

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, March 11, 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 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
Director of Engineering Services, D. Marshall

Mayor Jensen called the meeting to order at 7:34 p.m.

PRESENTATION:

1. -- INTRODUCTION OF NEW POLICE OFFICERS

Kent Thom, Deputy Chief Constable, noted that the Oak Bay Police Department would miss the diligence and expertise of Sergeant Don Symes, Constable Bill Bellwood and Constable Art Goodwin who are retiring from the force. He then introduced and provided a brief biography for Alex Omoding and Brian Lucas, two of the newly-hired police officers for the District of Oak Bay. Mr. Thom also provided a biography for Eric Payne, another new police officer, who was unable to attend the Council meeting.

2. -- ALLAN CASSIDY RECOGNITION OF RENOVATION AND BUILDING ACHIEVEMENT AWARDS

Mayor Jensen provided an overview of the Allan Cassidy Recognition of Renovation and Building Achievement Awards Program stating that the award recognizes outstanding renovation achievements in Oak Bay. The Mayor then presented an award to the property owner, Paul Erickson, who gratefully accepted a local artist's original rendering of the building at 2157 Crescent Road. The architect, Dennis Morris was also in attendance.

ADOPTION OF MINUTES:

Special Council – December 3, 2012

MOVED by Councillor Kirby
Seconded by Councillor Ney, That the minutes of the Special Council meeting held on Monday, December 3, 2012, be adopted.

CARRIED

Special Council – December 6, 2012

MOVED by Councillor Kirby
Seconded by Councillor Ney, That the minutes of the Special Council meeting held on Thursday, December 6, 2012, be adopted.

CARRIED

Special Council – December 10, 2012

MOVED by Councillor Kirby
Seconded by Councillor Ney, That the minutes of the Special Council meeting held on Monday, December 10, 2012, be adopted.

CARRIED

Special Council – February 12, 2013

MOVED by Councillor Kirby
Seconded by Councillor Ney, That the minutes of the Special Council meeting held on Tuesday, February 12, 2013, be adopted.

CARRIED

Council – February 12, 2013

MOVED by Councillor Kirby
Seconded by Councillor Ney, That the minutes of the Council meeting held on Tuesday, February 12, 2013, be adopted.

CARRIED

Committee of the Whole – February 18, 2013

MOVED by Councillor Kirby
Seconded by Councillor Ney, That the minutes of the Committee of the Whole meeting held on Monday, February 18, 2013, and the recommendations contained therein, be adopted.

CARRIED

MAYOR'S REMARKS:

Mayor Jensen welcomed Gary Nason as the District of Oak Bay's interim Chief Administrative Officer.

At the Mayor's request, Councillor Kirby provided information regarding the Kickstand Sessions, a two-day workshop co-hosted by the District of Oak Bay, which will include cycling infrastructure experts who will be reviewing five areas within the municipality as case studies.

PUBLIC PARTICIPATION PERIOD:

Eric Zhelka, resident, stated that, with respect to the ongoing rezoning application on Clive Drive, he is concerned that Council not increase density in the municipality too quickly, as it could result in excessive vacancies and ultimately a decline in property values. He noted that there are some benefits to the Clive Drive rezoning application, but that a more innovative approach, such as a land swap should be considered in order to reduce the number of variances required. He stated that he is pleased that Council is focusing on addressing the issues resulting from the 2007 changes to the Zoning Bylaw.

Trevor Davies, President, CUPE 374, noted that the union has been advised of the District of Oak Bay's decision to contract out kitchen scraps collection. Mr. Davies noted that earlier correspondence to the union indicated that the reasoning behind this decision was that the service was identified as difficult to manage and that cost-savings were anticipated by using a private contractor. He stated that a consulting report for the City of Nanaimo, authored by MMK Consulting Group in January 2012, indicated that there were considerable cost-savings for the municipality to undertake kitchen scraps collection as a municipal service instead of going through a private contractor. Consideration should also be given, he said, to the issue of successorship which would be raised by the union at the Labour Relations Board, resulting in a costly legal battle for both parties. He encouraged Council to reconsider the decision with regards to kitchen scrap collection.

In response to questions from Council, Mr. Davies stated that he would be open to a discussion on this issue, prior to a challenge to the labour board, and that he could provide Council with written correspondence in this regard.

COMMUNICATIONS:

1. 2013-52 DEPUTY TREASURER, Mar. 7, 2013
Re Storz Hydrant Adapters Tender Award Recommendation

MOVED by Councillor Copley
Seconded by Councillor Green, That the tender for Storz Hydrant Adapters be awarded to Fred SurrIDGE Ltd. based on low bid.

CARRIED

2. 2013-53 SARAH COLLISON ET AL, Mar. 5, 2013
Re Request for Temporary Road Closure for Block Party, Lulie Street – May 10, 2013

MOVED by Councillor Copley
Seconded by Councillor Herbert, That permission be given for a temporary road closure for the purpose of a neighbourhood block party in the 1700 block of Lulie Street, on Friday, May 10, 2013, from 2:00 o'clock p.m. to 7:30 o'clock p.m.

CARRIED

3. 2013-54 DAVE MILNE, PENINSULA RUNNERS, Mar. 6, 2013
Re Request to Include 10 km with Oak Bay Half Marathon & 5 km – May 26, 2013

MOVED by Councillor Green
Seconded by Councillor Kirby, That approval be given to incorporate a 10 km run with the Oak Bay Half Marathon and 5 km event on May 26, 2013, as detailed in correspondence item no. 2013-54, subject to the same conditions as were applied to the original approval in principle of the event on November 13, 2012.

CARRIED

4. 2013-55 OAK BAY BUSINESS IMPROVEMENT ASSOCIATION, Feb. 25, 2013
Re Request for Temporary Road Closure and Sidewalk Occupancy for Oak Bay Village Eco Week – April 29 to May 4, 2013

Alexa Lindroos, owner of A La Mode Consignment, provided Council with an overview of the events proposed for Oak Bay Village Eco Week, noting that Oak Bay Village Eco Week was organized in partnership with staff at the Monterey Centre and the Oak Bay Business Improvement Association. She noted that proposed events included 8 free workshops, an accessory “swap and shop” in Monterey Centre, an eco fashion show, bike rodeo, kids activities and crafts, a charity barbeque, and a treasure trunk “swap and shop”.

In discussion with Council, it was noted that clarification is needed with respect to the “treasure trunk” event to determine under which organization’s insurance the event would be covered.

MOVED by Councillor Herbert

Seconded by Councillor Ney, That the temporary road closures, the occupancy of the closed roads, public sidewalks, and the front lawn of the Municipal Hall, and the various events planned, including the sales of goods and services pursuant to the requirements of the Streets and Traffic Bylaw in relation to Oak Bay Village Eco Week 2013 as laid out in correspondence item no. 2013-55 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;
2. agree to pay all invoices from the Municipality for costs incurred in connection with the event; and
3. agree to obtain Oak Bay Police approval for a traffic plan and implement the same subject to any field instructions from the Police,

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

CARRIED

5. 2013-56 OAK BAY BUSINESS IMPROVEMENT ASSOCIATION, Feb. 25, 2013
Re Request for Sidewalk Occupancy for Oak Bay Village Spring Sidewalk Sale – May 25, 2013

MOVED by Councillor Herbert

Seconded by Councillor Ney, That, whereas pursuant to the Streets and Traffic Bylaw Council has made the determination that the proposed event, including the sales of goods and refreshments, will be of general benefit to the adjacent business district and will create no undue inconvenience for adjacent residents or the public at large, approval be given to the Oak Bay Business Improvement Association to occupy public sidewalks adjacent to businesses along Oak Bay Avenue for the purpose of the Oak Bay Village Spring Sidewalk Sale to be held on Saturday, May 25, 2013, subject to the Oak Bay Business Improvement Association entering into a public property occupancy agreement under which it will among other standard requirements as set out by the Municipal Clerk:

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

6. 2013-57 OAK BAY BUSINESS IMPROVEMENT ASSOCIATION, Mar. 7, 2013
Re Request to Occupy Public Property for Easter Event - March 30, 2013

MOVED by Councillor Copley

Seconded by Councillor Green, That the occupancy of the green space behind the Municipal Hall and four spaces in the Municipal Hall parking lot, in relation to the Easter Event as laid out in correspondence item no. 2013-57, 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

7. 2013-58 COMMUNITY ASSOCIATION OF OAK BAY, Feb. 28, 2013
Re Request for Financial Assistance

Tom Croft, Community Association of Oak Bay was present to answer questions regarding the request for financial assistance.

MOVED by Councillor Herbert

Seconded by Councillor Green, That the request for financial assistance from the Community Association of Oak Bay in the amount of \$3,500.00 be referred to Council's Estimates Committee for consideration during budget deliberations.

CARRIED

8. 2013-59 SAANICH LEGACY FOUNDATION/BOARD OF CEMETERY TRUSTEES
OF GREATER VICTORIA, Jan. 19, 2013
Re Request for Financial Assistance

Lindsey McRae, head fundraiser for the Little Spirits Garden project, provided an overview of the project, highlighting that having a public memorial space to grieve the loss of a pregnancy or the death of a baby at birth would help grieving parents know they are not alone and provide a place for them to connect with others experiencing a similar loss.

MOVED by Councillor Green

Seconded by Councillor Copley, That the request for financial assistance from the Saanich Legacy Foundation and the Board of Cemetery Trustees of Greater Victoria in the amount of \$7,500.00 be referred to Council's Estimates Committee for consideration during budget deliberations.

CARRIED

9. 2013-60 NEED2 SUICIDE PREVENTION EDUCATION & SUPPORT, Feb. 20, 2013
Re Request for Financial Assistance

Jane Arnott and Chris Holt, Co-Executive Directors, NEED2 Suicide Prevention Education & Support, provided an overview of the funding for NEED2 and the programming provided by the organization, noting that there have been partnerships with several schools in the area and that online youth chats have nearly doubled.

In response to questions from Council, Ms. Arnott confirmed that further information could be provided on the increase in budget for salary and benefits from the last year and the sizable bank balance in relation to few accounts payable, as well as a comparison between NEED2's response time to a crisis compared to the response time from the Crisis Help Line in Nanaimo when a call is received from the Capital Region.

MOVED by Councillor Copley

Seconded by Councillor Green, That the request for financial assistance from NEED2 Suicide Prevention Education & Support in the amount of \$2,500.00 be referred to Council's Estimates Committee for consideration during budget deliberations.

CARRIED

10. 2013-61 GREATER VICTORIA VOLUNTER SOCIETY
Re Request for Financial Assistance

Lisa Mort-Putland, Executive Director of the Greater Victoria Volunteer Society, thanked all the volunteer organization representatives in attendance and commented on the societal value of volunteering.

In response to questions from Council, Ms. Mort-Putland confirmed that she could provide additional information on last year's contributions from each municipality.

MOVED by Councillor Ney

Seconded by Councillor Kirby, That the request for financial assistance from the Greater Victoria Volunteer Society in the amount of \$2,943.00 be referred to Council's Estimates Committee for consideration during budget deliberations.

CARRIED

11. 2013-62 MARITIME MUSEUM OF BRITISH COLUMBIA, Feb. 8, 2013
Re Request for Financial Assistance

Genevieve Casault, Maritime Museum of British Columbia, stated that 2013 was an exciting year for the Maritime Museum, with new board and staff members. She noted that though the museum is not located in the District of Oak Bay, it does provide services that can be accessed by Oak Bay residents.

MOVED by Councillor Ney

Seconded by Councillor Kirby, That the request for financial assistance from the Maritime Museum of British Columbia in the amount of \$3,000.00 be referred to Council's Estimates Committee for consideration during budget deliberations.

CARRIED

12. 2013-63 OAK BAY FIGURE SKATING CLUB, Jan. 31, 2013
Re Request for Financial Assistance

Gail Renney, Oak Bay Figure Skating Club, provided an overview of the club's request for financial assistance, highlighting the importance and value of the ice show.

MOVED by Councillor Herbert

Seconded by Councillor Ney, That the request for financial assistance from the Oak Bay Figure Skating Club in the amount of \$4,630.00 be referred to Council's Estimates Committee for consideration during budget deliberations.

CARRIED

13. 2013-64 OAK BAY VOLUNTEER SERVICES SOCIETY, Feb. 21, 2013
Re Request for Financial Assistance

Joan Halvorsen, Executive Director, Oak Bay Volunteer Services Society, expressed thanks on the Society's behalf for the support from the Municipality in previous years.

In response to questions from Council, Ms. Halvorsen agreed to provide additional information with respect to: the increase in salaries; three years of statistics on the number of cases and people dealt with each year; the amount invested with the Victoria Foundation and the terms and conditions of the investment; and a more detailed breakdown of each of the fund-raising events and how much was raised by each of these events.

MOVED by Councillor Herbert

Seconded by Councillor Copley, That the request for financial assistance from the Oak Bay Volunteer Services Society in the amount of \$26,000.00 be referred to Council's Estimates Committee for consideration during budget deliberations.

CARRIED

14. 2013-65 COMMUNITY SOCIAL PLANNING COUNCIL OF GREATER VICTORIA
Re Request for Financial Assistance

MOVED by Councillor Ney

Seconded by Councillor Kirby, That the request for financial assistance from the Community Social Planning Council of Greater Victoria in the amount of \$5,000.00 be referred to Council's Estimates Committee for consideration during budget deliberations.

CARRIED

15. 2013-66 DIRECTOR OF BUILDING AND PLANNING, Mar. 6, 2013
Re Building Permit Referral of Property on Oak Bay Community Heritage Register – 516 Newport Avenue

Max Huxley, on behalf of the owners, responded to questions from Council noting that the proposal will result in a change from two separate to three combined windows, with the new windows replicating the details of the existing windows. He noted that the windows are not visible from the street.

The Director of Building and Planning commented that the next meeting of the Heritage Commission at which the building permit could be considered is on March 19, 2013, and that the associated minutes might not be ready for the next Council meeting on March 25, 2013.

MOVED by Councillor Herbert, That Council accept the proposed exterior modifications and not place a temporary protection order against 519 Newport Avenue, as the window changes are in keeping with the heritage character of the building.

The motion failed due to the lack of a seconder.

A discussion ensued in which a member of Council emphasized that the Heritage Commission has been tasked with providing expertise on these types of issues and that members have extensive experience with regards to Statements of Significance. It was also noted that the referral should return to Council as soon as practicable.

MOVED by Councillor Green,
Seconded by Councillor Copley, That the buildings and land located at 516 Newport Avenue be subject to a temporary protection order in accordance with Section 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 a report and recommendation to Council.

CARRIED

16. 2013-67 DIRECTOR OF BUILDING AND PLANNING, Mar. 6, 2013
Re Building Permit Referral of Property on Oak Bay Community Heritage Register – 2519 Currie Road

MOVED by Councillor Green,
Seconded by Councillor Ney, That the buildings and land located at 2519 Currie Road be subject to a temporary protection order in accordance with Section 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 a report and recommendation to Council.

In response to questions from Council, the Director of Building and Planning noted that a request for reconsideration of the decision of the Manager of Parks Services to refuse a permit to remove a tree, related to the proposed location of the garage, will be coming forward to the next Council meeting.

Nigel Banks, Banks Design, noted that the existing garage is not a heritage structure.

Norman Therrien, owner, noted that, with respect to the application for a tree removal permit, there is no other location on the property that will not result in the removal of Garry Oak and that the proposed location is preferable as it will only result in the removal of an overgrown poplar tree.

The question was then called.

CARRIED

Discussion ensued with respect to a possible amendment to the Heritage Register Procedure Bylaw in order to require that each permit for work resulting in alteration to the exterior of a building on a property included in the Oak Bay Community Heritage Register be referred to the Heritage Commission prior to being brought forward to Council

17. 2013-68 MUNICIPAL TREASURER, Mar. 6, 2013
Re Possible amendment to CRD Service Fee Agreement for future sewage treatment facility costs

Responding to questions from Council, the Municipal Treasurer noted that collecting sewer treatment project costs through a user charge based on water consumption does carry more risk, but that the rates are set very conservatively to mitigate this risk and that some funds have been reserved in order to defray potential future shortfalls. Ms. Walker commented that consideration was given to the risk when Council initially decided to fund sewer debt costs and sewage treatment operating costs by a consumption charge. She stated that a report will be forthcoming, as previously requested, regarding options for allocating regional sewer debt costs, well in advance of the consideration of the 2014 sewer user charges.

MOVED by Councillor Kirby,

Seconded by Councillor Ney, That the Mayor and Municipal Clerk be authorized to enter into a new Service Fee Agreement with the Capital Regional District, substantially in the form attached to the memorandum from the Municipal Treasurer dated March 6, 2013, as Appendix "B", which amends the definition of "Service Fee".

CARRIED

Councillor Herbert against the motion

18. 2013-69 ACTIVE TRANSPORTATION ADVISORY COMMITTEE, Feb. 5, 2013
Re Minutes of Meeting

In response to questions from Council, the Director of Engineering Services noted that, rather than hiring a contractor to address wayfinding signage for cyclists, as suggested by the Active Transportation Advisory Committee, he would suggest that municipal staff continue to work with the Capital Regional District to develop appropriate signage. Mr. Marshall noted that information arising from the upcoming Kickstand Sessions could also be incorporated.

A discussion ensued with respect to the appropriate means of budgeting for a consultant, should one be required at a later date.

It was noted that the Kickstand Sessions would include consideration of both the Haultain Corridor and Oak Bay Avenue and that the Active Transportation Advisory Committee was to be commended for their participation in the sessions.

MOVED by Councillor Herbert,

Seconded by Councillor Ney, That the minutes of the Active Transportation Advisory Committee meeting held February 5, 2013, be received.

CARRIED

19. 2013-70 OAK BAY HERITAGE COMMISSION, Feb. 19, 2013
Re Minutes of Meeting

A discussion ensued with respect to the challenges of updating the Oak Bay Community Heritage Register information on the website.

Tom Croft, Co-Chair, Oak Bay Tourism Committee, noted that the Oak Bay Tourism Committee has submitted a grant application to Tourism Vancouver Island to assist in the funding for a potential heritage walk. He stated that there is now a heritage representative on the Tourism Committee.

Eric Zhelka, resident, noted that the Canadian Register of Historic Places includes many dwellings in Oak Bay, which may be of assistance in updating the municipal website.

A discussion ensued regarding a potential event for the Great War Commemoration and comments were made regarding which committee would best be able to accommodate the planning. It was noted that any associated budget requests for 2013 should be brought forward as soon as possible.

MOVED by Councillor Kirby,
Seconded by Councillor Herbert, That the minutes of the Oak Bay Heritage Commission meeting held February 19, 2013, be received.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

No items of New Business were raised.

RESOLUTIONS:

Floor Area Review Committee

A discussion ensued with respect to the proposed terms of reference for the Floor Area Review Committee, during which concerns were expressed with respect to the reporting relationship to Council and how this new committee would interface with the Official Community Plan Project Advisory Committee to ensure there is no duplication of efforts. It was also noted that the proposed membership may be too restrictive and that the new Municipal Administrator should have the opportunity to review the proposed terms of reference in light of these issues.

MOVED by Councillor Green
Seconded by Councillor Herbert, That further consideration of the terms of reference for the Floor Area Review Committee be deferred to allow staff to report back on the Committee's reporting relationship to Council and on how the Committee would interface with the Official Community Plan Project Advisory Committee.

CARRIED

Attendance at the Centre of Civic Governance Forum for Progressive Governance

MOVED Councillor Kirby
Seconded by Councillor Ney, That Council approve the attendance of Oak Bay Council Members at the Centre of Civic Governance Forum for Progressive Governance, to be held at Harrison Hot Springs, BC, March 22 and 23, 2013, and the payment of expenses necessarily incurred by them.

CARRIED

Development Variance Permit – 3260 Exeter Road

MOVED by Councillor Herbert
Seconded by Councillor Kirby, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 3260 Exeter Road (Lot 32, 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' 4.6.5 and 4.6.5.(2) Minimum side lot line setbacks (eave projection)	3.82 m	2.90 m	.92 m
6.2.4.(2) (c) + Schedule 'C' 4.6.5 and 4.6.5.(2) Minimum total side lot line setbacks (eave projection)	10.07 m	8.23 m	1.84 m

to accommodate the construction of a single family dwelling as shown on the plans appended to Committee of the Whole agenda item 2013-50 being a memorandum from the Director of Building and Planning dated February 5, 2013.

MOVED by Councillor Green

Seconded by Councillor Copley, That the motion in respect to the development variance permit for 3260 Exeter Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

ADJOURNMENT:

MOVED by Councillor Kirby

Seconded by Councillor Copley, That the open portion of the meeting of Council be adjourned and that a closed session be convened to discuss: the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between the municipality and a provincial government or the federal government or both and a third party; 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 9:40 p.m.

Certified Correct:

Municipal Clerk

Mayor