



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

**MINUTES
REGULAR MEETING
OF MUNICIPAL COUNCIL
MONDAY, APRIL 15TH, 2013
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
Ian Irvine, Director of Financial Services & IT
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 8. Staff Reports (2) Bylaw and Policy Review, Staff Report No. ADM-13-014;
- Item 9. Mayor's and Councillors' Reports (4) Verbal Report from Councillor Hundleby re: CRD Workshop on McLoughlin Point Design;
- Item 9. Mayor's and Councillors' Reports (5) Verbal Report from Councillor Schinbein re: Recent Activities as Councillor;
- Item 9. Mayor's and Councillors' Reports (6) Verbal Report from Mayor Desjardins re: CRD Board Meeting and Conflict of Interest Issue;
- New Item 13. Rise and Report; and renumber subsequent Items.

3. APPROVAL OF THE AGENDA

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

CARRIED UNANIMOUSLY.

4. MINUTES

MOTION: Moved by Councillor Brame/Councillor Hodgins:
That the minutes of the Special Meeting of Council held on March 25, 2013 be adopted as circulated.

CARRIED UNANIMOUSLY.

5. PRESENTATIONS

- (1) Janet Jones, Chair, Centennial Celebration Select Committee, Final Report

Janet Jones, Chair of the Centennial Celebration Select Committee presented the final report on the Centennial Celebrations in 2012. Mayor Desjardins requested that Ms. Jones provide Council with a copy of the Committee's final report.

- (2) Jon Burbee, Manager of Real Estate Services, Canadian Forces Base Esquimalt – Federal Policy on Built Heritage Conservation

Mr. Jon Burbee, Manager of Real Estate Services, Canadian Forces Base Esquimalt, presented a PowerPoint presentation on federal policies on built heritage conservation and answered questions from Council.

6. 2013 PROPERTY TAX RATE PRESENTATION

- (1) 2013 Property Tax Rates – PowerPoint Presentation by Ian Irvine, Director of Financial Services

The Director of Financial Services presented a PowerPoint presentation on 2013 property tax rate scenarios for 1.96% increase in all classes, 0% increase in all classes and a 0% increase in other classes with a reduction in Class 6 (Business), and answered questions from Council.

Council directed staff to come back to the next meeting with a variety of options for the 2013 property tax rate, showing varying levels of tax revenue increases for all classes with the exception of Class 6 (Business) and calculating the impact of these options.

7. PUBLIC INPUT

Darwin Robinson, resident, pointed out that 2003 was the last time Class 6 (Business) tax rates were decreased. He added that most residents expect a reasonable tax increase to prepare for future reduced assessed values.

A resident expressed concern for the proposed tax rate, noting that any decrease in business class tax rates puts a greater burden on residents.

Muriel Dunn, resident, expressed concern with Second Reading of Zoning Bylaw, 1992, No. 2050, Amendment Bylaw (No. 207), 2013, No. 2798 without the report from the Legion scheduled at the next Council meeting. She also questioned the “non-binding” referendum conducted at the 2011 Municipal Election regarding the Esquimalt Village Plan.

Lorna Sankey, business owner of 624 Admirals Road and resident, expressed concern that she was still waiting for the developer of 622 Admirals Road to contact her regarding concerns with the proposed development, and she was concerned with the precedent for future development in Esquimalt.

Chris Fitzpatrick, developer of 622 Admirals Road, advised that due to the financial constraints of the project, there was no further opportunity to discuss changes to the proposed development.

Curtis Sankey, business owner of 624 Admirals Road and resident, stated that a 12-storey building on the site at 622 Admirals Road is too dense, and he was concerned that vehicles visiting this site would park on his business property at 624 Admirals Road.

8. STAFF REPORTS

Administration

(1) Flag Policy, Staff Report No. ADM-13-011

The Manager of Corporate Services presented Staff Report No. ADM-13-011 and answered questions from Council.

MOTION: Moved by Councillor Hodgins/Councillor McKie:
That Council approve Council Policy No. ADMIN-66 – Flag Policy.

Council Comments:

- Section 3(b) – Guest Flags and Banners – concern with flying flags from foreign nations without a Canadian flag (should always be present);
- Section 3(a) – what is definition of “non-profit” with respect to this flag policy as some non-profit organizations are controversial?
- Section 2(b) – re: death of former Councillor – “at least 10 years” is too long – “2 terms” would be more appropriate;
- Regarding the last bullet in Section 2(b), “. . . person to whom Council wishes to bestow this honour . . .” – is difficult to get Council together to decide this – suggestion: “at discretion of the Mayor in consultation with Council”;
- Section 3(a) – concern about flying flags of other sovereign nations “at discretion of CAO” – this is a political issue, therefore should not be at discretion of CAO;
- Consider an additional flagpole at Municipal Hall.

MOTION: Moved by Councillor Morrison/Councillor Schinbein:
That Council **table** further consideration of Council Policy No. ADMIN-66 “Flag Policy” to a future Committee of the Whole meeting of Council.

CARRIED UNANIMOUSLY.

RECESS AND RECONVENE

The meeting recessed at 8:37 pm and reconvened at 8:43 pm with all members of Council present.

(2) Bylaw and Policy Review, Staff Report No. ADM-13-014

MOTION: Moved by Councillor Brame/Councillor Hundleby:
That the Council of the Corporation of the Township of Esquimalt:

- a) Rescind the following Council Policies:
 - ADMIN-63 Terms of Reference – Centennial Celebrations Select Committee;
 - FIN-05 Reserve Account – Esquimalt Parks and Recreation Commission “Rainy Day Fund”;
 - GEN-03 Coat-of-Arms Crests – Municipal Vehicles; and
 - PLAN-32 Registration of 700 Notices;
- b) Approve Council Policy No. ADMIN-42 Records Management – Esquimalt Records Classification Manual, as amended, as attached to Staff Report No. ADM-13-014;
- c) Approve Council Policy No. ADMIN-58 Terms of Reference – Special Committee to Review Council Remuneration, as amended, as attached to Staff Report No. ADM-13-014 (submitted as a Late Item); and

- d) Authorize the dissolution of the Esquimalt Parks and Recreation Commission "Rainy Day Fund" Reserve Account and the re-allocation of the existing funds in the Reserve Account in the amount of \$8,000 to Accumulated Surplus.

CARRIED UNANIMOUSLY.

Development Services

- (3) Rezoning Application, 622 Admirals Road, (Lot 155, Suburban Lot 43, Esquimalt District, Plan 2854), (Lot 156, Suburban Lot 43, Esquimalt District, Plan 2854), (Lot 157, Suburban Lot 43, Esquimalt District, Plan 2854), (Lot 158, Suburban Lot 43, Esquimalt District, Plan 2854), Except Part in Red on Plan 312 BL), Staff Report No. DEV-13-014

The Director of Development Services presented Staff Report No. DEV-13-014 and answered questions from Council.

Council Comments:

- Concern about staff parking;
- Some "amenities" offered are required in other municipalities;
- Consider access off Constance Avenue rather than off Admirals Road;
- Suggestion for streetscape benches enroute to the plaza as an additional amenity;
- Include design guidelines for enhancement of south face of building.

MOTION: Moved by Councillor Hodgins/Councillor McKie:

- a) That Council resolves that Second Reading of Zoning Bylaw, 1992, No. 2050, Amendment Bylaw (No. 207), 2013, No. 2798 be rescinded;
- b) That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw (No. 207), 2013, No. 2798 (Schedule "A") which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of Lot 155, Lot 156, Lot 157 and Lot 158, Suburban Lot 43, Esquimalt District, Plan 2854, Except Part in Red on Plan 312 BL (622 Admirals Road) shown cross hatched on Schedule "A" of Bylaw No. 2798, from C-3 (Core Commercial) to CD No. 82 (Comprehensive Development District No. 82) be amended as presented in Staff Report DEV-13-014;
- c) That Bylaw No. 2798 be further amended with the addition under "Design Guidelines" of the following: "south side of the building shall incorporate an artistic or creative motif and/or green building design";
- d) That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw (No. 207), 2013, No. 2798, be read anew a second time; and
- e) That Council authorizes the Corporate Officer to schedule a public hearing for Zoning Bylaw, 1992, No. 2050, Amendment Bylaw (No. 207), 2013, No. 2798, send required notification to local residents and owners and to advertise for same in the local newspaper.

CARRIED UNANIMOUSLY.

- (4) Esquimalt Village Project Update, Staff Report No. DEV-13-015

The Director of Development Services presented Staff Report No. DEV-13-015 and answered questions from Council.

MOTION: Moved by Councillor Brame/Councillor Morrison:
That Council endorse the Esquimalt Village Project Work Plan attached as Schedule "A" to Staff Report No. DEV-13-015.

CARRIED UNANIMOUSLY.

9.

MAYOR'S AND COUNCILLORS' REPORTS

- (1) Report from Councillor Dave Hodgins, Re: Participants Report: Federation of Canadian Municipalities (FCM), Prince George, BC, March 6-9, 2013

Councillor Hodgins reported on his attendance at the FCM meeting in Prince George in March, 2013.

MOTION: Moved by Councillor McKie/Councillor Brame:
That the report from Councillor Hodgins regarding the FCM meeting in Prince George, BC March 6-9, 2013 be received.

CARRIED UNANIMOUSLY.

- (2) Verbal Report from Councillor Meagan Brame, Re: Family of Schools Meeting

Councillor Brame provided a verbal report on her attendance at the Family of Schools meeting, held once a month for all Administrators of all schools in Esquimalt.

MOTION: Moved by Councillor Hundleby/Councillor McKie:
That the verbal report from Councillor Brame on the Family of Schools meeting be received.

CARRIED UNANIMOUSLY.

- (3) Verbal Report from Mayor Barbara Desjardins Re: Greater Victoria Harbour Authority Special General Meeting, April 18, 2013

Mayor Desjardins provided a verbal report on the Greater Victoria Harbour Authority's Special General meeting on April 18, 2013, noting that there was concern regarding governance. In previous times, Directors were nominated by member agencies; however the nomination process has been changed to allow the Board to acquire Directors with specific skills.

MOTION: Moved by Councillor Brame/Councillor Hundleby:
That the verbal report from Mayor Desjardins regarding the Greater Victoria Harbour Authority Special General meeting on April 18, 2013 be received.

CARRIED UNANIMOUSLY.

- (4) Verbal Report from Councillor Lynda Hundleby re: Capital Regional District (CRD) Workshop on McLoughlin Point Design

Councillor Hundleby reported on her attendance at the CRD Workshop on McLoughlin Point design ideas.

MOTION: Moved by Councillor Brame/Councillor Schinbein:
That the verbal report from Councillor Hundleby on the CRD Workshop on McLoughlin Point design be received.

CARRIED UNANIMOUSLY.

- (5) Verbal Report from Councillor David Schinbein re: Recent Activities as Councillor

Councillor Schinbein reported on his attendance at the following events:

- First ball thrown for Little League Baseball season;
- Awards ceremony at HMCS Malahat;
- McLoughlin Point Design Workshop at Laurel Point Inn.

MOTION: Moved by Councillor McKie/Councillor Hundleby:
That the verbal report from Councillor David Schinbein regarding recent activities as a Councillor be received.

CARRIED UNANIMOUSLY.

- (6) Verbal Report from Mayor Desjardins re: CRD Board Meeting and Conflict of Interest Issue

Mayor Desjardins reported on the conflict of interest issue at the CRD Board meeting that resulted in Esquimalt not having a representative at the table during the discussion of the Financial Plan Bylaw.

MOTION: Moved by Councillor Brame/Councillor McKie:
That the verbal report from Mayor Desjardins regarding the CRD Board meeting and the conflict of interest issue be received.

CARRIED UNANIMOUSLY.

MOTION TO EXTEND MEETING HOURS

MOTION: Moved by Councillor Morrison/Councillor Schinbein:
That the Regular Meeting of Council on April 15, 2013 be extended to 10:15 pm.

CARRIED UNANIMOUSLY.

10.

REPORTS FROM COMMITTEES

MOTION: Moved by Councillor Brame/Councillor McKie:
That the following minutes be received:

- (1) Adopted minutes from the Advisory Planning Commission meeting, February 26, 2013;
- (2) Adopted minutes from the Advisory Planning Commission Design Review Committee meeting, March 20, 2013;

- (3) Draft minutes from the Heritage Advisory Committee meeting, March 20, 2013;
- (6) Draft minutes from the Environmental Advisory Committee meeting, March 21, 2013;
- (7) Draft minutes from the Advisory Planning Commission meeting, March 26, 2013;
- (8) Draft minutes from the Arts, Culture and Special Events Advisory Committee meeting, April 3, 2013.

CARRIED UNANIMOUSLY.

- (4) Memorandum from the Heritage Advisory Committee dated March 21, 2013 re: Heritage Advisory Committee 2013 Work Plan

MOTION: Moved by Councillor Brame/Councillor Morrison:
That Council approve the 2013 Work Plan of the Heritage Advisory Committee as outlined in their memorandum dated March 21, 2013.

CARRIED UNANIMOUSLY.

- (5) Memorandum from the Heritage Advisory Committee dated March 21, 2013 Re: Recommendation on Proposal to Honour the late Rowland Bourke, VC, DSO, Former Esquimalt Resident

MOTION: Moved by Councillor Hodgins/Councillor Hundleby:
That Council supports the proposal to honour Victoria Cross Recipient Rowland Bourke based on the letter from Bart Armstrong dated January 9, 2013.

CARRIED UNANIMOUSLY.

- (9) Memorandum from the Arts, Culture and Special Events Advisory Committee dated April 11, 2013 Re: Arts, Culture and Special Events Advisory Committee 2013 Work Plan

MOTION: Moved by Councillor Morrison/Councillor Brame:
That Council approve the 2013 Work Plan of the Arts, Culture and Special Events Advisory Committee as outlined in their memorandum dated April 11, 2013.

CARRIED UNANIMOUSLY.

11.

COMMUNICATIONS

- (1) Letter from Jack Bates dated March 12, 2013 Re: Proposal to Support and Protect Heritage Values of Fort Macaulay

MOTION: Moved by Councillor Hodgins/Councillor Brame:
That Council receive the letter from Jack Bates dated March 12, 2013 regarding his proposal to support and protect heritage values at Fort Macaulay.

CARRIED UNANIMOUSLY.

- (2) Email from Tammy Percival, Esquimalt Representative on Victoria Family Court and Youth Justice Committee dated March 18, 2013 Re: VFCYJC Update for Esquimalt City Council

MOTION: Moved by Councillor Brame/Councillor Schinbein:
That Council receives the report from Tammy Percival, Esquimalt Representative on Victoria Family Court and Youth Justice Committee dated March 18, 2013 regarding VFCYJC update.

CARRIED UNANIMOUSLY

- (3) Letter from Jacqueline Eckstein, BC Government and Service Employees Union dated March 26, 2013 Re: Closing of Retail Outlet of Liquor Distribution Branch in Esquimalt

MOTION: Moved by Councillor Schinbein/Councillor Hundleby:
That the letter from Jacqueline Eckstein, BC Government and Service Employees Union dated March 26, 2013 regarding closing of retail outlet of liquor distribution branch in Esquimalt be received; and
That Mayor Desjardins send a letter to the BC Government and Service Employees Union acknowledging their concerns and will contact Liquor Licensing Branch to inquire regarding their plans.

CARRIED UNANIMOUSLY.

- (4) Media Release from the Capital Regional District dated April 8, 2013 Re: Nominations Are Now Open for the 2013 EcoStar Awards

MOTION: Moved by Councillor Brame/Councillor Morrison:
That the media release from the Capital Regional District dated April 8, 2013 regarding "Nominations Are Now Open for the 2013 EcoStar Awards" be received; and
That the media release from the CRD dated April 8, 2013 be referred to the Environmental Advisory Committee.

CARRIED UNANIMOUSLY.

12.

NOTICE OF MOTION

- (1) Use of Costumed Mascots for Commercial Marketing in Public Spaces – Councillor Morrison

MOTION:

WHEREAS the Township of Esquimalt respects the rights of residents and visitors to enjoy the Township's public spaces such as (but not limited to) streets, sidewalks, parks and pathways without interruptions from intrusive and/or inappropriate commercial marketing;

WHEREAS the Township of Esquimalt strives to provide a well-planned community that is attractive, respectful and considerate for both residents and businesses that support maintaining a pleasant, welcoming community;

WHEREAS numerous complaints have been received regarding certain marketing tactics within the Township of Esquimalt;

THEREFORE BE IT RESOLVED that Council directs staff to prepare a report for Council's consideration on the options, including revisions to existing bylaws or adoption of a new bylaw, to regulate the use of mascots, including the following:

1. *The use of a mascot or any other costumed promoter for the purposes of business and commercial marketing activities in any public spaces is not permitted within the Township of Esquimalt unless otherwise authorized by Council.*
2. *A business owner who wishes to use a mascot or any costumed promoter for the purposes of business and commercial marketing activities in public spaces may seek a permit for specific times, dates, locations and purposes by way of a request to Council. Any use of a mascot or any other costumed promoter for the purposes of business and commercial marketing activities in any public spaces that do not follow the specific conditions of an authorized permit shall result in a cancellation of the permit and the offender may be subject to the penalties as listed in Section 4(8), (ii) and (iii).*
3. *A majority vote of approval by Council is required for the issuing of such permit. If Council is on a scheduled break and unable to consider permit requests prior to a specific marketing event, then the applicant may seek a permit from the Mayor, and the Mayor (or Acting Mayor) will be authorized to review and decide the permit request on behalf of Council.*
4. *Any unauthorized use of a mascot or any other costumed promoter for the purposes of business and commercial marketing activities in any public spaces within the Township of Esquimalt shall be subject to the following penalties:*
 - i) *First Offence: a fine of \$250.00 or, at the discretion of the Township's Bylaw Officer, an official letter of warning from the Township of Esquimalt in lieu of the first-offence fine.*
 - ii) *Second Offence: a fine of \$500.00.*
 - iii) *Third Offence and all other continued offences: a fine of \$1000.00.*
5. *Corporate/business mascots participating as official sponsors for community and/or charitable special events shall be exempt for the specific dates, times and locations of such special events.*

This matter will be added to the Agenda for the next Regular Meeting of Council for Council's consideration.

13. RISE AND REPORT

- (1) Report from the Special *In Camera* Meeting of Council, April 15, 2013 Re: Community Gaming Centre in Esquimalt

At the Special *In Camera* meeting of Council held on April 15, 2013, Council passed the following resolution:

That Council participate as appropriate within the legislated process conducted by BC Lottery Corporation under the Gaming Control Act for a Community Gaming Centre in Esquimalt.

14. PUBLIC QUESTION AND COMMENT PERIOD

Sherri Robinson, resident, expressed concern that no attempt be made to move the HMCS Esquimalt memorial.

Mayor Desjardins advised that a memorial ceremony was scheduled for April 16th commencing at 5:15 pm at the monument site to commemorate sixty-eight years since HMCS Esquimalt was lost at sea.

Muriel Dunn, resident, stated that she agreed that the HMCS Esquimalt monument should stay where it was. She also expressed concern with the amenities offered by the developer of 622 Admirals Road.

Mr. Chisholm, resident, expressed concern for trip hazards on the sidewalk at Joffre and Esquimalt Road and requested that a new sidewalk be installed.

MOTION TO EXTEND MEETING HOURS

MOTION: Moved by Councillor Morrison/Councillor McKie:
That the Regular Meeting of Council of April 15th, 2013 be extended to 10:30 pm.

CARRIED UNANIMOUSLY.

Lorna Sankey, business owner of 624 Admirals Road and resident, advised that she would be away on May 27th, the proposed date for the Public Hearing for the rezoning application for 622 Admirals Road, and requested that the Public Hearing be held on another day.

Jack Bates, resident, stated that he was looking forward to working with the Heritage Advisory Committee on the promotion of the heritage profile of Fort Macaulay.

15. ADJOURNMENT

MOTION: Moved by Councillor Hodgins/Councillor Hundleby:
That the Regular Meeting of Council be adjourned at 10:15 pm.

CARRIED UNANIMOUSLY.

MAYOR OF THE CORPORATION OF THE
TOWNSHIP OF ESQUIMALT
THIS 22nd DAY OF APRIL, 2013

CERTIFIED CORRECT:

ANJA NURVO
CORPORATE OFFICER