

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING
HELD THURSDAY, NOVEMBER 15, 2007, 9:00 a.m.

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

On Leave: Councillor Chandler.

Staff Present: P. Ballantyne – City Manager; S. Masters – Acting Corporate Administrator; C. Havelka - Recording Secretary.

Staff Present for a Portion of the Meeting: M. Gorman – IPM Coordinator; G. Darrah – Manager, Park Development; M. Thomas – Manager, Resource Development; M. Hill – Downtown Coordinator; C. O’Regan – Manager, Facilities and Operations; A. Hudson – Senior Planner; A. Meyer – Senior Planner; S. Barber – Senior Heritage Planner; S. Schopp – Manager, Regulatory and Development Services; M. Hornell – Manager, Community Planning Division; K. Josephson – Manager, Corporate Communications; M. Mayhew – Executive Assistant.

1. ACTING MAYOR MADOFF CALLED THE MEETING TO ORDER AT 9:03 a.m.

2. APPROVAL OF THE AGENDA

The Chair outlined the following changes to the November 15, 2007, Committee of the Whole agenda:

- Item #10 – Additional Correspondence.
- Item 14A – Closed Item – Legal – CREST Agreement.

Councillor Sharing or Inquiry:

1. Councillor Thornton-Joe – one inquiry
2. Councillor Coleman – one inquiry

Action: Councillor Hughes moved that the Agenda of the November 15, 2007 Committee of the Whole meeting be approved as amended.

CARRIED 07/593

3. ADOPTION OF MINUTES

3.1 November 1, 2007 Committee of the Whole Minutes

Action: Councillor Fortin moved that the minutes of the November 1, 2007 Committee of the Whole meeting be adopted.

CARRIED 07/592

4. PRESENTATION

4.1 International Downtown Conference Trip Review

Committee received a presentation from Councillor Thornton-Joe, M. Hill, Downtown Coordinator and K. Kelly from the Downtown Victoria Business Association (DVBA) with respect to a review of their trip to New York City in September 2007 for the International Downtown Association Annual Conference. The above people were joined by M. Lucas and D. Holstein on this trip, which was an opportunity to exchange ideas with people from other jurisdictions with respect to downtown initiatives and revitalization.

Mayor Lowe entered Council Chambers at 9:09 a.m. and assumed the Chair

The conference attendees outlined for Committee the inspiration this conference instilled with respect to public space management, architecture, town centre management and destination walks. The following subjects were reviewed:

- Landscape and view; where in Victoria you go for a view;
- Walking streets and floral accents in urban settings;
- Quality, ornate furnishings in parks;
- Parks areas for gathering of people for reading, chess, etc.
- Public washrooms and refining the security arrangements for them;
- Iconic public art and art on everyday objects, such as signs and sidewalks;
- Garbage collection;
- Downtown bars and their management;
- Large Police presence, security cameras and police/fire call devices;
- Drop-in shelters which are open 24 hours a day, seven days a week;
- Homeless shelters removed from the core with more evidence of litter and the homeless;
- Community Court presided over by Judge Weinberg which offers a comprehensive suite of strategies to deal with offences.

Committee members commented on the following:

- Public washrooms, are they supported privately or publicly?
- Displacement of the homeless from downtown New York and how that threatens neighbourhoods; looking at other solutions;
- Police presence affected by uniformed officers as well as being a tourist draw;
- Times Square and Broadway are designed for tourists, losing the community;
- Revitalization of parks in New York, due to private funding.

K. Kelly of the DVBA noted the striking change in the demeanour of post 911 New York citizens who are polite and helpful, with a new found pride in their city. Also noted was Victoria's collaborative effort that resulted in the Mayor's Task Force report that addresses the homeless issue and is mindful of displacement. Victoria needs to look beyond the surface and find 'made in Victoria' solutions.

A Committee member noted that the Community Court process is being brought forward to Victoria and an update from the Mayor's office would be helpful.

5. DELEGATIONS

5.1 Greater Victoria Curling Facility Project

Committee received a presentation from K. Dagg, E. Dagg-Jackson and G. Jackson with respect to the Greater Victoria Curling Facility Project. B. Harbidge, President of the Victoria Curling Club and D. Davies, President of the Esquimalt Curling Club were available to answer questions.

The presentation outlined for Committee a vision for the sport of curling in Greater Victoria and capitalizing on opportunities to ensure this sport is a viable option in the community. They have been raising funds to facilitate a comprehensive needs and concept development study, which will provide scope for this project. The estimated cost for this project is \$50,000 and they are requesting the City fund \$15,000, noting that they will seek the remainder from Oak Bay, Esquimalt and Saanich.

The group describe their vision for a new curling facility that will address the needs of Greater Victoria through to 2050 and will provide a centre for community pride and activity.

Mr. Dagg responded to a Committee member's inquiry regarding capacity by advising that eight sheets of ice in the closing Victoria facility and six sheets in the closing Esquimalt facility will need to be replaced in a new facility.

Another Committee member expressed approval for exploring this project in a regional capacity and initiating a study to determine how it will move forward.

5.2 Greater Victoria Curling Facility Project – Report

Committee received a report dated October 22, 2007 from Recreation and Community Development with respect to the Greater Victoria Curling Facility Project. The purpose of this report is to inform City Council of the Victoria Curling Club's proposal to initiate a planning process for a new Greater Victoria Curling Facility.

The Victoria Curling Club is leading an initiative to develop a new Curling Centre that will serve the Greater Victoria curling community, athlete development and other community organizations through to 2050. In October 2005, the Victoria Curling Club retained the services of Grant Thornton LLP to conduct preliminary research and prepare high level financial projections for a new facility's first five years of operation. The Victoria Curling Club has also met with all four core municipalities and finds that all are supportive, in principle, of this initiative.

The next step is to retain professional services to complete a work plan to provide a functional program analysis, site analysis and concept development. The proposed cost to complete this plan is \$48,000 + GST.

Committee members commented on the following:

- Energy saving opportunities and expanding the study to include replacement of the Crystal Pool and sharing space with the YMCA;
- Setting priorities with respect to capital projects and creating expectations on projects that are not affordable;
- Meeting with other municipalities and stakeholders to explore planning principles and financial formula;
- Being cautious about identifying outcomes before the study has been completed;
- A discussion of recreation integration, priorities and debt

Staff understands that a wider study integrated with an earlier review of recreation and community service programs and facilities would be a helpful approach to address the need for City Wide Services, including the Crystal Pool and Fitness Centre, RAP, Curling and possibly a seniors centre.

Mr. Dagg advised Committee that this study is necessary to find the best location for a facility and review options for where and how it can proceed.

Action: Councillor Holland moved that City Council:

1. Subject to financial contributions from the Municipalities of Oak Bay, Esquimalt and Saanich, support the Victoria Curling Club's request for up to \$15,000 to hire a consultant to prepare a Work Plan for a Greater Victoria Curling Facility;
2. Request a survey of the regional curling club membership to provide a full picture of where the membership resides;
3. Request that the study outline options and innovative approaches to financing.

CARRIED 07/591

Councillors Fortin and Madoff voted against this motion

6. DEVELOPMENT SERVICES

6.1 Development Permit # 000108 for 2918 and 2924 Shelbourne Street

Committee received a report dated November 7, 2007 from Development Services with respect to Development Permit # 000108 for 2918 and 2924 Shelbourne Street. This Development Permit Application is for two lots on the west side of Shelbourne Street to allow development of seven townhouses. There is a concurrent Rezoning Application in process and the property is within Development Permit Area 18 – Shelbourne which regulates the form and character (but not exterior finishes or landscaping). There are three variances associated with this application.

This application was reviewed by Committee of the Whole on April 5, 2007 and August 23, 2007. In response to concerns expressed by Staff and Council, the applicant has modified the siting to increase the distance between the building and the rear property line. However, the building massing and form require further refinement to provide a transition from the proposed townhouse massing to surrounding lower density single-family dwellings and provision of architectural detailing to mitigate the impact of the long building form in its north and south elevations. This would be consistent with the *Oaklands Neighbourhood Plan* and the *Advisory Design Guidelines for Buildings, Signs and Awnings*, which, together, encourage proposed building forms that fit in with established context and a transition in the scale and massing between a proposed development and its neighbours.

The application was presented to the Advisory Design Panel on October 3, 2007, and the Panel recommended approval of this application. The proposed variances were also considered by the *Oaklands Community Association* which has provided comments appended to this report.

Staff advised that further refinements to the roof line have occurred with breaks up, visually, the long building form. Applicant is to continue to work with staff on massing and transition from the single family dwellings.

Committee members expressed concerns regarding previous requests to address the close proximity to the property line. The Applicant, Mr. Levin, advised Committee that a high hedge and tall trees assures privacy for the neighbours.

Committee members discussed the siting of this proposal with regards to setbacks, with staff advising that Shelbourne Street is the front and the west side is the rear.

A Committee member expressed concerns with respect to the disparity between the setbacks for single-family dwellings in comparison with multi-family dwellings and suggested this as a topic for staff discussion and a future re-working.

Committee members discussed the recent changes to this proposal and whether the land use committee will review these changes. Staff advised that is not the normal policy and would only be considered for major refinements. Committee members noted this presents an opportunity for the applicant to advise the executive of the land use committee of the changes as a courtesy. Staff advised that the policy for land use committees is under review.

Action: Councillor Holland moved that prior to consideration of the Rezoning Application at a Public Hearing (subject to the conditions outlined in the Rezoning report endorsed by Council August 23, 2007) that the Development Permit Application be refined to address transition in scale and massing, and further attention be given to architectural detailing to divide the building into visually smaller components along the north and south elevations.

CARRIED 07/590

6.2 Heritage Alteration Permit # 00069 for 550 – 560 Yates Street (Oriental Hotel)

Committee received a report dated November 15, 2007 from Development Services with respect to Heritage Alteration Permit #00069 for 550 - 560 Yates Street (Oriental Hotel). The proposal is to rehabilitate two *Heritage Registry* buildings, including the Oriental Hotel, for 27 residential units on the upper floors and three commercial/retail units on the ground floor. A new addition to the roof of 560 Yates Street is proposed to provide stair and elevator access to the third floor of 550 Yates Street. As these are *Heritage Registry* buildings in the Old Town Heritage Conservation Area, a Heritage Alteration Permit is required for all exterior alterations. A variance is required for the height due to the projection of the stair tower above the height limit by 2.5m. A Public Hearing is required.

The applicant, Mr. Hunt, advised Committee that the rooftop addition will not be visible from the sidewalk on the opposite side of Yates Street.

- Action:** Councillor Holland moved that City Council authorize the issuance of Heritage Alteration Permit #00069 in accordance with:
1. Plans dated October 3, 2007 and October 23, 2007.
 2. Development meeting all bylaw requirements except for:
Section 6.7.6(1) — relaxed to permit a height of 17.5m.
 3. Retention of original wood window sash on the side and rear elevations.
 4. Final plans to be in accordance with plans identified above and to incorporate condition number 3 above.
 5. Submission of final details prior to building permit, including:
 - a) repair or cleaning of all sheet metal or cast iron building components;
 - b) masonry repair, cleaning and repointing specifications;
 - c) detailed working drawings of any proposed new windows.
 6. The addition of six windows on the east and west sides of the building, and that the form of the windows be sympathetic to the historic character of the building.

CARRIED 07/589

6.3 Tax Incentive Program Application # 00010 for 566 – 570 Yates Street

Committee received a report dated November 1, 2007 from Development Services with respect to 566 - 570 Yates Street, Tax Incentive Application #00010. This is an application for a ten-year tax exemption under the City's Tax Incentive Program to assist in the rehabilitation of the heritage building at 566 - 570 Yates Street (formerly Steamer's Pub) in order to create twelve rental apartments on the upper floors and retail use on the ground floor. The estimated cost of the project is \$2.9 million, of which the cost of seismic upgrading is estimated to be between \$752,648.00 and \$828,761.00.

The project is worthy of support as it contributes to the City's strategic objectives of strengthening the downtown with additional residential development; assisting in the preservation and rehabilitation of heritage buildings and improving public safety

through the seismic upgrading of an un-reinforced masonry building. It also fulfills the City's social objectives by creating additional rental housing.

Committee was advised that Steamer's Pub will be replaced by retail outlets.

Action: Councillor Thornton-Joe moved that the City's Solicitor be instructed to prepare a Tax Exemption Bylaw for 566 - 570 Yates Street for ten years, pursuant to Section 225 of the *Local Government Act*, with the following conditions:

1. That a covenant identifying the tax exemption be registered on Land Titles and any possible future strata-titles.
2. Final costs of seismic upgrading be verified by the Victoria Civic Heritage Trust.

CARRIED 07/588

6.4 Heritage Alteration Permit # 00068 for 646 – 654 Fisgard Street / 1700 – 1702 Douglas Street

Committee received a report dated November 15, 2007 from Development Services with respect to Heritage Alteration Permit # 00068 — 646 - 654 Fisgard Street /1700 - 1702 Douglas Street. The application is to construct a 2.2m high decorative metal fence and gate on the north side of the Masonic Temple building, a Heritage Registry building on the northwest corner of Douglas and Fisgard Streets. As this application is within the Old Town Heritage Conservation Area, a Heritage Alteration Permit is required. The association has submitted a letter dated October 16, 2007 (copy attached to the report) outlining the need for the security fence. A Public Hearing is not required.

Action: Councillor Thornton-Joe moved that City Council authorize the issuance of Heritage Alteration Permit #00068 in accordance with:

1. Plans dated October 3, 2006.
2. Development meeting all bylaw requirements.
3. Final plans to be in accordance with plans identified above.
4. The Masonic emblem to be incorporated into the design of the fence at a future date, to the satisfaction of the Senior Heritage Planner.

CARRIED 07/587

6.5 Downtown Bonus Density – Comments Received on Proposed Interim Policy and Directions for Downtown Plan Update

Committee received a report dated November 15, 2007 from Community Planning Division with respect to Downtown Bonus Density - Comments Received on Proposed Interim Policy and Directions for Downtown Plan Update. The purpose of this report is to present comments and feedback received from selected stakeholders on the proposed *Interim Bonus Density Policy*, and general principles for the development of an updated *Bonus Density Policy* through the *Downtown Victoria Plan Update* (DVPU) presented to Committee of the Whole on September 20, 2007. Committee of the Whole resolved to postpone a decision on the report

pending further discussion with Council, the Downtown Residents' Association (DRA), the Urban Development Institute (UDI) and other selected stakeholder groups.

The staff report, along with the Committee of the Whole resolution, was circulated to the Downtown Resident's Association (DRA), the Downtown Victoria Business Association (DVBA), the Urban Development Institute (UDI) - Victoria, the Real Estate Board and the Greater Victoria Chamber of Commerce. The report was also presented to the Advisory Planning Commission (APC) on October 2, 2007. The Manager of Community Planning met with representatives of the DRA, the DVBA, UDI, and the Real Estate Board on October 3, 2007 and gave an overview to the proposed interim policy and responded to questions of clarification about the report. Written submissions have been received from UDI Victoria, the DRA and the APC.

Staff outlined for Committee comments from the above stakeholders, as follows:

- A FSR of 6.0 being the historical limit;
- Concerns regarding the lift cap;
- Concerns regarding Bonuses for intangible items;
- Public art should not be Bonused but have a more robust policy in place;
- An e-mail dated November 15, 2007 from K. Kelly of the DVBA supporting the recommendations, including equal treatment for office and residential projects.

A Committee member expressed concerns about the fundamental contradiction of making planning decisions and the sale of bonus density.

A Committee expressed concerns about taking a 'blanket approach' to bonus density rather than developing a block-by-block plan.

Staff advised that timelines are tight with respect to meeting the goal of releasing a draft Downtown Plan Update in the first quarter of next year. The City Manager suggested staying with the policy as it currently exists which a Committee member noted does give the City more discretion than the proposed interim policy.

Several Committee members expressed a need for a short workshop to review and understand the options and to be included in the process leading up to the draft plan.

Action: Councillor Holland moved:

1. That Committee of the Whole receive this report for information.
2. That Committee of the Whole places the proposed Interim Policy for the Downtown Plan on hold and to direct staff to move forward with completing the Downtown Plan Update in accordance with the principles outlined in attachment 'E'.

CARRIED 07/586

Councillor Young voted against this motion

7. PARKS

The City Manager introduced the new General Manager of Parks, David Speed, who is attending Committee of the Whole today on his first day with the City of Victoria.

7.1 Pesticide Use Reduction Bylaw

Committee received a report dated November 2, 2007 from Parks with respect to the *Pesticide Use Reduction Bylaw*. The purpose of this report is to:

1. Update City Council on recommended changes resulting from a review of the draft *Pesticide Use Reduction Bylaw* by various City Advisory Committees.
2. Bring the Bylaw back to Council for adoption.
3. Outline cost implications for the control of weeds and noxious plants in city infrastructure.

City staff have reviewed the CRD "Model Pesticide Use Control Bylaw" and have incorporated the necessary changes to draft a *Pesticide Use Reduction Bylaw* for the City of Victoria. Based on direction from City Council to move forward on the adoption of a Bylaw, staff forwarded the draft document to all of the City's Advisory Committees in June, 2007. Where appropriate, feedback from the committees has been incorporated into the attached draft of the *Pesticide Use Reduction Bylaw*. A summary of all the requested changes and comments is contained in appendix 4.

Mayor Lowe withdrew from Council Chambers at 11:27 a.m.

While the bylaw would be formally adopted this year, the effective date of enforcement would be January 1st, 2009. Throughout 2008 city staff will continue to participate in the CRD Public Education Strategy and develop a communications plan to educate various stakeholders and city residents as to the intent and purpose of the new Bylaw. Resources will need to be allocated in future Parks and Public Works budgets to effectively deal with bylaw education, administration and weed control programs. Staff noted that deterioration of sidewalks and boulevards due to weeds has met with limited success using alternate methods to pesticides and is also costly.

Mayor Lowe returned to Council Chambers at 11:31 a.m.

The Manager of Corporate Communications outlined for Committee the communications strategy for the bylaw, including an information package to be distributed through target mail and the City of Victoria website.

Committee members and staff discussed the following:

- Exploring further the authority to regulate pesticides to industrial and commercial sites under the *Community Charter*;
- Protecting those most susceptible to pesticide use and evaluating the risk level to the environment with more restrictions;
- A ban may result in trees dying which creates an economic and environmental impact;

- Safety for playing fields is impacted by weed growth;
- Paying for a permit then being advised an alternative to pesticides is available; this may be a deterrent to getting a permit;
- Staff will be reviewing the permitting process and will consider the above, but also mindful of staff time and the permit fee as a compensation;
- Ticketing does have an evidentiary requirement though voluntary compliance through education is an important component for the bylaw;
- The bylaw does apply to the City of Victoria who employs internal measures similar to the permitting process to self-control pesticide use;
- The economic versus environmental concerns, safety, and the possible eventuality replacing turf fields with artificial turf;
- Pesticide application requires approximately 48 hours until safe for use, depending on weather conditions;
- The issue of 'cosmetic use' of pesticides and the definition as 'non essential'; a grey area which is up to the permit inspector to define.

7.2 Adjournment of Committee of the Whole at 11:39 a.m.

Action: Councillor Coleman moved that Committee of the Whole adjourn at 11:39 a.m. to convene a Special Closed Council Meeting.

CARRIED 07/585

7.3 Reconvene Committee of the Whole at 11:40 a.m.

Action: Councillor Coleman moved that Committee of the Whole reconvene at 11:40 a.m.

CARRIED 07/584

The City Manager advised that the authority of the City to extend pesticide use to commercial and industrial properties has been investigated by the City's Solicitor, who advises that municipalities do not have authority on these properties. Staff will undertake another review of this subject and report back to Council.

Mayor Lowe withdrew from Council Chambers at 11:54 a.m. Councillor Madoff assumed the Chair

- Action:** Councillor Fortin moved that City Council:
1. Adopt the Pesticide Use Reduction Bylaw (included in appendix 1).
 2. Set the effective date for enforcement of the Bylaw on January 1, 2009 and instruct staff to prepare a bylaw enforcement plan and budget for Council's consideration in 2008, prior to the effective date.
 3. Direct staff to continue to participate with the CRD and other municipalities on a pesticide use reduction public education campaign and approves in principle the inclusion of an allocation of \$10,000 in the 2008 budget.
 4. Direct staff in Parks and Public Works to review their maintenance practices and requirements to further reduce pesticide use and report back to Mayor and Council in 2008.

5. Direct staff to implement a monitoring system for pesticide use applications and create a monthly report.
6. Direct staff to consider the concerns raised by the Environmental and Shoreline Advisory Committee e-mail dated November 14, 2007.

CARRIED 07/583

8. RECREATION SERVICES – U20 FIFA WORLD CUP SOCCER PRESENTATION

Committee received a presentation from Recreation Services and H. McNeill, Chair of the U20 FIFA World Cup Soccer, which reviewed the results from the U20 FIFA World Cup Soccer event. Total ticket sales income for Victoria was \$1,556,000 and was viewed by 200 countries with Japan being the largest single audience in the tournament with 26.5 million viewers. According to Angus Reid Poll results, 33% Canadians watched at least one tournament match and interest in the game of soccer increased by 8% nationally through hosting of the tournament (14% in BC). With respect to social responsibility, there were two official campaigns; 'Say No to Racism' and 'SOS Children's Villages'. The economic impact across all six cities was \$256 million, with Victoria's share being \$13 million. With visitor spending and total taxes generated being considered, the total impact on BC was \$25,394,000. Also outlined in the presentation was the economic impact on local business and labour.

9. LEGISLATIVE AND REGULATORY SERVICES

Councillor Holland withdrew from Council Chambers at 12:43 p.m.

Councillor Young withdrew from Council Chambers at 12:43 p.m.

9.1 Revised and Consolidated *Board of Variance Bylaw*

Committee received a report dated October 30, 2007 from Legislative and Regulatory Services with respect to the Revised and Consolidated *Board of Variance Bylaw*. Pursuant to the provisions of the *Local Government Act*, a municipality is required to establish a Board of Variance. A Board of Variance has the power to grant minor variances in certain situations as set out in the *Local Government Act*.

The City's *Board of Variance Bylaw* currently in effect was adopted in 1966, and has been subject to a number of amendments. In May 2003 Council passed a resolution authorizing the Corporate Administrator to proceed with a bylaw revision and consolidation project. Over the past four years City staff revised and consolidated a number of bylaws to improve their language, simplify their structure and bring them into compliance with legal precedents. I am tabling for Council's consideration revised and consolidated *Board of Variance Bylaw*, which clarifies or updates the following:

- References current sections of the *Local Government Act*;

- Deletes provisions already contained within the *Local Government Act* and creates consistency with the *Local Government Act*.

Councillor Holland returned to Council Chambers at 12:45 p.m.

Councillor Young returned to Council Chambers at 12:45 p.m.

The attached draft *Board of Variance Bylaw* has been reviewed by the Board of Variance and reflects their current practices.

A Committee member raised concerns regarding the definition of “undue hardship” and the latitude given to the board in this regard, as it has caused problems in the past.

Action: Councillor Coleman moved that Council consider adopting the revised and consolidated *Board of Variance Bylaw*.

CARRIED 07/582

10. ADMINISTRATIVE MATTERS

10.1 Disposition of Communications dated November 9, 2007

Action: Councillor Coleman moved that the Disposition of Communications dated November 9, 2007 from the Manager, Administration, be received for information and filed.

CARRIED 07/581

11. COUNCILLOR SHARING AND INQUIRIES

11.1 Councillor Thornton-Joe – Letter to Lorne Whyte

Councillor Thornton-Joe requested that the Mayor’s office send a letter to former President and CEO of Tourism Victoria recognizing his years of service and congratulating him on his pending retirement.

11.2 Councillor Coleman – Building Maintenance Issues

Councillor Coleman inquired about the issue of on-going maintenance in buildings with respect to a news story regarding a residential building in James Bay and a heating issue. The building is managed by Transglobal Property Management Services. Though this may be a Residential Tenancy Branch issue, Councillor Coleman would like to inquire as to the City’s authority on this issue which ties into the Anti-demolition bylaw that is under review.

12. CLOSED MEETING at 12:51 p.m.

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

Young.

On Leave: Councillor Chandler.

Absent: Mayor Lowe.

Staff Present: P. Ballantyne – City Manager; S. Masters – Acting Corporate Administrator; C. Havelka - Recording Secretary; Sergeant G. Hamilton – Victoria Police; Inspector B. Gehl – Victoria Police; P. Johnson – Staples McDannold Stewart; D. Angrove – Fire Chief; P. Sparanese – Director of Engineering; S. Schopp – Manager, Regulatory and Development Services; B. Wiffen – Property Manager.

Action: Councillor Holland 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 07/580

12.2 Legal – CREST Agreement

Committee received correspondence dated November 4, 2007 from CREST and a letter dated November 14, 2007 from the Mayor's office with respect to the CREST Agreement.

Mayor Lowe returned to Council Chambers at 1:32 p.m. and assumed the Chair

The discussion and resolution were recorded and kept confidential.

(Closed Resolution 07/579)

13. ADJOURNMENT – CLOSED COMMITTEE OF THE WHOLE MEETING AT 1:55 p.m.

Action: It was moved by Councillor Holland and seconded by Councillor Thornton-Joe that the Closed Committee of the Whole meeting adjourn at 1:55 p.m. in order to convene a Special Closed Council Meeting.

CARRIED 07/578

14. CLOSED COMMITTEE OF THE WHOLE CALLED TO ORDER BY THE CHAIR AT 1:59 p.m.

Councillors Hughes and Thornton-Joe withdrew from Councillor Chambers at 1:59 p.m.

14.1 Land – Legal

Committee received a report dated November 6, 2007 from Legislative and Regulatory Services with respect to a Land – Legal matter.

The discussion and resolution were recorded and kept confidential.

(Closed Resolution 07/577)

14.2 Law Enforcement

Committee received a report dated November 15, 2007 from Development Services with respect to a Law Enforcement matter.

The discussion and resolution were recorded and kept confidential.

(Closed Resolution 07/576)

14.3 Land – Assignment of Leases

Committee received a report dated October 25, 2007 from Legislative and Regulatory Services with respect to the Assignment of Leases for Point Hope Shipyards. The purpose of this report is to obtain Victoria City Council's approval to assign the three existing shipyard leases to Ralmax Properties Ltd., formerly known as Ralmax Developments Ltd.

Action: Councillor Fortin moved that Council consent to the assignment of the above noted leases to Ralmax Properties Ltd., effective October 1, 2007, and authorize execution of the documents by the appointed signatories.

CARRIED 07/575

14.4 Land – New Licence of Use

Committee received a report dated October 25, 2007 from Legislative and Regulatory Services dated October 25, 2007 with respect to New Licence of Use for the Tunnel under Bay Street at Bridge Street. The purpose of this report is to obtain Council's approval for a new Licence of Use allowing Ralmax Properties Ltd (Ralmax) to use an existing tunnel under Bay Street, as shown on the plans attached to the report, for the conveyance of equipment and materials.

Action: Councillor Holland moved that Council approves a new 5 year *Licence of Use* with Ralmax, subject to:

1. Consideration - \$6,000.00/yr plus GST;

2. Ralmax concluding a similar agreement with Transport Canada for use of the filled foreshore at the south end of the tunnel;
3. One 5 year renewal term at market rent;
4. Non-exclusive use clause;
5. Ralmax obtaining certification by Engineer that tunnel is structurally sound and that use of tunnel will not affect negatively the roadway above.

CARRIED 07/574

14.5 Private Property Maintenance Committee

Committee received a report dated November 1, 2007 from the Corporate Administrator with respect to the Private Property Maintenance Committee. Council member appointments to the Private Property Maintenance Committee (PPMC) will expire on December 31, 2007. The outgoing appointees were Councillors Holland, Thornton-Joe and Young, with Councillor Hughes acting as an alternate when required.

Action: Councillor Holland moved that it be recommended to Council that City Council appoint Councillors Fortin, Chandler and Madoff, as Council members to the Private Property Maintenance Committee for the term January 1, 2008 to December 3, 2008.

CARRIED 07/573

14.6 Minutes of the Closed Portion of the Committee of the Whole Meeting held November 1, 2007

Action: Councillor Coleman moved that the Closed Minutes from the Committee of the Whole Meeting held November 1, 2007 be adopted.

CARRIED 07/572

15. ADJOURNMENT

Action: Councillor Madoff moved that the Committee of the Whole meeting of November 15, 2007 be adjourned at 2:08 p.m.

CARRIED 07/571

Mayor Lowe, Chair