



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

MINUTES
REGULAR MEETING
OF MUNICIPAL COUNCIL
TUESDAY, JUNE 1, 2009
7:00 P.M.
COUNCIL CHAMBERS

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

REGRETS: Councillor Lynda Hundleby

STAFF: L. Hurst, I/Chief Administrative Officer
G. Coté, Director of Engineering and Public Works
B. Snyder, Director of Development Services
C. Evans, Manager of Corporate Services

PUBLIC: 21 members of the public

1. **CALL TO ORDER**

Mayor Desjardins called the meeting to order at 7:00 p.m.

2. **LATE ITEMS**

There were no late items.

3. **APPROVAL OF THE AGENDA**

Moved by Councillor Brame, seconded by Councillor Linge, that the agenda be approved.

The motion **CARRIED**.

4. **PRESENTATION**

(1) Mayor's Introduction – Sandy Rozen

Mayor Desjardins recognized Sandy Rozon for her extensive volunteer efforts and passion for the community and presented Ms. Rozon with a one year membership to the municipal parks and recreation facility.

(2) Mayor's Introduction – Carollyne Evans

Mayor Desjardins introduced the new Manager of Corporate Services, Carollyne Evans. Ms. Evans stated she was delighted to join the municipality and was looking forward to the new challenges ahead.

Mayor's Introduction – Gary McCartie

(3) Mayor Desjardins introduced Tourism Project Manager Gary McCartie. Mr. McCartie stated he was very impressed with the rich history and liveliness of what Esquimalt has to offer. The well-organized archival material is outstanding and he is excited to be working on a tourism improvement plan which will include a visual library, updated website and resurrection of walking tours.

5. **MINUTES**

(1) Minutes of the Regular Meeting of Council, May 19, 2009

(2) Minutes of the Special Meeting of Council, May 25, 2009

Moved by Councillor Linge, seconded by Councillor Brame that the minutes of the Regular Meeting of Council, May 19 and the Special Meeting of Council, May 25, be adopted.

The motion **CARRIED**.

6. PUBLIC INPUT (On items listed on the Agenda)
Excluding items which are or have been the subject of a Public Hearing.

Mayor Desjardins invited public input but nobody came forth.

7. HEARINGS

**(1) HEARING – DEVELOPMENT VARIANCE PERMIT
[1206 WYCHBURY AVENUE]**

- (a) Notice of Hearing
- (b) Background Information – *Available for Viewing Separately*
 - Staff Report No. DEV-09-036

The Mayor convened the hearing at 7:15 p.m.

Director of Development Services – outlined the details of the application request.

Applicant - Valentia Chuback stated that when the sunroom was built 17 years ago the contractor built an unapproved extra foot. The sunroom is now is leaking and to replace, walls and windows will be added. The floor space will remain the same.

Public Input – Mayor Desjardins called 3 times for public input but no input was received.

The Mayor adjourned the hearing at 7:20 p.m.

**(2) HEARING – DEVELOPMENT VARIANCE PERMIT
[677 ADMIRALS ROAD]**

- (a) Notice of Hearing
- (b) Background Information – *Available for Viewing Separately*
 - Staff Report No. DEV-09-035

The Mayor convened the hearing at 7:20 p.m.

Director of Development Services – outlined the details of the application request.

Applicant - Peter Volchek stated a higher solid wood fence will add some privacy and reduce noise from vehicle traffic and transit bus from busy intersection at Woodway and Admirals Road.

Public Input – Mayor Desjardins called 3 times for public input but no input was received.

The Mayor adjourned the hearing at 7:25 p.m.

8. HEARING STAFF REPORTS

- (3) Hearing for Development Variance Permit, 1206 Wychbury Avenue [Lot 7, Section 11, Esquimalt District, Plan 21838], Staff Report No. DEV-09-036

Moved by Councillor Linge, seconded by Councillor Brame that the application for a Development Variance Permit authorizing construction as shown on the site plan and construction drawings stamped "Received March 25, 2009", and including the variance noted below, for the proposed sunroom replacement be **approved, issued and registered** on the title of Lot 7, Section 11, Esquimalt District, Plan 218387 [1206 Wychbury Avenue].

Zoning Bylaw No. 2050, Section 40(9)(iii) – Rear Setback – a 0.65 metre decrease in the required setback from the rear lot line for the principal building, i.e. from 7.5 metres to 6.85 metres.

The motion **CARRIED**.

- (3) Hearing for Development Variance Permit, 677 Admirals Road [Strata Lot 1, Suburban Lot 50, Section 11, Esquimalt District, Plan VIS3131], Staff Report No. DEV-09-35

Moved by Councillor Brame, seconded by Councillor McIldoon that the application for a Development Variance Permit authorizing installation of a 1.83 metre wooden fence in front of the front face of the principal building, to be constructed as shown on photographic examples submitted with the application stamped "Received April 9, 2009", and including the following variance to Zoning Bylaw No. 2050, be **approved, issued and registered** on the title of Strata Lot 1, Suburban Lot 50, Section 11, Esquimalt District, Plan VIS3131 [677 Admirals Road].

Section 38(11) – Fence – a 0.63 metre increase to the permitted fence height in front of the front face of the Principal Building from 1.2 metres to 1.83 metres.

Discussion:

Councillor Garrison stated his concerns with precedent setting allowing a high fence and its impact on existing trees. Councillor Garrison stated he understands the applicant's desire to mitigate noise, and trees and shrubs would provide a more effective barrier. The motion **CARRIED WITH COUNCILLOR GARRISON OPPOSED**.

9. DELEGATIONS

- (1) Tony Gibb, Re: Property on Grafton Street
Mr. Gibb of 1381 Lyall Road stated the property at 491 Grafton Street is being used improperly as a business under the Zoning Bylaw as a recovery house for short term stays for recovering

addicts, with a potential 16 beds. He stated the house has a long history of problems with police for drug use and fighting in the street, and is not maintained by the landlord. Although Mr. Gibb respects the good intention of the property's use, it is not appropriately located in a residential area and urged Council to enforce its bylaws.

- (2) Brandi Tinkler, Re: Esquimalt High School Curling Academy
Ms. Tinkler stated she appreciated the opportunity to attend the academy and had done very well in curling competitions. Coach Cindy Tucker was also in attendance and added it was an exciting first year with an initial enrollment of 8 students and 12 already registered for next year. Ms. Tucker would appreciate being contacted if anyone can help out with the home stay situation.

9. STAFF REPORTS

Administration

- (1) Appointment of Corporate Administrator, Staff Report No. ADM-09-025

Moved by Councillor Brame, seconded by Councillor Gaul that the appointment of Larry Randle as Corporate Administrator and Head, Freedom of Information and Protection of Privacy be rescinded effective April 24, 2009 and

That effective June 1, 2009 Carollyne Evans be appointed as Corporate Administrator and Head, Freedom of Information and Protection of Privacy.

The motion **CARRIED**.

Parks and Recreation

- (2) Access Awareness Day, Staff Report No. P&R-09-021

Moved by Councillor Linge, seconded by Councillor Brame that June 6, 2009 be proclaimed Access Awareness Day in Esquimalt and that Mayor and Council be invited to participate in Access Awareness Day activities.

The motion **CARRIED**.

Councillor Linge noted that the Committee has been very active over the last year and a half attempting to ensure the municipality is accessible to all residents for a wide range of definitions of accessibility.

Engineering and Public Works

- (3) Bylaw to Establish a Local Service Area for a Sidewalk, Staff Report No. EPW-09-024

Moved by Councillor Garrison, seconded by Councillor Gaul that Bylaw No. 2698 "Craigflower Road (Gorge Vale Golf Club) Local Area Service Bylaw, 2008" to establish a local service area to construct a concrete sidewalk, curb and gutter for a distance of 165m along Craigflower Road be adopted.
The motion **CARRIED**.

Finance

- (4) Local Grant Application, Staff Report No. FIN-09-017

Council noted this is a late application from the Greater Victoria Development Agency whose purpose is to provide coordinated regional economic development. They are requesting \$10,000 and the balance of the local grants fund is \$5,595.

Moved by Councillor Linge, seconded by Councillor Brame that Council approve \$1,000 in funding from the local grants fund for the Greater Victoria Development Agency for economic development services.

The motion **CARRIED**.

Development Services

- (5) Livable Cities Conference Portland, Staff Report No. DEV-09-030

Moved by Councillor Garrison, seconded by Councillor Brame that the Staff Report on the Livable Cities conference held May 12, 2009 in Portland, Oregon be received.

The motion **CARRIED**.

Mayor Desjardins congratulated Directors Barb Snyder and Andy Katschor for their hard work on the Gorge Creek Restoration Project which received a Certificate of Recognition in the Nature Spaces category from the International Making Cities Livable Board.

- (6) Input from Local Governments to BC Transit's Corporate Strategic Plan, Staff Report No. DEV-09-032

Moved by Councillor Brame, seconded by Councillor Gaul that Mayor Barb Desjardins, Councillor Garrison and senior staff participate in a teleconference call to BC Transit to respond to the questions posed in BC Transit's Corporate Strategic Plan Discussion Paper.

The motion **CARRIED**.

- (7) 493 – 495 Grafton Street – Complaints Regarding the Sub-leasing of 495, Staff Report No. DEV-09-033

The Director of Development Services advised the Zoning Bylaw allows up to four individuals to sublet a property and live as a family as long as the house is not divided into suites. The use of

the property does not fit the definition of rest home and recovery centres are not regulated by the province.

Moved by Councillor Garrison, seconded by Councillor Gaul that further information regarding the use of the property located at 493 – 495 Grafton Street be received from the property owners [Guang-Ming Chen and Shue Guo], Lessee (Neway Recovery House) and residents.

The motion **CARRIED**.

The Mayor called for input from the public.

1. Sue Donaldson of 1577 Lyall Street stated the property is being used as institutional use with food services, general maintenance, appointments and curfew and monitoring carried out, contrary to R1 provisions in the Zoning Bylaw.
2. Heather Peters of 490 Grafton Street stated there are queen size beds set up to accommodate 6 people and a further 2 queen size beds set up for emergencies. The property is shabby and in disrepair.

Council concerns:

1. Staff to confirm status of policing issues at the property
2. Staff to confirm Neway's business status with the Better Business Bureau
3. Staff to confirm details of business licence and inspect property to ensure business licence requirements are being met
4. Income being generated for short-term tenancy in residential area needs to be regulated
5. People in recovery require a healthy, structured environment with some privacy; half-way houses need to be located in designated areas where municipality and residents are aware
6. Council nor staff not invited to Neway's Open House

Moved by Councillor Garrison, seconded by Councillor Linge that Staff investigate further the status of the use of the property located at 493-495 Grafton Street as a business, rooming house or rest home, and that a Staff Report be prepared for Council, with legal opinion, clarifying the status.

The motion **CARRIED**.

- (8) Development Permit, 860 Admirals Road, [Lot 11, Block 7, Section 10, Esquimalt District, Plan 2546], Staff Report No. DEV-09-034

Moved by Councillor Garrison, seconded by Councillor Brame that the application for a Development Permit, limiting the form and character of development to that shown on architectural plans prepared by Java Designs, stamped "Received April 2, 2009" and on the plant list and landscape plan prepared by Exterus Landscape Design Group stamped "Received April 30, 2009" and "Received May 11, 2009" respectively, be **approved, issued and registered** on title of Lot 11, Block 7, Section 10, Esquimalt District, Plan 2546 [860 Admirals Road].
The motion **CARRIED**.

- (9) PMD [Pacific Mobile Depot] Recycling at 800 Viewfield Road, Staff Report No. DEV-09-037

Moved by Councillor Linge, seconded by Councillor Brame that Staff Report No. DEV-09-037 on the Pacific Mobile Depot Recycling site located at 800 Viewfield Road be received, and that Staff monitor the site for a further three week period, re-evaluate the site for noise and criminal activity complaints, and bring back a report to Council.
The motion **CARRIED**.

10. MAYOR'S AND COUNCILLORS' REPORTS

There were no reports given.

The Mayor called a brief recess for 5 minutes from 8:20 p.m. to 8:25 p.m.

11. REPORTS FROM COMMITTEES

- (1) Minutes of the Heritage Advisory Committee meeting, April 15, 2009

Moved by Councillor Garrison, seconded by Councillor Brame that the Minutes of the Heritage Advisory Committee meeting, April 15, 2009, be received.
The motion **CARRIED**.

- (2) Minutes of the Environmental Advisory Committee meeting, April 23, 2009

Moved by Councillor Garrison, seconded by Councillor Brame that the Minutes of the Environmental Advisory Committee meeting, April 23, 2009, be received.
The motion **CARRIED**.

- (3) Minutes of the Centennial Celebrations Select Committee meeting, April 30, 2009

Moved by Councillor Garrison, seconded by Councillor Brame that the minutes of the Centennial Celebrations Select Committee meeting, April 30, 2009, be received.
The motion **CARRIED**.

- (4) Draft Minutes of the Arts, Culture and Special Events Advisory Committee meeting, May 6, 2009

Moved by Councillor Garrison, seconded by Councillor Brame that the minutes of the Arts, Culture and Special Events Advisory Committee meeting, May 6, 2009, be received.
The motion **CARRIED**.

- (5) Draft Minutes of the Access Awareness Committee meeting, May 13, 2009

Moved by Councillor Garrison, seconded by Councillor Brame that the Draft Minutes of the Access Awareness Committee meeting, May 13, 2009, be received.
The motion **CARRIED**.

- (6) Draft Minutes of the Parks & Recreation Advisory Committee meeting, May 14, 2009

Moved by Councillor Garrison, seconded by Councillor Brame that the Draft Minutes of the Parks & Recreation Advisory Committee meeting, May 14, 2009, be received.
The motion **CARRIED**.

Councillor Brame noted for Staff's attention there is a doubling up of assessing the condition of the tennis courts by both the Parks & Recreation Advisory Committee as well as the Centennial Celebrations Select Committee.

- (7) Memorandum from the Access Awareness Committee, dated May 27, 2009, Re: Access Awareness Committee Accomplishments in 2008

The Memorandum was received.

- (8) Memorandum from the Access Awareness Committee, dated May 27, 2009, Re: Bus Shelters

Council requested that Staff consult with Peter Justo on alternatives to tag removal, consult police on quick removal of tags, check with the Victoria Police Department on progress of existing database and report back to Council.

- (9) Memorandum from the Access Awareness Committee, dated May 27, 2009, Re: Sidewalk Ramp Improvements

Moved by Councillor Brame, seconded by Councillor Garrison that the Memorandum from the Access Awareness Committee, dated May 27, 2009, Re: Sidewalk Ramp Improvements be received.

The motion **CARRIED**.

- (10) Memorandum the Arts, Culture and Special Events Advisory Committee, dated May 27, 2009, Re: Township of Esquimalt Calendar of Events

Moved by Councillor Brame, seconded by Councillor Linge that the Memorandum from the Arts, Culture and Special Events Advisory Committee, dated May 27, 2009, Re: Township of Esquimalt Calendar of Events be received at this point, with Staff to provide Council with a report on ownership of the Calendar.

The motion **CARRIED**.

12. COMMUNICATIONS

- (1) Letter from the Capital Regional District , dated May 14, 2009, Re: CRD Bylaw 3614, Traffic Safety Commission Establishment By-law No. 1, 1990, Amendment Bylaw No. 3, 2008

Moved by Councillor Brame, seconded by Councillor Gaul that Council consent to the adoption of Capital Regional District Bylaw 3614, *Traffic Safety Commission Establishment Bylaw No. 1, 1990 Amendment Bylaw No. 3, 2009* which will add the Town of View Royal as a participant in the Extended Service of the Traffic Safety Commission.

The motion **CARRIED**.

- (2) Letter from the Capital Regional District, dated May 14, 2009, Re: CRD Bylaw 3617, Regional Parks Loan Authorization Bylaw No. 1, 2009

Moved by Councillor Garrison, seconded by Councillor Gaul that Council consent to the adoption of Capital Regional District Bylaw No. 3617, *Regional Parks Loan Authorization Bylaw No. 1, 2009*.

The motion **CARRIED**.

Adoption of the bylaw authorizes the borrowing of \$4,540,000 to allow the Capital Regional District to purchase additional land for Regional Parks Service.

- (3) Letter from Boys & Girls Club Services of Greater Victoria, dated May 17, 2009, Re: Letter of Appreciation for Local Grant

Moved by Councillor McIlDoon, seconded by Councillor Brame that the letter from the Boys & Girls Club Services of Greater Victoria, dated May 17, 2009, Re: Letter of Appreciation for Local Grant, be received.

The motion **CARRIED**.

- (4) Letter from Peter Justo, dated May 20, 2009, Re: Publicly Owned Sewage Treatment

Moved by Councillor Garrison, seconded by Councillor Gaul that Council receive the letter from Peter Justo, dated May 20, 2009, Re: Publicly Owned Sewage Treatment and

That Council of the Township of Esquimalt is in favour of publicly owned, managed and operated sewage treatment and other water resources in perpetuity and

That Council representatives on the CRD Board resist any attempt by the provincial government to force a public private partnership scheme to take over the new sewage treatment plant(s).

Discussion:

Council members recognized the strong public support for publicly owned facilities and that P3 partnerships could add additional costs to taxpayers.

Mayor Desjardins stated as a representative on the Capital Regional District Board she could not support the motion at this time as the subject matter has not yet been discussed at the CRD Board table.

Moved by Councillor Garrison, seconded by Councillor Gaul that the resolution be amended by:

(i) striking out "sewage treatment...other...in perpetuity and" in the first paragraph;

(ii) inserting the words "public services and water in the first paragraph

(ii) striking out the entire second paragraph so the motion reads:

That Council of the Township of Esquimalt is in favour of publicly owned, managed and operated public services and water resources in principle.

Discussion:

Councillor Linge stated Council did not have enough information on P3 partnerships to take a position. Councillors McIlDoon and Gaul stated the resolution on the table informs the public Council wants public ownership of facilities.

THE QUESTION WAS CALLED ON THE MAIN MOTION, AS AMENDED, to read:

That Council of the Township of Esquimalt is in favour of publicly owned, managed and operated public services and water resources in principle.

The motion **CARRIED WITH MAYOR DESJARDINS AND COUNCILLOR LINGE OPPOSED.**

- (5) Letter from Citizen and Immigration Canada, dated May 20, 2009, Re: Multiculturalism Program

Moved by Councillor Linge, seconded by Councillor Brame that the letter from Citizen and Immigration Canada, dated May 20, 2009, Re: Multiculturalism Program be received.

The motion **CARRIED.**

- (6) Letter from the Buccaneer Days Committee, dated May 21, 2009, Re: Request for Acting Mayor to Receive Parade Salute

Moved by Councillor Brame, seconded by Councillor Gaul that the letter from the Buccaneer Days Committee, dated May 21, 2009, Re: Request for Acting Mayor to Receive Parade Salute, be received and

That Councillor Gaul is the appointed Acting Mayor for this event. The motion **CARRIED.**

- (7) Letter from Buccaneer Days Committee, dated May 21, 2009, Re: Request for Members of Council to Judge Parade

Moved by Councillor Garrison, seconded by Councillor Gaul that the letter from Buccaneer Days Committee, dated May 21, 2009, re: Request for Members of Council to Judge Parade, be received and

That Councillors Brame, McIldoon and Linge will serve as Judges on Saturday, June 13, 2009.

The motion **CARRIED.**

- (8) Letter from the Maritime Museum of British Columbia Society, dated May 25, 2009, Re: Letter of Appreciation for Local Grant

Moved by Councillor McIldoon, seconded by Councillor Brame, that the letter from the Maritime Museum of British Columbia Society, dated May 25, 2009, Re: Letter of Appreciation for Local Grant, be received.

The motion **CARRIED.**

13. **PUBLIC QUESTION AND COMMENT PERIOD**

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

There were no questions or comments from the public.

14. **MOTION TO GO IN CAMERA**

- (1) Moved by Councillor Brame, seconded by Councillor Garrison to go *In Camera* pursuant to Section 90 of the *Community Charter* to discuss the acquisition, disposition or expropriation of land or improvements, pursuant to Section 90 (1) (e) and that the general public be excluded.

15. **ADJOURNMENT**

Moved by Councillor Brame, seconded by Councillor McIlldoon that the meeting be adjourned at 9:45 p.m.

The motion **CARRIED**.

MAYOR OF THE CORPORATION OF THE
TOWNSHIP OF ESQUIMALT
THIS 1st DAY OF JUNE, 2009

CERTIFIED CORRECT

CAROLLYNE EVANS
CORPORATE OFFICER