

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, October 25, 2010 at 7:30 p.m.

PRESENT: Mayor C. Causton, Chairman  
Councillor A. R. Cassidy  
Councillor P. Copley  
Councillor J. Herbert  
Councillor N. B. Jensen  
Councillor T. Ney

STAFF: Municipal Administrator, M. Brennan  
Municipal Clerk, L. Hilton  
Confidential Secretary, K. Green  
Director of Building and Planning, R. Thomassen  
Director of Engineering Services, D. Marshall  
Municipal Treasurer, P. Walker

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

ADOPTION OF MINUTES:

*Council – October 12, 2010*

MOVED by Councillor Herbert  
Seconded by Councillor Copley, That the minutes of the Council meeting held on Tuesday, October 12, 2010, be adopted.

CARRIED

*Committee of the Whole – October 18, 2010*

MOVED by Councillor Ney  
Seconded by Councillor Herbert, That the minutes of Committee of the Whole meeting held on Monday, October 18, 2010, and the recommendations contained therein, be adopted.

CARRIED

COMMUNICATIONS:

1. 2010-275 DIRECTOR OF PARKS AND RECREATION, October 20, 2010  
Re Neighbourhood Learning Centre Barbeque

*(Lorna Curtis, Director of Parks and Recreation, in attendance for this item.)*

Councillor Cassidy declared a conflict of interest with respect to the first two items on the agenda (correspondence items no. 2010-275 and 2010-276), noting that his firm is engaged by School District No. 61. Councillor Cassidy left the meeting at 7:33 p.m.

Lorna Curtis advised that following the Neighbourhood Learning Centre open houses, and in preparation for the Project Definition Report being submitted to the Ministry of Education, there will be a campaign to inform as many community members as possible of the proposed project. To assist with this objective, Ms. Curtis said that Recreation Oak Bay staff would like

to host a community barbeque on the front lawn of the Municipal Hall on November 6, 2010, and invited Council members to participate in the event.

It was noted that in the event of inclement weather, staff would like to set up the displays and banner in the Municipal Hall foyer.

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That permission be given to Recreation Oak Bay to conduct a community barbeque on the front lawn of the Oak Bay Municipal Hall, (including use of the Municipal Hall Foyer for displays if required) from 12:30 o'clock p.m. to 2:30 o'clock p.m. on Saturday, November 6, 2010, to raise community awareness of the proposed Neighbourhood Learning Centre.

CARRIED

2. 2010-276 GREATER VICTORIA SCHOOL DISTRICT, October 21, 2010  
Re Request for Funding – Oak Bay High School / Community Theatre and Arts Facilities

*(Tom Ferris, Board Member (Chair), Michael McEvoy, Board Member, George Ambeault, Secretary-Treasure, Seamus Howley, Director of Facilities, Greater Victoria School District, and Dave Thomson, Principal, Oak Bay High School, in attendance for this item.)*

Dave Thomson, Principal, Oak Bay High School, drew attention to the Greater Victoria School District Board of Education's request for funding to go towards enhancing the theatre and arts facilities for the new Oak Bay High School.

Mr. Thomson noted that the provincial funding for high schools does not provide for the inclusion of a theatre, therefore, the Board would be short \$1,400,000 of its goal to complete the community theatre. Although they feel that \$400,000 can be raised, said Mr. Thomson, the Board is requesting that the District of Oak Bay contribute the remainder of the funds for the theatre project in two parts; \$500,000 in the fall of 2011 and \$500,000 later in 2013.

Attention was draw to the Canadian College of Performing Arts possible interest in using the proposed theatre for their programs, and it was determined that the space would likely not meet the theatre group's requirements and the provision of adequate parking for its use would be an issue.

Michael McEvoy, School Board member, took this opportunity to thank Council and municipal staff for their collaborative efforts in working together with the School District in seeing the project continue to move forward.

There was further discussion regarding the proposed project and request for funding, and various questions from Council members were answered by the School District representatives in that regard. The benefit the theatre and arts facilities could contribute to the community was acknowledged by members of Council, and there was consensus that funding should be supported in principle.

MOVED by Councillor Herbert

Seconded by Councillor Copley, That staff be directed to provide a letter to the Greater Victoria School District indicating Council's support in principle, subject to budgetary approval and subject to the Municipality arriving at an appropriate and satisfactory method of financing, for

the requested funding contribution of \$1,000,000 towards the Community Theatre and arts facilities for the new Oak Bay High School.

Acknowledging that the proposed resolution only provides support in principle for the funding request, and in response to the question of whether that would be sufficient for the Province, George Ambeault, Secretary-Treasurer, Greater Victoria School District, advised that the Province requires that funding be in place before final approval of the project by the Province. Therefore approval of municipal funding would be needed by March 2011 at the latest.

The Municipal Administrator confirmed that Council cannot commit to the funding at this time, however, it could be introduced into the financial plan for 2011 and 2012 for consideration.

As to how the funds could be raised, the Municipal Treasurer provided information on possible options to be looked at further when the financial plan is considered later in the year.

The question was then called.

CARRIED

Councillor Cassidy returned to the meeting at 7:59 p.m.

3. 2010-277 OAK BAY BUSINESS IMPROVEMENT ASSOCIATION, October 19, 2010
- 2010-277-1 OAK BAY BUSINESS IMPROVEMENT ASSOCIATION, October 22, 2010
- 2010-277-2 MUNICIPAL CLERK, October 22, 2010  
Re Request for Approval of Plans for 2010 Oak Bay Christmas Festival

MOVED by Councillor Herbert

Seconded by Councillor Copley, That the temporary road closures, the occupancy of the closed roads and the front lawn of the Municipal Hall, and the various events planned, including the sales of goods and services pursuant to the requirements of the Streets and Traffic Bylaw in relation to the Oak Bay Business Improvement Association Christmas Festival as laid out in correspondence item no. 2010-227 be approved, 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; and
- 3) agree to obtain Oak Bay Police approval for a traffic plan and implement the same subject to any field instructions from the Police,

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

CARRIED

*Request to Waive Municipal Costs Associated with Christmas Festival*

MOVED by Councillor Herbert

Seconded by Councillor Cassidy, That approval be given to waive the Public Works Department costs related to erecting signage and barricades for the road closures associated with the Oak Bay Business Improvement Association's Christmas Light Up on Sunday, November 28, 2010 and the Parade of Lighted Trucks on December 4, 2010, along with the staff overtime costs for the Light Up portion of the Christmas Festival event on Sunday, November 28, 2010.

CARRIED

4. 2010-278 FEDERATION OF CANADIAN MUNICIPALITIES, September 28, 2010  
Re April 2011 to March 2012 Municipal Dues

MOVED by Councillor Cassidy

Seconded by Councillor Herbert, That payment of the invoice for the 2011-2012 Federation of Canadian Municipalities membership dues in the amount of \$2,592.22 (which excludes the optional travel contribution) be approved.

CARRIED

5. 2010-279 OAK BAY HERITAGE COMMITTEE, October 19, 2010  
Re Minutes of the Meeting

MOVED by Councillor Herbert

Seconded by Councillor Copley, That minutes of the Oak Bay Heritage Committee meeting held October 19, 2010 be received.

CARRIED

6. 2010-280 SPENCER AND EMMA LEE, October 20, 2010  
Re Development Variance Permit – 556 Newport Avenue

MOVED by Councillor Herbert

Seconded by Councillor Jensen, That correspondence item no. 2010-280 be received.

CARRIED

7. 2010-281 KATHRYN MAHONEY, October 14, 2010  
Re Traffic Control Order – Beach Drive, Two Hour Limited Time Parking

MOVED by Councillor Jensen

Seconded by Councillor Copley, That correspondence item no. 2010-281 be received.

CARRIED

NEW BUSINESS:

TABLED:

***Development Variance Permit – 556 Newport Avenue***

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 556 Newport Avenue (Lot 9, Block 5, Section 73, Victoria District, Plan 992), varying the following provisions of Bylaw No. 3531, being the Zoning Bylaw, 1986, as amended:*

<u>Zoning Bylaw Section</u>	<u>Required</u>	<u>Requested</u>	<u>Variance</u>
6.2.4.(3)(c) + Schedule 'B' <i>Maximum Roof Height of the principal building</i>	9.14 m	9.7 m	.56 m
6.2.4.(2)(c) <i>Interior side lot line setback for accessory building</i>	1.52 m	.35 m	1.17 m
6.2.4 (3)(a) <i>Maximum building height for accessory building</i>	3.0 m	4.95 m	1.95 m
6.2.4 (3)(b) <i>Maximum occupiable height for accessory building</i>	.25 m	2.49 m	2.24 m
6.2.4.(3)(c) <i>Maximum roof height for accessory building</i>	4.6 m	6.32 m	1.72 m
6.2.4.(7) <i>Clear space required between buildings</i>	3.0 m	2.86 m	.14 m

*to accommodate the renovation of the dwelling and the detached garage, as shown on the plans appended to Committee of the Whole agenda item #2010-253, being a memorandum from the Director of Building and Planning dated September 27, 2010.*

CARRIED

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

CARRIED

RESOLUTIONS:

***Traffic Control Order 2010-10 – Beach Drive, Two Hour Limited Time Parking***

It was noted that the resident requesting the regulations had since withdrawn her request.

MOVED by Councillor Herbert  
Seconded by Councillor Jensen, That Traffic Control Order 2010-10 to implement limited time parking regulations adjacent to 1632 and 1682 Beach Drive not be proceeded with.

CARRIED

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

MOVED by Councillor Jensen

Seconded by Councillor Copley, That the District of Oak Bay, as a member of Tourism Victoria, appoint Mayor Christopher Causton 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 2011.

CARRIED

***Development Permit (with Variance) – 2005 Oak Bay Avenue***

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That the Director of Building and Planning be authorized to issue a Development Permit with respect to 2005 Oak Bay Avenue (the Northerly 126 feet of the Westerly 12 feet of Lot 3, Section 23, Victoria District, Plan 435) allowing exterior alterations to the building located thereon in the form of the installation of business signs as described in Committee of the Whole agenda item #2010-273, being a memorandum from the Director of Building and Planning dated October 12, 2010, and as more particularly shown in the photographic representation attached thereto, and which in addition would vary Section 15(1) of Bylaw No. 3946, *Sign Bylaw, 1997*, to permit one of the signs which is of a type that would not otherwise be permitted, namely a hanging sign projecting out from the face of the building, subject to the property owners entering into an air space encroachment agreement with the Municipality in respect to the projecting sign, with the Mayor and Municipal Clerk being authorized to execute such an agreement.

MOVED by Councillor Jensen

Seconded by Councillor Herbert, That the motion in respect to the development permit with variance for 2005 Oak Bay Avenue be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

Councillor Cassidy declared a conflict of interest with respect to the next two items on the agenda, noting he shares a financial interest with the applicant's architect regarding the development variance permit request for 1392 Hampshire Road, and he has a business relationship with the law firm representing a party involved in a legal matter with the Victoria Golf Club, which would be subject to the proposed Bylaw No. 4516. Councillor Cassidy left at 8:08 p.m. for the remainder of the meeting.

***Development Variance Permit– 1392 Hampshire Road***

MOVED by Councillor Jensen

Seconded by Councillor Ney, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 1392 Hampshire Road (Amended Lot 13, (DD193213I), Section 23, Victoria District, Plan 673A), varying Section 4.10.5 of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended, to permit a miscellaneous structure (heat pump) to be sited in the front yard, as shown on the plans appended to Committee of the Whole agenda item #2010-274, being a memorandum from the Director of Building and Planning dated October 12, 2010.

MOVED by Councillor Jensen  
Seconded by Councillor Herbert, That the motion in respect to the development variance permit for 1392 Hampshire Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

BYLAWS:

***For First and Second Reading and Setting of a Public Hearing***

Bylaw No. 4516, *Eighty-Sixth Zoning Bylaw Amendment Bylaw, 2010*

MOVED by Councillor Jensen  
Seconded by Councillor Copley, That Bylaw No. 4516, *Eighty-Sixth Zoning Bylaw Amendment Bylaw, 2010*, be introduced and read a first time.

CARRIED

MOVED by Councillor Jensen  
Seconded by Councillor Copley, That Bylaw No. 4516, *Eighty-Sixth Zoning Bylaw Amendment Bylaw, 2010*, be read a second time.

CARRIED

MOVED by Councillor Jensen  
Seconded by Councillor Copley, That a public hearing on Bylaw No. 4516, *Eighty-Sixth Zoning Bylaw Amendment Bylaw, 2010*, be held at the Oak Bay Municipal Hall, on November 22, 2010, at 7:30 p.m., and that notice be given in accordance with the *Local Government Act*.

CARRIED

ADJOURNMENT:

MOVED by Councillor Jensen  
Seconded by Councillor Copley, 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 employee relations.

CARRIED

The meeting adjourned at 8:09 p.m.

Certified Correct:

\_\_\_\_\_  
Municipal Clerk

\_\_\_\_\_  
Mayor