

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 12, 2005.

Present: Mayor Michael Coleman; Councillors Mike Caljouw, Sharon Jackson, Phil Kent and Geoff Maxwell.

Absent With Prior Notice: Councillors Jenny Farkas and Ken Newcomb.

Also

Present: Paul Douville - City Administrator.

His Worship Mayor Michael Coleman opened the Council Meeting with a prayer and called for order.

Approval of Agenda

Agenda

Movd. Councillor S. Jackson
Secd. Councillor G. Maxwell

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

Carried.

Adoption of Minutes

Minutes

Movd. Councillor M. Caljouw
Secd. Councillor P. Kent

THAT the Minutes of the Regular Meeting of City Council held on August 8, 2005 and the Special Meeting of City Council held on August, 22, 2005 be adopted.

Carried.

Public and Statutory Hearings and Consideration of Bylaws

Public Hearing -
Development
Variance Permit -
1063 Holmes
Street

City Council adopted the following resolution on August 8, 2005:

"THAT Council authorize the commencement of the Development Variance Permit Public Hearing process for 1063 Holmes Street to consider permitting the owners to raise the house for provision of a full height basement and thus exceeding the maximum structure height."

There were no letters received for or against the proposal. All required advertising was fulfilled.

The Mayor called three times for public input and hearing none, declared the Public Hearing closed.

Development
Variance Permit -
1063 Holmes
Street

Movd. Councillor P. Kent
Secd. Councillor S. Jackson

THAT Council authorize the issuance of a Development Variance Permit for 1063 Holmes Street (Legal Description: Lot 5,

Block 2, Section 19, Ranges 5 & 6, Quamichan District, Plan 1265B) to permit the owners to raise the house for provision of a full height basement and thus exceeding the maximum structure height.

Carried.

Delegations:

Roger Bruce -
Non-binding
Referendum on
Amalgamation

Representing a non-aligned and non-political citizens group, Roger Bruce addressed Council regarding a possible non-binding referendum on amalgamation at the November 19, 2005 Municipal Election.

In the document which he distributed, Mr. Bruce said that they were seeking a non-binding referendum on local government amalgamation for the entire Cowichan Valley. However, in his verbal requests, Mr. Bruce asked for the following items:

1. That City Council discuss with the Council of the District of North Cowichan the possibility of a non-binding referendum on a possible amalgamation between the District and the City.
2. Stage a non-binding referendum on November 19, 2005 regarding a possible amalgamation between the District of North Cowichan and the City of Duncan.

Mr. Bruce said that "if Duncan and then North Cowichan agree to hold a non-binding referendum, we believe that there will be a snow-ball effect and the Cowichan Valley Regional District will also get on board".

Mr. Bruce said that the citizens' group has been promoting the amalgamation of local government in the valley. He said the Cowichan Valley region has a population of approximately 75,000 (comparable to Nanaimo) but we are governed by 35 elected politicians in 4 municipalities and 9 electoral areas.

Mr. Bruce and his group say that there could be cost savings through amalgamation of close to 5% of combined annual budget. They say that would be enough to support the annual mortgage payments on a \$57m wish list of recreation facilities that various local governments would like to see built.

Timing is of the essence, Mr. Bruce told Council. He said with the North American Indigenous Games slated for Duncan in 2008, there is an opportunity to go to federal and provincial governments with a united front to draw down grants and support for facilities for those games.

The plan Mr. Bruce and the ad hoc group are promoting called for the elimination of the Regional District Electoral Areas. In the end, they predict there may be one efficient municipality covering the entire valley or 4 municipalities such as Duncan/North Cowichan, Ladysmith, Lake Cowichan and a new municipality of south Cowichan.

Mr. Bruce was asked to clarify in writing exactly the action he would like Council to consider (i.e. one local government for the whole region or amalgamation between Duncan and North Cowichan).

Mr. Bruce was thanked for his presentation and he left the meeting.

Paul McNicholls -
ICBC Community
Crash Reduction
Challenge

Representing ICBC, Paul McNicholls, Duncan Claims Centre Manager, addressed Council regarding the ICBC Community Crash Reduction Challenge. He advised Council that the Community Crash Reduction Challenge is a great opportunity for communities throughout BC to help reduce crashes and road related harm. A community in our population category that shows the greatest reduction in the crash rate will win a \$10,000 road safety grant.

The Challenge takes place over a 31 day-period from October 1 - 31, 2005. He said they would analyze the number of crashes involving residents with the mailing address "Duncan" taking place in our community as well as anywhere in the province. He also suggested that Council may even want to issue a challenge to a like-size or rival community to see who can achieve the highest reduction in crashes during the challenge period.

A further aspect is that individuals that pledge to drive safely are eligible for a grand prize of \$35,000 towards the purchase of a new car.

Mr. McNicholls requested that Council issue a proclamation or provide a letter of endorsement regarding the Community Crash Reduction Challenge, thus indicating the participation of the City of Duncan. He also requested that City Council get the message out into the community.

On a question, Mr. McNicholls advised that if Duncan/North Cowichan wins this challenge, each Local Government will receive a \$10,000 road safety grant.

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

WHEREAS the scope and magnitude of crashes in any community - large and small - is much greater than most people realize;
AND WHEREAS the Community Crash

Reduction Challenge will help raise awareness of local road safety issues;

AND WHEREAS engaging communities and involving their citizens is an opportunity to help reduce harm on our roads;

AND WHEREAS the Council of the City of Duncan and ICBC recognize the need to work together to help reduce the number of crashes;

NOW THEREFORE I, Mayor Michael Coleman on behalf of City Council, do hereby proclaim the City of Duncan as a supporter of the Community Crash Reduction Challenge.

Carried.

Report of the Chief Administrative Officer

Administrator's
Report

Mr. Douville reported on the following items:

- The resurfacing of Coronation Avenue between Howard and Whistler Streets commenced today and should be completed this week.
- Resurfacing of McKinstry Road is to follow.
- Fencing and other work required for the Rotary Park tennis courts should be completed this fall subject to the availability of the fencing contractor and our own manpower.

Unfinished Business

Air India Tragedy

Movd. Councillor G. Maxwell
Secd. Councillor S. Jackson

THAT the letter dated September 1, 2005 from the Honourable A. Anne McLellan, Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness Canada in response to our letter dated June 15, 2005, regarding the Air India tragedy, be received, the contents noted and filed.

Carried.

City Website -
2005 Community
Excellence Award

Movd. Councillor S. Jackson
Secd. Councillor G. Maxwell

THAT the letter dated September 6, 2005 from the UBCM, wherein they advise that we tied first place with the City of Richmond for the best practices website for 2005, be received, the contents noted and filed.

Carried.

Mayor Coleman and Councillors Farkas and Kent advised that they would be attending the early morning September 29, 2005 Awards Ceremony at the UBCM Convention.

Correspondence

Insurance Premium Tax For consideration was a letter dated August 3, 2005 from the City of Port Moody.

Movd. Councillor S. Jackson
Secd. Councillor P. Kent

WHEREAS historically, Insurance Premium Taxes were collected to offset costs of providing fire protection services in cities, and the Province requires municipalities & cities to provide fire services, safety inspections and fire investigations without provincial funding for this mandate, and,

WHEREAS residents continue to pay a 4.4% tax levy on all gross property and vehicle insurance policies, which resulted in \$300 million revenue to the Province in 2003/2004 and,

WHEREAS funds go to the Consolidated Revenue Fund and are treated as General Revenue rather than used for funding fire protection services;

THEREFORE BE IT RESOLVED THAT the City of Duncan write to our local MLA and the Premier of the Province, urging the Province to redirect the revenue collected from the Insurance Premium Tax, back to the cities and municipalities based on the value of insured property, to offset the local expense of providing Fire Protection Services, and

THEREFORE BE IT FURTHER RESOLVED THAT the City of Duncan support this resolution as put forward by the City of Port Moody to the 2005 UBCM Convention in Vancouver.

Carried.

"HMS Pinafore"
Banner

Movd. Councillor G. Maxwell
Secd. Councillor P. Kent

THAT the Council of the City of Duncan authorize the display of the Cowichan Musical Society's banner from the banner poles south of the Cowichan River on the east-side of the Trans Canada Highway from January 1 - 31, 2006 as requested in the August 31, 2005 letter from the Cowichan Musical Society.

Carried.

Waste Reduction
Week

Movd. Councillor P. Kent
Secd. Councillor M. Caljouw

THAT October 17 - 23, 2005 be proclaimed as "Waste Reduction Week" in the City of Duncan as requested by the Recycling Council of BC in their August 30, 2005 memorandum.

Carried.

- Canada's
Citizenship Week
- Movd. Councillor S. Jackson
Secd. Councillor G. Maxwell
- THAT the Council of the City of Duncan proclaim October 17 - 23, 2005 as "Canada's Citizenship Week" in the City of Duncan as requested in the letter received August 12, 2005 from the Minister of Citizenship and Immigration.
- Carried.
- National Child
Day
- Movd. Councillor M. Caljouw
Secd. Councillor S. Jackson
- THAT November 20, 2005 be proclaimed as "National Child Day" in the City of Duncan as requested by the Society for Children and Youth of BC in their August 7, 2005 letter.
- Carried.
- Movd. Councillor S. Jackson
Secd. Councillor P. Kent
- THAT Mary Dolan be nominated for the BC Child and Youth Friendly Communities Award for 2005.
- Carried.
- Councillor Jackson volunteered to follow-up as required for this nomination.
- Persecution of
Falun Gong in
China
- For consideration was a letter received August 31, 2005 from the Falun Dafa Association of Canada.
- Movd. Councillor S. Jackson
Secd. Councillor G. Maxwell
- THAT the Council of the City of Duncan forward a generic letter to Prime Minister Paul Martin urging him to express the Canadian public's concern over the continuing disregard of human rights by the Chinese Regime to Chinese President Hu Jintao during his current visit to Canada.
- Carried.
- Electronics
Product
Stewardship and
Federal Bill M-
275 Calling for a
National Ban on
Toxic PBDEs
- For consideration was a letter dated August 17, 2005 from the Western Canada Wilderness Committee and the Labour Environmental Alliance Society
- Movd. Councillor S. Jackson
Secd. Councillor P. Kent
- THAT the Council of the City of Duncan advise the Province of British Columbia Minister of Water, Land and Air Protection of their support for a regulated electronics product stewardship program and convey the April 15, 2005 Greater Vancouver Regional District report titled "Electronics Product Stewardship" to the Minister and our MLA, Doug Routley.
- Carried.

Movd. Councillor S. Jackson
Secd. Councillor P. Kent

THAT Council support Federal Private Member's Bill M-275 calling for a National Ban on Toxic Polybrominated Diphenyl Ethers (PBDEs).

Movd. Councillor P. Kent
Secd. Councillor G. Maxwell

THAT the Motion Moved by Councillor S. Jackson and Seconded by Councillor P. Kent, regarding Federal Bill M-275 calling for a National Ban of Toxic PBDEs, be TABLED to provide an opportunity for Councillors to pursue more information regarding this issue.

Carried.

BC Coalition for
Health Promotion
- Community
Learning and
Mentorship
Network Project

For consideration were the following items:

- Letter of invitation dated August 2005 and letter dated August 15, 2005 from the BC Coalition for Health Promotion.
- Letter dated August 16, 2005 from Mayor Coleman to the UBCM.

Movd. Councillor P. Kent
Secd. Councillor M. Caljouw

THAT City Council endorse the funding application from the BC Coalition for Health Promotion to support the proposed Community Learning and Mentorship Network project;

AND THAT their request for contributing to sponsorship advertising be referred to the General Purposes Committee.

Carried.

E & N Railway -
Pest Management
Plan

Movd. Councillor P. Kent
Secd. Councillor G. Maxwell

THAT the letter dated August 12, 2005 from Streamline Environmental Consulting Ltd., wherein they provide notification of the development of a Pest Management Plan for the E & N Railway, be received, the contents noted and filed.

Carried.

Movd. Councillor P. Kent
Secd. Councillor S. Jackson

THAT the following items of correspondence, regarding the Pest Management Plan for the E & N Railway, be received, the contents noted and filed:

- Letter dated August 30, 2005 from the CVRD to the E & N Railway Company
- Letter dated September 5, 2005 from Mrs. G. Lilleberg - North Cowichan
- Letter dated September 1, 2005 from Glenn Spicer - North Cowichan
- Letter dated August 28, 2005 from David F. Polster - North Cowichan;

AND THAT the Council of the City of Duncan endorse the resolution of the Cowichan Valley Regional District Board outlined in their August 30, 2005 letter;

AND THAT the subject of the use of pesticides in the City of Duncan be referred to the Parks & Recreation Committee.

Carried.

Federal Minister
of Environment -
Transfer of
Ownership of
Train Station

Movd. Councillor P. Kent
Secd. Councillor M. Caljouw

THAT the letter dated August 29, 2005 from the Honourable Stephane Dion, Minister of the Environment, regarding the proposed transfer of ownership of the Train Station to the Island Corridor Foundation, be received, the contents noted and filed.

Carried.

Reports of Committees, COTW and Commissions

General Purposes Committee

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

Authority for
City to Purchase
Properties at Tax
Sale

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

THAT Council authorize the City Administrator, Paul Douville, to bid on any property or all properties at the September 26, 2005 tax sale for any price up to 75% of the assessed value of each property.

Carried.

Cowichan Centre
Expansion

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

WHEREAS given the indication of support for the "Bold Plan" for the Cowichan Centre Expansion shown in the December 2004 Telephone survey of those taxpayers in areas outside what has been referred to as the "Core" area (e.g. 40% of South End Taxpayers willing to pay \$50 or more);

AND WHEREAS the CVRD Administrator reported at the September 1, 2005 Cowichan Centre Commission meeting, an opportunity exists to further clarify the willingness of all taxpayers to pay for such a facility, during the November Elections;

THEREFORE BE IT RESOLVED THAT the Council of the City of Duncan urge the Board of the Cowichan Valley Regional District and the other Area Municipalities to hold an Opinion Referendum during the November elections to ask the following Two Questions to all Cowichan Valley residents:

Example:

<p>1. Are you in favour of a \$23.3 Million dollar expansion of the Cowichan Centre which includes:</p> <ul style="list-style-type: none"> - A new 25 metre pool (expandable to 50 metre pool); - A new 200 seat NHL sized ice rink; - Water slides and a wave pool - Major upgrades to the current Ice rink (expanding to 2,300 soft seat); - The taxes collected will cover the annual debt and ongoing operating costs <p>Annual cost to an owner of a \$200,000 home in Electoral Area C \$45</p> <p style="text-align: center;"> <input type="checkbox"/> YES <input type="checkbox"/> NO </p>
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The other jurisdictions' opinion referendum questions would read the same, with only the jurisdiction's name and amount changed as below:

Duncan/ North Cowichan/ Electoral Area D and Area E	\$90
Electoral Areas A, B, C, F, G, H, I	\$45
Lake Cowichan/ Ladysmith	\$45

<p>2. Are you in favour of a \$32.5 Million dollar expansion of the Cowichan Centre which includes:</p> <ul style="list-style-type: none"> - A new 50 metre pool; - A new 2,400 seat Olympic sized ice rink; - Water slides and a wave pool - The taxes collected will cover the annual debt and ongoing operating costs <p>Annual cost to an owner of a \$200,000 home in Electoral Area C \$60</p> <p style="text-align: center;"> <input type="checkbox"/> YES <input type="checkbox"/> NO </p>
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The other jurisdictions' opinion referendum questions would read the same, with only the jurisdiction's name and amount changed as below:

Duncan/North Cowichan/ Electoral Area D and Area E	\$120
Electoral Areas A, B, C, F, G, H, I	\$60
Lake Cowichan/ Ladysmith	\$60

Carried.

Finance Committee

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

Official Travel
Planner - Back
Cover Advertising

Movd. Councillor M. Caljouw
Secd. Councillor P. Kent
THAT Council authorize the back cover advertisement of the 2006 Official Travel Planner for \$2,425.50 plus taxes.

Carried.

Warrant No. 7 - 2005

Movd. Councillor P. Kent
 Secd. Councillor M. Caljouw

THAT Warrant No. 07-2005 covering General Account cheque numbers 110068 - 110235 in the total amount of \$2,415,237.94 - Payroll Account - Payroll #14 covering Direct Deposits in the amount of 37,907.29 - Payroll #15 covering cheque numbers 3638 - 3651 and Direct Deposits in the amount of 44,300.49
 GRAND TOTAL \$2,497,445.72
 be ratified.

Carried.

Planning & Priorities Committee

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

386 Beech Avenue
 - Development
 Variance Permit
 Application

Movd. Councillor P. Kent
 Secd. Councillor S. Jackson

THAT Council authorize the commencement of the Public Hearing process for issuance of a Development Variance Permit to consider allowing the proposed Strata Lot A of 386 Beech Avenue (Lot 5, Section 17, Range 7, Quamichan District, Plan 1181; PID# 007-815-565) to have the side yard setback on the south side of the property reduced from 1.5 metres to 1.02 metres.

Carried.

331 Festubert
 Street -
 Development
 Permit

Movd. Councillor P. Kent
 Secd. Councillor M. Caljouw

THAT Council authorize the issuance of a Development Permit for 331 Festubert Street (Am Lot 7, Block 10, Section 17, Range 6, Plan 1063, Quamichan District) subject to the following items:

- Landscaping deposit as per Bylaw 1933
- Paving of the driveways and parking areas.

Carried.

TCH Corridor
 Traffic
 Management Plan

Councillor Kent reminded all members of Council and the general public about the following meetings regarding the Trans Canada Highway Corridor Traffic Management study and Plan:

- CVRD Board Room, 7:30 p.m., September 13, 2005 (all Cowichan Valley politicians invited to attend).
- Travelodge Silver Bridge Inn - Public Open House from 5:30 p.m. to 8:30 p.m., September 20, 2005.

Public Safety & Emergency Services Committee

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

Speeding and
 Traffic Volume
 (East of TCH and
 South of Trunk
 Road)

Movd. Councillor M. Caljouw
 Secd. Councillor P. Kent

THAT the speed limit on Wharncliffe and Marchmont Roads be reduced from 50 km/h to 30 km/h.

Carried.

Building
 Statistics Report
 - August 2005

Movd. Councillor G. Maxwell
 Secd. Councillor M. Caljouw

THAT the Building Statistics Report for August 2005, as presented, be received, the contents noted and filed.

Carried.

Miscellaneous

Councillor Kent reported that the Vancouver Island Regional Library Board and other library jurisdictions across Canada are involved in a postcard campaign to attempt to have Canada Post maintain the current mailing rates for libraries in Canada. He encouraged members of the public to obtain copies of these postcards at the local library and submit them to Canada Post as soon as possible.

Councillor Caljouw reported that he and Deputy Mayor Ken Newcomb were part of the official party at the recent opening of the Cowichan Exhibition.

Mayor Coleman expressed great accolades for the Cowichan 2005 BC Seniors Games Board of Directors and the 1600 volunteers who were involved in the recent excellent staging of the Seniors Games in Cowichan. He said the Board made our community extremely proud.

Bylaws

Zoning Bylaw No.
 1540, 1988,
 Amendment Bylaw
 No.1, No.1987, 2005
 (270 Government St.
 - C-1 to RM-6)

Movd. Councillor G. Maxwell
 Secd. Councillor S. Jackson

THAT "Zoning Bylaw No. 1540, 1988, Amendment Bylaw No. 1, No. 1987, 2005" be reconsidered, finally passed and adopted.

Carried.

New Business

Liquidation World
 - Development
 Permit for
 Exterior Painting

Movd. Councillor S. Jackson
 Secd. Councillor P. Kent

THAT the Development Permit application from Liquidation World for painting the exterior of their building at 107 Ingram Street ((i.e. Front: Phantom Blue with Antique White Trim; East Side and Back: Antique White with Phantom Blue Trim), be denied;

AND THAT the applicants be advised that we could provide a colour consultant to suggest a more esthetically pleasing colour of blue since these are their corporate colours.

Carried.

Special Meeting

Movd. Councillor G. Maxwell
 Secd. Councillor S. Jackson

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

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

Carried.

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

At 9:10 p.m., the following Motion was PUT:

Adjournment

Movd. Councillor M. Caljouw

Secd. Councillor S. Jackson

THAT the Special Meeting of City Council rise;

AND THAT this meeting of City Council do now adjourn.

Carried.

Michael Coleman
Mayor

Paul Douville
Corporate Officer