

Municipality of North Cowichan Council - Regular and Public Hearings MINUTES

February 17, 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
David Conway, Director, Engineering
Clay Reitsma, Senior Manager, Engineering
Don Stewart, Director, Parks and Recreation
Rob Conway, Director, Planning and Building
Caroline von Schilling, Development Planner
Anthony Price, Planning Technician
Shawn Cator, Director, Operations
George Farkas, Director, Human Resources and Corporate Planning
Dave Preikshot, Senior Environmental Specialist
Jason Birch, Chief Information Officer
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 1:37 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:

- 2.1 January 28, 2021 email from Island GM regarding sponsorship of a public park in North Cowichan
- 2.2 January 28, 2021 email from Cowichan Historical Society regarding additional information pertaining to their January 21, 2021 presentation to Council
- 2.5 February 1, 2021 letter from Office of the Attorney General regarding Duncan / Cowichan Valley 2020 Homeless Count

IT WAS MOVED AND SECONDED:

That the remaining items in the Consent Agenda be approved.

CARRIED

1. That the following minutes be received for information purposes only:
 - September 3, 2020 Public Engagement Committee
 - January 28, 2021 Public Engagement Committee
2. That the following correspondence is received for information purposes only:
 - 2.3 January 30, 2021 email from resident regarding Environmental Advisory Committee public process
 - 2.4 January 31, 2021 email from resident regarding the Official Community Plan update
 - 2.6 February 2, 2021 email from BC Economic Development Association regarding 2021 Virtual BC Economic Summit - March 8 to 11, 2021
 - 2.7 February 5, 2021 email from resident regarding Council matters for February 2, 2021 BC Hydro and Power Authority 2020 street lighting rate application
 - 2.8 February 9, 2021 email from Vancouver Island Economic Alliance regarding the Small and Medium Business Grant Program
 - 2.9 Kaspa Road Parking - 5 emails were received from residents in relation to the Kaspa Road parking lot issue.
 - 2.10 Proposed Cell Towers - 3 emails were received from residents in relation to the proposed cell towers.

ADOPTED ON CONSENT

2.2 Approval of Regular Agenda

IT WAS MOVED AND SECONDED:

That Council adopt the agenda, as amended.

CARRIED

3. ADOPTION OF MINUTES

3.1 Regular Council meeting held February 2, 2021 for adoption

IT WAS MOVED AND SECONDED:

That Council adopt the minutes of the Regular Council meeting held February 2, 2021.

CARRIED

4. MAYOR'S REPORT

The Mayor gave a verbal report on meetings and activities he recently attended.

5. DELEGATIONS AND PRESENTATIONS

5.1 4th Quarter Report for RCMP Activities

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

Mayor Siebring experienced technical difficulties so he left the meeting at 2:00 p.m. and Acting Mayor Manhas assumed the Chair.

5.2 Update on Quamichan Lake Water Quality Monitoring and Management

Senior Environmental Specialist, Dave Preikshot, provided a presentation about the activities conducted by environment staff in the monitoring and management of water quality in Quamichan Lake and answered questions of Council. A copy of the presentation was appended to the agenda.

Mayor Siebring returned to the meeting at 2:23 p.m. and resumed the Chair.

6. PUBLIC INPUT

Council received no public input regarding agenda items.

7. BYLAWS

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 2:36 p.m.

Councillor Toporowski declared a conflict on the next item of business, stating the reason being her affiliation and role on Cowichan Tribes Council and she left the meeting at 2:36 p.m.

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

IT WAS MOVED AND SECONDED:

That Council rescind third reading of Zoning Amendment Bylaw (Cannabis Sales - 2763 Beverly Street), 2020 No 3794,

And that Council direct staff to schedule a new public hearing on Zoning Amendment Bylaw (Cannabis Sales - 2763 Beverly Street), 2020 No 3794, including advertising the date and time for such a hearing as per the statutory requirements. CARRIED

Councillor Manhas returned to the meeting at 2:46 p.m.

7.2 Establishment of a Reserve Fund for the COVID-19 Safe Restart Grant

IT WAS MOVED AND SECONDED:

That Council give first, second and third readings to the Reserve Funds Establishment Amendment Bylaw No. 3817, 2021. CARRIED

8. REPORTS

8.1 REPORTS FOR DECISION

8.1.1 COVID-19 Safe Restart Grant Budget Amounts for 2020 to 2023

IT WAS MOVED AND SECONDED:

That Council allocate:

1. the following amounts for 2020 under the COVID-19 Safe Restart Grant:
 - o the actual revenue shortfalls at the Cowichan Aquatic Centre and Fuller Lake Arena of approximately \$610,00

- the additional operating expenses incurred in 2020 as a result of the pandemic of approximately \$681,000.
- 2. the following 2021 budget amounts to be claimed under the COVID-19 Safe Restart Grant:
 - \$1,128,000 be used to off set decreases in Recreation Revenue in 2021
 - Up to \$1,308,600 of 2021 expenditures which includes:
 - Additional COVID expenses \$143,300
 - Parks And Recreation \$416,000
 - Two term Bylaw positions \$192,300
 - Information Management/IT \$498,000
 - Vehicle costs – social distancing \$29,000
 - Working from home – Ergo support \$30,000
- 3. the following 2022 budget amounts to be claimed under the COVID-19 Safe Restart Grant, up to \$463,700:
 - Two term Bylaw positions \$196,100
 - Information Management/IT \$228,000
 - Vehicle costs – social distancing \$29,600
 - Working from home – Ergo support \$10,000
- 4. any unspent COVID-19 grant funds as of December 31, 2020 be transferred into the COVID-19 Safe Restart Grant reserve fund; and that COVID-19 grant funds be recognized to offset actual expenditures to a maximum of budget in 2021 and 2022; and further that the remaining funds in the COVID-19 Restart Reserve as of December 31, 2022 be reallocated for 2023 and future years' budgets. CARRIED

Councillor Toporowski returned to the meeting at 2:48 p.m.

8.1.2 Temporary Mobile Home Permit Application for 9023 Crofton Road

IT WAS MOVED AND SECONDED:

That Temporary Mobile Home Permit Application No. TTP00080 be approved and a permit be issued to James and Karen Lust for a temporary mobile home at 9023 Crofton Road with a maximum width of 8.2 metres, to be sited as per the site plan prepared by Turner & Associates, September 9, 2020. CARRIED

8.1.3 Smiley Road Water Main Replacement Project - Contract Reference No. 2020-30

IT WAS MOVED AND SECONDED:

That Council:

1. provide pre-budget approval for the Smiley Road Water Main Replacement Project in the amount of \$890,000 for 2021; and
2. award the contract for the Smiley Road Water Main Replacement Project to IWC Excavation Ltd., for \$589,940 (excluding GST). CARRIED

8.1.4 Automated Trucks for Residential Curbside Collection of Solid Waste

IT WAS MOVED AND SECONDED:

That Council direct staff to prepare a public engagement plan and more detailed cost scenarios to assess public interest in pursuing a solid waste collection automation program for Council approval prior to proceeding with any public engagement. CARRIED

8.1.5 2021 Garbage Rate Increase

IT WAS MOVED AND SECONDED:

That Council direct staff to prepare an amendment to Fees and Charges Bylaw No. 3784 to increase the rate for the annual waste collection service from \$102 to \$111. CARRIED

8.1.6 2021 Association of Vancouver Island and Coastal Communities (AVICC) Call for Resolutions

IT WAS MOVED AND SECONDED:

That Council refer the following resolution to the Association of Vancouver Island Coastal Communities for consideration at the 2021 Virtual AGM and Convention:

WHEREAS the forest sector in British Columbia has been on a steady decline in recent decades, with dozens of mill closures, thousands of middle class jobs lost, and once-thriving rural 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 enhance environmental sustainability and climate change resilience, provide stable and fulfilling employment, improve equity and fairness, and advance meaningful reconciliation with Indigenous peoples;

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, exceptional local interest in forest practices, and history in land use planning at a macro-regional level;

THEREFORE BE IT RESOLVED that the Association of Vancouver Island and Coastal Communities (AVICC) call on the Province of British Columbia move to establish a de-centralized forest management model for Vancouver Island and the Coast that will empower local people in decision-making, and, as a first step, appoint a Forester General for the region who will undertake the following actions:

- Consult with First Nations, local communities, labour unions, industry, small business, and the broader public on current challenges with the Vancouver Island and Coast forest sector;

- Carry out region-specific analyses of the opportunities to increase employment and value-added manufacturing, restrict raw log exports, improve environmental sustainability, enhance climate change resilience, expand recreation and tourism, and advance meaningful reconciliation with First Nations;
- Develop a regional land use plan for Vancouver Island and the Coast based on broad consultations; and
- Recommend next steps for empowering Vancouver Island and the Coast in the management of forestry and related resources. CARRIED

8.2 REPORTS FOR INFORMATION

None.

9. NOTICES OF MOTIONS

9.1 Advice from Key Stakeholders in relation to the Official Community Plan

Councillor Justice gave notice that he intends to bring forward the following motion at the March 3, 2021 Regular Council meeting:

“That Council seek the advice and recommendations from the following key stakeholders in relation to the land use policy development to be included in the revised Official Community Plan for North Cowichan, and ask that they provide their opinions on what they believe is necessary to achieve Council’s goals of restoration and regeneration of the municipality’s lakes streams and rivers:

- Cowichan Land Trust
- Somenos Marsh Wildlife Society
- Cowichan Watershed Board
- Quamichan Watershed Stewardship Society”

9.2 Help Cities Lead Campaign

Councillor Marsh gave notice that she intends to bring forward the following motion at the March 3, 2021 Regular Council meeting:

“WHEREAS emissions by buildings account for 40-60% of a community’s green-house gas (GHG) emissions;

WHEREAS climate policy modelling completed for Help Cities Lead shows current actions to reduce greenhouse gas (GHG) emissions from buildings are insufficient to achieve the province’s GHG targets for 2030 and 2050;

WHEREAS the November 2020 mandate letters to ministers include direction to provincial ministries to move forward with three of the five policy measures included in the Help Cities Lead climate policy modelling: GHG requirements for new buildings, Property Assessed Clean Energy (PACE) financing, and home energy labelling.

THEREFORE, BE IT RESOLVED THAT Council for the District of North Cowichan write a letter to the Minister of Environment and Climate Change Strategy, the Minister of Energy, Mines and Low Carbon Innovation, the Minister of Municipal Affairs, the

Attorney-General and Minister responsible for Housing, and the Minister of Finance, expressing its endorsement of the Help Cities Lead campaign; support for the directions set out in the November 2020 ministerial mandate letters regarding GHG requirements for new buildings, PACE financing, and home energy labelling; and also requesting that the province empower local governments to opt to take action, if they so choose, on the two remaining items of the Help Cities Lead's campaign, namely GHG requirements for existing buildings and building energy benchmarking."

9.3 Property Assessed Clean Energy (PACE)

Councillor Marsh gave notice that she intends to bring forward the following motion at the March 3, 2021 Regular Council meeting:

"WHEREAS the District of North Cowichan has shown itself to be a climate leader by [Council to identify the steps that have been taken or are being taken];

WHEREAS retrofitting buildings across B.C. is crucial to reducing green-house gas (GHG) emissions and meeting our provincial climate targets;

WHEREAS upfront costs of retrofitting homes and businesses for climate resilience are cost prohibitive to many of our property owners, and Property Tax Assisted Clean Energy (PACE) lowers barriers to implementing GHG reductions, adding value to buildings and making them more desirable places to live or work;

WHEREAS PACE BC is working with interested municipalities across B.C. to assist in the establishment of a successful province-wide PACE program that meets the needs of residents and that local governments of all sizes can participate in with minimal start up costs or staff time;

WHEREAS PACE and the resulting ecosystem of retrofitting programs would create well-paying green jobs during a just recovery from the COVID-19 pandemic and a just transition away from fossil fuel infrastructure-related jobs;

THEREFORE, BE IT RESOLVED THAT Council for the District of North Cowichan write a letter to the Ministry of Environment, the Minister of Energy, Mines and Low Carbon Innovation, the Minister of Municipal Affairs, Minister of Housing and PACE BC expressing support for B.C. Legislation enabling PACE by third-party administration and confirming North Cowichan's interest in having a PACE program when it becomes available in B.C."

10. UNFINISHED AND POSTPONED BUSINESS

None.

11. NEW BUSINESS

11.1 Island GM sponsorship of a public park [Consent Agenda Item 2.1]

IT WAS MOVED AND SECONDED:

That staff be directed to prepare a report on volunteer corporate sponsorship of park clean up.

CARRIED

11.2 Cowichan Historical Society January 21 presentation [Consent Agenda Item 2.2]

This item was discussed.

11.3 Office of the Attorney General re 2020 Homeless Count [Consent Agenda Item 2.5]

This item was not discussed.

12. QUESTION PERIOD

No questions were submitted using the online platform.

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

16. CLOSED SESSION

IT WAS MOVED AND SECONDED:

That Council close the February 17, 2021 Regular Council and Public Hearings meeting at 3:25 p.m. to the public on the basis of the following sections of the *Community Charter*:

- 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)(i) - the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; 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

16.1 Minutes from the February 2, 2021 Council Closed meeting for adoption

16.2 Closed under section 90(1)(i) legal advice

16.3 Closed under section 90(1)(e) land

16.4 Closed under section 90(1)(e) land 90(1)(i) legal advice and 90(1)(m) FOIPPA s. 16 - relations with an aboriginal government.

CARRIED

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

IT WAS MOVED AND SECONDED:

That the meeting be adjourned at 4:23 p.m. to reconvene at 6:00 p.m. for the public hearing.

CARRIED

Councillor Douglas left the meeting at 4:23 p.m.

14. PUBLIC HEARING 6:00 P.M.

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

Councillor Toporowski returned to the meeting at 6:00 p.m.

14.1 Public Hearing for Zoning Amendment Bylaw, 2021, No. 3815

Mayor Siebring outlined the public hearing process and called the public hearing to order at 6:01 p.m. for Zoning Amendment Bylaw (9376 Cottonwood Road), 2021, No. 3815.

The Corporate Officer noted that one late submission was received from a resident prior to the hearing in opposition to the Zoning Amendment application.

Council then received a presentation from Caroline von Schilling, Development Planner introducing the proposed amendment.

The Corporate Officer noted that two submissions were received from the public that were included in the agenda package, one was in support and one was neutral.

Council then heard from the applicant, Mr. Scott Hess. Mr. Hess addressed Council's concern about the potential for leaching of contaminants into Fuller Lake by explaining that the septic field is on a bench that slopes away from Fuller Lake.

The Mayor called for submissions from members of the public for a first time, waiting for 30 seconds to allow for people to participate through the online platform. 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 (9376 Cottonwood Road), 2021, No. 3815 at 6:25 p.m.

15. RESUME COUNCIL MEETING TO CONSIDER THE BYLAW

The Council meeting resumed at 6:25 p.m.

15.1 Zoning Amendment Bylaw, 2021, No. 3815 for third reading

IT WAS MOVED AND SECONDED:

That Council give third reading to Zoning Amendment Bylaw (9376 Cottonwood Road), 2021, No. 3815. CARRIED

16. CLOSED SESSION

17. RISE AND REPORT

Council rose and reported on the following item:

Legal Advice regarding Public Hearings for ALR exclusion applications and Board of Variance applications

IT WAS MOVED AND SECONDED:

That Council:

1. direct staff to schedule a virtual public hearing for Agricultural Land Reserve exclusion application ALR00029;
2. direct staff to draft a bylaw to repeal Fees and Charges Amendment Bylaw No. 3793, 2020; and

3. release their decision to the public.

CARRIED

18. ADJOURNMENT

IT WAS MOVED AND SECONDED:

That Council adjourn the meeting at 6:27 p.m.

CARRIED

Certified by Corporate Officer

Signed by Mayor