



TOWN OF SIDNEY

MINUTES OF REGULAR COUNCIL MEETING

Monday, September 14, 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. Verhagen, Senior Manager of Current Planning
C. Newcomb, Senior Manager of Long Range Planning
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 First Nations.

3. APPROVAL OF AGENDA

2020.40.487 Moved by Councillor C. Rintoul, seconded by Councillor S. Garnett, that the agenda be approved with the following amendments:

1. addition to item 4a - email from D. Gelinas, dated September 13, 2020;
2. addition to item 4a - email from D. Calveley, dated September 13, 2020; .
3. move item 16.1 to correspondence as item 14d;
4. move item 16.3 & 16.4 to correspondence as item 14e; and
5. move item 16.5 to correspondence as item 14f.

MOTION CARRIED UNANIMOUSLY

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

Electronic Participation:

1. **C. Pendergast, 2410 Beacon Avenue (Happy Buddha Cannabis)** - stated that the VIHA report emphasizes the value of legal cannabis by regulating retailers and strictly controlling access to minors (noting tobacco, alcohol and opioids cause more disease and harm than cannabis), that local governments play an important role in supporting its legalization, and that VIHA does not oppose cannabis but seeks to educate and ensure that minors are protected by supporting licensed stores; noted that Happy Buddha offers an upscale boutique experience, with a emphasis on CBD for the aging population and to direct its customers to medical professionals for guidance; and advised that Thailand (with a 97% Buddhists population) has voted today to legalize cannabis.

Public submission(s) read aloud:

1. **J. Sneddon, G. Debling & S. Simosko** - expressed support for the creation of community gardens; noted the advantages of the initiative and creating healthy communities; and that they would be pleased to work with staff on various options for Council’s consideration.
2. **D. Gelinas, 2545 Oakville Avenue** – expressed concerns regarding the Town’s efforts on the recovery side of the COVID pandemic; stated the key challenge is how to share information in a timely manner as well as how to hear from residents and

businesses about their challenges; and suggested that the Town consider setting up a storefront on Beacon Avenue to share information and obtain feedback, and to reach out on other important issues such as the upcoming OCP Review.

3. **D. Calvey, 9655 First Street** – regarding the COVID pandemic: 1. Tents for Sidewalk Cafes - encouraged Council to direct staff to work directly with individual businesses to find and quickly implement workable solutions; and 2. Tulista Boat Launch - recognized overcrowding at the facility as an ongoing issue and to reconsider approaching the CRD.

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

B. PUBLIC HEARINGS
C. PRESENTATIONS

5. **A. BYLAWS**

i. **Bylaw No. 2195 - Tree Preservation, Amendment No. 1**

(To allow waiving of permitting fees and replacement trees if the Town requests a protected tree be removed due to hazardous situation).

2020.40.488 Moved by Councillor C. Rintoul, seconded by Councillor S. Garnett, that Bylaw No. 2195 - Tree Preservation, Amendment No.1, be adopted.

OPPOSED: Councillor S. Garnett
MOTION CARRIED 6:1

ii. **Bylaw No. 2200 - Building Regulations, Amendment No. 9**

(To amend municipal requirements for plumbing system for multi-family building).

2020.40.489 Moved by Councillor S. Garnett, seconded by Councillor C. Rintoul, that Bylaw No. 2200 - Building Regulations, Amendment No. 9, be adopted.

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

B. DEVELOPMENT PERMITS & DEVELOPMENT VARIANCE PERMITS

6. **ADOPTION OF MINUTES**

- a. **Regular Council Meeting - August 17, 2020**
- b. **Special Council Meeting - August 24, 2020**

2020.40.490 Moved by Councillor S. Garnett, seconded by Councillor C. Rintoul, that Minutes of the Regular Council Meeting of August 17, 2020 and the Minutes of the Special Council Meeting of August 24, 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 - August 24, 2020**

i. **Happy Buddha Cannabis Retail Licence Application**

Resolution: that Council Resolution No.2020.36.458 (That local schools, daycares and parent advisory groups in Sidney and North Saanich be notified and invited to share the notice with parents so that they may submit their views to the Town) regarding the Happy Buddha Cannabis Retail Licence Application be rescinded.

9. **PETITIONS & DELEGATIONS**
10. **MAYOR'S REPORT**

11. COUNCILLORS' REPORTS

- a. **Councillor B. Fallot** – advised registrations are open for the Sidney by the Sea 8k/5k run/walk event which will be held virtually this year; that money raised will go to two local charities (Saanich Peninsula Hospital Foundation and Shaw Centre for the Salish Sea); and encouraged everyone to take advantage of this virtual event.

12. COMMITTEE REPORTS

a. COVID-19 Recovery Task Force - August 13, 2020

- 2020.40.491 Moved by Councillor B. Fallot, seconded by Councillor C. Rintoul, that Minutes of the COVID-19 Recovery Task Force Meeting of August 13, 2020, be received for information.
MOTION CARRIED UNANIMOUSLY

Minutes contain recommendation(s) regarding:

- 2020.40.492 **R.1 Meet Your Street Program**
Moved by Councillor B. Fallot, seconded by Councillor C. Rintoul, that Council support staff continuing to implement the Meet Your Street Program and that further Program updates be brought to the Task Force.
MOTION CARRIED UNANIMOUSLY

- 2020.40.493 **R.2 Community Garden Initiative**
Moved by Councillor B. Fallot, seconded by Councillor C. Rintoul, that staff be directed to look into the viability of what lands are available, the protocols that need to be followed and management options for a community garden initiative.
OPPOSED: Councillors: S. Duncan, T. O'Keeffe & P. Wainwright
MOTION CARRIED 4:3

b. COVID-19 Recovery Task Force - August 27, 2020

- 2020.40.494 Moved by Councillor B. Fallot, seconded by Councillor S. Garnett, that Minutes of the COVID-19 Recovery Task Force Meeting of August 27, 2020, be received for information.
MOTION CARRIED UNANIMOUSLY

Minutes contain recommendation(s) regarding:

- 2020.40.495 **R.1 Tents for Sidewalk Cafes and Parking Spaces**
Moved by Councillor B. Fallot, seconded by Councillor S. Garnett, that staff be directed to research options to winterize sidewalk cafes.
OPPOSED: Councillors: S. Duncan & T. O'Keeffe
MOTION CARRIED 5:2

The question was called on the amended motion as follows:

- 2020.40.496 Moved by Councillor B. Fallot, seconded by Councillor S. Garnett, that staff be directed to research options to winterize sidewalk cafes and lineup spaces.
MOTION CARRIED UNANIMOUSLY

- 2020.40.497 Moved by Councillor C. Rintoul, seconded by Councillor S. Garnett, that the following resolution be forwarded to the Economic Advisory Committee for comment:
“that staff be directed to research options to winterize sidewalk cafes and lineup spaces”
MOTION CARRIED UNANIMOUSLY

c. Advisory Planning Commission - August 18, 2020

2020.40.498 Moved by Councillor P. Wainwright, seconded by Councillor S. Garnett, that Minutes of the Advisory Planning Commission Meeting of August 18, 2020, be received for information.

MOTION CARRIED UNANIMOUSLY

Minutes contain recommendation(s) regarding:

R.1 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).

2020.40.499 Moved by Councillor P. Wainwright, seconded by Councillor S. Garnett, that Development Permit Application No. DP100817 (10478 Resthaven Drive - to permit the construction of a 2.5 storey multi-family residential townhouse development) be approved, subject to the following conditions:

1. That the property owner address Design Guidelines No. 20.3.25 (fencing and retaining walls), 20.3.35 (landscape plan to incorporate indigenous, drought-resistant species and changes to grass areas), and No. 20.3.36 (irrigation), to the satisfaction of the Senior Manager of Current Planning;
2. That the property owner follow all recommendations contained within the arborist report prepared by Dunster & Associates, dated May 13, 2020, including the installation of tree protection fencing;
3. That prior to issuance of building permit, the property owner shall:
 - a. register a restrictive covenant on the title of the property prohibiting the future strata council from passing any bylaws that may restrict occupancy of the building based on age; and
 - b. 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.

MOTION CARRIED UNANIMOUSLY

d. Committee of the Whole - September 8, 2020

2020.40.500 Moved by Councillor P. Wainwright, seconded by Councillor C. Rintoul, that Minutes of the Committee of the Whole Meeting of September 8, 2020, be received for information.

MOTION CARRIED UNANIMOUSLY

Minutes contain recommendation(s) regarding:

R.1 CRD Arts Program

2020.40.501 Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot, that the CRD Arts & Culture Support Services be invited to submit detailed budget information for Sidney Council's consideration to rejoin in 2022, followed by a presentation for Council to consider during the 2021 budget deliberations.

MOTION CARRIED UNANIMOUSLY

2020.40.502 Moved by Councillor T. O'Keeffe, seconded by Councillor B. Fallot, that staff be directed to send a letter to ArtSea advising that the Town is considering rejoining the CRD Arts & Culture Support Services and that ArtSea, and other members of the arts community, are invited to provide comments and/or submit an alternate proposal.

MOTION CARRIED UNANIMOUSLY

R.2 Development Variance Permit Application No. DV100297 (9805 Seaport PI - The Sidney Pier Hotel & Spa)

(To allow a new canopy sign and fascia sign).

2020.40.503 Moved by Councillor P. Wainwright, seconded by Councillor C. Rintoul, that owners and tenants in occupation of property within 75 metres (246 feet) of 9805 Seaport Place be notified regarding Development Variance Application

No. DV100297 (to permit a canopy sign to project above a canopy, five fascia signs to be installed on one building face, and four fascia signs to be located less than 2.1 m from the ground directly beneath) and that any written correspondence received be forwarded to Council at the time of consideration of approval of the variance.

MOTION CARRIED UNANIMOUSLY

13. STAFF REPORTS

a. Victoria Airport Authority Land Use Plan Amendments

2020.40.504 Moved by Councillor C. Rintoul, seconded by Councillor S. Garnett, that staff be directed to reply to the Victoria Airport Authority with a statement of no concerns regarding the proposed August 2020 amendment to the YYJ Victoria International Airport Land Use Plan.

MOTION CARRIED UNANIMOUSLY

b. Monthly Building Permit Report - August 2020

2020.40.505 Moved by Councillor S. Garnett, seconded by Councillor C. Rintoul, that the Monthly Building Permit Report for August 2020 be received for information.

MOTION CARRIED UNANIMOUSLY

14. CORRESPONDENCE

a. Request for Sidney Youth Transit Pass Program

2020.40.506 Moved by Councillor C. Rintoul, seconded by Councillor S. Garnett, that the email from Fare-Free in the CRD, dated August 12, 2020, requesting Council to consider a Sidney Youth Transit Pass program, be received for information.

MOTION CARRIED UNANIMOUSLY

b. Request for Support for Expanded Patio Permissions

2020.40.507 Moved by Councillor C. Rintoul, seconded by Councillor S. Garnett, that the email from BC Restaurant & Foodservices Association, dated August 26, 2020, requesting support for expanded patio permissions, be referred to staff for a report.

MOTION CARRIED UNANIMOUSLY

c. Request for Letter of Support - Blue Heron Park Turf Proposal

2020.40.508 Moved by Councillor C. Rintoul, seconded by Councillor S. Duncan, that the email from the Peninsula Soccer Association, dated September 4, 2020, requesting a letter of support from the Town for their Blue Heron Park Turf, be postponed to the September 28, 2020, Council meeting.

MOTION CARRIED UNANIMOUSLY

d. Waste Management

R. Humble, CAO, advised that staff are in discussions with the waste management company to review options that may be less impactful to residents; multi-family residential buildings do not have adequate access for such service trucks; the practice of placing waste bins on the side of the road has been going on for many years; and that the Noise Bylaw speaks to residential areas (7:00am-9:00pm) but that commercial areas are exempt. Mr. Humble noted staff would continue to explore alternatives and bring forward any feasible options.

2020.40.509 Moved by Councillor C. Rintoul, seconded by Councillor S. Garnett, that the email from S. Tretick, regarding waste management, dated August 11, 2020 (and reply dated August 20, 2020), be received for information.

MOTION CARRIED UNANIMOUSLY

e. Mandatory Mask Wearing

The Mayor expressed appreciation for the concerns, however advised that the Town does not have the authority to implement or enforce such a requirement, and that if the Province was to mandate the wearing of masks then the Town would work with them to ensure this happens.

2020.40.510 Moved by Councillor S. Garnett, seconded by Councillor C. Rintoul, that the emails from V. Watson-Rouslin, dated August 31, 2020 and J. Wilson, dated August 28, 2020 (and replies dated September 1, 2020) regarding mandatory mask wearing, be received for information.

MOTION CARRIED UNANIMOUSLY

f. Pickleball Courts

The Mayor advised that the Pickleball Association has not yet submitted a proposal to the Town, but would be in the near future.

2020.40.511 Moved by Councillor C. Rintoul, seconded by Councillor S. Garnett, that the letter from J. Ibbotson & S. Vincent, expressing opposition to adding pickleball lines on the Iroquois Park tennis courts, dated August 24, 2020, be received and forwarded to future discussions regarding pickleball courts.

MOTION CARRIED UNANIMOUSLY

15. NEW BUSINESS

16. CORRESPONDENCE FOR INFORMATION

2020.40.512 Moved by Councillor C. Rintoul, seconded by Councillor S. Garnett, that the following correspondence be received for information:

1. *(Already dealt with - see item 14d).*
2. Email from Town of Comox regarding National Pharmacare Program, dated August 12, 2020.
3. *(Already dealt with - see item 14e).*
4. *(Already dealt with - see item 14e).*
5. *(Already dealt with - see item 14f).*
6. Email from AVICC, regarding AGM on September 22, dated September 9, 2020.

MOTION CARRIED UNANIMOUSLY

17. NOTICES OF MOTION

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

2020.40.513 Moved by Councillor S. Garnett, seconded by Councillor C. Rintoul, 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 a land issue and a proposed new municipal service provision, pursuant to section 90.1 (e) and (k) of the *Community Charter* and that Council continue the meeting in closed session.

MOTION CARRIED UNANIMOUSLY

19. ADJOURNMENT

2020.40.514 Moved by Councillor C. Rintoul, seconded by Councillor S. Garnett, that the open meeting be adjourned at 7:58 p.m. with the In-Camera portion to immediately follow.

MOTION CARRIED UNANIMOUSLY