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## TOWN OF SIDNEY

### MINUTES OF REGULAR COUNCIL MEETING

Monday, June 24, 2019

Council Chambers

7:00 p.m.

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**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  
J. Clary, Director of Engineering  
B. Mikkelsen, Fire Chief  
A. Verhagen, Senior Manager of Current Planning  
C. Newcomb, Senior Manager of Long Range Planning  
B. DeMaere, Manager of Engineering  
M. van der Linden, Manager of Special Projects  
T. Restell, Manager of Finance  
S. Nelson, Corporate Officer

The Mayor respectfully acknowledged that this evening's meeting is being held on the traditional territory of the WSÁNEĆ people.

#### 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. **J. Gifford, 10448 Allbay Road** - regarding the Town's new Urban Forest Strategy, advised (as a member of Sidney Community Association's Habitat & Environment Committee) provided input at each stage of the process and is really pleased with the outcome, as well as to the commitment Council is expressing; advised citizens (upon receipt of 65 responses to their survey) conveyed their desire to get involved with the preservation of trees and are willing to volunteer their time to pull ivy, water boulevard trees, etc.; stated was disappointed at the "no net loss" goal; and indicated that a significant number of citizens support a robust implementation plan and would be monitoring the process.

Public Participation Period closed at 7:04 p.m.

##### **B. PRESENTATION**

###### **i. Tree Appreciation day**

*(see Correspondence - item 13a)*

Lynda Comer, as a member of Sidney Community Association's Habitat & Environment Committee, expressed the important value of trees to our environment (i.e. regulates global warming, provides privacy, give us food, medicine, shelter, etc.) and without trees the world would be uninhabitable. She requested the Town consider organizing and hosting an annual Tree Appreciation Day in Sidney in the month of November (similar to other neighboring municipalities - Central Saanich, Victoria, Saanich, Oak Bay, etc.). She advised the event would bring the community together, engage volunteers to plant trees and bring awareness to the role of trees in a healthy community. Ms. Comer was pleased to note that establishing an annual Arbor Day celebration is identified as a short-term action item in the Town's new Urban Forest Strategy.

## 2. APPROVAL OF AGENDA

- 2019.27.313 Moved by Councillor S. Garnett, seconded by Councillor T. O'Keeffe, that the agenda be approved with the amendment that item 7a - Request for Ban on Single-Use Plastic Bags be moved to after item 3a.

**MOTION CARRIED UNANIMOUSLY**

## 3. ADOPTION OF MINUTES

### a. Regular Council Meeting – June 10, 2019

- 2019.27.314 Moved by Councillor C. Rintoul, seconded by Councillor B. Fallot, that Minutes of the Regular Council Meeting of June 10, 2019, be adopted as presented.

**MOTION CARRIED UNANIMOUSLY**

## 7. PETITIONS

### a. Request for Ban on Single-Use Plastic Bags

Margot Arndt, a 9-year old student from Deep Cove Elementary School, gave a presentation on banning the use of shopping bags in Sidney noting that: bags harm the environment and sea life (as they are mistaken for food); Canada is the 5<sup>th</sup> largest producer of plastic bags; and that not using plastic shopping bags is an easy change everyone can do. She noted that, with the recent announcement by the federal government and other local municipalities already moving towards implementing such a ban, she would like to see Sidney do the same. Margot advised recycling is not the answer, but rather that we need to reduce the use of plastics. She was pleased to inform Council of the following petitions:

- Deep Cove Elementary School Petition - 161  
(including survey of local Sidney businesses - 50 out of 57)
- Sidney Elementary School Petition - 14
- On-Line [change.org](http://change.org) Petition - 332

and submitted the petitions from the two local schools to Council for consideration.

The Mayor noted that this matter was presented to the CRD Board a couple of years ago, and did not proceed, however stated it is an appropriate time to bring this back to the CRD and to have all 13 municipalities consider following the same bylaw regulations. The Mayor also advised of the pending legal challenge with respect to the City of Victoria's bylaw banning the use of single-use plastic bags and that it would be beneficial to await the outcome of that litigation prior to moving this forward.

- 2019.27.315 Moved by Councillor C. Rintoul, seconded by Councillor B. Fallot, that the request to ban the use of single-plastic bags in Sidney be referred to staff for a report to provide an update on other municipalities' initiatives and the pending legal challenges facing this matter.

**MOTION CARRIED UNANIMOUSLY**

## 4. BUSINESS NOT COMPLETED AT A PREVIOUS REGULAR MEETING

### a. Request for Street Vending License – Sale of Watercolor Paintings (Resolution - Council Meeting on June 10, 2019)

- 2019.27.316 Moved by Councillor P. Wainwright, seconded by Councillor C. Rintoul, that the Donna McNeely's request for a Business License, to set up a mobile stand for the retail sales of small watercolour paintings at Beacon Park, be denied.

**OPPOSED: Councillors: B. Fallot & T. O'Keeffe**  
**MOTION CARRIED 5:2**

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

**a. Council In-Camera Meeting - June 10, 2019**

**i. Appointments to the New Economic Advisory Committee**

1. *that staff advertise for members to serve on the new Economic Advisory Committee (EAC);*
2. *that staff contact the nominating organizations requesting a member to serve on the new EAC;*
3. *that the new members to the EAC be appointed for a term to end in December 2021; and*
4. *that staff contact the 2018 applicants advising them of Council's decision.*

**6. DELEGATIONS**

**7. PETITIONS**

**a. Request for Ban on Single-Use Plastic Bags**

*(Item already dealt with after item 3a).*

**8. MAYOR'S REPORT**

The Mayor announced the passing of retired Sidney Fire Chief Mel Baldwin (who began his career with the Fire Department in 1951, spanning a 46 career until he retired in 1997) and extended sincere condolences to the Baldwin family.

The Mayor reported on the following events/meetings: 1. June 12 - CRD Board - presentation of the CRD's 2018 Annual Report and noted the wide range of services provided by the CRD; 2. June 15 – the Peninsula & Area Agricultural Farm Tour – provided an overview of the tour of agricultural facilities noting the diversity of farming, the reliance of foreign workers and the challenges they are facing; 3. June 20 - Opening Ceremony of Chief Dan George Exhibit at Sidney Museum - noted it was a moving ceremony celebrating activist and author Chief George on National Indigenous Day; 4. June 20 - Official Opening Ceremony of Sidney's Community Safety Building - noting it as the largest infrastructure project in the Town's history; 5. June 22 - presentation by Habitat for Humanity - session for applicants interested in qualifying to be an owner of one of the new townhomes being built on Lochside Drive in North Saanich; and 6. June 23 - Sidney Community Associations' AGM - celebrated 4th-year anniversary and their Hewitt Helming Community Award was presented to Jocelyn Gifford.

2019.27.317 Moved by Councillor T. O'Keeffe, seconded by Councillor C. Rintoul, that staff be directed to contact Habitat for Humanity for a presentation, sometime in the early Fall, to discuss potential opportunities for projects that might be available in Sidney.

**MOTION CARRIED UNANIMOUSLY**

The Mayor advised of the various events being held during the annual Canada/Sidney Days festivities, from July 29 to July 1, and encouraged everyone to come out to enjoy the events.

**9. COUNCILLORS' REPORTS**

**a. Councillor S. Garnett** - as the Council Liaison to the RCMP Community Consultative Committed advised of the upcoming Community Policing Open House to be held on June 30 (from 11:00am - 3:00pm at the Mary Winspear Centre) providing a variety of information on public safety.

**b. Councillor S. Duncan** - advised of her attendance at the Regional Water Supply Commission on June 14 and the tour of the disinfection facility, noting the amount of equipment/technology that is involved in maintaining the facility and the necessary emergency measures that are in place. She advised of the concerns associated with wild fires and the potential threat of a shutdown to the water system, noting the importance of fire suppression. Furthermore, she encouraged Council to consider participating in the

co-application for the UBCM Community Resiliency Investment Program - Strategic Wildfire Prevention Initiative (providing up to \$100,000 for every municipality that joins = \$1.5 million for a 3-year research program in how to best fire proof our forests) and was prepared to make the following motion:

*That Council direct staff to write a letter to the Capital Regional District and all member local governments indicating Council's interest in participating in a co-application submitted by the CRD on behalf of its members to UBCM's Community Resiliency Investment Program for the development of a regional vegetation management strategy.*

## 10. COMMITTEE REPORTS

### a. Committee of the Whole Meeting - June 17, 2019

2019.27.318 Moved by Councillor T. O'Keeffe, seconded by Councillor B. Fallot, that Minutes of the Committee of the Whole Meeting of June 17, 2019, be received for information.

**MOTION CARRIED UNANIMOUSLY**

Minutes contain recommendation(s) regarding:

#### R.1 Urban Forest Strategy

2019.27.319 Moved by Councillor T. O'Keeffe, seconded by Councillor B. Fallot:

1. That the Urban Forest Strategy report by Barefoot Planning, dated June 11, 2019, be received; and
2. That staff analyze the action items from the Strategy and bring forward potential projects for consideration as part of annual fall strategic planning and subsequent budget process.

**MOTION CARRIED UNANIMOUSLY**

#### R.2 Development Variance Permit Application No. DV100284 (10326 Menagh PI)

(To relax setback requirements to allow accessory structure in the rear yard).

*Councillor S. Duncan left the meeting room at 8:04 p.m., citing a potential conflict of interest as she lives across the street from the applicant.*

2019.27.320 Moved by Councillor T. O'Keeffe, seconded by Councillor P. Wainwright, that owners and tenants in occupation of property within 75m (246ft) of 10326 Menagh Place be notified regarding Development Variance Permit Application No. DV100284 and that any written correspondence received be forwarded to Council at the time of consideration of approval of the variance.

**MOTION CARRIED UNANIMOUSLY**

*Councillor S. Duncan returned to the meeting at 8:09 p.m.*

## 11. STAFF REPORTS

### a. Sidney Housing Needs Assessment Project

2019.27.321 Moved by Councillor P. Wainwright, seconded Councillor S. Garnett, that the consulting contract for the Sidney Housing Needs Assessment Project be awarded to Urban Matters CCC.

**MOTION CARRIED UNANIMOUSLY**

### b. Request for Removal of Protected Tree - 2027 Melville Drive

2019.27.322 Moved by Councillor B. Fallot, seconded by Councillor S. Garnett, that the request for the removal of a "Tree of Heaven" tree located in the rear yard of 2027 Melville Drive be denied.

**MOTION CARRIED UNANIMOUSLY**

**c. Signage Proposal for ArtSea Gallery (Building at Tulista Park)**

2019.27.323 Moved by Councillor S. Garnett, seconded by Councillor C. Rintoul, that ArtSea Community Arts Council be authorized to install 2 Fascia Signs, 1 Temporary Sign, 1 Low-mount Free Standing Sign, 1 Window Sign, and 1 Sandwich Board Sign on the property located at 9565 Fifth Street, subject to the following condition:

1. That Artsea Community Arts Council contact the Parks Department to inspect the Low-Mount Free Standing Sign installed in the garden bed to ensure the health and long-term well-being of the adjacent ornamental conifer will not be affected by the placement or installation of the sign.

**OPPOSED: Councillor T. O'Keeffe  
MOTION CARRIED 6:1**

**d. Fire Engine Squad 1 Replacement**

2019.27.324 Moved by Councillor C. Rintoul, seconded by Councillor S. Duncan, that the replacement of Fire Engine Squad 1, for an amount not exceeding \$200,000 CDN, be advanced in the Financial Plan for a year, to 2019.

**MOTION CARRIED UNANIMOUSLY**

**e. Shaw Centre Energy Supply Agreement Renewal**

2019.27.325 Moved by Councillor T. O'Keeffe, seconded by Councillor S. Duncan, that the Energy Supply Agreement with Sidney Pier Geothermal Utility Corp., for the supply of energy to a Town-owned facility (Shaw Centre for the Salish Sea), be renewed for an additional 5-year term (2019-2024).

**MOTION CARRIED UNANIMOUSLY**

**f. 2018 Statement of Financial Information**

2019.27.326 Moved by Councillor B. Fallot, seconded by Councillor P. Wainwright, that the Statement of Financial Information for the Town of Sidney for the year ended December 31, 2018 be approved.

**MOTION CARRIED UNANIMOUSLY**

**g. Torque Masters Car Show Event**

Moved by Councillor P. Wainwright, seconded by Councillor S. Duncan, that the Torque Masters Car Club be authorized to close the following streets and public parking lots:

- Beacon Avenue (from Fifth St to First St);
- Beacon Avenue (from First St to Beacon Wharf);
- Fourth Street (Sidney Ave to Bevan Ave);
- Third Street (Sidney Ave to Bevan Ave);
- Second Street (Beacon Ave to Bevan Ave, if needed).
- Lot C (Fourth St at Sidney Ave); and
- Lot F (Third St at Bevan Ave),

from 5:00 a.m. to 4:00 p.m. on Sunday, August 11, 2019 to accommodate vehicles for their Car Show event, subject to the following conditions:

- a. That the Club provide the Town with proof of \$5,000,000 minimum liability insurance indemnifying the Town of any liability;
- b. That certified traffic control persons be utilized where identified by the Town;
- c. That the event be undertaken in compliance with all Town bylaws;
- d. That the center of each closed street and intersections remain clear of any obstructions to allow emergency vehicles immediate access;
- e. That the Club provide and maintain temporary toilet facilities (with hand washing amenities) for the duration of the event. The number and locations of these facilities to be approved by the Town;

- f. That the Club provide all Emergency Services (including BC ambulance) with written notification of the event and meet with them four weeks prior to the event to address any concerns;
- g. That the Club provide BC Transit with written notification of the event;
- h. That the Club arrange a written agreement with the PCS, addressing key coordination issues, scheduling and procedures for ending the Car Show as to not disrupt PCS's concert event.
- i. That the Club send out notices to all businesses/residents fronting on streets to be closed advising of the event and that access to their properties will be maintained if so required and provide them with a contact number should there be any concerns/questions (at least 4 weeks prior to the event); and,
- j. That the Town provide sponsorship for the event in the amount of \$1,000 in in-kind services, and the Club reimburse the Town for all costs above this amount.

2019.27.327 Moved by Councillor C. Rintoul, seconded by Councillor P. Wainwright, that the above motion be amended by deleting "in the amount of \$1,000 in in-kind services" and replacing it with "in the amount not to exceed \$2,000 in in-kind services" in item j.

**OPPOSED: Mayor C. McNeil-Smith & Councillors: S. Duncan, B. Fallot,  
S. Garnett & T. O'Keeffe  
MOTION DEFEATED 5:2**

The question was called on the original motion as follows:

2019.27.328 Moved by Councillor P. Wainwright, seconded by Councillor S. Duncan, that the Torque Masters Car Club be authorized to close the following streets and public parking lots:

- Beacon Avenue (from Fifth St to First St);
- Beacon Avenue (from First St to Beacon Wharf);
- Fourth Street (Sidney Ave to Bevan Ave);
- Third Street (Sidney Ave to Bevan Ave);
- Second Street (Beacon Ave to Bevan Ave, if needed).
- Lot C (Fourth St at Sidney Ave); and
- Lot F (Third St at Bevan Ave),

from 5:00 a.m. to 4:00 p.m. on Sunday, August 11, 2019 to accommodate vehicles for their Car Show event, subject to the following conditions:

1. That the Club provide the Town with proof of \$5,000,000 minimum liability insurance indemnifying the Town of any liability;
2. That certified traffic control persons be utilized where identified by the Town;
3. That the event be undertaken in compliance with all Town bylaws;
4. That the center of each closed street and intersections remain clear of any obstructions to allow emergency vehicles immediate access;
5. That the Club provide and maintain temporary toilet facilities (with hand washing amenities) for the duration of the event. The number and locations of these facilities to be approved by the Town;
6. That the Club provide all Emergency Services (including BC ambulance) with written notification of the event and meet with them four weeks prior to the event to address any concerns;
7. That the Club provide BC Transit with written notification of the event;
8. That the Club arrange a written agreement with the PCS, addressing key coordination issues, scheduling and procedures for ending the Car Show as to not disrupt PCS's concert event.
9. That the Club send out notices to all businesses/residents fronting on streets to be closed advising of the event and that access to their properties will be maintained if so required and provide them with a contact number should there be any concerns/questions (at least 4 weeks prior to the event); and,
10. That the Town provide sponsorship for the event in the amount of \$1,000 in in-kind services, and the Club reimburse the Town for all costs above this amount.

**MOTION CARRIED UNANIMOUSLY**

**h. Monthly Building Permit Report - May 2019**

2019.27.329 Moved by Councillor S. Garnett, seconded by Councillor C. Rintoul, that the Monthly Building Permit Report for May 2019 be received for information.

**MOTION CARRIED UNANIMOUSLY**

**12. OTHER REPORTS**

**13. CORRESPONDENCE**

**a. Request for Tree Appreciation Day**

2019.27.330 Moved by Councillor B. Fallot, seconded by Councillor T. O'Keeffe, that the letter from Lynda Comer dated April 2019 be received and that the request for the Town to hold an official Tree Appreciation Day annually in the month of November be referred to strategic planning.

**MOTION CARRIED UNANIMOUSLY**

**b. Request for Funding - Traditional First Nations War Canoe Races**

Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot, that the letter from Geronimo Canoe Club, dated June 7, 2019, be received and that financial support in the amount of \$250 for the Water Festival War Canoe Races be approved.

2019.27.331 Moved by Councillor S. Garnett, seconded by Councillor C. Rintoul, that the above motion be amended by deleting "\$250" and replacing it with "\$500".

**OPPOSED: Councillor B. Fallot  
MOTION CARRIED 6:1**

The question was called on the amended motion as follows:

2019.27.332 Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot, that the letter from Geronimo Canoe Club, dated June 7, 2019, be received and that financial support in the amount of \$500 for Water Festival War Canoe Races be approved.

**MOTION CARRIED UNANIMOUSLY**

**14. BYLAWS / DEVELOPMENT PERMITS / VARIANCES / SUBDIVISION**

**15. NEW BUSINESS**

**16. CORRESPONDENCE FOR INFORMATION**

2019.27.333 Moved by Councillor B. Fallot, seconded by Councillor S. Garnett, that the following correspondence be received for information:

1. Email from B. Case, regarding BC hydro EV charging stations, dated May 28, 2019. Reply dated June 10, 2019.
2. Letter from E-Com 911, regarding new strategic plans for E-Comm and PRIMECorp, dated May 31, 2019.
3. Letter from MP Elizabeth May, regarding clean-up of Reay Creek, dated June 5, 2019.
4. Email from C. Gorley, regarding a ban on single-use plastic bags, dated June 6, 2019. Reply dated June 14, 2019.
5. Email from Office of the Premier, regarding the Town's letter requesting funding for the Victoria Sexual Assault Centre, dated June 10, 2019.
6. Email from N. Tyndall, regarding a ban on single-use plastic bags, dated June 12, 2019. Reply dated June 17, 2019.

**MOTION CARRIED UNANIMOUSLY**

**17. NOTICES OF MOTION**

**a. Community Resiliency Investment Program**

Further to item 9b, Councillor S. Duncan provided notice of the following motion to be considered at the next regular Council meeting:

*“That Council direct staff to write a letter to the Capital Regional District and all member local governments indicating Council's interest in participating in a co-application submitted by the CRD on behalf of its members to UBCM's Community Resiliency Investment Program for the development of a regional vegetation management strategy.”*

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

2019.27.334 Moved by Councillor S. Garnett, seconded by Councillor B. Fallo, 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 issue, pursuant to section 90.1 (a) of the *Community Charter* and that Council continue the meeting in closed session.

**MOTION CARRIED UNANIMOUSLY**

**19. ADJOURNMENT**

2019.27.335 Moved by Councillor P. Wainwright, seconded by Councillor C. Rintoul, that the meeting be adjourned at 9:18 p.m.

**MOTION CARRIED UNANIMOUSLY**

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MAYOR

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CORPORATE OFFICER