

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

**June 21, 2017, 1:30 p.m.  
Municipal Hall - Council Chambers**

## Members Present

Mayor Jon Lefebure  
Councillor Joyce Behnsen  
Councillor Rob Douglas  
Councillor Maeve Maguire  
Councillor Kate Marsh  
Councillor Al Siebring  
Councillor Tom Walker

## Staff Present

Andy Laidlaw, Acting Chief Administrative Officer (CAO)  
Mark Ruttan, Director of Corporate Services / Deputy CAO  
Alyssa Meiner, Deputy Director of Corporate Services  
David Conway, Director of Engineering and Operations  
Ernie Mansueti, Director of Parks and Recreation  
Darrell Frank, Municipal Forester  
Kyle Young, Assistant Manager of Planning and Subdivision  
Natasha Horsman, Community Planning Coordinator  
Chris Hutton, Development Planner

## **1. CALL TO ORDER**

There being a quorum present, the meeting was called to order at 1:33 p.m.

Mayor Lefebure acknowledged that the meeting is taking place within the traditional territory of the Coast Salish people and that it is National Aboriginal Day.

## **2. APPROVAL OF AGENDA**

It was moved and seconded:

That Council approve the agenda as amended to add the following:

1. 11.1 Licence of Occupation - Stoney Hill Road Parking Lot,
2. 11.2 First Nations and Closed Meetings,
3. 11.3 Policing Contract,
4. 11.4 Conference Report,
5. 11.5 Support Letter,
6. 3.1 (Closed) Labour Relations,
7. 3.1 (Closed) Expropriation,
8. 3.2 (Closed) Potential Litigation, and

9. 3.3 (Closed) Receipt of Solicitor Advice.

**CARRIED**

**3. ADOPTION OF MINUTES**

It was moved and seconded:

That Council adopt the minutes of the Committee of the Whole and the regular meetings held June 7, 2017.

**CARRIED**

**4. DELEGATIONS AND PRESENTATIONS**

**4.1 2017 Value-added Woodworking Contest**

Mayor Lefebure presented awards and gift certificates to the following winners of North Cowichan's Value-added Woodworking Contest:

1. 1st Place \$500 to Luke Fotheringham, Chemainus Secondary School,
2. 2nd Place \$250 to Jesse VanBoven, Duncan Christian School, and
3. 3rd Place \$200 to Evan Macey, Cowichan Secondary School.

**5. PUBLIC HEARINGS AND MEETINGS**

**5.1 Public Hearing - Bylaw 3597 - "Zoning Amendment Bylaw (No. 9 – Text Amendment), 2017"**

Public Hearing Report – Council commenced a public hearing at 1:40 p.m. to allow the public to make representations to Council respecting proposed Bylaw 3597. Mayor Lefebure outlined the public hearing order of business and read aloud Council's policy that it will not receive verbal or written communications from the public regarding the proposed zoning amendment bylaw after the closure of the public hearing. He then invited those in attendance to submit any last-minute correspondence. No late correspondence was presented. Mayor Lefebure then noted the location of the public hearing binder and invited the public to review it during the hearing. The Director of Corporate Services advised that prior to the hearing no correspondence was received from the public regarding the application. Council then received a presentation regarding the proposal from Planner Chris Hutton. Mayor Lefebure asked three times if anyone wished to speak. No one spoke so Mayor Lefebure closed the public hearing at 1:50 p.m.

It was moved and seconded:

That Council read a third time "Zoning Amendment Bylaw (No. 9 – Text Amendment), 2015", No. 3597.

(Opposed: Behnsen; Douglas)

**CARRIED**

**5.2 Public Hearing - "Bylaw 3655 - Zoning Amendment Bylaw (No. 7 - Victoria Road), 2017"**

Public Hearing Report – Council commenced another public hearing at 2:19 p.m. to allow the public to make representations to Council respecting proposed Bylaw 3655. Mayor Lefebure invited last-minute correspondence but none was submitted. The Director of Corporate Services advised that no correspondence was received from the public regarding the application prior to the hearing. Council then received a presentation regarding the proposal from the Assistant Manager of Planning and Subdivision.

Council heard from a member of the public who asked for clarification regarding the number of lots involved. Council then heard from Bernie Jones, 3307 Cook Street, that the Chemainus Residents Association supports this kind of density infill. Mayor Lefebure asked three times if anyone else wished to speak. No one else spoke so Mayor Lefebure closed the public hearing at 2:30 p.m.

It was moved and seconded:

That Council read a third time "Zoning Amendment Bylaw (No. 7 – Victoria Rd), 2017", No. 3655.

**CARRIED**

It was moved and seconded:

That Council adopt "Zoning Amendment Bylaw (No. 7 – Victoria Rd), 2017", No. 3655.

**CARRIED**

**5.3 Public Hearing - Bylaw 3656 - "Zoning Bylaw Amendment (No. 8 - Lewis Street), 2017"**

Public Hearing Report – Council commenced another public hearing at 2:31 p.m. to allow the public to make representations to Council respecting proposed Bylaw 3656. Mayor Lefebure invited last-minute correspondence but there was none. The Director of Corporate Services advised that no correspondence was received from the public regarding the application prior to the hearing. Council then received a presentation regarding the proposal from Planner Chris Hutton. Mayor Lefebure asked three times if anyone else wished to speak. No one spoke so Mayor Lefebure closed the public hearing at 2:54 p.m.

It was moved and seconded:

That Council read a third time "Zoning Amendment Bylaw (No. 8 – Lewis Street), 2017", No. 3656.

**CARRIED**

**5.4 Public Hearing - Bylaw 3657 - "Zoning Amendment Bylaw (No. 10 - Mobile Food Vending), 2017"**

Public Hearing Report – Council commenced another public hearing at 2:58 p.m. to allow the public to make representations to Council respecting proposed Bylaw 3657. Mayor Lefebure invited last-minute correspondence but there was none. The Director of

Corporate Services advised that 1 piece of correspondence was received from the public regarding the application and it was forwarded to Council and included in the public information binder.

Council then received a presentation regarding the proposal from Natasha Horsman, Community Planning Coordinator. Mayor Lefebure asked three times if anyone wished to speak. No one else spoke so Mayor Lefebure closed the public hearing at 3:19 p.m.

It was moved and seconded:

That Council read a third time "Zoning Amendment Bylaw (No. 10 – Mobile Food Service), 2017", No. Bylaw 3657.

**CARRIED**

It was moved and seconded:

That Council adopt "Zoning Amendment Bylaw (No. 10 – Mobile Food Service), 2017", No. Bylaw 3657.

**CARRIED**

#### **5.5 Public Meeting - Amendment to Temporary Use Permit - 2003 University Way**

Council received a presentation from the Assistant Manager of Planning and Subdivision, regarding an amendment to a temporary use permit and invited public input. Council heard from Brian Flynn, General Sales Manager for Ford who sought to clarify the application.

It was moved and seconded:

That Council amend temporary use permit No. TUP00002 for 2003 University Way, to increase the number of months for a one week car sales event, to a four month period .

(Opposed: Maguire; Marsh)

**CARRIED**

#### **5.6 Public Meeting - Development Variance Permit for 2468 Beverly Street**

Council received a presentation from the Assistant Manager of Planning and Subdivision regarding the proposed development variance permit for 2468 Beverly Street to reduce minimum yard setbacks and increase lot coverage. Council then invited public input. Mark Lucier, the applicant explained to Council he would like to build more storage for his home and noted that his neighbours have no objections.

It was moved and seconded:

That Council issue a development variance permit to Mark Lucier for 2468 Beverly Street to vary section 58 (6) of the Zoning Bylaw to:

1. reduce the required minimum rear yard setback of a principal building from 7.5 m to 6.5 m,
2. reduce the required minimum rear yard setback of an accessory building from 1.5 m to 1.08 m,
3. reduce the required minimum side yard setback of an accessory building from 1 m to 0.2 m, and

4. reduce the required minimum front yard setback of an accessory building from 5 m to 0.34 m;

And further, that Council require the removal of an approximate 9.8 m<sup>2</sup> (105 ft<sup>2</sup>) portion of the shed structure, in order to re-classify the shed from a principal building to an accessory building and to achieve a minimum 1.22 m separation between the shed and the principal building.

**CARRIED**

## **6. PUBLIC INPUT**

Council received no public input regarding agenda items from registered speakers.

## **7. BYLAWS**

### **7.1 Bylaw 3626 - "Parks and Public Places Regulation Bylaw, 2017"**

It was moved and seconded:

That Council adopt "Parks and Public Places Regulation Bylaw, 2017", No. 3626.

**CARRIED**

### **7.2 Bylaw 3642 - "Zoning Amendment Bylaw (No. 11 – Cottonwood Road), 2017"**

It was moved and seconded:

That Council read a first and second time "Zoning Amendment Bylaw (No. 11 – Cottonwood Road), 2017", No. 3642.

**CARRIED**

### **7.3 Bylaw 3658 - "Business Licence Amendment Bylaw 2017"**

It was moved and seconded:

That Council adopt "Business Licence Amendment Bylaw, 2017," No. 3658.

**CARRIED**

### **7.4 Bylaw 3660 - "Zoning Amendment Bylaw (No. 12 – Dingwall Street), 2017"**

It was moved and seconded:

That Council read a first and second time "Zoning Amendment Bylaw (No. 12 – Dingwall Street), 2017", No. 3660.

**CARRIED**

### **7.5 Bylaw 3661 - "South End Water Local Area Service Enlargement Bylaw, 2017"**

It was moved and seconded:

That Council adopt "South End Water Local Area Service Enlargement Bylaw, 2017", No. 3661.

**CARRIED**

**8. REPORTS**

**8.1 Chaplin Street Speed Limit**

It was moved and seconded:

That Council direct staff to provide a report to Council regarding the speed limit and the necessity for a crosswalk on Chaplin Street.

**CARRIED**

**8.2 Friendship Trail Improvements**

It was moved and seconded:

That Council approve a change in design scope for the Friendship Trail improvements on the east side of Canada Avenue in order to keep costs within the 2017 budget, as proposed in the June 7, 2017 staff report.

**CARRIED**

**8.3 Bazett - Stamps Trail**

It was moved and seconded:

That Council defer for 1 year the proposed Stamps to Bazett trail to give time to obtain approval from the Agricultural Land Commission and consult the public.

**CARRIED**

It was moved and seconded:

That Council extend the meeting to 6:00 p.m.

**CARRIED**

**9. NOTICE OF MOTIONS**

None.

**10. REVIEW OF COMMITTEE MINUTES**

Council reviewed, for information, the following Council committee minutes:

1. Community Planning Advisory Committee - June 12, 2017, and
2. Public Works Committee - June 15, 2017.

**11. NEW BUSINESS**

**11.1 Licence of Occupation - Stoney Hill Road Parking Lot**

It was moved and seconded:

That Council authorize the Mayor and Director of Corporate Services to enter into a Licence of Occupation with the Cowichan Valley Regional District for parking on Stoney Hill Road for 5 years (plus a 5-year renewal).

**CARRIED**

### **11.2 First Nations and Closed Meetings**

Council reviewed a report from the Director of Corporate Services, dated June 21, 2017.

It was moved and seconded:

That Council direct staff to submit a resolution to the Union of BC Municipalities' annual convention, generally as follows:

"WHEREAS section 90 of the *Community Charter* stipulates matters that may or must be considered in closed meetings;

AND WHEREAS there is no inherent authority to close meetings to the public to consider information received and held in confidence from First Nations;

NOW THEREFORE be it resolved that UBCM urge the Provincial government to consider amending section 90 of the *Community Charter* to allow local governments to close meetings to the public to consider information received and held in confidence from First Nations governments."

**CARRIED**

### **11.3 Policing Contract**

It was moved and seconded:

That that Council direct staff to provide the RCMP with a letter of approval-in-principle stating that:

1. North Cowichan requests 1 additional member to its detachment strength of 31 for a total of 32 for the 2018/2019 fiscal year, and
2. the budget estimate that is approved, in principle, is \$5.99 million at 100% (North Cowichan is responsible for 90%).

(Opposed: Behnsen; Douglas; Marsh)

**CARRIED**

It was moved and seconded:

That Council authorize the Mayor to send a letter to the Solicitor General advising of North Cowichan's intention to add one additional member to its RCMP detachment strength of 31, for a total of 32, and request that the Province increase its complement.

(Opposed: Douglas)

**CARRIED**

### **11.4 Conference Report**

Council received a verbal report from Councillor Douglas regarding his attendance at the BC Community Forest Association annual general meeting in Tumbler Ridge, June 15-17, 2017.

**11.5 Support Letter for UBCM**

It was moved and seconded:

That Council urge the UBCM to invite Cathy Peters to make a presentation to the Annual Convention regarding sex crimes and trafficking.

**CARRIED**

**12. QUESTION PERIOD**

Council received no questions from the public regarding business considered at this meeting.

It was moved and seconded:

That Council extend the meeting to 7:00 p.m.

**CARRIED**

**13. CLOSED SESSION**

Council closed the meeting to the public at 5:58 p.m. on the basis of section (90) (1) (c) [*labour relations*], (e) [*land*], (g) [*litigation*] and (i) [*receipt of solicitor advice*], of the *Community Charter*.

**14. ADJOURNMENT**

Council rose without reporting and the meeting ended at 6:50 p.m.

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Signed by Mayor

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Certified by Corporate Officer  
(Minutes certified "correct" and Public Hearing  
report certified "fair and accurate")