

## 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, May 26, 2008.

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

**Absent with Notice** Councillor Mike Caljouw

**Also Present** Tom Ireland – Chief Administrative Officer  
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** Moved by Councillor Winfrey  
R-131-08 Seconded by Councillor Jackson  
**That** the Agenda be approved as circulated.

**CARRIED**

**Order of Agenda** Moved by Councillor Winfrey  
R-132-08 Seconded by Councillor Jackson  
**That** items **11.1 and 11.2** (Zoning Bylaw Amendments No. 2053 and 2054) under Section **11. Bylaws** be considered after Section 7.  
**Unfinished Business.**

**CARRIED**

### **Adoption of Minutes**

**Minutes** Moved by Councillor Jackson  
R-133-08 Seconded by Councillor Cadorette  
**That** the Minutes of the April 28, 2008 Regular Council Meeting be adopted.

**CARRIED**

R-134-08 Moved by Councillor Newcomb  
Seconded by Councillor Winfrey  
**That** the Minutes of the May 5, 2008 Special Council Meeting be adopted.

**CARRIED**

### **Introduction of Late Items**

**Late Items**  
R-135-08

Moved by Councillor Newcomb  
Seconded by Councillor Jackson  
**That** the Spina Bifida & Hydrocephalus Awareness Month Proclamation Request be added to the Agenda as **Item 9.7.14.** under **Reports of Staff.**

**CARRIED**

### **Unfinished Business**

**Banning of Plastic Bags**  
R-136-08

Moved by Councillor Jackson  
Seconded by Councillor Newcomb  
**That** a letter be drafted, for verbal approval of Council, to the Duncan-Cowichan Chamber of Commerce, the DBIAS, Save-on-Foods and the 49<sup>th</sup> Parallel inviting them to join the City in dialogue regarding the use of plastic grocery bags.

**CARRIED**

### **Bylaws**

**Zoning Amend. Bylaw No. 2053, 2008 (Height & Density)**  
R-137-08

Moved by Councillor Jackson  
Seconded by Councillor Cadorette  
**That** City of Duncan Zoning Amendment Bylaw No. 2053, 2008 be given 3<sup>rd</sup> Reading and be Adopted.

**CARRIED**

**Zoning Amend. By. No. 2054, 2008 (Principal Use Parking in RM-3)**  
R-138-08

Moved by Councillor Newcomb  
Seconded by Councillor Jackson  
**That** City of Duncan Zoning Amendment Bylaw No. 2054, 2008 be given 3<sup>rd</sup> Reading and be Adopted.

**CARRIED**

### **Reports of Mayor and Council and Committees**

**Committee of the Whole Report**  
R-139-08

Moved by Councillor Fletcher  
Seconded by Councillor Jackson  
**That** the following items 1 to 8 of the May 5, 2008 Committee of the Whole Meeting Report be adopted:

1. **That** Council authorize issuance of a Development Permit for 25 Canada Avenue "in principle", subject to compliance with the Design Guidelines and the rezoning to permit the necessary height and density.
2. **That** the Spring/Summer TCH Planting Plan proceed as usual; **And that** a modified version of the plan be proposed for this Fall.

3. **That** the Minister of Advanced Education be requested to respond to the presentation made to City Council by Jean Blackburn, Vice-president of the Malaspina Faculty Association, wherein she advised that the provincial government is making financial cuts to the post-secondary education system and, in particular, to Malaspina University-College.
4. **That** a letter of endorsement from the Mayor and Council and a list of suggested key community contacts be sent to Canada World Youth regarding the Duncan, BC/Kenya exchange program;  
**And that** the organization be notified that we will request transit passes from the CVRD.
5. **That** the City of Duncan approve the Cowichan Women's Touch Football League Beer Garden request at McAdam Park on June 21 and June 22, 2008 between 12 noon and 8 p.m., subject to the following conditions:
  - a. Receipt of an application form from the Liquor Store, signed by the RCMP prior to June 16, 2008;
  - b. Payment of the \$200 fee and \$300 damage deposit prior to June 16, 2008;
  - c. A signed Facility Rental Agreement prior to June 18, 2008;
  - d. Compliance with the City of Duncan Beer Garden Policy;
  - e. Assurance in writing prior to June 16, 2008 that the music will be kept at a reasonable level;
  - f. The music speakers must face towards the River and away from the residential area;
  - g. Receipt of a copy of the Certificate of Insurance naming the City of Duncan as an additional insured party; and,
  - h. Receipt of a financial statement of the event no later than August 15, 2008.
6. **That** the City of Duncan sponsor the 2008 Bike to Work Week – Cowichan event by providing a grant of \$300 for direct event costs;  
**And that** the Council of the City of Duncan declare June 2<sup>nd</sup> to June 8<sup>th</sup>, 2008 Bike to Work Week in the City of Duncan;  
**And that** as many City of Duncan Councillors as possible, challenge Councillors from other area Municipalities and Electoral Area Directors within the CVRD to see who can bike to work most frequently during the week of June 2<sup>nd</sup> to June 8<sup>th</sup>, 2008;  
**And that** the City of Duncan “approve in principle” the use of City Square on Friday, June 6<sup>th</sup>, 2008 4pm-6pm for a Bike to

Work Week celebration, as this request must be made to the DBIAS, the City's City Square Managers (the event is currently penciled into the DBIA's calendar for the square but a formal application has not been submitted);

**And that** the City of Duncan Staff draft the letter challenging other Councillors and Electoral Area Directors to bike to work.

7. **That** the handicap washroom on Canada Avenue be temporarily closed as a measure to test if the locking door is the cause of the nefarious activity and poor condition of the washroom;  
**And that** a sign be installed on the door stating that the handicap washroom is temporarily closed by order of the City of Duncan and for comments please phone 746-6126;  
**And that** the Cowichan Valley Independent Living Resource Centre Society be advised of this temporary closure.
8. **That** City Council challenge the District of North Cowichan, CVRD, Town of Lake Cowichan and Cowichan Tribes to enter teams in the Wheelchair Rugby Challenge for June 8, 2008.

CARRIED

**Committee of the Whole Minutes**

R-140-08

Moved by Councillor Newcomb  
Seconded by Councillor Jackson

**That** the Minutes of the Committee of the Whole Meeting of May 5, 2008 be adopted.

CARRIED

**Committee of the Whole Report**

R-141-08

Moved by Councillor Fletcher  
Seconded by Councillor Jackson

**That** the following items 1 to 10 of the May 12, 2008 Special Committee of the Whole Meeting Report be adopted:

1. **That** the following April 24, 2008 Junior Council resolutions be referred to the Cowichan Centre Commission Board for its consideration;  
**And that** the CCC Board be requested to respond, for the benefit of the Junior Council, as to the reasons behind the decisions made whether positive or negative:
  1. **That** the Junior Council of the City of Duncan supports the concept of a youth oriented centre being developed.
  2. **That** the Junior Council of the City of Duncan recommends that the World's Largest Hockey Stick be relocated from the side of the Cowichan Centre to the roof;

**And that** it be refurbished;

**And that** the following April 24, 2008 Junior Council resolutions be referred to the Duncan Cowichan Summer Festival Society Board for its consideration;

**And that** the DCSFS Board be requested to respond, for the benefit of the Junior Council, as to the reasons behind the decisions made whether positive or negative:

1. **That** the Junior Council of the City of Duncan suggest to the Duncan Cowichan Summer Festival Society that better advertising, to include the involvement of students, is needed (lip syncing, air band, survivor game, Canadian Idol and a dance).
2. **That** the Junior Council of the City of Duncan request City Council to support local artists painting sidewalks, streets and any available space possible in the City;

**And that** the following April 24, 2008 Junior Council resolutions be referred to the Cowichan Valley Regional District Board for its consideration;

**And that** the CVRD Board be requested to respond, for the benefit of the Junior Council, as to the reasons behind the decisions made whether positive or negative:

1. **That** the Junior Council of the City of Duncan supports improvements to the playground, picnic area, addition of a chip trail and tree to tree obstacle course at Bright Angel Park.
2. **That** the Junior Council of the City of Duncan supports the development of a new campsite, catering to kayakers and other river users;

**And that** the following April 24, 2008 Junior Council resolutions be referred to the Downtown Business Improvement Area Society Board for its consideration;

**And that** the DBIAS Board be requested to respond, for the benefit of the Junior Council, as to the reasons behind the decisions made whether positive or negative:

1. **That** the Junior Council of the City of Duncan request City Council to encourage property owners in the downtown core to install awnings on their buildings to allow pedestrians to remain dry during inclement weather.
2. **That** the Junior Council of the City of Duncan suggest to City Council that more signs are

needed to promote specific events and attractions in the City.

3. **That** it be suggested to the downtown store owners that they display flowers and plants in front of their stores.
  4. **That** the Junior Council of the City of Duncan request that City Council host an eco-adventure race consisting of orienteering, running, kayaking, and biking.
2. **That** the Junior Council be provided with the Downtown Duncan Revitalization consultant's report to explain Council's vision for Downtown in response to the following April 24, 2008 Junior Council resolution:
- That** the Junior Council of the City of Duncan suggest to City Council that aesthetically pleasing cobblestones be placed in the downtown core."
3. **That** the following April 24, 2008 Junior Council resolution be referred to local Service Clubs seeking their interest in adopting Charles Hoey Park and undertaking beautification and functionality improvements:
- That** the Junior Council of the City of Duncan suggest to City Council that the area around the Train Station needs beautification and functionality improvements, making it more pleasant and family friendly."
4. **That** in regard to the following April 24, 2008 Junior Council resolution, the Junior Council be advised that it is not the normal practice of municipal government to venture into private businesses, such as movie theatres:
- That** the Junior Council of the City of Duncan suggest to City Council that it purchase the movie theatre, restore its authenticity, and show quality films."
5. **That** in regard to the following April 24, 2008 Junior Council resolution, the Council of the City of Duncan advise the Junior Council that the Downtown Business Improvement Area Society (DBIAS) and the Cowichan Intercultural Society currently sponsor an annual multicultural celebration, but that Council will forward the suggestion of a parade during the annual event to the DBIAS and the CIS:
- That** the Junior Council of the City of Duncan request that City Council support a multicultural day that has a

parade, vendors and events promoting multicultural awareness.”

6. **That** in regard to the following April 24, 2008 Junior Council resolution, the Council of the City of Duncan advise the Junior Council that the City is on record as supporting a flow rider at the new Aquatic Centre and have made attempts to attract independent financial support:

“**That** the Junior Council of the City of Duncan request City Council to develop ways and means of attracting financial support for a wave rider at the new Aquatic Pool.”

7. **That** in response to the following April 24, 2008 Junior Council resolution, the Council of the City of Duncan advise the Junior Council that it is in the process of considering financial incentives to encourage green building initiatives; **And that** this Junior Council resolution be forwarded to the Provincial Government requesting that they consider ways to encourage green building initiatives:

“**That** the Junior Council of the City of Duncan request that the City Council promote and help finance the addition of green roofs to local buildings.”

8. **That** in response to the following April 24, 2008 Junior Council resolution, the Council of the City of Duncan advise the Junior Council that it believes all roads within the City boundaries have been developed to acceptable design standards while considering the premium that parking holds; **And that** City Council request that Junior Council clarify specific areas or streets of concern for consideration:

“**That** the Junior Council of the City of Duncan supports the concept of single-side street parking for narrow roads, reducing visibility issues.”

9. **That** in response to the following April 24, 2008 Junior Council resolution, the Council of the City of Duncan advise the Junior Council that City Council is in full support of the Somenos Marsh Society’s attempt to create a looped trail around the City and up to Somenos Marsh:

“**That** a 10k trail looped around the City of Duncan be developed.”

10. **That** City Council support an enhanced Junior Council program; **And that** City staff be requested to discuss options with School

District 79 and Cowichan Secondary staff.

CARRIED

**Committee of the  
Whole Minutes**

R-142-08

Moved by Councillor Winfrey  
Seconded by Councillor Jackson  
**That** the Minutes of the Special Committee of the Whole Meeting of  
May 12, 2008 be adopted.

CARRIED

**Public Hearing  
Minutes**

R-143-08

Moved by Councillor Winfrey  
Seconded by Councillor Cadorette  
**That** the Minutes of the Public Hearing of May 20, 2008 be adopted.

CARRIED

**Mayor and  
Council Reports**

Mayor Kent reported that on May 24, he and close to 200 invited guests and friends attended the City hosted retirement celebration of Duncan Volunteer Fire Department Chief Glenn Mackie. It was a very nice and light hearted affair. The City's gift of an 1899 refurbished gold watch, with dates of service engraved on the back, was very much appreciated. The watch is of great historical significance to the Fire Department in that it is a replica of the gold watch given to Fire Chief Rutledge, who retired in 1919.

Mayor Kent also reported that he had the opportunity, twice in the last week, to tour the new Aquatic facility. It is a most impressive facility.

Councillor Winfrey noted that he, Liz Peter and Jenny Martin were invited by Doug Routley, MLA, to tour the BC Legislature and attend the question period on May 5<sup>th</sup>.

Councillor Newcomb noted that he attended the May 14<sup>th</sup> DBIAS meeting, He also attended the May 19<sup>th</sup> DBIAS meeting regarding security surveillance matters and expects that the DBIAS will contact City Council in this regard in the near future.

**Reports of Staff**

**April 2008  
Building  
Statistics Report**

R-144-08

Moved by Councillor Jackson  
Seconded by Councillor Cadorette  
**That** the City of Duncan Building Statistics Report for April 2008 be received and filed.

CARRIED

**DP-2008-07 – 25  
Canada Avenue**  
R-145-08

Moved by Councillor Newcomb  
Seconded by Councillor Jackson

**That** Council authorize issuance of the attached Development Permit DP-2008-07 for the proposed development to be located at 25 Canada Avenue as shown on the plans, renderings and specifications labeled Schedule “A” (1) to (20);

**And that** a security deposit to ensure completion of the landscaping and site work associated with the development in the amount of \$153,090.00 to be provided prior to Building Permit issuance be included as a condition of the Development Permit;

**And that** the signage area shown on plan A-301 Revision dated May 22, 2008 (Schedule “A” (4)) be approved and included as a part of the Development Permit at this time, with the condition that a comprehensive sign plan be required for the building prior to occupancy under a separate DP, authority for which has been delegated to the CAO;

**And that** the sidewalk dedications shown on plan A-201 Revision dated May 22, 2008 (as modified May 23, 2008 and noted as Schedule “A” (3)) be completed through a right-of-way in the form acceptable to the City of Duncan registered on title prior to occupancy;

**And that** a storm water management plan, approved by the City, must be prepared and filed with the City prior to any connection to the City’s storm sewer system;

**And that** security in the amount of \$10,000 be deposited with the City prior to the issuance of an Occupancy Permit to secure the installation in the development of an art component of at least that value, visible to the public from the street, within 12 months of Occupancy, and that failing such installation, the security can be used by the City, in its sole discretion, to acquire and install public art elsewhere.

CARRIED

COUNCILLOR FLETCHER OPPOSED

**Caboose  
Restoration**  
R-146-08

Moved by Councillor Winfrey  
Seconded by Councillor Jackson

**That** Council approve selection of the post war era in the restoration of the Caboose and authorize work to proceed accordingly.

CARRIED

**Tree Removal &  
Replacement -  
College Street  
Road Allowance**  
R-147-08

Moved by Councillor Winfrey  
Seconded by Councillor Newcomb

**That** to the subject of removal and replacement of three (3) Cedar trees, and the topping of three (3) Douglas Firs, in the undeveloped portion of the College Street road allowance, as referenced in the memo from the City’s Arborist’s to the Operations Manager, be

referred to the June 2, 2008 Committee of the Whole meeting.

CARRIED

COUNCILLOR JACKSON OPPOSED

**Capital Paving  
2008**

R-148-08

Moved by Councillor Jackson  
Seconded by Councillor Newcomb

**That** Council approve phase 1 of the 2008 Capital Paving Plan as recommended for Canada Avenue (2 locations) and Ingram Street and that the work to be undertaken with the remaining paving funds be referred to the Committee of the Whole.

CARRIED

**London Planetree  
Removal – Train  
Station**

R-149-08

Moved by Councillor Jackson  
Seconded by Councillor Cadorette

**That** Council approve the recommendation of Parks Foreman Ron Boxem to remove the *London Planetree* located at the Train Station and replace it with another variety of tree appropriate for that environment.

CARRIED

**Wheels in Motion  
Fundraising  
Event - June 8,  
2008**

R-150-08

Moved by Councillor Jackson  
Seconded by Councillor Winfrey

**That** the City of Duncan agree to be the recipient of this year's fundraising from the June 8<sup>th</sup> Wheels in Motion event for the purposes of purchasing wheelchairs for the start up of a local wheelchair rugby team and drop-in league.

CARRIED

**Summer Festival -  
Elks Beer Garden  
July 18 & 19, 2008**

R-151-08

Moved by Councillor Newcomb  
Seconded by Councillor Jackson

**That** City Council approve Special Occasion Licenses to the Duncan Elks Lodge #69 for Beer Gardens to be held in the Elks Kenneth Street parking lot on July 18<sup>th</sup> and 19<sup>th</sup>, 2008 from 3:00 p.m. until 8:00 p.m. on the 18<sup>th</sup> and from noon until 8:00 p.m. on the 19<sup>th</sup>.

CARRIED

**Subdivision – 120  
Beech Avenue**

R-152-08

Moved by Councillor Jackson  
Seconded by Councillor Newcomb

**That** Council exempt Lot 2 in the proposed Subdivision Plan of Lot 8, Section 15 & 16, Range 7, Quamichan District, Plan 7735 (120 Beech Avenue) from the requirements of Section 944 of the *Local Government Act* that stipulates the minimum frontage of a parcel on a highway must be the greater of 10% of the perimeter of the lot and the minimum frontage that the local government provides by Bylaw.

CARRIED

**Summer Festival  
2008 Requests**  
R-153-08

Moved by Councillor Jackson

Seconded by Councillor Newcomb

**That** July 13 – 19, 2008 be proclaimed “Duncan-Cowichan Summer Festival Week “in the City of Duncan;

**And That** the Duncan-Cowichan Summer Festival Society be advised that the City does not have heavier barriers as requested, but will supply the regular barriers to facilitate the necessary street closures;

**And That** City Council approve “in principle” the closing of City Square during the evenings of July 14 – 18, and during the daytime of July 19 for the exclusive use of the Duncan-Cowichan Festival Society, with the approval of the Duncan Business Improvement Area Society (DBIAS), Managers of the City Square;

**And That** permission be granted for an area along the parade route to be roped off for disabled persons;

**And That** four (4) parking stalls in the Train Station Parking lot, nearest the Caboose, be reserved to facilitate parking for emergency vehicles;

**And That** two (2) parking stalls on either the north-side or the south-side of Ingram Street and west of Craig Street be reserved for the purposes of access by entertainment crews;

**And That** permission be granted to display the 40’ banner south of the Silver Bridge adjacent to the TCH from July 1 – July 19, 2008;

**And That** extra garbage cans be provided throughout downtown Duncan on July 18 and 19;

**And That** the public washrooms on Canada Avenue remain open until 10:00 p.m. during the week of the Summer Festival;

**And That** the Duncan-Cowichan Festival Society be required to provide a \$300.00 damage deposit;

**And That** liability insurance coverage in the amount of \$2 million, naming the City of Duncan as an additional insured party, be secured from the Society.

CARRIED

**Unightly  
Premises - 351 St.  
Julian Street**  
R-154-08

Moved by Councillor Jackson

Seconded by Councillor Winfrey

**That** Council direct the owner of 351 St. Julian Street (Folio 463.00.00), Norman L. Mitchell, to remove or have removed all unsightly accumulation of filth, discarded materials, debris and rubbish, including, but not limited to, all bicycles, shopping carts, tarps, cardboard boxes, metals, plastics, inoperable vehicles, barbeques, carpets, lawnmowers, tires, utility trailers, and garbage containers, within 30 days;

**And That** Council direct the Bylaw Enforcement Officer, in default of such remedial measures being undertaken to his satisfaction, to carry

out or have such work carried out and the expense charged to the owner and if unpaid at December 31, 2008, the amount be charged to the property tax account as taxes in arrears.

CARRIED

**Access  
Awareness Day  
Proclamation**  
R-155-08

Moved by Councillor Jackson  
Seconded by Councillor Winfrey  
**That** June 7, 2008 be proclaimed "Access Awareness Day" in the City of Duncan.

CARRIED

**DBIAS - BC  
Women's Institute  
– June 5 & 6, 2008**  
R-156-08

Moved by Councillor Winfrey  
Seconded by Councillor Jackson  
**That** City Square be closed to vehicular traffic from noon to 9:00 p.m. on Thursday, June 5, 2008, provided that the DBIAS agree to remove the bollards at 9:00 pm;  
**And That** the City provide two (2) extra garbage cans in City Square on June 5, 2008;  
**And That** staff make arrangements to have the washrooms on Canada Avenue open until 9:00 p.m. on June 5, 2008.

CARRIED

**Spina Bifida &  
Hydrocephalus  
Awareness Month  
Proclamation**  
R-157-08

Moved by Councillor Newcomb  
Seconded by Councillor Jackson  
**That** June 2008 be proclaimed "Spina Bifida & Hydrocephalus Awareness Month" in the City of Duncan.

CARRIED

### **Resolve to go into Closed Meeting**

**Closed Session**  
R-158-08

Moved by Councillor Newcomb  
Seconded by Councillor Cadorette  
**That** the meeting be closed to the public to consider Labour Issues (s.90(1)(c) - Community Charter) and Information Supplied in Confidence that could reasonably be expected to harm the competitive position of a third party under section 21 of the FOIPP as per s.90(1)(j) - Community Charter.

CARRIED

### **Adjournment**

**Adjourn**  
R-159-08

Moved by Councillor Winfrey  
Seconded by Councillor Jackson  
**That** this meeting be adjourned.

CARRIED

The meeting adjourned at 8:48 p.m.

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Mayor Phil Kent

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Lynn Ketch  
Director of Corporate Services