

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, April 25, 2016, at 7:00 PM.

PRESENT: Mayor N. Jensen, Chair
Councillor H. Braithwaite
Councillor T. Croft
Councillor M. Kirby
Councillor K. Murdoch
Councillor T. Ney
Councillor E. Zhelka

STAFF: Chief Administrative Officer, H. Koning
Acting Director of Corporate Services, M. Jones
Acting Deputy Director of Corporate Services, D. Schaffer
Director of Building and Planning, R. Thomassen
Director of Financial Services, D. Carter
Deputy Director of Financial Services, F. Pimentel
Acting Director of Engineering Services, D. Brozuk
Director of Parks, Recreation and Culture, R. Herman

MINUTES AND REPORTS:

1. *Council*

- April 11, 2016

MOVED and seconded: That the minutes of the Council meeting held on Monday, April 11, 2016, be adopted.

CARRIED

2. *Committee of the Whole*

- April 11, 2016

MOVED and seconded: That the minutes of the meeting of Committee of the Whole held on Monday, April 18, 2016, and the recommendations contained therein, be adopted.

CARRIED

3. *Special Council*

- April 13, 2016
- April 18, 2016

MOVED and seconded: That the minutes of the Special Council meetings held on Wednesday, April 13, 2016 and Monday, April 18, 2016, be adopted.

CARRIED

MAYOR'S REMARKS:

4. The Mayor provided remarks on the following topics:

Councillor Braithwaite honoured

Mayor Jensen noted that Councillor Braithwaite was honoured by the Rotary Club of Oak Bay as one of three Paul Harris Award winners, the other two being Tania Miller, maestro of the Victoria Symphony Orchestra, and Bob McDonald, CBC science journalist and author. He said she was deserving of the honour given her work over the years with the United Way, the Young Exceptional Stars program and Bays United.

Staff member community participation

The Mayor further noted that two members of staff had distinguished themselves in recent weeks: Vicki Gannon, Human Resources Manager, took part in a Camosun College Recreation Management program helping students with job market skills; and Greg McLeod, the District's parking enforcement officer and member of the Canadian Corps of Commissionaires, who noticed a person in distress and assisted the Oak Bay Police in monitoring and rescuing her as she entered the water. The Mayor noted Mr. McLeod's actions were thoughtful, alert and above and beyond his duties in assistance to the general public.

PUBLIC PARTICIPATION PERIOD:

5. The following speakers addressed Council during the Public Participation Period:

David Shillington, Oak Bay resident, said he had two areas of concern: deer management and the status of Oak Bay Lodge. He noted for Council that deer meat is a valuable resource and that simply culling the deer is a waste, and suggested ways of utilizing the resource. He also stated that the proposal to close Oak Bay Lodge and move its residents out of the community is unjust and he is prepared to gather 400 signatures on a petition to stop the process.

Mayor Jensen noted that farming deer is not permitted by Provincial regulations, and that the District of Oak Bay has no say in the disposition of Oak Bay Lodge as it is property owned by Island Health.

Charlayne Thornton-Joe, City of Victoria councillor, requested that Council provide the requested funding to the annual Canada Day as it has for most of the past 15 years. She outlined the history of the event, noted the participation of Oak Bay residents in the event and stated she hoped Council would reconsider its previous decision not to provide funding.

COMMUNICATIONS:

6. ***Special Event Application – Request for Commercial Activity in Willows Park, May 29, 2016***
- Note – Acting Director of Corporate Services – Oak Bay High School Kids Fun Day, May 29, 2016
 - Corresp. – Oak Bay High School Leadership, Apr. 17, 2016
 - Report, Director of Parks, Recreation & Culture, Apr. 6, 2016

MOVED and seconded: That whereas Council has made the determination that the proposed occupancy of Willows Park on May 29, 2016 for the purposes of holding an event including the sale of goods and refreshments, will be of general benefit to the municipality at large, and does not detract from the purpose of the land as a public place for recreation, ornamentation or preservation of the natural environment, approval be granted for the Event as described on the application from Oak Bay High School Leadership Group received March 17, 2016, subject to the Event Organizer entering into a public property occupancy agreement in which it will among other standard requirements:

1. release and indemnify the Municipality from any claims or liability associated with the event and providing evidence of public liability insurance in the amount of not less than \$3,000,000; and
2. agree to pay all invoices from the Municipality for costs incurred in connection with the event;

with the Acting Director of Corporate Services being authorized to execute such agreement on behalf of the District of Oak Bay.

CARRIED

7. ***Special Event Application – Request for Temporary Occupancy of Municipal Hall Front Lawn, May 31, 2016***

- Note – Acting Director of Corporate Services – Bike to Work Society – Celebration Station, May 31, 2016
- Corresp. – Greater Victoria Bike to Work Society, Apr. 14, 2016

MOVED and seconded: That the occupancy of the green space in front of Oak Bay Municipal Hall on May 31, 2016 for the purposes of holding a Celebration Station, be approved as described in the application from the Greater Victoria Bike to Work Society received April 14, 2016 subject to the Event Organizer entering into a public property occupancy agreement in which it will among other standard requirements:

1. release and indemnify the Municipality from any claims or liability associated with the event and provide evidence of public liability insurance in the amount of not less than \$2,000,000;
2. agree to pay all invoices from the Municipality for costs incurred in connection with the event,

with the Acting Director of Corporate Services being authorized to execute such agreement on behalf of the District of Oak Bay.

CARRIED

8. ***Special Event Application – Request for Commercial Activity in Willows Park, Aug. 12-14, 2016***

- Note – Acting Director of Corporate Services – Request for Commercial Activity in Parks, Aug. 13 and 14, 2015
- Note – Acting Director of Corporate Services – Request for Temporary Occupancy on Roadways, August 12, 13 and 14, 2016
- Report – Manager, Recreation and Culture, Apr. 3, 2016
- Appendix A – Willows Park Map
- Appendix B – Oak Bay Marina Map

MOVED and seconded: That whereas Council has made the determination that the proposed occupancy of Willows Park on Aug. 13 and 14, 2016 for the purposes of holding an event including the sale of goods and refreshments, will be of general benefit to the municipality at large, does not detract from the purpose of the land as a public place for recreation, ornamentation or preservation of the natural environment, and is ancillary to an event under the auspices and control of the Municipality, approval be granted for the Event as described on the report from the Manager of Recreation and Culture dated April 3, 2016, subject to the Event Organizer entering into a public property occupancy agreement in which it will among other standard requirements:

1. release and indemnify the Municipality from any claims or liability associated with the event and providing evidence of public liability insurance in the amount of not less than \$3,000,000;
2. agree to pay all invoices from the Municipality for costs incurred in connection with the event,

with the Manager of Recreation and Culture being authorized to execute such agreement on behalf of the District of Oak Bay, and that all normal permit fees associated with the event be waived.

CARRIED

MOVED and seconded: That the occupancy of the parking lot at Willows Park and a portion of the parking spots on The Esplanade north of Willows Park from 8:00 AM to 8:00 PM on August 13 and 14 for the purpose of holding canoe races, be approved as described in the April 3, 2016 report to the Parks Recreation and Culture Commission and as generally described on the map attached to this note as Appendix A, subject to the Event Organizer entering into a public property occupancy agreement in which it will among other standard requirements:

1. release and indemnify the Municipality from any claims or liability associated with the event and providing evidence of public liability insurance in the amount of not less than \$3,000,000; and
2. agree to pay all invoices from the Municipality for costs incurred in connection with the event,

with the Manager of Recreation and Culture being authorized to execute such agreement on behalf of the District of Oak Bay; and

That the overnight occupancy of the parking lot at Oak Bay Marina on August 12, 13 and 14 for the purpose of holding canoe races, be approved as described in the April 3, 2016 report to the Parks Recreation and Culture Commission and as generally described on the map attached to this note as Appendix B, subject to the Event Organizer entering into a public property occupancy agreement in which it will among other standard requirements:

1. release and indemnify the Municipality from any claims or liability associated with the event and providing evidence of public liability insurance in the amount of not less than \$3,000,000; and
2. agree to pay all invoices from the Municipality for costs incurred in connection with the event,

with the Manager of Recreation and Culture being authorized to execute such agreement on behalf of the District of Oak Bay.

CARRIED

9. ***Request for Proposal Award – Residential Infill Strategy***

- Report – Planner, April 14, 2016

MOVED and seconded: That the contract for the Residential Infill Strategy be awarded to Urban Forum Associates based on the Urban Forum Associates request for proposal submission in the amount of \$74,000.

Discussion by Council ensued, with it being noted that this initiative is in concert with the Official Community Plan and that other aspects of the OCP should be taken into account in its execution.

The question was then called.

CARRIED

The Director of Building and Planning noted that this process will take about a year to complete. Responding to questions from Council, the Director noted that the Advisory Planning Commission was advised of the terms of reference and will be consulted during the process.

10. ***New Building Canada Fund – Small Communities Fund (NBCF-SCF)***

- Report – Acting Director of Engineering Services, Apr.18, 2016

MOVED and seconded: That the Acting Director of Engineering Services be authorized, on behalf of the District of Oak Bay, to submit an application to the Ministry of Community, Sport and Cultural Development for the Uplands Combined Sewer Separation Project.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

11. ***Estimates and Strategic Planning Process Improvements***

Councillor Zhelka stated that he is looking forward to the creation of a new process that would tie the estimates and strategic planning processes more closely together to allow Council to take ownership of the strategic priorities and budget processes and outcomes. He noted the need for fiscal responsibility and hoped that the new processes would allow District staff to review programs and identify programs that are no longer serving the interests of the municipality. In response to questions from Council, the CAO noted that the strategic planning session has been delayed while the District fills several senior staff vacancies.

Discussion ensued around the time frame of the next strategic planning session, when to discuss what programs might no longer be required, and whether a “dashboard” program such as that used by the Capital Regional District would work for Oak Bay.

Sound Island Prosperity Project

Councillor Croft noted that the South Vancouver Island Economic Development Association has rebranded itself as the South Island Prosperity Project, announced that Emilie de Rosenroll has been appointed Chief Executive Officer and that Bill Bergen was elected chair.

Report on the Capital Regional District (CRD)

Mayor Jensen noted that he had nothing to report on the CRD other than that the City of Victoria was holding a meeting on the future of sewage treatment in the area at the Conference Centre later in the evening.

RESOLUTIONS:

MOVED and seconded: That the agenda be amended to address items 15 through 19 prior to dealing with items 12, 13 and 14.

It was noted that this would allow those members of the public attending in regard to their land use applications to have their items dealt with prior to the budget items.

The question was then called.

CARRIED

15. ***Development Variance Permit (DVP) Application – 3125 Uplands Road***

- Resolution Notice – 3125 Uplands Road
- Plans – DVP, USD – 3125 Uplands Road, Mar. 8, 2016

MOVED and seconded: That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 3125 Uplands Road (Parcel A, (DD 4188e*) of Lot 1, Block 20, Section 31, Victoria District, Plan 1216A) varying the following provisions of Bylaw No. 3531, *Zoning Bylaw, 1986* as amended:

<u>Zoning Bylaw Section</u>	<u>Required/ Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.2.4.(2)(a) Minimum Setback Front Lot Line	10.66 m	5.46 m	5.20 m
6.2.4.(2)(c) Minimum Setback Interior Side Lot Line	4.57 m	2.10 m	2.47 m
6.2.4.(3)(c) Maximum Roof Height	4.60 m	5.60 m	1.00 m
6.2.4.(7) Distance Between Buildings and Structures (between Cabana and Outdoor Pool)	3.00 m	2.63 m	0.37 m
6.2.4.(7) Distance Between Buildings and Structures (between Cabana and Principle Building)	3.00 m	2.57 m	0.43 m

to accommodate the proposed renovation of an existing single family dwelling and the construction of two accessory buildings, as shown on the plans appended to Committee of the Whole agenda item number 7, being a memorandum from the Planner dated April 12, 2016.

MOVED and seconded: That the motion in respect to the development variance permit for 3125 Uplands Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

16. ***Development Variance Permit (DVP) Application – 127 Barkley Terrace***

- Resolution Notice – 127 Barkley Terrace
- Plans – DVP – 127 Barkley Terrace, Mar. 8, 2016

MOVED and seconded: That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 127 Barkley Terrace (Lot 2, Section 19, Victoria District, Plan 19402) varying the following provisions of Bylaw No. 3531, *Zoning Bylaw, 1986* as amended:

<u>Zoning Bylaw Section</u>	<u>Required/ Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.4.4.(3)(a) Maximum Building Height	7.32 m	9.62 m	2.30 m
6.4.4.(3)(c) Maximum Roof Height	9.14 m	9.95 m	0.81 m

to accommodate the proposed renovation of the roof line of an existing single family dwelling, as shown on the plans appended to Committee of the Whole agenda item number 8, being a memorandum from the Planner dated April 8, 2016.

MOVED and seconded: That the motion in respect to the development variance permit for 127 Barkley Terrace be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

17. ***Development Variance Permit (DVP) Application – 941 Island Road***

- Resolution Notice – 941 Island Road
- Plans – DVP – 941 Island Road, Feb. 29, 2016
- Corresp. Up to April 14, 2016 – DVP application – 941 Island Road
- ADDENDA – April 15 – 25, 2016 – Corresp. – DVP Application – 941 Island Road

MOVED and seconded: That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 941 Island Road (Lot 3, Section 22, Victoria

District, Plan 4242) varying the following provisions of Bylaw 3531, *Zoning Bylaw, 1986* as amended:

<u>Zoning Bylaw Section</u>	<u>Required/ Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.5.4.(3)(a) Maximum Building Height	6.83 m	7.68 m	0.85 m
6.5.4.(3)(b) Maximum Occupiable Height	4.27 m	5.19 m	0.92 m

to accommodate the proposed addition to the second storey of an existing single family dwelling, as shown on the plans appended to Committee of the Whole agenda item number 9, being a memorandum from the Planner date April 8, 2016.

MOVED and seconded: That the motion in respect to the development variance permit for 941 Island Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

18. ***Development Variance Permig (DVP) Application – 3050 Beach Drive***

- Resolution Notice – 3050 Beach Drive
- Plans – DVP – 3050 Beach Drive, Oct. 10, 2015

MOVED and seconded: That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 3050 Beach Drive (Lot 19, Block B, Section 31, Victoria District, Plan 3560) varying the following provisions of Bylaw No. 3531, *Zoning Bylaw, 1986* as amended:

<u>Zoning Bylaw Section</u>	<u>Required/ Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.2.4.(2)(b) Maximum Setback Rear Lot Line	7.62 m	5.83 m	1.79 m

to address the incorrect siting of an existing single family dwelling, as shown on the plans appended to Committee of the Whole agenda item number 10, being a memorandum from the Planner dated April 8, 2016.

MOVED and seconded: That the motion in respect to the development variance permit for 3050 Beach Drive be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

19. **Development Variance Permit (DVP) Application – 2664 Dunlevy Street**

- Resolution Notice – 2664 Dunlevy Street
- Plans – DVP – 2664 Dunlevy, March 9, 2016

MOVED and seconded: That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2664 Dunlevy Street (Lot 28, Block 7, Section 2, Victoria District, Plan 379) varying the following provisions of Bylaw No. 3540, *Parking Facilities Bylaw, 1986* as amended:

<u>Parking Facilities Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
4.7 Parking Spaces Within a Building	1	0	1

To accommodate the proposed renovation of the garage in an existing single family dwelling into an additional living space, as shown on the plans appended to Committee of the Whole agenda item number 11, being a memorandum from the Planner dated April 8, 2016.

MOVED and seconded: That the motion in respect to the development variance permit for 2664 Dunlevy Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

12. **Referrals for 2016 Budget**

- Referrals for 2016 Budget

MOVED and seconded: That the request for funding from Atomique Productions on behalf of the City of Victoria for Canada Day celebrations in the amount of \$1,000 be included among the referrals for the 2016 Budget.

CARRIED

MOVED and seconded: That the request for funding from NEED2 Suicide Prevention Education and Support in the amount of \$1,000 be included among the referrals for the 2016 Budget.

Discussion ensued regarding the merits of the application, it being noted that the program provides services to students in Oak Bay and that funding for the program is still said to be inadequate; alternately, there appear to be many services available for the target audience and that the group was notified last year that no further funding would be extended.

The question was then called.

DEFEATED

Mayor Jensen and Councillors Braithwaite, Murdoch,
Ney and Zhelka against the motion

MOVED and seconded: That funding for deer management in the amount of \$30,000 be included among the referrals for the 2016 Budget.

Discussion ensued regarding funding for deer management, with those in favour of the funding noting that the longer the District waits to deal with deer the more expensive it will be to do so, and that without the funding there will be no management action in 2016. Those opposed noted that Oak Bay is not resourced to address deer management which is a provincial government issue, that the issue is one that has proven to be divisive, and that there are other priorities set by Council on which District staff should be focused.

The question was then called.

DEFEATED
Councillors Croft, Kirby, Ney and Zhelka
against the motion

MOVED and seconded: That the amended list of items recommended for inclusion in the 2016 budget be endorsed as follows:

REFERRALS

Deer Management	--
S.V.I Economic Development Assoc.	\$26,233
Bowker Creek Coordinator	\$10,307
Community Assn. of Oak Bay	\$1,500
Oak Bay Heritage Foundation	\$3,000
V. I. South Film and Media Commission	\$10,000
Greater Victoria Bike to Work	\$2,000
Friends of Uplands Park	\$1,500
Atomique / City of Victoria Canada Day	\$1,000
Oak Bay Sea Rescue Society	\$3,000
Oak Bay Music Society	\$500
Oak Bay Community Artists Society	\$300
Town Crier	\$250
NEED2 Suicide Prevention Education & Support	--
Oak Bay Volunteer Services	\$5,000
St. John Ambulance	\$1,200
Cadboro Bay / Thompson Traffic Calming Phase 2	\$45,000
	<u>\$110,790</u>

CARRIED

Councillor Zhelka left the meeting at 8:13 PM noting a perceived conflict of interest due to his membership on the board of directors of the Tall Ships Society.

13. **Endorsement of Grant Already Included in the Estimates Budget – Maritime Museum of BC**
- Endorsement of Grant Already Included in the Estimates Budget – Maritime Museum of BC

MOVED and seconded: That the grant in the amount of \$1,500 for the Maritime Museum of British Columbia, as already incorporated in the 2016 Estimates budget and as discussed during the 2016 Estimates meetings, be endorsed for inclusion in the 2016 Budget.

CARRIED

Councillor Zhelka reentered the meeting at 8:14 PM.

14. **Endorsement of Grants Already Included in the Estimates Budget**
- Endorsement of Grants Already Included in the Estimates Budget

MOVED and seconded: That the following grants, already incorporated in the 2016 Estimates budget and as discussed during the 2016 Estimates meetings, be endorsed for inclusion in the 2016 Budget:

General Governance		
BIA - Oak Bay Village Improvement	\$80,570	
Heritage Foundation (Victoria Foundation)	\$1,021	
Halloween - Kiwanis	\$500	
Oak Bay High Scholarship	\$1,500	
Chinese Consolidated Benevolent Fund	\$3,000	
Oak Bay United Church re parking availability	\$3,500	
One-time / special project requests	\$10,000	
Employees	\$575	
Sub Total		\$100,666
Social Services		
Integrated Recreation	\$6,590	\$6,590
Other		
Oak Bay Volunteers Services Society	\$25,000	\$25,000
TOTAL		\$132,256
		CARRIED

ADJOURNMENT:

Motion to Adjourn

MOVED and seconded: That the open portion of the meeting of Council be adjourned and that a closed session be convened to discuss information that concerns the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality.

CARRIED

The open portion of the meeting adjourned at 8:16 PM.

Certified Correct:

Mayor

Acting Director of Corporate Services