

Municipality of North Cowichan
Regular Council
MINUTES

May 6, 2020, 1:30 p.m.
Electronically

Members Present	Mayor Al Siebring Councillor Rob Douglas Councillor Christopher Justice Councillor Tek Manhas Councillor Rosalie Sawrie Councillor Debra Toporowski
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 David Conway, Director of Engineering Rob Conway, Director of Planning and Building Martin Drakeley, Manager, Fire and Bylaw Services Jason Birch, Chief Information Officer Megan Jordan, Acting, Manager, Communications and Public Engagement Shaun Mason, Municipal Forester Lane Killick, Chief Building Inspector Chris Hutton, Community Planning Coordinator Michelle Martineau, Corporate Officer Tricia Mayea, Deputy 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 agenda, as amended, to include a motion to rescind the November 20, 2019 decision to change the first meeting in June, 2020 to Tuesday, June 2, 2020, to be added to item 3.1. **CARRIED**

3. ADOPTION OF MINUTES

3.1 Special Council meeting held April 29, 2020

IT WAS MOVED AND SECONDED:

That Council adopt the minutes of the Special Council meeting held April 29, 2020. **CARRIED**

IT WAS MOVED AND SECONDED:

That Council rescind their November 20, 2019 decision to change the first meeting in June, 2020 to Tuesday, June 2, 2020 to accommodate the Council members attending the FCM conference. **CARRIED**

4. MAYOR'S REPORT

Mayor Siebring provided a verbal update on meetings and activities he recently attended.

5. PRESENTATIONS

5.1 2019 Audited Financial Statements

Dan Little and Heather Prince, from the audit firm of Grant Thornton, provided an overview of their independent auditors report on the 2019 Audited Financial Statements.

Councillor Douglas left the meeting at 2:00 p.m. and returned at 2:25 p.m.

The meeting recessed at 2:06 p.m. and reconvened at 2:15 p.m.

IT WAS MOVED AND SECONDED:

That Council accept the 2019 Audited Financial Statements. **CARRIED**

5.2 RCMP 2019 Fourth Quarter and 2020 First Quarter Update

Inspector Chris Bear, North Cowichan/Duncan RCMP Detachment, provided a verbal report regarding the detachment's activities and accomplishments between October 2019 and March 2020 and responded to questions of Council.

6. PUBLIC INPUT

Council received 5 submissions via email prior to the meeting regarding agenda items 8.2, 8.3 and 8.4. A summary of those submissions was read out in the meeting.

7. BYLAWS

7.1 Adoption of Zoning Amendment Bylaw No. 3766 (1038 Herd Road), 2019

IT WAS MOVED AND SECONDED:

That Council adopt "Zoning Amendment Bylaw (1038 Herd Road), 2019", No. 3766.

CARRIED

7.2 Adoption of Five-Year Financial Plan Amendment Bylaw, No. 3791, 2020

IT WAS MOVED AND SECONDED:

That Council give first, second and third readings to Five-Year Financial Plan Amendment Bylaw, No. 3791, 2020. (Opposed: Manhas)

CARRIED

IT WAS MOVED AND SECONDED:

That Council adopts Five-Year Financial Plan Amendment Bylaw, No. 3791, 2020.

(Opposed: Manhas)

CARRIED

7.3 Adoption of Mutual Aid Agreement Repeal Bylaw, No. 3790, 2020 and Authorization of Cowichan Valley Mutual Aid Agreements

IT WAS MOVED AND SECONDED:

That Council give first, second and third readings to Mutual Aid Agreement Repeal Bylaw, No. 3790, 2020. **CARRIED**

IT WAS MOVED AND SECONDED:

That Council adopt Mutual Aid Agreement Repeal Bylaw, No. 3790, 2020. **CARRIED**

IT WAS MOVED AND SECONDED:

That Council authorize the Mayor and Corporate Officer to sign the Cowichan Valley Fire Department Regional Mutual Aid Agreement. **CARRIED**

8. REPORTS

8.1 Development Permit with Variance Application No.DPV00001 for 6812 Stoney Hill Rd

IT WAS MOVED AND SECONDED:

That Council authorize the issuance of development permit with variance application DPV00001, and a development permit issued for the construction of a new accessory structure at 6812 Stoney Hill Road that varies Section 13(1)(c) and Section 56(6)(d) of Zoning Bylaw No. 2950 by reducing the required setback from a watercourse from 15 metres to 10.5 metres and the required north side yard setback from 3 metres to 2.5 metres. **CARRIED**

8.2 Proceeding with Digital Engagement on the Official Community Plan Update Project

IT WAS MOVED AND SECONDED:

That the motion to *"approve the interim digital engagement activities proposed and direct staff to proceed with public engagement on the Official Community Plan Update"* be amended to add the words *"subject to consultation and engagement with the Official Community Plan Advisory Committee and Ambassadors"* to the end of the motion. **CARRIED**

Opposed (Manhas)

IT WAS MOVED AND SECONDED:

That Council approve the interim digital engagement activities proposed and direct staff to proceed with public engagement on the Official Community Plan Update, subject to consultation and engagement with the Official Community Plan Advisory Committee and Ambassadors. **CARRIED**

Opposed (Siebring and Manhas)

8.3 Proceeding with Engagement on the Future of the Municipal Forest Reserve Engagement

IT WAS MOVED AND SECONDED:

That the motion to *"approve the revisions to the Plan for public engagement on the future of the Municipal Forest Reserve and direct staff to move forward with:*

- *Digital engagement that sufficiently fulfills the University of British Columbia's needs to make a recommendation on the Interim Management Plan which includes increased*

stakeholder interviews, an additional working group meeting, an online survey, and a Forestry Advisory Committee meeting; and

- *Continuation of the original Plan for Round Two public engagement, beginning January 2021, on the Municipal Forest Reserve"*

be amended by striking out the words "beginning January 2021" in the second bullet and replacing them with "as soon as engagement can take place in person".

Opposed (Douglas)

CARRIED

IT WAS MOVED AND SECONDED:

That Council approve the revisions to the Plan for public engagement on the future of the Municipal Forest Reserve and direct staff to move forward with:

- Digital engagement that sufficiently fulfills the University of British Columbia's needs to make a recommendation on the Interim Management Plan which includes increased stakeholder interviews, an additional working group meeting, an online survey, and a Forestry Advisory Committee meeting; and
- Continuation of the original Plan for Round Two public engagement, as soon as engagement can take place in person, on the Municipal Forest Reserve. **CARRIED**

IT WAS MOVED AND SECONDED:

That the meeting be extended to 7:00 p.m.

CARRIED

8.4 Proceeding with Digital Engagement on the Climate Action and Energy Plan Update Project

IT WAS MOVED AND SECONDED:

That Council approve the digital engagement proposal and direct staff to proceed with public engagement on the Climate Action and Energy Plan Update. **CARRIED**

Councillor Toporowski declared a conflict of interest on the next item, stating the reason being as she is a Cowichan Tribes Councillor and left the meeting at 4:40 p.m.

8.5 Proceeding with Safe Engagement on the Joint Utilities Board Sewage Outfall Project during the COVID-19 Pandemic

IT WAS MOVED AND SECONDED:

That Council approve the safe engagement proposal and direct staff to proceed with public engagement on the Joint Utilities Board Sewage Outfall Relocation Project.

CARRIED

Councillor Toporowski returned to the meeting at 4:42 p.m.

8.6 Summary of Referral Responses for Cannabis Production Facilities in the Agricultural Land Reserve

IT WAS MOVED AND SECONDED:

That Council direct staff to prepare a report on a policy and/or regulations to assess applications for non-soil-based cannabis production facilities on a case-by-case basis. **CARRIED**

9. NOTICE OF MOTIONS

No items.

10. UNFINISHED AND POSTPONED BUSINESS

10.1 Request for Reconsideration of BC Energy Step Code Decision

Councillor Douglas requested that Council reconsider the following motion that passed at the March 4, 2020 regular meeting (due to COVID-19, this request for reconsideration which was included on the March 18, 2020 regular meeting had been removed from that agenda so that Council could deal with just urgent matters).

Resolution from March 4, 2020:

IT WAS MOVED AND SECONDED:

That Council:

1. Endorse the implementation strategy for the BC Energy Step Code outlined in the February 19, 2020 staff report;
2. Allocate up to \$30,000 a year from the Climate Action and Energy Plan Reserve Fund for the provision of BC Energy Step Code rebates; and
3. Direct staff to draft an amendment to Building Bylaw No. 3172 to require that all new construction meet Step 2 of the BC Energy Step Code as of January 1, 2021 for consideration of first and second reading. (Opposed: Justice)

CARRIED

IT WAS MOVED AND SECONDED:

That Council postpone consideration of the motion to "*Reconsider the March 4, 2020 decision regarding the BC Energy Step Code*" pending a staff report to be presented at the next meeting. **CARRIED**

11. NEW BUSINESS

11.1 Establishment of a Formal Process for Notices of Motion

IT WAS MOVED AND SECONDED:

That Council direct staff to draft a Notice of Motion policy which includes the following provisions:

1. The content for all notice of motions shall include a subject heading/topic, an introduction with a brief outline of 500 words or less, and the notice of motion recommendation;
2. Deadline for submitting a notice of motion shall be one week prior to the meeting;
3. Notices of motion shall be introduced at Council meetings;
4. Members shall not be allowed to provide any introductory remarks when giving notice of their motion;
5. Members shall not be permitted to ask clarifying questions when the notice of motion is given;
6. Notices of motion shall be referred to staff where there are policy implications, statutory requirements, a financial or budgetary impact, staff resource requirements, or where Council would like to consider alternative options at the same time;

7. Notices of motion may be withdrawn at any time prior to the meeting date where it will be considered;
8. Notices of motion may be amended for any reason; and
9. Where the maker of the notice of motion is absent, the motion shall be automatically postponed to the next regular meeting. **CARRIED**

The meeting recessed at 5:15 p.m. and reconvened at 5:25 p.m.

12. QUESTION PERIOD

Mayor Siebring called for a recess at 5:27 p.m. to allow viewers to submit questions via email on the matters discussed during the meeting. No questions had been submitted when the meeting reconvened at 5:40 p.m.

13. CLOSED SESSION

IT WAS MOVED AND SECONDED:

That Council close the May 6, 2020 Regular Council meeting at 5:40 p.m. to the public on the basis of the following sections of the *Community Charter*:

- 90(1)(a) - personal information about an identifiable individual who holds or is being considered for a position appointed by the municipality;
- 90(1)(e) - the acquisition, disposition or expropriation of land or improvements, which the council considers that disclosure could reasonably be expected to harm the interests of the municipality; and
- 90(2)(b) - the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government. **CARRIED**

14. RISE AND REPORT

Council rose and reported on the following from the matter from the closed session:

14.1 Appointment to Forestry Advisory Committee

IT WAS MOVED AND SECONDED:

That Council appoint Vicki Holman to replace Jane Kaiser as the representative for the Cowichan Trails Stewards Society to the Forestry Advisory Committee effective immediately. **CARRIED**

15. ADJOURNMENT

Council adjourned the meeting at 6:21 p.m.

Certified by Corporate Officer

Signed by Mayor