



TOWN OF SIDNEY

MINUTES OF REGULAR COUNCIL MEETING Monday, February 24, 2020 Council Chambers 6:00 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. Robinson, Manager of Public Works & Parks
B. DeMaere, Manager of Engineering
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 people.

3. APPROVAL OF AGENDA

2020.05.070 Moved by Councillor S. Garnett, seconded by Councillor T. O'Keeffe, that the agenda be approved with receipt of the following additional information:

1. item 5b - email from A. Dalton & P. Sybal, dated February 20, 2020;
2. item 12b - staff report dated February 24, 2020;
3. item 12bR.1 - email from J. Edwards, dated January 27, 2020; and
4. item 12bR.2 - letter from D. & C. Pedde, dated February 21, 2020.

MOTION CARRIED UNANIMOUSLY

4. A. PUBLIC PARTICIPATION PERIOD (*maximum 20 minutes*)

1. **D. Pedde, 10502 Resthaven Drive** - referring to his correspondence dated February 21, 2020, regarding the development proposal for 10502 and 10504 Resthaven Drive, provided the rationale for siting of the single column for the accessory building and requested consideration for all three variances.
2. **S. Duck, 9805 Second Street** - 1. The Rise on Fifth - expressed concerns regarding the length of time it has taken to approve the proposed development, noting it meets or exceeds all criteria regarding form and character, community amenity contribution, zoning, etc.; and 2. Budget - expressed concerns regarding approval of additional funding to the Shaw Centre for the Salish Sea and continued funding to the South Island Prosperity Project, and also expressed concerns regarding the elimination of any economic development funding for the Town.

Public Participation Period closed at 6:07 p.m.

- B. PUBLIC HEARINGS**
C. PRESENTATIONS

5. A. BYLAWS

- i. Bylaw No. 2186 - Freedom of Information & Protection of Privacy, Amendment No. 1**
(To address general housekeeping items).

2020.05.071 Moved by Councillor C. Rintoul, seconded by Councillor T. O'Keeffe, that Bylaw No. 2186 - Freedom of Information & Protection of Privacy, Amendment No. 1, be adopted.
MOTION CARRIED UNANIMOUSLY

- ii. Bylaw No. 2187 - Reserve Fund Establishment, Amendment No. 1**

2020.05.072 Moved by Councillor S. Duncan, seconded by Councillor B. Fallot, that Bylaw No. 2187 - Reserve Fund Establishment, Amendment No. 1, be introduced and given first reading.
OPPOSED: Councillor S. Garnett
MOTION CARRIED 6:1

2020.05.073 Moved by Councillor S. Duncan, seconded by Councillor B. Fallot, that Bylaw No. 2187 - Reserve Fund Establishment, Amendment No. 1, be given second reading.
OPPOSED: Councillor S. Garnett
MOTION CARRIED 6:1

2020.05.074 Moved by Councillor S. Duncan, seconded by Councillor B. Fallot, that Bylaw No. 2187 - Reserve Fund Establishment, Amendment No. 1, be given third reading.
OPPOSED: Councillor S. Garnett
MOTION CARRIED 6:1

B. DEVELOPMENT PERMITS & DEVELOPMENT VARIANCE PERMITS

- i. Development Variance Permit Application No. DV100289 (9641 and 9647 Third Street)**
(To increase maximum fence height on top of a retaining wall for a rear fence on two properties developed with single family small lot dwellings).

Written Submission(s):

1. Email from A. Dalton & P. Sybal, dated February 20, 2020.

2020.05.075 Moved by Councillor B. Fallot, seconded by Councillor S. Duncan, that Development Variance Permit Application No. DV100289 (9641 and 9647 Third Street - to increase maximum fence height on top of a retaining wall for a rear fence on two properties developed with single family small lot dwellings) be approved.
OPPOSED: Councillors: S. Garnett & T. O'Keeffe
MOTION CARRIED 5:2

Mayor C. McNeil-Smith left the meeting room at 6:20 p.m., citing a potential conflict of interest as he has a family relationship with a member of the proponent's team.

Councillor S. Duncan assumed temporary position of Chair.

- ii. 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).

2020.05.076 Moved by Councillor P. Wainwright, seconded by Councillor C. Rintoul, that Development Permit Application No. DP100786 (10129 Fifth Street - for the form and character of a 3-storey multi-family residential development containing 71 multi-family dwelling units) be approved subject to the conditions contained in Council Resolution No. 2019.38.528.
MOTION CARRIED UNANIMOUSLY

Mayor C. McNeil-Smith returned to the meeting at 6:21 p.m.

6. ADOPTION OF MINUTES

a. Regular Council Meeting - February 10, 2020

2020.05.077 Moved by Councillor C. Rintoul, seconded by Councillor S. Garnett, that Minutes of the Regular Council Meeting of February 10, 2020, be adopted as presented.

MOTION CARRIED UNANIMOUSLY

b. Special Council (Budget) Meeting - February 18, 2020

2020.05.078 Moved by Councillor P. Wainwright, seconded by Councillor T. O'Keeffe, that Minutes of the Special Council (Budget) Meeting of February 18, 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

11. COUNCILLORS' REPORTS

a. Councillor S. Duncan - as per the Regional Water Supply Commission meeting on February 19, reported that the water reservoir is now full and no concern for shortage; no concerns regarding supplies should protesters continue to disrupt shipping; and that, due to increased amount of infrastructure, water main flushing will be extended.

b. Councillor B. Fallot - reported on the following: 1. ParticipACTION - working group has created a motto for the challenge - "help make Sidney Canada's most active community" and the launch date for the event is May 31; 2. Victoria Family Court & Youth Justice Committee - advised Cynthia Day appointed as Board Chair and that a presentation was made to the Committee advising of the high risk of homelessness for youth who age out of foster care; and 3. Regional Housing Trust Fund - Cool Aid Society approved a \$600,000 grant through the Housing First program to construct 72 rental units (the Cedar Grove on Gorge Road East) - 42 to be affordable rental units.

c. Councillor T. O'Keeffe - reported that the Chamber's Home Office Workshop is being held tomorrow at the Mary Winspaer Centre and that some spaces are still available for the Youth Employment Tours of Industry.

12. COMMITTEE REPORTS

a. Economic Advisory Committee - January 10, 2020

2020.05.079 Moved by Councillor C. Rintoul, seconded by Councillor S. Garnett, that Minutes of the Economic Advisory Committee Meeting of January 10, 2020, be received for information.

MOTION CARRIED UNANIMOUSLY

b. Advisory Planning Commission - February 18, 2020

2020.05.080 Moved by Councillor P. Wainwright, seconded by Councillor S. Garnett, that the staff report dated February 24, 2020, advising of a discrepancy in the Minutes of the Advisory Planning Commission Meeting of February 18, 2020, be received for information

MOTION CARRIED UNANIMOUSLY

2020.05.081 Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot, that the revised Minutes of the Advisory Planning Commission Meeting of February 18, 2020, be received for information.

MOTION CARRIED UNANIMOUSLY

Minutes contain recommendation(s) regarding:

**R.1 Development Permit Application No. DP100796
(9570 and 9574 Fifth Street)**

2020.05.082 (To construct a 4-storey multi-family residential development containing 19 dwelling units with surface and underground parking).

Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot, that Development Permit Application No. DP100796 (9570 and 9574 Fifth Street - for the form and character of a 4-storey multi-family residential development containing 19 multi-family dwelling units) be approved, subject to the following conditions:

1. That the property owner shall, prior to issuance of Building Permit, 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; and
2. That the property owner shall, prior to issuance of Building Permit, register a flood hazard covenant on the title of the property.

MOTION CARRIED UNANIMOUSLY

**R.2 Development Permit Application No. DP100781 and Development Variance Permit Application No. DV100274
(10502 and 10504 Resthaven Drive)**

2020.05.083 (To reduce - setback of an accessory structure, number of adaptable dwelling units and minimum width of access aisle for rear parking for the renovation of the existing 2-storey duplex into a townhouse development consisting of 4 multi-family dwelling units).

Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot, that staff be directed to send out notices for the 3 requested variances for Development Variance Permit Application No. DV100274 (10502 and 10504 Resthaven Drive).

MOTION CARRIED UNANIMOUSLY

13. STAFF REPORTS

a. Peninsula Celebration Society's 2020 Events

2020.05.084 Moved by Councillor T. O'Keeffe, seconded by Councillor B. Fallot:

A. SIDNEY / CANADA DAY EVENTS

1. That the Peninsula Celebrations Society be authorized to conduct the following road closures for the purpose of holding their annual Sidney/Canada Day parade:

- a) Wednesday, July 1, from 8:30 a.m. to 12:15 p.m. - closure of:
 - Resthaven Drive (from Sidney to Henry);
 - Brethour Avenue (from Fifth to Seventh);
 - Sidney Avenue (from Resthaven to Seventh); and
 - Henry Avenue (from Resthaven to Pat Bay Hwy) for parade marshalling.

- b) Wednesday, July 1, from 10:00 a.m. to 12:10 p.m. - closure of:
 - Beacon Avenue (from Seventh to Second); and
 - Second Street (from Beacon to Ocean) for the parade and that "No Parking" signs be posted on Second St and Orchard Ave.

2. That PCS be approved to conduct the following Sidney/Canada Day events:

- a) Wednesday, July 1
 - 9:00 a.m. to 6:00 p.m. - use of Beacon Park and Diver's Point for the Slegg Build-a-Boat event
- b) Wednesday, July 1
 - 9:00 a.m. to 6:00 p.m. - use of Iroquois Park for Family Fun Fair event

B. SUMMER SOUNDS CONCERT SERIES

That the Peninsula Celebrations Society be authorized to use Beacon Park for the purpose of holding Summer Sounds Concert Series beginning on Sunday, July 5 and continuing on consecutive Sundays through to August 23, 2020 from 12:00 p.m. to 4:30 p.m.

C. TREAT STREET

That the Peninsula Celebrations Society be authorized to close Beacon Avenue between First Street to Fifth Street from 4:00 pm to 7:00 pm on Saturday, October 31, 2020 for Sidney's annual Treat Street Event.

D. SIDNEY SPARKLES PARADE

That the Peninsula Celebrations Society be authorized to conduct the following road closures for the purpose of holding their annual Sidney Sparkles Parade:

1. Sunday, November 29, from 3:00 p.m. to 5:45 p.m. - closure of:
 - Resthaven Drive (from Sidney to Henry);
 - Brethour Avenue (from Fifth to Seventh);
 - Sidney Avenue (from Resthaven to Seventh); and
 - Henry Avenue (Resthaven Ave to the Pat Bay Hwy) for parade marshalling.
2. Sunday, November 29, from 4:00 p.m. to 6:30 p.m. - closure of:
 - Beacon Avenue (from Seventh to Second); and
 - Second Street (from Beacon to Ocean) for the parade including authorization for "No Parking" signs to be placed on Second St and Orchard Ave for the Sidney Sparkles Parade.

E. POLAR BEAR SWIM

That the Peninsula Celebrations Society be authorized to use of Glass Beach for the Polar Bear Swim on January 1, 2021 from 9 a.m. to 2 p.m., including the road closure of Beacon Avenue from Seaport Place to the Beacon Wharf. The Seaport/Beacon roundabout is to remain open to traffic.

That the above road closures be approved, subject to the following conditions:

1. That PCS obtain approval from the RCMP to ensure traffic control is approved and in place to their satisfaction;
2. That PCS obtain approval and a parks use permit for the use of municipal parks for all Sidney/Canada Days events, Summer Sounds events and the Sparkles Parade;
3. That PCS conform to all Town Bylaws;
4. The PCS make all events that require the closure of Beacon Ave to traffic make their event smoke and vape free;
5. That PCS arrange a meeting with Town staff, the RCMP and the Sidney Fire Department to review safety requirements (at least 4 weeks prior to each event);
6. That PCS send out notices (at least 2 weeks prior to each event) to affected residents and businesses advising of the events and provide a contact number should there be any concerns/questions; and
7. That the PCS work with the Town to provide and maintain temporary toilet facilities for each event. The number and locations of these facilities to be approved by the Town.

MOTION CARRIED UNANIMOUSLY

b. Bazan Bay 5KM Running Race - Sunday, April 19

2020.05.085

Moved by Councillor B. Fallot, seconded by Councillor S. Garnett, that Team West Coast Triathlon Club (the Club) be granted permission to close roads (as per approved traffic plan) between the hours of 11:00 a.m. to 12:00 noon, on Sunday, April 19th, 2020, for the purpose of hosting the 2020 Synergy Health Management Ltd. Bazan Bay 5KM Road Race in Sidney, subject to the following conditions:

1. That the Club provides the Town with proof of \$5,000,000 minimum liability insurance indemnifying the Town of Sidney of any liability;

2. That the Club receives written permission from the Ministry of Transportation and Infrastructure to use the routes within the Ministry's jurisdiction, and provides a copy of the approval to the Town;
3. That the Club notifies two weeks in advance all residents and businesses situated along the race route, and provides a copy of the notification and confirmation of delivery one week prior to the event to the Town;
4. That the Club notifies BC Transit, the Sidney Fire Department and the Ambulance Service of the event and the Club comply with any requirements they may have;
5. That the Club receives written permission from the RCMP including approval of the traffic management plan (a copy of approval to be submitted to the Town) and the Club to pay any fees/costs levied by the RCMP;
6. That no costs are to be incurred, either directly or indirectly, by the Town for this event.

MOTION CARRIED UNANIMOUSLY

c. Monthly Building Permit Report - January 2020

- 2020.05.086 Moved by Councillor S. Garnett, seconded by Councillor T. O'Keeffe, that the Monthly Building Permit Report for January 2020 be received for information.

MOTION CARRIED UNANIMOUSLY

14. CORRESPONDENCE

15. NEW BUSINESS

16. CORRESPONDENCE FOR INFORMATION

Moved by Councillor P. Wainwright, seconded by Councillor T. O'Keeffe, that the correspondence be received for information.

- 2020.05.087 Moved by Councillor C. Rintoul, seconded by Councillor T. O'Keeffe, that the motion be amended to include that correspondence #3 and #5 be referred to the Beacon Wharf Select Committee.

MOTION CARRIED UNANIMOUSLY

The question was called on the original motion as amended:

- 2020.05.088 Moved by Councillor P. Wainwright, seconded by Councillor T. O'Keeffe, that the following correspondence be received for information:
1. Email from M. van der Graff, regarding safety concerns to the rear laneway between Fourth Street & Fifth Street, dated January 25, 2020. Reply dated February 10, 2020.
 2. Email from J. Boxall & A. Bretecher, regarding overflowing garbage container, dated January 29, 2020. Reply dated February 11, 2020.
 3. Email from P. & S. Knightley, regarding Beacon Wharf, dated January 29, 2020. Reply dated February 11, 2020.
 4. Letter from Langley City, regarding modernizing the Motor Vehicle Act, dated January 31, 2020.
 5. Letter from R. Paquette, regarding Beacon Wharf, dated January 3, 2020. Reply dated February 5, 2020.
 6. Email from C. McWilliams, regarding suggestion for the Town's waste program, dated February 3, 2020. Reply dated February 5, 2020.
 7. Letter from UBCM, advising the Town was not successful in obtaining the grant for 2019 Volunteer and Composite Fire Department Equipment and Training, dated February 3, 2020.
 8. Letter from City of Port Moody, regarding support for the creation of a National Pharmacare program, dated February 4, 2020.
 9. Letter from the City of Victoria, regarding support for the CRD to increase the tipping fee for disposal of international solid waste from cruise ships, dated February 4, 2020.

10. Letter from the Victoria Electric Vehicle Association and Plug-in Richmond, regarding the ranking of municipalities in reducing GHG Emissions based on their requirements for EV infrastructure in new construction, dated February 10, 2020. Reply dated February 13, 2020.
11. Email from D. Friend, regarding the creation of a food-security based project in Sidney, dated February 12, 2020.

AND that correspondence #3 and #5 above be referred to the Beacon Wharf Select Committee.

MOTION CARRIED UNANIMOUSLY

17. NOTICES OF MOTION

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

- 2020.05.089 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, pursuant to section 90.1 (a) of the *Community Charter* and that the Council continue the meeting in closed session.

MOTION CARRIED UNANIMOUSLY

19. ADJOURNMENT

- 2020.05.090 Moved by Councillor B. Fallot, seconded by Councillor S. Garnett, that the meeting be adjourned at 6:55 p.m.

MOTION CARRIED UNANIMOUSLY

MAYOR

CORPORATE OFFICER