

**DISTRICT OF HIGHLANDS
REGULAR COUNCIL MEETING**

Minutes of the Regular Council meeting held on June 19, 2006 at Caleb Pike House, 1589 Millstream Road at 7:02 p.m.

PRESENT: Mayor Cardinal, Chair
Councillor Fall
Councillor Kadar
Councillor Mahovlich
Councillor Mendum
Councillor Williams

ABSENT: Councillor K. Brotherston

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

1. APPROVAL OF THE AGENDA

MOTION NO. 274/06

MOVED BY: COUNCILLOR MENDUM

SECONDED: COUNCILLOR WILLIAMS

THAT Council approves the agenda as circulated.

CARRIED.

2. ADOPTION OF THE MINUTES

a) Minutes of the Special Council Meeting dated June 5, 2006 at 6:45 p.m.

MOTION NO. 275/06

MOVED BY: COUNCILLOR FALL

SECONDED: COUNCILLOR MAHOVLICH

THAT the Minutes of the Special Council Meeting of June 5, 2006 at 6:45 p.m. be adopted as amended by changing the location of the meeting to reflect Caleb Pike House, 1589 Millstream Road.

CARRIED.

b) Minutes of Regular Council Meeting dated June 5, 2006 at 7:00 p.m.

MOTION NO. 276/06

MOVED BY: COUNCILLOR FALL

SECONDED: COUNCILLOR KADAR

THAT the Minutes of the Regular Council Meeting of June 5, 2006 at 7:00 p.m. be adopted as circulated.

CARRIED.

- c) DRAFT Minutes of the Advisory Planning Commission dated May 25, 2006

MOTION NO. 277/06

MOVED BY: COUNCILLOR KADAR

SECONDED: COUNCILLOR FALL

THAT the DRAFT minutes of the Advisory Planning Commission dated May 25, 2006 be received for information.

CARRIED.

- d) DRAFT Minutes of the Advisory Planning Commission dated June 1, 2006

MOTION NO. 278/06

MOVED BY: COUNCILLOR MENDUM

SECONDED: COUNCILLOR FALL

THAT the DRAFT minutes of the Advisory Planning Commission dated June 1, 2006 be received for information.

CARRIED.

- e) ADOPTED Minutes of the Fiscal & Environment Select Committee dated April 12, 2006

MOTION NO. 279/06

MOVED BY: COUNCILLOR WILLIAMS

SECONDED: COUNCILLOR KADAR

THAT the ADOPTED minutes of the Fiscal & Environment Select Committee dated April 12, 2006 be received for information.

CARRIED.

- f) DRAFT Revised Recommendation from the Fiscal & Environment Select Committee dated June 14, 2006

MOTION NO. 280/06

MOVED BY: COUNCILLOR MAHOVLICH

SECONDED: COUNCILLOR FALL

THAT the draft Revised Recommendations from the Fiscal & Environment Select Committee dated June 14, 2006 be received for information.

CARRIED.

3. INTRODUCTION OF LATE ITEMS

- None

4. PETITIONS AND DELEGATIONS

Peter Fibiger, CEO of the West Shore Economic Development Association made a presentation to Council to explain the need to make application for the UBCM Tourism Development Grant and the subsequent West Shore Community Tourism initiative. Mr. Fibiger highlighted the proposal and requested support of the project by Council resolution. Project management will be by West Shore Economic Development Association and the funding will be administered by one of the municipalities, which would be the City of Langford.

MOTION NO. 281/06

MOVED BY: COUNCILLOR MAHOVLICH

SECONDED: COUNCILLOR KADAR

THAT Council support the West Shore Economic Development Association, on behalf of the District of Highlands, to apply for the appropriate funding through UBCM under the tourism umbrella AND FURTHER that Council supports the City of Langford to administer the funding.

CARRIED.

5. UNFINISHED BUSINESS

- a) Report from Building Inspector dated May 29, 2006
Re: Amendment to Development Variance Permit Application – DVP-10-05
Lot A, Plan VIP75811, Section 78 (5033 Stag Road)

Mr. Burke was present and answered questions from Council.

MOTION NO. 282/06

MOVED BY: COUNCILLOR FALL

SECONDED: COUNCILLOR MENDUM

THAT Amended Development Variance Permit No DVP-10-05, and Amended Development Permit No. DP-10-05 relating to Lot A, Plan VIP75811, Section 78, Highland District BE ISSUED.

CARRIED.

- b) Memo from Administrator, dated May 16, 2006
Re: July and August Council Meetings

MOTION NO. 283/06

MOVED BY: COUNCILLOR MAHOVLICH

SECONDED: COUNCILLOR KADAR

THAT Council change the July summer Council meeting from July 17, 2006 to July 4, 2006.

CARRIED.

MOTION NO. 284/06

MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR KADAR

THAT Council change the August summer Council from August 21, 2006 to August 8, 2006.

CARRIED.

- c) Memo from Administrator, dated June 13, 2006
Re: Annual Report

MOTION NO. 285/06

MOVED BY: COUNCILLOR KADAR
SECONDED: COUNCILLOR MAHOVLICH

THAT Council Adopt the 2005 Annual Report.

CARRIED.

- d) Report from Planner, dated June 14, 2006
Re: Rezoning/OCP Amendment Application for 3290 Munns Road

There was a round table discussion with various views and opinions noted.

MOTION NO. 286/06

MOVED BY: COUNCILLOR MENDUM
SECONDED: COUNCILLOR FALL

THAT Council request staff to seek a legal opinion regarding what kind of covenant can be placed on the land to restrict the future selling of the land **AND FURTHER** does Council have a duty and fairness to treat everyone else that comes forward, equally.

MOTION FAILS

(Mayor Cardinal, Councillors Kadar, Mahavolich and Williams opposed)

MOTION NO. 287/06

MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR KADAR

THAT Council direct staff to prepare the bylaws for first and second reading for the July 4, 2006 Council meeting.

AMDNEDING MOTION

MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR KADAR

THAT Council direct staff to prepare the bylaws for first and seconding reading **AND FURTHER** Council request staff to seek a legal opinion for a report back to the July 4, 2006 meeting.

CARRIED.

- e) Report from Planner, dated June 14, 2006
Re: Rezoning/OCP Amendment Application for Lot C, VIP76070
Sections 30 and 74, Highland District (Highlands 3 Holdings)

Keyvan Shojania was present to answer questions from Council. Mr. Shojania advised Council that he has had an offer on 1464 White Pine Terrace and therefore offered Council a cash amenity of \$325,000.

There was discussion with various views and opinions noted.

MOTION NO. 288/06

MOVED BY: COUNCILLOR MAHOVLICH

SECONDED: COUNCILLOR KADAR

THAT Council deny the application as presented for both the 11 and 13 lot scenarios.

CARRIED.

(Mayor Cardinal and Councillor Mendum opposed)

MOTION NO. 289/06

MOVED BY: COUNCILLOR FALL

SECONDED: COUNCILLOR MENDUM

THAT Council waive the waiting period to reapply.

CARRIED.

- f) Memo from Planner, dated June 14, 2006
Re: Malahat Corridor Study

Councillor Mahovlich advised Council that she attended both of the open houses and highlighted the differences between the two. The Planner explained that Stantec, on behalf of the Ministry of Transportation, is requesting feedback on the options that were presented at the open houses. Feedback is requested by July 17, 2006 and the Planner recommended to Council to forward any comments to her so that a draft letter may be presented at the July 4, 2006 Council meeting.

MOTION NO. 290/06

MOVED BY: COUNCILLOR MENDUM

SECONDED: COUNCILLOR MAHOVLICH

THAT Council defer the "Request for Input" from Stantec Consulting to the July 4, 2006 Council meeting so that comments may be forwarded to the Planner and that a draft letter be presented at that time.

CARRIED.

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

a) Committee Reports

- i) Advisory Planning Commission – nothing to report

- ii) Arts Committee – Councillor Fall advised that their request to use the Work Point Barracks was refused by the Department of National Defense. The Arts and Craft Exhibition was held at the Pike House on Saturday, June 17th with local artists showing their arts and crafts.
- iii) Community Energy Planning Steering Committee- Next meeting will be held June 27, 2006
- iv) Emergency Planning Committee- nothing to report
- v) CRD Environment Committee –nothing to report
- vi) Greater Victoria Family Court Committee – the next meeting will be held at the end of June.
Councillor Mahovlich brought Council up to date on Groundwater Task Force Committee. The Task Force had requested a Statement of Qualifications from six consultants that have worked in the District with only one replying. The Task Force would like to have more than one to assess. The Task Force agreed it would go back to these consultants and expand the Statement of Qualifications to include other local consultants. A reply by July 20 was requested when the Task Force would meet with a report coming to Council in September.
- vii) Greater Victoria Public Library Board- nothing to report
- viii) Inter-Municipal Committee on Disability Issues– nothing to report
- ix) Solid Waste Advisory Committee – nothing to report
- x) Western Communities Policing Advisory Committee- nothing to report

The Municipal Planner left the meeting at 8:50 p.m.

b) Mayor's Report

- i) Capital Regional Board – The Mayor advised that first, second and third readings were given to the bylaw for motor assisted cyclists on the Galloping Goose Trail.
- ii) CREST – The next meeting is June 29, 2006
- Letter from Hy Freedman, dated May 25, 2006
Re: CREST Cost Allocation Method

Council discussed the Cost Allocation Method as presented and requested the Mayor to advise CREST that Council does not support this formula.
- iii) West Shore Parks and Recreation Society's Board of Directors – nothing to report

Lakewood Elementary sent a thank you card for the District's grant in aid of \$500.

The Mayor brought Council up to date regarding the Songhees Band and Bear Mountain. Mayor Cardinal did advise the Songhees Band that it was not within the District's jurisdiction to request an Archaeological Impact Assessment. The Province did request an AIA and Bear Mountain was willing to comply.

The Casino night on Saturday June 17, 2006 at the Fire Hall was a great success and well attended.

Bear Mountain had its grand opening on June 15, 2006. It was a successful, well attended event, with some of the Councillor's making an appearance as well as former Mayor Roessingh playing the piano.

7. CORRESPONDENCE

Correspondence to Receive for Information:

- a) News Release from VIHA, dated June 7, 2006
Re: VIHA and CRD Invest in Teen Safety Initiatives

MOTION NO. 291/06

MOVED BY: COUNCILLOR MAHOVLICH

SECONDED: COUNCILLOR MENDUM

THAT Council receive for information the News Release from VIHA, dated June 7, 2006 regarding Teen Safety Initiatives.

CARRIED.

Correspondence Requiring Action:

- b) Letter from Gail Owens, dated June 9, 2006
Re: Request for Deer Crossing Sign

MOTION NO. 292/06

MOVED BY: COUNCILLOR KADAAR

SECONDED: COUNCILLOR FALL

THAT Council direct the Administrator, in consultation with Victoria Contracting and Municipal Maintenance, to install four deer crossing signs to be placed at the appropriate locations in the Highlands, with one being placed at the Caleb Pike House.

CARRIED.

- c) Letter from OK Radio Group Ltd, dated June 5, 2006
Re: CKKQ-FM Tower Maintenance

MOTION NO. 293/06

MOVED BY: COUNCILLOR MAHOVLICH

SECONDED: COUNCILLOR WILLIAMS

THAT Council receive for information the letter from OK Radio Group Ltd., dated June 5, 2006 regarding the CKKQ-FM Tower Maintenance.

CARRIED.

- d) Letter from CRD, dated June 6, 2006
Re: Land Acquisition Fund, Summary of 2005 Acquisitions

MOTION NO. 294/06

MOVED BY: COUNCILLOR MAHOVLICH

SECONDED: COUNCILLOR MENDUM

THAT Council receive for information the letter from CRD dated June 6, 2006 regarding the Land Acquisition Fund, Summary of 2005 Acquisitions.

CARRIED.

8. BYLAWS

- a) West Shore Parks and Recreation Society Fees and Charges Bylaw No. 289, 2006

MOTION NO. 295/06

MOVED BY: COUNCILLOR KADAR

SECONDED: COUNCILLOR MENDUM

THAT Council adopt the West Shore Parks and Recreation Society Fees and Charges Bylaw No. 289, 2006.

CARRIED.

- b) Procedure Bylaw Amendment Bylaw No. 286, 2006

MOTION NO. 296/06

MOVED BY: COUNCILLOR KADAR

SECONDED: COUNCILLOR WILLIAMS

THAT Council adopt the Procedure Bylaw Amendment Bylaw No. 286, 2006

CARRIED.

(Councillor Mendum Opposed)

9. NEW BUSINESS

- a) RCMP-Monthly Mayors Report for May 2006

MOTION NO. 297/06

MOVED BY: COUNCILLOR MENDUM

SECONDED: COUNCILLOR MAHOVLICH

THAT Council receive for information the RCMP-Monthly Mayors Report for May 2006

CARRIED.

- b) Memo from Administrator, dated June 7, 2006
Bank Signing Authorities

MOTION NO. 298/06

MOVED BY: COUNCILLOR MENDUM

SECONDED: COUNCILLOR FALL

1. **THAT** effective July 17, 2006. Chris Coates, Administrator/Treasurer of the District of Highlands (the "Corporation") be and is hereby authorized for and on behalf of the Corporation to negotiate with, deposit with, or transfer to ROYAL BANK OF CANADA (the "Bank"), for credit to the Corporation's account only all or any cheques and other orders for the payment of money, and for that purpose to endorse the same on behalf of the Corporation either in writing or by rubber stamp.
2. That all cheques of the Corporation be drawn in the name of the Corporation and be signed on its behalf by Chris Coates, Administrator/Treasurer OR Brigitte Lapierre, Accounting Clerk, and signed/counter signed by Mark Cardinal, Mayor, OR Ken Brotherston, Councillor.
3. That any one of them be and are hereby authorized for and on behalf of the Corporation from time to time to receive from the said Bank a statement of the account of the Corporation together with all relative vouchers and all unpaid bills lodged for collection by the Corporation and all items returned unpaid and charged to the account of the Corporation, and to sign and deliver to the Bank the Bank's form of verification, settlement of balance and release.
4. That Chris Coates, Administrator/Treasurer OR Brigitte Lapierre, Accounting Clerk, together with Mark Cardinal, Mayor OR Ken Brotherston, Councillor be and are hereby authorized for and on behalf of the Corporation to obtain delivery from the Bank of all or any stocks, bonds and other securities held by the Bank in safekeeping or otherwise for the account of the Corporation and to give valid and binding receipts therefore.
5. That this resolution be communicated to the Bank and remain in force until written notice to the contrary shall have been given to the manager for the time being of the branch of the Bank at which the account of the Corporation is kept and receipt of such notice duly acknowledged in writing.

CARRIED.

- c) Memo from Administrator, dated June 7, 2006
Re: 2005 Financial Statements; 2005 Public Bodies Report and
2005 Statement of Remuneration & Expense

MOTION NO. 299/06

MOVED BY: COUNCILLOR MENDUM

SECONDED: COUNCILLOR MAHOVLICH

THAT the 2005 Audited Financial Statements be received for information

AND THAT the Public Bodies Report pursuant to the *Financial Information Act* be received for information

AND THAT the Remuneration and Expense Report dated June 5, 2006 reporting the remuneration for Council Members' indemnity and expenses incurred during the calendar year 2005, pursuant to Section 329.1 of the *Local Government Act*, be received for information.

CARRIED.

10. ADJOURNMENT

MOTION NO. 300/06

MOVED BY: COUNCILLOR MENDUM

SECONDED: COUNCILLOR WILLIAMS

THAT the Regular Meeting of Council adjourn at 9:25 p.m. and move into an "In-Camera" Special Council Meeting pursuant to Section 90(a) of the *Community Charter*, to discuss legal issues.

CARRIED.

MAYOR

ADMINISTRATOR