

## 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 7:36 pm on Monday, January 22, 2007.

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

**Absent with Notice** Councillor Ken Newcomb

**Also Present** Tom Ireland – Chief Administrative Office  
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 Jackson  
Seconded Councillor Caljouw  
R-14-07 **That** the agenda be approved as circulated.

**CARRIED**

### **Adoption of Minutes**

**Minutes of Regular Meeting of January 8, 2007** Moved Councillor Cadorette  
Seconded Councillor Winfrey  
R-15-07 **That** the minutes of the Regular Council meeting of January 8, 2007 be adopted.

**CARRIED**

**January 15, 2007 Committee of the Whole Report** Moved Councillor Jackson  
Seconded Councillor Caljouw  
R-16-07 **That** the report from the January 15, 2007 Committee of the Whole meeting outlining the following recommendations to Council be adopted:

1. **That** the CAO approach Mr. Jones and report back to council on the right of way locations, parking and fully landscaping the area beside Trunk Road.
2. **That** request for a graffiti wall for Aids in Tanzania and the topic of graffiti be referred to next meeting.

3. **That** the City of Duncan donate a collection of books about the Duncan area to the BC Forest Discovery Centre Silent Auction.
4. **That** the Heart and Stroke Foundation be authorized to hang a banner on the south side of the City by the Silver Bridge proclaiming "February is Heart Month".
5. **That** the Garden Pals be authorized to use the Jubilee Community Garden portion of Centennial Park;  
**And That** a grant of \$400 be paid to Garden Pals.

CARRIED

**Minutes –  
January 15, 2007  
Committee of the  
Whole**  
R-17-07

Moved by Councillor Cadorette  
Seconded by Councillor Jackson  
**That** the minutes of the January 15, 2007 Committee of the Whole meeting be adopted.

CARRIED

### **Introduction of Late Items**

**Late Items**  
R-18-07

Moved Councillor Jackson  
Seconded Councillor Winfrey  
**That** the report from the CAO regarding Bylaws 2008 and 2009 and amended bylaws 2008 and 2009 be added to Section 11 of the agenda.

CARRIED

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

**CAO Report**

The CAO reported that servicing installations are ongoing and that the I and I project is 100% complete; design is ongoing for Duncan and Brae Streets. Routine pothole and road maintenance is ongoing. A snow removal policy is being worked on. The CAO attended a legal seminar in Nanaimo last Friday with the Director of Finance.

### **Correspondence**

**Jones  
Development  
Corporation**  
R-19-07

Moved Councillor Jackson  
Seconded Councillor Cadorette  
**That** the letter to Jones Development Corporation, dated January 16, 2007 be received.

CARRIED

**Jones  
Development  
Corporation**  
R-20-07

Moved by Councillor Jackson  
Seconded by Councillor Caljouw  
**That** the letter from Jones Development Corporation, dated January 17, 2007, be received.

CARRIED

**Drawings – Jones Development Corporation**  
R-21-07

Moved by Councillor Winfrey  
Seconded by Councillor Jackson  
**That** drawings A0.3[1], A0.3[2], A0.3[3], A3.1, and A3.2 received January 18, 2007, be received.

CARRIED

**Kidney Foundation**  
R-22-07

Moved by Councillor Jackson  
Seconded by Councillor Cadorette  
**That** March be proclaimed as Kidney Month in the City of Duncan.

CARRIED

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

**Mayor and Council Reports**

Mayor Kent reported that on January 9, the City had a meeting with SD 79, Malaspina and North Cowichan regarding the development of Cowichan Place. A subsequent press release was issued. There is a meeting on January 23 to continue with this project. Mayor Kent also attended the social planning open house for the proposed homeless shelter. An open house will be at 4 pm on Thursday, January 25, 2007 regarding a location and further discussion around design. Mayor Kent attended the January 10 CVRD board meeting wherein committee appointments occurred and he is now Chairperson of Cowichan Safer Futures. An open house for the Cowichan Basin Plan will be this Thursday with a presentation for Council and staff earlier in the day. Council and Staff met with Cowichan Tribes regarding the traffic plan study for Trunk Road, Government Street and Canada Avenue on January 10 wherein the project engineer presented various options. We are awaiting a response from the Cowichan Tribes on the preferred recommendations. Mayor Kent was pleased to announce that on January 11 Councillor Winfrey was elected chair of Cowichan Centre Commission. Mayor Kent presented certificates of participation to the Scared Straight Crystal Meth Tour group on January 15. Councillor Cadorette attended the January 9 Chamber of Commerce Board meeting. Councillor Cadorette and Councillor Jackson attended the social planning open house for the homeless shelter with the Mayor.

### **Reports of Staff**

**Biodiesel Use in City Vehicles**  
R-23-07

Moved Councillor Jackson  
Seconded Councillor Winfrey  
**That** the City of Duncan begin using biodiesel in all diesel engines as soon as possible.

CARRIED

**Duncan Train Station – Painting**

R-24-07

Moved by Councillor Caljouw  
Seconded by Councillor Jackson

**That** the City of Duncan support the Cowichan Historical Society application to the Heritage Legacy Fund of BC for funding to assist in refurbishing the exterior of the Duncan Train Station, constructed in 1912;

**And That** the City of Duncan commit \$3000 in funding to assist in refurbishing the exterior of the Duncan Train Station;

**And That** the City of Duncan request the District of North Cowichan and the CVRD to consider like contributions to the Cowichan Historical Society for similar heritage projects.

CARRIED

**Bylaws**

**Bylaws 2008 and 2009**

R-25-07

Moved by Councillor Jackson  
Seconded by Councillor Winfrey

**That** Mr. Jones be offered the opportunity to address Council with regards to bylaws 2008 and 2009.

CARRIED

Mr. Jones presented his plan amendments. The issues boil down to two or three issues: The site layout changes suggesting we move the building closer to Coronation. Mr. Jones wishes to maintain the connections for the residents and the need for the meals to be shipped to the pods [hard on staff and to keep the meals warm] therefore the service kitchen must be kept close. To offset this he proposes to move the buildings south, to enhance the landscaping strip and to relocate the sidewalk along Coronation. There will be a pedestrian access from Coronation with varied texture and colour – this will require a one parking stall variance. Mr. Jones stressed the need to keep the all weather connection. The connections can be awning style to accommodate the right of way requirements. We will landscape the area on the corner of Trunk and Bundock. The parking stall widths have been adjusted to comply with the bylaws and Mr. Jones agrees with servicing requirements of the City and has budgeted for the costs.

The right of way for the servicing for storm and sanitary will go between the buildings but there will be a narrow right of way width along the westerly property line and he can do 2.4 m ROW. It was asked if this could be accommodated by sliding the buildings toward Bundock street. Mr. Jones is in discussions with Centra Gas regarding relocation of the gas ROW.

The parking lot across the street will require rezoning and Mr. Jones would prefer the multi family use along with parking as a principle use

as part of that rezoning process.

The distance to the driveway from Trunk Rd. and Coronation: one is right in right out only and is 15 from the curb line.

The lot across the street will hold 45 cars therefore a parking variance of 8 spaces overall will be required. It could accommodate 12 units of multi family housing.

Councillor Jackson asked if it was possible to move the buildings closer to Bundock by two feet to accommodate the ROW. The loss of two feet of landscaping at the front would be ok.

Councillor Fletcher asked about the significant loss of green space, trees and permeable surface. He is concerned about the overbuild especially when comparing to the Cerwydden development. He is uncomfortable with the urgency that is being pressed upon Council and wishes to see the VIHA deadline in writing. He wished clarification on the parking lot access. The CAO advised the bylaw is not clear in this regard. Councillor Fletcher was concerned about bargaining with a variance as it is his opinion the building is too large for the lot and more green space is lost.

Councillor Caljouw asked about the ROW and expressed concern about equipment being able to do work.

The CAO asked about obtaining the additional ROW from the adjacent property owners. Mr. Jones advised that he had not contacted the adjacent owners.

Mr. Jones granted that the building is large but that it does conform. We do not want to go over two stories. We meet everything else but the side yard setbacks; the character of the building is low scale and not imposing and the project is cleaning up a really crappy block. Cerwydden is a suburban project and ours is an urban project on an urban site. The impervious surface is inevitable to keep the costs down. There is still a considerable amount of green and that from the streetscape it will look nice. Mr. Jones advised that this is not a rush as the application was filed in July and he is getting calls once a month from the Ministry of Health.

The CAO asked about the storm and sewer right of ways and the opportunity to pump. Mr. Jones advised that this question could be asked of the civil engineers.

**Report from the  
CAO regarding  
Bylaws 2008 and  
2009**

R-26-07

Moved by Councillor Caljouw  
Seconded by Councillor Winfrey

**That** Council receive and accept all of the recommendations and requirements outlined in the January 22, 2007 report from the CAO;  
**And That** Council rescind third reading of Bylaws 2008 and 2009 and that those Bylaws be amended by adding clauses that would have them come into force and effect on February 8, 2007 [in order to give

staff and the developer time to have the appropriate documentation such as covenants and any necessary works and services agreements prepared]. Council should then give Bylaws 2008 and 2009 third reading and final adoption as amended. If the appropriate documentation is not prepared and executed at the developer's cost within that time frame, a special meeting of Council could be held and the Mayor could request reconsideration of the bylaws.

CARRIED

**Rights of Ways –  
Jones  
Development  
Corporation**

Discussion over the location of the ROW's followed. The CAO advised that this would be resolved through the development variance application process. The CAO advised that the City is acting in good faith.

**OCP Amendment  
Bylaw 2008**

R-27-07

Moved Councillor Jackson  
Seconded Councillor Cadorette  
**That** 3<sup>rd</sup> reading of City of Duncan Community Plan Bylaw No 1762, Amendment Bylaw No. 2008, 2006 be rescinded;  
**And That** City of Duncan Community Plan Bylaw No 1762, Amendment Bylaw No. 2008, 2006 be amended by adding the following as section 5:  
"5. This Bylaw shall come into full force and effect on February 8, 2007."  
**And That** City of Duncan Community Plan Bylaw No 1762, Amendment Bylaw No. 2008, 2006 be given third reading as amended and be adopted.

CARRIED

**Zoning  
Amendment  
Bylaw 2009**

R-28-07

Moved by Councillor Winfrey  
Seconded by Councillor Jackson  
**That** 3<sup>rd</sup> reading of Zoning Bylaw No. 1540, 1988, Amendment Bylaw No. 2009, 2006 be rescinded;  
**And That** Zoning Bylaw No. 1540, 1988, Amendment Bylaw No. 2009, 2006 be amended by adding the following as section 4:  
"4. This Bylaw shall come into full force and effect on February 8, 2007."  
**And That** Zoning Bylaw No. 1540, 1988, Amendment Bylaw No. 2009, 2006 be given third reading as amended and be adopted.

CARRIED

**Question Period**

Councillor Winfrey asked about the snow clearing and snow removal process and whether staff had taken steps to clarify this with the public. The CAO advised that specific leaseholders will be clearing

the snow from now on. The CAO would like to run an ad in the paper and to develop a process that is consistent from year to year. Hand delivered notices will go out along the TCH.

Councillor Fletcher asked about the previous discussions on this matter at a committee meeting and whether staff has moved on this issue. The CAO advised that some progress has been made with regards to this policy. Reports from public works are expected shortly.

Councillor Caljouw asked about the state of the potholes throughout the city as Council has been advised that the works are ongoing but it does not appear the holes are being fixed, especially in front of the old Baljet site. The CAO will follow up.

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

#### **Closed Session**

R-29-07

Moved Councillor Jackson

Seconded Councillor Winfrey

**That** this regular council meeting be closed to the public to consider Property Issues as per Section 90[1][e ] the *Community Charter*.

**CARRIED**

### **Adjournment**

#### **Adjournment**

R-30-07

Moved Councillor Winfrey

Seconded Councillor Jackson

**That** this meeting be adjourned.

**CARRIED**

The meeting adjourned at 8.55 p.m.

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Phil Kent  
Mayor

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Cheryl Wirsz  
Director of Corporate Services