

DISTRICT OF SOOKE

Minutes of the Regular Meeting of Council
held in the Council Chamber
at 2225 Otter Point Road, Sooke, BC
on April 11, 2011
6:00 p.m., Closed Portion, Council Chamber
7:00 p.m., Open Portion, Council Chamber

COUNCIL PRESENT

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

STAFF PRESENT

Evan Parliament, Chief Administrative Officer
Bonnie Sprinkling, Corporate Officer
Sue-Lin Tarnowski, Deputy Director of Finance
Gerard LeBlanc, Planner
Elisabeth Nelson, Municipal Engineer
Steve Sorensen, Fire Chief
Lisa Urlacher, Council Clerk

ABSENT: Councillor Bev Berger

CALL TO ORDER

Mayor Evans called the meeting to order at 6:00 p.m. in the Council Chamber.

MOTION TO CLOSE THE MEETING TO THE PUBLIC

MOVED and seconded to close the meeting to the public under section 90 of the *Community Charter* to discuss:

90 (1) (e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;

90 (1) (l) discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [*annual municipal report*].

CARRIED UNANIMOUSLY

CALL TO ORDER – Open Portion

Mayor Evans called the open portion of the Regular Council meeting to order at 7:00 p.m. in the Council Chambers.

APPROVAL OF THE AGENDA

MOVED and seconded to approve the agenda with the addition of the following New Business and Supplemental Information:

NB-1 Food Primary Liquor Licence Application – Prestige Hotel

- Letter received from Ellen Smith

NB-2 Correspondence received from Intermunicipal Advisory Committee on Disability Issues – Terms of Reference

- NM-1 Mayor to acknowledge Notice of Motion by Councillor Ron Dumont for consideration by Council at the April 26th, 2011 Regular Council meeting (section 41 of the Council Procedure Bylaw).
“THAT COUNCIL direct staff to negotiate with the Sooke Horse Shoe Club to establish a horse-shoe club and pitches for the community on a portion of the new park on Sooke River Road across from Fred Milne Park.”
- B-2 Bylaw No. 488, Fees Bylaw, 2011
- Email received from Jennifer Rodd on April 11, 2011
- P-2 Development Permit Application (with one proposed variance) 2191 Townsend Road
- Email received from Victoria Lougheed on April 7, 2011
- CARRIED UNANIMOUSLY**

ADOPTION OF MINUTES

MOVED and seconded that the minutes of the Special Council meeting held on February 17, 2011 be adopted as circulated.
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

MOVED and seconded that the minutes of the Committee of the Whole meeting held on March 23, 2011 be adopted as circulated.
CARRIED UNANIMOUSLY

MOVED and seconded that the minutes of the Special Council meeting held on March 23, 2011 be adopted as circulated.
CARRIED UNANIMOUSLY

MOVED and seconded that the minutes of the Regular Council meeting held on April 4, 2011 be adopted as circulated.
CARRIED UNANIMOUSLY

MOVED and seconded that the minutes of the Committee of the Whole meeting held on April 4, 2011 be adopted as circulated.
CARRIED UNANIMOUSLY

MOVED and seconded that the minutes of the Special Council meeting held on March 28, 2011 be adopted as circulated.
CARRIED UNANIMOUSLY

MINUTES FOR INFORMATION

MOVED and seconded that the following minutes be received for information:
 March 24, 2011 Board of Variance
 February 23, 2011 CRD Planning, Transportation and Protective Services Committee
CARRIED UNANIMOUSLY

PUBLIC QUESTION AND COMMENT PERIOD

Dyck Thut, resident, expressed traffic concerns and stated that thru arteries need to be created to control traffic congestion.

Sandra Nelson, president of Sooke Minor Fastball and the secretary of Sooke Minor Hockey expressed concern as to the proposed fee to charge \$10 to volunteers for criminal record checks. Ms. Nelson explained that Hockey Canada and Fastball Canada mandate the local clubs to obtain criminal record checks when working with and being affiliated with youth. Ms. Nelson expressed that it is difficult to obtain and maintain volunteers and stated that the increasing costs within sports are downloaded onto the families. Ms. Nelson stated that the fee increase will affect over 100 persons within Fastball and Hockey alone.

A discussion ensued regarding the sport associations requirements and procedures as to one criminal record check submitted for each association. It was clarified that the criminal record checks are valid for receipt for 3 months and held in each organization for a two year period.

Ms. Nelson stated that youth sports are expensive and need to be kept within reason for Sooke families. Ms. Nelson explained that each volunteer would have to pay personally when handing in the form and then be reimbursed by the association.

David Mallet, resident, expressed support for the proposed fee increase for criminal record checks and suggested that the funds go back to the sport associations and community through the Sooke Community and Police Consultative Society.

Shaun Welters, commented on the proposed increase in fees for criminal record checks and suggested that the standard fee be increased to offset the volunteer so that they can remain free of charge.

PUBLIC INPUT

Mayor Evans advised that these public input meetings are being held to allow the public an opportunity to make submissions to Council on these particular items on the agenda.

P-1 Development Variance Permit -6907 Sellars Drive

Gerard Leblanc gave a PowerPoint presentation as to the proposed variance for water supply at 6907 Sellars Drive. Mr. LeBlanc highlighted the reasons for staff not supporting the application.

Council inquired as to the cost to extend the water line, latecomer fee agreements and the length required. It was explained that the cost is significant, latecomer fee agreements can be considered and the length of line to be extended would be 0.9km

Randy Clarkston, representation the applicant, explained that this is a family subdivision under Section 946 of the *Local Government Act*, and that the he believed that the intent of

Bylaw No. 65 is that family subdivisions be excluded from the requirement. Mr. Clarkston referred to a previous development across the road in which Section 946 applied which was signed off by the approving officer. Mr. Clarkston expressed that properties that stay within rural zoning do not require municipal water unless the density changes. Mr. Clarkston stated that the cost to bring in CRD water is more than the property is worth.

Public Input:

Sean Welters, resident, commented that “latecomers” is a manipulative term as it applies to the diameter of which you would require for residential use not the required dimension to supply further residents. It was further explained that CRD Water Services requires an 8” diameter pipe and once the pipe is loaded with water CRD Water Services owns the infrastructure. Mr. Welters stated that the latecomers fee is not a viable solution.

MOVED and seconded to issue the Development Variance Permit PLN00863 for 6907 Sellars Drive, legally described as Lot 21, Section 36, Sooke District, Plan 1525 to vary Schedule A of the *Subdivision and Development Standards Bylaw* from a Service Level 3 where each parcel must be serviced by a water supply provided by the CRD, to a Service Level 1 requiring that each lot have an individual well constructed on it.

CARRIED UNANIMOUSLY

Council asked that the bylaw be amended to remove CRD water and replace it with city water.

P-2 Development Permit Application (with one proposed variance) 2191 Townsend Road (St. Rose of Lima Church)

Gerard Leblanc gave a PowerPoint presentation over viewing the staff report.

Bruce Lemire-Elmore, applicant, addressed the water level flood plain elevation and explained why there would be no likelihood of flooding.

David Mallet, resident, expressed support for the application, and commented that the sidewalk must remain on the road and suggested that the meandering sidewalk within the property be an amenity contribution.

MOVED and seconded that Council issue Development Permit PLN00860 for the purpose of constructing a church facility at 2191 Townsend Road, legally described as Lot 9, Section 10, Sooke District, Plan 26983 Except part in Plan VIP74590 (PID 002-513-021) and vary Section 19.2a of the Sooke Zoning Bylaw, 2006, the required flood construction level, from 3.0m above the natural boundary of Nott Brook to 2.5m above the natural boundary of Nott Brook.

CARRIED UNANIMOUSLY

BYLAWS

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

MOVED and seconded that Bylaw No. 485, *Noise Control Bylaw, 2011* be adopted.

CARRIED UNANIMOUSLY

B-2 Resolution of Committee of the Whole Meeting held April 4, 2011:

MOVED and seconded Council consider the following draft bylaws concurrently with the 2011-2015 Financial Plan Bylaw.

CARRIED UNANIMOUSLY

Bylaw No. 486, *Capital Asset Replacement Reserve Fund Bylaw, 2011*

MOVED and seconded that Bylaw No. 486, *Capital Asset Replacement Reserve Fund Bylaw, 2011* be read a first time.

CARRIED UNANIMOUSLY

MOVED and seconded that Bylaw No. 486, *Capital Asset Replacement Reserve Fund Bylaw, 2011* be read a second time.

CARRIED UNANIMOUSLY

Bylaw No. 487, *Sooke Core Sewer Specified Area Cost Recovery Amendment Bylaw (150-5)*

MOVED and seconded that Bylaw No. 487, *Sooke Core Sewer Specified Area Cost Recovery Amendment Bylaw (150-5)* be introduced and read a first time.

CARRIED UNANIMOUSLY

MOVED and seconded that Bylaw No. 487, *Sooke Core Sewer Specified Area Cost Recovery Amendment Bylaw (150-5)* be read a second time.

CARRIED UNANIMOUSLY

Bylaw No. 488, *Fees Bylaw, 2011*

Council discussed the administrative work required by volunteers if reimbursing members the \$10 fee for criminal record checks. It was suggested to require a deposit and return it to the member once the record check is picked up to ensure that work is not being done for not.

MOVED and seconded to allow Sandra Nelson to participate on the discussion regarding clarification of sport association procedures as to criminal record checks.

CARRIED UNANIMOUSLY

Sandra Nelsen clarified that the treasurer would have to reimburse each member individually for the cost of the criminal record check. It was explained that any person with a direct link to youth is required to provide a valid criminal record check.

Council asked what other municipalities charge volunteers for criminal record checks and commented that the process is time consuming at a cost for the Sooke Detachment. It was suggested that the organizations communicate the process for criminal record checks to eliminate the duplication.

Ms. Sprinkling stated that the Sooke Detachment processed 540 criminal record checks in 2010 and each one consumes 2 hours of the clerk's time. It was noted that there is no cost recovery for this service.

Concern was expressed that tax payers already pay 70% of policing costs and that a solution to offset the cost of criminal record checks to allow no fee for volunteers should be investigated.

It was suggested that the cost for regular criminal record checks be increased to offset the no charge for volunteers. Council asked for the percentage of volunteer criminal record checks and regular criminal record checks.

MOVED and seconded that Bylaw No. 488, *Fees Bylaw, 2011* be introduced and read a first time.

CARRIED

Councillor Tait and Haldane opposed the motion

MOVED and seconded that Bylaw No. 488, *Fees Bylaw, 2011* be read a second time.

CARRIED

Councillor Tait and Haldane opposed the motion

Bylaw No. 490, *Development Procedures Bylaw, 2011*

MOVED and seconded that Bylaw No. 490, *Development Procedures Bylaw, 2011* be introduced and read a first time.

CARRIED UNANIMOUSLY

MOVED and seconded that Bylaw No. 490, *Development Procedures Bylaw, 2011* be read a second time.

CARRIED UNANIMOUSLY

B-3 Bylaw No. 489, *Sooke Core Sewer Specified Area Amendment Bylaw (147-10)* - 7180 West Coast Road

MOVED and seconded that Bylaw No. 489, *Sooke Core Sewer Specified Area Amendment Bylaw (147-10)* be introduced and read a first time.

CARRIED UNANIMOUSLY

MOVED and seconded that Bylaw No. 489, *Sooke Core Sewer Specified Area Amendment Bylaw (147-10)* be read a second time.

CARRIED UNANIMOUSLY

MOVED and seconded that Bylaw No. 489, *Sooke Core Sewer Specified Area Amendment Bylaw (147-10)* be read a third time.

CARRIED UNANIMOUSLY

B-4 Bylaw No. 491, *Five Year Financial Plan Bylaw, 2011*

MOVED and seconded that Bylaw No. 491, *Five Year Financial Plan Bylaw, 2011* be read a first time.

CARRIED UNANIMOUSLY

MOVED and seconded that Bylaw No. 491, *Five Year Financial Plan Bylaw, 2011* be read a second time.

CARRIED UNANIMOUSLY

REPORTS REQUIRING ACTION

RA-1 Appointment of Public Officers and Designated Employees

MOVED and seconded to appoint Sue-Lin Tarnowski as Director of Finance aka Financial Officer for the District of Sooke pursuant to section 149 of the *Community Charter* and Bylaw No. 398;

AND to appoint Lisa Urlacher as Corporate Assistant aka Deputy Corporate Officer for the District of Sooke to act in the absence of the Corporate Officer under section 148 of the *Community Charter*.

CARRIED UNANIMOUSLY

RA-2 Resolution of Committee of the Whole Meeting held April 4, 2011

MOVED and seconded that Council endorse the 2011-2012 Sooke Detachment Annual Performance Plan.

CARRIED UNANIMOUSLY

REPORTS FOR INFORMATION

RI-1 Mayor and Council Reports - Mayor Evans

MOVED and seconded to receive Mayor Evans report for information.

CARRIED UNANIMOUSLY

RI-2 Bylaw Enforcement Vehicle

MOVED and seconded receive the Bylaw Enforcement Vehicle report for information.
CARRIED UNANIMOUSLY

RI-3 Council Reader File – March 2011

MOVED and seconded to receive the Council Reader file -March 2011 for information.
CARRIED UNANIMOUSLY

RI-4 Victoria Family Court and Youth Justice Committee – March 2011

MOVED and seconded to receive the Victoria Family Court and Youth Justice Committee – March 2011 report for information.
CARRIED UNANIMOUSLY

NEW BUSINESS

NB-1 Food Primary Liquor Licence Application – Prestige Hotel

MOVED and seconded that Council recommend to the Liquor Licencing and Control Branch of British Columbia the issuance of the Food Primary Liquor Licence to Sooke Prestige Holdings Ltd. for the Prestige Oceanfront Resort & Convention Centre (“Prestige Hotel”) located at 6929 West Coast Road;

AND THAT COUNCIL endorse the hours after midnight operation and patron participation entertainment for the Sooke Prestige Holdings Ltd. application for a Hotel Food Primary Licence for the following reasons:

The Prestige Hotel will be hosting events such as conferences, meetings, weddings and similar functions where hotel facilities will be used to host and entertain guests attending functions. As most functions and events often extend late into the evening, Council supports Prestige Hotel's application for patron participation entertainment and extended hours.

Council of the District of Sooke comments on the prescribed considerations are as follows:

Council followed an extensive public consultation process during the development application approval process for the Prestige Hotel. Council gave particular attention to concerns of noise, community impacts, operations and other matters. Council considered the location of the structure, traffic, the overall positive and negative impacts on the community of the various elements of the development including licenced premises, their location and the functions anticipated to be held at the hotel.

Council determined that community impacts would be positive. Council supports the location of licenced premises at the hotel, their hours of operation and the ability for patrons to enjoy events in a modern and organized environment and the ability for patrons to retire to their hotel rooms at the hotel after a function ends. Council believes

this will result in reduced drinking and driving incidents and will reduce traffic and external noise resulting from hosted events.

Council specifically considered the potential for noise impacts in the adjacent community. As the events and patron participation over extended hours will occur in specified areas controlled by the hotel, Council does not believe that noise generated by patrons or events as a result of the extended hours will result in excessive noise or negative impacts in the community. Prestige Hotel has a reputation of responsible operation of their facilities throughout BC and Council that will require similar good business and community practices to be applied at this location. This will be in keeping with the primary purpose of the hotel and related services, including licenced areas, extended hours of operation and patron participation entertainment.

Council notified adjacent land owners and licenced businesses in the vicinity of the hotel to gather their views and to provide comments and recommendations with respect to resident and business-owner views. Based on the comments received Council maintains its view that the hotel and related licenced areas permitted to operate over extended hours with patron participation entertainment will occur in a responsible manner and will have minimal negative impact on adjacent uses and the community.

CARRIED UNANIMOUSLY

MOVED and seconded to receive the letter form Ellen Smith for information.

CARRIED UNANIMOUSLY

NB-2 Correspondence received from Intermunicipal Advisory Committee on Disability Issues

MOVED and seconded to receive the draft Terms of Reference for the Intermunicipal Advisory Committee on Disability for information
Issues

CARRIED UNANIMOUSLY

It was noted that Councillor Dumont will attend the upcoming meeting.

CORRESPONDENCE REQUIRING ACTION

C-1 District of Metchosin

MOVED and seconded to postpone the request for support until staff investigate regional initiatives.

CARRIED UNANIMOUSLY

CORRESPONDENCE FOR INFORMATION

I-1 City of Colwood – Camosun College

MOVED and seconded to send a letter to Camosun College expressing Sooke's interest in establishing satellite course options.

AND to send a copy of the letter to the City of Colwood, Keith Martin, MP, John Horgan, MLA and Naomi Yamamoto, Minister of Advanced Education.

CARRIED UNANIMOUSLY

NOTICES OF MOTION

NM-1 Mayor to acknowledge Notice of Motion by Councillor Ron Dumont for consideration by Council at the April 26th, 2011 Regular Council meeting (section 41 of the Council Procedure Bylaw).

*“**THAT COUNCIL** direct staff to negotiate with the Sooke Horse Shoe Club to establish a horse-shoe club and pitches for the community on a portion of the new park on Sooke River Road across from Fred Milne Park.”*

ADJOURNMENT

MOVED and seconded to adjourn the meeting at 8:29 p.m.

CARRIED UNANIMOUSLY

Certified Correct:

Janet Evans
Mayor

Bonnie Sprinkling
Corporate Officer