

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, May 9, 2016, at 7:00 PM.

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

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

ADOPTION OF AGENDA:

1. *Agenda as amended*

MOVED and seconded: That the amended agenda for the Council meeting for May 9, 2016, be adopted as circulated.

CARRIED

MINUTES AND REPORTS:

2. *Estimates Committee*

- March 9, 2016
- April 6, 2016
- April 13, 2016

MOVED and seconded: That the minutes of the Estimates Committee meetings of March 9, 2016, April 6, 2016, and April 13, 2016, and the recommendations contained therein be adopted.

Discussion ensued among Council regarding the status of the request for information about the scenario of a zero-per-cent increase in the Parks, Recreation and Culture Department budget; it was noted that such a reduction would result in significant service reductions, and that as services are reduced revenues decrease as a result.

The question was then called.

CARRIED

3. **Council**
- April 25, 2016

MOVED and seconded: That the minutes of the Council meeting held on Monday, April 25, 2016, be adopted.

CARRIED

MAYOR'S REMARKS:

4. The Mayor provided remarks on the following topics:

***Webcasting of Council meetings***

Mayor Jensen noted that the May 9 meeting was being recorded as part of the final testing of the newly-installed webcasting system. The system is expected to be on-line for the May 24 meeting.

***Directional drilling – Uplands Combined Sewer Separation Project***

The Mayor noted that an informational session regarding the issue of directional drilling as part of the Uplands Combined Sewer Separation Project will form part of the Committee of the Whole meeting scheduled for May 16, 2016.

***Cst. Klein-Beekman on Alexa's Team***

The Mayor said he had an opportunity to speak as part of the annual Alexa's Team recognition ceremony, which recognizes peace officers who are tasked with enforcing drunk driving laws. The event, named after Alexa Middelaer who was killed by an impaired driver in 2008, included Cst. Mike Klein-Beekman, a member of the Oak Bay Police Department, who for the past five years has been on Alexa's Team.

***Ministry consultation on sharing economy***

Mayor Jensen noted that Hon. Peter Fassbender, Minister of Community, Sport and Cultural Development, is currently undertaking a consultation on aspects of the 'sharing economy', including Uber, Lyft and Airbnb. He noted that the Minister is accepting written submissions on the issue.

***Mayors' Caucus in Fort St. John***

The Mayor noted that he attended the semi-annual BC Mayors' Caucus in Fort St. John and outlined a few of the issues that were raised, including the possible need for an integrity commissioner, affordable housing, the changes to the BC Building Code, and the potential for a review of land consideration protocols.

***Fort McMurray fire situation***

The Mayor extended best wishes to the people of Fort McMurray, those fighting the fires on their behalf and all those assisting the residents and firefighters.

PUBLIC PARTICIPATION PERIOD:

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

Esther Patterson, Oak Bay resident, outlined for Council several concerns about the budget and strategic planning processes. She noted that in January it was stated that the Oak Bay Strategic Plan was to be the basis of the estimates process and that there would be public consultation on the strategic planning process at a meeting of Committee of the Whole; however, that consultation did not take place. She further noted other concerns: consulting fees budgeted for without being tied to the magnitude of the projects; implementation of the asset management process; sharing services with other municipalities; and a lack of commentary on the key assumptions on the five-year financial plan, which was posted on the website May 3 and which is to get first three readings tonight. She felt that the processes undertaken by other municipalities were more robust.

Gerald Smeltzer, Oak Bay resident, outlined a number of issues he has identified with cycling in Oak Bay and noted that the District has more cyclists than other municipalities, that the cyclists are older than in other municipalities, and that there are fewer kilometres of bike lanes per capita here than in other municipalities.

Mayor Jensen noted that the District is close to appointing a new Director of Engineering and asked Mr. Smeltzer to get in touch once that person joins the District.

Cairine Green, Oak Bay resident, asked that the District keep the grass in the various alleys around Oak Bay cut to reduce the fire risk posed by uncut grass.

COMMUNICATIONS:

6. ***Special Event Application – Request for Temporary Occupancy of Roadways, Oct. 2, 2016***
- Note – Acting Director of Corporate Services – Canadian Breast Cancer Foundation CIBC Run for the Cure, Oct. 2, 2016
  - Corresp. – Canadian Breast Cancer Foundation CIBC Run for the Cure, Apr. 12, 2016

MOVED and seconded: That the occupancy of roads October 2, 2016 for the purposes of holding a running event as described in the submission from the Canadian Breast Cancer Foundation CIBC Run for the Cure received April 12, 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 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;
  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 Acting Director of Corporate Services being authorized to execute such agreement on behalf of the District of Oak Bay.

CARRIED

7. ***Oak Bay Tourism Committee – Governance and Operational Manual, Apr. 23, 2016***

- Note – Acting Director of Corporate Services – Oak Bay Tourism Committee, May 9, 2016
- Oak Bay Tourism Committee – Governance and Operational Manual, Apr. 23, 2016

MOVED and seconded: That the Oak Bay Tourism Committee Governance Manual dated April 23, 2016 be endorsed.

CARRIED

8. ***Request for Consideration of Use of Municipal Property for Refugee Housing – 1531 Hampshire Road***

- Corresp. – J. Mears, Apr. 29, 2016
- Excerpt – Council Meeting, March 14, 2016
- Corresp. – Apr. 25 – May 5, 2016, Request for Consideration of Use of Municipal Property (1531 Hampshire Road) for Refugee Housing
- ADDENDA – May 6 – 9, 2016 – Corresp. – Request for Consideration of Use of Municipal Property (1531 Hampshire Road) for Refugee Housing

Mayor Jensen noted the conditions set out in Council's motion of March 14, 2016 which required a 'viable organization' to step forward and remediate the property by September, 2016. He noted the continued work of members of the community regarding fundraising and complimented the work of staff to assist the volunteers.

In response to questions from Council, the Acting Director of Corporate Services outlined a number of concerns outstanding from the staff perspective, including liability, legality, recognition of donations, privacy issues for the future occupants, property inspection and property management. It was noted that some of these issues could be addressed in part by partnering with an organization, and that a local firm has come forward offering pro bono services.

Cairine Green, Oak Bay resident, noted that Friends of Hampshire House, the volunteer group to which she belongs, is willing to form a society in order to move the process forward and thanked staff for assisting so far. She indicated that fundraising is proceeding and that she feels it is a matter of finding the right mechanism to allow the initiative to proceed.

Joe Blake, Oak Bay resident, noted that the group he works with has an opportunity to help a family of five people after they leave Lebanon and hoped the house could be prepared for them. He noted that a group called the Refugee Readiness Team is undertaking a CRD-wide inventory of decommissioned houses and that Vancity Credit Union is offering interest-free loans to people upgrading their houses to shelter refugees.

MOVED and seconded: That the plan outlined by the Friends of Hampshire House be endorsed along the lines of the correspondence received, to update the house at 1531 Hampshire Road to use as a transition house for refugee families for the next two years commencing immediately.

Discussion ensued with several points being raised, including: whether this motion conflicts with or supersedes the motion made on March 14, 2016; whether or not the motion includes endorsing the entire letter or certain points; what the scope of the project will be; how the project fits into the strategic plan; and how to best deal with the issues surrounding disposition of property.

The question was then called.

DEFEATED

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

Discussion ensued regarding what direction staff require to keep the project moving forward and whether or not any work on the project could be done by staff prior to the involvement of a viable organization to take it on. It was confirmed that the resolution made at the March 14 meeting of Council is still in effect, namely: *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 who is able to remediate the house to be ready for residents by September 2016 to come forward with a specific proposal for further consideration.*

MOVED and seconded: That the correspondence from Jan Mears dated April 29, 2016, be received for information.

CARRIED

9. ***Request for Addition to Community Heritage Register – 1329 St. Patrick Street***

- Report – Director of Building and Planning, May 3, 2016
- Rpt. Attach 1 – Statement of Significance (1329 St. Patrick St.)
- Rpt. Attach 2 – Minutes excerpt – Heritage Commission, Apr. 12, 2016

MOVED and seconded: That the Oak Bay Heritage Register be augmented by adding the real property, 1329 St. Patrick Street as more particularly described in the Statement of Significance attached to the report from the Director of Building and Planning dated May 3, 2016.

CARRIED

10. ***Authorization to Attend & Represent the District of Oak Bay at the Capital Region Emergency Services Telecommunications (CREST) Incorporated Annual General Meeting***

- Note – Acting Director of Corporate Services – Capital Region Emergency Services Telecommunications (CREST) Incorporated
- CREST – Annual General Meeting 2016

MOVED and seconded: That Mayor Jensen be authorized to act as the District of Oak Bay's representative at all general meetings of the Capital Region Emergency Services Telecommunications held during 2016.

CARRIED

11. ***Request to Endorse the Victoria Regional Transit Commission's Request to Amend the Motor Fuel Act***

- Corresp. – Victoria Regional Transit Commission, Mar. 10, 2016

MOVED and seconded: That the motion included in the correspondence dated March 10, 2016, from the Victoria Regional Transit Commission (Endorse the Victoria Regional Transit Commission's request to increase the dedicated fuel tax applied in the region under the BC Transit Act by two cents per litre to support transit system development in the Capital Region) be endorsed.

Discussion ensued regarding the negative effect the recent increases in fares have had on seniors, students and disadvantaged individuals.

CARRIED

MOVED and seconded: That a letter be written to the Transit Authority asking them to review the fee increase for seniors, students and the disadvantage.

Discussion ensued about the impact of the transit fare increases on families and seniors, and whether the tenor of the proposed letter captures the displeasure expressed to and felt by Council.

The question was then called.

CARRIED

12. ***Presentation of the 2015 Draft Financial Statements & Audit Findings Report***

- Report – Director of Financial Services, May 4, 2016
- Appendix A – 2015 District of Oak Bay Financial Statements
- Appendix B – 2015 District of Oak Bay Audit Findings Report

*Randy Decksheimer, Office Managing Partner, KPMG, in attendance for this item.*

In response to a question from Council, Mr. Decksheimer noted that his report states that the financial statements present fairly the financial position of the District as of December 31, 2015, and that this is an unqualified standard opinion, the top standard.

Mr. Decksheimer and Ms. Carter responded to questions from Council, including the status of the Recreation Centre budget, the process of moving money between reserve funds, and the noted surplus, which does not take into account capital expenditures.

MOVED and seconded: That: the 2015 Financial Statements, as shown in Appendix A of the May 4, 2016 memo of the Director of Financial Services, be approved; and the 2015 Audit Findings Report, as shown in Appendix B of the May 4, 2016 memo of the Director of Financial Services, be received for information.

CARRIED

CORRESPONDENCE – UPCOMING AGENDA ITEM(S)

13. ***Correspondence – Development Variance Permit (DVP) Application – 941 Island Road***

- Corresp. Apr. 26 – May 5, 2016 – 941 Island Road

14. ***Correspondence - Development Variance Permit (DVP) Application – 127 Barkley Terrace***
  - Corresp. Apr. 26 - May 5, 2016 - 127 Barkley Terrace
15. ***Correspondence – Development Variance Permit (DVP) Application – 3050 Beach Drive***
  - Corresp. May 6 – 9 – 3050 Beach Drive
16. ***Correspondence – Development Variance Permit (DVP) Application – 2664 Dunlevy Street***
  - Corresp. May 5 – 9, 2016 – 2664 Dunlevy Street

MOVED and seconded: That correspondence regarding the Development Variance Permit (DVP) applications noted above as Items 13, 14, 15 and 16 be received for information.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

17. ***Young Exceptional Stars Ceremony***

Councillor Braithwaite thanked Mayor and Council for attending the Young Exceptional Stars awards ceremony, the businesses that sponsored the event as well as the Oak Bay News, which was the media sponsor.

***CUVIC 2016 Conference***

Councillor Croft thanked Council for supporting his attendance at the CUVIC conference and noted the focus was on aboriginal health issues. He said it was especially interesting to see the focus on the health of the group instead of the individual, adding it was in contrast to the individual focus.

***Youth Cycling Events***

Councillor Kirby thanked the Oak Bay Police for supporting the recent Bike Trains event as well as the bike rodeo to be held in conjunction with Bike to Work Week.

***Report on the Capital Regional District (CRD)***

Mayor Jensen noted that he expects announcements to be made at the next Capital Regional District board meeting regarding sewage treatment, and said that Minister Peter Fassbender is scheduled to be at the meeting.

RESOLUTIONS:

18. ***Development Variance Permit (DVP) Application – 3125 Uplands Road***
  - Tabled Resolution Notice – 3125 Uplands Road
  - Plans – DVP, USD – 3125 Uplands Road, Mar. 8, 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 3125 Uplands Road (Parcel A, (DD 4188e\*) of Lot 1, Block 20, Section 31, Victoria District, Plan 1216A) varying the following provisions of Bylaw No. 3531, Zoning Bylaw, 1986 as amended:*

| <u>Zoning Bylaw Section</u>   | <u>Required/<br/>Permitted</u> | <u>Requested</u> | <u>Variance</u> |
|---|--------------------------------|------------------|-----------------|
| 6.2.4.(2)(a)<br><i>Minimum Setback Front Lot Line</i>   | 10.66 m                        | 5.20 m           | 5.46 m          |
| 6.2.4.(2)(c)<br><i>Minimum Setback Interior Side Lot Line</i>   | 4.57 m                         | 2.10 m           | 2.47 m          |
| 6.2.4.(3)(c)<br><i>Maximum Roof Height</i>  | 4.60 m                         | 5.60 m           | 1.00 m          |
| 6.2.4.(7)<br><i>Distance Between Buildings and Structures<br/>(between Cabana and Outdoor Pool)</i>       | 3.00 m                         | 2.63 m           | 0.37 m          |
| 6.2.4.(7)<br><i>Distance Between Buildings and Structures<br/>(between Cabana and Principle Building)</i> | 3.00 m                         | 2.57 m           | 0.43 m          |

*to accommodate the proposed renovation of an existing single family dwelling and the construction of two accessory buildings, as shown on the plans appended to Committee of the Whole agenda item number 7, being a memorandum from the Planner dated April 12, 2016.*

CARRIED

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

CARRIED

19. ***Development Variance Permit (DVP) Application – 941 Island Road***

- Tabled Resolution Notice – 941 Island Road
- Plans – DVP – 941 Island Road, Feb. 29, 2016
- Corresp. up to April 14, 2016 – DVP application – 941 Island Road
- Corresp. April 15 – 25, 2016 – DVP Application – 941 Island Road

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 941 Island Road (Lot 3, Section 22, Victoria District, Plan 4242) varying the following provisions of Bylaw 3531, Zoning Bylaw, 1986 as amended:*



| <u>Zoning Bylaw Section</u>               | <u>Required/<br/>Permitted</u> | <u>Requested</u> | <u>Variance</u> |
|---|--------------------------------|------------------|-----------------|
| 6.5.4.(3)(a)<br>Maximum Building Height   | 6.83 m                         | 7.68 m           | 0.85 m          |
| 6.5.4.(3)(b)<br>Maximum Occupiable Height | 4.27 m                         | 5.19 m           | 0.92 m          |

to accommodate the proposed addition to the second storey of an existing single family dwelling, as shown on the plans appended to Committee of the Whole agenda item number 9, being a memorandum from the Planner date April 8, 2016.

CARRIED

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

CARRIED

20. **Development Variance Permit (DVP) Application – 127 Barkley Terrace**

- Resolution Notice – 127 Barkley Terrace
- Plans – DVP – 127 Barkley Terrace, Mar. 8, 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 127 Barkley Terrace (Lot 2, Section 19, Victoria District, Plan 19402) varying the following provisions of Bylaw No. 3531, Zoning Bylaw, 1986 as amended:*

| <u>Zoning Bylaw Section</u>             | <u>Required/<br/>Permitted</u> | <u>Requested</u> | <u>Variance</u> |
|---|--------------------------------|------------------|-----------------|
| 6.4.4.(3)(a)<br>Maximum Building Height | 7.32 m                         | 9.62 m           | 2.30 m          |
| 6.4.4.(3)(c)<br>Maximum Roof Height     | 9.14 m                         | 9.95 m           | 0.81 m          |

to accommodate the proposed renovation of the roof line of an existing single family dwelling, as shown on the plans appended to Committee of the Whole agenda item number 8, being a memorandum from the Planner dated April 8, 2016.

CARRIED

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

CARRIED

21. ***Development Variance Permit (DVP) Application – 3050 Beach Drive***

- Tabled Resolution Notice – 3050 Beach Drive
- Plans – DVP – 3050 Beach Drive, Oct. 10, 2015

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 3050 Beach Drive (Lot 19, Block B, Section 31, Victoria District, Plan 3560) varying the following provisions of Bylaw No. 3531, Zoning Bylaw, 1986 as amended:*

| <u>Zoning Bylaw Section</u>                   | <u>Required/<br/>Permitted</u> | <u>Requested</u> | <u>Variance</u> |
|---|--------------------------------|------------------|-----------------|
| 6.2.4.(2)(b)<br>Maximum Setback Rear Lot Line | 7.62 m                         | 5.83 m           | 1.79 m          |

*to address the incorrect siting of an existing single family dwelling, as shown on the plans appended to Committee of the Whole agenda item number 10, being a memorandum from the Planner dated April 8, 2016.*

CARRIED

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

CARRIED

22. ***Development Variance Permit (DVP) Application – 2664 Dunlevy Street***

- Resolution Notice – 2664 Dunlevy Street
- Plans – DVP – 2664 Dunlevy Street, March 9, 2016

MOVED and seconded: 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 2664 Dunlevy Street (Lot 28, Block 7, Section 2, Victoria District, Plan 379) varying the following provisions of Bylaw No. 3540, Parking Facilities Bylaw, 1986 as amended:*

| <u>Parking Facilities Bylaw Section</u> | <u>Required</u> | <u>Requested</u> | <u>Variance</u> |
|---|-----------------|------------------|-----------------|
| 4.7<br>Parking Spaces Within a Building | 1               | 0                | 1               |

to accommodate the proposed renovation of the garage in an existing single family dwelling into an additional living space, as shown on the plans appended to Committee of the Whole agenda item number 11, being a memorandum from the Planner dated April 8, 2016.

CARRIED

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

CARRIED

## BYLAWS

### 23. **Bylaw Memorandum**

- Memo – Acting Director of Corporate Services, May 3, 2016

### 24. **For First, Second and Third Reading**

- Bylaw No. 4663, Financial Plan Bylaw, 2016
- Bylaw No. 4664, Boulevard Frontage Tax Bylaw Amendment Bylaw, 2016
- Bylaw No. 4665, Refuse Collection and Disposal Bylaw Amendment Bylaw, 2016
- Bylaw No. 4666, Tax Rates Bylaw, 2016

MOVED and seconded: That Bylaw No. 4663, *Financial Plan Bylaw, 2016*, be introduced and read a first time.

CARRIED

MOVED and seconded: That Bylaw No. 4663, *Financial Plan Bylaw, 2016*, be read a second time.

A question arose with respect to correspondence received by Council; the Mayor clarified that in discussion with the submitter it was intended for consideration with respect to the 2017 budget cycle.

Mayor Jensen asked if anyone in attendance wished to address Council regarding the *Financial Plan Bylaw, 2016*.

No members of the public rose to speak to the bylaw.

CARRIED

MOVED and seconded: That Bylaw No. 4663, *Financial Plan Bylaw, 2016*, be read a third time.

CARRIED

MOVED and seconded: That Bylaw No. 4664, *Boulevard Frontage Tax Bylaw Amendment Bylaw, 2016*, be introduced and read a first time.

CARRIED

MOVED and seconded: That Bylaw No. 4664, *Boulevard Frontage Tax Bylaw Amendment Bylaw, 2016*, be read a second time.

In response to a question from Council, the Director of Financial Services noted that frontage tax is collected on 75% of the work done to maintain boulevards subject to the tax, while 25% of the cost is paid from the general tax levy. Ms. Carter clarified that the Boulevard Frontage Tax applies to the 75% portion.

The question was then called.

CARRIED

MOVED and seconded: That Bylaw No. 4664, *Boulevard Frontage Tax Bylaw Amendment Bylaw, 2016*, be read a third time.

CARRIED

MOVED and seconded: That Bylaw No. 4665, *Refuse Collection and Disposal Bylaw Amendment Bylaw, 2016*, be introduced and read a first time.

CARRIED

MOVED and seconded: That Bylaw No. 4665, *Refuse Collection and Disposal Bylaw Amendment Bylaw, 2016*, be read a second time.

CARRIED

MOVED and seconded: That Bylaw No. 4665, *Refuse Collection and Disposal Bylaw Amendment Bylaw, 2016*, be read a third time.

CARRIED

MOVED and seconded: That Bylaw No. 4666, *Tax Rates Bylaw, 2016*, be introduced and read a first time.

CARRIED

MOVED and seconded: That Bylaw No. 4666, *Tax Rates Bylaw, 2016*, be read a second time.

CARRIED

MOVED and seconded: That Bylaw No. 4666, *Tax Rates Bylaw, 2016*, be read a third time.

CARRIED

ADJOURNMENT:

***Motion to Adjourn***

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 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 open portion of the meeting adjourned at 8:55 PM.

Certified Correct:

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Mayor

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Acting Director of Corporate Services