



TOWN OF SIDNEY

MINUTES OF REGULAR COUNCIL MEETING

Tuesday, October 15, 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
B. Mikkelsen, Fire Chief
A. Verhagen, Senior Manager of Current Planning
C. Newcomb, Senior Manager of Long Range Planning
B. DeMaere, Manager of Engineering
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. **A. Stibbe, 9717 First Street** – expressed concerns regarding safety in Sidney with regards the recent attacks on seniors; stated is concerned the situation on the streets of Victoria will slowly makes its way to Sidney, particularly with increased population/housing; has seen an increase in the number of panhandlers in Sidney; and requested whether the Town's bylaw restricting panhandlers to 2 hours/block could be tightened-up to discourage those from Victoria coming out to Sidney.
2. **J. Treleaven, 10134 Third Street** – expressed concerns regarding the removal of the Queen's portrait in the Council Chamber; reminded elected officials that the Queen is the head of state of Canada; stated that a decision to combine one of the most sensitive, most challenging and most important issues facing Canada, mainly reconciliation, with a statement that the head of state is a symbol of colonization was wrong; and requested the portrait be put back and to move forward with reconciliation.
3. **W. McNiven, ArtSea** - advised that ArtSea is working with the Town to revitalize Sidney's Sculpture Walk (which has been in place since 2012) and encouraged Council to consider their proposal - to include a line item in the Town's budget for purchasing the remaining 7 sculptures; and noted that ArtSea will also be knocking on doors looking for donations to assist in purchasing the sculptures.
4. **G. Gillespie, Mike Geric Construction (Applicant)** - referring to the proposed development for 9570 & 9574 Fifth Street, advised that revised plans (addressing Council's 3 requests to APC) were presented to APC; that APC unanimously supported the redesign for the west elevation of the building, tiered retaining walls and reductions to the rooftop structure (removal of private stair access, reduced rear setback and overall massing); stated that the proposal meets with the guidelines for height, coverage, setbacks, massing and scale for the multi-family zoning and minimizes the impact on the neighborhood; and advised that the applicant is prepared to make the 2 changes recommended by the APC.

Public Participation Period closed at 7:13 p.m.

B. PUBLIC HEARING

Mayor C. McNeil-Smith noted the rules of the procedure for public hearing. The Chief Administrative Officer read the notice for the public hearing.

i. Bylaw No. 2176 - Zoning, Amendment No. 38

(To incorporate a number of miscellaneous amendments for the purpose of improving the functionality of the bylaw, addressing some errors and omissions and also adding or amending certain permitted and conditional uses).

(see Bylaw - item 14a)

The following written submission(s) were received: None.
The following verbal submission(s) were received: None.

The Mayor asked three times if there were any other submissions. There being none, the Public Hearing for Bylaw No. 2176 was official closed at 7:17 p.m.

C. PRESENTATION

i. Sidney Seaside Run 2019

Cathy Noel, Choice Events Ltd., was pleased to advise that, within 2 months, there were a total of 500 people registered for this year's event and that \$7,500 was raised for two local charities (Shaw Centre for the Salish Sea and Saanich Peninsula Hospital & Healthcare Foundation). She advised she is looking forward to next year's event and presented the Mayor with the wooden medal (designed by a local artist) that was handed out to each participant.

The Mayor expressed appreciation for organizing the event in such short notice and also looks forward to next year's event.

2. APPROVAL OF AGENDA

2019.36.467 Moved by Councillor C. Rintoul, seconded by Councillor B. Fallot, that the agenda be approved with the following:

1. addition to item 10aR3 - letter from D. Robbins, dated October 11, 2019; and
2. new item 13c - Request for Letter of Support - Libraries access to Digital Content.

MOTION CARRIED UNANIMOUSLY

3. ADOPTION OF MINUTES

a. Special Council Meeting – September 16, 2019

2019.36.468 Moved by Councillor T. O'Keeffe, seconded by Councillor S. Garnett, that Minutes of the Special Council Meeting of September 16, 2019, be adopted as presented.

MOTION CARRIED UNANIMOUSLY

b. Special Council Meeting - October 3, 2019

2019.36.469 Moved by Councillor S. Garnett, seconded by Councillor T. O'Keeffe, that Minutes of the Special Council Meeting of October 3, 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

8. MAYOR'S REPORT

Mayor C. McNeil-Smith provided clarification with respect to the Queen's portrait in the Council Chamber noting that it was never intended to be removed permanently or replaced with a piece of First Nations art. The Mayor provided some background on the matter and stated he looks forward to the Council Chamber being more inclusive of our history with the First Nations piece, the Queen's portrait and the Sidney Town Crest hanging in the Chamber in the coming weeks.

9. COUNCILLORS' REPORTS

- a. **Councillor S. Duncan** - reported on her attendance at the Victoria Women's Transition House's AGM, noting that they provided services to women who are fleeing domestic abuse with or without their children (programs also provided in Sidney at SHOAL Centre through Beacon Community Services); advised a new secondary facility will be opening in Victoria offering longer-term treatment; and that outreach and education programs regarding healthy relationships are provided to local schools.
- b. **Councillor T. O'Keeffe** - reported on the following: 1. Saanich Peninsula Chamber of Commerce - advised Province is receptive to a new Visitor Centre along the highway acknowledging it as the gateway to Vancouver Island; advised some of the lands are located in ALR and therefore there may be some challenges in establishing the much needed truck stop; advised the Chamber may be able to provide some assistance (networking and permitting) with respect to some of the challenges around hiring immigrant students; advised a number of local businesses have been nominated for the Crystal Awards; 2. Access Awareness – advised the Province will be holding community engagement sessions respecting new legislation on issues related to persons with disabilities and that a local community engagement session will be held on November 5 at the Shoal Centre; 3. UBCM - reported her attendance at UBCM noting that municipalities share a lot of the same issues; advised that money laundering had a dramatic impact on the housing market and the economy; stated it is important for smaller municipalities to have an economic strategy in place as many communities are competing for increased tourism; and advised lots can be done to support affordable housing, however it is important to understand the underlining reasons and that it requires a multi-prong approach.
- c. **Councillor B. Fallot** - also reported on her attendance at UBCM advising support was received for the resolution requesting Provincial funding support for public libraries; and advised was pleased to participate in the Agricultural Tour, which confirms the importance of sustainable food production.

10. COMMITTEE REPORTS

a. Committee of the Whole Meeting - September 16, 2019

2019.36.470 Moved by Councillor B. Fallot, seconded by Councillor S. Garnett, that Minutes of the Committee of the Whole Meeting of September 16, 2019, be received for information.

MOTION CARRIED UNANIMOUSLY

Minutes contain recommendation(s) regarding:

R.1 **Advisory Planning Commission Bylaw No. 2181**

2019.36.471 Moved by Councillor P. Wainwright, seconded by Councillor T. O'Keeffe, that the proposed Advisory Planning Commission Bylaw No. 2181 be forwarded, with the proposed amendments to the membership, to APC and staff for review and comment.

MOTION CARRIED UNANIMOUSLY

2019.36.472 **R.2 Amendments to Council Procedure Bylaw No. 2182**
Moved by Councillor P. Wainwright, seconded by Councillor C. Rintoul, that staff proceed with the necessary public notice for consideration of Bylaw No. 2182 - Council and Committees Procedure Amendment No. 2, 2019, with the amendment that the adjournment time of regular Council meetings be 10:00 p.m.
OPPOSED: Councillor T. O'Keeffe
MOTION CARRIED 6:1

R.3 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).
Moved by Councillor P. Wainwright, seconded by Councillor S. Garnett:
1. That Development Variance Permit Application No. DV100285 (10379, 10383 and 10387 Allbay Road) be denied; and
2. That the applicant remove the illegally constructed stairwells and stairwell alterations and that the retaining wall and upland soils be returned to their original state, with the only landscaping feature on the 7.6m natural boundary setback area be the previously existing set of stairs in the seawall at 10383 Allbay Road and one paver walkway in the rear yard of each property (which are to terminate at the top of the seawall) as formerly approved under DP100745.

2019.36.473 Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot, that Development Variance Permit Application No. DV100285 (10379, 10383 and 10387 Allbay Road) be tabled and referred to the next Committee of the Whole Meeting for further discussion.
OPPOSED: Mayor C. McNeil-Smith & Councillor S. Garnett
MOTION CARRIED 5:2

b. Advisory Planning Commission Meeting - October 1, 2019

2019.36.474 Moved by Councillor C. Rintoul, seconded by Councillor P. Wainwright, that Minutes of the Advisory Planning Commission Meeting of October 1, 2019, be received for information.
MOTION CARRIED UNANIMOUSLY

Minutes contain recommendation(s) regarding:

R.1 Development Permit Application No. DP100796 and Development Variance Permit Application No. DV100286 (9570 & 9574 Fifth Street)
(To relax requirements for retaining walls in order to construct a 4 storey, 16-unit multi-family residential development).
2019.36.475 Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot, that the applicant for Development Permit Application No. DP100796 and Development Variance Application No. DV100286 (9570 and 9574 Fifth Street) submit revised architectural and landscape plans addressing Development Permit Guidelines 20.3.23 (avoid monotonous appearance of hard surfaced areas), and 20.3.25 (reduce the maximum height of any fence on top of a retaining wall to 1.1 m), to the satisfaction of the Senior Manager of Current Planning.
MOTION CARRIED UNANIMOUSLY

2019.36.476 Moved by Councillor P. Wainwright, seconded by Councillor S. Garnett, that the revised plans submitted to the Advisory Planning Commission for Development Permit Application No. DP100796 and Development Variance Application No. DV100286 (9570 and 9574 Fifth Street) be presented at the next Committee of the Whole Meeting.
MOTION CARRIED UNANIMOUSLY

11. STAFF REPORTS

a. Request to Ban Single Use Plastic Bags in Sidney

2019.36.477 Moved by Councillor S. Garnett, seconded by Councillor C. Rintoul, that the staff report, dated October 8, regarding the request to ban plastic bags in Sidney, be received for information.

MOTION CARRIED UNANIMOUSLY

b. Sidney Sculpture Walk Funding

2019.36.478 Moved by Councillor S. Garnett, seconded by Councillor B. Fallot:

1. That the purchase of *The Keeper* and *The Eye of the Ocean* be approved over the next 2 years, at a total cost of \$25,000; and
2. That the matter of annual funding for the Sculpture Walk, to begin in 2022, be referred to budget deliberations.

**OPPOSED: Mayor C. McNeil-Smith & Councillor T. O'Keeffe
MOTION CARRIED 5:2**

c. Monthly Building Permit Reports - August & September 2019

2019.36.479 Moved by Councillor C. Rintoul, seconded by Councillor S. Garnett, that the monthly Building Permit Reports for August and September 2019 be received for information.

MOTION CARRIED UNANIMOUSLY

12. OTHER REPORTS

13. CORRESPONDENCE

a. Service Delivery - Sidney/North Saanich Library Branch

2019.36.480 Moved by Councillor P. Wainwright, seconded by Councillor S. Garnett, that the correspondence from Vancouver Island Regional Library, dated October 1, 2019, providing information on service delivery at the Sidney/North Saanich Library Branch, be received for information.

MOTION CARRIED UNANIMOUSLY

b. Parking in Sidney

2019.36.481 Moved by Councillor P. Wainwright, seconded by Councillor S. Garnett, that the emails from C. Stephen, Lilaberry, dated October 1 and 8, 2019, expressing concerns over lack of parking in Sidney, be received for information.

MOTION CARRIED UNANIMOUSLY

c. Request for Letter of Support - Libraries access to Digital Content

2019.36.482 Moved by Councillor B. Fallot, seconded by Councillor S. Garnett, that the Town sign the letter of support provided by the Vancouver Island Regional Library, dated October 11, 2019, supporting the right for Canadian libraries to access digital content.

**OPPOSED: Mayor C. McNeil-Smith & Councillor T. O'Keeffe
MOTION CARRIED 5:2**

14. BYLAWS / DEVELOPMENT PERMITS / VARIANCES / SUBDIVISION

a. Bylaw No. 2176 - Zoning, Amendment No. 38

(To incorporate a number of miscellaneous amendments for the purpose of improving the functionality of the bylaw, addressing some errors and omissions and also adding or amending certain permitted and conditional uses).

2019.36.483 Moved by Councillor P. Wainwright, seconded by Councillor S. Duncan, that, pursuant to public hearing and receipt of approval from the Ministry of Transportation & Infrastructure, Bylaw No. 2176 - Zoning, Amendment No. 38, be given third reading.

MOTION CARRIED UNANIMOUSLY

2019.36.484 Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot, that Bylaw No. 2176 - Zoning, Amendment No. 38, be adopted.

MOTION CARRIED UNANIMOUSLY

b. Bylaw No. 2178 - Tax Exemption

(To provide permissive tax exemption for properties owned or held by St. Andrew's Abbeyfield Housing and Shoreline Medical Society).

2019.36.485 Moved by Councillor S. Garnett, seconded by Councillor B. Fallot, that Bylaw No. 2178 - Tax Exemption (St. Andrew's Abbeyfield Housing and Shoreline Medical Society) be introduced and given first reading.

MOTION CARRIED UNANIMOUSLY

2019.36.486 Moved by Councillor S. Garnett, seconded by Councillor B. Fallot, that Bylaw No. 2178 - Tax Exemption (St. Andrew's Abbeyfield Housing and Shoreline Medical Society) be given second reading.

MOTION CARRIED UNANIMOUSLY

2019.36.487 Moved by Councillor S. Garnett, seconded by Councillor B. Fallot, that Bylaw No. 2178 - Tax Exemption (St. Andrew's Abbeyfield Housing and Shoreline Medical Society) be given third reading.

MOTION CARRIED UNANIMOUSLY

c. Bylaw No. 2183 - Revitalization Tax Exemption

(To provide tax exemption for the Aranza rental project, and also to incentivize the development of additional rental housing within the community).

2019.36.488 Moved by Councillor B. Fallot, seconded by Councillor P. Wainwright, that Bylaw No. 2183 - Revitalization Tax Exemption be introduced and given first reading.

MOTION CARRIED UNANIMOUSLY

2019.36.489 Moved by Councillor B. Fallot, seconded by Councillor P. Wainwright, that Bylaw No. 2183 - Revitalization Tax Exemption be given second reading.

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

2019.36.490 Moved by Councillor B. Fallot, seconded by Councillor S. Garnett, that Bylaw No. 2183 - Revitalization Tax Exemption be given third reading.

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

15. NEW BUSINESS

a. Land-Use Procedures

(Notice of Motion from Councillor P. Wainwright – Special Council Meeting of September 16, 2019).

- 2019.36.491 Moved by Councillor P. Wainwright, seconded by Councillor S. Garnett, that staff prepare a report on options for revising our land use procedures to ensure that nearby properties are always informed about proposed bylaw amendments which involve changes to zoning or OCP designations of parcels.

MOTION CARRIED UNANIMOUSLY

16. CORRESPONDENCE FOR INFORMATION

- 2019.36.492 Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot, that the following correspondence be received for information:

1. Letter from H. Kesten, regarding fishing docks off of Resthaven Linear Park, dated June 6, 2019. Reply dated September 30, 2019.
2. Letter from A. van Wouw, expressing safety concerns on Allbay Road, dated September 4, 2019. Reply dated September 25, 2019.
3. Email from N. Hockey, regarding parking in Sidney, dated September 4, 2019. Reply dated September 25, 2019.
4. Letter from W. & D. Simpson, expressing concerns regarding the cleanliness of the downtown area, dated September 9, 2019. Reply dated September 13, 2019.
5. Email from Saanich Peninsula Literacy, providing a copy of their 2019 Open Air Library report, dated September 9, 2019.
6. Email from Sidney Community Association, providing a letter of support for undertaking community engagement during the OCP review process, dated September 10, 2019. Reply dated October 3, 2019.
7. Email from Federation of Post-Secondary Educators of BC, regarding Fair Employment Week, dated September 11, 2019.
8. Email from Victoria Disability Resource Centre, regarding a free disability awareness training program, dated September 17, 2019.
9. Letter from Wilderness Committee, regarding the protection of old-growth forests in BC, dated September 12, 2019.
10. Letter from Youth Parliament of BC Alumni Society, regarding its upcoming parliamentary session in Victoria, dated September 12, 2019.
11. Letter from ORCCA Dental Clinic Society, regarding the Town's 2019 grant-in-aid funding, dated September 17, 2019.
12. Email from J. Olson, providing ideas for Council's consideration - building a dock for cruise ships and a baseball stadium, dated September 18, 2019. Reply dated October 4, 2019.
13. Letter from Sidney Concert Society, regarding the Town's 2019 grant-in-aid funding, dated September 23, 2019.
14. Letter from Sidney Museum, expressing concerns regarding the lack of public washrooms, dated September 24, 2019. Reply dated October 9, 2019.
15. Letter from NEED2 Suicide Prevention, Education & Support, regarding the Town's 2019 grant-in-aid funding, received September 25, 2019.
16. Letter from Vancouver Island Regional Library, providing information on their adopted 2020-2024 Financial Plan, dated September 25, 2019.
17. Various correspondence regarding the Queen's portrait in Council Chambers. Replies provided.
18. Various correspondence regarding the Town's library services. Replies provided.
19. Letter from Westcoast Impressions, expressing concerns regarding the lack of public washrooms, dated October 1, 2019. Reply dated October 9, 2019.
20. Email from District of Squamish, regarding the joint local government submission to the Ministry regarding the Provincial Plastics Actions Plan, dated October 2, 2019.

MOTION CARRIED UNANIMOUSLY

17. NOTICES OF MOTION

18. MOTION TO GO "IN-CAMERA" (CLOSED MEETING) - Not required

19. ADJOURNMENT

2019.36.493 Moved by Councillor B. Fallot, seconded by Councillor C. Rintoul, that the meeting be adjourned at 9:18 p.m.

MOTION CARRIED UNANIMOUSLY

MAYOR

CORPORATE OFFICER