

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 9, 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, February 10, 2015 and February 23, 2015***

MOVED by Councillor Ney

Seconded by Councillor Croft, That the minutes of the Council meeting held on Tuesday, February 10, 2015 and on Monday February 23, 2015, be adopted.

CARRIED

2. ***Committee of the Whole, February 16, 2015***

MOVED by Councillor Braithwaite

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

CARRIED

MAYOR'S REMARKS:

3. ***Painting by Ted Harrison in the National Gallery***

Mayor Jensen provided an update with respect to the initiative to encourage the National Gallery to include a painting by Ted Harrison in the collection.

PUBLIC PARTICIPATION PERIOD:

4. Kristy Kilpatrick, Oak Bay resident, expressed regret that the Mayor would not be making any announcements regarding deer at tonight's meeting. She spoke in regards to the Mayor's comments on deer/vehicle collisions and questioned what action has been or will be undertaken to reduce speed limits in order to decrease collision rates.

Edith Roslie, Saanich resident, drew Council's attention to an article commenting on the deer cull in this month's edition of Focus, and encouraged Council members to read the article and requested that a copy be included in the municipal records relating to deer correspondence.

COMMUNICATIONS:

5. ***Grant Opportunity for Asset Management Planning Program***
- Report - Municipal Treasurer, Feb. 22, 2015

MOVED by Councillor Braithwaite

Seconded by Councillor Kirby, That staff be authorized to submit an application to the Union of BC Municipalities for a grant to fund half of the estimated \$20,000 cost to assess how the District's assets are currently managed and prepare a plan for the implementation of corporate wide asset management for the District of Oak Bay, and further, that staff be directed to include Oak Bay's share of the cost of the project in the Financial Plan to be adopted by Council following the conclusion of the 2015 Estimates Committee process.

CARRIED

6. ***Special Event Application - Request for Commercial Activity in Willows Park, July 18, 2015***
- Note - Municipal Clerk - MEC Paddlefest, July 18, 2015
 - Sp Event App - MEC Paddlefest - Event date July 18, 2015

Elizabeth Brady, Outreach Coordinator, MEC Victoria, was in attendance for this item

MOVED by Councillor Murdoch

Seconded by Councillor Zhelka, That the occupancy of Willows Park on July 18, 2015 for the purposes of holding an event including the sale of goods and refreshments as described on the application from MEC received January 7, 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; 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.

After providing an overview of the proposed event, Ms. Brady responded to questions from Council regarding the fundraising efforts undertaken in the past, noting that she could provide an update on this information following the meeting.

The question was then called.

CARRIED

7. ***Special Event Application - Request for Temporary Occupancy, Greenspace and Parking Bay Oak Bay Municipal Hall, April 4, 2015***
- Note - Municipal Clerk - BIA - Easter Event, April 4, 2015
 - Sp Event App - BIA Easter Event - Event date Apr. 4, 2015

Heather Leary, representing the Oak Bay Business Improvement Association, was in attendance

MOVED by Councillor Braithwaite

Seconded by Councillor Ney, That the occupancy of the green space and 4 stalls on the east side of the parking lot behind Oak Bay Municipal Hall on April 4, 2015 for the purposes of holding an Easter event, be approved as described in the application from the Oak Bay Business Improvement Association received February 26, 2015, 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 Municipal Clerk being authorized to execute such agreement on behalf of the District of Oak Bay.

CARRIED

8. ***Oak Bay Business Improvement Association - 2015 Budget and Business Plan***
- Note - Municipal Clerk - Oak Bay Business Improvement Association - Budget 2015
 - Correspondence - Oak Bay Business Improvement Association, Mar. 2, 2015

Heather Leary, representing the Oak Bay Business Improvement Association, was in attendance

MOVED by Councillor Croft

Seconded by Councillor Murdoch, That Council approve the budget submitted by the Oak Bay Business Improvement Association for the 2015 calendar year as outlined in the March 2, 2015 correspondence from the Oak Bay Business Improvement Association, with the budget incorporating on the revenue side a grant from the Municipality in the amount of \$80,000 to be recovered by means of a local service tax in that amount.

Ms. Leary responded to questions from Council, commenting that she would bring Council's

inquiry regarding funding for the Oak Bay Arts Laureate, at \$2,500 annually, forward to the Annual General Meeting of the Oak Bay Business Improvement Association.

The question was then called.

CARRIED

9. ***Membership Annual Dues - Federation of Canadian Municipalities***

- Note - Municipal Clerk - Federation of Canadian Municipalities, Annual Membership Dues
- Correspondence - Federation of Canadian Municipalities, Nov. 25, 2014

MOVED by Councillor Murdoch

Seconded by Councillor Braithwaite, That payment of the invoice for the 2015-2016 Federation of Canadian Municipalities membership dues in the amount of \$2,846.70 (which excludes the optional travel contribution) be approved.

CARRIED

COMMUNICATIONS – REQUESTS FOR FINANCIAL ASSISTANCE:

10. ***Requests for Financial Assistance***

- Memo - Municipal Clerk, Mar. 4, 2015

Mayor Jensen provided an overview of the grant and budgetary process.

11. ***Request for Financial Assistance - Maritime Museum of British Columbia***

- Note - Municipal Clerk - Maritime Museum - Request for Financial Assistance
- Correspondence - Maritime Museum of British Columbia, Feb. 6, 2015

Clay Evans, Maritime Museum, provided an overview of the Museum's grant request and activities.

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, That the request for financial assistance from the Maritime Museum in the amount of \$1,500.00 be referred to Council's Estimates Committee for consideration during budget deliberations.

CARRIED

12. ***Request for Financial Assistance - Bike to Work Society***

- Note - Municipal Clerk - Greater Victoria Bike to Work Society - Request for Financial Assistance
- Correspondence - Greater Victoria Bike to Work Society, Feb. 19, 2015

A representative of the Greater Victoria Bike to Work Society provided an overview of the Society's grant request and responded to questions from Council with regards to funds received from other municipalities and the cost of hosting a "celebration station".

MOVED by Councillor Kirby

Seconded by Councillor Murdoch, That the request for financial assistance from the Greater Victoria Bike to Work Society in the amount of \$2,000.00 be referred to Council's Estimates Committee for consideration during budget deliberations.

Members of Council requested that further information be provided in advance of the Estimates Committee meetings on the potential loss from t-shirt fundraising efforts and the inclusion of volunteer labour when determining income.

The question was then called.

CARRIED

13. ***Request for Financial Assistance - Oak Bay Volunteer Services***

- Note - Municipal Clerk - Oak Bay Volunteer Services - Request for Financial Assistance
- Correspondence - Oak Bay Volunteer Services, Feb. 20, 2015

Joan Halvorsen, Oak Bay Volunteer Services, responded to questions from Council with respect to salary costs and the endowment funding.

MOVED by Councillor Braithwaite

Seconded by Councillor Zhelka, That the request for financial assistance from the Oak Bay Volunteer Services in the amount of \$28,000.00 be referred to Council's Estimates Committee for consideration during budget deliberations.

CARRIED

14. ***Request for Financial Assistance - St. John Ambulance***

- Note - Municipal Clerk - St John Ambulance - Request for Financial Assistance
- Correspondence - St. John Ambulance Volunteer Brigade, Feb. 23, 2015

Ross Nichols, St. John Ambulance, was in attendance to respond to questions.

MOVED by Councillor Murdoch

Seconded by Councillor Braithwaite, That the request for financial assistance from St. John Ambulance in the amount of \$600.00 be referred to Council's Estimates Committee for consideration during budget deliberations.

CARRIED

15. ***Request for Financial Assistance - Oak Bay Heritage Foundation***

- Note - Municipal Clerk - Oak Bay Heritage Foundation - Request for Financial Assistance
- Correspondence - Oak Bay Heritage Foundation, Feb. 25, 2015

The Municipal Clerk responded to questions with respect to the Heritage Foundation's funding of the Community Association of Oak Bay's Welcome Pole Project at the Oak Bay High School,

noting that the Foundation's mandate appeared to be broad enough to allow for contributing funds to this project.

MOVED by Councillor Kirby

Seconded by Councillor Murdoch, That the request for financial assistance from Oak Bay Heritage Foundation in the amount of \$5,000.00 be referred to Council's Estimates Committee for consideration during budget deliberations.

Members of Council requested that further information be provided in advance of the Estimates Committee meetings on the Foundation's long-term financial planning, given their substantial surplus.

The question was then called.

CARRIED

16. ***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 & Support - Request for Financial Assistance
- Correspondence - NEED2 Suicide Prevention Education & Support, Feb 25, 2015

MOVED by Councillor Kirby

Seconded by Councillor Croft, That the request for financial assistance from NEED2 Suicide Prevention Education and Support in the amount of \$1,000.00 be referred to Council's Estimates Committee for consideration during budget deliberations.

A discussion ensued with respect to the request for financial assistance, with some members of Council question if this organization would be better funded through Provincial bodies with a health mandate, while other members emphasized the import work undertaken by NEED2.

The question was then called.

CARRIED

MOVED by Councillor Murdoch

Seconded by Councillor Braithwaite, That representatives of NEED2 Suicide Prevention Education and Support be requested to attend the next meeting of Council to discuss their request for financial assistance.

CARRIED

17. ***Request for Financial Assistance - Help Fill a Dream Foundation***

- Note - Municipal Clerk - Help Fill a Dream Foundation - Request for Financial Assistance
- Correspondence - Help Fill a Dream Foundation, Feb. 26, 2015

Craig Smith, Help Fill a Dream Foundation, provided an overview of the Foundation's grant request and then responded to questions from Council with respect to the assistance offered by the

Foundation and the reasons why Council should consider providing funding this year when it has not in the past.

MOVED by Councillor Kirby

Seconded by Councillor Murdoch, That the request for financial assistance from the Help Fill a Dream Foundation in the amount of \$2,000.00 be referred to Council's Estimates Committee for consideration during budget deliberations.

CARRIED

18. ***Request for Financial Assistance - Vancouver Island South Film & Media Commission***

- Note - Municipal Clerk - Vancouver Island South Film & Media Commission - Request for Financial Assistance
- Correspondence - Vancouver Island South Film & Media Commission, Feb. 27, 2015

Kathleen Gilbert, Vancouver Island South Film & Media Commission, provided an overview of the Commission's request for financial assistance, noting that the request was for \$5,000.00 not \$10,000.00. Ms. Gilbert also provided an update on the Commission's current activities.

MOVED by Councillor Braithwaite

Seconded by Councillor Croft, That the request for financial assistance from the Vancouver Island South Film and Media Commission 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 - Oak Bay Music Society***

- Note - Municipal Clerk - Oak Bay Music Society - Request for Financial Assistance
- Correspondence - Oak Bay Music Society, Feb. 27, 2015

Erik Abbink, Oak Bay Music Society, provided an overview of the Society's request for financial assistance and upcoming activities. Mr. Abbink also responded to questions from Council regarding the concept for the Society and provided clarification with respect to the Society's balance sheet.

MOVED by Councillor Murdoch

Seconded by Councillor Braithwaite, That the request for financial assistance from the Oak Bay Music Society in the amount of \$1,500.00 be referred to Council's Estimates Committee for consideration during budget deliberations.

CARRIED

CORRESPONDENCE – UPCOMING AGENDA ITEM(S):

20. ***Correspondence - Development Variance Permit (DVP) Application for 946 Byng Street***
- Corresp up to Mar. 6, 2015 - DVP application - 946 Byng St.
 - Corresp Mar. 7 - 9, 2015 - DVP application - 946 Byng St.
21. ***Correspondence - Development Variance Permit (DVP) Application for 1960 Bowker Place***
- Corresp up to Mar. 6, 2015 - DVP application - 1960 Bowker Pl.

MOVED by Councillor Murdoch

Seconded by Councillor Kirby, That the correspondence listed under agenda items 20 and 21 be received.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

22. ***Reports on the Capital Regional District (CRD)***

Verbal reports were provided on the Core Area Liquid Waste Management Committee (CALWMC) and on the CRD's management of kitchen scraps.

It was noted that, along with the City of Victoria and District of Saanich, the District of Oak Bay had been asked to provide potential sites for sewage treatment within the municipality for consideration by CALWMC.

MOVED by Councillor Murdoch

Seconded by Councillor Braithwaite, That staff be directed to identify possible sites for a sewage treatment plant and report back to Council at an upcoming In Camera meeting.

CARRIED

New Business/Other Verbal Reports

Verbal reports were provided on the following: the rummage sale at the Monterey Centre; the music series at the Oak Bay Recreation Centre; the Oak Bay Tourism branding session; the Oak Bay Heritage talk series; activities at the Greater Victoria Public Library; the status of both the Grants Criteria Task Force and the Floor Area Review Committee; the Emergency Operations Centre training offered by the District of Sooke; and the Young Exceptional Star (YES) awards.

TABLED RESOLUTIONS:

23. ***Development Variance Permit (DVP) Application - 1960 Bowker Place***

- Tabled Resolution Notice - DVP - 1960 Bowker Place
- Plans - DVP - 1960 Bowker Ave - rcvd Nov13, 2014

Moved by Councillor Braithwaite

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 1960 Bowker Place (Lot 25, Section 61, Victoria District, Plan 4053) varying the following provisions of Bylaw No. 3531 Zoning Bylaw, 1986, as amended:

<u>Zoning Bylaw Section</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.5.4.(3)(b) Maximum occupiable height (second floor)	4.57 m	4.75 m	0.18 m
6.5.4.(3)(b) Maximum occupiable height (attic floor)	4.57 m	7.15 m	2.58 m
6.5.4.(6)(b) Maximum gross floor area above 0.8 meters below grade	300 m ²	482 m ²	182 m ²
6.5.4.(6)(b) Maximum gross floor area	420 m ²	482 m ²	62 m ²

to accommodate the floor area with the addition of a balcony as shown on the plans appended to the February 16, 2015 Committee of the Whole agenda item number 8, being a memorandum from the Director of Building and Planning dated February 3, 2015.

CARRIED

Gerry Troesch, designer, responded to questions from Council, clarifying that the proposed balcony is meant to provide the owners with an escape route in the event of a fire.

With respect to the potential covenant, it was noted that members of Council felt it would be acceptable for the potential covenant to be addressed later by staff during the building permit process.

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

CARRIED

24. **Development Variance Permit (DVP) Application - 946 Byng Street**

- Tabled Resolution Notice - DVP - 946 Byng Street
- Plans - DVP - 946 Byng St, rcvd Jan 2015

Rus Collins, Zebra Design, responded to questions from Council and to questions raised in correspondence, addressing concerns with respect to privacy, the size of the variance, the house colour, and the proposed dwelling's location on the property. Mr. Collins emphasized that the proposed variance and house design were in keeping with the surrounding neighbourhood and appropriate, given the size of the lot.

Moved by Councillor Murdoch

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 946 Byng Street (Lot 2, Section 22, Victoria District, Plan 7877) varying the following provisions of Bylaw No. 3531 Zoning Bylaw, 1986 as amended:

<u>Zoning Bylaw Section</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.5.4.(6)(b) Maximum gross floor area above 0.8 meters below grade	300 m ²	345.27 m ²	45.27 m ²

to accommodate the construction of a new single family dwelling as shown on the plans appended to February 16, 2015 Committee of the Whole agenda item number 9, being a memorandum from the Director of Building and Planning dated February 16, 2015.

CARRIED

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

CARRIED

25. **Development Variance Permit (DVP) Application - 1550 Yale Street**

- Tabled Resolution Notice - DVP -1550 Yale Street
- Plans - DVP - 1550 Yale St - rcvd Jan 7, 2015

Moved by Councillor Braithwaite

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 1550 Yale Street (Lot R, Block 2, Section 69, Victoria District, Plan 1297) varying the following provisions of Bylaw No. 3540, Parking Facilities Bylaw, 1986 and Bylaw No. 3531 Zoning Bylaw, 1986, as amended:

<u>Parking Facilities Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
4.7 + Schedule "A", A.1.(a)	2 spaces (one	2 spaces	No covered

<i>Minimum no. of parking spaces</i>	<i>must be in a building)</i>	<i>(none in a building)</i>	<i>parking provided</i>
<u>Zoning Bylaw Section</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
4.15.1	24 m ²	49.90 m ²	25.90 m ²
<i>Maximum paved surface (front yard)</i>			

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

CARRIED

A representative for the application was available to respond to questions.

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

CARRIED

ADJOURNMENT:

Motion to Adjourn

MOVED by Councillor Braithwaite

Seconded by Councillor Kirby, That the open portion of the Council meeting be adjourned and that a closed session be convened to discuss 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.

CARRIED

The meeting adjourned at 9:26 p.m.

Certified Correct

Municipal Clerk

Mayor