



TOWN OF SIDNEY

MINUTES OF REGULAR COUNCIL MEETING Tuesday, November 14, 2017 Council Chambers 7:00 p.m.

PRESENT: Mayor S. Price
Councillors: E. Bremner-Mitchell, T. Chad, B. Fallot, M. Lougher-Goodey, C. McLennan and P. Wainwright

Staff: R. Humble, Chief Administrative Officer
A. Hicik, Director of Corporate Services
T. Tanton, Director of Development Services, Engineering, Parks & Public Works
M. Harman, Deputy Fire Chief
A. Verhagen, Manager of Planning
P. Kully, Executive Assistant

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

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

A. PUBLIC PARTICIPATION PERIOD

1. **S. Stoneman (on behalf of ArtSea)** - requested that the Town consider the replacement of the current building that they occupy in Tulista Park during the development of the Parks Master Plan.
2. **C. Wood, 9196 Third Street** – complimented the Town’s flowers, friendly staff and some of the new buildings. Expressed concerns regarding vehicles parking near his property and blocking the driveway. Request that the Town improve parking requirements in this area.
3. **S. Garnett, 9583 Christine Place** – expressed concerns about the potential removal of the hedge along Skylark and suggested it needs to be replaced with something as it provides a sound buffer and privacy for residents in the area.
4. **J. Blair, 2312 Henry Avenue** – expressed his disappointment that Brad Morrison resigned from the Sidney Archives after 8 years and as a result, he has also left his volunteer position. He requested that Council investigate.
5. **D. Munkley, 9342 Lochside Drive** – stated was opposed to the development at 9344 Lochside due to its size, style and negative impact it will have on parking and traffic in the area.
6. **J. Barker, 9703 Third Street** – referred to his letter of today and October 5th regarding concerns about building to a zero lot line at the 9716 Third Street development.
7. **M. Peulen, 9716 Third Street** – developer of 9716 Third Street advised that the construction management plan will be completed next week.

Public Participation Period closed at 7:18 p.m.

B. PRESENTATIONS

i. Request to Install Temporary Floating Wave Attenuator

Duane Shaw, Mill Bay Marine Group, Port Sidney Marina, provided a presentation to Council detailing the purpose of the proposed temporary floating wave attenuator which is to eliminate damage to the marina from winter winds. He assured Council that the eelgrass would be protected and left undisturbed.

2017.30.500 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that Council approve the request for installation of Temporary Floating Wave Attenuator at Port Sidney Marina and that the Province be advised of Council's decision.

MOTION CARRIED UNANIMOUSLY

ii. Sidney Video and Update on Visitor Services

Donna Petrie, Executive Director, SBIA, provided a presentation to Council including a viewing of the new Sidney promotional video. Her presentation included an overview of the new programs that were delivered and statistics from the visitor centre.

2. APPROVAL OF AGENDA

2017.30.501 Moved by Councillor C. McLennan, seconded by Councillor B. Fallot, that the agenda be approved with the addition of the following:

1. item 11b - email from Omicron, dated November 9, 2017;
2. item 11e - staff report regarding PEMO Emergency Social Services Grant Application, dated November 14, 2017;
3. item 14b - letter from Baker, Sutherland & Peat, dated November 14, 2017;
4. item 14c - letter from D. & P. Munkley, dated November 14, 2017;
5. item 14c - letter from B. & D. Huddleston, dated November 13, 2017; and
6. item 14c - letter from K. & P. Kelm, dated November 13, 2017.

MOTION CARRIED UNANIMOUSLY

3. ADOPTION OF MINUTES

a. Regular Council Meeting – October 23, 2017

2017.30.502 Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot, that Minutes of the Regular Council Meeting of October 23, 2017, be adopted as presented.

MOTION CARRIED UNANIMOUSLY

4. BUSINESS NOT COMPLETED AT A PREVIOUS REGULAR MEETING

5. BUSINESS ARISING FROM MINUTES

a. Council In-Camera Meeting – October 23, 2017

i. Resignation – Economic Development Commission

Resolution: that the email from G. Byrne, dated September 11, 2017, advising of her resignation from the Economic Development Commission, be received for information.

ii. Appointment - Alternate to CRD Arts Development Committee

Resolution: that Councillor E. Bremner-Mitchell be appointed as the alternate Council Liaison to the CRD Arts Development Committee.

iii. Engagement of Consultant - Disposition of Fire Hall Site

Resolution: that staff be instructed to contract Devencore (Mr. Randy Holt) to prepare a Call for Expressions of Interest document for the disposition of the Fire Hall and Parking Lot B, as previously directed by Council.

6. DELEGATIONS

7. PETITIONS

8. MAYOR'S REPORT

9. COUNCILLORS' REPORTS

10. COMMITTEE REPORTS

a. Audit & Finance Committee – October 31, 2017

2017.30.503 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that the Minutes of the Audit & Finance Committee Meeting of October 31, 2017, be received for information.

MOTION CARRIED UNANIMOUSLY

Minutes contain recommendation(s) regarding:

R.1 Third Quarter Variance Report

2017.30.504 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that the staff report dated October 25, 2017, providing an update on the financial results up to the end of the third quarter of 2017, be received for information.

MOTION CARRIED UNANIMOUSLY

R.2 Revitalization Tax Exemptions

2017.30.505 Moved by Councillor M. Lougher-Goodey, seconded by Councillor B. Fallot, that Revitalization Tax Exemptions no longer be pursued as a strategic priority.

**OPPOSED: Councillor E. Bremner-Mitchell
MOTION CARRIED 6:1**

2017.30.506 Moved by Councillor M. Lougher-Goodey, seconded by Councillor P. Wainwright, that the email from the Director of Corporate Services, dated November 8, 2017, providing additional information regarding revitalization tax exemptions, be received for information.

MOTION CARRIED UNANIMOUSLY

R.3 Budget Timelines

2017.30.507 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that the schedule for the 2018-2022 Financial Plan meetings be set as follows:

1. Monday, January 15, 2018 - presentation of Draft Budget at Committee of the Whole;
2. Monday, February 5, 2018 - preliminary budget discussions at Committee of the Whole; and
3. Tuesday, February 20, 2018 - (initial) Budget deliberations at Special Council Meeting.

MOTION CARRIED UNANIMOUSLY

b. Committee of the Whole – November 6, 2017

2017.30.508 Moved by Councillor M. Lougher-Goodey, seconded by Councillor B. Fallot, that the Minutes of the Committee of the Whole Meeting of November 6, 2017, be received for information.

MOTION CARRIED UNANIMOUSLY

Minutes contain recommendation(s) regarding:

R.1 Status Update – 2016-2018 Strategic Plan

2017.30.509 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that the following 2017 priorities be carried over to 2018:

1. Downtown Employee Parking – MPS Lands
2. Development of Attainable Workforce Housing
3. Community Safety Building
4. Downtown Public Realm Design Standards
5. Reay Creek Pond Remediation
6. Port Sidney Marina Lease Extension & Breakwater Divestiture
7. Parks Master Plan
8. Significant Development Proposals

MOTION CARRIED UNANIMOUSLY

- R.2**
2017.30.510 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that the following 2017 priorities be carried over to 2018 and beyond:
1. Downtown Waterfront Vision Plan
 2. Market and Promote the Community for Families and Youth
 3. West Side Local Area Plan
- MOTION CARRIED UNANIMOUSLY**
- R.3**
2017.30.511 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that the feasibility and exploratory studies for Beacon Wharf be made the highest priority for the **Downtown Waterfront Vision Plan**.
- MOTION CARRIED UNANIMOUSLY**
- R.4**
2017.30.512 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that the Highway Pathway West Side (\$250,000) and the Boulder Park (\$50,000) action items from the **West Side Local Area Plan** be referred to the 2018 Budget deliberations.
- MOTION CARRIED UNANIMOUSLY**
- R.5**
2017.30.513 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that the Marketing & Economic Development Strategy specific to the West Side and its identity as an innovation district from the **West Side Local Area Plan** be referred to the Economic Development Commission.
- MOTION CARRIED UNANIMOUSLY**
- R.6**
2017.30.514 Moved by Councillor M. Lougher-Goodey, seconded by C. McLennan, that the Environmental Sustainability Strategy priority be removed and that an **Urban Forestry Management Strategy** be set as a 2018 priority.
- MOTION CARRIED UNANIMOUSLY**
- R.7**
2017.30.515 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that the Sea Leve Rise Plan priority be removed and that **Implementation of the Provincial Flood Hazard Management Guidelines** be set as a 2018 priority.
- MOTION CARRIED UNANIMOUSLY**
- R.8**
2017.30.516 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that the **Active Transportation Plan** priority be deferred to 2019.
- MOTION CARRIED UNANIMOUSLY**
- R.9**
2017.30.517 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan:
1. That Council sees merit in developing an approach to regulate **Short Term Vacation Rentals (STVR)**; and
 2. That staff be directed to investigate and develop options to regulate short term vacation rentals in Sidney and report back to Council with their recommendations. In doing so, staff should review and consider best practices implemented by other municipalities, including aspects related to Zoning; business licensing, capacity for enforcement and potential fees.
- OPPOSED: Councillors: E. Bremner-Mitchell & B. Fallot**
MOTION CARRIED 5:2

R.10

2017.30.518 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that the following be undertaken as key projects in 2018:

1. Call for Expressions of Interest - existing Fire Hall and Parking Lot B;
2. Sidney Ferry Terminal – Cross Border Pre-Clearance Agreement;
3. Asset Management – Addressing New Federal Standards; and
4. Action Items resulting from the AGLG Emergency Management Audit.

MOTION CARRIED UNANIMOUSLY

R.11

2017.30.519 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that the development of **YouTube informational videos** be referred to the 2018 Budget deliberations.

MOTION CARRIED UNANIMOUSLY

c. Advisory Planning Commission – November 7, 2017

2017.30.520 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that the Minutes of the Advisory Planning Commission Meeting of November 7, 2017, be received for information.

MOTION CARRIED UNANIMOUSLY

Minutes contain recommendation(s) regarding:

R.1 Development Variance Permit Application No. DV100229 & Development Permit Application No. DP100718 (9666 Sixth Street)

(To relax the lot coverage in order to construct two small-lot single-family dwellings).

2017.30.521 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan:

1. That in the interest of increased storage, the applicant, at the applicant's discretion, either:
 - a. Increase the length of both garages by 1 m, thereby increasing overall lot coverage and rear yard coverage of accessory buildings; or
 - b. Increase the width of both garages to the zero lot line to occupy the vacant space between the garages, thereby increasing overall lot coverage, rear yard coverage of the accessory buildings, and reducing the interior side lot line setback for the detached garages only;
2. That owners and tenants in occupation of property within 75 m (246 ft) of 9666 Sixth Street be notified regarding Development Variance Permit Application No. DV100229 (to increase ground floor lot coverage for both lots from 35% to 39.8% and to increase rear yard coverage of accessory buildings from 25% to 28.5%) 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. DP100718 (to permit the construction of two small lot single-family dwellings) be brought before Council for consideration of approval if Council authorizes the issuance of the Development Variance Permit; and
4. That as a condition of approval of Development Permit Application No. DP100718, the property owner shall:
 - a. Address Development Permit Guidelines No. 19.3.9 (window locations) and 19.3.46 (hard surface materials) to the satisfaction of the Director of Development Services, Engineering, Parks and Works; and
 - b. Prior to the issuance of Building Permit, 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.

MOTION CARRIED UNANIMOUSLY

11. STAFF REPORTS

a. Downtown Waterfront Vision Plan and Water Lease Areas

2017.30.522 Moved by Councillor B. Fallot, seconded by Councillor T. Chad:

1. That the element of installing 2-3 innovative and flexible Town-owned commercial units and public washrooms adjacent to the waterfront walkway opposite Divers Point, on the south side of Beacon Avenue, be removed from the Downtown Waterfront Vision Plan document; and
2. That staff be directed to forward a letter to D. Paquette and R. McDermid advising that the Town of Sidney upholds the contract as written on February 9, 2001 and that this letter be placed on their file.

MOTION CARRIED UNANIMOUSLY

b. Development VAA Referral – Sidney Crossing (Gateway) Development

2017.30.523 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that Council direct staff to reply to the Victoria Airport Authority with a statement of no significant concerns regarding the Development Referral for the property at 2125 Beacon Avenue West (Sidney Crossing), with the following comments for consideration by the Victoria Airport Authority:

1. That the north elevations of Buildings 6 and 9, facing Beacon Avenue West, be modified to increase visual interest in these facades;
2. That the parking area and access aisles north of Building 1 be redesigned to preserve two existing coniferous trees located in this area;
3. That a children's play area and drinking water fountain be added to the central plaza area;
4. That all garbage and recycling areas be screened with fencing, gates, and landscaping where possible to minimize impact on the surrounding area; and
5. That the VAA ensure that security is received for the construction of the pedestrian overpass over Highway 17 prior to the issuance of the Development Permit, as per the terms of the MOU signed September 7, 2016.

MOTION CARRIED UNANIMOUSLY

2017.30.524 Moved by Councillor P. Wainwright, seconded by Councillor T. Chad, that the VAA and Omicron be requested to explore options for saving tree #2 (Monterey Cyprus) and moving the entrance sign into the MOTI right of way.

OPPOSED: Councillor M. Lougher-Goodey
MOTION CARRIED: 6:1

c. Agreement – Sidney Museum & Archives Society

2017.30.525 Moved by Councillor E. Bremner-Mitchell, seconded by Councillor C. McLennan, that the lease and operating agreement with the Sidney Museum & Archives Society be approved for a term of five years, beginning on January 1, 2018.

MOTION CARRIED UNANIMOUSLY

d. Monthly Building Permit Report – October 2017

2017.30.526 Moved by Councillor C. McLennan, seconded by Councillor T. Chad, that the Monthly Building Permit Report for October 17 be received for information.

MOTION CARRIED UNANIMOUSLY

e. Peninsula Emergency Measures Organization Grant

2017.30.527 Moved by Councillor E. Bremner-Mitchell, seconded by Councillor C. McLennan, that staff be directed to proceed with the Community Emergency Services Grant Application for Emergency Social Services.

MOTION CARRIED UNANIMOUSLY

12. OTHER REPORTS

13. CORRESPONDENCE

a. 2017 Annual Report & 2018 Business Plan

2017.30.528 Moved by Councillor E. Bremner-Mitchell, seconded by Councillor C. McLennan, that the correspondence from Sidney Museum & Archives Society, dated October 19, 2017, regarding the 2017 Annual Report and 2018 Business Plan, be received for information.

MOTION CARRIED UNANIMOUSLY

b. Request for Special Tri-Municipal Meeting – Capital Integrated Services & Governance Initiative Report

2017.30.529 Moved by Councillor T. Chad, seconded by Councillor C. McLennan, that the correspondence from the District of Central Saanich, dated October 19, 2017, regarding the Capital Integrated Services and Governance Initiative Report, be received and that the Town respond by suggesting that the 3 Mayors meet to discuss

MOTION CARRIED UNANIMOUSLY

c. CRD Bylaw No. 4127 – Arts & Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 4, 2017

2017.30.530 Moved by Councillor B. Fallot, seconded by Councillor P. Wainwright, that the correspondence from CRD, dated October 24, 2017, regarding Bylaw No. 4127 – Arts & Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 4, 2017, be received and that Council reiterate its previous resolution #2017.17.289.

OPPOSED: Mayor S. Price

MOTION CARRIED 6:1

14. BYLAWS / DEVELOPMENT PERMITS / VARIANCES / SUBDIVISION

a. Bylaw No. 2147 – Delegation of Authority

(To delegate operational decision-making power and signing authority to Town Officers).

2017.30.531 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that Bylaw No. 2147 – Delegation of Authority be adopted.

MOTION CARRIED UNANIMOUSLY

b. Development Variance Permit Application No. DV100239 and Development Permit Application No. DP100728 (9716 Third Street)

(To relax lot area occupied by parking, loading and access aisles in order to construct a 4-storey, mixed-use commercial/residential development with ground floor commercial space and 9 multi-family dwelling units).

Written Submission(s):

1. Email from D. Peat, 9724 Third Street, dated October 5, 2017.
2. Letter from Baker, 9706A Third Street & Sutherland, 9708A Third Street, dated October 5, 2017.
3. Letter from M. Wood, 9691 Third Street, dated November 7, 2017.
4. Letter from Baker, 9706A Third Street, Sutherland, 9708A Third Street, & Peat, 9724 Third Street, dated November 14, 2017.

2017.30.532 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that Development Variance Permit Application No. DV100239 (9716 Third Street – to relax lot area occupied by parking, loading and access aisles in order to construct 4-storey, mixed-use commercial/residential development with ground floor commercial space and 9 multi-family dwelling units) be approved and that Development Permit Application No. DP100728 be approved, subject to conditions as per Council Resolution No. 2017.28.473.

MOTION CARRIED UNANIMOUSLY

- c. Development Variance Permit Application No. DV100240 (9344 Lochside)**
(To relax the minimum building envelope width and to waive the minimum frontage for a two-lot subdivision).

Written Submission(s):

1. Letter from D. & P. Munkley, 9342 Lochside Drive, dated November 14, 2017.
2. Letter from B. & D. Huddleston, 9352 Lochside Drive, dated November 13, 2017.
3. Letter from K. & P. Kelm, 9348 Lochside Drive, dated November 13, 2017.

2017.30.533 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that Development Variance Permit Application No. DV100240 (9344 Lochside Drive - to relax the minimum building envelope width and to waive the minimum frontage for a two-lot subdivision) be approved.

MOTION CARRIED UNANIMOUSLY

- d. Development Variance Permit Application No. DV100241 (2433 Malaview Ave)**
(To increase the amount of vehicle parking spaces in the front yard of an existing multi-family development).
(No written submissions were received).

2017.30.534 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that Development Variance Permit Application No. DV100241 (2433 Malaview Avenue - to increase the amount of vehicle parking spaces in the front yard of an existing multi-family development) be approved.

OPPOSED: Councillors T. Chad & E. Bremner-Mitchell
MOTION CARRIED 5:2

- e. Development Variance Permit Application No. DV100242 (2240 & 2250 Beacon Avenue – Dickens Liquor Shoppe & Public Pub)**
(To install two non-conforming fascia signs on the subject properties).
(No written submissions were received.)

2017.30.535 Moved by Councillor T. Chad, seconded by Councillor C. McLennan, that Development Variance Permit Application No. DV100242 (2240 & 2250 Beacon Avenue – to install two non-conforming fascia signs on the subject properties) be approved.

MOTION CARRIED UNANIMOUSLY

15. NEW BUSINESS

16. CORRESPONDENCE FOR INFORMATION

2017.30.536 Moved by Councillor C. McLennan, seconded by Councillor B. Fallot, that the following correspondence for information be received for information:

1. Letter from the Salish Sea World Heritage, requesting support for their application for the 41 UNESCO World Heritage Site, dated October 27, 2017.
2. Various correspondence, regarding Sidney Crossing (Gateway) Development.

MOTION CARRIED UNANIMOUSLY

17. NOTICES OF MOTION

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

2017.30.537 Moved by Councillor B. Fallot, seconded by Councillor C. McLennan, that it is in the opinion of Council that the public interest requires that persons other than members of Council and Officers be excluded from the meeting to consider confidential matters relating to personal and legal/land issues, pursuant to section 90.1 (a), (d) and (e) of the *Community Charter* and that Council continue the meeting in closed session.

MOTION CARRIED UNANIMOUSLY

19. ADJOURNMENT

2017.30.538 Moved by Councillor C. McLennan, seconded by Councillor B. Fallot, that the meeting be adjourned at 8:15 p.m.

MOTION CARRIED UNANIMOUSLY

MAYOR

CORPORATE OFFICER