

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 27, 2016 at 7:00 PM.

PRESENT: Mayor N. Jensen, Chair
Councillor T. Croft
Councillor M. Kirby
Councillor E. Zhelka

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

MINUTES AND REPORTS:

1. ***Council***

- June 13, 2016

MOVED and seconded: That the minutes of the Council meeting held Monday, June 13, 2016 be adopted.

CARRIED

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

- June 20, 2016

MOVED and seconded: That the minutes of the Committee of the Whole meeting held Monday June 20, 2016 and the recommendations contained therein be adopted.

It was noted that the wording in the Committee of the Whole minutes under agenda item 1 was awkward and that the intention of the Committee's discussion was to note that the Windsor Park Dog Group is still active and that their report is available on the municipal website.

The question was then called.

CARRIED

MAYOR'S REMARKS:

3. The Mayor provided remarks on the following topics:

Ride Don't Hide

Mayor Jensen expressed his appreciation to the organizers and participants of the Ride Don't Hide cycling fundraising event. It was noted that more than \$1.2 million was raised nationally for the Canadian Mental Health Association and that more than 200 cyclists participated in the Victoria event.

Royal Bank Volunteers Donation

The Mayor thanked the employee volunteers of the Oak Bay branch of the Royal Bank of Canada for their generous \$1,000 donation to the Oak Bay Public Art Fund.

Painters' Lodge Reunion

The Mayor noted that he had the pleasure of attending the artists' reunion at Painters' Lodge. He said that he was hopeful that the annual Painters' event might in the future be moved to Oak Bay.

Greg McLeod Recognition

Mayor Jensen congratulated Mr. Greg McLeod, Oak Bay's Parking Commissionaire for being awarded the Meritorious Service Medal for his efforts in saving the life of a person at Willows Beach.

Deer Update

The Mayor provided an update on the Province's work on deer management. He said it remains unclear how the Province intends to respond to the urban deer issue.

PUBLIC PARTICIPATION PERIOD:

4. No members of the public rose to speak during the Public Participation Period

COMMUNICATIONS:

5. ***Special Event Application - Request for Commercial Activity in Willows Park, Sep. 17, 2016***
 - Note - Director of Corporate Services - Sausage Fest Sep. 17, 2016
 - Sp. Event App. - Oak Bay Fire Fighters Charitable Fund - Sausage Fest 2016

Jason Hodge, Executive Director, Oak Bay Firefighters Charitable Foundation, appeared to provide Council information about the September 17, 2016 Sausage Fest 2016 event. He said that it is a fun family event and that proceeds will go to Willows Elementary School. Mr. Hodge asked that Council support the event and he invited Mayor and Council to attend.

MOVED and seconded: That whereas Council has made the determination that the proposed occupancy of Willows Park on September 17, 2016 for the purposes of holding an event including the sale of goods and refreshments, amplified music and beer garden, 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 Oak Bay Firefighters Charitable Foundation received June 20, 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

6. ***Special Event Application - Request for Temporary Occupancies, Oct. 7 - Nov. 1, 2016***

- Note - Director of Corporate Services - BIA - Pumpkin Art on the Avenue, Oct 25 to Nov 1 2016
- Sp. Event App. - BIA - Pumpkin Art, 2016

MOVED and seconded: That permission be given to the Oak Bay Business Improvement Association to temporarily occupy public property at the Oak Bay Municipal Hall and to install pumpkins on light standards along Oak Bay Avenue, in relation to the Pumpkin Art on the Avenue Event, from October 7, 2016 to November 1, 2016, as described in their correspondence and application of June 15, 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 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 Director of Corporate Services being authorized to execute such agreement on behalf of the District of Oak Bay.

CARRIED

MOVED and seconded: That inasmuch as "Pumpkin Art on the Avenue" from October 7 to November 1, 2016 is a community event unrelated to the purpose of the Oak Bay Business Improvement Association's promotion scheme, approval be given to waive staff costs related to providing electrical services for the pumpkin art display behind the Municipal Hall, in addition to installing and removing pumpkin art in the oak tree on the front lawn of the Municipal Hall and on up to 50 light standards along Oak Bay Avenue.

CARRIED

7. ***Special Event Application - Request for Temporary Road Occupancy, Oct. 31, 2016***

- Note -Director of Corporate Services - BIA - Trick or Treat on the Avenue, Oct 31 2016
- Sp. Event App - BIA - Trick or Treat on the Ave, 2016

MOVED and seconded: That whereas, pursuant to the Zoning Bylaw, Council has made the determination that the Trick or Treat on the Avenue Event, including the closure of Oak Bay Avenue and the sales of goods and refreshments, will be of general benefit to the adjacent business district and will create no undue inconvenience for adjacent residents or the public at

large, approval be given to the Oak Bay Business Association to hold the event, as described in their correspondence and application of June 15, 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 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 Director of Corporate Services being authorized to execute such agreement on behalf of the District of Oak Bay.

CARRIED

8. ***Special Event Application - Request for Temporary Occupancies, Nov. 27 - Dec. 3, 2016***

- Note - Director of Corporate Services - BIA - Christmas Festival 2016
- Sp. Event App. - BIA - Christmas Festival 2016

MOVED and seconded: That the temporary road closures and the occupancy of the front lawn of the Municipal Hall, including the sale of goods and services pursuant to the requirements of the Streets and Traffic Bylaw in relation to the "Sixteenth Annual Oak Bay Christmas Festival", as described in the application from the Oak Bay Business Improvement Association received June 15, 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 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 Director of Corporate Services being authorized to execute such agreement on behalf of the District of Oak Bay.

CARRIED

MOVED and seconded: That inasmuch as "Sixteenth Annual Oak Bay Christmas Festival" from November 27 to December 3, 2016 is a community event unrelated to the purpose of the Oak Bay Business Improvement Association's promotion scheme, approval be given to waive staff costs related to providing electrical services for various associated events.

CARRIED

9. ***Statement of Financial Information***

- Report - Director of Financial Services, Jun. 21, 2016
- Rpt. Attach. - Statement of Financial Information for the year ended December 31, 2015

MOVED and seconded: That the Statement of Financial Information for the year ended December 31, 2015 be approved.

CARRIED

10. ***Contract Award - Asphalt Resurfacing & Miscellaneous Concrete Program***

- Report - Deputy Director of Financial Services, Jun. 20, 2016

Fernando Pimentel, Deputy Director of Financial Services, in attendance for this item.

MOVED and seconded: That the contract for the Asphalt Resurfacing & Miscellaneous Concrete Program be awarded to Capital City Paving Ltd. in accordance with their tender submission in the amount of \$480,670 plus GST for 2016.

CARRIED

11. ***Heritage Referral for Property on the Community Heritage Register (BP009158) - 210 Denison Road***

- Report - Planner, Jun. 17, 2016
- Rpt. Attach. 1 - Statement of Significance - 210 Denison Rd
- Plans - BP - 210 Denison Rd, Jun 14, 2016

Mr. T. Buckley, owner of 210 Denison Road, said he was surprised to learn that the application would be referred to the Heritage Commission for review given the limited nature of the renovations and the fact that they intend to maintain the heritage values of the house. He said that he was concerned that the delay in getting the permit may make it difficult to get the work done in the construction window. The Director Building and Planning advised that staff would try to bring the application back to the July 18, 2016 Council meeting.

MOVED and seconded: That the building and land located at 210 Denison Road be subject to a temporary protection order in accordance with Section 606 (formerly 962) of the *Local Government Act* for a period of not more than 60 days, and that the plans for the proposed renovations be referred to the Heritage Commission for review and recommendation to Council.

CARRIED

12. ***Heritage Referral for Property on the Community Heritage Register (BP009161) - 235 Denison Road***

- Report - Planner, Jun. 17, 2016
- Rpt. Attach. 1 - Statement of Significance, 235 Denison Rd
- Plans - BP - 235 Denison Rd, Jun 16, 2016

MOVED and seconded: That the building and land located at 235 Denison Road be subject to a temporary protection order in accordance with Section 606 (formerly 962) of the *Local Government Act* for a period of not more than 60 days, and that the plans for the proposed renovations be referred to the Heritage Commission for review and recommendation to Council.

CARRIED

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

- Note - Director of Corporate Services - HComm Minutes - May 10 , 2016
- Minutes - HComm, May 10, 2016

MOVED and seconded: That the minutes of the Heritage Commission held May 10, 2016 be received for information.

CARRIED

14. ***Recognition Program - Honour of the Oak Leaf***

- Report - Director of Corporate Services, Jun. 15, 2016

MOVED and seconded: That the Honour of the Oak Leaf recognition program be expanded to include, in exceptional circumstances, the nomination and award of the honour to a person, who in the opinion of Municipal Council has provided exemplary service to the community.

CARRIED

CORRESPONDENCE - UPCOMING AGENDA ITEM(S)

15. No additional correspondence for the subsequent agenda items was received.

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

16. ***New Business & Verbal Reports***

No items were raised under New Business.

RESOLUTIONS:

17. ***Proposed Resolution to UBCM***

- Payment by Universities for Services Provided by Municipalities - Proposed by Cllrs Murdoch and Braithwaite

MOVED and seconded:

WHEREAS section 27(2)(w) of the *University Act* empowers the University Board of Governors to pay to a municipality a grant in a year not exceeding the lesser of the amount that would be payable as general municipal taxes in the year on property of the university within the municipality if the property were not exempt from these taxes or the amount specified by the minister or calculated in the manner specified by the minister; and

WHEREAS the payments to communities on behalf of universities has declined sharply over the last decade;

THEREFORE BE IT RESOLVED that the UBCM request that the Province amend the *University Act* to require that the university grants-in-lieu-of-taxes formula better reflect forgone municipal taxes and that rates paid by universities be in keeping with payment-in-lieu-of-taxes paid by the Government of Canada for Federal properties.

CARRIED

18. ***Development Variance Permit (DVP) Application - 2666 Dewdney Avenue***

- Resolution Notice - 2666 Dewdney Avenue
- Plans - DVP - 2666 Dewdney Ave, Feb. 20, 2016
- Report - Planner, Jun. 10, 2016

MOVED and seconded: That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2666 Dewdney Avenue (Lot 2, Section 2, Victoria District, Plan 5068) 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>
6.4.4.(3)(a) Maximum Building Height (Accessory Building)	3.00 m	3.63 m	0.63 m

to accommodate the existing accessory building, as shown on the plans appended to Committee of the Whole agenda item number 4, being a memorandum from the Planner dated June 10, 2016.

CARRIED

MOVED and seconded: That the motion in respect to the development variance permit for 2666 Dewdney Avenue be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

19. ***Development Variance Permit (DVP) Application - 494 Beach Drive***

- Resolution Notice - 494 Beach Drive
- Plans - DVP - 494 Beach Dr, Apr. 10, 2016
- Report - Planner, Jun. 10, 2016

MOVED and seconded: That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 494 Beach Drive (Lot 22, Section 22, Victoria District, Plan 1404) 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)(a) Minimum Setback Front Lot Line	7.62 m	7.04 m	0.58 m
6.5.4.(2)(c) Minimum Setback Interior Side Lot Line	1.52 m	1.43 m	0.09 m
6.5.4.(7) Minimum Distance Between Buildings	3.00 m	1.29 m and 2.60 m	1.71 m and 0.40 m

to accommodate the proposed renovation of an accessory building, as shown on the plans appended to Committee of the Whole agenda item number 5, being a memorandum from the Planner dated June 10, 2016.

CARRIED

MOVED and seconded: That the motion in respect to the development variance permit for 494 Beach Drive be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

20. ***Development Variance Permit (DVP) Application - 1017 Monterey Avenue***

- Resolution Notice - 1017 Monterey Avenue
- Plans - DVP - 1017 Monterey Ave, Apr. 14, 2016
- Report - Planner, Jun. 10, 2016

MOVED and seconded: That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 1017 Monterey Avenue (Lot A, Section 23, Victoria District, Plan EPP56785) 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.(7) Distance Between Buildings and Structures	3.00 m	2.05 m	0.95 m

to accommodate the proposed construction of a single family dwelling and accessory building, as shown on the plans appended to Committee of the Whole agenda item number 6, being a memorandum from the Planner dated June 10, 2016.

CARRIED

MOVED and seconded: That the motion in respect to the development variance permit for 1017 Monterey Avenue be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

ADJOURNMENT:

21. *Motion to adjourn*

MOVED and seconded: That the meeting be adjourned.

CARRIED

The meeting adjourned at 7:52 PM.

Certified Correct:

Mayor

Director of Corporate Services