



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

MINUTES
REGULAR MEETING
OF MUNICIPAL COUNCIL
MONDAY, OCTOBER 5, 2009

7:00 P.M.
COUNCIL CHAMBERS

PRESENT:

Mayor Barb Desjardins
Councillor Meagan Brame
Councillor Bruce McIldoon
Councillor Alison Gaul
Councillor Donald Linge
Councillor Randall Garrison
Councillor Lynda Hundleby

STAFF:

L. Hurst, Chief Administrative Officer
B. Snyder, Director of Development Services
S. Hartman, Director of Parks & Recreation
M. Turner, A/Director of Financial Services
P. Nelson, Fire Chief
P. Mulcahy, Manager of Human Resources
C. Evans, Manager of Corporate Services

1. **CALL TO ORDER**

Mayor Desjardins called the meeting to order at 7:04 p.m. and noted there is an Official Community Plan review scheduled for 6:00 p.m. on October 6th in Council Chambers.

2. **LATE ITEMS**

There were no late items.

3. **APPROVAL OF THE AGENDA**

Moved by Councillor Linge, seconded by Councillor Brame that the Agenda be approved as presented.
The motion **CARRIED**.

4. **PRESENTATION**

(1) Children's Museum of Victoria Association

Sonterra Ross and Marilyn Harris showed a DVD of the Children's Museum of Victoria Association's (CMVA) concept to address the need for an educational facility designed uniquely for young children in the Victoria area. Since establishment in March 1999, the CMVA has been working towards its goal of opening a Victoria Children's Museum by 2011 and to operate it on a self-sustaining, not for profit basis. The presenters explained the CMVA's fundraising goals, business plans and mission.

Council was supportive of having the children's museum in Esquimalt and noted they would seriously consider reviewing space requirements during planning discussions of the Esquimalt Village Plan.

5. **MINUTES**

(1) Minutes of the Regular Meeting of Council, September 21, 2009

One typo was noted on the cover page.

Moved by Councillor Brame, seconded by Councillor Hundleby that the Minutes of the Regular Meeting of Council, September 21, 2009 be adopted as amended.
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 called three times for input from the public and there was none.

7. HEARING

(1) Hearing – Development Variance Permit – 675 Lampson Street

At 7:24 p.m. Mayor Desjardins opened the Hearing for the Development Variance Permit application for 675 Lampson Street.

Director of Development Services Barb Snyder stated that the property has been a communication facility since 1996 and an accessory building is now needed to house a battery back up system. The accessory building is designed to appear as a garden shed and is well screened by landscaping.

The applicant stated that he did consider other options, however, they would make the building highly visible and would not fit into the residential neighbourhood.

Mayor Desjardins called for public input three times and there was none.

The Hearing was adjourned at 7:28 p.m.

8. HEARING STAFF REPORTS

(1) Development Variance Permit, 675 Lampson Street, [Lot 7, Section 11, Esquimalt District, Plan 5646], Staff Report No. DEV-09-062

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 elevation drawings prepared by Telus, stamped “Received July 31, 2009”, and sited based on the survey prepared by Powell and Associates BC Land Surveyors, stamped “Received July 31, 2009”, and including the following relaxation to Zoning Bylaw No. 2050, be approved, issued and registered on the title of Lot 7, Section 11, Esquimalt District, Plan 5646 [675 Lampson Street].

Section 56(5)(a) – Siting Requirements - a 5.0 metre reduction to the requirement that no building shall be located within 7.5 metres of a lot line that is shared with a parcel zoned for a residential use, from 7.5 metres to 2.5 metres.

The motion **CARRIED**.

9. DELEGATION

(1) Rod Lavergne, Re: Temporary Structures – Notice to Property Owners and Tenants

Mr. Lavergne referred to a one page notice to residents from Planning and Engineering advising that residents need a building

permit to have a temporary structure and, if they don't comply with the Zoning Bylaw, they have to remove the structure or seek approval from the Board of Variance. Mr. Lavergne stated residents will encounter difficulties if they take these actions such as:

1. Building Permit costs – application \$50; legal survey \$800-\$1500; application for DVP \$280;
2. The Maintenance of Property Bylaw is a more appropriate mechanism of control than the Zoning Bylaw;
3. There are hundreds, if not thousands, of temporary structures in the Township; Council will incur wrath of those residents who do not have permits and legal surveys;
4. The definition of temporary structure is ambiguous;
5. Council Policy No. Admin-23, Bylaw Enforcement – Receipt of Complaints, says staff will investigate when complaint received in writing. It appears that no written complaints have been received regarding temporary structures and staff are acting on verbal complaints;
6. Temporary structures are not defined in the Building Code, thus there are no standards to which the applicant must meet.

Mr. Lavergne asked Council to get this matter back on track and remove the negative feeling currently in the community.

10.

STAFF REPORTS

Administration

- (1) Appointment of Director of Engineering and Public Works, Memorandum from Chief Administrative Officer

Chief Administrative Officer Laurie Hurst advised that Jeff Miller had accepted the position of Director of Engineering and Public Works and would be taking up his position on October 26th, 2009. Ms. Hurst noted Mr. Miller is a professional engineer with several years experience at a management level in municipal government, most recently as the Environmental Planning Superintendent with the City of Red Deer. He has considerable experience in public works operations, consulting and project management.

Mayor Desjardins noted Council is looking forward to him joining the team.

- (2) New Liquor License Establishments & Licensee Retail Stores Policy ADMIN-55, Report No. ADM-09-052

It was noted that the School Districts within the Township's boundaries are No. 61 and 93, not No. 61 and 63.

Moved by Councillor Brame, seconded by Councillor Garrison that ADMIN Policy No. 55, New Liquor License Establishments and Licensee Retail Stores, be approved, as amended.
The motion **CARRIED**.

- (3) Applications for Brewery Licenses – Requirements for Local Government Input, Staff Report ADMN-09-039

Moved by Councillor Brame, seconded by Councillor Hundleby that Staff Report No. ADMN-09-039, Applications for Brewery Licenses – Requirements for Local Government Input, be received for information.
The motion **CARRIED**.

Mayor Desjardins asked staff to look into whether there is a policy for consumption of alcohol in picnic areas.

Engineering and Public Works

- (4) Craigflower Road Upgrade Phase 2 Open House, Staff Report No. EPW-09-039

Question was raised about costs to maintain and irrigate traffic islands. Director of Parks and Recreation Scott Hartman noted there are still significant issues concerning this and he will bring forward proper estimates at budget discussion.

Moved by Councillor Garrison, seconded by Councillor Hundleby that Staff Report No. EPW-09-039, Craigflower Road Upgrade Phase 2 – Open House, be received for information.
The motion **CARRIED**.

Finance

- (5) Permissive Tax Exemptions – 2010, Staff Report No. FIN-09-028

Question was raised whether a tax exemption could be given to a non profit organization that rents leased space. Acting Director of Financial Services Mary Turner responded that there is no requirement for an organization to own space, however, there has to be a lease agreement in order to qualify. The organization must meet the criteria as set out in Section 224 of the *Community Charter* in order to be considered for a permissive tax exemption.

Moved by Councillor Linge, seconded by Councillor Brame that Tax Exemption (Non-Profit Organizations) Bylaw, 2009, No. 2719 be given first, second and third reading.
The motion **CARRIED**.

- (6) Sustainability Reserve Fund Bylaw, Staff Report No. FIN-09-021

Moved by Councillor Garrison, seconded by Councillor Brame that the Sustainability Reserve Fund Bylaw, 2009, Bylaw No. 2714 be established and be given first, second and third reading. The motion **CARRIED**.

Fire Department

- (7) Emergency Social Services Agreement (City of Victoria), Staff Report No. FIRE-09-009

Moved by Councillor Hundleby, seconded by Councillor Gaul that the Mayor and Corporate Administrator be authorized to sign the "Emergency Social Services Agreement" between the City of Victoria and the Township of Esquimalt for the period December 1, 2009 - November 30, 2010. The motion **CARRIED**.

Development Services

- (8) Amendment to Ticket Information Staff Report No. DEV-09-064

Moved by Councillor Garrison, seconded by Councillor Hundleby that Council repeal Schedule "B-9" to the Ticket Information Utilization Bylaw, 2005, No. 2619 and replace it with the new Schedule "B-9", as attached; and

That Ticket Information Utilization Bylaw, 2005, No. 2619 Amendment Bylaw [No. 6], 2009, No. 2720 be give first, second and third reading.

The motion **CARRIED**.

Moved by Councillor Brame, seconded by Councillor Hundleby that staff undertake a comprehensive review of the parking regulations in the Streets and Traffic Regulation Bylaw and Ticket Information Utilization Bylaw, including different modes of transportation and how they might fit in Esquimalt, and bring back a report to Council with recommendations.

The motion **CARRIED**.

- (9) Advisory Planning Commission - Request to amend APC Terms of Reference to permit review of Residential Parking Only applications, Staff Report No. DEV-09-063

Discussion ensued on the legislative authority of the Advisory Planning Commission to review residential parking issues under Section 898 of the *Local Government Act*. Council was in general agreement that they were not opposed to having the APC also review parking matters and the benefits outweighed any time delays that might occur in taking the matter forward to Council.

Moved by Councillor Garrison, seconded by Councillor Brame that consideration of the request from the Advisory Planning Committee to amend the APC Terms of Reference to permit review of “Residential Parking Only” applications be postponed and referred to the committee undertaking a comprehensive review of the Streets and Traffic Bylaw and Ticket Utilization Bylaw.

The motion **CARRIED**.

Parks and Recreation

- (10) 2010 Fees and Rental Charges, Staff Report No. P&R-09-028

Council noted the word “commission” needs to be replaced with the word “committee” on pages C-4 and C-5.

Council congratulated the Committee for all their hard work in reviewing the fees and rental charges and for so much public consultation.

Moved by Councillor Hundelby, seconded by Councillor Brame that Parks and Recreation Regulation Bylaw, 2007, No. 2665, Amendment Bylaw [No. 3], 2009, No. 2718 be given first, second and third reading, as amended.

The motion **CARRIED**.

11. MAYOR’S AND COUNCILLORS’ REPORTS

There were no reports.

12. REPORTS FROM COMMITTEES

- (2) Draft Minutes of the Heritage Advisory Committee meeting, September 16, 2009.

Moved by Councillor Garrison, seconded by Councillor Brame that the draft Minutes of the Heritage Advisory Committee meeting, September 16, 2009 be received.

The motion **CARRIED**.

- (3) Draft Minutes of the Advisory Planning Commission Meeting, September 15, 2009

Moved by Councillor Garrison, seconded by Councillor Brame that the draft Minutes of the Advisory Planning Commission meeting, September 15, 2009 be received.

The motion **CARRIED**.

13.

COMMUNICATIONS

- (1) Letter from Minister Mary Polak, Ministry of Children and Family Development and Minister Responsible for Child Care, dated September 21, 2009, Re: Foster Family Month in British Columbia.

Moved by Councillor Brame, seconded by Councillor Garrison that the letter from Minister Mary Polak, Ministry of Children and Family Development and Minister Responsible for Child Care, dated September 21, 2009, Re: Foster Family Month in British Columbia be received for information.

The motion **CARRIED**.

- (2) Letter from The Royal Canadian Legion, dated September 17, 2009, Re: Annual Remembrance Day Ceremony November 11, 2009

Moved by Councillor Hundleby, seconded by Councillor Brame that Council grant permission to the Royal Canadian Legion Esquimalt Dockyard Branch No. 172 to distribute Remembrance Day poppies within the Municipality in of Esquimalt, from October 30 to November 10, 2009.

The motion **CARRIED**.

Mayor Desjardins noted all Councillors and Officials are extended an invitation to attend the Annual Remembrance Day services.

- (3) Letter from Thrifty Foods, dated September 21, 2009, Re: Major Municipal Infrastructure Projects and Notice to Businesses

Council noted that grid lock and frustration can occur for motorists during infrastructure project work, however, when the Township receives grant funding for infrastructure projects it needs to proceed with the opportunity. Mayor Desjardins stated she will provide an appropriate response to the concerns.

Moved by Councillor Hundleby, seconded by Councillor Garrison that the letter from Thrifty Foods, dated September 21, 2009, Re: Major Municipal Infrastructure Projects and Notice to Businesses be received.

The motion **CARRIED**.

- (4) Thank you letter from Need Crisis and Information Line, dated September 16, 2009, Re: Grant Received.

Moved by Councillor Brame, seconded by Councillor Garrison that the thank you letter from Need Crisis and Information Line, dated September 16, 2009, Re: Grant Received be received for information.

The motion **CARRIED**.

- (5) Thank you letter from Volunteer Victoria, dated September 14, 2009, Re: Grant Received.

Moved by Councillor Brame, seconded by Councillor Garrison that the thank you letter from Volunteer Victoria, dated September 14, 2009, Re: Grant Received be received for information,

The motion **CARRIED**.

- (6) Letter from the Capital Regional District, dated September 25, 2009, Re: Request of 08 September 2009 for CRD Support of Wastewater Treatment Pilot Project

Chief Administrative Officer Laurie Hurst stated that the letter is for information only. Ledcor is addressing the concerns of the Capital Regional District and things are progressing well.

Moved by Councillor Brame, seconded by Councillor Hundleby that the letter from the Capital Regional District, dated September 25, 2009, Re: Request of 08 September 2009 for CRD Support of Wastewater Treatment Pilot Project be received.

The motion **CARRIED**.

14. **BYLAWS**

For New Third Reading

- (1) Streets and Traffic Regulation Bylaw, 2005, No. 2607 Amendment Bylaw [No. 5], 2009, NO. 2716

Moved by Councillor Garrison, seconded by Councillor Brame that Third Reading of Streets and Traffic Regulation Bylaw, 2005, No. 2607 Amendment Bylaw [No. 5], 2009, NO. 2716 be rescinded and a new Third Reading be given, as amended.

The motion **CARRIED**.

15. **PUBLIC QUESTION AND COMMENT PERIOD**

Tim Morrison, the owner of the new Esquimalt Review, an online magazine for Esquimalt news and events, advised that the paper is volunteer driven and invited the Township to contribute media stories.

16. **MOTION TO GO IN CAMERA**

Moved by Councillor Hundleby, seconded by Councillor Brame that Council convene *In Camera* pursuant to Section 90 of the *Community Charter* to discuss a matter that under another enactment the public may be excluded from the meeting and labour relations or other employee relations, pursuant to Section 90 (1) (c) and (m) and that the general public be excluded.

The motion **CARRIED**.

17. **ADJOURNMENT**

Moved by Councillor Hundleby, seconded by Councillor Brame that the meeting be adjourned at 9:03 p.m.
The motion **CARRIED**.

MAYOR OF THE CORPORATION OF THE
TOWNSHIP OF ESQUIMALT
THIS 2ND DAY OF NOVEMBER, 2009

CERTIFIED CORRECT:

CAROLLYNE EVANS
CORPORATE ADMINISTRATOR