

**TOWN OF LADYSMITH
MINUTES OF A REGULAR MEETING OF COUNCIL
MONDAY, NOVEMBER 2, 2015
COUNCIL CHAMBERS, CITY HALL
CALL TO ORDER 5:32 P.M.**

COUNCIL MEMBERS PRESENT:

Mayor Aaron Stone

Councillor Steve Arnett

Councillor Cal Fradin

Councillor Carol Henderson

Councillor Rob Hutchins

Councillor Duck Paterson

COUNCIL MEMBERS ABSENT:

Councillor Joe Friesenhan

STAFF PRESENT:

Ruth Malli

Felicity Adams

Sandy Bowden

John Manson

Clayton Postings

CALL TO ORDER

Mayor Stone called this Regular Meeting of Council to order at 5:32 p.m.

CLOSED MEETING

CS 2015-356

Moved and seconded:

That Council retire into Closed Session at 5:33 p.m. in order to consider the following items:

- 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
- litigation or potential litigation affecting the municipality
- labour relations or other employee relations
- the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose

Motion carried.

REGULAR MEETING

Mayor Stone reconvened the Regular Meeting of Council at 7:00 p.m. and recognized the traditional territory of the Stz'uminus First Nation.

AGENDA

CS 2015-357

Moved and seconded:

That Council approve the agenda for the Regular Council meeting of November 2, 2015 as amended by the following:

- Remove item 7.1 (Presentation to Dwain King)
- Move item 7.2 before the Public Hearing
- Add 14.2 - Placement of Garbage Cans

Motion carried.

MINUTES

CS 2015-358

Moved and seconded:

That Council approve the minutes of the Regular Meeting of Council

held October 13, 2015.
Motion carried.

CS 2015-359

Moved and seconded:
That Council approve the minutes of the Special Meeting of Council held October 19, 2015.
Motion carried.

DELEGATION

Shelley Anderson, Ladysmith Chemainus Swim Club
Representatives of the Ladysmith Chemainus Swim Club discussed the club's successes and sought Council's help to address declining enrollment. Council thanked them for their presentation and commitment to building self-esteem through sportsmanship in our local youth.

CS 2015-360

Moved and seconded:
That Council direct staff to work with the Ladysmith Chemainus Swim Club to develop possible options and recommendations for ways the town can assist the Swim Club with its challenging financial situation.
Motion carried.

PUBLIC HEARING

Public Hearing – Bylaw 1897
Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 3), 2015, No. 1897

Mayor Stone opened the Public Hearing and provided an outline of the public hearing process.

Director of Development Services, Felicity Adams, introduced Bylaw 1897 and the statutory requirements.

The subject of the Public Hearing is Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 3) 2015, No. 1897. The properties that are the subject of Bylaw 1897 are: Lot 5 and Lot 6, Block 5, District Lot 24, Oyster District, Plan 703A (934 and 940 Esplanade Ave.). Bylaw No. 1897 contains site specific regulations for the subject properties.

The subject properties are in the C-2 Zone in Town of Ladysmith Zoning Bylaw 2014, No. 1860. If adopted, Bylaw 1897 will permit a site-specific use of 'motor vehicle sale and rental' at 934 and 940 Esplanade Avenue, subject to a maximum of 15 vehicles for outdoor display, landscaping requirements and permitting the outdoor display to be located between the front and exterior side parcel lines and the building.

The second matter that is the subject of the public hearing is the discharge of Covenant FB168857. The Covenant is registered on the titles of:

- The northerly 25 feet of Lot 2, Block 5, District Lot 24 Oyster

District, Plan 703A (918 Esplanade)

- Lot 3, Block 5, District Lot 24, Oyster District, Plan 703A (922 Esplanade)
- Lot 4, Block 5, District Lot 24, Oyster District, Plan 703A (928 Esplanade)
- Lot 5, Block 5, District Lot 24, Oyster District, Plan 703-A (934 Esplanade)
- Lot 6, Block 5, District Lot 24, Oyster District, Plan 703-A (940 Esplanade)

These five properties were rezoned to Downtown Commercial (C-2) in 2008. At that time a mixed-use development was proposed. At the time of the rezoning, the commitment to the project design and other matters was secured through the registration of a Section 219 Land Title Act covenant on the certificate of title of the five properties. The amenities and conditions listed in the 2008 Covenant FB168857 are:

- Maximum of 5 commercial units and maximum of 15 residential units on the lands
- Commitment to Dishlevoy and Hagarty Architect building designs (March 10, 2008)
- Improvements to the lane and Warren Road as required for the development
- Storm water drainage off-site cannot exceed pre-development flows; and
- \$1000 for each residential unit to be constructed on the lands.

The owner of the lands no longer wishes to proceed with the 2008 mixed-use development. The applicant and current potential purchaser have presented a proposal to maintain and renovate the existing building on the land, and have requested that Covenant FB168857 be removed from the title of the five subject properties.

The Public Hearing notice was printed in the Chronicle newspaper on October 20 and 27, 2015 and posted on community notice boards throughout the Town, as well as on the Town's website. The notice was mailed to the Owners and delivered to tenants of the subject properties and all properties located within 60 metres of the subject property.

A copy of the Bylaw, Covenant and other related information considered by Council was made available at City Hall for the notice period.

Staff responded to questions prior to the Public Hearing. One written submission received prior to the agenda deadline was distributed with the Public Hearing agenda materials.

The proposal was referred to the Advisory Planning Commission by Council. At its meeting held on October 15, 2015 the Advisory

Planning Commission provided the following recommendation to Council:

It was moved, seconded and carried that the Advisory Planning Commission (APC) recommends support for amending the C-2 Zone to permit a site specific use 'motor vehicle sale and rental' at 934 and 940 Esplanade Avenue with the following conditions: maximum of 15 vehicles for outdoor display; permitting the outdoor display area to be between the exterior side and front parcel line and the building; and that the outdoor display be subject to the requirements of DPA 2 and landscape guidelines of DPA 3.

The Applicant held a neighbourhood information meeting on October 22, 2015.

The Report from the applicant provides that:

- Approximately 10 people attended the meeting. Comments from attendees were primarily in favour of the proposed 'motor vehicles sale and rental' use of the two properties. Attendees were pleased that the outdoor display of vehicles was limited to 15. There was support for the restoration of the existing building and maintaining its heritage appearance. One attendee expressed concern regarding additional traffic along the lane/alley as the lane is used as a pedestrian walkway. Attendees were assured that vehicle mechanical repair would not occur on the site.

The applicant, Bill MacMunn of GP Vehicle Sales, provided an overview of the proposed site development and business operation, and responded to questions from Council.

In response to questions, Council was advised that:

- Stock will be mainly pre-owned vehicles, with a focus on selling green-powered, electric and hybrid vehicles.
- There are no plans to develop the lot south of the Browsersium property, and the rezoning application does not apply to that lot.
- Signage will be in keeping with the heritage nature of the Browsersium building, which will be restored as part of this development.

Phillip Oldridge, partner in GP Motor Sales, advised Council that he is also President and Chief Executive Officer of Green Power Motor Bus Company and is committed to facilitating public access to green powered vehicles. He stated that the business model for the company does not involve selling older used vehicles that do not support the company's green power focus.

Mayor Stone called three times for written submissions.

Receiving no further written submissions, Mayor Stone read the

previously received written submission from Dan Harvey. Mayor Stone called for verbal submissions.

Carol Tisdale, 25A Symonds Street: Spoke in favour of the application, and expressed concern about the interface between the Cenotaph and the proposed development of the property, as well as the potential for increased traffic and speed along the Warren Street alley.

Bruce Mason, 17 French Street: Expressed concern about the interface between the Cenotaph and the proposed development, as well as the potential danger of increased use of the alleys in the vicinity of Warren Street.

Sandra Constable, 20 Warren Street: Was advised that the proposed hours of operation of the new business are Monday to Saturday, 9:00 a.m. to 5:00 p.m., and that some car rentals of a longer-term nature are envisioned. She expressed concerns about traffic, congestion, parking in the vicinity of the new business and the availability of power to charge electric vehicles on site.

Mr. Constable, 20 Warren Street: Expressed concern that the rezoning could lead to traditional used car operations in future, and asked if there was any way to prevent this from happening.

Wayne Johnston, 26 Warren Street: Enquired about plans for security and other commercial activities on the site, stated his opposition to security plans that included a chain link fence, and expressed general support for the application.

Carol Tisdale, 25A Warren Street: Encouraged the proponents to engage a landscape architect to assist with landscaping and lighting and help address security issues.

Rob Johnson, #106, 385 North Davis Road: Spoke against the application, stating that he was concerned about its location beside the cenotaph, that there are better uses for the site and that the proposed business is not compatible with the Town's heritage theme.

Mayor Stone called a second and third time for verbal submissions. Hearing no further verbal submissions, Mayor Stone declared the Public Hearing for Bylaw 1897 closed.

**DEVELOPMENT
APPLICATIONS**

**Zoning Bylaw Amendment Application: 918, 922, 928, 934, 940
Esplanade Avenue**

CS 2015-361

Moved and seconded:

1. That Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 3), 2015, No. 1897 be read a third time and referred to the Ministry of Transportation and Infrastructure.

2. That, following adoption of Bylaw 1897 and the consolidation of 934 and 940 Esplanade Ave. (Lot 5 and 6) into one lot and the consolidation of 918 and 922 Esplanade Ave. (Lot 3 and the northerly 25ft of Lot 2) into one lot, the Mayor and Corporate Officer be authorized to release Section 219 Covenant FB168857 from the title of 918, 922, 928, 934, 940 Esplanade Avenue.

Amendment

Moved and seconded:

CS 2015-362

That Resolution CS 2015-361 be amended to read as follows;

1. That Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 3), 2015, No. 1897 be read a third time and referred to the Ministry of Transportation and Infrastructure.
2. That, following adoption of Bylaw 1897 and the consolidation of 934 and 940 Esplanade Ave. (Lot 5 and 6) into one lot and the consolidation of 918 and 922 Esplanade Ave. (Lot 3 and the northerly 25ft of Lot 2) into one lot, the Mayor and Corporate Officer be authorized to release Section 219 Covenant FB168857 from the title of 918, 922, 928, 934, 940 Esplanade Avenue.
3. That, in response to matters raised at the Public Hearing, Council direct staff to negotiate a covenant with the proponents to ensure that a percentage of vehicles for sale or lease are electric and/or hybrid, prior to fourth reading of Bylaw 1897.

Amendment carried.

Motion as amended carried.

Closure of Lane at Sanderson Road and Stirling Drive

Moved and seconded:

CS 2015-363

That Council receive the report from the Director of Infrastructure Services regarding the closure of the pedestrian lane at Sanderson Road and Stirling Drive, and give first three readings to Bylaw 1896 under the Bylaws section of the agenda.

Amendment

Moved and seconded:

CS 2015-364

That resolution CS 2015-363 be amended to read as follows:

That Council receive the report from the Director of Infrastructure Services regarding the closure of the pedestrian lane at Sanderson Road and Stirling Drive, and give first three readings to Bylaw 1896 under the Bylaws section of this agenda, and that prior to adoption of Bylaw 1896, staff be directed to investigate options for disposition of the laneway and report back to Council in this regard.

Amendment carried.

Motion as amended carried.

**BYLAWS (OFFICIAL
COMMUNITY PLAN
AND ZONING)**

CS 2015-365

Town of Ladysmith Road Closure and Dedication Removal Bylaw 2015, No. 1896

Moved and seconded:

That Town of Ladysmith Road Closure and Dedication Removal Bylaw 2015, No. 1896 be read a first, second and third time.

Motion carried.

BYLAWS

CS 2015-366

Town of Ladysmith Property Maintenance Bylaw 2015, No. 1894

Moved and seconded:

That Town of Ladysmith Property Maintenance Bylaw 2015, No. 1894, be adopted.

Motion carried.

CORRESPONDENCE

CS 2015-367

**Lesley Parent, Ladysmith Downtown Business Association
Request for Waiver of Trolley Rental Fee for Ladysmith Old Tyme
Christmas and Candlelight Walk on December 4, 2015**

Moved and seconded:

That Council waive the trolley rental fee for the Ladysmith Downtown Business Association Old Tyme Christmas and Candlelight Walk from 5:00 p.m. to 8:30 p.m. on Friday, December 4, 2015.

Motion carried.

CS 2015-368

Mayor Phil Kent, City of Duncan

**Request for Letter of Support for Totem Pole Project Funding
Application**

Moved and seconded:

That Council provide a letter of support to the City of Duncan for its application to the Canada 150 Fund for a new, commemorative totem pole.

Motion carried.

CS 2015-369

Jonathan Zeiler, Ladysmith Festival of Lights

**Request for Permission to Install Memorial Information Plaque at the
Chuck Perrin Memorial Tree**

Moved and seconded:

That Council:

1. Grant permission to the Ladysmith Festival of Lights to install a memorial information plaque at the Chuck Perrin Memorial Tree;
2. Direct staff to work with the Ladysmith Festival of Lights to ensure the plaque is consistent with signage standards for downtown Ladysmith, and to assist with the installation of the plaque if required; and
3. Write a letter of appreciation to the Nanaimo Airport Commission for their generous support of the Ladysmith Festival of Lights.

Motion carried.

NEW BUSINESS

Grant-in-Aid Application – Cowichan Valley Firefighters Honour Guard

Moved and seconded:

CS 2015-370

That Council refer the Grant-in-Aid request from the Cowichan Valley Firefighters Honour Guard for consideration with the Grant-in-Aid requests for 2016, as the 2015 Grant-in-Aid budget has been fully allocated.

Motion carried.

Replacement of Garbage Cans

Moved and carried:

CS 2015-371

That Council direct staff not to proceed with the replacement of garbage cans in the downtown core at this time, and report back with options for Council's consideration.

Motion carried.

QUESTION PERIOD

Members of the public enquired about District Lot 651, the *Viki Lyne II*, pollution and obstruction of water ways caused by live-aboard vessels in Ladysmith Harbour, Ladysmith attendance at the recent Vancouver Island Economic Summit and opportunities for public consultation on economic development in the Town, and, Public Hearing procedures and time limits.

C. Bradbury enquired about the status of Road Closure and Dedication Removal Bylaw 1896, and expressed concern regarding the proposed closure of the pedestrian lane in the vicinity of Sanderson Road and Stirling Drive.

CLOSED SESSION

Moved and seconded:

CS 2015-372

That Council retire into Closed Session at 9:20 p.m.

Motion carried.

RISE AND REPORT

Council rose from Closed Session at 10:45 p.m. without report.

ADJOURNMENT

Moved and seconded:

CS 2015-373

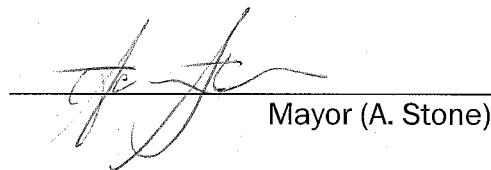
That this meeting of Council adjourn at 10:45 p.m.

Motion carried.

CERTIFIED CORRECT:



Corporate Officer (S. Bowden)



Mayor (A. Stone)