

The Regular Meeting of City Council was held in the Council Chamber, City Hall, 200 Craig Street, Duncan, BC at 7:30 p.m., September 11, 2006.

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

Absent With

Prior Notice: Councillor Jesse Winfrey.

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 Jackson  
Secd. Councillor Newcomb

THAT the Agenda for the September 11, 2006 Regular Meeting of City Council, with the late items, be approved.

CARRIED

### **Adoption of Minutes**

#### **Minutes**

Movd. Councillor Newcomb  
Secd. Councillor Jackson

THAT the Minutes of the Regular Meeting of City Council held August 14, 2006 and the Special Meeting of City Council held August 28, 2006 be adopted.

CARRIED

### **Introduction of Late Items**

#### **Late Item**

Movd. Councillor Newcomb  
Secd. Councillor Caljouw

THAT the following late items be added to the Agenda:

- 4(b) Public Hearing – Jones Development
  - Memo dated September 11, 2006 from the CAO
  - Letter dated September 11, 2006 from the Blue House Denture Inc.
  - Traffic Review by Richard James of Richard James & Associates Transportation Engineering and Planning
- 8(j) Correspondence –
  - Letter dated September 6, 2006 from Lanarc Consultants Ltd. re: Regional Park and Trail Master Plan – CVRD
- 9(a) Reports of Standing Committees – Finance
  - Cowichan Sportsplex addition information
  - Freshwater Fisheries Society of BC Board of Directors List

CARRIED

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

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

For consideration was a Development Variance Permit application for 381 Campbell Street from Tony vande Mortel. It was noted that no letters were received for or against the proposal.

The Mayor invited the proponent and any others to speak to the proposal. None were forth coming.

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

Movd. Councillor Jackson  
Secd. Councillor Newcomb

THAT the Council of the City of Duncan authorize the issuance of a Development Variance Permit for the proposed strata subdivision of 381 Campbell Street (Legal: Lot 6, Section 17, Range 7, Quamichan District, Plan 8058; PID: 005-640-644) with 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

**Community Plan and  
Rezoning Hearing –  
Leased portion of 575  
Trunk Road from  
Commercial to  
Institutional; 351, 361 &  
371 Bundock Avenue  
and 574 & 584  
Coronation Avenue from  
Residential to  
Institutional**

His Worship Mayor Kent called the Public Hearing to order and advised that the purpose of this Public Hearing was for Members of Council to hear input regarding a Community Plan Amendment and a Zoning Bylaw Amendment and consider all facts presented.

For consideration were the following documents:

- Community Plan & Zoning Amendment Application dated July 7, 2006 from Jones Development Corporation to permit the development of a Seniors' Residential Care Facility for Complex Care (160 beds) and Assisted Living (50 Suites)
- Report dated July 28, 2006 from ANDplan and Associates
- Report dated August 1, 2006 from Urban Aspects Consulting Group Ltd.
- Letter dated August 2, 2006 from Jones Development Corporation
- Memo dated August 3, 2006 from the Public Works Superintendent
- Minutes of the August 9, 2006 Advisory Planning Commission meeting
- Letter dated August 15, 2006 from the Director of Corporate Services to owners/occupants of property within 200' of the proposal
- Letter dated August 22, 2006 from the Director of Corporate Services to Jones Development Corporation outlining two (2) recommendations from the August 14, 2006 Advisory Planning Commission meeting
- Site Profiles received August 24 and September 5, 2006
- Memo dated September 11, 2006 from the CAO
- Letter dated September 11, 2006 from the Blue House Denture Clinic Inc. in favour of the proposal
- Traffic Review presented by Richard James of Richard James & Associates Transportation Engineering and Planning

The proponent, Norm Jones, outlined his proposal for the development of a seniors' residential care facility, comprising of 160 beds of complex care and 50 suites of assisted living at 575 Trunk Road, 351, 361 & 371 Bundock Avenue and 574 & 584 Coronation Avenue.

Mr. Jones noted that he was the successful bidder on the public tender issued by the Ministry of Health, through the Vancouver Island Health Authority (VIHA), for this type of development.

On questions from Council, the following points were noted:

- The truck loading lane issue will be resolved so that the service trucks will not hold up traffic on Trunk Road as they position in the service lane (Mr. James).
- Staff change shifts should not present a parking problem (Mr. James).
- Mr. James reviewed his September 8, 2006 Traffic Review Report.
- Of all the trees on the properties, only the large Maple tree will be saved. The newly planted trees will be 20' to 30' in 5 – 10 years. (Mr. Jones).

Questions from members of the Public:

- Bob Cook of 350 Bundock Avenue spoke in favour of the proposal
- Ken Price, Chevron Gas Station Manager questioned what screening is proposed between his property and the project. Mr. Jones offered to meet with Mr. Price to develop the screening.
- Maureen Vesey advised she would speak to her letter as she had many points to make.
- Vivian Shepherd was concerned about removing the parking on the east-side of Bundock Avenue and replacing it with angle parking on the west-side.
- Arthur Hobbis, 643 Coronation Avenue, opined that parking is not adequate at most of the seniors' developments he visits.
- Sue Hobbis, 643 Coronation Avenue, noted that at certain times, such as Christmas or Easter, there usually is not enough parking at most facilities

The Mayor invited members of the public to speak either in favour or against this proposal.

Maureen Vesey, 155 McKinstry Place, spoke against the proposal, noting the following:

- No raised flower/vegetable beds are planned
- Walking path is inside the building and should be outside
- Landscaping should not be undercover
- Requested that the gardens at the north-west corner of the project be saved
- Suggested that the house at 361 Bundock remain where it is or be moved to the garden area at the north-west corner of Coronation Avenue, with a memory garden, vegetable garden being incorporated into the project with the house being finished in period furniture
- Suggested more consultation is needed with Heritage and Historical Societies, Providence Farm and others

Art Hobbis noted that he & his wife Sue have lived on Coronation Avenue for the past 2½ years and they fully support this development but have some concerns:

- The project will improve the character and tone of the neighbourhood
- Concerned that they have witnessed a number of incidences at the corner of Coronation and the TCH involving speeders and pedestrians
- He made several suggestions regarding traffic patterns and pedestrian crossings and submitted his report dated September 11, 2006 in this regard

Tanya Ablonczy, 371 Bundock Avenue, spoke against the proposal and highlighted the following from her speaking notes:

- Has been opposed to this development from the beginning
- The project does not appear to be good planning with major environmental, social and political issues that have not been appropriately and democratically addressed
- Not in favour of urban old growth eco-system
- Concerned about pollution of the Cowichan River, traffic havoc, and intolerable disruption to the immediate neighbourhood for at least two years during construction.
- Will render hardworking families homeless
- Ridiculous site choice for this project – sirens, airbrakes, pounding stereos and screeching hooligans
- Nothing is being done for the homeless colony living on 575 Trunk Road
- Lack of respect from the Developer
- Mayor Kent's pre-application endorsement of this project to be democratically despicable.

On a question from Council, the Developer noted that the building timeline, if started in January 2007, is 15 months.

Mr. James noted that 20 stalls are currently available on Bundock Avenue and approximately 30 would be created with angle parking.

Mayor Kent called for input for the second time.

Bob Cook, 350 Bundock would like Bundock Avenue to be a one-way street.

Mayor Kent called for input for the third and final time.

Maureen Vesey requested an answer regarding the use of raised railings and walking path outside the building.

Norm Jones opined that these have been tried at other buildings of his, and there was very poor participation from the tenants.

Mayor Kent called for input for the last time.

Mayor Kent then reviewed the September 11, 2006 memorandum for the CAO and closed the Public Hearing.

Councillor Newcomb spoke in favour of moving forward to third readings of the Bylaws.

**Community Plan  
Bylaw No. 1762,  
Amendment Bylaw  
No. 2008, 2006**

Movd. Councillor Newcomb

Secd. Councillor Jackson

THAT Community Plan Bylaw No. 1762, Amendment Bylaw No. 2008, 2006 be read for the third time.

CARRIED

Councillors Cadorette and Fletcher dissenting.

**Zoning Bylaw No.  
1540, 1988,  
Amendment Bylaw  
No. 2, No. 2009, 2006**

Movd. Councillor Jackson

Secd. Councillor Newcomb

THAT Zoning Bylaw No. 1540, 1988, Amendment Bylaw No. 2, No. 2009, 2006 be read for the third time.

CARRIED

At 9:10 p.m., the meeting recessed to allow most of the public in attendance to leave.

At 9:13 p.m., the meeting reconvened.

**Report of Chief Administrative Officer****CAO Report**

The Chief Administrative Officer presented his report dated September 8, 2006.

**Unfinished Business****World Water Day**

Movd. Councillor Jackson  
Secd. Councillor Caljouw

THAT the letter dated August 18, 2006 from the Minister of Foreign Affairs in reply to the City's letter dated April 13, 2006, regarding World Water Day, be received and filed.

CARRIED**Public Private Partnerships (P3s)**

Movd. Councillor Newcomb  
Secd. Councillor Cadorette

THAT the letter dated August 3, 2006 from the Acting Auditor General of BC in reply to the City's letter dated July 13, 2006, regarding questions and issues raised by CUPE BC relating to the Public Private Partnerships (P3s), be received and filed.

CARRIED**Correspondence**

Request for Support of Resolutions at UBCM Convention (Leaky Condos; Marijuana Grow and Crystal Meth Operations in Residential Homes)

Movd. Councillor Jackson  
Secd. Councillor Newcomb

WHEREAS many British Columbian communities are struggling with the enforcement of, and resources needed to combat the drug trafficking trade;

AND WHEREAS the drug trafficking trade affects families, homes, neighbourhoods, schools and communities;

THEREFORE BE IT RESOLVED THAT the UBCM urge the Federal Government to assist BC municipalities and homeowners in the fight against the criminal activity associated with marijuana and crystal methamphetamine operations by:

1. providing mandatory minimum sentences for marijuana and crystal methamphetamine operators and;
2. amending the "Proceeds of Crime" Legislation that would allow seizure of all assets and place the burden of proof on criminals that assets were not attained through illegal means and;
3. providing a proportion of revenues collected under the "Proceeds of Crime" directly to Local Government's police budget (the Local Government responsible for initiating seizure of assets) to encourage the financial and policing resources needed to make Canadian streets safer and;
4. allowing innocent homeowners access to monies collected under the "Proceeds of Crime" Legislation to repair damaged homes.

CARRIED

Issues Surrounding Involvement of Canadians in the Middle-East Wars

Movd. Councillor Jackson  
Secd. Councillor Cadorette

THAT the City correspond with the Federal Government requesting that Canada advocate and facilitate peace talks in the middle east;

AND THAT women be invited to participate at the peace table.

CARRIED

Job Creation Program Application to Services Canada

Movd. Councillor Newcomb  
Secd. Councillor Jackson

THAT the letter dated August 9, 2006 from the Cowichan Region Economic Development Commission, regarding Job Creation Program Application Services, be received and filed because Council was unable to support the proposal based on the concept as presented.

CARRIED

It was suggested that an appropriate response outlining Council's concerns be sent to the Economic Development Commission.

Big Brothers Big Sisters Month (September 2006) Proclamation

Movd. Councillor Caljouw  
Secd. Councillor Newcomb

THAT the month of September 2006 be proclaimed as "Big Brothers Big Sisters Month" in the City of Duncan as requested in the August 17, 2006 letter from Big Brothers Big Sisters of the Cowichan Valley.

CARRIED

Proposed New Tax on Plastic Bags

Movd. Councillor Fletcher  
Secd. Councillor Jackson

THAT the letter dated August 18 from the Canadian Council of Grocery Distributors, regarding the proposed new tax on plastic bags, be received and filed.

CARRIED

Zero Crash Month Proclamation (October 2006)

Movd. Councillor Cadorette  
Secd. Councillor Caljouw

THAT October 2006 be proclaimed "Zero Crash Month" in the City of Duncan as requested in the August 18, 2006 letter from the Honourable John Les, Minister of Public Safety and Solicitor General – Province of BC and Paul Taylor, President and CEO of ICBC.

CARRIED

Local Government Surveillance Bylaw Report

Movd. Councillor Jackson  
Secd. Councillor Cadorette

THAT the letter dated August 30, 2006 from the Office of the Information & Privacy Commissioner for BC, regarding the Local Government Surveillance Bylaw Report, be received, the contents noted and filed.

CARRIED

Councillor Jackson recommended that the issue of surveillance be kept in mind when Council reviews the Pawnbroker's Bylaw.

City Square

Movd. Councillor Jackson  
Secd. Councillor Cadorette

THAT the memo dated August 30, 2006 from the City Square Manager, regarding use of the City Square, be received, the contents noted and filed.

CARRIED

Boundary Restructure

Movd. Councillor Jackson  
Secd. Councillor Cadorette

THAT the letter dated August 30, 2006 from Nancy and Earle Brougham, 288 Third Street, regarding Boundary Restructuring, be forwarded to the Boundary Restructure Advisory Committee.

CARRIED

Regional Park and Trail Master Plan – CVRD

Movd. Councillor Jackson  
Secd. Councillor Fletcher

THAT the Regional Park and Trail Master Plan, prepared by Lanarc Consultants Ltd. for the Cowichan Valley Regional District, be received, the contents noted and filed.

CARRIED

Mayor Kent suggested that Councillors forward any comments they may have on this subject to the CAO prior to the deadline.

**Reports of Committees, COTW and Commissions**

Finance Committee

For consideration were the notes of the September 5, 2006 meeting.

**Warrant No. 7-2006**

Movd. Councillor Caljouw  
Secd. Councillor Newcomb

<u>THAT</u> Warrant No. 07-2006 covering General Account cheque numbers 111837 – 112013 in the total amount of	\$2,152,877.69
- Payroll Account – Payroll #14 covering direct deposits in the amount of	38,983.91
- Payroll #15 covering direct deposits in the amount of	<u>47,820.92</u>
GRAND TOTAL . . . . .	<u>\$2,239,682.52</u>

be ratified.

CARRIED

**Warrant No. 8-2006**

Movd. Councillor Caljouw  
Secd. Councillor Cadorette

<u>THAT</u> Warrant No. 08-2006 covering General Account cheque numbers 112014 – 112153 in the total amount of	\$336,162.49
- Payroll Account – Payroll #16 covering direct deposits in the amount of	40,893.14
- Payroll #17 covering direct deposits in the amount of	<u>101,379.17</u>
GRAND TOTAL . . . . .	<u>\$478,434.80</u>

be ratified.

CARRIED

**Eco Safe Doggy Bags**

Movd. Councillor Caljouw  
Secd. Councillor Cadorette

THAT the additional cost for the Eco Safe Biodegradable Doggy Bags be included in the 2007 Budget and that Eco Safe Bags be purchased when the current supply has been exhausted;

AND THAT the extra costs for these bags be recouped through amendments to the Dog License Fees when the new Animal Control Bylaw is drafted.

CARRIED

**Community Health Promotion Fund**

For consideration were the following proposals for the \$35,000 in Community Health Promotion Funding through the UBCM as advertised by the City:

- Providence Farm – St. Ann’s Garden Club
- V.I. Health Authority – Smoke Free Communities
- Cowichan Community Kitchens – Field to Table
- Cowichan Sportsplex – Fitness/Walking Trail

Movd. Councillor Jackson  
Secd. Councillor Newcomb

THAT City Council apply for UBCM Community Health Promotion Funding for the “Field to Table” proposal put forward by the Cowichan Community Kitchens.

CARRIED

Public Works Committee

For consideration were the notes of the September 5, 2006 meeting.

**Growing Together  
Child and Parent  
Society, 490  
Cairnsmore Street**

Movd. Councillor Newcomb  
Secd. Councillor Caljouw

THAT City Council regretfully decline the request from the Growing Together Child and Parent Society to remove the unwanted planter on School Board property at 490 Cairnsmore Street;

AND THAT it be suggested to the Society that they make inquiries of the School Board, the Presbyterian Church, or the Chesterfield Sports Society for assistance.

CARRIED

**A.L.S. Sew Fabulous –  
Loading Zone Request**

Movd. Councillor Newcomb  
Secd. Councillor Caljouw

THAT the request dated July 5, 2006 from A.L.S. Sew Fabulous Ltd., 150 Station Street, for a loading zone sign in front of 150 Station Street, be denied;

AND THAT the owner of Sew Fabulous Ltd. be advised of the 15-minute short stops in close proximity to 150 Station Street.

CARRIED

Planning & Priorities Committee

For consideration were the notes of the September 5, 2006 meeting.

**211 First Street –  
Development Variance  
Permit Application**

Movd. Councillor Jackson  
Secd. Councillor Cadorette

THAT the Planning & Priorities Committee recommend to City Council that the Development Variance Application for 211 First Street (Lot 9, Block 4, Range 6, Section 18, Plan 798, Quamichan District; PID: 008-465-851) for the following variances:

- Front-yard setback from 7.5m to 5.8m
- Exterior side-yard setback from 4.5m to 2.0m
- Rear-yard setback from 7.5m to 4.5m,

be denied, since there is no demonstrated hardship, and noting that an up/down duplex configuration could be accommodated within the setbacks required and alternatively, some land assembly could make this a more viable development.

CARRIED

**Proposed Trout Pond  
– Rotary Park**

Movd. Councillor Jackson  
Secd. Councillor Caljouw

THAT City Council supports the proposed Trout Pond in Rotary Park as outlined in the August 18, 2006 letter from the Freshwater Fisheries Society of BC.

Amendment Movd. Councillor Jackson  
Amendment Secd. Councillor Caljouw

THAT the words "subject to a satisfactory license agreement being drawn-up between the City and the Freshwater Society and executed by City staff with the legal costs being borne by the Society." be added to the end of the resolution Moved by Councillor Jackson and Seconded by Councillor Caljouw.

The Main Motion, as amended, was then PUT and CARRIED.

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

Movd. Councillor Jackson  
Secd. Councillor Newcomb

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

CARRIED**Request for Decision  
– Full Time Funded  
Coordinator for BC  
Municipal Safety  
Association**

Movd. Councillor Newcomb  
Secd. Councillor Cadorette

THAT the WorkSafe BC proposal for a full-time funded coordinator for the BC Municipal Safety Association be endorsed and the UBCM notified of the City of Duncan response.

CARRIED**Reports from Council Members**

Councillor Newcomb noted that he attended another extremely productive Service Review Committee meeting recently at the CVRD office. Even with the lack of support from the Area “E” Director, Loren Duncan, there is strong support for moving forward with a single Recreation Commission.

Mayor Kent reported on the following:

- He encouraged everyone to attend the 7:30 p.m., Tuesday, September 12, 2006 Boundary Restructure Open House at the Duncan Volunteer Fire Department on Duncan Street.
- The Community Plan Workshop No. 1 is scheduled for 7:00 p.m., Tuesday, September 19 at the DVFD.

**Questions from Council**

On a question from Councillor Caljouw, Councillors Newcomb and Cadorette advised that they attended the recent Cowichan Exhibition.

**Closed Session**

Movd. Councillor Newcomb  
Secd. Councillor Jackson

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;
- 90(1)(e) – the acquisition, disposition or expropriation of land;
- 90(1)(g) – litigation or potential litigation affecting the municipality.

CARRIED

The meeting was closed to the public at 10:15 p.m. and Council rose without reporting at 10:45 p.m.

**Adjournment**

Movd. Councillor Jackson  
Secd. Councillor Cadorette

THAT this Meeting of City Council adjourn.

CARRIED**Confirmed:****Certified Correct:**


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 Phil Kent, Mayor

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 Lynn Ketch, Director of  
Corporate Services