

**DISTRICT OF HIGHLANDS
REGULAR COUNCIL MEETING**

Minutes of the Regular Council meeting held on November 7, 2005 at Caleb Pike House, 1589 Millstream Road at 7:00 p.m.

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

IN ATTENDANCE: Heinz Burki, Administrator
Laura Beckett, Municipal Planner
Sandi Chesley, Administrative Assistant

1. APPROVAL OF THE AGENDA

MOTION NO. 479/05

MOVED BY: COUNCILLOR MCPHERSON

SECONDED: COUNCILLOR K. BROTHERSTON

THAT Council approve the agenda as amended.

Rename Item 5 – Unfinished Business to Unstarted Business and move Item 9 (c) – Development Variance Permit Application DVP-10-05 to Unstarted Business - 5 (a)
Add: Bob McMinn, Les Bjola, Bob Flitton, Michael Bocking, Vicky Husband

CARRIED.

2. ADOPTION OF THE MINUTES

a) Minutes of the Regular Council Meeting held October 17, 2005

MOTION NO. 480/05

MOVED BY: COUNCILLOR M. BROTHERSTON

SECONDED: COUNCILLOR MCPHERSON

THAT the Minutes of the Regular Council Meeting held October 17, 2005 BE ADOPTED as circulated.

CARRIED.

- b) Minutes of the Committee of the Whole held October 24, 2005.

MOTION NO. 481/05
MOVED BY: COUNCILLOR MENDUM
SECONDED: COUNCILLOR MCPHERSON

THAT the Minutes of the Committee of the Whole held October 24, 2005 BE ADOPTED as amended.

CARRIED.

MOTION NO. 482/05
MOVED BY: COUNCILLOR MENDUM
SECONDED: COUNCILLOR M. BROTHERSTON

THAT Council receive the memo from the Municipal Planner dated November 2, 2005 regarding the Interpretation of Unprotected Green Action and that the motion from the Committee of the Whole meeting dated October 24, 2005 had been carried out.

CARRIED.

MOTION NO. 483/05
MOVED BY: COUNCILLOR MCPHERSON
SECONDED: COUNCILLOR MENDUM

THAT the motion from the Committee of the Whole Minutes dated October 24, 2005 regarding the petition addressed to Mayor and Council, dated October 17, 2005 was referred back to Council for information.

CARRIED.

(COUNCILLOR K. BROTHERSTON OPPOSED)

MOTION NO. 484/05
MOVED BY: COUNCILLOR M. BROTHERSTON
SECONDED: COUNCILLOR K. BROTHERSTON

THAT Council wishes to notify the Minister, Her Honourable Ida Chong that Council has received the attached petition and is forwarding it to her for information. **AND FURTHER** that a copy be forwarded to CRD Executive Director, Kelly Daniels and the Board Chair Don Amos.

There was discussion regarding the motion with various views and opinions stated. The question was then called.

CARRIED.

(COUNCILLORS MENDUM AND MCPHERSON OPPOSED)

- c) Minutes of the Public Hearing -Bylaw 277 (OCP) held October 26, 2005

MOTION NO. 485/05

MOVED BY: COUNCILLOR CARDINAL

SECONDED: COUNCILLOR K. BROTHERSTON

THAT the minutes of the Public Hearing Regarding Bylaw 277 (OCP) held October 26, 2005 BE ADOPTED as circulated.

CARRIED.

3. INTRODUCTION OF LATE ITEMS

4. PETITIONS AND DELEGATIONS

Bob McMinn, 499 Millstream Lake Road – read a letter regarding the Community Works Fund Agreement.

Les Bjola, 208-2800 Bryn Maur Road – read a letter on behalf of LGB9 Development Corporation about what they felt was false information being circulated to the residents of Highlands.

Bob Flitton, 680 Stewart Mountain Road – spoke about the Regional Growth Strategy.

Vicky Husband, 301 Ross Durrance Road – commented that the residents of the community would like to be consulted regarding the Regional Growth Strategy. Ms. Husband read a letter outlining her concerns about the actions of Council regarding a lack of Council support, a lack of democracy and how the community is split.

Michael Bocking, 405 Hazlitt Creek Road – thanked both Councillor McPherson and Councillor Marie Brotherston for a job well done and for the time they spent on Council.

5. UN-STARTED BUSINESS

- a) Development Variance Permit Application DVP-10-05
Lot A, Plan VIP75811, Section 78 (5033 Stag Road)

Ron Burke was present and answered questions from Council.

MOTION NO. 486/05

MOVED BY: COUNCILLOR CARDINAL

SECONDED: COUNCILLOR MENDUM

THAT Development Variance Permit No DVP-10-05, relating to Lot A, Plan VIP75811, Section 78, Highland District be received and notification BE GIVEN to the appropriate surrounding residents.

CARRIED.

6. REPORTS OF COMMITTEES, COMMITTEE OF THE WHOLE & COMMISSIONS

a) Committee Reports

- i) Advisory Planning Commission – Nothing to Report
- ii) Capital Regional Board – Reports from Councillor M. Brotherston
 - Advised that Langford's Regional Context Statement was approved by the Board and also Central Saanich, Saanich, Victoria and Oak Bay have had their Regional Context Statements approved by the Board and are not requiring amendments to the Growth Strategy.
 - Health Facilities Planning – a motion was passed that CRD Hospital Board support and commend the efforts of the Saanich Peninsula Health Association to maintain its community hospital and the quality of care and the Board Chair write the Minister of Health and the Premier of BC to support the call for review of the five Health Authorities in BC.
 - Environment Committee – Hartland Landfill received three awards for Community Excellence. The Solid Waste Advisory Committee discussed reducing items received at the landfill and initiating a ban on yard and garden material to take effect April 2006. The model Pesticide Bylaw is now available to look at.
 - High West Waste Management facility is now being included in the CRD Waste Management Plan.
- iii) Community Energy Planning Steering Committee – Councillor McPherson advised that the committee met on October 18, 2005. She advised that there was a one day website available and Chair Judy Brownoff wrote a letter to Vancouver thanking them for their willingness to work together. The next meeting is December 6, 2005 and Councillor McPherson is the only person representing the West Shore Community and will recommend to the Committee to seek representation from other Council's in the West Shore.
- iv) CREST – Councillor M. Brotherston reported that the final report is now complete. A one day workshop was held where the documents were reviewed in depth. CREST will be scheduling two information sessions to present the findings of the report. One to Municipal Administrative Officers and Elected Officials and the other to user agency representatives.

MOTION NO. 487/05

MOVED BY: COUNCILLOR M. BROTHERSTON

SECONDED: COUNCILLOR K. BROTHERSTON

THAT a Committee of the Whole meeting be held on Monday, November 14, 2005 to discuss the final CREST report.

AMENDING MOTION NO. 488/05

MOVED BY: COUNCILLOR MCPHERSON

SECONDED: COUNCILLOR M. BROTHERSTON

THAT the Fiscal and Environment Advisory Committee invited to attend the Committee of the Whole on November 14, 2005 for the CREST report discussions.

CARRIED.

- v) Emergency Planning Committee – Nothing to Report
- vi) Greater Victoria Family Court Committee – Councillor McPherson touched on the Youth Mental Health initiative.
- vii) Inter-Municipal Committee on Disability Issues – nothing to report
Councillor Kadar offered to build a ramp for the West Fire Hall for the upcoming election on November 19, 2005.
- viii) Solid Waste Advisory Committee – nothing to report.
- ix) Western Communities Policing Advisory Committee – Councillor Mendum advised that there is a meeting Wednesday, November 16, 2005.
- x) West Shore Parks and Recreation Society's Board of Directors – Councillor Cardinal advised that the World BMX Championships are coming to the West Shore in 2007. It is a sizeable event and the West Shore will end up with a great BMX facility after the Championships. Councillor Cardinal reported that there was a Field Committee meeting and KWC Planning Services (Ken Cossey) was awarded the contract. Last year's budget showed an increase to homeowners, while this year's budget shows a slight decrease

Bob McMinn reported on the Jump Park at Twinflower Park stating that many residents participated in putting the jump park together. Mr. McMinn reported that there are now four jumps in the beginners, four jumps in the intermediate and three in the advanced. Mr. McMinn stated that the jumps are well engineered and that the soil he received, packed down nicely and the project came under budget.

b) Mayor's Report

Mayor Roessingh thanked the Community Association and the Fire Fighter's for providing an excellent opportunity for families to get together on Halloween.

Mayor Roessingh announced that both he and Councillor McPherson received awards from The Skies Above Canada Foundation on behalf of the District of Highlands. CRD Parks has again been awarded for a video they produced called "Parks for All Seasons" and Mayor Roessingh wrote the sound track for the 10 minute video.

Mayor Roessingh announced that the Province and the CRD have reached an agreement about cleaning up and owning the Millstream Meadows contaminated site. This is a pilot project that the Province is putting on as part of their new brownfields strategy to clean up sites.

- i) Greater Victoria Public Library Board – Mayor Roessingh stated that the Library Board has struggled with budgeting. The Mayor highlighted issues such being low on staff vs materials budget. This puts a great strain on the staff because of the high use in the libraries.
- ii) CRD Arts Committee – nothing to report

7. CORRESPONDENCE

- a) Letter from the City of Burnaby
Re: The Possible Sale of Terasen Gas to Kinder Morgan

MOTION NO. 489/05

MOVED BY: COUNCILLOR MENDUM

SECONDED: COUNCILLOR MCPHERSON

THAT a letter of support be sent to the City of Burnaby regarding public participation in the public hearing process for the sale of Terasen Gas to Kinder Morgan.

CARRIED.

Correspondence to be received for Information.

MOTION NO. 490/05

MOVED BY: COUNCILLOR MENDUM

SECONDED: COUNCILLOR K. BROTHERSTON

THAT the following letters be received for information.

- b) Letter from the City of Burnaby, dated October 25, 2005
Re: Proposal for Community Participation in BC-Canada Place, Torino Italy, 2006
- c) Letter from the City of Langford, dated October 20, 2005
Re: West Shore Library Service – Report on Present & Future Service Needs
- d) Letter from the Highland District Community Association, dated October 26, 2005
Re: Insurance and HDCA Community Service

CARRIED.

- e) Memo from the Municipal Administrator, dated November 3, 2005
Re: Millstream Meadows Site Remediation

MOTION NO. 491/05

MOVED BY: COUNCILLOR MCPHERSON

SECONDED: COUNCILLOR M. BROTHERSTON

THAT staff make contact with Dwayne Kalynchuk, PEng, General Manager, Environmental Services, CRD to request that there be a liaison designated to keep the District of Highlands in touch with the activities of the Implementation Committee.

CARRIED.

Correspondence Requiring Action:

- f) Letter from the Greater Victoria Public Library, dated October 31, 2005
Re: Greater Victoria Public Library 2006 Provisional Budget

MOTION NO. 492/05

MOVED BY: COUNCILLOR MCPHERSON

SECONDED: COUNCILLOR MENDUM

THAT the letter from the Greater Victoria Public Library and the 2006 Provisional Budget be received for information.

CARRIED.

- g) Letter from Michael Carson dated September 28, 2005
Re: Referendum on Community Hall

MOTION NO. 493/05

MOVED BY: COUNCILLOR CARDINAL

SECONDED: COUNCILLOR KADAR

THAT the letter from Michael Carson dated September 28, 2005 be referred to the new Council and be forwarded to the Community Hall Task Force for information.

CARRIED.

- h) Letter from West Shore Christmas Hamper Fund Society, dated
October 12, 2005
Re: Christmas Hamper

MOTION NO. 494/05
MOVED BY: COUNCILLOR MCPHERSON
SECONDED: COUNCILLOR KADAR

THAT the District of Highlands invite the West Shore Christmas Hamper Fund Society to put a hamper at the Municipal Hall **AND FURTHER** that the District of Highlands contribute \$250 to the fund.

CARRIED.

Councillor Ken Brotherston offered to donate \$100 to the West Shore Christmas Hamper Fund and also put forth a challenge to match the donation.

- i) Letter from Shelley Lumsden dated October 31, 2005
Re: Rural Tourism

MOTION NO. 495/05
MOVED BY: COUNCILLOR MENDUM
SECONDED: COUNCILLOR KADAR

THAT the letter from Shelley Lumsden dated October 31, 2005 BE RECEIVED for information.

CARRIED.

- j) Memo from Municipal Administrator dated November 3, 2005
Re: Community Works Funding Agreement

MOTION NO. 496/05
MOVED BY: COUNCILLOR M. BROTHERSTON
SECONDED: COUNCILLOR MENDUM

THAT Council authorize the execution of the Community Works Funding Agreement and then forward the documents to the new Council for review and to the Advisory Committees for discussion.

CARRIED.

8. BYLAWS

- a) Council Indemnity Bylaw No. 278, 2005

MOTION NO. 497/05

MOVED BY: COUNCILLOR M. BROTHERSTON

SECONDED: COUNCILLOR MENDUM

THAT the "Council Indemnity Bylaw No. 278, 2005" BE GIVEN third reading.

CARRIED.

(COUNCILLORS K. BROTHERSTON AND CARDINAL OPPOSED)

- b) Council Indemnity Bylaw No. 278, 2005

MOTION NO. 498/05

MOVED BY: COUNCILLOR M. BROTHERSTON

SECONDED: COUNCILLOR MENDUM

THAT the "Council Indemnity Bylaw No. 278, 2005" BE ADOPTED.

CARRIED.

(COUNCILLORS K. BROTHERSTON AND CARDINAL OPPOSED)

- c) Highlands Zoning Amendment Bylaw No. 275, 2004 (Woodridge)

MOTION NO. 499/05

MOVED BY: COUNCILLOR CARDINAL

SECONDED: COUNCILLOR M. BROTHERSTON

THAT Highlands Zoning Amendment Bylaw No. 275, 2004 (Woodridge) BE DEFERRED to the next Council meeting pending staff discussions with the proponent to request a reduction in the density and the effect of that reduction on amenities including land, trail and cash amenity.

CARRIED.

(COUNCILLOR MCPHERSON OPPOSED)

- d) Report from Municipal Planner dated November 2, 2005
OCP and Regional Context Statement

There was discussion regarding whether to adopt the OCP before the Regional Context Statement has been accepted by the CRD Board and the legal ramifications of waiting to submit the Regional Context Statement.

MOTION NO. 500/05

MOVED BY: COUNCILLOR M. BROTHERSTON

SECONDED: COUNCILLOR MCPHERSON

THAT the following changes be made to the Regional Context Statement:

- deleting Map 10.1, which is the regional context statement map.
- adding the, "Highlands Servicing Boundary," exactly as shown on Map 10.1 to Map 2.1
- Changing all references to Map 10.1 with respect to Highlands Servicing Boundary to Map 2.1
- Using Map 4.1 Parks to reference the park areas being added to the Regional Growth Strategy's maps
- Text changes in the regional context statement as follows: In Table 10.1:
 - a. In the "Consistencies" column of the row called, "2.1 Protect Regional Green and Blue Space," the second bullet should read, "Unprotected Green Space Policy Areas as shown on Map 3 of the RGS fall under the jurisdiction of the District of Highlands development permit areas ."
 - b. In the "Inconsistencies" column in the same row as above, it should read, "Map 4.1 of this OCP shows park areas within Highlands."
 - c. In the "Resolution of Inconsistencies" column in the same row as above, it should read, "Highlands proposes to include all park areas as shown on Map 4.1 of this OCP on RGS maps".

CARRIED.
(COUNCILLOR MENDUM OPPOSED)

MOTION NO. 501/05

MOVED BY: COUNCILLOR M. BROTHERSTON

SECONDED: COUNCILLOR MCPHERSON

THAT the amended Regional Context Statement be sent to the CRD Board for acceptance.

CARRIED.
(COUNCILLOR MENDUM OPPOSED)

MOTION NO. 502/05

MOVED BY: COUNCILLOR M. BROTHERSTON

SECONDED: COUNCILLOR MCPHERSON

THAT the Mayor and the CRD Director Marie Brotherston strategize on an amendment process for the Regional Context Statement **AND FURTHER** that a letter be "crafted" and circulated to all members of Council for full support which will be sent to the CRD Board with the Regional Context Statement.

CARRIED.

MOTION NO. 503/05

MOVED BY: COUNCILLOR M. BROTHERSTON

SECONDED: COUNCILLOR MCPHERSON

THAT staff contact the Municipal lawyer, to seek his opinion on whether or not we need to send notification to the Minister and notification to the CRD with an expectant time line and that there are no liabilities.

MOTION WAS WITHDRAWN BY THE MOVER AND SECONDER.

AMENDING MOTION NO. 504/05

MOVED BY: COUNCILLOR M. BROTHERSTON

SECONDED: COUNCILLOR MCPHERSON

THAT a letter be sent to the Minister and the CRD Board requesting an extension to the deadline for submission of the Regional Context Statement.

CARRIED.

9. NEW BUSINESS

- a) Monthly Mayors Report for September 2005

MOTION NO. 505/05

MOVED BY: COUNCILLOR KADAR

SECONDED: COUNCILLOR MENDUM

THAT the Monthly Mayors Report for September 2005 BE RECEIVED for information.

CARRIED.

- b) CRD Monthly Animal Control Report ending September 30, 2005

MOTION NO. 506/05

MOVED BY: COUNCILLOR MENDUM

SECONDED: COUNCILLOR MCPHERSON

THAT the CRD Monthly Animal Control Report ending September 30, 2005 BE RECEIVED for information.

CARRIED.

- c) Report from the Municipal Administrator dated November 2, 2005
Re: Appointments to Advisory Committees

MOTION NO. 507/05
MOVED BY: COUNCILLOR MCPHERSON
SECONDED: COUNCILLOR M. BROTHERSTON

THAT staff proceed with advertising for the vacant positions on the Advisory Committees **AND FURTHER** that letters be sent to members whose terms are expiring to invite them to reapply.

CARRIED.

- d) Budget Variance Report for October 2005

MOTION NO. 508/05
MOVED BY: COUNCILLOR MENDUM
SECONDED: COUNCILLOR MCPHERSON

THAT the Budget Variance Report for October 2005 BE RECEIVED for information.

CARRIED.

- e) Report – Bruce Robertson, JBR Highways, dated November 3, 2005
Lost Lake Road – Paving Contract

MOTION NO. 509/05
MOVED BY: COUNCILLOR CARDINAL
SECONDED: COUNCILLOR MCPHERSON

THAT the contract regarding Project S0501-0Asphalt Surfacing-Lost Lake Road (0.5 km) be awarded to O.K. Industries Ltd.

CARRIED.
(COUNCILLOR K. BROTHERSTON OPPOSED)

- f) Councillor Cardinal – Water Issue
Re: Water Issues in the South Islands

There was discussion regarding the use of aquifer water in the South Highlands.

MOTION NO. 510/05
MOVED BY: COUNCILLOR CARDINAL
SECONDED: COUNCILLOR MCPHERSON

THAT the Administrator and Mayor on behalf of Council prepare a document to be sent out to all Highlands homes that sets out the facts with regard to the current and ongoing use of aquifer water in the South Highlands, including references to Bylaws 261 and 262 and the Bear Mountain Master Development Agreement.

CARRIED.

10. ADJOURNMENT

MOTION NO. 511/05
MOVED BY: COUNCILLOR M. BROTHERSTON
SECONDED: COUNCILLOR MCPHERSON

THAT the Regular Meeting of Council adjourn and move into an “In-Camera” Special Council Meeting at 10:00 p.m., pursuant to Section 90(a) of the *Community Charter*,” to discuss personnel issues.

CARRIED.

MAYOR

ADMINISTRATOR