

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 October 26, 2015 at 7:30 PM.

PRESENT: Mayor N. Jensen, Chair
Councillor H. Braithwaite
Councillor T. Croft
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
Director of Building and Planning, R. Thomassen
Director of Engineering Services, D. Marshall

Following the Public Hearing for Bylaw No. 4652, Mayor Jensen called the meeting to order at 7:36 PM.

With the unanimous consent of Council, the agenda was amended to address agenda items no. 17 and no. 19 in advance of Correspondence.

MINUTES AND REPORTS:

1. ***Council***

- October 13, 2015

MOVED by Councillor Ney, seconded by Councillor Murdoch: That the minutes of the Council meeting held on Tuesday October 13, 2015 be adopted.

CARRIED

2. ***Committee of the Whole***

- October 19, 2015

MOVED by Councillor Murdoch, seconded by Councillor Braithwaite: That the minutes of the Committee of the Whole meeting on Monday October 19, 2015 and the recommendations contained therein be adopted.

CARRIED

MAYOR'S REMARKS:

3. The Mayor provided remarks on the following topics:

National School Library Day at Monterey Middle School

The Mayor noted that he was pleased to attend National School Library Day at Monterey Middle School, an event intended to promote libraries and reading.

Ian's Walk for End of Life Care

Mayor Jensen commented that today was the conclusion of Ian Boss's cross-Canada walk to raise funds and awareness of the need for enhanced palliative care.

50th Anniversary of the Victoria-China Friendship Association

The Mayor concluded his remarks by noting that he was honoured to attend the recent celebration for the 50th Anniversary of the Victoria-China Friendship Association, commenting on the important work undertaken by this association over the last 50 years.

PUBLIC PARTICIPATION PERIOD:

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

Steven Myhill-Jones, Oak Bay resident, expressed concerns regarding the cost estimate for connecting his home to water and sewer services, as outlined in his correspondence dated October 26, 2015, encouraging Council to consider amending how cost estimates for these connections are determined.

Rod Sim, Oak Bay Rotary Foundation, Director and Secretary Treasurer, requested Council consider providing sponsorship for hosting the Frank Sinatra 100th Birthday Event at the Oak Bay High School Theatre on Saturday December 12, 2015, as outlined in his correspondence dated October 26, 2015.

BYLAWS:

17. ***Bylaw Memorandum***
- Memo - Municipal Clerk, Oct 21, 2015
19. ***For Third Reading and Adoption (subject to the outcome of a Public Hearing)***
- Bylaw No. 4652, 2414 San Carlos Avenue Heritage Revitalization Agreement Authorization Bylaw, 2015

MOVED by Councillor Braithwaite, seconded by Councillor Murdoch: That Bylaw No. 4652, 2414 San Carlos Avenue Heritage Revitalization Agreement Authorization Bylaw, 2015 be read a third time.

In response to questions from Council, the Municipal Clerk confirmed that a correction to the Bylaw could be accommodated at this time to address the typographic error under Section 23.1 which makes mention of a Section 22.2; it was noted that Section 22.2 is not included in the final version of the Heritage Revitalization Agreement which forms Schedule A to the Bylaw.

MOVED by Councillor Zhelka, seconded by Councillor Murdoch: That the motion be amended to read as follows: "That:

1. Section 23.1 in Schedule A of Bylaw No. 4652, *2414 San Carlos Avenue Heritage Revitalization Agreement Authorization Bylaw, 2015*, be amended by replacing the wording "sections 22.1 and 22.2" with the wording "section 22.1"; and
2. Bylaw No. 4652, *2414 San Carlos Avenue Heritage Revitalization Agreement Authorization Bylaw, 2015*, as amended, be read a third time."

CARRIED

The question on the main motion, as amended, was then called.

CARRIED

MOVED by Councillor Braithwaite, seconded by Councillor Murdoch: That Bylaw No. 4652, *2414 San Carlos Avenue Heritage Revitalization Agreement Authorization Bylaw, 2015* be adopted.

CARRIED

COMMUNICATIONS:

5. ***Update on Cougar Complaints***
 - Report - Chief Constable Brinton, Oct 20, 2015

Chief Constable Brinton was in attendance for this item.

The Chief Constable provided an overview of his report on recent cougar sightings and responded to questions from Council with respect to the actions of the Oak Bay Police in this regard.

MOVED by Councillor Ney and seconded by Councillor Braithwaite: That the report dated October 20, 2015 by Chief Constable Brinton be received for information.

CARRIE

6. ***Oak Bay Heritage Commission (HComm) Minutes***
 - Note - Municipal Clerk - H Comm Minutes, Oct 20, 2015
 - Special Minutes - OB HComm, Oct 20, 2015

MOVED by Councillor Braithwaite, seconded by Councillor Murdoch: That the minutes of the Heritage Commission meeting held October 20, 2015 be received.

CARRIED

7. ***Heritage Alteration Permit (HAP) - 2031 Runnymede Avenue***
- Report - Director of Building and Planning, Oct 21, 2015
 - Rpt Attach 1 - Bylaw 3343, Adopted Nov 10, 1980
 - Rpt Attach 2 - Statement of Significance - 2031 Runnymede
 - Plans 1 - Site plan and Replace stair, Oct 5, 2015
 - Plans 2 - Replace kitchen window, Aug 15, 2015

MOVED by Councillor Murdoch, 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 21, 2015.

It was noted that the applicant had agreed to bring forward revised plans to address a suggestion from the Heritage Commission to further enhance the project and that these plans would be brought forward to a future meeting of Council.

The question was then called.

CARRIED

8. ***Request for Response to Consultation on Interest in Hosting Potential Future Gaming Facility***
- Corresp - BCLC, Sep 30, 2015

MOVED by Councillor Braithwaite, seconded by Councillor Ney: That the correspondence dated September 30, 2015 from BCLC be received with thanks and that a response be sent to BCLC that Oak Bay Municipal Council does not wish the District of Oak Bay to be considered as a location to host a gaming facility at this time.

CARRIED

9. ***Special Event Application - Request for Road Occupancy for Fundraising Activity, Dec 27, 28, Jan 1, 2, 3, 9 and 10, 2015***
- Note - Municipal Clerk - Castaways Wanderers Rugby Football Association, Tree Chipping
 - Sp Event App - Castaways Wanderers Rugby Football Club, Oct 16, 2015

MOVED by Councillor Braithwaite, seconded by Councillor Ney: That approval be given for the temporary occupancy of public property on December 27 and 28, 2015, and on January 1, 2, 3, 9 and 10, 2016, for the purpose of a fundraising event as detailed in the October 16, 2015 correspondence from Castaway Wanderers Rugby Football Club, 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 provide 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

10. ***Uplands Combined Sewer Separation Project - Pre-design***

- Report - J.A. (Jack) Hull, HJA Water Management Consulting, Oct 20, 2015

Jack Hull, Project Manager and Kathi Springer, Communication Consultant in attendance for this item.

Following an introduction from the Mayor, the Project Manager made a presentation outlining his report, providing details and responding to questions from Council with respect to the project overall and with the work undertaken to date on the six possible options to separate the existing combined stormwater and sanitary sewer system.

The Communications Consultant responded to questions from Council regarding the public engagement process for the project, highlighting the open house meeting schedule and the availability of information on the Municipality's website.

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

1. An amendment to Bylaw No. 3891 be brought forward: to mandate sewer separation for new homes and connection to the separated municipal sewers when available; to mandate sewer separation for homes undergoing major renovations, based on a value of \$100,000 or greater, and connection to the separated municipal sewers when available; and to update Schedule A of the bylaw with respect fees and permits to reflect current costs; and further that Schedule A of Bylaw No. 3891 then be updated annually;
2. The cost of connecting properties with sewers separated prior to the municipality separating the combined sewers be included in the cost of the sewer separation construction contracts; and
3. Staff obtain blanket Heritage Inspection Permits covering the municipal rights of way and adjacent property owners, as the project proceeds to construction.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

11. ***New Business & Verbal Reports***

Members of Council provided verbal reports with respect to the Greater Victoria Public Library's budget process, the recent bazar at the Monterey Centre, Oak Bay Tourism's upcoming stakeholder meeting and the closing of public access to the Leech watershed in June 2016.

Servicing Costs and Onsite Stormwater Management, Strategic Priority Session Referral

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

1. a review of the current cost estimate process for providing water and sewer connections to private property; and

2. a review of the impact of existing bylaws on the use of onsite stormwater retention; be referred to the next strategic priority session to be considered for inclusion in Council's 2016 Strategic Plan.

CARRIED

Report on the Capital Regional District

The Mayor reviewed a presentation which had been originally presented to the Capital Regional District's (CRD) Eastside Wastewater Treatment and Resource Recovery Select Committee, providing a brief summary of the options and locations still being considered with respect to sewage treatment.

In response to questions from Council, Mayor Jensen outlined the process with respect to the CRD's Corporate Plan.

RESOLUTIONS:

12. ***Authorization for Disposition of Property by Way of a Lease - 2564 Heron Street***

- Notice of Property Disposition (Tod House - 2564 Heron Street)

MOVED by Councillor Murdoch, seconded by Councillor Braithwaite: That authorization be given for the disposition of property located at 2564 Heron Street (Tod House), legally described as Amended Lot 26 (DD 225937I), Block 9, Section 2, Victoria District, Plan 379 and Lot 27, Block 9, Section 2, Victoria District, Plan 379 by way of a lease (fixed term tenancy) for a two year period from November 1, 2015 to October 31, 2017 to Lisa Mercure and Kevin Perkins for a base rent of \$1,645 per month.

CARRIED

13. ***Confirmation of Citizen Volunteer Appointments to Advisory Planning Commission (APC) and Board of Variance (BOV)***

- Confirmation of Appointments (APC AND BOV)

MOVED by Councillor Murdoch, seconded by Councillor Zhelka: That the appointments below be confirmed for the following terms commencing November 2015 in accordance with the respective enactments and Bylaws governing them:

Advisory Planning Commission

Hope Burns	Dec. 31, 2017
Rus Collins	Dec. 31, 2016
Pam Copley	Dec. 31, 2016
Brian Holl	Dec. 31, 2017
Michael Low	Dec. 31, 2016
Kris Nichols	Dec. 31, 2017
Esther Paterson	Dec. 31, 2016
Andrew Stinson	Dec. 31, 2016
Tim Taddy	Dec. 31, 2017

Board of Variance

Kristina Leach Dec. 31, 2017

CARRIED

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

- DVP Resolution - 3605 Cadboro Bay Road
- Plans - DVP, UBP - 3605 Cadboro Bay Rd, Sep 29, 2015

MOVED by Councillor Croft and seconded by Councillor Murdoch: 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.

MOVED by Councillor Croft and seconded by Councillor Murdoch: That the motion in respect to the development variance permit for 3605 Cadboro Bay Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

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

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

MOVED by Councillor Croft and seconded by Councillor Murdoch: 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)	7.62 m	5.64 m	1.98 m

Minimum setback front lot line			
6.5.4.(2)(c)			
Minimum setback interior side lot line	1.52 m	0.61 m	0.91 m
6.5.4.(7)			
Distance between buildings and structures	3.00 m	1.05 m	1.95 m
6.5.4.(11)			
Minimum setback second storey	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.

MOVED by Councillor Croft and seconded by Councillor Murdoch: That the motion in respect to the development variance permit 787 Victoria Avenue (Lot 15) be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

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

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

MOVED by Councillor Croft and seconded by Councillor Murdoch: 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)			
Minimum setback front lot line	7.62 m	5.79 m	1.83 m
6.5.4.(7)			
Distance between buildings and structures	3.00 m	2.59 m	0.41 m
6.5.4.(11)			
Minimum setback second storey	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.

MOVED by Councillor Croft and seconded by Councillor Murdoch: That the motion in respect to the development variance permit for 787 Victoria Avenue (Lot 16) be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

BYLAWS:

Agenda Items No. 17 and 19 were addressed in advance of the Correspondence section of the meeting.

18. ***For Adoption***

- Bylaw No. 4654, Property Tax Exemption Bylaw, 2015

MOVED by Councillor Braithwaite and seconded by Councillor Murdoch: That Bylaw No. 4654, *Property Tax Exemption Bylaw, 2015* be adopted.

CARRIED

ADJOURNMENT:

20. ***Motion to Adjourn to In Camera***

MOVED by Councillor Braithwaite, seconded by Councillor Croft:

That the open portion of the meeting of Council 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 9:31 PM.

Certified Correct:

Municipal Clerk

Mayor