



DISTRICT OF HIGHLANDS
MINUTES OF THE
REGULAR COUNCIL MEETING

Monday, May 5, 2008 @ 7:05 p.m.
SCHOOL HOUSE, 1589 MILLSTREAM ROAD

PRESENT:

Mayor M Cardinal
Councillor K Brotherston
Councillor M Mahovich
Councillor A Fall
Councillor Mendum
Councillor K Williams

To Council May 20, 2008 Item # 3. a)
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ABSENT

Councillor J Kadar

IN ATTENDANCE:

Chris Coates, CAO
Laura Beckett, Planner
Tina Neurauter, D/Corporate Officer
9 members of the public were present

1. Approval of the Agenda

MOTION: 162 / 2008
MOVED BY: COUNCILLOR BROTHERSTON
SECONDED: COUNCILLOR FALL

THAT Elaine Limbrick, Patti Whitehouse, Daphne Williams, and Vicky Husband be added under **Petitions and Delegations**; and

THAT the agenda be approved as amended.

CARRIED

2. PETITIONS AND DELEGATIONS

Elaine Limbrick, 3836 Munn Road , updated Council regarding the Highlands Green Map. The mapping is proceeding extremely well. She invited all Council to attend a presentation on May 13 @ 7:30 in the School house with guest speaker John Elliott, discussing First Nations presence in the District. When the map is finished it will be part of the World Green Map.

Ms. Limbrick also extended an invitation to attend the Mother's Day Paint In at Royal Roads University.

Patti Whitehouse, 635 Lost Lake Road, addressed Council regarding the RGS Urban Containment Boundary Adjustment Facilitation Process. She urged the Council to only send delegates who support the amendment as it stands.

Daphne Williams, 3422 Verona Crescent, addressed Council regarding the delegates chosen by Council to represent the community.

Vicky Husband, 301 Ross Durrance Road, does not support the Bear Mountain development and does not support the proposed urban containment boundary adjustment. She then spoke to the selection of delegates by Council to represent the community. The Bear Mountain development is detrimental to the health of this community and the community around us.

3. ADOPTION OF THE MINUTES

a) Council – April 21, 2008

MOTION: 163 / 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR MENDUM

THAT the minutes of Council dated April 21, 2008 be adopted as amended:

Replace the whole of page 3 with the new page 3 distributed at the meeting.

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) – Nothing to report.
- iii) Emergency Planning Committee (Cllr. Fall) – Nothing to report.
- iv) Greater Victoria Family Court Committee (Cllr. Williams) – Nothing to report.
- v) Greater Victoria Public Library Board (Cllr. Kadar) – Nothing to report.
- vi) Inter-Municipal Committee on Disability Issues (Cllr. Kadar) – Nothing to report.
- vii) Solid Waste Advisory Committee (Cllr. Kadar) – Nothing to report.
- viii) Western Communities Policing Advisory Committee (Cllr. Mendum) – Nothing to report

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- ix) Groundwater Task Force (Cllr. Mahovlich) – Nothing to report.
 - x) CREST (Cllr. Fall) – Nothing to report. Councillor Fall stated the he will attend the AGM with intention of having a proxy vote for the District of Highlands as no one else has stated that they would like to attend and vote.
 - xi) CRD Water (Cllr. Brotherston) – Noting to report.
 - xii) Juan de Fuca Water (Cllr. Brotherston) – Nothing to report

b) Mayor's Report

- xiv) CRD Board – Nothing to Report
- xv) CRD Committees
 - Parks – Nothing to Report
 - Environment – Nothing to Report
 - West Shore Parks and Recreation – Nothing to report

5. RATIFICATION OF COMMITTEE RECOMMENDATIONS

- a) RISE AND REPORT IN CAMERA MEETING OF COUNCIL – April 7, 2008
 - 1) RE: FISCAL AND ENVIRONMENTAL APPOINTMENT

MOTION: 164 / 2008
MOVED BY: COUNCILLOR FALL
SECONDED: COUNCILLOR MENDUM

THAT Ms. Elaine Limbrick be appointed to the Fiscal and Environmental Select Committee with a term to expire December 31, 2010.

CARRIED

- 2) RE: ADVISORY PLANNING COMMISSION

MOTION: 165 / 2008
MOVED BY: COUNCILLOR BROTHERSTON
SECONDED: COUNCILLOR WILLIAMS

THAT Ms. Mara Dhillon, Ms. Honora Johannesen, and Mr. Fred York be re-appointed to the Advisory Planning Commission to serve a 2-year term.

CARRIED

6. INTRODUCTION OF LATE ITEMS

7. UNFINISHED BUSINESS

8. CORRESPONDENCE

Correspondence to Receive for Information

- a) UBCM – RESPONSE FROM FINANCE MINISTER

RE: THE CARBON TAX

MOTION: 166 / 2008
MOVED BY: COUNCILLOR MENDUM
SECONDED: COUNCILLOR BROTHERSTON

THAT this letter be forwarded to the Fiscal and Environmental Select Services Committee and the Sustainability Task Force (when established).

CARRIED

- b) UBCM – NOTICE – April 24, 2008

RE: HIGHLIGHTS OF THE UBCM EXECUTIVE MEETING – APRIL 9 – 11, 2008

MOTION: 167 / 2008
MOVED BY: COUNCILLOR MENDUM
SECONDED: COUNCILLOR FALL

THAT this letter be forwarded to the Fiscal and Environmental Select Services Committee and the Community Infrastructure and Services Select Committee.

CARRIED

- c) LETTER – CRD - April 21, 2008

RE: REGIONAL PARKS LAND ACQUISITION FUND – SUMMARY OF 2007 ACQUISITIONS

MOTION: 168 / 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR MENDUM

THAT this correspondence be received.

CARRIED

- d) LETTER – SUE JOHNSON – APRIL 15, 2008

MOTION: 169 / 2008
MOVED BY: COUNCILLOR MENDUM
SECONDED: COUNCILLOR MAHOVLICH

THAT The Chief Administrative Officer was asked to contact Ms. Johnson and to clarify what a 0% municipal tax increase means.

CARRIED

- e) AVICC NOTICE – APRIL 15, 2008
RE: 2008 AVICC RESOLUTION DISPOSITION

MOTION: 170 / 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR MENDUM

THAT this correspondence be received.

CARRIED

Correspondence for Action

- f) LETTER – DALE MUMFORD, FORT RODD HILL AND FISGARD LIGHTHOUSE
RE: REQUEST FOR FUNDING ASSISTANCE – CANADA DAY CELEBRATIONS

MOTION: 171 / 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR BROTHERSTON

THAT the letter from Mr. Dale Mumford be referred to the Fiscal and Environmental Select Committee to be considered as a grant-in-aid request.

CARRIED

- g) LETTER – GAIL NASH, WEST SHORE ARTS COUNCIL
RE: ARTS AND CULTURE WEEK – APRIL 20 – 26, 2008

MOTION: 172 / 2008
MOVED BY: COUNCILLOR FALL
SECONDED: COUNCILLOR BROTHERSTON

THAT the Council of the District of Highlands declare its support the Arts and Culture Week.

CARRIED

9. BYLAWS

- 1) a) MEMO and BYLAW – C.D. Coates, CAO- April 30, 2008
RE: 2008 FINANCIAL PLAN AND TAX RATES – TAX RATE BYLAW NO. 304, 2008 (Options A & B)

MOTION: 173 / 2008
MOVED BY: COUNCILLOR FALL
SECONDED: COUNCILLOR MENDUM

THAT the Chief Administrative Officer look into and bring back to Council the implications of moving the CRD Arts line item as a separate line item under Parks and Recreation.

CARRIED

Councillor Mahovlich read a prepared statement explaining why she proposes a 3% municipal tax increase.

MOTION: 174 / 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR FALL

THAT the Council of the District of Highlands raise the municipal portion of taxation for 2008 by 3%.

OPPOSED: COUNCILLOR MENDUM
COUNCILLOR BROTHERSTON
COUNCILLOR WILLIAMS
MAYOR CARDINAL

MOTION: 175 / 2008
MOVED BY: COUNCILLOR BROTHERSTON
SECONDED: COUNCILLOR WILLIAMS

THAT the Council of the District of Highlands raise the municipal portion of taxation for 2008 by 0%.

CARRIED

OPPOSED: COUNCILLOR FALL
COUNCILLOR MAHOVLICH

Tax Rate Bylaw No. 304 Option A

MOTION: 176 / 2008
MOVED BY: COUNCILLOR BROTHERSTON
SECONDED: COUNCILLOR MENDUM

THAT Bylaw No. 304, being the "Tax Rates Bylaw No. 304, 2008" be given FIRST READING.

CARRIED

MOTION: 177 / 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR BROTHERSTON

THAT Schedule "A" to Bylaw 304 be amended to read under #7 – Managed Forest, column A, General Municipal, should read 8.3237 and under column D, Specified Area Fire Protection, should read 5.2647.

CARRIED

MOTION: 178 / 2008
MOVED BY: COUNCILLOR MENDUM
SECONDED: COUNCILLOR MAHOVLICH

THAT Bylaw No. 304, being the "Tax Rates Bylaw No. 304, 2008" be given SECOND READING as amended.

CARRIED

MOTION: 179 / 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR MENDUM

THAT Bylaw No. 304, being the "Tax Rates Bylaw No. 304, 2008" be given THIRD READING.

CARRIED

Five Year Financial Plan Bylaw No. 305, 2008

MOTION: 180 / 2008
MOVED BY: COUNCILLOR MENDUM
SECONDED: COUNCILLOR BROTHERSTON

THAT Bylaw No. 305, being the "Five Year Financial Plan Bylaw No. 305, 2008" be given FIRST READING.

CARRIED

MOTION: 181 / 2008
MOVED BY: COUNCILLOR BROTHERSTON
SECONDED: COUNCILLOR MENDUM

THAT Bylaw No. 305, being the "Five Year Financial Plan Bylaw No. 305, 2008" be given SECOND READING.

CARRIED

MOTION: 182 / 2008
MOVED BY: COUNCILLOR BROTHERSTON
SECONDED: COUNCILLOR MENDUM

THAT Bylaw No. 305, being the "Five Year Financial Plan Bylaw No. 305, 2008" be given THIRD READING.

CARRIED

MOTION: 183 / 2008
MOVED BY: COUNCILLOR FALL
SECONDED: COUNCILLOR MENDUM

THAT Council schedule a Special Meeting to be held at 7:00 p.m., Monday, May 12, 2008 to adopt Bylaw No. 304 and Bylaw No. 305.

CARRIED

10. NEW BUSINESS

- 1) MEMO – Chris Leek, Building Official- April 28, 2008
RE: RUZ AMENDMENT PROPOSAL FOR 613 HIGHLANDS PARK TERRACE

MOTION: 184 / 2008
MOVED BY: COUNCILLOR MENDUM
SECONDED: COUNCILLOR MAHOVLICH

THAT Council approves the amended reference plan for the Residential Use Zone (RUZ) for this lot, and authorizes the owner to prepare and submit final signatory versions of the restrictive covenant with same plan appended for registration in the Victoria Land Title Office subject to:

- a. The owner complying with all conditions of TLC approval;
- b. The boundary of the proposed RUZ amendment being solid-flagged by the proponent.
- c. All expenses accrued for the preparation and registration of the covenant to be that of the owner;
- d. Upon confirmation of registration of the amended covenant, the owner or owners lawyer providing DOH and TLC with registered copies of covenant;
- e. A site-specific Fire Interface Assessment to the satisfaction of the Administrator, to provide detailed recommendations on defensible space requirements, and mitigative construction techniques.

CARRIED

- 2) MEMO – Chris Leek, Building Official- May 1, 2008
RE: BUILDING REPORT FOR MARCH 2008

MOTION: 185 / 2008
MOVED BY: COUNCILLOR
SECONDED: COUNCILLOR

THAT the Building Report from March 2008 be received.

CARRIED

- 3) REPORT – Laura Beckett, Planner – April 28, 2008
RE: CITY OF LANGFORD DRAFT OFFICIAL COMMUNITY PLAN REFERRAL

MOTION: 186 / 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR BROTHERSTON

THAT the referral from the City of Langford regarding the draft Official Community Plan be deferred to the Committee of the Whole meeting scheduled for Monday, May 14, 2008.

CARRIED

- 4) REPORT – Laura Beckett, Planner – April 29, 2008
RE: DEVELOPMENT VARIANCE PERMIT DVP-01-08 – 1388 MILLSTREAM ROAD

MOTION: 187 / 2008
MOVED BY: COUNCILLOR MENDUM
SECONDED: COUNCILLOR BROTHERSTON

THAT notification be issued for the proposed issuance of Development Variance Permit DVP-01-08 pertain to:
Lot 8, Section 28 and 35, Highland District, Plan VIP56104 except parts in Plans VIP57467 and VIP76484 (1388 Millstream Road)
That would vary Section 3.3(1) of Zoning Bylaw No. 100 as follows: By allowing a building or structure to be located no closer that 15m to the natural boundary of a wetland and Earsman Creek.

CARRIED

- 5) REPORT – Laura Beckett, Planner – April 23, 2008
RE: WEST NILE VIRUS MOSQUITO CONTROL PROGRAM INITIATIVE

MOTION: 188 / 2008
MOVED BY: COUNCILLOR FALL
SECONDED: COUNCILLOR MAHOVLICH

THAT Council direct staff to apply for the 2008 UBCM West Nile virus Mosquito Control Program Initiative, and direct staff to use D.G. Regan and Associates as consultant for this work.

CARRIED

6) MEMO-C.D. Coates, CAO – May 1, 2008
RE: RGS FACILITATION PROCESS

MOTION: 189 / 2008
MOVED BY: COUNCILLOR FALL
SECONDED: COUNCILLOR WILLIAMS

THAT Council select two Council representative to participate in the RGS dispute resolution process with an alternate for each.

CARRIED

MOTION: 190 / 2008
MOVED BY: COUNCILLOR FALL
SECONDED: COUNCILLOR WILLIAMS

THAT the Chief Administrative Officer and the Planner be included as preventative of the District in the RGS dispute resolution process.

CARRIED

MOTION: 191 / 2008
MOVED BY: COUNCILLOR WILLIAMS
SECONDED: COUNCILLOR FALL

THAT the two Council representative for the RGS dispute resolution process be Mayor Cardinal and Councillor Fall.

CARRIED

OPPOSED: MAYOR CARDINAL

MOTION: 192 / 2008
MOVED BY: COUNCILLOR FALL
SECONDED: COUNCILLOR WILLIAMS

THAT the two alternate Council representatives for the RGS dispute resolution process be Councillor Mendum and Councillor Brotherston.

CARRIED

OPPOSED: MAYOR CARDINAL

7) IN CAMERA MEETING

MOTION: 193 / 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR BROTHERSTON

THAT Council move In Camera to discuss items pursuant to Community Charter sections: 90(1) (e) the acquisition, disposition or expropriation of land or improvements

CARRIED

11. ADJOURNMENT

MOTION: 194 / 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR BROTHERSTON

THAT Council move In Camera to discuss items pursuant to Community Charter sections: 90(1) (e) the acquisition, disposition or expropriation of land or improvements

CARRIED

Mayor

Deputy Corporate Officer