

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 November 9, 2015 at 7:30 PM.

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

STAFF: Chief Administrative Officer, H. Koning
Municipal Clerk, L. Hilton
Deputy Municipal Clerk, M. Jones
Municipal Treasurer, P. Walker
Planner, D. Jensen
Director of Engineering Services, D. Marshall

MINUTES AND REPORTS:

1. **Public Hearing**
 - October 26, 2015

MOVED by Councillor Ney, seconded by Councillor Murdoch: That the report of the Public Hearing held on Monday October 26, 2015 be adopted.

CARRIED

2. **Council**
 - October 26, 2015

MOVED by Councillor Ney, seconded by Councillor Murdoch: That the minutes of the Council meeting held on Monday October 26, 2015 be adopted.

It was noted that, with respect to the report from Chief Constable Brinton at the Council meeting on October 26, 2015, it should be clarified that the October 16, 2015 cougar sighting was false.

The question was then called.

CARRIED

3. **Special Council**
 - October 27, 2015

MOVED by Councillor Murdoch, seconded by Councillor Ney: That the minutes of the Special Council meeting held on Tuesday October 27, 2015 be adopted.

CARRIED

MAYOR'S REMARKS:

4. The Mayor provided remarks on the following topics:

Uplands Combined Sewer Separation Project

Mayor Jensen offered thanks to staff for their work on the Uplands Combined Sewer Separation Project, particularly with respect to public engagement. He drew Council's attention to the survey and open house schedule now live on the website.

Federal Election – Congratulations to New Cabinet Members

The Mayor offered congratulations to the new federal cabinet members, noting that three members are from British Columbia and that the composition of the cabinet is gender balanced.

Emergency Services Ceremony

Mayor Jensen expressed appreciation for the recent ceremony sponsored by two local churches recognizing the laudable efforts of our Emergency Services personnel.

Funds in Lieu of Taxes on University Lands

The Mayor noted that Oak Bay has received a payment of over \$50,000 this year in lieu of the property taxes for the University of Victoria. Although these funds are welcome, he noted, as more universities are established in the province, the payments decrease.

Recipient of Oak Bay and Saanich Centennial Scholarship

Mayor Jensen offered congratulations to the recipient of the Oak Bay and Saanich Centennial Scholarship.

Meeting on Renewed Approach to Regional Economic Development

Mayor Jensen noted that the Greater Victoria Development Agency recently hosted Mayors and Councillors from various regional municipalities, as well as representatives from the business community and institutes of higher learning to discuss a renewed approach to Regional Economic Development.

Task Force on Public Engagement

The Mayor announced that, arising out of the strategic priority sessions, a task force on Public Engagement has been established. Councillor Croft and Councillor Zhelka will work on this task force, he said, to develop and conduct an upcoming "town hall" style public engagement session.

Remembrance Day Service – Oak Bay Cenotaph

Mayor Jensen noted that the annual Remembrance Day Service, hosted by Police and Fire, will be held at the Oak Bay Cenotaph and asked that, as parking is limited, it be reserved if possible for those with mobility challenges.

Oak Bay Cenotaph Task Force

The Mayor announced that Councillor Ney will be leading the new Oak Bay Cenotaph Task Force which he has established to develop options to recognize peace keepers, war veterans and war casualties at the Cenotaph site. He offered thanks a Master Corporal from the Canadian Scottish Regiment (Princess Mary's) who has agreed to participate and noted that, as this is a designated heritage site, he would be contacting both the Heritage Commission and Archives to request that they liaise with the task force.

PUBLIC PARTICIPATION PERIOD:

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

Andrew Appleton, Oak Bay resident, spoke in support of Oak Bay's proposed Complete Streets Program, noting that he attended the recent open house and appreciated the opportunity for engagement. He encouraged Council to take action to enhance cycling and complete streets infrastructure in Oak Bay, as is being done in Victoria.

COMMUNICATIONS:

6. ***Presentation - Better at Home Program***

- Attach - British Columbia Office of the Seniors Advocate Report, October 2014

Jen Tessier, Coordinator of Victoria and Oak Bay Better at Home Program, gave a presentation to Council on the services available through the Better at Home Program and the associated funding, noting that she is looking to partner with an existing volunteer organization in Oak Bay to expand the services offered to seniors, such as transportation, friendly visiting and minor home repair.

Kaye Kennish, Executive Director of the James Bay Community Project and Capital City Volunteers, responded to questions from Council regarding the funding model for the program, noting that, although there are no guarantees of future funding, there has been significant provincial investment in this program. The funds, she stated, are provided by the Ministry of Health and administered through the United Way. She noted that it would be most efficient to partner with an existing volunteer organization in Oak Bay that already provides similar services to seniors.

It was the unanimous consent of Council that Councillor Ney liaise with the Better at Home Program Coordinator and the Oak Bay Volunteer Services Society to explore options on potentially expanding the Better at Home Program services in the District of Oak Bay.

7. ***Sponsorship Request from Oak Bay Rotary Foundation***
- Report - Director of Parks & Recreation, Nov 9, 2015
 - Corresp - Oak Bay Rotary Foundation, Oct 26, 2015
 - ADDENDA Corresp - Oak Bay Rotary Foundation, Nov. 9, 2015

The Director of Parks and Recreation, Ray Herman, in attendance for this item.

In response to questions from Council, the Director of Parks and Recreation confirmed that there could be costs and impacts on staff time associated with offering box office services for the Oak Bay Community Theatre through Oak Bay Recreation Centre.

Rod Sim, Director and Secretary Treasurer for the Oak Bay Rotary Foundation, addressed Council as per his November 9, 2015 correspondence.

A discussion ensued on the advantages and disadvantages of offering box office services for the Oak Bay Community Theatre through Oak Bay Recreation Centre, in which some members expressed support for the concept, while other members expressed concern regarding the potential cost and precedent that could be set.

MOVED by Councillor Murdoch, seconded by Councillor Braithwaite: That:

1. The one-time request from the Oak Bay Rotary Foundation to sell tickets from Oak Bay Recreation Centre for the Frank Sinatra Event on Saturday December 12, 2015, as described in the November 9, 2015 correspondence from Rod Sim, Foundation Director and Secretary Treasurer, be directed to staff for response; and
2. The concept of offering ticket sales through Oak Bay Recreation Centre for certain events held at the Oak Bay Community Theatre be referred to the Parks and Recreation Commission for consideration and recommendation to Committee of the Whole.

CARRIED

MOVED by Councillor Kirby, seconded by Councillor Ney: That Council accept with thanks the offer from the Oak Bay Rotary Foundation to be named as an Event Sponsor of the Frank Sinatra Event on Saturday December 12, 2015, as described in the November 9, 2015 correspondence from Rod Sim, Foundation Director and Secretary Treasurer.

CARRIED

8. ***Execution of Covenant for Heritage Designation of Properties at 2390, 2396, 2402 & 2408 San Carlos Avenue***
- Report - Director of Building & Planning, Oct 26, 2015
 - Rpt Attach - Covenant

MOVED by Councillor Murdoch, seconded by Councillor Braithwaite: That the Mayor and Municipal Clerk be authorized to do all acts and things necessary to execute the Section 219 (Land Title Act) covenant between Patio Court Developments Ltd. and The Corporation of the District of Oak Bay, regarding Lot 2, 3, 4, and 5, Sections 61 & 69, Victoria District, Plan 3400 (2390, 2396, 2402, and 2408 San Carlos) as substantially set out in the form attached to the report of the Director of Building and Planning dated October 26, 2015.

CARRIED

9. ***Heritage Alteration Permit Application - 2031 Runnymede Avenue***

- Report - Director of Building & Planning, Oct 30, 2015
- Plans - Kitchen Window Replacement, Oct 28, 2015

MOVED by Councillor Braithwaite, seconded by Councillor Ney: That the application for a Heritage Alteration Permit for 2031 Runnymede Avenue be approved and that staff be authorized to issue a Heritage Alteration Permit in accordance with the plans attached to the report of the Director of Building and Planning dated October 30, 2015.

CARRIED

10. ***Heritage Alteration Permit Application - 1701 Beach Drive***

- Report - Director of Building & Planning, Nov 3, 2015
- Rpt Attach 1 - Bylaw No. 3641, Rattenbury Residence Heritage Designation Bylaw, 1990
- Rpt Attach 2 - Statement of Significance
- Rpt Attach 3 - Conservation Plan, Luxton, May 2015
- Rpt Attach 4 - Applicant's Letter, GNS Society Board Chair, Aug 11, 2015
- Plans - DP - 1701 Beach, Aug 7, 2015

MOVED by Councillor Murdoch, seconded by Councillor Braithwaite: That the application for a Heritage Alteration Permit for 1701 Beach Drive, as described in the November 3, 2015 report of the Director of Building and Planning, be referred to the Heritage Commission for review and recommendation to Council.

CARRIED

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

- Note - Municipal Clerk - HComm Minutes, Oct 13, 2015
- Minutes - OB Heritage Commission, Oct 13, 2015

MOVED by Councillor Murdoch, seconded by Councillor Zhelka: That the minutes of the Oak Bay Heritage Commission meeting held on October 13, 2015 be received.

CARRIED

12. ***Greater Victoria Public Library (GVPL) 2016 Budget and Five Year Financial Plan - Provisional***

- Note - Municipal Clerk - GVPL Provisional Budget and Five Year Financial Plan
- Corresp - GVPL, Oct 28, 2015

MOVED by Councillor Croft, seconded by Councillor Braithwaite: That the Greater Victoria Public Library 2016 Provisional Budget and Five Year Financial Plan be received.

CARRIED

13. ***Intersection Traffic Study at Musgrave Street and Estevan Avenue***

- Report - Director of Engineering Services, Nov 3, 2015
- Rpt Attach 1 - Estevan Avenue and Musgrave Street Village Recommended Treatment Options, Sep 2015
- Rpt Attach 2 - Estevan Avenue, Musgrave Street Traffic Safety & Operational Review
- Rpt Attach 3 - Musgrave Street and Estevan Avenue Intersection, revised plan, Nov 2015
- Report - Director of Engineering Services, Oct 13, 2015

The Director of Engineering Services responded to questions from Council with respect to the process undertaken and options considered when finalizing the recommendation provided in his November 3, 2015 report with respect to short and medium term improvements at the Estevan Avenue and Musgrave Street intersection.

The Municipal Treasurer clarified that some funding for the project is proposed to be provided through the traffic calming fund.

MOVED by Councillor Murdoch, seconded by Councillor Braithwaite: That, as outlined in the *Estevan Avenue/Musgrave Street Traffic Safety and Operational Review* by Delcan, and as shown in the revised plan, Attachment 3 to the November 3, 2015 report from the Director of Engineering Services, the following short and medium term improvements be undertaken at the intersection of Estevan Avenue and Musgrave Street:

- Move street furniture located on the south east corner of the intersection at least three metres further east;
- Provide signage to warn road users of hidden access points;
- Remove one angled parking stall from the south western end of Estevan Village to allow vehicles to queue while waiting for other vehicles to park;
- Realign the skewed Musgrave Street crosswalk on the north side of the intersection to be perpendicular to the sidewalk;
- Install defined curb letdowns on the east and west sides of the skewed crosswalk on Musgrave Street;
- Upgrade street lighting on the northeast and southeast corners as well as adjacent to Lokier Park;
- Install W54 Object markers;
- Paint 10 m of yellow centre line; and
- Install a raised median at the Musgrave Street cross-walk on the south side of the intersection;

and further that \$18,400 of the funding for this project come from the Traffic Calming budget.

CARRIED

CORRESPONDENCE - UPCOMING AGENDA ITEM(S)

14. ***Correspondence - Development Variance Permit (DVP) Application - 787 Victoria Avenue (Lots 15 & 16)***

- Corresp - Oct 26 - Nov 5, 2015 - 787 Victoria Avenue (Lots 15 & 16)
- ADDENDA - Corresp. Nov. 7 - 9, 2015 - 787 Victoria Avenue (Lot 15 and Lot 16)

MOVED by Councillor Murdoch, seconded by Councillor Kirby: That the correspondence listed under agenda item No. 14 be received.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

15. *New Business & Verbal Reports*

Members of Council provided verbal reports with respect to the Age Friendly Open House, the Urban Forest Symposium and the potential loss of funding for the Active and Safe Routes to School Program.

Notice of Motion – Regional Economic Development

Councillor Croft noted that, having attended the recent meeting by the Greater Victoria Development Agency on regional economic development, he would be bringing forward a motion to the Council meeting on November 23, 2015 with respect to potential participation in and funding from the District of Oak Bay for regional economic development.

Notice of Motion – Better at Home Program

Councillor Ney noted that, in response to the presentation on the Better at Home Program, she would be bringing forward a motion to the Council meeting on November 23, 2015.

Teen Centre Portable

MOVED by Councillor Ney, seconded by Councillor Kirby: That should the Rotary Club not be in a position to accept the Teen Centre Portable under the terms and conditions attached to the recommendation from the September 15, 2014 Committee of the Whole and adopted by Council on September 29, 2014, being that the Rotary Club assume all costs to remove and transport the portable, including having the appropriate liability insurance, that staff be authorized to dispose of the portable within the parameters of applicable provincial legislation.

The Municipal Clerk responded to questions from Council, noting that the exact potential costs are still being determined.

The question was then called.

CARRIED

TABLED RESOLUTIONS:

16. *Uplands Building Permit (UPB) & Development Variance Permit (DVP) Application - 3605 Cadboro Bay Road*

- Tabled Resolution Notice - 3605 Cadboro Bay Road
- Plans - DVP, UPB - 3605 Cadboro Bay Rd, Sep 29, 2015

MOVED by Councillor Murdoch, seconded by Councillor Braithwaite: 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 3605 Cadboro Bay Road (Lot 1, Section 31, Victoria District, Plan 4796) 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>
6.2.4.(3)(b) Maximum occupiable height	4.57 m	4.60 m	0.03 m
6.2.4.(3)(c) Maximum roof height	9.14 m	10.30 m	1.16 m

to accommodate the renovation to the existing residence and the construction of an accessory building as shown on the plans appended to the October 19, 2015 Committee of the Whole agenda item number 5, being a memorandum from the Director of Building and Planning dated October 9, 2015.

CARRIED

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

CARRIED

17. ***Development Variance Permit (DVP) Application - 787 Victoria Avenue (Lot 15)***

- Tabled Resolution Notice - 787 Victoria Avenue (Lot 15)
- Plans - DVP - 787 Victoria Ave Lot 15, Oct 1, 2015

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 787 Victoria Avenue (The Northerly 65 Feet of Lot 15, Section 22, Victoria District, Plan 1136) varying the following provisions of Bylaw No. 3531 Zoning Bylaw, 1986, as amended:

<u>Zoning Bylaw Section</u>	<u>Required/ Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.5.4.(2)(a) Minimum setback front lot line	7.62 m	5.64 m	1.98 m
6.5.4.(2)(c) Minimum setback interior side lot line	1.52 m	0.61 m	0.91 m

6.5.4.(7) <i>Distance between buildings and structures</i>	3.00 m	1.05 m	1.95 m
6.5.4.(11) <i>Minimum setback second storey</i>	3.00 m	1.52 m	1.48 m

to accommodate the construction of a new single family dwelling as shown on the plans appended to the October 19, 2015 Committee of the Whole agenda item number 6, being a memorandum from the Director of Building and Planning dated October 13, 2015.

Dan Savard, Oak Bay resident, noted that, although he commends the developer on the work undertaken to improve the project from the initial application, he is concerned about the loss of green space and is uncertain which trees will be retained.

The Planner responded to question from Council reviewing the proposal with respect to the potential impact on existing trees, noting that if the protected Douglas fir is removed the applicant would need to plant replacement trees. Ms. Jensen confirmed that window wells do not serve as part of floor area calculation.

Leonard Cole, owner, responded to questions from Council that he has committed to providing three replacement trees for the Douglas fir, if necessary to do so. He also noted that he has met with the Fire Department who did not identify any issues with the fire access for the application.

The Municipal Clerk confirmed that as this application was in process prior to the appointments to the Advisory Planning Commission a referral was not contemplated. A referral at this point, she noted would require a specific date on which the application would return before Council in order to satisfy notice requirements.

The question was then called.

CARRIED
Councillor Zhelka against the motion

18. ***Development Variance Permit (DVP) Application - 787 Victoria Avenue (Lot 16)***

- Tabled Resolution Notice - 787 Victoria Avenue (Lot 16)
- Plans - DVP - 787 Victoria Ave Lot 16, Oct 1, 2015

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 787 Victoria Avenue (The Northerly 65 Feet of Lot 16, Section 22, Victoria District, Plan 1136) varying the following provisions of Bylaw No. 3531 Zoning Bylaw, 1986, as amended:

<u>Zoning Bylaw Section</u>	<u>Required/ Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.5.4.(2)(a) <i>Minimum setback front lot line</i>	7.62 m	5.79 m	1.83 m
6.5.4.(7) <i>Distance between buildings and structures</i>	3.00 m	2.59 m	0.41 m
6.5.4.(11) <i>Minimum setback second storey</i>	3.00 m	1.52 m	1.48 m

to accommodate the construction of a new single family dwelling as shown on the plans appended to the October 19, 2015 Committee of the Whole agenda item number 7, being a memorandum from the Director of Building and Planning dated October 13, 2015.

Mayor Jensen confirmed from Mr. Savard that his previous comments at this meeting with respect to Lot 15 of 787 Victoria Avenue would apply to this lot as well.

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

CARRIED
Councillor Zhelka against the motion

RESOLUTIONS:

19. ***Attendance at the Local Government Leadership Academy 2016 Elected Officials Seminar Series***

- Resolution Notice - Attendance at the LGLA, 2016 Elected Officials Seminar Series

MOVED by Councillor Murdoch, seconded by Councillor Braithwaite: That Oak Bay Municipal Council be authorized to attend the Local Government Leadership Academy's 2016 Elected Officials Seminar in Vancouver, BC, February 3 - 5, 2016 with registration and related travel expenses to be covered by the Municipality in accordance with the Elected Official Travel Expense Bylaw.

CARRIED

BYLAWS:

20. ***Bylaw Memorandum***

- Memo - Municipal Clerk, Nov 4, 2015

21. ***For First, Second and Third Reading***

- Bylaw No. 4655, Municipal Officer Position Renaming Bylaw, 2015

MOVED by Councillor Kirby, seconded by Councillor Croft: That Bylaw No. 4655, *Municipal Officer Position Renaming Bylaw, 2015* be read a first time.

CARRIED
Councillor Zhelka against the motion

MOVED by Councillor Kirby, seconded by Councillor Croft: That Bylaw No. 4655, *Municipal Officer Position Renaming Bylaw, 2015* be read a second time.

In response to questions from Council, the Municipal Clerk clarified that the intent of the proposed amendments is to bring the three municipal officer titles referenced in her memorandum in line both with the more common usage in the region and with wording contained in the Community Charter.

The question was then called.

CARRIED
Councillor Zhelka against the motion

MOVED by Councillor Kirby, seconded by Councillor Croft: That Bylaw No. 4655, *Municipal Officer Position Renaming Bylaw, 2015* be read a third time.

CARRIED
Councillor Zhelka against the motion

ADJOURNMENT:

22. ***Motion to Adjourn to In Camera***

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: negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of Council, could reasonably be expected to harm the interests of the municipality if they were held in public; and 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 9:20 PM.

Certified Correct:

Municipal Clerk

Mayor