

Municipality of North Cowichan

Regular Council

MINUTES

October 18, 2023, 5:00 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
Dave Preikshot, Senior Environmental Specialist
David Conway, Director, Subdivision and Environmental Services
Heather Power, Legislative Coordinator
Jeff Miller, Senior Manager, Engineering (Utilities)
Jennifer Aldcroft, Climate Change Specialist
Kim Ferris, Manager, Bylaw and Business Licensing
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
Shawn Cator, Director, Operations
Teri Vetter, Director, Financial Services

1 CALL TO ORDER

There being a quorum present, Mayor Douglas called the meeting to order at 5:08 p.m. and then read out a statement reminding everyone about the conduct rules under the Respectful Spaces Bylaw.

2 APPROVAL OF CONSENT AGENDA

The following items were pulled from the Consent Agenda so that they could be added to the Regular Agenda:

- (1) Item 2.2.3 [3rd Quarter Financial Report]
- (2) Item 2.2.4 [CERCA re Obtaining a Permit to Improve the Trail Along the Cowichan Estuary]
- (3) Item 2.2.6 [Erin Hemmen and Ben Hyman re VIRL 2024 Budget Adopted]
- (4) Item 2.2.7 [Petition re Townend Road Traffic Problems]
- (5) Item 2.2.8 [SMWS re Somenos Marsh Open Air Classroom Parking Lot]
- (6) Item 2.2.9 [Peter Rusland re North Cowichan's Public Input Sign-In Sheet]

IT WAS MOVED AND SECONDED:

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

2.1 Items for decision

2.1.1 Council Meeting Minutes for Adoption

IT WAS MOVED AND SECONDED:

THAT Council adopt the minutes of their regular meeting held October 4, 2023 and their special meeting held October 10, 2023. ADOPTED ON CONSENT

2.2 Items for information

2.2.1 Committee of the Whole meeting minutes

IT WAS MOVED AND SECONDED:

THAT Council receive for information the minutes from the October 10, 2023 Committee of the Whole meeting. ADOPTED ON CONSENT

2.2.2 3rd Quarter List of Supplier Payments

IT WAS MOVED AND SECONDED:

THAT Council receive for information the 3rd Quarter Payment Listing (July – September 2023) report. ADOPTED ON CONSENT

2.2.3 Honourable Mitzi Dean re Celebrating October as Foster Family Month

IT WAS MOVED AND SECONDED:

THAT Council receive for information the September 26, 2023 email from the Honourable Mitzi Dean. ADOPTED ON CONSENT

3 APPROVAL OF REGULAR AGENDA

The agenda was amended by adding the following to New Business:

- (1) Consent Agenda Item 2.2.3 [3rd Quarter Financial Report]
- (2) Consent Agenda Item 2.2.4 [CERCA re Obtaining a Permit to Improve the Trail Along the Cowichan Estuary]
- (3) Consent Agenda Item 2.2.6 [Erin Hemmen and Ben Hyman re VIREL 2024 Budget Adopted]
- (4) Consent Agenda Item 2.2.7 Petition re Townend Road Traffic Problems]
- (5) Consent Agenda Item 2.2.8 [Somenos March Wildlife Society re Somenos Marsh Open Air Classroom Parking Lot]
- (6) Consent Agenda Item 2.2.9 [Peter Rusland re North Cowichan's Public Input Sign-In Sheet]

IT WAS MOVED AND SECONDED:

THAT the agenda be adopted as amended. CARRIED

4 MAYOR'S REPORT

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

5 DELEGATIONS

None.

6 PUBLIC INPUT ON AGENDA ITEMS

Council, by unanimous consent, waived the maximum limit of speakers under the Public Input and Meeting Conduct Policy to allow more than 5 members of the public to participate in Public Input.

Council received public input from 13, members of the public participating from Council Chambers and 1 member participating virtually, regarding agenda items 2.2.9, 7.2 and 8.1.

7 BYLAWS

7.1 Permissive Tax Exemption Bylaw No. 3928, 2023, for adoption

IT WAS MOVED AND SECONDED:

THAT Council adopt Permissive Tax Exemption Bylaw No. 3928, 2023. CARRIED

7.2 Building Amendment Bylaw No. 3932, 2023 for adoption

The Corporate Officer noted the typo under section 3 of the bylaw for bullet 19.1(a) which read "Green House Gas omission" and advised that would be corrected to read "Green House Gas emission".

IT WAS MOVED AND SECONDED:

THAT Council refer Building Amendment Bylaw no. 3932, 2023 back to staff for revision.
(Opposed, Douglas, Istace, Justice, Toporowski)
DEFEATED

IT WAS MOVED AND SECONDED:

THAT Council adopt Building Amendment Bylaw No. 3932, 2023.
(Opposed: Caljouw, Findlay, Manhas)
CARRIED

7.3 Zoning Amendment Bylaw No. 3933, 2023, for first and second readings

IT WAS MOVED AND SECONDED:

THAT Council:

- (1) Give first and second readings to Zoning Amendment Bylaw No. 3933, 2023;
- (2) Authorize a Public Hearing for Zoning Amendment Bylaw No. 3933, 2023. CARRIED

8 REPORTS

8.1 Development permit application for 2431 Beverly Street

IT WAS MOVED AND SECONDED:

THAT Council approve Application DP000321 and authorize issuance of a development permit for 2431 Beverly Steet for a food processing and innovation hub facility and grant a variance to Section 17 of Zoning Bylaw No. 2950 to relax the development standard for off-street parking.
(Opposed: Findlay, Manhas)
CARRIED

8.2 Council Strategic Plan 2023 - Quarter 3 Update

IT WAS MOVED AND SECONDED:

THAT Council receive for information the Council Strategic Plan 3rd Quarter Update (July 1, 2023 - September 30, 2023). CARRIED

9 NOTICES OF MOTIONS

9.1 Evaluation of Noise Bylaw

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

"THAT Council direct staff to prepare a report which provides options for creating a progressive Noise Bylaw which would mitigate noise complaints by:

- (1) Leveraging best practices from other jurisdictions;*
- (2) Taking into account the multiple aspects of noise - including its frequency, predictability, complexity, time course, duration, as well as level (decibels) - which can lead to annoyance and have negative health impacts or other detrimental effects on residents' well-being;*
- (3) Recognizing that in residential areas there are shift workers sleeping, home businesses operating, and an increasing number of people working remotely from home during 'work hours' throughout which increased noise levels have in the past been tolerated;*
- (4) Complying with our OCP goal of both mitigating the impact of current sources of noise pollution and preventing the creation of new sources."*

10 UNFINISHED AND POSTPONED BUSINESS

None.

11 NEW BUSINESS

Mayor Douglas advised Council that he has received legal advice in regard to the declarations of conflict of interest he made in the past, noting that he was entitled to participate and was therefore, withdrawing his declarations in relations to:

- Funding grants for Clements Centre Society as his spouse is now employed by the Society;
- Cowichan Estuary Restoration and Conservation Association (CERCA) as his family member is no longer working on a research project with CERCA; and,
- Development approvals related to 934 Khenipsen Rd since the property was more than a ½ kilometre away that he was overly cautious when making his declaration.

11.1 3rd Quarter Financial Report [Consent Agenda Item 2.2.3]

Council discussed item.

11.2 CERCA re Obtaining a Permit to Improve the Trail Along the Cowichan Estuary [Consent Agenda Item 2.2.4]

IT WAS MOVED AND SECONDED:

THAT Council authorize the mayor write a letter to the Inspector of Dikes requesting that

the Cowichan Estuary Restoration & Conservation Association receive permission to remove Scotch Broom on a trail along the Cowichan Estuary. CARRIED

11.3 Erin Hemmen and Ben Hyman re VIRL 2024 Budget Adopted [Consent Agenda Item 2.2.6]

IT WAS MOVED AND SECONDED:

THAT Council authorize Mayor to invite the Chair and CEO of the VIRL to a future Council meeting to explain the changes in the 2024 Vancouver Island Regional Library Budget.

CARRIED

11.4 Petition re Townend Road Traffic Problems [Consent Agenda Item 2.2.7]

IT WAS MOVED AND SECONDED:

THAT Council direct staff to prepare a report with options for addressing traffic and noise issues on Townend Road.

(Opposed: Justice)

CARRIED

11.5 Somenos March Wildlife Society re Somenos Marsh Open Air Classroom Parking Lot [Consent Agenda Item 2.2.8]

IT WAS MOVED AND SECONDED:

THAT Council authorize the Mayor to write a letter to the Minister of Transportation (when appropriate) in support of staff's solution (once realized) concerning highway access safety to the Somenos Marsh Parking Lot.

CARRIED

11.6 Peter Rusland re North Cowichan's Public Input Sign-In Sheet [Consent Agenda Item 2.2.9]

Council discussed this item.

12 QUESTION PERIOD

Council received 1 question from the public regarding agenda item 2.2.4.

13 ADJOURNMENT

The meeting adjourned at 7:07 p.m.

Certified by Corporate Officer

Signed by Mayor