

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

**Tuesday, January 21, 2020  
Council Chambers, City Hall**

---

**Pages**

**1. CALL TO ORDER**

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

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

**2. CLOSED SESSION**

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

- negotiations and related discussions respecting the proposed provision of a municipal service - section 90(1)(k)
- litigation or potential litigation - section 90(1)(g)

Recommendation

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

- negotiations and related discussions respecting the proposed provision of a municipal service - section 90(1)(k)
- litigation or potential litigation - section 90(1)(g)

**3. OPEN MEETING AGENDA APPROVAL**

Recommendation

That Council approve the agenda for this Public Hearing and Regular Meeting of Council for January 21, 2020.

## **4. PUBLIC HEARING**

Outline of Public Hearing Process - Mayor Stone

### **4.1 Official Community Plan Bylaw Amendments and Zoning Bylaw Amendment: Bylaws 2027, 2028 and 2029**

Subject Properties: 202/204 Dogwood Drive

Lots 2, 3 and 4 Suburban Lot 9 Oyster District Plan 1009)

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

#### **4.1.2 Submissions**

6

The applicant, Rod Alsop, will make the first submission to Council

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

#### **4.1.4 Declaration that the Public Hearing for Bylaws 2027, 2028 and 2029 is Closed - Mayor Stone**

## **5. BYLAWS (SUBJECT OF THE PUBLIC HEARING)**

### **5.1 Official Community Plan Bylaws 2027 and 2028, and Town of Ladysmith Zoning Bylaw 2029 - 202 to 204 Dogwood Drive**

12

#### Recommendation

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

1. Proceed with third reading and adoption of Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 60) 2019, No. 2027;
2. Proceed with third reading and adoption of Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 61) 2019, No. 2028;
3. Proceed with third reading of Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 30) 2019, No. 2029; and
4. Direct staff to refer Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 30) 2019, No. 2029 to the Ministry of Transportation and Infrastructure pursuant to section 52 of the *Transportation Act*.

**6. RISE AND REPORT- Items from Closed Session**

**7. MINUTES**

**7.1 Minutes of the Regular Meeting of Council held January 7, 2020 21**

Recommendation

That Council approve the minutes from the Regular Meeting of Council, held January 7, 2020.

**8. DEVELOPMENT APPLICATIONS**

**8.1 Development Variance Permit – 1221 Rocky Creek Road 27**

Recommendation

That Council:

1. Issue Development Variance Permit 3090-19-10 to vary the shade tree requirement from 10 trees to zero trees for a paved parking area at 1221 Rocky Creek Road (Western Forest Products)
2. Authorize the Mayor and Corporate Officer to sign Development Variance Permit 3090-19-10.
3. Approve an encroachment agreement with Western Forest Products for the installation of two rolling gates and fencing within the Town's right-of-way along the Gladden Road property frontage.
4. Authorize the Mayor and Corporate Officer to sign the agreement.

**9. REPORTS**

**9.1 Emergency Support Services Funding Stream Application 44**

Recommendation

That Council:

1. Direct staff to submit an application to the Community Emergency Preparedness Fund – Emergency Support Services Funding Stream for up to \$25, 000; and
2. Confirm its willingness to provide overall grant management.

**9.2 Public Art Policy 52**

Recommendation

That Council:

1. Approve the Public Art Policy as presented and recommended by the Parks, Recreation and Culture Advisory Committee.

### **9.3 Ultraviolet Pilot Civil Connection Award**

60

#### Recommendation

That Council waive the Town's Purchasing Policy and direct award the works associated with the connection of the Ultra Violet Pilot Project for the Waste Water Treatment Plant to David Stalker Excavating on a time basis.

### **9.4 Encroachment Agreement 427A Davis Road**

63

#### Recommendation

That Council direct staff to enter into an encroachment agreement for the construction of a retaining wall fronting 472A Davis Road.

## **10. NEW BUSINESS**

### **10.1 2020 Conference Attendance**

66

#### **10.1.1 Attendance at 2020 Convention, Association of Vancouver Island and Coastal Communities; Potential Resolution and/or Nomination Submission**

67

Town of Ladysmith Travel Expense Policy 05-1790-B permits the Mayor and up to four Councillors to attend the AVICC annual convention.

Since AVICC will be held in Nanaimo, no hotel accommodation has been booked, rather Council members are encouraged to carpool when convenient.

#### Recommendation

That Council determine which members will attend the Association of Vancouver Island and Coastal Communities annual convention April 17-19, 2020, in Nanaimo.

#### **10.1.2 Union of British Columbia Municipalities Annual Convention**

Town of Ladysmith Travel Expense Policy 05-1790-B permits the Mayor and up to four Councillors to attend the UBCM annual convention.

#### Recommendation

That Council determine which members will attend the Union of British Columbia Municipalities annual convention to be held



September 21-25, 2020, in Victoria.

**10.1.3 Attendance at the Federation of Canadian Municipalities 2020 Convention in Toronto, at an estimated cost of \$4000.00**

Town of Ladysmith Travel Expense Policy 05-1790-B states that a Council member must receive Council authorization to attend conferences and workshops other than the AVICC and UBCM annual conventions.

Recommendation

That Council approve Mayor Stone's attendance at the Federation of Canadian Municipalities 2020 Convention to be held June 4-7, 2020, in Toronto, ON, at an estimated cost of \$4,000.

**10.1.4 Woody Debris Workshop**

83

Recommendation

That Council authorize Councillor Johnson to attend the free Woody Debris Workshop in Duncan on Tuesday, January 28, 2020 and provide reimbursement for related travel expenses.

**11. 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.

**12. ADJOURNMENT**

Noel McKenna  
125 Methuen Street  
Ladysmith, BC



October 21, 2019

To Mayor and Council:

RE: OCP & zoning bylaw amendment application – R. Alsop 204 Dogwood Drive.

With regards to the application before you I have a number of concerns. I know this is the start of the process and I feel that these items should be considered and dealt with along with all the other items that are being considered.

My main concern is the location of the building that is up for redevelopment . There is no setback from the rear lot line at present. I would like the planning staff to investigate to see if this building was built and located on the site according to the original permits. I do know that the doors that exit onto the lane way, were not part of the original building. They were put in around 2006 or 2007, and I believe without a permit. To allow access to these doors there was a ramp put in because of the slope of the lane. This access to the doors is entirely on town property.

I would like to know if this work was permitted. The addition of these doors increased the degree of non-conformity and as such should not have been allowed.

With the extent of the work that is proposed for this building and taking into account the changes that will be happening with the merging of the lots, I feel that the current building must be brought up to meet existing codes and regulations.

I feel that this issue must be dealt with before this development is allowed to proceed. Thank you for your time.

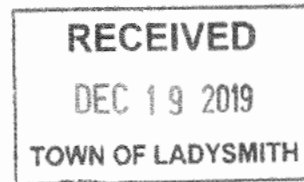
Noel McKenna

A handwritten signature in blue ink, appearing to read "Noel McKenna", followed by a stylized flourish.

To Ladysmith Town and Council

19 December 2019

Re: File no 3360-19-08  
202/204 Dogwood Drive



Dear Mayor and Council,

I found out yesterday that 1<sup>st</sup> and 2<sup>nd</sup> reading were given to the above matter at your council meeting on December 16<sup>th</sup>. I see that there is a public meeting planned regarding this set for January 21, 2020. I would like to know if 3<sup>rd</sup> reading is going to follow this meeting, or if there will be an appropriate amount of time given to have the feedback from the meeting assessed by the planning department.

In the report you have received, there mention of the neighbourhood information meeting held on October 7, 2019. There is also a letter from Rod Alsop summarizing his interpretation of the meeting. I attended the meeting and I do not agree with his description of how it went. It was overall a friendly crowd. There was very little information about the whole development plan. There were some basic drawings of what he was hoping to build. Not much detail. They did try to answer questions, but again not a lot of answers that were complete. I asked a question regarding how many deliveries they would be having in a week. Jon and Rod talked it over and the answer was 1. I don't feel that is a realistic answer for running a brew pub with food service.

At the meeting it was also mentioned that the pub would be over the allowed size by about 25%. But looking through the report from council I see that the applicant is asking for the approval of 200m<sup>2</sup> for the pub overall. This is twice what is currently allowed

I feel that there really needs to be a proper public meeting held on this issue that has all the relevant details regarding this application and that there be enough time for public input. Could you please let me know if this will happen.

Thank you,

Noel McKenna.

**Received January 10, 2020**

**Within Circulation Area**

To Julie Thompson, Planner

My husband and I live across the back alley from 202/204 Dogwood at 131 Methuen Street and we have a couple of concerns with the proposed bylaw amendments and change of use.

1. Mechanical Noise:

Our main concern is with mechanical noise from the ventilation and refrigeration units. We clearly remember the relief we felt when the U-brew that was operating in that location before the barber shop moved and turned off those units. We didn't realize how much the intermittent but constant 24/7 noise was wearing on us and we do not want the 24/7 mechanical noise in our back yard again.

2. Size:

Why increase the current C1 limit from 100 sq M to 200 sq M for the primary commercial use? We feel the bigger the business the bigger the adverse effects to the community near by. More traffic, more parking required, more deliveries, more noise both human and mechanical.

3. Lack of information:

At this time we have not seen an updated plan. So we have a few questions about the back lane access.

Is there a plan for parking in the back? The back lane is single lane traffic and we use it daily as do our many of our neighbors. How much will this increase the traffic travelling up the lane to the only exit on Forth Ave? Will delivery trucks also be using the back lane?

Regards

Yvonne Brosz-Defoor & Gordon Defoor  
131 Methuen Street, Ladysmith

RECEIVED  
JAN 14 2020

Noel McKenna  
125 Methuen Street.

January 14, 2020

Re: OCP and Zoning bylaw amendment application  
202-204 Dogwood Drive

To Mayor and Council,

I am writing to you with concerns I have regarding the above application. I feel that not enough work has been done regarding this file. I would ask that you decide not to proceed at this time until more information is available and that a proper public meeting can be held with the relevant information.

The drawings that are included in the binder at planning are out of date and no longer relevant. The design has changed, but no new drawings have been submitted.

Council has recently approved a microbrew pub that is located about a 1 minute walk from this site. This applicant had to submit a traffic study and proposed operating hours for the pub. Why is this not being requested for this proposal?

Can the traffic be safely managed with regards to this site and with future development that will occur on Dogwood?

The development before you is proposed to be part of "the ale trail", drawing people from Duncan to Nanaimo. There is limited on street parking in this area. I don't feel that the parking requirements will meet the needs of the parking required for the site. Will there be enough parking when the 2 businesses are operating at the same time?

At this time the residential portion of the site has 4 cars associated with it. There only has to be 1 stall provided for the residence.

In his letter submitted with his application, he states that he hopes to begin highlighting the local commercial area just outside the downtown core in hopes that other businesses will come and revitalize the area. There are only 2 C-1 zoned properties here, the other being Dalbys, across the street. I am sure the new owner of that site is going to be proposing condos there, and not commercial.

Is this a policy of the town to move businesses out of the downtown core? I thought we were trying to promote more business within the downtown.

What are the operating hours of the pub going to be? What are the operating hours of the manufacturing going to be? These questions should be dealt with now, not with nuisance bylaws after the fact.

The applicant is proposing to double the present size for a commercial building from 100m<sup>2</sup> to 200m<sup>2</sup>. I don't think this is a necessary change for him to have. Under his current zoning he can build what he needs.

Plans are for garbage and deliveries to be at the back lane. Given that this building is sitting on the property line, can this be done safely? That is all for now, thank you.

Received January 15, 2020

Within Circulation Area

From: James Steadman  
Sent: January 15, 2020 11:49 AM  
To: Council <[towncouncil@ladysmith.ca](mailto:towncouncil@ladysmith.ca)>  
Subject: Number of Bars in Ladysmith

I am concerned about the plan to turn 1st Ave Barbershop into a bar My concerns are:

We currently have five bars in Ladysmith.

The Travellers Lodge and the old RCMP station will make 7 bars.

A brew pub will be added with the planned harbour development.

If the barber shop pub is approved that will make 9.

Do we need 9 bars in Ladysmith?

What is planned for the Methuen lane which I understands has a creek under neath it? The added use of truck traffic will cause the lane damage.

We live 2 doors south of the proposed "bar" and we understand that there also be another bar/ brew at the other end of our block on the corner of Dogwood and Belaire.

We do not approve of this.

James Steadman and Catherine Charnell  
208 Dogwood Drive  
Ladysmith



Received January 15, 2020

Within Circulation Area

**From:** NOEL McKenna  
**Sent:** January 15, 2020 11:57 AM  
**To:** Council <[towncouncil@ladysmith.ca](mailto:towncouncil@ladysmith.ca)>  
**Subject:** 202 - 204 Dogwood. Zoning application

Dear Mayor and Council.

Just another note on this application. I would like it if this whole process was much more open and informative. The applicant made his application in early August. There was an information meeting held in early October. There was not a lot of information there. I did not hear it mentioned that he had already applied for the permit. They just came off as a couple of guys who were looking to brew some beer. At the council meeting later in October you asked staff to draft the necessary bylaws. I thought this process was going to take longer then it did. When I checked in with Julie in December to see how things were progressing, I was surprised to find out that 1st and 2nd reading had been given to the proposed changes. She told me that the plans had changed from what was presented at the meeting and that they would be available January 6.

On January 6 I went to the planning office to see the new plans, but there were none. I understand that right now you are dealing with the zoning issues. But I feel in order to make the best decisions all of the information should be there.

It is frustrating as a neighbour to this property not to know what is happening from a design perspective. Parking is a major concern with this project. There is very little on street parking in this area, and already in the documents they mention reducing the amount of parking on site by 1 space.

What is the design of the pub supposed to be. There is mention of creating a public space for picnics. Where is this going to be? What is the access? What are it's hours?

What are the hours of the pub going to be? What are the hours that manufacturing will be allowed on site? How much beer will they be producing? Given that this is residential area all these matters should be dealt with. Is it appropriate to allow a patio here? What about music? It was mentioned that Rod wants to have music several nights a week.

All of these items should be dealt with before any rezoning. We need to think of the people who live here and make there homes here.

The applicant mentions economic diversity as a benefit of this project. As he submitted a business plan to back up any proof of this?

Finally I have a problem with the barber shop building itself. It is built right on the property line and it makes access to my driveway a problem at times. This building has been renovated and added onto several times since the 1979. The last permit for a reno on it was in 1985. I believe that work was carried out on it the made it more non conforming. I have been trying to find out has much information on this as I can but it takes time. Can you as council request that this information be requested and checked out. If it is not dealt with now, I don't know when it will be.

Thank you, Noel McKenna

STAFF REPORT TO COUNCIL

**Report Prepared By:** Julie Thompson, Planner  
**Meeting Date:** January 21, 2020  
**File No:** 3360-19-08  
**RE:** OCP & ZONING BYLAW AMENDMENT APPLICATION – 202/204 DOGWOOD DRIVE

**RECOMMENDATION:**

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

1. Proceed with third reading and adoption of Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 60) 2019, No. 2027;
2. Proceed with third reading and adoption of Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 61) 2019, No. 2028;
3. Proceed with third reading of Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 30) 2019, No. 2029; and
4. Direct staff to refer Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 30) 2019, No. 2029 to the Ministry of Transportation and Infrastructure pursuant to section 52 of the *Transportation Act*.

***Subject property*****EXECUTIVE SUMMARY:**

The purpose of the proposed bylaws is to allow a maximum 200m<sup>2</sup> Neighbourhood Pub at 202/204 Dogwood Drive by amending the Official Community Plan and Zoning Bylaw. Following the public hearing, Council is being asked to consider third reading of Bylaws 2027, 2028 and 2029 and to refer Bylaw 2029 to the Ministry of Transportation and Infrastructure for approval.

**PREVIOUS COUNCIL DIRECTION:**

Resolution # & Meeting Date	Resolution Details
CS 2019-408 Dec. 16, 2019	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Proceed with first and second reading of Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 60) 2019, No. 2027 and Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 61) 2019, No. 2028;</li> </ol>

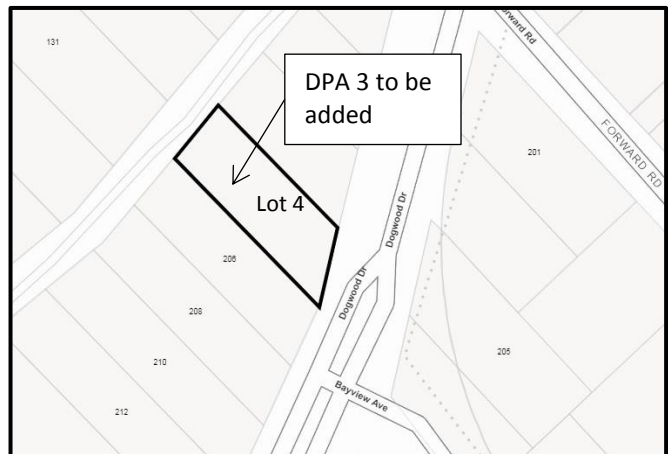


	<ol style="list-style-type: none"> <li>2. Consider Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 60) 2019, No. 2027 and Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 61) 2019, No. 2028 in conjunction with the Town's Financial Plan and the Town's Liquid Waste Management Plan, pursuant to section 477(3)(a) of the <i>Local Government Act</i>;</li> <li>3. Proceed with first and second reading of Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 30) 2019, No. 2029;</li> <li>4. Direct staff to proceed with scheduling and notification of a public hearing for Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 60) 2019, No. 2027, Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 61) 2019, No. 2028, and Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 30) 2019, No. 2029 as required by section 464(1) of the <i>Local Government Act</i>; and</li> <li>5. Require that the applicant, prior to final adoption of the proposed bylaw amendments, consolidate Lot 2 Suburban Lot 9 Oyster District Plan 1009, Lot 3 Suburban Lot 9 Oyster District Plan 1009, and Lot 4 Suburban Lot 9 Oyster District Plan 1009 (202/204 Dogwood Drive).</li> </ol> <p><i>Motion Carried</i></p>
--	--

### **INTRODUCTION/BACKGROUND:**

On December 16<sup>th</sup>, 2019 Council gave Bylaws 2027, 2028 and 2029 first and second reading and authorized the bylaws to proceed to public hearing. Prior to final adoption of the bylaws, the applicant is also being asked to consolidate the three subject parcels. The proposed bylaws are summarized below:

- Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 60) 2019, No. 2027: Amends OCP Map 2 - Development Permit Areas (DPA), by placing Lot 4 Suburban Lot 9 Oyster District Plan 1009 into DPA 3 - Commercial.
- Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 60) 2019, No. 2028: Adds a guideline into DPA 3 to allow for variances to the Zoning Bylaw landscaping requirements through the DP approval process, where the abutting residential parcels would be buffered through alternative measures on the parcel, such as topography, non-commercial land uses, other structures and/or landscaping, or existing vegetation.
- Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 30) 2019, No. 2029: Amends the C-1 zone on a site specific basis to allow a Neighbourhood Pub use on the subject property with a maximum gross floor area of 200m<sup>2</sup>.



**ALTERNATIVES:**

Council can choose to:

1. Refer any or all bylaws to a future Council Meeting.
2. Refer the bylaws back to staff for further review, as specified by Council.
3. Amend any or all of the bylaws. If no additional public hearing required, Council may give the bylaws third reading as amended.
4. Defeat any or all of the proposed bylaws.

**FINANCIAL IMPLICATIONS:**

N/A

**LEGAL IMPLICATIONS:**

Following the close of the public hearing, Council may consider information received as part of the public hearing and determine if any changes are required to the proposed bylaws.

If Council wishes to amend the proposed bylaws an additional public hearing may be required. Pursuant to section 470(1) of the *Local Government Act*, an additional public hearing is required if an amendment to any of the bylaws alters the use, increases the density, or, without the owners' consent, decreases the density.

If Council wishes to refer the proposal back to staff for further review, an additional public hearing may be required.

Pursuant to section 52 of the *Transportation Act*, the application must be referred to the Ministry of Transportation and Infrastructure following third reading of the zoning amendment bylaw. This referral is required as the subject property is located within 800m of a controlled access highway.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

Notification regarding the public hearing was mailed and delivered to properties within 60m of the subject property on January 6, 2020, and was published in the local newspaper on January 9<sup>th</sup> and 16<sup>th</sup>, 2020. The applicant erected a notification sign on the property on January 6<sup>th</sup>, 2020.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

None.

**ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:**

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

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

☐ Infrastructure  
☐ Community  
☐ Waterfront

☒ Economy  
☐ Not Applicable

***I approve the report and recommendation(s).***

**Guillermo Ferrero, Chief Administrative Officer**

**ATTACHMENT(S):**

Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 60) 2019, No. 2027

Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 61) 2019, No. 2028

Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 30) 2019, No. 2029

TOWN OF LADYSMITH

BYLAW NO. 2027

A bylaw to amend "Official Community Plan Bylaw 2003, No. 1488"

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

**AND WHEREAS** pursuant to section 488 (1)(f) of the *Local Government Act*, an official community plan may designate development permit areas for the establishment of objectives for the form and character of commercial, industrial or multi-family residential development;

**AND WHEREAS** the Municipal Council considers it advisable to amend "Official Community Plan Bylaw 2003, No. 1488";

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

- 1. Map 2 – Development Permit Areas of " Official Community Plan Bylaw 2003, No. 1488" is hereby amended as follows:
  - a. By designating the subject property legally described as Lot 4 Suburban Lot 9 Oyster District Plan 1009 (204 Dogwood Drive) as shown in **Schedule I** which is attached to and forms part of this Bylaw as, DPA 3 – Commercial.

CITATION

- (3) This bylaw may be cited for all purposes as "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.60) 2019, No. 2027"

**READ A FIRST TIME** on the 16<sup>th</sup> day of December, 2019

**READ A SECOND TIME** on the 16<sup>th</sup> day of December, 2019

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

on the day of ,

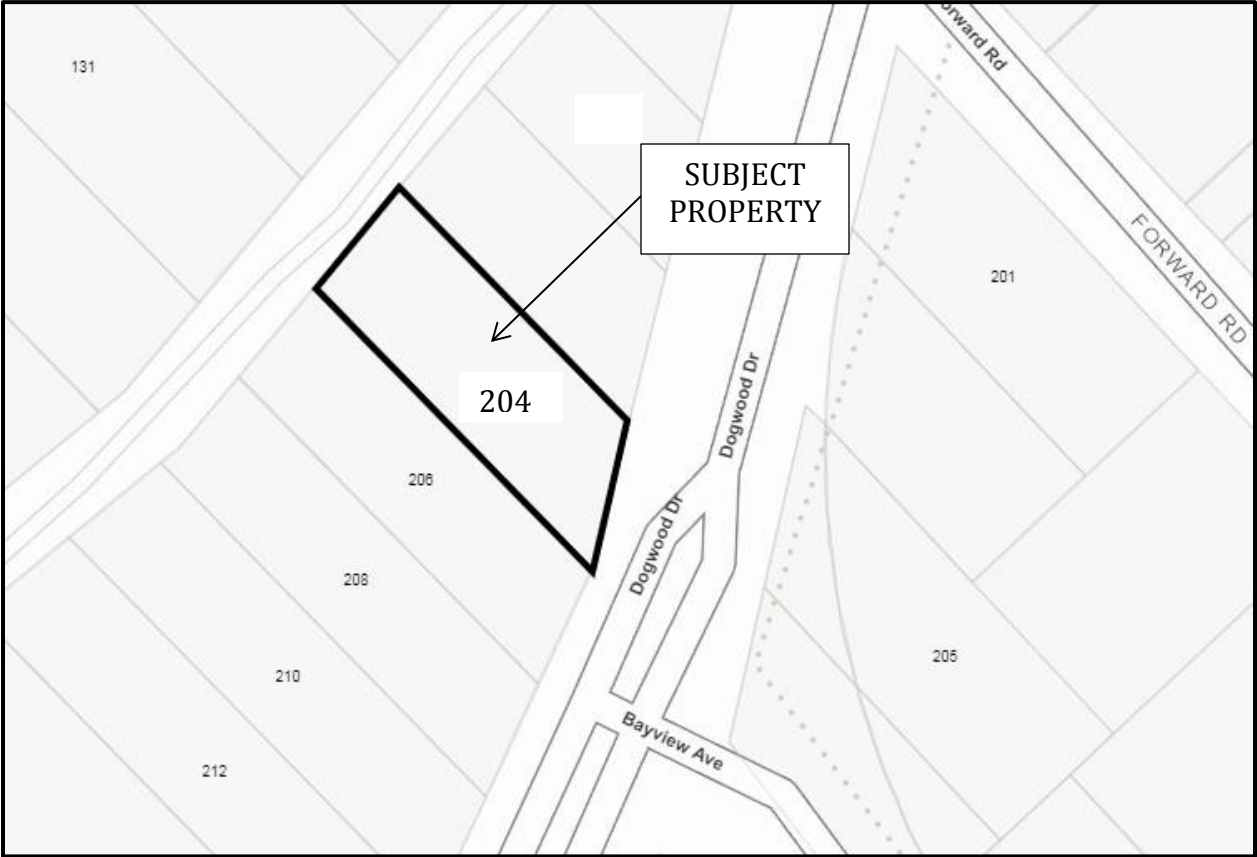
**READ A THIRD TIME** on the day of ,

**ADOPTED** on the day of ,

\_\_\_\_\_  
Mayor (A. Stone)

\_\_\_\_\_  
Corporate Officer (J. Winter)

Schedule I – Bylaw 2027



**TOWN OF LADYSMITH**

**BYLAW NO. 2028**

A bylaw to amend "Official Community Plan Bylaw 2003, No. 1488"

---

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

**AND WHEREAS** pursuant to section 488 (1)(f) of the *Local Government Act*, an official community plan may designate development permit areas for the establishment of objectives for the form and character of commercial, industrial or multi-family residential development;

**AND WHEREAS** the Municipal Council considers it advisable to amend "Official Community Plan Bylaw 2003, No. 1488";

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

1. Schedule A.1 – Town of Ladysmith Development Permit Areas of "Official Community Plan Bylaw 2003, No. 1488" is hereby amended as follows:
  - a. By adding the following new guideline to DPA 3 – Commercial, Section 13 – Landscape following guideline (h) and renumbering the subsequent guidelines accordingly:

“(i) The minimum landscape buffer requirements provided in Part 7 of the Zoning Bylaw may be varied where the abutting parcels in a zone that permits residential use would be buffered through alternative measures on the parcel such as, topography, non-commercial land uses, other structures and/or landscaping, or existing vegetation.”

**CITATION**

- (3) This bylaw may be cited for all purposes as "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.61) 2019, No. 2028"

**READ A FIRST TIME** on the 16<sup>th</sup> day of December, 2019

**READ A SECOND TIME** on the 16<sup>th</sup> day of December, 2019

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

on the day of ,

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

**ADOPTED** on the day of ,

---

Mayor (A. Stone)

---

Corporate Officer (J. Winter)

TOWN OF LADYSMITH

BYLAW NO. 2029

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

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

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

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

- (1) Schedule A – Zoning Bylaw Text of “Town of Ladysmith Zoning Bylaw 2014, No. 1860” is hereby amended as follows:
  - (a) By adding a new subsection (b) to Section 9 Site Specific Regulations under Section 11.1 Local Commercial (C-1) Zone:

“(b) For the subject *Parcel* shown in Schedule I, formed by consolidation of the three parcels legally described as Lot 2 Suburban Lot 9 Oyster District Plan 1009, Lot 3 Suburban Lot 9 Oyster District Plan 1009, and Lot 4 Suburban Lot 9 Oyster District Plan 1009 (202/204 Dogwood Drive), the following site specific regulations shall apply:

    - i) A *Neighbourhood Pub* is permitted as a *Principal Use*.
    - ii) Despite Section 11.1(4)(a), the maximum *Gross Floor Area* for a *Neighbourhood Pub* use is 200 square metres.”

CITATION

- (3) This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.30) 2019, No. 2029”

**READ A FIRST TIME** on the 16<sup>th</sup> day of December, 2019  
**READ A SECOND TIME** on the 16<sup>th</sup> day of December, 2019

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

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

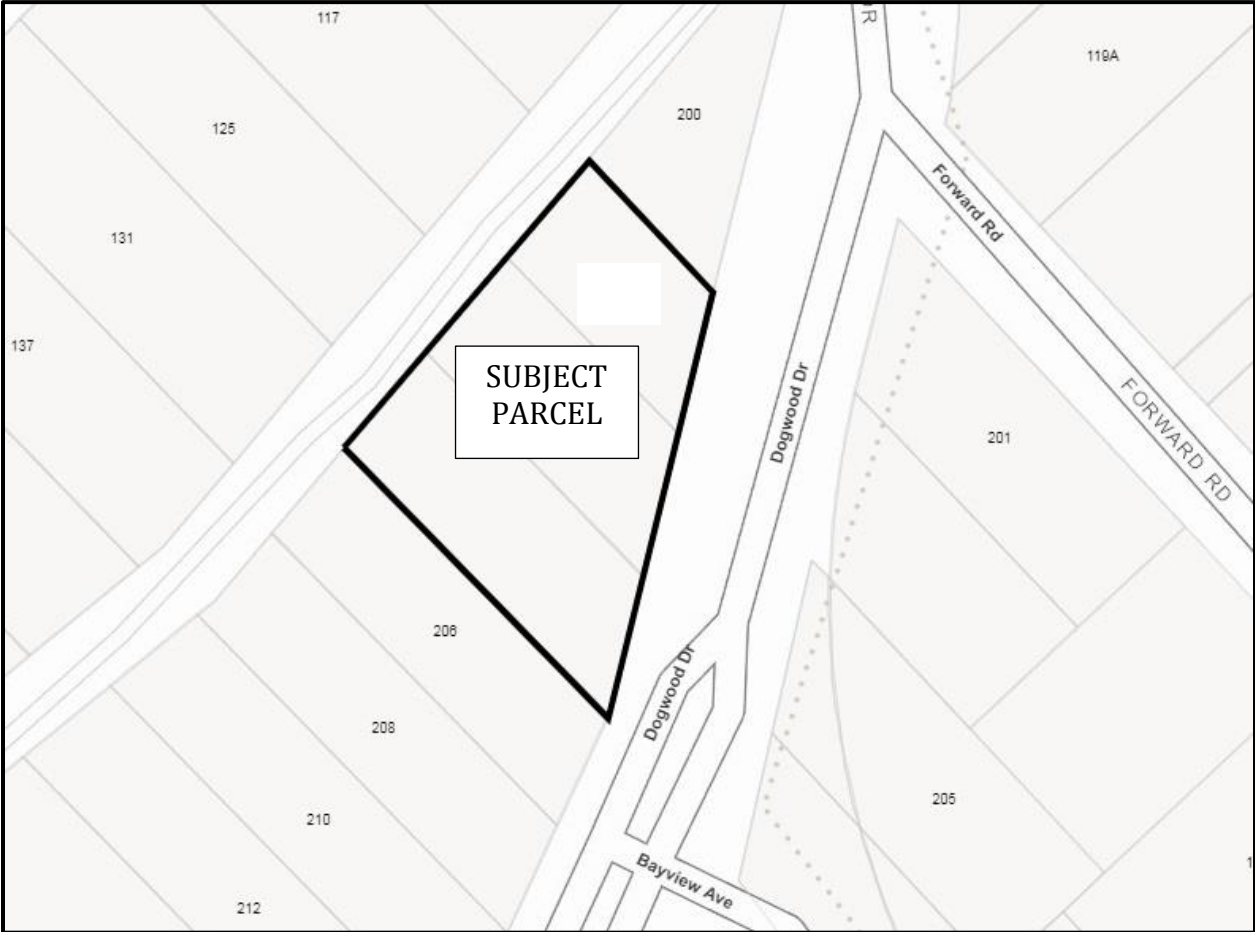
**APPROVED** pursuant to s. 52(3)(a) of the *Transportation Act*  
on the day of ,

**ADOPTED** on the day of ,

\_\_\_\_\_  
Mayor (A. Stone)

\_\_\_\_\_  
Corporate Officer (J. Winter)

Schedule I – Bylaw 2029







## MINUTES OF A REGULAR MEETING OF COUNCIL

Tuesday, January 7, 2020  
7:00 P.M.  
Council Chambers, City Hall

### Council Members Present:

Mayor Aaron Stone  
Councillor Duck Paterson  
Councillor Amanda Jacobson

Councillor Tricia McKay  
Councillor Marsh Stevens  
Councillor Jeff Virtanen

### Council Members Absent:

Councillor Rob Johnson

### Staff Present:

Guillermo Ferrero  
Erin Anderson  
Jake Belobaba  
Clayton Postings  
Joanna Winter  
Sue Glenn

Mike Gregory  
Christina Hovey  
Julie Tierney  
Shannon Wilson  
Sue Bouma

---

## 1. CALL TO ORDER

Mayor Stone called this Regular Meeting of Council to order at 7:00 p.m., recognizing the traditional territory of the Stz'uminus People.

## 2. AGENDA APPROVAL

### CS 2020-001

That Council approve the agenda for this Regular Meeting of Council for January 7, 2020, with the following amendments:

- Remove item 6.1, "Council Remuneration Committee Presentation and Recommendations"
- Add a Closed Session of Council following the Regular Meeting in order for Council to consider matters related to the following:
  - advice that is subject to solicitor client privilege - *section 90 (1)(i) of the Community Charter*.

- personal information about an identifiable individual - *section 90 (1)(a)* of the *Community Charter*.

*Motion Carried Unanimously*

### **3. MINUTES**

#### **3.1 Minutes of the Regular Meeting of Council held December 16, 2019**

##### **CS 2020-002**

That Council approve the minutes of the Regular Meeting of Council held December 16, 2019.

*Motion Carried*

### **4. DEVELOPMENT APPLICATIONS**

#### **4.1 Development Variance Permit 3090-19-09, 830 Second Avenue**

##### **CS 2020-003**

That Council:

1. Issue Development Variance Permit 3090-19-09 to vary the rear parcel line setback, for a balcony at 830 Second Avenue.
2. Authorize the Mayor and Corporate Officer to sign Development Variance Permit 3090-19-09.

*Motion Carried*

### **5. BYLAWS- OFFICIAL COMMUNITY PLANNING AND ZONING**

#### **5.1 Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2021 and Ladysmith Fees and Charges Bylaw 2008, No. 1644, Amendment Bylaw No.7, 2019, No. 2022 (Cannabis Retail)**

##### **CS 2020-004**

That Council:

1. Adopt Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2021;
2. Adopt Ladysmith Fees and Charges Bylaw 2008, No. 1644, Amendment Bylaw No. 7 , 2019, No. 2022; and
3. Approve Cannabis Retail Stores Public Notification Procedures Policy 13-6410-A.

*Motion Carried*

**5.2 Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2018 and Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw, No. 2020 (336 Belaire)**

**CS 2020-005**

That Council:

1. Adopt Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2018; and further
2. Adopt Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw, No. 2020;

*Motion Carried*

**6. REPORTS**

**6.1 Machine Shop Status Report**

The Mayor and Council congratulated the Director of Parks, Recreation & Culture on his new position as Chief Administrative Officer with the Village of Cumberland. They thanked Mr. Postings for the many projects and events that he and his team had accomplished during his time with the Town, and wished him well in his future career.

**CS 2020-006**

That Council receive for information the report by the Director of Parks, Recreation & Culture, dated December 27, 2019, regarding the Machine Shop restoration project.

*Motion Carried*

**6.2 Ladysmith Youth Task Group**

**CS 2020-007**

That Council receive for information the report from the Recreation and Culture Coordinator, dated December 23<sup>rd</sup>, 2019, regarding the Ladysmith Youth Task Group (LYTG) activities for Fall 2019.

*Motion Carried*

**6.3 Park and Facility Naming Policy**

**CS 2020-008**

That Council:

1. Refer the draft Park and Facility Naming Policy to Committee of the Whole for discussion and review;

2. Direct staff to complete existing park and facility name inventory prior to Committee of the Whole meeting.

*Motion Carried*

#### **6.4 Poet Laureate Programs**

##### **CS 2020-009**

That Council:

1. Approve the Poet Laureate Programs for both Youth and Adult;
2. Approve the Poet Laureate Programs Service Agreement with the Arts Council of Ladysmith and District and authorize the Mayor and Corporate Officer to sign this agreement; and
3. Authorize \$2,300 in funding from the 2020 Grant in Aid program to be allocated toward the Poet Laureate Program and administration of the program.
4. Confirm that the Poet Laureate Programs, as and when appropriate in 2020, incorporate the theme of the United Nations International Year of Plant Health: Protecting Plants, Protecting Life.

##### **AMENDMENT**

##### **CS 2020-010**

That resolution CS 2020-009 be amended to read as follows:

That Council authorize \$15000 in funding from the 2020 Grant in Aid program to be allocated toward the Poet Laureate Program and administration of the program.

*Amending Motion Defeated*

OPPOSED: Councillors Virtanen, McKay and Stevens

*Main Motion Defeated*

OPPOSED: Councillors Jacobson, Paterson and Virtanen

#### **6.5 Community Banner Program**

##### **CS 2020-011**

That Council approve the Community Banner Program as presented and recommended by the Parks, Recreation and Culture Advisory Committee.

*Motion Carried*

**CS 2020-012**

That Council approve the Community Banner Program Service Agreement with the Arts Council of Ladysmith and District and authorize the Mayor and Corporate Officer to sign the agreement.

*Motion Carried*

**CS 2020-013**

That Council confirm that the Community Banner Program, as and when appropriate in 2020, incorporate the theme of the United Nations International Year of Plant Health: Protecting Plants, Protecting Life.

*Motion Carried*

OPPOSED: Councillors Paterson and Jacobson

**7. BYLAWS**

**7.1 Bylaw 2025: 2019 – 2023 Financial Plan Amendment**

**CS 2020-014**

That Council adopt 2019 – 2023 Financial Plan Bylaw 2019, No. 2000, Amendment Bylaw 2019, No. 2025.

*Motion Carried*

**8. UNFINISHED BUSINESS**

**8.1 Alternative Approval Process – Water System Borrowing Bylaw**

**CS 2020-015**

That Council receive for information the report by the Manager of Legislative Services, dated December 30, 2019, regarding the Alternative Approval Process for the Water System Borrowing Bylaw.

*Motion Carried*

**8.2 Council Effectiveness Assessment Policy**

**CS 2020-016**

That Council:

1. Adopt the draft Council Effectiveness Assessment Policy as presented; and
2. Schedule an introductory Effectiveness Self-Assessment workshop for Tuesday, January 28.

*Motion Carried*

**9. QUESTION PERIOD**

A member of the public enquired about background information related to the future Public Hearing for the proposed brew pub on 202/204 Dogwood.

**10. CLOSED SESSION**

**CS 2020-017**

That this Regular Meeting of Council recess at 7:48 p.m. and that Council retire into Closed Session in order to consider items related to the following:

- advice that is subject to solicitor client privilege - *section 90 (1)(i) of the Community Charter.*
- personal information about an identifiable individual - *section 90 (1)(a) of the Community Charter.*

*Motion Carried*

**11. RISE AND REPORT**

Council rose at 8:03 p.m. without report.

**12. ADJOURNMENT**

**CS 2020-018**

That this Regular Meeting of Council adjourn at 8:03 p.m.

*Motion Carried*

---

Mayor (A. Stone)

---

Corporate Officer (J. Winter)

STAFF REPORT TO COUNCIL

**Report Prepared By:** Julie Thompson, Planner  
**Meeting Date:** January 21, 2020  
**File No:** 3090-19-10  
**RE:** DEVELOPMENT VARIANCE PERMIT – 1221 ROCKY CREEK ROAD

---

**RECOMMENDATION:**

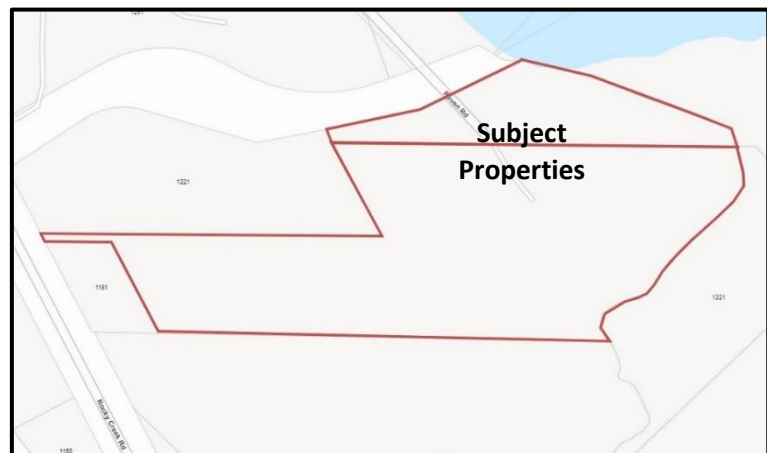
That Council:

1. Issue Development Variance Permit 3090-19-10 to vary the shade tree requirement from 10 trees to zero trees for a paved parking area at 1221 Rocky Creek Road (Western Forest Products)
2. Authorize the Mayor and Corporate Officer to sign Development Variance Permit 3090-19-10.
3. Approve an encroachment agreement with Western Forest Products for the installation of two rolling gates and fencing within the Town's right-of-way along the Gladden Road property frontage.
4. Authorize the Mayor and Corporate Officer to sign the agreement.

**EXECUTIVE SUMMARY:**

A development variance permit (DVP) application has been submitted to vary the shade tree requirement of the Zoning Bylaw from 10 trees to zero trees, for a paved parking area at the Western Forest Products (WFP) mill site, located at 1221 Rocky Creek Road (parking area located at the end of Raven Road). WFP is also proposing to install two rolling gates and fencing along their Gladden Road property frontage within the right-of-way.

*Figure 1: Subject properties, outlined in red.*



Staff recommends that Council issue of DVP 3090-19-10 to vary the shade tree requirement and approve the encroachment agreement for the gates and fencing.

**PREVIOUS COUNCIL DIRECTION:**

None.

**INTRODUCTION/BACKGROUND:**

The Western Forest Products (WFP) mill site, located at 1221 Rocky Creek Road, currently contains a parking area at the end of Raven Road. The relocation of Gladden Road goes through the existing parking area used by WFP. As such, WFP is planning to relocate and upgrade their parking area, which will be accessed by the new Gladden Road once it is complete. Upgrades to the parking area include paving, line painting, and installation of rolling gates and fencing. The proposed parking area falls on two separate parcels of land (see Figure 2). The proposed gates and fencing are located within the Gladden Road right-of-way.

**Figure 2:** Location of proposed parking area, outlined in black. Subject properties outlined in red.



**ANALYSIS**

**Zoning:**

Parking requirements are contained within Part 8 of the Zoning Bylaw. Section 8.1(b) of Part 8 states that:

*"The regulations contained in this Part 8 shall not apply to Buildings, Structures and Uses existing on the effective date of this Bylaw nor to any addition to such Building or Structure, not exceeding 10 percent of its existing Gross Floor Area, provided that the Building or Structure continues to be put to a Use that does not require more off-street parking or loading spaces than was required for the Use existing at the time the Bylaw came into force."*

The proposed parking area is not required to meet the Part 8 parking regulations as the WFP mill has existed prior to the adoption of the current Zoning Bylaw in 2014 and there are no building permits on record for additions to the mill that would constitute an increase of 10% to the gross floor area which existed at the date the Zoning Bylaw was adopted. Nevertheless,



WFP is planning to pave the parking area, add line painting, and install a gate and fencing, all of which are upgrades to the existing gravel parking area.

Since the new parking area is proposed to be paved and contains more than 4 spaces, shade trees are required under Part 7 of the Zoning Bylaw (landscaping requirements). Section 8.1(b) of the Zoning Bylaw (above) does not exempt the landscaping requirements under Part 7. Based on the approximate size of the parking area, 3926m<sup>2</sup>, 10 shade trees would be required based on a caliper of 6cm at planting. Shade trees are required to be located within the parking area and not at or beyond the edges of the parking area in order to achieve maximum shading of parking spaces.

The applicant has submitted a DVP application to the Town to vary the Zoning Bylaw shade tree requirement for the proposed parking area from 10 trees to zero trees. The applicant's letter of intent is attached to this report. The proposed parking area is bordered on the northeast and southwest sides by existing mature trees which produce morning and evening shade onto the parking area (see figure 3). The proposed DVP includes a condition for the existing trees to remain to provide shade.

**Figure 3: WFP parking area. Photo taken by applicant in October, 8:00am.**



*Development Permit Area:*

The proposed parking area is located within the Industrial Development Permit Area (DPA5). Alterations to the land, as well as landscape maintenance and improvements that do not change the character of the landscaping are exempt from the development permit (DP) requirement. As such, an industrial DP is not required for the proposed parking area upgrades.

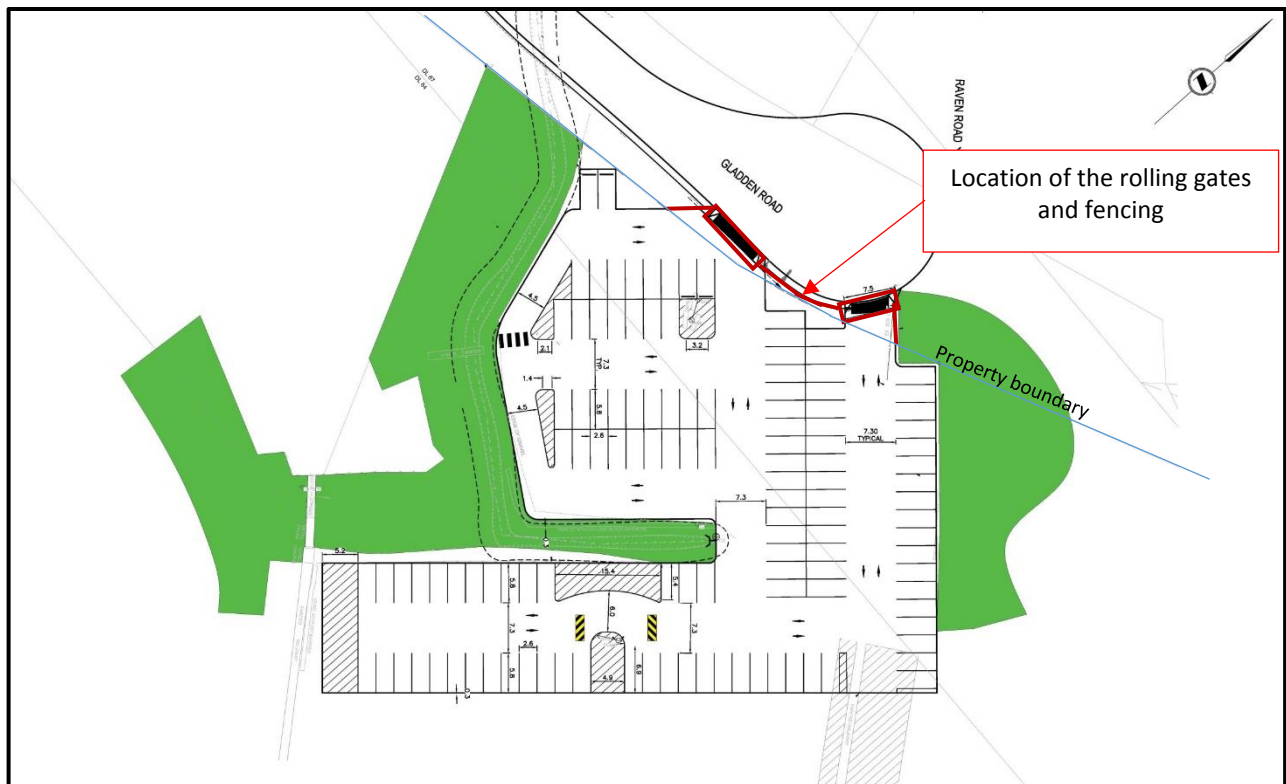
The proposed parking area is also located within the Riparian Development Permit Area (DPA6) as a small watercourse runs along the boundary of the parking area. The applicant has obtained

a riparian DP for the proposed works, the issuance of which is delegated to the Director of Development Services under section 19 of the Town's Delegation Bylaw. The riparian DP was issued on January 10, 2020.

***Encroachment Agreement:***

As WFP is proposing to locate two rolling gates and fencing within the Gladden Road right-of-way (Town property), an encroachment agreement is proposed to allow the gates in this area for a ten year term. A draft of the encroachment agreement is attached to this report.

**Figure 4: Location of gates and fencing**



The *Community Charter* enables Council to permit encroachments upon and/or to grant a licence of occupation or easement in respect of Gladden Road.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

The notice regarding DVP 3090-19-10 was delivered and sent to neighbouring properties within 60m of the subject properties on January 6, 2019. At the time of writing this report, the Town has not received any submissions from the public regarding DVP 3090-19-10.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

The application has been referred to the Infrastructure Services Department and Building Inspector for review. No concerns were noted. Engineering is supportive of an encroachment agreement for the proposed gates and fencing within the Gladden Road right-of-way.

**ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:**

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

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

- |   |  |
|---|--|
| <input type="checkbox"/> Infrastructure | <input type="checkbox"/> Economy                   |
| <input type="checkbox"/> Community      | <input checked="" type="checkbox"/> Not Applicable |
| <input type="checkbox"/> Waterfront     |  |

***I approve the report and recommendation(s).***

**Guillermo Ferrero, Chief Administrative Officer**

**ATTACHMENT(S):**

DVP 3090-19-10

Applicant letter (dated January 7, 2019)

Draft encroachment agreement



# TOWN OF LADYSMITH DEVELOPMENT VARIANCE PERMIT

(Section 498 Local Government Act)

FILE NO: 3090-19-10

DATE: January 21, 2020

---

Name of Owner of Land (Permittee): Western Forest Products Inc., Inc. No. A0070374

Applicant: Jacqueline Krishan

Subject Property (Civic Address): 1221 Rocky Creek Road

---

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Town of Ladysmith applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance 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:

District Lot 84, of District Lot 38, Oyster District, Except Parcel A (DD 9912N), Parcel B (DD6616N) and Parcel C (DD 11418N) and Except That Part in Plan VIP70167  
PID 009-579-541

District Lot 87, of District Lot 38, Oyster District, Except Part in Plan 19015, VIP70166 and VIP88459  
PID 009-579-630  
(referred to as the "Land")

3. Section 7.2(1) "Shade Trees" of the "Town of Ladysmith Zoning Bylaw 2014, No. 1860", as amended, is varied such that Shade Trees are not required within the paved parking area on the Land, as shown in **Schedule A – Site Plan** and subject to the following conditions:
  - I. The existing vegetation located on the Land, as shown in **Schedule A – Site Plan**, must be retained with the exception of pruning for safety purposes in the vicinity of powerlines, and the removal of trees deemed to be hazardous by a qualified arborist.
4. The land described herein shall be developed strictly in accordance with terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part thereof.

5. The following plans and specifications are attached:
- a) **Schedule A – Site Plan**
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. 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 **(3090-19-10)** or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
8. **THIS PERMIT IS NOT A BUILDING PERMIT.** No occupancy permit shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Corporate Officer.

**AUTHORIZING RESOLUTION PASSED BY MUNICIPAL COUNCIL ON THE DAY OF 2020.**

\_\_\_\_\_  
Mayor (A. Stone)

\_\_\_\_\_  
Corporate Officer (J. Winter)

**I HEREBY CERTIFY** that I have read the terms and conditions of the Development Variance Permit contained herein. I understand and agree that the Town of Ladysmith has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) **Western Forest Products Inc., Inc. No. A0070374** other than those contained in this permit.

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Title

\_\_\_\_\_  
Occupation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_

\_\_\_\_\_

Signed

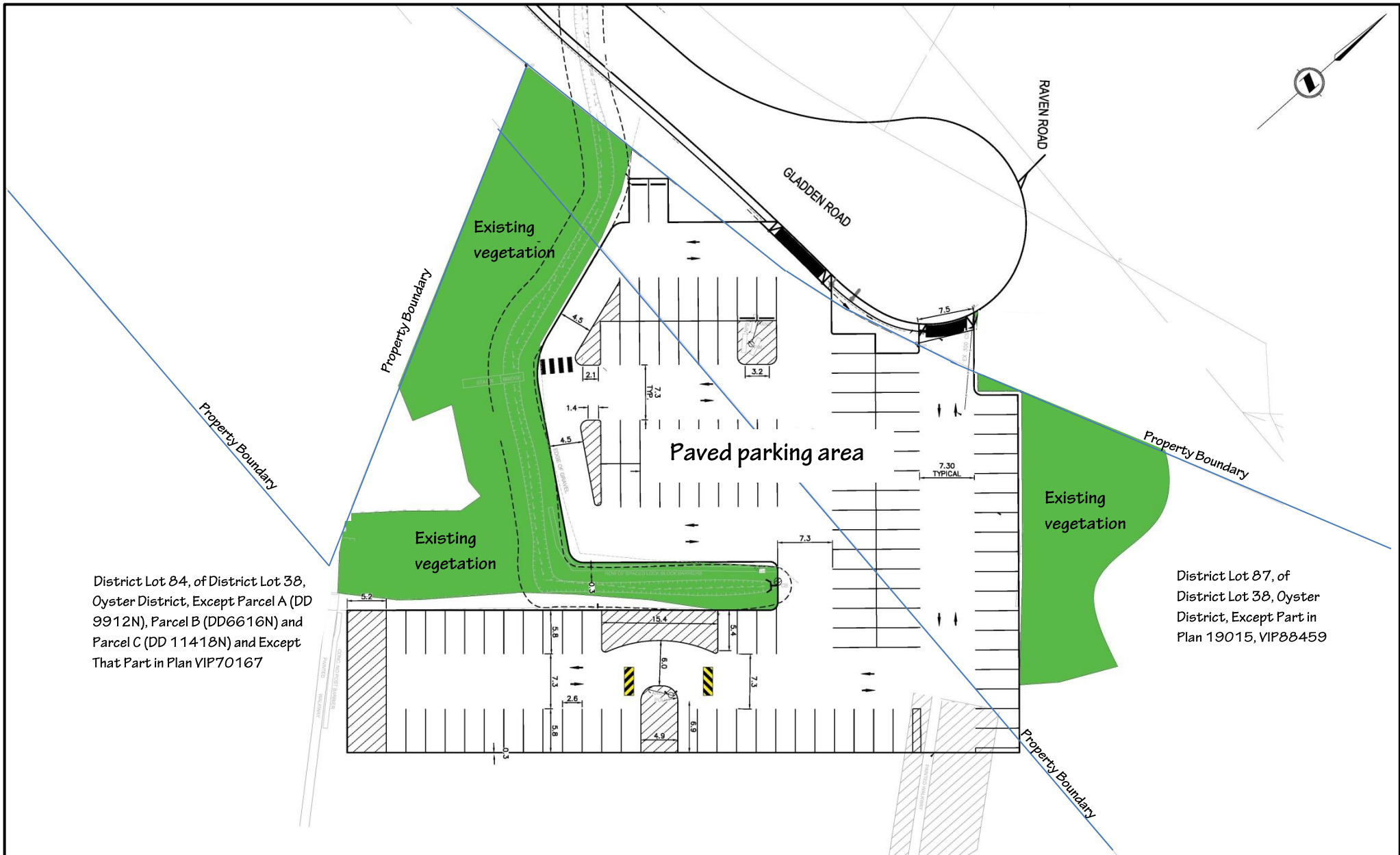
Witness

\_\_\_\_\_  
Title

\_\_\_\_\_  
Occupation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



January 7, 2020

Letter of Intent

To: Town of Ladysmith  
Project: SSD Employee Parking Lot Paving  
Re: Development Variance Permit (DVP) Request

This letter of intent is in support of my request for a variance to the Shade Tree Bylaw, where we be allowed to proceed without planting shade trees within the parking area. The intent of the project is to pave the area of the parking lot that is currently gravel, paint parking stall lines and add security gates and fencing to distinguish our property from the road and public access. The need for this project stems from the construction of Gladden Rd by Oak Bay Marine Group.

The reasons for the variance request are as follows:

1. We have very limited space. If we were to plant the trees requested as per the bylaw, we would not be able to fit the number of stalls required to accommodate our employees. We have already pushed the parking area as far into the mill yard as possible without compromising safe separation guidelines. In addition, we are respecting a riparian area that runs through the middle of our parking lot and choosing to design the lot around it, rather than disturbing it.
2. We need to maintain a clear route of egress and for emergency vehicles into our site.
3. We want to maintain clear visibility of our entire parking area for security purposes. We wouldn't want trees amongst the parking lot to obstruct the view of the security cameras.
4. The current parking lot is surrounded by mature forest and there is quite a bit of natural shade being cast on the parking area already.

Thank you for your consideration and understanding.

Sincerely,



Jacqueline Krishan  
WFP - Capital Projects Manager



## ENCROACHMENT AGREEMENT

THIS AGREEMENT made the \_\_\_\_ day of \_\_\_\_\_, 2020.

BETWEEN:

**TOWN OF LADYSMITH**  
PO Box 220, 410 Esplanade  
Ladysmith, British Columbia V9G 1A2

("Ladysmith")

OF THE FIRST PART

AND:

**WESTERN FOREST PRODUCTS INC., INC NO.A0070374**  
800 – 1055 West Georgia Street  
Vancouver, British Columbia V6E 3P3  
(the "Licensee")

OF THE SECOND PART

### WHERE AS:

- A. Ladysmith owns the road located adjacent to parcel with PID 009-579-630, which is known as Gladden Road (the "**Highway**").
- B. The Licensee is the owner of the properties legally described as:  
PID: 009-579-630 Legally described as DISTRICT LOT 87, OF DISTRICT LOT 38, OYSTER DISTRICT, EXCEPT PART IN PLAN 19015, VIP70166 AND VIP88459.  
(the "**Property**")
- C. Ladysmith has authority under Section 35(11) of the Community Charter, to permit encroachments upon and/or to grant a licence of occupation or easement in respect of the Highway;
- D. The Licensee has requested that Ladysmith grant the Licensee a licence to encroach upon, use and occupy a portion of the Highway for the purpose of installing two rolling gates and fencing along their Gladden Road property frontage, (the "**Gates**");
- E. Ladysmith has agreed to grant the Licensee an Encroachment Agreement (the "**Agreement**") over a portion of the Highway on the terms hereinafter set forth.

**NOW THEREFORE THIS AGREEMENT WITNESSES** that in consideration of the fee paid by the Licensee to Ladysmith and in consideration of the premises and covenants and agreements contained in the Agreement, Ladysmith and the Licensee covenant and agree with each other as follows:

**1.0 GRANT**

- 1.1 Ladysmith, subject to the performance by the Licensee of the terms, conditions, covenants and agreements contained in this Agreement hereby grants to the Licensee a non-exclusive licence to occupy that portion of the Highway marked as "Location of Gates" on the drawing attached hereto as Schedule "A" (the "**Licence Areas**") for the purpose of the Licensee's use of the area and erecting, using and maintaining the Gates.

**2.0 FEE**

- 2.1 The Licensee shall pay to Ladysmith a one-time fee of five hundred dollars \$500.00 for the ten year term, upon execution of the Agreement.

**3.0 TERM**

- 3.1 The Term of the licence granted under this Agreement shall be ten (10) years, subject to earlier termination as provided herein.

**4.0 RENEWAL**

- 4.1 This Agreement may be renewed on the same terms herein by mutual agreement of the parties in writing, such agreement to be executed no less than 30 (thirty) days prior to the expiry of the Term.

**5.0 COVENANTS OF LICENSEE**

- 5.1 The Licensee covenants and agrees that this Agreement shall not in any way restrict the right of Ladysmith or require Ladysmith at any time to:
- (a) Alter any Highway or land adjoining the Licence Area and notwithstanding the effect of such alteration may be to render the Gates of less value for the purposes of the Licensee;
  - (b) Inspect, construct or maintain any form of structure, service or utility on, over or under any portion of the Highway including the Licence Area and, for such purpose, Ladysmith may require that the Gates be removed at the Licensee's cost, in part or in whole, where such removal is necessary for Ladysmith's performance of its legal obligations or statutory duties or functions; and
  - (c) Permit other encroachments or use of the Highway.
- 5.2 In the event of Ladysmith effecting any such alteration of or construction on the Highway, or requiring removal of all or part of the Gates, or permitting other encroachments or uses of the Licence Area, the Licensee will release and forever discharge, and hereby releases and forever discharges, Ladysmith from all manner of

claims of any nature whatsoever, which may arise by reason of such alterations, or requirement for removal of the Gates, or other encroachments or uses of the Licence Area.

5.3 The Licensee covenants and agrees with Ladysmith that it shall:

- (a) Carry out the repair and improvement of the Gates in accordance with all regulations and reasonable directions from Ladysmith;
- (b) Use only materials approved in advance by Ladysmith for constructing upgrading and improving the Gates;
- (c) Maintain the Gates in good and sufficient repair to the reasonable satisfaction of Ladysmith;
- (d) Not install, construct, erect, alter, remove or replace any structure on the Licence Area unless authorized in advance by Ladysmith;
- (e) Make good, at its own expense, all damage or disturbance which may be caused to the Licence Area in the exercise of its rights hereunder;
- (f) Upon expiration or earlier termination of this Agreement, remove the Gates from the Licence Area and, at its own expense, restore the Licence Area to a condition similar to the area surrounding the Licence Area;
- (g) Not do or allow to be done anything by its invitees that may become a nuisance or annoyance to adjoining properties; and
- (h) Observe, abide by and comply with all laws, bylaws, regulations, orders, directions and requirements of any public authority having jurisdiction which in any way affect the Licensee's use or occupation of the Gates.

5.4 Should the Licensee fail to satisfy any of the requirements of paragraph 5.3, Ladysmith may, upon ten business days (10) written notice to the Licensee do any work necessary to fulfill the requirement as determined in the sole discretion of Ladysmith, including to make the necessary repairs or remove the Gates.

5.5 The Licensee shall pay the costs of work performed by Ladysmith under paragraph 5.4 to Ladysmith forthwith and agrees that, if in default of payment, the amount of such cost may be recovered in any Court of competent jurisdiction.

5.6 Nothing in this Agreement shall impose any duty or obligation upon Ladysmith to maintain or inspect the Gates, or provide advice or direction to the Licensee regarding the maintenance or inspection of the Gates, all of which shall be the sole responsibility of the Licensee notwithstanding any actions taken from time to time by Ladysmith pursuant to sections 5.1 to 5.4 inclusive.

## 6.0 TERMINATION

6.1 Either party may terminate this Agreement by providing ninety (90) days notice in writing to the address first written above.

- 6.2 Subject to Part 7, upon the sale of the Property, this Agreement will automatically terminate and the Licensee shall remove the Gates from the Licence Area and, at its own expense, restore the Licence Area to a condition similar to the area surrounding the Licence Area.

## **7.0 ASSIGNMENT**

- 7.1 Notwithstanding section 6.2, in the event that the Licensee sells the Property it may, with the consent of Ladysmith, such consent not to be unreasonably withheld, assign the licence to the purchaser by way of written addendum to this Agreement.
- 7.2 If the purchaser does enter into an agreement with Ladysmith for assignment of the licence prior to the closing date, section 6.2 shall apply.

## **8.0 INSURANCE**

- 8.1 The Licensee agrees to maintain through the Term liability insurance with limits of no less than \$2,000,000 (two million dollars) per occurrence, inclusive of bodily injury, death and property damage. The coverage must insure the Licensee with respect to liability arising out of the Licensee's use and occupation of the Licence Area and Ladysmith must be added as an additional insured to the policy.
- 8.2 The Licensee must provide Ladysmith with evidence of the insurance in accordance with section 8.1 on an annual basis or when any coverage changes occur. The insurance must not be cancelled or changed without 30 days notice to Ladysmith.

## **9.0 INDEMNIFICATION**

- 9.1 The Licensee agrees to release and save harmless Ladysmith, its elected and appointed officials, agents and contractors from and against all manner of liability, actions, causes of action, demands, damages, losses, costs or expenses (including legal costs on a solicitor-client basis) for property damage, personal injury, including severe bodily injury or death, arising from the use or occupation of the Licence Area by the Licensee, except to the extent attributable to the negligence or wilful misconduct of Ladysmith, its employees, elected and appointed officials, agents or contractors.
- 9.2 The Licensee agrees to indemnify Ladysmith from and against all claims of actions, causes of action, expenses (including legal costs on a solicitor-client basis), damages, loss, including severe bodily injury or death, suffered by any person, including members of the general public, arising from the use of the Licence Area by the Licensee, except to the extent attributable to the negligence or wilful misconduct of Ladysmith, its employees, elected or appointed officials, agents or contractors.

## **10. NOTICE**

- 10.1 Any required notice may be given by delivering the notice in writing to the address first written above or such other address as the parties may provide in writing from time to time.

## **11. INTERPRETATION**

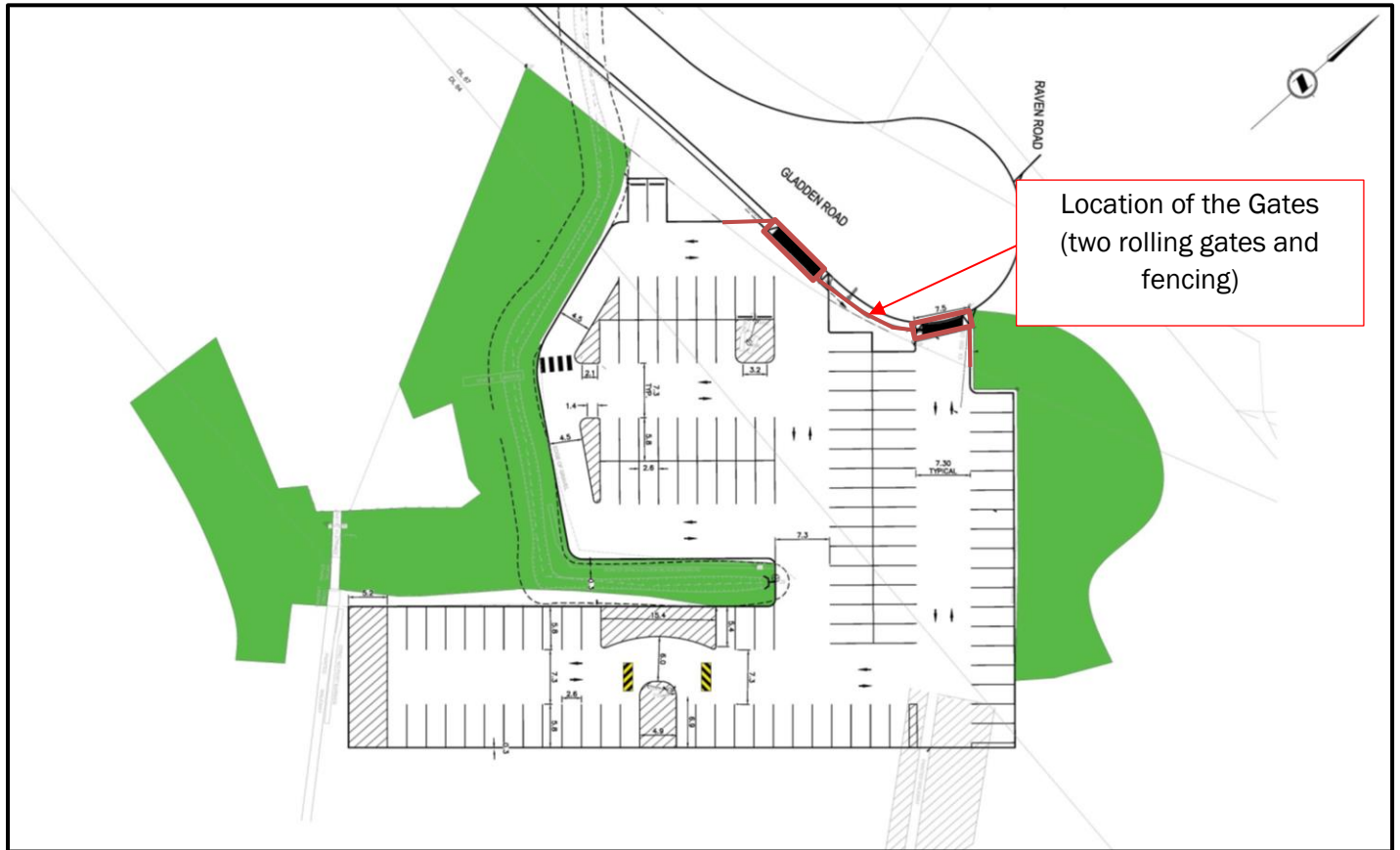
- 11.1 (a) That when the singular or neuter are used in this Agreement they include

the plural or the feminine or the masculine or the body politic or corporate where the context or the parties require.

- (b) The headings to the clauses in this Agreement have been inserted as a matter of convenience and for reference only and in no way define, limit or enlarge the scope or meaning of this Agreement or any provision of it.
- (c) That this Agreement shall ensure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, successors, administrators and permitted assignees.
- (d) This Agreement shall be construed in accordance with and governed by the laws applicable in the Province of British Columbia.
- (e) All provisions of this Agreement are to be construed as covenants and agreements as though the word importing covenants and agreements were used in each separate paragraph.
- (f) A provision in this Agreement granting Ladysmith a right of approval must be interpreted as granting a free and unrestricted right to be exercised by Ladysmith in its discretion, except where the provision specifies that Ladysmith act reasonably in exercising such discretion.
- (g) This is the entire agreement between the parties.

Owner

# SCHEDULE A – Licence Areas



**STAFF REPORT TO COUNCIL**

**Report Prepared By:** Sue Glenn, Community Services & Programs Supervisor  
**Meeting Date:** January 21, 2020  
**File No:**  
**RE:** **EMERGENCY    SUPPORT    SERVICES    FUNDING    STREAM**  
**APPLICATION**

---

**RECOMMENDATION:**

That Council:

1. Direct staff to submit an application to the Community Emergency Preparedness Fund – Emergency Support Services Funding Stream for up to \$25, 000; and
2. Confirm its willingness to provide overall grant management.

**EXECUTIVE SUMMARY:**

The Community Emergency Preparedness Fund (CEPF) is a suite of funding programs intended to enhance the resiliency of local governments, First Nations and communities in responding to emergencies.

The intent of this funding stream is to support eligible applicants to build local capacity to provide emergency support services through training, volunteer recruitment and retention, and the purchase of ESS equipment

**PREVIOUS COUNCIL DIRECTION**

N/A

**INTRODUCTION/BACKGROUND:**

The Community Emergency Preparedness Fund (CEPF) is a suite of funding programs intended to enhance the resiliency of local governments, First Nations and communities in responding to emergencies. Funding is provided by the Province of BC and is administered by Union of BC Municipalities (UBCM).

The intent of this funding stream is to support eligible applicants to build local capacity to provide emergency support services through training, volunteer recruitment and retention, and the purchase of ESS equipment. Starting in 2020, the focus of the ESS funding stream is to



support the modernization of local ESS programs in order to move toward electronic registration and reporting.

It is recommended that, should the grant application proceed, staff would use these funds to update and add to the Town's current reception centre and group lodging inventory as it will build local capacity, increase community resiliency, increase community response time and support in the chance of an emergency, and support our regional partners should we be called to assist. In addition, staff would also use these funds to create a staff and volunteer training plans.

**ALTERNATIVES:**

Council can choose to not apply for the Community Emergency Preparedness Fund – Emergency Support Services Funding Stream.

**FINANCIAL IMPLICATIONS:**

This grant program is 100% funded.

**LEGAL IMPLICATIONS:**

There are no legal implications identified that would limit this application.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

N/A

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

The project would require assistance from Financial Services.

**ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:**

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

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

- |   |   |
|---|---|
| <input type="checkbox"/> Infrastructure       | <input type="checkbox"/> Economy        |
| <input checked="" type="checkbox"/> Community | <input type="checkbox"/> Not Applicable |
| <input type="checkbox"/> Waterfront           |   |

***I approve the report and recommendation(s).***

**Guillermo Ferrero, Chief Administrative Officer**

**ATTACHMENT(S):**

- Community Emergency Preparedness Fund – Emergency Support Services – 2020 Program & Application Guide

# Community Emergency Preparedness Fund

## Emergency Support Services

### 2020 Program & Application Guide

#### 1. Introduction

---

The [Community Emergency Preparedness Fund](#) (CEPF) is a suite of funding programs intended to enhance the resiliency of local governments, First Nations and communities in responding to emergencies. Funding is provided by the Province of BC and is administered by Union of BC Municipalities (UBCM).

Starting in May 2019, the funding streams include:

- Indigenous cultural safety and cultural humility training
- Emergency operations centres and training
- Emergency support services
- Evacuation route planning
- Flood risk assessment, flood mapping and flood mitigation planning
- Structural flood mitigation
- Volunteer and composite fire departments equipment and training

#### Background

British Columbians forced from their homes by fire, floods, earthquakes or other emergencies may receive emergency support services. Services may include food, lodging, clothing, emotional support, information about the crisis, and family reunification. There may also be special services like first aid, child minding, pet care and transportation.

Under the *Emergency Program Act*, municipalities and regional districts are responsible for responding to emergencies in their areas, including providing emergency support services. Under the 10 year agreement between Indigenous Services Canada and the Province, First Nations in BC may elect to provide emergency support services to their residents.

#### Emergency Support Services Funding Stream

The intent of this funding stream is to support eligible applicants to build local capacity to provide emergency support services through training, volunteer recruitment and retention, and the purchase of ESS equipment. Starting in 2020, the focus of the ESS funding stream is to support the modernization of local ESS programs in order to move toward electronic registration and reporting.

#### 2. Eligible Applicants

---

All local governments (municipalities and regional districts) and all First Nations (bands and Treaty First Nations) in BC are eligible to apply.

Eligible applicants can submit one application per intake, including regional applications or participation as a partnering applicant in a regional application.

### **3. Eligible Projects**

---

In order to qualify for funding, applications must demonstrate the extent to which proposed projects will build local capacity to provide emergency support services.

In addition, to qualify for funding, projects must be:

- A new project (retroactive funding is not available)
- Capable of completion by the applicant within one year from the date of grant approval

#### **Regional Projects**

Funding requests from two or more eligible applicants for regional projects may be submitted as a single application for eligible, collaborative projects. In this case, the maximum funding available would be based on the number of eligible applicants included in the application. It is expected that regional projects will demonstrate cost-efficiencies in the total grant request.

The primary applicant submitting the application for a regional project is required to submit a resolution as outlined in Section 6 of this guide. Each partnering applicant is required to submit a resolution that clearly states their approval for the primary applicant to apply for, receive, and manage the grant funding on their behalf.

### **4. Eligible & Ineligible Costs & Activities**

---

#### **Eligible Costs & Activities**

Eligible costs are direct costs that are approved by the CEPF Evaluation Committee, properly and reasonably incurred, and paid by the applicant to carry out eligible activities. Eligible costs can only be incurred from the date of application submission until the final report is submitted.

Eligible activities must be cost-effective and may include:

- Purchase of supplies and equipment in support of modernization (i.e. computers, printers and mobile devices)
- Purchase of supplies and equipment (i.e. reception centre kits, group lodging kits and storage containers for supplies and equipment)
- Training and exercises to increase capacity for the provision of emergency support services, including travel costs
- Volunteer recruitment and retention activities directly related to the provision of emergency support services

The following expenditures are also eligible provided they relate directly to the eligible activities identified above:

- Consultant costs
- Incremental applicant staff and administration costs
- Public information costs

#### **Ineligible Costs & Activities**

Any activity that is not outlined above or is not directly connected to activities approved in the application by the CEPF Evaluation Committee is not eligible for grant funding. This includes:

- Routine or ongoing operating costs (i.e. heating and lighting; security; software subscriptions or other subscription fees)

- Delivery of emergency support services during an emergency
- Activities intended to increase the capacity of third party organizations to deliver emergency support services on behalf of the approved applicant
- Training offered through the [EMBC 2019/2020 ESS Training program](#)
- Major capital improvements or renovations to existing facilities and/or construction of new, permanent facilities
- Purchase of vehicles
- Costs related to developing or submitting the application package

## 5. Grant Maximum

---

The Emergency Support Services funding stream can contribute a maximum of 100% of the cost of eligible activities to a maximum of \$25,000.00.

In order to ensure transparency and accountability in the expenditure of public funds, all other grant contributions for eligible portions of the project must be declared and, depending on the total value, may decrease the value of the grant.

## 6. Application Requirements & Process

---

### Application Deadline

The application deadline is **February 14, 2020**. Applicants will be advised of the status of their application within 90 days of the application deadline.

### Required Application Contents

- Completed Application Form
- Local government Council or Board resolution, Band Council resolution or Treaty First Nation resolution, indicating support for the current proposed activities and willingness to provide overall grant management.
- Detailed budget for each component identified in the application. This must clearly identify the CEPF funding request, applicant contribution, and/or other grant funding.
- For regional projects only: local government Council or Board resolution, Band Council resolution or Treaty First Nation resolution from each partnering applicant that clearly states their approval for the primary applicant to apply for, receive and manage the grant funding on their behalf.

**Resolutions from partnering applicants must include the language above**

### Submission of Applications

Applications should be submitted as Word or PDF files. If you choose to submit your application by e-mail, hard copies do not need to follow.

All applications should be submitted to:

Local Government Program Services, Union of BC Municipalities

E-mail: [cepf@ubcm.ca](mailto:cepf@ubcm.ca)

Mail: 525 Government Street, Victoria, BC, V8V 0A8

### Review of Applications

UBCM will perform a preliminary review of applications to ensure the required application elements (identified above) have been submitted and to ensure that basic eligibility criteria have been met. Only complete application packages will be reviewed.

Following this, the CEPF Evaluation Committee will assess and score all eligible applications. Higher application review scores will be given to projects that:

- Were not funded as part of the 2017 or 2018 Emergency Social Services intake
- Support the modernization of local ESS programs in order to move toward electronic registration and reporting
- Clearly demonstrate how the capacity of the eligible applicant to deliver emergency support services in their community will be increased
- Support recommendations or requirements identified in the local Emergency Plan
- Demonstrate transferability to other local governments and First Nations in BC
- Include in-kind or cash contributions to the project from the eligible applicant, partnering applicant(s), community partners or other grant funding
- Are cost-effective

Point values and weighting have been established within each of these scoring criteria. Only those applications that meet a minimum threshold point value will be considered for funding. The CEPF Evaluation Committee will consider the provincial and regional distribution of all proposed projects. Funding decisions will be made on a provincial priority basis

All application materials will be shared with the Province of BC
--

## **7. Grant Management & Applicant Responsibilities**

---

Grants are awarded to eligible applicants only and, as such, the applicant is responsible for completion of the project as approved and for meeting reporting requirements.

Applicants are also responsible for proper fiscal management, including maintaining acceptable accounting records for the project. UBCM reserves the right to audit these records.

### **Notice of Funding Decision**

All applicants will receive written notice of funding decisions. Approved applicants will receive an Approval Agreement, which will include the terms and conditions of any grant that is awarded, and that is required to be signed and returned to UBCM. Grants are paid at the completion of the project and only when the final report requirements have been met.

Please note that in cases where revisions are required to an application, or an application has been approved in principle only, the applicant has 30 days from the date of the written notice of the status of the application to complete the application requirements. Applications that are not completed within 30 days may be closed.

### **Changes to Approved Projects**

Approved grants are specific to the project as identified in the application, and grant funds are not transferable to other projects. Approval from the CEPF Evaluation Committee will be required for any significant variation from the approved project.

To propose changes to an approved project, approved applicants are required to submit:

- Revised application package, including updated, signed application form, updated budget and an updated resolution
- Written rationale for proposed changes to activities and/or expenditures

The revised application package will then be reviewed by the CEPF Evaluation Committee at the next scheduled meeting.

Applicants are responsible for any costs above the approved grant unless a revised application is submitted and approved prior to work being undertaken.

### **Extensions to Project End Date**

All approved activities are required to be completed within one year of approval. Under exceptional circumstances, an extension beyond this date may be requested in writing and is subject to approval by the CEPF Evaluation Committee.

## **8. Final Report Requirements & Process**

---

All funded activities must be completed within one year of notification of funding approval and the final report is due within 30 days of project completion.

Applicants are required to submit an electronic copy of the complete final report, including the following:

- Completed Final Report Form
- Financial summary
- Copies of any training or capacity building materials that were produced with grant funding
- Optional: photos and/or media directly related to the funded project

### **Submission of Final Reports**

All final reports should be submitted to:

Local Government Program Services, Union of BC Municipalities

E-mail: [cepf@ubcm.ca](mailto:cepf@ubcm.ca)

Mail: 525 Government Street, Victoria, BC, V8V 0A8

All final report materials will be shared with the Province of BC.
--

## **9. Additional Information**

---

For enquiries about the application process or general enquiries about the program, please contact:

Union of BC Municipalities  
525 Government Street  
Victoria, BC, V8V 0A8

E-mail: [cepf@ubcm.ca](mailto:cepf@ubcm.ca)

Phone: (250) 387-4470

## STAFF REPORT TO COUNCIL

**Report Prepared By:** Sue Glenn, Community Services & Programs Supervisor  
**Meeting Date:** January 21, 2020  
**File No:**  
**RE:** **PUBLIC ART POLICY**

---

### RECOMMENDATION:

That Council:

1. Approve the Public Art Policy as presented and recommended by the Parks, Recreation and Culture Advisory Committee.

### EXECUTIVE SUMMARY:

Public art reflects the identity of our Town, gives voice to community and builds relationships between diverse groups. Public art gives meaning to place by interpreting the natural, social, cultural and built environment.

Staff met with Parks, Recreation and Culture Advisory Committee and Committee of the Whole to review, gather input and receive direction toward the creation of the Public Arts Policy for the Town of Ladysmith. Staff shared examples of best practices and presented information relating to the creation of the new policy.

### PREVIOUS COUNCIL DIRECTION

#### **CS 2019-094**

1. That Council receive the Public Art Strategy and recommendations from the Parks, Recreation and Culture Advisory Committee and Town Staff.
2. That the recommendations from the Public Art Strategy be included in the 2019 Council Strategic Planning Discussions and referred back to staff to develop the work plan.

#### **MS 2019-063**

That the Committee refer the Draft Public Art Policy to Council for consideration.

### INTRODUCTION/BACKGROUND:

In February 2019, the Council received the Ladysmith Public Art Strategy. Public art is a highly visible, accessible, and engaging way of telling stories on a community-wide scale. Whether it's reflecting on our heritage or offering another platform, public art can make us pause, re-examine, and spark conversation about the ideas that art bring to our lives and communities.

The Ladysmith Public Art Strategy was developed through extensive public consultation. The



first priority outlined within the strategy was the development of a Public Art Policy.

This Policy is established to direct the integration of artwork into public spaces and capital projects in the Town of Ladysmith, through a well-administered transparent process and appropriately-funded public art program.

Public art reflects the identity of our Town, gives voice to community and builds relationships between diverse groups. Public art gives meaning to place by interpreting the natural, social, cultural and built environment.

The purpose of this policy is to:

- Increase the liveability and artistic richness of the municipality by making art a permanent part of our environment and a legacy for future generations.
- Provide opportunities for the public to engage with and increase their awareness, appreciation, knowledge and education of public art.
- Develop a sense of place, community pride and identity through new works.
- Integrate art and artists into a variety of public settings.
- Create art that inspires people and is an expression of the time.
- Enhance the attractiveness of the Town and promote cultural tourism.
- Provide opportunities for artists at all levels and career stages.
- Serve as an act of public trust and stewardship for public art.
- Establish a sustainable funding mechanism to support the commitment to public art.

Keys aspects of the policy include:

- Context
- Purpose
- Guiding Principles
- Roles
- Selection Committee
- Funding
- Public Art Locations
- Conflict of Interest
- Acquisition
- Process
- Deaccession
- Collection Management

#### **ALTERNATIVES:**

Council can choose:

- Not to proceed with the development of the Public Arts Policy at this time.

#### **FINANCIAL IMPLICATIONS;**

Included in the draft 2020 Financial Plan is annual funding of \$5,000 for implementing the Public Arts Strategy.

**LEGAL IMPLICATIONS:**

None identified.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

The Town completed an extensive community consultation process during the development of the Public Art Strategy in late 2018 and early 2019. This engagement was the basis of the recommendations outlined in the Public Art Strategy. The development of a Public Art Policy was one of the initial priorities defined.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

N/A

**ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:**

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

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Infrastructure | <input checked="" type="checkbox"/> Economy |
| <input checked="" type="checkbox"/> Community      | <input type="checkbox"/> Not Applicable     |
| <input type="checkbox"/> Waterfront                |   |

***I approve the report and recommendation(s).***

**Guillermo Ferrero, Chief Administrative Officer**

**ATTACHMENT(S):**

- Public Art Policy - Draft

TOPIC:	<b>PUBLIC ARTS POLICY - DRAFT</b>
POLICY No:	
APPROVED BY:	
AMENDED BY:	
DATE:	<b>January 15, 2020</b>

### 1. **CONTEXT**

In February 2019, the Ladysmith Public Arts Strategy was completed. Public art is a highly visible, accessible, and engaging way of telling stories on a community-wide scale. Through mixed media artistic platforms, public art can make us stop, re-examine, and spark conversation about the ideas that art brings to our lives and communities.

### 2. **PURPOSE**

This policy will direct the integration of artwork into public spaces and capital projects in the Town of Ladysmith, through a well-administered, transparent process and appropriately funded public arts program.

Public art reflects the identity of our Town, gives voice to community and builds relationships between diverse groups. Public art gives meaning to place by interpreting the natural, social, cultural and built environment.

The purpose of this policy is to:

- Increase the liveability and artistic richness of the municipality by making art a permanent part of our environment and a legacy for future generations.
- Provide opportunities for the public to engage with and increase their awareness, appreciation, knowledge and education of public art.
- Develop a sense of place, community pride and identity through the creation of new works.
- Integrate art and artists into a variety of public settings.
- Create art that inspires people and is an expression of the time.
- Enhance the attractiveness of the Town and promote cultural tourism.
- Provide opportunities for artists at all levels and career stages.
- Serve as an act of public trust and stewardship for public art.
- Establish a sustainable funding mechanism to support the Town's commitment to public art.

### 3. **GUIDING PRINCIPLES**

The Public Arts Policy ensures that public art is:

- To celebrate and commemorate local stories of place; contributing to the Town's character and is demonstrating the significance of art in community life.
- To create or select works with genuine intentions to ensure transparency through an informed, open and fair public art competition process.
- To showcase a variety of art forms and creative methods including temporary & performance arts; reflective of a wide range of professional artistic expression and practice, demonstrating excellence, quality and innovation.
- A catalyst for creativity by providing opportunities for community engagement, development and partnerships.
- To represent local community-based projects; and considers regional, national or international submissions when appropriate.
- To support and enhance the visual heritage and stories of Stz'uminus First Nation.

- To enhance the public realm; ensuring the public shall have free and unobstructed access.
- To spark conversation and gathering in public places.
- Integrated into the planning, design and execution of applicable civic development.
- To promote belonging, social cohesion, & inclusivity.

#### **4. ROLES**

Council will:

- Approve the Public Arts Policy and any changes to the Public Arts Policy, as needed.
- Approve expenditures through the budget process.
- Approve public art expenditures for capital projects through the budget process.
- Approve the annual public art maintenance budget through the budget process.
- Approve members of the Public Arts Task Group (PATG).
- Appoint a member of Council to the Public Arts Task Group as a 'Council Liaison'.
- Approve PATG Terms of Reference.

PRCAC will:

- Receive and review projects from PATG and make recommendations to Council for approval.

Staff will:

- Recommend project budgets through the Town's annual budget process.
- Develop scope and terms of reference for each new proposed public art project.
- Prepare the Call to Artists and submit to the Public Arts Task Group for review.
- Coordinate the acquisition or de-accession of artistic works in accordance with this policy.
- Coordinate the review and selection process for a given project.
- Administer project budgets.
- Establish and maintain a public art inventory.
- Coordinate conservation of the Town's public art as required.
- Coordinate the animation of the Town's public art as required.
- Liaise with artists, arts professionals and arts organizations as required.
- Coordinate regular Public Arts Task Group meetings, circulating information, providing guidance and arranging for the recording of minutes.
- Complete other duties that may be required to manage the program.

#### **5. PUBLIC ARTS TASK GROUP**

PATG will advise the Town on the implementation of specific Public Arts projects, including selection processes, acceptance of grants, gifts, donations, and bequests.

A Terms of Reference for PATG, approved by Council, outlines their roles and responsibilities in relation to the implementation of the Policy.

The Public Arts Task Group has two functions:

- To advise the Town on public art issues and trends relevant to public art initiatives in the town.
- To advise on specific issues, such as donations and commissions of work.

Composition of the Public Arts Task Group may include, but is not limited to:

- Parks, Recreation and Culture Advisory Committee (2)
- Arts Council of Ladysmith and District (2)
- Town Council representative (1)
- Parks, Recreation and Culture Staff representative (1)
- Planning Department representative (1)
- A member of Stz'uminus, or elder (1)
- A community representative

- Organizational representative (1)

## **6. FUNDING**

The Town of Ladysmith, through the annual budget process, will allocate funds toward the creation and maintenance for art in public places. As part of the annual budgeting process and approval of the annual financial plan, PRC Staff submits an annual budget for the Department.

Additional funding sources may include:

- Gift and Donations; cash and artworks.
- Bequeathment Program; cash and artworks.
- Endowment Program.
- Grants.

Future consideration may include:

- Public Arts Reserve Fund – phased in approach. The Public Arts Reserve Fund provides a funding source for the planning, design, fabrication, acquisition, installation and maintenance of art in public places. Project funds may be pooled to establish community, neighbourhood and/or Town Centre public arts initiatives, or to enhance selected project budgets.
- Civic Capital Projects - % of total project costs allocated to funding art in public places for a capital project – phased in approach. Applicable projects include new building construction, major additions to existing buildings, park development projects and new engineering structures.

## **7. PUBLIC ART SITING**

Applicable projects may include new municipal building construction, major additions to existing buildings, park development projects and new engineering structures and should consider the following criteria:

- Visibility for pedestrians and/or motorists.
- Proximity to high pedestrian activity areas, places of public gathering, public open spaces and recognized pedestrian routes.
- Opportunities to expand on existing or future public artworks as part of an existing or proposed multi-artwork concept.
- Places of special heritage or community significance.

## **8. CONFLICT OF INTEREST**

Staff of the Town of Ladysmith, all members of the Public Arts Task Group shall declare a conflict of interest and remove themselves from a selection process where a project comes before the Committee in which he or she is involved either directly or indirectly.

## **9. ACQUISITION**

### **Public Art**

The Town may purchase, commission or receive donations/bequeathment of public art. Each acquisition will follow the procedures outlined within this policy and related guidelines. Each acquisition will be accompanied by a maintenance and de-accession plan that is supplied by the artist or donor. The Town of Ladysmith retains the ownership of all artwork purchased or donated through the Public Arts Policy.

### **Donations**

The Town of Ladysmith may consider the offer of artwork donation for placement in a public space. Given the scope of a proposed donation, staff may decide to invite the PATG to join the review process to ensure that all subject matter areas are addressed when reviewing the proposal. All donations must be unencumbered. The Town may decline to accept any gift, bequest or donation of art.

Consideration of a proposal to gift an artwork shall be made on the understanding that:

No civic funds shall be required for production or installation of the artwork, including all engineering and design costs, construction, site preparation and installation as well as the production of interpretive

information and signage.

If the fair market value is estimated to be more than \$1,000, an appraisal of the artwork must be conducted by an independent, qualified arts professional and submitted to the Town. The name and address of the appraiser must be included on the official donation letter. The Town must be satisfied that the appraised amount is an accurate determination of the fair market value of the artwork.

All sections of this policy apply to considerations of art proposed as gifts to the Town.

#### **Public Art On Loan**

The Town may secure public art on loan for display on a temporary basis.

#### **Copyright of Artwork**

The Town of Ladysmith will uphold the Government of Canada's copyright guidelines as outlined by the Canadian Intellectual Property Office.

### **10. PROCESS**

The process for selecting a project and/or an artist for an art in public places project is informed by expertise and community input, including advice from the Public Arts Task Group.

Subject to the nature of the project, the Town shall establish one of the following:

- Open competition, wherein a public call to artists is made within a stipulated geographical area (e.g., local, regional, provincial, national, international).
- Invitational competition, wherein specific artists, chosen on the basis of consultation with the Public Arts Task Group, are invited to enter a competition.
- Commissioning, wherein a specific artist is commissioned to do the artwork.
- Design team appointment, wherein, as part of an infrastructure project, the project team invites an artist(s) to participate in a design collaboration process as a design team member.

### **11. DEACCESSION**

The Town of Ladysmith may de-access public art when necessary. All reasonable efforts will first be made to resolve problems or re-site the public art, in consultation with the artist and/or donor, where appropriate. If a work is scheduled to be de-accessioned, the Town will make every effort to inform the artist or artist's family. In all cases, the rights of the artist must be upheld in accordance with the Canadian Copyright Act.

The de-accessioned artwork may be moved, sold, returned to the artist or destroyed, with any monies received through a sale allocated to the Public Arts Reserve Fund.

### **12. COLLECTION MANAGEMENT**

The Town of Ladysmith, through the department of Parks, Recreation & Culture, shall maintain the integrity and security of works of art through:

- Professional standards for art documentation
- Instructions on maintenance and de-accessioning from the artist as a part of the acquisition process.
- Instituting management systems for cleaning, maintenance, repair, and de-accessioning.
- Maintaining a database of artworks

### **13. PRIVATE DEVELOPMENTS and OTHER ORGANIZATIONS**

Although outside the definition of public art, Staff recognizes that the private sector plays a significant role in the provision of art on private lands throughout Ladysmith.

The Town encourages developers to provide artwork located on private property. Town Staff is available to liaise with and provide resources to private developers who are interested in exploring a public art project.

Private artworks may be incorporated into architecture and landscape designs of private infrastructure, or the layout of private open spaces, including private connections to adjacent public features such as parks and open spaces. Considerations for integration of art into projects on private-held land that are subject to Development Permit Area and Heritage Conservation Area requirements, should also be discussed with Town

Staff to ensure proposals are sited and integrated in an appropriate manner.

**REVIEW OF POLICY**

The Public Arts Policy, and related implementation procedures, guidelines, and financial contribution levels, will be reviewed by the inter-departmental staff team in consultation with the Public Arts Task Group to ensure ongoing viability and relevancy.

## STAFF REPORT TO COUNCIL

**Report Prepared By:** Infrastructure Services  
**Meeting Date:** January 21, 2020  
**File No:**  
**RE:** **UV PILOT CIVIL CONNECTION AWARD**

---

### RECOMMENDATION:

That Council waive the Town's Purchasing Policy and direct award the works associated with the connection of the Ultra Violet Pilot Project for the Waste Water Treatment Plant to David Stalker Excavating on a time basis.

### EXECUTIVE SUMMARY:

The complexity involved in getting the UV pilot plant installed will require the municipality to retain a contractor. The short timeline does not allow for tendering and staff are recommending that Council do a direct award to David Stalker Excavating on a time basis.

### PREVIOUS COUNCIL DIRECTION

### INTRODUCTION/BACKGROUND:

The 2020 sanitary sewer capital plan includes a project to complete an Ultra Violet (UV) Pilot program for post-treatment disinfection of the effluent at the Waste Water Treatment Plant (WWTP). This project involves the installation of a portable UV system that will operate at the plant from February until approximately August of 2020.

This project is attracting significant attention as it may be the first project of its kind in British Columbia or even Canada to monitor the effectiveness of a UV system to control viruses, specifically the Norovirus. Staff and WSP, the Town's waste water engineering consultants, are collaborating with a research scientist at Vancouver Island University to conduct much of the testing around this virus.

The project budget was developed by WSP and a provisional figure had been provided for the connection of the UV Pilot to the plant plumbing. Now that the hydraulics of the system have been determined, the connection is going to be more involved than previously thought. This will require the municipality to retain a contractor to excavate for the plant placement as well



as for pipe connections. The short timeline that is available to get this work completed will not allow for tendering and staff are recommending that Council retain the services of David Stalker Excavating on a material basis and that the Town purchase the materials required directly.

**ALTERNATIVES:**

Council can choose to instruct staff to tender the project; this will likely delay installation and may mean the plant is not available to capture early rains.

**FINANCIAL IMPLICATIONS:**

Council had previously authorized additional budget for 2020, which at this time appears to be sufficient to complete this more complex installation.

**LEGAL IMPLICATIONS:**

N/A

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

N/A

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

N/A

**ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:**

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

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Infrastructure | <input type="checkbox"/> Economy        |
| <input type="checkbox"/> Community                 | <input type="checkbox"/> Not Applicable |
| <input type="checkbox"/> Waterfront                |   |

***I approve the report and recommendation(s).***

**Guillermo Ferrero, Chief Administrative Officer**

**ATTACHMENT(S):**

None

## STAFF REPORT TO COUNCIL

**Report Prepared By:** Infrastructure Services  
**Meeting Date:** January 21, 2020  
**File No:**  
**RE:** **Encroachment Agreement 427A Davis Road**

---

### **RECOMMENDATION:**

That Council direct staff to enter into an encroachment agreement for the construction of a retaining wall fronting 472A Davis Road.

### **EXECUTIVE SUMMARY:**

The existing wooden retaining wall that fronts 472A Davis Road has failed. The current owner of the property has requested to replace the retaining wall. Since the wall is located on Town property, staff are recommending Council enter into an encroachment agreement.

### **PREVIOUS COUNCIL DIRECTION**

N/A

### **INTRODUCTION/BACKGROUND:**

The existing wooden retaining wall that fronts 472A Davis Road has failed and the owner had to remove it. The retaining wall is located on Town property and was present long before the current owner acquired the property. The owner would like to replace the retaining wall at their cost with a three foot high concrete block wall.

The Town has a sanitary sewer manhole directly above the retaining wall, but due to the small nature of the retaining wall, it is not anticipated that it will be affected by the wall. Given that the wall is located on Town property, staff are recommending that Council enter into an encroachment agreement with the owners for the reconstruction of the wall. There is no evidence that an encroachment agreement was entered into when the existing wall was constructed by the original property owner.



**ALTERNATIVES:**

Council can choose to deny the request by the owner of 472A to reconstruct the existing retaining wall. If Council chooses this direction, staff will be required to regrade the boulevard in such a way as to eliminate the vertical fill from the previous retaining wall.

**FINANCIAL IMPLICATIONS;**

Staff have not identified any financial implications resulting from this request.

**LEGAL IMPLICATIONS:**

The encroachment agreement will provide protection for the municipality pertaining to the retaining wall.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

The replacement of the retaining wall will improve the visual streetscape at this location.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

N/A

**ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:**

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

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Infrastructure | <input type="checkbox"/> Economy        |
| <input type="checkbox"/> Community                 | <input type="checkbox"/> Not Applicable |
| <input type="checkbox"/> Waterfront                |   |

***I approve the report and recommendation(s).***

**Guillermo Ferrero, Chief Administrative Officer**

**ATTACHMENT(S):**

None

## **Council Conference Attendance in 2020 – Proposed Resolutions**

---

### **Association of Vancouver Island and Coastal Communities (AVICC) 2020 Annual Convention**

Town of Ladysmith Travel Expense Policy 05-1790-B permits the Mayor and up to four Councillors to attend the AVICC annual convention.

Since AVICC will be held in Nanaimo, no hotel accommodation has been booked, rather Council members are encouraged to carpool when convenient.

#### **Staff Recommendation:**

That Council determine which members will attend the Association of Vancouver Island and Coastal Communities annual convention April 17-19, 2020, in Nanaimo.

### **Union of British Columbia Municipalities (UBCM) 2020 Annual Convention**

Town of Ladysmith Travel Expense Policy 05-1790-B permits the Mayor and up to four Councillors to attend the UBCM annual convention.

#### **Staff recommendation:**

That Council determine which members will attend the Union of British Columbia Municipalities annual convention to be held September 21-25, 2020, in Victoria.

### **Federation of Canadian Municipalities (FCM) 2020 Annual Convention**

Town of Ladysmith Travel Expense Policy 05-1790-B states that a Council member must receive Council authorization to attend conferences and workshops other than the AVICC and UBCM annual conventions.

#### **Staff recommendation:**

That Council approve Mayor Stone's attendance at the Federation of Canadian Municipalities 2020 Convention to be held June 4-7, 2020, in Toronto, ON, at an estimated cost of \$4,000.

### **1. Resolutions and Nominations Deadline**

The AVICC Executive would like to remind members that the deadline for resolutions to be submitted for the 2020 AVICC AGM & Convention is February 6, 2020. The call for resolutions package that was initially sent out in November is included again with this email. The package provides guidelines for drafting clear resolutions and a sample resolution. Additional information from UBCM on resolutions procedures is included on the UBCM website as a series of articles under [Resolutions Articles](#).

Also attached is the Nomination package for positions on the AVICC Executive. Signed nomination and consent forms need to be received by the AVICC office by February 6, 2020 in order for candidates to be included in the report on nominations. Candidates may also be nominated from the floor at the Convention.

### **2. 2020 Convention April 17-19 in Nanaimo**

The AVICC Executive has reviewed the excellent proposals received for sessions at the upcoming convention, and are finalizing the program. Registration will be opening early in February. Another member update will be sent out when registration is open with information about the convention sessions, and a link for delegates to register online through CivicInfo.

The 2020 Convention will follow the same schedule as previous years, it begins at 2:00 pm on Friday, April 17<sup>th</sup> and finishes at noon on Sunday, April 19<sup>th</sup>. AVICC will again be offering pre-convention tours and sessions on Friday morning before the convention opening. The EA Forum and the Mayors and Chairs Caucus will be scheduled on Friday as lunch sessions from noon to 1:30 pm.

### **3. Shellfish Aquaculture Related Marine Plastic Waste and Abandoned Gear**

Director Daniel Arbour of the Comox Valley RD is AVICC's representative on the Department of Fisheries and Oceans' Aquaculture Management Advisory Committee for Shellfish. He has advised that the DFO recently retained a contractor to:

*1. review and assess the common sources of shellfish aquaculture related marine plastic waste and abandoned gear in the Canadian marine environment; 2. review, analyze and synthesise relevant domestic and international legislative/regulatory mechanisms and policies for the management, mitigation, and elimination of marine plastic waste and abandoned gear related to shellfish aquaculture activities, with a focus on temperate regions and regions similar to Canada; and 3. present recommendations to address shellfish aquaculture related marine plastic waste and abandoned gear, based on relevant domestic and international best practices, within the multijurisdictional context of shellfish aquaculture management in Canada. The recommendations developed by the contractor may serve to support the Government of Canada's G7 commitments to reduce marine plastics debris and discarded fishing gear in its waters, as well as support Department of Fisheries and Oceans (DFO) exploration of shellfish aquaculture standards related to debris management and strengthen conditions of licence.*

The contractor has started stakeholder interviews this week, and a report and set of recommendations will be completed by March 31<sup>st</sup>. Members can email Director Arbour at [reachme@danielarbour.ca](mailto:reachme@danielarbour.ca) with comments or questions he can communicate to the DFO.

#### **4. Review of the Marine Liability Act**

Transport Canada has advised they will be launching a review of the *Marine Liability Act* which covers compensation for victims of ship-source oil pollution. An email from Marc-Yves Bertin, Director General of Marine Policy notes that:

*“as part of the reconsideration of the Trans Mountain Pipeline expansion, the [Canada Energy Regulator \(formerly the National Energy Board\)](#) recommended that we review the ship-source oil spill compensation regime to consider a broader scope of eligible claims. As a result, we are preparing to talk to coastal communities and other interested stakeholders throughout Canada.”*

Transport Canada has asked AVICC to let our members know they are available to meet to discuss the current ship-source oil pollution liability and compensation regime. Please contact Transport Canada at [MarineLiability-ResponsabiliteMaritime@tc.gc.ca](mailto:MarineLiability-ResponsabiliteMaritime@tc.gc.ca)

#### **AVICC**

Local Government House  
525 Government Street  
Victoria, BC, V8V 0A8  
(250) 356-5122  
[avicc@ubcm.ca](mailto:avicc@ubcm.ca)





## 2020 AGM & CONVENTION

### CALL FOR NOMINATIONS FOR AVICC EXECUTIVE

AVICC members elect directors to the Executive Committee at the Convention. The Executive Committee ensures that the policies set by the general membership are carried forward, and provides direction for the Association between Conventions. This circular is notice of the AVICC Executive Committee positions open for nomination, 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**

Candidates must be an elected official of an AVICC local government member and must be nominated by two elected officials of an AVICC local government member. Background information on the key responsibilities and commitments of an AVICC Executive member is provided following the nomination form. The Chair of the 2020 Nominating Committee is Past President Edwin Grieve.

#### 3. **NEXT STEPS**

The Nominating Committee will review the credentials of each candidate for eligibility. A Report on Nominations including a photo and 300-word biography will be prepared under the direction of the Nominating Committee and distributed prior to the Convention.

**To be included in the Report on Nominations,  
Nominations Must Be Received by February 6, 2020**

#### 4. **AT CONVENTION**

Candidates may also be nominated at the Convention from the floor. Candidates and their two nominators must be elected officials of an AVICC local government member.

#### 5. **FURTHER INFORMATION**

All enquiries should be directed to:

**Past President Edwin Grieve, Chair, 2020 Nominating Committee**  
c/o AVICC  
525 Government Street  
Victoria, BC V8V 0A8  
Phone: (250) 356-5122  
email: [avicc@ubcm.ca](mailto:avicc@ubcm.ca)

# NOMINATIONS FOR THE 2020-21 AVICC EXECUTIVE

We are qualified under the AVICC Constitution to nominate<sup>1</sup> a candidate and we nominate:

Candidate Name: \_\_\_\_\_

Local Government Position (Mayor/Councillor/Director): \_\_\_\_\_

Local Government Represented: \_\_\_\_\_

**AVICC Executive Office** Nominated For: \_\_\_\_\_

## MEMBERS NOMINATING THE CANDIDATE:

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 for pursuant to the AVICC Bylaws and Constitution<sup>2</sup>. I also agree to provide the following information to [avicc@ubcm.ca](mailto:avicc@ubcm.ca) by **Thursday, February 6, 2020**.

- Photo in digital format
- Biographical information of approximately 300 words that may be edited by AVICC

Printed Name: \_\_\_\_\_

Current Position: \_\_\_\_\_

Muni/RD: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

---

<sup>1</sup> Nominations require two elected officials of local governments that are members of the Association.

<sup>2</sup> All nominees must be an elected official of an AVICC local government member. Nominees for the position of Electoral Area Representative must be an Electoral Area Director.

**Return To: Past President Edwin Grieve, Chair, Nominating Committee,  
c/o AVICC, 525 Government Street, Victoria, BC V8V 0A8  
or scan and email to [avicc@ubcm.ca](mailto:avicc@ubcm.ca)**



## BACKGROUND INFORMATION FOR CANDIDATES TO THE AVICC EXECUTIVE

### 1. RESPONSIBILITY OF AVICC EXECUTIVE

Under the AVICC Bylaws:

*"The Executive shall manage or supervise the management of the Society"*

See <http://avicc.ca/about-the-avicc/constitution-bylaws/> for a complete copy of the AVICC Constitution and Bylaws.

### 2. AVICC EXECUTIVE STRUCTURE

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

#### COMMITTEES

The President may appoint Executive members to AVICC committees and to external committees and working groups as required. The Nominating Committee is a standing committee and is comprised of the Past President and the Secretary-Treasurer. All members of the Executive serve on the Resolutions Committee.

#### CONTRACTED EMPLOYEE

The Association contracts with UBCM for the provision of key services that support the Association. A staff person based in Victoria's Local Government House provides the key functions. The President is responsible for overseeing the regular activities of the Association and for providing direction to staff.

### 3. EXECUTIVE MEETINGS

The full Executive meets in person five times a year, following this general pattern:

- During the last day of the annual Convention (less than 15 minutes)
- Mid June
- End of October
- Mid January
- Thursday before the Annual Convention

Executive meetings (other than those in conjunction with the Convention) are generally held on a Friday or Saturday from 10:00 am to 3:00 pm and are typically held in Nanaimo. Meetings by teleconference occur 2-3 times per year on an as needed basis (60-90 minutes).

Travel expenses and a per diem are provided for Executive Meetings. For the meeting held on the Thursday before the Convention, reimbursement is only for the added expenses that would not normally be incurred for attending the annual Convention.



# 2020 AGM & CONVENTION

## RESOLUTIONS NOTICE

### REQUEST FOR SUBMISSIONS

#### **DEADLINE FOR RESOLUTIONS**

All resolutions must be received in the AVICC office by: **Thursday, February 6, 2020**

#### **IMPORTANT SUBMISSION REQUIREMENTS**

To submit a resolution to the AVICC for consideration please send:

1. One copy as a **word document** by email to [avicc@ubcm.ca](mailto:avicc@ubcm.ca); AND
2. One copy of the resolution by regular mail to:  
AVICC, 525 Government Street, Victoria, BC V8V 0A8

Guidelines for preparing a resolution follow, but the basic requirements are:

- Resolutions are only accepted from AVICC member local governments, and must have been endorsed by the board or council.
- Members are responsible for submitting accurate resolutions. Local government staff must check the accuracy of legislative references, and be able to answer questions from AVICC/UBCM about each resolution. Contact AVICC/UBCM for assistance.
- Each resolution **must include a separate background**er that is a maximum of 3 pages and specific to a single resolution. Do not submit backgrounders for multiple resolutions. The backgrounder may include links to other information sources and reports.
- Sponsors should be prepared to introduce their resolutions on the Convention floor.
- Resolutions must be relevant to other local governments within AVICC rather than specific to a single member government.
- The resolution should not contain more than two "whereas" clauses.
- Each whereas clause must only have **one sentence**.

#### **LATE AND OFF THE FLOOR RESOLUTIONS**

- a. A resolution submitted after the regular deadline is treated as a "Late Resolution". Late Resolutions need to be received by AVICC by noon on **Wednesday, April 15<sup>th</sup>**.
- b. Late resolutions are not included in the resolutions package sent out to members before the Convention. They are included in the Report on Late Resolutions that is distributed on-site.
- c. The Resolutions Committee only recommends late resolutions for debate if the topic was not known prior to the regular deadline date or if it is emergency in nature. Late resolutions require a special motion at the convention to admit for debate.
- d. Late resolutions are considered after all resolutions printed in the Resolutions Book have been debated. The time is set out in the program, and is normally on Sunday morning.
- e. Off the Floor resolutions must be submitted in writing to the Chair of the Resolutions Session, and copies must be made available to all delegates no later than Sunday morning.

## **UBCM RESOLUTION PROCEDURES**

UBCM urges members to submit resolutions 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.

UBCM and its member local governments have observed that submitting resolutions first to Area Associations results in better quality resolutions overall. If absolutely necessary, however, local governments may submit council or board endorsed resolutions directly to UBCM prior to June 30. Should this be necessary, detailed instructions are available on the UBCM website.

## **UBCM RESOLUTIONS PROCESS**

1. Members submit resolutions to their Area Association for debate.
2. The Area Association submits resolutions endorsed at its Convention to UBCM.
3. The UBCM Resolutions Committee reviews the resolutions for submission to its Convention.
4. Resolutions endorsed at the UBCM Convention are submitted to the appropriate level of government for response.
5. UBCM will forward the response to the resolution sponsor for review.

## **UBCM RESOLUTIONS GUIDELINES**

### **The Construction of a Resolution:**

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

- a) What is the problem?
- b) What is causing the problem?
- c) What is the best way to solve the problem?

### **Preamble:**

The preamble begins with "WHEREAS", and is a concise paragraph about the nature of the problem or the reason for the request. It answers questions (a) and (b) above, stating the problem and its cause, and should explain, clearly and briefly, the reasons for the resolution.

The preamble should contain no more than two "WHEREAS" clauses. Supporting background documents can describe the problem more fully if necessary. Do not add extra clauses.

Only one sentence per WHEREAS clause.

### **Enactment Clause:**

The enactment clause begins with the phrase "THEREFORE BE IT RESOLVED", and is a concise sentence that answers question (c) above, suggesting the best way to solve the problem. The enactment should propose a specific action by AVICC and/or 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 it is unclear or too complex for them to understand quickly. If there are multiple topics in a resolution, the resolution may be sent back to the sponsor to rework and resubmit, and may end up as a Late Resolution not admitted for debate.

### **2. For resolutions to be debated at UBCM, focus on issues that are province-wide.**

The issue identified in the resolution should be relevant to other local governments across BC. This will support productive debate and assist UBCM to represent your concern effectively to the provincial or federal government on behalf of all BC municipalities and regional districts. Regionally specific resolutions may be referred back to the AVICC, and may not be entered for debate during the UBCM Convention.

### **3. Use simple, action-oriented language and avoid ambiguous terms.**

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

### **4. Check legislative references for accuracy.**

Research the legislation on the subject so the resolution is accurate. Where necessary, identify:

- the correct jurisdictional responsibility (responsible ministry or department, and whether provincial or federal government); and
- the correct legislation, including the title of the act or regulation.

### **5. Provide factual background information.**

Even a carefully written resolution may not be able to convey the full scope of the problem or the action being requested. Provide factual background information to ensure that the resolution is understood fully so that members understand what they are debating and UBCM can advocate effectively with other levels of government and agencies.

Each resolution **must include a separate backgrounder** that is a maximum of 3 pages and specific to a single resolution. Do not submit backgrounders that relate to multiple resolutions. The backgrounder may include links to other information sources and reports.

The backgrounder should outline what led to the presentation and adoption of the resolution by the local government, and can link to the report presented to the council or board along with the resolution. Resolutions submitted without background information **will not be considered** until the sponsor has provided adequate background information. This could result in the resolution being returned and having to be resubmitted as a late resolution.

### **6. Construct a brief, descriptive title.**

A title identifies the intent of the resolution and helps eliminate 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, a title should be no more than three or four words.



## Sample Resolution

**CURTAIL JUMPING OVER DOGS**  
[SHORT TITLE]

**City of Green Forest**  
[Sponsor]

WHEREAS the quick brown fox jumped over the lazy dog;

**Semicolon** precedes  
"WHEREAS" clause.

AND WHEREAS the lazy dog does not enjoy games of leapfrog:

**Colon** precedes  
"THEREFORE" clause.

THEREFORE BE IT RESOLVED that the quick brown fox will refrain from jumping over the lazy dog.

[A second enactment clause, if absolutely required:]

AND BE IT FURTHER RESOLVED that in the future the quick brown fox will invite a different partner to participate in games of leapfrog.

*Your resolution should follow the structure of this sample resolution.*

*Draft your resolution to be as readable as possible within these guidelines.*



## Liability & Compensation for Ship-Source Oil Pollution: Compensation for Ship-source Spills in Canada

In 2018, Canada took a significant step to improve our system for compensating victims of ship-source oil pollution. This included changes to the *Marine Liability Act* to make sure compensation is available for victims and responders of ship-source oil pollution caused by any type of oil from any type of ship.

Eligible claims, including environmental remediation, are now 100% compensable no matter the size of the spill.

Liability and compensation for ship-source oil pollution in Canada is based on international conventions developed by the International Maritime Organization which make sure the polluter pays.

The shipowner is liable for an amount of compensation based on their ship's size and the type of oil it's carrying. This means polluters are financially responsible, even if the spill is accidental. The system is not based on penalties or criminal charges. If a shipowner's insurance doesn't cover the full costs of pollution, there are also international and domestic funds available, which are financed by the oil industry.

### Spills from Oil Tankers

If a shipowner's oil tanker spilled its cargo in Canadian waters, they would be liable for up to \$162 million depending on the size of their ship. If the costs of the spill were more than the shipowner's limit of liability, additional compensation could be paid by international funds financed by industry and distributed by the International Oil Pollution Compensation Funds (IOPC Funds). A total of \$1.37 billion is available from shipowners and the IOPC Funds.

If the costs of ship-source oil pollution are more than the amount of compensation available from the international conventions, Canada's Ship-source Oil Pollution Fund (SOPF) can help make sure all victims are compensated. There's no limit to the amount of compensation available from the SOPF for eligible claims.

### Smaller Incidents

Even in smaller incidents, like when a ship spills the fuel it uses to propel itself, the shipowner is liable up to a limit that is based on the ship's size. The larger the ship, the higher the limit of liability.

Liability is dependent ship's size and whether the oil is bunker fuel or cargo. Values presented in Canadian dollars, have been approximated based on a conversion from Special Drawing Rights as of August 29th, 2019. The actual amount of compensation available fluctuates depending on conversion rates which would be calculated as of the date of an incident.

Learn more about liability and compensation for ship-source oil pollution at:  
<https://www.tc.gc.ca/eng/marinesafety/liability-compensation-ship-source-oil-spills-4512.html>



# HOW MUCH COMPENSATION IS AVAILABLE FOR A SHIP-SOURCE OIL SPILL?

Several sources of compensation, which are funded by industry, are available to victims of ship-source oil pollution in Canadian waters.

## CANADA'S SHIP-SOURCE OIL POLLUTION FUND



### ELIGIBLE CLAIMS ARE NOW 100% COMPENSABLE

This Fund provides compensation for oil pollution in Canadian waters caused by any type of oil from any vessel.

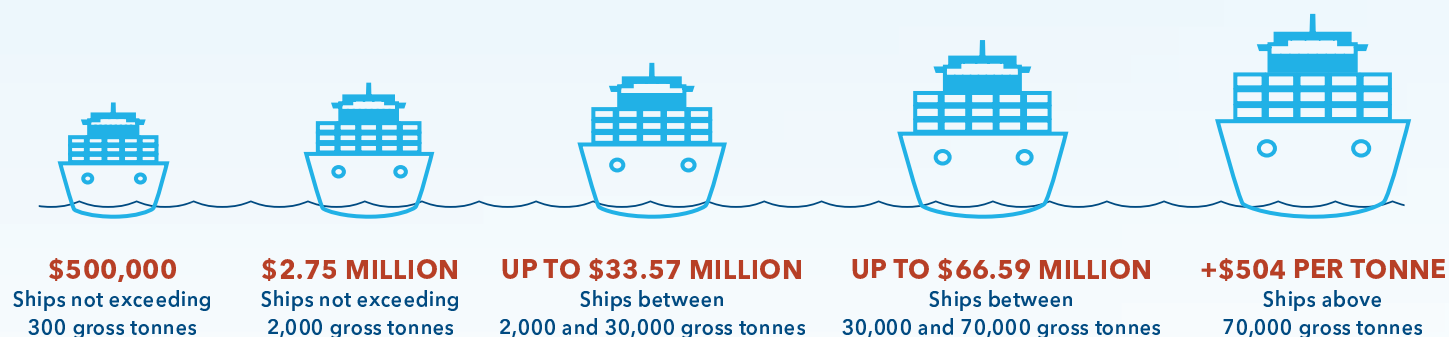
## INTERNATIONAL OIL POLLUTION FUNDS



### UP TO \$1.37 BILLION

These funds are provided by shipowners and the International Oil Pollution Compensation Funds. They provide compensation for spills from oil tankers.

## SHIPOWNERS' CONTRIBUTION FOR NON-OIL TANKER SPILLS:



\*These values presented in Canadian dollars, have been approximated based on a conversion from Special Drawing Rights as of August 29, 2019. The actual amount of compensation available fluctuates depending on conversion rates calculated from the date of an incident.

For more information, visit: [www.tc.gc.ca](http://www.tc.gc.ca)



## Liability & Compensation for Ship-Source Oil Pollution: The Ship-source Oil Pollution Fund

Canada's domestic oil spill compensation fund is the Ship-source Oil Pollution Fund (SOPF), which is funded by industry.

The SOPF provides compensation for oil pollution damage caused by any type of oil spill from any type of vessel, even when the cause of the spill is not known. Any person in Canada who has suffered a loss, or incurred costs related to oil pollution damage in Canadian waters can file a claim directly with the SOPF.

Once a claim is assessed and paid, the Administrator of the SOPF is required to take all reasonable steps to recover compensation from the polluter. These recovered amounts go back into the SOPF's accounts and help make sure that industry-funded compensation is available in the event of future spills. There are no costs or fees to submit a claim directly to the SOPF.

### How should claims be submitted?

To be entitled to compensation, you must provide:

- A description of the incident
- A description of the loss or damage that you've suffered or the cost that you've incurred because of the incident

You should present your claims with supporting documentation like:

- invoices
- photographs
- explanatory notes
- account ledgers

It's important that the documentation is complete and accurate in order for the claim to be processed. For more information on how to submit a claim, please visit the SOPF's website: <http://sopf.gc.ca/>

You should submit your claim as soon as you know your total costs after an incident. The SOPF will accept eligible claims up to two years from the date of the pollution damage, but no more than five years after the date of the incident.

### The Small Claims Process

The SOPF has a new, faster process where claims less than \$35,000 submitted within one year of damage can be paid within 60 days. Documentation isn't needed when submitting the claim, but once compensation has been paid, you may need to provide supporting documentation for your claim up to three years after the date of the oil pollution damage.

Learn more about liability and compensation for ship-source oil pollution at:  
<https://www.tc.gc.ca/eng/marinesafety/liability-compensation-ship-source-oil-spills-4512.html>

# HOW DO I GET COMPENSATION FOR A SHIP-SOURCE OIL SPILL

In Canada, the polluter pays. The ship and cargo owner are responsible even if the pollution is accidental. After an incident, a claim can be made to the shipowner or their insurer. If a shipowner's liability doesn't cover all eligible claims, international and domestic funds funded by the oil industry are available. Anyone in Canada who has suffered damage or experienced losses from ship-source oil pollution can file a claim with Canada's Ship-source Oil Pollution Fund. If your claim is eligible, you will be compensated.

What is an eligible claim?

Eligible claims include:

- pollution prevention measures
- clean-up costs
- property damage
- fishing and tourism losses
- subsistence losses (i.e. food sources)
- environmental remediation costs

My fishing gear and catch were damaged by a spill, what can I claim?

You can claim damage to your gear, the cost of your lost catch, and loss of fish you would have caught. If your ability to fish, or obtain fish for food, social or ceremonial purposes is impacted, you can submit a claim.

How long do I have to submit a claim?

Claims are accepted up to 2 years from the date of damage, but no more than 5 years after the incident. If your claim is under \$35,000 and is submitted within 1 year after the incident, you can be compensated within 60 days.

What do I need to submit a claim?

Your claim must describe the incident and your loss or damage. Your claim should include documents, like:

- Invoices
- Photographs
- Explanatory notes
- Account ledgers

Where does the money come from?

Canada's Ship-source Oil Pollution Fund is funded by the oil industry. Once a claim is paid, the amount is recovered from the polluter and returned to the Fund for future claims.

If we determine that a ship-source spill is a crime, meaning that the ship intentionally polluted or acted carelessly, the shipowner can be taken to court and fined.

For more information, visit: [www.tc.gc.ca](http://www.tc.gc.ca)



Transport  
Canada

Canada



## Liability & Compensation for Ship-Source Oil Pollution: What is Eligible for Compensation?

The following types of loss or damage are accepted:

### Pollution Prevention Measures

Compensation is available for expenses for preventive measures even if no oil pollution occurs, as long as there was a serious and imminent threat of oil pollution damage. Any reasonable steps taken after an incident to prevent or minimize pollution damage are also eligible.

**Example:** A ship grounds, its hull cracks and trained responders from a local First Nation deploy a boom to prevent pollution.

### Clean-up Costs

Compensation can help recoup the cost of reasonable clean-up measures.

**Example:** If wildlife is oiled in a spill, reasonable costs associated with the cleaning and rehabilitation of the animals, such as birds, mammals and reptiles, are accepted.

### Property Damage

Compensation is available for reasonable costs of cleaning, repairing or replacing property that has been contaminated by oil.

**Example:** If ship-source oil pollution has contaminated fishing gear, compensation is available for cleaning or repairing the equipment.

### Fisheries Losses

You can submit a claim for the loss of profit related to commercial and recreational fisheries, aquaculture and fish processing sectors.

**Example:** If a fishery closes, a licensed commercial fishery can claim their loss of revenue.

### Tourism Losses

The local tourism industry can submit a claim for their loss of profit, if the loss was caused by ship-source oil pollution.

**Example:** Ship-source oil pollution contaminates the beach nearest to a hotel and for that reason its normal vacancy rate is affected. Hotel owners can make a claim for that loss.

### Environmental Remediation

Compensation is available to cover the costs of reasonable environmental reinstatement work, which could include post-spill studies like an assessment of environmental impacts, aimed at speeding up the natural recovery process.

**Example:** The cost of a study to establish the extent of environmental damage to decide whether remediation measures are necessary and feasible.

# WHAT TYPES OF CLAIMS ARE ELIGIBLE FOR COMPENSATION FROM A SHIP-SOURCE OIL SPILL?

POLLUTION  
PREVENTION MEASURES



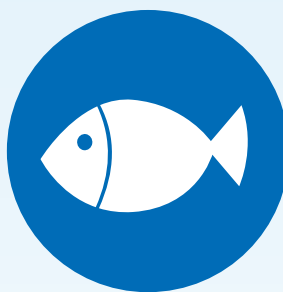
CLEAN-UP  
COSTS



PROPERTY  
DAMAGE



FISHERIES  
LOSSES



SUBSISTENCE  
LOSSES



TOURISM  
LOSSES



ENVIRONMENTAL  
REMEDiation



For more information, visit: [www.tc.gc.ca](http://www.tc.gc.ca)



## Liability & Compensation for Ship-Source Oil Pollution: Food, Social and Ceremonial Loss

If an Indigenous group or person can't access the resources they need for food, social and ceremonial purposes because of ship-source oil pollution, they may submit a claim for compensation.

The ability to harvest fish and other aquatic species for food, social or ceremonial purposes is important to the culture of many Indigenous people in Canada, who have raised concerns about their ability to exercise their right to harvest in the event ship-source oil pollution in their territory.

The goal of the Marine *Liability Act* is to restore the lives of claimants to pre-spill standard and does not prevent or limit claims related to Aboriginal fishing losses.

For example, if a fishery is closed because of a ship-source oil spill, Indigenous groups with Communal Fishing Licenses can claim for costs of getting fish for food, social or ceremonial purposes. This would include:

- Buying fish from an outside supplier, or
- Additional costs of arranging access and fishing at another location

In some cases, the Ship-source Oil Pollution Fund can provide compensation ahead of losses that haven't occurred, but will most certainly occur. For example, if someone usually fishes for themselves or their family, but can't safely fish because of a ship-source spill, they may submit a claim to the SOPF for future losses. This lets the victims of ship-source oil pollution buy the fish and resources they need to replace what they can't catch themselves.

Claims for compensation need to be made within the timeframes set out in the *Marine Liability Act* and documentation needs to be provided to show what expenses have been reasonably incurred because of a pollution incident.

# Woody Debris Workshop

*FPInnovations, the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD), and the Ministry of Environment and Climate Change Strategy (ENV) present:*

**A workshop on supporting the extraction of residual fibre in British Columbia for reducing the amount of open-air burning of harvest residues.**

## LEARNING OBJECTIVES

Workshop participants will learn about the following topics:

- Biomass availability reporting - FPInterface
- Feedstock quality
- FPBiOS application for calculating available volume in cutblocks
- Local success stories in residual harvesting
- Fibre utilization discussion on applicable utilization and waste policy (FLNRORD)
- Considerations for avoiding emissions while utilizing residual fibre (Forest Carbon Initiative - FCI)
- The new Open Burning Smoke Control Regulation (ENV)

## TARGET CLIENTELE

The workshops are open to the public; up to 30 participants. Lunch will be provided.

## AGENDA

**9:00 – 9:30** Introduction

**9:30 – 10:15** Biomass availability reporting - Charles Friesen, FPInnovations

**10:15 – 10:45** Coffee and networking

**10:45 – 11:30** Fibre recovery zones - Waste and residue changes - TBA, FLNRORD

**11:30 - 12:15** Open Burning Smoke Control Regulation - TBA, ENV

**12:15 - 1:00** Lunch

**1:00 - 1:45** Feedstock quality - Marian Marinescu, FPInnovations

**1:45 - 2:30** Forest Carbon Initiative - TBA

**2:30 - 3:15** Local stories in residual harvesting - TBA, local secondary harvesters or users as available

**3:15 - 3:50** Working coffee break and FPBiOS app introduction - Stuart Spencer, FPInnovations

**3:50 - 4:00** Closing

## FAQs

**What is the website for Workshop Venue?**

Arbutus Room, Best Western Cowichan Valley Inn

**What is the telephone for the Workshop Venue?**

1-250-748-2722

**Where can I park at Workshop Venue?**

Complementary parking is right next to venue

**How can I contact the organizer with any questions?**

Further information about this workshop may be obtained by contacting:

**Marian Marinescu**

Senior Researcher, Advanced Decision Making

[marian.marinescu@fpinnovations.ca](mailto:marian.marinescu@fpinnovations.ca)

(604) 222-5609

or

**Stuart Spencer**

Senior Scientist, Fibre Supply

[stuart.spencer@fpinnovations.ca](mailto:stuart.spencer@fpinnovations.ca)

(604) 222-5617