

MINUTES OF THE COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
MONDAY, MAY14, 2007 AT 7:30 P.M.

Present: **Chair:** Mayor Leonard
Council: Councillors Brice, Brownoff, Derman, Gillespie, Hunter; Ngai and Sanders
Staff: Chris Nation, Municipal Solicitor; Carrie MacPhee, Manager of Legislative Services; Mike Lai, Manager of Transportation; and Shirley Leggett, Senior Committee Clerk.

Minutes **ADOPTION OF MINUTES**

MOVED by Councillor Ngai and Seconded by Councillor Brownoff:
“That the Minutes of the Council and Committee of the Whole Meetings held May 7, 2007, be adopted.”

CARRIED

Bylaws **BYLAWS**

No. 116
ADM40 - Treasury
Bylaw 8850 **FINANCIAL PLAN BYLAW (2007 – 2011).**
Final Reading of the “Financial Plan Bylaw, 2007, No. 8850”. To establish the five year financial plan for 2007 – 2011.

MOVED by Councillor Ngai and Seconded by Councillor Brownoff:
“That Bylaw No. 8850 be adopted by Council and the Seal of the Corporation be attached thereto.”

CARRIED

No. 117
ADM40 - Treasury
Bylaw 8851 **SANITARY SEWER BYLAW AMENDMENT (SCHEDULE F – TRANSITIONAL SEWER SERVICE AREA CHARGES).**
Final Reading of the “Sanitary Sewer Bylaw, 2006, Amendment Bylaw, 2007, No. 8851”. To amend Schedule F (Transitional Sewer Service Area Charges).

MOVED by Councillor Hunter and Seconded by Councillor Brice:
“That Bylaw No. 8851 be adopted by Council and the Seal of the Corporation be attached thereto.”

CARRIED

No. 118
ADM40 - Treasury
Bylaw 8852 **GARBAGE COLLECTION AND DISPOSAL BYLAW AMENDMENT.**
Final Reading of the “Garbage Collection and Disposal Bylaw, 2005, Amendment Bylaw, 2007, No. 8852”. To increase the annual rate from \$118.50 to \$122.60.

MOVED by Councillor Sanders and Seconded by Councillor Hunter:
“That Bylaw No. 8852 be adopted by Council and the Seal of the Corporation be attached thereto.”

CARRIED

No. 119
ADM40 - Treasury
Bylaw 8853

TAX BYLAW.
Final Reading of the "Tax Bylaw, 2007, No. 8853". To establish the tax rates for 2007.

MOVED by Councillor Ngai and Seconded by Councillor Brice: "That Bylaw No. 8853 be adopted by Council and the Seal of the Corporation be attached thereto."

CARRIED

No. 121
ADM40
Bylaw 8854

SIGN BYLAW, 2006, AMENDMENT BYLAW, 2007, NO. 8854
Final Reading of the "Sign Bylaw, 2006, Amendment Bylaw, 2007, No. 8854". To amend Sign Bylaw No. 8789.

MOVED by Councillor Derman and Seconded by Councillor Sanders: "That Bylaw No. 8854 be adopted by Council and the Seal of the Corporation be attached thereto."

CARRIED

No. 122
ADM40
Bylaw 8855

TICKET BYLAW, 2001, AMENDMENT BYLAW, 2007, NO. 8855
Final Reading of the "Ticket Bylaw, 2001, Amendment Bylaw, 2007, No. 8855". To amend Ticket Bylaw No. 8217.

MOVED by Councillor Hunter and Seconded by Councillor Sanders: "That Bylaw No. 8855 be adopted by Council and the Seal of the Corporation be attached thereto."

CARRIED

RESOLUTIONS FOR ADOPTION

No. 123
PQS100
Tender 12/07

TENDER 12/07 – SUPPLY OF HOT AND COLD MIX ASPHALT.
Report of the Director of Purchasing dated May 7, 2007 recommending Tender 12/07 for the supply of hot and cold mix asphalt be awarded to Island Asphalt Company in the amount of \$493,753.50.

MOVED by Councillor Gillespie and Seconded by Councillor Brownoff: "That Tender No. 12/07 for the supply of hot and cold mix asphalt be awarded to Island Asphalt Company in the amount of \$493,753.50."

CARRIED

No. 124
ADM75
FCM Convention

FEDERATION OF CANADIAN MUNICIPALITIES CONVENTION – APPOINTMENT OF ACTING MAYOR.
Memorandum from the Manager of Legislative Services dated May 7, 2007 requesting Council consider appointing Councillor Hunter as Acting Mayor from June 1 – 4, 2007 inclusive.

MOVED by Councillor Brice and Seconded by Councillor Derman: "That Council appoint Councillor Hunter as Acting Mayor from June 1 to 4, 2007 inclusive."

CARRIED

No. 124
ADM115 – UBCM
Annual Dues

ASSOCIATION OF VANCOUVER ISLAND MUNICIPALITIES (AVICC) – ANNUAL DUES.

Invoice from the AVICC requesting payment of the 2007 annual dues in the amount of \$9,966.33.

MOVED by Councillor Ngai and Seconded by Councillor Brice: “That Council authorize the payment of \$9,966.33 to the Association of Vancouver Island Municipalities for the 2007 Annual Dues.”

CARRIED

RECOMMENDATIONS FROM COMMITTEES

From the Public Safety and Emergency Planning Committee Meeting held May 2, 2007.

No. 125
ADM115 – UBCM
Dog Attacks – Civil Liability

UNION OF BRITISH COLUMBIA MUNICIPALITIES (UBCM) RESOLUTION – DOG ATTACKS – CIVIL LIABILITY

Recommendation from the Public Safety and Emergency Planning Committee Meeting held May 2, 2007 and February 2, 2007 report of the Municipal Solicitor, recommending that Council adopt proposed resolution “Victims of Dog Attacks – Right to Recover Civil Damages”.

MOVED by Councillor Derman and Seconded by Councillor Brice: “That Council forward the following resolution to the Union of British Columbia Municipalities for consideration:

VICTIMS OF DOG ATTACKS – RIGHT TO RECOVER CIVIL DAMAGES

WHEREAS at common law a victim of a dog attack must prove that the dog owner had prior knowledge of the dog’s dangerous tendencies in order to succeed in recovering damages from the owner;

AND WHEREAS there are many cases where innocent people are seriously injured or killed by dogs with no prior history of attacks and such victims have no legal means of recovering compensation for their loss;

AND WHEREAS it is often impossible for a victim to prove that a dog owner had prior knowledge of the dog’s dangerous tendencies even where such knowledge exists;

AND WHEREAS the Provinces of Ontario, Manitoba and Newfoundland have brought in legislation to reverse the common law; and

NOW THEREFORE be it resolved that the Union of British Columbia (UBCM) petition the Provincial Government to bring in legislation to make owners of dogs legally responsible for damages resulting from any unprovoked attack by their dog whether or not the owner had prior knowledge of the dog’s dangerous tendencies.”

Councillor Derman stated:

- Although the majority of dog owners may be responsible with well behaved animals, the Municipality still receives frequent complaints.
- Victims of dog attacks have the right to a means of recompense and dog owners should be liable for their animal's actions.
- He thinks the proposed resolution to UBCM is very appropriate.

Councillor Gillespie stated:

- He supports the proposed resolution to the UBCM.

Councillor Brownoff stated:

- She has had first-hand experience with a dog attack to her friend and she supports the proposed resolution.

Councillor Sanders stated:

- She supports the proposed resolution to UBCM.

Councillor Brice stated:

- She supports the proposed resolution; if the legislation is passed it will give victims of dog attacks the opportunity to have their cases heard and help ensure dog owners are held liable for damages caused by their animal.

Councillor Hunter stated:

- He appreciates the time and efforts of the Municipal Solicitor and the Police Inspector.

Mayor Leonard stated:

- On behalf of Council he would like to acknowledge Miss Wheeler and her mother and thank them for attending the meeting.

The Motion was then PUT and CARRIED

No. 126
ADM40
Bylaw 8556

ANIMALS BYLAW AMENDMENT – AGGRESSIVE DOGS

Recommendation from the Public Safety and Emergency Planning Committee Meeting held May 2, 2007 and April 12, 2007 report of the Municipal Solicitor, recommending that Council adopt the proposed amendment to the Animals Bylaw, 2004, No. 8556, as outlined in amending Bylaw No. 8845.

MOVED by Councillor Brownoff and Seconded by Councillor Derman: "That Council adopt the proposed amendments to the "Animals Bylaw, 2004, No. 8556" as outlined in the April 12, 2007 report of the Municipal Solicitor."

CARRIED

Adjournment

On a Motion from Councillor Gillespie, the meeting adjourned at 7:40 p.m.

The meeting reconvened at 7:46 p.m.

From the Committee of the Whole Meeting held May 14, 2007

No. 127
Torquay Drive
Subdivision
Application

PROSPECT LAKE SOCCER CLUB – INTEREST FREE LOAN FOR ARTIFICIAL TURF FIELD PROJECT AT LAYRITZ PARK

MOVED by Councillor Hunter and Seconded by Councillor Brice: “That Council provide a \$250,000 interest free loan with a five (5) year repayment schedule to the Prospect Lake Soccer Club for the artificial turf project at Layritz Park.”

CARRIED

In Camera Motion

MOVED by Councillor Gillespie and Seconded by Councillor Hunter: “That the following meeting be closed to the public as the subject matter being discussed relates to personal information about identifiable individuals being considered for appointment.”

CARRIED

Adjournment

On a motion from Councillor Gillespie, the meeting adjourned at 7:47 p.m.

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MAYOR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING
 HELD IN THE COUNCIL CHAMBERS
 SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
MONDAY, MAY 14, 2007 AT 7:41 P.M.

Present: **Chair:** Councillor Derman
Council: Mayor Leonard and Councillors Brice, Brownoff, Gillespie, Hunter, Ngai and Sanders
Staff: Chris Nation, Municipal Solicitor; Carrie MacPhee, Manager of Legislative Services; Mike Lai, Manager of Transportation and Shirley Leggett, Senior Committee Clerk.

PKA35
 Artificial Turf Project
 – Layritz Park

PROSPECT LAKE SOCCER CLUB – INTEREST FREE LOAN FOR ARTIFICIAL TURF FIELD PROJECT AT LAYRITZ PARK.

Report of the Director of Parks and Recreation dated May 1, 2007 recommending Council approve an interest free loan to the Prospect Lake Soccer Club for the artificial turf field project at Layritz Park in the amount of \$250,000 with a five (5) year repayment schedule.

Mr. M. Adams, on behalf of the Prospect Lake Soccer Club, stated:

- In March, Council reviewed and approved a partnership with the Prospect Lake Soccer Club to establish an artificial turf field at Layritz Park.
- As part of the partnership Council approved in principle an interest free loan up to \$250,000 should it be needed and contributed \$100,000 towards the completion of the project.
- The Soccer Club's application for Olympic/Paralympic Live Site funding was turned down so they are requesting to access the funds Council previously approved in principle.
- They have formed a partnership with Don Mann Excavating to produce approximately \$625,000 in cost savings for materials and labor; members of the Soccer Association will also be donating labor to subsidize the project.

MOTION: MOVED by Councillor Gillespie and Seconded by Councillor Brice: That it be recommended that Council provide a \$250,000 interest free loan with a five (5) year repayment schedule to the Prospect Lake Soccer Club for the artificial turf project at Layritz Park."

Councillor Gillespie stated:

- He is very happy to approve an interest free loan to the Soccer Club.
- He was involved with soccer for many years; parents spend countless hours volunteering and should be commended.

Councillor Derman stated:

- He appreciates the efforts of the Soccer Club.
- He spent many years coaching soccer; there were numerous times they could not play because the soccer fields were rained out.
- Artificial turf fields are a good way to increase sport field capacity; he supports the interest free loan.

The Motion was then PUT and CARRIED

Adjournment On a motion from Councillor Gillespie, the meeting adjourned at 7:45 p.m.

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CHAIR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK