



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

**MINUTES
REGULAR MEETING
OF MUNICIPAL COUNCIL
MONDAY, APRIL 22ND, 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
Jeff Miller, Director of Engineering & Public Works
Ian Irvine, Director of Financial Services & IT
Trevor Parkes, Senior Planner
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 late items were added to the Agenda:

- Pertaining to Agenda Item 8.(5) Staff Reports – Development Variance Permit, 1138 Wychbury Avenue:
 - Letter from Barbara Curran, dated April 16, 2013, Re: Application for a Development Variance Permit from Vernon and Penny Walleen, Owners of 1138 Wychbury Avenue;
 - Letter from Louise L. Kallhood, dated April 13, 2013, Re: Development Variance Permit Notice for Vern and Penny Walleen, Registered Owners of 1138 Wychbury Avenue;
- Add to Agenda Item 9. Mayor’s and Councillors’ Reports:
 - (1) Verbal Report from Councillor Hundleby Re: Greater Victoria Harbour Authority, Provincial Capital Commission and Esquimalt Chamber of Commerce – Economic Roundtables;
 - (2) Mayor Desjardins – Appreciation for Volunteers at Rail Trail Clean Up;
 - (3) Verbal Report from Councillor Schinbein Re: Recent Activities

3. APPROVAL OF THE AGENDA

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

CARRIED UNANIMOUSLY.

4. MINUTES

(1) Minutes of the Special Meeting of Council, April 15, 2013

MOTION: Moved by Councillor Morrison/Councillor Brame:
That the minutes of the Special Meeting of Council held April 15, 2013 be adopted as circulated.

CARRIED UNANIMOUSLY.

(2) Minutes of the Regular Meeting of Council, April 15, 2013

MOTION: Moved by Councillor Morrison/Councillor Brame:
That the minutes of the Regular Meeting of Council held April 15, 2013 be adopted as amended:

- Page 6 of the Agenda package – delete “Council Comments” and replace with following: “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”;

- Second last paragraph on Page 9 of Agenda package – delete the following words at the end of the sentence “, and to address the recent Supreme Court decision regarding conflict of interest”;
- Top of page 10 of Agenda package – correct spelling of “Linda” to “Lynda”.

CARRIED UNANIMOUSLY.

5. PRESENTATIONS

- (1) Peter Leathley, Rogers Communications Inc., Wireless Communications Facilities

Darren Hird of Rogers Communications Inc. made a PowerPoint presentation regarding wireless communications facilities and answered questions from Council.

- (2) Kevin Wolski, Covenor and Karima Ramji, Past Covenor, World Partnership Walk Victoria

Kevin Wolski and Karima Ramji made a PowerPoint presentation regarding the upcoming World Partnership Walk in Victoria on May 26th and answered questions from Council.

- (3) Don Barr, President and Doug Grant, General Manager, Royal Canadian Legion, Branch 172, re: 622 Admirals Road Business Plan

Don Barr, President and Doug Grant, General Manager of Branch 172 of the Royal Canadian Legion presented the Legion’s Business Plan for the development of 622 Admirals Road 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% tax increase, 1.0% tax increase and 0% tax increase with reductions for Class 1, Class 4 and Class 6, and answered questions from Council.

Council agreed to hear “Public Input” prior to making a decision on the 2013 property tax rates.

7. PUBLIC INPUT

Peter Ryan, resident, stated that he was supportive of a 0% increase of property tax rates, with a reduction for businesses.

Muriel Dunn, resident, expressed her appreciation to all those involved with the Community Garage Sale at the Archie Browning Sports Centre. She also expressed her objection to the use of the Archie

Browning Sports Centre by the Royal Canadian Legion during the construction of their new building at 622 Admirals Road, other than renting rooms for specific occasions.

Lyndon Chisholm, resident, pointed out that he hoped that some of the 2012 surplus budget funds could go for a new sidewalk on Joffre Road.

Mark Hatwell, resident, spoke in support of the Development Variance Permit application for 1138 Wychbury Avenue.

Glen Sandwick, resident, spoke in support of the Development Variance Permit application for 973 Wollaston Street and for a 0% increase in property tax rates.

Carol Sanderson, resident, stated that she had submitted a letter regarding the sidewalks on Lyall Street and was still waiting for a reply.

Rita Green, resident, spoke in support of the Development Variance Permit application for 973 Wollaston Street, and for a new sidewalk at Joffre Road/Lyall Street.

Rod Lavergne, resident, spoke in support of the Development Variance Permit application for 1138 Wychbury Avenue, and for the proposed reduction in tax rates for businesses in Esquimalt.

Beth Burton-Krahn, resident, expressed her support for Councillor Morrison's Notice of Motion regarding mascots.

Ron Kaye, resident, spoke in support of the Development Variance Permit application for 1138 Wychbury Avenue.

Sheena Carlson, resident, spoke in support of the Development Variance Permit application for 1138 Wychbury Avenue.

6. 2013 PROPERTY TAX RATE, Continued

(1) 2013 Property Tax Rates

MOTION: Moved by Councillor Hodgins/Councillor Morrison:
That Council approves 0% increase in 2013 tax revenue in all classes, with an additional 2.36% tax revenue reduction to Class 6 (business).

CARRIED UNANIMOUSLY.

8. STAFF REPORTS

Administration

(1) Draft Strategic Plan 2013 Update, Staff Report No. ADM-13-016

MOTION: Moved by Councillor Brame/Councillor Hodgins:
That the Council of the Corporation of the Township of Esquimalt:
1. Approve the Strategic Plan Update as presented; and

2. Direct staff to include a copy of the Strategic Priorities Chart with the tax mailing in May.

CARRIED UNANIMOUSLY.

Engineering and Public Works

- (2) Update on Street Naming Signage Budget Request, Staff Report No. EPW-13-005

MOTION: Moved by Councillor Hundleby/Councillor Morrison:
That the 2013 Public Works Operational Budget be adjusted to include a one time supplementary cost of \$7,500 for the purchase and installation of additional street blades. **CARRIED UNANIMOUSLY.**

- (3) Council Resolution for Brownfield Renewal Funding for Esquimalt Village Project, Staff Report No. EPW-13-006

MOTION: Moved by Councillor Brame/Councillor Hodgins:
Council approves the following resolution:
WHEREAS 1235 Esquimalt Road is owned by Corporation of the Township of Esquimalt;
WHEREAS the Township of Esquimalt is proceeding with the development of this property;
WHEREAS the Township of Esquimalt has committed \$75,000 for the detailed site investigation and remediation plan for the property;
THEREFORE BE IT RESOLVED that Council approves that an application be submitted to the Brownfield Renewal Funding Program to provide additional funding for the project.

CARRIED UNANIMOUSLY.

Development Services

- (4) Development Variance Permit, 973 Wollaston Street (Strata Lot A, Section 11, Esquimalt District, Strata Plan VIS6589), Staff Report No. DEV-13-016

The Senior Planner presented Staff Report No. DEV-13-016 and answered questions from Council.

MOTION: Moved by Councillor Morrison/Councillor Hodgins:
That Council permit the applicant, Mr. Roman Olariu, to speak.
CARRIED UNANIMOUSLY.

Mr. Olariu explained the background to the Development Variance Permit application and answered questions from Council.

MOTION: Moved by Councillor Schinbein/Councillor McKie:
That Council resolves that the application for a Development Variance Permit authorizing the construction as shown in the photos, stamped "Received February 15, 2013", and sited as detailed on the survey plan prepared by Powell and Associates, stamped "Received February 15, 2013", and including the following relaxations to Zoning Bylaw, 1992, No. 2050, for Strata Lot A, Section 11, Esquimalt District, Strata Plan VIS6589 [973 Wollaston Street], **be denied:**

Zoning Bylaw, 1992, No. 2050, Section 67.52 (5) – Lot Coverage
Lot Coverage for the CD-65 Zone, as identified in Section 67.52(5) of the Zoning Bylaw, 1992, No. 2050, is varied from 22% to 23% [i.e. a 1% increase from 22% to 23% Lot Coverage].

Zoning Bylaw, 1992, No. 2050, Section 67.52 (7)(a)(iii) Rear Setback - A 2.25 metre reduction to the requirement that no principal building shall be located within 7.9 metres of any rear lot line. [i.e. from 7.9 metres to 5.65 metres].

CARRIED UNANIMOUSLY.

- (5) Development Variance Permit, 1138 Wychbury Avenue (Lot 15, Block 2, Section 11, Esquimalt District, Plan 6016), Staff Report No. DEV-13-017

The Senior Planner presented Staff Report No. DEV-13-017 and answered questions from Council.

MOTION: Moved by Councillor Hodgins/Councillor Morrison:

That Council resolves that Development Variance Permit No. 00005, authorizing construction as shown in photographs, stamped “Received February 7, 2013”, and shown on plans provided by Pacific Truss, stamped “Received February 7, 2013”, and sited as detailed on the survey plan prepared by J.E. Anderson and Associates, stamped “Received February 7, 2013”, and including the following relaxations to Zoning Bylaw, 1992, No. 2050, **be approved**, and staff be directed to issue the permit and register the notice on the title of Lot 15, Block 2, Section 11, Esquimalt District, Plan 6016 [1138 Wychbury Avenue]:

Zoning Bylaw, 1992, No. 2050, Section 40(6)(b) – Building Height
- a 0.4 metre relaxation the requirement that an Accessory Building shall not exceed 3.6 metres in Height [i.e. from 3.6 metres to 4.0 metres].

Zoning Bylaw, 1992, No. 2050, Section 40(8)(b) – Lot Coverage - a relaxation of 5% to the requirement that all Accessory Buildings shall not exceed 10% of the Area of the Parcel [i.e. increase from 10%of parcel area to 15% of parcel area].

Zoning Bylaw, 1992, No. 2050, Section 40(9)(b)(ii) – Siting Requirements – Accessory Building – Side Setback - a 0.73 metre reduction to the required 1.5 metre setback from an Interior Side Lot Line [i.e. from 1.5 metres to 0.77 metres].

Zoning Bylaw, 1992, No. 2050, Section 40(9)(b)(iii) – Siting Requirements – Accessory Building – Rear Setback - a 0.78 metre reduction to the required 1.5 metre setback from a Rear Lot Line [i.e. from 1.5 metres to 0.72 metres].

CARRIED UNANIMOUSLY.

9. MAYOR'S AND COUNCILLORS' REPORTS

- (1) Verbal Report from Councillor Hundleby Re: Greater Victoria Harbour Authority, Provincial Capital Commission and Esquimalt Chamber of Commerce – Economic Roundtables

Councillor Hundleby updated Council on the accountabilities of the Provincial Capital Commission and the Greater Victoria Harbour Authority (GVHA), and her attendance at the GVHA April 18th meeting. She also expressed the appreciation of the Esquimalt Chamber of Commerce at being included in the economic roundtable discussions.

- (2) Mayor Desjardins – Appreciation for Volunteers at Rail Trail Clean Up

Mayor Desjardins expressed her appreciation to the many volunteers who, in preparation for “Earth Day”, cleaned up over four tonnes of garbage from the E & N Rail Trail.

- (3) Verbal Report from Councillor Schinbein Re: Recent Activities

Councillor Schinbein reported on his attendance at the grand opening of the Gorge Park Education Centre. He also reported that for a Legacy Project for their 100th Anniversary of the Vancouver Island Construction Association, they have provided year-round, heated washrooms at Gorge Park.

MOTION: Moved by Councillor Schinbein/Councillor Morrison:
That Council accepts the Mayor's and Councillors' reports.

CARRIED UNANIMOUSLY.

RECESS AND RECONVENE

The Regular Meeting of Council recessed at 9:20 pm and reconvened at 9:27 pm with all members of Council present.

10. COMMUNICATIONS

- (1) Letter from Sandy Rozon, Esquimalt Buccaneer Committee, dated April 11, 2013, Re: 2013 Buccaneer Days Weekend

Councillor Brame advised that three judges were needed, and it was agreed that Councillors Hodgins and Hundleby and a member of the Arts, Culture and Special Events Advisory Committee could be judges.

MOTION: Moved by Councillor Brame/Councillor Morrison:
That Council receive the letter from Sandy Rozon of the Esquimalt Buccaneer Committee dated April 11, 2013 regarding the 2013 Buccaneer Days weekend June 7, 8 and 9, 2013.

CARRIED UNANIMOUSLY.

- (2) Email from Susan Draper, dated April 15, 2013, Re: Municipal Food Bank Resolution

MOTION: Moved by Councillor Schinbein/Councillor McKie:
That the email from Susan Draper dated April 15, 2013 regarding a municipal Food Bank resolution be received for information.

CARRIED UNANIMOUSLY.

11.

NOTICE OF MOTION

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

MOTION: Moved by Councillor Morrison/Councillor Brame:

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.
CARRIED (Councillor Hundleby opposed).

MOTION TO EXTEND MEETING HOURS

MOTION: Moved by Councillor Morrison/Councillor Hundleby:
That Council extend the meeting hours to 10:15 pm.

CARRIED UNANIMOUSLY.

MOTION: Moved by Councillor Hodgins/Councillor McKie:
Subject to staff confirming the Township's authority, until such time that Council resolves the issue of a mascot bylaw, there shall be a strict moratorium on the Bong Warehouse's use of its Bong mascot in Esquimalt's public spaces and that Esquimalt's Bylaw Officer and/or Victoria Police Department inform the Bong Warehouse of this moratorium. Any failure by the Bong Warehouse to abide by this moratorium shall result in the Township of Esquimalt taking appropriate further action to enforce the moratorium.

CARRIED UNANIMOUSLY.

12. PUBLIC QUESTION AND COMMENT PERIOD

There were no public questions or comments.

13. ADJOURNMENT

MOTION: Moved by Councillor Brame/Councillor Hundleby:
That the Regular Meeting of Council be adjourned at 10:05 pm.

CARRIED UNANIMOUSLY.

MAYOR OF THE CORPORATION OF THE
TOWNSHIP OF ESQUIMALT
THIS 6th DAY OF MAY, 2013

CERTIFIED CORRECT:

ANJA NURVO
CORPORATE OFFICER