CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Minutes - Final

Council

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

Monday, April 4, 2016 | **7:00 PM** | **Esquimalt Council Chambers**

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
Anja Nurvo, Director of Corporate 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.

2. LATE ITEMS

There were no late items.

3. APPROVAL OF THE AGENDA

Moved by Councillor Morrison, seconded by Councillor Brame: That the agenda be approved as circulated. Carried Unanimously.

4. MINUTES

1) 16-144 Minutes of the Regular Meeting of Council, March 21, 2016

2) 16-145 Minutes of the Special Meeting of Council, March 22, 2016

Moved by Councillor Hundleby, seconded by Councillor Brame; That the Minutes of the Regular Meeting of Council, March 21, 2016 and Minutes of the Special Meeting of Council, March 22, 2016 be adopted as circulated. Carried Unanimously.

5. PRESENTATIONS

1) 16-133 Kevin Murdoch, Board Chair and Maureen Sawa, Chief Executive Officer, Greater Victoria Public Library - 2016

Budget

Kevin Murdoch, Board Chair, Greater Victoria Public Library and Maureen Sawa, Chief Executive Officer, Greater Victoria Public Library, presented a PowerPoint Presentation, provided an overview of proposed 2016 Budget and responded to questions from Council.

2) 16-134 Andy Orr, Senior Manager, Corporate Communications and Dan Telford, Program Manager, Core Area Liquid Waste Management, Capital Regional District - Core Area Treatment Solution Set

Dan Telford, Program Manager, Core Area Liquid Waste Management and Andy Orr, Senior Manager, Corporate Communications, presented a PowerPoint Presentation, provided an update of proposed sites and responded to questions from Council.

Council comments included (Response in italics):
* Environmental Impact on Community.
* Cost to Municipalities.
* Has the City of Victoria provided an approval in principle? *Council will report back on April 13, 2016.*
* Why secondary treatment plant and not tertiary? *Tertiary treatment is not a Provincial or Federal mandatory requirement*, *but could be added as condition.*
* Are First Nations involved in discussion? *Yes*
* How will costs be divided? *There is an existing cost sharing agreement.*
* Is the proposal for both Macaulay AND McLoughlin or just one site? *Request is to give an approval in principle for one or other, your choice.*
* What happens if the City of Victoria says "no" to Clover Point? *Start at the beginning with new Amendment to Wastewater Management Plan*.
* What is CRD doing to continue advancement for Rock Bay? *Currently on hold, waiting for outcome of new options.*
* Do we have a 3 Plant or 2 Plant plan? *3 Plant Plan, intention to add Westshore plant in future when needed.*

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

Kim Bellefontaine, *resident,* expressed concerns regarding CRD correspondence pertaining to proposed sites and believes CRD violated the Project Charter. Encouraged Council not to approve in principle Macaulay Point and suggested further information be received for clarity.

Paul Scrimger, *non-resident,* expressed concerns regarding CRD process and encouraged Council not to approve in principle the presented proposed sites.

Carole Witter, *resident,* encouraged Council not to approve in principle the proposed sites, as many questions have not been answered by CRD staff and

suggested the CAO, CRD, attend a further meeting to address concerns, including conveyance costs and Council postpone making a decision until such time.

Krisna Phosy, *resident,* suggested site will be influenced by technology choices and encouraged Council to delay a decision until further information from the City of Victoria regarding their decision has been made and the CRD, CAO can attend a Council meeting to respond to questions. Ms. Phosy expressed environmental impact concerns and is opposed to a Secondary Treatment Solution.

Angie Lavergne, *resident,* expressed concerns pertaining to agenda Item No. 10, Notice of Motion Re: Dangerous Dog Legislation Amendments and sought clarity regarding Rehabilitation Program monitoring and costs, Animal Control statistics and Bylaw compliance.

Lynden Chisholm, *resident,* encouraged Council not to approve in principle the proposed sites and consider public input received previously saying "No" to McLoughlin Point.

Caroline Covil, *resident,* in favour of consideration for proposed McLoughlin Site and encouraged Council to lead the process for the Community, no benefit in having two sites.

Troy DeSouza, *non-resident,* addressed concerns with Provincial Legislation regarding Dangerous Dogs, provided an overview of his participation with this matter and encouraged Council to support a Resolution of proposed amendments to be submitted to UBCM.

The meeting recessed at 8:53 PM and reconvened at 8:59 PM.

7. STAFF REPORTS

Finance

1) 16-135 2016 Tax Rate - Discussion, Ian Irvine, Director of Financial Services

Director of Financial Services presented a PowerPoint Presentation, provided four scenarios for the proposed 2016 Municipal Tax Rate increase and responded to questions from Council.

Moved by Councillor Morrison, seconded by Councillor Liberchuk: That Council approve a 1.96% Municipal Tax Revenue increase for 2016. Carried.

In Favour: 4 - Councillor Burton-Krahn, Councillor Liberchuk, Councillor Low, and Councillor Morrison

Opposed: 3 - Mayor Desjardins, Councillor Brame, and Councillor Hundleby

Moved by Councillor Hundleby, seconded by Councillor Burton-Krahn: That Council approve allocation of the surplus amount of $168,289.00 to

the Contingency Account. Carried Unanimously.

2) 16-131 Local Grant Request - Creatively United for the Planet Society, Staff Report FIN-16-004

Moved by Councillor Morrison, seconded by Councillor Burton-Krahn: That Council approve the Local Grant request of $2,500.00 for Creatively United for the Planet Society allocated from the Local Grant Account.

Moved by Councillor Morrison, seconded by Councillor Brame: That Council permit the applicant, Frances Litman, Creatively United for the Planet, to address Council. Carried Unanimously.

Council comments included (Response in italics):
* Has the City of Colwood provided funding, as the event is located there? *In Kind support, as deadline for Grant Applications has passed.*
* Will Esquimalt be advertised on correspondence if funding is approved? *Yes, Municipal logo on website and letters.*
* Have you applied for funding with the City of Langford? *No.*

Councillor Low declared a Conflict of Interest and left the meeting at 9:44 PM.
The Vote was called on the Main Motion and declared defeated.

In Favour: 2 - Councillor Burton-Krahn, and Councillor Morrison

Opposed: 4 - Mayor Desjardins, Councillor Brame, Councillor Hundleby, and Councillor Liberchuk

Absent: 1 - Councillor Low

Moved by Councillor Burton-Krahn, seconded by Councillor Morrison: That Council approve the Local Grant request of $1,500.00 for Creatively United for the Planet Society allocated from the Local Grant Account. Carried.

In Favour: 4 - Councillor Brame, Councillor Burton-Krahn, Councillor Hundleby, and Councillor Morrison

Opposed: 2 - Mayor Desjardins, and Councillor Liberchuk

Absent: 1 - Councillor Low

Councillor Low returned to the meeting at 9:47 PM.

Development Services

3) 16-132 Development Permit Application for a proposed two-lot residential infill subdivision, Staff Report DEV-16-024

Moved by Councillor Morrison, seconded by Councillor Brame: That Council approve Development Permit application DP000061 for a two-lot infill residential subdivision at 1038 Colville Road; PID 006-326-617; Lot 12, Section 10, Esquimalt District Plan 2546; attached as Schedule "A" to Staff Report DEV-16-024. Carried Unanimously.

8. MAYOR'S AND COUNCILLORS' REPORTS

1) 16-118 Councillor Lynda Hundleby - Federation of Canadian Municipalities - Summary Meetings March 2016

Moved by Councillor Hundleby, seconded by Councillor Burton-Krahn: That Councillor Hundleby's Federation of Canadian Municipalities Report Re: Summary Meetings March 2016 be received. Carried Unanimously.

9. COMMUNICATIONS

Moved by Councillor Low, seconded by Councillor Brame: That Council permit Andy Orr, Senior Manager, Corporate Communications, CRD and Dan Telford, Program Manager, Core Area Liquid Waste Management, CRD to address Council and respond to questions. Carried Unanimously.

Moved by Councillor Morrison, seconded by Councillor Low: That Council extend the Regular Council meeting to 10:30 PM. Carried Unanimously.

1) 16-136 Letter from Robert Lapham, CAO, Capital Regional District, dated March 10, 2016, Re: Land Use Approvals - Wastewater Treatment

2) 16-137 Letter from Robert Lapham, CAO, Capital Regional District, dated March 30, 2016, Re: Clarification Regarding Land Use Approvals - Wastewater Treatment

Council comments included (Response in italics):
* What would public consultation include? *To include traffic studies, amenity packages, mitigation and possible rezoning.*
* Costs, location, secondary and tertiary treatment plants.
* Media, correspondence and communication.
* Project Charter and Municipal Partnerships.
* Private Sector opportunities.
* Political change of sites with no public consultation.

Moved by Councillor Low, seconded by Councillor Brame: That
1) The Letter from Robert Lapham, CAO, Capital Regional District, dated March 10, 2016, Re: Land Use Approvals - Wasterwater Treatment and Letter from Robert Lapham, CAO, Capital Regional District, dated March 30, 2016, Re: Clarification Regarding Land use Approvals - Wasterwater Treatment be received; and
2) That in response to Public Consultation, The Township of Esquimalt will lead Consultation for Esquimalt Sites, not limited to McLoughlin and Macaulay, for a tertiary level sewage plant that will treat up to a maximum of the capacity anticipated to flow through the Macaulay Point outfall up to the year 2030 and funded by the CRD through the Core Area Liquid Wastewater Management Committee.

Moved by Councillor Morrison, seconded by Councillor Low: That Council extend the Regular Council meeting to 11:00 PM. Carried Unanimously.

The vote was taken on the Motion and declared defeated.

In Favour: 1 - Councillor Low

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

Moved by Councillor Hundleby, seconded by Councillor Burton-Krahn: The Letter from Robert Lapham, CAO, Capital Regional District, dated March 10, 2016, Re: Land Use Approvals - Wasterwater Treatment and Letter from Robert Lapham, CAO, Capital Regional District, dated March 30, 2016, Re: Clarification Regarding Land use Approvals - Wasterwater Treatment be received and advise the CRD that Council is unable to provide an approval in principle of any site in Esquimalt, as the choice of technology supersedes the selection of site location, and more information on technology is required.

Moved by Councillor Morrison, seconded by Councillor Burton-Krahn: That Council defer further consideration of this motion to the next Council meeting.

Moved by Councillor Burton-Krahn, seconded by Councillor Brame: That the Motion be amended to add that we request the CRD, CAO, General Manager and Chair, CALWMC to attend at that meeting. Carried Unanimously.

The vote was taken on the Main Motion as amended and declared Carried.

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

Opposed: 1 - Councillor Low

3) 16-138 Letter from Susan Brice, Chair, Victoria Regional Transit Commission, dated March 10, 2016, Re: Request to Amend Motor Fuel Tax Act to Fund Transit Investments

Moved by Councillor Liberchuk, seconded by Councillor Burton-Krahn: That the Letter from Susan Brice, Chair, Victoria Regional Transit Commission, dated March 10, 2016, Re: Request to Amend Motor Fuel Tax Act to Fund Transit Investments be received and Council approve a Letter of Support. Carried.

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

Opposed: 1 - Councillor Hundleby

4) 16-139 Letter from Kevin Murdoch, Chair, Greater Victoria Public Library Board, dated March 23, 2016, Re: Proposal for Relocation of GVPL's Esquimalt Branch

Moved by Councillor Low, seconded by Councillor Hundleby: That the Letter from Kevin Murdoch, Chair, Greater Victoria Public Library Board, dated, March 23, 2016, Re: Proposal for Relocation of GVPL's Esquimalt Branch be received. Carried Unanimously.

5) 16-140 Email from Paula Kully, Executive Assistant, Town of Sidney, dated March 24, 2016, Re: Request for Letter of Support

Moved by Councillor Burton-Krahn, seconded by Councillor Liberchuk: That Council approve a Letter of Support for the Town of Friday Harbor and the Islands Trust, Re: scheduled flights from Friday Harbor Airport to Sidney, BC. Carried.

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

Opposed: 1 - Councillor Hundleby

Moved by Councillor Low, seconded by Councillor Burton-Krahn: That the Email from Paula Kully, Executive Assistant, Town of Sidney, dated March 24, 2016, Re: Request for Letter of Support be received. Carried Unanimously.

6) 16-141 Letter from Ron Duncan, President, Victoria Golden Rods and Reels Fishing and Social Club, received March 29, 2016, Re: Restricted Permitted Access - Leech River Watershed

7) 16-142 Letter from Minister Peter Fassbender, received March 30, 2016, Re: Next Steps Core Area Liquid Waste Management Plan

8) 16-143 Email from Robert L Bish, dated March 30, 2016, Re: Governing Greater Victoria Study

Moved by Councillor Burton-Krahn, seconded by Councillor Hundleby: That the Letter from Ron Duncan, President, Victoria Golden Rods and Reels Fishing and Social Club, received March 29, 2016, Re: Restricted Permitted Access - Leech River Watershed, the Letter from Minister Fassbender, received March 29, 2016 Re: Next Steps Core Area Liquid Wasterwater Management Plan and the Email from Robert L. Bish, dated March 30, 2016, Re: Governing Greater Victoria Study be received. Carried unanimously.

10. NOTICE OF MOTION

1) 16-103 Councillor Brame - Dangerous Dog Legislation Amendments

Moved by Councillor Brame, seconded by Councillor Hundleby:
WHEREAS: Local governments protect the public from dangerous dogs

and incur significant costs and uncertainty in court due to narrowly drafted provisions under s. 49 of the Community Charter;
WHEREAS: Case law interpretation from Judges has expanded judicial discretion and oversight beyond the Court's statutory jurisdiction and at the full expense, continuing cost and liability to local government;
WHEREAS: Such interpretation of s. 49 undermines public safety to persons, dog owners and their victim dogs or domestic animals and adds increased and unnecessary costs and liability to local government;
THEREFORE BE IT RESOLVED: That the Council of the Corporation of the Township of Esquimalt endorse that the Hugo's and Charley's Law Amendments to s. 49 of the Community Charter (as attached) be adopted to protect the public and their dogs from dangerous dogs.
AND THEREFORE BE IT FURTHER RESOLVED: That Council direct staff to send this resolution to UBCM for discussion and endorsement. Carried Unanimously.

11. PUBLIC QUESTION AND COMMENT PERIOD

Excluding items which are or have been the subject of a Public Hearing. Limit of two minutes per speaker.

Marilyn Day, *resident,* advised that May 28, 2016, everyone is encouraged to attend a Tour of Fort Macaulay and advised the first cruise ship has arrived in Victoria and how do we get those tourists to visit Esquimalt?

Brian Birchall, *resident,* advised he would email Council Re: Wastewater Management in preparation for his Presentation scheduled for the Regular Council meeting on April 18, 2016.

Lynda O Keefe, *resident,* Esquimalt Camera Club, encouraged everyone to visit the Photo Shows located at the Esquimalt Library and Recreation Center.

12. ADJOURNMENT

Moved by Councillor Brame, seconded by Councillor Low: That the Regular Council meeting be adjourned at 10:59 PM. Carried Unanimously.

MAYOR BARBARA DESJARDINS	ANJA NURVO, CORPORATE OFFICER
THIS 18TH DAY OF APRIL, 2016	CERTIFIED CORRECT