

MINUTES - COMMITTEE OF THE WHOLE

MEETING HELD THURSDAY, MARCH 13, 2003, AT 9:05 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. Basey, Carlsen, Chow, Dolan, Lam, Pebernat, Scoones, Stevenson, Timms, Wiffen, and Woodland, Ms. Atkinson, Ms. Fowler, Ms. Masters, Ms. O'Regan, Ms. Zink, and Cst. Mason attended for portions of the meeting.

Recording Secretary: Linda Johnson

DELEGATIONS

GREATER VICTORIA FILM COMMISSION

03/218

Mr. Russ Cowan, President, Greater Victoria Film Commission, and Mr. Tom Crowe, Past President, addressed Committee regarding the work of their organization and its request for City funding. They provided a hand-out that included information on:

- their private and public partnerships
- film production in 2002, and the dollars spent by the production companies
- letters of recommendation for the Commission.

They discussed the economic development impact of the film industry and employment benefits to local performers and technical crew.

The Film Commission requested that the City maintain the \$50,000 level of funding it has provided for the past three years.

The request will be referred to the City's Finance and Human Resources Committee for review.

PLANNING & DEVELOPMENT

BUILDING PERMIT APPLICATION

LIQUOR RETAIL SALES – 603 PANDORA AVENUE

03/217

On February 27, 2003 Council resolved to withhold a building permit for 603 Pandora Avenue because the planned use of the building project (liquor retail sales) would conflict with a proposed bylaw.

Committee received a memorandum dated February 20, 2003 from the Zoning Administrator advising that the 30 day holding period for the building permit will expire March 14, 2003. Section 929(3) of the *Local Government Act* provides that, during the 30 day period, Council must consider the application for the permit and may:

- 1) Direct the permit be withheld for a further 60 days, or
- 2) Grant the permit, but impose conditions in it that would be in the public interest, having regard to the bylaw that is under preparation.

ACTION: Councillor Savoie moved that it be recommended to Council that the permit for 603 Pandora Avenue be withheld for up to 60 days, due to a conflict of the proposed use of Retail Liquor Sales, in order to permit the draft bylaw to be moved forward.

BUILDING PERMIT APPLICATION
LIQUOR RETAIL SALES – 1961 DOUGLAS STREET

03/216

On February 27, 2003 Council resolved to withhold a building permit for 1961 Douglas Street because the planned use of the building project (liquor retail sales) would conflict with a proposed bylaw.

Committee received a memorandum dated March 12, 2003 from the Zoning Administrator advising that the 30 day holding period for the building permit will expire March 24, 2003. Section 929(3) of the *Local Government Act* provides that, during the 30 day period, Council must consider the application for the permit and may:

- 1) Direct the permit be withheld for a further 60 days, or
- 2) Grant the permit, but impose conditions in it that would be in the public interest, having regard to the bylaw that is under preparation.

ACTION: Councillor Fortin moved that it be recommended to Council that the permit for 1961 Douglas Street be withheld for up to 60 days, due to a conflict of the proposed use of Retail Liquor Sales, in order to permit the draft bylaw to be moved forward.

LIQUOR RETAIL STORE BYLAW

03/215

Victoria City Council, at its meeting on January 23, 2003, instructed staff to prepare amendments to 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.

Committee received a memorandum dated March 10, 2003 from the Zoning Administrator describing the zones that currently allow liquor retail stores. The report outlined two options for amending the Zoning Regulation Bylaw and discussed the advantages and disadvantages of each option.

ACTION: Councillor Savoie moved that it be recommended to Council that Option 1, as outlined in the report dated March 10, 2003 from the Zoning Administrator, be endorsed and the Zoning Bylaw amendments be forwarded to a public hearing.

LIQUOR LICENSING

CHANGE TO HOURS OF SALE
STRATHCONA HOTEL

03/214

Committee received a memorandum dated February 4, 2003 from the Manager, Administration advising that the Strathcona Hotel, 919 Douglas Street, has requested a permanent change to three liquor licenses. They would like to extend the hours of service in the lounge, cabaret, and pub to 11:00h – 02:00h seven days a week. Victoria City Police and Bylaw Enforcement staff have no objections to the application.

ACTION: Councillor Hughes moved that it be recommended to Council that:

Victoria City Council, after conducting a review with respect to noise and community impacts, concludes the change in hours are likely to have no or negligible impact, therefore supports:

- 1) The application for the Strathcona Hotel Liquor License numbers 43930, 16686, and 136243 extension of day time hours of service seven days a week starting at 11:00h, and
- 2) The extension of evening hours of sale for Liquor License numbers 43930, 16686, and 136243 for Sundays to 02:00h.

CHANGE TO HOURS OF SALE
SWANS ELECTRIC AVENUE

03/213

Committee received a memorandum dated February 4, 2003 from the Manager, Administration advising that Swans Electric Avenue cabaret, 1601 Store Street, has requested a permanent change to its *Liquor Primary* Liquor License. They would like to extend the hours of service as follows:

Monday – Saturday	From 19:00h – 02:00h	To 12:00h – 02:00h
Sunday	From 19:00h – 24:00h	To 12:00h – 02:00h

Victoria City Police advise they have no compelling reasons to object to the requested extension of hours of service, and Bylaw Enforcement staff have no objections to the request.

ACTION: Councillor Hughes moved that it be recommended to Council that:

Victoria City Council, after conducting a review with respect to noise and community impacts of the liquor-primary permanent change to a liquor license application from Mr. Michael Dunajski for Swans Electric Avenue, 1601 Store Street, supports:

- The extension of day time hours of sale for Liquor License number 126785, seven days a week starting at 12:00h.

Councillor Fleming moved that:

Victoria City Council, after conducting a review with respect to noise and community impacts of the liquor-primary permanent change to a liquor license

application from Mr. Michael Dunajski for Swans Electric Avenue, 1601 Store Street, supports:

- The extension of evening hours of sale for Liquor License number 126785, for Sundays to 02:00h.

The motion was defeated.

CHANGE TO HOURS OF SALE
SMALL HOUSE VENTURES INC. – LUCKY BAR

03/212

Committee received a memorandum dated February 17, 2003 from the Manager, Administration advising that Small House Ventures, Lucky Bar, 517 Yates Street, has requested a permanent change to its *Liquor Primary* Liquor License. They would like to extend the hours of service as follows:

Monday – Saturday	From 19:00h – 02:00h	To 12:00h – 02:00h
Sunday	From 19:00h – 24:00h	To 12:00h – 02:00h

Victoria City Police and Bylaw Enforcement staff have no objections to the request.

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

- 1) Victoria City Council, after conducting a review with respect to noise and community impacts of the liquor-primary permanent change to a liquor license application from Mr. Bert Hick, Agent for Lucky Bar, 517 Yates Street, Liquor License number 207078, supports:
 - The application for the extension of daytime hours of service seven days a week starting at 12:00h.
- 2) As there is residential accommodation within 100 metres of Lucky Bar Cabaret, that City Council convenes a public hearing prior to making a decision related to the application for 02:00h extension of Sunday hours of service for Lucky Bar, Liquor License number 207078.

ENGINEERING

GREATER VICTORIA HARBOUR AUTHORITY REQUEST
TO USE CLUSTER LIGHT PATTERN FOR OGDEN POINT

03/211

Committee received a memorandum dated March 10, 2003 from the Manager, Transportation & Development advising that the Greater Victoria Harbour Authority has requested permission to use the City's cluster light pattern for 11 new lights in the improvements for Pier "B" at Ogden Point. The City owns the pattern for the cluster lights used in the downtown area. Permission for its use has been given in the past at the discretion of Council.

ACTION: Councillor Madoff moved that it be recommended to Council that permission be given to the Greater Victoria Harbour Authority to use 11 Type B cluster lights in the Pier "B" improvements at Ogden Point.

ADMINISTRATIVE MATTERS

AVICC CONVENTION

03/210

Committee received a memorandum dated March 13, 2003 from the Office of the City Manager advising that Councillor Holland would like to attend the Association of Vancouver Island Coastal Communities' (AVICC) Convention in Port Alberni, April 4 – 6, 2003. The report included details of the anticipated costs.

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

- 1) Councillor Holland be authorized to attend the AVICC convention in Port Alberni, April 4 – 6, 2003.
- 2) Funding of approximately \$600 be approved to cover related expenses.

RECOMMENDATION TO RESCIND SECURITY ALARM BYLAW

03/209

Committee received a memorandum dated February 9, 2003 from Staff Sergeant Worth, Victoria Police Department regarding Security Alarm Bylaw #95-90. The bylaw was established to ensure responsible use of alarms, and regulated permits and fines in the event of repeated false alarms. The police department attended 3232 false alarms in 2001, at a cost exceeding \$400,000 per year. It is generally accepted that 98-99% of all alarms are false.

The police met with industry representatives in November and December 2002 to discuss the issue and canvass response to the following two proposals:

- Police would only attend alarms that were verified as being caused by a criminal act.
- A 1-900 telephone number would be installed linking police communications with alarm monitoring companies. A \$125-\$150 bill would be sent to the alarm company for each false alarm.

Police and alarm company representatives supported the Verified Response option.

Cst. Dexter Mason was present to discuss the issue with Committee.

Committee requested that the Victoria Police Department provide this information to the Township of Esquimalt Council.

ACTION: Councillor Holland moved that it be recommended to Council that the City Solicitor be instructed to prepare a bylaw to repeal Bylaw #95-90, the Security Alarm Bylaw.

DISPOSITION OF COMMUNICATIONS

03/208

Committee received a memorandum dated March 7, 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 Madoff moved that the Disposition of Communications dated March 7, 2003 from the Manager, Administration, be received for information and filed.

PROCLAMATIONS

03/207

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

<i>Male Sexual Abuse Awareness Month</i>	<i>March 10, 2003</i>
<i>Twinned Cities Awareness Week</i>	<i>March 24-31, 2003</i>
<i>World Theatre Day</i>	<i>March 27, 2003</i>

SOUND GARDEN CABARET

03/206

The Manager, Regulatory & Development Services, and the Chief Electrical Inspector advised that the required electrical work has not been completed at the Sound Garden cabaret, 1630 Store Street. The business has been shut down and their business license will be suspended.

Councillor Thornton-Joe advised that her husband is employed by BC Transit, and because of this potential conflict of interest she could not consider the next item. She left the meeting at 10:45 a.m.

COUNCILLOR INQUIRIES

SUSTAINABLE TRANSIT FUNDING & GOVERNANCE MODELS

03/205

Committee received a memorandum dated March 11, 2003 from Councillor Savoie regarding Sustainable Transit Funding & Governance Models. The provincial board of BC Transit has released a Discussion Paper and Consultation Guide to identify issues and priorities of local government regarding the delivery of public transit. Responses were to be received by January 31, 2003. The provincial board is meeting on March 27 and 28 to review input and prepare recommendations to the provincial government.

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

1. That public consultation take place with all municipal and regional governments in BC over the funding and governance of public transit prior to any decisions being made by the provincial Board of BC Transit to government.
2. That the Province of British Columbia maintain the current funding envelope provided to public transit as set out in the Transit Regulations until such time as a "new governance model" is negotiated.
3. That the Province of British Columbia be asked to redirect one cent of the current collected gas tax in the province (excluding Greater Vancouver) towards a "Public Transit Stabilization Fund" to address the funding shortfalls caused by two years of frozen budgets, the new escalating costs (ie fuel and insurance) and to grow the system as part of an integrated transportation system.
4. That the Federal Government be asked to exempt public transit in Canada from excise tax as a start to their Kyoto commitment.

5. That the CRD Regional Transportation Strategy be used as a significant part of shaping the delivery of transportation, including public transit, in the capital region;
6. That a resolution incorporating these recommendations be sent to this year's UBCM resolution session;
7. That Victoria write all MLAs, MPs, Premier Campbell and Minister Judith Reid with this report and recommendations.
8. That this issue be referred to the Advisory Transportation Committee for its review.

Councillor Thornton-Joe returned to the meeting at 10:58 a.m.

REDUCING PESTICIDE USE IN OUR COMMUNITY

03/204

Councillor Savoie distributed copies of a brochure sponsored by the Capital Regional District, Environment Canada, and "Working Together for the Georgia Basin". Entitled "Playing It Safe", it deals with reducing pesticide use in the community and provides a guide to pesticide alternatives.

CLOSED MEETING - 11:00 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.

LAND – CENTENNIAL SQUARE

03/203

Committee received a memorandum dated March 6, 2003 from the Head, Urban Design advising that the Capital Regional District (CRD) wishes to purchase the Silver Threads Service site to develop Phase 2 of its office relocation to Centennial Square. The report outlined the CRD's construction plans and discussed City staff preparations for negotiation.

Committee directed staff to ensure that the proposed building meets, at a minimum, the same LEED standards as the CRD's Environmental Services building now being constructed in Centennial Square.

Councillor Madoff requested that the following sentence be added to the staff report in Section 3.1, Point 6:

- The height of the proposal is a considerable departure from the design embodied in the Roger Hughes concept.

Councillor Holland requested that the City's assistance in re-locating the Silver Threads Service be formalized by an Agreement.

ACTION:

Councillor Hughes moved that it be recommended to Council that:

- 1) The report dated March 6, 2003 from the Head, Urban Design regarding the CRD purchase of the Silver Threads Service site in Centennial Square, be received for information.
- 2) Staff be instructed to commence negotiations with CRD staff.

LAND – PROPOSED FACILITY DEVELOPMENT PARTNERSHIP

03/202

Committee received a memorandum dated March 13, 2003 from the Manager, Recreation Services advising that Parks, Recreation & Community Development staff propose entering into discussion on the feasibility of a partnership to invest collaboratively in the recreation needs of the community.

A representative of the proposed partner organization joined the meeting and outlined the work done to date. He discussed their vision of a new family oriented community centre.

- ACTION:** Councillor Thornton-Joe moved that:
- 1) The report dated March 13, 2003 from the Manager, Recreation Services regarding a Proposed Facility Development Partnership, be received for information.
 - 2) Staff be directed to continue discussions with the City's community recreation partners.

LEGAL – STRATA CORPORATION 1924 v. CITY OF VICTORIA et al

03/201

Committee received a memorandum dated March 7, 2003 from the City Solicitor regarding the matter of Strata Corporation 1924 v. City of Victoria et al.

- ACTION:** Councillor Holland moved that it be recommended to Council that the City settle this matter as set out in the correspondence dated March 4, 2003 from the City's legal counsel.

ADVISORY COMMITTEES

03/200

The Manager, Community Development, advised of a staffing concerns related to the division of the former Social Planning and Housing Advisory Committee into two separate committees.

Committee requested a staff report on the issue.

The meeting adjourned at 12:55 p.m.

Mayor Lowe, Chair