

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, June 23, 2008 at 7:30 p.m.

PRESENT: Mayor C. M. Causton, Chairman
Councillor S. F. B. Carson
Councillor A. R. Cassidy
Councillor P. Copley
Councillor J. D. Herbert
Councillor N. B. Jensen

STAFF: Municipal Administrator, W. E. Cochrane
Municipal Clerk, L. Hilton
Confidential Secretary, K. Green
Municipal Treasurer, P. A. Walker
Director of Engineering Services, D. Marshall

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

MINUTES:

Council – June 9, 2008

MOVED by Councillor Jensen
Seconded by Councillor Copley, That the minutes of the Council meeting held on Monday, June 9, 2008, be adopted.

CARRIED

Special Council – June 16, 2008

MOVED by Councillor Jensen
Seconded by Councillor Copley, That the minutes of the Special Council meeting held on Monday, June 16, 2008, be adopted.

CARRIED

Committee of the Whole – June 16, 2008

MOVED by Councillor Jensen
Seconded by Councillor Copley, That the minutes of the Committee of the Whole meeting held on Monday, June 16, 2008, and the recommendations contained therein, be adopted.

CARRIED

COMMUNICATIONS:

1. 2008-163 DISTRICT OF OAK BAY ANNUAL REPORT 2007

The Municipal Administrator provided an overview of the 2007 Annual Report, which had been prepared in compliance with the requirements of the Community Charter, noting that the

annual report provides a snapshot of activities for the year and can be a useful tool to internally track and measure Municipal projects.

Mr. Cochrane acknowledged the upcoming retirement of the Director of Building and Planning, Nigel Beattie. He went on to commend and thank Mr. Beattie for his impact, his ideas, and friendly demeanour towards the community, staff and members of Council. Mr. Cochrane said there is no doubt that Mr. Beattie will continue making contributions and bringing new ideas to wherever he chooses to apply his talents.

Finally, Mr. Cochrane drew attention to the cover of the Annual Report, noting the watercolour done by local artist Paul Redchurch. He noted that with having just relinquished his role as organizer of the Garagellenium for the past eight years, placing Mr. Redchurch's artwork on the cover was a nice way to say thank you for his contribution to the Municipality.

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That the District of Oak Bay Annual Report 2007 be received.

CARRIED

2. 2008-164 MUNICIPAL TREASURER, June 18, 2008
Re District Of Oak Bay Audit Findings Report (December 31, 2007)

The Municipal Treasurer drew attention to new Public Sector Accounting Board standards for local governments that are to be implemented. A new standard changing how tangible capital assets are to be accounted for and reported in the financial statements will be implemented in the 2009 financial statements. This is an enormous task, and work gathering the necessary information has already started. The second standard will be adopted in the 2008 financial statements, whereby financial information will be broken down by operational segments as well as being shown in the consolidated format that was used in the 2007 financial statements.

Ms. Walker responded to questions from members of Council with respect to various aspects of the municipal audit findings report.

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That the District of Oak Bay 2007 Audit Findings Report be received.

CARRIED

3. 2008-165 MUNICIPAL TREASURER, June 18, 2008
Re Heritage Foundation Grant

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That authorization be given to provide a grant in the amount of \$3,000 to the Oak Bay Heritage Foundation.

CARRIED

4. 2008-166 ORISSA HENDERSON, June 12, 2008
Re Request for Road Closure for Block Party on Cavendish Road –
July 26, 2008

MOVED by Councillor Jensen

Seconded by Councillor Copley, That permission be given for the closure of Cavendish Avenue between Beach Drive and Musgrave Street (at the east end of the tennis courts) on Saturday, July 26, 2008, from 1:00 p.m. to sundown, for the purpose of a neighbourhood block party.

CARRIED

5. 2008-167 CIBC CANADIAN BREAST CANCER FOUNDATION RUN FOR
THE CURE, May 20, 2008
Re Request for Partial Street Closure – October 5, 2008

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That approval be given for the closure of Cedar Hill Cross Road between Henderson Road and Gordon Head Road, and the east side of Gordon Head Road from Cedar Hill Cross Road to the municipal boundary with the District of Saanich, on Sunday, October 5, 2008 to facilitate the staging of the 2008 CIBC Canadian Breast Cancer Foundation Run for the Cure, subject to the Event Organizer:

- indemnifying the Municipality from any liability arising from the event and providing evidence of insurability in this regard;
- paying for any and all costs incurred by the Municipality in relation to the event; and
- obtaining approval from the Oak Bay Police Department for a traffic management plan for the event.

CARRIED

6. 2008-168 DIRECTOR OF BUILDING AND PLANNING, June 18, 2008
Re Request for Development Permit Amendment– 2032 Oak Bay
Avenue

Danny Rzepa, 2032 Oak Bay Avenue, Kadalima Bakery and Café Limited, said that he is seeking approval from Council for an amendment to a development permit previously approved by Council on June 12, 2006. Mr. Rzepa noted that the sign design has been modified and that he feels it is an improvement over the previously proposed sign, as attached to correspondence item no. 2008-168.

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That the Director of Building and Planning be authorized to issue a Development Permit in respect to Lot A, Section 69, Victoria District, Plan 32801 (2032 Oak Bay Avenue), to amend the Development Permit issued in 2006 with respect to the installation of a fascia sign and wood trellis, in accordance with the revised plans for the fascia sign as attached to correspondence item no. 2008-168.

CARRIED

7. 2008-169 MUNICIPAL ADMINISTRATOR, June 10, 2008
Re Library Intermunicipal Operating Agreement

The Municipal Administrator advised that with the Greater Victoria Public Library Intermunicipal Operating Agreement expiring at the end of the year the Library Board is seeking approval from the member municipalities as soon as possible for the new agreement.

Mr. Cochrane noted that the issues raised by Council at its May 12, 2008 meeting were reviewed by the Library Board, resulting in a change being made to the composition of the Board. The final draft now more clearly states that one Board member appointed by each of the member municipalities must be an elected official, said Mr. Cochrane.

Councillor Herbert advised that he continues to have difficulty seeing the carry forward of the previous year's surplus into revenue for the following year being phased out. He also reiterated his view that the marginalizing effect for the current operating budget approval process formula for smaller municipalities is an issue and again suggested that the Board adopt an alternative approach that would see a two-tier system, whereby the approval of at least a majority of the member councils would be required for budget increases in excess of a specific threshold, such as the formula used by the Capital Region Emergency Services Telecommunications (CREST) Corporation.

With respect to the suggestion that the budget approval process formula being changed, Councillor Copley advised that it was reviewed at the Library Operating Agreement Sub-Committee level and following lengthy discussions it was determined to be unsupportable.

It was pointed out that it may be worthwhile for the member municipality Mayors to meet regarding the budget approval process to discuss the concerns raised. It was agreed that Councillor Copley would once again raise Council's concerns regarding the budget approval formula with the Board, and should that not result in any recommended changes, then Mayor Causton could arrange to meet with his counterparts in this regard to determine their Council's thoughts on the issue.

There was agreement to defer further consideration of the Library Operating Agreement until further information is obtained regarding the possibility of reconsideration of the proposed budget approval formula.

MOVED by Councillor Herbert

Seconded by Councillor Copley, That correspondence item no. 2008-169 be deferred.

CARRIED

8. 2008-170 OAK BAY VOLUNTEER SERVICES SOCIETY, June 18, 2008
Re Request for Tag Days

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That approval be given to the Oak Bay Volunteer Services Society to hold tag days throughout Oak Bay Municipality on Saturday, July 2nd, July 3rd, July 22nd, and July 23rd, 2008.

CARRIED

9. 2008-171 OAK BAY HERITAGE COMMITTEE, April 10, 2008
2008-171-1 OAK BAY HERITAGE COMMITTEE, May 8, 2008
Re Minutes of the Meeting

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That the minutes of the Oak Bay Heritage Committee meeting held on April 10, 2008 be received, that the placement of the proposed Kiwanis heritage sign at Estevan Village, near Jennings Florist located at 2508 Estevan Avenue be approved, and that the placement of the proposed Kiwanis heritage sign at Willows Park be referred to Oak Bay Parks and Recreation Commission for consideration.

CARRIED

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That the minutes of the Oak Bay Heritage Committee meeting held on May 8, 2008 be received.

CARRIED

10. 2008-172 DOUG PAGE AND PATTI LUNIW, June 14, 2008
2008-272-1 ANNE MORGAN, June 20, 2008
2008-172-2 STEVE HARRIS, June 20, 2008
2008-172-3 MARY-LOUISE ARO, June 22, 2008
Re Development Variance Permit – 2861 Eastdowne Road

MOVED by Councillor Jensen

Seconded by Councillor Carson, That correspondence items no. 2008-172 to 2008-172-3 be received.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

Use of Electric Vehicles on Municipal Streets

Councillor Jensen referred to information received from the Municipal Administrator about a recent amendment to the Provincial Motor Vehicle Act Regulations that now allows electric powered vehicles on a public road with a speed limit of 40 kilometres per hour (km/h) or less, or, if authorized by Bylaw, on roads with speed limits higher than 40 km/h but not more than 50 km/h.

He said that having recently participated in an electric vehicle demonstration at the Police Department, he would like Council to pursue a bylaw change to allow the use of electric vehicles in Oak Bay.

There was discussion regarding the two possible approaches for the use of electric vehicles, and there was consensus that the option of passing a bylaw to allow them on streets with speed limits up to 50 km/h was the most appropriate.

Questions arose, however, with respect to the safety aspects of electric vehicles, and the view was expressed that further information in this regard should be obtained prior to adopting a bylaw to allow their use in Oak Bay, although there was consensus to bring forward a bylaw for Council's consideration.

Mr. Cochrane drew attention to the need for local governments in the region to coordinate their responses to the new regulation so that drivers of electric vehicles do not find themselves inadvertently in violation of provincial law when crossing a boundary between municipalities.

MOVED by Councillor Jensen

Seconded by Councillor Cassidy, That staff be directed to draft a bylaw to permit electric powered vehicles on public roads with a speed limit higher than 40 km/h but not more than 50 km/h in accordance with the Provincial Regulations.

CARRIED

Community Arts Council of Greater Victoria Event

Councillor Copley commended the organizers and hosts of the 40th Anniversary celebration of the Arts Council held at the Gibson House on York Place on Saturday, June 21st. Councillor Copley said she was pleased to see the generosity of Oak Bay citizens and she appreciated the venue to showcase the many forms of art.

Request to be Appointed Town Crier for Oak Bay

11. 2008-173 KENNY PODMORE, June 7, 2008
Re Request to be Appointed Town Crier for Oak Bay

Mayor Causton explained that Mr. Ken Podmore has requested that he be considered for a ceremonial role as the Town Crier for Oak Bay inasmuch as he must resign his role in the Town of Sidney as he will be running for Sidney Town Council. The Mayor noted that Mr. Podmore previously served as Oak Bay's Town Crier from 1998 to 2005.

MOVED by Councillor Herbert

Seconded by Councillor Cassidy, That Ken Podmore be appointed as the Ceremonial Town Crier for the District of Oak Bay.

CARRIED

TABLED:

Development Variance Permit – 2861 Eastdowne Road

MOVED by Councillor Jensen

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 2861 Eastdowne Road (Lot 34, Section 28, Victoria District, Plan 8990) that will vary the following provisions of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended:

<u>Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
6.5.4. (2) (a) Minimum Front Lot Line Setback	7.62 m	4.57 m	3.05 m
6.5.4. (2) (c) Minimum Interior Side Lot Line Setback	1.52 m	0.91 m	0.61 m
6.5.4. (2) (e) Minimum Total of Side Lot Lines Setback	4.57 m	2.53 m	2.04 m

to accommodate the construction of an attached garage, as shown on the plans attached to Committee of the Whole agenda item #2008-148, being a memorandum from the Director of Building and Planning dated May 23, 2008.

CARRIED

Councillor Herbert drew attention to the concerns outlined in a letter received earlier from Anne Morgan (correspondence item no. 2008-172-1) with respect to the location of the proposed garage at 2861 Eastdowne Road.

Ted Pobran, 2861 Eastdowne Road, said he spoke with Ms. Morgan about the proposed construction of a single vehicle garage and she did not indicate her concerns to him at that time. With respect to the effect the proposed garage may have on his neighbour, Mr. Pobran felt that with Ms. Morgan's existing fence and hedge and the fact there are no windows on that side of her house a view of the garage would be unlikely or at best minimal. He further noted that the garage has been reduced to a single garage from the double garage originally proposed and that it has been set back as far as is possible on the property.

Responding to a question, Mr. Pobran indicated that he is committed to softening the visual impact of the proposed garage from the perspective of the neighbouring property.

Anne Morgan, 2881 Eastdowne Road, said as the most affected neighbour of the proposed development she is concerned that the garage is too close to the property line and that the addition of a garage will not be aesthetically pleasing to the neighbourhood, noting that she does not support its approval.

Following further discussion regarding the proposed variance, the question on the main motion was then called.

CARRIED

(Councillor Herbert against the motion)

Development Variance Permit – 2783 Somass Drive

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 Variance Permit with respect to 2783 Somass Drive (Lot 6, Section 61, Victoria District, Plan 3806)

that will vary the following provision of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended:

<u>Bylaw Section</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.4.4. (3) (b) Maximum Occupiable Height	4.57 m	4.81 m	0.24 m

to accommodate the use of the existing flat roof portion of a recently constructed addition as an outdoor deck, as shown on the plans attached to Committee of the Whole agenda item #2008-147, being a memorandum from the Director of Building and Planning dated May 22, 2008.

CARRIED

The question on the main motion was then called.

CARRIED

RESOLUTIONS:

Development Variance Permit – 1613 Elgin Road

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 1613 Elgin Road (Lot G, Block 2, Section 69, Victoria District, Plan 2197) that will vary the following provisions of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended:

<u>Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
6.5.4. (2) (a) Minimum Front Lot Line Setback	7.62 m	1.52 m	6.12 m
6.5.4. (7) Minimum Clear Space Between Buildings and Structures	3.0 m	0.0 m	3.0 m
4.15.1 Maximum Paved Surfaces	25%	64%	39%

to accommodate a pergola and paving in the front yard of the property, as shown on the plans attached to Committee of the Whole agenda item #2008-161, being a memorandum from the Director of Building and Planning dated June 3, 2008.

MOVED by Councillor Jensen

Seconded by Councillor Cassidy, That the motion in respect of the development variance permit for 1613 Elgin Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Development Variance Permit – 2757 Dorset Road

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 2757 Dorset Road (Lot 4, Block 43 Section 31, Victoria District, Plan 8777) that will vary the following provisions of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended:

<u>Bylaw Section</u>	<u>Required/ Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.2.4. (2) (c) & Schedule “C” Minimum Interior Side Lot Line Setback	4.57 m	0.65 m	3.92 m
6.2.4. (2) (a) Front Lot Line Setback (accessory structure)	10.66 m	9.0 m	1.66 m
6.2.4. (7) Minimum Clear Space Between Buildings and Structures	3 m	0.0 m	3 m
6.2.4. (1) Number of Accessory Structures (Pergolas) Permitted	2 structures	3 structures	1 structure
6.2.4. (2) (b) Rear Lot Line Setback (accessory structure)	1.52 m	0.68 m	0.84 m

to accommodate the construction of three pergolas, as shown on the plans attached to Committee of the Whole agenda item #2008-162, being a memorandum from the Director of Building and Planning dated June 5, 2008.

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That the motion in respect of the development variance permit for 2757 Dorset Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

BYLAWS:

For Adoption

MOVED by Councillor Herbert

Seconded by Councillor Copley, That Bylaw No. 4417, *Animal Control Bylaw Amendment Bylaw No. 1, 2008*, be adopted.

CARRIED

MOVED by Councillor Herbert
Seconded by Councillor Copley, That Bylaw No. 4418, *Ticket Information Utilization Bylaw Amendment Bylaw No. 2, 2008*, be adopted.

CARRIED

MOVED by Councillor Herbert
Seconded by Councillor Copley, That Bylaw No. 4419, *Elections and Voting Bylaw Amendment Bylaw, 2008*, be adopted.

CARRIED

For First, Second and Third Reading

MOVED by Councillor Herbert
Seconded by Councillor Copley, That Bylaw No. 4420, *Tree Protection Bylaw Amendment Bylaw No. 1, 2008*, be introduced and read a first time.

CARRIED

MOVED by Councillor Herbert
Seconded by Councillor Copley, That Bylaw No. 4420, *Tree Protection Bylaw Amendment Bylaw No. 1, 2008*, be read a second time.

CARRIED

MOVED by Councillor Herbert
Seconded by Councillor Copley, That Bylaw No. 4420, *Tree Protection Bylaw Amendment Bylaw No. 1, 2008*, be read a third time.

CARRIED

ADJOURNMENT:

MOVED by Councillor Jensen
Seconded by Councillor Copley, That the meeting of Council be adjourned.

CARRIED

The meeting adjourned at 8:48 p.m.

Certified Correct:

Municipal Clerk

Mayor