



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

**MINUTES
SPECIAL MEETING
OF MUNICIPAL COUNCIL
MONDAY, AUGUST 16, 2010**

**7:00 P.M.
COUNCIL CHAMBERS**

PRESENT:

Mayor Barbara Desjardins
Councillor Don Linge
Councillor Meagan Brame
Councillor Randall Garrison
Councillor Bruce McIldoon
Councillor Lynda Hundleby

REGRETS:

Councillor Alison Gaul

STAFF:

Laurie Hurst, Chief Administrative Officer
Scott Hartman, Director of Parks & Recreation Services
Barbara Snyder, Director of Development Services
Jeff Miller, Director of Engineering & Public Works
Carollyne Evans, Corporate Administrator

1. CALL TO ORDER

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

2. LATE ITEMS

There were three late items:

- (1) Two public input submissions - Item 7 (2)
- (2) Staff Report P&R-10-12 - Item 8 (5)
- (3) Mayor's Report - Item 9

3. APPROVAL OF THE AGENDA

Moved by Councillor Brame, seconded by Councillor Hundleby that the Agenda be approved as amended.

The motion **CARRIED UNANIMOUSLY.**

4. MINUTES

- (1) Minutes of the Regular Meeting of Council, July 5, 2010

Moved by Councillor Linge, seconded by Councillor Brame that the Minutes of the Regular Meeting of Council, July 5, 2010, be approved.

The motion **CARRIED UNANIMOUSLY.**

5. PRESENTATIONS

- (1) Christina Peacock, Interim Executive Director, Community Social Planning Council, Re: Living Wage Calculation

- (I) 2010 Affordability Index Background Information

Ms. Peacock thanked Council for the opportunity to share information and background on the research of a living wage for a family with young children in this region. Ms. Peacock defined a living wage as the hourly rate of pay that allows a family to cover the basic costs of living which is calculated by the Affordability Index, released by the Community Social Planning Council each year. The wage required for a household with two full-time employed parents and two children, one in day care and one in elementary school, is \$17.31 an hour. Ms. Peacock described the socio-economic impact that families living below the poverty line have on a community in terms of health care, housing, education and employment, and the benefits gained by a community when a living wage is paid.

Ms. Peacock noted that New Westminster is the first municipality in Canada to adopt a living wage policy and advertises for contractors who pay their workers a living

wage. Council thanked Ms. Peacock for her presentation.

(2) Presentation of Centennial Scholarship by Mayor

Mayor Desjardins was pleased to present Hailey McIlldoon with a Centennial Scholarship for her assistance in creating the 2012 Centennial logo. She noted Hailey was born and raised in Esquimalt, graduated from Esquimalt high school and is in her second year at Thompson Rivers University in Kamloops where she is taking Digital Graphic Media.

(3) Condolence Messages from Council – Verbal – Mayor

Mayor Desjardins recognized the passing of two important and valuable citizens who contributed significantly to the community. Allan Fleury and Ruth Layne will be sadly missed.

(4) Esquimalt Police Board Member Introduction

Mayor Desjardins introduced Graham Lang, one of the newly appointed members of the new Esquimalt Police Advisory Panel/Board. Due to miscommunication, the provincial appointees were not notified and will be presented at the next Regular meeting of Council. Mr. Lang thanked Council for the opportunity to serve the community on the new Board.

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 for public input and there was none.

7. HEARING

**(1) HEARING – DEVELOPMENT VARIANCE PERMIT
[1243 PARK TERRACE]**

Mayor Desjardins called the Hearing for Development Variance Permit application at 1243 Park Terrace to order at 7:22 p.m.

Mayor Desjardins noted the purpose of the Hearing was to consider a Development Variance Permit to relax the Zoning Bylaw in order to construct a new exterior staircase on the west side of the building that would project further into the side yard setback than the original staircase. The approval of the Development Variance Permit would result in a decrease of 2.9 metres to the interior side yard setback between the principal building and the western property line, that is, from 6.0 metres to 3.1 metres.

Barb Snyder, Director of Development Services, gave an overview

of the application and noted that no responses have been received from the public relating to this application.

Mike Miller, the applicant, gave a brief history of the variance request, noting that the new stairs would gain some garden space and improve the flow of pedestrian traffic.

Mayor Desjardins called for public input.

Muriel Dunn of Old Esquimalt Road commented the new staircase is a wonderful improvement to the neighbourhood and the variance is minor.

There being no further public input, Mayor Desjardins declared the Hearing closed at 7:28 p.m.

**(2) HEARING – DEVELOPMENT VARIANCE PERMIT
[920 YARROW PLACE]**

Mayor Desjardins called the Hearing for Development Variance Permit application at 920 Yarrow Place to order at 7:28 p.m.

Mayor Desjardins noted the purpose of the Hearing is to consider a Development Variance Permit to relax the Official Community Plan Bylaw in order to permit the expansion of an existing deck which would extend 2 metres into the required 20 metre setback from the High Water Mark of the Gorge Waterway.

Barb Snyder, Director of Development Services, gave an overview of the application and noted that no responses had been received by the Development Services department.

Robert White, the applicant, advised that he is unable to enjoy the use of his deck as it is; it is in need of repair, thus the reason for coming forward with this application. Mr. White stated he understands the sensitivity to the Gorge. He has spoken to his neighbours on either side of his property and they have no objection. Mr. White read a letter from Tim and Noreen Hall who live at 916 Yarrow Place.

Mayor Desjardins read the letter dated August 15, 2010 received from Ronald and Lorna Hill of 927 Yarrow Place who support Mr. White's application.

Mayor Desjardins read the email dated July 12, 2010 received from John and Barbara Noyes of Garthland Road requesting the variance be denied to maintain a level playing field for all waterfront property owners and not set a precedence which could open the Township to many similar requests. Mr. White responded that precedence was set for this type of application in 1999 when an application for 948 Garthland Road was approved.

There being no further public input, Mayor Desjardins declared the Hearing closed at 7:37 p.m.

HEARING STAFF REPORT

- (3) Development Variance Permit, 1243 Park Terrace [Lot 1, Section 11, Esquimalt District, Plan 12985], Staff Report No. DEV-10-057

Moved by Councillor Linge, seconded by Councillor Hundleby that the application for a Development Variance Permit authorizing the construction shown on the site plan and construction drawings prepared by Northwest Designs, stamped "Received May 25, 2010", and sited based on the survey prepared by Glen Mitchell Land Surveying Inc. stamped "Received June 1, 2010" and including the following variance be approved, issued and registered on the title at Lot 1, Section 11, Esquimalt District Plan 12985 [1243 Park Terrace].

Bylaw 1992, No. 2050: Section 44(6)(ii) – Interior Side Yard Setback – a 2.9 metre decrease in the required 6.0 metre setback between the principal building and the western property line, ie. from 6.0 metres to 3.1 metres
The motion **CARRIED UNANIMOUSLY**.

- (4) Development Variance Permit, 920 Yarrow Place [Lot 8, Section 2, Esquimalt District, Plan 45523], Staff Report No. DEV-10-055

Moved by Councillor Linge, seconded by Councillor Brame that Development Variance Permit No. 02/2010 reducing the required setback from the Gorge Waterway for a Principal Building as detailed on the site plan prepared by J.E. Anderson and Associates shown integrated with architectural plans submitted by Keay and Associates Architects Ltd, stamped "Received May 27, 2010", and including the following relaxations to Official Community Plan Bylaw No. 2646, be approved, issued and registered on the title of Lot 8, Section 2, Esquimalt District, Plan 45523 [920 Yarrow Place].

Official Community Plan Bylaw No. 2646, Section 9.6.5(a) – a 2 metre reduction in the required setback between any building or structure and the High Water Mark of the Gorge Waterway from 20 metres to 18 metres.

Discussion:

Note was made that two neighbouring homes are sited closer to the high water mark than the closest point of the proposed deck as well as there already exists a concrete pad that extends past the point the deck will extend.

Council expressed concerns of reducing the 20 metre setback between any building or structure and the High Water Mark of the Gorge Waterway as outlined in the Official Community Plan. Comments were also made that the OCP allows Council to be flexible and support applications that are reasonable and improve the ability of residents to enjoy their waterfront sites.

The Question was called on the motion and declared **CARRIED** with Mayor Desjardins, Councillors Linge, Hundleby, Brame In Favour and Councillor McIldoon, Garrison Opposed.

8. STAFF REPORTS

Development Services

- (1) Home Occupation at 1019 Dunsmuir Road, Business License and Regulation Bylaw, 2001, No. 2482, Zoning Bylaw, 1992, No. 2050, Staff Report No. DEV-10-052

Councillor Brame declared herself in a conflict of interest due to holding a similar business licence and left Council Chambers at 7:45 p.m.

It was noted that the business owner was not present. Barb Snyder, Director of Development Services, advised that a registered letter had been mailed to the applicant advising this issue would be on tonight's meeting agenda.

Moved by Councillor Linge, seconded by Councillor Garrison that, as authorized by section 660 of the *Local Government Act* [now section 15 of the *Community Charter*, Council consider revoking Inter-Municipal Business License No. 48 issued to Peel Environments Ltd. at 1019 Dunsmuir Road due to the nature of the business being incompatible with surrounding residential uses and its operation being in contravention of the terms of Zoning Bylaw No. 2050 regarding Home Occupations.

The motion **CARRIED UNANIMOUSLY**.

Councillor Brame returned to Council Chambers at 7:51 p.m.

- (2) Discharge of Section 215 Covenant, #8 – 709 Luscombe Place [Strata Lot 8, Section 2, Esquimalt District, Strata Plan VIS2532] Staff Report No. DEV-10-053

Barb Snyder, Director of Development Services, provided an overview.

Council expressed concerns about the small lot size, potential impacts to residential parking should all units develop secondary suites, and setting a precedent for other

strata developments. Director Snyder stated that the views of the residents were not collected.

Moved by Councillor Garrison, seconded by Councillor Hundleby that Council postpone decision on discharging the Section 215 Covenant, restricting the use of the property at #8 - 709 Luscombe Place [Strata Lot 8, Section 2, Esquimalt District, Strata Plan VIS2532] to only a single family residence, pending further information and clarification from staff.

The motion **CARRIED UNANIMOUSLY**.

Engineering & Public Works

- (3) Traffic Order No. 1185 Agnes Street, Staff Report EPW-10-022

Jeff Miller, Director of Engineering & Public Works, advised that concerns were raised by residents about safety at the intersection of Agnes and Inskip Streets as there is considerable confusion as to who has the right-of-way.

Moved by Councillor Hundleby, seconded by Councillor Brame that Council approve the following Traffic Order (TO):

- TO No. 1185 – Stop sign and road markings on Agnes Street at Inskip Street intersection.

The motion **CARRIED UNANIMOUSLY**.

- (4) Arm Street Seawall Project Update, Staff Report EPW-10-023

Moved by Councillor Hundleby, seconded by Councillor Brame that Council approve the following:

That an additional \$20,000 be released from the Capital Projects Reserves to complete this Project.

The motion **CARRIED UNANIMOUSLY**.

Parks & Recreation

- (5) Contract Award – Archie Browning Sports Centre Phase 2, Staff Report No. P&R-10-012

Scott Hartman, Director of Parks & Recreation Services, stated that the Archie Browning Sports Upgrade project is on schedule and on budget. He noted that Kinetic Construction is the prime contractor and is overseeing all the companies doing the work.

Moved by Councillor Hundleby, seconded by Councillor Brame that Council award the following contracts for the Archie Browning Sports Upgrade tenders to the following companies:

Company Name	Base Bid
Olde Country Masonry	\$23,770
Harjim Industrial Services (2002) Ltd.	\$3,985
Top Line Roofing Ltd.	\$10,791
Hub City Glass Ltd. – Victoria	\$30,630
McGregor & Thompson Hardware Ltd.	\$4,390
McGregor & Thompson Hardware Ltd.	\$10,975
Cascadia Sports Systems Inc.	\$54,800
Tri City Finishing	\$16,220
McGregor & Thompson Hardware Ltd.	\$1,914
Cairnview Mechanical Limited	\$390,349
Edwards Electric (2003) Ltd.	\$107,780
TRADE TOTAL	\$655,604

2. That Council authorize the Mayor and the Corporate Administrator to sign contract agreements with the above listed companies.
The motion **CARRIED UNANIMOUSLY**.

Finance

- (6) Remaining Local Grants Funding, Staff Report No. FIN-10-020

Chief Administrative Officer Laurie Hurst advised that the local grants fund was higher this year than previous years due to a school not utilizing approved grant funding. Ms. Hurst stated that it was Council's decision how to allocate the remaining funds.

Moved by Councillor Linge, seconded by Councillor Hundleby that Staff Report No. FIN-10-020, Remaining Local Grants Funding, be received.
The motion **CARRIED UNANIMOUSLY**.

Comment was made that the Township must ensure schools receive the information about local grants as they need extra funds for activities that fall outside their regular funding. Mayor Desjardins commented that she meets each Fall with the school principals and will take the message.

Moved by Councillor Brame, seconded by Councillor Garrison that a minimum of \$11,000 from the Local Grants Fund be carried forward to the 2011 Local Grants Committee to offset any differences that may have been created this year due to the anomaly of having extra monies in the local grant fund.
The motion **CARRIED** with Mayor Desjardins, Councillors McIldoon, Hundleby, Brame, Garrison In Favour and Councillor Linge Opposed.

9. MAYOR'S AND COUNCILLORS' REPORTS

(1) Mayor's Report

Mayor Desjardins advised that as of late last week Harbour Ferries will not come into a stop in Esquimalt at West Bay Marina and the company has been unable to find alternative docking at this time. Mayor Desjardins noted the ferry service is identified as an asset to Esquimalt's tourism strategy and will be missed by local businesses and passengers. Staff has been requested to bring back a report regarding Esquimalt options for provision of the ferry service through dock development at a municipal site and budget implications for 2011. Department of Fisheries and Oceans regulations must also be taken into consideration. Mayor Desjardins advised that ferry users should contact Harbour Ferries to enquire about a refund on their season's pass.

Comment was made that the Harbour Ferries were very helpful during Buccaneer Days and were just promoted in the RV Magazine.

Moved by Councillor Brame, seconded by Councillor Hundleby that the Mayor's report on the discontinuance of Harbour Ferry service to Westbay Marina, be received.
The motion **CARRIED UNANIMOUSLY**.

10. COMMUNICATIONS

(1) Letter from Assistant Deputy Minister, Policing and Community Safety Branch, dated July 29, 2010, Re: Esquimalt Policing and Law Enforcement Advisory Board/Panel

Moved by Councillor Garrison, seconded by Councillor Brame that the Letter from Assistant Deputy Minister, Policing and Community Safety Branch, dated July 29, 2010, Re: Esquimalt Policing and Law Enforcement Advisory Board/Panel, be received.
The motion **CARRIED UNANIMOUSLY**.

(2) Letter from Capital Regional District, dated July 21, 2010, Re: CRD Bylaw 3712, *Land Assembly and Land Banking Service Establishment Bylaw No. 1,2010*; and Bylaw 3715, *Land Assembly, Housing and Land Banking Loan Authorization Bylaw No. 1, 2010*

It was noted that should the CRD not cover all its costs from the collection of rental incomes, the maximum that could be collected by the CRD from residents is a property value tax rate of \$.031 per \$1,000.

Moved by Councillor Garrison, seconded by Councillor Brame that Esquimalt Council give consent to the adoption of CRD Bylaw 3712, *Land Assembly and Land Banking Service Establishment Bylaw No. 1, 2010*; and Bylaw 3715, *Land Assembly, Housing and Land Banking Loan Authorization Bylaw No. 1, 2010*; in accordance with Section 801.4 of the *Local Government Act*.

The motion **CARRIED** with Mayor Desjardins, Councillors McIldoon, Linge, Brame, Garrison In Favour and Councillor Hundleby Opposed.

- (3) Letter from Scouts Canada, Greater Victoria Area, dated July 24, 2010, Re: 2010 Scout Apple Day

Moved by Councillor Linge, seconded by Councillor Brame that Council permit the presence on Esquimalt Streets of Scouts Canada, Greater Victoria Area, on Saturday, October 2, 2010 between 9 am and 3 pm for the 2010 Scout Apple Day fundraising initiative.

The motion **CARRIED UNANIMOUSLY**.

- (4) Letter from the City of North Vancouver, dated July 22, 2010, Re: Long Form of the Canada Census

Mayor Desjardins advised that she participated in a discussion on the census at the Federation of Canadian Municipalities. It is key that municipalities receive the information gathered in the long form to have access and transfer of government funding.

Moved by Councillor Linge, seconded by Councillor Garrison that Esquimalt Council support the resolution brought forward from the City of North Vancouver, dated July 22, 2010, Re: Long Form of the Canada Census.

The motion **CARRIED** with Mayor Desjardins, Councillors McIldoon, Linge, Brame, Garrison In Favor and Councillor Hundleby Opposed.

- (5) Letter from ADM and General Manager, Liquor Control and Licensing Branch, August 6, 2010, Re: Local Government Input on Liquor Licence Applications

Moved by Councillor Hundleby, seconded by Councillor Brame that the letter from ADM and General Manager, Liquor Control and Licensing Branch, August 6, 2010, Re: Local Government Input on Liquor Licence Applications, be received.

The motion **CARRIED UNANIMOUSLY**.

- (6) Letter from Acting Mayor, City of Burnaby, August 3, 2010, Re: Bill 20 [Changes to Liquor Control and Licencing Act]

Moved by Councillor Garrison, seconded by Councillor Brame, that the letter from Acting Mayor, City of Burnaby, August 3, 2010, Re: Bill 20 [Changes to Liquor Control and Licencing Act], be received.

The motion **CARRIED UNANIMOUSLY.**

- (7) Letter from Fire Fighters – BC/Yukon, August 6, 2010, Re: Muscular Dystrophy Canada Fundraising Efforts 2009/2010

Moved by Councillor Brame, seconded by Councillor Hundleby that the Letter from Fire Fighters – BC/Yukon, August 6, 2010, Re: Muscular Dystrophy Canada Fundraising Efforts 2009/2010, be received.

The motion **CARRIED UNANIMOUSLY.**

Council stated it is important to recognize the efforts made by fire fighters in fundraising for the horrible disease of muscular dystrophy, and asked staff to pass on Council's thanks and congratulations to the Esquimalt fire fighters.

- (8) Letter from Creative Peace Mural Society, August 12, 2010, Re: Local Grant

Moved by Councillor Garrison, seconded by Councillor Brame that the letter from Creative Peace Mural Society, August 12, 2010, Re: Local Grant, be received.

The motion **CARRIED UNANIMOUSLY.**

11. NOTICE OF MOTION

- (1) Living Wage Policy

Councillor Garrison stated he hoped the Township of Esquimalt will provide leadership in implementing a living wage policy. He noted that the cost of living is very high and it is important for those who work full-time to make an adequate wage to purchase basic necessities. He is concerned people growing up in Esquimalt are having financial difficulty remaining here. Councillor Garrison stated the living wage policy would apply to contractors that do major projects for the Township.

Discussion ensued with Council expressing support for the ideals of the policy. Concerns were raised that small businesses would find it extremely difficult to pay their employees a living wage. Chief Administrative Officer Laurie Hurst added the Greater Victoria Labour Relations Association would review the policy as it applies to unions and collective agreements.

Moved by Councillor Garrison, seconded by Councillor McIlldoon that:

WHEREAS residents of Esquimalt face a high cost of living for basics such as food, clothing, shelter, education, and childcare and those costs often drive young families out of our community;

WHEREAS money spent on paying a living wage, the hourly wage required to cover necessities for a family, largely re-circulates directly in the community where it is earned providing stimulus to local businesses;

WHEREAS BC has the highest child poverty rate in Canada with more than half of those children living in families where one parent works full-time and raising incomes of poor families is the most direct way to reduce child poverty;

WHEREAS competition for contracts to provide services to the Township should always be based on efficiency and quality of service provided and never simply about who can pay the lowest wages; and

WHEREAS direct costs to the Township of implementing a living wage policy should be relatively small and all employers paying a living wage benefit through reduced absenteeism, better employee retention, higher morale and higher productivity levels;

THEREFORE BE IT RESOLVED that the Township of Esquimalt develop a Living Wage Policy;

AND THEREFORE BE IT FURTHER RESOLVED that staff be directed to bring back a report to Council on the policy outlining the expected benefits and costs of a living wage policy and a draft bylaw with options for implementing a Living Wage Policy for all full and part-time employees of the Township and all contractors doing business with the Township.

The motion **CARRIED UNANIMOUSLY**.

12. PUBLIC QUESTION AND COMMENT PERIOD

Mayor Desjardins called for public input.

Muriel Dunn of Old Esquimalt Road asked about the process for designating residential parking zones. The Director of Engineering and Public Works was asked to provide a two minute explanation of the process at the next Council meeting.

13. **ADJOURNMENT**

Moved by Councillor Garrison, seconded by Councillor Brame that Council reconvene *In Camera*.

The motion **CARRIED UNANIMOUSLY**.

Moved by Councillor Brame, seconded by Councillor Hundleby that Council adjourn the Regular Meeting at 9:05 p.m.

The motion **CARRIED UNANIMOUSLY**.

MAYOR OF THE CORPORATION OF THE
TOWNSHIP OF ESQUIMALT
THIS 7th DAY OF SEPTEMBER, 2010

CERTIFIED CORRECT:

CAROLLYNE EVANS
CORPORATE ADMINISTRATOR