

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, Victoria, B.C., on Monday July 8, 2019 at 7:00 P.M.

We acknowledge that the land on which we gather is the traditional territory of the Coast and Straits Salish Peoples. Specifically we recognize the Lekwungen speaking people, known today as the Songhees and Esquimalt Nations, and that their historic connections to these lands continue to this day.

PRESENT: Mayor K. Murdoch, Chair
Councillor A. Appleton
Councillor H. Braithwaite
Councillor C. Green
Councillor T. Ney
Councillor E. Paterson
Councillor E.W. Zhelka

STAFF: Chief Administrative Officer, L. Varela
Director of Corporate Services, W. Jones
Director of Corporate Services, D. Hopkins
Director of Engineering Services, D. Horan
A/Director of Building and Planning, D. Jensen
Planner, G. Buffett
Recorder, S. Santarossa

CALL TO ORDER:

Mayor Murdoch called the meeting to order at 8:23 p.m.

APPROVAL OF AMENDED AGENDA

MOVED and seconded: That the agenda be amended as follows:

- i) to postpone consideration of Items 12 and 13 to a special meeting of Council to take place Monday, July 15, 2019; and
- ii) to consider Item 14 before the Minutes and Report section.

CARRIED

BYLAWS

14. ***For Reconsideration of Third Reading and Adoption***

- Bylaw No. 3531.104, Zoning Amendment Bylaw, 2019
- Report - 2506/2515 Wootton Crescent (ZON00032)

The Mayor advised that Bylaw No. 3531.104 was back on the floor for consideration to allow an opportunity for all Council members to debate the bylaw. Councillor Braithwaite noted that she had reviewed the minutes and the video from the Public Hearing.

Council discussed the following in relation to the bylaw:

- The duplex has been in place for a long time
- Duplexes should be considered as a collective vs. individually
- Requirements for stratification of duplexes
- Need to protect rental stock

MOVED and seconded: That Bylaw No. 3531.104, Zoning Bylaw Amendment, 2019 be read a third time.

CARRIED

With Councillors Green, Paterson and Zhelka opposed

MOVED and seconded: That Bylaw No. 3531.104, Zoning Bylaw Amendment, 2019 be adopted.

CARRIED

With Councillors Green, Paterson and Zhelka opposed

MINUTES AND REPORTS:

1. **Minutes**

- Public Hearing held June 24, 2019
- Council Meeting held June 24, 2019

The following corrections to the minutes were noted:

- Public Hearing – Councillor Braithwaite was absent
- Council Meeting – Councillor Braithwaite arrived during the New Business section of the meeting.

MOVED and seconded: That the meeting minutes, as corrected, and recommendations contained therein be adopted from the June 24, 2019 Council meeting.

CARRIED

MOVED and seconded: That the meeting minutes, as corrected, and recommendations contained therein be adopted from the June 24, 2019 Public Hearing.

CARRIED

MAYOR'S REMARKS:

2. Mayor Murdoch reported that Deb Hopkins has recently been appointed the new Director of Corporate Services replacing Warren Jones who is retiring. The Mayor thanked Mr. Jones on behalf of Council for his contributions to the District.

PUBLIC PARTICIPATION PERIOD:

3. G. Ross, Oak Bay resident, spoke to the Council Committee and Commission review and questioned whether members of the public would be able to comment on the current structure. He requested Council schedule a meeting to elicit input from the general public.

H. Johnson, Oak Bay resident, spoke against the proposed location of the Sea Lore sculpture noting that it will be placed in front of his house. He questioned whether this or any other art installation is appropriate along the Beach Drive waterfront as it would distract from the natural view.

C. Moore, Oak Bay resident, spoke against the installation of the Sea Lore sculpture questioning who sets the parameters for an installation of this type, what donations will be accepted and how the location is chosen.

N. Barnes, Oak Bay resident, spoke against the installation of the Sea Lore sculpture stating that no meaningful consultation has taken place. She stated that she heard a book is to be written about the sculpture. Ms. Barnes asked Council not to support the installation of the sculpture.

V. Turner, Oak Bay resident, spoke against the installation of the Sea Lore sculpture stating that she does not like it.

S. Mini, Oak Bay resident, spoke against the location of the Sea Lore sculpture and noted that Council has received 55 emails opposed to the sculpture and only 6 in favour. She spoke against the proposed location citing safety concerns because of the drop behind the statue and the potential for children to climb the statue. She stated that the sculpture would be better suited in a playground. Ms. Mini also expressed concern about increased traffic when tour buses stop for pictures. She recommended the Public Arts Committee designate a sculpture park where different sculptures could be displayed and switched out after a period of time.

G. Peet, Oak Bay resident, spoke against the proposed location and installation of the Sea Lore sculpture stating it is a historically false tale with an unpleasant story. She recommended the donor be asked to perhaps consider a scholarship or bursary at Oak Bay High School. She also expressed concern about potential traffic problems on the scenic Oak Bay Drive. Ms. Peet recommended the sculpture be placed where there is already a pullout.

COMMUNICATIONS:

4. ***Geronimo Canoe Club – World Distance Outrigging Championship***
- Note – Saanich Geronimo Canoe Club Request for Financial Assistance
 - Correspondence – Saanich Geronimo Canoe Club Request for Financial Assistance

MOVED and seconded: That a grant for the Saanich Geronimo Club in the amount of \$500 be approved, for off-setting the costs associated with sending athletes and representatives of Team Canada to the World Distance Outrigging Championships, to be held in Brisbane, Australia from August 5 - August 17, 2019.

CARRIED

5. **Sea Lore Sculpture – Consideration of Location**

- Report – Sea Lore Sculpture Location

B. Adams, Arts Laureate, responded to questions from Council regarding the Sea Lore sculpture and proposed location. Discussion ensued as follows:

- The process to choose this sculpture from 32 submissions as opposed to the regular Arts Alive process:
- Both the sculpture and the proposed location belong to the District:
- Need for a policy regarding these types of donations:
- Donor would like the sculpture located on the seashore: and
- The need to collaborate with First Nations for placement of artwork along the seashore.

MOVED and seconded: That staff be directed to approach the donor, through the Arts Laureate, to communicate that the donation of the Sea Lore Sculpture be contingent on the District having final approval of the location of the piece.

CARRIED

6. **Oak Bay Advisory Design Panel Minutes**

- Note – ADP Minutes (June 4, 2019)
- Minutes – Advisory Design Panel (June 4, 2019)

MOVED and seconded: That the minutes from the Oak Bay Advisory Design Panel meeting held June 4, 2019 be received for information.

CARRIED

7. **Oak Bay Advisory Planning Commission Minutes**

- Note – APC Minutes (June 4, 2019)
- Minutes – Advisory Planning Commission (June 4, 2019)

MOVED and seconded: That the minutes from the Oak Bay Advisory Planning Commission meeting held June 4, 2019 be received for information.

CARRIED

8. **Heritage Revitalization Agreement (HRA00002) – 2031 Runnymede Avenue**

- Reports – Manager of Planning dated July 4, 2019 and July 9, 2018 (2031 Runnymede)
- Plans – July 4, 2019 and July 11, 2018
- Heritage Revitalization Agreement, 2018, No. 4696 (Original and Revised)
- Minutes Excerpt – Committee of the Whole (September 18, 2017)
- Report – Acting Director of Building and Planning dated September 1, 2017 (2031 Runnymede)
- Site Plan – Runnymede
- Heritage Home and Elevations – Runnymede
- Statement of Significance (May, 2015)
- Conservation Plan (May, 2015)
- Applicant Tree Management Plan (May, 2017)
- Arborist Memorandum (August 12, 2016)
- Heritage Building and Land Designation Bylaw, 1980, No. 3343

MOVED and seconded: That Council rescind second reading of Bylaw 4696, Heritage Revitalization Agreement Authorization Bylaw, 2018.

CARRIED

CORRESPONDENCE – UPCOMING AGENDA ITEM(S):

9. **Correspondence Received**

- Addenda – Corresp. Development Variance Permit (DVP00093) 1175 Beach Drive – July 5, 2019

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

10. **New Business**

Councillor Zhelka presented a notice of motion to amend the Zoning Bylaw to not allow strata plans under the RD-1 zone.

Verbal Reports

Councillor Appleton reported that the Library Board recently endorsed Council's resolution to advocate for the restoration of library funding to a level that reflects both inflationary cost increases since 2009 and the value of the system to the Province. He also reported of the ongoing discussions regarding the licensing and access to electronic journals at the Library.

Councillor Braithwaite thanked Parks, Recreation and Culture staff for the Canada Day BBQ that was hosted on the front lawn of Municipal Hall. She advised of the Night Market taking place this Wednesday as well as Music in the Park on Thursday.

Councillor Green reported that she participated in the Freedom of Information and Protection of Privacy webinar presented by the Local Government Management Association. She also reported on her attendance at the recent Tourism Committee meeting. Councillor Green acknowledged Mayor and staff for raising the Pride Flag at Municipal Hall that she donated.

Councillor Ney reported on the success of the Pride Parade and Council's participation in the parade.

Councillor Zhelka reported that Oak Bay's 2018 Annual Report and the CRD Drinking Water Quality Report are now available.

Mayor Murdoch reported on his attendance at the South Island Prosperity Partner meeting and the Mayors' Working Group for Integrated Units. He also noted that at the recent Mayors' Lunch, they discussed a joint float for next year's Pride Parade.

BYLAWS

11. **Bylaw Memorandum**

- Memorandum – Bylaw Nos. 4732 and 4733

12. **For Third Reading and Adoption (subject to outcome of Public Hearing)**

- Bylaw No. 4732, 602 Newport Avenue Heritage Revitalization Agreement Authorization Bylaw, 2019
- Report – 602 Newport Avenue (HRA00007/HAD00011)

Consideration of this item was postponed to the Special Council meeting scheduled for Monday, July 15, 2019.

13. **For Third Reading and Adoption (subject to outcome of Public Hearing)**

- Bylaw No. 4733, 601 Newport Avenue Heritage Designation Bylaw, 2019
- 602 Newport Avenue Heritage Designation Report, Bylaw No. 4733
- Report – 602 Newport Avenue (HRA00007/HAD00011)

Consideration of this item was postponed to the Special Council meeting scheduled for Monday, July 15, 2019.

14. **For Reconsideration of Third Reading**

- Bylaw No. 3531.104, Zoning Amendment Bylaw, 2019
- Report – 2506/2512 Wootton (ZON00032)

This item was considered before the Minutes and Reports section.

15. **For Amended Second Reading**

- Bylaw No. 4696, 2031 Runnymede Avenue Heritage Revitalization Agreement Authorization Bylaw, 2018

MOVED and seconded: That Bylaw No. 4696, 2031 Runnymede Avenue Heritage Revitalization Agreement Authorization Bylaw, 2018 be read a second time as amended.

CARRIED

MOVED and seconded: That a Public Hearing be held to consider Bylaw No. 4696 to be held at the Oak Bay Municipal Hall on September 9, 2019 at 6:00 p.m. in the Council Chambers and that notice be given in accordance with the *Local Government Act*.

CARRIED

RESOLUTIONS:

16. ***Development Variance Permit DVP00093 – 1175 Beach Drive***

- Resolution Notice – 1175 Beach Drive (DVP00093)
- Report – 1175 Beach Drive (DVP00093)
- Attach 1 – Beach Plans (June 10, 2019)

The Manager of Planning provided an overview of the application at 1175 Beach Drive.

Councillor Ney recused herself from the meeting at 10:24 p.m. as she is an owner of the property.

No members of the public rose to address Council on this application.

MOVED and Seconded: That the Director of Building and Planning be authorized to issue Development Variance Permit DVP00093 with respect to 1175 Beach Drive, as appended to the Council agenda of July 8, 2019.

CARRIED

ADJOURNMENT:

17. ***Motion to Adjourn to In Camera***

MOVED and seconded: That in accordance with section 90(1)(a) and (c) of the *Community Charter*, that the open portion of the meeting of Council be 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 labour relations or other employee relations.

CARRIED

The open portion of the meeting adjourned at 10:25 p.m.

Certified Correct:

Mayor

Director of Corporate Services