

**A REGULAR MEETING
OF THE TOWN OF LADYSMITH COUNCIL
AGENDA
6:30 P.M.**

**Tuesday, December 6, 2022
Ladysmith Seniors Centre
630 2nd Avenue**

Pages

1. CALL TO ORDER

Call to Order 6:30 p.m. in Open Session, in order to retire immediately into Closed Session.

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

2. CLOSED SESSION

Recommendation

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

- (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality; and
- (e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality.

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

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

3.1 INFORMATION ON HOW TO VIEW / ATTEND THE MEETING

Members of the public may attend the meeting in person at the Ladysmith Seniors Centre or view the livestream on YouTube:

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

4. AGENDA APPROVAL

Recommendation

That Council approve the agenda for this Regular Meeting of Council for December 6, 2022.

5. RISE AND REPORT- Items from Closed Session

Items from the Closed Meeting of Council held October 4, 2022:

CE 2022-069

That Council:

1. Appoint the following representatives to the Public Art Task Group for a two-year term ending September 30, 2024:
 - Shirley Louie, Stz'uminus First Nation;
 - Ora Steyn, Arts Council of Ladysmith and District;
 - Kathy Holmes, Arts Council of Ladysmith and District;
 - Lynda Baker, Parks, Recreation and Culture Advisory Committee;
 - Julia Noon, Community Youth Member;
 - Gordon Filewych, Parks, Recreation & Culture Advisory Committee; and
2. Rise and report on Recommendation No. 1 once all applicants have been notified.

6. MINUTES

6.1 Minutes of the Regular Meeting of Council held November 15, 2022

7

Recommendation

That Council approve the minutes of the Regular Meeting of Council held November 15, 2022.

7. DELEGATIONS

7.1 Bikers Against Child Abuse

Tom Goudreau of Bikers Against Child Abuse will provide Council with information about the organization and their mission.

7.2 Students Taking Action Against Racism

16

TJ Nyhan, Ladysmith Secondary School student, will make a presentation to Council regarding the importance of anti-racism at a municipal level.

8. DEVELOPMENT APPLICATIONS

8.1 Development Variance Permit Applications – 636 John Wilson Place & 437 Thetis Drive

32

Recommendation

That Council:

1. Issue Development Variance Permit 3090-22-11 to vary section 10.13.5.b) of “Town of Ladysmith Zoning Bylaw 2014, No. 1860” to increase the maximum permitted height of a principal building with a roof pitch less than 4:12 from 7.5m to 7.7m, at 636 John Wilson Place (Lot 14 District Lot 103 Oyster District Plan EPP98461).
2. Issue Development Variance Permit 3090-22-12 to vary section 10.2.5.a) of “Town of Ladysmith Zoning Bylaw 2014, No. 1860” to increase the maximum permitted height of a principal building from 9.0m to 9.2m at 437 Thetis Drive (Lot 12 District Lot 52 Oyster District Plan VIP86055).

9. COMMITTEE MINUTES

9.1 Poverty Reduction Task Group - November 9, 2022

45

Recommendation

That Council receive the minutes of the Poverty Reduction Task Group meeting held November 9, 2022.

10. 2023 - 2027 FINANCIAL PLAN DISCUSSIONS - INTRODUCTION OF GENERAL CAPITAL PROJECTS

10.1 Presentation and Council Discussion

10.1.1 2023 Financial Plan – General Capital Plan

47

Recommendation

That Council approve the 2023 Capital Plan as presented in the staff report dated December 6, 2022.

10.2 Public Input and Questions

11. REPORTS

11.1 2023 Utility Due Dates

64

Recommendation

That Council approve the following utility billing due dates:

- February 24, 2023 for the period October to December, 2022;
- May 30, 2023 for the period January to March, 2023;
- August 30, 2023 for the period April to June, 2023; and
- November 29, 2023 for the period July to September, 2023.

11.2 Adjustment to Water Billing Account

66

Recommendation

That Council provide a partial bill adjustment in the amount of \$3,738.23 to billing Account No. 001-1322300 due to a water leak.

11.3 High Street Watermain Noise Exemption

68

Recommendation

That Council exempt Milestone Equipment Contracting Inc. from Noise Suppression Bylaw 2003, No. 1478 for an approximate 5-week period of construction for the purposes of watermain replacement on High Street.

Recommendation

That Council:

1. Amend the 2022-2026 Financial Plan to include an additional \$28,640 for the Transfer Beach paving and walkway project, with the funds to come from operational surplus; and
2. Waive the Purchasing Policy and award David Stalker Excavating Ltd. the work described in Attachment A "Quote for T.O.L. – Transfer Beach Accessibility Improvements" in the amount of \$115,783.

12. BYLAWS

12.1 Bylaws for Adoption

- 12.1.1 "Noise Suppression Bylaw 2003, No. 1478, Amendment Bylaw 2022, No. 2125"

76

Recommendation

That Council adopt "Noise Suppression Bylaw 2003, No. 1478, Amendment Bylaw 2022, No. 2125".

12.2 Bylaws for Introduction

- 12.2.1 "2023 Revenue Anticipation Borrowing Bylaw 2022, No. 2126"

77

Recommendation

That Council give first, second and third readings to "2023 Revenue Anticipation Borrowing Bylaw 2022, No. 2126".

- 12.2.2 "Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2022, No. 2127"

79

Recommendation

That Council give first, second and third readings to "Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2022, No. 2127".

- 12.2.3 "Sanitary Sewer Rate Bylaw 1999, No. 1299, Amendment Bylaw 2022, No. 2128"

82

Recommendation

that Council give first, second and third readings to "Sanitary Sewer Rate Bylaw 1999, No. 1299, Amendment Bylaw 2022, No. 2128".

13. NEW BUSINESS

14. QUESTION PERIOD

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

15. ADJOURNMENT



MINUTES OF A REGULAR MEETING OF COUNCIL

Tuesday, November 15, 2022

7:00 P.M.

Ladysmith Seniors Centre
630 2nd Avenue

Council Members Present:

Mayor Aaron Stone
Councillor Ray Gourlay
Councillor Amanda Jacobson
Councillor Tricia McKay

Councillor Duck Paterson
Councillor Marsh Stevens
Councillor Jeff Virtanen

Staff Present:

Allison McCarrick
Erin Anderson
Chris Barfoot
Jake Belobaba
Ryan Bouma
Matt O'Halloran
Richard Frost

Chris Geiger
Trish McConnell
Christina Hovey
Julie Thompson
Andrew Wilson
Mike Gregory
Sue Bouma

1. CALL TO ORDER

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

2. CLOSED SESSION

CS 2022-266

That, in accordance with section 90 of the *Community Charter*, Council retire into Closed Session in order to consider items related to the following:

- (1)(e) the acquisition, disposition or expropriation of land or improvements;
- (1)(i) the receipt of advice that is subject to solicitor-client privilege;
- (1)(g) litigation or potential litigation affecting the municipality; and
- (2)(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or between a provincial government and a third party.

Motion Carried

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

Mayor Stone called the Regular 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 First Nation.

Mayor Stone also welcomed Matt O'Halloran, the new Corporate Officer, and took a moment to recognize and express his gratitude to Save-on Foods and the Kinsmen Club for their donations of food and labour at last week's Official Community Plan pancake breakfast.

4. AGENDA APPROVAL

CS 2022-267

That Council approve the agenda for this Regular Meeting of Council for November 15, 2022 as amended to include public submissions for the following items, received after publication of the agenda:

- Item 9.1 "Development Variance Permit Application 3090-22-08: 260 Bayview Avenue"
- Item 9.3 "Referral for Non-Medical Cannabis Retail Store: Unit 16, 370 Davis Road (Flight Cannabis Company)"

Motion Carried

5. RISE AND REPORT- Items from Closed Session

Council rose from Closed Session at 6:37 p.m. without report.

6. MINUTES

6.1 Minutes of the Regular Meeting of Council held October 25, 2022

CS 2022-268

That Council approve the minutes of the Regular Meeting of Council held October 25, 2022.

Motion Carried

6.2 Minutes of the Inaugural Meeting of Council held November 1, 2022

CS 2022-269

That Council approve the minutes of the Inaugural Meeting of Council held November 1, 2022.

Motion Carried

7. DELEGATIONS

7.1 Ladysmith RCMP Detachment Update

Sergeant Tim Desaulniers, Acting Non-Commissioned Officer in Charge, provided an update to Council regarding the RCMP detachment's areas of focus and their staffing situation.

Council thanked Sergeant Desaulniers and expressed their desire for greater staffing stability.

7.2 Rogers Communications Cell Tower Proposal on 6th Avenue

Delegates Margit Lieder, Brian Johnson and Tara Kulak McDonnell were not in attendance.

7.3 Rogers Communications Cell Tower Proposal on 6th Avenue

Gordon Sedola, of the Concerned Citizens Group, presented a petition against the proposed Rogers cell tower location.

Gwen Burton addressed Council and expressed concerns regarding the public consultation process for the proposed cell tower location.

The Mayor requested that a copy of Ms. Burton's presentation be kept on file.

8. PROCLAMATIONS

8.1 Louis Riel Day

Mayor Stone declared November 16, 2022 as Louis Riel Day in the Town of Ladysmith.

9. DEVELOPMENT APPLICATIONS

9.1 Development Variance Permit Application 3090-22-08 – 260 Bayview Avenue

CS 2022-270

That Council issue Development Variance Permit 3090-22-08 to vary section 10.7.5 (c) of "Town of Ladysmith Zoning Bylaw 2014, No. 1860" to decrease the rear parcel line setback for the principal building from 7.5 metres to 2.91 metres for Lot A of a proposed 2- lot subdivision at 260 Bayview Avenue.

Motion Carried

Councillor Gourlay declared a conflict of interest related to Agenda Item 9.2 as he had previously submitted a letter to the Town regarding the project, and vacated the meeting at 7:29 p.m.

9.2 Development Variance Permit 3090-22-01 and Development Permit 3060-21-08 - 1201 & 1251 Christie Road

CS 2022-271

That Council issue:

1. Development Variance Permit 3090-22-01 to vary section 10.11.5.a) of "Town of Ladysmith Zoning Bylaw 2014, No. 1860" to increase the height for a multi-unit dwelling from 10 metres to 12.5 metres at 1201/1251 Christie Road (PID: 031-682-006); and
2. Development Permit 3060-21-08 to allow for construction of three five-unit townhouse dwellings and a three-storey multi-unit dwelling at 1201/1251 Christie Road, subject to the applicant providing a landscape security in the amount of \$105,475.

Motion Carried

Councillor Gourlay returned to the meeting at 7:40 p.m.

9.3 Referral for Non-Medical Cannabis Retail Store – Unit # 16, 370 Davis Road ("Flight Cannabis Co.")

CS 2022-272

That Council, having considered the general impact on the community and the views of residents pursuant to section 33 of the *Cannabis Control and Licensing Act*:

1. Recommend that the Province issue a licence for a non-medical cannabis retail store at Unit # 16, 370 Davis Road for "Flight Cannabis Co."; and
2. Pursuant to section 13.5 of the Cannabis Licensing Regulation, provide the following reasons for the recommendation:
 - the proposed location of "Flight Cannabis Co." falls within the specified area approved by Council for the retail sale of cannabis
 - Council has no concerns about the impact of the proposed non-medical cannabis retail store at Unit #16, 370 Davis Road.

Motion Carried

10. COMMITTEE MINUTES

10.1 Committee of the Whole Recommendations - November 8, 2022

CS 2022-273

That Council:

1. Approve Asset Retirement Obligations Policy No. 05-1835-A, which will take effect on January 1, 2023.
2. Approve Snow and Ice Removal Policy No.11-5400-A.

Motion Carried

10.2 Poverty Reduction Task Group - October 6, 2022

CS 2022-274

That Council receive the minutes of the Poverty Reduction Task Group meeting held October 6, 2022.

Motion Carried

10.3 Parks, Recreation & Culture Advisory Committee - October 19, 2022

CS 2022-275

That Council receive the minutes of the Parks, Recreation & Culture Advisory Committee meeting held October 19, 2022.

Motion Carried

10.4 Community Planning Advisory Committee - November 2, 2022

CS 2022-276

That Council receive the minutes of the Community Planning Advisory Committee meeting held November 2, 2022.

Motion Carried

11. 2023-2027 FINANCIAL PLAN DISCUSSIONS - INTRODUCTION OF GENERAL OPERATIONS

11.1 Presentation and Council Discussion

Staff gave a presentation that reviewed details of the general operations budget and responded to Council's questions.

11.2 Public Input and Questions

There were no questions submitted by the public.

11.3 2023 Financial Plan – General Operations

CS 2022-277

That Council approve an additional full-time position of Parks Maintenance Worker II starting January 1, 2023.

Motion Carried

OPPOSED: Mayor Stone and Councillor Jacobson

CS 2022-278

That Council approve temporary part-time positions of Development Services Administration Assistant and Planner starting January 1, 2023 with the funding to come from reserves.

Motion Carried

OPPOSED: Councillors McKay, Stevens and Virtanen

CS 2022-279

That Council approve an additional \$87,000 in the 2023-2027 Financial Plan for Pavement Maintenance.

Motion Carried

CS 2022-280

That Council approve an additional \$8,000 for additional Public Engagement software.

Motion Carried

OPPOSED: Councillor Jacobson

12. REPORTS

12.1 UBCM - Community Emergency Preparedness Fund Grant Application

CS 2022-281

That Council:

1. Support Ladysmith Fire/Rescue's application to the UBCM Community Emergency Preparedness Fund Volunteer & Composite Fire Department Equipment & Training grant for fire fighting equipment for low to medium rise buildings; and
2. Confirm its willingness to provide overall grant management subject to receipt of grant funding.

Motion Carried

12.2 Penalties due to Title Changes

CS 2022-282

That Council authorize the Director of Finance to use up to \$1,000 to pay the 2022 penalty amounts for property taxes and utility accounts for mobile homes where the updated ownership information was not received from BC Assessment at time of billing.

Motion Carried

OPPOSED: Councillor Jacobson

12.3 Parks, Recreation & Culture Capital Projects and Recent Facility Repair Updates

CS 2022-283

That Council direct staff to amend the 2022-2026 Financial Plan by allocating up to \$27,305 from the remaining cost savings funds for the Food Bank demolition and Transfer Beach Concession projects to the Transfer Beach projects and other facility maintenance.

Motion Carried

12.4 “Noise Suppression Bylaw 2003, No. 1478, Amendment Bylaw 2022, No. 2125”

CS 2022-284

That Council give first three readings to “Noise Suppression Bylaw 2003, No. 1478, Amendment Bylaw 2022, No. 2125”.

Motion Carried

13. BYLAWS

13.1 “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 49) 2022, No. 2113”

CS 2022-285

That Council:

1. Give first, second and third readings to “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 49) 2022, No. 2113”.
2. Refer Bylaw 2113 to to the Ministry of Transportation and Infrastructure pursuant to section 52 of the Transportation Act.

Motion Carried

14. CORRESPONDENCE

14.1 Cowichan Valley Regional District (CVRD)

CS 2022-286

That Council direct staff to inform the CVRD of their desire to participate in the development of a regional approach to fireworks regulations, as requested by the Cowichan Valley Regional District in their correspondence dated October 24, 2022.

Motion Carried

14.2 Ladysmith Family and Friends (LaFF)

CS 2022-287

That Council allocate up to \$1500 from the Grants in Aid budget in sponsorship of the Ladysmith Family and Friends 19th "Winter Celebration" fundraiser, as requested in their email dated November 9, 2022.

Motion Carried

14.3 Arts Council of Ladysmith and District (ACLD)

CS 2022-288

That the Mayor, on behalf of Council, write a letter of support for the Arts Council of Ladysmith and District's application to the BC Arts Council Infrastructure Grant to place structures on the land belonging to the Island Corridor Foundation for use by the ACLD, as outlined in their correspondence dated November 10, 2022.

Motion Carried

15. QUESTION PERIOD

There were no questions from the public.

16. ADJOURNMENT

CS 2022-289

That this Regular Meeting of Council be adjourned at 9:00 p.m.

Motion Carried

CERTIFIED CORRECT

Mayor (A. Stone)

Corporate Officer (M. O'Halloran)

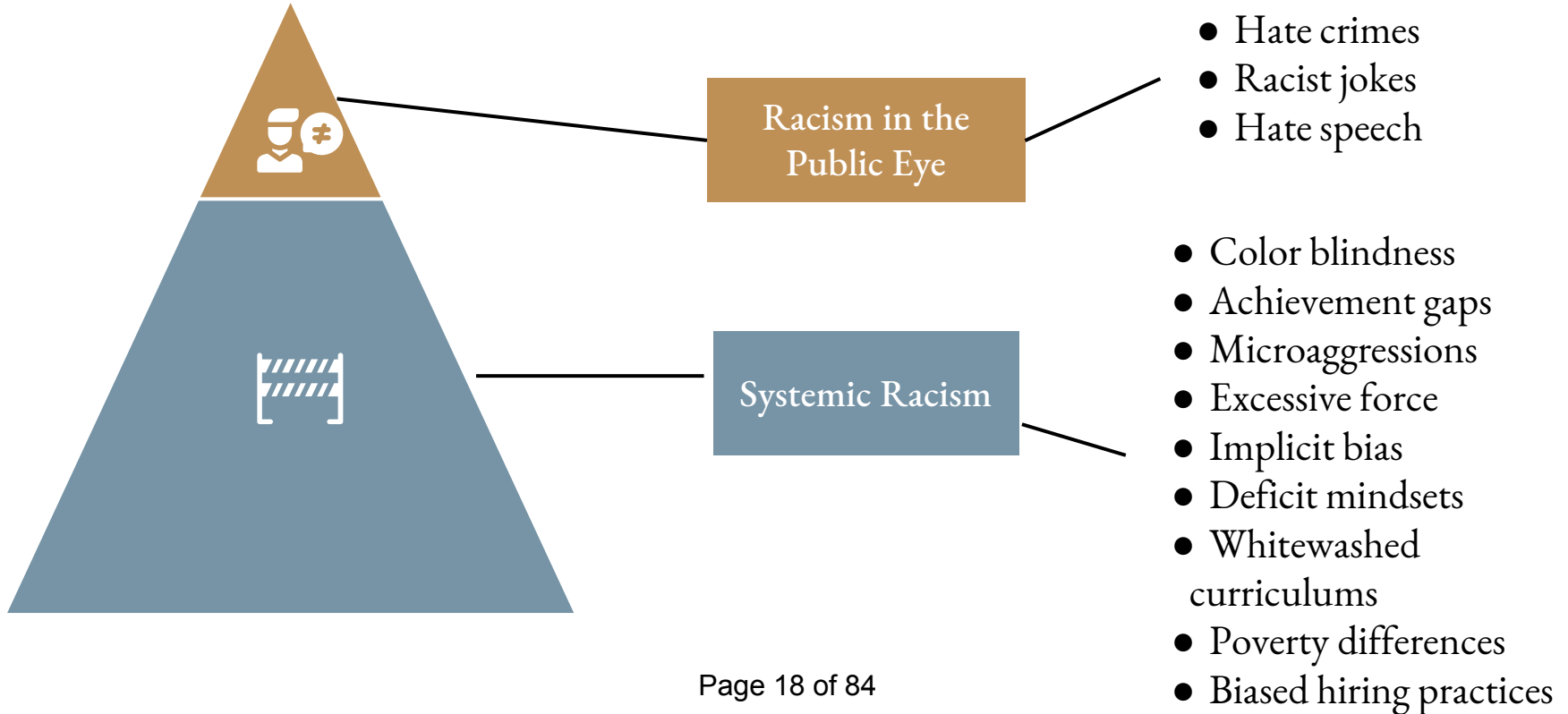
Anti-racism in the Municipality of Ladysmith

Ladysmith Secondary
STAAR



How Does Racism Impact our Community?

What does Racism look like?



- Racism has been hidden and not taken seriously as a result of our demographics
- Our youth haven't been given the tools to talk about race with their peers nor elders
- Where is decolonization on our list of priorities?
- How can we make anti-racism visible?
- Are we prepared for a growing generation of bipoc learners and citizens?



Members of our Community

Are our demographics well
represented at a municipal
level?

Multiculturalism vs. Anti-racism

Multiculturalism

noun

the presence of, or support for the presence of, several distinct cultural or ethnic groups within a society.

Anti-racism

noun

the policy or practice of opposing racism and promoting racial tolerance.

We Have a *rare* Opportunity

As a growing community in the age of information en masse

Where to start?

1. Understand our community
 - Who makes up the community
 - What are our current issues when it comes to discrimination and racism
 - How can council intervene and help
2. Look at what we're already doing
 - Collaborating with Stz'uminus
 - Community events



Where to start?

3. Identify other community members who are interested in this work (*This work should never just fall on BIPOC folks*)

- School board
- Business
- Stz'uminus



Where to start?

4. Set goals and start planning

- Analyze our current progress with SWOT (Strengths, Weaknesses, Opportunities, Threats)
- Set SMART goals (Specific, Measurable, Attainable, Realistic, Timely)
- Delegate responsibilities for optimal productivity





Reconciliation

- An estimated 10 out of 94 calls to action have been completed federally since 2008 (almost 15 years ago), though the federal government has claimed to have completed 17 (Indigenouswatchdog)

We need *decolonization* to play a part in our growth, both individually and as a community .

Collaborating with Indigenous Communities

- Indigenous communities have been forced to adapt to non-indigenous ways with minimal compromise from settlers
- These communities have been resilient in working to preserve their language, culture and world view and we need to take lead from these communities in our decolonization work
- Considering the 94 Calls to Action in all forms in governance

- 
- Provide oversight in hiring procedures to avoid bias
 - Data collection
 - Make permits/support easily available for anti-racist innovation
 - Bring anti-racism to city dialogue
 - Eliminating implicit bias in high-consequence workplaces
 - Policy and by-law development
 - Response plan for incidents of racism and discrimination

Breaking it Down

The Three Phases



Awareness

Social media campaigns
(STAAR video, stu council site)
Community dialogues



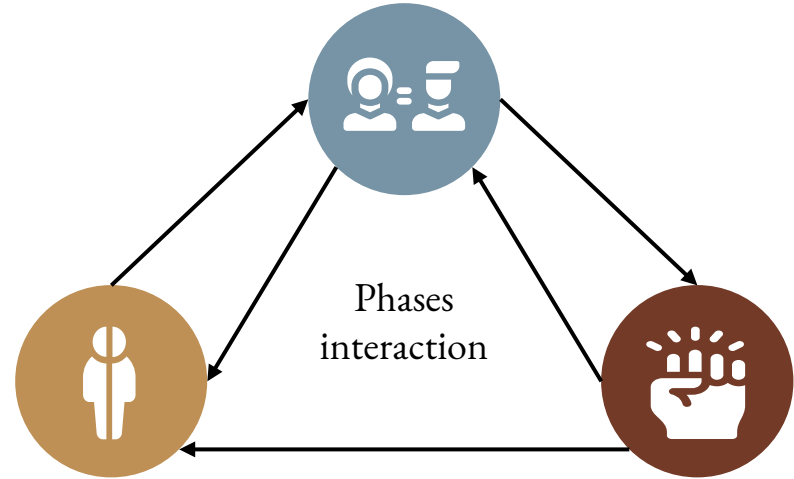
Understanding

Personal education
Workplace seminars



Action

Public action campaigns
Making it permanent within our
community



*Awareness is the fire starter to action, but
effective action cannot exist without personal
understanding*

Questions?

Works Cited

“Anti Racism and Discrimination for Municipalities.” *Ontario Human Rights Commission* |, 2010.

<https://www3.ohrc.on.ca/sites/default/files/CCMARD%20Manual%20final%20%20Revised%20June%2017.21.pdf>. Accessed 29 November 2022.

“Discover Ladysmith.” *Ladysmith Chronicle*, 22 April 2020, <https://www.ladysmithchronicle.com/travel/discover-ladysmith/>. Accessed 29 November 2022.

Egan, Roxanne. “Nanaimo-Ladysmith: Green Party's Paul Manly goes two-for-two in 2019 elections.” *Times Colonist*, 21 October 2019, <https://www.timescolonist.com/federal-election-2019-archive/nanaimo-ladysmith-green-partys-paul-manly-goes-two-for-two-in-2019-elections-4676504>. Accessed 29 November 2022.

“How many of the TRC Calls to Action are complete? Don't ask the federal government.” *Indigenous Watchdog*, 26 April 2022, <https://www.indigenouswatchdog.org/2022/04/26/how-many-of-the-trc-calls-to-action-are-complete-dont-ask-the-federal-government/>. Accessed 29 November 2022.

STAFF REPORT TO COUNCIL

Report Prepared By: Julie Thompson, Planner
Reviewed By: Jake Belobaba, RPP, MCIP, Director of Development Services
Meeting Date: December 6, 2022
File No: 3090-22-11 & 3090-22-12
Re: Development Variance Permit Applications – 636 John Wilson Place & 437 Thetis Drive

RECOMMENDATION:

That Council:

1. Issue Development Variance Permit 3090-22-11 to vary section 10.13.5.b) of “Town of Ladysmith Zoning Bylaw 2014, No. 1860” to increase the maximum permitted height of a principal building with a roof pitch less than 4:12 from 7.5m to 7.7m, at 636 John Wilson Place (Lot 14 District Lot 103 Oyster District Plan EPP98461).
2. Issue Development Variance Permit 3090-22-12 to vary section 10.2.5.a) of “Town of Ladysmith Zoning Bylaw 2014, No. 1860” to increase the maximum permitted height of a principal building from 9.0m to 9.2m at 437 Thetis Drive (Lot 12 District Lot 52 Oyster District Plan VIP86055).

EXECUTIVE SUMMARY:

Two separate applications have been submitted for Development Variance Permits (DVPs) at 636 John Wilson Place and 437 Thetis Drive. Both applicants are requesting height variances to single unit dwellings that are currently under construction. In both instances, the dwellings have been constructed over height due to construction error. Staff recommend that DVP 3090-22-11 (Attachment A) and DVP 3090-22-12 (Attachment B) both be approved based on an analysis of the impacts.

PREVIOUS COUNCIL DIRECTION:

N/A

INTRODUCTION/BACKGROUND:

The Town received building permit applications for 636 John Wilson Place and 437 Thetis Drive on January 20, 2022, and February 2, 2022, respectively. In both cases, the building permit plans (which included a height calculation prepared by a land surveyor) were reviewed for zoning compliance by the Planning Department. The proposed heights were under the maximum height allowance in their respective zones and building permits were issued for both dwellings.

As a standard part of construction review at the framing stage, the building heights and locations were re-surveyed to ensure compliance with zoning and the building plans. It was determined that, due to construction errors, both dwellings were built less than 20 centimeters over the maximum height allowed in their respective zones. Subsequently, the Building Inspector cannot pass the framing inspections unless variances to the dwelling heights are approved. The applicants have each applied for a DVP so they can complete construction and obtain occupancy without having to make alterations. The applicants have applied separately but both applications are being presented to Council under one report for the sake of efficiency since the situation and height variances are practically identical.

These types of construction errors are uncommon in Ladysmith. Staff have no reason to believe that these two height errors occurring in the same year is anything more than a coincidence; the applicants and contractors for both applications are different.

DISCUSSION:

636 John Wilson Place:

The property at 636 John Wilson Place is within the Single-Family designation in the Holland Creek Local Area Plan (Schedule C of “Official Community Plan 2003, No. 1488”) and is zoned Single Dwelling Residential – Holland Creek Area (R-1-HCA) in “Town of Ladysmith Zoning Bylaw 2014, No. 1860”. The residential use on the property is consistent with the Single-Family designation and the R-1-HCA zone.

The maximum height of a single unit dwelling in accordance with the R-1-HCA zone is 7.5m where the roof pitch is less than 4:12. The dwelling under construction on the subject property has a roof pitch of 2:12 and a height of 7.67m, which is 17cm (6.7”) over height.

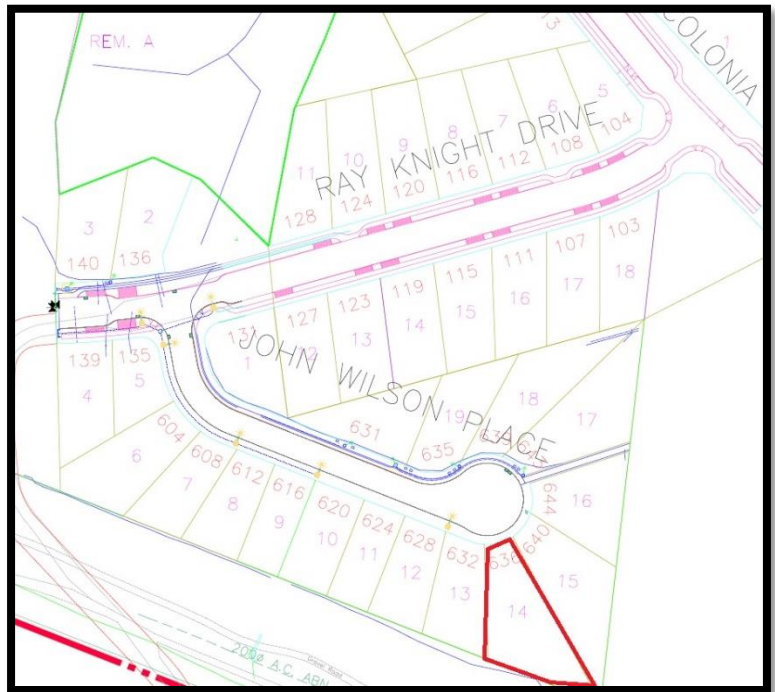


Figure 1: 636 John Wilson Place, outlined in red.



Figure 2: 636 John Wilson Place, under construction.

DVP 22-11 proposes to increase the allowable height of the dwelling from 7.5m to 7.7m¹ to allow the applicant to continue construction on the dwelling.

The applicant has provided a rationale letter which is attached as Attachment C.

437 Thetis Drive:

The property at 437 Thetis Drive is within the Single Family Residential designation in the OCP and is zoned Single Dwelling Residential (R-1) in the Zoning Bylaw. The residential use on the property is consistent with the Single Family Residential designation and the R-1 zone.

The maximum height of a single unit dwelling in accordance with the R-1 zone is 9.0m where the roof pitch is 4:12 or steeper. The dwelling under construction has a roof pitch of 4:12 and a height of 9.13m, which is 13cm (5.1") over height. DVP 22-12 proposes to increase the allowable height of the dwelling from 9.0m to 9.2m to allow the applicant to continue construction of the dwelling.

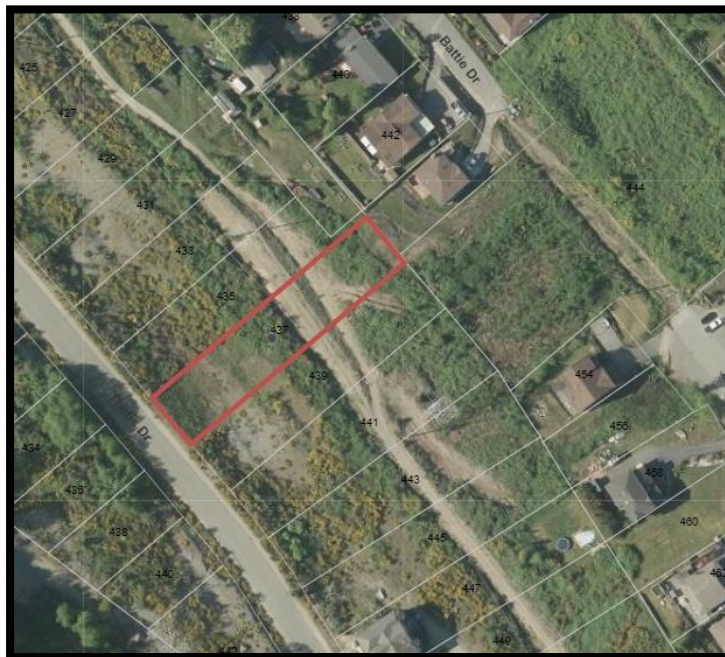


Figure 3: 437 Thetis Drive, outlined in red.

The applicant has provided a rationale letter which is attached as Attachment D.

Analysis:

Both the proposed height variances are very minor (less than 20 centimeters) and are not expected to have a negative impact on their respective neighbourhoods. Staff recommend that DVP 22-11 and DVP 22-12 be approved. If the variances are not approved, the dwellings will be required to conform to the existing height regulations in the Zoning Bylaw, requiring modification to the roof trusses and structural engineering revisions.

ALTERNATIVES:

Council can choose to:

1. Refuse issuance of DVP 3090-22-11 and/or DVP 3090-22-12.
2. Refer one or both applications back to staff for further review as specified by Council.

FINANCIAL IMPLICATIONS:

¹ Measurements are rounded to the tenths place past the decimal point to allow minor room for error and to align with other Zoning Bylaw regulations (e.g. setbacks, height, etc.) which stop at the tenths place.

N/A

LEGAL IMPLICATIONS:

The *Local Government Act* allows Council to vary Zoning Bylaw regulations excluding regulations for use, density and rental tenure through issuance of a DVP. Council may approve a variance to building height as proposed in these applications.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

An individual notice for each variance application was issued on November 25, 2022 in accordance with the requirements of the *Local Government Act* and “Town of Ladysmith Development Procedures Bylaw 2008, No. 1667”. The notices were mailed and delivered to property owners/residents within 60m of each subject property. At the time of writing, no submissions have been received.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

If DVP 22-11 and/or DVP 22-12 are approved by Council, the Building Inspector may pass the framing inspections, and construction under each building permit may proceed.

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 recommendations.

Allison McCarrick, Chief Administrative Officer

ATTACHMENTS:

- A. Draft DVP 3090-22-11
- B. Draft DVP 3090-22-12
- C. Applicant Rationale Letter – DVP 22-11 (636 John Wilson Pl.)
- D. Applicant Rationale Letter – DVP 22-12 (437 Thetis Dr.)



TOWN OF LADYSMITH
DEVELOPMENT VARIANCE PERMIT
(Section 498 *Local Government Act*)

FILE NO: 3090-22-11

DATE: December 6, 2022

Name of Owner(s) of Land (Permittee): Gail M. Miller

Applicant: Gail M. Miller

Subject Property (Civic Address): 636 John Wilson Place

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

Lot 14 District Lot 103 Oyster District Plan EPP98461 – PID: 031-374-263 (636 John Wilson Place)
3. Section 10.13.5.b) in the "Single Dwelling Residential – Holland Creek Area (R-1-HCA" zone of the "Town of Ladysmith Zoning Bylaw 2014, No. 1860", as amended, is varied for the subject property by increasing the maximum height of a *Principal Building* from 7.5 metres to 7.7 metres, measured from the average natural grade, for a *Single Unit Dwelling* with a roof pitch less than 4:12 as shown in **Schedule A – Site Plan**.
4. The land described herein shall be developed strictly in accordance with terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part thereof.
5. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.503 of the *Local Government Act*, and upon such filing, the terms of this Permit or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
6. THIS PERMIT IS NOT A BUILDING PERMIT. No occupancy permit shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Corporate Officer.

AUTHORIZED BY RESOLUTION NO. _____ PASSED BY THE COUNCIL OF THE
TOWN OF LADYSMITH ON THE ____ DAY OF _____ 202__.

Mayor (A. Stone)

Corporate Officer (M. O'Halloran)

DRAFT



TOWN OF LADYSMITH
DEVELOPMENT VARIANCE PERMIT
(Section 498 *Local Government Act*)

FILE NO: 3090-22-12

DATE: December 6, 2022

Name of Owner(s) of Land (Permittee): Erica M. Sharp, Eric A. Siemens, Teresa A. Siemens & James R. Burnett

Applicant: Erica Sharp

Subject Property (Civic Address): 437 Thetis Drive

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

Lot 12 District Lot 52 Oyster District Plan VIP86055 - PID: 027-766-900 (437 Thetis Drive)

3. Section 10.2.5.a) in the "Single Dwelling Residential (R-1)" zone of the "Town of Ladysmith Zoning Bylaw 2014, No. 1860", as amended, is varied for the subject property by increasing the maximum height of a *Principal Building* from 9.0 metres to 9.2 metres, measured from the average natural grade, for a *Single Unit Dwelling* as shown in **Schedule A - Site Plan**.
4. The land described herein shall be developed strictly in accordance with terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part thereof.
5. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.503 of the *Local Government Act*, and upon such filing, the terms of this Permit or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
6. **THIS PERMIT IS NOT A BUILDING PERMIT.** No occupancy permit shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Corporate Officer.

AUTHORIZED BY RESOLUTION NO. _____ PASSED BY THE COUNCIL OF THE
TOWN OF LADYSMITH ON THE ____ DAY OF _____ 202__.

Mayor (A. Stone)

Corporate Officer (M. O'Halloran)

DRAFT

Page 41 of 84

September 22, 2022

Re: 636 John Wilson PL.

Ladysmith BC

R-1-HCA – Bylaw 10.13 - 5b) Siting, Sizing and Dimension of Uses, Buildings and Structures

Dear Members of Council:

I am making application for a variance as a result of my building height survey showing .17m (6.7") over height as per the above referenced bylaw. In all other respects, the building is compliant with the bylaws and BCBC. The roof pitch on my home is 2/12.

Should you agree to this request for a variance, my roof height would still be 1.33m (or 4.36') *shorter* than the allowed maximum height if the pitch were 4/12. I have included an excerpt from the Zoning Bylaw for reference below.

- b) On a *Parcel* greater than 560 square metres in size, no *Principal Building* or *Structure* shall exceed a *Height* of 9.0 metres; except where a *Principal Building* roof pitch is less than 4:12, in which case the maximum *Height* shall be 7.5 metres.

As an Owner Builder, I took care to hire recommended, experienced professionals to work on this project with me. Like most people undertaking a new home build, I am on a budget, but I hired the best people that I could afford.

My designer (Keene Anderson of Greenplan Designs) and I reviewed several roof style options for the home and ultimately decided that a pitched roof of 2/12 would be most suitable considering all relevant factors for what we were trying to achieve. This decision meant I would be close to the maximum allowed height of (7.5m) for a lower slope roof like mine at 2/12.

My proposed height with this design allowed a tolerance of .10m (3.9") between the maximum building height and the proposed.

Because there was little room for error, I explored other options and considered different styles, but they would have significantly altered the appearance and/or the performance of the home. I also considered changing the pitch to a 4/12 which would have allowed for a higher height allowance of 9 metres, but my designer advised that this would not work and would put the building over-height. The decision was made to stick with the current design and be very careful with the calculations during construction.

I shared my concern regarding height calculations with my very experienced foundation contractor and he said there wouldn't be an issue. He assured me that this is what he did all day every day. I relied on his expertise.

As a precaution, we consulted the surveyor to confirm the benchmark height established in the excavation so that we could be precise. We double checked our numbers prior to forming the footings. I'm truly unsure of where we went wrong, but clearly an error was made.

Now I find myself with a partially constructed home, trades lined up, expensive materials on the ground, and I am unable to continue building until this issue is resolved.

My property is in a cul de sac and backs onto the hydro line easement. There aren't other homes behind me, and to the best of my knowledge, there won't be in future either. Even if there were, the land rises behind the hydro easement, so a line of view would not be impacted.

Homes on either side have steeper pitched roofs so are of similar height to mine or higher. I have attached photos for your review. My position is that the 6.7 inches would not negatively impact neighboring properties or create any other potential issue now or in the future.

As you can see from the photos, I have installed a metal roof as recommended for this pitch. The roof was already installed when I learned that the building was over height. Like most metal roofs, this one was not cheap so the option of cutting the roof back to conform is not an attractive option and would mean entering the building wall requiring a full redesign of walls and trusses. This route would leave the face unprotected from weather and result in potential failure of the building envelope, not to mention significant expense. Major consideration for high performance was a factor in the over-all design and this would negate those efforts.

This error has caused a great deal of stress and a significant financial impact. The delay in construction is expensive and I know it will be very difficult to get the trades back when I am able to move forward again.

These are challenging times to build on many levels and I believe everyone is doing the best that they can, and mistakes do happen. I fully appreciate that this error rests on my shoulders as the Owner/Builder.

I humbly ask that you grant this variance so that I can move forward to completion without any additional financial loss. Currently, I rent an apartment in Ladysmith (in addition to my construction mortgage) and am very much looking forward to being able to move into my home.

Respectfully,

Gail Miller



Attachment D

October 7, 2022

Eric Siemens and Erica Sharp
437 Thetis Drive
Ladysmith, BC, V9G 0A8

Town of Ladysmith
Ladysmith Town Council
12 Roberts Street
Ladysmith, BC, V9G 1B6

Dear Members of Council:

I am writing to seek a height variance for my single-family dwelling with basement suite at 437 Thetis Drive, Ladysmith. Current zoning rules say that the maximum building height is 9.0m; I respectfully request that you allow our house a height of 9.13m.

The lot we are building on is quite steep and provided us with multiple challenges during the planning and design process. We decreased the roof pitch from 5:12 to 4:12 and our calculations put the height within the 9.0m. Despite this, our building ended up 0.13m over the maximum allowable height, possibly in part due to the roof cap shingles.

This minor increase in height should not impede the neighbours view, as the front door to our home is already well below road level. Please do not hesitate to contact us if you have any questions at [REDACTED]. Thank you for taking the time to review our request.

Respectfully yours,
Erica Sharp and Eric Siemens

Minutes of the Poverty Reduction Task Group
November 9, 2022, 10:00am
Zoom

COMMITTEE MEMBERS PRESENT:

Jacqueline Neligan
Carmen Hildebrand
Gerry Busch
Lydia Neubauer
Cindy Lise
Sandra Thomson
Rosalie Sawrie

STAFF/COUNCIL PRESENT:

Shannon Wilson
Councillor Tricia McKay
Mike Gregory

REGRETS:

Myf Plecas
Millie Stirling
Jessica Chomyn
Cheryl Sampson

**CALL TO ORDER AND
ACKNOWLEDGEMENT**

The facilitator acknowledged with gratitude that this meeting was taking place on the traditional, unceded territory of the Stz'uminus First Nation.

AGENDA

That the Poverty Reduction Task Group approve the agenda for the meeting as presented.

Motion carried.

MINUTES

That the Poverty Reduction Task Group approve the Minutes from October 6, 2022 as presented.

Motion carried.

CURRENT BUSINESS

Welcome & Introductions

- Members of the PRTG each introduced themselves to the group.

Project Updates & Discussions

- Updates were shared about each section of the project:
- LRCA staff are delivering food from the food bank to Stz'uminus during the Elders Lunch and will expand from there as needed.
- Harvest outcomes - 2 grape, 1 apple picks. 238 Kg of fruit recovered, 6 volunteers signed up but 3 participated to recover fruit through the gleaning project facilitated by the LRCA. PRTG members met with Volunteers to discuss lessons learned and how to improve the program for next year.
- A separate Food Security Sub-committee was held to discuss planning for the Food Fair which will be held in March 2023 with a focus on

planting, seed sharing, “growing a row”, Indigenous traditional foods, promotion & volunteer recruitment for fall 2023 gleaning program, etc. A tentative date is awaiting confirmation by the SD68 to host at LSS.

- Education and awareness event dates were discussed with confirmed dates expected shortly for early in 2023.
- The group has requested to meet with Stz’uminus Chief and Council to provide an update on the project and request permission with a Cultural Connections Elder to host a workshop on Stz’uminus territory and invite a Stz’uminus Elder to participate.

Wrap up & Next steps

- The Food Security Sub-committee will continue to meet to plan details for food security actions
- Continue to develop an evaluation framework
- Confirm date for Food Fair in March 2023
- Decide on which films to show for the Community Dialogues at the next meeting
- Continue to work with Cowichan Cultural Connections Society on designing and scheduling Community Cultural Workshops with Stz’uminus First Nation

Meeting adjourned at 11:19am

Next Meeting scheduled for December 6, 2022 at 10am.

Facilitator (Rosalie Sawrie)

RECEIVED:

Corporate Officer (D. Smith)

STAFF REPORT TO COUNCIL

Report Prepared By: Erin Anderson, Director of Financial Services
Reviewed By: Allison McCarrick, CAO
Meeting Date: December 6, 2022
File No:
Re: **2023 Financial Plan – General Capital Plan**

RECOMMENDATION:

That Council approve the 2023 Capital Plan as presented in the staff report dated December 6, 2022.

EXECUTIVE SUMMARY:

Tonight's budget discussion is on the General Capital Plan. This is the fourth budget discussion meeting for the 2023 Financial Plan. The General Capital Plan proposes to spend \$1,966,050 with \$799,453 coming from taxation.

PREVIOUS COUNCIL DIRECTION:

N/A

INTRODUCTION/BACKGROUND:

Staff presented the 2023 General Operating budget at the meeting on November 15th, 2022. Council approved the four Higher Level Service Requests for an additional Parks position, two temporary Development Services positions, and additional funds for pavement maintenance and public engagement software.

Additional budget information has also been received since the November 15th meeting. The Churchill debt has been paid, which will reduce the budgeted interest expense for 2023, though insurance estimates are greater at 8% versus the 5% that was included in the budget. At this time, the municipal budget increase is \$504,249 and the policing budget increase is \$137,348 for an overall budget increase of 6.79%.

The 2023 General Capital Plan (attachment A) was created based on the Council policy of allocating 10% of prior year municipal taxes to capital. This amounts to \$799,457 for 2023.

ALTERNATIVES:

Below are some options if Council is wishing to reduce the budget increase:

1. As Council approved an \$87,000 increase to pavement management, \$87,000 could be removed from the amount allocated to the asset management reserve. This would

reduce the budget increase to 5.87%.

2. Council could keep the e-Comm fees at the 2022 levels (\$49,000) and lower the budget by \$50,000. This would reduce the budget increase to 6.26%.
3. Council could choose to remove the e-Comm fees all together and wait until 2025 when they are due, saving \$99,000. This would reduce the budget increase to 5.74%.
4. Combining options 1 and 2 would see a 5.34% budget increase.
5. Combining options 1 and 3 would see a 4.82% budget increase.
6. Council could direct staff to reduce other service level or capital funding amounts which would reduce expenses.

FINANCIAL IMPLICATIONS:

The funding amount for general capital projects is set by Council policy. Removing specific projects will not have an impact on taxation as another project will be added.

Council could modify this policy which will reduce the overall funding envelope and will lower taxation.

LEGAL IMPLICATIONS:

The financial plan must be adopted before May 15th, 2023.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Property owners are encouraged to participate in the budget process.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Each department is responsible for providing their budget requests to the Finance Department.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

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

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|--|---|
| <input 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.

Allison McCarrick, Chief Administrative Officer

ATTACHMENT:

Attachment A – 2023 Proposed General Capital List

ATTACHMENT A - 2023 PROPOSED GENERAL CAPITAL LIST

Development Services

Planning/Development

Project Name	<u>Ladysmith Community Profile Update</u>		
Description	Complete community profile with new datasets and digital format (PowerBI Dashboard)	YEAR	2023
Purpose	To edit and rebrand the profile and align with digital tools and client expectations. A digital dashboard is proposed with near real time integration with existing data sets to provide more timely and interactive information.	Amounts	\$10,000
Consequence of not funding	Status Quo	<u>Funding Sources:</u>	
Priority	Optional	Taxation	4,800
Strategy	Economy	Water Utility	0
Asset Type	Design/Study <input type="checkbox"/> Early Budget Approval	Sewer Utility	0
Useful life	years	Reserve	5,200
			<i>ID - Future Projects</i>
		DCC	0
		Gas Tax	0
		Carry-forward	0
		Borrow	0
		Donation/Other	0
		Grant-confirmed	0
		Grant - TBD	0

ATTACHMENT A -
2023 PROPOSED GENERAL
CAPITAL LIST

Parks & Rec

Facility Maintenance

Project Name	<u>Archives Fire Suppression Engineering</u>		
Description	Hire engineering to design a fire suppression system for the archives building	YEAR	2023
		Amounts	\$20,000
Purpose	Design a proper fire suppression system that will not damage our archives if we had a fire. Included will be the costs associated to the fire suppression system install. Request the funds for install in the 2024 capital.	<u>Funding Sources:</u>	
		Taxation	0
		Water Utility	0
		Sewer Utility	0
		Reserve	20,000
			PRC - Building
		DCC	0
		Gas Tax	0
		Carry-forward	0
		Borrow	0
		Donation/Other	0
		Grant-confirmed	0
		Grant - TBD	0
Consequence of not funding	Not addressing this item has the potential risk of losing important community archives in the result of a fire.		
Priority	Immediate		
Strategy	Infrastructure		
Asset Type	Design/Study <input type="checkbox"/> Early Budget Approval		
Useful life	years		

Project Name	<u>City Hall Meeting Room</u>		
Description	Create smaller meeting room and offices from previous Council Chambers	YEAR	2023
		Amounts	\$75,000
Purpose	To allow for additional office space in CH previous Council Chambers	<u>Funding Sources:</u>	
		Taxation	0
		Water Utility	0
		Sewer Utility	0
		Reserve	75,000
			COVID
		DCC	0
		Gas Tax	0
		Carry-forward	0
		Borrow	0
		Donation/Other	0
		Grant-confirmed	0
		Grant - TBD	0
Consequence of not funding	Reduce sharing of office spaces		
Priority	Important but not critical		
Strategy	Operations		
Asset Type	New Asset <input checked="" type="checkbox"/> Early Budget Approval		
Useful life	25 years		

ATTACHMENT A - **2023 PROPOSED GENERAL** **CAPITAL LIST**

Project Name	<u>City Hall Roof</u>		
Description	Replace leaking roof at City Hall		
		YEAR	2023
		Amounts	\$150,000
Purpose	To replace the roof and drainage at City Hall		
		<u>Funding Sources:</u>	
		Taxation	150,000
		Water Utility	0
		Sewer Utility	0
		Reserve	0
Consequence of not funding	Continued water penetration into the building and basement area		
		DCC	0
		Gas Tax	0
		Carry-forward	0
		Borrow	0
		Donation/Other	0
		Grant-confirmed	0
		Grant - TBD	0
Priority	Immediate		
Strategy	Asset Management		
Asset Type	Replacement	<input checked="" type="checkbox"/> Early Budget Approval	
Useful life	25 years		
Project Name	<u>City Hall Windows</u>		
Description	Replacing single pane windows with more energy efficient options		
		YEAR	2023
		Amounts	\$120,000
Purpose	To replace windows in City hall and reduce energy consumption		
		<u>Funding Sources:</u>	
		Taxation	30,000
		Water Utility	0
		Sewer Utility	0
		Reserve	90,000
Consequence of not funding	Energy loss = additional heating costs		
		DCC	0
		Gas Tax	0
		Carry-forward	0
		Borrow	0
		Donation/Other	0
		Grant-confirmed	0
		Grant - TBD	0
Priority	Important but not critical		
Strategy	Asset Management		
Asset Type	Replacement	<input checked="" type="checkbox"/> Early Budget Approval	
Useful life	50 years		

ATTACHMENT A - 2023 PROPOSED GENERAL CAPITAL LIST

<i>Project Name</i>	<u>Comprehensive Roof Assessments</u>		
<i>Description</i>	Condition assessment for TOL roofs that have not been repaired or replaced in past 10yrs		<div>YEAR</div> <div>2023</div>
<i>Purpose</i>	This information is important to long range capital planning. Based on the WSP Report, have comprehensive roof assessments completed to identify roofs that would be deemed high priority for repairs or replacements for the next 5 -10 years.		<div>Amounts</div> <div> <div>\$20,000</div> </div>
<i>Consequence of not funding</i>	Not doing this work could result in a disruption to a facility and operations.		<div><u>Funding Sources:</u></div> <div> Taxation 20,000 Water Utility 0 Sewer Utility 0 Reserve 0 DCC 0 Gas Tax 0 Carry-forward 0 Borrow 0 Donation/Other 0 Grant-confirmed 0 Grant - TBD 0 </div>
<i>Priority</i>	Important but not critical		
<i>Strategy</i>	Infrastructure		
<i>Asset Type</i>	Design/Study	<input type="checkbox"/> Early Budget Approval	
<i>Useful life</i>	years		

<i>Project Name</i>	<u>Fire Hall - Furnace Oil Boiler Engineering</u>		
<i>Description</i>	Options to replace old oil fired boiler with an energy efficient model		<div>YEAR</div> <div>2023</div>
<i>Purpose</i>	To increase the efficiency of the heating system and help reduce our GHG's. It is recommended to remove the old system before it fails resulting in the building being non-operational and potential environmental issues.		<div>Amounts</div> <div> <div>\$15,000</div> </div>
<i>Consequence of not funding</i>	Not completing this work could result in the building not being operational impacting operations of Fire Services.		<div><u>Funding Sources:</u></div> <div> Taxation 15,000 Water Utility 0 Sewer Utility 0 Reserve 0 DCC 0 Gas Tax 0 Carry-forward 0 Borrow 0 Donation/Other 0 Grant-confirmed 0 Grant - TBD 0 </div>
<i>Priority</i>	Important but not critical		
<i>Strategy</i>	Asset Management		
<i>Asset Type</i>	Design/Study	<input type="checkbox"/> Early Budget Approval	
<i>Useful life</i>	years		

ATTACHMENT A - 2023 PROPOSED GENERAL CAPITAL LIST

Project Name	<u>FJCC Pool Condition Assessment</u>		
Description	Have a consultant conduct a condition assessment on the pool and mechanical systems for FJCC.		
Purpose	The WSP report identifies major components to the pool and mechanical systems needing replacement in next 1-3 years. The goal is to determine the short and long-term costs with the facility and its remaining useful life.		
Consequence of not funding	With the pool nearing its end of life it will be unknown as to the extent of potential repairs resulting in a long term closure that would impact the public, programs and services.		
Priority	Immediate		
Strategy	Asset Management		
Asset Type	Design/Study	<input checked="" type="checkbox"/> Early Budget Approval	
Useful life	years		
Project Name	<u>Main HVAC Replacement - City Hall</u>		
Description	Replace existing roof top unit @ CH		
Purpose	The roof top unit is at its end of useful life and has not been operating in an efficient manner. This unit has very limited adjustability to increase fresh air flow during the warmer months.		
Consequence of not funding	Possibility of the unit falling and would require immediate replacement resulting in inadequate air flow and filtration in the building.		
Priority	Important but not critical		
Strategy	Asset Management		
Asset Type	Replacement	<input type="checkbox"/> Early Budget Approval	
Useful life	10 years		

YEAR	2023
Amounts	\$50,000

<u>Funding Sources:</u>	
Taxation	50,000
Water Utility	0
Sewer Utility	0
Reserve	0
DCC	0
Gas Tax	0
Carry-forward	0
Borrow	0
Donation/Other	0
Grant-confirmed	0
Grant - TBD	0

YEAR	2023
Amounts	\$90,000

<u>Funding Sources:</u>	
Taxation	80,000
Water Utility	0
Sewer Utility	0
Reserve	10,000
	COVID
DCC	0
Gas Tax	0
Carry-forward	0
Borrow	0
Donation/Other	0
Grant-confirmed	0
Grant - TBD	0

ATTACHMENT A - 2023 PROPOSED GENERAL CAPITAL LIST

<i>Project Name</i>	<u>RCMP Desks & Chairs</u>		
<i>Description</i>	Replacing chairs and desks for RCMP members and support staff		YEAR 2023
<i>Purpose</i>	To replace aging office furniture		Amounts \$45,000
<i>Consequence of not funding</i>	Ergonomic issues		Funding Sources:
<i>Priority</i>	Important but not critical		Taxation 0
<i>Strategy</i>	Asset Management		Water Utility 0
<i>Asset Type</i>	Replacement	<input type="checkbox"/> Early Budget Approval	Sewer Utility 0
<i>Useful life</i>	15 years		Reserve 45,000
			Policing
			DCC 0
			Gas Tax 0
			Carry-forward 0
			Borrow 0
			Donation/Other 0
			Grant-confirmed 0
			Grant - TBD 0

<i>Project Name</i>	<u>RCMP Interior Repairs and Painting</u>		
<i>Description</i>	Repair all damaged walls from years of day to day wear and tear.		YEAR 2023
<i>Purpose</i>	The building receives heavy use and wear from the typical use. Repairing and installing materials to protect walls will extend its life and minimize the level of ongoing small repairs.		Amounts \$30,000
<i>Consequence of not funding</i>	Continued wear and tear and further damage.		Funding Sources:
<i>Priority</i>	Important but not critical		Taxation 0
<i>Strategy</i>	Operations		Water Utility 0
<i>Asset Type</i>	Repair	<input type="checkbox"/> Early Budget Approval	Sewer Utility 0
<i>Useful life</i>	years		Reserve 30,000
			Policing
			DCC 0
			Gas Tax 0
			Carry-forward 0
			Borrow 0
			Donation/Other 0
			Grant-confirmed 0
			Grant - TBD 0

ATTACHMENT A - 2023 PROPOSED GENERAL CAPITAL LIST

Project Name **Resurfacing of the Oasis Pool and Epoxy sealing the Hot Tub - FJCC**

Description Both the Oasis pool and hot tub are in need of resealing.

Purpose The selected application has a 10 year life expectancy The Oasis pool is past due for it's painting which helps seal the pool but also has anti slip components to it which is currently eroding away causing potential slipping hazards.

Consequence of not funding Water loss, slipping hazards, possible loss of hot tub use.

Priority Immediate

Strategy Infrastructure

Asset Type Repair ☐ Early Budget Approval

Useful life 10 years

YEAR

2023

Amounts

\$150,000

Funding Sources:

Taxation	150,000
Water Utility	0
Sewer Utility	0
Reserve	0
DCC	0
Gas Tax	0
Carry-forward	0
Borrow	0
Donation/Other	0
Grant-confirmed	0
Grant - TBD	0

Recreation

Project Name **FJCC Aquatic Wheelchair Replacement**

Description Replacement of two 24" wheel heavy duty aquatic wheelchair for patrons to access pool areas.

Purpose Due to age and general wear and damage, the aquatic wheelchairs are needed to be replaced to ensure pool use accessibility for patrons with mobility challenges.

Consequence of not funding Limited and/or restricted accessibility to pool areas for patrons with mobility challenges.

Priority Immediate

Strategy Community

Asset Type Replacement ☒ Early Budget Approval

Useful life years

YEAR

2023

Amounts

\$6,000

Funding Sources:

Taxation	6,000
Water Utility	0
Sewer Utility	0
Reserve	0
DCC	0
Gas Tax	0
Carry-forward	0
Borrow	0
Donation/Other	0
Grant-confirmed	0
Grant - TBD	0

ATTACHMENT A -
2023 PROPOSED GENERAL
CAPITAL LIST

Project Name	<u>FJCC Gymnasium Chair Replacement</u>		
Description	Not being able to fully support facility and community needs use due to lack of equipment. Risk of using aged equipment increases risk of liability to Town.		
Purpose	Current chair inventory is at 50% due to age and general wear and damage. Used for general use, recreation programs, rentals and special events - held at FJCC and off-site throughout the community. ANSI/BIFMA standards.		
Consequence of not funding	Not being able to fully support facility and community needs use due to lack of equipment. Risk of using aged equipment increases risk of liability to Town.		
Priority	Important but not critical		
Strategy	Economy		
Asset Type	Replacement	<input type="checkbox"/>	Early Budget Approval
Useful life	10	years	

YEAR	2023
Amounts	\$9,000

Funding Sources:

Taxation	9,000
Water Utility	0
Sewer Utility	0
Reserve	0
DCC	0
Gas Tax	0
Carry-forward	0
Borrow	0
Donation/Other	0
Grant-confirmed	0
Grant - TBD	0

Project Name	<u>Rec Room Play Equipment Replacement FJCC</u>		
Description	Replacement of play equipment in the Rec Room - pool, ping pong, air hockey and foosball tables.		
Purpose	Current equipment was donated. Equipment is near end of life – due to age and wear/tear. 50% of equipment is no longer functioning and replacement parts are not available. Equipment used by families, children, youth and seniors.		
Consequence of not funding	There are limited opportunities in Ladysmith for intergenerational programming and activities. Not having this equipment available will result in limited use of Rec Room, including revenue streams, and limited activity opportunities.		
Priority	Important but not critical		
Strategy	Operations		
Asset Type	Replacement	<input type="checkbox"/>	Early Budget Approval
Useful life		years	

YEAR	2023
Amounts	\$10,000

Funding Sources:

Taxation	10,000
Water Utility	0
Sewer Utility	0
Reserve	0
DCC	0
Gas Tax	0
Carry-forward	0
Borrow	0
Donation/Other	0
Grant-confirmed	0
Grant - TBD	0

ATTACHMENT A -
2023 PROPOSED GENERAL
CAPITAL LIST

Parks & Playgrounds

Project Name	<u>Harbourview Park Improvements</u>		
Description	Replace and repair playground equipment and install concrete path from parking to playground.		<div>YEAR</div> <div>2023</div> <div>Amounts</div> <div>\$85,000</div>
Purpose	Improve accessibility and ensure the playground meets today's safety standards.		<u>Funding Sources:</u> Taxation 15,000 Water Utility 0 Sewer Utility 0 Reserve 0 DCC 0 Gas Tax 70,000 Carry-forward 0 Borrow 0 Donation/Other 0 Grant-confirmed 0 Grant - TBD 0
Consequence of not funding	Playground will continue to deteriorate and access will remain a challenge.		
Priority	Important but not critical		
Strategy	Infrastructure		
Asset Type	Replacement	<input type="checkbox"/> Early Budget Approval	
Useful life	15 years		

Project Name	<u>Sports Field Improvements (Aggie irrigation)</u>		
Description	Based on assessment, upgrade Town sports field to allow for year-round use		<div>YEAR</div> <div>2023</div> <div>Amounts</div> <div>\$125,000</div>
Purpose	To address ongoing drainage and field undulation (unlevelled peaks and valleys on the playing surface)		<u>Funding Sources:</u> Taxation 75,000 Water Utility 0 Sewer Utility 0 Reserve 50,000 COVID DCC 0 Gas Tax 0 Carry-forward 0 Borrow 0 Donation/Other 0 Grant-confirmed 0 Grant - TBD 0
Consequence of not funding	The fields are in poor condition and require yearly maintenance to address the field undulation issues		
Priority	Important but not critical		
Strategy	Infrastructure		
Asset Type	Repair	<input checked="" type="checkbox"/> Early Budget Approval	
Useful life	years		

ATTACHMENT A -
2023 PROPOSED GENERAL
CAPITAL LIST

Public Works				
Equipment				
Project Name	<u>Equipment Replacement - Sweeper</u>			
Description	Part of planned Equipment Replacement		YEAR	2023
			Amounts	\$400,000
Purpose	To replace unit #47 - Elgin Crosswind Sweeper		<u>Funding Sources:</u>	
			Taxation	0
			Water Utility	0
			Sewer Utility	0
Consequence of not funding	Existing aging equipment will required additional maintenance		Reserve	400,000
				quipment Reserve
			DCC	0
Priority	Important but not critical		Gas Tax	0
Strategy	Operations		Carry-forward	0
Asset Type	Replacement	<input type="checkbox"/> Early Budget Approval	Borrow	0
			Donation/Other	0
Useful life	20	years	Grant-confirmed	0
			Grant - TBD	0
Project Name	<u>Replace Tractor</u>			
Description	Part of planned replacement. Existing was purchased used in 1998.		YEAR	2023
			Amounts	\$75,000
Purpose	To replace unit #66 - New Holland 4630 Ford Tractor		<u>Funding Sources:</u>	
			Taxation	0
			Water Utility	0
			Sewer Utility	0
Consequence of not funding	Aging equipment requires additional maintenance. May impact snow removal.		Reserve	75,000
				quipment Reserve
			DCC	0
Priority	Important but not critical		Gas Tax	0
Strategy	Operations		Carry-forward	0
Asset Type	Replacement	<input type="checkbox"/> Early Budget Approval	Borrow	0
			Donation/Other	0
Useful life	25	years	Grant-confirmed	0
			Grant - TBD	0

ATTACHMENT A -
2023 PROPOSED GENERAL
CAPITAL LIST

Engineering				
Project Name	<u>Traffic Study - single area</u>			
Description	Per CS 2022-171 - include an area-specific traffic study as outline in Option 2 of the Jul 5/22 staff report		YEAR	2023
Purpose	Area-specific traffic study		Amounts	\$50,000
Consequence of not funding	Reliant on older data models for traffic flows		<u>Funding Sources:</u>	
Priority	Important but not critical		Taxation	50,000
Strategy	Infrastructure		Water Utility	0
Asset Type	Design/Study	<input type="checkbox"/> Early Budget Approval	Sewer Utility	0
Useful life	years		Reserve	0
			DCC	0
			Gas Tax	0
			Carry-forward	0
			Borrow	0
			Donation/Other	0
			Grant-confirmed	0
			Grant - TBD	0

Roads/Sidewalks				
Project Name	<u>Bollards - 1st Avenue</u>			
Description	Annual allotment for bollards along 1st Ave		YEAR	2023
Purpose	Install Bollards on 1st Ave per CS2018-144		Amounts	\$30,000
Consequence of not funding	Possibility of accidents		<u>Funding Sources:</u>	
Priority	Optional		Taxation	30,000
Strategy	Operations		Water Utility	0
Asset Type	New Asset	<input type="checkbox"/> Early Budget Approval	Sewer Utility	0
Useful life	20 years		Reserve	0
			DCC	0
			Gas Tax	0
			Carry-forward	0
			Borrow	0
			Donation/Other	0
			Grant-confirmed	0
			Grant - TBD	0

ATTACHMENT A -
2023 PROPOSED GENERAL
CAPITAL LIST

Project Name	<u>Chip sealing select alleyways</u>		
Description	Test the application of a non permeable service to the existing alleyways to reduce maintenance cost.		YEAR 2023
Purpose	To test a chipseal product on 4 gravel alleyways		Amounts \$20,000
Consequence of not funding	Continued complaints and will still require additional grading in alleyways.		Funding Sources:
Priority	Important but not critical		Taxation 20,000
Strategy	Operations		Water Utility 0
Asset Type	New Asset <input type="checkbox"/> Early Budget Approval		Sewer Utility 0
Useful life	5 years		Reserve 0
			DCC 0
			Gas Tax 0
			Carry-forward 0
			Borrow 0
			Donation/Other 0
			Grant-confirmed 0
			Grant - TBD 0

Project Name	<u>Dump Site - Survey & Study</u>		
Description	Reviewing the Town's materials dump site located in Cassidy		YEAR 2023
Purpose	To determine the remaining life of the Town's materials dump site		Amounts \$20,000
Consequence of not funding	Once the Town's materials dump site is full, the Town will be required to pay for material disposal.		Funding Sources:
Priority	Optional		Taxation 20,000
Strategy	Operations		Water Utility 0
Asset Type	Design/Study <input type="checkbox"/> Early Budget Approval		Sewer Utility 0
Useful life	years		Reserve 0
			DCC 0
			Gas Tax 0
			Carry-forward 0
			Borrow 0
			Donation/Other 0
			Grant-confirmed 0
			Grant - TBD 0

ATTACHMENT A -
2023 PROPOSED GENERAL
CAPITAL LIST

Project Name	<u>Radar Speed Signs</u>		
Description	Installation of 1 radar speed sign for public education. Concerns for vandalism		YEAR 2023
			Amounts \$35,000
Purpose	To reinforce posted speed at select location		<u>Funding Sources:</u>
			Taxation 0
			Water Utility 0
			Sewer Utility 0
Consequence of not funding	Status Quo		Reserve 35,000
			Policing 0
			DCC 0
Priority	Optional		Gas Tax 0
			Carry-forward 0
Strategy	Community		Borrow 0
Asset Type	New Asset <input type="checkbox"/> Early Budget Approval		Donation/Other 0
			Grant-confirmed 0
Useful life	10 years		Grant - TBD 0

Project Name	<u>Sidewalk - Farrell Rd: Stirling to Gales</u>		
Description	Per 2019 DCC Plan, construct sidewalks on Farrell Rd from Stirling to the Gales.		YEAR 2023
			Amounts \$46,050
Purpose	To construct sidewalks on Farrell Rd		<u>Funding Sources:</u>
			Taxation 34,653
			Water Utility 0
			Sewer Utility 0
Consequence of not funding	This is part of the DCC program.		Reserve 0
			DCC 11,397
Priority	Optional		Gas Tax 0
			Carry-forward 0
Strategy	Infrastructure		Borrow 0
Asset Type	New Asset <input type="checkbox"/> Early Budget Approval		Donation/Other 0
			Grant-confirmed 0
Useful life	50 years		Grant - TBD 0

ATTACHMENT A -
2023 PROPOSED GENERAL
CAPITAL LIST

Protective Services

Fire

Project Name	<u>Paving - Front Apron Paving</u>		
Description	Paving of the front area of the Fire Department building		<div>YEAR</div> <div>2023</div>
Purpose	To repair cracked pavement and define Fire Hall area & sidewalk		<div>Amounts</div> <div><div>\$30,000</div></div>
Consequence of not funding	Deteriorating pavement and unconnected pedestrian pathway		<div><u>Funding Sources:</u></div> <div><div>Taxation</div><div>30,000</div></div> <div><div>Water Utility</div><div>0</div></div> <div><div>Sewer Utility</div><div>0</div></div> <div><div>Reserve</div><div>0</div></div> <div><div>DCC</div><div>0</div></div> <div><div>Gas Tax</div><div>0</div></div> <div><div>Carry-forward</div><div>0</div></div> <div><div>Borrow</div><div>0</div></div> <div><div>Donation/Other</div><div>0</div></div> <div><div>Grant-confirmed</div><div>0</div></div> <div><div>Grant - TBD</div><div>0</div></div>
Priority	Important but not critical		
Strategy	Infrastructure		
Asset Type	Repair	<div><input type="checkbox"/></div> <div>Early Budget Approval</div>	
Useful life	25	years	

ATTACHMENT A - 2023 PROPOSED GENERAL CAPITAL LIST

Waterfront

Waterfront

Project Name **Waterfront projects**

Description Annual allotment of waterfront projects

YEAR

2023

Amounts

\$250,000

Purpose To implement the Waterfront Area Plan

Funding Sources:

Taxation 0

Water Utility 0

Sewer Utility 0

Reserve 250,000

if Property Reserve

DCC 0

Gas Tax 0

Carry-forward 0

Borrow 0

Donation/Other 0

Grant-confirmed 0

Grant - TBD 0

Consequence of not funding Inconsistent with WAP

Priority Immediate

Strategy Waterfront

Asset Type New Asset



Early
Budget
Approval

Useful life years

ANNUAL TOTAL

\$1,966,050

Taxation 799,453

Water Utility 0

Sewer Utility 0

C/F 0

DCC

Reserve

Gas Tax

Grant-confirmed

11,397

1,085,200

70,000

0

Grant - TBD

Borrow

Donation/Other

0

0

0

STAFF REPORT TO COUNCIL

Report Prepared By: Camelia Copp, Revenue Accountant
Report Approve by: Erin Anderson, Director of Financial Services
Meeting Date: December 6, 2022
File No:
Re: **2023 Utility Due Dates**

RECOMMENDATION:

That Council approve the following utility billing due dates:

- February 24, 2023 for the period October to December, 2022;
- May 30, 2023 for the period January to March, 2023;
- August 30, 2023 for the period April to June, 2023; and
- November 29, 2023 for the period July to September, 2023.

EXECUTIVE SUMMARY:

Staff have selected the utility billing dates for 2023. Payments are due at least 30 days from the billing date and staff try to accommodate the pension dates set by the upper levels of governments as well as work within the operations of the Town.

PREVIOUS COUNCIL DIRECTION:

n/a

INTRODUCTION/BACKGROUND:

The water, sewer and solid waste (garbage, recycling and organics collection) services are billed each quarter. Water meters are read near the end of each quarter and the water consumption for the period determines the fee charged; sewer and solid waste are charged per month.

Each of the service bylaws set a similar penalty date of no less than 30 days from the billing date and often this date lands in the middle of the month for February, May, August and November. Staff attempt to extend the due date to accommodate the end of the month pension payment dates, however, on occasion the due date is the same as the pension date.

ALTERNATIVES:

Council can choose to:

1. Select other dates as the quarterly due dates.
2. Change the billing frequency to 3 times a year, though water leaks may remain undiscovered for a longer period of time.

FINANCIAL IMPLICATIONS:

There is a 10% penalty applied to unpaid utility bills. Bills that remain unpaid at December 31st roll to the property owner's taxes in arrears and begin accruing interest charges.

LEGAL IMPLICATIONS:

Current bylaws include similar language to the following:

A 10% penalty shall be added to any unpaid current water charges no less than 30 days from the billing date and the due date selected shall be clearly indicated on the utility billing.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Staff have received feedback from a few property owners requesting more time to make payment.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Public Works staff (Utilities) read the water meters and Finance staff calculate the billings.

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: Camelia Copp, Revenue Accountant
Report Approve by: Erin Anderson, Director of Financial Services
Meeting Date: December 6, 2022
File No: 1820-01
RE: **Adjustment to Water Billing Account**

RECOMMENDATION:

That Council provide a partial bill adjustment in the amount of \$3,738.23 to billing Account No. 001-1322300 due to a water leak.

EXECUTIVE SUMMARY:

The purpose of this staff report is to present to Council a request for a water bill adjustment due to a water leak over \$3,000. Usually, property owners repair leaks on their property within the required 45 days. Staff are suggesting that Council authorize a partial bill reduction for this property as it took over 45 days to complete the repair. As the dollar amount of the adjustment is greater than the \$3,000 authorized by the Director of Finance, further approval by Council is necessary to adjust the billing amount.

PREVIOUS COUNCIL DIRECTION:

In 2017, Council amended "Waterworks Regulation Bylaw 1999, No. 1298" as follows:

39(3) Where any account is rendered pursuant to this section, the Director of Finance, in estimating the account, shall consider previous billing periods when such meter was registering correctly, seasonal variations, changes in occupancy, and any other factors which, in the opinion of the Director, may affect the consumption of water. The maximum adjustment amount is \$3,000 per account.

INTRODUCTION/BACKGROUND:

Water billing adjustments due to water breaks or leaks are permitted under Waterworks Regulation Bylaw 1999, No. 1298. 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 the high consumption notification. 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 No. 001-1322300 was notified by Town staff on December 15, 2021 of a higher than usual meter reading for the fourth quarter in 2021. The leak was repaired February 23, 2022, which was 86 days after notification. Staff received the application for the adjustment on November 14, 2022. Staff calculated the bill amount to the 45-day limit and recommend that Council authorize an adjustment amount of \$3,738.23. Adjusting the full 86 days would be \$4,514.87.

ALTERNATIVES:

Council can choose to:

1. Not provide an adjustment to the water billing account.
2. Provide a full adjustment for Account No. 001-1322300 in the amount of \$4,514.87.
3. Increase the threshold amount delegated to staff.

FINANCIAL IMPLICATIONS:

Adjustments to water billing accounts affect the water revenues. To date , there were 29 water billing adjustments in 2022 totaling over \$24,000 – the largest being \$5,675, the smallest being \$117 and the average being \$830.

LEGAL IMPLICATIONS:

N/A

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

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

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

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

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

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

ALIGNMENT WITH STRATEGIC PRIORITIES:

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

Allison McCarrick, Chief Administrative Officer

STAFF REPORT TO COUNCIL

Report Prepared By: Ryan Bouma, Director of Infrastructure Services
Reviewed By: Allison McCarrick, CAO
Meeting Date: December 6, 2022
File No:
Re: **High Street Watermain Noise Exemption**

RECOMMENDATION:

That Council exempt Milestone Equipment Contracting Inc. from Noise Suppression Bylaw 2003, No. 1478 for an approximate 5-week period of construction for the purposes of watermain replacement on High Street.

EXECUTIVE SUMMARY:

The selected contractor for the High Street watermain replacement has requested an exemption to the Noise Bylaw in order to complete the construction project during night time hours. Granting the exemption will mean more available parking during the day, fewer traffic delays and street closures during the day, and less interaction between construction and the general public. Staff canvased the area to understand the preferences of the neighbourhood in preparation of this report.

PREVIOUS COUNCIL DIRECTION:

N/A

INTRODUCTION/BACKGROUND:

The Town is entering into a contract with Milestone Equipment Contracting Inc. (Milestone) for the High Street watermain replacement. The contract requires Milestone to follow the Town's noise bylaw but allows two occasions of night work for the purposes of connecting the watermain.

The current noise bylaw exempts noise for "the erection, demolition, construction, reconstruction, altering or repairing of any building or other structure within the Municipality or the excavating of any street, highway, lane or any other land between the hours of 7:00 a.m. and 6:00 p.m. on each day except Sunday, or in the case of urgent necessity, at any other time during the week if such work is essential to the health, safety or protection of the public".

The nightwork specified in the contract is based on protecting the public, as extended periods of time without water in the downtown core is required to complete the water connections.

Milestone has requested an exemption to the bylaw to work night shifts for most of the work, including trenching, pipe installation, backfilling, and compaction, in order to complete the project more efficiently. Staff considered the request as it would minimize disruption to downtown traffic and businesses.

Staff canvassed the High Street area businesses November 23rd between 1:30pm and 2:30pm and received the following responses:

<u>Business</u>		<u>Nightwork Preference</u>
Red's Emporium		Yes
Coastal Trucking		No Preference
Robson O'Conner LLP	Yes	
In the Bean Time		Yes
Doug Routley MLA		No response obtained
Holiday House Motel	Yes	
Fox & Hound Restaurant		Yes
Budget Blinds	Yes	
High Street Hair Salon	Yes	
Lift Haus Fitness		No response obtained
Martial Arts Studio		No response obtained
Wild Poppy Market		Yes
Temperance Hotel		No Preference

Residence responses from the same period were as follows:

<u>Address</u>	<u>Night Work Preference</u>
11 High Street	Yes (owner occupied)
12 High Street	No response obtained
16 High Street	Missed (2 suites)
32 High Street	Suites not currently occupied
610 Esplanade Avenue	No Preference

There are several residences in the area that would be adversely affected by construction noise through the night; however, the reduced disturbance to downtown businesses likely makes the exemption an overall benefit to the area. Granting the exemption will mean more available parking during the day, fewer traffic delays and street closures during the day, and less interaction between construction and the general public.

The construction duration is proposed to be 35 days based on the original contract requirements. Final paving and cleanup would be completed later if weather is not suitable.

ALTERNATIVES:

Council can choose to not grant the exemption and require the contractor to work within the noise bylaw requirements, as specified in the contract.

FINANCIAL IMPLICATIONS:

N/A

LEGAL IMPLICATIONS:

N/A

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Based on feedback staff received, the exemption would generally have a positive benefit to businesses in the area and a neutral or negative effect on residences.

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

I approve the report and recommendation.

Allison McCarrick, Chief Administrative Officer

STAFF REPORT TO COUNCIL

Report Prepared By: Ryan Bouma, Director of Infrastructure Services
Reviewed By: Allison McCarrick, CAO
Meeting Date: December 6, 2022
File No:
Re: **Transfer Beach Accessibility Improvements Contractor**

RECOMMENDATION:

That Council:

1. Amend the 2022-2026 Financial Plan to include an additional \$28,640 for the Transfer Beach paving and walkway project, with the funds to come from operational surplus; and
2. Waive the Purchasing Policy and award David Stalker Excavating Ltd. the work described in Attachment A "Quote for T.O.L. – Transfer Beach Accessibility Improvements" in the amount of \$115,783.

EXECUTIVE SUMMARY:

The Town received a grant from the Tourism Dependent Communities Fund to make improvements to the Transfer Beach walkways, bathrooms, food truck services, bicycle services, as well as other items at Transfer Beach. The and surface improvements are scheduled to be constructed this winter using a contractor. Estimates have been received by staff, which inform the recommendations made within.

PREVIOUS COUNCIL DIRECTION:

N/A

INTRODUCTION/BACKGROUND:

Town staff have prepared construction plans for walkways, food truck pads, bicycle repair pad, etc., and have asked for estimates from local contractors. A tender process was not followed as the timing and costs did not fit with the type and amount of work planned. So far staff have only received two estimates, one of which is for the concrete placement only.

David Stalker Excavating Ltd. (Stalker) has provided an estimate that includes all work required in the amount of \$115,783. Additional optional work was priced at \$44,028, but this work has not been recommended to help keep costs down.

Staff wish to direct award to Stalker for this project for the following reasons:

1. The estimated cost is reasonable and within staff's expectations based on recent pricing received on other projects;
2. Stalker meets the Town's procurement guidelines; and
3. Staff have requested estimates from other contractors without much success, and scheduling constraints limit how much time can be spent obtaining pricing. The grant deadline is March 31, 2023.

The grant provides \$96,360 funding for the work provided in the estimate and some additional appurtenances such as picnic tables and bicycle tools. Staff are requesting that the budget be increased by \$28,640 to a total of \$125,000 with the additional funds to come from surplus.

ALTERNATIVES:

Council can choose to:

1. Require additional estimates from contractors. Achieving the March 31, 2023 deadline would be difficult.
2. Direct staff to work with Stalker to reduce the scope of work.
3. Cancel this portion of the grant.

FINANCIAL IMPLICATIONS:

The Transfer Beach project is fully funded by grant funds through the Tourism Dependent Communities Fund. The budget estimates were prepared for the grant application in early 2020, before the inflation impacts. Using funds from operational savings will allow for this portion of the project to continue while minimizing the impacts on taxation.

LEGAL IMPLICATIONS:

N/A

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Work has been planned for the winter to avoid conflicts with park users and allow revegetation in the spring of 2023.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The Director of Park, Recreation & Culture has been consulted on the design and layout of the plans.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- | | |
|---|---|
| <input 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 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:

☒ Infrastructure

☒ Community

☒ Waterfront

☒ Economy

☐ Not Applicable

I approve the report and recommendations.

Allison McCarrick, Chief Administrative Officer

ATTACHMENT:

- A. David Stalker Excavating Ltd. – Quote for: ToL - Transfer Beach Accessibility Improvements



ATTACHMENT A

OFFICE LOCATION

#18 - 1156 Rocky Creek Road
Ladysmith, B.C.
Phone: (250) 924-2250
Fax: (250) 924-2251

MAILING ADDRESS

Box 778
Ladysmith, B.C.
V9G 1A5

"A Fully Bonded and Insured – General Contractor providing Civil and Residential Servicing"

Quote for: T.O.L. – Transfer Beach accessibility improvements

Date: Nov.23, 2022
Client: Town of Ladysmith
Attn: Ira Adams
Email:

We are pleased to provide the following prices as per the attached Schedule of Quantities:
(modified from T.O.L. provided pricing request sheet):

As no specifics were provided for certain topics, our price is based on the few notations below:

- 1) No allowance for any testing (roll tests, geotechnical, concrete, etc..)
- 2) Trench backfill is compacted import bedding sand only, native backfill material to be used (if import trench backfill required – additional charges apply).
- 3) Prices include topsoil and grass seed (hand applied) restoration in disturbed areas for construction purposes, client is responsible beyond first seed application method for care/maintenance.
- 4) Cold weather protection for concrete poured is not included.
- 5) The "optional" pricing provided for rock removal is an hourly rate for a John Deere 135 size excavator with a 2500 ft/lb hydraulic breaker. (Larger size excavators and breakers are available for additional rates if required).

This hourly price includes: Mobilization of machine, rock breaking, loading, hauling, and disposal of waste rock product).

Our price does not include (but can be supplied for additional charges):

- * Digital Layout and Digital Asbuilts
- * Any bonds, permits, fees, etc..
- * Any Engineering Services
- * Any Geotechnical Services or Compaction Testing
- * Any Gravels Testing
- * Any Rock Removals
- * Any Contaminated Materials Removals
- * Any Overexcavation of unsuitable materials

Thank you for considering us for your project requirements,
Please call if any questions.

Daryl Foulds
General Manager
Cell: 250-739-9020
Email: dfoulds@stalkerexc.ca

**** Quote is valid for 30 days.**

BreakDown For Town of Ladysmith Revised Oct 28th, 2022

Request for Lump Sum Quote - Transfer Beach Concrete Works & Services

November 23rd, 2022

Complete by March 31, 2023

Items	Location	Length (m)	Units	Unit Price	Extension
Concrete Sidewalk 1.8m by 100mm	Washroom to Eco Bldg	50	LM	\$ 474.00	\$ 23,700.00
Concrete Sidewalk 1.8m by 100mm c/w 3 - 1.8m by 3m concrete pads for picnic beaches	Washroom to Beach Access	39	LM	\$ 577.00	\$ 22,503.00
Remove & Replace Allen Block Retaining wall- varies in height 1 to 4 blocks		15	LM	\$ 1,045.00	\$ 15,675.00
Remove and replace entrance sidewalk with ramp as per TOL Spec. C06 (1.8m by 5.6m)		1	LS	\$ 4,143.00	\$ 4,143.00
Remove & Replace one Sidewalk Panel for Sanitary Service		3	LM	\$ 789.50	\$ 2,368.50
Remove & Replace one Sidewalk Panel for Transition to Sidewalk Ramp		3	LM	\$ 849.50	\$ 2,548.50
Install One Concrete Box c/w Metal Lid for access to irrigation valves		1	LS	\$ 208.00	\$ 208.00
Concrete Pad for Bike Rack and Repair Station 3m by 4m, Detail B		1	LS	\$ 3,386.00	\$ 3,386.00
Concrete Pad for Venders c/w 2m wide sidewalk access/connection & 100mm sanitary service, Detail A (140 m2)		1	LS	\$ 36,600.00	\$ 36,600.00
Concrete Pad for outdoor shower 2m by 2m c/w water & sanitary service connection, Detail C		1	LS	\$ 4,651.00	\$ 4,651.00
Lump Sum For Above Items				TOTAL	\$ 115,783.00
<u>Optional Item</u>					
Concrete Sidewalk 1.8m by 100mm, Detail A c/w Temporary movement and replacement of border rocks/stones	N End of Ex. Sidewalk to Gravel Parking Area	92	LM	\$ 474.00	\$ 43,608.00
Remove & Dispose of 1 Concrete bench pad Once Town removes bench, RE & RE		1	LS	\$ 420.00	\$ 420.00
Lump Sum For Above Option Items				TOTAL	\$ 44,028.00
Possible Rock Removal - check on site	135 JD C/W Hydraulic Breaker		Per Hour		\$ 285.00

Town Contact Information: Ira Adams, iadams@ladysmith.ca, 250 245 6442

TOWN OF LADYSMITH

BYLAW NO. 2125

A Bylaw to amend "Noise Suppression Bylaw 2003, No. 1478"

The Council of the Town of Ladysmith in open meeting assembled enacts the following amendments to "Noise Suppression Bylaw 2003, No. 1478":

1. Delete Item 7.a) in its entirety and replace with the following:
 - a) No person shall operate a heat pump or water pump resulting in a sound level at the point of reception located in a Quiet Zone in excess of 60 decibels any time of day.
2. Delete Item 7.b) in its entirety.
3. Amend Item 12.e) by changing the stated times from 7:00 a.m. to 7:00 p.m.

Citation

4. This Bylaw may be cited for all purposes as "Noise Suppression Bylaw 2003, No. 1478, Amendment Bylaw 2022, No. 2125".

READ A FIRST TIME on the 15th day of November, 2022

READ A SECOND TIME on the 15th day of November, 2022

READ A THIRD TIME on the 15th day of November, 2022

ADOPTED on the _____ day of _____, 2022

Mayor (A. Stone)

Corporate Officer (M. O'Halloran)

TOWN OF LADYSMITH

BYLAW NO. 2126

A Bylaw to Provide for the Borrowing of Money in Anticipation of Revenue

WHEREAS the Town of Ladysmith does not have sufficient money on hand to meet the current lawful expenditures of the municipality;

AND WHEREAS it is provided by Section 177 of the *Community Charter* that Council may, without the assent of the electors or the approval of the Inspector of Municipalities, provide for the borrowing of such sums of money as may be necessary to meet the current lawful expenditures of the municipality provided that the total of the outstanding liabilities does not exceed the sum of:

The whole amount remaining unpaid of the taxes for all purposes levied during the current year, provided that prior to the adoption of the annual property tax bylaw in any year, the amount of the taxes during the current year for this purpose shall be deemed to be 75% of the taxes levied for all purposes in the immediately preceding year.

AND WHEREAS the total amount of liability that Council may incur is seven million dollars (\$7,400,000);

AND WHEREAS there are no liabilities outstanding under Section 177;

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

1. The Council shall be and is hereby empowered and authorized to borrow upon the credit of the Town of Ladysmith an amount or amounts not exceeding the sum of seven million and four hundred thousand dollars (\$7,400,000).
2. The form of obligation to be given as acknowledgement of the liability shall be a promissory note or notes bearing the corporate seal and signed by the Mayor and the officer assigned the responsibility of financial administration of the municipality.
3. All unpaid taxes and the taxes of the current year when levied or so much thereof as may be necessary shall, when collected, be used to repay the money so borrowed.

Effective Date

4. This bylaw comes into effect January 1, 2023.

Citation

5. This bylaw may be cited for all purposes as "2023 Revenue Anticipation Borrowing Bylaw 2022, No. 2126".

READ A FIRST TIME on the
READ A SECOND TIME on the
READ A THIRD TIME on the
ADOPTED on the

Mayor (A. Stone)

Corporate Officer (M. O'Halloran)

TOWN OF LADYSMITH

BYLAW NO. 2127

A Bylaw to amend the Waterworks Regulations

The Council of the Town of Ladysmith in open meeting assembled amends "Waterworks Regulations Bylaw 1999, No. 1298" as follows:

1. Delete Schedule "A" in its entirety and replace with the attached Schedule "A".

Effective Date

2. The provisions of this bylaw shall become effective and be in force as of January 1, 2023.

Citation

3. This bylaw may be cited as Town of Ladysmith "Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2022, No. 2127".

READ A FIRST TIME on the	day of	, 2022
READ A SECOND TIME on the	day of November	, 2022
READ A THIRD TIME on the	day of November	, 2022
ADOPTED on the	day of December	, 2022

Mayor (A. Stone)

Corporate Officer (M. O'Halloran)

SCHEDULE "A"
TOWN OF LADYSMITH
"Waterworks Regulations Bylaw 1999, No. 1298"

1. METERED SINGLE UNIT DWELLING

Per billing period:

Base Rate, including consumption to 25 m ³	\$ 58.05	
Next 26 m ³ to 50 m ³	\$ 1.0563	per m ³
Next 51 m ³ to 75 m ³	\$ 1.2482	per m ³
Next 76 m ³ to 100 m ³	\$ 1.5360	per m ³
Next 101 m ³ to 125 m ³	\$ 2.0163	per m ³
Over 125 m ³	\$ 2.6884	per m ³
Over 200 m ³ (April to September only)	\$ 3.4949	per m ³

METERED SINGLE UNIT DWELLING WITH

2. SUITE

Per billing period:

Base Rate, including consumption to 37.50 m ³	\$ 87.08	
Over 37.50 m ³	\$ 0.9601	per m ³

3. METERED SERVICE - all other users

Per billing period:

Base Rate, including consumption to 25 m ³	\$ 58.05	
Over 25 m ³	\$ 0.9601	per m ³

4. NON-METER SERVICE

Per billing period: \$ 84.18 per unit

5. BULK WATER RATE

\$ 2.42 per m³

6. WATER SERVICE CONNECTION RATES

Where a service connection has not been previously provided to a parcel but where the Public Waterworks system front or abuts the parcel:

(A) Up to a 25mm (4") service connection including meter, meter box, meter setter, check valves, shut-off valves and other related appurtenances: \$3,000 per connection

(B) Larger than 25mm (4") shall be: At cost but no less than \$3,000 per connection

SCHEDULE "A" (cont.)

Where a service connection has been previously provided to a parcel:

- (C) Service connection including meter, meter box, meter setter, check valves, shut-off valves and other related appurtenances and is the requested size: \$100 per connection
- (D) Owner requested service modification including installation of a water meter, meter box, meter setter, check valves, shut-off valve and any other related appurtenances shall be: At cost, but no less than \$3,000 per connection

7. FINES

Every person who violates any provision of this bylaw shall be guilty of an offence punishable on summary conviction and shall be liable to a fine or to imprisonment for not more than 6 months, or both. Each day that a violation of the provisions of this bylaw occurs, exist or is permitted to occur or exists, shall constitute a separate offense. \$2,000 per offence

TOWN OF LADYSMITH

BYLAW NO. 2128

A Bylaw to amend the Sanitary Sewer Rates

The Council of the Town of Ladysmith in open meeting assembled amends “Sanitary Sewer Rate Bylaw 1999, No. 1299” as follows:

1. Delete Schedule “A” in its entirety and replace with the attached Schedule “A”.

Effective Date

2. The provisions of this bylaw shall become effective and be in force as of January 1, 2023.

Citation

3. This bylaw may be cited as "Sanitary Sewer Rate Bylaw 1999, No. 1299, Amendment Bylaw 2022, No. 2128".

READ A FIRST TIME on the	day of	, 2022
READ A SECOND TIME on the	day of	, 2022
READ A THIRD TIME on the	day of	, 2022
ADOPTED on the	day of	, 2022

Mayor (A. Stone)

Corporate Officer (M. O’Halloran)

**SCHEDULE “A”
TOWN OF LADYSMITH
“Sanitary Sewer Rate Bylaw 1999, No. 1299”**

SCHEDULE OF RATES

CLASSIFICATION		Sewer Charge Per Month (\$)
Residences or Apartments:	For each Dwelling Unit	\$ 30.94
Motels & Auto Courts:	Premises of owner or operator	\$ 30.94
	For each rental unit	\$ 4.73
Mobile Home Parks:	Public rest rooms and/or service rooms	\$ 30.94
	For each mobile home with sewer connection	\$ 30.94
Hotels:	Owners or managers quarters	\$ 30.94
	Per apartment for rent	\$ 30.94
	Per room for rent	\$ 4.73
Beer Parlours, Pubs, Licenced Cabarets & Lounges:	For each separately licenced area	\$ 64.42
Cafes, Restaurants & Dining Rooms:		\$ 64.42
Offices, Shops and Stores:	Per office, store & store unit not otherwise specified	\$ 30.94
Store(s) and Suites(s) combined:	Per store unit	\$ 30.94
	Per suite	\$ 30.94
Stores(s) and Office(s) combined:	Per store unit	\$ 30.94
	per office unit	\$ 30.94
Office Building:	per office unit	\$ 30.94
Laundry or Laundromat:		\$ 102.36
Services Stations and Garages:	Without car wash	\$ 30.94
	With car wash	\$ 68.85
Public or Social Club with licenced bar:		\$ 64.42
Church Hall, Public Hall or Lodge Room		\$ 23.95
Hospitals & Nursing Homes	per bed	\$ 14.39
Schools	per classroom, auditorium or office	\$ 30.94

Effective January 1, 2023

BYLAW STATUS SHEET
December 6, 2022

Bylaw #	Description	Status
2106	"Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106" (amend land use and Development Permit Areas at Lot 5, Holland Creek)	First and second readings, April 19, 2022. Public Hearing held August 2, 2022. Second reading rescinded, September 6, 2022. Second public hearing and third reading September 20, 2022. Conditions to be met prior to adoption.
2107	"Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.48) 2022, No. 2107" (include secondary suites, coach house dwellings and townhouse dwellings at Lot 5, Holland Creek)	First and second readings, April 19, 2022. Public Hearing held August 2, 2022. Second reading rescinded, September 6, 2022. Second public hearing and third reading September 20, 2022. Conditions to be met prior to adoption.
2113	"Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 49) 2022, No. 2113" (re-zone Lot B -891 Russell Road from R-1 single family to R-1-A single family small lot, for the purpose of a subdivision)	First, second and third readings November 15, 2022. MOTI approval required.
2120	"Road Closure and Dedication Removal Bylaw 2022, No. 2120" (allow the closure of the lane separating 621 & 631 1st Avenue to vehicle traffic)	First, second and third readings September 6, 2022. MOTI approval and public notice required.
2125	"Noise Suppression Bylaw 2003, NO. 1478, Amendment Bylaw 2022, No. 2125" (increase allowable noise limits to 60dB for all times of day and permit construction schedules to be more flexible)	First, second and third readings November 15, 2022.
2200	"Official Community Plan Bylaw 2022, No. 2200" (a new Official Community Plan for the Town)	First reading September 20, 2022. Referring to various agencies as per resolution CS 2022-230.