

The Regular Meeting of City Council was held in the Council Chamber, City Hall, 200 Craig Street, Duncan, BC at 7:30 p.m., April 24, 2006.

Present: Mayor Phil Kent; Councillors Ray Cadorette, Mike Caljouw, Paul Fletcher, Sharon Jackson, Ken Newcomb and Jesse Winfrey.

Also

Present: Paul Douville - City Administrator.

His Worship Mayor Kent opened the Council Meeting with an affirmation and called for order.

#### **Approval of Agenda**

Agenda

Movd. Councillor S. Jackson

Secd. Councillor J. Winfrey

THAT the Agenda for the April 24, 2006 Regular Meeting of City Council be approved.

Carried.

#### **Adoption of Minutes**

Minutes

Movd. Councillor K. Newcomb

Secd. Councillor M. Caljouw

THAT the Minutes of the Regular Meeting of City Council held April 10, 2006 be adopted.

Carried.

#### **Introduction of Late Items**

Late Items

The Administrator introduced the following items for consideration at this meeting:

- Letters dated April 20 & 24, 2006 from the Duncan-Cowichan Chamber of Commerce - UBCM Tourism Funding Program (2<sup>nd</sup> item under 9(b)).
- E-mail dated April 24, 2006 from Mark Marriott - 116 Queens Road Development Variance Permit (Public Hearing).
- E-mail dated April 24, 2006 from the VI Loggers Safety Support Group - Procession for Day of Mourning (Correspondence).
- Letter dated April 24, 2006 from Donald Thompson - recent death of Ronald Thompson (Correspondence).

#### **Public and Statutory Hearings and Third Reading or Adoption of Bylaws Where Applicable After Each Hearing**

Development  
Variance Permit -  
116 Queens Road

For consideration was a letter dated April 13, 2006 for the property owners and tenants within 60 metres (200') of 116 Queens Road.

The Administrator advised that all legal notices were distributed as required by the Local Government Act.

For consideration was an e-mail dated April 24, 2006 from Mark Marriott, 73 Coronation Avenue, expressing concerns regarding the commencement of the project at 116 Queens Road and the affects on his property and foliage.

Brian Parnell, 81 Coronation Avenue, addressed Council noting the following items:

- After he heard about the discovery of blue clay in the bank below his property on 116 Queens Road, his house was shaken on a Saturday morning when huge rock riprap was placed at the toe of the bank to prohibit collapse of the bank. He said that most wall hanging pictures in his house became very crooked.
- He requested that the fence on top of the retaining wall at the rear of 116 Queens Road be 2.4 metres (8') rather than 2 metres (6'6").
- He expressed concern regarding trees at the rear of his property which have been cut and the amount of sawdust and chips left on his yard.
- He requested further representation from the developer of 116 Queens Road.

Joe Newell, Architect, representing the owners of 116 Queens Road, Cadillac Homes Ltd., addressed Council.

Among other items, Mr. Newell mentioned the following:

- The structure has been moved 2.6 metres (8.5') to the north to accommodate the relocation of the rear retaining wall due to the discovery of blue clay in the bank.
- The building width has been reduced by 4 feet and therefore the parking shortfall is now 4 rather than 5 stalls (10 stalls in total required).
- The proposed landscaping treatment has not been altered.
- The west side-yard will now be 2.6 metres (8.5') rather than 1.3 metres (4.3').
- The sewer lines along the east property line will be maintained or replaced.
- There is now an increased rear-yard for the second floor residential units.
- They will be affixing the fence to the retaining wall and lattice will be provided below on the retaining wall for climbing plants.
- The residential units have only changed slightly internally.
- In response to Mr. Marriott's e-mail, he said that the developers have always been fair with neighbours and that tree

removal and other items will be addressed.

- The excavation had to be deeper since the designer said the retaining wall footing had to be more substantial as well as the retaining wall itself.
- He asked the two neighbours in attendance for a list of problems and concerns which the developer can address.
- He opined that the bank, in which blue clay was discovered, will stay in place once the retaining wall is in place.

Mayor Kent called for further input and hearing none declared the Public Hearing completed.

Movd. Councillor S. Jackson

Secd. Councillor M. Caljouw

THAT the recommendation regarding 116 Queens Road, be brought forward.

Carried.

Movd. Councillor M. Caljouw

Secd. Councillor K. Newcomb

THAT Council authorize the cancellation of the January 12, 2006 Development Variance Permit and the issuance of a new Development Variance Permit for the proposed development at 116 Queens Road (Lot 1, Section 17, Range 6, Plan 39709, Quamichan District; PID 000-961-361) as follows:

THAT the rear-yard setback variance be approved to permit a setback of 6.33 metres (20.77 feet) rather than the Zoning Bylaw required rear-yard setback of 7.5 metres (25 feet) subject to the following conditions:

- The landscaping between the curb and the sidewalk be installed and maintained at the cost of the developer.
- The sidewalk be given priority-level treatment with the gradient change for the cross-over within the landscaped strip between the curb and the sidewalk.
- The shortfall of four (4) parking spaces be approved and that the developer pay the required \$32,000.00 for the shortfall.
- A new two metre (6'6") fence be provided across the rear property line on top of the retaining wall subject to the neighbour's agreement.
- All service lines within the 3.05 metre (10') easement area be inspected and replaced if deemed appropriate, prior to landscaping and placing sidewalks or stairs over them, at the cost of the developer."

Amendment Movd. Councillor S. Jackson  
 Amendment Movd. Councillor R. Cadorette  
THAT the height of the fence be permitted to be 2.6 metres (8.5') rather than 2 metres (6.5 feet).

Carried.

Councillor Newcomb dissenting.

The Main Motion as amended was then **MOVED** and **CARRIED**.

Councillor Newcomb dissenting.

### Delegations

disAbility Resource Centre - Employment Services and Program Fair

Representing the Cowichan Valley disAbility Resource Centre, Anne Matheson addressed Council advising of an Employment Services and Program Fair in the City Square on April 29, 2006. She provided a copy of a poster outlining the timing of the events and an outline of the events. She advised that the recreation sailboat, which was replaced by the community after a recent B & E, will be on display during the Fair.

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

RCMP Inspector L. Robinson - 4<sup>th</sup> Quarter 2005 and 1<sup>st</sup> Quarter 2006

RCMP Inspector Linton Robinson addressed Council. Before commencing with his Report, he expressed appreciation to City Council for their 2006 Grant of \$3,700 for the Restorative Justice Program. Regarding the study of Police Regionalization, he advised that meetings with neighbouring Detachments are taking place.

He noted that due to increased policing at Centennial Park, 7 or 8 drug related charges have been laid.

The Inspector then reviewed the 4<sup>th</sup> Quarter of 2005 and the 1<sup>st</sup> Quarter of 2006 Reports:

	<u>4<sup>th</sup> Quarter 2005</u>	
	<u>2004</u>	<u>2005</u>
Assault	48	77
Break and Enters		
<i>Residential</i>	5	24
<i>Business</i>	51	13
Thefts Motor		
Vehicles	28	8
Other Thefts	164	58
Thefts from Motor	37	35
Vehicles		
Vandalism	89	56

The number of assaults within the City of Duncan still remains one of the highest rates of Criminal Code offences with an increase of 29 reported incidents in 2005 compared to

2004. The number of residential break and enters in the last quarter of 2005 has also increased dramatically from 5 in 2004 to 24 in 2005. However their vandalism reports, business break and enters, and other thefts have decreased substantially in 2005 - the last quarter compared to 2004.

	<u>1<sup>st</sup> Quarter 2006</u>	
	<u>2006</u>	<u>2005</u>
Assault	87	51
Break and Enters		
<i>Residential</i>	35	7
<i>Business</i>	23	18
Theft of Motor Vehicles	14	22
Theft from Motor Vehicles	26	8
Vandalism	58	95
Drug Offences	24	13

Theft of vehicles and vandalism reports have decreased over this 1<sup>st</sup> Quarter compared to 2005; however, break and enters - both to residences and businesses - have increased substantially, as well as drug offences.

Inspector Robinson then reviewed budget highlights for fiscal 2005 - 2006. He said that demands on the Victims Services Department continue to grow substantially. He noted that volunteers for the Community Policing Function have contributed the equivalent of \$84,000 in manpower time. He expressed sincere appreciation to these volunteers.

Inspector Robinson was thanked for his presentation and he left the meeting.

#### **Report of Chief Administrative Officer**

Administrator's  
Report

Mr. Douville reported on the following items:

- The Solicitor General has advised that the 2007 levy on an average single-family residence for policing costs will be \$63.00.
- The major grinding and paving street work is hoped to commence in early May along with the restoration of the Craig Street portion of the City Square.
- The Rotary Park tennis courts are almost ready for play (as soon as the weather permits, the court lines will be painted).
- All street banners should be installed soon.
- All flower baskets should be installed in early June.
- Line painting is to proceed weather permitting.

**Unfinished Business**

Temporary Cold  
Weather Shelter  
Report

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

THAT the Report dated April 6, 2006 from John Woods, VIHA, regarding the recently closed temporary cold weather shelter, be received, the contents noted and filed with thanks.

Carried.

Mayor Kent said that he would forward letters of appreciation to the VHIA officials involved in this project.

City Square  
Management Grant -  
2006

Movd. Councillor K. Newcomb  
Secd. Councillor J. Winfrey

THAT the letter dated April 18, 2006 from the Duncan Business Improvement Area Society, wherein they express appreciation for the 2006 grant of \$12,000 for the City Square Management function, be received, the contents noted and filed.

Carried.

Alvin's Alley  
Mural

Movd. Councillor M. Caljouw  
Secd. Councillor R. Cadorette

THAT the letter dated April 18, 2006 from the Duncan Business Improvement Area Society, wherein they express appreciation for the 2006 grant of \$1,000 for the proposed additional mural in Alvin's Alley (City Gate Church), be received, the contents noted and filed.

Carried.

**Correspondence**

Falun Dafa Month

Movd. Councillor S. Jackson  
Secd. Councillor J. Winfrey

THAT the Council of the City of Duncan proclaim May 2006 as "Falun Dafa Month" as requested in the April 15, 2006 letter from Joan Quain on behalf of the British Columbia Falun Dafa Association of Canada, noting that at the core of Falun Dafa are the principles of truthfulness, compassion and forbearance.

Carried.

World Elder Abuse  
Awareness Day

Movd. Councillor M. Caljouw  
Secd. Councillor R. Cadorette

THAT the Council of the City of Duncan proclaim June 15, 2006 as "World Elder Abuse Awareness Day", as requested in the April 16, 2006 letter from The Council of Senior Citizens' Organization of BC.

Carried.

Day of Mourning  
Procession

Movd. Councillor S. Jackson  
Secd. Councillor J. Winfrey

THAT City Council authorize the

Vancouver Island Loggers Safety Support Group to stage "Day of Mourning" activities on Friday, April 28, 2006 (Friday), on the SIDEWALKS of the roadways within the City as outlined in the April 5 & 24, 2006 e-mails, noting that arrangements must be made with the DBIAS (City Square Manager) for use of the City Square on this day;

AND THAT this authorization be subject to the event not interfering with the movement of vehicular or pedestrian traffic and subject to proper marshalling being provided throughout the route by the event coordinators;

AND THAT the Vancouver Island Loggers Safety Support Group hold harmless the City of Duncan from any and all possible liability claims relating to this event, noting that the City Administrator has received a copy of the pertinent Insurance Policy naming the City of Duncan as an "additional insured party" with a \$2 million per occurrence liability insurance coverage.

Carried.

Recent Passing of  
Ronald Thompson

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

THAT the letter dated April 24, 2006 from Donald Thompson, regarding the recent passing of Ronald Thompson related to a dumpster incident, be referred to a General Purposes Committee meeting.

Carried.

#### Reports of Committees, COTW and Commissions

##### General Purposes Committee

For consideration were the notes of the April 18, 2006 meeting.

APC - Natural  
Steps On-Line  
Course

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

THAT as recommended by the Advisory Planning Commission, Council authorize four APC Members (Jeff Downie, Kathy Coster, Rob Conway and Kate Miller) to participate in the "Natural Steps On-line Course" for \$120.00 each;

AND THAT these four APC Members be requested to report back to the balance of the APC members and to City Council upon completion of the on-line course.

Carried.

Councillor Newcomb dissenting.

Green Door Society  
Property - Proposed  
Hot Dog Stand

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

THAT the April 6, 2006 request from Rose Malimban to have the "Portable Sales Kiosk" Council Policy amended be denied.

Carried.

Councillor Fletcher dissenting.

Portable Sales  
Kiosks Policy

Movd. Councillor K. Newcomb  
Secd. Councillor M. Caljouw

THAT Council review the "Portable Sales Kiosks" policy in due course with staff time and resources availability and with receipt of information from other local governments that permit portable sales kiosks.

Carried.

Finance Committee

For consideration were the notes of the April 18, 2006 meeting.

Valley Seniors  
Organization Lease

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

THAT as recommended by the Director of Finance, the Valley Seniors Organization (VSO) Lease be renewed for one (1) year (February 1, 2006 to January 31, 2007) at \$500.00/month awaiting receipt of the report from the Director of Finance on a possible Policy regarding our various leased premises to show the actual value of the premises as an annual grant (i.e. Actual value minus lease rate paid).

Carried.

UBCM Tourism  
Funding Program -  
CVRD Tourism  
Services

For consideration was a letter dated April 20, 2006 from the Duncan-Cowichan Chamber of Commerce to the CVRD Economic Development Commission and a letter dated April 24, 2006 from the Chamber to City Council regarding the proposed use of the UBCM Tourism Funding Program dollars for a CVRD Tourism Services Project.

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

THAT the request from the CVRD Economic Development Commission for allocation of \$7,500 of the \$38,904.80 available to the City from the UBCM Tourism Funding Program for the proposed CVRD Tourism Services Project be denied.

Carried.

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

THAT the letters dated April 20 & 24, 2006 from the Duncan-Cowichan Chamber of Commerce, regarding the proposed CVRD Tourism Services Project, be received, the contents noted and filed.

Carried.

Reports from Council Members

Council Reports

Councillor Winfrey reported that on the evening of April 21, 2006, he attended the grand opening of the three baseball diamonds at the Cowichan Sportsplex. He said the event was well attended and that much appreciation

was extended to the following sponsors of the ball fields:

- Pat Carson, Peter Baljet Chev  
Olds/Island Savings Credit Union and the McKinnon family (Rona).

Councillor Caljouw advised that he attended a graduation ceremony at Khowhemun School regarding the "D.A.R.E." (Drug Abuse Resistance Education) program. He said he was very impressed with this program.

Councillor Fletcher advised that he attended a meeting recently regarding the proposed Rick Hansen Wheels in Motion event scheduled for June 11, 2006 in the City Square. He noted that the event organizers are attempting to access funds to assist with making Centennial Park wheelchair and disabled persons accessible.

Mayor Kent reported on the following items:

- He said that the April 20, 2006 Boundary Restructure Study public meeting was civil and informative. He said that answers to the many questions posed will be forthcoming. He expressed appreciation to the Public Steering Committee for their work to-date.
- On April 20, he participated in the SUN FM telethon for the Cowichan Hospital Foundation. He said that while he was on-air \$750.00 in pledges were received.
- On April 22, he participated in the Cowichan Hospital Foundation dinner at which time SUN FM presented a donation of \$26,500.

#### Bylaws

<p>City of Duncan Off-Street Parking and Loading Bylaw No. 1784, 1996, Amendment Bylaw No. 2000, 2006</p>	<p>Movd. Councillor M. Caljouw Secd. Councillor S. Jackson <u>THAT</u> "Off-Street Parking and Loading Bylaw No. 1784, 2006, Amendment Bylaw No. 2000, 2006" be reconsidered, finally passed and adopted.</p>	<p>Carried.</p>
<p>Financial Plan Bylaw No. 2001, 2006</p>	<p>Movd. Councillor S. Jackson Secd. Councillor K. Newcomb <u>THAT</u> Council give leave to Councillor Newcomb to introduce "Financial Plan Bylaw No. 2001, 2006".</p>	<p>Carried.</p>
<p></p>	<p>Movd. Councillor K. Newcomb Secd. Councillor S. Jackson <u>THAT</u> "Financial Plan Bylaw No. 2001, 2006" be read for the first time.</p>	<p>Carried.</p>

Movd. Councillor M. Caljouw  
 Secd. Councillor K. Newcomb  
THAT "Financial Plan Bylaw No. 2001,  
 2006" be read for the second time.  
 Carried.

Movd. Councillor K. Newcomb  
 Secd. Councillor J. Winfrey  
THAT "Financial Plan Bylaw No. 2001,  
 2006" be read for the third time.  
 Carried.

Mayor Kent advised that the increase to the average homeowner for General Municipal purposes was 5.86% for 2006 over 2005. He noted that with the increase of the Homeowner Grant by \$100.00, the tax increase will be a "saw-off" for the averaged assessed residential property. He noted that the tax increase was necessary to cover wage increases, capital improvements, downtown revitalization, traffic improvements and many other items.

Tax Rates Bylaw No. 2002, 2006  
 Movd. Councillor K. Newcomb  
 Secd. Councillor J. Winfrey  
THAT Council give leave to Councillor S. Jackson to introduce "Tax Rates Bylaw No. 2002, 2006".  
 Carried.

Movd. Councillor S. Jackson  
 Secd. Councillor M. Caljouw  
THAT "Tax Rates Bylaw No. 2002, 2006" be read for the first time.  
 Carried.

Movd. Councillor S. Jackson  
 Secd. Councillor J. Winfrey  
THAT "Tax Rates Bylaw No. 2002, 2006" be read for the second time.  
 Carried.

Movd. Councillor M. Caljouw  
 Secd. Councillor K. Newcomb  
THAT "Tax Rates Bylaw No. 2002, 2006" be read for the third time.  
 Carried.

Election Bylaw No. 2003, 2006  
 Movd. Councillor S. Jackson  
 Secd. Councillor K. Newcomb  
THAT Council give leave to Councillor Winfrey to introduce "Election Bylaw No. 2003, 2006".  
 Carried.

Movd. Councillor J. Winfrey  
 Secd. Councillor S. Jackson  
THAT "Election Bylaw No. 2003, 2006" be read for the first time.  
 Carried.

Movd. Councillor K. Newcomb  
 Secd. Councillor S. Jackson  
THAT "Election Bylaw No. 2003, 2006"  
 be read for the second time.  
 Carried.

Movd. Councillor M. Caljouw  
 Secd. Councillor J. Winfrey  
THAT "Election Bylaw No. 2003, 2006"  
 be read for the third time.  
 Carried.

Loan Authorization Movd. Councillor S. Jackson  
 Bylaw - Pool, Bylaw Secd. Councillor K. Newcomb  
 No. 2004, 2006 THAT Council give leave to Councillor  
 R. Cadorette to introduce "Loan Authorization  
 Bylaw - Pool, Bylaw No. 2004, 2006".  
 Carried.

Movd. Councillor R. Cadorette  
 Secd. Councillor M. Caljouw  
THAT "Loan Authorization Bylaw - Pool,  
 Bylaw No. 2004, 2006" be read for the first  
 time.  
 Carried.

Movd. Councillor K. Newcomb  
 Secd. Councillor M. Caljouw  
THAT "Loan Authorization Bylaw - Pool,  
 Bylaw No. 2004, 2006" be read for the second  
 time.  
 Carried.

Movd. Councillor S. Jackson  
 Secd. Councillor J. Winfrey  
THAT "Loan Authorization Bylaw - Pool,  
 Bylaw No. 2004, 2006" be read for the third  
 time.  
 Carried.

#### Question Period - Council

Council Questions Councillor Jackson asked whether the  
 restoration project for the Craig Street  
 portion of the City Square would affect the  
 regular Saturday Farmers' Markets. The  
 Administrator advised that accommodation will  
 be made for the staging of the regular  
 Saturday Markets.

#### New Business

Regional Services For consideration was an e-mail dated April  
 Review Presentation 20, 2006 from the Corporate Secretary of the  
 CVRD inviting the Mayor & Council to attend a  
 presentation regarding Regional Service  
 Reviews by an official of the Ministry of  
 Community Services on April 26, 2006 at 6:00  
 p.m.

Special Council Movd. Councillor K. Newcomb  
 Meeting Secd. Councillor R. Cadorette  
THAT the Council of the City of Duncan  
 resolve into Special Meeting (Committee of

the Whole) to consider property issues;  
AND THAT persons other than Council  
Members, the Corporate Officer and the  
Director of Finance be excluded from this  
meeting (Sections 90, 91 and 92 - Community  
Charter).

Carried.

At 9:25 p.m., City Council resolved into  
Special Meeting.

At 10:20 p.m., the following Motion was Put:

Adjournment

Movd. Councillor M. Caljouw

Secd. Councillor J. Winfrey

THAT this meeting do now adjourn.

Carried.

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Phil Kent  
Mayor

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Paul Douville  
Corporate Officer