



TOWN OF SIDNEY

MINUTES OF REGULAR COUNCIL MEETING
Monday, May 14, 2018
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
B. Mikkelsen, Fire Chief
A. Verhagen, Manager of Planning
M. van der Linden, Manager of Engineering & Environmental Services
S. Nelson, Corporate Officer

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

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

A. PUBLIC PARTICIPATION PERIOD

1. **S. Garnett, 9583 Christine Place** – with respect to item 10cR.3, questioned why the plans were coming back after the Permit has been approved, and stated that the policies contained within the Downtown Local Area Plan (LAP) suggest a moderation in height and storeys in this area and is hoping the application will be denied based on the LAP.
2. **J. Gifford, 10448 Allbay Road** – commended the Town for installing solar panels at the Town's Public Works Yard and was pleased to receive notice of the Open House for the proposed development at the corner of Harbour and Bowden Roads.

Public Participation Period closed at 7:05 p.m.

2. APPROVAL OF AGENDA

2018.18.225 Moved by Councillor B. Fallot, seconded by Councillor M. Lougher-Goodey, that the agenda be approved with the amendment that item 16.5 - Letter from CRD, regarding Sidney's Notice to Withdrawal from the CRD Arts Service, be moved to a new item 13a.

MOTION CARRIED UNANIMOUSLY

3. ADOPTION OF MINUTES

a. Regular Council Meeting – April 23, 2018

2018.18.226 Moved by Councillor C. McLennan, seconded by Councillor M. Lougher-Goodey, that Minutes of the Regular Council Meeting of April 23, 2018, 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 – April 23, 2018**

i. **Economic Development Commission – Appointment**

Resolution: that K. Pattensen be appointed to the EDC for the remainder of the year, ending December 2018.

6. **DELEGATIONS**

7. **PETITIONS**

8. **MAYOR'S REPORT**

9. **COUNCILLORS' REPORTS**

- a. **Councillor E. Bremner-Mitchell** – was pleased to report that the District of North Saanich approved annual funding of \$10,000 to the Sidney Museum & Archives.

10. **COMMITTEE REPORTS**

a. **Advisory Planning Commission – May 1, 2018**

2018.18.227 Moved by Councillor M. Lougher-Goodey, seconded by Councillor E. Bremner-Mitchell, that the Minutes of the Advisory Planning Commission Meeting of May 1, 2018, be received for information.

MOTION CARRIED UNANIMOUSLY

Minutes contain recommendation(s) regarding:

R.1 Development Permit Application No. DP100749 and Development Variance Permit Application No. DV100255 (9762 Third Street & 9763 Fourth Street)

(To relax the number of storeys, setbacks for the upper storey decks, the percent of the lot devoted to parking, the location of the required 3 bedroom units and to allow residential to front on to the street (live/work units) in order to construct a 5 storey mixed use development with a total of 29 multi-family residential dwelling units).

2018.18.228 Moved by Councillor M. Lougher-Goodey, seconded by Councillor B. Fallot:

1. That owners and tenants in occupation of property within 75m (246ft) of 9762 Third Street and 9763 Fourth Street be notified of Development Variance Permit Application No. DV100255 (to relax the number of storeys, ground floor parking area, location of 3 bedroom units and the location of residential units), and that any written correspondence received be forwarded to Council at the time of consideration of approval of the variance;
2. That Development Permit Application No. DP100749 (to permit the construction of a 5 storey mixed-use development consisting of two ground floor live/work units and 27 dwelling units) be brought before Council for consideration of approval if Council authorizes the issuance of the Development Variance Permit;
3. That as conditions of approval of Development Permit Application No. DP100749, the property owner shall, prior to the issuance of Building Permit:
 - a) Address Development Permit Design Guideline No. 21.3.40 (utility kiosk screening) and 21.3.27 (canopies) to the satisfaction of the Director of Development Services, Engineering, Parks and Works; and
 - b) 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; and

4. That as conditions of approval of Development Variance Permit Application No. DV100255, the property owner shall, prior to the issuance of Building Permit:
 - a) Register a restrictive covenant on the subject property which would ensure that the future strata council may not restrict commercial uses in the two live/work units and also not restrict occupancy in the building based on age; and
 - b) Enter into an agreement with Modo Cooperative to provide, at the property owner's expense, permanent car share memberships for all units in the building and provide proof of an executed agreement and payment.

MOTION CARRIED UNANIMOUSLY

b. Audit & Finance Committee – May 7, 2018

- 2018.18.229 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that the Minutes of the Audit & Finance Committee Meeting of May 7, 2018, be received for information.

MOTION CARRIED UNANIMOUSLY

Minutes contain recommendation(s) regarding:

R.1 2017 Financial Statements

- 2018.18.230 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that the Town's Financial Statements for the year ended December 31, 2017, be accepted.

MOTION CARRIED UNANIMOUSLY

c. Committee of the Whole – May 7, 2018

- 2018.18.231 Moved by Councillor E. Bremner-Mitchell, seconded by Councillor C. McLennan, that the Minutes of the Committee of the Whole Meeting of May 7, 2018, be received for information.

MOTION CARRIED UNANIMOUSLY

Minutes contain recommendation(s) regarding:

R.1 Development Permit Application No. DP100753 and Development Variance Permit Application No. DV100258 (9633 Eighth Street)

(To relax requirements for lot coverage and size of the second storey in order to allow the construction of a couplet house).

- 2018.18.232 Moved by Councillor E. Bremner-Mitchell, seconded by Councillor B. Fallot, that Development Permit Application No. DP100753 (9633 Eighth Street - to permit the development of a couplet dwelling) and Development Variance Permit No. DV100258 (to relax the maximum allowable lot coverage and Gross Floor Area of the second storey as a percentage of the first storey) be forwarded to the Advisory Planning Commission for further review and comment, subject to the following condition:

1. That prior to proceeding to the Advisory Planning Commission, the applicant provide a detailed landscape plan for the proposed development.

MOTION CARRIED UNANIMOUSLY

R.2 Development Variance Permit Application No. DV100259 (105-2537 Beacon Ave)

(To relax Sign Bylaw requirements in order to allow one portable sign to be placed on private property in front of business).

- 2018.18.233 Moved by Councillor E. Bremner-Mitchell, seconded by Councillor B. Fallot, that owners and tenants in occupation of property within 75m (246ft) of 105 - 2537 Beacon Avenue be notified regarding Development Variance Permit Application No. DV100259 (to allow for a portable sign to be placed on the subject property) and that any written correspondence received be forwarded to Council at the time of consideration of approval of the variance.

MOTION CARRIED UNANIMOUSLY

- R.3 Development Variance Permit Application No. DV100260 (2526 Bevan Avenue)**
(To relax height requirements to allow the construction of a previously approved mixed use commercial/residential development with ground floor commercial space and 21 multi-family dwelling units).
- 2018.18.234 Moved by Councillor E. Bremner-Mitchell, seconded by Councillor C. McLennan, that owners and tenants in occupation of property within 75m (246ft) of 2526 Bevan Avenue be notified of Development Variance Permit Application No. DV100260 (to relax the height of an approved development by 0.95 metres (3.1 ft)), and that any written correspondence received be forwarded to Council at the time of consideration of approval of the variance.
- MOTION CARRIED UNANIMOUSLY**
- R.4 Development Permit Application No. DP100756 and Development Variance Permit Application No. DV100261 (9850, 9858-62 & 9866-68 Fourth Street)**
(To relax requirements for location of parking spaces, boundary for payment in lieu of parking spaces, and front, interior side, and exterior side setbacks for upper storey balconies in order to construct a 4 storey, 37 unit multi-family residential development).
- 2018.18.235 Moved by Councillor E. Bremner-Mitchell, seconded by Councillor M. Lougher-Goodey, that Development Variance Permit Application No. DV100261 and Development Permit Application No. DP100756 (9850, 9858-62 and 9866-68 Fourth Street - to relax requirements for location of parking spaces, boundary for payment in lieu of parking spaces, and front, interior side, and exterior side setbacks for upper storey balconies in order to construct a 4 storey, 37 unit multi-family residential development) be forwarded to the Advisory Planning Commission for further review and comment.
- MOTION CARRIED UNANIMOUSLY**
- R.5**
- 2018.18.236 Moved by Councillor E. Bremner-Mitchell, seconded by Councillor M. Lougher-Goodey, that staff bring forward a report looking at extending the payment-in-lieu for parking boundary approximately one-half block to the north from Sidney Avenue to James White Boulevard.
- MOTION CARRIED UNANIMOUSLY**
- R.6**
- 2018.18.237 Moved by Councillor E. Bremner-Mitchell, seconded by Councillor B. Fallot, that staff bring forward to the next Budget deliberations a recommendation to obtain a parking study of parking requirements for condominiums.
- MOTION CARRIED UNANIMOUSLY**
- R.7 Development Permit Application No. DP100751 (2060 White Birch Road)**
(To construct two 4 storey multi-family residential buildings with a combined total of 34 residential units).
- 2018.18.238 Moved by Councillor E. Bremner-Mitchell, seconded by Councillor B. Fallot, that Development Permit Application No. DP100751 (2060 White Birch Road - to permit the construction of two 4-storey buildings with a total of 33 multi-family dwelling units and commercial space) be forwarded to the Advisory Planning Commission for review and comment.
- MOTION CARRIED UNANIMOUSLY**

11. REPORTS

a. Purchase and Sale Agreement – 9991 Fifth Street

- 2018.18.239 Moved by Councillor C. McLennan, seconded by Councillor P. Wainwright, that the Purchase and Sale Agreement to sell 9991 Fifth Street for a purchase price of \$210,000 be approved.

MOTION CARRIED UNANIMOUSLY

b. Extension of Boat Launch Parking Enforcement Agreement

2018.18.240 Moved by Councillor E. Bremner-Mitchell, seconded by Councillor C. McLennan, that the Boat Launch Enforcement Agreement with Robbins Parking Services Ltd. for 2018-2020 be approved.

MOTION CARRIED UNANIMOUSLY

c. Extension of Banking Services Agreement

2018.18.241 Moved by Councillor C. McLennan, seconded by Councillor M. Lougher-Goodey, that the one-year Banking Services Agreement with TD, with the option to renew for an additional two years expiring March 31, 2021, be approved.

MOTION CARRIED UNANIMOUSLY

d. Extension of Garbage Collection Contract

2018.18.242 Moved by Councillor E. Bremner-Mitchell, seconded by Councillor C. McLennan, that the five-year contract extension with Emterra Environmental for garbage collection for 2019 to 2023 be approved.

MOTION CARRIED UNANIMOUSLY

e. Contract Award – Ardwell Storm & Sanitary Sewer Replacement

2018.18.243 Moved by Councillor C. McLennan, seconded by Councillor E. Bremner-Mitchell:

1. That the contract for the 2018 Ardwell to Melville Park Storm and Sanitary Sewer Project be awarded to Saanichton Development Limited at a bid price of \$940,310; and
2. That the capital budgets for this project be increased by \$200,000 with funding from the infrastructure replacement reserve.

MOTION CARRIED UNANIMOUSLY

f. Recreational Cannabis Regulations

2018.18.244 Moved by Councillor T. Chad, seconded by Councillor E. Bremner-Mitchell, that the retail sale, production and distribution of recreational cannabis be prohibited in Sidney, and that staff be directed to prepare amendments to the Zoning Bylaw for consideration by Council.

MOTION CARRIED UNANIMOUSLY

g. Review of Policies – Administration Section

2018.18.245 Moved by Councillor E. Bremner-Mitchell, seconded by Councillor M. Lougher-Goodey, that Policy AD-012 – Contacts with Media and AD-026 – Social Media-Town of Sidney be approved as presented and re-numbered accordingly.

MOTION CARRIED UNANIMOUSLY

h. Bed Races on Beacon Avenue

2018.18.246 Moved by Councillor C. McLennan, seconded by Councillor M. Lougher-Goodey, that the Saanich Peninsula Hospital Foundation be granted permission to close Beacon Avenue, from Fifth Street to Third Street, between the hours of noon to 4:00pm on Sunday, August 26, 2018, subject to the following conditions:

1. That SPHF provide the Town with proof of \$5,000,000 liability insurance naming the Town of Sidney as a third party insured during the course of the event;
2. That SPHF conform to all Town Bylaws;
3. That SPHF arrange a meeting with Town staff, the Fire Department and the RCMP to review safety/traffic requirements at least 30 days prior to the event.

4. That SPHF send out notices to affected residents/businesses advising of the event for August 26th and provide a contact number should there be any concerns/questions (at least 2 weeks prior to the event); and
5. That no costs are to be incurred by the Town in relation to this event.

MOTION CARRIED UNANIMOUSLY

i. Dinner En Rouge

2018.18.247 Moved by Councillor C. McLennan, seconded by Councillor E. Bremner-Mitchell, that the Mary Winspear Centre be granted permission to close Beacon Avenue, from the easterly roundabout to the wharf, from 11:00am to 11:00pm on Friday, June 29, 2018 and that alcohol be permitted to be served in Beacon Park for the Dinner en Rouge on June 29, subject to the following conditions:

1. That the event organizers hold a meeting with Emergency Services and the Town's Public Works to coordinate at least 4 weeks prior to the event;
2. That the businesses on the Beacon Wharf be given 30 days advance notice of the road closure;
3. That the event organizers provide the Town with \$5,000,000 proof of liability insurance coverage that also names the Town as an additional insured;
4. That the organizers acquire a Special Occasion Liquor License for the consumption of wine in Beacon Park, and
5. That no costs are to be incurred by the Town.

MOTION CARRIED UNANIMOUSLY

j. Sidney Merchants Sidewalk Sale

2018.18.248 Moved by Councillor C. McLennan, seconded by Councillor E. Bremner-Mitchell that the Sidney Business Improvement Area Society be granted permission to close the following downtown streets on Monday, July 2, 2018 from 7:00am to 7:30pm for the Merchants Sidewalk Sale:

1. Beacon Avenue from Fifth Street to the west side of the First Street roundabout;
2. Beacon Avenue from the east side of the First Street roundabout to the Beacon Wharf;
3. Fourth Street from Beacon Avenue to and including 9831 Fourth (ANAVETS);
4. Third Street from 9813 south to and including 9781; and
5. Second Street from Beacon Avenue to 9781 Second Street.

In addition to the above street closures, the SBIA is also required to complete the following items:

1. Provide proof of \$5,000,000 liability insurance naming the third party insured as the Town of Sidney for this event;
2. That the SBIA conform to all Town Bylaws;
3. That the SBIA arrange a meeting with Town staff, the Fire Department and the RCMP to review safety/traffic requirements (at least 4 weeks prior to the event);
4. That the SBIA send out notices (at least 4 weeks prior to the event) to affected residents/businesses advising of the event on July 2 and provide a contact number should there be any concerns/questions;
5. That the SBIA acquire the necessary event license from the BC Liquor Control Board for the proposed beer garden and provide all necessary security; and
6. That no costs are to be incurred by the Town in relation to this event.

MOTION CARRIED UNANIMOUSLY

2018.18.249 Moved by Councillor E. Bremner-Mitchell, seconded by Councillor T. Chad, that staff be instructed to create a sign to advertise that the businesses located on Beacon Wharf are open during events.

MOTION CARRIED UNANIMOUSLY

k. Expanded Role of Royal Canadian Marine Search & Rescue

2018.18.250 Moved by Councillor T. Chad, seconded by Councillor M. Lougher-Goodey, that the staff report dated May 9, 2018, advising that local governments can request Royal Canadian Marine Search & Rescue assets to assist with emergency response activities, be received for information.

MOTION CARRIED UNANIMOUSLY

12. OTHER REPORTS

13. CORRESPONDENCE

a. Sidney's Notice to Withdrawal from CRD Arts Service

(Item No. 16.5 – Letter from CRD, regarding Sidney's notice to withdrawal from CRD Arts Services, dated April 30, 2018).

2018.18.251 Moved by Councillor P. Wainwright, seconded by Councillor T. Chad, that staff be instructed to keep track of Sidney's withdrawal process from the CRD Arts Service and that, when the amendment bylaw is presented to the CRD for initial readings and circulated to the participating member municipalities for consent, a letter be prepared for inclusion in the CRD Agenda explaining that Sidney is making significant contributions to the local arts (which is benefiting well beyond Sidney's boundaries) and is not prepared to be locked into a higher contribution, and encouraging their support and consent to the amendment bylaw.

MOTION CARRIED UNANIMOUSLY

14. BYLAWS / DEVELOPMENT PERMITS / VARIANCES / SUBDIVISION

a. Bylaw No. 2150 – Financial Plan 2018-2022

2018.18.252 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that Bylaw No. 2150 – Financial Plan 2018-2022 be adopted.

MOTION CARRIED UNANIMOUSLY

b. Bylaw No. 2151 – Tax Rate 2018

2018.18.253 Moved by Councillor M. Lougher-Goodey, seconded by Councillor E. Bremner-Mitchell, that the staff report dated April 30, 2018, providing an update on the tax rates for Provincial School Taxes and Regional Transit, be received for information.

MOTION CARRIED UNANIMOUSLY

2018.18.254 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that Bylaw No. 2151 – Tax Rate 2018 be adopted.

MOTION CARRIED UNANIMOUSLY

c. Bylaw No. 2153 – Land Use, Amendment No. 5

(To update development notification process and fees).

2018.18.255 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that Bylaw No. 2153 – Land Use, Amendment No. 5, be adopted.

MOTION CARRIED UNANIMOUSLY

d. Bylaw No. 2154 – Council Remuneration

2018.18.256 Moved by Councillor M. Lougher-Goodey, seconded by Councillor T. Chad, that the staff report dated May 1, 2018, regarding changes to Council's remuneration, be received for information.

MOTION CARRIED UNANIMOUSLY

2018.18.257 Moved by Councillor M. Lougher-Goodey, seconded by Councillor T. Chad, that Bylaw No. 2154 – Council Remuneration be introduced and given first reading.

MOTION CARRIED UNANIMOUSLY

2018.18.258 Moved by Councillor M. Lougher-Goodey, seconded by Councillor T. Chad, that Bylaw No. 2154 – Council Remuneration be given second reading.

MOTION CARRIED UNANIMOUSLY

2018.18.259 Moved by Councillor M. Lougher-Goodey, seconded by Councillor T. Chad, that Bylaw No. 2154 – Council Remuneration be given third reading.

MOTION CARRIED UNANIMOUSLY

e. Development Variance Permit Application No. DV100257 (10298 Sparling Place)

(To relax the maximum lot coverage requirement in order to allow for the construction of an addition to an existing two-family dwelling).

(No written public submissions were received).

2018.18.260 Moved by Councillor M. Lougher-Goodey, seconded by Councillor T. Chad, that Development Variance Permit Application No. DV100257 (10298 Sparling Place - to relax the maximum lot coverage requirement in order to allow for the construction of an addition to an existing two-family dwelling) be approved.

MOTION CARRIED UNANIMOUSLY

15. NEW BUSINESS

16. CORRESPONDENCE FOR INFORMATION

2018.18.261 Moved by Councillor E. Bremner-Mitchell, seconded by Councillor C. McLennan, that the following correspondence be received for information:

1. Letters regarding parking in Sidney.
2. Email from P. Whyte, regarding Airbnb's, dated April 11, 2017.
3. Letter from District of Clearwater, regarding Employer Health Tax, dated April 13, 2018.
4. Email from L. Shortt, regarding BC Speculation Tax, dated April 17, 2018.
5. *(This item was moved to item 13a).*
6. Letter from Victoria Airport Authority, providing a copy of their 2017 Annual Report, dated April 25, 2018.
7. Email from D. Faulks, expressing concerns regarding the Capital Region's transportation, dated April 27, 2018.
8. Letter from Peninsula Celebrations Society, thanking the Town for supporting their annual events, received May 8, 2018.
9. Proclamations: National Missing Children's Month and Missing Children's Day – May and May 25; Neighbour Day - May 6; Local Government Awareness Week – May 20-26; and Victims & Survivors of Crime Week – May 27 – June 2.

MOTION CARRIED UNANIMOUSLY

17. NOTICES OF MOTION

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

2018.18.262 Moved by Councillor B. Fallot, seconded by Councillor E. Bremner-Mitchell, 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 a personnel and annual reporting issue, pursuant to section 90.1 (a) and (l) of the *Community Charter* and that Council continue the meeting in closed session.

MOTION CARRIED UNANIMOUSLY

19. ADJOURNMENT

2018.18.263 Moved by Councillor E. Bremner-Mitchell, seconded by Councillor T. Chad, that the meeting be adjourned at 7:50 p.m.

MOTION CARRIED UNANIMOUSLY

MAYOR

CORPORATE OFFICER