

A REGULAR MEETING
OF THE TOWN OF LADYSMITH COUNCIL
AGENDA
6:30 P.M.

Tuesday, July 18, 2023
Ladysmith Seniors Centre
630 2nd Avenue

Pages

1. CALL TO ORDER

Call to Order 6:30 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:

- (c) labour relations or other employee relations.

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.

Members of the public may attend meetings in person at the Ladysmith Seniors Centre or 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 July 18, 2023.

5. RISE AND REPORT- Items from Closed Session

6. MINUTES

6.1 Minutes of the Regular Meeting of Council held July 4, 2023

6

Recommendation

That Council approve the minutes of the Regular Meeting of Council held July 4, 2023.

7. DEVELOPMENT APPLICATIONS

7.1 Development Variance Permit Application – 447 Thetis Drive

10

Recommendation

That Council issue Development Variance Permit 3090-22-10 to vary section 6.7 (a)(i) of “Town of Ladysmith Zoning Bylaw 2014, No. 1860” to allow a Bed and Breakfast at 447 Thetis Drive (Lot 7 District Lot 52 Oyster District Plan VIP86055) to be operated by a residential tenant who lives on the property on which the Bed and Breakfast is located.

8. COMMITTEE MINUTES

8.1 Committee of the Whole Recommendations - July 11, 2023

18

Recommendation

That Council approve the Financial Plan Policies and Objectives document as presented in Attachment B of the July 11, 2023 report from the Director of Financial Services.

Recommendation

That Council direct staff to return to a Council meeting in the near future with suggestions for an update to the Permissive Tax Exemption Policy.

Recommendation

That Council remove the Frank Jameson Bursary from the Grant in Aid process and instead annually fund the Bursary of \$1,500 from the general operations budget starting in 2024, and confirm that the Santa Parade, put on by the Ladysmith Fire Rescue members, be included in the Fire Department operations budget starting in 2024.

Recommendation

That Council approve the amended Grant in Aid Policy 05 1850 A as presented in the report by the Director of Financial Services dated July 11, 2023, with the following change:

- reduce the maximum funding request per organization, as outlined in item 8 of the policy, to \$10,000.

Recommendation

That Council approve the Town of Ladysmith Civic Recognition Policy as presented.

Recommendation

That Council:

1. Endorse the Brown Drive Park Plan as presented; and
2. Direct staff to include Phase 1, as described in the Brown Drive Park Plan, including up-to-date costing, with 2024 capital items for Council's consideration.

Recommendation

That Council make the following amendments to the Corporate Flag Protocol Policy No. 01-0340-A:

- Remove the condition for half-masting upon the death of a current Town employee by deleting "when their death has occurred as a direct result of performing their duties" from the second bullet of item 2.2; and
- Add new wording under section 3.9 that states the following:
 - a. Stz'uminus First Nation Flag to be flown permanently at City Hall; and
 - b. Every Child Matters Flag – to be flown September 1-30, at Transfer Beach under the Stz'uminus First Nation Flag.

Recommendation

That Council direct staff to return to a future meeting of Council with data regarding speed and traffic issues at school zone crosswalks.

Recommendation

That Council direct staff to review the draft Tree Protection Bylaw from 2006 and return to a future meeting of Council with an updated version.

9. REPORTS

- 9.1 ICET Community Placemaking Funding Program Request – Amphitheatre Enhancement 25**

Recommendation

That Council:

1. Include \$50,000 in the 2023-2027 Financial Plan to purchase a saddle-span event tent and shipping container subject to grant funding approval; and
2. Confirm support of staff’s application in the amount of \$50,000 to the ICET Community Placemaking Funding Program.

10. BYLAWS

- 10.1 “Council Procedure Bylaw 2009, No. 1666, Amendment Bylaw 2023, No. 2153” 30**

Recommendation

That Council give first three readings to “Council Procedure Bylaw 2009, No. 1666, Amendment Bylaw 2023, No. 2153” and direct staff to give notice accordingly.

- 10.2 “Single Use Plastics Bylaw 2023, No. 2154” 48**

* A brief information report will be circulated prior to the meeting.

Recommendation

That Council give first, second and third readings to “Single Use Plastics Bylaw 2023, No. 2154”.

- 10.3 Bylaw Status Sheet 53**

11. NEW BUSINESS

- 11.1 CVRD Bylaw No. 4509 – Fireworks Regulation Service Establishment Bylaw, 2023 54**

Recommendation

That Council determine whether it wishes to be excluded as a participant in the new services establishment conversion bylaw known as "CVRD Bylaw No. 4509 – Fireworks Regulation Service Establishment Bylaw, 2023".

12. QUESTION PERIOD

- A maximum of 15 minutes is allotted for questions.
- Persons wishing to address Council during "Question Period" must be Town of Ladysmith residents, non-resident property owners, or operators of a business.
- Individuals must state 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.
- Questions shall be addressed through the Chair and answers given likewise. Debates with or by individual Council members or staff members are not allowed.
- 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.

13. ADJOURNMENT



MINUTES OF A REGULAR MEETING OF COUNCIL

Tuesday, July 4, 2023

6:01 P.M.

Ladysmith Seniors Centre
630 2nd Avenue

Council Members Present:

Mayor Aaron Stone
Councillor Amanda Jacobson

Councillor Tricia McKay
Councillor Duck Paterson

Council Members Absent:

Councillor Ray Gourlay
Councillor Marsh Stevens

Councillor Jeff Virtanen

Staff Present:

Allison McCarrick
Chris Barfoot
Jake Belobaba

Matt O'Halloran
Julie Thompson
Sue Bouma

1. CALL TO ORDER

Mayor Stone called this Meeting of Council to order at 6:01 p.m., in order to retire immediately into Closed Session.

2. CLOSED SESSION

CS 2023-169

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)(a) personal information about an identifiable individual who holds or is being considered for a position.
- (1)(d) the security of the property of the municipality;
- (1)(e) the acquisition, disposition or expropriation of land or improvements;
- (1)(i) the receipt of advice that is subject to solicitor-client privilege;
- (1)(g) litigation or potential litigation affecting the municipality; and
- (2)(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or between a provincial government and a third party.

Motion Carried

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

Mayor Stone called this Regular Meeting of Council to order at 7:00 p.m., recognizing with gratitude that it was taking place on the traditional, unceded territory of the Stz'uminus First Nation.

Mayor Stone thanked the Stz'uminus First Nation for organizing a successful and well-attended Indigenous Peoples Day celebration and for joining in the Town's Canada Day festivities.

4. AGENDA APPROVAL

CS 2023-170

That Council approve the agenda for this Regular Meeting of Council for July 4, 2023 as amended to include a Rise and Report item from the Closed Meeting held immediately prior.

Motion Carried

5. MINUTES

5.1 Minutes of the Regular Meeting of Council held June 20, 2023

CS 2023-171

That Council approve the minutes of the Regular Meeting of Council held June 20, 2023.

Motion Carried

6. DEVELOPMENT APPLICATIONS

6.1 Development Permit for Subdivision – 1301/1391 Rocky Creek Road

CS 2023-172

That Council issue Development Permit 3060-23-01 for 1301/1391 Rocky Creek Road (Lot A District Lots 81, 86 and 98 Oyster District Plan EPP87265. PID: 030-801-460) to authorize subdivision, vegetation removal and land alteration.

Motion Carried

7. REPORTS

7.1 Town of Ladysmith 2022 Annual Municipal Report

CS 2023-173

That Council approve the Town of Ladysmith 2022 Annual Municipal Report.

Motion Carried

8. BYLAWS

8.1 Bylaws for Adoption

8.1.1 “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw, 2023, No. 2140”.

CS 2023-174

That Council adopt “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw, 2023, No. 2140”.

Motion Carried

8.1.2 “Town of Ladysmith Fire Services Bylaw 2023, No. 2147”

CS 2023-175

That Council adopt “Town of Ladysmith Fire Services Bylaw 2023, No. 2147”.

Motion Carried

8.1.3 “Ladysmith Officers and Delegation of Authority Bylaw 2016, No. 1905, Amendment Bylaw 2023, No. 2152”

CS 2023-176

That Council adopt “Ladysmith Officers and Delegation of Authority Bylaw 2016, No. 1905, Amendment Bylaw 2023, No. 2152”.

Motion Carried

8.2 Bylaw Status Sheet

9. CORRESPONDENCE

9.1 Rotary Clubs of Ladysmith and Chemainus 13th Annual Charity Golf Tournament

CS 2023-177

That Council allocate \$350 to sponsor a hole at the 13th Annual Rotary Charity Golf Tournament on September 23, 2023 as requested in the correspondence received June 20, 2023.

Motion Carried

10. NEW BUSINESS

10.1 Municipal Insurance Association of BC (MIABC) Annual General Meeting - Voting Delegates

CS 2023-178

That Council appoint Councillor Paterson as voting delegate and Councillors McKay and Mayor Stone as alternate voting delegates for the Municipal Insurance Association of BC (MIABC) Annual General Meeting taking place on Tuesday, September 19, 2023, in conjunction with the Union of BC Municipalities Convention in Vancouver.

Motion Carried

11. QUESTION PERIOD

A member of the public enquired about the possibility of using potential budgetary surplus on paving the Transfer Beach Parking lot, increasing the amount charged as payment in lieu of parking to reflect current land prices, and whether new parking standards would affect existing locations, such as the Ladysmith & District Credit Union or the Ladysmith Community Health Centre.

12. RISE AND REPORT- Items from Closed Session

Council rose from Closed Session at 6:46 p.m. with report on the following:

CE 2023-043

That Council:

- 1. Amend the 2023-2027 Financial Plan to create a Holland Creek Dam Assessment project with a budget of \$125,000 with funds to come from deferring the Sawmill Meter Replacement #1 (south); and
- 2. Rise and report on recommendation 1 immediately.

13. ADJOURNMENT

CS 2023-179

That this Regular Meeting of Council be adjourned at 7:15 p.m.

Motion Carried

CERTIFIED CORRECT

Mayor (A. Stone)

Corporate Officer (M. O'Halloran)

STAFF REPORT TO COUNCIL

Report Prepared By: Julie Thompson, RPP, MCIP, Senior Planner
Reviewed By: Jake Belobaba, RPP, MCIP, Director of Development Services
Meeting Date: July 18, 2023
File No: 3090-22-10
Re: Development Variance Permit Application – 447 Thetis Drive

RECOMMENDATION:

That Council issue Development Variance Permit 3090-22-10 to vary section 6.7 (a)(i) of “Town of Ladysmith Zoning Bylaw 2014, No. 1860” to allow a Bed and Breakfast at 447 Thetis Drive (Lot 7 District Lot 52 Oyster District Plan VIP86055) to be operated by a residential tenant who lives on the property on which the Bed and Breakfast is located.

EXECUTIVE SUMMARY:

The owner of 447 Thetis Drive has applied for a Development Variance Permit (DVP) application to allow the tenant of the dwelling on the subject property to operate a Bed and Breakfast (B&B) in the dwelling. Zoning regulations currently only allow an owner of the property on which the B&B is located to operate the B&B. Staff recommend that DVP 3090-22-10 (Attachment B) be approved based on analysis of the impacts.

PREVIOUS COUNCIL DIRECTION:

N/A

INTRODUCTION/BACKGROUND:

The 1,670m² subject property is located at 447 Thetis Drive, in a single-family residential neighbourhood (see Attachment A for subject property map). The property owner (applicant) currently resides in a single unit dwelling containing a secondary suite on the subject property and operates a B&B use from the single unit dwelling, in accordance with “Town of Ladysmith Zoning Bylaw 2014, No. 1860”.¹ The property owner is requesting a variance to the Zoning Bylaw regulations to allow a tenant to operate the B&B, as the owner is proposing to vacate the residence.

The B&B is currently operated under an active business licence which restricts the number of accommodation units (rooms or spaces available for rent) within the B&B to two due to the limited parking available on the subject property. The number of accommodation units within the B&B is not proposed to change. It is noted that the B&B was previously non-compliant with the business licence due to a Building Code and Zoning Bylaw issue; however, these issues have since been resolved.

¹ The existing B&B is not located within the secondary suite.

The applicant/property owner has provided a rationale letter which is attached (Attachment C).

DISCUSSION:

The subject property is designated Neighbourhood Residential in “Official Community Plan Bylaw 2022, No. 2200” (OCP) and is zoned Single Dwelling Residential (R-1) in “Town of Ladysmith Zoning Bylaw 2014, No. 1860”. The B&B use is consistent with the OCP and is a permitted use on the subject property within the R-1 zone. OCP policies support home-based businesses to operate from residential homes.

Variance Proposal:

The R-1 zone permits B&B as an accessory use subject to the B&B regulations in the Zoning Bylaw, including section 6.7(a)(i) which states that a B&B “shall be operated by an owner of the Single Unit Dwelling, who resides on the Parcel on which the Bed and Breakfast is located”. The property owner is intending to vacate the property and would like to have a tenant who lives on the property operate the B&B instead. Since the Zoning Bylaw only allows a property owner to operate a B&B, DVP 22-10 proposes to allow a tenant who resides on the subject property to operate the B&B.

Analysis:

The intent of the above-noted B&B owner/occupant regulation is to preserve the use of dwellings for residential uses, while allowing for the short-term accommodation of the travelling public. The operation of a B&B by a residential tenant does not conflict with the intent of the original regulation, as both residential and tourist accommodation uses would be occurring on the property. Similarly, the proposed variance is not expected to have more of an impact on the neighbourhood than the B&B as currently operated, since the only proposed change is the operator of the B&B (who will be occupying the dwelling). As such, staff recommend that DVP 22-10 be approved.

ALTERNATIVES:

Council can choose to:

1. Refuse issuance of DVP 3090-22-10.
2. Refer the application back to staff for further review as specified by Council.

FINANCIAL IMPLICATIONS:

N/A

LEGAL IMPLICATIONS:

The *Local Government Act* allows Council to vary Zoning Bylaw regulations excluding regulations for use, density and rental tenure through issuance of a DVP. Council may approve a variance to the B&B regulations as proposed in this application.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Notice of the proposed variance was issued on July 7, 2023 in accordance with the requirements of the *Local Government Act* and “Town of Ladysmith Development Procedures

Bylaw 2008, No. 1667". The notice was mailed and delivered to property owners/residents within 60m of the subject property. At the time of writing, one submission has been received. The submission discusses concerns over precedent setting if the variance is approved, and noise. Staff note that each variance is considered based on its own merits and an approval of one variance does not set a legal precedent for approval of other variances. Excessive noise can be dealt with through Bylaw Enforcement or the RCMP via "Noise Suppression Bylaw 2003, No. 1478".

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The application has been referred to Engineering, Building Inspection, and Bylaw Enforcement. A doorway in the B&B did not meet the BC Building Code and was corrected with a building permit. The applicant worked with staff in Planning and Bylaw Enforcement to resolve a compliance issue with the Zoning Bylaw B&B Regulations. All bylaw compliance issues have been resolved.

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|---|--|
| <input type="checkbox"/> Core Infrastructure | <input type="checkbox"/> Economy |
| <input type="checkbox"/> Official Community Plan Implementation | <input type="checkbox"/> Leadership |
| <input type="checkbox"/> Waterfront Area Plan | <input checked="" type="checkbox"/> Not Applicable |

I approve the report and recommendations.

Allison McCarrick, Chief Administrative Officer

ATTACHMENTS:

- A. Subject Property Map
- B. Draft DVP 3090-22-10
- C. Applicant Rationale Letter (June 17, 2022)
- D. Public Submissions

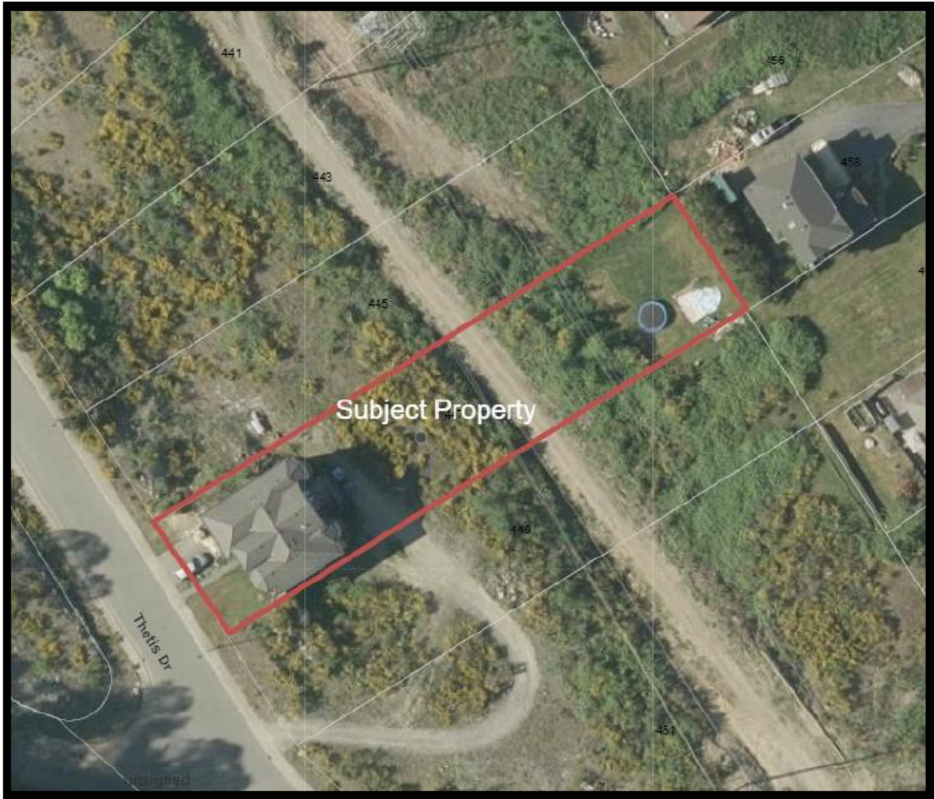


Figure 1: Subject property map. On-site parking is located in the driveway and garage on the property.



TOWN OF LADYSMITH DEVELOPMENT VARIANCE PERMIT

(Section 498 Local Government Act)

FILE NO: 3090-22-10

DATE: July 18, 2023

Name of Owner(s) of Land (Permittee): Mejbien Sadeghi

Applicant: Mejbien Sadeghi

Subject Property (Civic Address): 447 Thetis Drive

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Town of Ladysmith applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit applies to and only to those lands within the Town of Ladysmith described below and any and all buildings, structures, and other development thereon:

Lot 7 District Lot 52 Oyster District Plan VIP86055 – PID: 027-766-853 (447 Thetis Drive)
3. Section 6.7.a) i) “Bed and Breakfast Regulations” of the “Town of Ladysmith Zoning Bylaw 2014, No. 1860”, as amended, is varied for the subject property to allow a *Bed and Breakfast* to be operated by a residential tenant who lives on the property on which the *Bed and Breakfast* is located.
4. The land described herein shall be developed strictly in accordance with terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part thereof.
5. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.503 of the *Local Government Act*, and upon such filing, the terms of this Permit or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
6. THIS PERMIT IS NOT A BUILDING PERMIT. No occupancy permit shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Corporate Officer.

AUTHORIZED BY RESOLUTION NO. _____ PASSED BY THE COUNCIL OF THE
TOWN OF LADYSMITH ON THE ____ DAY OF _____ 202__.

Mayor (A. Stone)

Corporate Officer (M. O'Halloran)

DRAFT

Attachment C

June 17th 2022,

To whom so ever it concern,

I Mejbien Sadeghi owner of 447 Thetis drive would like to apply for a variance for 447 Thetis drive to allow my daughter [REDACTED] who is residing at the property operate bed and breakfast form the unit.

Thank you

Mejbien Sadeghi

A handwritten signature in blue ink, appearing to be 'MS', is written over a horizontal line.

Received July 10, 2023

RE:

Notice of Development Variance Permit

DVP 22-10 (447 Thetis Drive)

Lot 7 District Lot 52 Oyster District Plan VIP86055

PID: 027-776-853

To Whom it May concern regarding the variance permit to allow an AirBNB operate without owner being present.

This property has been operating as an airbnb for about a year or so.

This home is situated up on the top of the hill so any noise from the home travels. We can hear people when they are just sitting out having a conversation , let alone a group party. This airbnb rents to groups of 6 on each level.

My concern is if you grant a variance then this will set a precedent for other homes that owners are not residing in able to airbnb them, leaving less homes available for the long term rental market or saturating the airbnb market for those who rely on their airbnb for income and currently abiding by the regulations. If you change the variance for one homeowner, then you have to change for all, do you not???

Thank you,

D. Houde

Committee of the Whole Recommendations to Council May 16, 2023

At its July 11, 2023 meeting, the Committee of the Whole recommended that Council:

1. Approve the Financial Plan Policies and Objectives document as presented in Attachment B of the July 11, 2023 report from the Director of Financial Services.
2. Direct staff to return to a Council meeting in the near future with suggestions for an update to the Permissive Tax Exemption Policy.
3. Remove the Frank Jameson Bursary from the Grant in Aid process and instead annually fund the Bursary of \$1,500 from the general operations budget starting in 2024, and confirm that the Santa Parade, put on by the Ladysmith Fire Rescue members, be included in the Fire Department operations budget starting in 2024.
4. Approve the amended Grant in Aid Policy 05 1850 A as presented in the report by the Director of Financial Services dated July 11, 2023, with the following change:
 - reduce the maximum funding request per organization, as outlined in item 8 of the policy, to \$10,000.
5. Approve the Town of Ladysmith Civic Recognition Policy as presented.
6. a) Endorse the Brown Drive Park Plan as presented; and
b.) Direct staff to include Phase 1, as described in the Brown Drive Park Plan, including up-to-date costing, with 2024 capital items for Council's consideration.
7. Make the following amendments to the Corporate Flag Protocol Policy No. 01-0340-A:
 - Remove the condition for half-masting upon the death of a current Town employee by deleting "when their death has occurred as a direct result of performing their duties" from the second bullet of item 2.2; and
 - Add new wording under section 3.9 that states the following:
 - a. Stz'uminus First Nation Flag to be flown permanently at City Hall; and
 - b. Every Child Matters Flag – to be flown September 1-30, at Transfer Beach under the Stz'uminus First Nation Flag.
8. Direct staff staff to return to a future meeting of Council with data regarding speed and traffic issues at school zone crosswalks.

9. Direct staff to review the draft Tree Protection Bylaw from 2006 and return to a future meeting of Council with an updated version.



COMMITTEE OF THE WHOLE MEETING MINUTES

Tuesday, July 11, 2023
6:00 P.M.
Ladysmith Seniors Centre
630 2nd Avenue

Council Members Present:

Councillor Duck Paterson, Chair
Councillor Amanda Jacobson
Councillor Ray Gourlay

Councillor Tricia McKay
Councillor Jeff Virtanen
Councillor Marsh Stevens

Council Members Absent:

Mayor Aaron Stone

Staff Present:

Allison McCarrick
Erin Anderson
Chris Barfoot
Ryan Bouma

Ryan Bouma
Matt O'Halloran
Sue Bouma

1. CALL TO ORDER AND ACKNOWLEDGEMENT

Councillor Paterson, Chair, called this Committee of the Whole meeting to order at 6:00 p.m., and acknowledged with gratitude that it was being held on the traditional, unceded territory of the Stz'uminus First Nation.

2. AGENDA APPROVAL

CW 2023-046

That the agenda for this July 11, 2023 Committee of the Whole meeting be approved as amended to include the following two items, received after publication of the agenda:

- Item 4.1., "National Drowning Prevention Week Proclamation"; and
- Item 6.4., "Verbal Update - Water Supply Status".

Motion Carried

3. MINUTES

3.1 Minutes of the Committee of the Whole Meeting held May 9, 2023

CW 2023-047

That the minutes of the Committee of the Whole meeting held May 9, 2023 be approved.

Motion Carried

4. PROCLAMATIONS

4.1 National Drowning Prevention Week - July 16 - 22, 2023

On behalf of Mayor Stone, Councillor Paterson proclaimed July 16-22, 2023 as "National Drowning Prevention Week" in the Town of Ladysmith.

5. REPORTS

5.1 Financial Plan Policies and Objectives

CW 2023-048

That the Committee recommend that Council approve the Financial Plan Policies and Objectives document as presented in Attachment B of the July 11, 2023 report from the Director of Financial Services.

Motion Carried

CW 2023-049

That the Committee recommend that Council direct staff to return to a Council meeting in the near future with suggestions for an update to the Permissive Tax Exemption Policy.

Motion Carried

5.2 Grant in Aid Policy Update

CW 2023-050

That the Committee consider separately each recommendation for item 5.2, "Grant in Aid Policy Update".

Motion Carried

CW 2023-051

That the Committee recommend that Council remove the Frank Jameson Bursary from the Grant in Aid process and instead annually fund the Bursary of \$1,500 from the general operations budget starting in 2024, and confirm that the Santa Parade, put on by the Ladysmith Fire Rescue members, be included in the Fire Department operations budget starting in 2024.

Motion Carried

CW 2023-052

That the Committee recommend that Council direct staff to approve the amended Grant in Aid Policy 05 1850 A as presented in the report by the Director of Financial Services dated July 11, 2023, with the following change:

- reduce the maximum funding request per organization, as outlined in item 8 of the policy, to \$10,000.

Motion Carried

OPPOSED: Councillor Virtanen

5.3 Civic Recognition Program

CW 2023-053

That the Committee recommend that Council approve the Town of Ladysmith Civic Recognition Policy as presented.

Motion Carried

5.4 Brown Drive Park Implementation Plan

CW 2023-054

That the Committee recommend that Council:

1. Endorse the Brown Drive Park Plan as presented; and
2. Direct staff to include Phase 1, as described in the Brown Drive Park Plan, including up-to-date costing, with 2024 capital items for Council's consideration.

Motion Carried

5.5 2023-2026 Strategic Priorities Update

CW 2023-055

That the Committee receive the 2023-2026 Strategic Priorities Update dated July 11, 2023.

Motion Carried

5.6 Proposed Amendments to Corporate Flag Protocol Policy No. 01-0340-A

CW 2023-056

That the Committee recommend that Council make the following amendments to the Corporate Flag Protocol Policy No. 01-0340-A:

1. Remove the condition for half-masting upon the death of a current Town employee by deleting "when their death has occurred as a direct result of performing their duties" from the second bullet of item 2.2; and
2. Add new wording under section 3.9 that states the following:
 - o Stz'uminus First Nation Flag to be flown permanently at City Hall; and
 - o Every Child Matters Flag – to be flown September 1-30, at Transfer Beach under the Stz'uminus First Nation Flag.

Motion Carried

6. COUNCIL SUBMISSIONS

6.1 Request to Install Speed Humps and Flashing Lights at School Zone Crosswalks

CW 2023-057

That the Committee recommend that Council direct staff to return to a future meeting of Council with data regarding speed and traffic issues at school zone crosswalks.

Motion Carried

6.2 Tree Cutting Regulation Bylaw

CW 2023-058

That the Committee recommend that Council direct staff to review the draft Tree Protection Bylaw from 2006 and return to a future meeting of Council with an updated version.

Motion Carried

6.3 Per Diem Rates

CW 2023-059

That the Committee defer item 6.3., "Per Diem Rates" to the next Committee of the Whole meeting.

Motion Carried

6.4 Verbal Update - Water Supply Status

Staff updated the Committee regarding the current drought level and corresponding watering restrictions. Staff advised that lake levels are at the lower end of the seasonal levels, but they are not yet abnormally low.

7. ADJOURNMENT

CW 2023-060

That this Committee of the Whole meeting adjourn at 8:10 p.m.

Motion Carried

CERTIFIED CORRECT

Chair (Councillor D. Paterson)

Corporate Officer (M. O'Halloran)

STAFF REPORT TO COUNCIL

Report Prepared By: Chris Barfoot, Director Parks, Recreation & Culture
Meeting Date: July 18, 2023
File No:
Re: **ICET Community Placemaking Funding Program Request
– Amphitheatre Enhancement**

RECOMMENDATION:

That Council:

1. Include \$50,000 in the 2023-2027 Financial Plan to purchase a saddle-span event tent and shipping container subject to grant funding approval; and
2. Confirm support of staff's application in the amount of \$50,000 to the ICET Community Placemaking Funding Program.

EXECUTIVE SUMMARY:

The Island Costal Economic Trust has a Community Placemaking Funding Program available to local governments that has the potential to fund 100% of initiatives up to a maximum of \$50,000 to provide time-sensitive funding to eligible organizations to support capital costs for shovel-ready small capital projects. Staff are proposing to apply for funding to purchase a large saddle-span event tent and the required infrastructure for the Transfer Beach Amphitheatre. This project meets the funding criteria as it will create a new outdoor public amenity/area that contributes to increased business district vitality, visitor attraction and/or resident engagement and quality of life.

PREVIOUS COUNCIL DIRECTION:

N/A

INTRODUCTION/BACKGROUND:

The [Community Placemaking Funding Program](#) provides funding to communities to proactively and collaboratively reimagine and revitalize public spaces to create more welcoming, respectful, walkable, safe, healthy and engaging public spaces for everyone; focusing on the design and management of these places. This program supports engaging with communities towards strategic goals across a variety of areas including

sustainability, economic prosperity, cultural vitality and inclusion. The Community Placemaking program will provide financial support of up to \$50,000 for small scale capital projects that support short to medium-term renewal of downtown or commercial area vitality. Funding will focus on new, innovative, concept driven initiatives which foster increased visitor attraction, resident engagement and/or serve to leverage incremental cultural, historical or tourism activity and events.

The proposed project is to add a saddle-span event tent (See Attachment A) to the Amphitheatre located at the Transfer Beach Park. The project will enhance this outdoor event space in the way of utilizing a saddle-span tent structure that will frame and define a main event and stage area for the Amphitheater. Recent major improvements to the Amphitheater have included improvements to the accessibility of the space and upgrades to the electrical services to assist the larger scaled events that take place there. In order to help with the project's success, considerations for the storage and ease of set up have also been investigated and factored.

The estimated cost to purchase the tent is \$34,000 with the additional funds covering the costs associated with infrastructure for storage and permanent anchor points.

This project aligns with the intent of the Community Placemaking program by enhancing a key space at the waterfront which will foster increased visitor attraction while supporting the many cultural, historical and tourism related activities.

These tents can be utilized for concerts and performances, or even be used for municipal gathering places for their community. Amphitheaters and large-scale shade structures have become popular among cities looking to develop their local economy with a venue for orchestras, bands, choirs, theatrical performances, and other community events like fairs.

ALTERNATIVES:

Council can choose to:

1. Not apply for the ICET Community Placemaking Funding for the Transfer Beach Amphitheatre enhancement in which the application will be withdrawn.

FINANCIAL IMPLICATIONS:

This project is currently unfunded and not budgeted.

LEGAL IMPLICATIONS:

N/A

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

This project will foster increased visitor attraction while supporting the many local cultural, historical and tourism related activities. It will create new opportunities for the types and scale of events creating an increase in resident and visitor engagement and overall quality of life.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

If successful, the Ladysmith Parks, Recreation and Culture Department will manage this new infrastructure including the allocation and set up.

ALIGNMENT WITH STRATEGIC PRIORITIES:

- Core Infrastructure
- Official Community Plan Implementation
- Waterfront Area Plan
- Economy
- Leadership
- Not Applicable

I approve the report and recommendation.

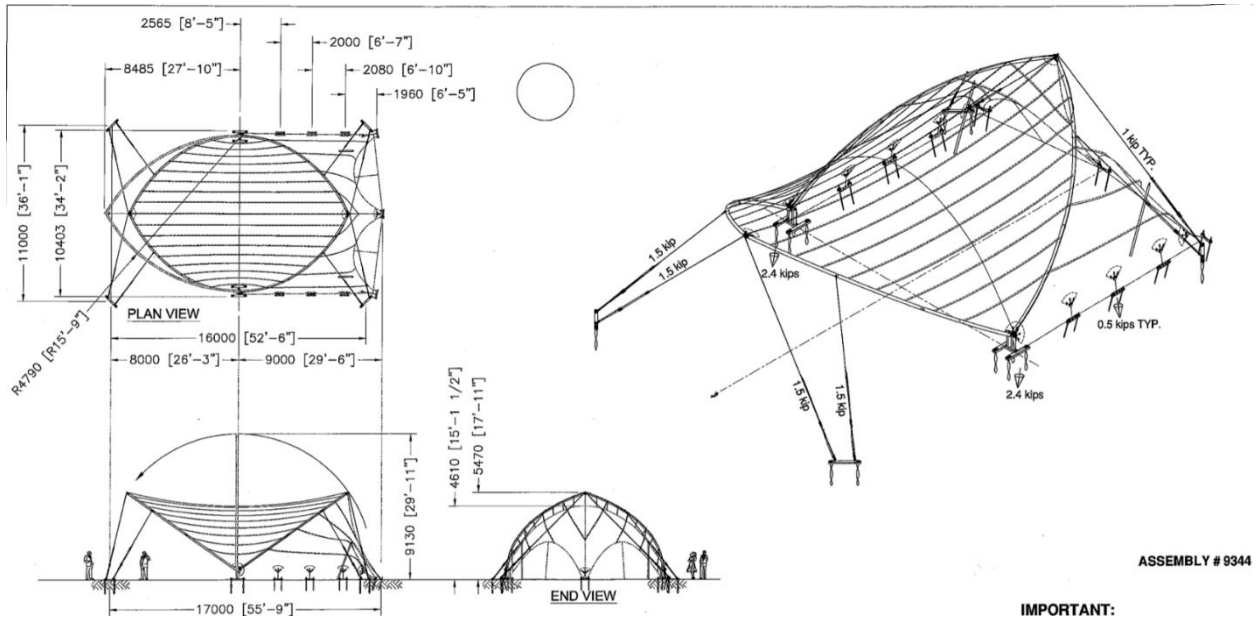
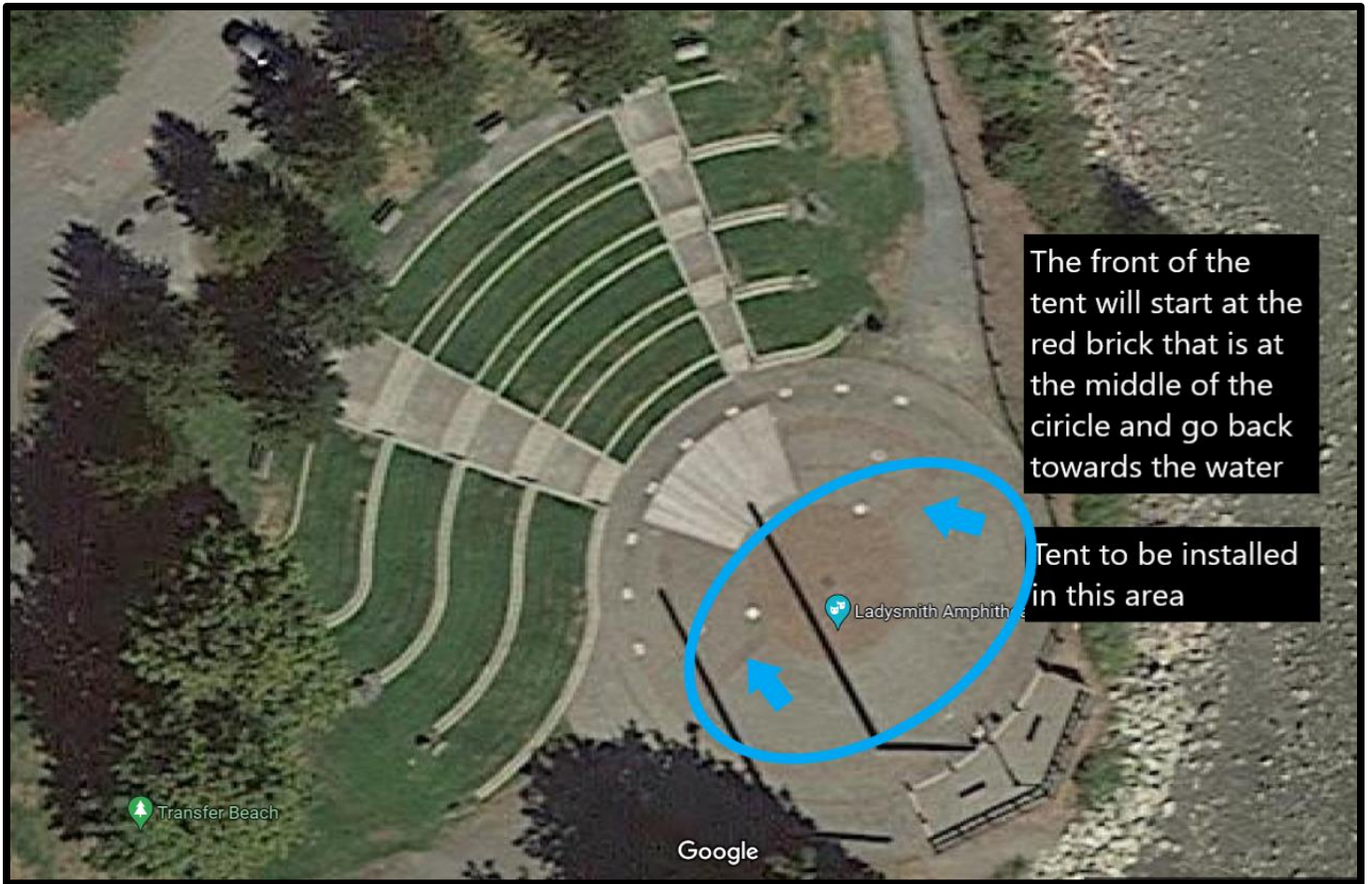
Allison McCarrick, Chief Administrative Officer

ATTACHMENTS:

- A. Saddle-Span Tent
- B. Transfer Beach Amphitheatre Site Plan



Attachment B



STAFF REPORT TO COUNCIL

Report Prepared By: Matt O'Halloran, Manager, Corporate Services
Reviewed By: Allison McCarrick, Chief Administrative Officer
Meeting Date: July 18, 2023
File No:
Re: Procedure Bylaw Amendment – Question Period

RECOMMENDATION:

That Council give first three readings to “Council Procedure Bylaw 2009, No. 1666, Amendment Bylaw 2023, No. 2153” and direct staff to give notice accordingly.

EXECUTIVE SUMMARY:

The proposed amendment to the Council Procedure Bylaw would formally establish Question Period during regular Council meetings.

PREVIOUS COUNCIL DIRECTION:

N/A

INTRODUCTION/BACKGROUND:

Question Period takes place following all business, prior to Adjournment at each regular Council meeting, in which members of the public may ask questions related to Council business. Unlike delegations, which are intended for presentations or requests to Council, Question Period is open to questions only, and provides an additional and distinct opportunity for public participation.

Local governments typically establish Question Period by policy or bylaw to provide clarity for the process. The Town currently has no such enactment, although the item is routinely included with each meeting in accordance with the general terms of the Council Procedure Bylaw.

The proposed amendment to the Council Procedure Bylaw uses language that is consistent with the Town’s Delegation policy to facilitate both items. It would formally establish Question Period and maintain the current process.

ALTERNATIVES:

Council can choose to:

1. Not give first, second, and third readings to “Council Procedure Bylaw 2009, No. 1666, Amendment Bylaw 2023, No. 2153”.
2. Provide alternate direction.

FINANCIAL IMPLICATIONS:

N/A

LEGAL IMPLICATIONS:

N/A

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Bylaw No. 2153 would enhance public participation by formally establishing an additional opportunity for attendees to speak at Council meetings.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

N/A

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|---|--|
| <input type="checkbox"/> Core Infrastructure | <input type="checkbox"/> Economy |
| <input type="checkbox"/> Official Community Plan Implementation | <input checked="" type="checkbox"/> Leadership |
| <input type="checkbox"/> Waterfront Area Plan | <input type="checkbox"/> Not Applicable |

I approve the report and recommendation.

Allison McCarrick, Chief Administrative Officer

ATTACHMENT:

- A. "Council Procedure Bylaw 2009, No. 1666, Amendment Bylaw 2023, No. 2153"
- B. "Council Procedure Bylaw 2009, No. 1666" - Consolidated

TOWN OF LADYSMITH



LADYSMITH

“Council Procedure Bylaw 2009, No. 1666”

*Consolidated Version as on November 16, 2021
(This consolidation is authorized by “Bylaw Revision Bylaw 2022, No. 2090”)*

March 2, 2009

Includes Amendment Bylaw Nos.: 1845, 1971, 2023, 2092

TOWN OF LADYSMITH

BYLAW NO. 1666

A BYLAW TO ESTABLISH PROCEDURES FOR THE CONDUCT OF COUNCIL AND COUNCIL COMMITTEE MEETINGS FOR THE TOWN OF LADYSMITH

WHEREAS Section 124 of the *Community Charter* prescribes that Council must, by bylaw, establish the general procedures to be followed by council and council committees in conducting their business;

NOW THEREFORE the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

1. INAUGURAL MEETING OF COUNCIL

BL 2092 1.1 The Inaugural Meeting of Council shall be held on the first Tuesday of the month following a general local election. At this inaugural meeting, the Mayor shall appoint a Councillor to serve as the Deputy Mayor in the absence, illness or disability of the Mayor. The Mayor may from time to time change the appointment of the Deputy Mayor.

2. REGULAR MEETINGS OF COUNCIL

BL 2092 2.1 Subject to Subsections 2.2 to 2.4 inclusive of this bylaw, regular meetings of Council shall:

- (a) be held on the first and third Tuesday of each month, with the exception of January in which no meeting will be held the first Tuesday, and in August in which only one meeting will be held;
- (b) be held in accordance with the schedule adopted by Council on or before December 31 of the preceding year;
- (c) begin at 7:00 p.m. unless a closed meeting pursuant to section 90 of the *Community Charter* is required;
- (d) be held at the Ladysmith Seniors Centre at 630 2nd Avenue, except where Council determines that a meeting will be held elsewhere; and
- (e) be adjourned at 11:00 p.m. unless a resolution to proceed beyond that time is passed by Council.

BL 1845 2.2 When a regular Council Meeting falls on a statutory holiday, as defined in the *Interpretation Act*, no meeting shall be held that week unless a Special Council meeting is scheduled.

2.3 A regular meeting may be cancelled by a resolution of Council, provided that two consecutive meetings are not cancelled.

- 2.4 The Mayor may, after providing at least two clear day’s written notice, through the office of the Corporate Officer postpone any regular meeting of Council to a day, time and place named in such notice.
- 2.5 A regular meeting shall adjourn at 11:00 p.m. unless a resolution to proceed beyond that time is passed.

3. NOTICE OF REGULAR COUNCIL MEETINGS

BL 2092

- 3.1 The Corporate Officer will:
 - (a) Annually on or before December 31, prepare a schedule of dates, times and locations of Regular Council meetings for the following year to be approved by Council;
 - (b) Have the schedule available to the public by posting it on the notice board. The “notice board” is the notice board at City Hall; and
 - (c) Have notice given annually when and where the schedule of Regular Council meetings will be available in accordance with section 94 of the *Community Charter*.
- 3.2 At least 24 hours before a regular meeting of Council, the Corporate Officer must give further public notice of the meeting by:
 - (a) posting a copy of the agenda on the notice board; and
 - (b) leaving copies of the agenda at the reception counter at City Hall for the purpose of making them available to members of the public.
- 3.3 At least 24 hours before a regular meeting of Council, the Corporate Officer must deliver a copy of the agenda to each member of Council at the place to which the Council member has directed notices to be sent.

4.0 NOTICE OF SPECIAL COUNCIL MEETINGS

- 4.1 Except where notice of a special meeting is waived under Section 127(4) of the *Community Charter*, at least 24 hours before a special meeting of Council, the Corporate Officer must:
 - (a) give advance public notice of the time, place and date of the meeting by way of notice posted on the notice board at City Hall; and
 - (b) give notice of the special meeting in accordance with Section 127 of the *Community Charter*.

5.0 NOTICE OF COMMITTEE MEETINGS

5.1 In this section:

“Primary Committee” means the following committee of council:

- (a) Committee of the Whole

“Secondary Committee” means a committee of council which is not a Primary Committee.

BL 1845
BL 2023

5.2 The Corporate Officer will:

- (a) Annually on or before December 31, prepare a schedule of dates, times and locations of Primary Committee meetings for the following year to be approved by Council;
- (b) Have the schedule available to the public by posting it on the notice board. The “notice board” is the notice board at City Hall; and
- (c) Have notice given annually when and where the schedule of Primary Committee meetings will be available in accordance with section 94 of the *Community Charter*.

BL 2092

5.3 At least 24 hours before a regular meeting of a Primary Committee, the Corporate Officer must give further public notice of the meeting by:

- (a) posting a copy of the agenda on the notice board; and
- (b) leaving copies of the agenda at the reception counter at City Hall for the purpose of making them available to members of the public.

5.4 At least 24 hours before a regular meeting of a Primary Committee, the Corporate Officer must deliver a copy of the agenda to each member of the committee at the place to which the committee member has directed notices to be sent.

5.5 At least 24 hours before:

- (a) a special meeting of a Primary Committee, or
- (b) a meeting of a Secondary Committee

the Corporate Officer must give advance public notice of the time, place and date of the meeting by way of a notice posted on the notice board.

6.0 ATTENDANCE OF PUBLIC AT MEETINGS

6.1 Subject to Sections 90(3) and 133(1) of the *Community Charter*, all Council meetings must be open to the public.

6.2 Where Council wishes to close a meeting to the public, it may do so by adopting a resolution in accordance with Section 90 of the *Community Charter*.

6.3 This section applies to meetings of bodies referred to in Section 93 of the *Community Charter*, including, without limitation:

- (a) Select or standing committees of council
- (b) Board of Variance
- (c) Court of Revision
- (d) Advisory Commissions
- (e) Other Commissions

7.0 SPECIAL AND “IN CAMERA” MEETINGS OF COUNCIL

7.1 Special Meetings of Council when required shall be open to the public, except where Council has determined by resolution that it is in the public interest to exclude the public from such meetings.

7.2 Only those matters shown on the agenda of a Special Meeting shall be dealt with at that Special Meeting of Council, except where a resolution to place an additional item on the agenda has been passed unanimously at that meeting, as the first item of business.

BL 2092

7.3 Both Special and Regular Meetings of Council held with the public excluded shall be called “Closed Session” Meetings, and only matters pursuant to section 90 of the *Community Charter* may be considered at such meetings.

8. COUNCIL MEETING AGENDA

8.1 Prior to each regular, Special or Inaugural Meeting, the Corporate Officer shall prepare an agenda of all business to be brought before the Council at such meeting, and Council shall proceed with the business in the order set out, unless that agenda is altered by resolution.

BL 1971

8.2 All documents intended to be submitted for the agenda of a regular meeting of Council must be delivered to the Corporate Officer not later than 12:00 noon on the Tuesday preceding the day of the regular meeting.

8.3 The agenda for regular Council Meetings, for Special Council Meetings for the purpose of holding Public Hearings shall be made available to the public in accordance with Council policy.

8.4 Council may by resolution, at a regular Council Meeting, as the first item of business after the adoption of the minutes of the previous meeting:

- 8.4.1 add further items to the agenda; and
- 8.4.2 delete any items from the agenda.

- 8.5 Subject to Subsection 20.3, any items added to the agenda in accordance with Subsection 8.4.1 shall be delegable, and any item deleted from the agenda in accordance with Subsection 8.4.2 shall cease to be delegable.

9. OPENING OF PROCEEDINGS

- 9.1 As soon after the time for a meeting as there is a quorum present, the Mayor shall, if present, take the Chair and call the meeting to order.
- 9.2 Where the Mayor is absent, the Acting Mayor shall take the Chair and call the meeting to order.
- 9.3 Where both the Mayor and Acting Mayor are not in attendance within fifteen minutes after the time appointed for a meeting, the Corporate Officer shall call the members to order, and if a quorum is present, the members shall choose a member to Chair the meeting until the arrival of the Mayor or Acting Mayor.
- 9.4 If a quorum is not present within fifteen minutes after the time fixed for a meeting, the Corporate Officer shall record the names of the members present, and the meeting shall be deemed to have been cancelled.

10. MINUTES OF COUNCIL AND STANDING COMMITTEES

- 10.1 The minutes of the proceedings of Council Meetings shall be kept as statutorily required.
- 10.2 The minutes of the proceedings of Standing Committees shall be kept as statutorily required.
- 10.3 Not less than 48 hours before the holding of each regular meeting the Corporate Officer shall send to each member of Council, a copy of the minutes of:
- 10.3.1 the last regular Council meeting;
 - 10.3.2 any Special Council meetings, including Public Hearings;
 - 10.3.3 Standing Committee meetings of Council;
 - 10.3.4 Advisory commission and other commission meetings
- for their adoption or receipt at the next regular meeting, where such meetings or hearings have been held more than five days prior to that regular Council Meeting.

11. RULES OF CONDUCT IN COUNCIL CHAMBERS

- 11.1 Members shall address the presiding member by that person’s title of Mayor, Acting Mayor, Chair or Councillor.

- 11.2 A member shall not speak disrespectfully of Her Majesty The Queen or any other member of the Royal Family, the Governor General, the Lieutenant Governor, persons administering the Government of Canada or British Columbia, Council, or the members of Council.
- 11.3 A member shall not use words in a Council Meeting which, in the opinion of the Chair, are offensive.
- 11.4 When a member is speaking, another member shall not disturb or interrupt the speaker, except to raise a point of order.
- 11.5 When the Chair is putting a question, no member shall absent himself without permission from the Chair.
- 11.6 Every member shall abide by the decision of the Chair on points of order, practice, and the interpretation of Council procedures, and every member has the right of statutory appeal.
- 11.7 Where any member is disrespectful to any of the persons mentioned in Section 11.2 of this bylaw, or if he resists the rules of conduct or debate, the Chair may ask for that member to withdraw their remarks and may order the member to leave their seat. If the member refuses to leave, the Chair may order the removal of the member for the remainder of that meeting, and shall then declare a ten minute recess. If the offending member apologizes, Council may, by resolution, permit the member to resume their seat.

12. RULES OF DEBATE IN COUNCIL CHAMBERS

- 12.1 A member shall not speak other than on the motion under debate.
- 12.2 The Chair, or any member through the Chair, may call a Point of Order regarding the subject matter which the member is addressing.
- 12.3 When a Point of Order is raised, the Chair shall immediately suspend the debate, and the member in question shall refrain from speaking until the Point of Order is determined.
- 12.4 A member may request the motion under discussion to be read at any time during debate, but may not interrupt a member who is speaking.
- 12.5 Questions of information or clarification may be addressed to a speaker through the Chair, and the member to whom such questions are addressed shall be permitted the opportunity to reply.

12.6 A member shall not speak to any motion, or provide clarification of any matter, for a period longer than five minutes, without permission from Council. The mover of a motion may, however, speak again to close debate but shall be limited to a further five minutes.

12.7 After a question has been called by the Chair, a member shall not speak to the motion and no member shall make a further motion until after the result of the vote has been declared. The decision of the Chair as to whether the question has been called shall be final.

13. **ANNUAL MEETING**

13.1 The Corporate Officer must give notice of the council meeting or other public meeting in respect of which Council has resolved to consider:

BL 2092 13.1.1 the annual municipal report prepared under Section 98 of the *Community Charter*, and

13.1.2 submissions and questions from the public

by giving public notice by

BL 2092 13.1.3 posting notice of the date, time and place of the annual meeting on the notice board at City Hall, and

13.1.4 publishing notice of the date, time and place of the annual meeting in accordance with Section 94 of the *Community Charter*.

14. **ELECTRONIC MEETINGS**

14.1 Subject to section 128 of the *Community Charter*

BL 2092 14.1.1 A Special Council meeting, a Regular Council meeting or a select or standing committee meeting may be conducted by electronic means;

14.1.2 A Council member who is unable to attend a Special Council meeting, a Regular Council meeting or a select or standing committee meeting, which has been convened in accordance with this bylaw, may participate by electronic means;

14.1.3 Council members who participate in a Regular Council meeting, Special Council meeting or select or standing committee meeting conducted by electronic means must be able to hear, or to watch and hear, each other;

14.1.4 A Special Council meeting, select or standing committee meeting or a Regular Council meeting which is conducted by electronic means may be open to the public or closed to the public;

- 14.1.5 Notice of a Special Council meeting, which is not closed to the public and is to be conducted wholly or in part by electronic means, may be given using a means of communication that the Town considers most likely to reach the public, and should include a brief description of:
 - (a) the nature of the business to be transacted;
 - (b) the way the meeting is to be conducted by electronic or other communication facilities; and
 - (c) the place the public may attend to hear, or watch and hear, the proceedings;
- 14.1.6 Notice of a Regular Council meeting or select or standing committee meeting to be conducted by electronic means must be given in the same manner as an in person Regular Council meeting or an in person select or standing committee meeting, and must also include notice of:
 - (a) the way the meeting is to be conducted; and
 - (b) the place the public may attend to hear, or watch and hear, the proceedings;
- 14.1.7 Before holding a Closed Special Council meeting by electronic means, Council must state by resolution, passed in a public meeting:
 - (a) the fact that the meeting or part of the meeting is to be closed; and
 - (b) the basis under the applicable subsection of section 90 of the *Community Charter* for closing the meeting or part of the meeting;
- 14.1.8 The public meeting referred to in section 14.1.7 may be conducted by electronic means;
- 14.1.9 If notice is given under this bylaw that Council may attend a meeting by electronic means, then members of the public who are eligible to speak at the meeting may participate by electronic means;
- 14.1.10 The place the public may attend to hear and participate in the proceedings in accordance with this section 14.1.5 or 14.1.6 must provide:
 - (a) facilities which enable the public to hear, or watch and hear, the meeting and participating Council members; and
 - (b) a staff person in attendance who is a designated city representative; and
- 14.1.11 The Corporate Officer must confirm quorum at an electronic meeting, and each member must enable their video in order to allow for this.

15. MOTIONS

- 15.1 When a motion has been moved and seconded, the Chair shall permit debate on that motion, and that motion shall be recorded in the minutes.
- 15.2 The Chair, after determining that all members wishing to speak on the matter have done so, may close debate by calling the question on the motion.

- 15.3 After a motion has been stated or read, it is deemed to be in the possession of the Council and it may be withdrawn by the mover and seconder of the motion, only with the unanimous consent of the Council members present.
- 15.4 When a motion is under consideration, and prior to the calling of the question, only the following motions shall be entertained, and in the following precedence:
 - 15.4.1 a motion to refer;
 - 15.4.2 a motion to amend;
 - 15.4.3 a motion to table;
 - 15.4.4 a motion to call the question.
- 15.5 Where the Chair is of the opinion that a motion is contrary to the rules and privileges of Council, the Chair shall advise the members accordingly without calling the question, and shall cite without argument or comment, the rule or authority applicable to the case. A member of Council who is dissatisfied with the decision of the Chair shall have the statutory right of appeal.
- 15.6 When an amendment to a main motion has been moved and seconded, the Chair shall on the request of a member, state the original motion, and the amendment, and shall permit debate only on the amendment.
- 15.7 A member, other than the mover of a main motion, may propose an amendment to that motion, but that amendment must be disposed of before any subsequent amendments are proposed.
- 15.8 If the amending motion is defeated and no further amendments are proposed, the Chair shall again propose the main motion, and debate may ensue on the main motion. If the amending motion is passed and no further amendments are proposed, the Chair shall then propose the main motion as amended.
- 15.9 A member may propose a sub-amendment to an amendment, and the provisions of Subsections 15.7, 15.8 and 15.9 regarding entitlement to move and speak to amendments, and with regard to the sequence in which the Chair shall deal with amendments shall also apply, so far as applicable, to sub-amendments.
- 15.10 The Chair shall put amendments to Council in the following order:
 - 15.10.1 the sub-amendment;
 - 15.10.2 the amendment to the main motion;
 - 15.10.3 the main motion.

15.11 The amendments permitted under Subsection 15.7 and the sub-amendments permitted under Subsection 15.10 may be proposed by the deletion, addition, or substitution of words or figures, provided such words or figures do not, in the opinion of the Chair, affect the main motion or the amendment, whichever is applicable, to the extent that it is either:

15.11.1 negated; or

15.11.2 changed in such a way that either an alternative action is proposed or all reference to the original action is eliminated.

16. RESCINDING OF A RESOLUTION

16.1 A resolution adopted at a regular or special Council meeting may be rescinded at the next regular Council meeting provided:

16.1.1 Council has given due consideration to the actions, if any, taken by an officer, employee or agent of the Town on the basis of such resolution; and

16.1.2 A Notice of Motion regarding the intent to rescind has been served by a member who voted with the prevailing side; and either at the meeting at which the resolution was adopted, or in writing to the Corporate Officer prior to the next regular Council meeting in accordance with Subsection 8.2.

16.2 The server of a Notice of Motion in accordance with Subsection 16.1 shall, upon the motion being seconded, be requested by the Chair to state the reasons for the Notice. If the member who served the Notice is not present, the Notice of Motion shall be deemed to have been withdrawn.

16.3 A motion resulting from a Notice of Motion served under Subsection 16.1 to rescind a resolution of Council:

16.3.1 is debatable;

16.3.2 may not be amended, tabled or referred;

16.3.3 is not delegable; and

16.3.4 may only be withdrawn by the server on a Point of Order, prior to being seconded or, upon being seconded, only with the unanimous consent of all the members present.

17. RECONSIDERATION OF A DEFEATED MOTION

- 17.1 A motion which has been defeated at a regular or special Council meeting may be reconsidered by the Council provided that the request to reconsider is:
- 17.1.1 brought forward by a member who voted with the prevailing side; and
 - 17.1.2 presented either at the meeting at which the resolution was defeated, or the next regular Council meeting provided the member presents the request in writing to the Corporate Officer in accordance with Subsection 8.2.
- 17.2 The Server of a Notice of Motion in accordance with Subsection 17.1 shall, upon the motion being seconded, be requested by the Chair to state the reasons for the Notice. If the member who served the Notice is not present, the Notice of Motion shall be deemed to have been withdrawn.
- 17.3 A motion to reconsider a defeated motion resulting from a Notice of Motion served under Subsection 11.1:
- 17.3.1 may not be amended, tabled or referred;
 - 17.3.2 is not delegable; and
 - 17.3.3 may only be withdrawn by the server on a Point of Order, prior to being seconded; or upon being seconded, only with the unanimous consent of all the members present.
- 17.4 A motion to reconsider a defeated motion, resulting from a Notice of Motion, is debatable as to the merits of reconsideration and, if passed, Council shall immediately reconsider the original motion. The original motion:
- 17.4.1 is debateable;
 - 17.4.2 may not be amended, tabled, referred or withdrawn; and
 - 17.4.3 is not delegable.
- 17.5 Council shall not reconsider any defeated motion under this Subsection more than once.
- 17.6 The provisions of this Section shall also apply to Special "Closed Session" Meetings and a Notice of Motion in connection with the reconsideration of a defeated motion at a Special "Closed Session" Meeting, unless Council authorizes that such actions be considered at a regular meeting.

18. VOTING ON A MOTION

- 18.1 Whenever a vote of Council is taken for any purpose, each member of the Council present shall signify their vote upon the motion by raising their hand, whereupon the Chair shall declare the result. The Corporate Officer shall record the results of the vote in the minutes.
- 18.2 When a motion under consideration contains several propositions, the vote upon each proposition shall be taken separately, if so requested by any member of Council. A further mover and seconder shall not be required for each proposition, and the question shall be called on each proposition based on the original mover and seconder.
- 18.3 After council has taken a vote on any motion, Council shall not vote on that motion again at that same meeting.
- 18.4 When a vote is taken, all negative votes shall be recorded.

19. PROCEDURES FOR DELEGATIONS TO COUNCIL

- 19.1 A person or organization wishing to address Council as a delegation shall be heard by Council provided notification of this intent, including a summary of the matter which is the subject of the delegation and of the specific action which is being requested from Council by the delegation, is submitted to the Corporate Officer in accordance with the requirements of Subsection 8.2 of this Bylaw, for circulation with the Council agenda.
- 19.2 Notwithstanding Subsection 19.1 of this Bylaw, a person or organization wishing to address Council as a delegation, and who has not complied with the requirements of Subsection 8.2 of this Bylaw, may do so with a two-thirds majority consent of the Council.
- 19.3 Notwithstanding Subsection 19.1 of this Bylaw, delegations shall not be heard at regular or Special Council Meetings on matters relating to:
 - 19.3.1 Official Community Plan amendment bylaws or zoning amendment bylaws which have received first reading and which have not yet been adopted or defeated;
 - 19.3.2 Development Permits or Development Variance Permits except where Council is considering the issuance of such a permit at the same meeting.
- 19.4 The provisions of Subsections 19.1 to 19.3 inclusive do not apply to a Special Council Meeting for the purpose of holding Public Hearings on land use matters.

BL 2092 19.5 A delegation intending to use audio or audio-visual equipment or both, for the purposes of making a submission to Council shall advise the Corporate Officer by 12:00 noon on the Tuesday prior to the Council meeting, of the intent to use such equipment, on the understanding that the Town will assist with, but not be responsible for, the provision of the necessary equipment.

20. PROCEDURES REGARDING BYLAWS

20.1 Every proposed bylaw, except a bylaw requiring a Public Hearing, may be introduced and given first, second and third readings in one motion.

20.2 The introduction and readings of a bylaw shall be undertaken separately if so requested by any member of Council.

20.3 Any member may move that Council, after any reading of a bylaw, consider the bylaw clause by clause.

20.4 Every proposed bylaw shall come into force and effect on the date of adoption unless, in accordance with the provisions of the *Community Charter*, a subsequent date is specified in the bylaw.

BL 1971
BL 2092 20.5 Every proposed bylaw on which a Public Hearing is required shall, upon being given first and second reading, be submitted to a future meeting for the purpose of holding Public Hearings for which all statutory notification and advertising requirements can be satisfied unless Council, by resolution, directs otherwise.

21. COMMITTEE OF THE WHOLE

BL 2023 21.1 Council will meet as Committee of the Whole on the second Tuesday of every second month to give preliminary consideration to proposed policies, services and/or other matters and make recommendations to Council.

21.2. Committee of the Whole meetings will take place at City Hall unless, by resolution, Council has chosen another location specified in the resolution.

22. STANDING COMMITTEES OF COUNCIL AND SELECT COMMITTEES

22.1 At the Inaugural Meeting of Council, or at such other times as considered appropriate, the Mayor may establish Standing Committees of Council, and shall appoint members thereto.

22.2 The Mayor shall be an Ex-Officio member of all Committees established in accordance with Subsection 22.1 of this bylaw, and shall be entitled to vote at all meetings thereof. In the absence of the Mayor, the Acting Mayor shall have the same Ex-Officio voting privileges at Standing and Select Committee Meetings, except where the Acting Mayor is already a voting member of that Committee.

- 22.3 The mandate of each of the Standing Committees of Council shall be as established by Council policy, but the general duties of Standing and Select Committees shall be to:
- 22.3.1 report to Council from time to time, as often as the interests of the Town require, on all matters connected with the duties imposed upon them, and to recommend such action by Council as may be deemed necessary and expedient; and
 - 22.3.2 consider and report upon all matters referred to them by Council.
- 22.4 Any business referred to a Standing Committee shall not be determined by Council until the Committee has reported on it, unless the Committee fails to report within the time set in the referral motion or, if no time is set, within a time considered by Council to be reasonable.
- 22.5 Members may attend the meetings of a Standing Committee of which they are not a member and;
- 22.5.1 may participate in discussion on items on the Committee agenda upon being recognized by the Chair;
 - 22.5.2 shall not be allowed to vote at the Committee meeting of which they are not a member.

The provisions of this Subsection do not apply to the Mayor or, in the Mayor’s absence, the Acting Mayor.

23. MISCELLANEOUS PROVISIONS

- 23.1 All points of procedure not provided for in this bylaw shall be decided in accordance with Roberts Rules of Order.
- 23.2 If any Section, Subsection, Paragraph, Clause or Phrase of this bylaw is held to be invalid by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw.
- 23.3 Any provision of this bylaw, excluding those governed by the *Local Government Act* and *Community Charter*, may be waived by a majority of the Council members present.

24. REPEAL OF PREVIOUS BYLAWS

- 24.1 “Procedure Bylaw 1995, No. 1159” and any amendments thereto is hereby repealed.

25. **CITATION**

25.1 This bylaw may be cited for all purposes as “Council Procedure Bylaw 2009, No. 1666”.

READ A FIRST TIME on the 2nd day of February, 2009

READ A SECOND TIME on the 2nd day of February, 2009

READ A THIRD TIME on the 2nd day of February, 2009

ADOPTED on the 2nd day of March, 2009

Original signed by

Mayor, R. Hutchins

Original signed by

Corporate Officer, S. Bowden

TOWN OF LADYSMITH

BYLAW NO. 2154

A Bylaw to Regulate Single Use Plastics and Foam Items

The Council of the Town of Ladysmith in open meeting assembled enacts as follows:

Definitions

1. In this Bylaw:

“Accessible Beverage Straw” means a tube made wholly of plastic that is not compostable or biodegradable, has a corrugated section that allows the straw to bend and maintain its position, and is individually wrapped in paper;

“Business” means a person, organization, or group engaged in a trade, business, profession, occupation, calling, employment or purpose that is regulated under the Town’s Business Regulation Bylaw, as amended, and includes a Business Operator or a person employed by or operating on behalf of a Business;

“Business Operator” includes the owner of a business, a person having responsibility for its management and operation, and any person who is employed by or acts on behalf of the business in dealing with its customers and patrons;

“Charitable Food Services” means the provision of food or prepared food for free or at low cost by an organization incorporated and in good standing under the British Columbia Societies Act or registered as a charitable organization under the Income Tax Act (Canada);

“Food Service Ware” means a product used for serving or transporting prepared food or beverages including, but not limited to, plates, cups, bowls, trays, cartons and hinged or lidded containers;

“Paper Shopping Bag” means a bag made out of paper containing at least 40% recycled paper content, that displays the words “recyclable” and “made of 40% recycled content” or “made of 40% post-consumer recycled content” or other applicable amount on the outside of the bag, and is intended to be used by a customer for the purpose of transporting items or Prepared Food purchased or received by the customer from the Business providing the bag;

“Plastic Shopping Bag” means a Shopping Bag that is produced from plastic, including biodegradable or compostable plastic, that is intended to be used by a customer for the purpose of transporting items or Prepared Food purchased or received by the customer from the Business that is providing the bag;

“Plastic Drinking Straw” means a tube made primarily of plastic, including biodegradable or compostable plastic, and used to transfer a beverage from a container to the mouth of the

individual drinking a beverage by suction;

“Plastic Utensil” means a utensil made primarily of plastic, including biodegradable or compostable plastic, primarily used to stir, eat or prepare food or a beverage;

“Polystyrene Foam” means blown polystyrene and expanded and extruded foams composed of thermoplastic petrochemical materials containing a styrene monomer and processed by any technique including, but not limited to, fusion of polymer spheres (expandable bead foam), injection molding, foam molding, or extrusion blown molding (extruded foam polystyrene);

“Prepared Food” means any food or beverage prepared for consumption by a Business at that licensed premises or location, using any cooking or food preparation technique;

“Reusable Shopping Bag” means a bag that is designed and manufactured, and represented by the manufacturer, to be capable of use at least 100 times, and is intended to be used by a customer for the purpose of transporting items or Prepared Food purchased or received by the customer;

“Small Paper Bag” means a paper bag that is less than 15 cm by 20 cm when flat;

"Shopping Bag" means a bag used for the purpose of transporting items sold or otherwise provided to a customer by a Business, including but not limited to take-out and to-go food, delivery of food, and leftovers from a meal, and customarily provided by a Business at the point of sale or when items ordered by telephone or internet-based ordering platforms are retrieved from the Business by the customer or a delivery service, but does not include bags used to:

- a. contain loose bulk items such as fruit, vegetables, nuts, grains, or candy;
- b. contain loose small hardware items such as nails and bolts;
- c. protect bakery goods that are not pre-packaged prior to the point of sale;
- d. contain or wrap frozen foods, meat, poultry, or fish, whether pre-packaged prior to the point of sale or not;
- e. wrap flowers or potted plants;
- f. transport live fish;
- g. protect newspapers or other printed material intended to be left at the customer's residence or place of business;
- h. protect clothes after professional laundering or dry cleaning;
- i. transport prescription drugs received from a pharmacy; or
- j. transport linens, bedding, or other similar large items that cannot easily fit in a Paper Shopping Bag or Reusable Shopping Bag.

Shopping Bags

2. A Business must not sell or otherwise provide a Plastic Shopping Bag to a customer.

3. A Business must not sell or otherwise provide a Shopping Bag to a customer, except in accordance with Section 5.
4. A Business may provide a Shopping Bag to a customer only if it is not a Plastic Shopping Bag and
 - a. the Business first asks a customer if they need a Shopping Bag and the customer responds that they do;
 - b. the Shopping Bag is a Paper Shopping Bag or Reusable Shopping Bag;
 - c. the customer is charged a fee not less than 15 cents for every Paper Shopping Bag, increasing to 25 cents following 12 months of implementation of the bylaw.
 - d. the customer is charged a fee not less than \$1 for every Reusable Shopping Bag; increasing to \$2 following 12 months of implementation of the bylaw, and
 - e. information about how much the Business charges for a Shopping Bag is displayed on media such as menus, internet-based ordering platforms, signs or menu boards, and verbally provided to customers placing orders by telephone call.
 - f. Fees may increase overtime subject to legislation and best practices.
5. Every Business must include the amount charged for a Shopping Bag provided to a customer as a separate line item on any receipt provided to the customer.
6. Sections 3 through 5 do not apply to Shopping Bags used in the course of providing Charitable Food Services.
7. No Business shall deny or discourage the use by a customer of their own Shopping Bag for the purpose of transporting items purchased or received by the customer from the Business.
8. Sections 2 through 7 of this Bylaw do not limit or restrict the sale of bags, including plastic bags, intended for use at an individual person's home, if they are sold in a package of multiple bags and not sold to be used as Shopping Bags.

Foam Cups and Containers

9. No Business may sell or otherwise provide prepared food or beverages in any Food Service Ware that contains Polystyrene Foam.
10. Section 9 does not apply to
 - a. a hospital, or any facility licensed as a community care facility under the Community Care and Assisted Living Act; or
 - b. prepared food or beverage containers that have been filled and sealed outside the City prior to arrival at the premises or location where the Business operates.
11. Section 9 of this Bylaw does not limit or restrict the sale of Food Service Ware containing Polystyrene Foam intended for use at an individual person's home, if the ware is sold in a package of multiple containers and not sold to be used for holding food at or transporting food from a Business.

Straws

12. No Business may sell or otherwise provide Single Use Plastic Beverage Straws, except as provided by Section 13.
13. Section 12 does not apply if a Business sells or otherwise provides an Accessible Beverage Straw to a person with a disability or other accessibility needs who requests an Accessible Beverage Straw. A customer must not be required to provide any medical information to receive an Accessible Beverage Straw.
14. Section 12 does not apply to
 - a. a hospital or any facility licensed as a community care facility under the Community Care and Assisted Living Act; or
 - b. a Single Use Plastic Beverage Straw packaged and sealed in a carton or flexible plastic pouch together with a drink, at a different location than the licensed premises where the drink is distributed for consumption.
15. Section 12 of this Bylaw does not limit or restrict the sale of straws, including Single Use Plastic Beverage Straws or Single Use Beverage Straws, intended for use at an individual person's home if they are sold in a package of multiple straws.

Utensils

16. No Business may sell or otherwise provide Plastic Utensils.
17. Section 16 does not apply to
 - a. a hospital or any facility licensed as a community care facility under the Community Care and Assisted Living Act, or
 - b. Plastic Utensils used in the course of providing Charitable Food Services.
18. Section 16 of this Bylaw does not limit or restrict the sale of Plastic Utensils intended for use at an individual person's home if they are sold in a package of multiple utensils.

Offence and Penalty

19. Every person who
 - a. contravenes this Bylaw;
 - b. permits, suffers or allows any act or thing to be done in contravention of this Bylaw; or
 - c. neglects to do or refrains from doing anything required to be done under this Bylaw, commits an offence, and every day that the offence continues amounts to a new and separate offence.
20. A person found guilty of contravening this Bylaw shall be liable to pay a fine of up to:
 - a. \$10,000, and the costs of prosecution, if proceedings are brought under the Offence Act.

Severability

21. If a portion of this Bylaw is found invalid by a court, it will be severed, and the remainder of the Bylaw will remain in effect.

Effective Date

22. This Bylaw comes into force and effect on February 1, 2024.

Citation

This Bylaw may be cited for all purposes as “Single Use Plastics Bylaw 2023, No. 2154”.

READ A FIRST TIME on the ____18____ day of _____ July_____, 2023

READ A SECOND TIME on the ____18____ day of _____ July_____, 2023

READ A THIRD TIME on the ____18____ day of _____, 2023

ADOPTED on the _____ day of _____, 2023

Mayor (A. Stone)

Corporate Officer (M. O’Halloran)

BYLAW STATUS SHEET July 18, 2023

Bylaw #	Description	Status
2106	“Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106”. Amends land use and Development Permit Areas at Lot 5, Holland Creek.	First and second readings, April 19, 2022. Public Hearing held August 2, 2022. Second reading rescinded, September 6, 2022. Second public hearing and third reading September 20, 2022. Conditions to be met prior to adoption.
2107	“Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 48) 2022, No. 2107”. Includes secondary suites, coach house dwellings and townhouse dwellings at Lot 5, Holland Creek.	First and second readings, April 19, 2022. Public Hearing held August 2, 2022. Second reading rescinded, September 6, 2022. Second public hearing and third reading September 20, 2022. Conditions to be met prior to adoption.
2130	“Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 73) 2022, No. 2130” (10940 Westdowne Rd.) Changes the OCP designation from single family to Mobile Home Park residential.	First and second readings, December 20, 2022. Public Hearing required. MOTI approval required.
2131	“Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 54) 2022, No. 2131” (10940 Westdowne Rd.) Changes zoning from Rural Residential (RU-1) to Manufactured Home Park (MHP-1).	First and second readings, December 20, 2022. Public Hearing required. MOTI approval required.
2133	“Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 56) 2023, No. 2133”. Allows convenience store at 1132-1142 Rocky Creek Rd.	First and second readings, January 10, 2023. Public Hearing required. MOTI approval required.
2146	“Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2146”. To permit a secondary suite at 624 John Wilson Place.	First and second readings, June 20, 2023. Public Hearing scheduled for August 1, 2023.

From: Allison Boyd <Allison.Boyd@cverd.bc.ca>
Sent: Tuesday, July 11, 2023 3:43 PM
To: Aaron Stone <astone@ladysmith.ca>;

Subject: Fireworks Conversion Bylaw

Good afternoon,

The CVRD is planning to create a Bylaw to convert the letters patent (of the 1970s) and establish a service to regulate fireworks. I am writing to inquire if the Town of Ladysmith and the Town of Lake Cowichan, wish to be participants in the new service establishment bylaw.

As you may already know, the City of Duncan and the Municipality of North Cowichan are excluded in the letters patent, therefore excluded in the new service establishment bylaw.

If your municipality wishes to also be excluded in the new service establishment bylaw, please send me a certified resolution of Council requesting to be excluded as a participant in the new services establishment conversion bylaw known as "CVRD Bylaw No. 4509 – Fireworks Regulation Service Establishment Bylaw, 2023". If you would like to remain in this service, please let me know by email.

Once I hear confirmation, I will draft the bylaw accordingly and attain 2/3 **written** consent of the current participating members (including Ladysmith and Lake Cowichan) to agree to the draft bylaw;
Proceed to Board for three readings of the bylaw (All Board - 1 vote for each because it is a service establishment);
Receive Inspector Approval, and
Adopt the bylaw by Board (All Board - 1 vote).

Also, if your municipality wishes to be excluded, it may be a good time to ensure your municipal Fireworks Regulation Bylaw is current (or created), with means to enforce (if applicable).

If you have any questions, please feel free to reach out to me.

Sincerely,

Allison C. Boyd, Acting Deputy Corporate Officer
Legislative Services Division
Corporate Services Department
Cowichan Valley Regional District
175 Ingram Street, Duncan, BC V9L 1N8
E-mail: Allison.Boyd@cverd.bc.ca
Tel: 250.746.2517