



TOWN OF SIDNEY

MINUTES OF SPECIAL COUNCIL MEETING
Monday, December 14, 2020
Council Chambers
6:00 p.m.

PRESENT: Mayor C. McNeil-Smith
Councillor S. Garnett
Councillors: S. Duncan, B. Fallot, T. O’Keeffe, C. Rintoul & P. Wainwright (*electronically*)

Staff: R. Humble, Chief Administrative Officer
A. Hicik, Director of Corporate Services
B. Mikkelsen, Fire Chief
J. Clary, Director of Engineering (*electronically*)
A. Verhagen, Senior Manager of Current Planning (*electronically*)
C. Newcomb, Senior Manager of Long Range Planning (*electronically*)
S. Nelson, Corporate Officer

1. CALL TO ORDER

The Mayor called the meeting to order at 6:00 p.m.

2. TERRITORIAL ACKNOWLEDGEMENT

The Mayor respectfully acknowledged that this evening’s meeting is being held on the traditional territory of the WSÁNEĆ First Nations.

3. APPROVAL OF AGENDA

2020.55.684 Moved by Councillor S. Garnett, seconded by Councillor B. Fallot, that the Agenda be approved as presented.

MOTION CARRIED UNANIMOUSLY

4. A. PUBLIC PARTICIPATION PERIOD (*maximum 20 minutes*)
(*Written submissions, if any, to be read aloud*)

Written Submission(s):

1. **A. Crump, email dated December 13, 2020** - referring to item 13a and as the Landlord of 2459 Beacon Avenue, provided assurance that they are leasing to a reputable company and support Seed & Stone’s application for a Cannabis Retail License.

Electronic Participation:

1. **J. Treleaven (Grumpy Taxpayers of Greater Victoria)** - presented the Town the 3rd prize Candy Cane Award and commended the Town for stepping up during these unprecedented times of COVID-19 and reducing taxes to the business community; apologize for the error in their press release; and passed on Season’s Greetings.
2. **D. Gelinis, 2545 Oakville Avenue** - commended the Town and SBIA for the wonderful display of holiday lighting, and encouraged residents to take in the lights to help lift up their spirits, particularly following these past challenging months of the COVID-19 pandemic; and passed on Season’s Greetings.
3. **V. Sachdeva (CEO of Seed & Stone)** - referring to item 13a, advised of the benefits of legal cannabis retail in the community and that any negative impacts can be mitigated; they are a fit and proper business with experience operating other retail locations in BC; they are committed to giving back to the community for parks, recreation, cannabis education, etc.; and requested consideration as per previous applications and an opportunity to present to the public.

Public Participation Period closed at 6:15 p.m.

B. PUBLIC HEARINGS

C. PRESENTATIONS

- i. **Development Variance Permit Application No. DV100298 (10194 Third Street)**
(To renovate and construct an addition to an existing single-family dwelling).
(see Staff Report - item 13a)

Art Finlayson, Finlayson Bonet Architecture, advised that 2 variances are being requested: 1. to increase lot coverage by 0.8%; and 2. to decrease side exterior yard setback from 3.0 m to 1.9m (which is legally non-conforming). He advised renovating the existing dwelling and removing the existing shed does not allow for sufficient storage, and therefore the request is to provide for additional storage at the south end of the garage.

5. A. BYLAWS

- i. **Bylaw No. 2202 - Tree Preservation, Amendment No. 2**

2020.55.685 Moved by Councillor S. Garnett, seconded by Councillor B. Fallot, that Bylaw No. 2202 - Tree Preservation, Amendment No. 2, be adopted.

MOTION CARRIED UNANIMOUSLY

- ii. **Bylaw No. 2203 - Sidewalk Café Regulations, Amendment No. 2**

2020.55.686 Moved by Councillor S. Garnett, seconded by Councillor B. Fallot, that Bylaw No. 2203 - Sidewalk Café Regulations, Amendment No. 2, be introduced and given first reading.

MOTION CARRIED UNANIMOUSLY

Moved by Councillor S. Garnett, seconded by Councillor B. Fallot, that Bylaw No. 2203 - Sidewalk Café Regulations, Amendment No. 2, be given second reading.

2020.55.687 Moved by Councillor T. O'Keeffe, seconded by Councillor B. Fallot, that Bylaw No. 2203 - Sidewalk Café Regulations, Amendment No. 2, be amended as follows:

1. That the subtitle of the Bylaw be replaced with the following: "A BYLAW TO AUTHORIZE THE PLACEMENT OF TEMPORARY AND SEMI-PERMANENT FIXTURES AND STRUCTURES ON SIDEWALKS AND ON ROADSIDES WITHIN THE TOWN OF SIDNEY";

MOTION CARRIED UNANIMOUSLY

2020.55.688 Moved by Councillor T. O'Keeffe, seconded by Councillor B. Fallot, that Bylaw No. 2203 - Sidewalk Café Regulations, Amendment No. 2, be amended as follows:

1. That the following be added to section 2.1 - Definition:
- a. **Fixtures** means objects, which may consist of tables, chairs, screens, umbrellas and/or portable planters.
 - b. **Semi-Permanent** means a fixture or structure that will not be removed from the sidewalk or roadside when the food vending establishment is not open for business, but can easily be removed as required by this bylaw.
 - c. **Structures** means portions of a building, which may consist of floors, walls, stairs, doors and/or a roof.
 - d. **Temporary** means a fixture or structure that will be removed from the sidewalk or roadside when the food vending establishment is not open for business;

MOTION CARRIED UNANIMOUSLY

The question was called on the amended bylaw as follows:

2020.55.689 Moved by Councillor S. Garnett, seconded by Councillor B. Fallot, that Bylaw No. 2203 - Sidewalk Café Regulations, Amendment No. 2, be given second reading as amended.

MOTION CARRIED UNANIMOUSLY

2020.55.690 Moved by Councillor S. Garnett, seconded by Councillor B. Fallot, that Bylaw No. 2203 - Sidewalk Café Regulations, Amendment No. 2, be given third reading.

MOTION CARRIED UNANIMOUSLY

Moved by Councillor S. Garnett, seconded by Councillor C. Rintoul, that staff bring back Bylaw No. 2203, an amendment to the Sidewalk Café Regulations and Licencing Bylaw, which allows permanent structures on the municipal boulevard, in November 2021 for consideration of rescinding the bylaw.

2020.55.691 Moved by Councillor T. O'Keeffe, seconded by Councillor C. Rintoul, that the above motion be amended by replacing "permanent" with "temporary and semi-permanent".

MOTION CARRIED UNANIMOUSLY

The question was called on the amended motion as follows:

2020.55.692 Moved by Councillor S. Garnett, seconded by Councillor C. Rintoul, that staff bring back Bylaw No. 2203, an amendment to the Sidewalk Café Regulations and Licencing Bylaw, which allows temporary and semi-permanent structures on the municipal boulevard, in November 2021 for consideration of rescinding the bylaw.

MOTION CARRIED UNANIMOUSLY

iii. Bylaw No. 2204 - Building Regulations, Amendment No. 10
(To waive fees for Building Permits).

2020.55.693 Moved by Councillor S. Garnett, seconded by Councillor T. O'Keeffe, that Bylaw No. 2204 - Building Regulations, Amendment No. 10, be introduced and given first reading.

MOTION CARRIED UNANIMOUSLY

2020.55.694 Moved by Councillor S. Garnett, seconded by Councillor T. O'Keeffe, that Bylaw No. 2204 - Building Regulations, Amendment No. 10, be given second reading.

MOTION CARRIED UNANIMOUSLY

2020.55.695 Moved by Councillor S. Garnett, seconded by Councillor T. O'Keeffe, that Bylaw No. 2204 - Building Regulations, Amendment No. 10, be given third reading.

MOTION CARRIED UNANIMOUSLY

2020.55.696 Moved by Councillor S. Garnett, seconded by Councillor T. O'Keeffe, that Bylaw No. 2204 - Building Regulations, Amendment No. 10, be adopted.

MOTION CARRIED UNANIMOUSLY

iv. Bylaw No. 2205 - Land Use Procedures, Amendment No. 6
(To waive fees for Development Permits).

2020.55.697 Moved by Councillor S. Garnett, seconded by Councillor T. O'Keeffe, that Bylaw No. 2205 - Land Use Procedures, Amendment No. 6, be introduced and given first reading.

MOTION CARRIED UNANIMOUSLY

2020.55.698 Moved by Councillor S. Garnett, seconded by Councillor B. Fallot, that Bylaw No. 2205 - Land Use Procedures, Amendment No. 6, be given second reading.

MOTION CARRIED UNANIMOUSLY

2020.55.699 Moved by Councillor S. Garnett, seconded by Councillor B. Fallot, that Bylaw No. 2205 - Land Use Procedures, Amendment No. 6, be given third reading.

MOTION CARRIED UNANIMOUSLY

2020.55.700 Moved by Councillor S. Garnett, seconded by Councillor B. Fallot, that Bylaw No. 2205 - Land Use Procedures, Amendment No. 6, be adopted.

MOTION CARRIED UNANIMOUSLY

v. Bylaw No. 2206 - Business Licence, Amendment No. 1

2020.55.701 Moved by Councillor T. O'Keeffe, seconded by Councillor P. Wainwright, that business licence fees for existing and new businesses for the 2021 calendar year be waived provided they have updated their contact information with the Town.

MOTION CARRIED UNANIMOUSLY

2020.55.702 Moved by Councillor S. Garnett, seconded by Councillor P. Wainwright, that Bylaw No. 2206 - Business Licence, Amendment No. 1, be introduced and given first reading.

MOTION CARRIED UNANIMOUSLY

2020.55.703 Moved by Councillor S. Garnett, seconded by Councillor T. O'Keeffe, that Bylaw No. 2206 - Business Licence, Amendment No. 1, be given second reading.

MOTION CARRIED UNANIMOUSLY

2020.55.704 Moved by Councillor S. Garnett, seconded by Councillor T. O'Keeffe, that Bylaw No. 2206 - Business Licence, Amendment No. 1, be given third reading.

MOTION CARRIED UNANIMOUSLY

2020.55.705 Moved by Councillor S. Garnett, seconded by Councillor T. O'Keeffe, that Bylaw No. 2206 - Business Licence, Amendment No. 1, be adopted.

MOTION CARRIED UNANIMOUSLY

B. DEVELOPMENT PERMITS & DEVELOPMENT VARIANCE PERMITS

i. Development Variance Permit Application No. DV100298 (10194 Third Street)
(To renovate and construct an addition to an existing single-family dwelling).

2020.55.706 Moved by Councillor S. Garnett, seconded by Councillor T. O'Keeffe, that the applicant submit a redesigned proposal that meets the maximum lot coverage requirements listed within Sections 5.2.1. and 5.2.4.b. of the Zoning Bylaw.

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

2020.55.707 Moved by Councillor S. Garnett, seconded by Councillor B. Falot, that once the redesigned proposal has been received and if a contravention of the required minimum side exterior setback is still proposed, that owners and tenants in occupation of property within 75 metres (246 feet) of 10194 Third Street be notified regarding Development Variance Application No. DV100298 (to vary the required minimum side exterior setback) and that any written correspondence received be forwarded to Council at the time of consideration of approval of the variance.

MOTION CARRIED UNANIMOUSLY

6. ADOPTION OF MINUTES

- a. Regular Council Meeting - November 23, 2020**
- b. Council Organizational Meeting - December 7, 2020**

2020.55.708 Moved by Councillor S. Garnett, seconded by Councillor C. Rintoul, that Minutes of the Regular Council Meeting of November 23, 2020, and the Council Organizational Meeting of December 7, 2020, be adopted as presented.

MOTION CARRIED UNANIMOUSLY

- 7. BUSINESS NOT COMPLETED AT A PREVIOUS REGULAR MEETING**
- 8. BUSINESS ARISING FROM MINUTES (for information only)**
- 9. PETITIONS & DELEGATIONS**

10. MAYOR'S REPORT

The Mayor highlighted on one of the Town's key priorities in its Strategic Plan - "*Collaboration with neighbouring local governments*" and was pleased to report on increased communication and new initiatives in 2020 (meetings with Mayors and CAOs, collaboration on respective OCP Reviews; joint grant submissions for new turf fields at Blue Heron and track at Parkland School, etc.).

The Mayor noted challenges in 2020 due to the COVID-19 pandemic, however stated that the Town, by continuing to support each other, will emerge a better and more resilient community, and extended best wishes for the holiday season and a healthy and prosperous new year.

11. COUNCILLORS' REPORTS

12. COMMITTEE REPORTS

a. Emergency Planning Committee - September 16 & October 21, 2020

2020.55.709 Moved by Councillor S. Duncan, seconded by Councillor B. Fallot, that Minutes of the Emergency Planning Committee Meetings of September 16 and October 21, 2020, be received for information.

MOTION CARRIED UNANIMOUSLY

b. COVID-19 Recovery Task Force - October 22, 2020

2020.55.710 Moved by Councillor B. Fallot, seconded by Councillor C. Rintoul, that Minutes of the COVID-19 Recovery Task Force Meeting of October 22, 2020, be received for information.

MOTION CARRIED UNANIMOUSLY

c. Beacon Wharf Select Committee - November 4, 2020

2020.55.711 Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot, that Minutes of the Beacon Wharf Select Committee Meeting of November 4, be received for information.

MOTION CARRIED UNANIMOUSLY

13. STAFF REPORTS

a. Cannabis Retail License Application - 2459 Beacon Avenue (Seed & Stone)

2020.55.712 Moved by Councillor T. O'Keeffe, seconded by Councillor C. Rintoul, that staff be directed to respond to the Liquor and Cannabis Regulation Branch, indicating that the Town of Sidney will not be making a recommendation on the cannabis retail store license referral for 2459 Beacon Avenue (Seed and Stone).

**OPPOSED: Mayor C. McNeil-Smith & Councillor P. Wainwright
MOTION CARRIED 5:2**

2020.55.713 Moved by Councillor P. Wainwright, seconded by Councillor T. O'Keeffe, that the Senior Manager of Long Range Planning be delegated the authority to advise the Liquor and Cannabis Regulation Branch that the Town of Sidney will not be accepting any further Cannabis Retail License referrals for consideration until the other referrals being considered by the Town have been processed.

MOTION CARRIED UNANIMOUSLY

b. Options for Pickleball Court Locations

2020.55.714 Moved by Councillor C. Rintoul, seconded by Councillor P. Wainwright, that staff be directed to bring forward a 2021 budget item for community consultation and design of park amenities, including up to six pickleball courts and public washroom facilities.

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

c. Overnight Staffing in Response to COVID-19 - Fire Department

2020.55.715 Moved by Councillor C. Rintoul, seconded by Councillor P. Wainwright, that Council see merit in implementing an "in station" staffing model as an administrative control to lessen convergent volunteers response to the Community Safety Building, and that Safe Restart Grant funding be utilized to fund this staffing model until this administrative control is no longer required to ensure the health and safety of emergency response personnel.

OPPOSED: Councillor T. O'Keefe
MOTION CARRIED 6:1

d. Grant Application - Community Emergency Preparedness Fund

2020.55.716 Moved by Councillor S. Garnett, seconded by Councillor C. Rintoul, that Council support the Town's application for the \$22,050.00 Community Emergency Preparedness Fund - Evacuation Route Planning, and authorize the Fire Chief and Deputy Fire Chief to execute any agreements related to a successful grant application.

MOTION CARRIED UNANIMOUSLY

e. Monthly Building Permit - November 2020

2020.55.717 Moved by Councillor S. Garnett, seconded by Councillor B. Fallot, that the Monthly Building Permit Report for November 2020 be received for information.

MOTION CARRIED UNANIMOUSLY

14. CORRESPONDENCE

15. NEW BUSINESS

16. CORRESPONDENCE FOR INFORMATION

2020.55.718 Moved by Councillor S. Duncan, seconded by Councillor B. Fallot, that the following correspondence be received for information:

1. Email from H. Shannon, requesting backyard chickens be permitted in Sidney, dated November 6, 2020. Reply dated November 19, 2020.
2. Emails from K. Carter, Retired Master Corporal, regarding the COVID-19 pandemic, dated November 8 and 25, 2020.
3. Email from M. Dickens, expressing concerns regarding the use of wood burning appliances, dated November 11, 2020. Reply dated November 26, 2020.
4. Letter from B. Brooks, regarding removal of a parking space along Resthaven Drive, received November 16, 2020. Reply dated November 26, 2020.
5. Letter from 443 Maritime Helicopter Squadron, expressing appreciation for Kenny Podmore for the safe execution of the Remembrance Day service, dated November 17, 2020.
6. Email from BC Aviation Museum, providing information on their strategic plan, dated November 19, 2020.
7. Email from L. Comber, expressing appreciation for Sidney 1st Tree Appreciation Day, dated November 25, 2020. Reply dated November 25, 2020.
8. Letter from NEED2 Suicide Prevention Education & Support, providing their grant in aid 2020 report, dated November 25, 2020.
9. Copy of letter from VIRL to Minister of Education, requesting Libraries be considered as an essential service, dated November 26, 2020.
10. Email from MP of New Westminster-Burnaby, requesting support for Bill C-213 - *The Canada Pharmacare Act*, dated November 26, 2020.
11. Letter from 676 Kittyhawk Squadron, providing their grant in aid 2020 report, dated November 30, 2020.
12. Letter from City of Port Moody, regarding Flood Risk Mitigation, dated November 4, 2020.
13. Letter from City of Vernon, regarding no-cost access to all prescription contraception, dated November 30, 2020.
14. Letter from City of Fort St. John, regarding UBCM Convention schedule, dated December 2, 2020.

15. Letter from District of Saanich, requesting for recognizing September 30 as National Day of Truth and Reconciliation, dated November 24, 2020.
16. Email from M. Brash, expressing appreciation for the holiday lighting throughout Town, dated December 7, 2020. Reply dated December 7, 2020.
17. Email from Victoria Bird Strike Initiative, regarding bird friendly design, dated December 4, 2020. Reply dated December 8, 2020.

MOTION CARRIED UNANIMOUSLY

17. NOTICES OF MOTION

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

- 2020.55.719 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 a confidential matter relating to employee and labour relation issues, pursuant to section 90.1 (c) of the *Community Charter* and that Council continue the meeting in closed session.

MOTION CARRIED UNANIMOUSLY

19. ADJOURNMENT

- 2020.55.720 Moved by Councillor B. Fallot, seconded by Councillor S. Duncan, that the open meeting be adjourned at 8:44 p.m. with the In-Camera portion to immediately follow.

MOTION CARRIED UNANIMOUSLY

MAYOR

CORPORATE OFFICER