

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, September 29, 2014 following a Public Hearing at 7:30 p.m.

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

STAFF: Municipal Administrator, H. Koning
Municipal Clerk, L. Hilton
Deputy Municipal Clerk, C. Denomme
Director of Building and Planning, R. Thomassen
Director of Engineering Services, D. Marshall

Mayor Jensen called the meeting to order at 7:41 p.m.

ADOPTION OF MINUTES AND REPORTS:

Council, September 8, 2014

MOVED by Councillor Ney
Seconded by Councillor Herbert, That the minutes of the Council meeting held on Monday, September 8, 2014, be adopted.

CARRIED

Public Hearing , September 9, 2014

MOVED by Councillor Ney
Seconded by Councillor Herbert, That the report of the Public Hearing held on Tuesday, September 9, 2014, be adopted.

CARRIED

Special Council, September 9, 2014

MOVED by Councillor Ney
Seconded by Councillor Herbert, That the minutes of the Special Council meeting held on Tuesday, September 9, 2014, be adopted.

CARRIED

Special Council, September 15, 2014

MOVED by Councillor Copley
Seconded by Councillor Herbert, That the minutes of the Special Council meeting held on Monday, September 15, 2014, be adopted.

CARRIED

Committee of the Whole September 15, 2014

MOVED by Councillor Herbert

Seconded by Councillor Copley, That the minutes of the Committee of the Whole meeting held on Monday September 15, 2014, and the recommendations contained therein, be adopted.

CARRIED

MOVED by Councillor Murdoch

Seconded by Councillor Ney, That Bylaw 4625, 2176 Windsor Road Heritage Revitalization Agreement Authorization Bylaw, 2014 be brought forward and considered at this time.

CARRIED

For Third Reading and Adoption (Subject to the outcome of the Public Hearing)

MOVED by Councillor Green

Seconded by Councillor Ney, That Bylaw No. 4625, 2176 Windsor Road Heritage Revitalization Agreement Authorization Bylaw, 2014, be read a third time.

CARRIED

MOVED by Councillor Ney

Seconded by Councillor Green, That Bylaw No. 4625, 2176 Windsor Road Heritage Revitalization Agreement Authorization Bylaw, 2014, be adopted.

CARRIED

MAYOR'S REMARKS:

Union of British Columbia Municipalities (UBCM) Convention

Mayor Jensen reported that along with the CAO and members of Council he attended meetings with the Honourable Steve Thomson, Minister of Forests, Lands and Natural Resources Operations and Dan Doyle, Chief of Staff on behalf of Premier Clark, regarding Urban Deer Management. Mayor Jensen reported Minister Thomson made a commitment to supply the island region with traps and allow Ministry staff to assist municipalities, as time allows. Mayor Jensen said that a staff report on Urban Deer Management will be coming before Council at a meeting in October.

Mayor Jensen reported that they also attended a positive meeting with the Minister of Environment, Honourable Mary Polak, to discuss Uplands Sewer Separation. He said the timeline for the project could be extended if we have a plan in place.

Mayor Jensen met with BC Hydro Vice President, Greg Reimer, to discuss the number of power outages in the Village that affect local businesses. BC Hydro has a program in place that will identify and eliminate where the problems are, he said.

Mayors' Caucus

Mayor Jensen attended the Mayors' Caucus where a motion was discussed regarding mental health and addiction and the financial burden it has on policing. The motion calls on the Province to establish long-term residential beds for people with severe addiction and mental-health problems, and to increase such services at the community level to ensure all citizens have access to care and to develop a provincial social policy framework to ensure tax dollar efficiency.

Kiwanian of the Year 2013-2014

Mayor Jensen congratulated Fire Chief Dave Cockle on being named Kiwanian of the Year. He said that Chief Cockle has been extremely active in many aspects of the Kiwanis Club of Oak Bay for many years. Mayor Jensen thanked Chief Cockle for his commitment to the community.

PUBLIC PARTICIPATION PERIOD:

Eric Zhelka, resident, said that the Floor Area Review Committee Report that is before Council tonight is a good step in the process and the Committee did an excellent job.

Mr. Zhelka said that he lived through amalgamation in Toronto and it has proved to be a folly. He continued by saying he is surprised that a few people were able to get the attention of Council and have a discussion on amalgamation on tonight's agenda.

Grant Bierlmeier, resident, said the Floor Area Review Committee Report will confuse the public debate as there is missing or confusing definitions. Mr. Bierlmeier said that the report says that duplexes cannot have secondary suites, as per the building code, but secondary suites are not addressed in the document. He suggested that if you are referencing the Building Code you need to refer to where in the building code. He recommends that the report be sent back for review.

Andrew Stinson, resident, said that while he is not in favour of amalgamation, there are two questions being considered by Council tonight and that the #2 question is less confusing. Mr. Stinson said he is concerned that the Ministry might take the results and force amalgamation, which he would not like to see.

Eric Fraiken, resident, said that he has been before Council regarding a bicycle path between the Esplanade and Cattle Point, noting it has been three years and he would like something to be done.

PRESENTATION:

1. 2014-235 SEATERRA PROGRAM
Re Proposed McLoughlin Point Wastewater Treatment Facility

Albert Sweetnam, Program Director, Seaterra Program, gave a presentation on the Proposed McLoughlin Point Wastewater Treatment Facility, correspondence no. 2014-235 and answered questions from Council.

COMMUNICATIONS:

2. 2014-236 SALLY HUBBARD, July 22, 2014
2014-236-1 MUNICIPAL CLERK, September 24, 2014
Re Tree Permit Refusal (757/767 St. Patrick Street) - Request for Council
Reconsideration

(Chris Hyde-Lay, Manager of Parks Services in attendance for this item)

Following discussion with Mr. Hyde-Lay, Council agreed there was no compelling reason permitted by the Tree Protection Bylaw to have the tree removed.

MOVED by Councillor Murdoch

Seconded by Councillor Herbert, That the request for the issuance of a permit for the removal of a Cedrus deodora tree, located on the private property at 757/767 St. Patrick Street, be denied.

CARRIED

3. 2014-237 DIRECTOR OF BUILDING AND PLANNING, September 19, 2014
Re Floor Area Review Committee Report

Councillor Murdoch reviewed the process the Committee followed to date noting it was a very in depth and information was collected for six months, with a public meeting being held for input. Councillor Murdoch thanked the Councillors, staff and public for their valuable input and advice.

MOVED by Councillor Murdoch

Seconded by Councillor Copley, That Council refer the Floor Area Review Committee RS-4 and RS-5 Bylaw Recommendations Report to the October Committee of the Whole meeting for discussion and public input, and further, that the meeting be advertised.

CARRIED

4. 2014-238 DIRECTOR OF ENGINEERING SERVICES, September 15, 2014
Re Foul Bay Road at Lansdowne Road Intersection Upgrade

Discussion regarding the Foul Bay and Lansdowne Road intersection upgrade ensued with the Director of Engineering Services answering questions from Council on design and sole sourcing. Mr. Marshall said this is the last intersection in Oak Bay to be upgraded and converted from a 'timed-phase' controller to an 'actuated-phase' controller.

MOVED by Councillor Kirby

Seconded by Councillor Copley, That:

- a) The proposed design of the intersection at Foul Bay Road and Lansdowne Road as outlined in the September 15, 2014 memo of the Director of Engineering Services dated September 15, 2014, correspondence no. 2014-238, be approved, and
- b) That Raylec Power LP be awarded the contract for the electrical work for the traffic signal upgrade project at Foul Bay and Lansdowne Road at a cost of \$162,314.00.

CARRIED

5. 2014-239 MUNICIPAL CLERK, September 24, 2014
Re Opinion Question on the 2014 General Local Election Ballot –
Amalgamation

MOVED by Councillor Kirby
Seconded by Councillor Green, That the Municipal Clerk's September 24, 2014 report be received.

CARRIED

CORRESPONDENCE – ITEMS APPEARING LATER ON THE AGENDA:

6. 2014-169 DR. W. ERIC SHAFONSKY, June 4, 2014
2014-169-1 HEIDI MARTINS, June 3, 2014
2014-169-2 DICK HORWOOD, June 9, 2014
2014-241 DICK HORWOOD, June 25, 2014
2014-241-1 WENJUN LI, September 21, 2014
Re Development Variance Permit – 2570 Nottingham Road

MOVED by Councillor Ney
Seconded by Councillor Kirby, That correspondence item no. 2014-169 to 2014-169-2, 2014-241 to 2014-241-1 be received.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

TABLED:

Development Variance Permit – 2570 Nottingham Road

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 2570 Nottingham Road (Amended Lot 1 (DD 2689811) of Section 31, Victoria District, Plan 3811) 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>
4.10.4			
No structure sited within 3.0 meters from any lot line	3.00 m	0.91 m	2.09 m

to accommodate the siting a miscellaneous structure (pool pump), as shown on the plans appended to Committee of the Whole agenda item 2014-154, being a memorandum from the Director of Building and Planning dated May 12, 2014.

CARRIED

Mr. Aujla, owner, answered questions from Council.

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

CARRIED
(Councillor Herbert opposed to the motion)

Moved by Councillor Kirby

Seconded by Council Murdoch, That the owners of 2570 Nottingham Road be requested to not run the pool pump between the hours of 7:00 p.m. and 7:00 a.m.

CARRIED
(Councillor Green opposed to the motion)

RESOLUTIONS:

Non-Binding Opinion Question re: Amalgamation on the 2014 General Local Election ballot

A discussion ensued with members of Council, noting that if a question was placed on the ballot it would be non-binding. Some members of Council were concerned with the question being clear enough to ascertain whether the community wants to be amalgamated. Concerns were raised that it would be hard to answer the question without knowing what amalgamation would look like, the costs associated and the impacts. Members of Council said they felt there is no interest from the people of Oak Bay to amalgamate, however, by putting the question on the ballot Council will better understand the wishes of the community in this regard.

Members of Council said that the question has to be clear that if Oak Bay was to amalgamate that it would be dissolved and become involved in a larger community.

There was further discussion in regard to what the question should be with some members of Council suggesting it should ask if the community is in favour of a study to investigate the possibility of amalgamation while others members suggested a simpler question would be to ask if they are in favour of amalgamation.

MOVED by Councillor Murdoch

Seconded by Councillor Green, That:

WHEREAS in the last two years a community group has actively promoted the awareness of amalgamation within Greater Victoria;

WHEREAS that community group has requested that a clear question be asked of residents as to their support of amalgamation;

WHEREAS Council may seek community opinion on a question that it believes affects the municipality;

WHEREAS Amalgamation can be demonstrated to affect the municipality, as by definition amalgamation would require the dissolution of Oak Bay Municipality and the provision of city services and regulations through a larger amalgamated municipality;

WHEREAS seeking community opinion may inform Council funding and staff resource allocation priorities; and

WHEREAS placing a non-binding opinion question on a general local election ballot is considerably less expensive than a stand alone process;

THEREFORE BE IT RESOLVED that the following non-binding opinion question be placed on the November 15, 2014 General Local Election ballot:

Are you in favour of the District of Oak Bay being amalgamated into a larger regional municipality? YES or NO.

Further discussion ensued regarding the time frame required to have a question placed on the ballot and the costs.

The question on the motion was then called

CARRIED

BYLAWS:

For First and Second Reading and Setting of a Public Hearing Date

MOVED by Councillor Copley

Seconded by Councillor Green, That Bylaw No. 4627, Ninety-Third Zoning Bylaw Amendment Bylaw, 2014, be introduced and read a first time.

CARRIED

MOVED by Councillor Copley

Seconded by Councillor Green, That Bylaw No. 4627, Ninety-Third Zoning Bylaw Amendment Bylaw, 2014, be read a second time.

CARRIED

MOVED by Councillor Murdoch

Seconded by Councillor Copley, That a public hearing on Bylaw No. 4627 be held at the Oak Bay Municipal Hall on October 27, 2014, at 7:30 p.m., and that notice be given in accordance with the *Local Government Act*.

CARRIED

For First and Second Reading

MOVED by Councillor Murdoch

Seconded by Councillor Green, That Bylaw No. 4628, Parking Facilities Bylaw Amendment Bylaw No. 20, 2014, be introduced and read a first time.

CARRIED

MOVED by Councillor Murdoch
Seconded by Councillor Green, That Bylaw No. 4628, Parking Facilities Bylaw Amendment
Bylaw No. 20, 2014, be read a second time.

CARRIED

For First, Second and Third Reading

MOVED by Councillor Murdoch
Seconded by Councillor Green, That Bylaw No. 4629, Property Tax Exemption Bylaw, 2014, be
introduced and read a first time.

CARRIED

MOVED by Councillor Murdoch
Seconded by Councillor Green, That Bylaw No. 4629, Property Tax Exemption Bylaw, 2014, be
read a second time.

CARRIED

MOVED by Councillor Murdoch
Seconded by Councillor Green, That Bylaw No. 4629, Property Tax Exemption Bylaw, 2014, be
read a third time.

CARRIED

ADJOURNMENT:

MOVED by Councillor Kirby
Seconded by Councillor Murdoch, 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 municipal award or honour, or who has offered
to provide a gift to the municipality on condition of anonymity.

CARRIED

The meeting adjourned at 10:49 p.m.

Certified Correct:

Municipal Clerk

Mayor