



MINUTES OF A REGULAR MEETING OF COUNCIL

Tuesday, March 16, 2021

7:00 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

Christina Hovey

Sue Bouma

1. CALL TO ORDER

Mayor Stone called this Regular Meeting of Council to order at 6:05 p.m., in order to retire immediately into Closed Session.

2. CLOSED SESSION

CS 2021-074

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:

- 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); and
- the receipt of advice that is subject to solicitor-client privilege - section 90(1)(i).

Motion Carried

3. OPEN MEETING AND ACKNOWLEDGEMENT (7:00 P.M.)

Mayor Stone called this Regular Meeting of Council to order at 7:03 p.m., recognizing with gratitude that it was taking place across various locations on the traditional unceded territory of the Stz'uminus People.

4. AGENDA APPROVAL

CS 2021-075

That Council approve the agenda for this Regular Meeting of Council for March 16, 2021, as amended to include the following items received after publication of the agenda:

- Item 8.1., Additional public submissions received March 10-16, 2021 regarding "Referral for Non-Medical Cannabis Retail Store - 411B 1st Avenue";
- Item 9.1., Correspondence dated March 15, 2021 from Jo Sheridan regarding "Application to Rezone 336 Belaire Street from 3 to 4 Storeys";
- Item 13.4., Correspondence dated March 11, 2021 from the Center for Epilepsy and Seizure Education in BC; and
- Item 13.5., Correspondence dated March 13, 2021 from Ladysmith Community Options.

Motion Carried

5. RISE AND REPORT- Items from Closed Session

The following Item from the Closed Meeting of Council held February 23, 2021 was reported:

CE 2021-055

That Council:

1. Accept the entire change of scope for the Arts & Heritage Hub outlined in Appendix A to the February 16, 2021 report from the Director of Development Services;
2. Direct staff to include funding options for consideration during upcoming Financial Plan discussions; and
3. Rise and report once the contract for the change in scope is signed by the Town and the architect.

The following item from the Closed Meeting of Council held March 2, 2021 was reported:

CE 2021-060

That Council:

1. Approve the exclusive use of the main floor of Aggie Hall by Island Health from March to September 2021, for use as a COVID-19 mass immunization site;
2. Authorize the Director of Parks, Recreation and Culture to: negotiate a cost recovery fee for the rental usage; and permit the use of the Province's COVID-19 Restart funding to offset any rental revenue lost by entering into this agreement; and
3. Rise and Report after Island Health has the opportunity to publicly announce the COVID-19 mass immunization site in Ladysmith.

Council rose from Closed Session held March 16, 2021 at 6:56 p.m. without report.

6. MINUTES

6.1 Minutes of the Regular Meeting of Council held March 2, 2021

CS 2021-076

That Council approve the minutes of the Regular Meeting of Council held March 2, 2021.

Motion Carried

7. PROCLAMATIONS

7.1 World Down Syndrome Day

Mayor Stone proclaimed March 21, 2021 as World Down Syndrome Day in the Town of Ladysmith.

8. DEVELOPMENT APPLICATIONS

8.1 Referral for Non-Medical Cannabis Retail Store - 411B 1st Avenue ("Local Cannabis Co.")

CS 2021-077

That Council, having considered the general impact on the community and the views of the residents, pursuant to section 33 of the *Cannabis Control and Licensing Act*, recommend that the Province issue a licence for a non-medical cannabis retail store at 411B 1st Avenue ("Local Cannabis Co.).

Motion Defeated

OPPOSED: Mayor Stone and Councillors Jacobson, Johnson, McKay and Stevens

CS 2021-078

That Council, having considered the general impact on the community and the views of the residents, pursuant to section 33 of the *Cannabis Control and Licensing Act*, recommend that the Province not issue a licence for a non-medical cannabis retail store at 411B 1st Avenue ("Local Cannabis Co.).

Motion Carried

OPPOSED: Councillors Paterson and Virtanen

CS 2021-079

That Council, pursuant to section 13.5 of the *Cannabis Licensing Regulation*, provide the following reasons for recommending that the Province not issue a licence for a non-medical cannabis retail store at 411B 1st Avenue:

1. The application is not the highest and best use of the retail location in that precinct;
2. The proposed location is in close proximity to other existing cannabis retailers; and
3. There is availability of potential locations in other permitted areas.

CS 2021-080

Amendment

That Council amend Resolution CS 2021-079 to remove item 2, "The proposed location is in close proximity to other existing cannabis retailers."

Amendment Defeated

OPPOSED: Mayor Stone, Councillors Jacobson, McKay, Paterson

The question was called on the main motion as presented.

Motion carried

OPPOSED: Councillors Paterson, Virtanen

CS 2021-081

That Council refer the topic of cannabis retail sites to a future Committee of the Whole meeting for discussion and consideration.

Motion Carried

9. BYLAWS- OFFICIAL COMMUNITY PLANNING AND ZONING

9.1 Application to Rezone 336 Belaire Street from 3 to 4 Storeys

CS 2021-082

That Council:

1. Proceed with first and second reading of "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 36) 2021, No. 2066"; and
2. Direct staff to proceed with scheduling and notification for a Public Hearing for "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 36) 2021, No. 2066".

Motion Carried

9.2 Official Community Plan Amendment - Development Permit Exemption for Single Family Development in the Multi-family Development Permit Area

CS 2021-083

That Council:

1. Give first and second reading of "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 66) 2021, No. 2070";
2. Consider "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 66) 2021, No. 2070" in conjunction with the Town's

Financial Plan, the Town's Liquid Waste Management Plan, and the Cowichan Valley Regional District Solid Waste Management Plan, pursuant to section 477(3) of the *Local Government Act*;

3. Direct staff to refer Bylaw No. 2070 to:
 - a. the Stz'uminus First Nation pursuant to the Naut'sa mawt Community Accord and Memorandum of Understanding; and
 - b. School District 68 pursuant to section 476 of the *Local Government Act*; and,
4. Pursuant to section 475 of the *Local Government Act*:
 - a. consider whether opportunities for consultation with one or more persons, organizations and authorities should be early and ongoing;
 - b. specifically consider whether consultation is required with:
 - i. the board of the Cowichan Valley Regional District and board of the Regional District of Nanaimo;
 - ii. the Council of the District of North Cowichan;
 - iii. the Stz'uminus First Nation;
 - iv. the Board of Education for School District 68; and
 - v. the Provincial and Federal Governments and their agencies; and
 - c. determine that further consultation is not required under section 475(a) or 475(b) of the *Local Government Act*; and
5. Direct staff to proceed with scheduling and notification of a Public Hearing for "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 66) 2021, No. 2070".

Motion Carried

9.3 OCP & Zoning Bylaw Amendment – Lot 20 Trans-Canada Highway, 674 & 670 Farrell Road

CS 2021-084

That Council:

1. Having considered section 475 (consultation during development of an official community plan) of the *Local Government Act*, direct that no additional consultation is required pursuant to section 475, as the application has been referred to the Community Planning Advisory Committee, the Stz'uminus First Nation, School District 68 (Nanaimo-Ladysmith), the Ministry of Transportation and Infrastructure, the Ministry of Forests, Lands, Natural Resource Operations and Rural Development, BC Transit, and the Cowichan Valley Regional District;

2. Consider first and second reading of "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 63) 2021, No. 2060";
3. Consider "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 63) 2021, No. 2060" in conjunction with the Town's Financial Plan and the Town's Liquid Waste Management Plan, pursuant to section 477(3) of the *Local Government Act*;
4. Consider first and second reading of "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 33) 2021, No. 2061";
5. Direct staff to proceed with scheduling and notification of a public hearing for "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 63) 2021, No. 2060" and "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 33) 2021, No. 2061"; and
6. Require, prior to adoption of "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 63) 2021, No. 2060" and "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 33) 2021, No. 2061", that the developer:
 - a. be required to consolidate Lot 20, District Lot 41, Oyster District, Plan 2519, Except Parts in Plans 8993, 43985 and EPP28332, Lot 2 District Lot 41 Oyster District, Plan VIP65993 and Lot 1, District Lot 41, Oyster District, Plan 20461;
 - b. On the title of the consolidated parcel, register in favour of the Town and at the cost of the developer, the following:
 - i. A covenant pursuant to section 219 of the *Land Title Act*, requiring a deciduous planting and protection area, shown as 'Tree Buffer Area' in Attachment C, of the report to Council dated March 16, 2021, at time of subdivision;
 - ii. A covenant pursuant to section 219 of the *Land Title Act* requiring all development on site to be consistent with the recommendations of Wildfire Assessment Management Plan attached as Attachment I to the report to Council dated March 16, 2021.
 - iii. A covenant pursuant to section 219 of the *Land Title Act* requiring the dedication of parkland, shown as 'Park' in

- Attachment C to the report to Council dated March 16, 2021, at time of subdivision approval;
- iv. A covenant pursuant to section 44 of the *Community Charter* and 219 of the *Land Title Act* requiring road dedication generally in accordance with the road layout shown in Attachment C to the report to Council dated March 16, 2021 at time of subdivision approval;
 - v. A covenant pursuant to section 44 of the *Community Charter* and 219 of the *Land Title Act* requiring road dedication, without compensation to the property owner, for the extension of Farrell Road fronting the site generally in accordance with the road layout shown in Attachment E, to be taken at time of subdivision or when the Town elects to extend Farrell Road past the site, whichever occurs first; and
 - vi. A covenant pursuant to section 219 of the *Land Title Act* requiring a community amenity contribution of \$1,000 per multi-family residential unit, payable at time of building permit, and \$1,000 per single-family or duplex residential parcel, payable at time of subdivision, to the Town's Amenity Fund.

Motion Carried

OPPOSED: Councillor Johnson

10. COMMITTEE MINUTES

10.1 March 9, 2021 Committee of the Whole Recommendations

Council agreed to consider separately the Grant In Aid resolutions for the Ladysmith & District Historical Society and Ladysmith Show & Shine due to individual Council members' declared conflicts of interest.

CS 2021-085

That Council approve the allocated amounts of 2021 Grant in Aid requests as follows:

Ladysmith Community Gardens Society \$1,600
 Old English Car Club Central Island Branch \$600
 Ladysmith Downtown Business Association \$4,000
 Ladysmith Family & Friends Society \$2,500
 Ladysmith Celebrations Society \$10,000
 Ladysmith & District Marine Rescue Society \$2,500
 Cowichan Family Caregivers Support Society \$1,000
 Ladysmith Festival of Lights \$15,000

Ladysmith Maritime Society \$1,500
Ladysmith Little Theatre \$2,500
Cowichan Trail Stewardship Society - Ladysmith Chapter \$2,000
Ladysmith Secondary School Parent Advisory Council \$500
LSS - Frank Jameson Bursary \$1,500
Waiving Fees \$4,000
Late Applications/Council Discretion \$3,850

CS 2021-086

AMENDMENT

That Council amend the 2021 Grant in Aid allocated to the Ladysmith Downtown Business Association by increasing the amount from \$4,000 to \$5,000.

Amendment Carried

OPPOSED: Councillor Johnson

CS 2021-087

AMENDMENT

That Council reduce the amount allocated to 2021 Late Applications/Council Discretion from \$3,850 to \$2,850.

Amendment Carried

Resolution CS 2021-085, as amended reads:

That Council approve the allocated amounts of 2021 Grant in Aid requests as follows:

Ladysmith Community Gardens Society \$1,600
Old English Car Club Central Island Branch \$600
Ladysmith Downtown Business Association \$5,000
Ladysmith Family & Friends Society \$2,500
Ladysmith Celebrations Society \$10,000
Ladysmith & District Marine Rescue Society \$2,500
Cowichan Family Caregivers Support Society \$1,000
Ladysmith Festival of Lights \$15,000
Ladysmith Maritime Society \$1,500
Ladysmith Little Theatre \$2,500
Cowichan Trail Stewardship Society - Ladysmith Chapter \$2,000
Ladysmith Secondary School Parent Advisory Council \$500
LSS - Frank Jameson Bursary \$1,500
Waiving Fees \$4,000

Late Applications/Council Discretion \$2,850
Main Motion, as Amended, Carried

Councillor Johnson declared a conflict of interest due to his position on the board of the Ladysmith & District Historical Society and vacated the meeting at 8:51 p.m.

CS 2021-088

That Council approve the allocated amount of \$7,500 as the 2021 Grant in Aid for the Ladysmith & District Historical Society.

Motion Carried

Councillor Johnson returned to the meeting at 8:52 p.m.

Councillor Paterson declared a conflict of interest due to his membership with the Ladysmith Show & Shine organization and vacated the meeting at 8:52 p.m.

CS 2021-089

That Council approve the allocated amount of \$2,000 as the 2021 Grant in Aid for the Ladysmith Show & Shine organization.

Motion Carried

Councillor Paterson returned to the meeting at 8:53 p.m.

CS 2021-090

That Council direct staff to:

1. Implement a yard waste pilot project, starting with two spring pickup dates targeted for the end of April and May 2021;
2. Bring a summary report of costs and participation levels after the first two spring pickups, in order that Council can provide direction on a fall pickup schedule; and
3. Include \$20,000 in the Solid Waste budget for 2021 with the funds to come from the Solid Waste Reserve.

Motion Carried

CS 2021-091

That Council direct staff to:

- Prepare a Park Dedication Bylaw which includes Town-owned properties identified in the staff report dated March 9, 2021; and
- Identify portions of road right of way that are currently being used as park space and bring forward the necessary bylaws to:
 - close and remove the road dedication pursuant to section 40 of the *Community Charter*; and
 - dedicate the resulting legal parcels as park.

Motion Carried

CS 2021-092

That Council direct staff to bring forward amendments to the Zoning Bylaw related to two-storey coach houses as identified by the Committee of the Whole.

Motion Carried

10.2 February 4, 2021 Public Art Task Group Minutes

CS 2021-093

That Council receive for information the minutes of the February 4, 2021 meeting of the Public Art Task Group.

Motion Carried

11. REPORTS

11.1 2021 Financial Plan Update

CS 2021-094

That Council approve the changes to the 2021-2025 Financial Plan as presented by the Director of Financial Services on March 16, 2021, including:

- Single Axle Dump Truck for \$230,000 with funds from prior year surplus;
- Yard Waste Clean-up Pilot for \$20,000 with funds from solid waste reserve;
- Water main breaks for \$200,000 with funds from the water reserve;
- Parks, Recreation & Culture additional loss in revenues for \$29,863 with the funds to come from the COVID-19 Provincial funds;

- Arts & Heritage Hub design changes for \$1,352,340 with funds from Real Property Reserve for \$234,812, Amenity Fund for \$96,588, General Government Reserves for \$336,940 and the relocation of the Artist's Studio using \$400,000 from Prior Year Surplus and \$284,000 from Government - Development Reserves;
- Engineering coverage for \$62,044 with funds to come from General Government – staff vacation sick leave reserve; and
- Fire Department used SCBA for \$11,300 with funds from the fire equipment reserve.

Motion Carried

12. BYLAWS

12.1 Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644, Amendment Bylaw No. 9, 2021, No. 2059

CS 2021-095

That Council adopt "Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644, Amendment Bylaw No. 9, 2021, No. 2059".

Motion Carried

13. CORRESPONDENCE

13.1 Request for Support for CVRD Grant Application to the UBCM Community Emergency Preparedness Fund EOC

CS 2021-096

That Council authorize the Cowichan Valley Regional District to apply for, receive and manage the UBCM Community Emergency Preparedness Fund Emergency Operations Centre grant funding up to \$25,000 on behalf of the Town of Ladysmith.

Motion Carried

By unanimous consent, Council recessed the Regular Meeting at 9:02 p.m. and reconvened at 9:03 p.m.

13.2 Request from Councillor Will Cole-Hamilton, City of Courtenay, to Endorse the Help Cities Lead Campaign and the Property Assessed Clean Energy Coalition

CS 2021-097

That the Mayor on behalf of Council send a letter of support endorsing the "Help Cities Lead Campaign" and expressing support for BC legislation enabling Property Assessed Clean Energy (PACE) by third-party administration to the following: the Hon. Josie Osbourne, Minister of Municipal Affairs; the Hon. George Heyman, Minister of Environment and Climate Change Strategy; the Hon. Selina Robinson, Minister of Finance; the Hon. Bruce Ralston, Minister of Energy Mines and Low Carbon Innovation; and the Hon. David Eby, Attorney-General and Minister responsible for Housing.

Motion Carried

OPPOSED: Councillor Paterson

13.3 Request for Support from Paul Manly, MP regarding Housing Affordability and Homelessness

CS 2021-098

That Council refer the request for a letter of support from Paul Manly, MP, regarding housing affordability and homelessness to a future Committee of the Whole meeting for consideration and discussion.

Motion Carried

13.4 Request by the Center for Epilepsy & Seizure Education to Illuminate City Hall with purple lights on March 26th

CS 2021-099

That Council approve the request from the Center for Epilepsy & Seizure Education in BC to illuminate City Hall with purple lights on Friday, March 26, 2021 in support of Epilepsy awareness.

Motion Carried

13.5 Community Living

CS 2021-100

That the Mayor on behalf of Council, send a letter to Community Living BC, in support of the request from the Ladysmith Community Options group that offers services for people who have a developmental disability remain centred in Ladysmith.

Motion Carried

14. UNFINISHED BUSINESS

14.1 Motion to Provide a Letter of Support for a Fully Funded Tertiary Hospital at the NRGH

CS 2021-101

That the Mayor, on behalf of Council provide a letter of support for a fully funded tertiary hospital at the Nanaimo Regional General Hospital in a timeline approved by the Nanaimo medical staff and the patients of Central and North Vancouver Island.

Motion Carried

15. QUESTION PERIOD

There were no questions submitted by the public.

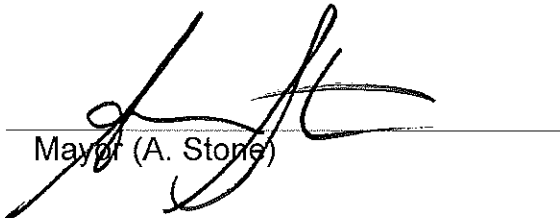
16. ADJOURNMENT

CS 2021-102


That this Regular Meeting of Council adjourn at 9:19 p.m.

Motion Carried

CERTIFIED CORRECT:



Mayor (A. Stone)



Corporate Officer (D. Smith)