

MINUTES OF THE COUNCIL MEETING  
HELD IN THE COUNCIL CHAMBERS  
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE  
**MONDAY, JULY 21, 2008 AT 7:30 P.M.**

Present: **Chair:** Mayor Leonard  
**Council:** Councillors Brice, Brownoff, Derman, Gillespie, Ngai, Sanders and Wergeland  
**Staff:** Chris Nation, Municipal Solicitor; Anne Topp, Manager of Community Planning; Dwayne Halldorson, Manager of Underground Services; Donna Dupas, Deputy Manager of Legislative Services; and Shirley Leggett, Senior Committee Clerk

Minutes **ADOPTION OF MINUTES**

**MOVED by Councillor Brownoff and Seconded by Councillor Wergeland: "That the Minutes of the Council and Committee of the Whole Meetings held July 7, 2008, and the Special Council Meeting held July 8, 2008, be adopted."**

**CARRIED**

**BYLAWS**

No. 189  
ADM40  
Bylaw 8941

**PAWNBROKERS AND SECOND HAND DEALERS BYLAW – HOUSEKEEPING AMENDMENT**

Final Reading of the "Pawnbrokers and Second Hand Dealers Bylaw, 1983, Amendment Bylaw, 2008, No. 8941". Housekeeping amendment to delete Section 10 and amend Section 17.

**MOVED by Councillor Brice and Seconded by Councillor Ngai: "That Bylaw No. 8941 be adopted by Council and the Seal of the Corporation be attached thereto."**

**CARRIED**

No. 190  
ADM40/ADM95  
Bylaw 8943

**ELECTIONS PROCEDURES BYLAW AMENDMENT**

Final Reading of the "Elections Procedures Bylaw, 1993, Amendment Bylaw, 2008, No. 8943". To include amendments further to changes in Provincial legislation.

**MOVED by Councillor Sanders and Seconded by Councillor Derman: "That Bylaw No. 8943 be adopted by Council and the Seal of the Corporation be attached thereto."**

**CARRIED,**

**with Mayor Leonard and Councillors Brice and Gillespie voting against.**

No. 191  
ADM40/Spring Rd.  
Bylaw 8944

**WATER UTILITY BYLAW AMENDMENT - 4835 SPRING ROAD**

Three Readings of the "Water Utility Bylaw, 2000, Amendment Bylaw, 2008, No. 8944". To include 4835 Spring Road in the Water Service Area.

**MOVED by Councillor Wergeland and Seconded by Councillor Sanders: "That Bylaw No. 8944 be introduced and read."** **CARRIED,**  
with Councillor Brownoff voting against.

**MOVED by Councillor Wergeland and Seconded by Councillor Sanders: "That Bylaw No. 8944 be read a second time."** **CARRIED,**  
with Councillor Brownoff voting against.

**MOVED by Councillor Wergeland and Seconded by Councillor Sanders: "That Bylaw No. 8944 be now passed."** **CARRIED,**  
with Councillor Brownoff voting against.

No. 192  
EPW65/  
Blenkinsop Rd.  
Bylaw 8945

**SANITARY SEWER BYLAW AMENDMENT - 4575 BLENKINSOP ROAD (A PORTION)**

Three Readings of the "Sanitary Sewer Bylaw, 2006, Amendment Bylaw, 2008, No. 8945". To include a portion of 4575 Blenkinsop Road in the Sewer Service Area.

**MOVED by Councillor Gillespie and Seconded by Councillor Brice: "That Bylaw No. 8945 be introduced and read."** **CARRIED**

**MOVED by Councillor Gillespie and Seconded by Councillor Brice: "That Bylaw No. 8945 be read a second time."** **CARRIED**

**MOVED by Councillor Gillespie and Seconded by Councillor Brice: "That Bylaw No. 8945 be now passed."** **CARRIED**

No. 193  
EPW65/  
Balmacarra Rd.  
Bylaw 8946

**SANITARY SEWER BYLAW AMENDMENT - 4588 BALMACARRA ROAD**

Three Readings of the "Sanitary Sewer Bylaw, 2006, Amendment Bylaw, 2008, No. 8946". To include 4588 Balmacarra Road in the Sewer Service Area.

**MOVED by Councillor Derman and Seconded by Councillor Gillespie: "That Bylaw No. 8946 be introduced and read."** **CARRIED**

**MOVED by Councillor Derman and Seconded by Councillor Gillespie: "That Bylaw No. 8946 be read a second time."** **CARRIED**

**MOVED by Councillor Derman and Seconded by Councillor Gillespie: "That Bylaw No. 8946 be now passed."** **CARRIED**

No. 194  
EPW65/  
Blenkinsop Rd.  
 Bylaw 8947

**SANITARY SEWER BYLAW AMENDMENT – 4540 BLENKINSOP ROAD (A PORTION)**

Three Readings of the “Sanitary Sewer Bylaw, 2006, Amendment Bylaw, 2008, No. 8947”. To include a portion of 4540 Blenkinsop Road in the Sewer Service Area.

**MOVED by Councillor Wergeland and Seconded by Councillor Gillespie: “That Bylaw No. 8947 be introduced and read.”**

**CARRIED**

**MOVED by Councillor Wergeland and Seconded by Councillor Gillespie: “That Bylaw No. 8947 be read a second time.”**

**CARRIED**

**MOVED by Councillor Wergeland and Seconded by Councillor Gillespie: “That Bylaw No. 8947 be now passed.”**

**CARRIED**

No. 195  
Kent Road  
 Bylaw 8942

**652 KENT ROAD (A PORTION)**

Final Reading of the “Zoning Bylaw, 2003, Amendment Bylaw, 2008, No. 8942”. Rezoning from RS-6 to RS-2.

**MOVED by Councillor Brownoff and Seconded by Councillor Brice: “That Bylaw No. 8942 be adopted by Council and the Seal of the Corporation be attached thereto.”**

**CARRIED**

**RESOLUTIONS FOR ADOPTION**

No. 196  
ADM40  
 Use of Electric Cars

**USE OF ELECTRIC CARS WITH LIMITED RANGE AND SPEED**

Report from Councillor Derman dated July 3, 2008 recommending Council ask staff to work with the appropriate committees to consider preparation of a bylaw that would permit electric cars with limited range and speed to be legally operated on as many municipal roads in Saanich as is feasible.

Councillor Derman stated:

- The provincial government recently passed legislation to permit the use of electric vehicles with limited range and speed on municipal roads with a speed limit of 40 kilometers an hour or less, and created a provision that will allow Councils to decide if they will permit such vehicles on roads with speed limits up to 50 kilometers within their municipalities.
- While these types of vehicles may be appropriate within the urban environment, they are not the answer to all of our transportation issues because they do little to address the issue of congestion; however, they represent a cost effective approach to climate change, energy conservation, and resource issues that we must address locally and globally.
- The District of Oak Bay is in the process of creating a bylaw to permit electric cars within their municipality and it is likely that other municipalities will follow suit.
- While Saanich is a much larger municipality than Oak Bay with a greater variety of circumstances presented by its roads, permitting limited range and speed electric vehicles to operate on as many of

our municipal roads as possible could make an important contribution.

- He would like to see the issue referred to the Planning, Transportation and Economic Development Advisory Committee, the Environmental Advisory Committee, the Administrative Traffic Committee, and engineering and police staff for their review.
- There used to be a regular group meeting of all of the traffic engineers in the region; it would be ideal if that group could meet to discuss how there might be regional coordination as to how these vehicles could be integrated into our municipalities.

**MOVED by Councillor Derman and Seconded by Councillor Brownoff: "That staff work with the appropriate committees and regional counterparts to consider preparation of a bylaw that would permit electric cars with limited range and speed to be legally operated on as many municipal roads in Saanich as feasible."**

Councillor Brice stated:

- The use of electric vehicles is a technology that is now available to the public and we want to make it as reasonable as possible to take advantage of.
- Hopefully the recommendation that the Capital Regional District (CRD's) Environmental Advisory Committee endorses will be that each of the municipal and electoral area administrators and police departments be consulted prior to a model bylaw being considered by the CRD.
- She would not be opposed to any consultation taking place, however, she would ask that it be done in a mindful way; we need to have some sensible, clearly defined bylaws that take into regard unique circumstances so that purchasers of electric vehicles know ahead of time what to expect with regard to their use in our municipalities.

Councillor Wergeland stated:

- It would be more advantageous to discuss these types of issues on a regional basis rather than Council dealing with it on their own; there is a need for this type of technology and he looks forward to it.

Councillor Brownoff stated:

- When the provincial government introduced the opportunity to permit electric vehicles it was initially meant for small communities, resort communities and university campuses; larger municipalities could then consider whether they would permit these vehicles on roads with speed limits up to 50 kilometers within their municipalities.
- She supports the concept; perhaps the Ministry of Transportation, Transport Canada, and ICBC should also be involved and included in the proposed motion as some of the roads in Saanich are owned by the province; there are safety issues that need to be addressed because of the speeds of the roads in Saanich.
- As part of our climate action plans perhaps it would be a good idea for the Planning Department to communicate with the City of Vancouver as they are considering the idea of requiring plug-ins for electric vehicles as part of new home construction.

Councillor Sanders stated:

- She supports innovation; however, there is a difference between the road system in Oak Bay and the road system in Saanich.
- Forwarding the issue to various Saanich advisory committees will provide some input to our directors on the CRD with regard to issues that could be coming forward from Saanich.

Councillor Ngai stated:

- The electric vehicle is technology that will benefit the environment; however, safety is a concern that we need to be mindful of.
- It appears that the CRD is attempting to move forward on this issue which will eventually filter down to all of the municipalities; perhaps the CRD Traffic Safety Committee could be consulted because they have representation from all of the major police forces.
- She is not sure that she is prepared to support it or to ask staff to work on it at this time as the CRD is already dealing with it.

Councillor Derman stated:

- The CRD has no authority over this matter; this is a matter of municipal authority and that is why he brought it forward to Council so that a process could be started that would have to come back to Council for approval.
- He thinks the committee of traffic engineers that represent the region should be involved; he would also be happy to see representatives from the Ministry of Transportation, Transport Canada, and ICBC.

**The Motion was then PUT and CARRIED**

No. 197  
ADM40/ADM135  
Rezoning School  
Properties

### **REZONING SCHOOL PROPERTIES**

Report from Councillor Derman dated July 3, 2008 recommending staff be requested to prepare a bylaw creating a new zone(s) that permits school use only for properties currently zoned P-1 but used for public school purposes and to include in such zone(s) site coverage and setback provisions that provide protection for existing open space, and staff investigate the possibility of arrangements with school districts that would result in covenants in favor of the municipality guaranteeing, with reasonable limitations, future public access to open space on public school grounds.

Councillor Derman stated:

- In the Official Community Plan (OCP) is a policy that indicates that if school properties are to be rezoned, a minimum of 50 percent of the property be dedicated to public open space, park, or other significant neighbourhood amenities.
- This policy may improve circumstances for surrounding neighborhoods where a public school property is to be rezoned, and it is consistent with municipal policy for including school properties in calculations of open space.
- However, the policy does not provide protection in situations where a public school property is sold for a new institutional use under existing P-1 Zoning; in these cases, open space could be substantially reduced and/or public access could be denied to the property in question.

- Our school properties are not zoned for school use; they are zoned for assembly use which permits a variety of other uses other than schools.
- He is suggesting that a new zone be created that would permit school use only for properties in the municipality currently zoned P-1 but used for public school purposes; creation of such a new zone would not prevent the sale of public school properties but it would preclude substantial redevelopment of sites for a new purpose without Council's approval.
- We do not want to see a school's open space sold off and turned into residential areas without Council and public input.

**MOVED by Councillor Derman and Seconded by Councillor Brownoff: "That:**

- 1. Staff prepare a bylaw creating a new zone(s) that permits school use only for properties in the municipality currently zoned P-1 but used for public school purposes. Existing non-school uses such as seniors' centres could be recognized through site specific zones. As an alternative, uses deemed to be compatible with school use such as seniors' centres and day cares could be included in the new school use zone(s);**
- 2. Staff include in a such a zone(s), site coverage and setback provisions that provide protection for existing open space; and**
- 3. Staff investigate the possibility of arrangements with school districts that would result in covenants in favour of the municipality guaranteeing with reasonable limitations, future public access to open space on public school grounds."**

Councillor Wergeland stated:

- Both the community and Council have expressed concerns about school lands being sold.
- The proposed recommendations are asking staff to create a new zone and include site coverage and setback provisions that provide protection for existing open space, and for covenants in favour of the municipality guaranteeing future public access to open space on public school grounds.
- In the past several years, the municipality has come a long way in their working partnerships with the school districts; however, there has been very little consultation with them with regard to the issue of disposing of school lands; he does not want to jeopardize Council's relationship with them.
- He recommends that Councillors Brownoff and Ngai, who are the Saanich school district liaisons, meet with the Boards of Education to discuss the issue and report back to Council.

**MOVED by Councillor Wergeland and Seconded by Councillor Brice: "That the issue be referred to the school district liaisons and they be requested to meet with the Boards of Education and report back to Council."**

Councillor Gillespie stated:

- Up to 200 schools will be closed throughout the Province by the end of 2008 which will have serious impacts to our communities.
- We need to let the Province know that municipalities want to have control of the title of school lands; if we do not stand firm then the sale of school lands will just continue.

Councillor Sanders stated:

- There is a clause in our OCP that if public school lands are to be rezoned, that 50 percent of the property be set aside as open space; however, we have not addressed the existing P-1 Zone and the potential impacts of school lands remain under that zoning.
- Perhaps we should review the entire P-1 Institutional Zone and remove schools from that zone into their own zone so that they can be dealt with separately.
- The majority of schools themselves only cover a small percentage of the overall property; without a policy or covenants in place to restrict site coverage, it is astronomical what changes could happen with school lands if they are sold; it is timely for Council to address this issue.

Councillor Brice stated:

- She supports referring the issue to the school district liaisons; she is confident they will not prolong this matter in a manner that will be detrimental to our long term planning.
- There have been some past disappointments with regard to the consultation process but that should not be a reason to cease attempts to consult with the school board trustees; while the Municipality's and school districts' mandates may vary, we are all representing the same public.
- The proposed recommendation in Councillor Derman's report to create a new zone for school properties has some appeal; however, the other two recommendations need more work.
- If our goal is to attempt to maintain public greenspace so that it is available for public use, then we need to take into consideration all public school lands not just specific schools.
- Having our Council school district liaisons consult with the Boards of Education will be a good start, however, staff and Council will need to be involved as well as there are a number of issues that require a tremendous amount of review.

Councillor Brownoff stated:

- Creating a separate zone for schools seems like a practical solution but there are other issues that need to be considered as well.
- We all recognize that schools and their lands are an integral part of our communities and neighbourhoods; there may be an opportunity through joint use school agreements to have some language about making school lands accessible to the public.
- She supports referring the issue to the school district liaisons for discussion with the Boards of Education; as part of the OCP amendment it was noted that our planning staff would meet with the Boards of Education on an annual basis as part of the Boards' legislation to meet with local municipalities with respect to future

expansions or reduction of school lands.

Councillor Ngai stated:

- She supports the referral motion; while she does not want to see any schools close and the lands sold for redevelopment, it is a difficult decision that the school boards have to make in order to fund educational programs.
- If we limit what school boards can do by placing restrictions on school lands, it may impact the value of the land they wish to sell in order to fund educational programs which in turn could be detrimental to future generations.
- If we want to look at the entire P-1 Institutional Zone then we should not focus just on schools; she is not prepared to make any decisions with regard to what we think school boards should be permitted to do and thinks that a dialogue between the school district liaisons and the school boards is a good start.

Councillor Derman stated:

- Previous situations have already been detrimental to our long term planning such as the sale of the Fairburn School lands; our planning procedures established school properties as public open space and included them in our parks calculations.
- Consultation is always a good idea but he does not know what is expected to be accomplished in this case; while he sympathizes with the difficult position that school boards have been put in by higher levels of government, the solution is not to sell off public assets that are important to neighbourhoods.
- He agrees that there has been a lack of consultation but that was on the part of the school board; this is a land use issue and his recommendations would not preclude any changes, but simply initiate a public process that would require Council approval prior to any changes taking place on school lands.
- He will not support the referral motion.

Mayor Leonard stated:

- He supports the motion to refer the issue to the Boards of Education.
- The letters that were received from the School Boards of Education are quite reasonable; School District 61 urges Council to dialogue with them and he thinks it would be wise to do so.
- Over the years there have been both difficulties and successes with school boards; the joint use agreements are working and we have some excellent ongoing partnerships; meeting with the school boards will show good faith.

**CARRIED,**

**with Councillor Derman voting against.**

No. 198  
ADM135 - CRD  
Climate Action  
Bylaw 3510

**CAPITAL REGIONAL DISTRICT CLIMATE ACTION AND ADAPTATION SERVICE ESTABLISHMENT BYLAW**

Letter from the Capital Regional District dated July 10, 2008 requesting Council give consent to the CRD adopting Bylaw No. 3510, "Capital Regional District Climate Action and Adaptation Service Establishment Bylaw, 2008".

**MOVED by Councillor Brice and Seconded by Councillor Derman: "That Council give consent to the CRD adopting Bylaw No. 3510, "Capital Regional District Climate Action and Adoption Service Establishment Bylaw, 2008."**

Councillor Brownoff stated:

- It is unfortunate that the proposed CRD bylaw has to go back through various municipalities so that an opt-out clause can be incorporated into the bylaw.
- There has always been the capability for participants of a service of the CRD to have a service review and opt out but it is not meant to be an easy process; the proposed opt-out clause is an exception and if the CRD is considering special opt-out clauses then we should evaluate it for all of the services that are provided such as the Housing Trust Fund.

Councillor Brice stated:

- The proposed amendment to the Climate Action Service Bylaw is pragmatic and thorough; in order for us to move forward on this important issue it is necessary to support the proposed minor change which was initiated by the City of Colwood.

Councillor Sanders stated:

- She is pleased to see that we are moving ahead with the proposed CRD bylaw; she is disappointed that the process was delayed by one municipality wanting to have an opt-out clause.
- Saanich is probably the first municipality in North America to have their own Climate Action Coordinator and we also recently launched our carbon calculator.

Councillor Derman stated:

- He is happy to support the proposed bylaw.
- In order for us to properly address climate change it will need to be regionally monitored and coordinated.

**The Motion was then PUT and CARRIED**

No. 199  
Oak Street  
Request to  
Reconsider  
Development Permit

**3371 OAK STREET (CAMPUS INFINITI CAR DEALERSHIP) – REQUEST TO RECONSIDER DEVELOPMENT PERMIT**

Memorandum from the Manager of Legislative Services dated July 10, 2008 further to a letter from Alan Lowe Architect Inc. dated June 30, 2008 requesting Council reconsider and amend their resolution adopted April 28, 2008.

**MOVED by Councillor Derman and Seconded by Councillor Brownoff: “That Council confirm its April 28, 2008 motion as follows:**

- 1. Council rescind Development Permit DPR2003-00039 and approve and issue Development Permit DPR2007-00020 on Lot A, Section 7, Victoria District, Plan VIP79665 (3371 Oak Street), subject to the inclusion of the following conditions:**
  - a) Registration of easement agreement and restrictive covenants for shared driveway and off-street parking between 3371 and 3361 Oak Street; and**
  - b) Landscape plans being amended to include a “Sivacel” type tree planting system plus two benches adjacent to Oak Street, and increasing the amount of soft landscaping on the Oak Street frontage by eliminating one vehicle display space at either the southwest or northwest corners fronting on Oak Street.”**

Councillor Derman stated:

- He did not support the foregoing motion at the April Committee of the Whole meeting; there is very minimal pedestrian environment in terms of an area that has been identified in the Regional Growth Strategy (RGS) as being an important major centre for the region which is meant to be a livable, walkable, complete community.
- Eliminating one of the vehicle display spaces to create more soft landscaping was a compromise recommended by staff which he did not support at that time; he is not going to support the applicant's request to amend the motion in order to provide three display spaces as it would impact the pedestrian environment even further and be inconsistent with the RGS.

Councillor Brownoff stated:

- The frontage along Oak Street is very small; the applicant's adjacent property has display platforms as well.
- She supported the staff recommendation at the April Committee of the Whole meeting but she will not support amending it; the subject area will be a significant pedestrian environment with residential development taking place along Short Street.
- She does not think it is imperative for a car dealership to have to display more than two high-end vehicles at one time; if they do require more space they could also use the display parking space at their adjacent dealership.

Councillor Sanders stated:

- She does not support amending Council's previous motion as it could

set a precedent; the subject area already has a poor pedestrian environment.

- Staff recommended a good compromise by allowing two of the three vehicle display spaces; if the applicants require additional display space they can use the ones at their adjacent lot.

**The Motion was then PUT and CARRIED**

No. 200  
FIN105  
Grant Request

**2008 DRY GRAD GRANT REQUEST – CLAREMONT DRY GRAD COMMITTEE**

Report of the Director of Finance dated July 14, 2008 further to a letter from the Claremont Dry Grad Committee dated May 20, 2008, recommending Council approve a 2008 grant to the Claremont Dry Grad Committee in the amount of \$1,100.

**MOVED by Councillor Derman and Seconded by Councillor Brice: “That Council approve a 2008 Grant to the Claremont Dry Grad Committee in the amount of \$1,100.”**

**CARRIED**

Adjournment

On a motion from Councillor Gillespie, the meeting adjourned at 8:35 p.m. p.m.

The Meeting reconvened at 9:00 p.m.

Recommendations

**RECOMMENDATIONS**

*From the Committee of the Whole Meeting held July 21, 2008*

No. 200  
PKA35  
Artificial Turf Fields

**SOCCER CLUB LOANS – ARTIFICIAL TURF PROJECTS AT LOCHSIDE, TYNDALL AND BRAEFOOT PARKS**

**Moved by Councillor Gillespie and Seconded by Councillor Brice: “That Council approve interest free loans in the amount of \$250,000 each with a five (5) year repayment schedule to Cordova Bay Soccer Club, Gordon Head Soccer Association and Lakehill Soccer Association for artificial turf projects at Lochside, Tyndall and Braefoot Parks respectively.”**

**CARRIED**

No. 201  
PLD55  
Prospect Lake Weir  
Water Licence

**PROSPECT LAKE WEIR WATER LICENCE TRANSFER AND PAYMENT**

**Moved by Councillor Gillespie and Seconded by Councillor Brownoff: “That Council approve a contribution of \$46,000 consisting of \$42,000 towards the construction cost of a new weir on Prospect Lake and \$3,500 to help offset the first year’s operating costs, be made to the Prospect Lake and Todd Creek Water Users Community subject to provincial approval of, and completion of, the registration of the Prospect Lake and Todd Creek Water Users Community, the completion of the transfer of the water license from Butchart Gardens to the user community, and registration of the right-of-way over the existing weir.”**

**CARRIED**

In Camera Motion      **Moved by Councillor Brice and Seconded by Councillor Brownoff:  
“That the following meeting be closed to the public as the subject  
matter being discussed relates to litigation or potential litigation  
affecting the District, and to the provision of advice that is subject to  
solicitor-client privilege.”**

**CARRIED**

Adjournment      On a motion from Councillor Wergeland, the meeting adjourned at  
9:01 p.m.

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MAYOR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK



has resulted in so many more projects being achieved in the municipality; it is a credit to our volunteers and to our staff and he hopes it continues.

Councillor Derman stated:

- He congratulates the soccer associations for their hard work and dedication; their partnerships with Saanich have been a huge success and have resulted in high quality, all-weather soccer fields at a fraction of the cost of traditional sand based fields.
- Artificial turf is a tremendous product that provides a huge level of playability and is safer to play on than grass fields; maintenance costs are lower and they can be used year round.

Councillor Ngai stated:

- She is also very proud of the partnerships we have with our soccer associations and for the dedication of all of the volunteers; the artificial turf fields are a great benefit to our children and to future generations.

Councillor Gillespie stated:

- Volunteers spend hundreds of hours working on these kinds of projects and in coaching the thousands of children who play soccer each year; soccer is an excellent sport for fitness.

Councillor Wergeland stated:

- He thanks all of the soccer organizations for their hard work and dedication; the number of parent volunteers is tremendous.

Councillor Brice stated:

- She congratulates the soccer associations for their efforts of these projects; they are a tremendous contribution to our communities.
- The soccer coaches have incredible supportive attitudes and patience with the children and are to be commended.

Councillor Sanders stated:

- Artificial turf fields mean that children can play sports year round; the soccer associations are doing a great job and she commends them.

Councillor Brownoff stated:

- Interest free loans are a wonderful way to help these organizations achieve these kinds of projects and she congratulates everyone involved.

**The Motion was then PUT and CARRIED**

PLD55  
Prospect Lake Weir  
Water Licence  
Transfer

**PROSPECT LAKE WEIR WATER LICENCE TRANSFER AND PAYMENT**

Report of the Manager of Underground Services dated July 4, 2008 recommending a contribution of \$46,000, consisting of \$42,500 towards the construction cost of a new weir on Prospect Lake and \$3,500 to help offset the first year's operating costs, be made to the Prospect Lake and Todd Creek Water Users Community subject to provincial approval of, and completion of, the registration of the Prospect Lake and Todd Creek Water Users Community, the completion of the transfer of the water

license from Butchart Gardens to the user community, and registration of the right-of-way over the existing weir.

Mayor Leonard stated:

- The members of the Prospect Lake community have been very proactive and he commends them and staff for their efforts; he urges Council to support the funding for the construction of a new weir.

Mr. F. Haynes, 4917 Prospect Lake Avenue, stated:

- He is the coordinator for the Prospect Lake and Todd Creek Water Users Community working group.
- They have spent considerable time working with the new owner of the property on which the existing weir is located; the owner is agreeable to providing a right-of-way which has already been surveyed.
- They are anticipating that the user group will be approved by the Province, the right-of-way registered and the water license transferred from Butchart Gardens to the Prospect Lake and Todd Creek Water Users Community by the end of September.

Mr. P. Scrimger, president, Prospect Lake and District Community Association, stated:

- The Association supports the funding for the Todd Creek weir project which they believe to be a viable and essential step in supporting and maintaining a healthy and stable environment for Todd Creek, and for protecting the environmental health of Prospect Lake and the surrounding wetlands.

**MOTION:**

**Moved by Mayor Leonard and Seconded by Councillor Sanders: “That it be recommended that Council approve a contribution of \$46,000 consisting of \$42,000 towards the construction cost of a new weir on Prospect Lake and \$3,500 to help offset the first year’s operating costs, be made to the Prospect Lake and Todd Creek Water Users Community subject to provincial approval of, and completion of, the registration of the Prospect Lake and Todd Creek Water Users Community, the completion of the transfer of the water license from Butchart Gardens to the user community, and registration of the right-of-way over the existing weir.”**

Councillor Sanders stated:

- She congratulates the Prospect Lake community for their commitment and efforts in finding a solution and bringing closure to the issue of the weir; it is a great success.

**The Motion was then PUT and CARRIED**

Adjournment            On a motion from Councillor Gillespie, the meeting adjourned at 9:00 p.m.

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CHAIR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK