A SPECIAL MEETING OF THE TOWN OF LADYSMITH COUNCIL AGENDA 7:00 P.M.

Tuesday, April 7, 2020 This meeting will be held electronically

Pages

1. CALL TO ORDER

Please go to <u>https://www.youtube.com/channel/UCH3qHAExLiW8YrSuJk5R3uA/featured</u> to view this meeting.

2. AGENDA APPROVAL

Recommendation

That Council approve the agenda for this Special Meeting of Council for April 7, 2020.

3. COVID-19 e-TOWN HALL QUESTION AND ANSWER PERIOD (ONE HOUR MAXIMUM)

Residents can submit questions to Council via email at info@ladysmith.ca or on YouTube during the meeting.

- Persons wishing to address Council must be Town of Ladysmith residents, non-resident property owners, or operators of a business.
- Individuals must include their name and address for identification purposes.
- Questions must be brief and to the point.
- No commitments shall be made by the Chair in replying to a question. Matters which may require action of the Council shall be referred to a future meeting of the Council.

4. MINUTES

4.1 Minutes of the Special Meeting of Council held March 31, 2020

Recommendation

That Council approve the minutes of the Special Meeting of Council held March 31, 2020.

5. **REPORTS**

5.1 January to March 2020 Quarterly Utility Billing

Recommendation

That Council determine if they wish to extend the due date for the Q1 (January – March 2020) utility bills.

6. CORRESPONDENCE

6.1 Quentin Goodbody, Ladysmith and District Historical Society

Request for a Letter of Authorization to Accompany a Grant Application

Recommendation

That Council direct the Mayor, on behalf of the Town of Ladysmith as owner of heritage resources, to provide a Letter of Authorization to the Ladysmith and District Historical Society for inclusion in their grant application for funding to continue work on the restoration of railway rolling stock located at the former Comox Logging & Railway Co. railyard at 614 Oyster Bay Drive, Ladysmith.

7. NEW BUSINESS

8. CLOSED SESSION

Recommendation

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:

- Human resources matter Section 90(1)(c)
- Negotiations regarding the provision of a proposed municipal service-Section 90(1)(K)

9. RISE AND REPORT - Items from Closed Session

10. ADJOURNMENT

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MINUTES OF A SPECIAL MEETING OF COUNCIL

Tuesday, March 31, 2020 7:00 P.M. This meeting was held electronically

Council Members Present:

Mayor Aaron Stone Councillor Duck Paterson Councillor Amanda Jacobson Councillor Rob Johnson

Staff Present:

Guillermo Ferrero Erin Anderson Geoff Goodall Chris Barfoot Jake Belobaba Joanna Winter Ian Paydli Councillor Tricia McKay Councillor Marsh Stevens Councillor Jeff Virtanen Julie Thompson

Donna Smith Sue Glenn Christina Hovey Julie Thompson Mike Gregory Sue Bouma

1. CALL TO ORDER

Mayor Stone called this Meeting of Council to order at 5:05 p.m., in order to retire immediately into closed session.

2. CLOSED SESSION

CS 2020-096

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:

- Human Resources Matter Section 90(1)(c)
- Litigation Section 90(1)(g)
- Rise and report on closed session resolutions for the period June 2018 to December 2019 – Section 90

Motion Carried

3. SPECIAL MEETING (7:00 p.m.)

Council and staff showed their appreciation for the front line workers in Ladysmith by cheering, clapping and showing hearts. The Mayor then gave accolades to front line and healthcare workers, staff and the community for doing their best during this difficult time.

Mayor Stone called this Special Meeting of Council to order at 7:00 p.m., recognizing the traditional territory of the Stz'uminus People.

4. AGENDA APPROVAL

CS 2020-097

That Council approve the agenda for this Special Meeting of Council for March 31, 2020 as amended to include the following items:

- Item 10.2., "Operational Update"
- Item 12.2., "Correspondence from the Ladysmith Downtown Business Association regarding Downtown Security"
- Item 15, "Question Period" *Motion Carried*

5. RISE AND REPORT- Items from Closed Session

Council rose from Closed Session at 6:24 p.m. with report on the following items:

• CE 2020-033

That Council appoint Chris Geiger as Chief, Ladysmith Fire and Rescue, in accordance with "Town of Ladysmith Fire Department Bylaw 1965, No. 832", effective April 1, 2020.

• CE 2020-036

That Council:

- Rise with report on routine Closed Session resolutions from the period June 2018 to December 2019 as contained in the attachment to the confidential staff report from the Manager of Legislative Services dated March 17, 2020.
- 2. Rise with report on selected resolutions related to the business of Council as contained in the confidential staff report from the Manager of Legislative Services dated March 17, 2020.

CE 2019- 022	March 11, 2019	That Council approve the expropriation of Lot 5, District Lots 24 & 56, Oyster District, Plan 45800 (PID: 010-208-861).
CE 2019- 041	April 15, 2019	That Council approve the request from the Stz'uminus First Nation to utilize 340 meters within the Park (as shown on Plan VIP84843) to reconstruct a former logging road to access logging blocks in Stz'uminus Woodlot W1713 with the following conditions: 1. Direct staff to work with legal counsel to prepare a one-year, renewable, Parks Use Permit authorizing the construction and use of a logging road subject to receipt of a Band Council resolution from Stz'uminus First Nation that it will actively support the Town to obtain an agreement for the long-term use of existing roads in Woodlot W1713 for access to the Stz'uminus Woodlot and the Town's infrastructure and for public recreation purposes. 2. Direct staff to request that Stz'uminus First Nation contribute to the construction of an alternate trail as soon as possible. OPPOSED: Councillors Jacobson and Virtanen
CE 2019- 042	April 15, 2019	That Council rise with report, at the appropriate time, on the following item: Resolution CE 2019-041 That Council approve the request from the Stz'uminus First Nation to utilize 340 meters within the Park (as shown on Plan VIP84843) to reconstruct a former logging road to access logging blocks in Stz'uminus Woodlot W1713 with the following conditions: 1. Direct staff to work with legal counsel to prepare a one-year, renewable, Parks Use Permit authorizing the construction and use of a logging road subject to receipt of a Band Council resolution from Stz'uminus First Nation that it will actively support the Town to obtain an agreement for the long-term use of existing roads in Woodlot W1713 for access to the Stz'uminus Woodlot and the Town's infrastructure and for public recreation purposes. 2. Direct staff to request that Stz'uminus First Nation contribute to the construction of an alternate trail as soon as possible. OPPOSED: Councillors Jacobson and Virtanen Motion Carried OPPOSED to the Rise and Report Motion: Councillor Johnson

	CE 2019- 086	August 12, 2019	That Council approve as amended the draft letter of support provided by Town of Ladysmith staff in response to the Coast Salish Administrative Group request regarding Phase 4 of the Oyster Bay Village.
	CE 2019- 006	January 7, 2019	 That Council rise at 6:45 p.m. with report on the following: Resolution CE 2019-005 That Council authorize the return of the bid security for the Gill Road Lift Station tender on receipt from the bidder of a duly completed and signed release document prepared by the Town's legal counsel.
	CE 2019- 015	February 27, 2019	That Council add the following amendment to the purchase offer for the Town-owned property at 674 Farrell Road: Subject to the Seller having satisfied itself, on or before April 30, 2019, that the cul de sac on the property does not have the status of a public highway under section 42 of the Transportation Act.
	CE 2019- 087	August 12, 2019	 That Council rise with report, when appropriate, on the following resolution: CE 2019-086 That Council approve as amended the draft letter of support provided by Town of Ladysmith staff in response to the Coast Salish Administrative Group request regarding Phase 4 of the Oyster Bay Village.
	CE 2018- 080	August 15, 2018	That Council direct staff to add an addendum to the 4th Avenue Bridge Reconstruction tender which removes the alternate traffic specification and allows the crossing to be closed for the duration of the project. Motion carried. OPPOSED: Councillor Friesenhan
Ċ	CE 2018- 081	August 15, 2018	That Council direct staff to negotiate with the owner of 1260 Churchill Place to establish a temporary full public access road on the property and/or to acquire the property.
	CE 2018- 085	August 20, 2018	That Council receive for information the report from the Waterfront Area Plan Implementation Project Manager, dated August 20, 2018, regarding the status of the Lot 5 offer to purchase.

	CE 2018- 089	August 20, 2018	That Council support: 1. The expansion of the Public Works/Engineering building to accommodate the relocation of Building Inspection and Bylaw services within the Infrastructure Services Department and the Development Services department, and 2. The relocation of the Building Inspection service and Bylaw service to the Infrastructure Services Department with the timing of this change to be determined, and 3. Short-term borrowing to finance this construction/renovation project.
	CE 2018- 093	August 20, 2018	That Council authorize staff to discuss a potential partnership in the Town's bio-solids treatment plant, and report back to Council with a proposed agreement.
	CE 2018- 095	August 20, 2018	MOTION RESCINDED by CE 2018-096 That Council direct staff to proceed with the purchase of 1260 Churchill Place for a price of up to \$900,000, and to expedite rezoning and subdivision of the property.
	CE 2018- 096	August 20, 2018	That Council rescind resolution CE 2018-095, "That Council direct staff to proceed with the purchase of 1260 Churchill Place for a price of up to \$900,000, and to expedite rezoning and subdivision of the property." Motion carried. OPPOSED: Councillors Arnett and Paterson
C	CE 2018- 097	August 20, 2018	 That Council direct staff to: 1. Offer to enter into a temporary access agreement with the owner of 1260 Churchill Place, together with an option to purchase the property with a term of up to six months; or ,should the owner refuse the temporary access agreement, 2. Authorize staff to purchase 1260 Churchill Place for a price of up to \$900,000.
	CE 2018- 109	September 17, 2018	That Council refer the matter of lot 5 expropriation to staff for investigation regarding the possibility of previous Supreme Court decisions recommending an expropriation amount that was significantly higher than the original appraisal conducted by the local government.
	CE 2018- 123	October 15, 2018	That Council receive the verbal updates regarding item 5.1., "Outcome of Conversations between the Coast Salish Development Corporation and the Town of Ladysmith" and item 5.2., "Lot 5 Expropriation".

CE 2018- 125	October 15, 2018	MOTION DEFEATED UNANIMOUSLY That Council appoint representatives of the Ladysmith Maritime Society to serve as Directors on the Board of DL 2016 Holdings Corporation, in accordance with the articles of the corporation.	
CE 2019- 078	July 8, 2019	That Council receive for information the update on the Parks Use Permit to be issued to Stz'uminus First Nation to permit use of a reactivated logging road that runs across a portion of Town propert	
CE 2019- 091	August 19, 2019	That Council direct staff to move to the design phase of the Strategic Plan.	
CE 2019- 114	2019		
CE 2019- 004 January 7, 2019		 That Council: 1. Receive the staff report regarding the request from the Stz'uminus First Nation to utilize the Town park as shown on Plan VIP 84843 to reconstruct a road to access logging blocks in lands beyond the park area 2. Refer the matter of issuing a Parks Use Permit authorizing the construction of a logging road to the next Naut'sa Mawt Steering Committee meeting for discussion and clarification, and report back to Council. 	
CE 2019- 025	March 11, 2019	That Council rise with report, at an appropriate time, on the following item: Resolution CE 2019-022 That Council approve the expropriation of Lot 5, District Lots 24 & 56, Oyster District, Plan 45800 (PID: 010-208-861).	

CE 2019- 032	March 18, 2019	That Council rise at 5:32 p.m.with report on the following: Resolution CE 2019-029 That Council reappoint the following existing members of the Town Parks, Recreation & Culture Advisory Committee for a one-year term ending June 30, 2020 (three positions available): • Gord Horth • Tara Pollock • Tim Richards Resolution CE 2019-030 That a sub-committee of Council schedule interviews with the applicants to the Town Parks, Recreation & Culture Advisory Committee for a two-year term ending June 30, 2021 (two positions available), after the sub-committee approves interview questions and process. Resolution CE 2019-031 That Council appoint the following three members to the Council sub- committee responsible for interviewing the applicants to the Town Parks, Recreation & Culture Advisory Committee: • Councillor McKay • Councillor Stevens • Councillor Paterson
CE 2019- 069	June 10, 2019	That Council direct the Chief Administrative Officer to communicate with the administrator of the Around Town – Ladysmith Community Facebook board formally requesting the removal of any and all member comments which pose risk to the health and safety of Town of Ladysmith employees.

6. MINUTES

6.1 Minutes of the Regular Meeting of Council held March 3, 2020

CS 2020-098

That Council approve the minutes of the Regular Meeting of Council held March 3, 2020. *Motion Carried*

Motion Camba

6.2 Minutes of the Special Meeting of Council held March 10, 2020 CS 2020-099

That Council approve the minutes of the Special Meeting of Council held March 10, 2020.

Motion Carried

6.3 Minutes of the Special Meeting of Council held March 16, 2020 CS 2020-100

That Council approve the minutes of the Special Meeting of Council held March 16, 2020. *Motion Carried*

7. DEVELOPMENT APPLICATIONS

Councillor Stevens declared a conflict of interest with the next two agenda items, citing as reasons: his position as chair of the Ladysmith Resources Centre Association Building Committee (item 7.1.); and his ownership of contiguous property (item 8.1.). He recused himself from the meeting during discussion of both items.

7.1 Development Permit Application – Multi-family Residential Development at 314 Buller Street (Ladysmith Resources Centre Association)

CS 2020-101

That Council:

- 1. Issue Development Permit 3060-20-01 for a multi-unit dwelling at 314 Buller Street (PID: 008-705-968).
- 2. Authorize the Mayor and Corporate Officer to sign Development Permit 3060-20-01.

Motion Carried

8. BYLAWS - OFFICIAL COMMUNITY PLAN AND ZONING

8.1 OCP and Zoning Bylaw Amendment Application: 202/204 Dogwood Drive

CS 2020-102

That Council adopt "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 30) 2019, No. 2029". *Motion Carried*

Councillor Stevens returned to the meeting.

9. COMMITTEE MINUTES

9.1 Committee of the Whole Recommendations to Council

CS 2020-103

That Council:

1. Approve the Budget Transfer Policy 05-1680-B, as presented.

2. Direct staff to prepare an amendment to the "Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644" to include:

- A. False Alarms per calendar year:
 - i. First False Alarm warning letter
 - ii. Second False Alarm \$100.00
 - iii. Third and subsequent False Alarms \$250.00
- B. Online banking payments transfers between accounts, per calendar year:
 - i. First transfer warning letter
 - ii. Second transfer warning letter
 - iii. Third and subsequent transfers a fee of 10% of the requested transferred amount with a minimum of \$5.00 to a maximum of \$25.00

3. Direct staff to review the draft bylaw originally initiated by the Green Streets Committee, as well as other options for tree protection in Ladysmith, and report back to Council.

Motion Carried

10. REPORTS

10.1 Public Art Banners Selection

CS 2020-104

That Council:

- Approve the recommendations of the Public Art Banners Assessment Committee for the 2020 Community Banner Program to produce banners based on the following submissions:
 - a. Tree of Life
 - b. Protecting Plants Protects our Lives
 - c. Ladysmith Plantodentron; and
- Direct staff to proceed with the ordering and placement of the banners as outlined in the 2020 Banner Map previously approved by Council.

Motion Carried

OPPOSED: Councillor Johnson

10.2 Operational Update

The management team provided Council with operational updates for each department. The CAO commended Council for their support during these difficult and unprecedented times, and the Mayor thanked staff for their responsiveness and commitment during the ongoing pandemic situation.

11. BYLAWS

11.1 Council Remuneration Bylaw Amendment

CS 2020-105

That Council adopt "Town of Ladysmith Council Remuneration Bylaw 2018, No. 1986, Amendment Bylaw 2020, No. 2034". *Motion Carried* OPPOSED: Councillors Jacobson and Johnson

12. CORRESPONDENCE

12.1 Steve Arnett: Boil Water Advisory Issues

CS 2020-106

That Council receive the correspondence from Steve Arnett, dated March 6-9, 2020, regarding the Boil Water Advisory situation. *Motion Carried* OPPOSED: Councillor Paterson

12.2 Correspondence from the Ladysmith Downtown Business Association regarding Downtown Security

Staff discussed conversations held with the RCMP regarding the increased need for downtown security, as well as discussions held with the Regional Emergency Operations Centre, who have been experiencing similar issues. Staff noted they would continue having discussions with the Ladysmith Downtown Business Association regarding the possibility of engaging Citizens on Patrol, as well as requesting assistance from the Province.

CS 2020-107

That Council reallocate funds that were earmarked for the cancelled AVICC conference to fund security solutions for the downtown core.

Motion Defeated OPPOSED: Councillors Jacobson, McKay, Stevens, Virtanen **CS 2020-108** That Council direct staff to continue to work with the Ladysmith Downtown

Business Association on ways the Town may assist with security concerns during COVID-19 and report back to Council if there are any financial implications.

Motion Carried

13. NEW BUSINESS

13.1 Union of British Columbia Municipalities (UBCM) Resolutions Process

CS 2020-109

That Council receive for information the correspondence from the Union of British Municipalities (UBCM), dated March 4, 2020, regarding a review of the resolutions process. *Motion Carried*

14. QUESTION PERIOD

Members of the public emailed questions regarding needs of local charities as well as details regarding plans for Parks and Recreation activities. A member of the public expressed recognition for outgoing Fire Chief, Ray Delcourt, and welcomed incoming Fire Chief, Chris Geiger.

15. ADJOURNMENT

CS 2020-110

That this Special Meeting of Council adjourn at 8:12 p.m. *Motion Carried*

Mayor (A. Stone)

Corporate Officer (J. Winter)

STAFF REPORT TO COUNCIL

Report Prepared By:			
Meeting Date:			
File No:			
RE:			

Erin Anderson, Director of Financial Services April 7, 2020

JAN – MARCH 2020 QUARTERLY UTILITY BILLING

RECOMMENDATION:

That Council determine if they wish to extend the due date for the Q1 (January – March 2020) utility bills.

EXECUTIVE SUMMARY:

The first quarterly billing for water, sewer and garbage is currently scheduled to be due May 28, 2020. A 10% penalty late fee is levied to outstanding amounts after this due date. Council could direct staff to adjust the due date to a future date by resolution, though Council must amend the Waterworks Regulation Bylaw 1999, No.1298 to change the penalty.

PREVIOUS COUNCIL DIRECTION

n/a

INTRODUCTION/BACKGROUND:

Each quarter, property owners are billed for their water, sewer and solid waste user fees. The fees for solid waste and sewer are flat fees; water is charged based on consumption. This is the first billing under the new rates that were adopted in December of 2019.

Staff have completed reading the water meters and are ready to bill. The due date for this billing is expected to be May 28, 2020. A 10% penalty is applied to the accounts where payment is not received by the due date.

The average single family dwelling would see a Q1 billing as:

Total	\$ 254.72
Solid Waste	42.00
Sewer	90.56
Water	\$ 122.16
Fund	Q1 Billing

This represents an increase of \$20.77 over the previous quarter rates.



cowichan

The current billing and due-dates are:

Quarter	Spanning	Due Date
Q1	Jan - Mar	May 28, 2020
Q2	April – June	August 27, 2020
Q3	July – September	November 26, 2020
Q4	October – December	February 25, 2021

The local economy has been impacted greatly by COVID-19. Some organizations and senior governments are offering extensions to due-dates. Council can choose a different date for the quarterly bills, providing that property owners have at least 30 days to make payment. An amendment bylaw must be adopted if Council wishes to change the penalty of 10% for outstanding accounts.

ALTERNATIVES:

Council can choose to:

- Continue with the current due date of May 28, 2020
- Choose a different due-date
- Direct staff to prepare an amendment bylaw to adjust the 10% penalty to a 5%.

FINANCIAL IMPLICATIONS;

This billing is expected to be over \$821,000 (water \$285k, sewer \$400k, solid waste \$137k). This is the first billing with the new water and sewer rates.

The water and sewer utilities are separate accounting funds, meaning the monies earned in these funds remain with the fund and are not used elsewhere. There is enough monies in water reserves to manage the cashflows if Council chooses to defer the due date. There is less in the sewer reserves, meaning there would be an eventual cashflow issue in this fund. In such a case, cash from the other fund accounts would be "borrowed" to satisfy obligations, though it would eventually need to be paid back.

All potential deferrals (such as a property tax deferral) must be collectively evaluated to determine how long the Town could sustain operations before executing the Revenue Anticipation Bylaw.

LEGAL IMPLICATIONS;

n/a

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Property owners have been querying staff regarding due-dates and potential penalties of not paying utility bills and property taxes.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

n/a

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- Complete Community Land Use
- □Green Buildings

Innovative Infrastructure

□ Healthy Community

 $oxed{intermattice}$ Not Applicable

Low Impact Transportation
 Multi-Use Landscapes
 Local Food Systems
 Local, Diverse Economy

ALIGNMENT WITH STRATEGIC PRIORITIES:

InfrastructureCommunityWaterfront

□ Economy ⊠ Not Applicable

I approve the report and recommendation(s).

Guillermo Ferrero, Chief Administrative Officer

ATTACHMENT(S):

From: Quentin Goodbody
Sent: March 28, 2020 11:48 AM
To: Aaron Stone <astone@ladysmith.ca>; Donna Smith <dsmith@ladysmith.ca>
Subject: LDHS request for Letter of Authorization to continue restoration work on heritage railway rolling stock

Dear Mayor Stone, Donna,

The Industrial Heritage Preservation Group of the Ladysmith and District Historical Society (LDHS) has, for the past several years, been working on restoration of railway rolling stock belonging to the Town of Ladysmith located at the former Comox Logging & Railway Co. railyard, 614 Oyster Bay Drive, Ladysmith.

This restoration work has been done with the approval and financial support of the Town of Ladysmith.

The LDHS would like to supplement monies to be provided by the Town of Ladysmith via a 2020 Grant in Aid (\$7500) for this activity by application to Heritage BC for a BC Heritage Legacy Fund matching grant.

A required supporting document for this grant application is a 'Letter of Authorization' from the owner of the heritage resource.

The LDHS would therefore like to request that the Town of Ladysmith provide to the LDHS a 'Letter of Authorization' from the Town for the LDHS to continue restoration of the railway rolling stock.

Yours sincerely,

Quentin Goodbody President LDHS

p.s. By way of suggestion: Wording on Town letterhead could be as follows: (final wording up to the Town of course!)

HERITAGE BC PROJECT 2020-03 BC HERITAGE LEGACY FUND CONSERVATION PROGRAM GRANT APPLICATION BY LADYSMITH & DISTRICT HISTORICAL SOCIETY

SUPPORTING DOCUMENTATION: OWNER AUTHORIZATION

To whom it may concern:

The Town of Ladysmith, as owner of the heritage resources itemised below, authorizes the Ladysmith & District Historical Society to continue restoration work on these artifacts.

- 1923 Baldwin 2-8-2 Steam Engine # 57409 and Tender (Loci 11)
- 'The Humdergin' a log unloader constructed in Ladysmith in 1947
- Logging industry 'flat car' for transporting logs
- Early 20th Century wooden CN Box Car # 516089

The Ladysmith & District Historical Society has since 2017 been working on restoration of these heritage artifacts with the permission and support of the Town of Ladysmith.

The Town welcomes any opportunity by the Ladysmith & District Historical Society to further this restoration effort through heritage grant applications.

Sincerely,

XXXXXXXXXXXXXXX