

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, March 12, 2012 at 7:30 p.m.

PRESENT: Mayor N. Jensen, Chair
Councillor P. Copley
Councillor C. Green
Councillor J. Herbert
Councillor M. Kirby
Councillor K. Murdoch
Councillor T. Ney
STAFF: Municipal Clerk, L. Hilton
Director of Building and Planning, R. Thomassen
Municipal Treasurer, P. Walker
Director of Engineering Services, D. Marshall

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

ADOPTION OF MINUTES:

Council – February 27, 2012

MOVED by Councillor Herbert
Seconded by Councillor Ney, That the minutes of the Council meeting held on Monday, February 27, 2012, be adopted.

CARRIED

Committee of the Whole – March 5, 2012

MOVED by Councillor Herbert
Seconded by Councillor Green, That the minutes of Committee of the Whole meeting held on Monday, March 5, 2012, and the recommendations contained therein, be adopted.

CARRIED

COMMUNICATIONS:

1. 2012-92 GREATER VICTORIA PUBLIC LIBRARY, February 29, 2012
Re 2012 Budget and Five Year Financial Plan – Final

(Maureen Sawa, Chief Executive Officer, Donna Phillips, Finance Manager, Patricia Eaton, Manager, Public Services, Lynne Jordan, Deputy Chief Executive Officer/Director of Strategic Development, Greater Victoria Public Library, were in attendance for this item)

Greg Bunyan, Vice Chair, Greater Victoria Public Library Board, provided an overview of the 2012 budget, drawing attention to the various services provided by the Greater Victoria Public Library, and noting the formation of a development committee to explore funding initiatives.

There was discussion regarding the budget and Mr. Bunyan and the Greater Victoria Public Library staff answered questions from members of Council in this regard. It was noted that Oak Bay's usage is among the highest in the region.

MOVED by Councillor Ney
Seconded by Councillor Green, That Oak Bay's share of the 2012 budget for the Greater Victoria Public Library in the amount of \$902,349 be approved.

CARRIED

2. 2012-93 ISLAND RUNNER, February 16, 2012
Re Request for Permission to Hold McNeill Bay Half Marathon – September 9, 2012

MOVED by Councillor Herbert
Seconded by Councillor Green, That permission be granted for the occupancy public property and detailed in correspondence item no. 2012-93 for the 2012 McNeill Bay Half Marathon on Sunday, September 9, 2012, 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 providing evidence of public liability insurance in the amount of not less than \$3,000,000;
- 2) agree to pay all invoices from the Municipality for costs incurred in connection with the event;
- 3) agree to obtain Oak Bay Police approval for a detailed marshalling plan; and
- 4) agree to provide individual notice to each residence along the route in advance of the event,

with the Municipal Clerk being authorized to execute such agreement on behalf of the District of Oak Bay.

CARRIED

3. 2012-94 WENDY MIRMOTAHARI, February 12, 2012
Re Request for Temporary Road Closure for School Grad Block Party, Monterey Avenue – May 11, 2012

MOVED by Councillor Copley
Seconded by Councillor Green, That permission be given for the closure of Monterey Avenue between 564 and 567 Monterey Avenue to Beach Drive, on Friday, May 11, 2012, from 2:00 p.m. to 7:30 p.m., for the purpose of a grad block party.

CARRIED

4. 2012-95 VICTORIA WHEELERS CYCLING CLUB, March 8, 2012
Re Request for Permission for Windsor Park Road Races (Revised)

MOVED by Councillor Herbert
Seconded by Councillor Copley, That the Victoria Wheelers Cycling Club request to revise one of the previously approved dates for the temporary road closure from April 15, 2012 to April 22, 2012 to facilitate the staging of the Victoria Wheelers Cycling Club cycling event, be approved subject to the same terms and conditions attached to the original approval given February 27, 2012.

CARRIED

5. 2012-96 VOLUNTEER VICTORIA, January 30, 2012
Re Request for Financial Assistance

Lisa Mort-Putland, Executive Director, Volunteer Victoria, was in attendance and answered questions from Council regarding the request for financial assistance.

MOVED by Councillor Herbert

Seconded by Councillor Green, That the request for financial assistance from Volunteer Victoria in the amount of \$2,943 be referred to Estimates Committee.

CARRIED

6. 2012-97 VANCOUVER ISLAND SOUTH FILM & MEDIA COMMISSION,
February 7, 2012
Re Request for Financial Assistance

Kathleen Gilbert, Film Commissioner, Vancouver Island South Film & Media Commission, was in attendance and provided information in response to questions from Council.

MOVED by Councillor Green

Seconded by Councillor Copley, That the request for financial assistance from the Vancouver Island South Film & Media Commission in the amount of \$3,000 be referred to Estimates Committee.

CARRIED

7. 2012-98 COMMUNITY SOCIAL PLANNING COUNCIL, February 28, 2012
Re Request for Financial Assistance

Attention was drawn to the materials provided, and Council asked that the applicant be requested to submit a more complete and balanced budget prior to the Estimates Committee meeting, along with information on the work the Community Social Planning Council does with municipal planning staff, as referred to in the application.

MOVED by Councillor Copley

Seconded by Councillor Murdoch, That the request for financial assistance from the Community Social Planning Council in the amount of \$3,963 be referred to Estimates Committee.

CARRIED

8. 2012-99 ST. JOHN AMBULANCE, [Undated]
Re Request for Financial Assistance

Ross Nicholls, Vice Chair, Branch Executive Committee, St. John Ambulance Brigade provided a brief overview and responded to questions from Council regarding the request for financial assistance, and agreed to provide additional information regarding contributions from other local governments.

MOVED by Councillor Ney

Seconded by Councillor Green, That the request for financial assistance from St. John Ambulance in the amount of \$1,000 be referred to Estimates Committee.

CARRIED

9. 2012-100 NEED2: SUICIDE PREVENTION EDUCATION AND SUPPORT,
February 27, 2012
Re Request for Financial Assistance

Jane Arnott, Executive Director, NEED2: Suicide Prevention Education and Support, spoke about the program and answered various questions from Council.

Ms. Arnott confirmed that requests for financial assistance are made on a per capita basis, indicating she would provide further information on the amounts requested from other local governments to staff.

MOVED by Councillor Herbert

Seconded by Councillor Copley, That the request for financial assistance from NEED2: Suicide Prevention Education and Support in the amount of \$4,604 be referred to Estimates Committee.

CARRIED

10. 2012-101 NORTH HENDERSON RESIDENTS ASSOCIATION, February 21, 2012
Re Request for Financial Assistance

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, That the request for financial assistance from the North Henderson Residents Association in the amount of \$500 be referred to Estimates Committee.

CARRIED

11. 2012-102 DEMEZEY MEMORIAL ABBEYFIELD LEGACY SOCIETY, February
25, 2012
Re Request for Financial Assistance

MOVED by Councillor Copley

Seconded by Councillor Green, That the request for financial assistance from the Demezey Memorial Abbeyfield Legacy Society in the amount of \$2,500 be referred to Estimates Committee.

CARRIED

12. 2012-103 FRIENDS OF UPLANDS PARK, February 28, 2012
Re Request for Financial Assistance

Kathleen Matthews and Margaret Lidkea, Co-Chairs, Friends of Uplands Park, were in attendance for this item.

MOVED by Councillor Green

Seconded by Councillor Herbert, That the request for financial assistance from Friends of Uplands Park be referred to Estimates Committee.

CARRIED

13. 2012-104 GREATER VICTORIA BIKE TO WORK SOCIETY, February 22, 2012
Re Request for Financial Assistance

Frank Hudson, Executive Director, Greater Victoria Bike to Work Society, provided information regarding the bike to work event and answered questions from Council in that regard.

MOVED by Councillor Copley

Seconded by Councillor Green, That the request for financial assistance from the Greater Victoria Bike to Work Society in the amount of \$3,000 be referred to Estimates Committee.

CARRIED

14. 2012-105 VICTORIA AND VANCOUVER ISLAND GREEK COMMUNITY SOCIETY, January 4, 2012
Re Request for Financial Assistance

MOVED by Councillor Herbert

Seconded by Councillor Murdoch, That the request for financial assistance from the Victoria And Vancouver Island Greek Community Society in the amount of \$3,000 be received.

CARRIED

15. 2012-106 OAK BAY HERITAGE COMMISSION, February 21, 2012
Re Minutes of Meeting

Attention was drawn to the Commission's work plan noting work on a heritage strategic plan will be one of its first priorities.

A number of suggestions were made by a member of Council regarding the minutes, which Councillor Green, as the liaison, agreed to raise with the Commission.

Responding to questions on the Commission's request to allow volunteers to serve more than six years, the Municipal Clerk noted that any change to the maximum number of years volunteers can serve on the Commission would require a bylaw amendment. She confirmed that staff could report back on potentially extending this limit.

MOVED by Councillor Copley

Seconded by Councillor Herbert, That the minutes of the Oak Bay Heritage Commission meeting held February 21, 2012 be received, and further that a staff report be prepared and brought back to Council for review regarding extending the limit on years of service for volunteers on the Commission.

CARRIED

16. 2012-107 MUNICIPAL TREASURER, March 7, 2012
Re Provincial Grant Restructuring

MOVED by Councillor Herbert

Seconded by Councillor Ney, That the Municipal Clerk be authorized to execute the Strategic Community Investment Funds agreement with the Provincial of British Columbia, and further that the Municipal Treasurer be directed to use the approach set out in her memorandum dated March 7, 2012 (correspondence item no. 2012-107) to recognize grant monies in the years 2012 to 2014.

CARRIED

17. 2012-108 JEANETTE MAHER, March 5, 2012
2012-108-1 BRENT THOMPSON, February 2012
2012-108-2 LANDECA SERVICES INC., March 8, 2012
Re Development Variance Permit – 1395 Hampshire Road
18. 2012-109 ADRIAN AND CHRISTINA O'BRIEN, March 5, 2012
2012-109-1 JOHN AND JOYCE HALLER, March 10, 2012
Re Development Variance Permit – 752 Monterey Avenue
19. 2012-110 JACQUELYN MULDER, March 2, 2012
2012-110-1 JENNIFER CHAMBERS, March 3, 2012
Re Development Variance Permit – 961 Pattullo Place

MOVED by Councillor Herbert

Seconded by Councillor Ney, That correspondence items no. 2012-108 to 2012-108-2, 2012-109, 2012-109-1, 2012-110 and 2012-110-1 be received.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

Greater Victoria Labour Relations Association

Councillor Green drew attention to the upcoming Greater Victoria Labour Relations Association annual general meeting scheduled for Wednesday, March 21, 2012, noting that she and Councillor Murdoch will be in attendance.

Royal and McPherson Theatres Society

Councillor Green noted that she met the Executive Director and will be attending the first meeting next week.

Capital Regional District Arts Committee

Councillor Green provided an update on the Committee noting that nominations will be forthcoming this week.

Child and Youth Committee

Councillor Kirby provided an update on the YES Awards, noting the awards format has changed and that it is anticipated the awards ceremony will be held the first week in May.

Active Transportation Advisory Committee

Councillor Kirby advised the first meeting of the Active Transportation Advisory Committee was well attended.

University of Victoria – Congress of the Humanities and Social Sciences

Councillor Copley advised that the University of Victoria has been chosen as the site of the 2013 Congress of the Humanities and Social Sciences gathering of researchers, which could potentially include 10,000 attendees and delegates. Councillor Copley felt this would be an opportunity for

the region's local governments to consider hosting a welcome reception and suggested funding be set aside for such an event.

Expert Panel Review of Business Taxation

Councillor Copley acknowledged that while Council does have a policy of not debating issues outside of its legal jurisdiction, there are a couple of subjects she felt Council should become involved in, including the issues raised by other local governments about the lack of local government representation on the Province's Expert Panel Review of Business Taxation.

MOVED by Councillor Copley

Seconded by Councillor Green, That a resolution be brought forward to the next meeting of Council to express Oak Bay's objection to the composition of the Expert Panel Review of Business Taxation in that it does not include a local government representative, for Council's consideration.

CARRIED

Oil Tanker Traffic

Councillor Copley also felt Council should take a position against oil tanker traffic along British Columbia's coastal waters, although other members felt all sides of the issue should be explored before doing that, and it was suggested the subject be referred to the Environmental Advisory Committee for a recommendation to Council.

While there were concerns raised regarding debating issues outside of Council's legal jurisdiction, the majority view was that the subject was worthy of debate at the Council level.

MOVED by Councillor Copley

Seconded by Councillor Murdoch, That the subject of oil tanker traffic on British Columbia's coast be referred to Environmental Advisory Committee for consideration and a report on the facts and any recommendations.

CARRIED

(Councillor Herbert against the motion)

Environmental Advisory Committee

Councillor Murdoch suggested that the maximum number of members of the Environmental Advisory Committee be increased to 13.

MOVED by Councillor Murdoch

Seconded by Councillor Green, That the framework for the Environmental Advisory Committee be amended to increase the maximum number of members from eleven to thirteen.

CARRIED

Earth Hour – March 31, 2012

Mayor Jensen drew attention to the upcoming Earth Hour March 31, 2012 at 8:30 p.m. and he encouraged the community, including Municipal departments where their operations would not be negatively affected, to participate in this global action movement where communities are

encouraged to turn off the lights for one hour in an effort to deliver a message about the need for action on global warming.

Juno Awards – 2014

Mayor Jensen noted the Capital Regional Music Awards Committee will make application to host the 2014 Juno Awards, should the necessary Provincial funding be obtained.

Mayor's Office Hours

Mayor Jensen noted his pleasure with a recent visit from a group residents who welcomed him to his role as Mayor, expressing his appreciation for the kind words and thoughtful gifts presented to him.

TABLED:

Development Variance Permit – 3035 Lansdowne Road

MOVED by Councillor Copley

Seconded by Councillor Green, 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 3035 Lansdowne Road (Lot D, Block 11, Section 31, Victoria District, Plan 2713), varying the following provisions of Bylaw No. 3531, Zoning Bylaw, 1986, as amended:

<u>Zoning Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
<i>6.2.4. (2) (c) and Schedule “C”</i>			
<i>Minimum interior side lot line setbacks</i>	<i>4.57 m</i>	<i>3.35 m</i>	<i>1.22 m</i>

to accommodate the addition as shown on the plans appended to Committee of the Whole agenda item 2012-70, being a memorandum from the Director of Building and Planning dated February 13, 2012.”

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 – 1395 Hampshire Road

MOVED by Councillor Copley

Seconded by Councillor Green, 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 1395 Hampshire Road (Lot 1, Section 23, Victoria District, Plan 1281), varying the following provisions of Bylaw No. 3531, Zoning Bylaw, 1986, as amended:

<u>Zoning Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
4.10.4 No sound emitting structure shall be sited within 3 m of any property line	3.0 m	2.71 m	0.29 m

to accommodate the installation of a heat pump as shown on the plans appended to Committee of the Whole agenda item 2012-71, being a memorandum from the Director of Building and Planning dated February 2, 2012.”

CARRIED

Jennifer Kay, Designer, was in attendance to answer questions from Council, noting that the new technology of the heat pump proposed to be installed will make it quieter than earlier heat pumps, and advised it could also be enclosed if necessary to reduce noise.

While concerns were expressed about the potential impact on neighbours, with potential alternatives for placement of the heat pump being discussed, it was the majority view that the placement of the heat pump in the proposed location was supportable.

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

CARRIED

(Councillors Green and Herbert against the motion)

Development Variance Permit – 2665 Foul Bay Road

MOVED by Councillor Copley

Seconded by Councillor Green, 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 2665 Foul Bay Road (Lot 4, Block 3, Section 28, Victoria District, Plan 1154), 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>
6.5.4. (6) (a) Maximum gross floor area above 0.8 m below grade	240 m ²	294.1 m ²	54.1 m ²

to accommodate the renovation as shown on the plans appended to Committee of the Whole agenda item 2012-72, being a memorandum from the Director of Building and Planning dated February 15, 2012.”

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 – 752 Monterey Avenue

MOVED by Councillor Copley

Seconded by Councillor Green, 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 752 Monterey Avenue (Southerly ½ of Lot 6, Section 22, Victoria District, Plan 2315), varying the following provisions of Bylaw No. 3531, Zoning Bylaw, 1986, as amended:

<u>Zoning Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
6.5.4. (2) (c) <i>Minimum interior side lot line setback</i>	1.52 m	.914 m	0.6 m
6.5.4. (2) (e) <i>Minimum total of side lot line setback</i>	4.57 m	2.6 m	1.97 m
6.5.4. (7) # 3 on plan	3.0 m	1.37 m	1.63 m
# 4 on plan	3.0 m	1.3 m	1.7 m
# 5 on plan	3.0 m	2.4 m	.6 m
# 6 on plan	3.0 m	1.37 m	1.63 m
<i>Minimum clear space between buildings and structures</i>			

to accommodate the renovation as shown on the plans appended to Committee of the Whole agenda item 2012-73, being a memorandum from the Director of Building and Planning dated February 13, 2012.”

CARRIED

Concerns were raised by some members of Council regarding the number of variances being requested, however, it was the majority view that the variances were supportable in the interest of preserving the existing house and streetscape.

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

CARRIED

(Councillor Herbert against the motion)

Development Variance Permit – 961 Pattullo Place

MOVED by Councillor Copley

Seconded by Councillor Green, 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 961 Pattullo Place (Lot 4, Section 73, Victoria District, Plan 26658), 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. (6) (b) Maximum gross floor area above 0.8 m below grade	300 m ²	390 m ²	90 m ²
6.5.4. (11) Minimum interior second storey setback	3.0 m	2.89 m	.11 m

to accommodate the second storey addition as shown on the plans appended to Committee of the Whole agenda item 2012-74, being a memorandum from the Director of Building and Planning dated February 16, 2012.”

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 – 339 Foul Bay Road

MOVED by Councillor Copley

Seconded by Councillor Green, 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 339 Foul Bay Road (Lot 34 and the southerly 40 feet of Lot 35, Section 19 & 68, Victoria District, Plan 291), 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>
6.5.4. (3) (a) Maximum building height	7.32 m	9.27 m	1.95 m
6.5.4. (3) (b) Maximum occupiable height	4.57 m	7.05 m	2.48 m
6.5.4. (3) (c) Maximum roof height	9.14 m	10.1 m	0.96 m
6.5.4. (6) (b) Maximum gross floor area above 0.8 m below grade	300 m ²	400 m ²	100 m ²
6.5.4 (6) (b) Maximum permitted gross floor area	420 m ²	478 m ²	58 m ²

to accommodate the renovations and additions as shown on the plans appended to Committee of the Whole agenda item 2012-75, being a memorandum from the Director of Building and Planning dated February 16, 2012.”

CARRIED

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

CARRIED

RESOLUTIONS:

Authorization to Destroy Obsolete Municipal Records

MOVED by Councillor Green

Seconded by Councillor Herbert, That the Municipal Clerk be authorized to destroy the obsolete Municipal Records as listed on the attached sheets referenced as Documents Scheduled for Destruction – March 12, 2012.

CARRIED

Councillor's Attendance, Future is Local Annual Governance Forum – March 30-31, 2012

MOVED by Councillor Green

Seconded by Councillor Copley, That Council approve payment of the registration fee of \$365.00 and related travel expenses for Councillor Tara Ney to attend *The Future is Local Annual Governance Forum*, that will be held in Harrison Hot Springs, BC, March 30 – 31, 2012.

It was acknowledged that approval of this request along with previous approvals for Council members' attendance at workshops and conferences leaves no funding for the remainder of the year, and it was suggested that the budget be revisited at Estimates Committee for a potential increase in funding for professional development opportunities for Council.

The question was then called.

CARRIED

ADJOURNMENT:

MOVED by Councillor Kirby

Seconded by Councillor Green, That the open portion of the meeting being 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; and the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality.

CARRIED

The meeting adjourned at 10:02 p.m.

Certified Correct:

Municipal Clerk

Mayor