

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, May 13, 2013 following a Public Hearing at 7:30 p.m.

PRESENT: Acting Mayor, M. Kirby, Chair
Councillor C. Green
Councillor J. Herbert
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
Director of Engineering Services, D. Marshall

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

ADOPTION OF MINUTES:

Special Council – April 22, 2013

MOVED by Councillor Herbert
Seconded by Councillor Ney, That the minutes of the Special Council meeting held on Monday, April 22, 2013, be adopted.

CARRIED

Council – April 22, 2013

MOVED by Councillor Ney
Seconded by Councillor Green, That the minutes of the Council meeting held on Monday, April 22, 2013, be amended to indicate “Oak Bay Kiwanis Lodge” instead of “Oak Bay Lodge” in the Mayor’s Remarks, and that the minutes, as amended, be adopted.

CARRIED

Special Council – April 26, 2013

MOVED by Councillor Ney
Seconded by Councillor Green, That the minutes of the Special Council meeting held on Monday, April 26, 2013, be adopted.

CARRIED

MAYOR’S REMARKS:

Acting Mayor Kirby noted that Canadian astronaut Chris Hadfield safely returned to earth this evening.

PUBLIC PARTICIPATION PERIOD:

No members of the public rose to speak.

MOVED by Councillor Herbert,
Seconded by Councillor Green, That the order of the agenda be varied to consider at this time Bylaw No. 4576, *1265 Roslyn Road Heritage Designation Bylaw, 2013*, which was the subject of the Public Hearing held at 7:30 p.m.

CARRIED

For Third Reading and Adoption

MOVED by Councillor Herbert
Seconded by Councillor Ney, That Bylaw No. 4576, *1265 Roslyn Road Heritage Designation Bylaw, 2013*, be read a third time.

CARRIED

MOVED by Councillor Herbert
Seconded by Councillor Ney, That Bylaw No. 4576, *1265 Roslyn Road Heritage Designation Bylaw, 2013*, be adopted.

CARRIED

COMMUNICATIONS:

1. 2013-121 DEPUTY MUNICIPAL TREASURER, Apr. 24, 2013
Re Contract Award Recommendations for Public Works Equipment

MOVED by Councillor Herbert
Seconded by Councillor Murdoch, That Council approve awarding the contracts for the public works equipment as described in the April 24, 2013 report of the Deputy Municipal Treasurer, correspondence item no. 2013-121.

CARRIED

2. 2013-122 HOPE BURNS, CONSULTING PLANNER, May 7, 2013
Re Early Consultation for Official Community Plan

The Municipal Administrator provided Council with an update regarding the Official Community Plan (OCP) Renewal process, noting that the schedule for the community open houses and visioning sessions has been circulated to Council and will be distributed throughout the community, as well as being posted on the website and advertised in the Oak Bay News. Mr. Nason stated that the stakeholder invitations to the visioning sessions were sent out yesterday and that at least two members of the OCP Project Advisory Committee (OPAC) will attend each visioning session. He commented that a dedicated email address, oakbayocp@oakbay.ca has been made available for feedback on the OCP. OPAC is currently finalizing a press release, he said, to be sent out closer to the first community open house. He noted that OPAC would meet again later in June to receive a debrief from the consultant on the outcomes from the visioning sessions and open houses.

Mr. Nason stated that the cost comparison of expanding the OCP survey to the entire municipality versus undertaking a random survey with representation from each neighbourhood in Oak Bay is still being considered.

At the last OPAC meeting, noted Mr. Nason, members expressed concern regarding potential confusion and consultation fatigue by the public with respect to the Neighbourhood Meeting currently scheduled for June 4, 2013. He stated that OPAC recommended suspending all neighbourhood meetings and reconsidering the schedule in the fall.

MOVED by Councillor Herbert

Seconded by Councillor Green, That all neighbourhood meetings be suspended until the schedule can be reconsidered in the fall.

CARRIED

Turning to the Consulting Planner's report, Mr. Nason commented that the intent of this report is to address Section 879 of the *Local Government Act* with respect to early consultation on the OCP.

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, That Council:

1. Receive the May 7, 2013 report of the Consulting Planner, correspondence item no. 2013-122, for information;
2. Direct that early formal consultation shall now be commenced with the local Songhees First Nations and the School District; and
3. Indicate that consultation with other jurisdictions is to occur during the public input process once the draft Official Community Plan has been prepared.

CARRIED

3. 2013-123 JOANIE MCCORRY, Apr. 9, 2013
Re 9th Annual Bowker Creek Brush-Up, Aug. 11, 2013

MOVED by Councillor Herbert

Seconded by Councillor Green, 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 Oak Bay Community Artists Society to hold the Bowker Creek Brush Up along Bowker Creek between Armstrong Avenue and Hampshire Road, on the north side of the creek, on Sunday, August 11, 2013, from 7:30 a.m. to 5:30 p.m., 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

4. 2013-124 OAK BAY TOURISM COMMITTEE, Apr. 30, 2013
Re Oak Bay Collector Car Festival, Aug. 11, 2013

MOVED by Councillor Ney

Seconded by Councillor Green, That the temporary road closure of Oak Bay Avenue from Monterey Avenue to Mitchell Street on Sunday August 11, 2013 from 8:00 am to 5:30 pm, for the purpose of a not-for-profit community event under the auspices and control of the Corporation, as described in the April 30, 2013 correspondence from the Oak Bay Tourism Committee, which Council has determined to be for the benefit of the Municipality at large, be approved, subject to the approval of a traffic plan by the Chief Constable.

CARRIED

5. 2013-125 OAK BAY BUSINESS IMPROVEMENT ASSOCIATION, May 1, 2013
Re Oak Bay Village Night Markets – Jun. 19, Jul. 17, Aug. 21 and Sept. 18

MOVED by Councillor Ney

Seconded by Councillor Murdoch, That whereas pursuant to the Streets and Traffic Bylaw Council has determined that the proposed event will be of general benefit to the adjacent business district and will create no undue inconvenience for nearby residents nor the public at large, approval be given for the Oak Bay Business Improvement Association to occupy Oak Bay Avenue between Wilmot Place and Monterey Avenue for the purpose of an evening market on June 19, July 17, August 21, and September 18, 2013 from 3:00 p.m. to 9:00 p.m., with sales of goods and refreshments permitted as part of the occupancy, 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 providing 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

6. 2013-126 ALEX MCCRAE, Apr. 23, 2013
Re Request for Temporary Road Closure for Block Party, 2300 Block Dalhousie Street, Jun. 22, 2013

MOVED by Councillor Murdoch

Seconded by Councillor Green, That permission be given for a temporary road closure for the purpose of a neighbourhood block party in the 2300 block of Dalhousie Street on Saturday June 22, 2013, from 1:00 p.m. to 7:00 p.m.

CARRIED

7. 2013-127 STEPHANIE DELACRETAZ, Apr. 23, 2013
Re Request for Temporary Road Closure for Block Party, Yale Street North of Theatre Lane, Aug. 25, 2013

MOVED by Councillor Herbert

Seconded by Councillor Green, That permission be given for a temporary road closure for the purpose of a neighbourhood block party on Yale Street north of Theatre Lane on Sunday August 25, 2013, from 4:00 p.m. to 9:00 p.m.

CARRIED

8. 2013-128 KIT PEARSON AND KATHERINE FARRIS, May 6, 2013
Re Request for Temporary Road Closure for Block Party, Byng Street from McNeill Avenue to Central Avenue, Hazel Street, and Plumer Street, Sept.8, 2013

MOVED by Councillor Ney

Seconded by Councillor Green, That permission be given for a temporary road closure for the purpose of a neighbourhood block party on Byng Street from McNeill Avenue to Central Avenue, Hazel Street, and Plumer Street on Sunday September 8, 2013, from 2:00 p.m. to 8:00 p.m.

CARRIED

9. 2013-129 ACTIVE TRANSPORTATION ADVISORY COMMITTEE, Apr. 16, 2013
Re Grant Submission for Healthy Communities Capacity Building Fund

Kris Nichols, Chair, Active Transportation Advisory Committee, responded to questions from Council regarding the proposed grant submission to the Healthy Communities Capacity Building Fund, noting that the Committee proposes to undertake a survey on mobility issues in the municipality, including motivation by members of the public for selecting specific modes of travel to different destinations. Mr. Nichols commented that a survey would help the Committee understand the community's perspective on transportation and understand what issues are important to the public. He noted that talking to the public through the survey would help to promote a health community. The submission deadline, he said, is June 24, 2013.

In response to questions from Council with respect to the process for the proposed grant application, the Municipal Administrator clarified that the application to the Healthy Communities Capacity Building Fund would need to be submitted by the Municipality and that the Committee has indicated that would be willing to undertake the first draft of the grant application. Mr. Nason noted that some elements of the application would need to be written by staff and that, if the application was substantially in keeping with the current proposal, it would not be necessary for Council to reconsider the application before it was submitted.

MOVED by Councillor Ney

Seconded by Councillor Green, That the Oak Bay Municipal Council authorize an application on behalf of the Active Transportation Advisory Committee to the Healthy Communities Capacity Building Fund for a \$5,000.00 grant to research mobility issues in the District of Oak Bay.

CARRIED

10. 2013-130 OAK BAY HERITAGE COMMISSION, Apr. 16, 2013
Re Minutes of Meeting

MOVED by Councillor Green

Seconded by Councillor Herbert, That the minutes of the Oak Bay Heritage Commission meeting held April 16, 2013, be received.

CARRIED

11. 2013-131 OAK BAY ENVIRONMENTAL ADVISORY COMMITTEE
Re Minutes of Meetings – Nov. 27, 2012, Jan. 17, 2013, Feb. 21, 2013 and Mar. 21, 2013

Councillor Murdoch noted that a request has been made to the Environmental Advisory Committee for minutes to be provided on a monthly basis.

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, That the minutes of the Oak Bay Environmental Advisory Committee meetings held November 27, 2012, January 17, 2013, February 21, 2013 and March 21, 2013, be received.

CARRIED

12. 2013-132 CAPITAL REGION EMERGENCY SERVICE TELECOMMUNICATIONS, Apr. 19, 2013
Re Capital Region Emergency Service Telecommunications Annual General Meeting, May 15, 2013

MOVED by Councillor Murdoch

Seconded by Councillor Green, That Councillor Herbert be authorized to act as the District of Oak Bay's representative at the May 15, 2013 Annual General Meeting and that Mayor Jensen be authorized to act as the District of Oak Bay's representative at all other general meetings of the Capital Region Emergency Services Telecommunications Corporation held during 2013.

CARRIED

13. 2013-133 MUNICIPAL TREASURER, May 9, 2013
Re Making Progress Towards Carbon Neutrality

MOVED by Councillor Herbert

Seconded by Councillor Ney, That Council request the Environmental Advisory Committee examine the option of implementing an internal carbon fund, that it review similar funds that have been set up in other municipalities, and that it report back to Council with recommendations of the approach and policies that should be used; and further, that Council adopt the "making progress toward carbon neutrality" option under the BC Climate Action Charter and retain the money originally budgeted for the purchase of carbon offsets until the recommendations of the Environmental Advisory Committee have been considered.

CARRIED

CORRESPONDENCE – ITEMS APPEARING LATER ON THE AGENDA

14. 2013-134 JOHN SNIVELY, May 6, 2013
Re Development Variance Permit – 2595 Musgrave
15. 2013-135 JOHN AND JANET SPENCE, May 7, 2013
Re Development Variance Permit – 2278 Woodlawn Crescent
16. 2013-136 ESTHER PATERSON AND HARRY BUGSDRUCKER, May 8, 2013
Re Development Variance Permit – 2278 Woodlawn Crescent
17. 2013-137 BILL AND NITA WILSON, Received May 13, 2013
Re Development Variance Permit – 2278 Woodlawn Crescent

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, That correspondence items no. 2013-134, 2013-135, 2013-136 and 2013-137 be received.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

Oak Bay Eco Week

Councillor Herbert noted that the Oak Bay Eco Week activities were an enormous success and Acting Mayor Kirby extended Council's thanks to the volunteers and staff at this event for their efforts.

St. Christopher's School Centennial Celebration

Councillor Murdoch commented that he recently attended the centennial celebrations for St. Christopher's School, noting that it was a great event which reminded him that Oak Bay is a close and special community.

TABLED:

2490 Dryfe Street

MOVED by Councillor Herbert

Seconded by Councillor Green, 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 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>
<i>4.1 and Schedule 'A' A.I. (a) Minimum Number of Parking Spaces</i>	<i>2 (one must be in a building)</i>	<i>1 (space not in a building)</i>	<i>1 covered parking space</i>

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.

CARRIED

MOVED by Councillor Herbert

Seconded by Councillor Green, That the motion to issue a Development Variance Permit with respect to 2490 Dryfe Street be rescinded.

CARRIED

2595 Musgrave Street

MOVED by Councillor Herbert

Seconded by Councillor Green, 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 2595 Musgrave Street (Lot 10, Block 7, Section 2, Victoria District, Plan 379), varying the following provision 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. (2) (c) Minimum interior side lot line setback	1.52 m	1.4 m	0.12 m
6.4.4. (2) (e) Minimum total of side lot line setback	4.57 m	4.2 m	0.37 m
6.4.4. (11) Minimum second storey side lot line setback (north side)	3.0 m	1.4 m	1.6 m
6.4.4. (11) Minimum second storey side lot line setback (South Side)	3.0 m	2.8 m	0.2 m

to accommodate lifting the home and developing the basement as shown on the plans appended to Committee of the Whole agenda item 2013-113 being a memorandum from the Director of Building and Planning dated April 10, 2013.

CARRIED

Nicole Fitzgerald and James Bell, owners, were 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

2278 Woodlawn Crescent

MOVED by Councillor Herbert

Seconded by Councillor Green, 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 2278 Woodlawn Crescent (Lot 2, Section 69, Victoria District, Plan EPP16879), varying the following provision of Bylaw No. 3531, Zoning Bylaw, 1986, as amended:

<u>Zoning Bylaw Section</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
4.15.1 Maximum paved surface (front yard)	25% (25.5 m ²)	39.5% (40.2 m ²)	14.5% (14.7 m ²)

to accommodate paved surface as shown on the plans appended to Committee of the Whole agenda item 2013-112 being a memorandum from the Director of Building and Planning dated April 9, 2013.

CARRIED

Ian Roberts, on behalf of the owners, responded to questions from Council with respect to the proposed driveway, noting that an impervious surface will likely be used; however, he noted, the driveway slopes in to the property and stormwater runoff will be directed into the municipal storm drain system. Mr. Roberts commented that it is his understanding that Woodlawn Crescent is slated for a resurfacing, which would typically include re-grading the road so that stormwater runoff was directed into catch basins.

John Spence, resident, noted that he lived at the bottom of the hill within the same subdivision as the subject property and that he was concerned that an impermeable driveway would result in an increase in the stormwater runoff to his property. Mr. Spence stated that he is investing in perimeter drains for his property. He commented that there are also parking issues in the subdivision that need to be addressed.

Mr. Roberts noted that, given the existing soil conditions, the current proposal is preferable to permeable paving.

Responding to questions from Council and comments from the public with respect to the storm water runoff from the property, Mr. Marshall commented that once construction and paving are complete in the subdivision, consideration will be given to the surface drainage and catch basins.

The question on the main motion was then called.

CARRIED

RESOLUTIONS:

Approval of 2013 Grants

MOVED by Councillor Herbert

Seconded by Councillor Green, That the following grants, as discussed during the 2013 Estimates meetings, be approved:

General Government

CRAT – Mobile Youth Services Team	\$ 5,500	
School Board	\$ 500,000	
BIA – Oak Bay Village Improvement	\$ 76,000	
City of Victoria re Multiplex (Yr 9 of 10)	\$ 17,798	
Community Association of Oak Bay	\$ 1,000	
Heritage Foundation	\$ 5,000	
Halloween – Kiwanis	\$ 500	
Oak Bay High Scholarship	\$ 1,500	
Oak Bay High – Purchase of Art	\$ 300	
Vancouver Island South Film & Media Comm.	\$ 1,500	
Chinese Consolidated Benevolent Fund	\$ 2,500	
Oak Bay United Church re Parking Availability	\$ 3,500	
The Greater Victoria Bike to Work Society	\$ 2,000	
Friends of Uplands Park	\$ 1,000	
Restorative Justice Oak Bay	\$ 2,500	
Oak Bay Figure Skating Club	\$ 2,315	
CRD re Part-Time Bowker Cr Coordinator	\$ 12,944	
Heritage Foundation (from Victoria Foundation)	\$ 720	
City of Victoria – Canada Day Celebrations	\$ 1,500	
Royal Canadian Legion	\$ 250	
One-time/Special Project Requests	\$ 4,952	
Employees	\$ 500	
		\$ 643,779

Social Services		
St. John Ambulance	\$	600
NEED2	\$	1,000
Volunteer Victoria	\$	1,500
Community Council	\$	1,500
Integrated Recreation	\$	<u>6,495</u>
	\$	11,095
Other		
Oak Bay Volunteers	\$	25,000
Maritime Museum	\$	1,000
Oak Bay Tea Party Society	\$	<u>7,000</u>
	\$	687,874
		 CARRIED

Summertime Meeting Schedule

MOVED by Councillor Herbert
Seconded by Councillor Murdoch, That the regular meeting schedule be suspended for the months of July and August 2013, and that the following schedule be substituted:

July 2013

Committee of the Whole	July 15, 2013 @ 7:00 p.m.
Council	July 22, 2013 @ 7:30 p.m.

August 2013

Committee of the Whole	August 12, 2013 @ 7:00 p.m.
Council	August 19, 2013 @ 7:30 p.m.

CARRIED

BYLAWS:

For Adoption

MOVED by Councillor Herbert
Seconded by Councillor Murdoch, That Bylaw No. 4584, *Financial Plan Bylaw, 2013*, be adopted.

Acting Mayor Kirby asked if anyone in attendance wished to address Council regarding the *Financial Plan Bylaw, 2013*. No one come forward.

The question was then called.

CARRIED

MOVED by Councillor Herbert
Seconded by Councillor Murdoch, That Bylaw No. 4585, *Capital Works and Equipment Reserve Fund Appropriation Bylaw, 2013*, be adopted.

CARRIED

MOVED by Councillor Herbert
Seconded by Councillor Murdoch, That Bylaw No. 4586, *Heritage Reserve Fund Appropriation Bylaw, 2013*, be adopted.

CARRIED

MOVED by Councillor Herbert
Seconded by Councillor Murdoch, That Bylaw No. 4587, *Land Sale Reserve Fund Appropriation Bylaw, 2013*, be adopted.

CARRIED

MOVED by Councillor Herbert
Seconded by Councillor Murdoch, That Bylaw No. 4588, *Machinery and Equipment Depreciation Reserve Fund Appropriation Bylaw, 2013*, be adopted.

CARRIED

MOVED by Councillor Herbert
Seconded by Councillor Murdoch, That Bylaw No. 4589, *Refuse Collection and Disposal Bylaw Amendment Bylaw, 2013*, be adopted.

CARRIED

MOVED by Councillor Herbert
Seconded by Councillor Murdoch, That Bylaw No. 4590, *Tax Rates Bylaw, 2013*, be adopted.

CARRIED

ADJOURNMENT:

MOVED by Councillor Herbert
Seconded by Councillor Ney, That the Council meeting be adjourned.

CARRIED

The meeting adjourned 8:45 p.m.

Certified Correct:

Municipal Clerk

Acting Mayor