

DISTRICT OF SOOKE

Minutes of the Regular Meeting of Council
held in the Council Chamber
at 2225 Otter Point Road, Sooke, BC
March 28, 2011 at 7:00 p.m.

COUNCIL PRESENT

Mayor Janet Evans
Councillor Sheila Beech
Councillor David Bennett
Councillor Bev Berger
Councillor Ron Dumont
Councillor Herb Haldane
Councillor Maja Tait

STAFF PRESENT

Bonnie Sprinkling, Corporate Officer
Sue-Lin Tarnowski, Acting Director of Finance
Gerard LeBlanc, Planner
Al Fontes, Manager of Operations
Elisabeth Nelson, Municipal Engineer
Steve Sorensen, Fire Chief
Lisa Urlacher, Council Clerk
Medea Mills, Bylaw Enforcement Officer
Staff Sgt. Steve Wright

CALL TO ORDER

Mayor Evans called the meeting to order at 7:00 p.m.

APPROVAL OF THE AGENDA

MOVED and seconded to add the following items to the agenda as new business:

- RA-2 Food Primary Liquor Licence Application – Prestige Hotel
- PH-1 Supplemental Information

CARRIED UNANIMOUSLY

ADOPTION OF MINUTES

MOVED and seconded that the minutes of the Regular Council meeting held on March 14, 2011 be adopted as amended that Councillor Bennett was absent.

CARRIED UNANIMOUSLY

MOVED and seconded that the minutes of the Committee of the Whole meeting held on March 21, 2011 be adopted as circulated.

CARRIED UNANIMOUSLY

MINUTES FOR INFORMATION

MOVED and seconded that the following minutes be received for information:

March 1, 2011	Protective Services Committee (Workshop)
March 1, 2011	Protective Services Committee
March 8, 2011	Zoning Bylaw Technical Review Committee
March 10, 2011	Sooke Program of the Arts
March 10, 2011	Sooke Economic Development Commission
December 8, 2010	Capital Regional Hospital District Board
February 16, 2011	Capital Regional District Board

CARRIED UNANIMOUSLY

PUBLIC QUESTION AND COMMENT PERIOD

Ellen Lewers, resident, enquired as to the recommendation to acquiring a new vehicle for Bylaw Enforcement and commented on the proposed changes to the Noise Bylaw regarding the difficulty with barking dogs and residents who do shift work.

PUBLIC HEARINGS AND RELATED BYLAWS

PH-1 Bylaw No. 447, *Phillips Phased Development Agreement Authorization Bylaw, 2010* – 2830 Phillips Road

MOVED and seconded to reconvene the Public Hearing for Bylaw No. 447, *Phillips Phased Development Agreement Authorization Bylaw, 2010* – 2830 Phillips Road
CARRIED UNANIMOUSLY

Mayor Evans called the Public Hearings for Bylaw No. 447, *Phillips Phased Development Agreement Authorization Bylaw, 2010* to order at 7:07 p.m.

Mayor Evans advised that any person who believes that their interest in property is affected by the proposed bylaws would be given a reasonable opportunity to be heard or to present written submissions at the public hearings.

Gerard LeBlanc gave a PowerPoint presentation and summary of the phased development agreement as to the requested amendments. It was noted that necessary and reasonable access to lands beyond was provided for with the subdivision of the Fernwood property. Also noted was that the owners of Lots 2-6 remain able to access their properties by private easements. Mr. LeBlanc concluded that the existing road dedication will be augmented with the additional dedication adjacent to the existing road right of way offered by the applicant at the time of subdivision.

Public Submissions:

Scott Kendrew, applicant, expressed that there is a lot of confusion and misinformation regarding this proposal. Mr. Kendrew explained the history of the private easements dating back to 1978 which enables access to the lands beyond. Mr. Kendrew clarified that access is not being denied to the lands beyond. Mr. Kendrew further explained that the private access across his property will continue to exist. Mr. Kendrew stated that he will still develop the 30 acre property the way it is with perhaps four on tens dependant on the terrain and expressed that he wants to do what is reasonable.

It was noted that at one time all properties on Phillips Road were land locked as the road was private until gazetted. An enquiry as to whether the gate at the bottom of the road dedication will remain. Staff stated that it will be considered at the time of subdivision.

Peter Brown-Schmidt, relative of adjacent property owner of lot 2, read and submitted a statement on behalf of Douglas Christie (owner of lot 4) expressing concern as to the amendments for servicing conditions which represents a breach of a previous commitment.

Terrance Martin, South Island Recreation Association, asked for clarification as to whether it is a private easement, right-of-way or part of a road dedication. Staff indicated that it will remain a private easement.

Mr. Martin stated objection and noted the letter from the Province which indicated their desire for access. Mr. Martin expressed concern as to the lands beyond being land-lacked and commented on the disingenuous approach. Mr. Martin pointed out what constitutes a legal highway and when a private road becomes a highway. Mr. Martin indicated that the service road is registered at land titles office which is an acceptance of a road dedication signed by a municipal engineer. Mr. Martin asked staff to confirm that the access needs to be maintained by the District. Mr. Martin referred to his submission and noted the indicated dedication and requested that Council consider his request for road dedication.

Mayor Evans called three times for submissions to the Public Hearings for Bylaw No. 447, *Phillips Phased Development Agreement Authorization Bylaw, 2010* Hearing none, she closed the public hearing at 7:34 pm.

MOVED and seconded that Bylaw No. 447, *Phillips Phased Development Agreement Authorization Bylaw, 2010* be read a third time.

CARRIED **Councillor Haldane opposed the motion**

A discussion ensued involving members of Council, staff and the applicant as to the landowners beyond regarding access.

BYLAWS

B-1 Bylaw No. 485, *Noise Control Bylaw, 2011*

Bonnie Sprinkling provided an overview of the housekeeping amendments and the wording to strengthen the ability for bylaw enforcement. Council discussed the regulatory bylaw and the following amendments were agreed to by general consensus:

- Consistency with times for construction and yard work
- Consistency and clarity of prohibited times
- Section 3.2 (g)“ in any residential area”

MOVED and seconded that Bylaw No. 485, *Noise Control Bylaw, 2011* be introduced and read a first time.

CARRIED UNANIMOUSLY

MOVED and seconded that Bylaw No. 485, *Noise Control Bylaw, 2011* be read a second time.

CARRIED UNANIMOUSLY

MOVED and seconded that Bylaw No. 485, *Noise Control Bylaw, 2011* be read a third time.

CARRIED UNANIMOUSLY

REPORTS REQUIRING ACTION

RA-1 Appointment of Election Officials

MOVED and seconded to appoint Thomas F. Moore as Chief Election Officer for conducting the 2011 general local elections with power to appoint other election officials as required for the administration and conduct of the 2011 general local election.

AND THAT COUNCIL appoint Bonnie Sprinkling as Deputy Chief Election Officer for the 2011 general local election.

CARRIED UNANIMOUSLY

RA-2 Food Primary Liquor Licence Application – Prestige Hotel

MOVED and seconded to support the food primary liquor licence application by Prestige Hotel & Resort located on West Coast Road, including the entertainment functions and hours of operation noted in their licence application.

CARRIED UNANIMOUSLY

REPORTS FOR INFORMATION

RI-1 Mayor and Council Reports

No reports received.

RI-2 Committees/COW/Commissions Reports:

Committee of the Whole recommendation - March 21, 2011

MOVED and seconded to present the draft Zoning Bylaw as amended to the public for review and consultation.

CARRIED UNANIMOUSLY

Sooke Program of the Arts recommendation - March 10, 2011

MOVED and seconded to approve the purchase of artwork not to exceed \$7,000 for interpretive signage in the boardwalk and access walkway.

CARRIED UNANIMOUSLY

Protective Services recommendation – March 1, 2011

MOVED and seconded to postpone the discussion for budgeting for a dedicated vehicle for Bylaw Enforcement with emergency equipment;

AND TO direct staff to bring forward a report regarding costs, usage and allocation of a municipal fleet vehicle.

CARRIED UNANIMOUSLY

Sooke Economic Development recommendation – March 10, 2011

MOVED and seconded to endorse the Sooke Economic Development Commission 2011 Strategic Plan and Budget.

CARRIED UNANIMOUSLY

RI-3 Council Reader File – February 2011

MOVED and seconded to receive the Council Reader File for February 2011 for information.

CARRIED UNANIMOUSLY

CORRESPONDENCE AND COUNCIL REPORTS FOR INFORMATION

I-1 TELUS Corporation

MOVED and seconded to receive and file the correspondence received for the TELUS Corporation.

CARRIED UNANIMOUSLY

NOTICES OF MOTION

MN-1 Councillor Haldane Notice of Motion - meeting of March 14, 2011

MOVED and seconded to direct staff to engage an independent company to evaluate the current condition and future capability of the District of Sooke wastewater collection and treatment system.

DEFEATED

ADJOURNMENT

MOVED and seconded to adjourn the meeting at 8:58 p.m.

CARRIED UNANIMOUSLY

Certified Correct:

Janet Evans
Mayor

Bonnie Sprinkling
Corporate Officer