

DISTRICT OF SAANICH
MINUTES OF THE COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
MONDAY, MAY 25, 2015 AT 7:00 PM

Present: **Chair:** Mayor Atwell
 Council: Councillors Brice, Brownoff, Derman, Haynes, Murdock, Plant, and Sanders
 Staff: Andy Laidlaw, Chief Administrative Officer; Harley Machielse, Director of Engineering; Jarret Matanowitsch, Manager of Current Planning; Donna Dupas, Legislative Manager; and Lynn Merry, Senior Committee Clerk

DELEGATIONS

1110-30
Animals Bylaw

JILLIAN MCCUE

Subject: Proposal and petition for Saanich Council to pass a bylaw to allow miniature goats in Saanich.

Jillian McCue presented on her proposal for a bylaw to allow miniature goats in Saanich. She outlined the benefits of allowing miniature goats including they eat invasive species, they mow lawns without polluting the air, their manure can be used as fertilizer and they could provide hormone-free and antibiotic free milk. She advised that when goats are treated like pets, they are not noisy or aggressive. Other municipalities, including Seattle, San Francisco and Portland have passed bylaws to allow miniature goats. J. McCue indicated that miniature goats are good for the environment and assists Saanich in meeting the goals in the Strategic Plan; to strive to be a model sustainable community and steward of the environment.

In response to questions from Council, the Manager of Community Planning stated:

- Council recently initiated the Terms of Reference for the Agriculture and Food Security Task Force and that study will commence in 2015; urban agriculture, including miniature goats, could form part of that study.
- If Council directs staff, a separate report on miniature goats could be prepared.

MOVED by Councillor Plant and Seconded by Councillor Haynes: “That Council direct staff to prepare a report, with input from the appropriate Advisory Committees, to look at the feasibility of miniature, pygmy, and dwarf goats in Saanich backyards.”

Councillor Murdock stated:

- Discussion should take place at the Advisory Committee level prior to a report coming to Council; public input will be an important aspect of the process.
- It is worthwhile to consider having small livestock in the community.

Councillor Derman stated:

- The item should be discussed at the committee level prior to it being considered by Council; other municipalities have adopted bylaws to allow miniature goats.

In response to questions from Council, Ms. McCue stated:

- The process to introduce miniatures goats into the community started two years ago.
- She is available to attend committee meetings to present her proposal.
- Goats are not noisy when cared for as pets.
- Further research on the number of residents who have goats in other municipalities could be presented.

Councillor Brownoff stated:

- Currently, goats are allowed on farmland; goats could be considered as part of the Urban Agriculture plan.

Mayor Atwell stated:

- Attending the Advisory Committee meetings will take time; it may be preferable to have the report come directly to Council.

**The Motion was then Put and CARRIED
with Mayor Atwell OPPOSED**

1220-20
Bylaw EDPA

SAANICH CITIZENS FOR A RESPONSIBLE EDPA

Subject: Environmental Development Permit Area (EDPA) Bylaw Revisions.

Anita Bull, Saanich Citizens for a Responsible EDPA, presented to Council and advised that her group could assist Saanich with creating a better EDPA. Presently, residents may not know or understand what being included in the EDPA means or what impact the EDPA has on their properties. The goal of the bylaw should be to protect the areas of highest bio-diversity in Saanich and be scientifically defensible. Inventory of sensitive ecosystems and rare species is needed. Ms. Bull stated that Saanich should follow its recent Declaration for the Right to a Healthy Environment that states “to ensure equitable distribution of environment benefits and burdens within the municipality”. The group believes that a better balance between maintaining land owners rights and protecting the natural environment with significant land owner involvement is needed. A report in relation to creating a better EDPA is being drafted by the group and will be forwarded to Council for their review.

Ted Lea, also addressed Council on behalf of the group and stated that the standards for sensitive ecosystems are not being followed.

Councillor Murdock stated:

- He appreciates the time the group has spent on raising awareness on the issue; a memo from the Director of Planning outlines the public engagement steps currently being undertaken regarding the EDPA bylaw and includes contacting individual home owners affected by the EDPA.
- It is in the best interest of the municipality to ensure the bylaw's intent is clear and that implications of the bylaw are fully considered.

In response to questions from Council, the Manager of Current Planning stated:

- The steps outlining the consultation process includes sending letters to individual property owners who have an EDPA on their properties, scheduling drop in Open Houses, and information displays being set up at the Recreation Centres and other municipal buildings.

- A staff report will be presented to an Advisory Committee, will then be presented at a Council meeting and could be referred to Public Hearing.

In response to questions from Council, the Chief Administrative Officer stated:

- Letters will be sent inviting individual land owners who have property in the EDPA.

Mayor Atwell stated:

- All land owners affected by the EPDA and the Environmentally Significant Areas (ESA) will be invited to the open houses.

Ms. Bull also stated:

- The bylaw in its entirety should be considered; the biggest concern is that Exemption 14 is being interpreted differently by staff.
- A Town Hall meeting is preferred; open houses are one-on-one which does not allow residents to hear the concerns of neighbours.

Councillor Murdock stated:

- A Town Hall meeting will let Council hear from affected and interested residents in relation to the proposed changes to the bylaw.

Councillor Haynes stated:

- The bylaw was drafted years ago and is now at the implementation stage; it is at this stage that problems become apparent.
- He is concerned around the public's warning to staff; he hopes that if a Town Hall meeting is held, it is done in a respectful manner.
- There is concern about accommodating the number of participants that may be interested in attending open houses.

MOVED by Councillor Haynes and Seconded by Councillor Plant: "That one or more Town Hall meetings be held to discuss the Environmental Development Permit Area Bylaw."

Councillor Derman stated:

- It is preferable to have the item brought forward at a Council meeting; the public would be able to provide feedback at a Council meeting.
- Staff should not be nullified; they have worked hard on the bylaw.
- The approach indicated in the staff memo will ensure that the background information and research has been done before coming to Council.

Councillor Brice stated:

- There is a need for further discussion on the bylaw; the benefits and risks of the EDPA bylaw should be understood.
- The process for information sharing should be beneficial to the public, Council and staff.

A. Bull stated:

- Part of the request of the group is for an open microphone where both staff and Council are available to hear questions and provide answers.

Councillor Murdock stated:

- An interactive forum is needed to hear the public's concerns in relation to the implications of the EDPA; concerns should be canvassed before the future direction of the bylaw is discussed.

Councillor Plant stated:

- He questions if a Town Hall meeting and open houses could be held simultaneously.

Mayor Atwell stated:

- In the past, public meetings have been beneficial in that issues were revealed that Council were not aware of; they are also beneficial for members of the public to hear other residents' concerns.
- This is a unique situation that affects residents uniquely.

Councillor Plant stated:

- The idea of having both styles of meetings simultaneously is appealing; some residents prefer a Town Hall style meeting while other residents may not be comfortable speaking in front of a lot of people and prefer meeting one-on-one.

Councillor Haynes stated:

- It may be valuable for residents to meet with staff one-on-one; educating and listening to the public is an important aspect of the process.
- The group could present at a Town Hall meeting in a more visual way; Council will become more informed after listening to the feedback.

Councillor Brownoff stated:

- Sometimes at Town Hall meetings, the quiet people are intimidated to voice their concerns; a hybrid process should be considered for public consultation on this issue which includes both Town Hall and one-on-one meetings.
- She wants to hear all the concerns before a bylaw amendment is discussed.

Councillor Sanders stated:

- The education piece is missing from the process; when the bylaw was being drafted six years ago, public open houses were held but this is a different audience, some residents participated at the time, some didn't.
- A hybrid model is needed to include a Town Hall and one-on-one meetings.

Motion DEFEATED

With Mayor Atwell and Councillors Brice, Brownoff, Derman, Murdock, Plant and Sanders OPPOSED

MOVED by Councillor Plant and Seconded by Councillor Murdock: "That Saanich proceed with two open houses as well as a Town Hall meeting, at an appropriate venue, that will allow for education and questions and answers in relation to the Environmental Development Permit Area Bylaw."

Mayor Atwell stated:

- A Town Hall meeting will have Councillors in attendance, will be on the record, the public will be able to speak about their properties and Council will be able to then revisit the bylaw with respect to the concerns identified by the public.

In response to questions from Council, the Chief Administrative Officer stated:

- The memo from the Director of Planning is meant to be a briefing note for Council's information; it outlines the steps to be taken to get further information from the public on the bylaw; staff are aware that they may get additional direction on how Council wishes to proceed.

Councillor Derman stated:

- The nature of the motion is that Council will advise staff that they wish to hold a Town Hall meeting in addition to the steps outlined in the memo.
- The Town Hall meeting is a chance for collection of information; it is not a time for angry recrimination.
- It is important to draft the best bylaw possible.

Councillor Brice stated:

- The public will have the opportunity to speak about their concerns and hear from staff and Council; notification should include letters being sent to individual residents affected by the EDPA and ESA.

Councillor Haynes stated:

- The notification letter needs to be clear and be identified as a call for action; the point of the process is make sure that both sides are informed.

Councillor Sanders stated:

- The educational piece is important; appropriate time should be given to the process to ensure it is wholesome.

Councillor Murdock stated:

- There is value in adding a Town Hall meeting to the process although some residents may be uncomfortable speaking in front of a crowd.
- The process will ensure there is an exchange of information and ideas and meaningful consultation; this is a learning process for Council, staff and residents.

Mayor Atwell stated:

- It is his hope that the expectations of the bylaw and the community can be made to work; based on the number of concerns identified, it is clear that the bylaw needs to be modified.
- He encourages residents to research their properties and come to the upcoming meetings.

The Motion was then Put and CARRIED

Minutes

ADOPTION OF MINUTES

MOVED by Councillor Brice and Seconded by Councillor Derman: "That Council adopt the minutes of the May 11, 2015 Council and Committee of the Whole meetings."

CARRIED

1790-20
Amalgamation
Study

PUBLIC INPUT

T. Heemskerk, Frechette Street, stated:

- A provincial study is necessary to look at the current structure to determine if there is a better governance structure for the region; the first step would be to find out what citizens want.
- The 2014 ballot questions throughout the region were varied and unclear in their intent; Saanich's ballot question asked about internal structure, a community based review of governance and policies and partnerships within the region.
- A study would indicate whether we have the best model of governance or what changes might be undertaken to improve governance for the region.
- Saanich is urged to participate in the study; provincial funding is available for municipalities to participate.

J. Anderson, Lauder Road, stated:

- The ballot question recognizes the intent to proceed with a community based governance review; the second part of the question was to review partnerships within the region; how can that be done without talking to the partners.
- There are provincial funds available to fund the study; it is recommended that Council approve the motion and write the letter to the Minister to participate in the study.
- The study will review the range of possible options for improved governance within the region.

M. Henderson, Goyette Road, stated:

- Residents should be asked how they feel about amalgamation; it is a change that will have profound consequences for how municipalities would be managed.
- Residents supported the ballot question for a community based review of the governance structure and the partnerships within the region; residents were not asked if they supported an amalgamation study.
- It is concerning that there is no mandate to pursue the motion and due process is not being followed.

D. Dickson, Monarch Place, stated:

- The public supported an in-house study; changing the mandate would be tampering with and manipulating the process that the public agreed on.

M. Najari, Leeds Place, stated:

- The benefits and risks of the governance study should be considered; amalgamation reduces the power and representation of citizens; residents may lose decision-making abilities in their communities.
- Residents voted in favour of a community based review; the public has to be involved throughout the process.
- There are no Terms of Reference for a Provincial study; if the public is not included in the discussions with the Province, the study would not be considered community based.
- Terms of Reference must be brought to residents for their review and feedback.

K. Harper, Bonair Place, stated:

- It would be a shame if Saanich did not participate in the Provincial study; there is no harm in finding out what the regional issues are.
- The local government process melds well with the Provincial study; Saanich has a lot to offer to the Province and could learn from neighbouring municipalities.
- She is disappointed that a more direct question was not included on the ballot.

R. Bouchard, Parkview Drive, stated:

- Saanich should participate with the larger community; it is important to learn the benefits to the municipality.
- The study is not just about amalgamation, it includes the integration of services with the possibility of improvements.

D. Brygadyr, Cameo Street, stated:

- Integration of some services makes sense; the idea of amalgamation scares people.
- There should be a review of all the options that could be available within the region; there may be some communities that wish to amalgamate.

H. Wolf, Kincaid Street, stated:

- The Urban Containment Boundary may be the future boundaries between the core municipalities and the peninsula; he wants Saanich to fight not to lose rural land.

J. Casler, Victoria, stated:

- To hand over the study of amalgamation to the Province is not a good idea.
- A better solution may be to share information throughout the region and come to an agreement.

RESOLUTIONS FOR ADOPTION

5370-30

Tender 09/15

TENDER 09/15 – ASPHALT PAVING WORKS

Report of the Director of Engineering dated May 15, 2015 recommending Council award Tender 09/15 for the Asphalt Paving Works to Capital City Paving in the amount of \$999,787 (based on estimated quantities and excluding GST).

MOVED by Councillor Plant and Seconded by Councillor Derman: “That Tender 09/15 for Asphalt Paving Works be awarded to Capital City Paving in the amount of \$999,787 (based on estimated quantities and excluding GST).”

CARRIED

5370-30

Tender 10/15

TENDER 10/15 – CONSTRUCTION OF CONCRETE CURB, GUTTER AND SIDEWALK

Report of the Director of Engineering dated May 18, 2015 recommending Council award Tender 10/15 for the Construction of Concrete Curb, Gutter and Sidewalk to Island Asphalt Company (Division of O.K. Industries Ltd.) in the amount of \$696,925 (based on estimated quantities and excluding taxes).

MOVED by Councillor Haynes and Seconded by Councillor Brownoff: “That Tender 10/15 for the Construction of Concrete Curb, Gutter and Sidewalk be awarded to Island Asphalt Company (Division of O.K. Industries Ltd.), in the amount of \$696,925 (based on estimated quantities and excluding taxes).”

CARRIED5370-30

Tender 12/15

TENDER 12/15 – COLD ASPHALT MILLING

Report of the Director of Engineering dated May 18, 2015 recommending Council award Tender 12/15 for the Cold Asphalt Milling to Capital City Paving in the amount of \$549,845 (based on estimated quantities and excluding taxes).

MOVED by Councillor Derman and Seconded by Councillor Sanders: “That Tender 12/15 for Cold Asphalt Milling be awarded to Capital City Paving in the amount of \$549,845 (based on estimated quantities and excluding taxes).”

CARRIED5370-30

Tender 13/15

TENDER 13/15 – SUPPLY OF HOT AND COLD MIX ASPHALT – FOB PLANT

Report of the Director of Engineering dated May 15, 2015 recommending Council award Tender 13/15 for the Supply of Hot and Cold Mix Asphalt – FOB Plant to Island Asphalt Company (Division of O.K. Industries Ltd) in the amount of \$489,990 (based on estimated quantities and excluding taxes).

MOVED by Councillor Sanders and Seconded by Councillor Brice: “That Tender 13/15 for the Supply of Hot and Cold Mix Asphalt – FOB Plant be awarded to Island Asphalt Company (Division of O.K. Industries Ltd.) in the amount of \$489,990 (based on estimated quantities and excluding taxes).”

CARRIED5370-30Purchase Order to
BC Hydro**BC HYDRO SERVICE TO AUSTIN PUMP STATION**

Report of the Director of Engineering dated May 22, 2015 recommending Council approve a Purchase Order, plus change orders within project budget, to BC Hydro for \$207,794 (excluding GST).

MOVED by Councillor Plant and Seconded by Councillor Derman: “That Council approve a Purchase Order in the amount of \$207,794 (excluding GST), plus change orders within project budget, to BC Hydro to install the new three phase electrical service to the Austin Pump Station.”

CARRIED

1790-20
Amalgamation
Study

MOTION TO SUPPORT A PROVINCIALY FUNDED AMALGAMATION STUDY

Further to the Notice of Motion received from Councillor Plant requesting Council support a provincially funded amalgamation study.

MOVED by Councillor Plant and Seconded by Councillor Haynes: “That:

- a) Saanich write a letter to Minister Coralee Oakes indicating our willingness to participate in a provincially funded amalgamation study. The letter will be developed by Mayor and Council with the assistance of staff; and**
- b) Prior to drafting the letter, residents will be invited to a public meeting to provide feedback for Mayor and Council as to what should be included in the letter.”**

Councillor Plant stated:

- The motion does not replace the Governance Review Saanich residents asked for.
- There is no mechanism to work with other municipalities on a Governance Review; Saanich residents should not be disadvantaged from having as much information as possible regarding the possibility of coordination of services.
- The Province has committed to funding the study; it will not cost Saanich directly.
- Participation in the study does not tie Saanich to an outcome; if there is a concern about the neutrality of the study that needs to be put in writing in the letter.

Councillor Haynes stated:

- The motion asks the community to be involved in writing a letter to the Province; not participating means that Saanich will not have the full advantage of guiding the study.
- As part of the Governance Review, Saanich will be looking at its partnerships within the region; there is value in getting more information as part of the Provincial study.
- Saanich can share its successes with other municipalities.

Councillor Derman stated:

- There is an interest in improved governance within the region; residents have expressed their concern about the lack of specifics of the Terms of Reference of the Provincial study.
- The Provincial study requires that a regional framework be established and should focus on improved governance in the region.
- There are questions in relation to the Provincial study including: who will be carrying out the study, what process will be used and what kinds of discussion items will be involved.

Councillor Brice stated:

- Under the *Community Charter*, the Minister will not be able to have any discussions in relation to Saanich unless Saanich asks them to; the amount of funding has not been confirmed.
- There has been no discussion on whether or not public involvement would be included in the process; Saanich has a responsibility to residents to know what we are getting into.
- More information is needed before she would support participating in the study.

Councillor Sanders stated:

- Not all municipalities within the region have agreed to be included in a Provincial study; the question on the ballot did not ask residents if they wanted to participate in a study.
- She is not comfortable supporting the motion as is; there are too many questions outstanding on what the Province would include as part of the study.

Councillor Murdock stated:

- Further discussion and public consultation should take place to develop the content of the letter to the Province; the Provincial study is not intended to replace the community based review.

Councillor Brownoff stated:

- Saanich residents like community based conversations; some services have already been integrated within the region; it may be beneficial to study financial implications of partnerships.
- There are still questions that need to be answered before committing to participating in the Provincial study.
- Once the Governance Review report is received and reviewed, Council can decide whether to proceed with the Provincial study.

Councillor Haynes stated:

- The letter to the Province could include the questions raised by Council and include feedback from the public and the consultant.

MOVED by Councillor Derman and Seconded by Councillor Haynes: “That the wording in Part a) of the motion be amended by inserting “in principle” after the word “willingness”, and by deleting the words “provincially funded amalgamation study” and replacing them with “a study of governance in the region, dependent upon the Terms of Reference and nature of the study proposed.”

Councillor Plant stated:

- The initial motion was crafted so that it was not too prescriptive; he supports the amendment.

Councillor Brice stated:

- The amendment presupposes that a list of answers will be provided by the Province; the letter to the Province should be specific in terms of the questions that Council has in relation to the study.

Councillor Haynes stated:

- The letter to the Province should ask for specifics including the Terms of Reference of the study; if Saanich is not satisfied with the answers, it could choose not to participate in the study.

In response to questions from Council, the Chief Administrative Officer stated:

- Council can direct staff how they would like to invite the public to provide feedback on the letter to the Province.

Councillor Brownoff stated:

- The community needs to see the draft letter and then have the opportunity to provide input.

Councillor Derman stated:

- Questions to be included in the letter should be whether or not the objective of the study is to study improved governance in the region broadly or specifically towards amalgamation; who will conduct the study and how will they be selected; what will be studied and how will it be studied; how will the public be involved; how can we be assured that the study will be unbiased; and what sort of control will the Province take, if any, over the process.

In response to questions from Council, the Chief Administrative Officer stated that prior to drafting a letter, the public would be invited to a meeting to provide feedback. After receiving the feedback, Council would work with staff to draft the letter to be sent to the Minister. Once the letter is prepared, it would be available to the public.

The Amendment to the Motion was then Put and CARRIED

Councillor Plant stated:

- He is concerned that the public will not have input into the letter once it is prepared.

Councillor Derman stated:

- When the letter is sent to the Province, it becomes a public document.
- Prior to the final letter being prepared, it could come back to a Council meeting for public input.

MOVED by Councillor Plant and Seconded by Councillor Haynes: “That the wording in Part b) be amended by inserting “to be held 21 days from tonight”, after the words “invited to a public meeting”.”

**The Amendment to the Motion was DEFEATED
With Mayor Atwell and Councillors Brice, Brownoff, Derman, Haynes,
Murdock and Sanders OPPOSED**

In response to questions from Council, the Chief Administrative Officer stated that the item could be brought to a Council meeting on either June 15 or June 22, 2015.

MOVED by Councillor Derman and Seconded by Councillor Plant: “That the wording in Part b) be amended by inserting “to be scheduled at the earliest opportunity”, after the words “invited to a public meeting”.”

The Amendment to the Motion was CARRIED

Mayor Atwell stated:

- Asking for the Terms of Reference in the letter is appreciated; it is important to look at partnerships.

The Main Motion as Amended was then Put and CARRIED

Motion as Amended:

1. Saanich write a letter to Minister Coralee Oakes indicating our willingness, in principle, to participate in a study of governance in the region, dependent upon the Terms of Reference and nature of the study proposed. The letter will be developed by Mayor and Council with the assistance of staff; and
2. Prior to drafting a letter to Minister Coralee Oakes, residents will be invited to a public meeting, to be scheduled at the earliest opportunity, to provide feedback for Mayor and Council as to what should be included in the letter.

1410-20
CRD Updates

CAPITAL REGIONAL DISTRICT ACTIVITIES UPDATE

Council members provided updates on a variety of Capital Regional District initiatives.

Adjournment

On a motion from Councillor Brice, the meeting adjourned at 10:07 pm.

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MAYOR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK