

**A REGULAR MEETING
OF THE TOWN OF LADYSMITH COUNCIL
AGENDA
6:00 P.M.**

Tuesday, March 16, 2021

This meeting will be held electronically as per Ministerial Order No. M192

1. CALL TO ORDER

Call to Order 6:00 p.m. in Open Session, in order to retire immediately into Closed Session.

Members of the public are welcome to attend all Open Meetings of Council, but may not attend Closed Meetings.

2. 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:

- 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 - section 90(1)(e);
- the receipt of advice that is subject to solicitor-client privilege - section 90(1)(i).

3. OPEN MEETING AND ACKNOWLEDGEMENT (7:00 P.M.)

The Town of Ladysmith acknowledges with gratitude that this meeting takes place on the traditional, unceded territory of the Stz'uminus First Nation.

Residents are encouraged to "virtually" attend the meeting by registering here:

https://zoom.us/webinar/register/WN_0seoUmx7TdGF0DxomWLXSA

Instructions on how to join the meeting will be sent immediately after you register.

View the livestream on YouTube:

<https://www.youtube.com/channel/UCH3qHAExLiW8YrSuJk5R3uA/featured>.

4. AGENDA APPROVAL

Recommendation

That Council approve the agenda for this Regular Meeting of Council for March 16, 2021.

5. RISE AND REPORT- Items from Closed Session

Items from the Closed Meeting of Council held February 23, 2021:

CE 2021-055

That Council:

1. Accept the entire change of scope for the Arts & Heritage Hub outlined in Appendix A to the February 16, 2021 report from the Director of Development Services;
2. Direct staff to include funding options for consideration during upcoming Financial Plan discussions; and
3. Rise and report once the contract for the change in scope is signed by the Town and the architect.

Items from the Closed Meeting of Council held March 2, 2021

CE 2021-060

That Council:

1. Approve the exclusive use of the main floor of Aggie Hall by Island Health from March to September 2021, for use as a COVID-19 mass immunization site;
2. Authorize the Director of Parks, Recreation and Culture to: negotiate a cost recovery fee for the rental usage; and permit the use of the Province's COVID-19 Restart funding to offset any rental revenue lost by entering into this agreement; and
3. Rise and Report after Island Health has the opportunity to publicly announce the COVID-19 mass immunization site in Ladysmith.

6. MINUTES

6.1. Minutes of the Regular Meeting of Council held March 2, 2021

Recommendation

That Council approve the minutes of the Regular Meeting of Council held March 2, 2021.

7. PROCLAMATIONS

7.1. World Down Syndrome Day

Mayor Stone has proclaimed Sunday, March 21, 2021 as World Down Syndrome Day in the Town of Ladysmith.

8. DEVELOPMENT APPLICATIONS

8.1. Referral for Non-Medical Cannabis Retail Store - 411B 1st Avenue (“Local Cannabis Co.”)

Recommendation

That Council, having considered the general impact on the community and the views of the residents, pursuant to section 33 of the *Cannabis Control and Licensing Act*, consider whether or not to:

1. Recommend that the Province issue a licence for a non-medical cannabis retail store at 411B 1st Avenue (“Local Cannabis Co.”); and
2. Pursuant to section 13.5 of the *Cannabis Licensing Regulation*, provide reasons for the recommendation, based on:
 - The views of Council on the impact of the proposed store and/or of non-medical cannabis retail stores in general;
 - Submissions from the public; and
 - The context of the proposed location; local land use regulations; and/or other considerations.

9. BYLAWS- OFFICIAL COMMUNITY PLANNING AND ZONING

9.1. Application to Rezone 336 Belaire Street from 3 to 4 Storeys

Recommendation

That Council:

1. Proceed with first and second reading of “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 36) 2021, No. 2066”; and
2. Direct staff to proceed with scheduling and notification for a Public Hearing for “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 36) 2021, No. 2066”.

9.2. Official Community Plan Amendment - Development Permit Exemption for Single Family Development in the Multi-family Development Permit Area

Recommendation

That Council:

1. Give first and second reading of “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 66) 2021, No. 2070”;
2. Consider “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 66) 2021, No. 2070” 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*;
3. Direct staff to refer Bylaw No. 2070 to:
 - a. the Stz’uminus First Nation pursuant to the Naut’sa mawt Community Accord and Memorandum of Understanding; and
 - b. School District 68 pursuant to section 476 of the *Local Government Act*, and,
4. Pursuant to section 475 of the *Local Government Act*.
 - a. consider whether opportunities for consultation with one or more persons, organizations and authorities should be early and ongoing;
 - b. specifically consider whether consultation is required with:
 - i. the board of the Cowichan Valley Regional District and board of the Regional District of Nanaimo;
 - ii. the Council of the District of North Cowichan;
 - iii. the Stz’uminus First Nation;
 - iv. the Board of Education for School District 68; and
 - v. the Provincial and Federal Governments and their agencies; and
 - c. determine that further consultation is not required under section 475(a) or 475(b) of the *Local Government Act*, and
5. Direct staff to proceed with scheduling and notification of a Public Hearing for “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 66) 2021, No. 2070”.

9.3. OCP & Zoning Bylaw Amendment – Lot 20 Trans-Canada Highway, 674 & 670 Farrell Road

Recommendation

That Council:

1. Having considered section 475 (consultation during development of an official community plan) of the *Local Government Act*, direct that no additional consultation is required pursuant to section 475, as the application has been referred to the Community Planning Advisory Committee, the Stz'uminus First Nation, School District 68 (Nanaimo-Ladysmith), the Ministry of Transportation and Infrastructure, the Ministry of Forests, Lands, Natural Resource Operations and Rural Development, BC Transit, and the Cowichan Valley Regional District;
2. Consider first and second reading of "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 63) 2021, No. 2060";
3. Consider "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 63) 2021, No. 2060" in conjunction with the Town's Financial Plan and the Town's Liquid Waste Management Plan, pursuant to section 477(3) of the *Local Government Act*;
4. Consider first and second reading of "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 33) 2021, No. 2061";
5. Direct staff to proceed with scheduling and notification of a public hearing for "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 63) 2021, No. 2060" and "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 33) 2021, No. 2061"; and
6. Require, prior to adoption of "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 63) 2021, No. 2060" and "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 33) 2021, No. 2061", that the developer:
 - a. be required to consolidate Lot 20, District Lot 41, Oyster District, Plan 2519, Except Parts in Plans 8993, 43985 and EPP28332, Lot 2 District Lot 41 Oyster District, Plan VIP65993 and Lot 1, District Lot 41, Oyster District, Plan 20461;
 - b. On the title of the consolidated parcel, register in favour of the Town and at the cost of the developer, the following:
 - i. A covenant pursuant to section 219 of the *Land Title Act*, requiring a deciduous planting and protection area, shown as 'Tree Buffer Area' in Attachment C, of the report to Council dated March 16, 2021, at time of subdivision;
 - ii. A covenant pursuant to section 219 of the *Land Title Act* requiring all development on site to be consistent with the recommendations of Wildfire Assessment Management Plan attached as Attachment I to the report to Council dated March 16, 2021.
 - iii. A covenant pursuant to section 219 of the *Land Title Act* requiring

the dedication of parkland, shown as 'Park' in Attachment C to the report to Council dated March 16, 2021, at time of subdivision approval;

- iv. A covenant pursuant to section 44 of the *Community Charter* and 219 of the *Land Title Act* requiring road dedication generally in accordance with the road layout shown in Attachment C to the report to Council dated March 16' 2021 at time of subdivision approval;
- v. A covenant pursuant to section 44 of the *Community Charter* and 219 of the *Land Title Act* requiring road dedication, without compensation to the property owner, for the extension of Farrell Road fronting the site generally in accordance with the road layout shown in Attachment E, to be taken at time of subdivision or when the Town elects to extend Farrell Road past the site, whichever occurs first; and
- vi. A covenant pursuant to section 219 of the *Land Title Act* requiring a community amenity contribution of \$1,000 per multi-family residential unit, payable at time of building permit, and \$1,000 per single-family or duplex residential parcel, payable at time of subdivision, to the Town's Amenity Fund.

10. COMMITTEE MINUTES

10.1. March 9, 2021 Committee of the Whole Recommendations

Recommendation

That Council approve the allocated amounts of 2021 Grant in Aid requests as follows:

Ladysmith Community Gardens Society \$1600

Old English Car Club Central Island Branch \$600

Ladysmith Downtown Business Association \$4000

Ladysmith Family and Friends Society \$2,500

Ladysmith Celebrations Society \$10,000

Ladysmith & District Historical Society \$7,500

Ladysmith and District Marine Rescue Society \$2,500

Cowichan Family Caregivers Support Society \$1,000

Ladysmith Festival Of Lights \$15,000

Ladysmith Show and Shine \$2,000

Ladysmith Maritime Society \$1,500

Ladysmith Little Theatre \$2,500

Cowichan Trail Stewardship Society - Ladysmith Chapter \$2,000

Ladysmith Secondary School Parent Advisory Council \$500

LSS - Frank Jameson Bursary \$1,500

Waiving Fees \$4,000

Late Applications/Council Discretion \$3,850

Recommendation

That Council direct staff to:

1. Implement a yard waste pilot project, starting with two spring pickup dates targeted for the end of April and May 2021;
2. Bring a summary report of costs and participation levels after the first two spring pickups, in order that Council can provide direction on a fall pickup schedule; and
3. Include \$20,000 in the Solid Waste budget for 2021 with the funds to come from the Solid Waste Reserve.

Recommendation

That Council direct staff to:

- Prepare a Park Dedication Bylaw which includes Town-owned properties identified in the staff report dated March 9, 2021; and
- Identify portions of road right of way that are currently being used as park space and bring forward the necessary bylaws to:
 - close and remove the road dedication pursuant to section 40 of the *Community Charter*; and
 - dedicate the resulting legal parcels as park.

Recommendation

That Council direct staff to bring forward amendments to the Zoning Bylaw related to two-storey coach houses as identified by the Committee of the Whole.

10.2. February 4, 2021 Public Art Task Group Minutes

Recommendation

That Council receive for information the minutes of the February 4, 2021 meeting of the Public Art Task Group.

11. REPORTS

11.1. 2021 Financial Plan Update

Recommendation

That Council approve the changes to the 2021-2025 Financial Plan as presented by the Director of Financial Services on March 16, 2021, including:

- Single Axle Dump Truck for \$230,000 with funds from prior year surplus;
- Yard Waste Clean-up Pilot for \$20,000 with funds from solid waste reserve;
- Water main breaks for \$200,000 with funds from the water reserve;
- Parks, Recreation & Culture additional loss in revenues for \$29,863 with the funds to come from the COVID-19 Provincial funds;
- Arts & Heritage Hub design changes for \$1,352,340 with funds from Real Property Reserve for \$234,812, Amenity Fund for \$96,588, General Government Reserves for \$336,940 and the relocation of the Artist's Studio using \$400,000 from Prior Year Surplus and \$284,000 from Government - Development Reserves;
- Engineering coverage for \$62,044 with funds to come from General Government – staff vacation sick leave reserve; and
- Fire Department used SCBA for \$11,300 with funds from the fire equipment reserve.

12. BYLAWS

12.1. **Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644, Amendment Bylaw No. 9, 2021, No. 2059**

The purpose of Bylaw 2059 is to amend the Fees and Charges Bylaw to update recycling bag and park bench charges and to remove references to trolley charges.

Recommendation

That Council adopt "Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644, Amendment Bylaw No. 9, 2021, No. 2059".

12.2. **Bylaw Status Sheet**

13. CORRESPONDENCE

13.1. **Request for Support for CVRD Grant Application to the UBCM Community Emergency Preparedness Fund EOC**

The CVRD, on behalf of Ladysmith and participating member municipalities is applying for a grant to enable the purchase of equipment and supplies required to maintain or improve Emergency Operations Centres (EOCs) and enhance EOC capacity through training and exercises.

Recommendation

That Council authorize the Cowichan Valley Regional District to apply for, receive and manage the UBCM Community Emergency Preparedness Fund Emergency Operations Centre grant funding up to \$25,000 on behalf of the Town of Ladysmith.

13.2. Request from Councillor Will Cole-Hamilton, City of Courtenay, to Endorse the Help Cities Lead Campaign and the Property Assessed Clean Energy Coalition

Recommendation

That Council consider passing the following resolution:

That the Mayor on behalf of Council send a letter of support endorsing the "Help Cities Lead Campaign" and expressing support for BC legislation enabling Property Assessed Clean Energy (PACE) by third-party administration to the following: the Hon. Josie Osbourne, Minister of Municipal Affairs; the Hon. George Heyman, Minister of Environment and Climate Change Strategy; the Hon. Selina Robinson, Minister of Finance; the Hon. Bruce Ralston, Minister of Energy Mines and Low Carbon Innovation; and the Hon. David Eby, Attorney-General and Minister responsible for Housing.

13.3. Request for Support from Paul Manly, MP regarding Housing Affordability and Homelessness

Recommendation

That Council consider passing the following resolution:

That the Mayor, on behalf of Council write to the Federal Government requesting that it increase efforts to protect and reinvest in existing rental stock and direct more funding toward non-profit and cooperative housing rather than funding programs that amount to a transfer of tax dollars to the private sector in exchange for housing that is only temporarily affordable as with the rental construction financing initiative.

14. NEW BUSINESS

15. UNFINISHED BUSINESS

15.1. Motion to Provide a Letter of Support for a Fully Funded Tertiary Hospital at the NRGH

As a result of a presentation by Dr. Coupland at the March 2, 2021 Council Meeting, Council requested staff to provide suggested wording for a motion of support for the initiative. The following wording was provided by Dr. Coupland and has been used by other municipalities.

Recommendation

That the Mayor, on behalf of Council provide a letter of support for a fully funded tertiary hospital at the Nanaimo Regional General Hospital in a timeline approved by the Nanaimo medical staff and the patients of Central and North Vancouver Island.

16. QUESTION PERIOD

Residents are encouraged to "virtually" attend the meeting and ask their questions live by registering here: https://zoom.us/webinar/register/WN_0seoUmx7TdGF0DxomWLXSA.

Instructions on how to join the meeting will be sent immediately after you register.

Alternately, questions can be submitted via email at info@ladysmith.ca 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 put forth must be on topics which are not normally dealt with by Town staff as a matter of routine.
- 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

17. ADJOURNMENT