



## MINUTES OF A REGULAR MEETING OF COUNCIL

Tuesday, October 5, 2021

7:00 P.M.

Council Chamber

### Council Members Present:

Mayor Aaron Stone

Councillor Rob Johnson

Councillor Tricia McKay

Councillor Duck Paterson

Councillor Marsh Stevens

Councillor Jeff Virtanen

### Council Members Absent:

Councillor Amanda Jacobson

### Staff Present:

Allison McCarrick

Erin Anderson

Chris Barfoot

Geoff Goodall

Donna Smith

Christina Hovey (by telephone)

Ryan Bouma

Sue Bouma

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## 1. CALL TO ORDER AND ACKNOWLEDGEMENT

Mayor Stone called this Regular Meeting of Council to order at 7:04 p.m., recognizing with gratitude that it was taking place on the traditional unceded territory of the Stz'uminus People.

## 2. AGENDA APPROVAL

### CS 2021-309

That Council approve the agenda for this Regular Meeting of Council for October 5, 2021 as amended to add the following item under "10. New Business", received after publication of the agenda:

- Item 10.2, " November 2, 2021 Regular Council Meeting - change to Special Council Meeting and Public Hearing".

*Motion Carried*

### 3. **RISE AND REPORT- Items from Previous Closed Session**

The following items from the Closed Meeting of Council held September 21, 2021 were reported:

#### **CE 2021-120**

That Council:

1. Direct staff to submit the necessary renewal applications for Crown Land Lease 1400950;
2. Direct staff to inform the Province of the Town's intention to abandon Crown Land Lease 1400684;
3. Rise and report on Recommendation Nos. 1 and 2 immediately.

#### **CE 2021-121**

That Council:

1. Approve the five-year lease renewal agreement with the Ladysmith Seniors Centre Society for the property located at 630 2nd Avenue as presented, effective August 1, 2021 and authorize the Mayor and Corporate Officer to execute the lease renewal;
2. Direct staff to give notice of the Town's intent to enter into a lease agreement with the Ladysmith Seniors Centre Society as per the *Community Charter*; and
3. Rise and report on Recommendation Nos. 1 and 2 immediately.

### 4. **MINUTES**

#### **4.1 Minutes of the Regular Meeting of Council held September 21, 2021**

##### **CS 2021-310**

That Council approve the minutes of the Regular Meeting of Council held September 21, 2021.

*Motion Carried*

### 5. **PROCLAMATIONS**

#### **5.1 Waste Reduction Week in Canada**

Mayor Stone proclaimed October 18-24, 2021 as Waste Reduction Week in the Town of Ladysmith.

## 6. BYLAWS- OFFICIAL COMMUNITY PLANNING AND ZONING

### 6.1 OCP Amendment, Rezoning and Housing Agreement Bylaws 1260 Churchill Place

#### CS 2021-311

That Council:

1. Having considered section 475 of the *Local Government Act*, and in particular the matters set out in subsections (2)(a) and (b), resolve that:
  - a. the Stz'uminus First Nation is the only entity that is appropriate to consult in connection with "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 68) 2021, No. 2087";
  - b. consultation should be early but need not be ongoing;
  - c. the consultation process described in the staff report to Council dated October 5, 2021 is sufficient in respect to the proposed Official Community Plan amendment; and
  - d. staff be directed to refer Bylaw No. 2087 to the Stz'uminus First Nation as set out in resolution 1(a) for consultation in the manner described in the October 5, 2021 staff report to Council;
2. Give first and second reading to Bylaw No. 2087;
3. Consider Bylaw No. 2087 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*;
4. Direct staff to refer Bylaw No. 2087 to School District 68 pursuant to section 476 of the *Local Government Act*;
5. Give first and second reading to "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.44) 2021, No. 2088";
6. Give first, second and third readings to "Housing Agreement Bylaw 2021, No. 2089";
7. Direct that staff, following third reading and prior to adoption of Bylaw Nos. 2087, 2088 and 2089:
  - a. Refer Bylaw No. 2088 to the Ministry of Transportation for approval pursuant to section 52 of the *Transportation Act*; and
  - b. File the necessary dedication plans with the Land Title and Survey Authority to dedicate the areas shown as park and road on the subdivision plan provided as Attachment E to the staff report dated October 5, 2021; and
8. Direct that staff, following adoption of Bylaw Nos. 2087, 2088 and 2089:

- a. Register the right of first refusal, in Attachment D to the October 5, 2021 staff report to Council on the title of property;
- b. Apply for a Preliminary Layout Approval of the subdivision plan provided as Attachment E to the staff report dated October 5, 2021; and
- c. List the property for sale, once a Preliminary Layout Approval has been issued by the Subdivision Approving Officer.

*Motion Carried*

## **7. COMMITTEE MINUTES**

### **7.1 Parks, Recreation and Culture Advisory Committee - September 15, 2021**

#### **CS 2021-312**

That Council receive for information the minutes of the September 15, 2021 meeting of the Parks, Recreation and Culture Advisory Committee.

*Motion Carried*

### **7.2 Committee of the Whole Recommendations - September 28, 2021**

#### **CS 2021-313**

That Council direct staff to:

1. Amend "Waterworks Regulations Bylaw 1999, No. 1298" to include:
  - a.) A single family dwelling with a suite rate structure based on 1.5 times the single family dwelling charge and allowing an initial consumption of 37.5m<sup>3</sup>per quarter; and
  - b.) A new step rate for water consumption greater than 200m<sup>3</sup> for single family dwellings for only the quarters April to June and July to September, at a rate of \$3.1701 per cubic metre subject.
2. Prepare amendments to "Council Procedure Bylaw 2009, No. 1666" as identified in the staff report dated September 28, 2021, including:
  - a) Various housekeeping amendments;
  - b) Scheduling specifications to ensure that a meeting is not held during the first week of January and that only one meeting is held in August;
  - c) Changing the Regular Council Meeting start time to 6:30 p.m.;
  - d) Removing the section on Public Hearings and preparing a Public Hearing Policy; and

- e) Adding wording to reflect recent amendments to the *Community Charter* related to electronic meetings.
3. a) Bring forward amendments to:
- o “Official Community Plan Bylaw 2003, No. 1488”,
  - o “Town of Ladysmith Zoning Bylaw 2014, No. 1860”; and
  - o “Ladysmith Officers and Delegation of Authority Bylaw 2016, No. 1905”;
- related to coach houses as outlined in the September 28, 2021 staff report; and
- b) Develop a design preauthorization program for coach houses as outlined in the September 28, 2021 staff report to the Committee of the Whole.
4. Consult with Stz’uminus First Nation and report back to Council regarding the potential for both the inclusion of the Hul’qumi’num name on the Transfer Beach sign and a Coast Salish Welcoming Figure at Transfer Beach.

**CS 2021-314**

By unanimous consent Council agreed to consider separately Item 2c) "Changing the Regular Council Meeting start time to 6:30 p.m.".

**CS 2021-313**

**Resolution CS 2021-313 without 2c) reads as follows:**

That Council direct staff to:

1. Amend “Waterworks Regulations Bylaw 1999, No. 1298” to include:
  - a.) A single family dwelling with a suite rate structure based on 1.5 times the single family dwelling charge and allowing an initial consumption of 37.5m<sup>3</sup>per quarter; and
  - b.) A new step rate for water consumption greater than 200m<sup>3</sup> for single family dwellings for only the quarters April to June and July to September, at a rate of \$3.1701 per cubic metre subject.
2. Prepare amendments to “Council Procedure Bylaw 2009, No. 1666” as identified in the staff report dated September 28, 2021, including:
  - a) Various housekeeping amendments;

- b) Scheduling specifications to ensure that a meeting is not held during the first week of January and that only one meeting is held in August;
  - c) *\*Considered Separately\**
  - d) Removing the section on Public Hearings and preparing a Public Hearing Policy; and
  - e) Adding wording to reflect recent amendments to the *Community Charter* related to electronic meetings.
3. a) Bring forward amendments to:
- o "Official Community Plan Bylaw 2003, No. 1488",
  - o "Town of Ladysmith Zoning Bylaw 2014, No. 1860"; and
  - o "Ladysmith Officers and Delegation of Authority Bylaw 2016, No. 1905";
- related to coach houses as outlined in the September 28, 2021 staff report; and
- b) Develop a design preauthorization program for coach houses as outlined in the September 28, 2021 staff report to the Committee of the Whole.
4. Consult with Stz'uminus First Nation and report back to Council regarding the potential for both the inclusion of the Hul'qumi'num name on the Transfer Beach sign and a Coast Salish Welcoming Figure at Transfer Beach.

*Motion Carried*

**CS 2021-315**

2. c) That Council direct staff to change the Regular Council Meeting start time to 6:30 p.m.

*Motion Defeated*

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

## **8. REPORTS**

### **8.1 Uplands Remediation Proceeding to Certificate of Compliance**

#### **CS 2021-316**

That Council direct staff to prepare an amendment to the 2021-2025 Financial Plan to increase the Waterfront Remediation – Phase 1 budget by \$87,920 with the funds to come from prior year surplus, in order to accelerate the project and reduce overall project costs related to the Provincial Certificate of Compliance.

*Motion Carried*

### **8.2 Encroachment Agreement 32 High Street (Temperance Hotel)**

#### **CS 2021-317**

That Council authorize the Mayor and Corporate Officer to sign an Encroachment Agreement between the Town of Ladysmith and the property owner of 32 High Street to allow for the encroachment of the existing building and ramp into the road rights of way of High Street and 1<sup>st</sup> Avenue.

*Motion Carried*

### **8.3 Stocking Lake Meter Valve Construction Project Budget**

#### **CS 2021-318**

That Council:

1. Increase the budget for the Stocking Lake Meter Valve Construction project by \$44,000, with the funds coming from the Water Reserve; and
2. Amend the 2021 to 2025 Financial Plan accordingly.

*Motion Carried*

### **8.4 Stocking Lake Dam Remediation Selection**

#### **CS 2021-319**

That Council:

1. Select Option 2 as the preferred option, outlined in the “Stocking Lake Remediation Conceptual Design” report dated August 2021 as prepared by Ecora;
2. Direct staff to instruct Ecora to complete the preliminary design of Option 2 as outlined in the scope of work for the project; and

3. Instruct staff to investigate funding opportunities that may be available to facilitate the next phase of the project, design and construction.

*Motion Carried*

## **8.5 Request for Noise Bylaw Exemption – 107 Rollie Rose Drive**

### **CS 2021-320**

That Council:

1. Grant Westmark Construction Ltd. an exemption to Town of Ladysmith “Noise Suppression Bylaw 2003, No. 1478” to permit construction noise at 107 Rollie Rose Drive, until 7:00pm Monday to Saturday, beginning October 11, 2021 until April 5, 2022, excluding statutory holidays; and
2. Direct staff to ensure that neighbouring residents receive written notification.

*Motion Carried*

OPPOSED: Councillor Paterson

## **9. BYLAWS**

### **9.1 Bylaw Status Sheet**

## **10. NEW BUSINESS**

### **10.1 Appointment to the Board of Education of School District 68 Long Range Facilities Planning Advisory Committee**

#### **CS 2021-321**

That Council appoint Councillor McKay to serve as liaison to the Board of Education of School District 68 Long Range Facilities Planning Advisory Committee.

*Motion Defeated*

OPPOSED: Mayor Stone and Councillors Stevens and Virtanen

#### **CS 2021-322**

That Council appoint Councillor Stevens to serve as liaison to the Board of Education of School District 68 Long Range Facilities Planning Advisory Committee.

*Motion Carried*



**10.2 November 2, 2021 Regular Council Meeting - change to Special Council Meeting and Public Hearing**

**CS 2021-323**

That Council:

1. Cancel the Regular Council Meeting scheduled for 7:00pm on November 2, 2021; and
2. Schedule a Special Council Meeting and Public Hearing to be held by electronic means, beginning at 6:00pm on November 2, 2021.

*Motion Carried*

**11. QUESTION PERIOD**

There were no questions submitted by the public.

**12. ADJOURNMENT**

**CS 2021-324**

That this Regular Meeting of Council adjourn at 8:19 p.m.

*Motion Carried*

CERTIFIED CORRECT:

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Mayor (A. Stone)

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Corporate Officer (D. Smith)