

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

**Tuesday, October 3, 2023
Ladysmith Seniors Centre
630 2nd Avenue**

Pages

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:

- (k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public; and
- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

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

The Town of Ladysmith acknowledges with gratitude that this meeting takes place on the 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 October 3, 2023.

5. RISE AND REPORT- Items from Closed Session

Items from the Closed Meeting of Council held September 26, 2023

CE 2023-063

That Council:

1. Receive the approval from the Inspector of Municipalities for changes to the Articles of Incorporation for the Ladysmith Harbour Economic Development Corporation (formally the DL2016 Holdings Corporation) provided in Attachment A to the September 26, 2023, in-camera report to Council;
2. Dismiss with thanks from the board of directors of the Ladysmith Harbour Economic Development Corporation, Directors Rob Hutchins, Alan Newell and Richard Wiefelspuett pursuant to Article 14.10 of the Corporation's articles of incorporation.

Items from the Closed Meeting of Council held July 4, 2023

CE 2023-045

That Council approve the additional changes requested by the Inspector of Municipalities to the Articles of Incorporation for the Ladysmith Harbour Economic Development Corporation (formally DL 2016 Holdings Corporation).

Items from the Closed Meeting of Council held March 7, 2023

CE 2023-008

That Council:

1. Approve the changes to the DL2016 Corporation Articles of Incorporation in Attachment A of the March 7, 2023 staff report to Council and direct staff to apply to the Inspector of Municipalities for approval of the amendments pursuant to section 185 of the *Community Charter*;
2. Rise and report on Recommendation 2 once Inspector Approval is granted and the DL 2016 Holdings Corporation Board of Directors have been notified.

6. MINUTES

6.1 Minutes of the Regular Meeting of Council held September 26, 2023 5

Recommendation

That Council approve the minutes of the Regular Meeting of Council held September 26, 2023.

7. BYLAWS

7.1 Bylaws for Adoption

7.1.1 "Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644, Amendment Bylaw 2023, No. 2151" 12

Recommendation

That Council adopt "Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644, Amendment Bylaw 2023, No. 2151".

7.1.2 "Town of Ladysmith Financial Plan Bylaw 2023, No. 2141, Amendment Bylaw 2023, No. 2157" 17

Recommendation

That Council adopt "Town of Ladysmith Financial Plan Bylaw 2023, No. 2141, Amendment Bylaw 2023, No. 2157".

7.2 Bylaw Status Sheet 19

8. NEW BUSINESS

9. 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 related to items on the agenda.
- 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.

10. ADJOURNMENT



MINUTES OF A REGULAR MEETING OF COUNCIL

Tuesday, September 26, 2023

7:00 P.M.

Ladysmith Seniors Centre
630 2nd Avenue

Council Members Present:

Mayor Aaron Stone

Councillor Ray Gourlay

Councillor Amanda Jacobson (via Zoom)

Councillor Tricia McKay (via Zoom)

Councillor Duck Paterson

Councillor Marsh Stevens (via Zoom)

Councillor Jeff Virtanen (via Zoom)

Staff Present:

Allison McCarrick

Erin Anderson

Chris Barfoot

Jake Belobaba

Ryan Bouma

Matt O'Halloran

Julie Thompson

Andrea Hainrich

1. CALL TO ORDER

Mayor Stone called this Meeting of Council to order at 5:31 p.m., in order to retire immediately into Closed Session.

2. CLOSED SESSION

CS 2023-215

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 as an officer, employee or agent of the municipality or another position appointed by the municipality;
- (1) (e) the acquisition, disposition or expropriation of land or improvements;
- (1) (g) litigation or potential litigation affecting the municipality;
- (1) (i) the receipt of advice that is subject to solicitor-client privilege; 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 unceded territory of the Stz'uminus First Nation.

4. AGENDA APPROVAL

CS 2023-216

That Council approve the agenda for this Regular Meeting of Council for September 26, 2023, as amended to include the following items, received after publication of the agenda:

- 7.2. “Heart on the Hill Affordable Housing Project, 314 Buller Street”
Add presentation.
- 12.1.3 “2024 Permissive Tax Exemptions Bylaw 2023, No. 2158”
Replace the bylaw and amend the recommendation to reflect the current year in the bylaw citation.

Motion Carried

5. RISE AND REPORT- Items from Closed Session

Council rose from Closed Session at 6:34 p.m. without report.

6. MINUTES

6.1 Minutes of the Regular Meeting of Council held September 5, 2023

CS 2023-217

That Council approve the minutes of the Regular Meeting of Council held September 5, 2023.

Motion Carried

7. DELEGATIONS

7.1 Take a Hike Foundation

Liam Law of Take a Hike Foundation provided Council with an overview of the mental health services their Foundation provides to youth in the Nanaimo-Ladysmith public school district as well as in the Cowichan District and throughout the island and lower mainland.

Mayor Stone thanked Mr. Law for his presentation and shared his gratitude for what the program provides for youth in the community.

7.2 Heart on the Hill Affordable Housing Project, 314 Buller Street

Ben Checkwitch of Checkwitch Poiron Architects spoke to Council on behalf of Ladysmith Resources Centre Association (LRCA) regarding the screening requirement for the rooftop units at the Heart on the Hill Project located at 314 Buller Street.

8. DEVELOPMENT APPLICATIONS

8.1 Development Permit Amendment – 314 Buller Street

CS 2023-218

That Council issue Development Permit Amendment 3060-22-18 for 314 Buller Street (Lot A (DD B92367) of Block 76 District Lot 56 Oyster District Plan 703A, PID: 008-705-968) to authorize rooftop mechanical equipment on the existing building.

Motion Carried

9. 2024-2028 FINANCIAL PLAN DISCUSSIONS - REGIONAL RECREATION PROGRAM

9.1 Regional Recreation Budget Approval 2024 – Frank Jameson Community Centre

Erin Anderson, Director of Finance presented the proposed Regional Recreation Budget for 2024.

9.2 Public Input and Questions

There were no question from the public.

CS 2023-219

That Council approve the 2024 budget for the Frank Jameson Community Centre as presented in the staff report dated September 26, 2023 and direct staff to submit it to the Cowichan Valley Regional District.

Motion Carried

10. COMMITTEE MINUTES

10.1 Community Planning Advisory Committee - September 6, 2023

CS 2023-220

That Council receive the minutes of the Community Planning Advisory Committee meeting held September 6, 2023.

Motion Carried

10.2 Committee of the Whole Recommendations - September 12, 2023

CS 2023-221

That Council:

1. Direct staff to prepare an amendment to the “Town of Ladysmith 2023-2027 Financial Plan Bylaw, 2023 No. 2141” to reflect the changes outlined in the staff report dated September 12, 2023 from the Director of Financial Services.
2. Direct staff to amend the “Town of Ladysmith Fees & Charges Bylaw 2008, No.1644” to include a charge of \$1 per hour for the first two hours and \$2 per hour thereafter for Electric Vehicle Charging.
3. Establish a Rain Barrel Rebate program starting in 2024 to rebate 50 percent to the maximum of \$75 of the cost of one new rain barrel purchased after January 1, 2024, manufactured from a BPA-free Polyethylene material and with the minimum barrel size of 189 litres; and create an annual Rain Barrel Rebate budget of \$7,500 by cancelling and redirecting the budgeted funds from the Low Flow Toilet Rebate program.
4. Not provide Wi-Fi at Aggie Hall.
5. Amend the Town’s Per Diem policy to align the rates with the Provincial Government and to escalate as per the Provincial rates for Council, Staff and Fire Department members.
6. Defer discussion of a possible service agreement for Ladysmith Days to a Closed Meeting of Council.
7. Direct staff to return to a future Committee of the Whole meeting with policy options for allowing livestock, under permit, for plant or weed control.

Motion Carried

11. REPORTS

11.1 2024 Council Meeting Schedule

CS 2023-222

That Council confirm the schedule of regular Council and Committee of the Whole meetings for 2024, as attached to the September 26, 2023 staff report, and direct staff to advertise the schedule in accordance with Section 127 of the *Community Charter*.

Motion Carried

11.2 Rural Economic Diversification and Infrastructure Program (REDIP)

CS 2023-223

That Council direct staff to include in the 2024-2028 Financial Plan \$125,000 for the planning of a mountain bike trail network with the funds to come from the Rural Economic Diversification and Infrastructure Program for \$100,000 and the remainder to come from prior year surplus.

Motion Carried

11.3 2023/2024 Disaster Risk, Climate Adaption Grant Funding

CS 2023-224

That Council direct staff to:

1. Include in the 2024-2028 Financial Plan funding for the Decommissioning of old weirs on the lower portion of Holland Creek, with the funding to come from grants; and
2. Apply for grant funding under the UBCM Community Emergency Preparedness Fund, Disaster Risk Reduction - Climate Adaption stream for the Decommissioning of old weirs on the lower portion of Holland Creek and commit to cover any unexpected ineligible costs and project overruns.

Motion Carried

11.4 Encroachment Agreements – Signing Authority

CS 2023-225

That Council:

1. Authorize the Mayor and Corporate Officer to sign an encroachment agreement for 12 Roberts Street to allow for an overhanging building canopy and lights;
2. Authorize the Mayor and Corporate Officer to sign an encroachment agreement for 32 High Street to allow for a projecting sign;
3. Authorize the Mayor and Corporate Officer to sign an encroachment agreement for 225 High Street to allow for a projecting sign; and
4. Direct staff to bring back policy updates to establish routine signing authority for encroachment agreements.

Motion Carried

12. BYLAWS

12.1 Bylaws for Introduction

12.1.1 “Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644, Amendment Bylaw 2023, No. 2151”

CS 2023-226

That Council give first, second and third readings to “Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644, Amendment Bylaw 2023, No. 2151”.

Motion Carried

12.1.2 “Town of Ladysmith Financial Plan Bylaw 2023, No. 2141, Amendment Bylaw 2023, No. 2157”

CS 2023-227

That Council give the first, second and third readings to “Town of Ladysmith Financial Plan Bylaw 2023, No. 2141, Amendment Bylaw 2023, No. 2157”.

Motion Carried

12.1.3 "2024 Permissive Tax Exemptions Bylaw 2023, No. 2158"

CS 2023-228

That Council give first, second and third readings to "2024 Permissive Tax Exemptions Bylaw 2023, No. 2158".

Motion Carried

OPPOSED: Councillors Stevens and Jacobson.

12.2 Bylaw Status Sheet

13. NEW BUSINESS

Council discussed the recent Union of British Columbia Municipalities (UBCM) convention and discussed some of the conversations and discussions that took place over the week.

14. QUESTION PERIOD

A member of the public asked about cemetery fees and the removal of the weir on the Holland Creek Trail as presented in the Council Agenda.

15. ADJOURNMENT

CS 2023-229

That this Regular Meeting of Council be adjourned at 8:06 p.m.

Motion Carried

CERTIFIED CORRECT

Mayor (A. Stone)

Corporate Officer (M. O'Halloran)

TOWN OF LADYSMITH

BYLAW NO. 2151

A Bylaw to amend the Fees & Charges Bylaw

The Council of the Town of Ladysmith in open meeting assembled enacts the following amendments to “Fees and Charges Bylaw 2008, No. 1644”:

1. Delete Schedule "1" in its entirety and replace with the attached Schedule "1".
2. Delete Schedule "3" in its entirety and replace with the attached Schedule "3".

Effective Date

3. This bylaw comes into effect January 1, 2024.

Citation

4. This Bylaw may be cited for all purposes as “Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644, Amendment Bylaw 2023, No. 2151”.

READ A FIRST TIME on the 26th day of September, 2023

READ A SECOND TIME on the 26th day of September, 2023

READ A THIRD TIME on the 26th day of September, 2023

ADOPTED on the ___ day of _____

Mayor (A. Stone)

Corporate Officer (M. O’Halloran)

SCHEDULE "1"
Miscellaneous Fees and Application Fees

Item:	Fee:
Miscellaneous Fees:	
Copies of Extracts of Minutes – per page	\$0.25
Copies of Bylaws and Council Minutes – per page	\$0.25
Certificate of Outstanding Taxes	\$20.00
Fence Line Fee	\$75.00
Topographic Maps	\$25.00
Waterfront Area Plan	\$10.00
Holland Creek Area Plan	\$10.00
South Ladysmith Area Plan	\$10.00
Official Community Plan (including Schedule A.I - DPAs)	\$35.00
Engineering Specifications	\$30.00
Comfort Letter	\$100.00
Memorial Park Bench	\$3,950.00
Zoning Bylaw	\$40.00
Official Community Plan and Zoning Bylaw Maps (Large Size) per map	\$15.00
NSF cheques/Returned items/Stop payments	\$25.00
Refunds of overpayments for property taxes or user fees	10% of refund amount – minimum \$5.00 maximum \$25.00 per refund
Transfer of online banking payments between accounts: - First & second transfer - Subsequent transfers	no charge 10% of transfer amount – minimum \$5.00 maximum \$25.00 per transfer
Mortgage listings of property taxes owing (per folio)	\$3.00
Annual Property tax levies - Vancouver Island Real Estate Board	\$450.00
Current year property tax notice after tax due date (for current owner)	No charge
Previous years' property tax notice on year-specific paper (for current owner)	\$25.00 per copy
Subdivision trees	\$750.00 per tree
Recycling bags	\$1.25 per bag

Item:	Fee:
Application Fees:	
Official Community Plan Amendment	\$2,000.00 plus advertising and delivery costs
Zoning Bylaw Amendment	\$2,000.00 plus advertising and delivery costs
Zoning Bylaw Amendment - Coach House (R-1 Zone)	\$1000.00 plus advertising and delivery costs
Combined OCP/Zoning Bylaw Amendment	\$3,000.00 plus advertising and delivery costs
Subdivision - PLA	\$500.00 plus \$250.00/lot
Subdivision- Approval, Extension, Form P	\$500.00
Development Permit - Multi-Unit, Commercial, Downtown, Industrial	\$1,000.00
Development Permit - High Street Intensive Residential	\$750.00
Development Permit - Riparian, Hazard Lands	\$250.00
Development Permit - Coach House Intensive Residential	\$250.00
Development Permit - Façade Improvement	\$100.00
Development Permit - Amendment	\$100.00
Development Variance Permit	\$750.00 plus Delivery Costs
Board of Variance	\$750.00 plus Delivery Costs
Temporary Use Permit	\$1,500.00 plus Advertising and Delivery Costs
Strata Conversion	\$500.00 plus \$250.00/unit
Boundary Extension Proposal	\$2,000.00 plus \$50.00/hectare plus advertising and electoral approval costs
Liquor License Primary Referral Review Community Consultation	\$1,750.00 plus advertising costs
ALR Application - Subdivision/Non-Farm Use	\$600.00 plus ALR Fees
ALR Application - Exclusion	\$2,000.00 plus ALR Fees
Revitalization Tax Exemption Application Fee	\$250.00
Sign Permit	\$10.00 Application plus a \$100.00 damage deposit
Real Estate Sign	\$20.00 per agency

Temporary Sign/Banner Deposit	\$10.00 Application plus a \$100.00 damage deposit
Large Event Damage Deposit	Up to \$1,000.00
Ladysmith Visioning Report	\$25.00
Application for Statement of Concurrence (Telecommunications Tower)	\$250.00
Application for Recommendation of Cannabis Retail Licence Application/Amendment	\$2,000.00 plus advertising and delivery costs
Electric Vehicle Charging (includes idle fee)	\$1 per hour for first 2 hours \$2 per hour thereafter

Note: All fees are subject to applicable taxes

**SCHEDULE "3"
 Cemetery Fees**

	Proposed Right of Interment	Right of Interment (Care fund)
Ground Burial Lots		
Adult (over 12 yr.) Full Ground Burial Lot - Resident or former resident	\$ 900	\$ (225)
Adult (over 12 yr.) Full Ground Burial Lot - Non resident	\$ 1,400	\$ (350)
Child (12 & under) Full Ground Burial Lot - Resident or former resident	\$ 450	\$ (130)
Cremation Ground Lot - Resident or former resident	\$ 400	\$ (100)
Cremation Ground Lot - Non resident	\$ 600	\$ (150)

	Preparation & Placement	Town approved Liner
Preparation & Placement		
Adult (over 12 yr.) Full Burial	\$ 1,000	\$ 500
Child (12 & under) Full Burial	\$ 500	\$ 500
Cremation (single)	\$ 400	\$ 60
Cremation (double)	\$ 425	\$ 75

	Marker	Marker Care Fund
Memorial:		
Installation of Single Marker (up to 60cm x 30cm)	\$ 250	\$ (65)
Installation of Double Marker (up to 75cm x 45cm)	\$ 350	\$ (90)
Removal & Reinstall	\$ 450	

Fees for services & products	
Late Arrival (after 3pm) on regular business day	\$100 per hour
Disinterment/exhumation of full burial	\$ 1,800
Disinterment/exhumation of cremated remains	\$ 750
<i>Saturday Service (in addition to above fees)</i>	
Full Burial	\$ 500
Cremation Burial	\$ 300
Transfer/Surrender fee for interment right certificate	\$ 50
Special Services & Handling Fees	By prior arrangement with Administrator

Note: All fees are subject to applicable taxes

TOWN OF LADYSMITH

BYLAW NO. 2157

A Bylaw to amend the 2023-2027 Financial Plan Bylaw

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

1. Delete Schedule "A" in its entirety and replace with the attached Schedule "A".

Citation

2. This bylaw may be cited for all purposes as "Town of Ladysmith Financial Plan Bylaw 2023, No. 2141, Amendment Bylaw 2023, No. 2157".

READ A FIRST TIME on the 26th day of September, 2023

READ A SECOND TIME on the 26th day of September, 2023

READ A THIRD TIME on the 26th day of September, 2023

ADOPTED on the ___ day of _____

Mayor (A. Stone)

Corporate Officer (M. O'Halloran)

SCHEDULE “A”

2023 – 2027 Financial Plan

	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>
REVENUES:					
Revenue From Property Tax Values	9,445,182	9,741,212	10,098,369	10,822,581	11,905,556
Revenue From Grants In Lieu	193,872	196,005	198,161	200,341	202,545
Revenue From Parcel Taxes	3,248,283	3,590,658	3,647,359	3,706,894	3,769,406
Revenue From Fees & Charges	5,663,587	5,758,362	5,854,771	6,025,784	6,126,750
Revenue From Other Sources	24,717,574	7,616,712	9,618,243	5,644,172	5,678,436
	<u>43,268,498</u>	<u>26,902,949</u>	<u>29,416,903</u>	<u>26,399,772</u>	<u>27,682,693</u>
EXPENSES:					
General Operating Expense	13,556,353	12,430,811	12,795,504	13,101,706	13,415,218
Sanitary Sewer Operating Expenses	2,152,361	1,718,577	1,774,259	1,822,053	1,871,042
Water Operating Expenses	2,397,421	2,139,781	2,216,649	2,282,628	2,350,256
Interest on Debt	704,808	831,108	831,108	1,071,554	1,552,446
Amortization	4,210,984	4,286,782	4,363,944	4,442,495	4,522,460
	<u>23,021,927</u>	<u>21,407,059</u>	<u>21,981,464</u>	<u>22,720,436</u>	<u>23,711,422</u>
Annual Surplus/Deficit	20,246,571	5,495,890	7,435,439	3,679,336	3,971,271
Add back: Unfunded Amortization	4,210,984	4,286,782	4,363,944	4,442,495	4,522,460
Capital Expenditures					
General Capital	17,606,846	2,442,005	14,189,762	3,318,959	2,354,240
Sanitary Sewer Capital	3,038,420	3,335,000	1,990,000	1,320,000	330,000
Water Capital	17,691,102	5,852,050	6,390,000	575,000	635,000
Proceeds from Borrowing	(4,088,725)	(3,549,275)	(10,400,000)	-	-
Principal Payments on Debt	1,015,717	1,171,192	1,171,192	1,445,706	1,720,220
Transfers to (from) Reserves Funds	(4,617,464)	(1,430,500)	(1,463,679)	(725,320)	(604,546)
Transfer to (from) Accumulated Surplus	(6,188,341)	1,962,200	(77,892)	2,187,486	4,058,817
Financial Plan Balance	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>

BYLAW STATUS SHEET October 3, 2023

Bylaw #	Description	Status
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.
2151	"Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644, Amendment Bylaw 2023, No. 2151"	First, second and third readings, September 26, 2023.
2157	Town of Ladysmith Financial Plan Bylaw 2023, No. 2141, Amendment Bylaw 2023, No. 2157"	First, second and third readings, September 26, 2023.
2158	"2024 Permissive Tax Exemptions Bylaw 2023, No. 2158"	First, second and third readings, September 26, 2023. Public notice required.