

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 February 23, 2015 at 7:30 p.m.

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

STAFF: Chief Administrative Officer, H. Koning
Executive Assistant, C. Denomme
Municipal Treasurer, P. Walker
Deputy Treasurer, F. Pimentel
Director of Building and Planning, R. Thomassen
Director of Engineering Services, D. Marshall

Mayor Jensen called the meeting to order at 7:30 p.m.

MOVED by Councillor Braithwaite

Seconded by Councillor Kirby, That the amended agenda for the February 23, 2015 Council meeting be adopted as circulated.

CARRIED

PRESENTATION – ART IN THE CHAMBERS PROJECT

Bronwyn Taylor, Chair, Oak Bay Heritage Commission, was in attendance to present two original pen and ink drawings illustrating heritage homes, to be added to the artwork collection displayed in the Council Chambers as part of the Art in Chambers project. Ms. Taylor introduced and thanked the two local artists: Marion Cumming, for Carr Cottage at 825 Foul Bay Road and Robert Amos, for Oak Bay War Memorial (Cenotaph) at Uplands Park, 2900 Block Beach Drive.

Mayor Jensen, on behalf of Council, thanked the artists for their contribution to the Art in Chambers project.

MAYOR'S REMARKS:

Bike BC Funding

Mayor Jensen offered his thanks to municipal staff for all their efforts in applying for and securing funding, for the Foul Bay and Lansdowne intersection bike lanes and bike loop detectors, in the amount of \$52,828.00.

Regional Governance

Mayor Jensen reported that the Mayor of Victoria has written a letter to Minister Coralee Oakes requesting the Provincial government undertake a study on regional governance.

Core Area Liquid Waste Management

Mayor Jensen reviewed the presentation on the Core Area Liquid Waste Management that the Capital Regional District gave at Committee Orientation.

PUBLIC PARTICIPATION PERIOD:

Anthony Mears, Oak Bay resident, asked if Victoria and Saanich will pay proportionately for the sewage project as they will be the largest users. Mayor Jensen responded that they will be paying the highest amounts as the costs are based on flows.

William Jesse, resident, remarked that he heard Mayor Jensen on the radio say that the SPCA were given the option to attend the deer cull and that they were pleased that Oak Bay hired an experienced contractor. Mr. Jesse said he spoke to the SPCA this afternoon and they told him these statements were not true.

Kristy Kilpatrick, Oak Bay resident, said she believed that knowing the BC SPCA did not support the cull and with the information provided to Council, that Council would listen. Of the 38 deer deaths only 13 were car/deer related and they were in an area where speed limits had not been reduced, she said. Ms. Kilpatrick continued by saying that 19 of the dead deer had no known reason for the death which probably was natural causes, and that there has been only one bike death cause by deer and that was over 20 years ago. She said that she believed that after talking to members of Council, that Council would listen and she is so disappointed.

Danalee Goldthwaite, Oak Bay resident, said that in a report to Council from the CAO dated October 14, 2014 regarding the deer cull it states that communications support will be required to prepare the community. Ms. Goldthwaite asked if the community can be prepared by knowing if the cull is on or when it will be on. Mayor Jensen responded by saying that Oak Bay has applied for a permit and it is valid until March 15, 2015.

Ms. Goldthwaite then asked if the community would be informed when the cull was on. Mayor Jensen responded by saying that the information would not be provided as there are concerns of what may happen, similar to what happened in Kimberly where people sought out the traps and destroyed them. Mayor Jensen continued by saying that Council wants to protect the privacy of the homes and the people who have asked to have traps placed on their property and that information will not be made public.

Ms. Goldthwaite said that she has looked at the provincial permit and it says that 21 days after the cull information needs to be made public. She said we will not know how many fawns were orphaned, how many pregnant or lactating does were, we won't know if the meat was actually eaten by anybody and if the kill was humane. We also need to know if the cull was effective, and there is no way to determine this as no proper count took place in Oak Bay so any number taken after the cull will be meaningless, she said. Ms. Goldthwaite concluded by saying none of the information regarding the cull is being documented by an independent body, that it is being done by the contractors doing the killings, which is very biased and a conflict of interest.

Mayor Jensen said there will be a report coming to Council regarding the pilot project undertaken with the CRD and it will be shared. He continued by saying that this is a learning process and part of the pilot project is to report out and develop best practices and information that can be used in other communities.

COMMUNICATIONS:

3. ***Oak Bay Tourism Committee - 2015 Budget & Business Plan***

- Note - Municipal Clerk - Oak Bay Tourism Committee, Feb. 17, 2015
- Correspondence - Oak Bay Tourism, Feb. 17, 2015

Mario Gedicke, Co-chair and Karma Brophy, consultant, Oak Bay Tourism Committee were in attendance for this item.

Marion Gedicke reviewed a power point presentation that provided highlights from 2014 and an overview of the 2015 Tourism Plan and Priorities and answered questions from Council.

MOVED by Councillor Croft

Seconded by Councillor Braithwaite, That the Oak Bay Tourism Committee's 2015 budget and business plan be approved.

CARRIED

4. ***Special Event Application - Request for Road Closures, May 3, July 26, August 16, 2015***

- Note - Municipal Clerk - Victoria Wheelers Cycling Club - Windsor Park Roadways
- Sp Event App - Victoria Wheelers Cycling Club - Event dates May 3, July 26, August 16, 2015

MOVED by Councillor Kirby

Seconded by Councillor Ney, That the occupancy of the roadways surrounding Windsor Park on May 3, July 26 and August 16, 2015 for the purposes of holding a cycling race as described in the submission from the Victoria Wheelers Cycling Club dated January 26, 2015, 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 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;
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. sufficient notice being given by the event organizers to all property owners along the proposed route,

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

CARRIED

5. ***Oak Bay Heritage Commission (H Comm) Minutes***

- Note - Municipal Clerk - H Comm Minutes, Feb. 10, 2015
- Minutes - OB Heritage Commission, Feb. 10, 2015
- Report - Director of Building & Planning, Feb. 15, 2015
- Plans - HAP - 2753 Cavendish Ave

MOVED by Councillor Braithwaite

Seconded by Councillor Kirby, That the minutes of the Heritage Commission meeting held February 10, 2015 be received.

CARRIED

MOVED by Councillor Kirby

Seconded by Councillor Croft, That the application presented in the Director of Building and Planning's Report dated February 15, 2015 for a Heritage Alteration Permit for 2753 Cavendish Avenue be approved.

CARRIED

MOVED by Councillor Braithwaite

Seconded by Councillor Zhelka, That staff be directed to bring forward a resolution to add 1014 and 1405 St. Patrick Street to the Community Heritage Register for formal consideration by Council.

CARRIED

6. ***Siting and Design Approval - Referral to Heritage Commission - 2176 Windsor Road***

- Report - Director of Building & Planning, Feb. 16, 2015
- Plans - HRA - 2176 Windsor Rd, received, Feb. 17, 2015
- ADDENDA – Corresp. Applicant – Feb. 23, 2015

MOVED by Councillor Ney

Seconded by Councillor Braithwaite, That the application for Siting and Design Approval for 2176 Windsor Road be referred to the Heritage Commission for review and recommendation.

CARRIED

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

- Note - Municipal Clerk - Oak Bay Figure Skating
- Grant App - Oak Bay Figure Skating Club, Feb. 3, 2015

Gail Reaney from the Oak Bay Figure Skating Club was present for this item.

MOVED by Councillor Kirby

Seconded by Councillor Braithwaite, That the request for financial assistance from the Oak Bay Figure Skating Club in the amount of \$5,092.00 be referred to Council's Estimates Committee for consideration during budget deliberations.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

8. ***Request to Sell Girl Guide Cookies on Oak Bay Avenue, March 28, 2015***

- Note - Municipal Clerk - Girl Guide Cookie Sales, Oak Bay Avenue
- Permission - Girl Guides of Canada cookie sales, Mar. 28, 2015

MOVED by Councillor Braithwaite

Seconded by Councillor Zhelka, That permission be granted to the Girl Guides of Canada to sell Girl Guide cookies on Oak Bay Avenue on March 28, 2015.

CARRIED

9. ***Proposed Terms of Reference - Advisory Design Panel***

- Report - Chief Administrative Officer, Feb. 17, 2015
- Terms of Reference - Advisory Design Panel

MOVED by Councillor Croft

Seconded by Councillor Ney, That Council adopt the revised terms of reference for the Advisory Design Panel, and that the previous terms of reference and resolutions for the Advisory Design Panel and the Allan Cassidy Recognition of Renovation and Building Achievement Awards panel be rescinded.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

Young Exceptional Start (YES) Awards

Councillor Braithwaite reported that she and Councillor Kirby will be co-hosting the 8th Annual YES awards May 13, 2015 at 6:00 p.m.

Rummage Sale

Councillor Braithwaite reported that the Monterey Centre is having a rummage sale this Saturday, February 28, 2015.

Business Improvement Association

Councillor Croft reported that the BIA is having their Annual General Meeting on March 10, 2015 5:30 p.m. at Carlton House.

Centre for Civic Governance Forum

MOVED by Councillor Kirby

Seconded by Councillor Ney, That Council approve the attendance of Oak Bay Council Members at the Centre for Civic Governance Forum, High Ground, Tools for Inspired Leaders, to be held at Vancouver, BC, March 20 and 21, 2015, and the payment of expenses necessarily incurred by them.

CARRIED

RESOLUTIONS:

11. **Development Variance Permit (DVP) Application - 1960 Bowker Place**

- Resolution Notice - DVP - 1960 Bowker Place
- Plans - DVP - 1960 Bowker Ave - rcvd Nov. 13, 2014

MOVED by Councillor Kirby

Seconded by Councillor Ney, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 1960 Bowker Place (Lot 25, Section 61, Victoria District, Plan 4053) varying the following provisions of Bylaw No. 3531 *Zoning Bylaw, 1986*, as amended:

Zoning Bylaw Section	Permitted	Requested	Variance
6.5.4.(3)(b) Maximum occupiable height (second floor)	4.57 m	4.75 m	0.18 m
6.5.4.(3)(b) Maximum occupiable height (attic floor)	4.57 m	7.15 m	2.58 m
6.5.4.(6)(b) Maximum gross floor area above 0.8 meters below grade	300 m ²	482 m ²	182 m ²
6.5.4.(6)(b) Maximum gross floor area	420 m ²	482 m ²	62 m ²

to accommodate the floor area with the addition of a balcony as shown on the plans appended to the February 16, 2015 Committee of the Whole agenda item number 8, being a memorandum from the Director of Building and Planning dated February 3, 2015.

MOVED by Councillor Kirby

Seconded by Councillor Ney, That the motion in respect to the development variance permit for 1960 Bowker Place be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

12. **Development Variance Permit (DVP) Application - 946 Byng Street**

- Resolution Notice - DVP - 946 Byng Street
- Plans - DVP - 946 Byng St, rcvd Jan. 2015

MOVED by Councillor Kirby

Seconded by Councillor Ney, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 946 Byng Street (Lot 2, Section 22, Victoria District, Plan 7877) varying the following provisions of Bylaw No. 3531 *Zoning Bylaw, 1986*, as amended:

Zoning Bylaw Section	Permitted	Requested	Variance
6.5.4.(6)(b) Maximum gross floor area above 0.8 meters below grade	300 m ²	345.27 m ²	45.27 m ²

to accommodate the construction of a new single family dwelling as shown on the plans appended

to February 16, 2015 Committee of the Whole agenda item number 9, being a memorandum from the Director of Building and Planning dated February 16, 2015.

MOVED by Councillor Kirby

Seconded by Councillor Ney, That the motion in respect to the development variance permit for 946 Byng Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

13. ***Development Variance Permit (DVP) Application - 1550 Yale Street***

- Resolution Notice - DVP - 1550 Yale Street
- Plans - DVP - 1550 Yale St - rcvd Jan. 7, 2015

MOVED by Councillor Croft

Seconded by Councillor Kirby, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 1550 Yale Street (Lot R, Block 2, Section 69, Victoria District, Plan 1297) varying the following provisions of Bylaw No. 3540, *Parking Facilities Bylaw, 1986* and Bylaw No. 3531 *Zoning Bylaw, 1986*, as amended:

Parking Facilities Bylaw Section	Required	Requested	Variance
4.7 + Schedule "A", A.1.(a) Minimum no. of parking spaces	2 spaces (one must be in a building)	2 spaces (none in a building)	No covered parking provided
Zoning Bylaw Section	Permitted	Requested	Variance
4.15.1 Maximum paved surface (front yard)	24 m ²	49.90 m ²	25.90 m ²

to accommodate the renovation of single family dwelling as shown on the plans appended to the February 16, 2015 Committee of the Whole agenda item number 10, being a memorandum from the Director of Building and Planning dated February 10, 2015.

MOVED by Councillor Croft

Seconded by Councillor Kirby, That the motion in respect to the development variance permit for 1550 Yale Street be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

14. ***Traffic Control Order (TCO) - Stop Signs, Cardiff Place***

- TCO 2015-01 - Cardiff Place - Stop Signs and Stop Bars
- Rpt Attach 1 - TCO Request Map - Cardiff Stop Sign Request

MOVED by Councillor Braithwaite
Seconded by Councillor Zhelka,

1. That a sign bearing the word "STOP" be erected and a stop bar be painted on the east side of Cardiff Place, where it intersects with Frederick Norris Road, as more particularly shown on the sketch attached to Traffic Control Order No. 2015-01.
2. That a sign bearing the word "STOP" be erected and a stop bar be painted on the west side of Cardiff Place, where it intersects with Kendall Avenue, as more particularly shown on the sketch attached to Traffic Control Order No. 2015-01.

CARRIED

15. ***Traffic Control Order (TCO) - No Parking In Turn Around, Pelly Place***
- TCO 2015-02 - Pelly Place - No Parking in Turn Around
 - Rpt Attach 2 - TCO Request Map - Pelly Place

MOVED by Councillor Braithwaite

Seconded by Councillor Zhelka, That a sign bearing the words "NO PARKING IN TURN AROUND" be erected at the end of Pelly Place, as more particularly shown on the sketch attached to Traffic Control Order No. 2015-02.

CARRIED

ADJOURNMENT:

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

Chief Administrative Officer

Mayor