

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 June 13, 2016 at 7:00 PM.

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 Building and Planning, R. Thomassen
Director of Engineering Services, D. Horan

MINUTES AND REPORTS:

1. ***Council***

- ADDENDA - May 24, 2016

MOVED and seconded: That the minutes of the Council meeting held Tuesday, May 24, 2016 be adopted.

CARRIED

2. ***Special Council***

- May 17, 2016

MOVED and seconded: That the minutes of the Special Council meeting held Tuesday, May 17, 2016 be adopted.

CARRIED

MAYOR'S REMARKS:

3. The Mayor provided remarks on the following topics:

Webcasting of Council meetings

Mayor Jensen noted that the recording from the first webcast meeting is now available on the Municipal website and that staff are working to reduce the time taken to post the video.

ArtsAlive

The Mayor noted that opening event for ArtsAlive was a great success and encouraged all to submit their votes at the Municipal Hall for their favourite public art exhibit. He also offered his thanks to Oak Bay Arts Laureate and the ArtsAlive volunteers for their hard work.

Oak Bay Tea Party

Mayor Jensen commented on the success of the Oak Bay Tea Party, noting the weather was excellent and a great time had by all. He offered his thanks to Bill Murphy-Dyson, stating that this was his last year chairing the Society and also noted the efforts of Sandy Germain and the many event volunteers in making this year's Tea Party a wonderful event.

Response to Fire at Satellite Apartments

The Mayor drew attention to the excellent work of the Oak Bay Fire Department in quickly and professional fighting the fire at the Satellite Apartments. Mayor Jensen also recognized the efforts of the Oak Bay Beach Hotel staff, who provided a gathering place for impacted residents and refreshments for the first responders.

Act of Compassion for Fort McMurray

The Mayor advised that David O'Sullivan, Past President of the North American Society of Trenchless Technology and President of PW Construction Inc., has donated the funds he recently received from the Municipality for his recent presentation on trenchless technology. Mr. O'Sullivan, he said, donated the funds to the relief efforts at Fort McMurray.

Introduction of Daniel Horan, Director of Engineering Services

Mayor Jensen introduced the new Director of Engineering Services, Daniel Horan. On behalf of Oak Bay Council, the Mayor welcomed Mr. Horan to the District of Oak Bay.

PUBLIC PARTICIPATION PERIOD:

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

John Armitage, Oak Bay resident, spoke on behalf of the Community Association of Oak Bay, advising that, in keeping with the work of the Housing Retention Working Group, the Association has organized two community forums on housing in Oak Bay, to be held at the Oak Bay United Church on Saturday June 18 and Thursday June 23, 2016.

Bonnie Peacock, Oak Bay resident, spoke in support of the proposed development at 1231 Beach Drive, stating that the building design and proposed landscaping would make the redeveloped site a great addition to the neighbourhood.

COMMUNICATIONS:

5. ***Endorsement of Fire Services Agreement***
- Report - Fire Chief, Jun. 2, 2016
 - Rpt. Attach. - Draft Fire Services Agreement

Dave Cockle, Fire Chief, in attendance for this item.

The Fire Chief provided an overview of his report, outlining the agreement development process.

Mr. Cockle clarified that the differences in fire dispatch had presented a challenge to incorporating the City of Victoria in this agreement, but that efforts would continue in this regard. He also responded to questions with respect to billing and costs.

MOVED and seconded: That: Council authorizes staff to participate in the Fire Service Agreement with the District of Saanich, Township of Esquimalt, Town of View Royal and the District of Central Saanich to enhance the level of life safety and property protection available to citizens in the participating jurisdictions; and that the Mayor and Director of Corporate Services be authorized to execute the Fire Services Agreement substantially in the form attached to the June 2, 2016 report of the Fire Chief.

CARRIED

6. ***Renewal of the University of Victoria Confined Space Rescue Services Agreement***

- Report - Fire Chief, Jun. 2, 2016
- Rpt. Attach. - Confined Space Rescue Agreement

Dave Cockle, Fire Chief, in attendance for this item.

The Fire Chief provided an overview of his report.

MOVED and seconded: That the Mayor and the Director of Corporate Services be authorized to execute the Confined Space Rescue Service Agreement with the University of Victoria for a five-year period from September 1, 2016 to August 31, 2021, substantially as set out in the agreement attached to the report of the Fire Chief dated June 2, 2016.

CARRIED

7. ***Oak Bay Marina Bicycle Rentals and Tours***

- Report - Director of Corporate Services, Jun. 7, 2016
- Rpt. Attach. - Corresp. - Oak Bay Marine Group, Jun. 6, 2016

In response to questions from Council, the Director of Corporate Services confirmed that no gas powered vehicles were contemplated with respect to the request from the Oak Bay Marine Group.

MOVED and seconded: That:

1. Council receive for information the letter from the Oak Bay Marine Group informing the District that the Oak Bay Marine Group has applied for an amendment to the Zoning Bylaw to allow bicycle rentals and bicycle tours in the CS-2 Marine Commercial Zone.
2. No bylaw enforcement action be taken against the Oak Bay Marine Group for operating a bike rental and bike tour business at 1327 Beach Drive while their Zoning Bylaw amendment application is being processed and considered.

3. Should the Zoning Bylaw amendment not be approved after consideration by Council the Oak Bay Marine Group be required to stop the bike rental and bike tour use.

CARRIED

8. ***Contract Award - CCTV Inspection Program: Sanitary & Storm System Assessment***

- Report - Deputy Director of Financial Services, Jun. 6, 2016

Fernando Pimentel, Deputy Director of Financial Services, and David Brozuk, Superintendent of Public Works, in attendance for this item.

The Deputy Director of Financial Services responded to questions regarding the proposed schedule of works, as outlined in his report.

In response to questions from Council, the Superintendent of Public Works confirmed that staff was satisfied with the previous work of 1051735 BC Ltd. which had a similarly low price.

MOVED and seconded: That the contract for the "Total Including Provisional Items" of the CCTV Inspection Program - Sanitary and Storm System Assessment be awarded to 1051735 BC Ltd. in accordance with their tender submission in the amount of \$227,551.62 excluding GST for 2016, 2017 and 2018.

CARRIED

9. ***Uplands Combined Sewer Separation Project***

- Report - Project Manager, Jun. 8, 2016

Jack Hull, Project Manager, in attendance for this item.

The Project Manager responded to questions from Council, clarifying the consultation process to be undertaken with property owners on the location of sewer lateral to minimize the risk to mature trees and other vegetation. Mr. Hull also commented that the "phased approach" referred to in his report was with respect to time and catchment areas. It was noted that a final technical option has not yet been selected.

MOVED and seconded: That

1. The District work towards providing a sewer separation plan with a phased approach for consideration in the next amendment to the Capital Regional District's Core Area Liquid Waste Management Plan;
2. At the time of construction, property owners be consulted on the location of sewer lateral connections to the new sewer, to minimize the risk to mature trees and other vegetation;
3. No further consideration be given to the use of horizontal directional drilling for the new sewer installation on municipal property, with the exception of small diameter lateral connections from property lines as appropriate; and
4. No further consideration be given to the use of easements for the sewer separation project; and further, that a survey of property owners on easements is no longer necessary.

CARRIED

10. ***Application for Heritage Designation - 1329 St. Patrick Street***

- Report- Director of Building & Planning, Jun. 8, 2016
- Rpt. Attach. 1 - Statement of Significance
- Rpt. Attach. 2 - Application for Designation

MOVED and seconded: That staff be directed to draft the Heritage Designation Bylaw for formal consideration in regards to 1329 St. Patrick Street.

CARRIED

11. ***Advisory Design Panel (ADP) Minutes***

- Note - Director of Corporate Services - ADP Minutes - Apr. 5 & May 3, 2016
- Minutes ADP - Apr. 5, 2016
- Minutes ADP - May 3, 2016

MOVED and seconded: That the minutes of the Advisory Design Panel held April 5, 2016 and May 3, 2016 be received for information.

Discussion ensued with respect to wording in the presentation on the Urban Forest Strategy in the April 5, 2016 minutes, clarifying that the figure with respect to loss of tree canopy includes trees that were re-categorized and is not an accurate reflection of total tree loss.

The question was then called.

CARRIED

12. ***Advisory Planning Commission (APC) Minutes***

- Note - Director of Corporate Services - APC Minutes - Apr. 5, 2016
- Minutes APC - Apr. 5, 2016

MOVED and seconded: That the minutes of the Advisory Planning Commission held April 5, 2016 be received for information.

CARRIED

13. ***Strategic Planning Report - Oak Bay Cenotaph Task Force***

- Note - Director of Corporate Services - Oak Bay Cenotaph Task Force
- Report - Oak Bay Cenotaph Task Force, Apr. 16, 2016
- Rpt. Attach. 1 - Appendices A-E
- Rpt. Attach. 2 - Appendices F-H

Councillor Ney, as Task Force Chair, provided an overview of the report and thanked the task force members for their input. Task force members, she noted, included: Jayden Cormier (The Canadian Scottish Regiment, CAF); René de Vos (Environmental/Landscape Advocate); Patrick Frey (former Director Heritage Branch); Gerald Pash (Citizenship Judge and retired Canadian Forces Public Affairs Officer); Jean Sparks (Archivist and Heritage Specialist); Angus Stanfield (Legion Member).

Task Force member Master Corporal Jayden Cormier made a presentation to Council on his perspective as a veteran of Afghanistan, commenting on the challenges of reintegrating into the community on his return and on the profound value of recognizing the contribution of modern veterans and service personnel. Mr. Cormier noted that the task force's report outlined how broadening this recognition could be accomplished at the Oak Bay Cenotaph.

A discussion ensued with members of Council commenting on the recommendations in the task force's report. The importance of inclusivity was noted, while caution was also expressed that any potential changes recognize the natural and historic value of the site and that the meaning of the cenotaph with respect to Oak Bay's military history not be diluted. The value of a collaborative and consultative process was emphasized.

MOVED and seconded: That:

1. The Strategic Planning Report of the Oak Bay Cenotaph Task Force be accepted in principle;
2. The Task Force's request to reconvene and develop a plan with respect to priorities and timelines arising from the Strategic Planning Report be approved;
3. The Task Force be asked to work collaboratively with the organizing committee for the purpose of revitalizing the Remembrance Day ceremony; and
4. The Strategic Planning Report be referred to the Heritage Commission for comment.

CARRIED

14. ***Interim Report - Housing Retention Working Group***

- Note - Director of Corporate Services - Housing Retention Working Group
- Report - Housing Retention Working Group, June 2016
- ADDENDA - June 10 - 13, 2016 - Corresp. - Interim Report - Housing Retention Working Group

Councillor Murdoch, as Chair of the Working Group thanked the task force members for their contributions including Tim Taddy (Advisory Planning Commission), Jan Mears (Heritage Commission) and fellow Councillor Eric Zhelka. He then outlined potential next steps forward and responded to questions from Council.

Members of Council discussed the report, considering potential future trends and coordinating action with other strategy processes such as for residential infill and the urban forest. Some members expressed concern that momentum continue with respect to this item.

MOVED and seconded: That the retention of older character homes is a goal of the municipality in principle and should form a lens by which other policy decisions are made.

CARRIED

MOVED and seconded: That consideration of mandatory versus voluntary incorporation on the Oak Bay Community Heritage Register be referred to the Heritage Commission for comment.

CARRIED

MOVED and seconded: That consideration of streamlining processes in the Building and Planning Department be referred to the strategic priority session, including potentially delegating authority to staff for the approval of routine renovations to older homes.

CARRIED

CORRESPONDENCE - UPCOMING AGENDA ITEM(S)

15. ***Correspondence to be received***

- Corresp. - May 25 - June 10, 2016 - DP 1231 Beach Dr. & DVP 1237 Beach Dr.
- ADDENDA - Corresp. - June 10 - 13, 2016 - DP 1231 Beach Dr. & DVP 1237 Beach Dr.

MOVED and seconded: That the correspondence for agenda items no. 18 and 19 be received, as appended to the June 13, 2016 Council agenda..

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

16. ***Report on the Capital Regional District***

Mayor Jensen provided an update on the selection of the wastewater treatment option at the Capital Regional District, noting that the expert panel has been named and a report is anticipated for September.

Oak Bay Tea Party Society

Councillor Braithwaite offered thanks to staff on behalf of the Society for their assistance with the Oak Bay Tea Party, noting in particular the new barbeque bit.

Notice of Motion - Payment by Universities for Services Provided by Municipalities

Councillor Braithwaite noted that, following on discussion from Estimates Committee, a motion would be brought forward to the next Council meeting with respect to a potential resolution to the Union of British Columbia Municipalities.

Recognition of the Orlando Nightclub Shooting Tragedy

Councillor Kirby expressed support for lowering of the flags in front of the Municipal Hall for the recognition of the tragic shooting in an Orlando nightclub.

TABLED RESOLUTIONS:

17. ***Support for Funding NEED2 Youth Suicide Prevention Education and Support Program***

- Tabled Resolution Notice - Correspondence - Funding for NEED2 Youth Suicide Prevention and Support

- Excerpt - Council Meeting, May 24, 2016

MOVED and seconded: That the following motion be lifted from the table:

That the motion be amended by removing the words “to this organization” so that the motion would read:

WHEREAS the decision not to provide funding in response to the request for financial assistance by NEED2 Youth Suicide Prevention Education & Support was made to discourage the downloading of essential services such as education and health care to municipal governments:

THEREFORE be it resolved that the Mayor send correspondence on behalf of Oak Bay Municipal Council to the Island Health Board of Directors, and the BC Minister of Children and Families, urging them to provide funding for the delivery of the Youth Suicide Prevention and Education Program, as a crucial part of mental health services for the region.

CARRIED

The question on the amendment was then called.

CARRIED

Mayor Jensen, Councillor Kirby
and Councillor Ney against the motion

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

CARRIED

18. ***Development Permit with Variances (DP) Application - 1231 Beach Drive***

- Tabled Resolution Notice - 1231 Beach Dr
- Plans - DP000011 - (A1, A7, A8, A9) 1231 Beach Dr. Mar. 31, 2016
- Plan - Native Species Planting Enhancement Plan, May 9, 2016
- Report - Planner, April 15, 2016

MOVED and seconded: That the following item be lifted from the table:

1. *The Director of Building and Planning be authorized to issue Development Permit No. DP000011 (Development Permit with Variances) with respect to 1231 Beach Drive (Re-Amended Lot 66 (DD114393I), Sections 23, Victoria District, Plan 368) varying the following provisions of Bylaw No. 3531, Zoning Bylaw, 1986 as amended:*

<u>Zoning Bylaw Section</u>	<u>Required/ Permitted</u>	<u>Requested</u>	<u>Variance</u>
4.15.1	< 25%	60%	35%
Maximum Paved Surface Front Yard	48.75 m ²		

6.5.4.(2)(a) Minimum Setback Front Lot Line	7.62 m	3.66 m	3.96 m
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6.5.4.(11) Minimum Setback Second Storey	3.00 m	2.40 m	0.60 m
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to accommodate the construction of a principal building as more particularly shown on the plans appended to the Resolution Notice on the agenda of the May 24, 2016 meeting of Oak Bay Municipal Council; and

2. *Development Permit No. DP000011 include as a condition in the permit the registration of a covenant to specify the area of the subject property to be restored and protected, as outlined on the “Native Species Planning Enhancement Plan” appended to the Resolution Notice on the agenda of the May 24, 2016 meeting of Oak Bay Municipal Council.*

Charles Kierulf, architect, on behalf of the applicant, responded to questions from Council, outlining how the design compared to the existing dwelling, particularly with respect to potential impact on the view from 1234 Beach Drive.

Bruce Cownden, Oak Bay resident, spoke in opposition to the proposed variances due to the impact on the view from his dwelling. Mr. Cownden drew Council attention to the photograph he had submitted showing the potential impact. He stated that the building was too large and should be reduced.

Ron Knott, Oak Bay resident, spoke in support of the proposed variances stating that, as an adjacent neighbour, it would be a significant improvement to the structure currently on the site.

A discussion ensued in which Council members noted that the impact of the proposed variances on adjacent neighbours will be minor and that there will be an overall benefit to the community.

The question on the motion was then called.

CARRIED

19. ***Development Variance Permit (DVP) Application - 1237 Beach Drive***

- Tabled Resolution Notice - 1237 Beach Dr
- Plan - DVP00043 - (A2) 1237 Beach Dr.
- Report - Planner, April 15, 2016

MOVED and seconded: That the following item be lifted from the table:

That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 1237 Beach Drive (Lot B, Section 61, Victoria District, Plan 3929) varying the following provisions of Bylaw No. 3531, Zoning Bylaw, 1986 as amended:

<u>Zoning Bylaw Section</u>	<u>Required/ Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.5.4.(8) Minimum Setback Interior Side Lot Line	1.52 m	1.24 m	0.28 m

with respect to the existing accessory building in order to accommodate the realignment of the property line as a result of a subdivision, as shown on the plans appended to Committee of the Whole agenda item number 8, being a memorandum from the Planner dated April 15, 2016.

CARRIED

MOVED and seconded: That the motion be amended to read:

That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 1237 Beach Drive (Lot B, Section 61, Victoria District, Plan 3929) varying the following provisions of Bylaw No. 3531, Zoning Bylaw, 1986 as amended:

<u>Zoning Bylaw Section</u>	<u>Required/ Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.5.4(2)(c) & 6.5.4.(8) Minimum Setback Interior Side Lot Line	1.52 m	1.24 m	0.28 m

with respect to the existing accessory building in order to accommodate the realignment of the property line as a result of a subdivision, as shown on the plans appended to Committee of the Whole agenda item number 8, being a memorandum from the Planner dated April 15, 2016.

CARRIED

Bruce Cownden, Oak Bay resident, noted that he was in opposition to this variance in keeping with his concerns regarding 1231 Beach Drive.

The Director of Building and Planning responded to questions with respect to the request to realign the lot line as part of the subdivision process.

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

CARRIED

ADJOURNMENT:

20. *Motion to Adjourn to In Camera*

MOVED and seconded: *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 is being considered for a municipal award or honor, or who has offered to provide a gift to the municipality on condition of anonymity; 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.

CARRIED

The meeting adjourned at 9:58 PM.

Certified Correct:

Mayor

Director of Corporate Services