



**MINUTES OF A PUBLIC HEARING &
REGULAR MEETING OF COUNCIL**

**Monday, June 3, 2019
7:00 P.M.
Ladysmith Eagles Hall
921 1st Avenue**

Council Members Present:

Mayor Aaron Stone
Councillor Duck Paterson
Councillor Amanda Jacobson
Councillor Rob Johnson

Councillor Tricia McKay
Councillor Marsh Stevens
Councillor Jeff Virtanen

Staff Present:

Guillermo Ferrero
Felicity Adams
Erin Anderson
Geoff Goodall

Clayton Postings
Joanna Winter
Sue Bouma
Mike Gregory

1. CALL TO ORDER

Mayor Stone called this Regular Meeting of Council to order at 5:05 p.m. in order to retire immediately into closed session.

2. CLOSED SESSION

CS 2019-195

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

- Negotiations - section 90(1)(i) and (j)
- Committee Appointments - section 90(1)(a)

Motion Carried

3. OPEN MEETING AGENDA APPROVAL (Eagles Hall)

Mayor Stone called this Public Hearing and Regular Meeting of Council to order at 7:01 p.m., recognizing the traditional territory of the Stz'uminus People

CS 2019-196

That Council approve the agenda for this Public Hearing and Regular Meeting of Council for June 3, 2019 as amended to include the following:

- Item 13.2., "Nutsumaat Syaays Project - Welcoming Figure Unveiling at Ladysmith Secondary School"

Motion Carried

4. PUBLIC HEARING AND REGULAR MEETING

Mayor Stone outlined the Public Hearing process.

He stated that the public would have the opportunity to provide their comments to Council about the content of Bylaws 2011 and 2012, and first staff would introduce the Bylaws and review the statutory requirements.

Mayor Stone advised the public that everyone who wished to speak to Council would have the opportunity to be heard, and that the content of their submissions would be made public and form a part of the public record for this hearing.

Mayor Stone stated that it is not appropriate in a public hearing for members of Council to engage in debate with speakers, but they might ask clarifying questions after a citizen has spoken. He reminded the public 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 verbally, electronically or in writing.

4.1 Official Community Plan Bylaw Amendment and Zoning Bylaw Amendment: Bylaws 2011 and 2012

Members of the public present: 11

4.1.1 Introduction of Bylaws and Statutory Requirements - Director of Development Services

Felicity Adams, Director of Development Services, introduced the following bylaws as the subject of the Public Hearing:

- Bylaw 2011, cited as "Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 58) 2019, No. 2011"; and

- Bylaw 2012, cited as “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 25) 2019, No. 2012”

Ms. Adams noted that the following properties were the subject of the Bylaw amendment:

Legally described as Lot 4, District Lots 8G, 11G, 24 and 56, Oyster District, Plan 45800, except part in Plans VIP64405, VIP71943 and VIP72131.

Civic addresses: 610,612,614, and 616 Oyster Bay Drive

She stated that the purpose of Bylaw No. 2011 is to amend the Official Community Plan by amending the Institutional policies in Schedule B: Waterfront Area Plan to add one policy to support commercial and mixed-use businesses and activities that contribute to the vibrancy of the Arts and Heritage Hub area.

Bylaw 2011 was referred to Stz’uminus First Nation and no concerns were identified.

Ms. Adams advised the public that the purpose of Bylaw No. 2012 is to amend the Zoning Bylaw by adding additional uses to Sub-Area B of the Comprehensive Development 4 Zone to permit artifact and boat restoration; brewery, distillery, bottling and distribution; coffee shop; micro-brewery; restaurant; and retail sales. She noted that regulations about retail sales and building height and size in the CD-4 Zone, and cottage industry generally are also amended.

The Public Hearing Notice was printed in the Ladysmith Chronicle newspaper on May 23 and May 30, 2019 and posted on community notice boards through-out Town, as well as on the Town’s website. The Notice was mailed and delivered to the subject properties and all properties located within 60 metres of the subject property.

A copy of the Notice, the proposed Bylaws 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.

No written submissions regarding Bylaws 2011 and 2012 were received regarding the proposed bylaws.

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

Mayor Stone called for submissions to Council.

Mayor Stone called for submissions to Council a second time.

Mayor Stone called for submissions about Bylaws 2011 and 2012 a third and final time.

4.1.3 Declaration that the Public Hearing for Bylaws 2011 and 2012 is Closed - Mayor Stone

Hearing no comments and receiving no submissions, Mayor Stone called the Public Hearing for Bylaws 2011 and 2012 closed and stated that no further submissions or comments from the public or interested persons could be accepted by members of Council.

5. BYLAWS (SUBJECT OF THE PUBLIC HEARING)

5.1 Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 58) 2019, No. 2011 and Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 25) 2019, No. 2012 – Arts and Heritage Hub

CS 2019-197

That Council:

1. Proceed with third reading and final adoption of Bylaw 2011, cited as “Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 58) 2019, No. 2011.”
2. Proceed with third reading of Bylaw 2012, cited as “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 25) 2019, No. 2012.”
3. Direct staff to refer Bylaw 2012 to the Ministry of Transportation and Infrastructure pursuant to the Transportation Act.

Motion Carried

6. RISE AND REPORT- Items from Closed Session

Council rose from Closed Session at 6:44 p.m. with report on the following:

- Resolution CE 2019-062

That Council appoint Councillor McKay to serve as liaison, and Councillor Jacobson to serve as alternate to the Community Planning Advisory Committee for 2019.

- Resolution CE 2019-063

That Council appoint the following seven members to the Community Planning Advisory Committee for a two-year term ending June 30, 2021:

- Tony Becket
- Brian Childs
- Jennifer Sibbald
- Lacey McRae Williams
- Jason Harrison
- Tamara Hutchinson
- Stephen (Steve) Frankel

7. MINUTES

7.1 Minutes of the Regular Meeting of Council held December 3, 2018

CS 2019-198

That Council adopt the minutes of the Regular Meeting of Council, held December 3, 2018, as amended to include the following missed resolution:

- CS 2018-500

That Council direct staff to provide information as available on the number of vehicles jumping the curb on 1st Avenue in the last four years, including the location of these incidents.

Motion Carried

7.2 Minutes of the Special Meeting of Council held May 13, 2019

CS 2019-199

That Council approve the minutes of the Special Meeting of Council held May 13, 2019.

Motion Carried

8. PROCLAMATIONS

8.1 Built Green Day

Mayor Stone proclaimed June 5, 2019 as “Built Green Day” in the Town of Ladysmith, reflecting the Town’s dedication to encouraging sustainable development.

9. BYLAWS- OFFICIAL COMMUNITY PLANNING AND ZONING

9.1 OCP & Zoning Amendment Application – 422 First Ave. (Traveller's Hotel)

CS 2019-200

That Council:

1. Proceed with first and second reading of Bylaw 1989, cited as “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 56) 2019, No. 1989”.
2. Proceed with first and second reading of Bylaw 1990, cited as “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.23) 2019, No. 1990”.
3. Direct that prior to consideration of final approval of Bylaws 1989 and 1990, a contribution of \$30,000 be collected for the Municipal Parking Fund.
4. Receive the Conservation Plan (CDH Design Ltd.) for the Traveller’s building and require that the Conservation Plan form part of the Development Permit for 422 First Avenue, in place of a Heritage Revitalization Agreement.
5. Direct staff to assign a public 15 minute parking space adjacent to the lane at 422 First Avenue, at time of Occupancy Permit issuance for 422 First Avenue.
6. Refer Bylaw 1989 and Bylaw 1990 to public hearing.

Motion Carried

10. REPORTS

10.1 2019 Q1 Water Adjustments

CS 2019-201

That Council direct staff to adjust the water billing account #07340000 for up to \$5,715 due to a water leak.

Motion Carried

10.2 Revitalization Tax Exemption – Economic

CS 2019-202

That Council:

1. Wishes to amend the “Town of Ladysmith Revitalization Tax Exemption – Economic Revitalization Bylaw 2012, No. 1807”; and
2. Refer the matter to an upcoming Municipal Services Committee meeting.

Motion Carried

10.3 Lot 108 Updated Site Plan

CS 2019-203

That Council:

1. Direct staff to include in the 2019-2023 Financial Plan a new 2019 project titled “Lot 108 Site Plan Concept Plan Update” for \$20,000, with the funds to come from the Parks Appropriated Equity Reserve; and
2. Amend the 2019-2023 Financial Plan accordingly; and
3. Waive the purchasing policy and award the contract as presented for the updated Lot 108 Site Plan to Lees and Associates Landscape Architects for up to \$20,000.

Motion Carried

10.4 4th Avenue Crossing at Rocky Creek Tender Award

CS 2019-204

That Council:

1. Award the contract for construction of the 4th Avenue Crossing at Rocky Creek to Milestone Equipment Contracting Inc., for a total cost of \$789,831.00 excluding GST;

2. Confirm that the unbudgeted funds of \$560,000 for this project will come from the Infrastructure Reserve, Gas Tax funds, and reallocation of budgets for other projects; and
3. Direct staff to amend the 2019 to 2023 Financial Plan accordingly.

Motion Carried

10.5 1st Avenue Bollards Initiative -- Update

CS 2019-205

That Council receive for information the report, dated May 28, 2019 and prepared by the Director of Infrastructure Services and the Manager of Legislative Services, on the 1st Avenue Bollards Initiative.

Motion Carried

10.6 Frank Jameson Community Centre 2019 Capital Plan Update

CS 2019-206

That Council:

1. Direct Staff to amend the 2019-2023 Financial Plan by including the Frank Jameson Community Centre Main Pool Basin Tile Repair for \$40,000, with the funding to come from the deferral of the Frank Jameson Community Centre Change Room upgrade project for \$30,000 and the adjustment to the Frank Jameson Community Centre Domestic Water Lines project for \$10,000; and
2. Waive the purchasing policy and direct award the Frank Jameson Community Centre Main Pool Basin tile repair and grouting to Cornerstone Tile for \$38,560.00 + taxes.

Motion Carried

10.7 Machine Shop Restoration Project Construction Management

CS 2019-207

That Council waive the purchasing policy and award the contract for Machine Shop Restoration Project Construction Management Services directly to Windley Contracting Ltd., in accordance with their proposal, for up to \$81,500.00 + taxes.

Motion Carried

11. BYLAWS

11.1 Ladysmith Development Procedures Bylaw 2008, No. 1667, Amendment Bylaw 2019, No. 2009

CS 2019-208

That Council adopt "Ladysmith Development Procedures Bylaw 2008, No. 1667, Amendment Bylaw 2019, No. 2009"

Motion Carried

11.2 Ladysmith Sign and Canopy Bylaw 1995, No. 1176, Amendment Bylaw 2019, No. 2010

CS 2019-209

That Council adopt "Ladysmith Sign and Canopy Bylaw 1995, No. 1176, Amendment Bylaw 2019, No. 2010".

Motion Carried

12. CORRESPONDENCE

12.1 Jack Anderson, Agent for Ladysmith Health Care Auxiliary - Request to Exempt Consolidated Parcel (910 and 920 1st Avenue) from Sprinkler Requirement Bylaw No. 1940

CS 2019-210

That Council refer to staff the request by Jack Anderson, Agent of the Ladysmith Health Care Auxiliary, in his correspondence dated May 15, 2019 to exempt consolidated parcel 910 and 920 1st Avenue from the requirements of Town of Ladysmith Building Fire Sprinkler System Bylaw 2017, No. 1940.

Motion Carried

12.2 Allen McDermid, President, Ladysmith Search and Rescue - Requesting Land Lease to Construct a Facility for Ladysmith Search and Rescue Storage

CS 2019-211

That Council refer to staff the request from Allen McDermid, President of the Ladysmith Search and Rescue Society, in his correspondence dated April 30, 2019, to lease land in order to construct a storage facility for the society.

Motion Carried

12.3 Bill and Sheila Andreychuk - Requesting Russell Road Park to be Named "Oiva Rutti Park"

CS 2019-212

That Council refer to the Parks, Recreation & Culture Advisory Committee the request by Bill and Sheila Andreychuk, in their correspondence dated May 27, 2019, to name the Russell Road Park "Oiva Rutti Park".

Motion Carried

13. NEW BUSINESS

13.1 Dogwood Tree Provided by the Ladysmith and District Credit Union

CS 2019-213

That Council:

1. Accept with gratitude the donation of a dogwood tree by the Ladysmith and District Credit Union to mark 75 years of serving the community; and
2. Direct staff to schedule a tree planting ceremony with Directors and officials of the Ladysmith and District Credit Union, and Town of Ladysmith Council.

Motion Carried

13.2 Nutsumaat Syaays Project - Welcoming Figure Unveiling at Ladysmith Secondary School

Councillor Paterson announced that the Stz'uminus First Nation Welcoming Figure Unveiling would take place at Ladysmith Secondary School on June 20th at 10:00 a.m. He reminded Council that in 2018 Council had been unable to fully fund the request for \$2000 for the unveiling ceremony, and had only provided the school with \$1800.

CS 2019-214

That Council direct staff to provide funding to the Ladysmith Secondary School in the amount of \$200 for the Welcoming Figure unveiling, with the funds to come from the Grant in Aid budget.

Motion Carried

14. QUESTION PERIOD

A member of the public thanked Council for their consideration of temporary speed bumps on the 4th Avenue Crossing at Rocky Creek Road and enquired about the use of the TimberWest logging road for heavy vehicle traffic. Other members of the public enquired about response timelines regarding the Ladysmith Health Care Auxiliary's request for exemption from the Sprinkler Requirement Bylaw, as well as the Island Corridor Foundation's policy regarding train station use.

15. ADJOURNMENT

CS 2019-215

That this Regular Meeting of Council adjourn at 8:20 p.m.

Motion Carried

Mayor (A. Stone)

Corporate Officer (J. Winter)