

DISTRICT OF HIGHLANDS
REGULAR COUNCIL MEETING

Minutes of the Regular Council meeting held on December 20, 2004 at Caleb Pike House, 1589 Millstream Road at 7:00 p.m.

PRESENT: Mayor Roessingh, Chair
Councillor K. Brotherston
Councillor M. Brotherston
Councillor Cardinal
Councillor Kadar
Councillor McPherson
Councillor Mendum

IN ATTENDANCE: Scott Coulson, Administrator
Terry Trace, Municipal Clerk
Laura Beckett, Municipal Planner
Heinz Burki, Building Inspector

1. APPROVAL OF THE AGENDA

MOTION NO. /04

MOVED BY: COUNCILLOR MCPHERSON

SECONDED: COUNCILLOR MENDUM

THAT Council approve the agenda as amended:

- a) Add the following names to the Petitions and Delegations portion of the Agenda:
Bob McMinn
Michael Bocking
Eleanor Rayner
Sheila Taylor
Colleen Robertson
Vicky Husband
- b) Move Item No. 9(c) – Sick Leave Policy No. 1106 to “In-Camera”

CARRIED.

2. ADOPTION OF THE MINUTES

a) Minutes of the Regular Council Meeting held December 6, 2004

MOTION NO. /04

MOVED BY: COUNCILLOR BROTHERSTON

SECONDED: COUNCILLOR MCPHERSON

THAT the Minutes of the Regular Council Meeting held December 6, 2004 be adopted as circulated.

CARRIED.

3. INTRODUCTION OF LATE ITEMS

4. PETITIONS AND DELEGATIONS

Mr. Bob McMinn, 499 Millstream Lake Road, noted that he had met with staff the week prior to the Council Meeting to discuss the Heritage Parks Society and Parks and Recreation Association Agreements. He made an apology to staff for raising further concerns with respect to the insurance aspect of the agreement, but indicated that he did not realize the full ramifications of the agreement insurance clause when he met with staff. He expressed a concern that the Society and the Association may have to discontinue certain events if they could not afford their own insurance. He further noted that the Society and the Association were not prepared to sign the agreements until such time as it was determined what events were covered by insurance and which ones were not. Mr. McMinn noted that it did not make sense for the Association and Society to get independent insurance for municipal functions.

Mr. McMinn indicated that he understood the need for appropriate insurance and also noted that Play Zone went out of business because they could not afford the insurance required to continue to operate without liability.

Mr. McMinn also noted that the Westshore Recreation Centre must have insurance when hosting a celebration or bona fied activity to assist them in running their establishment. He noted that the Highland Fling function put on by the Society or a wedding, should qualify in the same manner under the Highlands' umbrella of insurance.

Mr. McMinn requested that approval of the agreements be deferred until such time as it was determined what activities and functions would be covered by the District's insurance.

It was suggested that staff request a complete list of all activities, events and work carried out on by the Society and Association be provided to the District to be reviewed by the District's insurer to determine what qualifies under the District's insurance. Once this list is approved by the insurer and Council it can then become a schedule to the agreement.

Michael Bocking, 405 Hazlit Creek Road, read a letter out loud with respect to his view on how the Mayor represented the District as the CRD Board representative regarding the Regional Growth Strategy process.

Eleanor Rayner 600 Stewart Mountain Road, spoke as Chair of the Advisory Planning Commission. She made reference to a letter to the editor in the Goldstream Gazette, written by Marcie McLean, with respect to LGB9. She noted that the letter misrepresented the Advisory Committees in indicating the Committees and APC did not support LGB9 and requested Council to deny it. She then noted that the letter reflected Ms. McLean's own views and not that of the Committees. She noted that the APC did support LGB9 and that Ms. McLean should publicly retract her letter.

Sheila Taylor, 1783 Millstream Road, Read out loud a letter with respect to Vicky Husband's conduct, since the beginning of the 2nd go around of the OCP Process, during District of Highlands Council Meetings. She indicated that Ms. Husband disrupts the meetings, shows no respect towards Council and staff and through her actions has split the community.

Colleen Robertson, 1835 Millstream Road, thanked Mayor and Council for providing the public an opportunity to participate in the OCP process. She indicated that Council worked as a team with the general public. She then commented on her perception of a lack of respect towards staff by Council with respect to the approval process of minutes. She noted that Council needs to decide on the level of content desired in the minutes prior to the meeting at which the minutes would be adopted. She noted that minutes should be consistent and process was decided for approval, however noted that Councillor Mendum changed the process and showed a lack of respect towards staff.

Vicky Husband, 301 Ross-Durrance Road, read out loud an email that she had previously forwarded to members of Council with respect to the Council's CRD Board Representative appointment. She indicated that she did not approve of Councillor Marie Brotherston representing the District as CRD Board Director and felt that Mayor Roessingh would better serve the community. She noted that she had spoken to Alan Lowe and members of the Board and came to the conclusion that Marie did not represent the District well on this Board. She indicated that the four Council members who appointed Councillor Brotherston showed a lack of respect towards the Mayor. She then questioned Marie Brotherston's motives for wanting to serve as Director and requested that she step down.

Councillor Cardinal spoke in favor of Councillor Brotherston's appointment and indicated that he had also had called Alan Lowe and members of the Board and was assured that Councillor Brotherston represented the District well. He noted that Council did not appoint Councillor Brotherston with a lack of respect for the Mayor, but on the contrary with respect and accordingly appointed the Mayor as Alternate Director to the CRD Board with the Mayor's approval.

Councillor Mendum requested that staff consider preparing a criteria list and process with respect to committee appointments as a "to do" item for 2005.

5. UNFINISHED BUSINESS

Development Variance Permit Application DVP-05-04

MOTION NO. /04

MOVED BY: COUNCILLOR CARDINAL

SECONDED: COUNCILLOR KADAR

THAT Council authorize the issuance of Development Variance Permit Application DVP-05-04.

CARRIED.

OPPOSED: COUNCILLORS MENDUM AND MCPHERSON.

a) Advisory Committee Appointments – Report (File No. 03600-00)

MOTION NO. /04

MOVED BY: COUNCILLOR KADAR

SECONDED: COUNCILLOR K. BROTHERSTON

THAT Council receive the new Advisory Committee Appointment lists for information.

CARRIED.

Councillor McPherson spoke in favor of involving the community youth on the Advisory Committees. She encouraged Council to consider looking at youth liaison representatives on the two Advisory Committees on an issue by issue basis.

**b) Report – Administrator
Budget – Narrative of Five Year Financial Plan**

MOTION NO. /04

MOVED BY: COUNCILLOR M. BROTHERSTON

SECONDED: COUNCILLOR MCPHERSON

THAT Council receive the Administrator's Five Year Plan Narrative.

CARRIED.

**c) Report – Administrator
Bear Mountain – Financial Comparison**

MOTION NO. /04

MOVED BY: COUNCILLOR M. BROTHERSTON

SECONDED: COUNCILLOR MCPHERSON

THAT Council receive the Administrator's Financial Comparison Update with respect to Bear Mountain – Highlands Property with or without proposed zoning.

CARRIED.

- d) **Report – Municipal Planner
Bear Mountain – Social Report**

MOTION NO. /04

MOVED BY: COUNCILLOR M. BROTHERSTON

SECONDED: COUNCILLOR KADAR

THAT Council receive the Municipal Planner's Bear Mountain Social Report, dated December 8, 2004, for information.

CARRIED.

- e) **Report – Municipal Planner
Bear Mountain – Summary Report
Recommended Action: As per Report.**

MOTION NO. /04

MOVED BY: COUNCILLOR MCPHERSON

SECONDED: COUNCILLOR KADAR

THAT Council receive the Municipal Planner's Bear Mountain Summary report for information.

CARRIED.

MOTION NO. /04

MOVED BY: COUNCILLOR MENDUM

SECONDED: COUNCILLOR BROTHERSTON

THAT the Municipal Planner's Bear Mountain Summary Report be referred to a Committee of the Whole (Policies and Priorities) Meeting on January 11, 2005 at 7:00 p.m. for consideration.

CARRIED.

Councillor Mendum requested that the Planner put the Bear Mountain Social Report and Summary Report on the District's website.

The Municipal Planner advised that she could place the report itself on the website but not the attachments.

f) Hi-West – Covenant and Development Agreement

Councillor Kadar declared a conflict of interest and removed himself from the meeting at 7:50 p.m.

MOTION NO. /04

MOVED BY: COUNCILLOR MCPHERSON

SECONDED: COUNCILLOR M. BROTHERSTON

THAT Council authorize the District to execute the development agreement and covenant between the District and Highwest Waste Recyclers Ltd. for lands described as Section 15, Highlands District, except those parts in Plans 7077, 7599 and 16010, subject to review of the \$1.00 per tonne of material that is received at the site in the year 2007.

DEFEATED.

OPPOSED: MAYOR ROESSING, COUNCILLORS M. BROTHERSTON, K. BROTHERSTON, MENDUM, CARDINAL AND KADAR.

MOTION NO. /04

MOVED BY: COUNCILLOR M. BROTHERSTON

SECONDED: COUNCILLOR CARDINAL

THAT Council authorize the District to execute the development agreement and covenant between the District and Highwest Waste Recyclers Ltd. for lands described as Section 15, Highlands District, except those parts in Plans 7077, 7599 and 16010.

CARRIED.

MOTION NO. /04

MOVED BY: COUNCILLOR MENDUM

SECONDED: COUNCILLOR M. BROTHERSTON

THAT Council enter into discussion with Highwest Waste Recyclers Ltd. to request that they consider reviewing the \$1 per tonne of material that is received at the site in three (3) years time.

CARRIED.

Councillor Kadar returned to the meeting at 8:05 p.m.

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

a) Committee Reports

- i) Administration and Finance – Councillor Cardinal reported that the Santa Run was a success. He noted that the Santa truck experienced clutch problems that were promptly fixed and that the District collected 12

shopping carts and 3 boxes of goods for the food bank, along with \$100. Cash. Councillor Cardinal thanked the fire department for their participation.

- ii) Environment – Councillor McPherson
 - a) EAC Meeting Minutes of November 10, 2004

MOTION NO. /04
MOVED BY: COUNCILLOR MCPHERSON
SECONDED: COUNCILLOR K. BROTHERSTON

THAT the Environmental Advisory Committee Minutes of November 10, 2004 be received.

CARRIED.

- b) EAC Meeting Minutes of December 13, 2004

MOTION NO. /04
MOVED BY: COUNCILLOR MCPHERSON
SECONDED: COUNCILLOR MENDUM

THAT the Environmental Advisory Committee Minutes of December 13, 2004 be received.

CARRIED.

Councillor McPherson thanked the Committee members for all of their hard work.

Councillor McPherson requested that starting in January, 2005 that staff itemize the Committees that each Councillor sits on, on the Agenda, in order to remind them what committees to speak on. She then advised Council of two new programmes, a pre-schooler “in-home” programme and a mental health issue program. She noted that Councillor Mendum would now represent the District on the Western Communities Policing Advisory Committee in her place.

- iii) Parks, Trails and Recreation - Councillor K. Brotherston – nothing to report.
- iv) Protective Services - Councillor M. Brotherston

Councillor M. Brotherston advised that she had attended the Annual General Meeting of the CRD Board. She noted that \$237,008 would be designated in the 5 year financial plan to increase the expenditures and requisition in the CREST service. She noted that this could have a favourable effect on Highland’s bottom line costs for CREST.

Councillor Brotherston then noted that the CRD Board then went through the committee budget process. She further noted that Mayor Don Amos won the seat of Chair by a coin toss after four (4) tie votes and noted that Mayor Roessingh was appointed as Chair of the Arts Committee and that she was appointed as Vice-Chair to the Environment Committee and will once again sit on the Parks Committee as a member.

v) Roads – Councillor Mendum – nothing to report.

vii) Planning and Zoning

Advisory Planning Commission – Councillor Kadar – nothing to report.

b) Mayor's Report

Mayor Roessingh reported that the District received a certificate of thanks for contribution to the Community Food Bank. He then noted that the Fire Department received 3rd place in the Fire Truck Parade.

Mayor Roessingh noted that the CRD Arts Committee consisted of the four Core Municipalities, being City of Victoria, District of Oak Bay, District of Saanich, Township of Esquimalt and two Western Community municipalities – District of Metchosin and District of Highlands. He noted that of the 1.7 million required to operate the Arts Council, Highlands contributes \$500 per year, which equates to 30 cents per person. In addition, Highlands has contributed by way of grant in aid in the past, bringing the total up to approximately 50 cents per person. He noted that, as the Arts Committee Chair, he would try to convince other municipalities to contribute to the Arts Council.

7. CORRESPONDENCE

a) **Letter – Mr. James A.S. Legh (File No. 0115-02)**
Re: Amalgamation

MOTION NO. /04

MOVED BY: COUNCILLOR MENDUM

SECONDED: COUNCILLOR KADAR

THAT Council receive the letter from Mr. James A.S. Legh, regarding amalgamation.

CARRIED.

8. BYLAWS

a) **“Revenue Anticipation Borrowing Bylaw No. 240, 2004”**

MOTION NO. /04

MOVED BY: COUNCILLOR M. BROTHERSTON

SECONDED: COUNCILLOR KADAR

THAT Council adopt “Revenue Anticipation Borrowing Bylaw No. 240, 2004”.

CARRIED.

- b) "District of Highlands Fire Equipment Reserve Fund Expenditure Bylaw No. 246, 2004"

MOTION NO. /04

MOVED BY: COUNCILLOR MCPHERSON

SECONDED: COUNCILLOR M. BROTHERSTON

THAT Council adopted "District of Highlands Fire Equipment Reserve Fund Expenditure Bylaw No. 246, 2004"

CARRIED.

- d) "District of Highlands Parks Reserve Fund Expenditure Bylaw No. 247, 2004"

MOTION NO. /04

MOVED BY: COUNCILLOR MCPHERSON

SECONDED: COUNCILLOR M. BROTHERSTON

THAT Council adopt "District of Highlands Parks Reserve Fund Expenditure Bylaw No. 247, 2004".

CARRIED.

- e) "Five Year Financial Plan Amendment Bylaw No. 249, 2004"

MOTION NO. /04

MOVED BY: COUNCILLOR MCPHERSON

SECONDED: COUNCILLOR KADAR

THAT Council give third reading to "Five Year Financial Plan Amendment Bylaw No. 249, 2004".

CARRIED.

MOTION NO. /04

MOVED BY: COUNCILLOR M. BROTHERSTON

SECONDED: COUNCILLOR MENDUM

THAT Council adopt "Five Year Financial Plan Amendment Bylaw No. 249, 2004".

CARRIED.

Councillor Kadar declared a conflict of interest and removed himself from the meeting at 8:20 p.m.

- e) "Highlands Official Community Plan Bylaw, Amendment Bylaw No. 216, 2003"
(Hi-West)

MOTION NO. /04

MOVED BY: COUNCILLOR CARDINAL

SECONDED: COUNCILLOR K. BROTHERSTON

THAT Council adopt "Highlands Official Community Plan Bylaw, Amendment Bylaw No. 216, 2003".

CARRIED.

- g) "Highlands Zoning Bylaw, Amendment Bylaw No. 217, 2003" (Hi-West)

MOTION NO. /04

MOVED BY: COUNCILLOR MENDUM

SECONDED: COUNCILLOR CARDINAL

THAT Council adopt "Highlands Zoning Bylaw, Amendment Bylaw No. 217, 2003" (Hi-West).

CARRIED.

- h) "District of Highlands Roads and Traffic Regulation Amendment Bylaw No.235, 2004"

MOTION NO. /04

MOVED BY: COUNCILLOR MCPHERSON

SECONDED: COUNCILLOR M. BROTHERSTON

THAT Council adopt "District of Highlands Roads and Traffic Regulation Amendment Bylaw No. 235, 2004".

CARRIED.

Councillor Kadar returned to the meeting at 8:23 p.m.

- i) "District of Highlands Zoning Bylaw Amendment Bylaw No. 237 (Bear Mountain, 2004)".

MOTION NO. /04

MOVED BY: COUNCILLOR CARDINAL

SECONDED: COUNCILLOR MENDUM

THAT Council rescind second reading of "District of Highlands Zoning Bylaw Amendment Bylaw No. 237 (Bear Mountain), 2004".

CARRIED.

- j) "District of Highlands Zoning Bylaw Amendment Bylaw No. 237 (Bear Mountain, 2004".

MOTION NO. /04

MOVED BY: COUNCILLOR CARDINAL

SECONDED: COUNCILLOR MENDUM

THAT Council approve of the amendment to "District of Highlands Zoning Bylaw Amendment Bylaw No. 237 (Bear Mountain) 2004" as follows: That section 15.1.04(4)(a) be amended to read "The total floor area of a lodge use shall not exceed 3,000m²."

CARRIED.

MOTION NO. /04

MOVED BY: COUNCILLOR CARDINAL

SECONDED: COUNCILLOR KADAR

THAT Council approved of the amendment to "District of Highlands Zoning Bylaw Amendment Bylaw No. 237 (Bear Mountain) 2004 as follows: Section 15.1.04 (1)(a) change 62 to 13; and add a new section 15.1.04(1)(b) as follows:

"(b) Notwithstanding Subsection 15.1.04(1)(a), the number of residential dwelling units in the BMCD1 Zone may be increased from 13 to 62, if the owner provides payment to the District of \$16,666.66 per dwelling unit in the BMCD1 Zone in respect of which the District issues a building permit. These monies are to be placed in reserve funds established for the provision of community amenities and expended for that purpose."

CARRIED.

MOTION NO. /04

MOVED BY: COUNCILLOR CARDINAL

SECONDED: COUNCILLOR KADAR

THAT Council give "District of Highlands Zoning Bylaw Amendment Bylaw No. 237 (Bear Mountain) 2004" second reading as amended.

CARRIED.

9. NEW BUSINESS

- a) **Monthly Animal Control Reports (File No. 0655-20)**

MOTION NO. /04

MOVED BY: COUNCILLOR M. BROTHERSTON

SECONDED: COUNCILLOR K. BROTHERSTON

THAT Council receive the Capital Regional District's Monthly Animal Control and Bylaw Enforcement Reports for the month ending November 30, 20034 for information.

CARRIED.

- b) **Report – Municipal Clerk
Council Meetings for July and August, 2005 (File No. 0570-01)**

MOTION NO. /04

MOVED BY: COUNCILLOR CARDINAL

SECONDED: COUNCILLOR KADAR

THAT pursuant to the District of Highland's Procedure Bylaw, that Council cancel the regular Council meeting dates of July 18, 2005 and August 15, 2005 and

FURTHER THAT Council approve the schedule for Council Meetings for the year 2005; and

FURTHER THAT Council instruct staff to amend the District's Procedure Bylaw to reflect one Council Meeting be held in the months of July and August for future years.

CARRIED.

OPPOSED: COUNCILLOR M. BROTHERSTON, MCPHERSON AND MENDUM.

- c) **Report – Municipal Clerk
Sick Leave Policy 1106- Amendment**

This item was moved to "In-Camera".

- d) **Report – Municipal Clerk
Office Hours Policy 1104 – Amendment**

MOTION NO. /04

MOVED BY: COUNCILLOR MCPHERSON

SECONDED: COUNCILLOR M. BROTHERSTON

THAT Section 1(a) of Policy 1104 be amended to read as follows:

"The normal work week for regular full-time employees shall consist of thirty-five (35) hours per week consisting of five (5) consecutive seven (7) hour days. Monday through Friday inclusive. The regular hours of work shall commence no earlier than 8:00 a.m. and conclude no later than 4:30 p.m. (with the exception of one week at tax collection time – whereby the office will close at 5:00 p.m. for this week). Unpaid lunch periods are to be either a one (1) hour or one-half (1/2) hour duration. There will be two (2) paid fifteen (15) minute coffee breaks daily. Employees shall stagger their hours of work and lunch hours so as to provide continuous service to the public from the hours of 8:00 a.m. to 4:30 p.m. An Employees hours of work may be changed provided the employer provides at least 24 hours notice." and

FURTHER THAT Section 1(a)(ii) of Policy 1104 be deleted.

CARRIED.

**e) Report – Building Inspector
Upgrade to Lost Lake Road**

MOTION NO. /04

MOVED BY: COUNCILLOR MCPHERSON

SECONDED: COUNCILLOR KADAR

THAT Council approve phase 1 of Lost Lake Road reconstruction subject to the availability of funds and subject to a letter of receipt from the Johnson's.

CARRIED.

It was suggested that staff discuss with the District's Road Consultant the relocation of the mail box that is located at the corner to just inside Lost Lake Road during road construction.

**f) Report – Building Inspector
Parking for Caleb Pike House**

MOTION NO. /04

MOVED BY: COUNCILLOR MENDUM

SECONDED: COUNCILLOR CARDINAL

THAT Council defer the Building Inspector's Report dated December 15, 2004, regarding parking for Caleb Pike House to the next Council Meeting.

CARRIED.

OPPOSED: COUNCILLOR K. BROTHERSTON

**g) Report – Municipal Clerk
Agreement – Highlands Heritage Park Society, Masterplan**

MOTION NO. /04

MOVED BY: COUNCILLOR CARDINAL

SECONDED: COUNCILLOR MENDUM

THAT Council defer the Municipal Clerk's report requesting Council's approval of the Agreement between the District and Highlands Heritage Park Society until the criteria for insurance has been determined.

CARRIED.

- h) **Report – Municipal Clerk
Agreement – Highlands Parks and Recreation Association**

MOTION NO. /04

MOVED BY: COUNCILLOR CARDINAL

SECONDED: COUNCILLOR MCPHERSON

THAT Council Municipal Clerk's report with requesting Council's approval of the Agreement between the District and Highlands Parks and Recreation Association until the criteria for insurance has been determined.

CARRIED.

- i) **Report – Municipal Clerk
Agreement – Certified Inspector – Twinflower Park**

MOTION NO. /04

MOVED BY: COUNCILLOR CARDINAL

SECONDED: COUNCILLOR KADAR

THAT Council approve the employment agreement between Mr. van den Bos and the District to carry out the required repairs at Twinflower Park and bi-weekly inspections and maintenance of Twinflower Park;

as per Council resolution No. 544/04.

CARRIED.

10. ADJOURNMENT

MOTION NO. /04

MOVED BY: COUNCILLOR CARDINAL

SECONDED: COUNCILLOR M. BROTHERSTON

THAT the Regular Meeting of Council be adjourned at 8:55 p.m.; and

FURTHER THAT, pursuant to Section 90(a) of the Community Charter, a meeting be convened "In-Camera" to discuss legal and personnel issues.

CARRIED.

MAYOR

MUNICIPAL CLERK

