



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

**December 17, 2007 @ 7:03 P.M.
School House, 1589 Millstream Road**

PRESENT:

Mayor M Cardinal, Chair
Councillor A Fall
Councillor K Brotherston
Councillor J Kadar
Councillor M Mahovlich
Councillor J Mendum
Councillor K Williams

IN ATTENDANCE:

Chris Coates, Chief Administrative Officer
Laura Beckett, Planner
Tina Neurauter, Deputy Corporate Officer
21 members of the public

1. APPROVAL OF THE AGENDA

MOTION NO. 454/ 07
MOVED BY: COUNCILLOR KADAR
SECONDED: COUNCILLOR BROTHERSTON

THAT Council approve the agenda as amended:

ADD UNDER PETITIONS AND DELEGATIONS:

1. Bob McMinn
2. Marcie McLean
3. Karel Roessingh
4. Vicky Husband
5. Care Snowden
6. Daphne Williams

2. PETITIONS AND DELEGATIONS

Bob McMinn, representing the Highlands Heritage Park Society, addressed Council regarding the 125th Anniversary celebrations. The descendants of Caleb Pike and other pioneer Highlands families will be invited to attend the celebration. The centre-piece of the celebration will be the anniversary book (a collection of archival material) honouring the stories of Highlands's pioneer families and their buildings. The HHPS has obtained information regarding a Federal Grant available (Community Historical Anniversaries Programming) which requires a written confirmation of financial support from the local government. Mr. McMinn proposed a budget for the event which would require the District of Highlands providing a grant in aid in the amount of \$1, 000.

MOTION NO. 455 / 07
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR BROTHERSTON

THAT the District of Highlands support the Highlands Pioneers Homecoming 125th Anniversary Celebration and that the District contributes \$1, 000 to the Highlands Heritage Park Society for the 125 Anniversary celebrations scheduled for August 17, 2007.

CARRIED

Marcie Mclean, 1321 Millstream Road, spoke to the matter of the proposed Langford tight pipe and due process on the last Council agenda dated December 3, 2007.

Karel Roessingh, 2639 Munns Road, spoke to two issues, the proposed Langford tight pipe and to procedural matters. He also addressed past and preserved present issues regarding conflict of interest.

Vicky Husband, 301 Ross Durance Road, addressed Council. Ms. Husband first wish all the very best of the season and specifically thanked Mr. Bob McMinn for his dedication to the community. Ms. Husband then addressed Council regarding its procedural bylaws and fair and open public process. She commented on Phase 1 Bear Mountain and the proposed Langford tight pipe. She had several questions regarding the tight pipe.

Michael Bocking wished Council the best of the season and thanked them for there dedication to the community. He then commented on the proposed Langford tight pipe. He felt that this issue did have a fair, open, public process. He referred to various municipalities who had Intermunicipal agreements in presently in place. He also addressed the conflict issues and the Bear Mountain development permit.

Care Snowden, 3739 Raven Heights, address Council on a without prejudice basis on potential conflict of interest and bias issues.

Daphne Williams, wished to address Council regarding potential conflict of interest.

Mayor Cardinal suggested that she address Council via correspondence.

3. ADOPTION OF THE MINUTES

a) Regular Council Meeting – December 3, 2007

MOTION NO. 456 / 07
MOVED BY: COUNCILLOR BROTHERSTON
SECONDED: COUNCILLOR KADAR

THAT the minutes of the regular meeting of Council dated December 3, 2007 be adopted.

Councillor Mahovlich pointed out a typographical error on page 8, stating the “city” should be “citing”.

Councillor Mendum stated that she would not support the adoption of the minutes as presented due to resolution 452/07 regarding the Langford tight pipe. She stated she did not feel the resolution was reflected accurately.

Councillor Fall stated that he too would not support the adoption of the minutes as presented due to resolution 452/07 regarding the Langford tight pipe. He stated he did not feel the resolution was reflected accurately.

Councillor Williams stated that he too would not support the adoption of the minutes as presented due to resolution 452/07 regarding the Langford tight pipe. He stated he did not feel the resolution was reflected accurately.

Council discussed the District of Highland Procedural Bylaw.

The Mayor asked that the Chief Administrative Officer bring a report to Council.

MOTION NO. 457 / 07
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR BROTHERSTON

THAT the Council minutes dated December 3, 2007 be deferred.

CARRIED

b) Committee of the Whole – December 10, 2007

MOTION NO. 458 / 07
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR KADAR

THAT the Minutes of the Committee of the Whole meeting dated December 10, 2007 be adopted.

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) – Nothing to report.
- iii) Emergency Planning Committee – (Councillor Fall) – No meeting, but Councillor Fall reported that he and Mr. Val Fletcher, Emergency Planning Coordinator, had been interviewed by a SHAW report whom would be producing a segment of the District of Highland Emergency Program. The District will purchase a tape of the segment to be available for viewing.
- iv) Greater Victoria Family Court Committee – (Councillor Mahovlich) – Nothing to report.
- vi) Greater Victoria Public Library Board- (Councillor Kadar) – Councillor Kadar spoke regarding the Library Operating Agreement sub-committee which will be reviewing all comments from jurisdictions.
- vii) Inter-Municipal Committee on Disability Issues– (Councillor Kadar) – Nothing to report.
- viii) Solid Waste Advisory Committee – (Councillor Kadar) – Councillor Fall attended the last meeting on behalf of Councillor Kadar. Four main items were discussed: plastic bags and the pressure to ban them; Solid Waste Management Plan; the annual open house; and the organics' program.
- ix) Western Communities Policing Advisory Committee- (Councillor Mendum) – Councillor Mendum reports that at the last meeting homelessness was discussed and the accommodations for reserves in preparing for the 2010 Olympics.
- x) Groundwater Task Force (Councillor Mahovlich) – Nothing to report.
- xi) CREST (Councillor Fall) – Councillor Fall reported that at the last meeting the proposed budget was discussed. The City of Victoria has conditionally accepted the members agreement and due to the District of Metchosin's negotiations regarding cost sharing, the requisition for small municipalities, like the Highlands, will be reduced.
- 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

Councillor Mahovlich reported on the CRD Inaugural Board meeting in which Councillor Denise Blackwell was elected Board Chair. She updated Council on Millstream Meadows, the CRD has authorized, if necessary, to spend up to \$450, 000 from the septage capital serve fund to install purge wells at the site.

Council discussed at length the many issues regarding Millstream Meadow contamination.

MOTION NO. 458 / 07
MOVED BY: COUNCILLOR BROTHERSTON
SECONDED: COUNCILLOR KADAR

THAT the District of Highlands, through a motion Council, implore the CRD to have an option in place whereby the purge wells proposed to be installed at the Millstream Meadows site be installed if the subsurface contamination has reached the Millstream Creek side of Millstream Road, prior to contamination reaching any residential or commercial/industrial properties, including the District of Highlands office site. And further that the CRD implement upstream and downstream surface water monitoring points in Millstream Creek immediately, in order to detect whether contamination has reached the Creek.

CARRIED

MOTION NO. 459/ 07
MOVED BY: COUNCILLOR WILLIAMS
SECONDED: COUNCILLOR FALL

THAT staff look into all the issues involved with a moratorium on development within the area of Millstream Meadows until the pollution is cleaned up.

The Mayor rejected the motion being brought to the table without proper notice.

Any information that the District receives prior to the Holiday closure will be made available.

xv) CRD Committees – Councillor Mahovlich
Parks Committee – Nothing to report.

Environment Committee – Nothing to report.

xiv) West Shore Parks and Recreation Society's Board of Directors – The Mayor reported that the budget had been distributed with a 4% increase.

5. RATIFICATION OF COMMITTEE RECOMMENDATIONS

a) COMMITTEE OF THE WHOLE - December 10, 2007

1) Review of 2007 Finances

MOTION NO. 460 /07
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR MENDUM

THAT Council rescind resolution 417/07 and that the road consultant be invited to a Committee of the Whole meeting at which the Community Infrastructure and Services Select Committee members be invited to attend and participate in discussions on road related projects.

CARRIED

2) Pending Projects List

MOTION NO. 461 /07
MOVED BY: COUNCILLOR BROTHERSTON
SECONDED: COUNCILLOR MAHOVLICH

THAT staff bring forward a Whistle Blower Policy, AND

THAT staff arrange a goals and objectives session In Camera pursuant to Section 90(1)(l) of the Community Charter.

CARRIED

b) RISE AND REPORT IN CAMERA COUNCIL – December 3, 2007

1) MILLSTREAM MEADOWS

MOTION NO. 462 / 07
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR BROTHERSTON

THAT Council correspond with Ministers Bell and Penner urging the Province to expedite the Memorandum of Understanding respecting Millstream Meadows site remediation.

CARRIED

6. INTRODUCTION OF LATE ITEMS

7. UNFINISHED BUSINESS

- 1) Report – Laura Beckett, Planner
RE: DEVELOPMENT VARIANCE PERMIT APPLICATION DVP-02-2007
BEAR MOUNTAIN PHASE 1 SUBDIVISION

Council reviewed a report by the Planner, Laura Beckett, regarding Development Variance Permit DVP-02-2007. The applicant, Rachael Sansom, on behalf of the owners, Bear Mountain Master Partnership, wishes to vary the Zoning Bylaw 100, specifically section 3.3(1) Riparian Area Regulations for the construction of buildings and structures.

Councillor Mahovlich addressed Council and read the following statement:

“Mr. Mayor and Council, in the past I have declared a conflict of interest with matters pertaining to the Bear Mountain development property citing the reason for my conflict as my husband’s employment by Bear Mountain Resort Management Corporation or its predecessors.

I wish to indicate that my husband is no longer employed by Bear Mountain.

With the termination of my husband’s contract of employment with Bear Mountain, I have retained legal advice on my potential for conflict of interest.

I wish to indicate that I am no longer in a conflict of interest as it could not reasonably be said that I continue to have any pecuniary interest in a matter affecting the interests of Bear Mountain.

I wish to have this statement reflected in the meeting minutes and as such am providing this statement to the recording secretary”.

There was a lengthy discussion regarding the development variance permit for the Phase 1 subdivision of Bear Mountain. Council discussed an onsite visit and referring the application to a Committee of the Whole meeting.

MOTION NO. 463 / 07
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR BROTHERSTON

THAT notification BE ISSUED for the proposed issuance of Development Variance Permit DVP-02-07 pertaining to:

- Section 16, Highland District, Except that Part in Plan VIP72555 – PID 009-861-866
- Section 5, Range 4 West, Highland District, Except Parts in Plans VIP60675, VIP67875, and VIP75584 – PID 009-861-815
- Lot A, Section 4, Range 4 West, Highland District, Plan VIP70021 (see Plan as to Limited Access) Except that Part in Plan VIP75586 – PID 024-672-092

(“Bear Mountain Phase 1 Subdivision”)

As shown on the attached Figure 2, dated November 2007 from ENKON Environmental, which shall form Schedule A of the permit and that would vary Zoning Bylaw 100 as follows:

In Section 3.3 (1) Riparian Area Regulations for the construction of buildings or structures:

From: “within 30m of the natural boundary of any watercourse”

To: “no closer than

- 10m from the natural boundary of the area marked as R6 on Figure 2,
- 2m from the natural boundary of the area marked as R5 on Figure 2,
- 20m from the natural boundary of the areas marked as R1, R2, R3, and R4 on Figure 2.

MOTION NO. 464 / 07
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR BROTHERSTON

THAT the proposed notification (listed in the Planner’s report dated December 11, 2007) be amended to include a cut off date of January 18, 2008 for written submissions to the Council meeting scheduled for January 21, 2008.

CARRIED

OPPOSED: COUNCILLOR FALL
COUNCILLOR MENDUM
COUNCILLOR WILLIAMS

ON THE MAIN MOTION:

MOTION NO. 465 / 07
Moved By: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR BROTHERSTON

THAT notification BE ISSUED for the proposed issuance of Development Variance Permit DVP-02-07 pertaining to:

- Section 16, Highland District, Except that Part in Plan VIP72555 – PID 009-861-866
- Section 5, Range 4 West, Highland District, Except Parts in Plans VIP60675, VIP67875, and VIP75584 – PID 009-861-815
- Lot A, Section 4, Range 4 West, Highland District, Plan VIP70021 (see Plan as to Limited Access) Except that Part in Plan VIP75586 – PID 024-672-092

(“Bear Mountain Phase 1 Subdivision”)

As shown on the attached Figure 2, dated November 2007 from ENKON Environmental, which shall form Schedule A of the permit and that would vary Zoning Bylaw 100 as follows:

In Section 3.3 (1) Riparian Area Regulations for the construction of buildings or structures:

From: “within 30m of the natural boundary of any watercourse”

To: “no closer than

- 10m from the natural boundary of the area marked as R6 on Figure 2,
- 2m from the natural boundary of the area marked as R5 on Figure 2,
- 20m from the natural boundary of the areas marked as R1, R2, R3, and R4 on Figure 2.

AND

That the notice include a cut-off date of January 18, 2008 for written submissions to the Council meeting scheduled for January 21, 2008.

CARRIED

OPPOSED: COUNCILLOR FALL
COUNCILLOR MENDUM
COUNCILLOR WILLIAMS

MOTION NO. 466 / 07
Moved By: COUNCILLOR KADAR
SECONDED: COUNCILLOR MAHOVLICH

THAT Development Variance Permit DVP-02-07 be referred to the Committee of the Whole scheduled for Monday, January 14, 2008 with the applicants team of consultants be invited to attend this meeting.

CARRIED

MOTION NO. 467 / 07
MOVED BY: COUNCILLOR MENDUM
SECONDED: COUNCILLOR FALL

THAT a site visit to be scheduled for interested Council members prior to the Committee of the Whole meeting scheduled Monday, January 14, 2008.

CARRIED

- 2) Report – Laura Beckett, Planner
RE: DEVELOPMENT VARIANCE PERMIT APPLICATION DVP-06-2007
652 CALEB PIKE ROAD – MR. LES PLANT

Council reviewed a report by the Planner, Laura Beckett, regarding Development Variance Permit DVP-06-2007. The applicant, Mr. Plant of 652 Caleb Pike Road is requesting a variance of the Land Use Bylaw whereby the total floor area of all accessory buildings and of a single accessory building on his property would be increased in order to add to one of the accessory buildings.

MOTION NO. 468 / 07
MOVED BY: COUNCILLOR BROTHERSTON
SECONDED: COUNCILLOR KADAR

THAT Development Variance Permit application DVP-06-07 be authorized for issuance.

CARRIED

- 3) Memo – Tina Neurauter, D/ Corporate Officer
RE: FACILITATOR INFORMATION – CONFLICT RESOLUTION

Council reviewed a memo by the Deputy Corporate Officer, Tina Neurauter, regarding various options dealing with facilitators for conflict resolution.

MOTION NO. 469 / 07
MOVED BY: COUNCILLOR MENDUM
SECONDED: COUNCILLOR FALL

THAT staff contact Teamworks BC regarding availability and costs of a facilitator to host a workshop on interested based negotiations and bring those findings back to Council.

DEFEATED

OPPOSED: MAYOR CARDINAL
COUNCILLOR BROTHERSTON
COUNCILLOR KADAR
COUNCILLOR MAHOVLICH

8. CORRESPONDENCE

Correspondence to Receive for Information

- a) NEWS RELEASE – CREST – December 12, 2007
RE: SYSTEM IMPROVEMENT COST – 10.6 MILLION
- b) NEWSLETTER – CREST – December, 2007

Councillor Fall addressed Council in detail regarding these two CREST items.

MOTION NO. 470 / 07
MOVED BY: COUNCILLOR FALL
SECONDED: COUNCILLOR WILLIAMS

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

CARRIED

- c) UBCM NOTICE – EXECUTIVE RELEASE – December 11, 2007
RE: UBCM EXECUTIVE MEETING HIGHLIGHTS – NOVEMBER 29 MEETING
- d) LETTER – PITCH-IN BRITISH COLUMBIA – December 10, 2007
RE: PATRON OR SUPPORTER OF PITCH-IN BRITISH COLUMBIA
- e) LETTER – ASSOCIATION OF VANCOUVER ISLAND AND COASTAL COMMUNITIES
RE: 2008 RESOLUTIONS – ANNUAL GENERAL MEETING

MOTION NO. 471 / 07
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR KADAR

THAT correspondence c) through e) be received for information.

CARRIED

9. BYLAWS

10. NEW BUSINESS

- 1) Report – Laura Beckett, Planner
RE: DEVELOPMENT VARIANCE PERMIT APPLICATION DVP-07-2007
RE: 790 INDUSTRIAL WAY – CHAD MARLATT, BELL MOBILITY - APPLICANT

Council reviewed a report by the Planner, Laura Beckett, regarding proposed development variance permit application DVP-07-2007. The applicant, Chad Marlatt of Bell Mobility, is requesting a variance to the Zoning Bylaw whereby the height of a telecommunications pole would be increased and the setback to a non-industrial zoned property relative to an industrial zoned property would be reduced.

MOTION NO. 472 / 07
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR BROTHERSTON

THAT Council direct staff to issue notification for Development Variance Permit DVP-07-2207 application as follows:

THAT notification BE ISSUED for the proposed issuance of Development Variance Permit DVP-07-07 pertaining to:

Section 4, Range 3 West, Highland District, Except Part Shown Coloured Red on Plan Attached to DD 13124, Except Part Shown Outlined in Red on Plan 626R, and Except Part in Plan 18272 (790 Industrial Way)

As shown on the attached drawings which shall form Schedule "A" of this permit and that would vary Zoning Bylaw 100 as follows:

Section 3.2 (3) by increasing the height of a telecommunications pole from 20m to 50m,
AND

Section 11.1.3 (9) by decreasing the setback of a structure (fence) from 10m to 1.5m to a non-industrial zoned property.

CARRIED

- 2) Report – Chris Leek – Building Official
RE: BUILDING REPORT FOR NOVEMBER, 2007

MOTION NO. 473 / 07
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR FALL

THAT the Building Report for November, 2007 be received.

CARRIED

- 3) Memo – Tina Neurauter, C/ Corporate Officer
RE: COUNCIL APPOINTMENTS - 2008

A. ACTING MAYOR

MOTION NO. 474 /07
MOVED BY: COUNCILLOR MENDUM
SECONDED: COUNCILLOR FALL

THAT the following Council Members BE APPOINTED as Acting Mayor for the year 2007:

Councillor Mavholich from January 2008 to June 2008.

Councillor Williams from July 1, 2008 to the balance of the 2008 term of office.

CARRIED

MOTION NO. 475 /07
MOVED BY: COUNCILLOR MENDUM
SECONDED: COUNCILLOR FALL

THAT the following APPOINTMENTS be approved:

B. GREATER VICTORIA PUBLIC LIBRARY BOARD REPRESENTATIVE

THAT Councillor Kadar be appointed as the District of Highlands representative on the Greater Victoria Public Library Board for the balance of the 2008 term of office.

C. INTER-MUNICIPAL COMMITTEE ON DISABILITY ISSUES REPRESENTATIVE

THAT Councillor Kadar be appointed as the District of Highlands representative on the Inter-Municipal Committee on Disability Issues for the balance of the 2008 term of office.

THAT Councillor Williams be appointed as the District of Highlands alternate representative on the Inter-Municipal Committee on Disability Issues for the balance of the 2008 term of office.

THAT Marnie Essery be appointed as the District of Highlands community representative on the Inter-Municipal Committee on Disability Issues for a one-year term expiring December 2008.

D. GREATER VICTORIA FAMILY COURT COMMITTEE REPRESENTATIVE

THAT Councillor Mahovlich be appointed as the District of Highlands representative on the Greater Victoria Family Court Committee representative for the balance of the 2008 term of office.

THAT Councillor Williams be appointed as the District of Highlands alternate representative on the Greater Victoria Family Court Committee representative for the balance of the 2008 term of office.

E. CAPITAL REGION EMERGENCY SERVICE TELECOMMUNICATIONS INC. (CREST) BOARD OF DIRECTORS REPRESENTATIVE

THAT Councillor Fall be appointed as the District of Highlands representative on CREST for a balance of the 2008 term in office.

F. WESTERN COMMUNITIES POLICING ADVISORY COMMITTEE REPRESENTATIVE

THAT Councillor Mendum be appointed as the District of Highlands representative on the Western Communities Policing Advisory Committee for the balance of the 2008 term in office.

THAT Councillor Fall be appointed as the District of Highlands alternate representative on the Western Communities Policing Advisory Committee for the balance of the 2008 term in office.

G. EMERGENCY PLANNING COMMITTEE

THAT Councillor Fall be appointed to the District of Highlands Emergency Planning Committee for the balance of the 2008 term of office.

THAT Councillor Mendum be appointed as an alternate to the District of Highlands Emergency Planning Committee for the balance of the 2008 term of office.

THAT Fire Chief Barry Ford be appointed to the District of Highlands Emergency Planning Committee.

H. ADVISORY PLANNING COMMISSION LIAISON

THAT Councillor Brotherston be appointed as Council Liaison to the District of Highlands Advisory Planning Commission for the balance of the 2008 term of office.

THAT Councillor Williams be appointed as Council Alternate Liaison to the District of Highlands Advisory Planning Commission for the balance of the 2008 term of office.

I. SOLID WASTE ADVISORY COMMITTEE

THAT Councillor Kadar be appointed as the District of Highlands representative on the Solid Waste Advisory Committee for the balance of the 2008 term of office.

THAT Councillor Williams be appointed as the District of Highlands alternate representative on the Solid Waste Advisory Committee for the balance of the 2008 term of office.

J. ARTS COMMITTEE

THAT Councillor Fall be appointed as the District of Highlands representative to the Arts Committee for the balance of the 2008 term of office.

5. APPOINTMENT OF BANKER

MOTION NO. 476 /07
MOVED BY: COUNCILLOR MENDUM
SECONDED: COUNCILLOR MAHOVLICH

THAT Council re-appoint the Royal Bank of Canada as Bankers for the District of Highlands.

CARRIED

6. APPOINTMENT OF AUDITOR

MOTION NO. 477/07
MOVED BY: COUNCILLOR MENDUM
SECONDED: COUNCILLOR FALL

THAT Council re-appoint the firm of KPMG as Auditors for the District of Highlands.

CARRIED

7. APPOINTMENT OF LAWYERS

MOTION NO. 478 /07
MOVED BY: COUNCILLOR MENDUM
SECONDED: COUNCILLOR BROTHERSTON

THAT Council re-appoint Lidstone Young and Anderson, Barristers and Solicitors for the District of Highlands.

CARRIED

11. ADJOURNMENT

MOTION NO. 479 / 07
MOVED BY: COUNCILLOR MENDUM
SECONDED: COUNCILLOR BROTHERSTON

THAT the Regular Council Meeting adjourn at 9:30 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)(e) respecting potential land disposition.

CARRIED

MAYOR

DEPUTY CORPORATE OFFICER