

THE CORPORATION OF THE CITY OF NORTH VANCOUVER

MINUTES of the Special Meeting of Council held in the Council Chamber, City Hall, 141 West 14th Street, North Vancouver, B.C., on Tuesday, September 6, 1988 at 6:00 p.m.

Present:

COUNCIL MEMBERS

Mayor J.E. Loucks
 Alderman W.J. Bell
 * Alderman J.B. Braithwaite
 Alderman R.C. Clark
 Alderman S.J. Dean
 Alderman F.S. Morris
 Alderman B.A. Sharp

STAFF MEMBERS

A.K. Tollstam, Deputy
 City Administrator
 B. Hawkshaw, City Clerk
 E.M. Rienstra, Deputy
 City Clerk
 * F.A. Smith, Director,
 Development Services
 * F.R. Caouette, Admini-
 strative-Coordinator,
 Development Services
 * B. Taylor, City Solicitor

The meeting was called to order at 6:04 p.m.

9. CONFIDENTIAL REPORTS

Moved by Alderman Dean, seconded by Alderman Clark

THAT the meeting recess to Committee of the Whole to consider confidential reports in camera.

CARRIED

The meeting recessed at 6:05 p.m. and reconvened at 8:37 p.m. with the same personnel present with the addition of Alderman * Braithwaite and Messrs. Smith, Caouette and Taylor.

2. DELEGATIONS

(a) Mr. E.B. Kroon on behalf of Mr. P. Kabolyzadeh

Re: "Zoning By-law, 1967, Amendment By-law, 1988,
No. 5937" (Kabolyzadeh, 304 Lonsdale Avenue)

SEE THE ATTACHED 17 PAGES OF TRANSCRIPT OF MR. KROON'S PRESENTATION ATTACHED TO THESE MINUTES.

Moved by Alderman Clark, seconded by Alderman Sharp

THAT the meeting recess to Committee of the Whole to consider confidential reports in camera.

CARRIED

The meeting recessed at 9:28 p.m. and reconvened at 10:13 p.m. with the same personnel present, with the exception of Messrs. Smith, Caouette and Taylor.

9.1 REPORT OF THE COMMITTEE OF THE WHOLE

Moved by Alderman Clark, seconded by Alderman Sharp that the following recommendations of the Committee of the Whole in camera be ratified:

9. (b) 1988-1990 Collective Agreement: Canadian Union of Public Employees Local 389 and the City of North Vancouver

1 THAT the Memorandum of Agreement, dated August 17, 1988, covering the terms of the 1988-1990 Collective Agreement between The Corporation of the City of North Vancouver and the Canadian Union of Public Employees, Local 389, on behalf of its employees, be hereby approved;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute the necessary documents.

2 (c) 304 Lonsdale Avenue

THAT "Zoning By-law, 1967, Amendment By-law, 1988, No. 5937" (Kabolyzadeh, 304 Lonsdale Avenue) proceed to Public Hearing as scheduled for September 12, 1988.

3 (d) North Vancouver Bus Transportation System

THAT the joint City and District of North Vancouver brief to the Vancouver Regional Transit Commission meeting on September 1, 1988 with respect to North Vancouver Bus Transportation System be endorsed;

AND FURTHER THAT copies of the submission be sent to the following:

Members of the Legislative Assembly representing the North Shore;
Minister of Municipal Affairs with a letter responding to the Minister's comments;
North Vancouver School District #44;
West Vancouver School District #45;
Boundary Ratepayers Association, and
Capilano College.

CARRIED

10. ADJOURNMENT

Moved by Alderman Sharp, seconded by Alderman Clark

THAT the meeting adjourn.

CARRIED

The meeting adjourned at 10:14 p.m.

John C. Loucks
MAYOR

[Signature]
CITY CLERK

TRANSCRIPT OF ITEM 2 (a) MR. E. B. KROON ON BEHALF OF MR. P. KABOLYZADEH RE "ZONING BYLAW, 1967, AMENDMENT BYLAW 1988, NO. 5937" (KABOLYZADEH, 304 LONSDALE AVENUE) FROM THE COUNCIL MEETING OF SEPTEMBER 6TH, 1988

Mayor Loucks

I call the Council Meeting back into session. The next item.

Mr. Hawkshaw

The next item, Your Worship, is Delegations. There is Mr. Elko Kroon on behalf of Mr. Kabolyzadeh. The subject is the "Zoning Bylaw, 1967, Amendment Bylaw, 1988, No. 5937".

Mayor Loucks

Mr. Kroon.

Mr. Kroon

Thank you, Your Worship, members of Council. I am appearing on behalf of the applicant, Mr. Kaboly owner of 304 Lonsdale Avenue. First, I wish to thank you for the opportunity of being able to make this presentation. Unfortunately, last time this was considered by Council we were not able to have the opportunity to address you and I feel that had we been given that opportunity possibly some of the concerns and problems surrounding this rezoning application would have been presented to you and, hopefully, you would have been able to make a much more informed decision with respect to the Bylaw that you have before you.

A little bit of history here, then. First, the Kaboly family has owned this present location since 1972. They are, therefore, you know, long term residents in our community, having resided here and operated a business here, and they operated the business from '72 to '74. At that time they leased the business - first to Eddie Broom who operated Fast Eddie's as you probably all know, and thereafter it was - the business operation was sold to the Sangerson Holdings, the Patrich family.

While Mr. Kaboly and the family operated the business, there was no real problem with the neighbourhood. It was only when we found that the operation changed from a restaurant type into a cabaret and a disco, through Fast Eddie, of Eddie's, Sergio's and now, lately, the Hippopotamus Club. So, we must remember that these problems were not caused by Mr. Kaboly but he, as a Landlord, inherited these problems because of the tenants that he had there.

In the beginning he was not privy to all the things that were going on between, let's say, Sergio's in the latter years, and City Hall. It was, I think, towards the end when Sergio's had been in non-compliance with his parking provisions and City Hall decided that something should be done that Mr. Kaboly, as Landlord, became informed. He then became aware that Council was possibly considering withholding Sergio's business licence, because of the non-parking provisions.

Then, early on this year, I think what we realized is that Sergio became severely in arrears under the Agreement with the Kaboly family and that something had to be done. There was a continuing saga with Sangerson Holdings not complying with any request that City Council made of him, and any meetings that were set in that they were either adjourned or failure to respond and it was a real frustrating situation. It was frustrating for City Hall. It was frustrating for the Landlord.

The Landlord was faced with no choice. He had to put in a Receiver. The Kaboly family came to this conclusion - well, because they are dependent on this location for their income. All members of the family are not able to be employed and this particular location was a large portion of their investment.

The financial considerations that put Sergio into Receivership, I think you should be aware of. First of all, there were moneys owing when Sergio, Sangerson Holdings, purchased the location under a Chattel Mortgage of approximately \$60,000.00. There was overdue rent of about \$49,000.00. We got '87 and '88 taxes which were \$36,000.00. Cost of a Receiver about \$20,000.00, and on-going legal expenses in the neighbourhood of \$30,000.00. So all together, in the last while, this particular location has been a drain on the family of \$196,000.00. So it was very important to them that they look at all the options that were possible.

So, with the Receiver in place, various people were contacted to try and salvage this location. Staff is aware of some of the people that approached City Hall with a view of obtaining a business licence and continuing the Cabaret and the "C" Licence.

All in all I think we are aware that the most difficult thing that we had to face was the parking provisions that apply to this site and that at one point in time we had time-shared parking, and under those time-shared parking provisions the 304 Lonsdale was able to operate. The Parking Covenants, Contracts and Agreements were in place. Those were eventually not paid for by Sergio's and as a result they were in default. Through certain circumstances some of the parking possibly could not be re-activated to bring the non-conforming use of these premises back into shape and allowing it to continue.

So, as far as our time frame goes, I think you have some information from staff that shows that September 8th, is the last date for anything happening there as far as non-conforming status is concerned. After September 8th, we have to conform to the Bylaw as it is today.

To add a little bit of time frame here, I think which is important, to show as to what Mr. Kaboly became aware of, what concerns that he had to meet that City Hall presented him with. So first of all we have the Receivership appointed. This was confirmed from the Receiver to the City, and probably you have all that information - I just want to reiterate it to show you how this thing is handled and how we have come to this point today.

The City was advised of the Receivership March 31st. It was confirmed, in writing, to City Hall on April 5th. April 15th, Mr. Smith's Department wrote and said that it would take some time to sort all these problems out regarding Sangerson Holdings status. April 28th, the Receivership tried to follow up on this. May 11th, the City provided a letter to the Receiver stating some of their position. On May 27th, again, the City advised the Receiver that they had concerns with respect to re-opening the Cabaret. On June 7th, there is a letter again that the City is still looking into and reviewing all the parking agreements and the problems associated with it. On June 20th, we get the definitive answer from the City to say that time-shared parking is no longer available after reviewing all the parking agreements - City and Sangerson Holdings and various other people.

So, it is at that point in time that I became involved, that Mr. Kaboly requested my assistance. We immediately set up a meeting with Mr. Smith, and on Wednesday, June 22nd, we had that meeting. We indicated that we understood what the problem was, that we were willing to co-operate and have this problem solved. We all realized that if the City's position as set in their response of June 20th is correct, then parking is a key problem and that the

only way to make this location viable and allow it to operate, we would need a rezoning.

So, of course, you go through a series of trade-offs and as my correspondence to the City on June 29th, that we applied for a rezoning - we applied to City Hall with an idea of commencing a rezoning application. That request was considered by Council on July 11th. They basically told us, you know what to do, so do it. July 13th, the formal rezoning application was submitted. As you can see, there were a lot of months that go by even before City Hall has the definitive information as to the parking status of this site and what could possibly happen, and then when all the chips are down we do have this rezoning application.

Again, on August 3rd, a response from City Hall to the applicant, reviewing the rezoning application and setting out the new parking requirements that that application would entail. As part of that rezoning application, Mr. Kaboly and myself assured Mr. Smith, and Mr. Caouette who was present, that if at all possible we could see our way clear of not having a "C" Licence Cabaret use at that site, and I think that was the key ingredient - let's get rid of this problem; let's allow the location to operate as something else; let's control the parking; let's make this whole situation feasible.

So, on August 9th, there is a letter from City to the Receiver, Mr. (inaudible), confirming that as of September 8th, we are definitely into this non-conforming use and we must comply. So, we have our application heard by the Advisory Planning Commission, again the presentation was made and you have a copy of the APC resolution, which supports the applicant that we should consider rezoning from a C-3 to a C-1 Zone; that we use the C-1 standards. They also thought that a Section 215 Covenant prohibiting the Cabaret Use should be placed and that there should be parking agreements in place.

So, it is on August 16th, after we have gone through all these procedures, Mr. Kaboly is informed, I am informed, staff is informed, we get our first draft Bylaw. And that pretty well allows us the C-1 uses. I think, at first, when Mr. Kaboly saw that he was a little concerned, but he said fine, I will be prepared to live with that.

All through this time he is obviously talking to people trying to obtain tenants for his place. Now I think staff got concerned, and rightly so, that too many people stuck their finger into this application and were running around asking for information and people got scared. I think what we have here is an absolute reaction to a problem. Unfortunately there was not enough time really to analyze it, to discuss it with myself and Mr. Kaboly in order to respond to it.

So on Thursday or Friday I get the draft Bylaw, and by Monday morning the draft Bylaw is totally revised when it is presented to Council, and our C-1 uses are even restricted more. Then what happens is something that is of great concern to the applicant and made him quite upset is that, because this site has been so important to the applicant to Council, and with all these concerns, I think staff tried, certain Aldermen tried to have us speak to this application, however, we did not get the opportunity, and because of its great impact the additional restriction that was placed on it as a result of Council's consideration - no live entertainment.

Well, once that suggestion went through without further discussion from the applicant or further input by staff, Mr. Kaboly was kind of scratching his head and saying - now what can I do - because he had contacted certain people and they had shown certain interest in the location, but once this particular phrase comes into play people get scared off. First of all, as far as I believe, no other restaurant operating within a C-1 zone, or anywhere in the City of North Vancouver, has this kind of a

restriction. It is very restrictive. it is very discriminatory, possibly. I am not even sure whether it is legally enforceable, even through an amending bylaw in the zoning process.

So, I think what we have now, is that you must remember that the applicant wants to co-operate with City Hall. Forget about the assembly uses, forget about the letter of the Arcade, and because there was an applicant that may want to have some pinball machines or some electronic games installed; forget about that use; forget about everything and what I would urge you to do is that we are prepared to co-operate. We are prepared to, through the rezoning, to limit the uses to the first draft bylaw that Council received in its Friday package.

We would like to have the "no live entertainment" clause reconsidered and deleted from the zoning application that is coming on before Council next Monday, the 12th of September. So, no Cabaret is okay; restrictive parking - that is now okay; the uses we are happy with; and as I said it was not until the last minute amendments and restrictions that now make this location virtually unleaseable. The restaurant area is even limited, by the Zoning Bylaw, to 5,000 square feet, so we can not extend that. So we have a physical plan that can be placed into operation, with a certain number of expenses because of the way that Sergio left the place.

I would submit that, based on all these facts, and the awareness that you have now that you look at the possibility of reconsidering this rezoning application. I think what we would all like to do, is that Council really wants to solve the problem at this location, I think there are ways to solve the problem, that does not mean we kill the Landlord in the process that his premises become unviable.

As I said, we are prepared to go with the first draft bylaw. This Landlord has had no income at all from this location since February of 1988, and as you can see from the information provided, severe expenses and lack of cash flow to date. We, therefore, sincerely hope that you may reconsider this application, and because it is coming on for hearing and, I think, this is where the difficulty comes, is that what we are requesting is an amendment to Section 1, which deals with uses, and as Mr. Smith indicated to Council at the other meeting, maybe any change in use will necessitate a re-hearing of the rezoning application. So, therefore, it is at this point in time that I am asking for the draft rezoning bylaw as it is given first reading now to have that amended before we have the Public Hearing next week, so that if Council sees fit to grant us this request that at least we can continue in an orderly fashion and not have to scramble and do a whole bunch of things in the next month or two, and create further expense, and further delay for the applicant.

Mayor Loucks

Alderman Braithwaite, Alderman Dean and Alderman Morris.

Alderman Braithwaite

Yes, Your Worship. Unfortunately I have not had an opportunity to read that Bylaw - that first draft, but I want to ask Mr. Kroon, he indicated that, I do not know the exact date, that on Monday, you said that there were more restrictions placed. Specifically, what were those "more" restrictions.

Mr. Kroon

Okay, Alderman Braithwaite, just if you would look at the draft Bylaw 5937, if you look at Section 4, subsection 1.

Alderman Braithwaite

Just hold it one second please.

Alderman Dean

What page is it on?

Mr. Kroon

It is the first page of the draft Bylaw.

Alderman Braithwaite

That is 5937?

Mr. Kroon

5937.

Alderman Braithwaite

What number?

Mr. Kroon

Section 4, subsection 1.

Alderman Braithwaite

Got it.

Mr. Kroon

Okay. When we had the first draft it just said that the permitted uses shall be limited to, and then it said Retail Service Group 1 Use, and then we went to (b), (c), (d) and (e). Now when staff did the amendment on Monday, we got Section (a), Retail Service Group 1 Use, and then shall be subject to the following, and then we have the limitation and the prohibition, subparagraph 1 and subparagraph 2, on your draft Bylaw of that same subsection 1. So, like I said, first of all those subparagraph 1 uses were included in Retail Service Group 1 Use. We had a possible tenant for that use, that person applied, and then you got my letter suggesting that possibly we could extend it and have an Arcade Use permitted in the Retail Service Group 1 Use, okay?

What happened, at the Council Meeting, is that Alderman Morris in order to control the potential mis-use of this location as a restaurant and turn it into an illegal cabaret, let's say, Alderman Morris suggested that we prohibit live entertainment, and therefore subparagraph 2 - restaurant uses shall not exceed 5,000 square feet, was amended further - and no live entertainment shall be permitted. I am just paraphrasing. So, that motion we faced on Monday night after Council debate. However, at that point in time, neither the applicant nor myself was able to express the concerns we had with Alderman Morris' motion.

Alderman Braithwaite

So what you are requesting for Council to consider is to eliminate that "no live entertainment"?

Mr. Kroon

That is it. We will live with everything else. We just would appreciate it if you would delete that "no live entertainment" clause. We are not considering live entertainment in the grandiose scope, we are dealing with a dining type restaurant, we

are not going to bring in rock bands and we are not going to have D.J.'s and the sound system that is going to rock the City. We are looking at - take the Casbah - a very small restaurant, they bring in a belly dancer. You might have a guitar player like Nick the Greek has down on Esplanade. Paspalos brings in a belly dancer. We want the opportunity, if the operator desires it; maybe the operator is not going to bring in an entertainer, but it seems that at some level an operator looks at that option, because life entertainment is not cheap, so it is going to cost money, so in order to try and make the restaurant viable, to introduce some quality, that possibly some entertainment would be considered by an operator and that is the request Mr. Kaboly has.

Alderman Braithwaite

Your Worship, one or two more questions. Could I ask, through you, to Mr. Morris, what he meant by this "no live entertainment", based on the fact we heard from Mr. Kroon about the kind of live entertainment suggested. That does not mean - maybe it means what you were envisioning.

Alderman Morris

Your Worship, this is Mr. Kroon's delegation. We have an In-Camera session on this subject afterwards. That is when that question should appropriately be asked.

Mayor Loucks

I recognize that.

Alderman Braithwaite

Well not necessarily, Your Worship.

Mayor Loucks

Perhaps to clarify. I am going to ask staff to clarify.....

Alderman Braithwaite

To clarify, and a delegation, no matter what.....

Mayor Loucks

I am going to ask staff to clarify, could you say what is meant, what it means?

Alderman Morris

I believe that Mr. Kroon identified, quite correctly, in paraphrasing me, but I will expand it and say that it is possible to take a "B" Licensed Restaurant and expand it, quite legally, into a cabaret-like use without having to change the licence. An example of that right now is all this dispute over the Knight Street Pub. They are coming back and saying - fine, give us a "B" Licence for a restaurant. They can run it as if it is a Pub. You can do almost anything with a "B" Licensed restaurant because you are only dealing primarily with the hours of operation as to the serving of liquor restrictions. You can provide entertainment, you can provide food, you can serve liquor, you can operate a "B" Licensed restaurant, and more than one is already doing it, as if a cabaret. So, that was my concern. I was trying to put in some form of road block, which would prohibit that from happening. Now if there is another way that that can be achieved in order to insure such an abuse does not occur I am quite prepared to look at it.

Mayor Loucks

You were absent when that took place and I permitted that question because it clarified what the reasoning was, but

basically what we should be doing is asking Mr. Kroon questions.

Alderman Braithwaite

Yes, Your Worship, I realize that, but I think it is within the limits of this Council to ask anyone for clarification.

Mayor Loucks

Well you have got that.

Alderman Braithwaite

Yes.

Mayor Loucks

Good.

Alderman Braithwaite

Another thing I would like to ask - you indicated that there were applicants for live entertainment and that sort of thing, is that correct? And, if so, what kind of applicants did approach you or the owner?

Mr. Kroon

Mr. Kaboly was talking to possible operators of the restaurant. One such operator was the person who was operating the Carnegie Restaurant in Vancouver. I, myself, have not been there, but that is an up scale dining restaurant. If the opportunity arises they might have a guitar player, they might have a piano player, they might have a belly dancer. It is very simple background entertainment. We are not talking about the overwhelming noise that comes from a cabaret use, and I think that when we look at the way Sergio's is set you, you know, the main area there is dining, right now. The cabaret use was at the back; it was the Hippopotamus Club and that use is not being allowed. We are prepared not to have a cabaret use. We are prepared not to have assembly uses in that cabaret section.

Alderman Braithwaite

Thank you.

Mayor Loucks

Alderman Dean and Alderman Morris.

Alderman Dean

Yes. Through the Chair, Your Worship, Mr. Kroon could you tell me if there is any truth in the following? I received a telephone call from a Mr. Meridian who suggested that they would be asking for a demolition permit for the old section of the Hippopotamus Club.....

Mr. Kroon

That is right.

Alderman Dean

....and that they would like to operate it like a Bistro, so that in other words you could serve liquor without having to serve food. In other words, it would be like a pub. Is there any truth in that?

Mr. Kroon

That is correct. You spoke with Mr. Meridian, or whatever his name is. Now, again, I would like to put that conversation into context. If Mr. Kaboly wanted to operate the Sergio's area as a cabaret, he could have done so months ago. There was an opportunity because of the way the building is constructed to demolish part of the building to provide some on-site parking and get rid of this off-site parking problem that we have, and upon checking with the Liquor & Licensing Branch they said - yes, you can move your "C" Licence to the front and operate your cabaret out of there. But, in the beginning Mr. Kaboly and I, when we discussed it with Mr. Smith in June, we said, no we are prepared to not have a cabaret use. It was only after Council passed that motion the other night, eliminating live entertainment, that Mr. Kaboly went back to one of his options - well then I will move my "C" Licence. That is when Mr. Meridian came into the picture, but again, because of conflicts and our time element, we really could not give that much thought, but he approached City Hall with that idea.

Alderman Dean

Well is there any thought now of demolishing part of the building and putting in twenty-seven parking spaces?

Mr. Kroon

No. Yes.

Alderman Dean

With your present proposal, Mr. Meridian's proposal for a Bistro such as he is putting up, I think, in White Rock or somewhere in the States, that is not going to happen?

Mr. Kroon

That is not intended, because then if it is going to be run as a restaurant, dining restaurant, we would not be interested in Mr. Meridian and Mr. Kaboly has advised me of that. After they spoke to you they had a meeting in my office when they got told what, because of my position, having been on Council, I am aware of all the concerns that City Council has had, and staff has had, and I have advised Mr. Kaboly of that, so I basically cancelled that whole concept. Mr. Meridian was a little bit pushy, he took it to the extreme in order to try and see whether he could get Mr. Kaboly over a hump and, unfortunately, he can not do that.

Alderman Dean

My last question then - would you have, or your client have, any objection if we allowed live entertainment but limiting it to two persons only? Because, what you are saying, you would like to have a guitar player or maybe someone playing the piano, or a singer - would you have any objection to that? Because in the City of Vancouver this is what they have done. They have segregated the various restaurants and with some they permit two entertainers and the other, I guess they are cabarets.

Mr. Kroon

Mr. Kaboly has just indicated that he is prepared to live with that restriction - no more than two.

Alderman Dean

What would you do with the parking? Would you still have off-site parking?

Mr. Kroon

Yes.

Alderman Dean

You would not be demolishing.....

Mr. Kroon

There would be the expense of demolishing, and just running it would not be worthwhile, so we would keep the building in its shape.

Mayor Loucks

Alderman Morris.

Alderman Morris

Yes, as I indicated earlier I am prepared to consider some form of modification so long as it does not facilitate the misuse of a "B" Licence and I know Alder..., Mr. Kroon, I was going to say Alderman Kroon, Mr. Kroon, that you understand that. For purposes of identification, I would like to carry on just a shade further from where Alderman Braithwaite left off, you were identifying the various bylaws. You, first of all, identified the Bylaw that you received either the Thursday or the Friday, which was the first draft.

Mr. Kroon

Correct.

Alderman Morris

And it said Retail Service Group 1 Uses - then you saw another version that was considered by Council on the Monday night, which excluded social clubs....

Mr. Kroon

Assembly type uses....

Alderman Morris

Yes, similar gatherings...

Mr. Kroon

That is right.

Alderman Morris

Now, I want to be sure I understand this clearly - Mr. Kaboly, your client, is prepared to accept that exclusion?

Mr. Kroon

Yes, he is.

Alderman Morris

So we have now come down to solely the definition of "live entertainment", can it be made into a viable form that is acceptable to your client? That is the first question.

Mr. Kroon

Right.

Alderman Morris

Alright, the next question I would like to ask, Your Worship, is of Mr. Smith, and that is with respect to a Public Hearing. We have a Bylaw now that lists permitted uses and I believe there has been an arrangement for advertising made. I guess I should ask that first of the Clerk - there has been arrangement for advertising made for a Public Hearing?

Mayor Loucks

Mr. Hawkshaw.

Mr. Hawkshaw

A Public Hearing is scheduled for this Monday.

Alderman Morris

This coming Monday?

Mr. Hawkshaw

Right.

Alderman Morris

Alright. Now, if the Bylaw went to a Public Hearing in its present form and then it was subsequently changed to amend the section on live entertainment, and modified in some form, would that, under the clause that exists in the Municipal Act, in your opinion, Mr. Smith, or Mr. Taylor's opinion, would that necessitate a new Bylaw and a new Public Hearing?

Mayor Loucks

Mr. Smith.

Mr. Smith

I am going to defer to our Solicitor, Mr. Taylor, Your Worship.

Mayor Loucks

Mr. Taylor.

Mr. Taylor

It would be my view that it would be an alteration of the use if, you are suggesting that this be changed somehow to say, instead of prohibiting live entertainment under the "B" Licenced restaurant, to change it to start talking about the number of people?

Alderman Morris

Number of people or kinds of entertainment. For example, the exclusion of a taped band that would blow your ears and your mind outdoors, but it would permit live entertainment in the form of instrumental entertainment, no more than such numbers - whatever is appropriate to modify.

Mr. Taylor

I would think to be on the cautious side you would want to re-hear it, or to - if you had the opportunity prior to the hearing, to reschedule another hearing to accommodate a revised bylaw. That may well be the cautious approach, rather than run the risk of passing the bylaw and having somebody challenge it on the grounds that that was an alteration of the use.

Alderman Morris

To continue this line then, of questioning, Your Worship, if I read Mr. Taylor's interpretation correctly, I think what he is saying is that a Public Hearing can proceed with a recess to an extension of that Public Hearing.

Mr. Taylor

The suggestion being that the Hearing could be recessed with an amendment proposed and then re-heard with the amended bylaw?

Alderman Morris

Yes, I am thinking of it from a point of view of cutting down time. In other words, could it be heard and then recessed for a period of a week and be considered at the following Monday night? Otherwise we get into a lengthy period of negotiation and a loss of time, or notification and loss of time.

Mayor Loucks

Mr. Hawkshaw, if you would comment here. Maybe for clarification.

Mr. Hawkshaw

Thank you, Your Worship. It appears to me that the use does change from no entertainment to some entertainment and that is of some concern to the residents and the people to whom we have advertised and communicated.

Alderman Morris

I recognize that.

Mr. Hawkshaw

So, therefore, the best alternative, if Council is of a mind to do this, is to put forward the Bylaw that they are interested in reading a first time. That means reconsidering this one and putting forward a new Bylaw on the Monday, and then having a Public Hearing which would be, the soonest we could schedule that would be September 26th, and because I do not think we can amend this Bylaw at the Public Hearing on the 12th as the use has changed, substantially.

Mayor Loucks

Mr. Taylor.

Mr. Taylor

I do not disagree with Mr. Hawkshaw's position that the safe and the cautious approach is to, if there is not a great difficulty with time, is to consolidate what the bylaw that you wish to present the public with now, is presented in that form at the Public Hearing.

Alderman Morris

May we then, as a last question through yourself, Your Worship, of Mr. Kroon, receive advice from him with respect to the logistics of that timing that has just been explained?

Mr. Kroon

If I could just follow up with what Mr. Hawkshaw and Mr. Taylor have said. Right now the Bylaw says "no entertainment", so if we

put in there "no entertainment exceeding two people", is that going to be deemed a very significant change, so that it would require re-scheduling? This is what we are down to now?

Mayor Loucks

Mr. Hawkshaw.

Mr. Hawkshaw

I can just add to that just a bit, Your Worship. The reason being is that if we do not reschedule a new Public Hearing those person with whom we have communicated are under the impression that what is going to be heard at the Public Hearing and what they would want to hear is that there will be no entertainment. That is what they have in their possession. Then, if they find that Council has read for a second and third time a bylaw that does include entertainment, then they would have some grounds to be concerned that they were misled initially.

Mayor Loucks

Basically what we are looking at is Bylaw No. 5937, as amended. Mr. Kroon?

Mr. Kroon

I think what Mr. Kaboly would prefer then, is that Council reconsider the draft bylaw, withdraw our rezoning application scheduled for Monday, and then if we can rework the bylaw, give it first reading, and then a Public Hearing for the 26th. That time frame - we will just have to live with it, if that is the best we can do it.

Mayor Loucks

Any other questions?

Alderman Morris

Thank you, that answers my questions.

Mayor Loucks

Any other questions of Mr. Kroon? Yes, Alderman Braithwaite.

Alderman Braithwaite

Yes. I was trying to confer with Alderman Morris here on the question about "dancing", which to me would mean a cabaret or disco, or whatever. Has there been thoughts relative to that, when we are talking about live entertainment.

Mr. Kroon

How would you want to control that? I think if we are looking at the style of restaurant that we are going to have two people entertaining, and the type of clientele that I envisage that Mr. Kaboly is interested in, and in leasing to that type of an operator, we are not going to have a huge dance floor and you are going to have twenty-five couples up to dance. It may be that, you know, eight or ten people are together for an anniversary somebody is doing the Anniversary Waltz, and a few dances, but I do not foresee that it is going to be an extended dance atmosphere if we are catering to a dining crowd.

Mayor Loucks

Any other questions? Alderman Braithwaite.

Alderman Braithwaite

Yes. In that case, if it is open for dancing, regardless of it is eight people or sixteen or twenty-five, live entertainment means they must be heard, which to me gets into the area of noise creation, which we have a lot of consideration about, as you well know. My thoughts, relative to this, and the question I would like to ask you and Mr. Smith is - how do we control that kind of live entertainment that is catering to some form of dancing, and the noise element comes into play again, and that is a question I want to ask you and Mr. Smith.

Mr. Kroon

Well, the noise element - I think because it is not the cabaret and impacting directly on the residents behind, it is the element, the type of people that were visiting the cabaret and leaving at 2:00 or 3:00 o'clock in the morning, that was the noisy element. I think what we are having now, and what is proposed, is forget about that type of element. We are talking about a more dining, sedate crowd that you and I would go to, and we are not talking about a large group of people dancing. Now if I may consider, maybe Mr. Smith can comment on it, if we do not want to get into a large dance area, that we consider the size of the dance floor. We can say - okay, the dance floor shall not exceed so many square feet, so that you are not going to get into this fifteen people and everybody going at it.

Alderman Braithwaite

Well that was the question I was asking.

Mayor Loucks

Mr. Smith, have you any comments?

Mr. Smith

Maybe a couple, Your Worship. One would be that if people are going to dance, they are going to dance wherever they feel like dancing. If that is the way people feel and if there is a lively bit of entertainment or music and the dance floor only provides for perhaps five couples and forty couples want to dance I think they will find room to dance.

With respect to the noise, if it is noise outside of the club, and I think that can be dealt with in two ways. The action we take up front, we try to ensure that the facility is not there for that type of environment to grow or to exist, by controlling entertainment perhaps; the number of people being limited to two as entertainers; no amplified music, perhaps; and then also you get into the other aspect. If you still have a problem you have still got the enforcement aspects of the R.C.M.P. and the Noise Control Officer. Those are things you do not like to have to rely on those because that is an enforcement aspect, you like to control it up front, rather than dealing with the problem afterwards. I think it would be important to deal with the entertainment aspect up front in the Zoning Bylaw, or another Bylaw, separate from that and have it apply to these premises so that we are pretty well assured that the problem does not arise in the first place.

Alderman Braithwaite

Based on that Alderman Kroon - Alderman Kroon.....(laughter).

Alderman Dean

Former Alderman Kroon..

Mr. Kroon

I understand what Mr. Smith says. I think what we are doing is we are always harping back to the type of operation that was there. We are now looking at - what would we do if we were doing something in Emerald Park, and the operator asked for music? You get modern musical instruments, they work on an amplification system. They are not all like the little guitar we had twenty-five years ago, everything is electrified, amplified and done with, and I think if we realize we are dealing with two people. You can go up to the Coach House in the Lounge and you can have girl on the keyboard and a guy on the guitar and the two of them make nice harmony and they do not rock the house down. It is soft, listenable entertainment, and if you want to have a dance you can have a dance. To now say no amplification - maybe what could be done is that allow speakers and no amplification outside the premises, so that you are not trying to attract people in, but that their application be allowed inside. We are trying to get into so much nitty gritty, I do not know whether that is the scope of a general bylaw. We are coming into so many outside areas. First we were trying to say whether or not we are prepared to have live entertainment; now we will have live entertainment subject to two; now we will have live entertainment with no amplification. Live entertainers will not even be allowed to have a mike in front of them. Just how far are we trying to go? I think we are looking at what is reasonable and what has been reasonable for all other operations in the City, within the Lower Mainland, when we are dealing with one or two entertainers, in a dining type atmosphere.

Mayor Loucks

Any further questions Alderman Braithwaite? Alderman Morris.

Alderman Morris

Yes, Your Worship. I well understand where Mr. Kroon is coming from, and I well understand his client's dilemma. Yet I am reminded of two examples that are emblematic of the kind of thing that we are expressing concern about now that have occurred in this municipality. One, if you recall Yic's when it first opened, it had a dance floor.

Mayor Loucks

Are you asking Mr. Kroon?

Alderman Morris

No, I was making a statement of fact, first of all in asking confirmation of that fact and that is that when Yic's opened they had a small dance floor.

Mayor Loucks

Who are you asking the question of?

Alderman Morris

I am asking it then of Mr. Kroon. Do you recall?

Mr. Kroon

No, I do not recall. I am sure you do, so answer your own question.

Alderman Morris

That merely is because I am much older than you. (Laughter). In any case they did. They subsequently got rid of the small dance floor. It was smaller than the area composed within this

horseshoe. They got rid of it because it was more lucrative for them to turn it into a dining type use. It was a raised portion in the centre of the restaurant, and I think it is still raised in that portion.

The second one I am reminded of was a restaurant run by Pete Messina in the Olympic Hotel when he bought it, and that was a restaurant.

Mayor Loucks

Your question? (Laughter).

Mr. Kroon

I did not go there.

Alderman Morris

Ah, but you see. Yes, I am getting to it, but you see - I did. That restaurant would serve nice Italian food, ran until 1:00 or 2:00 o'clock in the morning, lots of liquor flowing. There was a combo, sometimes two, sometimes three playing, a dance floor, dancing, lots of noise as the patrons left, but it was a "B" licence.

What I am trying to demonstrate by both those examples is the extremes that you can get under a "B" Licence where one was a conventional restaurant, with dancing, and the other was a cabaret type of operation, still a restaurant, with dancing and lots of boisterousness, lots of noise, when the patrons left. I was one of them, I know.

Mayor Loucks

Alright.

Mr. Kroon

But this is the point, I think you are also getting at with your own statement, is that you can find those examples, but if twenty-five years of service in this community you can only come up with two more recent ones than the last fifteen then I think we can fall back on what is the generally accepted use of a "B" Licence in our community and how do operators treat it?

Mayor Loucks

Mr. Kroon, there are a couple of questions. One - I gather the first version of the Bylaw you could have accepted? Two - you could still accept the restrictions that were in there, providing the restriction regarding "no live entertainment" is "no live entertainment greater than two", is that what you are saying? Three - what I think you are saying is that you have some concern if we inserted something in there that said you may not have amplified music, is that what you are saying?

Mr. Kroon

Again, exactly, you might as well not have music to begin with.

Mayor Loucks

The fourth question, and I am thinking of what Mr. Smith said about if people are going to dance it does not matter whether there is a dance floor, if there was a restriction that said no dance floor permitted, or a dance floor would be restricted to a certain number of square feet, could you live with that?

Mr. Kroon

I think a square footage restriction, reluctantly, but I think....

Mayor Loucks

What do you think should be the square footage? 10' x 15'? That is 150 square feet.

Mr. Kroon

I do not know.

Mayor Loucks

But I am just trying to get, the point is here is a Delegation explaining the fact that the Bylaw that we were preparing for a Public Hearing you feel is presenting completely unrealistic restrictions upon your client; that he will not be able to lease the space, and therefore we are decreasing his income. There is no income and lots of outgo. You feel that one, your client could live with that Bylaw that was first put forward with the few modifications, one that restricts the live entertainment to two people; that restricts a dance floor to a certain number of square feet? How about if we say no dance floor, people will dance anywhere.

Mr. Kroon

Well, again, I do not really know if that is truth. It depends on your ethnic origin.....

Mayor Loucks

What I think you are saying, Mr. Kroon, then is you would prefer to have a restricted area of dance floor rather than no dance floor?

Mr. Kroon

I find that much more reasonable and I think it would be much more in keeping with crowd control and people doing things in the aisle that are going to upset other people that are sitting down and trying to dine.

Mayor Loucks

Any other questions? Alderman Dean.

Alderman Dean

What time will be the closure time for a "B" Licence?

Mayor Loucks

Mr. Smith?

Mr. Smith

That is the latest, if they want that. I believe Mr. Caouette can confirm that.

Mayor Loucks

Mr. Caouette?

Mr. Caouette

The hours are set by the Liquor Control and Licensing and I believe that they latest hour I have seen is 1:30 or 2:00 a.m.

Mayor Loucks

So it is 1:30 or 2:00. At the maximum 2:00 p.m.?

Alderman Dean

A.M.

Mr. Caouette

Yes sir.

Mayor Loucks

Fine. I had one question, Mr. Kroon, I meant to ask it earlier, if this goes ahead, where would the main entrance - the main entrance would be on Lonsdale would it? In other words, there would be no use of the back door whatsoever?

Mr. Kroon

No, because the because the back door was the cabaret door.

Mayor Loucks

Because I think that point was made and that is where an awful lot of the noise emanated from. Any other questions? Thank you very much Mr. Kroon.

Mr. Kroon

Thank you.

At this point a motion was passed to move back in-camera.

THE CORPORATION OF THE CITY OF NORTH VANCOUVER

MINUTES of the Regular Meeting of Council held in the Council Chamber, City Hall, 141 West 14th Street, North Vancouver, B.C., on Monday, September 12, 1988, at 7:30 p.m.

Present:

COUNCIL MEMBERS

Mayor J.E. Loucks
Alderman W.J. Bell
Alderman J.B. Braithwaite
Alderman R.C. Clark
Alderman S.J. Dean
Alderman F.S. Morris
Alderman B.A. Sharp

STAFF MEMBERS

G.H. Brewer, City Administrator
B. Hawkshaw, City Clerk
E.M. Rienstra, Deputy City Clerk
D. Rooke, Assistant City Clerk
F.A. Smith, Director of Development Services
C. Gale, City Engineer
E.D. Bridgman, Deputy City Engineer
R. White, Assistant Director-Planning
G. Penway, Planning Technician

The meeting was called to order at 7:30 p.m.

Moved by Alderman Bell, seconded by Alderman Dean

THAT the meeting recess for the purpose of conducting the public hearings and the public meeting scheduled for this evening.

CARRIED

The meeting recessed at 7:31 p.m. and reconvened at 10:21 p.m. with the same personnel present, with the exception of Mr. Penway.

Moved by Alderman Dean, seconded by Alderman Clark

THAT Items 3(a), 4(e), 4(f) and 4(k) on the agenda be brought forward for consideration.

CARRIED

3. CORRESPONDENCE

(a) Ms. Nancy Grant, Assistant Secretary, Greater Vancouver Regional District, August 24, 1988

Re: Electoral Area Planning

Moved by Alderman Dean, seconded by Alderman Clark

THAT the Greater Vancouver Regional District be advised that the City of North Vancouver does not wish to participate in the cost-sharing of electoral area planning and therefore exercises its option to opt out from this function.

CARRIED

4. REPORTS OF COMMITTEES, COUNCIL REPRESENTATIVES AND STAFF

- (e) Rezoning Application 254 and 264 West 25th Street - McIntyre

Report: Assistant Director-Planning
September 2, 1988

Moved by Alderman Clark, seconded by Alderman Dean

THAT the report of the Assistant Director-Planning dated September 2, 1988 entitled "Rezoning Application 254 and 264 West 25th Street - McIntyre" be referred to the Advisory Planning Commission meeting scheduled for September 14, 1988 for a report.

CARRIED

10. ADJOURNMENT

Moved by Alderman Clark, seconded by Alderman Braithwaite

THAT the meeting adjourn.

CARRIED

The meeting adjourned at 10:24 p.m.

John E. Louchs
MAYOR

Barbara F. ...
CITY CLERK

THE CORPORATION OF THE CITY OF NORTH VANCOUVER

MINUTES of the Regular Meeting of Council held in the Council Chamber, City Hall, 141 West 14th Street, North Vancouver, B.C., on Monday, September 19, 1988, at 7:30 p.m.

Present:

COUNCIL MEMBERS

Mayor J.E. Loucks
Alderman W.J. Bell
Alderman J.B. Braithwaite
Alderman R.C. Clark
Alderman S.J. Dean
Alderman F.S. Morris
Alderman B.A. Sharp

STAFF MEMBERS

G.H. Brewer, City Administrator
B. Hawkshaw, City Clerk
E.M. Rienstra, Deputy City Clerk
C. Gale, City Engineer
E.D. Bridgman, Deputy City Engineer
F.A. Smith, Director, Development Services
R.H. White, Assistant Director-Planning

The meeting was called to order at 7:35 p.m.

Moved by Alderman Dean, seconded by Alderman Bell

THAT the meeting recess for the purpose of conducting the recessed public hearing scheduled for this evening.

CARRIED

The meeting recessed at 7:36 p.m. and reconvened at 7:58 p.m. with same personnel present.

9.1 REPORT OF THE COMMITTEE OF THE WHOLE

Moved by Alderman Dean, seconded by Alderman Clark that the following recommendations of the Committee of the Whole in camera be ratified:

- (a) Grant Request from the North Shore Volunteers for Residents in Care

1
THAT a grant of \$1,000 be provided to the North Shore Volunteers for Seniors to be taken from the grant contingency account and that the Executive Director be encouraged to apply to North Vancouver service clubs for additional funds with assistance from the Social Planner.

- 2
(b) Proposed Lane Closure and Consolidation Hamilton-Fell Redevelopment Area - Lots 3-7 inclusive, Block A, D.L. 552, Plan 7199 Mike Brody Construction Ltd.

THAT Council approve in principle the stopping up and closing of the lane adjoining Lots 3-5 and 6-7, inclusive, Block A, D.L. 552, Plan 7199 for consolidation with the said lots on the terms and conditions of the September 7, 1988 report of the Land Agent entitled "Proposed Lane Closure and Consolidation Hamilton-Fell Redevelopment Area - Lots 3-7 inclusive, Block A, D.L. 552, Plan 7199 - Mike Brody Construction Ltd.";

AND FURTHER THAT the proponent Mike Brody Construction Ltd. be authorized to make application for the necessary rezoning;

Item 9.1(b) continued ...

AND FURTHER THAT subsequent to the proposed rezoning the subject lane be posted for sale subject to the terms and conditions of the said September 7, 1988 report of the Land Agent;

AND FURTHER THAT the Minister of Municipal Affairs be petitioned to stop up and close the subject lane and vest title in The Corporation of the City of North Vancouver;

AND FURTHER THAT subsequent to the proposed rezoning the Mayor and Clerk be authorized to execute the necessary documents required to give effect to these motions.

(c) Additional Staffing Requirement
Purchasing & Property Services

THAT the Purchasing and Property Services Department be authorized to retain the services of a lands technician position on a full-time basis for a period of six months to augment regular staffing of the Department and that funding for this position be provided in the 1988 revised budget.

1

(e) Tempe Heights - Marketing -
Phase VIII

THAT the bids to purchase lots in Phase VIII of the Tempe Heights subdivision as identified in the September 15, 1988 report of the Land Agent entitled "Tempe Heights - Marketing - Phase VIII - be accepted;

2

AND FURTHER THAT the Mayor and City Clerk be authorized to execute the documentation necessary to complete these sales.

(f) Property sold for taxes 127 East 6th Street
Property Roll No. 119010.000

3

THAT in accordance with the request of Mr. Raymond Fjellman, received September 12, 1988, the period for redeeming the property at 127 East 6th Street from the 1987 tax sale be extended as provided in Section 468(4) of the Municipal Act;

AND FURTHER THAT initial readings be given to "Tax Sale Property Redemption Extension By-law, 1988, No. 5942".

(h) Personal Services Contract

THAT the action taken by the Committee of the Whole in camera with respect to a personal services contract be ratified, and the wording of the resolution remain in camera.

4

CARRIED UNANIMOUSLY

9.1 (d) Beaux and Belles Billiard Hall

Moved by Alderman Sharp, seconded by Alderman Bell that the following recommendation of the Committee of the Whole in camera be ratified:

THAT the 1988 business license of Beaux and Belles Billiard Hall be renewed.

A recorded vote was taken on the motion.

Voting in favour: Alderman Clark
Alderman Sharp
Alderman Bell
Mayor Loucks

Voting against: Alderman Dean
Alderman Braithwaite
Alderman Morris

The motion was CARRIED by a vote of four to three

Moved by Alderman Sharp, seconded by Alderman Bell that the following recommendation of the Committee of the Whole in camera be ratified:

THAT staff be requested to prepare a report for submission to Council within two weeks, with respect to alternative solutions to alleviate the problem caused by people congregating in front of Beaux and Belles Billiard Hall.

CARRIED

Alderman Clark is recorded as voting contrary to the motion.

PROCLAMATIONS

Mayor Loucks read the following Proclamations:

"TERRY FOX RUN DAY" - SEPTEMBER 18, 1988

"WORLD FLOWER BULB WEEK" - SEPTEMBER 17-24, 1988

"BIG BROTHER MONTH" - SEPTEMBER 1-30, 1988

1. ADOPTION OF MINUTES

Moved by Alderman Clark, seconded by Alderman Dean

THAT the Minutes of the:

(a) REGULAR COUNCIL MEETING, AUGUST 22, 1988

(c) SPECIAL COUNCIL MEETING, SEPTEMBER 6, 1988

(d) REGULAR COUNCIL MEETING, SEPTEMBER 12, 1988

be adopted as circulated; and the Minutes of the:

(b) SPECIAL COUNCIL MEETING, AUGUST 24, 1988

be amended by substituting the word "powers" for "power" in item 5(d) and adopted as amended.

CARRIED

Moved by Alderman Dean, seconded by Alderman Bell

THAT the meeting recess for the purpose of considering an item on the agenda of the Policy Committee.

CARRIED

The meeting recessed at 8:00 p.m. and reconvened at 8:11 p.m. with the same personnel present.

2. DELEGATIONS

(a) Messrs. J. Phillipson, G. Guelph and F. Zeitler

Re: B.C. Transit Garage Relocation

Mr. J. Phillipson, 553 East 3rd Street, stated he was speaking on behalf of the residents of the 500 Block East 3rd Street on the south side who were in favour of the removal of the B.C. Transit garage to a commercial zone in North Vancouver. Mr. Phillipson cited noise and pollution from diesel fumes as the reasons for supporting closure of the garage on East 3rd Street.

Mr. G. Guelph, 519 East 3rd Street, stated he supported the closure of the B.C. Transit garage on East 3rd Street and cited pollution from diesel fumes and lights from the buses as his reasons for supporting the closure.

Mr. F. Zeitler, 549 East 3rd Street, referred to the petition submitted to Council on this subject and stated he supports the removal of the B.C. Transit garage from East 3rd Street to an industrial or commercial zone in North Vancouver without delay. He stated the concern of residents in the area relate to health, noise and pollution factors.

3. CORRESPONDENCE

(a) Petition received from residents near B.C. Transit Garage, 3rd St. and St. Davids Avenue

Re: B.C. Transit Garage Relocation

Moved by Alderman Dean, seconded by Alderman Bell

THAT the petition from residents near the B.C. Transit garage, 3rd Street and St. Davids Avenue be received;

AND FURTHER THAT the petitioners be advised of Council's position with respect to the B.C. Transit garage, and given a copy of the joint City and District of North Vancouver submission to the Vancouver Regional Transit Commission on September 1, 1988.

CARRIED

(b) Ms. Barbara Atkins, West Vancouver SPEC,
August 8, 1988

Re: Household Hazardous Waste

Moved by Alderman Clark, seconded by Alderman Braithwaite

THAT the City Clerk be instructed to include the reprinting of the brochure prepared by West Vancouver SPEC on household hazardous wastes with the City Views newsletter.

CARRIED

- 1
3. (c) R.W. Jefferd, North & West Vancouver Emergency Program, August 31, 1988

Re: "North and West Vancouver Emergency Program By-law, 1988, No. 5938"

Moved by Alderman Sharp, seconded by Alderman Dean

THAT "North and West Vancouver Emergency Program By-law, 1988, No. 5938" be considered as per the resolution dated August 9, 1988 of the N&WVEP Executive Committee.

CARRIED UNANIMOUSLY

- 2
- (d) Mr. Merv Wright, September 7, 1988

Re: Application for Street Closure and Street Party - 500 Block East 11th Street, North Vancouver

Moved by Alderman Sharp, seconded by Alderman Dean

THAT Council approve the application from Mr. Merv Wright for street closure of the 500 block East 11th Street for the purpose of holding a street party between 5:00 p.m. and 9:00 p.m. on either Friday, September 30, 1988 or October 7, 1988.

CARRIED UNANIMOUSLY

- 3
- (e) Marcel Lefebvre, Assistant Director, Pilgrims of Saint Michael

Re: Allowance for Mothers at Home

Moved by Alderman Sharp, seconded by Alderman Morris

THAT the letter from Marcel Lefebvre, Assistant Director, Pilgrims of Saint Michael, with respect to allowance for mothers at home be received and filed.

CARRIED

4

4. REPORTS OF COMMITTEES, COUNCIL REPRESENTATIVES AND STAFF

- (a) Funding for Social Services

Report: Social Planner, August 23, 1988

Moved by Alderman Clark, seconded by Alderman Dean

THAT the District of West Vancouver be informed that the City declines to participate in hiring a Social Services Consultant as proposed in their letter of July 5, 1988.

CARRIED UNANIMOUSLY

4. (b) 620 West 15th Street Rezoning Application
Field/Crockart (Vance Residence)

Report: Planning Technician, September 7, 1988

Moved by Alderman Dean, seconded by Alderman Clark

THAT the Mayor and City Clerk be authorized to execute the Section 215 Land Title Act Covenant substantially in the form attached to the report of the Planning Technician entitled "620 West 15th Street Rezoning Application Field/Crockart (Vance Residence)" and dated September 7, 1988;

AND FURTHER THAT staff be authorized to prepare, at the applicant's cost, an agreement obligating the applicant to undertake specified restoration works to the existing Vance Residence at 620 West 15th Street and other necessary works related to this proposed development.

A recorded vote was taken on the motion.

Voting in favour: Alderman Dean
Alderman Clark
Alderman Sharp
Alderman Braithwaite
Alderman Bell
Mayor Loucks

Voting against: Alderman Morris

The motion was CARRIED by a vote of six to one.

(c) Zoning By-law Amendments on Family Suites

Report: Planning Technician, September 6, 1988

Moved by Alderman Sharp, seconded by Alderman Dean

THAT "Zoning By-law, 1967, Amendment By-law, 1988, No. 5889", (Family Suite Regulations) be considered by Council and referred to a Public Hearing.

CARRIED

Moved by Alderman Morris, seconded by Alderman Dean

THAT a written legal opinion with respect to the City's ability to control the number of occupants in a family suite to four people, and a blanket authorization for the Mayor and Clerk to sign all Section 215 covenants under the heading of family suites, be submitted to Council prior to the public hearing relative to Zoning By-law amendments on family suites.

CARRIED

(d) Lonsdale Area Garden Apartment View Guidelines
Study - Consultant Report

Report: Assistant Director-Planning,
September 6, 1988

Moved by Alderman Dean, seconded by Alderman Braithwaite

THAT staff be directed to have view preserving guidelines produced for view sensitive garden apartment areas as identified in the consultant's report attached to the report of the Assistant Director-Planning dated September 6, 1988, entitled "Lonsdale Area Garden Apartment View Guidelines Study - Consultant Report".

CARRIED UNANIMOUSLY

1

2

3

4. (e) Grant Request from Nor Van 45 Soccer Association

Report: Social Planner, September 13, 1988

Moved by Alderman Morris, seconded by Alderman Sharp

THAT a grant of \$1,000.00 be provided to the Nor Van 45 Soccer Team for their participation in the Canadian Senior Soccer Championships, to be taken from the 1988 grants contingency account.

DEFEATED

Moved by Alderman Braithwaite, seconded by Alderman Dean

THAT a grant of \$400.00 be provided to the Nor Van 45 Soccer Team for their participation in the Canadian Senior Soccer Championships, to be taken from the 1988 Grants Contingency Account.

CARRIED BY A TWO-THIRDS MAJORITY OF ALL COUNCIL MEMBERS

(f) Rezoning Application, Corsi Trattoria
1 Lonsdale Avenue

Moved by Alderman Morris, seconded by Alderman Clark

THAT the rezoning application of Corsi Trattoria, 1 Lonsdale Avenue be held in abeyance;

AND FURTHER THAT the Parking Committee be directed to report on the topic of parking in Lower Lonsdale prior to the application being further considered by Council.

CARRIED

(g) Application to Rezone 800 Block West 16th Street and
Tobruck Avenue - Westside Homes/Wardle

Report: Planning Technician, September 7, 1988

Moved by Alderman Dean, seconded by Alderman Clark

THAT "Zoning By-law, 1967, Amendment By-law, 1988, No. 5939", (Westside Homes/Wardle, 888 West 16th Street, CD-153) be considered by Council and referred to a Public Hearing.

CARRIED

(h) Finalization of Lot 11, Lonsdale Quay Rezoning
Application

Report: Director, Development Services,
September 7, 1988

Moved by Alderman Dean, seconded by Alderman Bell

THAT consideration of the subject of finalization of Lot 11, Lonsdale Quay rezoning application be deferred to the next Regular Meeting of Council.

CARRIED

4. (i) Municipal Hotel Room Tax

Report: Administrative Co-ordinator,
September 7, 1988

Moved by Alderman Bell, seconded by Alderman Dean

THAT the North Shore Tourism Committee be invited to submit their marketing plans and corresponding budget, including proposed sources of revenue, together with the views of the hotel owners in the City of North Vancouver, prior to consideration of the implementation of a 2% hotel room tax.

CARRIED

Alderman Clark is recorded as voting contrary to the motion.

(j) Application to Rezone 2057 St. George's Ave. From RM-2 to CD - Harbottle/Crockart

Report: Assistant Director-Planning,
August 30, 1988

Moved by Alderman Dean, seconded by Alderman Clark

THAT subject to Advisory Design Panel review planning staff be directed to produce a Zoning Bylaw Amendment based on Option 1 (the 5 Unit Townhouse Proposal) as reviewed in the August 30, 1988 report of the Assistant Director-Planning entitled "Application to Rezone 2057 St. George's Ave. from RM-2 to CD - Harbottle/Crockart.

CARRIED UNANIMOUSLY

(k) Application to Rezone 2548 Western Avenue Michelacci/Fogle

Report: Planning Technician, September 7, 1988

Moved by Alderman Morris, seconded by Alderman Braithwaite

THAT the report of the Planning Technician dated September 7, 1988 entitled "Application to Rezone 2548 Western Avenue - Michelacci/Fogle" be referred to the Advisory Planning Commission scheduled for October 12, 1988 for a report.

CARRIED

Moved by Alderman Morris, seconded by Alderman Dean

THAT the City Engineer be requested to provide a report on the probable future status of the 100 Block West 26th Street between Lonsdale Avenue and Western Avenue and what might happen to the road allowance with respect to the future grade separation and resultant Lonsdale Avenue widening.

CARRIED

4. (1) North Shore Winter Club Rezoning

Report: Assistant Director-Planning,
September 6, 1988

Moved by Alderman Sharp, seconded by Alderman Dean

THAT the City of North Vancouver opposes the development of the North Shore Winter Club Facility as described in the District Report of August 16, 1988 entitled "Process 33-88, North Shore Winter Club, 1325 East Keith Road, Rezoning and Siting Area Establishment" based on the following concerns:

- the absence of an Official Community Plan for the area;
- conflict with the City's Official Community Plan and existing industrial development on adjacent City lands;
- the need for a more detailed traffic analysis;
- the proposed substandard parking ratios for the site;
- the minimal setback from the natural watercourse of Lynn Creek;
- the minimal setback in the location of the proposed ice hockey rink which has the effect of reducing the physical link between Lynnmouth and Bridgman Parks.

CARRIED

(m) Lower Lonsdale Overall Development Policies
Public Meeting

Report: Assistant Director-Planning,
August 31, 1988

Moved by Alderman Dean, seconded by Alderman Clark

THAT a Public Meeting be held to consider the recommendations contained in Attachment #3 of the report of the Assistant Director-Planning dated August 31, 1988 entitled "Lower Lonsdale Overall Development Policies";

AND THAT the City Clerk advertise for this meeting in accordance with the procedure for a Public Hearing.

CARRIED

(n) Renewal of Personal Services Contract City Parking
Lots - Mr. E. Mahon

Report: Director, Purchasing & Property Services,
August 31, 1988

Moved by Alderman Dean, seconded by Alderman Clark

THAT the Purchasing & Property Services Department be authorized to renew a Personal Services Contract for City Parking Lots with Mr. E. Mahon for the period September 31, 1988 to September 30, 1989 substantially in the form attached to the report of the Director of Purchasing and Property Services dated August 31, 1988;

AND FURTHER THAT the Mayor and City Clerk be authorized to sign and affix the Corporate Seal to the contract.

CARRIED UNANIMOUSLY

4. (o) Terms of Reference - Joint Police Liaison Committee (City of North Vancouver and District of North Vancouver)

Report: City Clerk, September 14, 1988

Moved by Alderman Sharp, seconded by Alderman Dean

THAT the terms of reference for the Joint Police Liaison Committee (City of North Vancouver and District of North Vancouver) as circulated in the report of the City Clerk dated September 14, 1988 entitled "Terms of Reference - Joint Police Liaison Committee (City of North Vancouver and District of North Vancouver)" be adopted on a trial basis to conclude on December 31, 1989.

CARRIED UNANIMOUSLY

- (p) Easement and Restrictive Covenant - Lots 1 and 2, Block 17, D.L. 273, Plan 1063

Report: Deputy City Engineer, September 12, 1988

Moved by Alderman Clark, seconded by Alderman Braithwaite

THAT the Mayor and Clerk be authorized to execute the Land Title Act Form 17 Easement and Restrictive Covenant substantially in the Form attached to the Deputy City Engineer's Report of September 12th, 1988 entitled Easement and Restrictive Covenant - Lots 1 and 2, Block 17, D.L. 273, Plan 1063.

CARRIED

- (q) Traffic Complaint - East 23rd and Grand Boulevard Connector Courthouse Area Residents' Association

Report: Deputy City Engineer, September 13, 1988

Moved by Alderman Morris, seconded by Alderman Bell

THAT pursuant to the Deputy City Engineer's report of August 30, 1988 titled "Traffic Complaint - East 23rd Street and Grand Boulevard Connector, Courthouse Area Residents' Association", CARA be advised:

THAT the structural adequacy of East 23rd Street, the reason such a road was originally built, the date that 23rd Street was connected to Grand Boulevard and the means by which these two roads were designated as major routes have been reviewed in depth and will not be further considered.

CARRIED

Moved by Alderman Morris, seconded by Alderman Bell

THAT no action will be taken to change the posted speed limits along Grand Boulevard and East 23rd Street between Lonsdale Avenue and Moody Avenue.

CARRIED

Moved by Alderman Morris, seconded by Alderman Bell

THAT the Intersection of 23rd Street and St. Georges Avenue will not be signed as a four-way stop.

CARRIED

Item 4(q) continued ...

Moved by Alderman Morris, seconded by Alderman Bell

THAT the traffic signal proposed for the intersection of 23rd Street and St. Georges Avenue be installed as planned.

CARRIED

Moved by Alderman Morris, seconded by Alderman Bell

THAT East 23rd Street and Grand Boulevard be posted as a "No Truck Route".

CARRIED

Moved by Alderman Morris, seconded by Alderman Bell

THAT no major changes be made to the designated major road network until completion of the Official Community Plan update in 1989.

CARRIED

Moved by Alderman Morris, seconded by Alderman Bell

THAT the Courthouse Area Residents' Association be sent a copy of the report of the Deputy City Engineer dated September 13, 1988 entitled "Traffic Complaint - East 23rd Street and Grand Boulevard Connector Courthouse Area Residents' Association".

CARRIED

The City Engineer confirmed that playground signs will be installed in the 200 Block East 23rd Street.

5. MOTIONS AND NOTICES OF MOTION

(a) Council's Mandate

(Notice of Motion by Alderman Clark)

Moved by Alderman Clark, seconded by Alderman Dean

THAT WHEREAS the Mayor and Council of the City of North Vancouver were elected to conduct the City's business;

AND WHEREAS several subjects that are "ultra vires" to the City's powers have been introduced recently, discussed at length and motions illegitimately passed pertaining thereto;

AND WHEREAS legitimate City business, namely millions of dollars worth of development proposals and zoning by-law amendments have been left not discussed or acted upon to the detriment of the City;

THEREFORE BE IT RESOLVED that at the next Policy Committee Meeting, this situation be addressed with a view to educating members of Council with respect to their mandate.

DEFEATED

5. (b) Council Retreat and Agenda

(Notice of Motion by Alderman Clark)

Moved by Alderman Clark, seconded by Alderman Dean

THAT an Agenda for the City Council's planned retreat on October 29 and 30, 1988 be made public two weeks prior to these dates, and that a subsequent summary report detailing the discussions and any actions resulting be made public soon after the retreat.

DEFEATED6. BY-LAWS(a) Reconsideration and Final Adoption

Moved by Alderman Clark, seconded by Alderman Morris that

(iii) "Zoning By-law, 1967, Amendment By-law, 1988, No. 5927", (Moore/Davis - 224 West 16th Street, CD-147)

be reconsidered.

CARRIED

Moved by Alderman Clark, seconded by Alderman Morris

THAT the said By-law No. 5927 be finally adopted, signed by the Mayor and City Clerk and sealed with the Corporate seal.

CARRIED(b) Introduction and First Three Readings

Moved by Alderman Dean, seconded by Alderman Clark that the following By-laws be introduced and read a first time in short form, copies of same having been distributed to members of Council and read by them:

(i) "North and West Vancouver Emergency Program By-law, 1988, No. 5938".

(ii) "Highways Closing and Exchange By-law, 1988, No. 5940" (2025 MacKay Avenue).

(iii) "Highways Stopping Up and Closing By-law, 1988, No. 5941" (Lane Between 16th and Tobruck Avenue East of Hamilton Avenue - Westside).

CARRIED

Moved by Alderman Dean, seconded by Alderman Clark

THAT the said By-laws Nos. 5938, 5940 and 5941 be read a second time in short form.

CARRIED

Moved by Alderman Dean, seconded by Alderman Clark

THAT the said By-laws Nos. 5938, 5940 and 5941 be read a third time in short form and passed subject to reconsideration.

CARRIED

Item 6(b)continued ...

Moved by Alderman Dean, seconded by Alderman Bell

THAT "Tax Sale Property Redemption Extension By-law, 1988, No. 5942" be introduced to the agenda.

CARRIED UNANIMOUSLY

Moved by Alderman Dean, seconded by Alderman Bell

THAT "Tax Sale Property Redemption Extension By-law, 1988, No. 5942" be introduced and read a first time in short form, copies of same having been distributed to Council members and read by them.

CARRIED

Moved by Alderman Dean, seconded by Alderman Clark

THAT the said By-law No. 5942 be read a second time in short form.

CARRIED

Moved by Alderman Dean, seconded by Alderman Clark

THAT the said By-law No. 5942 be read a third time in short form and passed subject to reconsideration.

CARRIED UNANIMOUSLY

(c) Second and Third Readings

Moved by Alderman Clark, seconded by Alderman Bell that

- (i) "Zoning By-law, 1967, Amendment By-law, 1988, No. 5909". (Text Amendment, Accessory Home Occupation Use - City of North Vancouver)

be read a second time in short form.

A recorded vote was taken on the motion.

Voting in favour: Alderman Clark
Alderman Sharp
Alderman Braithwaite
Alderman Bell
Mayor Loucks

Voting against: Alderman Dean
Alderman Morris

The motion was CARRIED by a vote of five to two.

Moved by Alderman Clark, seconded by Alderman Bell

THAT the said By-law No. 5909 be read a third time in short form and passed subject to reconsideration.

CARRIED

Alderman Dean is recorded as voting contrary to the motion.

Item 6(c)continued ...

Moved by Alderman Morris, seconded by Alderman Dean

THAT consideration of "Zoning By-law, 1967, Amendment By-law, 1988, No. 5930" (Esplanade Cinemas, North-west Corner Esplanade and Chesterfield Avenue - CD-148) be deferred pending a report from the Parking Committee.

DEFEATED

Moved by Alderman Clark, seconded by Alderman Braithwaite that

(ii) "Zoning By-law, 1967, Amendment By-law, 1988, No. 5930", (Esplanade Cinemas, North-west Corner Esplanade and Chesterfield Avenue - CD-148)

be read a second time in short form.

CARRIED

Alderman Dean and Alderman Morris are recorded as voting contrary to the motion.

Moved by Alderman Clark, seconded by Alderman Braithwaite

THAT the said By-law No. 5930 be read a third time in short form and passed subject to reconsideration.

CARRIED

Alderman Dean and Alderman Morris are recorded as voting contrary to the motion.

Moved by Alderman Dean, seconded by Alderman Clark that

(iii) "Zoning By-law, 1967, Amendment By-law, 1988, No. 5932", (Meola/Lund, 220 West 17th Street, CD-149)

(iv) "Zoning By-law, 1967, Amendment By-law, 1988, No. 5933", (Field Construction/Crockart (Vance), 620 West 15th Street, CD-150)

(v) "Zoning By-law, 1967, Amendment By-law, 1988, No. 5934", (King/Cohen, 348 Bewicke Avenue, CD-151)

be read a second time in short form.

CARRIED

Moved by Alderman Dean, seconded by Alderman Clark

THAT the said By-laws Nos. 5932, 5933, 5934 be read a third time in short form and passed subject to reconsideration.

CARRIED

Moved by Alderman Clark, seconded by Alderman Dean that

(vi) "Zoning By-law, 1967, Amendment By-law, 1988, No. 5935", (J. Miricka, 314 East 11th Street, from RS to RT-2)

be deferred for consideration to the next Regular Meeting of Council.

CARRIED

Item 6 continued ...

Moved by Alderman Dean, seconded by Alderman Clark that

(viii) "Zoning By-law, 1967, Amendment By-law, 1988, No. 5937", (Kabolyzadeh, 304 Lonsdale Avenue, CD-152) as amended

be read a second time in short form.

Moved by Alderman Dean, seconded by Alderman Morris

THAT the requirements of the Procedure By-law to terminate the meeting at 10:30 p.m. be waived and the meeting continue until items 6(d)(i) and 6(d)(ii) have been considered.

CARRIED UNANIMOUSLY

Moved by Alderman Bell, seconded by Alderman Morris

THAT staff be requested to bring forward a revised by-law, to include a form of live entertainment but exclude cabaret use, in place of By-law No. 5937.

CARRIED

(d) Introduction and First Reading Only

Moved by Alderman Dean, seconded by Alderman Sharp that

(i) "Zoning By-law, 1967, Amendment By-law, 1988, No. 5889", (Family Suite Regulations).

(ii) "Zoning By-law, 1967, Amendment By-law, 1988, No. 5939", (Westside Homes/Wardle, 888 West 16th Street, CD-153).

be introduced and read a first time in short form, copies of same having been distributed to Council members and read by them.

CARRIED

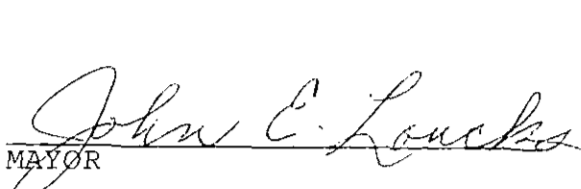
10. ADJOURNMENT

Moved by Alderman Clark, seconded by Alderman Dean

THAT the meeting adjourn.

CARRIED

The meeting adjourned at 10:37 p.m.


MAYOR


CITY CLERK

THE CORPORATION OF THE CITY OF NORTH VANCOUVER

MINUTES of the Regular Meeting of Council held in the Council Chamber, City Hall, 141 West 14th Street, North Vancouver, B.C., on Monday, September 26, 1988, at 7:30 p.m.

Present:

COUNCIL MEMBERS

Mayor J.E. Loucks
Alderman W.J. Bell
Alderman J.B. Braithwaite
Alderman R.C. Clark
Alderman S.J. Dean
Alderman F.S. Morris
Alderman B.A. Sharp

STAFF MEMBERS

G.H. Brewer, City Administrator
B. Hawkshaw, City Clerk
E.M. Rienstra, Deputy City Clerk
A.K. Tollstam, City Treasurer-Collector
C. Gale, City Engineer
F.A. Smith, Director, Development Services
R.H. White, Assistant Director-Planning
R. Shore, Director, Personnel Services

The meeting was called to order at 7:39 p.m.

Moved by Alderman Morris, seconded by Alderman Dean

THAT the meeting recess for the purpose of conducting the public hearings scheduled for this evening.

CARRIED

The meeting recessed at 7:40 p.m. and reconvened at 8:00 p.m. with the same personnel present.

PROCLAMATIONS:

Mayor Loucks read the following Proclamations:

"MAHATMA GANDHI DAY" - OCTOBER 2, 1988

"RECYCLE MONTH" - OCTOBER, 1988

1. ADOPTION OF MINUTES

Moved by Alderman Dean, seconded by Alderman Clark

THAT the Minutes of the Regular Meeting of Council held on September 19, 1988 be adopted as circulated.

CARRIED

Moved by Alderman Dean, seconded by Alderman Clark

THAT the meeting recess for the purpose of considering items on the agenda of the Finance Committee.

CARRIED

The meeting recessed at 8:03 p.m. and reconvened at 8:40 p.m. with the same personnel present.

Moved by Alderman Dean, seconded by Alderman Clark

THAT Item 4(h) on the agenda be brought forward for consideration at this time.

CARRIED

4. REPORTS OF COMMITTEES, COUNCIL REPRESENTATIVES AND STAFF(h) "A Cultural Plan for the North Shore"

Report: North Shore Cultural Policy Committee,
September 21, 1988

Moved by Alderman Dean, seconded by Alderman Clark

THAT the "Cultural Plan for the North Shore" dated September 1988 prepared by the North Shore Cultural Policy Committee be received;

AND THAT the eight principles, five aims and nine policies as part of the framework for making future decisions about the development of North Shore Cultural Resources, as outlined in the committee's report to Mayors and Councils dated September 21, 1988, be endorsed;

AND THAT the three recommendations on creating an enabling policy as outlined in the Committee's report to Mayors and Councils dated September 21st, 1988 be endorsed;

AND THAT the creation of a North Shore Arts Commission be endorsed in principle and that the North Shore Cultural Policy Committee be requested to report back to Councils by December 1, 1988 on the membership, terms of reference and budget for such a commission.

CARRIED UNANIMOUSLY

2. DELEGATIONS

(a) Mr. N. Cressey, Cressey Development Corporation and The Rick Hulbert Group

Re: Proposed Development of St. Alice Hotel

Conceptual plans of the proposed development of a 28 storey tower on the site of the St. Alice Hotel were reviewed by Mr. Cressey, Cressey Development Corporation, and Mr. R. Padinuk and Ms. P. St. Michel of the Rick Hulbert Group. The matter of the historical significance of the St. Alice Hotel and the displacing of tenants were also noted by Mr. Cressey.

3. CORRESPONDENCE

NIL

4. REPORTS OF COMMITTEES, COUNCIL REPRESENTATIVES AND STAFF (CONTINUED)

(a) View Presentation Development Guidelines

Recommendation: Policy Committee,
September 19, 1988

Moved by Alderman Sharp, seconded by Alderman Braithwaite

THAT the research undertaken by the consultant in his submission to Council, being Attachment #1 of the report of the Assistant Director - Planning dated September 6, 1988 entitled "Lonsdale Area Garden Apartment View Guidelines Study - Consultant Report", be used to produce criteria to be incorporated into the Garden Apartment Guidelines for Lower Lonsdale which will maintain as much view for present and future residents of the garden apartment areas noted in the report.

CARRIED UNANIMOUSLY

4. (b) Liquor Retailing Policy

Report: Alderman S.J. Dean, Chairman
Police Liaison Committee,
September 12, 1988

Moved by Alderman Dean, seconded by Alderman Morris

THAT Council adopt a policy of an 11:00 p.m. closing for off-sales liquor outlets.

CARRIED

Moved by Alderman Dean, seconded by Alderman Morris

THAT Council recommend to the Liquor Distribution Branch the limitation of liquor distribution sales with respect to the private sector.

CARRIED

Moved by Alderman Dean, seconded by Alderman Morris

THAT Council recommend to the Liquor Distribution Branch that the sale of liquor be primarily by a government distribution system.

CARRIED

Alderman Clark is recorded as voting contrary to the motion.

(c) Loutet Park - Weekend Activities

Report: Police Liaison Committee
September 12, 1988

Moved by Alderman Dean, seconded by Alderman Morris

THAT the Engineering Department be instructed, for purposes of reducing the occasional rowdiness that occurs in the area of Loutet Park north of 17th Street, to report to Council on the feasibility of:

- (a) installing a gate across the top end of Rufus at approximately the northern property line of 17th Street;
- (b) posting both "No Parking" and "No Through Road" signs on that gate;

AND FURTHER THAT the Engineering Department advise their methods of operation with respect to the opening and closing of said gate to meet park users demands.

CARRIED

(d) Official Community Plan amendment, Block 220A, D.L. 546 from Single Family Density to Park, Recreation and Open Space

Report: Planning Technician, May 2, 1988

Moved by Alderman Dean, seconded by Alderman Bell

THAT "City of North Vancouver Community Plan By-law, 1980, No. 5238, Amendment By-law, 1988, No. 5898" (Block 220A, D.L. 546) respecting the redesignation of Block 220A from Single Family Density to Park, Recreation and Open Space be referred to the Advisory Planning Commission for a report;

Item 4(d) continued ...

AND FURTHER THAT the reports of the Director, Purchasing & Property dated March 2, 1988 and the Planning Technician dated March 1, 1988 be forwarded to the Advisory Planning Commission for background information.

A recorded vote was taken on the motion.

Voting in favour: Alderman Dean
Alderman Clark
Alderman Bell

Voting against: Alderman Sharp
Alderman Braithwaite
Alderman Morris
Mayor Loucks

The motion was DEFEATED by a vote of four to three.

(e) Finalization of Lot 11, Lonsdale Quay Rezoning Application

Report: Director, Development Services,
September 7, 1988

Moved by Alderman Dean, seconded by Alderman Clark

THAT Item 4(e) be deleted from the agenda.

CARRIED

(f) Proposed Emergency Helicopter Landing Facility Options for Consideration

Report: City Administrator, September 14, 1988

Moved by Alderman Clark, seconded by Alderman Sharp

THAT staff be directed to initiate a rezoning application with respect to an emergency helicopter landing facility based on the site reviewed at the public information meeting held on September 12, 1988.

A recorded vote was taken on the motion.

Voting in favour: Alderman Clark
Alderman Sharp
Mayor Loucks

Voting against: Alderman Dean
Alderman Braithwaite
Alderman Morris
Alderman Bell

The motion was DEFEATED by a vote of four to three.

Moved by Alderman Morris, seconded by Alderman Bell

THAT staff be directed, with expert consultant help if necessary, to produce a detailed helicopter landing site evaluation including the site named in the public information meeting held on September 12, 1988 to determine the optimum emergency landing site location.

CARRIED

Moved by Alderman Dean, seconded by Alderman Bell

THAT the following items on the agenda be considered at this time:

- 4(m)
- 6(c)(i)
- 6(c)(ii).

CARRIED

4. (m) Restrictive Covenant -
Lot 2, Block F, D.L. 272, Plan 21621
 Report: Deputy City Engineer
 September 21, 1988

Moved by Alderman Dean, seconded by Alderman Braithwaite

THAT the Mayor and Clerk be authorized to execute the Land Title Act Form 17, Section 215 Covenant (access) substantially in the form attached to the Deputy City Engineer's report of September 21, 1988, entitled "Restrictive Covenant-Lot 2, Block F, D.L. 272, Plan 21621".

CARRIED

6. BY-LAWS

- (c) Second and Third Readings

Moved by Alderman Clark, seconded by Alderman Braithwaite that

- (i) "City of North Vancouver Community Plan By-law, 1980, No. 5238, Amendment By-law, 1988, No. 5894" (200 Block East 24th Street)

be read a second time in short form.

CARRIED

Moved by Alderman Clark, seconded by Alderman Braithwaite

THAT the said By-law No. 5894 be read a third time in short form and passed subject to reconsideration.

CARRIED

Alderman Dean is recorded as voting contrary to the motion.

Moved by Alderman Dean, seconded by Alderman Clark that

- (ii) "Zoning By-law, 1967, Amendment By-law, 1988, No. 5907" (Beaver Lumber Co. Ltd. - 800 Block West 1st Street - CD-144)

be read a second time in short form.

A recorded vote was taken on the motion.

Voting in favour: Alderman Dean
 Alderman Clark
 Alderman Bell
 Mayor Loucks

Voting against: Alderman Sharp
 Alderman Braithwaite
 Alderman Morris

The motion was CARRIED by a vote of four to three.

Item 6(c)(ii) continued ...

Moved by Alderman Dean, seconded by Alderman Clark

THAT the said By-law No. 5907 be read a third time in short form and passed subject to reconsideration.

CARRIED

Aldermen Braithwaite and Morris are recorded as voting contrary to the motion.

4. (g) Civic Awards Dinner

Report: Director of Personnel Services,
September 20, 1988

Moved by Alderman Dean, seconded by Alderman Bell

THAT staff be authorized to make the necessary arrangements for the holding of a Civic Awards Dinner to be held on a week day during the last two weeks of October, 1988;

AND FURTHER THAT those employees who have retired in 1988, those employees who have completed 25 years of service this year and past years, all members of Council, and Department Managers, be invited to attend with their spouses;

AND FURTHER THAT an Alderman be appointed as the Council representative to the staff committee making the necessary arrangements for the Civic Awards Dinner;

AND FURTHER THAT the source of funds for this allocation is the Presentations and Entertainment allocation in the 1988 Annual Budget.

CARRIED UNANIMOUSLY

Mayor Loucks appointed Alderman Dean and Alderman Sharp as the Council representatives to the staff committee for the Civic Awards Dinner.

(i) Rezoning Application, 254-264 West 25th Street - McIntyre

Report: Assistant Director-Planning

Moved by Alderman Dean, seconded by Alderman Clark

THAT "Zoning By-law, 1967, Amendment By-law, 1988, No. 5943" (McIntyre, 254-264 West 25th Street) be considered by Council and referred to a Public Hearing.

CARRIED

(j) Development Application St. Alice Hotel Site Cressey Development Corporation

Report: Director, Development Services,
September 20, 1988

Moved by Alderman Dean, seconded by Alderman Morris

THAT the September 20, 1988 report of the Director, Development Services entitled "Development Proposal - St. Alice Hotel Site - Cressey Development Corporation" be referred to the Heritage Advisory Committee for report.

CARRIED

Moved by Alderman Dean, seconded by Alderman Morris

THAT the meeting continue until 11:00 p.m.

DEFEATED

10. ADJOURNMENT

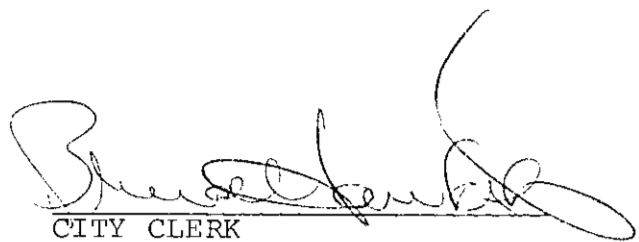
Moved by Alderman Braithwaite, seconded by Alderman Sharp

THAT the meeting adjourn.

CARRIED

The meeting adjourned at 10:30 p.m.


MAYOR


CITY CLERK