

**DISTRICT OF HIGHLANDS
REGULAR COUNCIL MEETING**

Minutes of the Regular Council meeting held on June 6th, 2005 at the 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 Mendum
Councillor McPherson

IN ATTENDANCE: Scott Coulson, Administrator
Terry Trace, Municipal Clerk
Heniz Burki, Building Inspector

1. APPROVAL OF THE AGENDA

MOTION NO. 262/05

MOVED BY: COUNCILLOR K. BROTHERSTON

SECONDED: COUNCILLOR MCPHERSON

THAT the Agenda be approved as amended: Add:

- Item 7c – Goldstream Bridge Construction and Finlayson Arm Road Closure;
- Item 8e – “District of Highlands Zoning Bylaw Amendment Bylaw No. 262 (Bear Mountain), 2005” – Amend at Second Reading;
- Item 9c – UBCM Fuel Management Pilot Project and Quintech;
- Under Delegations:
Michael Bocking, Marcie McLean and Muriel Sibley.

CARRIED.

2. ADOPTION OF THE MINUTES

- a) Minutes of the Regular Council Meeting dated May 16, 2005

MOTION NO. 263/05

MOVED BY: COUNCILLOR MENDUM

SECONDED: COUNCILLOR MCPHERSON

THAT Council adopt the Minutes of the Regular Council Meeting held on May 16, 2005, as amended.

CARRIED.

- b) Minutes of the Special Meeting of Council dated May 24, 2005

MOTION NO. 264/05

MOVED BY: COUNCILLOR MCPHERSON

SECONDED: COUNCILLOR CARDINAL

THAT Council adopt the Minutes of the Special Meeting of Council held on May 24, 2005, as presented.

CARRIED.

- c) Minutes of the Committee of the Whole Meeting dated May 24, 2005

MOTION NO. 265/05

MOVED BY: COUNCILLOR K. BROTHERSTON

SECONDED: COUNCILLOR MCPHERSON

THAT Council adopt the Minutes of the Committee of the Whole Meeting held on May 24, 2005, as presented.

CARRIED.

- d) Minutes of the Committee of the Whole Meeting dated May 26, 2005

MOTION NO. 266/05

MOVED BY: COUNCILLOR CARDINAL

SECONDED: COUNCILLOR MCPHERSON

THAT Council adopt the Minutes of the Committee of the Whole Meeting held on May 26, 2005, as amended.

CARRIED.

- e) Minutes of the Community Infrastructure and Services Advisory Committee Meeting dated March 23, 2005

MOTION NO. 267/05

MOVED BY: COUNCILLOR M. BROTHERSTON

SECONDED: COUNCILLOR MCPHERSON

THAT Council receive the Minutes of the Community Infrastructure and Services Advisory Committee Meeting held on March 23, 2005, for information.

CARRIED.

3. INTRODUCTION OF LATE ITEMS

4. PETITIONS AND DELEGATIONS

Muriel Sibley, 178 Ross-Durrance Road read a letter from Jane Eert, 368 Millstream Lake Road, with respect to allegations that Councillor Mark Cardinal has a potential conflict of interest with respect to the Woodridge Application in his role as partner and employee of Eco-Pro Systems, whose grinder has been processing waste from a site currently being cleared on Millstream Road. It was noted that the site is owned by the Millstream Village Development Corporation and one of the Directors is Ed Wheeler, who is also a proponent of the Woodridge application.

The Mayor advised that this letter will be dealt with at the In-Camera Meeting later this evening.

Councillor Cardinal noted that this is part of a continued attack on certain Council members and it is absolutely unbearable and unfounded. He advised that persons making allegations should be sure of their facts before making attacks on Council members. He further noted that he was called by the press prior to even being aware of these allegations and noted that this kind of attack is simply a smear tactic before the upcoming election.

Michael Bocking, 405 Hazlitt Creek Road, spoke with respect to Ms. Connie Morgan's Report regarding density build out for Highlands. He noted that the report reflects a lack of knowledge of Highland's history and that the consultant did not look at the property titles to determine the properties contained a covenant. He noted that this information could have been obtained through BC Online. He further noted that the report makes people weary of water quantity, when in fact there is no water problem with lots 5 to 10 acres. He concluded that the larger issue is whether or not rural or small lots will be posed to the public.

Marcie McLean, 1321 Millstream Road, read a letter to Council with concerns on how she perceived a member of the Community Infrastructure and Services Advisory Committee conducted himself at a meeting with respect to a potential conflict. She read out loud the guidelines for Conflict of Interest from the Terms of Reference for the advisory committees and noted that the member did not follow the guidelines properly.

Mr. Bob Flitton, 680 Stewart Mountain Road, spoke in defense of his actions and noted that he stayed out of the meeting (outside the doorway – which was open) when he didn't really have to leave. He noted that he believes that he doesn't really have a conflict, but felt he should remove himself from the meeting when dealing with the Bear Mountain Trail Plan because he works for Bear Mountain. He noted that he had nothing to gain by staying or leaving, didn't vote or participate on the matter and noted that Ms McLean was out of order.

A debate then ensued amongst Council members on this matter and it was noted that each of the District's committees should be provided with an orientation session with respect to committee procedures and conduct.

5. UNFINISHED BUSINESS

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

a) Committee Reports

- i) Advisory Planning Commission – Nothing to Report
- ii) Capital Regional Board

Councillor M. Brotherston reported on the Travel Choices Implementation. She noted that there were discussions initiated with the Greater Victoria Transit Commission regarding the negotiation of a partnership agreement for Travel Choices implementation and the submission of joint funding proposals under the new deal for cities and communities.

Councillor Brotherston noted that the Parks Committee recommended to the Board that a process be put in place when property is to be acquired In-Camera.

Councillor Brotherston noted that with respect to the Environment Committee, changes initiated by the Province were applied to the Composting Bylaw by the Board this week. She noted 3rd reading was rescinded and amended, and the bylaw was then sent back to the Province for review. Councillor Brotherston then advised that she was asked to take on the role as Solid Waste Advisory Committee Chair and spokesperson and had agreed to take on this role.

- iii) Community Energy Planning Steering Committee – next mtg. June 21st
- iv) CREST

Councillor M. Brotherston noted that CREST have completed the RFP process and looked in depth at three consultants to determine who would best serve the needs of CREST. She noted that the cost for the consultant would be just under \$70,000 and that the Board feels that they have chosen the most capable person who will look at governance, operational and management issues.

- v) Emergency Planning Committee- Nothing to Report
- vi) Greater Victoria Family Court Committee

Councillor McPherson noted that there will be a launch of the Crystal Meth Website on June 8, 2005. This site was initiated by Mr. Mark McLaughlin and will provide resources and put people in contact with others to talk to with the same problem. She further noted that the Annual General Meeting will take place on June 15, 2005 and that she would be stepping down from the committee at that time, as she will not be running for Council next term.

Councillor M. Brotherston thanked Councillor McPherson for her hard work on the committee and noted that there has been an increase in Crystal Meth use from 10% to 63%.

Councillor McPherson noted that Esquimalt Councillor Ruth Lane should be commended for her work on the committee.

- vii) Inter-Municipal Committee on Disability Issues – Nothing to Report

viii) Solid Waste Advisory Committee

Councillor McPherson noted that the next meeting will be held on June 9, 2005. She then noted that she will step down from the committee at that time and Councillor Marie Brotherston will assume the role as Chair on this committee.

ix) Western Communities Policing Advisory Committee – Nothing to Report

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

Councillor Cardinal reported that the Bear Mountain Road is now chip sealed. He then noted that Langford brought forward a proposal for "supporting development in the fields" and that this was referred to the Fields Committee. It was noted that there are concerns with respect to priorities and a process for identifying needs and wants.

b) Mayor's Report

The Mayor reported that BC Transit is in danger of losing the transit route in the Highlands. He noted that no one is using the bus and noted that he has reported in his newsletter that this transit service is available to the public. He expressed a concern for school children who next year will no longer be able to ride a school bus and may need to rely on the transit system.

The Mayor announced that District of Langford will be replacing the Goldstream Bridge on Finlayson Arm Road and the road will be closed to traffic at the bridge from July 15 to September 1, 2005.

i) Greater Victoria Public Library Board
Request from Langford Re: funds for Consultant

The Mayor noted that the Library Board Strategic Plan was making progress. He noted the Library reps had a meeting on library services and noted that the Library Services Agreement needs to be renewed this year to stay with the GVPL. He noted that Library use has gone up and noted that Mayor Stew Young suggested that West Shore hire a consultant to look into West Shore's needs and present this idea to the Board for a response. Mayor Young requested other Mayors under this agreement ask their Councils if they are willing to fund a consultant to determine library services for the West Shore.

MOTION NO. 268/05

MOVED BY: COUNCILLOR CARDINAL

SECONDED: COUNCILLOR MCPHERSON

THAT Council be provided with more information with respect to hiring a consultant, to look into the West Shore Library Branch's needs and related costs and objectives for hiring a consultant.

CARRIED.

ii) CRD Arts Committee

7. CORRESPONDENCE

Correspondence to receive for Information:

- a) Letter from the Greater Victoria Film Commission
Re: Financial Support

MOTION NO. 269/05

MOVED BY: COUNCILLOR MCPHERSON

SECONDED: COUNCILLOR M. BROTHERSTON

THAT Council receive the letter from the Greater Victoria Film Commission, dated May 13, 2005, with respect to thanking the District for their consideration of a request for funding, for information.

CARRIED.

Correspondence requiring Action:

- b) Letter – Evelyn Samuel, Highland District Community Association, Chair
Re: BC Hydro Donation of \$10,000 to the District of Highlands

MOTION NO. 270/05

MOVED BY: COUNCILLOR K. BROTHERSTON

SECONDED: COUNCILLOR MENDUM

THAT Council receive the letter from Evelyn Samuel, dated May 20, 2005, with respect to BC Hydro's donation of \$10,000 to the District of Highlands, for information and respond to the writer.

CARRIED.

- c) Letter – District of Langford
Replacement of Goldstream Bridge on Finlayson Arm Road

Council expressed a concern with respect to fire protection response and emergency response during the bridge replacement work and closure of Finlayson Arm Road.

Council asked Guy Brisebois, Deputy Fire Chief, if he had any concerns with respect to the closure and Mr. Brisebois indicated that he did not and that they have faced this kind of situation before in the past.

Council indicated that BC Parks could be affected and requested staff to call the District of Langford to inquire about installing a "Bailey Bridge" for safety reasons until such time as the new bridge is completed.

MOTION NO. 271

MOVED BY: COUNCILLOR M. BROTHERSTON

SECONDED: COUNCILLOR MCPHERSON

THAT Council receive the letter from the District of Langford with respect to the replacement of Goldstream Bridge Construction and Finlayson Arm Road Closure.

CARRIED.

8. BYLAWS

- a) "Advisory Planning Commission Bylaw No. 209, 2003;
Amendment Bylaw No. 260, 2005"

MOTION NO. 272/05

MOVED BY: COUNCILLOR M. BROTHERTSTON

SECONDED: COUNCILLOR MCPHERSON

THAT Council adopt "Advisory Planning Commission Bylaw No. 209, 2003; Amendment Bylaw No. 260, 2005".

CARRIED.

- b) "District of Highlands Bylaw No. 36 to Regulate Roads and
Traffic Amendment Bylaw No. 263, 2005"

MOTION NO. 273/05

MOVED BY: COUNCILLOR CARDINAL

SECONDED: COUNCILLOR KADAR

THAT Council give "District of Highlands Bylaw No. 36 to Regulate Roads and Traffic Amendment Bylaw No. 263, 2005" first reading.

CARRIED.

OPPOSED: MAYOR ROESSINGH, COUNCILLOR MENDUM AND COUNCILLOR
MCPHERSON.

MOTION NO. 274/05

MOVED BY: COUNCILLOR KADAR

SECONDED: COUNCILLOR M. BROTHERSTON

THAT Council give "District of Highlands Bylaw No. 36 to Regulate Roads and Traffic Amendment Bylaw No. 263, 2005" second reading.

CARRIED.

OPPOSED: MAYOR ROESSINGH, COUNCILLOR MENDUM AND COUNCILLOR
MCPHERSON.

MOTION NO. 275/05

MOVED BY: COUNCILLOR KADAR

SECONDED: COUNCILLOR M. BROTHERSTON

THAT Council give "District of Highlands Bylaw No. 36 to Regulate Roads and Traffic Amendment Bylaw No. 263, 2005" third reading.

CARRIED.

OPPOSED: MAYOR ROESSINGH, COUNCILLOR MENDUM AND COUNCILLOR MCPHERSON.

Council suggested that staff discuss the failing edge of the road and the placement of signs with the roads maintenance consultant.

c) "Highlands Zoning Amendment Bylaw No. 265, 2005"

MOTION NO. 276/05

MOVED BY: COUNCILLOR CARDINAL

SECONDED: COUNCILLOR MCPHERSON

THAT Council gives "Highlands Zoning Amendment Bylaw No. 265, 2005" first reading.

CARRIED.

OPPOSED: COUNCILLOR K. BROTHERSTON AND COUNCILLOR MENDUM.

MOTION NO. 277/05

MOVED BY: COUNCILLOR CARDINAL

SECONDED: COUNCILLOR KADAR

THAT Council gives "Highlands Zoning Amendment Bylaw No. 265, 2005" second reading.

CARRIED.

OPPOSED: COUNCILLOR K. BROTHERSTON AND COUNCILLOR MENDUM.

MOTION NO. 278/05

MOVED BY: COUNCILLOR M. BROTHERSTON

SECONDED: COUNCILLOR K. BROTHERSTON

THAT a public Hearing be scheduled for the first Council Meeting in July.

CARRIED.

- d) "Fire Services Bylaw No. 264, 2005"

MOTION NO. 279/05

MOVED BY: COUNCILLOR CARDINAL

SECONDED: COUNCILLOR K. BROTHERSTON

THAT Council give "Fire Services Bylaw No. 264, 2005" first reading.

CARRIED.

MOTION NO. 280/05

MOVED BY: COUNCILLOR CARDINAL

SECONDED: COUNCILLOR K. BROTHERSTON

THAT Council give "Fire Services Bylaw No. 264, 2005" second reading and refer the bylaw to the municipal solicitor for review and the Community Infrastructure Advisory Committee for comment.

CARRIED.

Council noted that they would like to receive statistics and an annual report from the Fire Department and that it is time that the District considered paid firefighters for the District.

- e) "District of Highlands Zoning Bylaw amendment Bylaw No. 262 (Bear Mountain), 2005"

MOTION NO. 281/05

MOVED BY: COUNCILLOR CARDINAL

SECONDED: COUNCILLOR MCPHERSON

THAT the proposed District of Highlands Zoning Amendment Bylaw No. 262 (Bear Mountain) 2005, be amended at second reading as follows:

- A. Section 3 be amended deleting subsections (a) and (b) under the heading of S.15.1.04(2), and substituting the following:

"(a) The Capital Regional District has amended Capital Regional Growth Strategy Bylaw No. 1, 2002, and specifically Map 4 to include the BMCD-1 Zone within the Regional Urban Containment and Servicing Area, or all residential dwelling units including those referred to in S.15.1.04(1)(a) and (b) are serviced by a community water service having a source other than well and are serviced by a community sewer service; and

...

- B. Section 3 be consequentially amended by re-lettering subsection (c) under the heading of S.15.1.04(2) as "(b)".

- C. Section 3 be further amended by deleting subsections (2), (3), (4) and (5) under the heading of S.15.1.10, and by adding the following as subsection (2) of S.15.1.10:
- “(2) No building or structure shall be built or sited in the area cross-hatched in black lines on Schedule “E” which for clarity constitutes a 30-metre set-back buffer along the boundary of the northerly extent of the BMCD-1 Zone.”
- D. Section 4 be added as follows:
- “Highlands Zoning Bylaw No. 100, 1998 is further amended by altering Schedule A, Zoning Map, to designate the lands shown in heavy black outline in Appendix A to this Bylaw as the “Bear Mountain Comprehensive Development 1” (BMCD-1) Zone.”
- E. Section 5 be added as follows:
- “Highlands Zoning Bylaw No. 100, 1998 is further amended by adding as Schedule E the map attached to this amending Bylaw as Appendix B.”
- F. Section 6 be added as follows:
- “This Bylaw may be cited as “District of Highlands Zoning Bylaw Amendment Bylaw No. 262 (Bear Mountain), 2005.”
- G. Appendix “A” is hereby deleted and the Appendix “A” attached to this resolution is substituted therefore.
- H. Appendix “B” is hereby deleted and the Appendix “B” attached to this resolution is substituted therefore.

CARRIED.

- f) Committee of the Whole Meeting for Bear Mountain Bylaws

Council discussed a previous resolution of Council to hold an additional Committee of the Whole Meeting dealing with outstanding issues of Bear Mountain. It was noted that time was running out to hold this meeting without having to reschedule the Public Hearing.

MOTION NO. 282/05

MOVED BY: COUNCILLOR CARDINAL

SECONDED: COUNCILLOR K. BROTHERSTON

THAT Resolution No. 234/05 be rescinded.

MOTION FAILED DUE TO A UNANIMOUS VOTE IN OPPOSITION AFTER
DISCUSSION.

Council decided to discuss the referrals for Bear Mountain Bylaws No. 261 and 262 at its Committee of the Whole Meeting on June 13, 2005.

9. NEW BUSINESS

- a) District of Highland's Annual Report

MOTION NO. 283/05

MOVED BY: COUNCILLOR MCPHERSON

SECONDED: COUNCILLOR M. BROTHERSTON

THAT Council receive the District of Highland's Annual Report and that the Report be made available to the public as of June 7th, 2005 at 8:00 a.m.

CARRIED.

- b) Building Report – May 2005
Recommended Action: Receive for Information

MOTION NO. 284/05

MOVED BY: COUNCILLOR CARDINAL

SECONDED: COUNCILLOR MCPHERSON

THAT Council receive the Building Report for May, 2005 for information.

CARRIED.

- b) i) Fuel Management Application – UBCM
ii) Quintech – Wildland Urban Interface Hazardous Mapping Pilot Project

Councillor Kadar spoke on the Fuel Management Pilot Project presented to municipalities from the UBCM. He noted that he took a walk up on Joycelyn Hill and that there is fuel all over the ground. He then noted that he supported Council applying for the Fuel Management Pilot Project put out by the UBCM and noted that this goes hand in hand with Wildland Urban Interface.

Other members of Council indicated that they did not have a copy of the letter that Councillor Kadar referred to and suggested that it be deferred to a future Council Meeting.

MOTION NO. 285/05

MOVED BY: COUNCILLOR CARDINAL

SECONDED: COUNCILLOR M. BROTHERSTON

THAT the Wildland Urban Interface Hazard Mapping Pilot Project be forwarded to Bob Bugslide for review.

CARRIED.

10. **ADJOURNMENT**

MOTION NO. 286/05

MOVED BY: COUNCILLOR CARDINAL

SECONDED: COUNCILLOR K. BROTHERSTON

THAT the meeting adjourn at 9:45 p.m.

CARRIED.

MAYOR

MUNICIPAL CLERK