

## **MINUTES – COMMITTEE OF THE WHOLE**

### **MEETING HELD THURSDAY, MARCH 7, 2002 AT 9:00 A.M.**

**PRESENT:** Councillor Lunt, Chair, Mayor Lowe, Councillors Fleming, Madoff, and Savoie. Councillor Vanden Berg arrived at 9:13 a.m. Councillor Hughes left the meeting at 3:35 p.m. Councillor McLean was absent for the portion of the meeting from 3:00 p.m. to 4:30 p.m.

**ABSENT:** Councillor Holland

**ALSO PRESENT:** Joe Martignago, City Manager, and Sheryl Masters, Manager, Administration, attended for the entire meeting. Ms Atkinson, Ms Fowler, Ms McKay, Ms Meyer, Ms Miller, and Messrs. Barber, Basey, Koch, Lam, McCliggott, Oberg, Wiffen & Woodland, attended for a portion of the meeting.

Dr. Bruce Andrews, Chair, Greater Victoria Public Library Board (GVPLB), Sandra Anderson, Chief Librarian, Mr. Glen Jones, GVPLB, Mr. Don Hamilton GVPLB, Mr. Patrick Murphy, GVPLB, Ms Mary Desprez, General Manager of Belfrey Theatre, Mr. Ron Grant, Director of Terrific Jazz Society, Lesley Cook, Festival Director of Terrific Jazz Society, and Ms Pamela Charlesworth, Chair, Provincial Capital Commission.

**Recording Secretary:** Ming Moodrey

### **APPROVAL OF AGENDA**

02/187

The Agenda of the March 7, 2002 meeting was circulated. The City Manager outlined the addition of the following late items to the Agenda:

#### **Open Meeting**

1. Item 4 – Correspondence from the Capital Region District
2. Item 15 – Deposit for Civic Elections - Report

#### **Closed Meeting**

3. Item 19 – 450 Swift Street
4. Item 20 – Memorandum of Understanding – 21 Erie Street

5. Item 21 – Multipurpose Facility

**ACTION:** It was moved by Councillor Hughes that the Agenda be approved as amended.

**Carried**

**ADOPTION OF MINUTES**

02/186

The Minutes of the February 28, 2002 meeting was circulated.

**ACTION:** It was moved by Councillor Hughes that the Minutes be approved as circulated.

**Carried**

**DELEGATIONS**

**GREATER VICTORIA PUBLIC LIBRARY BOARD**

02/185

Dr. Bruce Andrews, Chair, of the GVPLB presented the *Greater Victoria Public Library – 2001 Actual Results and 2002 Budget*. He introduced Sandra Anderson, Chief Librarian, and the Board members, Mr. Glen Jones, Mr. Don Hamilton, and Mr. Patrick Murphy, who were present for the presentation. Dr. Andrews thanked Council for this opportunity to present the Greater Victoria Public Library (GVPL) 2002 Budget.

Dr. Andrews commented that the GVPL's 2002 Budget reflects an average 3% increase in municipal contributions. Due to an increase in the City's converted assessment, Victoria's increased contribution over the previous year is 3.5%.

The 2002 GVPL Budget also reflects the following increases in expenses:

1. Increases to salaries and benefits have increased GVPL's costs by 4.5%;
2. the budget for books and other borrowed material has increased by 5.0%.

To offset the increased costs, GVPL has asked staff to review services and programs for further efficiencies and cuts. As a result of this effort, a position in the Technical Services Operation will be eliminated and the service level for the public will be reduced on Sundays. There was also a change in the administration of fines, which will increase GVPLB's self-generated revenue by an estimated \$50,000. The admission of View Royal to the GVPL system, beginning in June of this year, has also helped offset the increased costs.

On the provincial front, the GVPL continues its leadership role in lobbying the Province regarding provincial funding. There has not been an increase in funding from the province this year but the funding level has been maintained.

In addition, Dr. Andrews summarized the report of GVPL's 2001 performance according to various measures. Of particular interest is the 5% increase in borrowing at the Central

Library. There has been a similar increase in visits to the Central Library, as well as an increase in the in-house use. GVPL will be introducing Sunday hours at the Central Library, beginning in 2003. The automatic checkouts have been well received by the patrons. There is also an on-line payment system for the patrons.

Dr. Andrews reported on the GVPL's planned projects in its *Five-Year Plan*, as follows:

1. The main branch facilities will be expanded to improve the physical and technological access to holdings.
2. To expand community partnerships to improve access to GVPL facilities and holdings. (The model of the Oak Bay Library and the Juan de Fuca Library has helped.)
3. To incorporate new media into the GVPL to expand its patronage..
4. Esquimalt will have a new library.
5. There will be major renovations and changes to the Saanich library.
6. There are plans for a new Central Library. In this regard, Dr. Andrews thanked Council on behalf of the Central Library for the City's contribution to this project.

Dr. Andrews stated that he hopes that when the new library is ready to be built, Council will consider opening the competition to architects for the best design. A well-designed library will be the pride of the Greater Victoria Region.

The Chair thanked Dr. Andrews for this comprehensive presentation.

**ACTION:** Councillor McLean moved that it be recommended to Council that the amount requested in the GVPLB's budget presentation be confirmed and placed in the City Budget Bylaw for 2002.

*Carried*

## **GRANT REQUEST**

### **CORRESPONDENCE FROM THE CAPITAL REGIONAL DISTRICT WITH RESPECT TO THE CAPITAL AND OPERATING ARTS-RELATED GRANT REQUESTS TO THE CRD ARTS COMMITTEE**

02/184

The Capital Regional District requested that the City of Victoria, Township of Esquimalt, District of Metchosin, District of Oak Bay, District of Saanich, and District of Highlands consider the following motion made at the February 27, 2002 meeting of the Royal & McPherson Theatres Subcommittee of the Finance & Administration Committee.

*“MOVED by Director Leonard, SECONDED by Director Savoie that the Arts Committee members be asked to advise their municipalities to refer all capital and operating arts-related grant requests to the CRD Arts Committee pending completion of the Capital Region Arts Strategic Plan.”*

**ACTION:** Councillor Fleming moved that the correspondence from the Capital Regional District be received for information.

*Carried*

### **BELFRY THEATRE'S HERITAGE RESTORATION PROJECT**

02/183

Committee received a letter dated February 19, 2002 from the Belfry Theatre regarding a grant request for \$19,300, in support of the Belfry Theatre's Heritage Restoration Project – Phase 5, which features two components – Construction/Renovation and Specialized Equipment. The Construction/Renovation component will focus on installing a furnace, replacing the roof, seismically upgrading the Studio Theatre, building a loading bay, and installing an air-conditioning unit for the Mainstage Theatre. The Specialized Equipment component will focus on a technical upgrade to the Mainstage and Studio Theatres so they meet acceptable industry standards. The Belfry Theatre's Heritage Restoration Project is in its final phase of construction.

Ms Desprez, General Manager of Belfry Theatre, approached the Committee with her concerns regarding the Capital Regional District's motion directing the municipalities to all capital and operating arts-related grant requests to the CRD Arts Committee pending completion of the Capital Region Arts Strategic Plan. She indicated that it will take time for CRD to complete the Strategic Plan and, in the interim, there are no contingency plans in place for the organizations, which have submitted their grant requests and cannot wait for CRD to complete the process. This is the case with the Belfry Theatre's Heritage Restoration Project because of the deadline and stipulations in the Provincial funding. If Belfry has to wait for CRD to complete the Strategic Plan, then Belfry could lose the provincial funding.

Councillor Savoie indicated that the motion is not meant to start an unduly cumbersome process for the applicants. Rather, this motion is meant to streamline the whole grant process so that there is not a need for the organizations to go to individual municipalities for grants. If this motion should jeopardize the Belfry's provincial funding, then the Capital Regional District and the Royal & McPherson Theatres Subcommittee of the Finance & Administration Committee would consider bringing this matter back to the Capital Regional District's table for further discussion.

**ACTION:** Mayor Lowe moved that it be recommended to Council that this matter be referred back to the Capital Regional District so that the Capital Regional District and the Royal & McPherson Theatres Subcommittee of the Finance & Administration Committee may hold a special meeting to consider this issue with the Belfry Theatre's Heritage Restoration Project grant request.

*Carried*

## **TERRIFVIC JAZZ SOCIETY**

02/182

At the February 14, 2002 Council meeting, Councillor Savoie, seconded by Councillor Fleming, moved that a grant of \$2,000 for the TerrifVic Jazz Society for the TerrifVic Jazz Party be referred to the next Committee of the Whole Meeting.

Ms McKay, Coordinator, Community Development Division, informed the Committee that there has been changes since the February 14, 2002 Committee of the Whole and Council Meetings. Mr. Ron Grant, Director, and Lesley Cook, Festival Director, both of TerrifVic Jazz Society, presented their appeal indicating that Canada Heritage Foundation declined their grant request in 2002 and that the TerrifVic Jazz Society will be facing a shortage for funding of the TerrifVic Jazz Party. They asked Committee to consider increasing the funding of the grant to the Society above the amount of \$2,000.

Mr. Grant indicated that the Society is not in debt although it has a deficit. The TerrifVic Jazz Party is an annual event in the Greater Victoria Region and has been a tourist attraction for the City of Victoria. Also, the Society has provided ongoing special programs in local schools to benefit music students and provided scholarships to the music students in the past when they had the funding.

**ACTION:** Mayor Lowe moved that it be recommended to Council that a total grant of \$2,000 be approved for the TerrifVic Jazz Society for the TerrifVic Jazz Party, with the Committee's regret that the City is unable to provide the requested grant increase.

*Carried*

## **PLANNING & DEVELOPMENT**

### **REZONING APPLICATION #02-01** **THE WATERLOT BEHIND 1810 STORE STREET**

02/181

Committee received a memorandum dated February 28, 2002 from the Planner, Planning Division, regarding the rezoning application #02-01 for the waterlot behind 1810 Store Street. The proposal is to rezone the waterlot behind 1810 Store Street from the M-3 Zone [Heavy Industrial] to a new zone based on the MS-1 Zone [Marine Service(Outer Harbor) District] to permit a marina development, including a pump out facility at this location. (Under the present zoning, mooring of pleasure crafts is not permitted.) The City has an easement on the stretch of land above the waterlot.

The Committee discussed the debris in the tidal and subtidal regions. Also of concern was the height of the building, which may be a visual intrusion in that narrow channel.

**ACTION:** Councillor Madoff moved that it be recommended to Council that:

1. That the application be forwarded for consideration at a Public Hearing and that the City Solicitor be instructed to prepare the

necessary Zoning Bylaw amendments, based on the appended draft zone, subject to:

- (a.) An Amended, fully dimensioned access plan, to the satisfaction of the Director of Engineering
  - (b.) An Agreement ensuring that future development, municipal servicing, and signage are to the satisfaction of the Director of Planning and Development.
2. That Council instruct staff to re-negotiate the terms of the easement to ensure the applicant builds and maintains the 5 meter public access area behind 1810 Store Street and that the final plans for the upland area are to the satisfaction of the Director of Planning and Development.
  3. That Staff be requested to return to Committee of the Whole with an elevation plan showing the heights before this matter goes to Council.
  4. That Staff request the applicant to remove the debris from the tidal and subtidal areas.

***Carried***

### **REZONING FOR #01-31 FOR 254 BELLEVILLE STREET**

02/180

Committee received a memorandum dated February 28, 2002 from the Planner, Planning & Development Department, regarding the application for rezoning for 254 Belleville Street. The application is to rezone the property at 254 Belleville Street from the Inner Harbour Transportation and Inner Harbour Park Zones to a new zone which will permit a limited amount of retail, offices, restaurants, outdoor storage, docks for commercial tour boats, and public toilet facilities. The purpose of this application is to permit the expansion of uses at the site, to enhance the economic viability of the terminal and to advance its overall redevelopment.

**ACTION:**

Councillor Hughes moved that it be recommended to Council that:

1. That the application be forwarded for consideration at a Public Hearing and that the City Solicitor be instructed to:
  - (a) Prepare the necessary Zoning bylaw amendments, based on the appended draft zone as outlined in Appendix II, subject to an amended, fully dimensioned parking/access plan, to the satisfaction of the Director of Engineering;
  - (b) Register a covenant on title establishing the hours or operation for commercial tour boats.
2. That Council designate the Stores Building for heritage protection concurrent with the rezoning process.

***Carried***

## ZONING IMPROVEMENTS TO FACILITATE WALL REPAIRS

02/179

Committee received a memorandum dated March 1, 2002 from the Manager, City Planning Division regarding proposed improvements to City's *Zoning Regulation Bylaw* in order to facilitate repair of existing building exteriors suffering from water penetration. This will allow a "rain screen" wall design to replace thinner walls, (e.g. "face sealed" type) via simple building permit with a minimum of delay.

The present zoning definitions of floor "area" and "setback" require a building to be measured at the outside of the finished wall surface. The proposed change for "area" will set the Interior wall at the floor as the point of measurement. The proposed change for setback is focused on existing buildings that require remediation.

**ACTION:** Councillor Hughes moved that it be recommended to Council that the City Solicitor be instructed to amend the *Zoning Regulation Bylaw* as follows to facilitate improved exterior wall design by allowing exemption of thicker walls, as follows:

Excerpts from Zoning Bylaw "Schedule A" (with new wording shaded)

**"Area"** when used in reference to a floor of a storey of a building means the entire area which in plan is enclosed by the interior face of the exterior walls including any cantilevered element above floor level ~~outer limits~~, of the storey at floor level, but does not include the area of the floor or floors of any and all portions of the building used or intended to be used for the parking or movement of motor vehicles nor the floor area or areas of any and all balconies, exposed decks, patios or roofs.

**"Setback"** or **"Line of Setback"** means the shortest horizontal distance from any boundary of a lot to the face of the nearest wall of a building provided that a cornice or retaining wall or fence shall not be deemed to be a building and excepting any improved exterior treatments up to a maximum of 0.2 m for any building constructed before (date of amendment).

**Carried**

## 836 – 844 VIEW STREET – DEVELOPMENT PERMIT #02-07

02/178

Committee received a memorandum dated February 28, 2002 from the Head, Urban Design, regarding Development Permit #02-07 for 836 – 844 View Street, legally described as The Westerly 25 feet of Lot 311, Victoria, Lot 309, Victoria City, Lot 310 Victoria City.

The Development Permit application is to construct a 13 storey – 133-unit rental apartment tower (The Stafford) with ground floor offices and underground parking for cars and bicycles. It is to replace an existing one-storey vacant building (former St. Vincent de Paul Society

building) on the proposed site. The proposal is consistent with most of the design guidelines of the Harris Green Plan 1995 and Charette 1997. While the guidelines encourages a maximum building height of 10 storeys, the additional proposed height has been well balanced by the high quality design, in terms of coordinated use of materials, articulations of the building face and massing, street level detailing of frontage and landscaping.

**ACTION:**

Councillor Madoff moved that it be recommended to Council that:

1. This matter be moved forward to a Public Hearing subject to City staff consulting with the Neighbourhood Association, (i.e. Harris Green Community Association), and obtaining a letter from the Neighbourhood Association as to their comments on Development Permit Application 02-07 prior to the public hearing.
2. The resolution of approval for the Development Permit be considered at the same meeting for which the rezoning and hearing is scheduled, after the public hearing has been completed.
3. Council authorize the issuance of a Development Permit in accordance with:
  - (a) Plans stamped "Development Permit Application 02-07", dated February 8, 2002.
  - (b) Development meeting all bylaw requirements except:
    - (i) Section 3.67.5(2) Height relaxation from 30m and 9 storeys to 41m and 13 storeys.
    - (ii) Section 3.6.7.6(b) Build-to-line relaxed from 3.5m to 0m.
  - (c.) Special sidewalk and streetscape treatment to be adjusted to the satisfaction of the Director of Engineering and Director of Parks and Community Services prior to Building Permit stage.
  - (d.) Final plans to be in accordance with plans identified above, to the satisfaction of the Director of Planning and Development.

***Carried***

**97 COOK STREET - R1-B SINGLE FAMILY DWELLING DISTRICT.  
OWNER REQUEST TO DESIGNATE A HERITAGE REGISTRY DWELLING**

02/177

Committee received a memorandum dated February 27, 2002 from the Heritage Planner regarding the owner's request to designate 97 Cook Street, a heritage registry house and land, as a municipal heritage site. This application is subtitled in conjunction with rezoning application #01-32. Final adoption of the designation bylaw should be considered concurrent with the public hearing for the rezoning application.

**ACTION:**

Councillor Fleming moved that it be recommended to Council that whereas the land and building at 97 Cook Street is worthy of heritage designation, City Council designate it as a municipal heritage site,

including the Carriage House and the stone wall along the perimeter of Cook Street and Faithful Street. Further, the designation will protect the following features:

1. All stained glass, wood wainscotting and trim, light chandeliers, fireplaces and mantelpieces in the following rooms as shown on Schedule A:
  - (a) Entrance hall/lobby (former living room)
  - (b) Library (former dining room)
  - (c) Office #2 (former bedroom/library)
  - (d) Pantry.

**Carried**

**536 – 538 HERALD STREET**  
**HERITAGE DESIGNATION BYLAW #414**  
**HERITAGE ALTERATION PERMIT APPLICATION #97**

02/176

Committee received a memorandum dated February 27, 2002 from the Heritage Planner regarding the application of Leith Anderson, Architecture, on behalf of Chris LeFevre & Company for a Heritage Alteration Permit for a mixed use development for 24 rental apartments and ground floor retail use for the Heritage Designated building at 536 - 538 Herald Street. The building was badly damaged by fire on February 14, 2002. However, the façade and a sufficient amount of the front portion of the heritage structure survived for the applicant to proceed with the proposed development. To assist with the seismic upgrading costs of the remaining heritage structure, the applicant has also applied for a tax exemption under the City's Tax Incentive Program for Residential Conversion. Whereas, the heritage portion of the development comprises 40% of the footprint of the overall project. It is recommended that a 40% tax exemption be provided for ten years.

A variance is required to permit residential use on the ground floor of the new wing at the rear of the property. The project will advance the objectives stated in the Strategic Plan, will result in improved public safety through seismic upgrading, and will result in the rehabilitation of an important heritage building. The application has been reviewed by the Victoria Civic Heritage Trust and City staff and is recommended for approval.

**ACTION:**

- Mayor Lowe moved that it be recommended to Council that,
- 1 Pursuant to Heritage Designation Bylaw #414, City Council authorize the issuance of Heritage Alteration Permit #97 in accordance with:
    - (a.) Plans dated February 5, 2002.
    - (b.) Development meeting all bylaw requirements except for: Section 6.7.1(e) relaxed to permit residential use below the second floor.
    - (c.) Final plans to be in accordance with plans identified above.
    - (d.) Masonry repointing specifications to the satisfaction of the Heritage Planner.
  2. That the City Solicitor be instructed to prepare a Tax Exemption Bylaw for 536 – 538 Herald Street for 40% for 10 years

pursuant to Section 342 of the Local Government Act with the following conditions attached to the bylaw:

- (a.) That a covenant identifying the tax exemption be registered on the Land Title and future Strata Titles.
- (b.) Final costs of seismic upgrading be verified by the Victoria Civic Heritage Trust.

**Carried**

**2002 WORK PLAN**  
**DEPARTMENT OF PLANNING & DEVELOPMENT**

02/175

Mr. Basey, Mr. Koch, Ms Fowler, & Ms Miller presented the 2002 Planning & Development Department Work Plan. The expected results of the Department Work Plan will be:

1. Greater coordination and alignment within the department and with respect to corporate goals;
2. Efficient use of resources;
3. Documenting need for more resources;
4. Improving communication among the staff – (staff team meeting);
5. Enhanced resources for bylaw enforcement and increased customer service;
6. Better land use;
7. Landmark recreational and cultural building;
8. More useable Arts & Culture policy.

The key corporate strategy is for the 2002 Department Work Plan to fit the City's goals such as:

- responsible governance
- focus on service excellence
- community environmental economic vitality
- economic vitality;
- Business retention and expansion
- generating employment
- building our City - harbour and waterways, housing, neighbourhood balance, public open space connection, urban design, downtown core, harbour and waterways; facilities for Art and Culture, facilities for recreation, and regional cooperation.

One of the greatest accomplishments for the Planning and Development Department is the implementation of the new Tempest software. Mr. Basey commented that it was a very eventful year and that it was a pleasure to work with such a dedicated and professional group in the City of Victoria.

**ACTION:** Councillor McLean moved that this matter be continued at the Committee of the Whole meeting on March 14, 2002.

**Carried**

## **DISPOSITION OF COMMUNICATIONS**

02/174

Committee received the Disposition of Communication dated March 1, 2002, from the Manager, Administration, reporting that certain communications received in the Legislative Services Division have been dealt with on the date and in the manner indicated.

Councillor Savoie inquired about Item No. 5 in the letter of disposition regarding the decision made by Council to split planned construction work for Cecelia Ravine Park over a two-year period. Her concern is that in view of Council's decision, the Parks Division may have \$30,000 less for planting because of the way that the funding is divided.

Councillor Savoie asked if the Bylaw regarding this matter is complete and she also requested a report from staff regarding the funding issue on this matter.

**ACTION:** Councillor Hughes moved that the Disposition of Communication dated March 1, 2002 received from the Manager, Administration, be received for information and filed.

**Carried**

## **PROCLAMATION**

02/173

**ACTION:** Councillor Vanden Berg moved that the following proclamation be approved and forwarded to the appropriate Council meeting:

1. International Order of Job's Daughters Days - March 21 to 24, 2002.

**Carried**

## **COUNCILLOR INQUIRIES**

### **NOTICE OF MOTION - NOMINATION DEPOSIT FOR CIVIC ELECTIONS**

02/172

Section 72.1 of the Local Government Act provides the means to establish a refundable nomination deposit for candidates in a civic election. Councillor McLean proposed that a refundable nomination deposit be adopted in the City's *Election Procedures Bylaw*. He recommended that the amount of the deposit be the maximum of \$100 allowed under the provision of the Local Government Act.

**ACTION:** Councillor McLean moved that it be recommended to Council that Council instructs the City Solicitor to prepare an amendment to the *Elections Procedure Bylaw* to establish a nomination deposit for all

candidates running for office in a civic election, pursuant to section 72.1 of the Local Government Act, as follows:

1. A nomination deposit of \$50.00 for all candidates running for the office of the Mayor in a civic election; and
2. A nomination deposit of \$25.00 for all candidates running for the office of Councillor in a civic election.

***Carried***

**NOTICE OF MOTION - ACCESS AND AFFORDABILITY OF EDUCATION  
FOR VICTORIA POST-SECONDARY STUDENTS**

02/171

Councillor Fleming moved that it be recommended to Council that:

That Council adopt and communicate to Minister Bond and Victoria MLA's the following motion:

WHEREAS over 20,000 students attend public post-secondary institutions in Victoria, namely Camosun College and the University of Victoria;

AND WHEREAS Victoria's post-secondary institutions attract students, staff and faculty to reside and participate in Victoria's economy and UVic alone sustains 10,000 direct and indirect jobs and contributes \$290 million to the regional economy (1998 figures);

AND WHEREAS 73 per cent of new jobs will require some level of post-secondary education by 2008; and British Columbia currently lags behind other provinces in degrees and diplomas granted;

AND WHEREAS many students require government support to finance their education;

AND WHEREAS the elimination of student assistance and employment programs such as Youth Community Action, Training Assistance Benefits, Student Summer Works (incl. Youth E-Teams), and Work Study will eliminate over 1,000 student employment positions in Victoria and make it harder for students to afford the high costs of post-secondary education;

AND WHEREAS Bill 28 (Public Education Flexibility and Choice Act) passed by the Provincial Legislature on January 28 threatens the quality of education through increasing class sizes and mandating on-line delivery of courses in place of face-to-face instruction;

AND WHEREAS an increase in tuition fees will negatively affect access to post-secondary education for Vancouver's students;

THEREFORE BE IT RESOLVED THAT City Council ask the provincial government to:

1. reinstate student employment and assistance programs;
2. regulate tuition fees to ensure access to post-secondary education; and
3. repeal Bill 28-Public Education Flexibility and Choice Act.

Carried

### **SUBMARINE**

02/170

Councillor Savoie inquired about the submarine that was originally moored in front of the Harbour Canoe Club that was blown away by a storm. She is concerned that the submarine may be a hazard to the public and that it could be a serious liability to the City.

The City Manager commented that the submarine in question is presently tied up at Point Hope Shipyard. Since the Point Hope Shipyard is a private dockyard, the City has no jurisdiction over whether or not the submarine is secure there. If the submarine should break away, then it would be Point Hope Shipyards problem and liability, not the City's.

### **INFORMATION SHARING**

02/169

Councillor Fleming informed the Committee that the memorial service for the City of Vancouver's Councillor, Harry Rankin, is scheduled for Sunday, March 9, 2002. He quoted the late Councillor Rankin's favourite saying: "Nothing is final except death, and that comes slowly to Aldermen."

### **CLOSED MEETING - 11:25 A.M.**

Councillor Hughes moved that Committee of the Whole convene a closed meeting that excludes the public under Section 10(6) of the Council Bylaw for the reason that the following agenda items deal with matters specified in Section 10 (3) of the Council Bylaw.

### **THE REGENT HOTEL**

02/168

Committee received a memorandum dated March 4, 2002 from the Property Manager regarding the City's statutory right of way behind the Victoria Regent Hotel, which is integral part of the harbour pedestrian pathway. Due to the graffiti and loitering in the area of the statutory right of way, the Regent Hotel has requested that the City construct and install a gate across the pathway which would be closed at night.

**ACTION:** Councillor McLean moved that it be recommended to Council that Council not consent to the request by the Regent Hotel to close off the statutory right of way to the public, during the night, but continue to work with the Regent Hotel and the Police Department in an effort to reduce the number of complaints in the area.

***Carried***

### **CRAIGDARROCH CASTLE – WALL REPAIRS**

02/167

Committee received a memorandum dated March 4, 2002 from the Property Manager regarding the Craigdarroch Castle Wall repairs.

- ACTION:** Mayor Lowe moved that it be recommended to Council that Council approve a five year extension to the covenant attached to the Agreement that requires the Craigdarroch Castle Historical Museum Society to restore the wall and have the City solicitor prepare the necessary amendment subject to:
- The Craigdarroch Castle Historical Museum Society providing the City a report from their project engineers, assuring the City that the proposed delay in completing the repairs will not measurably increase the risk to the City or to the public.

*Carried*

### **450 SWIFT STREET – OFFER TO PURCHASE**

02/166

Committee received a memorandum dated March 4, 2002 from the Property Manager regarding an Offer to Purchase 450 Swift Street from Heritage Quay Development.

- ACTION:** Councillor McLean moved that it be recommended to Council that Council approve the proposed amendment to the Agreement of Purchase and Sale, with partial payment of \$250,000.00 due on the amended Closing Date of March 15, 2002, and the balance of approximately \$426,240.00 payable on or before May 15, 2002.

*Carried*

### **MEMORANDUM OF UNDERSTANDING – 21 ERIE STREET**

02/165

- ACTION:** Mayor Lowe moved that the Memorandum of Understanding be postponed to the Committee of the Whole Meeting for March 14, 2002.

*Carried*

### **MULTIPURPOSE FACILITY**

02/164

Legal advice regarding the Victoria Multipurpose Facility Partnering Agreement was given by the City Solicitor and was discussed by the Committee.

- ACTION:** Councillor McLean moved that the previous instruction to the City Solicitor in this matter be rescinded.

**At 12:15 p.m., Mayor Lowe moved that the Committee of the Whole Closed Meeting be adjourned until 3:00 p.m.**

(Councillor McLean did not attend at 3:00 p.m. Councillor Hughes left the meeting at 3:35 p.m.)

There were further discussions by the Committee regarding the provisions and legal issues of the Partnering Agreement.

**ACTION:** That upon receipt of advice from the City Solicitor, the Committee instructs the City Solicitor to include a saving provision in the partnering agreement.

***Carried***

The meeting adjourned at 4:30 P.M.

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Councillor Jane Lunt, Chair