



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

**LATE AGENDA ITEMS
REGULAR COUNCIL**

Monday, July 6th, 2020 @ 7:00 pm
Esquimalt Council Chambers

(1) PERTAINING TO Item No. 7 (5): STAFF REPORTS Engineering & Public Works – 937 Mesher Place - Funding Source Options, Staff Report No. EPW-20-018:

- Email from Ben Chow, dated July 6, 2020, Re: Walkway Reinstatement Full Funding
- Email from M FitzGerald and J Newton, dated July 6, 2020, Re: 937 Mesher Place – Letter of support
- Letter from Nancy Gray-Hemstock, dated July 5, 2020, Re: Funding of Stairwell for 937 Mesher Place

(2) PERTAINING TO Item No. 10 (5): COMMUNICATIONS For Consideration – Email from Lois Blackmore, dated June 26, 2020, Re: Request for Approval of Signage:

- Email from Lois Blackmore, dated July 3, 2020, Re: Photoshopped version of rock in Barlup Garden, as an example

(3) PERTAINING TO Item No. 11 (1): NOTICE OF MOTION – Notice of Motion re: streets and sidewalk cleaning by Mayor Barbara Desjardins and Councillor Meagan Brame - For Discussion:

- Email from Lynda O'Keefe, dated July 6, 2020, Re: Weeds etc on streets

Corporate Services

From: Ben Chow
Sent: July-06-20 11:09 AM
To: Corporate Services
Subject: Fwd: Walkway Reinstatement Full Funding
Attachments: image0.jpeg; ATT00001.htm; image1.jpeg; ATT00002.htm; LETTERTOMAYORDESJARDIN&COUNCIL.docx; ATT00003.htm; image2.jpeg; ATT00004.htm

Hi Rachel,

Please include our email with attachments as late items for tonight's Council meeting.

Thanks!

Ben

Begin forwarded message:

From: Ben Chow <benchow@esquimalt.ca>
Date: July 6, 2020 at 11:02:11 AM PDT
To: Esquimalt Mayor and Council <mayorandcouncil@esquimalt.ca>
Cc: Ombudsperson Office Giarraputo Charisse <cgiarraputo@bcombudsperson.ca>
Subject: Walkway Reinstatement Full Funding

CORPORATION OF THE TOWNSHIP OF ESQUIMALT		
For Information:		
<input type="checkbox"/> CAO	<input type="checkbox"/> Mayor/Council	
RECEIVED: JUL 06 2020		
Referred: Rachel		
<input type="checkbox"/> For Action	<input type="checkbox"/> For Response	<input type="checkbox"/> COTW
<input type="checkbox"/> For Report	<input checked="" type="checkbox"/> Council Agenda	<input type="checkbox"/> IC

Dear Mayor and Council,

Thank you for consideration of funding for replacement of the boulevard walkway, which is for utmost public safety concerns.

As you know, since the removal of the grandfathered staircase (which all other residents with walkways have enjoyed not only along the Gorge embankment like the ones on Treebank Road East nearby), we have provided you documentation on numerous serious accidents and near accidents that have occurred due to the unique slope of our property on a curved driveway. Access information and follow-up with the Privacy Commissioner's Office have revealed that the staircase was removed by the municipality as a result of the lone complaint of a problematic neighbour even though all other neighbours have indicated the need and support for the staircase. Neither the configuration nor size of boulevard land, nor frivolous complaint(s) from a lone neighbour, shall justify the removal of a long established, functional and well-maintained walkway, inflicting all kinds of safety issues and hardship to the homeowner and the public. We previously provided you with petitions signed by many neighbours and Esquimalt residents in support of reinstatement of staircase at Township's cost. Their concerns and support remain valid talking to many of them, even though they may not be present at the meeting due to pandemic restrictions.

To note, the issues have been independently and vigorously investigated by the British Columbia Privacy Commissioner (OIPC Order F18-31 <https://www.oipc.bc.ca/orders/2200>) as well as by the Ombudsperson Office regarding our unfair treatment during this difficult process, only concluded with an unequivocal directive by the Office of the Ombudsperson that re-installation of stairs be at Township's expense...(See attached letter from the municipality acknowledging the Ombudsperson's findings.)

As you know, this issue has been going on for more than seven years. A fair and just conclusion is long overdue. Both the municipality and our neighbourhood need a positive resolution as well as closure on this matter.

In fact, in 2014, Council unanimously passed a resolution that our staircase should be allowed to be reinstated as it previously existed. Since then, we have done everything that were asked of us by the municipality. We were asked to submit the newly-implemented Boulevard Alteration Application, which we have done and was successfully approved by council at your last meeting and thank you very much for that.

As noted in the staff report and as indicated by our neighbours who have signed the petitions and called in at your last meeting, it has reflected overwhelming support from the neighbourhood.

We were asked to submit independent estimates for cost of reinstalling a replacement staircase, with railing as required, for safety of the steep slope (which Councillor Hundleby had questioned the need of railing in the 2014-10-27 Council meeting as per verbatim minutes provided previously) which we have done. Your staff have reviewed those estimates and have authorized their inclusion in your report on this matter of funding.

Unfortunately, staff recommendation states that the reinstallation of the staircase should be at our expense. From our perspectives, for all the hardship, costs and injustice we have put up with for the past many years, it would not be right nor a positive resolution nor closure on this very frustrating, lengthy and difficult ordeal.

We respectfully request that you authorize the full replacement cost of our staircase with railing as per permit approval. Having reviewed your budget process as Esquimalt citizens, we suggest that using the contingency account would be the best option to cover this cost to avoid further delay for health and safe access of all that has been taken away for the past seven years...

Thank you for your fair and just consideration.

Respectfully,

Benedict Chow, AACI, P. App. (Retired)
Victoria Chow
Homeowner
937 Mesher Place

Att.

CAO Letter 2019-9-10



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C. V9A 3P1
Website: www.esquimalt.ca Email: info@esquimalt.ca

Voice: (250) 414-7100
Fax: (250) 414-7111

September 10th, 2019

File: 0584-20

Benedict Chow
937 Mesher Place
Esquimalt, BC V9A 6Z1

Dear Mr. Chow:

Re: Boulevard Alteration Permit Process – 937 Mesher Place

I am writing in response to correspondence received by the Township from the Office of the Ombudsperson pertaining to the re-installation of stairs on Municipal property at the Township's expense. At its Special In-Camera Meeting of Council held August 19th, 2019, the Corporation of the Township of Esquimalt Council approved a resolution to consider comments from the public before finding resolution with this matter.

Council encourages you to liaise with Township staff and proceed with the Township Boulevard Alteration Permit process as per Council Policy E&PW-02: The Township Guide to Boulevard Modifications. Once the Township is in receipt of the application and further presented for consideration with the inclusion of public input at a public meeting, they will be better informed to make a decision on how to best proceed with a settlement.

Please contact Jeff Miller, Director of Engineering and Public Works, on 250-414-7147 or via email at jeff.miller@esquimalt.ca to proceed with this process, alternatively should you have questions regarding the decision of Council please contact me on 250-414-7133 or via email at laurie.hurst@esquimalt.ca.

Yours truly,

Laurie Hurst
Chief Administrative Officer

Corporate Services

From: Mar Jon
Sent: July-06-20 11:35 AM
To: Mayor and Council; Corporate Services
Subject: 937 Mesher Place
Attachments: Mayor and Council July 5 2020.docx

Please see attached letter of support.
Thank you

M FitzGerald and J Newton \930 Mesher pl

CORPORATION OF THE TOWNSHIP OF ESQUIMALT		
For Information:		
<input type="checkbox"/> CAO	<input type="checkbox"/> Mayor/Council	
<input type="checkbox"/>		
RECEIVED: JUL 06 2020		
Referred: <i>Rachel</i>		
<input type="checkbox"/> For Action	<input type="checkbox"/> For Response	<input type="checkbox"/> COTW
<input type="checkbox"/> For Report	<input checked="" type="checkbox"/> Council Agenda	<input type="checkbox"/> IC

July 5, 2020

Mayor and Council
Township of Esquimalt
1229 Esquimalt Road
Esquimalt, BC, V9A3P1

Dear Mayor and Council,

Re: 937 Mesher Place- Letter of support for full cost coverage for reinstatement of unlawfully removed pedestrian access/staircase

We reside at 930 Mesher place and have been Ben and Vickie Chow's neighbours for almost 3 years. We have found Mesher place to be made up, for the most part, dynamic, well educated people and we care for each other. However, the Township of Esquimalt has been very perplexing to observe in their relations with the community they are charged with caring for.

We strongly support the staircase being reinstated at the cost of the Township of Esquimalt. When considering the manner and circumstances under which the original staircase was removed, and also the embarrassing number of years it has taken for Esquimalt to remedy this issue for the retirees at this home, we would expect the Township will make it their priority to correct this condition, that was created by the Township in the first place. We hope the choice will be made to end this injustice, and make right, this situation. It is time to hold up the home owner's rights and also, make this steeply accessed property, a safe property for all to access in the community.

We believe that by replacing the stairway access to 937 Mesher it,

- Would replace an unsafe and unstable access to the property
- Would allow easier access to the property better ensuring social isolation does not happen between the occupants and their friends and family promoting community connection and wellbeing
- Would restore a sense that the Mayor and Council in the Township of Esquimalt care about its constituents and their concerns
- Would restore a better practice in the Township for dealing in a more collaborative and timely way with its' taxpayers when something needs to be done on their property

I ask that Mayor and Council take responsibility and adopt one of the options as outlined in the Staff Report no. EPW-20-013 for BAF00044 and fund the staircase reinstatement.

Sincerely,

MarLynn FitzGerald & Jon Newton

930 Mesher Pl, Victoria BC, V9A 6Z1

July 5, 2020

Re: 937 Mesher Place

Your honor Mayor Barbara Desjardins and Council members,

We are long time neighbors of 937 Mesher Place and have experienced the hardship our neighbor has gone through in the last years because the City of Esquimalt removed the staircase from the street down a steep slope to their home. Most of us are elders and cannot safely walk down their steep driveway.

I believe the City needs to take responsibility for funding this stairwell, and these are the options I suggest:

That Council approve Option No.

1. as outlined in Staff Report No. EPW-20-018 for BAP00044 and the expenditure of funds in the amount of \$14,500 be allocated from one of the following funding sources:

a. 2020 - 2024 Financial Plan

b. Contingency Account

3. That Council approve Option No. 2 as outlined in Staff Report No. EPW-20-018 for BAP00044 for the expenditure of funds in the amount of \$20,000 allocated from one of the following funding sources:

a. 2020 - 2024 Financial Plan

b. Contingency Account

4. That Council direct staff to include a supplemental budget request in the 2021 - 2025 Financial Plan of:

a. \$14,500

b. \$20,000

In all fairness, the hardship the City has placed on this neighbor of ours at 937 Mesher Place has caused more pain and suffering that you will ever know. They have been forced to struggle for years just to receive the right to have a safe entry to their home. It has been so unfair. Every neighbor but one cranky one in this Cul de sac has been behind this older couple one hundred percent.

Please take your responsibility seriously.

Respectfully and sincerely,

Nancy Gray-Hemstock @ 931 Mesher Place, Esquimalt

Jessica Nichol

From: Laurie Hurst
Sent: July-06-20 10:35 AM
To: Jessica Nichol
Subject: Fwd: Photoshopped version of rock in Barlup Garden, as an example.

For mail log, thanks.

Laurie Hurst, CPA, CGA
Chief Administrative Officer
Tel: 1-250-414-7133

For the latest on the Township's response to COVID-19, please visit esquimalt.ca/covid19

Begin forwarded message:

From: Barb Desjardins <Barbara.Desjardins@esquimalt.ca>
Date: July 5, 2020 at 12:49:22 PM PDT
To: Laurie Hurst <laurie.hurst@esquimalt.ca>
Subject: Fwd: Photoshopped version of rock in Barlup Garden, as an example.

Addition to item 10 (5) picture of requested sign

Sent from my iPad

Barbara Desjardins

Mayor, Township of Esquimalt
Lekwungen Territory
Tel: 1-250-883-1944

Begin forwarded message:

From: Lois Blackmore
Date: July 3, 2020 at 3:54:01 PM PDT
To: Mayor and Council <Mayor.and.Council@esquimalt.ca>
Subject: Fwd: Photoshopped version of rock in Barlup Garden, as an example.

Sent from my iPad

Begin forwarded message:

From: Calvin Parsons
Date: July 3, 2020 at 2:56:17 PM PDT
To: Lois Blackmore

CORPORATION OF THE TOWNSHIP OF ESQUIMALT		
For Information:		
<input type="checkbox"/> CAD	<input type="checkbox"/> Mayor/Council	
<input type="checkbox"/>		
RECEIVED: JUL 06 2020		
Referred: <i>Rachel</i>		
<input type="checkbox"/> For Action	<input type="checkbox"/> For Response	<input type="checkbox"/> COTW
<input type="checkbox"/> For Report	<input checked="" type="checkbox"/> Council Agenda	<input type="checkbox"/> IC

Subject: Photoshopped version of rock in Barlup Garden, as an example.



Corporate Services

From: Andy & Lynda Okeefe
Sent: July-06-20 11:22 AM
To: Corporate Services
Subject: Weeds etc on streets

Just a quick note to add to correspondence on this subject on the agenda for tonight-on my walk with my dog this morning I came across an elderly gentleman cutting back the spear grass etc on the sidewalks at Fraser and Lyall with his household scissors worried about the harm to the dogs walking in the area. He had been up at 4:00 am to start this task. This does not show well as to how we take care of our infrastructure and our citizens. Lynda O'Keefe

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