

MINUTES of a Special meeting of the MUNICIPAL COUNCIL of The Corporation of the District of Oak Bay, held in the Council Chambers, Oak Bay Municipal Hall, 2167 Oak Bay Avenue, Victoria, B.C., on Monday, June 29, 2020 at 5:15 P.M.

We acknowledge that the land on which we gather is in the traditional territory of the Coast and Straits Salish Peoples. Specifically we recognize the Lekwungen speaking people, known today as the Songhees and Esquimalt Nations, and that their historic connections to these lands continue to this day.

PRESENT: Mayor K. Murdoch, Chair  
Councillor A. Appleton  
Councillor H. Braithwaite (via telephone conference call)  
Councillor C. Green  
Councillor T. Ney  
Councillor E. Paterson  
Councillor E.W. Zhelka (via telephone conference call)

STAFF: Chief Administrative Officer, L. Varela  
Director of Corporate Services, D. Hopkins  
Director of Financial Services, C. Paine (via telephone conference call)  
Director of Engineering and Public Works, D. Horan (via telephone conference call)  
Manager of Parks Services, C. Hyde-Lay  
Recorder, A. Nurvo

CALL TO ORDER:

Mayor Murdoch called the meeting to order at 5:15 p.m.

MAYORS REMARKS:

1. Mayor's Remarks

Mayor Murdoch welcomed everyone to the first in-person meeting in Council Chambers since the Municipal Hall was closed to the public on March 17, 2020 due to the COVID-19 pandemic. The Mayor acknowledged the modified meeting structure, including the adapted public participation portion, to make the meeting as open as possible to the public, while ensuring compliance with all applicable requirements under the *Public Health Act*. The Mayor thanked the residents for their continued patience through the re-opening process. Mayor Murdoch advised that Council is aware that the impact of noise has become more of a concern in the community, particularly in recent weeks with residents staying home more through the pandemic. While some noise will likely be mitigated as people return to work, Council will also be reviewing the Noise Bylaw within the next year or so. The Mayor acknowledged the recent passing of Dr. Larry McCann and extended his personal condolences to Dr. McCann's family. He noted several of Dr. McCann's numerous contributions to community building, which included authoring the definitive history of the Uplands (*Imagining Uplands*), playing an instrumental role in the Uplands neighbourhood being designated as a National Historical Site of Canada, and many years of generous support of archives and heritage in Oak Bay and throughout the region. Mayor Murdoch advised that effective September 1, 2020, the District's Deputy Chief Constable Ray Bernoties will be stepping into the Chief Constable role following Chief Andy Brinton's

retirement, and that Mark Fisher will be joining the District as the new Deputy Chief Constable.

PUBLIC PARTICIPATION PERIOD:

2. **Public Participation Period**

The Director of Corporate Services advised that there were no preregistered attendees and no one has arrived at Municipal Hall to speak at this meeting. Mayor Murdoch invited those watching the live stream of the meeting to call into Municipal Hall, and also invited members of the community to continue to email comments to Mayor and Council. The Director of Corporate Services advised that no calls have been received. Mayor Murdoch thanked staff for setting up the meeting call-in option for residents.

COMMUNICATIONS:

3. **Ministerial Order No. M192**

The Director of Corporate Services provided an overview of the recent Provincial Ministerial Order requiring local governments, where possible, to implement measures to provide for public input and open meetings. The Director advised that the District's protocols are compliant with the Order, meet the requirements for maintaining social distancing, and provide for limited in-person participation where feasible.

**CARRIED**

MOVED and seconded: THAT this resolution is passed pursuant to Ministerial Order No. M192, made by the Minister of Public Safety and Solicitor General pursuant to the *Emergency Program Act* on June 17, 2020;

THAT this resolution applies to all Meetings of Council, inclusive of any scheduled public hearings, while Ministerial Order No. M192 remains in effect;

THAT the attendance of the public at the place of the meeting cannot be accommodated in accordance with the applicable requirements or recommendations under the *Public Health Act*, despite the best efforts of the Council, because:

- a) Gatherings of more than 50 people are prohibited under order of the Provincial Health Officer;
- b) The available meeting facilities at Oak Bay Municipal Hall cannot accommodate more than 15 people present in person, including members of Council and staff;
- c) There are no other facilities available that will allow for the safe physical attendance of the public in larger numbers than those indicated above without compromising the availability of the options of viewing the meeting by live webcast;

THAT Council is ensuring openness, transparency, accessibility, and accountability in respect of the meetings by the following means:

- a) Allowing the public to see and hear the proceedings via live webcasting on the District of Oak Bay's website;
- b) Allowing the public to participate during the meeting via telephone, or other electronic means;

- c) Providing public notice of the meeting and the means of seeing, hearing, and participating in the meeting in accordance with the requirements of the *Local Government Act*;
- d) Posting agenda materials and other related documents to the District of Oak Bay website, and directing interested persons to the website by means of the notices provided in respect of the meetings;
- e) Strongly encouraging members of the public to provide written correspondence in advance of the meeting;
- f) Making an archived video recording of the meeting available on the District of Oak Bay website following the meeting;
- g) Posting draft meeting minutes to the District of Oak Bay website following the meeting".

**CARRIED**

**4. 2019 Statement of Financial Information**

MOVED and seconded: THAT Council approve the Statement of Financial Information for the year ended December 31, 2019.

**CARRIED**

**5. Municipal Consent for CRD Bylaw No. 4304**

MOVED and seconded: THAT Council consent to the Capital Regional District adopting Bylaw No. 4304, "Liquid Waste Management Core Area and Western Communities Service Establishment Bylaw No. 1, 1995, Amendment Bylaw No. 3, 2020".

**CARRIED**

**6. District of Saanich *Motor Vehicle Act* Pilot Project**

MOVED and seconded: THAT the Director of Engineering and Public Works be encouraged to participate with the District of Saanich planning meetings to explore opportunities, challenges, alternatives, and risks related to BC *Motor Vehicle Act* pilot project proposals.

**CARRIED**

**7. Richardson Street Traffic Calming Proposals**

The Director of Engineering and Public Works advised that the City of Victoria will soon be approving projects for the next phase of construction under the City's Bicycle Master Plan, and that the proposed projects for 2020/2021 include one on Richardson Street, which affects Oak Bay. Mr. Horan confirmed that the District has received lots of feedback, concerns and questions from residents of Oak Bay, that staff have encouraged residents to contact the City of Victoria to voice their concerns, and that District staff have met with Victoria staff to review the designs and plans.

MOVED and seconded: THAT staff be directed, once the EOC is deactivated, to gather information on possible enhancements to McNeill Avenue in keeping with the Complete Streets handbook and toolbox and the proposed layout of the City of Victoria's finalized designs for Richardson Street, and return options to Council.

MOVED and seconded: THAT Council refer this matter to a future Council meeting following the decision being made by the City of Victoria Council.

**CARRIED**

*With Councillor Appleton opposed*

MOVED and seconded: THAT Council request the City of Victoria to extend consultation to allow Oak Bay Council the opportunity to review and comment on the design prior to approving changes to the Richardson Street corridor.

**CARRIED**

With Councillor Appleton opposed

Council directed staff to request a delegation from the City of Victoria at a Council meeting to provide further information and details on this proposal and to answer Council's questions and concerns.

## 8. **Maple Tree Removal**

MOVED and seconded: THAT Council receive the memo from the Manager of Parks Services dated May 28, 2020 regarding the removal of four maple trees on Oak Bay Avenue for information.

**CARRIED**

### BYLAWS:

## 9. **Tree Protection Bylaw Amendment**

MOVED and seconded: THAT Council adopt the resolution as laid out in the report from the Manager of Parks Services dated May 28, 2020, and that the Tree Protection Amendment Bylaw, 2020, No. 4759 be amended as follows:

- 1) In Schedule A, for item 4 under Security, amend the fee for Canopy Area Requirements from \$200 per m<sup>2</sup> of required Canopy Area to a flat rate of \$500 per tree; and
- 2) Delete Section 10.13 in its entirety and replace with the following:  
10.13 Where section 10.4 applies, and where the Manager of Parks Services determines that the owner of the parcel has not, by the issuance of an occupancy permit or approval of final building inspection, planted sufficient canopy trees or maintained sufficient existing trees to meet the applicable canopy cover targets, the security provided under section 10.6(a) shall be forfeited to the District in an amount equal to \$500 per tree that is not planted to achieve Canopy Area on the parcel.

**CARRIED**

MOVED and seconded: THAT while the Provincial State of Emergency due to the COVID-19 pandemic remains in effect, Council authorize the Manager of Parks Services to waive the Replacement Tree security fee outlined in Schedule A to the Tree Protection Amendment Bylaw, 2020, No. 4759 on a case-by-case basis where:

- a. The tree(s) to be removed are in an advanced and irreversible state of decline due to disease, decay, dieback or other pathological conditions, mishap or pest attack as per Section 9.2(i) of the Bylaw; and,
- b. The applicant submits a written request for fee exemption and can demonstrate, to the satisfaction of the Manager of Parks Services, that they are experiencing financial hardship as a result of the COVID-19 pandemic.

**CARRIED**

MOVED and seconded: THAT Council give first and second Readings to the Tree Protection Amendment Bylaw, 2020, No. 4759.

**CARRIED**

MOVED and seconded: THAT Council give third Reading to the Tree Protection Amendment Bylaw, 2020, No. 4759.

**CARRIED**

**10. Procedure Bylaw Amendment Bylaw, 2020**

MOVED and seconded: THAT Council adopt the Procedure Bylaw Amendment Bylaw, 2020, No. 4750.

**CARRIED**

**11. Sustainable Procurement Policy and Delegation of Authority of Administrative Functions Bylaw Amendment Bylaw**

MOVED and seconded: THAT Council give first and second Readings to the Delegated Authority of Administrative Functions Bylaw Amendment Bylaw, 2020, No. 4758.

**CARRIED**

MOVED and seconded: THAT Council give third Reading to the Delegated Authority of Administrative Functions Bylaw Amendment Bylaw, 2020, No. 4758.

**CARRIED**

MOVED and seconded: THAT Council approve the proposed amendments to the Sustainable Procurement Policy as outlined by the Director of Financial Services.

**CARRIED**

**12. Water Rates Bylaw Amendment**

The Director of Financial Services advised that there had been a clerical error in Water Rate Bylaw Amendment Bylaw, 2019 and noted that staff are recommending repeal of that bylaw through adoption of Water Rate Bylaw, Amendment Bylaw No. 2, 2020, No. 4762.

MOVED and seconded: THAT Council give first and second Readings to the Water Rate Bylaw, Amendment Bylaw No. 2, 2020, No. 4762.

**CARRIED**

MOVED and seconded: THAT Council give third Reading to the Water Rate Bylaw, Amendment Bylaw No. 2, 2020, No. 4762.

**CARRIED**

ADJOURNMENT:

13. **Motion to Adjourn**

MOVED and seconded: THAT the meeting be adjourned at 7:52 p.m.

**CARRIED**

Certified Correct:

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Mayor

\_\_\_\_\_  
Director of Corporate Services