



**TOWN OF LADYSMITH
MINUTES OF A PUBLIC HEARING AND REGULAR
MEETING OF COUNCIL
MONDAY, MARCH 6, 2017
CALL TO ORDER 5:03 P.M.
COUNCIL CHAMBERS, CITY HALL**

COUNCIL MEMBERS PRESENT:

Mayor Aaron Stone

Councillor Joe Friesenhan

Councillor Duck Paterson

Councillor Steve Arnett

Councillor Carol Henderson

Councillor Cal Fradin

Councillor Rob Hutchins

STAFF PRESENT:

Guillermo Ferrero

Geoff Goodall

Felicity Adams

Clayton Postings

Erin Anderson

Sue Bouma

CALL TO ORDER

Mayor Stone called this Meeting of Council to order at 5:03 p.m.

CLOSED SESSION

CS 2017-057

Moved and seconded:

That, in accordance with section 90(1) of the *Community Charter*, Council retire into closed session at 5:04 p.m. in order to consider items related to the following:

- Provision of a municipal service - Section 90 (1) (k)
- Appointments to advisory committees – Section 90 (1) (a)
- Human Resources matter - Section 90 (1) (c)
- Lease of Town-owned properties – Section 90 (1) (e)

Motion carried.

**REGULAR OPEN
MEETING**

Mayor Stone called this Regular Open Meeting to order at 7:00 p.m., recognizing the traditional territory of the Stz'uminus First Nation, acknowledging 5,500 years of history and stewardship and expressing gratitude to be here.

AGENDA APPROVAL

CS 2017-058

Moved and seconded:

That Council approve the agenda for this Public Hearing and Regular Meeting of March 6, 2017 as amended by the following addition:

- Item 13.2., "Late Resolution to the AVICC Regarding Library Funding"

Motion carried.

PUBLIC HEARING

Mayor Stone welcomed the members of the public and outlined the process for the Public Hearing.

He stated that the Public Hearing was regarding Bylaw 1921.

Mayor Stone advised the public that they would have the opportunity to provide their comments about the content of this Bylaw to Council, and that following the close of the Public Hearing, no further submissions or comments from the public or interested persons could be accepted by members of Council.

Public Hearing – Bylaws 1921
Members of the public present: 58

Felicity Adams, Director of Development Services, introduced the agenda item and stated that the purpose of Bylaw 1921 is to amend the Zoning Bylaw to:

- Add the retail sale of marihuana to the Prohibited Uses section of the Zoning Bylaw to explicitly state that is not permitted in any zone in the Town;
- Amend the definition of Retail Sales such that the retail sale of marihuana is not included; and
- Add a definition of Marihuana Retail Sales

The Public Hearing Notice was printed in the Ladysmith Chronicle newspaper on February 22 and March 1, 2017 and posted on community notice boards throughout the Town, as well as on the Town's website.

A copy of the Notice, the proposed Bylaw and background information considered by Council was made available at the front counter of City Hall for the Notice period. Staff in the Development Services office was available to respond to questions prior to the public hearing.

Bylaw was referred to the Ladysmith RCMP for comment. The Staff Sergeant commented that he cannot in good conscious support permitting medical marihuana dispensaries in the Town of Ladysmith and he does not recommend that the Town take this on until there is clear direction from the Federal Government. He provided several reasons:

- The retail selling of marihuana, even to clients with a prescription, is illegal in Canada. The Town may be liable if issues arise.
- At this time there are no controls over the product that is sold in a marihuana dispensary (i.e. there is no way of knowing if the product being sold contains fentanyl).
- There is no certainty that the marihuana will be sold to clients with a prescription. Marihuana dispensaries on Vancouver Island have sold marihuana to clients who do not have a prescription from a physician.
- There are health concerns related to marihuana use.
- The building/property owner or landlord may be liable if they lease to an illegal business.

- Neighbouring businesses to the marihuana dispensary may have concerns (i.e odour).

Mayor Stone advised that written submissions received prior to the agenda deadline are included in the agenda package. Submissions received after this time were distributed separately. There were 21 written submissions received. Of these 21 submissions, nine were in support of Bylaw 1921 and 12 were opposed to it.

Mayor Stone called for written submissions to Council. Receiving no additional written submissions, Mayor Stone called for verbal comments to Council. Receiving no initial response, Mayor Stone called for verbal comments to Council a second time.

Linda Mix, 963 Davidson Road, spoke against Bylaw 1921 as currently written, suggesting edits to include reference to the future federal government's plans to legalize the sale of marihuana.

Brian McLaurin, 705 Stirling Drive, spoke against Bylaw 1921, expressing concern that the bylaw will interfere with the opportunity to have the Travellers Hotel restored.

Griffin Russell, 102 Arbutus Crescent, spoke against Bylaw 1921, and commented that developments in other parts of the province indicate that there is a need for legitimate marihuana retailers.

Paul Gonzales, 930 Colonia, spoke in support of Bylaw 1921, recommending that the Town should wait to allow retail sales of marihuana until federal regulations and enforcement protocols have been established.

Wes Smith, Re/max Ocean Pointe, realtor for the Travellers Hotel, recommended deferring making any decisions regarding Bylaw 1921 until after federal legislation.

Greg Bolter, of Nanaimo, spoke against Bylaw 1921, and enquired about the measures the Town would take if liquor stores became marihuana dispensaries.

Rob Johnson, 526 1st Ave, spoke against Bylaw 1921, suggesting tabling the bylaw until the federal government passes legislation to legalize the sale of marihuana.

Stuart Vogler, 410 Third Avenue – spoke against Bylaw 1921, citing tax benefits as a reason to reject the bylaw.

Mayor Stone called for comments about Bylaw 1921 a third time. Hearing no further comments, Mayor Stone declared the Public Hearing for Bylaw 1921 closed and no further submissions or

comments from the public or interested persons can be accepted by members of Council.

**MOTION TO AMEND
AGENDA ORDER
CS 2017-059**

Moved and seconded:

That Council move item 8.1 "Bylaw 1921 – Amend Zoning Bylaw to Explicitly Prohibit Retail Sale of Marihuana" to directly follow the Public Hearing.

Motion carried.

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

CS 2017-060

Bylaw 1921 – Amend Zoning Bylaw to Explicitly Prohibit Retail Sale of Marihuana

Moved and seconded:

That Council proceed with third reading and final adoption of Bylaw 1921, cited as "Town of Ladysmith Zoning Bylaw 2014, No. 1860 Amendment Bylaw (No.8), 2016, No. 1921".

Motion carried.

RISE AND REPORT

Council rose from Closed Session at 6:41 p.m. without report.

MINUTES

CS 2017-061

Moved and seconded:

That Council approve the minutes of the Special Meeting of Council held February 9, 2017.

Motion carried.

CS 2017-062

Moved and seconded:

That Council approve the minutes of the Regular Meeting of Council held February 20, 2017.

Motion carried.

**DEVELOPMENT
APPLICATIONS**

CS 2017-063

Development Variance Permit Application – 826 Craig Road (Wolff) Strata Lot 2, District Lot 67, Oyster District, Strata Plan VIS 6498

Moved and seconded:

That Council issue Development Variance Permit 3090-17-01 for variances to three retaining walls on Strata Lot 2, District Lot 67, Oyster District, Strata Plan VIS 6498 (826 Craig Road).

Motion carried.

COMMITTEE REPORTS

CS 2017-064

Heritage Revitalization Advisory Commission Report regarding Support For the Heritage Tax Credit Bill

Moved and seconded:

That Council express support for Bill C-323 – An Act to Amend the Income Tax Act (Rehabilitation of Historic Property) as a Private Members Bill tabled by MP Peter Van Loan, Conservative critic for Canadian Heritage and National Historic Sites.

Motion carried.

Canada 150 Celebrations Update

Councillor Paterson updated Council on the Canada 150 Celebrations Committee plans, noting that grant funding for the celebrations will not

be finalized until May, but plans are moving forward to create a joint canoe with Stz'uminus.

Celebrations Committee

Councillor Fradin reported that the Celebrations Committee needs volunteers to help organize Ladysmith Days.

REPORTS

CS 2017-065

Boundary Extension Request

Lot 20, District Lot 41, Oyster District, Plan 2519, except parts in Plans 8993, 43985 and EPP28332 (W. Rosen and J. Stringer)

Moved and seconded:

1. That Council direct staff to proceed with developing the boundary extension proposal to the Province to request that Lot 20, District Lot 41, Oyster District, Plan 2519, except parts in Plans 8993, 43985 and EPP28332 be included within the boundary of the Town and to submit the proposal to the Province.
2. Based on Council's decision to implement an application fee for boundary extension proposals, that Council deny the applicant's request to waive the fee in full or in part.
3. That Council direct staff to write to the owners of the other south Ladysmith properties that are similarly bounded by the Town and the highway to see if there is interest in being part of this boundary extension proposal to the Province.

Motion carried.

CS 2017-066

Status of Provincial Contaminated Site Profiles Process

Moved and seconded:

That Council receive for information the report regarding the status of the provincial contaminated sites profile process.

Motion carried.

CS 2017-067

2017 Grants-in-Aid

Moved and seconded:

That Council receive the 2017 grant-in-aid funding requests from community groups and organizations and refer the deliberations to the March 13, 2017 Municipal Services Committee meeting.

Motion carried.

BYLAWS

CS 2017-068

Town of Ladysmith Road Closure and Dedication Removal Bylaw 2016, No. 1916

Moved and seconded:

That Council:

1. Rescind third reading of Bylaw 1916
2. Give third reading of Bylaw 1916 as amended with an updated Schedule A; and
3. Direct staff to publish notice of this proposed disposition in accordance with the *Community Charter*

Motion carried.

**Town of Ladysmith Waterworks Regulations Bylaw 1999, No. 1298,
Amendment Bylaw 2017, No. 1923**

Moved and seconded:

CS 2017-069

That Council give first three readings of Town of Ladysmith Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2017, No. 1923.

Motion carried.

**Town of Ladysmith Sanitary Sewer Rates Bylaw 1999, No. 1299,
Amendment Bylaw 2017, No. 1924**

Moved and seconded:

CS 2017-070

That Council give first three readings of Town of Ladysmith Sanitary Sewer Rates Bylaw 1999, No. 1299, Amendment Bylaw 2017, No. 1924.

Motion carried.

Town of Ladysmith Utility Penalties Repeal Bylaw 1925

Moved and seconded:

CS 2017-071

That Council give first three readings of Town of Ladysmith Utility Penalties Repeal Bylaw 1925.

Motion carried.

CORRESPONDENCE

Festival of Lights

Request to Erect Canada 150 Decoration on City Hall Roof

Moved and seconded:

CS 2017-072

That Council give permission for the Festival of Lights Society to erect the numerals 150 in red lights on the City Hall roof in celebration of Canada's 150th birthday, as requested in the correspondence from the Festival of Lights Society dated February 15, 2017.

Motion carried.

Ladysmith Downtown Business Association

Request to Waive Trolley and Driver fee for the Annual Old Time Christmas Event

Moved and seconded:

CS 2017-073

That Council waive the trolley rental fee for the December 8, 2017 Annual Old Time Christmas Event as requested by the Ladysmith Downtown Business Association.

Motion carried.

Ladysmith Ambassador Program

Request to Advertise in the Coronation Evening Program

Moved and seconded:

CS 2017-074

That Council place a half-page ad in the 2017 Ladysmith Ambassador Program for a cost of \$130.00.

Motion carried.

Vancouver Island and Coast Conservation Society

Request for Letter of Support

Moved and seconded:

CS 2017-075

That Council provide a letter of support to the Federal Government expressing support for the Vancouver Island and Coast Conservation Society's request to declare December 11, 2017 as 'A Day for Our Common Future'.

Motion carried.

NEW BUSINESS

Ratification of Appointment to Cowichan Region Smoke-Free Task Force

Moved and seconded:

CS 2017-076

That Council ratify the appointment of Councillor Duck Paterson as the Town of Ladysmith representative on the Cowichan Region Smoke-Free Task Force.

Motion carried.

Late Resolution to the AVICC Regarding Library Funding

Moved and seconded:

CS 2017-077

That Council sponsor a late resolution to AVICC regarding library funding and the provincial ministries associated with overseeing the library function.

Motion carried

QUESTION PERIOD

Members of the public enquired about Bylaw 1921 and current pharmacy dispensation, rise and report release plans for 2017 and best practices for closed meetings.

ADJOURNMENT

Moved and seconded:

CS 2017-078

That this meeting of Council adjourn 8:28 p.m.

Motion carried.

CERTIFIED CORRECT:

Mayor (A. Stone)

Corporate Officer (G. Ferrero)