

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING
HELD THURSDAY, MAY 3, 2007, 9:00 a.m.

Committee Members Present: Acting Mayor Thornton-Joe in the Chair, Councillors Chandler, Coleman, Fortin, Holland, Hughes, Madoff, and Young.

Absent: Mayor Lowe.

Staff Present: P. Ballantyne – City Manager; R. Woodland - Corporate Administrator; C. Havelka - Recording Secretary.

Staff Present for a Portion of the Meeting: P. O'Reilly – Director of Engineering; D. Day – Director of Planning & Development; D. Atkinson – Director of Parks, Recreation and Community Development; M. McCliggott – Director of Finance; P. Sparanese – Deputy Director of Engineering; A. Hudson – Senior Planner; S. Barber – Senior Heritage Planner; M. Leskiw – Manager, Parks; W. Zink – Manager, Social Planning & Housing; B. Dellebuur – Transportation; M. Lam – Head, Urban Design; S. Schopp – Manager, Development & Regulatory Services; B. Sikstrom – Senior Planner; T. Phillips – Manager, Revenue; C. O'Regan – Manager, Facilities & Operations; B. Jackson – Supervisory, Facilities; S. Hortsing – Manager, Facilities, Planning & Projects; S. Kaur – Engineering; J. Daly – Manager, Research & Design; B. Wiffen – Property Manager; R. Linzey – Heritage Planner.

1. CALL TO ORDER

The Chair called the meeting to order at 9:03 a.m.

2. APPROVAL OF AGENDA

The Chair outlined the following changes to the May 3, 2007 Committee of the Whole agenda:

- Item # 3 – 923 Burdett Avenue – Additional Correspondence
- Item # 7 – Vehicles for Hire Bylaw – Request to Increase Pedicab Licenses - Additional Correspondence
- Councillor Inquiries / Information Sharing:
 - a) Councillor Hughes – one inquiry
 - b) Councillor Fortin – one In Camera inquiry
 - c) Councillor Coleman - one inquiry
 - d) Acting Mayor Thornton-Joe – two sharing.

Action: Councillor Hughes moved that the Agenda of the May 3, 2007 Committee of the Whole meeting be approved as amended.

CARRIED 07/262

3. ADOPTION OF MINUTES

3.1 April 19, 2007 Committee of the Whole Minutes

Action: Councillor Fortin moved that the minutes of the Committee of the Whole meeting held April 19, 2007 be adopted.

CARRIED 07/261

4. DELEGATIONS

4.1 Craigdarroch Castle Society

Committee received a presentation from Kathy Summers, Executive Director of Craigdarroch Castle Society. Also in attendance was Bill Barkley, a Craigdarroch Castle Director.

On September 10, 1999, the City of Victoria sold property to Craigdarroch Castle Society. Restoration of lands to the state it was in between the period of 1890 to 1908 was part of the conditions of the sale. Craigdarroch Castle Society has met with City staff to present the overall Grounds Restoration Plan:

1. The South Lawn Restoration Plan and the completed retaining wall and south lawn stair restorations.
2. Transfer of ownership of the City owned portion of the pathway between Craigdarroch Road and the Society's landscaping plans for the path including pedestrian plans through this site.
3. Construct a representation of the original sandstone gates over the sidewalks on either side of Joan Crescent at the corner of Fort Street, along with an approximate three foot representative wall, curving around the corner from the gate in front of the apartment building.
4. Create two interpretation nodes, located on the City Boulevard and positioned on the edge of the Society's land at 1070 Joan Crescent, looking up to the Castle and partially on the City Boulevard.
5. Erect a one hundred and thirty five foot flag pole on the Society's property, from which a seventeen foot by twenty-seven foot flag could be flown to replicate the original flag pole and flag that stood on the estate.

A Committee member asked Ms. Summers about transferring ownership of the pathway from the City to Craigdarroch Castle. Options of ownership were discussed with the Corporate Administrator advising the pathway can be secured through a statutory right of way.

In response to concerns about the height of the flagpole, Committee was advised that guide wires are not necessary. Ms. Summers also advised she would review the requirements for having a red light on the top of the flagpole.

Joe Daly, Manager of Research and Design in Parks, advised that staff will review these requests and report back to Committee.

5. DEVELOPMENT SERVICES

5.1 Rezoning Application # 00100 for 923 Burdett Avenue

Committee received a report dated May 3, 2007 from Development Services with respect to Rezoning Application # 00100 for 923 Burdett Avenue. This rezoning application is to permit development of sixty condominium units, three townhouse units and nine seniors' housing units. The proposal will require restoration and re-use of heritage-designated Mount St. Angela College, removal of Mount St. Angela's 1912 rear addition, removal of an existing dwelling at 929 Burdett Avenue, relocation of a dwelling at 924 McClure Street and new construction. The proposed development requires an increase in density from 0.6:1 to 1.55:1 and an increase in height from 7.6m to 17.9m. The applicant's letter of March 15, 2007 detailing this proposal is attached to the report.

The proposed density for the subject property is not envisioned within the *Humboldt Valley Precinct Plan*; however, the plan encourages a variety of housing types and the retention and conservation of heritage buildings in the precinct. The *Official Community Plan* also recommends density bonuses to assist in the revitalization of heritage resources and securing amenities such as mid-block walkways and special needs housing. The applicant has retained a heritage consultant who has prepared a conservation plan for the site, and also proposed that the development be administered by a Heritage Revitalization Agreement.

In addition to a Heritage Revitalization Agreement, applications for subdivision and a Heritage Alteration Permit will be submitted concurrent with this application. A Development Permit Application will also be required. It is anticipated that more detailed design review in the context of the plan's guidelines and those of *Development Permit Area 35*, will be undertaken at that stage in the process.

This application was considered by the Planning and Zoning Committee of the Fairfield Community Association. Comments have been provided in the letter dated March 27, 2007 attached to the report.

A Committee member expressed concerns about the density required to make this project viable. Also expressed were concerns with respect to the height of the buildings. At the Fairfield Community Association meeting, similar concerns were expressed. A model of the perspective from a pedestrian and distance point of view would help demonstrate the preservation of the Mt. St. Angela outline.

Committee was advised that discussions are underway to relocate the building at 929 Burdett Avenue to Fernwood Neighbourhood Resource Group. This donation would be towards affordable housing, and a Committee member encouraged the

developer to help with the moving costs. With respect to the relocation of 924 McClure, the applicant, Roger Tinney, advised Committee that the homeowner's protection plan has been flexible in past restorations. The applicant proposes maintaining the existing exterior and, as the condition of the interior is sound, will only need to upgrade wiring, insulation, etc.

Committee members discussed the senior housing component of the project with respect to the units remaining affordable for seniors. Committee was advised by staff that this will be secured through the Housing Agreement which will be registered on title.

A Committee member expressed concerns about the Heritage Advisory Committee (HAC) and the Advisory Design Panel (ADP) reviewing this project in isolation of each other and requested a combined study. Staff advised that this option was discussed but this project merits an in depth study from each committee. The HAC's comments can be forwarded to the ADP to allow for a comprehensive review.

Action: Councillor Holland moved that Council approves staff recommendations as follows:

That the application be forwarded for consideration at a Public Hearing and that the City's Solicitor be instructed to prepare the necessary *Official Community Plan (OCP)* and *Zoning Bylaw* amendments, based on the draft zone outline provided in Section 4.a.1, subject to:

1. Inclusion of this site in the *Humboldt Valley Development Permit Area 35*. Under Section 879 (2) of the *Local Government Act*, Council considers consultation of the proposed OCP amendment and determines that no referrals are necessary with the CRD Board, Councils of Oak Bay, Esquimalt and Saanich, the Songhees and Esquimalt First Nations, the School District Board and the provincial and federal governments and their agencies, because this amendment affects a small area.
2. Heritage Designation of 924 McClure Street and the interior of Mount St. Angela.
3. Review by the Heritage Advisory Committee of Mount St. Angela restoration, including proposed removal of the 1912 addition and relocation of 924 McClure Street.
4. Review by the Advisory Design Panel of new construction and site planning.
5. Review by the Advisory Planning Commission of land use and density.
6. Preparation of a Heritage Revitalization Agreement to secure the following:
 - a) Redevelopment of the property in accordance with the *Angela College Conservation Plan* prepared by Donald Luxton & Associates, March 2007.
 - b) Heritage conservation of 924 McClure Street.

- c) Heritage conservation of interior of Mount St. Angela College.
- d) Phasing provisions.
- 7. Preparation of a Housing Agreement to secure the following:
 - a) Nine-unit seniors' rental housing within Mount St. Angela.
 - b) Preserve the potential of strata owners to rent strata units.
 - c) Adaptable housing units within new construction.
- 8. Public use of mid-block walkway secured by easement with controlled security.
- 9. Submission of the following to the satisfaction of the Director of Engineering:
 - a) Revised plans showing driveway access locations on McClure Street and Burdett Avenue frontages.
 - b) Sanitary sewer impact study.
- 10. Tree protection plan in compliance with the *Tree Preservation Bylaw*.
- 11. That staff provides a model of the view from a pedestrian and distance perspective that would demonstrate the impact of the development on the architectural characteristics of Mt. St. Angela.

CARRIED 07/260

5.2 Development Permit Application # 000080 for 427 Belleville Street

Committee received a report dated April 19, 2007 from Development Services with respect to Development Permit Application # 000080 for 427 Belleville Street. This application is for a new 155-room hotel that would replace the existing Days Inn on Belleville Street in the Inner Harbour. The existing beer and wine store and the Swiftsure restaurant and lounge are proposed to continue as tenants and both commercial uses are provided at ground level. The restaurant and lounge would be oriented towards Belleville Street, including an outdoor patio, and the beer and wine store orientated towards Quebec Street. The applicant has described the proposal and provided a design rationale in the letter dated March 2, 2007 attached to the report.

An objective within the *Official Community Plan* is to improve the Inner Harbour as an important and visually pleasing entrance to the City and Region, complimentary to the character of downtown Victoria. The north-south orientation provides dual expression, minimizes the amount of massing viewed from the Inner Harbour, and optimizes light into the hotel rooms as well as views towards the harbour. Staff are supportive of the fundamental design and recommend that a development permit be issued conditional on design refinements to ensure the building is compatible with the existing context.

There are no variances proposed as part of this Development Permit application, therefore, the application was not referred to CALUC and no public hearing is required.

A Committee member inquired about the parking allocations for this project with respect to additional parking spilling over into the adjacent neighbourhood.

Committee members discussed concerns about the lack of inspiration with respect to the design of this project. The proposed colour scheme and the bland appearance of the building were expressed as undesirable aspects for this location. As a feature site on the Inner Harbour, Committee expressed a desire to see a well-considered, world-class development that would welcome visitors arriving in Victoria. The contemporary design of Laurel Point Inn was given as an example of a development fitting a significant site.

Action: Councillor Holland moved that Council postpone consideration of this application pending staff consultation with the developer to respond to the concerns and objectives expressed by Committee with respect to the design being in context with the Inner Harbour.

CARRIED 07/259

5.3 Heritage Alteration Permit # 00054 for 530-534 Broughton Street / 1005 Langley Street

Committee received a report dated April 23, 2007 from Development Services with respect to Heritage Alteration Permit # 00054 for 530-534 Broughton Street / 1005 Langley Street. This application is to construct a one-storey rooftop addition and make some exterior alterations to the Heritage Registry building at the corner of Broughton and Langely Street. The alterations include storefront alterations, new canopy, lighting, and new awnings. This rehabilitation work is in conjunction with a substantial building upgrade for office use on the upper floors, with retail/commercial use at grade. This is a Heritage Registry building in the *Old Town Heritage Conservation Area*, therefore, Council approval of a Heritage Alteration Permit is required. The application was reviewed by the Heritage Advisory Committee at its meeting of April 10, 2007 and was recommended for approval. A Public Hearing is not required.

Action: Councillor Holland moved that City Council authorize the issuance of Heritage Alteration Permit # 00054, in accordance with:

1. Plans dated March 22, 2007.
2. Development meeting all bylaw requirements.
3. Colour scheme and masonry cleaning specifications to the satisfaction of the Director of Planning & Development
4. Final plans to be in accordance with plans identified above.

CARRIED 07/258

6. SOCIAL PLANNING AND HOUSING

6.1 2007 Social Service Operating Grants

Committee received a report dated May 3, 2007 from Social Planning and Housing with respect to 2007 Social Service Operating Grants. The purpose of this report is to summarize the 2007 Social Service Operating Grant request and make

recommendations for the City of Victoria's portion. The total 2007 Social Services Operating Grant requests are \$135,217 compared to \$118,659 approved by participating municipalities last year, representing a 14% increase (\$16,558) over 2006. This is directly related to increased requests from Greater Victoria Volunteer Society (Volunteer Victoria) and the Need Crisis & Information Line.

At a meeting of Council on January 9, 2006, the City's Finance Committee set aside \$47,000 in the budget for 2007 Social Services Operating Grants. This is the same amount that was granted in 2006 and does not reflect any cost-of-inflation increases.

Options have been identified and analyzed and Option A, which reflects a 1.2% unilateral cost-of-inflation increase, is recommended. The following table presents actual allocated amounts for 2006 and the 2007 recommendation. The Director of Finance has reviewed the Options and supports the recommendation.

A Committee member discussed increasing the 2007 grant allocation by three percent to recognize the value of these agencies; a difference of approximately \$2,500. A Committee member noted these agencies receive other funding and the City has a limited amount to fund.

Action: Councillor Holland moved that Council approve the recommended 2007 Social Services Operating Grant allocations outlined in Option A.

Option A: Table Showing Victoria Portion of the 2006 Social Services Operating Grants and Recommended 2007 Allocation

Agency	2006 Grant	2007 Recommendation	% Change
Community Social Planning Council of Greater Victoria	\$16,000	\$16,192	1.2%
Greater Victoria Volunteer Society – Volunteer Victoria	\$8,800	\$8,905.60	1.2%
NEED Crisis & Information Line	\$19,900	\$20,138.80	1.2%
St. John Ambulance – Victoria Branch	\$2,300	\$2,327.60	1.2%
Total	\$47,000	\$47,564	1.2%

CARRIED 07/257

Councillor Fortin voted against this motion

7. ENGINEERING

7.1 Vehicles for Hire Bylaw – Request to Increase Pedicab Licenses

Committee received a report dated April 16, 2007 from Engineering with respect to the Vehicles for Hire Bylaw, a Request to Increase Pedicab Licenses. At a Council meeting on February 8, 2007, Andrew Capeau of Victoria Pedicab Company addressed Council members to request an increase in the allowable number of

pedicab licenses from twenty-four to twenty-eight. Council moved that the issue of pedicab licenses, regulations, fees, etc., be referred to the Advisory Transportation Committee (ATC).

The Advisory Transportation Committee was addressed by Mr. Capeau at its February 20, 2007 and March 20, 2007 meetings. After discussing the maximum number of licenses available to an individual company and how additional licenses may be allocated fairly, the ATC made the following recommendation to Council:

The ATC recommends Council increase the maximum number of pedicab licenses from 24 to 28.

CARRIED

The ATC members felt that the City should advertise if additional licenses are made available, and request that interested parties send written submissions for new pedicab licenses.

Staff has no objection to increasing the number of pedicab license to twenty-eight, and issuing the four new licenses to Victoria Pedicab Company.

Committee members and staff discussed the following with respect to allocating additional pedicab licenses:

- The process for allocating licenses. Additional licenses should be available to all companies and advertised publicly.
- The ATC focuses on the numbers of licenses issued; not the transportation objective of pedicab licenses.
- The ATC is satisfied with pedicab companies in principle.
- The City established licensing in the 1980s to proceed cautiously with this new type of business but it has shown to be a sustainable venture with no high demand for licenses.
- Staff to review removing the cap on available pedicab licenses and report those findings to the Finance Committee.

Action: Councillor Young moved that Council refer the request to increase the number of pedicab licenses to the Finance Committee for a recommendation on an appropriate licence fee and process for allocating additional licences.

CARRIED 07/256

8. PARKS

8.1 Signs of Lekwungen

Committee received a report dated April 23, 2007 from Parks with respect to the *Signs of Lekwungen*. The purpose of this report is to follow-up on a Council request for further information about the cost and funding options to make moulds and cast reproductions of the original wood carvings created by Songhees artist Butch Dick, for the *Signs of Lekwungen* project.

Staff consulted with Jack Gibson Studio in Vancouver about methods to faithfully reproduce the original carvings in materials suitable for long-term placement outdoors. The City has received a fee quotation in the amount of \$86,400 to make moulds and cast reproductions of the seven original carvings.

The Phase 1 entitlement for the City of Victoria, as part of the UBCM 2005 Community Tourism Grant totalled \$98,957.08. Grants in the amount of \$54,179.48 had previously been approved. The deadline for applying for the balance of funds was March 31, 2007. Staff submitted an application to use the balance of funds (\$44,777.60) for the *Signs of Lekwungen* project. The UBCM have approved this application subject to confirmation of a Council resolution in support of this application. Staff is seeking other funding partners. If necessary, City of Victoria 2007 capital budgets could be used to partially fund this work.

A Committee member expressed concern with respect to the allocation of funds towards these moulds and suggested other avenues for displaying the original art. A Committee member advised that First Nations people had been consulted regarding this project and were supportive. Also, managing the maintenance costs of the original art was a concern.

Action: Councillor Madoff moved that Council:

1. Request that the UBCM allocate the balance of Phase 1 entitlement funds from the 2005 Community Tourism Grant, in the amount of \$44,777.60, for the purpose of making high quality moulds and casting faithful reproductions of the original *Signs of Lekwungen* carvings.
2. Request staff to continue seeking other funding partners and, if necessary, allocate the balance of funds required, from City of Victoria 2007 capital budgets including Public Art, Downtown Beautification and Beacon Hill Park.
3. Request that staff consult with the Songhees and Esquimalt Nations and report to Council further about how best to preserve and display the original *Signs of Lekwungen* wood carvings.

CARRIED 07/255

Councillor Young voted against this motion

8.2 Beacon Hill Park

Committee received a report dated April 24, 2007 from Parks regarding Beacon Hill Park. The purpose of this report is to seek Council direction with respect to the Beacon Hill Park Farm Society to amend their agreement with the City to include use of the former police barn and paddock area.

The Beacon Hill Park Farm Society manages the Beacon Hill Park Farm under agreement with the City of Victoria. The Farm Society has requested that the Agreement be amended to include use of the barn and paddock formerly used by the City of Victoria Police Department.

Staff met with the Beacon Hill Park Farm Society to review their request. Based on these discussions, staff recommends that the Agreement between the City and the Farm Society be amended to include use of the former police barn and a portion of the former police paddock. A plan is attached to this report which illustrates the area of the Beacon Hill Park Farm Yard as referenced in the Agreement. The fence surrounding the former paddock would be relocated to reduce the paddock area by approximately half. The most southerly half of the paddock area would be restored as Garry Oak meadow.

Committee members discussed the fence and requested that the boundary be reconsidered to maximize the area returned to the Park. Staff advised they will incorporate this request in consultation with the Beacon Hill Farm Society.

Action:

Councillor Madoff moved that City Council:

1. Amend the Agreement between the City and the Beacon Hill Farm Society to include use of the former police barn and a portion of the former police paddock, subject to the Farm Society being responsible for insuring, repairing and maintaining the former police barn.
2. That the fence boundary around the paddock be realigned to return the maximum amount of land to its natural park state as is practical.

CARRIED 07/254

8.3 Amica Fun & Fitness in the Park – June 23, 2007

Committee received a report dated April 19, 2007 from Parks regarding Amica Fun & Fitness in the Park on June 23, 2007. The purpose of this report is to recommend to Council the conditions by which to approve an event request for Irving Park.

Amica Mature Lifestyles is a company that promotes wellness and vitality for seniors. Amica's program principles are to encourage friendships, new experiences, an improved healthy lifestyle and an inviting sense of community. Amica has applied to the Parks Division for permission to host a *Fun and Fitness in the Park Day* in Irving Park on June 23, 2007.

Amica would like to place a banner within the park and hand out brochures which outline and promote their principles of Wellness and Vitality. These two aspects of their application contravene Bylaw 91-19 Section 6, which prohibits the posting or distribution of any advertisements in any park.

The local senior's community centre has been contacted and has lent their support to this event. Staff are recommending support for this request with certain conditions as this initiative brings an activity into Irving Park that promotes use of the park and healthy and active living.

Committee discussed concerns with respect to setting a precedent for allowing events associated with commercial businesses in parks. Staff advised that Amica is working with the Senior Centres and staff viewed this event as aligning with Park's objective of helping seniors to pursue an active lifestyle.

Action:

Councillor Madoff moved that City Council approves the event scheduled for Irving Park with the following conditions:

- Approval given for this event only and not to be taken as approval for future requests.
- Applicant to obtain all necessary park permits and to abide by all rules and regulations.
- Amica be granted the ability to place a sponsorship banner on the site.
- Amica to work with the local seniors' centres for the display and distribution of their brochures outside of the park's premises.

Action:

Councillor Madoff moved that Council postpone consideration of this item and requested that staff review the application with James Bay New Horizons Society.

DEFEATED 07/253

Councillors Chandler, Fortin, Hughes, Holland, Thornton-Joe and Young voted against this motion

On the main motion:

DEFEATED 07/252

Councillors Chandler, Coleman, Fortin, Hughes, Thornton-Joe and Young voted against this motion

8.4 Climate Action Day – June 2, 2007

Committee received a report dated April 24, 2007 from Parks regarding Climate Action Day on June 2, 2007. The purpose of this report is to recommend to Council the conditions by which to approve an event request for Beacon Hill Park.

The British Columbia Sustainable Energy Association (BCSEA) is a not-for-profit organization. They provide the public with information regarding ways people can make changes to their lifestyles to minimize their impact on climate change. BCSEA has applied to the Parks Division for permission to hold a Climate Action Day in Beacon Hill Park on June 2, 2007.

Climate Action Day activities will include: music, a 5km walk through the park and speeches/presentations by various environmental groups and local politicians. BCSEA has selected Beacon Hill Park as its central location has the ability to host the number of participants/spectators that the group hopes to attract to this event.

BCSEA plans to set up educational booths regarding programs that promote activities which help reduce negative impacts on the climate. BCSEA would like to hand-out educational material which is sponsored by various companies and have their names and logos on them. In addition, BCSEA would like to display signs/banners with sponsor identification. These aspects of their application

contravene Bylaw 91-19 Section 6, which prohibits the posting or distribution of any advertisements in any park.

Staff has completed the Appropriate Activity Assessment Framework for this event. Staff is recommending support for this request with certain conditions as this initiative brings an activity into Beacon Hill Park that promotes environmental/sustainable practices.

- Action:** Councillor Madoff moved that City Council approves the event scheduled for Beacon Hill Park with the following conditions:
- Approval given for this event only and not to be taken as approval for future requests.
 - Applicant to obtain all necessary park permits and to abide by all rules and regulations.
 - BCSEA be granted the ability to hand out educational information on the site.
 - No corporate sponsorship/logos are permitted within the park on signs, banners, tents or tables.

CARRIED 07/251

9. FINANCE

9.1 Corrections to Assessment Rolls

Committee received a report dated April 17, 2007 from Finance with respect to Corrections to Assessment Rolls. The City has received Supplementary #11 for 2006 prepared under the provisions of the Assessment Act. Section 434 of the Local Government Act requires that "...the Collector shall report the facts to Council which shall authorize the necessary adjustment."

Action: Councillor Young moved that the adjustments to taxes based on the revised assessments, be approved as follows:

School	-Commercial	\$22,229.04
	-Residential	0
General Municipal		19,248.66
General Police		11,861.13
General Debt		3,376.65
Capital Regional District		4,068.63
Capital Regional Hospital District		1,326.00
BC Assessment Authority		639.56
Municipal Finance Authority		.24
Regional Transit		2,059.08
Local Services		<u>1,257.27</u>
		\$66,066.26

The 2007 budgeted amount for taxes uncollectible is \$250,000.00. The amount spent to March 31, 2007 is \$34,486.44.

9.2 BC SPCA Property Tax Exemption – 3150 Napier Lane

Committee received a report dated April 12, 2007 from Finance with respect to BC SPCA Property Tax Exemption for 3150 Napier Lane. At the Victoria City Council meeting on March 8, 2007, Council moved that further consideration of granting the BC SPCA tax exemption for the 2005 taxation year and tax exemption status for 2007 and subsequent years be forwarded to Finance Committee which reviewed this request on March 27, 2007. It is noted that the total property taxes for 3150 Napier Lane for 2005 and 2006 were \$35,588 and \$35,460 respectively. The municipal portion of those taxes for 2005 was \$18,806 and for 2006, \$18,868.

Legislation in the *Community Charter* requires that the bylaw for permissive exemptions be adopted by October 31 in the year prior to the year of exemption. It is therefor not possible to give retroactive permissive exemption for 2005, 2006 or 2007.

Under our current policy guidelines, this organization could be considered by Council for a permissive exemption for 2008 under 2.1 "Support would be directed towards services the City would consider providing given adequate resources." As a regional service, it would qualify for a 50% exemption.

Councillor Chandler withdrew from Council Chambers at 11:15 a.m.

One recourse the City has in assisting this organization would be approving a special grant. As it has not been the City's practice to give grants for prior years, it would be appropriate to consider a grant for the municipal portion of the property taxes for 2007.

Councillor Chandler returned to Council Chambers at 11:18 a.m.

Committee members expressed concerns with respect to this grant and clarified that its consideration was discussed in prior negotiations with the SPCA.

Action:

Councillor Young moved:

1. That Council approve a grant to the BC SPCA for the municipal portion of the 2007 property taxes on 3150 Napier Lane (approximately \$19,000).
2. That an application from BC SPCA for property tax exemption be considered by Finance Committee for the 2008 taxation year.

CARRIED 07/249

10. CORPORATE AND REGULATORY SERVICES

10.1 Amendment of the Nuisance (Business Regulation) Bylaw

Committee received a report dated April 24, 2007 from Corporate and Regulatory Services regarding an amendment of the *Nuisance (Business Regulation) Bylaw*.

The purpose of this report is to recommend amendments to this bylaw to improve the City's ability to regulate and impose conditions on businesses that attract or create late night "nuisances".

Councillor Coleman withdrew from Council Chambers at 11:17 a.m.

The City of Victoria has an ongoing problem with take-out food vendors and their clientele. When the bars and pubs in the downtown area close, their patrons, many of whom are intoxicated, tend to congregate in the vicinity of various late night food vendors where adequate seating is not provided. As a result there has been numerous, ongoing complaints of nuisance arising from crowds outside the business.

This report proposes a bylaw amendment that Council may use to restrict operating hours for businesses in violation of the *Nuisance (Business Regulation) Bylaw*. The proposed regulation would be the final enforcement step under the bylaw. This regulation could be used to address nuisances arising from businesses such as late night food vendors and bars.

Staff concluded that a regulation that provides for targeted enforcement of problem businesses is preferred to a general regulation that limits the hours of operation of classes of business. Public consultation involving affected business is required before Council may adopt the proposed bylaw amendment.

Councillor Coleman returned to Council Chambers at 11:20 a.m.

In response to a Committee member's inquiry regarding withdrawing a business licence, the Corporate Administrator advised that there are a number of options to impose on the licensee before such a punitive action. Limiting the hours they can operate would alleviate the nuisance they impose on the community.

A Committee member noted that businesses are inheriting problems from liquor establishments.

A Committee member noted it is a complex issue but this amended bylaw is a tool to address nuisance businesses without targeting all late night eateries.

Action: Councillor Fortin moved that Council instructs staff to implement Option A and B of this report:

A. Targeted Monitoring, Enforcement and Inspection

City Bylaw Officers and Police will adopt a system of proactive monitoring, inspection and enforcement for properties identified as "nuisance".

B. Bylaw Amendment – Applying Licensing Condition to Violators

The proposed bylaw amendment that would restrict business hours when a business is found to be in violation of the bylaw is a less punitive measure than the outright suspension or cancellation of the business licence.

CARRIED 07/248

10.2 Proposed Amendment to Ticket Bylaw No. 06-006

Committee received a report dated April 25, 2007 from Corporate and Regulatory Services with respect to a Proposed Amendment to *Ticket Bylaw No. 06-006*. The proposed amendment will enable Bylaw Officers to issue fines for failing to comply with the City's snow and ice removal provisions of the *Streets and Traffic Bylaw*.

Over the winter, staff have been reviewing current City regulations to ensure that the sidewalks are safe for pedestrians when it snows, and to clarify the responsibilities of the residents and merchants for clearing of snow.

The City of Victoria received an overwhelming number of complaints from the public regarding unshoveled sidewalks this winter. Owners and occupiers of real property repeatedly ignored verbal warnings to clear sidewalks, which created unsafe passage for the general public. Verbal warnings proved unsuccessful in most cases and the *Ticket Bylaw* did not authorize Bylaw Officers to issue fines.

The proposed amendments will provide the authority to issue tickets when compliance through education is not achieved.

Action: Councillor Fortin moved that Council instructs the Corporate Administrator to amend the *Ticket Bylaw* to add Bylaw Officers to Column 1 of the *Ticket Bylaw* and for the *Streets and Traffic Bylaw*, and that the relevant offences pursuant to section 79 of the *Streets and Traffic Bylaw* are added to Schedule R, as shown in the attached bylaw amendment.

CARRIED 07/247

10.3 Amendment to Road Closure Bylaw 80-75 (a portion of Fifth Street)

Committee received a report dated April 25, 2007 from Corporate and Regulatory Services with respect to obtaining Council's approval to an Amendment to Road Closure Bylaw 80-75 (a portion of Fifth Street). In 1980, the City of Victoria closed a portion of Fifth Street to traffic with Bylaw 80-75. Since that time, a cul-de-sac has been constructed over part (8.4 m) of the closed road, contrary to Bylaw 80-75. Therefore, the purpose of this report is to obtain Council's approval to amend the Bylaw to reopen this portion of the cul-de-sac to traffic. Schedule "B", attached to the report, shows that portion of Fifth Street to remain closed to traffic under Bylaw 80-75.

Action: Councillor Fortin moved that Council approve amending Bylaw 80-75 in order to excise out the area of the closed road that has been improved with a cul-de-sac, through the normal adoption process.

CARRIED 07/246

10.4 Amended Dates for Committee of the Whole and Council Meetings 2007 Summer Schedule

Committee received a report from Corporate and Regulatory Services with respect to Amended Dates for Committee of the Whole and Council Meetings 2007 Summer Schedule. At its Committee of the Whole meeting dated April 5, 2007, Committee requested that summer meetings are coordinated to allow for Council and Committee of the Whole meetings to occur on the same day. This report is to amend the meeting schedule to reflect those changes.

Action: Councillor Fortin moved that Council adopts the amended 2007 meeting schedule as follows:

Schedule of 2007 Council and Committee of the Whole Meetings

2007	Committee of the Whole at 9:00 a.m.	Council at 7:30 p.m.
January	11, 18, 25	11, 25
February	1, 15	8, 22
March	1, 15	8, 22
April	5, 19	12, 26
May	3, 17	10, 24
June	7, 21	14, 28
July	12	12
August	23	23
September	6, 20	13, 20
October	4, 18	11, 25
November	1, 15	8, 22
December	6, 13	13

CARRIED 07/245

11. ADMINISTRATIVE MATTERS

11.1 Disposition of Communications dated April 25, 2007.

Action: Councillor Fortin moved that the Disposition of Communications dated April 25, 2007 from the Manager, Administration, be received for information and filed.

CARRIED 07/244

11.2 Proclamations – “Family Caregiver Week”

Action: Councillor Coleman moved that the week of May 12th – 18th, 2007 be proclaimed as “Family Caregiver Week” in the City of Victoria, Capital City of the Province of British Columbia.

CARRIED 07/243

11.3 Proclamations – “Scleroderma Awareness Month – June 2007”

Action: Councillor Coleman moved that the month of June 2007, be proclaimed as “Scleroderma Awareness Month” in the City of Victoria, Capital City of the Province of British Columbia.

CARRIED 07/242

11.4 Proclamations – “World Partnership Walk Day”

Action: Councillor Coleman moved that May 27th, 2007 be proclaimed as “World Partnership Walk Day” in the City of Victoria, Capital City of the Province of British Columbia.

CARRIED 07/241

12. COUNCILLOR INQUIRIES AND SHARING

12.1 Councillor Hughes – Modernization Strategy – Building Regulatory System

Councillor Hughes shared with Committee information with respect to the provincial government’s intention to improve the effectiveness of the building safety regulatory system. She requested information regarding the viability of the City endorsing this initiative. The City Manager advised she will report back to Committee on this issue. Councillor Holland advised that there is a workshop on this topic in Nanaimo on May 11, 2007.

12.2 Councillor Fortin – Pesticide Bylaw

Councillor Fortin was advised by the Director of Parks, Recreation and Community Development that a report on the status of the Pesticide Bylaw will come to Committee of the Whole on May 17, 2007.

12.3 Councillor Coleman – Needle Clean-Up on Beaches

Councillor Coleman shared with Committee his concerns with respect to jurisdictional responsibility for picking up discarded needles on beaches where the City doesn’t have legal authority below the high tide line. Councillor Coleman expressed a need for developing a policy to keep beaches safe from discarded needles as well as a policy for handling beach fires.

12.4 Councillor Chandler – Nurturing Neighbourhoods Event

Councillor Chandler shared with Committee the success of the first *Nurturing Neighbourhoods* event, which was described as a very interesting affair that was

well attended. Data was collected and it is hoped this event that supports the community can become an annual affair.

12.5 Councillor Thornton-Joe – BC Tourism Hospitality Awards

Councillor Thornton-Joe shared with Committee the results to the 13th annual gala breakfast for Victoria Hospitality awards. Nominees are selected from letters sent to BC Tourism regarding stories of exceptional customer service experienced by a tourist. Two hundred and fifty letters were received this year with some hotels having up to ten nominees for this award. This year the award went to Jenny Hopkins with Tourism BC.

12.6 Councillor Thornton-Joe – Hallmark Awards

Councillor Thornton-Joe shared with Committee the results of the Hallmark Awards where thirteen properties received municipal heritage designation and plaques. The City received a merit award for the clock tower restoration and Councillor Thornton-Joe advised the power point presentation on the clock tower is well worth seeing. She acknowledged the many City employees who worked on this project, including Steve Barber, Richard Linzey, Sierd Hortsing, Mark Wade, Jim Carpenter, Soki Kaur, Carlo Flores and many painters. As Richard Linzey is leaving the City for other employment, Councillor Thornton-Joe presented the award to him.

13. CLOSED MEETING at 11:37 a.m.

Committee Members Present: Acting Mayor Thornton-Joe in the Chair, Councillors Chandler, Coleman, Fortin, Holland, Hughes, Madoff and Young.

Committee Members Absent: Mayor Lowe

Staff Present: P. Ballantyne – City Manager; R. Woodland – Corporate Administrator; C. Havelka - Recording Secretary.

Staff Present for a Portion of the Meeting: M. McCliggott – Director of Finance; D. Atkinson – Director of Parks, Recreation and Community Development; S. Hortsing – Manager, Facilities, Planning & Projects; B. Jackson – Supervisor, Facilities Maintenance; J. Daly, Manager, Research and Design; C. O'Regan – Manager, Facilities and Operations; T. Scott – Acting Director, Human Resources; B. Wiffen – Property Manager; M. Mayhew – Executive Assistant.

Action: Councillor Coleman 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 07/240

Councillor Young voted against this motion

Committee recessed at 11:39 a.m.

Committee reconvened at 11:47 a.m.

13.1 April 19, 2007 Committee of the Whole In Camera Minutes

Action: Councillor Holland moved that the In Camera Minutes of the Committee of the Whole meeting held April 19, 2007 be adopted.

CARRIED 07/239

13.2 April 23, 2007 Special Committee of the Whole In Camera Minutes

Action: Councillor Holland moved that the In Camera Minutes of the Special Committee of the Whole meeting held April 23, 2007 be adopted.

CARRIED 07/238

13.4 Legal – Parks and Recreation Foundation of Victoria

Committee received a report dated May 3, 2007 from Parks, Recreation and Community Development with respect to Parks and Recreation Foundation of Victoria.

The discussion and resolution were recorded and kept confidential.

(Closed Resolution 07/237)

13.5 Land – New Rental Agreement – 750 Douglas Street

Committee received a report from Corporate and Regulatory Services to obtain Council's approval to enter into a New Rental Agreement for Unit # 16 at the Victoria Conference Centre, 750 Douglas Street.

Action: Councillor Holland moved that Council approves a new Rental Agreement with Fifth Avenue Holdings (Collections) Ltd., for Unit #16 – 750 Douglas Street subject to:

1. Term – 4 ½ months commencing May 15, 2007.
2. Rent - \$2320.00, plus GST, per month until September 31, 2007.
3. Renewal – 5 year option at tenant's discretion and at the going market rate.
4. Premises accepted "as is".

CARRIED 07/236

13.6 Land – Legal

Committee received correspondence dated April 24, 2007 from the City's Solicitor with respect to a settlement of litigation against the City.

The discussion and resolution were recorded and kept confidential.

(Closed Resolution 07/235)

13.7 Personnel

Committee received information from the City Manager with respect to a personnel matter.

13.8 Councillor Fortin – Affordable Housing

Councillor Fortin advised Committee on an issue regarding Affordable Housing.

Councillor Fortin withdrew from Councillor Chambers at 12:59 p.m. as he is the Executive Director of the Burnside Gorge Community Association and has a direct pecuniary interest with the following item.

Action: Councillor Young moved that the Closed meeting of Committee of the Whole adjourn.

DEFEATED 07/234

Councillors Chandler, Coleman, Holland, Hughes, Madoff and Thornton-Joe voted against this motion

13.9 Legal/Land – Burnside Gorge Community Centre Operating Agreement

Committee received a report dated April 5, 2007 from Parks, Recreation and Community Development with respect to Burnside Gorge Community Centre Operating Agreement.

Councillor Hughes withdrew from Council Chambers at 1:17 p.m.

The discussion and resolution were recorded and kept confidential.

(Closed Resolution 07/233)

14. ADJOURNMENT

Action: Councillor Coleman moved that the Committee of the Whole meeting of May 3, 2007 be adjourned at 1:21 p.m.

CARRIED 07/232

Acting Mayor Thornton-Joe, Chair