



TOWN OF SIDNEY

MINUTES OF REGULAR COUNCIL MEETING
Monday, November 26, 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
T. Restell, Manager of Finance
S. Nelson, Corporate Officer

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. **B. Collins, 2028 Wesbrook Drive** – expressed residents' concerns with respect to the contamination of Raey Creek and urged Council to take some positive action in its remediation and to bring back the pond to its natural flora.
2. **S. Duck, 9805 Second Street** – in light of reconciliation, questioned the archaic and colonial practice and appointment of an Official Town Crier.
3. **D. Hazlehurst, 10348 Resthaven Drive** – with the upcoming winter solstice on December 21st, suggested taking a meridian altitude of the sun to determine the impact some of the taller buildings have with respect to shading adjacent structures and areas.
4. **S. Duck, as President of the Sidney Community Association** – thanked members of Council for attending the SCA's holiday celebration event.

Public Participation Period closed at 7:07 p.m.

2. APPROVAL OF AGENDA

2018.37.558 Moved by Councillor B. Fallot, seconded by Councillor S. Garnett, that the agenda be amended with the following addition:

1. item 11a – letter form R. Botterell, dated November 26, 2018.

MOTION CARRIED UNANIMOUSLY

3. ADOPTION OF MINUTES

a. Regular Council Meeting – November 13, 2018

2018.37.559 Moved by Councillor C. Rintoul, seconded by Councillor T. O'Keeffe, that Minutes of the Regular Council Meeting of November 13, 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 – November 13, 2018 (for information only)

i. Advisory Planning Commission

Resolution: that the automatic continuation of member appointments for the 2019 term on the Advisory Planning Commission, Economic Development Commission and the Board of Variance be rescinded.

Resolution: that staff be instructed to contact the continuing members for the 2019 term on the Advisory Planning Commission advising of Council's modification to the appointment process and that they be encouraged to submit a new application by Friday, November 23, 2018.

ii. Economic Development Commission

Resolution: that the Economic Development Commission be put on hold and no appointment be made at this time, that a Select Committee be established to review the terms of reference, and that the continuing members for the 2019 term and applicants be advised of Council's decision.

iii. Ports & Waterfront Infrastructure Committee

Resolution: that the Ports and Waterfront Infrastructure Committee be disbanded and Policy CC-002 – Committees/Commissions/Boards be amended accordingly and that the applicants be advised of Council's decision and that they are encouraged to apply to serve on another committee by Friday, November 23, 2018.

vi. Victoria Airport Authority - Noise Management Committee

Resolution: that Malcolm Brailsford be appointed to the Victoria Airport Authority – Noise Management Committee for a one-year term, ending December 2019.

vii. Official Town Crier

Resolution: that Kenny Podmore be appointed as the Town's Official Town Crier for the four-year term of Council, ending 2022.

6. DELEGATIONS

7. PETITIONS

8. MAYOR'S REPORT

Mayor C. McNeil-Smith advised members of Council have been very busy attending various orientation sessions and will soon be focusing on strategic planning.

a. Council Appointment – CRD Regional Water Supply Commission

(No written submissions received as of Wednesday, November 22, 2018).

2018.37.560 Moved by Councillor S. Garnett, seconded by Councillor C. Rintoul, that Councillor S. Duncan be appointed to the CRD Regional Water Supply Commission for a four-year term (2018-2022), and Councillor T. O'Keeffe as the alternate.

MOTION CARRIED UNANIMOUSLY

b. Audit & Finance Committee

2018.37.561 Moved by Councillor C. Rintoul, seconded by Councillor B. Fallot, that the Audit & Finance Committee be disbanded and Policy CC-002 – Committees/Commissions/Boards be amended accordingly.

MOTION CARRIED UNANIMOUSLY

9. COUNCILLORS' REPORTS

- a. **Councillor T. O'Keeffe** – reported that, at the recent Sidney Event Advisory Group (SEAG) meeting, members expressed concerns related to the smoking of cigarettes and cannabis at public events on Beacon Avenue and side streets.

2018.37.562 Moved by Councillor T. O'Keeffe, seconded by Councillor S. Duncan, that staff be instructed to explore options to address the loophole associated with the CRD's Clean Air Bylaw that currently does not encompass special events that are held on Town streets, such as Beacon Avenue.

MOTION CARRIED UNANIMOUSLY

- b. **Councillor S. Duncan** – requested whether item 16.2 could be moved for discussion.

2018.37.563 Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot, that item 16.2 (email from B. Cundiff, regarding lack of sidewalk on Third Street and Henry Avenue during construction, dated November 7, 2018 and the reply dated November 9, 2018) be raised and moved to item 15 - New Business for discussion.

MOTION CARRIED UNANIMOUSLY

10. COMMITTEE REPORTS

- a. **Economic Development Commission Meeting – October 11, 2018**

2018.37.564 Moved by Councillor P. Wainwright, seconded by Councillor S. Garnett, that the Minutes of the Economic Development Commission Meeting of October 11, 2018, be received for information.

MOTION CARRIED UNANIMOUSLY

11. STAFF REPORTS

- a. **Options for a Moratorium on 5 and 6 Storey Buildings**

2018.37.565 Moved by Councillor P. Wainwright, seconded by Councillor C. Rintoul, that the staff report November 20, 2018, providing options for a moratorium on 5 and 6 storey buildings in downtown Sidney, be received for information.

MOTION CARRIED UNANIMOUSLY

- b. **Municipal Security Issuing Resolution – Community Safety Building Borrowing**

2018.37.566 Moved by Councillor B. Fallot, seconded by Councillor S. Garnett, that Council approving the borrowing from the Municipal Finance Authority of British Columbia, as part of their 2019 Spring Borrowing Session, \$2,500,000, 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

- c. **Budget Variance Report – Third Quarter of 2018**

2018.37.567 Moved by Councillor C. Rintoul, seconded by Councillor T. O'Keeffe, that the staff report, dated November 14, 2018, reporting on the financial results for the first three quarters of the 2018 fiscal year, be received for information.

MOTION CARRIED UNANIMOUSLY

d. Monthly Building Permit Report – October 2018

2018.37.568 Moved by Councillor S. Garnett, seconded by Councillor T. O'Keeffe, that the Monthly Building Permit Report for October 2018 be received for information.

MOTION CARRIED UNANIMOUSLY

12. OTHER REPORTS

13. CORRESPONDENCE

a. Complaint – Garbage and Recycling behind Starbucks on Third Street

2018.37.569 Moved by Councillor B. Fallot, seconded by Councillor P. Wainwright, that the letter from Holmes Realty, dated October 18, 2018, expressing concerns regarding the garbage and recycling behind the Starbucks location on Third Street, be referred to staff for a report on available enforcement options.

MOTION CARRIED UNANIMOUSLY

b. Letter of Support - Island Corridor Foundation

2018.37.570 Moved by Councillor C. Rintoul, seconded by Councillor B. Fallot, that the letter from E. Diller, Island Transformations Organization, dated November 11, 2018, requesting a letter of support from the Town for the Island Corridor Foundation's bid for provincial funding, be received and that a letter of thanks be sent to the writer.

MOTION CARRIED UNANIMOUSLY

c. Request for Funding – Folk' n Fiddle Festival

2018.37.571 Moved by Councillor B. Fallot, seconded by Councillor C. Rintoul, that the letter from N. Quinn, Artistic Director of the Folk'n Fiddle Festival, dated November 13, 2018, be received and that the request for funding in the amount of \$20,000 for the 2019 festival, be denied.

MOTION CARRIED UNANIMOUSLY

d. Appointment - Capital Regional Housing Corporation

2018.37.572 Moved by Councillor S. Garnett, seconded by Councillor T. O'Keeffe, that the letter from CRD, dated November 20, 2018, be received and that the Town of Sidney ratifies and confirms the appointment of its current CRD representatives to the Capital Regional Housing Corporation.

MOTION CARRIED UNANIMOUSLY

14. BYLAWS / DEVELOPMENT PERMITS / VARIANCES / SUBDIVISION

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

2018.37.573 Moved by Councillor T. O'Keeffe, seconded by Councillor B. Fallot, that Bylaw No. 2165 – Parks, Amendment No. 6 be given adoption.

MOTION CARRIED UNANIMOUSLY

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

2018.37.574 Moved by Councillor T. O'Keeffe, seconded by Councillor B. Fallot, that Bylaw No. 2166 – Municipal Ticket Information, Amendment No. 12, be given adoption.

MOTION CARRIED UNANIMOUSLY

15. NEW BUSINESS

Councillor S. Duncan expressed concerns regarding public sidewalks not being maintained during building construction and, in particular, the Town's liability.

Staff advised that the Town obtains the necessary insurance coverage and works with contractors on developing appropriate construction management plans.

2018.37.575 Moved by Councillor S. Duncan, seconded by Councillor B. Fallot, that the email from B. Cundiff, regarding lack of sidewalk on Third Street and Henry Avenue during construction, dated November 7, 2018 and the reply dated November 9, 2018, be received for information.

MOTION CARRIED UNANIMOUSLY

16. CORRESPONDENCE FOR INFORMATION

2018.37.576 Moved by Councillor B. Fallot, seconded by Councillor S. Garnett, that the following correspondence be received for information:

1. Email from Dr. T. Hancock, retired Profession from UVIC, regarding creating quieter communities, dated November 1, 2018.
2. *(Already dealt with – see item 15).*
3. Letter from Walk on Victoria, requesting collaboration to support more walking routes and to promote walking as a form of transportation, dated November 13, 2018.
4. Email from M. Gillies & L. Thompson, 2359 Brethour Avenue, regarding their tree removal application, dated November 14, 2018.
5. Email from K. & S. Groom, regarding new live/work units at 9710 Fourth Street, dated November 14, 2018. Reply dated November 19, 2018.

MOTION CARRIED UNANIMOUSLY

17. NOTICES OF MOTION

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

2018.37.577 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

2018.37.578 Moved by Councillor B. Fallot, seconded by Councillor C. Rintoul, that the meeting be adjourned at 8:03 p.m.

MOTION CARRIED UNANIMOUSLY

MAYOR

CORPORATE OFFICER