

Municipality of North Cowichan Council - Regular and Public Hearings MINUTES

May 19, 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 (arrived at 1:38 p.m.)

Staff Present Ted Swabey, Chief Administrative Officer (CAO)
Sarah Nixon, Deputy Chief Administrative Officer (D/CAO)
Talitha Soldera, Director, Financial Services
Michelle Martineau, Corporate Officer
Jason Birch, Chief Information Officer
Shawn Cator, Director, Operations
David Conway, Director, Engineering Projects
Rob Conway, Director, Planning and Building
Martin Drakeley, Manager Fire and Bylaw Services
George Farkas, Director, Human Resources and Corporate Planning
Tammy Isaachsen, Acting Manager, Communications and Public Engagement
Clay Reitsma, Director, Engineering
Don Stewart, Director, Parks and Recreation
Alyssa Meiner, Information Management Officer
Tricia Mayea, Deputy Corporate Officer
Dave Preikshot, Senior Environmental Specialist
Mairi Campeau, Community Planner
Anthony Price, Planning Technician

1. CALL TO ORDER

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

2. APPROVAL OF CONSENT AGENDA

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

- 2.2.1 [Letter from UBCM advising receipt of the Province's response to Council's 2020 Resolution on regulation of soft plastics and other packaging materials],
- 2.2.3 [Letter from Somenos Marsh Wildlife Society requesting that Council provide financial assistance with the cost to repair their vandalized viewing tower],
- 2.2.6 [Email requesting that Council revisit putting a halt on development to address water capacity concerns],
- 2.2.9 [Letter seeking Council's support of the Khenipsen Road Neighborhood Plan they have

- developed and that it be incorporated into the Official Community Plan],
- 2.2.10 [Email from Chief Thomas requesting Council match or beat their (\$1,000) donation to the Chemainus Secondary School for an outdoor learning space], and
 - 2.2.16 [Emails received in relation to the proposed cell towers at Mount Tzouhalem and Evans Field].

IT WAS MOVED AND SECONDED:

That the remaining items in the Consent Agenda be approved.

CARRIED

2.1 That the following minutes be received for information purposes only:

2.1.1 May 4, 2021 Environmental Advisory Committee ADOPTED ON CONSENT

2.2 That the following correspondence is received for information purposes only:

2.2.2 Email requesting an immediate ban on all plastics

2.2.4 Email requesting a tree protection bylaw to help guide the preservation of trees in the next phase of the Berkey's Corner development and erecting way-finding signage

2.2.5 Email recommending that Council pay residents for collecting road and river trash

2.2.7 Email requesting weekend patrols by bylaw enforcement to address parking issues on Kaspas Road

2.2.8 Email requesting that the Island Corridor Foundation repair the rail crossing on Highway 18 east of Somenos Road

2.2.11 Email requesting a ban on use of commercial and residential poisonous rodent traps

2.2.12 Email requesting improvements be made to the sewer pumping station on Highwood Drive

2.2.13 Letter from the District of Mackenzie to the Member of Parliament for Prince George - Peace River - Northern Rockies endorsing the 9-8-8 Crisis Line

2.2.14 City of Kamloops' resolution supporting professional news media as an essential service

2.2.15 Correspondence regarding logging of old-growth forests

ADOPTED ON CONSENT

3. APPROVAL OF REGULAR AGENDA

A notice of motion from Councillor Marsh regarding Management of Municipal Forests, was added as a late item and was added under section 10. Notices of Motions.

IT WAS MOVED AND SECONDED:

That Council adopt the agenda, as amended.

CARRIED

4. ADOPTION OF MINUTES

4.1 Minutes of the regular meeting held May 5, 2021 for adoption

4.2 Minutes of the special meeting held May 11, 2021 for adoption

IT WAS MOVED AND SECONDED:

That Council adopt the minutes of their regular meeting held May 5, 2021 and special meeting held May 11, 2021.

CARRIED

5. MAYOR'S REPORT

The Mayor yielded the floor to Councillor Marsh who reported that today, Wednesday, May 19th, is 'Asset Management Awareness Day' – a day to highlight the importance of sound asset management practices.

6. DELEGATIONS AND PRESENTATIONS

Councillor Toporowski arrived at 1:38 p.m.

6.1 1st Quarter Report for RCMP Activities

Inspector Chris Bear, North Cowichan/Duncan RCMP Detachment, reviewed the 1st quarter report (January - March 2021), the Annual Performance Plan (APP) and the proposal for Chemainus, and answered questions from Council. Council advised Inspector Bear that they will consider endorsement of the APP at his next quarterly update, after the completion of the GAP analysis.

7. PUBLIC INPUT

Council received no public input.

8. BYLAWS

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

IT WAS MOVED AND SECONDED:

That Council adopt Zoning Amendment Bylaw (3325 Henry Road), 2020, No. 3811.

CARRIED

8.2 Bylaw Offence Notice Enforcement Bylaw No. 3677, 2021 for adoption

IT WAS MOVED AND SECONDED:

That Council adopt Bylaw Offence Notice Enforcement Bylaw No. 3677, 2021.

(Opposed: Marsh)

CARRIED

8.3 Delegation of Authority Bylaw No. 3814, 2021 for first three readings

IT WAS MOVED AND SECONDED:

That the draft Delegation of Authority Bylaw, No. 3814, 2021, be amended to remove 'Officers' from the CAO's delegated authority under Sections 9.1 and 9.2.

IT WAS MOVED AND SECONDED:

That this item be discussed in Closed Session as Item 14.7, and that consideration of the following motion be deferred until after the Closed Session:

That the draft Delegation of Authority Bylaw, No. 3814, 2021, be amended to remove 'Officers' from the CAO's delegated authority under Sections 9.1 and 9.2.

CARRIED

Following the Closed Session, Council, by unanimous consent, withdrew the motion to amend sections 9.1 and 9.2 of the bylaw.

IT WAS MOVED AND SECONDED:

That Council give first, second, and third readings to "Delegation of Authority Bylaw, No. 3814, 2021".

CARRIED

9. REPORTS

9.1 REPORTS FOR DECISION

9.1.1 ALR00032 ALC Exclusion Application for 2993 River Road

Mairi Campeau, Community Planner, provided a presentation and answered questions of Council.

Sharon Horsburgh, Bayshore Planning, provided a presentation on behalf of the applicant and answered questions of Council.

IT WAS MOVED AND SECONDED:

That Council deny application ALR00032 for exclusion of 2993 River Road from the Agricultural Land Reserve. (Opposed: Manhas, Siebring)

CARRIED

9.1.2 Development Permit with Variance Application No. DPV00003 for 7933 Stoney Hill Road

IT WAS MOVED AND SECONDED:

That application DPV00003 for the construction of a 109.6m² (1180ft²) addition to an existing single-family dwelling at 7933 Stoney Hill Road be approved, and that Council vary Section 13(1)(c) of Zoning Bylaw No. 2950 to reduce the required setback from a watercourse from 15 metres to 3 metres at 7933 Stoney Hill Road.

CARRIED

Council, by unanimous consent, recessed at 3:29 p.m. and reconvened at 3:40 p.m.

9.1.3 Request for Exemption from Flood Construction Requirements - 2431 Beverly Street

IT WAS MOVED AND SECONDED:

That Council grant an exemption for the construction of commercial agricultural buildings at 2431 Beverly Street from the Flood Construction Requirements under Section 14 of Zoning Bylaw No. 2950, subject to lease provisions and the registration of a covenant under section 219 of the *Land Title Act* to:

1. limit the use and development of the land in accordance to what has been certified in the March 29, 2021, Geohazard Assessment Report prepared by Madrone Environmental Services Ltd. as enabling the safe use of the land for the use intended; and
2. establish conditions respecting the reimbursement by the tenant or owner for any expenses that the Municipality of North Cowichan may incur as a result of a breach of the lease or covenant.

CARRIED

9.1.4 Proposed Road Dedication over Municipal Property at the end of Berridge Street

IT WAS MOVED AND SECONDED:

That Council authorize the road dedication as shown on Plan EPP110587 over municipal property at Berridge Street, and authorize the Approving Officer to sign the subdivision plan and register at the Land Title Office. CARRIED

9.1.5 Use of Anticoagulant Rodenticides

IT WAS MOVED AND SECONDED:

That Council:

1. Authorize a complete ban of anticoagulant rodenticides on all District of North Cowichan owned properties; and,
2. Direct staff to communicate the harmful impacts of anticoagulant rodenticides to residents and businesses in the District of North Cowichan and to share findings about alternatives. CARRIED

9.1.6 Public Engagement Plan for Automated Curbside Collection

IT WAS MOVED AND SECONDED:

That Council:

1. approve the Communications and Engagement Plan prepared by ZINC Strategies Inc. regarding collection options in North Cowichan;
2. direct staff to implement the tools and activities in the Plan to obtain public feedback for an automated truck curbside system for solid waste collection; and,
3. direct staff to report back to Council on the results of that engagement. (Opposed: Siebring) CARRIED

9.1.7 Review of Fireworks Bylaw No. 1579

IT WAS MOVED AND SECONDED:

That Council direct staff to draft an update to the North Cowichan Fireworks Bylaw and bring a report to the Committee of the Whole. (Opposed: Justice, Sawrie) CARRIED

9.2 REPORTS FOR INFORMATION

None.

10. NOTICES OF MOTIONS

10.1 Management of Municipal Forests

Councillor Marsh provided notice of the following motion which will be considered under New Business at the June 2, 2021 Regular Council meeting:

"Whereas subjective/misinformation regarding possibilities for the future management of the Municipal Forests is being published in local media and on social media, including from former Councillors and others who's opinions could be

accepted by the public as correct, potentially resulting in greater weight and/or bias before the consultation itself has taken place;

And further given that the public has the right to access to the same information Council is privy to, and considering The Municipality reported to the community that consultation will be on hold while Council completes consultations with the Cowichan Nations quite shortly after the 3Green Tree presentation, this has further opened the door for the public to get attached to the incorrect/subjective and incomplete information that is being spread in the community as has been alluded to above;

Therefore be it resolved that Council direct staff to post the video clip by 3GreenTree's Clive Walham, (done before the pause for Cowichan Nations consultations) from the July 7th, 2020, on Municipal Social Media (FB), explaining that misinformation has been circulating and that this is one of potentially many possible options including what cost/benefits it might achieve, and further explaining that Council is open and interested in considering any other suggested options once consultation resumes, and ask the public to subscribe also to the new procedure for direct contact from the Municipality, recently shared by staff so that we can grow our email list for future public information and consultation going forward on this and other files."

11. UNFINISHED AND POSTPONED BUSINESS

11.1 Canadian Union of Postal Workers regarding Delivering Community Power campaign

IT WAS MOVED AND SECONDED:

Whereas there is an urgent need for banking services among the unbanked or underbanked, given that thousands of villages and rural municipalities do not have a bank branch and more than 900 municipalities have expressed their support for postal banking;

Whereas thousands of Canadians do not have access to affordable high-speed Internet, and the federal government has long promised to bridge the rural broadband gap;

Whereas urgent action is needed to establish a robust network of electric vehicle charging stations;

Whereas to achieve carbon-neutral targets by 2050, Canada Post must greatly accelerate the electrification of its fleet;

Whereas the extensive network of post offices in our communities can provide a wide range of services as community hubs;

Whereas Canada Post's letter carriers and RSMCs can check-in on vulnerable residents to help keep us in our homes longer as we age;

Whereas Canada Post must play its part for a more equitable post-pandemic recovery;

Whereas "The Way Forward for Canada Post," the report of the 2016 federal public review of the postal service, recommended that Canada Post expand services and adapt

its services to the changing needs of the public;

Whereas the Canadian Union of Postal Workers has advanced Delivering Community Power, a vision of the post-carbon digital-age postal service that address the above needs and more;

Be it resolved that North Cowichan Council endorse Delivering Community Power, and write to the Honourable Anita Anand, Minister for Public Services and Procurement, with its rationale and a copy of this resolution. (Opposed: Manhas, Siebring)

CARRIED

12. NEW BUSINESS

12.1 Raising the Pride Flag for the month of June

IT WAS MOVED AND SECONDED:

That Council amend the Flag Protocol Policy by adding the following under Section 6 "GUEST FLAGS":

- Commencing in 2021 and proceeding every year from there, the Pride Flag will be flown from June 1 to June 30 on the third pole at the Cowichan Aquatic Centre.

CARRIED

12.2 Letter of support from the Khowutzun Forest Services

IT WAS MOVED AND SECONDED:

That the Mayor be authorized to write a letter in support of the Khowutzun Forest Services' (KFS) request to participate in Growing Canada's Forest Program, in order to plant trees in the Cowichan Watershed.

CARRIED

12.3 Consent Agenda Item 2.2.1 [Letter from UBCM advising receipt of the Province's response to Council's 2020 Resolution on regulation of soft plastics and other packaging materials]

This item was discussed.

12.4 Consent Agenda Item 2.2.3 [Letter from Somenos Marsh Wildlife Society requesting that Council provide financial assistance with the cost to repair their vandalized viewing tower]

This item was discussed. Staff will prepare a report to Council on insurance details and provide options on their request for funding.

12.5 Consent Agenda Item 2.2.6 [Email requesting that Council revisit putting a halt on development to address water capacity concerns]

This item was discussed. Staff will provide a memo to Council with information on the capacity of the aquifer and information on asset management.

12.6 Consent Agenda Item 2.2.9 [Letter seeking Council's support of the Khenipsen Road Neighborhood Plan they have developed and that it be incorporated into the Official Community Plan]

This item was discussed.

12.7 Consent Agenda Item 2.2.10 [Email from Chief Thomas requesting Council match or beat their (\$1,000) donation to the Chemainus Secondary School for an outdoor learning space]

This item was discussed.

12.8 Consent Agenda Item 2.2.16 [Emails received in relation to the proposed cell towers at Mount Tzouhalem and Evans Field]

IT WAS MOVED AND SECONDED:

That Council direct staff to communicate to Rogers Communications that, as the Municipality is currently developing a Communications Tower/Antenna Systems Approval Policy, we are not interested in entering into Licences of Occupation for the sites identified near Kaspa Road and Evans Park.

(Opposed: Sawrie)

CARRIED

13. QUESTION PERIOD

No questions were submitted using the online platform.

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

Council, by unanimous consent, extended the meeting to 6:00 p.m. and then recessed at 5:29 p.m.

The meeting was reconvened at 6:00 p.m.

Council, by unanimous consent, suspended the rules and deferred the Closed Session in order to convene public hearing at this time.

17. PUBLIC HEARINGS 6:00 P.M.

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

17.1 Public Hearing Zoning Amendment Bylaw (1379 Maple Bay Road), 2021, No. 3822

Mayor Siebring outlined the public hearing process and called the public hearing to order at 6:00 p.m. for Zoning Amendment Bylaw (1379 Maple Bay Road), 2021, No. 3822.

The Corporate Officer noted that no submissions have been received in relation to the Zoning Amendment Bylaw (1379 Maple Bay Road), 2021, No. 3822.

Council then received a presentation from Mairi Campeau, Community Planner who introduced the proposed amendment and answered questions of Council.

Council then heard briefly from the applicant.

The Corporate Officer noted that late submissions have been received in relation to the Zoning Amendment Bylaw (1379 Maple Bay Road), 2021, No. 3822.

The Mayor called for submissions from members of the public for a first time. 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 (1379 Maple Bay Road), 2021, No. 3822 at 6:13 p.m.

18. RESUME COUNCIL MEETING TO CONSIDER THE BYLAWS

The Council meeting resumed at 6:13 p.m.

18.1 Zoning Amendment Bylaw (1379 Maple Bay Road), 2021, No. 3822

IT WAS MOVED AND SECONDED:

That Council give third reading to Zoning Amendment Bylaw (1379 Maple Bay Road), 2021", No. 3822 to permit a second dwelling at 1379 Maple Bay Road. CARRIED

14. CLOSED SESSION

IT WAS MOVED AND SECONDED:

That Council close the May 19, 2021 Regular Council meeting at 6:14 p.m. to the public on the basis of the following section(s) of the *Community Charter*:

- 90(1)(a) - *personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;*
- 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;*
- 90(1)(i) - *the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;*
- 90(1)(k) - *negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public;*

CARRIED

14.1 Minutes from the May 5, 2021 Closed meeting for adoption

14.2 Closed under section 90(1)(i) Legal Advice

14.3 Closed under section 90(1)(i) Legal Advice

14.4 Closed under section 90(1)(e) Land Matter

14.5 Closed under section 90(1)(e) Land Matter, and 90(1)(k) Negotiations

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

14.7 Closed under section 90(1)(a) Personnel Matter

Council reconvened the open meeting at 8:26 p.m.

15. RISE AND REPORT

Council rose without report at 8.26 p.m. to return to the open, and then considered the motion that was deferred and the recommendation regarding the Delegation of Authority Bylaw No. 3814, 2021 (see item 8.3).

19. ADJOURNMENT

IT WAS MOVED AND SECONDED:

That Council adjourn the meeting at 8:34 p.m.

CARRIED

Certified by Corporate Officer

Signed by Mayor