



DISTRICT OF HIGHLANDS  
MINUTES OF THE  
REGULAR COUNCIL MEETING

Monday, January 21, 2008 @ 7:04 p.m.  
SCHOOL HOUSE, 1589 MILLSTREAM ROAD

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**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, CAO  
Laura Beckett, Planner  
Tina Neurauter, Deputy Corporate Officer

**1. Approval of the Agenda**

**MOTION:** 05/ 2008  
**MOVED BY:** COUNCILLOR BROTHERSTON  
**SECONDED:** COUNCILLOR MAHOVLICH

**THAT** the agenda be approved as amended:

Under item No. 2 PETITIONS AND DELEGATIONS add:

Bob McMinn  
Daphne Williams  
Leith Williams  
Patti Whitehouse  
Michael Bocking  
Colleen Robertson

Councillor Mendum raised a Point of Order regarding Item No. 7.1 – Regional Growth Strategy Amendment. She stated that she did not feel the RGS Amendment was brought back to Council under the proper provisions. She believes that the 30 day provision, under Reconsideration of the District’s Procedural Bylaw, had passed.

The Mayor referred to staff who stated this item was not being brought back under reconsideration. This item has been brought forward as an item of business as the last resolution was a defeated motion as to whether or not Council accepts it.

Councillor Mendum then raised a Point of Order regarding Item No. 7.2 – City of Langford Intermunicipal Servicing Bylaw for City of Langford Bear Mountain Sewer Main – Hanington Road to Millstream Road, she stated she does not believe that the provision under the Procedural bylaw have been adequately followed regarding Reconsideration.

The Mayor deferred to staff for clarification. Staff commented that this item was placed back on the agenda to ensure that proper procedure has been followed, .This was directed by resolution of Council at the January 14, 2007 In Camera Meeting under resolution of Council.

The Mayor ruled that these two items do not need to be subject to a motion of reconsideration and as such ruled against Councillor Mendum’s Point of Order.

Mayor Cardinal then called the question on the Motion to approve the Agenda.

CARRIED

OPPOSED: Councillor Mendum  
Councillor Fall  
Councillor Williams

## **2. PETITIONS AND DELEGATIONS**

- 1) CRD PARKS  
RE: PROPOSED DONATION OF HIGHLANDS PROPERTY TO CRD

Mr. Jeff Ward was in attendance at the meeting and described in detail the proposed donation of land. Mr. Ward introduced Mr. Ian Fawcett of the TLC.

Mr. Ward described why this land is a good fit for the area and would coincide with Mount Work Regional Park.

Council members asked Mr. Ward several questions including issues regarding the gifting of the land, park management, ecosystem and proposed recreation for this land.

The point was raised regarding the CRD holding a public meeting regarding this land proposal. Issues that need to be looked at are ownership of Corry Road, firefighting access, trail development, parking, litter issues and a public washroom.

Mr. Ward stated that the CRD had recently completed a report regarding risk management which included this area and could share this report with the District.

Marcie McLean, 1321Millstream questioned Mr. Fawcett regarding any proposed development of this land.

Mr. Fawcett replied that The Land Conservancy has no desire or intention to develop any part of this land.

It was suggested that this item be placed on the District's website and included in the upcoming Highlands Newsletter asking for comments.

**MOTION:** 06/ 2008  
**MOVED BY:** COUNCILLOR MENDUM  
**SECONDED:** COUNCILLOR FALL

**THAT** staff work with CRD staff to organize a public consultation process and that the results of that consultation be brought back to Council.

CARRIED

Bob McMinn, 499 Millstream Road, submitted a letter of support for Section 68 becoming part of the Regional Park system.

Daphne Williams, 3422 Verona Crescent, spoke in favor of Highlands supporting the land proposal and submitted a letter on behalf of herself and her husband.

Pattie Whitehouse, 635 Lost Lake Road, addressed Council in support of the land proposal. Ms. Whitehouse also addressed Council regarding the passing of Mr. Charlie Johnson. She highlighted the many contributions made to the district by the Johnsons. Ms. Whitehouse nominated both Sue and Charlie Johnson for the 2008 Highlands Medal in the category of Community Spirit. Ms. Whitehouse also suggested that the District look at putting a policy in place regarding nomination for the Highlands Medal.

**MOTION:** 07/ 2008  
**MOVED BY:** COUNCILLOR FALL  
**SECONDED:** COUNCILLOR MENDUM

**THAT** Sue and Charlie Johnson be awarded the Highlands Medal.

CARRIED

**MOTION:** 08/ 2008  
**MOVED BY:** COUNCILLOR BROTHERSTON  
**SECONDED:** COUNCILLOR MAHOVLICH

**THAT** the issue of drafting a policy for conferring the Highland medal be referred to the Community Infrastructure and Services Select Committee for Council's consideration.

CARRIED

Rob Glover, 368 Millstream Lake Road, spoke in favour of the District supporting the land proposal and submitted a letter.

Michael Bocking, 405 Hazlitt Road, addressed Council regarding his support for Council supporting the proposed Regional Growth Strategy Amendment and support for the Langford tight pipe encroachment agreement. Mr. Bocking also addressed Council regarding the correspondence from the Ministry of Community Services, Town for Tomorrow grant program.

Leith Williams, 3422 Verona Crescent, addressed Council in support of the land proposal and submitted a letter of support.

Colleen Robertson, 1835 Millstream Road, supported the nomination of Sue and Charlie Johnson being conferred with the Highlands Medal.

### **3. ADOPTION OF THE MINUTES**

#### a) Regular Meeting of Council – December 3, 2007

**MOTION: 09 / 2008**  
**MOVED BY: COUNCILLOR MAHOVLICH**  
**SECONDED: COUNCILLOR BROTHERSTON**

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

CARRIED

**OPPOSED:** Councillor Mendum  
Councillor Fall  
Councillor Williams

#### b) Regular Meeting of Council – December 17, 2007

**MOTION: 10/ 2008**  
**MOVED BY: COUNCILLOR MAHOVLICH**  
**SECONDED: COUNCILLOR BROTHERSTON**

THAT the minutes of the regular meeting of Council dated December 17, 2007 be adopted.

CARRIED

#### c) Special Meeting of Council – January 14, 2008

**MOTION: 11 / 2008**  
**MOVED BY: COUNCILLOR BROTHERSTON**  
**SECONDED: COUNCILLOR KADAR**

THAT the minutes of the Special meeting of Council dated January 14, 2007 be adopted.

CARRIED

#### d) Committee of the Whole – January 14, 2008

**MOTION: 12/ 2008**  
**MOVED BY: COUNCILLOR BROTHERSTON**  
**SECONDED: COUNCILLOR KADAR**

THAT the minutes of the Committee of the Whole dated January 14, 2008 be adopted.

CARRIED

## e) DRAFT Fiscal and Environment Select Committee – January 9, 2008

**MOTION:** 13/ 2008  
**MOVED BY:** COUNCILLOR MAHOVLICH  
**SECONDED:** COUNCILLOR BROTHERSTON

THAT the DRAFT minutes of the Fiscal and Environment Select Committee dated January 9, 2008 be received.

CARRIED

**4. REPORTS OF COMMITTEES, COMMITTEE OF THE WHOLE & COMMISSIONS****a) Committee Reports**

- i) Advisory Planning Commission (Cllr. Brotherston) – Nothing to Report
- ii) CRD Arts Committee (Cllr. Fall) – Initial Planning session with the Arts Advisory Council.
- iii) Emergency Planning Committee (Cllr. Fall) – Nothing to report
- iv) Greater Victoria Family Court Committee (Cllr. Mahovlich) – Vancouver Island Health Authority has approved funding for a Youth Mental Health worker for Sooke School District No. 62. The Committee has forwarded its support for a Youth and Mental Health pilot program at Belmont Secondary School to UBCM and Vancouver Island School Trustees. VIHA has approved funding for a Health Clinic at Belmont School as well. Councillor Mahovlich passed on notion of a Positive Ticketing Initiative from Oak Bay. Youth who are found doing something positive are given a pass to a recreation centre. Councillor Mahovlich also commented on passing of Dr. Basil Boulton.
- v) Greater Victoria Public Library Board (Cllr. Kadar) – Councillor Kadar commented on Council feedback for the proposed operating agreement.
- vi) Inter-Municipal Committee on Disability Issues (Cllr. Kadar) – The Committee has held its first meeting of the year. Discussed were issues regarding an improved handy dart system. There has also been proposal to hold a local municipal wide disability for a day, where all the Mayors in the CRD and the Premier of BC will be invited to meet for a day to experience some of the difficulties a person with a disability may experience. This will be held at the Juan de Fuca on June 19, 2008
- vii) Solid Waste Advisory Committee (Cllr. Kadar) – Nothing to report.
- viii) Western Communities Policing Advisory Committee (Cllr. Mendum) – The first meeting of the year was held, Terms of Reference of the Committee was discussed.

- ix) Groundwater Task Force (Cllr. Mahovlich) – Nothing to report.
- x) CREST (Cllr. Fall) - CREST is moving quickly now for upgrading. Five new sites planned in the urban core by March, sixteen new transmitter by summer 2008, and repeaters for fire vehicles.
- xi) CRD Water (Cllr. Brotherston) - The ratification of the American Bull frog was discussed by Mr. Stan Orchard. \$15, 000 in funds were granted, plus an additional \$5,000.  
Councillor Mahovlich mentioned that \$15,000 from CRD Parks was donated in November. This matter should be brought to the CRD Board to put more pressure of the province for funding.
- xii) Juan de Fuca Water (Cllr. Brotherston) – Nothing to report.

**b) Mayor's Report**

xiv) CRD Board

Directors Bryce and Lenard had put forward a motion to change the RGS Amendment process. This motion was not lawful, CRD cannot change provincial legislation.

xv) CRD Committees

**CRD Environment:**

Update on Millstream Meadows:

In January the CRD will be doing another round of sampling of resident's wells (residents are being asked if the CRD can sample their wells again - some are saying yes and some no).

In January the CRD will be sampling groundwater on the Millstream Meadows site and will continue this monthly for at least the next 4 months.

The CRD do plan of bringing forward the following information to the February Environment committee - recommendations on site remediation (method,

schedule, costs) accompanied by a report on the status of negotiation with the Ministry of Agriculture and Lands (MAL)

The CRD are continuing to meet with MAL

**CRD Parks:**

CRD has acquired the rights to a missing link in the Trans Canada Trail that allows the CRD trail system to connect with the Cowichan Valley Regional District system though Goldstream Heights on the Malahat.

A tree topping request from a Metchosin family was discussed and resolved to a one time trim of the trees in question.

The winter brochure is also available.

xvi) West Shore Parks and Recreation Society's Board of Directors

Mayor Cardinal reappointed as Chair of the Society. New CAO has been hired, Ms. Linda Barns. Ms. Barns has 17 year experience in recreation. The City of Langford is planning a recreation stadium. They Mayor will bring back more information regarding this. Outdoor lighting has been approved for the Paul Valentine Memorial Basketball court.

## 5. RATIFICATION OF COMMITTEE RECOMMENDATIONS

a) FISCAL AND ENVIRONMENT SELECT COMMITTEE – January 9, 2008

1) Participation in CRD On Site Sewage Management Program

**MOTION:** 14 / 2008  
**MOVED BY:** COUNCILLOR MENDUM  
**SECONDED:** COUNCILLOR MAHOVLICH

**That** Council support the continued educational component of the CRD's On-Site Sewage Systems Management Program, and, advise the CRD that Highlands has concerns with the associated costs, and will monitor the process and review the matter further as the management process unfolds.

And further that the District pursue information from Vancouver Island Health Authority with respect to any local system failures.

CARRIED

2) Water Highway BC

Council discussed this issue and discussed the passed resolution.

**MOTION:** 15/ 2008  
**MOVED BY:** COUNCILLOR MENDUM  
**SECONDED:** COUNCILLOR FALL

**That** Council defer this item until the next Council meeting.

CARRIED

3) District of Highlands Budget

**MOTION:** 16/ 2008  
**MOVED BY:** COUNCILLOR MENDUM  
**SECONDED:** COUNCILLOR FALL

**That** FESC be invited by Council to participate early on in the budgetary process, and, to be provided with budgetary materials.

CARRIED

b) RISE AND REPORT IN CAMERA MEETING OF COUNCIL – December 17, 20071) RE: SELECT COMMITTEE APPOINTMENTS

**MOTION:** 17 / 2008  
**MOVED BY:** COUNCILLOR FALL  
**SECONDED:** COUNCILLOR BROTHERSTON

**THAT** Council re-appoints to the Fiscal and Environment Select Committee: Marcie McLean, Warren Lee and Vicky Husband;

**AND FURTHER THAT** Council re-appoints to the Community Infrastructure and Services Select Committee: Fred York;

**AND FURTHER THAT** Council appoint Hans Waelti to the Community Infrastructure and Services Select Committee.

**AND FURTHER THAT** Council advertise in the Council Newsletter for the two vacant positions on the Fiscal and Environment Select Committee and two vacant positions on the Community Infrastructure and Services Select Committee and one vacant position on the Board of Variance.

CARRIED

**6. INTRODUCTION OF LATE ITEMS**

**7. UNFINISHED BUSINESS**

- 1) Memo – Mayor Cardinal – January 17, 2008  
RE: REGIONAL GROWTH STRATEGY AMENDMENT

Council Fall mentioned that the process is moving forward slowly and that most municipalities have voted and looks forward to information coming forward regarding the selection of a facilitator and the presentation the District will received from this facilitator. .

**MOTION:** 18 / 2008  
**MOVED BY:** COUNCILLOR BROTHERSTON  
**SECONDED:** COUNCILLOR MAHOVLICH

**THAT** Council accept the Capital Regional District Regional Growth Strategy Amendment.

CARRIED

**OPPOSED:** COUNCILLOR FALL  
COUNCILLOR MENDUM  
COUNCILLOR WILLIAMS

- 2) Report – Chief Administrative Officer  
RE: CITY OF LANGFORD INTERMUNICIPAL SERVICING BYLAW FOR CITY OF LANGFORD BEAR MOUNTAIN SEWER MAIN – HANINGTON ROAD TO MILLSTREAM ROAD

Council members discussed potential issues with the approval of this agreement.

The Chief Administrative Officer explained that the exact specifics of the pipe laying will be future discussion with the City of Langford.

**MOTION:** 19 / 2008  
**MOVED BY:** COUNCILLOR BROTHERSTON  
**SECONDED:** COUNCILLOR KADAR

**THAT** Council approved the encroachment agreement with the City of Langford and that the Mayor and Chief Administrative Officer be authorized to execute the agreement on behalf of the District.

CARRIED

**OPPOSED:** COUNCILLOR FALL  
COUNCILLOR MENDUM  
COUNCILLOR WILLIAMS

- 3) Report – Planner – January 17, 2008  
RE: DEVELOPMENT VARIANCE PERMIT – DVP-07-2007  
790 INDUSTRIAL WAY – CHAD MARLATT, BELL MOBILITY - APPLICANT

**MOTION:** 20 / 2008  
**MOVED BY:** COUNCILLOR MAHOVLICH  
**SECONDED:** COUNCILLOR BROTHERSTON

**THAT** Council authorized the issuance of Development Variance Permit DVP-07-2007.

CARRIED

- 4) UBCM NOTICE – November 20, 2007  
RE: CALL FOR COMMENTS ON OFF-SITE CONTAMINANTS MIGRATION AND  
INSTITUTIONAL CONTROLS FOR CONTAMINATED SITES

It was brought to Council's attention that the cut-off date for comments was extended to the end of January, 2008.

**MOTION:** 21 / 2008  
**MOVED BY:** COUNCILLOR FALL  
**SECONDED:** COUNCILLOR KADAR

**THAT** Council receive the letter from UBCM regarding on/off-site contaminants migration for information.

CARRIED

## 8. CORRESPONDENCE

### Correspondence to Receive for Information

- a) LETTER – DISTRICT OF WEST VANCOUVER – January 4, 2008  
RE: FEDERAL AND PROVINCIAL GOVERNMENT SHARING FOR MUNICIPALITIES
- c) LETTER – BC ASSESSMENT – January 3, 2008  
RE: 2008 PROPERTY ASSESSMENT HIGHLIGHTS
- g) LETTER – BC TAXI ASSOCIATION - December 7, 2007  
RE: SAFETY CAMERAS IN CABS IN THE CRD AND GREATER VICTORIA
- h) ASSOCIATION OF VANCOUVER ISLAND AND COSTAL COMMUNITIES  
RE: 59<sup>TH</sup> ANNUAL MEETING
- i) NEWS RELEASE – CREST – January 10, 2008  
RE: CREST SHAREHOLDERS APPROVE BORROWING FOR SYSTEM IMPROVEMENTS

- k) LETTER – KINGCO 2000 DEVELOPMENTS LTD. – December 7, 2007  
RE: GROUNDWATER FOR DOMESTIC PURPOSES & ONGOING HEALTH CONCERNS FOR RESIDENTS OF RIVER ROAD IN THE SOUTH HIGHLANDS
- l) LETTER – REGIONAL PLANNING SOCIETY – December 5, 2007  
RE: DISTRICT OF HIGHLANDS DEFEATS MOTION TO ACCEPT RGS AMENDMENT

**MOTION:** 22 / 2008  
**MOVED BY:** COUNCILLOR MAHOVLICH  
**SECONDED:** COUNCILLOR BROTHERSTON

**THAT** correspondence a), c), g), h), i), k) and l) be received for information.

CARRIED

- b) FCM SUSTAINABLE COMMUNITIES MISSION

Councillor Mahovlich spoke to this correspondence. She hopes that Council and staff may be able to attend the next conference this year. This correspondence will be brought forward to the CRD Board Committee of the Whole meeting on January 30, 2008 to request funding.

**MOTION:** 23 / 2008  
**MOVED BY:** COUNCILLOR MAHOVLICH  
**SECONDED:** COUNCILLOR KADAR

**THAT** this correspondence be received for information.

CARRIED

- d) LETTER – MINISTRY OF HEALTH – December 13, 2007  
RE: TECHNICAL ADVISORY COMMITTEE

Councillor Fall spoke to this item and suggested it be forwarded to both select committees.

**MOTION:** 24 / 2008  
**MOVED BY:** COUNCILLOR FALL  
**SECONDED:** COUNCILLOR MAHOVLICH

**THAT** this correspondence be forwarded to both select committees for information and comments.

CARRIED

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- e) LETTER – MINISTRY OF COMMUNITY SERVICES – December 10, 2007  
RE: LOCALMOTION PROGRAM: 2008 GRANT APPLICATION INTAKE

Councillor Mendum spoke to this item spoke in favour of applying for this grant.

**MOTION:** 25 / 2008  
**MOVED BY:** COUNCILLOR MENDUM  
**SECONDED:** COUNCILLOR MAHOVLICH

**THAT** this correspondence be forwarded to staff to determine what information would be necessary to apply for this grant (specific drawings).

CARRIED

- f) LETTER – MINISTRY OF COMMUNITY SERVICES – December 10, 2007  
RE: TOWNS FOR TOMORROW – 2008 GRANT APPLICATION INTAKE

**MOTION:** 26 / 2008  
**MOVED BY:** COUNCILLOR FALL  
**SECONDED:** COUNCILLOR MAHOVLICH

**THAT** this correspondence be referred to the Community Centre Task Force.

CARRIED

- j) UBCM – GAS TAX  
RE: INVITATION TO APPLY FOR FUNDING UNDER THE GENERAL STRATEGIC PRIORITIES FUND AND INNOVATIONS FUND PROGRAMS

**MOTION:** 27 / 2008  
**MOVED BY:** COUNCILLOR FALL  
**SECONDED:** COUNCILLOR MAHOVLICH

**THAT** this correspondence be referred to the Sustainability Task Force.

CARRIED

9. **BYLAWS**

10. **NEW BUSINESS**

- 1 Report – Chris Leek – Building Official  
RE: BUILDING REPORT FOR DECEMBER, 2007

**MOTION:** 28 / 2008  
**MOVED BY:** COUNCILLOR MAHOVLICH  
**SECONDED:** COUNCILLOR KADAR

**THAT** the December 2007 building report be received.

CARRIED

**11. ADJOURNMENT**

**MOTION:** 29/ 2008  
**MOVED BY:** COUNCILLOR WILLIAMS  
**SECONDED:** COUNCILLOR BROTHERSTON

**THAT** the Council meeting of January 21, 2008 adjourn at 9:22 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) litigation or potential litigation affecting the municipality, section 90 (1)(f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment and section 90 (1)(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality.

CARRIED

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Mayor

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Deputy Corporate Officer