

DISTRICT OF HIGHLANDS
REGULAR COUNCIL MEETING

Minutes of the Regular Council meeting held Monday, October 20, 2003, at Caleb Pike House, 1589 Millstream Road at 7:30 p.m.

PRESENT: Mayor Roessingh, Chair
Councillor K. Brotherston
Councillor M. Brotherston
Councillor Cardinal
Councillor Kadar
Councillor Mendum

ABSENCE Councillor McPherson

IN ATTENDANCE: Bruce Woodbury, Administrator
Laurie Taylor, Deputy Clerk

AGENDA

MOTION 527/03
MOVED BY COUNCILLOR CARDINAL
SECONDED BY COUNCILLOR M. BROTHERSTON
THAT: The agenda BE AMENDED by adding the following items:

Item 1(b)(iii)	Letter from Evelyn Samuel, 405 Hazlitt Creek Road
Item 1(b)(iv)	Letter from Mara Dhillon, 3813 Munn Road
Item 1(b)(v)	Letter from Elaine Limbrick, 3836 Munn Road
Item 8(c)	Draft Agreement re CitySpaces Contract from Councillor Cardinal

AND THAT the agenda, as amended, BE APPROVED

CARRIED

PETITIONS AND DELEGATIONS

1. PETITIONS AND DELEGATIONS

a) AUTOPLAN BROKERS – PRESENTATION OF \$2500 CHEQUE
Prize won by Councillor Mendum at UBCM for Autoplan Broker
Road Safety Initiative

Due to the weather conditions, Mr. Parent was not available to make the presentation.

b) Correspondence Received regarding the OCP Review Process
(File 6480-06)

(i) Ingo Lambrecht, 3375 Lakeridge Road, dated October 3, 2003

MOTION 528/03

MOVED BY COUNCILLOR CARDINAL

SECONDED BY COUNCILLOR K. BROTHERSTON

THAT: the letter from Ingo Lambrecht, dated October 3, 2003 pertaining to the OCP Review BE RECEIVED FOR INFORMATION

CARRIED

(ii) Kerry & Lynne Joy, 598 Millstream Lake Road

MOTION 529/03

MOVED BY COUNCILLOR KADAR

SECONDED BY COUNCILLOR MENDUM

THAT: the letter from Kerry and Lynne Joy, received October 20, 2003 pertaining to the OCP Review BE RECEIVED FOR INFORMATION

CARRIED

(iii) Evelyn Samuel, 405 Hazlitt Creek Road

- Read a letter expressing concern about the “Rural Highlands” website and their use of the term “Council Meeting Minutes”

(iv) Mara Dhillon, 3813 Munn Road

- Read a letter thanking the Mayor, Council and members of the OCP Planning Coordinating Team for the time they have spent on the OCP review process

(v) Elaine Limbrick, 3836 Munn Road

MOTION 530/03

MOVED BY COUNCILLOR KADAR

SECONDED BY COUNCILLOR MENDUM

THAT the letter from Elaine Limbrick dated October 20, 2003 pertaining to the OCP Review BE RECEIVED FOR INFORMATION

CARRIED

Council

- A Councillor expressed concern Council did not address the issues raised by the public at the last meeting regarding the OCP review process. Suggestion was made that workshop be held with Council, staff, CitySpaces and the OCP Planning Coordinating Team to discuss the process.

- Concern was expressed about the content of the survey. Members of Council explained the purpose of the review was to address issues that are not currently in the OCP not to rewrite the entire OCP, and the survey was drafted to suit that purpose.
- It was noted that the OCP review process and the mandate of the OCP Planning Coordinating Team had been endorsed by Council.
- Consensus was that the Mayor and Councillor Mendum would review and summarize the concerns identified in the correspondence received regarding the OCP review and circulate the list to all Council to determine if a meeting is warranted.

2. ADOPTION OF THE MINUTES

a) Minutes of the Regular Council Meeting – October 6, 2003

MOTION 531/03

MOVED BY COUNCILLOR M. BROTHERSTON

SECONDED BY COUNCILLOR K. BROTHERSTON

THAT the minutes of the Regular Council meeting held October 6, 2003 BE ADOPTED AS CIRCULATED.

CARRIED

b) Minutes of the Committee of the Whole Meeting – October 7, 2003-

MOTION 532/03

MOVED BY COUNCILLOR MENDUM

SECONDED BY COUNCILLOR KADAR

THAT the minutes of the Committee of the Whole meeting held October 7, 2003 BE ADOPTED AS CIRCULATED.

CARRIED

CRD LANDS – SEWAGE LAGOON IN SOUTH HIGHLANDS

MOTION 533/03

MOVED BY COUNCILLOR CARDINAL

SECONDED BY COUNCILLOR MENDUM

THAT staff be instructed to write a letter to the Province and to the CRD Board requesting the issue of the remediation of the former sewage lagoon site on Millstream Road be dealt with in a timely manner.

CARRIED

3. **BUSINESS ARISING FROM THE MINUTES**

- a) **CBC Radio Canada**
Report from Deputy Clerk dated October 15, 2003

MOTION 534/03

MOVED BY COUNCILLOR M. BROTHERSTON

SECONDED BY COUNCILLOR K. BROTHERSTON

THAT the report dated October 15, 2003 from the Deputy Clerk regarding CBC Radio Canada be received for information.

CARRIED

4. **REPORTS**

a) **Committee Reports**

- i) Administration and Finance – Councillor Cardinal

- No Administration and Finance Advisory Committee Meeting was held.
- West Shore Parks and Recreation Society are proposing a budget increase of 2.4% as well as a separate budget increase of 4% for operating costs for the new arena.

- ii) Environment

Nil

- iii) Parks, Trails and Recreation - Councillor K. Brotherston

- Next scheduled Parks, Trails and Recreation Advisory Committee meeting is November 10, 2003 at 7:30 p.m. at Caleb Pike House.

Parks Trails & Recreation Advisory Committee

Re: Minutes of the Meeting held October 14, 2003

MOTION 535/03

MOVED BY COUNCILLOR K. BROTHERSTON

SECONDED BY COUNCILLOR M. BROTHERSTON

THAT the minutes of the Parks, Trails and Recreation Advisory Committee meeting held October 14, 2003 be received for information.

CARRIED

- iv) Protective Services - Councillor M. Brotherston

- Next Protective Services Advisory Committee meeting is November 27, 2003 at 7:30 p.m. at the East Fire Hall.

- CREST held their annual general meeting and problems with the system were discussed.
- iv) Roads – Councillor Mendum
- Next scheduled Roads Advisory Committee meeting is November 20, 2003 at 7:00 p.m. at Caleb Pike House.
 - Library Board meeting on October 21, 2003 to discuss four different 2004 budget options ranging from a 4% to a 7.6% increase.
- vii) Planning and Zoning
- a) Advisory Planning Commission – Councillor Kadar
- Nil
- b) OCP Planning Coordinating Team, – Councillor Kadar
- Next scheduled OCP Planning Coordinating Team meeting is October 21, 2003, 2003 at 7:30p.m. at West Fire Hall.

**Report from Planning Technician dated Oct. 14, 2003
OCP Planning Coordinating Team–Staff’s Supporting Role**

MOTION 536/03

MOVED BY COUNCILLOR KADAR

SECONDED BY COUNCILLOR CARDINAL

THAT the report dated October 14, 2003 from the Planning Technician regarding staff’s supporting role of the OCP review and the Planning Coordinating Team be received for information.

CARRIED

COUNCIL

- Noted the Planning Technician should be attending all OCP Planning Coordinating Team meetings

OCP Planning Coordinating Team

Re: Minutes of the Meeting held October 1, 2003

MOTION 537/03

MOVED BY COUNCILLOR KADAR

SECONDED BY COUNCILLOR K. BROTHERSTON

THAT the minutes of the October 1, 2003 meeting of the OCP Planning Coordinating Team be received for information

CARRIED

b) **Mayor's Report** - Mayor Roessingh

- Plans are currently underway for the Canadian Forces Appreciation Day to be held June 6, 2004.

5. **CORRESPONDENCE**

a) **Letter from Marie & Fred Threlfall
Re: Woodridge Estates**

Councillor Cardinal declared a conflict of interest and left the Council meeting at 8:45 p.m.

MOTION 538/03

MOVED BY COUNCILLOR KADAR

SECONDED BY COUNCILLOR K. BROTHERSTON

THAT the letter dated October 2, 2003 from Marie & Fred Threlfall pertaining to Woodridge Estates be received for information.

CARRIED

Councillor Cardinal returned to the Council meeting at 8:45 p.m.

6. **BYLAWS**

Nil

7. **NEW BUSINESS**

a) **Project S0301 – Asphalt Surfacing
Report from Deputy Clerk dated October 15, 2003**

MOTION 539/03

MOVED BY COUNCILLOR MENDUM

SECONDED BY COUNCILLOR M. BROTHERSTON

THAT the contract for Project S0301 – Asphalt Surfacing be awarded to Capital City Paving Ltd. In the amount of Twenty-Two Thousand Six Hundred Eighty-Four Dollars (\$22,684.00) including GST.

CARRIED

- b) **Procedure Bylaw**
Report from Deputy Clerk dated October 14, 2003

MOTION 540/03

MOVED BY COUNCILLOR MENDUM

SECONDED BY COUNCILLOR M. BROTHERSTON

THAT Council give notice of their intention to consider amendments to Procedure Bylaw (Notice of Meeting) Amendment Bylaw No. 131, 1999 to clarify meeting location and times including:

Wording to permit a regular Council meeting to be cancelled by Council resolution

Establish the start time of 7:00 p.m. and the end time of 10:30 p.m. for all Council meetings

Holding all Council meetings at Caleb Pike House.

CARRIED

- c) **Correspondence Relating to Development Applications**
Report from Deputy Clerk dated October 16, 2003

MOTION 541/03

MOVED BY COUNCILLOR M. BROTHERSTON

SECONDED BY COUNCILLOR MENDUM

THAT staff be instructed to prepare a policy for Council's consideration regarding the handling of correspondence received prior to a development application being received outlining that Council would like to see the correspondence when it is submitted and again when the application is considered by Council.

CARRIED

- d) **Release/Amendment of District's registered charges (property files)**
Memorandum from Planning Technician
– 646 Gowlland Road & 652 Southwood Drive
(Lots 4 and 7 Plan VIP75435) – Highlands 1 Holdings Ltd.

MOTION 542/03

MOVED BY COUNCILLOR CARDINAL

SECONDED BY COUNCILLOR M. BROTHERSTON

THAT: With respect to the applicant's (Highlands 1 Holdings) proposal to release and/or amend various charges (covenants and rights-of-way) registered in favor of the District of Highlands relevant to the properties legally described as:

LOT 4, SECTION 30, HIGHLAND DISTRICT, PLAN VIP75435

LOT 7, SECTION 30, HIGHLAND DISTRICT, PLAN VIP75435,

AND THAT Council:

1. Receive the attached correspondence dated October 16, 2003 from Keyvan Shojania of Windsor Law Group, which provides a description of Highlands 2 Holdings' request to release/amend charges for these lots; and
2. Confirm the approval-in-principle of the releases / amendments of these charges, and authorize the owner to prepare and submit FORM C releases, and final signatory versions of replacement documentation, for registration in the Victoria Land Title Office subject to:
 - a. The owner complying with any conditions identified by Council for this consent;
 - b. All expenses accrued for the preparation and registration of the releases and charges to be that of the owner;
 - c. Upon confirmation of registration of the amended or extended charges, the owner or the owner's lawyer providing the District of Highlands with registered copies of the charges in paper and digital format.

CARRIED

8. OTHER BUSINESS

- a) **Budget Reallocation**
Report from Deputy Clerk dated October 16, 2003

MOTION 543/03

MOVED BY COUNCILLOR K. BROTHERSTON

SECONDED BY COUNCILLOR M. BROTHERSTPM

THAT Council approve the reallocation of 2003 Parks Reserve Capital Expenditures as requested in the letter from the Highland Parks and Recreation Association dated October 15, 2003 and as outlined below:

1. Defer the expenditure of \$7500 allocated for irrigation at Twinflower Park until 2004 at the earliest;
2. Defer the expenditure of \$10,000 for a washroom facility at Twinflower Park until 2004 at the earliest;
3. Reallocate \$10,000, of the \$17,500 deferred, to complete the riding ring

CARRIED

- b) **Re: CRD – Governance Structure for Land Use Planning in Juan de Fuca Electoral Area (File 0470-02)**
Memo from Deputy Clerk, dated October 17, 2003

MOTION 544/03

MOVED BY COUNCILLOR CARDINAL

SECONDED BY COUNCILLOR M. BROTHERSTON

THAT the Council not support the establishment of a Governance Structure for Land Use Planning in the Juan de Fuca Electoral Area to enable voting entitlement by way of an agreement between the Capital Regional District and the abutting Municipalities as proposed in the letter dated August 15, 2003 from the Capital Regional District;

AND THAT the Capital Regional District be encouraged to explore other options to solve the land use planning problems currently experienced by the CRD.

CARRIED

- c) **CitySpaces Contract**
Memo from Administrator dated October 17, 2003

Michael Bocking, Chair, OCP Planning Coordinating Team

- Expressed concern that contract with CitySpaces has not yet been finalized as the Team is now running into time constraints.
- Fixed fee contract would ensure the final product

Staff

- Reviewed the concerns outlined in the Administrator's report dated October 17, 2003

Council

- Satisfied with fixed fee contract that includes a holdback
- Councillor Cardinal submitted a draft contract for Council's consideration

MOTION 545/03

MOVED BY COUNCILLOR M. BROTHERSTON

SECONDED BY COUNCILLOR CARDINAL

THAT the contract with CitySpaces in the fixed fee amount of \$55805.00 plus applicable taxes as attached to the letter from CitySpaces dated October 16, 2003 be approved by Council

AND THAT the Mayor and Administrator be authorized to execute the contract on behalf of the District of Highlands.

MOTION WITHDRAWN

MOTION 546/03

MOVED BY COUNCILLOR CARDINAL

SECONDED BY COUNCILLOR M. BROTHERSTON

THAT a Special Council Meeting to be held at 4:30 p.m., Wednesday, October 22, 2003 at the District Office, 1980 Millstream Road to discuss the CitySpaces contract;

AND THAT the notice requirement for a special meeting be waived pursuant to Section 223(3) of the Local Government Act;

AND THAT further consideration of the CitySpaces contract be deferred until the Special Meeting scheduled for October 22, 2003;

AND THAT Council approve in principle a fixed fee contract with CitySpaces for the OCP Review;

AND THAT Schedules A, B, C and D attached to the CitySpaces contract as attached to their letter dated October 16, 2003 be approved by Council;

AND THAT staff be instructed to review the draft contract submitted by Councillor Cardinal in conjunction with the contract submitted by CitySpaces;

AND THAT CitySpaces be authorized by Council to commence the work identified as Phase 1 – Planning as outlined in Schedules B and C.

CARRIED

Councillor Mendum opposed.

9. ADJOURNMENT

a) Resolution to Convene to In-Camera Meeting

MOTION 547/03

MOVED BY COUNCILLOR M. BROTHERSTON

SECONDED BY COUNCILLOR K. BROTHERSTON

THAT: That the regular meeting of Council be adjourned at 10:20 p.m.;

AND THAT, pursuant to Section 242.2 of the *Local Government Act* an *in-camera* meeting be convened to discuss:

- Personnel

CARRIED

Karel Roessingh, Mayor

Bruce Woodbury, Administrator