

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 26, 2005.

Present: Mayor Michael Coleman; Councillors Mike Caljouw, Jenny Farkas, Sharon Jackson, Geoff Maxwell and Ken Newcomb.

Absent With Prior Notice: Councillor Phil Kent.

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 K. Newcomb  
Secd. Councillor S. Jackson

THAT the Agenda for the September 26, 2005 Regular Meeting of City Council be approved.

Carried.

### **Adoption of Minutes**

Minutes

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

THAT the Minutes of the Regular Meeting of City Council held on September 12, 2005 be adopted.

Carried.

### **Introduction of Late Items**

Late Items

The following late items were introduced:

- Delegates to discuss the Downtown Duncan Farmers' Market:
  - Murray McNabb and Max Bossie
- Development Permit for repainting 490 St. Julian Street (New Business Item).

### **Delegations:**

Downtown Duncan Farmers' Market Society

Representing the Downtown Duncan Farmers' Market Society, Karen Graves addressed Council. She requested that their license for the use of the Train Station parking lot for their Saturday Farmers' Markets be renewed effective January 1, 2006 (Council advised them that they would not be renewing their license beyond December 31, 2005).

Among others, Ms. Graves made the following points:

- The best location for a Farmers' Market is the Train Station parking lot and not downtown streets.
- Their Farmers' Market is a unique tourist attraction.

- Their Market leads to interest in downtown businesses and creates shoppers for these businesses.
- Vendors in the City Square Market do not follow their rules.
- Their Market has been named "The Best Market in British Columbia".
- They will lose their benefits if their members have to move to the City Square and City streets (i.e. life insurance, inexpensive telephone rates, medical coverage, etc.).
- Many people travel from out-of-town to attend their Market (Agri-Tourism).
- Their location at the Train Station parking lot is visible and easily accessible.
- Craig Street parking would be lost if the Market moved into the core.
- Their tents would have to be situated along the curbs to provide for emergency vehicle access and the backs of the tents would have to be to the businesses, which would not make the business owners happy.

Also representing the Downtown Duncan Farmers' Market Society, Steve Miller addressed Council.

Among other points, Mr. Miller raised the following:

- They have successfully operated the Farmers' Market in the Train Station parking lot for four years.
- It is well run.
- They have adhered to all City requirements.
- 90% of their patrons come specifically for the Market and 79% of those patrons say they shop elsewhere in Duncan.
- The City Square Market is a success without stopping the Train Station parking lot Market.
- They have 400 form letters signed asking Council to renew the license in the Train Station parking lot.
- The Craig Street parking is right in front of businesses and should not be lost to these businesses.
- They are looking for a win-win solution so that they can remain where they are.
- At peak, they have 70 to 75 vendors, most of which park in the parking lot north of Queens Road.
- They are willing to move these parkers to the Mound parking lot or elsewhere.
- They are also willing to move the Farmers' Market to the north lot to free up the lot adjacent to the Train Station for parking.

- Their customers are outraged at the possibility of their Market moving out of town or even moving a short distance.
- He requested that their license be renewed January 1, 2006.

Representing Yellow Point Cranberries, Murray McNabb of 4695 Yellow Point Road addressed Council. He said that he and his company are concerned about the move from the Train Station. They use a vehicle trailer for marketing their produce and downtown streets would not be as convenient for unloading, loading and leaving early. He said that the Market in the Train Station parking lot is run efficiently.

Max Bossie then addressed Council advising that he has been a vendor in the City Square Market for the last two seasons. He said that the City Square is an excellent nucleus for an expanding Market and that those operating in the Square at the present time are successful. He said that the City Square contains a wonderful stage with an excellent sound system and there is water and electricity throughout. Mr. Bossie added that he sells the best fudge in the world and that people find his outlet because they want to do so. He noted that European Markets are normally located in small cities and their town squares (at times even in remote areas without high visibility which draw numerous shoppers). Mr. Bossie concluded his remarks by advising that people from out-of-town are making unjust demands on Duncan City Council.

All of the delegates were thanked for their presentations and the vast majority of the whole Chamber audience left the meeting.

Mr. Douville reported that he received 87 e-mails regarding the Downtown Duncan Farmers' Market and 37 of them requested that the Market not move from the Train Station parking lot, 45 requested that the Market not be "shut down" and 5 agreed with the move into the City core.

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

Administrator's  
Report

Mr. Douville reported on the following items:

1. Crack sealing is 80% completed with Government Street and Trunk Road being finished.
2. The Rotary Park tennis court restoration is underway this week with completion projected for early October.
3. The Centennial Heights overhead lights finally arrived on September 23 and will be installed on Wednesday and Thursday of this week.

4. The micro-cars/motorcycle parking stalls should be in place within a week.

#### Unfinished Business

Regional Recreation Funding - Opinion Referendum For consideration was a memorandum dated September 22, 2005 from Mayor Coleman.

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

THAT Council endorse an Opinion Referendum to be held on Saturday, November 19, 2005 for City of Duncan voters to consider the following question:

*"Are you in favour of funding existing and future regional recreation facilities within the Cowichan Valley Regional District on a district wide basis with costs shared equally among property owners based on assessed property values?"*

Carried.

Mayor Coleman advised that the Town of Ladysmith and perhaps the Town of Lake Cowichan will be posing similar questions to their electors.

#### Correspondence

DBIAS - Farmers' Market

Movd. Councillor S. Jackson  
Secd. Councillor J. Farkas

THAT the letter dated September 19, 2005 from the Duncan Business Improvement Area Society (DBIAS), wherein they support the closure of the Train Station Farmers' Market and the move into the City Square and downtown streets, be received, the contents noted and filed.

Carried.

Duncan Elks Lodge - Wine Garden

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

THAT the Council of the City of Duncan indicate that they have no objection to Duncan Elks Lodge #69 staging a Wine Garden on their parking lot at 149 Station Street between 10:00 am and 3:00 pm on October 1, 2005 (Saturday) in conjunction with the Duncan-Cowichan Chamber of Commerce Wine Stomp, subject to the required approvals through the RCMP and adherence to the Beer Garden Policy.

Carried.

BC Home & Property Inspection Industry Standards

Movd. Councillor G. Maxwell  
Secd. Councillor K. Newcomb

THAT the letter dated September 12, 2005 from the Canadian Association of Home & Property Inspectors (BC), wherein they express appreciation to Council for their action in seeking home and property inspection industry standards, be received, the contents noted and filed.

Carried.

2005 BC Seniors  
Games - Letter of  
Thanks

Movd. Councillor S. Jackson  
Secd. Councillor J. Farkas

THAT the letter dated September 15, 2005 from the President of the BC Seniors Games Society, wherein he expresses much appreciation for the Cowichan Valley having hosted the 2005 BC Seniors Games, be received, the contents and filed.

Carried.

### Reports of Committees, COTW and Commissions

#### General Purposes Committee

For consideration were the notes of the September 19, 2005 meeting.

Cowichan Place -  
Next Steps  
(Trillium Business  
Strategies Inc.)

Movd. Councillor K. Newcomb  
Secd. Councillor G. Maxwell

THAT Council agree with the proposal outlined in the August 16, 2005 letter from Trillium Business Strategies Inc. regarding Cowichan Place Next Steps.

Carried.

Royal Canadian  
Legion Branch 53 -  
Transfer of Liquor  
License

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

BE IT RESOLVED THAT the Council of the City of Duncan recommends the issuance of a Liquor-Primary License for Royal Canadian Legion, Branch No. 53 at 225 Canada Avenue, Duncan, BC since the proposed venue would be a vibrant and exciting addition to downtown Duncan and an economic generator for the local economy;

AND THAT the Council's comments on the prescribed considerations are as follows:

- o The location of the establishment - The location is in a commercial area that is removed from nearby residences and is suitable for a late night entertainment venue where minimal street noise at closing time can be anticipated (Note: The property is zoned C-1 (General Commercial) which accommodates this use).
- o The proximity of the establishment to other social or recreational facilities and public buildings - The only nearby social, recreational and public buildings and facilities do not conflict with the operation of an entertainment and social club venue.
- o The person capacity and hours of liquor service of the establishment - The maximum person capacity of 75 with closing hours of midnight Sunday through Thursday and 1:00 a.m. on Friday and Saturday are acceptable.
- o The number and market focus or clientele of liquor-primary license establishments within a reasonable distance of the proposed location - The Elks Club premises one(1) block away from the new Legion premises is a

complementary and very similar operation. There is no conflict between these two establishments.

- o Traffic, noise, parking and zoning - The establishment is not expected to negatively affect traffic patterns and noise is not expected to be an issue because of the small size and hours. The applicant has met the requirements of the zoning bylaw with regard to zoning, road access and parking.
- o Population, population density and population trends - The population for the community at 4,699 for Duncan, 70,000 for the Cowichan Valley and 100 within 60 metres (200 feet) of the establishment and with a growth rate of 3% supports the location transfer of this licensed establishment.
- o Relevant socio-economic information - The contravention rates for surrounding establishments are less than the provincial average and does not indicate a problem with over-proliferation of licensed establishments in the community. The community has an unemployment and income assistance rate that is lower than the provincial average and a growing tourism industry based on eco-tourism and totem tours.
- o The impact on the community if the application is approved - If the application is approved, the impact is expected to be positive in that it will support growth in tourism, provide more downtown shoppers and offer a new social venue for club members and guests;

AND THAT the Council's comments on the views of residents are as follows:

- o The views of residents and businesses within a 60 metre radius of 225 Canada Avenue (200 feet; i.e. Council Policy) were sought by way of a door-to-door Poll. 24 signatories were in favour of the liquor license transfer to the Canada Building and 4 signatories were opposed (Fetal Alcohol Syndrome Society, another tenant in the Canada Building concerned about evening security and 2 others without stating reasons).

Carried.

BIKEWORKS - UBCM  
Community Health  
Promotion

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

THAT the Council of the City of Duncan support the pilot project expression of interest from BIKEWORKS - "Health is Connection" received September 19, 2005 relating to the UBCM Community Health Promotion.

Carried.

Finance Committee

For consideration were the notes of the September 19, 2005 meeting.

Cowichan Valley  
Association for  
Community Living -  
Permissive Tax  
Exemption

Movd. Councillor K. Newcomb  
Secd. Councillor G. Maxwell

THAT in response to the September 19, 2005 letter from the Cowichan Valley Association for Community Living, wherein they request permissive property tax exemptions for 346 Campbell Street and 749 Marchmont Road, Council advise that this request is denied.

Carried.

Planning & Priorities Committee

For consideration were the notes of the September 19, 2005 meeting.

Arbutus Cafe (195  
Kenneth Street -  
Mural/Sign)

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

WHEREAS the Sign Bylaw is not yet concurrent with the new Downtown Design Guidelines (note: new Sign Bylaw is being processed);

AND WHEREAS the "Arbutus Cafe" sign graphic is not covered by City mural standards;

THEREFORE BE IT RESOLVED THAT a Development Permit be authorized for the stylized "Arbutus Cafe" wall mural on the west wall of their building.

Carried.

Liquidation World -  
Development Permit  
(Repainting)

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

THAT a Development Permit be issued to Liquidation World for the repainting of their store on Ingram Street as outlined in their September 19, 2005 e-mail subject to them applying for a Sign Permit and subject to proper completion of the north wall of the building.

Carried.

Public Safety & Emergency Services Committee

For consideration were the notes of the September 19, 2005 meeting.

Traffic Calming  
(East of TCH and  
South of Trunk  
Road) - Terms of  
Reference for RFP

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

THAT Council approve of the Terms of Reference for the proposed Traffic Calming Study for the area east of the Trans Canada Highway and south of Trunk Road.

Carried.

Miscellaneous

Councillor Newcomb reported on the following items:

- On September 20, he and Councillor Kent participated in the Trans Canada Highway Corridor Traffic Management Plan Open House at the Travelodge Silver Bridge Inn. He said this event was very well attended and good

feedback was received from the members of the public that attended. He outlined some of the concepts included in the report and it was noted that the entire presentation is in the City website and is available at the public Library.

- He also attended and participated at the official opening of the Cowichan Exhibition on September 9, 2005. He did so as Deputy Mayor.
- On September 20, as Deputy Mayor he participated in the 15<sup>th</sup> Annual General Meeting of the Cowichan Valley Association for Community Living.

Councillor Jackson reported that on September 22, she participated in the China Youth Meet and Greet organized by the Canada World Youth Organization. Councillor Jackson reminded all members of Council that at 6:30 p.m. on October 2, 2005, there will be the Breast Cancer Candlelight Ceremony in the Duncan City Square.

Councillor Farkas reported on the Community Advisory Forum (air quality issues). She advised that Committees have now been formed and are working on specific issues. She noted that since she is not running again for City Council, a new Council representative will be required following the upcoming November 19, 2005 Election.

### **Bylaws**

Exemption from  
Taxation Bylaw No.  
1991, 2005 (Not-  
for-Profit/Places  
of Worship)

Movd. Councillor S. Jackson  
Secd. Councillor K. Newcomb  
THAT Council give leave to Councillor Maxwell to introduce "City of Duncan Exemption from Taxation Bylaw No. 1991, 2005 (Not-for-Profit/Places of Worship)".

Carried.

Movd. Councillor G. Maxwell  
Secd. Councillor S. Jackson  
THAT "City of Duncan Exemption from Taxation Bylaw No. 1991, 2005 (Not-for-Profit/Places of Worship) be read for the first time.

Carried.

Movd. Councillor M. Caljouw  
Secd. Councillor J. Farkas  
THAT "City of Duncan Exemption from Taxation Bylaw No. 1991, 2005 (Not-for-Profit/Places of Worship) be read for the second time.

Carried.

Movd. Councillor K. Newcomb  
Secd. Councillor G. Maxwell  
THAT "City of Duncan Exemption from Taxation Bylaw No. 1991, 2005 (Not-for-Profit/Places of Worship) be read for the third time.

Carried.

Mayor Coleman asked the Administrator to check whether 162 First Street has been sold by the Anglican Church.

Exemption from  
Taxation Bylaw No.  
1992, 2005 (Station  
Street Park)

Movd. Councillor M. Caljouw  
Secd. Councillor J. Farkas  
THAT Council give leave to Councillor  
Newcomb to introduce "City of Duncan  
Exemption from Taxation Bylaw No. 1992, 2005  
(Station Street Park)".

Carried.

Movd. Councillor K. Newcomb  
Secd. Councillor S. Jackson  
THAT "City of Duncan Exemption from  
Taxation Bylaw No. 1992, 2005 (Station  
Street Park)" be read for the first time.

Carried.

Movd. Councillor G. Maxwell  
Secd. Councillor J. Farkas  
THAT "City of Duncan Exemption from  
Taxation Bylaw No. 1992, 2005 (Station  
Street Park)" be read for the second time.

Carried.

Movd. Councillor M. Caljouw  
Secd. Councillor S. Jackson  
THAT "City of Duncan Exemption from  
Taxation Bylaw No. 1992, 2005 (Station  
Street Park)" be read for the third time.

Carried.

Exemption from  
Taxation Bylaw No.  
1993, 2005

Movd. Councillor G. Maxwell  
Secd. Councillor S. Jackson  
THAT Council give leave to Councillor  
Farkas to introduce "City of Duncan  
Exemption from Taxation Bylaw No. 1993, 2005  
(Train Station Museum)".

Carried.

Movd. Councillor J. Farkas  
Secd. Councillor S. Jackson  
THAT "City of Duncan Exemption from  
Taxation Bylaw No. 1993, 2005 (Train Station  
Museum)" be read for the first time.

Carried.

Movd. Councillor M. Caljouw  
Secd. Councillor K. Newcomb  
THAT "City of Duncan Exemption from  
Taxation Bylaw No. 1993, 2005 (Train Station  
Museum)" be read for the second time.

Carried.

Movd. Councillor G. Maxwell  
Secd. Councillor S. Jackson  
THAT "City of Duncan Exemption from  
Taxation Bylaw No. 1993, 2005 (Train Station  
Museum)" be read for the third time.

Carried.

**New Business**

Development Permit  
- 490 St. Julian  
Street (Repainting)

Movd. Councillor G. Maxwell  
Secd. Councillor K. Newcomb

THAT a Development Permit be issued authorizing 706975 BC Ltd. (Don & Natalie Hatton) to paint their three (3) concrete block structures at 490 St. Julian Street (i.e. TCH Corridor Development Permit Area) utilizing the colours "Dovetail" (beige; main colour), "Midnight Garden" (green; metal trim and door colour) and "Crystal" (off-white; mini-storage lettering and unit numbers).

Carried.

Councillor Farkas advised that she is drafting a RFP for membership on an Advisory Design Panel.

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 legal and personnel 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 8:50 p.m., City Council resolved into Special Meeting.

At 9:05 p.m., the following Motion was PUT:

Adjournment

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

THAT the Special Meeting of City Council rise;

AND THAT this meeting of City Council do now adjourn.

Carried.

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Michael Coleman  
Mayor

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Paul Douville  
Corporate Officer