

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 January 11, 2016 at 7:00 PM.

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

STAFF: Chief Administrative Officer, H. Koning
Director of Corporate Services, L. Hilton
Deputy Director of Corporate Services, M. Jones
Director of Financial Services, P. Walker
Director of Building and Planning, R. Thomassen

MINUTES AND REPORTS:

1. ***Council***

- December 7, 2015

MOVED and seconded: That the minutes of the Council meeting held on Monday December 7, 2015 be adopted.

CARRIED

2. ***Committee of the Whole***

- December 14, 2015

MOVED and seconded: THAT the minutes of the Committee of the Whole meeting on held on Monday, December 14, 2015 and the recommendations contained therein be adopted

CARRIED

3. ***Special Council***

- December 14, 2015

MOVED and seconded: That the minutes of the Special Council meeting held on Monday December 14, 2015 be adopted.

CARRIED

MAYOR'S REMARKS:

4. The Acting Mayor provided remarks on the following topics:

New Year's Welcome

As Acting Mayor, Councillor Kirby welcomed those in attendance to the first meeting of the new year. Councillor Kirby also offered thanks to the organizers and attendees of the Mayor's New Year's Levee.

Introduction of Debbie Carter as Director of Financial Services

Councillor Kirby introduced and welcomed Debbie Carter as the incoming Director of Financial Services. Patricia Walker, current Director of Financial Services, also received Council's thanks for her many years of dedicated service.

PUBLIC PARTICIPATION PERIOD:

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

John Herbert, Oak Bay resident, spoke with respect to agenda item 11, stating his support of Council authorizing staff to file a notice against title on 2518 Cavendish Avenue. Mr. Herbert commented that Cavendish Avenue is a remarkable area of the District and that several issues have arisen since the property was purchased by the current owner. He encouraged Council to support staff's recommendation to address these issues.

Scott Hall, Oak Bay resident, also spoke in support of Council authorizing staff to file a notice against title, commenting on the issues from his perspective with respect to the subject property, including the potential that rental suites would be incorporated into the building and also providing his opinion with respect to observations regarding fire safety, site security, and public health. Mr. Hall concluded his remarks by stating that the residents need Council's assurance that they will be diligent in addressing bylaw enforcement issues.

COMMUNICATIONS:

6. *Presentation - Victoria Family Court and Youth Justice Committee*
- Note - Director of Corporate Services - Victoria Family Court and Youth Justice Committee
 - Corresp. - Victoria Family Court and Youth Justice Committee, Nov. 30, 2015

Bill Warburton, Victoria Family Court and Youth Justice Committee, in attendance for this item.

Mr. Warburton gave a presentation, outlining the role of the Victoria Family Court and Youth Justice Committee and detailing their request for correspondence endorsing a resolution calling on the BC Government to take action to address issues arising from child protection interventions.

MOVED and seconded: That Oak Bay Council endorse the Mayor sending correspondence requesting that the BC Government take action be to redress the failings of the systems that continue to plague intervention into children's lives in the name of 'protection' and adhere to the principles enunciated in the UN Convention on the Rights of the Child.

CARRIED

7. ***Request for Early Approval of 2016 Capital Projects***

- Report - Director of Financial Services, Jan. 4, 2016

David Brozuk, Superintendent of Public Works, in attendance for this item.

The Director of Financial Services responded to questions from Council with respect to the annual early approvals process. The Superintendent of Public Works responded to questions from Council, clarifying that the LED streetlight replacement project is being undertaken over three years and that the project includes a 30% rebate from BC Hydro.

MOVED and seconded: That the equipment and capital projects listed below be given early approval:

Mini backhoe and trailer	\$ 85,000
Pull behind vacuum unit	\$120,000
Plate compactor	\$ 10,000
1 utility truck	\$ 52,000
1 backhoe	\$182,000
1 valve turner/hydro excavator	\$ 52,800
New storm drain manholes	\$ 15,000
Sidewalk replacement	\$ 20,000
Pavement management	\$350,000
Storm drain replacement:	
Linkleas, Central south	\$160,000
Oliver, Tinto- McNeill	\$ 56,600
LED street light project	\$120,000
Curb drops	\$ 20,000
New sewer manholes	\$ 15,000
Fire hydrant replacement	\$ 20,000
Water main replacements	\$320,000
Water main cleaning & lining	\$220,000

CARRIED

8. ***Heritage Foundation Grant***

- Report - Director of Financial Services, Jan. 5, 2016

MOVED and seconded: That staff be directed to process the Victoria Foundation cheque for \$1,021.00, and in turn issue a grant to the Oak Bay Heritage Foundation for the same amount, indicating that it is to be used towards its Endowment Fund.

CARRIED

9. ***Oak Bay Heritage Commission (HComm) Minutes***

- Note - Director of Corporate Services - H Comm Minutes, Dec. 15, 2015
- Minutes - HComm - Dec. 15, 2015

MOVED and seconded: That the minutes of the Heritage Commission meeting held on December 15, 2015 be received.

CARRIED

10. ***Oak Bay Heritage Commission (HComm) Annual Report 2015***

- Note - Director of Corporate Services - Oak Bay Heritage Commission 2015 Annual Report
- Attach. - HComm Annual Report 2015 - Dec. 31, 2015

MOVED and seconded: That the 2015 Oak Bay Heritage Commission Annual Report be received.

CARRIED

11. ***Recommendation to File Notice Against Title - 2518 Cavendish Ave.***

- Report - Director of Corporate Services, Dec. 30, 2015
- Report - Director of Building and Planning, Dec. 28, 2015

The Director of Building and Planning provided an overview of the chronology of enforcement action with respect to the bylaw contraventions for 2518 Cavendish Avenue, as described in his report dated December 28, 2015. Mr. Thomassen also noted that Work Safe BC has confirmed staff can now access the subject property and that a new building permit application has been received. He noted that he still recommends that Council authorize placing a bylaw contravention notice on title.

Albert Berns, on behalf of the owners of 2518 Cavendish Avenue, spoke with respect to the recommendation to file a bylaw contravention notice, commenting that the community's concerns regarding the subject property are acknowledged. Mr. Berns noted that the building has been in a state of disrepair for many years and that the current building permit application includes items to address all the deficiencies identified in the building review notice from August 2015. He stated that he has no understanding of the owners intending to create multiple units in the dwelling. Given that undertaking the actions identified in the building permit will address the bylaw contraventions, he said, no notice on title should be undertaken.

In response to questions from Council, Mr. Berns outlined that he had been the legal counsel for the owners in May 2015, but that another lawyer took over the case during his absence in the summer. He stated that he was not aware of the company owning properties with similar bylaw contravention issues under another name.

The Director of Building and Planning responded to questions from Council with respect to the advantages of placing a notice on title and on the building permit application processes.

MOVED and seconded: That, as recommended by the Director of Building and Planning, the Director of Corporate Services be authorized to file a Bylaw Contravention Notice in the Victoria Land Title Office stating that a resolution has been adopted pursuant to Section 57 of the *Community Charter* by Oak Bay Municipal Council, relating to land legally described as Lot 2, Block 2, Section 61, Victoria District, Plan 1960, and that further information respecting the resolution may be inspected at the Office of the Director of Corporate Services at 2167 Oak Bay Avenue, Victoria, BC V8R 1 G2, from 8:30 am to 4:30 p.m., Monday to Friday, excluding holidays.

A discussion ensued in which members of Council expressed support for undertaking the recommended notice on title.

The question was then called.

CARRIED

12. ***Request for Execution of Covenant - 2773 Somass Drive***

- Report - Director of Building and Planning - Dec. 29, 2015
- Rpt. Attach 1 - Covenant, Jan. 7, 2015

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

MOVED and seconded: That the Mayor and Director of Corporate Services be authorized to do all acts and things necessary to execute the Section 219 (Land Title Act) covenant between Charlotte Aggie Salomon and Christopher Simon Frank Robinson and the Corporation of the District of Oak Bay, regarding Lot B, Section 61, Victoria District, Plan 3929 (2773 Somass Drive) as substantially set out in the form attached to the report of the Director of Building and Planning dated December 29, 2015.

CARRIED

13. ***Request for Occupancy of a Portion of Carnarvon Park for Soft Plastics Recycling Depot, 2016***

- Note - Director of Corporate Services - Pacific Mobile Depot 2016 - Carnarvon Park
- Corresp. - Pacific Mobile Dept. - Dec. 31, 2015

MOVED and seconded: That pursuant to Section 11.1 of the Zoning Bylaw, 1986, licence to occupy a portion of Carnarvon Park be granted to Pacific Mobile Depots Ltd. for the purpose of providing a soft plastics recycling depot on the following dates in 2016:

January 23, 2016	April 23, 2016	July 23, 2016	October 22, 2016
February 27, 2016	May 28, 2016	August 27, 2016	November 26, 2016
March 26, 2016	June 25, 2016	September 24, 2016	

Between the hours of 8:30 a.m. and 12:30 p.m., subject to Pacific Mobile Depot Ltd. entering into a public property occupancy licence agreement, with the Director of Corporate Services being authorized to execute such an agreement on behalf of the District of Oak Bay

CARRIED

14. ***Special Event Application - Request for Commercial Activity in Windsor Park, July 23, 2016***
- Note - Director of Corporate Services - Jaguar Car Club - Windsor Park
 - Corresp. - Jaguars on the Island - rcvd. Nov. 18, 2015
 - Attach. - Sp. Event Application - Jaguar Car Clubs of Victoria - rcvd. Jan. 7, 2016

MOVED and seconded: That approval be given for the temporary occupancy of public property on July 23, 2016, for the purpose of a holding the Jaguars on the Island event as detailed in the November 13, 2015 correspondence from Jaguars on the Island, 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 Director of Corporate Services being authorized to execute such agreement on behalf of the District of Oak Bay.

CARRIED

15. ***Advisory Planning Commission (APC) Minutes***
- Note - Director of Corporate Services - APC Minutes - Nov. 3 & Dec. 1, 2015
 - Minutes - APC - Nov. 3, 2015
 - Minutes - APC - Dec. 1, 2015

MOVED and seconded: That the minutes for the Advisory Planning Commission meetings held November 3 and December 1, 2015 be received.

CARRIED

16. ***Final Quarterly Report for 2015 on Council Strategic Plan 2015 - 2018***
- Report - Chief Administrative Officer - Jan. 5, 2016
 - Rpt. Attach. 1 - Council Strat. Plan - Quarterly Report - Dec. 31, 2015

MOVED and seconded: That the final quarterly report for 2015 on Council's Strategic Plan 2015-2018 be received for information.

CARRIED

17. ***Capital Regional District - Input on Draft Regional Trails Management Plan***
- Corresp. - Capital Regional District, Nov. 26, 2016
 - Attach. 1 - Draft Regional Trails Management Plan
 - Attach. 2 - Regional Trails Management Plan, Comment Form

MOVED and seconded: That the Capital Regional District's correspondence dated November 26, 2015 on the draft Regional Trails Management Plan be received.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

18. ***Other Verbal Reports***

Members of Council provided verbal reports with respect the following:

- a recent bottle drive by the Garry Oak Scout Troop that raised over \$3,000;
- the 50th Anniversary of the Greater Victoria Library opening a branch outside the downtown core;
- the official opening of the Neighbourhood Learning Centre;
- the upcoming meeting of the South Vancouver Island Economic Development Agency; and
- a forthcoming update from the Public Engagement Task Force.

Deer Management Update and Notice of Motion

In response to questions from Council, the Chief Administrative Officer noted that a report would be coming forward to a future meeting of Council providing information on the recent deer count undertaken by the Capital Regional District and on potential funding opportunities from the Province for a deer management project; however, she noted, her report will not propose a specific option for management as Council has not currently provided staff with specific direction in this regard. Ms. Koning confirmed that she could incorporate an update in her report with respect to any support being offered through the Capital Regional District.

Councillor Murdoch provided notice that he would be bringing forward a motion to a future meeting of Council with respect to deer management.

RESOLUTIONS:

19. ***2016 Meeting Schedule***

- Resolution Notice - 2016 Meeting Schedule

MOVED and seconded: That the 2016 meetings of Municipal Council be scheduled as follows:

Council, commencing at 7:00 p.m.

January 11 & 25	April 11 & 25	July 18	October 11 & 24
February 9 & 22	May 9 & 24	August – no meeting	November 14 & 28
March 14 & 29	June 13 & 27	September 19	December 12

Committee of the Whole, commencing at 7:00 p.m.

January 18	April 18	July 11	October 17
February 15	May 16	August – no meeting	November 21
March 21	June 20	September 12	December 5

It was noted that, although the gap between the last scheduled meeting in July and the first meeting September was lengthy, the timing of the Labour Day long weekend and the Union of British Columbia Municipalities Convention from September 26 to September 30, 2016 restrict the available dates in the fall. It was also noted that a special meeting could be called in the event of time-sensitive business.

The question was then called.

CARRIED

20. ***Development Variance Permit (DVP) Application - 3140 Midland Road***

- DVP Resolution - 3140 Midland Road
- Plans - DVP, ADP - 3140 Midland Rd, Dec 7, 2015

MOVED and seconded: That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 3140 Midland Road (Lot 11, Block 14, Section 31, Victoria District, Plan 1216A) 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>
6.2.4.(2)(c) Minimum Setback Interior Side Lot Line	3.96 m	1.83 m	2.13 m

to accommodate the construction of an accessory building as shown on the plans appended to Committee of the Whole agenda item number 5, being a report from the Planner dated December 7, 2015.

MOVED and seconded: That the motion in respect to the development variance permit for 3140 Midland Road be tabled to allow notice to be given in accordance with the Local Government Act.

CARRIED

21. ***Development Variance Permit (DVP) Application - 2540 The Esplanade***

- DVP Resolution - 2540 The Esplanade
- Plans - DVP - 2540 The Esplanade, Dec 14, 2015

MOVED and seconded: That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2540 The Esplanade (Lot 4, Block 15, Section 2, Victoria District, Plan 379) varying the following provisions 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)	Less than 25% 29.4 m ²	88.5% 104.0 m ²	63.5% 74.6 m ²

to allow additional hard surfacing for landscape design as shown on the plans dated December 14, 2015 appended to the resolution notice for the January 11, 2016 Council meeting.

MOVED and seconded: That the motion in respect to the development variance permit for 2540 The Esplanade be tabled to allow notice to be given in accordance with the Local Government Act.

CARRIED

22. ***Development Variance Permit (DVP) Application - 2121 Cadboro Bay Road***

- DVP Resolution - 2121 Cadboro Bay Road
- Plans - DVP - 2121 Cadboro Bay Rd, Nov 16, 2015

MOVED and seconded: That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2121 Cadboro Bay Road (Lot 2, Section 28, Victoria District, Plan 2376 except part in Plan 8380) varying the provisions of sections 6.(8) and 15.(3) of Bylaw No. 3946 Sign Bylaw, 1997, as amended to allow an illuminated, free standing sign with moving LED display as shown on the plans appended to Committee of the Whole agenda item number 7, being a report from the Planner dated December 7, 2015.

MOVED and seconded: That the motion in respect to the development variance permit for 2121 Cadboro Bay Road be tabled to allow notice to be given in accordance with the Local Government Act.

CARRIED

ADJOURNMENT:

23. ***Motion to Adjourn to In Camera***

MOVED and seconded: In Camera Resolution:

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 litigation or potential litigation affecting the municipality.

CARRIED

The meeting adjourned at 8:15 PM.

Certified Correct:

Mayor

Director of Corporate Services