

SUBJECT TO ADOPTION

Municipal Hall
1620 Mills Road
North Saanich, B.C.

**Minutes of the Regular Meeting
of the
Municipal Council of the District of North Saanich
Monday, June 6, 2005, at 7:07 p.m.**

PRESENT: Mayor T. Daly
Councillors H. D. Goulet
A. M. Scoones
A. K. Utley

ABSENT: Councillor K. D. Thomas

ATTENDING: Chief Administrative Officer B. C. Williams
Director of Financial Services R. M. Gillis
Director of Infrastructure Services T. M. Tanton
Director of Development and Community Services T. L. Olsen
Works Superintendent B. Robinson
Recording Secretary C. R. Nash

APPROVAL OF AGENDA

MOVED BY: COUNCILLOR GOULET
SECONDED: COUNCILLOR SCOONES

403 That the agenda be amended as follows:

- Item 9(h) regarding RCMP training using traffic fine revenue from Peninsula Cross Roads Community Justice Program to be deferred to the June 20th Regular Council meeting;
- Report from the Chief Administrative Officer dated June 6, 2005 regarding Council Vacancy, to be added as Item 10(c), "Reports"; and
- Council Liaison appointment to the CRD's Regional Housing Trust Fund Commission, to be added as Item 13 (b), "Motions and New Business".

CARRIED

ADOPTION OF MINUTES

MOVED BY: COUNCILLOR SCOONES
SECONDED: COUNCILLOR GOULET

404 That the minutes of the Regular Council meeting of May 16, 2005 be adopted as circulated.

CARRIED

PETITIONS AND DELEGATIONS**(a) Summer Splash Foundation 2005 Fundraising Event – July 31, 2005**

Henrike Schuster and Marietta Schwarz, International students currently attending Parkland Secondary School, spoke to the Summer Splash Fundraising Event planned for July 31, 2005 at 9695 Glenelg Avenue, noting that proceeds from the event will go towards the reconstruction of the playground at Panorama Recreation Centre. On behalf of the event coordinators, they requested the assistance of the District of North Saanich Fire Department and the Sidney/North Saanich RCMP to make the event safe and orderly. Mayor Daly thanked them for their presentation and presented them with District of North Saanich pins.

PUBLIC PARTICIPATION PERIOD

Brian Sibley, 1937 Barrett Drive, spoke to his letter on the Council agenda regarding the burning ban in his area.

Pat Crabbe, 8701 Griggs Terrace, also spoke to his letter regarding his opposition to the burning ban in his area.

Holly Mayer, 1914 Barrett Drive, requested that Council reconsider the burning ban in her area.

Maureen Mann, 10686 Derrick Road, spoke to her letter on the Council agenda regarding the removal of vegetation and trees along the Deep Cove sewer line.

Peter Chandler, 721 Birch Road, thanked Council for not giving their support to the North Saanich Marina expansion application.

Ernie Owens, 1927 Barrett Drive, requested Council's reconsideration of the burning ban in his area.

As there was no one else who wished to speak, the Public Participation Period concluded at 7:23 p.m.

MAYOR'S REPORT

Mayor Daly read the following statement:

This past month we lost two councillors. Dorothy Hartshorne moved with her husband Dan to the Caribou and we thank her for her years of service to the community and wish them all the very best.

In May, Bill Bird was disqualified from holding office until the next general election due to a court decision by the Honourable Justice Burnyeat.

Council

Without getting into all the of the details of the court case and the decision, suffice it to say that Justice Burnyeat was satisfied that Councillor Bird was in conflict of interest respecting a property zoning matter that came before this Council, and Justice Burnyeat determined that Councillor Bird was not forthright in his disclosures to the District regarding this conflict.

I want to assure this community that throughout the entire process, Council sought legal opinions, hired a lawyer to defend the District in this case, and was being advised throughout the legal proceedings. The District was following its legal advice in making the decision to allow the legal process to take its due course on this matter, without intervention by the District in support of either side. It wasn't until a few days before the start of the hearing, upon receiving transcripts of cross examination, that our lawyer became aware of the full nature and extent of Mr. Bird's dealing with Mr. Schayes, and more precise case that was to be made against him.

It is notable that the facts relied upon in the Reasons for Judgment by the Chambers Judge for a finding of pecuniary conflict of interest, largely arise out of the information obtained from Councillor Bird upon cross examination less than a week before the scheduled hearing date. It is clear that the Chambers Judge gave substantial weight to this previously undisclosed information in making his finding that Mr. Bird had a pecuniary conflict of interest and must be disqualified.

So, Councillor Bird's work as a councillor for the District ended on a somewhat unceremonious note, and that is troubling for all of us.

In spite of that, I want to thank Councillor Bird for the five and a half years of time he spent with the District.

CORRESPONDENCE**(a) Request for Funding for Overseas Volunteer Program**

MOVED BY: COUNCILLOR SCOONES
SECONDED: COUNCILLOR GOULET

405 That the letter dated May 12, 2005 from Melissa Cabecinha, 11005 West Saanich Road, requesting funding for an overseas volunteer program be received, and that this request be denied.

CARRIED

(b) Memorial Park Society Planning Committee for Blue Heron Park

MOVED BY: COUNCILLOR GOULET
SECONDED: COUNCILLOR SCOONES

406 That the letter from John Bell, Chairman, Sidney and North Saanich Memorial Park Society, requesting a Council representative to the new Memorial Park Society Planning Committee for Blue Heron Park

Improvements be received, and that Councillor Scoones be appointed as the representative to the new Memorial Park Society Planning Committee for Blue Heron Park Improvements.

CARRIED

(c) Letter of Thanks from the Victoria Airport Authority

MOVED BY: COUNCILLOR GOULET
SECONDED: COUNCILLOR SCOONES

407 That the letter dated May 18, 2005 from Linda S. Petch, Chair, Peter Dolezal, Director, and Wayne Tremblay, Director, Victoria Airport Authority, thanking Council for its support in helping the Victoria Airport Authority achieve a new rent formula be received.

CARRIED

(d) Tsunami Fundraiser Banquet

MOVED BY: COUNCILLOR SCOONES
SECONDED: COUNCILLOR GOULET

408 That the letter dated May 19, 2005 from Catherine Klassen, 8530 West Saanich Road, advising Council of a Tsunami Fundraiser Banquet that will be held in June 2005 be received.

CARRIED

(e) Letter of Thanks from Peninsula Streams

MOVED BY: COUNCILLOR SCOONES
SECONDED: COUNCILLOR GOULET

409 That the letter dated May 2, 2005 from Ian D. Bruce, Executive Director, Peninsula Streams, thanking Council for its support towards Peninsula Streams Society be received, and that the letter be copied to the Environmental Advisory Commission for information.

CARRIED

(f) Peninsula New Years Eve First Night Festival

MOVED BY: COUNCILLOR GOULET
SECONDED: COUNCILLOR SCOONES

410 That the letter dated May 18, 2005 from Hewitt Helmsing, President, Peninsula Celebrations Society, regarding the upcoming Peninsula New Years Eve First Night Festival be received, and that \$500 be provided to the Peninsula Celebrations Society in support of this event.

CARRIED

(g) Proposed Referendum for the Panorama Recreation Renovations

MOVED BY: COUNCILLOR SCOONES

SECONDED: COUNCILLOR UTLEY

- 411 That the facsimile dated May 20, 2005 from Marlene Miller, Panorama Recreation, with attached letter from the District of Central Saanich, regarding the proposed Referendum for the Panorama Recreation Renovations be received.

CARRIED

(h) Excess Water on Property

MOVED BY: COUNCILLOR SCOONES

SECONDED: COUNCILLOR GOULET

- 412 That the letter dated May 25, 2005 from Patrick and Barbara Brennan, 1765 McTavish Road, regarding concerns about excess water on their property and the removal of trees on adjacent property be received and referred to Staff for the preparation of a report, and that Staff specifically address what protections can be put in place to address excess stormwater and what the District has done to date in this regard, and that the letter also be forwarded to the Agricultural Task Force and the Environmental Advisory Commission for review and comment.

CARRIED

(i) Request for Signs

MOVED BY: COUNCILLOR SCOONES

SECONDED: COUNCILLOR UTLEY

- 413 That the e-mail dated May 25, 2005 from Michael Betts, 11195 Chalet Road, regarding a location sign request from Chalet Winery be received, and that the signage as requested be approved.

CARRIED

(j) 2005 Rick Hansen Wheels in Motion Event

MOVED BY: COUNCILLOR SCOONES

SECONDED: COUNCILLOR GOULET

- 414 That the letter dated May 18, 2005 from Diana Satak, Committee Member, Rick Hansen Wheels in Motion, regarding the upcoming 2005 Rick Hansen Wheels in Motion Event be received.

CARRIED

Council

(k) Wain Road Tennis Courts

MOVED BY: COUNCILLOR SCOONES

SECONDED: COUNCILLOR UTLEY

- 415 That the letter dated May 27, 2005 from Margot Northey, 11383 Nitinat Road, requesting that the Wain Road tennis courts be repaired be received and referred to the 2006 budget deliberations.

CARRIED

(l) Southeast Quadrant Concerns

MOVED BY: COUNCILLOR UTLEY

SECONDED: COUNCILLOR GOULET

- 416 That the e-mail dated May 27, 2005 from Linda and Patrick McAdams, 8503 Aldous Terrace, regarding a variety of concerns in the Southeast Quadrant area be received and referred to Staff for a response.

CARRIED

(m) Day Care Facilities in Dean Park

MOVED BY: COUNCILLOR GOULET

SECONDED: COUNCILLOR SCOONES

- 417 That the e-mail dated May 28, 2005 from Bert Slater and Jennifer Watson, 1938 Barrett Drive, regarding day care facilities in Dean Park be received and referred to Staff for the preparation of a report.

CARRIED

(n) Removal of Vegetation and Trees along the Deep Cove Sewer Line

MOVED BY: COUNCILLOR UTLEY

SECONDED: COUNCILLOR GOULET

- 418 That the letter dated May 25, 2005 from Maureen Mann, 10686 Derrick Road, expressing concern regarding the removal of vegetation and trees along the Deep Cove sewer line be received and referred to Staff for the preparation of a report.

CARRIED

Council**(o) Burning Ban in the Dean Park Area**

MOVED BY: COUNCILLOR UTLEY
SECONDED: COUNCILLOR SCOONES

- 419 That the following correspondence regarding the burning ban in the Dean Park area be received:
- (i) Letter dated May 24, 2005 from Alan Wiggins, President, Dean Park Estates Community Association
 - (ii) Letter dated May 22, 2005 from Brian Sibley, 1937 Barrett Drive
 - (iii) Letter received May 30, 2005 from Peter and Katherine Walter, 8695 Griggs Terrace
 - (iv) Letter dated May 30, 2005 from Patrick Crabbe, 8701 Griggs Terrace which includes signatures from: Odd Loken, 8709 Pender Park Drive; Gudmond Sandsmark, 8725 Griggs Terrace; Ian and Barbara Filby, 8689 Pender Park Drive; and, Pat Brennan, 8695 Pender Park Drive.

CARRIED

(p) Road Sweeping in North Saanich

MOVED BY: COUNCILLOR SCOONES
SECONDED: COUNCILLOR GOULET

- 420 That the letter dated May 27, 2005 from H.U.P. Edwards, 11142 Calypso Lane, requesting that the roads in North Saanich be swept be received and referred to Staff for a response.

CARRIED

REPORTS**Riparian Areas Regulation – Request for Time Extension**

MOVED BY: COUNCILLOR GOULET
SECONDED: COUNCILLOR SCOONES

- 421 That the report dated May 27, 2005 from the Chief Administrative Officer regarding Riparian Areas Regulation – Request for Time Extension be received, and:
- a) That the District of North Saanich request the Provincial Government to extend the time to implement the Riparian Areas Regulation to March 31, 2006.
 - b) That Administration issue a request for proposals to undertake the necessary work that is required to meet the Riparian Areas Regulation requirements.
 - c) That funding for this Riparian Areas Regulation project be allocated from surplus.
 - d) That the Chief Administrative Officer involve the Environmental Advisory Commission and Peninsula Streams to assist in the necessary work that is required to meet the Riparian Areas Regulation requirements.

CARRIED

Official Community Plan Update – Notice of Intent

MOVED BY: COUNCILLOR GOULET

SECONDED: COUNCILLOR SCOONES

422 That the report dated May 31, 2005 from the Director of Development and Community Services regarding Official Community Plan Update – Notice of Intent be received, and that Staff send a Notice of Intent and a copy of the draft Official Community Plan Update to the following agencies and governments:

- District of Central Saanich
- Town of Sidney
- Tseycum First Nation
- Pauquachin First Nation
- School District No. 63 (Saanich)
- Ministry of Agriculture, Fisheries and Food
- Ministry of Transportation
- Agricultural Land Commission
- Ministry of Sustainable Resource Management
- North Saanich Fire Department
- CRD – Regional Planning
- CRD – Regional Parks
- Department of Fisheries and Oceans
- Victoria Airport Authority
- Peninsula Agricultural Commission

And that the recipients of the Notice of Intent be requested to reply within twenty days of receiving the Notice with any comments they may have, and that a letter be sent to the Chair of the Board for School District No. 63 specifically requesting input on school facilities planning as specified in section 881 (2) of the *Local Government Act*.

CARRIED

Council Vacancy

MOVED BY: COUNCILLOR SCOONES

SECONDED: COUNCILLOR UTLEY

423 That the report dated June 6, 2005 from the Chief Administrative Officer regarding Council Vacancy be received, and that, in accordance with Section 37(3) of the *Local Government Act*, a by-election will not be conducted to fill the vacancy left as a result of Councillor Bird's disqualification.

CARRIED

BY-LAWS**North Saanich Development Fees By-Law Amendment By-Law No. 1097 (2005)**

MOVED BY: COUNCILLOR UTLEY
SECONDED: COUNCILLOR SCOONES

424 That "North Saanich Development Fees By-Law Amendment By-Law No. 1097 (2005)" be read a first time.

CARRIED

MOVED BY: COUNCILLOR UTLEY
SECONDED: COUNCILLOR SCOONES

425 That "North Saanich Development Fees By-Law Amendment By-Law No. 1097 (2005)" be read a second time.

CARRIED

MOVED BY: COUNCILLOR SCOONES
SECONDED: COUNCILLOR UTLEY

426 That "North Saanich Development Fees By-Law Amendment By-Law No. 1097 (2005)" be read a third time.

CARRIED

MOTIONS AND NEW BUSINESS**Council Liaison Appointment – Peninsula Recreation Commission**

MOVED BY: COUNCILLOR GOULET
SECONDED: COUNCILLOR SCOONES

427 That Councillor Utley be appointed as the Council Liaison to the Peninsula Recreation Commission effective immediately.

CARRIED

Council Liaison Appointment - CRD Regional Housing Trust Fund Commission

MOVED BY: COUNCILLOR UTLEY
SECONDED: COUNCILLOR SCOONES

428 That Councillor Goulet be appointed to the CRD's Regional Housing Trust Fund Commission effective immediately.

CARRIED

IN CAMERA

MOVED BY: COUNCILLOR UTLEY
SECONDED: COUNCILLOR SCOONES

429 That in accordance with Section 90(1) of the *Community Charter*, attendance for the remainder of the Council meeting, commencing at 8:02 p.m., be closed to the public to consider the following items:

- 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;
- litigation or potential litigation affecting the municipality; and,
- 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.

CARRIED

ADJOURNMENT

MOVED BY: COUNCILLOR SCOONES
SECONDED: COUNCILLOR UTLEY

430 That the meeting be adjourned at 8:39 p.m.

CARRIED

CERTIFIED CORRECT

APPROVED AND CONFIRMED

Bruce Williams
Chief Administrative Officer

Ted Daly
Mayor