



# **CORPORATION OF THE TOWNSHIP OF ESQUIMALT**

**MINUTES  
REGULAR MEETING  
OF MUNICIPAL COUNCIL  
MONDAY, MAY 5, 2008  
7:00 P.M.**

**COUNCIL CHAMBERS**

**PRESENT:** Councillor Lynda Hundleby (Acting Mayor)  
Councillor Donald Linge  
Councillor Jane Sterk  
Councillor Barbara Desjardins

**REGRETS:** Mayor Chris Clement  
Councillor Hy Freedman

**STAFF:** T. Day, Chief Administrative Officer  
L. Hurst, Director of Financial Services  
E. Sykora, I/Director of Financial Services  
G. Coté, Director of Engineering and Public Works  
B. Snyder, Director of Development Services  
D. Knight, Executive Assistant

**1. CALL TO ORDER**

Councillor Hundleby, Chair, called the meeting to order at 7:00 p.m. She welcomed Tom Day, Chief Administrative Officer, returning back to work from an extended leave.

**2. LATE ITEMS**

The following amendments to the agenda were noted:

- (1) Pertaining to Agenda Item 6 a), Public Hearing [875 Phoenix Street]  
- Email from Lisa and Russell Gelling, received May 5, 2008
- (2) Pertaining to Agenda Item 10, Staff Reports:  
- Add: Move for Health Day, Staff Report No. P&R-08-006

**3. APPROVAL OF THE AGENDA**

Moved by Councillor Sterk, seconded by Councillor Desjardins that the agenda be approved as amended.  
The motion **CARRIED**.

**4. MINUTES**

- (1) Minutes of the Special Meeting of Council, April 10, 2008
- (2) Minutes of the Regular Meeting of Council, April 21, 2008

Moved by Councillor Linge, seconded by Councillor Desjardins that the minutes of the Special Meeting of Council held April 10, 2008 and the Regular Meeting of Council held April 21, 2008 be adopted.  
The motion **CARRIED**.

**5. PUBLIC INPUT (On items listed on the Agenda)**

*Excluding items which are or have been the subject of a Public Hearing.*

No members of the public participated in the Public Input opportunity.

**6. PUBLIC HEARING**

- (1) **PUBLIC HEARING – ZONING BYLAW AMENDMENT [NO. 176] 2008, NO. 2680, 875 PHOENIX STREET**
  - i) Notice of Hearing
  - ii) Background Information – Available for viewing separately
    - Staff Report No. DEV-08-039

The Director of Development Services provided an overview of a change in zoning from RM-4 to CD No. 66 and a development permit. Staff have worked with the applicants and are pleased with the proposal.

The applicants, Mr. Glen Davies and Mr. Brian Kendrick, Metro urban design & development, were present. Mr. Davies advised that they had originally approached the Gellings in March 2008 and the Gellings had signed off on the development. They made it known that they had concerns with privacy. The applicants made amendments which the Gellings signed off on April 30. Mr. Davies stated that they will continue to work with the Gellings to resolve outstanding issues.

#### **PUBLIC INPUT**

**(1) Russell Gelling, 869 Phoenix Street**

Mr. Gelling does not oppose the development. He expressed concerns regarding the following issues:

- location of the patio, he has concerns with privacy of his family;
- height, he would like to see the building left at the same height; and
- preservation of trees, there are three trees on his property which may be affected by this development.

#### **ADJOURNMENT OF HEARING**

**7. HEARING**

**(1) Development Permit with Variance, 901 Wollaston Street and 566 Head Street**

- i) Notice of Hearing
- ii) Background Information – Available for viewing separately
  - Staff Report No. DEV-08-024

The Director of Development Services provided background regarding the request for a variance to lot coverage at the above address. There is no change to the built area however the ratio of the building footprint to lot area will increase.

#### **PUBLIC INPUT**

Councillor Hundleby called three times for public input. No members of the public participated in the public input opportunity.

#### **ADJOURNMENT OF HEARING**

8. **STAFF REPORTS**

- (1) **Public Hearing for Rezoning and Development Permit Application, 875 Phoenix Street, [Lot AM3, Section 10, Esquimalt District, Plan 276], Staff Report No. DEV-08-039**

Moved by Councillor Linge, seconded by Councillor Desjardins that Bylaw No. 2680 which would amend Zoning Bylaw No. 2050, by changing the zoning designation of 875 Phoenix Street [Lot AM3, Section 10, Esquimalt District, Plan 276] from RM-4 (Multiple Family Residential) to CD No. 66 (Comprehensive Development District No. 66) be given final reading and adoption.

The motion **CARRIED**.

Moved by Councillor Desjardins, seconded by Councillor Sterk that Development Permit No. 03/2008 not be approved until the applicant resolves tree protection and privacy issues with the neighbour.

The motion **CARRIED**.

- (2) **Hearing for Development Variance Permit, 566 Head Street and 901 Wollaston Street [Lots A and B, Section 11, Esquimalt District, Plan VIP65285], Staff Report No. DEV-08-038**

Moved by Councillor Linge, seconded by Councillor Desjardins that Development Variance Permit No. 02/2008 authorizing a variance to the lot coverage as shown on plans provided by Island Land Surveying Ltd. and stamped "Received March 3, 2008" and including the following relaxation to Zoning Bylaw No. 2050 be approved, issued and registered on the title of Lots A and B. Section 11, Esquimalt District, Plan VIP65285 [566 Head Street and 901 Wollaston Street].

**Bylaw No. 2050, Section 67.7(5) – Lot Coverage –**  
a 2.7% increase to the maximum permitted Lot  
Coverage from 38.4% to 41.1%.

The motion **CARRIED**.

9. **DELEGATIONS**

- (1) **C. Joe Richards Re: The Number of Parks, Greenways, Open Spaces, Waterways and Beach Accesses in Esquimalt.**

Mr. Richards presented a map of Esquimalt Parks and Recreation facilities. He noted that many parks were named after former Reeves, Aldermen, and pioneers. He suggested

that Colville Park be renamed Boulton Park in honour of Councillor Basil Boulton who passed away in January 2008. He will be starting a petition to have this park renamed and will bring it back to Council.

Mr. Richards stated that he is pleased that something is going to be done with the E&N railway stop. The first railroad engines and the first railway spike driven was in Esquimalt.

**10. STAFF REPORTS**

**(1) Resolution to Attend Conference – Councillor Sterk, Staff Report No. ADM-08-013.**

Discussion took place regarding the value of the conference to Esquimalt and Councillor Sterk advised that she will report back to Council after the conference.

Moved by Councillor Sterk, seconded by Councillor Linge that Councillor Sterk be authorized to attend the Gaining Ground Sustainable Urban Development Leadership Summit, May 22-23, 2008, in Victoria.  
The motion **CARRIED**.

**(2) Appointment of Directors and Officers, Deputy and Acting Appointments, Staff Report No. ADM-08-014.**

Council thanked Ed Sykora for his work at the Township and noted that Donna Dupas will be leaving the Township.

Moved by Councillor Linge, seconded by Councillor Sterk that:

1. The following appointments be rescinded effective May 5, 2008:  
Laurie Hurst - Interim Chief Administrative Officer  
Ed Sykora - Interim Director of Financial Services  
- Interim Collector of Taxes
2. The following persons be appointed to the positions indicated effective May 5, 2008:  
Thomas C. Day-Chief Administrative Officer  
Laurie Hurst-Director of Financial Services  
- Collector of Taxes
3. The following persons be appointed to act in the absence or incapacity of the incumbent in the positions indicated effective May 5, 2008:  
Tom Day - Deputy Municipal Clerk (Deputy Corporate Administrator)

Laurie Hurst-Deputy Chief Administrative Officer  
- Acting Deputy Municipal Clerk (A/Deputy Corporate Administrator)  
Gilbert Côté-Acting Deputy Chief Administrative Officer (in the absence of Laurie Hurst)

4. The following appointments be rescinded effective May 16, 2008:  
Donna Dupas-Municipal Clerk (Corporate Administrator)  
- Head, Freedom of Information and Protection of Privacy  
The motion **CARRIED**.

**(3) Local and Social Services Grants – Report from Local Grant Committee, Staff Report No. FIN-08-006.**

Comments from Council include:

- Thank you to Ed Sykora for his help with the Grant process this year.

Moved by Councillor Linge, seconded by Councillor Desjardins that:

1. Grants in the amount of \$93,327 as set out on the schedule attached to Staff Report No. Fin-08-006 be approved by Council.
2. Esquimalt's grant to each of the four Social Services agencies be reduced to \$9,393 pursuant to the 2008 Intermunicipal Formula as indicated on the schedule attached to Staff Report No. Fin-08-006.  
The motion **CARRIED**.

**(4) Stop Gap Policy for the Prevention of Demolition of Heritage Places, Staff Report No. DEV-08-035.**

Comments from Council include:

- The staff report is very useful.
- Concerns were raised with timelines to prevent demolition of heritage properties in future.
- Reported that there is an inventory of heritage homes dating from 1984 which Development Services is aware of.
- Suggestion was made to include checklist for heritage designation for properties slated for demolition.
- There is no protection for heritage properties other than Heritage Designation.

Moved by Councillor Linge, seconded by Councillor

Desjardins to receive the Stop Gap Policy for the Prevention of Demolition of Heritage Places, Staff Report No. DEV-08-035, for information.  
The motion **CARRIED**.

(5) **Development Variance Permit, 511 Constance Avenue [Lot K, Esquimalt District, Plan 2854, Suburban Lot 38, Except Under 224], Staff Report No. DEV-08-036**

Moved by Councillor Desjardins, seconded by Councillor Linge that Development Variance Permit No. 10/2007 authorizing construction as shown on plans submitted with the application and stamped "Received December 12, 2007" and as detailed in the BCLS Certificate prepared by Island Land Surveying Ltd. stamped "Received April 18, 2008" and including the following relaxations to Zoning Bylaw No. 2050 and Parking Bylaw No. 2011 be approved, issued and registered on the title of Lot K, Esquimalt District, Plan 2854, Suburban Lot 38, Exempt Under 224 (511 Constance Ave).

**Bylaw No. 2050, Section 58(4)(a) – Siting Requirements - Front Setback** – a 5.3 metre variance to the required front setback from 7.5 metres to 2.2 metres.

**Bylaw No. 2050, Section 58(4)(c) – Siting Requirements - Rear Setback** – a 1.1 metre variance to the required rear setback from 7.5 metres to 6.4 metres.

**Bylaw No. 2011, Section 13(1)(d)(i) – Parking Requirements - Number of Off-Street Parking Spaces** – a reduction in the minimum number of required off-street Parking Spaces required from 11 spaces to 6 spaces.

The motion **CARRIED**.

**Late Agenda Item**

(6) **Move for Health Day, Staff Report No. P&R-08-006**

Moved by Councillor Linge, seconded by Councillor Sterk that:

1. Council proclaim May 10, 2008 as Move for Health Day in Esquimalt.
2. That Mayor and Council participate in the BCRPA Local Government Challenge for Move for Health Day.

The motion **CARRIED**.

**11. MAYOR'S AND COUNCILLORS' REPORTS**

No reports were presented.

**12. REPORTS FROM COMMITTEES**

**(1) Draft minutes from the Access Awareness Committee meeting, April 16, 2008.**

Moved by Councillor Desjardins, seconded by Councillor Sterk that the Draft minutes from the Access Awareness Committee meeting, April 16, 2008 be received for information.

The motion **CARRIED**.

**(2) Draft minutes from the Cultural Advisory Committee meeting, April 16, 2008.**

Councillor Hundleby reported that the Spring Awakening event on April 27 was a success and enjoyed by all. She also advised that two display cases have been ordered for the Municipal Hall. Thank you and congratulations to the Access Awareness Committee and the Cultural Advisory Committee.

Moved by Councillor Desjardins, seconded by Councillor Sterk that the Draft minutes from the Cultural Advisory Committee meeting, April 16, 2008 be received for information.

The motion **CARRIED**.

**(3) Draft minutes of the Environmental Advisory Committee meeting, April 17, 2008.**

Moved by Councillor Desjardins, seconded by Councillor Sterk that the Draft minutes from the Environmental Advisory Committee meeting, April 17, 2008 be received for information.

The motion **CARRIED**.

**(4) Memorandum from the Environmental Advisory Committee, dated April 30, 2008, Re: Esquimalt Environmental Advisory Committee Representative on Pesticide Use Reduction Education (PURE) Working Group.**

Councillor Sterk noted that Mark Salter would be a good choice to represent the Esquimalt Environmental Advisory Committee on the CRD Roundtable on the Environment Pesticide Use Reduction Education (PURE) working group.

Moved by Councillor Sterk, seconded by Councillor



Desjardins that the Memorandum from the Environmental Advisory Committee dated April 30, 2008 regarding an Esquimalt Environmental Advisory Committee Representative on the Pesticide Use Reduction Education Working Group be received for information.  
The motion **CARRIED**.

**(5) Memorandum from the Environmental Advisory Committee dated April 30, 2008, Re: Health Issues From Wood Smoke.**

Moved by Councillor Sterk, seconded by Councillor Linge that the Memorandum from the Environmental Advisory Committee dated April 30, 2008 regarding Health Issues from Wood Smoke be received for information.  
The motion **CARRIED**.

**13. COMMUNICATIONS**

- (1) Invitation from the Fairfield Community Association, dated April 17, 2008, Re: Sewage Treatment Public Forum
- (2) Letter from the 2008 Buccaneer Days Committee, dated April 18, 2008, Re: Parade Judges

Councillors Linge and Hundleby expressed interest in participating as judges.

- (3) Letter from the 14<sup>th</sup> Victoria Girl Guides, dated April 21, 2008, Re: Yellow Fish Road Program

Moved by Councillor Sterk, seconded by Councillor Linge that Council support the request from the Girl Guides of Canada to coordinate the Yellow Fish Road Program in Esquimalt and that they coordinate and work closely with the Esquimalt Public Works Department.  
The motion **CARRIED**.

- (4) Letter from the Capital Regional District, dated April 21, 2008, Re: Regional Parks Land Acquisition Fund
- (5) Letter from the City of Burnaby, dated April 22, 2008, Re: Highway Maintenance Specifications
- (6) Letter from the Ministry of Public Safety and Solicitor General, dated April 28, 2008, Re: Equitable Allocation of Federal Funds – Police Recruitment Trust

Moved by Councillor Desjardins, seconded by Councillor Linge that:

- (1) Communications items (1), (2), (4), (5), and (6) be received.

The motion **CARRIED**.

**14. BYLAWS**

***For First, Second and Third Readings***

**(1) Financial Plan Bylaw, 2008, No. 2681**

Moved by Councillor Linge, seconded by Councillor Desjardins that *Financial Plan Bylaw, 2008, No. 2681* be given First, Second and Third Reading.  
The motion **CARRIED**.

**(2) Tax Rates Bylaw, 2008, No. 2682**

Comments from Council include the suggestion that staff review historical information during next years tax discussions and consider readjusting the tax rate so that major industry pays a larger share.

Moved by Councillor Sterk, seconded by Councillor Desjardins that *Tax Rates Bylaw, 2008, No. 2682* be given First, Second and Third Reading.  
The motion **CARRIED**.

***For Adoption***

**(3) Streets and Traffic Regulation Bylaw, 2005, No. 2607, Amendment Bylaw [No. 2], 2007, No. 2678**

Moved by Councillor Linge, seconded by Councillor Sterk that *Streets and Traffic Regulation Bylaw, 2005, No. 2607, Amendment Bylaw [No. 2], 2007, No. 2678* be adopted.  
The motion **CARRIED**.

**15. PUBLIC QUESTION AND COMMENT PERIOD**

*Excluding items which are or have been the subject of a Public Hearing.*

**(1) Valerie Elliott, 821 Craigflower Road**

Ms. Elliott addressed council regarding a noise issue at Craigflower Foods, 811 Craigflower Road. The store has installed a compressor which is very loud. Bob Haveruk, Bylaw Enforcement Officer, had requested that the equipment be removed. However, the noise level has remained the same and the neighbours are not happy with it. BC Hydro has also

attended the site regarding hydro power surges. Ms. Elliott suggested that Council acquire equipment to measure noise levels. The Director of Development Services responded that staff are currently looking into gaining access to this type of equipment.

**(2) C. Joe Richards**

Mr. Richards reported that he will be attending a transit meeting tomorrow, May 6 to recommend double decker buses on the Esquimalt bus route.

**16. ADJOURNMENT**

Moved by Councillor Sterk, seconded by Councillor Linge that the meeting be adjourned at 8:15 p.m.  
The motion **CARRIED.**

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A/MAYOR OF THE CORPORATION OF THE  
TOWNSHIP OF ESQUIMALT  
THIS 20th DAY OF MAY, 2008

CERTIFIED CORRECT

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TOM DAY  
DEPUTY MUNICIPAL CLERK