

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 Tuesday February 10, 2015 at 7:30 p.m.

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

STAFF: Chief Administrative Officer, H. Koning
Deputy Municipal Clerk, M. Jones
Municipal Treasurer, P. Walker
Director of Building and Planning, R. Thomassen
Director of Engineering Services, D. Marshall

MINUTES AND REPORTS:

1. ***Council, January 26, 2015***

MOVED by Councillor Kirby

Seconded by Councillor Murdoch, That the minutes of the Council meeting held on Monday, January 26, 2015, be adopted.

CARRIED

MAYOR'S REMARKS:

Appointment of Superintendent of Public Works

Mayor Jensen welcomed David Brozuk as the newly appointed Superintendent of Public Works for the District of Oak Bay.

Oak Bay and Saanich Centennial Scholarship

The Mayor offered congratulations to the recipient of the Oak Bay and Saanich Centennial Scholarship.

Passing of Ted Harrison

Mayor Jensen expressed his sorrow at the passing of Ted Harrison, describing Mr. Harrison's many artistic and personal contributions, such as the art for Oak Bay's Centennial poster. The Mayor noted that he is in discussion with the Premier of the Yukon with respect to an initiative to ensure the inclusion of a painting by Ted Harrison in the National Gallery of Canada.

PUBLIC PARTICIPATION PERIOD:

Nabhraj Spogliarich, Saanich resident, expressed concern that he has sent emails to Council regarding the deer population reduction in Oak Bay and has received only one response. He emphasized that research would have allowed for another approach at an earlier point in the process, but that now it will be difficult to recover from the damage this divisive issue has already done to the community.

Barry MacKay, member of the public, described his experience with Born Free USA and other animal rights organizations, specifically in regards to wildlife issues such as culls. Mr. MacKay commented on the conflict within the community with regards to the deer cull, noting that this is similar to what has happened elsewhere. He commented that the cull will not be successful and that he urged Council to work with the community towards finding a resolution.

Liz White, member of the public, commented on her experience with culls, noting particularly that the clover trap is inhumane. Ms. White also commented on her experience with the cull in Elkford, noting that many orphaned deer fawns died of starvation. She stated that consideration needs to be given to accurate numbers of the deer population in the region and to an alternate approach to reducing deer/human conflict.

Kristy Kilpatrick, Oak Bay resident, expressed concern that, with respect to the deer cull, Council has listened only to one part of the community and has taken those comments at face value. Ms. Kilpatrick stated that the municipality has not undertaken a community wide survey on this issue, and that other deer management options such as effective public education, reducing traffic speed and posting deer awareness signage have not been used sufficiently in Oak Bay. She urged Council to end the deer cull and work to find a non-lethal method of deer population control.

Harriet Graham, Saanich resident, expressed her opposition to the deer cull, stating that it is unscientific and that non-lethal methods of deer population control should be implemented instead. She spoke in support of the District undertaking a survey and commented that the broader community is in opposition to the deer cull.

Danalee Goldthwaite, Oak Bay resident, read out sections from the District's Request for Proposal for deer population reduction. Ms. Goldthwaite stated that the process is inhumane. She commented that Oak Bay Council should stop the cull.

Andrew Stinson, Oak Bay resident, commented that he strongly believes that Council has a clear mandate from the most recent municipal election to implement the deer cull.

COMMUNICATIONS:

4. ***Special Event Application - Request for Commercial Activity in Willows Park, June 5 - 7, 2015 and Grant Application***

- Report - Deputy Municipal Clerk, February 4, 2015
- Sp Event and Grant App - Oak Bay Tea Party - Event date June 5 - 7, 2015

Councillor Braithwaite declared a conflict of interest with respect to the special event application, agenda item 4, as she sits on the board of the Oak Bay Tea Party Society. Councillor Braithwaite then left the meeting at 8:10 p.m.

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, That pursuant to the Streets and Traffic and Zoning Bylaws, permission be given to the Oak Bay Tea Party Society for the occupancy of public land and for the closure of public streets as shown in the sketches attached to the memorandum from the Deputy Municipal Clerk dated February 4, 2015, for the purposes of staging the 2015 Oak Bay Tea Party from June 5 to 7, 2015, subject to the Oak Bay Tea Party Society undertaking the same preparations in terms of notices to the public and safety that has been done in previous years, and subject to the Oak Bay Tea Party Society executing an agreement saving the Municipality harmless from any liability arising from the staging of the events, and providing evidence of adequate liability insurance.

CARRIED

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, That a grant of \$7,000 be provided to the Oak Bay Tea Party Society for the 2015 Oak Bay Tea Party.

CARRIED

Councillor Braithwaite returned to the meeting at 8:20 p.m.

5. ***Proposed Mural for Public Works Yard Wall***

- Report - Manager of Recreation Program Services, January 26, 2015

Janet Barclay, the Manager of Recreation Program Services, in attendance for this item

MOVED by Councillor Braithwaite

Seconded by Councillor Kirby, That approval in principle be given for the planning and installation of a mural on the Public Works wall, in partnership with the Vancouver Island School of Art, subject to successful funding from art grant applications, and that staff be directed to bring forward for Council's consideration an appropriate agreement addressing indemnity, insurance, ownership, maintenance and similar issues.

CARRIED

6. ***Grant Opportunity for Water Main Funding under New Building Canada Fund***

- Report - Director of Engineering Services, January 30, 2015

MOVED by Councillor Murdoch

Seconded by Councillor Zhelka, That staff be authorized to submit an application to the Ministry of Community, Sport & Cultural Developments, and Ministry of Transportation and Infrastructure for a grant under New Building Canada Fund - Small Communities Fund (NBCF-SCF) Program for funding of two thirds of the estimated \$1,350,330 cost to construct water main improvements in the District of Oak Bay, and further, that staff be directed to include Oak Bay's share of the cost of the project in the Financial Plan to be adopted by Council following the conclusion of the 2015 Estimates Committee process.

CARRIED

7. ***Correspondence - Development Variance Permit (DVP) Application for 3050 Beach Drive***

- Corresp up to Feb. 6, 2015 - DVP application - 3050 Beach Dr.

8. ***Correspondence - Development Variance Permit (DVP) Application for 3190 Exeter Road***

- Corresp up to Feb. 6, 2015 - DVP application - 3190 Exeter Road

MOVED by Councillor Murdoch

Seconded by Councillor Braithwaite, That the correspondence listed under agenda items 7 and 8 be received.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

9. ***Reports from Other Committees***

Verbal reports were provided from members of Council with respect to Parks and Recreation activities, upcoming heritage events and the forthcoming report from the Floor Area Review Committee.

Association of Vancouver Island and Coastal Communities (AVICC) Resolution - Resources for Local Governments Addressing Deer Overpopulation

MOVED by Councillor Kirby

Seconded by Councillor Braithwaite, That the Corporation of the District of Oak Bay submit the following resolution to the Association of Vancouver Island and Coastal Communities (AVICC) regarding the management of ungulate populations.

“WHEREAS the resources, authority and responsibility to manage ungulate populations is with the Province of British Columbia;

AND WHEREAS the combination of favourable habitats, no natural predators, and the inability to allow hunting have contributed to expanding urban deer populations and exacerbated the problem of human-deer conflict in urban areas;

THEREFORE BE IT RESOLVED that the Association of Vancouver Island Coastal Communities request that the Province of British Columbia provide resources, including Conservation Officers and Urban Wildlife Biologists, and build the necessary partnerships with Health Canada and local governments to address deer over population.”

A discussion ensued, with members of Council commenting on the challenges faced by municipalities when attempting to address deer overpopulation with the resources and options that are currently available to local governments. The impact of resolutions through AVICC was also discussed.

Councillor Kirby clarified that the wording with respect to Health Canada was incorporated into the resolution as permission is currently required from Health Canada to make use of immunocontraceptives, but that municipalities are finding it challenging to receive permission for use of immunocontraceptives in wildlife population control.

The question was then called.

CARRIED

TABLED RESOLUTIONS:

10. ***Development Variance Permit (DVP) Application - 3050 Beach Drive***
 - DVP Resolution - 3050 Beach Drive (Tabled)
 - Plans - DVP, UBP - 3050 Beach Dr - rcvd Jan 9, 2015

Moved by Councillor Croft

Seconded by Councillor Kirby, That the following motion be lifted from the table:

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</u>	<u>Requested</u>	<u>Variance</u>
6.2.4.(2)(b) Minimum rear lot line setback	7.62 m	6.10 m	1.52 m

to accommodate the addition of a garage as shown on the plans appended to Committee of the Whole agenda item number 4, being a memorandum from the Director of Building and Planning dated January 10, 2015.

CARRIED

With no members of the public wishing to speak to the application, the question on the main motion was then called.

CARRIED

11. ***Development Variance Permit (DVP) Application - 3190 Exeter Road***

- DVP Resolution - 3190 Exeter Road (Tabled)
- Plans - DVP,UBP - 3190 Exeter Rd - rcvd. Jan. 13, 2015

Moved by Councillor Murdoch

Seconded by Councillor Braithwaite, That the following motion be lifted from the table:

That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 3190 Exeter Road (Lot 27, Block B, Section 31, Victoria District, Plan 3599) 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>
6.2.4.(2)(c) + Schedule 'C' Minimum interior side lot line setback	4.27 m	3.183 m	1.087 m
6.2.4.(2)(e) + Schedule 'C' Minimum total of side lot line setback	10.97 m	6.183 m	4.787 m

to accommodate the addition to the existing dwelling including enclosing the existing carport for a garage as shown on the plans appended to Committee of the Whole agenda item number 5, being a memorandum from the Director of Building and Planning dated January 13, 2015.

CARRIED

With no members of the public wishing to speak to the application, the question on the main motion was then called.

CARRIED

12. ***Development Variance Permit (DVP) Application - 2138 Florence Street***

- DVP Resolution - 2138 Florence Street (Tabled)
- Plans - DVP - 2138 Florence St - rcvd Jan 12, 2015

Moved by Councillor Murdoch

Seconded by Councillor Braithwaite, That the following motion be lifted from the table:

That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2138 Florence Street (Lot 28, Block 1, Section 28, Victoria District, Plan 915) varying the following provisions of Bylaw No. 3540 Parking Facilities Bylaw, 1986, and Bylaw No. 3531 Zoning Bylaw, 1986, as amended:

<u>Parking Facilities Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
4.1 + Schedule "A", A.1.(a) Minimum no. of parking spaces	2 spaces (one must be in a building)	2 spaces (none in a building)	no covered parking provided
 <u>Zoning Bylaw Section</u>			
4.15.1 Maximum paved surface (front yard)	25% 29 m ²	52% 60.50 m ²	27% 31.50 m ²

to eliminate the requirement for having a covered parking space as well as to accommodate the paved surface in the front yard as shown on the plans appended to Committee of the Whole agenda item number 6, being a memorandum from the Director of Building and Planning dated January 12, 2015.

CARRIED

With no members of the public wishing to speak to the application, the question on the main motion was then called.

CARRIED

RESOLUTIONS:

13. ***Attendance at the Association of Vancouver Island and Coastal Communities (AVICC)***

- Resolution Notice - Attendance at AVICC
- AVICC Registration Information

Moved by Councillor Murdoch

Seconded by Councillor Braithwaite, That Council approve the attendance of Oak Bay Council Members, at the 2015 Association of Vancouver Island and Coastal Communities Convention, to be held in Courtenay, BC, April 10 to 12, 2015, and the payment of expenses necessarily incurred by them.

CARRIED

14. ***Appointments to Capital Region Emergency Service Telecommunications Inc.(CREST)***

- Resolution Notice - Appointments to CREST

Moved by Councillor Braithwaite

Seconded by Councillor Kirby, That Councillor Eric Zhelka be appointed as Oak Bay's Director for the Board of the CREST and Councillor Kevin Murdoch be appointed as the alternate representative.

CARRIED

ADJOURNMENT:

Motion to Adjourn

MOVED by Councillor Braithwaite

Seconded by Councillor Kirby, That the meeting of Council be adjourned.

CARRIED

The meeting adjourned at 8:27 p.m.

Certified Correct

Deputy Municipal Clerk

Mayor