



MINUTES OF A REGULAR MEETING OF COUNCIL

Tuesday, October 6, 2020

6:30 P.M.

This meeting was held electronically as per Ministerial Order No. M192

Council Members Present:

Mayor Aaron Stone
Councillor Amanda Jacobson
Councillor Rob Johnson
Councillor Tricia McKay

Councillor Duck Paterson
Councillor Marsh Stevens
Councillor Jeff Virtanen

Staff Present:

Allison McCarrick
Erin Anderson
Chris Barfoot
Jake Belobaba
Geoff Goodall

Donna Smith
Julie Thompson
Mike Gregory
Sue Bouma

Guests:

Toby Seward and Frank Crucil, FMC Holdings Ltd., applicants for Zoning and OCP Amendment for 201/203 Dogwood Drive

1. CALL TO ORDER

Mayor Stone called this Regular Meeting of Council to order at 6:30 p.m., in order to retire immediately into Closed Session.

2. CLOSED SESSION

CS 2020-281

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:

- personal information about an identifiable individual being considered for a position as an officer, employee or agent of the municipality - section 90(1)(a)

Motion Carried

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

Mayor Stone called this Regular Meeting of Council to order at 7:00 p.m., recognizing that it was taking place on the traditional territory of the Stz'uminus First Nation and expressing gratitude to be here.

Mayor Stone then took a moment to recognize the Director of Finance, Erin Anderson, who took on the position of Acting Chief Administrative Officer after the resignation of Guillermo Ferrero. He applauded Ms. Anderson for keeping her sense of humour during challenging circumstances while juggling the demands of two positions, and thanked her for her outstanding accomplishments as Acting CAO. Council echoed Mayor Stone's sentiments and thanked Ms. Anderson for rising to the occasion.

Mayor Stone introduced Allison McCarrick, the new Chief Administrative Officer for the Town. He and Council welcomed Ms. McCarrick to the Town and stated they are looking forward to working with her.

4. AGENDA APPROVAL

CS 2020-282

That Council approve the agenda for this Regular Meeting of Council for October 6, 2020 as amended to include the following:

- Item 12.1., "Notice of Motion from Mayor Stone - Streets and Traffic Bylaw No.1309 Enforcement"

Motion Carried

5. RISE AND REPORT- Items from Closed Session

Council rose from Closed Session at 6:33 p.m. without report.

The following item from the Closed Meeting of Council held September 1, 2020 was reported:

- **CE 2020-131**

That Council:

1. Direct the Mayor and Corporate Officer to execute the Lease and Access Agreement renewal with Sealegs Kayak Rentals and Marine Adventures for use of the Transfer Beach Park Eco-Tourism Facility for a five-year period from October 1, 2020 until September 30, 2025, with a 2% increase each year beginning in Year 2 as outlined in the agreement;

2. Direct staff to give notice of the Town's intent to lease the facility to Sealegs in accordance with the *Community Charter*, and
3. Rise and report on this item once the lease agreement has been signed by both parties.

6. MINUTES

6.1 Minutes of the Regular Meeting of Council held September 15, 2020

CS 2020-283

That Council approve the minutes of the Regular Meeting of Council held September 15, 2020.

Motion Carried

7. PROCLAMATIONS

7.1 Foster Family Month

Mayor Stone proclaimed the month of October 2020 as Foster Family Month in the Town of Ladysmith.

7.2 Waste Reduction Week

Mayor Stone proclaimed October 19 to 25, 2020 as Waste Reduction Week in the Town of Ladysmith.

8. DEVELOPMENT APPLICATIONS

8.1 Zoning and OCP Amendment for 201 and 203 Dogwood Drive

The applicants, Mr. Toby Seward and Mr. Frank Crucil, entered the meeting at 7:15 p.m. and responded to Council's questions regarding the proposed development.

CS 2020-284

That Council:

1. Direct that application 3360-20-04 (Amended Lot 10 (DD 21674N) District Lot 56 Oyster District Plan 1684 and Amended Lot 11 (DD 27179N) District Lot 56 Oyster District Plan 1684) proceed for further consideration to investigate a five storey building design option with consideration of the following:

- i. view corridors;
 - ii. design controls related to height, scale, form and massing; and
 - iii. neighbourhood character and public concerns.
- 2. Having considered section 475 (consultation during development of an OCP) and section 476 (consultation on planning for school facilities) of the Local Government Act, direct staff to refer the application to:
 - i. Stz'uminus First Nation pursuant to the Memorandum of Understanding
 - ii. School District 68 (Nanaimo Ladysmith)
 - iii. The Community Planning Advisory Committee;
 - iv. The BC Ministry of Transportation and Infrastructure;
 - v. BC Hydro; and
 - vi. Fortis BC.
- 3. Direct that staff:
 - i. Work with the applicant regarding land use matters and report back to Council, specifically with regard to the following items:
 - ii. submission of a Development Permit application;
 - iii. consolidation of the subject properties; and
 - iv. density bonus options.

CS 2020-285

That resolution CS 2020-284 be amended to add the following considerations under item 1:

- iv. description of a rental covenant structure
- v. description of a remediation plan

Amendment Carried

Resolution CS 2020-284 as amended reads:

That Council:

- 1. Direct that application 3360-20-04 (Amended Lot 10 (DD 21674N) District Lot 56 Oyster District Plan 1684 and Amended Lot 11 (DD 27179N) District Lot 56 Oyster District Plan 1684) proceed for further

consideration to investigate a five storey building design option with consideration of the following:

- i. view corridors;
 - ii. design controls related to height, scale, form and massing; and
 - iii. neighbourhood character and public concerns.
 - iv. description of a rental covenant structure
 - v. description of a remediation plan
2. Having considered section 475 (consultation during development of an OCP) and section 476 (consultation on planning for school facilities) of the Local Government Act, direct staff to refer the application to:
- i. Stz'uminus First Nation pursuant to the Memorandum of Understanding
 - ii. School District 68 (Nanaimo Ladysmith)
 - iii. The Community Planning Advisory Committee;
 - iv. The BC Ministry of Transportation and Infrastructure;
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3. Direct that staff:
- i. Work with the applicant regarding land use matters and report back to Council, specifically with regard to the following items:
 - ii. submission of a Development Permit application;
 - iii. consolidation of the subject properties; and
 - iv. density bonus options.

Main Motion, As Amended, Carried

OPPOSED: Councillors Johnson and McKay

Mr. Toby Seward and Mr. Frank Crucil, vacated the meeting at 8:31 p.m.

8.2 Industrial Development Permit and Development Variance Permit at 10750 South Watts Road

CS 2020-286

That Council:

1. Approve Development Variance Permit (DVP) 3090-20-01, to vary the Zoning Bylaw and Subdivision and Development Servicing Bylaw regulations requiring a connection to a community sanitary sewer system, to allow the property at 10750 South Watts Road (Lot 20, District Lot 72, Oyster District, Plan 8793 Except Parcel A (DD 94199N)) to be developed without connecting to the sanitary sewer system, on the condition that the applicant enter into a covenant that requires extension and connection to the Town's sanitary sewer main within two years of the main being available to the subject property.
2. Approve Development Permit (DP) 3060-19-21 to allow the property at 10750 South Watts Road to be developed as a cannabis production facility within the Industrial and Riparian Development Permit Areas.
3. Authorize the Mayor and Corporate Officer to sign DVP 3090-20-01 and DP 3060-19-21.

Motion Carried

9. COMMITTEE MINUTES

9.1 Minutes of the Parks, Recreation and Culture Advisory Committee Meeting held September 16, 2020

CS 2020-287

That Council receive for information the minutes of the September 16, 2020 meeting of the Parks, Recreation and Culture Advisory Committee.

Motion Carried

10. REPORTS

10.1 2021 Council Meeting Schedule

CS 2020-288

That Council:

1. Remove the August 17, 2021 Regular Council Meeting date from the proposed schedule of Regular Council Meetings; and
2. Confirm the following schedule of Regular Council Meetings for 2021, and direct staff to advertise the schedule in accordance with Section 127 of the *Community Charter*.

Council Meetings

January 5	April 6	July 6	October 5
January 19	April 20	July 20	October 19
February 2	May 4	August 3	November 2
February 16	May 18	August 17	November 16
March 2	June 1	September 7	December 7
March 16	June 15	September 21	December 21

Motion Carried

OPPOSED: Councillor Johnson

CS 2020-289

That Council confirm the following schedule of regular Committee of the Whole meetings for 2021 and direct staff to advertise the schedule in accordance with Section 127 of the *Community Charter*.

Committee of the Whole Meetings

January 12	May 11	September 28
March 9	July 13	November 9

Motion Carried

OPPOSED: Councillor Johnson

10.2 Machine Shop Seismic Upgrade Project Update

CS 2020-290

That Council:

1. Direct staff to submit an application for grant funding for the Machine Shop Rehabilitation Phase 2 for \$3,114,611 through the *Investing in Canada Infrastructure Program – Community, Culture and Recreation*;
2. Support the project and commit to its share (\$1,132,779) of the project with the funds to come from the Real Property Reserve and General Government Reserves; and
3. Direct staff to amend the 2020-2024 Financial Plan accordingly.

Motion Carried

10.3 Economic Recovery - Sidewalk Patios

CS 2020-291

That Council give first three readings to “Streets and Traffic Bylaw 1998, No. 1309, Amendment Bylaw #8, 2020, No. 2054” allowing the Director of Development Services to issue permits authorizing sidewalk patios between October 31st and March 1st .

Motion Carried

Councillor Paterson declared a conflict of interest with the following agenda item due to his association with the Kinsmen Club and recused himself from the meeting at 9:01 p.m.

10.4 Permanent Downtown Washroom

CS 2020-292

That Council:

1. Direct staff to amend the budget to \$100k for the permanent downtown washroom, with the funds to come from the Real Property Reserve for \$32k and the remaining funding to come from community donations; and
2. Waive the purchasing policy.

Motion Carried

Councillor Paterson returned to the meeting at 9:06 p.m.

10.5 Re-opening Plan for Swimming Pool

CS 2020-293

That Council direct staff to:

1. Reopen the 25m pool and the therapy teach pool at the Frank Jameson Community Centre on November 2nd with limited programming as presented by the Director of Parks, Recreation and Culture; and
2. Phase in the opening of the other pool amenities when permitted by the Provincial Health Officer and other regulatory agencies.

Motion Carried

10.6 Battie to Thetis Watermain Loop Budget Amendment

CS 2020-294

That Council direct staff to amend the 2020-2024 Financial Plan to include the Battie to Thetis Watermain loop for \$80,000, with \$40,000 to come from the Water Development Cost Charges reserve and \$40,000 to come from the Water Reserve.

Motion Carried

11. BYLAWS

11.1 Bylaw Status Sheet

12. NEW BUSINESS

12.1 Notice of Motion by Mayor Stone - Streets and Traffic Bylaw 1309 Enforcement

Mayor Stone provided the following notice of motion to be considered by Council at its Regular Meeting scheduled for October 20, 2020: .

“That Council direct staff to:

1. Prepare a report for consideration at a future Committee of the Whole meeting with proposed amendments to “Town of Ladysmith Streets and Traffic Bylaw 1998, No. 1309” to ensure it is current and balances best practices with the realities faced in our community; and
2. Proceed with enforcement of the bylaw on a complaint-driven basis until such time as “Town of Ladysmith Streets and Traffic Bylaw 1998, No. 1309” is updated.”

13. QUESTION PERIOD

There were no questions submitted by the public.

14. ADJOURNMENT

CS 2020-295

That this Regular Meeting of Council adjourn at 9:14 p.m.

Motion Carried

Mayor (A. Stone)

Corporate Officer (D. Smith)