

Municipality of North Cowichan Council - Regular and Public Hearings MINUTES

**January 20, 2021, 1:30 p.m.
Electronically**

Members Present

Mayor Al Siebring
Councillor Rob Douglas
Councillor Christopher Justice
Councillor Tek Manhas
Councillor Kate Marsh
Councillor Rosalie Sawrie
Councillor Debra Toporowski

Staff Present

Ted Swabey, Chief Administrative Officer (CAO)
Sarah Nixon, Deputy Chief Administrative Officer (D/CAO)
Mark Frame, General Manager, Financial and Protective Services
Clay Reitsma, Senior Manager, Engineering
Don Stewart, Director, Parks and Recreation
Rob Conway, Director, Planning and Building
Shawn Cator, Director, Operations
George Farkas, Director, Human Resources and Corporate Planning
Jason Birch, Chief Information Officer
Megan Jordan, Manager, Communications and Public Engagement
Keona Wiley, Manager, Parks and Recreation
Michele Gill, Manager, Development, Engineering
Shaun Mason, Municipal Forester
Chris Hutton, Community Planning Coordinator
Glenn Morris, Development Planning Coordinator
Anthony Price, Planning Technician
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

2.1 Approval of Consent Agenda

The following items were pulled from the Consent Agenda and added to New Business:

- 1.2 [December 15, 2020 email from resident regarding Green Circular Economy Eco-Industrial Business Park for Vancouver Island]
- 1.5 [December 21, 2020 email and letter from City of Kamloops regarding Certified Resolution – overdose crisis and call for overdose action plan]

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- 1.11 [January 12, 2021 email from Island Coastal Economic Trust regarding new incubator project aims to keep employment and business in local communities]
- 1.16.1 [December 21, 2020 email from BC Economic Development Association regarding Coronavirus]

IT WAS MOVED AND SECONDED:

That the remaining items in the Consent Agenda be approved.

That the following correspondence is received for information purposes only:

- 1.1 December 10, 2020 email from resident thanking North Cowichan Parks and Trails team for building world class trails for all park users
- 1.3 December 18, 2020 email from the City of Rossland requesting a letter of support for The Corporation of The City of Vernon
- 1.4 December 18, 2020 email from Crofton resident regarding Crofton security protection
- 1.6 December 26, 2020 email from resident regarding a video "The soul of Seattle is dying"
- 1.7 December 29, 2020 email from resident regarding proposed development off Kingsview Road
- 1.8 January 8, 2021 copy of letter from Health Care Provider regarding Health Care Vancouver Island
- 1.9 January 11, 2021 email from resident regarding the Motorsport rezoning application
- 1.10 January 11, 2021 Letter to Minister George Heyman from Mayor Buchanan regarding Implementing a Province-wide Ban on Anticoagulant Rodenticides
- 1.12 January 12, 2021 email from Chemainus resident regarding off-leash dogs at Cook Park in Chemainus
- 1.13 January 13, 2020 email from Chemainus resident regarding RV campers parking in non-designated camping areas
- 1.14 January 14, 2021 email from Island Coastal Economic Trust - VOICES - Jim Kent, The Tidemark Theatre
- 1.15 Municipal Forest Reserve
 - 1.15.1 December 13, 2020 email from resident requesting a stop on logging Municipal Forests
 - 1.15.2 December 14, 2020 email from resident regarding budgetary decision impacts on the Municipal Forest Reserve
 - 1.15.3 December 14, 2020 email from resident regarding the promised consultation for the Six Mountain
 - 1.15.4 December 28, 2020 email from resident regarding a new Six Mountains post
- 1.16 BC Economic Development
 - 1.16.2 January 7, 2021 email from BC Economic Development Association regarding 2021 BC Economic Summit March 8 to 11, 2021

- 1.17 Kaspas Road Parking 102 51 emails were received from residents in relation to the Kaspas Road parking lot issue. ADOPTED ON CONSENT

2.2 Approval of Regular Agenda

The agenda was amended to add the items noted under the Approval of the Consent Agenda to New Business, and to consider Item 16 prior to Item 15.

IT WAS MOVED AND SECONDED:

That Council adopt the agenda, as amended. CARRIED

3. ADOPTION OF MINUTES

3.1 Regular Council meeting held December 16, 2020 for adoption

IT WAS MOVED AND SECONDED:

That Council adopt the minutes of the Regular Council meeting held December 16, 2020. CARRIED

4. MAYOR'S REPORT

The Mayor gave a verbal report on his social media post regarding racism towards Cowichan Tribes and other First Nations communities related to COVID 19 cases.

5. DELEGATIONS AND PRESENTATIONS

None.

6. PUBLIC INPUT

Council received six submissions via email prior to the meeting regarding agenda items 8.1 Development Variance Application for 3191 Sherman Road, 8.3 Cowichan Aquatic Centre Re-Roofing Project, 8.7 Environmental Advisory Committee Appointments, 8.8 2021 Grant in Aid Funding Request and 10.2 A Voice For Our Children.

7. BYLAWS

7.1 Animal Responsibility Amendment Bylaw No. 3808, 2020 (Trial Off-Leash Dog Parks) for adoption

IT WAS MOVED AND SECONDED:

That Council adopt Animal Responsibility Amendment Bylaw No. 3808, 2020. CARRIED

7.2 Establishment of an Information Technology Asset Management Reserve Bylaw for first 3 readings

IT WAS MOVED AND SECONDED:

That Council give first, second and third readings to the Reserve Funds Establishment Amendment Bylaw No. 3816, 2021. CARRIED

7.3 Zoning Bylaw Amendment Application No. ZB000135 (9376 Cottonwood Road) – Detached Second Dwelling

IT WAS MOVED AND SECONDED:

That Council give first and second reading to Zoning Amendment Bylaw (9376 Cottonwood Road), 2021, No. 3815 and;

That a Public Hearing be scheduled for Zoning Amendment Bylaw (9376 Cottonwood Road), 2021, No. 3815 and notification be issued in accordance with the *Local Government Act*.

CARRIED

8. REPORTS

8.1 Development Variance Permit Application No. DVP00061 for 3191 Sherman Road.

IT WAS MOVED AND SECONDED:

That Council authorize the issuance of a development variance permit for 3191 Sherman Road and grant the variance to section 79(2)(a) of Zoning Bylaw 2950 by reducing the minimum permitted rear yard setback for an institutional building abutting a residential parcel from 8.0 metres to 3.08 metres.

(Opposed: Manhas)

CARRIED

8.2 North Cowichan Civic Building – Tender Package 1

IT WAS MOVED AND SECONDED:

1. That Council award the contract for the C-0001 Cast in Place Concrete to Scansa Construction Ltd. for \$1,499,400 plus GST.
2. That Council award the contract for the C-0002 Concrete Unit Masonry to Mid Island Masonry Contracting Ltd. For \$512,500 plus GST.
3. That Council award the contract for the C-0003 Structural Steel and Decking to Holdfast Metalworks Ltd. - \$2,256,832 plus GST.
4. That Council award the contract for the C-0008 Modified Bituminous Membrane Roof to G & G Roofing Ltd. for \$614,825 plus GST.

CARRIED

8.3 Cowichan Aquatic Centre Re-Roofing Project CVRIS ICIP Grant Application

IT WAS MOVED AND SECONDED:

That Council direct staff to submit a grant application to the COVID-19 Resilience Infrastructure Stream under the Investing in Canada Infrastructure Program for the Cowichan Aquatic Centre Re-Roofing Project in the amount of \$1,653,744 + GST; and

That Council support the project and commit to financing any associated ineligible costs and cost overruns.

CARRIED

8.4 Request for Reimbursement of Mural Maintenance and Restoration

IT WAS MOVED AND SECONDED:

That Council authorize payment to the Chemainus Festival of Murals Society in the amount of \$29,637 from the Mural Reserve Fund as reimbursement for their expenditures incurred in 2015 and 2016 for mural maintenance and restoration.

CARRIED

8.5 Firearms Discharge Bylaw No. 3077, 2000 Review

IT WAS MOVED AND SECONDED:

That Council directs staff to postpone the public input in relation to the amendments proposed on November 21, 2018 to Firearm Discharge Bylaw No. 3077, 2000 until after the Forestry Review is complete; and that staff be directed, at that time, to prepare a report to the Forestry Advisory Committee requesting they provide their recommendation to Council on the proposed amendments based upon the outcome of the Forestry Review. CARRIED

8.6 Dike Trail renaming to S'Amunu Trail (request from Somenos Marsh Wildlife Society)

IT WAS MOVED AND SECONDED:

THAT the dike trail from the Somenos Conservation Area to Tzouhalem Road be officially named as the S'amunu Trail; and that Council direct staff to work with Cowichan Tribes and the Somenos Marsh Wildlife Society on the installation of signage along this new trail. CARRIED

8.7 Environmental Advisory Committee Appointments

IT WAS MOVED AND SECONDED:

1. That Council amend the terms of reference to increase the membership of the Environmental Advisory Committee by three additional members of the public.
2. That Council appoint Sandy McPherson, David Coulson, Dr. Zoe Dalton, Neil Anderson, Dr. Shannon Waters, Ashley Muckle, Cameron Campbell, Bruce Coates, Per Dahlstrom, Dr. Jana Kotaska, Dr. Jesse Patterson, and Dr. Geoffrey Strong to the Environmental Advisory Committee. CARRIED

8.8 2021 Grant in Aid Funding Requests

IT WAS MOVED AND SECONDED:

That Council approve the grant-in-aid amounts as follows:

- \$25,000 to B.C. Forest Discovery Centre - BC Forest Museum
- \$27,500 to Chemainus & District Chamber of Commerce
- \$34,000 to Duncan Cowichan Chamber of Commerce
- \$30,000 to Cowichan Neighbourhood House Association
- \$19,000 to Chemainus BC B.I.A. - Flower Baskets
- \$20,000 to Chemainus Theatre Festival Society
- \$ 250 to St. Michael Church Cemetery (garbage collection)
- \$ 650 to St. Michael Church Cemetery (water)
- \$12,350 to Chemainus Communities in Bloom
- \$ 8,000 to Crofton in Bloom
- \$ 2,500 to Chemainus Harvest House Food Bank
- \$ 300 to Chemainus Meals on Wheels
- \$ 3,000 to Clement Centre Society
- \$ 3,000 to Oak Park Heritage Preservation Society
- \$ 2,000 to Somenos Marsh Society

- \$ 1,000 to Volunteer Cowichan
- \$ 500 to Chemainus Rotary Club (Summerfest Parade and Festivities)
- \$ 7,500 to Chemainus Valley Historical Society
- \$ 500 to Christmas in Chemainus - The Little Town Christmas Society
- \$ 4,000 to Cowichan Historical Society
- \$ 200 to Cowichan Music Festival
- \$ 1,000 to Maple Bay Community Association - Canada Day
- \$ 7,000 to Somenos Community Association
- \$ 3,000 to Vimy Community Club (Hall)
- \$ 5,000 to Westholme School Society
- \$ 2,000 to Cowichan Rugby Club - offset water bill
- \$ 3,000 to Cowichan Rugby Club – offset water bill for 2021

CARRIED

9. NOTICES OF MOTIONS

None.

10. UNFINISHED AND POSTPONED BUSINESS

10.1 Bill C-250 seeks to remedy problematic anchorages

IT WAS MOVED AND SECONDED:

That the Mayor be authorized to provide a letter in support to Alistair MacGregor, MP for Bill C-250 which seeks to amend the *Canada Shipping Act* to prescribe a specific area in and among the southern Gulf Islands where the proposed National Marine Conservation Area is to be established and prohibit the anchoring of freighter vessels. CARRIED

10.2 A Voice For Our Children

IT WAS MOVED AND SECONDED:

That the main motion:

That the Mayor be authorized to write a letter to Premier Horgan and Island Health encouraging them to explore alternative locations for the Wellness and Recovery Centre [5878 York Road].

be amended by adding the words 'describing the concerns of the community and stressing the urgency of opening the Wellness and Recovery Centre' to the end of the sentence. (Opposed: Marsh, Sawrie, Toporowski)

CARRIED

IT WAS MOVED AND SECONDED:

That the Mayor be authorized to write a letter to Premier Horgan and Island Health encouraging them to explore alternative locations for the Wellness and Recovery Centre [5878 York Road], describing the concerns of the community and stressing the urgency of opening the Wellness and Recovery Centre. (Opposed: Marsh, Sawrie, Toporowski)

CARRIED

11. NEW BUSINESS

11.1 Request for a letter of Support from the Chemainus Festival of Murals Society

IT WAS MOVED AND SECONDED:

That Council authorize the Mayor to draft a letter of support for the Chemainus Festival of Murals Society to include with their 2021 Community Gaming Grant application.

CARRIED

11.2 Consent Agenda Item 1.2 [December 15, 2020 email from resident regarding Green Circular Economy Eco-Industrial Business Park for Vancouver Island]

IT WAS MOVED AND SECONDED:

That the correspondence regarding Green Circular Economy Eco-Industrial Business Park for Vancouver Island be referred to Community Futures for their information and to the Environmental Advisory Committee for their consideration.

CARRIED

11.3 Consent Agenda Item 1.5 [December 21, 2020 email and letter from City of Kamloops regarding Certified Resolution – overdose crisis and call for overdose action plan]

IT WAS MOVED AND SECONDED:

That Council request that the Government of Canada:

- i) declare the overdose crisis a national public health emergency so that it is taken seriously and funded appropriately,
- ii) immediately seek input from the people most affected by this crisis and meet with provinces and territories to develop a comprehensive, Pan-Canadian overdose action plan, which includes comprehensive supports and full consideration of reforms that other countries have used to significantly reduce drug-related fatalities and stigma, such as legal regulation of illicit drugs to ensure safe supply of pharmaceutical alternatives to toxic street drugs, and decriminalization for personal use.

CARRIED

11.4 Consent Agenda Item 1.11 [January 12, 2021 email from Island Coastal Economic Trust regarding new incubator project aims to keep employment and business in local communities]

This item was discussed.

11.5 Consent Agenda Item 1.16.1 [December 21, 2020 email from BC Economic Development Association regarding Coronavirus]

This item was discussed.

12. QUESTION PERIOD

Mayor Siebring called for a recess at 3:49 p.m. to allow viewers to submit questions via email on the matters discussed during the meeting. No submissions were received when the meeting reconvened at 4:02 p.m.

Council agreed by unanimous consent to suspend the rules to proceed into the closed session of the meeting.

IT WAS MOVED AND SECONDED:

That Council close the January 20, 2021 Regular Council meeting at 4:04 p.m. to the public on the basis of the following section(s) of the *Community Charter*:

- 90(1)(c) labour relations or other employee relations;
 - 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(1)(m) a matter that, under another enactment, that being section 16(1)(a)(iii) of the *Freedom of Information and Protection of Privacy Act* related to intergovernmental relations or negotiations with an aboriginal government, is such that the public may be excluded from the meeting.
- CARRIED

12.1 Minutes from the December 16, 2020 Council Closed meeting for adoption

12.2 Closed under section 90(1)(e) Land, and 90(1)(m) FOIPPA s. 16 - Relations with an Aboriginal Government

12.3 Closed under section 90(1)(c) Other Employee Relations

13. ADJOURN COUNCIL MEETING TO RECONVENE AT 6:00 P.M.

That the meeting be adjourned at 4:55 p.m. to reconvene at 6:00 p.m. for the public hearing and then to reconvene the closed portion of the meeting after the public hearing. CARRIED

14. PUBLIC HEARINGS 6:00 P.M.

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

Councillor Manhas declared a conflict of interest on the next item of business, stating that the applicant is his employer, and he left the meeting at 6:03 p.m.

14.1 Public Hearing for Zoning Amendment Bylaw (Cannabis Sales - 2763 Beverly Street), 2020, No. 3794

Mayor Siebring outlined the public hearing process and called the public hearing to order at 6:02 p.m. for Zoning Amendment Bylaw (Cannabis Sales - 2763 Beverly Street), 2020, No. 3794.

The Corporate Officer noted that no submissions from the public were received prior to the hearing in relation to the Zoning Amendment application.

Council then received a presentation from Glenn Morris, Development Planning Coordinator introducing the proposed amendment.

The Mayor called for submissions from members of the public for a first time, waiting for 30 seconds to allow for people to call in through the teleconference number provided on the screen. No one wished to speak to the application.

The Mayor called for submissions from the public for a second and third time. No one wished to speak to the application.

Mayor Siebring closed the public hearing for Zoning Amendment Bylaw (Cannabis Sales – 2763 Beverly Street), 2020, No. 3794 at 6:24 p.m.

Councillor Manhas returned to the meeting at 6:24 p.m.

14.2 Zoning Amendment Bylaw (Lot 7, Wellburn Place), 2020, No. 3809

Mayor Siebring called the second public hearing to order at 6:24 p.m. for Zoning Amendment Bylaw (Lot 7, Wellburn Place), 2020, No. 3809.

The Corporate Officer noted that no submissions from the public were received prior to the hearing in relation to the Zoning Amendment application.

Council then received a presentation from Anthony Price, Planning Technician introducing the proposed amendment.

The Mayor called for submissions from members of the public for a first time, waiting for 30 seconds to allow for people to call in through the teleconference number provided on the screen. No one wished to speak to the application.

The Mayor called for submissions from the public for a second and third time. No one wished to speak to the application.

Mayor Siebring closed the second public hearing for Zoning Amendment Bylaw (Lot 7, Wellburn Place), 2020, No. 3809 at 6:32 p.m.

14.3 Zoning Amendment Bylaw (3325 Henry Road), 2020, No. 3811

Mayor Siebring called the third public hearing to order at 6:32 p.m. for Zoning Amendment Bylaw (3325 Henry Road), 2020, No. 3811.

The Corporate Officer noted that no submissions from the public were received prior to the hearing in relation to the Zoning Amendment application.

Council then received a presentation from Glenn Morris, Development Planning Coordinator introducing the proposed amendment.

One email was received in support of the application and is included in the Digital Information package on North Cowichan's website.

The Mayor called for submissions from members of the public for a first time, waiting for 30 seconds to allow for people to call in through the teleconference number provided on the screen. No one wished to speak to the application.

The Mayor called for submissions from the public for a second and third time. No one wished to speak to the application.

Mayor Siebring closed the third public hearing for Zoning Amendment Bylaw (3325 Henry Road), 2020, No. 3811 at 6:45 p.m.

16. RESUME COUNCIL MEETING

The Council meeting resumed at 6:45 p.m.

15. PUBLIC HEARING BYLAW FOR CONSIDERATION

Councillor Manhas declared a conflict of interest on the next item of business, stating that the applicant is his employer, and he left the meeting at 6:46 p.m.

15.1 Zoning Amendment Bylaw (Cannabis Sales - 2763 Beverly Street), 2020, No. 3794

IT WAS MOVED AND SECONDED:

That Council give third reading to Zoning Amendment Bylaw (Cannabis Sales - 2763 Beverly Street), 2020, No. 3794. (Opposed: Marsh)

CARRIED

Councillor Manhas returned to the meeting at 6:49 p.m.

15.2 Zoning Amendment Bylaw (Lot 7, Wellburn Place), 2020, No. 3809

IT WAS MOVED AND SECONDED:

That Council give third reading to Zoning Amendment Bylaw (Lot 7, Wellburn Place), 2020, No. 3809.

CARRIED

15.3 Zoning Amendment Bylaw (Second Dwelling - 3325 Henry Road), 2020, No. 3811

IT WAS MOVED AND SECONDED:

That Council give third reading to Zoning Amendment Bylaw (3325 Henry Road), 2020, No. 3811.

CARRIED

17. CLOSED SESSION

IT WAS MOVED AND SECONDED:

That Council close the January 20, 2021 Regular Council meeting at 6:52 p.m. to the public on the basis of section 90(1)(c) of the *Community Charter* as the matter relates to labour relations or other employee relations.

CARRIED

17.3 Closed under section 90(1)(c) Other Employee Relations

18. RISE AND REPORT

19. ADJOURNMENT

IT WAS MOVED AND SECONDED:

That Council adjourn the meeting at 9:30 p.m.

CARRIED

Certified by Corporate Officer

Signed by Mayor