

City of Duncan Regular Council Minutes

The Regular Meeting of City Council was held in the Council Chamber, City Hall, 200 Craig Street, Duncan BC, at 7:30 pm on Monday, October 22, 2007.

Present Mayor Phil Kent
Councillor Ray Cadorette Councillor Mike Caljouw
Councillor Paul Fletcher Councillor Sharon Jackson
Councillor Ken Newcomb Councillor Jesse Winfrey

Also Present Tom Ireland – Chief Administrative Officer
Peter de Verteuil – Director of Finance
Cheryl Wirsz – Director of Corporate Services

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

Approval of Agenda

Agenda Moved Councillor Winfrey
Seconded Councillor Newcomb
R-310-07 **That** the agenda be approved as circulated.

CARRIED

Adoption of Minutes

Minutes Moved Councillor Caljouw
Seconded Councillor Jackson
R-311-07 **That** the minutes of the October 9, 2007 Regular Council Meeting be adopted.

CARRIED

Introduction of Late Items

Late Items Moved Councillor Newcomb
Seconded Councillor Caljouw
R-312-07 **That** item 11.7 be replaced.

CARRIED

Report of the Chief Administrative Officer

CAO Report The CAO presented a report of his actions over the last two weeks, along with a Public Works activity update.

Correspondence

Somenos Marsh Wildlife Society

R-313-07

Moved Councillor Jackson
Seconded Councillor Caljouw

That, as approved by the DBIAS, permission be granted to the Somenos Marsh Wildlife Society to have 50 banners from the Student Banner Project displayed on the downtown banner poles from January 2008 (when Christmas banner are removed) until April 2008 (when the NAIG banners will be installed).

CARRIED

BC Safety Authority Proclamation

R-314-07

Moved Councillor Winfrey
Seconded Councillor Caljouw

That the week of November 18-25, 2007 be proclaimed as “Elevator Escalator Safety Awareness Week” in the City of Duncan.

DEFEATED

COUNCILLOR CALJOUW IN FAVOUR

Market in the Square Agreement - 2008-2009

R-315-07

Moved Councillor Newcomb
Seconded Councillor Caljouw

That Council authorizes the DBIAS to renew the agreement with the Market Square Society for 2008 and 2009.

CARRIED

Reports of Mayor and Council and Committees

Committee of the Whole Report

R-316-07

Moved Councillor Winfrey
Seconded Councillor Jackson

That Council approve the Royal Canadian Legion’s request to hold their annual Flag Raising Ceremony October 28, 2007 and their Tag Days on October 27, 2007, November 3, 2007 and November 10, 2007.

And That the Mayor place a wreath at the cenotaph on November 11, 2007.

And That all members of Council be encouraged to be present at the Flag Raising and Remembrance Day Ceremonies.

That Council proclaim the week of October 21 – 28, 2007 ‘Human Rights in China Awareness Week’.

That the “Building Bylaw Amendment Bylaw”, be forwarded to Council for introduction and consideration of 1st, 2nd, and 3rd, readings.

That the “Official Community Plan Amendment Bylaw” be forwarded to Council for introduction, 1st and 2nd reading; setting a date for a Public Hearing; and, providing the requisite notices.

That the “Miscellaneous Bylaws Amendment Bylaw” be forwarded to

Council for introduction and consideration of its 1st, 2nd, and 3rd, readings.

That the “Municipal Ticket Information System Implementation Bylaw” be forwarded to Council for introduction and consideration of 1st, 2nd, and 3rd, readings.

That the “City of Duncan Officers and Officials Bylaw Amendment Bylaw” be forwarded to Council to be introduced and considered for 1st, 2nd, and 3rd reading.

That the “City of Duncan Delegation Bylaw” be forwarded to Council to be introduced and considered for 1st, 2nd, and 3rd reading.

That the Committee of the Whole recommend that the City of Duncan issue a Development Permit for the landscaping on the St. Julian side of the Bow Mel Chrysler property at 460 St Julian Street in accordance with documents attached to agenda.

1-9 of the October 15, 2007 Committee of the Whole Report be adopted (“ be added to the end of item 9.

CARRIED

Committee of the Whole Minutes

R-317-07

Moved Councillor Newcomb
Seconded Councillor Jackson

That the minutes of the Committee of the Whole Meeting of October 15, 2008 be adopted.

CARRIED

Report of Totem Committee

Moved Councillor Fletcher
Seconded Councillor Caljouw

That existing Copyright Policy be replaced with the following:

Whereas the City of Duncan holds the copyright on the City’s totem collection, we are charged with the responsibility to protect the integrity of the use of any images.

Therefore the use of the totem images for commercial purposes requires approval from the City of Duncan.

The review and approval process shall consist of the applicant completing a right to use Totem Pole Image Application. In this process the Totem Committee will consider the following:

- Timeliness, (expedited process).
- The Committee will weigh the economic return versus the promotional value in deciding whether a fee will be charged.
- Impact upon economic development
- Promotional value
- The ability to acknowledge the copyright and artist on the image in a visible location.

Any fees or in-kind revenue as a result of approvals will be used only to maintain and build the collection.

Tabling of the Copyright Policy	Moved Councillor Jackson Seconded Councillor Cadorette That the Totem Copyright issue be tabled until a legal opinion has been obtained.	<u>CARRIED</u>
R-318-07		
Copyright Policy – Obtain Legal Opinion	M Councillor Fletcher S Councillor Caljouw That Council seek a legal opinion regarding the suggested rewording of the copyright policy.	<u>CARRIED</u>
R-319-07		
Totem Committee Minutes	Moved Councillor Caljouw Seconded Councillor Jackson That the minutes of the Totem Committee Meeting of October 15, 2007 be adopted.	<u>CARRIED</u>
R-320-07		
Councillor Reports	Councillor Winfrey reported his distinct pleasure to present a letter of support on behalf of the City to Sheila Germiane on her quest to support childcare and early childhood education by running from Campbell River to Victoria.	
Mayors Report	Mayor Kent reported that he attended the vigil for breast cancer in City Square and the Verses Event at the Cowichan Centre and was very pleased with the quality of the poetry.	
	<u>Reports of Staff</u>	
Development Permit – BowMel Chrysler – 460 St Julian Street	Moved Councillor Caljouw Seconded Councillor Jackson That Council authorize issuance of Development Permit No. DP2007-09.	<u>CARRIED</u>
R-321-07		
May, June, July, August and September 2007 Warrants	Moved Councillor Winfrey Seconded Councillor Newcomb That the May, June, July, August and September 2007 Warrants be received and filed.	<u>CARRIED</u>
R-322-07		
Audit Request for Proposals	Moved Councillor Cadorette Seconded Councillor Caljouw That the Council of the City of Duncan appoint the firm of Hayes Stewart Little & Co. as Auditors of the 2007 to 2011 financial statements and accept their proposal dated October 2, 2007 with a 2007 audit fee of \$17,500 plus GST;	
R-323-07		

And That the Committee of the Whole be designated to serve the purpose of the Finance Committee and Audit Committee for the City of Duncan unless changed at some future date.

Councillor Newcomb excused himself from voting due to his professional association with the firm; he left at 8.02 pm and returned at 8.03 pm.

CARRIED

**Repairs to
Lagoon Outfall
and Future Siting
Studies**

R-324-07

Moved Councillor Fletcher
Seconded Councillor Jackson

That Council authorize the JUB to increase the previously approved expenditure of up to \$190,000, from the JUB reserve fund for remedial measures to the lagoon outfall, to a total amount of \$307,000.

And That the Cowichan Valley Regional District be requested to establish a technical committee to initiate the Central Sector Liquid Waste Management Plan, Central Sector Wastewater Plant and Outfall Siting Studies related to 1. Plant Site Investigations; 2. Outfall Pre-design Studies; and, 3. Outfall Baseline Monitoring.

And That the JUB budget funds in 2008 to undertake central sector wastewater plant and outfall citing studies as detailed in the central sector liquid waste management plan.

CARRIED

Mayor Kent welcomed Member of Legislative Assembly Mr. Doug Routley to the meeting.

Bylaws

**Building
Amendment
Bylaw 2036 – 1st,
2nd, and 3rd
reading**

R-325-07

Moved Councillor Newcomb
Seconded Councillor Winfrey

That City of Duncan Building Bylaw Amendment Bylaw No. 2036, 2007, be introduced and read for the 1st, 2nd, and 3rd time.

CARRIED

**OCP Amendment
Bylaw 2037 – 1st
and 2nd reading**

R-326-07

Moved Councillor Caljow
Seconded Councillor Cadorette

That the Official Community Plan Amendment Bylaw No. 2037, 2007 be introduced and given first and second reading;

And That opportunities for consultation with other bodies be considered;

And That the proposed amendment be considered in conjunction with the City's financial plan, and CVRD waste management plan;

And That a Public Hearing be held on Tuesday, November 13, 2007.

CARRIED

**Miscellaneous
Amendments
Bylaw 2038 – 1st,
2nd and 3rd
reading**
R-327-07

Moved Councillor Newcomb
Seconded Councillor Jackson
That City of Duncan Miscellaneous Bylaws Amendment Bylaw No. 2038, 2007 be introduced and read for the 1st, 2nd, and 3rd time.

CARRIED

**Municipal Ticket
Information
Bylaw 2039 – 1st,
2nd and 3rd
reading**
R-328-07

Moved Councillor Jackson
Seconded Councillor Winfrey
That the City of Duncan Municipal Ticket Information System Implementation Bylaw No. 2039, 2007 be introduced and read for the 1st, 2nd, and 3rd time.

CARRIED

**Delegation Bylaw
2040 – 1st, 2nd and
3rd reading**
R-329-07

Moved Councillor Caljouw
Seconded Councillor Cadorette
That City of Duncan Delegation Bylaw No. 2040, 2007 be introduced and read for the 1st, 2nd, and 3rd time.

CARRIED

**Officers and
Officials Bylaw
2041 – 1st, 2nd,
and 3rd reading**
R-330-07

Moved Councillor Newcomb
Seconded Councillor Jackson
That City of Duncan Officers and Officials Bylaw Amendment Bylaw No. 2041, 2007 be introduced and read for the 1st, 2nd, and 3rd time.

CARRIED

**Business
Improvement
Core Area Bylaw
2042 – 1st, 2nd,
and 3rd reading**
R-331-07

Moved Councillor Jackson
Seconded Councillor Winfrey
That City of Duncan Business Improvement Core Area Bylaw No. 2042, 2007 be introduced and read for the 1st, 2nd, and 3rd time.

CARRIED

**Business
Improvement
Fringe Area
Bylaw 2043 – 1st,
2nd and 3rd
reading**
R-332-07

Moved Councillor Caljouw
Seconded Councillor Cadorette
That City of Duncan Business Improvement Fringe Area Bylaw No. 2043, 2007 be introduced and read for the 1st, 2nd, and 3rd time.

CARRIED

**Business
Improvement
Area Bylaws**
R-333-07

Moved Councillor Newcomb
Seconded Councillor Caljouw
That Staff be authorized to include the DBIAS Renewal Brochure with the BIA levy assessments during the legislative notice process;
And That Council approve the attached Public Notice;
And That Council approve the attached Elector Response Form;
And That the deadline for receipt of petitions against the bylaw via submission of an Elector Response Form, be 4.30 pm on Tuesday,

December 4, 2007;

And That Council approve the fair determination of the total number of electors of the area for Bylaw 2042 to be 86.

And That Council approve the fair determination of the total number of electors of the area for Bylaw 2043 to be 88.

CARRIED

**Tax Exemption
Bylaw 2035 –
Adoption**

Moved Councillor Jackson
Seconded Councillor Cadorette

That City of Duncan Tax Exemption Bylaw No. 2035, 2007 be adopted.

R-334-07

CARRIED

Question Period

Councillor Winfrey asked about one of the Warrants and Councillor Fletcher asked about the line painting, with a request to have some lines painted prior to winter.

Ms. Wirsz asked Council about colour preferences for the velvet for the Chain of Office.

New Business

**Reporting out
from the Closed
Meeting of
October 9, 2007**

That the Council of the City of Duncan commits to undertake a workplace conflict assessment immediately;

And That Council also agrees to act on the recommendations of that assessment;

And That Council retain the firm of 'The Integrity Group' at the cost of \$250.00 /hr plus related expenses as stipulated in their proposal, subject to successful references being sought.

**Reporting out
from the Closed
Meeting of
October 9, 2007**

That Council retains the firm of 'Lidstone, Young, Anderson' at a cost of \$600.00 to conduct a two hour workshop on Councillor and staff roles, duties, and responsibilities and the appropriate interface between staff, employees, and Councillors, and discussions of conflicts, confidentiality, and conduct as these relate to the *Community Charter* and the *Local Government Act*.

COUNCILLOR FLETCHER NOTED HE WAS
OPPOSED TO THE ORIGINAL MOTION

Resolve to go into Closed Meeting

Closed Session

R-335-07

Moved Councillor Caljouw

Seconded Councillor Cadorette

That this regular council meeting be closed to the public to consider Property Issues (s.90(1)(e) - *Community Charter*) and Legal Issues (s.90(1)(g) – *Community Charter*).

CARRIED

Adjournment

R-336-07

Moved Councillor Winfrey

Seconded Councillor Caljouw

That this meeting be adjourned.

CARRIED

The meeting adjourned at 8.39 p.m.

Phil Kent
Mayor

Cheryl Wirsz, MPA, MCIP
Director of Corporate Services