



MINUTES OF A REGULAR MEETING OF COUNCIL

Tuesday, January 21, 2020

7:00 P.M.

Council Chambers, City Hall

Council Members Present:

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

Councillor Tricia McKay
Councillor Marsh Stevens
Councillor Jeff Virtanen

Staff Present:

Guillermo Ferrero
Jake Belobaba
Geoff Goodall
Joanna Winter
Julie Thompson

Sue Glenn
Shannon Wilson
Mike Gregory
Sue Bouma

1. CALL TO ORDER

Mayor Stone called this Meeting of Council to order at 5:03 p.m., in order to retire immediately into closed session.

2. CLOSED SESSION

CS 2020-019

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:

- negotiations and related discussions respecting the proposed provision of a municipal service - section 90(1)(k)
- litigation or potential litigation - section 90(1)(g)

Motion Carried

3. OPEN MEETING AGENDA APPROVAL

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

CS 2020-020

That Council approve the agenda for this Public Hearing and Regular Meeting of Council for January 21, 2020 as amended to include the following items:

- Item 10.2., "Update on the Historical Society's Planning Session for Heritage Week"
- Item 10.3., "Disposal of Town Trolley"

Motion Carried

4. PUBLIC HEARING

Councillor Stevens declared a conflict of interest with the following agenda item because he owns contiguous property and excused himself from the meeting.

Mayor Stone outlined the Public Hearing process and stated that the public would have the opportunity to provide their comments to Council about Bylaws 2027, 2028 and 2029 to establish a maximum 200m² neighbourhood pub at 202/204 Dogwood Drive.

He advised that staff would introduce the proposed bylaw amendments, followed by public submissions. He reminded the public that the content of submissions would be made public and form a part of the public record for the hearing, and that the function of Council at a Public Hearing is to listen rather than to debate the merits of the proposed Bylaws, although they may ask clarifying questions. He advised that once everyone had had an opportunity to be heard, the public hearing would be closed and no further submissions or comments could be accepted by members of Council.

4.1 Official Community Plan Bylaw Amendments and Zoning Bylaw Amendment: Bylaws 2027, 2028 and 2029

Members of the public present: 28

4.1.1 Introduction of Bylaws and Statutory Requirements - Julie Thompson, Planner, Development Services

Julie Thompson, Planner for Development Services, introduced the following bylaws as the subject of the Public Hearing:

1. Official Community Plan Bylaw 2003, No.1488, Amendment Bylaw (No.60) 2019, No.2027 (hereafter referred to as Bylaw 2027)
2. Official Community Plan Bylaw 2003, No.1488, Amendment Bylaw (No.61) 2019, No.2028 (hereafter referred to as Bylaw 2028)
3. Town of Ladysmith Zoning Bylaw 2014, No.1860, Amendment Bylaw (No.30) 2019, No.2029 (hereafter referred to as Bylaw 2029)

Ms. Thompson noted that the subject property consisted of three adjacent lots located at 202/204 Dogwood Drive (Lots 2, 3 and 4 Suburban Lot 9 Oyster District Plan 1009). She advised Council that Bylaw 2027 would designate Lot 4 as Development Permit Area 3 - Commercial, to match the designation of Lots 2 and 3; that Bylaw 2028 would amend the Official Community Plan to allow variances to the landscape buffer requirement; and that Bylaw 2029 would allow a Neighbourhood Pub as a site specific use on the subject property, with a maximum of 200m² in gross floor area.

The Public Hearing Notice was published in the Ladysmith Chronicle on January 9th and 16th and posted on community notice boards and the Town's website. Pursuant to section 466(4) of the *Local Government Act* and section 10 of Development Procedures Bylaw 1667, written notice was delivered to the subject property and all properties located within 60 metres of the subject property. A copy of the proposed bylaws and background information to be considered by Council was made available at the Front Counter of City Hall for the Notice period. Six written submissions were received and included in the agenda package.

4.1.2 Submissions

Mayor Stone invited the applicant and his business partner to make the first submission to Council.

Rod Alsop and his partner, Jon Ludtke, reviewed their plans for the property, noting that their goal was to establish a family-friendly brew pub that would welcome locals and tourists. They advised Council that they would not manufacture for packaging and distribution, nor would they alter the footprint of the building. Dependent on architecture design plans and occupancy limits, they planned to offer 40 seats indoors and 20 seats outdoors, and the proposed hours of operation would be 11:00 a.m. to 9:00 p.m. Sunday to Thursday, and 11:00 a.m. to 11:00 p.m. Friday to Saturday. Their proposed brewing schedule would include six batches per month and they planned for one delivery day per week.

4.1.3 Call for Submissions to Council (Three Times) - Mayor Stone

Mayor Stone called for submissions to Council.

Joy Sheridan, 332 Belaire Street, spoke in support of the project, noting the proximity of the landlord to the brewpub, his community involvement and excellent rapport with people in the neighbourhood. She remarked on the generous setback of the building and the ample parking on the site, describing them as features that would ensure the brewpub would not intrude on the neighbourhood.

Anita Hamilton, 206 Dogwood Drive, spoke against the project, expressing concerns regarding potential irresponsible drinking at the proposed establishment, and referred specifically to consultation with First Nations.

Natasha Sharp, Unit 201, 11 Buller Street, spoke in support of the project, preferring that Ladysmith benefit from the business as opposed to another community.

Jennica Graham, 117 Cloke Road, spoke in support of the project, noting that the proposed brew pub could be added to the BC Ale Trail, thereby increasing tourism.

Gord Defoor, 131 Methuen Street, reminded Council of the proposed brew pub on 336 Belaire Street and expressed concerns that Ladysmith could not support two brew pubs in such close proximity.

Nick Epp-Evans, 232 Roberts Street, spoke in support of the project, noting that both brew pubs would complement each other and attract younger people to Ladysmith.

James Steadman, 208 Dogwood Drive, cautioned that Ladysmith already had enough drinking establishments and could not support more.

Russell Barling, 100 Block of Forward Road, expressed his opinion that the public needed more information regarding the design plan for the brew pub before a decision should be made.

Noel McKenna, 125 Methuen Street, spoke against the project, noting concerns regarding the proposed buffer, as well as with parking and traffic.

Scott Gingerysty, 508 High Street, spoke in support of the project, praising the small footprint and the option for residents to walk to the pub.

Mayor Stone called for submissions to Council a second time.

Geoff Cram, 16 2nd Avenue, expressed his support for the project, noting that increased options benefit everyone and draw more people to the community.

Thomas Allen, 214 Dogwood Drive, spoke in support of the project, mentioning his appreciation for the opportunity to enjoy local products.

David Van Horne, 1147 3rd Avenue, spoke in support of the project, praising the brew master's credentials and awards. He noted that the Alsop family's proximity to the brew pub would ensure that the establishment would not be a concern for others in the neighbourhood.

Yvonne Brosz-Defoor, 131 Methuen Street, spoke against the project, citing mechanical noise as an issue for the neighbourhood.

Mayor Stone called for submissions regarding Bylaws 2027, 2028 and 2029 a third and final time.

4.1.4 Declaration that the Public Hearing for Bylaws 2027, 2028 and 2029 is Closed - Mayor Stone

Hearing no comments and receiving no submissions, Mayor Stone called the Public Hearing for Bylaws 2027, 2028 and 2029 closed at 7:41 p.m., and stated that no further submissions or comments from the public or interested persons could be accepted by members of Council.

5. BYLAWS (SUBJECT OF THE PUBLIC HEARING)

5.1 Official Community Plan Bylaws 2027 and 2028, and Town of Ladysmith Zoning Bylaw 2029 - 202 to 204 Dogwood Drive CS 2020-021

That Council:

1. Proceed with third reading and adoption of Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 60) 2019, No. 2027;
2. Proceed with third reading and adoption of Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 61) 2019, No. 2028;
3. Proceed with third reading of Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 30) 2019, No. 2029; and
4. Direct staff to refer Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 30) 2019, No. 2029 to the Ministry of Transportation and Infrastructure pursuant to section 52 of the Transportation Act.

Motion Carried

Councillor Stevens returned to the meeting.

6. RISE AND REPORT- Items from Closed Session

Council rose at 6:35 p.m. without report.

7. MINUTES

7.1 Minutes of the Regular Meeting of Council held January 7, 2020 CS 2020-022

That Council approve the minutes of the Regular Meeting of Council, held January 7, 2020.

Motion Carried

8. DEVELOPMENT APPLICATIONS

8.1 Development Variance Permit – 1221 Rocky Creek Road CS 2020-023

That Council:

1. Issue Development Variance Permit 3090-19-10 to vary the shade tree requirement from 10 trees to zero trees for a paved parking area at 1221 Rocky Creek Road (Western Forest Products)
2. Authorize the Mayor and Corporate Officer to sign Development Variance Permit 3090-19-10.

3. Approve an encroachment agreement with Western Forest Products for the installation of two rolling gates and fencing within the Town's right-of-way along the Gladden Road property frontage.
4. Authorize the Mayor and Corporate Officer to sign the agreement.

Motion Carried

CS 2020-024

That Council request that staff discuss with the applicant the possibility of donating ten trees in support of the community and Council's strategic plan.

Motion Carried

CS 2020-025

That Council direct staff to develop policy options for storm water management for parking lots as part of the Official Community Plan review and Building Bylaw update.

Motion Carried

9. REPORTS

9.1 Emergency Support Services Funding Stream Application

CS 2020-026

That Council:

1. Direct staff to submit an application to the Community Emergency Preparedness Fund – Emergency Support Services Funding Stream for up to \$25, 000; and
2. Confirm its willingness to provide overall grant management.

Motion Carried

9.2 Public Art Policy

CS 2020-027

That Council approve the Public Art Policy as presented and recommended by the Parks, Recreation and Culture Advisory Committee.

Motion Carried

**9.3 Ultraviolet Pilot Civil Connection Award
CS 2020-028**

That Council waive the Town's Purchasing Policy and direct award the works associated with the connection of the Ultra Violet Pilot Project for the Waste Water Treatment Plant to David Stalker Excavating on a time basis.

Motion Carried

OPPOSED: Councillor Johnson

**9.4 Encroachment Agreement 427A Davis Road
CS 2020-029**

That Council direct staff to enter into an encroachment agreement for the construction of a retaining wall fronting 472A Davis Road.

Motion Carried

**9.5 Stocking Dam Flood Risk Assessment
CS 2020-030**

That Council direct staff to apply for the UBCM Community Emergency Preparedness Fund – Flood Risk Assessment, Flood Mapping & Flood Mitigation Planning funding stream for up to \$150,000 and confirm its willingness to provide overall grant management.

Motion Carried

10. NEW BUSINESS

10.1 2020 Conference Attendance

10.1.1 Attendance at 2020 Convention, Association of Vancouver Island and Coastal Communities; Potential Resolution and/or Nomination Submission

CS 2020-031

That Council authorize Mayor Stone and Councillors Jacobson, Johnson, McKay and Stevens to attend the Association of Vancouver Island and Coastal Communities annual convention April 17-19, 2020, in Nanaimo.

Motion Carried

**10.1.2 Union of British Columbia Municipalities Annual Convention
CS 2020-032**

That Council authorize Mayor Stone and Councillors Johnson, McKay, Paterson, and Virtanen to attend the Union of British Columbia Municipalities annual convention to be held September 21-25, 2020, in Victoria.

Motion Carried

**10.1.3 Attendance at the Federation of Canadian Municipalities 2020
Convention in Toronto, at an estimated cost of \$4000.00
CS 2020-033**

That Council approve Mayor Stone's and Councillor McKay's attendance at the Federation of Canadian Municipalities 2020 Convention to be held June 4-7, 2020, in Toronto, ON, at a total cost to the Town of up to \$6,000.

Motion Carried

CS 2020-034

That Council direct staff to provide a report for the 2021 budget discussions on the implications of authorizing one member of Council and the Mayor to attend the Federation of Canadian Municipalities Convention annually.

Motion Carried

**10.1.4 Woody Debris Workshop
CS 2020-035**

That Council authorize Councillor Johnson to attend the free Woody Debris Workshop in Duncan on Tuesday, January 28, 2020 and provide reimbursement for related travel expenses.

Motion Carried

10.2 Update on the Historical Society's Planning Session for Heritage Week

Councillors Stevens, McKay and Johnson provided Council with a summary of items discussed at the Historical Society's planning session for Heritage Week, requesting Council's attendance and participation at the February 22nd event.

10.3 Disposal of the Trolley

Councillor Johnson enquired about the potential for a community organization to acquire the trolley from the Town and was advised to recommend that the organization write a letter to Council expressing this request.

11. QUESTION PERIOD

There were no questions from the public.

12. ADJOURNMENT

CS 2020-036

That this regular meeting of Council adjourn at 9:04 p.m.

Mayor (A. Stone)

Corporate Officer (J. Winter)

Subject to Adoption