

**Minutes of the Committee of the Whole Meeting of the City of Victoria
Held Thursday, July 22, 2004 at 9:00 a.m.**

Committee Present: Acting Mayor Thornton-Joe, in the Chair; and Councillors Coleman, Fortin, Fleming, Holland, Hughes and Madoff

Regrets: Mayor Lowe, Councillor Savoie

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

Staff Present for a Portion of the Meeting: J. Basey, Director of Planning & Development/City Solicitor; C. Bloedorn, Dockside Project Manager; D. Chow, Manager, Recreation Services; K. Dowdall, Director of Finance; K. Fowler, Manager, Regulatory & Development Services; B. Husband, Building/Plumbing Inspector; M. Lam, Head of Urban Design; M. Leskiw, Manager of Parks; S. Masters, Manager, Administration; A. Meyer, Planner; G. Oberg, Manager, Supply Management Services; C. O'Regan, Community Recreation Coordinator; D. Scoones, Senior Bylaw Officer; K. Silvester, A/Director, Engineering Department; M. Sluggett, Chief Building Inspector; R. Woodland, Corporate Administrator; W. Zink, Acting Director of Parks, Recreation & Community Development;

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 July 22, 2004 meeting was circulated for review. The City Manager informed Committee that:

1. Regular Meeting - Item No. 6, 2565 Wesley Place, pages 35, 35(a)(b) belongs to Item No. 4.
2. Regular Meeting – Item No. 20, Private Property Maintenance Committee – draft copies of the *Resolution* and *Notice of Remedial Action Requirement* was added to the Agenda under pages 205, 205(a)(b)(c).
3. Regular Meeting – Councillor Inquiries – Councillor Hughes, Item No. 21, Disposition of Communication Letter of July 12, 2004.
4. Regular Meeting – Councillor Information Sharing – Councillor Coleman – Quadra Village Beautification.
5. Closed Meeting, Late Item No. 24, Legal matter was added to the Agenda;
6. Closed Meeting, Late Item No. 25, Appointment to City Advisory Committee was added to the Agenda.

Action: Councillor Hughes moved that the Committee of the Whole Agenda of July 22, 2004 be approved as amended.

CARRIED. 04/518

3. ADOPTION OF MINUTES

The Committee of the Whole Minutes of the July 08, 2004 meeting were circulated for review.

Action: Councillor Hughes moved that the Minutes of the Committee of the Whole meeting held July 08, 2004, be adopted.

CARRIED. 04/517

4. PLANNING & DEVELOPMENT

4.1 1303 Broad Street, Sign Development Variance Permit SI#04-45

Committee received a memorandum dated July 06, 2004 from the Heritage Planner, Planning Division. This application is to install two 0.9m by 4.5m wood fascia signs on the Heritage Registry building at 632 Yates Street. Whereas these signs do not meet the Sign Bylaw requirements for Old Town (no signs above the first storey). Council approval of a Sign Development Variance Permit is required. Staff have reviewed the proposed signage and suggest the height and length be reduced by 15%.

This application requires notification of the owner and occupant and a hearing.

ACTION: Councillor Fleming moved that it be recommended to Council that Council authorize the issuance of a Sign Development Variance Permit in accordance with:

1. Plans dated July 2, 2004 stamped Sign Development Variance SI #04-45.
2. Development meeting all bylaw requirements, except for:
Section 11.2(2)(b)(i) relaxed to allow a sign above the lowest sill of the second storey of the building.
3. Height and length be reduced by 15%.
4. Individual channel letters to be attached directly onto the building wall instead of on an attached plywood sign.
5. Epoxy be used to affix the individual channel letters onto the building wall instead of using bolts as the attachment method.
6. The signage be centered on the face of the building in accordance with the architecture of the building.
7. The slogan '*Where only Yoga Matters*' to be removed from the proposed signage.
8. Final plans to be in accordance with plans identified above with modifications made to the satisfaction of the Director of Planning and Development.

CARRIED. 04/516

4.2 Rezoning Application No. 04-9 for 225 Menzies Street

Committee received a memorandum dated July 08, 2004 from the secretary of the Advisory Planning Commission (APC). This is an application of Cielo Properties Inc. to rezone Lot 1, Plan 17692 in the James Bay Village from the C-SS Zone, Special Service Station, to a new zone to facilitate the development of a five-storey mixed use

building with roof top access. The proposed building includes commercial use at ground level, a storey (18 units) of dedicated seniors units, three storeys of market rate residential units, with surface and underground parking.

The following points were considered when the APC was evaluating this application:

- The James Bay Neighbourhood Plan
- The Victoria Official Community Plan
- The Community Association and the James Bay Village Renewal Project
- 1995 Draft Density Bonus Policy

City staff is in support of this application.

The APC at its meeting of July 6, 2004 reviewed the proposal and made the following recommendation:

“The Advisory Planning Commission recommended that the application not be approved” *Carried”*

ACTION: Councillor Madoff moved that this report be received for information.

CARRIED. 04/515

4.3 1175 Cook Street, Development Permit No. 04-34

Committee received a memorandum dated July 15, 2004 from the Planning Division. This is an application of Keay & Associate Architecture Ltd. for a Development Permit to renovate the existing office (medical) and retail building at 1175 Cook Street on the southeast corner of the Cook/View Streets intersection. The proposal includes the removal of concrete screen blocks on Cook Street, concrete block wall on View Street and infilling of the 2 building faces with a combination of windows and spandrel panels. Additional one storey enclosures are proposed for the bridge area between the west and east wings of the office complex. The proposal is consistent with the Building Advisory Guidelines.

The Development Permit application is not subject to a notification requirement and a hearing. However, the Land Use Contract amendment will be subject to notification requirement and a hearing.

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

1. The resolution of approval be considered the same meeting for which the Land Use Contract Amendment hearing is scheduled, after the hearing has been completed.
2. Council authorize the issuance of a Development Permit in accordance with:
 - a. Plans stamped “Development Permit No. 04-34” dated July 15, 2004.
 - b. Development meeting all bylaw requirements.
 - c. Final plans to be in accordance with plans identified above to the satisfaction of the Director of Planning & Development.

CARRIED. 04/514

4.4 2716 Rock Bay Avenue – Work Without Permit

Committee received a memorandum dated June 29, 2004 from the Chief Building Inspector and Building/Plumbing Inspector advising that construction carried out on a building located at 2716 Rock Bay Avenue without a building permit has now been rectified under Building Permit No. 36587. The illegal construction has been removed and an occupancy certificate was issued June 8, 2004.

ACTION: Councillor Coleman moved that it be recommended to Council that City Council repeal Demolition Bylaw No. 02-086.

CARRIED. 04/513

4.5 Community Associations' Role in City Planning

Committee received a memorandum dated July 09, 2004 from the Planning Division. The purpose of this report is to forward draft Terms of Reference for a Working Group whose goal will be to develop a "mandate" for Community Associations' role in City Planning. This work item is included in the Planning Division's Work Program which Council approved on June 10, 2004.

On June 15, 2004, a community meeting was held regarding the process that should be used to develop the "mandate" for Community Associations' Role in City Planning. There were participants from:

- Each neighbourhood that is active in reviewing development applications
- Urban Development Institute
- Downtown Advisory Committee
- Advisory Planning Commission

The information collected at this meeting, particularly who and how individuals should be appointed to a working group, have been incorporated into the Terms of Reference, as follows:

"At the community meeting some people expressed a concern that "mandate" is not the right word. Terms such as "Guiding Principles," "Expectations" or "Role and Responsibilities" may be better. The working group will be in a better position to provide a label as the work progresses."

Copy of a letter from the Land Use Coordination Committee dated July 21, 2004 addressed to Mayor and Council, showing support for this project, was circulated.

Committee expressed their appreciation and thanked the Community Associations, Committees, and City staff for all the hard work that they put into this project.

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

1. Council endorse the draft Terms of Reference for the Working Group whose goal will be to develop a "mandate" for the Community Association's role in City Planning;
2. This matter be forwarded for consideration at the July 22, 2004 Council meeting.

CARRIED. 04/512

4.6 2565 Wesley Place, Development Variance Permit No. 04-06

At the July 08, 2004 Committee of the Whole meeting, Councillor Madoff moved that this matter be postponed for further consideration at the July 22, 2004 Committee of the Whole meeting pending inspection of the building and garage on the subject property by a City Building Inspector with a report back to Committee.

Committee received a memorandum dated July 15, 2004 from the Chief Building Inspector, Building/Plumbing Inspector, and the Manager of Regulatory and Development Services advising that the carport constructed without permit does require alterations to conform to the BC Building Code. These alterations, which include installing additional support for the roof and anchoring the supporting walls to the foundation, can be performed without deconstruction of the structure. The enclosure can only be used for storage purposes because of the type of material applied to the roof surface.

Council's decision is subject to Local Government Act notification requirements to the owner and occupiers of the proposal property. A Council hearing is required for this application.

- ACTION:** Councillor Madoff moved that it be recommended to Council that Council authorize the issuance of a Development Variance Permit in accordance with:
1. Plans stamped "Development Variance Permit application 04-06" dated February 4, 2004.
 2. Development meeting all bylaw requirements with the following variances:
Section 1.2.7 Front yard setback (east) relaxed from 7.5m to 6.0m
Section 1.2.9 Rear yard setback (west) relaxed from 7.5m to 5.0m
 3. Final plans to be in accordance with plans identified above to the satisfaction of the Director of Planning and Development.
 4. The restrictive covenant on the site be registered prior to the public hearing.

CARRIED. 04/511

Councillor Thornton-Joe declared a non-pecuniary conflict of interest with the following matter, and was excused from the meeting at 9:30 a.m.

Councillor Hughes assumed the position of the Chair.

4.7 528 – 532 Pandora Avenue, Development (Heritage Alteration) Permit No. 04-27

At the July 08, 2004 Committee of the Whole meeting, Councillor Hughes moved that this matter be postponed for further consideration at the July 22, 2004 Committee of the Whole meeting pending a presentation from the applicant. At that meeting, Committee received a memorandum dated June 30, 2004 from the Heritage Planner and the Head of Urban Design advising that 626661 B.C. Ltd. (The Amadon Group) and M. Tomaszewski (the applicant) submitted an application for the construction of an eight-storey mixed use building on the "Buckerfield's Parkade" site in Chinatown, a Heritage Conservation Area and National Historic District. The building includes 194

residential suites, retail, live work/flex space, and four levels of underground parking, with a landscaped courtyard and mid-block walkway.

The applicant, Mr. M. Tomaszewski, circulated letters supporting this project from the:

- Chinese Consolidated Benevolent Association
- Anthem Properties
- Franwillis Gallery
- Fat Cat Fine Art

Mr. M. Tomaszewski and Mr. T. Moore presented the proposed project:

- The qualification of the Developers, Mr. M. W. Tomaszewski and Mr. M.R. Williams, in a joint venture on the project
- Site History Aspects – the two previous Development Permits for height/density 1995 and 2002
- Existing GMC Development Permit
- Proposed Revised Development Permit
- The Developers' commitment to the project
- Project Design Comparison between the existing GMC Development Permit and the proposed Development Permit
- Drawings of the proposed project
- Plans

The applicant and architect showed the proposed new revisions of the project to the Committee and answered their questions. In view of the new proposed revisions, Committee indicated that they would require City Staff to review these revisions, with a report back to Committee.

- ACTION:** Councillor Madoff moved that it be recommended to Council that:
1. This matter be referred to City staff for review and report to Committee of the Whole at the August 12, 2004 meeting.
 2. The application be forwarded for consideration at a non-statutory public hearing and to the Corporate Administrator to set a date for the non-statutory public hearing, after the August 12, 2004 Committee of the Whole meeting.
 3. The existing Development Permit No. 01-28A be extended for a six-month period.
 4. This matter be forwarded for consideration at the Council Meeting of July 22, 2004.

CARRIED. 04/510

Councillor Thornton-Joe returned to the meeting at 11:40 a.m. and resumed the position of Chair.

4.8 Draft Matrix for the Dockside RFP

Committee received a memorandum dated July 16, 2004, from the Dockside Project Manager and Division Manager of Regulatory & Development Services. In previous

staff reports and e-mail communication, Council has been advised of the selection matrix being created for the Dockside Request for Proposal process. The purpose of the matrix is to ensure that the critical elements of the Development Concept comprise the selection criteria. The key is to capture all the critical elements, which have environmental, social and economic aspects envisioned in the Development Concept and provide a practical evaluation tool for the selection.

Action: Councillor Madoff moved that this report be received for information.

CARRIED. 04/509

5.0 PARKS AND RECREATION

5.1 Fern Fest 2004

Committee received a memorandum dated July 15, 2004, from the Manager, Parks Division advising that the Fernwood Community Centre has applied to the Parks Division for permission to hold their 9th annual Fern Fest in Stevenson Park on August 28, 2004. Fern Fest has been in existence for a number of years as a community event and receives financial support from the City. In 2001 and 2002, Council gave permission for several activities that did not comply with Parks Bylaws, such as set up of staging and entertainment, craft vendors, food concession, sponsorship banners and a beer garden.

For 2004, the Fernwood Community Centre has also requested permission to host non-musical street entertainers such as jugglers and mimes in order to create a more animated site, and to allow those entertainers to accept donations for their performances as the event budget does not provide for their remuneration. This activity also requires specific Council approval.

Action: Councillor Coleman moved that it be recommended to Council that Victoria City Council approve the Fernwood Community Centre's request to host non-musical entertainers as described above and allow them to accept donations, for the 2004 Fern Fest event and for Fern Fest events in future years.

CARRIED. 04/508

Councillor Fortin declared a non-pecuniary conflict of interest with the following matter, and was excused from the meeting at 11:45 a.m.

5.2 Recreation Renewal Amendments to Committee of the Whole Motion of July 08, 2004

Committee received a memorandum dated July 15, 2004, from the Director of Parks, Recreation and Community Development and from the Community Recreation Coordinator. On July 08, 2004 at the Committee of the Whole Meeting, the City of Victoria Recreation Renewal Project Team presented their report '*Bold and Dynamic – A Vision for Wellness Recreation*'. At this meeting, Committee passed a motion to be considered at the Victoria City Council meeting of July 22, 2004.

Based on the feedback that has been received by the Parks, Recreation and Community Development Department, the Mayor's Office, and the many requests from Community and Senior Centres' Board of Directors, City staff and association members for further information and clarification on the Recreation Renewal Final Report and the Committee of the Whole motion of July 22, 2004, City staff recommended that the motion made at the July 08, 2004 meeting be rescinded and be replaced with another motion.

Committee requested that City Staff review the possibility of developing an effective communication plan.

- Action:** Councillor Coleman moved that it be recommended to Council that Victoria City Council rescinds the Committee of the Whole motion of July 08, 2004 and replace it with the following:
1. Victoria City Council receive the Recreation Renewal Project Team Final Report, June 2004 for information.
 2. City Staff develop a plan for proceeding with the development of a new city wide hub facility.
 3. In consultation with Mayor and City Council, City staff conduct follow-up meetings and dialogue with Community and Senior Centres' Boards of Directors, City staff and Community Associations, including discussions on a Social and Neighbourhood planning process that, assesses existing social programs delivered through community centres; assesses community social needs and capacities and; makes recommendations that support social program sustainability.
 4. City Staff report back to Victoria City Council on the consultation results and recommended next steps.
 5. This matter be forwarded for consideration at the July 22, 2004 Council Meeting.

CARRIED 04/507

Councillor Fortin returned to the meeting at 11:50 a.m.

6.0 FINANCE

6.1 June 30, 2004 Budget Status Report

Committee received a memorandum dated July 08, 2004, from the Comptroller and the Director of Finance advising that a budget review is undertaken periodically each year in order to highlight any variances and recommend necessary adjustments. Depending on the variances identified, the contingency account would be adjusted to reflect the net difference. The contingency account is currently \$1,949,298, which includes a general provision, and funding for outstanding collective agreement settlements.

This report recommends changes in the amount of \$70,000 that will reduce the balance in the contingency account to \$1,879,298. These adjustments are summarized on the revised Capital and Operating Budget Bylaws.

- Action:** Councillor Fleming moved that it be recommended to Council that:
1. Victoria City Council receives this report for information;

2. Victoria City Council approve the following adjustments to the operating and capital budget bylaws:
 - a. Transfer \$70,000 from contingencies to the Parks Expenditure Budget to cover unexpected personnel costs.
 - b. Increase the Dockside 2004 Capital Budget by \$524,000 to fund the Requests for Expressions of Interest (RFEI) and Requests for Proposal (RFP) processes.
 - c. Add \$105,000 to the 2004 Capital Budget to reflect final site remediation costs for the CRD Building that were not re-budgeted in 2004.
 - d. Increase the 2004 Budget for the Fire Department Building Upgrades by \$57,000 to reflect the revised estimates for the project.

CARRIED. 04/506

6.2 Loan Authorization Bylaw – Seismic Upgrade of City Hall

Committee received a memorandum dated July 22, 2004, from the Comptroller advising that Victoria City Council recently adopted a loan authorization bylaw in the amount of \$2,700,000 to fund the Seismic Upgrade of City Hall. The City has undergone a successful counter-petition process and the Thirty Day quashing period will be up on July 26, 2004. The next steps in the process are for the City to apply to the Inspector of Municipalities for a Certificate of Approval and to obtain a resolution from Council authorizing the Finance Department to proceed with borrowing the funds.

Action:

Councillor Fleming moved that it be recommended to Council that:

1. Victoria City Council authorize the Finance Department to proceed with the borrowing of \$2,700,000, upon receipt of the Certificate of Approval from the Inspector.
2. This matter be forwarded for consideration at the July 22, 2004 Council Meeting.

CARRIED. 04/505

6.3 Request for Proposal No. 04-028, Cab & Chassis with Sanitary Sewer and Storm Drain Cleaning Unit

Committee received a memorandum dated July 15, 2004, from the Manager of Supply Management Services, Director of Finance Department, and Acting Director of Engineering Department reporting that the Request for Proposal No. 04-028 – Cab & Chassis with Sanitary Sewer and Storm Drain Cleaning Unit, was advertised in the May 22, 2004 edition of the Times-Colonist newspaper and was distributed to two potential suppliers, both of which submitted proposals. The two responses included a total of five proposals, three from Vimar Equipment Ltd. and two from Kendrick Equipment Ltd. This unit is used mainly for cleaning storm drain and sanitary sewer mains for maintenance purposes. Current City policy requires that expenditures in excess of \$200,000 receive City Council's approval.

Action:

Councillor Madoff moved that it be recommended to Council that:

1. The Request for Proposal No. 04-028 – Cab & Chassis with Sanitary Sewer and Storm Drain Cleaning Unit be awarded to

Vimar Equipment Ltd., Option "A", Vactor 2100 Series mounted on a Sterling LT7500 Chassis, at a cost of \$341,649.68 on the basis of being the lowest proposal meeting requirements and offering the City the best value.

2. This matter be brought forward for consideration at the July 22, 2004 Council Meeting.

CARRIED 04/504

7.0 LIQUOR LICENSING

7.1 The Strathcona Hotel – 919 Douglas Street – Extension to Closing Hour

Committee received a memorandum dated July 15, 2004, from the Corporate Administrator. The Strathcona Hotel is the City's largest liquor-primary licensee and one of the largest liquor-primary licensees in the Province. The Strathcona Hotel holds three separate liquor-primary licenses with a person-capacity of 1324 people, which are located on four levels on the south wing of the hotel. Each of the liquor-primary licenses may serve alcohol until 02:00h seven days a week and must discharge the patrons by 02:30h.

A large number of patrons are discharged at closing time when the liquor-primary venues are operating at or near capacity. Large crowds congest the sidewalk and ultimately spill onto the street. Strathcona Hotel security staff are limited in their responsibilities to control the crowd once the patrons are on public property as this responsibility shifts to the police. The crowds frequently cause a nuisance (noise, litter), become a safety hazard to Douglas Street traffic and occasionally generate criminal incidents (assault, mischief). The number of problem incidents would likely be much higher if not for the ongoing police presence at closing time.

Victoria City Police and the Liquor Control & Licensing Branch have met with the Strathcona Hotel owners and agents to address the ongoing crowd management issues. All parties recommend a temporary ½ hour extension to the closing hour to 03:00h to permit a longer patron dispersal period. If implemented according to the Hotel's letter of May 27, 2004 the longer dispersal period would reduce the size of the crowd at closing time, which in turn would reduce the number of crowd related incidents on Douglas Street.

Action:

Councillor Madoff moved it be recommended to Council that:

1. That Victoria City Council, recommends Temporary Changes to Liquor Primary Licence Nos. 16686, 43930 and 136243 for the Strathcona Hotel at 919 Douglas Street, as follows:
 - The extension of the closing hour to 03:00h, seven days a week;
 - No liquor service past 02:00h on any day;
 - For a term of eight months from the date of final approval by the Liquor Control & Licensing Branch.
2. Victoria City Council provides the following comments on the recommendation:
 - a) The Strathcona Hotel is a unique licensee that merits specific considerations because of the 1324 person-capacity of their liquor-primary licenses.

- b) The proposed closing hour is intended to reduce the tendency for large crowds of patrons to congregate outside the licensed premises at closing hour.
 - c) Reducing closing hour crowds is anticipated to reduce associated nuisance and criminal behaviour, which will serve the public interest.
3. Victoria City Council not consider applications from other licensees for a ½ hour extension to the closing hour until an evaluation of the Strathcona Hotel's temporary extension is completed.
 4. City Staff report back to Victoria City Council on the evaluation results.

Action: Councillor Holland moved it be recommended to Council that this matter be brought forward for consideration at the July 22, 2004 Council meeting.

CARRIED 04/503

7.2 Minimum Price Drink Bylaw

Councillor Hughes requested that City staff report to Committee on the subject of minimum price drink bylaw.

04/502

8.0 BYLAW ENFORCEMENT

8.1 Spring/Ridge Road Apartment Building Update

Committee received a memorandum dated July 16, 2004, from the Senior Bylaw Officer and the Manager of Regulatory & Development Services, updating Committee on the 2111 Spring and 2010 Ridge apartment buildings. On June 2, 2004, the Victoria Coordinated Enforcement Team conducted a second inspection of two apartment buildings at 2111 Spring Road and 2010 Ridge. Both apartments are owned by Inderjit Gill and Bharpur Gill. The main findings were as follows:

- A suite in the basement of 2111 Spring that is on the permit drawings but has not been approved for occupancy was again found to be occupied. Bylaw Enforcement has given a 60-day time limit (until August 30, 2004) for this tenant to be relocated and suite vacated. The appropriate social agencies have been contacted for assistance.
- A room in the basement of 2120 Ridge was found to be occupied during the October 2002 inspection and was ordered vacated and the cooking facilities removed. At a follow-up inspection of this room in February 2004, it was found to be reoccupied. It was again ordered vacated. At the June 2004 inspection the room was found to be vacant.
- The Building Inspector identified some minor deficiencies with the fire doors at 2111 Spring, and gave verbal direction to the owner to have those rectified.
- No new plumbing or electrical safety issues were identified since the last inspection.
- No new health issues were identified by the VIHA Health Inspector.

On July 15, 2004, there was a follow-up inspection of the exterior premises of both buildings by Bylaw Enforcement. As a result of this inspection, the owner was

directed to complete the exterior painting of both buildings and to remove an unlicensed vehicle from the parking lot at 2111 Spring Road. The expectation is that outstanding bylaw compliance issues will be fully addressed by August 31, 2004.

Action: Councillor Holland moved that this report be received for information.

CARRIED. 04/501

8.2 Bylaw Enforcement and Business Licensing Update

Committee received a memorandum dated July 15, 2004, from the Senior Bylaw Officer and Division Manager of Regulatory & Development Services updating Committee on bylaw enforcement and business licensing. The report outlined, in detail, the high priority issues, bylaw enforcement active cases or issues, and business licensing issues.

Action: Councillor Holland moved that this report be received for information.

CARRIED. 04/500

Councillor Coleman declared an indirect pecuniary conflict of interest with the following matter, and was excused from the meeting at 12:12 p.m.

8.3 Regulation of Takeout Food Services

Committee received a memorandum dated July 15, 2004, from the Senior Bylaw Officer and Division Manager of Regulatory & Development Services advising that there is growing concern about the impact of late night takeout food services on the quality of life in the downtown neighbourhood. After midnight the clientele for takeout food consists largely of patrons who have exited licensed drinking establishments. There is a tendency for these patrons to congregate around takeout restaurants and fast food carts, and to remain in the downtown core rather than to disperse and return to their homes. The related problems of illegal consumption of alcohol, fighting, assaults, noise disturbances, littering, and detritus in private doorways and alcoves have led to calls for stronger regulation of takeout food services by the City. It is recommended that authority be applied to regulating the hours of operation of takeout food services in the downtown area.

Action: Councillor Madoff moved that that City staff report to Committee of the Whole with some clarification on the class of business that is to be affected.

CARRIED. 04/499

Councillor Coleman returned to the meeting at 12:25 p.m.

9.0 ADMINISTRATIVE MATTERS

9.1 Private Property Maintenance Committee

The Private Property Maintenance Committee (PPMC) is currently delegated the authority to conduct a hearing and pass a resolution on the following matters:

1. To uphold or set aside an order of the Bylaw Officer to clean-up an unsightly property under the *Rubbish Bylaw* and the *Graffiti Bylaw*;
2. To direct the Corporate Administrator to file a Notice on Title for property having illegal or unauthorized construction under the *Building Bylaw*.

The PPMC also has the authority to conduct a hearing into and make a recommendation to Council respecting the enactment of a demolition bylaw to remedy illegal or unauthorized construction on private property.

The Community Charter provides new provisions for the prescription and enforcement of standards respecting the condition of private property. The new provisions alter the procedure by which a municipality deals with nuisances and/or hazardous conditions on private property. The process under the Charter for remedying hazardous conditions or nuisances arising from structures or excavations on real property now involves the Council directly issuing a remedial action order by resolution rather than by enacting a demolition bylaw. The property owner against whose property the order is made has a right to request Council's reconsideration of their decision, which involves a hearing before the Council. Staff recommends that the PPMC continue to be the body that initially considers a staff recommendation for a remedial action order. When deemed necessary the PPMC would then recommend to Council that they pass a resolution issuing the remedial action order. The property owner would have a statutory right to request that Council reconsider its decision.

Action: Councillor Fortin moved that it be recommended to Council that the Victoria City Council instructs the City Solicitor to:

1. Revise and consolidate the *Rubbish Bylaw*, *Graffiti Bylaw*, and *Weeds Control Bylaw* into one bylaw that regulates the standards to which private property must be kept; and
2. Revise the *Property Maintenance Hearing Delegation Bylaw* to enable the proposed enforcement scheme for private property matters under the Community Charter.

CARRIED. 04/498

9.2 **Disposition of Communications**

Committee received Dispositions of Communications dated July 12, 2004 and July 19, 2004 from the Corporate Administrator and Manager of Administration reporting that certain communications received in the Legislative Services Division have been dealt with on the date and in the manner indicated.

Councillor Hughes inquired whether any actions have been taken for Item No. 3 in the July 12, 2004 Disposition of Communications regarding CREST. Councillor Fortin reported that this matter has been taken care of.

Action: Councillor Hughes moved that the Dispositions of Communications dated July 12, 2004 and July 19, 2004 from the Corporate Administrator and Manager of Administration be received for information and filed.

CARRIED. 04/497

9.3 **Proclamations**

Action: Councillor Hughes moved that:

1. September 2004 be proclaimed "National Ovarian Cancer Month"
2. September 04, 2004 be proclaimed "Taoist Tai Chi Awareness Day"

CARRIED. 04/496

10. COUNCILLOR INFORMATION SHARING

10.1 Quadra Village Beautification

Councillor Coleman circulated an email dated July 21, 2004 from Paul Lidgate to Jack Basey, Director of Planning & Development and the Quadra Village Streetscape Beautification newsletter dated May 15, 2004.

Action: Councillor Coleman moved it be recommended to Council that Victoria City Council direct City staff to proceed with the Quadra Village Implementation plan and the matching of the \$11,000 from the Quadra Village fundraising campaign.

Action: Councillor Fortin moved it be recommended to Council that this matter be brought forward for consideration at the July 22, 2004 Council meeting.

CARRIED 04/495

11. CLOSED MEETING - 12:30 P.M.

Action: Councillor Hughes 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. 04/494

12. 165 Cook Street

Action: Councillor Fortin moved that this report be received for information.

CARRIED. 04/493

13. The Owners, Strata Plan VIS3815 v. Polo Pacific Developments et al - SCBC No. 98-2867

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

1. The terms of a settlement as set out by the City Solicitor's report dated July 21, 2004 be approved.
2. This matter be brought forward for consideration at the July 22, 2004 Council meeting.

CARRIED 04/492

14. Cycling Advisory Committee – Appointment.

- Action:** Councillor Hughes moved that it be recommended to Council that:
1. Victoria City Council appoint Mr. Tom Sutton to the Cycling Advisory Committee, to fill a vacant position, for the balance of the Committee's term, which expires December 31, 2004;
 2. This matter be brought forward for consideration at the July 22, 2004 Council meeting.

CARRIED. 04/491

15. 911 Levy

The City Manager discussed with Council a matter concerning the current 911 levy. Councillor Fortin will check on this matter and report to Committee.

CARRIED. 04/490

16. Adjournment Of Closed Meeting

- Action:** Councillor Fleming moved that the Closed Meeting be adjourned.

CARRIED. 04/489

The meeting adjourned at 12:40 p.m.

Charlayne Thornton-Joe, Acting Mayor