



DISTRICT OF HIGHLANDS
MINUTES OF THE
REGULAR COUNCIL MEETING

Monday, July 21, 2008 @ 7:00 p.m.
SCHOOL HOUSE, 1589 MILLSTREAM ROAD

PRESENT:

Mayor M Cardinal
Councillor A Fall
Councillor Kadar
Councillor M Mahovlich
Councillor Mendum
Councillor K Williams

To Council August 18, 2008

ABSENT

Councillor K Brotherston

IN ATTENDANCE:

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

1. Approval of the Agenda

MOTION: 266 / 2008
MOVED BY: COUNCILLOR
SECONDED: COUNCILLOR

THAT the agenda be approved as amended:

ADD under **Introduction of Late Items** and move to the beginning of the agenda and renumber accordingly:

1) Letter – Request for Leave of Absence – Councillor Brotherston, and

Under **Petitions and Delegations** move item c) to a) and renumber accordingly, and

ADD under **Petitions and Delegations** Vicky Husband and Colleen Robertson; and

ADD under **New Business - k) Additional Signing Authority**, and

THAT the agenda be approved as amended.

CARRIED

2. INTRODUCTION OF LATE ITEMS

- a) Letter – Request for Leave of Absence – Councillor Brotherston

Mayor Cardinal read a letter submitted by Councillor Brotherston requesting Council grant him an indefinite leave of absence retro-active to May 31, 2008. Councillor Brotherston also requested the District not pay him his regular stipend and that Council decide what best to do with these funds.

MOTION: 267/ 2008
MOVED BY: COUNCILLOR KADAR
SECONDED: COUNCILLOR MAHOVLICH

THAT Council authorize the requested indefinite leave of absence from Councillor Brotherston retroactive to May 31, 2008.

CARRIED

3. PETITIONS AND DELEGATIONS

Vicky Husband, 301 Ross Durance Road, spoke regarding the Sloan report. She encourages Council to submit, as suggested in one the options of the report, a new Regional Context Statement to the CRD. She also spoke against two of the rezoning applications on the agenda (RZ-01-08 and RZ-03-08).

Colleen Robertson, 1835 Millstream Road, spoke to rezoning application RZ-03-08. She stated her and her family's concerns and clarified their position regarding the application.

- a) Presentation to Chief Barry Ford

Mayor Cardinal commented that tonight we are taking the opportunity to acknowledge an individual who has for thirty years made huge contributions to the Highlands community. Barry Ford joined the east Highlands Fire Department in June, 1978. He became the Chief of the Department three years later. He has served the community as Fire Chief through incorporation and the amalgamation of the East and West Fire Departments. Today, we have a Fire Department that the community can be very proud of thanks in large part to Barry's dedication and efforts over the years.

On behalf of Council the Mayor presented Fire Chief Barry Ford with the Highland's Medal of Honour – Community Service.

- b) Wade Davies, West Shore Parks and Recreation Society
PROPOSED REFERENDUM QUESTION

Mr. Wade Davies of the West Shore Parks and Recreation Society was in attendance and presented Council with a presentation of why the WSPRS feels that a referendum question

(opinion question) should be included in the 2008 general election on a major update of the recreation facility.

Council members had a few requests of Mr. Davies and asked to be provided with additional material.

MOTION: 268/ 2008
MOVED BY: COUNCILLOR MENDUM
SECONDED: COUNCILLOR FALL

THAT this item be forwarded to the August 18, 2008 Council agenda for consideration.

CARRIED

c) KPMG Presentation of 2007 Audited Financial Statements

Randy Decksheimer of KPMG was in attendance and presented Council with the 2007 Audited Financial Statement. Mr. Decksheimer commented that the audit was completed in March, 2008 and resulted in a clean audit. The delayed reporting was due to the West Shore Parks and Recreation Society. The financial condition of the municipality has improved dramatically since 2005. The District should continue to work towards a 25 – 40% surplus of the basic tax revenue.

4. ADOPTION OF THE MINUTES

a) Council – June 16, 2008

MOTION: 269 / 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR KADAR

THAT the minutes of Council dated June 16, 2008 be adopted.

CARRIED

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

a) Committee Reports

- i) Advisory Planning Commission (Cllr. Williams) – Nothing to report.
- ii) CRD Arts Committee (Cllr. Fall) – Councillor Fall commented on the Arts sub committee who are currently reviewing the documents that established the arts committees.
- iii) Emergency Planning Committee (Cllr. Fall) – Nothing to report.
- iv) Greater Victoria Family Court Committee (Cllr. Williams) – Councillor Williams commented on the last meeting where the members were shown a presentation from Lorne Casey. The presentation dealt with under aged sex trade workers in the Capital Regional District. The results showed that there

appeared to be no underage sex trade workers within these organizations. Cindy Jamieson, Pacific Family Council presented information on adding the addition of an internet based counseling service for youth, which appears to be more acceptable by youth.

- 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.
- ix) Groundwater Task Force (Cllr. Mahovlich) – Update meeting towards the end of June. The model is nearing completion, detailed run and results should be available in late September, early October. Other existing monitoring wells are being looked at in the East Highlands and in the Red Cedar, White Pine neighborhoods.
- x) CREST (Cllr. Fall) – Phase 1 infrastructure has been completely installed.
- xi) CRD Water (Mayor Cardinal) – Award of contract (sole sourced) to Scansa Construction to install water, sole source contractor awarded to same contractor doing sewers in hopes of saving on expenses.
- xii) Juan de Fuca Water (Cllr. Kadar) – Extension of water services being provided to a property north of Sun River Estates (Sooke).

b) Mayor's Report

CRD Board – The Mayor reported on several house keeping issues dealt with. CRD Idling Bylaw given 3rd Reading. Climate Action Bylaw rescinded at 3rd reading due to the City of Colwood requesting an "opt-out" clause after two years. The bylaw has been amended and redistributed to all municipalities. Millstream Meadows contract has been awarded to Quantum Remediation, in the amount of \$6,217,354.50. Work should start in the very near future.

CRD Committees

Parks – Discussion at meeting centered on the donation of parkland (Mt. Work Park).

Environment – Nothing to report

West Shore Parks and Recreation – Number of speakers addressed the proposed redevelopment of the Velodrome. The Board also was presented with different

options (locations) for the proposed stadium. The proposed referendum question was also discussed.

6. RATIFICATION OF COMMITTEE RECOMMENDATIONS

a) Rise and Report from Council In Camera – May 5, 2008

1) West Shore Parks and Recreation – Velodrome

MOTION: 270 / 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR KADAR

THAT Council agree in principle to the concept of a financial contribution to the conversion of the velodrome to an all weather playing field and await participating in the discussions.

CARRIED

MOTION: 271 / 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR KADAR

THAT Council reconfirms its support to agree in principle to the concept of a financial contribution to West Shore Parks and Recreation Society to proceed with the process of developing an artificial turf field and stadium complex.

CARRIED

OPPOSED: COUNCILLOR MENDUM
 COUNCILLOR WILLIAMS

7. UNFINISHED BUSINESS

a) Report – Chief Administrative Officer – Trail Planning

MOTION: 272 / 2008
MOVED BY: COUNCILLOR FALL
SECONDED: COUNCILLOR MAHOVLICH

THAT Councillor authorize staff to apply for Infrastructure Planning funding for the Trails Master Plan.

CARRIED

8. CORRESPONDENCE

a) Letter – CRD – Bylaw No. 3510 - RE: Proposed Change to Bylaw No. 3510

MOTION: 273 / 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR MENDUM

THAT Council of the District of Highlands give CONSENT to CRD Bylaw No. 3510, Capital Regional District Climate Action and Adaptation Service Establishment Bylaw, 2008 as amended at THIRD READING.

CARRIED

- b) 1) Letter – Office of the Premier
RE: UBCM Convention – Meeting Request

MOTION: 274 / 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR KADAR

THAT staff forward a letter to the Minister's office requesting that the ministry consider that one or more of the grant opportunities (Towns for Tomorrow or Spirit Square Initiatives) for municipalities with shared recreation facilities to be permitted to use the grant money received to go towards these shared facilities.

CARRIED

OPPOSED: COUNCILLOR WILLIAMS

MOTION: 275 / 2008
MOVED BY: COUNCILLOR WILLIAMS
SECONDED: COUNCILLOR FALL

THAT staff be asked to schedule an appointment at UBCM with Minister of Community Development regarding the Regional Growth Strategy process.

CARRIED

MOTION: 276 / 2008
MOVED BY: COUNCILLOR MENDUM
SECONDED: COUNCILLOR MAHOVLICH

THAT staff be asked to schedule an appointment with Minister of Community Development regarding the Establishment of Local Government Ethics Commissioner.

CARRIED

- 2) UBCM 2008 Annual Conference – September 23 – 26, 2008 – Penticton, BC
RE: RESOLUTION NEEDED TO SEND COUNCIL MEMBERS AND STAFF MEMBER

MOTION: 277 / 2008
MOVED BY: COUNCILLOR FALL
SECONDED: COUNCILLOR MAHOVLICH

That Mayor Cardinal, Councillors Williams and Fall, and the Chief Administrative Officer, C. D. Coates be authorized to attend the 2008 Annual Conference.

CARRIED

- c) Letter – Christopher Anstey, President, G.V. Velodrome Association

MOTION: 278 / 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR MENDUM

THAT the letter from Christopher Anstey be received.

CARRIED

- d) Letter – Marcie McLean
RE: Observations on Volunteerism in the Highlands and Community Participation

MOTION: 279 / 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR KADAR

THAT the letter from Marcie McLean be received.

CARRIED

9. **BYLAWS**

- a) BYLAW NO. 307
RE: WEST SHORE PARKS AND RECREATION FEES AND CHARGES BYLAW, 2008

MOTION: 280 / 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR KADAR

THAT Bylaw No. 307, being the “West Shore Parks and Recreation Fees and Charges Bylaw No. 307, 2008” be given FIRST READING.

CARRIED

MOTION: 281/ 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR KADAR

THAT Bylaw No. 307, being the “West Shore Parks and Recreation Fees and Charges Bylaw No. 307, 2008” be given SECOND READING.

CARRIED

MOTION: 282 / 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR KADAR

THAT Bylaw No. 307, being the “West Shore Parks and Recreation Fees and Charges Bylaw No. 307, 2008” be given THIRD READING.

CARRIED

10. **NEW BUSINESS**

- a) Report – Municipal Planner
RE: RZ-01-08 – 889 FINLAYSON ARM ROAD

MOTION: 283 / 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR KADAR

THAT the application be referred back to the applicant to consider the concerns of Council.

CARRIED

The Mayor called for a 10 minute recess at 9:22 p.m.
The Mayor called the meeting back to order at 9:35 p.m.

- b) Report – Municipal Planner
RE: RZ-02-08 – 1931 MILLSTREAM ROAD

MOTION: 284/ 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR FALL

THAT “Highlands Zoning Amendment Bylaw No. 308, 2008” be given FIRST READING.

CARRIED

MOTION: 285/ 2008
MOVED BY: COUNCILLOR MENDUM
SECONDED: COUNCILLOR MAHOVLICH

THAT “Highlands Zoning Amendment Bylaw No. 308, 2008” be given SECOND READING.

CARRIED

MOTION: 286/ 2008
MOVED BY: COUNCILLOR FALL
SECONDED: COUNCILLOR MENDUM

That Council direct staff to schedule a public hearing for this application on August 18, 2008 preceding the regular Council meeting to take place at the School House located at 1859 Millstream Road.

CARRIED

MOTION: 287/ 2008
MOVED BY: COUNCILLOR FALL
SECONDED: COUNCILLOR MENDUM

THAT staff communicate to the applicant the necessity to improve the drive-way access (making it a 2-lane drive-way) and turnaround for Fire Department access.

CARRIED

- c) Report – Municipal Planner
RE: RZ-03-08 - 676 TAYLOR WAY – DALE AND STEPHANIE COOK

MOTION: 288/ 2008
MOVED BY: COUNCILLOR KADAR
SECONDED: COUNCILLOR FALL

THAT Council direct staff to send this application to Highlands Fire Department, the Advisory Planning Commission and the select Committees for comments.

CARRIED

- d) Report – Municipal Planner
RE: RZ-04-08 – HANNINGTON CREEK ESTATES

MOTION: 289 / 2008
MOVED BY: COUNCILLOR MENDUM
SECONDED: COUNCILLOR FALL

THAT Council direct staff to send this application to the Advisory Planning Commission and to draft a bylaw to amend the Highlands Zoning Bylaw.

CARRIED

- e) Report – Heinz Burki
RE: APPLICATION FOR TEMPORARY INDUSTRIAL USE PERMIT
HIGHWEST RECYCLER LTD 1943 MILLSTREAM ROAD

MOTION: 290 / 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR MENDUM

THAT “Highlands Zoning Amendment Bylaw No. 309, 2008” be given FIRST READING.

CARRIED

MOTION: 291 / 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR WILLIAMS

THAT “Highlands Zoning Amendment Bylaw No. 309, 2008” be given SECOND READING.

CARRIED

MOTION: 292 / 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR WILLIAMS

That Council direct staff to schedule a public hearing for this application on August 18, 2008 preceding the regular Council meeting to take place at the School House located at 1859 Millstream Road.

CARRIED

MOTION: 293 / 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR WILLIAMS

THAT Council direct staff to circulate a notice, as require, to all surrounding properties of both the Zoning Amendment Bylaw and the proposed Temporary Industrial Use Permit.

CARRIED

- f) Report – Chief Administrative Officer
RE: LANGFORD TIGHT PIPE ENCROACHMENT AGREEMENT

MOTION: 294 / 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR KADAR

THAT Council approve the revised encroachment agreement and authorize the Mayor and CAO to execute the agreement on behalf of the District, and

THAT the future addition to the encroachment area as noted on the Schedule to the Encroachment Agreement be approved upon any future dedication of Hanington Road.

DEFEATED

OPPOSED: COUNCILLOR FALL
COUNCILLOR MENDUM
COUNCILLOR WILLIAMS

- g) Report – Regional Growth Strategy
RE: FACILITATORS REPORT

MOTION: 295 / 2008
MOVED BY: COUNCILLOR MENDUM
SECONDED: COUNCILLOR FALL

THAT a sub-committee of Council be struck to explore the possibility, including options, of resubmitting a revised Regional Context Statement.

DEFEATED

OPPOSED: MAYOR CARDINAL
COUNCILLOR MAHOVLICH
COUNCILLOR KADAR

MOTION: 296 / 2008
MOVED BY: COUNCILLOR FALL
SECONDED: COUNCILLOR WILLIAMS

THAT Council submit a revised Regional Context Statement.

DEFEATED

OPPOSED: MAYOR CARDINAL
COUNCILLOR MAHOVLICH
COUNCILLOR KADAR

- h) Report – Corporate Officer
RE: ELECTION REPORT – APPOINTMENT OF CEO AND DCEO

MOTION: 296 / 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR KADAR

THAT T. Moore of T. Moore and Associates be appointed as the Chief Election Officer for the District of Highlands's 2008 local general election with remuneration set at \$2,000, and THAT Mrs. T. Neurauter be appointed as the Deputy Chief Election Officer for the District of Highland's 2008 local general election.

CARRIED

- i) Report – Chief Administrative Officer
RE: 2007 ANNUAL REPORT

MOTION: 297 / 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR MENDUM

THAT Council receive and approve the 2007 Annual Report and Statement of Financial Information Report.

CARRIED

j) BUILDING REPORT – JUNE, 2008

MOTION: 298 / 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR MENDUM

THAT Council receive the June, 2008 Building Report.

CARRIED

k) ADDITIONAL SIGNING AUTHORITY FOR BANKING PURPOSES

MOTION: 299 / 2008
MOVED BY: COUNCILLOR FALL
SECONDED: COUNCILLOR KADAR

THAT Councillor Jane Mendum be appointed as additional signing authority for banking purposes for the District of Highlands.

CARRIED

11. ADJOURNMENT

MOTION: 299 / 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR KADAR

To adjourn the Regular Council Meeting of Council at 10: 35 p.m.

CARRIED

Mayor

Acting Corporate Officer