

TOWN OF LAKE COWICHAN

Minutes of a Regular meeting of Council held on
Tuesday, May 28th, 2013



PRESENT: Mayor Ross Forrest
Councillor Bob Day
Councillor Frank Hornbrook
Councillor Jayne Ingram
Councillor Tim McGonigle

STAFF: Joseph A. Fernandez, Chief Administrative Officer
Ronnie Gill, Director of Finance
Roni-Lee Roach, Executive Secretary

PUBLIC: 4

1. CALL TO ORDER

Mayor Forrest called the meeting to order at 6:00 p.m.

2. AGENDA

No. R.072/13

Moved: Councillor Ingram
Seconded: Councillor Hornbrook
that the agenda, with the addition of the following items, be approved:

Business Arising and Unfinished Business

- Councillor Ingram re: Thank You Card for Seedling Donation from Private Forest Landowners.

Correspondence – Action Items

- Kerr Wood Liedel re: Integrated Urban Drainage/ Rainwater Management Plan – Revised Scope of Work and Budget.

Reports – Staff Reports

- Director of Finance re: Climate Action Reporting.

New Business

- Spooksville Television Series re: Usage of Lakeview Park Beach Area for Filming.

CARRIED.

3. ADOPTION OF MINUTES

No. R.073/13

(a) Moved: Councillor Day
Seconded: Councillor Ingram
that the minutes of the Regular meeting of Council held on April 23rd, 2013 be adopted.

CARRIED.

No. R.074/13

(b) Moved: Councillor McGonigle
Seconded: Councillor Ingram
that the minutes of the Special Regular meeting of Council held on May 7th, 2013 be adopted.

CARRIED.

4. BUSINESS ARISING AND UNFINISHED BUSINESS

(a) Council discussed the correspondence item from the District of Ivermere regarding the Glacier Mountain Resort Municipality and its concerns regarding the incorporation of same and the staff report on the same matter.

Council treated the correspondence item and staff report as information.

No. R.075/13
Thank You Card

Moved: Councillor Ingram
Seconded: Councillor Hornbrook
that Council send a card of thanks to Rod Bealing, Private Forest Landowners for his generous donation of seedlings that were presented by members of Council to the Lake Cowichan Secondary School during its annual Health Fair.

CARRIED.

5. **DELEGATIONS AND REPRESENTATIONS**

None.

6. **CORRESPONDENCE**

No. R.076/13
No Smoking Policy

(a) Moved: Councillor McGonigle
Seconded: Councillor Ingram
that Council support the Cowichan Lake Recreation Commission's implementation of a full smoking ban where smoking is not permitted anywhere on the grounds or in the buildings owned or managed by Cowichan Lake Recreation.

DEFEATED.

No. R.077/13
Integrated Urban
Drainage / Rainwater
Management Plan

Moved: Councillor McGonigle
Seconded: Councillor Hornbrook
that Council approve Kerr Wood Leidal to undertake the Integrated Urban Drainage /Rainwater Management Plan for a cost not to exceed \$121,400 plus applicable taxes.

CARRIED.

7. **REPORTS**

No. R.078/13
Finance and
Administration

Moved: Councillor McGonigle
Seconded: Councillor Ingram
that the minutes of the Finance and Administration Committee meeting held on May 14th, 2013 be approved with the following recommendations:

1—Referral

that the request to remove the use of CO₂ chamber for euthanizing cats be stricken from the current Animal Control Bylaw be referred to the next Finance and Administration Committee meeting.

2—Cost Sharing Agreement with Ministry of Transportation

that the Town of Lake Cowichan move forward with the roundabout and resurfacing project in partnership with the Ministry of Transportation and Infrastructure with a cost sharing commitment from the Town for a total not to exceed \$539,973.29, inclusive of PST but excluding GST.

3—Community Spirit Benches at Saywell Park

that Council approve the Cowichan Lake District Chamber of Commerce's proposal for community spirit benches at Saywell Park with staff to work out details of the project.

4—BC Healthy Communities Capacity Building Fund

that the Town of Lake Cowichan make application for the BC Healthy Communities Capacity Building fund in partnership with the Choose Cowichan Lake committee.

5—Proposed Agenda Format

that the Town of Lake Cowichan Council Procedure Bylaw be amended to reflect the addition of “Notices of Motion” with regard to the agenda format.

6—Waterlot Acquisition

that the Mayor and Chief Administrative Officer be authorized to sign the agreement for the donation of the waterlot described as Block 1533, Plan EPP28764 from Timberwest to the Town.

CARRIED.

No. R.079/13
Public Works

Moved: Councillor Hornbrook
Seconded: Councillor Ingram
that the minutes of the Public Works Committee meeting held on May 7th, 2013 be approved with the following recommendations:

1—Flood Protection Program

that the Town make application under the Flood Protection Program for flood protection of lift station #3.

2—Sprinkling Regulations

that Council approve the revised Town of Lake Cowichan Sprinkling Regulations, as presented, which is to be in effect from June to September of each year, between the hours of 6:00 a.m. to 8:00 a.m. and 6:00 p.m. to 8:00 p.m. for the general public on those days indicated; and that Public Works under the supervision of the Superintendent, Public Works and Engineering Services be allowed to sprinkle public parks between the hours of 7:00 a.m. to 10:00 a.m., Monday to Friday.

CARRIED.

No. R.080/13
Parks, Recreation and Culture

Moved: Councillor Day
Seconded: Councillor Hornbrook
that the minutes of the Parks, Recreation and Culture Committee meeting held on May 7th, 2013 be approved with the following recommendation:

1—Award of Contract – Renfrew Town Square

that the award be made to Lees and Associates in the amount of \$39,210.46 exclusive of taxes for the preparation of the following:

- detailed site drawings;
- cost estimates; and
- construction tender documents

for the Renfrew Town Square project.

CARRIED.

No. R.081/13
CLEC, Lakeview and Fire Department

Moved: Councillor Day
Seconded: Councillor McGonigle
that the minutes of the CLEC, Lakeview and Fire Department Committee meeting held on May 14th, 2013 be approved.

CARRIED.

No. R.082/13
Sustainable, Planning and
Development

Moved: Councillor Ingram
Seconded: Councillor Day
that the minutes of the Sustainable, Planning and Development
Committee meeting held on May 21st, 2013 be approved with
the following recommendation:

1—Letter of Support – In Principle

that the Town of Lake Cowichan support, in principle, the
exploration of a “local watershed pilot project” that would
transfer the stewardship and resources relating to the
Cowichan Watersheds from the Provincial and Federal
governments to the Cowichan Watershed Board upon the latter
beginning the process to be duly constituted as a legal entity
responsible to the affected local governments.

CARRIED.

Cowichan Lake
Recreation
Commission

The Mayor reported that no minutes were available for the
most recent meeting held by the Cowichan Lake Recreation
Commission. He reported on the item of a proposed fee
increase for user fees which will not be a dollar amount
increase but rather offset with the removal of the HST.

Chamber of
Commerce

Councillor Ingram reported on the recent Chamber Activities as
follows:

- Dinner meeting held at Jakes at the Lake on May 15th,
2013
- Honoring of Dot Lungal and her 34 years of being a
Chamber member;
- Wine tasting event to be held;
- “Junk in the Trunk” event held on May 27th, 2013 from
10:00 a.m. to 2:00 p.m. at Saywell Park; and
- To date the Chamber has 96 members.

Kaatza Historical
Society

Councillor Hornbrook reported on the meeting held by the
Kaatza Historical Society and its request to have a security
flood light replaced at the Bell Tower School.

The matter was referred to the Parks, Recreation and Culture
Committee meeting.

Vancouver Island
Regional Library

Councillor Day reported that the next meeting of the Regional
Library Board would be held on June 15th, 2013.

Ohtaki Twinning
Committee

Councillor Ingram reported on the Ohtaki Twinning Committee
meeting held on May 21st, 2013.

Advisory Planning
Commission

Councillor Hornbrook reported that the Advisory Planning
Commission was still working on the zoning bylaw with respect
to language and zoning setbacks.

Community Forest
Co-op

Councillor McGonigle reported that the Forest Co-op would be
issuing a cutting permit proposal for 10,000 cubic metres of
wood at the backend of the Buldoc. He advised that he would
update Council when this goes to tender.

Lake Cowichan
Seniors Association

Councillor Ingram reported that the Lake Cowichan Seniors’
Association would be installing its recent acquisition of a
defibulator and provide training shortly.

No. R.083/13
Lake Cowichan Fire
Department – Incident
Report

(b) Moved: Councillor Day
Seconded: Councillor Ingram
that the Fire Department Monthly Incident Report for April,
2013 and payment in the amount of \$10,072.80 be approved.
CARRIED.

Cowichan Valley
Regional District
Board

Councillor McGonigle reported on his attendance at the
Regional Services meeting held on May 22nd, 2013 that
dealt with boat patrols by the RCMP on Shawnigan Lake,
Cowichan Lake and Cowichan River and quad and bike
patrols of local trailways.

Councillor Day reported on his attendance at the
Regional District Board meeting where there were
discussions on the reallocation of gas tax dollars to
investigate and identify areas in the Cowichan Valley for
the dumping of contaminated soils.

No. R.084/13
Remedial Action – 172
South Shore Road and 96
Cowichan Avenue West

(c) Moved: Councillor McGonigle
Seconded: Councillor Ingram
that Council for the Town of Lake Cowichan receive the report
dated May 22, 2013 from the Chief Administrative Officer; and

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 building contravenes the
Provincial building regulations or a Town bylaw under s.
8(3) (1) (buildings and other structures); and
- 3) Council declares the buildings are nuisances;

AND WHEREAS Peter H. and Melody S. van Ewen are the
registered owners (the “Owners”) of the buildings at 172 South
Shore Road, Lake Cowichan, British Columbia, PID # 007-657-
561 and the property at 96 Cowichan Avenue W., Lake
Cowichan, British Columbia, PID # 007-657- 544 (the
Properties);

AND WHEREAS the buildings on the Properties are in a state of
disrepair and have been left vacant and are a danger to public
safety and have not been repaired or demolished, despite the
Town’s efforts to persuade the owner to take 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 buildings located on
the Properties 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. 758- 2003 (the Building Bylaw);

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 building being insecure on numerous occasions over the past number of years the buildings continuing to deteriorate and/or the building contravening the Building Bylaw;
3. that Council hereby declares that the buildings on the Properties 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 and unclean as to be offensive to the community;
4. that Council hereby declares that the buildings on the Properties 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 Properties 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 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 Owners that they 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.085/13
Remedial Action – 131
Darnell Road and 127
Darnell Road

Moved: Councillor McGonigle
Seconded: Councillor Hornbrook
that Council for the Town of Lake Cowichan receive the report dated May 22, 2013 from the Chief Administrative Officer; and

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 buildings are nuisances;

AND WHEREAS Deborah May Halama is the registered owner (the "Owner") of the property at 131 Darnell Road, Lake Cowichan, British Columbia, PID # 007-942-982 and the property at 127 Darnell Road, Lake Cowichan, British Columbia, PID # 007-943- 016(the Properties);

AND WHEREAS the building on the Properties are in a state of disrepair and have been left vacant and are a danger to public safety and have not been repaired or demolished, despite the Town's efforts to persuade the owner to take 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 buildings located on the Properties 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. 758- 2003 (the Building Bylaw);
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 Properties 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 Properties 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 Properties 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 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 she 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.086/13
Corporate and
Community Climate
Action Report - 2012

Moved: Councillor McGonigle
Seconded: Councillor Hornbrook
that Council approve the submission of the Corporate Climate Action Report for 2012 and the Community Climate Action Report for 2012 as presented.

CARRIED.

Council requested that the matter of the Town's climate action activities be forwarded to the Sustainable Planning and Development Committee for its regular discussions on the Town becoming carbon neutral.

8. BYLAWS

No. R.087/13
Bylaw No. 931-2013
Council Procedure

- (a) Moved: Councillor Hornbrook
Seconded: Councillor Day
that the "Town of Lake Cowichan Council Procedure Bylaw No. 931-2013" be read a first, second and third time.

CARRIED.

9. NEW BUSINESS

No. R.088/13
Bylaw No. 931-2013
Council Procedure

- (a) Moved: Councillor McGonigle
Seconded: Councillor Ingram
that the Town of Lake Cowichan approve the application for use of Town facilities, in particular, a portion of the Lakeview Parl public beach area by Springville Productions on May 31st, 2013 for the TV series "Spooksville" with the Town of Lake Cowichan to receive credits for the production.

CARRIED.

10. MAYOR'S REPORT

The Mayor presented his report for May with the following highlights:

- Two remaining local doctors to relocate to Duncan;
- Work by the Choose Cowichan Lake committee to find new doctors for the community;
- Events held during Heritage Days on the May long weekend;
- Heritage Sports Wall of Fame and the two new inductees, Richard Hajdu and Jim Peterson;
- Participation in the Lake Cowichan Secondary School graduation class presentation of portfolios;
- Workshop held on April 24th and 25th on the matter of riparian protection and how the shoreline of the Cowichan Lake and Cowichan River may be protected;
- The Job Creation Programme and the construction of the washrooms at Saywell Park;
- Extension of thanks to Youbou Lands for its financial contribution on the Saywell Park washrooms;
- Announcement by the Ministry of Transportation and Infrastructure on the award of the South Shore Road paving project;
- Extension of thanks to the Lake Days committee for its work for the upcoming celebrations; and
- In closing, he thanked the public for their patience and consideration as the South Shore Road resurfacing and roundabout project moves forward.

11. MEDIA / PUBLIC QUESTION PERIOD

12. IN CAMERA

No. R.089/13
In-Camera

- Moved: Councillor McGonigle
Seconded: Councillor Day
that Council close the meeting to the public to deal with issues relating to law enforcement and litigation matters which falls under Section 90(1) (g) of the Community Charter (7:20 p.m.).

CARRIED.

13. ADJOURNMENT

No. R.090/13
Adjournment

- Moved: Councillor Ingram
Seconded: Councillor Hornbrook
that we arise with no report and adjourn. (7:55 p.m.).

CARRIED.

Certified correct _____.

Confirmed on the _____ day of _____, 2013.

Mayor