

**A PUBLIC HEARING AND REGULAR MEETING
OF THE TOWN OF LADYSMITH COUNCIL
AGENDA
6:00 P.M.**

Tuesday, May 18, 2021

This meeting will be held electronically as per Ministerial Order No. M192

Pages

1. ACKNOWLEDGEMENT

The Town of Ladysmith acknowledges with gratitude that this meeting takes place on the traditional, unceded territory of the Stz'uminus First Nation.

Residents are encouraged to "virtually" attend the Public Hearing and Regular Council Meeting by registering here:

https://zoom.us/webinar/register/WN_drhQo6VjQiu_J8gDD6ImfA

Instructions on how to join the meeting will be sent immediately after you register.

View the livestream on YouTube:

<https://www.youtube.com/channel/UCH3qHAExLiW8YrSuJk5R3uA/featured>.

2. AGENDA APPROVAL

Recommendation

That Council approve the agenda for this Public Hearing and Regular Meeting of Council for May 18, 2021.

3. PUBLIC HEARING

3.1. "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 35) 2021, No. 2064"

Subject Property:

630 Farrell Road (Lot 2 District Lot 41 Oyster District Plan VIP79202)

3.1.1. Outline of Public Hearing Process - Mayor Stone

3.1.2. Introduction of Bylaw and Statutory Requirements - Director of

Development Services

3.1.3. Submissions

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

3.1.5. Declaration that the Public Hearing for Bylaw No. 2064 is Closed - Mayor Stone

4. BYLAWS - OFFICIAL COMMUNITY PLAN AND ZONING (SUBJECT OF PUBLIC HEARING)

4.1. "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 35) 2021, No. 2064" 6

Recommendation

That Council give third reading to "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 35) 2021, No. 2064".

5. MINUTES

5.1. Minutes of the Regular Meeting of Council held May 4, 2021 8

Recommendation

That Council approve the minutes of the Regular Meeting of Council held May 4, 2021.

5.2. Minutes of the Special Meeting of Council held May 11, 2021 15

Recommendation

That Council approve the minutes of the Special Meeting of Council held May 11, 2021.

6. COMMITTEE MINUTES

6.1. Committee of the Whole Recommendations - May 11, 2021 17

Recommendation

That Council adopt the proposed Council Code of Conduct.

Recommendation

That Council refer the issue of Electric Vehicle charging stations, including both public and private infrastructure, to the Official Community Plan review process.

6.2. Parks, Recreation and Culture Advisory Committee - April 21, 2021 29

The Committee's recommendation is included in the "Public Art Donation Request" report on this agenda.

Recommendation

That Council receive for information the minutes of the April 21, 2021 meeting of the Parks, Recreation and Culture Advisory Committee.

6.3. Community Planning Advisory Committee - May 5, 2021 32

The Committee's recommendations will be included in a future staff report.

Recommendation

That Council receive for information the minutes of the May 5, 2021 meeting of the Community Planning Advisory Committee.

7. REPORTS

7.1. 2021 Active Transportation Planning Program Grant 35

Recommendation

That Council:

1. Support an application to UBCM's Active Transportation Planning Program seeking \$20,000 to support Active Transportation Planning as part of the Official Community Plan Review; and
2. Commit the Town to provide overall grant management for the project, should the requested funds be received.

7.2. Adjustments to Water Billing Accounts 43

Recommendation

That Council approve adjustments to the following utility accounts due to water leaks:

- Account No. 0270000 for up to \$3,475;
- Account No. 0687000 for up to \$3,263; and
- Account No. 0701000 for up to \$4,586.

7.3.	Methuen Street Watermain Replacement between 4th and 5th Avenues	46
	<u>Recommendation</u>	
	That Council direct staff to replace the watermain on Methuen Street between 4 th and 5 th Avenues for an estimated cost of \$145,000, with funding to come from the Water Operating Reserve, and to amend the 2021-2025 Financial Plan accordingly.	
7.4.	Sodium Hypo-Chlorite Project – Request to Increase Budget	48
	<u>Recommendation</u>	
	That Council direct staff to increase the budget for the Sodium Hypo-Chlorite Project at the Water Filtration Plant from \$50,000 to \$100,000, with funding to come from the Water Operating Reserve, and to amend the 2021-2025 Financial Plan accordingly.	
7.5.	Public Art Donation Request: Original Prints by Roy Henry Vickers	50
	<u>Recommendation</u>	
	That Council accept the donation of public art from Duck and Tracy Paterson consisting of 13 original framed prints created by Roy Henry Vickers currently on loan to the Town of Ladysmith and displayed in the Town's Council Chamber in accordance with Public Art Policy 15-7710-B.	
8.	BYLAWS	
8.1.	"Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 36) 2021, No. 2066"	71
	<u>Recommendation</u>	
	That Council adopt "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 36) 2021, No. 2066".	
8.2.	Bylaw Status Sheet	76
9.	NEW BUSINESS	

10. QUESTION PERIOD

Please note that Council cannot receive questions related to Public Hearings where the bylaws have not yet been adopted.

Residents are encouraged to "virtually" attend the meeting and ask their questions live by registering here:

https://zoom.us/webinar/register/WN_drhQo6VjQiu_J8gDD6ImfA

Instructions on how to join the meeting will be sent immediately after you register.

Alternately, questions can be submitted via email at info@ladysmith.ca during the meeting.

- Persons wishing to address Council must be Town of Ladysmith residents, non-resident property owners, or operators of a business.
- Individuals must include 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.
- 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.

11. ADJOURNMENT

TOWN OF LADYSMITH

BYLAW NO. 2064

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";

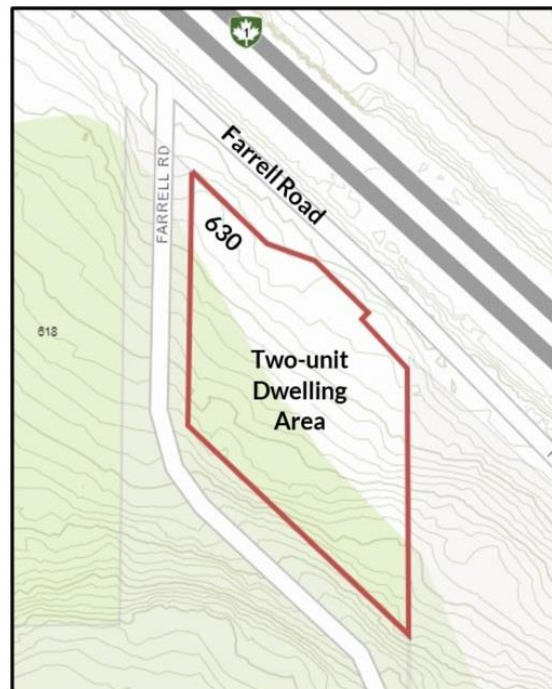
NOW THEREFORE the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

1. Schedule A – Zoning Bylaw Text is amended as follows:
 - a. By adding a new subsection to Section 7 – Site Specific Regulations under Section 10.2 Single Dwelling Residential (R-1) Zone:

“For the area shown in Figure 10.2.2, *Two-Unit Dwelling* is permitted as a *Principal Use*, subject to the following:

- i) A *Two Unit Dwelling Use* is not permitted on parcels less than 780.0 square metres.
- ii) No *Two Unit Dwelling* shall have a *Finished Floor Area* that is less than 137.0 square metres.
- iii) No *Two Unit Dwelling* shall have a *Finished Floor Area* that exceeds 390.0 square metres.”

FIGURE 10.2.2 PLAN OF TWO-UNIT DWELLING AREA



Citation

2. This Bylaw may be cited for all purposes as “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 35) 2021, No. 2064”.

READ A FIRST TIME on the 20th day of April, 2021

READ A SECOND TIME on the 20th day of April, 2021

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 by the Ministry of Transportation & Infrastructure
on the day of ,

ADOPTED on the day of ,

Mayor (A. Stone)

Corporate Officer (D. Smith)



MINUTES OF A REGULAR MEETING OF COUNCIL

Tuesday, May 4, 2021

6:00 P.M.

This meeting will be held electronically as per Ministerial Order No. M192

Council Members Present:

Mayor Aaron Stone
Councillor Amanda Jacobson
Councillor Rob Johnson
Councillor Tricia McKay

Councillor Duck Paterson
Councillor Marsh Stevens
Councillor Jeff Virtanen

Staff Present:

Allison McCarrick
Erin Anderson
Chris Barfoot
Jake Belobaba
Geoff Goodall

Chris Geiger
Donna Smith
Mike Gregory
Sue Bouma

1. CALL TO ORDER

Mayor Stone called this Regular Meeting of Council to order at 6:00 p.m., in order to retire immediately into Closed Session.

2. CLOSED SESSION

CS 2021-138

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:

- personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality - section 90(1)(a);
- the acquisition, disposition or expropriation of land or improvements - section 90(1)(e); and
- negotiations and related discussions respecting the proposed provision of a municipal service - section 90(1)(k).

Motion Carried

3. OPEN MEETING AND ACKNOWLEDGEMENT (7:00 P.M.)

Mayor Stone called the Open Meeting of Council to order at 7:00 p.m., recognizing with gratitude that it was taking place on the traditional unceded territory of the Stz'uminus People.

4. AGENDA APPROVAL

CS 2021-139

That Council approve the agenda for this Regular Meeting of Council for May 4, 2021.

Motion Carried

5. RISE AND REPORT- Items from Closed Session

Council rose from Closed Session at 6:38 p.m. without report.

6. MINUTES

6.1 Minutes of the Public Hearings and Regular Meeting of Council held April 20, 2021

CS 2021-140

That Council approve the minutes of the Public Hearings and Regular Meeting of Council held April 20, 2021.

Motion Carried

7. PROCLAMATIONS

7.1 National Day of Remembrance for Missing and Murdered Indigenous Women and Girls and Two Spirit People

Mayor Stone proclaimed May 5, 2021 as "National Day of Remembrance for Missing and Murdered Indigenous Women and Girls and Two Spirit People" in the Town of Ladysmith.

7.2 Child Care Month and Child Care Appreciation Day

Mayor Stone proclaimed the month of May 2021 as "Child Care Month" and May 21, 2021 as "Child Care Appreciation Day" in the Town of Ladysmith.

7.3 Falun Dafa Day Proclamation

Mayor Stone proclaimed May 13, 2021 as "Falun Dafa Day" in the Town of Ladysmith.

8. COMMITTEE MINUTES

8.1 Parks, Recreation and Culture Advisory Committee - March 17, 2021

CS 2021-141

That Council receive for information the minutes of the March 17, 2021 meeting of the Parks, Recreation and Culture Advisory Committee.

Motion Carried

9. MAYOR'S REPORT

9.1 Traffic Control at South Davis Intersection

CS 2021-142

That Council:

1. Direct the Mayor on behalf of Council, to send a letter to The Honourable Rob Fleming, Minister of Transportation and Infrastructure requesting a meeting to discuss Council's ongoing concern and previous requests to the Ministry for the installation of a traffic light on South Davis Road; and
2. Direct staff to prepare a briefing note including maps and population growth projections for the South Davis Road area to accompany the Mayor's letter.

Motion Carried

10. BYLAWS

10.1 New Film Regulations

CS 2021-143

That Council:

1. Having considered s. 475 of the *Local Government Act*, and in particular the matters set out in subsections (2)(a) and (b), resolve that:
 - a. the Stz'uminus First Nation is the only entity that is appropriate to consult in connection with "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.62) 2021, No. 2047";

- b. consultation should be early but need not be ongoing;
 - c. the consultation process described in the staff report to Council dated May 4, 2021 is sufficient in respect to the proposed Official Community Plan amendment; and
 - d. staff be directed to refer “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.62) 2021, No. 2047” to the Stz’uminus First Nation as set out in resolution 1 a) for consultation in the manner described in the May 4, 2021 staff report to Council;
2. Give first and second reading to “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.62) 2021, No. 2047”;
 3. Consider “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.62) 2021, No. 2047” in conjunction with the Town’s Financial Plan, the Town’s Liquid Waste Management Plan, and the Cowichan Valley Regional District Solid Waste Management Plan, pursuant to section 477(3) of the *Local Government Act*;
 4. Direct staff to refer “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.62) 2021, No. 2047” to School District 68 pursuant to section 476 of the *Local Government Act*;
 5. Give first, second and third reading to “Film Bylaw 2021, No. 2045”;
 6. Give first, second and third reading to “Town of Ladysmith Fees and Charges Bylaw 2008, No.1644, Amendment Bylaw 2021, No. 2050”;
 7. Give first, second and third reading to “Noise Suppression Bylaw 2003, No. 1478, Amendment Bylaw 2021, No. 2046”;
 8. Give first, second and third reading to “Filming Reserve Bylaw 2021, No. 2071”;
 9. Give first, second and third reading to “Building and Plumbing Bylaw 1994, No. 1119, Amendment Bylaw 2021, No. 2048”;
 10. Give first and second reading to “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.31) 2021, No. 2049”; and
 11. Direct staff to proceed with scheduling and notification of a Public Hearing for “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.62) 2021, No. 2047” and “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.31) 2021, No. 2049”.

Motion Carried

10.2 "Financial Plan Bylaw 2021, No. 2072"

CS 2021-144

That Council give first, second and third readings to "Financial Plan Bylaw 2021, No. 2072".

Motion Carried

10.3 "Tax Rates Bylaw 2021, No. 2073"

CS 2021-145

That Council give first, second and third readings to "Tax Rates Bylaw 2021, No. 2073".

Motion Carried

10.4 "Water Parcel Tax Bylaw 2021, No. 2074"

CS 2021-146

That Council give first, second and third readings to "Water Parcel Tax Bylaw 2021, No. 2074".

Motion Carried

10.5 "Sewer Parcel Tax Bylaw 2021, No. 2075"

CS 2021-147

That Council give first, second and third readings to "Sewer Parcel Tax Bylaw 2021, No. 2075".

Motion Carried

10.6 Bylaw Status Sheet

11. CORRESPONDENCE

11.1 Correspondence from the Kinsmen Club dated April 26, 2021

Councillor Paterson declared a conflict of interest with Agenda Item 11.1 due to his association with the Kinsmen Club and his position as Chair of the public washroom project and vacated the meeting at 7:40 p.m.

CS 2021-148

That Council waive "Noise Suppression Bylaw 2003, No.1478" to allow David Stalker Excavating to commence construction work related to the public washroom on 1st Avenue starting at 6:00 a.m. on either Sunday, May 16, 2021 or Sunday, May 23, 2021, as requested by the Kinsmen Club in their letter dated April 26, 2021.

Motion Carried

Councillor Paterson returned to the meeting at 7:44 p.m.

12. UNFINISHED BUSINESS

12.1 Amendment of Resolution CS 2021-116 regarding a Regional Grant Application to the UBCM Strengthening Communities Fund

CS 2021-149

That Council amend Resolution CS 2021-116 by replacing "Cowichan Valley Regional District" with "Municipality of North Cowichan".

Motion Carried

Resolution CS 2021-116, as amended, reads:

That Council of the Town of Ladysmith:

1. Approves the submission of a regional application by the Municipality of North Cowichan to the UBCM Strengthening Communities Fund 2021 for the purpose of assisting member municipalities with improved health and safety of unsheltered homeless people living in public or private spaces, including reduced risk of COVID-19 or other disease transmission; and reducing community concerns about public health and safety in neighbourhoods where unsheltered homeless populations are seeking temporary shelter; and further,
2. Approves the Municipality of North Cowichan as the primary applicant that will apply for, receive and manage the grant funding on behalf of the Town of Ladysmith.

13. QUESTION PERIOD

There were no questions submitted by the public.

14. ADJOURNMENT

CS 2021-150

That this Regular Meeting of Council adjourn at 7:47 p.m.

Motion Carried

CERTIFIED CORRECT:

Mayor (A. Stone)

Corporate Officer (D. Smith)



MINUTES OF A SPECIAL MEETING OF COUNCIL

Tuesday, May 11, 2021

6:00 P.M.

This meeting was held electronically as per Ministerial Order No. M192

Council Members Present:

Mayor Aaron Stone
Councillor Amanda Jacobson
Councillor Rob Johnson
Councillor Tricia McKay

Councillor Duck Paterson
Councillor Marsh Stevens
Councillor Jeff Virtanen

Staff Present:

Allison McCarrick
Erin Anderson
Chris Barfoot
Jake Belobaba
Geoff Goodall

Donna Smith
Chris Geiger
Mike Gregory
Sue Bouma

1. ACKNOWLEDGEMENT AND CALL TO ORDER

Mayor Stone called the Special Meeting of Council to order at 6:00 p.m., and acknowledged with gratitude that it was taking place on the traditional unceded territory of the Stz'uminus People.

2. AGENDA APPROVAL

CS 2021-151

That Council approve the agenda for this Special Meeting of Council for May 11, 2021.

Motion Carried

3. BYLAWS

3.1 "Financial Plan Bylaw 2021, No. 2072"

CS 2021-152

That Council adopt "Financial Plan Bylaw 2021, No. 2072".

Motion Carried

3.2 "Tax Rates Bylaw 2021, No. 2073"

CS 2021-153

That Council adopt "Tax Rates Bylaw 2021, No. 2073".

Motion Carried

3.3 "Water Parcel Tax Bylaw 2021, No. 2074"

CS 2021-154

That Council adopt "Water Parcel Tax Bylaw 2021, No. 2074".

Motion Carried

3.4 "Sewer Parcel Tax Bylaw 2021, No. 2075"

CS 2021-155

That Council adopt "Sewer Parcel Tax Bylaw 2021, No. 2075".

Motion Carried

4. ADJOURNMENT

CS 2021-156

That this Special Meeting of Council adjourn at 6:05 p.m.

Motion Carried

CERTIFIED CORRECT:

Mayor (A. Stone)

Corporate Officer (D. Smith)

Committee of the Whole Recommendations to Council May 18, 2021

At its May 11, 2021 meeting, the Committee of the Whole recommended that Council:

1. Adopt the proposed Council Code of Conduct.
2. Refer the issue of Electric Vehicle charging stations, including both public and private infrastructure, to the Official Community Plan review process.

TOPIC:	Council Code of Conduct
POLICY No:	DRAFT
APPROVED BY: Council	RESOLUTION No:
DATE:	
AMENDED:	

PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the conduct of Council members in fulfilling their obligations and carrying out their duties.

This Code applies to all members of Town Council.

GUIDING PRINCIPLES

Integrity

Council is the keeper of the public trust and must uphold the highest standards of ethical behaviour. Council members are expected to:

- make decisions that benefit the community;
- act lawfully and within the authorities of the *Community Charter, Local Government Act* and other applicable enactments;
- be truthful, honest, and open in all dealings with other Council members, staff and the public; and
- direct their minds to the merits of the decisions before them, ensuring that they act on the basis of relevant information and principles and in consideration of the consequences of those decisions.

Accountability

Council is obligated to answer for the responsibility that has been entrusted to it. Council members are accountable for:

- the decisions they make, their own actions and the actions of the collective Council;
- ensuring they carry out their duties in an open and transparent manner so that the public can understand the process and rationale used to reach decisions and the reasons for taking certain actions; and
- considering the opinions and needs of the community, allowing for appropriate opportunities for feedback.

Respect

Council must conduct public business efficiently and with decorum. Council members must:

- treat every person with dignity, understanding and respect;
- show consideration for every person's values, beliefs, and contributions to discussions; and
- demonstrate awareness of their own conduct and consider how their behaviour may be perceived.

Leadership and Collaboration

Council must exhibit and promote the guiding principles of the Council Code of Conduct through its decisions, actions and behaviour. Council members will demonstrate collaboration and leadership through:

- behaving in a manner that builds public trust and confidence in the local government;
- considering the issues before them and making decisions as a collective body by actively participating in debate about the merits of a decision, but once the decision has been made, all Council members will recognize the democratic majority;
- recognizing debate is an essential part of the democratic process and encourage constructive discourse while empowering other Council members to provide their perspectives on relevant issues;
- calmly facing challenges and providing considered direction on issues they face as part of their roles and responsibilities; and
- respecting the distinct roles and responsibilities others play in providing good governance and commit to fostering a positive working relationship with other Council members, staff and the public.

STANDARDS OF CONDUCT**1. Act in the Public Interest**

Council members shall act in the public interest by conducting Council business with integrity.

2. Comply with the Laws

Council members shall comply with all applicable federal, provincial, and municipal laws in the performance of their public duties, including but not limited to: *the Local Government Act, the Community Charter, the Freedom of Information and Protection of Privacy Act, the Financial Disclosure Act*, and all applicable Town bylaws and policies.

3. Conduct of Council

The conduct of Council members in the performance of their duties and responsibilities with the Town will adhere to the guiding principles of the Council Code of Conduct.

4. Respect for Process

Council members shall perform their duties in accordance with the policies, procedures and rules of order established by the Town Council.

5. Conduct of Meetings

Council members shall prepare themselves for meetings, listen courteously and attentively to all discussions before the body, and focus on the business at hand. Council members shall not interrupt other speakers, make personal comments not germane to the business of the body, or otherwise interfere with the orderly conduct of a meeting.

6. Decisions Based on Merit

Council members shall base their decisions on the relevant merits and substance of the matter presented, including input received from Town staff and the public.

7. Sharing Substantive Information

Subject to paragraph 10, Council members shall share with Council substantive information that is relevant to a matter under consideration by the Council, which they may have received from sources outside of the public decision-making process. If a Council member has a concern regarding whether the information received should be shared, the Council member shall first consult with the Chief Administrative Officer or Manager of Corporate Services.

8. Conflict of Interest

Council members shall familiarize themselves and act in accordance with the provisions set out in the conflict of interest sections of the *Community Charter*. Council members are expected to make decisions that benefit the community. They are to be free from undue influence and not act or appear to act in order to gain financial or other benefits for themselves, family, friends, or business interests.

Council members must appropriately resolve any conflict or incompatibility between their personal interests and the impartial performance of their duties in accordance with statutory requirements of the *Community Charter*.

9. Gifts

Council members must not directly or indirectly, accept a fee, gift or personal benefit connected with the Council member's performance of their duties, except in accordance with the provisions of the *Community Charter*.

10. Confidential Information

Council members shall respect the confidentiality of information concerning the property, personnel, legal affairs, or other information of the Town distributed for the purposes of, or considered in, a closed Council meeting. Council members shall neither disclose confidential information without proper authorization, nor use such information to advance their own or anyone's personal, financial or other private interests. Without limiting the generality of the foregoing, Council members shall not disclose Council resolutions or staff report contents from a closed meeting of Council unless and until a Council decision has been made for the information to become public, and shall not disclose detail on Council's closed meeting deliberations or how individual Council members voted on a question in a closed meeting.

11. Council Use of Social Media

- 11.1. It is not the role of individual Council members to report directly on Town-related business. Council members will use caution in reporting decision-making by way of their social media profiles and websites prior to official communication by the Town.
- 11.2. Council members will include an "in my opinion", or similar disclaimer, either within the banner of their individual social media site(s) or separately when making follow up posts to the Town's social media postings and when creating original posts pertaining to Town-related business.
- 11.3. Council members shall take steps to remove from their social media account any publication by another person of content that violates this policy.
- 11.4. Council members will refrain from using or permitting use of their social media accounts for purposes that include:
 - defamatory remarks, obscenities, profane language or sexual content;
 - negative statements disparaging staff or calling into question the professional capabilities of staff;
 - content that endorses, promotes, or perpetuates discrimination or mistreatment on the basis of race, religion or belief, age, gender, marital status, national origin, physical or mental disability or sexual orientation;
 - statements that indicate an actual attitudinal bias in relation to a matter that is to be the subject of a statutory or other public hearing;
 - promotion of illegal activity; and
 - information that may compromise the safety or security of the public or public systems.

12. Interactions with the Public and the Media

- 12.1. The Mayor is the official Council media spokesperson. The Mayor may designate an alternate spokesperson on a case-by-case basis.
- 12.2. Council members will accurately communicate the decisions of the Council, even if they disagree with the majority decision of Council, and by so doing affirm the respect for and integrity in the decision-making processes of Council.
- 12.3. When discussing the fact that he/she/they did not support a decision, or voted against the decision, or that another Council member did not support a decision or voted against a decision, the Council member will refrain from making disparaging comments about other Council members or about Council's processes and decisions.
- 12.4. Nothing in this Policy is intended to affect the rights under the *Charter of Rights and Freedoms*.

13. Advocacy

Council members shall represent the official policies or positions of the Town Council to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, Council members shall explicitly state they do not represent Council or the Town, nor shall they allow the inference that they do.

14. Policy Role of Council

Council members shall respect and adhere to the Council-Chief Administrative Officer structure of municipal government as practiced in the Town. In this structure, Council determines the policies of the Town with the advice, information and analysis provided by Town staff and Council committees. Council members therefore shall not interfere with the administrative functions of the Town or with the professional duties of Town staff, nor shall they impair the ability of staff to implement Council policy decisions.

15. Council Questions/Inquiries to Town Staff

Council requests for information from staff shall be directed to the Chief Administrative Officer, a Director, or the Manager of Corporate Services. If the response is related to a current agenda item, the response shall be given at the Council meeting at which the subject is scheduled to be discussed. If the request is not related to a current agenda item, then the response shall be provided to all of Council so that all Council members have access to the same information.

16. Implementation

This Council Code of Conduct is intended to be self-enforcing. This Code therefore becomes most effective when Council members are thoroughly familiar with it and embrace its provisions. For this reason, this Code shall be provided as information to candidates for Council. Council members elected to Council shall be requested to sign a statement affirming they have read and understand this Code, and that they agree to conduct themselves in accordance with it (Appendix A).

17. Compliance and Enforcement

This Code expresses standards of ethical conduct expected for Members of Council. Council members themselves have the primary responsibility to assure that these ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of the governance of the Town.

The Town will not retaliate against a Council member or Town staff who, in good faith, report a known or suspected violation of this Code. No reprisals or threat of reprisals shall be made against such a complainant, or against anyone for providing relevant information in connection with a suspected violation of this Code. Council members shall respect the integrity of this Code and the enforcement of it.

Town Council may impose sanctions on Council members whose conduct does not comply with this Code, including but not limited to a motion of censure.

To ensure procedural fairness, a Council member who is accused of violating any provision of this Code shall have a minimum of two weeks, or the time between two consecutive Council meetings, whichever is greater, to prepare his/her/their response to these allegations. Specifically, before considering a sanction, Council must ensure that a Council member is provided with:

1. a copy of a written report setting out the alleged breach of this Code, and possible sanctions that may be considered against him/her/them;
2. a minimum of two weeks, or the time between two consecutive meetings, whichever is greater, to prepare a response against any allegations and possible sanctions; and
3. an opportunity to make representations and be heard by Council.

A violation of this Code shall not be considered a basis for challenging the validity of a Council decision.

ATTACHMENT A

COUNCIL CODE OF CONDUCT

The public expects a responsive local government with the highest standards of professional conduct from those elected to it. The residents of the Town of Ladysmith are entitled to have a fair, ethical and accountable municipal Council that has earned the public's full confidence for integrity. It is an honour and a privilege to serve the public.

As local elected representatives, we recognize that responsible conduct is essential to providing good governance for the Town of Ladysmith. We further recognize that responsible conduct is based on the foundational principles of integrity, accountability, respect, and leadership and collaboration.

In order to fulfill our obligations and discharge our duties, we are required to conduct ourselves to the highest ethical standards by being active participants in ensuring that these foundational principles, and the standards set out in the Code of Conduct, are followed in all of our dealings with other elected officials, staff, and the public.

Our signatures below are evidence of our individual commitments to abide by the spirit and letter of the Code of Conduct.

Signed at the Town of Ladysmith, this _____ day of _____, 20__

Mayor Aaron Stone

Councillor Amanda Jacobson

Councillor Rob Johnson

Councillor Tricia McKay

Councillor Duck Paterson

Councillor Marsh Stevens

Councillor Jeff Virtanen



MINUTES OF A MEETING OF THE COMMITTEE OF THE WHOLE

Tuesday, May 11, 2021
6:06 P.M.

This meeting was held electronically as per Ministerial Order No. M192

Council Members Present:

Councillor Tricia McKay, Chair
Mayor Aaron Stone
Councillor Amanda Jacobson
Councillor Rob Johnson

Councillor Duck Paterson
Councillor Marsh Stevens
Councillor Jeff Virtanen

Staff Present:

Allison McCarrick
Erin Anderson
Chris Barfoot
Jake Belobaba
Geoff Goodall

Chris Geiger
Donna Smith
Mike Gregory
Sue Bouma

1. CALL TO ORDER AND ACKNOWLEDGEMENT

Councillor McKay, Chair, called this Committee of the Whole meeting to order at 6:06 p.m., and acknowledged with gratitude that this meeting was being held on the traditional unceded territory of the Stz'uminus First Nation.

2. AGENDA APPROVAL

CW 2021-030

That the agenda for this May 11, 2021 Committee of the Whole meeting be approved as amended to replace pages 18 and 19 under Item 5.2, to include updated information related to motor vehicle incidents in April 2021.

Motion Carried

3. MINUTES

3.1 Minutes of the Committee of the Whole Meeting held March 9, 2021

CW 2021-031

That the minutes of the Committee of the Whole meeting held March 9, 2021 be approved.

Motion Carried

4. DELEGATION

4.1 G.P. Rollo and Associates and the Cowichan Housing Association: Ladysmith Housing Needs Assessment Report

Andrew Wilson and Bev Suderman of the Cowichan Housing Association and George Parker of G.P. Rollo presented the Ladysmith Housing Needs Assessment report. They provided the Committee with a number of themes to consider regarding Ladysmith's housing stock, including the need for:

- more one-bedroom apartments;
- more affordable housing for families;
- more culturally appropriate housing; and
- more non-market options for supportive and emergency housing.

The Committee thanked Mr. Wilson, Ms. Suderman and Mr. Parker for their comprehensive report and presentation.

5. REPORTS

5.1 Building Inspector's Report for January to April 2021

CW 2021-032

That the Committee receive the Building Inspector's Report for the months January to April 2021.

Motion Carried

5.2 Ladysmith Fire/Rescue Reports for January to April 2021

CW 2021-033

That the Committee receive the Ladysmith Fire/Rescue Reports for the months January to April 2021.

Motion Carried

5.3 Coastal Animal Control Services Reports for January to March 2021

CW 2021-034

That the Committee receive the Coastal Animal Control Services Reports for the months January to March 2021.

Motion Carried

5.4 2021 Q1 (January – March) Financial Update

CW 2021-035

That the Committee receive for information the staff report dated May 11, 2021, regarding the 2021 Q1 Financial Update.

Motion Carried

5.5 2020-2023 Strategic Priorities Update

CW 2021-036

That the Committee receive for information the staff report dated May 11, 2021 regarding the 2020-2023 Strategic Priorities Update.

Motion Carried

5.6 Council Code of Conduct

CW 2021-037

That the Committee recommend that Council adopt the proposed Council Code of Conduct.

Motion Carried

6. COMMITTEE SUBMISSIONS

6.1 Electric Vehicle (EV) Charging Stations

CW 2021-038

That the Committee recommend that Council refer the issue of Electric Vehicle charging stations, including both public and private infrastructure, to the Official Community Plan review process.

Motion Carried

CW 2021-039

By unanimous consent the Committee recessed at 7:38 p.m. to allow time for technical issues to be resolved.

Motion Carried

The Committee reconvened at 7:41 p.m.

7. UNFINISHED BUSINESS

7.1 Request from Paul Manly, MP requesting a Letter of Support regarding Housing Affordability and Homelessness

Mayor Stone advised that he would invite Paul Manly, MP to attend a future Council meeting and present Council with background information related to his request for a letter of support regarding housing affordability and homelessness.

8. ADJOURNMENT

CW 2021-040

That this meeting of the Committee of the Whole be adjourned at 7:51 p.m.

Motion Carried

CERTIFIED CORRECT:

Chair (Councillor T. McKay)

Corporate Officer (D. Smith)

Minutes of the Parks, Recreation & Culture Advisory Committee
Wednesday, April 21, 2021 at 7:00pm

COMMITTEE MEMBERS PRESENT:

Tim Richards, Chair
Lynda Baker
Councillor Duck Paterson
Ava Smith
Bryn Dovey

Kelly Daniels
Lesley Lorenz

STAFF PRESENT:

Chris Barfoot
Pamela Zwicker

REGRETS:

Geoff Dean
Emily Weeks

AGENDA

Moved and seconded:

2021-08: That Parks, Recreation and Culture Advisory Committee approve the agenda for the meeting as presented.

Motion carried.

MINUTES

Moved and seconded:

2021-09: That Parks, Recreation and Culture Advisory Committee approve the minutes of the March, 2021 meeting as presented.

Motion carried.

OLD BUSINESS

PRCAC term expiries- Bryn and Ava's terms are due to end June 2021. Bryn and Ava indicated that they are both planning to attend university in the fall and will not likely renew their membership with the PRCAC. The committee discussed how to engage youth in participating with this committee and asked Bryn and Ava to reach out to their networks to see if they could find any interest among local youth.

Park Naming Policy Staff Report Update-The Park Naming Policy with the proposed amended language informed by the PRCAC will be going to the Committee of the Whole meeting on May 11, 2021.

NEW BUSINESS

Leisure Access Program Report-Staff prepared a report on the Leisure Access Program which provides financial support to access Parks, Recreation and Culture programs for Town of Ladysmith residents. Committee members asked questions to clarify the geographic boundaries and requested that staff more clearly define the boundaries of the users of the Leisure Access Program.

Members of the committee asked if Areas G, H, and Stz'uminus might be included in the program.

Public Art Donation Request- Councillor Duck Paterson declared a conflict related to Item 4.b as he is the donor and vacated the meeting at 7:26 pm.

The committee reviewed the Public Art Donation request and the relevant materials provided as attachments to the agenda, including the staff report on the Public Art Policy. The committee discussed the proposed donation and asked the two members who are also members of the Public Art Task Group if they had any reservations. L. Baker noted that the letter from the Donor referred to the art as Coast Salish and indicated that neither the art nor the artist was Coast Salish.

Moved and seconded:

2021-09: That the Parks, Recreation and Culture Advisory Committee recommend that Council accept the donation of 13 Roy Henry Vickers framed prints, currently on display in the Town's council chambers from Duck and Tracy Paterson in accordance with the Public Art Policy.

Motion carried.

Councillor Duck Paterson returned to the meeting at 7:41pm.

UPDATES

PRC Department Update – PRCAC was provided a department update by staff included in the agenda. Project updates included:

- The Town has received a Tourism Dependent Community Fund Grant which will include projects such as paved food truck pad and walkway, Transfer Beach washroom upgrades and other park amenities

HEALTH & WELLNESS

- 14 weekly dry land fitness classes were offered in March.
- All programs are still 'modified' to low intensity guidelines and classes were offered either at FJCC or at Forrest Field.
- Registration numbers for these classes was at 75% of capacity, with waitlists for some of the classes.
- Fitness Centre appointments are available for booking 7-days per week, in one-hour blocks. Capacity has been reduced by at least 50% due to PHO guidelines and orders.
- Approximately 1,100 people booked appointments in March in the Fitness Centre.

AQUATICS

- Current Aquafit offerings include: AM Aquafit, Adaptive Fitness, and Deep H2O, ten classes per week. Registration numbers for these classes is close to 100% of capacity, with waitlists for some classes.
- Everyone Welcome, Family, Lengths, and Leisure Swims continue to be very well attended, with requests from the public for additional sessions, including more opportunities for Parent and Tot Swims which staff have increased as of this month.
- Bronze Medallion was offered over Spring Break with 12 successful candidates completely all the necessary requirements and assessments.

PRESCHOOL/CHILDREN/YOUTH

- Pre-school, children and youth programs and classes have not been effected by the latest Provincial Health Orders and are being offered as scheduled.
- Youth Zone Pre-Teen Program continued in March at 100% capacity.
- Spring Break camps were very successful, running at 92% capacity. Huge shout out to our staff Holly, Kelti, Shannon and Tia who made a safe and successful 2x week of daycamp.

GENERAL RECREATION & SPORT

- All adult indoor recreation, fitness and sports programs and continue to be suspended until further notice.

FACILITY MAINTENANCE PROJECTS (Repairs or capital project updates):

- Downtown washrooms are close to completion, electricians will be finishing the rough in work (April 12th) and plumbing is also roughed in. Washrooms should be operational by end of April.
- Staff are exploring additional opportunities for feature lighting around the town. Places of interest are Aggie Hall and the anchor in the roundabout. Pricing and presentation to Council to happen soon.

NEXT MEETING Next meeting will be held at 7:00pm, May 19, 2021 via ZOOM.

ADJOURNMENT It was moved, seconded and carried that the meeting be adjourned at 8:10 PM



MINUTES

Community Planning Advisory Committee

Wednesday, May 5, 2021 at 7:00 p.m.
via Zoom

PRESENT: Chair – Jason Harrison; Members – Jennifer Sibbald, Tony Beckett, Abbas Farahbakhsh, Brian Childs, Steve Frankel, Tamara Hutchinson; Council Liaison – Tricia McKay; Director of Development Services – Jake Belobaba; Senior Planner & Recorder – Christina Hovey;

ABSENT: None

GUESTS: Applicants – Phillip Oldridge (File No. 3360-21-02)

The meeting was called to order at 7:01 p.m., the Chair acknowledged with gratitude that he was chairing the meeting from the traditional territories of the Snuneymuxw First Nation and that many participants were on the traditional territories of the Stz'uminus People.

1. AGENDA APPROVAL

It was moved, seconded and carried that the Agenda of May 5, 2021 be approved.

2. ADOPTION OF MINUTES

It was moved, seconded and carried that the Minutes of March 3, 2021 be approved.

3. COUNCIL REFERRALS

a. Zoning Bylaw Amendment application - 3360-21-02 - 940 Esplanade

Senior Planner Christina Hovey provided a brief introduction to the file. Phillip Oldridge provided background on the recent history of the property including the recent renovations to the property.

CPAC asked Mr. Oldridge several questions about the property.

- Mr. Oldridge stated that they have considered consolidating the property with the neighbouring parcels, but the local road configuration combined with parking requirements would make a larger scale commercial development challenging. He also stated that he has been unable to attract commercial tenants to occupy the building.
- In answer to a question about his ultimate plan for the property, Mr. Oldridge stated that the property is currently providing rental income.

- Mr. Oldridge stated that he originally completed the renovations to the building with the intent that the lower storey units would be for commercial use and that the units are “commercial ready.”

CPAC had a lengthy discussion about the proposal:

- Consensus from the Committee that the property should not have been renovated without permits and that there should be serious consequences from the Town, possibly including an amenity contribution.
- Discussion about the overall amount of commercial space in the downtown relative to the residential space in the downtown (e.g. a benefit to having more people living in the downtown) and relative to the size of the community.
- History of the property, as an older, attractive building, formerly an Antique Store. The property was not added to the Community Heritage Registry due to the number of other properties that needed to be prioritized and a proposal at the time to demolish the property. The recent renovations to the property seem to have preserved the heritage character of the building.
- Staff noted that following the zoning application, the property owner will have to secure building permits and make upgrades to the building in accordance with the BC Building Code.
- Staff noted that tax rates are based on the actual use of the property rather than the zoning, so the taxes would likely not be impacted by the outcome of the zoning application.
- Other options for the proposal:
 - Keep the C-2 zoning and possibly allow the residential use through a Temporary Use Permit;
 - Change to a multi-family residential zone to prevent a future change back to commercial use.
 - Change to the Live-Work Residential Zone that covers most of the neighbourhood.

The following motion was moved, seconded and defeated:

That CPAC recommend to Council to keep the zoning at 940 Esplanade as C-2 and allow a Temporary Use Permit for residential use with the condition that the property be brought into compliance with the Building Code. (Five Opposed)

It was moved, seconded and carried that CPAC recommend that Council support the proposed site-specific zoning amendment for 940 Esplanade. (Two Opposed)

It was moved, seconded and carried that CPAC recommend that Council investigate the history of the bylaw infractions at 940 Esplanade and investigate options for remedies available to the Town, and that the developer be required to provide restitution to the Town for the infractions.

4. NEW BUSINESS

a. Building Schemes and Building Design Guidelines

Item to be referred to the Next Meeting.

b. CPAC Membership – Term renewal

Members have until May 14th to submit their applications to renew their membership on CPAC. The current term ends on June 30th. Members are invited to forward the application to others who may be interested in joining the Committee.

5. MONTHLY BRIEFING

File Updates:

The following files that CPAC previously reviewed have been to Council since the last meeting:

- Lot 20 Trans-Canada Highway and 670 Farrell Road (File No. 3360-19-02);
- 630 Farrell Road (File No. 3360-20-05);
- 201/203 Dogwood Drive (File No. 3360-20-04); and
- 336 Belaire Street (File No. 3360-20-09)

CPAC members can review the Council Agendas and Minutes or call Staff for further details.

6. NEXT MEETING – TBD

7. ADJOURNMENT

It was moved, seconded and carried that the meeting be adjourned at 9:09 p.m.

Chair (J. Harrison)

RECEIVED:

Corporate Officer (D. Smith)

STAFF REPORT TO COUNCIL

Report Prepared By: Jake Belobaba, Dir. Development Services
Meeting Date: May 18, 2021
File No: 6480-20
Re: 2021 Active Transportation Planning Program Grant

RECOMMENDATION:

That Council:

1. Support an application to UBCM's Active Transportation Planning Program seeking \$20,000 to support Active Transportation Planning as part of the Official Community Plan Review; and
2. Commit the Town to provide overall grant management for the project, should the requested funds be received.

EXECUTIVE SUMMARY:

This report recommends applying to the UBCM Active Transportation Planning program to support developing active transportation policies as part of the Town's Official Community Plan (OCP) review. The grant provides up to \$20,000 for eligible planning activities.

PREVIOUS COUNCIL DIRECTION:

Resolution	Meeting Date	Resolution Details
CS 2020-332	11/17/2020	That Council: 1. Approve the Official Community Plan Steering Committee Terms of Reference attached as Appendix A to the report from the Director of Development Services; 2. Approve the Official Community Plan Project Charter attached as Appendix B to the report from the Director of Development Services; 3. Endorse a legal budget of \$7,000 and incidentals budget of \$10,000 for the Official Community Plan Review ; and 4. Direct staff to increase the Official Community Plan Development budget from \$150,000 to \$220,000 with \$200,000 to come from Gas Tax, \$10,283 to come from the OCP Reserve, and \$9,717 to come from General Government Reserves.
CS 2021-032	02/02/2021	That Council award the contract for consulting services for the Official Community Plan Review to AHNE Studio, in the amount of \$199,800 excluding GST.

INTRODUCTION/BACKGROUND:

The goal of the Province's active transportation strategy '[Move. Commute. Connect](#)' is to double the percentage of active transportation¹ trips by 2030. To reach this goal the Province provides funds through the UBCM to support planning and design for active transportation.

¹ Under the program "active transportation" refers to all human-powered forms of commuting including, walking and cycling but also running, scootering, skateboarding, in-line skating, using a wheelchair, paddling, skiing, snowshoeing, horseback riding, and using electric bicycles or scooters.

The Active Transportation Planning Program provides funding to local governments to incorporate or enhance active transportation components of formal planning documents, such as OCPs. Local governments with populations less than 25,000 are eligible and funds can be used for research, consultation, and policy development. Up to \$20,000 is available and projects must be completed within one year from the date funding is awarded. Applications are due by May 21, 2021.

Undertaking the above-noted policy work as part of the Town's OCP review process would be an eligible project under the program. Ahne Consulting is currently leading this process and the consulting team includes members specializing in transportation planning through a partnership with Watt Consulting Group's Transportation Division.

PROPOSAL:

The consulting team has agreed to prepare a grant application seeking funding for research, policy development and public engagement related to active transportation planning in the community. The work would fall under the umbrella of the OCP review, enhancing the project with additional funds to support an expanded scope in this important policy area. Should the application be successful, staff and the consulting team have identified a number of foci for this work including:

- Topography. What technologies are available to overcome Ladysmith's steep terrain (e.g. eBikes)?
- Infrastructure gaps (e.g. areas where sidewalks or bike lanes are needed).
- Accessibility.
- The backcountry/rural/urban active transportation interface (i.e. how to allow seamless active transportation between these areas).
- Physical barriers to active transportation (e.g. physical ability, hills, weather, end of trip facilities, hills, safety).
- Socio-economic barriers to active transportation (e.g. cost of equipment, stereotypes).
- Active transportation and recreational and economic opportunities (e.g. mountain bike trail network).

Final deliverables from the above work would be OCP policies to support active transportation with interim deliverables summarizing research findings, data and public feedback. The Ahne team is currently working on an application that requires a Council resolution as part of the submittal.

DISCUSSION/ANALYSIS:

Transportation planning and climate action are provincially mandated components of an OCP. The additional funds allow the scope of the OCP to be expanded in these areas, which will ultimately deliver a better OCP. Staff recommend endorsing the application.

ALTERNATIVES:

Council can choose to:

1. Not endorse an application to the Active Transportation Planning Grant Program.

FINANCIAL IMPLICATIONS:

If awarded, the grant will provide an additional \$20,000 in funding that will directly support the OCP process.

LEGAL IMPLICATIONS:

N/A

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The Town's proposal will include a public engagement component specifically focused on active transportation that will complement OCP public engagement processes already planned.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

If funds are awarded, Engineering and Planning will be working closely with the consulting team to ensure policy outcomes are practicable.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

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

ALIGNMENT WITH STRATEGIC PRIORITIES:

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

I approve the report and recommendation(s).

Allison McCarrick, Chief Administrative Officer

ATTACHMENT:

- Attachment A: Active Transportation Planning 2021 Program & Application Guide

Active Transportation Planning 2021 Program & Application Guide

1. Introduction

Background

[Move. Commute. Connect.](#) is BC's active transportation strategy. Its goal is to double the percentage of trips taken with active transportation by 2030. To reach this target the strategy identifies initiatives and specific actions, including providing planning and design support, to ensure that community planning addresses active transportation constraints and opportunities.

Active transportation refers to all human-powered forms of commuting. Walking and cycling are the most common, but running, scootering, skateboarding, in-line skating, using a wheelchair, paddling, skiing, snowshoeing, horseback riding, and using electric bicycles or scooters are all types of active transportation.

Active Transportation Planning Grants

Local governments play a significant role in active transportation by developing integrated community land use and transportation plans and policies that lead to the implementation of transportation infrastructure networks. The intent of the Active Transportation Planning program is to support local governments to incorporate or enhance active transportation components of formal planning documents (Official Community Plan, Sustainability Plan, Neighbourhood Plan, or Transportation Plan), including research, consultation, and policy development.¹ The development or update of stand-alone active transportation plans is not eligible for funding.

Funding is provided by the Province of BC and is administered by Union of BC Municipalities (UBCM).

2. Eligible Applicants

All local governments (municipalities or regional districts) in BC that meet the following criteria are eligible to apply:

- Have a population of up to 25,000 (based on 2016 Census data). Note: regional districts can apply for one or more electoral areas with a combined population of up to 25,000 in a single application;
- Do not have an active transportation plan or have a plan over 5 years old;
- Are currently or will be undertaking a community land use and/or transportation plan to which an active transportation lens will be included;
- Have not received a network planning grant from the Ministry of Transportation and Infrastructure's Active Transportation Infrastructure Grant program.

Eligible applicants may submit one application per intake.

¹ The Ministry of Transportation and Infrastructure provides network planning grant funding through the Active Transportation Infrastructure Grant program. That grant program helps communities develop active transportation network plans to support active transportation for all ages and abilities.

3. Grant Maximum

The Active Transportation Planning program can contribute a maximum of 100% of the cost of eligible activities to a maximum of \$20,000.00.

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.

4. Eligible Projects

To qualify for funding, applicants must be undertaking transportation or land use planning, and demonstrate how the proposed project would support and integrate active transportation planning as part of its community planning process.

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.

5. Requirements for Funding

As part of the approval agreement, approved projects must meet the following requirements for funding:

- Any in-person activities, meetings, or events meet physical distancing and other public health guidance in relation to COVID-19;
- Activities must comply with all applicable privacy legislation under the *Freedom of Information and Protection of Privacy Act* in relation to the collection, use, or disclosure of personal information while conducting funded activities. Personal information is any recorded information about an identifiable individual other than their business contact information. This includes information that can be used to identify an individual through association or inference.

6. Eligible & Ineligible Costs & Activities

Eligible Costs & Activities

Eligible costs are direct costs that are approved for funding, 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.

Under the Active Transportation Planning program, eligible activities must be cost-effective and may include:

- Research, including data collection, mapping and walkability, bikeability, or community audits/assessments;
- Engagement, including public and/or stakeholder engagement, surveys, and open houses;
- Policy development, including drafting objectives/actions for inclusion in community land use and/or transportation plans.

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

- Incremental staff and administration costs (i.e. creating a new position or adding new responsibilities to an existing position);
- Consultant 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 Evaluation Committee is not eligible for grant funding. This includes:

- Development or update of stand-alone active transportation plans;
- Development of feasibility studies, business cases, architectural, engineering, or other design drawings for the construction or renovation of active transportation infrastructure;
- Infrastructure or capital projects, construction, or renovations;
- Major capital improvements or renovations to existing facilities and/or construction of new, permanent facilities;
- Purchase of vehicles;
- Regular salaries of applicant staff or partners;
- Routine or ongoing operating costs (i.e. heating and lighting; security; software subscriptions or other subscription fees; etc.);
- Fundraising.

7. Application Requirements & Process

Application Deadline

The application deadline is May 21, 2021. Applicants will be advised of the status of their application within 90 days of the application deadline.

Required Application Contents

- Completed Application Form;
- Detailed budget;
- Local government Council, Board, or Local Trust Committee resolution, indicating support for the current proposed activities and willingness to provide overall grant management.

Submission of Applications

Applications should be submitted as Word, Excel, or PDF files. Total file size for email attachments cannot exceed 20 MB.

All applications should be submitted to:

Local Government Program Services, Union of BC Municipalities

E-mail: lgps@ubcm.ca

Review of Applications

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

Following this, all eligible applications will be reviewed and scored by the Evaluation Committee. Higher application review scores will be given to projects that best meet the intent of Active Transportation Planning program, such as:

- Clearly increase options for active transportation and encourage more people to use active transportation;

- Incorporate or enhance active transportation components of formal planning documents (Official Community Plan, Sustainability Plan, Neighbourhood Plan, or Transportation Plan);
- Consider connections to community amenities, affordable housing, seniors' housing, schools and other key community institutions;
- Reduce greenhouse gas emissions through active transportation options (in alignment with the [Local Government Act](#) (Part 14, Sec 473 sub 3) GHG emission targets);
- Consider equity, accessibility, and people of all ages and abilities in active transportation planning, which are referred to in the [BC Active Transportation Design Guide](#);
- Demonstrate community consultation and public engagement;
- Are cost-effective;
- Include in-kind or cash contributions to the project from the eligible applicant, regional partners, or other grant funding.

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 Evaluation Committee will consider the population and provincial, regional, and urban/rural distribution of proposed projects. Funding recommendations will be made on a provincial priority basis. All funding decisions will be made by UBCM.

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

8. Grant Management & Applicant Responsibilities

Please note that 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 the funding decision. Approved applicants will receive an Approval Agreement, which will include the terms and conditions of any grant that is awarded, and which is required to be signed and returned to UBCM.

Grants under the Active Transportation Planning program will be awarded when the project is complete and the reporting 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.

Progress Payments

Grants under the Active Transportation Planning program are paid at the completion of the project and only when the final report requirements have been met. To request a progress payment, approved applicants are required to submit:

- Description of activities completed to date;
- Description of funds expended to date;
- Written rationale for receiving a progress payment.

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 UBCM 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 an updated, signed application form and an updated Council, Board, or Local Trust Committee resolution;
- Written rationale for proposed changes to activities and/or expenditures.

The revised application package will then be reviewed by the Evaluation Committee.

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 and all extensions beyond this date must be requested in writing and be approved by UBCM. Extensions will not exceed one year.

9. Final Report Requirements & Process

Final reports are required to be submitted within 30 days of completion of the project. Applicants are required to submit an electronic copy of the complete final report, including the following:

- Electronic copy of the completed plan;
- Completed Final Report Form;
- Financial Summary;
- Optional: photos of the project, media clippings, and/or any reports or documents developed or amended with grant funding.

Submission of Final Reports

Final reports should be submitted as Word, Excel, or PDF files. Total file size for email attachments cannot exceed 20 MB.

All final reports should be submitted to:

Local Government Program Services, Union of BC Municipalities

E-mail: lgps@ubcm.ca

All final reports will be shared with the Province of BC
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Review of Final Reports

UBCM will review final reports to ensure that all of the required report elements (identified above) have been submitted. Following this, all completed final reports and deliverables will be submitted to the Ministry of Transportation and Infrastructure for review before final payment of the grant is issued.

10. Additional Information

For enquiries about application process or program, please contact UBCM at:

Email: lgps@ubcm.ca

Phone: 250-952-9177

STAFF REPORT TO COUNCIL

Report Prepared By: Erin Anderson, Director of Financial Services

Meeting Date: May 18, 2021

File No: 1820-01

RE: **ADJUSTMENTS TO WATER BILLING ACCOUNTS**

RECOMMENDATION:

That Council approve adjustments to the following utility accounts due to water leaks:

1. Account No. 0270000 for up to \$3,475;
2. Account No. 0687000 for up to \$3,263; and
3. Account No. 0701000 for up to \$4,586.

EXECUTIVE SUMMARY:

The purpose of this staff report is to present to Council specific properties requesting adjustment to their water bills due to water leaks. The adjustment amount for each property exceeds the \$3,000 threshold level of approval delegated to the Director of Finance for adjustments.

PREVIOUS COUNCIL DIRECTION:

In 2017, Council approved the following amendment to Section 39(3) of “Waterworks Regulation Bylaw 1999, No. 1298”:

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

INTRODUCTION/BACKGROUND:

Adjustments to water billings due to water breaks or leaks is permitted under the “Waterworks Regulation Bylaw 1999, No. 1298” as amended. The dollar amount of the adjustments is greater than the \$3,000 authorized by the Director of Finance and requires the approval of Council to adjust the billing amounts.

The adjustments are calculated using the consumption during the same period in the previous year as the baseline consumption.

Property owners are to repair the leak on their property within 45 days of notification of high consumption. The notification could be in the form of a notice placed at the property during

the meter reading, a letter sent from the Town or the utility bill. Property owners can apply for one leak adjustment within a ten year period.

Account #0270000 was notified December 16, 2020 by Town staff due to higher than usual consumption for the fourth quarter in 2020. The property owner repaired the pipe that burst close to the meter box, by replacing it on December 22, 2020. The adjustment amount for that period was \$1,021.16 and staff completed the billing adjustment as the amount was within staff's delegated authority. On March 15, 2021 the Town received another leak request due to an additional leak in the same water line. Normally, only one leak adjustment is permitted; staff are treating these two leaks as one occurrence totaling \$3,474.29. which includes the previous adjustment of \$1,021.16.

Account #0687000 was notified on March 17, 2021 by Town staff due to higher than usual consumption. The owner repaired the leak on March 21, 2021 and consumption has returned to usual. The total amount to be adjusted is \$3,262.96.

Account #0701000 was notified on March 17, 2021 by Town staff due to higher than usual consumption. The water was turned off at the street by Town staff at the owner's request. The owner repaired the leak on April 27, 2021 within the required 45 days. The total amount to be adjusted is \$4,585.18.

ALTERNATIVES:

Council can choose to:

1. Not provide an adjustment to the water billing accounts.
2. Amend the Bylaw No. 1298 to provide greater restrictions on when an adjustment may be made. For example:
 - a) Adjustments will only apply to repairs made on the main line connecting from the meter to the house; or
 - b) No adjustments due to a leaking appliance, such as toilets; or
 - c) No adjustments will be given due to leaks within the irrigation system.
3. Increase or lower the threshold amount delegated to staff.

FINANCIAL IMPLICATION:

Adjustments to the water billing accounts affect the water revenues.

From January 1, 2021 to date, there were 17 additional adjustments within the Director's threshold, totaling just under \$17,500.

LEGAL IMPLICATIONS:

N/A

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

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

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The Infrastructure Services Utilities section reads the meters, notifies property owners of high consumption and monitors consumption until it returns to a normal range. Finance calculates the billing and any subsequent adjustments.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

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

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|---|--|
| <input type="checkbox"/> 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).

Allison McCarrick, Chief Administrative Officer

STAFF REPORT TO COUNCIL

Report Prepared By: Infrastructure Services
Meeting Date: May 18, 2021
File No:
Re: **Methuen Street Watermain Replacement between 4th and 5th Avenues**

RECOMMENDATION:

That Council direct staff to replace the watermain on Methuen Street between 4th and 5th Avenues for an estimated cost of \$145,000, with funding to come from the Water Operating Reserve, and to amend the 2021-2025 Financial Plan accordingly.

EXECUTIVE SUMMARY:

At present, a 100mm diameter ductile iron watermain provides service for residents on Methuen Street, between 4th and 5th Avenues. Staff have received numerous complaints about water quality issues related to this pipe which has reached its end of life and requires replacement.

PREVIOUS COUNCIL DIRECTION:

N/A.

INTRODUCTION/BACKGROUND:

While performing work in this area staff have observed that the inside of the pipe is heavily carbuncled which both reduces its functional capacity as well as causes discoloration of the water delivered to local residences. The replacement of this watermain is included in the 5 Year Capital Plan and scheduled closer to 2023. However the numerous complaints regarding water quality and bi-weekly flushing currently being undertaken, makes its replacement more urgent.

ALTERNATIVES:

Council can choose to:

1. Not replace this watermain at this time and wait until approximately 2023 for replacement.

FINANCIAL IMPLICATIONS:

This project is not included in the 2021 Capital Plan. If approved, there are adequate funds within the Water Operating Reserve to finance this additional work.

LEGAL IMPLICATIONS:

N/A

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

N/A

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

This project will be designed and managed by the Town's water consultant, Koers. Engineering, and Operations staff will provide some oversight.

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).

Allison McCarrick, Chief Administrative Officer

STAFF REPORT TO COUNCIL

Report Prepared By: Infrastructure Services
Meeting Date: May 18, 2021
File No:
Re: Sodium Hypo-Chlorite Project – Request to Increase Budget

RECOMMENDATION:

That Council direct staff to increase the budget for the Sodium Hypo-Chlorite Project at the Water Filtration Plant from \$50,000 to \$100,000, with funding to come from the Water Operating Reserve, and to amend the 2021-2025 Financial Plan accordingly.

EXECUTIVE SUMMARY:

Staff are currently working on the replacement of the existing gas chlorine system at the Water Filtration Plant (WFP) with a sodium hypo-chlorite system. The original budget for the project was estimated at \$50,000, however in order to make the control connections to the existing SCADA system, staff have determined that the actual costs to install the new system will cost approximately \$100,000, a shortfall of \$50,000.

PREVIOUS COUNCIL DIRECTION

Resolution	Meeting Date	Resolution Details
CS 2019-418	12/16/2019	<p>That Council give early budget approval for the following projects:</p> <ul style="list-style-type: none"> Sodium Hypo-Chlorite Arbutus Treatment Plant 50,000 <p>NOTE: Other projects included in the original resolution have been removed only for the purposes of this staff report dated May 18, 2021.</p>

INTRODUCTION/BACKGROUND:

Disinfection at the WFP is accomplished utilizing a high pressure chlorine gas injection system. Although this system is fully functional and well maintained, its operation poses significant risk to staff. Council has approved a project to replace this system with a sodium hypo-chlorite system, which utilizes a liquid solution of sodium hypo-chlorite delivered to the site in totes. This system poses significantly less risk to staff to operate and handle, but is equally effective at providing disinfection.

In 2019, the original estimate for the project was \$50,000, however cost increases and more complex integration of the new system into the WFP's existing SCADA system has resulted in a project estimate of \$100,000.

ALTERNATIVES:

Council can choose to:

1. Not fund the budget increase request and refer the item to the 2022 budget process.
The consequence of this would be that the equipment would be delivered to site and the connection of the system would be delayed.

FINANCIAL IMPLICATIONS:

The Water Operating Reserve has adequate funds to finance this budget shortfall if approved.

LEGAL IMPLICATIONS:

N/A

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

N/A

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Although the design and installation of the project will be completed by consultants, there is a significant role for the WFP operators with the integration and commissioning of the system.

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).

Allison McCarrick, Chief Administrative Officer

STAFF REPORT TO COUNCIL

Report Prepared By: Chris Barfoot, Director Parks, Recreation and Culture
Meeting Date: May 18, 2021
File No:
Re: **Public Art Donation Request: Original Prints by Roy Henry Vickers**

RECOMMENDATION:

That Council accept the donation of public art from Duck and Tracy Paterson consisting of 13 original framed prints created by Roy Henry Vickers currently on loan to the Town of Ladysmith and displayed in the Town's Council Chamber in accordance with Public Art Policy 15-7710-B.

EXECUTIVE SUMMARY:

Using the Public Art Policy and Public Art Toolkit #2 - Guidelines for Donation of Public Art, the Public Art Task Group (PATG) and the Parks, Recreation & Culture Advisory Committee (PRCAC) have assessed the proposed donation from Duck and Tracy Paterson for a collection of 13 limited edition framed prints by Roy Henry Vickers and recommend that Council accept the donation (Attachments A & B). The prints are currently on loan to the Town of Ladysmith and are located in the Council Chamber.

PREVIOUS COUNCIL DIRECTION:

Resolution	Meeting Date	Resolution Details
CS 2020-027	01/21/2020	That Council approve the Public Art Policy as presented and recommended by the Parks, Recreation and Culture Advisory Committee.

INTRODUCTION/BACKGROUND:

The purpose of the PATG is to assist the Town by providing advice and recommendations to Council on specific public art projects, including selection processes, acceptance of grants, gifts, donations, bequests and deaccession.

The PATG recognized the need for guidelines to support the review of proposals for donations of public art in accordance with the Town's Public Art Policy (Attachment C). The PATG created guidelines using examples from various municipalities including Maple Ridge, Richmond, Prince George, Nanaimo, and the City of Kelowna.

Proposed Donation

A proposed donation of artwork was originally received in May 2020 from Duck and Tracy Paterson. The collection of artwork consists of 13 signed, original limited edition framed prints (77/150) by Roy Henry Vickers with an estimated purchase value by the donor of \$20,200. Each print is framed and double matted to accent the primary colours of the artwork with drum designs

representing 13 moons.

Artist Background

[Roy Henry Vickers](http://royhenryvickers.com) was born in June 1946 in the village of Greenville, in northern British Columbia. He has stayed on the northwest coast of British Columbia ever since, residing at various times in Hazelton, Kitkatla, Tofino and Victoria. His boldly colourful sunsets, subdued misty rivers and peaceful winter scenes reflect the essence of the west coast of Canada. Roy studied traditional First Nation art and design at the Gitanmaax School of Northwest Coast Indian Art in Hazelton. (SOURCE: royhenryvickers.com)

Public Art Policy Guidelines

The Public Art Policy states that 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 guiding principles of the Town's Public Art Policy ensure 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 and 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, and inclusivity.

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.

Public Art Task Group

At its meeting on April 1, 2021, the PATG assessed the proposed donation using the guidelines within the Public Art Policy and Public Art Toolkit#2 – Guidelines for Donation of Public Art (Attachment D) and forwarded its recommendation to PRCAC for consideration.

Parks, Recreation & Culture Advisory Committee

At its meeting on April 21, 2021, the PRCAC reviewed the donation request and the relevant materials and information from the PATG, including the donation of public art checklist (Attachment E). The following resolution was passed:

2021-09: That the Parks, Recreation and Culture Advisory Committee recommend that Council accept the donation of 13 Roy Henry Vickers framed prints, currently on display in the Town's Council Chambers from Duck and Tracy Paterson in accordance with the Public Art Policy.

ALTERNATIVES:

Council can choose to:

1. Not accept the donation of the 13 original prints created by Roy Henry Vickers.

FINANCIAL IMPLICATIONS:

There will be no costs to the Town associated with requests to donate public art in accordance with the Public Art Policy.

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 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 | |

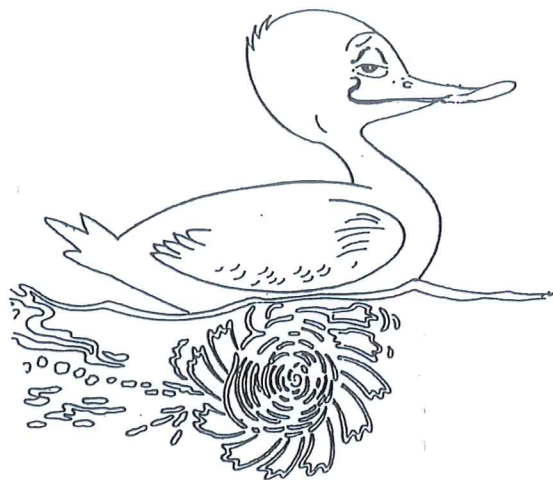
I approve the report and recommendation(s).

Allison McCarrick, Chief Administrative Officer

ATTACHMENTS:

- Attachment A – Donation letter from Duck and Tracy Paterson
- Attachment B – Photos and purchase value of the public art
- Attachment C – Public Art Policy
- Attachment D – Tool Kit #2 Guidelines for Donations of Public Art.
- Attachment E – Donation of Public Art Completed Checklist

May 16th, 2020



Always behave like a duck...
...keep calm and unruffled on the surface
but paddle like hell underneath!

Mayor and Council
Town of Ladysmith
P.O. Box 220
Ladysmith, B.C. V9G 1A2

Dear Mayor Stone and Council....

In June of 2013 we "loaned" thirteen drum prints, plus two other prints, (for 15 in total) to the Town of Ladysmith to put in the newly re-done council chambers. All the prints are Roy Vickers signed, original limited edition prints and each one has the same number 77. A very very rare occurrence. As well each print is framed and double matted to accent the primary colours in the art.

The drum designs are the thirteen moons and each drum print depicts a different "theme" of each season of the Coast

Salish First Nation. The series was done over a period of three years and each print is number 77 of a limited printing of 150.

The intent of lending them to the Town was the opportunity for people to see them. Just having them stored where they were and not seen by anybody didn't make sense and we really believe that intent of these prints, and others, are for people to enjoy.

Now, realizing that we don't have room for them, and it appears the Town of Ladysmith does and way more opportunity for people to appreciate this collection ... we wish to donate the *thirteen moon prints* to the Town of Ladysmith. As well each print has it's own certificate of authenticity as well as the story about each "moon".

I have attached an e-mail, from Roy Vickers gallery, in Tofino, with the value (from 2018) of each print, but these do not include frames and matting, which cost (approx) \$200 each. There is also a printout of the 13 "drums" along with the certificate for each one. The value of the 13 prints is \$17,600 and with frames (\$200 each) would be valued at \$20,200.00 for the collection.

We wish to retain the other two Vickers prints that are on display at city hall, Purification (#77/100) and Westcoast Journey (#145/150), but we can leave them on loan (if you wish) for display at City Hall.

We hope that this opportunity meets with the approval of the Town, and the prints can be appreciated by many more people than being just stored underneath our bed! Please contact me at anytime if you wish more information.

Take Care.

RECEIVED



From: **Casandra Katter** tofino@royhenryvickers.com
Subject: Re: information request on prints please
Date: February 6, 2018 at 10:27 AM

Hope this email finds you well. That is not a problem. Below are the value of each print:

Drum Series:

Bullhead: \$300.00 Unframed
Clam Moon: \$400.00 Unframed
Elder Moon: \$1600.00 Unframed
Frog Drum: \$2500.00 Unframed
Groundhog Moon: \$800.00 Unframed
Milky Waters: \$400.00 Unframed
Opening Hands: \$2200.00 Unframed
Pink Salmon: \$600.00 Unframed
Pottatch Moon: \$1900.00 Unframed
Salmonberries: \$2200.00 Unframed
Sockeye: \$3700.00 Unframed
Trout Moon: \$600.00 Unframed
Solstice 2005: \$450.00 Unframed

Others:

Surfer's Delight: \$2700.00 Unframed
Prospect Lake: \$3500.00 Unframed

Hope this helps!
Thanks for the email,

Jennee Costanzo
Roy Henry Vickers Gallery
350 Campbell Street
PO Box 10
Tofino, British Columbia V0R 2Z0
Canada

Phone: 1.800.663.0669
Web: www.royhenryvickers.com
Instagram: eagleaeriegallery
Facebook: Eagle Aerie Gallery
Twitter: @EAGTofino

TOPIC:	PUBLIC ART POLICY	
POLICY No:	15-7710-B	
APPROVED BY:	Council	Resolution CS2020-027
AMENDED BY:		
DATE:	January 21, 2020	

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 (1)
- 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. DE-ACCESSION

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.

Attachment D

toolkit #2

Guidelines for Donation of Public Artwork to the Town of Ladysmith



Attachment D

Background Statement & Intent

These guidelines have been established to evaluate proposed public art donations from private sources. Many conditions govern the acceptance and installation of public art. The Public Art Task Group (PATG) through the Parks, Recreation and Culture Advisory Committee (PRCAC) will provide advice and recommendations for proposals to Council in all cases.

Donations of artwork to the Town enhance Ladysmith's growing Public Art Collection.

Proposed donations are to be reviewed by the Public Art Task Group, as per the Public Art Task Group Terms of Reference. The Committee may invite outside input as it deems necessary, prior to making recommendations to the Parks, Recreation and Culture Advisory Committee and Council.

Guideline Objectives

1. To encourage and ensure that the Town accepts public art that meets a high standard and is appropriate and meaningful for the community.
2. To provide a procedure for reviewing proposed donations to the Town of art works intended for placement in public places under the Town's jurisdiction.
3. To accept works that contribute to and enhance the Town's Public Art Collection.
4. To accept works that contribute to and enhance the location in which they are placed.

Attachment D

Definitions

Donation/Gift: An existing work of art offered as a donation by someone to the Town for placement at a public site under the Town's jurisdiction.

Memorial: An item, object or monument established to preserve the memory of a deceased person(s) or an event that occurred in the past.

Professional Artist: An artist who:

- has specialized training in the artistic field (not necessarily in academic institutions)
- is recognized as a professional by his or her peers (artists working in the same artistic tradition)
- is committed to devoting more time to artistic activity, if possible financially
- has a history of public presentation or publication.

Public Art: Public art or art in public places are creative works, programs, or events that are accessible and original that enrich the community and evoke meaning in the public realm. These works can be of a variety of forms and take into consideration the site, its location and context, and the audience. Public art may possess functional as well as aesthetic qualities. The art is lead or created by a professional artist and/or the artwork is of professional quality.

Public Art Task Group (PATG): The Town Council-appointed citizen advisory group, consisting of residents of the municipality who have expertise and experience in the arts arena and related disciplines as per the Terms of Reference for the PATG.

Sites: Physical locations where proposed donations will be installed, accessible to the public (i.e., Town owned and Town managed, as in a public right of way).

Sponsor: An individual, group, or artist, who proposes a donation of a work of art or funded project for placement on a public site under the Town's jurisdiction.

Role of Sponsor: The Sponsor's principal role is to state the intent of the donation and provide the funding for its acquisition, manufacturing, installation, and ongoing maintenance. Community groups or corporations can act as a sponsor, provided that they are capable of demonstrating community support for the proposal and clear financial responsibility for its acquisition, production, installation, and ongoing maintenance at the time of the proposal.

Tribute: An item, object or gift designed to acknowledge the contributions of living people to society. Projects recognizing people with illnesses are considered tributes.

1. The Town will consider gifts of works of art for placement at Town owned sites on the understanding that no Town funds will be required for production, siting, installation of the work. Ongoing maintenance costs will be a factor for consideration of final approval.
2. The Town will not accept the gift of an artwork until all funds for its development and siting have been secured (e.g. by cheque, cash, etc.).
3. The Town will consider the following types of proposals for works of art intended for placement at a public site under the Town's jurisdiction:
 - a) A sponsor's offer of an already completed work of art
 - b) A sponsor's offer to commission an artwork by a specific artist or artists (Refer to Acquisition)
 - c) A sponsor's offer to commission an artwork by means of a public competition (Refer to Acquisition)

Through its Public Art Strategy, the Town of Ladysmith supports art

- To enhance the aesthetic nature and appeal of the Town of Ladysmith through the provision of works of art in public places for the enjoyment of the citizens of Ladysmith,
- To increase public awareness and appreciation of the arts, and
- To stimulate the growth of arts and arts-related business within the Town.

Considerations for acceptance may include, but are not limited to:

Sites: Gifted public artwork must be for sites under the Town's jurisdiction.

The proposal may consider the relationship to the history of the site as well as relationship with the geography or specific site and its surroundings.

Can the site handle the increased use and traffic flow? Will there be any conflict with existing grounds maintenance or horticultural work, adjacent playing fields, parks use or programming? Is there any environmental impact? Has the Arborist been consulted? Does the proposal enhance view or impact sight lines? Is the site accessible? Are there any existing or future park improvement plans to coordinate with?

Accessibility: Gifts of Public Art must be accessible to the public.

Relevance: When a specific site is proposed by a Sponsor, works of art must be appropriate for the proposed site and its surroundings, and complement surrounding architecture, topography, history and the social dynamic of the particular location in which the art will be placed. This advice or recommendations shall be made by the Public Art Task Group, and appropriate Town Staff, which shall also recommend sites in instances where no specific site is proposed by the Sponsor.

Does the proposal represent balance with park or site design, including heritage or cultural aspects?

Artistic Excellence: The work of art shall merit placement in a Town public place. In the case of a donation of an existing work of art, the quality and authenticity of the work must be supported by documentation from an independent professional evaluator. An appraisal, paid for by the Sponsor, must be current and within one year of the donation.

If a tax receipt is desired, and the value of the work of art exceeds \$1000.00, the donor is required to present documentation of its value from an independent evaluator.

Physical Durability: The artwork's long-term durability against theft, vandalism, weathering and natural deterioration must be considered in the proposal.

Public Safety: All proposals must satisfy public safety standards as determined by the Town, through Town's Parks, Recreation and Culture, Development Services and Infrastructure Services Departments.

Plaque: The wording, sizing, design, and siting of any plaques related to the public art must be approved by the Town. This approval should be gained at the time of project approval. The Town will have the plaque made and install the plaque at the Sponsor's expense.

Costs: All costs of the proposed artwork siting, and installation must be provided by the Sponsor and be detailed in the proposal. On occasion, Town funds for the artwork may be considered if it represents community, cultural or heritage significance or if the artwork is a substantial gift, memorial or tribute.

Maintenance and Installation: Artwork will be considered based on design and construction so as to consider the ongoing costs to minimize maintenance requirements, vandalism, theft, graffiti and weathering.

Legal: Consideration will be given to the proposed terms of donation, legal title, provenance, copyright, authenticity, the Artist's right to reproduce, liability and other issues as appropriate.

Other Considerations:

- Does the proposal conform to human rights legislation?
- Are there any risks to the Town of Ladysmith that should be addressed?
- Are there any concerns relate to an educational or interpretive plaque or component in the proposal?
- How is the public likely to respond to this

Integrity and Registration of the Artwork **Attachment D**

1. The Town will be the owner of the artwork and reserves the right to move the work to meet public safety or other Town concerns. Any such change will be made in consultation with the Artist, the Sponsor, the Public Art Task Group, or other parties the Town deems necessary.
2. The completed and installed work of art will be registered in the Town's Public Art Collection together with the Artist's statement of purpose.

Unsolicited Works of Art

Some communities have experienced the sudden appearance of unsolicited works of art in public places. Because these objects may quickly be accepted or rejected by the public and because they may cause various hazards, the Town shall at its sole discretion require that such objects be removed by the Town.

Removal, Relocation or De-accessioning of Gifts of Public Art

In accepting a donation of public art, the Town shall not be bound by any agreement with the Sponsor/Donor/Artist that restricts the Town's ability to act in the best interests of the Town of Ladysmith. Nothing in the acceptance of a donation of artwork shall prevent the Town from approving subsequent removal, relocation or de-accessioning of such donation if it serves the municipality's best interest to do so. The Town shall de-accession and dispose of works of art in its collection in accordance with its deaccessioning guidelines. At this time, the Town does not have adequate storage facilities for the Town's public art collection.

Attachment E

donation of public
art checklist

*You would like to sponsor
the donation of Public Art.
What's next?*

All offers of artwork proposed for sites under Town jurisdiction must be in writing and be submitted to the Parks, Recreation & Culture Department for review.

The Sponsor will be asked to submit a detailed proposal to the Public Art Task Group prior to its consideration.

Name of Sponsor: Paterson

Contact information:

Please provide the following:

- ☒ A rationale for the proposed gift (the reason you would like to donate this artwork).

For the viewing pleasure of the public.

- ☒ A brief statement of proposed artwork from the artist/sponsor, including theme.

The artwork consists of 13 signed, original limited edition prints (77/150) by Roy Henry Vickers. Each print is framed and double matted to accent the primary colours of the artwork. The drum designs represent 13 moons.

- ☐ Artist's CV/bio (attached)

- ☒ A project timeline. When would you like to donate this gift?

Original proposal received in May 2020. The collection is currently on loan at Council Chambers at the Town of Ladysmith. If accepted, the collection would immediately become part of the Town's Public Art collection.

- ☐ A site plan showing the work in relation to the site. Visual presentation material of the work on the proposed site(s) and community, including drawing(s), photograph(s) and model(s) of the proposed work with scale and materials indicated (attached)

- ☒ What is the value of the piece of art? A certificate of authenticity will be required for pieces of art valued over \$1000.

The estimated value by the Sponsor is \$20,200 (with frames) at purchase. An appraisal is required if the Sponsor requests a tax receipt.

Attachment E

- ☒ A budget, with projected costs for the project, including: documentation, materials, installation/construction, and maintenance etc. Funds committed to date and proposed source(s) of funds

There is a requirement of an appraisal if the Sponsor requests a tax receipt.

- ☒ Funds committed to date and proposed source(s) of funds.

Regular cleaning required for general upkeep with annual inspection for matte deterioration.

- ☐ Anticipated maintenance for donated artwork

- ☐ Any additional supporting material (attached)

Review and Transfer:

Town staff and the Public Art Task Group will review offers of artwork to determine whether they meet initial criteria for the Town's public art collection. All those qualifying will be put on a list of possible donations.

The Public Art Task Group will review the offers and sites for compatibility and make recommendations to the Parks, Recreation & Culture Advisory Committee, for recommendation to Town Council, who will review for final approval.

If the proposal is accepted in principle by the Town Council, a formal agreement will be drawn up outlining the responsibilities of each party (the Town, the Sponsor, the Artist and outside contractors, where applicable).

If the Public Art Task Group, or Parks, Recreation or Culture Advisory Committee or Town Council decides against selecting the proposal, Town staff will notify the Sponsor and the Artist with the rationale for the decision and possible suggestions for alternate courses of action.



Contact:

Town of Ladysmith, Parks, Recreation and Culture
T: 250.245.6424
E: prc@ladysmith.ca

TOWN OF LADYSMITH

BYLAW NO. 2066

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 pursuant to section 482 of the *Local Government Act* a zoning bylaw may establish different density rules for a zone, one generally applicable for the zone and the other or others to apply if the applicable conditions are met;

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. "Town of Ladysmith Zoning Bylaw 2014, No. 1860" is amended by:
 - (a) Deleting "17.6 Comprehensive Development 6 – Belaire Mixed-Use (CD-6)"; and
 - (b) Replacing it with amended "17.6 Comprehensive Development 6 – Belaire Mixed-Use (CD-6)" as shown in Schedule 1, which is attached to and forms part of this Bylaw.

Citation

2. This Bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 36) 2021, No. 2066".

READ A FIRST TIME on the 16th day of March, 2021
READ A SECOND TIME on the 16th day of March, 2021
PUBLIC HEARING held pursuant to the provisions of the *Local Government Act*
on the 20th day of April, 2021
READ A THIRD TIME on the 20th day of April, 2021
APPROVED by the Ministry of Transportation & Infrastructure
on the 3rd day of May, 2021
ADOPTED on the day of ,

Mayor (A. Stone)

Corporate Officer (D. Smith)

Schedule 1

17.6 COMPREHENSIVE DEVELOPMENT 6 – BELAIRE MIXED-USE (CD-6)

The purpose of the CD-6 Belaire Mixed-Use is to accommodate a four-storey mixed-use development containing ground floor commercial and second, third, and fourth floor multi-family residential development.

1. Principal Uses

- a) *Coffee shop*
- b) *Community care facility*
- c) *Media production studio*
- d) *Multiple-Unit Dwellings*
- e) *Neighbourhood pub*
- f) *Office*
- g) *Personal service establishment*
- h) *Restaurant*
- i) *Retail sales*
- j) *Veterinary clinic*

2. Accessory Uses

- a) *Home Based Business*, subject to Part 6, Section 6.8.

3. Sizing and Dimension of Parcels

- a) No *Parcel* shall be created which has a *Parcel Area* less than 1,500 square metres.
- b) No *Parcel* shall be created which has a *Frontage* less than 30 metres.

4. Size and Density of the Use of Land, Buildings and Structures

- a) The *Floor Space Ratio* shall not exceed 1.3.
- b) The maximum number of Dwelling Units permitted in this Zone is one.
- c) Notwithstanding Section 17.6(4)(b), the owner shall be entitled to a maximum residential density of 53.5 units per hectare, to a maximum of 8 units, provided that:
 - i) the owner constructs, at their cost, street parking and drainage improvements, in accordance with the standards established by the

Town, on that portion of Rigby Place immediately adjacent to Wickham Park; and

- ii) prior to obtaining a building permit for the dwelling units under this section, the owner provides a bond or other surety satisfactory to the Town from which the Town may draw upon if the owner fails to complete the works under (i).
- d) Notwithstanding Section 17.6(4)(b) and (c), the owner shall be entitled to a maximum residential density of 78.5 units per hectare, to a maximum of 12 units, provided that:
 - i) the owner constructs, at their cost, street parking and drainage improvements, in accordance with the standards established by the Town, on that portion of Rigby Place immediately adjacent to Wickham Park;
 - ii) the owner constructs, at their cost, a public gathering space, in accordance with the standards established by the Town, in Wickham Park;
 - iii) prior to obtaining a building permit for the dwelling units under this section, the owner provides a bond or other surety satisfactory to the Town from which the Town may draw upon if the owner fails to complete the works under (i) and (ii);
 - iv) a minimum of 60 percent of the off-street parking spaces for the dwelling units, as required in Part 8: Parking and Loading Regulations, are provided as *Underbuilding Parking*; and
 - v) all *Principal Buildings* meet or exceed Step 1 of the British Columbia Energy Step Code.
- e) No commercial use on the parcel shall have a *Gross Floor Area* greater than 250 square metres.
- f) The combined *Floor Space Ratio* for all commercial uses on the property shall not exceed 0.5.
- g) No *Building* or *Structures* shall exceed a *Parcel Coverage* of 40.0 percent.
- h) A *Parcel* may contain more than one *Principal Building*.

5. Siting, Sizing and Dimension of Uses, Buildings and Structures

- a) No *Principal Building* or *Structure* shall exceed a *Height* of 14.5 metres.
No *Accessory Building* or *Structure* shall exceed a *Height* of 7.5 metres; except where the roof pitch is less than 4:12, in which case the maximum *Height* shall be 5.0 metres.

- b) No *Principal Buildings* or *Structures* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i> (Belaire Street)	2.0 metres
<i>Interior Side Parcel Line</i>	4.5 metres
<i>Exterior Side Parcel Line</i>	2.0 metres
<i>Rear Parcel Line</i>	17.0 metres

- c) The maximum *Finished Floor Area* of the fourth *Storey* of a *Principal Building* shall not exceed 80.0 percent of the *Finished Floor Area* of the *Storey* with the largest *Finished Floor Area*.
- d) No *Accessory Building* or *Structure*, with a *Finished Floor Area* greater than 15 m², shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	6.0 metres
<i>Interior Side Parcel Line</i>	4.5 metres
<i>Exterior Side Parcel Line</i>	3.0 metres
<i>Rear Parcel Line</i>	13.0 metres

6. Landscaping and Screening

- a) *Landscaping* and screening shall be provided in accordance with Part 7: Landscaping and Screening Regulations.

7. Parking and Loading

- a) Off-street parking shall be provided in accordance with Part 8: Parking and Loading Regulations.
- b) Notwithstanding (a);
- the total number of on-site loading spaces required on a parcel shall be one; and
 - a maximum of 50 percent of the total off-street parking requirement may be designated as small car spaces.

TOWN OF LADYSMITH

BYLAW NO. 2066

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

1. "Town of Ladysmith Zoning Bylaw 2014, No. 1860" is amended by:
 - (a) Deleting "17.6 Comprehensive Development 6 – Belaire Mixed-Use (CD-6)"; and
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Citation

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READ A FIRST TIME on the 16th day of March, 2021

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PUBLIC HEARING held pursuant to the provisions of the *Local Government Act* on the 20th day of April, 2021

READ A THIRD TIME on the 20th day of April, 2021

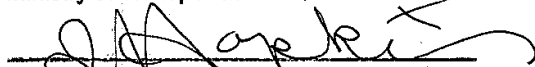
APPROVED by the Ministry of Transportation & Infrastructure on the day of ,

ADOPTED on the day of ,

Approved pursuant to section 52(3)(a) of the *Transportation Act*

this 3rd day of May 20, 21

Ministry of Transportation and Infrastructure



JAMIE LEIGH HOPKINS
A Commissioner for taking affidavits
within the Province of British Columbia
2100 Labieux Road, Nanaimo BC V9T 6E9

Mayor (A. Stone)

BYLAW STATUS SHEET
May 18, 2021

		Status
2045	Film Bylaw 2021, No. 2045	First, second and third reading, May 4, 2021.
2046	Noise Suppression Bylaw 2003, No. 1478, Amendment Bylaw 2021, No. 2046 (Filming in Ladysmith)	First, second and third reading, May 4, 2021.
2047	Official Community Plan Bylaw 2003, No.1488, Amendment Bylaw (No.62) 2021, No. 2047 (Filming in Ladysmith)	First and second reading, May 4, 2021. Referred to Stz'uminus First Nation and School District 68. Public Hearing required.
2048	Building and Plumbing Bylaw 1994, No. 1119, Amendment Bylaw 2021, No. 2048 (Filming in Ladysmith)	First, second and third reading, May 4, 2021.
2049	Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.31) 2021, No. 2049 (Filming in Ladysmith)	First and second reading, May 4, 2021. Public Hearing scheduled for June 1, 2021.
2050	Town of Ladysmith Fees and Charges Bylaw 2008, No.1644, Amendment Bylaw 2021, No. 2050 (Filming in Ladysmith)	First, second and third reading, May 4, 2021.
2060	Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 63) 2021, No. 2060 (670 Farrell Road)	First and second reading, March 16, 2021. Public hearing, and third reading April 6, 2021.
2061	Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 33) 2021, No. 2061 (670 Farrell Road)	First and second reading, March 16, 2021. Public hearing and third reading April 6, 2021. MOTI approval received May 3, 2021.
2062	Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 64) 2021, No. 2062 (201 and 203 Dogwood Drive)	First and second reading, March 2, 2021. Public hearing and third reading April 6, 2021.
2063	Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 34) 2021, No. 2063 (201and 203 Dogwood Drive)	First and second reading, March 2, 2021. Public hearing and third reading April 6, 2021. MOTI approval received May 3, 2021.
2064	Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 35) 2021, No. 2064 (630 Farrell Rd)	First and second reading, April 20, 2021. Public hearing scheduled for May 18, 2021.
2066	Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 36) 2021, No. 2066 (336 Belaire Street)	First and second reading, March 16, 2021. Public hearing and third reading held April 20, 2021. MOTI approval received May 3, 2021.
2071	Filming Reserve Bylaw 2021, No. 2071	First, second and third reading May 4, 2021.