

MINUTES of a regular 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 Tuesday, October 13, 2020 at 7:00 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
Councillor C. Green *
Councillor E. Paterson
Councillor E.W. Zhelka

REGRETS: Councillor T. Ney

STAFF: Chief Administrative Officer, L. Varela
Interim Director of Corporate Services, S. Morden
Director of Building and Planning, B. Anderson *
Director of Strategic Initiatives, S. Bagh
Director of Financial Services, C. Paine *
Director of Parks, Recreation and Culture, R. Herman *
Director of Engineering and Public Works, D. Horan
Interim Deputy Director of Corporate Services, J. Winter
Manager of Park Services, C. Hyde-Lay
Manager of Engineering Services, S. Rennick
Recorder, A. Nurvo

* attended via telephone conference call

CALL TO ORDER:

Mayor Murdoch called the meeting to order at 7:00 p.m.

MINUTES:

1. Adoption of Minutes of Council and Committee Minutes

- September 28, 2020 Council Meeting - Minutes
- October 5, 2020 Special Council Meeting - Minutes

MOVED and seconded: That Council adopt the Minutes of the Council meeting held September 28, 2020, and the Minutes of the Special Council meeting held October 5, 2020.

CARRIED

MAYOR'S REMARKS:

2. Mayor's Remarks

Mayor Murdoch stated that there is a link on the District's website for members of the public to provide feedback to the artist on a piece of public art. The Mayor advised that although there will be no Trick or Treat on Oak Bay Avenue this Halloween, decorations will be installed and he expressed thanks to the BIA for sponsoring them and to Public Works staff for assisting. Mayor Murdoch advised that this year the Remembrance Day service will be live streamed from the cenotaph, with the public able to participate remotely. The Mayor advised that a joint letter signed by the majority of Mayors in the Region was provided to the political candidates requesting answers on how they will be handling various issues such as homelessness, transportation, addictions, and childcare. Mayor Murdoch acknowledged that a number of large trees have had to be taken down on Oak Bay Avenue, since the trees had been mislabeled when planted, and had aggressive root systems causing structural damage to buildings and underground infrastructure. They will be replaced shortly with more appropriate trees.

PUBLIC PARTICIPATION PERIOD:

3. Mayor Murdoch invited members of the public to call in to the meeting to provide comments to Council.

Marion Cumming, Oak Bay resident, joined the meeting by telephone and said that as a former board member of Oak Bay Heritage Foundation and Commission, she had visited Tod House and was impressed by the care the tenants have taken of the House. She stated she was hopeful that an agreement can be reached so that they can return as tenants following completion of the major renovations.

Lisa Mercure, Oak Bay resident, advised that she and her family have been living in Tod House for 9 years, that she understands the maintenance needs of the home and the priorities, many of which were not addressed in the consultant's report, and that her family is interested in continuing as tenants.

COMMUNICATIONS:

4. **Provincial Urban Deer Cost-Share Program Grant Application**

Councillor Appleton declared a conflict of interest since the grant involves his employer with the Provincial government, and left the meeting at 7:15 p.m.

MOVED and seconded: That Council authorize an application to the Ministry of Forests, Lands, and Natural Resource Operations and Rural Development for a grant of up to \$41,950 to continue the Oak Bay deer management research project substantially in the form of the program prepared by the Urban Wildlife Stewardship Society and, if approved, commit to providing District of Oak Bay funding of \$42,151 in the 2021 budget.

CARRIED

With Councillor Braithwaite opposed

Councillor Appleton returned to the meeting at 7:40 p.m.

5. Tod House Condition Assessment and Grant Application

MOVED and seconded: That Council receive the Tod House Condition Assessment Report (Attachment 1 and 2);

And that Council refer the Tod House Condition Assessment Report to the Heritage Commission for information and input on a potential application for Provincial Heritage Designation of the Tod House property;

And further that staff be directed to, as part of 2021 budget discussions, identify Five Year Financial Plan implications of fully implementing the Tod House Condition Assessment Report recommendations.

CARRIED

6. 2020 Winter Markets - Municipal Hall Site

MOVED and seconded: That Council approve the request from the Oak Bay Business Improvement Association to operate a Winter Market series, including food and craft sales, on the Municipal Hall property during the months of November and December, 2020.

CARRIED

7. Anonymous Donation of Public Art

MOVED and seconded: That Council refer the proposed artwork created by Kent Laforme to the Public Arts Advisory Committee for comment;

And further that staff provide the comments of the Public Arts Advisory Committee and the staff report authored by the Manager of Parks Services dated October 13, 2020 to a future Committee of the Whole meeting.

CARRIED

8. Siting of Uplands National Historic Site Plaque

MOVED and seconded: That Council support a permanent installation of a commemorative plaque to be provided by Parks Canada in recognition of Uplands as a National Historic Site at Midland Circle.

CARRIED

9. OBRC Transformer Replacement - Tender OBRC-02-2020

MOVED and seconded: That the contract for the construction to replace the transformer/substation at the Oak Bay Recreation Centre, as outlined in the tender document

OBRC-02-2020, be awarded to Houle Electric in accordance with their submission in the amount of \$176,895.00 contingent on full year forecasts prepared by the Director of Financial Services forecasting that capital expenditure and transfer from reserve limits in the 2020-2021 Financial Plan Bylaw will not be exceeded.

CARRIED

MOVED and seconded: That Council authorize an additional \$100,000 budget for the OBRC Transformer Replacement Project for 2020 funded by the Capital Works Reserve.

CARRIED

10. Intersection Safety Upgrades - Beach Drive and King George Terrace

MOVED and seconded: That Council direct staff to carry out the proposed intersection safety upgrades at the corner of Beach Drive and King George Terrace;

And further that Traffic Control Order No. 2020-21 be adopted.

CARRIED

11. Time Extension: Use of Public Spaces to Support Small Businesses

That the Director of Engineering and Public Works be authorized to issue Street Occupancy Permits for the purposes of temporary sidewalk or parking stall patios;

And that application fees and administration fees for the purposes of temporary sidewalk or parking stall patios be waived;

And that the Director of Building and Planning be authorized to give consent to a one year extension, until October 31, 2021, of the existing Temporary Expanded Services Area authorizations for licensed patios (both on public and private property);

And that the approval of temporary patios and customer staging areas include weather protection structures (roof shelters and awnings, heat sources) subject to meeting District requirements;

And further that these measures be in place effectively immediately, until November 15, 2021.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

12. New Business & Verbal Reports

- New Business

There was no new business.

- Report on the Capital Regional District

Mayor Murdoch advised that there would be a CRD Board meeting the next day, that the Request for Proposals has been completed for the consultation process for Oak Bay Lodge and will be going to the Board for approval. The Mayor advised that the Core Wastewater Treatment Project is on schedule and on budget, and that the CRD is reviewing options for more First Nations inclusion and participation at the Committee level, which is a challenge under the current Local Government Act, and that this review has been well received by First Nations communities.

- Other Verbal Reports

Councillor Paterson reported that she had attended the Oak Bay Heritage Foundation meeting that day, and they had completed their review of criteria for eligibility for grants for designated homes. She also advised that the Foundation will be holding its Annual General Meeting in November via Zoom.

Councillor Green advised that she had attended a Tourism Committee meeting, and that local businesses are showing slow recovery during this challenging time.

Councillor Braithwaite reminded Council that the South Island Prosperity Partnership is holding its Rising Economy Week from November 16-20, and that additional information and registration are available online.

Councillor Appleton advised that he had attended a Public Library Board meeting at the end of September, where the service restoration plan was approved. Electronic public participation is provided for in their meetings, and information on how to participate has been posted to the website.

RESOLUTIONS:

13. Notice of Motion - Councillor Zhelka

MOVED and seconded: Whereas the District of Oak Bay is in the process of preparing a Housing Framework toward achieving the Council priority to Ensure Access to Diverse Housing Options Within the Built Environment;

And whereas the District does not have a holistic policy related to the consideration of strata title conversion of existing rental housing into two or more strata units in Oak Bay;

And whereas other BC Municipalities have found innovative ways to mitigate known effects of strata titling;

Therefore be it resolved that Council direct staff to include the provision of a policy related to the strata title conversion of existing rental housing as part of the preparation of a Housing Framework for Oak Bay.

CARRIED

BYLAWS:

14. Records Management Update and Corporate Records Management Bylaw

MOVED and seconded: That the Records Management status update report from the Interim Director of Corporate Services be received for information.

CARRIED

MOVED and seconded: That Council give first and second reading of the Corporate Records Management Bylaw, 2020, No. 4768.

CARRIED

MOVED and seconded: That Council give third reading of the Corporate Records Management Bylaw, 2020, No. 4768.

CARRIED

15. **Permissive Tax Exemption Application - 931 Foul Bay Road**

MOVED and seconded: That Council decline the permissive tax exemption application for 931 Foul Bay Road from the DeMezey Memorial Abbeyfield Legacy Society.

CARRIED

With Councillor Green opposed

ADJOURNMENT:

16. **Motion to Adjourn**

MOVED and seconded: That the meeting be adjourned at 9:40 p.m.

CARRIED

Certified Correct:

Mayor

Interim Director of Corporate Services