

# **Municipality of North Cowichan Regular Council MINUTES**

**February 21, 2023, 4:00 p.m.  
Municipal Hall - Council Chambers & Electronically**

Members Present	Mayor Rob Douglas Councillor Mike Caljouw Councillor Bruce Findlay Councillor Chris Istace Councillor Christopher Justice Councillor Tek Manhas Councillor Debra Toporowski
Staff Present	Ted Swabey, Chief Administrative Officer (CAO) George Farkas, General Manager, Planning, Development and Community Services Talitha Soldera, General Manager, Corporate Services Barb Floden, Manager, Communications and Public Engagement Chris Osborne, Manager, Planning Dave Preikshot, Senior Environmental Specialist David Conway, Director, Engineering Projects Heather Power, Legislative Coordinator Jeff Miller, Senior Manager, Engineering Manuela Herzig, Director, Information Technology and Business Solutions Marla Laycock, Director, Human Resources and Health & Safety Michelle Martineau, Corporate Officer Neil Pukesh, Director, Parks and Recreation Rob Conway, Director, Planning and Building Shaun Mason, Municipal Forester Shawn Cator, Director, Operations

## **1. CALL TO ORDER**

There being a quorum present, Mayor Douglas called the meeting to order at 4:00 p.m.

## **2. CLOSED SESSION**

### **2.1 Resolution to close the meeting to the public**

IT WAS MOVED AND SECONDED:

THAT Council close the meeting at 4:00 p.m. to the public on the basis of the following sections of the *Community Charter*:

- 90(1)(c) - labour relations or other employee relations;
  - 90(1)(g) - litigation or potential litigation affecting 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 or the federal government or both, or between a provincial government or the federal government or both and a third party.
- CARRIED

- 2.2 Approval of in-camera meeting agenda**
- 2.3 Adoption of in-camera minutes**
- 2.4 In-camera meeting items**
  - 2.4.1 Closed under section 90(1)(c) - Labour Matter**
  - 2.4.2 Section 90(1)(g) Potential Litigation**
  - 2.4.3 Section 90(2)(b) Provincial Grant Negotiations**
- 2.5 Rise and Report by 5:00 p.m.**

Council rose without report and resumed the meeting in open at 5:05 p.m.

### **3. APPROVAL OF CONSENT AGENDA**

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

- (1) Item 3.1.3 [Committee of the Whole Recommendation for Endorsement]
- (2) Item 3.2.1 [Council Strategic Plan - Quarter 4 Update (October 1, 2022 - December 31, 2022)]
- (3) Item 3.2.4 [Miya Regier re: COVID-19 Vaccination Requirement for Health Professionals]
- (4) Item 3.2.6 [Cowichan Lake and River Stewardship Society (CLRSS) Re: Witnessing the Water - an authentic relationship]
- (5) Item 3.2.7 [Ministry of Transportation and Infrastructure (MoTI) re: Request for Reconsideration of Decision regarding 9090 Trans-Canada Highway]

IT WAS MOVED AND SECONDED:

THAT Council approve the Consent Agenda, as amended, and the recommendations contained therein. CARRIED

#### **3.1 Items for decision**

##### **3.1.1 Council Meeting Minutes for Adoption**

IT WAS MOVED AND SECONDED:

THAT Council adopt the minutes of their regular meeting held February 1, 2023. ADOPTED ON CONSENT

##### **3.1.2 Community Emergency Preparedness Fund Grant**

IT WAS MOVED AND SECONDED:

THAT Council:

- (1) Support an application by the Cowichan Valley Regional District to receive and manage the Union of BC Municipalities Community Emergency Preparedness Fund - Emergency Operations Centre (EOC) 2023 grant funding up to \$150,000 on behalf of the Municipality of North Cowichan to purchase EOC equipment, a field observation unit, and radio communications equipment;
- (2) Support an application by the Cowichan Valley Regional District to receive, and manage the Union of BC Municipalities Community Emergency Preparedness Fund - Emergency Support Services (ESS) 2023 grant funding up to \$150,000 on behalf of the Municipality of North Cowichan to purchase ESS equipment, laptop storage carts, group lodging supplies, reception centre kits, and to upgrade the ESS trailer; and,

- (3) Support an application by the Cowichan Valley Regional District to receive, and manage the 2023 Union of BC Municipalities Community Emergency Preparedness Fund - for Public Notification and Evacuation Route Planning grant funding up to \$150,000 on behalf of the Municipality of North Cowichan. This grant funding will help develop evacuation route plans for Lake Cowichan, Saltair, Chemainus, the Town of Ladysmith, North Diamond, Maple Bay, Genoa Bay, Crofton, Westholme and Mount Sicker.

ADOPTED ON CONSENT

### **3.2 Items for information**

#### **3.2.2 Financial Implications of Committees**

IT WAS MOVED AND SECONDED:

THAT Council receive for information the Financial Implications of Committees report.

ADOPTED ON CONSENT

#### **3.2.3 Heritage BC re: Heritage Week Annual Celebration February 20 - 26, 2023**

IT WAS MOVED AND SECONDED:

THAT Council receive for information the January 27, 2023 letter from Heritage BC.

ADOPTED ON CONSENT

#### **3.2.5 Association of Vancouver Island and Coastal Communities (AVICC) Re: Input Requested - Blue Economy Regulatory Review**

IT WAS MOVED AND SECONDED:

THAT Council receive for information the February 7, 2023 email from Association of Vancouver Island and Coastal Communities.

ADOPTED ON CONSENT

### **4. APPROVAL OF REGULAR AGENDA**

IT WAS MOVED AND SECONDED:

THAT the agenda be adopted as amended.

CARRIED

### **5. MAYOR'S REPORT**

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

### **6. DELEGATIONS**

None.

### **7. PUBLIC INPUT ON AGENDA ITEMS**

Council received public input from 5 members of the public participating in Council Chambers and 2 members of the public participating electronically regarding agenda items 9.2 and 10.3.

IT WAS MOVED AND SECONDED:

THAT Council suspend the rules to reorder the agenda so that Item 9.2 [Official Community Plan and In-Stream Development Applications] is considered immediately after Public Input. CARRIED

IT WAS MOVED AND SECONDED:

THAT Council recess the meeting at 6:58 p.m. and reconvened the meeting at 7:10 p.m.

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council extend the meeting to 10:00 p.m.

CARRIED

Council reconvened the meeting at 7:14 p.m.

## 8. BYLAWS

### 8.1 Zoning Bylaw Amendment Bylaw No. 3891 (Retaining Walls & Fences) & Building Bylaw Amendment Bylaw No. 3892 (Retaining Walls) Revisions

IT WAS MOVED AND SECONDED:

THAT Council amend Zoning Amendment Bylaw No. 3891, 2022 by:

- (1) Striking out the last sentence in of the definition for "retaining wall" in Section 2 and inserting "*Retaining walls may also form a system containing one or more terraced retaining walls" in its place;*
- (2) Replacing the definition of "guardrail" in Section 3 with "*guardrail means a barrier such as a bar or a rail placed along the edge of something such as a retaining wall or staircase so as to improve safety and prevent falls*";
- (3) Updating Section 6 to add "*except where such retaining wall is authorized in an accepted grading plan within the subdivision process*" to the end of subsection 37.1 (7);
- (4) Updating Section 6 to add "*except where authorized on an accepted grading plan within the subdivision process*" to the end of subsection 37.2 (1);
- (5) Updating Section 6 to replace subsection 37.2 (2) with "*No retaining wall in any location shall be greater than 2 m in height, except where authorized on an accepted grading plan within the subdivision process*";
- (6) Updating Section 6 to add "*except where the retaining wall is authorized on an accepted grading plan within the subdivision process, in which case the fence component of a combined retaining wall and fence shall be subject to the maximum fence heights specified in subsection 37.1(8)*" to the end of subsection 37.2 (5);
- (7) Updating Section 6 to insert "*37.1 (2) "Measuring Height" and subsection*" immediately after "*Notwithstanding subsection*" in subsection 37.2 (7);
- (8) Updating Section 6 to replace Subsection 37.2 (8) with "*Terraced retaining walls must be constructed such that the distance between the two opposing faces of adjacent terraced retaining walls are not less than the height of the retaining wall with the greater height,*" and replacing the illustration with the one depicted in Attachment 1; and,
- (9) Updating Section 6 to strike out subsection 37.2 (13) and move the illustration to subsection 37.2 (12).

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council give third reading to "Zoning Amendment Bylaw No. 3891, 2022" as amended.

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council rescind third reading of "Building Amendment Bylaw No. 3892, 2022".

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council amend "Building Amendment Bylaw No. 3892, 2022" by:

- (1) Inserting "*Building Bylaw No. 3172, Section 2 [Application] is hereby amended by striking out section (2)(b) retaining structures*" as a new section in Bylaw No. 3892; and,
- (2) Replacing the definition for "retaining wall in Section 3 with "*retaining wall means a vertical or near-vertical structure constructed to hold back Geotechnical Materials and safely deal with any hydrostatic pressure. Retaining Walls can be created out of a variety of structural and Geotechnical Materials. Retaining Walls typically stabilize soil and rock against downslope movement and provide lateral support for steep to vertical grade changes (Engineers and Geoscientists of BC definition, February 25, 2020)*".

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council give third reading to "Building Amendment Bylaw No. 3892, 2022" as amended.

CARRIED

## **8.2 Five Year Financial Plan Bylaw No. 3896, 2023 for first three readings**

IT WAS MOVED AND SECONDED:

THAT Council give first, second and third readings to Five Year Financial Plan Bylaw No. 3896, 2023.

(Opposed: Findlay, Manhas)

CARRIED

## **8.3 Sewer and Water Parcel Tax Amendment Bylaw No. 3893 for first three readings**

IT WAS MOVED AND SECONDED:

THAT Council give first, second and third reading to Sewer and Water Parcel Tax Amendment Bylaw No. 3893, 2023.

CARRIED

## **8.4 Fees and Charges Amendment Bylaw 3894, 2023 for first three readings**

IT WAS MOVED AND SECONDED:

THAT Council give first, second and third readings to Fees and Charges Amendment Bylaw No. 3894, 2023.

CARRIED

## **8.5 Delegation of Authority Amendment Bylaw No. 3895, 2023 for first three readings**

IT WAS MOVED AND SECONDED:

THAT Council give first, second and third reading to "Delegation of Authority Amendment Bylaw No. 3895, 2023".

CARRIED

## **9. REPORTS**

### **9.1 North Cowichan Investment Policy**

IT WAS MOVED AND SECONDED:

THAT Council amend bullet (3) in the motion to refer the draft Investment Policy back to staff by striking out "considers the non-financial values of divestment from fossil fuel

companies by supporting fossil fuel free investment portfolios (such as the MFA Fossil Fuel Free Short-Term Bond Fund), and of". (Opposed: Findlay, Manhas)

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council refer the draft Investment Policy back to staff to prepare a report on options for an investment policy/strategy that in addition to prioritizing safety, liquidity and return on investment also;

- (1) reflects our OCP's over-arching goals related to environmental and climate action and social justice,
- (2) is consistent with the municipality's acknowledgement of a climate emergency, and
- (3) preferentially selecting investments that make positive contributions to Environmental, Social and Governance (ESG) factors. (Opposed: Findlay, Manhas)

CARRIED

## **9.2 Official Community Plan and In-Stream Development Applications**

IT WAS MOVED AND SECONDED:

THAT Council direct staff to initiate an amendment to Official Community Plan Bylaw No. 3900 for 1771 Robert Street to be presented at a future meeting concurrently with Zoning Amendment Application ZB133.

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council deny Zoning Amendment Application ZB83 (2083 Indian Crescent) due to it being inconsistent with the land use designation in the Official Community Plan.

(Opposed: Caljouw, Findlay, Manhas)

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council deny Zoning Amendment Application ZB161 (6409 Wicks Road) due to it being inconsistent with the land use designation in the Official Community Plan.

(Opposed: Caljouw, Findlay, Istace, Manhas)

DEFEATED

IT WAS MOVED AND SECONDED:

THAT Council direct staff to initiate an amendment to Official Community Plan Bylaw No. 3900 for 6409 Wicks Road to be presented at a future meeting concurrently with zoning amendment Application ZB161.

(Opposed: Douglas)

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council deny Zoning Amendment Application ZB164 (Lot 2, Moose Road) due to it being inconsistent with the land use designation in the Official Community Plan.

(Opposed: Caljouw, Findlay, Manhas)

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council deny Zoning Amendment Application ZB127 (7022 Bell McKinnon Road) due to it being inconsistent with the land use designation in the Official Community Plan.

(Opposed: Caljouw, Findlay, Manhas)

CARRIED

## **10. NOTICES OF MOTIONS**

### **10.1 1987 Cowichan Estuary Environmental Management Plan**

Councillor Toporowski introduced the following motion which Council will consider at the March 1, 2023 regular Council meeting:

*"THAT Council direct the Mayor to write a letter to the Province requesting that the Province amend the 1987 Cowichan Estuary Environmental Management Plan to reflect the current scientific knowledge of the role of estuaries in the ecosystem, land ownership and uses, and climate change; AND to request support from the following organizations:*

- *Cowichan Tribes;*
- *Cowichan Valley Regional District;*
- *City of Duncan; and.*
- *Cowichan Estuary Restoration and Conservation Association (CERCA)."*

### **10.2 Federation of Canadian Municipalities (FCM) Annual Convention**

Councillor Justice introduced the following motion which Council will consider at the March 1, 2023 regular Council meeting:

*"THAT Council amend the Council Conference Attendance Policy by striking out "the Mayor, and one Councillor (randomly selected) is" in subsection 3.1 and inserting "all members of Council are" to enable all members to attend the FCM annual convention."*

### **10.3 Use of Mount Richards Trails by Cyclists**

Councillor Istace introduced the following motion which Council will consider at the March 1, 2023 regular Council meeting:

*"THAT Council refer the matter of sport tourism to the Economic Development Committee and ask that they further investigate the proposal submitted by the Cowichan Trails Stewardship Society to develop Mount Richards for mixed-use outdoor recreation that encompasses cycling, and that the Committee make a recommendation to Council that considers the economic, social, and environmental impacts that cycling may pose to Mount Richards and other user groups."*

## **11. UNFINISHED AND POSTPONED BUSINESS**

None.

## **12. NEW BUSINESS**

### **12.1 Committee of the Whole Recommendations for Endorsement [Consent Agenda Item 3.1.3]**

IT WAS MOVED AND SECONDED:

THAT Council:

- (1) Approve the Council Advisory Body Policy appended to agenda item 3.1.2 as Attachment 2;
- (2) Approve the revised Terms of Reference for the Environmental Advisory Committee appended to agenda item 3.1.2 as Attachment 4;

- (3) Approve the revised Terms of Reference for the Forestry Advisory Committee appended to agenda item 3.1.2 as Attachment 6; and,
- (4) Direct Staff to consult with Cowichan Nation to determine whether continued representation from First Nations on the Forestry Advisory Committee is necessary, given the recently established Memorandum of Understanding between the Municipality of North Cowichan and Cowichan Nation. CARRIED

**12.2 Council Strategic Plan - Quarter 4 Update (October 1, 2022 - December 31, 2022) [Consent Agenda Item 3.2.1]**

Council discussed this item.

**12.3 Miya Regier re: COVID-19 Vaccination Requirement for Health Professionals [Consent Agenda Item 3.2.4]**

IT WAS MOVED AND SECONDED:

THAT Council direct the Mayor to write a letter to Premier Ebby, Minister Dicks and Doctor Henry to consider removing the vaccine mandate for health care workers.

(Opposed: Mayor, Caljouw, Istace, Justice, Toporowski)

DEFEATED

**12.4 Cowichan Lake and River Stewardship Society (CLRSS) Re: Witnessing the Water - an authentic relationship [Consent Agenda Item 3.2.6]**

IT WAS MOVED AND SECONDED:

THAT Council acknowledge the principle behind the book witnessing the Water – an authentic relationship. CARRIED

**12.5 Ministry of Transportation and Infrastructure (MoTI) re: Request for Reconsideration of Decision regarding 9090 Trans-Canada Highway [Consent Agenda Item 3.2.7]**

Council discussed this item.

**13. QUESTION PERIOD**

Council received questions from 1 member of the public regarding agenda item 3.2.4.

IT WAS MOVED AND SECONDED:

THAT Council close the meeting at 8:43 p.m. to the public on the basis of the following sections of the *Community Charter*:

- 90(1)(c) - labour relations or other employee relations; and
- 90(2)(b) - the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party. CARRIED



**13. ADJOURNMENT**

Council rose without report and adjourned the meeting at 9:02 p.m.

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Certified by Corporate Officer

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Signed by Mayor