



## DISTRICT OF SOOKE

Minutes of the Regular Meeting of Council  
held in the Council Chamber  
at 2225 Otter Point Road, Sooke, BC  
on September 8, 2014 at 7:00 p.m.

### COUNCIL PRESENT

Mayor Wendal Milne  
Councillor Bev Berger  
Councillor Herb Haldane  
Councillor Kevin Pearson  
Councillor Kerrie Reay  
Councillor Maja Tait

**ABSENT:** Councillor Rick Kasper

### STAFF PRESENT (Open Portion)

Gordon Howie, Chief Administrative Officer  
Michael Dillabaugh, Director of Finance  
Bonnie Sprinkling, Corporate Officer  
Elisabeth Nelson, Municipal Engineer  
Steve Sorensen, Fire Chief  
Katherine Lesyshen, Planner II (left at 9:22 p.m.)  
Tara Johnson, Planner II (left at 9:22 p.m.)  
Staff Sgt. Jeff McArthur (left meeting at 8:34 p.m.)  
Tina Hansen, Corporate Assistant

### CALL TO ORDER

Mayor Milne called the meeting to order at 7:02 p.m.

### APPROVAL OF THE AGENDA

**MOVED** and seconded to move Agenda Item RI-1 RCMP Monthly Mayor Report to immediately following Public Question and Comment Period.

**CARRIED UNANIMOUSLY**

**MOVED** and seconded to approve the agenda with the addition of the following items to the agenda as new business/supplemental information:

Item B-1 Supplemental Information: Mayor to Require reconsideration of a matter under section 131 of the *Community Charter*. Council Motion July 21, 2014: Bylaw No. 596, *Official Community Plan Amendment Bylaw (400-5)* and Bylaw No. 597, *Zoning Amendment Bylaw (600-12)* – Waste Transfer Station:

- Correspondence received September 8, 2014 from Ken and Bev Hooper
- Item RA-1 Supplemental Information: Expansion of Oil Tanker Traffic through Coastal BC Waters
- Letter dated January 9, 2012 to Ministry of Environment RE: Increased Oil Tanker Traffic
  - Correspondence received September 8, 2014 from Mark Ziegler

**CARRIED UNANIMOUSLY**

### ADOPTION OF MINUTES

**MOVED** and seconded that the minutes of the Regular Council meeting held on July 14, 2014 be adopted as circulated.

**CARRIED UNANIMOUSLY**

**MOVED** and seconded that the minutes of the Committee of the Whole meeting held on July 14, 2014 be adopted as circulated.

**CARRIED UNANIMOUSLY**

**MOVED** and seconded that the minutes of the Special Council meeting held on July 21, 2014 be adopted as circulated.

**CARRIED UNANIMOUSLY**

**MOVED** and seconded that the minutes of the Special Council meeting held on July 24, 2014 be adopted as circulated.

**CARRIED UNANIMOUSLY**

**MOVED** and seconded that the minutes of the Special Council meeting held on August 19, 2014 be adopted as circulated.

**CARRIED UNANIMOUSLY**

## **DELEGATIONS**

### **D-1 Marcel DeRoches – Connie Road – Slope Assessment Review**

Marcel DeRoches Connie Road resident addressed Council as to concerns of erosion to the road allowance at the south end of Connie Road which has negatively impacted his property. Mr. DeRoches indicated that the size of the turn-around at the end of the road has been reduced making it almost impossible for vehicles to manoeuvre. Mr. DeRoches contacted staff in early 2013 about his concerns and is hoping the issue can be resolved in 2015.

**MOVED** and seconded to receive the report for information as to the slope assessment on the District of Sooke road right-of-way at 1600 Connie Road;

**AND** direct that the Connie Road right-of-way remediation work to address the slope concerns brought forward by Marcel DesRoches be brought forward for consideration during the 2015 Financial Plan deliberations.

**CARRIED UNANIMOUSLY**

### **D-2 Ray Bindig – East Sooke Road traffic and conditions**

Ray Bindig, East Sooke resident expressed concerns as to the deterioration of East Sooke Road due to heavy equipment traffic and construction in Silver Spray. Mr. Bindig addressed Council as to negative impact development in Silver Spray will have on the environment, in particular the Sooke Harbour. Mr. Bindig is also concerned over the start of construction prior to the installation of any sewage infrastructure. Mr. Bindig asked Council to ensure that the area is environmentally protected, that the residents of East Sooke are protected and that development in Silver Spray is done following the proper processes.

### **D-3 Elaine Ellinger – Request that the *Sooke Animal Control Bylaw* be amended to prevent feeding of feral deer and rabbits within the municipal boundaries**

Elaine Ellinger, Sooke resident, addressed Council as to adopting an *Animal Control Bylaw* in the District of Sooke similar to the bylaw in Oak Bay which restricts the feeding of wildlife. Ms. Ellinger reported on issues that she has experienced within her own

neighbourhood as a result of people feeding wildlife. She has had several close encounters with bear and cougar and there is an overpopulation of rabbits in the area. Ms. Ellinger expressed concerns for the safety of residents and their children and pets. Ms. Ellinger read and submitted an article from the Conservation Officer.

Debbie Read, representing Wildlife BC, reported that she has spoken to provincial Conservation representatives regarding the issue in Ms. Ellinger's neighbourhood and has seen that many people in the community feed deer. Ms. Read advised that deer can be a danger, cause damage and that feeding deer attracts pests. Ms. Read believes that a bylaw to prohibit feeding wildlife is a good idea for Sooke as it may discourage people from feeding deer and prevent issues that may be faced in the future.

**MOVED** and seconded to direct staff to provide a report to Council as to an amendment of the *Animal Control Bylaw* to prohibit the feeding of wildlife within the municipality with options for the enforcement of the bylaw;

**AND THAT** staff include information as to an awareness and education program for members of the public.

**CARRIED UNANIMOUSLY**

**D-4 Brenda Parkinson and Fiona Phythian – Sooke Community Arts Council**

- Request for waiver of fees for two years for Art in the Park at Ed Macgregor Park
- Sooke Dance Studio Request "The Nutcracker in a Nutshell" sponsorship

Brenda Parkinson and Fiona Phythian addressed Council as to the Sooke Community Arts Council's request to waive fees for two years for Art in the Park at Ed Macgregor Park. Ms. Parkinson advised that this is the Sooke Community Arts Council's 12<sup>th</sup> year for Art in the Park.

**MOVED** and seconded to direct staff to provide a report to Council as to the Sooke Community Arts Council's request to waive park fees for the "Art in the Park" event with the amount of fees to be waived and information as to what has been done in the past.

**CARRIED UNANIMOUSLY**

Ms Parkinson provided an overview of the Sooke Dance Studio "Nutcracker in a Nutshell" production and request for sponsorship in the amount of \$3,000. Ms. Parkinson advised that the Sooke Dance Studio sponsorship is not eligible for grant funding under the District of Sooke Community Grant Program.

**MOVED** and seconded to direct staff to provide a report to Council on the Sooke Dance Studio "Nutcracker in a Nutshell" sponsorship program and that staff include a recommendation of where the \$3,000 in funds would come from.

**CARRIED UNANIMOUSLY**

**UNFINISHED BUSINESS**

**UB-1 *Anti-Bullying and Harassment Policy, 2014***

**MOVED** and seconded to adopt the amendments to Policy No. 7.13, *Anti-Bullying and Harassment Policy, 2011*;

**AND FURTHER** adopt the amendments to Policy No. 7.10, *Code of Ethic Policy, 2011*;  
**AND FURTHER** adopt the amendment to Policy No. 7.11, *Respectful Workplace Policy, 2011*;

**AND FURTHER** repeal Policy No. 7.14, *Complaint Resolution Policy, 2011*.

**MOTION WITHDRAWN**

**MOVED** and seconded to refer Agenda Item UB-1 *Anti-Bullying and Harassment Policy, 2014* back to staff to review the questions as to the Policy discussed by Council.

**CARRIED UNANIMOUSLY**

#### **UB-2 2076 Otter Point Road (Tin Grotto) Enforcement Action**

**MOVED** and seconded to direct staff to proceed with the notification to the property owner to give 20 days to comply with order to remove “unsightly” conditions from 2076 Otter Point Road, known as the “Tin Grotto” or “Trading Post”;

**AND**, if the property owner does not bring the property into compliance, to authorize the removal and disposal of all items on the perimeter of the building;

**AND**, in the event of non-payment of costs by the property owner, to attach the costs to the property taxes.

**CARRIED UNANIMOUSLY**

#### **PUBLIC QUESTION AND COMMENT PERIOD**

Derek Lewers, Sooke resident, addressed Council as to items on the agenda including the Municipal Hall Electronic Messaging Centre and Cycling Grants. Mr. Lewers does not support Council using funds from Council Contingency for the Messaging Centre and does not support applying for grant funding for a secondary crossing along Sooke River Road. Mr. Lewers commented that this is not one of Council's strategic priorities and that Council should not become distracted from their priorities.

Ellen Lewers, Sooke resident, commented as to the Municipal Hall Electronic Messaging Centre advising that the Arts and Beautification group sign project for Sooke Road would be visible to a greater number of residents. Ms. Lewers requested that Council not waste any further time on the Waste Transfer Station issue. Ms. Lewers commented on the Memorial Dedication Policy and Cycling Grants advising that she does not support a secondary crossing over Sooke River Road as it would not be feasible.

Mayor Milne took the opportunity on behalf of Council to thank Ms. Lewers and the many volunteers of the Sooke Fall Fair for their work in organizing and holding the Fair at the Sooke Community Hall this weekend.

Mark Ziegler, Sooke resident, read his submission to Council as to the expansion of oil tanker traffic through coastal BC waters. Mr. Ziegler asked Council to pass a motion of support for those municipalities opposing the expansion of oil tanker traffic through BC coastal waters.

Gail Armitage, Sooke resident, expressed her support for no oil tanker traffic through BC coastal waters and support for Council joining other municipalities in passing a resolution stating the District's position on oil tanker traffic. Ms. Armitage read and provided comments as to section 2(d) of the *Local Government Act* with respect to Regional Districts fostering the environmental well-being of the community; which she believes should include oil tanker traffic.

Robert Gamache, President Sooke Salmon Enhancement Society, expressed concern as to oil tanker traffic in BC coastal waters on behalf of the Society and supports any efforts that the community and Council can take to protect the environment. Mr. Gamache addressed Council as to the importance of the salmon industry advising that we need to protect and enhance this valuable resource.

Jeff Bateman, Sooke resident, took the opportunity to thank Council and staff for the time spent on the Transition Town Sooke Society's request for a referendum question on the 2014 Election ballot as to oil tanker traffic. Mr. Bateman advised that the Society supports Council sending a strongly worded resolution to UBCM and also supports the staff recommendation for an online survey. Mr. Bateman thanked Regional Director Hicks and staff for bringing the Cycling Grants opportunity to Council's attention.

Amanda Johnson, Otter Point Resident, expressed her support for Council passing a resolution to stop oil tanker traffic. Ms. Johnson addressed Council as to the enjoyment she experiences exploring Sooke and the many outdoor activities it has to offer. Ms. Johnson further expressed concerns as to the impact an oil spill would have on the environment, the community, and tourism and feels that Sooke could be on its own if an oil spill were to occur.

Bruce Lemire- Elmore, Sooke resident, stated that he applauds Council on its previous letter to the BC Minister of Environment expressing opposition to the expansion of oil tanker traffic through coastal BC waters. Mr. Lemire-Elmore addressed Council as to the value of having a referendum question on the Local Election ballot as he believes a favourable outcome would have more credibility and influence as it would show credible evidence of citizen opinions. Ms. Lemire-Elmore asked Council to consider giving voters an opportunity to voice their opinion in an evident way. Mr. Lemire-Elmore provided his written submission.

Ralph Hull, Sooke resident, addressed Council as to the expansion of oil tanker traffic in coastal BC waters. Mr. Hull believes that as a West Coast community we should be leading other communities on this issue. Mr. Hull supports having a question on the 2014 Election ballot. Mr. Hull advised that solar is our future, not oil; we need to leave a clean earth for future generations.

Tula Eska, Sooke resident, supports having a second referendum question as to increased oil tanker traffic on the 2014 Election ballot. Ms Eska spoke to the importance of taking into consideration the many jobs in our economy that depend on having a clean environment.

A Sooke resident advised that Sooke was once a logging and fishing based community and has now become a tourism based community. The speaker addressed Council as to the importance of having a long term strategy in order to create a sustainable economy and the importance of creating a balance between energy sources.

**RI-1 RCMP Monthly Mayor Report – July 2014**

Staff Sgt. Jeff McArthur provided an overview of the RCMP Monthly Mayor Report for July 2014 and provided additional information to Council regarding occurrences related to the *Mental Health Act*, enforcement of speed limit on Grant Road West, property crimes and RCMP service levels.

**MOVED** and seconded to receive the RCMP Monthly Mayor Report – July 2014 for information.

**CARRIED UNANIMOUSLY**

**PUBLIC INPUT MEETINGS AND RELATED REPORTS**

**PI-1 Development Variance Permit – 2061 Otter Point Road**

Katherine Lesyshen provided a powerpoint presentation and summary of the Development Variance Permit for 2061 Otter Point Road.

**Public Input:** There was not input from members of the public.

**MOVED** and seconded to issue Development Variance Permit PLN01103 to vary section 403.7 of Bylaw 600, *Sooke Zoning Bylaw, 2013* to allow for a reduced rear lot line setback, adjacent to a residential property, from 4.5m to 1.2m at 2061 Otter Point Road.

**CARRIED UNANIMOUSLY**

**PI-2 Development Variance Permit – 7064 Richview Drive**

Tara Johnson provided a powerpoint presentation and summary of the Development Variance Permit for 7064 Richview Drive.

**Public Input:**

Jeff Bateman, Sooke resident, advised that he lives within 100 meters of 7064 Richview Drive and that he supports the Development Variance Permit.

A Sooke resident inquired as to whether this was the usual procedure for Development Variance Permits within the District of Sooke.

**MOVED** and seconded to issue Development Variance Permit PLN01105 to vary section 104.7 of Bylaw 600, *Sooke Zoning Bylaw, 2013* to allow for a reduced front lot line setback for an accessory building located at 7064 Richview Drive from 7.5m to 1.5m and to allow for a reduced westerly side lot line setback for an accessory building from 3m to 1.5m.

**CARRIED UNANIMOUSLY**

## BYLAWS

### B-1 Mayor to require Council reconsideration of a matter under section 131 of the *Community Charter*:

Council Motion July 21, 2014: **Bylaw No. 596, Official Community Plan Amendment Bylaw (400-5) and Bylaw No. 597, Zoning Amendment Bylaw (600-12) – Waste Transfer Station:**

“**MOVED** and seconded to schedule a Public Hearing for Bylaw No. 596 and Bylaw No. 597 in accordance with the requirements of the *Local Government Act* and the *Community Charter*.

**CARRIED”**

**Council to consider rescinding motion of July 21, 2014 as to Bylaw No. 596 and Bylaw No. 597**

**MOVED** and seconded to rescind the following motion of July 21, 2014:

“**MOVED** and seconded to schedule a Public Hearing for Bylaw No. 596 and Bylaw No. 597 in accordance with the requirements of the *Local Government Act* and the *Community Charter*.”

**DEFEATED Councillors Berger, Haldane and Pearson opposed the motion**

## REPORTS REQUIRING ACTION

### RA-1 Expansion of Oil Tanker Traffic through Coastal BC Waters

**MOVED** and seconded to include the proposed question from Transition Town Sooke Society on the 2014 Local Election ballot.

**CARRIED**

**Councillor Reay opposed the motion**

### RA-2 1923 Maple Avenue South, 1919 Maple Avenue South and 6881 Galaxie Drive – Removal and Replacement of Covenants

Councillor Pearson declared a potential conflict of interest with this agenda item as he has a personal relationship with the applicant and left the meeting at 9:07 p.m.

John Brohman, applicant advised that he did not apply for what is presented to Council this evening and requested that this issue be put on hold at this time. Mr. Brohman advised that he is the applicant for 1923 Maple Avenue and that he had not requested covenant removals for the other two properties. Mr. Brohman expressed concerns as to having a new covenant on the property prior to applying for a development permit.

**MOVED** and seconded to direct staff to schedule a Public Hearing in accordance with the *Local Government Act* and *Community Charter* notice requirements to consider approval of:

- A. The removal of covenants CA726539 and CA995163 to be replaced with Attachment D of this report (new Covenant) for 1923 Maple Avenue South, legally described as Lot 1, Section 3, Sooke District, Plan 25023; AND
- B. The removal of covenants CA726539 and CA995163 to be replaced with Attachment C of this report (new Covenant) for 6881 Galaxie Drive, legally

described as Lot 2, Section 3, Sooke District, Plan 25023, Except Parcel A (DD G40444); AND

- C. The removal of covenants CA726539 and CA995163 from all strata lots and common property at 1919 Maple Avenue South, legally described as Strata Lots 1,2,3,4,5,6,7,8,9,10,11,12, Section 3, Sooke District, Strata Plan EPS271 Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V.

**MOTION WITHDRAWN**

**MOVED** and seconded to refer Agenda Item RA-2 1923 Maple Avenue South, 1919 Maple Avenue South and 6881 Galaxie Drive back to staff to work further with the applicant.

**CARRIED UNANIMOUSLY**

Councillor Pearson returned to the meeting at 9:22 p.m.

**RA-3 Community Public Places Donation Program - *Memorial Dedication Policy, 2014***

**MOVED** and seconded to adopt Policy No. 12.1 *Memorial Dedication Policy, 2014* for municipal parks, trails and public open spaces.

**CARRIED UNANIMOUSLY**

**MOVED** and seconded to direct staff to proceed with the dedication of the street trees on Wadams Way to pioneer families of Sooke with individual plaques for each tree for a total of 16 plaques.

**CARRIED UNANIMOUSLY**

**RA-4 Award – Municipal Hall Electronic Messaging Centre – 2205 Otter Point Road**

**MOVED** and seconded to direct staff to move forward with the cedar housing structure of the Municipal Hall sign without the electronic messaging at this time.

**CARRIED UNANIMOUSLY**

**RA-5 November Regular Council Meetings and Inaugural Meeting**

**MOVED** and seconded to re-schedule the Regular Council meeting of November 10, 2014 to November 3, 2014;

**AND** cancel the Regular Council meeting scheduled for November 24, 2014 and not schedule meetings until after the Inaugural Council meeting unless Council consents otherwise on a case-by-case basis;

**AND** schedule the Inaugural Council meeting for December 1, 2014

**CARRIED UNANIMOUSLY**

**REPORTS FOR INFORMATION**

**RI-2 CAO Report:**

Gord Howie provided an update as to the 2014 Corporate Strategic Priorities. Mr. Howie reported that the Wadams Way project is essentially complete with final work being done



on the irrigation system, landscaping and electrical system. Mr. Howie advised that a conservative completion date of September 26, 2014. Mr. Howie provided an update as to the Town Centre sidewalks project and an update as to the review of the Subdivision and Development Standards Bylaw. Mr. Howie reported that a vast majority of Council's priorities from February 2012 are at the completed or almost completed stage.

**RI-3 Finance Department**

- **2014 Budget vs Actual Report as at July 31, 2014**
- **Sewer Fund – Development Cost Charges Use**

**ACTION ITEM:** Staff to provide a copy of the most recent CRD Animal Control Report to members of Council.

**MOVED** and seconded to receive the 2014 vs Actual Report as at July 31, 2014 and the Sewer Fund – Development Cost Charges Use Report for information.

**CARRIED UNANIMOUSLY**

**RI-4 Sooke Fire Rescue Service**

- **Monthly Staffing Reports - July and August 2014**

**MOVED** and seconded to receive the Sooke Fire Rescue Service Monthly Staffing Reports for July and August 2014.

**CARRIED UNANIMOUSLY**

**CORRESPONDENCE REQUIRING ACTION**

**C-3 Correspondence received August 25, 2014** from Mike Hicks RE: Cycling Infrastructure Partnerships Program (CIPP) Grant

**MOVED** and seconded to direct staff to submit an application for funding under the Provincial Cycling Investment Program (PCIP) or the Cycling Infrastructure Partnerships Program (CIPP).

**MOTION WITHDRAWN**

**MOVED** and seconded to direct staff to submit an application for funding under the Cycling Infrastructure Partnerships Program (CIPP).

**CARRIED UNANIMOUSLY**

**REPORT OF IN CAMERA RESOLUTIONS**

**Resolution of In Camera Regular Council Meeting September 8, 2014:**

**MOVED** and seconded to release to the public the following statement:

"The District of Sooke is carrying out continuous bylaw enforcement as to 2049 Idlemore Road."

**CARRIED UNANIMOUSLY**

**MOTION TO CLOSE THE MEETING TO THE PUBLIC**

**MOVED** to close the meeting to the public under section 90(1) of the *Community Charter* to discuss:

- 90(1)(f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment.
- 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- 90(1)(k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public.

**CARRIED UNANIMOUSLY**

**MEETING RECESSED**

**MOVED** and seconded to recess the open portion of the Regular Council meeting at 10:10 p.m. and to reconvene the meeting on September 15, 2014 at 7:00 p.m.

**CARRIED UNANIMOUSLY**

**Certified Correct:**

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**Wendal Milne**  
Mayor

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**Bonnie Sprinkling**  
Corporate Officer