

Minutes of the Regular meeting of the Board of the Cowichan Valley Regional District held in the Board Room, 175 Ingram Street, Duncan, BC, on Wednesday, October 14, 2009 at 6:01 pm.

**PRESENT:** Chair G. Giles,  
Directors M. Dorey, L. Duncan, B. Harrison,  
D. Haywood, R. Hutchins, L. Iannidinardo,  
P. Kent <6:05 pm>, K. Kuhn, M. Marcotte <to 7:59 pm>,  
T. McGonigle, I. Morrison, G. Seymour, T. Walker  
and Alternate Director G. Gutensohn

**ALSO** Warren Jones, Administrator

**PRESENT:** Kathleen Harrison, Deputy Corporate Secretary  
Sybille Saunderson, Acting General Manager Public Safety  
Jim Wakeham, Manager,  
Facility, Fleet & Transit Management

**ABSENT:** Director K. Cossey

**APPROVAL OF  
AGENDA  
09-512**

**It was moved and seconded that the agenda be amended with the addition of the following:**

**NB1 Staff Report from the Parks and Trails Manager**

**NB2 Report on Vancouver Island Health Authority**

**NB3 Chair's Report**

**CSNB1 Employee Relations {Sub (1) (c)}**

**and the deletion of Bylaws B10 and B11, and that the agenda, as amended, be approved.**

**MOTION CARRIED**

**6:05 pm**

Director Kent joined the meeting at 6:05 pm.

**ADOPTION OF  
MINUTES  
09-513**

**It was moved and seconded that the minutes of the September 9, 2009 Regular Board meeting be adopted.**

**MOTION CARRIED**

**09-514**

**It was moved and seconded that the minutes of the September 23, 2009 Special Board meeting be adopted.**

**MOTION CARRIED**

**09-515**

**It was moved and seconded that the minutes of the September 14, 2009 Committee of the Whole meeting be adopted.**

**MOTION CARRIED**

**BUSINESS ARISING  
OUT OF MINUTES****DELEGATIONS****REPORT OF CHAIR**

**RC1** The Chair discussed the appointment of a CVRD voting representative and alternate voting representative for the Cowichan Lake Community Forrest Co-operative (CLCFC). The Chair further advised that the CLCFC Annual General Meeting will be held October 29, 2009 at 7:00 pm.

**RC2** The Chair discussed the appointments required to the Cowichan Valley Regional Hospital District Health Advisory Committee and noted that Health Advisory Committee Chair Seymour will schedule a meeting at his earliest convenience.

**09-516** **It was moved and seconded:**

- 1. That Director Kuhn be appointed voting representative and Director Morrison be appointed as alternate voting representative to the Cowichan Lake Community Forest Co-operative.**
- 2. That Directors Dorey, Iannidinardo and Kent be appointed to the Cowichan Valley Regional Hospital District Health Advisory Committee.**

**MOTION CARRIED**

**RC3** The Chair forwarded an invitation from the Chemainus Branch of the Royal Canadian Legion to have a Director participate in the wreath laying at the Chemainus Cenotaph on November 11<sup>th</sup> at 10:30 am. Director Dorey kindly offered to participate in the ceremony.

**RC4** Appointment to the Community Safety Advisory Committee

**09-517** **It was moved and seconded that Candace Spilsbury be appointed to the Community Safety Advisory Committee.**

**MOTION CARRIED**

**RC5** The Chair advised that the Boards of Education for School District No. 79 (Cowichan Valley) and School District No. 68 (Nanaimo-Ladysmith) have been requested to meet with the CVRD Board and senior staff to discuss areas of common concern and explore ways of working together to benefit communities.

It was the consensus of the Board that separate meetings be scheduled with SD79 and SD68 as each school district will have a different set of issues unique to their communities.

## **COMMITTEE REPORTS**

**CR1** The report and recommendations of the Regional Services Committee meeting of September 23, 2009 listing three items were considered.

- 09-518**
- 1. That "CVRD Bylaw No. 3252 - Chairperson, Directors and Alternate Directors Remuneration Amendment Bylaw, 2009" be forwarded to the Board for consideration of three readings and adoption.**
  - 2. That the CVRD Car Allowance Policy, as attached to the Staff Report from the General Manager, Corporate Services dated September 14, 2009, be approved effective November 1, 2009.**
  - 3. That the Chair and Corporate Secretary be authorized to sign the lease agreement with Rogers Communications Inc. for the Woodley Range Repeater Site that covers the period of January 1, 2007 to December 31, 2011.**

## **MOTION CARRIED**

**CR2** The report and recommendations of the Electoral Area Services Committee meeting of October 6, 2009 listing eleven items were considered.

**09-519** It was moved and seconded:

- 1. That the resignation of Lillian Talbot from the Area D Advisory Planning Commission, be accepted, and that a letter of appreciation be forwarded to Ms. Talbot.**
- 2. That the request by Hylton McAlister to waive CVRD Noise Control Bylaw No. 1060, Section 3(G) for October 7<sup>th</sup> (midnight - 2:00 am) and October 8<sup>th</sup> (12:30 am - 3:00 am), to conduct low tide foundation work on the stilt home located at 1783B Cowichan Bay Road be approved.**
- 3. That CVRD Building Permit fees be increased as per Option 2 of the Staff Report dated September 30, 2009, from Brian Duncan, Chief Building Inspector, and that the amendment bylaw be forwarded to the Board for consideration of three readings and adoption.**

5. That a Reserve Fund Expenditure bylaw be prepared authorizing the expenditure of no more than \$50,000 from the community Parks General Reserve Fund (Area C - Cobble Hill) for the purpose of completing the Cenotaph Project, installation of pathway, electrical service and fencing at the Farmers Institute, and covering associated costs with acquisition of lands for park purposes; and that the bylaw be forwarded to the Board for consideration of three readings and adoption.
6. That a Grant-in-Aid request (Electoral Area F - Cowichan Lake South/Skutz Falls) in the amount of \$500 be given to the Sooke Region Museum, to assist with costs to produce and maintain a heritage sign for the giant spruce located along the Pacific Marine Route.
7. That a Grant-in-Aid request (Electoral Area E - Cowichan Station/Sahtlam/Glenora) in the amount of \$3,000 be given to the Cowichan Station Area Association, for costs to perform engineering assessments of the Cowichan Station School building.
8. That a Grant-in-Aid request (electoral Area B - Shawnigan Lake) in the amount of \$1,000 be given to the Shawnigan lake Community Association, to assist with costs associated with their Halloween event.

**MOTION CARRIED**

**09-520**

**It was moved and seconded:**

4. That the CVRD Dog Regulation bylaw No. 3032 be amended by changing the dog licence fee schedule to increase fees from \$20 to \$25 (before February) and from \$30 to \$35 (for remainder of year) plus, include a \$5 tag replacement fee, and further, that the amending bylaw be forwarded to the Board for consideration of three readings and adoption.

Opposed: Directors Duncan, Dorey and Harrison

**MOTION CARRIED**

**09-521**

**It was moved and seconded:**

9. That Application No. 3-I-09DVP by A. Gregory Woike for a variance to Section 3.20 and 3.2(1) of Zoning Bylaw No. 2465, by decreasing the setback to a watercourse for an accessory building from 15 metres down to 10.5 metres, and increasing the permitted size of an accessory building from 25 m<sup>2</sup> to 53 m<sup>2</sup> on Lot 2, Section 44, Renfrew District, Plan 79237, be approved, subject to:

- a) Receipt of a remedial landscaping plan of native riparian vegetation along the natural boundary of the lake, prepared by a registered professional biologist and approved by the CVRD,
  - b) Receipt of an irrevocable letter of credit in a form suitable to the CVRD, equivalent to 120% of the landscape costs, to be refunded after two years only if the plantings are successful and to the satisfaction of the registered professional biologist.
  - c) Registration of a protective covenant on the subject property, for an area 30 metres from the high water mark of Cowichan Lake prohibiting the building of structures and removal of vegetation, unless authorized by development permit.
10. That Application No. 6-B-09DVP by Andrew Smith for a variance to Section 5.10(b) of Zoning Bylaw No. 985, by increasing the maximum height of a fence from 1.2 metres (4 ft) and 1.8 metres (6 ft) to 3.66 metres (12 ft) at the north east end and 7.3 metres (24 ft) at the south east end of the length of the fence, on Lot 12, Block 4, Shawnigan Lake Suburban Lots, Shawnigan District, Plan 218, be approved, subject to receipt of an Engineer's report regarding construction of the fence, and registration of a save harmless covenant.
11. That a community sign be approved on South Shawnigan Lake Road in accordance with Schedules A and B of Staff Report dated September 29, 2009, from Rob Conway, Manager, subject to approval from the Ministry of Transportation and Infrastructure.

**MOTION CARRIED**

**CR3**

The report and recommendations of the Engineering and Environmental Services Committee meeting of September 23, 2009 listing four items were considered.

**09-522**

**It was moved and seconded:**

1. That the "CVRD Bylaw No. 3322 - Landclearing Management Regulation Amendment Bylaw, 2009" be forwarded to the Board for consideration of three readings and adoption.
3. That the purchase of office dividers from Remco Systems Ltd., which entails borrowing a maximum of \$22,000 through short-term borrowing to be paid back within 5-years under the Liabilities Agreement, Section 175 of the Community Charter, and further, that the 2009 Engineering & Environmental Services Control Budget 575 be amended accordingly, be forwarded to the Board for authorization.

**MOTION CARRIED**

**09-523**                      **It was moved and seconded:**

- 2. That staff be directed to proceed with immediate full enforcement of "CVRD Bylaw No. 2020 - Landclearing Management Regulation Bylaw, 2009", now, rather than January 1, 2010.**

Opposed: Directors Marcotte, Dorey, Morrison and Kuhn

**MOTION CARRIED**

**09-524**                      *(Amended from original Committee recommendation):*

- 4. That a reserve fund expenditure bylaw be prepared for withdrawal of funds not exceeding \$15,000.00 from the Mesachie Lake Water System capital reserve fund to help finance a Well Protection Plan, and further, that the bylaw be forwarded to the Board for consideration of three readings and adoption.**

**MOTION CARRIED**

**CR4**                      The report and recommendation from the Island Savings Centre Commission meeting of October 8, 2009 listing one item was considered.

**6:43 pm**                      Director Hutchins left the Board Room at 6:43 pm.

**09-525**                      **It was moved and seconded that the Chair and Corporate Secretary be authorized to sign, on behalf of the CVRD, the "License of Occupation" for the front of the Aquannis Centre between the Cowichan Valley Regional District, the Corporation of the District of North Cowichan and the City of Duncan.**

**MOTION CARRIED**

**6:44 pm**                      Director Hutchins returned to the Board Room at 6:44 pm.

**CR5**                      The report and recommendations of the Cowichan Lake Recreation Commission meeting of September 24, 2009 listing three items were considered.

**09-526**                      **It was moved and seconded:**

- 1. That the Chair and Corporate Secretary be authorized to sign a three-year agreement with a two-year renewal option, between the CVRD and Super Save Propane Enterprises Ltd. For the supply of propane to all the Cowichan Lake Recreation facilities. The estimated total yearly cost based on the same volume used in past years of 48,000 litres is \$23,500.**

2. That the Chair and Corporate Secretary be authorized to enter into year 1 of a three-year option to renew with Pepsi Bottling Group for the provision of soft drinks for the period September 1, 2009 - August 31, 2010.
3. 1. That the CVRD Board request that the Liquor Control and Licensing Board approve the permanent change to Liquor License #300537 to allow for flexibility in programming and to allow for the extension of the liquor license to accommodate the annual Youbou Regatta Dance.
2. That the CVRD Board has taken into account:
  - The potential for noise if the application is approved: Noise is kept at a minimum as bowling occurs inside the facility.
  - The impact on the community if the application is approved: The bowling alley has been in existence since 1951 and bowling programs have been well received and supported by the community.
  - Whether the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose: This is a liquor primary liquor license and Bowling is still the primary purpose of the facility
3. That the CVRD has invited comments from the Youbou residents regarding: the potential for noise if the application is approved; the impact on the community if the application is approved; the views of the residents on the application, by placing a public notice in two different local newspapers for two weeks. No comments were received.

**MOTION CARRIED**

## **STAFF REPORTS**

### **SR1**

The Staff Report from the Legislative Services Coordinator, dated September 21, 2009 re: Solid Waste Management Loan Authorization bylaw Nos. 3277 (Solid Waste Works) and 3278 (Operations Facility) - Notices of Alternative Approval Process and Elector Response Forms was considered.

### **09-527**

**It was moved and seconded:**

1. That the *Notice of Alternative Approval Process* and the *Elector Response Form* for CVRD Bylaw No. 3277, be approved.

2. That the *Notice of Alternative Approval Process* and the *Elector Response Form* for CVRD bylaw No. 3278, be approved.

Opposed: Director Marcotte

**MOTION CARRIED**

**SR2** The Staff Report from the Manager, Facility, Fleet and Transit Management dated September 30, 2009 re: Proposed Purchase of Two Ice Resurfacing Machines was considered.

**09-528** It was moved and seconded:

1. That the CVRD Purchasing Policy be waived and staff be authorized to sole source the purchase of two propane fueled ice resurfacing machines from Crocker Equipment Company Ltd., one for the Island Savings Center and one for the Cowichan Lake Arena for a total amount not to exceed \$200,000 plus taxes.
2. That due to the lengthy delivery dates, approval be granted to order the machines in late 2009 with an approximate September 2010 delivery with the expenditure being funded out of the respective 2010 capital budgets.

Opposed: Directors Kent, Hutchins, Dorey and Iannidinardo

**MOTION CARRIED**

**SR3** The Staff Report from the Acting General Manager Public Safety dated October 7, 2009 re: Mount Wood 9-1-1 Repeater Site Tower Replacement was considered.

**09-529** It was moved and seconded:

1. That the tender bid received from Radian in the amount of \$197,030.43, including applicable taxes, be approved for the replacement of the Emergency 9-1-1 Repeater Tower located at the Mount Wood site.
2. That a reserve fund expenditure bylaw be prepared authorizing the expenditure of no more than \$198,000 from CVRD Bylaw No. 1734, cited as "CVRD - Emergency Telephone Extended Services E9-1-1) Capital Reserve Fund Bylaw, 1995", for the purpose of funding the replacement of the Emergency 9-1-1 Repeater Tower located at the Mount Wood site and that the bylaw be forwarded to the Board for consideration of three readings and adoption.

**MOTION CARRIED**



**SR4** The Staff Report from the Finance Manager dated September 30, 2009 re: CVRD 5 Year Financial Plan Amendment was received for information.

**SR5** The Staff Report from the Short Range Planner dated October 7, 2009 re: Zoning Amendment and Official Community Plan Amendment (Paul Cooper) was considered.

**09-530** It was moved and seconded:

- 1. That Official Community Plan Bylaw No. 3330 and Zoning Amendment Bylaw No. 3331 be forwarded for consideration of first and second reading.**
- 2. That a public hearing be scheduled with Directors Morrison, Marcotte, and Dorey delegated to the hearing.**

**MOTION CARRIED**

## **BYLAWS**

**B1** It was moved and seconded that "CVRD Bylaw No. 3252 -  
**09-531** Chairperson, Directors and Alternate Directors Remuneration Amendment Bylaw, 2009" be granted 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.

**MOTION CARRIED**

**B1** It was moved and seconded that "CVRD Bylaw No. 3252 -  
**09-532** Chairperson, Directors and Alternate Directors Remuneration Amendment Bylaw, 2009" be adopted.

**MOTION CARRIED**

**B2** It was moved and seconded that "CVRD Bylaw No. 3298 - Kerry  
**09-533** Village Water System Service Amendment Bylaw, 2009" be adopted.

**MOTION CARRIED**

**B3** It was moved and seconded that "CVRD Bylaw No. 3299 - Kerry  
**09-534** Village Sewer System Service Amendment Bylaw, 2009" be adopted.

**MOTION CARRIED**

**B4** It was moved and seconded that "Cowichan Valley Regional District  
**09-535** Bylaw No. 3318 - Tax Exemption (Permissive) Bylaw, 2009" be adopted.

**MOTION CARRIED**

**B5  
09-536**                      It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3326 - Five Year Financial Plan (2009 - 2013) Amendment Bylaw, 2009" be granted 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.

**MOTION CARRIED**

**B5  
09-537**                      It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3326 - Five Year Financial Plan (2009 - 2013) Amendment Bylaw, 2009" be adopted.

**MOTION CARRIED**

**B6  
09-538**                      It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3327 - Building Fee Amendment Bylaw, 2009" be referred back to staff for clarification of fees for Manufactured/Mobile homes and relocated buildings as noted on Appendix A of the bylaw.

**MOTION CARRIED**

**B7  
09-539**                      It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3328 - Ticket Information Authorization Amendment Bylaw, 2009" be granted 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.

Opposed: Directors Marcotte and Morrison

**MOTION CARRIED**

**B7  
09-540**                      It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3328 - Ticket Information Authorization Amendment Bylaw, 2009" be adopted.

Opposed: Directors Marcotte and Morrison

**MOTION CARRIED**

**B8  
09-541**                      It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3329 - Dog Regulation and Impounding (Annual Fees) Amendment Bylaw, 2009" be granted 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.

Opposed: Directors Duncan and Harrison

**MOTION CARRIED**

**B8  
09-542**                      It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3329 - Dog Regulation and Impounding (Annual Fees) Amendment Bylaw, 2009" be adopted.

Opposed: Director Harrison

**MOTION CARRIED**

**B9  
09-543**                      It was moved and seconded that "CVRD Bylaw No. 3234 - Area F - Cowichan Lake South/Skutz Falls Zoning Amendment Bylaw (Bahler), 2009", be adopted.

**MOTION CARRIED**

**B10**                              Deleted upon Approval of Agenda.

**B11**                              Deleted upon Approval of Agenda.

**B12  
09-544**                      It was moved and seconded that "CVRD Bylaw No. 3282 - Area F - Cowichan Lake South/Skutz Falls Zoning Amendment Bylaw (Cowichan River Bible Camp), 2009" be granted 3<sup>rd</sup> reading.

**MOTION CARRIED**

**B13  
09-545**                      It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3330 - Area E - Cowichan Station/Sahtlam/Glenora and Area F - Cowichan Lake South/Skutz Falls Official Community Plan Amendment Bylaw (Cooper), 2009" be granted 1<sup>st</sup> and 2<sup>nd</sup> reading.

**MOTION CARRIED**

**B14  
09-546**                      It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3331 - Area F - Cowichan Lake South/Skutz Falls Zoning Amendment Bylaw (Cooper), 2009" be granted 1<sup>st</sup> and 2<sup>nd</sup> reading.

**MOTION CARRIED**

**RESOLUTIONS**

**RES 1  
09-547**                      It was moved and seconded that the following appointment to the Electoral Area A - Mill Bay/Malahat Parks and Recreation Commission be approved:

**Term to expire December 31, 2009**

**Appointed:**

**Cathy Leslie**

**MOTION CARRIED**

**NEW BUSINESS**

**NB1**                              The Staff Report from the Parks and Trails Manager dated October 14, 2009 re: Expenditure of Island Coastal Economic Trust Grant Funding was considered.

It was noted that a Kinsol Trestle report will be coming forward in November with the question of tenure being resolved.

**09-548**                    **It was moved and seconded that the chair and Corporate Secretary be authorized to execute the necessary documents on behalf of the CVRD and the Island Coastal Economic Trust (ICE-T) for the expenditure of grant funding approved by ICE-T for the Cowichan Valley Trail (CVT) Initiative project, inclusive of CVT Northern Completion components and the historic Kinsol Trestle Rehabilitation Project.**

**MOTION CARRIED**

**NB2**                    Director Seymour reported on the Vancouver Island Health Authority Annual meeting he attended September 25<sup>th</sup>. Issues discussed were: an update on the 5 year plan; the 2010/2011 planning process; impacts on budget management; and the role the CVRD should assume for funding projects at Cowichan District Hospital.

**NB3**                    Noted previously under Report of the Chairperson.

**7:59 pm**                Director Marcotte left the meeting at 7:59 pm.

**RESOLVING INTO  
CLOSED SESSION**

**09-549**                    **It was moved and seconded that the meeting be closed to the public in**  
**7:59 pm**                    **accordance with the Community Charter Part 4, Division 3, Section**  
**90, Subsection (1) (f) Law Enforcement and (l) Regional Objectives.**

**MOTION CARRIED**

**RISE FROM  
CLOSED SESSION**

**09-554**                    **It was moved and seconded that the Board rise with report on CSCR1**  
**8:29 pm**                    **and return to the Regular portion of the meeting.**

**MOTION CARRIED**

**09-552**                    **It was moved and seconded:**

- 1. That a staff report be prepared outlining the financial implications that would result from the separation of Electoral Areas A, B and C from the Planning, Parks, Building and Bylaw**

Enforcement functions; and further, that the report advise how separation would relate to existing services and budget costs for all nine electoral areas, review opportunities, show cost projections for provision of services, and provide delivery options.

**MOTION CARRIED**

**RESOLVING INTO  
CLOSED SESSION**

**09-555**                      It was moved and seconded that the meeting be closed to the public in  
**8:30**                      accordance with the Community Charter Part 4, Division 3, Section  
90, Subsection (1) (c) Employee Relations.

**MOTION CARRIED**

**RISE FROM  
CLOSED SESSION**

**09-557**                      It was moved and seconded that the Board rise without report and  
return to the Regular portion of the meeting.

**MOTION CARRIED**

**ADJOURNMENT**

**09- 558**                      It was moved and seconded that the Regular Board meeting be  
**9:28 pm**                      adjourned.

**MOTION CARRIED**

The meeting adjourned at 9:28 pm

Certified Correct:

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Corporate Secretary

Dated: \_\_\_\_\_