

**Minutes of the Committee of the Whole Meeting of the City of Victoria
Held Thursday, June 24, 2004 at 9:00 a.m.**

Committee Present: Mayor Lowe, in the Chair; and Councillors Fortin, Holland, Hughes, Savoie, and Thornton-Joe

Staff Present: J. Martignago – City Manager; and M. Moodrey - Committee Secretary

Regrets: Councillors, Coleman, Fleming, and Madoff

Staff Present for a Portion of the Meeting: D. Atkinson – Director of Parks, Recreation and Community Development; D. Chow - Manager of Recreation; K. Fowler – Manager of Regulatory & Development Services, C. Higgins – Corporate Communications, D. Koch – Acting Director of Planning & Development; M. McCliggott – Comptroller, Alison Meyer – Planner; C. O'Regan – Community Recreation Coordinator; T. Stewardson – Community Recreation Coordinator, G. Price-Douglas – Community Development Planner, K. Stratford – Research Analyst, C. Timms – Manager, Transportation & Development; B. Wiffen – Property Manager, and R. Woodland – Corporate Administrator.

1. CALL TO ORDER

The Chair called the meeting to order at 9:00 a.m.

2. APPROVAL OF AGENDA

The Committee of the Whole Agenda of the June 24, 2004 meeting was circulated for review. The City Manager informed Committee that:

1. Regular Meeting, Item D-2 – Delegation – Fetal Alcohol Spectrum Disorder has been postponed to July 8, 2004; and
2. Closed Meeting, Late Item No. M-21 – Land/Legal – Burnside Gorge Community Centre was added to the Agenda;

Action: Councillor Hughes moved that the Committee of the Whole Agenda of June 24, 2004 be approved as amended.

CARRIED. 04/460

3. ADOPTION OF MINUTES

The Committee of the Whole Minutes of the June 17, 2004 meeting were circulated for review.

Action: Councillor Hughes moved that the Minutes of the Committee of the Whole meeting held June 17, 2004, be adopted.

CARRIED. 04/459

4. PARKS, RECREATION AND COMMUNITY DEVELOPMENT

4.1 City of Victoria Profile Launch

Committee reviewed a report dated June 24, 2004 from the Community Development Manager, Community Development Planner, Research Analyst, and Economic Development Planner. *The City of Victoria Profile* is a joint initiative of the Parks, Recreation & Community Development and Planning & Development Departments. The project is comprised of:

1. City Profile
2. Neighbourhood Profiles
3. Community Resources Inventory

Together the three components provide a detailed assessment of the make up of the City, the neighbourhoods, and community resources.

The City of Victoria profile will be presented to City staff, CAN and other community and business groups, along with the distribution of approximately 40 information packages. The launch was completed on June 24, 2004 with the release of press packages, a news release, an electronic notice on the City website.

The City of Victoria "Profile Website" is located at:
<http://www.city.victoria.bc.ca/business/profiles.shtml>

Action: Councillor Fortin moved that City Council receive this report for information.

CARRIED. 04/458

Councillor Fortin declared a non-pecuniary conflict of interest with the following matter, and was excused from the meeting at 9:15 a.m.

4.2 Neighbourhood Development Program Grants

Committee reviewed a report dated June 10, 2004 from the Community Development Planner. The Neighbourhood Development Funding Program operationalizes the Neighbourhood Development Policy, adopted by City Council in 1994. For the 2004 – 2005, the budget for the entire grant program is \$92,000. The budget was increased this year with a \$6000 lift to the Base, as well as a \$15,000 lift to the Matching Grant programs to support neighbourhood greenways.

The total for Base Funding, including insurance for Commercial General Liability and Community Association Network support, is \$45,110.

The matching Funding grant requests were received from eight organizations, totaling \$38,048. Recommendations for Matching Grant Funding total \$35,670.

Celebration Grant requests for \$4,690 were received with \$4,540 in Celebration Grants are being recommended.

Councillor Holland thanked City Staff for all the work done with respect to this project completed on behalf of Victoria City Council.

Action: Councillor Savoie moved that it be recommended to Council that Council approves the 2004 – 2005 funding allocations of: \$45,110 for Base Funding, \$35,670 for Matching Grants, \$4,540 for Celebration Grants, for a total of \$85,320, as follows:

NEIGHBOURHOOD DEVELOPMENT PROGRAM
2004 – 2005 MATCHING GRANTS
“Appendix I”

Neighbourhood	Project Title & Type	Amount Requested	Amount Approved
BURNSIDE/GORGE COMMUNITY ASSOCIATION	<u>Neighbourhood Improvement Project</u> Youth – Together Against Graffiti (TAG)	4 700	\$ 4 700
FAIRFIELD COMMUNITY ASSOCIATION	<u>Neighbourhood Improvement Project</u> Planters & Olive St. Common Improvements	\$ 3 970	\$ 3 970
FERNWOOD COMMUNITY ASSOCIATION	<u>Neighbourhood Improvement Project</u> Fernwood Allotment Gardens – Phase III	\$ 5 000	\$ 5 000
FERNWOOD COMMUNITY CENTRE ASSOCIATION	<u>Neighbourhood Improvement Project</u> Fernwood Square Revitalization	\$ 5 000	\$ 5 000
JAMES BAY COMMUNITY SCHOOL SOCIETY	<u>Neighbourhood Improvement Project</u> James Bay Enhancement and Greenways Project	\$ 5 000	\$ 5 000

JAMES BAY COMMUNITY PROJECT	<u>Program Development Project and Capital Equipment Acquisition</u> Food Cupboard Program	\$ 6 028	\$5 000
ROCKLAND COMMUNITY ASSOCIATION	<u>Program Development Project</u> Rockland Heritage Walking Tour	\$ 2 000	\$ 2 000
VICTORIA WEST COMMUNITY ASSOCIATION	<u>Neighbourhood Improvement Project</u> Vic West Community Gardens	\$6 350	\$ 5 000
2004-2005 Matching Grants	TOTAL AMOUNT REQUESTED	<u>\$ 38 048.00</u>	
2004-2005 Matching Grants	TOTAL AMOUNT APPROVED		<u>\$ 35 670.00</u>

NEIGHBOURHOOD DEVELOPMENT PROGRAM
2004 – 2005 BASE FUNDING GRANTS
“Appendix II”

(Population Based: \$.553/capita)

Neighbourhood	Service, Program or Space Request	Amount Requested	Amount Approved
BURNSIDE/GORGE COMMUNITY ASSOCIATION	<ul style="list-style-type: none"> • Production of community newsletter including supplies and equipment • Meeting space • Community Development activities 	\$2740	\$2740
FAIRFIELD COMMUNITY ASSOCIATION	<ul style="list-style-type: none"> • Production of Newsletter including graphic design/desktop publishing, printing & distribution • Community Forums • Website updates 	\$8190	\$8190

FERNWOOD COMMUNITY ASSOCIATION	<ul style="list-style-type: none"> • Newsletter set-up, editing, printing & distribution • Computer software for website, fliers • Office Supplies 	\$5100	\$5090
HILLSIDE/QUADRA (BLANSHARD)	<ul style="list-style-type: none"> • Production of Hillside/Quadra News – printing, distribution, supplies, volunteer coordinator 	\$3970	\$3970
JAMES BAY COMMUNITY SCHOOL SOCIETY	<p>a) James Bay N.E.A. – Office rental, phone, printing & circulation of minutes & newsletters, workshops, public displays</p> <p>b) James Bay Newspaper Society (Beacon) Volunteer coordination, publication of newspaper</p>	\$2960 \$3200	\$6160
NORTH JUBILEE	<ul style="list-style-type: none"> • Hall and Office Rental & Supplies • Business telephone • Newsletters, fliers • Refreshments 	\$ 1,730	\$ 1,730 + \$ 270 (Unused South Jubilee Portion) = \$ 2,000* *approved by South Jubilee
SOUTH JUBILEE	<ul style="list-style-type: none"> • Newsletter production, layout 5 times/year • Photocopying and office supplies • Website update 	\$900	\$900
NORTH PARK NEIGHBOURHOOD ASSOC.	<ul style="list-style-type: none"> • Production, publication & distribution of newsletter • Meeting supplies and rental • Updated website • Mailing Costs 	\$1700	\$1700
OAKLANDS COMMUNITY ASSOCIATION	<ul style="list-style-type: none"> • Neighbourhood Space – facility use and subsidized rentals • Office supplies • Newsletter to residents and, website maintenance • Local coordination of committees and ad hoc groups • Volunteer coordination 	\$3620	\$3620

ROCKLAND COMMUNITY ASSOCIATION	<ul style="list-style-type: none"> • Newsletter production & distribution • Website updates • Room rentals, office supplies • Inventory of heritage buildings • Info package to new residents 	\$1980	\$1980
VICTORIA WEST COMMUNITY ASSOCIATION	<ul style="list-style-type: none"> • Room Rental, office supplies & admin support, communications • Newsletters – printing & delivery • Sign maintenance 	\$3080	\$3080
<i>SUBTOTAL</i>		<u>\$39170</u>	<u>\$39430</u>
FAIRFIELD COMMUNITY ASSOCIATION	<ul style="list-style-type: none"> • Comprehensive General Liability Insurance – for 5 Community Associations, including bodily injury & property damage • Administrative Support to the Community Association Network 	\$4150 \$1530	\$4150 \$1530
2004-2005 Base Funding Grants	TOTAL AMOUNT REQUESTED:	<u>\$44850</u>	
2004-2005 Base Funding Grants	TOTAL AMOUNT APPROVED:		<u>\$45110</u>

NEIGHBOURHOOD DEVELOPMENT PROGRAM
2004 – 2005 CELEBRATION GRANTS
“Appendix III”

(Population Based: \$.07/capita)

Neighbourhood	Type of Celebration	Amount Requested	Amount Approved by Council
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BURNSIDE/GORGE COMMUNITY ASSOCIATION	<u>Burnside/Gorge Family Fun Fair</u>	\$500.00 (eligible for \$350)	\$350.00
FAIRFIELD COMMUNITY ASSOCIATION	<u>Community Celebrations 200</u>	\$1,030.00	\$1,030.00
FERNWOOD COMMUNITY ASSOCIATION	<u>Fernfest 2004 – Celebrating Community Spirit</u> -	\$640.00	\$640.00
HILLSIDE/QUADRA (BLANSHARD)	Seasonal Celebrations – Halloween, Christmas, Solstice – Community Health Fair	\$500.00	\$500.00
JAMES BAY COMMUNITY PROJECT / JAMES BAY COMMUNITY SCHOOL SOCIETY & JAMES BAY NEW HORIZONS	<u>James Bay Day</u>	\$780.00	\$780.00
NORTH JUBILEE	<u>Halloween Promenade</u>	\$220.00	\$220.00
OAKLANDS COMMUNITY ASSOCIATION	<u>Celebration in the Park – 6th Annual</u>	\$460.00	\$460.00
SOUTH JUBILEE	<u>Street Fest</u> Neighbourhood musicians, clowns and food	\$170.00	\$170.00
VICTORIA WEST COMMUNITY Y	<u>Victoria West Fest</u> Crafts, educational booths and food	\$390.00	\$390.00
2004-2005 Celebration Grants	TOTAL AMOUNT REQUESTED:	<u>\$4690.00</u>	
2004-2005 Celebration Grants	TOTAL AMOUNT APPROVED:		<u>\$4540.00</u>

4.3 Youth Outreach Worker Program Grants – 2004 Revision of Allocations

Committee reviewed a report dated June 15, 2004 from the Community Development Planner. In 2004, City Council approved support for Youth Outreach Worker Programs in seven of Victoria's neighbourhoods. While the City of Victoria's funding provides stability to the outreach worker programs, the Provincial Government has been the major funder for these programs. Victoria Youth Empowerment Society advised the City that they have had their provincial funding cut to the second youth outreach team. Unable to continue the program, the Society has returned the grant back to the City (\$10,000). Alternatively they submitted a new proposal for funding a Life Skills Program for youth aged 15 – 19 who are not attending school or are unemployed. They have requested \$5000 to support this program, which will enable them to provide better services to the youth.

In the fall of 2003, Fairfield, Fernwood and Oaklands requested \$15,000 through the Youth Outreach Worker Program. At that time, staff recommended \$10,000 as the additional funds are not in the budget. However, the need was documented for additional outreach worker time to cover the three neighbourhoods. City staff are proposing that one time funding be allocated to this outreach worker program to augment the existing position and enable the worker to develop and implement a strategy for supporting youth at risk in their neighbourhoods.

- Action:** Councillor Fortin moved that it be recommended to Council that:
1. The \$10,000 previously allocated to the Victoria Youth Empowerment Society for the Downtown Youth Outreach Program be reallocated for this year only.
 2. A grant of \$5,000 be approved to the Victoria Youth Empowerment Society for funding the Life Skills Program for the 2004-2005 year.
 3. A grant of \$5,000 be approved for the Fairfield/Fernwood/Oaklands Youth Outreach Worker program for the 2004-2005 year.
 4. The City of Victoria receives public recognition of its role as financial sponsor of these programs.

CARRIED. 04/456

Councillor Fortin returned to the meeting at 9:25 a.m.

4.4 Country Day in the Park – Irving Park, July 15, 2004

The Committee reviewed a report dated June 10, 2004 from the Manager of Parks Division. The Capital Region Activity Coordinators Association has applied for permission to hold a "Country Day in the Park", on July 15, 2004, from 11:00 am to 2:00 pm. This is a special event for residents of their care facilities and it features musical entertainment, square dancing, animals from the Beacon Hill Farmyard and clowns. Facilities will provide their own lunches. They have also arranged for an ice-cream vendor to attend the event, with each facility paying for their own clients.

Parks Division staff is working with the organizers to ensure that the community is notified of the event.

The following components of the event require Council approval:

- Set up of a stage for entertainment
- Amplification for a three-piece band
- Ice cream vendor to attend the event

Action: Councillor Holland moved that it be recommended to Council that Council:

1. Approve the "Country Day in the Park" event at Irving Park on Thursday, July 15, 2004, including the non-complying components mentioned above and subject to neighbourhood notification about the event.
2. Organizers to obtain a park permit and abide by all rules and regulations.

CARRIED. 04/455

4.5 Save On Foods Centre Fundraising Events Allocation Policy - Amended

The Committee reviewed a report dated June 24, 2004 from the Recreation Services Division. With the opening of Save On Foods Centre, the Parks, Recreation & Community Development Department staff has developed policies for the public use of the facility. The primary function of the Save On Foods Centre is a major sports and entertainment venue. This policy relates to the two fundraising events negotiated with RG Facilities and has been amended to reflect feedback from Council to maximize the benefits of fundraising so the City can reduce grants; importance of having Fundraising Events correspond with the City's strategic priorities; and weighed scoring.

The key changes from the policy previously reviewed by City Council are:

- Revised ranking within the "anticipated benefits" section of the event evaluation;
- Additional wording that permits City Council to decide to not award an event or to award two events during the same term;
- Addition of an evaluation committee that includes a Council Liaison, a Parks, Recreation and Community Services Advisory Committee representative and a staff representative;
- The forwarding of the four highest ranked applications to Council for review and final decision.

Action: Councillor Holland moved that it be recommended to Council that:

1. Council approve the amended allocation policy (Appendix A) for the Save On Foods Centre Fundraising Events on a one year trial basis; and
2. After the first annual cycle of allocations that the policy be evaluated and revised as necessary.

CARRIED. 04/454

4.6 **Artificial Turf Project – Finlayson Field**

The Committee reviewed a report dated June 14, 2004 from the Manager of Recreation Services, Community Recreation Coordinator, and Comptroller. In June 2003 City Council approved:

- The Topaz Park, Finlayson Field, Artificial Turf Field Project subject to the relocation or redevelopment of the current ball diamond;
- The submission of the project to the Federal/Provincial Infrastructure Program;
- In principle, investigation into a borrowing and repayment strategy subject to further investigation and report back to Council.

Since then, City staff have received several requests for information from the Federal-Provincial Infrastructure Grant Program and have been asked to provide from City Council a letter of confirmation that this project is ranked in the City's top three remaining priorities.

There are two options that have been developed for building and funding the Artificial Turf Field. The total estimated project cost is \$1.2 million.

Council discussed priorities of the City Projects and City Sponsored Projects on the Infrastructure Projects List. Committee determined that the top three priorities in their respective order are, as follows:

- City Project No. 1195 - Highway1/Douglas Transit Priority Project;
- City Project No. 9731 – Finlayson Artificial Turf Field;
- City Project No. 973 – Fernwood Community Centre.

Action: Councillor Holland moved that it be recommended to Council that, subject to receipt of further information from the Comptroller:

1. Council confirms that the Artificial Turf Project-Finlayson Field is one of the top three priorities for the City of Victoria for the Federal-Provincial Infrastructure Grant process;
2. If by October, confirmation of a Federal-Provincial Infrastructure Grant is not received, Council approve in principle the borrowing of \$1.2 million to develop the field, subject to Sport Field User Groups raising \$300,000 and Council approval of a Memorandum of Understanding with User Groups and a final plan to repay the remaining \$500,000 through user fees, fundraising and partnerships.

CARRIED. 04/453

Action: Councillor Hughes moved that it be recommended to Council that this matter be brought forward for consideration at the June 24, 2004 Regular meeting of Council.

CARRIED. 04/452

5. **FINANCE**

5.1 **Annual Reporting Requirements**

The Committee reviewed a report dated June 24, 2004, from the Comptroller. Section 98 of the Community Charter requires municipal Councils to prepare an annual report regarding financial and operational information related to the municipality and to publish their first annual report by June 30, 2004. In keeping with the reporting requirements of the Charter, the annual report (including a statement of objectives) must be prepared for consideration by Council at a public meeting. This meeting must occur at least 14 days after the report is first made available to the public for inspection. We have scheduled Thursday, July 8, 2004 for the Public Meeting and an advertisement will be placed in the local newspapers on June 25, 2004.

In order to comply with new Provincial Financial Information Regulations, Council must approve the following Statements of Financial Information:

- **City of Victoria Annual Report**, which includes the 2003 Audited Financial Statements and various financial statistics.
- **City of Victoria Public Bodies Report**, which includes schedules of payments to suppliers of goods and services in excess of \$25,000, 2003 grants paid, remuneration and expenses paid to Council members, employee expenses, remuneration paid to employees in excess of \$75,000.

Action: Councillor Hughes moved that it be recommended to Council that Council approve Statements of Financial Information as presented.

CARRIED. 04/451

6. **PLANNING AND DEVELOPMENT**

6.1 **Rezoning Application No. 04-5 – 322 Edward Street**

Committee reviewed a report dated June 10, 2004 from the Planning Division with respect to a rezoning application to reconfigure the lot lines and rezone the property located at 316 and 322 Edward Street to create one new R1-S2 and two R-2 lots. The current zoning is R-2. A rezoning is required for the small lot, however, there is adequate site area remaining on the property to allow two duplexes on two R-2 zone lots.

Action: Councillor Thornton-Joe moved that it be recommended to Council that:

1. The City Solicitor be instructed to prepare the necessary Zoning Bylaw amendments and that the application be forward for consideration at a Public Hearing subject to:
 - Registration of a covenant on the two duplex lots, requiring the buildings and landscaping to be constructed as shown on Rezoning Plans 04-15 and dated June 10, 2004, concurrent with subdivision.
2. This matter be brought forward for consideration at the June 24, 2004 Regular meeting of Council.

7. **COMMITTEES**

7.1 **Environment and Shoreline Advisory Committee – The Railyards Waterfront Trail - The Galloping Goose Trail**

Committee reviewed a report dated June 18, 2004 from the Recording Secretary of the Environment & Shoreline Advisory Committee (ESAC). ESAC at its meeting on April 21, 2004 discussed the Railyards Waterfront Trail on the Galloping Goose. The trail proper is to be six meters wide with a 0.5-meter buffer between the top of the bank and the trail, and a 0.5-meter buffer between the trail and residential property lines. In the section of the Galloping Goose Trail between the Selkirk Trestles Bridge and the new Railyards pier, it does not appear that a seven-meter corridor is achievable without encroachment over the top of the bank. This situation appears to have arisen due to an inadequate definition and/or survey of the "Top of Bank" in this section of the Railyards Project.

The ESAC recognizes and supports the need for an adequate width of the Galloping Goose Trail, a width which will provide safe routing for both cyclists and pedestrians and made their recommendations for corrective actions, as follows:

1. *The City reduces the overall width of the Galloping Goose Trail to 5.5 meters between the Selkirk Trestle Bridge and the new Railyards pier to provide adequate protection to the bank and associated vegetation.*
2. *If a 5.5 meter trail width is not considered a safe routing option, then the Galloping Goose Trail Galloping Goose Trail should not be widened beyond the current extent even though such widening would meet the original design criteria.*
3. *The above recommendations should be referred to the Cycling Advisory Committee for input.*
4. *In the area of Regatta Point Park, the pedestrian trail at the Galloping Goose should be set back to a minimum of one meter from the currently surveyed "Top of Bank".*
5. *For future shore developments, a precise definition and survey of "Top of Bank" be made prior to proceeding with project construction phase.*

Staff have reviewed the resolution and comments are submitted in a separate report by the Manager of Transportation and Development, Engineering Department.

Action: Councillor Savoie moved that this report be considered with the report submitted by the Manager of Transportation & Development, Engineering Department dated June 09, 2004.

CARRIED. 04/449

8. **ENGINEERING**

8.1 **The Railyards Waterfront Trail – The Galloping Goose Trail**

Committee reviewed a report dated June 09, 2004 from the Manager of Transportation & Development, Engineering Department. This report is in response to the recommendations from the City of Victoria Environment & Shoreline Advisory Committee for the Galloping Goose Trail at the Railyards development (ESAC's report of June 18, 2004). These recommendations for corrective actions result from the top of bank survey, which followed conventional land survey practice, not providing the relatively flat corridor width needed for trail construction.

City Staff agree with the recommendation to retain the traveled width of the trail, while not further impacting the bank. Staff do not support setting the strolling trail further back from the top of bank in Regatta Point Park since the actual top of the bank can be used to locate the path. Staff support, and are implementing, the recommendations to improve the process and requirements for the remainder of the Railyards and future development.

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

1. The City of Victoria Environment & Shoreline Advisory Committee recommendation #2 be endorsed in preference to their recommendation #1, such that the Galloping Goose shoulder be replaced by a safety rail at pinch points along the top of bank at Phase 1.
2. That the strolling trail along the shoreline of Regatta Point Park remain 0.5 meter set back from the actual top of bank in accordance with the Master Development Agreement, not increased to one metre.
3. That in future phases of the Railyards the trail and park dedications be located and designed to suit the top of the bank, to achieve the Master Development agreement objectives;
4. That in future shoreline developments the "Top of Bank" be specified to suit the requirements of park and trail design and park dedications be surveyed and shown on a survey plan to the satisfaction of the Director of Engineering and Director of Parks, Recreation and Community Development prior the Development Permit or subdivision approval.
5. This matter be brought forward for consideration at the June 24, 2004 Regular meeting of Council.

CARRIED. 04/448

9. ADMINISTRATIVE MATTERS

9.1 Disposition of Communications

Committee received a report dated June 21, 2004, 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 required clarification for the letter dated June 15, 2004 from Minister B. Barisoff, Ministry of Water Land & Air Protection, regarding proposed changes to the contaminated site legislation implications for the Dockside Property in

Victoria. Committee suggested that this matter be discussed with the Manager of Regulatory & Development Services at the Committee of the Whole Closed meeting.

Councillor Savoie referred to the letter dated June 08, 2004 from Todd Doherty, President of the Fernwood Community Association encouraging Council to provide financial support for the Springwood Strata Corporation's parking redesign plans. Committee deferred this matter to City Staff to consider the redesign of a parking lot and shared access area of mutual interest with respect to the City's property and Springwood Strata Corporation's property. City Staff is to report back to Committee of the Whole on this matter.

Action: Councillor Fortin moved that the Disposition of Communications dated June 21, 2004 from the Manager, Administration, be received for information and filed.

CARRIED. 04/447

9.2 Permanent Change to Liquor Licence – Change to Hours of Sale

Committee reviewed a report dated June 18, 2004 from the Manager of Administration. Medy Lao, owner operator of the Toku Sushi Restaurant, at 2706 Government Street is requesting an extension to the hours of sale for his *Food Primary* Liquor License number 300503. The hours of service requested are 09:00h - 02:00h seven days a week. The establishment is currently licensed to operate between the hours of 09:00h -24:00h seven days a week.

The applicant is requesting the extended hours of sale for Toku Sushi in order to "offer late night snacks and reasonably priced sushi and alcoholic beverages". The property is zoned C1-S, Limited Commercial Service Station District which permits food primary liquor licence uses

Action: Councillor Thornton-Joe 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 application for a permanent change to a food-primary liquor licence from The Toku Sushi Restaurant located at 2706 Government Street, Liquor License number 300503, supports:
 - The application for the extension of hours of service seven days a week, 09:00h – 01:00h; and
2. Victoria City Council provides the following comments on the prescribed considerations:
 - a) The potential for noise is slightly increased from that of the current operation; the operation is in the Intermediate Zone of the Noise Bylaw which allows for a higher noise level threshold for nuisance;
 - b) The impact on and to the community will be minor; the venue is located in a busy, commercial area that is suitable for a restaurant with hours past midnight;
 - c) Although the licensee intends to remain operating the business in a manner as per the primary purpose of food sales Council

believes that City staff's recommendation for hours until 01:00h better supports this purpose.

- d) The views of the neighbors were solicited through a public notice to surrounding residents and property owners. No letters were received in response to the notice. The applicant submitted five letters of support from neighboring businesses.

CARRIED. 04/446

9.3 Privatization of MSP/Pharmacare

At the June 10, 2004 Regular Council Meeting, it was moved by Councillor Fleming, seconded by Councillor Fortin, that the documentation regarding privatization of MSP / Pharmacare, as submitted by Ms Mann, Ms Orcherton and Mr. Teeple, be referred to the Committee of the Whole.

Committee requested that City staff obtain a report from the Ministry of Health and from the Privacy Commissioner on the above-mentioned matter for Committee of the Whole.

Action: Councillor Hughes moved that this matter be tabled pending receipt of further information from the Ministry of Health and the Privacy Commissioner.

CARRIED. 04/445

10. CLOSED MEETING - 10:15 A.M.

Action: Councillor Thornton-Joe moved that Committee of the Whole convene a closed meeting that excludes the public under Section 11(6) of the Council Bylaw for the reason that the following agenda items deal with matters specified in Section 11 (3) and/or (4) of the Council Bylaw.

CARRIED. 04/444

11. Land – Dock Lease, Delta Ocean Pointe Hotel

Action: Councillor Savoie moved that it be recommended to Council that Council approve a new three year lease with the Delta Ocean Pointe Resort and Spa (Daishinpan Canada Inc.) under the following terms and conditions:

- (a) Term: 3 years commencing July 1, 2004;
- (b) Rent: \$4500.00 per annum plus GST;
- (c) Form of lease to be satisfactory to City Solicitor.

CARRIED. 04/443

12. Land/Legal – Recovery of Costs and Offer to Purchase

Committee requested that the Property Manager inquire about the liability issues regarding the portion of the dock rebuilt by the tenant and report to Committee of the Whole.

Action: Council approved the recommendation of the report dated June 14, 2004 with amendments and requested that these actions remain confidential until negotiations are complete.

04/442

13. Appointment – Community Advisor for Dockside RFEI and RFP Process

With respect to Councillor Savoie's inquiry on the letter dated June 15, 2004 from the Minister B. Barisoff, Ministry of Water Land & Air Protection, Committee requested that the Manager of Regulatory & Development Services review this matter and report to Committee.

Action: Councillor Savoie moved that it be recommended to Council that Kate Panayotof be appointed as the Community Advisor for the purpose of observing the Selection Panel meetings of the Dockside Request for Expression of Interest and Request for Proposal process, and that the appointee be remunerated in the amount not exceeding \$5,000.00.

CARRIED. 04/441

14. Legal – Claim Strata Plan VIS 3192

Action: Councillor Fortin moved that it be recommended to Council that the City of Victoria enter into the settlement as recommended by the City Solicitor in his report dated June 14, 2004.

CARRIED. 04/440

15. Appeal Hearing – Chief's Permit

Constable Russ Baker and Charlotte Kohut, Traffic Accident Clerk, both of the Victoria City Police, indicated that Mr. Satnam Aujla's Chief's Permit has been suspended under the Vehicles for Hire Bylaw, and outlined the reasons for the suspension.

Mr. Aujla requested Council's consideration of reinstating his Chief's Permit, and outlined the reasons for his appeal.

Committee requested that the Legislative Services Division staff notify Mr. Aujla by telephone and by letter as to the time and date of the next proceeding.

Action: Councillor Savoie moved that:

1. This proceeding be adjourned pending receipt of documentation with respect to Mr. Aujla regarding a matter on or about April 18, 2002; and
2. This proceeding reconvene on July 08, 2004.

CARRIED. 04/439

Councillor Fortin declared a non-pecuniary conflict of interest with the following matter, and was excused from the meeting at 2:00 p.m.

16. Land/Legal – Burnside Gorge Community Centre

Committee received an update on discussions with School District 61 from City Staff. The Mayor was asked to follow up on a meeting and report back to the Committee.

17. ADJOURNMENT OF CLOSED MEETING

Action: Councillor Savoie moved that the Closed Meeting be adjourned:

CARRIED. 04/438

The meeting adjourned at 2:35 p.m.

Mayor Lowe, Chair