



MINUTES - VICTORIA CITY COUNCIL

April 19, 2018, 11:39 A.M.

Council Chambers, City Hall, 1 Centennial Square

Located on the traditional territory of the Esquimalt and Songhees People

PRESENT: Mayor Helps in the Chair, Councillor Alto, Councillor Coleman, Councillor Isitt, Councillor Loveday, Councillor Lucas, Councillor Thornton-Joe, Councillor Young

ABSENT: Councillor Madoff

STAFF PRESENT: J. Jenkyns - Acting City Manager, C. Coates - City Clerk, P. Bruce - Fire Chief, S. Thompson - Director of Finance, J. Tinney - Director of Sustainable Planning & Community Development, F. Work - Director of Engineering & Public Works, T. Soulliere - Director of Parks, Recreation & Facilities, B. Eisenhauer - Head of Engagement, C. Havelka - Deputy City Clerk, C. Mycroft - Manager of Executive Operations, AM Ferguson - Committee Secretary, T. Zworski - City Solicitor

B. APPROVAL OF AGENDA

Moved By Councillor Thornton-Joe

Seconded By Councillor Coleman

That Council approve the agenda.

Moved By Mayor Helps

Seconded By Councillor Isitt

Amendment:

That the agenda be amended as follows:

That item no. F. 4 - Amendments to the Animal Control Bylaw, be moved to item no. F. 1.

FOR (8): Mayor Helps, Councillor Alto, Councillor Coleman, Councillor Isitt, Councillor Loveday, Councillor Lucas, Councillor Thornton-Joe, and Councillor Young

CARRIED UNANIMOUSLY (8 to 0)

Moved By Mayor Helps
Seconded By Councillor Alto

Amendment:

That the agenda be amended as follows:

That item no. G. 1 - Committee of the Whole Report of April 5, 2018, be moved to the first item of unfinished business.

FOR (8): Mayor Helps, Councillor Alto, Councillor Coleman, Councillor Isitt, Councillor Loveday, Councillor Lucas, Councillor Thornton-Joe, and Councillor Young

CARRIED UNANIMOUSLY (8 to 0)

Moved By Councillor Isitt
Seconded By Councillor Loveday

Amendment:

That the agenda be amended as follows:

That item no. D. 7 - Bylaw for Animal Control Amendments, be moved to item no. F. 3.

FOR (7): Mayor Helps, Councillor Alto, Councillor Coleman, Councillor Isitt, Councillor Loveday, Councillor Lucas, and Councillor Thornton-Joe

OPPOSED (1): Councillor Young

CARRIED (7 to 1)

Main motion as amended:

FOR (8): Mayor Helps, Councillor Alto, Councillor Coleman, Councillor Isitt, Councillor Loveday, Councillor Lucas, Councillor Thornton-Joe, and Councillor Young

CARRIED UNANIMOUSLY (8 to 0)

The Mayor recalled the vote on the motion to adopt the agenda as amended.

Moved By Councillor Thornton-Joe
Seconded By Councillor Isitt

Amendment:

That the agenda be amended to include the following speakers under the Request to Address section of the agenda:

Chantal Meagher: Compost and Vermin Control in Victoria

Phil Calvert: Urgent Need for Comprehensive Regulations on Urban Poultry

FOR (8): Mayor Helps, Councillor Alto, Councillor Coleman, Councillor Isitt, Councillor Loveday, Councillor Lucas, Councillor Thornton-Joe, and Councillor Young

CARRIED UNANIMOUSLY (8 to 0)

Main motion as amended:

FOR (8): Mayor Helps, Councillor Alto, Councillor Coleman, Councillor Isitt, Councillor Loveday, Councillor Lucas, Councillor Thornton-Joe, and Councillor Young

CARRIED UNANIMOUSLY (8 to 0)

D. BYLAWS

D.1 Bylaw for Financial Plan

Moved By Councillor Coleman
Seconded By Councillor Lucas

That the *Five Year Financial Plan Bylaw No. 17-124* be amended with the revised schedule 5.

FOR (6): Mayor Helps, Councillor Alto, Councillor Coleman, Councillor Lucas, Councillor Thornton-Joe, and Councillor Young

OPPOSED (2): Councillor Isitt, and Councillor Loveday

CARRIED (6 to 2)

Moved By Councillor Coleman
Seconded By Councillor Lucas

that the following bylaw **be given first and second reading:**

1. *Five Year Financial Plan Bylaw No. 17-124*

FOR (5): Mayor Helps, Councillor Alto, Councillor Coleman, Councillor Lucas, and Councillor Thornton-Joe

OPPOSED (3): Councillor Isitt, Councillor Loveday, and Councillor Young

CARRIED (5 to 3)

D.2 Bylaw for Tax Rate

Moved By Councillor Coleman
Seconded By Councillor Lucas

That the *Tax Bylaw 2018 No. 18-057* be amended with the revised schedule 1.

FOR (6): Mayor Helps, Councillor Alto, Councillor Coleman, Councillor Lucas, Councillor Thornton-Joe, and Councillor Young

OPPOSED (2): Councillor Isitt, and Councillor Loveday

CARRIED (6 to 2)

Moved By Councillor Coleman
Seconded By Councillor Lucas

that the following bylaw **be given first, second, and third reading:**

1. *Tax Bylaw 2018 No. 18-057*

FOR (6): Mayor Helps, Councillor Alto, Councillor Coleman, Councillor Lucas, Councillor Thornton-Joe, and Councillor Young

OPPOSED (2): Councillor Isitt, and Councillor Loveday

CARRIED (6 to 2)

D.3 Bylaw for 2018 Business Improvement Area

Moved By Councillor Lucas
Seconded By Councillor Thornton-Joe

that the following bylaw **be given first, second, and third reading:**

1. *Business Improvement Area Bylaw, 2018 No. 18-053*

CARRIED UNANIMOUSLY

D.4 Bylaw for 2018 Boulevard Tax

Moved By Councillor Thornton-Joe

Seconded By Councillor Coleman

that the following bylaw **be given first, second, and third reading:**

1. *Boulevard Tax Bylaw, 2018 No. 18-053*

CARRIED UNANIMOUSLY

D.5 Bylaw for Vehicles for Hire Amendments

Moved By Councillor Thornton-Joe

Seconded By Councillor Lucas

That the following bylaw be given **first, second, and third readings:**

1. Vehicles for Hire Bylaw, Amendment Bylaw (No. 18) No. 18-059

FOR (6): Mayor Helps, Councillor Alto, Councillor Coleman, Councillor Lucas, Councillor Thornton-Joe, and Councillor Young

OPPOSED (2): Councillor Isitt, and Councillor Loveday

CARRIED (6 to 2)

D.6 Bylaw for Mobile Bicycle Miscellaneous Amendments

Moved By Councillor Isitt

Seconded By Councillor Loveday

That the following bylaw be given **first, second, and third readings:**

1. Mobile Bicycle Vending Miscellaneous Amendments Bylaw No. 18-058

CARRIED UNANIMOUSLY

E. REQUEST TO ADDRESS COUNCIL

Councillor Isitt withdrew from the meeting at 12:04 p.m. and returned at 12:04 p.m.

Moved By Councillor Coleman

Seconded By Councillor Thornton-Joe

That the following speakers be permitted to address Council.

CARRIED UNANIMOUSLY

Mayor Helps withdrew from the meeting at 12:04 p.m. due to a pecuniary conflict of interest with the following items, as she has chickens on her property. Councillor Young assumed the Chair in her absence.

E.1 Aaren Topley: Victoria Urban Food Table Recommendations for Chicken and Bee Bylaw

Outlined why Council should consider a reasonable cap on the number of chickens with opportunities to apply for an exemption.

E.3 Addenda: Jesse Brown: Chicken Bylaw Changes

Outlined why Council should consider a limit on chickens while not impacting those using it as a food source.

E.4 Addenda: Chantal Meagher: Compost and Vermin Control in Victoria

Outlined why Council should consider addressing composting and health issues associated with the accumulation of chickens on a neighbouring property.

E.5 Phil Calvert: Urgent Need for Comprehensive Regulations on Urban Poultry

Outlined why Council should consider comprehensive regulations governing backyard poultry.

G. REPORTS OF COMMITTEE

G.1 Committee of the Whole

G.1.a Report from the April 5, 2018 COTW Meeting

Mayor Helps returned to the meeting at 12:27 p.m. and assumed the Chair.

Moved By Councillor Isitt

Seconded By Councillor Coleman

28 Bastion Square: A Shared Arts Hub

That Council receive this report for information.

CARRIED UNANIMOUSLY

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

Greater Victoria Coalition to End Homelessness

That Council receive this report for information.

CARRIED UNANIMOUSLY

Moved By Councillor Coleman
Seconded By Councillor Lucas

Temporary Use Permit Application No. 00011 for 1120-1126 Hillside Avenue

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Temporary Use Permit Application No. 00011 for 1120-1126 Hillside Avenue, in accordance with:

1. Plans date stamped March 9, 2018
2. Development meeting all *Zoning Regulation Bylaw* requirements
3. The Temporary Use Permit lapsing three years from the date of this resolution."

CARRIED UNANIMOUSLY

Mayor Helps requested that the vote on the motion be recalled.

Councillor Thornton-Joe withdrew from the meeting at 12:28 p.m. due to a pecuniary conflict of interest with the following item, as her friend owns a business across the street from the subject property.

Moved By Councillor Coleman
Seconded By Councillor Lucas

Temporary Use Permit Application No. 00011 for 1120-1126 Hillside Avenue

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Temporary Use Permit Application No. 00011 for 1120-1126 Hillside Avenue, in accordance with:

1. Plans date stamped March 9, 2018
2. Development meeting all *Zoning Regulation Bylaw* requirements
3. The Temporary Use Permit lapsing three years from the date of this resolution."

Councillor Thornton-Joe returned to the meeting at 12:28 p.m.

CARRIED UNANIMOUSLY

Moved By Councillor Loveday
Seconded By Councillor Alto

Rezoning Application No. 00619 & Development Permit Application No.000520 for 356 Harbour Road

Rezoning Application No. 00619

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in Rezoning Application No. 00619 for 356 Harbour Road, that first and second reading of the Zoning Regulation Bylaw amendment be considered by Council, and a Public Hearing date be set once the following conditions are met:

1. Registration of reciprocal access easements on title to the satisfaction of the City Solicitor.

Development Permit Application No.000520

That Council, after the Public Hearing for Rezoning Application No. 00619, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000520 for 356 Harbour Road, in accordance with:

1. Plans date stamped January 25, 2018.
2. Development meeting all Zoning Regulation Bylaw requirements.
3. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY

Moved By Councillor Thornton-Joe
Seconded By Councillor Lucas

Backup Beepers in the Downtown

BE IT RESOLVED THAT Council direct staff to report at the next quarterly update on the resources needed to:
Explore what other cities are doing, whether there are policies that the City can implement and whether there are other costs needed to have this considered.

CARRIED UNANIMOUSLY

Mayor Helps withdrew from the meeting at 12:31 p.m. due to a pecuniary conflict of interest with the following item, as she has chickens on her property. Councillor Young assumed the Chair in her absence.

F. UNFINISHED BUSINESS

F.4 Amendments to the Animal Control Bylaw

Council received a report providing regarding the proposed Animal Control Bylaw amendments which were discussed at the March 22, 2018 Committee of the Whole meeting.

Moved By Councillor Isitt

That Council give three readings to the *Animal Control Bylaw Amendment Bylaw (No. 4) Bylaw No. 18-050*.

MOTION FAILED DUE TO NO SECONDER

Moved By Councillor Isitt

Seconded By Councillor Thornton-Joe

That Council direct staff to prepare an additional clause for incorporation into the *Animal Responsibility Bylaw* to:

Restrict storage or composting of manure from poultry kept on the property to closed containers with a maximum size of one meter by one meter by one meter, with a lid, and situation with a minimum setback of three meters from any adjacent property line.

Moved By Councillor Isitt

Seconded By Councillor Young

Amendment:

That the motion be amended as follows:

That Council direct staff to prepare an additional clause for incorporation into the *Animal Responsibility Bylaw*, **or other bylaws, as appropriate**, to:

Restrict the storage or composting of manure from poultry kept on the property to closed containers with a maximum size of one metre by one metre by one metre, with a lid, and situated with a minimum setback of three metres from any adjacent property line.

Moved By Councillor Thornton-Joe

Seconded By Councillor Isitt

Amendment to the amendment:

That the amendment be amended as follows:

That Council direct staff to prepare an additional clause for incorporation into the *Animal Responsibility Bylaw*, **or other bylaws, as appropriate**, to:

Restrict the storage or composting of manure from poultry kept on the property to closed containers with a maximum size of one metre by one metre by one metre, with a lid, and situated with a minimum setback of three metres from any adjacent property line.

Restrict the storage or composting of manure from poultry kept on the property to closed containers with a maximum size of 1 metre by 1 metre by 1 metre, with a lid, and situated with a minimum setback of 3 metres from any adjacent property line.

And that all food bins are enclosed rat proof containers.

CARRIED UNANIMOUSLY

On the amendment:

CARRIED UNANIMOUSLY

Moved By Councillor Isitt

Seconded By Councillor Lucas

Amendment:

That the motion be amended as follows:

That Council direct staff to prepare an additional clause for incorporation into the *Animal Responsibility Bylaw*, or other bylaws, as appropriate, to:

Restrict the storage or composting of manure from poultry kept on the property to closed containers with a maximum size of one metre by one metre by one metre, with a lid, and situated with a minimum setback of three metres from any adjacent property line.

Restrict the storage or composting of manure from poultry kept on the property to closed containers with a maximum size of 1 metre by 1 metre by 1 metre, with a lid, and situated with a minimum setback of 3 metres from any adjacent property line.

~~And that all food bins are enclosed~~ **feed for poultry kept on the property, will be in closed**, rat proof containers.

CARRIED UNANIMOUSLY

Moved By Councillor Alto
Seconded By Councillor Thornton-Joe

Amendment:

That the motion be amended to include the following:

That staff be directed to report back on how to allow for an application to the City for an exemption to the *Animal Control Bylaw*.

Moved By Councillor Isitt

Amendment to the amendment:

That the amendment be amended as follows:

~~That staff be directed to report back on how to allow for an application to the City for an exemption to the *Animal Control Bylaw*~~

That staff prepare a clause for incorporation into the Animal Responsibility Bylaw to:

(1) Permit the keeping of a number of chickens that exceeds the maximum number permitted in the bylaw, where an applicant can demonstrate the support of 75 per cent of residents of adjacent properties, and adequate provisions relating to the management of feed, manure, coops and fencing.

MOTION FAILED DUE TO NO SECONDER

Moved By Councillor Isitt
Seconded By Councillor Young

Amendment to the amendment:

That the amendment be amended in the following point:

That staff be directed to report back on how to allow for an application to the City for an exemption to the *Animal Control Bylaw* provisions relating to the maximum number of poultry.

DEFEATED UNANIMOUSLY

Moved By Councillor Isitt
Seconded By Councillor Loveday

Amendment to the amendment:

That the amendment be amended as follows:

That staff be directed to report back on how to allow for an application to the City for an exemption to the *Animal Control Bylaw* provisions relating to the keeping of poultry.

FOR (2): Councillor Isitt, and Councillor Loveday

OPPOSED (6): Mayor Helps, Councillor Alto, Councillor Coleman, Councillor Lucas, Councillor Thornton-Joe, and Councillor Young

DEFEATED (2 to 6)

On the amendment:

CARRIED UNANIMOUSLY

Main motion as amended:

That Council direct staff to prepare an additional clause for incorporation into the *Animal Responsibility Bylaw*, or other bylaws, as appropriate, to:

Restrict the storage or composting of manure from poultry kept on the property to closed containers with a maximum size of 1 metre by 1 metre by 1 metre, with a lid, and situated with a minimum setback of 3 metres from any adjacent property line.

And that feed for poultry kept on property, will be stored in closed, rat proof containers.

That staff be directed to report back on how to allow for an application to the City for an exemption to the *Animal Control Bylaw*.

CARRIED UNANIMOUSLY

D. BYLAWS

D.7 Addenda: Bylaw for Animal Control Amendments

Moved By Councillor Isitt

Seconded By Councillor Thornton-Joe

That the following bylaw be given **first, second, and third readings:**

1. Animal Control Bylaw Amendment Bylaw No. 18-050

Moved By Councillor Isitt

Seconded By Councillor Coleman

Amendment:

That the motion be amended as follows:

That the following bylaw be given first, second, and third readings:

1. Animal Control Bylaw Amendment Bylaw No. 18-050
and that the number of 12 relating to the maximum number of chickens be amended to 15.

CARRIED UNANIMOUSLY

Main motion as amended:

That the following bylaw be given first, second, and third readings:

1. Animal Control Bylaw Amendment Bylaw No. 18-050
and that the number of 12 relating to the maximum number of chickens be amended to 15.

CARRIED UNANIMOUSLY

P. ADJOURNMENT

Moved By Councillor Alto

Seconded By Councillor Coleman

That the Council Meeting of April 19, 2018, be adjourned at 1:24 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR