

The Regular Meeting of City Council was held in the Council Chamber, City Hall, 200 Craig Street, Duncan, BC at 7:30 p.m., December 12, 2005.

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

Also

Present: Paul Douville - City Administrator.

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

Joan Gillatt -  
Freeman  
Designation

Since Joan Gillatt was ill and unable to attend the December 5, 2005 Inaugural Council meeting, she was present to receive her framed certificate outlining her designation as "Freeman of the City of Duncan". Mayor Kent presented the framed certificate to Mrs. Gillatt and thanked her for her decades of remarkable service to our community.

Mrs. Gillatt said she was very honoured to receive this very high designation and encouraged more women to get involved in the political process, especially at the local government level.

#### **Approval of Agenda**

Agenda

Movd. Councillor K. Newcomb  
Secd. Councillor S. Jackson

THAT the Agenda for the December 12, 2005 Regular Meeting of City Council be approved.

Carried.

#### **Adoption of Minutes**

Minutes

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

THAT the Minutes of the Regular Meeting and Inaugural Statutory Meeting of City Council held on November 28, 2005 and December 5, 2005 be adopted.

Carried.

#### **Introduction of Late Items**

Late Items

It was agreed that the following items be added to the Agenda under "Unfinished Business":

- Public Video Surveillance Policy and related Privacy Impact Assessment.
- Paratransit Operating Agreement Amendment No. 1 (higher fuel costs).

#### **Report of Chief Administrative Officer**

Administrator's  
Report

Mr. Douville reported on the following items:

- The Rotary Park tennis court fencing

- should be up the week of December 19.
- Final patching work by Duncan Paving should be completed by the end of December.
  - The site previously used as a homeless camp behind the Copper Grill Restaurant at 130 Trans Canada Highway has been cleaned up with the owners of the Travelodge Silver Bridge Inn paying 50% of the cost.
  - The median on Trunk Road east of Brae Road has been extended to prohibit left turns from Brae Road and left turns into the Lordco mini mall.
  - Hydrant flushing will be occurring soon and advertisements will be placed in the newspapers.
  - All parks are receiving final cleanups in preparation of the winter months.

### Unfinished Business

Wayne & Norm  
Gourlay -  
Building Colours  
(134 Government  
Street)

Movd. Councillor S. Jackson  
Secd. Councillor K. Newcomb

THAT in reply to the October 12, 2005 e-mail from Wayne & Norm Gourlay, which was received recently in December, regarding the exterior building colours at 134 Government Street, City Council advise that the following policy regarding Murals was adopted after the graffiti mural was added to 134 Government Street:

"THAT as Policy, the following definition of Murals be adopted:

"Murals" means a painted scene upon any outside wall or other integral part of the building that does not advertise a business or product." ;

AND THAT the owners of 134 Government Street be advised that they should make a Development Permit Application to the City regarding the mural graffiti on the exterior of their building.

Carried.

Public Video  
Surveillance and  
Web Cam Policy  
and Related  
Privacy Impact  
Assessment

Movd. Councillor S. Jackson  
Secd. Councillor K. Newcomb

THAT the Council of the City of Duncan adopt the Public Video Surveillance and Web Cam Policy and related Privacy Impact Assessment.

Carried.

Paratransit  
Operating  
Agreement -  
Amendment No. 1  
(Higher Fuel  
Costs)

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

THAT the Council of the City of Duncan agree to Amendment No. 1 (Higher Fuel Costs) to the Paratransit Operating Agreement with BC Transit, noting that \$2,623.00 is being added for higher fuel costs.

Carried.

**Correspondence**

Cowichan Lake  
Coldwater Pumping  
Facility Study

For consideration was a letter dated  
December 2, 2005 from the District of North  
Cowichan.

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

THAT the Council of the City of Duncan  
support the following resolution which was  
adopted by the District of North Cowichan  
Council at their December 7, 2005 Inaugural  
Council Meeting::

"That Council support a contribution of  
up to \$16,915 towards the Cowichan  
Stewardship Roundtable, Coldwater Pumping  
Facility Study (total cost \$36,915) from the  
Joint Utilities Board operating budget,  
subject to support from the Duncan/North  
Cowichan Joint Utilities Board and the City  
of Duncan.";

AND THAT Councillor Paul Fletcher be  
invited to attend pertinent meetings in this  
regard as an observer.

Carried.

Cowichan District  
Hospital  
Auxiliary's  
Bazaar Banner

Movd. Councillor S. Jackson  
Secd. Councillor K. Newcomb

THAT the Council of the City of Duncan  
authorize the display of the Cowichan  
District Hospital Auxiliaries Bazaar Banner  
from the banner poles adjacent to the east-  
side of the Trans Canada Highway and south  
of the Cowichan River from October 8 - 23,  
2006 as requested in the November 23, 2005  
letter from the Auxiliary to Cowichan  
District Hospital.

Carried.

Heart Month

Movd. Councillor K. Newcomb  
Secd. Councillor M. Caljouw

THAT the Council of the City of Duncan  
proclaim February 2006 as "Heart Month" in  
the City of Duncan as requested in the  
November 23, 2005 letter from the Cowichan  
Valley Unit of the Heart and Stroke  
Foundation of BC & Yukon;

AND THAT the Foundation be authorized  
to display their "February is Heart Month"  
banner from the banner poles south of the  
Cowichan River on the east-side of the Trans  
Canada Highway for February 1 - 28, 2006 and  
conduct door-to-door canvassing during the  
month;

AND THAT Members of Council make every  
effort to participate in the "Heart Month"  
fund-raising events.

Carried.

Local Government  
Leadership  
Academy - Grant  
Request

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

THAT the November 25, 2005 \$500.00  
grant request from the Union of BC  
Municipalities (UBCM) for the proposed Local  
Government Leadership Academy be referred to  
the 2006 Budget Review Committee.

Carried.

MS Society -  
2006 Tag Days

Movd. Councillor M. Caljouw  
Secd. Councillor P. Fletcher

THAT the Multiple Sclerosis Society be granted permission to conduct their 36<sup>th</sup> Annual Carnation Campaign in the City of Duncan on Friday, May 12 and Saturday, May 13, 2006 as requested in the November 21, 2005 letter from the Capital Region Chapter of the Multiple Sclerosis Society of Canada.

Carried.

GardenPals -  
Intergenerational  
Gardening Program

For consideration was a memorandum dated November 28, 2005 from Carol Sim, Horticultural Therapist, Jubilee Community Gardens.

Movd. Councillor S. Jackson  
Secd. Councillor K. Newcomb

THAT the Council of the City of Duncan authorize the GardenPals (i.e. Carol Sim) to use the Jubilee Garden area of Centennial Park for their intergenerational gardening program March through June 2006 subject to the following terms and conditions:

1. Concurrence by the Jubilee Community Garden Coordinator (Reference the attached November 21, 2005 letter from the Jubilee Garden Society),
2. Provision of a liability insurance policy with a minimum of \$2 million per occurrence and with the "City of Duncan" being named as an "Additional Insured Party",
3. The GardenPals and the Jubilee Community Garden Society saving harmless the City of Duncan from any and all possible liability claims in writing;

AND THAT Council provide a letter of support for this endeavour;

AND THAT their \$500.00 grant request (i.e. seed money) be referred to the 2006 Budget Review Committee.

Carried.

### **Reports of Committees, COTW and Commissions**

#### General Purposes Committee

For consideration were the notes of the December 6, 2005 meeting.

APC - Extension  
of Terms of  
Members for OCP  
Review

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

THAT as recommended by the Advisory Planning Commission and the immediate past City Council, the new City Council provide a one-year extension to the Advisory Planning Commission Bylaw No. 1900, which states "a maximum of three consecutive two-year terms" in order that Rob Conway, Jeff Downie, Tracey King, Kate Miller, Dinah O'Keefe, Jim Roome and Mark Turner can continue working on this Commission beyond November 15, 2006 in order to conclude the OCP and Zoning Bylaw reviews.

(Note: The appointment of the other APC Member, Kathy Coster, is subject to renewal on March 1, 2007 (i.e. 1<sup>st</sup> Term.)

Carried.

RFP - OCP Review

Movd. Councillor K. Newcomb  
Secd. Councillor P. Fletcher

THAT as recommended by the Advisory Planning Commission, City Council approve of the Request for Proposals for a contract for a Project Coordinator for the Official Community Plan review and the related Terms of Reference.

Carried.

City Hall Closure  
- 2005 Christmas  
Season

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

THAT Council approve the closure of City Hall on December 28, 29 & 30, 2005 (Wednesday, Thursday and Friday) noting that City Hall will be closed on December 26 (Monday), Boxing Day, December 27 (Tuesday), lieu day for Christmas Day and January 2, 2006 (Monday), lieu day for New Year's Day.

Carried.

Proposed New Sign  
Bylaw

Movd. Councillor S. Jackson  
Secd. Councillor K. Newcomb

THAT Council accept Option 2 of the Sign Bylaw proposal from Citizen Plan (Susan Hallatt) date-stamped November 30, 2005 noting that a new Sign Bylaw will have to be a practical document;

AND THAT input be sought from the business community prior to the new bylaw being finalized (latter task performed by the Consultant and included in the budgeted amount);

AND THAT this project be an early 2006 project with the Director of Finance including \$6,780.00 in the 2006 Budget for the project.

Carried.

Sherwood House -  
Sanitary Sewer  
Line in Right-of-  
Way

Movd. Councillor K. Newcomb  
Secd. Councillor S. Jackson

THAT the following condition be amended in the October 27, 2005 Development Permit for Sherwood House (270 Government Street; Lot 5, Block 14, Section 17, Range 6, Plan 2070, Quamichan District and Lot 1, Block 14, Section 17, Range 6, Plan 28129):

October 27, 2005 Development Permit:

"4. THAT the developer provide a right-of-way through the proposed parking lot for the rerouting of the existing sanitary sewer and storm sewer lines through the property (the rerouting of the sanitary and storm sewer lines is to be at the cost of the developer).

Proposed Amended Clause:

"4. THAT the developer provide a right-of-way through the proposed parking lot for the rerouting of the existing sanitary sewer line through the property (the rerouting of this sanitary sewer line is to be at the

cost of the City with the necessary funds (i.e. approximately \$15,000.00) to be appropriated from the Duncan Street Sewer Upgrade Capital Budget, which did not occur);

AND THAT the developer be reminded to provide a suggested "Seniors Supportive Living Only" clause for the consideration of City Council (i.e. clause #7 in the Development Permit).

Carried.

Strategic Planning Session

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

THAT a Strategic Planning Session be arranged for the evening of March 2, 2006 (Thursday) and all day March 3, 2006 (Friday) with Gordon McIntosh of the Local Government Leadership (LGL) Institute facilitating the session;

AND THAT \$3,250.00 plus expenses be budgeted for this purpose.

Carried.

Request for Proposals - Craig Street Revitalization

Movd. Councillor M. Caljouw  
Secd. Councillor K. Newcomb

THAT the Request for Proposals for the design of the Craig Streetscape Revitalization be approved with additions to include sanitary sewer improvement work and reference to the First Team concept design.

Carried.

Finance Committee

For consideration were the notes of the December 6, 2005 meeting.

Warrant No. 11 - 2005

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

THAT Warrant No. 11-2005 covering General Account cheque numbers 110643 - 110791 in the total amount of \$231,906.35  
- Payroll Account - Payroll #22 covering Direct Deposits in the amount of 29,097.43  
- Payroll #23 covering cheque numbers 3797 - 3803 and Direct Deposits in the amount of 35,764.00  
- Payroll #24 covering cheque numbers 3804 - 3850 and Direct Deposits in the amount of 63,613.44  
GRAND TOTAL . . . . . \$360,381.22  
be ratified.

Carried.

Software Conversion - Pre-Budget Approval

Movd. Councillor M. Caljouw  
Secd. Councillor K. Newcomb

THAT pre-budget approval be granted for a capital expenditure for software conversion costing \$9,000.00 early in 2006.

Carried.

Planning & Priorities Committee

For consideration were the notes of the December 6, 2005 meeting.

Cadillac Homes -  
116 Queens Road -  
Development  
Variance Permit

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

THAT the Development Variance Permit Public Hearing process be initiated for the proposed development by Cadillac Homes at 116 Queens Road, noting the following items:

- That the side yard setback variance be approved to permit a west side side yard setback of 1.32 metres (4'4") rather than 1.5 metres (5').
- That the rear yard setback variance be approved to permit a setback of 3.73 metres (12'3") rather than 7.5 metres (25').
- The landscaping between the curb and the sidewalk be installed and maintained at the cost of the developer.
- That the sidewalk be given priority level treatment with the gradient change for the cross-over being within the landscape strip between the curb and the sidewalk.
- That the shortfall of 3 parking spaces be approved and that the developer pay the required \$24,000.00 for the shortfall (i.e. \$8,000.00 per space).
- That a new 2 metre (6'6") fence be provided across the rear property line on top of the retaining wall subject to the neighbour's agreement.
- All service lines within the 3.05 metre (10') easement area be inspected and replaced if deemed appropriate, prior to landscaping and placing sidewalks or stairs over them, at the cost of the developer.

Carried.

Landscaping Plan  
- 941-951 Trunk  
Road

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

THAT Council approve the landscape design submitted for 941-951 Trunk Road, subject to the front masonry wall being setback 3 metres from the front property line as required by the Development Variance Permit issued for this development.

Carried.

Sun FM - 130  
Trans Canada  
Highway

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

THAT a Development Permit be issued for 130 Trans Canada Highway (Lot 1, Section 16, Range 7, Plan 82568, Except that part in Plans 11691 and 1635 RW, Quamichan District; PID: 004-369-327), subject to the following terms and conditions:

1. The existing high fence around the

- patio area being removed
2. A new 16.8 metre (55') x 24.4 metre (80') enclosed compound being authorized at the rear of the building using chain link fencing, subject to the chain link fence being screened with high-growing foliage. The maximum permitted height is 2.5 metres (8.2').
  3. Two (2) new awnings being installed on the south-side of the structure.
  4. Sun controlled louvers being installed between the existing beam extensions on the exterior of the building.
  5. New SUN FM signage being installed on the approval of the Building Inspector.
  6. Portions of the building being repainted with Corporate colours.
  7. The landscaping on the property being reclaimed in all locations in accordance with bylaw requirements.
  8. A landscape plan to be approved by City Council.

Carried.

#### Parks & Recreation Committee

Lanarc  
Consultants -  
Centennial Park  
Plan

Councillor Fletcher reported that on December 12, the Mayor, Councillor Jackson, the Administrator, the Director of Finance and he met with Jessica Gemella of Lanarc Consultants to commence the process for the Centennial Park Revitalization Plan.

#### Communications Committee

Communications

Councillor Winfrey said that he intends to meet with former Councillor Jenny Farkas regarding Communications Strategy and will continue with the good work of the previous Council in this regard.

#### Fire Committee

First Female  
Firefighter

Councillor Jackson reported that the Duncan Volunteer Fire Department has appointed its very first female firefighter in the history of the department. The new firefighter is Leanne Closson.

Building  
Statistics Report  
- November 2005

Movd. Councillor K. Newcomb  
Secd. Councillor P. Fletcher  
THAT the Building Statistics Report for November 2005, as presented, be received, the contents noted and filed.

Carried.

Miscellaneous

Councillor Fletcher reported that Mayor Kent, Councillor Jackson and he attended the December 7, 2005 presentation by the Hul'qumi'num Treaty Group entitled "In The Footsteps of Our Ancestors", which is an Interim Strategic Land Plan for the Hul'qumi'num Core Traditional Territory.

The elected representatives advised that this was a very interesting and informative

session with the representatives of the Cowichan, Chemainus, Penelakut, Lyackson, Halalt and Lake Cowichan First Nations Tribes.

Mayor Kent reported on the following items:

- On November 21, he participated in MLA Doug Routley's Open House.
- On December 6, he met with the MLA and others regarding the homelessness issue.
- On December 1, he attended the Vancouver Island Health Authority Open House regarding their Strategic Plan.
- On December 2, he attended the workshop sponsored by the Cowichan Coalition regarding the possibility of the Bank of Canada funding local government projects.
- On December 5, he chaired the Inaugural Statutory Council meeting.
- On December 6, he participated in the 100<sup>th</sup> Anniversary of the Bank of Montreal.
- On December 7, he participated in the Inaugural Statutory meetings of the Council of the District of North Cowichan and the Cowichan Valley Regional District Board of Directors.

#### Bylaws

Fees and Charges Bylaw No. 1759, 1995 Amendment Bylaw No. 1994, 2005 (Sewer Rent Increase)	Movd. Councillor S. Jackson Secd. Councillor M. Caljouw <u>THAT</u> "City of Duncan Fees and Charges Bylaw No. 1759, 1995 Amendment Bylaw No. 1994, 2005" be reconsidered, finally passed and adopted.	Carried.
Water Regulations Bylaw No. 1167, 1977, Amendment Bylaw No. 1995, 2005 (Water Charge Increase)	Movd. Councillor K. Newcomb Secd. Councillor P. Fletcher <u>THAT</u> "City of Duncan Water Regulations Bylaw No. 1167, 1977, Amendment Bylaw No. 1995, 2005" be reconsidered, finally passed and adopted.	Carried.
City of Duncan Delegation Bylaw No. 1996, 2005	Movd. Councillor S. Jackson Secd. Councillor M. Caljouw <u>THAT</u> Council give leave to Councillor K. Newcomb to introduce "City of Duncan Delegation Bylaw No. 1996, 2005".	Carried.
	Movd. Councillor K. Newcomb Secd. Councillor S. Jackson <u>THAT</u> "City of Duncan Delegation Bylaw No. 1996, 2005" be read for the first time.	Carried.

Movd. Councillor M. Caljow  
Secd. Councillor S. Jackson

THAT "City of Duncan Delegation Bylaw No. 1996, 2005" be read for the second time.

Carried.

Movd. Councillor K. Newcomb  
Secd. Councillor R. Cadorette

THAT "City of Duncan Delegation Bylaw No. 1996, 2005" be read for the third time.

Carried.

### New Business

Release of City  
Right-of-Way  
(Plan 970RM;  
Eagle Heights)

For consideration was a letter dated November 25, 2005 from Richard Harris, President - Somerset Estates Ltd. and a memorandum from the Public Works Superintendent.

Movd. Councillor S. Jackson  
Secd. Councillor K. Newcomb

THAT as recommended by the Public Works Superintendent and as requested by Somerset Estates Ltd. in their November 25, 2005 letter, the Council of the City of Duncan authorize release of the steep embankment portion of our waterworks "right-of-way" (Plan 970RM; Eagle Heights) shown on the attached plan marked "Schedule "A", dated December 2, 2005 and initialed "P.D." by the City Administrator subject to Somerset Estates Ltd. being responsible for all associated costs in doing so.

Carried.

Special Meeting  
(In Camera)

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

THAT the Council of the City of Duncan resolve into Special Meeting (Committee of the Whole) to discuss property and legal issues;

AND THAT persons other than Council Members and the Corporate Officer be excluded from this meeting (Section 242.3 - Local Government Act).

Carried.

At 8:40 p.m., City Council resolved into Special Meeting.

At 9:58 p.m., the following Motion was Put:

Movd. Councillor S. Jackson  
Secd. Councillor M. Caljow

THAT the Special Meeting of City Council rise and report to City Council.

Carried.

Boundary  
Restructure Study  
Public Committee

For consideration was a memorandum dated  
December 8, 2005 from the City  
Administrator.

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

THAT Council appoint the following  
individuals to the "Boundary Restructure  
Study Public Committee":

CVRD Electoral Areas "D" & "E"

1. John Campbell  
5204 Hykawy Road (Area "E")
2. Calvin Fee  
5241 Koksilah Road (Area "E")
3. Joanne Gardiner  
4612 CasaLinda Place (Area "D") -  
Cowichan Bay
4. Peter Holmes  
4411 Kingscote Road (Area "D") -  
Cowichan Bay
5. Randy Ralph  
Industrial Park Business  
2867 Roberts Road (Area "E")

Alternate (should one of the above  
become unavailable) - will be  
invited to meetings as a non-  
voting member:

Cathy Basskin  
1785 Cowichan Bay Road (Area "D")

City of Duncan

1. Sheila Hobbs  
161 McKinstry Road
2. Tracey King  
491 Chesterfield Avenue (Duncan  
Advisory Planning Commission  
Member)
3. Rob Laver  
1030 Lee Street (Captain - Duncan  
Volunteer Fire Department)

District of North Cowichan

1. Mark Turner  
3416 Auchinachie Road (Duncan  
Advisory Planning Commission  
Member)

Alternate - will be invited to  
meetings as a non-voting member:

Renee Leger  
3025 Cowichan Lake Road

Cowichan Tribes

1. Bill ("Chip") Seymour - Appointed  
by Chief & Council.

Carried.

Adjournment

Movd. Councillor M. Caljouw

Secd. Councillor S. Jackson

THAT this meeting of City Council do  
now adjourn.

Carried.

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Phil Kent  
Mayor

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Paul Douville  
Corporate Officer