

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, December 14, 2009, at 7:30 p.m.

PRESENT: Acting Mayor N. B. Jensen, Chairman  
Councillor H. Braithwaite  
Councillor A. R. Cassidy  
Councillor P. Copley  
Councillor J. D. Herbert  
Councillor T. Ney

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

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

ADOPTION OF MINUTES:

*Council – November 23, 2009*

MOVED by Councillor Herbert  
Seconded by Councillor Braithwaite, That the minutes of the Council meeting held on Monday, November 23, 2009, be adopted.

CARRIED

*Committee of the Whole – December 7, 2009*

MOVED by Councillor Copley  
Seconded by Councillor Herbert, That the minutes of the Committee of the Whole meeting held on Monday, December 7, 2009, and the recommendations contained therein, be adopted.

Councillor Cassidy indicated a conflict of interest regarding correspondence item no. 2009-372, as was noted in the minutes, due to a shared financial interest with the applicant's architect, and there was consensus that the motion be amended to exclude the recommendation in relation to correspondence item no. 2009-372, an Uplands building permit application for 2880 Beach Drive. Councillor Cassidy left the meeting at 7:34 p.m.

The question was then called.

CARRIED

MOVED by Councillor Braithwaite  
Seconded by Councillor Herbert, That the recommendation contained in the minutes of the Committee of the Whole meeting held on Monday, December 7, 2009 regarding correspondence item no. 2009-372, an Uplands building permit application for 2880 Beach Drive, be adopted.

CARRIED

Councillor Cassidy returned to the meeting at 7:35 p.m.

COMMUNICATIONS:

1. 2010-1 MUNICIPAL ADMINISTRATOR, December 8, 2009  
Re Uplands Sewer Separation – Engineering and Project Management Contract

Acting Mayor Jensen asked the Municipal Administrator to explain the Uplands sewer separation project.

The Municipal Administrator explained the history of the Uplands combined sewer system and how the flows from the system have been discharged over the years depending on the changing provincial environmental regulations. He went on to describe the current provincial regulations that have led to the requirement that the combined storm and sanitary sewer in the Uplands be separated, and the various discussions that have occurred, and decisions that have been made by Council at public meetings over the past four years in this regard.

Mr. Cochrane described the range of options that have been explored for complying with the Provincial Sewer Regulation, which have been put aside for different reasons, and he noted that the current low pressure sanitary sewer system is the option that has been chosen for the many advantages it offers over other possible solutions, and for which two-thirds provincial and federal funding for the \$7.6 million dollar project has been approved.

The grant application process was explained by Mr. Cochrane, and he noted that a very tight timeline for completion of the project is attached to the grant approval, which is March 2011. This tight timeline, said Mr. Cochrane, has led to an accelerated process where a request for proposals for the engineering design and project management portion of the project has been requested from Kerr Wood Leidal, which is before Council for consideration.

Mr. Cochrane noted that the letters from residents expressing concern about both the concept of having pumps on private property and the process leading up to the selection of this option have been received and circulated to Council members.

Acting Mayor Jensen thanked Mr. Cochrane for his detailed summary noting that significant time and effort had been put into looking at the various options, acknowledging that even if a gravity system had been chosen, some residents would require pumps in any event. He asked Rob Warren, Kerr Wood Leidal Ltd. to proceed with his presentation.

Mr. Warren, noted that the visual presentation would address more of the homeowner impact as opposed to the overall project, drawing attention to the specific aspects of a pump system including anticipated low maintenance requirements, electrical costs, shallow trench requirements, and storage capacity in a power outage. He concluded his presentation noting that the pumps have proven to be very reliable.

In response to a question from a member of Council saying that one of the prominent concerns was with respect to the required trenching to lay the pipes and the potential disturbance to the well established gardens in the Uplands, Mr. Warren advised that the trenches would be approximately two feet (.6 metres) deep and four inches (10 centimetres) wide, similar to that needed for an irrigation line, and that the low pressure system lines are flexible and can be routed around obstacles as required. He added that there may be a possibility for a homeowner

to go with a trenchless option as well. A gravity system, he said, would require a minimum one metre wide by one metre deep trench, which would have to follow straight lines.

The question with respect to the potential for archaeological sites being disturbed and the potential cost to residents as a result was raised, and Mr. Warren advised that with the low pressure system the risk would be reduced due to the shallower depth of the trenches and the ability to realign the pipes if necessary.

Regarding potential odour occurring with the low pressure system compared to the gravity system, Mr. Warren said that historically there is no occurrence of odour although stale sewage in the tank if left for a couple of weeks could cause odour issues. He added that flushing water through the system prior to going on vacation could address that potential, acknowledging, however, that odour could occur with either a low pressure system or a gravity fed system.

Concern was also expressed with regard to potential pump noise. Mr. Warren commented that one is unlikely to notice any pumping noise when standing 10-15 feet (3-4.5 metres) away from the station.

With respect to the cost comparison between a low pressure and a gravity system, Mr. Warren advised that the estimated homeowner's cost to hook up to the proposed low pressure sewer system would be somewhat less than if a gravity system was put into place. Mr. Warren noted that the smaller flexible line is much less expensive to install, although there would be costs associated with installing the pump and for the electrical and plumbing work that would be required as well.

As for the cost comparison for work on public property, it was noted that the capital cost of the gravity system would be twice that of the low pressure system (\$7,650,000 versus \$14,500,000 for the gravity system). Factoring in the grant for the Uplands sewer system, said Mr. Warren, the cost is one-sixth that of a gravity system. He further added that the low pressure system would reduce the carbon footprint due to lower construction costs.

It was noted by Mr. Warren that the overall disruption to the community during the installation of the low pressure system would be less than for a gravity system because the excavation process could be completed in a much shorter period of time.

Attention was drawn to concerns expressed about the possibility of a sewer backup into the house in the event of a power outage with the low pressure system. Mr. Warren advised that without power, appliances such as washers, dryers and dishwashers would not be contributing to the tank capacity. However, he said, any sewage overflow from the tank, should it reach capacity, would be outdoors onto the property surrounding the tank/pump. He also pointed out the potential risk of a sewer backup into the basement with a traditional gravity system.

Addressing a question from a member of Council, Mr. Cochrane noted that with the current proposal, including the grants, the municipality's one-third share would come from existing reserves so there would be no additional tax increase.

Should the grant not be utilized, and a gravity system was installed, he said, a very quick calculation for a gravity system would see an approximate 11% increase over the current tax rate if the funds were borrowed versus using reserves and assuming a 5% interest rate.

Attention was drawn to a comment made earlier with respect to the current electrical costs for the Humber and Rutland pump stations, and Mr. Warren advised that the current system uses

three times more energy than the proposed low pressure system, including all the pumps and their required power on private property.

The Director of Engineering Services, responding to a question with respect to the estimated number of houses that would require a pump due to the grade of the property even if a gravity storm drain system were constructed, said that it could possibly be up to 50% of the homes.

As requested, Mr. Warren described the work plan regarding the timeline for the project, noting that the municipal work must be completed in just over fifteen months, acknowledging the potential risk of being over budget that comes with shortened timelines.

Acting Mayor Jensen then invited members of the public to address Council.

Bob Barrigar, resident, asked various questions regarding the proposed low pressure system versus a gravity system with a view to understanding why a pump would be needed for the higher properties in the Uplands. Mr. Warren responded, describing how the low pressure system would work using small diameter pipes, creating a high velocity, self cleaning option.

Mr. Barrigar went on to say that gravity would also work to ensure flow, and Mr. Warren said that as long as a property is well above the highest fluctuation it would be theoretically possible for those highest properties not to require a pump, although it would not be practical.

Rob Hunter, resident, said he was concerned that the consulting firm had not conducted an extensive hydro power outage study for the Uplands, saying that pumps continuing to function for only eight hours after a power outage was not reassuring at all as the Uplands often experiences outages throughout the year that can last for many days.

Referring to the letter sent from the Municipality to the Uplands residents regarding the proposed sewer separation, Mr. Hunter commented that the letter stated that once further information became available the residents would be consulted. Mr. Hunter asked when would construction have to start to meet the deadline, as there is still a great deal of information to share with the residents and not everyone could be here at tonight's meeting.

Mr. Warren responded to the question regarding when construction would have to start to meet the completion deadline of March 2011, noting that it is anticipated that construction would start in March 2010.

Responding to a question raised with respect to the location for laterals on private property and the timeline for residents to connect to the new system, the Municipal Administrator advised that residents would be contacted individually by the consultant to determine a particular location for the sewer line on private property and the connection point to the system on public property.

In terms of the connection deadline, said Mr. Cochrane, as the sewer bylaw now stands, homeowners would be required to connect a year after the system in the street is ready to operate.

Mr. Hunter said he felt that the letter to residents was misleading as it did not mention the expected dates for completion or the homeowner's cost of the project.

Mr. Cochrane advised that the costs for individual properties is quite variable depending on the size of the property, landscaping issues, and the distance of the pump system from the road, therefore, information was not provided in that regard.

A member of the public expressed concern that there was no mention of the haste needed for the project and there was no request for responses or input from residents. As well, he questioned the lack of a tendering process saying that this contract would be probably the largest of the year for Oak Bay.

The speaker said he felt that the Uplands residents do not have any choice in the matter and that the meeting is just about awarding the engineering contract.

Peter Reader, resident, said that a one size fits all system will not work particularly with many pipes being under concrete, and not knowing exactly where these pipes are located. Mr. Reader added that because his home is down nine feet from the street a large hole would have to be dug to accommodate the tank and a larger and deeper trench would be required.

Mr. Warren explained that it would be a small trench and the size of the hole for the pump might vary depending on its location. He added that should the pump be located well below ground level then a pipe would run up to near the surface and then through a narrow shallow trench. With respect to finding the service, Mr. Warren said that a plumbing contractor or plans on file at the Municipal Hall could assist with that. He pointed out that similar issues would arise for Mr. Reader's property with a gravity system as well.

Rob Janus, resident, asked if there was an option for a hybrid system where there would be an option for private property owners to install a pump or install a traditional gravity lateral.

Mr. Warren responded by saying that theoretically it would be possible, however there would then be two systems, which would increase the cost. Further, he explained, the East Coast Interceptor is under pressure, and the sewage needs to be injected into that system under pressure as well.

Mr. Janus suggested using smaller pumps, which Mr. Warren advised was not feasible.

Mr. Warren responded to a question from Eric Bentzon, resident, who was concerned that with a deep basement the pump would need to be installed very close to the house, and said that it would still be feasible to move the pump away from the house and have the flow reach it by gravity, noting that different properties would require different approaches.

Stuart Silver, resident, asked how well the system would hold up during a power outage with sub-zero weather, and Mr. Warren noted freezing temperatures would not be an issue, although a five-day power outage could be an issue. Installation of a generator, he said, would be an option in that regard.

Derek Thompson, resident, said that currently his connection is at the back of the house and wondered if there would be an option of using the existing sewer system that runs through easements in the rear of some properties including his.

Mr. Warren said that it would be possible if all of the area residents agreed to have the system in back of their properties, however any plans to construct a garage or patio could interfere with the system and would be very costly for the homeowner to install more pipes if it were necessary.

A member of the public said that she may have plans to construct a garage or patio in the future, and wondered if someone will provide an outline to advise where the pipes and pump will be located, and if it would interfere with wanting to plant a tree at some point.

With respect to the individualized planning, Mr. Cochrane said that part of the engineering contract service would be to determine the best location for the connection on each property.

David Black, resident, said he felt frustrated with the process and that there needs to be a public forum for all residents to attend. Mr. Black said there needs to be a better way of approaching this issue because answers to half of the questions have not been thoroughly explored and the full information is not being heard.

Mr. Black said there would be huge savings with using the existing pipes for a sanitary sewer system and not having to dig up gardens etc. and that storm/rain water could be dealt with on private property.

Mr. Cochrane advised that the street system would still be a pressure sanitary sewer system and that while larger properties such as Mr. Black's may be able to handle roof runoff on the property, other smaller properties would need to pump to the pressurized sewer system.

Mr. Black said that this is assuming that the municipality moves forward with the low pressure system, noting he would prefer a gravity system. He suggested keeping the existing pipes and direct them to a new gravity system in the road. Additionally, Mr. Black said that he thinks the cost per household for work on private property would be closer to \$20,000 in his estimation, due to lot sizes, driveways, vegetation, stone walls, etc.

Mr. Warren commented that rain gardens, although excellent for the environment, would be a challenge, and would not absorb all the storm water or address any of the road runoff.

Mr. Black expressed his concern about a sewer backup in the house if the pump fails. Mr. Warren responded by saying that pumps would be installed lower than the lowest fixtures and any potential overflow from the sewer from the house would be on to the lawn or garden.

Mr. Black commented that the reason the cost would be much higher for the gravity system is because of the rain infiltration into the system that would have to be treated in the new treatment plants, which would cost the Municipality a lot more money. It seems unfair, he said, to be singling out 380 of the 6,500 homes in Oak Bay to be penalized in this situation. In conclusion, Mr. Black said that he only wants the same system as in the rest of the Municipality.

Paul Worsley, resident, said he agreed with Mr. Black, adding that the problem is due to the storm water overflowing the pump station during extreme rainfall, asking why sewer rather than storm water is being addressed, when all that is necessary is to divert some of the storm water from the current system. Mr. Worsley felt that the implementation of rain gardens was a very good suggestion and wondered if the engineering firm has investigated that.

Mr. Warren advised that the project is all about storm water and overflows, and even if all the properties incorporated rain gardens he is not sure it would meet all of the requirements of the Municipal Sewage Regulation.

Mr. Worsley said that each household should be given the opportunity to consider an alternative system, which could reduce the cost and would be environmentally friendly.

Mr. Cochrane noted the project is driven by the conditional grant deadline. Even if the original plan to install the gravity system over a number of years, where the existing pipe would be used as a sanitary sewer, was implemented, the old pipe would be subject to infiltration from rain and groundwater with a large percentage of that coming from private laterals, and it would be unlikely that the provincial regulation would be met.

Rob Adams, said he agreed that further discussion on the proposed system was necessary, and that if it proceeds, individual consultation was needed with residents to determine the best location for the system on each property, and the location of the public portion as well.

Stefan Opalski, resident, asked if an analysis had been done regarding the plumbing and electrical contracting capacity in the region to ensure residents could complete the required work on private property within a year. Mr. Warren confirmed this was not part of his analysis.

With respect to the deadline for residents to connect to the new system, Mr. Cochrane commented that Council has the authority to set a longer timeframe than the current one year timeframe set by Bylaw.

David Miller, resident, commented that the excessive rainfall collected in the municipal system is largely from roadways and that a study of the municipal system should be undertaken with a view to installing new piping to direct the storm water to the ocean, and therefore relieve the homeowners of the impact on them with the proposed system.

Mr. Cochrane replied by saying that although that would remove a substantial amount of storm water from the system the Municipal Sewage Regulation requirements still would not be met.

With respect to Saul Klein, resident, expressing concern with a recent comment that the vast amount of runoff is from the municipal roads, Mr. Cochrane said that information from the Kerr Wood Leidel report indicated it was necessary to take out the catch basin flow along with private property storm water to meet the five-year storm overflow requirement.

A member of the public said since a flood in his basement he has diverted the roof rainwater to his garden, and he asked if all homeowners in the Uplands did the same would the municipality then be able to meet the five-year storm overflow requirement.

Mr. Warren, replied that 30% of the Rutland catchment area residents already have disconnected roof leaders and that it would be impractical to ensure all residents handled storm water on their properties.

Responding to Gail Shore, resident, Mr. Cochrane advised that the Municipal Sewage Regulation applies to all sewer systems in Oak Bay, noting that Uplands is subject to higher rainfall flows, which can potentially cause overflows more frequently than what may be experienced in south Oak Bay. He added that all of Oak Bay is subject to the five-year return requirement and that some of the south Oak Bay systems will also need to be upgraded to meet that objective. Funding for the public system upgrades, (i.e. new lines and pumps), he said, would be the responsibility of the municipality as a whole.

Bob Barrigar, resident, asked if larger pumps at the Rutland and Humber pump stations rather than individual pumps on private property would address the issue. Mr. Warren said it would be much more expensive to build and run larger pump stations.

Referring to homeowners that have recently renovated and now have two separate pipes, Greg Young, resident, asked if there would be any cost savings to those owners. Mr. Warren advised that it would be possible to place the pump closer to the property line or place the pump at the house using the existing gravity sewer lateral as a sleeve for a new pressure line.

Norm Reynolds, resident, noted that many homeowners are away for several months at a time, wondering what happens with the sewer system. Mr. Warren advised the sewer system would not be in use during that time and no sewage would be going through the system so there should not be any problems. He added that there are three check valves linked to the system protecting against any sewer backups.

With respect to the effect of on-property storm water management, Mr. Warren said there was investigation into this by his firm.

A member of the public commented that homeowners wishing to sell their home could find that potential purchasers could be put off by the use of a pump sewer system, potentially affecting property values.

Responding to Derek Thompson, resident, asking if a study had been conducted regarding the proportion of run off the golf courses contribution, Mr. Warren said that golf course runoff was looked at by the engineering firm but that he did not have the information at hand.

If the funding was not available, Mr. Thompson asked if the low pressure system would be the chosen method to address this issue. Mr. Warren advised that yes, he would still recommend the low pressure system over the gravity system regardless of funding.

Alex Murdoch, resident, and also a member of the Association for Responsible Effective Environmental Sustainable Sewage Treatment, said that although he lives just outside of the Uplands, he wished to comment on the topic of rain gardens noting that he lives at the bottom of a slope and the homes above his contribute to his water flow.

Mr. Murdoch drew attention to the Capital Regional District's role in the regional sewage treatment plans and how it may affect Oak Bay, noting that the proposed treatment plant at Haro Woods was aimed at relieving the pressure on the East Coast Interceptor, and that the proposed low pressure system for Uplands should alleviate the need for this treatment plant.

Dan Osborne, resident, said that because he estimates the tank would need to be 11-12 feet deep there could be an issue when discharging into the municipal pipe to the pump system, asking how does one get the pump out in that distance. Mr. Warren advised that in such a case the fitting would be raised to connect with the pipe.

Mr. Osborne felt that the cost to the homeowner would be high and would like to see other pump systems being explored that would work better.

Harvey Pinch, resident, said he expected he would be sold on the low pressure system but people do not seem convinced, and he added that it would be helpful if residents were told what the other alternatives were.



Ray Bull, resident, said that the system should be left as a gravity system and that the low pressure system could be used for surface water. Mr. Warren said that although this is a feasible idea, a storm water pump would be much larger and would experience much more flow than the sanitary sewer pump system.

Robert Vanderham, resident, asked for clarification on the grant funding and what is included in terms of cost to residents for private property work. He also asked if he could be his own contractor to install the system on his property.

Mr. Cochrane advised that the overall project cost includes all the work on public property plus the cost of each pump, however it does not include the cost of installing the pump on private property or connecting to the municipal line in the street. He said that it would be the same if a new gravity system was being installed. With respect to hiring a contractor for the private property portion of the installation, Mr. Cochrane said for the electrical and plumbing work a licensed contractor would be required; he also noted that a permit from the Building Department would be required for this type of work.

Tibby Adams, resident, expressed concerned that rain gardens would flow down to her property, noting that the laneway behind her property becomes a river during heavy rainfall. Ms. Adams asked if there is a law preventing drainage to flow to a neighbouring property.

Mr. Cochrane advised that there is an option in the Bylaw that would allow a resident not to connect to the municipal sewer if it could be demonstrated to the Director of Engineering Services that a proper system could be installed that could handle rain water on private property, which would entail the homeowner hiring an engineering firm to confirm that doing so would not have any deleterious affect on any other property.

Mr. Cochrane noted that giving each resident a directive to handle their own storm water would be an onerous project to comply with due to the necessary engineering requirements. He added that due to the variety of situations not all properties could comply.

Shirley Hunter, resident, said she is concerned that many of the projections seem to be hypothetical and are not taking into account the specific topographical or geographical conditions in the Uplands, nor has consideration been given to the number and length of the power outages that affect the Uplands. Ms. Hunter commented that on many of the Uplands properties it would be necessary to blast in order to place a tank nine feet underground, which would significantly increase the cost to the homeowner.

Acting Mayor Jensen reviewed the main issues with respect to the Uplands sewer separation noting that many options have been reviewed by Council, including consideration of the impact for all residents of Oak Bay. With respect to cost, he noted that the low pressure system would be the least expensive option even without the two-thirds provincial and federal funding.

Acting Mayor Jensen said Council has received a clear message from residents that more dialogue is needed. He added that Council would also prefer a longer timeline to complete the project.

Although delaying the project may compromise the \$5 million funding, it was the view of Council that it would be helpful to postpone a decision on the engineering and project management contract and give notice to all residents of Oak Bay that a public meeting would be held in order to further discuss the issues, costs, timing and specifics of the sewer separation in the Uplands.

A member of Council asked if a report could be provided with respect to power outages over the past ten years.

MOVED by Councillor Cassidy

Seconded by Councillor Braithwaite, That correspondence item no. 2010-1 be tabled to a Special Council meeting to be held on Wednesday, January 6, 2010 at 6:30 p.m. at a suitable venue.

It was noted that notification of the special Council meeting would be advertised in the newspaper, on the municipal website, and posted on the municipal hall notice boards.

It was suggested that staff and the engineering firm set up a display area and be available to answer questions residents may have prior to the public meeting.

The question was then called.

CARRIED

Acting Mayor Jensen called a three minute recess before continuing with the Council agenda.

2. 2010-2 GREATER VICTORIA DEVELOPMENT AGENCY, November 12, 2009  
Re Request for Financial Assistance

*(Sasha Angus, Development Officer, and Roger Skillings, Chair, Greater Victoria Development Agency, in attendance for this item.)*

Mr. Angus advised that the Greater Victoria Development Agency (GVDA) has been very busy growing existing businesses in the Greater Victoria region, drawing attention to the activities and the strategic priorities to support growth and retention of local businesses undertaken by the GVDA.

Mr. Skillings added that with the economic challenges the GVDA is asking if Council to consider joining the City of Victoria, Saanich and Esquimalt in financially assisting the GVDA at whatever monetary level it could.

MOVED by Councillor Braithwaite

Seconded by Councillor Cassidy, That the grant request for the amount of \$10,000 be referred to Council's Estimates Committee for consideration during budget deliberations.

CARRIED

3. 2010-3 COMMUNITY ASSOCIATION OF OAK BAY, December 1, 2009  
Re Request for Financial Assistance

MOVED by Councillor Copley

Seconded by Councillor Ney, That the grant request from the Community Association of Oak Bay be referred to Council's Estimates Committee for consideration during budget deliberations.

Tom Croft, president, Community Association of Oak Bay, thanked Council for considering the Association's request for financial assistance, saying he felt the Council was aware of its contributions to the community.

Mr. Croft drew attention to a forum that will be held January 21<sup>st</sup> with respect to the Oak Bay High School, and another forum regarding the mapping program that will be held January 28<sup>th</sup> at the University of Victoria.

The question was then called.

CARRIED

4. 2010-4 OAK BAY FIRE FIGHTERS ASSOCIATION, December 9, 2009  
Re Request to Occupy Public Property for Christmas Tree Recycle Fundraising Event

MOVED by Councillor Braithwaite

Seconded by Councillor Cassidy, That approval be given for the temporary occupancy of public property as requested in correspondence item no. 2010-4, 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 provide 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

5. 2010-5 MULTIPLE SCLEROSIS SOCIETY OF CANADA, [Undated]  
Re Request to Occupy Willows Beach Park Parking Lot and Public Sidewalks – April 11, 2010

MOVED by Councillor Braithwaite

Seconded by Councillor Copley, That approval be given for the temporary occupancy of public property as requested in correspondence item no. 2010-5, subject to the Multiple Sclerosis Society of Canada 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 provide 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

6. 2010-6 BC GOVERNMENT AND SERVICE EMPLOYEES' UNION, December 4, 2009  
Re Request for Permission to Make Presentation re Oak Bay Lodge

Members of Council expressed differing views as to whether or not approval should be given to the BC Government and Service Employees' Union to make a presentation regarding the Oak Bay Lodge, as it was noted that would be unusual.

Noting the absence of Mayor Causton there was consensus that a decision on the request to make a presentation be left to the Mayor at the January 11, 2010 Council meeting.

MOVED by Councillor Braithwaite

Seconded by Councillor Cassidy, That a presentation by the BC Government and Service Employees' Union be permitted at the pleasure of the Mayor at the January 11, 2010 Council meeting.

CARRIED

7. 2010-7 CAPITAL REGIONAL DISTRICT, December 1, 2009  
Re Land Acquisition Fund

It was noted that the Regional Parks Committee is seeking input with respect to its recommendation to the CRD Board to increase contributions to the existing Land Acquisition Fund as outlined in the letter from the Committee Chair.

Although it was felt that the request to increase funding was supportable in this particular case, attention was drawn to what seems to be a growing number of requests from the Capital Regional District for increased levels of funding.

MOVED by Councillor Braithwaite

Seconded by Councillor Copley, That staff be directed to notify the Capital Regional District Regional Parks Committee of Council's endorsement of the recommendation to the Capital Regional District Board to increase the Regional Parks' Land Acquisition Fund to \$20 over the next five years (2010-2014) with a rate increase of \$2 per year, and then maintained at \$20 for the following five years (2015-2019).

CARRIED

It was agreed that the concern raised over the number of requests for increased funding also be relayed to the Chair of the Committee.

8. 2010-8 MUNICIPAL ADMINISTRATOR, December 8, 2009  
Re 2010 Provisional Budget

The Municipal Administrator noted that the provisional budget is used as a planning document at the staff level, which would be adopted formally by way of an amendment to the five year financial plan, contained in the Bylaws section of the agenda.

MOVED by Councillor Herbert

Seconded by Councillor Braithwaite, That correspondence item no. 2010-8 be received.

CARRIED

9. 2010-9 DEPUTY TREASURER, December 8, 2009  
Re 2010 Tender Award Recommendations

MOVED by Councillor Herbert

Seconded by Councillor Copley, That the 2009 tenders and contract extensions be awarded as follows:

PW01-2010 – Backhoe Rental Tender:  
W. A. Jones & Sons, based on low bid;

PW03-2010 – Ready Mix Concrete:  
Butler Brothers Supplies;

PW04-2010– Tandem Truck Rental Tender:  
Lopeter Trucking Ltd., based on low bid;

PW05-2010 – Scrap Metal Roll-Off Tender:  
Steel Pacific Recycling, extension of contract;

PW06-2010 – Excavator Rental Tender:  
C & F Equipment Rentals Ltd., based on low bid,

as detailed in the memorandum from the Deputy Treasurer, dated December 8, 2009 (correspondence item no. 2010-9).

CARRIED

10. 2010-10 OAK BAY HERITAGE COMMITTEE, October 8, 2009  
Re Minutes of the Meeting

*Proposed Heritage Tax Incentives*

Attention was drawn to the discussion on Councillor Cassidy's proposed implementation of a heritage tax incentive, which was referred to and explored by the Heritage Committee. The Committee, it was noted, endorsed the idea and recommended that it be pursued by Council. It was felt by the Committee to be more of a financial and policy issue than a heritage issue.

Councillor Cassidy advised that in addition to the synopsis of his report found in the minutes, he has available a more detailed document regarding his recommendation to encourage homeowners to renovate rather than demolish homes in Oak Bay.

It was suggested that Councillor Cassidy, the Director of Building and Planning, and the Municipal Treasurer work together on this and perhaps other initiatives that would encourage more homes being saved.

MOVED by Councillor Braithwaite

Seconded by Councillor Herbert, That Councillor Cassidy work with staff on potential options for incentives to encourage homeowners to renovate rather than demolish their older homes.

It was agreed that there was no urgency associated with the project, and that should a recommendation come forward regarding tax exemptions it would require a Bylaw which

would have to be passed by October 31<sup>st</sup> of the previous year to be in effect for the following taxation year.

The question was then called.

CARRIED

11. 2010-11 THOMAS OVANIN, December 11, 2009  
Re Development Variance Permit – 2578 Eastdowne Road

MOVED by Councillor Braithwaite

Seconded by Councillor Copley, That correspondence item no. 2010-11 be received.

CARRIED

NEW BUSINESS:

*Oak Bay Village Christmas Light Up and Parade of Lighted Trucks*

Councillor Braithwaite commended the Oak Bay Business Improvement Association for its very successful Christmas Light Up event held November 29<sup>th</sup>. Councillor Braithwaite also expressed her appreciation for the Parade of Lighted Trucks, noting the large amount of donations collected for the Mustard Seed Food Bank.

*Capital Regional District Bowker Creek Initiative – Education Session*

Councillor Ney advised that she attended an education session held by the Bowker Creek Initiative regarding rain gardens, and suggested that Oak Bay consider constructing a rain garden as a community educational opportunity in Oak Bay.

*Oak Bay High School Redevelopment*

Acting Mayor Jensen expressed his view that there is a need for Oak Bay to work closely with the School Board regarding the development of a new Oak Bay High School, saying he felt that it would be beneficial for the Municipality to jointly engage and fund a consultant to facilitate the process, becoming an integral partner in that regard. The Acting Mayor felt that the Municipality should take this opportunity to encourage a creative and broader approach when considering the potential use of the facility for both the school and the community.

MOVED by Councillor Jensen

Seconded by Councillor Copley, That the District of Oak Bay recommend to the School District that they jointly begin the process of hiring an independent consultant to explore mutual interests regarding the Oak Bay High School development.

There was discussion on the proposed resolution, and although it was the view of some Council members to pursue this avenue, concern was also expressed that any funding of this nature may be an inappropriate use of municipal funds, and that the School Board likely has the situation well in hand. Having a consultant, it was noted, should be left up to the School Board.

MOVED by Councillor Braithwaite  
Seconded by Councillor Cassidy, That the meeting continue past the 11 o'clock p.m. hour of adjournment fixed by the Procedure Bylaw.

CARRIED UNANIMOUSLY

Responding to a question as to whether or not the School Board had been approached with this idea, Acting Mayor Jensen advised that he had spoken with representatives of the School Board and it was suggested that any such proposal should come from the Municipality.

Responding to the question of where the proposed \$20,000 (municipal portion) consultant fee would come from, the Municipal Administrator noted that a financial plan amendment would be required and inasmuch as an amendment appears later in the agenda, it could be amended to incorporate the funding at that time.

Following discussion and varying views being expressed, it was felt that the proposal should be considered at a future meeting when all members of Council would be in attendance.

MOVED by Councillor Cassidy  
Seconded by Councillor Braithwaite, That the motion be tabled to a future meeting when all members of Council are scheduled to be in attendance.

CARRIED

*Transportation Priorities – Task Force*

Referring to the resolution brought forward to Council at its November 23, 2009 meeting with respect to new transportation priorities in Oak Bay, where the suggestion was made to form a task force, Acting Mayor Jensen said he would like to see a task force on cycling and walking formed.

MOVED by Councillor Jensen  
Seconded by Councillor Copley, That a task force on walking and cycling in Oak Bay be established and that it report back to Council in 2010 on ways to increase cycling and walking in Oak Bay.

Councillor Herbert noted that he and Mayor Causton had recently discussed the possibility of the Community Initiatives Committee changing its scope to focus on alternative transportation priorities, and the proposed widening of sidewalks in the Village, noting that perhaps the issue should be deferred until the Mayor returns.

MOVED by Councillor Herbert  
Seconded by Councillor Cassidy, That the motion be tabled to a future meeting of Council.

CARRIED

TABLED:

*Development Variance Permit – 2578 Eastdowne Road*

MOVED by Councillor Braithwaite  
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 2578 Eastdowne Road (Lot 11, Section 28, Victoria District, Plan 8990) varying the following provisions of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended:

<u>Bylaw Section</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.5.4.(7) Minimum Clear Space Between Buildings and Structures	3.0 m	2.0 m	1.0 m

to accommodate the relocation of an existing green house, as shown on the plans attached to Committee of the Whole agenda item #2009-353, being a memorandum from the Director of Building and Planning dated November 9, 2009.

CARRIED

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

CARRIED

RESOLUTIONS:

***Development Variance Permit – 3465 Midland Road***

MOVED by Councillor Herbert

Seconded by Councillor Copley, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 3465 Midland Road (Lot 3, Section 31, Victoria District, Plan 10433) varying the following provisions of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended:

<u>Bylaw Section</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
6.2.4. (3)(a) and Schedule “B” Maximum Building Height	7.32 m	7.39 m	0.07 m
6.2.4. (3)(b) and Schedule “B” Maximum Occupiable Height	4.57 m	5.12 m	0.55 m

to accommodate the proposed addition to the dwelling, as shown on the plans attached to Committee of the Whole agenda item #2009-375, being a memorandum from the Director of Building and Planning dated December 1, 2009.

MOVED by Councillor Cassidy

Seconded by Councillor Braithwaite, That the motion in respect to the development variance permit for 3465 Midland Road be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED



***Development Variance Permit – 195 Sunny Lane***

MOVED by Councillor Cassidy

Seconded by Councillor Herbert, That the Director of Building and Planning be authorized to issue a Development Variance Permit with respect to 195 Sunny Lane (Lot 2, Section 22, Victoria District, Plan 2103) varying the following provisions of Bylaw No. 3531, being the *Zoning Bylaw, 1986*, as amended:

<u>Bylaw Section</u>	<u>Permitted</u>	<u>Requested</u>	<u>Variance</u>
4.15.1 Maximum Paved Surface (Front Yard)	25 %	59%	24 percentage points

to accommodate replacing the existing hard surfacing in the front yard, as shown on the plans attached to Committee of the Whole agenda item #2009-376, being a memorandum from the Director of Building and Planning dated December 3, 2009.

MOVED by Councillor Cassidy

Seconded by Councillor Herbert, That the motion in respect to the development variance permit for 195 Sunny Lane be tabled to allow notice to be given in accordance with the *Local Government Act*.

CARRIED

***Confirmation of Appointments***

MOVED by Councillor Cassidy

Seconded by Councillor Braithwaite, That the following appointments be confirmed in accordance with the respective enactments or agreements governing them:

**COMMITTEE OF THE WHOLE**

- Finance, Regulatory, Community Service  
and Personnel Policy Section..... Councillor Jensen
- Land Use Section ..... Councillor Cassidy
- Public Works Section.....Councillor Herbert
- Recreation Section ..... Councillor Braithwaite
- Emergency Planning and Fire Section ..... Councillor Ney
- Traffic and Pedestrian Safety Section ..... Councillor Copley
- Uplands Building Permits Subcommittee ..... Councillors Cassidy, Herbert, Copley, Ney

**OTHER COUNCIL APPOINTMENTS**

Acting Mayor for:

- December and June .....Councillor Jensen
- January and July..... Councillor Herbert
- February and August.....Councillor Cassidy

March and September .....	Councillor Ney
April and October .....	Councillor Copley
May and November.....	Councillor Braithwaite
Capital Regional District .....	Mayor Causton ( <i>Alternate: Councillor Herbert</i> )
Capital Regional District Arts Committee .....	Councillor Copley
Camosun College Liaison .....	Councillor Cassidy
Community Initiatives Committee.....	Mayor Causton, Councillors Braithwaite, Herbert (Chair)
CREST Corporation.....	Councillor Jensen
Emergency Planning Liaison .....	Councillor Ney
Greater Victoria Labour Relations Association .....	Mayor Causton .....( <i>Alternate Councillor Herbert</i> )
Greater Victoria Public Library Board .....	Councillor Copley
Oak Bay Child and Youth Committee .....	Councillor Braithwaite
Oak Bay Heritage Committee .....	Councillor Ney
Oak Bay Heritage Foundation .....	Councillor Ney
Parcel Tax Roll Review Panel .....	Mayor Causton, Councillors Ney, Cassidy
Oak Bay Merchants Liaison.....	Councillor Herbert
Oak Bay Parks and Recreation Commission Liaison .....	Councillor Braithwaite .....( <i>Alternate Councillor Ney</i> )
2010 Olympics Liaison .....	Councillor Herbert
Oak Bay Police Board.....	Mayor Causton (ex officio)
Oak Bay Tourism Committee Liaison .....	Councillor Herbert
Provincial Capital Commission .....	Councillor Cassidy
Provincial Court—Family Court Committee.....	Councillor Ney
Receptions and Public Information.....	Councillor Braithwaite and Mayor Causton
Regional Housing Trust Fund Commission.....	Mayor Causton ( <i>Alternate: Councillor Copley</i> )
Regional Water Supply Commission.....	Councillor Jensen
Royal and McPherson Theatres Society .....	Councillor Copley
School District 61 Liaison .....	Councillor Jensen
Secondary Suites Review Committee .....	Councillors Jensen (Chair), Copley, Herbert
University of Victoria Liaison .....	Councillor Jensen

CARRIED

BYLAWS:

***For Adoption***

MOVED by Councillor Cassidy  
Seconded by Councillor Braithwaite, That Bylaw No. 4488, *Mayor and Councillors Annual Indemnity Bylaw, 2010*, be adopted.

CARRIED

MOVED by Councillor Cassidy  
Seconded by Councillor Braithwaite, That Bylaw No. 4490, *Tree Protection Bylaw Amendment Bylaw No. 2, 2009*, be adopted.

CARRIED

***For First, Second and Third Reading***

MOVED by Councillor Cassidy  
Seconded by Councillor Braithwaite, That Bylaw No. 4493, *Building and Plumbing Bylaw Amendment Bylaw No. 1, 2010*, be introduced and read a first time.

CARRIED

MOVED by Councillor Cassidy  
Seconded by Councillor Braithwaite, That Bylaw No. 4493, *Building and Plumbing Bylaw Amendment Bylaw No. 1, 2010*, be read a second time.

CARRIED

MOVED by Councillor Cassidy  
Seconded by Councillor Braithwaite, That Bylaw No. 4493, *Building and Plumbing Bylaw Amendment Bylaw No. 1, 2010*, be read a third time.

CARRIED

Acting Mayor Jensen asked if anyone in attendance wished to address Council regarding the proposed amendment to the Financial Plan. Seeing no one come forward, it was

MOVED by Councillor Cassidy  
Seconded by Councillor Herbert, That Bylaw No. 4495, *Financial Plan Bylaw, 2009, Amendment Bylaw No. 4, 2009*, be introduced and read a first time.

CARRIED

MOVED by Councillor Cassidy  
Seconded by Councillor Braithwaite, That Bylaw No. 4495, *Financial Plan Bylaw, 2009, Amendment Bylaw No. 4, 2009*, be read a second time.

CARRIED

MOVED by Councillor Cassidy  
Seconded by Councillor Braithwaite, That Bylaw No. 4495, *Financial Plan Bylaw, 2009, Amendment Bylaw No. 4, 2009*, be read a third time.

CARRIED

MOVED by Councillor Cassidy  
Seconded by Councillor Copley, That Bylaw No. 4496, *Willows Pavilion Licence Authorization Bylaw, 2010*, be introduced and read a first time.

CARRIED

MOVED by Councillor Cassidy  
Seconded by Councillor Copley, That Bylaw No. 4496, *Willows Pavilion Licence Authorization Bylaw, 2010*, be read a second time.

CARRIED

MOVED by Councillor Cassidy  
Seconded by Councillor Copley, That Bylaw No. 4496, *Willows Pavilion Licence Authorization Bylaw, 2010*, be read a third time.

CARRIED

MOVED by Councillor Copley  
Seconded by Councillor Ney, That Bylaw No. 4497, *Water Rate Bylaw Amendment Bylaw No. 2, 2009*, be introduced and read a first time.

CARRIED

MOVED by Councillor Copley  
Seconded by Councillor Ney, That Bylaw No. 4497, *Water Rate Bylaw Amendment Bylaw No. 2, 2009*, be read a second time.

CARRIED

MOVED by Councillor Copley  
Seconded by Councillor Ney, That Bylaw No. 4497, *Water Rate Bylaw Amendment Bylaw No. 2, 2009*, be read a third time.

CARRIED

MOVED by Councillor Copley  
Seconded by Councillor Ney, That Bylaw No. 4498, *Sewer User Charge Bylaw Amendment Bylaw No. 3, 2009*, be introduced and read a first time.

CARRIED

MOVED by Councillor Copley  
Seconded by Councillor Ney, That Bylaw No. 4498, *Sewer User Charge Bylaw Amendment Bylaw No. 3, 2009*, be read a second time.

CARRIED

MOVED by Councillor Copley  
Seconded by Councillor Ney, That Bylaw No. 4498, *Sewer User Charge Bylaw Amendment Bylaw No. 3, 2009*, be read a third time.

CARRIED

MOVED by Councillor Braithwaite  
Seconded by Councillor Herbert, That Bylaw No. 4499, *Alternative Municipal Tax Collection Scheme Bylaw Amendment Bylaw No. 2, 2009*, be introduced and read a first time.

CARRIED

MOVED by Councillor Braithwaite  
Seconded by Councillor Herbert, That Bylaw No. 4499, *Alternative Municipal Tax Collection Scheme Bylaw Amendment Bylaw No. 2, 2009*, be read a second time.

CARRIED

MOVED by Councillor Braithwaite  
Seconded by Councillor Herbert, That Bylaw No. 4499, *Alternative Municipal Tax Collection Scheme Bylaw Amendment Bylaw No. 2, 2009*, be read a third time.

CARRIED

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

MOVED by Councillor Braithwaite  
Seconded by Councillor Herbert, That Bylaw No. 4494, *Official Community Plan Bylaw Amendment Bylaw No. 1, 2010*, be introduced and read a first time.

CARRIED

MOVED by Councillor Braithwaite  
Seconded by Councillor Herbert, That Bylaw No. 4494, *Official Community Plan Bylaw Amendment Bylaw No. 1, 2010*, be read a second time.

CARRIED

MOVED by Councillor Braithwaite  
Seconded by Councillor Herbert, That a public hearing on Bylaw No. 4494 be held at the Oak Bay Municipal Hall, on January 25, 2010, at 7:30 p.m., and that notice be given in accordance with the *Local Government Act*.

CARRIED

**ADJOURNMENT:**

MOVED by Councillor Braithwaite  
Seconded by Councillor Cassidy, That the open portion of the Council meeting 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.

CARRIED

The meeting adjourned at 11:21 p.m.

Certified Correct:

---

Municipal Clerk

---

Acting Mayor

