

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 25, 2006.

Present: Mayor Phil Kent; Councillors Ray Cadorette, Mike Caljouw, Paul Fletcher, Sharon Jackson, Ken Newcomb and 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 25, 2006 Regular Meeting of City Council be approved.

CARRIED

Adoption of Minutes

Minutes

Movd. Councillor Newcomb

Secd. Councillor Caljouw

THAT the Minutes of the Regular Meeting of City Council held September 11, 2006 be adopted.

CARRIED

Introduction of Late Items

Late Item

Movd. Councillor Jackson

Secd. Councillor Winfrey

THAT the following late item be added to the Agenda:

- 8(b)(i) Staff Recommendation dated September 25, 2006 from Tom Ireland, CAO, regarding a Temporary Change to the Liquor License for the Craig Street Brew Pub.

CARRIED

Delegations

ICBC Duncan Claim Centre – Zero Crash Month - October

Paul McNicholls, Manager – ICBC, Duncan, addressed Council outlining the proposed Zero Crash Month for the City of Duncan during October 2006 and requesting the City's participation in this event.

Mr. McNicholls noted the following points:

- Crash data accumulated during Zero Crash Month will be compared to the same time period from 2001 to 2005.
- Based on mailing addresses, the City of Duncan and the District of North Cowichan are listed as one community.
- By signing up for Zero Crash Month, it will help raise road safety awareness in our community.
- Valuable prizes are available to be won, including a valuable road safety grant, which in our case would be a \$25,000 grant (to be shared with North Cowichan).
- Community Challenge Forms are available at www.zerocrashmonth.com. The challenge is also open to Individuals.
- The community that has the highest crash reduction below their crash prediction wins. The crash prediction for our community is 157.
- 176 municipalities have been invited to participate.
- The City came in 4th place last year with a 33% reduction in crashes.

- Several communities of similar size to Duncan/North Cowichan would be Comox, Colwood, Courtenay, Esquimalt, Langford, North Saanich, Oak Bay, Parksville, Port Alberni and Sidney

Mr. McNicholls concluded his presentation noting that everybody wins if we reduce crashes.

**Property Tax
Exemption Request
for Somenos
Transition House**

Kathy Skovgaard, Executive Director and Tina Schoen, Program Supervisory from Cowichan Women Against Violence Society addressed Council requesting property tax exemption or grant-in-aid for the Somenos Transition House.

The following points were noted:

- Somenos Transition House has been operating for 17 years and offers a safe emergency shelter, counseling and food, at no cost, to women and children affected by violence.
- The facility has 10+ beds and has supplied 2,800 bed nights over the last year.
- 90% of clients are from Duncan and the surrounding community.
- There has been no increase in funding for over 15 years for operating expenses, except wages.

Ms. Schoen suggested that if a property tax exemption is not granted that Council will consider water, garbage or sewer rebates.

Councillor Newcomb suggested that this subject be referred to the Finance Committee to allow for more in-depth discussion.

Peter de Verteuil, Director of Finance, outlined several options available to Council in this regard.

Report of Chief Administrative Officer

CAO Report

The Chief Administrative Officer presented his report dated September 25, 2006.

Correspondence

**2006 Salvation Army
Christmas Cheer
Kettle**

Movd. Councillor Jackson

Secd. Councillor Caljouw

THAT the Cowichan Valley Ministries of the Salvation Army be authorized to locate one of their Christmas Cheer Kettles and periodically Christmas music with their carolers and brass instruments on the west-side of City Hall during December 2006;

AND THAT the Cowichan Valley Ministries of the Salvation Army provide a letter to the City saving harmless the City of Duncan from any and all possible liability claims.

CARRIED

**Oktoberfest – October
19, 2006**

Movd. Councillor Jackson

Secd. Councillor Winfrey

THAT Council authorize the closure of Craig Street between Government Street and Station Street for the 1st Annual Oktoberfest on the street and sidewalk adjacent to 25 & 45 Craig Street on Thursday, October 19, 2006 from 2:00 p.m. until midnight, as requested in the September 20, 2006 letter from Just Jake's Restaurant and the Craig Street Brew Pub, subject to:

- The public area being used is covered by their public liability insurance policy (i.e. minimum of \$2,000,000 per occurrence, with the City of Duncan being named as "an additional insured third party");

- The City being saved harmless in writing from any and all possible liability claims;
- Provision of a \$300.00 deposit that will be returned to applicants if the site is left in a clean and undamaged condition;
- Merchants in the vicinity of the proposed event be canvassed and the results submitted to City Hall staff prior to the event proceeding.

CARRIED

**Craig Street Brew Pub
– Temporary Change
to Liquor License**

Movd. Councillor Jackson
Secd. Councillor Newcomb

THAT City Council advise the Liquor Licensing & Control Branch that it has no objection to a temporary extension of the Licensed Area of the Craig Street Brew Pub on October 19, 2006 to include two 20 foot by 20 foot walled tents located on the west-side of Craig Street, adjacent to the Pub's patio.

CARRIED

**Canada World Youth
Week Proclamation**

Movd. Councillor Caljouw
Secd. Councillor Newcomb

THAT the Council of the City of Duncan proclaim October 15 – 21, 2006 as “Canada World Youth Week” in the City of Duncan, as requested in the August 31, 2006 letter from Canada World Youth.

CARRIED

Councillor Newcomb suggested that a letter be sent to Canada World Youth asking that if they are planning to make a video, could the City be sent a copy to give to groups supporting youth activities in our community.

Tree Protection

Movd. Councillor Jackson
Secd. Councillor Caljouw

THAT the e-mail dated September 7, 2006 from Warren Chapman, regarding tree protection in the City of Duncan, be referred to the next Parks & Recreation Committee meeting.

CARRIED

**Paramedic Service in
Rural and Remote
communities in BC**

Movd. Councillor Jackson
Secd. Councillor Newcomb

THAT a letter be sent to The Honourable George Abbott, Minister of Health, to inquire what his plans are regarding needed improved paramedic service, including high training and licensing costs, insufficient benefits, and low pay, in rural and remote communities of BC.

CARRIED

**BC Community
Accessibility Network
Meeting – September
28, 2006**

Movd. Councillor Jackson
Secd. Councillor Cadorette

THAT City Council approve the attendance of Councillor Fletcher, Chair of the Mayor's Advisory Committee for Persons With Disabilities, at the Regional Meeting of the BC Community Accessibility Network scheduled for September 28, 2006 in Victoria.

CARRIED

Movd. Councillor Newcomb
Secd. Councillor Jackson

THAT the issue of travel and attendance of Council members to conferences and workshops be referred to the Finance Committee for recommendation back to Council.

CARRIED

**Door-to-Door Canvass
– October 28, 2006 -
Canadian Diabetes
Association**

Movd. Councillor Caljouw
Secd. Councillor Cadorette
THAT the Council of the City of Duncan authorize the Cowichan & District Branch of the Canadian Diabetes Association to conduct a fundraising canvass in the City of Duncan on October 28, 2006 as requested in the September 21, 2006 letter from the Association.

CARRIED

Reports of Committees, COTW and Commissions

Finance Committee

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

**Policy – Inspections &
Maintenance of
Sidewalks &
Roadways**

Movd. Councillor Caljouw
Secd. Councillor Newcomb
WHEREAS the Council of the City of Duncan wishes to establish a system of inspections and maintenance for sidewalks and roadways located within the City that is reasonable and balances protection from the risks associated with defects in sidewalks and roadways with the other priorities of the City;

AND WHEREAS the Council of the City of Duncan believes that the system of inspections and maintenance established by this policy is reasonable in all of the circumstances, including the allocation of budgetary resources and the availability of City personnel and equipment;

THEREFORE BE IT RESOLVED THAT the Council of the City of Duncan adopts in open meeting of Council the following Policy regarding Sidewalks and Roadway Inspection and Maintenance:

1. THAT the Public Works Superintendent and/or his designate(s) annually inspect all sidewalks and roadways located within the City to determine the repairs necessary to be undertaken in accordance with this policy;
2. THAT all City Employees, and in particular the street sweeper operator, observe on an ongoing basis the condition of sidewalks and roadways located in the City and traveled by them in the course of their duties and advise the Public Works Superintendent and/or his designate(s) of any observed defects or hazards in the sidewalks and roadways;
3. THAT members of the public be encouraged to immediately report any observed defects in sidewalks and roadways located in the City to the Public Works Superintendent and/or his designate(s);
4. THAT as soon as practicable after receiving a report under Item 2 or 3 above, the Public Works Superintendent and/or his designate(s) attend at the site of the reported defect or hazard and inspect the sidewalk or roadway to determine the repairs necessary to be undertaken in accordance with this policy;
5. THAT the following repair guidelines apply in respect of defects or hazards in sidewalks and roadways observed by the Public Works Superintendent and/or his designate(s) under Item 1 and 4 above:

The following definitions apply for the purposes of this item:

“No.1 Trip” – a height differential between sections of sidewalk or roadway of less than 1.25 cm (1/2 inch).

“No.2 Trip” – a height differential between sections of sidewalk or roadway between 1.25 cm (1/2 inch) and 2.5 cm (1 inch).

“No.3 Trip” – a height differential between sections of sidewalk or roadway of 2.5 cm (1 inch) or greater.

All “No.3 Trips” must, when noted, be marked for public notice immediately and must be repaired as soon as necessary personnel and equipment are available;

6. THAT the Public Works Superintendent and/or his designate(s) prepare an annual written report noting any observed defect or hazard in sidewalks and roadways, the date the defect or hazard was observed, the work performed to repair the defect or hazard, and the date the defect or hazard was repaired.

CARRIED

Planning & Priorities Committee

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

715-725 Canada Avenue - Development Variance Permit Application

Movd. Councillor Jackson

Secd. Councillor Cadorette

THAT Council proceed to the public notification stage for the Development Variance Permit proposed for 715/725 Canada Avenue, noting the following requested variance:

- A 2.52 metre encroachment into the required front-yard setback on Third Street to allow for a ten foot portion of sunscreen immediately adjacent to the existing building.

CARRIED

5650 Club Road – Development Permit

Movd. Councillor Jackson

Secd. Councillor Cadorette

THAT Council authorize the issuance of a Development Permit for 5650 Club Road to construct an addition to the existing building provided the City obtains an undertaking from the Arcadian Day Care Centre to plant replacement trees for those that are cut down and that they undertake to have their contractor obtain City permission before removing any trees or erecting any retaining walls;

AND THAT a member of the Public Works staff or the Building Inspector be present to ensure that the correct trees are removed when the tree removals take place;

AND THAT the Society be requested to provide a landscape and tree planting plan for approval by Council.

CARRIED

For clarification, it was noted that the permit will not be issued prior to Council approval of the tree planting plan.

Parks & Recreation Committee

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

McAdam & Rotary Parks – DVFD Evolutions 2007

Movd. Councillor Fletcher

Secd. Councillor Jackson

THAT permission be granted to the Duncan Volunteer Fire Department to host the Evolutions 2007 in McAdam and Rotary Parks on July 27, 28 and 29, 2007;

AND THAT the DVFD be given a copy of the City's Beer Garden Policy and they be requested to adhere to it in the event a Beer Garden or special occasion liquor license is required for this event.

CARRIED

Reports from Council Members

Councillor Cadorette reported on the following:

- On September 12, he attended the Duncan-Cowichan Chamber of Commerce Board Meeting
- Also on September 12, he attended the Boundary Restructure Public meeting held at the Fire Hall
- On September 16, he attended the public forum on "Water is a Human Right". The focus of the forum was to raise awareness that water needs to be a public service, water is a public trust and water is a human right and that all levels of government need to establish these principles in law. Information gleaned at this session: it takes 3 to 10 barrels of water to produce 1 barrel of oil; if the world does not change the lack of respect we have for water, by the year 2025, 2/3 of the world's population will not have access to potable water.
- On September 19, he attended the OCP Workshop "Visioning the Community"
- On September 20, he attended the BCFDC Board meeting
- On September 21, 2006, he attended the Duncan Cowichan Chamber luncheon. The guest speaker was North Cowichan Mayor, Jon Lefebure, speaking as the Chair of the CVRD on regional growth strategies, Cowichan Place, etc.
- On September 22/23, he attended the VI Regional Library Board meeting in Nanaimo.

Mayor Kent reported on the following:

- He recently attended the United Way campaign kickoff breakfast at 7:30 a.m. at the Silver Bridge Travelodge and noted that Western Forest Products contributed \$15,000 towards a new goal of \$425,000.
- On September 19, he attended the 1st OCP Workshop and noted that it was reasonably well attended with a diverse group. The 2nd Workshop "Environment" is scheduled for Tuesday, September 26 at 7:00 p.m. at the Fire Hall.
- The CVRD Board will be meeting on Wednesday, September 27. Service review recommendations regarding Kerry Park and Cowichan Centre are coming forward to advance the idea of a single recreation area with a single Commission.
- He reminded Council that on Saturday, September 30 at 1:00 p.m. in the City Square, he will be getting his head shaved as part of the Tour de Rock.

Bylaws

Exemption from Taxation Bylaw No. 2010, 2006 (Not-for-Profit/Places of Worship)

Movd. Councillor Jackson
Secd. Councillor Newcomb

THAT "City of Duncan Exemption from Taxation Bylaw No. 2010, 2006 (Not-for-Profit/Places of Worship)" be read a first, second and third time.

CARRIED

Regarding the Somenos Transition House tax exemption request received earlier tonight, Peter de Verteuil, Director of

Finance, noted that the cost to the City would be approximately \$1,000, but the savings to the Society would be approximately \$2,600.

He outlined several options Council could consider.

Exemption from Taxation Bylaw No. 2011, 2006 (Parks and Parking Leases)

Movd. Councillor Newcomb
Secd. Councillor Cadorette
THAT "City of Duncan Exemption from Taxation Bylaw No. 2011, 2006 (Parks and Parking Leases)" be read a first, second and third time.

CARRIED

Exemption from Taxation Bylaw No. 2012, 2006 (Train Station Museum)

Movd. Councillor Caljouw
Secd. Councillor Newcomb
THAT "City of Duncan Exemption from Taxation Bylaw No. 2012, 2006 (Train Station Museum)" be read a first, second and third time.

CARRIED

Questions from Council

Councillor Caljouw noted that with the removal of the flower baskets from the downtown core, flowers, buds and leaves need to be removed from the streets and sidewalks.

Councillor Newcomb requested an update on the fuel depot situation and was advised that the proposed fuel depot is solely for the public works vehicles.

Councillor Fletcher requested an update on the request from Council to the RCMP to speak to the panhandler frequently loitering at the CIBC ATM and the request to attend a DBIAS meeting regarding the "Safe Streets Act". The Director of Corporate Services advised she would follow-up with RCMP Cst. Lagan's replacement in this regard.

NEW BUSINESS

841 Jubilee Street

Movd. Councillor Jackson
Secd. Councillor Winfrey
THAT Council approve the Development Permit for landscaping at 841 Jubilee Street as proposed in the September 11, 2006 Development Permit Application from the owner.

CARRIED

Funding for 270 Government Street – Storm and Sanitary Sewers

Movd. Councillor Caljouw
Secd. Councillor Newcomb
THAT the City allocate \$5,000 from the Duncan Street sewer upgrade to cover the \$5,000 budget shortfall for the 270 Government Street sanitary sewer relocation;
AND THAT the City allocate \$5,000 from the 2006 TCH Medians budget to cover the \$5,000 required for the unfunded portion of the 270 Government Street storm sewer relocation.

CARRIED

109 -127 Ingram Street – Development Permit Application for Repainting

Movd. Councillor Newcomb
Secd. Councillor Jackson
THAT Council authorize the issuance of a Development Permit for the repainting of the building at 107 – 127 Ingram Street.

CARRIED

Appointment of Cheryl Wirsz as the new Director of Corporate Services for the City of Duncan

Movd. Councillor Jackson
Secd. Councillor Winfrey
THAT Council appoint Cheryl Wirsz as Director of Corporate Services and Head of the City of Duncan for the purposes of the Freedom of Information and Protection of Privacy Act, effective November 1, 2006.

CARRIED

Casual/On Call Building Inspector

Movd. Councillor Jackson
Secd. Councillor Cadorette
THAT in the interest of continuity in City operations, City Council appoint Thorbjorn (Thor) Repstock to the position of Casual/On Call Building Inspector for the City of Duncan.

Amendment Movd. Councillor Winfrey
Amendment Secd. Councillor Jackson
THAT the words “during September 26 to October 27, 2006” be added after the word “Duncan” in the resolution Moved by Councillor Jackson and Seconded by Councillor Cadorette regarding “Casual/On Call Building Inspector”.

CARRIED

The Main Motion was then PUT and CARRIED.

225 Canada Avenue – Development Permit Application

Doug Foord, owner of the building at 225 Canada Avenue, was present to answer questions regarding the proposed Development Permit Application for this building.

Movd. Councillor Jackson
Secd. Councillor Newcomb
THAT Council allow the owner of the building located at 225 Canada Avenue to present to Council his proposed exterior renovations to the building for Council’s consideration as to whether to authorize issuance of a Development Permit or not.

CARRIED

Movd. Councillor Newcomb
Secd. Councillor Jackson
THAT Council authorize issuance of a Development Permit for exterior renovations to the building at 225 Canada Avenue.

CARRIED

225 Canada Avenue - Strata Conversion

Movd. Councillor Newcomb
Secd. Councillor Winfrey
THAT Council grant preliminary approval to the proposed strata conversion of the premises located at 225 Canada Avenue subject to satisfactory completion of all the works in the plans for the building approved by the City’s Building Inspector, and that the City’s Approving Officer be authorized to endorse the plan in accordance with the regulations once the approved works are satisfactorily completed.

CARRIED

Comfort Letter for Bundock Street Rezoning

Movd. Councillor Caljouw
Secd. Councillor Jackson
THAT Council authorize the letter dated September 26, 2006 attached to this report, and addressed to Jones Development Corporation, to be sent on behalf of the City.

CARRIED

Councillor Fletcher dissenting.

Notice of Motion Councillor Jackson advised that she would be submitting a Motion at the next regular Council meeting requesting that a City Policy be adopted to ensure that nay votes of motions are recorded.

Closed Session Movd. Councillor Winfrey
Secd. Councillor Cadorette
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 9:20 p.m. and Council rose without reporting at 10:05 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**