

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, Victoria, B.C., on Monday, September 30, 2019 at 7:00 P.M.

We acknowledge that the land on which we gather is in the traditional territory of the Coast and Straits Salish Peoples. Specifically we recognize the Lekwungen-speaking peoples, known today as the Songhees and Esquimalt Nations, and that their historic connections to these lands continue to this day.

PRESENT: Mayor K. Murdoch, Chair
Councillor A. Appleton
Councillor H. Braithwaite
Councillor C. Green
Councillor T. Ney
Councillor E. Paterson
Councillor E.W. Zhelka

STAFF: Chief Administrative Officer, L. Varela
Director of Building and Planning, B. Anderson
Director of Engineering Services, D. Horan
A/Director of Financial Services, D. Costin
Manager of Parks Services, C. Hyde-Lay
Recorder, A. Nurvo

CALL TO ORDER:

Mayor Murdoch called the meeting to order at 7:00 p.m. and advised that Councillor Braithwaite would be arriving later for this meeting.

MINUTES AND REPORTS:

1. Minutes:
 - Public Hearing held September 9, 2019
 - Council Meeting held September 9, 2019
 - Public Hearing held September 12, 2019
 - Special Council Meeting held September 12, 2019
 - Special Council Meeting held September 16, 2019
 - Committee of the Whole meeting held September 16, 2019

MOVED and seconded: That Council adopt the Minutes of the Public Hearing held September 9, 2019, Council meeting held September 9, 2019, Public Hearing held September 12, 2019, Special Council meeting held September 12, 2019, Special Council meeting held September 16, 2019 and Committee of the Whole meeting held September 16, 2019.

CARRIED

MAYOR'S REMARKS

2. Mayor's Remarks

Mayor Murdoch welcomed Anja Nurvo as the District's Acting Deputy Director of Corporate Services, and announced that the District has hired Christopher Paine as the Director of Financial Services. The Mayor advised that community Town Hall meetings have been scheduled for October 2nd, October 23rd and November 4th, which will be an opportunity for members of the public to engage with Council.

All of Council attended the UBCM conference in Vancouver last week, which included meetings with Provincial entities as well as an opportunity to meet with Provincial and Regional Mayors to discuss common issues.

Mayor Murdoch acknowledged the completion of the trial of Andrew Berry with a guilty verdict. He voiced support for the family and friends and appreciation for all first responders involved.

In keeping with Council's goal of advancing a mutual understanding and respect with our local First Nations, a Community to Community event will be scheduled, with financial support from UBCM and the Province. The Mayor read the First Nations territorial acknowledgement.

PUBLIC PARTICIPATION PERIOD:

3. Public Participation Period

Paul Ziakin, Oak Bay resident, advised that he is currently a resident of 1558 Beach Drive. He stated that a Master Plan for community includes affordable housing. He questioned whether an evaluation of 1558 Beach Drive has ever been conducted on the value of the building being retained as a multi-family dwelling and not torn down or moved. He suggested that Council could request the owner or developer to undertake such an evaluation, before being granted permission to tear it down.

Eric Mignot, Oak Bay resident, said that he and his wife live at 1558 Beach Drive. He urged that Council refuse to approve the application for a demolition permit. He also advised that he did not receive a notice of eviction for end of December as the other tenants since they have a lease until May 2020 and that the owner is planning to start asbestos removal in January and is ignoring that they will still be living there until May.

Solange Meilleur, Oak Bay resident, stated that the minutes of the Heritage Committee meeting of July 9, 2019 contains errors so that the Commission made a recommendation based on incorrect facts. She was also concerned that the drawings submitted will bear no resemblance to the building that is actually built later.

Michael Prince, Oak Bay resident, addressed Council on Agenda Items 10 & 11, and acknowledged the work of staff moving along on protecting our heritage values & resources with the proposed heritage conservation area, and thanked Council for its continued support in moving this initiative forward.

COMMUNICATIONS:

4. Sea Lore Sculpture Placement

Council discussion ensued, as follows:

- This matter has previously been to Council twice
- Council acknowledged the Arts Laureate and Arts Committee for all of their work
- A process was followed to get feedback from the Songhees Nation regarding the proposed location
- Staff recommendation is to locate the donated sculpture at Willows Park adjacent to stairs beside playground area, for a trial period

MOVED and seconded: That Council give consideration to locating the Sea Lore sculpture at the municipally-owned location identified in Attachment "1" to this report.

MOVED and seconded: That Council refer this matter to a future Committee of the Whole meeting for further consideration.

DEFEATED

With Mayor Murdoch and Councillors Appleton and Ney opposed

MOVED and seconded: That this item be tabled until later in this meeting when Councillor Braithwaite is in attendance.

CARRIED

With Councillor Zhelka opposed

5. Tree Protection Bylaw - Application for Reconsideration of Refusal - 2861 Cadboro Bay Road

MOVED and seconded: That Council decline the application for reconsideration of refusal for the removal of two trees on 2861 Cadboro Bay Road.

CARRIED

6. Section 57 Notice - 1026 Roslyn Road

Councillor Green declared a conflict of interest regarding this item, since the person involved is her neighbour, and she left the meeting at 7:50 p.m.

Councillor Braithwaite arrived at 7:53 p.m.

MOVED and seconded: That pursuant to Section 57 of the *Community Charter*, SBC 2003, C. 26, a Notice be registered with the Land Title and Survey Authority against land at 1026 Roslyn Road, Victoria BC with a legal description of Lot 18, Block 4, Section 23, Victoria District Plan 1091 for failure to comply with the District of Oak Bay Building Bylaw No. 4247, Zoning Bylaw No. 3531 and the British Columbia Building Code, which contraventions relate to the work without permit.

CARRIED

With Councillor Zhelka opposed

Councillor Green returned to the meeting at 7:58 p.m.

7. Tender Award - Traffic Signal Upgrades, Foul Bay Road and Oak Bay Avenue

MOVED and seconded: That the contract for the Traffic Signal Upgrades - Intersection of Foul Bay Road and Oak Bay Avenue be awarded to Raylec Power LP in accordance with their tender submission in the amount of \$124,500 excluding GST.

CARRIED

4. Sea Lore Sculpture Placement

The previous Motion was put back on the table for consideration:

MOVED and seconded: That Council give consideration to locating the Sea Lore sculpture at the municipally-owned location identified in Attachment "1" to this report.

Council discussion continued, as follows:

- The process to date to determine the location of this structure
- This would be the third installation of art work at Willows Beach
- Lack of public input into the proposed location
- The lack of a policy to deal with locating donated pieces of art work
- The potential sensitivity around the proposed waterfront location

Mayor Murdoch requested that Council reconsider the following Motion:

That Council refer this matter to a future Committee of the Whole meeting for further consideration.

CARRIED

With Mayor Murdoch and Councillors Appleton and Ney opposed

8. Oak Bay Heritage Commission Minutes

MOVED and seconded: That Council receive the minutes of the Heritage Commission meeting held July 9, 2019.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

9. New Business & Verbal Reports

- New Business
There was no New Business.
- Report on the Capital Regional District
Mayor Murdoch provided an update on the internal review process being conducted by CRD staff on the Victoria Family Court and Youth Justice Committee. He advised that

under the Regional Housing First Program, funding has been provided by the CRD, the Province and the Federal government for additional shelter beds and public housing. A number of units have been built, however, due to a significant cost increase, the net result is that fewer units will be built. The funding partners are being requested to approve additional funding, and the Province has already agreed.

- Other Verbal Reports

Councillor Paterson advised that at its September 18, 2019 meeting, the CREST Board approved the 2020 budget and 5 year financial plan, which will result in significant equipment replacement. The projected levy increase will be 2.9% for each year.

Councillor Green acknowledged the work of staff and in particular the CAO and Executive Assistant for organizing Council's UBCM attendance last week. She advised she will report on the BIA's AGM at the next meeting.

Councillor Zhelka advised that during UBCM, he and Councillor Paterson as Alternate attended MIA's AGM. He was invited to attend the Climate Caucus for Councillors and Mayors across the Province to reduce GHGs, and was pleased to join the Climate Strike march in Vancouver.

Councillor Appleton advised he attended two events as Acting Mayor on September 15th, Defence of the Dock and the ALS Walk at the University of Victoria, both of which were very well attended. He also attended a meeting of the GVPL Board on September 17, and advised the Board that he was very disappointed to find out that a small contingent turned up to protest the August 17th Drag Queen Story Time, which is an extremely popular event for children.

Councillor Ney thanked staff for their support at UBCM. She found the conference to be very productive and attended several workshops on various topics including the Ombudspersons office complaints system, salary reviews, and fire and police salaries.

Councillor Green thanked the University of Victoria and Bruce Kilpatrick in particular for helping to provide Council with shirts for Orange Shirt Day.

Councillor Paterson thanked the Heritage Foundation and Archivist and GVPL for the recent heritage lecture series, Sealand of the Pacific and Art Deco, both of which events were filled to capacity and received very positive responses.

10. Heritage Control Period - Prospect Heritage Conservation Area

MOVED and seconded: That Council direct staff to prepare a bylaw to apply a heritage control period to the area included in the proposed Prospect Heritage Conservation Area in accordance with s. 608 of *the Local Government Act* for a period of up to one year.

CARRIED

11. Heritage Designation - 1558 Beach Drive

MOVED and seconded: That Council receive the report for information.

CARRIED

RESOLUTIONS

12. Notice of Motion - Councillor Paterson

MOVED and Seconded:

WHEREAS Council has made strides to enact Municipal Bylaws and Policies that ensure informed decision-making and improve internal processes while promoting clarity and transparency amongst Council, District Staff, residents, and land development applicant; and

WHEREAS the Land Development Approving Officer is a quasi-judicial official at the Provincial and Municipal level, who acts independently of Council in determining that land subdivision in the District Oak Bay complies with Provincial Acts and Regulations and with Municipal Bylaws, Regulations and Policies; and

WHEREAS Council sets overall Municipal land use policies, has authority to pass and change regulatory bylaws and to appoint an Approving Officer;

THEREFORE BE IT RESOLVED that District Staff will provide to Council a listing of Provincial and Local Government legislation and regulations considered by the District's Approving Officer for assessing land subdivision in the District of Oak Bay.

CARRIED

BYLAWS

13. Bylaw Memorandum

- Memorandum – Bylaw Nos. 4738 and 4737

14. Bylaw No. 4738 - 1416/1418 St. David Street Housing Agreement

MOVED and seconded: That Bylaw No. 4738, 1416 St. David Street Housing Agreement Bylaw, 2019, be adopted.

CARRIED

With Councillor Braithwaite opposed

15. Bylaw No. 4737 - Permissive Tax Exemptions First three readings of Property Tax Exemption Bylaw, 2019, No. 4737

MOVED and seconded: That Bylaw No. 4737, Property Tax Exemption Bylaw, 2019, be given first, second and third reading.

CARRIED

ADJOURNMENT

16. In Camera Resolution/Motion to Adjourn

MOVED and seconded: That in accordance with sections 90 (1) (a) and (c) of the Community Charter, that the open portion of the meeting of Council be adjourned and that a closed session be convened to discuss personal information about an identifiable individual who holds or is being considered for a position as an officer, employee, or agent of the municipality or another position appointed by the municipality; and labour relations or other employee relations.

CARRIED

The open portion of the meeting adjourned at 9:18 p.m.

Certified Correct:

Mayor

Director of Corporate Services

Recorder