



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

**MINUTES
REGULAR MEETING
OF MUNICIPAL COUNCIL
MONDAY, AUGUST 15, 2011**

**7:01 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
Jeff Miller, Director of Engineering and Public Works

OTHER: Carla Venter, Recording Secretary

1. **CALL TO ORDER**

Mayor Desjardins called the meeting to order at 7:01 p.m.

2. **LATE ITEMS**

(1) Add to Agenda Item 7 (3) – Pertaining to Staff Report No. EPW 11-018, Order of Magnitude Costs for Addition of Banner Holders along Craigflower Road and cleanup of Welcome Signs

- Photographs and Map

(2) Add to Agenda Item 8 (2) Mayor's and Councillor's Report

- Report from Mayor Desjardins, Re: UBCM Resolution Regarding TAC Funding

3. **APPROVAL OF THE AGENDA**

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

4. **MINUTES**

(1) Minutes of the Special Meeting of Council, July 4, 2011

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

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

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

(3) Minutes of the Special Meeting of Council, July 11, 2011

MOTION: That the Minutes of the Special Meeting of Council, July 11, 2011 be approved as circulated. **MOVED/SECONDED.** Councillor Brame/Councillor Hundleby. **CARRIED UNANIMOUSLY.**

5. **PRESENTATIONS**

(1) Marg Misek-Evans and Sue Hallatt, Capital Regional District, CRD Pedestrian and Cycling Master Plan (PCMP)

Marg Misek-Evans gave a short introduction to the CRD Pedestrian and Cycling Master Plan and introduced Sue Hallatt to provide further

information.

Sue Hallatt explained the Masterplan Vision and identified four types of cyclists of which the 60 % of 'Interested but Concerned Cyclists' would be the focus of the CRD Plan.

Ms. Hallatt provided Council with a project overview with specific focus on the following:

- Engineering of a bikeway network
- Education and Encouragement
- Evaluation and Enforcement
- 'E'implementation

6. PUBLIC INPUT

Sharon Noble, Citizens Against Un-Safe Emissions, addressed Council about the installation of wireless smart meters and raised her concerns about the danger to the public's health as well as the invasion of privacy. Ms. Noble suggested to Council that there should be a moratorium placed on the installation of these meters until more studies on its safety had been done.

John Noyes, 928 Garthland Road, addressed Council about the banners and welcoming signage on Tillicum Rd and Craigflower Rd. Mr. Noyes provided an overview of research done among community members about the need for banners along Craigflower Rd. Mr. Noyes requested that staff propose options and costs for banner supports that use the green space between the property line and roadway for most of the distance between Arms and Admirals Rd. Mr. Noyes further suggested that staff revisit the proposed options and to have signs similar to the Gorge Park entrance at Tillicum, installed at either end of Craigflower Rd.

Mr. Rod Lavergne, 485 Fraser St. voiced his opposition to the Municipality awarding any further grants until such time as the necessary signs had been erected in Esquimalt.

Muriel Dunn, 1193 Old Esquimalt Road, noted that staff should have the reports available with the Agenda in order for it to be more useful. Ms. Dunn also voiced her concern with grant money being made available instead of the Municipality spending the necessary funds to clean and replace signs in Esquimalt.

Emmy Labonte, 873 Dunsmuir Rd, also commented on the concerns raised around smart meters. Ms. Labonte noted that protection of the public's privacy and possible health risks are the two factors that should be considered.

Dave Hodgins, 2-1115 Craigflower Road, noted the importance of having the proper signs put up to inform the public that they are in Esquimalt and that it would be unnecessary to use excessive funds to achieve that goal.

Walter Schimeck, 1404 Beatty Street, asked Council to place a moratorium on the installation of smart meters until more information is available. Mr. Schimeck noted the danger of the effects on children and pregnant women and also noted the possible interference with home security systems and medical devices.

Valerie Elliot, 821 Craigflower Road, voiced her interest in the proposed plan of the CRD to improve access to bikeways in Esquimalt.

Dave Hodgins, 2-1115 Craigflower Road, noted that the need for safe bikeways exists in Esquimalt.

7. STAFF REPORTS

Administration

- (1) Appointment of 2011 Election Officials, Staff Report No. ADM-11-038

MOTION

1. That Anja Nurvo be appointed Chief Election Officer for purposes of conducting the 2011 municipal election and be granted all necessary authority to ensure the fulfilment of the statutory provisions associated with the election process;
2. That Marlene Lagoa be appointed Deputy Chief Election Officer. MOVED/SECONDED. Councillor Linge/Councillor Brame. **CARRIED UNANIMOUSLY.**

- (2) Council Meeting Schedule – September 2011, Staff Report No. ADM-11-039

MOTION: That Council reschedule the Regular Meeting of Council scheduled for September 26, 2011 to August 29, 2011 and that staff post a notice of the August 29, 2011 Special Meeting of Council. MOVED/SECONDED. Councillor Hundleby/Councillor Brame. **CARRIED UNANIMOUSLY.**

Engineering and Public Works

- (3) Order of Magnitude Costs for Addition of Banner Holders Along Craigflower Road and cleanup of Welcome Signs, Staff Report No. EPW 11-018

Discussion ensued around the banners needed on Craigflower Rd. to create awareness of Esquimalt. Council discussed the number of banner holders needed, the difference between basic poles and poles with lights and the most visual locations in which to place the banners.

MOTION:

1. That Council receive this report for information; and
2. That staff obtain a cost estimate for 10, but not limited to 10, banner holders for the area along Craigflower Road. MOVED/SECONDED. Councillor McIlldoon/Councillor Hundleby. **CARRIED UNANIMOUSLY.**

MOTION: That staff provide a status report on each of the five welcoming signs with recommendations for any maintenance required. MOVED/SECONDED. Councillor Hundleby/Councillor McIlldoon.

MOTION: To *amend* the motion by adding the words 'and to also include a report on replacement of the five welcoming signs'. MOVED/SECONDED. Councillor McIlldoon/Councillor Linge. **CARRIED** (Mayor Desjardins, Councillors McIlldoon, Brame and Linge in favour; Councillor Hundleby opposed).

A vote was taken on the main motion as amended, with the final wording being as follows:

MOTION: That staff provide a status report on each of the five welcoming signs with recommendations for any maintenance required and to also include a report on replacement of the five welcoming signs. **CARRIED UNANIMOUSLY.**

Finance

(4) Third 2011 Local Grant Distribution, Staff Report No. FIN-11-026

MOTION: That Council defer making a decision on the two alternatives available to Council until the applicant is present at the meeting. MOVED/SECONDED. Councillor Hundleby/Councillor Brame. **CARRIED UNANIMOUSLY.**

(5) Request to Change Use of Grant Funding, Staff Report No. FIN-11-027

MOTION: That Council defer making a decision until such time as a representative of the agency is present at the meeting. MOVED/SECONDED. Councillor Hundleby/Mayor Desjardins. **CARRIED UNANIMOUSLY.**

(6) Centennial Celebration Committee Provincial Grant Application, Staff Report No FIN-11-028

MOTION: That this report be received for information. MOVED/SECONDED. Councillor Linge/Mayor Desjardins. **CARRIED UNANIMOUSLY.**

Development Services

(7) Procedures for Granting Exemptions from the Requirement that New Single Family Homes Must Be Solar Hot Water Ready, Staff Report No. DEV-11-059

MOTION:

1. That Council delegate the authority to grant exemptions from the Solar Hot Water Ready Regulation, in those instances where building site conditions make solar hot water ready construction impractical, to either the Chief Building Official or the Director of Development Services; and

2. That the following process for dealing with exemptions be authorized:
 - a) Property Owner or Contractor submits an Application for Exemption;
 - b) Building Inspector or other staff delegated to adjudicate these requests reviews the application and conducts a site inspection;
 - c) Written decision with reasons is given to the Property Owner/Contractor;
 - d) If the applicant is dissatisfied with the decision of the Building Inspector or other delegated staff, they may request that the matter be reviewed by Council.

MOVED/SECONDED. Councillor Hundleby/Councillor Brame.

MOTION: To ***amend*** the first part of the motion by adding the words 'based on consistent evaluation' following 'Director of Development Services'. MOVED/SECONDED. Councillor Hundleby/Councillor Linge. **CARRIED UNANIMOUSLY.**

A vote was taken on the main motion as amended, with the final wording being as follows:

MOTION:

1. That Council delegate the authority to grant exemptions from the Solar Hot Water Ready Regulation, in those instances where building site conditions make solar hot water ready construction impractical, to either the Chief Building Official or the Director of Development Services based on consistent evaluation; and
2. That the following process for dealing with exemptions be authorized:
 - a) Property Owner or Contractor submits an Application for Exemption;
 - b) Building Inspector or other staff delegated to adjudicate these requests reviews the application and conducts a site inspection;
 - c) Written decision with reasons is given to the Property Owner/Contractor;
 - d) If the applicant is dissatisfied with the decision of the Building Inspector or other delegated staff, they may request that the matter be reviewed by Council.

CARRIED UNANIMOUSLY.

- (8) Amendment to Zoning Bylaw for Height of Fences Abutting the E & N Right-of-Way, Staff Report No. DEV-11-061

MOTION:

1. That Council rescind 1st and 2nd reading of Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No [No.201] No. 2766 approved on June 20th, 2011.

MOVED/SECONDED. Councillor Hundleby/Councillor Brame.

CARRIED UNANIMOUSLY.

MOTION:

2. That amended Zoning Bylaw, 1992, No. 2050, Amendment Bylaw

[No. 201] , 2011, No. 2766 be amended to read:

(4) Sections 34(10), 38(11), 40(11), 67.32(8) and 67.58(8) notwithstanding, where a residential parcel is located immediately adjacent to the E & N right of way, a Fence located immediately adjacent and parallel to that right of way may have a Fence with a Height of no more than 2.0 metres above the Grade of the E & N right of way to ensure privacy for the residents.

(5) Section 22(1) notwithstanding, where a residential parcel is located immediately adjacent to the north side of the E & N right of way, a Fence on top of a retaining wall located immediately adjacent and parallel to that right may have a Height of not more than 2.0 metres above the Grade of the E & N right of way to ensure privacy for the residents.

be given first and second reading; and

3. That a Public Hearing be scheduled for September 12th, 2011.
MOVED/SECONDED. Councillor Linge/Councillor Brame.
CARRIED UNANIMOUSLY.

- (9) Rezoning Application, 537 Fraser Street, [Lot 6, Section 11, Esquimalt District, Plan 6722, Except that part in Plan 27619], Staff Report No. DEV-11-062

MOTION:

1. That Bylaw No. 2769, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of Lot 6, Section 11, Esquimalt District, Plan 6722, Except that part in Plan 27619 [537 Fraser Street] shown cross-hatched on Schedule 'A', attached hereto, from RS-1 [Single Family Residential] to P-1 [Public/Institutional], be given first and second reading; and

2. That a Public Hearing be scheduled.

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

- (10) OCP Amendment and Rezoning Application, 855 Lampson Street, [Lot 11, Section 10, Esquimalt District, Plan VIP7500], Staff Report No. DEV-11-063

MOTION:

1. That Bylaw No. 2770, which would amend Official Community Plan Bylaw, 2006, No. 2646 by changing the land use designation of Lot 11, Section 10, Esquimalt District, Plan VIP7500 [855 Lampson Street] shown cross-hatched on Schedule 'A', attached hereto, from Townhouse Residential to Parks and Open Space, be given first and second reading; and

2. That Bylaw No. 2771, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of Lot 11, Section 10, Esquimalt District, Plan VIP7500 [855 Lampson Street] shown cross-hatched on Schedule 'A', attached hereto, from RD-3 [Two Family/ Single Family Residential] to P-2 [Parks and Open Space], be given first and second reading; and

3. That a Public Hearing be scheduled.

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

- (11) Rezoning Application and Development Permit, 856 Esquimalt Road, [Lot A, Section 11, Esquimalt District, Plan VIP80973], 858 Esquimalt Road, [Lot 2, Section 11, Esquimalt District, Plan 23904], Staff Report No. DEV-11-064

Discussion ensued around the responsibility of the developer to adhere to the proposed plans for the development, possible landscape changes, authorization of minor changes, the importance of allocation of residential and commercial parking spaces, the possible increase/decrease in traffic volume and the display of public art, preferably looking at Esquimalt artists first.

Council requested that reference to Section 13 of Parking Bylaw No. 2011 be made under section 2 (10) of Bylaw No. 2772.

MOTION:

1. That Bylaw No. 2772, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of Lot A, Section 11, Esquimalt District, Plan VIP80973 [856 Esquimalt Road] and Lot 2, Section 11, Esquimalt District, Plan 23904 [858 Esquimalt Road] shown cross-hatched on Schedule 'A', attached hereto, from C-6 [Licensed Liquor Establishment] and C-2 [Neighbourhood Commercial] respectively to CD No. 80 [Comprehensive Development District No. 80], be given first and second reading; and
2. That a Public Hearing be scheduled; and
3. That prior to a Public Hearing, a draft Development Permit limiting the form and character of the proposed development to that shown on architectural plans provided by Douglas P. J. Millar Architect, stamped "Received August 9, 2011", and on the landscape plan prepared by Eckford and Associates Landscape Architecture, stamped "Received August 9, 2011", and sited as detailed on the survey plan prepared by Richard J. Wey and Associates Land Surveyors Inc., stamped "Received June 6, 2011", be returned to Council for consideration.

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

- (12) Discharge of Section 215 Covenant, # 716 Luscombe Place, [Lot E, Section 2, Esquimalt District, Plan VIP55427], Staff Report No. DEV-11-065

MOTION: That Council approve the request for a discharge of the Section 215 Covenant, restricting the use of the property at 716 Luscombe Place [Lot E, Section 2, Esquimalt District, Plan VIP55427] to only a single family residence. MOVED/SECONDED. Councillor Linge/Councillor Brame. **CARRIED UNANIMOUSLY.**

8. MAYOR'S AND COUNCILLORS' REPORTS

- (1) Report from Mayor Barbara Desjardins, Re: Mayor's Report – January – June 2011

MOTION: To receive the Report from Mayor Barbara Desjardins, Re: Mayor's Report – January – June 2011. MOVED/SECONDED. Councillor Hundleby/Mayor Desjardins. **CARRIED UNANIMOUSLY.**

- (2) Report from Mayor Barbara Desjardins, Re: UBCM Resolution Regarding TAC Funding

MOTION: To receive the Report from Mayor Barbara Desjardins, Re: UBCM Resolution regarding TAC Funding. MOVED/SECONDED. Councillor Hundleby/Mayor Desjardins. **CARRIED UNANIMOUSLY.**

9. REPORTS FROM COMMITTEES

MOTION: That Council receive the following draft minutes:

- (1) Draft minutes from the Environmental Advisory Committee meeting, June 23, 2011
- (2) Draft minutes from the Centennial Celebrations Select Committee meeting, June 28, 2011
- (3) Draft minutes from the Arts, Culture and Special Events Advisory Committee meeting, July 6, 2011

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

10. COMMUNICATIONS

- (1) Letter from Peggy Sutter, dated July 19, 2011, Re: Official Council Request to Minister of Health for Moratorium on "Smart" Meters

MOTION:

- 1. To receive the Letter from Peggy Sutter, dated July 19, 2011, Re: Official Council Request to Minister of Health for Moratorium on "Smart" Meters; and
- 2. To have a presentation on Smart Meters and to receive input from VIHA.

MOVED/SECONDED. Councillor Linge/Councillor Brame.

MOTION: To ***amend*** the second part of the motion by adding the words 'and that the Information and Privacy Commissioner be included in an update' following 'VIHA'. MOVED/SECONDED. Councillor Hundleby/Councillor Brame. **CARRIED UNANIMOUSLY.**

A vote was taken on the main motion as amended, with the final wording being as follows:

MOTION:

1. To receive the Letter from Peggy Sutter, dated July 19, 2011, Re: Official Council Request to Minister of Health for Moratorium on "Smart" Meters; and
2. To have a presentation on Smart Meters and to receive input from VIHA and that the Information and Privacy Commissioner be included in an update.

CARRIED UNANIMOUSLY.

- (2) Letter from Curtis Grad, Greater Victoria Harbour Authority, dated August 3, 2011, Re: Letter of Appreciation

MOTION: To receive the Letter from Curtis Grad, Greater Victoria Harbour Authority, dated August 3, 2011, Re: Letter of Appreciation. **MOVED/SECONDED.** Councillor Linge/Councillor Brame. **CARRIED UNANIMOUSLY.**

11. NOTICE OF MOTION

- (1) Graffiti in the Community

Councillor Brame noted that she would be bringing forward a motion on graffiti in the community to the next Council meeting.

12. PUBLIC QUESTION AND COMMENT PERIOD

Muriel Dunn, 1193 Old Esquimalt Road, noted that the three welcoming signs upon entering Esquimalt have historical value and were made especially for Esquimalt. Ms. Dunn further mentioned that the welcoming signs on Craigflower Rd. should be replaced. Ms. Dunn then commented on the need for the Fire Department to make a presentation on how people from the 12th floor of a building would be rescued if the fire trucks are only able to reach the 9th floor.

Sharon Noble, Citizens Against Un-Safe Emissions, indicated that she could arrange for a scientist to speak to the unsafe emissions of the smart meters.

Michelle Milton, residing outside of Esquimalt, also voiced her concern about the use of smart meters and urged Council to dig deeper into the matter.

Peter Justo, 929 Esquimalt Road, spoke to the importance of immediate removal of graffiti and the success of volunteers offering their services. Mr. Justo noted his appreciation for the support from the municipality.

13. ADJOURNMENT

MOTION: That the Regular Meeting of Council be adjourned at 9:25 p.m. and reconvene *In Camera*. **MOVED/SECONDED.** Councillor

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

MAYOR OF THE CORPORATION OF THE
TOWNSHIP OF ESQUIMALT
THIS 19th DAY OF SEPTEMBER, 2011

CERTIFIED CORRECT:

ANJA NURVO
CORPORATE OFFICER