



TOWN OF LAKE COWICHAN

Minutes of a Regular meeting of Council
Held and transmitted electronically via the temporary Council Chambers located
at 38 King George Street, Lake Cowichan, BC
on Tuesday, April 25th, 2023.

PRESENT: Councillor Carlyne Austin, Deputy Mayor
Councillor Aaron Frisby
Councillor Kristine Sandhu
Councillor Lorna Vomacka

REGRETS: Mayor Tim McGonigle
(with prior notice)

STAFF: Joseph A. Fernandez, Chief Administrative Officer
Ronnie Gill, Director of Finance
Jas Sandhu, Superintendent, Public Works and Engineering Services
Dalton Smith, Manager, Cowichan Lake Education Centre

PUBLIC: 10

1. CALL TO ORDER

The Deputy Mayor called the meeting to order at 6:00 pm.

2. AGENDA

No. R.0032/23
Agenda

Moved: Councillor Vomacka
Seconded: Councillor Austin
that the agenda be approved with the addition of the following under:

NEW BUSINESS

- (c) Leave of absence for Councillor Frisby;
- (d) Short term rental regulations and clarification;
- (e) Economic development fund; and
- (f) Question period enquiry.

CARRIED.

3. ADOPTION OF MINUTES

No. R.0033/23
Public Hearing

- (a)** Moved: Councillor Sandhu
Seconded: Councillor Vomacka
that the minutes of the Public Hearing held on March 28th, 2023, be adopted
as presented.

CARRIED.

No. R.0034/23
Regular Council

- (a)** Moved: Councillor Vomacka
Seconded: Councillor Sandhu
that the minutes of the Regular meeting of Council held on March 28th, 2023,
be adopted as presented.

CARRIED.

4. BUSINESS ARISING AND UNFINISHED BUSINESS

None.

5. DELEGATIONS AND REPRESENTATIONS

- (b)** Cara Herrington on behalf of the Lady of the Lake Society was on hand to
give an update on the ambassador programme and to introduce the 4
candidates vying to represent the community in 2023-2024.

Each candidate made a brief introduction to Council on their sponsors and
what prompted them to participate in the programme.

Council members welcomed and congratulated each of the candidates.

Brooklyn Kruk, candidate for the BC Ambassador’s Programme reported that the BC Ambassador Programme would be hosted in Lake Cowichan in July, 2023 and was excited to be representing the Cowichan Lake area at the upcoming event.

- (a) Sabina Travers, property owner on Neva Road requested that Council reconsider its requirements to not allow for an older 1990’s recycled home to be relocated on her property.

Ms. Travers introduced Mr. Nickel of Nickel Brothers who spoke to Council on their request for the Town to consider amendments to the Town’s building bylaw, and in particular, Section 19, Subsection (d) where it does not allow for pre-1990 recycled homes to be moved on any residential lot in Lake Cowichan. Mr. Nickel stated that recycled homes were a more financial and viable option for homeowners with the assurance of meeting engineered standards, as well as, keeping materials and products out of the land fill.

The matter was referred to the next Committee of the Whole meeting to be held on May 9th, 2023 at 5:00 pm.

6. CORRESPONDENCE

(a) Action Items:

- (i) The correspondence received from Ts’uubaa-asatx Nation on its request for financial contribution for its Community Engagement Project was treated as information.

The matter has been referred to the Community-to-Community meeting between Ts’uubaa-asatx Nation and the Town to be held on Monday, May 8th, 2023.

A Council member requested that a report be provided to the next Committee of the Whole meeting on the matter of the COVID relief funding received by the Town with details on the criteria for disbursement of such funds.

(b) Information or Consent Items

- (i) The correspondence received from W. D. Garrett on the matter of his viewpoint of the April 11th, 2023, meeting of Council was received as information.

7. REPORTS

(a) Council and other Committee Reports

- (i) Moved: Councillor Vomacka
Seconded: Councillor Sandhu
that the minutes of the Committee of the Whole meeting held on April 11th, 2023, be approved, with the following:

1—Code of Conduct

that the Council Code of Conduct be approved, as amended.

2—Fire Department - Incident Report

that Council approve the Lake Cowichan Fire Department’s incident report in the amount of \$5,861.12 for February, 2023;

3— Fire Department – Expenditure for Ladder Truck, Apparatus and Shelter

that the Fire Chief, Lake Cowichan Volunteer Fire Department, be authorized to investigate the acquisition of a ladder truck;

No. R.0035/23
Committee of
the Whole

4—Traffic Study – Uptown Core

that Council approve the issuance of a request for a consultant to undertake a traffic study of the Uptown Core during the 2023 tourist season.

5—Leave of Absence

that a leave of absence be approved for Mayor McGonigle from the Regular meeting of Council to be held on April 25th, 2023.

6—Darnell Road – Traffic Pattern Change

that Darnell Road be designated as a “ Right Turn Only” onto Cowichan Lake Road with the Ministry of Transportation and Infrastructure and local RCMP to be notified of the traffic change proposal.

CARRIED.

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| Cowichan Lake Recreation Commission | (ii) | Councillor Sandhu reported that the Cowichan Lake Recreation Commission meeting to be held on April 27 th , 2023 was postponed for a few weeks. |
| Vancouver Island Regional Library | (iii) | Councillor Austin reported that the next Vancouver Island Regional Library Board meeting would be held in a hybrid format on June 3 rd , 2023. |
| Advisory Planning Commission | (iv) | Councillor Austin reported that the Advisory Planning Commission would be meeting on Thursday, April 27 th , 2023 and would be discussing traffic volume issues on River Road and revisions to the Official Community Plan. |
| Community Forest Co-operative | (v) | No report. |
| | (b) | <u>Other Reports</u> |
| Cowichan Valley Regional District | (i) | Councillor Sandhu reported that the Regional Board meeting would be held Wednesday, April 26 th , 2023. |
| Community Outreach Team | (ii) | Councillor Austin reported that the next meeting would be held on May 18 th , 2023. |
| Our Cowichan | (iii) | Councillor Sandhu reported that the next meeting would be held on May 11 th , 2023. |
| Cowichan Watershed Board | (iv) | Councillor Sandhu reported that the Cowichan Watershed Board meeting was held on April 27 th , 2023. |

She advised that on May 12th, 2023 at 11:30 am there would be a government to government watershed planning agreement between Cowichan Tribes and the Province which would see Cowichan Tribes given water management authority on the watershed. She stated that a public event is to be planned in the near future.

(c) Staff Reports

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| No. R.0036/23
Development Permit
DVP001-23
Lot 20, Plan VIP6253
(74 Gordon Road) | (i) | Moved: Councillor Sandhu
Seconded: Councillor Vomacka
that Council approve a Development Variance Permit to vary the standard requirement of a Garden Suite to be located in the rear yard, pursuant to Section 5.1.9.d of the Zoning Bylaw, by permitting a Garden Suite to be located in the front yard of the parcel legally described as Lot 20, Section 6, Renfrew District, Plan 6253 with a street address of 74 Gordon Road (PID: 001-826-093) with the following conditions:
1) No vacation rental, Air B&B, Bed and Breakfast and/or short-term rental be allowed on the property; and
2) The garage must be demolished with the applicable building permits sought. |
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CARRIED.

No. R.0037/23
63 Cowichan Lake Road -
Required Remedial Action

(ii) Moved: Councillor Frisby
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 premises are in an unsafe condition;
- 2) Council considers that the buildings contravene the Provincial building regulations or the Community Charter under s. 8(3) (l) (buildings and other structures); and
- 3) Council declares the premises are a nuisance;

AND WHEREAS Lake Service Garage Ltd. Inc. No.27850 is the registered owner (the “Owner”) of the premises at 63 Cowichan Lake Road, Lake Cowichan, British Columbia, PID # 000-408-956 (the Property);

AND WHEREAS the building on the Property is in a state of disrepair and have been occupied or left vacant and unsecure for a considerable period 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 63 Cowichan Lake 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. 1075-2022 (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, because 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) remediate or 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 remediated or 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

8. BYLAWS

Council Remuneration and Expenses Bylaw No. 1084-2022

- (a) The “Town of Lake Cowichan Remuneration and Expenses Bylaw No. 1084-2022” was not reconsidered and adopted.

No. R.0038/23
Financial Plan Bylaw No. 1089-2023

- (b) Moved: Councillor Sandhu
Seconded: Councillor Frisby
that the “Town of Lake Cowichan Financial Plan Bylaw No. 1089-2023” be read a first, second and third time.

CARRIED.

No. R.0039/23
2023 Annual Rates Bylaw No. 1090-2023

- (c) Moved: Councillor Sandhu
Seconded: Councillor Vomacka
that the “Town of Lake Cowichan 2023 Annual Rates Bylaw No. 1090-2023” be read a first, second and third time.

CARRIED.

No. R.0040/23
Zoning Amendment Bylaw No. 1091-2023 - R-5 Auxiliary Use Table

- (d) Moved: Councillor Sandhu
Seconded: Councillor Vomacka
that the “Town of Lake Cowichan Zoning Amendment Bylaw No. 1091-2023” be read a first and second time.

CARRIED.

9. NEW BUSINESS

No. R.0041/23
Audited Financial Statements - 2022

- (a) The inventory of provincial lands available in the Town of Lake Cowichan for consideration for affordable housing locations was treated as information and will be forwarded to the Provincial government.

- (b) Moved: Councillor Sandhu
Seconded: Councillor Frisby
that Council accept the audited financial statements for 2022, as presented.

CARRIED.

No. R.0042/23
Leave of Absence

- (c) Moved: Councillor Sandhu
Seconded: Councillor Vomacka
that a leave of absence be approved for Councillor Frisby from the Committee of the Whole meeting to be held on May 9th, 2023.

CARRIED.

- (d) Councillor Frisby requested clarification on short-term rentals versus Air B&B as he sees the promotion of Air B&B in Lake Cowichan as being useful.

The Chief Administrative Officer responded that Bed and Breakfasts are only allowed in certain areas in Town which are zoned for usage and one property on North Shore Road has been approved for short-term rentals. He further advised that short term vacation rentals are 31 days or less.

- (e) Councillor Frisby spoke again on the matter of the COVID relief funding received by the Town and the criteria for expenditures from that fund.

- (f) Councillor Frisby requested clarification on the question period portion of the meeting.

The Chief Administrative Officer advised that the Council Procedures bylaw regulated the format of meetings and recommended that the Chairperson of the meeting mention emailing questions on agenda items at the start of the meeting.

10. DEPUTY MAYOR’S REPORT

Deputy Mayor Carolyne Austin spoke on the following:

- Her request that residents should check out the Town’s newsletter that was sent out with utility billings for beneficial information;
- Her attendance at the Association of Vancouver Island Coastal Communities conference held April 14th to 16th, 2023 in Nanaimo;
- That she had spoken to the Ministry in attendance at AVICC regarding the medical assist callouts that the Town’s Fire Department deals with and reported that the matter is being looked into;
- Acknowledging Volunteer Week which was recently recognized and perhaps re-implementing recognition by the Town for our local volunteers and their commitment in the community;
- Annual day of Mourning is to be held on April 28th, 2023, at the Forest Workers’ Memorial Park at 11 am;
- July 1st celebrations being planned in the Town to be held at Central Park from 11 am to 2 pm; and
- In closing, shared that the Council should discuss hosting its Town BBQ at Saywell Park again now that COVID restrictions have been lifted, similar to those held during Lake Days events.

11. NOTICES OF MOTION

Councillor Vomacka shared an e-mail she received regarding the remaining funds for Kate’s Park and installation of the plaque for recognition. The matter was referred to staff.

Councillor Vomacka again requested that the matter of the Town’s membership on the Cowichan Lake Chamber of Commerce be brought to the next Committee of the Whole for consideration.

12. QUESTION PERIOD

The Superintendent, Public Works and Engineering Services gave an update on the Darnell Road signage and traffic pattern change and reported that the Ministry of Transportation and Infrastructure and RCMP will be forwarding the matter to their engineers and the traffic pattern change will require their approval first before implementation can be considered.

13. IN CAMERA

No. R.0043/23
Retire to In-Camera

Moved: Councillor Vomacka
Seconded: Councillor Sandhu
that Council close the meeting to the public to deal with issues dealing with law enforcement which falls under s. 90(1) (f) of the Community Charter. (7:10 pm).

CARRIED.

14. ADJOURNMENT

No. R.0044/23
Adjournment

Moved: Councillor Vomacka
Seconded: Councillor Sandhu
that the meeting arise without a report and be adjourned. (8:50 pm)

CARRIED.

Certified correct _____.

Confirmed on the _____ day of _____, 2023.

Deputy Mayor