

MINUTES of a special meeting of the Committee of the Whole 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 Friday September 23, 2016 at 9:00 AM.

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

STAFF: Chief Administrative Officer, H. Koning  
Director of Corporate Services, W. Jones  
Deputy Director of Corporate Services, M. Jones  
Director of Financial Services, D. Carter  
Director of Building and Planning, R. Thomassen  
Manager of Planning, D. Jensen  
Director of Parks, Recreation and Culture, R. Herman

REGULATORY ITEMS:

1. *Efficiency and Red Tape Reduction*

- Report - Director of Corporate Services, Sep. 16, 2016

It was determined that a review would be undertaken of each topic within the September 16, 2016 report of the Director of Corporate Services. Mr. Jones noted that, should the Committee be supportive in principle of the proposals, separate policies or enactments would be proposed to Council as required.

*Approval of amplified music in parks and on beaches*

A discussion ensued on the possibility of delegating authority for approval of amplified music in parks and on beaches to the Director of Parks, Recreation and Culture. Members of the Committee expressed support in principle for the concept, noting that the current practice can cause delays and create a barrier to community involvement; however the importance of having a consistent internal policy was noted.

MOVED and seconded: That the Committee support in principle delegating authority for the approval of amplified music in parks and on beaches to the Director of Parks, Recreation and Culture, as further outlined in the report of the Director of Corporate Services dated September 16, 2016.

CARRIED

***Council, Committee and Commission Minutes***

The proposal of amending the minute-taking practice to a recommendation/action basis was discussed. It was clarified that the minutes would still record the name of speakers from the public and a summary of their comments.

Pam Copley, Chair, Advisory Planning Commission, asked if the minutes of the volunteer bodies such as the Advisory Planning Commission would also be recommendation/action only, given that their meetings are not currently webcast.

In response the Director of Corporate Services confirmed although the best practice would see volunteer body minutes following a similar process, it was not intended that their minute-taking practices change at this time, given that additional staff resources would be needed to expand webcasting.

Anthony Mears, Oak Bay resident, commented that the current report proposed many potential changes with only two days' notice. He questioned how reducing the minutes would be more efficient and commented that there is no closed captioning on the webcasting. Mr. Mears concluded his remarks by expressing concerns with the current webcasting system.

Rick Lee, Oak Bay resident, commented that closed captioning is vital for those with hearing issues and that it should be pursued to avoid a human-rights challenge.

The Director of Corporate Services responded to the public comments, clarifying that he is not aware of other municipalities undertaking closed captioning, but that staff can review that option. Mr. Jones clarified that as the existing minutes are anecdotal, staff are having to make a judgement call as to which commentary by Council and staff is included. He concluded his remarks by noting that ultimately it is the action chosen by Council which is crucial to record and that webcasting could provide the flavour of the discussion.

MOVED and seconded: That it be recommended to Council that staff undertake recommendation/action minutes for Council and Committee of the Whole meetings which do not include Council or staff commentary, as further outlined in the report of the Director of Corporate Services dated September 16, 2016.

A discussion ensued in which one member of the Committee expressed opposition to the recommendation, noting that the minutes do form the official record of the meeting and should be more substantial. The majority of the Committee expressed support, commenting that it would ultimately be more efficient, more in keeping with current best practices, and that webcasting allowed for greater access to meetings. The importance of ensuring redundancy with the webcasting technology was noted.

The question was then called.

CARRIED  
Councillor Murdoch against the motion

***Development Variance Permits***

A discussion ensued on the value of eliminating the practice of tabling a motion at Council for notification with respect to Development Variance Permits. It was clarified that this would not reduce public input opportunities.

Pam Copley, Chair, Advisory Planning Commission, commented that discussion is under way at the Commission level on how best to enhance the policy advice from the Commission to Council.

MOVED and seconded: That the Committee support in principle the practice of recommending notice for land use variances from Committee of the Whole instead of from Council, as further outlined in the report of the Director of Corporate Services dated September 16, 2016.

CARRIED

***Issuance of Covenants***

Consideration was given to the concept of delegating authority for the approval and registration of covenants, where the covenant requirements are clearly established or outlined in a development permit, agreement, or bylaw, to the Director of Building and Planning.

A discussion ensued on the advantages and disadvantages of delegating covenant issuances. Staff clarified that if an applicant was in disagreement with staff's decisions in regards to a covenant they would still retain the right to come forward to Council.

Some members of Council commented that this makes sense for those processes where guidelines and practices have already been established, but not for other processes from the Official Community Plan that are still early in their establishment, such development processes for the shoreline areas and riparian areas. In response, staff clarified that, should the Committee be in support of the concept overall, a policy could be brought forward for consideration which would identify which covenants were recommended specifically for delegation.

Pam Copley, Chair, Advisory Planning Commission, commented that the Commission could provide comment on the guidelines and processes for new covenants as needed.

MOVED and seconded: That, as further outlined in the report of the Director of Corporate Services dated September 16, 2016 the Committee support in principle the concept of delegating authority for the approval and registration of 219 covenants to the Director of Building and Planning, where the covenant requirements are clearly established or outlined in a development permit, agreement, or bylaw.

CARRIED

***Monthly Financial Report to Quarterly Financial Report***

Discussion ensued on the proposal to amend the practice of the Director of Financial Services providing a monthly financial report to a quarterly report schedule. It was noted that, should the Committee be supportive, any issues that arose between the regular quarterly report cycles would be brought to Council's attention.

MOVED and seconded: That it be recommended to Council that the financial reporting cycle to the Committee of the Whole be amended from monthly to quarterly.

Esther Paterson, Oak Bay resident, commented that this is a good suggestion in keeping with practices in the business sector, but with the provision that issues would be reported immediately.

The question was then called.

CARRIED

### ***Filming in Parks***

Consideration was given to the concept of delegating authority to the Director of Parks, Recreation and Culture to allow filming in parks. Given the refinements to the filming process and the economic benefits of film production, Committee members expressed support for this proposal.

No members of the public rose to speak on this item.

MOVED and seconded: That, as further outlined in the report of the Director of Corporate Services dated September 16, 2016 the Committee support in principle the concept of amending the Zoning Bylaw to enable the Director of Parks, Recreation and Culture, or the Director's designate, to approve filming in Oak Bay.

CARRIED

### ***Closed Council Meeting Time***

Committee members expressed support for the concept of holding closed meetings in advance of regular Council meetings in order to ensure that In Camera matters are discussed earlier in the evening.

No members of the public rose to speak on this item.

MOVED and seconded: That, as further outlined in report of the Director of Corporate Services dated September 16, 2016 the Committee support in principle the concept of holding closed meetings in advance of regular Council meetings as needed and in keeping with the requirements of section 90 in the Community Charter.

CARRIED

### ***Flags at Civic Facilities***

The Director of Corporate Services confirmed that raising and lowering flags daily is no longer the established practice by the Government of Canada. The Committee noted the importance of keeping flags in good condition.

No members of the public rose to speak on this item.

MOVED and seconded: That it be recommended to Council that the flags at the civic facilities no longer be raised and lowered daily.

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***“Annual” Special Event Applications***

A discussion ensued on the proposal for establishing practices to allow regularly approved special events to be addressed at a staff level. The Committee expressed support for the concept in principle, noting that attending a Council meeting can be stressful for volunteer members who run these events, but that consideration would still need to be made on how the event information is made available to the public.

No members of the public rose to speak on this item.

MOVED and seconded: That, as further outlined in the report of the Director of Corporate Services dated September 16, 2016 the Committee support in principle bringing forward bylaw amendments to allow a limited number of special events to be pre-authorized at the staff level, subject to the events meeting certain municipal conditions, particularly with respect to insurance and safety requirements.

CARRIED

***Development Permits***

A discussion ensued on the potential to delegate Development Permit approval powers to staff, given that case law shows that, if the applicant has met the development permit guidelines of the Official Community Plan, the municipality is obligated to issue the permit.

The Director of Building and Planning and the Manager of Planning responded to questions from the Committee with respect to departmental practices and processes in regards to development permits. Staff confirmed that the Advisory Planning Commission’s mandate relates to compliance with the Official Community Plan, that no changes with respect to staff reports to the Commission are anticipated at this time and that applicants would still retain the right to come forward to Council if unhappy with staff’s decisions in this regard.

A member of the Committee raised the question of posting approved permits to the website as is done in other municipalities. Staff confirmed that this is a function of Tempest which is currently being explored.

MOVED and seconded: That, as further outlined in the report of the Director of Corporate Services dated September 16, 2016 the Committee support in principle the concept of delegating the authority to approve Development Permits to staff, in keeping with Section 154(1) of the Community Charter.

Anthony Mears, Oak Bay resident, expressed concern with this recommendation, noting that in his estimation it is too soon in the implementation of the Official Community Plan to contemplate delegating this authority.

Esther Paterson, Oak Bay resident, commented that she too supports a more cautious approach and that discussions on implementation of the Official Community Plan are still underway. She questioned who interprets the legal application of the guidelines and stated that in her understanding the Advisory Planning Commission has committed to developing checklists in this regard.

It was clarified that staff provide the professional expertise on whether an application meets the requirements of the development permit guidelines and that, in the event of a legal challenge based on a development permit denial, the court would likely weigh heavily staff's response in this regard.

Some members of the Committee spoke in opposition to the recommendation stating that it was too soon in the implementation of the Official Community Plan to consider delegation. Other members of the Committee expressed support, emphasizing that the opportunity for influencing development in this regard is with the establishment of bylaws and that the recommendation prevents the public from misconstruing Council's discretion to deny applications. The importance of learning from and communicating with the Advisory Planning Commission was noted.

The question was then called.

CARRIED  
Councillors Braithwaite and Murdoch against the motion

### ***Rezoning Process***

Consideration was given to the concept of bringing forward proposed bylaw amendments for rezoning applications at the same time that the report on the project is brought forward. The Manager of Planning confirmed that these amendments would be brought first to the Advisory Planning Commission for review.

Committee members noted that meaningful consultation with the Commission was important in this regard and that alleviating unnecessary processing of reports was supportable.

No members of the public rose to speak on this item.

MOVED and seconded: That, as further outlined in the report of the Director of Corporate Services dated September 16, 2016 the Committee support in principle bringing forward proposed bylaw amendments for rezoning applications at the same time that the report on the project is brought forward.

CARRIED

## 2. ***Deer Survey Resolution***

- Memorandum - Director of Corporate Services, Sep. 16, 2016

Rick Lee, Oak Bay resident, expressed his concern that he does not feel Council has meaningfully addressed issues with regards to managing urban deer and that he would like to see action undertaken. Mr. Lee emphasized the impact the deer are having on gardens, despite the efforts and expense taken to deter them.

Linda Thompson, Oak Bay resident, commented that there is a growing frustration in the community with regards to deer. Ms. Thompson stated that the behavior displayed by urban deer in Oak Bay is changing and that more fencing and deterrents are needed now than in the past. She concluded her remarks by expressing concerns that residents would start to address this issue themselves.

*Councillor Ney expressed her regrets that she was unable to stay for the rest of the meeting and then left at 11:33 am.*

With respect to the question of fencing the allotment gardens to address impact by deer, Mr. Lee was encouraged to speak with Councillor Braithwaite as the Parks, Recreation and Culture Commission liaison. It was further clarified that the question before the Committee at this time was exclusively with respect to an outstanding resolution requesting costs for an attitude survey.

MOVED and seconded: That further consideration of an attitude survey on deer be deferred until after the results of the Citizen Satisfaction Survey are received.

CARRIED

ADJOURNMENT:

3. ***Motion to Adjourn***

MOVED and seconded: That the meeting be adjourned.

CARRIED

The meeting adjourned at 11:43 PM.

Certified Correct:

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Mayor

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Director of Corporate Services