



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

MINUTES
REGULAR MEETING
OF MUNICIPAL COUNCIL
TUESDAY, JUNE 15, 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
Councillor Lynda Hundleby

STAFF:

L. Hurst, I/Chief Administrative Officer
B. Snyder, Director of Development Services
S. Hartman, Director of Parks and Recreation
P. Mulcahy, Manager of Human Resources
J. Byron, Manager of Recreation
C. Evans, Manager of Corporate Services

1. CALL TO ORDER

Mayor Desjardins called the meeting to order at 7:00 p.m. She congratulated the Buccaneer Days Organizing Committee for the outstanding job. It was the best event ever and extremely well attended with perfect weather.

2. LATE ITEMS

There were 2 late items:

- (i) Request for Liquor Licence Amendment: Paisley Restaurant Staff Report No. ADM-09-029 to be added as item 10 (8)
- (ii) Report from Councillor Garrison Re: E & N Trail to be added as item 11 (1)

3. APPROVAL OF THE AGENDA

Moved by Councillor Brame, seconded by Councillor Hundleby, that the agenda be approved with inclusion of late items.
The motion **CARRIED**.

4. PRESENTATION

- (1) Mayor's Introduction – Scott Hartman

Mayor Desjardins introduced the newly appointed Director of Parks & Recreation, Scott Hartman. Mr. Hartman is an experienced manager and consultant in the areas of sports, recreation, culture, tourism and economic development. He has over seven years experience managing in a local government recreational setting with the City of Kamloops and the Regional District of Comox-Strathcona. Mr. Hartman stated it was a pleasure to be back on the Island.

5. MINUTES

- (1) Minutes of the Regular Meeting of Council, June 1, 2009

The following change was noted:

P. 12 (6): Councillor Gaul was the Acting Mayor to receive the Parade Salute at Buccaneer Days (not Councillor Brame).

Moved by Councillor Brame, seconded by Councillor Garrison that the minutes of the Regular Meeting of Council, June 1, 2009 be adopted with changes noted.
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.

Muriel Dunn of 793 Esquimalt Road thanked the Mayor for the Town Hall meeting to discuss police services held June 2nd, 2009 and enquired when the report of the meeting would be available. Mrs. Dunn added that it was wonderful for the community to have an opportunity to speak and this was the best forum yet.

The Mayor responded the minutes would be available at the next Council meeting July 6th, 2009. The OIC West Division has already implemented several measures including more police cars patrolling. The Mayor stated another Town Hall meeting will be scheduled in September as a follow up and statistics will be brought forward.

7. PUBLIC HEARING

(1) HEARING – ZONING BYLAW AMENDMENT [NO. 184], 2009, NO. 2706 [934 AND 936 Craigflower Road]

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

The Mayor convened the hearing at 7:10 p.m.

The Director of Development Services gave a brief overview of the project, a proposed 13 unit townhome in a Comprehensive Development Zone tailored to the specifics of the project. The transportation plan does not foresee any problems, parking meets bylaw requirements, and the architecture is a good fit for the area, borrowing character from the older homes in the area. The applicant will enter into a development agreement ensuring an amenity contribution.

Steve Copp, the applicant, of Stratford Business Group stated the development was a great opportunity for families, first time home buyers and empty nesters. Mr. Copp is a past President of the Canadian Home Builders Association, a certified green builder, and his designs have won numerous awards.

Herb Kwan, Architect, outlined the public consultation process held December 2, 2008, which was attended by 9 neighbours representing 5 homes. Seven provided comment sheets with 3 not in support, 3 in support with modifications and 1 in full support. Concern expressed was in the areas of development density, increase in vehicle traffic, and lack of green space for children.

Mr. Kwan stated the development density meets Official Community Plan guidelines for medium multi-use developments and the project will

be built to high standards. The traffic study report concluded insignificant impact on traffic in the area and the driveway meets safety ingress and egress requirements. There are two major public parks near the development and a small children's play area has been included into the design at the back.

Mayor Desjardins called 3 times for public input.

Russ Griffin of 937 Craigflower Road stated about six years ago a major fire destroyed his duplex [935-937] and Council of the day denied his application to increase density to a three-plex unless he put in an extra driveway to accommodate one vehicle. The duplex had won four design awards and 935 had won a design award from the Township of Esquimalt. Presently there are 4 vehicles leaving and entering the property and this 13 unit development will have parking for 26 cars plus visitor parking. Lampson Street dead ends into the proposed townhomes and is a major truck route with insufficient turning radius. Craigflower is a busy road. The design does not really suit the neighbourhood, it is not beautiful, the density doesn't fit in the streetscape, there is lack of green space, and the 10 sets of stairs going up can be seen from his property.

Pat Quinn of 935 Craigflower Road reiterated what Mr. Griffin said, adding that the development is based on inches with no real concern for the people who will live there. He added that the significant traffic increase will add to the already continuous hum of cars and it is foolish to add more vehicles.

Ed Pruitt of 20 Phillion Place supported the project stating it is a very good fit in the middle of this very diversified area of commercial and residential, on a couple of major bus routes and walking distance to downtown. Affordable housing is badly needed for middle income people, first time buyers, the elderly and those who otherwise could not afford to live here.

Linda George of 935 Craigflower Road opposed the project as the traffic is very intense, a truck rolled navigating a turn, cars speed, and it is not safe for children crossing the road. As well, it is foolish to put a bus shelter in the middle of the development.

Dale Wood of 1174 Greenwood Avenue spoke against the project and submitted a written comment. He expressed appreciation for municipal staff assistance in providing background information. Mr. Wood was concerned the traffic study was provided by the applicant rather than being at arms length and objective. He noted the project was eclectic, benefitting a larger neighbourhood such as Oak Bay, and does little to preserve the character of the area.

He stated people invest their life savings, raise families, and they need to be respected. The street is too busy with traffic, parents will need to escort their children across to the parks, the stairs are too long, the buildings are too high and encroach onto the front yard. If this project is approved, any opportunity to improve this intersection will be lost.

Mr. Wood was concerned with the expenditures for traffic improvement. Safety is compromised with no dedicated turning lanes and no pedestrian island refuge. He suggested lowering the height of the building by allowing semi underground / underground parking which will be more controlled, be safe and provide a children's covered play area. This will raise the quality of the development, raise the resale value, and increase the tax base.

The Mayor called a further three times for input. Hearing none, the Mayor adjourned the hearing at 7:40 p.m.

8. PUBLIC HEARING STAFF REPORTS

- (1) Rezoning and Development Permit, 934 and 936 Craigflower Road, [Lot B, Section 10, Esquimalt District, Plan 326] and [Lot PT 8, Section 10, Esquimalt District Plan 6650, lying southerly of a boundary parallel to and perpendicularly distant 120 feet from the northerly boundary of said lot], Staff Report No. DEV-09-041

Moved by Councillor Linge, seconded by Councillor Garrison

1. That Bylaw No. 2706, which would amend Zoning Bylaw No. 2050 by changing the zoning designation of 934 Craigflower Road and 936 Craiqflower Road [Lot B, Section 10, Esquimalt District, Plan 326 and Lot PT 8, Section 10, Esquimalt District, Plan 6650, lying southerly of a boundary parallel to and perpendicularly distant 120 feet from the northerly boundary of said lot] shown cross-hatched on Schedule 'A' of the amending bylaw from RD-3 [Two Family/ Single Family Residential] to CD No. 68 [Comprehensive Development District No. 68], be given **third reading and adoption**; and
2. That should Bylaw No. 2706 be adopted, Development Permit No. 15/2008 limiting the form and character of the proposed development as shown on the project data and site plans stamped "Received April 7, 2009", and architectural plans stamped "Received August 21, 2008"; prepared by Herbert H. Kwan Architect and the landscape plan prepared by Lombard North Group, stamped "Received August 21, 2008", not be approved, issued and registered on the titles of [Lot B, Section 10, Esquimalt District, Plan 326 and Lot PT 8, Section 10, Esquimalt District, Plan 6650, lying southerly of a boundary parallel to and perpendicularly distant 120 feet from the northerly boundary of said lot [934 Craigflower Road and 936 Craiqflower Road] until the applicant has had an opportunity to enter into a development agreement [i.e. Section 219 Covenant] that will

Discussion:

Council acknowledged the speakers who provided input on the development. Considerable discussion ensued on the proposed development with respect to location of homes in relation to street, stairwells, form and character, building height, parking, density with number of units, traffic and access to green space play areas.

The Director of Development Services advised the bus shelter could be located on the Tillicum side of the street or any other suitable location in the area.

Council was in general agreement that the development provided much needed affordable housing in Esquimalt, would be built to high standards, provided an appropriate transition between commercial and single family residential, and on balance add value to the community. Council stated it is important to preserve the green space on site for children.

Council noted that the Advisory Planning Commission supported the application subject to construction to "built green" standards.

Councillor Gaul was particularly concerned with the massing of the project for the site and could not support 13 units.

Question was called on the motion and it **CARRIED WITH COUNCILLOR GAUL OPPOSED.**

Staff Report DEV-09-41 provided three options following approval of the application. Once the applicant has registered a Section 219 Covenant providing for the community amenities offered, the Development Permit will be brought back to Council for approval.

9. DELEGATIONS

(1) Barry Hobbis, Victoria Harbour Ferry Co. Ltd.

Mr. Hobbis expressed his concerns regarding the proposed mega yacht marina and the tourism and safety impact of the proposed development on the west song pathway as it applies to Esquimalt community members. Mr. Hobbis stated he has operated in the community for twenty years. The Township of Esquimalt is a significant stakeholder in the community at large and a charter member of Victoria Harbour Ferry. He stated on any given day 51% of all movements in Victoria belong to the Victoria Harbour Ferry Co. Ltd. A mega yacht marina will choke the harbour off, prohibit the effective and safe use of the harbour by recreational users, such as kayakers, and impact airplane taxing on final approach and take off. The harbour is very well managed as it is now and everyone works together to keep it safe.

Mr. Hobbis stated Council can be part of the solution and urged them to step forward with other Councils to oppose the project on the safety issue. Mr. Hobbis noted the Chairman of the Greater Victoria Harbour Authority has stated his strong support for the marina and safety studies have not been done.

10.

STAFF REPORTS

Administration

- (1) Appointment of Directors and Officers, Deputy and Acting Appointments. Staff Report No. ADM-09-026

Moved by Councillor Hundleby, seconded by Councillor Brame:

1. That all appointments be rescinded effective June 1, 2009.
2. That the following persons be appointed to the positions indicated effective June 1, 2009 as amended:
 - Laurie Hurst - Interim Chief Administrative Officer
 - Barbara Snyder - Director of Development Services
 - Approving Officer
 - Scott Hartman - Director of Parks and Recreation Services
 - Gilbert Coté - Director of Engineering and Public Works
 - Mary Turner - A/Director of Financial Services
 - A/Collector of Taxes
 - Paul Nelson - Fire Chief
 - Emergency Program Coordinator
 - Carollyne Evans - Corporate Administrator
 - Head, Freedom of Information and Protection of Privacy
 - Bob Haveruk - Building Official
 - Business Licence Inspector
 - Bylaw Enforcement Officer
 - Alternate Secretary, Board of Variance (Bylaw No. 1855)
3. That the following persons be appointed to the deputy positions indicated effective June 1, 2009:
 - Gord Anderson - Deputy Fire Chief
 - Deputy Emergency Program Coordinator
4. That the following persons be appointed to act in the absence or incapacity of the incumbent in the positions indicated effective June 1, 2009:
 - Laurie Hurst - Acting Deputy Corporate Administrator
 - Gilbert Coté - Acting Deputy Chief Administrative Officer (in the absence of Laurie Hurst)
 - Acting Director of Development Services
 - Deputy Approving Officer
 - Barbara Snyder - Acting Deputy Chief Administrative

- Officer (in the absence of Gilbert Coté)
- Deputy Business Licence Inspector
- Andy Katschor - Acting Director of Parks and Recreation Services (in the absence of Scott Hartman)
- Trevor Kushner - Acting Director of Engineering and Public Works (in the absence of Gilbert Coté)

5. The following persons be appointed in the positions indicated effective June 1, 2009:

- Dan Jones - Bylaw Enforcement Officer
- Marie Letham - Secretary, Board of Variance (Required per Bylaw 1855)

(2) Times Colonist Experience Esquimalt Advertising Budget
Staff Report No. DEV-09-027

Moved by Councillor Linge, seconded by Councillor Gaul that Council support the municipality purchasing a bottom banner ad space in the Times Colonist "Experience Esquimalt" feature by approving the spending of \$3,750 from the Contingency fund in 2009 and to approve a supplemental budget in 2010 of \$4,250, in order to enter a 12 month contract.

The motion **CARRIED**.

(3) Resolution to attend Conference – Councillor Brame, Staff
Report No. ADM-09-028

Moved by Councillor Linge, seconded by Councillor Hundleby that Councillor Brame be authorized to attend the BC Summit of Municipal Leaders *Cities Fit for Children*, October 22-23, 2009, in Langley;

And further that the total conference costs including accommodation, per diem, meals, and travel not exceed \$1,000.

The motion **CARRIED**.

Council recommended that the conference would be beneficial for a staff person who works with youth to attend.

Parks and Recreation

(4) Emergency Funding for Desiccant Dehumidifier Wheel. Staff
Report No. P&R-09-022

Moved by Councillor Linge, seconded by Councillor Brame that Council allocate emergency funding from the Capital Projects reserve fund for the immediate replacement of a wheel in the desiccant dehumidifier which services the Archie Browning Sports Centre.

The motion **CARRIED**.

Engineering and Public Works

- (5) Bus Shelters and Upgrade to Transit Stops, staff Report No. EPW-09-025

Moved by Councillor Brame, seconded by Councillor Linge that Council authorize funding the replacement of damaged bus shelters, the installation of benches at transit stops and sidewalk upgrading on Admirals Road by transferring funds for the budget allocation of \$37,500 which were earmarked for painting bike lanes on Esquimalt Road between Head Street and Admirals Road.

Discussion:

I/Chief Administrative Officer Laurie Hurst stated the sidewalk construction is scheduled for June 16th and a decision on reallocation of funds is needed. Councillor Garrison did not support waiving the painting of the bike lanes this year.

The motion **CARRIED WITH COUNCILLOR GARRISON OPPOSED.**

Moved by Councillor Linge, seconded by Councillor Brame that staff provide a report for Council on funding sources and opportunities for continuing the project of the bike lanes on Esquimalt Road between Head Street and Admirals Road.
The motion **CARRIED UNANIMOUSLY.**

Finance

- (6) MFA Short-Term Borrowing – Admirals / Colville Project, Staff Report No. FIN-09-018

I/Chief Administrative Officer Laurie Hurst clarified the financial details of the shortfall and the request for short-term borrowing.

Moved by Councillor Linge, seconded by Councillor McIlldoon that Council approves an increase in short-term borrowing of \$300,000 to cover the funding shortfall for the Admirals/Colville project.

The motion **CARRIED.**

- (7) Council Policy Admin – 52, Staff Report FIN-09-019

Moved by Councillor Linge, seconded by Councillor Brame that Council adopt Policy No. ADMIN – 52 Local Grants – L'École Victor Brodeur.

The motion **CARRIED.**

- (8) Request for Liquor Licence Amendment: Paisley Restaurant Staff Report No. ADM-09-029

Mayor Barb Desjardins declared herself in conflict by virtue of her son's employment with Paisley Restaurant and left Council

Chambers. Councillor Linge also left Council Chambers, declaring himself in a conflict because of a professional relationship with the applicant. Councillor Ali Gaul took the Chair. Councillor Hundleby registered her concern that Council does not have time to go through the significant amount of material and discourages late items such as this coming forward.

Moved by Councillor Hundleby, seconded by Councillor Brame that Council defer to July 6, 2009 consideration of the recommendation to amend the licence of the Paisley Restaurant located at 880 B Esquimalt Road to permit patron participation entertainment until the consultation requirement of the application process is completed.

Discussion:

Councillors McIlldoon and Brame asked to hear from the applicant, John Graham. Mr. Graham stated the Pride event runs from June 28 to August 5 and he feels there have been many inefficiencies to getting this small change to his liquor licence. The Corporate Administrator advised the consultation process is not completed with comments from the police department still pending.

Question was called on the motion and it **CARRIED WITH COUNCILLORS GARRISON OPPOSED.**

Moved by Councillor McIlldoon, seconded by Councillor Garrison, that Council provide a letter of support to the applicant if an application is received for a permit for a one time event. The motion **CARRIED UNANIMOUSLY.**

The Mayor called a brief recess for 5 minutes from 9:07 p.m. to 9:12 p.m.

11.

MAYOR'S AND COUNCILLORS' REPORTS

- (1) Report from Mayor Desjardins, Activities for May and June

Moved by Councillor McIlldoon, seconded by Councillor Linge that the report from Mayor Desjardins on Activities for May and June 2009 be received.

The motion **CARRIED.**

- (2) Report from Councillor Garrison Re: E & N Trail

Councillor Garrison stated a decision on the phasing of the E&N Rail Trail will be made June 17 by the CRD Regional Parks Committee. Esquimalt is not represented on the Committee and the Township pays a significant amount in to the Parks function. Mayor Desjardins stated she is disappointed Esquimalt was not given the heads up and will relay that to the CRD.

Moved by Councillor Garrison, seconded by Councillor Gaul that Esquimalt Council support Alternative 1 for Phase One of the E&N Rail Trail in principle and request that the CRD Parks Committee get estimates for completing the Trail from Four Mile to the Thetis Interchange and explore funding alternatives to complete the trail to this point in Phase One.
The motion **CARRIED**.

12. REPORTS FROM COMMITTEES

- (1) Draft Minutes of the Heritage Advisory Committee meeting, May 20, 2009

Moved by Councillor Garrison, seconded by Councillor Hundleby that the Draft Minutes of the Heritage Advisory Committee meeting, May 20, 2009, be received.
The motion **CARRIED**.

- (2) Draft Minutes of the Advisory Planning Commission meeting, May 26, 2009

Moved by Councillor Garrison, seconded by Councillor Hundleby that the Draft Minutes of the Advisory Planning Commission meeting, May 26, 2009, be received.
The motion **CARRIED**.

13. COMMUNICATIONS

- (1) Letter from the Greater Victoria Spirit Committee, dated June 1, 2009, Re: Letter of Appreciation for Local Grant.

Moved by Councillor Hundleby, seconded by Councillor Brame that the letter from the Greater Victoria Spirit Committee, dated June 1, 2009, Re: Letter of Appreciation for Local Grant be received.
The motion **CARRIED**.

- (2) Letter from the District of Saanich, dated June 1, 2009, Re: Admirals Bridge Construction – Full Road Closure

Moved by Councillor Hundleby, seconded by Councillor Brame that the letter from the District of Saanich, dated June 1, 2009, Re: Admirals Bridge Construction – Full Road Closure, be received.
The motion **CARRIED**.

- (3) Letter from Letter from the Polaris Institute and Toxic Free Canada, received June 3, 2009, Re: Encouraging the Consumption of Tap Water Over Bottle Water.

Moved by Councillor Gaul, seconded by Councillor Brame that the letter from the Polaris Institute and Toxic Free Canada, received June 3, 2009, Re: Encouraging the Consumption of Tap Water Over Bottle Water be referred to the to the Environmental Advisory Committee for their next meeting scheduled June 28, 2009.

The motion **CARRIED**.

- (4) Letter from Mayor Dean Fortin, City of Victoria, dated June 4, 2009, Re: Letter of Support for Johnson Street Bridge Infrastructure Funding.

Discussion:

It was noted that all municipalities compete for infrastructure funding dollars and question was raised how support for Victoria's application might affect Esquimalt's request. /Chief Administrative Officer Laurie Hurst confirmed the official results for funding approvals has not been received yet. Council suggested a regional approach would not conflict with other proposals.

Moved by Councillor Gaul, seconded by Councillor Garrison that Council is pleased to provide a letter in full support of the City of Victoria's infrastructure funding application for replacement of the Johnson Street Bridge as the Bridge provides a vital regional service to the neighbouring municipalities;

And that the Township of Esquimalt mention the Township's infrastructure funding application to upgrade the Archie Browning Sports Centre, which is also of great regional significance.

The motion **CARRIED**.

14.

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.

15.

MOTION TO GO IN CAMERA

- (1) Moved by Councillor Brame, seconded by Councillor Hundleby to go *In Camera* pursuant to Section 90 of the *Community Charter* to discuss negotiations and related discussions respecting the proposed provision of a municipal service and goals and objectives, pursuant to Section 90 (1) (k) and (l) and that the general public be excluded.

The motion **CARRIED**.

16. ADJOURNMENT

Moved by Councillor Brame, seconded by Councillor Hundleby that the meeting be adjourned at 10:32 p.m.
The motion **CARRIED.**

MAYOR OF THE CORPORATION OF THE
TOWNSHIP OF ESQUIMALT
THIS 176th DAY OF AUGUST, 2009

CERTIFIED CORRECT

CAROLLYNE EVANS
CORPORATE ADMINISTRATOR