

**DISTRICT OF HIGHLANDS
REGULAR COUNCIL MEETING**

Minutes of the Regular Council meeting held on June 20th, 2005 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 Mendum
Councillor McPherson

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

1. APPROVAL OF THE AGENDA

MOTION NO. 291/05

MOVED BY: COUNCILLOR MENDUM

SECONDED: COUNCILLOR MCPHERSON

THAT the Agenda be approved as amended:

Delete: Item 9(g) Woodridge Rezoning Application

Add: Item 7(f)(i) – Letter from Enkon Environmental – Re: Bylaws 261 & 262

Add: Item 5(c) – Resolution from FEAC for Council ratification

Add: Item 5(d) – Adoption of Annual Report

Add: Item 7(f)(ii) – Letter Susan Hillian, 347 Millstream Lake Road

Add: Item 4 – Delegations: Marcie McLean, Bob Flitton and Vicki Husband

CARRIED.

2. ADOPTION OF THE MINUTES

a) Minutes of the Regular Council Meeting dated June 6, 2005

MOTION NO. 292/05

MOVED BY: COUNCILLOR MCPHERSON

SECONDED: COUNCILLOR KADAR

THAT Council adopt the Minutes of the Regular Council Meeting held on June 6, 2005 as presented.

CARRIED.

- b) Minutes of the Committee of the Whole Meeting dated June 9, 2005

MOTION NO. 293/05

MOVED BY: COUNCILLOR MCPHERSON

SECONDED: COUNCILLOR M. BROTHESTON

THAT Council adopt the Minutes of the Committee of the Whole Meeting held on June 9, 2005 as presented.

CARRIED.

- c) Minutes of the Special Meeting of Council dated June 13, 2005 (6:30 p.m.)

MOTION NO. 294/05

MOVED BY: COUNCILLOR MCPHERSON

SECONDED: COUNCILLOR M. BROTHURSTON

THAT Council adopt the Minutes of the Special Meeting of Council held on June 13, 2005 at 6:30 p.m. as presented.

CARRIED.

- d) Minutes of the Special Meeting of Council dated June 13, 2005 (7:10 p.m.)

MOTION NO. 295/05

MOVED BY: COUNCILLOR MCPHERSON

SECONDED: COUNCILLOR M. BROTHURSTON

THAT Council adopt the Minutes of the Special Meeting of Council held on June 13, 2005 at 7:10 p.m. as presented.

CARRIED.

3. INTRODUCTION OF LATE ITEMS

4. PETITIONS AND DELEGATIONS

Marcie McLean, 1321 Millstream Road, addressed Council with respect to the conflict of interest raised by Ms. McLean in her June 6, 2005 Letter to Council and Mr. Bob Flitton's rebuttle letter presented to Council June 20th.

Mr. Bob Flitton, 680 Stewart Mountain Road, addressed Council with respect to a form letter currently being distributed to Highlander's homes from Dave McLellon, 574 Cheryl Place, making untrue statements such as: that the previous Bear Mountain Bylaws had serious errors, too many houses spread too widely throughout the basin and its sensitive lands, has major concerns and impacts on water quantity and quality of water in the area, indicating that the commercial tax revenues for Bear Mountain would be the main financial justification for this development, and that fewer house and more sensitive lands would be a win win situation.

Vicki Husband, 301 Ross-Durrance Road, expressed concern with respect to the allotted time that people are permitted to speak at the public hearing and expressed her opposition with respect to the comprehensive Bear Mountain Development. She indicated that in her opinion if only the residential component were built that it would be costly to the municipality.

Ms Husband also expressed he opposition with respect to proposed work to improve Ross-Durrance Road. She indicated that in her opinion the road is not a dangerous road.

Council advised that the community would not be financially responsible if only the residential component was completed, as this is a specified area and the residents of the specified area will incur all costs.

5. UNFINISHED BUSINESS

- a) Ratification of Resolutions Arising from Fiscal & Environmental Advisory Committee Held on June 8, 2005

- i) **Council Indemnity**

MOTION NO. 296/05

MOVED BY: COUNCILLOR CARDINAL

SECONDED: COUNCILLOR MENDUM

THAT Council instruct Scott Coulson to prepare a summary spreadsheet including the following items: Name of community, population of community, date indemnities were last updated in that community, geographic location of the community, Mayor and Councillor stipends, number of Councillors in that community and travel, per diem and mileage payments;

AND FURTHER THAT the Fiscal & Environmental Advisory Committee determine the type of committee to address the Council Indemnity issue, come up with Terms of Reference and report back to Council.

CARRIED.

- b) Ratification of Resolutions Arising from Community Infrastructure and Services Advisory Committee Held on May 25, 2005

i) **Community Hall**

MOTION NO. 297/05

MOVED BY: COUNCILLOR CARDINAL

SECONDED: COUNCILLOR MENDUM

THAT the Community Infrastructure and Services Advisory Committee determine the type of committee to address the Community Hall issue, and come up with Terms of Reference and report back to Council.

CARRIED.

Evelyn Samuels, Chair of the Community Infrastructure and Services Advisory Committee, advised that the Committee is very capable of making the decision of what committee should carry out this task.

c) **District of Highlands Surplus**

MOTION NO. 298/05

MOVED BY: COUNCILLOR CARDINAL

SECONDED: COUNCILLOR MENDUM

THAT any surplus funds from the previous years' audited statements be placed in general reserve in an effort to build up the District reserve fund.

CARRIED.

d) **Annual Report**

MOTION NO. 299/05

MOVED BY: COUNCILLOR CARDINAL

SECONDED: COUNCILLOR K. BROTHERSTON

THAT Council adopt the 2005 District of Highland Annual Report.

CARRIED.

OPPOSED COUNCILLOR MENDUM.

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

a) Committee Reports

- i) Advisory Planning Commission – Nothing to Report
- ii) Capital Regional Board - Nothing to Report
- iii) Community Energy Planning Steering Committee

Councillor McPherson requested that a member of Council attend the next meeting on June 28th as an alternate, as she was unable to attend. She advised that she would follow up with an email to members of Council.

iv) CREST

Councillor M. Brotherston noted that she had received a questionnaire from the Capital Regional District and requested that those Council members who are available meet her at the Municipal Hall at 5:30, Tuesday, June 21, 2005 to assist her with filling in the questionnaire.

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

Councillor McPherson advised that the committee held their Annual General Meeting and that appointing the new executive was deferred to January, 2006 due to the upcoming election.

vii) Inter-Municipal Committee on Disability Issues

Councillor McPherson advised that the annual Inter-Municipal Committee on Disability Issues will be held at 6:15 on Thursday, June 23rd at Langford Lake Park and extended an invitation to members of Council.

viii) Solid Waste Advisory Committee

Councillor McPherson noted that it was difficult for this committee to reach a quorum. She also advised that she informed the committee that she would continue as a member as long as she was still a member of Council and noted that the Committee welcomed Councillor M. Brotherston as the newly appointed Chair of the 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 there will be new shared ownership of the Salsa Hockey Club and there is hope that this will revitalize the team and will raise the crowds and increase the arena's income. He further noted that the Board will be providing between \$10,000 and \$15,000 for a study for park development around West Shore and to determine what role Juan de Fuca Parks will take. He noted that there is no terms of reference or mandate at this time, however staff are working on this and will report back to the Board. He advised that he will report back to Council once the study is complete.

b) Mayor's Report

The Mayor advised that he participated in the Rotary Chili Cook Off on Saturday, June 11, 2005. He expressed congratulations to Western Grader who one the competition and expressed a special congratulation to the Langford Fire Department for all of their hard work and for providing such great entertainment.

i) Greater Victoria Public Library Board

The Mayor advised that the Board spoke about their Regional Strategic Plan and came up with what they thought is important for the Library Board over the next 20 years and what the Board's role would be for the community. He noted that Library Board Trustees John Goudy and Diane Seaton are developing a terms of reference for a Langford Study and that it will be presented to the Highlands Council once Langford has considered it.

ii) CRD Arts Committee

The Mayor noted that the Arts Committee had their awards night and due to the reduced number of awards given out, there was money left over in the budget for awards.

7. CORRESPONDENCE

Correspondence to receive for Information:

MOTION NO. 300/05
MOVED BY: COUNCILLOR
SECONDED: COUNCILLOR

THAT Council the following letters for information:

- a) Letter – West Shore Arts Council
Re: Grant In Aid
- b) Letter – City of Vernon
Re: Request for Public Inquiry into the investigation of the air India Bombings
- c) Letter – Capital Regional District of Highlands
Re: Highlands Regional Context Statement – Request for Submission –
Extension to September 30, 2005
- d) Letter – Bob Flitton
Re: Allegations of Conflict of Interest

Council requested further education with respect to pecuniary and non-pecuniary conflict of interest.

At this time Councillor McPherson made a statement with respect to questions put forward to her and her spouse (Alan Philips) with respect to their position of conflict.

Councillor McPherson noted that she does not have any conflict of interest with the Municipality with their respective role as a member of the Land Conservancy and that Alan has no conflict of interest with respect to mapping that he had done for the municipality and this has been confirmed by the municipal solicitor.

- e) Letter – Gerry Armstrong, Deputy Minister, Minister of Community, Aboriginal Women's Services

- f) Letter – CREST
Re: Capital Region Emergency Service Telecommunications Inc.
Independent Review of Operations

- f)(i) Letter – Susan Blundell, Manager of Environmental Service
Enkon Environmental
Re: Ministry of Water, Land and Air Protection Referral for Bylaw 261, Bear
Mountain Comprehensive Development – Response to Comments.

- F(ii) Letter Susan Hillian, 347 Millstream Lake Road
Re: Bear Mountain

Councillor Kadar read the letter out loud from Susan Hillian and noted that it is a personal attack on Councillors and that it is time this kind of attack came to an end.

CARRIED.

Correspondence requiring Action:

- g) Letter – Greater Victoria Public Library Board
Re: 2006-2010 Library Operating Agreement

MOTION NO. 301/05
MOVED BY: COUNCILLOR KADAR
SECONDED: COUNCILLOR MCPHERSON

THAT Council defer the Greater Victoria Public Library Board's 2006-2010 Operating Budget until the first Council Meeting in September.

CARRIED.

It was noted that Page 47, Section 4.6 and Page 55, Section 9.4 require more clarification.

- h) Letter – UBCM
Re: Fuel Management – Pilot Projects (Request for Expression of Interest)

MOTION NO. 302/05
MOVED BY: COUNCILLOR MENDUM
SECONDED: COUNCILLOR M. BROTHERSTON

THAT Council instruct staff to submit a "Letter of Interest" to the UBCM, with respect to receiving funding for a pilot project for Fuel Management.

CARRIED.

The Administrator advised that the pilot project is specifically for non-private lands and suggested that CRD Parks and BC Parks be approached with respect to park land in the Highlands that may benefit from this project.

It was also suggested that BC Hydro be approached with respect to lands on Hydro's Right of Way and regional trails with heavily used parking lots, and that Fire Chief, Barry Ford, be contacted for his input and suggested areas.

8. BYLAWS

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

MOTION NO. 303/05

MOVED BY: COUNCILLOR M. BROTHERSTON

SECONDED: COUNCILLOR K. BROTHERSTON

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

CARRIED.

OPPOSED: COUNCILLORS MENDUM AND MCPHERSON.

- b) "Juan de Fuca Recreation Centre Fees and Charges Amendment Bylaw No. 273, 2005"

MOTION NO. 304/05

MOVED BY: COUNCILLOR CARDINAL

SECONDED: COUNCILLOR K. BROTHERSTON

THAT Council give "Juan de Fuca Recreation Centre Fees and Charges Amendment Bylaw No. 273, 2005" first reading.

CARRIED.

MOTION NO. 305/05

MOVED BY: COUNCILLOR K. BROTHERSTON

SECONDED: COUNCILLOR M. BROTHERSTON

THAT Council give "Juan de Fuca Recreation Centre Fees and Charges Amendment Bylaw No. 273, 2005" second reading.

CARRIED.

MOTION NO. 306/05

MOVED BY: COUNCILLOR K. BROTHERSTON

SECONDED: COUNCILLOR MCPHERSON

THAT Council give "Juan de Fuca Recreation Centre Fees and Charges Amendment Bylaw No. 273, 2005" third reading.

CARRIED.

9. NEW BUSINESS

- a) Royal Canadian Mounted Police Monthly Report – April, 2005

MOTION NO. 307/05

MOVED BY: COUNCILLOR MENDUM

SECONDED: COUNCILLOR K. BROTHERSTON

THAT Council receive the RCMP Monthly Mayor's Report for the Month of April, 2005 for Information.

CARRIED.

- b) Monthly Animal Control Report

MOTION NO. 308/05

MOVED BY: COUNCILLOR MENDUM

SECONDED: COUNCILLOR MCPHERSON

THAT Council receive the CRD Animal Control Report for the Month of May, 2005 for information.

CARRIED.

- c) Report – Municipal Clerk
Tree Removal – Ross Durrance Road and Millstream Lake Road

MOTION NO. 309/05

MOVED BY: COUNCILLOR KADAR

SECONDED: COUNCILLOR M. BROTHERSTON

THAT Council authorize staff to proceed to have Victoria Contracting and Municipal Maintenance Corporation to:

- a) Remove the leaning Alder Tree, located on Ross Durrance Road, approximately 500 feet south of Willis Point intersection, and clean up at a cost of \$193.00; and
b) Remove 14 large trees for site distance purposes at the 600 block of Millstream Lake Road, chip all limbs, cut trees 8-10 foot lengths and deliver to Caleb Pike House, remove and dispose of all under brush along the site line, control traffic and clean up when finished at a cost of \$2,851.00

CARRIED.

OPPOSED: COUNCILLOR MENDUM.

- d) Report – Municipal Clerk
Appointment of Officers – CRD Animal Control Officers

MOTION NO. 310/05

MOVED BY: COUNCILLOR M. BROTHERSTON

SECONDED: COUNCILLOR KADAR

THAT Council authorize the appointment of Dean Ridley and Robert Letts as CRD Animal Control Officers for the District of Highlands.

CARRIED.

- e) Public Hearing Procedures
Verbal Report - Administrator
Report – Municipal Clerk

MOTION NO. 311/05

MOVED BY: COUNCILLOR MCPHERSON

SECONDED: COUNCILLOR M. BROTHERSTON

THAT Council approve of the amendment to Policy No. 114, whereby the maximum time provided for a member of the public, who feel they may be affected by the application, to speak to the proposal, will be changed from a maximum of 3 minutes to a maximum of 5 minutes.

CARRIED.

OPPOSED: COUNCILLOR MENDUM.

MOTION NO. 312/05

MOVED BY: COUNCILLOR CARDINAL

SECONDED: COUNCILLOR MCPHERSON

THAT Council approve that a further amendment be made to Policy No. 114, to remove the sentence “Each person shall be given only one opportunity to speak.”

CARRIED.

- f) Report - Sonja Zupanee
Re: Restriction on RR1 Properties Containing Hydro Right of Way

MOTION NO. 313/05

MOVED BY: COUNCILLOR MCPHERSON

SECONDED: COUNCILLOR MENDUM

THAT Council receive the report prepared by Sonja Zupanee, Planning Department Summer Student, with respect to the restriction on RR1 Properties Containing a Hydro Right of Way, for information.

CARRIED.

- g) Report – Municipal Planner
Referral from City of Langford – Rezoning at 999-1000 Gade Road

MOTION NO. 314/05

MOVED BY: COUNCILLOR M. BROTHERSTON

SECONDED: COUNCILLOR CARDINAL

THAT Council advise Langford that Highlands has “No objection” to the proposed rezoning of approximately 195.7 acres (79 hectares) of land at 999-1000 Gade Road to allow for a residential subdivision, subject to the following conditions:

1. That the District of Langford consult with the District of Highlands with respect to a Traffic Plan for this proposed development; and
2. That the District of Langford advise District of Highlands if they have a mitigation plan to deal with the viewscape.

CARRIED.

OPPOSED: MAYOR ROESSINGH AND COUNCILLORS MENDUM AND
MCPHERSON/

10. ADJOURNMENT

MOTION NO. 315/05

MOVED BY: COUNCILLOR CARDINAL

SECONDED: COUNCILLOR MENDUM

THAT the meeting adjourn at 9:30 p.m.

CARRIED.

MAYOR

MUNICIPAL CLERK