

MINUTES - COMMITTEE OF THE WHOLE

MEETING HELD THURSDAY, APRIL 10, 2003, AT 8:00 A.M.

PRESENT: Acting 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, Dowdall, Koch, Lam, McCliggott, Oberg, O'Reilly, Pebernat, Scoones, Timms, and Woodland, Ms. Atkinson, Ms. Fowler, Ms. Higgins, Ms. Masters, Ms. O'Keeffe, and Ms. Zink attended for portions of the meeting.
Recording Secretary: Linda Johnson

BUDGET

FIVE YEAR FINANCIAL PLAN

03/304

The Comptroller, Financial Services, provided a 2003 Budget Overview, including property tax information and a discussion of the Five Year Operating and Capital Budget Financial Plans. Committee considered seven items that had been referred to the Budget process.

West Nile Virus

It was agreed that funding for training to identify possible sources of West Nile Virus will be taken from the Parks Division budget.

Community Social Planning Council

Action: Councillor Holland moved that, in response to a request from the Community Social Planning Council for a Multi-Year Services Contract:

- 1) the City establish 2002 as a baseline for its support;
- 2) support be directed to core social planning activities as identified in the Action Plan;
- 3) support be increased annually in accordance with the cost of living subject to the support of other municipalities in addition to the four core municipalities.

Maritime Museum

Action: Councillor Coleman moved that the 2003 Program Grant to the Maritime Museum be increased by \$3,500 to \$20,000, funded from the Capital Grants budget.

Tourism Victoria

Action: Councillor Thornton-Joe moved that the 2003 Program Grant to Tourism Victoria be increased by \$2,500 to \$47,500, funded from the Capital Grants budget.

Greater Victoria Film Commission:

Action: Councillor Thornton-Joe moved that the 2003 Program Grant to the Greater Victoria Film Commission be increased by \$2,500 to \$40,000, funded from the Capital Grants budget.

Social Planning and Housing – Advisory Committees

Action: Councillor Fleming moved that \$8,065 be added to the Community Development Division budget to fund additional administrative support for the Social Planning Advisory Committee and the Housing Advisory Committee.

The Cridge Centre

A request from The Cridge Centre regarding development fees for its new Childcare Facility was deferred pending receipt of a staff report.

ACTION: Councillor Fleming moved that the 2003 Operating and Capital Budgets be approved as presented.

ACTION: Councillor Fleming moved that:

- 1) the Five Year Financial Plan be approved as submitted.
- 2) the 2003 tax increase of 5.98% be approved.
- 3) the tax ratios be adjusted to evenly distribute the tax increase to all Property Tax Classes.
- 4) the Capital Funding Strategies be approved.

Councillor Madoff advised that she has a personal association with the next application, and because of this potential conflict of interest she left the meeting at 9:40 a.m.

PLANNING & DEVELOPMENT

DEVELOPMENT PERMIT #02-35B **105 WILSON STREET**

03/303

At the request of the applicant, City Council, at its meeting on February 27, 2003, referred Development Permit #02-35B for 105 Wilson Street back to Committee of the Whole. The latter subsequently referred the application to staff and the Advisory Design Panel for further review.

Committee received a memorandum dated April 3, 2003 from the Head, Urban Design, advising that the revised proposal is to develop a residential development of 83 units (60 owner occupied and 23 rental) to replace the existing RCAF Wing building. The proposed development is arranged into two blocks, both 4 storeys, with rental units mixed in with the condominium units.

The Advisory Design Panel approved the proposal on March 26, 2003, with some recommendations.

ACTION: Councillor Savoie moved that it be recommended to Council that a Development Permit be issued in accordance with:

- 1) Plans stamped Development Permit #02-35B dated March 5, 2003 and April 3, 2003 (unit floor plan).
- 2) Development meeting all bylaw requirements with the following variances:
Section 10.43.3(1) Setback (south) from property line to balcony, relaxed from 4m to 3.1m

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| Section 10.43.3(2) | Setback (south) from property line to building, relaxed from 5m to 3.1m |
| Section 10.43.4 | Relaxation of parking requirement from 1.4 spaces per dwelling unit to: <ul style="list-style-type: none"> • 0.75 stalls per studio unit • 1.0 stalls per one bedroom and one bedroom plus den • 1.4 stalls per two bedroom and two bedroom plus den |
| Section 10.12.8 | West side yard setback to the park relaxed from 4.0m to 3.0m |
- 3) Review by Advisory Design Panel prior to Building Permit stage.
 - 4) Final plans to be in accordance with plans identified above with the incorporation of the responses to the Advisory Design Panel's recommendation to the satisfaction of the Director of Planning & Development.

Councillor Madoff returned to the meeting at 9:50 a.m.

SIGN DEVELOPMENT VARIANCE PERMIT SI#03-44
1150 DOUGLAS STREET – THE BAY

03/302

Committee of the Whole, at its meeting on April 3rd, 2003 tabled consideration for 1 week of Sign Development Variance Permit SI#03-44 for 1150 Douglas Street (The Bay) to allow time for the applicant to revise the signage to adhere to the City's Sign Bylaw.

Committee received a verbal report from the Head, Urban Design, and a letter dated April 10, 2003 from the applicant outlining the revised proposal.

ACTION: Councillor Madoff moved that it be recommended to Council that Sign Development Variance Permit SI#03-44 for The Bay department store at 1150 Douglas Street, be approved in principle, subject to a detailed recommendation being provided by staff at the April 10th, 2003 Council meeting.

CASINO USE – BYLAW CONTROLS

03/301

Committee of the Whole, at its April 3rd, 2003 meeting requested a staff report on zoning bylaws regulating casinos, and the process required to initiate a public discussion on the matter.

Committee received a memorandum dated April 4, 2003 from the Manager, Development and Regulatory Services advising that a 1998 amendment to the Zoning Regulation Bylaw (80-159) defined Casino 1 and Casino 2 uses. Video lottery terminals, slot machines, bingo, electronic bingo, pari-mutual betting, and nonplayer-operated video lottery terminals are not permitted in the Casino 1 use. At present there is one property in the City zoned C1-CA which permits a Casino 1 use, and no properties zoned to permit a Casino 2 use. The Amusement Establishment Control Bylaw (98-15) limits the number of possible slot machines.

An application for a casino would require a rezoning, unless the City makes changes to the Zoning Regulation Bylaw and the Amusement Establishment Control Bylaw.

Committee requested that a Council workshop be scheduled for April 24, 2003 to discuss this issue.

ACTION: Councillor Hughes moved that it be recommended to Council that Council would consider casinos being allowed in the City, as presently authorized by provincial legislation, subject to the development of appropriate policies and parameters.

LIQUOR LICENSING

PERMANENT CHANGE TO LIQUOR LICENSE **CANTERBURY INN**

03/300

Committee received a memorandum dated April 2, 2003 from the Manager, Administration advising that the Manager of the Canterbury Inn has requested an extension to the hours of sale for the Inn's *Liquor Primary* Liquor License #43835. The request is for a permanent change to hours of liquor sales as follows:

Friday	From 11:00h – 01:00h	To 11:00h – 02:00h
Saturday	From 11:00h – 01:00h	To 10:00h – 02:00h
Sunday	From 11:00h – 24:00h	To 10:00h – 24:00h

ACTION: Councillor Holland moved that it be recommended to Council that: Victoria City Council, after conducting a review with respect to noise and community impacts, supports the request by the Canterbury Inn, 310 Gorge Road East, for a permanent change to hours of liquor sales for Liquor License #43835: Friday, 11:00h – 02:00h; Saturday, 10:00h – 02:00h; and Sunday, 10:00h – 24:00h, for the following reasons:

- The specific location of the licensed premises within the hotel building mitigates noise concerns.
- Adjacent land uses act as a buffer for noise.
- The increased hours requested are in keeping with other licensees in the area.
- There are a relatively low number of other liquor primary seats within 300 metres of this establishment, which supports the licensee's argument of community need.
- The licensed premises are operated with a responsible management style based on police, bylaw enforcement, and Legislative Services staff onsite checks.
- There is no increase in the numbers of seats and therefore there is no impact to the area's overall 'licensed seat' density.
- 01:00h to 02:00h may have community benefits arising from the retention of patrons onsite.

PERMANENT CHANGE TO LIQUOR LICENSE
STEAMERS PUB

03/299

Committee received a memorandum dated March 24, 2003 from the Manager, Administration advising that the General Manager for Steamers Pub Inc. has requested an extension to the hours of sale for their *Liquor Primary* Liquor License #6442. The hours of service requested are 09:00h to 02:00h seven days a week. The establishment is currently licensed for liquor sales between the hours of 12:00h – 02:00h Monday to Saturday, and Sunday 11:00h – 24:00h.

ACTION: Councillor Fortin moved that consideration of a request from Steamers Pub Inc. for a permanent change to Liquor License #6442, be tabled pending receipt of a report from the Community Development Division regarding social consequences of the requested 9:00 a.m. opening. In addition, Committee requested additional information regarding the applicant's claim of lost revenue between midnight and 2:00 a.m.

ADMINISTRATIVE MATTERS

PROPOSED AMENDMENT TO FREEDOM OF
INFORMATION ADMINISTRATION BYLAW

03/298

Committee received a memorandum dated March 31, 2003 from the Corporate Administrator advising that the position of "Coordinator", as defined in Section 4.0 of the City's *Freedom of Information Administration Bylaw No. 94-193*, has been vacant since the elimination of the Archives Manager position in 2001. The "Coordinator" position should be located in the department responsible for Corporate Administration. The Manager, Administration position in the Legislative Services Division is seen as the most appropriate staff position to assume the "Coordinator" duties.

ACTION: Councillor Hughes moved that it be recommended to Council that the City Solicitor be instructed to amend Section 3.2 of the *Freedom of Information Administration Bylaw No. 94-193* to designate the position of Manager, Administration, Legislative Services Division as the Coordinator under Bylaw No. 94-193.

SUMMER MEETING SCHEDULE

03/297

Committee received a memorandum dated April 26, 2002 from the Corporate Administrator regarding a summer schedule for Committee of the Whole and Council meetings.

ACTION: Councillor Savoie moved that it be recommended to Council that the following schedule for Committee of the Whole and Council meetings be adopted for June to September, 2003:

2002	COMMITTEE OF THE WHOLE	COUNCIL
June	5, 12, 19, 26	12, 26
July	10, 24	10, 24
August	14, 28	14, 28
September	11, 18	11, 18

DISPOSITION OF COMMUNICATIONS

03/296

Committee received a memorandum dated April 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 April 7, 2003 from the Manager, Administration, be received for information and filed.

PROCLAMATIONS

03/295

ACTION: Councillor Madoff moved that the following proclamations be approved and forwarded to the appropriate Council meeting:

<i>Arbor Day</i>	<i>April 25, 2003</i>
<i>Day of Mourning</i>	<i>April 28, 2003</i>
<i>International Walkers Weekend</i>	<i>April 18-20, 2003</i>
<i>Kids of Victoria Self-Portrait Show Week</i>	<i>April 17-May3, 2003</i>

COUNCILLOR INQUIRIES

PCC MANDATE

03/294

Committee received a memorandum dated April 8, 2003 from Councillor Savoie outlining a resolution for Committee's consideration regarding the Provincial Capital Commission's mandate.

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

Whereas the Provincial Capital Commission (PCC) has played an important role in protecting and restoring public assets in Victoria, the Provincial Capital;

Whereas the PCC has provided seed money for the enhancement of natural and cultural amenities for which the Capital has built an international reputation and that all British Columbians take pride in, such as: restoration of St. Ann's Academy and Crystal Gardens, regional greenways network, green approaches to the Capital, and an attractive plan for much needed Belleville terminal improvements;

Whereas major changes to the PCC mandate and holdings are occurring behind closed doors without public process or consultation;

Be it resolved that the City of Victoria write to the Premier, local MLA's, and the PCC Chair to express our interest for a more open public discussion before alteration of the Greenways Program and any divestiture of public lands.

FUTURE OF RAIL CORRIDOR

03/293

Committee received a memorandum dated April 8, 2003 from Councillor Savoie regarding the future of the rail corridor within the Capital Regional District.

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

Given the importance of eco-tourism to the Victoria economy as reflected in recent ratings by North America's largest travel magazines like Travel & Leisure and Conde Nast;

Given the significance of the West Rail/Trail project to the region's eco-tourism;

Given its relevance to regional transportation, and particularly to cycling, walking and rail service;

It is recommended that the Chair of the Capital Regional District (CRD) request from the Association of Vancouver Island and Coastal Communities (AVICC) that a CRD Director or Alternate from one of the project's host municipalities be added to the negotiations between AVICC and CP Rail regarding the future of the rail corridor within the CRD.

It is further recommended that the E & N corridor be considered as part of the Regional Transportation Strategy.

HARRIS GREEN CAMPERS

03/292

Councillor Coleman reported that the Parks, Recreation & Shoreline Advisory Committee members praised City staff members for the professional handling of campers at Harris Green, however, they felt that the situation was allowed to continue too long, and requested, in the future, more timely enforcement of the Parks Regulations Bylaw.

HEART AND STROKE FOUNDATION

03/291

Councillor Thornton-Joe presented a "Certificate of Appreciation" received from the Heart and Stroke Foundation in recognition of the City's support of the 2003 Dress Red Campaign.

LIONS CLUBS – INTERNATIONAL

03/290

Councillor Thornton-Joe attended the International Association of Lions Clubs Conference held in Esquimalt. She reported praise for the City received from an International Director from Michigan, who especially admired the downtown cleanliness.

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.

Mayor Lowe left the meeting at 11:00 a.m. Councillor Holland assumed the Chair

**PROPOSED AMENDMENT TO
CITY EMPLOYEES BYLAW NO. 01-24**

03/289

Committee received a memorandum dated April 4, 2003 from the Corporate Administrator requesting consideration of an amendment to the *City Employees Bylaw No. 01-24* that would delegate the authority to exercise the officer duties for corporate administration in the absence of the Corporate Administrator.

ACTION: Councillor Coleman moved that it be recommended to Council that the City Solicitor be instructed to amend the *City Employees Bylaw No. 01-24* to delegate to the position of Manager, Administration, Legislative Services Division, the duties prescribed by Section 198 of the Local Government Act when the Corporate Administrator is absent.

PHONE BOOTHS – DOUGLAS STREET

03/288

Engineering staff and Community Development staff presented a verbal report regarding a proposal to remove 3 public phone booths from Douglas Street. Nearby merchants have expressed concern that these booths are primarily used for illegal activities.

Committee requested a staff report on the proposal to remove, including information on the revenue generated by the phone booths, and specific facts from the Police Department regarding the alleged illegal use. Committee also requested information regarding whether public phones can only be used for out-going calls and the impact of fewer public phones available for emergency calls.

Mayor Lowe returned to the meeting at 11:17 a.m.

**LEGAL – BYLAW ENFORCEMENT
HARRIS GREEN CAMPERS**

03/287

City staff advised Committee that the peace campers have left Harris Green, however they have been replaced by a small group of protest campers.

ACTION: Councillor Holland moved that it be recommended to Council that staff be directed to seek a Supreme Court injunction regarding camping in Harris Green Park.

LEGAL – BUSINESS LICENSE

03/286

The City Solicitor provided legal advice regarding Business License Hearing procedure.

COUNCILLOR INQUIRIES

NAMING RIGHTS

03/285

Councillor Fortin requested that Council consider the development of a policy that would regulate naming rights for City-owned buildings.

The meeting adjourned at 11:50 a.m.

Mayor Lowe, Chair