



## MINUTES OF A REGULAR MEETING OF COUNCIL

**Tuesday, May 7, 2024**

**6:31 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

Andrea Hainrich

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## **1. CALL TO ORDER**

Mayor Stone called this Meeting of Council to order at 6:31 p.m., in order to retire immediately into Closed Session.

## **2. CLOSED SESSION**

### **CS 2024-081**

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:

- (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; 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 (7:00 P.M.)**

Mayor Stone called this Regular Meeting of Council to order at 7:10 p.m., recognizing with gratitude that it was taking place on the unceded territory of the Stz'uminus First Nation.

Councillor Gourlay congratulated 14-year-old Ladysmith Orcas Swim Club member, Colton Gonzales, for qualifying to compete in the upcoming Olympic Trials in Toronto.

**4. AGENDA APPROVAL**

**CS 2024-082**

That Council approve the agenda for this Regular Meeting of Council for May 7, 2024.

*Motion Carried*

**5. RISE AND REPORT- Items from Closed Session**

Council rose from Closed Session at 6:57 p.m. without report.

**6. MINUTES**

**6.1 Minutes of the Regular Meeting of Council held April 16, 2024**

**CS 2024-083**

That Council approve the minutes of the Regular Meeting of Council held April 16, 2024.

*Motion Carried*

**7. DELEGATIONS**

**7.1 Nikki Toxopeus and Joanne Sales - Broombusters and Friends of Holland Creek Trail**

Nikki Toxopeus of Broombusters and Friends of Holland Creek, and Joanne Sales of Broombusters discussed the ecological pressures in the Holland Creek area and requested continued support for their volunteers. They also asked Council to consider adopting a bylaw that would help control the spread of invasive species and advised that developing a Memorandum of Understanding with FortisBC and BC Hydro could help keep rights-of-way free of broom. They responded to Council's questions.

Mayor Stone thanked the group for their work and expressed Council's desire to find the best balance for all involved.

## **7.2 Ladysmith Secondary School Improv Team - Presentation to Council**

Ladysmith Secondary School teacher, Bill Taylor, and students Caidence Burns and Isabel Barclay, members of the Ladysmith Secondary School Improv Team, thanked Council for the grant-in-aid which allowed them to take part in the Canadian Improv finals in Ottawa where they placed 6<sup>th</sup> overall.

Mayor Stone and Council thanked the team for their presentation and wished them continued success.

## **8. PROCLAMATIONS**

### **8.1 National Public Works Week**

Mayor Stone has proclaimed May 19-25, 2024 as "National Public Works Week" in the Town of Ladysmith.

## **9. RECESS**

### **CS 2024-084**

By unanimous consent Council recessed at 7:58 p.m. with the intention to reconvene in five minutes.

*Motion Carried*

Council reconvened at 8:03 p.m.

## **10. BYLAWS - OFFICIAL COMMUNITY PLAN & ZONING**

### **10.1 OCP and Zoning Amendment Lot A Holland Creek**

#### **CS 2024-085**

That Council:

1. 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 School District 68 are the only entities that are appropriate to consult in connection with

- “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2024, No. 2170”;
- b. consultation should be early but need not be ongoing;
  - c. the consultation process described in the staff report to Council dated May 7, 2024 is sufficient in respect to the proposed Official Community Plan amendment; and
  - d. staff be directed to refer “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2023, No. 2170” to the Stz’uminus First Nation as set out in resolution 1 for consultation in the manner described in the May 7, 2024 staff report to Council;
2. Give first and second readings to “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2024, No. 2170”;
  3. Consider “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2024, No. 2170” 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. Consider “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2024, No. 2170” 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*;
  5. Direct staff to refer “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2024, No. 2170” to School District 68 pursuant to section 476 of the *Local Government Act*;
  6. Give first and second readings to “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2024, No. 2171”;
  7. Direct staff to refer “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2024, No. 2171” to the Ministry of Transportation and Infrastructure, after third reading of the bylaw, pursuant to section 52 of the *Transportation Act*;
  8. Require that, as a condition of approval of Bylaws 2170 and 2171 the applicant be required to secure the following conditions through a covenant and/or statutory right of way, as described in the May 7,

2024 report to Council, following third reading and prior to adoption of the bylaws:

- a. Dedication as parkland, at time of subdivision or development, of the areas to be zoned P-2 and P-3 under Bylaw 2170;
  - b. Town access to future park areas prior to dedication for the purposes of invasive plant removal and habitat enhancement;
  - c. Construction of a bus shelter meeting BC Transit's "E2" standard or similar at the existing northbound stop at the Holland Creek Ball Fields;
  - d. Installation of the necessary electrical infrastructure for all required multi-family parking to be "EV charger Ready";
  - e. A requirement for a minimum of 10% of dwelling units to meet the BC Building Code, Building Access Handbook;
  - f. A prohibition on the use of fossil fuel as a primary heating source for buildings;
  - g. Dedication and construction of a direct emergency vehicle access/egress and pedestrian trail from the "Centre Parcel" to Colonia Drive when the "Centre Parcel" is developed;
  - h. A prohibition on planting non-native plants on the "Western Parcel";
  - i. Wildfire protection measures on the "Western Parcel" and "Centre Parcel" as recommended in the report provided as Attachment H to the May 7, 2024 report to Council; and
  - j. A prohibition on clearing between March 1 and August 31;
9. Direct that, as a condition of approval of Bylaws 2170 and 2171, that the following amendments be made to covenant CA6857592, as described in the May 7, 2024 report to Council, following third reading and prior to adoption of the bylaws:
- a. Removing the requirement to construct the "South Crossing" over Heart Creek;
  - b. Amending the 'Local Site Triggers' and 'Neighborhood Cumulative Triggers' to:
    - i. Allow construction of up to 100 units on the "Eastern Parcel" provided the developer improves the existing emergency access route to Ryan Place;
    - ii. Allow construction of up to 200 units on the "Centre Parcel" provided the developer completes the design and costing of the Colonia Drive extension from the boundary of Lot A District Lot 110 Oyster District Plan VIP75849 to Thetis Drive

and prohibiting more than 200 units on the "Centre Parcel" until the Colonia Drive extension is constructed to the boundary of Lot A, and

- iii. Adding a prohibition on the development of the "Western Parcel" until:
  - 1. Colonia Drive is fully constructed to connect Malone Road to Thetis Drive;
  - 2. a dedicated multi-use trail and emergency access/egress route is constructed over the "Western Parcel" and adjacent parkland, connecting public road to the Water Treatment Plant access road; and
  - 3. a pedestrian pathway and crossing over Heart Creek is constructed connecting the southern portions of the "Centre Parcel" and "Western Parcel";

10. Require that the legal instruments under resolutions 8 and 9 be prepared by the Town's solicitor at the cost of the applicant; and

11. Direct staff to proceed with scheduling and notification of a public hearing for Bylaws 2170 and 2171 pursuant to section 464(1) of the *Local Government Act*.

*Motion Carried*

## **11. REPORTS**

### **11.1 Stocking Lake Supply Main Preliminary Design Consultant Award**

#### **CS 2024-086**

That Council authorize staff to sole source the Stocking Lake Supply Main preliminary design work to Koers & Associates Engineering Ltd.

*Motion Carried*

## **11.2 Reassignment of Approved Capital funds**

### **CS 2024-087**

That Council:

1. Cancel the following capital projects and transfer the budgeted funds to the pavement operations budget:
  - Single Area Traffic Study for \$49,000;
  - Radar Speed Signs for \$35,000; and
  - Bollards on 1<sup>st</sup> Avenue for \$30,000.
2. Amend the 2024-2028 Financial Plan accordingly.

### **CS 2024-088**

#### **AMENDMENT**

That Council amend item 1 of resolution CS 2024-087 to replace “cancel the following capital projects” with “refer the following capital projects to a future year’s budget”.

*Amendment Carried*

### **Resolution CS 2024-087, as amended, reads:**

That Council:

1. Refer the following capital projects to a future year’s budget and transfer the budgeted funds to the pavement operations budget:
  - Single Area Traffic Study for \$49,000;
  - Radar Speed Signs for \$35,000; and
  - Bollards on 1<sup>st</sup> Avenue for \$30,000.
2. Amend the 2024-2028 Financial Plan accordingly.

*Main Motion, as Amended, Carried*

## **11.3 Mosaic Emergency Road Use Agreement Amendment**

### **CS 2024-089**

That Council authorize the Corporate Officer to sign a Road Use Agreement Amendment with Mosaic Forest Management Corp. for the purposes of emergency access from 4<sup>th</sup> Avenue via the Ladysmith Main logging road.

*Motion Carried*

#### **11.4 Canoe Procurement Group Membership**

##### **CS 2024-090**

That Council:

1. Authorize staff to maintain membership with Canoe Procurement Group; and
2. Direct staff to consider and use Canoe for all applicable purchases.

*Motion Carried*

### **12. BYLAWS**

#### **12.1 Bylaws for Adoption**

##### **12.1.1 "Property Tax Rates Bylaw 2024, No. 2175"**

###### **CS 2024-091**

That Council adopt "Property Tax Rates Bylaw 2024, No. 2175".

*Motion Carried*

##### **12.1.2 "Sewer Parcel Tax Bylaw 2024, No. 2176"**

###### **CS 2024-092**

That Council adopt "Sewer Parcel Tax Bylaw 2024, No. 2176".

*Motion Carried*

##### **12.1.3 "Water Parcel Tax Bylaw 2024, No. 2177"**

###### **CS 2024-093**

That Council adopt "Water Parcel Tax Bylaw 2024, No. 2177".

*Motion Carried*

#### **12.2 Bylaw Status Sheet**

### **13. CORRESPONDENCE**

#### **13.1 14th Annual Chamber of Commerce Charity Golf Tournament**

##### **CS 2024-094**

That Council allocate \$250.00 to sponsor a hole at the 14<sup>th</sup> Annual Chamber of Commerce Charity Golf Tournament on June 14, 2024 as requested in the correspondence received April 23, 2024.

*Motion Carried*

### **13.2 Rocky Creek Ventures Inc. Subdivision and Street Naming Request**

#### **CS 2024-095**

That Council approve the request by Rocky Creek Ventures Inc., in their correspondence dated April 23, 2024, to name the 1301 Rocky Creek Road subdivision "Rocky Creek Estates" and the street, "Marina View Drive."

#### **CS 2024-096**

##### **AMENDMENT**

That Council amend resolution CS 2024-095 to remove approval of the subdivision name.

*Amendment Carried*

#### **Resolution CS 2024-095, as amended, reads:**

That Council approve the request by Rocky Creek Ventures Inc., in their correspondence dated April 23, 2024, to name the 1301 Rocky Creek Road subdivision street "Marina View Drive."

*Main Motion, as Amended, Carried*

### **14. QUESTION PERIOD**

A resident asked about the public hearing process in item 10.1 and requested clarification about the traffic study in item 11.1.

### **15. ADJOURNMENT**

#### **CS 2024-097**

That Council adjourn this Regular Meeting of Council at 9:06 p.m.

*Motion Carried*

CERTIFIED CORRECT

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Mayor (A. Stone)

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Corporate Officer (S. Bouma)