

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, January 14, 2013 at 7:30 p.m.

PRESENT: Mayor N. B. Jensen, Chairman  
Councillor C. Green  
Councillor J. Herbert  
Councillor M. Kirby  
Councillor K. Murdoch  
Councillor T. Ney  
STAFF: Municipal Clerk, L. Hilton  
Deputy Municipal Clerk, M. Jones  
Director of Building and Planning, R. Thomassen  
Municipal Treasurer, P. Walker

Mayor Jensen called the meeting to order at 7:32 p.m.

ADOPTION OF MINUTES:

*Council – December 10, 2012*

MOVED by Councillor Ney  
Seconded by Councillor Green, That the minutes of the Council meeting held on December 10, 2012, be adopted.

CARRIED

MAYOR'S REMARKS:

The Mayor noted that there is a sod-turning ceremony to be held tomorrow for the renovations at the Henderson Recreation Centre. He also highlighted letters of thanks received for the efforts of the Deputy Fire Chief, with respect to the Shake Out BC earthquake drill, and the efforts of the Manager of Parks Services to address a resident's concerns.

He concluded his remarks, noting that Oak Bay has received approximately \$265,000 in Gas Tax Agreement Funds which would be put to good use.

PUBLIC PARTICIPATION PERIOD:

Tom Croft, member of the Oak Bay Tourism Committee, noted that the new Tourism website launched today. He stated that the Oak Bay Tourism Committee is making an application to the provincial Community Tourism Foundations Program to assist in developing a comprehensive tourism plan for the District. He commented that a letter of support from Oak Bay Council for this application would be appreciated.

MOVED by Councillor Herbert  
Seconded by Councillor Ney, That Oak Bay Council provide a letter in support of the Oak Bay Tourism Committee's application to the Community Tourism Foundations program with the Ministry of Jobs, Tourism and Skills Training.

CARRIED

COMMUNICATIONS:

1. 2013-11 CHIEF ADMINISTRATIVE OFFICER, December 10, 2012  
Re Water Main Break, 2200 Block Bowker Avenue, November 20, 2012

*(Dave Cockle, Deputy Fire Chief, and Richard Ding, Design Engineer, in attendance for this item).*

A discussion ensued regarding the Chief Administrative Officer's report on the Bowker Avenue water main break, with members of Council commenting on various aspects of the report, including the value of using the incident as an opportunity to improve processes and the importance of identifying a contact "point person" in the event of an emergency. It was noted that clarification should be provided on the timelines for the Public Works Department to review and update the valve system.

Attention was drawn to the various corrective actions in the Chief Administrative Officer's report, some of which have budget implications, and the Municipal Treasurer confirmed that the budget can be amended after the update on the corrective actions is provided in March, as per the report.

In response to questions and comments from Council, the Deputy Fire Chief stated that, once the Fire Department had been notified of the incident, the initiation of the Emergency Operations Centre went well. He noted that Corrective Action 3 will be brought forth as a policy that will be provided to each department head. Communication training, he said, will be dealt with through the existing staff training sessions. He noted that either the Fire Chief, or the Deputy Fire Chief in his absence, serves as the Emergency Program Coordinator, who then, in the event of an incident, requests that the Emergency Program Manager serve as the contact point person for affected residents.

After thanking staff for the report and their efforts during the water main break, the discussion concluded with members of Council expressing regret for the stress and damage that resulted from the incident.

MOVED by Councillor Herbert

Seconded by Councillor Kirby, That correspondence item no. 2013-11 be received.

CARRIED

2. 2013-12 GREATER VICTORIA SCHOOL DISTRICT, November 30, 2012  
Re Parking Studies for Oak Bay High School

*(Richard Ding, Design Engineer, in attendance for this item)*

A discussion ensued with members of Council commenting on correspondence item no. 2013-12. It was noted that Engineering staff could bring forward items as needed from the studies. Members of Council expressed interest in having a Greater Victoria School District representative attend a future meeting to discuss the recommendations from the studies, including clarifying potential means of implementation and cost-sharing. It was noted that the redevelopment of the Oak Bay High School is an ongoing process and that there will be future opportunities for input.

MOVED by Councillor Kirby

Seconded by Councillor Green, That:

1. The Oak Bay High School Transportation Study documents:
  - a. Be referred to the Active Transportation Advisory Committee for review and comment with respect to the active transportation elements;

- b. Be referred to Parks and Recreation staff and the Parks and Recreation Commission for input on the use of bicycles on the Bowker Creek pathway and on the impact of the recommendations in the study on parking at the Oak Bay Recreation Centre; and,
2. That Engineering Department staff provide a report, including a cost estimate, on the proposal to implement cycling lanes along Cadboro Bay Road from Foul Bay Road to Cranmore Road.

With respect to timing, it was noted that the information from the Engineering Department should be provided after the design of the high school has been selected and that it would be most effective to have the School District attend the meeting at which the responses from the Engineering Department, the Active Transportation Advisory Committee and the Parks and Recreation Commission are considered, possibly in the late spring.

The question was then called

CARRIED

3. 2013-13 MUNICIPAL CLERK, December 6, 2012  
Re Business Improvement Association – Request to Maintain Storage Containers on Public Property

Referring to the memorandum from the Municipal Clerk, a discussion ensued with members of Council noting that, if the request is to be accommodated, consideration should be given to a site-specific amendment to the Zoning Bylaw to allow storage containers only on the Scout Hall property. It was also felt that the Association should be asked to provide a contribution to defray the advertising and other related costs for the subsequent Public Hearing, should the application move forward.

MOVED by Councillor Ney,  
Seconded by Councillor Herbert, That staff be requested to draft an amendment to the Zoning Bylaw to allow storage of community event supplies as a permitted secondary use on the property on which the Scout Hall is located, to be brought forward to Council for formal consideration.

With the consensus of Council, the motion was withdrawn.

MOVED by Councillor Ney,  
Seconded by Councillor Herbert, That staff be requested to contact the Business Improvement Association to explore its interest in contributing to the cost of Public Hearing advertising and that, if the Association is interested in providing a contribution, staff then draft an amendment to the Zoning Bylaw to allow storage of community event supplies as a permitted secondary use on the property on which the Scout Hall is located, to be brought forward to Council for formal consideration.

In response to questions and comments from Council, the Municipal Clerk stated that a map could be attached to the draft bylaw to indicate specifically where the storage containers would be located on the subject property. Ms. Hilton noted that a public occupancy agreement would also be needed with the Association that would address liability and insurance issues.

The question was then called

CARRIED

4. 2013-14 MUNICIPAL CLERK, January 9, 2013  
Re Oak Bay Heritage Commission – Years of Service Limit

MOVED by Councillor Kirby,  
Seconded by Councillor Murdoch, That staff be requested to bring forward an amendment to the Heritage Commission Establishment Bylaw for formal consideration by Council that extends the limit on the years of service to a total of eight years.

CARRIED

5. 2013-15 MUNICIPAL TREASURER, January 8, 2013  
Re Heritage Foundation Grant

MOVED by Councillor Herbert  
Seconded by Councillor Murdoch, That Council approve the receipt of funds in the amount of \$720.00 from the Victoria Foundation, and that a grant in that amount be made to the Oak Bay Heritage Foundation.

CARRIED

- 6 2013-16 MUNICIPAL TREASURER, January 10, 2013  
Re Request for Early 2013 Capital Approvals – Public Works

In response to questions from Council, the Municipal Treasurer clarified that the model of garbage truck to be purchased has yet to be selected; however, she noted, if the cost of the final selection exceeds the amount currently proposed for early approval, then a request for additional funds will be submitted to Council.

MOVED by Councillor Herbert  
Seconded by Councillor Kirby, That early spending approval be given for the capital projects and equipment purchases as detailed in the memorandum from the Municipal Treasurer dated January 10, 2013 (correspondence item no. 2013-16).

CARRIED

7. 2013-17 DIRECTOR OF PARKS AND RECREATION, January 14, 2013  
Re Request for Early 2013 Capital Approval –Online Recreation Registration

*(Manager of Recreation Programs Janet Barclay in attendance for this item)*

MOVED by Councillor Green  
Seconded by Councillor Kirby, That early spending approval be given for the online registration capital project as detailed in the memorandum from the Director of Parks and Recreation dated January 14, 2013 (correspondence item no. 2013-17).

CARRIED

8. 2013-18 OAK BAY ENVIRONMENTAL ADVISORY COMMITTEE  
Re Minutes of Meetings - July, August, September and October, 2012

Attention was drawn to the Environmental Advisory Committee's suggestion that the hours for the garbage, recycling and garden waste depot at the Public Works Yard be extended on Saturday and possibly Sunday as well.

It was noted that the concept of extended hours for the depot had been discussed previously and that it was also raised at the recent Neighbourhood Meeting.

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, That staff be requested to provide a report on the options for extending the hours of the garbage, recycling and garden waste depot at the Public Works Yard for consideration at a future Committee of the Whole meeting.

In response to a question from the Municipal Clerk regarding timelines, it was clarified that the potential extension in hours, which would have an impact on the budget, was not meant to be addressed in the 2013 budget deliberations.

The question was then called.

CARRIED

In response to questions from Council, Councillor Murdoch clarified that the Environmental Advisory Committee considered the issue of seaweed being picked up from local beaches by individuals, primarily for use as fertilizer, and determined that the impact at this time was not problematic.

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, That the July, August, September and October 2012 minutes of the Environmental Advisory Committee be received.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

*End of Year Summary Report – Council Liaison Responsibilities December 2012*

MOVED by Councillor Murdoch

Seconded by Councillor Herbert, That the End of Year Summary Report – Council Liaison Responsibilities December 2012 by Councillor Green be received.

CARRIED

*Kiwanis Tea Room*

Councillor Herbert drew attention to the Kiwanis Tea Room at Willows Beach which now is open for breakfast on Sundays. He noted that the breakfasts have been very well received.

*Celebrate Canada Event*

Councillor Herbert noted that the January meeting of the Community Initiatives Committee (CIC) was cancelled and that, while the CIC would normally make a recommendation to Council to apply for federal funding for a Canada Day Celebration, as the CIC would not be meeting before the application deadline, he was bringing forward the issue for Council's consideration at this time.

MOVED by Councillor Herbert

Seconded by Councillor Ney, That Manager of Recreation Program Services be authorized to submit an application for a Celebrate Canada grant, based on the same terms and conditions in past years, in order to hold a Municipal Canada Day Celebration in 2013.

CARRIED

*New Year's Day Activities*

Councillor Kirby offered her thanks to Parks and Recreation staff for the fun and healthy activities offered for New Year's Day. She noted that the activities were well attended and that other municipalities in the region are now interested in offering something similar.

Mayor Jensen also offered his thanks for the event, noting that there was excellent attendance and that this is hopefully a new precedent.

*New Resident Packages – Oak Bay Community Green Map*

Mayor Jensen commented that the new resident packages now include copies of the Centennial Book and that he would like to also include a copy of the Community Association of Oak Bay's Oak Bay Community Green Map in order to encourage healthy activity, noting that Council contributed to the production of the map. The cost, he noted, should be approximately \$2.50 per copy.

MOVED by Councillor Ney

Seconded by Councillor Kirby, That copies of the Oak Bay Community Green Map be purchased in order to be included in the new resident packages.

In response to questions from Council, the Municipal Treasurer noted that, if Council is supportive of the concept, sufficient copies of the map for the new resident packages in January could be purchased and then further consideration given at Estimates Committee to the specific amount to be purchased.

A discussion ensued with a member of Council noting that the remainder of the information in the new resident packages was produced by the Municipality and that inclusion of the map would therefore be a departure from that practice.

The question was then called.

CARRIED

TABLED:

MOVED by Councillor Herbert

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

*That:*

- 1. Proposed plans for an addition at 3245 Norfolk Road be approved as to siting and architectural design, subject to the issuance of a development variance permit; and*
- 2. That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 3245 Norfolk Road (Lot 9, Block B, Section 31, Victoria District, Plan 3599) that will vary the following provisions of Bylaw No. 3531, being the Zoning Bylaw, 1986, as amended:*

<u>Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
<i>6.2.4.(2) (c) + Schedule 'C' Minimum Interior Side Lot Line Setbacks</i>	<i>4.27m</i>	<i>3.35m</i>	<i>0.92m</i>

6.2.4.(2) (e) + Schedule 'C'  
Minimum Total of Side Lot Line      10.97m      6.6m      4.37m  
Setbacks

*to accommodate the rear addition as shown in the plans attached to the memorandum from the Director of Building and Planning dated December 5, 2012.*

CARRIED

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

CARRIED

RESOLUTIONS:

*(Manager of Parks Services Chris Hyde-Lay in attendance for this item)*

***Proposed Urban Forest Strategy***

MOVED by Councillor Ney  
Seconded by Councillor Kirby, That:

*WHEREAS the urban forest and park-like settings of Oak Bay are valued community assets, appreciated by residents and visitors alike, and which support a liveable, healthy, sustainable, and economically vibrant community;*

*WHEREAS the urban forest includes all the trees and treed environments on public and private lands within the District of Oak Bay, along with their soils and associated vegetation, both natural and cultivated;*

*WHEREAS urban forests help to reduce greenhouse gas emissions by storing and sequestering carbon, reducing energy consumption, improving air quality, and assisting in adapting to climate change impacts;*

*WHEREAS the heritage and beauty of the indigenous Garry Oak eco-systems, such as in Uplands Park, is complemented by streetscapes, landscaped boulevards, and private gardens;*

*WHEREAS the urban forest of Oak Bay is under threat of erosion, losing over 100 Garry Oaks each year from residential development and natural attrition;*

*WHEREAS adjacent municipalities being the City of Victoria and the District of Saanich both have urban forest management plans that Oak Bay needs to support and work in unison with; and*

*WHEREAS The District of Oak Bay requires a long-term plan for achieving a sustainable urban forest as a tool to use in conjunction with the development of the Official Community Plan;*

***THEREFORE BE IT RESOLVED THAT Oak Bay Municipal Council request the Oak Bay Parks and Recreation Commission to consider and report to Council by June 15, 2013 with recommendations for adoption of an Urban Forest Strategy for the District of Oak Bay, which would be a long-term plan to achieve a sustainable urban forest in Oak Bay to:***

- *conserve the existing treed environment;*
- *enhance the urban forest for the future; and*
- *increase community understanding of and support for the urban forest; and*

**BE IT FURTHER RESOLVED:**

*That the Parks and Recreation Commission be requested to:*

- *consult with interested individuals and groups, including Oak Bay volunteer advisory bodies, and individuals in Oak Bay and the Capital Region;*
- *consider related studies, strategies, and initiatives in the Capital Region and elsewhere, including the Urban Forestry Stewardship Initiative and subsequent work; and*
- *recommend applicable tools and actions to support the Urban Forest Strategy and its implementation in Oak Bay, including, but not limited to:*
  - *possible amendments to the Tree Protection Bylaw and its administration, as well as possible amendments to pertinent provisions in other bylaws;*
  - *proposed Parks Department plans and activities to manage the urban forest on public property;*
  - *other proposed measures to protect and enhance the urban forest on private properties in the District;*
  - *potential sources of external funding to support an Urban Forest Strategy and management plan; and*
  - *ways to effectively engage community volunteers in activities to support the Strategy.*

In response to questions from Council, the Manager of Park Services noted that, in 2012, 60 Garry Oaks were lost and 20 were replanted, which makes for a net loss of 40 trees. Mr. Hyde-Lay stated that similar amounts have been lost in previous years. Approximately 80% of the Garry Oaks were removed, he said, as the trees were dead, dying or diseased.

MOVED by Councillor Ney

Seconded by Councillor Kirby, That the motion be amended to delete the words “over 100”.

CARRIED

Mr. Hyde-Lay responded to questions from Council and commented that the strategy would help to address the issue of the aging tree stock. He noted that it was challenging to acquire enough Garry Oaks for replanting purposes as only one nursery grows the appropriate seedlings. The current understanding of the urban forest in Oak Bay is not sufficient, he said, which is why an Urban Forest Strategy is needed. He commented that the City of Victoria completed an initial draft of its Urban Forest Strategy, which was then amended after its Official Community Plan was finalized.

A discussion ensued, with members of Council commenting on the potential process for implementing the Urban Forest Strategy and noting the importance of determining the current state of the urban forest in Oak Bay at the start of the process. A member of Council noted that the Environmental Advisory Committee was strongly in support of the proposal.

The question on the motion, as amended, was then called.

CARRIED

***Traffic Control Order No. 2013-01 – 15 Minute Parking adjacent to 1175 Beach Drive***

MOVED by Councillor Murdoch

Seconded by Councillor Green, That signs be erected to indicate that parking on the east side of Beach Drive, in the parking bay adjacent to 1175 Beach Drive, as more particularly shown on the sketch attached Traffic Control Order No. 2013-01, is restricted to 15 minutes duration at all times.

CARRIED



***Traffic Control Order No. 2013-02 – Taxi Stand adjacent to 2167 Oak Bay Avenue***

MOVED by Councillor Green

Seconded by Councillor Kirby, That:

1. Traffic Control Order No. 2011-03 be repealed; and
2. That 7 metres of the existing yellow line on the curb on the south side of Oak Bay Avenue adjacent to 2167 Oak Bay Avenue, as more particularly shown in the sketch attached Traffic Control Order No. 2013-02, be removed and that the 7 metre area be designated as a Police Post and Taxi Stand, and, further, that signs be erected to indicate that parking in the designated area is restricted to marked Oak Bay Police Department motor vehicles and Taxis at all times.

CARRIED

**BYLAWS:**

*For Adoption*

MOVED by Councillor Herbert

Seconded by Councillor Green, That Bylaw No. 4581, *Financial Plan Bylaw, 2012, Amendment Bylaw No. 4, 2012*, be adopted.

Mayor Jensen noted that, pursuant to the *Community Charter*, Council must undertake a process for public consultation regarding the proposed Financial Plan, therefore, he asked whether or not there was anyone in attendance that wished to address Council regarding Bylaw No. 4581. No one came forward.

The question was then called.

CARRIED

**ADJOURNMENT:**

MOVED by Councillor Kirby

Seconded by Green, That the open portion of the meeting of Council be adjourned and that a closed session be convened to discuss the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

CARRIED

The meeting adjourned at 9:20 p.m.

Certified Correct:

---

Municipal Clerk

---

Mayor