



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

**MINUTES
REGULAR MEETING
OF MUNICIPAL COUNCIL
MONDAY, APRIL 18, 2011**

**7:00 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
Scott Hartman, Director of Parks and Recreation
Pat Mulcahy, Manager of Human Resources

OTHER:

Carla Venter, Recording Secretary

1. **CALL TO ORDER**

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

2. **LATE ITEMS**

- (1) Verbal Report from Councillor Hundleby on the resolution at AVICC Conference – Item 9(2).
- (2) Verbal Report from Mayor Desjardins, Core Area Liquid Waste Management Committee – Item 9(3).

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 Regular Meeting of Council, March 21, 2011

MOTION: That the Minutes of the Regular Meeting of Council, March 21, 2011 be approved as circulated. **MOVED/SECONDED.** Councillor Linge/Councillor Brame. **CARRIED UNANIMOUSLY.**

- (2) Minutes of the Regular Meeting of Council, April 4, 2011

MOTION: That the Minutes of the Regular Meeting of Council, April 4, 2011 be approved as circulated. **MOVED/SECONDED.** Councillor Brame/Councillor Hundleby. **CARRIED UNANIMOUSLY.**

5. **PRESENTATIONS**

- (1) Presentation of Certificate in Local Government Service Delivery to Marlene Lagoa

Mayor Desjardins presented a Board of Examiners Certificate in Local Government Service Delivery to Marlene Lagoa. Mayor Desjardins gave an overview of Ms. Lagoa's five year work history with the Township and academic achievements.

Mayor Desjardins noted that the representatives from the Greater Victoria Harbour Authority had just arrived and suggested that their presentation be moved to Item 5(3).

- (2) Graham Bruce, Island Corridor Foundation, E & N Railway

Graham Bruce spoke to the recent changes with rail services and to the recent suspension of passenger service between Victoria and

Courtenay.

Mr. Bruce noted the following service enhancements of rail service on the island:

- Nanaimo Heritage Station due to open July 2011
- Johnson Street Bridge – No rail at the moment to relocate to Vic West Station
- The Intercity Passenger service between Cowichan and Victoria
- Trail and Rail Improvements at View Royal, Langford and Cobble Hill
- SVI Operating Contract Fees
- \$15 Million Infrastructure Investment Request to federal and provincial governments
- Government Presentations and Challenges

Mr. Bruce requested that Council pass an emergency resolution requesting the federal and provincial government to restore the VIA Passenger Rail Service by immediately approving the \$15 million infrastructure application.

(3) Sonterra Ross, Greater Victoria Harbour Authority.

Sonterra Ross, Acting CEO & Manager of Finance and Property, and Rebecca Penz, Manager of Communications, presented the Greater Victoria Harbour Authority (GVHA) 2011 and 2012 Strategic Business Plan.

The following initiatives for the 2011-2012 period were highlighted:

- Environmental Stewardship
- Harbour Leadership
- Community Contribution
- First Nations Partnership
- Financial Management
- Customer Satisfaction
- Our Team

Ms. Ross noted that 210 Cruise Ships will visit Victoria between April and September 2011 and will have an approximate economic impact of \$200 million in the region. Ms. Penz presented the 2010 survey results on GVHA's reputation among stakeholders, clients and residents of the Capital region. Survey found that the GVHA needs to do more work to meet client expectations at Fisherman's Wharf. Ms. Penz invited community input on what information the community would need in order for GVHA to improve its services.

6. PUBLIC INPUT

Muriel Dunn, 1193 Old Esquimalt Road, spoke to the letter from the District of Saanich Re: Regulations to manage the populations of deer and feral rabbits. Ms. Dunn disagreed with regulatory item (1) which states that the feeding of deer should be prohibited. Ms. Dunn stated that Council and the community have repeatedly discussed this point and called for immediate action to be taken and that no more time be wasted on the issue of feeding deer.

Murray McComb, 1115 Colville Road, questioned Mr. Graham Bruce, Island Corridor Foundation, and asked whether VIA Rail and Southern Vancouver Island Rail is the same entity. Mr. Bruce explained that VIA Rail is an independent crown corporation that has the mandate to provide passenger service and Southern Rail Vancouver Island is contracted to run freight service.

Dave Hodgins, 1115 Craigflower Road, questioned Ms. Sonterra Ross, Greater Victoria Harbour Authority, about the building of a new floatplane terminal. Ms. Ross noted that there is a proposal for three operators to build a consolidated terminal and that there is currently a rezoning application in with the City of Victoria.

7. BUDGET PRESENTATION

(1) Power Point Presentation by Director of Financial Services

Director of Financial Services presented a power point on the historical and average municipal tax rates as requested by Council at the April 4th Regular Council Meeting.

Key points from the presentation included:

- Total tax increase for 2011 remains at 3.9%
- Staff continue to examine reclassification of assessed properties and impact on revenue
- Tax rates decreased annually from 2007 to 2010
- Tax increase remained the same in 2010 and 2011

(2) FINAL PUBLIC INPUT OPPORTUNITY ON BUDGET

Mayor Desjardins invited the public to ask questions on the budget presentation and noted it was the last opportunity for public input on this issue.

Muriel Dunn, 1193 Old Esquimalt Road, asked for clarification on whether the tax assessment used by the municipality is based on the BC Assessment figures. Director of Financial Services clarified that the municipality does use the property assessment values set out by BC Assessment for collecting property taxes.

8. STAFF REPORTS

Administration

(1) Fair Wage Policy, Staff Report No. ADM-11-027

Manager of Human Resources noted that the Council resolution from the January 17, 2011 Regular Meeting of Council could not be directly translated to policy. Staff presented the developed Living Wage Policy and responded to questions from Council.

Discussion ensued on how a Council resolution to develop a Living Wage Policy was already passed at the January 17, 2011 meeting and on the financial consequences of such a policy on the municipality and community.

MOTION: That Council adopt the attached Living Wage Council Policy. **MOVED/SECONDED.** Councillor Gaul/Councillor Brame. **DEFEATED** (Councillors McIldoon, Brame and Gaul in favour; Mayor Desjardins, Councillors Hundleby and Linge opposed).

Council provided no further direction to staff on how to proceed.

Finance

(2) Council Conferences and Seminars Expenses, Staff Report No. FIN-11-007

Director of Financial Services presented historical, forecasted and alternative 2011 budget figures for Council Conferences and Seminars expense.

Discussion ensued and key points included:

- Budget had not been fully utilized over the past three years
- Attending seminars is important for council education
- Budget is flexible on how spending is divided among Councillors as long as Council stays within the set budget
- Reports on conferences should be brought back as information to Council

MOTION: That Council direct staff to include the presented alternative budget figure of \$21,300 for Council Conferences and Seminars in the 2011 Budget. **MOVED/SECONDED.** Councillor Linge/Mayor Desjardins. **CARRIED UNANIMOUSLY.**

MOTION: That Council direct staff to bring back a Council Conference Attendance and Expense Policy to a future Committee of the Whole for discussion. **MOVED/SECONDED.** Councillor Linge/Councillor Brame. **CARRIED** (Mayor Desjardins, Councillors Hundleby, Linge, Gaul and Brame in favour; Councillor McIldoon opposed).

Parks and Recreation

(3) Special Event Hosting, Staff Report No. P&R-11-004

Director of Parks and Recreation presented the report and responded to questions from Council. Staff noted the priority is to maintain good relationships with user groups and that events impacting regular users will be dealt with on a case by case basis.

MOTION: That staff continue to pursue opportunities to ensure the long-term financial viability of the Archie Browning Sports Centre operation. **MOVED/SECONDED.** Councillor Brame/Councillor Hundleby. **CARRIED UNANIMOUSLY.**

Development Services

(4) Request from Member of the Heritage Advisory Committee, Staff Report No. DEV-11-025

MOTION: That Council grant David Sudbury leave from the Heritage Advisory Committee for the period of April through June 2011 for the reasons outlined in his correspondence of April 4th, 2011. **MOVED/SECONDED.** Councillor Brame/Councillor Gaul. **CARRIED UNANIMOUSLY.**

(5) Calculating Fence Heights, Staff Report No. DEV-11-031

Director of Development Services presented the report and responded to questions from Council. Pieces of lattice are included in the fence height and razor wire or any other climbing deterrent is prohibited.

Council discussed the issue of properties along the E&N Rail Trail which are below the level of the trail. The zoning bylaw does not allow fences in excess of 2 meters leaving little or no privacy to these properties.

MOTION: That Council direct staff to bring back a report to Council regarding variances to fence heights for properties along the E&N Rail Trail and the provision to request that the CRD pay for the additional fencing. **MOVED/SECONDED.** Councillor Hundleby/Councillor Gaul. **CARRIED UNANIMOUSLY.**

9.

MAYOR'S AND COUNCILLORS' REPORTS

1. Report from Councillor Brame, AVICC (Association of Vancouver Island Coastal Communities) Conference

MOTION: To receive the Report from Councillor Brame, AVICC (Association of Vancouver Island Coastal Communities) Conference. **MOVED/SECONDED.** Councillor Gaul/Councillor Brame. **CARRIED UNANIMOUSLY.**

2. Verbal Report from Councillor Hundleby AVICC Conference and VicPD Honours Ceremony

Councillor Hundleby provided a verbal report of the AVICC Conference she attended from April 8th to April 10th, 2011 in the Town of Sidney. She noted that over thirty seven resolutions were brought forward to the AVICC and presented an emergency resolution regarding Vancouver Island rail service.

MOTION: Whereas the BC Authority, Southern Railway of Vancouver Island, the BC Ministry of Transportation and Infrastructure and VIA Rail have terminated the VIA Rail dayliner service on Vancouver Island until further notice;

That Council write letters to petition the governments of Canada and British Columbia to approve the \$15 million rail infrastructure application for capital works on the Victoria to Courtenay rail line submitted by the Island Corridor Foundation in October 2010 to ensure the future of the Island rail transportation and restoration of VIA passenger rail service between Victoria and Courtenay;

And furthermore, that the letter include a request for an emergency meeting to be arranged between the Island Rail Corridor Foundation and all appropriate and applicable parties including the Premier and Minister of Transportation and Infrastructure of BC to request their immediate assistance in coordinating this appeal with the Federal Government of Canada.

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

Councillor Hundleby represented Esquimalt at the Honours Ceremony hosted by the Victoria Police Department on April 12th, 2011. The ceremony recognized outstanding individuals, sworn officers and citizens, who have made a difference. Councillor Hundleby noted that three of the ten events took place in Esquimalt .

3. Verbal Report from Mayor Desjardins, Core Area Liquid Waste Management Committee

Mayor Desjardins noted that the following motions were passed at the March 23, 2011 meeting of the Core Area Liquid Waste Management Committee:

- That consideration of the recommendation on a community benefits framework be postponed until a legal opinion has been received and staff can present more information on what “mitigation” could involve;
- That the Committee host a general meeting in Esquimalt to hear from the citizens of Esquimalt on the Core Area Wastewater Treatment project, after the legal opinion on

- Notice of Motion made by B. Desjardins: That, in view of the recent events in Japan with respect to effect of earthquakes and tsunami, and because the McLoughlin site is within the Provincial Tsunami zone, the Committee request that staff review with provincial ministries the requirements and risks for the building of the plant within this zone, as per amendment 8, at McLoughlin Point and within this zone designation; and the committee further requests information as available, regarding the status of plants within the affected zone in Japan to understand the impact of earthquake and or tsunami at this site and the risks associated with the current site.

10. REPORTS FROM COMMITTEES

(1) Committee of the Whole Report, April 11, 2011

MOTION: That Council approve the following recommendations from the Committee of the Whole dated April 11, 2011:

1. Temporary Accessory Buildings, Staff Report No. DEV 11-022

That staff initiate a public input process on the allowance of temporary structures with a view to updating the Zoning Bylaw.

4. Development Permit, 819 Condor Avenue, [Lot 4, Block 20, Section 10, Esquimalt District, Plan 2546], Staff Report No. DEV-11-029

That the application for a Development Permit, limiting the form and character of development to that shown on architectural plans provided by McNeil Building Designs Limited, stamped "Received March 9, 2011", and on the landscape plan prepared by Koi Dragon Enterprises Ltd. , stamped "Received March 9, 2011", and sited as detailed on the survey plan prepared by Powell and Associates BC Land Surveyors, stamped "Received February 9, 2011", for the proposed development located at Lot 4, Block 20, Section 10, Esquimalt District, Plan 2546 [819 Condor Avenue], be forwarded to Council with a **recommendation of approval**, subject to staff completing appropriate notification and returning Development Permit No. 01/2011 to Council for consideration.

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

Mayor Desjardins declared a conflict of interest and left Council Chambers at 8:52 p.m. Councillor Linge was Acting Chair.

MOTION: That Council approve the following recommendation from the Committee of the Whole dated April 11, 2011:

2. Road Closure Application, Closure of Southern Portion of Head Street Adjacent to Lot A, Section 11, Esquimalt District, Plan 26076 [453 Head Street], Staff Report No. DEV-11-026

1. That, in recognition of the difficulty of considering the requested road closure [which would be a divestiture of municipal land] without knowing the full details of the proposed development, the current application be closed; and
2. That the information received to date be kept on file; and
3. That the proponent be asked to submit a new application for a change of zoning and development permit; and
4. That the fees paid for the current application be applied towards any new application fees.

MOVED/SECONDED. Councillor McIlldoon/Councillor Brame.
CARRIED UNANIMOUSLY.

Mayor Desjardins returned to Council Chambers at 8:54 p.m.

Councillor Linge declared a conflict of interest and left Council Chambers at 8:54 p.m.

MOTION: That Council approve the following recommendation from the Committee of the Whole dated April 11, 2011:

3. Development Variance Permit, 1130 Munro Street, [Lot 1, Section 11, Esquimalt District, Plan VIP85403], Staff Report No. DEV-11-028

MOTION: That the application for a Development Variance Permit authorizing construction as shown on architectural plans provided by Mesa Design Group Inc., stamped "Received February 15, 2011" and sited as detailed on the survey plan prepared by Glen Mitchell Land Surveying Inc., stamped "Received March 1, 2011", and including the following relaxations to Zoning Bylaw, 1992, No. 2050, be forwarded to Council with a **recommendation of approval** subject to appropriate notification and a variance hearing being held.

Zoning Bylaw, 1992, No. 2050, Section 40(9)(a)(ii) – Side Setback – a 2.2 metre reduction to the required 3.6 metre setback from an Exterior Side Lot Line [i.e. from 3.6 metres to 1.4 metres].

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

Councillor Linge returned to Council Chambers at 8:54 p.m.

MOTION: That Council receive the following reports from committees:
(2) Draft minutes from the Heritage Advisory Committee meeting, March 16, 2011
(3) Adopted minutes from the Centennial Celebrations Select Committee meeting, March 15, 2011

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

- (4) Memorandum from the Centennial Celebrations Select Committee, dated March 22, 2011, Re: Request for Esquimalt Entrance Upgrades

MOTION: That Council request a report from staff to assess and upgrade entrances to Esquimalt, including lighting, and report how this may be achieved and to include in the 2012 work plan and budget. MOVED/SECONDED. Councillor Linge/Councillor Hundleby. **CARRIED UNANIMOUSLY.**

11. COMMUNICATIONS

MOTION: That Council receive the following communications:

- (1) Email from Tourism Vancouver Island, dated March 30, 2011, Re: RFP To Bid To Host Tourism Vancouver Island's 50th Conference and AGM
(3) Email from Lucie Hulford, dated April 4, 2011, Re: Annual Postal Food Drive
(8) Letter from Ambassador Jonathan T. Fried, Embassy of Canada, dated April 12, 2011, Re: Onagawa Twinning

MOVED/SECONDED. Councillor Gaul/Councillor Linge. **CARRIED UNANIMOUSLY.**

- (2) Letter from the CNIB (Canadian National Institute for the Blind), dated April 1, 2011, Re: Shades of Fun: How to Celebrate Vision Health Month in Esquimalt

MOTION: That Council proclaim May 2011 as Vision Health Month and Thursday May 26th, 2011 as "Shades of Fun" day in the Township of Esquimalt. MOVED/SECONDED. Councillor Hundleby/Councillor Gaul. **CARRIED UNANIMOUSLY.**

- (4) Letter from the Federation of Canadian Municipalities, dated April 4, 2011, Re: Encouraging Women in Municipal Government

MOTION: That the Township of Esquimalt be host to a Federation of Canadian Municipalities' two day campaign college workshop to enable women to run for municipal government. MOVED/SECONDED. Mayor Desjardins/Councillor McIldoon. **CARRIED UNANIMOUSLY.**

- (5) Email from Rocky Point Bird Observatory, dated April 7, 2011, Re: Invitation to Participate in Fundraiser

MOTION: That Council receive the email from Rocky Point Bird Observatory. MOVED/SECONDED. Councillor Brame/Councillor Linge. **CARRIED UNANIMOUSLY.**

- (6) Letter from the District of Saanich, dated April 7, 2011, Re: Regulations to Manage the Populations of Deer and Feral Rabbits

MOTION: That staff bring back an update on regulating deer and rabbits to a future Committee of the Whole Meeting. MOVED/SECONDED. Councillor Hundleby/Councillor McIldoon. **CARRIED** (Councillors Gaul, Linge, McIldoon, Hundleby in favour; Councillor Brame and Mayor Desjardins opposed).

- (7) Letter from the Hallmark Society, received April 8 , 2011, Re: Awards Night 2011 and South Vancouver Island Regional Heritage Fair.

MOTION: That Council receive the letter from the Hallmark Society. MOVED/SECONDED. Councillor Brame/Councillor Hundleby. **CARRIED UNANIMOUSLY.**

12.

RISE AND REPORT

- (1) Report from the *In Camera* Meeting of Council, March 21, 2011
- (a) Council appointment of Victoria Family Court and Youth Justice Committee representative.

MOTION: That Council appoints Tammy Percival as the Township of Esquimalt representative to the Victoria Family Court and Youth Justice Committee.

- (b) Esquimalt Policing and Law Enforcement Advisory Board.

MOTION: That Council authorize the use of casino funds of up to \$75,000 for consultants to assist the Esquimalt Policing and Law Enforcement Advisory Board.

Mayor Desjardins noted that casino funds can be utilized to assist in this budget matter without using tax revenue.

13. PUBLIC QUESTION AND COMMENT PERIOD

Ms. Muriel Dunn, 1193 Old Esquimalt Road, raised her concern about the deer issue. She believes it is a waste of Council and staff time and that immediate action is needed. She also finds it hard to believe that there are actually community members who deliberately feed these animals.

14. MOTION TO GO IN CAMERA

Motion to go *In Camera* pursuant to Section 90 of the Community Charter to discuss personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality; and the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party, pursuant to Section 90 (1) (a) and 90 (2) (b) of the Community Charter, and that the general public be excluded. MOVED/SECONDED. Councillor Brame/Councillor Hundleby. **CARRIED UNANIMOUSLY.**

15. ADJOURNMENT

MOTION: That the meeting be adjourned at 9:14 p.m. and reconvene *In Camera*. MOVED/SECONDED. Councillor Brame/Councillor Hundleby. **CARRIED UNANIMOUSLY.**

MAYOR OF THE CORPORATION OF THE
TOWNSHIP OF ESQUIMALT
THIS 2nd DAY OF MAY, 2011

CERTIFIED CORRECT:

LAURIE HURST
DEPUTY CORPORATE ADMINISTRATOR