

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 26, 2015 at 7:30 p.m.

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

STAFF: Chief Administrative Officer, H. Koning
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

MINUTES AND REPORTS:

1. *Council, January 12, 2015*

MOVED by Councillor Ney

Seconded by Councillor Braithwaite, That the minutes of the Council meeting held on Monday, January 12, 2015, be adopted.

CARRIED

2. *Committee of the Whole, January 19, 2015*

MOVED by Councillor Ney

Seconded by Councillor Croft, That the minutes of the Committee of the Whole meeting held on Monday, January 19, 2015, and the recommendations contained therein, be adopted.

CARRIED

MAYOR'S REMARKS:

Oak Bay Business Improvement Association – Christmas Lights on Oak Bay Avenue

Mayor Jensen noted that the Oak Bay Business Improvement Association is now removing the Christmas Lights on Oak Bay Avenue. The Mayor extended his compliments to the BIA on the beautiful lighting this year.

Electronic Agenda

The Mayor offered his thanks to municipal staff from the Information and Technology division and the Municipal Clerk's Office for the implementation of the new electronic agendas, noting that, in the long-term, this will reduce staff time and paper costs.

Urban Deer Population Control Presentation Summary

Mayor Jensen drew Council's attention to a presentation summary on Urban Deer Population Control, which was developed by Dr. Helen Schwantje, Provincial Wildlife Veterinarian. The Mayor reviewed the presentation in depth, describing issues with respect to hyper-abundant deer populations and reviewing the six direct methods of population control outlined in the presentation. After commenting on some of the experiences from other municipalities who were also faced with hyper-abundant deer populations, the Mayor concluded his remarks by noting that the presentation summary would be made available on the municipal website.

PUBLIC PARTICIPATION PERIOD:

Marion Cumming, Oak Bay resident, expressed her concerns that Oak Bay as a community is being challenged to live with wildlife. Ms. Cumming commented that the provincial government should hire an urban deer biologist in order to better address these issues and that more focus should be brought to increasing the land provided for wildlife corridors and habitat. She noted that there is some indication that the population of native black-tail deer on Vancouver Island is actually decreasing over the years. She concluded her remarks by stating that Oak Bay should address issues with deer in a compassionate manner.

Joan Russow, Oak Bay resident, spoke in support of the use of the immunocontraceptive vaccine SpayVac as a method to control the urban deer population in Oak Bay, emphasizing that it has been used successfully elsewhere and that it is a more humane approach to population control. Ms. Russow also stated that enough effort has not been made to reduce traffic speed to prevent collisions with deer. She concluded her remarks, commenting that she felt Council should lobby the provincial government to demand that better methods of controlling urban deer be made available to municipalities.

Mike Wilmut, Oak Bay resident, introduced himself as the President of the North Henderson Residents Association. Mr. Wilmut stated that there is a need to protect the north Henderson area of Oak Bay and, in this regard, emphasized the importance of the committees involved with the implementation of the Official Community Plan. He commented that, when these committees are established, it will be crucial that they be transparent and accountable to the public. This could be done, he said, by undertaking the following: appointing members that reflect the different geographic areas of Oak Bay; providing comprehensive minutes with recorded votes; ensuring agendas, minutes and associated documents are made available to the public in a timely manner; and allowing some means by which the public can provide input to the committee. He concluded his remarks by stating that the community should have the opportunity to comment on any terms of reference for these committees and that consideration should be given to webcasting committee meetings.

Bill Valentine, Oak Bay resident, spoke in regards to his experience in Haida Gwaii with the negative impact that a hyper-abundant deer population can have on the natural environment, on public safety and on residents' ability to enjoy their property. He concluded his remarks by stating that this is a hard issue to manage, but that the municipality is heading in the right direction.

Kristy Kilpatrick, Oak Bay resident, expressed her concerns regarding the issue of controlling the urban deer population in Oak Bay, noting that while she agreed that the population needs to be managed, she questions why the method of capturing the deer and then euthanizing them by bolt-gun is being presented to Council as the only option. Ms. Kilpatrick noted that the immunocontraceptive vaccine SpayVac can be produced if the demand for the vaccine is increased, which could be done, she said, by undertaking a research pilot project in Oak Bay. Science, she said, has shown that more deer will come if deer are removed from an area. She stated that Council should undertake a survey to determine the views of the community on the issue of capturing and euthanizing deer. Ms. Kilpatrick then concluded her remarks by encouraging Council to explore other population control methods, as a cull, she said, would tear the community apart.

Tony Ryan, Oak Bay resident, began his remarks speaking in support of proceeding with urban deer population control measures. Mr. Ryan commented that "culling by car" is currently occurring and is inhumane. Turning to the issue of the implementation of the Official Community Plan, Mr. Ryan commented that it is critical that there be citizen involvement during the drafting of any bylaws, given the potential impact on neighbourhoods.

Kerri Ward, Oak Bay resident, commented that the process undertaken by the Capital Regional District with respect to their Citizen Advisory Group was flawed. Ms. Ward stated that science shows that culls do not work. She noted that there is a need for specialized advice from an urban deer biologist. Ms. Ward then concluded her remarks, stating that comments were made at the Citizen Advisory Group which indicated that, without the advice of an urban deer biologist, the province is not properly managing urban deer.

COMMUNICATIONS:

3. ***Heritage Foundation Grant***
- Report - Municipal Treasurer, Jan. 20, 2015

MOVED by Councillor Murdoch

Seconded by Councillor Braithwaite, That staff be directed to process the Victoria Foundation cheque for \$825.00, and in turn issue a grant to the Oak Bay Heritage Foundation for the same amount.

CARRIED

4. ***Special Event Application - Request for Commercial Activity in Windsor Park, Jul. 18, 2015***
- Note - Municipal Clerk - Jan. 26, 2015. Jaguar Car Club - Windsor Park
 - Sp Event App - Jaguar Car Club of Victoria - Event date July 18, 2015

MOVED by Councillor Murdoch

Seconded by Councillor Braithwaite, That whereas, pursuant to the Zoning Bylaw, Council has made the determination that the proposed event, including the sales of goods and refreshments, will be of general benefit to the municipality at large and will create no undue inconvenience for adjacent residents or the public at large, and does not detract from the purpose of the land as a public place for recreation, ornamentation or preservation of the natural environment, approval be given to the Jaguar Car Club of Victoria to hold the Jaguars on the Island Car Show at Windsor Park on Saturday, July 18, 2015, 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 providing evidence of public liability insurance in the amount of not less than \$3,000,000; and
2. agree to pay all invoices from the Municipality for costs incurred in connection with the event;

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

CARRIED

5. ***Special Event Application - Request for Temporary Occupancy of Parking Lot at Willow's Park, Mar. 14, 2015***
- Note - Municipal Clerk - Jan. 26, 2015. Kiwanis Shredding - Willow's Park
 - Sp Event App - OB Kiwanis - Event date March 14, 2015

Councillor Braithwaite declared a conflict of interest with respect to the special event application, agenda item 5, at she sits on the board of the Kiwanis Club of Oak Bay. Councillor Braithwaite then left the meeting at 8:26 p.m.

MOVED by Councillor Kirby

Seconded by Councillor Zhelka, That the occupancy of the Willows Park parking lot on March 14, 2015 by the Kiwanis Club of Oak Bay for the purposes of a “shredding” fundraiser as described in the submission dated January 9, 2015, be approved, 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; and
2. agree to pay all invoices from the Municipality for costs incurred in connection with the event;

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

CARRIED

Councillor Braithwaite returned to the meeting at 8:30 p.m.

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

- Note - Municipal Clerk - H Comm Minutes, Jan. 13, 2015 (H Comm & H Found Annual Reports)
- Minutes - OB Heritage Commission, Jan 13, 2015

As the Council liaison to the Oak Bay Heritage Commission and the Oak Bay Heritage Foundation, Councillor Murdoch provided a verbal update on various heritage activities.

MOVED by Councillor Murdoch

Seconded by Councillor Zhelka, That the minutes of the Oak Bay Heritage Commission meeting held on January 13, 2015 be received.

CARRIED

7. ***Oak Bay Active Transportation Advisory (ATAC) Committee***

- Note - Municipal Clerk - ATAC Minutes, Jan. 6, 2015 - with 1 additional recommendation
- Minutes - ATAC, Jan. 6, 2015

MOVED by Councillor Kirby

Seconded by Councillor Murdoch, That the minutes of the Active Transportation Advisory Committee meeting held on January 6, 2015 be received.

CARRIED

MOVED by Councillor Croft

Seconded by Councillor Kirby, That funding be provided to the Greater Victoria Cycling Coalition in the amount of \$750.00 to support the TransForm Event to be held February 18, 2015 to February 19, 2015.

A discussion ensued with regards to the recommendation. Some members of Council spoke in support of the event, noting that the speaker is excellent and that the event could be highly beneficial to the community and the region. Other members of Council expressed concern with respect to the amount requested and asked for clarification on the internal grant funding process undertaken to date.

Responding to questions from Council, the Municipal Clerk clarified that, typically, a formal grant application would be submitted to Council, which could then be referred to the Estimates Committee; however, she noted, the Estimates Committee meets in April after the event in question has concluded, which is why this recommendation has been submitted to Council at this time. Ms. Hilton commented that it is her understanding that the intention of the recommendation from ATAC is that the funding be provided from the amount in the provisional budget currently allocated for the ATAC. She further clarified that unused operating funds for advisory committees are not brought forward into subsequent years.

The question was then called.

DEFEATED

Mayor Jensen and Councillors Braithwaite,
Murdoch, Ney, and Zhelka against the motion

MOVED by Councillor Braithwaite

Seconded by Councillor Murdoch, That funding be provided to the Greater Victoria Cycling Coalition in the amount of \$250.00 to support the TransForm Event to be held February 18, 2015 to February 19, 2015.

DEFEATED

Mayor Jensen and Councillors Croft,
Kirby, Ney, and Zhelka against the motion

MOVED by Councillor Croft

Seconded by Councillor Kirby, That funding be provided to the Greater Victoria Cycling Coalition in the amount of \$500.00 to support the TransForm Event to be held February 18, 2015 to February 19, 2015.

CARRIED

Councillors Braithwaite and Murdoch
against the motion

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

8. ***Oak Bay Heritage Commission Annual Report***
- OB Heritage Commission Annual Report 2014

MOVED by Councillor Braithwaite

Seconded by Councillor Murdoch, That the Oak Bay Heritage Commission Annual Report be received.

CARRIED

9. ***Oak Bay Heritage Foundation Annual Report***
- OB Heritage Foundation Annual Report 2014
 - OB Heritage Foundation - Research Paper - Heritage Effect on Property Values, 2014

MOVED by Councillor Murdoch

Seconded by Councillor Braithwaite, That the Oak Bay Heritage Foundation Annual Report 2014 and the Oak Bay Heritage Foundation Research Paper, *Heritage Effect on Property Values, 2014*, be received.

CARRIED

Reports from Other Committees

Verbal reports were provided from members of Council with respect to the Oak Bay Parks and Recreation Commission, the Oak Bay Community Archives, the Greater Victoria Public Library Board, the Royal and McPherson Theatres Society and the Oak Bay Police Board.

Reports on the Capital Regional District (CRD)

Verbal reports were provided with respect to the Core Area Liquid Waste Management Committee and the Regional Sustainability Strategy.

RESOLUTIONS:

10. ***Bank Signing Authority***
- Resolution Notice - Bank Signing Authority

MOVED by Councillor Braithwaite

Seconded by Councillor Kirby, That Council adopt The Royal Bank of Canada Form 380(2014/10) regarding signing officers for the Municipality, who shall be either the Mayor (or in his absence the Acting Mayor), the Chief Administrative Officer (or in her absence the Deputy Chief Administrative Officer), as the case may be, together with the Municipal Treasurer (or in her absence the Deputy Municipal Treasurer), and the transactions that these officers can undertake.

CARRIED

11. ***Appointment to Grants Criteria Task Force***

- Resolution Notice - Appointment to Grants Criteria Task Force

MOVED by Councillor Braithwaite

Seconded by Councillor Ney, That Linda Allen be appointed as the member of the public on the Grants Criteria Task Force.

CARRIED

12. ***Development Variance Permit Application – 3050 Beach Drive***

- Resolution Notice - Resolution Notice - DVP - 3050 Beach Dr.
- Plans - DVP, UBP - 3050 Beach Dr - rcvd Jan 9, 2015

MOVED by Councillor Murdoch

Seconded by Councillor Croft, 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.

MOVED by Councillor Murdoch

Seconded by Councillor Croft, That the motion in respect to the development variance permit for 3050 Beach Drive be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

13. **Development Variance Permit Application – 3190 Exeter Road**
- Resolution Notice - DVP - 3190 Exeter Rd
 - Plans - DVP,UBP - 3190 Exeter Rd - rcvd. Jan. 13, 2015

MOVED by Councillor Murdoch

Seconded by Councillor Ney, 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.

MOVED by Councillor Murdoch

Seconded by Councillor Ney, That the motion in respect to the development variance permit for 3190 Exeter Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

14. **Development Variance Permit Application(DVP) - 2138 Florence Street**
- Resolution Notice - DVP - 2138 Florence St.
 - Plans - DVP - 2138 Florence St. - rcvd. Jan. 12, 2015

MOVED by Councillor Murdoch

Seconded by Councillor Ney, 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.

MOVED by Councillor Murdoch

Seconded by Councillor Ney, That the motion in respect to the development variance permit for 2138 Florence Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

ADJOURNMENT:

Motion to Adjourn

MOVED by Councillor Braithwaite

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

CARRIED

The meeting adjourned at 9:07 p.m.

Certified Correct

Deputy Municipal Clerk

Mayor