

**MINUTES OF A REGULAR MEETING OF COUNCIL**  
**MONDAY, MARCH 19, 2018**  
**CALL TO ORDER 6:00 P.M.**  
**COUNCIL CHAMBERS, CITY HALL**

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**COUNCIL MEMBERS PRESENT:**

|                           |                            |                         |
|---------------------------|----------------------------|-------------------------|
| Mayor Aaron Stone         | Councillor Steve Arnett    | Councillor Cal Fradin   |
| Councillor Joe Friesenhan | Councillor Carol Henderson | Councillor Rob Hutchins |
| Councillor Duck Paterson  |                            |                         |

**STAFF PRESENT:**

|                   |                |               |
|-------------------|----------------|---------------|
| Guillermo Ferrero | Felicity Adams | Geoff Goodall |
| Clayton Postings  | Joanna Winter  | Sue Bouma     |

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**CALL TO ORDER**

Mayor Stone called this Meeting of Council to order at 6:00 p.m.

**CLOSED SESSION**  
**CS 2018-074**

*Moved and seconded:*

That, in accordance with section 90(1) of the *Community Charter*, Council retire into closed session at 5:01 p.m. in order to consider items related to the following:

- 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 – section 90(1) (e)
- negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public – section 90(1)(k)
- litigation or potential litigation affecting the municipality – section 90(1)(g)

*Motion carried.*

**REGULAR MEETING**

Mayor Stone called this Open Session of Council to order at 7:00 p.m., recognizing the traditional unceded territory of the Stz'uminus First Nation and the Coast Salish people and expressing gratitude to be here.

## AGENDA APPROVAL

CS 2018-075

*Moved and seconded:*

That Council approve the agenda and the supplemental agenda for this Regular Meeting of Council for Monday, March 19, 2018 as amended by the following:

- Amend the Staff Recommendation for Item 8.2., "Zoning Bylaw Amendment Application 3360-17-04 – 618 Farrell Road"
- Add to Item 8.2., "Letter from Applicant regarding Rezoning Application 3360-17-04, 618 Farrell Road"
- Add Item 12.1., "Louis Riel Day update and plans for 2018"
- Add Item 12.2., "Arts Council presentation of 'Pete Seeger's the Incompleat Folksinger'"
- Add Item 12.3., "Timeline for the Town of Ladysmith Updated Aerial Photo Map"

*Motion carried.*

## RISE AND REPORT

Council rose from Closed Session at 6:49 p.m. and reported on the following matters from the Closed Meeting of Council held March 12, 2018:

- *Resolution CE 2018-017*

That Council endorse the final draft Waterfront Area Plan, including the Implementation Projects, by:

- a. Taking it to Public Hearing,
- b. Inviting the Stz'uminus Chief and Council to participate in the public hearing process, and
- c. Including specific language in the plan to provide flexibility in implementation timing

- *Resolution CE 2018-018*

That Council:

- a. Establish a new Waterfront Implementation Project Leadership Committee (to replace the current Project Leadership Committee) in accordance with Community Charter s. 142 to be comprised of three members of Stz'uminus Council and three members of Town Council, with members of the communities as determined by the Committee to serve in an ex-officio capacity from time to time, and
- b. Task the Waterfront Implementation Project Leadership Committee with developing terms of reference for the consideration and endorsement of both Councils.

- *Resolution CE 2018-019*

That Council appoint Chief Elliott, Mayor Stone and Councillors Peter Seymour, Anne Jack, Joe Friesenhan and Rob Hutchins to the Waterfront Implementation Project Leadership Committee.

## MINUTES

CS 2018-076

*Moved and seconded:*

That Council approve the minutes of the Regular Meeting of Council held March 5, 2018.

*Motion carried.*

CS 2018-077

*Moved and seconded:*

That Council approve the minutes of the Special Meeting of Council held March 12, 2018.

*Motion carried.*

## DELEGATIONS

### **Judy Stafford, Cowichan Green Community Cowichan Green Community Year in Review**

Ms. Stafford presented a video of the Cowichan Green Community's continuing efforts to promote environmental sustainability and improve food security for the region, highlighting their many achievements in 2017. She noted that the newest venture for the Cowichan Green Community is the 2018 Food Recovery Project, funded by the Ministry of Social Development and Poverty Reduction.

Council praised the Cowichan Green Community for their hard work and dedication and thanked Ms. Stafford for her inspiring presentation.

## DEVELOPMENT APPLICATIONS

CS 2018-078

### **Development Variance Permit Application 3090-18-01 - 220 Kitchener St. (Bryce)**

*Moved and seconded:*

That Council:

1. Issue Development Variance Permit 3090-18-01 to vary the minimum parcel line setback for an accessory building from 1.5 metres to 0.46 metres to permit the replacement of an existing accessory building on Lot A (DD EF99202), Block 44, District Lot 56, Oyster District, Plan 703A (220 Kitchener Street); and
2. Authorize the Mayor and Corporate Officer to sign the Development Variance Permit.

*Motion carried.*

## BYLAWS – OFFICIAL COMMUNITY PLANNING AND ZONING

### **Town of Ladysmith Zoning Bylaw Amendment Bylaw OCP/Rezoning Application 11 and 17 Kitchener Street (Sharkare)**

- Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 51) 2018, No. 1952

- **Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 13) 2018, No. 1953**

**CS 2018-079**

*Moved and seconded:*

That Council:

1. Give first and second reading of Bylaw 1952 cited as "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 51) 2018, No. 1952";
2. Give first and second reading of Bylaw 1953 cited as "Town of Ladysmith Zoning Bylaw 2014, No.1860, Amendment Bylaw (No.13) 2018, No. 1953"; and
3. Refer Bylaws 1952 and 1953 to public hearing.

*Motion carried.*

**Zoning Bylaw Amendment Application 3360-17-04 – 618 Farrell Road (Schnurch, Turner Land Surveying Inc.)**

**Subject Property: Lot 1, Block 7, District Lot 41, Oyster District, Plan 11706, Except Part in Plans 43985, VIP58153 and VIP79598**

- **Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.11) 2018, No.1944**

**CS 2018-080**

*Moved and seconded:*

That Council:

1. Proceed with first and second reading of Bylaw 1944 cited as "Town of Ladysmith Zoning Bylaw 2014, No.1860, Amendment Bylaw (No. 11) 2018, No.1944";
2. Refer Bylaw 1944 to public hearing; and
3. Direct that prior to the enactment of Bylaw 1944 the following voluntary and land use matters shall be completed to the satisfaction of the Director of Development Services:
  - a. Submission of the \$7000 voluntary contribution to the amenity fund; and
  - b. Registration of a Section 219 covenant on the title for Lot 1, District Lot 41, Oyster District, Plan 11706 to address the following land use matters:
    - That the street lighting on the strata road adheres to dark sky principles.
    - That a grading plan is submitted and approved by the Approving Officer as a condition of the subdivision application.

- That a tree assessment by a certified Arborist be submitted at time of Subdivision application with the intention of maintaining a grouping of healthy trees that complements the trees on the adjacent Gales entrance driveway, such trees to be protected by covenant. And, if it is not possible to create this treed edge, the requirement would be that at the time of building permit, two new trees with a minimum diameter of 6cm are planted on each new lot. A security deposit of \$300 per new tree will be required. One new tree must be in the rear yard.

4. Authorize the Mayor and Corporate Officer to sign the covenant.

*Motion carried.*

**OPPOSED:** Councillors Friesenhan and Henderson

**OCP/Rezoning Application – 1240 4<sup>th</sup> Avenue**

- Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 52) 2018, No. 1954
- Town of Ladysmith Zoning Bylaw 2014, No.1860, Amendment Bylaw (No.14) 2018, No. 1955

*Moved and seconded:*

That Council:

**CS 2018-081**

1. Proceed with first and second reading of Bylaw 1954 cited as “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 52) 2018, No. 1954”;
2. Proceed with first and second reading of Bylaw 1955 cited as “Town of Ladysmith Zoning Bylaw 2014, No.1860, Amendment Bylaw (No.14) 2018, No. 1955”.
3. Refer Bylaws 1954 and 1955 to public hearing.
4. Direct that prior to the enactment of Bylaw 1955 the following voluntary and land use matters shall be secured in a section 219 covenant that is registered on the title of 1240 Fourth Ave. (Lot B, District Lot 97, Oyster District, Plan VIP56663, Except part in Plan VIP89355) to the satisfaction of the Director of Development Services:
  - i. A bareland strata residential development at 1240

Fourth Avenue shall:

- include one visitor parking space per five residential lots and the location of the visitor parking spaces shall be approved by the Approving Officer as a condition of subdivision of the land;
  - provide an area that is a minimum of 372m<sup>2</sup> (4004ft<sup>2</sup>) in size for the storage of recreational vehicles and boats; and
  - not permit a secondary suite in any dwelling.
- ii. A grading plan and geotechnical assessment of the proposed lots is required to be submitted to the satisfaction of the Approving Officer as a condition of the subdivision application.
- iii. An amenity contribution of \$1000 per residential lot shall be submitted to the Town (as previously agreed to in covenant EL128958) prior to the Approving Officer issuing final approval of the subdivision of land.
5. Approve of the discharge of covenant EL128958 from the title of Lot B, District Lot 97, Oyster District, Plan VIP56663, Except part in Plan VIP89355 once the new section 219 covenant is registered on the title; and authorize the Mayor and Corporate Officer to sign the new covenant and execute the discharge document of covenant EL128958.

*Motion carried.*

## REPORTS

CS 2018-082

### Waste Water Treatment Plant Outfall Piping Configuration

*Moved and seconded:*

That Council:

1. Approve a budget of \$300,000 for the design and construction of new 710mm outfall piping from the chlorine contact chamber to the existing 710mm outfall line, with funds to come from the Sanitary Sewer Reserve.
2. Award the design to WSP/OPUS, the Town's waste water engineering consultant with a project completion date of September 30, 2018.

*Motion carried.*

CS 2018-083

### Water Treatment Plant Update – Tender

*Moved and seconded:*

That Council receive for information the progress report on the new Water Treatment Plant.

*Motion carried.*

**Watermain Relining Tender**

*Moved and seconded:*

**CS 2018-084**

That Council:

1. Notify the two proponents that the tender for the Watermain Relining, Colonia to the Public Works Yard is being cancelled due to insufficient budget; and
2. Direct staff to investigate installation of a new watermain along the Holland Creek Trail utilizing conventional trenching, as well as exploring pipe routing that bypasses the majority of the trail system, utilizing the Town's existing road network.

**\*AMENDMENT\***

*Moved and seconded:*

**CS 2018-085**

That Resolution CS 2018-084 be amended to read as follows:

That Council:

1. Notify the two proponents that the tender for the Watermain Relining, Colonia to the Public Works Yard is being cancelled due to insufficient budget; and
2. Direct staff to investigate installation of a new watermain, exploring pipe routing that bypasses the majority of the trail system, and utilizes the Town's existing road network.

*Amendment carried.*

*Main motion as amended carried.*

**Aggie Hall Playground Concept**

*Moved and seconded:*

**CS 2018-086**

That Council refer the matter of the Aggie Hall Natural play space draft concept design to the Parks, Recreation and Culture Advisory Committee for review and comment.

*Motion carried.*

**Machine Shop Restoration Project**

*Moved and seconded:*

**CS 2018-087**

That Council direct staff to:

1. Contract with Hotson Architecture to undertake the Machine Shop Restoration Project pre-design phase, including working with staff and the main tenants to define the building program and preparing an implementation strategy to outline the scope of work at a cost of \$25,000 plus expenses (net of taxes), and that the Purchasing Policy be waived accordingly;
2. Invite the Machine Shop Users Advisory Group, with the

- addition of John Marston, to participate in the development of the building program with staff and the consulting team;
3. Include the Machine Shop Restoration Project within the scope of the Project Manager, Waterfront Implementation to represent the Town and liaise with the project team and stakeholder representatives during the Machine Shop Restoration Project; and
  4. Amend the Town of Ladysmith 2018-2022 Financial Plan to include the Machine Shop Restoration Project grant in the amount of \$1,752,553.00.
  5. Invite the Industrial Heritage Preservation Society to join the Machine Shop Users Advisory Group.

*Motion carried.*

**OPPOSED:** Councillors Fradin, Friesenhan and Henderson

#### **Davis Road Dog Park Neighbourhood Consultation**

*Moved and seconded:*

**CS 2018-088**

That Council receive the report from the Director of Parks, Recreation and Culture on the results of the Davis Road Dog Park Neighbourhood Consultation.

*Motion carried.*

#### **Bylaw Officer Bylaw Update**

*Moved and seconded:*

**CS 2018-089**

That Council:

1. Direct staff not to proceed with introduction of a Bylaw Officer and Inspection Bylaw as previously directed; and
2. Appoint Coastal Animal Services to provide Animal Control Officer services in the Town of Ladysmith.

*Motion carried.*

#### **CORRESPONDENCE**

##### **Allen McDermid, Ladysmith Ground Search and Rescue Proposal to Increase Storage**

*Moved and seconded:*

**CS 2018-090**

That Council approve the request from Ladysmith Ground Search and Rescue, dated March 2, 2018, for permission to install a second container at the Ladysmith Fire/Rescue site for additional storage, and direct the organization to work with the Fire/Rescue Chief on specific location and logistics.

*Motion carried.*

## NEW BUSINESS

### **Louis Riel Day**

Councillor Arnett requested that staff provide a report for the next Council meeting summarizing past actions and future recommendations regarding the Town's recognition of Louis Riel Day.

### **Arts Council Production**

Councillor Arnett commended the Arts Council for their production of "Pete Seeger's the Incomplete Folksinger", noting that the themes of the production converged well with the history of the Town.

### **Timeline for the Town of Ladysmith Updated Aerial Map**

The updated Town of Ladysmith aerial photo map and the timeline for its arrival was discussed. The Chief Administrative Officer noted that it is part of a regional project with the Cowichan Valley Regional District.

## QUESTION PERIOD

Members of the public enquired about conservation guidelines and budget for the Machine Shop update, water supply vulnerabilities with regards to potential earthquakes and erosion near the reservoir, the new Aggie Hall parking lot and the budget for the Aggie Hall playground, and the waste water outfall's proximity to ships in the area.

## ADJOURNMENT

**CS 2018-091**

Moved and seconded:

That this regular meeting of Council adjourn at 8:45 p.m.  
*Motion carried.*

CERTIFIED CORRECT:

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Mayor (A. Stone)

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Corporate Officer (J. Winter)