



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

**MINUTES
REGULAR MEETING
OF MUNICIPAL COUNCIL
MONDAY, APRIL 4, 2011**

**7:05 P.M.
COUNCIL CHAMBERS**

PRESENT:

Mayor Barbara Desjardins
Councillor Meagan Brame
Councillor Alison Gaul
Councillor Lynda Hundleby
Councillor Bruce McIldoon
Councillor Don Linge

REGRETS:

Councillor Randall Garrison

STAFF:

Laurie Hurst, Chief Administrative Officer
Karen Blakely, Director of Financial Services
Barbara Snyder, Director of Development Services
Marlene Lagoa, Sustainability Coordinator

OTHER:

Carla Venter, Recording Secretary

1. **CALL TO ORDER**

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

2. **LATE ITEMS**

- (1) Pertaining to Agenda Item 8 (1) Public Hearing – Rezoning and Development Permit Application [363 Kinver Street]
- Email from Matthew Brandwood, dated April 4, 2011, Re: 363 Kinver Street

3. **APPROVAL OF THE AGENDA**

MOTION: That the agenda be approved as amended. **MOVED/SECONDED.** Councillor Hundleby/Councillor Brame. **CARRIED UNANIMOUSLY.**

4. **MINUTES**

- (1) Minutes of the Special Meeting of Council, March 22, 2011

MOTION: That the Minutes of the Special Meeting of Council, March 22, 2011 be approved as circulated. **MOVED/SECONDED.** Councillor Gaul/Councillor Brame. **CARRIED UNANIMOUSLY.**

- (2) Minutes of the Special Meeting of Council, March 23, 2011

MOTION: That the Minutes of the Special Meeting of Council March 23, 2011 be approved as circulated. **MOVED/SECONDED.** Councillor Brame/Councillor Gaul. **CARRIED UNANIMOUSLY.**

5. **PRESENTATIONS**

- (1) Leigh Sifton, Capital Regional District, E & N Rail Trail Update

Ms. Sifton made a Power Point Presentation to Council outlining the progress of the E & N Rail Trail with specific reference to the construction work in Esquimalt.

The pictures showed construction very close to property lines. Ms. Sifton noted that the CRD worked with neighbours to ensure safety of the community at all times and a fence was raised at Hutchinson Road East to ensure safety in the area.

Members of Council raised concerns to Ms. Sifton regarding the CRD's plan for monitoring and removal of graffiti along the trail, and the importance of the CRD keeping residents informed of the project construction details and timelines. Mayor Desjardins commented that the opening date of 2012 for the E & N Rail Trail falls with the Centennial Celebrations of Esquimalt and that maintaining the name

after 100 years is very significant.

Members of the public with questions or concerns regarding the project can contact Leigh Sifton, Park Planner for the CRD.

- (2) Ron Boyce, Rockheights Hockey Academy, Rockheights Middle School

Ron Boyce presented a video he produced of the Rockheights Hockey Academy. The video showed the youth of Rockheights School practicing and enjoying the game of hockey and touched on the level of community support the program has received.

Members of Council noted their support for the Rockheights Hockey Academy program and its positive impact on the young players.

6. BUDGET PRESENTATION

- (1) 2011 Property Tax Rates – Power Point Presentation by Director of Financial Services

Director of Financial Services presented the change in the assessed value of properties by class. She noted the change to assessed values was due to \$25 million dollars of new construction in Esquimalt. The growth has created an increase in revenue.

The 2011 tax revenue increase of 3.9% presented is applicable to all property classes. Staff noted that the figure for PILT has not yet been confirmed and the property tax figures being shown is based on only the municipality's tax increase as no other taxing authorities budgets have been finalized.

Discussion ensued on the large tax increase on business and members of Council commented that adjustments to property class tax rates have been made in previous years. Council discussed shifting the tax burden between light industry and business property classes by adjusting the multiple. Council asked staff to bring back 2-3 years of historical data before a final decision is made.

MOTION: That Council direct staff to examine shifting the 2011 property tax burden between light industry and business property classes. **MOVED/SECONDED.** Councillor Linge/Councillor Brame. **CARRIED UNANIMOUSLY.**

7. PUBLIC INPUT

Emmy Labonte, Dunsmuir Road, was unhappy with the CRD letter on page 163 of the Agenda. She also referred to page 173 and suggested that the large tax burden to the local taxpayer be reduced by asking the federal government to offset part of our police costs.

Muriel Dunn, 1193 Old Esquimalt Road, mentioned that Council did

not have any suggestions on how to reduce taxes in the budget. She asked why Esquimalt is still giving grants for projects where Esquimalt does not get anything in return. Ms. Dunn also referred to the Arts Program grant and felt that it was unnecessary to contribute to that. She suggested that Council look at permissive grants in order to attract business.

Mr. Rod Lavergne, 485 Fraser St, noted that Council did not have suggestions on how to save money in the budget. Mr. Lavergne had a serious objection to the Compensation to Elected Officials for Care Giving on page 65. He was concerned about why the discussion was held *In Camera* and suggested that there could be a conflict at the table.

8. PUBLIC HEARING

(1) PUBLIC HEARING – REZONING AND DEVELOPMENT PERMIT APPLICATION [363 KINVER STREET]

- i) Notice of Public Hearing
 - Zoning Bylaw, 1992, No. 2050
 - Amended Bylaw [No. 198], 2011, No 2758
- ii) Background Information – *Available for Viewing Separately*
 - Staff Report No. DEV-11-005
 - Staff Report No. DEV-11-016
 - Staff Report No. DEV-11-017
- iii) Email from Matthew Brandwood, dated April 4, 2011, Re: 363 Kinver Street

Councillor Linge declared himself in a conflict by virtue of his business relationship and left Council Chambers at 7:58 p.m.

Mayor Desjardins called the Public Hearing for Rezoning and Development Permit Application [363 Kinver Street] to order at 8:00 p.m.

Director of Development Services indicated that instead of building a duplex on the property, two detached units are being proposed.

The developer, David Lundt from Basic Design Group, spoke to the development and provided a brief description of the rezoning necessary in order to allow for an additional single family unit in the rear yard of the property. He also indicated that vegetation would be removed to make the new home more acceptable. In addition to this a new patio stone driveway will be added to the rear yard.

In reaction to the email received from Mr. Brandwood and Ms. Lundgren, the owners of 361 Kinver St, Mr. Lundt assured council that developers do not want to offend any neighbours and are always open for discussion. Furthermore, that the incidents referred to in the letter is

applicable to another developer.

Mayor Desjardins then invited the public to speak.

Peter Ryan, 399 Fraser St, said that he supported the development.

Discussion then ensued about the removal of two trees that had already damaged the driveway of 361 Kinver St.

Director of Development Services indicated that the Parks Department would evaluate the situation should it be necessary to remove the trees in order to accommodate the development. Staff noted that the removal of trees can be handled as a separate issue from the development permit application.

With regards to protection of the other trees on the property, staff informed council of the Bylaw Information Package on Protecting our Trees that always accompanies the issuing of the development permit.

There being no further public input, Mayor Desjardins declared the Hearing closed at 8:10 p.m.

9. PUBLIC HEARING STAFF REPORT

- (1) Rezoning Application and Development Permit, 363 Kinver Street, [Lot 1, Section 11, Esquimalt District, Plan 6063], Staff Report No. DEV-11-027

MOTION:

1. That Bylaw No. 2758, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of Lot 1, Section 11, Esquimalt District, Plan 6063 [363 Kinver Street] shown cross-hatched on Schedule 'A', attached hereto, from RD-3 [Two Family /Single Family Residential] to CD No. 78 [Comprehensive Development District No. 78], be considered for **third reading and adoption**; and
2. That should Amending Bylaw No. 2758 be adopted, Development Permit No. 14/2010 limiting the form and character of the proposed development to that shown on architectural plans provided by Mesa Design Group stamped "Received January 31, 2011", the landscape plan prepared by Koi Dragon Enterprises Ltd., stamped "Received January 31, 2011", and sited as detailed on the survey plan prepared by Robert Hartnell Land Surveyor stamped "Received November 19, 2010", be **approved, issued and registered** on the title of Lot 1, Section 11, Esquimalt District, Plan 6063 [363 Kinver Street]. **MOVED/SECONDED** Councillor Hundleby/Councillor Brame. **CARRIED UNANIMOUSLY.**

Councillor Linge returned to Council Chambers at 8:15 pm.

10.

STAFF REPORTS

Administration

- (1) Feedback of Council Remuneration Report, Staff Report No. ADM-11-025

Additional response for feedback received: Email from Warren and Karol Sanderson, 1157A Heald Avenue.

Councillor Gaul spoke to the feedback received and noted that she did not bring this suggestion to the table but that it is important for the public to be aware of the sacrifices that council members are faced with in filling these positions. Discussion ensued that if people are requested to work after hours there should be assistance as such and that Council wanted to encourage younger people to sit on Council.

MOTION: That Council rescind the recommendation that compensation for care-giving be approved and added to the Council Remuneration Bylaw. **MOVED/SECONDED.** Councillor Brame/Councillor Hundleby. **CARRIED UNANIMOUSLY.**

Discussion ensued on the feedback received from Lorne Argyle on the Council Remuneration Report. Mr. Argyle suggested a revised methodology and remuneration figures for the Mayor and Council.

Council members indicated that it is already a difficult decision to vote for an increase that would not take effect for the current council; at the same time, postponing the decisions would also put the next council in a difficult position.

MOTION: That Council approve an increase in council remuneration to \$15,500 for members of Council and \$37,000 for the Mayor beginning December 1, 2011. **MOVED/SECONDED.** Councillor Linge/Mayor Desjardins. **DEFEATED** (Mayor Desjardins and Councillor Linge in favour; Councillors Gaul, Brame, Hundleby and McIldoon opposed).

MOTION: That Council approve an increase in council remuneration to \$13,885 for members of Council and \$34,600 for the Mayor effective beginning January 1st, 2012 and that in following years the remuneration will run in accordance to the Consumer Price Index for Victoria. **MOVED/SECONDED.** Councillor Gaul/Councillor Brame. **CARRIED** (Mayor Desjardins, Councillors Gaul, Brame and Linge in favour; Councillors McIldoon and Hundleby opposed).

MOTION: That Council receive Staff Report No. ADM-11-025, Feedback of Council Remuneration Report, for information. **MOVED/SECONDED.** Councillor Hundleby/Councillor Brame. **CARRIED UNANIMOUSLY.**

- (2) Anderson Park Community Garden Update, Staff Report No. ADM-11-026

Sustainability Coordinator responded to Council's questions about the management of the Esquimalt Community Garden:

- The Esquimalt Community Gardens Society has a projected 2011 budget deficit of \$510.
- The Society collects revenue from garden plot membership fees, grants, and fundraising events.
- Staff are working on how to correctly measure and bill the gardens for its water use.
- LifeCycles Project Society's proposal is to come in as a third party to manage the gardens.

Council suggested that LifeCycles Project Society make a presentation at a Committee of the Whole meeting at a future date.

MOTION: That Council receive Staff Report No. ADM-11-026, Anderson Park Community Garden Update, for information. MOVED/SECONDED. Councillor Linge/Councillor Hundleby. **CARRIED UNANIMOUSLY.**

RECESS Council took a brief recess at 9:05 p.m.

RECONVENE Council reconvened the meeting at 9:12 p.m.

Finance

- (3) Revenue, Tax, Budget and Financial Sustainability Policies and Objectives, Staff Report No. FIN-11-004

Discussion ensued on the wording of the Revenue, Tax, Budget and Financial Sustainability Policies and Objectives for inclusion in the 2011-2015 Financial Plan Bylaw.

Council asked that under Section 2 - Permissive Tax Exemptions, Background, that the word 'support' be changed to 'consider applications' for permissive tax exemptions. Council also asked staff to look into the matter of agencies having to apply to Council in person and at what intervals that should occur.

Council asked that under Section 6.1.3 whether money earned from the sale of land and improvements can be used for any other means than land purchases. Chief Administrative Officer responded that any money in a reserve fund that is not restricted by legislation can be used for other projects. Council suggested that item 6.1.3 (c) be revised to reflect this information.

MOTION: That Council direct staff to amend, as discussed, the Revenue, Tax, Budget and Financial Sustainability Policies and Objectives for inclusion in the 2011 – 2015 Financial Plan Bylaw, and that it be forwarded to the May 2nd, 2011 Regular Meeting of Council. MOVED/SECONDED. Councillor Linge/Councillor Hundleby. **CARRIED UNANIMOUSLY.**

- (4) Shared Policing Services Cost Allocation Formula Defined, Staff Report No. FIN-11-005

MOTION:

That, for purposes of the cost allocation of shared policing services, it is agreed:

- a) that the term “*converted value of land and improvements, including properties exempted from taxation, assessed for hospital district purposes*” as referenced in section 3.0 of the Financing and Accounting Agreement of Victoria / Esquimalt Amalgamated Police Services is defined as the documented BC Assessment Revised Roll, including all supplementary revisions (hospital district values) (BCARR) as adjusted by any Authority over properties exempted from taxation (PILT).
- b) that the annual police allocation will be determined using the prior year’s BCARR as known at December 31 and as adjusted, and used, for calculating PILT payments by any Authority over properties exempted from taxation.
- c) where any property assessment is appealed, resulting in a retroactive change in payment (either an increase or decrease), and the confirmed value of the property results in a change which would have impacted the Township’s share of the annual police allocation:
 - a. less than an annual total of \$5,000, the appealed value will be included in the subsequent BCARR and no prior year adjustment will be made
 - b. more than an annual total equal to \$5,000 or more, a retroactive adjustment will be made to the annual police allocation, for all years affected, and the resulting increase or decrease in policing costs will be paid or collected

MOVED/SECONDED. Councillor Hundleby/Councillor Brame. **CARRIED UNANIMOUSLY**

- (5) Composition of Local Grant Committee, Staff Report No. FIN-11-006

Mayor Desjardins appointed Councillor Linge as an alternate to the 2011 Local Grant Committee.

Development Services

- (6) Review of Infill Housing Policies with Respect to Subdivision of Lots in the Interior of Blocks of Single and Two Family Residential Development, Staff Report No. DEV-11-023

MOTION: That at this time, no change be made to the Township's Infill Housing Policy and that infill proposals for RD-1 or RD-3 zoned parcels continue to be evaluated on their own merit whether for interior or corner parcels. **MOVED/SECONDED.** Councillor Brame/Councillor Gaul. **CARRIED** (Mayor Desjardins, Councillors Linge, Brame, Hundleby and Gaul in favour; Councillor McIldoon opposed).

11. BYLAWS

For Adoption

- (1) Streets and Traffic Regulation Bylaw, 2005, No. 2607, Amendment Bylaw [No. 7], No. 2760

MOTION: That Council adopt the Streets and Traffic Regulation Bylaw, 2005, No. 2607, Amendment Bylaw [No. 7], No. 2760. **MOVED/SECONDED.** Councillor Brame/Councillor Hundleby. **CARRIED UNANIMOUSLY.**

12. MAYOR'S AND COUNCILLORS' REPORTS

- (1) Letter from Councillor Randall Garrison, dated March 30, 2011, Re: Request for Leave of Absence

MOTION: That Council approve Councillor Garrison's request for an unpaid leave of absence from Council effective March 30, 2011 and extend up to and including the Council Meeting of May 2nd, 2011. **MOVED/SECONDED.** Councillor Brame/Councillor Hundleby. **CARRIED UNANIMOUSLY.**

13. REPORTS FROM COMMITTEES

- (1) Draft minutes from the Advisory Planning Commission meeting, February 15, 2011

MOTION: That Council receive the Draft minutes from the Advisory Planning Commission meeting, February 15, 2011. **MOVED/SECONDED.** Councillor Brame/Councillor Hundleby. **CARRIED UNANIMOUSLY.**

- (2) Adopted minutes from the Environmental Advisory Committee meeting, February 24, 2011

MOTION: That Council receive the Adopted minutes from the Environmental Advisory Committee meeting, February 24, 2011. **MOVED/SECONDED.** Councillor Linge/Councillor Brame. **CARRIED UNANIMOUSLY.**

- (3) Memorandum from the Environmental Advisory Committee, dated March 25, 2011, Re: Management of Esquimalt Community Gardens

MOTION: That Council refer the Memorandum from the Environmental Advisory Committee, dated March 25, 2011, Re: Management of Esquimalt Community Gardens, to the next Committee of the Whole Meeting at which a presentation from LifeCycles Project Society can be scheduled. **MOVED/SECONDED.** Councillor Linge/Councillor Hundleby. **CARRIED UNANIMOUSLY.**

- (4) Memorandum from the Heritage Advisory Committee, dated March 16, 2011, Re: Heritage Advisory Committee 2011 Work Plan

MOTION: That Council receive the Memorandum from the Heritage Advisory Committee, dated March 16, 2011, Re: Heritage Advisory Committee 2011 Work Plan. **MOVED/SECONDED.** Councillor Hundleby/Councillor Brame. **CARRIED UNANIMOUSLY.**

- (5) Draft minutes from the Arts, Culture and Special Events Advisory Committee meeting, March 2, 2011

MOTION: That Council receive the Draft minutes from the Arts, Culture and Special Events Advisory Committee meeting, March 2, 2011. **MOVED/SECONDED.** Councillor Brame/Councillor McIlldoon. **CARRIED UNANIMOUSLY.**

- (6) Memorandum from the Arts, Culture and Special Events Advisory Committee, dated March 21, 2011, Re: Arts, Culture and Special Events Advisory Committee 2011 Work Plan

MOTION: That Council receive the Memorandum from the Arts, Culture and Special Events Advisory Committee, dated March 21, 2011, Re: Arts, Culture and Special Events Advisory Committee 2011 Work Plan. **MOVED/SECONDED.** Councillor Brame/Councillor Hundleby. **CARRIED UNANIMOUSLY.**

- (7) Draft minutes from the Advisory Planning Commission meeting, March 15, 2011

MOTION: That Council receive the Draft minutes from the Advisory Planning Commission meeting, March 15, 2011. **MOVED/SECONDED.** Councillor Brame/Councillor Hundleby. **CARRIED UNANIMOUSLY.**

14.

COMMUNICATIONS

MOTION: That Council receive the following communications:

- (1) Letter from Geoff Young, Capital Regional District, dated March 7, 2011, Re: Re-naming the of the E & N Rail Trail
- (2) Letter from Cari Taylor, The Arthritis Society, received March 16, 2011, Re: 2011 Walk to Fight Arthritis
- (3) Letter from Denise Blackwell, Capital Regional District, dated March 17, 2011, Re: Core Area Wastewater Treatment Project – Community Benefits Framework Reports
- (6) Letter from the City of Cranbrook, dated March 25, 2011, Re: Online Municipal Voting

MOVED/SECONDED. Councillor Hundleby/Councillor Gaul.
CARRIED UNANIMOUSLY.

- (4) Letter from Helen Edwards, Hallmark Society, dated March 17, 2011, Re: Hallmark Society Awards Night

MOTION: That Council receive and forward the Letter from Helen Edwards, Hallmark Society, dated March 17, 2011, Re: Hallmark Society Awards Night to the Heritage Advisory Committee.
MOVED/SECONDED Councillor Hundleby/Councillor Brame.
CARRIED UNANIMOUSLY.

- (5) Letter from the Abbotsford Chamber of Commerce dated March 21, 2011, Re: Equitable Police Funding

MOTION: That Council receive the Letter from the Abbotsford Chamber of Commerce dated March 21, 2011, Re: Equitable Police Funding.
MOVED/SECONDED. Councillor Brame/Councillor Linge.
CARRIED UNANIMOUSLY.

MOTION: That Council table sending a letter pending input from the Esquimalt Chamber of Commerce and a decision being made on the Request for Proposals for Policing Services.
MOVED/SECONDED. Mayor Desjardins/Councillor Hundleby. **CARRIED UNANIMOUSLY.**

15. PUBLIC QUESTION AND COMMENT PERIOD

Muriel Dunn, 1193 Old Esquimalt Road, indicated that she is satisfied with the increase in remuneration to council and the mayor. Furthermore Ms. Dunn asked if the public could have more information on the 14 properties that receive permissive tax exemptions.

16. ADJOURNMENT

MOTION: That the Regular Meeting of Council be adjourned at 9:45 p.m.
MOVED/SECONDED. Councillor Brame/Councillor Hundleby.
CARRIED UNANIMOUSLY.

MAYOR OF THE CORPORATION OF THE
TOWNSHIP OF ESQUIMALT
THIS 18th DAY OF APRIL, 2011

CERTIFIED CORRECT:

LAURIE HURST
DEPUTY CORPORATE ADMINISTRATOR