



---

---

## TOWN OF SIDNEY

### MINUTES OF REGULAR COUNCIL MEETING Monday, July 20, 2020 Council Chambers 6:00 p.m.

---

---

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

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

#### 1. CALL TO ORDER

The Mayor called the meeting to order at 6:12 p.m.

- 2020.34.388 Moved by Councillor C. Rintoul, seconded by Councillor S. Garnett:
1. Council is holding this meeting without the members of the public in attendance (and will continue to do so until further notice) due to the limited size of the Council Chambers and the inability to meet social distancing requirements and ensure public and staff safety; and
  2. Council is ensuring openness, transparency, accessibility and accountability by allowing the public to submit written correspondence, participate by means of electronic communication and by recording and live streaming meetings where possible.

**MOTION CARRIED UNANIMOUSLY**

#### 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

- 2020.34.389 Moved by Councillor C. Rintoul, seconded by Councillor S. Garnett, that the agenda be approved with the addition of the following:
1. item 4a - email from S. Scollard, dated July 8, 2020;
  2. item 12eR.3 - email from Mr. Mackay, dated July 20, 2020;
  3. item 16.12 - copy of letter from the Mayor, dated July 17, 2020; and
  4. item 16.8 - be moved to item 14d.

**MOTION CARRIED UNANIMOUSLY**

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

Public Submission(s) read aloud:

1. **S. Scollard, 2559 Beaufort Road** - expressed concerns regarding the public beach access on Beaufort Road and is requesting that the trees located on private property be cut back and that the public tree on the pathway be removed.

Electronic Participation:

1. **D. Gelin, 2545 Oakville Avenue** - suggested Council re-visit Short Term Rentals (STR) and consider: 1. moratorium on new STR for 3-4 years; 2. allow legally existing STRs to be grandfathered (and perhaps require a business licence); and 3. Regulations for B & Bs remain unchanged; and that the Town begin enforcement with no-conforming units being required to conform or to close down. He stated it is not about creating a level playing field, but rather that STRs impact the housing market and affect the sustainability of the local economy.
2. **A. Mackay, 9650 Fifth Street** - referring to item 12eR3, advised he provided updated photos of the fencing, and noted a height reduction would compromise privacy and safety of the patio; questioned the Town's acceptance of the previous 9ft hedge and others like it in the area and those with more serious site line issues; stated the red/black fence can't be seen beyond the hedge; and stated a land survey would no longer be required as pins have been located.

Public Participation Period closed at 6:31 p.m.

**B. PUBLIC HEARINGS**

**C. PRESENTATIONS**

**i. SIPP - Regional Recovery**

Emilie de Rosenroll, CEO for South Island Prosperity Project, advised work began in April for the launch of the Rising Economy Task Force - a coordinated strong local response to the economic crisis by COVID-19 (the largest coordinated effort in BC). She advised 11 sector Committees were established, that they are currently completing analysis work, and would have their reports finalized by August 10, with the working draft Recovery Strategy completed by October. She noted the following early successes: new digital skills program for displaced workers; pilot for Consumer Confidence App; and exploring funding opportunities for "shovel-ready" projects. She also noted that Sidney plays a vital role in recovery and that the Committees are highly engaged with stakeholders and businesses in the community.

**5. A. BYLAWS**

**i. Bylaw No. 2199 - Service Connection Fees & Charges, Amendment No. 1**

2020.34.390 Moved by Councillor C. Rintoul, seconded by Councillor S. Garnett, that Bylaw No. 2199 - Service Connection Fees & Charges, Amendment No. 1, be introduced and given first reading.

**MOTION CARRIED UNANIMOUSLY**

2020.34.391 Moved by Councillor C. Rintoul, seconded by Councillor S. Garnett, that Bylaw No. 2199 - Service Connection Fees & Charges, Amendment No. 1, be given second reading.

**MOTION CARRIED UNANIMOUSLY**

2020.34.392 Moved by Councillor C. Rintoul, seconded by Councillor S. Garnett, that Bylaw No. 2199 - Service Connection Fees & Charges, Amendment No. 1, be given third reading.

**MOTION CARRIED UNANIMOUSLY**

**B. DEVELOPMENT PERMITS & DEVELOPMENT VARIANCE PERMITS**

**6. ADOPTION OF MINUTES**

- a. **Regular Council Meeting - June 22, 2020**
- b. **Special Council Meeting - July 7, 2020**
- c. **Special Council Meeting - July 13, 2020**

2020.34.393 Moved by Councillor S. Garnett, seconded by Councillor C. Rintoul, that the Minutes of the Regular Council Meeting of June 22, 2020, the Minutes of the Special Council Meeting of July 7, 2020 and the Minutes of the Special Council Meeting of July 13, 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)*

**a. Special Council In-Camera Meeting - July 13, 2020**

**i. Town Nominees - VAA Board of Directors**

**Resolution:** *that the Town re-nominate Charles Lovallo and Wendy Everson for their renewal terms.*

**9. PETITIONS & DELEGATIONS**

**10. MAYOR'S REPORT**

The Mayor read aloud a statement regarding the court's decision on the Happy Buddha Cannabis legal petition regarding its retail business licence application. A copy of the statement is attached and forms a part of the minutes.

**a. Beacon Wharf Select Committee**

2020.34.394 Moved by Councillor S. Garnett, seconded by Councillor S. Duncan:

1. That the Terms of Reference for the Beacon Wharf Select Committee be amended to:
  - a) remove the Mayor as a member and to add another member of Council; and
  - b) include the election of Chair and Vice-Chair by majority vote of the Committee members; and
2. That Councillor C. Rintoul be appointed to the Committee.

**MOTION CARRIED UNANIMOUSLY**

The Mayor read aloud a letter that he prepared, on behalf of Council, to the Town's Chief Administrative Officer and Fire Chief expressing appreciation for the work of the Town's EOC during the COVID-19 pandemic. A copy of the letter is attached and forms a part of the minutes.

**11. COUNCILLORS' REPORTS**

- a. Councillor B. Fallot** - advised that although ArtSea closed the gallery and could not proceed with their usual events, they have been busy with on-line activities, noting the upcoming virtual Studio Tours and on-line tutorials and workshops for the Lantern Festival, and was also able to initiate a new program - the Coast Capital Art Sea Display program, and she commended ArtSea in coming up with a COVID-19 response plan that will meet the community's needs.
- b. Councillor S. Garnett** - advised that effective September 12, Mr. Peter Graham will be resigning as Executive Director and that Alyssa Gerwing, Assistant Director, will be assuming that role; that Mr. Garnham will assume the Assistant position and help facilitate a smooth transition; that the Museum received a \$9,000 grant from UVIC for digitizing the PNR editions; that the Snapshots of Canada travelling exhibit is doing well; and that the Museum is a finalist for 3 categories in the PNR Readers' Choice awards.
- c. Councillor C. Rintoul** - advised that recommendations from the Economic Advisory Committee would be forthcoming regarding businesses being challenged with weak internet service connection and cell phone transmission and the need for the Town to keep costs and property taxes down during the COVID-19 recovery.

**12. COMMITTEE REPORTS**

**a. Emergency Planning Committee - June 17, 2020**

2020.34.395 Moved by Councillor S. Duncan, seconded by Councillor C. Rintoul, that Minutes of the Emergency Planning Committee Meeting of June 17, 2020, be received for information.

**MOTION CARRIED UNANIMOUSLY**

**b. Economic Advisory Committee - June 19, 2020**

- 2020.34.396 Moved by Councillor C. Rintoul, seconded by Councillor S. Garnett, that Minutes of the Economic Advisory Committee Meeting of June 19, 2020, be received for information.  
**MOTION CARRIED UNANIMOUSLY**

**c. COVID-19 Recovery Task Force - June 30, 2020**

- 2020.34.397 Moved by Councillor B. Fallot, seconded by Councillor C. Rintoul, that Minutes of the COVID-19 Recovery Task Force Meeting of June 30, 2020, be received for information.  
**MOTION CARRIED UNANIMOUSLY**

**d. OCP Advisory Committee - June 18 & July 6, 2020**

- 2020.34.398 Moved by Councillor P. Wainwright, seconded by Councillor C. Rintoul, that Minutes of the OCP Advisory Committee Meetings of June 18 and July 6, 2020, be received for information.

**MOTION CARRIED UNANIMOUSLY**

Minutes contain recommendation(s) regarding:

**R.1 OCP Review Project Work Plan & Community Engagement Plan**

- 2020.34.399 Moved by Councillor P. Wainwright, seconded by Councillor S. Garnett, that the following motion be lifted from the table:

*"Moved by Councillor S. Garnett, seconded by Councillor C. Rintoul, that the 2021 fiscal year budget for the OCP Review and Update Project be increased to \$100,000."*

**MOTION CARRIED UNANIMOUSLY**

- 2020.34.400 Moved by Councillor S. Garnett, seconded by Councillor C. Rintoul, that the 2021 fiscal year budget for the OCP Review and Update Project be increased to \$100,000.

**MOTION CARRIED UNANIMOUSLY**

- 2020.34.401 Moved by Councillor P. Wainwright, seconded by Councillor C. Rintoul, that the OCP Review Project Work Plan be approved with the addition of the Ambassador program as detailed and suggested by Modus.

**MOTION DEFEATED UNANIMOUSLY**

- 2020.34.402 Moved by Councillor P. Wainwright, seconded by Councillor C. Rintoul, that the OCP Review Project Work Plan and the Community Engagement Plan be approved with the inclusion of tasks:

- a) Three suites of infographics;
- b) Two extra days for the Land Use and Design Charrette;
- c) Four stakeholder workshops or community walking workshops;
- d) OCPizza Night Workbook program; and
- e) OCP Summary Broadsheet as detailed in the proposal.

**MOTION CARRIED UNANIMOUSLY**

**e. Committee of the Whole - July 13, 2020**

- 2020.34.403 Moved by Councillor S. Garnett, seconded by Councillor C. Rintoul, that Minutes of the Committee of the Whole Meeting of July 13, 2020, be received for information.

**MOTION CARRIED UNANIMOUSLY**

Minutes contain recommendation(s) regarding:

- 2020.34.404 **R.1 Changes to Water Meters in New Multi-Family Condo Buildings**  
Moved by Councillor S. Garnett, seconded by Councillor C. Rintoul, that staff be directed to bring forward an amendment to Building Regulations Bylaw No. 2016 to require developers of multi-family buildings to install one appropriately sized water meter for the entire building, and individual water meters allocated for each suite to be managed by the future strata.  
**OPPOSED: Councillor T. O'Keeffe**  
**MOTION CARRIED 6:1**

- 2020.34.405 **R.2 Development Permit Application No. DP100817 (10478 Resthaven Drive)**  
(To construct two 2.5-storey, multi-family residential buildings, containing a total of 7 townhouse dwelling units).  
Moved by Councillor S. Garnett, seconded by Councillor C. Rintoul, that Development Permit Application No. DP100817 (10478 Resthaven Drive) be forwarded to the Advisory Planning Commission for further review and comment, subject to the condition that prior to review by the Advisory Planning Commission, the applicant submit revised plans showing spatial separation calculations and design revisions that conform to the BC Building Code.  
**MOTION CARRIED UNANIMOUSLY**

- 2020.34.406 **R.3 Development Variance Permit Application No. DV100296 (9650 Fifth Street)**  
(To relax maximum fence height).  
Moved by Councillor S. Garnett, seconded by Councillor C. Rintoul:
1. That the front yard fence (along Fifth Street) be brought into conformance with Zoning Bylaw No. 2015;
  2. That the proposed exterior side yard fence (along Orchard Avenue) be redesigned as a 1.5 metre high fence, constructed of no more than 1.2 metres of solid panels topped with 0.3 metres of open lattice, in the exterior side yard of the subject property outside a 7.0 m setback from the southeast corner of the property to be in compliance with Zoning Bylaw requirements for visual clearance;
  3. That a land survey be completed;
  4. That the front yard hedge (along Fifth Street) be pruned to be in compliance with Zoning Bylaw requirements for visual clearance at intersections; and
  5. That owners and tenants in occupation of property within 75 metres (246 feet) of 9650 Fifth Street be notified regarding Development Variance Application No. DV100296 (to vary the maximum permitted fence height in an exterior side yard and to vary the exterior side yard setback in order to legalize the existing patio structure) and that any written correspondence received be forwarded to Council at the time of consideration of approval of the variance.
- OPPOSED: Mayor C. McNeil-Smith & Councillor C. Rintoul**  
**MOTION CARRIED 5:2**

### 13. STAFF REPORTS

- a. **Temporary Expansion of Liquor Licence Service Area - Mary Winspear Centre**
- 2020.34.407 Moved by Councillor C. Rintoul, seconded by Councillor S. Garnett, that staff be directed to reply to the Mary Winspear Centre, approving the proposed temporary changes to its licensed liquor service areas.  
**MOTION CARRIED UNANIMOUSLY**

**b. Summary of EOC Resident Survey Responses**

- 2020.34.408 Moved by Councillor S. Garnett, seconded by Councillor C. Rintoul:
1. That the EOC Resident Survey results be reviewed by staff and the COVID-19 Recovery Task Force to help identify recovery actions to support the needs of the community through the COVID-19 pandemic; and
  2. That the survey results be shared with the community through the Town website and social media.

**MOTION CARRIED UNANIMOUSLY**

**c. Victoria Distillers Ltd. Ocean Cooling Loop Proposal (9891 Seaport Place)**

- 2020.34.409 Moved by Councillor C. Rintoul, seconded by Councillor S. Garnett:
1. That Council approve Victoria Distillers' cooling loop proposal in principle and authorize staff to issue the appropriate permits for the project to proceed, subject to the submission of any required documents and approvals.
  2. That staff be authorized to prepare and enter into a Statutory Right-of-Way or Utility Easement agreement with Victoria Distillers for the use of Town land and that this agreement indemnify the Town against harm or loss as a result of the installation or operation of the proposed cooling loop system.
  3. That any costs associated with the preparation or execution of agreements associated with the proposal be borne by Victoria Distillers Ltd.
  4. That prior to any construction proceeding, Victoria Distillers provide the Town with a copy of the completed environmental assessment and approval of Department of Fisheries and Oceans for the project, confirming no significant adverse impact to the marine environment.
  5. That prior to commencing any construction on Town property, Victoria Distillers apply for and receive a Building Permit for the system and a Right-of-Way Permit for construction on Town land, which includes insurance in an amount satisfactory to the Director of Engineering.

**MOTION CARRIED UNANIMOUSLY**

*Mayor C. McNeil-Smith left the meeting room at 8:32 p.m., citing a potential conflict of interest as he owns the commercial property adjoining the Fourth Street public washroom facility.*

**d. Public Washrooms in Downtown Sidney**

- 2020.34.410 Moved by Councillor C. Rintoul, seconded by Councillor B. Fallot, that the existing Fourth Street washrooms be replaced with an accessible semi-permanent event washroom trailer.

**MOTION CARRIED UNANIMOUSLY**

*Mayor C. McNeil-Smith returned to the meeting at 8:34 p.m.*

- 2020.34.411 Moved by Councillor C. Rintoul, seconded by Councillor S. Garnett, that staff be directed to research and proactively pursue the possibility of negotiating the establishment of public washrooms at appropriate locations in Sidney.

**MOTION CARRIED UNANIMOUSLY**

**e. Consultant Selection - Beacon Avenue West Traffic Impact Study**

- 2020.34.412 Moved by Councillor S. Garnett, seconded by Councillor C. Rintoul, that the consulting contract for the Beacon Avenue West Catchment Area Traffic Impact Study be awarded to Watt Consulting Group.

**MOTION CARRIED UNANIMOUSLY**

**f. RFP Award - Rathdown Park Playground Equipment Supply and Install**

2020.34.413 Moved by Councillor S. Garnett, seconded by Councillor B. Fallot, that the contract for the Rathdown Park Playground Equipment Supply and Install be awarded to Park n Play Design.

**OPPOSED: Councillors: T. O'Keeffe & C. Rintoul**  
**MOTION CARRIED 5:2**

**g. MOU - Renovations at Sidney/North Saanich Library**

2020.34.414 Moved by Councillor C. Rintoul, seconded by Councillor S. Garnett, that the Memorandum of Understanding (MOU) with Vancouver Island Library Board (VIRL) regarding the repayment of funds owing by the Town for upgrades to the Nell Horth Room in conjunction with the recent renovations to the Sidney/North Saanich Library Branch be approved.

**MOTION CARRIED UNANIMOUSLY**

**h. Changes to RCMP Capital Plan**

2020.34.415 Moved by Councillor S. Garnett, seconded by Councillor C. Rintoul, that the RCMP Secure Parking Lot project be added to the 2020 capital plan at \$55,000, with the project to be funded through the deferral of the RCMP Windows and Garage Door projects, as well as savings from the Staff Entry Door project.

**MOTION CARRIED UNANIMOUSLY**

**i. Reay Creek Dam Renovation**

2020.34.416 Moved by Councillor C. Rintoul, seconded by Councillor S. Garnett, That Council authorize staff to enter into a time and materials unit rate contract with QM Environmental for the renovation of Reay Creek Dam.

**MOTION CARRIED UNANIMOUSLY**

**j. UBCM Community Excellence Award Application**

2020.34.417 Moved by Councillor S. Garnett, seconded by Councillor C. Rintoul, that Council see merit in the Town's submission for the UBCM Community Excellence Awards program under the category of Excellence in Service Delivery for the work done by the Town's Emergency Operations Centre (EOC) in pandemic response and recovery.

**MOTION CARRIED UNANIMOUSLY**

**k. Monthly Building Permit Report - June 2020**

2020.34.418 Moved by Councillor C. Rintoul, seconded by Councillor S. Garnett, that the Monthly Building Permit Report for June 2020 be received for information.

**MOTION CARRIED UNANIMOUSLY**

**14. CORRESPONDENCE**

**a. Request for Support - Modular Housing & Federal Government Funding**

2020.34.419 Moved by Councillor S. Garnett, seconded by Councillor C. Rintoul, that the letter from City of Victoria, dated June 22, 2020, requesting support for modular housing and federal government funding, be received and that the Town provide a written response regarding homeless housing challenges in Sidney.

**MOTION CARRIED UNANIMOUSLY**

2020.34.420 Moved by Councillor P. Wainwright, seconded by Councillor C. Rintoul, that Council support in principle the addition of modular housing with supports to our local housing stock and that Council call on the federal government to match provincial funding for modular housing units.

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

**b. Alcohol Consumption during the Pandemic**

2020.34.421 Moved by Councillor S. Garnett, seconded by Councillor C. Rintoul, that the letter from Island Health, dated July 13, 2020, regarding alcohol consumption during the COVID-19 pandemic, be received for information.

**MOTION CARRIED UNANIMOUSLY**

**c. Impact of the Pandemic and Revised Plans**

2020.34.422 Moved by Councillor C. Rintoul, seconded by Councillor B. Fallot, that the letter from ArtSea, dated July 8, 2020, advising of the impacts of the COVID-19 and their revised plans moving forward, be received for information.

**MOTION CARRIED UNANIMOUSLY**

**d. Bird-Friendly Building Design**

Councillor S. Duncan noted that bird-friendly building design could be considered as form and character aspects during the OCP review, particular in environmentally sensitive areas.

C. Newcomb supported this suggestion for the OCP review.

2020.34.423 Moved by Councillor C. Rintoul, seconded by Councillor S. Garnett, that the letter from D. English & W. English, regarding bird-friendly building design, received on July 3, 2020 (and reply dated July 9, 2020) be received for information.

**MOTION CARRIED UNANIMOUSLY**

**15. NEW BUSINESS**

**16. CORRESPONDENCE FOR INFORMATION**

2020.34.424 Moved by Councillor C. Rintoul, seconded by Councillor S. Garnett, that the following correspondence be received for information:

1. Email from Citizens for Safe Technology, regarding antenna siting and small cell licensing, dated June 18, 2020. Reply dated June 26, 2020.
2. Email from Sidney Sister Cities Association - Niimi Committee, regarding the Niimi students' visit to Sidney, dated June 15, 2020. Reply dated June 26, 2020.
3. Email from Cycling Without Age Society, thanking the Town for this year's grant funding, dated June 22, 2020. Reply dated June 26, 2020.
4. Email from City of Rossland, regarding the Global Covenant of Mayors for Climate and Energy Change, dated June 18, 2020.
5. Letter from Canadian Federation of Independent Business, regarding their new *Small Business Every Day* campaign, dated June 19, 2020.
6. Email from E-Comm 911, regarding their 2019 Annual Report, dated June 25 2020.
7. Email from AVICC, regarding the AVICC Virtual AGM, dated July 3, 2020.
8. *(Already dealt with - see item 14d).*
9. Email from L. Posten, regarding remediation of Reay Creek Pond, dated July 4, 2020. Reply dated July 16, 2020 15, 2020.
10. Email from B. Johns, regarding Americans illegally entering Canada via water and unpatrolled land crossings during COVID-19, dated July 3, 2020. Reply dated July 9, 2020.
11. Letter from the City of New Westminster, regarding disaggregated COVID-19 data collection, dated July 6, 2020.



12. Letter from Mayor C. McNeil-Smith, regarding VIRL services at the Sidney/North Saanich Library Branch, dated July 17, 2020.

**MOTION CARRIED UNANIMOUSLY**

**17. NOTICES OF MOTION**

- 18. MOTION TO GO “IN-CAMERA” (CLOSED MEETING) - not required.**

**19. ADJOURNMENT**

- 2020.34.425 Moved by Councillor S. Garnett, seconded by Councillor C. Rintoul, that the meeting be adjourned at 9:45 p.m.

**MOTION CARRIED UNANIMOUSLY**

---

MAYOR

---

CORPORATE OFFICER