

# **MINUTES - COMMITTEE OF THE WHOLE**

## **MEETING HELD THURSDAY, JANUARY 23, 2003, AT 8:00 A.M.**

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

**ABSENT:** Councillor Fleming

Mr. Joe Martignago, City Manager, attended for the entire meeting and Messrs. Barber, Chow, Daly, Dowdall, Humphries, Koch, Leskiw, Leslie, McCliggott, Mayhew, Oberg, Plevin, Robertson, Sikstrom, Silvester, Timms, Wiffen and Woodland, Ms. Atkinson, Ms. Chase, Ms. Fowler, Ms. Masters, Ms. Meyer, Ms. O'Regan, and Mr. Peter Johnson from Staples McDannold Stewart attended for portions of the meeting.

Recording Secretary: Linda Johnson

### **DELEGATIONS**

#### **CAPITAL REGIONAL DISTRICT BUDGET**

03/73

The following Capital Regional District (CRD) staff members were present to discuss the 2003 CRD Budget:

Diana Lokken	Director of Finance
Mike Williams	General Manager, Environmental Services
Jim McFarlane	Manager, Operations & Local Services
Rita Estock	Assistant Director of Finance

They provided an overview of the City of Victoria requisition in the budget, which has increased 10.59% from \$7,022,122 in 2002 to \$7,765,811 in 2003. The cost per average residential property has risen from \$154.73 in 2002 to \$172.58 in 2003.

The delegation explained all budget increases, and provided a detailed accounting of increases in the sewer budget.

#### **CLOSED MEETING - 9:00 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.

Mayor Lowe provided information regarding infrastructure grants.

The closed meeting adjourned at 9:08 a.m.

## **BC FERRIES RESTRUCTURING**

03/72

The following representatives from BC Ferries addressed Committee regarding restructuring of the Crown corporation into an independent company renamed BC Ferry Services.

Mr. Mark Stefanson, Vice President, Corporate Communications  
Ms. Jeanette McKay, Assistant Vice President, Mainland Services  
Mr. Gary Leitch, Manager, Stakeholder Relations

The new company will be governed by the British Columbia Ferry Authority, modelled after the Vancouver International Airport Authority. An independent regulator will be appointed to regulate fares and protect consumer interests.

The delegation reviewed the proposed financial framework and business structure, and discussed the benefits of restructuring. They also outlined the timeline for transition to the new company.

A question period followed.

## **ART GALLERY**

03/71

The following representatives from the Art Gallery of Greater Victoria addressed Committee regarding the proposed new Gallery site on the "Y" lot:

Mr. Steve McKerrell, New Building Committee Chair  
Ms. Donna Jones, Past President, Board of Directors  
Mr. Pierre Arpin, Executive Director

The Gallery will require a commitment of regional funding to assist with other grant applications.

Councillors assured Gallery representatives of their interest in the project, and advised that the request will be referred to the City's budget process.

## **PARKS**

### **BEACON HILL PARK – WATER SPRAY FACILITY**

03/70

Victoria City Council, at its meeting of June 27, 2002 approved in principle the replacement of the existing wading pool in Beacon Hill Park with a water spray facility, subject to further reporting from staff regarding location, design, size, budget and funding partnerships, and referral to the Parks, Recreation & Community Services Advisory Committee.

Committee received a memorandum dated January 8, 2003 from the Manager, Park Design & Development and the Community Recreation Coordinator reporting that the Advisory Committee has recommended approval of the spray park in Beacon Hill Park adjacent to the playground and public washrooms.

The report was received as a late item, and Committee discussed postponing consideration to the next Committee of the Whole meeting. It was decided that staff and Mr. Kelly Mann of the

Parks, Recreation & Community Services Advisory Committee would present the issue, and allow two weeks for staff to receive and record public comments. The matter will be placed on the February 6<sup>th</sup> agenda for further discussion.

Staff advised that they reviewed the proposal in the context of current parks policies and have concluded that it is consistent with existing policy.

Subject to Council approval, staff proposed to proceed with design development for the facility. A committee with representation from the Advisory Committee and the Parks and Recreation Foundation has been formed to guide the project.

**ACTION:** Councillor Coleman moved that the report dated January 8, 2003 be received for information, and the subject be placed on the February 6, 2003 Committee of the Whole agenda for further consideration.

## **PLANNING & DEVELOPMENT**

### **REZONING APPLICATION #02-28** **1624 CAMOSUN STREET**

03/69

Committee received a memorandum dated January 14, 2003 from the City Planning Division regarding Rezoning Application #02-28 for 1624 Camosun Street. The proposal is to subdivide and rezone the property to create a new small lot home that would front onto Grant Street. The proposed small lot meets or exceeds the minimum R1-S2 standards. The proposal is also to rezone the existing house to the R1-B zone. It meets the minimum standards for lot width and area, however, a relaxation is required for the rear yard setback.

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

- 1) Rezoning Application #02-28 for 1624 Camosun Street be forwarded for consideration at a public hearing and the City Solicitor be instructed to prepare the necessary Zoning Bylaw subject to the satisfaction of the Director of Engineering.
- 2) Approval of the following Development Variance Permit be considered concurrent with the rezoning:
  - Section 1.2.9 – to vary the rear yard setback of the existing house from 7.5m to 4.4m

### **REQUEST FOR HERITAGE DESIGNATION** **1243 OSCAR STREET**

03/68

Committee received a memorandum dated January 16, 2003 from the Heritage Planner advising of a request for Heritage Designation from the owner of 1243 Oscar Street.

**ACTION:** Councillor Madoff moved that it be recommended to Council that, whereas the house at 1243 Oscar Street is worthy of heritage designation, it be designated as a Municipal Heritage Site.

**REQUEST FOR HERITAGE DESIGNATION**  
**41-43 SOUTH TURNER STREET**

03/67

Committee received a memorandum dated January 17, 2003 from the Heritage Planner advising that the owner of 41-43 South Turner Street has requested Heritage Designation for this house in James Bay.

**ACTION:** Councillor Madoff moved that it be recommended to Council that, whereas the house at 41-43 South Turner Street is worthy of heritage designation, it be designated as a Municipal Heritage Site.

**HERITAGE ALTERATION PERMIT #109**  
**525 FORT STREET**

03/66

Committee received a memorandum dated January 16, 2003 from the Heritage Planner regarding Heritage Alteration Permit Application #109 for 525 Fort Street. The application is to install a new frameless glass door in the former side fire exit on the Langley Street elevation of the heritage designated Temple Building.

**ACTION:** Councillor Madoff moved that it be recommended to Council that, pursuant to Heritage Designation Bylaw #488, Heritage Alteration Permit #109 be issued in accordance with:

- 1) Revised plans dated January 16, 2003.
- 2) The original frame of the transom above the door be saved in situ.
- 3) Development meeting all bylaw requirements.
- 4) Final plans to be in accordance with plans identified above.

**SIGN DEVELOPMENT VARIANCE PERMIT SI #03-43**  
**1127 WHARF STREET**

03/65

Committee received a memorandum dated January 15, 2003 from the Heritage Planner regarding Sign Development Variance Permit Application SI#03-43 for 1127 Wharf Street. The application is to permit the installation of two fluorescent/neon halo-lit illuminated fascia signs on the north elevation of this heritage designated building. The signage is to identify the "Upstairs Cabaret" on the second floor, and "D'Arcy's Pub" on the main floor.

**ACTION:** Councillor Madoff moved that it be recommended to Council that a Sign Development Variance Permit be issued in accordance with:

- 1) Plans dated January 10, 2003 marked Sign Development Variance Permit SI #03-43.
- 2) Development meeting all bylaw requirements except for:  
Section 11.2(4)(b) A fascia sign may not be higher than the lowest sill of the second storey of the building on which it is displayed.

- 3) Final plans to be in accordance with plans identified above to the satisfaction of the Director of Planning & Development.
- 4) Mounting details to be submitted to the satisfaction of the Heritage Planner prior to issuance of the Sign Permit.
- 5) Placement of the lower sign (D'Arcy's Pub) be adjusted so that it doesn't interfere with the architectural feature of the projecting brick cornice line.

### **LICENSEE RETAIL (BEER/WINE/LIQUOR) STORES**

03/64

Committee received a memorandum dated January 17, 2003 from the City Planning Division advising that, following instructions from Committee of the Whole on January 9, 2003, staff reviewed other regulatory approaches regarding the number and siting of beer/wine/liquor stores. The report included a list of five options for Committee's consideration.

- ACTION:** Councillor Fortin moved that it be recommended to Council that:
- 1) the City Solicitor be instructed to amend the zoning regulation bylaw to prohibit retail sale of wine, beer, and liquor in all but existing lawful operations and require a rezoning process for any new business initiatives.
  - 2) City Planning Division staff be instructed to develop a policy with respect to evaluation criteria as part of this option.

### **BCGEU – PRIVATIZATION OF THE BC LIQUOR DISTRIBUTION BRANCH**

03/63

Committee of the Whole, at its January 16, 2003 meeting received information from the BC Government and Service Employees' Union (BCGEU) regarding privatization of the BC Liquor Distribution Branch. At that meeting, Committee postponed, to January 23, 2003, consideration of a resolution proposed by the BCGEU.

- ACTION:** Councillor Savoie moved that it be recommended to Council that the following resolution received from the BCGEU, be endorsed:

***“WHEREAS** the provincial government has introduced significant changes in liquor licensing policies – including hours of operation, licensing types, and new licensees – that have planning, zoning and regulatory implications for municipalities; and*

***WHEREAS** the provincial government plans to close government liquor stores and distribution centres and turn over all beverage alcohol sales to for-profit companies; and*

***WHEREAS** similar changes in policy in Alberta led to a tripling of the number of liquor stores and caused the Calgary and Edmonton police departments to report significant increases in alcohol-related crimes; and*

***WHEREAS** it appears that responsibility for more policing costs and social services may be downloaded to local governments; and*

***WHEREAS** studies show Alberta's changes have led to higher consumer prices, more stores with less genuine selection, marginalized workers, a host of social problems, and, in real terms, decreasing government revenues; and*

***WHEREAS** there has been no opportunity for public discussion and community input into these far-reaching changes*

***THEREFORE BE IT RESOLVED** that we urge the provincial government to put a moratorium on its proposed changes to liquor regulations, sales and distribution; and*

***BE IT FURTHER RESOLVED** that we ask the provincial government to provide a formal vehicle – perhaps through appointment of a commissioner, a committee of MLAs, or similar means – for public discussion and community input into these issues.”*

**CORRECTION TO REZONING APPLICATION REPORT**  
**401 GARBALLY ROAD**

03/62

Committee received a memorandum dated January 20, 2003 from the Senior Planner requesting a correction to the rezoning report presented to Committee of the Whole on January 16, 2003, adjusting the floor area of the proposed parkade.

The Senior Planner was present, and requested that consideration of the report be postponed.

**ACTION:** Councillor Holland moved that consideration of the report dated January 20, 2003 from the Senior Planner regarding a correction to the Rezoning Application Report for 401 Garbally Road, be postponed.

**ENGINEERING**

**TELECOMMUNICATIONS ACCESS AGREEMENT**

03/61

Committee received a memorandum dated January 15, 2003 from the Director of Engineering advising that a draft Telecommunications Access Agreement has been prepared and agreed to by an Intermunicipal Telecommunications Access Agreement Committee. The agreement will establish standard guidelines and rules to be applied to companies constructing and maintaining telecommunication works within the City's street system. The agreement also provides for fees and charges payable to the City by the applicants.

**ACTION:** Councillor Holland moved that it be recommended to Council that that the Telecommunications Access Agreement, based on a standard developed by the Intermunicipal Telecommunications Access Agreement Committee, be endorsed.

**TENDER #02-076**  
**CATCH BASIN REPLACEMENT PROGRAM 2002/03**

03/60

Committee received a memorandum dated January 22, 2003 from the Senior Buyer advising that a prequalification was held for General Contractors for Tender #02-076 Catch Basin Replacement Program 2002/03. Seven firms prequalified, and six submitted tenders. A staff / consultant committee conducted a tender evaluation.

**ACTION:** Councillor Madoff moved that it be recommended to Council that Tender #02-076 Catch Basin Replacement Program 2002/03 be awarded to Pedre Contractors Ltd. for a total cost of \$369,150, based on being the overall lowest tender.

## **ADMINISTRATIVE MATTERS**

### **LIQUOR LICENSING**

03/59

Committee of the Whole, at its January 16<sup>th</sup>, 2003 meeting, received a presentation from Sgt. Worth and Cst. Holmes regarding liquor licensing and police concerns on the proposed privatization of liquor outlets by the Province.

Consideration of recommendations from the Police Department was postponed to the January 23<sup>rd</sup>, 2003 meeting.

**ACTION:** Councillor Hughes moved that the following recommendations from Victoria Police Department, be endorsed:

- 1) Ensure that the Police Department has an opportunity to review any development applications to determine that CPTED principles are adopted by the applicants.
- 2) Obtain an undertaking from the Province that sufficient numbers of Liquor Inspectors will be hired to enforce regulation of the new outlets.
- 3) Consider a business licensing fee sufficient to compensate for the additional police expenses that will occur as a result of the new outlets.

## **CANADIAN CAPITAL CITIES ORGANIZATION DIRECTORS' MEETING**

03/58

Committee received a memorandum dated January 20, 2003 from Councillor Fleming requesting endorsement of his attendance at the Canadian Capital Cities Organization (CCCO) National Board of Directors' meeting in Ottawa.

**ACTION:** Councillor Coleman moved that it be recommended to Council that Councillor Fleming be authorized to attend the CCCO Board of Directors meeting in Ottawa, February 20 – 23, 2003, at a cost not to exceed \$1,200.

## **CRD BYLAW NO. 3048 FAMILY COURT COMMITTEE EXTENDED SERVICE BYLAW**

03/57

Committee received a letter dated January 16, 2003 from the Executive Director, Capital Regional District (CRD) requesting consent to the adoption of Bylaw No. 3048, amending Bylaw No. 2560, *Family Court Committee Extended Service Establishment Bylaw No. 1, 1997*. The

purpose of Bylaw No. 3048 is to increase the maximum amount that may be requisitioned in future years, from \$10,000 to \$15,000.

**ACTION:** Councillor Hughes moved that it be recommended to Council that consent be given to the adoption of CRD Bylaw No. 3048, *Family Court Committee Extended Service Establishment Bylaw No. 1, 1997, Amendment Bylaw No. 3, 2003.*

### **DISPOSITION OF COMMUNICATIONS**

03/56

Committee received a memorandum dated January 20, 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 Coleman moved that the Disposition of Communications dated January 20, 2003 from the Manager, Administration, be received for information and filed.

### **PROCLAMATION**

03/55

**ACTION:** Councillor Madoff moved that the following proclamation be approved and forwarded to the appropriate Council meeting:  
*Family Literacy Day* *January 27, 2003*

### **PROCLAMATION – US MILITARY ACTION AGAINST IRAQ**

03/54

**ACTION:** Councillor Savoie moved that it be recommended to Council that the following resolution be endorsed:

WHEREAS the UN General Assembly in Resolution A/RES/39/159

“Demands that all States take no actions aimed at military intervention and occupation, forcible change in or undermining of the socio-political system of States, destabilization and overthrow of their Governments and, in particular, initiate no military action to that end under any pretext whatsoever and cease forthwith any such action already in progress”

WHEREAS unilateral, preemptive military action by the United States without a legally valid United Nations Security Council resolution would violate Articles 2 and 51 of the United Nations Charter and international customary law;

WHEREAS such action would thus constitute “the supreme international crime” according to the principles laid down by the Nuremberg Tribunal;

WHEREAS the Security Council is bound to act in accordance with the Purposes and Principles of the UN Charter to maintain international peace and can authorize the use of limited force only when:

- there exists a proven threat to international peace and security, and;
- all peaceful means have failed to contain the identified threat, and;

- use of force is necessary, proportionate to the threat and is in the common interest.

WHEREAS Canada's National Defence Act, R.S. 1985, C. N-5 stipulates that Canada may engage in military action in the event that Canada or a NATO ally is attacked or pursuant to an action taken under the UN Charter;

WHEREAS the United States has been the primary force behind twelve years of non-military sanctions against Iraq that have, according to UNICEF and other international relief agencies, resulted in the deaths of hundreds of thousands of children due to inadequate food, water and medicine;

WHEREAS past military conflict in the region, including the use of depleted uranium, has resulted in widespread environmental destruction, widespread damage to the civilian infrastructure and widespread death and injury to Iraqi civilians and indeterminate negative impacts such as the Gulf War Syndrome;

WHEREAS a further war in Iraq could result in extensive death, injury and suffering to the Iraqi people, with estimates of up to 500,000 potential civilian casualties and hundreds of thousands of refugees displaced by the scourge of war;

WHEREAS the United Nations declared this decade, 2000-2010 as the "International Decade for a Culture of Peace and Non-Violence for the Children of the World" (UN Declaration 53/25, November 10, 1998), urging all people and all levels of government to seek non-violent approaches to conflict resolution and wider education about international law and alternatives to war;

WHEREAS many cities in North America have passed resolutions expressing opposition to use of military force to compel a "regime change" in Iraq, including Washington, D.C., Seattle, Washington, Albuquerque, New Mexico, Santa Cruz, California, Ithaca, New York, Santa Fe, New Mexico, New Haven, Connecticut, Oakland, California, Ann Arbor, Michigan and others;

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of Victoria, B.C. Canada:

1. Hereby express our opposition to a threatened United States' pre-emptive military action against Iraq that is not explicitly authorized by a legally valid United Nations Security Council resolution;
2. Hereby urge the Federal Government of Canada to take all diplomatic measures to urge the United States to adhere to the requirements of the UN Charter and to work with and through the United Nations to obtain peaceful compliance by Iraq with United Nations Security Council Resolution #1441 concerning the disarmament of Iraq of nuclear, chemical and biological weapons;
3. Hereby call on all governments, especially the Government of Canada, to:
  - comply with the United Nations Charter, and;
  - reject a military approach to solving conflicts between states, and;
  - seek to eliminate the root causes of conflict and find solutions by peaceful means for the common good of all.

BE IT FURTHER RESOLVED that the City of Victoria is opposed to Canada's involvement in any military action against Iraq unless the military action is authorized by a legally valid resolution of the United Nations Security Council and by Canadian laws.

BE IT FURTHER RESOLVED that copies of this resolution be sent to the Prime Minister of Canada, the President of the United States, the Premier of British Columbia, the Union of B.C. Municipalities, and upon request, to any municipal or city government that seeks a copy.

### **CLOSED MEETING - 11:40 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.

### **CATHEDRAL HILL FOCUS GROUP APPOINTMENTS**

03/53

Committee received a memorandum dated January 16, 2003 from the City Planning Division regarding appointments to the Cathedral Hill Focus Group. Following the public consultation plan approved by Council on January 9, 2003, a direct mailing was sent to all property owners and residents of the area, requesting expressions of interest in participating in the focus group. The role of the group is to make recommendations to Council regarding the Vision and Planning Principles that will form the basis of a new precinct plan for the area.

- ACTION:** Councillor Madoff moved that it be recommended to Council that:
- 1) the nine community members that expressed interest in the Cathedral Hill Focus Group be appointed;
  - 2) the following two potential appointments to the focus group be approved:
    - one from the Fairfield Community Association
    - one from the Advisory Planning Commission.

### **LAND – OFFER TO PURCHASE – BUDGET STEEL**

03/52

At its meeting on October 10, 2002, Council approved the sale of portions of David and Pleasant Streets to Budget Steel Ltd. (BSL), subject to several conditions.

On January 16, 2003 Committee of the Whole received a verbal report from the Property Manager updating the status of the sale, including information on progress made towards securing waterfront access over BSL property, and the establishment of a buffer zone along the waterfront achieved by planting trees. At that time staff was instructed to provide further details of the offer, and an opportunity for further discussion with the Manager, Water and Environment and the Property Manager.

Committee received a memorandum dated January 16, 2003 from the Property Manager, providing the information requested and outlining the benefits accrued to the City with completion of the sale.

- ACTION:** Councillor Hughes moved that:
- 1) The report dated January 16, 2003 from the Property Manager regarding the Offer to Purchase received from Budget Steel Limited, be received for information.

- 2) Prior to the public hearing for the road closure, the Property Manager be requested to provide information regarding the history of road maintenance in the area.
- 3) The issue of waterfront plantings be referred to the Environment & Shoreline Advisory Committee for review with Parks Division staff.

### **CANADIAN BASEBALL LEAGUE**

03/51

Committee received a memorandum dated January 23, 2003 from the Director, Parks, Recreation & Community Development and the Manager, Recreation Services regarding a proposal from the Canadian Baseball League to bring a professional baseball league franchise to Victoria and Royal Athletic Park.

- ACTION:** Councillor Hughes moved that it be recommended to Council that the City of Victoria support the Canadian Baseball League (CBL) in bringing a professional baseball franchise to Royal Athletic Park, subject to:
- 1) Confirmation on the successful relocation / accommodation of current Royal Athletic Park user groups impacted by the league schedule.
  - 2) The Mayor's office convening a meeting with the North Park Neighbourhood Association and the CBL agreeing to meet regularly with the North Park neighbourhood through the season to work cooperatively to mitigate any concerns.
  - 3) The CBL providing to the City a non-refundable deposit of \$21,600 + GST (first year rent payment) on the signing of the lease agreement.
  - 4) The CBL agreeing to no "off-site" sales on game days and to installing safety netting at their cost if requested by the City.

### **APPOINTMENTS – BOARD OF VARIANCE**

03/50

Committee of the Whole, at its meeting on January 16, 2003 received a memorandum from the Corporate Administrator recommending temporary appointment of a City representative to the Board of Variance, and requesting direction on a process to recruit a permanent representative to fill the three year vacancy. At that time Committee appointed Martin Holder as a temporary member of the Board, and requested that staff provide the applications on file for Council members review.

Committee now received copies of the existing applications for Board of Variance positions.

- ACTION:** Councillor Madoff moved that it be recommended to Council that Mr. Paul Gerrard be appointed as the City of Victoria representative on the Board of Variance for a three-year term.

### **APPOINTMENTS – HOUSING ADVISORY COMMITTEE AND SOCIAL PLANNING ADVISORY COMMITTEE**

03/49

It was agreed to postpone consideration of these appointments to the February 6<sup>th</sup>, 2003 Committee of the Whole meeting.

**COUNCILLOR INQUIRIES**

**LOT ON WILMER STREET**

03/48

Councillor Savoie requested information regarding a rezoning proposal for a lot on Wilmer Street, and the possibility of a portion of the property being set aside for park use.

The Property Manager was requested to prepare a report on the status of this project for the February 6<sup>th</sup>, 2003 Committee of the Whole meeting.

**THE BAY**

03/47

At the request of Councillor Savoie, Mayor Lowe provided an update on the pending sale of The Bay building on Douglas Street.

The meeting adjourned at 1:08 p.m.

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Mayor Lowe, Chair