

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 January 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  
Director of Corporate Services, L. Hilton  
Deputy Director of Corporate Services, M. Jones  
Director of Financial Services, D. Carter  
Planner, D. Jensen

APPROVAL OF AMENDED AGENDA:

1. *Amended Agenda*

MOVED and seconded: That the amended agenda be approved.

CARRIED

MINUTES AND REPORTS:

2. *Council*

- January 11, 2016

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

CARRIED

3. *Committee of the Whole*

- January 18, 2016

MOVED and seconded: That the minutes of the Committee of the Whole meeting on held on Monday, January 18, 2015, and the recommendations contained therein be adopted.

CARRIED

MAYOR'S REMARKS:

4. The Mayor provided remarks on the following topics:

***Oak Bay Food Drive***

Mayor Jensen offered congratulations on a recent food drive for the Mustard Seed, noting that emission-free vehicles were used. He also thanked Councillor Kirby for attending as Acting Mayor and noted that MP Elizabeth May was in attendance.

***Oak Bay Marine Group Donation - Salish Sea***

The Mayor noted that the Oak Bay Marine Group recently donated \$10,000 towards the purchase of the Salish Sea sculpture. He commented that the community was thankful for this generous donation and offered thanks to Councillor Braithwaite and the Oak Bay Arts Laureate for their assistance with this project.

***Uplands Combined Sewer Separation - Special Committee of the Whole on Feb. 2, 2016***

Mayor Jensen encouraged residents to attend the Special Committee of the Whole meeting held at 7:00 PM at the Monterey Centre to discuss the Uplands Combined Sewer Separation Project.

***Eating Disorder Awareness Week - February 1 to February 7, 2016***

The Mayor drew attention to his proclamation in support of Eating Disorder Awareness Week from February 1, 2016, to February 7, 2016.

PUBLIC PARTICIPATION PERIOD:

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

Gerald Smeltzer, Community Association of Oak Bay, spoke with respect to the Sno'uyutth Welcome Pole, outlining the history of the project, commenting that the pole itself was designed by master carver Butch Dick. He offered thanks to Dave Thompson from Oak Bay High School for his efforts on the project and noted that a presentation to Council of the photograph commemorating the pole raising would be forthcoming. He noted that Council's support of the project was crucial and that the Association was now considering next steps.

Mr. Smeltzer then commented on behalf of the Association treasurer, noting that there were many grants received for the Sno'uyutth Pole project, that several fund raising events were held and that organizations such as Skyline and Farmer Construction offered their services as gifts in kind. The result, he commented, was a small surplus, which the Association was intending to provide to the legacy scholarship for students of Oak Bay High School with First Nations, Inuit or Métis descent.

Rod Sim, Rotary Club of Oak Bay, commented that the fundraising event recently held at Oak Bay High School Community Theatre for the legacy scholarship was very successful and that with a proposed surplus from the Community Association of Oak Bay, the Rotary Club is hoping to establish an endowment of \$25,000. He also noted that School District 61 had donated the theatre costs for the event.

Kelly Carson, resident, noted that she had circulated a video last week of a deer being killed in a clover trap and of two fawns being caught in a trap. She stated that she does not believe these to be anomalies but rather examples of the culling process. She commented that culling is inhumane and that she hopes Council will not proceed with another cull.

Jordan Richeter, resident, stated that he had compiled the video referred to by Ms. Carson and found the footage to be disturbing, particularly as a cull has been undertaken in Oak Bay without public oversight when the culling occurred. He commented that great work is being undertaken by a grass roots organization in Oak Bay with respect to advocating and educating the public on deer. He concluded his remarks by encouraging Council to lend attention to the public opposition to the previous cull and not undertake a cull in the future.

COMMUNICATIONS:

6. ***Request to Sell Girl Guide Cookies on Oak Bay Avenue, Apr. 2, 2016***

- Note - Director of Corporate Services - Girl Guide Cookie Sales, Oak Bay Avenue, Apr. 2, 2016
- Corresp. - Girl Guides of Canada Cookie Sales, Jan. 14, 2016

MOVED and seconded: That permission be granted to the Girl Guides of Canada to sell Girl Guide cookies on Oak Bay Avenue on April 2, 2016.

CARRIED

7. ***Arts Laureate Terms of Reference***

- Report - Director of Corporate Services, Dec. 31, 2015
- Rpt Attach. 1 - Arts Laureate Terms of Reference (existing)
- Rpt Attach. 2 - Arts Laureate Terms of Reference (revised)

*Janet Barclay, Manager of Recreation and Culture Program Services, in attendance for this item.*

MOVED and seconded: That the revised Arts Laureate Terms of Reference, as attached to the report from the Director of Corporate Services dated December 31, 2015, be adopted.

In response to question from a member of Council with respect to establishing a selection process for the Oak Bay Arts Laureate, it was noted that a Council working group could be established to bring forward recommendations in this regard to a future meeting.

The question was then called.

CARRIED

8. ***Request for Early Approval of 2016 Police Capital Purchases***
- Report - Director of Financial Services, Jan. 19, 2016

*The Deputy Chief Constable, Kent Thom, in attendance for this item.*

The Deputy Chief Constable responded to questions from Council with respect to the challenges with using current electric vehicle technology for police vehicles, noting that the proposed replacement vehicle, although not electric, would have lower carbon emissions. Mr. Thom also spoke with respect to the Police Department's 2016 Provisional Budget and confirmed that the current vehicle would be sold to defray the cost of the proposed vehicle purchase.

MOVED and seconded: That early approval be given for the purchase of one patrol police vehicle and two patrol carbines as listed below:

- One patrol police vehicle - \$43,000; and
- Two patrol carbines - \$12,000.

CARRIED

9. ***Heritage Referral for Property on the Community Heritage Register (DVP00030 )- 3125 Uplands Road***
- Report - Planner, Jan. 15, 2016
  - Rpt Attach. 1 - Statement of Significance, Community Heritage Register
  - Rpt Attach. 2 - Applicant's Letter, Zebra, Dec 15, 2015
  - Plans - DVP - 3125 Uplands Rd, Dec 21, 2015

The Planner provided an overview of her report.

MOVED and seconded: That the building and land located at 3125 Uplands Road be subject to a temporary protection order in accordance with Section 606 (formerly 962) of the Local Government Act for a period of not more than 60 days, and that the plans for the proposed renovations be referred to the Heritage Commission for review and recommendation to Council.

CARRIED

10. ***Request for Consideration of Use of Municipal Property (1531 Hampshire Road) for Refugee Housing***
- Corresp. - C. Green, Jan. 20, 2016

Cairine Green, Oak Bay resident, spoke with respect to her correspondence requesting Council consider if the house owned by the Municipality at 1531 Hampshire Road could be used for refugee housing, noting the many challenges to settling refugee families in the region particularly with respect to housing.

A discussion ensued with respect to the correspondence. Members of Council thanked Ms. Green for providing her comments on this important issue. It was noted that previous projects,

such as the Sno'uyutth Welcome Pole, have been championed by community groups who then come before Council with an established proposal, which was a model that could be considered for this proposal. Members commented that the challenge would be addressing the current condition of the dwelling, which at last estimate required approximately \$70,000 in repairs to be habitable, and noted that consideration was still outstanding regarding Council's long-term intentions for the property. It was also noted that the Victoria Intercultural Association is playing a significant role in welcoming refugees to the Capital Region and that Councillor Braithwaite, who is already participating in this process, could connect with the Association regarding housing needs.

MOVED and seconded: That the correspondence from Cairine Green dated January 20, 2016, be received for information.

CARRIED

11. ***Completion of the CRD Deer Management Strategy Urban Pilot Project***

- Report - Chief Administrative Officer, Jan. 18, 2016
- Rpt Attach. 1 - Appendix 5 Count Methodology and Results
- Rpt Attach. 2 - Oak Bay Deer Count - 2015, Methodology and Results
- Rpt Attach. 3 - Corresp. from MFLNRO, Call for Proposals, Dec. 19, 2015
- Rpt Attach. 4 - Media Release, Urban Mule Deer Translocation Trial, Dec. 22, 2015
- Rpt Attach. 5 - WildSafeBC 2016 Program Application, Jan. 6, 2016

The Chief Administrative Officer provided an overview of her report.

A discussion ensued with members of Council commenting on various elements of deer management. Questions and comments arose with respect to data collection, such as deer collision statistics, citizen complaints, and the deer count undertaken by the Capital Regional District.

With respect to next steps, some members of Council expressed interest in the Municipality providing some level of deer management activity and in pursuing the cost-share program available through the Ministry of Forests, Lands and Natural Resource Operations, although it was also noted that there may not be sufficient time to participate this year due to the program deadline concluding in advance of the Estimates Committee process. Some members of Council expressed support for pursuing a partnership with the Urban Wildlife Stewardship Society with respect to deer management. Other members of Council expressed concern that wildlife management is best addressed by the Province and that the Municipality is not resourced to undertake work of this nature.

MOVED and seconded: That further consideration of what if any actions should be taken by the Municipality with respect to deer management be referred to a future Committee of the Whole.

A discussion ensued in which the expectations of Council were clarified with respect to this item being considered at Committee of the Whole, in which it was noted that the intention of this meeting is not for staff to provide response, but rather for the Committee to clarify what achievable next steps would be, given the Estimates Committee process and other staffing commitments.

The question was then called.

CARRIED  
Councillors Croft and Kirby against the motion

12. ***ADDENDA Request to Endorse Oak Bay Deer Program Proposal - Provincial Urban Deer Operational Cost Share Program***

- Corresp. - Urban Wildlife Stewardship Society, Jan. 22, 2016

MOVED and seconded: That the January 22, 2016, correspondence from the Urban Wildlife Stewardship Society with respect to a request to endorse a proposal for deer management and participation in the Provincial Urban Deer Operational Cost Share Program be received.

It was noted that further consideration with respect to this request could proceed to the Committee of the Whole on February 15, 2016, subsequent to the Committee's discussion with the Municipality's overall direction with respect to deer management.

The question was then called.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

13. ***New Business & Verbal Reports***

***Report on the Capital Regional District***

Mayor Jensen noted that further consultation with respect to a sewage treatment option would be forthcoming.

***Verbal Reports***

Members of Council provided verbal reports with respect the following:

- The conclusion of the 2015 Community to Community Forums;
- The value of the Sno'yuyth Welcome Pole Project in enhancing the relationship between Oak Bay and Songhees and Esquimalt First Nations;
- The upcoming opening of the Oak Bay High School Bowker Creek Restoration Project;
- The funding concerns expressed by Oak Bay Volunteer Services;
- The Greater Victoria Public Library's Family literacy week; and
- The Oak Bay Heritage Lecture series.

TABLED RESOLUTIONS:

14. ***Development Variance Permit (DVP) Application - 3140 Midland Road***

- Tabled Resolution Notice - 3140 Midland Road
- Plans - DVP, ADP - 3140 Midland Rd, Dec 7, 2015

MOVED and seconded: 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 3140 Midland Road (Lot 11, Block 14, 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</u>	<u>Requested</u>	<u>Variance</u>
6.2.4.(2)(c) Minimum Setback Interior Side Lot Line	3.96 m	1.83 m	2.13 m

*to accommodate the construction of an accessory building as shown on the plans appended to Committee of the Whole agenda item number 5, being a report from the Planner dated December 7, 2015.*

CARRIED

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

CARRIED

Councillor Zhelka against the motion

15. ***Development Variance Permit (DVP) Application - 2540 The Esplanade***

- Tabled Resolution Notice - 2540 The Esplanade
- Plans - DVP - 2540 The Esplanade, Dec 14, 2015

MOVED and seconded: 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 2540 The Esplanade (Lot 4, Block 15, Section 2, Victoria District, Plan 379) varying the following provisions 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)	Less than 25% 29.4 m <sup>2</sup>	88.5% 104.0 m <sup>2</sup>	63.5% 74.6 m <sup>2</sup>

*to allow additional hard surfacing for landscape design as shown on the plans dated December 14, 2015, appended to the resolution notice for the January 11, 2016, Council meeting.*

CARRIED

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

CARRIED

16. ***Development Variance Permit (DVP) Application - 2121 Cadboro Bay Road***

- Tabled Resolution Notice - 2121 Cadboro Bay Road
- Plans - DVP - 2121 Cadboro Bay Rd, Nov 16, 2015

MOVED and seconded: 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 2121 Cadboro Bay Road (Lot 2, Section 28, Victoria District, Plan 2376 except part in Plan 8380) varying the provisions of sections 6.(8) and 15.(3) of Bylaw No. 3946 Sign Bylaw, 1997, as amended to allow an illuminated, free standing sign with moving LED display as shown on the plans appended to Committee of the Whole agenda item number 7, being a report from the Planner dated December 7, 2015.*

CARRIED

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

CARRIED

**RESOLUTIONS:**

17. ***South Vancouver Island Economic Development Association***

- South Vancouver Island Economic Development Association, 2016
- Notice of Appointment of Member Representative

MOVED and seconded: That Councillor Croft be authorized to act as the District of Oak Bay's representative at all general and extraordinary meetings of the South Vancouver Island Economic Development Association.

CARRIED

18. ***Appointment - Secretary to the Board of Variance***

- Appointment - Secretary to the Board of Variance

MOVED and seconded: That Deborah Jensen, Planner, be appointed as Secretary to the Board of Variance, effective January 26, 2016.

CARRIED



19. **2016 Deer Management Funding**

- 2016 Deer Management Funding - Proposed by Cllr Murdoch

MOVED and seconded:

WHEREAS Council has not yet determined policy direction regarding deer management in 2016;

AND WHEREAS Council, until policy direction is determined, should keep its options open;

AND WHEREAS funding will be required should Council decide to enact deer management in 2016:

THEREFORE BE IT RESOLVED: That staff be directed to include \$30,000 for deer management activities in the provisional budget, for consideration during the estimates process.

It was clarified that the intention of the motion was for an additional \$30,000 be included in the provisional budget, which would provide for a total of \$40,000 towards deer management.

Some members of Council expressed opposition towards funds being allocated for deer management in the 2016 budget. One member of Council commented that although funding for certain deer management activities would be supportable, he would not support these funds being used towards a cull.

The question was then called.

CARRIED  
Councillors Croft and Kirby against the motion

ADJOURNMENT:

20. **Motion to Adjourn**

Prior to adjourning the meeting, Mayor Jensen noted that this was the final meeting which Lorraine Hilton would be attending in her role as Director of Corporate Services and offered congratulations on behalf of Oak Bay Council to Ms. Hilton on her new position as Chief Administrative Officer of the District of Highlands. The Mayor spoke with respect to Ms. Hilton's diligence and dedication to the Municipality over her 20 years of service. Mayor Jensen then concluded his remarks and led a round of applause.

MOVED and seconded: That the meeting be adjourned.

CARRIED

The meeting then adjourned at 9:23 PM.

Certified Correct:

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Mayor

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Acting Director of Corporate Services