

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, Oak Bay, B.C., on Monday April 27, 2015 at 7:30 p.m.

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

STAFF: Chief Administrative Officer, H. Koning
Municipal Clerk, L. Hilton
Director of Building and Planning, R. Thomassen
Director of Engineering Services, D. Marshall
Deputy Treasurer/Manager of IT Services, F. Pimentel

MINUTES AND REPORTS:

1 - 6 *Minutes and Reports - Various*

- Estimates Committee – March 26, 2015
- Estimates Committee – April 8, 2015
- Public Hearing – April 13, 2015
- Council Minutes – April 13, 2015
- Estimates Committee – April 15, 2015
- Committee of the Whole – April 20, 2015

MOVED by Councillor Ney

Seconded by Councillor Braithwaite, That the following minutes and reports, and the recommendations contained therein, be adopted as circulated: Estimates Committee, March 26, 2015; Estimates Committee, April 8, 2015; Public Hearing, April 13, 2015; Council, April 13, 2015; Estimates Committee, April 15, 2015; and Committee of the Whole, April 20, 2015.

With respect to the decision to permit temporary occupancy of and commercial activity on public property by the Oak Bay Business Improvement Association for the Night Markets, as noted in Item 7 of the April 13, 2015 Council minutes, Mayor Jensen noted that Section 131 of the Community Charter provides allowance for a mayor to require council reconsideration of a matter. The Mayor then gave notice that at the Council meeting on May 11, 2015 he may be directing Council to reconsider the decision to permit occupancy of the front lawn of the Municipal Hall subject to various points of clarification in advance of the meeting.

CARRIED

MAYOR'S REMARKS:

7. The Mayor provided remarks on the following topics:

Community Engagement Bus Tour

The Mayor offered thanks to the Heritage Foundation, the Heritage Commission and Dr. Larry McCann for the Community Engagement Bus Tour held this past Sunday.

Thanks to the Acting Mayor

Mayor Jensen offered thanks to Councillor Ney for attending the Royal Victoria Yacht Club and the Times Colonist Half Marathon on his behalf and representing the District of Oak Bay as Acting Mayor.

Eastside Select Committee – Public Update and Workshop

The Mayor drew attention to the Capital Regional District’s Eastside Select Committee’s upcoming public meeting on wastewater treatment on April 29, 2015 at the Royal BC Museum.

PUBLIC PARTICIPATION PERIOD:

8. The following speaker addressed Council during the Public Participation Period:

Andrew Stinson, Oak Bay resident, drew Council’s attention to the event “Youth Combating Intolerance”, noting that having participated in the program previously, he is helping to organize it this year. Mr. Stinson commented on the excellent opportunities this program provides for youth.

COMMUNICATIONS:

9. ***Request for Endorsement of Correspondence - 2022 Commonwealth Games***

- Corresp. - David Black, Apr. 9, 2015

Mayor Jensen provided an overview of the request to endorse correspondence proposing the Greater Victoria area as an alternative location for the 2022 Commonwealth Games. It was noted that the City of Victoria and some other municipalities in the region have already endorsed the correspondence.

MOVED by Councillor Braithwaite

Seconded by Councillor Zhelka, That the Mayor be authorized to sign the correspondence proposing the Greater Victoria area as an alternative location for the 2022 Commonwealth Games, as attached to agenda item 9 of the April 27, 2015 Council agenda.

CARRIED

10. ***Council Strategic Plan 2015 - 2018***

- Report - Chief Administrative Officer, Apr. 27, 2015
- Rpt Attach - Proposed Council Strategic Plan 2015 - 2018

Mayor Jensen introduced the proposed Council Strategic Plan 2015 – 2018 and provided a presentation in this regard, outlining the six overarching objectives, the associated deliverables and the connection to the budget for 2015.

MOVED by Councillor Ney

Seconded by Councillor Braithwaite, That the Council Strategic Plan 2015 – 2018 be adopted.

CARRIED

11. ***Environmental Advisory Committee (EAC) Minutes***

- Note - Municipal Clerk - EAC Minutes, Feb. 19 and Mar. 19, 2015
- Minutes - EAC, Feb. 19, 2015
- Minutes - EAC, Mar. 18, 2015

MOVED by Councillor Ney

Seconded by Councillor Kirby, That the minutes of the Environmental Advisory Committee meetings held on February 19, 2015 and March 18, 2015 be received.

CARRIED

12. ***Oak Bay Heritage Commission (H Comm) Minutes***

- Note - Municipal Clerk - H Comm Minutes, Apr. 14, 2015
- Minutes - OB H Comm, Apr. 14, 2015

MOVED by Councillor Braithwaite

Seconded by Councillor Ney, That the minutes of the Oak Bay Heritage Commission meeting held on April 14, 2015 be received.

CARRIED

NEW BUSINESS/CAPITAL REGIONAL DISTRICT/REPORTS FROM OTHER COMMITTEES:

13. ***New Business***

Discussion ensued regarding new liquor license legislation which may permit the sale of liquor in grocery stores.

MOVED by Councillor Ney

Seconded by Councillor Kirby, That the Director of Building and Planning undertake a brief review of the appropriate municipal bylaws with respect to liquor sales in grocery stores and provide an update to Council in this regard, for information.

CARRIED

RESOLUTIONS:

14. ***Appointment to Inter-Municipal Climate Action Steering Committee (IMCASC)***

- Resolution Notice - Appointment to IMCASC
- Purpose Document - IMCASC

MOVED by Councillor Ney

Seconded by Councillor Zhelka, That Councillor Braithwaite be appointed to the Inter-Municipal Climate Action Steering Committee for the remainder of the 2015 – 2018 Council Term.

CARRIED

15. **Execution of Covenant - 1960 Bowker Place**
- Resolution Notice - Covenant - 1960 Bowker Place
 - Covenant - 1960 Bowker Place

MOVED by Councillor Braithwaite

Seconded by Councillor Zhelka, That the Mayor and Municipal Clerk be authorized to do all acts and things necessary to execute the Section 219 (Land Title Act) covenant between Charles T. Middleton and Dagmar E. Middleton and The Corporation of the District of Oak Bay, regarding Lot 25, Section 61, Victoria District, Plan 4053 (1960 Bowker Place) as substantially set out in the form attached to the printed resolution considered by Council on April 27, 2015.

CARRIED

16. **First Nation Property Tax, Services and Economic Development in British Columbia**
- Resolution Notice - UBCM Feedback - First Nation Property Tax, Services and Economic Development in BC
 - Attach. - Report by Professor Robert Bish & Fiscal Realities

MOVED by Councillor Braithwaite

Seconded by Councillor Ney, That, in respect to its request for feedback on the “First Nation Property Tax, Services and Economic Development in British Columbia” report, the Union of British Columbia Municipalities be advised that the District of Oak Bay Municipal Council is in general support of the conclusions and suggestions put forth in the report, with a recommendation to change the wording in suggestion #2 on page 35 to include either a request from a municipal council or a First Nation for exclusion of a First Nation reserve from municipal boundaries.

Councillor Braithwaite provided an overview of the “First Nation Property Tax, Services and Economic Development in British Columbia” report and her recommendations in that regard.

The question was then called.

CARRIED

17. **Development Variance Permit (DVP) Application - 671 Linkleas Avenue**
- DVP Resolution - 671 Linkleas Avenue
 - Plans - DVP - 671 Linkleas Ave, Feb. 11, 2015

MOVED by Councillor Kirby

Seconded by Councillor Ney, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 671 Linkleas Avenue (The Westerly 80 Feet of Lot 2, Block 5, Section 73, Victoria District, Plan 992) varying the following provisions of Bylaw No. 3531 *Zoning Bylaw, 1986*, as amended:

<u>Zoning Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
6.5.4.(2)(a) Front lot line setback	7.62 m	2.53 m	5.09 m

to accommodate the construction of an accessory building as shown on the plans appended to Committee of the Whole agenda item number 6, being a report from the Director of Building and Planning dated March 27, 2015, including a condition requiring a minimum distance of 1.0 m between the Sequoia tree base and the roof structure of the carport.

MOVED by Councillor Kirby

Seconded by Councillor Ney, That the motion in respect to the development variance permit for 671 Linkleas Avenue be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

18. ***Development Variance Permit (DVP) Application - 2201-2217 Oak Bay Avenue***

- DVP Resolution - 2201 - 2217 Oak Bay Avenue
- Plans - DVP - 2201 Oak Bay Ave - rcvd, Feb. 26 & Mar. 3, 2015

MOVED by Councillor Kirby

Seconded by Councillor Ney, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2201 – 2217 Oak Bay Avenue (Lot 1, Section 23, Victoria District, Plan 1292) 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>
A.3 C-3 Zoning Parking Spaces	63 parking spaces	11 parking spaces	52 parking spaces

to vary the parking requirements for the existing mixed use building, accommodating a new coffee house, as shown on the plans appended to Committee of the Whole agenda item number 7, being a report from the Director of Building and Planning dated April 10, 2015.

MOVED by Councillor Kirby

Seconded by Councillor Ney, That the motion in respect to the development variance permit for 2201-2217 Oak Bay Avenue be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

19. ***Development Variance Permit (DVP) Application - 2770 Thompson Avenue***

- DVP Resolution - 2770 Thompson Avenue
- Plans - DVP - 2770 Thompson Ave - Apr. 9, 2015

MOVED by Councillor Kirby

Seconded by Councillor Ney, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2770 Thompson Avenue (Lot 28, Block 7, Section 2, Victoria District, Plan 379A) 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 building	1 space in a building	0 spaces in a building	No parking provided in a building

to eliminate the requirement for having a covered parking space as shown on the plans appended to Committee of the Whole agenda item number 8, being a report from the Director of Building and Planning dated April 10, 2015.

MOVED by Councillor Kirby

Seconded by Councillor Ney, That the motion in respect to the development variance permit for 2770 Thompson Avenue be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

20. ***Development Variance Permit (DVP) Application - 305 King George Terrace***

- DVP Resolution - 305 King George Terrace
- Plans - DVP - 305 King George Terr - rcvd, Apr. 16, 2015

MOVED by Councillor Kirby

Seconded by Councillor Ney, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 305 King George Terrace (Lot 15, Section 22, Victoria District, Plan 2103) varying the following provisions of Bylaw No. 3531 *Zoning Bylaw, 1986*, as amended:

<u>Zoning Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
6.5.4.(11) Second storey interior side lot line setback	3.0 m	1.52 m	1.48 m

to accommodate the construction of an upper floor deck, as described in the report from the Director of Building and Planning dated April 15, 2015, appended to Committee of the Whole agenda item number 9.

MOVED by Councillor Kirby

Seconded by Councillor Ney, That the motion in respect to the development variance permit for 305 King George Terrace be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

21. ***Development Variance Permit (DVP) Application - 1880 Greatford Place***

- DVP Resolution - 1880 Greatford Place
- Plans - DVP - 1880 Greatford Pl, rcvd, Mar. 17, 2015

MOVED by Councillor Kirby

Seconded by Councillor Ney, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 1880 Greatford Place (Lot 9, Section 61, Victoria District, Plan 4053) that would vary the requirement of section 7.4.1(a) of Bylaw No. 3540 Parking Facilities Bylaw, 1986, to permit one half of the required two parking spaces to be provided as small car parking in the garage, as shown in the plans appended to Committee of the Whole agenda item number 10, being a report from the Director of Building and Planning dated April 15, 2015.

MOVED by Councillor Kirby

Seconded by Councillor Ney, That the motion in respect to the development variance permit for 1880 Greatford Place be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

BYLAWS:

22. ***Bylaw Memorandum***

- Memo - Municipal Clerk, Apr. 27, 2015

23. ***For First, Second and Third Reading***

- 4637, Financial Plan Bylaw, 2015
- 4638, Capital Works Equipment Reserve Fund Appropriation Bylaw, 2015
- 4639, Heritage Reserve Fund Appropriation Bylaw, 2015
- 4640, Land Sale Reserve Fund Appropriation Bylaw, 2015
- 4641, Boulevard Frontage Tax Bylaw Amendment Bylaw, 2015
- 4642, Machinery Equipment Depreciation Reserve Fund Appropriation Bylaw, 2015
- 4643, Refuse Collection and Disposal Bylaw Amendment Bylaw, 2015
- 4644, Alternative Transportation Infrastructure Reserve Fund Appropriation Bylaw, 2015
- 4645, Tax Rates Bylaw, 2015

MOVED by Councillor Braithwaite

Seconded by Councillor Kirby, That Bylaw No. 4637, *Financial Plan Bylaw, 2015*, be introduced and read a first time.

CARRIED

MOVED by Councillor Braithwaite

Seconded by Councillor Kirby, That Bylaw No. 4637, *Financial Plan Bylaw, 2015*, be read a second time.

Mayor Jensen asked if anyone in attendance wished to address Council regarding the *Financial Plan Bylaw, 2015*.

Andrew Stinson, Oak Bay resident, requested information on the increase in capital expenditure identified in 2018, and was advised that staff would follow up with him in this regard with specific details.

No other members of the public rose to speak on the bylaw.

The question was then called.

CARRIED

MOVED by Councillor Braithwaite

Seconded by Councillor Kirby, That Bylaw No. 4637, *Financial Plan Bylaw, 2015*, be read a third time.

CARRIED

MOVED by Councillor Braithwaite

Seconded by Councillor Kirby, That Bylaw No. 4638, *Capital Works Equipment Reserve Fund Appropriation Bylaw, 2015*, be introduced and read a first time.

CARRIED

MOVED by Councillor Braithwaite

Seconded by Councillor Kirby, That Bylaw No. 4638, *Capital Works Equipment Reserve Fund Appropriation Bylaw, 2015*, be read a second time.

CARRIED

MOVED by Councillor Braithwaite

Seconded by Councillor Kirby, That Bylaw No. 4638, *Capital Works Equipment Reserve Fund Appropriation Bylaw, 2015*, be read a third time.

CARRIED

MOVED by Councillor Braithwaite

Seconded by Councillor Kirby, That Bylaw No. 4639, *Heritage Reserve Fund Appropriation Bylaw, 2015*, be introduced and read a first time.

CARRIED

MOVED by Councillor Braithwaite

Seconded by Councillor Kirby, That Bylaw No. 4639, *Heritage Reserve Fund Appropriation Bylaw, 2015*, be read a second time.

CARRIED

MOVED by Councillor Braithwaite

Seconded by Councillor Kirby, That Bylaw No. 4639, *Heritage Reserve Fund Appropriation Bylaw, 2015*, be read a third time.

CARRIED

MOVED by Councillor Braithwaite
Seconded by Councillor Kirby, That Bylaw No. 4640, *Land Sale Reserve Fund Appropriation Bylaw, 2015*, be introduced and read a first time.

CARRIED

MOVED by Councillor Braithwaite
Seconded by Councillor Kirby, That Bylaw No. 4640, *Land Sale Reserve Fund Appropriation Bylaw, 2015*, be read a second time.

CARRIED

MOVED by Councillor Braithwaite
Seconded by Councillor Kirby, That Bylaw No. 4640, *Land Sale Reserve Fund Appropriation Bylaw, 2015*, be read a third time.

CARRIED

MOVED by Councillor Braithwaite
Seconded by Councillor Kirby, That Bylaw No. 4641, *Boulevard Frontage Tax Bylaw Amendment Bylaw, 2015*, be introduced and read a first time.

CARRIED

MOVED by Councillor Braithwaite
Seconded by Councillor Kirby, That Bylaw No. 4641, *Boulevard Frontage Tax Bylaw Amendment Bylaw, 2015*, be read a second time.

CARRIED

MOVED by Councillor Braithwaite
Seconded by Councillor Kirby, That Bylaw No. 4641, *Boulevard Frontage Tax Bylaw Amendment Bylaw, 2015*, be read a third time.

CARRIED

MOVED by Councillor Ney
Seconded by Councillor Zhelka, That Bylaw No. 4642, *Machinery Equipment Depreciation Reserve Fund Appropriation Bylaw, 2015*, be introduced and read a first time.

CARRIED

MOVED by Councillor Ney
Seconded by Councillor Zhelka, That Bylaw No. 4642, *Machinery Equipment Depreciation Reserve Fund Appropriation Bylaw, 2015*, be read a second time.

CARRIED

MOVED by Councillor Ney

Seconded by Councillor Zhelka, That Bylaw No. 4642, *Machinery Equipment Depreciation Reserve Fund Appropriation Bylaw, 2015*, be read a third time.

CARRIED

MOVED by Councillor Ney

Seconded by Councillor Zhelka, That Bylaw No. 4643, *Refuse Collection and Disposal Bylaw Amendment Bylaw, 2015*, be introduced and read a first time.

CARRIED

MOVED by Councillor Ney

Seconded by Councillor Zhelka, That Bylaw No. 4643, *Refuse Collection and Disposal Bylaw Amendment Bylaw, 2015*, be read a second time.

CARRIED

MOVED by Councillor Ney

Seconded by Councillor Zhelka, That Bylaw No. 4643, *Refuse Collection and Disposal Bylaw Amendment Bylaw, 2015*, be read a third time.

CARRIED

MOVED by Councillor Ney

Seconded by Councillor Zhelka, That Bylaw No. 4644, *Alternative Transportation Infrastructure Reserve Fund Appropriation Bylaw, 2015*, be introduced and read a first time.

CARRIED

MOVED by Councillor Ney

Seconded by Councillor Zhelka, That Bylaw No. 4644, *Alternative Transportation Infrastructure Reserve Fund Appropriation Bylaw, 2015*, be read a second time.

CARRIED

MOVED by Councillor Ney

Seconded by Councillor Zhelka, That Bylaw No. 4644, *Alternative Transportation Infrastructure Reserve Fund Appropriation Bylaw, 2015*, be read a third time.

CARRIED

MOVED by Councillor Ney

Seconded by Councillor Zhelka, That Bylaw No. 4645, *Tax Rates Bylaw, 2015*, be introduced and read a first time.

CARRIED

MOVED by Councillor Ney

Seconded by Councillor Zhelka, That Bylaw No. 4645, *Tax Rates Bylaw, 2015*, be read a second time.

CARRIED

MOVED by Councillor Ney

Seconded by Councillor Zhelka, That Bylaw No. 4645, *Tax Rates Bylaw, 2015, 2015*, be read a third time.

CARRIED

ADJOURNMENT:

24. *Motion to Adjourn to In Camera Session*

MOVED by Councillor Braithwaite

Seconded by Councillor Ney, That the open portion of the meeting of Council be adjourned and that a closed session be convened to discuss: personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality; labour relations or other employee relations; and the acquisition, disposition or expropriation of land or improvements, as Council considers that disclosure could reasonably be expected to harm the interests of the municipality.

CARRIED

The meeting adjourned at 8:55 p.m.

Certified Correct:

Municipal Clerk

Mayor