



MINUTES OF A REGULAR MEETING OF COUNCIL

Monday, August 19, 2019

7:00 P.M.

Council Chambers, City Hall

Council Members Present:

Mayor Aaron Stone

Councillor Duck Paterson

Councillor Rob Johnson

Councillor Marsh Stevens

Council Members Absent:

Councillor Amanda Jacobson

Councillor Tricia McKay

Councillor Jeff Virtanen

Staff Present:

Guillermo Ferrero

Erin Anderson

Clayton Postings

Joanna Winter

Mike Gregory

Sue Bouma

1. CALL TO ORDER

2. CLOSED SESSION

CS 2019-268

That, in accordance with section 90(1) of the *Community Charter*, Council retire into closed session at 6:01 p.m. in order to consider items related to the following:

- Potential Land Sale - section 90(1)(e) and 90(2)(b)
- Strategic Planning - section 90(1)(l)

Motion Carried

3. REGULAR MEETING (7:00 p.m.)

Mayor Stone called this Regular Meeting of Council to order at 7:00 p.m., recognizing the traditional territory of the Stz'uminus people.

4. AGENDA APPROVAL

CS 2019-269

That Council approve the agenda for this Regular Meeting of Council for August 19, 2019.

Motion Carried

5. RISE AND REPORT- Items from Closed Session

Council rose at 6:18 p.m. without report.

6. MINUTES

6.1 Minutes of the Special Meeting of Council held August 12, 2019

CS 2019-270

That Council approve the minutes for the Special Council Meeting held August 12, 2019.

Motion Carried

7. COUNCIL RECOGNITION

The Mayor and Council recognized numerous citizens, organizations and teams for outstanding achievement and service, including the Peewee 49ers Baseball Team, Horseshoe World Champion Lindsay Hodgins, the Ladysmith Celebrations Society for their excellent management of Ladysmith Days, Councillor Paterson and the Show and Shine team, the Ladysmith Maritime Society for their popular Sea of Life Celebration, and all the service clubs who contribute to and collaborate on the numerous events in Ladysmith.

8. DELEGATIONS

8.1 Kelly Dunn

Invasive Trees on Fourmeaux Crescent and Halliday Place

Kelly Dunn advised Council that the black locust trees on Fourmeaux Crescent and Halliday Place were invasive, with root systems that were damaging driveways and retaining walls and could potentially damage

Town infrastructure. He requested that Council investigate the possibility of removing these trees.

Council expressed their concern and thanked Mr. Dunn for his presentation.

CS 2019-271

That Council refer the issue of the invasive black locust trees on Fourmeaux Crescent and Halliday Place to staff to prepare a report for the first Council meeting in October regarding the cost of removing these trees.

Motion Carried

8.2 Andrew Cornell, Senior Project Engineer, Athen Yuen, Program Officer, and Katie Ruttan, Regional Manager, Client Services - Small Craft Harbours, Fisheries and Oceans Canada Proposed Causeway and Marginal Wharf Construction Project

Athen Yuen and Andrew Cornell of the Small Craft Harbours team made a presentation to Council regarding a proposed causeway and marginal wharf construction project with the Ladysmith Harbour Authority. They presented the initial concept of the project and responded to Council's questions.

Council thanked the Small Craft Harbours team for their presentation.

8.3 Carmen Hildebrand - Ladysmith Resources Centre Association Restorative Justice Program

Roger Kimmerly, Director of Ladysmith Resources Centre Association, introduced Carmen Hildebrand, who in association with the Ladysmith Resources Centre Association is completing a study on the Restorative Justice program. Ms. Hildebrand made a presentation to Council to raise awareness of the Restorative Justice program and philosophy. She outlined the Restorative Justice process and noted that the goal of the Ladysmith Resources Centre Association is to increase access and referrals to the program, and to expand the program in relation to community needs and concerns.

Council thanked Mr. Kimmerly and Ms. Hildebrand for the presentation.

9. DEVELOPMENT APPLICATIONS

9.1 Zoning Amendment Application 3360-19-05: 1134 Trans Canada Hwy. (L. & V. Hastings)

CS 2019-272

That Council:

1. Consider the application to amend the:
 - a) Official Community Plan (OCP) by designating the property at 1134 Trans Canada Hwy. to 'Institutional' and by applying Development Permit Area 3 – Commercial to the property; and the
 - b) Zoning Bylaw by rezoning the property at 1134 Trans Canada Hwy. to 'Institutional (P-1)', with site specific regulations to limit the building height to 9 metres and to not permit the use 'outdoor recreation facility'.
2. Having given consideration to s.475 of the Local Government Act (consultation during OCP development), direct staff to refer OCP amendment application 3360-19-05 to the Stz'uminus First Nation, pursuant to the Town's Memorandum of Understanding.
3. Direct that the applicant:
 - a) Provide a report from a professional Engineer that provides an assessment of the stability of the retaining wall structures on the property and a determination if the property at 1134 Trans Canada Hwy. is safe for the proposed uses in the P-1 zone (pursuant to Bylaw 1887);
 - b) Host a neighbourhood information meeting to advise the neighbourhood of the proposed OCP amendment and Zoning Bylaw amendment (pursuant to Bylaw 1667); and
 - c) Work with Town staff and the Ministry of Transportation and Infrastructure regarding the driveway access to the Trans Canada Highway.
4. Direct that staff report back to Council regarding land use matters, and commence the preparation of an OCP amendment bylaw and Zoning amendment bylaw for 1134 Trans Canada Hwy.

Motion Carried

9.2 OCP & Zoning Bylaw Amendment Application – 336 Belaire Street (A. Quek)

CS 2019-273

That Council:

1. Receive summary reports for the March 8/19 and June 1/19 neighbourhood information meetings held by AYPQ Architecture and Fred Green regarding the property at 336 Belaire Street.
2. Receive the letters submitted to date regarding the property at 336 Belaire Street.
3. Consider the application to amend the:
 - a) Official Community Plan (OCP) by supporting residential use in combination with local commercial use in the 'Local Commercial' designation; and by adding the Multi-Unit Residential Development Permit Area (DPA 4) to the property at 336 Belaire Street; and
 - b) Zoning Bylaw by rezoning the property at 336 Belaire Street from 'Local Commercial (C-1)' to a new zone 'Comprehensive Development 6 (CD-6)' to accommodate the proposed three storey mixed use building;
4. Having given consideration to s.475 of the Local Government Act (consultation during OCP development), direct staff to:
 - a) Refer OCP amendment application 3360-19-07 to the Stz'uminus First Nation, pursuant to the Town's Memorandum of Understanding; and
 - b) Refer application 3360-19-07 to the Community Planning Advisory Committee.
5. Direct that the applicant retain professional Engineer(s) to submit the following (pursuant to the Development Approval Information Bylaw 1887):
 - a) Concept drawings for Rigby Place and Belaire Street improvements, including proposed parking spaces, sidewalks, crosswalks, and cost estimates for work in Town streets; and

- b) A traffic impact assessment that identifies the traffic impacts of the proposed development to the neighbourhood (including pedestrian and vehicle circulation, and safety considerations).

6. Direct that staff:

- a) Remove DP 08-16 (FB248768) from the certificate of title of 336 Belaire Street (PID 002-221-349) as this development permit has expired.
- b) Work with the applicant regarding an amenity contribution and/or land use matters (i.e. traffic impacts, parking matters, patio location, patio hours, and lighting) and report back to Council; and
- c) Commence the preparation of an OCP amending bylaw and Zoning amending bylaw for the proposed mixed use development at 336 Belaire Street.

Motion Carried

9.3 Development Permit 3060-19-09: 512 Kitchener Street (K Robins)

CS 2019-274

That Council:

1. Issue Development Permit 3060-19-09 to permit the issuance of a building permit for the construction of a two storey coach house on Lot 12, Block 127, Oyster District, Plan 703A (512 Kitchener Street).
2. Authorize the Mayor and Corporate Officer to sign Development Permit 3060-19-09.

Motion Carried

9.4 Development Variance Permit 3090-19-07: Thrift Store 910 1st Avenue (J. Anderson)

CS 2019-275

That Council:

1. Issue Development Variance Permit 3090-19-07 to vary:
 - i. the rear parcel line setback for a principal building from 3.0m to 2.3m; and

- ii. the rear parcel line setback for a garbage and recycling enclosure from 1.0m to 0.25m.
2. Authorize the Mayor and Corporate Officer to sign Development Variance Permit 3090-19-07.

Motion Carried

CS 2019-276

That Council approve a variation in Development Variance Permit 3090-19-07:

- the required number of off-street parking spaces such that seven off-street parking spaces shall be required, consisting of two small car and five standard spaces.

Motion Carried

10. REPORTS

10.1 2019 Outstanding Business Licences

CS 2019-277

That Council receive for information purposes the listing of outstanding business licences for 2019.

Motion Carried

10.2 Results of Survey on Retail Sale of Cannabis in Ladysmith

CS 2019-278

That Council:

1. Receive the report "Community Survey on Retail Sale of Cannabis" May 2019 (Mustel Group) and summary of social media and PlaceSpeak public engagement regarding the retail sale of cannabis; and
2. Direct staff to review best practices from other municipalities in B.C. and utilize the public engagement results, to report back to Council with recommendations to permit the retail sale of cannabis in Ladysmith.

Motion Carried

CS 2019-279

That Council refer discussion of the results of the survey on the retail sale of cannabis to the next meeting of the Municipal Services Committee.

Motion Carried

10.3 Lot 108 Draft Site Plan

CS 2019-280

That Council receive the Draft Lot 108 Park Plan Report.

Motion Carried

10.4 Ecole Davis Road School Proposal

CS 2019-281

That Council:

1. Authorize the Town to secure a license to occupy for up to 9 months with Nanaimo Ladysmith Public Schools for the use of the Ecole Davis Road School location (444 Parkhill Terrace) to temporarily house the Arts Council of Ladysmith & District's Waterfront Gallery and classes while renovations are completed in the current location at 610 Oyster Bay Road;
2. Direct staff to investigate and report back to Council the feasibility of long-term use of space at the Ecole Davis Road School (444 Parkhill Terrace).

Motion Carried

10.5 Machine Shop – Windley Contracting Ltd.

CS 2019-282

That Council waive the Purchasing Policy for up to \$1,400,000 of construction costs relating to the Machine Shop restoration project, by authorizing Windley Contracting Ltd. to secure the contracts and services on the Town's behalf.

Motion Carried

OPPOSED: Councillor Johnson

11. BYLAWS

11.1 Town of Ladysmith Revitalization Tax Exemption – Economic Revitalization Bylaw 2012, No 1807 Amendment Bylaw 2019, No 2016

CS 2019-283

That Council give first, second and third readings to "Town of Ladysmith Revitalization Tax Exemption - Economic Revitalization Bylaw 2012, No. 1807 Amendment Bylaw 2019, No. 2016".

Motion Carried

OPPOSED: Councillor Stevens

12. CORRESPONDENCE

12.1 Rotary Clubs of Ladysmith and Chemainus: 9th Annual Fundraising Golf Tournament

CS 2019-284

That Council allocate \$350 to sponsor a hole at the 9th Annual Rotary Club Fundraising Golf Tournament on September 21, 2019.

Motion Carried

OPPOSED: Mayor Stone

12.2 Bill Drysdale: E & N Rail Station

CS 2019-285

That Council refer the letter from Bill Drysdale, dated August 15, 2019, regarding the E & N Rail Station to staff for comment.

Motion Carried

OPPOSED: Councillor Paterson

13. NEW BUSINESS

13.1 Municipal Insurance Association of British Columbia (MIABC) Annual General Meeting

CS 2019-286

That Council appoint Mayor Stone as delegate and Councillors Stevens and Paterson as alternate delegates for the Municipal Insurance Association of British Columbia (MIABC) Annual General Meeting taking place at the Union of BC Municipalities Convention on September 24, 2019.

Motion Carried

15. QUESTION PERIOD

A member of the public enquired about the lease on the Railway Station, Council's position on retaining the barge loading ramp next to the potential wharf construction project, and the possibility of leasing as temporary parking the vacant lot beside Nanaimo Valve on 1st Avenue.

16. ADJOURNMENT

CS 2019-287

That this Regular Meeting of Council adjourn at 9:06 p.m.

Motion Carried

Mayor (A. Stone)

Corporate Officer (J. Winter)