

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 23, 2017. The meeting adjourned to In Camera at 6:00 PM and reconvened for regular business at 7:00 PM.

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

Councillor Kirby as Acting Mayor called the meeting to order at 6:04 PM with the following in attendance:

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

STAFF: Chief Administrative Officer, H. Koning  
Director of Corporate Services, W. Jones  
Deputy Director of Corporate Services, M. Jones

#### ADJOURNMENT TO IN CAMERA

1. MOVED and seconded: *That:*
  1. *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 the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality.*
  2. *The open portion of the meeting reconvene at 7:00 PM.*

CARRIED

#### OPEN PORTION OF THE MEETING RECONVENED AT 7:00 PM

Mayor Jensen reconvened the meeting for regular business with the following in attendance:

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

STAFF: Chief Administrative Officer, H. Koning  
Director of Corporate Services, W. Jones  
Deputy Director of Corporate Services, M. Jones  
Director of Financial Services, D. Carter  
Director of Building and Planning, R. Thomassen  
Director of Engineering Services, D. Horan

MINUTES AND REPORTS:

2. ***Council***

- January 9, 2017

MOVED and seconded: That the minutes of the Council meeting held January 9, 2017 be adopted.

CARRIED

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

- January 16, 2017

MOVED and seconded: That the minutes of the Committee of the Whole meeting held January 16, 2017, and the recommendations contained therein, be adopted.

CARRIED

4. ***Special Council***

- January 9, 2017

MOVED and seconded: That the minutes of the Special Council meeting held January 9, 2017 be adopted.

CARRIED

5. ***Special Committee of the Whole (Strategic Priority Session)***

- January 13, 2017

MOVED and seconded: That the minutes of the Special Committee of the Whole meeting held January 13, 2017 be adopted.

CARRIED

MAYOR'S REMARKS:

6. The Mayor provided the following remarks:

***Recognition of Oak Bay Fire Fighter Jason Joynson***

Mayor Jason recognized the efforts of Oak Bay Fire Fighter Jason Joynson who provided emergency first aid to a member of the public suffering from a seizure and cardiac arrest. He drew attention to these efforts as an example of the high quality training received by Oak Bay's Fire Department.

**PUBLIC PARTICIPATION PERIOD:**

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

Anthony Mears, Oak Bay resident, provided comment on agenda item no. 8, Council Strategic Priorities - Residential Infill/Housing Strategy. Mr. Mears questioned the public engagement undertaken to date on the Residential Infill Strategy. He also stated that the three recommendations from the Advisory Planning Commission were meant to work together and not as separate recommendations. He commented that Council should not proceed on addressing these recommendations until the minutes from the January Commission meeting have been received.

**COMMUNICATIONS:**

8. ***Council Strategic Priorities - Residential Infill/Housing Strategy***

- Report - Chief Administrative Officer, Jan. 19, 2017
- ADDENDA - Corresp. Chair, Advisory Planning Commission, Rationale for Housing Motions

Pam Copley, Chair of the Advisory Planning Commission, gave a presentation to Council outlining the rationale for the Commission's recommendations, as described in her correspondence included in the agenda. Ms. Copley then responded to comments and questions from Council on her presentation.

MOVED and seconded: That Council move forward with the three recommendations from the Advisory Planning Commission described in the report of the Chief Administrative Officer dated January 19, 2017.

CARRIED

Councillors Braithwaite, Murdoch and Zhelka against the motion

9. ***Request for Occupancy of a Portion of Carnarvon Park for Soft Plastics Recycling Depot, 2017***

- Note - Deputy Director of Corporate Services - Pacific Mobile Depot - Soft Plastic Recycling - Carnarvon Park - 2017
- Corresp. - Pacific Mobile Depot, Jan. 16, 2017

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 2017:

January 28, 2017	April 22, 2017	July 22, 2017	October 28, 2017
February 25, 2017	May 27, 2017	August 26, 2017	November 25, 2017
March 25, 2017	June 24, 2017	September 23, 2017	December 23, 2017

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

10. ***Request for Commercial Activity at Willows Park, Mar. 12, 2017***

- Note - Director of Corporate Services - InspireHealth Rain Walk Mar. 12, 2017
- Corresp. - InspireHealth, Nov. 23, 2016

MOVED and seconded: That whereas Council has made the determination that the proposed occupancy of Willows Park on March 12, 2017 for the purposes of holding an event including the sale of goods and refreshments, will be of general benefit to the municipality at large, will create no undue inconvenience for adjacent residents or the public at large, and does not detract from the purpose of the land as a public place for recreation, ornamentation or preservation of the natural environment, approval be granted for the Event as described on the application from the InspireHealth Supportive Cancer Care received November 23, 2016, 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

11. ***Oak Bay Tea Party and Parade - Occupancy Request and Request for Financial Assistance***

*Councillor Braithwaite declared a conflict of interest as she sits on the Board of Directors for the Oak Bay Tea Party Society. She then left the meeting at 8:24 PM.*

Sandy Germaine, Chair of the Board of Directors for the Oak Bay Tea Party Society, commented on the Society's special event proposal and request for financial assistance for the Tea Party in 2017.

MOVED and seconded: That pursuant to the Streets and Traffic Bylaw and the Zoning Bylaw, permission be given to the Oak Bay Tea Party Society for the occupancy of public land and for the closure of public streets as shown in the sketches attached to the memorandum from the Director of Corporate Services for the purposes of staging the 2017 Oak Bay Tea Party and Parade from June 2 to 4, 2017, subject to the Oak Bay Tea Party Society:

1. undertaking the same preparations in terms of notices to the public and safety that have been done in previous years;
2. executing an agreement as follows:
  - releasing and indemnifying 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

- agreeing 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; and
3. undertaking an application for a fireworks permit to the satisfaction of the Fire Chief.

CARRIED

MOVED and seconded: That a grant of \$7,000.00 be provided to the Oak Bay Tea Party Society for the 2017 Oak Bay Tea Party.

CARRIED

*Councillor Braithwaite returned to the meeting at 8:29 PM.*

12. **Zoning Amendment Application (ZON00023) - Cadboro Bay Road, Bowker Avenue**

- Note - Deputy Director of Corporate Services - Consideration of Proposed Zoning Amendment Cadboro Bay Road and Bowker Avenue (ZON00023)
- Report - Manager of Planning, Jan. 10, 2017
- Plans - ZON - 2296 Cadboro Bay Rd
- Plans Concept - ZON - 2296 Cadboro Bay Rd
- Rpt. Attach. 2 - Draft Zoning Amendment Bylaw
- Rpt. Attach. 3a - Report on Tree Resources (1 of 2)
- Rpt. Attach. 3b - Report on Tree Resources (2 of 2)
- Rpt. Attach. 4a - Reports on Transportation, Parking and Infrastructure (1 of 2)
- Rpt. Attach. 4b - Reports on Transportation, Parking and Infrastructure (2 of 2)
- Rpt. Attach. 5 - District Report on CB Rd - Bowker Ave Intersection, Sep. 15, 2009
- Rpt. Attach. 6 - Correspondence Received
- Presentation 1 of 5 - ZON00023 - Introduction
- Presentation 2 of 5 - ZON00023 - Renderings
- Presentation 3 of 5 - ZON00023 - Plans and Materials
- Presentation 4 of 5 - ZON00023 - Landscape
- Presentation 5 of 5 - ZON00023 - Community Amenity
- Corresp. - Jan. 13 - 16, 2017 - Zoning Amendment Application (ZON00023) - Cadboro Bay Road, Bowker Avenue
- Corresp. - Jan. 16 - 20, 2017 - Zoning Amendment Application (ZON00023) - Cadboro Bay Road, Bowker Avenue
- ADDENDA - Corresp. - Jan. 20 - 23, 2017 - Zoning Amendment Application (ZON00023) - Cadboro Bay Road, Bowker Avenue
- Corresp. - Applicant, Jan. 20, 2017
- ADDENDA - Corresp. - Applicant, Jan. 23, 2017
- ADDENDA Presentation Request - Supplementary Information, Applicant, Jan. 23, 2017

MOVED and seconded: That the following item from the January 16, 2017 Committee of the Whole be lifted from the table: *That the application be referred back to staff to continue negotiations on the proposed development.*

Greg Damant, Cascadia Architects, gave a presentation on the proposal, reviewing supplementary information provided following the Committee of the Whole on January 16, 2017.

Mr. Damant responded to questions from Council with respect to calculations for density and site coverage, the challenges of providing livable residential units on a corner lot, and comparisons of building height and rooflines to adjacent properties. Mr. Damant also reviewed the rationale for the proposed setbacks in comparison to other mixed residential-commercial developments in "village" areas in the region.

Mike Miller, President, Abstract Developments, responded to questions from Council on: the maintenance of street trees; the business approach to the commercial component of the development; the timelines for developing a 3D context model; and the safety of the proposed plaza.

MOVED and seconded: That the motion on the floor be tabled to the next Committee of the Whole.

DEFEATED  
Mayor Jensen and Councillors Croft,  
Kirby and Ney against the motion

The question on the main motion was then called.

CARRIED  
Mayor Jensen and Councillors Croft  
and Kirby against the motion

MOVED and seconded: That the meeting continue to 11:00 PM.

CARRIED

*The Mayor called for a recess at 10:28 PM and the meeting reconvened at 10:33 PM.*

13. ***Second Grant Opportunity - Local Government Infrastructure Planning Grant, Bowker Creek***
- Report - Director of Engineering Services, Jan. 23, 2017

MOVED and seconded: That the Director of Engineering Services be authorized, on behalf of the District of Oak Bay, to submit an application for the Local Government Infrastructure Planning Grant to participate in a joint application to fund a Bowker Creek daylighting feasibility study, and that this project be prioritized over the previous submission related to the development of an asset management plan.

CARRIED Councillor Murdoch against the motion

14. ***Municipal Reserve Funds***
- Report - Director of Financial Services, Jan. 23, 2017

MOVED and seconded: That the report of the Director of Financial Services dated January 23, 2017 be received for information and that staff be directed to prepare a draft Reserve Fund Policy for consideration at a future Council meeting.

CARRIED

15. ***Request for Early Approval of 2017 Capital Projects***

- Report - Director of Financial Services, Jan. 23, 2017

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

Pavement management	\$450,000
Storm drain replacement	\$205,000
Sidewalk replacement	\$ 98,000
Manholes	\$ 30,000
Curb drops	\$ 50,000
Catch basins	\$ 40,000
Traffic Calming	\$ 20,000
LED street light project	\$130,000 (includes portion as grant)
Traffic controls/signals upgrades	\$ 75,000 (includes portion as grant)
Vadim software upgrade	\$ 20,000
Upgrade telephone system	\$ 10,150
Work station for new Planning Tech.	\$ 4,000
Fire hydrant replacement	\$ 35,000
Replace 100mm mains	\$230,000
Water main replacement Henderson	\$200,000
Shared storage device (Police)	\$ 25,000

CARRIED

CORRESPONDENCE - UPCOMING AGENDA ITEM(S)

16. No correspondence was received with respect to the following agenda items.

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

17. ***Notice of Motion - Consideration of Allowing Fires on Beaches***

Councillor Murdoch gave notice of his intention to bring forward a motion to the next Council meeting with regards to addressing regulations to allow fires on beaches.

***Tourism Committee Snapshot***

Councillor Croft advised that at the recent meeting of the Tourism Committee a snapshot document was made available.

BYLAWS:

18. **Bylaw Memorandum**

- Memorandum - Deputy Director of Corporate Services, Jan. 17, 2017

The Mayor gave an overview of the bylaw reading process.

19. **For Adoption**

- Building and Plumbing Bylaw Amendment Bylaw No. 4679, 2017
- Report - Director of Building & Planning, Jan. 3, 2017
- Corresp. - Jan. 6 - 9, 2017 - Building Bylaw Amendment

MOVED and seconded: That *Building and Plumbing Bylaw Amendment Bylaw No. 4679, 2017* be adopted.

CARRIED

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

- Bylaw No. 4672, Parks and Beaches Bylaw, 2017
- Report - Director of Corporate Services, Jan. 11, 2017

MOVED and seconded: That *Bylaw No 4672, Parks and Beaches Bylaw, 2017* be introduced and read a first time.

CARRIED

MOVED and seconded: That *Bylaw No 4672, Parks and Beaches Bylaw, 2017* be read a second time.

CARRIED

MOVED and seconded: That *Bylaw No 4672, Parks and Beaches Bylaw, 2017* be read a third time.

CARRIED

ADJOURNMENT:

21. **Motion to Adjourn**

MOVED and seconded: That the meeting be adjourned.

CARRIED

The meeting adjourned at 10:52 PM.



Certified Correct:

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Mayor

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Director of Corporate Services