

MINUTES - COMMITTEE OF THE WHOLE

MEETING HELD THURSDAY, JANUARY 9, 2003, AT 9:00 A.M.

PRESENT: Mayor Lowe, in the Chair, and Councillors Coleman, Fleming, Fortin, Holland, Hughes, Madoff, Savoie and Thornton-Joe.

Mr. Joe Martignago, City Manager, attended for the entire meeting and Messrs. Barber, Dellebuur, Galavan, Koch, O'Reilly, Van den Boomen, and Woodland, and Ms. Fowler, Ms. Mayhew, Ms. Meyer, and Ms. Zink attended for portions of the meeting. Robert Macquisten and Peter Johnson from Staples McDannold Stewart also attended.

Recording Secretary: Linda Johnson

PLANNING & DEVELOPMENT

RESTRICTIVE COVENANT – REZONING APPLICATION #01-31 **254 BELLEVILLE STREET**

03/18

Following a public hearing on June 13th, 2002, Council gave third reading to Zoning Regulation Bylaw, Amendment Bylaw (No. 638) – No. 02-50 for Rezoning Application #01-31 for 254 Belleville Street. Prior to considering the bylaw for final adoption, Council requested that staff “execute a covenant with the Provincial Capital Commission prohibiting float plane operations from the site at 254 Belleville Street”.

Committee received a memorandum dated January 2, 2003 from the City Planning Division advising that City staff and representatives from the Provincial Capital Commission (the applicant) have tried to register a covenant on title of the property, however Transport Canada has a tenure interest in the property and cannot sanction the covenant.

The applicant has requested that Council consider final adoption of the bylaw as they have no plans to introduce float planes to the area and have stated that they would consult the community if plans were ever developed to bring in float planes.

ACTION: Councillor Madoff moved that Zoning Regulation Bylaw, Amendment Bylaw (No. 638) – No. 02-50, be forwarded to the January 23rd, 2003 Council meeting for consideration of final adoption.

REQUEST FOR HERITAGE DESIGNATION **528 ST. CHARLES STREET**

03/17

Committee received a memorandum dated December 20, 2002 from the Heritage Planner regarding a request from the owner of 528 St. Charles Street to designate this existing single family dwelling and the land surrounding it in the Rockland neighbourhood as a municipal heritage site.

ACTION: Councillor Madoff moved that it be recommended to Council that, whereas the house and lands at 528 St. Charles Street are worthy of heritage designation, this property be designated as a municipal heritage site with the following protected features:

- 1) Interior: all interior surfaces and finishes, including plasterwork, woodwork, fireplaces, tilework and light fixtures of the following rooms:
 - Den
 - Living Room
 - Dining Room
 - Front Hallway
 - Central Stairway
- 2) Exterior: land and rock wall.

REQUEST FOR HERITAGE DESIGNATION
938 COLLINSON STREET

03/16

Committee received a memorandum dated December 24, 2002 from the Heritage Advisory Committee, and a memorandum dated December 12, 2002 from the Heritage Planner regarding a request from the owner of 938 Collinson Street for heritage designation of this non-registry house. The recommendation from the Heritage Planner is to decline the application as the house does not meet the minimum criteria for architectural or historical significance. However, the Advisory Committee did not agree with this position, and recommended designation for a number of reasons.

ACTION: Councillor Madoff moved that it be recommended to Council that, whereas the house at 938 Collinson Street is worthy of heritage designation, it be designated as a municipal heritage site.

HERITAGE ALTERATION PERMIT #108
310 HENRY STREET – ST. SAVIOUR’S ANGLICAN CHURCH

03/15

Committee received a memorandum dated December 12, 2002 from the Heritage Planner regarding Heritage Alteration Permit #108 for 310 Henry Street. The application is to rehabilitate the existing church hall of St. Saviour’s Church on the corner of Henry Street and Catherine Street in Vic West. A new addition is proposed to link the church hall with the heritage designated church. The addition will provide a new kitchen, washrooms, and a church office.

ACTION: Councillor Madoff moved that it be recommended to Council that, pursuant to Heritage Designation Bylaw #139, Heritage Alteration Permit #108 be issued in accordance with:

- 1) Plans dated November 22, 2002.
- 2) Development meeting all bylaw requirements.
- 3) Final plans to be in accordance with plans identified above.

LICENSEE RETAIL STORES

03/14

Committee of the Whole, at its meeting on November 7, 2002, instructed the City Solicitor to prepare a draft amendment to the Zoning Bylaw that would regulate the distance between retail businesses that sell beer, wine or other alcoholic beverages for consumption elsewhere.

Committee received draft bylaw No. 03-2 (Zoning Regulation Bylaw, Amendment Bylaw - No. 659) for consideration. Committee discussed other options for regulating the location and/or number of licensed retail stores. Committee agreed to consider giving two readings to draft bylaw No. 03-2, but requested a further report from City Planning on other regulatory approaches through the Zoning Bylaw.

ACTION: Councillor Holland moved that the verbal report from the Manager, Planning Division regarding Licensee Retail Stores be received for information and Bylaw No. 03-2 be forwarded to Council for consideration.

ENGINEERING

FERN STREET REOPENING – CONSULTATION

03/13

On November 14, 2002 Council approved the re-opening of Fern Street to vehicle traffic, subject to consultation with residents and the North Jubilee Neighbourhood Association (NJNA).

Committee received a memorandum dated January 3, 2002 from the Transportation Section regarding advising that information letters requesting feedback were sent to all Fern Street residents. Of the 30% of residents responding, 70% support the re-opening of the street.

Staff met with the NJNA on December 4, 2002, and subsequently received concerns about the consultation process used and a suggestion to re-open Fern Street on a temporary basis.

A Road Reopening Bylaw was attached for Committee's consideration.

ACTION: Councillor Hughes moved that Road Reopening (Fern Street) Bylaw #03-6, be forwarded to Council for consideration.

701 TYEE ROAD – THE RAILYARDS DEVELOPMENT

03/12

At the public hearing for The Railyards Development, held on December 12, 2002, concerns were expressed that traffic volumes would exceed the capacity of the improvements to be installed in the adjacent community under the Master Development Agreement.

Committee received a memorandum dated January 6, 2003 from the Manager, Transportation & Development, advising that staff have reviewed the concerns expressed at the public hearing, and have concluded that there are a number of measures that could be introduced at Alston Street and Skinner Street to adequately accommodate extra traffic in the event that volumes exceed the projected numbers.

The developer has agreed to amendments to the Master Development Agreement including conducting a traffic study once a substantial number of the units are sold and occupied. If the study finds that additional measures are needed, the Master Development Agreement also makes provision for further improvements on Skinner Street, including installation of a traffic signal at Alston Street, at the developer's expense.

ACTION: Councillor Madoff moved that the report dated January 6, 2003 from the Manager, Transportation & Development, regarding traffic concerns stemming from The Railyards Development, be received for information.

FINANCE

TENDER #02-063 **READY MIX CONCRETE & CONTROL DENSITY FILL**

03/11

Committee received a memorandum dated December 19, 2002 from the Senior Buyer advising that Tender #02-063 for Ready Mix Concrete & Control Density Fill was advertised, four packages were issued, and two responses received. A staff committee conducted an evaluation of the tenders received.

ACTION: Councillor Holland moved that it be recommended to Council that Tender #02-063 – Ready Mix Concrete & Control Density Fill be awarded to Butler Brothers Supplies Ltd., for a one year period ending December 31, 2003 at a total cost of \$392,677.75, based on being the overall lowest tender. This tender has two 1-year extension options, allowing for a maximum of a 3 year award.

JOHNSON STREET PARKADE

03/10

The Manager, Parking Services provided an update on recent complaints of objectionable drug-related activities at the Johnson Street parkade. Mr. Van den Boomen advised that a task force composed of staff members and Councillor Thornton-Joe reviewed the situation and made recommendations for changes to improve security. Lighting and painting will be fast-tracked, and security staff will be on duty 24 hours per day, 7 days per week starting January 10, 2003. Installation of pedestrian and vehicle gates is being investigated.

Councillors suggested that meetings be arranged with representatives of the Victoria Police department and Vancouver Island Health Authority to discuss social and health concerns in the downtown area. It was also suggested that this issue be referred to the Social Planning Advisory Committee.

ADMINISTRATIVE MATTERS

SEMINAR FOR NEWLY ELECTED OFFICIALS

03/09

Committee received a memorandum dated January 3, 2003 from the Office of the Mayor regarding a Seminar in Local Government Decision Making For Newly Elected Officials, to be

held January 15 to January 17, 2003 in Richmond. Councillors Thornton-Joe, Fortin, and Coleman have expressed an interest in attending. The report included an outline of approximate costs, totaling \$1,622.15.

- ACTION:** Councillor Fleming moved that it be recommended to Council that:
- 1) Approval be given for Councillors Thornton-Joe, Fortin, and Coleman to attend the Seminar in Local Government Decision Making for Newly Elected Officials in Richmond, January 15 – 17, 2003.
 - 2) Approval be given to funding approximately \$1,622.15 to cover related expenses.

DISPOSITION OF COMMUNICATIONS

03/08

Committee received a memorandum dated January 3, 2003, 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.

- ACTION:** Councillor Holland moved that the Disposition of Communications dated January 3, 2003 from the Manager, Administration, be received for information and filed.

COUNCILLOR INQUIRIES

OIL & GREASE IN SEWER SYSTEM

03/07

Councillor Savoie advised that she was distributing information to all Councillors regarding liquid waste entering the sewer system from food services operations. She requested that the City's Capital Regional District (CRD) Directors review the information in preparation for further discussions at CRD meetings.

GREATER VICTORIA SCHOOL DISTRICT INFORMATION SESSION

03/06

Councillor Madoff referred to a letter sent by the Greater Victoria School District inviting Councillors to attend an information session on January 22, 2003 regarding budget constraints and school space consolidation. She will advise the School District of those Councillors planning to attend.

CLOSED MEETING - 10:55 A.M.

Councillor Madoff 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.

REQUEST FOR MEETING – CHAMBER OF COMMERCE

03/05

Mayor Lowe advised that the Victoria Chamber of Commerce has requested a meeting with Council. He will arrange this and advise Councillors of the date and time.

**COURT ATTENDANCE FOR
ANIMAL CONTROL VIOLATIONS**

03/04

Councillor Hughes referred to a newspaper article stating that CRD Animal Control Officers had not attended a court case regarding a ticket issued for an animal control violation.

Councillor Savoie has discussed this issue with CRD staff, and will circulate an e-mail response to all Council members.

Councillor Thornton-Joe advised that the next issue to be discussed concerns her employer. Because of this potential conflict of interest she left the meeting at 11:04 a.m.

UNDERSEA GARDENS

03/03

Councillor Fleming reported on information received at a recent meeting of the Provincial Capital Commission regarding their lease negotiations with the Undersea Gardens.

Councillor Thornton-Joe returned to the meeting at 11:20 a.m.

STAFFING – PLANNING DIVISION

03/02

The Manager, Planning Division advised Committee of current and pending Planning Division staff leaves. He outlined the measures being taken to accommodate these leaves and still ensure that the Planning Division work program remains on course.

Mayor Lowe advised that he has a potential conflict of interest with issues regarding litigation for building envelope failures. He left the meeting at 11:25 a.m.

Councillor Fleming assumed the Chair.

LEGAL – OWNERS, STRATA PLAN VIS3171
v. CITY OF VICTORIA

03/01

Committee received a memorandum dated January 8, 2003 from the City Solicitor regarding mediation for a claim from The Owners, Strata Plan VIS3171. Legal counsel briefed Committee on the City's strategy in addressing these claims.

ACTION: Councillor Hughes moved that it be recommended to Council that the City Solicitor's recommendation regarding the litigation involving The Owners, Strata Plan VIS3171, be endorsed.

The meeting adjourned at 12:05 p.m.

Mayor Lowe, Chair