

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 28, 2013 at 7:30 p.m.

PRESENT: Mayor N. B. Jensen, Chairman
Councillor P. Copley
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
Municipal Treasurer, P. Walker
Director of Building and Planning, R. Thomassen
Director of Engineering Services, D. Marshall

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

ADOPTION OF MINUTES:

Council – January 14, 2013

MOVED by Councillor Ney
Seconded by Councillor Herbert, That the minutes of the Council meeting held on Monday, January 14, 2013, be adopted.

CARRIED

Special Council – January 21, 2013

MOVED by Councillor Herbert
Seconded by Councillor Copley, That the minutes of the Special Council meeting held on Monday, January 21, 2013, be adopted.

CARRIED

Committee of the Whole – January 21, 2013

MOVED by Councillor Copley
Seconded by Councillor Green, That the minutes of the Committee of the Whole meeting held on Monday, January 21, 2013, and the recommendations contained therein, be adopted.

A member of Council drew attention to the recommendation referring the rezoning and development permit application for the property at 1510 Clive Drive and 2280 Oak Bay Avenue to a future Committee of the Whole meeting to allow for consideration of the forthcoming parking study and sun study. A discussion ensued with respect to the possibility of engaging a planning consultant to assist with reviewing specific elements of the application, such as the implications for the Regional Growth Strategy and the use of housing agreements that prohibit tenants from owning vehicles.

In discussion with staff, it was determined that the issue of hiring a consultant could be addressed when the application is being considered at a future Committee of the Whole meeting

The question was then called.

CARRIED

MAYOR'S REMARKS:

Mayor Jensen reminded members of Council that the deadline for resolutions to the 2013 Convention of the Association of Vancouver Island and Coastal Communities (AVICC) is February 25, 2013.

The Mayor also noted that he had received a letter from new Oak Bay residents praising the customer service of the Parks Department and in particular the efforts of staff member Chris Paul for his response to a tree pruning issue.

PUBLIC PARTICIPATION PERIOD:

No members of the public rose to speak.

COMMUNICATIONS:

1. 2013-31 OAK BAY FIRE CHIEF, December 5, 2012
Re Report on Outdoor Burning Requests

(Gerry Adam, Fire Chief, in attendance for this item)

The Fire Chief responded to questions from Council with respect to his December 5, 2012, report, noting that typically applications are only received for the annual Halloween bonfire and the Sea of Lights event. Open air fires, Mr. Adam noted, have been problematic in the past, both for Fire and Police staff. He stated that, if Council so chooses, the authority to allow open air fires could be delegated to the position of Fire Chief, but that he would want input from Council with respect to determining which kinds of open air fires would be of benefit to the community.

In response to questions from Council, the Municipal Clerk noted that, if Council chooses to delegate the authority with respect to open air fires, it would be strongly suggested that the requirements in the existing bylaw with respect to the provision of liability insurance and indemnification remain unchanged.

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, That no amendments to *Fire Regulation Bylaw, 1994* be considered at this time.

There was significant discussion regarding the current regulations and Council's role in determining the public benefit of events that include open air fires. It was noted that delegation of authority with respect to open air fires works well in other municipalities and that the bylaw should specifically make reference to allowing open air fires for First Nations or other cultural observances. It was also noted that requiring open air fires to be of benefit to the Municipality "at large" may be too limiting.

The question was then called.

DEFEATED

(Mayor Jensen and Councillors Copley, Green, Kirby and Ney against the motion)

MOVED by Councillor Copley

Seconded by Councillor Kirby, That staff be requested to draft an amendment to *Fire Regulation Bylaw, 1994* that permits open air fires for First Nations or other cultural observances and that removes the words "at large" from section 46 (1).

CARRIED

MOVED by Councillor Ney

Seconded by Councillor Murdoch, That staff be directed to provide a report on the implications of delegating the authority to permit open air fires to the Fire Chief and on an associated permitting process, including fees.

CARRIED

2. 2013-32 CAPITAL REGIONAL DISTRICT, January 25, 2013
Re Request for Watershed Plan Implementation Coordinator Funding

MOVED by Councillor Herbert

Seconded by Councillor Green, That support in principle be given for a further three-year period of the Bowker Creek Watershed Plan Implementation Coordinator Position, based on the cost-sharing formula contained in the letter from the Chair of the Bowker Creek Initiative, dated January 25, 2013.

At Council's request, Jody Watson, Chair, Bowker Creek Initiative, provided an overview of the phases for the implementation of the watershed plan, noting that the Bowker Creek Initiative would manage the engineering consultant who would undertake the construction for the Bowker Creek restoration project for which the District of Oak Bay has received a grant. Ms. Watson also noted that she has been working with Oak Bay staff to finalize a Memorandum of Understanding that defines the financial process and the roles of the various participants in the Bowker Creek restoration project.

The question was then called.

CARRIED

3. 2013-33 TOUR DE VICTORIA, January 9, 2013
Re Request for Road Closures, September 22, 2013

Responding to questions from Council with respect to the change in the date of the event, Seamus McGrath, Director, Ryder Hesjedal's Tour de Victoria, noted that the date was changed in part to accommodate Ryder Hesjedal's schedule and also to allow participants more time for training.

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, That approval be given for the temporary road closures and occupancy of public property for the Ryder Hesjedal's Tour de Victoria cycling event as detailed in correspondence item no. 2013-33, 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;
2. agree to pay all invoices from the Municipality for costs incurred in connection with the event;
3. agree to obtain Oak Bay Police Department approval for a traffic plan and implement the same subject to any field instructions from the Police, and
4. agree to deliver written notice to all occupiers of property adjoining any roads to be closed for the event,

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

CARRIED

4. 2013-34 GONZALES PRESCHOOL, January 11, 2013
Re Request for Permission to Undertake Public Park and Beach Clean-Up,
March 2, 2013

MOVED by Councillor Herbert

Seconded by Councillor Copley, That approval be given for the temporary occupancy of Uplands Park and Cattle Point, Willows Beach and Park, Oak Bay Marina, Haynes Park, Marina Park, and McNeil Bay, southwest of McMicking Point, as requested in correspondence item no. 2013-34, subject to the Gonzales Preschool 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

5. 2013-35 OAK BAY HERITAGE COMMISSION MINUTES, January 15, 2013
Re Minutes of Meeting

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, That the minutes of the January 15, 2013 Oak Bay Heritage Commission meeting be received.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

No items of New Business were raised.

RESOLUTIONS:

Bank Signing Authority

MOVED by Councillor Herbert

Seconded by Councillor Copley, That Council adopt The Royal Bank of Canada Form 380(10/2012) regarding signing officers for the Municipality, who shall be either the Mayor (or in his absence the Acting Mayor), the Finance Chair, or the Municipal Administrator (or in his absence the Deputy Municipal Administrator), 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

Signing Authority – Municipal Wi-Fi Services

MOVED Councillor Herbert

Seconded by Councillor Copley, That the Mayor and Municipal Clerk be authorized to sign and do all things necessary to execute the agreement with Shaw Cablesystems Limited regarding municipal Wi-Fi services, substantially in the form attached to the resolution printed for the purpose of the January 28, 2013 regular Council meeting agenda.

CARRIED

Development Variance Permit – 2025 Crescent Road

MOVED by Councillor Herbert

Seconded by Councillor Green, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2025 Crescent Road (Lot A, Section 19, Victoria District, Plan 29408), varying the following provisions of Bylaw No. 3531, *Zoning Bylaw, 1986*, as amended:

<u>Zoning Bylaw Section</u>	<u>Permitted/ Required</u>	<u>Requested</u>	<u>Variance</u>
6.5.4. (3) (a) + Schedule 'B' Maximum building height	7.07 m	7.58 m	.51 m
6.5.4. (11) Minimum second storey side lot line setback	3.0 m	2.7 m	0.3 m

to accommodate the modification of the existing deck enclosure into living space as shown on the plans appended to Committee of the Whole agenda item 2013-26 being a memorandum from the Director of Building and Planning dated December 24, 2012.

MOVED by Councillor Green

Seconded by Councillor Copley, That the motion in respect to the development variance permit for 2025 Crescent Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 2490 Dryfe Street

MOVED by Councillor Herbert

Seconded by Councillor Green, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2490 Dryfe Street (Lot 41, Section 28 Victoria District, Plan 8600), varying the following provisions of Bylaw No. 3540, *Parking Facilities Bylaw, 1986* as amended:

<u>Parking Facilities Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
4.1 and Schedule 'A' A.1. (a) Minimum Number of Parking Spaces	2 (one must be in a building)	1 (space not in a building)	1 covered parking space

to accommodate the basement development precluding the provision of the required covered parking stall as shown on the plan appended to Committee of the Whole agenda item 2013-27, being a memorandum from the Director of Building and Planning dated December 24, 2012.

MOVED by Councillor Herbert

Seconded by Councillor Green, That the motion in respect to the development variance permit for 2490 Dryfe Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 2311 Lansdowne Road

MOVED by Councillor Herbert

Seconded by Councillor Green, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2311 Lansdowne Road (Lot 36, Section 31, Victoria District, Plan 7700), varying the following provisions of Bylaw No. 3531, *Zoning Bylaw, 1986*, as amended:

<u>Zoning Bylaw Section</u>	<u>Required/ Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.4.4. (11) Minimum second storey side lot line setback	3.0 m	1.79 m	1.21 m
6.4.4. (6) (b) Maximum gross floor area above .8 meters below grade	360 m ²	396 m ²	36 m ²

to accommodate the proposed addition to the existing residence as shown on the plans appended to Committee of the Whole agenda item 2013-28 being a memorandum from the Director of Building and Planning dated January 8, 2013.

MOVED by Councillor Herbert

Seconded by Councillor Green, That the motion in respect to the development variance permit for 2311 Lansdowne Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 2092 Meadow Place

MOVED by Councillor Herbert

Seconded by Councillor Green, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2092 Meadow Place (Lot 3, Section 69, Victoria District, Plan 14293), varying the following provision of Bylaw No. 3531, *Zoning Bylaw, 1986*, as amended:

<u>Zoning Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
6.5.4. (2) (b) Minimum rear lot line setback	7.62 m	4.12 m	3.5 m

to accommodate the replacement of a deck to the existing residence as shown on the plans appended to Committee of the Whole agenda item 2013-29 being a memorandum from the Director of Building and Planning dated January 8, 2013.

MOVED by Councillor Herbert

Seconded by Councillor Green, That the motion in respect to the development variance permit for 2092 Meadow Place be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

BYLAWS:

For First and Second Reading and Setting of a Public Hearing Date

MOVED by Councillor Herbert

Seconded by Councillor Copley, That Bylaw No. 4576, *1265 Roslyn Road Heritage Designation Bylaw, 2013* be introduced and read a first time.

CARRIED

MOVED by Councillor Herbert

Seconded by Councillor Copley, That Bylaw No. 4576, *1265 Roslyn Road Heritage Designation Bylaw, 2013* be read a second time.

CARRIED

A member of Council noted that, as is being done by other local governments, consideration should be given to attaching the Statement of Significance to the proposed heritage designation bylaw, as the statement and bylaw are meant to work in conjunction.

MOVED by Councillor Copley

Seconded by Councillor Herbert, That staff be directed to draft an amendment to Bylaw No. 4576, *1265 Roslyn Road Heritage Designation Bylaw, 2013*, in order to attach the Statement of Significance for 1265 Roslyn Road to the bylaw and that the amended bylaw be brought forward for Council's consideration.

CARRIED

For First, Second and Third Reading

MOVED by Councillor Herbert

Seconded by Councillor Copley, That Bylaw No. 4582, *Heritage Commission Establishment Bylaw Amendment Bylaw, 2013* be introduced and read a first time.

CARRIED

MOVED by Councillor Herbert

Seconded by Councillor Copley, That Bylaw No. 4582, *Heritage Commission Establishment Bylaw Amendment Bylaw, 2013* be read a second time.

CARRIED

MOVED by Councillor Herbert

Seconded by Councillor Copley, That Bylaw No. 4582, *Heritage Commission Establishment Bylaw Amendment Bylaw, 2013* be read a third time.

CARRIED

ADJOURNMENT:

MOVED by Councillor Kirby

Seconded by Councillor Murdoch, 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 to discuss 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 8:49 p.m.

Certified Correct:

Municipal Clerk

Mayor