

# Municipality of North Cowichan

## Regular Council

### MINUTES

December 16, 2020, 1:30 p.m.  
Electronically

Members Present	Deputy Mayor Tek Manhas Councillor Rob Douglas Councillor Christopher Justice Councillor Kate Marsh Councillor Rosalie Sawrie Councillor Debra Toporowski
Members Absent	Mayor Al Siebring
Staff Present	Ted Swabey, Chief Administrative Officer (CAO) Sarah Nixon, Deputy Chief Administrative Officer (D/CAO) Mark Frame, General Manager, Financial and Protective Services David Conway, Director, Engineering Michele Gill, Acting Director, Engineering Don Stewart, Director, Parks and Recreation Shawn Cator, Director, Operations George Farkas, Director, Human Resources and Corporate Planning Jason Birch, Chief Information Officer Megan Jordan, Manager, Communications and Public Engagement John deHoop, Manager, Infrastructure Chris Hutton, Community Planning Coordinator Glenn Morris, Development Planning C Michelle Martineau, Corporate Officer Tricia Mayea, Deputy Corporate Officer

#### 1. CALL TO ORDER

There being a quorum present, Deputy Mayor Manhas 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:

- Item 2.1 [September 23, 2020 letter from Somenos Marsh Wildlife Society requesting that the current RCMP facility located at 6060 Canada Avenue be repurposed into a constructed wetland] ,
- Items 2.12 [December 9, 2020 email from a resident regarding Kaspa Road traffic and the Mount Tzouhalem parking lot] and 2.14 [December 10, 2020 email from a resident regarding the Kaspa Road parking lot and comments in relation to a review of the Parks and Trails Master Plan]

IT WAS MOVED AND SECONDED:

That the remaining items in the Consent Agenda be approved.

CARRIED

That the following correspondence is received for information purposes only:

- 2.2. November 4, 2020 letter from the City of Port Moody requesting that Council reach out to the Premier and Provincial Ministers in support of their resolution regarding Flood Risk Mitigation through Green Infrastructure and Natural Assets
- 2.3. November 25, 2020 email from a Sooke resident to the Premier regarding the establishment of a COVID 19 Task Force similar to Ontario
- 2.4. November 30, 2020 email from BC Achievement Foundation regarding the 2021 Community Awards - nominations are now open
- 2.5. November 30, 2020 email from BC Economic Development Association regarding upcoming virtual economic development events
- 2.6. December 1, 2020 email from a resident regarding the crisis in the lack of community reporting
- 2.7. December 2, 2020 (November 30, 2020) letter from the City of Vernon to the Premier and Provincial Ministers requesting support for universal no-cost access to all prescription contraception available in BC under the MSP
- 2.8. December 2, 2020 (December 1, 2020) letter from the City of Fort St. John to the UBCM regarding scheduling meetings with Ministers during the UBCM Convention
- 2.9. December 4, 2020 letter from Ombudsperson BC regarding Quarterly Reports July 1 - September 30, 2020
- 2.10. December 4, 2020 email from a resident regarding North Cowichan working with the Cowichan Housing Association to develop an Affordable Housing Policy and Implementation Strategy
- 2.11. December 7, 2020 email from a resident regarding an immediate and mandated ban on logging old-growth trees and ecosystems in BC
- 2.13. December 9, 2020 email from a resident regarding suggestions for the forest review

ADOPTED ON CONSENT

## **2.2 Approval of Regular Agenda**

The following late items were added or removed from the agenda:

- Item 8.5 [Development and Building Fees] was removed from the agenda;
- the 8 recommendations related to budget from the December 15, 2020 Committee of the Whole meeting were added to New Business as Item 11.5; and
- an in-camera Closed Section 90(1)(e) Land Matter was added to Closed Session prior to Item 13.4.

IT WAS MOVED AND SECONDED:

That Council adopt the agenda, as amended.

CARRIED

**3. ADOPTION OF MINUTES**

**3.1 Regular Council meeting held December 2, 2020 for adoption**

IT WAS MOVED AND SECONDED:

That Council adopt the minutes of the Regular Council meeting held December 2, 2020.

CARRIED

**4. MAYOR'S REPORT**

No Mayor's report was provided.

**5. DELEGATIONS AND PRESENTATIONS**

**5.1 A Voice for Our Children**

A Voice For Our Children representatives Florie Varga, Jas Doman, Ruth Hartmann, and Will Arnold provided an update about the group's efforts to have the Island Health Wellness and Recovery Center [located at 5878 York Road] moved to a new location. Several concerns with the location were noted including its immediate proximity to four schools, recreation facilities, and the Warmland House. The delegation reported on the threats to the physical safety and mental wellbeing of children who are exposed to open drug use, violence, and inappropriate sexual behaviour.

The delegation urged Council to consider a motion to communicate with the Premier and Island Health that it does not support this location and that the facility be moved to a different location. This request will be discussed at the next meeting.

**6. PUBLIC INPUT**

Council received 26 submissions via email prior to the meeting regarding consent agenda items 2.12 and 2.14 and 1 submission in relation to regular agenda item 10.2 Affordable Housing.

**7. BYLAWS**

**7.1 Nuisance Abatement and Cost Recovery Bylaw No. 3804, 2020 for adoption**

IT WAS MOVED AND SECONDED:

That Council adopt Nuisance Abatement and Cost Recovery Bylaw No. 3804, 2020.

CARRIED

**7.2 Nuisance Abatement Bylaw Amendments for first three readings**

IT WAS MOVED AND SECONDED:

That Council give first, second and third readings to Fees and Charges Amendment Bylaw No. 3813, 2020.

CARRIED

IT WAS MOVED AND SECONDED:

That Council give first, second and third readings to Municipal Ticket Information System Amendment Bylaw No. 3812, 2020.

CARRIED

**7.3 Animal Responsibility Amendment Bylaw No. 3808, 2020 (Trial Off-Leash Dog Parks) for first three readings**

IT WAS MOVED AND SECONDED:

1. That Council gives first, second and third readings to Animal Responsibility Amendment Bylaw No. 3808, 2020.
2. That Council directs staff to proceed with the animal control signage and education campaign as presented.
3. That Council directs staff to prepare a report to Council which includes a review of the trial 2021 off-leash beach access dog locations, public input, additional costs occurred, and recommendations on whether to make these locations permanent, on or before November 30, 2021. CARRIED

**7.4 Zoning Bylaw Amendment Application No. ZB0000131 (3325 Henry Road) - Detached Second Dwelling**

IT WAS MOVED AND SECONDED:

That Council give first and second readings to "Zoning Amendment Bylaw (Second Dwelling – 3325 Henry Road), 2020" No. 3811 and,

That a Public Hearing be scheduled for Zoning Amendment Bylaw (Second Dwelling – 3325 Henry Road), 2020, No. 3811 and notification be issued following requirements of the *Local Government Act*. (Opposed: Marsh)  
CARRIED

**8. REPORTS**

**8.1 Request to support affordable housing funding application – 9090 Trans-Canada Highway**

IT WAS MOVED AND SECONDED:

That the request for a letter supporting Mr. Kelln's funding application to the Canadian Mortgage and Housing Corporation for a manufactured home park at 9090 Trans-Canada Highway, be denied. (Opposed: Marsh)  
CARRIED

**8.2 Consultation for OCP Update Project**

IT WAS MOVED AND SECONDED:

That Council approves the consultation steps taken so far, and to be taken in the coming months, in relation to the OCP Update Project in accordance with the OCP Engagement Plan;

That Council approves the intergovernmental consultation list for the OCP Update Project, and the approach outlined and OCP Engagement Plan in the Community Planning Coordinator's December 16, 2020 report;

And That Council confirm that the consultation referenced above, once complete, satisfies the requirements of section 475 of the *Local Government Act*. CARRIED

**8.3 First Nations Relationship Training**

IT WAS MOVED AND SECONDED:

That staff be directed to coordinate the "Working Effectively with Indigenous People" virtual training through Indigenous Corporate Training Inc. at the cost of \$4,500 on Friday, January 22, 2021.

CARRIED

**8.4 City of Duncan and Municipality of North Cowichan Inter-Municipal Relationship Protocol Agreement**

IT WAS MOVED AND SECONDED:

That Council approve the updated City of Duncan and Municipality of North Cowichan Inter-Municipal Relationship Protocol Agreement as attached to the December 16, 2020 report from the Deputy Corporate Officer and include it in the next Joint Council meeting agenda for endorsement.

CARRIED

**8.5 Development and Building Fees Review**

This item was removed from the agenda.

**8.6 January 13, 2021, Regular Council Meeting Date Conflict**

IT WAS MOVED AND SECONDED:

That Council cancel the regular Council meeting scheduled for Wednesday, January 13, 2021, and direct staff to coordinate a special meeting should any urgent matters arise prior to the January 20, 2021 regular meeting.

CARRIED

**9. NOTICES OF MOTIONS**

None.

**10. UNFINISHED AND POSTPONED BUSINESS**

**10.1 Affordable Housing**

IT WAS MOVED AND SECONDED:

That the motion "That Council direct staff to work with the Cowichan Housing Association to develop an affordable housing policy and implementation strategy" be referred to staff for a future report to Council.

CARRIED

**11. NEW BUSINESS**

**11.1 Bill C-250 seeks to remedy problematic anchorages**

IT WAS MOVED AND SECONDED:

That the motion "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" be deferred to the next Council meeting.

CARRIED

**11.2 Consent Agenda Item 2.1. (letter from Somenos Marsh Wildlife Society re repurposing the RCMP facility into a constructed wetland)**

Discussions took place in relation to reporting to Council, budget process for any reclamation work required in removal of building, options, and the study that was underway on the Bings Creek system which will be helpful with assessing the RCMP site.

**11.3 Consent Agenda Items 2.12 (Kaspa Road traffic and the Mount Tzouhalem parking lot) and 2.14 (Kaspa Road parking lot and Parks and Trails Master Plan)**

IT WAS MOVED AND SECONDED:

That staff prepare a report providing Council with options for both long term and short term solutions to the problems that stem from the growing use of the Kaspa parking lot. CARRIED

IT WAS MOVED AND SECONDED:

That the meeting be extended to 6:30 p.m. CARRIED

IT WAS MOVED AND SECONDED:

That staff schedule for an upcoming COW a discussion of the costs, benefits and impacts of the Parks and Trails Master Plan Goal of developing our Forest Reserve into a tourism destination (Opposed: Manhas, Marsh, Sawrie, Toprowski) DEFEATED

**11.4 December 15, 2020 Committee of the Whole Budget Recommendations**

IT WAS MOVED AND SECONDED:

That Council direct staff to include an Assistant Fire Chief position in the 2021 Budget effective January 1, 2021. CARRIED

IT WAS MOVED AND SECONDED:

That Council direct staff to include a Planning Manager position in the 2021 Budget effective January 1, 2021. CARRIED

IT WAS MOVED AND SECONDED:

That Council direct staff to include an Engineering Tech - Environmental position in the 2021 Budget effective January 1, 2021. (Opposed: Manhas) CARRIED

IT WAS MOVED AND SECONDED:

That Council direct staff to add the following supplemental items to the 2021 Operating Budget:

- Ten Year Capital Plan
- Subdivision Bylaw Update
- CAEP Implementation
- Biodiversity Protection Policy CARRIED

IT WAS MOVED AND SECONDED:

That Council direct staff to add the following supplemental items to the 2021 Operating Budget:

- Somenos Creek/Lake Management Plan

- Chemainus River Watershed Management Plan CARRIED

IT WAS MOVED AND SECONDED:

That Council authorize that the Forest Reserve Fund be used to cover the 2021 operating budget deficit for the Forestry department while the forestry review, public engagement and First Nations consultation are ongoing. (Opposed: Manhas)

CARRIED

IT WAS MOVED AND SECONDED:

That Council approve the Capital Expenditure Program as presented.

CARRIED

IT WAS MOVED AND SECONDED:

That Council approve, in principle, the 2021 Operating budget; subject to a maximum 2.31% net tax increase.

CARRIED

## 12. QUESTION PERIOD

Acting Mayor Manhas called for a recess at 4:30 p.m. to allow viewers to submit questions via email on the matters discussed during the meeting. Five questions had been submitted when the meeting reconvened at 4:40 p.m.

## 13. CLOSED SESSION

IT WAS MOVED AND SECONDED:

That Council close the December 16, 2020 Regular Council meeting at 4:48 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) - disposition or expropriation of land or improvements, which the council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- 90(1)(g) - litigation or potential litigation affecting 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

## 14. RISE AND REPORT

## 15. ADJOURNMENT

Council adjourned the meeting at 5:57 p.m.

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Certified by Corporate Officer

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Signed by Mayor