

# Municipality of North Cowichan

## Regular Council

### MINUTES

April 3, 2019, 1:30 p.m.  
Municipal Hall - Council Chambers

Members Present      Mayor Al Siebring  
                                 Councillor Rob Douglas  
                                 Councillor Christopher Justice  
                                 Councillor Kate Marsh  
                                 Councillor Rosalie Sawrie  
                                 Councillor Debra Toporowski

Members Absent      Councillor Tek Manhas

Staff Present              Ted Swabey, Chief Administrative Officer (CAO)  
                                 Karen Robertson, Corporate Officer  
                                 Jacqueline East, General Manager, Development and Engineering Services  
                                 Mark Frame, General Manager, Financial and Protective Services  
                                 Ernie Mansueti, General Manager, Community Services  
                                 Marla Laycock, Manager Human Resources  
                                 David Conway, Director of Engineering  
                                 Rob Conway, Director of Planning  
                                 Natasha Horsman, Manager, Communications and Strategic Initiatives  
                                 Glenn Morris, Development Planning Coordinator  
                                 Caroline von Schilling, Development Planner  
                                 Larissa Barry-Thibodeau, Planning Technician  
                                 Mairi Bosomworth, Community Planner

#### 1. CALL TO ORDER

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

#### 2. APPROVAL OF AGENDA

It was moved and seconded:

**That Council adopt the April 3, 2019 Council agenda, as amended, to include the following changes:**

- **To add a Grant in Aid request from the Crofton Community Centre Society, under New Business, item 10.1;**
- **To pull item 7.1 – Community Engagement on the Municipal Forest Reserve so that Council can consider this item when all members of Council are present to vote;**
- **To pull item 7.2 – Proposed Environmental Position so that Council can consider this item when all members of Council are present to vote; and**

- **To add an item of business to the Closed portion of the meeting under New Business – Item 3.1 under Section 90(1)(i) – the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.**

**CARRIED**

### **3. ADOPTION OF MINUTES**

**It was moved and seconded:**

**That Council adopt the minutes of the following meetings:**

- 1. Special Council meeting held March 20, 2019; and**
- 2. Committee of the Whole meeting held March 20, 2019.**

**CARRIED**

It was moved and seconded:

**That Council adopt the Regular Council meeting minutes held March 20, 2019, as amended, to note that Councillor Douglas was opposed to the amendment motion under item 7.1, at the top of page 5.**

**CARRIED**

### **4. MAYOR'S REPORT**

The Mayor gave a verbal report on meetings and activities he recently attended.

### **5. PUBLIC INPUT**

Council received brief public input regarding agenda items from the following registered speakers:

- Kevin Satterfield spoke to item 8.4 – Zoning Amendment Bylaw (Cannabis Sales – 2900 Drinkwater Road);
- Jasmine Oberste spoke to item 7.1 – Community Engagement on the Municipal Forest Reserve;
- Paulina Kee spoke to item 7.1 – Community Engagement on the Municipal Forest Reserve;
- Joyce Behnsen spoke to item 7.2 – Proposed Environmental Position; and
- Sabine Almstrom spoke to item 7.1 – Community Engagement on the Municipal Forest Reserve.

### **6. DELEGATIONS AND PRESENTATIONS**

#### **6.1 PRESENTATION: Mayor Siebring to Present a Carnegie Heroes Medal for Bravery to John Thomas Prokop**

Mayor Siebring presented Mr. John Thomas Prokop with the prestigious Carnegie Hero Medal for his act of bravery on July 18, 2016 where he assisted Constable Baines in holding down an assailant who was reaching for the officer's duty belt which held a holstered handgun. Details of the specific incident are outlined on the April 3, 2018 agenda.

The Carnegie Hero Fund Commission was created in 1904 to recognize outstanding acts of selfless heroism performed in the United States and Canada. The medal is awarded to those who risk their lives to an extraordinary degree while saving or attempting to save the lives of others.

Constable Baines and Inspector Chris Bear were in attendance to show their appreciation to Mr. Prokop for his act of heroism.

**6.2 DELEGATION: Amy and Tafadzwa Matama Re: Concept for an Agricultural, Music, Arts & Culture, and Health and Wellness School in North Cowichan**

Amy and Tafadzwa Matama were in attendance to introduce Council to their concept for the development of an agricultural, music, arts and culture, and health and wellness school in North Cowichan for local and international students of all ages.

Ms. Matama stated that it was their vision to build on an "edu-tainment" philosophy where they bring successful artists, educators, athletes and farmers from Zimbabwe to Vancouver Island to model an inspiring work ethic, performance ethics, and cultural exchange. They were seeking support for funding in the future to go towards the following:

- employment creation;
- greenhouses;
- irrigation;
- accommodation; and
- a better location as their existing location is too small.

They concluded their presentation by expressing their appreciation for any letters of support that Council could provide as they embark on helping other artists immigrate to Canada from Zimbabwe.

**7. UNFINISHED AND POSTPONED BUSINESS**

**7.1 Community Engagement on the Municipal Forest Reserve**

This item was pulled from the agenda so that it could be considered at the next available Council meeting when all members of Council are present.

**7.2 Proposed Environmental Position**

This item was pulled from the agenda so that it could be considered at the next available Council meeting when all members of Council are present.

**8. REPORTS**

**8.1 Temporary Use Permit - 2003 University Way (Women's Shelter)**

Councillor Sawrie declared a conflict of interest as she is employed with Social Planning Cowichan who indirectly receives funding on an unrelated contract from the Cowichan Women Against Violence Society and left the Council Chambers at 2:32 p.m.

It was moved and seconded:

**That notice be issued of Council's intention to consider an amendment to Temporary Use Permit No. TUP00017, to remove the condition that use of a temporary women's shelter at 2003 University Way be restricted to between November 1 and March 31.**

**CARRIED**

Councillor Sawrie returned to the Council Chambers at 2:33 p.m.

**8.2 Cannabis Production Facilities in the Agricultural Land Reserve**

It was moved and seconded:

**That Council receive, for information, the Community Planner's April 3, 2019 Cannabis Production Facilities in the Agricultural Land Reserve report.**

**CARRIED**

**8.3 Bylaw 3746 "Zoning Amendment Bylaw (Micro Cannabis Production Facility), 2019" - a bylaw to define and permit Micro Cannabis Production Facilities in the Commercial Service Zone (C3)**

It was moved and seconded:

**That Council give first and second readings to Bylaw 3746 "Zoning Amendment Bylaw (Micro Cannabis Production Facility), 2019" to define and permit Micro Cannabis Production Facilities in the Commercial Service Zone (C3).**

**CARRIED**

**8.4 Bylaw 3748 "Zoning Amendment Bylaw (Cannabis Sales - 2900 Drinkwater Road), 2019" – a bylaw to permit Cannabis Retail Sales**

During the discussion on the application, it was noted that a second rezoning application to establish a retail cannabis store had been received by the Municipality from Costa Canna Corporation on the adjacent parcel very near to where the store is being proposed for this application.

At this point during the discussion, Councillor Toporowski declared a perceived conflict of interest as Cowichan Tribes is a partner in Costa Canna Corporation and she is a Cowichan Tribes Council member. She left the Council Chambers at 2:50 p.m.

It was moved and seconded:

**That Council hold off considering the site specific rezoning application by the BC Liquor Distribution Branch to permit the use of a Retail Cannabis Sales at 2900 Drinkwater Road until such time as the application from Costa Canna Corporation is ready for Council's consideration so that both applications can be considered at the same time.**

(Opposed: Douglas)

**CARRIED**

Councillor Toporowski returned to the Chambers at 2:58 p.m.

**8.5 Bylaw 3743 "Zoning Amendment Bylaw (1038 Herd Road), 2019" - a bylaw to amend the Residential Rural Zone (R1) to permit a second detached residential building at 1038 Herd Road**

It was moved and seconded:

**That Council give first and second readings to Bylaw 3743 "Zoning Amendment (1038 Herd Road), 2019" in order to permit a second residential building;**

**And That staff be directed to proceed with the public hearing process to notify neighbouring properties within a 60m radius of the subject property and place**

**advertisements in the local newspaper, as per the requirements of the *Local Government Act*.**

It was moved and seconded:

**That Council postpone consideration of the application until the staff report is received by Council on second dwellings outside the urban containment boundary.**

(Opposed: Siebring; Marsh; Sawrie; Toporowski)

**DEFEATED**

The vote was taken on the main motion:

**That Council give first and second readings to Bylaw 3743 "Zoning Amendment (1038 Herd Road), 2019" in order to permit a second residential building;**

**And That staff be directed to proceed with the public hearing process to notify neighbouring properties within a 60m radius of the subject property and place advertisements in the local newspaper, as per the requirements of the *Local Government Act*.**

(Opposed: Douglas; Justice)

**CARRIED**

**8.6 Bylaw 3744 "Fees Amendment Bylaw (No. 2 - Waste Collection Fees) 2019" - a bylaw to formalize the garbage rate increases as outlined in the 2019-2023 Financial Plan**

It was moved and seconded:

**That Council give first three readings to "Fees Amendment Bylaw (No. 2 Waste Collection Fees), 2019" No. 3744 – a bylaw to provide for a 2% rate increase to cover the increased costs associated with waste collection.**

**CARRIED**

**8.7 Crofton Communities in Bloom Re: Request to Permit Development of Gardens and Structures at the Crofton Museum Gardens**

It was moved and seconded:

**That Council support the development of the Crofton Museum grounds, with work being undertaken by the Crofton Community Centre Society, within the following parameters:**

- **That the land identified to be developed as gardens, as outlined in the Director of Parks and Recreation's March 20, 2019 report, is approved by Council with the understanding that the two co-landowners have permitted such;**
- **And That community consultation occur to encourage and incorporate community feedback into the final design and construction.**

**CARRIED**

**8.8 Bylaw 3740 "Animal Responsibility Bylaw, 2019" - a bylaw to include provisions for animal welfare, control, licencing, duties of animal owners, penalties, and enforcement**

The Corporate Officer asked that Council consider amending sections 95(e) and 99(b) of the bylaw to reflect a 72 hours impoundment period rather than 96 hours so that this provision is consistent with other jurisdictions in the Cowichan Valley, prior to giving the bylaw first three readings.

It was moved and seconded:

**That the reference to "96 hours" in section, 95(e) and 99(b) of the bylaw be removed and replaced with "72 hours".**

**CARRIED**

It was moved and seconded:

**That section 9(e) - an aquarium or zoological park operated by an organization accredited by the Canadian Association of Zoos and Aquariums be removed from the bylaw.**

(Opposed: Siebring)

**CARRIED**

It was moved and seconded:

**That section 40 be amended to:**

- **insert the words "or go for a walk" after the words private lands; and**
- **delete section 40(b) and replace it with the following:  
"immediately returns the Dog to the building or Pen upon completion of the urination, defecation, or walk."**

**CARRIED**

It was moved and seconded:

**That Council give first three readings to "Animal Responsibility Bylaw No. 3740, 2019", as amended.**

**CARRIED**

**8.9 Bylaw 3745 "Fees Amendment Bylaw, 2019" - a bylaw to amend the animal fees**

It was moved and seconded:

**That Council give first three readings to Bylaw 3745 "Fees Amendment Bylaw, 2019" – a bylaw to amend the Animal Fee schedule.**

**CARRIED**

**9. NOTICE OF MOTIONS**

**9.1 Municipal Survivor Climate Challenge**

It was moved and seconded:

**That Council members be encouraged to participate in the District of Highlands Municipal Survivor Climate Challenge by registering at <https://www.footprintcalculator.org> on April 22, 2019 (Earth Day) and tracking their average "One-Planet Living" footprint for one year (until Earth Day, 2020).**

**CARRIED**

**10. NEW BUSINESS**

**10.1 Crofton Community Centre Society - Grant In Aid Application**

It was moved and seconded:

**That Council approve the Crofton Community Centre Society's request for a grant in aid in the amount of \$1,300 to cover the costs associated with hanging banners on lamp standards to celebrate the Crofton Society's 65<sup>th</sup> anniversary.**

**CARRIED**

**11. QUESTION PERIOD**

Council received questions from the public regarding business considered at this meeting.

**12. CLOSED SESSION**

It was moved and seconded:

**That Council close the April 3, 2019 Regular Council meeting to the public at 3:46 p.m. under the following section of the *Community Charter*:**

- **Section 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; and**
- **Section 90(1)(i) – the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.**

**CARRIED**

**13. RISE AND REPORT**

Council rose, without report.

**14. ADJOURNMENT**

It was moved and seconded:

**That Council adjourn the April 3, 2019 Regular Council meeting at 4:45 p.m.**

**CARRIED**

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Certified by Corporate Officer

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Signed by Mayor