

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, June 10, 2013 at 7:30 p.m.

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

STAFF: Municipal Administrator, G. Nason
Municipal Clerk, L. Hilton
Deputy Municipal Clerk, M. Jones
Municipal Treasurer, P. Walker
Director of Building and Planning, R. Thomassen

Mayor Jensen called the meeting to order at 7:31 p.m.

ADOPTION OF MINUTES:

Council – May 27, 2013

MOVED by Councillor Copley
Seconded by Councillor Ney, That the minutes of the Council meeting held on Monday, May 27, 2013, be adopted.

CARRIED

MAYOR'S REMARKS:

Oak Bay Tea Party

The Mayor noted that the Oak Bay Tea Party was a great success and that, in order to encourage cycling, he cycled in the parade, along with Oak Bay's MLA and MP. Recycling was a concern at the event, he said, and some of the recyclable material separated by the Oak Bay Green Committee may have been accidentally thrown out with the garbage. He noted that a meeting is being held to ensure that this will not happen next year, adding that Oak Bay staff members are very committed to green initiatives.

Oak Bay Firefighters Association Gala

Mayor Jensen commented that the Oak Bay Fire Fighters Association charity gala was another successful event with many attendees that helped to raise funds for several worthy causes, including replacement of the athletics bus for Oak Bay High School.

Henderson Recreation Centre

The Henderson Recreation Centre, the Mayor noted, will be reopening later this month, with more details to follow.

Search for Permanent Chief Administrative Officer (CAO)

The Mayor stated that the search for a permanent CAO is progressing and that he, along with the other subcommittee members, anticipate holding the final interviews in late July.

Passing of Judith Andersen

Mayor Jensen noted with regret the passing of Judith Andersen on June 5, 2013. He commented on Judith's extensive work in the heritage and arts fields as a dedicated and tireless volunteer. On behalf of Oak Bay Municipal Council, the Mayor offered condolences to Judith's friends and family.

Councillor Green noted that, as the liaison to the Oak Bay Heritage Foundation and Oak Bay Heritage Commission, she had the opportunity to work with Judith on several heritage initiatives. Judith will be greatly missed, she said, not only as a volunteer and heritage advocate, but as a friend to Oak Bay.

PUBLIC PARTICIPATION PERIOD:

No members of the public rose to speak.

COMMUNICATIONS:

1. 2013-154 DEPUTY TREASURER, Jun. 5, 2013
Re Residential Organic Collection Services Contract Tender Award Recommendation

(Phil Barnett, Superintendent of Public Works, in attendance for this item)

The Municipal Administrator commented on the thorough vetting process undertaken in respect to the residential organic collection services contract and noted that the low bid, at \$45 per single family household, was less than anticipated. The cost for the Municipality to provide these services in house, he said, would be \$60 per single family household, not including the cost of purchasing a the necessary collection vehicle. He stated that it is recommended that, if Council chooses to proceed with awarding the contract, a communications strategy for the residential organic collection program be undertaken in the fall.

The Superintendent of Public Works responded to various questions from Council, noting that he is not aware of the reason behind the disparity in the bids. Mr. Barnett stated that, although the intention was to manage this contract in house, an experienced consultant, Mr. John Craveiro, was available to provide assistance if needed. The reporting data required in the collection services contract, he said, was primarily related to the weight and volume of the collected organic matter. He noted that staff are very happy with the service already provided by Emterra Environmental in collecting recyclables for the Capital Regional District.

MOVED by Councillor Murdoch

Seconded by Councillor Green, That Council award the Residential Organics Collection Services Contract to Emterra Environmental for \$267,141.00 net applicable taxes, based on low bid.

CARRIED

2. 2013-155 MIKE STACEY, May 8, 2013
Re Request to Use Photographs of Interpretive Cairns and Lekwungen Welcome Panel in Presentation and Walking Tour Brochures

At the request of Council, Mike Stacey, resident, provided an overview of his request to use photographs of the interpretive cairns and Lekwungen Welcome Panel in a PowerPoint presentation and walking tour brochures.

Mr. Stacey emphasized that this would be a non-profit endeavor and that he would provide a copy of his presentation to appropriate organizations including the Songhees First Nation, R.A.V.E.N. (Respecting Aboriginal Values and Environmental Needs), the Pacific Peoples Partnership and other groups interested in First Nations heritage, such as local Scout troops. The intention of this project, he said, is to raise awareness of the First Nations heritage in Oak Bay and the cairns, which are a great resource.

In response to questions from Council, Mr. Stacey commented that he could include information in the presentation stating that the intended use is not for profit.

A discussion ensued regarding the request and members of Council noted that, although this was an excellent project, Mr. Stacey should first discuss the concept with the Songhees First Nation and the artist. Members commented that any copyright issues need to be addressed before further consideration is given by Council and that Mr. Stacey may want to contact Oak Bay Heritage Foundation member Marion Cumming, who was involved with the installation of the cairns. It was noted that the Community Initiatives Committee and the Oak Bay Tourism Committee may also be interested in this project, particularly with respect to the walking tour brochures.

MOVED by Councillor Ney

Seconded by Councillor Kirby, That correspondence item no. 2013-155 be received.

CARRIED

3. 2013-156 BRONWYN TAYLOR, May 27, 2013
Re Temporary Road Closure for Block Watch Party, Newton St., Aug. 11, 2013
4. 2013-157 DIANA BEATTY, Jun. 3, 2013
Re Temporary Road Closure for Block Watch Party, Orchard Ave., Jun 23, 2013
5. 2013-158 CHERYL MARTIN, Jun.7, 2013
Re Temporary Road Closure for Block Party, Heron St., Jul. 1, 2013

MOVED by Councillor Copley

Seconded by Councillor Murdoch, That permission be given for the following temporary road closures for the purpose of neighbourhood block parties: 2100 block of Newton Street on Sunday August 11, 2013, from 4:00 p.m. to 7:00 p.m.; Orchard Avenue between St. Louis Street and Newport Avenue, on Sunday June 23, 2013, from 3:00 p.m. to 6:00 p.m.; and 2544 Heron Street to 2678 Heron Street, on Monday July 1, 2013, from 3:00 p.m. to 7:00 p.m.

CARRIED

6. 2013-159 PROVIDENCE COMMUNITY CHURCH, Jun. 3, 2013
Re Temporary Occupancy of Monterey Recreation Centre Parking Lot, Sept. 29, 2013

The Municipal Clerk noted that correspondence has been received from Monterey Recreation Centre indicating no objections from staff to the proposed temporary occupancy of the parking lot.

The Reverend Stephen Bickley, Pastor, Providence Community Church, was present to introduce the application and respond to any questions from Council.

MOVED by Councillor Copley

Seconded by Councillor Murdoch, That permission be granted for the occupancy of the parking lot of the Monterey Recreation Centre as detailed in correspondence item no. 2013-159, for the staging of a community fall fair by Providence Community Church on Sunday, September 29, 2013, 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

7. 2013-160 OAK BAY COMMUNITY ARTISTS SOCIETY, Jun. 4, 2013
Re Request for Grant for Cost of Liability Insurance for 9th Annual Bowker Creek Brush-Up

MOVED by Councillor Murdoch

Seconded by Councillor Green, That a one-time grant of \$285.00 for the 9th Annual Bowker Creek Brush-Up be approved, and that the grant be paid to the Oak Bay Community Artists Society.

It was noted that the funds for the grant should be paid from the unallocated portion of the Grants to Organizations budget.

The question was then called.

CARRIED

8. 2013-161 OAK BAY HERITAGE COMMISSION, May 21, 2013
Re Minutes of Meeting

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, That the minutes of the Oak Bay Heritage Commission meeting held May 21, 2013, be received.

CARRIED

9. 2013-162 DIRECTOR OF BUILDING & PLANNING, May 31, 2013
Re Uplands Fences and Hedges

A discussion ensued in which members of Council considered the implications of a consultation and engagement process with respect to incorporating fence and hedge regulations into the Uplands Regulations Bylaw. Issues raised during the discussion included involving the Advisory Design Panel and incorporating the outcomes from the Official Community Plan Renewal Project.

The Municipal Administrator noted that he would recommend forwarding this issue to a 2014 strategic planning/priorities session, which he recommends be held in the fourth quarter of 2013 and would likely include consideration of other significant issues coming before Council soon, such as deconstruction waste management.

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, That the issue of regulating fences and hedges in the Uplands, as described in the May 31, 2013 report of the Director of Building and Planning, correspondence item no. 2013-162, be referred to the 2014 strategic planning/priorities session.

CARRIED

10. 2013-163 MUNICIPAL TREASURER, Jun. 6, 2013
Re Climate Action Revenue Incentive Program Report for 2012

MOVED by Councillor Ney

Seconded by Councillor Murdoch, That Council receive correspondence item no. 2013-163, being the Climate Action Revenue Incentive Program Report for 2012.

Members of Council commented that it was encouraging to see all the efforts undertaken by Oak Bay to progress towards carbon neutrality in corporate operations in one document and that the report is a testament to the commitment by Oak Bay staff towards green initiatives.

The question was then called.

CARRIED

11. 2013-164 MUNICIPAL ADMINISTRATOR, Jun. 10, 2013
Re Proposed Amendments to the District's Building and Plumbing and Anti-Noise Bylaw to Address Issues with Respect to Long-Term Construction Projects

The Municipal Administrator provided an overview of his June 10, 2013 memorandum, describing the proposed amendments to the Building and Plumbing Bylaw and the Anti-Noise Bylaw. Mr. Nason noted that this report arose from a Council directive requesting that staff provide possible options to address issues associated with long-term construction projects, noting that the Council of the day, when this first came forward, was generally supportive of increasing fees and restricting hours of work for renewed building permits in order to provide incentive for owners to complete work within the two-year timeframe of their original building permit.

In response to questions from Council, Mr. Nason confirmed that members of Council would have an additional opportunity for input should the proposed bylaw amendments be brought forward for formal consideration.

The Director of Building and Planning responded to various comments from Council with respect to increasing fees for building permit renewals, noting that the District of Oak Bay's fees are of an average cost when compared to other local municipalities. Mr. Thomassen stated that, although an increase would not necessarily address the issue of long-term construction projects completely, it would provide some incentive for completing construction projects. The building permit fees, he said, were last reviewed in 2007.

MOVED by Councillor Ney

Seconded by Councillor Copley, That staff be directed to bring forward an amendment to the Building and Plumbing Bylaw and an amendment to the Anti-Noise Bylaw in order to address issues associated with long-term construction projects, as described in the June 10, 2013 memorandum of the Municipal Administrator, correspondence item no. 2013-164, for formal consideration

CARRIED

12. 2013-165 MUNICIPAL ADMINISTRATOR, Jun. 10, 2013
Re Financial Contribution Agreement – Oak Bay High School Replacement
Project – Community Theatre and Arts Facility Component

The Municipal Administrator provided an overview of his June 10, 2013 memorandum, outlining the proposed Financial Contribution Agreement with School District 61 in regards to the community theatre and arts facility component of the Oak Bay High School Replacement Project. Mr. Nason noted that the necessary appropriations to finance the two contributions of \$500,000 have been identified in the District's current Five Year Financial Plan.

MOVED by Councillor Kirby

Seconded by Councillor Ney, That the proposed Financial Contribution Agreement for the community theatre and arts facility components of the Oak Bay High School Replacement Project, substantially as set out in Appendix "B" of the June 10, 2013 memorandum of the Municipal Administrator, correspondence item no. 2013-165, be approved, with the Mayor and Municipal Clerk being authorized to execute such an agreement on behalf of the District of Oak Bay.

A member of Council commented that the School District should be contacted to discuss reconvening the Oak Bay High School Steering Committee as soon as possible once the design for the project has been selected. It was noted that design selection is anticipated on June 20th, 2013.

In response to comments from the Director of Building and Planning, Mr. Nason noted that, in consultation with the Municipal Solicitor, it can be determined if issuance of the foundation permit for the project is sufficient to allow for payment of the first financial contribution.

A discussion ensued in which a member of Council expressed concern that the requirement in the agreement for payment of the second financial contribution on issuance of the occupancy permit for the facility is insufficient and that consideration should be given to amending the agreement to release the second contribution after reviewing the project's financial records; however, other members of Council noted that the agreement already requires that the contribution be used only for construction of the facility and that any unused funds be repaid to the District, which was felt to be sufficient guarantee.

Mr. Nason noted that there are auditing requirements contained in the agreement to allow the District to examine financial records and supporting documentation with respect to the facility.

The question was then called.

CARRIED
Councillor Murdoch against the motion

CORRESPONDENCE – ITEM APPEARING LATER ON THE AGENDA

13. 2013-166 DONNA THOMAS, Jun. 4, 2013
Re Development Variance Permit – 2733 Bowker Avenue

MOVED by Councillor Ney

Seconded by Councillor Kirby, That correspondence item no. 2013-166 be received.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

Official Community Plan Renewal Project

The Municipal Administrator provided an update on the Official Community Plan Renewal Project, noting that visioning sessions and open houses were held between May 28 and June 4, 2013. Mr. Nason stated that on June 24, 2013, the consultant will be presenting the feedback received at these meetings to both the Official Community Plan Project Advisory Committee (OPAC) and to Council.

On June 24, 2013, he said, OPAC will also be considering the comparative cost information on a random sampling or community-wide distribution of the Community Survey. He noted that OPAC would be providing a recommendation to Council on this issue, which will need to be addressed immediately to allow for design of the Community Survey in July and August, and implementation from mid-September to November, as per the Official Community Plan Project Charter.

Special Committee of the Whole – Regional Deer Management Strategy

The Mayor noted that a Special Committee of the Whole meeting will be held on Wednesday June 12, 2013, at 7:00 pm to consider public input with respect to the Regional Deer Management Strategy. Correspondence on this issue, he said, is available in the Administration Department for Council to review.

TABLED:

Development Variance Permit – 3125 Beach Drive

MOVED by Councillor Kirby

Seconded by Councillor Murdoch, 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 3125 Beach Drive (Lot 4, Block 10, 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>
4.10.5 <i>No structure described by 4.10.1 shall be sited in the front yard or side yard</i>	*	<i>Siting of generator in the front and side yard</i>	<i>Siting of generator in the front and side yard</i>
6.1.4.(2) (a) <i>Minimum front lot line setback</i>	10.66 m	5.5 m	5.16 m
6.1.4.(2) (c) + Schedule 'C' <i>Minimum interior side lot line setback</i>	4.57 m	3.0 m	1.57 m

to accommodate the installation of an emergency generator as shown on the plans appended to Committee of the Whole agenda item 2013-141 being a memorandum from the Director of Building and Planning dated May 8, 2013.

CARRIED

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

CARRIED

Development Variance Permit – 2451 Dryfe Street

MOVED by Councillor Kirby

Seconded by Councillor Copley, 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 2451 Dryfe Street (Lot 47, Section 61, Victoria District, Plan 8600), 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 and Schedule 'A' A.1. (a) Minimum Number 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>	<u>Required/ Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.5.4.(6) (a) Maximum gross floor area above .8 metres below grade	240 m ²	286.5 m ²	46.5 m ²

to accommodate the addition of a rear deck as shown on the plans appended to Committee of the Whole agenda item 2013-142 being a memorandum from the Director of Building and Planning dated May 9, 2013.

CARRIED

Owen Stacey, owner, was in attendance to respond to any questions.

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

CARRIED

Development Variance Permit – 2733 Bowker Avenue

MOVED by Councillor Kirby

Seconded by Councillor Murdoch, 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 2733 Bowker Avenue (Lot 14, Section 61, Victoria District, Plan 4053), 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>
6.5.4. (6) (a) Maximum gross floor area above .8 metres below grade	240 m ²	333 m ²	93 m ²
6.5.4.(11) Minimum second storey side lot line setback	3.00 m	1.52 m	1.48 m

to accommodate additions to the main floor and a top floor dormer as shown on the plans appended to Committee of the Whole agenda item 2013-143 being a memorandum from the Director of Building and Planning dated May 10, 2013.

CARRIED

Jerome Dansereau, owner, was in attendance to respond to any questions.

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

CARRIED

RESOLUTIONS:

Floor Area Review Committee – Confirmation of Appointments

MOVED by Councillor Ney

Seconded by Councillor Kirby, That the following appointments to the Floor Area Review Committee be confirmed:

Tim Taddy
Nigel Banks
John Graham
Chair, Land Use Committee
Councillor Kevin Murdoch
Director of Building and Planning (non-voting)

CARRIED

ADJOURNMENT:

MOVED by Councillor Kirby

Seconded by Councillor Green, That the open portion of the meeting of Council be adjourned and that a closed session be convened to discuss the receipt of advice that is subject to solicitor-client privilege, including communications necessary for the purpose.

CARRIED

The meeting adjourned 9:02 p.m.

Certified Correct:

Municipal Clerk

Mayor