

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 Tuesday, April 26, 2011 at 7:30 p.m.

PRESENT: Councillor H. Braithwaite, Chairman  
Councillor A. R. Cassidy  
Councillor J. D. Herbert  
Councillor T. Ney  
STAFF: Municipal Administrator, M. Brennan  
Municipal Clerk, L. Hilton  
Confidential Secretary, K. Green  
Director of Building and Planning, R. Thomassen  
Municipal Treasurer, P. Walker  
Director of Engineering Services, D. Marshall

With both the Mayor and Acting Mayor absent, it was the consensus of Council that Councillor Braithwaite be designated to preside over the meeting.

The Chair called the meeting to order at 7:30 p.m.

ADOPTION OF REPORT:

*Public Hearing – April, 11, 2011*

MOVED by Councillor Herbert  
Seconded by Councillor Ney, That the report of the Public Hearing held on Monday, April 11, 2011, be adopted.

CARRIED

ADOPTION OF MINUTES:

*Council – April 11, 2011*

MOVED by Councillor Ney  
Seconded by Councillor Herbert, That the minutes of the Council meeting held on Monday, April 11, 2011, be adopted.

CARRIED

*Estimates Committee – April 13, 2011*

MOVED by Councillor Cassidy  
Seconded by Councillor Herbert, That the minutes of the Estimates Committee meeting held on Wednesday, April 13, 2011, and the recommendations contained therein, be adopted.

CARRIED

*Special Council – April 18, 2011*

MOVED by Councillor Ney  
Seconded by Councillor Herbert, That the minutes of the Special Council meeting held on Monday, April 18, 2011, be adopted.

CARRIED

*Committee of the Whole – April 18, 2011*

MOVED by Councillor Ney

Seconded by Councillor Herbert, That the minutes of Committee of the Whole meeting held on Monday, April 18, 2011, and the recommendations contained therein, be adopted.

*Musgrave Street Parking*

Councillor Braithwaite noted that she had also expressed interest in joining staff for the site visit to look at parking in the Musgrave Street area.

The question was then called.

CARRIED

COMMUNICATIONS:

1. 2011-162 MUNICIPAL TREASURER, April 19, 2011  
Re 2010 Financial Statements and Other Audit Reports

*(Randy Decksheimer, and Donna Hobbs, representatives, KPMG Chartered Accountants, were in attendance for this item.)*

Randy Decksheimer provided an overview of the financial statements and other audit reports to Council, and then responded to questions from Council in this regard. Mr. Decksheimer noted that the statements fairly represent the financial position of the Municipality for the 2010 fiscal year.

Mr. Decksheimer drew attention to changes in accounting standards, noting that the financial statements have been presented to Council in draft form, and that they now require Council approval.

A member of Council offered his observations and suggestions on various aspects of the financial statements and audit reports.

MOVED by Councillor Cassidy

Seconded by Councillor Herbert, That the 2010 financial statements and other audit reports attached to correspondence item no. 2011-162 be approved.

CARRIED

2. 2011-163 MUNICIPAL TREASURER, April 21, 2011  
Re Approval of Grants

MOVED by Councillor Herbert

Seconded by Councillor Ney, That the summary of grants included in the 2011 budget, attached to correspondence item no. 2011-163, be approved.

CARRIED

3. 2011-164 BROOKE MILLER, April 15, 2011  
Re Request for Closure of Avondale Road – April 30, 2011

MOVED by Councillor Herbert

Seconded by Councillor Cassidy, That permission be given for the closure of the 2000 block of Avondale Road on Saturday, April 30, 2011, from 8:00 o'clock a.m. to 4:00 o'clock p.m., for the purpose of a neighbourhood garage sale, subject to sales not being conducted on the street.

CARRIED

4. 2011-165 GREATER VICTORIA SCHOOL DISTRICT, April 1, 2011  
Re Request for Amendment to the Animal Control Bylaw

*(George Ambeault, Secretary-Treasurer, Greater Victoria School District, was in attendance for this item.)*

Responding to a question from Council, the Municipal Administrator advised that should Council feel that extending the public property leash requirements to school property was in the public interest, where enforcement would become the Municipality's responsibility, an amendment to the Animal Control Bylaw and ticketing bylaw would be required.

George Ambeault explained that the School District received a letter from Ian Fraser, Victoria Animal Control Services Ltd., suggesting that the School District request that the District of Oak Bay consider changing its Animal Control Bylaw to extend the leash requirement to include school property to allow Victoria Animal Control Services Ltd. to take enforcement action in respect to complaints it had received.

MOVED by Councillor Herbert

Seconded by Councillor Cassidy, That staff be directed to draft bylaw amendments that would require dogs to be leashed on school property, to be brought forward to Council for formal consideration.

Staff answered questions from Council regarding the proposed regulations.

The question was then called.

CARRIED

5. 2011-166 CAPITAL REGIONAL DISTRICT BOWKER CREEK URBAN  
WATERSHED RENEWAL INITIATIVE, April 21, 2011  
2011-166-1 GREATER VICTORIA SCHOOL DISTRICT, April 26, 2011  
Re Request for Resolution to Authorize a Grant Application for  
Restoration Work for Bowker Creek

*(Natalie Bandringa, Capital Regional District Bowker Creek Urban Watershed Renewal Initiative, was in attendance for this item.)*

Natalie Bandringa provided an overview of the Bowker Creek Urban Watershed Renewal Initiative proposal, noting that the Bowker Creek Initiative is requesting that Oak Bay submit an application, prepared by the Bowker Creek Initiative, for a grant from the Province's Gas Tax Agreement Innovations Fund Program through the Union of British Columbia Municipalities, that would be used to design and complete the restoration of a portion of Bowker Creek that passes through the Oak Bay High School land. Ms. Bandringa assured Council that there would

be no cost to the Municipality, and that Oak Bay would be the primary applicant with the Bowker Creek Initiative as the secondary applicant.

Responding to a member of Council asking if the Bowker Creek Initiative would consider including community gardens in its restoration plans, Ms. Bandringa advised that the proposed work would extend to the Bowker Creek corridor and not the surrounding green space.

With respect to the concept of having community gardens in the area, Councillor Braithwaite, speaking on behalf of the Neighbourhood Learning Centre Committee, advised that the topic is already being discussed with the School District.

MOVED by Councillor Ney

Seconded by Councillor Herbert, That the Director of Engineering Services and/or the Municipal Administrator be authorized, on behalf of the District of Oak Bay, to submit, as the primary applicant with the Bowker Creek Initiative as the secondary applicant, an application for funding to the Union of British Columbia Municipalities under the Gas Tax Agreement Innovations Fund, for the restoration of the portion of Bowker Creek that passes through the Oak Bay High School land, at an estimated cost of \$615,000.

CARRIED

6. 2011-167 Summary Report of Town Hall Meeting – April 12, 2011

Members of Council thanked staff and the public for attending the Town Hall meeting held April 12, 2011, noting that some of the topics will be discussed by Council in the near future.

MOVED by Councillor Herbert

Seconded by Councillor Cassidy, That correspondence item no. 2011-167 be received.

CARRIED

NEW BUSINESS:

*House Demolition*

Councillor Cassidy once again expressed his dismay in seeing yet another application to demolish a 1930's house, noting he hopes to see this issue addressed.

*Friends of Uplands Park*

Councillor Braithwaite thanked the organizers of the Friends of Uplands Park celebration of Earth Day for raising awareness of ways to help protect Uplands Park.

TABLED:

***Development Variance Permit – 629 Beach Drive***

MOVED by Councillor Herbert

Seconded by Councillor Cassidy, 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 629 Beach Drive (Lot B, Section 73, Victoria District, Plan 41590), varying the following provisions of Bylaw No. 3531, being the Zoning Bylaw, 1986, as amended:*

<u>Bylaw Section</u>	<u>Permitted/ Required</u>	<u>Requested</u>	<u>Variance</u>
6.4.4. (2) (a) Minimum front lot line setback	7.62 m	3.81 m	3.81 m
6.4.4. (2) (b) Minimum rear lot line setback	7.62 m	2.4 m	5.22 m
6.4.4. (6) (a) Maximum gross floor area above 0.8 m below grade	300 m <sup>2</sup>	315 m <sup>2</sup>	15 m <sup>2</sup>

to accommodate the renovations as shown on the plans appended to Committee of the Whole agenda item 2011-129, being a memorandum from the Director of Building and Planning dated March 30, 2011.

CARRIED

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

CARRIED

RESOLUTIONS:

***Development Variance Permit – 1820 Beach Drive***

MOVED by Councillor Herbert

Seconded by Councillor Ney, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to the proposed subdivision of 1820 Beach Drive (Lot 2, Section 61, Victoria District, Plan 3717), varying the following provisions of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended, in respect to the proposed Lot 1:

<u>Bylaw Section</u>	<u>Permitted/ Required</u>	<u>Requested</u>	<u>Variance</u>
6.5.4. (2) (b) Minimum rear lot line setback	7.62 m	4.86 m	2.76 m
6.5.4. (6) (a) Maximum gross floor area	360 m <sup>2</sup>	379.4 m <sup>2</sup>	19.4 m <sup>2</sup>
6.5.4. (6) (a) Maximum gross floor area at a level higher than .8m below grade	240 m <sup>2</sup>	272.7 m <sup>2</sup>	32.7 m <sup>2</sup>

to accommodate the construction of a new dwelling on the proposed Lot 1 as shown on the plans appended to Committee of the Whole agenda item #2011-154, being a memorandum from the Director of Building and Planning dated April 7, 2011, when and if the Approving Officer grants preliminary approval to the proposed subdivision, and upon the applicant satisfying all conditions of preliminary approval set out by the Approving Officer.

MOVED by Councillor Cassidy  
Seconded by Councillor Herbert, That the motion in respect to the development permit with variances for 1820 Beach Drive be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

BYLAWS:

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

MOVED by Councillor Herbert  
Seconded by Councillor Cassidy, That Bylaw No. 4531, *Streets and Traffic Bylaw Amendment Bylaw No. 1, 2011*, be introduced and read a first time.

CARRIED

MOVED by Councillor Herbert  
Seconded by Councillor Cassidy, That Bylaw No. 4531, *Streets and Traffic Bylaw Amendment Bylaw No. 1, 2011*, be read a second time.

CARRIED

MOVED by Councillor Herbert  
Seconded by Councillor Cassidy, That Bylaw No. 4531, *Streets and Traffic Bylaw Amendment Bylaw No. 1, 2011*, be read a third time.

CARRIED

MOVED by Councillor Cassidy  
Seconded by Councillor Ney, That Bylaw No. 4532, *Ticket Information Utilization Bylaw Amendment Bylaw No. 2, 2011*, be introduced and read a first time.

CARRIED

MOVED by Councillor Cassidy  
Seconded by Councillor Ney, That Bylaw No. 4532, *Ticket Information Utilization Bylaw Amendment Bylaw No. 2, 2011*, be read a second time.

CARRIED

MOVED by Councillor Cassidy  
Seconded by Councillor Ney, That Bylaw No. 4532, *Ticket Information Utilization Bylaw Amendment Bylaw No. 2, 2011*, be read a third time.

CARRIED

ADJOURNMENT:

MOVED by Councillor Cassidy  
Seconded by Councillor Herbert, That the open portion of the meeting of Council be adjourned.

CARRIED

The meeting adjourned at 7:55 p.m.

Certified Correct:

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Municipal Clerk

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Presiding Member