

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 22, 2013 at 7:30 p.m.

PRESENT: Mayor N. B. Jensen, Chairman  
Councillor P. Copley  
Councillor J. Herbert  
Councillor M. Kirby  
Councillor K. Murdoch  
Councillor T. Ney

STAFF: Municipal Administrator, G. Nason  
Municipal Clerk, L. Hilton  
Deputy Municipal Clerk, M. Jones  
Municipal Treasurer, P. Walker  
Director of Building and Planning, R. Thomassen  
Director of Engineering Services, D. Marshall

Mayor Jensen noted that Gerry Adam will be retiring as Fire Chief and that his dedication, duty and enthusiasm would be dearly missed. The Mayor also introduced and provided a brief biography of the new Fire Chief, Dave Cockle, the new Deputy Chief, Tom Pearse and the new Assistant Chief, Don Roskelley.

Mayor Jensen called the meeting to order at 7:38 p.m.

ADOPTION OF MINUTES:

*Estimates Committee – March 13, 2013*

MOVED by Councillor Herbert  
Seconded by Councillor Ney, That the minutes of the meeting of Estimates Committee held on Wednesday, March 13, 2013, and the recommendations contained therein, be adopted.

CARRIED

*Estimates Committee – April 4, 2013*

MOVED by Councillor Herbert  
Seconded by Councillor Ney, That the minutes of the meeting of Estimates Committee held on Thursday, April 4, 2013, and the recommendations contained therein, be adopted.

CARRIED

*Special Council – April 8, 2013*

MOVED by Councillor Herbert  
Seconded by Councillor Ney, That the minutes of the Special Council meeting held on Monday, April 8, 2013, be adopted.

CARRIED

*Council – April 8, 2013*

MOVED by Councillor Herbert  
Seconded by Councillor Ney, That the minutes of the Council meeting held on Monday, April 8, 2013, be adopted.

CARRIED

*Estimates Committee – April 10, 2013*

MOVED by Councillor Herbert

Seconded by Councillor Ney, That the minutes of the meeting of Estimates Committee held on Wednesday, April 10, 2013, and the recommendations contained therein, be adopted.

CARRIED

*Committee of the Whole – April 15, 2013*

MOVED by Councillor Herbert

Seconded by Councillor Ney, That the minutes of the meeting of Committee of the Whole held on Monday, April 15, 2013, and the recommendations contained therein, be adopted.

CARRIED

MAYOR'S REMARKS:

Mayor Jensen commented on the very successful fundraiser by Oak Bay Kiwanis, that raised over \$10,000 for Oak Bay Lodge. The Mayor also noted that Councillor Kirby would serve as Acting Mayor during his absence in May.

PUBLIC PARTICIPATION PERIOD:

Manfred Wissemann, President, Victoria Leaf Club, offered his congratulations to Council on the new installation of electric vehicle charging stations at the Municipal Hall. Mr. Wissemann noted that the 30 minute time restriction was not practical and that many other municipalities in the region had no restrictions on their charging stations. He commented that a 3 hour charging limit was more appropriate and that the stalls should be exclusively for the use of electric vehicles. In concluding his remarks, he noted that the purpose of the provincial funding for the charging stations was to reduce carbon emissions.

In response to Mr. Wissemann, the Mayor noted that the electric vehicle charging stations are currently a pilot project and that staff will monitor and evaluate their use. He thanked Mr. Wissemann for bringing forward these comments and for the work done by the Victoria Leaf Club.

COMMUNICATIONS:

1. 2013-114 MUNICIPAL TREASURER, April 18, 2013  
Re 2012 Financial Statements and Audit Reports

Randy Decksheimer, Partner, Audit, KPMG, was available to respond to questions from Council with respect to the 2012 financial statements and audit report.

Members of Council commented that the format and wording of financial statements and audit reports have become more difficult to read and, as a result, less accessible to the public.

MOVED by Councillor Herbert

Seconded by Councillor Ney, That the 2012 financial statements and other audit reports attached to correspondence item no. 2013-115 be approved.

CARRIED

2. 2013-115 DIRECTOR OF PARKS AND RECREATION, April 22, 2013  
Re Request for Approval of Cardio Equipment Purchase

MOVED by Councillor Herbert

Seconded by Councillor Copley, That:

1. Council approve the purchase of cardio equipment from STAK Fitness at a cost of \$142,685; and
2. That Council approve the purchase of two spin bikes from Fitness Town Commercial at a cost of \$3,635.

CARRIED

3. 2013-116 CAPITAL REGIONAL DISTRICT, April 16, 2013  
Re Regional Deer Management Update

*From the Capital Regional District, the following staff were in attendance: Marg Misek-Evans, Senior Manager, Regional and Strategic Planning; Jeff Weightman, Project Manager, Regional Deer Management Strategy; and Michael Waters, Manager, Regional Parks.*

Ms. Misek-Evans made a presentation to Council on the status of the Regional Deer Management Strategy (RDMS). After reviewing the background of the RDMS, she provided an overview of the input, current status, and requests to Council from the Capital Regional District (CRD) in four different areas: conflict reduction; population control; deer/vehicle conflict mitigation; and public education.

In concluding her presentation, Ms. Misek-Evans noted that next steps for the RDMS included presenting to other local governments, preparing public education materials, and designing and implementing agricultural and urban pilot projects based on input from municipalities.

Ms. Misek-Evans and Mr. Weightman responded to questions from Council with respect to the cost and other implications of the potential pilot projects, including capture and euthanization. The challenges with determining baseline data were also noted.

Members of Council expressed support for receiving public input with respect to a potential pilot project with the CRD. It was the consensus of Council that the CRD's proposals be brought forward to a Committee of the Whole meeting in June.

4. 2013-117 CANADIAN MENTAL HEALTH ASSOCIATION, April 1, 2013  
2013-117-1 CANADIAN MENTAL HEALTH ASSOCIATION, April 22, 2013  
Re Temporary Occupancy Request for "Ride Don't Hide" Event, Jun. 23, 2013

Ragnhild Flakstad and Kim Finley, Canadian Mental Health Association, provided an overview of the proposed "Ride Don't Hide" Event, noting that the initial request had been for a road closure, but that no closure, only road occupancy, is now requested in the District of Oak Bay. Mr. Finley commented that a similar event has been held in Vancouver for the last four years, and that as it is a leisure ride and not a race, the congestion dissipates as the event proceeds.

MOVED by Councillor Kirby

Seconded by Councillor Copley, That permission be granted for the occupancy of the roads as detailed in correspondence item no. 2013-117-1, for the staging of the "Ride Don't Hide" Event on Sunday, June 23, 2013, 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 \$3,000,000;
- 2) agree to pay all invoices from the Municipality for costs incurred in connection with the event;
- 3) agree to obtain Oak Bay Police approval for a traffic plan and implement the same subject to any field instructions from the Police; and
- 4) agree to provide sufficient notice to all property owners along the proposed route,

with the Municipal Clerk being authorized to execute such agreement on behalf of the District of Oak Bay.

CARRIED

5. 2013-118 DIRECTOR OF ENGINEERING, April 17, 2013  
Re Contract Awards for St. Patrick Storm-Drain Upgrade

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, That it be recommended to Council that:

1. The outfall replacement contract for the St. Patrick Storm Pump Station Upgrade Project be awarded to Heavy Metal Marine as the low bidder, in the amount of \$95,040.00 (net GST); and
2. That the pump replacement contract for the St. Patrick Storm Pump Station Upgrade Project be awarded to Houle Electric as the low bidder, in the amount of \$158, 579.95 (net GST).

CARRIED

6. 2013-119 UNION OF BC MUNICIPALITIES, February 5, 2013  
Re 2013 UBCM Annual Dues

MOVED by Councillor Kirby

Seconded by Councillor Copley, That approval be given for the payment of Union of British Columbia Municipalities membership dues for 2013 in the amount of \$10,049.70.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

*Oak Bay Heritage Foundation 2012-13 Annual General Meeting Report*

MOVED by Councillor Herbert

Seconded by Councillor Kirby, That Council receive the Oak Bay Heritage Foundation 2012-13 Annual General Meeting Report for information.

CARRIED

*Official Community Plan Renewal Project*

The Municipal Administrator noted that this item will remain on future agendas as an opportunity to provide Council with an update on the Official Community Plan (OCP) Renewal Project. Mr. Nason commented that as correspondence is received on the OCP, staff propose to forward copies to the consultant and provide copies in a binder that would be available for Council's review.

Councillor Copley noted that a communication blitz will be undertaken three weeks before the visioning sessions and that a new branding option will be considered at the OCP Project Advisory Committee meeting this Thursday.

*Carbon Offset Credits*

MOVED by Councillor Murdoch  
Seconded by Councillor Herbert, That:

WHEREAS Oak Bay has committed to be carbon neutral; and

WHEREAS Oak Bay currently spends approximately \$35,000 per year on carbon offset credits; and

WHEREAS purchasing locally-based certified carbon offset credits may have benefits to the local economy;

NOW THEREFORE BE IT RESOLVED THAT Council refer to the Environmental Advisory Committee a request to examine possible options for local certified carbon credit purchases, either directly or through Community Carbon Marketplace(s); and

FURTHER BE IT RESOLVED THAT the Environmental Advisory Committee provide a short report listing potential providers of such credits, process requirements for such purchases, and any other recommendations that come through the research.

CARRIED

RESOLUTIONS:

***2595 Musgrave Street***

MOVED by Councillor Murdoch,  
Seconded by Councillor Herbert, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2595 Musgrave Street (Lot 10, Block 7, Section 2, Victoria District, Plan 379), varying the following provision of Bylaw No. 3531, *Zoning Bylaw, 1986*, as amended:

<u>Zoning Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
6.4.4. (2) (c) Minimum interior side lot line setback	1.52 m	1.4 m	0.12 m
6.4.4. (2) (e) Minimum total of side lot line setback	4.57 m	4.2 m	0.37 m
6.4.4. (11) Minimum second storey side lot line setback (north side)	3.0 m	1.4 m	1.6 m
6.4.4. (11) Minimum second storey side lot line setback (South Side)	3.0 m	2.8 m	0.2 m

to accommodate lifting the home and developing the basement as shown on the plans appended to Committee of the Whole agenda item 2013-113 being a memorandum from the Director of Building and Planning dated April 10, 2013.

MOVED by Councillor Murdoch,  
Seconded by Councillor Herbert, That the motion in respect to the development variance permit for 2595 Musgrave Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

***2278 Woodlawn Crescent***

MOVED by Councillor Murdoch,  
Seconded by Councillor Herbert, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2278 Woodlawn Crescent (Lot 2, Section 69, Victoria District, Plan EPP16879), varying the following provision of Bylaw No. 3531, *Zoning Bylaw, 1986*, as amended:

<u>Zoning Bylaw Section</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
4.15.1 Maximum paved surface (front yard)	25% (25.5 m <sup>2</sup> )	39.5% (40.2 m <sup>2</sup> )	14.5% (14.7 m <sup>2</sup> )

to accommodate paved surface as shown on the plans appended to Committee of the Whole agenda item 2013-112 being a memorandum from the Director of Building and Planning dated April 9, 2013.

MOVED by Councillor Murdoch,  
Seconded by Councillor Herbert, That the motion in respect to the development variance permit for 2278 Woodlawn Crescent be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

**BYLAWS:**

It was the consensus of Council that the agenda be amended so that Bylaw No. 4576 be considered at this point in the meeting.

***For Amendment and Setting of a Public Hearing Date***

MOVED by Councillor Ney  
Seconded by Councillor Herbert, That Bylaw No. 4576, as at second reading, be amended by deleting Sections 1 through 5 and replacing them with the following:

- 1 The residential building being constructed in or about 1911, along with all subsequent exterior alterations or additions thereto (hereinafter called “the building”), situate on that parcel or tract of land lying and being in the Municipality of Oak Bay in the Province of British Columbia, and more particularly known and described as

Lot 3, Block 2, Section 23, Victoria District, Plan 1091

is hereby designated as protected pursuant to Section 967 of the Local Government Act.

- 2 In addition to the real property designation provided in Section 1, this Bylaw shall also apply to the affixed interior features or fixtures of the building as set out in Schedule "A" attached hereto.
- 3 Except as authorized by a heritage alteration permit issued by the Municipal Council pursuant to Part 27 of the Local Government Act, in accordance with Section 967(3) of the Local Government Act no person shall:
  - (a) alter the exterior of the building;
  - (b) make a structural change to the building;
  - (c) move the building; or
  - (d) alter, remove or take an action that would damage an interior feature or fixture of the building identified in Schedule "A" attached hereto.
- 4 This Bylaw may be cited as the "**1265 ROSLYN ROAD HERITAGE DESIGNATION BYLAW, 2013**".

CARRIED

MOVED by Councillor Copley

Seconded by Councillor Herbert, That a public hearing on Bylaw No. 4576 be held at the Oak Bay Municipal Hall, on May 13, 2013, at 7:30 p.m., and that notice be given in accordance with the Local Government Act.

CARRIED

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

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, That Bylaw No. 4584, *Financial Plan Bylaw, 2013*, be introduced and read a first time.

CARRIED

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, That Bylaw No. 4584, *Financial Plan Bylaw, 2013*, be read a second time.

Mayor Jensen asked if anyone in attendance wished to address Council regarding the *Financial Plan Bylaw, 2013*. No one come forward.

The question was then called.

CARRIED

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, That Bylaw No. Bylaw No. 4584, *Financial Plan Bylaw, 2013*, be read a third time.

CARRIED

MOVED by Councillor Herbert  
Seconded by Councillor Murdoch, That Bylaw No. 4585, *Capital Works and Equipment Reserve Fund Appropriation Bylaw, 2013*, be introduced and read a first time.

CARRIED

MOVED by Councillor Herbert  
Seconded by Councillor Murdoch, That Bylaw No. 4585, *Capital Works and Equipment Reserve Fund Appropriation Bylaw, 2013*, be read a second time.

CARRIED

MOVED by Councillor Herbert  
Seconded by Councillor Murdoch, That Bylaw No. 4585, *Capital Works and Equipment Reserve Fund Appropriation Bylaw, 2013*, be read a third time.

CARRIED

MOVED by Councillor Herbert  
Seconded by Councillor Murdoch, That Bylaw No. 4586, *Heritage Reserve Fund Appropriation Bylaw, 2013*, be introduced and read a first time.

CARRIED

MOVED by Councillor Herbert  
Seconded by Councillor Murdoch, That Bylaw No. 4586, *Heritage Reserve Fund Appropriation Bylaw, 2013*, be read a second time.

CARRIED

MOVED by Councillor Herbert  
Seconded by Councillor Murdoch, That Bylaw No. 4586, *Heritage Reserve Fund Appropriation Bylaw, 2013*, be read a third time.

CARRIED

MOVED by Councillor Herbert  
Seconded by Councillor Murdoch, That Bylaw No. 4587, *Land Sale Reserve Fund Appropriation Bylaw, 2013*, be introduced and read a first time.

CARRIED

MOVED by Councillor Herbert  
Seconded by Councillor Murdoch, That Bylaw No. 4587, *Land Sale Reserve Fund Appropriation Bylaw, 2013*, be read a second time.

CARRIED

MOVED by Councillor Herbert  
Seconded by Councillor Murdoch, That Bylaw No. 4587, *Land Sale Reserve Fund Appropriation Bylaw, 2013*, be read a third time.

CARRIED



MOVED by Councillor Herbert  
Seconded by Councillor Murdoch, That Bylaw No. 4588, *Machinery and Equipment Depreciation Reserve Fund Appropriation Bylaw, 2013*, be introduced and read a first time.

CARRIED

MOVED by Councillor Herbert  
Seconded by Councillor Murdoch, That Bylaw No. 4588, *Machinery and Equipment Depreciation Reserve Fund Appropriation Bylaw, 2013*, be read a second time.

CARRIED

MOVED by Councillor Herbert  
Seconded by Councillor Murdoch, That Bylaw No. 4588, *Machinery and Equipment Depreciation Reserve Fund Appropriation Bylaw, 2013*, be read a third time.

CARRIED

MOVED by Councillor Murdoch  
Seconded by Councillor Herbert, That Bylaw No. 4589, *Refuse Collection and Disposal Bylaw Amendment Bylaw, 2013*, be introduced and read a first time.

CARRIED

MOVED by Councillor Murdoch  
Seconded by Councillor Herbert, That Bylaw No. 4589, *Refuse Collection and Disposal Bylaw Amendment Bylaw, 2013*, be read a second time.

CARRIED

MOVED by Councillor Murdoch  
Seconded by Councillor Herbert, That Bylaw No. 4589, *Refuse Collection and Disposal Bylaw Amendment Bylaw, 2013*, be read a third time.

CARRIED

MOVED by Councillor Murdoch  
Seconded by Councillor Herbert, That Bylaw No. 4590, *Tax Rates Bylaw, 2013*, be introduced and read a first time.

CARRIED

MOVED by Councillor Murdoch  
Seconded by Councillor Herbert, That Bylaw No. 4590, *Tax Rates Bylaw, 2013*, be read a second time.

CARRIED

MOVED by Councillor Murdoch  
Seconded by Councillor Herbert, That Bylaw No. 4590, *Tax Rates Bylaw, 2013*, be read a third time.

CARRIED

ADJOURNMENT:

MOVED by Councillor Kirby

Seconded by Councillor Murdoch, That the open portion of the meeting of Council be adjourned and that a closed session be convened to discuss: litigation or potential litigation affecting the municipality; the receipt of advice that is subject to solicitor-client privilege, including communications necessary for the purpose; personal information about an identifiable individual who is being considered for a municipal award or honour; and 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.

CARRIED

The meeting adjourned 9:23 p.m.

Certified Correct:

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Municipal Clerk

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Mayor