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## TOWN OF SIDNEY

### MINUTES OF REGULAR COUNCIL MEETING Monday, June 12, 2017 Council Chambers 7:00 p.m.

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**PRESENT:** Acting Mayor C. McLennan  
Councillors: E. Bremner-Mitchell, T. Chad, B. Fallot and P. Wainwright

**ABSENT:** Mayor S. Price and Councillor M. Lougher-Goodey

**Staff:** R. Humble, Chief Administrative Officer  
A. Hicik, Director of Corporate Services  
T. Tanton, Director of Development Services, Engineering, Parks & Public Works  
B. Mikkelsen, Fire Chief  
A. Verhagen, Manager of Planning  
S. Nelson, Corporate Officer

#### 1. **CALL TO ORDER / PUBLIC PARTICIPATION PERIOD (maximum 20 minutes) / INTRODUCTIONS / PRESENTATIONS / PUBLIC HEARINGS**

The Acting Mayor called the meeting to order at 7:00 p.m.

##### **A. PUBLIC PARTICIPATION PERIOD**

1. **J. Blair, 2312 Henry Avenue** - referring to the Committee of the Whole meeting on June 5, noted the appeal from the tenant at 2268-2270 Henry Avenue and was concerned of the displacement of tenants by new development; and stated the word "apartment" used on the agenda was confusing and misleading and that the language being used must be clear as to what is actually happening.
2. **S. Garnett, 9583 Christie Place** – suggested that Council consider increasing the 75m neighborhood notification distance to at least double; questioned the landlord's obligation with respect to keeping a building in good repair; and stated there needs to be some kind of mechanism in place to deal the displacement of tenants by new development.

Public Participation Period closed at 7:06 p.m.

##### **B. PRESENTATION**

###### **i. Update – South Island Prosperity Project**

Emilie de Rosenroll, Executive Director of the SIPP Project, gave a PowerPoint presentation providing an update on their progress respecting regional economic development. She noted their key focus of long term economic growth and one-on-one business development, highlighting on the following initiatives:

- **Sustainable Financial Model** - 29 members; more private sector funders and grants.
- **The Connector Program** – business advisor/mentoring services; support for existing businesses in job creation and investment.
- **Songhees Innovation Centre** – training, networking; prosperity for First Nation innovators.
- **Smart South Island-** smart cities movement – information, communication and technology meeting urban problems; how to attract federal funding for next 10 years.

Ms. de Rosenroll noted that the economy in 2016 was not doing well with spending per person at only \$0.40 per capita, but that since then it has already increased to \$2.16 (75%). She thanked Council for their continued support, and advised that she has made a presentation to the Town's Economic Development Commission.

**2. APPROVAL OF AGENDA**

2017.16.246 Moved by Councillor B. Fallot, seconded by Councillor E. Bremner-Mitchell, that the agenda be approved as presented.

**MOTION CARRIED UNANIMOUSLY**

**3. ADOPTION OF MINUTES**

**a. Regular Council Meeting – May 23, 2017**

2017.16.247 Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot, that Minutes of the Regular Council Meeting of May 23, 2017, be adopted as presented.

**MOTION CARRIED UNANIMOUSLY**

**4. BUSINESS NOT COMPLETED AT A PREVIOUS REGULAR MEETING**

**5. BUSINESS ARISING FROM MINUTES**

**6. DELEGATIONS**

**7. PETITIONS**

**8. MAYOR'S REPORT**

**9. COUNCILLORS' REPORTS**

**10. COMMITTEE REPORTS**

**a. Economic Development Commission – April 28, 2017**

2017.16.248 Moved by Councillor E. Bremner-Mitchell, seconded by Councillor B. Fallot, that the Minutes of the Economic Development Commission Meeting of April 28, 2017, be received for information.

**MOTION CARRIED UNANIMOUSLY**

Minutes contain recommendation(s) regarding:

**R.1 EDC – Amendment to Terms of Reference**

2017.16.249 Moved by Councillor E. Bremner-Mitchell, seconded by Councillor P. Wainwright, that the Terms of Reference for the EDC be amended to allow alternates for the three business organizations represented and that the Town send a letter to each organization requesting that they designate an alternate for Council's consideration.

**MOTION CARRIED UNANIMOUSLY**

**b. Committee of the Whole – June 5, 2017**

2017.16.250 Moved by Councillor T. Chad, seconded by Councillor B. Fallot, that the Minutes of the Committee of the Whole Meeting of June 5, 2017, be received for information.

**MOTION CARRIED UNANIMOUSLY**

There was consensus from members of Council that the request for feedback on the Town's participation regarding the future of the McPherson Playhouse be brought forward for discussion at the next Committee of the Whole Meeting.

Minutes contain recommendation(s) regarding:

**R.1 Official Community Plan Amendment Application No. OP100033, Zoning Amendment Application No. RZ100097, Development Variance Permit Application No. DV100224, and Development Permit Application No. DP100712 (2268 - 2270 Henry Avenue)**

(To construct a three-storey 8 unit multi-family development).

2017.16.251

Moved by Councillor T. Chad, seconded by Councillor E. Bremner-Mitchell, that Official Community Plan Amendment Application No. OP100033, Zoning Amendment Application No. RZ100097, Development Variance Permit No. DV100224 and Development Permit Application No. DP100712 (2268-2270 Henry Avenue - to relax requirements pertaining to front setback, interior side setback, rear setback and depth of parking spaces in order to permit the construction of a 3 storey multi-family residential development containing 8 dwelling units) be forwarded to the Advisory Planning Commission for review and comment.

**MOTION CARRIED UNANIMOUSLY**

**c. Advisory Planning Commission – June 6, 2017**

2017.16.252

Moved by Councillor E. Bremner-Mitchell, seconded by Councillor T. Chad, that the Minutes of the Advisory Planning Commission Meeting of June 6, 2017, be received for information.

**MOTION CARRIED UNANIMOUSLY**

Minutes contain recommendations(s) regarding:

**R.1 Official Community Plan Amendment Application No. OP100032; Zoning Amendment Application No. RZ100096; Development Variance Permit Application No. DV100223; & Development Permit Application No. DP100708 (2211, 2213 & 2215 James White Boulevard)**

(To construct 3 multi-family buildings, each being 3 storeys with 8 dwelling units – 24 total units).

2017.16.253

Moved by Councillor E. Bremner-Mitchell, seconded by Councillor B. Fallot:

1. That staff prepare Official Community Plan and Zoning amendment bylaws in relation to Official Community Plan Amendment Application No. OP100032 and Zoning Amendment Application No. RZ100096, and that the bylaws be brought before Council for consideration of first and second readings and whether to schedule a public hearing on the bylaws;
2. That owners and tenants in occupation of property within 75m (246ft) of the property that is the subject of Development Variance Permit Application No. DV100223 (to relax the front and interior side setbacks, height and the parking pay in lieu amount) be notified regarding the proposed variance and that any written correspondence received be forwarded to Council at the time of consideration of approval of the variance;
3. That Development Permit Application No. DP100708 (to permit the construction of a 3 storey residential development with three 8 unit townhouse dwellings) be brought before Council for consideration of approval if Council authorizes the issuance of the Development Variance Permit;
4. That as a condition of approval of Development Permit Application No. DP100708, the property owner:
  - a. Address Design Guidelines No. 20.3.11 (architectural details and building articulation), 20.3.21 (pedestrian walkway materials), 20.3.23 (hard-surfaced driveway materials), 20.3.25 (parking area screening), 20.3.29 (garbage and utility kiosk screening), and 20.3.33 (retention of mature trees) and 20.3.37 (site lighting) to the satisfaction of the Director of Development Services, Engineering, Parks and Works.

- b. Register a reciprocal access easement for the driveways, parking and garbage areas prior to the issuance of Building Permit.
  - c. Pay to the Town a deposit in the amount of 115% of the estimated cost to complete the hard and soft landscaping for the development prior to the issuance of Building Permit;
  - d. Install tree protection fencing around any trees to be retained prior to the issuance of Demolition Permit and keep the fencing in place until such time that all construction on the property is complete;
  - e. Install bike stair rails down to each basement bicycle room.
5. That as a condition of approval of Development Variance Permit Application No. DV100223, the property owner:
- a. Enter into an agreement with a car share cooperative to provide permanent car share memberships to all the two and three bedroom units in each building and provide proof of an executed agreement and payment prior to issuance of Building Permit; and
6. That as a condition of Zoning Amendment Application No. RZ100096, the property owner:
- a. Alter the proposed floor plan to include a minimum of one 3-bedroom unit per building, each with a minimum floor area of 90 square meters.
  - b. Extend the sidewalk in front of the property from the north property line up to the southwest corner of the intersection of Swiftsure Place and James White Boulevard.
  - c. Register a restrictive covenant on the title of the property prior to the issuance of Building Permit, prohibiting the future strata council from passing any bylaws that may restrict occupancy of the building based on age.

**OPPOSED: Councillor T. Chad**  
**MOTION CARRIED 4: 1**

## 11. STAFF REPORTS

- a. **Development Variance Permit Application No. DV100227 (9904 Third Street)**  
(To vary fence height in the front yard of an existing multi-family townhouse).

2017.16.254 Moved by Councillor B. Fallot, seconded by Councillor E. Bremner-Mitchell, that owners and tenants in occupation of property within 75m (246ft) of the property that is the subject of Development Variance Permit Application No. 100227 (9904 Third Street – to relax the fence height in the front yard) be notified regarding the proposed variance and that any written correspondence received be forwarded to Council at the time of consideration of approval of the variance.

**MOTION CARRIED UNANIMOUSLY**

- b. **Amendment to Liquor Licence – Request for Patron Participation (9851 Seaport Place - Surly Mermaid Bar & Eatery)**

2017.16.255 Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot:

1. That Council recommend to the Liquor Control and Licensing Branch the amendment of the Liquor Licence for the Surly Mermaid Bar & Eatery to include a patron participation entertainment endorsement for the following reasons:
  - a. The noise levels would not increase from those that currently exist; and
  - b. That restaurant dining would continue to be the principal use of the establishment.
2. That Council's comments on the prescribed Liquor Control and Licensing Branch's considerations are as follows:

Regarding:

(a) *The potential for noise if the application is approved.*

- i. It is the opinion of Council that the inclusion of “patron participation entertainment” endorsement would not result in an increase in noise levels beyond those that presently exist;

Regarding:

(b) *The impact on the community if the application is approved.*

- ii. It is the opinion of Council that the impact on the community would be negligible;

Regarding:

(c) *Whether the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose.*

- iii. It is the opinion of Council that, based upon the establishment’s proposal, the primary use would continue to be restaurant dining and accordingly would be operated in a manner consistent with this primary use; and

Regarding:

(d) *The views of residents.*

- iv. That the staff report dated June 6, 2017 regarding this application, which includes information on the public consultation process and comments related to the submissions received during the process, be forwarded to the Liquor Control and Licensing Branch as additional information.

**MOTION CARRIED UNANIMOUSLY**

**c. Municipal Security Issuing Resolution**

2017.16.256 Moved by Councillor T. Chad, seconded by Councillor B. Fallot, that Council approve borrowing from the Municipal Finance Authority of British Columbia, as part of their 2017 Fall Borrowing Session, \$3,000,000, as authorized through Community Safety Building Loan Authorization Bylaw No. 2111, and that the Capital Regional District be requested to consent to our borrowing over a 30-year term, and include the borrowing in their Security Issuing Bylaw.

**MOTION CARRIED UNANIMOUSLY**

**d. Agreement – Parking Enforcement**

2017.16.257 Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot, that the agreement between the Town and the Commissionaires for parking enforcement services be approved and that the agreement be executed by the Mayor and the Corporate Administrative Officer.

**MOTION CARRIED UNANIMOUSLY**

**e. Agreement – Animal Control Services**

2017.16.258 Moved by Councillor B. Fallot, seconded by Councillor E. Bremner-Mitchell, that the agreement between the Town and the Capital Regional District, for providing animal controls services, be approved and that the agreement be executed by the Mayor and the Corporate Officer.

**MOTION CARRIED UNANIMOUSLY**

**f. Agreement – Sculpture Walk Revitalization**

2017.16.259 Moved by Councillor B. Fallot, seconded by Councillor E. Bremner-Mitchell, that the Letter of Agreement between the Town and the Sidney Business Improvement Area Society, for revitalization of Sidney’s Sculpture Walk, be approved and that the Mayor and the Chief Administrative Officer be authorized to execute the agreement.

**MOTION CARRIED UNANIMOUSLY**

**g. Amendment to Policy PR-5.6 – Employee Recognition**

- 2017.16.260 Moved by Councillor B. Fallot, seconded by Councillor E. Bremner-Mitchell, that Policy PR-5.6 – Employee Recognition be approved as amended.  
**MOTION CARRIED UNANIMOUSLY**

**h. Monthly Building Permit Report – May 2017**

- 2017.16.261 Moved by Councillor T. Chad, seconded by Councillor B. Fallot, that the Monthly Building Permit Report for May 2017 be received for information.  
**MOTION CARRIED UNANIMOUSLY**

**12. OTHER REPORTS**

**13. CORRESPONDENCE**

**14. BYLAWS / DEVELOPMENT PERMITS / VARIANCES / SUBDIVISION**

**a. Bylaw No. 2139 – Noise, Amendment No. 2**

(To clarify areas where loading, unloading, deliveries, etc., times are restricted).

- 2017.16.262 Moved by Councillor P. Wainwright, seconded by Councillor T. Chad, that Bylaw No. 2139 – Noise, Amendment No. 2, be introduced and given first reading.  
**MOTION CARRIED UNANIMOUSLY**

- 2017.16.263 Moved by Councillor P. Wainwright, seconded by Councillor T. Chad, that Bylaw No. 2139 – Noise, Amendment No. 2, be given second reading.  
**MOTION CARRIED UNANIMOUSLY**

- 2017.16.264 Moved by Councillor P. Wainwright, seconded by Councillor T. Chad, that Bylaw No. 2139 – Noise, Amendment No. 2, be given third reading.  
**MOTION CARRIED UNANIMOUSLY**

**b. Development Variance Permit Application No. DV100222 (9775 Fourth Street)**

(To increase number of storeys, allow live/work units on the ground floor, to reduce the number and location of required 3-bedroom units and parking in order to construct a 5-storey, mixed-use development consisting of 3 live/work units and 19 multi-family dwelling units).

(No written public submissions were received).

- 2017.16.265 Moved by Councillor T. Chad, seconded by Councillor B. Fallot, that Development Variance Permit Application No. DV100222 (9775 Fourth Street - to increase number of storeys, allow live/work units on the ground floor, to reduce the number and location of required 3-bedroom units and parking to construct a 5-storey, mixed-use development consisting of 3 live/work units and 19 multi-family dwelling units) be approved and that Development Permit Application No. DP100705 be approved, subject to conditions as per Council Resolution No. 2017.15.238.

**MOTION CARRIED UNANIMOUSLY**

**15. NEW BUSINESS**

**16. CORRESPONDENCE FOR INFORMATION**

- 2017.16.266 Moved by Councillor E. Bremner-Mitchell, seconded by Councillor B. Fallot, that the following correspondence be raised for further discussion:
- a. 1. - Email from D. White, regarding World Oceans Day, dated May 15, 2017.
  - b. 4. - Email from B. Watson, expressing the need for a public RV sani-dump station, dated May 25, 2017. Reply dated May 30, 2017.

**MOTION CARRIED UNANIMOUSLY**

- 2017.16.267 Moved by Councillor E. Bremner-Mitchell, seconded by Councillor P. Wainwright, that the following correspondence be received for information:
2. Letter from Island Health, providing information on local health area profiles, dated May 17, 2017.
  3. Letter from Vancouver Island Film Commission, expressing appreciation for the Town's 2017 grant-in-aid, dated May 19, 2017.
  5. Proclamation: Access Awareness Day - June 3, 2017.

**MOTION CARRIED UNANIMOUSLY**

- 2017.16.268 Moved by Councillor E. Bremner-Mitchell, seconded by Councillor B. Fallot, that the Council Liaison to the Shaw Centre for the Salish Sea be requested to prepare a report to the World Oceans Day organization (email from D. White, dated May 15, 2017) summarizing the event held this year in Sidney.

**MOTION CARRIED UNANIMOUSLY**

- 2017.16.269 Moved by Councillor E. Bremner-Mitchell, seconded by Councillor P. Wainwright, that the notice regarding a public dumping station for RV holding tanks (email from B. Watson, dated May 25, 2017) be forwarded to staff for review and comment to be considered during the development of the Parks Master Plan.

**MOTION CARRIED UNANIMOUSLY**

**17. NOTICES OF MOTION**

**18. MOTION TO GO "IN-CAMERA" (CLOSED MEETING)**

**19. ADJOURNMENT**

- 2017.16.270 Moved by Councillor T. Chad, seconded by Councillor B. Fallot, that the meeting be adjourned at 7:52 p.m.

**MOTION CARRIED UNANIMOUSLY**

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MAYOR

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CORPORATE OFFICER