



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

**MINUTES
REGULAR MEETING
OF MUNICIPAL COUNCIL
MONDAY, OCTOBER 17, 2011**

**7:01 P.M.
COUNCIL CHAMBERS**

- PRESENT:** Mayor Barbara Desjardins
Councillor Meagan Brame
Councillor Alison Gaul
Councillor Lynda Hundleby
Councillor Don Linge
- REGRETS:** Councillor Bruce McIldoon
- STAFF:** Laurie Hurst, Chief Administrative Officer
Karen Blakely, Director of Financial Services
Barbara Snyder, Director of Development Services
Anja Nurvo, Manager of Corporate Services
Louise Payne, Recording Secretary
- OTHER:** Darrell McLean, Inspector, Victoria Police, West Division

1. **CALL TO ORDER**

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

2. **LATE ITEMS**

There were no late items.

3. **APPROVAL OF THE AGENDA**

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

4. **PRESENTATION**

Mayor Desjardins presented retiring Inspector Darrell McLean, Victoria Police, West Division with a Certificate of Appreciation in recognition of his many years as Officer in Charge.

5. **PUBLIC INPUT**

Muriel Dunn, resident requested clarification of costs of decorative banner poles and expressed her concern that only five banner poles are to be erected.

Judy Morton, resident advised that with respect to the upcoming bylaw regarding feeding of squirrels, she had created a map showing where the squirrels were coming from and where they were going, and submitted the map to Council for staff.

Dave Hodgins, resident expressed concern with one sign on Craigflower Road that was not noticeable by the crosswalk. He suggested that the location of the "entering/leaving Esquimalt" sign should be studied.

Kelly Bryant, resident expressed concern for the safety of children in school zones because of speeding vehicles and parents parking on yellow line when picking up their children. He stated that he would put his concerns in a letter to Council, and suggested that the municipality work with the Police Liaison Officer at the school to educate children on road safety.

Bruce Cuthbert, on behalf of Esquimalt Residents Association and Esquimalt Chamber of Commerce, advised of an All Candidates meeting organized for November 9, 2011. He advised that they were seeking input and questions from the community regarding this meeting. Residents can go to info@esquimaltchamber.ca.

6.

HEARING

(1) HEARING – DEVELOPMENT VARIANCE PERMIT [472/474 NELSON STREET]

- i) Notice of Hearing
- ii) Background Information – Available for Viewing Separately
 - Staff Report No. DEV-11-072

The Director of Development Services gave a brief overview of the proposed amendments and introduced the applicant to speak to the development. The applicant stated that because the staircase will be replaced, the variances were required.

PUBLIC INPUT

Mayor Desjardins called for public input three times and there was none.

ADJOURNMENT OF HEARING

Mayor Desjardins declared the Hearing closed at 7:27 p.m.

7.

HEARING STAFF REPORT

- (1) Development Variance Permit, 472/474 Nelson Street, [Strata Lot 1, Suburban Lot 48, Esquimalt District, Strata Plan VIS1031], [Strata Lot 2, Suburban Lot 48, Esquimalt District, Strata Plan VIS1031], Staff Report No. DEV-11-079

MOTION: That the application for a Development Variance Permit authorizing the construction of a new deck as detailed in the plans submitted with the application stamped 'Received June 24, 2011' and sited as shown on the survey provided by Richard J. Wey & Associates stamped 'Received June 24, 2011', including the following variances, be **approved, issued and registered** on the titles of Strata Lot 1, Suburban Lot 48, Esquimalt District, Strata Plan VIS1031 [472 Nelson Street] and Strata Lot 2, Suburban Lot 48, Esquimalt District, Strata Plan VIS1031 [474 Nelson Street]:

Zoning Bylaw 1992, No. 2050, Section 38(8)(a) – Lot Coverage – a 7% increase to the requirement that all Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 30% of the Area of a Parcel [i.e. from 30% to 37%];

Zoning Bylaw 1992, No. 2050, Section 38(9)(a)(i) – Front Setback – a 3.3 metre relaxation to the requirement that no Principal Building shall be located within 7.5 metres of a Front Lot Line [i.e. from 7.5 metres to 4.2 metres].

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

8. STAFF REPORTS

Administration

- (1) Council Meeting Schedule for Balance of 2011, Staff Report No. ADM-11-047

MOTION: That Council direct staff to schedule a Special Meeting of Council on December 12th immediately following the Committee of the Whole meeting. MOVED/SECONDED: Councillor Hundleby / Councillor Gaul **CARRIED UNANIMOUSLY.**

Finance

- (2) 2012-2016 Financial Plan and Budget Schedule, Staff Report No. FIN-11-039

MOTION: That the Council of the Township of Esquimalt receive the information as set out in Report No. FIN-11-039. MOVED/SECONDED: Councillor Linge / Councillor Gaul **CARRIED UNANIMOUSLY.**

Development Services

- (3) Regulations Regarding the Feeding of Squirrels and Deer, Staff Report No. DEV-11-085

MOTION: That Bylaw No. 2779 to amend the Maintenance of Property Bylaw No. 2180 to prohibit the feeding of squirrels or deer **be given 1st, 2nd and 3rd readings;**

That Bylaw No. 2780 to amend the Ticket Information Utilization Bylaw No. 2619 to authorize tickets to be issued and establish a fine for the feeding of squirrels or deer **be given 1st, 2nd, and 3rd readings;** and That both amending Bylaw No. 2779 and Bylaw No. 2780 not be considered for final reading and adoption until authorization has been given by the Province as required. MOVED/SECONDED: Councillor Brame / Councillor Hundleby **CARRIED UNANIMOUSLY.**

- (4) Rezoning Application and Development Permit, 856 Esquimalt Road, [Lot A, Section 11, Esquimalt District, Plan VIP80973] and 858 Esquimalt Road, [Lot 2, Section 11, Esquimalt District, Plan 23904], Staff Report No. DEV-11-086

The applicant made a presentation outlining the revisions to the Development Permit application for 856 and 858 Esquimalt Road, noting that he had retained the character and form of the development.

Council had concerns about traffic calming, pedestrian safety,

landscaping and the lack of a neighbourhood pub which were addressed by the applicant.

MOTION:

That Council **rescind 1st and 2nd reading** of Zoning Bylaw, 1992, No. 2050, Amendment Bylaw [No. 205], 2011, No. 2772 **approved August 15th, 2011**. **MOVED/SECONDED:** Councillor Linge / Councillor Hundleby. **CARRIED UNANIMOUSLY.**

MOTION:

1. That amended Zoning Bylaw, 1992, No. 2050, Amendment Bylaw [No. 205], 2011, No. 2772 which provides for changes to the zoning 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 **1st and 2nd readings**;
2. That a Public Hearing be scheduled;
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, the landscape plan prepared by Eckford and Associates Landscape Architecture, and the survey plan prepared by Richard J. Wey and Associates Land Surveyors Inc., all of which are stamped "Received October 5, 2011", be returned to Council for consideration; and
4. That, prior to the public hearing, a Development Agreement or Memorandum of Understanding be prepared to ensure that the developer assumes responsibility for the costs for the off-site works on Esquimalt Road, lost infrastructure in Esquimalt Road, and the provision of new landscaping or hardscaping in the vicinity of the development as identified in the Engineering department's comments.

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

9.

BYLAWS

- (1) Building Code Bylaw, 2002, No. 2538, Amendment Bylaw [No. 6], 2011, No. 2775

MOTION: That Building Code Bylaw, 2002, No. 2538, Amendment Bylaw [No. 6], 2011, No. 2775 **be adopted**. **MOVED/SECONDED:** Councillor Linge / Councillor Brame **CARRIED UNANIMOUSLY.**

(2) Council Remuneration Bylaw, 2011, No. 2778

MOTION: That Council Remuneration Bylaw, 2011, No. 2778 **be adopted.** **MOVED/SECONDED:** Councillor Brame / Councillor Gaul (Mayor Desjardins, Councillors Brame, Linge and Gaul in favour; Councillor Hundleby opposed). **CARRIED.**

10. MAYOR'S AND COUNCILLORS' REPORTS

(1) Report from Councillor Meagan Brame, Re: UBCM (Union of British Columbia Municipalities) Conference – September 2011

Council complimented Councillor Brame on her very informative report, particularly her comments on the Smart Meters and maintenance of service and infrastructure.

MOTION: That Councillor Brame's report on the UBCM Conference held in Vancouver in September, 2011 be received. **MOVED/SECONDED:** Councillor Hundleby / Councillor Linge **CARRIED UNANIMOUSLY.**

11. REPORTS FROM COMMITTEES

MOTION: That the following reports be received:

- (1) Adopted minutes from the Advisory Planning Commission meeting, August 16, 2011
- (2) Meeting notes from the Arts, Culture and Special Events Advisory Committee meeting, September 7, 2011
- (3) Draft minutes from the Advisory Planning Commission meeting, September 20, 2011

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

12. COMMUNICATIONS

MOTION: That the following correspondence be received:

- (1) Letter from Randall Garrison, MP, dated September 22, 2011, Re: Support for 20 Year Water Lot Renewals for West Bay Marinas
- (2) Letter from Mary McNeil, Minister of Children and Family Development, dated October 1, 2011, Re: Foster Family Month

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

13.

PUBLIC QUESTION AND COMMENT PERIOD

Tim Morrison, resident inquired whether Council would rise and report on discussions In Camera on issues of policing services in Esquimalt.

Mayor Desjardins advised that Council has not completed their In Camera discussions.

Terry Prentice, resident suggested that in an effort for a more “open government” in building trust and transparency within the community, that Council respond quickly to questions regarding issues of policing services in Esquimalt.

Rodney Laverne, resident inquired as to how long Council was going to discuss policing.

Mayor Desjardins reported that Council was reviewing the Police Advisory Panel’s recommendations and adhering to the process initiated by the Solicitor General.

Dave Hodgins, resident requested that more information be made available regarding the police services issues as there are a lot of questions in the community and mixed messages from the Province, City of Victoria and the Township of Esquimalt.

Terry Prentice, resident inquired about the staff report on feeding of squirrels and deer that suggested the bylaw refer to “household” (not person) and why this was a problem.

The Chief Administrative Officer advised that the municipality cannot prosecute a “household” and can only charge a “person”.

Diane Kleinman, resident inquired if the bylaw requires that the municipality actually has to see someone feeding squirrels in order to charge them, and pointed out that the bylaw would be very difficult to enforce.

Mayor Desjardins stated that it was hoped that the bylaw would provide a message and a standard, and make residents aware that feeding squirrels and deer is not healthy for the community.

Muriel Dunn, resident reiterated her previous concern about costs for decorative banner poles and suggested a new report on the matter.

Mayor Desjardins advised that Council had a thorough discussion on the matter and have made a decision on the decorative banner poles.

14. **ADJOURNMENT**

MOTION: That the Regular Meeting of Council be adjourned at 8:16 p.m. **MOVED/SECONDED:** Councillor Brame / Councillor Hundleby **CARRIED UNANIMOUSLY.**

MAYOR OF THE CORPORATION OF THE
TOWNSHIP OF ESQUIMALT
THIS 7th DAY OF NOVEMBER, 2011

CERTIFIED CORRECT:

ANJA NURVO
CORPORATE OFFICER