

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 24, 2008 at 7:30 p.m.

PRESENT: Mayor C. M. Causton, Chairman
Councillor H. Braithwaite
Councillor S. F. B. Carson
Councillor A. R. Cassidy
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:

Council – November 10, 2008

MOVED by Councillor Cassidy
Seconded by Councillor Herbert, That the minutes of the Council meeting held on Monday, November 10, 2008, be adopted.

CARRIED

Committee of the Whole – November 17, 2008

MOVED by Councillor Cassidy
Seconded by Councillor Herbert, That the minutes of the Committee of the Whole meeting held on Monday, November 17, 2008, and the recommendations contained therein, be adopted.

Potable Water Cross Connections

In response to Mayor Causton asking how many backflow preventer connections would likely be installed, the Director of Engineering Services said that there could be approximately one or two installations a week depending on the number of requests. Mr. Marshall confirmed that the Capital Regional District (CRD) has initiated the cross connection control to protect the drinking water supply in the region from potential contamination.

Responding to a question, the Municipal Administrator said that although the CRD Bylaw speaks to the homeowner, the Greater Victoria municipalities decided to individually take on installing the backflow preventers to ensure consistency. Mr. Cochrane said that the connections would be situated on municipal property.

The question was then called.

CARRIED

COMMUNICATIONS:

1. 2008-291 POLICE BOARD SECRETARY, November 19, 2008
Re 2009 Provisional Budget – Oak Bay Police Board

(Ron Gaudet, Chief Constable, Oak Bay Police Department, and James Murtagh, Oak Bay Police Board Member, in attendance for this item)

Mayor Causton advised that at its meeting of November 18th, the Police Board spent several hours reviewing the 2009 provisional budget, with discussion resulting in some changes being made, and a proposal for the use of a hybrid vehicle as a patrol car being included in the provisional budget.

Mayor Causton noted that Mr. Murtagh had done extensive research on fuel-efficient vehicles and was in attendance to answer any questions Council members may have in that regard.

At Council's invitation, Mr. Murtagh provided an overview of his report, which was provided to the Police Board and to members of Council for information, with respect to police use of hybrid vehicles. Mr. Murtagh said that there are currently four or five cities in North America using hybrids for special use vehicles and that there are some operational limitations involved. He noted that only the Ford Escape Hybrid has been tested formally.

Mr. Murtagh said that no matter which type of vehicle is being purchased conversion costs to change the roof lights, etc. would apply. He also noted that it is uncertain as to when the diesel hybrid vehicles would become available in Canada, therefore such a vehicle is not an option at this time.

Chief Constable Gaudet added that the proposed purchase of a Ford Escape Hybrid may be a bit of a risk in that it has not yet been tested as a pursuit vehicle nor would it be suitable for prisoner transportation.

Responding to a comment with regard to mileage of the vehicle proposed to be replaced, the Chief Constable advised that although the current vehicle slated for replacement has low mileage, the vehicle has a higher than average idling time, which causes wear and tear on moving parts of the engine.

With respect to a suggestion to consider reducing the size of the fleet, the Chief Constable advised that Oak Bay currently has the fewest number of vehicles per capita in the Province, which consists of six police vehicles, one of which is the community service vehicle.

In response to a question about the miscellaneous small items contained in the provisional budget, the Police Board Secretary provided information on what those items constituted, noting that they are non-capitalized items.

Some further discussion ensued with various questions being answered with respect to the police department 2009 provisional budget.

MOVED by Councillor Braithwaite,
Seconded by Councillor Herbert, That the 2009 Police Board provisional budget be incorporated into an amended five year financial plan for the Municipality and referred to Estimates Committee.

CARRIED

2. 2008-292 OAK BAY FIRE FIGHTERS ASSOCIATION, November 14, 2008
Re Request to Occupy Public Property for Christmas Tree Recycle
Fundraising Event

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That approval be given for the temporary occupancy of public property as requested in correspondence item no. 2008-292, subject to the Oak Bay Fire Fighters' Association 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; and
- 2) agree to pay all invoices from the Municipality for costs incurred in connection with the event,

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

CARRIED

3. 2008-293 CASTAWAY WANDERER RUGBY FOOTBALL CLUB, November
19 2008
Re Request to Occupy Public Property for Christmas Tree Recycle
Fundraising Event

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That approval be given for the temporary occupancy of public property as requested in correspondence item no. 2008-293, subject to the Castaway Wanderer Rugby Football Club 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; and
- 2) agree to pay all invoices from the Municipality for costs incurred in connection with the event,

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

CARRIED

4. 2008-294 DIRECTOR OF BUILDING AND PLANNING, November 18, 2008
Re Request to Undertake Work on Building Protected by Restrictive
Covenant – 230 King George Terrace

The Director of Building and Planning noted that the new owners of 230 King George Terrace wish to construct a small addition to their home, eliminate the covered parking and build a detached double garage. The property has a Section 219 Covenant registered against it that requires written approval from the District of Oak Bay to proceed, he said.

Council agreed that the application to undertake work should be referred to the Heritage Advisory Panel for review and a recommendation.

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That the application to undertake work on 230 King George Terrace be referred to the Heritage Advisory Panel.

CARRIED

5. 2008-295 OAK BAY HERITAGE COMMITTEE, October 9, 2008
Re Minutes of the Meeting

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That the minutes of the Oak Bay Heritage Committee meeting held on October 9, 2008 be received.

CARRIED

6. 2008-296 CHIEF ELECTION OFFICER, November 20, 2008
Re 2008 General Municipal Election

Mayor Causton thanked the Municipal Clerk for running a very efficient Election and asked how the new vote counting machines worked.

Ms. Hilton noted that the machines were well received and that residents were given an opportunity to try out the machines prior to the official voting opportunities. The vote counting machines, said Ms. Hilton, also provided voters an opportunity to receive a second ballot if their first ballot was rejected.

Mayor Causton advised that the District of North Saanich used mail-in ballots this year with a return of 75 mail-in ballots and he wondered if Oak Bay would consider the same as part of a goal to seeing at least 50% of residents turning out to vote. It was also noted that this process would help those residents that may be housebound and or otherwise unable to vote. Ms. Hilton responded by saying that mail-in ballots could be implemented but would come at an additional cost to the municipality, and she advised that an amendment to the Election Bylaw would be required in that regard.

Responding to an inquiry about what notification and advertising is done for the Election, Ms. Hilton advised that Oak Bay follows the notification process legislated by the Province, which results in several notices being published in the newspaper with respect to various aspects of the Election leading up to it. Information is also posted to the Municipal website, she said.

MOVED by Councillor Jensen

Seconded by Councillor Braithwaite, That correspondence item no. 2008-296 be received.

CARRIED

7. 2008-297 LINDA AND BEN BEAUDET, November 20, 2008
Re Development Permit with Variance – 2571-2579 Cadboro Bay Road

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That correspondence item no. 2008-297 be received.

CARRIED

NEW BUSINESS:

Councillor Carson

Mayor Causton noted that this would be Councillor Carson's last meeting of Council and expressed his appreciation for Councillor Carson's contributions over the years, saying he will be missed.

Councillor Carson said he appreciated the comments and took the opportunity to say Council is well served by Oak Bay staff, thanking each member in attendance individually for their support.

North Henderson Road Residents Parking on Side Streets

Mayor Causton said that when he agreed to support allowing residents of Henderson Road to park on nearby side streets in excess of the posted time limit, due to the parking restrictions created by the bike lanes installed on Henderson Road, he was unaware of the Streets and Traffic Bylaw regulation that only permits people whose properties abut the zone or their guests to be exempted from the time limit.

Following further discussion and staff answering questions regarding the regulations, Council agreed that an amendment to the Bylaw should be brought forward for consideration.

MOVED by Councillor Jensen

Seconded by Councillor Cassidy, That staff be directed to bring forward an amendment to the *Streets and Traffic Bylaw*:

(a) granting an exemption from the parking time limits on:

- both sides of Dundrum Road;
- both sides of Kendal Avenue between Henderson Road and Cardiff Place;
- both sides of Avondale Road between Henderson Road and Cardiff Place,

for residents and guests at homes fronting on Henderson Road north of Gibbs Road;
and

(b) granting an exemption from the "resident only" parking restriction on:

- both sides of Frederick Norris Road between Henderson Road and Cardiff Place,

for residents and guest at homes fronting on Henderson Road north of Avondale Road,

during the times when the bike lane-related parking prohibition on Henderson Road is in effect.

CARRIED

Covered Bike Rack Shelter – Donation from Rotary of Oak Bay

Mayor Causton advised that he had received a letter from the Rotary Club of Oak Bay confirming their financial commitment of up to \$6,000 towards a bike shelter at Oak Bay Avenue and Wilmot Place. In return, the Rotary Club has requested that recognition signage be placed on the shelter.

Responding to a question with respect to funding the remainder of the project, the Municipal Administrator advised that under new legislation Council could approve the transfer of funds from the Parking Reserve Fund to the Alternative Transportation Fund previously established by Bylaw, which Mr. Cochrane said could be discussed during Estimates in April 2009.

It was agreed to invite comments from the business community through the Oak Bay Business Improvement Association with respect to the use of the Parking Reserve Fund for the purpose of the proposed bike shelter, once detailed plans and the estimated municipal costs were considered.

MOVED by Councillor Braithwaite

Seconded by Councillor Jensen, That staff be directed to bring forward design plans and the estimated cost for a covered bike rack to potentially be installed at the corner of Wilmot Place and Oak Bay Avenue.

CARRIED

TABLED:

Development Permit with Variance – 2571-2579 Cadboro Bay 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 Permit with respect to 2571-2579 Cadboro Bay Road (Lot 3 & 4, Block 1, Section 61, Victoria District, Plan 379), which will permit the replacement of the existing awnings and vary the following provision of the *Sign Bylaw, 1997*:

<u>Bylaw Section</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
6. (5) Maximum Free-Standing Sign Area within Commercial Use	1.86 sq. m per face	4.3 sq. m per face	2.47 sq. m per face

to accommodate the proposed replacement of the existing free-standing sign, as more particularly shown on the plans attached to Committee of the Whole agenda item #2008-265, being a memorandum from the Director of Building and Planning dated October 15, 2008.

CARRIED

The question on the main motion was then called.

CARRIED

Development Variance Permit – 63 Sylvan Lane

MOVED by Councillor Cassidy

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 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.

CARRIED

The question on the main motion was then called.

CARRIED

RESOLUTIONS:

December Meeting Schedule (Revised)

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That the December 2008 regular meeting schedule adopted November 10, 2008 be amended by substituting the following:

December 2008

Council (Inauguration)
Council

Monday, December 8, 2008 @ 7:30 p.m.
Monday, December 15, 2008 @ 7:30 p.m.

CARRIED

Attendance at Tourism Victoria 2008 Travel Auction

MOVED by Councillor Jensen
Seconded by Councillor Braithwaite, That Council approve payment of the fee of \$105.00 for Mayor Causton's attendance at the Tourism Victoria 2008 Travel Auction, held in Victoria, BC, November 14, 2008.

CARRIED

BYLAWS:

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

CARRIED
(Councillor Jensen against the Motion)

MOVED by Councillor Braithwaite
Seconded by Councillor Herbert, That Bylaw No. 4442, *Elected Official Travel Expense Bylaw Amendment Bylaw, 2008*, be introduced and read a first time.

CARRIED

MOVED by Councillor Braithwaite
Seconded by Councillor Herbert, That Bylaw No. 4442, *Elected Official Travel Expense Bylaw Amendment Bylaw, 2008*, be read a second time.

CARRIED

MOVED by Councillor Braithwaite
Seconded by Councillor Herbert, That Bylaw No. 4442, *Elected Official Travel Expense Bylaw Amendment Bylaw, 2008* be read a third time.

CARRIED

MOVED by Councillor Jensen
Seconded by Councillor Herbert, That Bylaw No. 4443, *Water Rate Bylaw Amendment Bylaw No. 2, 2008*, be introduced and read a first time.

CARRIED

MOVED by Councillor Jensen
Seconded by Councillor Herbert, That Bylaw No. 4443, *Water Rate Bylaw Amendment Bylaw No. 2, 2008*, be read a second time.

CARRIED

MOVED by Councillor Jensen
Seconded by Councillor Herbert, That Bylaw No. 4443, *Water Rate Bylaw Amendment Bylaw No. 2, 2008*, be read a third time.

CARRIED

MOVED by Councillor Braithwaite
Seconded by Councillor Herbert, That Bylaw No. 4444, *Ticket Information Utilization Bylaw Amendment Bylaw No. 5, 2008*, be introduced and read a first time.

CARRIED

MOVED by Councillor Braithwaite
Seconded by Councillor Herbert, That Bylaw No. 4444, *Ticket Information Utilization Bylaw Amendment Bylaw No. 5, 2008*, be read a second time.

CARRIED

MOVED by Councillor Braithwaite
Seconded by Councillor Herbert, That Bylaw No. 4444, *Ticket Information Utilization Bylaw Amendment Bylaw No. 5, 2008*, be read a third time.

CARRIED

ADJOURNMENT:

MOVED by Councillor Carson
Seconded by Councillor Braithwaite, 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 8:38 p.m.

Certified Correct:

Municipal Clerk

Mayor