



# TOWN OF LADYSMITH

A SPECIAL MEETING OF THE  
COUNCIL OF THE TOWN OF LADYSMITH  
WILL BE HELD IN COUNCIL CHAMBERS AT CITY HALL ON  
MONDAY, MARCH 24, 2014  
6:00 p.m.

## AGENDA

CALL TO ORDER 6:00 P.M.

1. AGENDA APPROVAL
2. MINUTES
  - 2.1. Minutes of the Regular Meeting of Council held March 17, 2014..... 1
3. NEW BUSINESS
  - 3.1. Good Neighbour Agreement – Oyster Cove Strata Plan 2009 .....8

Staff Recommendation:

That Council approve the draft Good Neighbour Agreement between the Town of Ladysmith and Oyster Cove Strata Plan 2009 with respect to upcoming construction of the upgrade to the Town's Waste Water Treatment Plant, and that Council authorize the Mayor and Corporate Officer to execute the agreement.

4. 2014 TO 2018 FINANCIAL PLAN DELIBERATIONS  
Financial Plan document to be distributed at the meeting
  - 4.1. Preliminary Budget Overview – Presentation and Discussion
  - 4.2. Public Input and Questions
5. UNFINISHED BUSINESS
6. ADJOURNMENT





**TOWN OF LADYSMITH  
MINUTES OF A MEETING OF COUNCIL  
MONDAY, MARCH 17, 2014  
COUNCIL CHAMBERS, CITY HALL  
7:00 P.M.**

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**COUNCIL MEMBERS PRESENT:**

Mayor Rob Hutchins  
Councillor Bill Drysdale  
Councillor Glenda Patterson

Councillor Steve Arnett  
Councillor Gord Horth

Councillor Jillian Dashwood  
Councillor Duck Paterson

**STAFF PRESENT:**

Ruth Malli  
John Manson

Felicity Adams  
Clayton Postings

Erin Anderson  
Joanna Winter

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**CALL TO ORDER**

Mayor Hutchins called this Regular Meeting of Council to order at 7:00 p.m.

**AGENDA APPROVAL**

**CS 2014-082**

*Moved and seconded:*

That the agenda for the Regular Council Meeting of March 17, 2014 be approved as amended with the following addition:

11.1 Stz'uminus First Nation Challenge

*Motion carried.*

**MINUTES**

**CS 2014-083**

*Moved and seconded:*

That the minutes of the Regular Meeting of Council held Monday, March 3, 2014 be approved.

*Motion carried.*

Councillor D. Paterson declared a conflict of interest with the following agenda item, due to his employment, and excused himself from the meeting.

**PUBLIC HEARING**

**Town of Ladysmith Zoning Bylaw 1995, No. 1160, Amendment Bylaw (No. 97) 2014, No. 1848 - 1144 Rocky Creek Road**

Members of the public present: 24

Mayor Hutchins explained that this Public Hearing is for a Zoning Bylaw Amendment - Application 3360-14-01.

The subject property is Lot A, District Lot 38, Oyster District, Plan EPP23810. The property is located at 1144 Rocky Creek Road.

Director of Development Services, Felicity Adams, explained that

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the subject of the Public Hearing is:

- *Town of Ladysmith Zoning Bylaw 1995, No. 1160, Amendment Bylaw (No. 97), 2014, No. 1848*

Bylaw 1848 proposes to amend the Zoning Bylaw by:

- Placing the 'Light Industrial Zone (I-1) on the subject property.

**Covenant Discharge:**

At the time of the previous rezoning to I1-A Zone, a covenant was registered on title of the properties being rezoned to I1-A Zone to collect an amenity contribution of \$1000 per residential unit. The subject property was part of that earlier rezoning application. This covenant is not applicable to the subject rezoning as additional residential density is not part of this proposal and, as such, it would be discharged from the title of the subject property as part of the approval of this rezoning application.

The Public Hearing notice was printed in the Chronicle newspaper on March 4, 2014 and March 11, 2014 and posted on community notice boards throughout Town, as well as on the Town's website. A copy of the Notice was made available at the front counter at City Hall for the two week notice period.

No written submissions and one telephone or in-person enquiry have been received at City Hall in connection with this Public Hearing.

Mayor Hutchins called for comments by a representative of the applicant, Densen Investments Inc. There was no applicant representative present.

Mayor Hutchins called three times for questions about the Bylaw Amendments. There were no questions.

Mayor Hutchins called three times for comments and written submissions about the Bylaw Amendments. No comments or written submissions were provided.

Hearing no questions and receiving no comments or written submissions, Mayor Hutchins declared the Public Hearing for town of Ladysmith Bylaw 1848 closed, explaining that Council may not receive further submissions on the bylaw, and that Council may, without further notice or hearing,

- (a) adopt or defeat the bylaw, or
- (b) alter and then adopt the bylaw, provided that the alteration does not
  - (i) alter the use,
  - (ii) increase the density, or
  - (iii) without the owner's consent, decrease the density of any

area from that originally specified in the bylaw.

Councillor D. Paterson returned to the meeting.

## **DELEGATION**

### **Dr. Paul Hasselback, Island Health**

Dr. Paul Hasselback, Medical Health Officer with Island Health, presented the 2013 Local Health Area Profile Data for Ladysmith, discussed the local implications, and responded to questions from Council.

Council thanked Dr. Hasselback for his comprehensive report and thanked him for his continued dedication to determining causes underlying certain statistics relating to ages of mortality and childhood development indicators.

## **PROCLAMATION**

Mayor Hutchins proclaimed April 2014 as Daffodil Month in the Town of Ladysmith, in recognition of the role played by the Canadian Cancer Society's British Columbia and Yukon Division in assisting the public to take steps to reduce the risk of cancer through prevention strategies and healthy public policy.

## **2014 – 2018 FINANCIAL PLAN DELIBERATIONS**

### **Ladysmith Resources Centre Association – Grants-in-Aid Requests**

The following representatives of the Ladysmith Resources Centre Association made presentations about their programs and services for residents of Ladysmith and area to support the grants-in-aid requests from the Ladysmith Resources Centre Association:

Dennis Lait – LRCA overview and General Programming

Carla Sampson – Victim Services

Mjaike Lammel – Family Support Services

Lindsay Paaauwe – Youth at Risk

Tanya Reid – Adventures in Literacy and Parent-Child Mother Goose

Dale Gisbourne – Dad's Group

Council was advised that approximately 40 per cent of clients of these programs reside in the Ladysmith area but outside the Town boundaries. Council members considered ways to seek funding support from Cowichan Valley Regional District Areas G and H and encouraged LRCA representatives to continue to request funding directly from CVRD Areas G and H, based on program information and client statistics.

### **Ladysmith Food Bank Community Kitchen Project**

Natasha Sharpe of the Ladysmith Food Bank provided council with an overview of the Ladysmith Community Kitchen initiative. The organization is requesting a \$2,000 grant-in-aid from Council in 2014.

**Cowichan Therapeutic Riding Association**

Staff advised that there are 10 clients and 10 volunteers from the Ladysmith area involved in the Cowichan Therapeutic Riding Association programs. Council confirmed its previous preliminary direction to provide a grant-in-aid of \$1,000 to the organization.

**Ladysmith Primary School Breakfast Program**

Staff confirmed that there are no provincial Community Links Programs available to support a breakfast program at Ladysmith Primary School.

Council thanked all delegates for their informative presentations and for their dedication and success in providing community services to residents of Ladysmith and the surrounding area.

*Moved and seconded:*

That Council request staff to prepare a report outlining the costs, benefits and feasibility of providing sustainable Town of Ladysmith funding to community services including the Ladysmith Resources Centre, Ladysmith Food Bank, Victim Services, Family Support Services, Youth at Risk, Adventures in Literacy, Parent-Child Programs, Dad's Group and Ladysmith Food Bank Community Kitchen.

*Motion carried.*

**RECESS**

*Moved and seconded at 8:40 p.m.:*

That the meeting recess for ten minutes.

*Motion carried.*

**DEVELOPMENT  
APPLICATIONS**

This meeting of Council resumed at 8:50 p.m.

Councillor D. Paterson declared a conflict of interest with the following agenda item and excused himself from the meeting.

**Zoning Bylaw Amendment - 1144 Rocky Creek Road (Lot A, District Lot 38, Oyster District, Plan EPP23810)**

*Moved and seconded:*

**CS 2014-084**

That following the adoption of Bylaw 1848, Council approve the discharge of covenant FB078666 from the title of Lot A, District Lot 38, Oyster District, Plan EPP23810; and authorize the Mayor and Corporate Officer to execute the discharge document.

*Motion carried.*

**BYLAWS (OCP/ZONING)**

**Town of Ladysmith Zoning Bylaw 1995, No. 1160, Amendment Bylaw (No. 97), 2014, No. 1848**

*Moved and seconded:*

**CS 2014-085**

That Town of Ladysmith Zoning Bylaw 1995, No. 1160, Amendment Bylaw (No. 97) 2014, No. 1848, be read a third time and referred to the Minister of Transportation.

*Motion carried.*

Councillor D. Paterson returned to the meeting.

## REPORTS

### **Waste Water Treatment Plant Upgrade – Combined Loan and Grant Agreement**

*Moved and seconded:*

**CS 2014-086**

That Council authorize staff to execute the Combined Loan and Grant Agreement between the Municipal Finance Authority, the Town of Ladysmith and the Federation of Canadian Municipalities regarding the Waste Water Treatment Plant Upgrade.

*Motion carried.*

### **School Planning: Policy and Regulation**

*Moved and seconded:*

**CS 2014-087**

That Council direct staff to:

1. Prepare an Official Community Plan amendment to add new policies regarding school planning as outlined in the report from the Director of Development Services dated March 17, 2014; and
2. Include in the new Zoning Bylaw regulations to address:
  - Limiting community care facility use at the Ecole Davis Road School site and the adjacent P-1 zoned properties (5 lots)
  - Requiring a minimum parcel size of 2.0 hectares (5 acres) for a school site
  - Limiting the number of buildings and associated site coverage for school sites to the number of buildings that are currently in place

*Motion carried.*

Staff were requested to provide a definition of 'community care facility'.

### **BC Healthy Communities Capacity Building Grant Application "Plan H"**

*Moved and seconded:*

**CS 2014-088**

That Council authorize staff to apply for a grant from BC Healthy Communities in the amount of \$5,000 to:

- Enhance existing cross-sectoral community partnerships including municipal staff and elected officials
- Educate municipal staff, elected officials and community partners about the determinants of health
- Identify and plan local priorities to enhance health and well-being
- Develop opportunities and leadership for action to address these priorities

*Motion carried.*

**Weather Station at Public Works Yard**

*Moved and seconded:*

**CS 2014-089**

That Council authorize staff to proceed with the installation of a weather station at the Public Works Yard based on the proposal by Kerr Wood Leidal Consulting Engineers for a total cost of \$23,968 plus taxes.

*Motion carried.*

**BYLAWS**

**Town of Ladysmith Delegation Bylaw 2007, No. 1614, Amendment Bylaw 2014, No. 1850**

*Moved and seconded:*

**CS 2014-090**

That Town of Ladysmith Delegation Bylaw 2007, No. 1614, Amendment Bylaw 2014, No. 1850, be read a first, second and third time.

*Motion carried.*

**CORRESPONDENCE**

**Mayor Dreck R. Corrigan, City of Burnaby  
Community Impacts of the Proposal to Eliminate Home Mail Delivery**

*Moved and seconded:*

**CS 2014-091**

That the correspondence from Mayor Derek R. Corrigan, City of Burnaby, be received.

*Motion carried.*

**NEW BUSINESS**

**Stz'uminus First Nation Challenge**

Council discussed a challenge from the Stz'uminus First Nation, and options for responding to the challenge. A member of the audience advised Council that it has the option to respond to the challenge by 'paying it forward'. It was agreed that Council would respond to the Stz'uminus First Nation challenge by 'paying it forward'. Two ideas put forward were to have council members cook and/or serve at the Ladysmith community Kitchen or the Ladysmith Seafood Festival. Councillors Dashwood and Horth will investigate options and report back to Council.

**QUESTION PERIOD**

R. Johnson assured Councillor Arnett that he has not yet posted any video taken at Council meetings, that should he do so, he will edit only for length, and that he does not film members of the audience or delegations.

**CLOSED MEETING**

*Moved and seconded at 9:22 p.m.:*

**CS 2014-092**

That Council retire into Closed Meeting after a two minute recess.

*Motion carried.*



**ARISE AND REPORT**

Council arose from the Closed Meeting with report on the following item:

Resolution CE 2014-065

That the Town finalize negotiations for a Good Neighbour Agreement with Oyster Cove Strata with respect to upcoming construction of the upgrade to the Waste Water Treatment Plant.

**ADJOURNMENT**

**CS 2014-093**

*Moved and seconded:*

That this meeting of Council adjourn at 10:21 p.m.

*Motion carried.*

CERTIFIED CORRECT:

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

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

## GOOD NEIGHBOUR AGREEMENT

BETWEEN:

### THE TOWN OF LADYSMITH

("Ladysmith")

AND:

### STRATA PLAN 2009

("Oyster Cove")

#### WHEREAS:

- A Ladysmith has a statutory right of way (the "Right of Way") over Lot 1, District Lot 56, Oyster District, Plan 50919, PID 016-389-093 (the "Lands") for the purpose of maintaining a sewer treatment plan on Lot A, District Lot 56, Oyster District, Plan 36898 (the "Town's Property");
- B Ladysmith will be upgrading its existing sewer treatment plan and will be using its Right of Way in order to access the Town's Property for this purpose.
- C The residents of Oyster Cove have raised concerns regarding the volume, type of traffic, the hours of operation, adherence to speed limit, increase in vehicles entering Oyster Cove, potential damage to the roadway, personal property and the gate, that construction of the upgrade will entail.
- D The Parties have each agreed that they should work together towards reducing the impact that the construction phase of the upgrade of the sewer treatment plan will have on the residents of Oyster Cove.
- E This Good Neighbour Agreement, while it does not create any legal obligations between the Parties (except as provided in sections 4, and 6 and 7) sets out the good faith intentions of the Parties to proceed in accordance with its terms.

Subject to the recitals and the other terms and conditions and qualifications contained herein, the Parties agree as follows:

1. Ladysmith shall include as conditions of any contract for construction of the upgrade that involves transporting material over the Right of Way during the upgrade that:
  - a. there will be no two-way traffic of dump trucks or other large vehicles within the Right of Way;
  - b. only one dump truck or other large vehicle will be within the Right of Way area at a time;
  - c. drivers will not travel off the paved portion of the roadway while travelling within the Right of Way; and drivers will travel on the centre of the paved portion of the roadway.
  - d. drivers will adhere to a 20 kilometer per hour speed limit;
  - e. drivers will not enter the Right of Way before 7:00 a.m. and will leave the property by 7:00 p.m. each evening, Monday to Saturday and that there will be no operations on Sundays;
  - f. drivers will not create undue engine noise (such as engine and back up noise) within the Right of Way;
  - g. employees of contractors working at the site will be required to park outside of the strata gates; and the contractors will be required to arrange carpooling or transportation to the construction site.
  - h. there will be a prohibition of parking anywhere within the Strata.
2. During construction of the upgrade, Ladysmith will be responsible for opening the gate each morning and locking the gate each evening when work is complete. Ladysmith will endeavour to ensure that the gate to the Lands shall only be left open when active hauling, pouring of concrete or delivery of materials, or other activity that requires the gate to remain open is taking place. On days involving heavy usage, Ladysmith may leave the gate open throughout the day. Ladysmith will communicate to Oyster Cove in advance when it anticipates such a day will occur. Ladysmith and Oyster Cove will work together to co-ordinate and facilitate opening and closing of the gate by utilizing the automated systems as much as possible.
3. During construction of the upgrade, Ladysmith will post a highly visible sign prior to the entry to the Lands, to be displayed during working hours, with words to the following effect: "DANGER – Active hauling in progress – Access to Residents Only";

4. Ladysmith will provide a one time payment of \$656.25 to contribute to a timer that has been placed on the gate to the Lands.
5. During construction of the upgrade, Ladysmith will provide a street sweeper once a week (or more often if reasonably requested by Oyster Cove) to keep the roadway within the Right of Way reasonably clear of debris;
6. Within six months following substantial completion of construction, Ladysmith will resurface the roadway within the right of way at its expense by doing a pavement overlay (1 ½ in thick); with the cracks being sealed prior to the overlay being put down; with various collars for access to underground services raised to match the new level and along the east side of the roadway the existing asphalt will be ground down to feather to driveways;
7. Ladysmith, in consideration for the ongoing security for the sewage treatment plant provided by Oyster Cove through its maintenance of a security gate system, will pay to Oyster Cove the sum of \$1000.00 annually (for certainty, rate for 2006-2012 was \$500, new rate commencing 2013 is \$1000). The adequacy and sufficiency of this sum of money shall be reviewed by the parties in 2018. If Ladysmith consistently uses the Right of Way to access the Sewer Treatment Plant then the rate beyond 2018 will not be less than \$1000.
8. Ladysmith will clear snow from the Right of Way to gain access to the Town Property during construction of the upgrade.
9. Ladysmith shall install a fence around the construction site as an initial part of the upcoming phase of construction. The purpose of the fence will be to attempt to prevent trespassers from accessing the construction site and thereby to further prevent trespassers from gaining access to Oyster Cove from the south.
10. Ladysmith shall construct a vehicle turn-around area on its property as part of the upcoming phase of construction. Signage will be installed to direct drivers to the vehicle turn-around area.
11. The Town shall use best commercial efforts to fully complete the construction as expediently as possible. Penalty clauses will be added to the construction contracts and the Town will communicate construction timelines to Oyster Cove once the construction contracts are signed.
12. Except for Ladysmith's obligations under sections 4, 6 and 7 which are binding obligations, this Good Neighbour Agreement is not legally binding

and creates no legal obligations. It does however, express the intentions of the parties as herein set out.

IN WITNESS WHEREOF the parties hereto have signed this agreement as of the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**TOWN OF LADYSMITH**, by its )  
authorized signatory(ies): )

\_\_\_\_\_)  
Name: )

\_\_\_\_\_)  
Name: )

**STRATA PLAN 2009**, by its )  
authorized signatory(ies): )

\_\_\_\_\_)  
Name: )

\_\_\_\_\_)  
Name: )