



**MINUTES OF THE REGULAR MEETING OF COUNCIL HELD IN
THE COUNCIL CHAMBER, CITY HALL, 141 WEST 14th STREET,
NORTH VANCOUVER, B.C., ON **MONDAY, OCTOBER 4, 1999**
AT 6:00 P.M.**

PRESENT:

COUNCIL MEMBERS

Mayor J.E. Loucks
Councillor J.B. Braithwaite
Councillor S.J. Dean
Councillor R.J. Fearnley
Councillor D.R. Mussatto
Councillor B.W. Perrault
Councillor B.A. Sharp

STAFF MEMBERS

A.K. Tollstam, City Administrator
B.A. Hawkshaw, City Clerk
S.E. Dowey, Deputy City Clerk
D.M. Rooke, Assistant City Clerk
T. Christie, Director of Finance
R.H. White, City Planner
F. Caouette, Administrative Manager, Dev. Servs.
G. Penway, Development Planner
B. Susak, Deputy City Engineer
D. Mitic, Transportation Planning Engineer

The meeting was called to order at 6:00 p.m.

9. CONFIDENTIAL REPORTS

Moved by Councillor Perrault, seconded by Councillor Mussatto

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

CARRIED UNANIMOUSLY

The meeting recessed at 6:01 p.m., and reconvened at 7:43 p.m., with the same personnel present and with the addition of Councillor Braithwaite, Councillor Dean and Councillor Sharp.

1. ADOPTION OF MINUTES

Moved by Councillor Dean, seconded by Councillor Mussatto

THAT the Minutes of the Regular Council Meeting of September 27, 1999 be adopted as circulated.

CARRIED UNANIMOUSLY

9.1 REPORT OF THE COMMITTEE OF THE WHOLE

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

**(c) Comprehensive Service Agreement – Squamish Nation
File: 1185-03-05**

Report: City Administrator, September 28, 1999

THAT the action taken by the Committee of the Whole in camera, regarding “Comprehensive Service Agreement – Squamish Nation”, be ratified, and the wording of the resolution and the report of the City Administrator dated September 28, 1999 remain in camera.

(CARRIED UNANIMOUSLY)

(d) Auditor Selection – Year 2000 – File: 1635-01

Report: Director of Finance, September 28, 1999

PURSUANT to the report of the Director of Finance dated September 28, 1999, entitled “Auditor Selection – Year 2000”:

THAT Mayor and Council appoint KPMG as City Auditors effective January 1, 2000 for a five year term, subject to Mayor and Council’s appointment of auditors on an annual basis;

AND THAT a letter be forwarded by the Mayor thanking each of the firms for their efforts and interests in the City of North Vancouver.

(CARRIED UNANIMOUSLY)

**(e) Appointments to the Public Advisory Committee,
North Shore Area Transit Plan – File: 1085-03-N30-01**

Report: Transportation Planning Engineer, September 24, 1999

PURSUANT to the report of the Transportation Planning Engineer, dated September 24, 1999, entitled “Appointments to the Public Advisory Committee North Shore Area Transit Plan”:

THAT Sue Cook, W. David Brierley and Gerry Collver be appointed as City representatives to the North Shore Area Transit Plan – Public Advisory Committee.

CARRIED UNANIMOUSLY

PROCLAMATIONS

Mayor Loucks read the following Proclamation:

“NATIONAL FAMILY WEEK”, OCTOBER 4 – 10, 1999

2. DELEGATIONS

(a) Arnold Wallner & Elvira A. Wallner, West Vancouver

Re: Suites at 261 – 263 West 6th Street, North Vancouver
File: 3030-06-03 6W 261-263/3345-02 6W 261-263

Mr. Arnold Wallner, West Vancouver, owner of property located at 261 – 263 West 6th Street, North Vancouver, requested members of Council to permit the secondary suites to remain in the duplexes at 261 – 263 West 6th Street based on personal hardship, superior upkeep, and adequate parking.

Mr. Wallner then responded to questions from members of Council.

4. REPORTS OF COMMITTEES, COUNCIL, AND STAFF

(a) Illegal Suites at 261 – 263 West 6th Street – File: 3030-06-03 6W 261-263/3345-02 6W 261-263

Report: Property Use Inspector, Development Services
September 20, 1999

Moved by Councillor Fearnley, seconded by Councillor Dean

PURSUANT to the report of the Property Use Inspector, dated September 20, 1999, entitled “Illegal Suites at 261-263 West 6th Street”:

THAT 261-263 West 6th Street is being used in contravention of the “City of North Vancouver Zoning Bylaw, 1995, No. 6700”;

AND THAT staff be authorized to seek the appropriate relief, including an injunction by way of the Supreme Court of British Columbia, thus requiring the removal of the illegal suites that were found to exist at 261-263 West 6th Street.

Continued....

4. (a) **Illegal Suites at 261 – 263 West 6th Street –**
File: 3030-06-03 6W 261-263/3345-02 6W 261-263 - Continued

A recorded vote was taken on the motion.

Voting in favour: Councillor Dean
Councillor Sharp
Councillor Braithwaite
Councillor Perrault
Councillor Fearnley
Mayor Loucks

Voting against: Councillor Mussatto

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

Moved by Councillor Sharp, seconded by Councillor Fearnley

THAT the meeting recess to the Public Meeting scheduled for this evening.

CARRIED UNANIMOUSLY

The meeting recessed at 8:30 p.m., and reconvened at 10:12 p.m., with the same personnel present.

(b) **Duplex Dwelling, 216-218 East 20th Street**
File: 3345-02 20E 216-218

Report: Property Use Inspector, Development Services,
September 28, 1999

Moved by Councillor Dean, seconded by Councillor Fearnley

PURSUANT to the report of the Property Use Inspector, dated September 28, 1999, entitled "Duplex Dwelling, 216-218 East 20th Street":

THAT staff continue the enforcement action required to bring the duplex dwelling into compliance with Municipal bylaws and codes.

CARRIED

Councillor Mussatto is recorded as voting contrary to the motion.

3. **CORRESPONDENCE**

(a) **Chuck Murphy, Dominion President, The Royal Canadian Legion, September 27, 1999**

Re: 2-Minute Wave of Silence – File: 1040-03-R2

Moved by Councillor Perrault, seconded by Councillor Sharp

THAT the City of North Vancouver observe a 2 minute silence on Remembrance Day, Thursday, November 11, 1999 at 11:00 a.m.

CARRIED UNANIMOUSLY

(b) **Mrs. M.K. Warwick, Municipal Clerk, District of West Vancouver, September 28, 1999**

Re: Upgrade to Stanley Park Causeway – File: 4110-02-L2

Moved by Councillor Dean, seconded by Councillor Sharp

THAT Council support the District of West Vancouver's position with respect to the need for widening of the Stanley Park Causeway.

A recorded vote was taken on the motion.

Voting in favour: Councillor Sharp
Councillor Braithwaite
Councillor Perrault
Councillor Fearnley
Councillor Dean
Mayor Loucks

Voting against: Councillor Mussatto

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

4. REPORTS OF COMMITTEES, COUNCIL, AND STAFF - Continued

(c) Development Variance Permit Application – 2300 Lonsdale Avenue (Centennial Theatre) – File: 3358-03 LONS 2300 DVP No. 116

Report: Development Planner, Development Services,
September 24, 1999

Moved by Councillor Fearnley, seconded by Councillor Dean

PURSUANT to the report of the Development Planner, dated September 24, 1999, entitled “Development Variance Permit Application – 2300 Lonsdale Avenue (Centennial Theatre)”:

THAT Development Variance Permit No. 116 (2300 Lonsdale Avenue (Centennial Theatre) be considered for issuance pursuant to Section 922 of the Municipal Act;

AND THAT the Public Meeting requirement be waived.

CARRIED UNANIMOUSLY

(d) Development Application: Former Versatile Shipyard Site – 109 & 116 East Esplanade (Coriolis Consulting Corp./Hotson Bakker Architects) - File: 3400-05 ESPL E 109 & 116

Report: Development Planner, Development Services,
September 29, 1999

Moved by Councillor Dean, seconded by Councillor Fearnley

PURSUANT to the report of the Development Planner, dated September 29, 1999, entitled “Development Application: Former Versatile Shipyard Site – 109 & 116 East Esplanade (Coriolis Consulting Corp./Hotson Bakker Architects)”:

THAT “City of North Vancouver Official Community Plan Bylaw, 1992, No. 6288, Amendment Bylaw, 1999, No. 7172” (Versatile Shipyards, 109 & 116 East Esplanade, Coriolis Consulting Corp./Hotson Bakker Architects), “Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 1999, No. 7173” (Coriolis Consulting Corp./Hotson Bakker Architects, 109 & 116 East Esplanade, CD-393) and “Heritage Designation Bylaw, 1999, No. 7174” (Versatile Shipyard, 109 East Esplanade, Coriolis Consulting Corp./Hotson Bakker Architects) be considered and referred to a Public Hearing;

Continued....

4. (d) **Development Application: Former Versatile Shipyard Site – 109 & 116 East Esplanade (Coriolis Consulting Corp./Hotson Bakker Architects) - File: 3400-05 ESPL E 109 & 116 - Continued**

AND THAT Planning staff be directed to pursue National Heritage Site status for this site in conjunction with the site owner and with input from the Heritage Advisory Commission and the North Vancouver Museum and Archives Commission.

CARRIED UNANIMOUSLY

Moved by Councillor Dean, seconded by Councillor Fearnley

THAT the requirements of the Procedure Bylaw to terminate the meeting at 10:30 p.m., be waived and the meeting continue until 11:00 p.m. if necessary to complete the remainder of the items on the agenda.

CARRIED UNANIMOUSLY

- (e) **Official Community Plan Update: Special Study Areas
File: 3330-04**

Report: City Planner, Development Services,
September 24, 1999

Moved by Councillor Sharp, seconded by Councillor Braithwaite

PURSUANT to the report of the City Planner, dated September 24, 1999, entitled "Official Community Plan Update: Special Study Areas":

THAT the September 24, 1999 report of the City Planner be referred to the Advisory Planning Commission and Social Planning Advisory Committee for their discussion and comment, and to the Environmental Protection Program Committee for their information.

CARRIED UNANIMOUSLY

4. (f) **Royal Canadian Legion Branch 118 – 123 West 15th Street – Application for Permanent Change to Liquor License and Establishment of an Outdoor Patio Use – File: 3345-02 15W 123**

Report: Property Use Inspector, Development Services,
September 27, 1999

Moved by Councillor Dean, seconded by Councillor Sharp

PURSUANT to the report of the Property Use Inspector, dated September 27, 1999, entitled “Royal Canadian Legion Branch 118 – 123 West 15th Street – Application for Permanent Change to Liquor License and Establishment of an Outdoor Patio Use”:

THAT the Liquor Control and Licensing Branch be advised that the City of North Vancouver does not object to the re-establishment of the class “A” Liquor License at the said premises;

AND THAT the City of North Vancouver does not object to the development of an outdoor patio for the use of patrons, subject to the patio being closed to all patrons (either licensed or unlicensed) between the hours of 9:00 p.m. and 8:00 a.m. daily;

AND THAT the maximum combined number of patrons using the Licensed Lounge and outside patio shall not at any time exceed 253 persons.

CARRIED UNANIMOUSLY

(g) **Owner Occupancy Requirement – Secondary Suites – File: 3345-02 15E 361/3030-06-02**

Report: Planner, Development Services, September 27, 1999

Moved by Councillor Mussatto, seconded by Mayor Loucks

PURSUANT to the report of the Planner, Development Services, dated September 27, 1999, entitled “Owner Occupancy Requirement – Secondary Suites”:

THAT pursuant to Option 2 of the September 27, 1999 report, the owner occupancy requirement to develop a Secondary Suite Use be directed to a meeting of the Policy Committee;

AND THAT the individuals and organizations listed in Attachment No. 4 of the September 27, 1999 report be invited to the Policy Committee meeting to provide their input on this issue;

Continued....

4. (g) **Owner Occupancy Requirement – Secondary Suites –
File: 3345-02 15E 361/3030-06-02 - Continued**

AND THAT the individuals and organizations listed in Attachment No. 4 of the September 27, 1999 report be provided with said report, and the September 30, 1998 report of the Administrative Manager, Development Services cited in this report for their information.

A recorded vote was taken on the motion.

Voting in favour: Councillor Mussatto

Voting against: Councillor Sharp
Councillor Braithwaite
Councillor Perrault
Councillor Fearnley
Councillor Dean
Mayor Loucks

The motion was **DEFEATED** by a vote of six to one.

(h) **Local Improvement Initiative – Lane Paving on the East/West portion of the Lane North of East 12th Street between Moody Avenue and West Grand Boulevard – File: 3370-04-01 (785)**

Report: Administrative Assistant-Engineering,
September 13, 1999

Moved by Councillor Mussatto, seconded by Councillor Dean

PURSUANT to the report of the Administrative Assistant-Engineering, dated September 13, 1999, entitled “Local Improvement Initiative – Lane Paving on the East/West portion of the Lane North of East 12th Street between Moody Avenue and West Grand Boulevard”:

THAT “Paved Lane on the East/West portion of the Lane North of East 12th Street between Moody Avenue and West Grand Boulevard, Local Improvement Initiative Construction Bylaw, 1999, No. 7166” be considered.

CARRIED UNANIMOUSLY

4. (i) **Permissive Taxation Exemption – Municipal Act, Section 341
File: 1625-04-01**

Report: City Clerk, September 23, 1999

Moved by Councillor Fearnley, seconded by Councillor Dean

PURSUANT to the report of the City Clerk, dated September 23, 1999, entitled “Permissive Taxation Exemption – Municipal Act, Section 341”:

THAT “Taxation Exemption Bylaw, 1999, No. 7175” be considered.

CARRIED UNANIMOUSLY

5. **MOTIONS AND NOTICES OF MOTION**

(a) **Safety of Steps at the 14th Street and Lonsdale Avenue Civic Plaza – File: 4305-03-F1**

Submitted by Councillor D.R. Mussatto

Moved by Councillor Mussatto, seconded by Councillor Dean

WHEREAS the City of North Vancouver makes it as a high priority the safety of City-owned sidewalks and plazas;

AND WHEREAS the new City Plaza at 14th Street and Lonsdale Avenue has steps that can be dangerous to all people, especially those people with visual disabilities;

AND WHEREAS people continue to have difficulty seeing the beginning of the top step that runs parallel to Lonsdale Avenue;

THEREFORE BE IT RESOLVED THAT staff be requested to look at ways of making the steps safer, including the possibility of painting a white reflective line along the top step.

CARRIED UNANIMOUSLY

(b) **Leaky Condos – Class Action Suit – File: 3410-02-76**

Councillor Fearnley advised that he will present the following motion at the next regular meeting of Council:

WHEREAS the City of North Vancouver is a leader amongst municipalities dealing with the leaky condo crisis;

AND WHEREAS the leaky condo crisis has financially ruined many of our citizens;

Continued....

5. (b) **Leaky Condos – Class Action Suit – File: 3410-02-76
- Continued**

AND WHEREAS recently members of Council and the public may have seen a newspaper article stating that the Province of British Columbia knew back in the 1980's that building standards were likely to lead to leaky buildings;

AND WHEREAS if the Province of British Columbia knew the standards would lead to leaks and damaged buildings, then the government had a duty to act on that information;

THEREFORE BE IT RESOLVED THAT the City of North Vancouver determine the facts of this matter and report back to Council, and that as part of this report if the facts, as presented to us in the article are correct, that the City Solicitors review the possibility of legal action against the Province to recover past and future costs relating to the leaky condo crisis, and that the City Solicitors include in their review, the possibility of allowing other affected parties within the City of North Vancouver to join a possible lawsuit.

6. **BYLAWS**

(a) **Reconsideration and Final Adoption**

Moved by Councillor Sharp, seconded by Councillor Mussatto that

- (i) "Highways Stopping Up and closing and Exchange Bylaw, 1999, No. 7170" (Stopping Up and Closing a portion of Fell Avenue and exchange of a portion of the bed and foreshore of Burrard Inlet in Reference Plan 11118)

be reconsidered.

CARRIED

Moved by Councillor Sharp, seconded by Councillor Mussatto

THAT the said Bylaw No. 7170 be finally adopted, signed by the Mayor and City Clerk and sealed with the Corporate Seal.

CARRIED

Councillor Fearnley and Councillor Dean are recorded as voting contrary to the motion.

6. (b) Introduction and First Three Readings

Moved by Councillor Dean, seconded by Councillor Sharp that

- (i) "Paved Lane on the East/West Portion of the Lane North of East 12th Street between Moody Avenue and West Grand Boulevard, Local Improvement Initiative Construction Bylaw, 1999, No. 7166"

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 Councillor Dean, seconded by Councillor Sharp

THAT the said Bylaw No. 7166 be read a second time in short form.

CARRIED

Moved by Councillor Dean, seconded by Councillor Sharp

THAT the said Bylaw No. 7166 be read a third time in short form and passed subject to reconsideration.

CARRIED UNANIMOUSLY

Moved by Councillor Dean, seconded by Councillor Sharp that

- (ii) "Taxation Exemption Bylaw, 1999, No. 7175"

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 Councillor Dean, seconded by Councillor Sharp

THAT the said Bylaw No. 7175 be read a second time in short form.

CARRIED

Moved by Councillor Dean, seconded by Councillor Sharp

THAT the said Bylaw No. 7175 be read a third time in short form and passed subject to reconsideration.

CARRIED UNANIMOUSLY

6. (d) Introduction And First Reading Only

Moved by Councillor Sharp, seconded by Councillor Dean that

- (i) "City of North Vancouver Official Community Plan Bylaw, 1992, No. 6288, Amendment Bylaw, 1999, No. 7172" (Versatile Shipyards, 109 & 116 East Esplanade, Coriolis Consulting Corp./Hotson Bakker Architects)
- (ii) "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 1999, No. 7173" (Coriolis Consulting Corporation Corp./Hotson Bakker Architects, 109 & 116 East Esplanade, CD-393)
- (iii) "Heritage Designation Bylaw, 1999, No. 7174" (Versatile Shipyard, 109 East Esplanade, Coriolis Consulting Corp./Hotson Bakker Architects)

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

CARRIED UNANIMOUSLY

10. ADJOURNMENT

Moved by Councillor Braithwaite, seconded by Councillor Fearnley

THAT the meeting adjourn.

CARRIED

The meeting adjourned at 10:57 p.m.