



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

## MINUTES REGULAR MEETING OF MUNICIPAL COUNCIL MONDAY, APRIL 6, 2009 7:00 P.M. COUNCIL CHAMBERS

**PRESENT:** Mayor Barbara Desjardins  
Councillor Bruce McIldoon  
Councillor Alison Gaul  
Councillor Lynda Hundleby  
Councillor Meagan Brame  
Councillor Donald Linge  
Councillor Randall Garrison

**STAFF:** G. Coté, Director of Engineering and Public Works (Acting Chief  
Administrative Officer)  
L. Randle, Manager of Corporate Services  
B. Snyder, Director of Development Services (departed at 9:56  
p.m.)  
A. Katschor, Acting Director of Parks and Recreation (departed  
at 10:18 p.m.)  
J. Byron, Manager of Recreation (departed at 10:18 p.m.)

1. **CALL TO ORDER**

Mayor Desjardins called the meeting to order at 7:05 p.m.

2. **LATE ITEMS**

There were no late items.

3. **APPROVAL OF THE AGENDA**

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

4. **MINUTES**

(1) **Minutes of the Regular Meeting of Council, March 16, 2009**

Moved by Councillor Garrison, seconded by Councillor Hundleby that the Minutes of the Regular Meeting of Council, March 16, 2009 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.*

6. **DELEGATION**

(1) Terry Prentice and Rod Lavergne, Re: Required Need to Amend Zoning Bylaw

Mr. Prentice and Mr. Lavergne distributed a handout titled "Report on Secondary Suites in Esquimalt" and read a prepared statement on the matter. The statement included suggestions about how secondary suites in Esquimalt should be managed.

Council asked that staff prepare a report on the delegation's report and present it at a Committee of the Whole meeting and invite Mr. Prentice and Mr. Lavergne to be present.

Councillor Garrison declared a conflict of interest and left Council chambers at 7:16 p.m. due to the fact that he presently resides as a tenant in a building which contains an illegal secondary suite.

Moved by Councillor Gaul, seconded by Councillor Linge that staff not pursue enforcement of the Zoning Bylaw respecting secondary suites in the single family residential zone until the secondary suite issue review is complete.

The motion **CARRIED**.

Councillor Garrison returned to Council chambers at 7:20 p.m.

7. **PUBLIC CONSULTATION ON 2009 – 2011 DRAFT STRATEGIC PLAN**

Mayor Desjardins noted that on page 6 of the Draft Strategic Plan the following action has been added:

Ensure policing services are affordable for Esquimalt.

Mayor Desjardins invited comments from the public regarding the Draft Strategic Plan.

- Muriel Dunn 1193 Old Esquimalt Road, stated that page 4 of the Plan contains a contradiction respecting the Archie Browning Sports Centre. She asked if there are still plans for a new arena. The Mayor explained the importance of long-term planning which considers all options regarding the communities' future.
- Rod Lavergne 485 Fraser Street, says that Esquimalt is not a bit tourist destination and asks why we are applying for tourism grants. He stated that nobody reads consultant reports.
- Dale Wood 1174 Greenwood Avenue, stated he does not want to see the Archie Browning Sports Centre or its parking lot removed. He urges Council to not spend \$300,000 on a consultant's report but would like to see an objective in the Strategic Plan that includes and assessment of the Sports Centre.

Mr. Wood said that the forced amalgamation of the Esquimalt and Victoria Police was deemed to be illegal by the Township's legal counsel. He says the Township should get another legal opinion on whether the Township would likely be successful if the amalgamation was challenged in court.

He would also like to see long-term, sustainable economic growth included in the Strategic Plan.

- Lorne Newson 315 Plaskett Place, says he spent almost 40 years in policing and asks why Esquimalt contracts police services to another municipality. He suggested that an Esquimalt Police Department should be established or if that is not feasible, then Esquimalt should ask the Solicitor General for an RCMP detachment or contract with Saanich for police services.

Moved by Councillor Brame, seconded by Councillor Garrison that the written submissions received from Marvin Ringham and Benthe Jansen-Jones regarding the Strategic Plan be received.

The motion **CARRIED**.

**8. PUBLIC HEARING – ZONING BYLAW AMENDMENT [NO. 183] 2009,  
NO. 2704, 1191 MUNRO STREET**

Mayor Desjardins read an opening statement respecting the purpose and procedures for the public hearing.

The Director of Development Services summarized the application.

The applicant, Donna Humphries of 1124 Highrock Avenue and her sister, Jill McLean of 1320 Grant Avenue spoke on behalf of the property owner, Ian Humphries. A prepared statement was read aloud. Some issues noted were that infill housing has been created in other parts of Esquimalt and in the neighbourhood, the applicant is not a developer, renovation of the existing structure is not feasible and it will be demolished regardless of the outcome of the re-zoning application.

Four development options for the property were presented. Ms. Humphries stated that change will happen at 1191 Munro Street and that the creation of two lots will result in less lot coverage than if the existing lot remains as one parcel.

Mayor Desjardins invited input from the public.

- Richard Fisher 678 Fernhill Road, was given permission in writing by Valerie Nathan and Edris Seale to speak on their behalf. Mr. Fisher read a statement prepared by Ms. Nathan and Ms. Seale. It summarized the history of the lot. Other points made included a statement that the rezoning would not be fair to neighbours, acknowledgment of a 79-signature petition against the rezoning and that the only benefit would be for the owner's financial benefit.

Some photos and diagrams of the property and adjacent properties were displayed. The statement also claimed the overall impact of the rezoning, if approved, will be negative, it will devalue Ms. Nathan's and Ms. Seale's property and erode their quality of life. Council was reminded that in November, 2008 the Advisory Planning Commission did not support the application.

- Lorne Newson 315 Plaskett Place, says the previous written statement was full of inaccuracies. The petition has 7 statements at the top and he wonders if those who signed it really agree with them all. He asked Council to look at the signatures and addresses on the petition and that some of them live on panhandle lots. He suggested that a number of the signatures are questionable as some of the people on the petition live far from 1191 Munro Street.
- Wayne Weber 1174 Hadfield Avenue, would like to see the current owners develop the property rather than have them sell it to a developer. He expressed concern that townhouses could be built on the property and stated that he is opposed to the zoning bylaw amendment.

- Colleen Mathews 1195 Munro Street, says she went door to door with Edris Seale to get the petition signed. She concluded by saying that if the zoning bylaw amendment is approved it will ruin the neighbourhood.
- Beth Burton-Krahn 1101 Hadfield Avenue, is opposed to panhandle lots generally.
- Fil Ferri 1162 Hadfield Avenue, says he is opposed to the proposed panhandle lot because it will ruin the privacy of adjacent lots. He also states that if the lot is subdivided there will be little control over what gets constructed. Large lots are nice and he would like it to remain one lot.
- Terry Prentice 1297 Rockcrest Avenue, was on Council when the subdivision of the property was approved in 1993. He says the Advisory Planning Commission did not fully understand the application. He says the property is not in a comprehensive development zone. Staff has told Council that the application is in compliance with Zoning Bylaw requirements and therefore, the application should not have even gone to the Advisory Planning Commission – it's purely a Council decision whether to approve the zoning amendment.
- Penny Campbell, 329 Plaskett Place, supports the panhandle based on its own merits. She says it would be a good Council decision to approve the zoning amendment.
- Andrew Holenchuk 69 Fernhill Road, questioned the value of the petition and knows some who signed it live on panhandle lots. He says that this panhandle lot would suit the neighbourhood.
- Ian Black 461 Grafton, says this property has no impact on his view. However, Saxe Point Park is a rare and special place and we should not put any more pressure on this natural area. He is opposed to the proposed Zoning Bylaw amendment.
- Muriel Dunn 1193 Old Esquimalt Road, pointed out that people don't own or buy the view.
- Dale Wood 1174 Greenwood Avenue, spoke against the proposal. The problem with the proposal is that it would give carte blanche to the developer. Whatever happens on this property will impact Saxe Point Park. He thinks an alternative to the proposed panhandle could be found. He thinks one alternative worthy of consideration would be to create strata lots on the property.
- Christina Gustafson 1175 Munro Street, says she signed the petition and knew exactly what she was signing. Panhandle lots are odd and should generally not be allowed. It won't enhance or improve the community. She further stated that just because panhandle lots were allowed in the past doesn't mean that they should be allowed now.

Mayor Desjardins provided a final opportunity to receive input from the public. No further input from the public was received.

The Mayor adjourned the public hearing at 8:57 p.m.

The Mayor called a short recess at 8:57 p.m.

The Mayor reconvened the meeting at 9:08 p.m.

## **9. HEARING**

At 9:08 p.m. the Mayor opened the hearing for the proposed Development Permit with Variances for 1405 Esquimalt Road.

Mr. Michael Levin, Architect, gave a presentation on the proposal.

Mayor Desjardins invited public input on the proposal.

- Kathy Vansickle 506 Grafton Street, is concerned about the driveway to the building and wants to see repairs completed such as backfilling into the major undercut adjacent to the building in which she lives.

Mayor Desjardins invited public input for a second time.

- Mr. Levin noted that 6 units could be converted to disabled units and that the proposed roof terrace would exceed the amount of open space required for this development.
- Mary Hall 506 Grafton Street, says she is reluctant to see the building go up. Dust and blasting problems are associated with the construction at this site. The original developer should fulfill the promise to clean up the inside and outside of the building at 506 Grafton.
- Emy Labonte 873 Dunsmuir Road, says she understands that dust can be a major problem. She suggested that perhaps the developer could take measures to reduce dust for nearby residents.

Mayor Desjardins invited public input for a third and final time. No further input from the public was received.

The Mayor adjourned the hearing at 9:20 p.m.

## **10. PUBLIC HEARING / HEARING STAFF REPORTS**

- (1) Rezoning Application, 1191 Munro Street, [Lot AM 5, Section 11, Esquimalt District, Plan 5391], Staff Report No. DEV-09-019

Moved by Councillor Linge, seconded by Councillor Hundleby that Bylaw No. 2704, which would amend Zoning Bylaw No. 2050 by

changing the zoning designation of that portion of 1191 Munro Street [Lot AM 5, Section 11, Esquimalt District, Plan 5391] shown cross-hatched on Schedule 'A' of the amending bylaw from RS-1 [Single Family Residential] to RS-2 [Single Family Panhandle Residential], be given third reading and adoption.

The motion **CARRIED**.

The motion was opposed by Mayor Desjardins and Councillors Gaul and McIldoon.

- (2) Development Permit with Variances, 1405 Esquimalt Road [Lot 1, Suburban Lot 26, Esquimalt District, Plan VIP73731] Staff Report No. DEV-09-018

Moved by Councillor Linge, seconded by Councillor Hundleby the application for a Development Permit, limiting the form and character of development to that shown on architectural and landscape plans prepared by Praxis Architects Inc., stamped "Received January 15, 2009", and including the following variances to Zoning Bylaw No. 2050 and Parking Bylaw No. 2011, be **approved, issued and registered** on the title of Lot 1, Suburban Lot 26, Esquimalt District, Plan VIP73731 [1405 Esquimalt Road].

The motion **CARRIED**.

The Director of Development Services departed at 9:56 p.m.

## 11. UNFINISHED BUSINESS

- (1) From the Regular Council Meeting, February 2, 2009
  - (a) Development of Freeman Ken Hill Park
    - Freeman Ken Hill Park, Staff Report No. P&R-09-013

Moved by Councillor Linge, seconded by Councillor Brame that staff bring back a report to Council for use of the park identifying the pros and cons of proceeding with phased in development.

The motion **CARRIED**.

- (2) From the Regular Council Meeting, March 16, 2009
  - (b) 2009 – 2011 Strategic Plan

Moved by Councillor Linge, seconded by Councillor Garrison that the draft 2009 – 2011 Strategic Plan be brought back to the next Committee of the Whole meeting for further consideration.

The motion **CARRIED**.

## 12. STAFF REPORTS

### *Administration*

- (1) Failure to File Campaign Financing Disclosure Statement, Staff Report No. ADM-09-020

Moved by Councillor Hundleby, seconded by Councillor Brame that Staff Report No. ADM-09-020 titled Failure to File Campaign Financing Disclosure Statement be received.

The motion **CARRIED**.

*Engineering and Public Works*

- (2) Craigflower Road Phase 2 – Engineering Consultant Selection, Staff Report No. EPW-09-020

At 10:08 p.m. Mayor Desjardins declared a conflict of interest due to her husband's business interest and left the meeting. Councillor Linge took over as Chairperson in the Mayor's absence.

Moved by Councillor Garrison, seconded by Councillor Hundleby that Council approves retaining Focus Corporation for engineering services related to the Craigflower Road Corridor Upgrade Phase 2 project. The contract includes detailed design, services during tendering and construction inspections for the sum of \$314,620 including GST.

The motion **CARRIED**.

At 10:10 Mayor Desjardins returned to the meeting and resumed her role as Chairperson.

*Parks and Recreation*

- (3) Naming of Former Concession Building in Esquimalt Gorge Park; Staff Report No. P&R-09-014

Moved by Councillor Hundleby, seconded by Councillor Garrison that a decision on approving the naming of the former concession building in Esquimalt Gorge Park be postponed and that staff communicate with the SeaChange Society to see what alternative names they may wish to propose.

The motion **CARRIED**.

- (4) Olympic Torch Relay, Staff Report No. P&R-09-015

Moved by Councillor Linge, seconded by Councillor Gaul that Council appoint a community based select committee to plan festivities for the Olympic Torch Relay occurring October 30, 2009, including the appointment of at least one member of Council.

The motion **CARRIED**.

At 10:18 p.m. the Acting Director of Parks and Recreation and the Manager of Recreation departed.

**13.**

**MAYOR'S AND COUNCILLORS' REPORTS**

- (1) Report from Mayor Desjardins, Activities for January – March
- (2) Verbal Report from Councillor Gaul, Activities for December 2008 – March 2009



- (3) Report from Councillor Brame, Activities for December 2008 – March 2009
- (4) Report from Councillor Garrison, External Activities on Behalf of Esquimalt

Moved by Councillor Hundleby, seconded by Councillor Garrison that items 1, 3 and 4 be received.

The motion **CARRIED**.

Councillors Gaul, Hundleby and McIlldoon gave verbal reports on their Council-related activities.

#### **14. REPORTS FROM COMMITTEES**

- (1) Draft minutes of the Parks and Recreation Advisory Committee meeting, March 12, 2009
- (2) Draft minutes of the Advisory Planning Commission meeting, March 17, 2009
- (3) Draft minutes of the Environmental Advisory Committee meeting, March 19, 2009

Moved by Councillor Hundleby, seconded by Councillor Garrison that the draft minutes from the Parks and Recreation Advisory Committee meeting held March 12, 2009, the Advisory Planning Commission meeting held March 17, 2009 and the Environmental Advisory Committee meeting, held March 19, 2009 be received.

The motion **CARRIED**.

#### **15. COMMUNICATIONS**

- (1) Letter from the Greater Victoria Public Library Board, dated March 13, 2009, Re: Greater Victoria Public Library Facilities Plan

Moved by Councillor Garrison, seconded by Councillor Gaul that Councillor Gaul and the Chief Administrative Officer meet with the Greater Victoria Public Library Board about their facilities plan.

The motion **CARRIED**.

- (2) Letter from the UBCM Secretariat, dated March 16, 2009, Re: Proposed Indigenous Recognition Act

Moved by Councillor Garrison, seconded by Councillor Hundleby the letter from the UBCM Secretariat, dated March 16, 2009, Re: Proposed Indigenous Recognition Act be received.

The motion **CARRIED**.

- (3) Letter from Minister Kevin Krueger, Ministry of Community

Development, dated March 20, 2009, Re: Towns of Tomorrow and LocalMotion Grant Funding

Moved by Councillor Garrison, seconded by Councillor Brame that the letter from Minister Kevin Krueger Re: Towns of Tomorrow and LocalMotion Grant Funding be received.  
The motion **CARRIED**.

**16. PUBLIC QUESTION AND COMMENT PERIOD**

➤ Terry Prentice 1297 Rockcrest Avenue, is concerned about rumours from the Fire Department and urged Council to investigate and then rise and report their findings to the public.

Rod Lavergne 45 Fraser Street, asked how much the municipality is paying per foot for signage replacement. He suggested that the logo on signs be made large enough for visually impaired people to see. He urged Council to purchase the 1191 Munro Street property.

**17. ADJOURNMENT**

Moved by Councillor Brame, seconded by Councillor Hundleby that the meeting be adjourned at 10:35 p.m.  
The motion **CARRIED**.

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MAYOR OF THE CORPORATION OF THE  
TOWNSHIP OF ESQUIMALT  
THIS 20<sup>th</sup> DAY OF APRIL, 2009

CERTIFIED CORRECT

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LARRY RANDLE  
CORPORATE OFFICER