



MINUTES OF A PUBLIC HEARING AND REGULAR MEETING OF COUNCIL

Tuesday, November 21, 2023

5:30 P.M.

Ladysmith Seniors Centre

630 2nd Avenue

Council Members Present:

Mayor Aaron Stone
Councillor Ray Gourlay
Councillor Amanda Jacobson
Councillor Tricia McKay

Councillor Duck Paterson
Councillor Marsh Stevens
Councillor Jeff Virtanen

Staff Present:

Allison McCarrick
Erin Anderson
Chris Barfoot
Jake Belobaba
Ryan Bouma

Sue Bouma
Andrew Wilson
Julie Thompson
Andrea Hainrich

1. CALL TO ORDER

Mayor Stone called this Meeting of Council to order at 5:30 p.m., in order to retire immediately into Closed Session.

2. CLOSED SESSION

CS 2023-262

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:

- (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
- (g) litigation or potential litigation affecting the municipality; and
- (k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public.

Motion Carried

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

Mayor Stone called this Public Hearing and Regular Meeting of Council to order at 6:00 p.m., recognizing with gratitude that it was taking place on the unceded territory of the Stz'uminus First Nation.

4. AGENDA APPROVAL

CS 2023-263

That Council approve the agenda for this Public Hearing and Regular Meeting of Council for November 21, 2023 as amended to include the following changes:

- Add "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2150" to Item 6.0 "Bylaws – Official Community Plan and Zoning (Subject of the Public Hearing) with the following recommendation:

That Council give third reading to "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2150"

and renumber the agenda accordingly; and

- Replace recommendation 7(a) for Item 8.1, "OCP Amendment and Rezoning Application – 10940 Westdowne Road" with the following:

7(a) "The prohibition of fossil fuels as the primary energy source for space and water heating or cooling, with exemptions for gas powered on-demand hot water and secondary space heating, for all new heated/cooled buildings (e.g. dwellings, indoor activity spaces, etc.) for the whole Town and Country Mobile Home Park."

Motion Carried

5. PUBLIC HEARING

"Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2150"

Property: 19 Gatacre Street

Members of the public attending: 4

5.1 Outline of Public Hearing Process - Mayor Stone

Mayor Stone outlined the Public Hearing process and stated that the public would have the opportunity to provide their comments to Council about Bylaw No. 2150.

He advised that staff would introduce the proposed bylaw amendment, followed by public submissions. He reminded the public that the content of submissions would be made public and form a part of the public record for the Hearing, and that the function of Council at a Public Hearing is to listen rather than to debate the merits of the proposed bylaws, although they may ask clarifying questions. He advised that once everyone had an opportunity to be heard, the Public Hearing would be closed and no further submissions or comments could be accepted by members of Council.

5.2 Introduction of Bylaw and Statutory Requirements - Planner, Development Services

Andrew Wilson, Planner, Development Services, introduced “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2150”.

Mr. Wilson advised that the purpose of Bylaw No. 2150 is to amend the Town of Ladysmith Zoning Bylaw 2014, No. 1860 to permit a *Funeral Home* as a permitted *Principal Use* subject to the condition that hosting funerals or memorials is prohibited.

Mr. Wilson confirmed the Public Hearing notification and engagement process. Notice of this Public Hearing was printed in the Ladysmith Chronicle on November 16, 2023, posted on the Town’s website and community notice boards, and mailed and delivered to all properties located within 60 metres of the subject property.

A copy of the Notice, the proposed Bylaw, and background information was made available at the Front Counter of City Hall and Development Services, and on the Town’s website for the Notice period. Staff in the Development Services office were available to respond to questions prior to the Public Hearing.

5.3 Submissions

Mayor Stone invited the applicant to make the first submission, but they declined.

5.4 Call for Submissions to Council (Three Times) - Mayor Stone

Mayor Stone called for submissions from the public.

Mayor Stone called for submissions a second time.

Mayor Stone called for submissions a third time and final time.

No one wished to speak regarding "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2150".

Mayor Stone asked the Corporate Officer, S. Bouma, if any submissions had been received during the hearing. The Corporate Officer advised that no submissions had been received.

5.5 Declaration that the Public Hearing for Bylaw No. 2150 is Closed - Mayor Stone

Hearing no comments and receiving no further submissions, Mayor Stone declared the Public Hearing for Bylaw No. 2150 closed at 6:06 p.m. and stated that no further submissions or comments from the public or interested persons could be accepted by members of Council.

6. BYLAWS - OFFICIAL COMMUNITY PLAN AND ZONING (SUBJECT OF THE PUBLIC HEARING)

6.1 "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2150"

CS 2023-264

That Council give third reading to "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2150."

Motion Carried

7. MINUTES

7.1 Minutes of the Regular Meeting of Council held November 7, 2023

CS 2023-265

That Council approve the minutes of the Regular Meeting of Council held November 7, 2023.

Motion Carried

8. BYLAWS- OFFICIAL COMMUNITY PLAN AND ZONING

8.1 OCP Amendment and Rezoning Application – 10940 Westdowne Road

CS 2023-266

That Council:

1. Defeat “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 73) 2022, No. 2130”.
2. Having considered s. 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 and the School District 68 Board are the only entities that are appropriate to consult in connection with “Official Community Plan Bylaw 2022, No 2200, Amendment Bylaw 2023, No. 2161”;
 - b. The consultation process described in the staff report to Council dated November 21, 2023, is sufficient in respect to the proposed Official Community Plan Amendment; and
 - c. The consultation process outlined in the staff report to Council dated April 6, 2021, for the application was carried out and there are no material changes in Bylaw No. 2161 that warrant additional consultation with agencies other than Stz’uminus First Nation and School District 68.
 - d. consultation should be early but need not be ongoing;
3. Give first and second readings to “Official Community Plan 2022, Bylaw No. 2200, Amendment Bylaw 2023, No. 2161”;
4. Consider “Official Community Plan 2022, Bylaw No. 2200, Amendment Bylaw 2023, No. 2161” 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*;
5. Consider “Official Community Plan 2022, Bylaw No. 2200, Amendment Bylaw 2023, No. 2161” in conjunction with the Town’s Housing Needs Report and the housing information on which the report is based, pursuant to section 473(2.1) of the *Local Government Act*;

6. Direct staff to refer “Official Community Plan 2022, Bylaw No. 2200, Amendment Bylaw 2023, No. 2161” to:
 - a. School District 68 pursuant to section 476 of the *Local Government Act*; and
 - b. Stz’uminus First Nation, pursuant to The Naut’sa Mawt Community Accord and Memorandum of Understanding between the Town and Stz’uminus First Nation.
7. Require that, as a condition of approval “Official Community Plan 2022, Bylaw No. 2200, Amendment Bylaw 2023, No. 2161” and “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 54) 2022, No. 2131” require that the applicant, at their cost and using the Town’s lawyer, register on the title of the consolidation of 10940 Westdowne Road (Lot 1, District Lot 72, Oyster District, Plan 24076, PID: 002-976-978), 10980 Westdowne Road (Lot 13, District Lot 72, Oyster District, Plan 8793, Except Part Shown Coloured Red on Plan 895 RW and Except Part in Plan 43821 VIP8793, PID: 001-618-920), **and** Parcel A (DD 391231-i) of Lot 14, District Lot 72, Oyster District Plan 8793 Except That Part in Plan 24076 (PID: 001-618-881), a covenant pursuant to section 219 of the *Land Title Act* requiring the following:
 - a. The prohibition of fossil fuels as the primary energy source for space and water heating or cooling, with exemptions for gas powered on-demand hot water and secondary space heating, for all new heated/cooled buildings (e.g. dwellings, indoor activity spaces, etc.) for the whole Town and Country Mobile Home Park.
 - b. Installation of a collective rainwater management system designed to manage flows to pre-development rates and incorporating an integrated approach (e.g. bioswales, rain gardens, etc.), prior to construction of any additional dwelling units on the area of the subject property (10940 Westdowne Road).
8. Direct staff to proceed with scheduling and notification of a public hearing for Bylaw No. 2161 pursuant to section 464(1) of the *Local Government Act*.

Motion Carried

9. COMMITTEE MINUTES

9.1 Community Planning Advisory Committee - November 1, 2023

CS 2023-267

That Council receive the minutes of the Community Planning Advisory Committee meeting held November 1, 2023.

Motion Carried

9.2 Public Art Committee - November 6, 2023

CS 2023-268

That Council receive the minutes of the Public Art Committee meeting held November 6, 2023.

Motion Carried

9.3 Committee of the Whole - November 14, 2023

CS 2023-269

That Council:

1. Rescind Street Naming Policy 11 5450 A and adopt Street Naming Guidelines Policy 11 5450 A.
2. Dedicate the 1st Avenue and Gatacre Street intersection as Harmony Square.
3. Refer the redesign of the Town of Ladysmith flag to the Public Art Committee.
4. Write a letter to the appropriate senior level of government regarding the regulation of the sale and use of fireworks.
5. Direct staff to bring a report to a future Committee of the Whole meeting regarding traffic calming, active transportation, and street landscaping infrastructure to enhance safety and traffic flows along Colonia Drive to Walkem Road.
6. Refer the subject of creating art on the Holland Creek Trail culvert to the Public Art Committee for recommendations regarding process.

CS 2023-270

AMENDMENT

That Council amend Item 5 of Resolution CS 2023-269 to replace “Colonia Drive to Walkem Road” with “Colonia Drive through Walkem Road to Cloke Road”.

Amendment Carried

Resolution CS 2023-269, as amended, reads:

CS 2023-269

That Council:

1. Rescind Street Naming Policy 11 5450 A and adopt Street Naming Guidelines Policy 11 5450 A.
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3. Refer the redesign of the Town of Ladysmith flag to the Public Art Committee.
4. Write a letter to the appropriate senior level of government regarding the regulation of the sale and use of fireworks.
5. Direct staff to bring a report to a future Committee of the Whole meeting regarding traffic calming, active transportation, and street landscaping infrastructure to enhance safety and traffic flows along Colonia Drive through Walkem Road to Cloke Road.
6. Refer the subject of creating art on the Holland Creek Trail culvert to the Public Art Committee for recommendations regarding process.

Main Motion, as Amended, Carried

10. 2024-2028 Financial Plan Discussions - Introduction of General Operations

10.1 Presentation and Council Discussion

Staff gave a presentation that reviewed details of the general operations budget and responded to Council's questions.

10.2 Public Input and Questions

A member of the public asked a general accounting question and inquired about the Parks budget and how it related to Parks staff hourly rates.

10.3 2024 Financial Plan – General Operations

CS 2023-271

By unanimous consent Council agreed to consider separately item 5 of the Financial Plan – General Operations recommendations involving Council conference participation.

CS 2023-272

That Council approve:

1. Continuing with the Temporary part-time positions of Development Services Administration Assistant and Planner starting January 1, 2024 with the funding to come from surplus;
2. Authorize an additional 728 hours annually in the Parks, Recreation & Culture Department for front counter reception at FJCC;
3. Authorize an additional 160 hours annually in the Parks department for casual employees; and
4. Remove one sustainability ambassador student position from the Solid Waste department and transfer the other sustainability student to the Parks department.

Motion Carried

CS 2023-273

That Council Authorize an additional Councillor (total of 5) to attend UBCM annually and direct staff to amend the Council Remuneration Policy 5-1790-B to reflect this change.

Motion Defeated

CS 2023-274

That Council allocate an additional \$5000 in the Council Training and Conference Budget to allow greater flexibility with Council conference participation.

Motion Carried

11. REPORTS**11.1 2023 Supplemental Grant in Aid Request****CS 2023-275**

That Council:

1. Direct staff to waive the Grant in Aid Program Policy 05-1850 A and provide a supplemental grant in aid to the Arts Council of Ladysmith for \$2400 and to Laff for \$1500; and
2. Discontinue the grant in aid funded grant writing consultation service.

Motion Carried

OPPOSED: Councillors Jacobson and Stevens.

11.2 Aquatic Pool Accessible Lift Replacement

CS 2023-276

That Council

1. Direct staff to purchase a new Aquatic Accessible Lift for up to \$20,000 with the funds to come from the remaining funds in the 2023 Oasis Pool and Hot Tub Resurfacing Capital Project
2. Amend the 2023-2027 Financial Plan accordingly.

Motion Carried

11.3 2024 Community Banner Program Theme Selection

CS 2023-277

That Council approve the theme 'Ladysmith Celebrates' for the 2024 Community Public Banner Program.

Motion Carried

11.4 Public Art Deaccession – Julian North Collection

CS 2023-278

That Council direct staff to proceed with the deaccession of the Julian North Public Art Collection as recommended by the Public Art Committee, following the defined deaccession process outlined in the Public Art Policy.

Motion Carried

OPPOSED: Councillor Stevens.

12. BYLAWS

12.1 Bylaw Status Sheet

13. CORRESPONDENCE

13.1 Cowichan Valley Regional District Affordable Housing

CS 2023-279

That Council support the reallocation of Online Accommodation Platform (OAP) Municipal Regional District Tax (MRDT) revenue to affordable housing within the Cowichan Valley Regional District (CVRD) effective January 1, 2024, as outlined in the correspondence dated November 14, 2023 from the CVRD.

Motion Carried

14. QUESTION PERIOD

A member of the public asked about how community groups are made aware of the grant writing workshop, whether Council has considered developing a program to store art work in a climate controlled environment; and whether Council would consider creating a community-wide flag design contest.

15. RECESS

CS 2023-280

That Council recess at 7:45 p.m. in order to reconvene the Closed Session.

Motion Carried

16. RISE AND REPORT – Items from Closed Session

Council rose from Closed Session at 8:15 p.m. without report.

17. ADJOURNMENT

CS 2023-281

That this Regular Meeting of Council be adjourned at 8:16 p.m.

Motion Carried

CERTIFIED CORRECT

Mayor (A. Stone)

Corporate Officer (S. Bouma)