



TOWN OF SIDNEY

MINUTES OF REGULAR COUNCIL MEETING
Monday, December 17, 2018
Council Chambers
7:00 p.m.

PRESENT: Acting Mayor P. Wainwright
Councillors: S. Duncan, B. Fallot, S. Garnett, T. O’Keeffe and C. Rintoul

ABSENT: Mayor C. McNeil-Smith

Staff: R. Humble, Chief Administrative Officer
A. Hicik, Director of Corporate Services
T. Tanton, Director of Development Services, Engineering, Parks & Works
B. Mikkelsen, Fire Chief
C. Newcomb, Acting Manager of Planning
D. Jones, Building Official
S. Nelson, Corporate Officer

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

Mayor C. McNeil-Smith called the meeting to order at 7:00 p.m.

A. PUBLIC PARTICIPATION PERIOD

1. **B. Collins, 2028 Wesbrook Drive** – referring to item 11d, questioned the need for a geotechnical report to revisit what is already known to exist; stated that Transport Canada is unable to budget for remediation until the Town has made a decision respect the future of the dam; and requested Council to request Transport Canada to release their completed environmental reports.
2. **N. Tamosiunas, 2071 Malaview Avenue West** – referring to item 11b, as one of the business owners within the building (Foreman CNC Machining Ltd.) expressed support for the stratification of the building, principally as ownership would provide security for the future of the business, and provided some background with respect to the previous subdivision applications for this property, which have lapsed.
3. **S. Pelz, 9346 Webster Place** – referring to item 11c, thanked Council and staff for addressing their concerns respecting construction noise.

Public Participation Period closed at 7:10 p.m.

2. APPROVAL OF AGENDA

2018.43.608 Moved by Councillor C. Rintoul, seconded by Councillor S. Garnett, that the agenda be approved as presented.

MOTION CARRIED UNANIMOUSLY

3. ADOPTION OF MINUTES

a. Regular Council Meeting – December 3, 2018

2018.43.609 Moved by Councillor B. Fallot, seconded by Councillor T. O’Keeffe, that Minutes of the Regular Council Meeting of December 3, 2018, be adopted as presented.

MOTION CARRIED UNANIMOUSLY

b. Special Council Meeting – December 10, 2018

2018.43.610 Moved by Councillor C. Rintoul, seconded by Councillor S. Garnett, that Minutes of the Special Council Meeting of December 10, 2018, be adopted as presented.

MOTION CARRIED UNANIMOUSLY

4. BUSINESS NOT COMPLETED AT A PREVIOUS REGULAR MEETING

5. BUSINESS ARISING FROM MINUTES *(for information only)*

6. DELEGATIONS

a. Year in Review – Economic Development Commission

Brian Losie, Chair of the Town's Economic Development Commission, provided a report on the following 2018 activities of the EDC: 1. creation of EDC profile on Town's website; 2. commercial vacancy reviews; 3. shopper's shuttle initiative; 4. employee parking lot communications plan; 4. review of economic indicators; 5. deployment of eco-counters; 6. re-launch of Edu-Tech Conference in Sidney; and 7. attendance at 2018 BC EDA Conference. Mr. Losie stated the next steps for 2019, and thanked staff for providing support to the Commission over the past 3 years.

b. Update - ArtSea

Diane Thorpe, President of ArtSea Community Arts Council Society, provided a brief report on ArtSea's 2018 activities, which focused on: continuation of their new branding; strategic planning; facility sustainability; and, in general, spending time on the organization and making sure they can support all of the programs. She advised ArtSea provides annual student scholarships and grant funding to its member groups (\$7,000 in 2018) and continues to support and promote the development of arts and cultural activities on the Peninsula. Ms. Thorpe advised their priority is to continue to fulfill their mandated and to provide programs and events to the community, noting increased funding from community partners will be needed.

7. PETITIONS

8. MAYOR'S REPORT

9. COUNCILLORS' REPORTS

a. Councillor S. Duncan – reported on her attendance at the Purpose Built Rental Housing presentation put on by Landlord BC, which outlined the unique and different elements of these buildings, compared to typical condominiums. She advised Victoria's rental market = 20-30% millennials and 30-40% downsizers and that renters demand more amenities within the building. She also advised they have different funding requirements and that it is difficult to get financing from banks. Councillor Duncan noted some of the take-a-ways from this presentation for municipalities: evaluate what the buildings have to offer, consider waiving amenity and parking contributions, consider the effect of property tax rates on construction costs, remind Federal Government to eliminate GST; etc.

10. COMMITTEE REPORTS

11. STAFF REPORTS

a. Notice on Title - Construction without Building Permit (2573 Beaufort Road)

Mr. Logan Wilson, real estate agent representing the property owner Mr. Hans Broere, provided the following information respecting the Town's issuance of a Stop Work Order for dwelling renovations being undertaken at 2573 Beaufort Road without the required building permit:

- Town is requesting 2012 permit on a 70-year old home, impossible to comply with;
- Engineering Report - less than 10% of the existing building has structural changes that would require the 2012 Building Code;

- BC Building Code - only the areas that have been structurally changed require the update;
- required Engineering Report has been submitted to the Town;
- required Architecture Drawings to be submitted tomorrow;
- water line upgrade – less water usage and higher efficiency, assumed reputable plumbing firm obtained the necessary permit;
- the work which continued post the Stop Work Order was for the installation of windows and siding to protect the structure from the winter elements; and
- renovations taking place were “cosmetic” and didn’t understand what was required.

Mr. Logan noted the property owner is out of province dealing with this matter and is eager to come to some sort of resolution so that the home could be put back into use.

2018.43.611 Moved by Councillor C. Rintoul, seconded by Councillor B. Fallot, that the Corporate Officer be directed to register a Notice on Title under Section 57 of the Community Charter on the property at 2573 Beaufort Road with the legal description of Lot A, Section 14, Range 4 East, North Saanich District, Plan EPP7980.

MOTION CARRIED UNANIMOUSLY

b. Subdivision Application No. SA100203 – Strata Conversion of Previously Occupied Building (2071 Malaview Avenue West)

2018.43.612 Moved by Councillor B. Fallot, seconded by Councillor S. Garnett, that staff be authorized to issue a Preliminary Letter of Approval for Subdivision Application No. SA100203 (2071 Malaview Avenue West), which includes standard subdivision servicing requirements and the requirement that the applicant satisfy the following terms and conditions prior to consideration of final approval:

1. Enter into a statutory right-of-way agreement with the Town for the underground utilities located along the southern boundary of the subject property to the satisfaction of the Director of Engineering, Parks and Works;
2. Enter into a statutory right-of-way agreement with Fortis Gas for any gas services located within the subject property;
3. Modify the existing statutory right-of-way agreement with BC Hydro to their satisfaction;
4. Submit a Code Compliance Report to the Town prepared by a qualified professional, which includes an overview of any deficiencies of the building in relation to its conformance to the 2018 BC Building Code, an evaluation of the life expectancy of the building and projected major increases in maintenance costs due to the condition of the building, and based on the report, upgrade the building to address any deficiencies in these areas to the satisfaction of the Senior Building Official;
5. Undertake upgrades on the Malaview Avenue West frontage of the property consistent with the direction provided in Schedule B of the Town’s Official Community Plan.
6. Provide confirmation to the Town that the irrigation system on the property is in good working condition and that it has been extended to any landscaped areas that it does not currently service;
7. Remove all shipping containers from the property.
8. Obtain a Development Permit (Minor), which includes the submission of a landscape plan prepared by a qualified professional, and prior to final approval of subdivision complete the following site improvements on the subject property:
 - a. General upgrades to the landscaping, including the replacement of any dead or dying landscaping plantings, removal of any weeds, refuse, graffiti and the repair of any damaged surface paving, sidewalks or fencing;
 - b. Installing new fencing, signage and plantings at the entrance to the property along Malaview Avenue West to create an attractive gateway to the property;

- c. Screening of the BC Hydro utility kiosk to the standards required by Zoning Bylaw No. 2015 and construction of a screened garbage and recycling area; and
 - d. Install concrete wheel stops for the on-site parking spaces and provide the required bicycle parking facilities.
9. Provide parking spaces for disabled persons to the satisfaction of the Director of Development Services, Engineering, Parks & Works.

MOTION CARRIED UNANIMOUSLY

c. Modification of Construction Hours – Amendment to Noise Bylaw No. 1689

- 2018.43.613 Moved by Councillor S. Garnett, seconded by Councillor B. Fallot, that staff be instructed to prepare the necessary bylaw amendments to change the permitted hours of construction to 7:00am to 7:00pm Monday to Friday and 8:00am to 7:00pm on Saturday.

MOTION CARRIED UNANIMOUSLY

d. Update - Reay Creek Pond & Dam

- 2018.43.614 Moved by Councillor C. Rintoul, seconded by Councillor T. O'Keeffe, that staff report back to Council regarding a proposed strategy for engaging the community and receiving feedback on the dam options.

MOTION CARRIED UNANIMOUSLY

e. Renewal of Lease –Buildings at Tulista & Iroquois Parks

- 2018.43.615 Moved by Councillor B. Fallot, seconded by Councillor S. Garnett, that the revised lease agreement with ArtSea Community Arts Council Society, for the rental of facilities at Tulista Park and Iroquois Park, be renewed for an additional 5-year term (2019-2023).

MOTION CARRIED UNANIMOUSLY

f. Contract Award – Anacortes Ferry Dock Painting

- 2018.43.616 Moved by Councillor C. Rintoul, seconded by Councillor S. Duncan, that the contract for the recoating and anode installation to Anacortes Ferry Dock be awarded to the low bidder, Westcoast Diving Contractors Ltd., and that staff be authorized to prepare the appropriate contract agreement for execution.

MOTION CARRIED UNANIMOUSLY

g. Monthly Building Permit Report – November 2018

- 2018.43.617 Moved by Councillor S. Garnett, seconded by Councillor T. O'Keeffe, that the Monthly Building Permit Report for November 2018, be received for information.

MOTION CARRIED UNANIMOUSLY

12. OTHER REPORTS

13. CORRESPONDENCE

a. Position of Official Town Crier

- 2018.43.618 Moved by Councillor T. O'Keeffe, seconded by Councillor S. Garnett, that the email from Mr. S. Duck, Second Street, regarding the position of Official Town Crier, dated December 3, 2018, be received and that staff be directed to respond to the writer providing a summary of Council's discussion this evening.

MOTION CARRIED UNANIMOUSLY

b. Request for Funding – South Island Prosperity Project

2018.43.619 Moved by Councillor T. O’Keeffe, seconded by Councillor B. Fallot, that the letter from South Island Prosperity Project, requesting the Town’s continued support, dated December 5, 2018, be received and referred to the 2019 budget deliberations.

MOTION CARRIED UNANIMOUSLY

14. BYLAWS / DEVELOPMENT PERMITS / VARIANCES / SUBDIVISION

15. NEW BUSINESS

16. CORRESPONDENCE FOR INFORMATION

2018.43.620 Moved by Councillor B. Fallot, seconded by Councillor S. Garnett, that the following Correspondence be received for information:

1. Letter from ArtSea, providing a copy of their 2017 Annual Report, dated October 24, 2018.
2. Sidney Museum & Archives Society – 2018 Annual Report and 2019 Business Plan.
3. Letter from Ministry of Attorney General, regarding applications for retail sale of non-medical cannabis and input from local governments, dated November 22, 2018.
4. Email from Auditor General for Local Government, advising of the release of a performance audit on Emergency Management in Local Governments and a booklet on Local Government’s Role in Ensuring Clean Drinking Water, dated November 29, 2018.
5. Letter from the Office of the Seniors Advocate BC, advising of their mandate to monitor and analyze seniors’ service and issues in BC, dated November 30, 2018.
6. Email from BC Anti-Human Trafficking Educator, providing information on the program - “Child Sex Trafficking in BC and How to Stop it”, dated December 3, 2018.
7. Letter from K. Finley, regarding habitat protection in Shoal Harbour Migratory Bird Sanctuary, dated December 3, 2018. Reply dated December 5, 2018.
8. Email from C. Atkinson, regarding affordable housing developments on Town-owned lands, dated December 3, 2018. Reply dated December 10, 2018.
9. Email from L. Wallace, regarding Brethour Park – proposed changes and community engagement, dated December 7, 2018. Reply dated December 10, 2018.
10. Correspondence from Pender Ocean Defenders, providing copies of letters petitioning the Minister of Fisheries and Oceans requesting immediate priority given to the protection of the Southern Resident Killer Whales, dated December 10, 2018.

MOTION CARRIED UNANIMOUSLY

17. NOTICES OF MOTION

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

2018.43.621 Moved by Councillor S. Garnett, seconded by Councillor B. Fallot, 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 land issues, pursuant to section 90.1 (a) and (e) of the *Community Charter* and that Council continue the meeting in closed session.

MOTION CARRIED UNANIMOUSLY

19. ADJOURNMENT

2018.43.622 Moved by Councillor B. Fallot, seconded by Councillor S. Garnett, that the meeting be adjourned at 8:40 p.m.

MOTION CARRIED UNANIMOUSLY