

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, November 25, 2019 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
Director of Corporate Services, D. Hopkins
Director of Building and Planning, B. Anderson
Director of Financial Services, C. Paine
Director of Engineering Services, D. Horan
Chief Constable, A. Brinton
Manager of Planning, D. Jensen
Manager of Recreation and Cultural Services, S. Meikle
Recorder, A. Nurvo

CALL TO ORDER:

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

MOVED and seconded: That the Agenda be amended to change the order and move Item 8 to be third on the Agenda.

CARRIED

MINUTES AND REPORTS:

1. Minutes:

- Council Meeting held October 28, 2019 - Corrected
- Special Council Meeting held November 12, 2019
- Council Meeting held November 12, 2019

MOVED and seconded: That Council adopt the corrected Minutes of the Council meeting held October 28, 2019, and the Minutes of the Special Council meeting held November 12, 2019, and Council meeting held November 12, 2019.

CARRIED

MAYOR'S REMARKS:

2. Mayor's Remarks

Mayor Murdoch acknowledged the Celebration of Life of Kerri Coles, a reporter for the Oak Bay News, and stated she had been an asset to the community. The Mayor also acknowledged the success of the Business Improvement Association (BIA) Light Up event, with many thousands of people attending. He thanked the BIA for organizing and funding the event as well as the numerous other supporters. He noted the recent first annual Welcome Event at the Monterey Centre, the upcoming Community to Community event with the Songhees Nation, and the Regional Forum of Nations that will take place this Saturday.

8. Oak Bay Official Community Plan Amendment Bylaw No. 4620.002, 2019

MOVED and seconded: That the Oak Bay Official Community Plan Amendment Bylaw No. 4620.002 be given third Reading.

CARRIED

MOVED and seconded: That the Oak Bay Official Community Plan Amendment Bylaw No. 4620.002 be adopted.

CARRIED

PUBLIC PARTICIPATION PERIOD:

3. Public Participation Period

Joan Russo, Oak Bay resident, spoke in support of the motion on banning gas leaf blowers. She noted she got rid of her car in 1995 for environmental reasons. She stated that there are recent studies in the US on the impact of gas blowers and their significant contribution to GHG emissions.

Joanna Drewry, Oak Bay resident, stated that she attended two public meetings on proposed OCP amendments and did not hear very many concerns on densification and infill, but did hear concerns on the loss of older homes, building of huge houses on small lots, and the loss of vegetation. She stated that the property next to hers has been bought by a developer and the existing small house is slated for demolition and proposed to be replaced with a 4,000 sq. ft. house plus a secondary suite on a 6,000 sq. ft. lot.

Stephen Bowker, Oak Bay resident, stated that the facts set out in his submission to the District on the proposed OCP Amendment Bylaw was accurate and that a condition of the grant is that the District must have its Housing Needs Report done in one year. He stated that we should wait to pass the Bylaw until that Report and the results of the secondary suites study are available to the public since they will both require major changes to OCP policies.

Jaye Lee, Saanich resident, spoke in opposition of the proposed ban on leaf blowers. He is the owner of a professional landscape business. Other alternatives use batteries, are made

of plastic, end up in the landfill, result in more waste, and are more expensive. The closest alternative costs six times more and is significantly less powerful. He stated that, while gas powered leaf blowers are noisy and have other short term impacts, their benefits outweigh the opposition to continuing to use them.

Mark Twidale, Oak Bay resident, spoke against the motion to ban leaf blowers. He stated while they are noisy, banning them is not going to end climate change, and he wondered if banning weed whackers and lawnmowers would be next.

Stephen Bowker, Oak Bay resident, stated that he has thrown his leaf blower away, purchased a large broad nylon leaf rake, and can now do his whole lawn silently in 10 minutes without a leaf blower blowing his leaves onto his neighbour's property.

COMMUNICATIONS:

4. 2020 Police Budget

Chief Brinton provided an overview of the Police Board budget process and reviewed the draft budget. He advised that budget does not account for potential impacts to salary in 2020, and that the 4.2% increase amounts to \$218,000. He reviewed the operating and capital expenditures, provided highlights of the report, and answered questions from Council.

MOVED and seconded: That Council approve the 2020 provisional budget as recommended by the Oak Bay Police Board, and instruct staff to incorporate it into the 2020 Municipal Budget.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

5. New Business & Verbal Reports

- New Business

Councillor Braithwaite advised that she will be bringing forward a Notice of Motion dealing with options for more equitable determination of water and sewer tax costs.

- Report on the Capital Regional District

The Mayor did not have any updates from the CRD.

- Other Verbal Reports

Councillor Paterson advised that as the District's representative, she attended the Victoria Family Court and Youth Justice Committee meeting. She reported that it handles 1500-2000 cases per year throughout the Province and that the website had over 4 million hits this year, showing the importance of the program. She stated she also attended the Finance Committee and Board meeting at CREST, which has completed a

review of all policies and is currently reviewing its technology plan and apportionment of stakeholder fees and levies.

Councillor Zhelka said that he attended the CRD Water Board meeting, which included several interesting reports such as the dam safety program being presented.

Councillor Green stated that she attended the recent Light Up event which had the biggest crowd in attendance in nine years. She reminded that Council are invited to the BIA Christmas Mixer on December 10.

Councillor Braithwaite reported that as Block Watch Captain for her street, she attended the volunteer dinner last week. She noted that Oak Bay is the second least dangerous community in Canada, and that the District currently has 73 Block Watch groups, with a goal to get to 100.

Councillor Appleton advised that he attended the inaugural meeting of the Climate Action Working Group on November 19 and is pleased that public participation is included in the terms of reference. The next meeting will be at the beginning of December.

Councillor Green advised that she has received many questions from the public on recruitment of committees, so there is lots of interest in the community.

Mayor Murdoch advised that he was unable to attend the Block Watch dinner. He acknowledged its importance in contributing to the lack of property crime and thanked participants in the community.

RESOLUTIONS:

6. Notice of Motion - Councillor Ney

MOVED and seconded: WHEREAS gas powered leaf blowers contribute to negative health, environmental, and climate impacts, and there exists effective and affordable alternatives for use on a residential scale;

AND WHEREAS people globally are demanding action on air quality and emissions in urban areas, including a significant number of Oak Bay residents who have expressed concerns about the negative impacts of gas powered leaf blowers and support taking action;

THEREFORE BE IT RESOLVED that the matter of banning residential use of gas powered leaf blowers be referred to the Community Climate Action Working Group for consideration and subsequent recommendations to Council;

AND BE IT FURTHER RESOLVED that staff be directed to subsequently review the Working Group's recommendations for banning residential use of gas powered leaf blowers and provide Council with information on resulting administrative, operational, and financial impacts as appropriate.

Mayor Murdoch determined to sever the Motion into two parts.

(1) The Question was called on the first part of the Motion, to refer this matter to the Community Climate Action Working Group.

CARRIED

(2) The Question was then called on the second part of the Motion, to subsequently refer the Working Group's recommendations to staff for review.

DEFEATED

With Mayor Murdoch and Councillors Appleton, Braithwaite, Green, Ney and Paterson opposed

7. Council Appointment – Greater Victoria Labour Relations Association

MOVED and seconded: That Council make the following appointments to the Greater Victoria Labour Relations Association: Councillor Green as Board Director and Councillor Braithwaite as Alternate Board Director.

CARRIED

MOVED and seconded: That Council appoint Councillor Green as Delegate to the AGM of the Greater Victoria Labour Relations Association.

CARRIED

BYLAWS:

9. Oak Bay Parks and Recreation Commission Repeal Bylaw No. 4741, 2019

The Mayor introduced the item to repeal Bylaw No. 3137.

Council discussion ensued, as follows:

- Council had provided direction to staff to bring forward the repeal of the Bylaw. The CAO stated that the current Bylaw was passed decades ago, provides for delegated authority to the Commission, and is not aligned with Council's current strategic direction.
- The intention is for Council to enact new terms of reference for all committees once the committee review is completed and this will be part of that process.
- In the interim, all matters that would have been dealt with by the Commission will come directly to Council.
- Items will form part of a meeting agenda, and members of the public will have the opportunity to provide input during the Public Participation Period.

MOVED and seconded: That Bylaw No. 4741, "Oak Bay Parks and Recreation Commission Repeal Bylaw, 2019," be given first and second Readings.

CARRIED

With Councillor Zhelka opposed

MOVED and seconded: That Bylaw No. 4741, "Oak Bay Parks and Recreation Commission Repeal Bylaw, 2019" be given third Reading.

CARRIED

With Councillor Zhelka opposed

MOVED and seconded: That a Working Group comprised of two to three Council members be established in the short-term to work with staff and the current Parks, Recreation and Culture Commission members, to identify the mandate of a Parks, Recreation and Culture select committee of Council.

MOVED and seconded: That the Main Motion be amended to add “and other individuals as appropriate”.

CARRIED

The question was called on the Main Motion as amended.

CARRIED

With Councillor Zhelka opposed

MOVED and seconded: That staff be directed to review any administrative policies and procedures that have been approved by the current Parks, Recreation and Culture Commission and make any necessary changes to reflect the revised structure.

CARRIED

With Councillor Zhelka opposed

10. Water Rate Bylaw Amendment Bylaw No. 4743, 2019

The Director of Financial Services reviewed a PowerPoint presentation dealing with both Water and Sewer Rate Bylaws, being Items 10 and 11, including the budget process, service levels, and rationale for staff recommendations relating to rates, asset management targets, and reserves.

Staff answered questions from Council. The CAO advised that staff are working on a five year workforce plan as part of a larger Human Resources Plan to assist Council in understanding the long term staffing needs of the District.

MOVED and seconded: That Bylaw No. 4743, Water Rate Bylaw Amendment Bylaw, 2019, be given first and second Readings.

CARRIED

With Councillor Appleton opposed

MOVED and seconded: That Bylaw No. 4743, Water Rate Bylaw Amendment Bylaw, 2019, be given third Reading.

CARRIED

With Councillor Appleton opposed

11. Sewer User Charge Bylaw Amendment Bylaw No. 4744, 2019

MOVED and seconded: That Bylaw No. 4744, Sewer User Charge Bylaw Amendment Bylaw, 2019, be given first and second Readings.

CARRIED

With Councillors Appleton and Braithwaite opposed

MOVED and seconded: That Bylaw No. 4744, Sewer User Charge Bylaw Amendment Bylaw, 2019, be given third Reading.

CARRIED

With Councillors Appleton and Braithwaite opposed

ADJOURNMENT:

12. Motion to Adjourn

MOVED and seconded: That the meeting be adjourned.

CARRIED

The meeting adjourned at 9:47 p.m.

Certified Correct:

Mayor

Director of Corporate Services