



TOWN OF SIDNEY

MINUTES OF REGULAR COUNCIL MEETING Tuesday, November 12, 2019 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
J. Clary, Director of Engineering
A. Verhagen, Senior Manager of Current Planning
C. Newcomb, Senior Manager of Long Range Planning
B. DeMaere, Manager of Engineering
B. Robinson, Manager of Public Works & Parks
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. Rodd, 2307 Orchard Avenue** – as the organizer of the petition requesting improvements to Eighth Street, noted that a concrete fence is being requested as it would address the dust and visual impact of the Public Works Yard, and expressed appreciation for Council's consideration.
2. **W. McNiven, 2326 Orchard Street** - stated supports the petition for improvements on Eighth Street; questioned whether the trees that were removed at the end of Orchard Avenue would be replaced; and noted safety concerns as there is no cycle path or sidewalk down Eighth Street.
3. **D. Calveley, 9655 First Street** – stated was confused with respect to the denial of the Happy Buddy Cannabis application and the amendment to Policy DV-015; and suggested the decision on how to use the remaining proceeds from the sale of the old Fire Hall/Parking Lot site be put out for community input.
4. **J. Edwards, 2388 Marvette Place** – reiterated objection to the Development Variance Permit application for 9570 & 9574 Fifth Street, stating that the building is far too big for the location and neighborhood, hence the request for a variance to the setbacks; and requested whether Council could use its voice to help get kids back to school.
5. **C. Bolt, 9659 Second Street** - 1. Council Procedure Bylaw - stated was opposed to changing the Council meeting time to 6pm as it's a bad time for people who are working and those with families and would cut down on public participation; and suggested that a Question Period be included on the Agenda to provide a better public process where people could ask questions of Council and staff and have their questions answered at the Council table; and 2. Happy Buddha Cannabis - stated both parties understood the conditions when the bylaw to allow cannabis on Beacon Avenue was adopted; noted active storefronts on Beacon Avenue is not a bylaw requirement; and that the proponent met the conditions and Council should have negotiated with the operator to figure out a way to proceed.

6. **R. Kirkham, 9461 Bruan Crescent** – encouraged Transport Canada, the Victoria Airport Authority and the Town to work together to carry out swiftly, and with the least amount of impact, the required works necessary to remediate Reay Creek; stated that its history respecting its contamination needs to be put aside; and requested the local residents be informed/included in the process.
7. **G. Gillepsie, Mike Geric Construction (Applicant)** - referring to the proposed development for 9570 & 9574 Fifth Street, thanked Council, APC and staff for their feedback, which has improved the project, and requested Council to reaffirm its previous position and approve the application.

Public Participation Period closed at 7:17 p.m.

2. APPROVAL OF AGENDA

2019.38.520 Moved by Councillor C. Rintoul, seconded by Councillor B. Fallot, that the agenda be approved with the following:

1. addition to item 14b - email from B. Dutour, dated November 12, 2019.
2. addition to item 14b - email from D. Robbins, dated November 12, 2019.
3. addition to item 14c- email from J. Edwards, dated November 7 2019.
4. addition to item 14c - email from I & C. Nadiger, dated November 11, 2019.
5. addition of late item - 15b - School District No. 63 Labour Dispute.

MOTION CARRIED UNANIMOUSLY

3. ADOPTION OF MINUTES

a. Regular Council Meeting - October 28, 2019

2019.38.521 Moved by Councillor S. Garnett, seconded by Councillor T. O'Keeffe, that Minutes of the Regular Council Meeting of October 28, 2019, 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

7. PETITIONS

a. Request for Improvements to Eighth Street

2019.38.522 Moved by Councillor B. Fallot, seconded by Councillor S. Duncan, that staff be directed to:

1. prepare detail designs for road and pedestrian improvements on Eighth Street, Orchard Avenue to Ocean Avenue; and
2. bring forward a budget for improvements to Eighth Street, from Orchard Avenue to Ocean Avenue, for consideration by Council during 2020 budget deliberations.

MOTION CARRIED UNANIMOUSLY

8. MAYOR'S REPORT

9. COUNCILLORS' REPORTS

- a. **Councillor S. Duncan** - 1. CRD Regional Water Supply Commission - advised 2020 budget is \$34M (\$19M for capital project costs) and reflects a 6.05% increase from last year's budget due to wage increases and costs for chemicals and electricity; revenues increased as water use is up due to continued regional growth and hot, dry weather; and advised of some of the upcoming capital projects; 2. Inter-municipal Climate Action Taskforce - noted the need to better communicate and promote what and how climate actions are being undertaken; and 3. Livable Cities Forum - noted that by taking actions to increase community health and wellbeing creates livable communities and makes them more resilient to climate change.

- b. **Councillor P. Wainwright** - Saanich Peninsula Water Commission and Saanich Peninsula Wastewater Commission - advised the 2020 budgets have been approved, that both systems have no debt and reserve funds are healthy; a new capital project has been included in the financial plan that will provide an alternate main connection to service the Peninsula; there is no requirement to expand the infrastructure for growth as it is running at 50% capacity; and advised the cost for bulk water has increased 4.6% and the requisition for waste water is increasing by 1.15%.
- c. **Councillor T. O'Keeffe** - advised attended a community forum to provide feedback on the Province's proposal legislation on accessibility; noted there is a need to have consistency across the municipalities for accessibility issues; and that the current local Access Awareness Committee (which primarily focuses on organizing the one day event in June) is considering broaden their Terms of Reference and forwarding a proposal to the 3 peninsula municipalities for consideration.

10. COMMITTEE REPORTS

a. Committee of the Whole Meeting - November 4, 2019

2019.38.523 Moved by Councillor C. Rintoul, seconded by Councillor S. Garnett, that Minutes of the Committee of the Whole Meeting of November 4, 2019, be received for information.

MOTION CARRIED UNANIMOUSLY

Councillor C. Rintoul left the meeting room at 7:57 p.m., citing a potential conflict of interest as his wife works for AMICA.

Minutes contain recommendation(s) regarding:

R.1 Development Permit Application No. DP100806 (2315 Mills Road)

(To allow a partial demolition, renovation and construction of an addition to an existing 3-storey, multi-family residential assisted living facility).

2019.38.524 Moved by Councillor P. Wainwright, seconded by Councillor T. O'Keeffe, that Development Permit Application No. DP100806 (2315 Mills Road) be forwarded to the Advisory Planning Commission for further review and comment.

MOTION CARRIED

Councillor C. Rintoul returned to the meeting at 7:58 p.m.

R.2 Sidney Housing Needs Assessment - Final Report

2019.38.525 Moved by Councillor C. Rintoul, seconded by Councillor S. Garnett:

1. That the Town of Sidney 2019 Housing Needs Report dated October 29, 2019 prepared by Urban Matters CCC be received; and
2. That the Housing Needs Report be posted on the Town's website as per Provincial requirements.

MOTION CARRIED UNANIMOUSLY

R.3 Use of Amenity Contributions

2019.38.526 Moved by Councillor C. Rintoul, seconded by Councillor S. Garnett, that that the staff report dated October 29, 2019, regarding the collection and future use of the Town's Community Amenity Contributions, be received for information.

MOTION CARRIED UNANIMOUSLY

b. Advisory Planning Commission Meeting - November 5, 2019

2019.38.527 Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot, that Minutes of the Advisory Planning Commission Meeting of November 5, 2019, be received for information.

MOTION CARRIED UNANIMOUSLY

Mayor C. McNeil-Smith left the meeting room at 8:00 p.m., citing a potential conflict of interest as he has a family relationship with a member of the proponent's team.

Minutes contain recommendation(s) regarding:

R.1 Development Permit Application No. DP100786 (10129 Fifth Street)

(To construct a 3-storey multi-family residential development containing 71 apartment dwelling units with underground parking).

2019.38.528

Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot:

1. That the applicant for Development Permit Application No. DP100786 (10129 Fifth Street) submit a revised landscape plan and planting list addressing Design Guideline No. 20.3.35 (incorporate additional indigenous and drought resistant species) to the satisfaction of the Senior Manager of Current Planning;
2. That the applicant address Design Guideline No. 20.3.3 (rooflines along the south and north elevations) to the satisfaction of the Senior Manager of Current Planning; and
3. That prior to the issuance of Building Permit the applicant shall:
 - a. 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;
 - b. Register a flood hazard covenant on the title of the property referencing the submitted Engineer's report;
 - c. Register a private sub-terrain access agreement between the property owners of 10129 Fifth Street and 2433 Malaview Avenue to permit the proposed encroachment of the development's parkade;
 - d. Register a private easement allowing the driveway of 2433 Malaview Avenue to serve as a shared driveway between the properties at 10129 Fifth Street and 2433 Malaview Avenue, and;
 - e. Register a private easement to permit the proposed encroachment of a pedestrian walkway and landscaping along the northwest interior side yard of 2433 Malaview Avenue.

MOTION CARRIED

Mayor C. McNeil-Smith returned to the meeting at 8:04 p.m.

R.2 Proposed Amendments - APC Bylaw No. 2181

2019.38.529

Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot, that the proposed Advisory Planning Commission Bylaw No. 2181 be amended as follows: that item 5.1 (iv) be eliminated and 5.1 (v) be increased from 4 members to 5 members.

MOTION CARRIED UNANIMOUSLY

11. STAFF REPORTS

a. Request for Proposals Award - Reay Creek Dam Design

2019.38.530

Moved by Councillor S. Garnett, seconded by Councillor C. Rintoul, that the consulting contract for the Reay Creek Dam Design be awarded to Kerr Wood Leidal.

MOTION CARRIED UNANIMOUSLY

2019.38.531

Moved by Councillor P. Wainwright, seconded by Councillor S. Garnett, that a public information meeting be scheduled (in January), a media release prepared and information posted on the Town's website advising of the new information and status of the Reay Creek Dam project.

MOTION CARRIED UNANIMOUSLY

b. Use of Proceeds of Sale of Fire Hall/Parking Lot Lands

- 2019.38.532 Moved by Councillor C. Rintoul, seconded by Councillor P. Wainwright:
1. That \$30,000 of the sale proceeds, from the sale of the Fire Hall/Parking Lot lands, be allocated to cover legal fees associated with the transaction;
 2. That \$900,000 be earmarked as funding for the remediation of the Reay Creek Dam; and
 3. That the remaining net proceeds be set aside to fund upcoming capital projects.
- MOTION CARRIED UNANIMOUSLY**

c. Municipal Security Issuing Resolution - CSB Borrowing

- 2019.38.533 Moved by Councillor P. Wainwright, seconded by Councillor C. Rintoul, that Council approve borrowing from the Municipal Finance Authority of British Columbia, as part of their 2020 Spring Borrowing Session, \$3,000,000, 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**

d. Request for Proposals Award - Pump Station Condition Assessment

- 2019.38.534 Moved by Councillor S. Garnett, seconded by Councillor P. Wainwright, that the consulting contract for the Sanitary Pump Station Condition Assessment be awarded to WSP.
- MOTION CARRIED UNANIMOUSLY**

e. Changes to Water Meters in Multi-Family Condo Buildings

- 2019.38.535 Moved by Councillor P. Wainwright, Councillor S. Garnett, that the matter regarding changes to the water meters in multi-family condo buildings be referred back to staff to provide additional information regarding the number of buildings that would be affected, estimated retrofitting costs, estimated annual cost savings, alternative equipment options, etc.
- MOTION CARRIED UNANIMOUSLY**

f. Electric Vehicle Charging Stations

- 2019.38.536 Moved by Councillor C. Rintoul, seconded by Councillor S. Garnett, that staff be directed to issue a Request for Expressions of Interest for the operation and maintenance of Electric Vehicle charging stations available for public use in the Town of Sidney.
- MOTION CARRIED UNANIMOUSLY**

g. Parking Lot Lease Agreement Deadline Extension

- 2019.38.537 Moved by Councillor P. Wainwright, seconded by Councillor C. Rintoul, that the deadline for finalizing a lease of the future parking lot at 9837 Third Street be extended to December 18th, 2019.
- MOTION CARRIED UNANIMOUSLY**

h. Grant Application - Volunteer & Composite Fire Dept. Equipment & Training

- 2019.38.538 Moved by Councillor C. Rintoul, seconded by Councillor T. O'Keeffe, that staff proceed with the Community Emergency Services Grant Application for Volunteer & Composite Fire Departments training and equipment to purchase new firefighter turnout gear and rapid intervention equipment for Engine 2.
- MOTION CARRIED UNANIMOUSLY**

i. Monthly Building Permit Report - October 2019

2019.38.539 Moved by Councillor S. Garnett, seconded by Councillor T. O'Keeffe, that the Monthly Building Permit Report for October 2019 be received for information.

MOTION CARRIED UNANIMOUSLY

12. OTHER REPORTS

13. CORRESPONDENCE

a. Central Saanich Recreation Needs Assessment

2019.38.540 Moved by Councillor P. Wainwright, seconded by Councillor S. Garnett, that the letter from Panorama Recreation, dated October 17, 2019, regarding Central Saanich's Recreation Needs Assessment Report, be received for information.

MOTION CARRIED UNANIMOUSLY

b. Proposed Amendment to CRD Regional Growth Strategy - Referral

2019.38.541 Moved by Councillor P. Wainwright, seconded by Councillor S. Garnett, that the letter from CRD, dated October 23, 2019, requesting the Town's comments on the proposed CRD Bylaw No. 4328 to amend the 2018 Regional Growth Strategy, be refer to staff for comment by the deadline.

MOTION CARRIED UNANIMOUSLY

14. BYLAWS / DEVELOPMENT PERMITS / VARIANCES / SUBDIVISION

a. Bylaw No. 2182 - Council & Committees Procedure, Amendment No. 2

(To amend the start time of Council Meetings, the Order of Business on the Agenda, the adjournment time of Council meetings; the summer meeting schedule and to address other housekeeping items).

2019.38.542 Moved by Councillor P. Wainwright, seconded by Councillor T. O'Keeffe, that Bylaw No. 2182 - Council & Committees Procedure, Amendment No. 2, be introduced and given first reading.

MOTION CARRIED UNANIMOUSLY

2019.38.543 Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot, that Bylaw No. 2182 - Council & Committees Procedure, Amendment No. 2, be amended as follows:

1. item 2i - "12. Order of Business", item (14) "Other Reports" be removed; and
2. item 2m- "18. Councillors' Reports", the words "or written" be added after "verbal". and that second reading be given as amended.

**OPPOSED: Councillor S. Garnett
MOTION CARRIED 6:1**

2019.38.544 Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot, that Bylaw No. 2182 - Council & Committees Procedure, Amendment No. 2, be given third reading.

**OPPOSED: Councillors: S. Garnett & T. O'Keeffe
MOTION CARRIED 5:2**

b. Development Variance Permit Application No. DV100285 (10379, 10383 and 10387 Allbay Road)

(To retroactively approve the construction of two sets of beach stairs and the alteration of an existing set of beach stairs).

Written Submission(s):

1. Email from B. Dutour, dated November 12, 2019.

2. Email, with petition, from D. Robbins, dated November 12, 2019.

2019.38.545 Moved by Councillor C. Rintoul, seconded by Councillor T. O'Keeffe, that Development Variance Permit Application No. DV100285 (10379, 10383 and 10387 Allbay Road - to retroactively approve the construction of two sets of beach stairs and the alteration of an existing set of beach stairs) be approved.

OPPOSED: Mayor C. McNeil-Smith & Councillors: S. Garnett & P. Wainwright
MOTION CARRIED 4:3

c. Development Variance Permit Application No. DV100286 and Development Permit Application No. DP100796 (9570 & 9574 Fifth Street)

(To relax requirements for retaining walls in order to construct a 4-storey, 16-unit multi-family residential development).

Written Submission(s):

1. Email from T. Hall, dated November 4, 2019.
2. Email from J. Edwards, dated November 7, 2019.
3. Email from I. & C. Nadiger, dated November 11, 2019.

2019.38.546 Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot, that Development Variance Permit Application No. DV100286 (9570 & 9574 Fifth Street - to relax requirements for retaining walls) be approved and Development Permit Application No. DP100796 (to construct a 4-storey, 16-unit multi-family residential development) be approved, subject to the conditions as per Council Resolution No. 2019.37.507.

OPPOSED: Mayor C. McNeil-Smith & Councillors: S. Duncan, B. Fallot, S. Garnett, T. O'Keeffe & C. Rintoul
MOTION DEFEATED 6:1

2019.38.547 Moved by Councillor C. Rintoul, seconded by Councillor T. O'Keeffe, that Development Variance Permit Application No. DV100286 (9570 & 9574 Fifth Street - to relax requirements for retaining walls) be denied.

OPPOSED: Councillor P. Wainwright
MOTION CARRIED 6:1

15. NEW BUSINESS

a. Youth Transit Passes

(Referred by Council on August 12, 2019, for discussion).

2019.38.548 Moved by Councillor P. Wainwright, seconded by Councillor S. Garnett, that the letter from the District of Saanich, dated July 18, 2019, regarding fare-free youth transit passes, be received for information.

MOTION CARRIED UNANIMOUSLY

b. School District No. 63 Labour Dispute

Councillor C. Rintoul recommended that (as the dispute between School District No. 63 and Local 441 as entered its third week and that, during this time, students in our community have been unable to attend school due to the strike action, and the two parties have been unsuccessful at finding an agreement) the Town put pressure on the Province on behalf of its residents, who are expressing stress and hardship in relation to the labour dispute.

2019.38.549 Moved by Councillor P. Wainwright, seconded by Councillor T. O'Keeffe, that due to the urgency of the matter Councillor C. Rintoul's proposed motion respecting the School District No. 63 Labour Dispute be considered this evening.

MOTION CARRIED UNANIMOUSLY

2019.38.550 Moved by Councillor C. Rintoul, seconded by Councillor P. Wainwright, that Sidney Council write to the Minister of Education, Mr. Rob Fleming, and urge the Minister to appoint a mediator with an aim to reach an agreement between the parties and re-open School District 63 schools expeditiously.

**OPPOSED: Councillor S. Garnett
MOTION CARRIED 6:1**

16. CORRESPONDENCE FOR INFORMATION

2019.38.551 Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot, that the following correspondence be received for information:

1. Various emails regarding cannabis in Sidney.
2. Email from AVICC, regarding invitation to take part in Old Growth Strategic Review, dated October 22, 2019.
3. Email from Capital Region Food and Agriculture Initiatives Roundtable, regarding invitation to 2019 Good Food Summit, dated October 24, 2019.
4. Letter from Residents of Responsible Renewables, regarding 2019 UBCM session on Hydrogen and ongoing promotions by special interest groups, dated October 29, 2019.
5. Email from L. Comber, regarding tree protection, dated October 30, 2019. Reply dated November 4, 2019.

MOTION CARRIED UNANIMOUSLY

17. NOTICES OF MOTION

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

2019.38.552 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 the Council and Officers be excluded from the meeting to consider confidential matters respecting personal information and municipal objectives, priorities, etc., pursuant to section 90.1 (a) and (l) of the *Community Charter* and that the Council continue the meeting in closed session.

MOTION CARRIED UNANIMOUSLY

19. ADJOURNMENT

2019.38.553 Moved by Councillor B. Fallot, seconded by Councillor S. Garnett, that the meeting be adjourned at 10:22 p.m.

MOTION CARRIED UNANIMOUSLY

MAYOR

CORPORATE OFFICER