

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 July 20, 2015 at 7:30 p.m.

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

STAFF: Chief Administrative Officer, H. Koning
 Deputy Municipal Clerk, M. Jones
 Municipal Treasurer, P. Walker
 Director of Building and Planning, R. Thomassen
 Director of Engineering Services, D. Marshall
 Manager of Recreation Services, J. Barclay

MOVED by Councillor Braithwaite, seconded by Councillor Croft: That the amended agenda for the July 20, 2015 meeting be adopted as circulated.

CARRIED

MINUTES AND REPORTS:

1. ***Public Hearing***
 - June 22, 2015

MOVED by Councillor Ney, seconded by Councillor Croft: That the report of the Public Hearing dated June 22, 2015 be adopted.

CARRIED

2. ***Council***
 - June 22, 2015

MOVED by Councillor Ney, seconded by Councillor Croft: That the minutes of the Council meeting held on Monday June 22, 2015 be adopted.

CARRIED

3. ***Special Council***
 - July 13, 2015

MOVED by Councillor Ney, seconded by Councillor Croft: That the minutes of the Special Council meeting held on Monday July 13, 2013 be adopted.

CARRIED

4. ***Committee of the Whole***
• July 13, 2015

MOVED by Councillor Ney, seconded by Councillor Croft: That the minutes of the Committee of the Whole meeting on Monday July 13, 2015 and the recommendations contained therein be adopted.

CARRIED

MAYOR'S REMARKS:

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

Summer Activities

The Acting Mayor noted that tonight's meeting was the last meeting until September. Acting Mayor Murdoch gave an overview of recent summer events, highlighting the Summer Art Installation Program and the Concerts in the Park series. The Acting Mayor concluded his remarks by noting that Arts and Culture Week is coming up in August, with the opening event being the Tweed Ride and Community Picnic.

PUBLIC PARTICIPATION PERIOD:

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

Marion Cumming, Oak Bay resident, spoke in support of signage alerting residents to deer to help reduce collisions with vehicles. Ms. Cumming also commented on the work undertaken by the Urban Wildlife Stewardship Society, noting the value of undertaking a pilot project on deer immunocontraceptives in Oak Bay, as a more compassionate method than a cull. She encouraged Council to support the Society's proposal and to provide the requested grant funding.

Alex Smolov, Oak Bay resident, expressed his concerns regarding deer in Oak Bay. Mr. Smolov noted that similar issues arose at the University of Victoria with respect to rabbits and that a costly process was undertaken to control that population. He commented that deer, given their larger size, have an even greater impact than rabbits and that the issue of deer overpopulation in Oak Bay must be addressed as soon as possible. He concluded his remarks by expressing concerns regarding the potential for deer to increase the spread of Lyme disease.

Nancy Barnes, Oak Bay resident, commented on the reinstatement of the pathway on 2414 San Carlos Avenue. Ms. Barnes noted that the route for the alternative pathway discussed at the July 13, 2015 Committee of the Whole has several issues, including a potential impact on the native plant portion of the community gardens and poor access to Beach Drive. She questioned whether the alternative route would better address the issues raised with respect to the impact on adjacent residential properties or the safety concerns raised by the Police Department.

Ron Carter, Oak Bay resident, noted that he supported the comments of the previous speaker and drew Council's attention to his correspondence on the agenda, encouraging Council to reinstate the pathway on 2414 San Carlos Avenue as it would provide the best connection to the existing pedestrian network.

Mr. Carter concluded his remarks by noting that proceeding with the proposed Heritage Revitalization Agreement for 2414 San Carlos without reinstating the pathway would be a lost opportunity.

Joan Russow, Oak Bay resident, noted that during the election campaign, although she met many residents who initially were supportive of a deer cull, when the option of an immunocontraceptive vaccine was proposed, they were supportive of an alternative method of population control.

COMMUNICATIONS:

7. ***Urban Wildlife Stewardship Society***

- Note - Municipal Clerk - Urban Wildlife Stewardship Society - Presentation & Request for Financial Assistance
- Corresp. - Urban Wildlife Stewardship Society presentation materials, rcvd Jul. 7 & 8, 2015
- Request for Financial Assistance - Urban Wildlife Stewardship Society, Jul. 14, 2015
- ADDENDA Corresp. - Jul. 18 - 20, 2015 - Urban Wildlife Stewardship Society

On behalf of the Urban Wildlife Stewardship Society (UWSS), Bryan Gates, Kristy Kilpatrick and Steve McKerrell were in attendance for this item.

Bryan Gates, UWSS, President, began the presentation to Council, outlining the objectives of the Society and describing their immunocontraceptive pilot project for deer in Oak Bay.

Kristy Kilpatrick, UWSS, Vice President, continued the presentation, reviewing the actions taken by the Society with regards to public education and deer-human conflict reduction measures. She also provided an overview of the potential outcomes of their pilot project and the response from the community to date.

A discussion ensued on the Society's presentation and grant application. Some members of Council expressed concern that, given the significant impact deer management has had on the Municipality to date, providing support for the Society's immunocontraceptive pilot project would encourage the Province to continue downloading this responsibility on to local governments, which is an issue that will be addressed by resolution at the 2015 Union of British Columbia Municipalities Convention. It was noted that the Municipality has previously received strong indication from the Province that there would not be endorsement of an immunocontraceptive pilot project, which requires permits at both a Provincial and Federal level. Concerns were raised that contradictory information has been received from the Province and that it can also be challenging to acquire written confirmation from the Province.

Responding to Council's questions with respect to UWSS interactions with the Province, Ms. Kilpatrick confirmed that the Provincial Wildlife Veterinarian, Dr. Helen Schwantje, has stated that she is available to provide technical advice to the Society on the immunocontraceptive pilot project, but that Dr. Schwantje has not provided written confirmation to date that she would endorse the project. Ms. Kilpatrick also commented that, although deer management should be undertaken by the Province, all levels of government will need to work together to address the issue and that local government has a key role to play in public education.

Mr. Gates responded to Council's questions regarding the status of the necessary permits for the Society's immunocontraceptive pilot project, confirming that the permit applications are underway. Mr. Gates also provided additional clarification with respect to the Society's proposed immunocontraceptive pilot program as outlined in the presentation materials circulated with the agenda and at the meeting.

Steven McKerrell, UWSS member, outlined the Society's projected costs for the immunocontraceptive pilot project and compared these costs to the regional and municipal costs associated with the deer cull, as outlined in the presentation materials circulated at the meeting. He noted that it was the Society's understanding that TerraMar Environmental Research Ltd., who would be administering the immunocontraceptive, would also provide liability insurance for the Society's pilot project.

The Chief Administrative Officer responded to various questions from Council on the Society's immunocontraceptive pilot project, noting that contradictory information has been received from the Province to date regarding the type of deer population control methods that would receive a Provincial permit. Ms. Koning commented that receiving written confirmation from the Province would be an important step for the Society in proceeding with the permit process. She also noted that staff's concerns with respect to risk and liability for the pilot project would need to be addressed. Ms. Koning concluded her remarks by noting that the Union of British Columbia Municipalities is expecting a response at their upcoming annual convention in the fall from the Province regarding the resolution requesting additional Provincial support for local governments addressing deer population management.

MOVED by Councillor Ney, seconded by Councillor Braithwaite: That a grant of \$10,000 to the Urban Wildlife Stewardship Society be approved for the proposed immunocontraceptive pilot project on deer in the District of Oak Bay, subject to the Society:

1. addressing any staff concerns regarding the pilot project;
2. receiving all Provincial and Federal Permits; and
3. acquiring support for and participation in the pilot project from the District of Saanich and the City of Victoria, as adjacent municipalities.

Discussion ensued with respect to the amount of funding requested by the Society. The Municipal Treasurer responded to questions from Council in this regard, noting that there is currently \$9,000 of unallocated grant funding available for 2015 and that she would encourage Council not to exceed these funds. Members of Council noted that it would be preferable to leave a certain amount of unallocated grant funding available for other grant requests that may arise during the remainder of the year.

With the unanimous consent of Council, the motion with respect to the grant request by the Urban Wildlife Stewardship Society was amended to replace the amount of "\$10,000" with "\$5,000".

MOVED by Councillor Croft, seconded by Councillor Kirby: That the motion with respect to the grant request by the Urban Wildlife Stewardship Society be tabled until all members of Council are in attendance.

A discussion ensued on the tabling motion, in which some members of Council questioned if it was appropriate to consider this request without the Mayor having the opportunity to provide input; however, the majority of Council expressed support for proceeding with consideration of

the grant request at this time, given that some future response from the Municipality with respect to deer management was anticipated and given that the issue before Council is specifically in regards to a grant request.

The question on the tabling motion was then called.

DEFEATED
(Acting Mayor Murdoch and Councillors
Braithwaite, Ney and Zhelka against the motion)

MOVED by Councillor Zhelka, seconded by Councillor Ney: That the motion with respect to the grant request by the Urban Wildlife Stewardship Society be amended to remove conditions 1 and 3.

DEFEATED
(Acting Mayor Murdoch and Councillors
Braithwaite, Croft, and Kirby against the motion)

Returning to consideration of the motion with respect to the grant request by the Urban Wildlife Stewardship Society, Council members provided comment on the proposed funding of \$5,000 for the Society and their immunocontraceptive pilot project. The issue of higher levels of government downloading services on to local government was again raised. It was also noted that, while some level of grant funding might be supportable by a majority of Council, the currently proposed conditions with respect to the funding were problematic.

The question on the motion, as amended, was then called.

DEFEATED unanimously

MOVED by Councillor Ney, seconded by Councillor Zhelka: That a grant of \$5,000 to the Urban Wildlife Stewardship Society be approved for the proposed immunocontraceptive pilot project on deer in the District of Oak Bay, subject to the Society receiving all Provincial and Federal Permits.

In support of the motion, some members of Council noted that the permit process for undertaking an immunocontraceptive pilot project on deer would be quite onerous for the Society and as such should be a sufficient condition for receipt of the grant.

The question was then called.

DEFEATED
(Acting Mayor Murdoch and Councillors Braithwaite,
Croft and Kirby against the motion)

A discussion ensued, in which the majority of Council expressed support for the UWSS receiving a grant at this time, with consideration given to what specific conditions should be required in this regard.

MOVED by Councillor Zhelka, seconded by Councillor Ney: That a grant of \$5,000 to the Urban Wildlife Stewardship Society be approved, with \$2,500 to be released to the Society at this time and the remaining \$2,500 to be released following the Society providing correspondence showing all necessary permits have been granted to the Society by the Provincial and Federal Governments to undertake an immunocontraceptive pilot project on deer in the District of Oak Bay.

CARRIED

(Councillors Croft and Kirby against the motion)

MOVED by Councillor Ney, seconded by Councillor Zhelka: That a letter be written on behalf of Oak Bay Municipal Council to the District of Saanich and the City of Victoria, expressing support for the Urban Wildlife Stewardship Society's immunocontraceptive pilot project in principle and requesting their support and participation should the project proceed.

A member of Council expressed support for the motion, noting that the intention is to encourage a regional approach to deer population management; however, the majority of Council expressed concern that endorsement by Oak Bay Council of the Society's immunocontraceptive pilot project at this time was premature without having input from staff on a finalized project with all necessary permit approvals.

The question on the motion was then called.

DEFEATED

(Acting Mayor Murdoch and Councillors Braithwaite,
Croft, Kirby and Zhelka against the motion)

8. ***Special Event Application - Request for Temporary Road Occupancy, Oct. 4, 2015***

- Note - Municipal Clerk - Canadian Breast Cancer Foundation CIBC Run for the Cure, Oct. 4, 2015
- Sp Event App - CIBC Run for the Cure - Event date Oct. 4, 2015

MOVED by Councillor Kirby, seconded by Councillor Croft: That the occupancy of roads on October 4, 2015 for the purposes of holding a running event as described in the submission from the Canadian Breast Cancer Foundation CIBC Run for the Cure dated March 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 provide 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. agree to give sufficient notice to all residents along the proposed route; with the Municipal Clerk being authorized to execute such agreement on behalf of the District of Oak Bay.”

CARRIED

9. ***Special Event Application - Request for Temporary Road Occupancy, Oct. 11, 2015***

- Note - Municipal Clerk - GoodLife Fitness Victoria Marathon, Oct. 11, 2015
- Sp Event App - GoodLife Fitness Victoria Marathon - Event date Oct. 11, 2015

MOVED by Councillor Kirby, seconded by Councillor Croft: That the occupancy of roads on October 11, 2015 for the purposes of holding a running event as described in the submission from the Victoria Marathon Society dated July 2, 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 provide 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. agree to give sufficient notice to all residents along the proposed route; with the Municipal Clerk being authorized to execute such agreement on behalf of the District of Oak Bay.

CARRIED

10. ***Special Event Application - Request for Sales of Refreshments in Willows Park, Aug. 8, 2015***

- Note - Municipal Clerk - Oak Bay Tourism - Request for Sales of Refreshments in Willows Park, Ancillary to a Municipal Event, Aug. 8, 2015
- Corresp. - Request for Sales of Refreshments in Willows Park, Jul. 13, 2015

MOVED by Councillor Kirby, seconded by Councillor Croft: That, whereas, pursuant to the Zoning Bylaw, the 2015 Oak Bay Tweed Community Picnic is determined to be of general benefit to the municipality at large and will not detract from the purpose of the land as a public place for recreation, ornamentation or preservation of the natural environment, approval be given for the display and sale of refreshments by the Songhees First Nation, subject to Oak Bay Tourism obtaining a park occupancy permit.

CARRIED

11. ***Special Event Application - Request for Commercial Activity, Willows Park, Sept. 20, 2015***

- Note - Municipal Clerk - Oak Bay High School Cops for Cancer Fundraiser, Sep. 20, 2015
- Sp Event App - Oak Bay High School Cops for Cancer Fundraiser, Sep. 20, 2015

MOVED by Councillor Braithwaite, seconded by Councillor Croft: That, whereas, pursuant to the Zoning Bylaw, the proposed event, including the sales of goods and refreshments, has been determined to be of general benefit to the municipality at large and will create no undue inconvenience for adjacent residents or the public at large, and not detract from the purpose of the land as a public place for recreation, ornamentation or preservation of the natural environment, approval be given for the event, 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 provide 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 Municipal Clerk being authorized to execute such agreement on behalf of the District of Oak Bay.

CARRIED

12. ***Property Tax Penalty Policy***

- Report - Municipal Treasurer, Jul. 15, 2015

MOVED by Councillor Kirby, seconded by Councillor Braithwaite: That the policy titled "Property Tax Penalty" be adopted.

CARRIED

13. ***Tender Award - Indoor Sports Field Turf Replacement***

- Report - Director of Parks and Recreation, Jul. 20, 2015

MOVED by Councillor Kirby, seconded by Councillor Braithwaite: That the Henderson Flooring project be deferred and the funding be transferred to the Indoor Sports Field Turf Replacement capital project, and that the tender for the Indoor Sports Field Turf Replacement be awarded to AstroTurf West Distributors Ltd. at a price not to exceed \$134,000.

The Manager of Recreation Services responded to questions from Council on the proposed tender award, noting addressing the flooring of Henderson Recreation Centre at a later date is not of concern to staff.

The question on the motion was then called.

CARRIED

14. ***Contract Award - TV Inspection Program: 5-year Sanitary & 10-year Storm System Assessment***

- Report - Director of Engineering Services, Jul. 14, 2015

MOVED by Councillor Ney, seconded by Councillor Zhelka: That the contract for the "Total Including Provisional Items" of the TV Inspection Program: 5-year Sanitary & 10-year Storm System Assessment be awarded to Coast Pipeline in accordance with their tender submission dated July 7, 2015 in the amount of \$88,818.25 excluding GST.

CARRIED

The Director of Engineering Services confirmed that an informational report could be provided to Council on the outcomes from the inspection program.

15. ***Reinstatement of 'Arena Cairn' on Oak Bay School Grounds***

- Report - Director of Engineering Services, Jul. 14, 2015

MOVED by Councillor Ney, seconded by Councillor Zhelka: That the Mayor be authorized to execute an agreement with School District 61 with respect to the placement of the Arena Cairn along the Cadboro Bay Road frontage of the Oak Bay High School, substantially in the location it was previously placed in 2001, with the agreement to also address ownership and maintenance of the cairn.

CARRIED

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

- Note - Municipal Clerk - H Comm Minutes, Jun. 9, 2015
- Minutes - OB Heritage Commission, Jun. 9, 2015

MOVED by Councillor Braithwaite, seconded by Councillor Kirby: That the minutes of the Oak Bay Heritage Commission meeting held on June 9, 2015 be received.

CARRIED

17. ***East Side Select Committee - Additions to Technically Feasible Sites***

- ADDENDA Report - Director of Engineering Services, Jul. 16, 2015

MOVED by Councillor Braithwaite, seconded by Councillor Kirby: That staff be directed to submit the report of the Director of Engineering Services dated July 16, 2015 to the Eastside Select Committee for information.

CARRIED

CORRESPONDENCE - UPCOMING AGENDA ITEM(S)

18. ***Correspondence - Development Variance Permit (DVP) Application for 1241 Hampshire Road***

- Corresp. - Jul. 9 - 17, 2015 - 1241 Hampshire Road

19. ***Correspondence - Development Permit Application with Variances for 2120 Penzance Road***

- Corresp. - Jul. 9 - 17, 2015 - 2120 Penzance Road
- ADDENDA Corresp. - Jul. 18 - 20, 2015 - 2120 Penzance Road

20. ***Correspondence - Bylaw No. 4652, 2414 San Carlos Avenue Heritage Revitalization Agreement Authorization Bylaw, 2015***

- ADDENDA Corresp. - Jul. 18 - 20, 2015 - 2414 San Carlos Avenue Heritage Revitalization Agreement Bylaw

MOVED by Councillor Kirby, seconded by Councillor Zhelka: That the correspondence listed under agenda items no. 18, 19 and 20 be received.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

21. ***New Business & Verbal Reports***

No items were raised under New Business and no verbal reports were provided.

TABLED RESOLUTIONS:

22. ***Development Variance Permit (DVP) Application - 2358 Beach Drive***

- Tabled Resolution Notice - DVP Resolution - 2358 Beach Drive
- Plans - DVP - 2358 Beach Dr - rcvd, Jun. 9, 2015

MOVED by Councillor Croft, seconded by Councillor Kirby: That the following motion be lifted from the table:

That the Director of Building and Planning be authorized to issue a Development Variance Permit to amend Development Variance Permit PL288-2014 with respect to 2358 Beach Drive (Lot 16, Block 12, 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>Required</u>	<u>Requested</u>	<u>Variance</u>
6.5.4.(6)(a) <i>Maximum gross floor area</i>	240 m ²	298.0 m ²	58.0 m ²

to accommodate the development of additional floor area as shown on the plans appended to the June 15, 2015 Committee of the Whole agenda item number 7, being a memorandum from the Director of Building and Planning dated June 9, 2015.

CARRIED

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

CARRIED

23. ***Development Variance Permit (DVP) Application - 1241 Hampshire Road***

- Tabled Resolution Notice - DVP Resolution - 1241 Hampshire Road
- Plans - DVP - 1241 Hampshire Rd - rcvd, Jun. 8, 2015

MOVED by Councillor Kirby, seconded by Councillor Croft: 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 1241 Hampshire Road (Lot 10, Block 3, Section 23, Victoria District, Plan 1091) 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>
6.5.4.(2)(c) <i>Interior side lot line setback</i>	1.52 m	1.23 m	0.29 m
6.5.4.(2)(e) <i>Total side lot line setbacks</i>	4.57 m	3.64 m	0.93 m
6.5.4.(11) <i>Second storey setback</i>	3.00 m	1.23 m	1.77 m

to accommodate the expansion of the landing area, as shown on the plans appended to the June 15, 2015 Committee of the Whole agenda item number 6, being a memorandum from the Director of Building and Planning dated June 9, 2015.

CARRIED

At the request of a member of Council, it was clarified that this proposal would not increase the floor area ratio, given that there is an exemption for landings under the current Zoning Bylaw.

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

CARRIED

24. ***Development Permit (DP) Application with Variances - 2120 Penzance Road***

- Tabled Resolution Notice - DP Resolution - 2120 Penzance Road
- Plans - DP - 2120 Penzance Rd - rcvd Jun. 4, 2015

MOVED by Councillor Croft, seconded by Councillor Braithwaite: That the following motion be lifted from the table:

That the Director of Building and Planning be authorized to issue a Development Permit with respect to Proposed Lots A & B of 2120 Penzance Road (Lot 1, Block 7, Section 46, Victoria District, Plan 1250), varying the following provisions of Bylaw No. 3531, being the Zoning Bylaw, 1986, as amended; and Bylaw No. 3548, the Subdivision and Development Bylaw, 1987, as amended:

<u>Zoning Bylaw</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
Section 3.6.1 and Schedule "A" Minimum Lot Width	15.25 m	14.60 m	0.65 m
<u>Subdivision & Development Bylaw</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
Section 5 Lot Width	15.25 m	14.60 m	0.65 m

to facilitate the subdivision of the existing property into two lots as shown on the plans appended to the June 15, 2015 Committee of the Whole agenda item number 8, being a memorandum from the Director of Building and Planning dated June 9, 2015.

CARRIED

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

CARRIED

RESOLUTIONS:

25. **Development Variance Permit (DVP) Application - 2570 Nottingham Road**
- DVP Resolution - 2570 Nottingham Road
 - Plans - DVP UBP - 2570 Nottingham Rd - Jun 15, 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 2570 Nottingham Road (Amended Lot 1 (DD 268981I), 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>
6.2.4.(2)(c) Interior Side Lot Line Setback	4.57 m	3.96 m	0.61 m
6.2.4.(2)(e) Total Side Lot Lines	12.19 m	9.68 m	2.51 m

to accommodate the renovation of single family dwelling as shown on the plans appended to the July 13, 2015 Committee of the Whole agenda item number 4, being a memorandum from the Director of Building and Planning dated July 8, 2015.

MOVED by Councillor Croft, seconded by Councillor Kirby: That the motion in respect to the development variance permit for 2570 Nottingham Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

26. ***Council Procedure Bylaw Amendments***

- Procedure Bylaw Amendment - proposed by Cllr Murdoch - Jul. 20

MOVED by Councillor Braithwaite, seconded by Councillor Kirby: That staff be directed to bring forward an amendment to the *Procedure Bylaw, 1999* to reflect a 7:00 p.m. commencement time for meetings of Council, along with other housekeeping amendments as recommended by staff.

CARRIED

27. ***Union of British Columbia Municipalities Convention***

- Convention UBCM September 2015

MOVED by Councillor Kirby, seconded by Councillor Croft: That Council approve the attendance of Oak Bay Council Members at the 2015 Union of British Columbia Municipalities Convention, to be held in Vancouver, BC, September 21 to September 25, 2015, and the payment of expenses necessarily incurred by them.

CARRIED

BYLAWS:

28. ***Bylaw Memorandum***

- Memo - Municipal Clerk, Jul. 16, 2015

29. ***For Adoption***

- Bylaw No. 4651, Financial Plan Bylaw, 2015, Amendment Bylaw No. 2, 2015

MOVED by Councillor Braithwaite, seconded by Councillor Croft: That Bylaw No. 4651, *Financial Plan Bylaw, 2015, Amendment Bylaw No. 2, 2015*, be adopted.

The Municipal Treasurer responded to questions in respect to projected increases in property tax revenue from 2015 to 2016 noted in the Bylaw, advising this would be adjusted as appropriate in any subsequent amendments to the 2015 Financial Plan.

The Acting Mayor asked if anyone in attendance wished to address Council regarding the *Financial Plan Bylaw, 2015, Amendment Bylaw No. 2, 2015*. No one came forward.

The question was then called.

CARRIED

30. ***For First and Second Reading and Setting of a Public Hearing Date***

- Bylaw No. 4652, 2414 San Carlos Avenue Heritage Revitalization Agreement Authorization Bylaw, 2015

MOVED by Councillor Braithwaite, seconded by Councillor Croft: That Bylaw No. 4652, *2414 San Carlos Avenue Heritage Revitalization Agreement Authorization Bylaw, 2015*, be read a first time.

CARRIED

MOVED by Councillor Braithwaite, seconded by Councillor Croft: That Bylaw No. 4652, *2414 San Carlos Avenue Heritage Revitalization Agreement Authorization Bylaw, 2015*, be read a second time.

A discussion ensued with respect to reinstating the pathway on 2414 San Carlos Avenue. Some members of Council expressed concern that further consideration should be given to alternative routes and configurations for a pathway on the subject property before proceeding with the Heritage Revitalization Agreement (HRA). Questions were raised regarding the viability of establishing a new pathway in the area through the community gardens, potentially to Shady Lane, as was discussed at the Committee of the Whole meeting on July 13, 2015. It was noted that there was the potential to lose the opportunity to reinstate the pathway if the HRA proceeded at this time.

The Director of Building and Planning responded to comments and questions from Council with respect to reinstating a pathway on the subject property, noting that the configuration of the lot would mean that a trail would run approximately 1 foot away from the existing heritage dwelling. Mr. Thomassen noted that, given this impact on the dwelling, the applicant was not supportive of a pathway. He then provided clarification on the process to date, noting that the heritage restoration of the other Patio Court properties had already been addressed through the heritage alteration permit and development variance permit processes. As a result, he said, it would be problematic to require establishing a pathway with a route that ran along a portion of the adjoining property as a part of the current HRA for 2414 San Carlos Avenue.

While concluding discussion on the proposed HRA, it was noted by some members of Council that the intention of an HRA is to address heritage revitalization and that the applicant has chosen to offer a covenant requiring maintenance on the other Patio Court properties in keeping with the standards identified in the Heritage Conservation Plan by Donald Luxton and Associates.

The question was then called.

CARRIED

(Councillor Ney against the motion)

The Director of Building and Planning noted that the applicant has requested that consideration be given to a date of October 13, 2015 for the Public Hearing for Bylaw No. 4652, instead of September 28, 2015, as was noted in the July 16, 2015 Bylaw Memorandum.

MOVED by Councillor Braithwaite, seconded by Councillor Croft: That a public hearing on Bylaw No. 4652 be held at the Oak Bay Municipal Hall, on October 13, 2015 at 7:30p.m., and that notice be given in accordance with the *Local Government Act*.

CARRIED

ADJOURNMENT:

31. ***Motion to Adjourn***

MOVED by Councillor Braithwaite, seconded by Councillor Croft: That the meeting be adjourned.

CARRIED

The meeting adjourned at 10:35 p.m.

Certified Correct:

Deputy Municipal Clerk

Acting Mayor