



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

**MINUTES
REGULAR MEETING
OF MUNICIPAL COUNCIL
MONDAY, AUGUST 20, 2012**

**7:00 P.M.
COUNCIL CHAMBERS**

PRESENT:

Mayor Barbara Desjardins
Councillor Meagan Brame
Councillor Dave Hodgins
Councillor Lynda Hundleby
Councillor Robert McKie
Councillor Tim Morrison
Councillor David Schinbein

STAFF:

Laurie Hurst, Chief Administrative Officer
Bill Brown, Director of Development Services
Will Wieler, Acting Director of Engineering and Public Works
Louise Payne, Recording Secretary

OTHERS:

Inspector Keith Lindner, West Division, Victoria Police Department

1. CALL TO ORDER

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

2. LATE ITEMS

The following items were added to the Agenda:

- Added to Item 7. Staff Reports – (7) Change of Regular Council Meeting Date from September 4, 2012 to September 24, 2012 – Verbal Report from CAO; and
- Added to Item 7. Staff Reports – (8) Contract Award – Centennial Memorial Walkway, Staff Report No. EPW-12-019.

3. APPROVAL OF THE AGENDA

MOTION: Moved by Councillor Brame/Councillor Hodgins:
That the Agenda be approved as amended.

CARRIED UNANIMOUSLY.

4. MINUTES

(1) Minutes of the Special Meeting of Council, July 9, 2012

MOTION: Moved by Councillor Brame/Councillor McKie:
That the minutes of the Special Meeting of Council held July 9, 2012 be tabled for clarification of the Mayor's comments on Page 9 of the minutes regarding the role of consultant with respect to the Request for Proposals for policing services.

CARRIED UNANIMOUSLY.

(2) Minutes of the Special Meeting of Council, August 13, 2012.

MOTION: Moved by Councillor Brame/Councillor Hundleby:
That the minutes of the Special Meeting of Council held August 13, 2012 be adopted as circulated.

CARRIED UNANIMOUSLY.

5. PUBLIC INPUT

Cindy Fristoe, resident, inquired about the disposition of the Notice of Motion regarding Spousal Recreation Passes.

Mayor Desjardins advised that she would seek clarification as to whether this Notice of Motion was coming forward to the next meeting or whether it has been withdrawn.

6. DELEGATION

(1) Carol Witter, Hidden Harbour Marine Centre, Re: Relocation and Preservation of the Swallowed Anchor Historic Building and Folk Art on Head Street

Ms. Carol Witter outlined a plan to relocate and preserve the Swallowed Anchor historic building and folk art which was currently

located at 464 Head Street and at risk of being demolished to make way for development of the site.

7. STAFF REPORTS

Administration

- (1) Federation of Canadian Municipalities Standing Committee Membership, Staff Report No. ADM-12-044

The Chief Administrative Officer presented Staff Report No. ADM-12-044 and answered questions from Council.

Council Comments:

- Representatives on these committees was important because of the federal land in our community;
- What is the direct benefit to Esquimalt? This is a non-Board commitment, and would rather see money spent on “Council development”;
- Support allowing opportunity for Councillor Hodgins to participate and attend committee meetings; however for next year, try to get on committees that are more directly related to issues in Esquimalt.

MOTION: Moved by Councillor Morrison/Councillor Schinbein:

That Council:

1. Support Councillor Hodgins’ participation as a non-board member in the 2012-2013 FCM Standing Committee on Community Safety and Crime Prevention, Standing Committee on Social-Economic Development, and Rural Forum; and
2. Authorize the costs for Councillor Hodgins’ attendance at such Committee meetings to be paid from the approved 2012 and 2013 budget account for Council Conferences and Seminars.

CARRIED (Councillor Hundleby opposed)

- (2) Appointment of Bylaw Enforcement Officer, Staff Report No. ADM-12-045

MOTION: Moved by Councillor Hundleby/Councillor Brame:

That Council appoints Darrell McLean as the Township’s Bylaw Enforcement Officer, who is authorized to enforce the Township of Esquimalt’s Municipal Bylaws in accordance with the *Community Charter* and the Municipality’s Bylaws including the Ticket Information Utilization Bylaw, 2005, No. 2619, as amended.

CARRIED (Councillor Hodgins opposed)

- (3) Policing Services – Framework Agreement, Staff Report No. ADM-12-046

MOTION: Moved by Councillor Hundleby/Councillor Brame:

That Council respond to the Ministry of Justice that the main point of contact for the Township is the Chief Administrative Officer and that

the Township will agree to participate in facilitated discussions with City of Victoria and Victoria Police Department to negotiate a Framework Agreement that ensures equitable governance and funding for the delivery of policing services to the Township of Esquimalt only subsequent to receiving:

- a. A copy of the Framework Agreement Action Plan;
- b. Confirmation that the Township of Esquimalt will be an active participant in the selection of a suitable facilitator for the negotiation process;
- c. Clarification of the role of the Ministry of Justice in the negotiation process and in the monitoring and performance measurement of any negotiated Framework Agreement;
- d. Confirmation that the Township will not be responsible for funding the costs of the negotiation process and subsequent implementation costs; and
- e. Confirmation that all costs for the process undertaken by the Esquimalt Policing and Law Enforcement Advisory Panel as established under OIC #303 will be reimbursed by the Ministry of Justice.

MOTION: Moved by Councillor Morrison/Councillor Hodgins:
That the motion be amended to add “(Victoria Police Board)” after “discussions with City of Victoria and Victoria Police Department”.

DEFEATED (Councillors Hodgins, Morrison and Brame in favour)

The question was called on the original motion and declared **CARRIED** (Councillor Hodgins opposed).

- (4) Governance Success Session – Initiation of Request for Direction and Decision, Staff Report No. ADM-12-047

The Chief Administrative Officer presented Staff Report No. ADM-12-047 and answered questions from Council. Staff was directed to include a template for Notice of Motions.

MOTION: Moved by Councillor Hundleby/Councillor McKie:
That Council:

- a. Resolve to replace Policies ADMIN-24 and ADMIN-25 with the Roles and Responsibilities Guidelines and Decision Making Guidelines.
- b. Resolve to follow these newly adopted Policies in practice and to update Council Procedure Bylaw No. 2715, 2009 to reflect these changes.
- c. Direct staff to post the Action Report and Council Agenda Calendar to the secure Council site and that these documents are to be updated on a weekly basis.

- d. Adopt the revised Request for Decision, Request for Direction and Staff Report as attached to ADM-12-047 and that the Request for Decision be used as an executive summary for a Staff Report to Council and that the Request for Direction be used as an executive summary for a Staff Report to Committee of the Whole.

CARRIED UNANIMOUSLY.

Development Services

- (5) Letter of Concurrence for Rogers Communications Telecommunication Tower, 1003 Craigflower Road (Gorge Vale Golf Club), Lot A, Section 2 and 10, Esquimalt District, Plan VIP70825, Staff Report No. DEV-12-028

The Director of Development Services presented Staff Report No. DEV-12-028 and answered questions from Council.

Council Comments (*staff comments in italics*):

- Green space of the golf course property needs to be protected;
- Package sent to the Municipal Hall should be posted on our website; *can develop our own consultation process for these communication towers in the community*;
- Concerned about liability if send a letter of support.

MOTION: Moved by Councillor Hundleby/Councillor Brame:

That staff be directed to request Rogers Communications Inc. to provide Industry Canada regulations and NAV Canada visibility requirements for aircraft near the proposed site of their telecommunication tower; and

That the Township of Esquimalt be advised of what kind of “warning” would be used (i.e. not in favour of strobe light in residential area).

CARRIED (Councillor Hodgins opposed).

MOTION: Moved by Councillor Morrison/Councillor Hodgins:

That a letter be sent to the Gorge Vale Golf Club Board of Directors expressing Council’s strong concerns regarding the potential installation of a Rogers telecommunication tower.

CARRIED (Councillor Hundleby opposed).

MOTION: Moved by Councillor Morrison/Councillor Hodgins:

That staff be directed to advise the Gorge Vale Golf Club Board of Directors to seek the Township of Esquimalt’s approval prior to entering into a formal agreement with Rogers Communications Inc.

DEFEATED (Councillors Morrison and Hodgins in favour)

- (6) Removal of “Notice of Permit” from each of the Land Titles for Lots 1 to 4, Plan EPP21086 (Subdivision – 1189 Rhoda Lane), Staff Report No. DEV-12-033

The Director of Development Services presented Staff Report No. DEV-12-033 and answered questions from Council.

MOTION: Moved by Councillor Hodgins/Councillor Hundleby:
That Council authorize staff to submit the necessary documentation to the Land Titles Office in order to have the “Notice of Permit” (FB102870) discharged from each of the titles for the following properties:

- Lot 1, Plan EPP21086 (945 Garthland Road)
- Lot 2, Plan EPP21086 (947 Garthland Road)
- Lot 3, Plan EPP21086 (949 Garthland Road)
- Lot 4, Plan EPP21086 (1189 Rhoda Lane)

CARRIED UNANIMOUSLY.

- (7) Change of Regular Council Meeting Date from September 4, 2012 to September 24, 2012 – Verbal Report from CAO

The Chief Administrative Officer advised that a number of Councillors have indicated that they cannot attend the scheduled September 4, 2012 Regular Meeting of Council.

Members of Council advised that they have rented “Centennial costumes” from September 7th to October 7th, therefore Council would like to wear their Centennial costumes to the October 1, 2012 Regular Meeting of Council for photographs.

MOTION: Moved by Councillor Hodgins/Councillor McKie:
That Council approves a change in the meeting date for the Regular Council meeting scheduled for September 4, 2012 to September 24, 2012.

CARRIED (Councillor Hundleby opposed).

- (8) Contract Award – Centennial Memorial Walkway, Staff Report No. EPW-12-019

Acting Director of Engineering and Public Works presented Staff Report No. EPW-12-019 and answered questions from Council.

MOTION: Moved by Councillor Hodgins/Councillor Brame:
That Council approve the award of the contract to Van Isle Bricklok Surfacing and Landscaping Supplies for the sum of \$114,199 (excluding the HST) and approve that \$6,431.62 be moved from the Contingency Fund. In order to deal with unforeseen construction costs, up to an additional \$10,000 be made available from the Contingency Fund for the Centennial Memorial Walkway project.

CARRIED UNANIMOUSLY.

8. MAYOR’S AND COUNCILLORS’ REPORTS

There were no Mayor’s or Councillors’ reports.

9. REPORTS FROM COMMITTEES

- (1) Adopted minutes from the Centennial Celebrations Select Committee meeting, June 12, 2012;

MOTION: Moved by Councillor Brame/Councillor McKie:
That the adopted minutes from the Centennial Celebrations Select Committee meeting held June 12, 2012 be received for information.
CARRIED UNANIMOUSLY.

- (2) Draft minutes from the Arts, Culture and Special Events Advisory Committee meeting, June 13, 2012

MOTION: Moved by Councillor Hodgins/Councillor Hundleby:
That the draft minutes from the Arts, Culture and Special Events Advisory Committee meeting held June 13, 2012 be received for information.

CARRIED UNANIMOUSLY.

- (3) Memorandum from the Arts, Culture and Special Events Advisory Committee, dated July 9, 2012 re: Letters of Appreciation

MOTION: Moved by Councillor Hodgins/Councillor Hundleby:
That Mayor Desjardins send letter of appreciation to Matthew Pomeroy and Gabrielle Martin in appreciation for creating and designing the poster for the Esquimalt Arts Festival; and
That Matthew Pomeroy and Gabrielle Martin be invited to a Regular Meeting of Council for presentation of Certificates of Appreciation.

CARRIED UNANIMOUSLY.

- (4) Draft minutes from the Advisory Planning Commission meeting, June 19, 2012

MOTION: Moved by Councillor McKie/Councillor Brame:
That the draft minutes from the Advisory Planning Commission meeting held June 19, 2012 be received for information.

MOTION: Moved by Councillor Schinbein/Councilor McKie:
That the draft minutes from the Advisory Planning Commission meeting held June 19, 2012 be tabled in order for staff to provide their reasons for the "Memorandum Regarding Absentee Members".

CARRIED UNANIMOUSLY.

- (5) Draft minutes from the Heritage Advisory Committee meeting, June 20, 2012

Council representatives on the Heritage Advisory Committee advised that members of the Committee have asked for input with the Department of National Defence (DND) prior to the demolition of DND properties. Mayor Desjardins advised that she would bring up the Committee's concern at a meeting with the Base Commander.

MOTION: Moved by Councillor Hodgins/Councillor Hundleby:
That the draft minutes from the Heritage Advisory Committee meeting held June 20, 2012 be received for information.

CARRIED UNANIMOUSLY.

- (6) Adopted minutes from the Centennial Celebrations Select Committee meeting, June 26, 2012

MOTION: Moved by Councillor McKie/Councillor Hundleby:
That the adopted minutes from the Centennial Celebrations Select Committee meeting held June 26, 2012 be received for information.
CARRIED UNANIMOUSLY.

- (7) Draft minutes from the Environmental Advisory Committee meeting, June 28, 2012

MOTION: Moved by Councillor Brame/Councillor Hundleby:
That the draft minutes from the Environmental Advisory Committee meeting held June 28, 2012 be received for information.
CARRIED UNANIMOUSLY.

- (8) Memorandum from the Environmental Advisory Committee, dated July 16, 2012 re: Environmental Advisory Committee 2012 Work Plan

MOTION: Moved by Councillor Hundleby/Councillor Morrison:
That Council receive for information the memorandum from the Environmental Advisory Committee dated July 16, 2012 outlining their 2012 Work Plan.
CARRIED UNANIMOUSLY.

- (9) Memorandum from the Environmental Advisory Committee, dated July 16, 2012 re: Sustainable Seafood

MOTION: Moved by Councillor Hundleby/Councillor Morrison:
WHEREAS many fisheries and aqua cultural practices endanger fish populations and the environment, the Township of Esquimalt can play a role in promoting sustainable fisheries and aqua culture;
THEREFORE staff be directed, when planning such events as the Volunteer Recognition Dinner, to ensure that seafoods listed as “avoid” in the SeaChoice.org “Sustainable Seafood Guidelines” are not served.

DEFEATED (Councillor Hundleby in favour).

COMMUNICATIONS

- (1) Letter from Darryl Walker, BC Government and Service Employees' Union, dated July 5, 2012, Re: Privatization of BC Liquor Distribution Branch Warehouse and Distribution System

MOTION: Moved by Councillor Brame/Councillor McKie:
That the letter from Darryl Walker, BC Government and Service Employees' Union dated July 5, 2012 regarding privatization of BC liquor distribution branch warehouse and distribution system be received for information.

CARRIED (Councillor Hodgins opposed)

MOTION: Moved by Councillor Hundleby/Councillor McKie:
That the following correspondence be received for information:

- (2) Letter from Al Kemp, Rental Owners and Managers Society of BC, dated July 16, 2012, Re: Fortis BC – Application to Reduce Natural Gas Pricing; and

- (3) Email from Iris Hesketh-Boles, Association of Vancouver Island Coastal Communities (AVICC), dated July 31, 2012, Re: Submission by AVICC in Support of Fortis BC Energy Utilities Application.

CARRIED UNANIMOUSLY.

The Chief Administrative Officer advised that because of a 1932 Evergreen Agreement, the Township of Esquimalt cannot participate in Fortis BC's application to reduce natural gas pricing. Staff was directed to report back to Council with information on the 1932 Evergreen Agreement.

- (4) Letter from Dean Fortin, Chair, Victoria Police Board, dated July 12, 2012, Re: Request of Support for Recommendation to Police Services

MOTION: Moved by Councillor Brame/Councillor Hundleby:

That the letter from Dean Fortin, Chair, Victoria Police Board dated July 12, 2012 regarding a request for support of the Board's request to appoint a representative from the Police Services to the Municipal Leadership Group (MLG) be received for information.

DEFEATED (Mayor Desjardins, Councillors Brame and Hundleby in favour)

- (5) Letter from Craig J Callens, Deputy Commissioner, Commanding Officer "E" Division, Royal Canadian Mounted Police, dated July 26, 2012, Re: RCMP "E" Division Esquimalt RFP

Council Comments (*staff comments in italics*):

- Still don't have a clear response from the RCMP – their position is that the RFP document may be released at our discretion, in consultation with the Ministry of Justice, Policing and Security Programs;
- How do we release the RFP document without problems with the Ministry of Justice? *One of the restrictions under the FOIPP Act involved "sensitive police operations information"; therefore the redacted information in the RCMP proposal should be up to the Province;*
- Now have RCMP's permission to release this information; *Not willing to incur a lawsuit for releasing this information to the public.*

MOTION: Moved by Councillor Brame/Councillor Hundleby:

That a letter be sent to the RCMP, copied to the Ministry of Justice, stating that given that the RCMP position is that the RFP document provided by "E" Division RCMP may be released at our discretion, the Township of Esquimalt plans to release the RFP document to the public effective September 21, 2012 and that the Township requests that the RCMP consult with their contracting partner – Province of BC, Ministry of Justice, Policing and Security Programs – to provide the Township with a redacted version of the RFP document prior to the planned release date.

CARRIED UNANIMOUSLY.

- (6) Letter from Robert Woodland, Corporate Administrator, City of Victoria, dated August 2, 2012, Re: RFP #ESQ-01-011

MOTION: Moved by Councillor Brame/Councillor McKie:

That a letter be sent to the Victoria Police Board, copied to the City of Victoria, stating that given that the City of Victoria does not object to the disclosure of the proposal submitted under RFP #ESQ-01-011, the Township of Esquimalt plans to release the proposal to the public effective September 21, 2012 and that the Township requests that a redacted version of the proposal be provided to the Township prior to the planned release date.

CARRIED UNANIMOUSLY.

- (7) Email from Susan McEvoy, Federal Electoral Boundaries Commission for British Columbia, dated July 31, 2012, Re: Redistribution of Federal Electoral Boundaries in BC

MOTION: Moved by Councillor Schinbein/Councillor McKie:

That the letter from Susan McEvoy, Federal Electoral Boundaries Commission for British Columbia dated July 31, 2012 regarding the redistribution of Federal electoral boundaries in BC be received for information.

CARRIED UNANIMOUSLY.

- (8) Letter from Robert Downing, Community Social Planning Council, dated July 31, 2012, Re: Request for Endorsement of Community Action Plan on Poverty

MOTION: Moved by Councillor Hundleby/Councillor Brame:

That the letter from Robert Downing, Community Social Planning Council, dated July 31, 2012 regarding a request for endorsement of Community Action Plan on Poverty be received.

CARRIED UNANIMOUSLY.

- (9) Letter from Jack Amo, The Canadian Scottish Regiment (Princess Mary's) Centennial Committee, dated August 6, 2012, Re: Request for Contributions for Registration Packages

Council Comments:

- Concerned about reductions to local grants and additional pressures for our tax money;
- Breaking our own policies by funding this request; ask them to apply next year for a local grant;
- Contributions such as Centennial bookmarks would not have a direct cost to the municipality.

MOTION: Moved by Councillor Schinbein/Councillor Hodgins:

That the letter from Jack Amo, The Canadian Scottish Regiment (Princess Mary's) Centennial Committee dated August 6, 2012 regarding a request for contributions for registration packages be received; and

That staff be directed to provide contributions for registration packages up to an amount of \$350.00.

CARRIED (Councillors Brame and Hundleby opposed).

11. NOTICE OF MOTION

(1) Amendment to Council Remuneration Bylaw, 2011, No. 2778

WHEREAS the annual remuneration for the position of Mayor is approximately sixty percent higher than that of the annual remuneration for the position of Councillor due to the significant additional workload and responsibilities expected of the position of Mayor; and

WHEREAS Councillors appointed to serve as Acting Mayor currently perform this additional duty without any additional remuneration or compensation for the additional time, duties and responsibilities required;

THEREFORE BE IT RESOLVED that Council Remuneration Bylaw, 2011, No. 2778 be amended to include the following addition:

“Councillors appointed to Acting Mayor duties for a minimum of two full months per one year period shall receive a supplementary stipend per year equal to five percent of the annual Councillor stipend”;

AND BE IT FURTHER RESOLVED that this amendment will be effective January 1, 2013.

Staff was directed to also bring forward Council Policy ADMIN-62 Elected Official Remuneration for information.

12. RISE AND REPORT

(1) Report from the *In Camera* Meeting of Council, June 11, 2012
Re: Appointment to Victoria Police Board

At the Special *In Camera* Meeting of Council held on June 11, 2012, Council passed the following resolutions:

1. That the Council of the Corporation of the Township of Esquimalt hereby nominates Peter Ryan as the Township's representative on the Victoria Police Board, for an initial term of one year; and that the Township forward the nominee's name to the Province for approval by the Lieutenant Governor in Council.
2. That Council Rise and Report on the appointment of Peter Ryan as the Township's representative on the Victoria Police Board, for an initial term of one year, upon approval by the Lieutenant Governor in Council - Order in Council No. 483, dated June 22, 2012, wherein the Lieutenant Governor in Council approved the appointment of Peter Ryan to the Victoria Police Board for a term that commences June 30th, 2012 and ends October 31st, 2012.

(2) Report from the *In Camera* Meeting of Council, July 9, 2012:

At the Special *In Camera* Meeting of Council, July 9, 2012, Council passed the following resolutions:

(a) Appointment to Advisory Planning Commission

That Council resolves not to follow the Advisory Planning Commission Bylaw, 1996, No. 2268, which states that a vacancy shall be filled within 30 days, and will appoint members to the Commission during the next regular appointment process in accordance with Council Policy No. ADMIN – 40 Appointment Process – Advisory Committees, Commissions and Board of Variance.

(b) Personnel – IT Help Desk

That Council approve the creation of a permanent full time unionized position for an *Application & Desktop Support Technician* and that staff be authorized to proceed with the recruitment process subject to discussion and agreement with CUPE Local 333 on conditions of employment.

(c) Personnel – Bylaw Enforcement

That Council approve that the bylaw enforcement position be increased to a full time equivalent with enhanced requirements for job qualifications, skills and abilities, and that staff be authorized to proceed with the recruitment process subject to discussion and agreement with CUPE Local 333 on conditions of employment.

(d) Personnel – Communications Coordinator

That Council approve an increase from part time to full time for the excluded Communications Coordinator position.

13. PUBLIC QUESTION AND COMMENT PERIOD

Muriel Dunn, resident, expressed concern with the different ideas about the policing services issue and suggested more public input.

MOTION TO EXTEND MEETING HOURS:

MOTION: Moved by Councillor Brame/Councillor Hundleby:
That Council extend the meeting to 10:15 p.m.

CARRIED UNANIMOUSLY.

14. MOTION TO GO *IN CAMERA*

MOTION: Moved by Councillor McKie/Councillor Brame:

That Council convene *In Camera* pursuant to Section 90 of the *Community Charter* to discuss:

- Labour relations or other employee relations; and
- The security of the property of the municipality; and
- Litigation or potential litigation affecting the municipality.

In accordance with Section 90 (1) (c), (d) and (g) of the *Community Charter*, and that the general public be excluded.

CARRIED UNANIMOUSLY.

15. ADJOURNMENT

MOTION: Moved by Councillor McKie/Councillor Brame:
That the Regular Meeting of Council be adjourned at 9:56 p.m.

CARRIED UNANIMOUSLY.

MAYOR OF THE CORPORATION OF THE
TOWNSHIP OF ESQUIMALT
THIS 17th DAY OF SEPTEMBER, 2012

CERTIFIED CORRECT:

ANJA NURVO
CORPORATE OFFICER