



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

**MINUTES
REGULAR MEETING
OF MUNICIPAL COUNCIL
MONDAY, SEPTEMBER 17, 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
Jeff Miller, Director of Engineering and Public Works
Bill Brown, Director of Development Services
Ian Irvine, Director of Financial Services
Anja Nurvo, Manager of Corporate Services
Louise Payne, Recording Secretary

1. CALL TO ORDER

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

2. LATE ITEMS

The following were added to the Agenda:

- Pertaining to Agenda Item 7. Staff Reports (2) Development Variance Permit, 478 Fraser Street (Lot A, Section 11, Esquimalt District, Plan 7994), Staff Report No. DEV-12-035, a letter from Valentina Chubak, dated September 14, 2012 re: Development Variance Permit, 478 Fraser Street; and
- Pertaining to Agenda Item 7. Staff Reports (3) Development Variance Permit, 518 Joffre Street (Lot 3, Section 11, Esquimalt District, Plan 2222), Staff Report No. DEV-12-036, a letter from Pauline Robillard, received September 17, 2012 re: Development Variance Permit Notice for 518 Joffre Street.

3. APPROVAL OF THE AGENDA

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

CARRIED UNANIMOUSLY.

Mayor Desjardins announced that Frances Litman, a local photographer, was awarded the Eco Star Award sponsored by the Capital Regional District for her support of environmental charities.

4. MINUTES

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

MOTION: Moved by Councillor Hodgins/Councillor Morrison:
That the minutes of the Special Meeting of Council held July 9, 2012 be adopted as circulated.

CARRIED UNANIMOUSLY.

(2) Minutes of the Regular Meeting of Council, August 20, 2012.

MOTION: Moved by Councillor Hodgins/Councillor Morrison:
That the minutes of the Regular Meeting of Council held August 20, 2012 be adopted as amended, with the correction, on page 9 of the minutes, to the defeated motion under Item 10. Communications (4) Letter from Dean Fortin, Chair, Victoria Police Board dated July 12, 2012 re: Request of Support for Recommendation to Police Services (Mayor Desjardins, Councillors Brame and Hundleby (*not Hodgins*) in favour).

CARRIED UNANIMOUSLY.

- (3) Minutes of the Special Meeting of Council, September 10, 2012

MOTION: Moved by Councillor Hodgins/Councillor Morrison:

That the minutes of the Special Meeting of Council held September 10, 2012 be adopted as circulated.

CARRIED UNANIMOUSLY.

5. PRESENTATIONS

- (1) Certificates of Appreciation of Members of the Esquimalt Policing and Law Enforcement Advisory Panel: Warren Carrie, Donna Humphries, Graham Lang and Richard Mandy

Mayor Desjardins advised that Warren Carrie was unable to attend this presentation, and expressed Council's appreciation to Donna Humphries, Graham Lang, Richard Mandy, Warren Carrie and the late Jack Fleming for their dedication and hard work as members of the Esquimalt Policing and Law Enforcement Advisory Panel. She presented those members present with a Certificate of Appreciation and a token gift on behalf of the Township of Esquimalt.

- (2) Dale Green, Capital Regional District, Bylaw No. 3837, Harbours Environmental Action Service Establishment Bylaw No. 1, 2010, Amendment Bylaw No. 1, 2012

Mr. Dale Green of the Capital Regional District presented an overview of the Capital Regional District's Bylaw No. 3837, Harbours Environmental Action Service Establishment Bylaw, Amendment Bylaw No. 1, 2012. The proposed three amendments allow work outside the Liquid Waste Management Plan requirements, raise the maximum requisition amount to accommodate potential future supplementary budget requests for special projects and remove the December 31, 2012 bylaw expiry clause.

- (3) Shachi Kurl, Canadian Federation of Independent Business, Small Business

Ms. Shachi Kurl, of the Canadian Federation of Independent Business, presented the "Small Business Saturday" initiative, set for October 20, 2012, at the end of "Small Business Week", and answered questions from Council.

6. PUBLIC INPUT

Terry Prentice, resident, expressed concern with the staff recommendations for Agenda Items 7. (2), (3) and (4) to deny the Development Variance Permit and rezoning applications even though the Advisory Planning Commission has recommended approval of same.

Rod Lavergne, resident, spoke in favour of the Development Variance Permit application for 478 Fraser Street, noting that the property, which was directly across the street from his home, has improved the neighbourhood.

Patrick O'Hara, resident, spoke in support of the Development Variance Permit application for 478 Fraser Street, noting that it would be a vast improvement of the property.

Muriel Dunn, resident, expressed her appreciation for the success of the Celebration of Lights Car Show and Dance on September 15th. She also expressed her support for the Development Variance Permit application for 478 Fraser Street. She also pointed out that her "Cops for Cancer Spin-A-Thon" email had been reported as "spam".

Dan Aitken, resident, expressed his support for the Development Variance Permit application for 478 Fraser Street.

7. STAFF REPORTS

Engineering and Public Works

- (1) Harbours Environmental Action Service Establishment Bylaw, Staff Report No. EPW-12-021

The Director of Engineering and Public Works presented Staff Report No. EPW-12-021 and answered questions from Council.

MOTION: Moved by Councillor Hodgins/Councillor McKie:

That Council give consent to Bylaw No. 3837, Harbours Environmental Action Service Establishment Bylaw No. 1, 2010, Amendment Bylaw No. 1, 2012.

CARRIED UNANIMOUSLY.

Development Services

- (2) Development Variance Permit, 478 Fraser Street (Lot A, Section 11, Esquimalt District, Plan 7994), Staff Report No. DEV-12-035

The Director of Development Services presented Staff Report No. DEV-12-035 and answered questions from Council.

Council Comments:

- Advisory Planning Commission supported the application;
- Applicant proposes to improve the property and has engaged the neighbours in the application process;
- Concern expressed that property owner was advised by staff that they could not do the work but went ahead anyway, without proper approvals;
- OCP guidelines need to be flexible with improvements to non-conforming lots.

MOTION: Moved by Councillor Brame/Councillor Morrison:

That Council resolves that the application for a Development Variance Permit authorizing the construction as shown in photos, stamped "Received May 29, 2012", and sited as detailed on the survey plan prepared by J.E. Anderson and Associates, stamped "Received May 29, 2012", and including the following relaxations to Zoning Bylaw, 1992, No. 2050, for fencing and an accessory building located at Lot A, Section 11, Esquimalt District, Plan 7994 (478 Fraser Street) be **approved**, with the understanding that this approval does not establish a precedent for future Development Variance Permit applications and direct staff to issue the Permit and register a Notice on the property title:

Zoning Bylaw, 1992, No. 2050, Section 34(9)(b)(i) – Siting Requirements – Accessory Building – Front Setback – a waiver from the requirement that no Accessory Building shall be located in front of the front face of the Principal Building.

Zoning Bylaw, 1992, No. 2050, Section 34(9)(b)(ii) – Siting Requirements – Accessory Building – Side Setback – a 1.43 metre reduction to the required 1.5 metre setback from an Interior Side Lot Line [i.e. from 1.5 metres to 0.07 metres].

Zoning Bylaw, 1992, No. 2050, Section 34(9)(b)(iv) – Siting Requirements – Accessory Building – Building Separation - a 2.5 metre reduction to the requirement that no Accessory Building shall be located within 2.5 metres of the Principal Building [i.e. from 2.5 metres to 0.0 metres].

Zoning Bylaw, 1992, No. 2050, Section 34(10) – Fencing – a 0.8 metre increase to the allowable fence height in front of the front face of the Principal Building [i.e. from 1.2 metres to 2.0 metres].

CARRIED (Councillor Schinbein opposed).

- (3) Development Variance Permit, 518 Joffre Street (Lot 3, Section 11, Esquimalt District, Plan 2222), Staff Report No. DEV-12-036

The Director of Development Services presented Staff Report No. DEV-12-036 and answered questions from Council.

MOTION: Moved by Councillor Hodgins/Councillor Brame:

That the proponent, David Lent, be permitted to address Council on the Development Variance Permit application, on behalf of the property owners.

CARRIED UNANIMOUSLY.

Mr. David Lent, on behalf of the property owners, reviewed the variance requests and answered questions from Council.

Council Comments:

- Backyard of the subject property encroaches on Township property – need to register an Encroachment Agreement;
- Advisory Planning Commission recommended approval of the Development Variance Permit application;
- Encouraged property owner to improve the landscaping and to check sewer pipes from the home to the property line.

MOTION: Moved by Councillor Morrison/Councillor Hodgins:

That Council resolves that the application for a Development Variance Permit authorizing construction as shown on architectural plans provided by Mesa Design Group Inc., stamped “Received June 22, 2012” and sited as detailed on the survey plan prepared by J.E. Anderson and Associates integrated within the architectural plans, stamped “Received June 22, 2012”, and including the following relaxations to Zoning Bylaw, 1992, No. 2050, for the proposed development located at Lot 3, Section 11, Esquimalt District, Plan 2222 [518 Joffre Street], be **approved**, subject to the property owner entering into a legal agreement with the Township of Esquimalt regarding the encroachment onto municipal property:

Zoning Bylaw, 1992, No. 2050, Section 34(4) – Floor Area Ratio – a 0.9 increase to the permitted 0.35 Floor Area Ratio [i.e. from 0.35 to 0.44 F.A.R.].

Zoning Bylaw, 1992, No. 2050, Section 34(8)(a) – Lot Coverage – a 6% increase to the permitted 30% Lot Coverage [i.e. from 30% to 36% Lot Coverage].

Zoning Bylaw, 1992, No. 2050, Section 34(9)(a)(i) – Siting Requirements – Principal Building – Front Setback – a 5.5 metre reduction to the required 7.5 metre setback from the Front Lot Line [i.e. from 7.5 metres to 2.0 metres].

Zoning Bylaw, 1992, No. 2050, Section 34(9)(a)(iii) – Siting Requirements – Principal Building – Rear Setback - a 5.3 metre reduction to the required 7.5 metre setback from the Rear Lot Line [i.e. from 7.5 metres to 2.2 metres].

CARRIED (Councillor Schinbein opposed).

- (4) Rezoning Application, 1030 Tillicum Road (Lot 24, Block 2, Section 10, Esquimalt District, Plan 11214), Staff Report No. DEV-12-037

The Director of Development Services presented a PowerPoint presentation related to rezoning applications that require subdivision approval and development permits, and answered questions from Council. Highlights as follows:

- Zoning should inform the development – not current process;
- Current process mixes public and non-public processes – zoning involves public input;
- Potential to jeopardize Public Hearings;

- Development Permits expire in two years, if development not commenced – creates “false” expectation for neighbours;
- Development Permits contingent on subdivision create problems if the subdivision is not approved.

The Director of Development Services also reviewed Staff Report No. DEV-12-037 and the reasons why staff do not support the rezoning application.

MOTION: Moved by Councillor Morrison/Councillor Hodgins:
That the proponent, David Lunt, be permitted to address Council on the rezoning application, on behalf of the property owners.

CARRIED UNANIMOUSLY.

Mr. David Lunt, on behalf of the property owners, reviewed the request for a change in zoning from the current RD-3 (Two Family/Single Family Residential) zone to a Comprehensive Development zone (CD) to allow one additional single family residence to be constructed on the rear portion of the subject property.

MOTION: Moved by Councillor Schinbein/Councillor Brame:
That Council resolves that the application for rezoning to facilitate subdivision of Lot 24, Block 2, Section 10, Esquimalt District, Plan 11214 [1030 Tillicum Road] and authorize the installation of a new single family dwelling, all of which is detailed on the survey plan prepared by Michael Claxton Land Surveying Inc., stamped “Received June 28, 2012”, be **denied**.

CARRIED (Councillors Hodgins, McKie and Morrison opposed).

8. MAYOR’S AND COUNCILLORS’ REPORTS

There were no Mayor’s or Councillors’ reports.

9. REPORTS FROM COMMITTEES

- (1) Adopted minutes from the Advisory Planning Commission meeting, June 19, 2012

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

CARRIED UNANIMOUSLY.

- (2) Draft minutes from the Advisory Planning Commission meeting, August 21, 2012

MOTION: Moved by Councillor Brame/Councillor McKie:
That the draft minutes from the Advisory Planning Commission meeting held August 21, 2012 be received for information.

CARRIED UNANIMOUSLY.

RECESS AND RECONVENE

The Regular Meeting recessed at 8:48 p.m. and reconvened at 8:59 p.m. with all members of Council present as well as the following:

Laurie Hurst, Chief Administrative Officer
Jeff Miller, Director of Engineering and Public Works
Bill Brown, Director of Development Services
Ian Irvine, Director of Financial Services
Anja Nurvo, Manager of Corporate Services
Louise Payne, Recording Secretary

10. COMMUNICATIONS

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

- (1) Letter from Mylene Freeman, MP, dated August 15, 2012, Re: Private Members Motion (M-400) Support Programs for Rural Septic Systems; and
- (3) Letter from Kyara Kahakauwila, Capital Region Music Awards Society, dated August 24, 2012, Re: Letter of Appreciation for Support

CARRIED UNANIMOUSLY.

- (2) Letter from Geoff Young, Chair, Capital Regional District Board, dated August 22, 2012, Re: Salish Express Commuter Rail Implementation Funding Plan Request

Mayor Desjardins advised that this request went to the Capital Regional District Board where it was denied, and that Mayor Desjardins will be requesting a meeting of all mayors of the communities involved to discuss how to move forward.

MOTION: Moved by Councillor Brame/Councillor McKie:
That the letter from Geoff Young, Chair, Capital Regional District Board, dated August 22, 2012, Re: Salish Express Commuter Rail Implementation Funding Plan Request be received for information.

CARRIED UNANIMOUSLY.

- (4) Email from Deborah Nohr, BC Thanksgiving Food Drive, dated August 29, 2012, Re: Second Annual BC Thanksgiving Food Drive

MOTION: Moved by Councillor Brame/Councillor Hundleby:
That the email from Deborah Nohr, BC Thanksgiving Food Drive dated August 29, 2012 regarding the Second Annual BC Thanksgiving Food Drive be received for information.

CARRIED UNANIMOUSLY.

- (5) Letter from J.A. Hull, Capital Regional District, dated August 29, 2012, Re: Joint Design Advisory Panel for the McLoughlin Treatment Facility

MOTION: Moved by Councillor Morrison/Councillor Schinbein:

That staff be directed to send a letter of response to Mr. Hull letter of August 29, 2012 regarding a Joint Design Advisory Panel for the McLoughlin Treatment Facility advising the Capital Regional District that the Township of Esquimalt does not see the need for a Joint Design Advisory Panel to develop design guidelines for the project.

CARRIED UNANIMOUSLY.

MOTION: Moved by Councillor Brame/Councillor Hundleby:

That the letter from J.A. Hull, Capital Regional District, dated August 29, 2012, re: Joint Design Advisory Panel for the McLoughlin Treatment Facility be received.

CARRIED UNANIMOUSLY.

- (6) Letter from the UBCM Secretariat, dated August 30, 2012, Re: Consultation on the Ministry of Health's Public Health Plan

MOTION: Moved by Councillor Brame/Councillor Hodgins:

That the letter from the UBCM Secretariat dated August 30, 2012 re: consultation on the Ministry of Health's Public Health Plan be received for information.

CARRIED UNANIMOUSLY.

- (7) Letter from Sandy Rozon, Tour de Rock, Cops for Cancer, dated September 6, 2012, Re: Invitation to Support Tour de Rock, Cops for Cancer team at the Esquimalt Plaza on October 5, 2012

MOTION: Moved by Councillor McKie/Councillor Hundleby:

That the letter from Sandy Rozon, Tour de Rock, Cops for Cancer dated September 6, 2012 re: invitation to support Tour de Rock, Cops for Cancer team at the Esquimalt Plaza on October 5, 2012 be received for information.

CARRIED UNANIMOUSLY.

- (8) Letter from Clayton Pecknold, Ministry of Justice, dated September 7, 2012, Re: Mediator's Report on the Provision of Policing Services

Council Comments:

- Response tells us where we are in this process;
- Is there a way to appeal the Ministry's decision?
- Suggestion to take this matter to the Ombudman's Office to appeal Provincial Government's conduct;
- Need to participate in the Framework Agreement negotiations and consider appealing decision of Provincial Government as costs for the process undertaken by the Esquimalt Policing and Law Enforcement Advisory Panel is a separate issue.

MOTION: Moved by Councillor Hodgins/Mayor Desjardins:
That staff be directed to draft a letter of response to Mr. Clayton Pecknold's letter dated September 7, 2012 regarding the Mediator's Report on the provision of policing services, for Council's review and approval at the September 24th, 2012 meeting of Council.

CARRIED UNANIMOUSLY.

MOTION: Moved by Councillor Brame/Councillor Hundleby:
That the letter from Clayton Pecknold, Ministry of Justice dated September 7, 2012 regarding the mediator's report on the provision of policing services be received.

CARRIED UNANIMOUSLY.

- (9) Letter from Dora Turje, Youth Parliament of British Columbia, dated September 8, 2012, Re: British Columbia Youth Parliament, 84th Parliament

MOTION: Moved by Councillor Brame/Councillor Morrison:
That staff be directed to send a copy of the letter from Dora Turje dated September 8, 2012 regarding the 84th Youth Parliament of British Columbia to Victor Brodeur and Esquimalt High Schools as well as the Youth Services Supervisor of the Esquimalt Parks and Recreation Department to encourage Esquimalt youth to apply to participate in the 84th BC Youth Parliament from December 16 – 21, 2012 in Victoria, BC.

CARRIED UNANIMOUSLY.

MOTION: Moved by Councillor Brame/Councillor McKie:
That the letter from Dora Turje, Youth Parliament of British Columbia, dated September 8, 2012 regarding British Columbia Youth Parliament, 84th Parliament be received for information.

CARRIED UNANIMOUSLY.

11. NOTICE OF MOTION

- (1) Recreation Passes for Spouses/Partners of Council Members

Mayor Desjardins stated that Council Policy ADMIN-62 laid out a process to review Council remuneration and recommended that Council consider postponing both motions until January, 2014 in accordance with this Policy.

MOTION: Moved by Councillor McKie/Councillor Schinbein:
That Council approve the issuance of free passes to the Esquimalt Recreation Centre for all spouses or partners of members of Council.

DEFEATED (Councillors McKie and Schinbein in favour).

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

Clarification was provided that the amendment proposed was to add five percent to Councillors' stipend on the condition that Acting Mayor duties are assigned, prior to the commencement of the calendar year, by the Mayor.

MOTION: Moved by Councillor Morrison/Councillor Hodgins:

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.

CARRIED (Mayor Desjardins, Councillors Brame and Hundleby opposed).

MOTION TO EXTEND HOURS OF COUNCIL MEETING

MOTION: Moved by Councillor McKie/Councillor Brame:

That the Regular Meeting of Council be extended to 10:30 p.m.

CARRIED UNANIMOUSLY.

Councillor Schinbein left the meeting at 10:00 p.m.

12. RISE AND REPORT

- (1) Report from the *In Camera* Meeting of Council, August 20, 2012
Re: Appointment Chief Financial Officer

At the Special *In Camera* Meeting of Council held on August 20, 2012, Council passed the following resolution:

That Ian Irvine be appointed as the Chief Financial Officer for the Township of Esquimalt.

13. PUBLIC QUESTION AND COMMENT PERIOD

Emmy Labonte, resident, expressed concern with the Notices of Motion, pointing out that it was her tax dollars that were being spent.

Terry Prentice, resident, expressed concern with Councillors “lecturing” applicants.

Rod Lavergne, resident, advised that he would be starting a “Facebook” page on Council activities in November, including the number of “secret” meetings.

Muriel Dunn, resident, commented that she agreed with the Director of Engineering’s recommendation not to set up a Joint Design Advisory Panel for the McLoughlin Treatment Facility. She expressed concern over staff recreational passes.

14. ADJOURNMENT

MOTION: Moved by Councillor Brame/Councillor Hundleby:

That the Regular Meeting of Council be adjourned at 10:10 p.m.

CARRIED UNANIMOUSLY.

MAYOR OF THE CORPORATION OF THE
TOWNSHIP OF ESQUIMALT
THIS 24th DAY OF SEPTEMBER, 2012

CERTIFIED CORRECT:

ANJA NURVO
CORPORATE OFFICER