



TOWN OF SIDNEY

MINUTES OF REGULAR COUNCIL MEETING

Tuesday, November 13, 2018

Council Chambers

7:00 p.m.

PRESENT: Mayor C. McNeil-Smith
Councillors: S. Duncan, B. Fallot, S. Garnett, T. O'Keeffe, C. Rintoul and P. Wainwright

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
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. **M. Gillies, 2359 Brethour Road** – as a co-owner of the property, stated that all necessary documentation has been provided to support the issuance of a permit to remove the Arbutus tree in front of the property; the issue is with the limbs and branches, which have fallen on the road in the past; and that the tree is in decline and dangerous (photographs were provided).
2. **J. Holm, 9388 Lochside Drive** – stated supports the removal of the Cottonwood tree as per the Arborist's report which indicates the tree is at a high to extreme risk of falling (past its lifespan); is afraid it will fall with disastrous consequences; has received support from the neighbours; and that safety should come before visual significance.

Public Participation Period closed at 7:09 p.m.

2. APPROVAL OF AGENDA

2018.35.517 Moved by Councillor B. Fallot, seconded by Councillor S. Garnett, that the agenda be approved with addition of the following:

1. item 11e – letter from D. & B. North, dated November 7, 2018.

MOTION CARRIED UNANIMOUSLY

3. ADOPTION OF MINUTES

a. Regular Council Meeting – October 9, 2018

2018.35.518 Moved by Councillor B. Fallot, seconded by Councillor S. Duncan, that Minutes of the Regular Council Meeting of October 9, 2018, be adopted as presented.

MOTION CARRIED UNANIMOUSLY

b. Special Council Inaugural Meeting – November 5, 2018

2018.35.519 Moved by Councillor C. Rintoul, seconded by Councillor T. O'Keeffe, that Minutes of the Special Council Inaugural Meeting of November 5, 2018, 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**

a. **Acknowledgement of Traditional Territory of the WSANEC People**

2018.35.520 Moved by Councillor T. O'Keeffe, seconded by Councillor B. Fallot, that staff be directed to give more prominence on the Town's website and in the signature block of Town emails to the acknowledgement that the Town of Sidney is in the territory of the WSANEC People.

MOTION CARRIED UNANIMOUSLY

b. **Consideration of Imposing Moratorium for Five and Six Storey Developments**

2018.35.521 Moved by Councillor P. Wainwright, seconded by Councillor C. Rintoul, that staff be instructed to prepare a report with options for implementing a moratorium, or a similar effect, on new applications for five and six storey developments.

MOTION CARRIED UNANIMOUSLY

9. **COUNCILLORS' REPORTS**

10. **COMMITTEE REPORTS**

a. **Emergency Planning Committee – October 17, 2018.**

2018.35.522 Moved by Councillor S. Garnett, seconded by Councillor T. O'Keeffe, that the Minutes of the Emergency Planning Committee Meeting of October 17, 2018, be received for information.

MOTION CARRIED UNANIMOUSLY

11. **STAFF REPORTS**

a. **2018 Election Results**

2018.35.523 Moved by Councillor B. Fallot, seconded by Councillor S. Garnett, that the Chief Election Officer's report of the 2018 Local Government Election results be received for information.

MOTION CARRIED UNANIMOUSLY

b. **Leaseholder Improvements – Development Permit (Minor) Application No. DP100779 (9891 Seaport Place – Victoria Distillery)**

(To construct an accessory building in the side yard).

2018.35.524 Moved by Councillor C. Rintoul, seconded by Councillor T. O'Keeffe, that the leaseholder improvements proposed under Development Permit Application No. DP100779 (9891 Seaport Place, Victoria Distillery - to construct an accessory building in the side yard of the subject property) be approved.

MOTION CARRIED UNANIMOUSLY

c. **Subdivision Application No. SA100194 – Waiver of Frontage Requirement (2060 White Birch)**

2018.35.525 Moved by Councillor S. Garnett, seconded by Councillor T. O'Keeffe, that Section 4.1 of Subdivision and Development Bylaw No. 1390 (that no parcel of land has less than 10% of its perimeter fronting on a street) be waived for proposed Lot 1 of the subdivision of 2060 White Birch Road.

MOTION CARRIED UNANIMOUSLY

d. Third Street and Sidney Avenue Overhead Wire to Underground Project

2018.35.526 Moved by Councillor S. Duncan, seconded by Councillor S. Garnett:

1. That staff be authorized to proceed with the proposed undergrounding project;
2. That staff be authorized to enter into cost-sharing agreements with the owners of 9824, 9837 and 9844 Third Street based on the line length cost-sharing formula; and,
3. That no more than \$139,242 be allocated from the Streetscape and/or General Amenity Reserve Fund for the Town's portion of the project.

MOTION CARRIED UNANIMOUSLY

e. Tree Removal Request – 9388 Lochside Drive

2018.35.527 Moved by Councillor C. Rintoul, seconded by Councillor T. O'Keeffe, that the application to remove the Cottonwood tree at 9388 Lochside be approved.

OPPOSED: Councillor B. Fallot
MOTION CARRIED 6:1

f. Tree Removal Request – 2359 Brethour Avenue

2018.35.528 Moved by Councillor B. Fallot, seconded by Councillor T. O'Keeffe, that the application to remove the Arbutus tree at 2359 Brethour Avenue be denied.

OPPOSED: Councillors. S. Duncan & S. Garnett
MOTION CARRIED 5:2

g. RCMP Building Boiler Replacement

2018.35.529 Moved by Councillor S. Garnett, seconded by Councillor B. Fallot, that early approval be given to a 2019 capital project for the replacement of the boiler in the RCMP building.

MOTION CARRIED UNANIMOUSLY

h. 2018 Sidney Sparkles Parade & Polar Bear Swim

2018.35.530 Moved by Councillor S. Garnett, seconded by Councillor B. Fallot, that the 2018 Sidney Sparkles Parade and the Polar Bear Swim be approved, subject to the following conditions:

1. That PCS obtain approval from the RCMP to ensure adequate traffic control is in place for public safety;
2. That PCS conform to all Town Bylaws;
3. That PCS arrange a meeting with Town staff, RCMP and Fire Department to review safety requirements (at least 2 weeks prior to the event);
4. That PCS send out notices two weeks prior to the event to affected businesses and residents advising of the events schedule for December 2nd and January 1st and provide a contact number should there be any concerns/questions.

MOTION CARRIED UNANIMOUSLY

i. Monthly Building Permit Report – September 2018

2018.35.531 Moved by Councillor B. Fallot, seconded by Councillor S. Garnett, that the Monthly Building Permit Report for September 2018 be received for information.

MOTION CARRIED UNANIMOUSLY

12. OTHER REPORTS

13. CORRESPONDENCE

a. Victoria Urban Reconciliation Dialogue Steering Committee

2018.35.532 Moved by Councillor B. Fallot, seconded by Councillor P. Wainwright, that the letter from Victoria Native Friendship Centre, dated September 27, 2018, be received and that Councillor T. O'Keeffe or the Chief Administrative Officer be selected to assist with the reconciliation dialogue.

MOTION CARRIED UNANIMOUSLY

b. Request for Funding – VISTA Expo 2019

2018.35.533 Moved by Councillor S. Garnett, seconded by Councillor B. Fallot, that the letter from VISTA, dated October 15, 2018, be received and that the request for funding the VISTA Expo 2019 be denied.

MOTION CARRIED UNANIMOUSLY

c. Request to have Donation Bin at Town Hall

2018.35.534 Moved by Councillor S. Garnett, seconded by Councillor T. O'Keeffe, that the letter from The Backpack Project, dated October 29, 2018, be received and that the request to have a donation bin drop off location at Town Hall be approved.

MOTION CARRIED UNANIMOUSLY

14. BYLAWS / DEVELOPMENT PERMITS / VARIANCES / SUBDIVISION

a. Bylaw No. 2165 – Parks, Amendment No. 6
(To address camping in Town Parks).

2018.35.535 Moved by Councillor B. Fallot, seconded by Councillor T. O'Keeffe, that Bylaw No. 2165 – Parks, Amendment No. 6, be introduced and given first reading.

MOTION CARRIED UNANIMOUSLY

2018.35.536 Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot, that the word “pursuant” in the first sentence in section 13.1 of Bylaw No. 2165 – Parks, Amendment No. 6, be replaced with the word “contrary” and that second reading be given as amended.

MOTION CARRIED UNANIMOUSLY

2018.35.537 Moved by Councillor B. Fallot, seconded by Councillor P. Wainwright, that Bylaw No. 2165 – Parks, Amendment No. 6, be given third reading.

MOTION CARRIED UNANIMOUSLY

b. Bylaw No. 2166 – Municipal Ticket Information, Amendment No. 12
(To address new provisions in the Parks Amendment Bylaw 2165).

2018.35.538 Moved by Councillor T. O'Keeffe, seconded by Councillor P. Wainwright, that Bylaw No. 2166 – Municipal Ticket Information, Amendment No. 12, be introduced and given first reading.

MOTION CARRIED UNANIMOUSLY

2018.35.539 Moved by Councillor T. O'Keeffe, seconded by Councillor C. Rintoul, that Bylaw No. 2166 – Municipal Ticket Information, Amendment No. 12, be given second reading.

MOTION CARRIED UNANIMOUSLY

2018.35.540 Moved by Councillor T. O'Keeffe, seconded by Councillor C. Rintoul, that Bylaw No. 2166 – Municipal Ticket Information, Amendment No. 12, be given third reading.

MOTION CARRIED UNANIMOUSLY

15. NEW BUSINESS

16. CORRESPONDENCE FOR INFORMATION

- 2018.35.541 Moved by Councillor B. Fallot, seconded by Councillor S. Garnett, that the following correspondence be received for information:
1. Letter from 676 Kittyhawk Squadron, expressing appreciation for receipt of the Town's grant-in-aid, dated September 29, 2018.
 2. Letter from Ministry of Public Safety & Solicitor General, expressing appreciation for supporting the Office of Fire Commissioner's Incident Command Program during the 2018 declared state of provincial emergency, dated October 4, 2018.
 3. Letter from the Ministry of Attorney General, regarding licences for the retail sale of non-medical cannabis, dated October 4, 2018.
 4. Email from J. Supple, Amelia Avenue, regarding the Short Term Rental bylaw, dated October 5, 2018. Reply dated October 9, 2018.
 5. Email from W. Everson, Fifth Street, regarding blockage of commercial unit, dated October 12, 2018. Reply dated October 15, 2018.
 6. Email from M. Courtney, regarding safety concerns at crosswalks, dated October 23, 2018. Reply dated October 23, 2018.
 7. Letter from Destination Greater Victoria, offering a briefing on the state of the Greater Victoria tourism industry and the strategic direction of Destination Greater Victoria, dated October 24, 2018.
 8. Letter from P. Hurley, regarding Tsehum Harbour Moorage and Resthaven Linear Park Garbage Deposits, dated October 18, 2018. Reply dated November 6, 2018.
 9. Letter from Housing Cental, advising of upcoming educational opportunities regarding housing affordability, dated November 1, 2018.
 10. Letter from World Rowing Federation – FISA, expressing appreciation for the Town's support during the 2018 World Rowing Coastal Championships, dated November 2, 2018.
 11. Email from AVICC, regarding the Kwispaa LNG project, dated November 5, 2018.
 12. Letter from BC Assessment Authority, confirming their commitment to serve local governments, dated November 6, 2018.

MOTION CARRIED UNANIMOUSLY

17. NOTICES OF MOTION

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

- 2018.35.542 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

- 2018.35.543 Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot, that the meeting be adjourned at 8:05 p.m.

MOTION CARRIED UNANIMOUSLY

MAYOR

CORPORATE OFFICER