

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, November 26, 2012 at 7:30 p.m.

PRESENT: Mayor N. B. Jensen, Chairman
Councillor P. Copley
Councillor C. Green
Councillor J. Herbert
Councillor M. Kirby
Councillor T. Ney

STAFF: Municipal Administrator, M. Brennan
Municipal Clerk, L. Hilton
Deputy Municipal Clerk, M. Jones
Director of Building and Planning, R. Thomassen
Director of Engineering Services, D. Marshall
Municipal Treasurer, P. Walker

Mayor Jensen called the meeting to order at 7:30 p.m.

ADOPTION OF MINUTES:

Council – October 22, 2012

MOVED by Councillor Herbert
Seconded by Councillor Green, That the minutes of the Council meeting held on November 13, 2012, be adopted.

CARRIED

Committee of the Whole – November 19, 2012

MOVED by Councillor Herbert
Seconded by Councillor Green, That the minutes of the Committee of the Whole meeting held November 19, 2012, and the recommendations contained therein, be adopted.

CARRIED

MAYOR'S REMARKS:

Water Main Break

Mayor Jensen drew attention to the very unfortunate water main break at the west end of Bowker Avenue on November 20th, noting that the thoughts of all members of Council are with the families affected.

Mayor Jensen went on to provide a brief overview of the events of that day, noting that the Emergency Program Manager will be in touch with affected families to assist wherever able.

A report, noted Mayor Jensen, will be generated about the incident, and will allow the Municipality to review its response to the incident.

In summary, Mayor Jensen expressed thanks to the members of Council who attended at the scene and those staff members present who helped with the response.

Christmas Light Up

Mayor Jensen highlighted the recent Oak Bay Business Improvement Association's Christmas Light Up event on Oak Bay Avenue, noting it was once again a well attended and successful event, offering thanks to the organizers.

PUBLIC PARTICIPATION PERIOD:

David Slye, Oak Bay resident, drew attention to problems he is experiencing with parking on Allenby Street adjacent to his home. In particular, said Mr. Slye, employees of the nearby plaza park in front of his home all day long, asking for Council's assistance with implementing either resident only or limited time parking regulations to address the issue.

MOVED by Councillor Herbert

Seconded by Councillor Ney, That staff be requested to provide a report with respect to the request for parking regulations on Allenby Street.

CARRIED

COMMUNICATIONS:

1. 2012-334 CHIEF CONSTABLE, November 21, 2012
Re Police Department 2013 Provisional Budget

(Chief Constable Mark Fisher in Attendance for this item).

The Chief Constable provided an overview of the Police Department 2013 Provisional Budget, outlining the various highlights as contained in his memorandum, and answering questions from members of Council.

Mayor Jensen commended the Police Department on the work the members do and the budget put forward.

MOVED by Councillor Ney

Seconded by Councillor Copley, That the 2013 Police Board Provisional Budget be incorporated into an amended Five Year Financial Plan for the Municipality and referred to Estimates Committee.

CARRIED

2. 2012-335 DIRECTOR OF PARKS & RECREATION, November 13, 2012
Re School District #61 Grant Application

MOVED by Councillor Kirby

Seconded by Councillor Copley, That Council support the funding application by School District #61 to the *Supporting Neighbourhood Learning Centres* Program for the establishment of a Community Television Production Centre at Oak Bay High School.

CARRIED

3. 2012-336 DIRECTOR OF PARKS & RECREATION, November 26, 2012
Re Henderson Recreation Centre Expansion – Contract Award
Recommendation

MOVED by Councillor Herbert

Seconded by Councillor Green, That the contract for the construction of the Henderson Recreation Centre expansion be awarded to Ledcor Construction Ltd., at a cost of \$395,798.

CARRIED

4. --- EXCERPT FROM COUNCIL MEETING MINUTES, November 13, 2012
2012-31`8 [REDACTED], October 21, 2012
2012-318-1 MUNICIPAL CLERK, November 4, 2012
2012-318-2 [REDACTED], November 23, 2012
Re Tree Protection Bylaw – Application for Reconsideration of Permit
Refusal, 3145 Midland Road

(Chris Hyde-Lay, Manager of Parks Services, in attendance for this item).

It was noted that when the request for Council reconsideration was first presented to Council, questions remained with respect to the work that had been approved by the Manager of Parks Services, therefore Mr. Hyde-Lay had been invited to attend to answer any questions.

Responding to questions, Mr. Hyde-Lay provided an overview of the pruning work that Mr. [REDACTED] had received a permit to undertake, which he had not yet done, noting that pruning the limbs overhanging his property from his neighbour's tree any further than already approved was expected to injuriously affect the tree. Accordingly, he said, the permit for further pruning was denied.

If the approved work was undertaken, said Mr. Hyde-Lay, the issues outlined by Mr. [REDACTED] would likely be alleviated in his opinion.

Mr. [REDACTED] was invited to speak to his request for reconsideration, and noted that he is very concerned for the safety of his family, saying that he feared that undertaking only the already approved pruning would not eliminate the danger to his family from falling limbs.

Attention was drawn to the fact that the tree actually belongs to the adjacent property owners, and in response to questions, Mr. [REDACTED] indicated that while the house seems to have sold, when he spoke to the owners they were supportive of the work proposed by him.

There was further discussion regarding the proposed additional work on the tree, with both Mr. [REDACTED] and Mr. Hyde-Lay answering additional questions from Council.

It emerged that members of Council did not feel any of the criteria that would allow the issuance of a permit for additional pruning applied in the case at hand. The point was also made that the original pruning should be undertaken and evaluated before any further pruning was contemplated.

MOVED by Copley

Seconded by Councillor Herbert, That following the reconsideration of a staff decision to deny a permit to prune a Garry Oak overhanging private property at 3145 Midland Road, the staff decision be endorsed.

CARRIED

5. 2012-337 FEDERATION OF CANADIAN MUNICIPALITIES, October 24, 2012
Re Renewal of Annual Membership

MOVED by Councillor Herbert

Seconded by Councillor Green, That payment of the invoice for the 2013-2014 Federation of Canadian Municipalities membership dues in the amount of \$2,735.81 (which excludes the optional travel contribution) be approved.

CARRIED

6. 2012-338 MUNICIPAL ADMINISTRATOR, November 23, 2012
2012-338-1 VICTORIA ANIMAL CONTROL SERVICES LTD, November 25, 2012
2012-338-2 AILEEN THOMSON, November 26, 2012
Re Animal Control Services Contract Award Recommendation

Mayor Jensen provided an overview of the memorandum from the Municipal Administrator in respect to the two proposals received for the provision of animal control services for the District of Oak Bay.

The proponents were invited to address Council, and each provided an overview of their organizations and the service the District could expect from them.

Ian Fraser, Victoria Animal Control Services Ltd., and Don Brown, Capital Regional District, answered various questions from Council in respect to their plans to encourage compliance with the dog licensing requirements. Each proponent also answered questions with respect to their pound facilities and many other facets of their organizations.

Following thorough information being provided by each proponent, the discussion turned to the cost of dog licences, and the Municipal Treasurer noted that Council has a policy to recover 75% of the animal control costs through dog licence fees. Answering questions from Council, Ms. Walker noted that no increase in dog license fees would be required with either proponent being selected in order to reach 75% cost recovery as per the policy.

Attention was drawn to the excellent service Oak Bay has received from Victoria Animal Control Services Ltd. over the past six years, along with the lower cost of the service offered by the Capital Regional District, and varying views and opinions were noted with respect to which proponent should be awarded a contract.

MOVED by Councillor Green

Seconded by Councillor Copley, That a three year contract for animal control and pound services, commencing January 1, 2013, be awarded to Victoria Animal Control Services Ltd.

CARRIED

(Mayor Jensen and Councillor Herbert against the motion)

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

Oak Bay High School Redevelopment

Councillor Kirby noted that she would undertake to ensure that the minutes of the Oak Bay High School Redevelopment Committee are circulated to Council on a regular basis.

Heritage Oak Bay

Councillor Green drew attention to the success of the recent lecture by Dr. Larry McCann regarding the Uplands along with the upcoming Town Hall meeting to gather information for the preparation of the Heritage Strategic Plan.

RESOLUTIONS:

Development Variance Permit – 3125 Midland Road

MOVED by Councillor Herbert

Seconded by Councillor Green, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 3125 Midland Road (Lot 9, Block 13, 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</u>	<u>Requested</u>	<u>Variance</u>
6.2.4.(2) (c) + schedule 'C' Minimum interior side lot line setback	3.96 m	3.44 m	0.52 m
6.2.4.(2) (e) + schedule 'C' Minimum combined side lot line setback	9.75 m	6.85 m	2.90 m

to accommodate the renovations to the building as shown on the plans appended to Committee of the Whole agenda item 2012-332 being a memorandum from the Director of Building and Planning dated November 16, 2012.

MOVED by Councillor Herbert

Seconded by Councillor Copley, That the motion in respect to the development variance permit for 3125 Midland be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

BYLAWS:

Mayor and Councillors Annual Indemnity Bylaw

MOVED by Councillor Ney

Seconded by Councillor Green, That Bylaw No. 4578, *Mayor and Councillors Annual Indemnity Bylaw, 2013*, be adopted.

CARRIED

Water Rate Bylaw Amendment Bylaw

MOVED by Councillor Ney

Seconded by Councillor Green, That Bylaw No. 4579, *Water Rate Bylaw Amendment Bylaw, 2013*, be introduced and read a first time.

CARRIED

MOVED by Councillor Ney
Seconded by Councillor Green, That Bylaw No. 4579, *Water Rate Bylaw Amendment Bylaw, 2013*,
be read a second time.

CARRIED

MOVED by Councillor Ney
Seconded by Councillor Green, That Bylaw No. 4579, *Water Rate Bylaw Amendment Bylaw, 2013*,
be read a third time.

CARRIED

Sewer User Charge Bylaw Amendment Bylaw

MOVED by Councillor Ney
Seconded by Councillor Copley, That Bylaw No. 4580, Sewer User Charge Bylaw Amendment
Bylaw, 2013, be introduced and read a first time.

CARRIED

MOVED by Councillor Ney
Seconded by Councillor Copley, That Bylaw No. 4580, Sewer User Charge Bylaw Amendment
Bylaw, 2013, be read a second time.

CARRIED

MOVED by Councillor Ney
Seconded by Councillor Copley, That Bylaw No. 4580, Sewer User Charge Bylaw Amendment
Bylaw, 2013, be read a third time.

CARRIED

ADJOURNMENT:

MOVED by Councillor Kirby
Seconded by Green, That the open portion of the meeting of Council be adjourned and that a closed
session be convened to discuss labour relations or other employee relations.

CARRIED

The meeting adjourned at 9:20 p.m.

Certified Correct:

Municipal Clerk

Mayor