

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 27, 2006.

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

Absent With Prior Notice:
Councillor Ken Newcomb.

Also

Present: Paul Douville - City Administrator.

His Worship Mayor Phil 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 February 27, 2006 Regular Meeting of City Council be approved.

Carried.

Adoption of Minutes

Minutes

Movd. Councillor M. Caljouw
Secd. Councillor S. Jackson
THAT the Minutes of the Special Meeting of City Council held January 30, 2006 be adopted.

Carried.

Movd. Councillor R. Cadorette
Secd. Councillor J. Winfrey
THAT the Minutes of the Regular Meeting of City Council held February 13, 2006 be adopted.

Carried.

Introduction of Late Items

Late Items

The Administrator introduced the following two late items:

- Letter dated February 27, 2006 from the General Manager of the Cowichan Centre Commission regarding the proposed Aquannis Centre and Cowichan Centre 2006 Annual Budgets.
- Island Corridor Foundation and CP Rail media release regarding the E & N Railway Corridor.

Delegations

Additional
Delegation

Movd. Councillor M. Caljouw
Secd. Councillor J. Winfrey

THAT Don Skerik, Cowichan Chapter of the Council of Canadians, be permitted to address Council as a delegate during this meeting.

Carried.

Duncan/Cowichan
Chamber of
Commerce

Representing the Duncan/Cowichan Chamber of Commerce, Glen Naylor, President, Geoff Wood, Treasurer and Kathy Mailhot, Manager, addressed Council.

Mr. Naylor advised that the Chamber is now up to 320 members and outlined the many activities and projects of their organization. He said their biggest venture is to find a more suitable and better location for the Visitor Information Centre. He expressed appreciation to Councillor Ray Cadorette, who is the Past-President of the Chamber of Commerce, for his contributions over the years.

Mr. Woods gave a brief summary of their Balance Sheet and Statements of Revenues & Expenditures. He thanked Council for their past support and said he looked forward to their continued support.

Cathy Mailhot outlined the Visitor Centre services and noted that memberships only account for one third of their operating budget. She said they are updating their website and referenced the great accomplishments of the Black Tie Awards. She reminded Council that the Downtown Satellite Visitors Centre will function differently in 2006. It is their intention to have a roving Downtown Visitor Ambassador. She also indicated that they will be working very closely with the Downtown Business Improvement Area Society and the Totem Tour Ambassadors.

She concluded her remarks by stating "A strong Chamber says that we're open for business".

The delegates were thanked for their presentation and they left the meeting.

Cowichan Chapter
of the Council of
Canadians

Don Skerik, representing the Cowichan Chapter of the Council of Canadians, addressed Council. He requested that Council adopt two resolutions:

1. A resolution stating that Duncan City Council supports the Council of Canadians in opposing the war in Iraq.
2. A resolution waiving the liability

insurance requirement to stage a protest on City streets and in the City Square by the Cowichan Chapter of the Council of Canadians.

Mr. Skerik 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:

Waterworks:

- Cowichan Gaming Centre services being installed (6" water, 6" sewer)
- Truesdale strata complex services being installed (6" water)
- McKinstry Place water service repair
- Festubert Street water service repair

Maintenance:

- Lawn Bowling sidewalk is complete
- Castle Street sidewalk serving Charles Hoey School is complete
- City Hall maintenance - Clock Tower Sandstone
- Coronation Avenue temporary medians to be installed

Sweeping

- Government Street Hill islands to be washed/swept

Parks

- Ron Boxem, Parks Foreman and Trevor Kushner, Public Works Superintendent have attended a "playground inspection" course at the District of North Cowichan
- Limb removal/cleanup in the parks after recent storms

Unfinished Business

Royal Canadian
Legion - Liquor
License
Extensions

Movd. Councillor S. Jackson
Secd. Councillor M. Caljouw
BE IT RESOLVED THAT the Council of the City of Duncan recommends to the Liquor Control & Licensing Branch of the Ministry of Public Safety and Solicitor General the issuance of a Liquor-Primary License Extension for Royal Canadian Legion, Branch No. 53 at 225 Canada Avenue, Duncan, BC since the venue is a vibrant and exciting addition to downtown Duncan and an economic generator for the local economy (i.e. Liquor License Extension into adjacent 310 m² (1016 ft²) of space previously occupied by Rembrandt's Chocolate Shop (Expansion Area #1) and into a 1.93 metre (6'4") X 12 metre

(40') area in "Winery Mews" between City Hall and the Canada Building (Expansion Area #2)

(Note: Conditions set by City Council on February 13th, 2006 at the Regular Meeting of City Council, regarding the Winery Mews area, are:

1. In order to accommodate Market-In-The-Square, the outdoor patio area be closed and all tables, chairs and barriers be removed each Saturday until 3:00 p.m.
2. The Legion close the outdoor patio area and remove all tables, chairs and barriers when given written notice by the City of Duncan or the Duncan Business Improvement Area Society (DBIAS) of a special event in City Square (minimum 24 hours notice).
3. Liquor service and consumption is to end no later than 9:00 p.m. in this outside patio area.);

AND THAT the Council's comments on the prescribed considerations are as follows:

- o The location of the establishment - The location is in a commercial area that is removed from nearby residences and is suitable for a late night entertainment venue where minimal street noise at closing time can be anticipated (Note: The property is zoned C-1 (General Commercial) which accommodates this use).
- o The proximity of the establishment to other social or recreational facilities and public buildings - The only nearby social, recreational and public buildings and facilities do not conflict with the operation of an entertainment and social club venue.
- o The person capacity and hours of liquor service of the establishment - The maximum person capacity, approved by the Liquor Control and Licensing Branch, with closing hours of midnight Sunday through Thursday and 1:00 a.m. on Friday and Saturday (except the patio area, which is to close at 9:00 p.m.) are acceptable.
- o The number and market focus or clientele of liquor-primary license establishments within a reasonable distance of the proposed location - The Elks Club premises one (1) block away from the Legion premises is a complementary and very similar operation. There is no conflict between these two establishments.

- o Traffic, noise, parking and zoning - The establishment is not expected to negatively affect traffic patterns and noise is not expected to be an issue because of the small size and hours. The applicant has met the requirements of the zoning bylaw with regard to zoning, road access and parking.
- o Population, population density and population trends - The population for the community at 4,699 for Duncan, 70,000 for the Cowichan Valley and 100 within 60 metres (200 feet) of the establishment and with a growth rate of 3% supports this licensed establishment.
- o Relevant socio-economic information - The contravention rates for surrounding establishments are less than the provincial average and does not indicate a problem with over-proliferation of licensed establishments in the community. The community has an unemployment and income assistance rate that is lower than the provincial average and a growing tourism industry based on eco-tourism and totem tours.
- o The impact on the community if the application is approved - If the application is approved, the impact is expected to be positive in that it will support growth in tourism, provide more downtown shoppers and offer a new social venue for club members and guests;

AND THAT the Council's comments on the views of residents and businesses in the vicinity are as follows:

- o The views of residents and businesses within a 60 metre radius of 225 Canada Avenue (200 feet; i.e. Council Policy) were sought by way of a door-to-door Poll. 21 signatories were in favour of the liquor license extension into Expansion Area #1 and 0 signatories were opposed. 19 signatories were in favour of the liquor license extension into Expansion Area #2 and 2 signatories were opposed (Cowichan Valley Fetal Alcohol Syndrome Society (CVFAS) and one near-by restaurant owner (Mama's Café). The City Square Manager of the Duncan Business Improvement Area Society (DBIAS) is in favour of both Expansion Areas and is recommending to her

Board of Directors that she be authorized to poll in favour of both. (The two (2) completed polls are enclosed.)

Carried.

City Hall Closure
- 2006 and
Subsequent
Christmas Seasons

Movd. Councillor S. Jackson
Secd. Councillor R. Cadorette

THAT Council approve the closure of City Hall on December 27, 28 and 29, 2006 (Wednesday, Thursday and Friday) noting that City Hall will be closed on December 25 (Monday), December 26 (Tuesday - Boxing Day) and January 1, 2007 (Monday - New Years Day);

AND THAT this practice become policy for future Christmas weeks between Christmas and New Years Day;

AND THAT the inside staff (Non-Union, Union and Commissionaires) be requested to use vacation entitlement, accumulated bank time, leave without pay or a combination of these options;

AND THAT if the inside staff members plan to use vacation entitlement, they be requested to make sure they have the required number of days available (i.e. three days) at the time of the closure (i.e. it will help them to be able to schedule these days before booking the balance of their vacation entitlement for 2006).

Carried.

RFP - OCP

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

THAT Council refer the following RFP responses for the Official Community Plan (OCP) review to the Advisory Planning Commission (APC) for recommendation:

- Urban Aspects Consulting
Group Ltd. \$65,826.
including GST
- KWC Planning Services \$74,900.
plus GST and Expenses

Carried.

Island Corridor
Foundation & CP
Rail Media
Release

For consideration was a February 27, 2006 Media Release from the Island Corridor Foundation (ICF) and CP Rail. The Island Corridor Foundation has reached an historic agreement with Canadian Pacific Railway, which has seen the CPR owned rail corridor donated to the foundation in perpetuity (approximate value \$236 million).

The Foundation is a not-for-profit organization incorporated in 2004 as a partnership between Local Governments and First Nations along the corridor. The result of more than three years of negotiations, the ICF has brought the corridor under local control for the first

time since 1883. The agreement includes Canadian Pacific Railway's portion of the 139-mile long rail corridor from Victoria to Courtenay. In addition to the 651 hectares (1,610 acres), it also includes six historic railway stations in Duncan, Ladysmith, Nanaimo, Parksville, Qualicum Beach and Courtenay. Canadian Pacific has provided seed money as well as the donation of their E & N holdings to ensure the financial viability of the Foundation.

ICF is currently negotiating with Rail America's E & N Railway Company (1998) Ltd. for the acquisition of the remaining lands and with a new rail operator. Rail America currently controls the portion of the system between Nanaimo, Parksville and Port Alberni.

This announcement was the result of hard work, goodwill, generosity, good business practices and, above all, a vision to bring this railway corridor back to the people of Vancouver Island. Partnerships were forged that focused on the well-being of communities and their future. Today begins a new chapter and a new vision for the corridor and the communities bordering it.

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

THAT the February 27, 2006 media release of the Island Corridor Foundation and CP Rail, regarding the transfer of the ownership of the CPR owned rail corridor on Vancouver Island, be received, the contents noted and filed.

Carried.

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

THAT letters of appreciation be forwarded to the Island Corridor Foundation, Jack Peak, Co-Chair, Chief Judith Sayers, Co-Chair and Past Co-Chair Harvey Alphonse expressing the appreciation of Duncan City Council for all of their hard work in bringing the CP owned rail corridor on Vancouver Island into local ownership.

Carried.

Correspondence

Male Survivors of
Sexual Abuse
Awareness Month

Movd. Councillor S. Jackson
Secd. Councillor P. Fletcher

THAT April 2006 be proclaimed "Male Survivors of Sexual Abuse Awareness Month" as requested in the February 15, 2006 letter from the Vancouver Island Men's Trauma Counselling Society.

Carried.

- Cowichan
Exhibition
Society - Banner
- Movd. Councillor S. Jackson
Secd. Councillor R. Cadorette
THAT the Council of the City of Duncan authorize the display of the Cowichan Exhibition Society banner from the banner poles adjacent to the east-side of the Trans Canada Highway and south of the Cowichan River from August 21 - September 11, 2006 as requested in the February 15, 2006 letter from the Cowichan Exhibition Society.
- Carried.
- Adult
Guardianship
Legislation
- Movd. Councillor S. Jackson
Secd. Councillor M. Caljouw
THAT in response to the February 6, 2006 alert from the Community Coalition for the Implementation of Adult Guardianship Legislation (c/o BC Coalition of People With Disabilities), the Council of the City of Duncan request the Province of BC to provide Council with their written comments regarding this alert.
- Carried.
- Cowichan Valley
Hospice Society -
Banner
- Movd. Councillor S. Jackson
Secd. Councillor P. Fletcher
THAT the Council of the City of Duncan authorize the display of the Cowichan Valley Hospice Society banner from the banner poles adjacent to the east-side of the Trans Canada Highway and south of the Cowichan River from May 1 - 31, 2006 as requested in the February 16, 2006 letter from the Cowichan Valley Hospice Society.
- Carried.
- Pacific Energy
12-Hour Relay -
Banner
- For consideration was a letter dated February 20, 2006 from the Cowichan Sportsplex.
- Movd. Councillor R. Cadorette
Secd. Councillor S. Jackson
THAT the Cowichan Sportsplex, Pacific Energy 12-Hour Relay coordinators be authorized to display their "12-Hour Relay" banner from the banner poles adjacent to the east-side of the Trans Canada Highway and south of the Cowichan River from June 12 - July 9, 2006.
- Carried.
- Council of
Canadians -
International
Peace Walk
- Movd. Councillor S. Jackson
Secd. Councillor J. Winfrey
THAT the letter dated February 22, 2006 from the Cowichan Chapter of the Council of Canadians and the recommendation from the Administrator regarding the proposed March 18, 2006 International Peace Walk, be referred to the next General Purposes Committee Meeting.
- Carried.

Councillor Caljouw dissenting.

Reports of Committees, COTW and Commissions

General Purposes Committee

For consideration were the notes of the February 20, 2006 meeting.

SUN FM Signage -
130 Trans Canada
Highway

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

THAT Council authorize the SUN FM sign for 130 Trans Canada highway as presented on February 20, 2006 (96 f² rather than 64.5 f² and the words "Welcome to Duncan" being removed since they are difficult to read in the yellow dots surrounding the SUN logo).

Carried.

Citizens
Forum/Assembly on
Local Government
Restructuring

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

THAT the letter dated February 8, 2006 from the Municipality of North Cowichan, regarding the proposed Citizen's Forum/Assembly on Local Government Restructuring, be received, the contents noted and filed;

AND THAT City Council refer the Municipality of North Cowichan to the earlier resolution adopted by City Council on May 24, 2005 and referred to the CVRD regarding this issue:

"THAT the Council of the City of Duncan agree "In Principle" with the concept of a "Citizens Assembly" on Local Government;

AND THAT the CVRD Board of Directors authorize staff to develop draft Terms of Reference and a budget for the "Citizens Assembly" process;

AND THAT the CVRD Board of Directors secure the input and approval "In Principle" of the Minister of Communities, Aboriginal and Women's Services and the three (3) other Municipal Councils."

Carried.

New Aquannis
Centre Project -
Select Committee

Movd. Councillor P. Fletcher
Secd. Councillor R. Cadorette

THAT in response to the February 6, 2006 letter from the Municipality of North Cowichan, regarding a new pool project, the Council of the City of Duncan appoint 2 members of Council (Mayor Phil Kent and Councillor Jesse Winfrey) to the North Cowichan Select Committee, which will recommend the scale, design and approximate cost of a new pool to replace the Aquannis Centre.

Carried.

City Hall Tower -
Sandstone Problem

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

THAT scaffolding be acquired for placement above the stairs and landing to the main entrance of City Hall to protect

against possible falling debris from the cornices;

AND THAT the Administrator seek a price from a consultant in this field to eliminate the problem on the clock tower on a long-term basis.

Carried.

Finance Committee

For consideration were the notes of the February 20, 2006 Finance Committee meeting.

Chemainus Legion
- RCMP
Dinner/Dance

Movd. Councillor M. Caljouw

Secd. Councillor R. Cadorette

THAT in response to the February 7, 2006 grant request from the Chemainus Legion, Council provide a \$200.00 grant for the proposed March 18, 2006 dinner/dance, honouring and showing appreciation for the RCMP who service the Municipality of North Cowichan and Duncan.

Carried.

Planning Committee

For consideration were the notes of the February 20, 2006 Planning Committee meeting.

Dwayne Peleshaty's
Apartment Building
(650 Dobson Road) -
Amended Landscape
Plan and Other
Items

Movd. Councillor S. Jackson

Secd. Councillor R. Cadorette

THAT for the amended Landscape Plan and other issues for the Dwayne Peleshaty apartment development at McKinstry and Dobson Roads (650 Dobson Road) City Council advise the developer of the following items and require compliance:

- That the Leyland Cypress hedge material along the McKinstry Road boundary be removed and replaced with broad leafed evergreens such as California Lilac and Escallonia to permit a view into the property and allow depth to the landscaping (i.e. must be clear of public sidewalk).
- That the developer be required to continue the landscaping around the north-west corner of the building with similar plantings as shown in the new design. The wrap around area was shown on the original plan submitted.
- That either shielding be installed on the existing exterior lighting or a different type of lighting be installed for the parking lot lights to prevent glare onto neighbouring properties.
- That the required masonry support for the fire department connection standpipe be done in a decorative fashion and include the address and possibly the name of the development.

Carried.

1041 Trunk Road
(Sam Koffski) DVP
Application

Movd. Councillor S. Jackson
Secd. Councillor R. Cadorette

THAT Council authorize the Development Variance Permit (DVP) public process to consider a DVP to permit the construction of a sunroom to within 6.67 metres (21.88') rather than the Bylaw required 7.5 metres (24.6') from the rear property line at 1041 Trunk Road (Lot 14, Section 17, Range 7, Plan 5868, LD45); proposed variance is .83 metre (2.72 feet).

Carried.

Miscellaneous

Councillor Cadorette reported on the following items:

- On February 16, he attended the Cowichan Intercultural Society Open House. This was a valuable experience in that he was able to meet and speak with the Executive Director and other Members of the Society. Councillor Cadorette was impressed with the dedication and commitment of those involved with the Society and learned about their programs and future plans. Councillor Jackson and Mr. Douville were also in attendance.
- On February 23, he attended an Open House at Shaw Cable sponsored by the five Chambers of Commerce in the Cowichan Region. This was a very successful event with well over 100 people in attendance.
- On February 26, he attended the Cairnsmore Neighbourhood Action Project Open House at the Guide Hall. There were several presenters in attendance including the Canadian Mental Health Association and Healthy Children Healthy Futures. Unfortunately the attendance was not great due to the snow fall that occurred Saturday afternoon/evening.

Mayor Kent reported that CVRD 2006 budget process is underway. He noted that due to legal costs and other increased costs, there may be a substantial increase for 2006. He noted that the possible increase in the City requisition could be approximately 16%.

Question Period

Home Owner Grants

It was noted that the 2006 Home Owner Grants for under and over 65 years of age are increasing by \$100 (i.e. \$470 to \$570 and \$745 to \$845).

New Business

Cowichan Centre - Movd. Councillor S. Jackson
 Notification of Secd. Councillor M. Caljouw
 Service Review THAT the letter dated February 15, 2006 from CVRD Electoral Area "E" Director Loren Duncan, wherein he provides notification of a requested service review for the Cowichan Centre Commission, be received, the contents noted and filed.

Carried.

New Aquannis Movd. Councillor S. Jackson
 Centre Pool - Secd. Councillor M. Caljouw
 Financing WHEREAS the Council of the City of Duncan applauds the District of North Cowichan Council for taking the initiative in moving forward on funding the construction of a new Aquannis Centre pool, with or without other funding partners;

AND WHEREAS the Council of the City of Duncan would like to recognize the gesture of the District of North Cowichan Council for recognizing, in part, the wishes of the City of Duncan by stating a commitment to a two tiered fee structure of some form upon the construction of the new Aquannis Centre pool unless sufficient funding partners materialize;

AND WHEREAS the Council of the City of Duncan believes that the taxpayers of the City of Duncan are willing to pay their fair share of such a regional facility;

THEREFORE BE IT RESOLVED THAT the Council of the City of Duncan is committed to initiating the alternative approval process to authorize the City of Duncan to enter into a partnership in a CVRD function to fund the construction and operation of a new \$15 Million Dollar Aquannis Centre Pool (including the upgrade of the existing pool space to another use);

AND THAT the City of Duncan intends to partner in this construction project and its future operating costs by Converted Taxable Assessments for Hospital purposes to a maximum of the Greater of \$202,656 or 0.50114 per thousand dollars of Net Taxable Assessments for Hospital Purposes for the City of Duncan.

Note: The City of Duncan Net Taxable Assessments for Hospital Purposes for 2006 total \$404,386,588. At a rate of 0.50114/1000 this equals \$202,654 for 2006.

Carried.

2006 Aquannis For consideration was a letter dated
 Centre Budget and February 27, 2006 from the General Manager
 Consultants' Fees of the Cowichan Centre.
 Account

Movd. Councillor S. Jackson

Secd. Councillor J. Winfrey

THAT the Council of the City of Duncan agree to the provision for \$25,000 being included in the Consultants' Fees Account in the Aquannis Centre 2006 Annual Budget;

AND THAT Council approve of the proposed Aquannis Centre 2006 Annual Budget with a requisition total of \$819,733.

Carried.

Opposition to War
in Iraq

Movd. Councillor S. Jackson

Secd. Councillor J. Winfrey

THAT the Council of the City of Duncan support the stance of the Council of Canadians opposing the war in Iraq.

Carried.

Special Meeting
(In Camera)

Movd. Councillor S. Jackson

Secd. Councillor J. Winfrey

THAT the Council of the City of Duncan resolve into Special Meeting (Committee of the Whole) to consider personnel and legal 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 8:55 p.m., City Council resolved into Special Meeting.

At 9:40 p.m., the following Motion was Put:

Adjournment

Movd. Councillor M. Caljouw

Secd. Councillor S. Jackson

THAT this meeting of City Council do now adjourn.

Carried.

Phil Kent
Mayor

Paul Douville
Corporate Officer