



# **CORPORATION OF THE TOWNSHIP OF ESQUIMALT**

## **Minutes - Draft Council**

Municipal Hall  
1229 Esquimalt Road  
Esquimalt, B.C. V9A 3P1

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Monday, September 28, 2015

7:00 PM

Esquimalt Council Chambers

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**Present:** 7 - Mayor Barbara Desjardins  
Councillor Meagan Brame  
Councillor Beth Burton-Krahn  
Councillor Lynda Hundleby  
Councillor Olga Liberchuk  
Councillor Susan Low  
Councillor Tim Morrison

**Staff:** Laurie Hurst, Chief Administrative Officer  
Jeff Miller, Director of Engineering & Public Works  
Bill Brown, Director of Development Services  
Ian Irvine, Director of Financial Services  
Blair McDonald, Director of Community Safety Services  
Rachel Dumas, Recording Secretary

### **1. CALL TO ORDER**

Mayor Desjardins called the Regular Council meeting to order at 7:00 PM.

Mayor Desjardins acknowledged with respect that we are within the Traditional Territories of the Esquimalt and Songhees First Nations.

Mayor Desjardins acknowledged the success of Sculpture Splash 2015 and Esquimalt Farmers' Market and thanked the volunteers and organizers. Mayor Desjardins acknowledged with sympathy the passing of Joe Richards, on August 29, 2015 and expressed his passion for the E & N Railway and dedication to the Community as "Victoria's Watchdog".

### **2. LATE ITEMS**

The following late item was added to the agenda:

- (1) Pertaining to Agenda Item 5. STAFF REPORTS (2) 2016 Permissive Tax Exemptions
  - Email from Doug Grant, Royal Canadian Legion - 172, received September 26, 2015, Re: Local Grant Committee Meeting September 17, 2015 at 6:30 PM

### **3. APPROVAL OF THE AGENDA**

**Moved by Councillor Hundleby, seconded by Councillor Morrison: That the agenda be approved as amended with the inclusion of the late item. Carried Unanimously.**

**4. PUBLIC INPUT (On items listed on the Agenda)****Excluding items which are or have been the subject of a Public Hearing.**

*Doug Grant, Manager, Royal Canadian Legion, Esquimalt Branch No.172*, apologised for not attending the Local Grant Committee meeting on September 17, 2015 due to a conflict of scheduling and illness of alternate representative.

*Muriel Dunn, resident*, expressed gratitude for Council acknowledging the passing of Joe Richards.

*Kristina Weiss, resident*, requested an opportunity to address Council regarding Development Variance Permit Application for 464 Grafton Street.

**5. STAFF REPORTS*****Community Safety Services***

- 1) [15-426](#) Bylaw No. 2856 - A Bylaw to Amend Bylaw No. 2538, cited as the "Building Code Bylaw, 2002, No. 2538 - Staff Report - CSS-15-017

Director of Community Safety Services responded to questions from Council.

Council provided direction for staff to include statistics Re: Damage Deposits waived within the Period Reports.

**Moved by Councillor Brame, seconded by Councillor Morrison: That Council gives first, second and third readings to Bylaw No. 2856 - A Bylaw to Amend Bylaw No. 2538, cited as the "Building Code Bylaw 2002 No. 2538". Carried Unanimously.**

***Finance***

- 2) [15-430](#) 2016 Permissive Tax Exemptions, Staff Report FIN-15-016

Councillor Hundleby provided an overview of the Local Grant Committees' decision to not approve a 2016 Permissive Tax Exemption to the Royal Canadian Legion, Esquimalt No. 172, due to lack of attendance at the September 17, 2015 mandatory meeting as per Policy No. FIN-16. Councillor Hundleby explained that these were exceptional circumstances that require reconsideration.

Director of Financial Services responded to questions from Council.

Council inquired as to the nature of business and eligibility for a 2016 Permissive Tax Exemption for St. Vincent de Paul. Council determined that non profit services were provided and costs recovered from Thrift Store sales. They do not receive a 100% Permissive Tax Exemption.

**Moved by Councillor Hundleby, seconded by Councillor Brame: That Council approve Permissive Tax Exemption for 2016 to the Royal Canadian Legion,**

**Esquimalt No. 172. Carried Unanimously.**

**Moved by Councillor Hundleby, seconded by Councillor Liberchuk: That Council give first, second and third reading to the Tax Exemption (Non-Profit Organizations) Bylaw, 2015, No. 2857 as amended to add The Royal Canadian Legion, Esquimalt, No. 172. Carried.**

**In Favour:** 6 - Mayor Desjardins, Councillor Brame, Councillor Hundleby, Councillor Liberchuk, Councillor Low, and Councillor Morrison

**Opposed:** 1 - Councillor Burton-Krahn

### ***Development Services***

**3) [15-398](#) Commencement of the Official Community Plan Review, Staff Report DEV-15-043**

Director of Development Services provided an overview of the commencement of the Official Community Plan (OCP) and responded to questions from Council.

Council comments included (Staff response in italics):

Council inquired as to the costs for telephone surveying, and suggested the Advisory Planning Commission be provided with a draft OCP for review prior to adoption by Council.

Council discussed timeline conflict concerns and acknowledged the importance of community input. *Projects continue to move forward under the current OCP.*

Council suggested the inclusion of the Greater Victoria Public Library to the stakeholder group and the use of technology to enhance public engagement. Council discussed concerns regarding Urban Design Study of Esquimalt Road and the importance for the project to commence as soon as possible.

**Moved by Councillor Hundleby, seconded by Councillor Burton-Krahn: That Council:**

- 1) adopt the Official Community Plan project charter (Schedule "A") and instruct staff to begin the review of the Official Community Plan;**
- 2) authorize the Mayor to send a letter to all of the stakeholders identified in Schedule "B" indicating that Council has commenced a review of its Official Community Plan and inviting them to indicate whether or not they wish to actively participate in the review; and**
- 3) authorize staff to draft an on-line/paper kick-off survey for Council's review; all as outlined in Staff Report DEV-15-043. Carried Unanimously.**

**Moved by Councillor Burton-Krahn, seconded by Councillor Brame: That Council direct staff to prepare a report Re: Commencement of the Urban Design Study of Esquimalt Road with the inclusion of funding and staffing options for consideration. Carried Unanimously.**

- 4) [15-428](#) Development Variance Permit, 464 Grafton Street, [PID 007-474-032] Lot 17, Suburban Lot 29, Esquimalt District, Plan 1428, Staff Report DEV-15-047

Director of Development Services responded to questions to Council.

Council comments included (Staff response in italics):

*The application was a result of Bylaw Enforcement.*

Council suggested Fence Restrictions and Urban Wildlife Management be reviewed.

**Moved by Councillor Morrison, seconded by Councillor Liberchuk: That Council permit the applicant to address Council. Carried Unanimously.**

**Moved by Councillor Morrison, seconded by Councillor Brame: That Council resolves that Development Variance Permit No. DVP00036, attached as Schedule A to Staff Report DEV-15-047, authorizing the installation of a 1.85 metre fence in front of the front face of the Principal Building, constructed as shown on photographs submitted with the application stamped "Received July 24, 2015", and sited as detailed on the Fence Location Certification prepared by Glen Mitchell Land Surveying Inc., stamped "Received July 24, 2015", and including the following relaxation to Zoning Bylaw, 1992, No. 2050, be approved, and staff be directed to issue the permit and register the notice on the title of the property located at PID 007-474-032 Lot 17, Suburban Lot 29, Esquimalt District, Plan 1428 [464 Grafton Street].**

**Zoning Bylaw No. 2050, Section 34(10) - Fencing - a 0.65 metre increase to the permitted fence height in front of the front face of the Principal Building from 1.2 metres to 1.85 metres. Carried Unanimously.**

### ***Engineering and Public Works***

- 5) [15-427](#) 464 Grafton Street - Boulevard Alteration Permit Request

Director of Engineering and Public Works provided an overview of the Boulevard Alteration Permit process for this specific application and responded to questions from Council.

Director of Development Services clarified the reason for this Boulevard application is due to the encroachment of the fence on the Right of Way.

**Moved by Councillor Morrison, seconded by Councillor Low: That the Township enter into a Boulevard Alteration Permit agreement at 464 Grafton Street. Carried Unanimously.**

- 6) [15-429](#) Proposed Crosswalk at Saxe Point Park, Staff Report No. EPW-15-023

Director of Engineering and Public Works responded to questions from Council.

**Moved by Councillor Burton-Krahn, seconded by Councillor Brame: That Council approve Option 3: Installation of pedestrian activated flashing beacon on the major roads and the installation of the stop lines on Bewdley and Saxe Point**

**Legs, requesting Capital Project Funding in the 2016 budget process with work being undertaken in 2016.**

**Moved by Councillor Brame, seconded by Councillor Morrison: That the Main Motion be amended with the inclusion of Option 1: Installation of stop lines on the Bewdley and Saxe Point legs and work be undertaken with funding coming from the current operation budget and the work carried out in 2015.**

**Moved by Councillor Liberchuk, seconded by Councillor Low: That the Amended Motion be amended with the inclusion of Option 2: Installation of accessibility ramp (SW corner) and the installation of stop lines on the Bewdley and Saxe Point legs be undertaken with funding coming from Capital Project monies approved in the current budget and the work carried out in 2015.**

**The vote was called on the Second Amendment and declared Carried.**

**In Favour:** 5 - Mayor Desjardins, Councillor Brame, Councillor Burton-Krahn, Councillor Liberchuk, and Councillor Low

**Opposed:** 2 - Councillor Hundleby, and Councillor Morrison

**The Vote was called on the First Amendment and declared Carried.**

**In Favour:** 6 - Mayor Desjardins, Councillor Brame, Councillor Burton-Krahn, Councillor Liberchuk, Councillor Low, and Councillor Morrison

**Opposed:** 1 - Councillor Hundleby

**The Vote was called on the Main Motion as amended and declared Carried.**

**In Favour:** 5 - Mayor Desjardins, Councillor Brame, Councillor Burton-Krahn, Councillor Liberchuk, and Councillor Low

**Opposed:** 2 - Councillor Hundleby, and Councillor Morrison

The Meeting Recessed at 8:33 PM.

The Meeting Reconvened at 8: 40 PM with all members of Council present.

## **6. MAYOR'S AND COUNCILLORS' REPORTS**

There were no Reports.

## **7. REPORTS FROM COMMITTEES**

- 1) [15-433](#) Adopted Minutes from the Advisory Planning Commission, May 19, 2015
- 2) [15-434](#) Adopted Minutes from the Advisory Planning Commission, June 16, 2015

- 3) [15-435](#) Adopted Minutes from the Advisory Planning Commission, June 18, 2015
- 4) [15-431](#) Draft Minutes from the Local Grant Committee - Permissive Tax Exemptions, September 17, 2015

**Moved by Councillor Liberchuk, seconded by Councillor Brame: That the Adopted Minutes from the Advisory Planning Commission, May 19, 2015, the Adopted Minutes from the Advisory Planning Commission, June 16, 2015, the Adopted Minutes from the Advisory Planning Commission, August 18, 2015 and Draft Minutes from the Local Grant Committee - Permissive Tax Exemptions, September 17, 2015 be received. Carried Unanimously.**

## **8. COMMUNICATIONS**

- 1) [15-432](#) Letter from Mayor Lisa Helps, City of Victoria, dated September 10, 2015, Re: Request for Support of Redevelopment of Belleville Terminal

**Moved by Councillor Liberchuk, seconded by Councillor Morrison: That on behalf of Council, Mayor Desjardins, provide a Letter of Support to Mayor Lisa Helps, City of Victoria, in response to her letter dated September 10, 2015, Re: Request for Support of Redevelopment of Belleville Terminal. Carried Unanimously.**

- 2) [15-436](#) Letter from Sonia Santarossa, Capital Regional District, dated September 10, 2015, Re: CRD Fairness & Transparency Advisory - Scope and Application of Role

Council provided direction that a response be sent to Sonia Santarossa Re: CRD Fairness & Transparency Advisory - Scope and Application of Role.

**Moved by Councillor Hundleby, seconded by Councillor Brame:**  
**THAT the scope of the Fairness and Transparency Advisor (FTA) be limited to Capital Regional District (CRD) processes and not members of municipalities;**  
**AND THAT reviews only be based on complaints received regarding CRD processes and not members of municipalities;**  
**AND FUTHER THAT it be requested that ISSUE 4: EXCLUSIONS be brought back to the Core Area Liquid Waste Management Committee (CALWMC) for reconsideration. Carried Unanimously.**

- 3) [15-437](#) Letter from Sonia Santarossa, Capital Regional District, dated September 22, 2015, Re: Core Area Wastewater Treatment Program - Project Charter for the Options Phase Referral to Municipal Staff

Council discussed concerns with the Charter including timelines, budget concerns, wording and directives provided by Minister Penner. Council provided direction for Mayor Desjardins to address concerns at Westside Select Committee.

**Moved by Councillor Brame, seconded by Councillor Morrison: That Mayor Desjardins send correspondence addressing Council concerns to Sonia Santarossa, Capital Regional District, in response to her letter dated September 22, 2015, Re: Core Area Wastewater Treatment Program - Project Charter for the Options Phase, Referral to Municipal Staff. Carried Unanimously.**

- 4) [15-438](#) Email from Bill Lang, Esquimalt Chamber of Commerce, dated September 24, 2015, Re: Meeting Request

Council recommended a Committee of the Whole meeting would be beneficial to the Chamber of Commerce, residents and other Organisations, as all would have input and access to information. The invitation has been sent to the Chamber of Commerce to attend a meeting on October 05, 2015.

**Moved by Councillor Morrison, seconded by Councillor Low: That the Email from Bill Lang, Esquimalt Chamber of Commerce, dated September 24, 2015, Re: Meeting Request be received. Carried Unanimously.**

## **9. NOTICE OF MOTION**

- 1) [15-394](#) Notice of Motion, Councillor Liberchuk, Re: Support for the City of Hamilton for Roads - Equipment Installation Bylaw

Council expressed concerns with funding another Municipality and suggested that Councillor Hundleby address this issue at FCM.

**Moved by Councillor Liberchuk, seconded by Councillor Brame:**

**WHEREAS: In April 2015 the City of Hamilton passed a Roads-Equipment Installation by-law that was successfully challenged by Canada Post in the Ontario Supreme Court.**

**WHEREAS: The Township of Esquimalt believes that municipalities have the authority to reasonably regulate their road allowance and can apply minimum standards to the community mailboxes which ensures the protection of persons and property without conflicting with Canada Posts authority to determine how mail is delivered.**

**WHEREAS: Council at the City of Hamilton decided to appeal the Canada Post decision to Ontario Court of Appeal and is asking for financial support from other municipalities.**

**THEREFORE BE IT RESOLVED: That the Township of Esquimalt contribute \$1000 to the City of Hamilton to go towards legal fees to appeal their case to the Ontario Court of Appeal. Defeated.**

**In Favour:** 1 - Councillor Liberchuk

**Opposed:** 6 - Mayor Desjardins, Councillor Brame, Councillor Burton-Krahn, Councillor Hundleby, Councillor Low, and Councillor Morrison

**Moved by Councillor Morrison, seconded by Councillor Liberchuk: That Council direct staff, on behalf of Mayor Desjardins, to send a letter of support to the City**



of Hamilton Re: Support for the City of Hamilton for Roads - Equipment Installation Bylaw. Carried Unanimously.

Moved by Councillor Brame, seconded by Councillor Low: That Council direct staff to send correspondence to FCM requesting further information of their involvement between the City of Hamilton and Canada Post Community mailbox issue. Carried Unanimously.

- 2) [15-410](#) Councillor Burton-Krahn, Section 279 of the Community Charter - No Forced Amalgamations

Moved by Councillor Burton-Krahn, seconded by Councillor Liberchuk:  
**WHEREAS:** Municipalities in Canada have traditionally been viewed as ‘creatures of the Province’ and do not enjoy separate distinct legislative status, but rather are subject to the wishes and will of provincial authority;  
**AND WHEREAS:** In British Columbia, municipalities enjoy the highest level of autonomy among Canada’s local governments and the nations most equitable relationship with provincial authority, as laid out in the Community Charter;  
**AND WHEREAS:** The practice of the current provincial government has been to recognize and respect the local autonomy of municipalities over matters of local jurisdiction including on matters of municipal amalgamation;  
**AND WHEREAS:** More specifically, Section 279 of the Community Charter titled “No Forced Amalgamations”, legally ensures and reinforces that municipal autonomy is the highest value in the relationship with the provincial government;  
**THEREFORE BE IT RESOLVED:** That the Township of Esquimalt seek confirmation from the provincial government and all provincial political parties within the British Columbia legislature with respect to their position on maintaining and respecting Section 279 of the Community Charter;  
**AND BE IT FURTHER RESOLVED:** That this resolution be forwarded to the Association of Vancouver Island Coastal Communities conference in the Spring of 2016 and to the Union of British Columbia Municipalities conference in the fall of 2016 for debate and support.

Moved by Councillor Low, seconded by Councillor Hundleby: That Council defer The Notice of Motion Re: Section 279 of the Community Charter - No Forced Amalgamations, until a future Public Open House has been scheduled to review amalgamation. Carried.

**In Favour:** 5 - Mayor Desjardins, Councillor Brame, Councillor Burton-Krahn, Councillor Hundleby, and Councillor Low

**Opposed:** 2 - Councillor Liberchuk, and Councillor Morrison

- 3) [15-411](#) Councillor Morrison - October 19th Committee of the Whole and Federal Election Date

Moved by Councillor Morrison, seconded by Councillor Hundleby:  
**WHEREAS:** A Committee of the Whole meeting has been scheduled for October



**19th, 2015;**

**AND WHEREAS:** October 19th, 2015 is the date of the next federal election of Canada;

**AND WHEREAS:** The federal election is of great national and civic importance;

**THEREFORE BE IT RESOLVED:** That Committee of the Whole meeting scheduled for Monday, October 19th, 2015 be rescheduled to Tuesday, October 20th or any other alternate date as Council deems appropriate. Carried Unanimously.

**Moved by Councillor Liberchuk, seconded by Councillor Hundleby: That Council direct staff to reschedule the Committee of the Whole meeting scheduled for Monday October 19, 2015. Carried Unanimously.**

#### 10. PUBLIC QUESTION AND COMMENT PERIOD

Excluding items which are or have been the subject of a Public Hearing.

Limit of two minutes per speaker.

*Lorne Argle, resident*, invited people to attend the Living with Urban Deer Forum on Wednesday September 30, 2015 at 7: 00 PM at the Esquimalt Recreation Center. He suggested not installing a crosswalk at Saxe Point Park, however reduce the speed limit to 30 KM on Munro and Fraser Street.

*Lynda O'Keefe, resident*, advised the photo show located at the Esquimalt library will end on Thursday.

*RJ Senko, Township Community Arts Council*, thanked Council, residents and Anglers for their support of a successful Sculpture Splash 2015. There were 22 sculptors, 125 Sculptures and approximately 4000 people in attendance, including international tourists. He acknowledged the Harbour Ferry Service operating on Saturday from the Inner Harbour.

#### 11. ADJOURNMENT

**Moved by Councillor Brame, seconded by Councillor Hundleby: That the Regular Council meeting be adjourned at 9:58 PM. Carried Unanimously.**

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MAYOR BARBARA DESJARDINS  
THIS [insert date] DAY OF [insert month] , 2015

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ANJA NURVO, CORPORATE OFFICER  
CERTIFIED CORRECT