

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 27, 2014 at 7:30 p.m.

PRESENT: Mayor, N. Jensen, Chair
Councillor P. Copley
Councillor C. Green
Councillor J. Herbert
Councillor M. Kirby
Councillor K. Murdoch
Councillor T. Ney

STAFF: Municipal Administrator, H. Koning
Municipal Clerk, L. Hilton
Deputy Municipal Clerk, C. Denomme
Municipal Treasurer, P. Walker
Director of Engineering Services, D. Marshall

Mayor Jensen called the meeting to order at 7:35 p.m.

ADOPTION OF MINUTES:

Council – January 13, 2014

MOVED by Councillor Kirby
Seconded by Councillor Ney, That the minutes of the Council meeting held on Monday, January 13, 2014, be adopted.

CARRIED

Committee of the Whole - January 20, 2014

MOVED by Councillor Ney
Seconded by Councillor Kirby, That the minutes of the Committee of the Whole meeting held on Monday, January 20, 2014, be amended to remove “Councillor Murdoch against the motion” for item no 9, and that the minutes as amended, be adopted.

The Director of Engineering Services provided an update regarding longboarding on Barkley Terrace. He has contacted the Oak Bay Police and members of the longboarders group and they will be setting up a meeting to discuss safety issues and options. Mr. Marshall said he has contacted other municipalities to see how they are dealing with this same issue and he will have a report to present at the Committee of the Whole meeting in February. Mayor Jensen offer to attend the meeting with the youth.

The question was then called.

CARRIED

MAYOR'S REMARKS:

SPCA

Mayor Jensen met with Craig Daniel, Sarah Dubois and others at the SPCA to discuss Oak Bay's Deer Management Strategy. He said they reviewed the steps involved in the Deer Management program, which include public education, signage and a bylaw amendment regarding deer feeding, that will come before the deer cull.

Chief of Police Search

Mayor Jensen reported that the applications for the position closed on Friday and were reviewed at a meeting on Saturday. The Board will meet again to short list candidates then conduct interviews. He said he anticipates an offer will be made by mid February.

Gracepoint

Mayor Jensen said that he contacted his counterpart in Broadchurch to see if he could offer any pointers from lessons learned that might be helpful in respect to the film production being shot in Oak Bay. He commented that this is an exciting time and there is much excitement in Oak Bay as the start of filming begins tomorrow.

PUBLIC PARTICIPATION PERIOD:

Lesley Ewing, resident, commented that she feels amalgamation is the most important issue being faced by the Greater Victoria Area. She encouraged Council to consider putting a referendum question on the ballot for the upcoming municipal election.

Andrew Moyer, Ottavio, said he is supportive of the filming for Gracepoint in Oak Bay. His only concerns were for parking and road closures. Gracepoint Productions have held meetings with the business owners and he is confident they are listening to their concerns, he said.

Terry Wickstrom, resident, asked that he be included in any meetings regarding longboarding on Barkley Terrace, saying he supports the youth. Mayor Jensen suggested he attend the Committee of the Whole in February when the item will be discussed.

Grant Schnurr, resident, said he has a letter on the agenda regarding noise from leaf blowers. He is concerned that municipal workers and golf course crews are exempt from the time listed in the anti noise bylaw. He continued by saying leaf blowers and weed eaters produce the most annoying sounds early in the morning.

COMMUNICATIONS:

1. 2014-34 MUNICIPAL TREASURER, Jan 1, 2014
Re Heritage Foundation Grant

MOVED by Councillor Herbert

Seconded by Councillor Green, That staff be directed to process the Victoria Foundation cheque for \$736.00 and in turn issue a grant to the Oak Bay Heritage Foundation for the same amount.

CARRIED

2. 2014-35 SANDRA MENZIES, Jan 9, 2014
Re Request for Question on Amalgamation

A discussion ensued regarding amalgamation and placing a referendum question on the local election ballot. Members of Council reported they had not received questions regarding amalgamation and it was noted by some that concerns would have come out in the survey circulated for the Official Community Plan. Other members commented that Council's bigger issues are the Official Community Plan renewal and development. Some members commented that they felt there is not enough information about amalgamation and its effects on smaller municipalities at this time and that issues of other municipalities are not the same issues as in Oak Bay.

MOVED by Councillor Herbert

Seconded by Councillor Green, That correspondence item no. 2014-35 be received.

CARRIED

3. 2014-36 MANAGER, RECREATION PROGRAM SERVICES, Jan 22, 2014
2014-36-1 OTTAVIO, Jan 15, 2014
Re Road Closure Request – Gracepoint Productions

(Manager of Recreation and Program Services was in attendance for this item)

The Mayor gave an overview of the request for Temporary Road Closure and Sidewalk Occupancy for Oak Bay Avenue for February 10, 2014, in relation to filming.

A discussion ensued with respect to parking and the effect closing the road will have on the local businesses. The Manager of Recreation and Program Services said they will be using the Oak Bay Marina for parking and shuttling the crew to the location and Gracepoint Productions has met with the business owners. It was noted that February 10, 2014 is a holiday.

MOVED by Councillor Copley

Seconded by Councillor Green, That a Temporary Road Closure and Sidewalk Occupancy of Oak Bay Avenue from Monterey Avenue to Wilmot Place on February 10, 2014 from 7:00 a.m. to 6:00 p.m., or alternate day(s) if required, subject to prior approval from the Chief Constable and the Manager of Recreation Program Services, be approved subject to Gracepoint Productions providing a Letter of Undertaking 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 filming;
3. provide advance notification to all residents affected; and
4. agree to obtain Oak Bay Police approval for a traffic plan and implement the same subject to any field instruction from the police.

CARRIED

4. 2014-37 CHRIS GARRETT, Nov 14, 2013
2014-37-1 GRANT SCHNURR, Jan 9, 2014

Re Request to Amend Anti Noise Bylaw Re Leaf Blowers

Mayor Jensen reviewed the concerns regarding the exemption to the bylaw for municipal staff and golf course employees in respect to the use of leaf blowers outside the permitted hours and days.

A discussion ensued with respect to the noise from leaf blowers and weed trimmers, the effect on the neighbouring properties of the golf courses, and changing the noise bylaw to remove the exemption for golf courses and municipal employees. A member of Council suggested that the golf courses should be contacted for their input before any changes are considered.

MOVED by Councillor Herbert

Seconded by Councillor Green, That staff be directed to send a letter to the golf courses in Oak Bay to inquire as to how they would be impacted if their exemption was removed from the noise bylaw in respect to the use of leaf blowers.

CARRIED

5. 2014-16 MUNICIPAL TREASURER, Jan 8, 2014
Re Request to Write Off Penalty on Unpaid Taxes

Fred Martin, applicant, was present to answer questions.

Mayor Jensen asked Mr. Martin to explain why he missed the tax payment deadline. Mr. Martin said that he has two young children and they were sick and that prevented him from coming into the office to pay the taxes on the due date.

A discussion ensued regarding when the tax bills were mailed out, when they were due and the options available for payment. The Municipal Treasurer gave examples of previous requests and how they were handled. She further explained that if Council supports the request that permission is required from the Minister to write-off the penalty.

MOVED by Councillor Murdoch

Seconded by Councillor Herbert, That the correspondence from Dinning Hunter Lambert & Jackson dated January 7, 2014 be received and the request to write off the penalty on unpaid taxes be denied.

CARRIED

6. 2014-38 MOUNTAIN EQUIPMENT CO-OP, Dec 6, 2013
Re Request for Public Property Occupancy, MEC Victoria Race TWO
5k/10k in Oak Bay - April 6, 2014

MOVED by Councillor Kirby

Seconded by Councillor Copley, That approval be given to occupy public property, substantially as described in correspondence item no. 2014-38, for the MEC Victoria Race TWO 5K/10K in Oak Bay to be held Sunday, April 6, 2014, 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;
3. agree to provide individual notice to each residence along the route in advance of the event;
4. obtain approval from the Oak Bay Police Department for a detailed marshalling plan,

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

CARRIED

7. 2014-39 MS SOCIETY OF CANADA, Jan 16, 2014
Re Request for Public Property Occupancy, Scotia MS Walk – April 13, 2014

MOVED by Councillor Kirby

Seconded by Councillor Murdoch, That approval be given for the temporary occupancy of Willows Beach parking lot and the sidewalks along Beach Drive, Newport Avenue and Currie Road, as detailed in correspondence item no. 2014-39, subject to the Event Organizer for the Scotiabank MS WALK 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

8. 2014-40 VICTORIA INTERNATIONAL RUNNING SOCIETY, Dec 9, 2013
Re New Half Marathon in Conjunction With TC10K – April 27, 2014

Cathy Noel, General Manager, Victoria International Running Society, gave an overview of the Half Marathon and answered questions from Council.

MOVED by Councillor Kirby

Seconded by Councillor Copley, That approval be given for the temporary road closures and occupancy of public property, as detailed in correspondence item no. 2014-40, subject to the Event Organizer for the TC 10K, 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;

3. agree to provide individual notice to each residence along the route in advance of the event;
4. obtain approval from the Oak Bay Police Department for a detailed traffic and marshalling plan,

with the Municipal Clerk being authorized to execute the agreement on behalf of the Municipality.

CARRIED

9. 2014-41 DIRECTOR OF ENGINEERING SERVICES, Jan 23, 2014
Re Oak Bay High School Bowker Creek Restoration – Award of Contract

MOVED by Councillor Green

Seconded by Councillor Herbert, That the District of Oak Bay award Contract 13-001 Oak Bay High School Restoration Design to Kerr Wood Leidal in the amount of \$110,775 (which includes an additional student workshop), as detailed in correspondence item 2014-41, being a memorandum from the Director of Engineering Services dated January 23, 2014.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

Official Community Plan Renewal

Councillor Copley reported that the OPAC is preparing for the Open House on February 15, 2014. The next phase will be preparing the draft policies, she said.

Mayor Jensen thanked the Community Association of Oak Bay and president Tom Croft for the recently held information session on the Official Community Plan.

Year End Summary Report on Council Liaison Responsibilities

Councillor Green gave an overview of her report.

Environment Advisory Committee

Councillor Murdoch thanked Angela Buckingham for her work on the Committee, noting the end of her term volunteering in this capacity.

RESOLUTIONS:

Development Variance Permit - 2670 Margate Avenue (Lot 51)

MOVED by Councillor Murdoch

Seconded by Councillor Copley, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2670 Margate Avenue (Lot 51, Section 23, Victoria District, Plan 368, except that part in plan 12162) varying the following provision of Bylaw No. 3531, *Zoning Bylaw, 1986* as amended:

<u>Zoning Bylaw Section(s)</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
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6.5.4.(2)(a) Minimum front lot line setback	7.62 m	3.05 m	4.57 m
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to accommodate the construction of a new single family dwelling as shown on the plans appended to Committee of the Whole agenda item 2014-27 being a memorandum from the Director of Building and Planning dated January 15, 2014.

MOVED by Councillor Murdoch

Seconded by Councillor Herbert, That the motion in respect to the development variance permit for 2670 Margate (Lot 51) be tabled to allow notice to be given in accordance with the *Local Government Act*,” and, further, that the notice area required by bylaw be augmented to include properties within 200 feet of the subject property, with the exception of any multi-family residential buildings.

CARRIED

Development Variance Permit - 2670 Margate Avenue (Lot 52)

MOVED by Councillor Murdoch

Seconded by Councillor Copley, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2670 Margate Avenue (Lot 52, Section 23, Victoria District, Plan 368, except that part in plan 12162) varying the following provision of Bylaw No. 3531, *Zoning Bylaw, 1986* as amended:

<u>Zoning Bylaw Section(s)</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
6.5.4.(2)(a) Minimum front lot line setback	7.62 m	3.05 m	4.57 m

to accommodate the construction of a new single family dwelling as shown on the plans appended to Committee of the Whole agenda item 2014-28 being a memorandum from the Director of Building and Planning dated January 15, 2014.

MOVED by Councillor Murdoch

Seconded by Councillor Herbert, That the motion in respect to the development variance permit for 2670 Margate (Lot 52) be tabled to allow notice to be given in accordance with the *Local Government Act*,” and, further, that the notice area required by bylaw be augmented to include properties within 200 feet of the subject property, with the exception of any multi-family residential buildings.

CARRIED

Development Variance Permit - 2706 Topp Avenue

MOVED by Councillor Murdoch

Seconded by Councillor Green, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2706 Topp Avenue (Lot 21, Block 5, Sections 2

and 61, Victoria District, Plan 379A) varying the following provisions of Bylaw No. 3531, Zoning Bylaw, 1986 as amended:

<u>Zoning Bylaw Section(s)</u>	<u>Required/ Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.5.4.(6)(a) Maximum gross floor area above 0.8 metres below grade	240 m ²	312.80 m ²	72.80 m ²
6.5.4.(11) Minimum second storey side lot line setback	3.00 m	1.88 m	1.12 m

to accommodate the construction of a new deck as shown on the plans appended to Committee of the Whole agenda item 2014-29 being a memorandum from the Director of Building and Planning dated January 2, 2014.

MOVED by Councillor Murdoch

Seconded by Councillor Herbert, That the motion in respect to the development variance permit for 2706 Topp Avenue be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit - 2183 Foul Bay

MOVED by Councillor Murdoch

Seconded by Councillor Green, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2183 Foul Bay Road (Lot 18, Block 1, Section 28, Victoria District, Plan 915) varying the following provision of Bylaw No. 3531, Zoning Bylaw, 1986 as amended:

<u>Zoning Bylaw Section(s)</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.5.4.(6)(a) Maximum gross floor area above 0.8 metres below grade	240 m ²	252 m ²	12 m ²

to accommodate the construction of a new deck as shown on the plans appended to Committee of the Whole agenda item 2014-30 being a memorandum from the Director of Building and Planning dated January 2, 2014.

MOVED by Councillor Murdoch

Seconded by Councillor Green, That the motion in respect to the development variance permit for 2183 Foul Bay Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit - 754 Oliver 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 754 Oliver Street (Lot A, Section 22, Victoria District, Plan VIP51700) varying the following provision of Bylaw No. 3531, Zoning Bylaw, 1986 as amended:

<u>Zoning Bylaw Section(s)</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.5.4.(2)(c) Minimum interior side lot line setback	1.52 m	1.50 m	0.02 m
6.5.4.(2)(e) Minimum total of side lot line setbacks	4.57 m	3.98 m	0.59 m
4.6.5. + 4.6.5.(2) Projection from face of building into minimum side yard setback	1.07 m	0.74 m	0.33 m

to accommodate the construction of a rear addition to the existing home, including two new rear decks and a patio as shown on the plans appended to Committee of the Whole agenda item 2014-31 being a memorandum from the Director of Building and Planning dated January 17, 2014.

MOVED by Councillor Murdoch

Seconded by Councillor Herbert, That the motion in respect to the development variance permit for 754 Oliver Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – Native Plant Park, 1180 Beach Drive

MOVED by Councillor Murdoch

Seconded by Councillor Herbert, That:

1. Spending approval for the proposed fence around the north, east and south boundaries of the Native Plant Park, 1180 Beach Drive (Lots 81, 82, 83 & C, Section 23, Victoria District, Plan 368) with funding to come from the bequest of up to \$25,000.00 to be approved, subject to the issuance of a Development Variance Permit to vary the fence height requirements noted below;
2. The Director of Building and Planning be authorized to issue a Heritage Alteration Permit for the erection of the fence around the north, east and south boundary of the Native Plant Park, 1180 Beach Drive (Lots 81, 82, 83 & C, Section 23, Victoria District, Plan 368) as shown on the plans attached to the resolution printed for the purposes of the

January 27, 2014 Council agenda, subject to the issuance of a Development Variance Permit to vary the fence height requirements of the Screens and Fences Bylaw as described below; and

3. That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 1180 Beach Drive (Lots 81, 82, 83 & C, Section 23, Victoria District, Plan 368) varying the following provision of Bylaw No. 3536, *Screens and Fences Bylaw, 1986* as amended:

<u>Screens and Fences Bylaw Section</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.1 Maximum height of fence on corner lot (North side, east side) for a distance of 7.62 m	1.00 m	1.20 m	0.20 m

to permit the erection of a fence on the north, east and south boundary of the property as shown on the plans appended to the resolution printed for the purposes of the January 27, 2014 Council agenda.

MOVED by Councillor Murdoch

Seconded by Councillor Herbert, That the motion in respect to the development variance permit for the Native Plant Park (1180 Beach Drive) be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

BYLAWS:

For Adoption

MOVED by Councillor Green

Seconded by Councillor Kirby, That Bylaw No. 4605, *Streets and Traffic Bylaw Amendment Bylaw No. 1, 2014*, be adopted.

CARRIED

ADJOURNMENT:

MOVED by Councillor Kirby

Seconded by Councillor Ney, That the open portion of the meeting of Council be adjourned and that a closed session be convened to discuss labour relations or other employee relations; 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 at 9:02 p.m.

Certified Correct:

Municipal Clerk

Mayor