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## TOWN OF SIDNEY

### MINUTES OF REGULAR COUNCIL MEETING

Monday, September 28, 2020

Council Chambers

6:00 p.m.

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**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  
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 6:00 p.m.

#### 2. TERRITORIAL ACKNOWLEDGEMENT

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

#### 3. APPROVAL OF AGENDA

2020.44.532 Moved by Councillor C. Rintoul, seconded by Councillor S. Garnett, that the agenda be approved with the following additions:

1. item 4ai - 3 additional submissions;
2. item 5bi - 11 submissions;
3. item 7a - staff report dated September 25, 2020; and
4. item 17 - Notices of Motion, submission from Councillor C. Rintoul.

**MOTION CARRIED UNANIMOUSLY**

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

There were no registered speakers.

##### i. SPECIAL PUBLIC PARTICIPATION OPPORTUNITY for Happy Buddha Cannabis Retail Licence Application (2410 Beacon Avenue)

2020.44.533 Moved by Councillor C. Rintoul, seconded by Councillor S. Garnett, that the special public participation opportunity be extended in order to hear all speakers and to limit 4 minutes per registered speaker.

**MOTION CARRIED UNANIMOUSLY**

The Mayor acknowledge there were a total of 351 written submissions received.

#### Electronic Participation (registered speakers):

1. **G. Hazlehurst** - stated a recreational cannabis retail on Beacon Avenue is not appropriate; highlighted VIHA’s concerns including the need to establish buffers zones between the retail outlets and school, daycares or other places where children and youth frequent; noted Beacon Avenue is Sidney’s high profile and high traffic main street where many family events take place and allowing such

- Sidney is promoting and normalizing the use of recreational cannabis; and stated it should be in a different location and not on the main street.
2. **J. Treleaven, 10134 Third Street (also Board member of the Saanich Peninsula Chamber of Commerce)** - stated the Chamber membership is strongly in favour of the application for the cannabis retail application on Beacon Avenue; commended the applicants for their patience; Federal Government has legalized cannabis and Province is a major vendor; we are in extraordinary times where business are closing; encouraged support for the application to send signal that Sidney is open for business and embracing change; there is no reasons for this Council to stand in this investment in the community; and urge Council to support the work the applicants have put into this.
  3. **M. Fraker, 8617 Lochside Drive** - advised spouse was using many prescribed medications, but since using medical marijuana it has made an enormous difference; is currently getting supply from Saskatoon; and that it would be better to be able to access the products locally.
  4. **C. Pendergast (Applicant)** – requested Council to consider providing a positive referral to the LCRB; with the Province’s amending its front window requirements they are now able to offer what the Town wanted in the first place which is an active, live and fun window; they hope to bring lots of positives to Sidney - great ambience and charity work; and thanked the over 300 supporters.
  5. **B. Styles (Applicant)** - offered support for the application, which is 100% in compliance on a municipal and provincial scale; expressed thanks for the overwhelming public support; pleased to be able to offer a clear front window which is what the Town wanted - will be vibrant, current and compelling; they are tenacious business people and will be a great addition to community; and encouraged a positive referral back to the LCRB.
  6. **C. Bolt, 9659 Second Street** - stated: 1. sale of cannabis in Canada was made legal in 2018 and therefore legality is a non-issue; 2. the applicants have meet all LCRB’s requirements and that community consultation resulted in 300+ in support; 3. the Town showed its support for retail cannabis by amending its bylaw to allow it in commercial zones and the staff report indicates the application meets all Town’s requirements; 4. VIHA fully supports regulating retail cannabis outlets and destigmatizing; and that with the application complying with all conditions of the LCRB, Town and VIHA and is supported by the community - can’t see why Council would even consider denying the application.
  7. **L. Aitchison, Cordova Bay** - advised discovered the benefits of CBD oil and other products help with recovering from surgery and general aches and pains; retail outlet would provide greater purchasing options and higher level of convenience; this is an opportune time to support small business in the community of Sidney; and urged Council to support the application.
  8. **I. Foss, 2254 Malaview Avenue** - requested support for the application; family lives in Town and all use cannabis products for pain and to assist with sleep; assisted son with pain and to get off opioids after surgery; quite a number of empty store fronts on Beacon; applicants have done quite a bit of work to meet the requests of the Town; and thinks the request should be supported.
  9. **R. Angus, 2115 Amelia Avenue** - advised suffers from not sleeping well and pains of arthritis and found cannabis products were the best solution; wishes could purchases products in town; Beacon Avenue has been declining for the last while; the applicants have stayed within provincial and federal regulations and are willing to pay rent and taxes and for some reason are being denied; have known the applicants for several years and they are honorable people - this Town would benefit from their presence; does not understand why not giving them the opportunity; very concerned amount of money spent on lawyers/court - extreme waste of taxpayers’ money; and hopes Council does the correct thing and gives them the permission to open their store.
  10. **S. Bernard, Saanich** - advised works in North Saanich and shops in Sidney; supports the application; the applicants were exemplary business neighbors and were passionate in growing there business and strengthened relations at the shopping centre; and requested Council to look favorable upon their application as it complements the business landscape of the area.

11. **S. Greenner, 2011 Linda Place** – advised is a casual user of marijuana to help with sleep problems; prefers to purchase from a local licensed facility; and fully supports a licensed business on Beacon Avenue.
12. **J. Alexander (Applicant's solicitor)** - stated the importance of understanding what the Province requires from Council with respect to these referrals, and that is to specifically comment on the location of proposed retail store and provide advice to the Province on whether the issuance of the licence may affect nearby residences, and also the general impact of community; the court was satisfied the location may affect nearby residents and asked the Town to gather comments as to whether those impacts are positive or negative; and stated that the Federal government has dealt with the legalities of cannabis, the Province has dealt with how to regulate the retail sale of cannabis and that Council is being requested to comment on a fairly narrow area - on the location of the store, general community impact on the area and impact on nearby residents.
13. **R. Piskor, Pender Island** - regularly shops in Sidney; has known applicants for many years - they are community minded respectful professional people; advised of the cannabis experience on Pender Island, noting it has been successful and majority of clients are seniors; edible products are the most popular; there have been no problems and is well supported by the people of Pender; Sidney Council needs to recognize the proposal meets all legal requirements; it's time to put aside any personal feelings and prejudices as cannabis is a legal product; the staff report indicates full compliance with regulations; many supporters have outlined many positive aspects; and urged Council to approve the proposal.
14. **H. McNeill, Royal Oak** - frequently shops in Sidney; has known the applicants for 5 years - they are extreme helpful, caring and will be a great edition to the business community; it is an ethical business and they have worked hard to meet all requirements to get the licence in Sidney; and hopes Council will find a way to approve their business licence application.
15. **W. Dunford, Central Saanich (works at Newport Realty and property owner in Sidney)** - Sidney future does not need empty store fronts; has known the applicants for 8 years - they are respectful business owners and friends; it's time to get the application approved - Sidney has run out of reasons to delay; products need to be made available for those who rely on it for medical and recreational use; not in a position to judge those who use the products; it's taken a long time for the cannabis act - the key of which is to provide access to a quality controlled supply; the applicants have huge public support and approval from the Provincial and Federal regulators and the BC Courts; Sidney has the zoning and backing from property owners and the applicants have the support from the business community; elected officials can't have a personal agenda - you are here to represent the majority; the municipality has already cost the applicants thousands of dollar in delays; and urged Council to vote yes.

The Special Public Participation Opportunity closed at 6:57 p.m.

2020.44.534 Moved by Councillor S. Garnett, seconded by Councillor P. Wainwright, that Council direct staff to provide the following response to the Liquor and Cannabis Regulation Branch:

1. The Town of Sidney recommends that a cannabis retail store licence for Happy Buddha Cannabis, to be located at 2410 Beacon Avenue, be issued, on the basis that the application is generally consistent with the Town of Sidney Liquor & Cannabis Licensing Policy No. DV-015;
2. The view of the Town of Sidney is that although there might be some negative impacts, on balance, the general impact of the proposed cannabis retail store on the community will be either minimal, or generally positive;

And further, that Council direct staff to provide the LCRB with a copy of all of the written responses received in response to the public notification of the Happy Buddha Cannabis referral, a summary of any responses provided in person at the September 28, 2020 Council meeting, and a description of the methods used to gather those views.

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

**B. PUBLIC HEARINGS**  
**C. PRESENTATIONS**

**5. A. BYLAWS**

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

- i. Development Variance Permit Application No. DV100297  
(9805 Seaport Place - The Sidney Pier Hotel & Spa)**  
(To allow a new canopy sign and fascia sign).

Written Submission(s):

1. Email from A. Lane, 9809 Seaport Place, dated September 24, 2020.
2. Email from D. Carscadden, 9809 Seaport Place, dated September 24, 2020.
3. Email from J. Crowhurst, 9809 Seaport Place, dated September 25, 2020.
4. Email from Victoria Distillers Inc., dated September 25, 2020.
5. Email from NW Explorations, 9851 Seaport Place, dated September 26, 2020.
6. Email from The Strait & Narrow Pacific Coast Cocktails, 9891 Seaport Place, dated September 25, 2020.
7. Email from J. Rosene, dated September 27, 2020.
8. Email from I. LaPrairie, dated September 27, 2020.
9. Email from Sidney Waterfront Inn & Suites, 9775 First Street dated September 28, 2020
10. Email from Active Balance Physiotherapy Studio, 9816 Seaport Place, dated September 25, 2020.
11. Email from Sidney Waterfront Partnership, 2506 Beacon Ave, dated September 28, 2020.

2020.44.535 Moved by Councillor C. Rintoul, seconded by Councillor S. Garnett, that Development Variance Permit Application No. DV100297 (9805 Seaport Place - The Sidney Pier Hotel & Space - to allow a new canopy sign and fascia sign) be approved.

**MOTION CARRIED UNANIMOUSLY**

**6. ADOPTION OF MINUTES**

- a. Regular Council Meeting - September 14, 2020**  
**b. Special Council Meeting - September 17, 2020**

2020.44.536 Moved by Councillor S. Garnett, seconded by Councillor C. Rintoul, that Minutes of the Regular Council Meeting of September 14 and Special Council Meeting of September 17, 2020, be adopted as presented.

**MOTION CARRIED UNANIMOUSLY**

**7. BUSINESS NOT COMPLETED AT A PREVIOUS REGULAR MEETING**

- a. Request for Letter of Support - Blue Heron Park Turf Proposal**  
Email from Peninsula Soccer Association, dated September 4, 2020.  
(Postponed to this meeting by Council Resolution on September 14, 2020).

2020.44.537 Moved by Councillor C. Rintoul, seconded by Councillor S. Garnett, that the Town provide a letter of support to the Peninsula Soccer Association regarding their Blue Heron Park Turf Proposal contingent on the Memorial Park Society's support of the project.

**MOTION CARRIED UNANIMOUSLY**

Moved by Councillor C. Rintoul, seconded by Councillor T. O'Keeffe, that Council provide a funding commitment of up to \$107,500 (1/3 of the municipal cost) for the Blue Heron Park Artificial Turf Fields project conditional on a grant application being successful.

2020.44.538 Moved by Councillor P. Wainwright, seconded by Councillor B. Fallo, that the motion be amended to include "and a favourable environmental screening by a qualified environmental professional".

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

The question was called on the amended motion as follows:

2020.44.539 Moved by Councillor C. Rintoul, seconded by Councillor T. O'Keeffe, that Council provide a funding commitment of up to \$107,500 (1/3 of the municipal cost) for the Blue Heron Park Artificial Turf Fields project conditional on a grant application being successful and a favourable environmental screening by a qualified environmental professional.

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

**8. BUSINESS ARISING FROM MINUTES (for information only)**

**9. PETITIONS & DELEGATIONS**

**10. MAYOR'S REPORT**

The Mayor reported on the UBCM Annual General Meeting, which was held virtually from September 23-25, 2020, advising that 200 resolutions were before the membership and that UBCM advocates the endorsed resolutions, on behalf of the local governments, to the Provincial and Federal governments.

**11. COUNCILLORS' REPORTS**

a. **Councillor S. Garnett** - advised Alyssa Gerwing has assumed the role of Executive Director of the Sidney Museum and thanked Peter Garnham for 20 years of dedication to this role; advised a new Assistant Archivist has been hired; advised the number of visitors are down due to the pandemic, but that grant funding has kept the Museum in a sound financial position; and noted that, for the PNR's 2020 Reader's Choice Awards, the Museum was voted 2<sup>nd</sup> both in Favorite Indoor Public Event and Favorite Kid-friendly Establishment and tied for 3<sup>rd</sup> in Favorite Peninsula Tourist Attraction.

**12. COMMITTEE REPORTS**

a. **Beacon Wharf Select Committee - August 18, 2020**

2020.44.540 Moved by Councillor P. Wainwright, seconded by Councillor S. Duncan, that Minutes of the Beacon Wharf Select Committee Meeting of August 18, 2020, be received for information.

**MOTION CARRIED UNANIMOUSLY**

b. **Committee of the Whole - September 21, 2020**

2020.44.541 Moved by Councillor P. Wainwright, seconded by Councillor S. Garnett, that Minutes of the Committee of the Whole Meeting of September 21, 2020, be received for information.

**MOTION CARRIED UNANIMOUSLY**

Minutes contain recommendation(s) regarding:

**R.1 Sidney Child Care Inventory & Action Plan - Final Report**

2020.44.542 Moved by Councillor P. Wainwright, seconded by Councillor C. Rintoul:

1. That the 2020 Sidney Child Care Inventory and Action Plan prepared by Queenswood Consulting Group be received;
2. That the recommended actions and implementation plan outlined in the staff report titled, "Sidney Child Care Inventory & Action Plan- Final Report", dated September 15, 2020, be adopted; and

3. That staff report back to Council following the adoption of a new Official Community Plan to provide an update on the implementation plan for the 2020 Sidney Child Care Action Plan.

**MOTION CARRIED UNANIMOUSLY**

- 2020.44.543 **R.2 Annual Report from Sidney Event Advisory Group**  
Moved by Councillor P. Wainwright, seconded by Councillor S. Garnett, that the 2019 Annual Report and the 2020 Update from the Sidney Event Advisory Group be received for information.

**MOTION CARRIED UNANIMOUSLY**

### 13. STAFF REPORTS

- a. **Extension of Temporary Expanded Service Area Authorizations for the Mary Winspear Centre**

- 2020.44.544 Moved by Councillor C. Rintoul, seconded by Councillor S. Garnett, that staff be directed to advise the Liquor and Cannabis Regulation Branch that the Town of Sidney supports the extension of the Mary Winspear Centre's Temporary Expanded Service Area (TESA) authorization until October 31, 2021.

**MOTION CARRIED UNANIMOUSLY**

- b. **Subdivision Application No. SA100208 - Waiver of Frontage Requirement for 9376 Lochside Drive**

- 2020.44.545 Moved by Councillor S. Garnett, seconded by Councillor C. Rintoul, that Section 4.1 of Subdivision and Development Bylaw No. 1390 (that no parcel of land has less than 10% of its perimeter fronting on a street) be waived for Proposed Lots 1 and 2 at 9376 Lochside Drive.

**MOTION CARRIED UNANIMOUSLY**

- c. **Contract Award #2020-013 - Patricia Storm & Sewer Trenchless Replacement**

- 2020.44.546 Moved by Councillor C. Rintoul, seconded by Councillor S. Garnett, that Contract No. 2020-013 for the Patricia Storm and Sanitary Trenchless Replacement Project be awarded to the low bidder, Milestone Equipment Contracting Ltd.

**MOTION CARRIED UNANIMOUSLY**

- d. **Partnership Agreement - Wounded Warriors Canada & Fire Department**

- 2020.44.547 Moved by Councillor S. Garnett, seconded by Councillor C. Rintoul, that the agreement with Wounded Warriors Canada for the purpose of enhancing the Fire Department's provision of mental health services to its response personnel be approved.

**MOTION CARRIED UNANIMOUSLY**

### 14. CORRESPONDENCE

- a. **2021 Victoria Half Iron Triathlon**

- 2020.44.548 Moved by Councillor C. Rintoul, seconded by Councillor S. Garnett, that the letter from Pinnacle Fitness, dated September 14, 2020, be received and referred to staff to work with the organizers respecting the 2021 Victoria Half Iron Triathlon.

**MOTION CARRIED UNANIMOUSLY**

### 15. NEW BUSINESS

**16. CORRESPONDENCE FOR INFORMATION**

- 2020.44.549 Moved by Councillor S. Garnett, seconded by Councillor C. Rintoul, that the following correspondence be received for information:
1. ArtSea Community Arts Council's 2019 Year End Report.
  2. Email from E. Diller, expressing support of the COVID-19 Task Force's community gardens initiative, dated September 12, 2020. Reply dated September 14, 2020.
  3. Email from City of New Westminster, regarding universal access to no-cost prescription contraception, dated September 15, 2020.
  4. Email from Vancouver Island Regional Library, regarding the library's Financial Plan, dated September 19, 2020.

**MOTION CARRIED UNANIMOUSLY**

**17. NOTICES OF MOTION**

Councillor C. Rintoul advised that the Economic Advisory Committee on September 25, 2020, received Council's referral - "that staff be directed to research options to winterize sidewalk cafes and lineup spaces" and, in light of timelines, recommended that the EAC's motion be brought forward this evening.

- 2020.44.550 Moved by Councillor C. Rintoul Councillor T. O'Keeffe, that the motion from the Economic Advisory Committee's meeting on September 25, 2020, be considered this evening.

**MOTION CARRIED UNANIMOUSLY**

- 2020.44.551 Moved by Councillor C. Rintoul, seconded by Councillor S. Garnett, that Council instruct staff to work with the SBIA and Chamber to reach out to local businesses in order to solicit feedback on what might be deemed helpful and appropriate options to winterize outdoor spaces and, in doing so, provide the SBIA and Chamber with a summary of options that might be possible and within the legislative parameters of the *Community Charter*.

**MOTION CARRIED UNANIMOUSLY**

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

**19. ADJOURNMENT**

- 2020.44.552 Moved by Councillor S. Garnett, seconded by Councillor P. Wainwright, that the meeting be adjourned at 8:23 p.m.

**MOTION CARRIED UNANIMOUSLY**

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MAYOR

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CORPORATE OFFICER