

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 Monday, October 26, 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 T. Ney
Councillor E. Paterson
Councillor E.W. Zhelka

STAFF: Chief Administrative Officer, L. Varela
Interim Director of Corporate Services, S. Morden
Director of Building and Planning, B. Anderson *
Director of Financial Services, C. Paine *
Director of Engineering and Public Works, D. Horan
Chief Constable, R. Bernoties *
Interim Deputy Director of Corporate Services, J. Winter
Manager of Recreation Program Services, S. Meikle *
Recorder, A. Nurvo

* attended via telephone conference call

CALL TO ORDER:

Mayor Murdoch called the meeting to order at 7:03 p.m.

MINUTES:

1. **Council and Committee Minutes**

- Council Meeting - 13 October, 2020 Minutes
- Special Council Meeting - 13 October, 2020 Minutes
- Special Council Meeting - 19 October, 2020 Minutes
- Committee of the Whole - 19 October, 2020 Minutes

MOVED and seconded: That Council adopt the Minutes of the Council meeting held October 13, 2020, the Special Council meetings held October 13 and October 19, 2020, and the Committee of the Whole meeting held October 19, 2020.

CARRIED

2. **Advisory Body Minutes**

MOVED and seconded: That Council approve the Minutes of the Public Art Advisory Committee meeting held March 10, 2020.

CARRIED

MAYOR'S REMARKS:

3. **Mayor's Remarks**

Mayor Murdoch congratulated the District's new Member of the Legislative Assembly for Oak Bay Gordon Head, Murray Rankin and acknowledged Elections BC for a well-run provincial election. The Mayor advised that the presentation from City of Victoria on Richardson Street has been postponed and will be rescheduled in the near future. The Mayor acknowledged the recent tragic death of the Arborist doing work in Oak Bay the previous week. Mayor Murdoch provided several community updates, including leaf pick-up, renovations at the Public Works yard, that there will be no Trick or Treats on Oak Bay Avenue this year, thanked the Business Improvement Area and Public Works staff for the Hallowe'en decorations, and reminded everyone that this year's Remembrance Day Ceremony will be virtual and encouraged the community to watch the live stream of the event.

PUBLIC PARTICIPATION PERIOD:

4. Marion Cumming, Oak Bay resident, addressed Council regarding the art piece "Takaya" and stated that First Nations should be consulted and acknowledged as part of the process. She thanked Council and asked that they consider returning Discovery Island to the Songhees Nation.

The Interim Director of Corporate Services confirmed that no other calls from members of the public had been received.

COMMUNICATIONS:

5. **Anonymous Donation of Public Art - "Takaya"**

Mayor Murdoch acknowledged the numerous letters received from the community and provided background for this matter, including a review of suitability of other potential locations for the statue. The Mayor advised that the artist and the Songhees Nation have come to agreement on the siting, the process, and how the story of Takaya will be told.

MOVED and seconded: That the proposed siting of the art piece "Takaya" at Cattle Point be approved;

And that the siting details be shared with the Songhees First Nation leadership in acknowledgement of their traditional connection to the lands;

And that the Songhees be invited to join the District in a ceremony for the site as, and how, they determine is appropriate;

And further that the Mayor be directed to make every effort to secure the donation of the art for the District of Oak Bay.

CARRIED

With Councillors Appleton and Paterson opposed

6. Development Permit - DP000032 - 2140 Cadboro Bay Road

MOVED and seconded: That the proposal to undertake exterior alterations to the existing building at 2140 Cadboro Bay Road be approved subject to the issuance of Development Permit DP000032.

CARRIED

7. Uplands Siting and Design - ADP000124 - 3535 Upper Terrace Road

MOVED and seconded: That the proposal to renovate an existing single family dwelling and construct an accessory building at 3535 Upper Terrace Road, as outlined in the October 19, 2020 report for ADP00124, be approved as to Uplands siting and design.

CARRIED

The order of items on the agenda was altered to permit staff the opportunity to resolve technical issues connecting remotely with staff, and Items 8 and 9 were dealt with following Item 11.

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

10. New Business & Verbal Reports

- New Business

There was no new business.

- Report on the Capital Regional District

Mayor Murdoch advised that the Capital Regional District has completed the service planning for all committees, and will be reviewing the overall provisional budget for 2021. The Mayor also advised that the costing for sewer treatment will be changing from the current services model to a capital model, and moving from utility water billing to taxation; that last week the Capital Regional District Hospital Board approved funding for community consultation regarding Oak Bay Lodge lands; and, that the consultant has been hired for that process.

- Other Verbal Reports

Councillor Appleton advised that the Capital Regional District Intermunicipal Climate Action Task Force met on October 22nd, and that he had updated the members on Oak Bay Council's approval of the recommendations from the Community Climate Action Working Group.

Councillor Ney advised that there will be a Zoom meeting on November 6th of the Vancouver Island and Coastal Communities with local government representatives to build a Vancouver Island climate action plan.

RESOLUTIONS:

11. Notice of Motion - Councillor Ney

MOVED and seconded: WHEREAS Councillor Ney's Motion "Ban leaf blowers in Oak Bay" was forwarded to the Climate Action Committee on January 18 2020 for consideration;

WHEREAS Oak Bay Committee of the Whole received Recommendations from the Climate Action Committee March 9, 2020, of which Recommendation 3 would establish an annual funding program for community groups undertaking climate action activities and for rebates for actions that reduce GHG emissions including heating systems, electric garden equipment, and ebikes;

WHEREAS Oak Bay Council did not fund Recommendation 3 from the Climate Action Committee in the 2020-21 budget; WHEREAS the City of Victoria has committed to replacing gas-powered tools and small engine-driven equipment (including garden equipment such as gas-powered leaf blowers) with renewable power (electrification) by 2025 (see City of Victoria Climate Leadership Plan 2018, p. 52);

WHEREAS there continues to be increasing community support in Oak Bay for the replacement of gas-powered garden equipment, and especially leaf-blowers, with electric-powered equipment.

WHEREAS on Nov. 18, 2019, the German government requested that its citizens stop using leaf blowers over concerns of the environment and insects.

BE IT RESOLVED THAT staff be directed to provide a report on the District:

- 1) Phasing out by 2024 the use of all gas-powered tools and small-engine driven equipment on municipal lands including but not limited to gas-powered garden equipment such as leaf blowers, lawn mowers, and grass whippers, to be replaced with renewably powered tools and equipment in consideration of available technology, budget and staff capacity within a multi-year program.
- 2) Issuing a moratorium that the use of leaf blowers in Oak Bay unless they are "indispensable".

MOVED and seconded: That the Motion be amended as follows:

1. That clause 2 under "Be it resolved that" be deleted and replaced with:

2) Issuing a residential ban on all gas-powered garden tools (including leaf blowers, lawn mowers, edge-trimmers, chain saws, etc.) and small engine-driven equipment by January 2022.

2. That a new clause 3 be added, to read:

3) Providing educative support and old gas-powered equipment rebates as per Recommendation 3 of the Climate Action Committee March 9, 2020.

MOVED and seconded: That the Motion be referred to a future Council meeting.

CARRIED

8. Department Budget Transfer Policy

MOVED and seconded: That Council adopt the draft Department Budget Transfer Policy, subject to a scheduled review of the Policy in conjunction with the Quarter 3 reporting in 2021.

CARRIED

9. Travel and Expense Reimbursement Policy

MOVED and seconded: That Council repeal the Staff Travel Guidelines: Conferences, Seminars, and Courses Policy, 2006, and adopt Travel and Expense Reimbursement Policy, 2020.

CARRIED

BYLAWS:

12. Streets & Traffic Amendment Bylaw No. 4100, 2000, Amendment Bylaw No. 4767, 2020

MOVED and seconded: That Council give first and second readings to the Streets & Traffic Amendment Bylaw No. 4100, 2000, Amendment Bylaw No. 4767, 2020.

CARRIED

MOVED and seconded: That Council give third reading to the Streets & Traffic Amendment Bylaw No. 4100, 2000, Amendment Bylaw No. 4767, 2020.

CARRIED

13. Corporate Records Management Bylaw, No. 4768, 2020

MOVED and seconded: That Council adopt the Corporate Records Management Bylaw, No. 4768, 2020.

CARRIED

ADJOURNMENT:

14. **Motion to Adjourn**

MOVED and seconded: That the meeting be adjourned at 8:26 p.m.

CARRIED

Certified Correct:

Mayor

Director of Corporate Services