

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 10, 2008 at 7:30 p.m.

PRESENT: Mayor C. M. Causton, Chairman
Councillor H. Braithwaite
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
Director of Building and Planning, R. Thomassen
Municipal Treasurer, P. A. Walker
Director of Engineering Services, D. Marshall

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

ADOPTION OF MINUTES:

Public Hearing – October 27, 2008

MOVED by Councillor Cassidy
Seconded by Councillor Copley, That the report of the Public Hearing held on Monday, October 27, 2008, be adopted.

CARRIED

Council – October 27, 2008

MOVED by Councillor Cassidy
Seconded by Councillor Herbert, That the minutes of the Council meeting held on Monday, October 27, 2008, be adopted.

Public Lane Adjacent to 2765 Lansdowne Road

Mayor Causton advised that following his meeting with Mr. and Ms. Selwood and Mr. Zaban it was agreed that following the removal of the tree at 2755 Lansdowne Road a proposal on how to proceed with respect to Mr. Zaban's driveway and requested paving extension would be submitted.

The question was then called.

CARRIED

Committee of the Whole – November 3, 2008

MOVED by Councillor Copley
Seconded by Councillor Herbert, That the minutes of the Committee of the Whole meeting held on Monday, November 3, 2008, and the recommendations contained therein, be adopted.

CARRIED

PRESENTATION:

1. -- OAK BAY HERITAGE COMMITTEE
Re Art in Chambers – Artist Recognition

Jean Sparks, Volunteer, Oak Bay Heritage Committee, was in attendance to present three original pen and ink drawings illustrating heritage homes to be added to the artwork collection displayed in the Council Chambers as part of the Art in Chambers project. Ms. Sparks introduced and thanked the three local artists; Victor Lotto (“*Annandale*” at 1587/1595 York Place), Ann McKenzie (“*Patio Court*” at 2408 San Carlos Avenue), and Paul Redchurch (“*Gwenllyan*” at 599 Island Road), for their contribution.

Mayor Causton, on behalf of Council, thanked the artists for their participation in the Art in Chambers project.

COMMUNICATIONS:

2. 2008-277 MUNICIPAL TREASURER, November 6, 2008
Re Request for Early Approval to Replace Fire Engine

(Gerry Adam, Fire Chief, in attendance for this item)

The Fire Chief noted that at the October 14th meeting Council gave early spending approval for a replacement fire engine based on a price in Canadian dollars. However, since that time, and with the value of the Canadian dollar decreasing, the supplier has advised that the price must be quoted in U.S. dollars. The conversion to Canadian dollars, said the Chief, would be made at the time of delivery.

With respect to the economic situation, a member of Council suggested that the purchase of the fire engine be delayed and that the Fire Department try to stretch out the use of the existing fire engine that is proposed to be replaced for a few more years.

The Fire Chief advised that the Fire Department could continue operating with the existing fire engine, however, he said that the Department has already held off purchasing a new fire engine for five years now, noting that the funding is available in the Fire Equipment Replacement Reserve for this purpose, based on the vehicle replacement schedule.

Responding to questions, the Fire Chief confirmed that under the upcoming fire engine design changes for 2009, an additional 17 percent plus labour cost increases would be required for the same fire engine proposed to be purchased now, should it be postponed to next year or later.

Responding to a member of Council suggesting that staff explore the possibility of setting up a U.S. dollars reserve account for such purchases in the future, the Municipal Administrator advised this could be looked into. Mr. Cochrane cautioned that the Municipality is somewhat restricted in what path can be taken with respect to its investments and that staff will consult with the Municipal Finance Authority in that regard.

In response to questions regarding the applicability of TILMA, (Trade, Investment and Labour Mobility Agreement), Mr. Cochrane advised it would not come into effect until April 2009 and its effect on the proposed purchase, should it be delayed until after that time, would need to be investigated.

Further discussion ensued with staff answering various questions with respect to the financing and purchase of the fire engine, with Council agreeing that delaying the purchase would end up costing the Municipality more and was therefore not supportable. It was further noted that it would not be advisable to pay for the purchase now as opposed to the standard payment at the time of delivery terms.

MOVED by Councillor Braithwaite

Seconded by Councillor Cassidy, That Council amend its early spending approval for the Fire Department capital purchase of a replacement fire engine for the new price of \$380,307 OR U.S. dollars plus taxes, as outlined in correspondence item no. 2008-277, being a memorandum from the Municipal Treasurer dated November 6, 2008.

CARRIED

3. 2008-278 DIRECTOR OF PARKS AND RECREATION, November 6, 2008
Re Fees & Charges

(Lorna Curtis, Manager of Recreation Program Services, in attendance for this item)

Ms. Curtis advised that approval for the recommended fee increases proposed to come into effect January 1, 2009 was being sought.

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That the proposed 2009 Parks and Recreation fees and charges to come into effect on January 1, 2009, as contained in correspondence item no. 2008-278, being a memorandum from the Director of Parks and Recreation dated November 6, 2008, be approved.

CARRIED

4. 2008-279 MANAGER OF RECREATION PROGRAM SERVICES, November
6, 2008
Re Resolution for Regional Active Communities Initiative

(Lorna Curtis, Manager of Recreation Program Services, in attendance for this item)

Ms. Curtis was in attendance to request that Council endorse the Active Communities Initiative to pilot a Community-based Falls Prevention Program for Frail Older Adults. Ms. Curtis said that with Oak Bay being the lead local government for the Greater Victoria Active Communities Committee project, Oak Bay Council would be required to endorse the full application package for funding prior to it being submitted to the Union of British Columbia Municipalities.

Ms. Curtis went on to say that the program would be in partnership with the District of Saanich and the Vancouver Island Health Authority and is designed to have a physiotherapist provide specialized individual assessments and work in conjunction with recreation centre fitness staff (Oak Bay and Gordon Head) to develop a suitable exercise program for those individuals at risk of falls.

Responding to a question, Ms. Curtis advised that no other funding would be required to support this project.

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That as the lead local government for the Greater Victoria Active Communities Committee project proposal under the 2009 Union of British Columbia Municipalities Community Health Promotion Fund, Oak Bay Municipal Council is committed to supporting the Community-based Falls Prevention Program for Frail Older Adults pilot and providing overall grant and financial management for the program, and further, that staff be authorized to submit a full application package to the Union of British Columbia Municipalities for funding.

CARRIED

5. 2008-280 BC FAMILIES IN TRANSITION, October 17, 2008
Re Request for Grant

Latisha Reid, Public Relations Coordinator, representing BC Families in Transition, provided a brief overview of the not-for-profit organization that offers counselling and legal support for families experiencing challenges in family relationships, she said the organization is seeking financial assistance of \$1,000 to go towards a 30th Anniversary Open House Celebration, which is meant to increase community awareness of their services.

Ms. Reid responded to various questions from Council regarding the organization and its services, and provided an updated budget to Council.

While support for the work done by the organization was expressed, it was noted that the requested funds would go towards a celebration event rather than directly towards a service, and it was acknowledged it would be unusual for Council to provide financial assistance of that kind.

Ms. Reid then asked if the District of Oak Bay would provide a letter of support to be displayed at the 30th Anniversary Open House Celebration if funding assistance was not possible.

Mayor Causton suggested that BC Families in Transition approach the Capital Regional District Social Services for financial assistance.

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That a letter be sent to the BC Families in Transition to indicate the District of Oak Bay's support for their service in assisting families facing challenges in Greater Victoria.

CARRIED

6. 2008-281 VICTORIA SKETCH CLUB, October 6, 2008
2008-281-1 VICTORIA SKETCH CLUB, October 29, 2008
Re Request for Grant

Pieter van der Leeden, President of the Victoria Sketch Club, said that the Club will be celebrating its 100th year in 2009. As part of the centennial celebrations the Club will be producing a special catalogue for a unique exhibition of historically significant artwork of former members of the Club. The exhibition, said Mr. van der Leeden, will be curated by the Maltwood Art Gallery at the University of Victoria and open to the public from March 6 to May 29, 2009.

Members of Council expressed their appreciation for the Club's contribution to the arts community over the years, indicating that consideration of financial assistance should be given during budget deliberations.

Mayor Causton suggested that, perhaps in coordination with Councillor Copley, the Club could also approach the Capital Regional District for a one time grant through the Community Arts Matching Grant Program.

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That the request from the Victoria Sketch Club Society for a grant of \$3,000 be referred to Estimates Committee.

CARRIED

7. 2008-282 ALS SOCIETY OF BC, [Undated]
Re Request to Hold Flower Day Tag Day – June 6, 2009

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That approval be given to the Amyotrophic Lateral Sclerosis Society to hold a tag day on public sidewalks in Oak Bay on June 6, 2009.

CARRIED

8. 2008-283 OAK BAY BUSINESS IMPROVEMENT ASSOCIATION,
November 6, 2008
2008-283-1 MUNICIPAL CLERK, November 6, 2008
Re Request to Waive Municipal Costs Associated with Christmas
Festival

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That approval be given to waive the Public Works Department costs related to erecting signage and barricades for the approved road closures associated with the Oak Bay Business Improvement Association's Christmas Light Up and the Lighted Parade of Trucks portions of the Christmas Festival.

CARRIED

9. 2008-284 GREATER VICTORIA PUBLIC LIBRARY, October 24, 2008
Re Library Provisional Five-Year Financial Plan, 2009-2013

Councillor Copley provided a brief overview of the Library's provisional five year financial plan, drawing attention to the addition of the Goudy Branch and the labour dispute implications for the budget.

Members of Council expressed the view that with the anticipated pressure on all local public bodies to keep property tax increases to a minimum in light of the hardships caused by the current economic downturn, they hoped that the final Library budget will come in significantly lower than the proposed 6.8% as far as municipal contributions are concerned.

In this regard, Council observed that some of the proposed expenditures in the budget should be reconsidered with a view to reducing the overall proposed budget increase.

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That correspondence item no. 2008-284 be received and further that a letter be sent to the Greater Victoria Public Library Board and copied to the member municipalities requesting that reconsideration be given to the following proposed expenditures contained in the Library's provisional budget and five year financial plan:

- (1) One-off projects such as the Library Facilities Master Plan and the Operational Review;
- (2) Costs to maintain current hours of operation;
- (3) Purchase of new Library materials.

CARRIED

10. 2008-285 MUNICIPAL ADMINISTRATOR, October 30, 2008
Re Regulation of Lot Coverage for Accessory Buildings
(Bylaw No. 4436, Eighty-First Zoning Bylaw Amendment Bylaw, 2008)

The Municipal Administrator noted that at its October 27, 2008 meeting, following a Public Hearing on Bylaw No. 4436 where concerns were expressed by members of the public about the reduction in the accessory building site coverage for larger properties in the RS-5 zone under that Bylaw, Council deferred further consideration of the proposed amendment and requested that staff provide information on the number of RS-5 lots that would be affected by the proposed change, along with the number of permits issued for accessory buildings.

Following Mr. Cochrane responding to various questions from members of Council regarding the information provided in his memorandum, it was the general consensus that Council was still interested in pursuing a possible amendment to the site coverage regulations for accessory buildings on property in the RS-5 zone, however, a different approach that would not reduce the current entitlement of large RS-5 lot property owners should be considered.

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That correspondence item no. 2008-285 be received and that staff be requested to provide a report detailing options to amend the current allowable lot coverage for accessory buildings for RS-5 lots to allow the construction of a two car garage.

CARRIED

NEW BUSINESS:

North Henderson Road – Pedestrian Island

Councillor Herbert raised a concern that the new pedestrian island being installed on Henderson Road at Avondale Road creates a narrowing of the vehicle lane which may cause bus traffic to veer into the adjacent bicycle lane.

The Director of Engineering said although staff followed the Traffic Association of Canada (TAC) standards with respect to lane widths, he would review the work done.

The Municipal Administrator added that the pylons surrounding the pedestrian island during construction may give the illusion of taking up more space. It was further noted that the island will include the installation of bollards.

Intersection – Beach Drive and Windsor Road, Pedestrian Crossing

Councillor Braithwaite raised concerns regarding what she described as a long and somewhat confusing pedestrian crossing at Beach Drive and Windsor Road, adding that consideration should be given to installing a pedestrian activated light system at this crossing.

In response, the Director of Engineering Services said it would cost approximately \$8,000-\$10,000 for lights and approximately \$12,000 to install solar powered pedestrian activated lights at the intersection.

Intersection – Oak Bay Avenue and Monterey Avenue, Pedestrian Lights

Councillor Copley raised concerns that the pedestrian initiated crossing buttons at the Oak Bay Avenue and Monterey Avenue traffic light can be irritating for many. She suggested that the lights be programmed to eliminate the need to press the button to get a walk signal. The Director of Engineering Services noted that it would impact vehicular traffic to have to wait for a pedestrian cycle in a situation where there were no pedestrians crossing the road. However, Mr. Marshall said he will have staff look into the programming options and the functionality of the operating system at this intersection.

Deconstruction/Demolition Permits

Councillor Cassidy again expressed his concern regarding the number of deconstruction and demolition permits being requested and said he looks forward to future discussions that will address this issue.

Mayor's Approval of Registration Fees for Members of Council

Mayor Causton asked that consideration be given to increasing the limit that can be approved by the Mayor for the registration fee for members of Council to attend meetings, courses or conventions relating to their duties from \$50 to \$150.

MOVED by Councillor Cassidy

Seconded by Councillor Herbert, That staff be directed to draft an amendment to the *Elected Official Travel Expense Bylaw, 1993* that would allow the Mayor, upon application by an elected official, to approve the payment of a registration fee up to \$150.

CARRIED

RESOLUTIONS:

Development Permit with Variance – 2265 Oak Bay Avenue

MOVED by Councillor Cassidy

Seconded by Councillor Braithwaite, That the Director of Building and Planning be authorized to issue a Development Permit with variance with respect to 2265 Oak Bay Avenue (Lot A, Sections 23 & 69, Victoria District, Plan 31610), allowing exterior alterations to the building located thereon in the form of the installation of a business sign as described in Committee of the Whole agenda item #2008-275, being a memorandum from the Director of Building and Planning dated October 17, 2008, and as more particularly shown in the photographic representation attached thereto, and which would vary Section 15(1) of Bylaw

No. 3946, *Sign Bylaw, 1997*, to permit the said sign which is of a type that would not otherwise be permitted, namely a hanging sign projecting out from the face of the building.

MOVED by Councillor Cassidy

Seconded by Councillor Braithwaite, That the motion in respect of the development permit with variance for 2265 Oak Bay Avenue be tabled to allow notice to be given in accordance with the *Local Government Act*.

Responding to a comment from Mayor Causton, the Director of Building and Planning said he would check with the applicant on options for ensuring that the proposed new sign would not block the other existing business sign in the area while still keeping within the Sign Bylaw regulations.

The question was then called.

CARRIED

Development Variance Permit – 63 Sylvan Lane

MOVED by Councillor Cassidy

Seconded by Councillor Copley, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 63 Sylvan Lane (Lot 2, Section 47, Victoria District, Plan 41672), varying 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>
6.5.4. (3) (a) and Schedule B Maximum Building Height	7.32 m	8.66 m	1.34 m
6.5.4. (3) (b) and Schedule B Occupiable Height	4.57 m	6.10 m	1.53 m
6.5.4. (3) (c) and Schedule B Maximum Roof Height	9.14 m	10.20 m	1.10 m
6.5.4. (6) (b) Gross Floor Area	420 sq m	666.6 sq m	246.6 sq m
6.5.4. (6) (b) Gross Floor Area higher than 0.8 meters below grade	300 sq m	586.6 sq m	286.6 sq m

to accommodate the proposed renovations and dormer additions as shown on the plans attached to Committee of the Whole agenda item #2008-276, being a memorandum from the Director of Building and Planning dated October 21, 2008.

MOVED by Councillor Cassidy

Seconded by Councillor Copley, That the motion in respect of the development variance permit for 63 Sylvan Lane be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Tourism Victoria's Board of Directors and Destination Marketing Commission Elections

MOVED by Councillor Herbert
Seconded by Councillor Cassidy, That the District of Oak Bay, as a member of Tourism Victoria, appoint Councillor Pam Copley to participate in voting, on behalf of the District of Oak Bay, in the Tourism Victoria's Board of Directors and Destination Marketing Commission elections for 2009.

CARRIED

December Meeting Schedule

MOVED by Councillor Braithwaite
Seconded by Councillor Jensen, That Council's regular meeting schedule be suspended for the month of December 2008, and that the following schedule be substituted:

December 2008

Council (Inauguration)	Monday, December 1, 2008 @ 7:30 p.m.
Committee of Whole	Monday, December 8, 2008 @ 7:30 p.m.
Council	Monday, December 15, 2008 @ 7:30 p.m.

CARRIED

BYLAWS:

MOVED by Councillor Cassidy
Seconded by Councillor Braithwaite, That Bylaw No. 4439, *Refuse Collection and Disposal Bylaw Amendment Bylaw No. 1, 2009*, be adopted.

CARRIED

MOVED by Councillor Cassidy
Seconded by Councillor Herbert, That Bylaw No. 4440, *Streets and Traffic Bylaw Amendment Bylaw No. 4, 2008*, be adopted.

CARRIED

MOVED by Councillor Herbert
Seconded by Councillor Copley, That Bylaw No. 4436, *Eighty-First Zoning Bylaw Amendment Bylaw, 2008*, not be proceeded with.

CARRIED

MOVED by Councillor Cassidy
Seconded by Councillor Herbert, That Bylaw No. 4441, *Mayor and Councillors Annual Indemnity Bylaw, 2009*, be introduced and read a first time.

CARRIED

MOVED by Councillor Cassidy
Seconded by Councillor Herbert, That Bylaw No. 4441, *Mayor and Councillors Annual Indemnity Bylaw, 2009*, be read a second time.

A member of Council suggested that due to the current economic downturn the annual indemnity review for the Mayor and Councillors should be postponed.

It was the majority view of Council to go ahead at this time noting that the longstanding policy of tying the indemnities to the cost of living is not unreasonable and would have a minor impact on the overall budget.

It was suggested by a member of Council that should the increase prove to be an issue Council could make a decision to rollback the annual indemnity at a later date.

The question was then called.

CARRIED
(*Councillor Jensen against the Motion*)

MOVED by Councillor Cassidy
Seconded by Councillor Herbert, That Bylaw No. 4441, *Mayor and Councillors Annual Indemnity Bylaw, 2009*, be read a third time.

CARRIED
(*Councillor Jensen against the Motion*)

ADJOURNMENT:

MOVED by Councillor Braithwaite
Seconded by Councillor Cassidy, That the open portion of the meeting of Council be adjourned and that a closed session be convened to discuss personal information about identifiable individuals who are being considered for a position appointed by the Municipality.

CARRIED

The meeting adjourned at 9:10 p.m.

Certified Correct:

Municipal Clerk

Mayor