



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

**7:02 P.M.
COUNCIL CHAMBERS**

PRESENT: Mayor Barbara Desjardins
Councillor Meagan Brame
Councillor Lynda Hundleby
Councillor Bruce McIldoon
Councillor Don Linge

REGRETS: Councillor Alison Gaul

STAFF: Laurie Hurst, Chief Administrative Officer
Karen Blakely, Director of Financial Services
Barbara Snyder, Director of Development Services
Scott Hartman, Director of Parks and Recreation Services
David Ward, Fire Chief
Marlene Lagoa, Sustainability Coordinator

OTHER: Carla Venter, Recording Secretary

1. **CALL TO ORDER**

Mayor Desjardins called the meeting to order at 7:02 p.m.

2. **LATE ITEMS**

There were no late items.

3. **APPROVAL OF THE AGENDA**

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

4. **MINUTES**

(1) Minutes of the Special Meeting of Council, June 13, 2011

MOTION: That the Minutes of the Special Meeting of Council, June 13, 2011 be approved as circulated. MOVED/SECONDED. Councillor Hundleby/Councillor Brame. **CARRIED UNANIMOUSLY.**

(2) Minutes of the Regular Meeting of Council, June 20, 2011

MOTION: That the Minutes of the Regular Meeting of Council, June 20, 2011 be approved as circulated. MOVED/SECONDED. Councillor Brame/Councillor Hundleby. **CARRIED UNANIMOUSLY.**

(3) Minutes of the Special Meeting of Council, June 27, 2011

MOTION: That the Minutes of the Special Meeting of Council, June 27, 2011 be approved as circulated. MOVED/SECONDED. Councillor Hundleby/Councillor Brame. **CARRIED UNANIMOUSLY.**

5. **PRESENTATIONS**

(1) Insp. Darrell McLean and Cst. Andre Almeida and Police Service Dog (PSD) Conan, Victoria Police K-9 Section

Inspector McLean introduced Police Service Dog Conan and his handler Cst. Andre Almeida. Inspector McLean gave a short overview of the age, origin and training schedule for Conan.

6. **PUBLIC INPUT**

Mr. Terry Prentice, 1297 Rockcrest Avenue, voiced his concerns on the bidding process for the Yard and Garden Waste Disposal Facility contract that used to be operated by DL Bins Ltd. Mr. Prentice had the following objections:

- Clause 6.1 of the tender document which prohibits representatives of the bidder to communicate with the

Municipality, before or after submission of the tender.

- The time allowed was insufficient from Invitation to Tender until submission.

Muriel Dunn, 1193 Old Esquimalt Road, agreed with Mr. Prentice and stated that DL Bins Ltd. had not been treated with dignity. Ms. Dunn noted that she once lived at 875 Phoenix Street and does not agree with allowing a large building on such a small parcel.

7. DELEGATIONS

(1) Lisa and Russell Gelling, Re: 875 Phoenix Street

Russel Gelling, 869 Phoenix Street, spoke to the proposed development at 875 Phoenix Street.

Mr. Gelling gave a short background of the development permit process and stated the following:

- The application for rezoning was made 4 years ago and the application had been for infill housing at the time.
- Mr. Gelling agreed to the development on the grounds that it would be an improvement to the lot, that the privacy of his property be protected and also that work on the property would commence within two weeks of receiving approval.

Mr. Gelling also raised the following concerns:

- The Development Permit should have expired after two years.
- Mr. Gelling had sent 40 – 50 emails of complaints to the Municipality.
- The developers refused to maintain the lot, except for mowing the lawn for the first time on the evening of this meeting.
- Mr. Gelling was promised by the bylaw officers that the illegal suite would be removed but that had not yet happened.
- The poor maintenance of the lot has resulted in access pollen in the area which poses a health threat to his young son.

Mayor Desjardins requested that staff prepare a report to Council as soon as possible addressing Mr. Gelling's concerns in regards to 875 Phoenix Street.

8. PUBLIC HEARING

(1) PUBLIC HEARING – REZONING APPLICATION AND DEVELOPMENT PERMIT [1141 BEWDLEY AVENUE]

1. Notice of Hearing
2. Background Information – *Available for Viewing Separately*
 - Staff Report No. DEV-11-039
 - Staff Report No. DEV-11-045

The Director of Development Services, presented a short overview of the proposed development and introduced the applicant to speak to

the development.

The applicant, Sandy Slobodian, noted the positive features of the development which include the buildings design, landscaping and application of the green building checklist items.

PUBLIC INPUT

Pat Oldroyd, 391 Kinver Street, spoke against the proposed development and said that it is not fitting for the neighbourhood which is typically single family unit housing. Mr. Oldroyd raised concerns about the location, massing, height of the 2nd story, the lack of drawings of adjacent homes in relation to the new development and the size of the development in relation to the lot.

Rob Greenwood, 1137 Bewdley Avenue, who lives next to the proposed development, stated his opposition to the development and raised concern about the lack of space on the side of the buildings, the 2nd story which will reduce natural light to his property, as well as the removal of a fir tree facing his back window.

Cindy Pflieger, 897 Admirals Road, spoke to the development and informed Council that she was involved in the design of the proposed new homes. She stated that the developer had put a lot of thought and consideration into this development and that it will be a home where the developers themselves will be living in.

Chris Warren, 1157 Bewdley Avenue, spoke against the application and is opposed to the dividing of lots in the neighbourhood.

Colleen Matthews, 1195 Munro Street, stated that the rezoning application on paper is acceptable and hopes that the end product will be the same.

The applicant *Dr. Patrick Slobodian, 1141 Bewdley Avenue*, spoke to the development permit application and stated that the property had been purchased 7 years ago and they viewed it as a good investment. Dr. Slobodian stated that the 1950 home is not suitable to be rented. He also noted that the high quality of the proposed two single units will benefit the neighbourhood and that they are committed to the development as it will become their personal residence.

ADJOURNMENT OF HEARING

The public hearing was adjourned at 7:45 p.m.

9.

PUBLIC HEARING STAFF REPORT

- (1) Rezoning Application and Development Permit, 1141 Bewdley Avenue, [Lot 10, Section 11, Esquimalt District, Plan 6077], Staff Report No. DEV-11-051

Discussion ensued and Council noted the following:

- The application was well put together and there is the added benefit of the developer living in one of the homes.
- Infill housing allows for greater density and the opportunity for more people to live in Esquimalt.
- Duplexes create other issues such as disagreement among owners on maintenance of the property.

MOTION:

1. That Bylaw No. 2765, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of Lot 10, Section 11, Esquimalt District, Plan 6077 [1141 Bewdley Avenue] shown cross-hatched on Schedule 'A', attached hereto, from RD-3 [Two Family /Single Family Residential] to CD No. 79 [Comprehensive Development District No. 79], be considered for **third reading and adoption**; and

2. That should Amending Bylaw No. 2765 be adopted, Development Permit No. 02/2011 limiting the form and character of the proposed development to that shown on architectural plans provided by Cindy Pflieger, stamped "Received March 29, 2011", the landscape plan prepared by Koi Dragon Enterprises Ltd., stamped "Received March 29, 2011", and sited as detailed on the survey plan prepared by Powell and Associates BC Land Surveyors stamped "Received March 29, 2011", be **approved, issued and registered** on the title of Lot 10, Section 11, Esquimalt District, Plan 6077 [1141 Bewdley Avenue]. **MOVED/SECONDED.** Councillor Linge/Councillor Brame. **CARRIED** (Mayor Desjardins, Councillors Hundleby, Linge, and Brame in favour; Councillor McIlldoon opposed).

10.

STAFF REPORTS

Finance

(1) Second 2011 Local Grant Distribution, Staff Report No. FIN-11-019

The Director of Financial Services informed Council that all three applicants were in attendance at the meeting.

MOTION: To allow all three applicants to come forward and speak to their request for funding. **MOVED/SECONDED.** Councillor Hundleby/Councillor Brame. **CARRIED UNANIMOUSLY.**

1. Friends of Living & Learning through Loss Society

Andy Robertson, Vice Chairman of the Friends of Living & Learning through Loss Society, noted that the Society is a non-profit organization providing support to teens and pre-teens that experience loss in the form of death or divorce.

Mr. Robertson shared three impact statements with Council which highlighted the positive outcomes of the Society's programs for teens.

Discussion ensued and Council wanted to know whether the Society had requested funds from other municipalities and whether the support that is given is reactive or pro-active.

2. The Greater Victoria Harbour Authority

Mr. Curtis Grad, CEO of the GVHA, noted that Ms. Rebecca Penz had already briefed Council on the request for funding a shore power feasibility study.

Mr. Grad stated that the GVHA will be looking at the environmental, social and financial impact of providing shore power to cruise ships. He informed Council that the request from GVHA is a contribution of \$2800 from the Township of Esquimalt.

Discussion ensued and Council questioned the benefits to Esquimalt of providing funds for the project. Council thanked the GVHA for reducing the original amount requested from \$5000 to \$2800 as Esquimalt is a smaller municipality than the City of Victoria.

3. The Victoria Rainbow Kitchen Society

Anne Thomas Knudsen, Director of the Victoria Rainbow Kitchen Society, spoke to the application and gave a brief overview of the Society's meal service and social programs.

Council discussion ensued on the following points:

- The opportunity for the Rainbow Kitchen to benefit from gaming money.
- The Society's need of funds to take them through the rest of the year.
- The need for the City of Victoria to also provide financial support.
- That 2012 Funding may also be available with funding requests being due by March 15.

MOTION: That Council approve local grant funding in the amount of \$2000 to the Friends of Living and Learning through loss Society from the 2011 Local Grant budget. **MOVED/SECONDED.** Councillor Linge/Councillor Hundleby. **CARRIED UNANIMOUSLY.**

MOTION: That Council approve local grant funding in the amount of \$1000 to the Greater Victoria Harbour Authority from the 2011 Local Grant budget. **MOVED/SECONDED.** Councillor Linge/Mayor Desjardins. **CARRIED UNANIMOUSLY.**

MOTION: That Council approve local grant funding in the amount of \$6000 to the Victoria Rainbow Kitchen Society from the 2011 Local Grant budget. Councillor Linge/Councillor Brame. **CARRIED UNANIMOUSLY.**

- (2) IT Capital – Budget Allocation Change Request, Staff Report No. FIN-11-020

MOTION: That Council approve the reallocation of \$1,400 from the capital budget item “Wyse thin client terminals” to the capital budget item “Microsoft Office 2010”. **MOVED/SECONDED.** Councillor Linge/Councillor Hundleby. **CARRIED UNANIMOUSLY.**

Fire Rescue

- (3) Confined Space Entry Agreement, Staff Report No. FIRE-11-005

MOTION: It is recommended that the Confined Space Entry Agreement be executed by the Authorized Signatories and a copy be returned to the City of Victoria. **MOVED/SECONDED.** Councillor Brame/Councillor Hundleby. **CARRIED UNANIMOUSLY.**

Parks and Recreation

- (4) Archie Browning Sports Centre Upgrade, Staff Report No. P&R-11-007

MOTION: That Council reallocate \$30,651 from the Archie Browning Sports Centre door upgrade project, and that the balance of the remaining funds be reassigned to the 2012 Capital Budget discussions. **MOVED/SECONDED.** Councillor Brame/Councillor Hundleby. **CARRIED UNANIMOUSLY.**

Development Services

- (5) Development Permit, 876 / 878 Lampson Street [Lot 16, Block 6, Section 10, Esquimalt District, Plan 2546], Staff Report No. DEV-11-052

Mr. Balvir Dat presented to Council a design board showing the colours and material that will be used on the proposed building.

MOTION: That Development Permit No. 13/2010, limiting the form and character of development to that shown on architectural plans provided by Victoria Design Group, stamped “Received May 5, 2011”, and on the landscape plan prepared by Duane Ensign Landscape Design, stamped “received June 8, 2011”, and sited as detailed on the site plan prepared by Powell and Associates BC Land Surveyors shown integrated with architectural plans, be approved, issued and registered on the title of Lot 16, Block 6, Section 10, Esquimalt District, Plan 2546 [876 / 878 Lampson Street]. **MOVED/SECONDED.** Councillor Linge/Councillor Brame. **CARRIED UNANIMOUSLY.**

11.

BYLAW

- (1) Election Procedures and Automated Voting Machines Authorization Bylaw, 2005, No. 2617, Amendment Bylaw [No. 2],

2011, No. 2767

MOTION: That the Election Procedures and Automated Voting Machines Authorization Bylaw, 2005, No. 2617, Amendment Bylaw [No. 2], 2011, No. 2767, be adopted. **MOVED/SECONDED.** Councillor Hundleby/Councillor Brame. **CARRIED UNANIMOUSLY.**

12. MAYOR'S AND COUNCILLORS' REPORTS

(1) Report from Mayor Desjardins, Re: FCM Board of Director's Meetings

Mayor Desjardins spoke to her report and stated the following:

- She has been attending the FCM Board of Director's meetings for the past 5 years.
- Mayor Desjardins is one of two elected officials serving on the subcommittee of PILT.
- Mayor Desjardins urged Council to support the Municipality in sending an Esquimalt Council member to the meetings each year.

Discussion ensued and Council requested assurance that there will be sufficient funds to cover the expenses of attending FCM meetings.

MOTION: That Council support Mayor Desjardins participation in 2011-12 FCM Board Committee meetings. **MOVED/SECONDED.** Councillor Linge/Councillor Brame. **CARRIED UNANIMOUSLY.**

13. REPORTS FROM COMMITTEES

(1) Adopted minutes from the Parks and Recreation Advisory Committee meeting, March 10, 2011

MOTION: To receive the adopted minutes from the Parks and Recreation Advisory Committee meeting, March 10, 2011. **MOVED/SECONDED.** Councillor Hundleby/Councillor Linge. **CARRIED UNANIMOUSLY.**

MOTION: That Council receive the following reports from committees:

- (2) Draft minutes from the Parks and Recreation Advisory Committee meeting, May 12, 2011
- (3) Adopted minutes from the Heritage Advisory Committee meeting, May 18, 2011
- (4) Adopted minutes from the Centennial Celebrations Select Committee meeting, May 31, 2011
- (5) Draft minutes from the Access Awareness Advisory Committee meeting, June 8, 2011
- (6) Draft minutes from the Heritage Advisory Committee meeting, June 15, 2011.

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

- (7) Memorandum from the Heritage Advisory Committee, dated June 20, 2011, Re: Usage Policy for Designated Area of Memorial Park

MOTION: That Council refer the Memorandum from the Heritage Advisory Committee, dated June 20, 2011, Re: Usage Policy for Designated Area of Memorial Park, to the Parks and Recreation Department to develop a usage policy for designated area of Memorial Park. **MOVED/SECONDED.** Councillor Hundleby/Councillor McIldoon. **CARRIED UNANIMOUSLY.**

14. COMMUNICATIONS

- (1) Letter from the Town of View Royal, dated June 23, 2011, Re: Canteen Composting Site

MOTION: To receive the letter from the Town of View Royal, dated June 23, 2011, Re: Canteen Composting Site. **MOVED/SECONDED.** Councillor Hundleby/Councillor Linge. **CARRIED UNANIMOUSLY.**

15. PUBLIC QUESTION AND COMMENT PERIOD

Mayor Desjardins called three times if there were any members of the public that wished to speak. There were none.

16. ADJOURNMENT

MOTION: That the Regular Meeting of Council be adjourned at 9:17 p.m. **MOVED/SECONDED.** Councillor Hundleby/Councillor Brame. **CARRIED UNANIMOUSLY.**

MAYOR OF THE CORPORATION OF THE
TOWNSHIP OF ESQUIMALT
THIS 15th DAY OF AUGUST, 2011

CERTIFIED CORRECT:

LAURIE HURST
DEPUTY CORPORATE ADMINISTRATOR