

The Regular Meeting of City Council was held in the Council Chamber, City Hall, 200 Craig Street, Duncan, BC at 7:30 p.m., November 14, 2005.

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

Absent With Prior Notice: Councillor 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 P. Kent

Secd. Councillor S. Jackson

THAT the Agenda for the November 14, 2005 Regular Meeting of City Council be approved.

Carried.

Adoption of Minutes

Minutes

Movd. Councillor M. Caljouw

Secd. Councillor P. Kent

THAT the Minutes of the Regular Meeting and Special Meeting of City Council held on October 24 and November 3, 2005 be adopted.

Carried.

Introduction of Late Items

Late Items

A petition dated November 12, 2005 was received from the Tiffany Place Strata Council, 156 Government Street, expressing concern regarding the proposed homeless shelter at 134 Government Street.

Public Hearing:

Development
Variance Permit
Hearing - 941/951
Trunk Road

His worship Mayor Coleman advised that the purpose of this Public Hearing was for members of City Council to hear all input regarding a proposed Development Variance Permit and consider all facts presented. He asked the City Administrator whether all legal advertising and notifications were duly fulfilled for the subject matter before this Public Hearing and was advised that the requirements of the Local Government Act and Community Charter were fully met.

There were no letters received against or in support of the proposal.

One letter of interest, dated November 2, 2005, was received from Mrs. Florence Hewitt of 1010 Trunk Road. Mr. Douville advised that he responded to Mrs. Hewitt's letter advising her that provision for the placement of garbage and recycling

containers will be accommodated in the setback area between the public sidewalk and the front fence of the development.

Representing his brother, Les Loewen addressed Council. The owner of the subject property is Indesign Group Inc. (Mel Loewen of Calgary, Alberta).

Mr. Les Loewen advised that their BC Land Surveyor has indicated that the existing fences on the east and west boundaries of the property are slightly encroaching their property. He said that one section of the old fence can stay, but he said that they want to move it approximately 2". He also noted that the retaining wall for the Church property to the west encroaches onto their property 4" or 5". Mr. Douville noted that he added an item to the recommendations stating that new fences on the west and east boundaries and perhaps the north boundary (good chain link presently exists on the north boundary) be provided by the developer to the satisfaction of adjacent property owners.

Mayor Coleman called for further input three (3) times and hearing none, declared the Public Hearing concluded.

Movd. Councillor G. Maxwell

Secd. Councillor P. Kent

THAT a Development Variance Permit be issued for the proposed nine (9) dwelling units at 941 - 951 Trunk Road (Lot 1 and Lot 2, Section 17, Range 7, Plan 10539, Quamichan District, except part in Plan VIP 74624) subject to the following conditions:

1. The setback variances for the bump outs and decks be approved:
 - a. The side yard setbacks of 2.39 metres (7.84') for the bump outs on the west side property line encroach .61 metre (2') into the required 3 metre (9.84') setback.
 - b. The typical decks shown encroach .0254 metre (1") further into the side yard setback than permitted by our zoning bylaw.
2. That the proposed decorative concrete block fence be moved back 3 metres from the Trunk Road property line and that the fence be permitted to be 1.8 metres (6') rather than the bylaw stipulated 1.2 metres (4') in height. This will provide the security desired while softening the effect on the streetscape.
3. The purpose of moving back the masonry front yard fence from the Trunk Road property line is to provide for more intensive landscaping between the fence and the sidewalk.
4. The owner is to obtain the services of a professional landscape designer and to consider providing more greenery and

grass areas as opposed to gravel and river rock. Final approval of the landscaping plan is required by City Council and the plan is to include the widening of the existing sidewalk along Trunk Road by 0.45 metres (1.5').

5. A lot consolidation for the 2 existing lots is required.
6. The owner providing the City with a 1.1 metre (3.6') wide right-of-way along the Trunk Road property line to provide for the future possibility of creating a 2 metre (6.6') wide public sidewalk on this right-of-way and in the area presently occupied by the existing sidewalk with the outside area along the traveled portion of Trunk Road being landscaped (future landscape area to be approximately .6 metre (2') wide).
7. The owner providing new fences on the west and east boundaries and perhaps the north boundary (good chain link presently exists on north boundary) to the satisfaction of adjacent property owners.

Carried.

Delegations:

Fire Chief Glenn Mackie - WCB Coverage for Firefighters (Certain Cancers)

For consideration were the following items:

- Letter dated November 10, 2005 from Fire Chief Glenn Mackie.
- Letter dated August 2, 2005 from the Honourable Michael de Jong, Minister of Labour and Citizens' Services.
- Letter dated May 26, 2005 to Premier Gordon Campbell.
- Letter dated May 5, 2005 from the City of Coquitlam.

The Administrator noted that the requested resolution from the UBCM stated "full-time firefighters" and Council's May 24, 2005 resolution stated "firefighters".

Chief Mackie advised that the Fire Chief's Association of BC and the Duncan Volunteer Fire Department are disappointed with the wording of the Province of BC Bill 11 (Cancer Presumption Legislation - WCB). The First Reading of the Bill indicates that only full-time firefighters are to be considered for the proposed change in the WCB Act that will recognize certain cancers as occupational diseases associated with long-term employment as a firefighter. Bill 11 only recognized approximately 5,000 full-time firefighters in BC and ignores the over 15,000 volunteer and paid-on-call firefighters who protect the majority of the communities in BC.

Chief Mackie asked Council to correspond with the Minister of Labour and Citizens' Services suggesting that Bill 11 be referred back to the appropriate Legislative

Committee and that all BC volunteer and paid-on-call firefighters be covered by the proposed Act.

Movd. Councillor S. Jackson

Secd. Councillor M. Caljouw

THAT the Council of the City of Duncan correspond with the BC Minister of Labour and Citizens' Services requesting that Bill 11 (Cancer Presumption Legislation - WCB) be referred back to the appropriate Legislative Committee;

AND THAT all volunteer and paid-on-call firefighters be added to Bill 11 along with the full-time paid firefighters.

Carried.

Report of Chief Administrative Officer

Administrator's
Report

Mr. Douville reported on the following items:

- Christmas decorating is in full swing.
- Temporary repair work on the Craig Street pavers in the City Square is occurring again this week. The \$35,000 settlement from Stantec Consulting Ltd. and Michelle Cloghesy has been received. We are working on the permanent restoration solution.
- Hayes Forest Services will again be sponsoring the fireworks for the Christmas light-up at City Hall on November 25, 2005. Work on the fireworks technicalities is proceeding.
- The second and last advance voting opportunity is scheduled for November 15, 2005 (Tuesday) from 9:00 a.m. to 4:30 p.m. The main election poll will be staged at the Duncan Fire Hall from 8:00 a.m. to 8:00 p.m. on November 19, 2005 (Saturday).

Unfinished Business

Community Gaming
Centre

Movd. Councillor P. Kent

Secd. Councillor G. Maxwell

THAT the letters dated August 15 and November 1, 2005 to and from the British Columbia Lottery Corporation, regarding the proposed Community Gaming Centre on Cowichan Tribes Lands, be received, the contents noted and filed;

AND THAT City Council request a meeting with the Deputy Minister of the Ministry of Public Safety & Solicitor General to discuss this issue further.

Carried.

Condition of
Aquannis Centre

Movd. Councillor M. Caljouw

Secd. Councillor G. Maxwell

THAT the following items of correspondence regarding the condition of the Aquannis Centre be received, the contents noted and filed:

- Letter dated October 21, 2005 from the Cowichan Centre.

- Letter received October 18, 2005 from Mabel E. Klein of North Cowichan.

Carried.

Development
Process

Movd. Councillor J. Farkas
Secd. Councillor S. Jackson
THAT Council receive the Administrative DEVELOPMENT PROCESS, updated October 27, 2005.

Carried.

2005 Emergency
Planning Grant
Application

For consideration was a letter dated October 20, 2005 from the CVRD.

Movd. Councillor P. Kent
Secd. Councillor S. Jackson
THAT the Council of the City of Duncan approve the joint application for the 2005 Emergency Planning Grant Application;

AND THAT the funds be combined under the Cowichan Valley Emergency Program for Regional Emergency Preparedness.

Carried.

TCH Corridor
Traffic
Management Plan
(Drinkwater Road
to Cowichan Bay
Road) - Final
Report

Movd. Councillor J. Farkas
Secd. Councillor P. Kent
THAT City Council receive the Trans Canada Highway Corridor Traffic Management Plan (Drinkwater Road to Cowichan Bay Road) - Final Report, prepared by Urban Systems.

Carried.

Councillor Kent reported that we have received a work plan for the interim measures from Urban Systems and that a meeting of the respective parties will occur on the afternoon of November 21, 2005.

Valley Seniors
Organization -
Garbage
Receptacle

Movd. Councillor J. Farkas
Secd. Councillor M. Caljouw
THAT the letters dated October 26 & 31, 2005 from and to the Valley Seniors Organization, regarding their \$500.00 contribution towards the \$1,000.00 garbage receptacle for the Centre, be received, the contents noted and filed.

Carried.

Correspondence

Restorative
Justice
Proclamation

Movd. Councillor S. Jackson
Secd. Councillor G. Maxwell
THAT November 13 - 20, 2005 be proclaimed as "Restorative Justice Week" in the City of Duncan as requested by the Correctional Service of Canada in their October 11, 2005 letter.

Carried.

Endowed Chair in
Tourism and
Sustainable Rural
Development

For consideration were the following items:

- Letter dated November 1, 2005 from Malaspina University College.
- E-mail dated November 2, 2005 from Geoff Millar - Economic Development Commission.
- Letter dated November 9, 2005 from the CVRD.

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

THAT the Council of the City of Duncan endorse the positive position outlined in the November 9th, 2005 letter from the Cowichan Valley Regional District regarding "Support for Endowed Chair in Tourism and Sustainable Rural Development" (Malaspina University-College, Thompson Rivers University and the Province of BC).

Carried.

Canada Post
Closing Post
Offices and
Plants

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

THAT the Council of the City of Duncan request a Government of Canada response and position from the Hon. John McCallum, Minister of National Revenue (responsible for Canada Post) in relation to the October 2005 letter from the Canadian Union of Postal Workers entitled "Canada Post Closing Post Offices and Plants".

Carried.

Heritage Hunting
and Fishing
Protection Act

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

THAT the letter dated October 25, 2005 from Inky Mark, MP - Dauphin - Swan River - Marquette, regarding the Heritage Hunting and Fishing Protection Act, be received, the contents noted and filed.

Carried.

Reports of Committees, COTW and Commissions

General Purposes Committee

For consideration were the notes of the November 7, 2005 meeting.

Tour Cowichan -
2006 Pocket
Travel Guide,
Pink Creative
Concepts

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

THAT Council deny the October 24, 2005 request from Pink Creative Concepts for additional funding for wider distribution of the "Tour Cowichan - 2006 Pocket Travel Guide", noting that applications for tourism funding through the UBCM cannot be retroactive;

AND THAT Council advise that consideration for the 2007 edition will be provided if Pink Creative Concepts approaches Council earlier in 2006.

Carried.

141 McKinstry
(New Duplex) -
Development
Permit

Movd. Councillor J. Farkas
Secd. Councillor G. Maxwell

THAT Council authorize the issuance of a Development Permit for the proposed duplex on 141 McKinstry Road (Lot B, Section 16, Range 7, Plan 51230, Quamichan District) subject to the following conditions:

1. That a Section 219 floodplain covenant be placed on this property with a Flood Construction level of 11.5 GSC.
2. Landscaping to be completed in accordance with 5.1 of Bylaw 1580.

3. A solid decorative fence minimum 1.5 metres high be provided along side and rear property lines in accordance with Section 5.2 of Bylaw 1580.

Carried.

Low-Flush Toilet Rebate Application - Silver Park Trailer Park
 Movd. Councillor G. Maxwell
 Secd. Councillor M. Caljouw
THAT the low-flush toilet rebate application from Heinz Shoewe of the Silver Park Trailer Park to the District of North Cowichan and referred to the City be denied noting that the property is not within the City boundaries, but noting that the property is on the City water and sanitary sewer systems.

Carried.

116 Queens Road - Development Variance Permit Application
 The Administrator advised that the proponents will be submitting a new application and that they plan to move the building ahead one (1) parking stall to the north and pay for the three (3) parking stalls shortfall (i.e. \$24,000.).

Movd. Councillor P. Kent
 Secd. Councillor J. Farkas
THAT the new proposal regarding the development at 116 Queens Road be referred to the Planning & Priorities Committee when it is received.

Carried.

Engineering Services - RFP
 Movd. Councillor S. Jackson
 Secd. Councillor G. Maxwell
THAT the Request for Proposals for Engineering Services for the ensuing 3-year term be approved;
AND THAT the RFP be forwarded to the following Engineering firms:

- Stantec
- Focus
- Delcan
- Dayton & Knight
- Bullock & Bauer
- Herold Engineering.

Carried.

Planning & Priorities Committee

For consideration were the notes of the November 7, 2005 meeting.

330 Festubert Street - Building Parking Lot (Balbir Parhar)
 Movd. Councillor P. Kent
 Secd. Councillor S. Jackson
THAT the present parking lot layout for 330 Festubert Street not be accepted;
AND THAT the developer be required to re-design the parking lot into an acceptable layout which meets our parking bylaw requirements; the new layout can incorporate any concessions granted as part of the original development variance permit issued for this project;
AND THAT minimum 1.5 metre fencing be provided around the entire parking lot;
AND THAT the landscaping be completed

and properly maintained;

AND THAT upon acceptance of the re-designed parking lot, all required covenants be registered for adjacent properties used for parking.

Carried.

Parks & Recreation Committee

For consideration were the notes of the November 7, 2005 meeting.

Centennial Park
Planning & Design
Process and City-
Wide Planting
Plan

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

THAT Lanarc Consultants Ltd. be retained as follows:

- Centennial Park Planning & Design Process \$6,862.50
- City-Wide Planting Plan \$2,855.00;

AND THAT \$4,000 be appropriated from Council Contingency and added to the \$6,000 budgeted for these projects.

Carried.

Advisory Planning Commission

For consideration were the notes of the November 2, 2005 meeting.

Extension of Term
of APC Members
for OCP Review

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

THAT as recommended by the Advisory Planning Commission, City Council recommend to the incoming City Council that they provide a 1-year extension to the Advisory Planning Commission Bylaw No. 1900, which states "a maximum of 3 consecutive 2-year terms" in order that Rob Conway, Jeff Downie, Tracey King, Kate Miller, Dinah O'Keefe, Jim Roome and Mark Turner can continue working on this Commission beyond November 15, 2006 in order to conclude the OCP and Zoning Bylaw review.

(Note: The appointment of the other APC member, Kathy Coster, is subject to renewal on March 1, 2007 (i.e. 1st Term).

Carried.

OCP Review -
Terms of
Reference

Movd. Councillor S. Jackson
Secd. Councillor G. Maxwell

THAT as recommended by the Advisory Planning Commission, City Council recommend to the incoming City Council adoption of the "DRAFT" Request for Proposal for a contract for a Project Coordinator for the Official Community Plan and Zoning Bylaw review and the related Terms of Reference.

Carried.

APC Appreciation
to Council

Movd. Councillor G. Maxwell
Secd. Councillor J. Farkas

THAT the memorandum dated November 7, 2005, wherein they outline the following resolution of appreciation, be received, the contents noted and filed:

"THAT the Advisory Planning Commission

extend commendations to the Mayor & Council for their due diligence for producing important planning documents in the last three years or so."

Carried.

Mutual Business Committee (Joint Council Meeting)

Joint Council Meeting

Movd. Councillor J. Farkas
Secd. Councillor M. Caljow

THAT the Minutes of the October 13, 2005 Mutual Business Committee (Joint Council Meeting) be received, the contents noted and filed.

Carried.

Building Statistics Report

Movd. Councillor G. Maxwell
Secd. Councillor P. Kent

THAT the Building Statistics Report for October 2005, as presented, be received, the contents noted and filed.

Carried.

Miscellaneous

Councillor Farkas reported on the following items:

- She advised that the CVRD Community Safety Advisory Committee is in limbo at the present time and that she hopes their mandate will be expanded and the Committee will restart its work in 2006.
- She also advised that the Catalyst Pulp & Paper Company Community Advisory Committee on air quality will also recommence its mandate in 2006.

Mayor Coleman reported on the following items:

- He and Councillor Kent participated in the October 30, 2005 Royal Canadian Legion Flag Raising Ceremony.
- He remarked on the very large crowd that participated in the Remembrance Day Ceremonies despite the very inclement weather.
- He recognized the recent resignation of Chris Waddell as the Manager of the Duncan Business Improvement Area Society (i.e. moving to Island Savings Credit Union). He said that numerous people attended the November 4, 2005 appreciation reception.
- On November 5, he attended an event hosted by Parks Canada recognizing the Cowichan River as a Heritage River.
- Also on November 5, he attended the Duncan-Cowichan Chamber of Commerce Black Tie Awards.

Councillor Kent reported that he attended the November 12, 2005 United Way Monte Carlo event at Peter Baljet Chev Olds. He said it was a very successful event and raised significant funds for the United Way.

Homeless Shelter

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

THAT the November 12, 2005 petition from the owners of Tiffany Place, 156 Government Street, wherein they object to the possibility of a homeless shelter being created at 134 Government Street, be received, the contents noted and filed;

AND THAT the Strata Council be advised of the necessary process.

Carried.

The Administrator advised that there has been no application to amend the C-1 (General Commercial) zone to permit the accommodation of an emergency homeless shelter for 134 Government Street. He advised that if an application is received, the legal advertising would have to occur along with a Public Hearing. He also advised that adherence to the Provincial Government Fire and Building Codes would be necessary.

Special Meeting
 (In Camera)

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

THAT the Council of the City of Duncan resolve into Special Meeting (Committee of the Whole) to discuss property and legal issues;

AND THAT persons other than Council Members and the Corporate Officer be excluded from this meeting (Section 242.3 - Local Government Act).

Carried.

At 8:15 p.m., City Council resolved into Special Meeting.

At 8:25 p.m., the following Motion was Put:

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

THAT this meeting of City Council rise;

AND THAT this meeting do now adjourn.

Carried.

Michael Coleman
 Mayor

Paul Douville
 Corporate Officer