

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, March 14, 2016, at 7:00 PM.

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

STAFF: Chief Administrative Officer, H. Koning
 Acting Director of Corporate Services, M. Jones
 Acting Deputy Director of Corporate Services, D. Schaffer
 Director of Financial Services, D. Carter
 Deputy Director of Financial Services, F. Pimentel
 Director of Building and Planning, R. Thomassen
 Fire Chief D. Cockle

MINUTES AND REPORTS:

1. ***Council***
 - February 22, 2016

MOVED and seconded: That the minutes of the Council meeting held on Monday, February 22, 2016, be adopted.

CARRIED

MAYOR'S REMARKS:

2. The Mayor provided remarks on the following topic:

Downton Abbey series finale

Mayor Jensen thanked the Oak Bay Beach Hotel for hosting the event marking the series finale of *Downton Abbey*, as well as Barkley's Fine Jewellers, who engraved an oak leaf sculpture donated by Bob Carter and made by Larry Gallant, a well-known local artist. The sculpture was presented to Lady Carnarvon, owner of the real Downton Abbey, who attended the event.

Acting Mayor Kirby provided remarks on the following topics:

Schizophrenia Society fundraiser

Acting Mayor Kirby noted the fundraiser for the Schizophrenia Society organized by staff that raised \$550. District staff member Kevin Preston took donations from staff and from CUPE Local 374.

Victoria Sketch Club Art Show

Acting Mayor Kirby noted the opening of the Victoria Sketch Club Art Show on March 15 and urged people to attend the show at Glenlyon Norfolk House Junior School.

PUBLIC PARTICIPATION PERIOD:

3. The following speaker addressed Council during the Public Participation Period:

Kathy DiGuistini, Oak Bay resident, urged Council to adopt stronger bylaws to regulate cats. She noted that she has a garden in which three cats defecate regularly, which renders what would otherwise be an organic food garden inedible. She said regulating the movement of cats would help keep cats safer as they would be less likely to be killed on roads, noting she has been told that an average of two cats a week are killed by traffic. She said enforcing the current bylaw, which does not allow cats to be at large, and strengthening regulations, would be better for cats, for cat owners and for gardeners.

COMMUNICATIONS:

4. ***2016 Budget Presentation, Oak Bay Tourism Committee***
- Note – Acting Director of Corporate Services – Oak Bay Tourism Committee –Annual Budget and Business Plan Presentation
 - Corresp. – Oak Bay Tourism Ctte., Mar. 4, 2016

Kris Morash, Vice Chair, Oak Bay Tourism Committee, addressed Council and provided a PowerPoint presentation outlining the Committee's vision, mandate and 2015 achievements.

In response to questions from Council, Mr. Morash noted that the indicators of success used by the group include greater usage of Oak Bay Tourism web site and earned media outside the Greater Victoria area. He also noted the value of stronger intermunicipal partnerships.

MOVED and seconded: That the Oak Bay Tourism Committee 2016 budget be approved.

CARRIED

5. ***Request for Consideration of Use of Municipal Property (1531 Hampshire Road) for Refugee Housing***

- Corresp. – J. Mears, Feb. 25, 2016
- Excerpt – Council Meeting, Jan. 25, 2016
- Corresp. – C. Green, Jan. 20, 2016
- ADDENDA - Corresp. – Request for Consideration of Use of Municipal Property (1531 Hampshire Road) for Refugee Housing, Mar. 10 – 14, 2016

Jan Mears and Gareth Dickson, Oak Bay residents, presented to Council regarding their proposal to use the municipally owned house at 1531 Hampshire Road for temporary refugee housing. Ms. Mears noted the idea was first suggested by Cairine Green as a short term solution for Syrian refugees seeking housing while they adjust to their new surroundings. She also acknowledged the contributions of St. Philip Anglican Church and several councillors. She noted that other individuals and organizations are offering help with labor, material and fundraising to get the house prepared for habitation.

Council discussed the following items:

- The long-term use of the property has not been determined;
- The house is intended for transitional housing but refugees might be looking for long-term permanent housing; and
- The potential issue of accepting donations of labour and materials before confirming that the property will be used for housing in the long term.

In response to questions from Council, Ms. Mears noted that the proposed lease for the building will be for 2 years with each family understanding they have one-year leases. She said Habitat for Humanity has indicated to her that it is rethinking its model of home ownership and is looking at providing rental housing in response to rising land prices.

MOVED and seconded: That the presentation from Jan Mears and Gareth Dickson be received.

CARRIED

Council discussed the following items:

- The possibility of installing a third bedroom in the home;
- Tenancy in municipally-owned buildings; and
- Whether a group could hold a master lease from the District and sublet the property.

MOVED and seconded: That staff be directed to identify the administrative and legal protocols and issues as per the plan proposed by Jan Mears.

Council discussion ensued regarding the concept of using a municipally-owned property for the purpose of refugee housing. Consideration was given to whether this is the best approach given the needs of the refugees and the role of the Municipality.

In response to a question from Council, it was noted that the District will find it difficult to provide options with respect to the administrative considerations without a society or organization with which to enter into a formal partnership.

The above-noted motion was withdrawn by consensus of Council.

MOVED and seconded: That the use of 1531 Hampshire Road for potential refugee housing be accepted in principle and that an invitation be made to a viable organization to come forward with a specific proposal for further consideration.

MOVED and seconded: That the motion be amended by adding the words “who is able to remediate the house to be ready for residents by September 2016” after “a viable organization” and before “to come forward . . .”

CARRIED

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

CARRIED

6. ***Special Event Application – Request for Occupancy of Willows Park May 12, 2016***
- Note – Acting Director of Corporate Services – Beach Cleanup, May 12, 2016
 - Corresp. – RBC Wealth Management, Feb. 10, 2016

MOVED and seconded: That the occupancy of the beaches on May 12, 2016, for the purposes of holding a beach clean-up as described in the submission from the RBC Wealth Management dated February 10, 2016, 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 \$3,000,000.00, and
2. agree to pay all invoices from the Municipality for costs incurred in connection with the event;

with the Acting Director of Corporate Services being authorized to execute such agreement on behalf of the District of Oak Bay.

CARRIED

Councillor Braithwaite left the meeting at 8:32 PM as she is a director of the Oak Bay Tea Party Society.

7. ***Special Event Application – Request for Commercial Activity in Willows Park June 3, 4 and 5, 2016***
- Note – Acting Director of Corporate Services – Oak Bay Tea Party, June 3, 4 and 5, 2016
 - Corresp. – Oak Bay Tea Party, Jan. 25, 2016

MOVED and seconded: That pursuant to the Streets and Traffic Bylaw and 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 Acting Director of Corporate Services for the purposes of staging the 2016 Oak Bay Tea Party from June 3 to 5, 2016, subject to the Oak Bay Tea Party Society undertaking the same

preparations in terms of notices to the public and safety that have been done in previous years, and subject to the Oak Bay Tea Party Society executing an agreement as follows:

1. 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 \$3,000,000.00, and
2. agreeing to pay all invoices from the Municipality for costs incurred in connection with the event;

with the Acting Director of Corporate Services being authorized to execute such agreement on behalf of the District of Oak Bay.

CARRIED

8. ***Requests for Financial Assistance***

- Note – Acting Director of Corporate Services – 2016 Requests for Financial Assistance

It was noted that each request for financial assistance would be addressed separately.

9. ***Request for Financial Assistance – Oak Bay Tea Party***

- Corresp. – Oak Bay Tea Party, Jan. 25, 2016

Sandy Germain, Director, Oak Bay Tea Party Society, stated in response to a question from Council that the Society provides support to a number of groups with funds raised at the event, most of whom usually keep their accounts closed. Various community groups get donations in respect of services rendered to the Tea Party. She also noted that in 2015, 95% of the waste generated by the event was diverted from the landfill, with the total tipping fee coming to \$27.95, and that most merchants use recyclable or compostable materials.

MOVED and seconded: That a grant of \$7,000.00 be provided to the Oak Bay Tea Party Society for the 2016 Oak Bay Tea Party.

CARRIED

Councillor Braithwaite returned to Council Chambers at 8:40 PM.

10. ***Request for Financial Assistance – St. John Ambulance***

- Corresp. – St. John Ambulance Volunteer Brigade, Jan. 25, 2016

MOVED and seconded: That the request for financial assistance from St. John Ambulance in the amount of \$1,200.00 be forwarded to Council's Estimates Committee for consideration during budget deliberations.

CARRIED

11. ***Request for Financial Assistance – Oak Bay Heritage Foundation***

- Corresp. – Oak Bay Heritage Foundation, Jan. 28, 2016

MOVED and seconded: That the request for financial assistance from the Oak Bay Heritage Foundation in the amount of \$3,000.00 be forwarded to Council's Estimates Committee for consideration during budget deliberations.

In response to a question from Council, it was noted that while grant money was available to owners of heritage homes there has been a limited number of requests for such grants, perhaps due to lack of knowledge in the community about the program.

The question was then called.

CARRIED

12. ***Request for Financial Assistance – Community Association of Oak Bay***

- Corresp. – Community Assoc. of Oak Bay, Jan. 31, 2016

Kris Nichols, President, Community Association of Oak Bay, outlined the accomplishments of the Association during 2015 and outlined its plans for the coming year. In response to questions from Council, Mr. Nichols noted that the Association incurs costs to hold its public meetings such as advertising, insurance, catering and speakers.

MOVED and seconded: That the request for financial assistance from the Community Association of Oak Bay in the amount of \$1,200.00 be forwarded to Council's Estimates Committee for consideration during budget deliberations.

DEFEATED

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

MOVED and seconded: That the request for financial assistance from the Community Association of Oak Bay in the amount of \$2,000.00 be forwarded to Council's Estimates Committee for consideration during budget deliberations.

CARRIED

Councillors Braithwaite and Murdoch against the motion

13. ***Request for Financial Assistance – Friends of Uplands Park (FOUP)***

- Corresp. – Friends of Uplands Park (FOUP), Jan. 27, 2016

Wiley Thomas, Consulting Botanist, Friends of Uplands Park, noted the organization's accomplishments in 2015 and plans for 2016, and responded to questions from Council.

MOVED and seconded: That the request for financial assistance from the Friends of Uplands Park in the amount of \$2,000.00 be forwarded to Council's Estimates Committee for consideration during budget deliberations.

CARRIED

14. ***Request for Financial Assistance – P.A.R.T.Y Program***

- Corresp. – P.A.R.T.Y. Program, Jan. 27, 2016

MOVED and seconded: That the request for financial assistance from the P.A.R.T.Y. Program in the amount of \$300.00 be forwarded to Council's Estimates Committee for consideration during budget deliberations.

It was noted by Council that policy states that the District's grants budget does not fund items that are funded by other public bodies.

The question was then called.

DEFEATED

Mayor Jensen and Councillors Braithwaite, Croft,
Kirby, Murdoch and, Ney against the motion

MOVED and seconded: That the request for financial assistance from the P.A.R.T.Y. Program in the amount of \$300.00 be received for information.

CARRIED

Councillor Zhelka against the motion

15. ***Request for Financial Assistance – Town Crier (Oak Bay), Jan. 30, 2016***

- Corresp. – Town Crier (Oak Bay), Jan. 30, 2016

Kenny Podmore, Town Crier, issued a proclamation regarding the pride he takes in extolling the virtues of Oak Bay in his role as Town Crier and responded to questions from Council.

MOVED and seconded: That the request for financial assistance from the Town Crier (Oak Bay) in the amount of \$2,000.00 be forwarded to Council's Estimates Committee for consideration during budget deliberations.

CARRIED

16. ***Request for Financial Assistance – Department of Computer Science, University of Victoria, Jan. 26, 2016***

- Corresp. – Department of Computer Science, UVic, Jan. 26, 2016

Robert Lee, Oak Bay resident, provided Council with information regarding the need for the education program offered by the high school students and other volunteers in this group to the aging population in Oak Bay.

In response to questions from Council, Mr. Lee said that he has been told the University will not fund the program, which started in 2007 and then ceased. It was revitalized last year by the high school students in order to provide training for seniors but also experience for the students.

MOVED and seconded: That the request for financial assistance from the Department of Computer Sciences, University of Victoria, in the amount of \$1,000.00 be forwarded to Council's Estimates Committee for consideration during budget deliberations.

CARRIED
Mayor Jensen against the motion

Councillor Croft left Council Chambers at 9:36 PM.

17. ***Request for Financial Assistance – Victoria Arts Association, Jan. 30, 2016***

- Corresp. – Victoria Arts Association, Jan. 30, 2016

MOVED and seconded: That the request for financial assistance from the Victoria Arts Association in the amount of \$250.00 be received for information.

CARRIED

Councillor Croft returned to Council Chambers at 9:38 PM.

18. ***Request for Financial Assistance – Vancouver Island South Film & Media Commission, Feb. 11, 2016***

- Corresp. – Vancouver Island South Film & Media Commission, Feb. 11, 2016

Brian Globus, Office and Locations Coordinator, Vancouver Island South Film & Media Commission, noted for Council that the film industry on southern Vancouver Island had a record-breaking year in 2015, with 20 productions creating \$18 million in wages, hotel and restaurant expenditures and other contributions to the local economy. He said the commission in concert with industry figures is working on a local crew to work with filmmakers, and staged training events, mixers and a producers' round table.

In response to a question from Council it was noted the District of Oak Bay received \$39,131 in fees from movie and television productions in 2015.

In response to a question from Council, Mr. Globus noted that the Commission holds funds in reserve in order to provide a cushion to help protect from funding changes from the organizations that provide money.

MOVED and seconded: That the request for financial assistance from the South Island Film and Media Commission in the amount of \$10,000.00 be forwarded to Council's Estimates Committee for consideration during budget deliberations.

CARRIED

19. ***Request for Financial Assistance – NEED2 Suicide Prevention Education and Support, Feb. 4, 2016***

- Corresp. – NEED2 Suicide Prevention Education and Support, Feb. 4, 2016

Jane Arnott, NEED2 Suicide Prevention and Education, noted for Council that NEED2 presented to 361 students in Oak Bay in 2015 and has already booked more presentations at the Monterey Centre than it did all year. She said demand for the education and crisis line service is growing and that the group is working on prevention programs it can provide to children at the Grade 6 level, trying to determine what type of information would be developmentally appropriate for younger children.

She revisited the District's grant policies and noted that leverage is provided by having all 13 Lower Island municipalities contributing funds. She stated that funding for mental health programs seems to be a low priority for senior governments.

Ms. Arnott responded to questions from Council about the numbers of volunteer staff that work with the program and funding from the provincial government.

MOVED and seconded: That the request for financial assistance from NEED2 Suicide Prevention Education and Support in the amount of \$1,000.00 be forwarded to Council's Estimates Committee for consideration during budget deliberations.

CARRIED

20. ***Response to Heritage Referral for Property on the Community Heritage Register (DVP00030) – 3125 Uplands Road***

- Report – Director of Building and Planning, Mar. 8, 2016
- Excerpt – Council Minutes – Jan. 25, 2016
- Report – Planner, Jan, 15, 2016
- Rpt. Attach. 1 – Statement of Significance, Community Heritage Register
- Rpt. Attach. 2 – Applicant's Letter, Zebra, Dec. 15, 2015
- Plans – DVP – 3125 Uplands Rd., Dec. 21, 2015

MOVED and seconded: That the 60-day temporary protection order made January 25, 2016 pursuant to Section 605 of the *Local Government Act* be lifted.

CARRIED

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

- Note – Acting Director of Corporate Services – HComm minutes
- Minutes – HComm – Jan. 12, 2016
- Minutes – HComm – Feb. 10, 2016

MOVED and seconded: That the minutes of the Oak Bay Heritage Commission dated Jan. 12, 2016, and Feb. 10, 2016, be received for information.

CARRIED

22. ***Advisory Design Panel (APD) Minutes***

- Note – Acting Director of Corporate Services – ADP minutes
- Minutes – ADP – Feb. 2, 2016

MOVED and seconded: That the minutes of the Advisory Design Panel Feb. 2, 2016, be received for information.

CARRIED

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

- Note – Acting Director of Corporate Services – APC minutes
- Minutes – APC – Feb. 2, 2016

MOVED and seconded: That the minutes of the Advisory Planning Commission dated Feb. 2, 2016, be received for information.

CARRIED

24. ***Request from the Capital Regional District for consent to adopt “CRD Bylaw No. 4058, Capital Regional District Climate Action and Adaptation Service Establishment Bylaw, 2008, Amendment Bylaw No. 1, 2016***

- Note – Acting Director of Corporate Services – CRD Bylaw No. 4058, Capital Regional District Climate Action and Adaptation Service Establishment Bylaw, 2008, Amendment Bylaw No. 1, 2016
- Corresp. – Capital Regional District, March 3, 2016

Discussion ensued regarding the appropriateness of the increase in taxes that the adoption of the bylaw would create and whether or not saying ‘no’ to the increase outweighs the importance of providing funds for ongoing research into the ramifications of climate change.

MOVED and seconded: That the correspondence from the Capital Regional District regarding CRD Bylaw No. 4058 be received.

DEFEATED

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

MOVED and seconded: That consent be given to the adoption of CRD Bylaw No. 4058: Capital Regional District Climate Action and Adaptation Service Establishment Bylaw, 2008, Amendment Bylaw No. 1, 2016, in accordance with Section 349 of the *Local Government Act*, as requested in correspondence dated March 2, 2016, from the CRD, and that Council direct staff to provide correspondence to the effect to the CRD.

CARRIED

Councillors Braithwaite, Murdoch and Zhelka against the motion

MOVED and seconded: That the meeting go beyond 10:30 p.m.

CARRIED

Councillor Zhelka left the meeting at 10:32 PM

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

25. ***Oak Bay 110th Birthday Celebration***

MOVED and seconded: That Council expresses its interest in holding a celebration for Oak Bay's 110th anniversary on July 2nd and that the Heritage Commission, Heritage Foundation and Parks Recreation and Culture commission be encouraged to consider appropriate festivities.

CARRIED

Councillor Zhelka returned to the meeting at 10:34 p.m.

Report on the Capital Regional District

The Mayor drew Council's attention to the recent resolution by the CRD board to proceed with a plan to create two separate treatment plants for liquid waste rather than just one as previously planned, the sites being at McLoughlin Point and Clover Point, with Clover Point being the larger plant. He noted that Victoria and Esquimalt councils are reviewing the plan and that since the original plan was for a one-plant project, having two plants as part of the project might necessitate a new application to the federal government and might also require a new application to the provincial government.

RESOLUTIONS

26. ***Attendance at Mayors' Caucus***

- Resolution Notice – Attendance at Mayors' Caucus
- Invitation – Mayors' Caucus

MOVED and seconded: That Council approve payment of the registration fee of \$200.00 and related travel expenses for Mayor Nils Jensen to attend the ***BC Mayors' Caucus Conference*** that will be held in Fort St. John, BC, May 1 – 3, 2016.

CARRIED

ADJOURNMENT:

27. ***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 information that concerns 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; 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; labour relations or other employee relations; and litigation or potential litigation affecting the municipality.

CARRIED

The meeting adjourned at 10:42 PM.

Certified Correct:

Acting Mayor

Acting Director of Corporate Services