

Municipality of North Cowichan

Regular Council

MINUTES

April 3, 2024, 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
Members Absent	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 Amanda Young, Director, Planning and Building Barb Floden, Manager, Communications and Public Engagement Clay Reitsma, Director, Engineering Glenn Morris, Development Planning Coordinator David Conway, Director, Subdivision and Environmental Services Heather Power, Legislative Coordinator John Horn, Director, Social Planning and Protective Services Marla Laycock, Director, Human Resources and Health & Safety Neil Pukesh, Director, Parks and Recreation Sarah Grieves, Engineering Technologist Shawn Cator, Director, Operations Teri Vetter, Director, Financial Services Tricia Mayea, Corporate Officer

1. CALL TO ORDER

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

2. 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)(j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act*.

- 90(2)(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial or the federal gov't or both, or between a provincial or the federal gov't or both and a third party. CARRIED

3. CLOSED SESSION [4:00 - 5:00 PM]

3.1 Approval of in-camera meeting agenda

3.2 Adoption of in-camera meeting minutes

3.3 In-camera meeting items

3.3.1 Closed under section 90(1)(j) - FIPPA s.21 + Harm

3.3.2 Closed under section 90(2)(b) - Confidential Information + Province

3.4 Rise and Report

Council rose with report on item 3.3.1.

3.3.1. Maple Bay Wharf Update

IT WAS MOVED AND SECONDED:

THAT Council:

- (1) approve the preferred concept of the Maple Bay Wharf replacement, noted in the Director, Operations report dated April 3, 2024, and direct staff to commence with the design drawings and tender documents.
- (2) direct staff to prepare a letter to the Cowichan Tribes Chief, to be signed by the Mayor, outlining the status of the collaboration for the Maple Bay Wharf replacement, and to request a response by May 31, 2024. CARRIED

The meeting recessed at 4:35 p.m. and resumed at 5:00 p.m.

4. AWARDS

4.1 2024 Environmental School Program and Awards

Mayor Douglas and Sarah Grieves, Engineering Technologist, Environmental Programs presented awards to the winners of the 2024 Environmental Education Program "Composting!" contest:

- Kindergarten: Jane
- Grade 1: Clara
- Grade 2: Sage
- Grade 3: Naome
- Grade 4: Daniel
- Grade 5: Anikka
- Grade 6: Nora
- Grade 7: Raunik

Jennifer Ward, Grade 6 Teacher at Maple Bay Elementary School won the Worm Bin for her class.

5. APPROVAL OF CONSENT AGENDA

IT WAS MOVED AND SECONDED:

THAT Council approve the Consent Agenda and the recommendations contained therein.

CARRIED

5.1 Items for decision

5.1.1 Council Meeting Minutes for Adoption

IT WAS MOVED AND SECONDED:

THAT Council adopt the minutes of their special and regular meetings held March 20, 2024.

ADOPTED ON CONSENT

5.2 Items for information

5.2.1 Environmental Advisory Committee Minutes

IT WAS MOVED AND SECONDED:

THAT Council receive for information the minutes from the March 26, 2024, Environmental Advisory Committee meeting.

ADOPTED ON CONSENT

5.2.2 City of Duncan re Requesting support for AVICC Resolution

IT WAS MOVED AND SECONDED:

THAT Council receive for information the March 15, 2024, letter from the City of Duncan.

ADOPTED ON CONSENT

5.2.3 Town of Osoyoos re Requesting support for UBCM Resolution

IT WAS MOVED AND SECONDED:

THAT Council receive for information the February 29, 2024, letter from the Town of Osoyoos.

ADOPTED ON CONSENT

5.2.4 City of Port Alberni re Request for Enhanced Provincial Support for the Port Alberni Mill

IT WAS MOVED AND SECONDED:

THAT Council receive for information the March 15, 2024, letter from the City of Port Alberni.

ADOPTED ON CONSENT

5.2.5 Ministry of Agriculture and Food re An Invitation to present on Land Use Planning for Agriculture

IT WAS MOVED AND SECONDED:

THAT Council receive for information the March 22, 2024, letter from the Ministry of Agriculture and Food.

ADOPTED ON CONSENT

6. APPROVAL OF REGULAR AGENDA

IT WAS MOVED AND SECONDED:

THAT the agenda be adopted as circulated.

CARRIED

7. MAYOR'S REPORT

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

8. DELEGATIONS

None.

9. PUBLIC INPUT ON AGENDA ITEMS

Council received public input from 3 members of the public regarding agenda item 11.1.

10. BYLAWS

None.

11. REPORTS

11.1 Development Variance Permit Application 9837 Napier Place, Chemainus, BC

IT WAS MOVED AND SECONDED:

THAT Council refer Development Variance Permit Application 9837 Napier Place, Chemainus, BC to staff to clarify the previous fence height and propose an option to approve 2.5 metres variance for only the back panel of the fence and to report back to Council. (Opposed: Caljouw, Findlay, Manhas)
DEFEATED

IT WAS MOVED AND SECONDED:

That the following motion:

THAT Council authorize the issuance of Development Variance Permit DVP00103 and grant a variance to section 37.1(8) of Zoning Bylaw No. 2950, 1997 to increase the maximum side yard fence height from 1.2 metres to 2.5 metres to regularize the existing fencing at 9837 Napier Place (PID 030-280-079).

be amended by striking out 2.5 metres and replacing it with 2.0 metres. CARRIED

IT WAS MOVED AND SECONDED:

THAT Council authorize the issuance of Development Variance Permit DVP00103 and grant a variance to section 37.1(8) of Zoning Bylaw No. 2950, 1997 to increase the maximum side yard fence height from 1.2 metres to 2.0 metres to regularize the existing fencing at 9837 Napier Place (PID 030-280-079). CARRIED

11.2 Safer Community Plan

IT WAS MOVED AND SECONDED:

THAT Council direct staff to undertake a collaborative process to develop a new Safer Community Plan which addresses crime, public safety, public disorder and the impacts of the addictions and mental health crisis on our community, and that staff return to Council with a draft version of that report for consideration. CARRIED

11.3 Suspension of No Heavy Truck Route on Bell McKinnon Road

IT WAS MOVED AND SECONDED:

That Council:

1. Suspend the “no heavy truck” designation on Bell McKinnon Road between Herd Road and Mays Road until the detour route is not required for the construction works related to the Hospital Replacement Project as determined by the Director, Subdivision and Environmental Services.
2. Designate Mays Road from Herd Road to Bell McKinnon Road a “no heavy truck” route and direct staff to install appropriate regulatory signage.
3. Direct staff to complete work with the construction project team and the Ministry of Transportation and Infrastructure for effective and timely detour routing as described in the Director, Subdivision and Environmental Services report dated April 3, 2024.
4. Direct staff to work with the construction project team on an as needed basis to ensure that Bell McKinnon Road is repaired to the equivalent conditions present or better upon completion of the roadworks.
5. Direct staff to communicate with the public prior to detour routes becoming active and regularly throughout the construction at milestones that could affect motorists.

CARRIED

12. NOTICES OF MOTIONS

12.1 Request for Termination of the Covid-19 Vaccine Mandate

Councillor Findlay introduced the following motion which Council will consider at the April 17, 2024, regular Council meeting.

“WHEREAS North Cowichan Council voted on March 20, 2024, to provide a grant-in-aid of \$1,000 to the Cowichan Valley Primary Care Society, and to send a letter in support of the Cowichan Valley Primary Care Society to the BC Minister of Health;

AND WHEREAS the healthcare industry in British Columbia is stretched to the limit, from all accounts;

AND WHEREAS approximately 10,000 healthcare workers retired, left the industry, moved out of province, or chose to stop working due to the provincial Covid-19 vaccine mandates;

AND WHEREAS approximately 4,000 healthcare workers remain out of the industry, but wish to return to their previous healthcare positions;

AND WHEREAS British Columbia remains the only jurisdiction in North America to maintain a vaccine mandate for healthcare workers;

NOW THEREFORE be it resolved that North Cowichan Council authorize the Mayor to send a letter to Minister of Health, Adrian Dix, and the Provincial Health Officer, Dr. Bonnie Henry, to request the termination of the Covid-19 vaccine mandate and invite over 4,000 healthcare workers back to work, to help alleviate the stress on the provincial health care system.”

12.2 Support for "Save BC Restaurants"

Councillor Findlay introduced the following motion which Council will consider at the April 17, 2024, regular Council meeting.

"WHEREAS Restaurants Canada and the BC Restaurants & Foodservice Association provided a "Save BC Restaurants" menu to North Cowichan council, recommending options for support the BC restaurant & food service industry;

AND WHEREAS North Cowichan, and the Cowichan Valley, have a significant amount of food service establishments, resulting in the 6th highest employment industry in the Cowichan Valley Regional District;

AND WHEREAS food service establishments were disproportionately affected by government's Covid-19 policies and the fallout of the pandemic;

NOW THEREFORE be it resolved that North Cowichan Council:

- 1. request a report from staff that outlines how North Cowichan can expedite the approval process for temporary and permanent patio additions for food service establishments; and*
- 2. authorize the Mayor to send a letter to the provincial government advocating to:*
 - a. remove the "red tape" for liquor licensing purposes, both in permanent and special event situations,*
 - b. implement a "trusted owner" liquor licensing system, rather than a property-specific system,*
 - c. reconsider the minimum wage levels, including an under-18 wage system, for entry-level positions such as food service workers, and*
- 3. freeze WorkSafeBC premiums and return the overages in the program to the businesses most affected by the excess premiums charged."*

12.3 Postpone BC Zero Carbon Step Code Emission Level 4 (EL-4)

Councillor Findlay introduced the following motion which Council will consider at the April 17, 2024, regular Council meeting.

"WHEREAS North Cowichan Council adopted the Building Amendment Bylaw on October 18, 2023, which included implemented Emission Level 3 of the BC Zero Carbon Step Code on January 1, 2024, and further implementing Emission Level 4 of the BC Zero Carbon Step Code on July 1, 2024;

AND WHEREAS the construction industry has stated this is an unreasonable and difficult acceleration of code implementation without the full BC industry being in line;

AND WHEREAS the Zero Carbon Step Code, as created by the BC government, was designed to be slowly implemented over time to allow industry to adapt;

AND WHEREAS several municipalities in British Columbia, including North Cowichan and Nanaimo, have expedited the Code six years faster than the provincial guidelines;

AND WHEREAS the construction industry while guided by the rules set out in the BC Building Code by the province, may have accelerated timelines for different, and sometimes neighbouring, municipalities for the Zero Carbon Step Code implementation;

AND WHEREAS North Cowichan staff recommended the expedience of the Zero Carbon Step Code but at a slower rate of Emissions Level 2, and to maintain the provincial guidelines for the Energy Step Code;

AND WHEREAS the Canadian Federation of Independent Business, the Greater Vancouver and Surrey Boards of Trade, the International Brotherhood of Electrical Workers and other unions, restaurant owners, trades and fireplace manufacturers, have created the BC Coalition for Affordable Dependable Energy lobby group to lobby the provincial government over such haphazard amendments;

NOW THEREFORE be it resolved that Council direct staff to draft an amendment to the Building Bylaw to postpone when the Emission Level 4 (EL-4) requirement comes into force and effect from July 1, 2024 to July 1, 2027, to allow industry to adapt to ever-changing energy advancements and legislation."

13. UNFINISHED AND POSTPONED BUSINESS

None.

14. NEW BUSINESS

None.

15. QUESTION PERIOD

Council received no questions from the public.

16. ADJOURNMENT

The meeting adjourned at 5:55 p.m.

Certified by Corporate Officer

Signed by Mayor