



TOWN OF LAKE COWICHAN
Minutes of a Regular meeting of Council
Tuesday, January 30th, 2018

PRESENT: Mayor Ross Forrest
Councillor Lorna Vomacka
Councillor Carolyne Austin
Councillor Bob K. Day
Councillor Tim McGonigle

STAFF: Joseph A. Fernandez, Chief Administrative Officer
Ronnie Gill, Director of Finance
Kari McKinlay, Recording Secretary

PUBLIC: 11

1. CALL TO ORDER

Mayor Forrest called the meeting to order at 6:38 p.m.

2. AGENDA

No. R.001/18

Moved: Councillor McGonigle
Seconded: Councillor Austin
that the agenda be approved with the following additions under:
Correspondence:
6. (a) Providence Farm re: Letter of Support.

CARRIED.

3. ADOPTION OF MINUTES

No. R.002/18

(a) Moved: Councillor Day
Seconded: Councillor Vomacka
that the minutes of the Regular Meeting of Council held on December 19th,
2017 be adopted.

CARRIED.

4. BUSINESS ARISING AND UNFINISHED BUSINESS

None.

5. DELEGATIONS AND REPRESENTATIONS

(a) Jen Woike and Mona Kaiser made a presentation to Council on the progress of the planning for the BC Summer Games. They stated that there will be approximately 3,800 participants with 1,800 medals being given out. Laketown Ranch will be hosting the opening ceremonies, which will be open to the public. A torch lighting ceremony will occur at the Discovery Visitor Centre in Duncan on April 19th, 2018.

(b) Brian Carruthers and Jon Lefebure gave an update to Council on the Cowichan Watershed and the need for Watershed Service Establishment Bylaw.

6. CORRESPONDENCE

(a) Action Items

(i) Providence Farm asked for a letter of support from the Town of Lake

Cowichan on a grant-in-aid from the Cowichan Valley Regional District. The correspondence item was received and filed.

(b) Information or Consent Items

None.

7. REPORTS

No. R.003/18
Finance and Administration

Moved: Councillor McGonigle
Seconded: Councillor Austin
that the minutes of the Finance and Administration Committee meeting held on January 16th, 2018 be approved with the following:

BC Mayor's Caucus

that approval be given for Mayor Forrest to attend the BC Spring Mayor's Caucus in March 2018 in Squamish, BC; and

Lake Cowichan Fire Department-

that approval of the Lake Cowichan Fire Department's incident report expense for December 2017 in the total amount of \$6,951.99 be given.

CARRIED.

No. R.004/18
Public Works and
Environmental Services

Moved: Councillor Austin
Seconded: Councillor McGonigle
that the minutes of the Public Works and Environmental Committee meeting held on January 9th, 2018, be approved with the following:

Project approvals-

that the committee recommend approval of the projects as listed below:

- Balance of Water Treatment Plant at an estimated cost of \$4,728,000;
- Greendale Water Main Upgrade remaining at an estimated cost of \$543,000; and
- CLEC Water System Upgrade estimated at \$90,000; and

Infrastructure Planning Grant-

that the Town undertake a feasibility study of how best to approach the issue of funding storm water infrastructure for the near and long term under the Infrastructure Planning Grant.

CARRIED.

No. R.005/18
Parks, Recreation and
Culture

Moved: Councillor Vomacka
Seconded: Councillor Day
that the minutes of the Parks, Recreation and Culture Committee meeting held on January 9th, 2018 be approved with the following:

Columbarium Name-

that River's Edge Memorial Garden be approved as the name for the site selected for the columbarium; and

Centennial Park-

that approval of the outstanding improvements at Centennial Park prior to the adoption of the financial plan for an estimated total cost of \$400,000 be given so the Town may issue a proposal for the design and pricing of the

remaining required upgrade components.

CARRIED.

No. R.006/18
Economic and Sustainable
Development

Moved: Councillor Day
Seconded: Councillor McGonigle
that the minutes of the Economic and Sustainable Development Committee meeting held on January 16th, 2018 be approved with the following:

Letter of Endorsement-

that the purchase of Little Beach by Cowichan Valley Regional District as a park acquisition be endorsed by the Town.

CARRIED.

Cowichan Lake Recreation

Mayor reported that the Cowichan Lake Recreation Commission met and had elected Laurie Johnson as the Chair. He also mentioned that Calvin Convery was a new member of the commission. Mayor Forrest said that the arena had to purchase a new replacement part for \$5,000.

Vancouver Island Regional
Library

Councillor Vomacka reported to Council that the Lake Cowichan Vancouver Island Regional Library held its Annual General Meeting where Barry Avis was elected as the Chair and Steve Arnett was elected as the Vice Chair. She also said that Christmas cards were produced to promote new library cards, a regional poetry book was being compiled and code reader caterpillars (for kids) would be coming to libraries soon.

Advisory Planning
Commission

Councillor McGonigle informed Council that the three working committee groups for the Advisory Planning Commission have been established and are going to meet soon.

Community Forest Co-
operative

Councillor McGonigle said there is not much to report for the Community Forest Co-op until after the return of the Legislature in order have the contract signed.

(b) Other Reports

Cowichan Valley Regional
District Board

(i) Councillor Day gave a verbal report to Council on his attendance at the last Cowichan Valley Regional District meetings. Highlights from the meetings included: Meades Creek project being over budget with funding for Bings Creek rolled over to 2018; 2022 strategic plan to be distributed, and Cowichan Housing Society presented its plan.

Community Outreach Team

(ii) Councillor Austin reported that she did not attend the Outreach Team meeting but had received an email that updated her on the information Cindy Lise had sent on drug initiatives. She also mentioned that there will be an open house with speakers on April 10th, 2018. The next meeting will take place on February 15th, 2018.

Community Safety Advisory

(iii) Councillor McGonigle will attend Jan 31st, 2018 meeting of the Community Safety Advisory group.

Seniors Care Facility

(iv) Councillor Day read out the minutes from the Cowichan Lake Elder Care Initiative's last meeting.

(c) Staff Reports

No. R.007/18

(i) Moved: Councillor Day
Seconded: Councillor McGonigle
WHEREAS Division 12 of Part 3 of the Community Charter (the "Charter") authorizes Council to impose a remedial action requirement on the owner or owners of a building including a requirement to remove or demolish the building where:

- 1) Council considers that the buildings are in or create an unsafe condition;
- 2) Council considers that the buildings contravenes the Provincial building regulations or a Town bylaw under s. 8(3) (1) (buildings and other structures); and
- 3) Council declares the premises are a nuisance;

AND WHEREAS 2030 INVESTMENTS LTD. INC. NO. 288620 is the registered owner (the "Owner") of the premises at 220 MacDonald Road, Lake Cowichan, British Columbia, PID # 005-991-633 (the Property);

AND WHEREAS the buildings on the Property are in a state of disrepair and have been occupied or left vacant and unsecure for a considerable period of time and are a threat to public safety and have not been repaired, secured or demolished, despite the Town's efforts to persuade the owner to take remedial action;

NOW THEREFORE, the Council of the Town of Lake Cowichan, in open meeting assembled, resolves as follows:

1. that Council hereby considers that the building or buildings and the property located at 220 Macdonald Road, Lake Cowichan, BC are in a hazardous condition, within the meaning of Section 73(2)(b) of the Community Charter in that it contravenes the building regulations for British Columbia and the Town of Lake Cowichan Building Bylaw No. 987-2017 (the Building Bylaw) and the Town of Lake Cowichan Fire Protection Bylaw 865-2009;
2. that Council hereby considers that the buildings on the Property are in and create an unsafe condition within the meaning of Section 73(2)(a) of the Community Charter, as a result of the buildings being vacant and insecure, the buildings continuing to deteriorate and/or the building contravening the Building Bylaw;
3. that Council hereby declares that the buildings on the Property are a nuisance, within the meaning of Section 74(2) of the Community Charter, as Council considers the buildings on the Properties to be so dilapidated as to be offensive to the community;
4. that Council hereby declares that the buildings on the Property are nuisances, within the meaning of Section 74(2) of the Community Charter, as Council has received community complaints about the unsightliness of the Properties;
5. that Council hereby requires pursuant to its remedial action powers

under Part 3, Division 12 of the Community Charter that the Owner:

- (a) demolish the buildings on the Property and remove all remnants of the demolished buildings no later than thirty (30) days after notice of this remedial action requirement under s. 77 of the Charter has been sent by the Town to the Owner;
 - (b) erect a strongly constructed fence at least 1.5 meters tall around the area where the building was formerly located immediately after the building is demolished and removed and maintain the fence until the requirement in s. 5(c) of this resolution has been complied with; and
 - (c) fill in and level any hole created by the removal of the building no later than thirty (30) days after notice of this remedial action requirement under s. 77 of the Community Charter has been sent by the Town to the Owner;
6. and that the Town advise the Owner that he may request that Council reconsider the Remedial Action Requirement by providing the Town written notice within 14 days of the date on which notice under s. 77 of the Community Charter was sent and that if any or all of the actions required by the Remedial Action Requirement is not completed by the date specified for compliance, the Town may take action in accordance with section 17 of the Community Charter and undertake any or all of the actions required by the Remedial Action requirement without further notice to and at the expense of the Owner.

CARRIED.

No. R.008/18

(ii) Moved: Councillor McGonigle
 Seconded: Councillor Vomacka
 WHEREAS Division 12 of Part 3 of the Community Charter (the "Charter") authorizes Council to impose a remedial action requirement on the owner or owners of a building including a requirement to remove or demolish the building where:

- 1) Council considers that the buildings are in or create an unsafe condition;
- 2) Council considers that the buildings contravenes the Provincial building regulations or a Town bylaw under s. 8(3) (1) (buildings and other structures); and
- 3) Council declares the premises are a nuisance;

AND WHEREAS ROYAL SELF STORAGE LTD., INC. BC0692286 is the registered owner (the "Owner") of the property at 21 Oak Lane, Lake Cowichan, British Columbia, PID # 004-534-956 (the Property);

AND WHEREAS the building on the Property are in a state of disrepair and have been left vacant and unsecured for a considerable period of time and are a threat to public safety and have not been repaired, secured or demolished, despite the Town's efforts to persuade the owner to take remedial action;

NOW THEREFORE, the Council of the Town of Lake Cowichan, in open meeting assembled, resolves as follows:

1. that Council hereby considers that the building or buildings and the property located at 21 Oak Lane, Lake Cowichan, BC are in a hazardous condition, within the meaning of Section 73(2)(b) of the Community Charter in that it contravenes the building regulations for British Columbia and the Town of Lake Cowichan Building Bylaw No. 987-2017 (the Building Bylaw) and the Town of Lake Cowichan Fire Protection Bylaw 865-2009 ;
2. that Council hereby considers that the buildings on the Property are in and create an unsafe condition within the meaning of Section 73(2)(a) of the Community Charter, as a result of the buildings being vacant and insecure, the buildings continuing to deteriorate and/or the building contravening the Building Bylaw;
3. that Council hereby declares that the buildings on the Property are a nuisance, within the meaning of Section 74(2) of the Community Charter, as Council considers the buildings on the Properties to be so dilapidated as to be offensive to the community;
4. that Council hereby declares that the buildings on the Property are nuisances, within the meaning of Section 74(2) of the Community Charter, as Council has received community complaints about the unsightliness of the Properties;
5. that Council hereby requires pursuant to its remedial action powers under Part 3, Division 12 of the Community Charter that the Owner:
 - (a) demolish the buildings on the Property and remove all remnants of the demolished buildings no later than thirty (30) days after notice of this remedial action requirement under s. 77 of the Charter has been sent by the Town to the Owner;
 - (b) erect a strongly constructed fence at least 1.5 meters tall around the area where the building was formerly located immediately after the building is demolished and removed and maintain the fence until the requirement in s. 5(c) of this resolution has been complied with; and
 - (c) fill in and level any hole created by the removal of the building no later than thirty (30) days after notice of this remedial action requirement under s. 77 of the Community Charter has been sent by the Town to the Owner;
6. and that the Town advise the Owner that he may request that Council reconsider the Remedial Action Requirement by providing the Town written notice within 14 days of the date on which notice under s. 77 of the Community Charter was sent and that if any or all of the actions required by the Remedial Action Requirement is not completed by the date specified for compliance, the Town may take action in accordance with section 17 of the Community Charter and undertake any or all of the actions required by the Remedial Action requirement without further notice to and at the

expense of the Owner.

CARRIED.

No. R.009/18

- (iii) Moved: Councillor Day
Seconded: Councillor Austin
that approval be given for the issuance to the applicant of a Development Permit of Lot 19, Section 5, Plan 50930, 245 North Shore Road with the following conditions:
- 1) Prior to the issuance of a building permit, any retaining walls and structures higher than 1.0 metres in the rear, front, and side yards must be designed by a professional geoscientist or structural engineer to the satisfaction of the town's building inspector and must be located entirely on the parcel.
 - 2) Prior to the issuance of a building permit, the driveway access point on North Shore Road and its slope and configuration must be approved by the Superintendent of Public Works.
 - 3) that Council require the submission of a rainwater management plan by a qualified consultant that demonstrates that all rainwater and run-off will be managed on site and which will not impact the downstream and adjacent properties.

CARRIED.

No. R.0010/18

- (iv) Moved: Councillor Austin
Seconded: Councillor Vomacka
that approval be given for the issuance to the applicant of a Development Permit for Lot 16, Section 5, Renfrew District, Plan 50930, 259 North Shore Road with the following conditions:
- 1) Prior to the issuance of a building permit, any required retaining walls and structures higher than 1.0 metres in the rear, front, and side yards must be designed by a professional geoscientist or structural engineer to the satisfaction of the town's building inspector and must be located entirely on the parcel.
 - 2) Prior to the issuance of a building permit, the driveway access point on North Shore Road and its slope and configuration must be approved by the Superintendent of Public Works.
 - 3) that Council require the submission of a rainwater management plan by a qualified consultant that demonstrates that all rainwater and run-off will be managed on site and which will not impact the downstream or adjacent properties.
 - 4) that a professional geotech be retained to ensure that the construction is undertaken pursuant to the requirements of the building inspector.

CARRIED.

8. BYLAWS

No. R.0011/18
Bylaw No. 998-2017
Building

- (a) Moved: Councillor McGonigle
Seconded: Councillor Vomacka
that the "Town of Lake Cowichan Building Bylaw No. 998-2017" be reconsidered and adopted.

CARRIED.

No. R.0012/18
Bylaw No. 999-2017
Fees and Charges for

- (b) Moved: Councillor Day
Seconded: Councillor Austin
that the "Town of Lake Cowichan Fees and Charges for Services Bylaw No.

Services 999-2017" be reconsidered and adopted. CARRIED.

No. R.0013/18 (c) Moved: Councillor Day
Bylaw No. 1000-2017 Seconded: Councillor Vomacka
OCP Amending that the "Town of Lake Cowichan OCP Amending Bylaw No. 1000-2017" be given third reading. CARRIED.

No. R.0014/18 (d) Moved: Councillor Austin
Bylaw No. 1000-2017 Seconded: Councillor Day
OCP Amending Bylaw that the "Town of Lake Cowichan OCP Amending Bylaw No. 1000-2017" be reconsidered and adopted. CARRIED.

No. R.0015/18 (e) Moved: Councillor Day
Bylaw No. 1001-2017 Seconded: Councillor Austin
Zoning Amendment that the "Town of Lake Cowichan Zoning Amendment Bylaw No. 1001-2017" be given third reading. CARRIED.

(f) Councilor Day declared potential conflict of interest and left meeting.

No. R.0016/18 (g) Moved: Councillor McGonigle
Bylaw No. 1002-2018 Seconded: Councillor Vomacka
Zoning Amendment that the "Town of Lake Cowichan Zoning Amendment Bylaw No. 1002-2018" be given first and second readings. CARRIED.
Councillor Day returned to the meeting.

9. NEW BUSINESS

None.

10. MAYOR'S REPORT

The Mayor presented his report for January 2018 which included the following:

- Emphasizing the replacement of our aging infrastructure while looking at additional improvements to provide more dependable services to residents;
- Update on the work at Centennial Park;
- Social media responsibility;
- Success of Rogers Hometown Hockey and Paint the Town Red;
- BC Summer Games that will be hosted by the Cowichan Valley this coming July.

11. NOTICES OF MOTION

Councillor Austin and Councillor Vomacka asked that water billing calculations be brought forward to better understand the calculation process.

13. IN CAMERA

No. R.0017/18

Moved: Councillor McGonigle
Seconded: Councillor Day
that pursuant to Section 90 of the Community Charter, Council closes the meeting to the public to deal with issues relating to the following relevant sections of the Community Charter: 90(1) (b) personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity; 90(1) (c) on labor relations or other employee relations; and 90(1) (e) the acquisition, disposition or expropriation of land or improvements, and 90(1) (f) law enforcement (8:13 p.m.).

CARRIED.

ADJOURNMENT

14.

No. R.0018/18
Adjournment

Moved: Councillor McGonigle
Seconded: Councillor Austin
that we arise and adjourn at 8.55 p.m. without report.

CARRIED.

Certified correct _____.

Confirmed on the _____ day of _____, 2018.

Mayor