

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 25, 2015 at 7:30 PM.

PRESENT: Mayor N. Jensen, Chair
Councillor H. Braithwaite
Councillor T. Croft
Councillor M. Kirby
Councillor K. Murdoch
Councillor E. Zhelka

STAFF: Chief Administrative Officer, H. Koning
Municipal Clerk, L. Hilton
Deputy Municipal Clerk, M. Jones
Director of Building and Planning, R. Thomassen
Director of Engineering Services, D. Marshall

MINUTES AND REPORTS:

1. ***Council Minutes***
 - May 11, 2015

MOVED by Councillor Murdoch

Seconded by Councillor Braithwaite, That the minutes of the Council meeting held on Monday, May 11, 2015 be adopted.

Attention was drawn to the portion of the May 11, 2015 minutes with respect to the issues arising from construction on Woodlawn Crescent. At the request of members of Council for an update, the Director of Building and Planning confirmed that he has spoken with the impacted residents and the contractor.

The question was then called.

CARRIED

2. ***Special Council Minutes***
 - May 19, 2015

MOVED by Councillor Croft

Seconded by Councillor Zhelka, That the minutes of the Special Council meeting held on Tuesday, May 19, 2015 be adopted.

CARRIED

3. ***Committee of the Whole Minutes***

- May 19, 2015

MOVED by Councillor Braithwaite

Seconded by Councillor Croft, That the minutes of the Committee of the Whole meeting held on Tuesday, May 19, 2015, and the recommendations contained therein be adopted.

It was the consensus of Council that the minutes be corrected to identify Councillor Kirby and not Councillor Murdoch as having seconded the motion in regards to the Parks and Recreation Commission minutes.

The question was then called.

CARRIED

4. ***Special Council Minutes***

- May 21, 2015

MOVED by Councillor Murdoch

Seconded by Councillor Braithwaite, That the minutes of the Special Council meeting held on Thursday, May 21, 2015 be adopted.

CARRIED

MAYOR'S REMARKS:

5. The Mayor provided remarks on the following topics:

Building Relationships with the First Nations

Mayor Jensen noted that work is underway with the Chief Administrative Officer to set up a working group which is meant to help strengthen the relationship between the District of Oak Bay and local First Nations. He thanked Councillors Croft, Ney and Zhelka for representing Oak Bay in this regard.

Oak Bay High School Celebration

The Mayor commented on the recent celebration to commemorate the old Oak Bay High School and celebrate the construction of the new building. He noted that it was a wonderful celebration with attendance from the local MLA and MP.

2015 Spring Sidewalk Sale/Talk to an Expert Day

At the Mayor's request, Councillor Croft gave an update on the Oak Bay Business Improvement Association's recent event, the 2015 Spring Sidewalk Sale and Talk to an Expert Day, noting that the event went over very well, gaining momentum as the day went on. Mayor Jensen commented that it added to the busyness and vibrancy of Oak Bay Village.

2015 Bike to Work Week

Mayor Jensen drew attention to the 2015 Bike to Work Week which kicked off today with a local commuter challenge between Councillor Kirby as a cyclist and himself as the motorist, that was won by Councillor Kirby. He noted that a Celebration Station for this event will be held on the front lawn of the Municipal Hall tomorrow, May 26, 2016 at 3:00 p.m.

PUBLIC PARTICIPATION PERIOD:

6. The following speakers addressed Council during the Public Participation Period:

Bruce Filan, Oak Bay resident, spoke with respect to his concerns regarding the Advisory Planning Commission Bylaw being considered later in the agenda, particularly with respect to the wording in the bylaw regarding membership on the Commission for a member with a “land use background”. As outlined in his correspondence appended to the agenda, Mr. Filan noted that he recommended a more tightly defined approach that would address concerns regarding a potential bias or conflict of interest by persons actively involved in real estate sales or land development.

Lesley Ewing, Oak Bay resident, commented on the resolution being considered later in the agenda with respect to the District’s potential role as a stakeholder in a Province-led Amalgamation study. Ms. Ewing expressed support for the District’s participation, commenting on the actions taken by other municipalities in this regard and on the potential impact on Oak Bay residents if the District is not included in a study.

Eric Fraikin, Oak Bay resident, spoke in support of enhancing the bikeway between Willows Beach and Cattle Point, noting that he has raised this issue previously and wishes action to be taken and funds allocated in the budget to undertake this enhancement.

COMMUNICATIONS:

7. ***Requests to Amend Approved Temporary Occupancy of Oak Bay Avenue and Front Lawn of Municipal Hall for Night Markets***

- Note - Municipal Clerk - BIA - Amendments to Occupancy for Night Markets
- Sp Event App - BIA Night Markets - Event dates, Jun. 10, Jul. 8, Aug. 12 & Sep. 9, 2015
- Corresp - Occupancy of Front Lawn of Municipal Hall by Rotary
- Corresp - Inclusion of Liquor Sales and Sampling at OB Village Night Markets

Mayor Jensen provided an overview with respect to the process to date and the recommendations from staff on how best to proceed with considering this item at this time, as described in the note from the Municipal Clerk.

It was the consensus of Council to amend the agenda and bring forward the tabled resolution, agenda item 13, “Special Event Application - Request for Temporary Occupancy & Commercial Activity, Oak Bay Avenue - Jun. 10, Jul. 8, Aug. 12, and Sept. 9, 2015”.

MOVED by Councillor Kirby

Seconded by Councillor Croft, That the following motion be lifted from the table:

That the occupancy of Oak Bay Avenue between Wilmot Place and Monterey Avenue, and the occupancy of the front lawn of the Municipal Hall on June 10, July 8, August 12 and September 9, 2015 for the purposes of holding a Night Market, be approved as described in the application from the Oak Bay Business Improvement Association received February 24, 2015, 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 approval for a traffic plan and implement the same subject to any field instructions from the Police; and*
4. *agree to give sufficient notice to all residents along the proposed route;*
with the Municipal Clerk being authorized to execute such agreement on behalf of the District of Oak Bay.

CARRIED

MOVED by Councillor Kirby

Seconded by Councillor Murdoch, That the motion with respect to the February 24, 2015 application from the Oak Bay Business Improvement Association requesting occupancy of Oak Bay Avenue between Wilmot Place and Monterey Avenue and occupancy of the front lawn of the Municipal Hall, on June 10, July 8, August 12 and September 9, 2015 for the purposes of holding a Night Market, be postponed indefinitely.

CARRIED

MOVED by Councillor Braithwaite

Seconded by Councillor Kirby, That the occupancy of Oak Bay Avenue between Wilmot Place and Monterey Avenue, on June 10, July 8, August 12 and September 9, 2015 for the purposes of holding a Night Market, be approved, as described in the application from the Oak Bay Business Improvement Association received February 24, 2015, without inclusion of the occupancy of the front lawn of the Municipal Hall, 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 approval for a traffic plan and implement the same subject to any field instructions from the Police; and
 4. agree to give sufficient notice to all residents along the proposed route;
- with the Municipal Clerk being authorized to execute such agreement on behalf of the District of Oak Bay.

MOVED by Councillor Braithwaite

Seconded by Councillor Kirby, That the motion be amended by replacing the words "without inclusion of the occupancy of the front lawn, subject to" with the phrase "and also that the occupancy of the front lawn of the Municipal Hall on August 12, 2015 and September 9, 2015 be approved, with both occupancies being subject to".

CARRIED

A discussion ensued in which support was expressed by members of Council for the Oak Bay Business Improvement Association and the Rotary Club of Oak Bay to jointly occupy the front lawn on June 10, 2015 and July 8, 2015, subject to the usual requirements for public property occupancy.

Heather Leary, Project Manager for the Oak Bay Business Improvement Association, responded to questions from Council noting that the Association does have activities that could be provided on the front lawn on the dates requested for occupancy by the Rotary Club without impacting the Club's activities. Ms. Leary noted that it was her understanding that in order for joint occupancy to occur, both organizations would have to supply insurance naming the District as an additional insured.

The question on the main motion as amended was then called.

CARRIED

MOVED by Councillor Braithwaite

Seconded by Councillor Murdoch, That permission be granted to the Rotary Club of Oak Bay to occupy a portion of the front lawn at the Oak Bay Municipal Hall adjacent to 2167 Oak Bay Avenue, on June 10, 2015 and July 8, 2015, in conjunction with the Oak Bay Village Night Markets, for the purpose of staging a fundraising event, subject to the Rotary Club of Oak Bay 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 occupancy;

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

CARRIED

Ms. Leary provided an overview of the Association's request to include alcohol vendors at the Night Markets which would provide for the sale and sampling of locally-produced liquor, as noted in the correspondence from the Association dated May 1, 2015 and May 13, 2015.

MOVED by Councillor Braithwaite

Seconded by Councillor Murdoch, That the sales of liquor, and associated provision of samples, by up to four vendors at the Oak Bay Business Improvement Association's 2015 Oak Bay Village Night Markets be endorsed by Oak Bay Municipal Council, subject to:

- (a) all the same terms and conditions of the approved occupancy for the Oak Bay Village Night Markets; and
 - (b) the Association ensuring compliance with all requirements of the Liquor Control and Licensing Branch Policy Directive No: 14-11;
- and that the Public Property Occupancy Agreement for the 2015 Oak Bay Village Night Markets reflect these requirements.

CARRIED

8. ***Request for Financial Assistance - Oak Bay Figure Skating Club***

- Report - Municipal Treasurer, May 15, 2015
- Grant App - Oak Bay Figure Skating Club, Feb. 3, 2015

A discussion ensued on the amount of the request for financial assistance by the Oak Bay Figure Skating Club, which, in the amount of \$5,000, some members felt was excessive given the current grant policy and the actual cost of ice time.

MOVED by Councillor Murdoch

Seconded by Councillor Braithwaite, That a grant for 2015 in the amount of \$954.00 to the Oak Bay Figure Skating Club be approved.

A discussion ensued on the motion, with some members supporting the proposed amount, on the basis of actual ice time costs. Other members expressed concern that this reduction from the requested amount would not address the needs of this community event for local athletes and that it was out of keeping with the amount provided to this organization in previous years.

DEFEATED

Councillors Braithwaite, Murdoch
and Zhelka in support of the motion

MOVED by Councillor Zhelka

Seconded by Councillor Braithwaite, That a grant for 2015 in the amount of \$1,500 to the Oak Bay Figure Skating Club be approved.

CARRIED

Councillors Croft and Kirby
against the motion

9. ***Reconstruction of Bowker Creek at Oak Bay High School - Award of Contract BCI2015-005***

- Report - Director of Engineering Services, May 20, 2015
- Rpt Attach - Appendix A (Preliminary Design) and Appendix B (Revised Detail Design)

Jody Watson, Harbours and Watersheds Coordinator, Parks & Environmental Services, Capital Regional District, provided an overview of the process with respect to the tender for the contract and the subsequent design revision. Ms. Watson noted that the revised design, as appended to the Director of Engineering Services' report, meets the budget and the grant requirements.

MOVED by Councillor Kirby

Seconded by Councillor Braithwaite, That Draycor Construction Ltd be awarded Contract BCI2O1 5-005 Reconstruction of Bowker Creek at Oak Bay High School, in the amount \$448,883.22. plus GST for a total of \$471,327.38.

CARRIED

CORRESPONDENCE - UPCOMING AGENDA ITEM(S)

10. ***Correspondence - Bylaw No. 4647, Advisory Planning Commission Bylaw, 2015***
 - Corresp - May 20 to May 22, 2015 - APC Bylaw
 - ADDENDA - Corresp - May 23 to 25, 2015 - APC Bylaw

11. ***Correspondence - Inclusion of the District of Oak Bay as a Stakeholder in Amalgamation Study***
 - Correspondence - Inclusion of the District of Oak Bay as a Stakeholder in Amalgamation Study
 - ADDENDA - Corresp - May 23 to May 25, 2015 - Amalgamation Study

MOVED by Councillor Kirby

Seconded by Councillor Zhelka, That the correspondence listed under agenda items 10 and 11 be received.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

12. ***New Business & Verbal Reports***
 - New Business
 - Report on the Capital Regional District
 - Other Verbal Reports

Councillor Zhelka commented that he was considering bringing forward a motion to a subsequent Council meeting recommending that Council withhold issuance of certain permits until the Zoning Bylaw is amended to address the recommendations of the Floor Area Review Committee.

A verbal report was provided on the bike train for École Willows School.

Reports on the Capital Regional District (CRD)

Verbal reports were provided on the engagement sessions for the Eastside Select Committee and on the Regional Sustainability Strategy.

TABLED RESOLUTIONS:

13. **Special Event Application - Request for Temporary Occupancy & Commercial Activity, Oak Bay Avenue - Jun. 10, Jul. 8, Aug. 12, and Sept. 9, 2015**
- Tabled Resolution Notice - Sp Event App Temp Occupancy and Commercial Activity, OB Ave, Various dates
 - Sp Event App - BIA Night Markets - Event dates, Jun. 10, Jul. 8, Aug. 12 & Sep. 9, 2015

This item was addressed earlier in the meeting under agenda item 7.

14. **Development Variance Permit (DVP) Application - 671 Linkleas Avenue**
- Tabled Resolution Notice - DVP - 671 Linkleas Avenue
 - Plans - DVP - 671 Linkleas Ave, Feb. 11, 2015

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, 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 671 Linkleas Avenue (The Westerly 80 Feet of Lot 2, Block 5, Section 73, Victoria District, Plan 992) 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>
6.5.4.(2)(a) Front lot line setback	7.62 m	2.53 m	5.09 m

to accommodate the construction of an accessory building as shown on the plans appended to Committee of the Whole agenda item number 6, being a report from the Director of Building and Planning dated March 27, 2015, including a condition requiring a minimum distance of 1.0 m between the Sequoia tree base and the roof structure of the carport.

CARRIED

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

CARRIED

RESOLUTIONS:

15. **Development Variance Permit (DVP) Application - 3220 Weald Road**
- CORRECTED - DVP Resolution - 3220 Weald Road
 - Plans - DVP - UBP - 3220 Weald Road, Apr. 9, 2015

The Director of Building and Planning provided an overview of his report and the requested variance.

MOVED by Councillor Murdoch

Seconded by Councillor Braithwaite, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 3220 Weald Road (Lot 6, Block B, Section 31, Victoria District, Plan 3504) 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>
6.2.4.(1) Number of permitted accessory buildings	2	3	1
6.2.4.(7) Distance between buildings and structures	3.0 m	1.2 m	1.8 m

to accommodate the construction of pool and accessory building as shown on the plans appended to Committee of the Whole agenda item number 10, being a report from the Director of Building and Planning dated May 12, 2015.

MOVED by Councillor Murdoch

Seconded by Councillor Braithwaite, That the motion in respect to the development variance permit for 3220 Weald Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

16. ***Urban Wildlife Stewardship Society Presentation***

- Resolution Notice - Urban Wildlife Stewardship Society Presentation

MOVED by Councillor Zhelka

Seconded by Councillor Murdoch, That:

WHEREAS the District of Oak Bay has become aware of the Urban Wildlife Stewardship Society, a new group of predominantly Oak Bay citizens formed to develop non lethal approaches to urban deer management in the environs of Oak Bay:

THEREFORE BE IT RESOLVED that Oak Bay Municipal Council extend an invitation to the Urban Wildlife Stewardship Society to make a presentation to Council to explore shared objectives.

A discussion ensued with respect to the value of receiving a presentation on urban deer management from the Urban Wildlife Stewardship Society, in which some members of Council expressed concern that a presentation at this time would be premature, without clarification that pursuing use of an immunocontraceptive would receive the necessary approvals from higher levels of government.

MOVED by Councillor Zhelka

Seconded by Councillor Murdoch, That the motion be amended to add, "AND BE IT FURTHER RESOLVED that the Urban Wildlife Stewardship Society be requested to provide a report to Oak Bay Municipal Council in advance of the requested presentation which outlines proposed actions, including reference to addressing the required approval process for possible uses of an immunocontraceptive.

CARRIED

The question on the motion as amended was then called.

CARRIED

17. ***Inclusion of the District of Oak Bay as Stakeholder in Amalgamation Study***

- Resolution Notice - Oak Bay as Stakeholder in Amalgamation Study
- ADDENDA - Revised Resolution Notice - Oak Bay as Stakeholder in Amalgamation Study

MOVED by Councillor Murdoch

Seconded by Councillor Braithwaite, That:

WHEREAS Oak Bay would be impacted by any potential changes to regional governance:

THEREFORE BE IT RESOLVED that the Mayor be directed to draft a letter to the Minister of Community, Sport and Cultural Development requesting that the District of Oak Bay be included in any meetings, discussions, or studies the Province may initiate regarding a governance review or amalgamation related to core Greater Victoria municipalities.

A discussion ensued with respect to the advantages and disadvantages of the District of Oak Bay participating in a potential Amalgamation Study. It was noted that, in the absence of one member of Council, and given the varying views on participation in a study being expressed by Council at this time, it would be in keeping with past practice to table further consideration of the motion to a meeting at which all members were in attendance.

MOVED by Councillor Kirby

Seconded by Councillor Zhelka, That the motion be tabled until all members of Council are in attendance.

CARRIED

BYLAWS:

18. ***Bylaw Memorandum***

- Memo - Municipal Clerk, May 21, 2015

19. ***For First, Second and Third Reading***

- 4647, Advisory Planning Commission Bylaw, 2015

MOVED by Councillor Kirby
Seconded by Councillor Braithwaite, That Bylaw No. 4647, *Advisory Planning Commission Bylaw, 2015*, be introduced and read a first time.

CARRIED

MOVED by Councillor Kirby
Seconded by Councillor Braithwaite, That Bylaw No. 4647, *Advisory Planning Commission Bylaw, 2015*, be read a second time.

MOVED by Councillor Zhelka
Seconded by Councillor Murdoch, That Bylaw No. 4647 be amended by replacing Section 4.2. (d) with the wording, “one member with land use background other than a person actively involved with real estate or land development”.

A discussion ensued with respect to the proposed amendment to the Bylaw, with one member of Council expressing support for the amendment as a method to address the potential for bias that, in his opinion, could be brought to the Commission by real estate agents and developers. The majority of Council expressed the view that the existing language in the bylaw was sufficient and that any issues of bias would be best addressed instead through the appointment process.

The question on the amendment was then called.

DEFEATED
Councillor Zhelka
in support of the motion

The question on the main motion was then called.

CARRIED

MOVED by Councillor Kirby
Seconded by Councillor Braithwaite, That Bylaw No. 4647, *Advisory Planning Commission Bylaw, 2015*, be read a third time.

CARRIED

ADJOURNMENT:

20. *Motion to Adjourn*

MOVED by Councillor Braithwaite
Seconded by Councillor Kirby, That the meeting of Council be adjourned.

CARRIED

The meeting adjourned at 9:40 p.m.

Certified Correct

Municipal Clerk

Mayor