

The Regular Meeting of City Council was held in the Council Chamber, City Hall, 200 Craig Street, Duncan, BC at 7:30 p.m., August 14, 2006.

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

Absent With

Prior Notice: Councillor Paul Fletcher.

Also Present: Tom Ireland – CAO, Peter de Verteuil – Director of Finance and Lynn Ketch – Director of Corporate Services.

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

Approval of Agenda

Agenda

Movd. Councillor Winfrey

Secd. Councillor Jackson

THAT the Agenda for the August 14, 2006 Regular Meeting of City Council, with the addition of one late item, be approved.

CARRIED

Adoption of Minutes

Minutes

Movd. Councillor Jackson

Secd. Councillor Newcomb

THAT the Minutes of the Regular Meeting of City Council held July 10, 2006 and the Special Meetings held July 20 and 27, 2006 be adopted.

CARRIED

Introduction of Late Items

Late Item

Movd. Councillor Winfrey

Secd. Councillor Caljouw

THAT the recommendation from the Planning & Priorities Committee meeting of August 8, 2006, regarding the proposed CVRD fence behind 175 Ingram Street, be introduced as a late item.

CARRIED

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

330 Spruce Place – Development Variance Permit

The CAO summarized the details of the proposed Development Variance Permit application for 330 Spruce Place. It was noted that one letter was received in support of the proposal and no letters were received against it.

Mayor Kent called for input from the public three times and hearing none, declared the Public Hearing concluded.

Movd. Councillor Newcomb

Secd. Councillor Jackson

THAT Council approve the Development Variance Permit for the proposed addition onto the rear of the existing carport/garage at 330 Spruce Place (Lot 5, Block 6, Section 18, Range 5, Plan 12568, Land District 45), to reduce the rear-yard setback from 7.5 meters (24.6 feet) to 5.18 meters (17 feet), a Development Variance of 2.32 meters (7.6 feet).

CARRIED

Delegation**RCMP Inspector
Linton Robinson – 2nd
Quarter Report**

RCMP Inspector Linton Robinson addressed Council. Before commencing with the 2nd Quarter Report, he expressed appreciation to the members of City Council for their letter of support for Provincial funding for Restorative Justice endeavours and the letter of support for a Domestic Violence Unit of two (2) RCMP officers for the North Cowichan/Duncan Detachment. He will report further on the subject of establishing a special Court for domestic violence cases.

There has been a substantial increase in break-and-enters, both to residential and business premises, over the past 2nd Quarter. A direct correlation has been established between these offences and the drug world. Drug offences have also increased substantially.

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

Report of Chief Administrative Officer**CAO Report**

The Chief Administrative Officer presented his bi-monthly report.

Unfinished Business**Bill 32 – Adult
Guardianship and
Personal Planning
Statutes Amendment
Act, 2006**

Movd. Councillor Newcomb

Secd. Councillor Caljouw

THAT the letter dated July 12, 2006 from the Attorney General and Minister Responsible for Multiculturalism in reply to the City's letter dated March 1, 2006, regarding Bill 32 – Adult Guardianship and Personal Planning Statutes Amendment Act, 2006, be received and filed.

CARRIED

**Trans Canada
Highway Corridor
Management Plan**

Movd. Councillor Jackson

Secd. Councillor Caljouw

THAT the letter dated June 12, 2006 from Mayor Kent to the Ministry of Transportation and the August 2, 2006 reply, regarding the Trans Canada Highway Corridor Management Plan, be referred to the Trans Canada Highway Steering Committee for consideration.

CARRIED

**Bill 30 –
Miscellaneous
Statutes Amendment
Act of 2006**

Movd. Councillor Newcomb

Secd. Councillor Cadorette

THAT the letter dated July 31, 2006 from the Ministry of Energy, Mines and Petroleum Resources in reply to the City's letter dated June 8, 2006 to Premier Gordon Campbell, regarding Bill 30 – Miscellaneous Statutes Amendment Act of 2006, be received and filed.

CARRIED

Correspondence**Received and Filed**

Movd. Councillor Newcomb

Secd. Councillor Winfrey

THAT the following letters of correspondence be received and filed:

- June 28, UBCM re: New Revised UBCM Act
- July 11, VIRL re: Library Operating Grant
- July 21, Yellowhead Ecological Association (YEA) re: Uranium Exploration and Mining in BC
- July 20, Regional District of North Okanagan re: Restrict Staking of Mineral Claims on Private Property and Impacts

on Water Quality of Mineral Exploration in Watersheds –
2006 UBCM Convention

- July 27, Ministry of Energy, Mines and Petroleum Resources re: Job Fairs (Duncan – October 20)
- July 31, Vancouver Island Association of Wood Processors (VIAWP) re: BC Timber Sales Program Review and Possible Elimination of CAT 2 Value-Added Sales.

CARRIED

**2006 Harvest Fair –
Duncan United
Church**

Movd. Councillor Jackson

Secd. Councillor Winfrey

THAT Council authorize the Duncan United Church to stage a Harvest Fair on Ingram Street on September 23, 2006 (Saturday);

AND THAT Ingram Street between Jubilee Street and the westerly boundary of 246 Ingram Street be closed to vehicular traffic from 6:00 a.m. to 4:00 p.m. on Saturday, September 23, 2006 for this purpose, subject to the following terms and conditions:

- Duncan United Church apprising the Duncan Business Improvement Areas Society (DBIAS) and all businesses in this block of the event
- Duncan United Church holding harmless the City of Duncan from any and all possible public liability claims.
- Provision of insurance to a minimum of \$2,000,000. per occurrence for this Harvest Fair with the City of Duncan being named "An Additional Insured Third Party"
- Payment of a \$300.00 deposit, which will be returned to the Church if the street and infrastructure are left in a clean and undamaged condition;

AND THAT as requested by the Duncan United Church, and if available, City barricades be provided for this event.

CARRIED

**Kilgour-Matas Report
– Harvesting Organs
from Live Falun Gong
Practitioners in China**

Movd. Councillor Jackson

Secd. Councillor Newcomb

THAT the letter dated July 29, 2006 from the Falun Gong – Victoria Group, regarding the Kilgour-Matas Report on Harvesting Organs from live Falun Gong Practitioners in China, be referred to the General Purposes Committee;

AND THAT staff be directed to provide the Committee members with a recommendation in this regard.

CARRIED

**Red Ribbon
Placements
– Light Standards
Downtown**

Movd. Councillor Jackson

Secd. Councillor Caljouw

THAT City Council Authorize the Cowichan United Way to tie red ribbons to the lampposts around downtown Duncan from September 6 – 16 provided they tie and remove the ribbons as noted in their letter dated August 1, 2006.

CARRIED

**World Teachers' Day –
October 5, 2006**

Movd. Councillor Cadorette

Secd. Councillor Jackson

THAT October 5, 2006 be proclaimed as "World Teachers' Day in the City of Duncan as requested in the August 1, 2006 letter from the British Columbia Teachers' Federation;

AND THAT Council conveys appreciation to the teachers in our Schools for the role they play in assuring the well-being of our society.

CARRIED

**Trans Canada
Highway Joint Study**

Movd. Councillor Caljouw
Secd. Councillor Winfrey

THAT the July 27, 2006 letter from the Cowichan Tribes to the Ministry of Transportation and Highways and copied to Mayor Kent, regarding the Trans Canada Highway Joint Study, be referred to the Trans Canada Highway Steering Committee for consideration.

CARRIED**Crop Damage due to
Increasing Geese
Population**

Movd. Councillor Jackson
Secd. Councillor Newcomb

THAT the letter dated July 28, 2006 from Mike VanBoven, regarding crop damage due to the increasing geese population in the vicinity of the Duncan/North Cowichan Joint Sewer Lagoons, be referred to the Joint Utilities Board for consideration.

CARRIED**Reports of Committees, COTW and Commissions**General Purposes Committee

For consideration were the notes of the August 8, 2006 meeting.

**Federal Child Care
Funding**

Movd. Councillor Jackson
Secd. Councillor Winfrey

THAT the City of Duncan correspond with the federal government urging them to maintain the previously made commitment to the Federal Early Learning and Child Care Agreement;

AND THAT the City of Duncan correspond with the Province of BC encouraging them to be more proactive in opposing the elimination of a national childcare program as previously proposed.

CARRIED

Councillor Newcomb dissenting.

Finance Committee

For consideration were the notes of the August 8, 2006 meeting.

**2007 Official Travel
Planner – Back Cover
Advertising**

Movd. Councillor Cadorette
Secd. Councillor Jackson

THAT Council authorize the back cover advertisement of the 2007 Official Travel Planner for \$2,8567.70 (including GST).

CARRIED**Advertising Policy**

Movd. Councillor Cadorette
Secd. Councillor Newcomb

THAT a Council Policy be drafted regarding requests from organizations for advertising in publications that reflect the City's strategic direction.

CARRIEDPublic Works Committee

For consideration were the notes of the August 8, 2006 meeting.

**Banners – Somenos
Marsh Wildlife Society**

Movd. Councillor Newcomb
Secd. Councillor Cadorette

THAT, as requested in the June 22, 2006 letter from the Somenos Marsh Wildlife Society, the Operations Manager be requested to have the Society's banners installed on the banner poles downtown when the DBIAS winter banners are removed.

CARRIED

Planning & Priorities Committee

For consideration were the notes of the August 8, 2006 meeting.

**381 Campbell Street –
Development Variance
Permit Application**

Movd. Councillor Jackson
Secd. Councillor Newcomb

THAT City Council authorize the commencement of the Development Variance Permit process for 381 Campbell Street (Lot 6, Section 17, Range 7, Quamichan District, Plan 8058; PID: 005-640-644) for a proposed strata subdivision, subject to the following conditions:

1. That a maximum 1.2m fence be permitted between the side lot line and the common property from the front property line to the rear of the dwelling.
2. That a paved, hard surfaced driveway be required for the common property access to the rear lot.
3. A floodplain covenant be put on the lot(s).

CARRIED

**156 Government
Street – Development
Permit Application
(Repainting)**

Movd. Councillor Jackson
Secd. Councillor Newcomb

THAT City Council authorize the issuance of a Development Permit for repainting 156 Government Street (Tiffany Place Strata Building).

CARRIED

**Fence behind 175
Ingram Street – CVRD
Offices**

Movd. Councillor Newcomb
Secd. Councillor Cadorette

THAT staff communicate to the CVRD that the request to install a 4' green chain link fence at the rear of 175 Ingram Street was denied because it does not meet the City's Downtown Design Guidelines;

AND THAT the CVRD be invited to submit a fence proposal that would be consistent with the City's Design Guidelines.

CARRIED

Public Safety & Emergency Services Committee

For consideration were the notes of the August 8, 2006 meeting.

**211 First Street –
“Nuisance”**

Movd. Councillor Caljouw
Secd. Councillor Newcomb

THAT the Council of the City of Duncan declare the building located at 211 First Street a “nuisance” because it is so dilapidated and unclean as to be offensive to the community;

AND THAT Council require the owner(s) of the premises to demolish and remove the building and any associated structures including fencing, clean up the debris, fill in the site and make it safe, neat and clean by September 22, 2006, pursuant to Sections 72 and 74 of the *Community Charter*.

CARRIED

**Crystal Meth
Awareness Program**

Movd. Councillor Caljouw
Secd. Councillor Jackson

THAT the Council of the City of Duncan waive its purchasing policy, in this instance, and hire Pierre Morais of Clear Waters Counselling Services to coordinate the City's Crystal Meth Awareness Program with the District of North Cowichan as per his August 4, 2006 proposal, a key component of which is the synergies with the Cowichan Tribes Meth Program.

CARRIED

Note: Estimated fee for Mr. Morais: \$8,200.

Reports from Staff**Building Statistics
Report – July 2006**

Movd. Councillor Jackson
Secd. Councillor Newcomb

THAT the Building Statistics Report for July 2006 be received, the contents noted and filed.

CARRIED**2006 Backhoe
Purchase**

For consideration was a Request for Decision dated August 10, 2006 from the Director of Finance.

Movd. Councillor Jackson
Secd. Councillor Newcomb

THAT the Council of the City of Duncan approve the purchase of a 2006 New Holland B95TC Backhoe for the price of \$96,503 plus taxes (\$102,993.05 incl. PST) from Douglas Lake Equipment, to be wholly paid with funds from the equipment replacement reserve fund.

CARRIED**Advisory Planning Commission**

For consideration were the notes of the August 9, 2006 Advisory Planning Commission.

**OCP & Zoning
Amendments
Applications for 575
Trunk Road, 351, 361
& 371 Bundock
Avenue and 574 & 584
Coronation Avenue**

Movd. Councillor Jackson
Secd. Councillor Newcomb

THAT in regards to the OCP & Zoning Amendment Applications from Jones Development Corporation for the Trunk/Bundock/Coronation properties, Mr. Jones be advised that City Council has received a number of recommendations from the City's Advisory Planning Commission and would like to bring the following recommendations from the August 9, 2006 meeting to his attention for consideration:

No.2 Recommendation from August 9, 2006 APC Minutes

"The APC recommends that Council require the applicant to provide a Traffic and Parking Study prior to granting any parking variance. The study should include the following information:

- a) Management of on-site deliveries and service vehicles.
- b) Parking for staff, visitors and residents.
- c) Parking demand during the staff shift-change.
- d) Access and egress issues.
- e) Traffic and parking impact on adjacent neighbouring streets.
- f) Configuration of the proposed on-street parking on Bundock Ave.
- g) Capacity of Bundock Avenue to support parking and traffic, and the impacts on any long-term network plans for Bundock Avenue."

No.4 Recommendation from August 9, 2006 APC Minutes:

"The APC recommends that Council request the applicant to provide the City with a copy of the Environmental Assessment Report conducted for the proposed development."

CARRIED

Movd. Councillor Jackson
Secd. Councillor Newcomb

THAT the August 9, 2006 Advisory Planning Commission Minutes be referred to the Planning and Priorities Committee for consideration.

CARRIED**Reports from Council Members****Reports from Council
Members**

Councillor Winfrey encouraged everyone to attend the Cowichan Historical Society's exhibit "Kinsol in Crisis: Past. Present. Future?" at an Open House on Wednesday, August 23 at the Museum.

Mayor Kent reported that on August 13, he volunteered to flip hamburgers with Just Jake's for the MS fundraiser. They flipped 350 burgers. In total, \$150,000 was raised for the Multiple Sclerosis Society.

Bylaws

**Community Plan
Bylaw No. 1762, 1995,
Amendment Bylaw
No. 2008, 2006** (Jones
Development for 575 Trunk,
351, 361 & 371 Bundock
Avenue and 574 & 584
Coronation Avenue)

Movd. Councillor Caljouw
Secd. Councillor Jackson
THAT Council give Community Plan Bylaw No. 1762,
1995, Amendment Bylaw No. 2008, 2006 first and second
readings and authorize a Public Hearing to be held on
September 11, 2006.

CARRIED

**Zoning Bylaw No.
2009 (Amendment
Bylaw No. 2), 2006**
(Jones Development for 575
Trunk, 351, 361 & 371
Bundock Avenue and 574 &
584 Coronation Avenue)

Movd. Councillor Newcomb
Secd. Councillor Winfrey
THAT Council give Zoning Bylaw No. 2009 (Amendment
Bylaw No. 2), 2006 first and second readings and authorize a
Public Hearing to be held on September 11, 2006.

CARRIED

Closed Session

Movd. Councillor Jackson
Secd. Councillor Winfrey
THAT this Regular Council meeting be closed to the
public to consider items under the following Sections of the
Community Charter:
• 90(1)(c) - labour relations or other employee relations and
• 90(1)(e) – the acquisition, disposition or expropriation of land.

CARRIED

The meeting was closed to the public at 9:07 p.m. and Council
rose without reporting at 10:26 p.m.

Adjournment

Movd. Councillor Newcomb
Secd. Councillor Jackson
THAT this Meeting of City Council adjourn.

CARRIED

Confirmed:

Certified Correct:

Phil Kent, Mayor

**Lynn Ketch, Director of
Corporate Services**