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, Oak Bay, B.C., on Monday March 23, 2015 at 7:30 p.m.

PRESENT: Mayor N. Jensen, Chair

Councillor H. Braithwaite

Councillor T. Croft Councillor M. Kirby Councillor K. Murdoch Councillor T. Ney Councillor E. W. Zhelka

STAFF: Chief Administrative Officer, H. Koning

Municipal Clerk, L. Hilton

Deputy Municipal Clerk, M. Jones Municipal Treasurer, P. Walker

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

MINUTES AND REPORTS:

1. *Council, March 9, 2015*

MOVED by Councillor Ney

Seconded by Councillor Zhelka, That the minutes of the Council meeting held on Monday, March 9, 2015, be adopted.

CARRIED

2. Committee of the Whole, March 16, 2015

MOVED by Councillor Ney

Seconded by Councillor Murdoch, That the minutes of the Committee of the Whole meeting held on Monday, March 16, 2015, and the recommendations contained therein, be adopted.

CARRIED

MAYOR'S REMARKS:

3. The Mayor provided remarks on the following topics:

Tennis BC – Commendation to Municipal Staff

The Mayor noted that he had received correspondence from Tennis BC, commending the outstanding work done by the Oak Bay Recreation Centre's tennis coordinator on the 35th Anniversary New Year's Classic Tournament, which highlighted Mr. Bakker as an integral part of the event's success.

Centre for Civic Governance Forum - High Ground: Tools for Inspired Leaders

Mayor Jensen stated that he and Councillor Zhelka had attended the Centre for Civic Governance Forum - High Ground: Tools for Inspired Leaders. The Forum, he noted, provided valuable insight with respect to community building.

PUBLIC PARTICIPATION PERIOD:

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

Kristy Kilpatrick, Oak Bay resident, expressed her concerns regarding the issue of reducing speed limits in the Municipality in order to reduce the number of deer/vehicle collisions, emphasizing that public safety was one of the primary reasons given for the deer cull. Ms. Kilpatrick commented that signage and speed limits were a municipal responsibility, noting that this has not been sufficiently addressed to date and that she has not received an adequate response as to why this is the case. She concluded her remarks by stating that she is now making a formal request that these issues be addressed.

William Jessie, Oak Bay resident, commented that he is concerned regarding the costs of the deer cull and questioned why the final budget increased from \$10,000 to \$16,000.

COMMUNICATIONS:

- 5. Greater Victoria Public Library 2015 Budget and Five Year Financial Plan
 - Note Municipal Clerk Greater Victoria Public Library Budget 2015
 - Correspondence Greater Victoria Public Library, Feb. 20, 2015

From the Greater Victoria Public Library, the following representatives were in attendance for this item: Maureen Sawa, Chief Executive Officer; Lynne Jordan, Deputy Chief Executive Officer; and Donna Phillips, Finance Manager.

<u>Maureen Sawa, Greater Victoria Public Library, Chief Executive Officer</u>, provided an overview of the 2015 Budget for the Greater Victoria Public Library.

MOVED by Councillor Braithwaite

Seconded by Councillor Murdoch, That Oak Bay's share of the 2015 operating budget for the Greater Victoria Public Library in the amount of \$1,002,255.00 be approved.

- 6. Special Event Application Request for Temporary Occupancy of Roadways, April 26, 2015
 - Note Municipal Clerk TC Half Marathon, April 26, 2015
 - Sp Event App TC Half Marathon Event date, April 26, 2015

MOVED by Councillor Braithwaite

Seconded by Councillor Kirby, That the occupancy of roadways on April 26, 2015 for the purposes of holding a running race as described in the submission from the Victoria International Running Society dated January 31, 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 providing 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

7. Special Event Application - Request for Temporary Occupancy of Roadways and Willows Park, July 19, 2015

- Memo Municipal Clerk, Mar. 18, 2015
- Sp Event App Oak Bay Eliminator Triathlon Event date July 19, 2015
- Additional Information from Parks & Recreation Commission Meeting March 4, 2015 regarding the Oak Bay Eliminator Triathlon

The Municipal Clerk provided an overview of her Mar. 18, 2015 memorandum noting in staff's opinion the proposed Oak Bay Eliminator Triathlon does represent the commercial use of a park and of public streets, which is prohibited by bylaw.

A discussion ensued in which members of Council considered the content of the application. It was noted that, although there were beneficial elements to the proposal, approval would be in contravention of the regulations as written. Changes to the regulations around commercial activity in a park could also be problematic, it was acknowledged.

In response to questions from Council, the Municipal Clerk clarified that, unlike other events approved by the District in the past, this event is being run by a business whose primary commercial purpose is to run athletic events. Previously approved events, she noted, are organized by non-profit societies, specifically created to run the athletic events.

MOVED by Councillor Murdoch

Seconded by Councillor Zhelka, That, having determined it would constitute commercial use of a park and public streets and would therefore not be permitted under the Zoning Bylaw and Streets and Traffic Bylaw, the application by the Victoria Sexual Assault Centre and Human Powered Racing to hold a triathlon on Oak Bay streets and in Willows Park on July 19, 2015, be denied

8. Oak Bay Heritage Commission (H Comm) Minutes

- Note Municipal Clerk H Comm Minutes, Mar. 10, 2015
- Minutes OB Heritage Commission, Mar. 10, 2015

MOVED by Councillor Braithwaite

Seconded by Councillor Murdoch, That the minutes of the Oak Bay Heritage Commission meeting held on March 10, 2015 be received.

CARRIED

9. Grant Opportunity - Federal Gas Tax Fund Strategic Priorities Fund

• Report - Director of Engineering Services, Mar. 10, 2015

MOVED by Councillor Kirby

Seconded by Councillor Croft, That staff be authorized to submit an application to the Union of BC Municipalities for a grant for funding of three years worth of roads work as identified in Oak Bay's Pavement Management Program at an estimated cost of \$3.9 million and for funding of the engineering design costs and public outreach costs for the Uplands Sewer Separation Project at an estimated cost of \$1.5 million.

CARRIED

10. Development Variance Permit (DVP) Application - 572 Island Road

- Report Director of Building & Planning, Mar. 17, 2015
- Plans DVP 572 Island Rd revd, Mar 9. 2015

The Director of Building and Planning provided an overview of the process to date with respect to the Development Variance Permit application for 572 Island Road.

MOVED by Councillor Kirby

Seconded by Councillor Murdoch, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 572 Island Road (Lot 3, Section 22, Victoria District, Plan VIS2473) varying the following provisions of Bylaw No. 3531 *Zoning Bylaw, 1986*, as amended:

Zoning Bylaw Section	Permitted	Requested	Variance
6.4.4.(6)(a) Maximum gross floor area above .8meters below grade	300 m²	415 m²	115 m²
6.4.4.(6)(a) Maximum gross floor area	420 m²	602 m²	182 m²

To accommodate the floor area with the addition of a closet, bathroom and small deck on the upper two floors and an additional patio area under the rear deck as shown on the plans appended to the March 23, 2015 Council agenda.

MOVED by Councillor Kirby

Seconded by Councillor Murdoch, That the motion in respect to the development variance permit for 572 Island Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

COMMUNICATIONS - REQUESTS FOR FINANCIAL ASSISTANCE

11. Request for Financial Assistance - Crisis Intervention and Public Information Society of Greater Victoria dba NEED2 Suicide Prevention Education and Support

- Note Municipal Clerk NEED2 Suicide Prevention Education & Support Request for Financial Assistance
- Correspondence NEED2 Suicide Prevention Education & Support, Feb 25, 2015

From NEED2 Suicide Prevention Education and Support, the following representatives were in attendance for this item: Justine Thompson, Executive Director and Jane Arnott, retiring Executive Director.

<u>Justine Thompson, NEED2 Suicide Prevention Education and Support, Executive Director,</u> responded to Council's questions with respect to NEED2's suicide prevention activities at within the District of Oak Bay and the funding challenges for volunteer organizations which provide mental health services.

It was noted that this request for financial assistance has already been sent forward to the Estimates Committee.

12. Requests for Financial Assistance

Memo - Municipal Clerk, Mar. 16

Mayor Jensen provided an overview of the process with respect to the remaining requests for financial assistance.

13. Request for Financial Assistance - City of Victoria

- Note Municipal Clerk City of Victoria Request for Financial Assistance
- Correspondence City of Victoria

MOVED by Councillor Braithwaite

Seconded by Councillor Murdoch, That the request for financial assistance from the City of Victoria in the amount of \$1,000.00 be referred to Council's Estimates Committee for consideration during budget deliberations.

14. Request for Financial Assistance - Communica Dialogue and Resolution Services Society

- Note Municipal Clerk Communica Dialogue and Resolution Services Society Request for Financial Assistance
- Correspondence Communica Dialogue and Resolution Services Society

MOVED by Councillor Murdoch

Seconded by Councillor Braithwaite, That the request for financial assistance from the Communica Dialogue and Resolution Services Society in the amount of \$4,000.00 be received for information.

CARRIED

15. Request for Financial Assistance - InspireHealth Society

- Note Municipal Clerk InspireHealth Society Request for Financial Assistance
- Correspondence InspireHealth Society

MOVED by Councillor Kirby

Seconded by Councillor Braithwaite, That the request for financial assistance from the InspireHealth Society in the amount of \$20,000.00 be received for information.

CARRIED

16. Request for Financial Assistance - Oak Bay Sea Rescue Society

- Note Municipal Clerk Oak Bay Sea Rescue Society Request for Financial Assistance
- Correspondence Oak Bay Sea Rescue Society

From the Oak Bay Sea Rescue Society, Terry Calveley, President, was in attendance.

<u>Terry Calveley, Oak Bay Sea Rescue Society, President, provided an overview of the Society's request.</u>

MOVED by Councillor Braithwaite

Seconded by Councillor Ney, That the request for financial assistance from the Oak Bay Sea Rescue Society in the amount of \$2,500.00 be referred to Council's Estimates Committee for consideration during budget deliberations.

CARRIED

17. Request for Financial Assistance - Volunteer Victoria

- Note Municipal Clerk Volunteer Victoria Request for Financial Assistance
- Correspondence Volunteer Victoria

From Volunteer Victoria, Lisa Mort-Putland, Executive Director, was in attendance.

<u>Lisa Mort-Putland, Volunteer Victoria, Executive Director,</u> provided an overview of Volunteer Victoria's request. Ms. Mort-Putland also responded to questions regarding the different services provided by Volunteer Victoria and Oak Bay Volunteer Services.

MOVED by Councillor Zhelka

Seconded by Councillor Ney, That the request for financial assistance from Volunteer Victoria in the amount of \$1,400.00 be referred to Council's Estimates Committee for consideration during budget deliberations.

CARRIED

18. Request for Financial Assistance - Bipolar Disorder Society of British Columbia

- Note Municipal Clerk Bipolar Disorder Society of BC Request for Financial Assistance
- Correspondence Bipolar Disorder Society of British Columbia

From the Bipolar Disorder Society of British Columbia, Andrea Paquette, Executive Director, was in attendance.

Andrea Paquette, Bipolar Disorder Society of British Columbia, Executive Director, provided an overview of the Society's request. Ms. Paquette also responded to questions regarding the Society's activities at within the District of Oak Bay, the funding challenges for volunteer organizations which provide mental health services and the different nature of the services provided by the Society and NEED2 Suicide Prevention Education and Support.

MOVED by Councillor Murdoch

Seconded by Councillor Braithwaite, That the request for financial assistance from the Bipolar Disorder Society of British Columbia in the amount of \$5,000.00 be referred to Council's Estimates Committee for consideration during budget deliberations.

CARRIED

19. Request for Financial Assistance - Friends of Uplands Park (FOUP)

- Note Municipal Clerk FOUP Request for Financial Assistance
- Correspondence FOUP Request for Financial Assistance, Operational Budget
- Correspondence FOUP Request for Financial Assistance, Cattle Point Marine Kiosk Special Project
- Correspondence FOUP Request for Financial Assistance, Supporting Documents

From the Friends of Uplands Park, Margaret Lidkea, Kathleen Matthews, and Chris Garrett were in attendance.

The representatives for the Friends of Uplands Park provided an overview of their application and responded to questions from Council regarding their operating costs and the funding for the Cattle Point Marine Kiosk.

MOVED by Councillor Kirby

Seconded by Councillor Ney, That the following requests for financial assistance from the Friends of Uplands Park be referred to Council's Estimates Committee for consideration during budget deliberations:

- 1. Operational budget of \$2,000.00; and
- 2. Cattle Point Marine Kiosk Special Project budget of \$5,000.00.

CARRIED

20. Request for Financial Assistance - Community Association of Oak Bay (CAOB)

- Note Municipal Clerk CAOB Request for Financial Assistance
- Correspondence CAOB Request for Financial Assistance, Operational Budget
- Correspondence CAOB Request for Financial Assistance, Sno'uyutth Welcome Pole Project
- Correspondence CAOB Request for Financial Assistance, Supporting Documents
- ADDENDA Additional Correspondence CAOB Request for Financial Assistance, Sno'uyutth Welcome Pole Project

From the Community Association of Oak Bay, Kris Nichols and Joseph Blake were in attendance.

<u>Kris Nichols, Community Association of Oak Bay</u>, provided an overview Association's requests noting that the funding for the operational budget would be used for community engagement events, similar to those undertaken during the Official Community Plan process.

<u>Joseph Blake, Community Association of Oak Bay</u>, provided an overview of the fundraising events for the Sno'uyutth Welcome Pole Project.

MOVED by Councillor Kirby

Seconded by Councillor Ney, That the request for financial assistance from the Community Association of Oak Bay for operating funds in the amount of \$2,670.00 be referred to Council's Estimates Committee for consideration during budget deliberations.

CARRIED

MOVED by Councillor Kirby

Seconded by Councillor Ney, That the request for financial assistance from the Community Association of Oak Bay for the Sno'uyutth Welcome Pole Project in the amount of \$13,813.00 be referred to Council's Estimates Committee for consideration during budget deliberations.

Questions were raised regarding funding that had already been received by the CAOB for the Welcome Pole and the potential for the operating funds to also be used for the Pole, and members of the CAOB responded in this regard.

The question was then called.

CARRIED

Councillors Braithwaite, Murdoch and Zhelka against the motion

It was agreed that the budget for the Welcome Pole would be provided by the CAOB prior to the Estimates Committee meetings for the Committee's consideration when reviewing the grant requests.

NEW BUSINESS/CAPITAL REGIONAL DISTRICT/REPORTS FROM OTHER COMMITTEES:

21. Reports from Other Committees

Verbal reports were provided from members of Council with respect to the Oak Bay Heritage Commission, the Environmental Advisory Committee, Tsunami Awareness Week, and the Floor Area Review Committee. It was also noted that an update on the traffic study for the District would be appreciated.

Reports on the Capital Regional District (CRD)

Verbal report was provided with respect to the Core Area Liquid Waste Management Committee.

RESOLUTIONS:

22. Development Variance Permit (DVP) Application - 2301 Lansdowne Road

- Resolution Notice DVP 2301 Lansdowne Road
- Plans DVP 2301 Lansdowne Rd rcvd, Jan. 30, 2015

MOVED by Councillor Murdoch

Seconded by Councillor Croft, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2301 Lansdowne Road (Lot 35, Section 31, Victoria District, Plan 7700) varying the following provisions of Bylaw No. 3531 *Zoning Bylaw*, 1986, as amended:

Zoning Bylaw Section	Required	Requested	<u>Variance</u>
4.15.1	< 25%	42.9 %	17.9 %
Maximum paved surface (front yard)	54 m^2	92.71 m^2	38.68 m^2

to accommodate the construction of a second driveway as shown on the plans appended to the March 16, 2015 Committee of the Whole agenda item number 5, being a memorandum from the Director of Building and Planning dated March 11, 2015.

MOVED by Councillor Murdoch

Seconded by Councillor Croft, That the motion in respect to the development variance permit for 2301 Lansdowne Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

23. Development Variance Permit (DVP) Application - 3611 Cadboro Bay Road

- Resolution Notice DVP -3611 Cadboro Bay Road
- Plans DVP 3611 Cadboro Bay Rd, rcvd, Feb. 3, 2015

MOVED by Councillor Murdoch

Seconded by Councillor Croft, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 3611 Cadboro Bay Road (Lot 2, Block 2, Section 31, Victoria District, Plan 1216A except Parcel A (DD 47977W)) varying the following provisions of Bylaw No. 3531 *Zoning Bylaw, 1986*, as amended:

Zoning Bylaw Section	Required	Requested	<u>Variance</u>
4.15.1 Maximum paved surface (front yard)	$<25\%$ 65 m^2	37.5% 136 m ²	12.5% 71 m ²
4.17.1 Retaining wall height	< 1.20 m	2.4 m 2.5 m 1.6 m	1.2 m 1.3 m 0.4 m
4.17.2 and 4.17.3 Retaining wall combination	< 1.2 m	2.6 m 2.4 m 2.5 m	1.4 m 1.2 m 1.3 m

to accommodate the construction of a single family dwelling as shown on the plans appended to the March 16, 2015 Committee of the Whole agenda item number 10, being a memorandum from the Director of Building and Planning dated March 11, 2015.

MOVED by Councillor Murdoch

Seconded by Councillor Croft, That the motion in respect to the development variance permit for 3611 Cadboro Bay Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

24. Development Variance Permit (DVP) Application - 687 Island Road

- Resolution Notice DVP 687 Island Road
- Plans DVP 687 Island Rd rcvd, Feb. 3, 2015

MOVED by Councillor Murdoch

Seconded by Councillor Croft, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 687 Island Road (Lot 18, Section 22, Victoria District, Plan 2994) varying the following provisions of Bylaw No. 3531 *Zoning Bylaw*, 1986, as amended:

Zoning Bylaw Section	Required	Requested	<u>Variance</u>
6.5.4.(7) Space between buildings	3.00 m	1.85 m	1.15 m

6.5.4.(8)

Side lot line setback 1.52 m 0.82 m 0.70 m

to accommodate the construction of an accessory building as shown on the plans appended to the March 16, 2015 Committee of the Whole agenda item number 11, being a memorandum from the Director of Building and Planning dated March 11, 2015.

MOVED by Councillor Murdoch

Seconded by Councillor Croft, That the motion in respect to the development variance permit for 687 Island Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

25. 2015 Grant Application Policy

- Resolution Notice Grant Policy
- Grant Policy Working Group 2015 Report

Councillor Croft circulated an amended version of the Grant Application Policy that he proposed be considered by Council.

MOVED by Councillor Kirby

Seconded by Councillor Ney, That the revised version of the Grant Application Policy, prepared by Councillor Croft, be brought forward to the Committee of the Whole for consideration.

A discussion ensued with respect to the proposed Grant Application Policy, in which some members of Council expressed concern that the amendments to the initial version of the Policy could provide needed direction during deliberations regarding grants. However, it was the view of the majority that it could be useful to use the current version of the proposed policy during the current budget cycle with the understanding that it would be reviewed afterwards for potential updates as needed.

The question on the motion was then called.

DEFEATED

Councillors Kirby and Croft in support

MOVED by Councillor Braithwaite

Seconded by Councillor Murdoch, That the Grant Application Policy be adopted, as more particularly described in the Grant Policy Working Group 2015 Report, attached to the resolution printed for the purposes of the March 23, 2015 Council meeting agenda and that the Policy be reviewed following the 2015 Estimates Committee.

26. Community Heritage Register - 1220 Transit Road

- Resolution Notice Community Heritage Register Addition 1220 Transit Road
- Statement of Significance 1220 Transit Road

MOVED by Councillor Murdoch

Seconded by Councillor Zhelka, That the statement of significance on the Oak Bay Community Heritage Register for 1220 Transit Road be revised, as attached to the resolution printed for the purposes of the March 23, 2015 Council meeting agenda.

CARRIED

27. Community Heritage Register - 2470 Bowker Avenue

- Resolution Notice Community Heritage Register Addition 2470 Bowker Avenue
- Statement of Significance 2470 Bowker Avenue

MOVED by Councillor Murdoch

Seconded by Councillor Zhelka, That the Oak Bay Community Heritage Register be augmented by adding the real property, 2470 Bowker Avenue, as more particularly described in the Statement of Significance attached to the resolution printed for the purposes of the March 23, 2015 Council meeting agenda.

CARRIED

BYLAWS:

28. Bylaw Memorandum

• Memo - Municipal Clerk, Mar. 18, 2015

29. For First and Second Reading and Setting of a Public Hearing Date - Bylaw No. 4635, 2470 Bowker Avenue Heritage Designation Bylaw, 2015

• Bylaw No. 4635, 2470 Bowker Avenue Heritage Designation Bylaw, 2015

MOVED by Councillor Braithwaite

Seconded by Councillor Croft, That Bylaw No. 4635, 2470 Bowker Avenue Heritage Designation Bylaw, 2015, be introduced and read a first time.

CARRIED

MOVED by Councillor Braithwaite

Seconded by Councillor Croft, That Bylaw No. 4635, 2470 Bowker Avenue Heritage Designation Bylaw, 2015, be read a second time.

MOVED by Councillor Braithwaite

Seconded by Councillor Croft, That a public hearing on Bylaw No. 4635 be held at the Oak Bay Municipal Hall, on April 13, 2015, at 7:30 p.m., and that notice be given in accordance with the Local Government Act.

CARRIED

30. For First and Second Reading and Setting of a Public Hearing - Bylaw No. 4636, 1220 Transit Road Heritage Designation Bylaw, 2015

- Bylaw No. 4636, 1220 Transit Road Heritage Designation Bylaw, 2015
- Bylaw No. 4636, 1220 Transit Road Heritage Designation Bylaw, 2015, Appendices to Schedule A

MOVED by Councillor Braithwaite

Seconded by Councillor Murdoch, That Bylaw No. 4636, 1220 Transit Road Heritage Designation Bylaw, 2015, be introduced and read a first time.

CARRIED

MOVED by Councillor Braithwaite

Seconded by Councillor Murdoch, That Bylaw No. 4636, 1220 Transit Road Heritage Designation Bylaw, 2015, be read a second time.

CARRIED

MOVED by Councillor Braithwaite

Seconded by Councillor Murdoch, That a public hearing on Bylaw No. 4636 be held at the Oak Bay Municipal Hall, on April 13, 2015, at 7:30 p.m., and that notice be given in accordance with the Local Government Act.

CARRIED

ADJOURNMENT:

31. Motion to Adjourn to In Camera Session

MOVED by Councillor Braithwaite

Seconded by Councillor Zhelka, That the open portion of the meeting of Council be adjourned and that a closed session be convened to discuss: information that is 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 10:35 p.m.

District of Oak Bay Council Meeting March 23, 2015

Certified Correct		
Municipal Clerk	Mayor	