

**DISTRICT OF HIGHLANDS
MINUTES OF THE
REGULAR COUNCIL MEETING**

**November 5, 2007 @ 7:00 P.M.
School House, 1589 Millstream Road**



PRESENT:

Councillor A Fall, Acting Chair
Councillor K Brotherston
Councillor J Kadar
Councillor M Mahovlich (attended meeting @ 7:12 p.m.)
Councillor J Mendum
Councillor K Williams

IN ATTENDANCE:

Chris Coates, Chief Administrative Officer
Tina Neurauter, Deputy Corporate Officer
Laura Beckett, Planner (attended meeting @ 7:05 p.m.)
8 members of the public

ABSENT:

Mayor M Cardinal, Chair

1. APPROVAL OF THE AGENDA

**MOTION NO. 377/ 07
MOVED BY: COUNCILLOR BROTHERSTON
SECONDED: COUNCILLOR KADAR**

THAT Council approve the agenda as amended:

ADD: UNDER NEW BUSINESS
ITEM 10) 4) REGIONAL GROWTH STRATEGY DISCUSSION
INFORMATION FOR INCLUSIONS AT COW MTG – NOV. 13, 2007

CARRIED

2. PETITIONS AND DELEGATIONS

- a) Allen Dobb to present Letter by Eric Herbert, Chair, HHPS - October 15, 2007
RE: FUNDING REQUEST

Mr. Dobb was in attendance and spoke to Council regarding Eric Herbert's letter of October 15, 2007. The Highland Heritage Park Society is requesting that the remainder of the Tourism Funding Grant be allocated to the HHPS to purchase proper signage for the park. Mr. Dobb explained that while he and his wife were caretakers of the park (8 yrs.) they had witnessed many events, he believes at least 800. He described the many different events that have taken place over this time and the importance of adequate signage. The HHPS believes that the \$1,349.18 will cover all costs of signage.

Acting Mayor Fall thanked Mr. Dobb for his presentation and stated this item will be addressed further in the agenda.

Ms. Eleanor Rayner, 600 Stewart Mountain Road, spoke to the "Celebration of Highlands Green Spaces & Heritage" event that took place on Sunday, November 4, 2007. She commented that it was an excellent event with many great art pieces.

Marcie Mclean, 1321 Millstream Road, commented that the agenda does not reflect the recommendation page submitted by the FESC recording secretary, which is page 18.

3. ADOPTION OF THE MINUTES

- a) **Regular Council Meeting – October 15, 2007**

MOTION NO. 378/ 07
MOVED BY: COUNCILLOR
SECONDED: COUNCILLOR

THAT the Minutes of the Regular Council Meeting dated October 15, 2007 be adopted.

CARRIED

- b) **Draft Fiscal and Environmental Select Committee – October 10, 2007**

MOTION NO. 379/ 07
MOVED BY: COUNCILLOR BROTHERSTON
SECONDED: COUNCILLOR KADAR

THAT the DRAFT Minutes of the Fiscal and Environmental Select meeting dated October 10, 2007 be received for information.

CARRIED

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

a) Committee Reports

- i) Advisory Planning Commission – (Councillor Brotherston) – Nothing to report.
- ii) Arts Committee – (Councillor Fall) – Councillor Fall commented that the meeting mainly dealt with the Committee’s newest member, The Town of View Royal.
- iii) Community Energy Planning Steering Committee – (Councillor Williams) – Councillor William spoke to Council regarding the CRD Forum of Councils which took place on Saturday, November 3, 2007. The final draft of the “Capital Region Community Energy Plan” was released at this meeting. The CRD is looking at the role of Vancouver City’s Climate Change Program Manager to see if this may be a position the CRD could utilize. Louise Comeau, Executive Director of Public Outreach & Strategic Engagement was also in attendance and described their role. Councillor Williams suggested at some point finding out what support could be provided to the District.

MOTION NO. 380/ 07
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR MENDUM

THAT the final draft of the “Capital Region Community Energy Plan” and the Climate Change Charter be forwarded to a future Committee of the Whole Meeting.

CARRIED

- iv) Emergency Planning Committee – (Councillor Fall) – Councillor Fall spoke of the Storm Forum that was held at the Fire Hall October 16, 2007 from 7:00 p.m. – 9:30 p.m. Approximately 70 people were in attendance. The main topics of discussion (including comments) will be brought together in one document which will be made available to all Highland residents.

Greater Victoria Family Court Committee – (Councillor Mahovlich) – Councillor Williams attending on behalf of Councillor Mahovlich. Councillor Williams stated the last meeting had an excellent speaker, Judge Mary Ellen Turpel-Lafond, BC’s first Representative for Children and Youth. Ms. Turpel-Lafond spoke about the role of her new office and the challenges facing at-risk and vulnerable youth. The Representative for Children and Youth is an independent office of the Legislature and does not report through a provincial ministry. The mandate of the office is to improve services and outcomes for children in BC through advocacy, accountability and review. Ms. Turpel-Lafond described various different (positive) techniques being applied in Europe regarding youth.

- vi) Greater Victoria Public Library Board- (Councillor Kadar) – Nothing to report.
- vii) Inter-Municipal Committee on Disability Issues- (Councillor Kadar) – Nothing to report.
- viii) Solid Waste Advisory Committee – (Councillor Kadar) – Nothing to report.

- ix) Western Communities Policing Advisory Committee- (Councillor Mendum) – Nothing to report.
- x) Groundwater Task Force (Councillor Mahovlich) – Councillor Mahovlich reported that the study is underway.
- xi) CREST (Councillor Fall) – Councillor Fall reported that discussions are moving forward with Motorola. The City of Victoria has still not decided if they will be signing on with CREST. Councillor Fall spoke of alternate options and stated that new communication towers are being proposed.
- xii) CRD Water (Councillor Brotherston) – Nothing to report.
- xiii) Juan de Fuca Water (Councillor Brotherston) – Nothing to report.

b) Mayor's Report

- xiv) **CRD Board** – Nothing to report.
- xiv) **CRD Committees** – Councillor Mahovlich attended the CRD Parks Meeting and Environment meeting and had the following updates.

CRD Environment Committee Meeting – October 24, 2007

- discussion on residential organics program. Work with industry to get a regional composting facility in the region. Councillor Mahovlich suggested that conversations be had with the CVRD to look at the economy of scale of a south island facility given that CVRD sends waste to Cache Creek
- looking at disbursement of funds to municipalities to support organics program. Rural communities would not likely get curbside collection but would likely still be part of financial incentives
- woodwaste recycling contract awarded to Ellice Recycle who barge to Washington
- discussion on management of biosolids (domestic sewage sludge). Windrow composting is being studied to produce compost products. Pilot program TOF to be developed. Appears that Millstream Meadows is not currently an option for biosolids disposal/composting site. Awaiting MOE response (by end of December) on this

CRD Parks Committee Meeting - October 17, 2007

- coalition for the protection of surplus federal lands in Colwood/Metchosin – spoke to protecting federal land for instance along Esquimalt Lagoon to maintain continuity of trails
- speaker to the release of forestry land by the province without consultation with municipalities – eg. Jordon River lands sale. Comments were raised regarding down zoning this area or putting a moratorium on development. Information to come to CRD Board meeting
- budget discussion on transfer of \$414,000 from capital reserve fund for expenditure on 2007 projects to include: Thetis Lake restoration project

(\$120K) and Elk/Beaver Lake regional park filter beds development project. Both projects were identified in the 5 year capital expenditure fund

Councillor Mahovich attended a meeting with the Chief Administrative Officer at the CRD and had the following update:

Millstream Meadows Update – November 5, 2007

Meeting with CRD and Ministry of Agriculture and Lands (MAL), Crown Contaminated Sites Branch personnel was held Tuesday October 30th at the CRD offices. The following is a summary of that meeting:

- lagoon confirmed as the source of the contamination
- wells installed between the lagoon and the contaminated well (located on the access road) are the proof of that source
- next phase awarded to Golder (as reported at last council meeting)
- drilling took place October 30th to end of week
- drilling included installation of about 5 additional monitoring wells near to the property boundary along Millstream Road
- these wells were installed to make sure contamination has not reached the property line
- CRD confirms that they have indicated to the MOE that the Millstream Meadows site is not the preferred biosolids disposal site, rather Hartland north is
- CRD requires confirmation back from MOE that they agree to this, but for now CRD proceeding as if this is the case
- Results of new drilling and a report are expected back near the end of December
- In the meantime remediation options are under consideration in parallel to the current investigation
- Remediation options may include “dig and dump” (excavate and remove to another permitted disposal site)
- Risk assessment was not removed from discussion as an option in combination with other remediation strategies like dig and dump. For instance they may dig and remove the highest contaminated areas. There is also a possibility that some contamination may be in the fractured bedrock which provides uncertainty in itself
- CRD working diligently with MAL, CCSP staff to work towards a Memorandum of Understanding on who will pay what costs
- Remediation expected to be undertaken in the summer of 2008 during drier weather
- CRD/MAL asked to what level would we like it remediated. We indicated that it is designated as commercial business in our OCP. Recommended remediate to commercial/light industrial standards to give us a broader potential site use
- Remedial options will be discussed at the November 28th CRD Environment Committee meeting, Mayor Cardinal to attend that

- xiv) **West Shore Parks and Recreation Society’s Board of Directors** – Nothing to report.

5. RATIFICATION OF COMMITTEE RECOMMENDATIONS

a) FISCAL AND ENVIRONMENTAL SELECT COMMITTEE – OCTOBER 10, 2007

- 1) *THAT FESC supports the funding request from Pacific Centre Family Services Association in principle.*

MOTION NO. 381/ 07
MOVED BY: COUNCILLOR KADAR
SECONDED: COUNCILLOR MENDUM

THAT Council supports the funding request from Pacific Centre Family Services Association in principle and that the request be forwarded to budget discussion.

CARRIED

- 2) *THAT the FESC recommends that Council not consider additional funding for the West Shore Economic Development Association.*

MOTION NO. 382/ 07
MOVED BY: COUNCILLOR MENDUM
SECONDED: COUNCILLOR MAHOVLICH

THAT Council not consider additional funding for the West Shore Economic Development Association.

CARRIED

- 3) *THAT FESC recommends that Council consider allocating the balance of the UBCM Community Tourism Grant funding of \$1,349.18 to be directed to the Highlands Heritage Park Society (HHPS), to be used for interpretive signage at the Caleb Pike Homestead Heritage Park.*

MOTION NO. 383 / 07
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR WILLIAMS

THAT **Council approve** the balance of the UBCM Community Tourism Grant Funding in the amount of \$1,349.18 be allocated to the Highlands Heritage Park Society to be used for interpretive signage at the Caleb Pike Homestead Heritage Park.

CARRIED

6. INTRODUCTION OF LATE ITEMS

7. UNFINISHED BUSINESS

8. CORRESPONDENCE

Correspondence to Receive for Information

- a) Local Government Program Services – October 22, 2007
RE: COMMUNITY TOURISM PROGRAM (PHASE 2) – Green Mapping Project
- b) District of Oak Bay – October 23, 2007
RE: LIBRARY OPERATING AGREEMENT

MOTION NO. 384/ 07
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR KADAR

THAT correspondence a) AND b) be received for information.

CARRIED

Correspondence Requiring Action:

- c) Letter - Greater Victoria Public Library – October 9, 2007
RE: LIBRARY OPERATING AGREEMENT EXPIRATION

Councillor Kadar asked that each Council member email their concerns to him by tomorrow as the next meeting is Tuesday, November 6, 2007. He will bring any concerns to the meeting.

MOTION NO. 385/ 07
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR MENDUM

THAT the District of Highlands supports the 4 points (Operating Budget Approval Process, Municipal Representation on the Board, Addition of New Branches, Financial Reporting) raised in the Letter dated October 23, 2007 by the District of Oak Bay;
AND

THAT this matter be forwarded to a future Committee of the Whole meeting for discussion.

CARRIED

- d) Letter – Greater Victoria Public Library - October 18, 2007
RE: 2008 PROVISIONAL OPERATING BUDGET

MOTION NO. 386/ 07
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR MENDUM

THAT the letter from the Greater Victoria Public Library dated October 18, 2007 be received for information.

CARRIED

- e) Letter – Fire Services Liaison Group – October 24, 2007
RE: SURVEY REQUEST

MOTION NO. 387/ 07
MOVED BY: COUNCILLOR MENDUM
SECONDED: COUNCILLOR WILLIAMS

THAT Council members fill in the survey questionnaire and forward the completed survey to the Chief Administrative Officer to return to the Fire Services Liaison Group.
CARRIED

9. BYLAWS

- 1) Bylaw Consolidation Authorization Bylaw No. 301, 2007
a) Memo – Deputy Corporate Officer
b) Bylaw Consolidation Authorization Bylaw No. 301, 2007

Council reviewed a memo from Tina Neurauter, Deputy Corporate Officer, regarding the proposed Bylaw Consolidation Authorization Bylaw.

MOTION NO. 388/ 07
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR MENDUM

THAT Bylaw No. 301, 2007 being the “Bylaw Consolidation Authorization Bylaw No. 301, 2007” be given First Reading.

CARRIED

MOTION NO. 389/ 07
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR MENDUM

THAT Bylaw No. 301, 2007 being the “Bylaw Consolidation Authorization Bylaw No. 301, 2007” be given Second Reading.

CARRIED

MOTION NO. 390/ 07
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR MENDUM

THAT Bylaw No. 301, 2007 being the “Bylaw Consolidation Authorization Bylaw No. 301, 2007” be given Third Reading.

CARRIED

Councillor Kadar left the meeting at 7:52 p.m. due to a conflict of interest.

10. NEW BUSINESS

- 1) Report – Laura Beckett, Planner
RE: NOTIFICATION OF DEVELOPMENT PERMIT APPLICATION DVP-05-2007
549 CALEB PIKE ROAD – MR. J. HOEL

Council reviewed a report from the Planner, Laura Beckett. The application involves setback reductions from both the front and side yards so that the applicant may construct an addition to an existing garage.

MOTION NO. 391/ 07
MOVED BY: COUNCILLOR MENDUM
SECONDED: COUNCILLOR MAHOVLICH

THAT notification BE ISSUED for the proposed issuance of Development Variance Permit DVP-05-07 pertaining to Lot 9, Sections 28 & 29, Highland District, Plan 47025 (549 Caleb Pike Road) as shown on the drawings which shall form Schedule "A" of Development Variance Permit DVP-05-07 and that would vary Zoning Bylaw 100 as follows: Sections 6.1.3 (3) and (4) by decreasing the front and side yard setbacks from 7.5m and 3m respectively to 1.6m and 1.6m respectively.

CARRIED

Councillor Kadar returned to the meeting at 7:55 p.m.

- 2) Letter – Don Brown, Chief Bylaw Officer, CRD
RE: APPOINTMENT OF ANIMAL CONTROL OFFICER

Council reviewed a letter by Mr. Don Brown, Chief Bylaw Officer for the Capital Regional. Mr. Brown is asking the District to appoint Dena-Jo Gibson as an Animal Control Officer for the District of Highlands.

MOTION NO. 392 / 07
MOVED BY: COUNCILLOR MENDUM
SECONDED: COUNCILLOR KADAR

THAT Council appoint Dena-Jo Gibson as an Animal Control Officer

CARRIED

- 3) Memo – C.D. COATES, CHIEF ADMINISTRATIVE OFFICER
RE: REQUEST FOR RE-IMBURSEMENT OF INSURANCE

Council reviewed a memo from the Chief Administrative Officer, Mr. C.D. Coates, regarding a request for re-imbusement of insurance deductible for use of personal vehicle. Mr. Coates explained that a District of Highlands Volunteer Firefighter had sustained damage to her personal vehicle while driving to a two-day seminar in Maple Ridge on behalf of the Highlands Volunteer Fire Department.

MOTION NO. 393/ 07
MOVED BY: COUNCILLOR BROTHERSTON
SECONDED: COUNCILLOR KADAR

THAT Council approve the re-imbusement of \$200 for the comprehensive insurance deductible.

CARRIED

Councillor Mahovlich excused herself from the meeting at 8:00 p.m. citing a possible conflict of interest.

- 4) Discussion – Regional Growth Strategy Amendment
RE: INFORMATION REQUESTED FOR COMMITTEE OF THE WHOLE MEETING – NOV. 13, 2007

Council briefly discussed the CRD referral regarding the Regional Growth Strategy Amendment which will be on the next Committee of the Whole agenda scheduled for Tuesday, November 13, 2007. Comments were made on the information that Council would like staff to make available to them before the meeting date.

MOTION NO. 394/ 07
MOVED BY: COUNCILLOR MENDUM
SECONDED: COUNCILLOR WILLIAMS

THAT staff provide to Council, prior to the Committee of the Whole meeting scheduled Tuesday, November 13, 2007, with:

- 1) What costs to municipalities may be associated with mediation, who bears them, how is it divided;
- 2) Information that was presented to the CRD Board by Lois-Leah Goodwin of the Ministry of Community Services regarding the mediation process;
- 3) View the information presented to the Regional Board in October; and
- 4) Start to think about who the District might send to the arbitration process.

CARRIED

11. ADJOURNMENT

MOTION NO. 395/ 07
MOVED BY: COUNCILLOR BROTHERSTON
SECONDED: COUNCILLOR MENDUM

THAT the Regular Council Meeting adjourn at 8:06 p.m. and that the meeting be closed to the public and convene "In Camera" under the authority of the *Community Charter* Section 90 (1)(g) for consideration of an item that may result in potential litigation and under Section 90 (1) (i) of the *Community Charter* for consideration of an item that contains advise that is subject to solicitor-client privilege.

CARRIED

ACTING MAYOR

DEPUTY CORPORATE OFFICER