



MINUTES OF A REGULAR MEETING OF COUNCIL

Tuesday, September 6, 2022

5:32 P.M.

City Hall Council Chambers

410 Esplanade

Council Members Present:

Mayor Aaron Stone
Councillor Amanda Jacobson
Councillor Rob Johnson

Councillor Duck Paterson
Councillor Marsh Stevens
Councillor Jeff Virtanen

Council Members Absent:

Councillor Tricia McKay

Staff Present:

Allison McCarrick
Erin Anderson
Chris Barfoot
Jake Belobaba
Ryan Bouma

Donna Smith
Julie Thompson
Mike Gregory
Sue Bouma

1. CALL TO ORDER

Mayor Stone called this Meeting of Council to order at 5:32 p.m., in order to retire immediately into Closed Session.

2. CLOSED MEETING

CS 2022-200

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

- (1)(e) 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;
- (1)(g) litigation or potential litigation affecting the municipality; and
- (1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Motion Carried

3. OPEN MEETING AND ACKNOWLEDGEMENT (6:00 P.M.)

Mayor Stone called this Regular Meeting of Council to order at 6:01 p.m., recognizing with gratitude that it was taking place on the traditional, unceded territory of the Stz'uminus First Nation. He also thanked the Stz'uminus First Nation for hosting the Water Festival at Transfer Beach on the weekend.

Mayor Stone reminded the public that it was the start of the school year and asked them to use extra caution when driving to protect children as they walk to and from school.

4. AGENDA APPROVAL

CS 2022-201

That Council approve the agenda for this Regular Meeting of Council for September 6, 2022 as amended to include the following changes:

- Item 9.1. "Development Variance Permit 3090-22-02 and Development Permit 3060-22-04 - 435 Thetis Drive" - add one public submission received after publication of the agenda; and
- Move Item 7.1. "Official Community Plan Review" after Item 8 "2023-2027 Financial Plan Discussions - Parks, Recreation & Culture Operating & Capital Budgets".

Motion Carried

5. RISE AND REPORT

Council rose from Closed Session at 5:49 p.m. without report.

6. MINUTES

6.1 Minutes of the Public Hearing and Regular Meeting of Council held August 2, 2022

CS 2022-202

That Council approve the minutes of the Public Hearing and Regular Meeting of Council held August 2, 2022.

Motion Carried

7. 2023-2027 FINANCIAL PLAN DISCUSSIONS - PARKS, RECREATION & CULTURE OPERATING & CAPITAL BUDGETS

7.1 Presentation and Council Discussion

Staff presented highlights of the Frank Jameson Community Centre budget as well as an overview of the Parks, Recreation & Culture budget. These budgets were discussed earlier than usual due to the upcoming CVRD Referendum on Regional Recreation Funding Services, which seeks to align the funding of nine recreation facilities in the CVRD. Staff provided an overview of how the funding model, if approved, would affect the Parks, Recreation & Culture operating and capital budgets.

Staff responded to Council's questions.

7.2 Public Input and Questions

There were no questions submitted by the public.

8. DELEGATIONS

8.1 Official Community Plan Review

Jennifer Fix, ahne Studio, consultant for the Official Community Plan Review, provided an overview of revisions made to the draft document, noting that they were driven by input received. She thanked Council, the public and staff for their input.

Ms. Fix responded to Council's questions. Council thanked Ms. Fix for her presentation and expressed their enthusiasm for the project.

9. DEVELOPMENT APPLICATIONS

9.1 Development Variance Permit 3090-22-02 & Development Permit Application 3060-22-04 – 435 Thetis Drive

CS 2022-203

That Council:

1. Issue Development Variance Permit 3090-22-02 to vary the following provisions in "Town of Ladysmith Zoning Bylaw 2014, No. 1860" for a proposed single unit dwelling at 435 Thetis Drive (Lot 13 District Lot 52 Oyster District Plan VIP86055):
 - a. Section 10.2.5(a) to increase the maximum height of a proposed single unit dwelling from 9.0m to 10.4m;

- b. Section 10.2.5(d) to allow a 9.14m perimeter wall height with no horizontal offset on the rear elevation of the dwelling; and
 - c. Section 10.2.5(e) to reduce the minimum front parcel line setback from 6.0m to 5.0m;
2. Issue Development Permit 3060-22-04 to allow construction of a single unit dwelling at 435 Thetis Drive; and
 3. Authorize the Mayor and Corporate Officer to sign Development Variance Permit 3090-22-02.

Motion Carried

10. COMMITTEE MINUTES

10.1 Poverty Reduction Task Group - July 26, 2022

CS 2022-204

That Council receive the minutes of the Poverty Reduction Task Group meeting held July 26, 2022.

Motion Carried

11. REPORTS

11.1 Regional Recreation Budget Approval 2023-2027 – Frank Jameson Community Centre

CS 2022-205

That Council approve the 2023-2027 budget for the Frank Jameson Community Centre as presented in the staff report dated September 6, 2022 and direct staff to submit it to the Cowichan Valley Regional District.

Motion Carried

11.2 Permissive Tax Exemptions for the Tax Year 2023

CS 2022-206

That Council direct staff to prepare a one-year Permissive Tax Exemption Bylaw for all properties currently identified in the “Town of Ladysmith 2022 Permissive Tax Exemptions Bylaw 2021, No. 2084” with the exception of the property at 314 Buller Street.

Motion Carried

CS 2022-207

That Council provide a one-year Permissive Tax Exemption to the Ladysmith Resources Centre Association for 20 percent of the value at 314 Buller Street which approximately represents seven deep subsidy units in the 36-unit building.

Motion Carried

OPPOSED: Councillors Stevens and Jacobson

CS 2022-208

That Council direct staff to remove fully exempt properties from the 2023 water parcel tax roll and the 2023 sewer parcel tax roll.

Motion Carried

Mayor Stone declared a conflict of interest with the following recommendation as he is Chair of the Island Corridor Foundation and vacated the Chair and the meeting at 7:46 p.m.

Deputy Mayor Stevens assumed the Chair.

CS 2022-209

That Council direct staff to prepare a 10-year Permissive Tax exemption Bylaw for all Island Corridor Foundation properties within the Town of Ladysmith boundaries.

Motion Carried

Mayor Stone returned to the meeting at 7:54 p.m. and resumed the Chair.

11.3 Commercial Tri-Deck Rotary Mower

CS 2022-210

That Council direct staff to amend the 2022-2026 Financial Plan by increasing the budget for the Commercial Tri-Deck Rotary Mower by \$20,000 with the additional funds to come from the Vehicle Equipment Reserve.

Motion Carried

11.4 Crown Referral 148786797: Application to Purchase Portion of Crown Foreshore (303 Chemainus Road)

CS 2022-211

That Council, in response to Crown Referral 148786797, support the application by the upland owner to purchase a 90m² portion of the foreshore, with a request that the Province:

1. Take steps to allow passage along the foreshore, or adjacent uplands, at all tide levels; and
2. Address the encroachment of the cantilevered deck over the statutory right of way for the Town's sewer line.

Motion Carried

12. BYLAWS

12.1 Bylaws for Introduction

12.1.1 Bylaw No. 2120

CS 2022-212

That Council:

1. Give first, second and third readings to "Road Closure and Dedication Removal Bylaw 2022, No. 2120";
2. Direct staff to:
 - a. provide notice to the public of Council's intention to adopt Bylaw No. 2120 pursuant to sections 40(3)(a) and 94 of the *Community Charter*,
 - b. provide notice of Council's intention to adopt Bylaw No. 2120 to:
 - i. BC Hydro
 - ii. Fortis
 - iii. Shaw
 - iv. TELUS; and
 - c. refer Bylaw No. 2120 to the Ministry of Transportation and Infrastructure pursuant to section 41(3) of the *Community Charter*.

Motion Carried

12.1.2 Bylaws No. 2106 and 2107

CS 2022-213

That Council:

1. Rescind second reading of “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106” and give the bylaw second reading as amended;
2. Rescind second reading of “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.48) 2022, No. 2107” and give the bylaw second reading as amended;
3. Require that the applicant, in addition to the conditions of approval of Bylaw Nos. 2106 and 2107 specified in Council Resolution CS 2022-095, at their cost, secure the following conditions through one or more restrictive covenants following third reading and prior to adoption of Bylaw Nos. 2106 and 2107:
 - a. All construction on the subject property to be constructed to “Step 2” of the BC Energy Step Code; and
 - b. Grant the Town an option to purchase the portion of the red-listed ecosystem occurrence on the property located outside of the area to be dedicated as park, as shown in the September 6, 2022 report to Council; and
4. Direct staff to schedule a second Public Hearing for Bylaw Nos. 2106 and 2107 pursuant to section 464 of the *Local Government Act*.

Motion Carried

12.2 Bylaws for Adoption

12.2.1 Bylaw No. 2112

CS 2022-214

That Council adopt “Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644, Amendment Bylaw 2022, No. 2112”.

Motion Carried

12.2.2 Bylaw No. 2114

CS 2022-215

That Council adopt “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 50) 2022, No. 2114”.

Motion Carried

12.3 Bylaw Status Sheet

13. CORRESPONDENCE

13.1 Chief Roxanne Harris, Stz'uminus First Nation

CS 2022-216

That Council confirm funding assistance in the amount of \$2,000 to the Stz'uminus First Nation for the Traditional War Canoe Races which were held September 3 and 4, 2022, with funding to come from Council's Public Relations budget.

Motion Carried

Councillor Paterson declared a conflict of interest related to Agenda Item 13.2 as he occasionally works for the Nanaimo News Bulletin and vacated the meeting at 8:20 p.m.

13.2 Nanaimo News Bulletin

CS 2022-217

That the Mayor, on behalf of Council, write a letter to the Minister of Environment requesting that the Provincial Government exempt printed newspapers from the Extended Producer Responsibility regulations as requested by the Nanaimo News Bulletin in correspondence dated August 9, 2022.

Motion Carried

Councillor Paterson returned to the meeting at 8:21 p.m.

14. NEW BUSINESS

15. QUESTION PERIOD

A member of the public commented on the need for alternate routes through Town, particularly in regards to emergencies, and enquired about the possibility of establishing a committee to look at possibilities.

A member of the public enquired about the cost of implementing the new Official Community Plan and commented on the Waterfront Area Plan.

16. ADJOURNMENT

CS 2022-218

That this Regular Meeting of Council be adjourned at 8:35 p.m.
Motion Carried

CERTIFIED CORRECT

Mayor (A. Stone)

Corporate Officer (D. Smith)

Subject to Adoption