



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

**MINUTES
REGULAR MEETING
OF MUNICIPAL COUNCIL
MONDAY, JUNE 16, 2008
7:00 P.M.
COUNCIL CHAMBERS**

PRESENT: Mayor Chris Clement
Councillor Lynda Hundleby
Councillor Donald Linge
Councillor Hy Freedman
Councillor Barbara Desjardins

REGRETS: Councillor Jane Sterk

STAFF: T. Day, Chief Administrative Officer
C. Morissette, Director of Parks and Recreation
T. Parkes, Senior Planner
D. Knight, Executive Assistant

1. CALL TO ORDER

The special meeting was called to order at 7:00 p.m.

2. LATE ITEMS

The following late item was introduced:

- (1) Addition to agenda Item 9 (1) License of Use Agreement with SeaChange Marine Conservation Society, Staff Report No. P&R-08-012 - Schedule "B"

3. APPROVAL OF THE AGENDA

Moved by Councillor Desjardins, seconded by Councillor Freedman that the agenda be approved as amended.

The motion **CARRIED**.

4. MINUTES

- (1) Minutes of the Regular Meeting of Council, May 20, 2008
- (2) Minutes of the Special Meeting of Council, May 22, 2008

Moved by Councillor Desjardins seconded by Councillor Hundleby that the minutes of the Regular Meeting of Council held May 20, 2008 and the Special Meeting of Council held May 22, 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.

- (1) Annette Hawrylenko, 1143 Munroe Avenue - Agenda Item 9 (4). Ms. Hawrylenko noted that the buoy in Fleming Bay identified in the correspondence section of the agenda has been removed and that the reason it was there initially was to accommodate their boat and it was never used. It was perfectly legal. She has never witnessed a poacher in Fleming Bay. Boats at anchor are not generally a problem as they come and go quite quickly.

6. HEARING

- (1) Development Permit with Variance, 806 Devonshire Road
 - (a) Notice of Hearing
 - (b) Background Information: *[Information Available separately]*
 - Staff Report No. DEV-08-055

The Senior Planner provided a brief overview of the variance requested for the addition of a second storey on top of existing office space.

Moved by Councillor Linge, seconded by Councillor Desjardins to have applicant speak.
Motion **DEFEATED**.

PUBLIC INPUT

Mayor Clement called three times for public input.
No members of the public participated in the public input opportunity.

ADJOURNMENT OF HEARING

7. STAFF REPORT

(1) **Development Permit, 806 Devonshire Road, [Lot 1, Section 10, Esquimalt District, Plan 13346], Staff Report No. DEV-08-055**

Moved by Councillor Linge, seconded by Councillor Freedman that Council approve that Development Permit No. 06/2008, limiting the form and character of development to that shown on architectural plans stamped "Received March 18, 2008", landscape plans stamped "Received April 3, 2008" and a site plan stamped "Received June 10, 2008" all provided by R.L Thomas and including the following variance to Zoning Bylaw No. 2050 be approved, issued and registered on the title of Lot 1, Section 10, Esquimalt District, Plan 13346 [806 Devonshire Road].

Section 53(6)(b) – Screening and Landscaping – a 2% reduction for the required landscaped area of a parcel, from 5% of the land area of the parcel to 3% of the land area of the parcel.

The motion **CARRIED**.

8. DELEGATION

(1) **Tom Woods, Canadian Classics Rugby Society, Re: International Rugby Tournament**

Tom Woods apologized for not attending previous meeting of Council due to unforeseen circumstances. He reported on the International Rugby match being held on June 28th at Bullen Park in Esquimalt. Canada will host event with the French Barbarians, world class team playing. This is a nice program for Esquimalt as the last rugby event was held 132 years ago. They are expecting a great turnout and expect approximately 4000 spectators. DND is involved and supportive of event as well as many Esquimalt Businesses and Bed and Breakfasts. There are some big media sponsors. He expressed appreciation for municipal staff that have been helping with preparing the fields in the park.

9.

STAFF REPORTS

Parks and Recreation

(1) License of Use Agreement with SeaChange Marine Conservation Society, Staff Report No. P&R-08-012

The Director of Parks and Recreation noted that "Schedule B" was an addition to the Agreement and identified the Terms and Conditions of Operation of the Environment House.

Moved by Councillor Hundleby, seconded by Councillor Desjardins that Council approve a License of Use Agreement with SeaChange Marine Conservation society and authorize the Mayor and Corporate Officer to sign the agreement with changes noted.

The motion **CARRIED**.

Administration

(2) Proposed Library Operating Agreement, Staff Report No. ADM-08-020

Moved by Councillor Hundleby, seconded by Councillor Desjardins that Mayor and Corporate Officer be authorized to execute the Library Operating Agreement for January 2009 to December 2013.

The motion **CARRIED**.

Development Services

(3) Bylaw Enforcement at 914 – 916 Shearwater, [Lots A & B, Section 11, Esquimalt District, Plan VIS 518], Staff Report No. DEV-08-044

The Senior Planner reported that the proponent would like to appeal the decision that municipal staff proceed with the enforcement of municipal bylaws regarding secondary suites in the duplex on Shearwater Avenue.

Comments from Council include:

- Council is obligated to act when a complaint is reported.
- Appropriate tax funds are not being paid.
- Secondary suites are being reviewed, but it is expected that they will only be permitted in single family dwellings.
- Acknowledged that there is a shortage of affordable housing.
- Have to be fair and consistent with bylaw enforcement.
- Acknowledged that there should be better public education to make people aware of regulations.
- There is the option for the proponent to have the property rezoned and brought up to code.

Moved by Councillor Desjardins, seconded by Councillor

Hundleby that Council direct staff to proceed with the enforcement of municipal bylaws and order the decommissioning of the non-conforming suites at 914 and 916 Shearwater Avenue.

The motion **CARRIED**.

(4) Boat Moorage at Fleming Beach, Staff Report No. DEV-08-045

Councillor Linge excused himself due to a possible conflict of interest.

The Senior Planner reported that the boat currently moored at Fleming Beach is expected to be removed by the end of the week.

Moved by Councillor Desjardins, seconded by Councillor Freedman that Staff Report No. DEV-08-045 be received for information.

The motion **CARRIED**.

Councillor Linge returned to the meeting.

(5) Amendment to Fee [Development Applications] Bylaw, 1995, No. 2203, Staff Report No. DEV-08-049

Moved by Councillor Hundleby, seconded by Councillor Freedman that Council direct staff to prepare a bylaw to amend Fee [Development Application] Bylaw No. 2203 to include a \$1000 fee for the consideration of applications for the closure of municipal roads or right of ways and sale of those parcels to private landowners.

The motion **CARRIED**.

(6) Rezoning Application and Development Permit, 349 Lampson Street, [Lot A, Section 11, Esquimalt District, Plan 44390], Staff Report No. DEV-08-054

Moved by Councillor Freedman, seconded by Councillor Hundleby that:

(1) Bylaw No. 2690 which would amend Zoning Bylaw No. 2050, by changing the zoning of 349 Lampson Street [Lot A, Section 11, Esquimalt District, Plan 44390] from RD-3 [Two Family/ Single Family Residential] to CD No. 67 [Comprehensive Development District No. 67] be given first and second reading; and

(2) A Public Hearing be scheduled; and

(3) Prior to a Public Hearing, a draft Development Permit limiting the form and character of development to that

shown on architectural plans prepared by Ted Lunt Design, stamped "Received March 4, 2008" and landscaping as shown on plans submitted by Rusnak Gallant Ltd. stamped "Received March 4, 2008" be prepared and returned to Council.

The motion **CARRIED**.

(7) **Development Permit Application, 875 Phoenix Street, [Lot AM3, Section 10, Esquimalt District, Plan 276], Staff Report No. DEV-08-056**

The Senior Planner reported that more information regarding this application has come in.

Mr. Gelling, a neighbour, spoke regarding a possible financial hardship to his family in the event that a tree in his yard does not survive as a result of the development next door. It was suggested that a financial deposit be made by the developer to the municipality in the event the tree did die.

Moved by Councillor Linge, seconded by Councillor Freedman to hear from the applicant, Glenn Davies, 3 Metro Urban Design. The motion **CARRIED**.

Mr. Davies agreed that the issue can be resolved and he is willing to consider a financial requirement in the event the tree did not survive. The issue was resolved to the satisfaction of both parties.

Moved by Councillor Freedman, seconded by Councillor Hundleby:

1. That Development Permit No. 03/2008 limiting the form and character of development to that shown on architectural plans and green building features prepared by 3 Metro, stamped "Received February 5, 2008" and the landscape plan prepared by Horticulturalist Ross Wallner, stamped "Received June 10, 2008", and including the following variance to Parking Bylaw No. 2011 be approved, issued and registered on the title of Lot AM3, Section 10, Esquimalt District, Plan 276 [875 Phoenix Street].

Section 9 (4) – General Regulations – Provision and Maintenance of Off-Street Parking and Loading Areas – an exemption from the requirement that parking spaces in Residential zones shall be located no closer to the Front Lot Line than the front face of the Principal Building.

2. That a financial requirement be made to the municipality to ensure funds are available for tree removal should the protected tree not survive.

The motion **CARRIED**.

10. MAYOR'S AND COUNCILLORS' REPORTS

(1) Report from Councillor Sterk, Gaining Ground Conference 2008 – Whole City Change

Moved by Councillor Desjardins, seconded by Councillor Hundleby to receive the Report from Councillor Sterk, Gaining Ground Conference 2008, for information.

The motion **CARRIED**.

(2) Report from Mayor Clement, Federation of Canadian Municipalities (FCM) Annual Conference (Quebec City – May 30 – June 1)

Moved by Councillor Freedman, seconded by Councillor Hundleby that Council support Mayor Clement's application to serve on one Standing Committee, either Environmental Issues and Sustainable Development or Community Safety and Crime Prevention subject to Mayor returning to Council with budget information.

The motion **CARRIED**.

(3) Report from Councillor Desjardins, Federation of Canadian Municipalities (FCM) Annual Conference (Quebec City – May 30 – June 1)

Moved by Councillor Hundleby, seconded by Councillor Freedman, to receive the Report from Councillor Desjardins, Federation of Canadian Municipalities Annual Conference, for information.

The motion **CARRIED**.

11. REPORTS FROM COMMITTEES

(1) Committee of the Whole Report, June 9, 2008

Moved by Councillor Linge, seconded by Councillor Hundleby to approve the recommendations from the Committee of the Whole Report, June 9, 2008

The motion **CARRIED**.

(2) Draft minutes from the Environmental Advisory Committee meeting, May 15, 2008

(3) Draft minutes from the Access Awareness Committee meeting, May 21, 2008

(4) **Draft minutes from the Cultural Advisory Committee meeting, May 27, 2008**

Moved by Councillor Freedman, seconded by Councillor Hundleby to receive Items 2, 3 and 4 for information.

The motion **CARRIED**.

(5) **Memorandum from the Cultural Advisory Committee, dated June 10, 2008, Re: Navy Memorial Window Project**

Moved by Councillor Hundleby, seconded by Councillor Freedman that staff prepare a response to Rear Admiral William A. Hughes requesting that they submit an application to the Local Grant Committee and specify an amount.

The motion **CARRIED**.

12.

COMMUNICATIONS

(1) Letter from the Council of Senior Citizens Organizations of BC, dated May 11, 2008 Re: Seniors Health, Housing and Income in a Global Age-Friendly Community Conference

(2) Letter from John van Dongen, Solicitor General, dated May 23, 2008, Re: Victoria Police Board Challenges

(3) Letter from the Capital Regional District, dated May 23, 2008, Re: Acquisition of Federal Land for Sewage Treatment

Moved by Councillor Linge, seconded by Councillor Freedman that the Township prepare correspondence to Minister Strahl requesting that they be kept informed of discussions with the CRD regarding the possible release of lands at Macaulay Point.

The motion **CARRIED**.

Moved by Councillor Desjardins, seconded by Councillor Hundleby that the Township prepare a response to CRD Chair Denise Blackwell regarding language used in her correspondence of May 23, 2008.

The motion **CARRIED**.

(4) Letter from Kim Bellefontaine, dated May 26, 2008, Re: Duplex Review Report Recommendations

(5) Letter from Minister Ida Chong, dated May 30, 2008, Re: 2008/09 Small Community Grants

(6) Letter from the Greater Victoria Public Library Board, dated June 2, 2008, Re: Five Year Financial Plan

- (7) Letter from Minister Barry Penner, dated June 4, 2008, Re: BC Air Action Plan
- (8) Letter from Minister Rick Thorpe, dated June 10, 2008, Re: Provincial Government Regulatory Reform

Moved by Councillor Linge, seconded by Councillor Hundleby to receive Items 1, 2, 4, 5, 6, 7, 8 for information.
The motion **CARRIED**.

13.

BYLAWS

For Adoption

- (1) **Parks and Recreation Regulation Bylaw, 2007, No. 2665, Amendment Bylaw [No. 1], 2008, No. 2687**

Moved by Councillor Hundleby, seconded by Councillor Freedman that *Parks and Recreation Regulation Bylaw, 2007, No. 2665, Amendment Bylaw [No. 1], 2008, No. 2687* be given final reading and adoption.
The motion **CARRIED**.

- (2) **Ticket Information Utilization Bylaw, 2005, No. 2619, Amendment Bylaw [No. 4], 2008, No. 2688**

Moved by Councillor Freedman, seconded by Councillor Desjardins that *Ticket Information Utilization Bylaw, 2005, No. 2619, Amendment Bylaw [No. 4], 2008, No. 2688* be given final reading and adoption.
The motion **CARRIED**.

14.

NOTICE OF MOTION

- (1) **Notice of Motion from Councillor Sterk, Re: Community Gardens**

The Notice of Motion was introduced and will be brought forward to the July 7 Council Meeting.

15.

PUBLIC QUESTION AND ANSWER PERIOD

- (1) **Diego Lauricella, 933 Shirley Road**

Mr. Lauricella reported that his tenants at the duplex on Shearwater Avenue have been living there for many years and will be faced with hardship in finding other accommodation. He commented that the Bylaw Enforcement Officer is inconsistent in his practices. He also stressed how tight rental accommodation is now and that anyone can complain about a suite

(2) **Dale Woods, 1174 Greenwood Avenue**

Mr. Woods spoke about correspondence from the CRD regarding Federal Lands. He feels they should apologize to First Nations and try to improve their standing and quality of life. He suggested rezoning the land so it could not be used for sewage treatment plant.

16.

ADJOURNMENT

Moved by Councillor Desjardins, seconded by Councillor Hundleby that the meeting be adjourned at 8:18 p.m.

The motion **CARRIED**.

MAYOR OF THE CORPORATION OF THE
TOWNSHIP OF ESQUIMALT
THIS 7th DAY OF JULY, 2008

CERTIFIED CORRECT

TOM DAY
DEPUTY MUNICIPAL CLERK