



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

MINUTES
REGULAR MEETING
OF MUNICIPAL COUNCIL
MONDAY, OCTOBER 6, 2008
7:00 P.M.
COUNCIL CHAMBERS

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

STAFF: T. Day, Chief Administrative Officer
G. Coté, Director of Engineering and Public Works
L. Hurst, Director of Financial Services
B. Snyder, Director of Development Services
C. Morissette, Director of Parks and Recreation
L. Randle, Corporate Officer

1. **CALL TO ORDER**

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

2. **LATE ITEMS**

There were no late items.

3. **APPROVAL OF THE AGENDA**

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

4. **MINUTES**

(1) **Minutes of the Regular Meeting of Council,
September 15, 2008**

Moved by Councillor Linge, seconded by Councillor Freedman that the Minutes of the Regular Meeting of Council, September 15, 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) Mr. Barry Hall of Tillicum Road stated that he feels that a late tax penalty of \$109.13 is excessive.

6. **HEARING**

(1) **Development Variance Permit – 372 Pooley Place**

(a) Notice of Hearing

- (b) Background Information: *[Information Available separately]*
- Staff Report No. DEV-08-081

The Mayor convened the hearing at 7:04 p.m. The Director of Development Services provided an overview of the proposal to expand an existing deck for the residence located at 372 Pooley Place. The application is to increase the maximum permitted lot coverage from 30% to 31.4%.

The applicant, Mr. Michael Saari stated that he is seeking the variance so that his deck will be large enough for a Barbeque.

(c) **PUBLIC INPUT**

Six letters from nearby property owners indicating no objections to the proposed deck were included with the staff report. Mayor

Clement invited the applicant to speak and called three times for verbal input from the gallery but no one chose to speak. The Mayor declared the hearing adjourned at 7:06 p.m.

(2) Development Permit with a Variance – 774 Fairview Road

(a) Notice of Hearing

(b) Background Information: *[Information Available separately]*

- Staff Report No. DEV-08-090

The Mayor convened the hearing at 7:06 p.m. The Director of Development Services provided an overview of the proposal to facilitate the reduction in size of the existing building while improving the functionality of the site for business purposes.

(c) PUBLIC INPUT

No written submissions on the application were received. Mayor Clement invited the applicant to speak and called three times for verbal input from the gallery but no one chose to speak. The Mayor declared the hearing adjourned at 7:08 p.m.

7. HEARING STAFF REPORTS

(1) Staff Report No. DEV-08-089, Development Variance Permit, 372 Pooley Place [Lot 1, Section 11, Esquimalt District, Plan VIS2352]

Moved by Councillor Linge, seconded by Councillor Sterk that Development Variance Permit No. 03/2008 authorizing construction as shown on plans submitted with the application stamped “Received June 13, 2008” and as detailed on the elevation drawing and on the BCLS Certificate prepared by Michael Claxton Land Surveying Inc. stamped “Received July 31, 2008” and including the following relaxation to Zoning Bylaw No. 2050 be approved, issued and registered on the title of Lot 1, Section 11, Esquimalt District, Plan VIS2352 (372 Pooley Place).

Section 2050(8)(a) – Lot Coverage – a 1.4% increase in the allowable Lot Coverage from 30% to 31.4% of the Area of a Parcel.

The motion **CARRIED**.

(2) Staff Report No. DEV-08-090, Development Permit with a Variance, 774 Fairview Road [Lot 10, Block 1, Section 10, Esquimalt District, Plan 1127]

Moved by Councillor Desjardins, seconded by Councillor Hundleby that Development Permit No. 14/2008 authorizing construction as shown on architectural and landscape plans

prepared by A.J. Finlayson Architect Ltd., stamped "Received September 24, 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 10, Block 1, Section 10, Esquimalt District, Plan 1127 [774 Fairview Road].

Zoning Bylaw No. 2050, Section 53(6)(b) – Screening and Landscaping – a 1% reduction for the required landscaped area of a parcel, from 5% of the land area of the parcel to 4% of the land area of the parcel and exemption from the requirement to locate landscaping along the front lot line of the property.

Parking Bylaw No. 2011, Section 9(1) – Provision and maintenance of Off-Street Parking and Loading Areas – an exemption from the requirement that maneuvering aisles shall be provided on the same Parcel as the use, building or structure for which they are required.

The motion **CARRIED**.

8. DELEGATIONS

(1) **Benedict and Victoria Chow, Re: Barrier Installation to Prevent Vehicles Sliding onto Property.**

Mr. Chow of Mesher Place explained his desire to have boulders or concrete barriers in front of his house for safety and beautification reasons. Mr. Chow handed out some photos to Council and Staff. Mayor Clement asked that Staff prepare a report on the matter to Council and thanked Mr. Chow for his input.

(2) **Sherri Robinson, Esquimalt Road, Re: A Matter of Municipal Honour.**

Ms. Robinson read a prepared statement explaining how Esquimalt built a Recreation Centre, provided a history of the life of Arthur George Young and urged Council to consider naming the small parcel of land at the Admirals/Colville Road intersection "Arthur Young Park." Mayor Clement advised Ms. Robinson that Council will consider her suggestion.

9. STAFF REPORTS

Administration

(1) Update of Appointment of Directors and Officers, Deputy and Acting Appointments, Staff Report No. ADM-08-028

Moved by Councillor Sterk, seconded by Councillor Hundleby that:

1. The following appointment names be revised and new appointment for Larry Randle be adopted:

Tom Day - Chief Administrative Officer
- Deputy Corporate Administrator

Laurie Hurst – Director of Financial Services
- Collector of Taxes
- Deputy Chief Administrative Officer (in the absence of Tom Day)
- Acting Deputy Corporate Administrator

Larry Randle – Corporate Administrator
- Head, Freedom of Information and Protection of Privacy
- Deputy Chief Election Officer

The motion **CARRIED**.

Finance

(2) Requests for 2008 Property Tax Penalty Reversal, Staff Report No. FIN-08-016

Moved by Councillor Sterk, seconded by Councillor Freedman that Council NOT forward the requests for reversal of the 2008 property tax penalties to the Minister of Community Development.

The motion **CARRIED**.

(3) Permissive Tax Exemptions – 2009, Staff Report No. FIN-08-017

Moved by Councillor Freedman, seconded by Councillor Linge, that Tax Exemption (Non-Profit Organizations) Bylaw 2008, No. 2696 be given 1st, 2nd and 3rd reading.

The Director of Financial Service responded to questions from Council.

The motion **CARRIED**.

(4) Celebration of Lights, Staff Report No. FIN-08-018

Moved by Councillor Desjardins, seconded by Councillor Sterk that Council recognize the Celebration of Lights Committee and support the annual event by adopting an administration policy similar to ADMIN – 39.

The Director of Financial Service responded to questions from Council.

The motion **CARRIED**.

(5) Tax Sale – 2008, Staff Report No. FIN-08-019

Moved by Councillor Linge, seconded by Councillor Sterk that Council receive the report for information.
The motion **CARRIED**.

Development

(6) Use of Remaining Tourism Funds, Staff Report No. DEV-08-083

The Director of Development Services provided an overview of her report and responded to questions from Council.

Moved by Councillor Freedman, seconded by Councillor Sterk that Staff be authorized to investigate the cost of providing information kiosks only to be installed at both the entrance to the West Bay Walkway and the old municipal hall site adjacent to Esquimalt Road and if the costs would not exceed the funds remaining in the Community Tourism Program grant that staff be authorized to proceed with the installation.

The motion **CARRIED**.

Moved by Councillor Desjardins, seconded by Councillor Linge that tourism funds be allocated toward a communication plan to advise the public information kiosks are in place, if funds permit.

The motion **CARRIED**.

(7) Amendment to Zoning Bylaw for Accessory Structures, Staff Report No. DEV-08-087

Moved by Councillor Sterk, seconded by Councillor Hundleby:

- 1) That ZONING BYLAW, 1992, No. 2050, AMENDMENT BYLAW (No. 182), 2008, No. 2699 which would allow for an Accessory Building for urban hens to be located within the front yard setback, provided it is suitable screened, be given 1st and 2nd reading; and
- 2) That staff be directed to advertise the proposed amendment and schedule a Public Hearing for November 3, 2008.

The motion **CARRIED**.

(8) Proposed Amendment to the Regional Growth Strategy Arbitration Process, Staff Report No. DEV-08-088

Council was concerned with the distribution of costs associated with the arbitration.

Moved by Councillor Sterk, seconded by Councillor Hundleby that the arbitrator be informed that Esquimalt would like the opportunity to participate in the arbitration process.

The motion was **DEFEATED**.

Councillor Sterk voted in favour of the motion.

Parks and Recreation

- (9)** Community Gardens Policy, Staff Report No. P&R-08-015

Moved by Councillor Sterk, seconded by Councillor Linge that Council endorse the Township of Esquimalt Community Gardens Policy.

The motion **CARRIED**.

- (10)** Regional Recreation Pass, Staff Report No. P&R-08-016

Moved by Councillor Sterk, seconded by Councillor Hundleby:

- 1) That Council support the Intermunicipal Recreation Pass initiative; and
- 2) That Parks and Recreation Regulation Bylaw 2007, No. 2665, Amendment Bylaw (No. 2) 2008, No. 2700 be given 1st, 2nd and 3rd reading.

The motion **CARRIED**.

10.

MAYOR'S AND COUNCILLOR'S REPORTS

- 1) Report from Mayor Clement, Federation of Canadian Municipalities (FCM) National Board of Director Meetings, Jasper, Alberta, September 3 – 6, 2008

Moved by Councillor Sterk, seconded by Councillor Hundleby that the Mayor's Report from the FCM meetings held in Jasper, Alberta be received.

The motion **CARRIED**.

- 2) Report from Councillor Desjardins, Request for Funding to Attend Federation of Canadian Municipalities (FCM) Committee Meetings, November 19 – 22, 2008

Moved by Councillor Desjardins, seconded by Councillor Linge that funding of up to \$1500 be budgeted for the Mayor Elect to attend the FCM meetings in November in Ottawa.

The motion **CARRIED**.

Councillor Freedman opposed.

11.

REPORTS FROM COMMITTEES

- (1)** Committee of the Whole Report, October 6, 2008 included the following departmental reports:

- (1) CAO's Second Period Report, Staff Report No. ADM-08-024
- (2) Financial Services, Staff Report No. FIN-08-012

- (3) Corporate Services, Staff Report No. ADM-08-027
- (4) Development Services, Staff Report No. DEV-08-079
- (5) Engineering and Public Works, Staff Report No. EPW-08-037
- (6) Parks and Recreation Services, Staff Report No. P&R-08-014
- (7) Esquimalt Fire Rescue, Staff Report No. FIRE-08-009
- (8) Victoria Police Department, West Division

Moved by Councillor Linge, seconded by Councillor Freedman that all departmental reports presented at the October 6, 2008 Special Committee of the Whole meeting be received.
The motion **CARRIED**.

Moved by Councillor Sterk, seconded by Councillor Desjardins that the 2008 – 2009 Strategic Plan, Staff Report No. ADM-08-029 be received.
The motion **CARRIED**.

- (2) Minutes from the Advisory Planning Commission meeting, June 17, 2008
Moved by Councillor Sterk, seconded by Councillor Desjardins that the Minutes from the Advisory Planning Commission meeting held June 17, 2008 be received.
The motion **CARRIED**.
- (3) Minutes from the Advisory Planning Commission meeting, July 15, 2008
Moved by Councillor Linge, seconded by Councillor Hundleby that the Minutes from the Advisory Planning Commission meeting held July 15, 2008 be received.
The motion **CARRIED**.
- (4) Draft minutes from the Advisory Planning Commission meeting, August 19, 2008
Moved by Councillor Desjardins, seconded by Councillor Linge that the Draft minutes from the Advisory Planning Commission meeting held August 19, 2008 be received.
The motion **CARRIED**.
- (5) Draft minutes from the Parks and Recreation Commission meeting, September 11, 2008
Moved by Councillor Sterk, seconded by Councillor Desjardins that the Draft minutes from the Parks and Recreation Commission meeting held September 11, 2008 be received.

The motion **CARRIED**.

- (6) Draft minutes from the Access Awareness Committee meeting, September 17, 2008
Moved by Councillor Hundleby, seconded by Councillor Freedman that the Draft minutes from the Access Awareness Committee meeting, September 17, 2008 be received.
The motion **CARRIED**.

12. COMMUNICATIONS

- (1) Letter from Shoreline Community Middle School, dated September 11, 2008, Re: Thank You for Local Grant
- (2) Email from Benthe Jansen-Jones, dated September 12, 2008, Re: Staff Report Re: Traffic on Old Esquimalt Road

Moved by Councillor Sterk, seconded by Councillor Desjardins that the e-mail be received and that the Director of Engineering and Public Works respond in writing to Benthe Jansen-Jones' concerns.

The motion **CARRIED**.

- (3) Letter from the International Brotherhood of Electrical Workers, dated September 12, 2008, Re: Victoria Needs Diversity in their Transportation System
- (4) Letter from Minister Tom Christensen, dated September 16, 2008, Re: Foster Family Month
- (5) Letter from the Victoria Police Board, dated September 17, 2008, Re: September 8th Times Colonist Newspaper Advertisement

Moved by Councillor Desjardins, seconded by Councillor Hundleby that the letter be received.

The motion **CARRIED**.

- (6) Email from Geoff Pearce, dated September 18, 2008, Re: Revised Commuter Rail Referendum Question Report
- (7) Letter from the Capital Regional District, dated September 19, 2008, Re: CRD Bylaw 3558, Traffic Safety Commission Establishment Bylaw No. 1, 1990, Amendment Bylaw No 2, 2008
Moved by Councillor Sterk, seconded by Councillor Hundleby that the Township of Esquimalt Council consents to the adoption of CRD Bylaw 3558.
The motion **CARRIED**.

- (8) Letter from the BC First Nations Forestry Council, dated September 26, 2008, Re: First Nations Federal Election Campaign Petition – Mountain Pine Beetle

Moved by Councillor Freedman, seconded by Councillor Desjardins that the letter be received.
The motion **CARRIED**.

Moved by Councillor Linge, seconded by Councillor Desjardins that items 1, 3, 4 and 6 be received for information.
The motion **CARRIED**.

13. BYLAWS

- (1) Animal Bylaw, 2002, No.2495, Amendment Bylaw [No. 3], 2008, No. 2692

Moved by Councillor Freedman, seconded by Councillor Sterk that Animal Bylaw, 2002, No.2495, Amendment Bylaw [No. 3], 2008, No. 2692 be adopted.
The motion **CARRIED**.

14. NOTICE OF MOTION

(1) Notice of Motion from Councillor Freedman, Re: Capital Regional Emergency System Telecommunications Inc. (CREST)

(2) Notice of Motion from Councillor Desjardins, Re: Neighbourhood Zero Emission Vehicles

The Notices of Motion were introduced and will be brought forward to the October 20, 2008 Regular Council meeting.

15. PUBLIC QUESTION AND COMMENT PERIOD

Ms. Alison Gaul of Grenville Avenue asked whether work on the Esquimalt Village Project had stopped. Mayor Clement explained that it had not but would continue after the local election. Ms. Gaul requested that the May 22, 2008 report on the project be placed on-line and the Mayor agreed that it could be.

Ms. Sherri Robinson of Esquimalt Road spoke about tourism development generally.

16. MOTION TO GO IN CAMERA

Moved by Councillor Sterk, seconded by Councillor Hundleby Council convene *In Camera* pursuant to Section 90 of the *Community Charter* to discuss receipt of advice that is subject to solicitor-client privilege and labour relations and other employee relations, pursuant to Sections 90(1) (i) and (c) and that the general public be excluded.
The motion **CARRIED**.

17.

ADJOURNMENT

Moved by Councillor Sterk, seconded by Councillor Hundleby
that the meeting be adjourned at 8:16 p.m.
The motion **CARRIED.**

MAYOR OF THE CORPORATION OF THE
TOWNSHIP OF ESQUIMALT
THIS 20th DAY OF OCTOBER, 2008

CERTIFIED CORRECT

LARRY RANDLE
CORPORATE OFFICER