

The Regular Meeting of City Council was held in the Council Chamber, City Hall, 200 Craig Street, Duncan, BC at 7:30 p.m., February 28, 2005.

Present: Mayor Michael Coleman;
Councillors Mike Caljouw, Jenny Farkas, Sharon Jackson and Phil Kent.

Absent With

Prior Notice: Councillors Geoff Maxwell and Ken Newcomb.

Also Present: Paul Douville, City Administrator.

His Worship Mayor Michael Coleman opened the Council Meeting with a prayer and called for order.

Approval of Agenda

Agenda

Movd. Councillor S. Jackson
Secd. Councillor P. Kent

THAT the Agenda for the February 28, 2005 Regular Meeting of City Council, with the introduction of one (1) late item, be approved.

Carried.

Adoption of Minutes

Minutes

Movd. Councillor J. Farkas
Secd. Councillor M. Caljouw

THAT the Minutes of the Regular Meeting of City Council held February 14, 2005 be adopted.

Carried.

Introduction of Late Items

Supervisory Control
and Data
Acquisition System
(SCDA) (Water
Utility)

For consideration was a memorandum dated February 25, 2005 from the Director of Finance.

Movd. Councillor S. Jackson
Secd. Councillor M. Caljouw

THAT the Council of the City of Duncan, in the interest of the proactive protection of the quality and safety of the City's water system, formally authorize the Supervisory Control and Data Acquisition System (SCDA) project to proceed in 2005 and authorize the application for Provincial grant funds under the BC Community Water Improvement Program.

Carried.

Delegations

Chrystal Ocean -
Poverty Advocate

Chrystal Ocean of a new organization entitled "Wellbeing through Inclusion Socially & Economically" (WISE) addressed Council to promote a new book entitled "Policies of Exclusion, Poverty & Health - Stories from the Front". Ms. Ocean advised that this book includes reports and an intense study of 21 women living in poverty in the Cowichan Valley. In their own voices, the women tell their stories of living poor in our community,

leading lives hidden from the mainstream, in poverty and mental illness, often caused by childhood trauma.

Ms. Ocean advised of a event at the Cowichan Library from 2:00 p.m. to 4:00 p.m. on March 12 at which time she and other story tellers will meet the public and sign copies of the book.

Ms. Ocean advised that WISE is attempting to get as many women in poverty as possible to join their group. They are launching an education program for the public and for government officials. They are currently working with a one-time Vancouver Foundation grant and are seeking other sources of funding.

Ms. Ocean advised that WISE wishes to do a similar report on "Men in Poverty". She asked members of City Council to secure copies of the book and to recognize the expertise of the WISE members. She said they could provide insight into unique problems and suggest unique solutions and therefore asked that they be included in any meetings dealing with social issues. In concluding her remarks, she said the book is available at Gallowglass Books in downtown Duncan.

Ms. Ocean was thanked for her presentation and she left the meeting.

Joyce Behnsen -
City Streets
Painting Program

Joyce Behnsen of 3135 Moorfield Place addressed Council and read aloud her February 11, 2005 letter. In her letter, she complained about the faded nature of painted turn lane arrows, centerlines and crosswalks. She also expressed concern regarding the new medians in Trunk Road and Government Street and asked for a better public park in the City.

In a memorandum dated February 15, 2005 from the Public Works Superintendent, he advises that on average, the City spends \$15,000.00 to \$20,000.00 annually on line painting. This includes a portion of all long lines, road markings, crosswalks and curbs. Mr. Kushner says that the cost to repaint all markings annually would be \$35,000.00 to \$40,000.00. Therefore, most long lines and road markings are on a two-year rotation, but we do attempt to repaint high priority areas annually (i.e. school routes and arterial roads).

It was noted that the medians in Trunk Road and Government Street are "traffic calming" devices, recommended by ICBC. Most of the cost of these improvements was paid for by ICBC.

Ms. Behnsen was also advised that City Council intends to proceed with the redevelopment of Centennial Park along the lines that she is suggesting. It was also noted that Rotary Park provides a wonderful green space within the City boundaries.

Joyce Behnsen -
Warmland Walk

Ms. Behnsen then advised Council of a proposed Warmland exercise walk. She distributed a plan showing a circle route in and in the vicinity of the City. She said she hopes to work with the District of North Cowichan, the City of Duncan, Cowichan Tribes and the E & N Railway in bringing this Warmland walk to fruition.

Ms. Behnsen was thanked for her presentation and she left the meeting.

Report of Chief Administrative Officer

Administrative
Report

Mr. Douville reported on the following items:

- Johel Bros. are approximately 99% complete on the inflow and infiltration correction project. He said that Duncan Paving will commence the necessary patching work in relation to this project this week.
- Regarding the needed paving patching work, he has laid out 45 large-scale patches that are needed. He said there may be enough funds left to do a small stretch of Coronation Avenue, which is also in need of significant repair.
- He said that the long line painting will be starting soon with the private contractor.
- The flower baskets tender has been awarded to Providence Farm for \$42.00 per basket. The previous supplier, R & R (Rankin) Enterprises Ltd., bid \$45.00 per basket. It was noted that there are approximately 170 baskets.
- Damage to Canada Avenue near the Jehovah Witness Church is being worked on. This problem area is undermined by a natural spring.

Unfinished Business

387 Campbell Road -
Notice on Title

Present to introduce this subject was the Building Inspector, Dave Sanders.

For consideration was a letter dated February 14, 2005 to Georgina B. Humeston, owner - 387 Campbell Street. The letter provides and references a report dated January 18, 2005 from the City Building Inspector. He advises that following the January 13, 2005 request for a "comfort letter", he checked the property roll file and noted that building/plumbing permits for renovations were never secured. He also noted that the structure is being used illegally as a 3-plex in a single-family zone. The Building Inspector recommends that the City register a "Notice on Title" noting the deficiencies in order to limit the liability of the City of Duncan.

Representing the owner, John Finlayson, of Osborne Realty, addressed Council. Mr. Finlayson advised that he has the listing of the property and that they have stopped advertising it as a 3-plex revenue property. He noted that Ms. Humeston bought the property in 1993 and was unaware of the problems. He said that they understand the issues and do not object to the proposed "Notice on Title". However, he noted that they have not discussed the matter with legal counsel and have not considered possible legal action against the City.

Mr. Finlayson noted that back in the early 1990's, a subdivision was proposed for this property and adjoining properties. He was advised to have his client resubmit it if she wished to do so. Ms. Humeston also addressed the meeting and advised that she was most upset with the events that have occurred and is concerned about the resale value of her property. She said they would be submitting a subdivision proposal to the Approving Officer.

On a question, the Building Inspector, who had introduced this item, advised that you cannot bring the property into compliance with the Building and Fire Codes due to the zoning issue.

Movd. Councillor J. Farkas
Secd. Councillor M. Caljouw

THAT the Council of the City of Duncan authorize the filing of a "Notice on Title" for the property at 387 Campbell Street (legally described as Lot 5, Section 17, Range 7, Plan 8058, Quamichan District - PID: 002-590-751) noting that there were no permits issued for building and plumbing renovations and that the structure is being used as an illegal 3-plex;

AND THAT the balance of the issues be referred to the Planning & Priorities Committee.

Carried.

Ms. Humeston and Mr. Finlayson were thanked for their presentation and they left the meeting.

Robby Mason - 637
Charlotte - Notice
on Title

Present to introduce this subject was the Building Inspector, Dave Sanders.

For consideration was a letter dated February 14, 2005 to Robby C. Mason, owner - 637 Charlotte Street.

The letter provides and references a report dated February 2, 2005 from the Building Inspector. He advises that following his attendance to the property on February 2, 2005, he noted that a Building Permit was not secured for the addition of a second storey and construction of a new roof. Mr. Sanders recommends filing of a "Notice on Title" noting the deficiencies in order to limit the liability of the City of Duncan.

Mr. Mason addressed Council noting that at the time (late December 2004) he did not realize that he needed a permit to do the work. He also noted that he had a group of friends available

to assist with the project and they simply went ahead. Mr. Mason advised that he has now applied for a building permit and has had the property surveyed. With the addition of the second storey, the structure is no longer a legal non-conforming use and since the structure is too close to the rear property line (1.5' too close), the Development Variance Process has to occur prior to the issuance of a building permit.

Mr. Mason said he would submit a Development Variance Permit application. He advised that he has no concerns regarding the "Notice on Title" noting that once the project is properly completed, this notice will be removed by City officials.

Movd. Councillor S. Jackson
Secd. Councillor P. Kent

THAT a "Notice on Title" be filed on the title for 637 Charlotte Street (legally described as Lot 6, Block 2, Section 17, Range 7, Plan 1699, Quamichan District - PID: 007-088-981) noting the deficiencies with regard to the provision of a second storey without a building permit in order to limit the liability of the City of Duncan.

Carried.

Salmon Preservation Movd. Councillor P. Kent
Secd. Councillor M. Caljouw

THAT the letter dated February 15, 2005 from the Honourable Geoff Regan, Federal Minister of Fisheries & Oceans, in reply to our letter dated January 12, 2005 regarding salmon preservation, be received, the contents noted and filed.

Carried.

Tsunami Grant
Application
(Combined Grant
Under CVRD)

For consideration was a letter dated February 22, 2005 from the Cowichan Valley Regional District.

Movd. Councillor P. Kent
Secd. Councillor J. Farkas

THAT the Council of the City of Duncan approve the CVRD Tsunami Grant Application and that the \$10,000 Tsunami Preparedness Grant that the City of Duncan is eligible for be combined with the CVRD Grant for Regional Tsunami Preparedness.

Carried.

Correspondence

Parkinson Day &
Month

Movd. Councillor S. Jackson
Secd. Councillor J. Farkas

THAT the month of April 2005 be proclaimed as "Parkinson's Month" and April 11 as "World Parkinson's Day" in the City of Duncan as requested in the January 20, 2005 letter from Parkinson Society British Columbia.

Carried.

Cancer Month

Movd. Councillor P. Kent
Secd. Councillor M. Caljouw

THAT the month of April 2005 be proclaimed as "Cancer Month" in the City of Duncan as requested in the February 14, 2005 letter from the Canadian Cancer Society.

Carried.

2008 Cowichan North American Indigenous Games Society
 Movd. Councillor P. Kent
 Secd. Councillor J. Farkas
THAT the letter dated February 18, 2005 from Chief Harvey Alphonse, Cowichan Tribes, regarding the 2008 Cowichan North American Indigenous Games Society, be received, the contents noted and filed;
AND THAT the Mayor or Deputy Mayor attend the March 16, 2005 meeting if possible.

Carried.

Shrine Spring Ceremonial - Banner
 Movd. Councillor S. Jackson
 Secd. Councillor M. Caljouw
THAT a two-sided "Welcome Shriners" banner with adequate wind-holes be displayed at the east-end of Station Street from May 9 - 16, 2005 as requested in the February 22, 2005 letter from the Cowichan Valley Shrine Club.

Carried.

Reports of Committees, COTW & Commissions

General Purposes Committee

For consideration were the notes of the February 21, 2005 meeting.

Cowichan Basin Water Management Forum
 For consideration was a letter dated February 16, 2005 from the Chair of the CVRD Board requesting Council appoint a staff member to the Cowichan Basin Water Management Forum.

Movd. Councillor M. Caljouw
 Secd. Councillor J. Farkas
THAT Public Works Superintendent Trevor Kushner represent the City of Duncan on the Cowichan Basin Water Management Forum of the Cowichan Valley Regional District.

Carried.

Court House - Secure On-street Parking
 Movd. Councillor P. Kent
 Secd. Councillor S. Jackson
THAT the three (3) parking stalls at the south-end of Somenos Road (east-side) be reserved for Duncan Court Registry/Sheriff staff for security reasons as outlined in the February 14, 2005 letter from the Duncan Court Registry;
AND THAT the responsibility and cost for signing these three (3) parking stalls be that of the Duncan Court Registry, noting they must contact our Public Works Superintendent for sign regulations.

Carried.

Cowichan Pre-School Association - Possible Expansion
 For consideration was a letter dated February 4, 2005 from the Cowichan Pre-School Association.

Movd. Councillor J. Farkas
 Secd. Councillor S. Jackson
THAT the Council of the City of Duncan support "in principle" the funding application to other sources by the Cowichan Preschool

Association for the proposed expansion of their foyer and a portion of their southern wall and creation of wheelchair accessibility in the City-owned building in Rotary Park;

AND THAT this project be subject to approval by the Building Inspector.

Carried.

Advisory Planning
Commission (APC)
Appointment - Kathy
Coster

For consideration was a letter dated February 7, 2005 from Kathy Coster, 1081 Holmes Street.

Movd. Councillor M. Caljouw

Secd. Councillor P. Kent

THAT Kathy Coster be appointed to the Advisory Planning Commission for a 2-year term commencing March 1, 2005.

Carried.

Policy - A
Commitment to a
Safe Workplace

For consideration was an e-mail dated February 14, 2005 from the Public Works Superintendent.

Movd. Councillor S. Jackson

Secd. Councillor P. Kent

THAT the Council of the City of Duncan adopt the Policy entitled "A Commitment To A Safe Workplace" as recommended by the Public Works Superintendent.

Carried.

Miscellaneous

Councillors Caljouw and Kent noted the recent passing of Jenny Finnegan. Jenny was a great volunteer in the Cowichan Valley working extremely hard for the Folk Guild and many other endeavours. She was an ardent member of the Walking Club and she was a very helpful, delightful and cheerful person.

Councillor Jackson noted the recent passing of Bob Skene, the Deputy Director of Finance for the District of North Cowichan. Mr. Skene was only 53 years old and lost his battle with cancer. Bob was a longtime volunteer of the Duncan-Cowichan Summer Festival Society and was a worker for many community events.

Mayor Coleman noted the recent accidental death of Cowichan Tribes Councillor Ben Joseph. Mr. Joseph was a longtime member of the Cowichan Tribes Council and worked tirelessly for the betterment of the Cowichan people.

Councillor Farkas advised that the Public Safety Committee is moving forward on the issues of the B & E's and smash and grabs in the downtown and other areas of the City. She noted that the next focus meeting is scheduled for March 8. She also advised that the CVRD Community Safety Committee is working on related social issues and is meeting soon to address drug addiction issues. She said the work of these two committees will produce positive results.

Councillor Kent reported on the February 18, 2005 TCH Traffic Management Plan Working Committee. He said the Working Committee has reached a consensus on the proposed final draft

after making significant suggestions to the Consultant, Urban Systems. He said once the final draft is completed, it will be presented to the Steering Committee for input and possible amendment and then to a public process.

Mayor Coleman reported on the following items:

- On February 17 & 18, he participated in the Municipal Finance Authority Board meeting in Vancouver.
- At the February 23 CVRD Board meeting, it was decided that the south-end pool referendum will be conducted as individual votes in the four south-end electoral areas. It was also decided at the Regional Hospital District Board meeting that the CVRD Hospital District will not be contributing to the proposed Nanaimo Hospital renovations.
- On February 23, a meeting was held at City Hall with a number of RCMP representatives regarding Regional Policing issues and noted that several streamlining efficiencies are being pursued.
- On February 24, he participated in the CVRD Transit Committee meeting at which time some significant recommendations were developed, which will be made public in the near future.
- On February 23, he noted that the Government of Canada Budget was released outlining significant benefits to local governments throughout Canada. He noted that most of these initiatives were promoted by the Federation of Canadian Municipalities. Regarding the proposed gas tax funds distribution, he noted that each province will be responsible for the related formula and in the case of British Columbia, consultations will be held between the Union of BC Municipalities and the Province of BC.

New Business

Offenders

For consideration was an e-mail dated February 1, 2005 from Joe Barry, Corporate Secretary/Administrative Services Manager - Cowichan Valley Regional District.

Movd. Councillor S. Jackson

Secd. Councillor P. Kent

WHEREAS offenders require release on a gradual basis back into society;

AND WHEREAS these offenders require facilities and services which would allow for safe and responsible re-entry into society.

THEREFORE BE IT RESOLVED THAT senior levels of Government, both elected and

administrative, create facilities through a clear and consultative process with communities in a manner that both recognizes and balances the rights of the individual and the community.

Carried.

Councillor Caljouw dissenting.

Adjournment

Movd. Councillor J. Farkas
Secd. Councillor M. Caljouw

THAT this meeting of City Council do now adjourn.

Carried.

At 9:00 p.m., the meeting adjourned.

Michael Coleman
Mayor

Paul Douville
Corporate Officer