



# **CORPORATION OF THE TOWNSHIP OF ESQUIMALT**

## **Minutes - Draft Council**

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

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Monday, August 17, 2015

7:00 PM

Esquimalt Council Chambers

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**Present:** 6 - Mayor Barbara Desjardins  
Councillor Meagan Brame  
Councillor Beth Burton-Krahn  
Councillor Lynda Hundleby  
Councillor Olga Liberchuk  
Councillor Susan Low

**Regrets:** 1 - Councillor Tim Morrison

**Staff:** Laurie Hurst, Chief Administrative Officer  
Jeff Miller, Director of Engineering & Public Works  
Ritchie Morrison, Communications Coordinator  
Karen Hay, Planner  
Rachel Dumas, Recording Secretary

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

Mayor Desjardins called the meeting to order at 7:07 PM.

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

### **2. LATE ITEMS**

The following late item was added to the agenda:

- (1) Pertaining to Agenda Item 8. STAFF REPORTS (5) Temporary Use Permit - 856 Esquimalt Rd, PID 026-691-418, Lot A, Section 11, Esquimalt District, Plan VIP80973  
· Letter received August 17, 2015 via email from Sam Yehia, President, The Cambie Malone's Group, Re: Temporary Use Permit Application - 856 Esquimalt Rd

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

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

### **4. MINUTES**

- 1) [15-388](#) Minutes of the Special Meeting of Council, July 13, 2015

**Moved by Councillor Burton-Krahn, seconded by Councillor Low: That the**

**Minutes of the Special Meeting of Council, July 13, 2015 be adopted as circulated. Carried Unanimously.**

## **5. PRESENTATIONS**

Mayor Desjardins acknowledged Esquimalt Organisations and their contribution towards the success for Community Events during the Summer.

### **1) [15-376](#) Presentation of Spirit Awards**

Mayor Desjardins presented Volunteer Spirit Awards to Sam Macey, Nora Macey and Clint Taylor, Esquimalt Lions Club, for outstanding and worthy acts that benefit the Township of Esquimalt. The three recipients are responsible for the Esquimalt Float that participates in special events within the area.

### **2) [15-385](#) Nalin Dhillon, Lindsay Katherns, Annina Altherr, Nina Moffat and Mitch Rawlyk, UVic Students, Re: Northern Europe Sustainability Field School**

Dr. Cam Owens, Assistant Teaching Professor, Uvic Geography introduced Uvic students Nalin Dhillon, Lindsay Katherns, Annina Altherr, Nina Moffat and Mitch Rawlyk, provided an overview of The Northern Europe Sustainability Field School Study and responded to questions from Council.

**This Presentation was received.**

## **6. DELEGATIONS**

### **1) [15-386](#) Stephane Vaudandaine. Re: Building Permit Deposit Amount**

Stephane Vaudandaine, resident, provided an overview of his Building Permit application Process and concerns associated to the Damage Deposit fees of \$2500.00. He requested that Council consider waiving the \$2500 fee and presented photos to Staff. Council directed Staff to prepare a report for Council's consideration.

## **7. PUBLIC INPUT (On items listed on the Agenda)**

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

*Yannick Stevens, resident*, expressed concerns regarding use of the construction laydown site located at 533 Admirals Road and Temporary Use Permit extension proposal to November 2015. He advised that the idling of trucks, associated fumes, level of noise, profanity and hours of operation need to be addressed.

*Rowan Olariu, resident*, requested Council consider allowing him to speak during item 6 of the agenda.

*Rod Brown, resident*, inquired whether 2 Burley Men, located at 856 Esquimalt Road, had made provisions to reduce the noise level of employee conduct.

*Al Johnstone, resident*, requested that Council deny the Temporary Use Permit application for 856 Esquimalt Road. He expressed concerns regarding the number of vehicles parked at the location, volume of noise, and hours of operation.

*Terry Prentice, resident*, encouraged further installation and use of bike lanes in Esquimalt.

*Ellen Ricketts, resident*, requested that Council deny the Temporary Use Permit application for 856 Esquimalt Road. She expressed concerns regarding the volume of noise and hours of operation.

*Nima Haydar- Alaghband, resident*, expressed safety concerns regarding the refueling of trucks and construction materials used for the Admirals Road Upgrade Project.

*Brian O'Brien, resident*, expressed concerns regarding the Jacob Brothers laydown site located at 533 Admirals Road, and the intent of its use.

*Shawna Johnstone, resident*, expressed concerns regarding the hours of operation of 2 Burley Men, located at 856 Esquimalt Road.

## 8. STAFF REPORTS

### ***Administration***

- 1) [15-379](#) CHEK TV's "Trend" Television Program, Staff Report ADM-15-031

Communications Coordinator provided an overview of CHEK TV's "Trend" Television Program and responded to questions from Council.

**Moved by Councillor Liberchuk, seconded by Councillor Brame: That Council support the Township of Esquimalt entering into an advertising contract with CHEK TV to participate in "TREND", a local home and design/real estate 30 minute TV program and approve the spending of \$4000 (\$1000 from the 2015 contingency fund, and \$3000 pre-approval from the 2016 Financial Plan). Carried Unanimously.**

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

- 2) [15-378](#) Inflow and Infiltration Strategy, Staff Report No. EPW-15-019

Director of Engineering and Public Works presented a PowerPoint presentation of the draft Inflow and Infiltration Strategy and responded to questions from Council.

**Moved by Councillor Liberchuk, seconded by Councillor Low: That Council receives Staff Report No. EPW-15-019 and approves the recommended strategy for the management of inflow and infiltration on public and private properties. Carried Unanimously.**

- 3) [15-384](#) Admirals Road Corridor Reconstruction Laydown Yard, Staff Report EPW-15-020

Director of Engineering and Public Works provided an overview of the use and procedure of a laydown yard, as a place to store materials and perform work in conjunction with

nearby construction.

**Moved by Councillor Brame, seconded by Councillor Hundleby: That Council receive report EPW-15-020, Re: Admirals Road Corridor Reconstruction Laydown Yard for information. Carried Unanimously.**

### ***Development Services***

- 4) [15-381](#) Temporary Use Permit Renewal - 533 Admirals Road, PID 017-031-044, Lot 1, Suburban Lots 39 and 40, Esquimalt District, Plan VIP51816, Staff Report: DEV-15-041

Director of Development Services provided an overview of the Temporary Use Application Re: 856 Esquimalt Road and responded to questions from Council. Director of Engineering and Public Works also responded to questions from Council.

**Moved by Councillor Hundleby, seconded by Councillor Low: That Council resolves that Temporary Use Permit No. TUP00003 authorizing the use "Construction Laydown Site" on a temporary basis, subject to the following conditions, be renewed, and staff be directed to re-issue the permit and register the notice on the title of the property located at PID 017-031-044, Lot 1, Suburban Lots 39 and 40, Esquimalt District, Plan VIP51816 [533 Admirals Road]:**

**a) Construction Laydown Site means a site used by the 'Contractor' (Jacob Bros Construction) and their sub-contractors for the following uses for the duration of and specifically for the Admirals Road Upgrade Project (The Project): i. One construction trailer (office); ii. Three shipping containers and one storage trailer for equipment storage; iii. One outhouse; iv. Parking and operation of heavy equipment required for The Project; v. Parking of employee vehicles for the Contractor and their sub-contractors; vi. Storage of and loading of construction materials for The Project.**

**b) Permit shall be valid until November 30, 2015.**

**c) Hours of operation shall be limited by the Esquimalt Maintenance of Property, Unsightly Properties and Nuisance Bylaw, Bylaw No. 2826.**

**i. Notwithstanding Bylaw No. 2826, the site will only be used:**

**Saturdays: 9:00 am to 7:00 pm**

**Sundays and Statutory Holidays: 9:00 am to 5:00 pm and**

**Weekdays: 7:00 am to 7:00 pm.**

**d) Fencing shall be in place at all times, and gates shall be locked after hours.**

**e) Lighting shall be directed into the site and not spill over onto residential properties.**

**f) There shall be no overnight camping on the site. g) There shall be no rock crushing or breaking of asphalt on the site.**

**h) Dust shall be controlled at all times, and a dust control mesh [scrim] must be attached to the temporary [construction] fencing.**

**i) No diesel, gasoline, propane, or natural gas powered generators shall be used on this site.**

- j) The site must be kept free of rubbish and debris and maintained in an acceptable manner.
- k) All work on the site shall meet WorkSafeBC Act and Regulations at all times.
- Carried.**

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

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

The Meeting Recessed at 8:46 PM.

The Meeting Reconvened at 8:52 PM with all members of Council present except Councillor Morrison.

- 5) [15-382](#) Temporary Use Permit - 856 Esquimalt Road - PID 026-691-418, Lot A Section 11 Esquimalt District Plan VIP80973, Staff Report: DEV-15-042

Director of Development advised Council that the applicant was in attendance.

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

Sam Yehia, applicant and Scott Burley, owner, Two burley Men provided an overview of the application, an update on business practices and responded to questions from Council. Mr. Yehia encouraged the residents to contact him directly to address concerns. Comments from Council included:

That the applicant communicate with residents during the validity of the permit and address concerns accordingly. Council discussed amending the proposed permit to accommodate a maximum of 23 vehicles, subject to schedule A and hours of operation from 7:00 AM to 7:00 PM.

**Moved by Councillor Brame, seconded by Councillor Hundleby: That Council resolves that Temporary Use Permit No. TUP00002 authorizing the use "Commercial and Industrial Parking" on a temporary basis, be approved, and staff be directed to issue the permit, subject to the following conditions and register the notice on the title of the property located at PID 026-691-418, Lot A Section 11 Esquimalt District Plan VIP80973 [856 Esquimalt Road].**

- a) 'Commercial and Industrial Parking' means the parking of 'Moving Trucks, Commercial Trucks and Stored Passenger Vehicles' is allowed on the northern portion of the property.
- b) Permit shall be valid for one year.
- c) That the sixty-seven [67] parking spaces required for the Cambie Pub and Liquor Store must be maintained at all times.
- d) The moving trucks and commercial vehicles will be located away from the neighbouring residential properties and toward the northern and western most property lines.
- e) No trucks weighing over 10,000 kg, no semi-trailers or tandem axle trucks, shall be parked on this site.

- f) All vehicles parked on the property overnight will be single axle, fully licensed for road transit, and in operational condition.
- g) No more than twenty-one [21] commercial trucks will be parked on the northern portion of this site at any time.
- h) No more than twenty-one [21] passenger vehicles will be parked on the northern portion of this site at any time.
- i) A maneuvering aisle will be maintained adjacent to the rear of the Cambie Pub building, allowing for fire truck access at all times.
- j) Access and egress from the northern portion of the property would be limited to between 7:00am and 10:00pm.
- k) No commercial activity on the property associated to the parked vehicles (ie. no selling from the vehicles) is permitted.
- l) No washing or maintenance of vehicles is allowed on this site.
- m) No fuel storage or storage of waste fluids for the vehicles is allowed on this site.
- n) No parking or storage of vehicles containing 'dangerous goods', as defined by the Transport of Dangerous Goods Act.
- o) Within thirty days [30] of Council's approval of this Permit the parking lot will be painted and signed, delineating spaces dedicated for each approved use [Cambie Pub and Liquor Store, Commercial Vehicles, Stored Passenger Vehicles], or the Permit will not be issued.
- p) Within thirty days [30] of Council's approval of this Permit the continuous cedar fence, as proposed in the landscape plan of DP No. 06/2011, will be erected along the eastern property line, or the Permit will not be issued.
- q) Within thirty days [30] of Council's approval of this Permit a security deposit in the sum of \$10,000.00 (ten thousand) will be deposited with the Township of Esquimalt, to guarantee performance to the Terms and Conditions of the Permit, or the Permit will not be issued.

**Moved by Councillor Low, seconded by Councillor Liberchuk: That the Main Motion be amended to approve the permit for a six month period. Defeated.**

**In Favour:** 1 - Councillor Low

**Opposed:** 5 - Mayor Desjardins, Councillor Brame, Councillor Burton-Krahn, Councillor Hundleby, and Councillor Liberchuk

**Moved by Councillor Brame, seconded by Councillor Hundleby: That the Main Motion be amended to read (g) and (h) Subject to Schedule A, maximum of 23 trucks; and (j) Hours of operation from 7:00 AM to 7:00 PM.**

**Moved by Councillor Brame, seconded by Councillor Low: That Council refer this matter to staff for clarification, to accommodate concerns, consultation with residents, and for further consideration at a future Council Meeting. Carried Unanimously.**

- 6) [15-380](#) Reapplication options for a development permit with variances for a deck at 973 Wollaston Street, Staff Report DEV-15-040

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

Roman Olariu, applicant, provided an overview of his Development Permit with Variances application process. Director of Development Services responded to questions from Council.

**Moved by Councillor Burton-Krahn, seconded by Councillor Low: That Council upon review of the documented history of the application Re: 973 Wollaston Street, along with the provisions of the Development Application Procedures and Fees Bylaw No. 2791, 2012, provide an opportunity for the applicant to apply for a Development Permit with Variances accordingly. Carried.**

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

**Opposed:** 2 - Mayor Desjardins, and Councillor Brame

**Moved by Councillor Low, seconded by Councillor Burton-Krahn: That Council waive the application fees for the new Development Permit with Variances Application, Re: 973 Wollaston Street. Carried Unanimously.**

## 9. MAYOR'S AND COUNCILLORS' REPORTS

Councillor Hundleby provided a verbal report Re: FCM Committees and advised that she had been appointed to three FCM Standing Committees:

- 1) Municipal Finance and Intergovernmental Arrangements
- 2) Community Safety and Crime Prevention
- 3) Increasing Women's participation in Municipal Governments.

The first meeting is September 2015.

## 10. REPORTS FROM COMMITTEES

- 1) [15-377](#) Minutes of the Local Grant Committee, July 7, 2015

**Moved by Councillor Burton-Krahn, seconded by Councillor Hundleby: That the Minutes of the Local Grant Committee, July 7, 2015 be received. Carried Unanimously.**

## 11. COMMUNICATIONS

- 1) [15-387](#) Letter from Fred Eisenberger, Mayor, City of Hamilton, dated July 16, 2015, Re: Roads - Equipment Installation Bylaw Challenge by Canada Post - Request for Financial Contribution

**Moved by Councillor Hundleby, seconded by Councillor Low: That the Letter**

from Fred Eisenberger, Mayor, City of Hamilton, dated July 16, 2015, Re: Roads - Equipment Installation Bylaw Challenge by Canada Post, request for Financial Contribution, be received. Carried Unanimously.

## **12. PUBLIC QUESTION AND COMMENT PERIOD**

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

*Roman Olariu, resident,* acknowledged his neighbours comments Re: 973 Wollaston Street.

*Lorne Argle, resident,* advised of the Army's participation Re: Cars, Rods and Rides Show during Esquimalt Ribfest in September 2015 and encouraged Council and residents to attend.

## **13. ADJOURNMENT**

**Moved by Councillor Brame, seconded by Councillor Low: That the Regular meeting of Council be adjourned at 9:59 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