURNMENT

CS 2017-002

Moved and seconded:

That this Special Meeting of Council adjourn at 8:43 p.m.

Motion carried.

CERTIFIED CORRECT:

Mayor (A. Stone)

Corporate Officer (J. Winter)



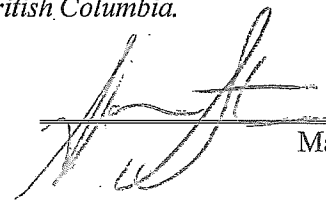
LADYSMITH

TOWN OF LADYSMITH

PROCLAMATION

- WHEREAS:** *Cybercrime threatens the privacy and security of all citizens and organizations in British Columbia;*
- AND WHEREAS:** *Cybercriminal activity amounts to a tremendous erosion of economic wealth;*
- AND WHEREAS:** *Privacy and security issues result from the massive amounts of personally identifiable information processed each day;*
- AND WHEREAS:** *Awareness of the risks to society must be highlighted to engage citizens and organizations and to galvanize privacy and security professionals around this cause;*
- AND WHEREAS:** *ISACA Vancouver, a member of ISACA, the leading international association of information security governance professionals, wishes to instill privacy and security awareness amongst all citizens and organizations in British Columbia;*
- AND WHEREAS:** *The Town of Ladysmith supports the promotion of privacy and security awareness amongst its citizens and organizations so they can protect themselves from privacy infringements, fraud and other financial crimes;*
- THEREFORE,** *I, Aaron Stone, Mayor of the Town of Ladysmith, do hereby proclaim January 30th to February 10th, 2017 as "BC Aware Days 2017" in the Town of Ladysmith, British Columbia.*

January 16, 2017



Mayor A. Stone



Town of Ladysmith
STAFF REPORT

From: Felicity Adams, Director of Development Services
Date: January 16, 2017
File No: 3060-16-16

RE: Coach House Intensive Residential Development Permit Application – J. McNeil
Lot 8, Block 126, Oyster District, Plan 703A

RECOMMENDATION:

That Council issue Development Permit 3060-16-16 to permit the issuance of a building permit for the construction of a coach house dwelling on Lot 8, Block 126, Oyster District, Plan 703A (533 Kitchener Street);

AND THAT the Mayor and Corporate Officer be authorized to sign the Development Permit.

PURPOSE:

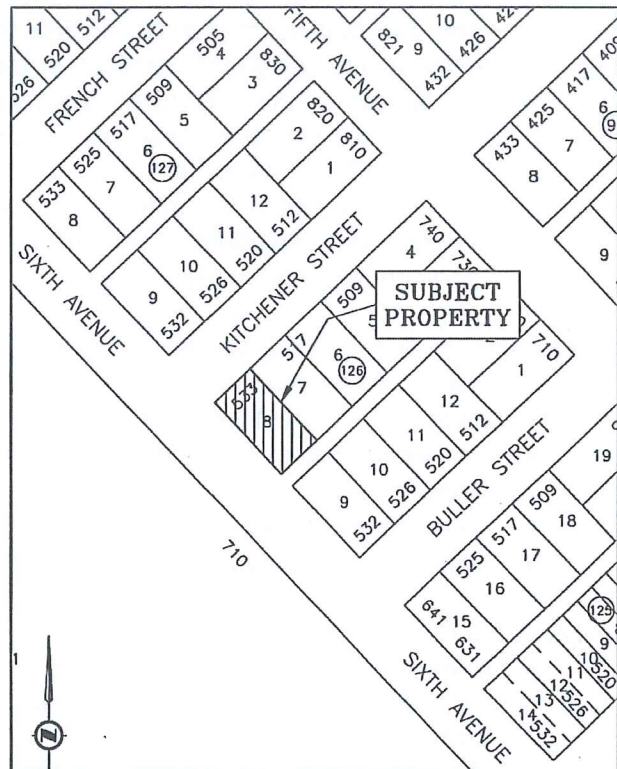
The purpose of this staff report is to present for Council's consideration a Coach House Intensive Residential Development Permit application for a proposed coach house dwelling at 533 Kitchener Street.

PREVIOUS COUNCIL DIRECTION:

None.

INTRODUCTION/BACKGROUND:

The property is zoned R-2 Old Town Residential, and a coach house dwelling unit is permitted. Currently a single unit dwelling is located on the property. The applicant has submitted a development permit application to permit the issuance of a building permit for a 53.7 m² (578 ft²) coach house dwelling unit in the rear yard. The coach house dwelling unit is proposed to be located on the second floor of a 6.58 meter two-storey accessory building. The subject property is a corner lot, 671 m² in size, and is located on a lane.



SCOPE OF WORK:

The proposed coach house dwelling unit meets the zoning regulations. The subject property falls within the 'Coach House Intensive Residential Development Permit Area' (DPA10). The objective of DPA 10 is to establish good neighbour design standards, as well as to encourage building character and sustainable design for coach houses. The proposed coach house design has been reviewed in relation to the DPA 10 guidelines:

Building Character & Design Guidelines

- The coach house is to be located in the rear yard.
- While the accessory building will be higher than the principal dwelling unit onsite, it is not out of scale as a variety of building heights exist in the neighbourhood.
- The coach house exterior will be natural cedar, vinyl siding in earth tones, and white trim. The building materials, design and colour are complementary to the principal residential building and character of the neighbourhood.
- The impact of the two-storey design on surrounding properties is reduced due to retention of several existing trees, location on a corner parcel, and the undeveloped lots to the east and south.
- The proposed balcony facing Sixth Avenue is modest in size, and does not cause overlook with neighbouring properties. It is smaller than permitted.
- The window(s) facing the side yard are modestly sized.

Accessibility and Livability Guidelines

- The proposed coach house entry faces Sixth Avenue and is accessible from the lane via a gravel pathway and driveway, and from Sixth Avenue via a gravel pathway.
- The second storey windows face the lane and Sixth Avenue and provide "eyes on the street".
- An address post will be placed in a visible location on Kitchener Street.
- Lighting will be provided at the coach house entry and facing the laneway.

Landscaping Guidelines

- A large outdoor amenity space 95.7 m² (1030 ft²) in size, will be provided to the southwest of the proposed building. The outdoor amenity space will be screened from the primary dwelling for privacy with a landscape screen including a 10' Japanese Maple, 12' Juniper, and two 5' Rhododendrons.
- A 16' Cedar hedge and an Elder tree will be retained on the west perimeter, and a 20' Cedar hedge will be retained on the south perimeter of the property surrounding the proposed coach house.
- A parking space for the coach house resident will be provided on the coach house driveway.
- A location for the garbage and recycling will be provided and screened from view.

Energy and Water Conservation Guidelines

- Permeable surfaces will be used for the parking area and pathways.
- The applicant intends to build to an Energuide 80 standard.



ALTERNATIVES:

While the issuance of a Development Permit is not a completely discretionary decision of Council, Council may decide to not issue Development Permit 16-16 where the refusal is based upon a determination that the development permit application does not meet the Development Permit Area guidelines. If the Development Permit is refused then reasons must be given. The determination by Council must be in good faith and must be reasonable, not arbitrary.

FINANCIAL IMPLICATIONS:

None.

LEGAL IMPLICATIONS:

A Development Permit is required prior to the issuance of a building permit to construct the coach house dwelling.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Development Permit applications do not require statutory notice. Public input was received during the preparation of the coach house development permit area guidelines.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The Development Permit application was referred to the Building Inspector, and it was noted that the projecting deck may require structural posts and footings. The application was referred to the Infrastructure Services Department for review and no concerns were identified.

RESOURCE IMPLICATIONS:

Processing Development Permit applications is within available staff resources.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

The applicant completed a Sustainable Development Checklist and indicates that the proposal:

- Provides affordable housing and adds to the diversity of housing in the neighbourhood.
- Increases density within the Town's existing residential neighbourhoods.
- Is located near public transit and schools.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Effective land use planning and community design are strategic Council directions.

SUMMARY:

The applicant has submitted an application for a Coach House Intensive Residential Development Permit for 533 Kitchener Street. The proposal has been reviewed utilizing the Coach House Dwelling Unit Zoning regulations and the DPA 10 guidelines.



Report Author:



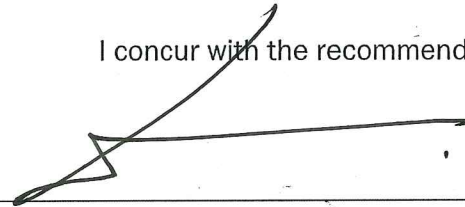
Angela Davies, Planner

Reviewed By:



Felicity Adams, Director of Development Services

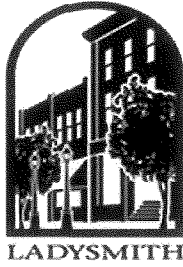
I concur with the recommendation.



Guillermo Ferrero, City Manager

ATTACHMENT:

Development Permit 3060-16-16



TOWN OF LADYSMITH DEVELOPMENT PERMIT

(Section 489 Local Government Act)

FILE NO: 3060-16-16

DATE: January 16th, 2017

Name of Owner(s) of Land (Permittee): James & Candida McNeil

Applicant: Doug McNeil (Pride Home Improvements)

Subject Property: 533 Kitchener Street

1. This Development Permit is subject to compliance with all of the bylaws of the Town of Ladysmith applicable thereto, except as specifically varied by this Permit.
2. This Permit applies to and only to those lands within the Town of Ladysmith described below, and any and all buildings structures and other development thereon:

Lot 8
Block 126
Oyster District
Plan 703A
PID# 008-557-799
(referred to as the "Land")
3. This Permit has the effect of authorizing the issuance of a building permit for the construction of a building on the Land in accordance with the plans and specifications attached to this Permit, and subject to all applicable laws except as varied by this Permit, subject to the conditions, requirements and standards imposed and agreed to in Section 5 of this Permit.
4. This Permit does not have the effect of varying the use or density of the Land specified in Town of Ladysmith Zoning Bylaw 2014, No. 1860.
5. The Permittee, as a condition of the issuance of this Permit, agrees:
 - (a) To construct a two-storey accessory building containing a coach house dwelling on the upper floor on the Land in accordance with the building designs shown in Schedule A.
 - (b) To develop the Land as shown in Schedule B including:

- i. A 95.7 m² (1030 ft²) outdoor amenity area that is screened from the primary dwelling with a landscape screen, including a 10' Japanese Maple, 12' Juniper, and at least two 5' Rhododendrons;
 - ii. Retention of the existing Elder tree and mature Cedar hedge on the south and west perimeters of the property;
 - iii. A permeable parking stall onsite for the coach house resident;
 - iv. Placing an address so that it is visible from Kitchener Street; and
 - v. A screened area for garbage and recycling.
- 6. If the Permittee does not substantially start any construction permitted by this Permit within **two years** of the date of this Permit as established by the authorizing resolution date, this Permit shall lapse.
- 7. The plans and specifications attached to this Permit are an integral part of this Permit.
- 8. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.503 of the *Local Government Act*, and upon such filing, the terms of this Permit (3060-16-16) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
- 9. This Permit prevails over the provisions of the Bylaw in the event of conflict.
- 10. Despite issuance of this permit, construction may not start without a Building Permit or other necessary permits.

**AUTHORIZING RESOLUTION PASSED BY THE COUNCIL OF THE TOWN OF LADYSMITH
ON THE ____ DAY OF _____ 201__.**

MAYOR

CORPORATE OFFICER

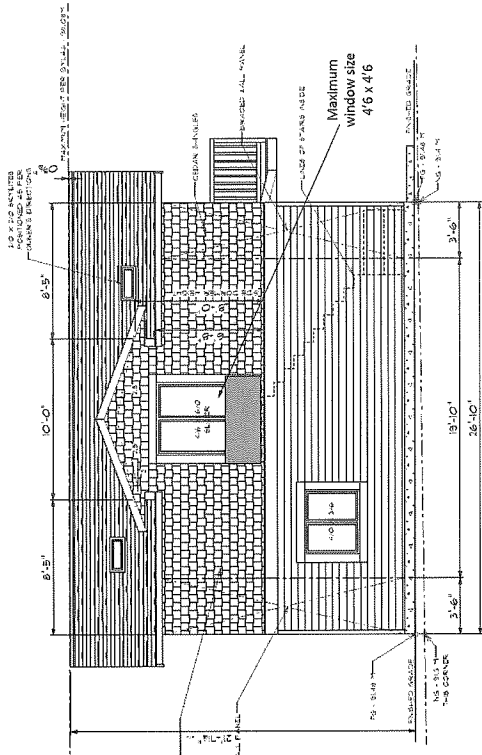
OWNER

PLEASE PRINT NAME

OWNER

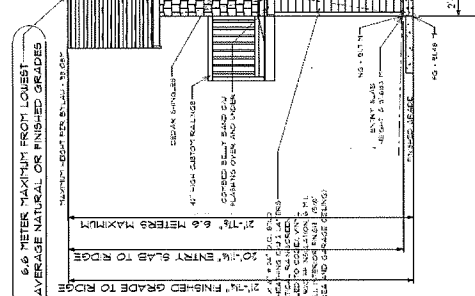
PLEASE PRINT NAME

VENT TRUSS ROOF SYSTEM - 1/300



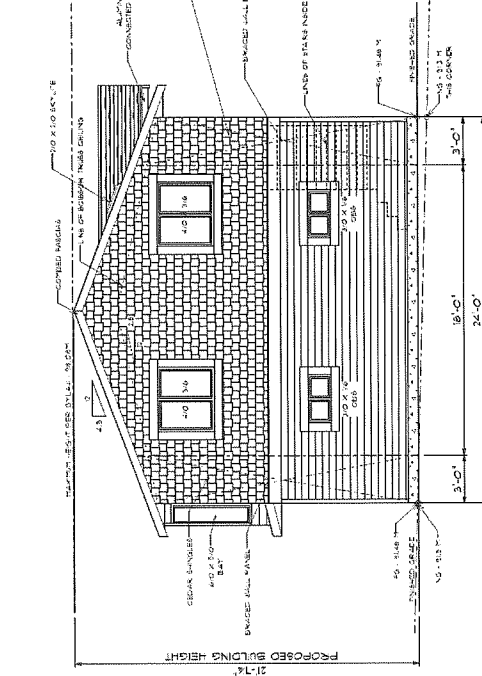
REAR ELEVATION
SCALE: 1/4" = 1'-0"

25% BRACED WALL PANELS + 6'-0" (1'-0" PROVIDED)



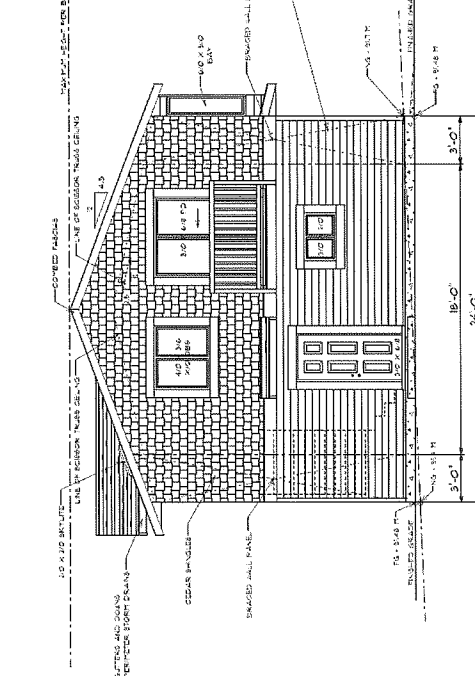
FRONT ELEVATION
SCALE: 1/4" = 1'-0"

25% BRACED WALL PANELS + 6'-0" (1'-0" PROVIDED)



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"

25% BRACED WALL PANELS + 6'-0" (6'-0" PROVIDED)

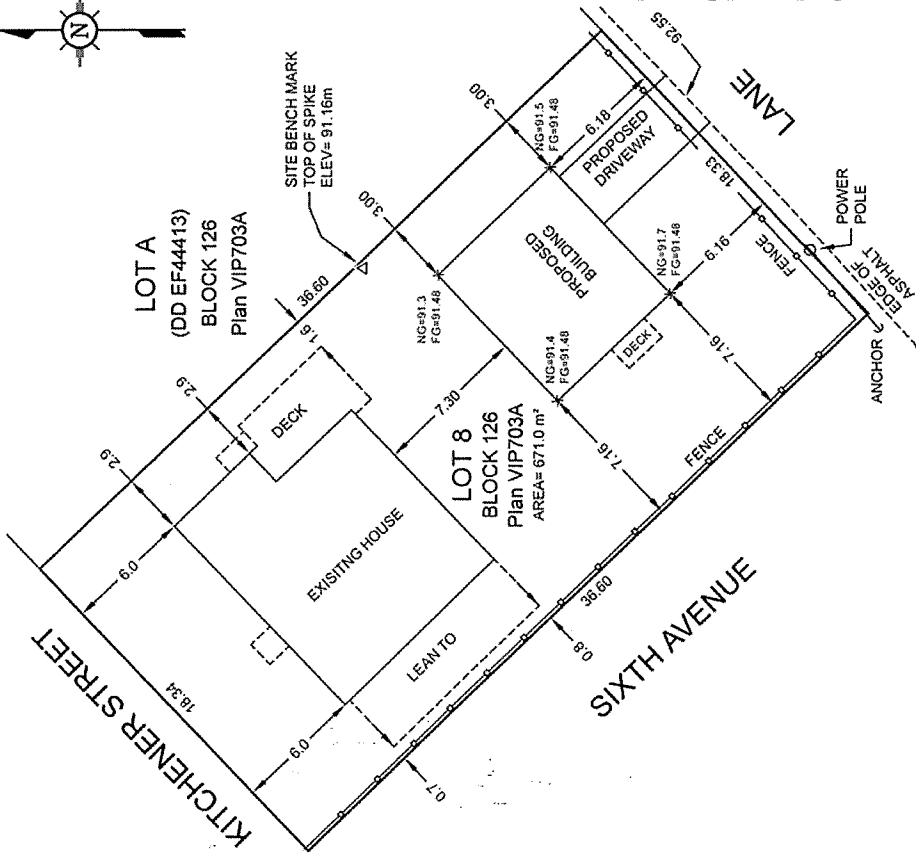
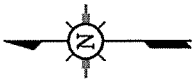


LEFT ELEVATION
SCALE: 1/4" = 1'-0"

25% BRACED WALL PANELS + 6'-0" (6'-0" PROVIDED)

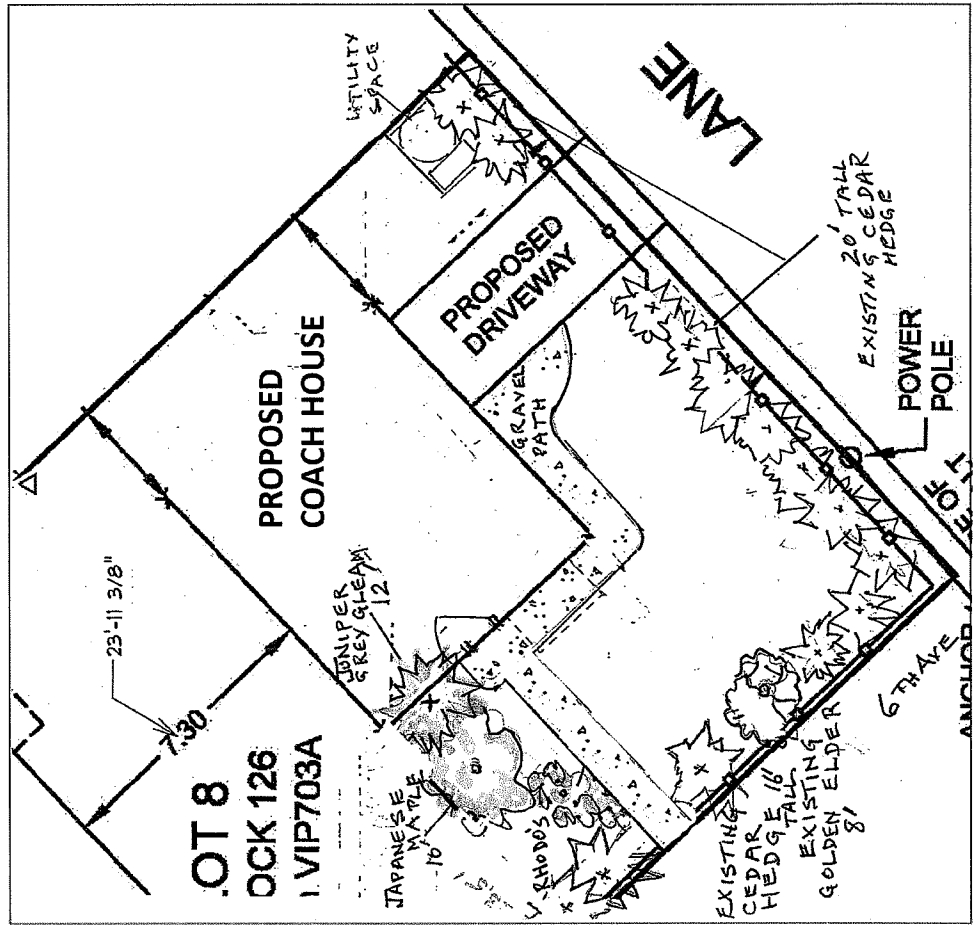
Schedule A: Coach House Elevations
DP 3060-16-16 (Applicant D. McNeil)
533 Kitchener Street
Owner: J. & C. McNeil

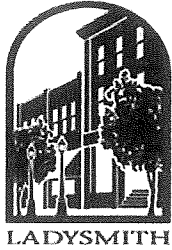
ALL LEVELS ARE 2'7" X 0' UNLESS NOTED OTHERWISE



Schedule B: Rear Yard Site Plan
 DP 3060-16-16 (Applicant D. McNeil)
 533 Kitchener Street
 Owner: J & C McNeil

Amenity Space and Site Plan





Town of Ladysmith

STAFF REPORT TO COUNCIL

From: Felicity Adams, Director Development Services
Date: January 16, 2017
File No: 4020-20 Nuisance Abatement (#3017)

RE: Consideration of Declaration of Nuisance - 1261 4th Avenue
(Lot 6, District Lot 97, Oyster District, Plan VIP55384)

RECOMMENDATIONS:

That Council, under the authority provided in Section 74 of the *Community Charter*, declare the dwelling (the Building) located at 1261 4th Avenue, legally described as **Lot 6, District Lot 97, Oyster District, Plan VIP55384** (the Lands), to be in such condition that it is a nuisance, and

1. Impose requirements as set out in Schedule A to this Report (the "Remedial Action Requirement (RAR)") to remediate the nuisance conditions, including:
 - Remove all clutter, garbage and damaged items from the Building so that a rodent trapping and monitoring program can be set up to determine the extent and activity level of the rodent population;
 - Establish a rodent trapping and recording program conducted by, or under the direction of, a licenced pest control specialist that will continue until the rodent infestation is eliminated; and
 - Make repairs to the Building to seal all access points where rodents can enter or exit the Building.
2. That Council authorize Staff to take all appropriate actions in accordance with Section 17 of the *Community Charter* to ensure the Building is brought into compliance with the remedial action detailed in Schedule A subject to the following:
 - a. The property owner has not fully complied with the Remedial Action Requirement on or before the compliance date specified in this Council Resolution; and
 - b. That all costs incurred by the Town of Ladysmith to bring the property into compliance shall be at the expense of the property owner and as per Section 17 of the *Community Charter*, these costs shall be treated as a debt owed to the Town of Ladysmith.
3. Set the time limit for compliance with the Remedial Action Requirement (RAR) detailed in Schedule A at 60 days commencing the date the RAR is mailed or personally served; and
4. Set the time limit for a notice of a request for Council to reconsider the Remedial Action Requirement at 14 days, commencing the date the RAR is mailed or personally served.

PURPOSE:

The purpose of this report is to advise Council of the condition of the property located at 1261 4th Avenue and to seek Council's decision as to whether to declare that the property is a nuisance. If Council so decides then to also seek authorization to impose a Remedial Action Requirement on the property to abate the nuisance conditions by imposing the requirements specified in Appendix A to this Report.

PREVIOUS COUNCIL DIRECTION:

None.

INTRODUCTION/BACKGROUND:

The property at 1261 4th Ave. has been the subject of enforcement action on an on-going basis since November 2, 2015 when a complaint was received that the property did not comply with the *Property Maintenance Bylaw*. The residence on the property has been unoccupied since October of 2015 as the result of a fire within the building which has made the residence uninhabitable.

The process of putting out the fire and the initial attempts at remediating the building have led to a situation where the structure is not secure from entry by rodents and other small animals. In addition, very few of the personal effects of the owner have been removed from the premises. As a result, there is evidence that rodents have infested the residence and as a result have made the house so dilapidated or unclean as to be offensive to the community, and that the building has become a nuisance to the surrounding area because of the rodent infestation.

The issue is ceasing the rodent infestation and the rodents emanating from the building into neighbouring properties, not making the home habitable.

The *Community Charter* provides Council the authority to declare a building on private property, including structures that are so dilapidated or unclean as to be offensive to the community, to be a "nuisance" and impose remedial action requirements, including the ability to deal with nuisance conditions in accordance with the directions of Council.

Section 72 of the *Community Charter* allows Council to impose remedial action requirements in relation to:

- b) matters or things referred to in Section 74 (*declared nuisances*).

In the case of matters or things referred to in Section 74 a remedial action requirement may require the owner or occupier of the land to:

- a) remove or demolish the matter or thing,
- b) fill it in, cover it over or alter it,
- c) bring it up to a standard specified by bylaw, or
- d) otherwise deal with it in accordance with the directions of council or a person authorized by Council.

Section 74 of the *Community Charter* allows Council to declare that any of the following is a "nuisance" and may impose a remedial action requirement in relation to the declared nuisance:



1. a building or other structure, an erection of any kind, or a similar matter or thing.

This applies in relation to a thing that Council considers so dilapidated or unclean as to be offensive to the community.

Section 76 of the *Community Charter* stipulates that the minimum time period that Council may set for compliance with a remedial action order must not be less than 30 days from the date of the notice to the owner. Section 78 allows the owner to request that Council reconsider its decision to impose remedial action and an opportunity to make representations directly to Council, provided such request is received within 14 days from the date of the notice. Section 79 grants Council the authority to reduce the time limits stated in Sections 76 and 78 if Council considers that there is a significant risk to health or safety if action is not taken earlier.

SCOPE OF WORK:

The building at 1261 4th Avenue has been vacant and unoccupied since the fire in the building in October 2015. The condition of the building has been in steady decline ever since as the property owner has done little to address the damage caused by the fire and the reported infestation of rodents in the building. In addition, the owner has been reluctant to take any voluntary action to maintain the property to the minimum standard and has only done so as a result of enforcement action taken under the provisions of the Town's Property Maintenance Bylaw.

The Town has received public complaints regarding the condition of this property on a regular basis since November 2015 and as a result, the Bylaw Compliance Officer has had to conduct regular inspections to ensure that the vegetation on the property is properly managed and ensure that refuse is removed from the property, in accordance with the Property Maintenance Bylaw. Compliance efforts took almost 11 months to complete. During the time that staff was focused on property maintenance issues, the neighbouring residents were starting to deal with rodent issues affecting their use and enjoyment of their properties.

As a result of escalating complaints through the summer and fall of 2016, Council approved staff to hire a pest control specialist to assess the property and determine if a rodent infestation was present. The Reports of the Pest Control Specialist are attached as Appendix B. As the October report did not conclusively state that the building was currently infested by rodents, staff sought clarification from the Pest Control Specialist and that information is included as Appendix C.

In late November 2016, staff contacted the two property owners adjacent to 1261 4th Avenue with a request for information as to their current experience with the rodent problems on their properties. Their responses are included as Appendix D.

Since November 2015, the Town's Bylaw Compliance Officer has been in repeated contact with the property owner. Despite professional advice and encouragement from staff, to date the owner has not taken any voluntary action to remediate the rodent issue other than to remove and dispose of some spoiled food items from inside the building. The property



owner has explicitly stated on more than one occasion that he has no funds to do anything other than leave the property in its current condition.

The list that follows describes the conditions at the Property causing concern:

1. Due to the damage caused by the October 2015 fire, the building is not secure from rodent or other animal infestations;
2. The Town has received public complaints about rodents emanating from the building on a regular basis since November 2015;
3. The reports of the Pest Control Specialist describe the building's condition in a manner that is consistent with a rodent infestation, and describes conditions that are consistent with a rodent population being established and maintained for the foreseeable future;
4. There is no indication that the conditions contained in the reports will resolve themselves if left unchecked; and
5. The property owner has demonstrated reluctance to take the action required to remediate the conditions voluntarily.

ALTERNATIVES:

That Council not declare the building to be a nuisance.

FINANCIAL IMPLICATIONS:

If the property is declared a nuisance and remedial action requirements are not completed by the property owner, the Town may complete the requirements and this would be a debt owing by the property owner.

LEGAL IMPLICATIONS:

A hearing is not required prior to Council making a decision; however, Council must provide a right of reconsideration to the person subject of the order. The property owner will be advised that Council is considering the matter.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

It is expected that if Council proceeds with ordering the recommended remedial action requirements, the on-going nuisance complaints about this property could be reduced.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

None.

RESOURCE IMPLICATIONS:

The Bylaw Officer manages the file and would follow-up on the order if one is made. These resources are available two days per week.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

Not applicable.



ALIGNMENT WITH STRATEGIC PRIORITIES:

None.

SUMMARY:

There is no indication that the dilapidated or unclean conditions that are offensive to the community will resolve themselves if left unchecked. The issue is ceasing the rodent infestation and the rodents emanating from the building into the neighbourhood, not making the home habitable.

The proposed remedial action requirements are recommended to alleviate the concerns expressed by area residents given the current information regarding the extent of the rodent issue and the condition of the dwelling. Imposing a rodent trapping and recording program will assist in remediating the problem, as well as provide additional information to impose further remedial action requirements if the problem is found to be greater than currently believed or to conclude the matter if the program and related actions resolve the issues. Proceeding with the issuance of a Remedial Action Requirement to the property owner will not only provide the property owner incentive to act voluntarily, it would allow the Town to take the required action should the owner fail to do so.



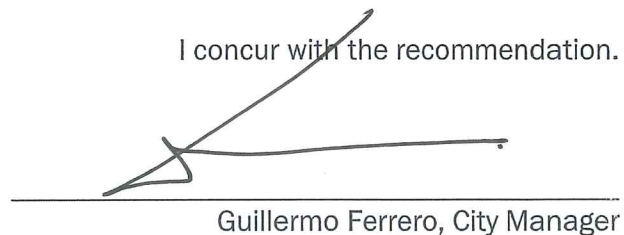
Report Author: Mark Hayden, Bylaw Compliance Officer

Reviewed By:



Felicity Adams, Director Development Services

I concur with the recommendation.



Guillermo Ferrero, City Manager

ATTACHMENTS:

- Appendix A, Remedial Action Requirement
- Appendix B, Rodent Inspection Reports dated August 22, 2016 and October 11, 2016
- Appendix C, Follow-up Email regarding the Rodent Inspection Report dated November 1, 2016
- Appendix D, Emails received from 2 property owners residing adjacent to 1261 4th Ave.

APPENDIX "A"

IN THE MATTER OF THE *COMMUNITY CHARTER* S.B.C. 2003, c. 26

AND

THE PROPERTY LOCATED AT
1261 4th AVENUE, LADYSMITH BC

TO: Mr. Trent Dammel
1261 4th Ave.
Ladysmith, BC
V9G 1R3

NOTICE OF REMEDIAL ACTION REQUIREMENT

WHEREAS the Council of the Town of Ladysmith (the "Council") has determined and declared that the building (the "Building") located at 1261 4th Avenue, legally described as **Lot 6, District Lot 97, Oyster District, Plan VIP55384** (the "Lands"), is in such condition that it is a nuisance pursuant to Section 74 of the *Community Charter*.

THEREFORE under statutory power, including Sections 16, 17, 64, 72 to 74, 79 and 154 to 156 of the *Community Charter*, the Council orders as follows:

1. Within sixty (60) days of January ___, 2017, the registered owner of the lands (the "Owner"), at the Owner's expense, must remediate the nuisance conditions by:
 - Removing all clutter, garbage and damaged items from the building so that a rodent trapping and monitoring program can be set up to determine the extent and activity level of the rodent population;
 - Establishing a rodent trapping and recording program conducted by, or under the direction of, a pest control specialist that will continue until the rodent infestation is eliminated; and
 - Making repairs to the building to seal all access points where rodents can enter or exit the building including, if required, obtaining a building permit, and adhering to the conditions of the building permit.
2. If the Owner does not take the action required under Section 1 of this Notice, the Council, or any persons authorized by the Council (including private contractors) are authorized to enter upon the Lands pursuant to Section 16 and 17 of the *Community Charter* for the purpose of carrying out the required work.

3. Any action taken by the Council or other authorized person with respect to Section 2 of this Notice will be undertaken at the expense of the Owner, and the Town of Ladysmith may recover the costs incurred in doing so as a debt from the Owner in accordance with Section 17 of the *Community Charter*.
4. If the Town takes action and the costs of the action are unpaid on December 31 of the year in which the costs were incurred, the amount owing will be added to the property taxes and deemed as taxes in arrears in accordance with Section 258(1)(c) of the *Community Charter*.
5. Within fourteen (14) days of January ____, 2017, the Owner may request, in accordance with Section 78 of the *Community Charter* that the Council reconsider the remedial action requirement imposed under Section 1. A request that the Council reconsider the remedial action requirement must be given in writing within the time stated to:

Corporate Officer
Town of Ladysmith
410 Esplanade Ave.
PO Box 220
Ladysmith, BC
V9G 1A2

Dated at the Town of Ladysmith, this ____th day of January 2017.

Mayor

Corporate Officer

APPENDIX "B"



Rodent Inspection Report

Prepared for: Town of Ladysmith

By

Mr. Steve Stewart

10/11/2016

Purpose:

This purpose of this report is to answer the questions as asked by the Town of Ladysmith along with future treatment options and feasibility. The inspection was completed on October 4, 2016 at the residential property located at 1261 4th Avenue, Ladysmith, BC

Overview:

This report was prepared by Steve Stewart, of Antex Pest Control, at the request of the Town of Ladysmith. Steve Stewart is a Certified Pest Control Technician with over 6 years experience and owner of Antex Pest Control. Mr. Stewart is a proud member of the Structural Pest Management Association, National Pest Management Association and the Canadian Pest Management Association as well as a member of the Ladysmith Chamber of Commerce.

Inspection Details:

The property was first inspected on August 17, 2016, along with Mark Hayden, Bylaw Officer, City of Ladysmith, and the property owner. A brief report and recommendation was provided on August 22, 2016; attached to this Formal Report as ***"Appendix A"***

Following the first visit to the property Mr. Stewart was asked to provide a more detailed Formal Report with a request for an opinion on 8 questions; attached as ***"Appendix B"***.

An inspection was arranged with the property owner and took place on October 4, 2016 at approximately 5:30pm. The inspection included both an exterior and interior inspection of the home and property with the property owner providing access. The property was in similar shape as the first visit. Mr. Stewart and his assistant inspected the property and spoke with homeowner about his recent observations. As the first time the front door of the home has been replaced with a sheet of plywood that needed to be unscrewed, however it noted that the door was not sealed completely and provided easy access for rodents. The inspection lasted about 45 minutes

Purpose:

This purpose of this report is to answer the questions as asked by the Town of Ladysmith along with future treatment options and feasibility. The inspection was completed on October 4, 2016 at the residential property located at 1261 4th Avenue, Ladysmith, BC

Premise Type:

Residential, single story unoccupied home with a carport, rear deck and outbuilding
Home has interior fire damage

Premise Details:

Suffered significant damage to the interior of the premises as a result of a fire

Area inspected included interior and exterior of the property

Visual inspection indicates multiple structural deficiencies

Landscaping:

Overgrown grass and trees and shrubbery touching the home in both the front and rear of the home

Debris in the yard including a camper

There were some bits of garbage in the yard but mostly household, work supplies and tools etc.

Wood stacks outside a shed with a closed shed door – no activity was reported in the area

No fruit bearing tree's were observed or a garden

Surrounding Area:

The area surrounding the home consists of residential properties. These homes were not inspected for food and water sources or shelter. It was noted that the property next door had a bird feeder in the tree however we were told that the bird feeder is not used.

Within approximately 150 feet of the property is Holland Creek; providing a cover of vegetation and easily accessible water source

Food:

Upon inspection inside the home there was evidence that the rodents have already eaten all the food that had been left in the home. Packages had been chewed open and its contents eaten. The food source appears to have been largely eliminated from inside the home. The property owner states he doesn't live there at present so there is likely not an active food source in the home or on the property

Water:

Water in the home has been shut off. No evidence of water source on property

About 150 yards away there is a creek, an easily accessible and close by water supply

Harbourage:

Clutter and debris from the fire including appliances, papers, furniture

Remains of a feather bed in the bedroom

The floor is almost covered in some areas of the home with debris

Some effort has been made to clean up parts of the home but until the garbage, debris and effort is made to clear out the home so that a proper trapping and monitoring program could be set up to determine the actual extent and activity level of the rodent problem

Entry and Access:

Due to fire damage the home is in a state of disrepair with virtually unlimited entry and access points including: holes from exterior of the building to the interior, boarded up from door that is not a snug fit. Holes through the floor to the crawl space below, hole in the wall for the dryer hose is not sealed

Structural deficiencies; Pipe and wiring gaps

Access points are too numerous to list but there is clearly easy access for rodents and the large amount of rodent droppings in each of the rooms inspected inside the home clearly show an infestation is/was active

Active Signs:

Did not see any live rodents during either inspection

A trap that the homeowner had set up was empty, although it was not determined accurately how long the trap had been there for

Significant amount of Rat droppings were visible in every area of the home along with the strong smell of urine

Holes, gnawing and burrows evident especially in entry and kitchen areas

Treatment Options:

The only way to accurately determine the extent of the suspected infestation is to establish a Rodent Program that would trap and monitor the rates in the home. Only then can a truly accurate picture of the current state of infestation be established

Answers to Questions 1 – 8:

1. It's not possible to accurately assess the number of rodents in the home without first establishing a rodent program that would trap the rodents and record number of rats and/or mice caught, location caught and method of entry into the home.
2. A female rat can have up to 7 litters per year of 8 – 12 pups per litter. A mating pair could potentially have over 80 pups per year
3. There are two types of programs and they can be set up separately or together. First is a snap trap system that using non poisonous bait. This is the best program for monitoring the infestation and the effects on rodent population. The second is a poisonous bait program. The drawback is that you don't get a chance to monitor rat numbers however you can monitor the bait and make assumptions from the amount consumed if you are having an effect on population
4. If the entry and access points were repaired and the damaged areas of the home were removed and/or cleaned, then the home could be habitable again. A simple cleaning and sanitizing of the infected areas may be difficult at this time until a cleanup and repairs are made. Questions relating to the repair of the structure would be better assessed by a building contractor who could properly assess the extent of repairs needed.
5. Rats can do significant damage to the wiring, walls and insulation of a home. Left unchecked and monitored they will continue to nest in the dry home and destroy what materials they need for nesting and/or food source. Their chewing on the wiring can do significant damage and has been known to cause house fires. An electrician may be able to offer more information as to the extent of damage to existing wiring
6. Lots can be done to seal the holes and access points, most importantly would be to make sure that whatever fixes are made they are made properly so that they completely seal the structure
7. A monitoring program, either snap traps or bait programs, can make a significant reduction in the rodent population by determining how they are getting into the home after repairs

are made and working with the homeowner on addressing the interior and exterior of the property to limit further infestations

8. The best course of action is to start a monitoring program , aside from that there is not much more that can be done based on the condition of the home

This report was prepared by Antex Pest Control. Please direct any questions to pest@antex.ca or call 250.713.4739



Date: August 22, 2016

Mr. Mark Hayden
Bylaw Officer
Town of Ladysmith, BC

By Email: mhayden@ladysmith.ca

Re: 1261 4th Ave, Ladysmith, BC

Dear Mark Hayden,

On August 17th, 2016 I performed an initial inspection of the property located at the above noted address. The purpose of my inspection was to determine how to address the rodent problem. Based on my inspection, and discussion with the property owner, it is evident there is a well established rodent infestation. The home itself has been damaged by fire and as a result there are many entryways for the rodents. The inspection showed a very large number of rodent feces that confirm that this is a well established infestation.

Treatment options: considering the current state of damage that has been done to the home, in my professional opinion there is little or nothing that can be done to control the rodent infestation.

Sincerely,

Steve Stewart, Certified Pest Control Technician

Antex Pest Control, Ladysmith, BC

Tel: 250.713.4739

Email: pest@antex.ca

Website: www.antex.ca

The pest control specialist could be asked his or her opinion on the following questions:

- can he or she estimate the number rats in the house;
- how quickly do rats reproduce;
- what methods are available to reduce or eliminate a rat infestation;
- assuming that there is a great deal of rat urine and excrement within the house, what is the effect of this urine and excrement on the ability of the house to be habitable in the future;
- what effect can a rat population of the size that exists in this house have on the structural elements of the house, such as the walls, ceilings, floors and foundation, and non-structural elements such as the insulation;
- can anything be done to seal the holes in the house that were caused by the fire;
- would sealing the holes and exterminating the existing rats reduce or eliminate the rat population; and
- are there any options that would significantly reduce the rat population in the house, other than demolition.

Appendix "C"

Mark Hayden

Subject: FW: Rodent Inspection report for 1261 4th Ave, Ladysmith, BC

From: Felicity Adams
Sent: November 1, 2016 12:20
To: Mark Hayden
Subject: RE: Rodent Inspection report for 1261 4th Ave, Ladysmith, BC

Could you please call Antex on Friday for a verbal clarification of these two questions:

1) In all likelihood is there a rat infestation in the house at this time or not?

There first report indicated so, but this latest report is unclear. It is clear that there has been a rat infestation in the home prior to the inspection conducted on October 4th, 2016. Mr. Stewart advises that he saw no rats (which is not that unusual) during the inspection. As a result, he cannot confirm whether there is, or is not, an ongoing infestation of rats. In general terms he can say that rats will normally migrate to places where shelter and food are available during the colder winter months. While he is certain there are some rats still present in the house, he could only confirm it continues to be an infestation if he were to undertake a trapping program over a period of 2-3 weeks during which time he would monitor the traps (~ 7 or so) to determine a population estimate.

2) If they did a pest control program what effect would that have on the house becoming an infestation again?

We would like to have a sense of whether a pest control program (combined with items removed from the house that are obscuring/attracting the rats) would be sufficient. In order to ensure that the house did not continue to have a population of rats living there in future, the house would require the following remedial actions:

- 1. All of the points of ingress from outside would have to be sealed off to preclude entry;*
- 2. All materials in the house which provide shelter or a food source would have to be removed;*
- 3. As there was evidence that rats have infiltrated the walls of the home, walls would need to be stripped down to the studs and all loose material removed from the home; and*
- 4. A thorough program of trapping would need to occur at the same time to ensure that all rats living in the structure are removed before the home is remediated.*

Thanks!

Mark Hayden

Appendix "D"

Subject: RE: 1261 4th Avenue

From:
Sent: November 24, 2016 10:12
To: Mark Hayden
Subject: Re: 1261 4th Avenue

Hi Mark

Thanks for updating us on what's going on.

As it stands right now concerning 1261 4th we are still getting rats into the vehicles. I have attached 3 pictures taken this morning (Nov. 24th)

There is very limited attempts at solving this issue as far as we are concerned. I'm assuming the owner took on the role of exterminator as any professional company has not been seen on any kind of permanent basis. To actually deal with this rats you have to make at least daily checks on traps/bait etc to get this problem under control and the owner hasn't been seen in weeks. We have to continually clean our engine compartments on a pretty well daily basis.

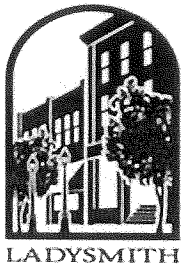
I have mentioned before the rats did do serious damage to one vehicle already but that was before all this complaints started. We just hope now that the rats do damage again as the cost is quite high.

I appreciate all that you have done and hope that your presentation goes well as we all would like this issue to be solved before serious damage is done.

From:
Sent: January 8, 2017 20:04
To: Mark Hayden
Subject: Re: 1261 4th Avenue

Hello Mark, what I would like to see is some action and something happen soon before another year goes by. As long as this property is unoccupied there will always be a risk of fire, vandalism, squatters and pest rats, raccoons, etc. It's clear that the owner is not making an effort to move on. Thank you.





Town of Ladysmith

STAFF REPORT TO COUNCIL

From: Geoff Goodall, Director of Infrastructure Services
 Date: January 16, 2016
 File No:

RE: Waste Water Treatment Plant Budget Increase

RECOMMENDATION:

That Council:

1. Approve an additional \$200,000 for the Waste Water Treatment Plant upgrade, with funds to come from the Sewer Reserve and Operations; and
2. Direct staff to amend the Financial Plan accordingly.

PURPOSE:

The purpose of this report is to request additional funding for the Waste Water Treatment Plant upgrade due to project delays and additional work required in the post-construction/commissioning phased.

PREVIOUS COUNCIL DIRECTION

CS 2012-361	Nov-19-2012	It was moved, seconded and carried that the peer review of the fee structure for Engineering Services for the Stage III Waste Water Treatment Plan Upgrade project be accepted, and that staff be authorized to negotiate a contract with Opus Dayton and Knight.
CS 2014-277	Jul-21-2014	That Council authorize a total engineering services budget of \$2.083 million, not including disbursements, for all engineering services for the Waste Water Treatment Plan Stage III Upgrade project, through Opus Dayton and Knight Consultants Ltd.
CS 2014-278	Jul-21-2014	That Council direct staff to amend the 2014-2018 Financial Plan to authorize expenditures from the Sewer Capital Reserve totalling \$17.9 m. for the Wastewater Treatment Plant Stage III Upgrade project.

INTRODUCTION/BACKGROUND:

Work on the latest Waste Water Treatment Plant upgrade began in 2013. This upgrade was to increase the processing to stage 2 which included a Moving Bed Bio-Reactor/Dissolved Air Flotation (MBBR/DAF) system.

In 2014, the estimated Waste Water Treatment Plant project cost was \$17.9 million. This was funded through grants of \$5.21 million from UBCM, \$1 million from FCM and \$10 million in FCM borrowing with the remainder to come from sewer utility and reserves.

The plant received substantial completion (commenced operation) in July 2016. However, as with any new system, there are still many adjustments needed. Opus Dayton Knight



Consultants managed the project engineering from the design to overseeing the project construction. Originally Council approved an engineering contract for \$2.083 million. These funds have been spent in accordance with the original estimates. However, due to delays in starting construction as well as the commissioning, additional consulting costs have been incurred. Opus is requesting \$185,000 to complete their post construction consulting support. These estimates are to the anticipated end of the commissioning phase which is 1 year from the opening – July of 2017.

The SCADA (Supervisory control and data acquisition) system which is integral to the operation of the plant also requires additional funding. A contract was executed with Coast Automation for \$132,876, excluding taxes. Coast anticipates an additional \$112,564 in change orders and post construction commissioning.

Before these additional costs were incurred, it was estimated that this project was under budget. It is for this reason that only an additional \$200,000 is requested instead of the \$297,564 in additional costs.

SCOPE OF WORK:

The consultants have provided cost estimates for the additional work. If Council approves the additional funding, staff will contract with the consultants to complete the work.

ALTERNATIVES:

Council could choose not to provide the additional funding. There is a risk to the FCM grant funding as there is currently a holdback of 1 year in the amount of \$250,000 to complete the environmental testing of the new plant.

FINANCIAL IMPLICATIONS:

The additional funds will be coming from the sewer reserves. Not all of the available loan funds were utilized in 2016, resulting in additional funding available.

LEGAL IMPLICATIONS:

n/a

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The availability of sewer reserve funds and unspent loan funds for these additional costs means that the costs will not be paid for through taxation.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Infrastructure Services will manage the work with support from Financial Services.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

This aligns with Sustainability Pillar 5: Innovative Infrastructure.

ALIGNMENT WITH STRATEGIC PRIORITIES:

This aligns with Council's Strategic Priority f Natural and built Infrastructure.

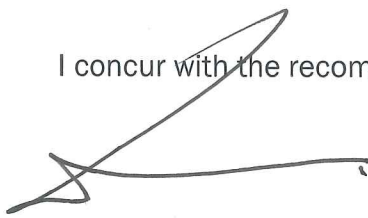
SUMMARY:

Staff request council authorization of request additional funding of up to \$200,000 for the Waste Water Treatment Plant upgrade due to project delays and additional work required in the post-construction/commissioning phase. The funds will come from Sewer Reserves and Operations.



Geoff Goodall, Director of Infrastructure Services

I concur with the recommendation.



Guillermo Ferrero, City Manager

ATTACHMENT:



Town of Ladysmith

INFORMATION REPORT TO COUNCIL

From: Erin Anderson, Director of Financial Services
Date: January 16, 2017
File No:

RE: TOWN OF LADYSMITH CEMETERY CARE TRUST FUND APPROPRIATION BYLAW 2017,
NO. 1922

RECOMMENDATION:

That Council give first three readings to Town of Ladysmith Cemetery Care Trust Fund Appropriation Bylaw 2017, No. 1922.

PURPOSE:

The purpose of Bylaw 1922 is to authorize the Town to withdraw funds from the Cemetery Care Trust Fund to support cemetery maintenance, in accordance with the legislation.

PREVIOUS COUNCIL DIRECTION

Council approves the Cemetery Care appropriate bylaw each year.

SUMMARY POINTS

Town of Ladysmith Cemetery Care Trust Fund Appropriation Bylaw 2017, No. 1922 is presented to Council for first three readings to enable the withdrawal of \$1,895.50 from the Cemetery Care Trust Fund to support cemetery maintenance in 2017. The amount to be withdrawn is equivalent to the interest earned in the Cemetery Care Trust Fund in 2016.

Erin Anderson, Director of Financial Services

I concur with the recommendation.

Guillermo Ferrero, City Manager

ATTACHMENT: Bylaw 1922

TOWN OF LADYSMITH

BYLAW NO. 1922

A bylaw to appropriate monies from the Cemetery Care Trust Fund.

WHEREAS the sum of \$154,852.62 is on deposit in the Cemetery Care Trust Fund; and

WHEREAS it is deemed necessary to appropriate the sum of up to \$1,895.50 from the Cemetery Care Fund for the purpose of the Cemetery Operations;

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

1. The sum of up to one thousand eight hundred ninety-five dollars and fifty cents (\$1,895.50) is hereby appropriated from the Cemetery Care Trust Fund and transferred to the General Revenue Fund to provide for the cemetery.

Citation

2. This bylaw may be cited as the "Cemetery Care Trust Fund Appropriation Bylaw 2017, No. 1922".

READ A FIRST TIME on the _____ day of _____

READ A SECOND TIME on the _____ day of _____

READ A THIRD TIME on the _____ day of _____

ADOPTED on the _____

Mayor (A. Stone)

Corporate Officer (J. Winter)

From: Tammy Leslie <tleslie@plcpa.ca>
Date: Sunday, December 18, 2016
Subject: Letter for FOL grant application
To: Aaron Stone <astone@uforik.com>

Hi Aaron, I am preparing a grant application to the CVRD for the Festival of Lights for our 30th anniversary celebration next year. You provided the local newspapers with a well written rundown of the local festivals with the Festival of Lights prominently featured (for which we thank you). Is there any way to get you to take what you wrote for the newspaper and give us a shortened version just for the Festive of Lights that we can include with our application. We are also sending an invite to Johnny Harris for next year and would like to include the letter with our invite to him.

I need this fairly quickly as the deadline for the CVRD grant is next month.

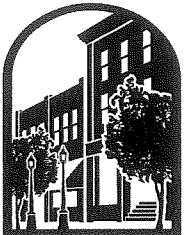
Thanks for any help you can give us.

Thanks,

Tammy Leslie, CPA, CGA, CA

Partner





LADYSMITH

TOWN OF LADYSMITH

410 Esplanade, P.O. Box 220, Ladysmith, B.C. V9G 1A2
Municipal Hall (250) 245-6400 • Fax (250) 245-6411 • info@ladysmith.ca • www.ladysmith.ca

January 17, 2017

To Whom It May Concern:

RE: LETTER OF SUPPORT - LADYSMITH FESTIVAL OF LIGHTS COMMITTEE GRANT APPLICATION

I am very pleased to provide this letter of support for the Ladysmith Festival of Lights Committee's grant application for the 30th anniversary celebration of the Festival.

Every year our community shines its brightest thanks to the incredible Festival of Lights and, in 2017 we will celebrate its 30th anniversary. Light-up caps off a month of intense, hard work by an army of volunteers and an entire year of planning and preparation. Light-up brings us together to celebrate the season and our community, and draws thousands of visitors. It is truly a remarkable feat for a community the size of Ladysmith and showcases our residents' amazing volunteer spirit and generosity which is a large part of what makes Ladysmith so special, and helps to define who we are as a community. The time, energy and commitment of so many dedicated, community-minded volunteers is inspiring.

The Council of the Town of Ladysmith strongly supports this project, and wish the Ladysmith Festival of Grants Committee every success in securing the grant for this community celebration event. Do not hesitate to get in touch with me if you require more information.

Sincerely,

Aaron Stone
Mayor



From: Waterfront Gallery [<mailto:admin@ladysmithwaterfrontgallery.com>]
Sent: January 7, 2017 5:08 PM
To: Joanna Winter
Subject: Grant Writing time again

I am writing a Festival Grant from the BC Arts council and would appreciate a letter of support from the town
My deadline is January 23, 2017

Can you do this or pass it along to whomever

Thanks Joanna and Happy New Year
Kathy



TO: AVICC Corporate Officers
FROM: Liz Cookson
DATE: November 1, 2016
RE: **AVICC Resolutions Notice/Request for Submission;
Call for Nominations for AVICC Executive Committee;
Call for Presentations**

The following message and attachment were emailed through your local government contacts with a request to forward on to your Mayor and Council or Chair and Board, your CAO and yourselves. So as to ensure that there is no inadvertent lack of communication, I am sending you this copy via regular mail.

Resolutions Notice/Request for Submission and Call for Nominations

Attached is the Resolutions Notice/Request for Submissions and the Call for Nominations for the AVICC Executive. Covering the two documents is a memo from President Price on behalf of Executive seeking members' continued assistance in strengthening the resolutions process.

Please note that this year's resolution and nomination deadline is **Tuesday, February 21, 2017.**

Call for Presentations – 2017 AVICC AGM & Convention

Members are encouraged to submit proposals for sessions they would like to see included in the 2017 AGM & Convention, especially if they relate to resolutions they expect to forward on new policy topics.

Proposals may be submitted online at

http://ubcm.formstack.com/forms/avicc_2017_session_proposal by **December 2, 2016.**

2016 AVICC AGM & Convention Minutes

The Minutes of the 67th Annual Convention held April 8-10, 2016 in Nanaimo are posted on the website at <http://avicc.ca/category/resources/aggmconvention-minutes/> The minutes are considered draft until approved by the membership at next year's Convention. Also posted on the website are copies of PowerPoint presentations for various sessions held within the Convention program, and the disposition of Resolutions from the Nanaimo Convention.

525 Government St, Victoria, BC V8V 0A8
Email: avicc@ubcm.ca • Tel: 250-356-5122 • Fax: 250-356-5119 • www.avicc.ca

Representing Local Government on Vancouver Island, Sunshine Coast, Powell River and Central Coast



TO: Mayors and Councils, Chairs and Boards
Chief Administrative Officers, Corporate Officers

FROM: President Barbara Price

DATE: November 1, 2016

RE: **RESOLUTIONS NOTICE/REQUEST FOR SUBMISSIONS
CALL FOR NOMINATIONS FOR AVICC EXECUTIVE COMMITTEE**

Attached is the Resolutions Notice/Request for Submissions and the Call for Nominations for the AVICC Executive. Please note that this year's resolution and nomination deadline is **Tuesday, February 21, 2017.**

Both AVICC and UBCM members strongly believe in the value of resolutions debate and continually seeks ways to improve the process. AVICC strives to mirror and complement UBCM's processes in order to develop efficiency and ease of understanding for delegates.

Debating of Resolutions by the Area Association in Advance of Submission to UBCM

We have asked for members' assistance in bringing forward resolutions for consideration at the Area Association as opposed to submitting them directly to UBCM and have appreciated that you have responded.

Number of Resolutions

We continue to hear from delegates during the AVICC Resolutions Sessions that some of the resolutions being considered are too general or focus on topics that are not under local government purview. Another concern is that bringing forward too many resolutions detracted from debate on the most important issues, and might not be to the benefit of local government because other levels of government could get side tracked on issues that are of lesser importance. Let's continue to ensure that resolutions that are being brought forward are specific and focus on new issues of provincial or AVICC-wide interest.

Late Resolutions

Last year, AVICC received six resolutions after the regular resolutions deadline with only one recommended that it be admitted for debate as a result of meeting the late resolutions criteria.

All three issues noted above will continue to be improved by adhering to the following two recommendations:

525 Government St, Victoria, BC V8V 0A8
Email: avicc@ubcm.ca • Tel: 250-356-5122 • Fax: 250-356-5119 • www.avicc.ca

Representing Local Government on Vancouver Island, Sunshine Coast, Powell River and Central Coast

- ✓ Forward your resolutions for debate first to our AVICC AGM & Convention by the regular resolutions deadline of **Tuesday, February 21, 2017**.

- ✓ Focus resolutions on new issues of provincial or AVICC-wide interest avoiding repeat resolutions by checking the UBCM Resolutions database available through the website at www.ubcm.ca. Click on the Resolutions and Policy tab at the top of the page. It will be possible to enter a search to locate any Resolutions on the same topic that have been considered in the past and what the response has been.

Included with the Resolutions Notice are guidelines for preparing and submitting resolutions. We appreciate all efforts to expedite and facilitate the debate among members.

Sincerely,

A handwritten signature in cursive script that reads "Barbara Price".

Councillor Barbara Price,
President, AVICC



2017 AGM & CONVENTION

RESOLUTIONS NOTICE REQUEST FOR SUBMISSIONS

DEADLINE FOR RESOLUTIONS

All resolutions must be received in the AVICC office by: **FEBRUARY 21, 2017**

SUBMISSION REQUIREMENTS

Resolutions submitted to the AVICC for consideration shall be received as follows:

1. One copy of the resolution by regular mail to:
AVICC
525 Government Street
Victoria, BC
V8V 0A8

AND

2. One copy submitted electronically either through the online submission form or by email (submitting the resolution in MS Word is preferred):
 - a) Online http://ubcm.formstack.com/forms/avicc_2017_resolutions_submission_form
 - b) Email to avicc@ubcm.ca (Word version of the resolution itself preferred)
- The resolution should not contain more than two "whereas" clauses; and
- Background documentation **must** accompany each resolution submitted.

Sponsors should be prepared to introduce their resolutions on the Convention floor.

LATE RESOLUTIONS

- a. Resolutions submitted following the expiry of the regular deadline shall be considered "Late Resolutions" and shall comply with all other submission requirements, except that a copy of the resolution must be forwarded to the AVICC by the Wednesday noon preceding the date of the Annual General Meeting. This year's late resolution deadline is **April 5, 2017**.
- b. Late resolutions shall be available for discussion after all resolutions printed in the Resolutions Book have been debated.
- c. Late resolutions are deemed to be appropriate for discussion only if the topic is such that it has arisen since or was not known prior to the regular deadline date for submission of resolutions.
- d. In the event that a late resolution is recommended to be admitted for discussion AVICC shall produce sufficient copies for distribution to the Convention.

UBCM ASKS FOR RESOLUTIONS TO BE CONSIDERED BY THE AREA ASSOCIATIONS FIRST

UBCM urges members to submit resolutions first to Area Associations for consideration. Resolutions endorsed at Area Association annual meetings are submitted automatically to UBCM for consideration and do not need to be re-submitted to UBCM by the sponsor.

A resolution should be submitted directly to UBCM only if the resolution addresses an issue that arises after the Area Association annual meeting. In this case, local governments may submit council- or board-endorsed resolutions to UBCM prior to June 30 each year. Should this be necessary, detailed instructions are available under the Resolutions tab on <http://www.ubcm.ca>.

UBCM RESOLUTIONS PROCESS

1. Members submit their resolutions to their Area Association for debate.
2. The Area Association submits the endorsed resolutions to UBCM.
3. The UBCM Resolution Committee reviews the resolutions for submission to the UBCM Convention.
4. Endorsed resolutions at the UBCM Convention are submitted to the appropriate level of government for responses.
5. Once the provincial responses have been conveyed to the UBCM they are forwarded to the sponsor for their review.

GUIDELINES FOR PREPARING RESOLUTIONS FROM THE UBCM

The Construction of a Resolution:

All resolutions contain a preamble and enactment clause. The preamble describes *the issue and* the enactment clause outlines *the action being* requested. A resolution should answer the following three questions:

- What is the problem?
- What is causing the problem?
- What is the best way to solve the problem?

Preamble:

The preamble commences with a recital, or "WHEREAS", clause. This is a concise paragraph about the nature of the problem or the reason for the request. It should clearly and briefly outline the reasons for the resolution.

The preamble should contain no more than two "WHEREAS" clauses. If explaining the problem requires more than two preliminary clauses, then provide supporting documents to describe the problem more fully. Do not add extra clauses.

Enactment Clause:

The enactment clause begins with the words "THEREFORE BE IT RESOLVED". It must convey the resolution's intent, and should propose a specific action by AVICC and UBCM.

Keep the enactment clause as short as possible, and clearly describe the action being requested. The wording should leave no doubt about the proposed action.

How to Draft a Resolution:

1. ***Address one specific subject in the text of the resolution.***

Since your community seeks to influence attitudes and inspire action, limit the scope of a resolution to one specific subject or issue. Delegates will not support a resolution if the issues it addresses are too complex for them to understand quickly.

2. Use simple, action-oriented language and avoid ambiguous terms.

Explain the background briefly and state the desired action clearly. Delegates can then consider the resolution without having to parse complicated text or vague concepts.

3. Provide factual background information.

Even a carefully constructed resolution may not clearly indicate the problem or the action being requested. Where possible, provide factual background information to ensure that the "intent" of the resolution is understood.

Two types of background information help to clarify the "intent" of a resolution:

i Supplementary Memo:

A brief, one-page memo from the author, that outlines the background that led to the presentation and adoption of the resolution by the local government.

ii Council/Board Report:

A report on the subject matter, presented to council or board in conjunction with the resolution. If it is not possible to send the entire report, then extract the essential background information and submit it with the resolution.

Resolutions submitted without adequate background information will not be considered until the sponsor has been consulted and has provided documentation outlining the intent of the resolution.

4. Construct a brief, descriptive title.

A title assists to identify the intent of the resolution and eliminates the possibility of misinterpretation. It is usually drawn from the "enactment clause" of the resolution.

For ease of printing in the Annual Report and Resolutions Book and for clarity of intent, a title should be no more than three or four words.

5. Check legislative references for accuracy.

Where necessary, identify:

- The correct jurisdictional responsibility (e.g., ministry or department within the provincial or federal government); and
- The correct legislation, including the name of the Act.

6. Focus on issues that are province-wide.

The issue identified in the resolution should be relevant to other local governments across the province. This will support proper debate on the issue and assist UBCM to represent your concern effectively to the provincial or federal government on behalf of all BC municipalities and regional districts.

7. Avoid repeat resolutions.

In the past, Resolutions have often come back year after year on the same topic. Members and staff are encouraged to search the UBCM Resolutions database available through the website at www.ubcm.ca. Click on the Resolutions and Policy tab at the top of the page. It will be possible to locate any Resolutions on the same topic that have been considered in the past and what the response has been.

8. Ensure that your own local government's process for handling/approving of resolutions to AVICC/UBCM is followed.

UBCM GOLD STAR AND HONOURABLE MENTION RESOLUTIONS

The UBCM Gold Star and Honourable Mention resolution recognition initiative was launched at the 2003 UBCM Convention, and is intended to encourage excellence in resolutions drafting and to assist UBCM members in refining their resolutions in preparation for submission to the annual UBCM Convention.

To be awarded the UBCM Gold Star or Honourable Mention recognition, a resolution must meet the standards of excellence established in the following Gold Star Resolutions Criteria, which are based on the resolution:

1. Resolution must be properly titled.
2. Resolution must employ clear, simple language.
3. Resolution must clearly identify problem, reason and solution.
4. Resolution must have two or fewer recital (WHEREAS) clauses.
5. Resolution must have a short, clear, stand-alone enactment (THEREFORE) clause.
6. Resolution must focus on a single subject, must be of local government concern province-wide and must address an issue that constitutes new policy for UBCM.
7. Resolution must include appropriate references to policy, legislation and regulation.
8. Resolution must be submitted to relevant Area Association prior to UBCM.

If you have any questions, please contact Reiko Tagami by email at rtagami@ubcm.ca or by calling 604-270-8226 (extension 115).

MODEL RESOLUTION

SHORT TITLE: _____

Sponsor's Name _____

WHEREAS _____

AND WHEREAS _____

THEREFORE BE IT RESOLVED that _____

(Note: A second resolve clause if it is absolutely required should start as follows:)

AND BE IT FURTHER RESOLVED that _____

**AVICC
525 Government Street
Victoria, BC V8V 0A8
Telephone: 250-356-5122
email: avicc@ubcm.ca**

AVICC AGM & Convention – April 7-9, 2017 – Campbell River



2017 AGM & CONVENTION

CALL FOR NOMINATIONS FOR AVICC EXECUTIVE

AVICC is the collective voice for local government on Vancouver Island, the Sunshine Coast, Powell River and the Central Coast. The membership elects directors during the Convention to ensure the directions set by the general membership are carried forward. The Executive also provides the direction for the Association between Conventions.

This circular is notice of the AVICC Executive positions open for nomination, the process and the procedures for nomination.

1. POSITIONS OPEN TO NOMINATIONS

The following positions are open for nomination:

- President
- First Vice-President
- Second Vice-President
- Director at Large (3 positions)
- Electoral Area Representative

2. NOMINATION PROCESS AND QUALIFICATIONS FOR OFFICE

The candidate must be an elected official of an AVICC member and must be nominated by two elected officials of an AVICC local government member.

Background information that defines the key responsibilities and commitments of an AVICC Executive member is available on request from the AVICC Office and is published on the website at www.avicc.ca

A nomination and consent form should be used for all nominations (attached or on the website).

The Chair of the 2017 Nominating Committee will be Past President Joe Stanhope, Nanaimo Regional District Director.

3. NEXT STEPS

It is part of the duties of the Nominating Committee to review the credentials of each candidate. A Report on Nominations including, at the candidate's option, a photo and 300-word biography will be prepared under the direction of the Nominating Committee and distributed in the AVICC Convention Newsletter.

**To Be Included In *The Report on Nominations*,
Nominations Must Be Received By
FEBRUARY 21, 2017**

AVICC AGM & Convention – April 7-9, 2017 – Campbell River, BC

4. AT CONVENTION

The nomination process outlined above does not change the process whereby candidates can be nominated off the floor at the Convention. It does allow those that are interested in seeking office to be nominated in advance of the Convention with the "sanction" of a Nominating Committee and to have their biographical information published in the AVICC Convention Newsletter.

5. FURTHER INFORMATION

Copies of the "consent form" or duties of Executive members are available from the AVICC office or on the website.

All other inquiries should be directed to:

**Past President Joe Stanhope, Chair
2017 Nominating Committee
c/o AVICC
525 Government Street
Victoria, BC V8V 0A8**

Phone: (250) 356-5122

Email: avicc@ubcm.ca

NOMINATIONS FOR THE 2017-18 AVICC EXECUTIVE

We are qualified under the AVICC Constitution to nominate¹ a candidate and we nominate:

Name: _____

Local Gov't Position (Mayor/Councillor/Director): _____

Municipality or Regional District Represented: _____

AVICC Executive Office Nominated For: _____

Printed Name: _____ Printed Name: _____

Position: _____ Position: _____

Muni/RD: _____ Muni/RD: _____

Signature: _____ Signature: _____

CONSENT FORM

I consent to this nomination and attest that I am qualified to be a candidate for the office I have been nominated to pursuant to the AVICC Constitution². I also agree to provide the following information to the Chair, AVICC Nominating Committee (c/o AVICC Office) by **Tuesday, February 21, 2017**.

- 2"x3" Photo in digital format should be sent to avicc@ubcm.ca
- Biographical information. The maximum length of such information shall be 300 words. If the information provided is in excess, the Nominating Committee Chair shall edit as required. A copy in Word format should be emailed to avicc@ubcm.ca

Printed Name: _____

Position: _____

Muni/RD: _____

Signature: _____

Date: _____

¹ Nominations require two elected officials of members of the Association.

² All nominees of the Executive shall be elected representatives of a member of the Association. Nominees for electoral area representative must hold the appropriate office.

**Return To: Past President Joe Stanhope, Chair, Nominating Committee, AVICC
525 Government Street, Victoria, BC V8V 0A8
or scan and email to avicc@ubcm.ca**

AVICC AGM & Convention – April 7-9, 2017 – Campbell River, BC