

Municipality of North Cowichan

Regular Council

MINUTES

December 18, 2019, 1:30 p.m.
Municipal Hall - Council Chambers

Members Present Mayor Al Siebring
Councillor Rob Douglas
Councillor Christopher Justice
Councillor Tek Manhas
Councillor Rosalie Sawrie
Councillor Debra Toporowski (arrived at 2:02 p.m.)

Members Absent Councillor Kate Marsh

Staff Present Ted Swabey, Chief Administrative Officer (CAO)
Mark Frame, General Manager, Financial and Protective Services
Ernie Mansueti, General Manager, Community Services
Sarah Nixon, General Manager, Corporate Services
Dave Preikshot, Acting Director of Engineering
Rob Conway, Director of Planning and Building
Megan Jordan, Acting, Manager, Communications and Public Engagement
Nelda Richardson, Deputy Corporate Officer
Alyssa Meiner, Acting Corporate Officer

1. CALL TO ORDER

There being a quorum present, Mayor Siebring called the meeting to order at 1:30 p.m.

2. APPROVAL OF AGENDA

It was moved and seconded:

That Council adopt the December 18, 2019 Regular Council agenda, as amended to remove item 8.2 [notice of motion re: Environmental Protection Bylaws] and add the following:

- 9.1 Licence of Occupation, and
- 9.2 Receipt of Legal Advice.

CARRIED

3. ADOPTION OF MINUTES

It was moved and seconded:

That Council adopt the following minutes:

1. Special Council meeting held December 4, 2019; and
2. Regular Council meeting held December 4, 2019.

CARRIED

4. MAYOR'S REPORT

The Mayor gave a verbal report on meetings and activities he recently attended, including today's announcement regarding a new Cowichan Secondary School.

5. PUBLIC INPUT

Council received brief public input from Bernie Jones, regarding agenda item 7.3.

6. BYLAWS

6.1 Bylaw 3768 - "Miscellaneous Bylaws Repeal Bylaw No. 3768, 2019"

It was moved and seconded:

That Council adopt "Miscellaneous Bylaws Repeal Bylaw No. 3768, 2019".

CARRIED

6.2 Bylaw 3769 - "Officers Amendment Bylaw, 2019"

It was moved and seconded:

That Council give three readings to "Officers Amendment Bylaw, No. 3769, 2019"

CARRIED

6.3 Bylaw 3771 - "Delegation of Authority Amendment Bylaw, 2019"

It was moved and seconded:

That Council give three readings to "Delegation of Authority Amendment Bylaw, No. 3771, 2019".

CARRIED

6.4 Bylaw 3772 - "Fees Amendment Bylaw, 2019"

It was moved and seconded:

That Council give three readings to "Fees Amendment Bylaw No. 3772, 2019".

CARRIED

7. REPORTS

7.1 Firearms Discharge Progress Update

It was moved and seconded:

That Council direct staff to defer public input on the proposed amendments to "Firearms Discharge Bylaw No. 3077, 2000" as per the November 21, 2018 staff report, until January 2021.

CARRIED

7.2 Fire Inspection Policy

Councillor Toporowski arrived at 2:02 p.m.

It was moved and seconded:

That Council direct staff to establish a regular system of fire and life safety inspections of hotels and public buildings in which the frequency and method are to follow the Fire Services Act by implementing the Fire Inspection Policy attached to the Manager of Fire and Bylaw Services December 18, 2019 report.

CARRIED

It was moved and seconded:

That Council defer the motion, to include a full-time Assistant Fire Chief to implement the Fire Inspection Program in the 2020 budget, pending a staff report on cost-recovery and analysis of options.

CARRIED

7.3 Council Strategic Plan and Priority Projects Progress

It was moved and seconded:

That Council accept the Chief Administrative Officer's December 18, 2019 report for information.

CARRIED

7.4 Operational Strategic Plan

It was moved and seconded:

That Council accept the Chief Administrative Officer's December 18, 2019 report for information.

CARRIED

7.5 Council's Strategic Plan Public Engagement Results and 2020 Operationalization

It was moved and seconded:

That Council accept the Chief Administrative Officer's December 18, 2019 report for information.

CARRIED

7.6 School District Request for Input on Uses for Somenos Elementary Site

It was moved and seconded:

That Council direct staff to respond to the School District that North Cowichan does not wish to comment.

CARRIED

7.7 Fire Protection Service Agreements with Local First Nations

Councillor Toporowski declared a conflict of interest as she is a Cowichan Tribes First Nations Councillor and left the meeting at 3:00 p.m.

It was moved and seconded:

That Council authorize the Mayor and Corporate Officer to sign agreements to provide fire protection for Cowichan Tribes First Nation, Halalt First Nation, Penelakut First Nation, and Stz'uminus First Nation, generally in the form attached to the December 18, 2019 Regular Council meeting agenda.

CARRIED

8. NOTICE OF MOTION

Councillor Toporowski returned to the meeting at 3:01 p.m.

8.1 Proposed AVICC Resolution - Regional Forestry Pilot on Vancouver Island and the Coast

Notice was given by Councillor Douglas that he intends to move the following motion at the January 15, 2020 Regular Council meeting:

"*WHEREAS* the forest industry in British Columbia is in crisis with thousands out of work and facing hardship, forestry companies curtailing operations and re-directing investment outside of the province, and once thriving communities experiencing severe economic decline;

AND WHEREAS many communities across British Columbia and globally have demonstrated that when local people are empowered to manage public forests and other resources through community forest licenses, regional trusts and other community-based governance models, they can maintain and enhance environmental sustainability, provide stable and fulfilling employment, and improve equity and fairness;

AND WHEREAS the region of Vancouver Island, Sunshine Coast, Powell River, the North Coast and the Central Coast ("Vancouver Island and the Coast") would be well-suited for a pilot for a de-centralized forestry management model because of its strong record of success in community-based forestry management;

THEREFORE BE IT RESOLVED that the Association of Vancouver Island and Coastal Communities (AVICC) call on the Province of British Columbia to pilot a de-centralized forestry management model on Vancouver Island and the Coast AND undertake the following actions as a first step to more local control:

- Establish a Regional Standing Committee of the BC Legislature composed of the MLAs for Vancouver Island and the Coast;
- Mandate the Regional Standing Committee to fund a planning exercise for Vancouver Island and the Coast that will engage local workers, communities and First Nations; and
- Appoint a forester to work with communities to develop a regional land use and resource plan for Vancouver Island and the Coast based on citizen input, and report back to the Regional Standing Committee."

8.2 Environmental Protection Bylaws

Deferred to a future meeting.

9. NEW BUSINESS

9.1 Licence of Occupation

Council heard that the Genoa Reach project fronting on Genoa Bay Road near the Maple Bay Yacht Club has been the subject of development since the mid 2000's. Despite onsite stormwater management (detention), it was necessary to improve downstream drainage from the project site, across Genoa Bay Road, through the yacht club to an outfall at the shoreline. This required significant improvements to existing culvert piping on the yacht club property and the securing of a statutory right of way in favour of the municipality at the developer's expense.

Work near the shoreline involved activity around a recorded archaeological site which involved first nations and the province. This process manifested in the requirement to have a licence of occupation from the province for the shoreline work that had not been previously formalized.

It was moved and seconded:

That Council approve the Licence of Occupation with the Province and authorize the Mayor and Corporate Officer to sign.

CARRIED

9.2 Receipt of Legal Advice

It was moved and seconded:

That Council close the meeting to the public at 3:07 p.m. under the authority of section 90(1)(i) [receipt of legal advice] of the *Community Charter*.

CARRIED

10. RECESS COUNCIL MEETING

It was moved and seconded:

That Council recess the meeting at 3:25 p.m. and resume the open meeting at 6:00 p.m.

CARRIED

11. PUBLIC MEETING 6:00 P.M.

Members Present Mayor Al Siebring
 Councillor Rob Douglas
 Councillor Christopher Justice
 Councillor Tek Manhas
 Councillor Rosalie Sawrie
 Councillor Debra Toporowski (arrived at 2:02 p.m.)

Members Absent Councillor Kate Marsh

Staff Present Rob Conway, Director of Planning and Building
 Nelda Richardson, Deputy Corporate Officer
 Alyssa Meiner, Acting Corporate Officer
 Caroline von Schilling, Development Planner

Council reconvened the meeting at 6:00 p.m.

11.1 Public Meeting - Development Variance Permit Application No. DVP00050 - 6323 Nevilane Drive

The Mayor introduced the public meeting procedure, and Council heard from the Acting Corporate Officer that no correspondence was received regarding the proposed Development Variance Permit.

Council heard from the Development Planner regarding the proposed Development Variance Permit (DVP) to reduce the minimum permitted setback for a heat pump from 4.5 m to 3.5 m in order to regularize a heat pump that was installed during construction at 6323 Nevilane Drive.

Council heard from the applicant, Carol Money (Director of Money Family Projects) that the heat pump is 74 decibels, only starts every 4 hours for 10 minutes in the winter, with no sound when not in operation, and it would be an extreme hardship if they were forced to move the heat pump.

Council heard from the Director of Planning and Building that proposed amendments to heat pumps have not yet been enacted, therefore the same 4.5 m setback has been in effect for many years.

Council then heard from Judith Clarke (6327 Nevilane Drive) that she is opposed to the DVP requested due to the constant noise produced by the heat pump next door, and non-compliance with the Zoning Bylaw. Council heard from Ms. Clarke that in the Cliffs area,

- heat pumps are typically located in the rear yard and patio,
- this is not a quiet heat pump and is cycling every 8.5-10 min (6x per hour),
- due to health issues, required to sleep during the daytime and can hear the heat pump through bedroom, and the sound of the heat pump should be borne by the heat pump owner.

The Mayor closed the public meeting at 6:28 p.m.

Council heard from the Director of Planning and Building that setbacks do not take into account the loudness of a particular heat pump unit. Council discussed that heat pumps are supported by the Climate Action Energy Plan and the proposed reduction of 1 m is not likely to make a significant difference in heat pump sound.

It was moved and seconded:

That Council authorize the issuance of a development variance permit to vary Section 35 (3) of Zoning Bylaw 2950, 1997 by reducing the required setback for a heat pump at 6323 Nevilane Drive from 4.5 metres to 3.5 metres.

(Opposed: Douglas; Justice)

CARRIED

12. QUESTION PERIOD

Council received no questions from the public regarding business considered at this meeting.

13. ADJOURNMENT

It was moved and seconded:

That Council adjourn the December 18, 2019 Regular Council meeting at 6:37 p.m.

CARRIED

Certified by Acting Corporate Officer

Signed by Mayor