

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 8, 2010 at 7:30 p.m.

PRESENT: Mayor C. Causton, Chairman
Councillor H. Braithwaite
Councillor A. R. Cassidy
Councillor P. Copley
Councillor J. Herbert
Councillor N. B. Jensen
Councillor T. Ney

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

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

At the request of Mayor Causton, Council agreed to amend the order of the agenda to bring forward correspondence item no. 2010-290 for consideration following adoption of the minutes.

ADOPTION OF MINUTES:

Council – October 25, 2010

MOVED by Councillor Herbert
Seconded by Councillor Copley, That the minutes of the Council meeting held on Monday, October 25, 2010, be adopted.

Councillor Braithwaite thanked those involved with the well attended Neighbourhood Learning Centre barbecue that took place Saturday, November 6, 2010.

The question was then called.

CARRIED

Committee of the Whole – November 1, 2010

MOVED by Councillor Copley
Seconded by Councillor Herbert, That the minutes of Committee of the Whole meeting held on Monday, November 1, 2010, and the recommendations contained therein, be adopted.

Mayor Causton suggested that the Municipal Administrator include an analysis in his upcoming secondary suites consultation plan regarding the experience of the Town of View Royal and the Township of Esquimalt with respect to licensing secondary suites.

The question was then called.

CARRIED

COMMUNICATIONS:

1. 2010-290 ROBERT MCINNES, October 14, 2010
Re Proposed Commemoration of Streetcar Rails – Midland Circle

Mayor Causton thanked Robert McInnes for drawing attention to the streetcar rails at the Midland Circle and suggested this item be referred to the Heritage Committee.

MOVED by Councillor Braithwaite

Seconded by Councillor Copley, That the request to commemorate the streetcar rails at Midland Circle be referred to the Heritage Committee for review and a recommendation to Council.

CARRIED

2. 2010-294 BC TRANSIT, October 13, 2010
2010-294-1 LOUIS GUILBAULT, November 6, 2010
2010-294-2 BILL DRAPER, November 7, 2010
Re Transit Future Plan

(James Wadsworth and Emily Flett, Senior Transit Planners, BC Transit, in attendance for this item.)

Emily Flett and James Wadsworth provided a powerpoint presentation outlining the BC Transit future plan, noting that at this point they are seeking Municipal endorsement for the proposed 25-year transit plan, that would focus on such things as identifying key transit corridors and supporting the local transit network, and creating a vision for transit in the region.

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That correspondence items no. 2010-294 to 2010-294-2 be received, and that a letter be sent to the Victoria Regional Transit Commission in support of the Transit Future Network, Vision and Goals, and further, that staff be directed to work with BC Transit to identify and support the Transit Future Network and facilities in the District of Oak Bay's transportation and land-use plans.

While there was support in principle for the plan, concerns were raised by members of Council with respect to the costs associated with implementing the plan, acknowledging that such information is not yet known. In this regard, Council clarified that its support was for the vision the plan presented for the future of transit in the region and not in respect to the cost to undertake it.

The question was then called.

CARRIED

3. 2010-262 MUNICIPAL CLERK, October 8, 2010
2010-262-1 OAK BAY HERITAGE COMMITTEE, September 23, 2010
2010-289 BAYNE DEAN, October 14, 2010
Re Welcome to Oak Bay Sign

Mayor Causton explained that the recommendation regarding the location of the Welcome to Oak Bay sign from the Community Initiatives Committee was considered at the September 20, 2010 meeting of Council, and at that time the proposed location for the sign was also referred to the Oak Bay Heritage Committee.

At its September 23, 2010 meeting, the Heritage Committee suggested that the location proposed, inside the Uplands gates on Beach Drive, was not in keeping with the Uplands urban park concept and that the sign would be in conflict with the nearby Uplands gates, the area of which has great landscape value.

All members of Council expressed their appreciation for the amount of time and craftsmanship that went into the sign that was donated to the Municipality by Ian Gilbert, who has since passed away, and the Monterey Centre Woodworker's Club. It was pointed out that some of the Oak Bay High School students had a hand in creating the sign as well.

There was considerable discussion on the merits of the location proposed by the Community Initiatives Committee, and it was acknowledged that it was Mr. Gilbert's understanding that the sign would be placed at the Uplands entrance. Some members of Council expressed their discomfort in choosing a location other than that discussed with Mr. Gilbert. Other members of Council felt, however, that the concerns pointed out by the Heritage Committee in respect to the proposed location were significant, and it emerged that the majority were not in favour of the proposed location.

MOVED by Councillor Jensen

Seconded by Councillor Copley, That the Welcome to Oak Bay sign not be placed in the location proposed by the Community Initiatives Committee in its August 12, 2010 minutes, and that the recommendation of the Oak Bay Heritage Committee be endorsed.

CARRIED

(Mayor Causton, Councillors Cassidy and Herbert against the motion)

4. 2010-291 GREATER VICTORIA PUBLIC LIBRARY, October 31, 2010
Re 2011 Operating Budget and Five Year Financial Plan – Provisional

Attention was drawn to the Greater Victoria Public Library 2011 provisional operating budget and five year financial plan, which shows Oak Bay's share of the budget increase being 6.1%.

Councillor Copley touched on some of the factors affecting the budget, such as the reinstatement of Sunday openings, and reduced Provincial grants.

It was noted that representatives from the Greater Victoria Public Library would likely attend a Council meeting early next year with its final budget, and a member of Council requested that the library staff provide a balance sheet showing more detail, such as investments and actual costs to date.

MOVED by Councillor Copley

Seconded by Councillor Jensen, That correspondence item no. 2010-291 be received.

CARRIED

5. 2010-292 DEPUTY MUNICIPAL TREASURER, November 4, 2010
Re Award of Contract for Audit Services

The Municipal Treasurer explained that the local municipalities have collaborated by inviting proposals from qualified firms to provide external audit services. Following a review of the proposals received, Ms. Walker recommended that Oak Bay enter into a three year contract (with a two year renewal option) with KPMG.

MOVED by Councillor Jensen
Seconded by Councillor Herbert, That the Mayor and Municipal Clerk be authorized to execute a three year (with a two year renewal option) contract agreement commencing January 1, 2011 with KPMG for the provision of audit services for the cost as outlined in correspondence item no. 2010-292, being a memorandum from the Deputy Municipal Treasurer, dated November 4, 2010.

CARRIED

- 6. 2010-293 JEANETTE MAHER, November 2, 2010
- 2010-293-1 NADINE BUCHAN, November 4, 2010
- 2010-293-2 TERRY AND BRIAN O'FLYNN, November 8, 2010
Re Development Variance Permit – 1392 Hampshire Road

MOVED by Councillor Jensen
Seconded by Councillor Braithwaite, That correspondence items no. 2010-293 to 2010-293-2 be received.

CARRIED

NEW BUSINESS:

Tree Appreciation Day

Councillor Braithwaite thanked Lorne Middleton, Manager of Parks Services, and Parks Department staff, for organizing a Tree Appreciation Day event on Sunday, November 7, 2010.

TABLED:

Development Permit (with Variance) – 2005 Oak Bay Avenue

MOVED by Councillor Jensen
Seconded by Councillor Herbert, That the following motion be lifted from the table:

That the Director of Building and Planning be authorized to issue a Development Permit with respect to 2005 Oak Bay Avenue (the Northerly 126 feet of the Westerly 12 feet of Lot 3, Section 23, Victoria District, Plan 435) allowing exterior alterations to the building located thereon in the form of the installation of business signs as described in Committee of the Whole agenda item #2010-273, being a memorandum from the Director of Building and Planning dated October 12, 2010, and as more particularly shown in the photographic representation attached thereto, and which in addition would vary Section 15(1) of Bylaw No. 3946, Sign Bylaw, 1997, to permit one of the signs which is of a type that would not otherwise be permitted, namely a hanging sign projecting out from the face of the building, subject to the property owners entering into an air space encroachment agreement with the Municipality in respect to the projecting sign, with the Mayor and Municipal Clerk being authorized to execute such an agreement.

CARRIED

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

CARRIED

Development Variance Permit– 1392 Hampshire Road

Councillor Cassidy declared a conflict of interest with respect to the development variance permit request for 1392 Hampshire Road, for the reason he has previously stated, which was that he shares a financial interest with the applicant's architect. Councillor Cassidy left the meeting at 9:05 p.m.

MOVED by Councillor Jensen

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 1392 Hampshire Road (Amended Lot 13, (DD193213I), Section 23, Victoria District, Plan 673A), varying Section 4.10.5 of Bylaw No. 3531, being the Zoning Bylaw, 1986, as amended, to permit a miscellaneous structure (heat pump) to be sited in the front yard, as shown on the plans appended to Committee of the Whole agenda item #2010-274, being a memorandum from the Director of Building and Planning dated October 12, 2010.

Responding to comments from Council, Harvey Pinch, applicant, said he will do whatever is necessary to hide the heat pump from view and ensure that the heat pump will not exceed the 40 decibel maximum noise level at the property line.

A member of Council acknowledged that should the pump not be within the maximum permitted noise level, it would become a bylaw enforcement matter.

The question was then called.

CARRIED

Councillor Cassidy returned to the meeting at 9:09 p.m.

RESOLUTIONS:

Traffic Control Order No. 2010-11 – Tinto Street

MOVED by Councillor Ney

Seconded by Councillor Copley, That Traffic Control Order 2010-08, which implemented “no parking or stopping” regulations on the south side of Tinto Street, be repealed.

CARRIED

Traffic Control Order No. 2010-12 – Cedar Hill Cross Road, Cycling Lanes/Parking

MOVED by Councillor Jensen

Seconded by Councillor Copley,

1. That lines be painted adjacent to the curbs on both north and south sides of Cedar Hill Cross Road between Gordon Head Road and Henderson Road, as more particularly shown on the sketch attached hereto, to indicate that the portions of roadway so marked are designated as bicycling lanes.
2. That lines be painted between the east and north bound traffic lane on the south of side Cedar Hill Cross Road directly west of the intersection with Henderson Road, as more particularly shown in the sketch attached here, to indicate that the portion of roadway so marked is designated as a bicycling lane.

3. That parking and stopping on both sides of the portion of Cedar Hill Cross Road described in Paragraph 1 be prohibited from 7:00 a.m. to 7:00 p.m., Monday through Friday.

Repeals

4. That paragraph 1 of Traffic Control Order 94-04 (prohibited parking, north side of Cedar Hill Cross Road between Gordon Head Road and Henderson Road, between 9 a.m. and 5 p.m. Monday to Friday) be repealed.

Effective Date

5. That paragraphs 3 and 4 shall take effect upon the completion of the work described in Paragraph 1.

It was pointed out that paragraph no. 3 should be amended to read *north side* rather than *both sides*, as was recommended by the Committee of the Whole.

MOVED by Councillor Jensen

Seconded by Councillor Copley, That the motion be amended to replace the words “both sides” with the words “the north side” in paragraph 3.

CARRIED

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

CARRIED

Development Variance Permit – 1358 Monterey Avenue

MOVED by Councillor Jensen

Seconded by Councillor Cassidy, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 1358 Monterey Avenue (Lot 8, Section 23, Victoria District, Plan 2479), varying the following provisions of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended:

<u>Zoning Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
6.5.4.(2)(d) Minimum Exterior Side Lot Line Setback	3.65 m	1.68 m	1.97 m
6.5.4.(7) Clear Space Between Buildings	3.00 m	1.37 m	1.63 m

to accommodate the construction of a gazebo, as shown on the plans appended to Committee of the Whole agenda item #2010-286, being a memorandum from the Director of Building and Planning dated October 28, 2010.

MOVED by Councillor Cassidy

Seconded by Councillor Braithwaite, That the motion in respect to the development variance permit for 1358 Monterey Avenue be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 3620 Cadboro Bay Road

MOVED by Councillor Braithwaite
Seconded by Councillor Cassidy, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 3620 Cadboro Bay Road (Lot 1, Section 31, Victoria District, Plan 3751), varying the following provision of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended:

<u>Zoning Bylaw Section</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
4.17.1 Maximum Exposed Face of Retaining Wall	1.2 m	2.44 m	1.24 m

to accommodate the construction of a retaining wall, as shown on the plans appended to Committee of the Whole agenda item #2010-287, being a memorandum from the Director of Building and Planning dated October 28, 2010.

MOVED by Councillor Cassidy
Seconded by Councillor Braithwaite, That the motion in respect to the development variance permit for 3620 Cadboro Bay Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

December Council Meeting Schedule

MOVED by Councillor Braithwaite
Seconded by Councillor Cassidy, That Council’s regular meeting schedule be suspended for the month of December 2010, and that the following schedule be substituted:

December 2010	
Committee of the Whole	Monday, December 6, 2010 @ 7:30 p.m.
Council	Monday, December 13, 2010 @ 7:30 p.m.

CARRIED

Transfer of Chinese Cemetery Burial Records to the University of Victoria

MOVED by Councillor Cassidy
Seconded by Councillor Herbert, That approval be given to transfer the Chinese cemetery burial records held at the Oak Bay Community Archives to the University of Victoria.

CARRIED

BYLAWS:

For First and Second and Third Reading

MOVED by Councillor Braithwaite
Seconded by Councillor Jensen, That Bylaw No. 4517, *Mayor and Councillors’ Annual Indemnity Bylaw, 2011* be introduced and read a first time.

CARRIED

MOVED by Councillor Braithwaite
Seconded by Councillor Jensen, That Bylaw No. 4517, *Mayor and Councillors' Annual Indemnity Bylaw, 2011*, be read a second time.

CARRIED

MOVED by Councillor Braithwaite
Seconded by Councillor Jensen, That Bylaw No. 4517, *Mayor and Councillors' Annual Indemnity Bylaw, 2011*, be read a third time.

CARRIED

ADJOURNMENT:

MOVED by Councillor Braithwaite
Seconded by Councillor Cassidy, That the meeting of Council be adjourned.

CARRIED

The meeting adjourned at 9:14 p.m.

Certified Correct:

Municipal Clerk

Mayor