



**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 25, 1999**
AT 6:00 P.M.**

PRESENT:

COUNCIL MEMBERS

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

ABSENT:

Councillor J.B. Braithwaite

STAFF MEMBERS

A.K. Tollstam, City Administrator
B.A. Hawkshaw, City Clerk
S.E. Dowey, Deputy City Clerk
F.A. Smith, Director, Development Services
R.H. White, City Planner
J. Laughlin, City Engineer
B. Susak, Deputy City Engineer
D. Mitic, Transportation Planning Engineer
B. Granger, Manager, Parks & Environment
T. Christie, Director of Finance
R. Shore, Director of Human Resources
R. Bruckshaw, Purchasing Manager
S. Stowe, Senior Buyer
B. Penman, Assistant Fire Chief
B. Taylor, City Solicitor

The meeting was called to order at 6:01 p.m.

Moved by Councillor Dean, seconded by Councillor Fearnley

THAT Item 8. Any Other Business, on the agenda be brought forward for consideration at this time.

CARRIED UNANIMOUSLY

8. ANY OTHER BUSINESS

- (a) Invitation to the City of North Vancouver to join the Forest Alliance of British Columbia as an Associate Donor
File: 3520-01**

Moved by Councillor Dean, seconded by Councillor Sharp

THAT the subject of the "Invitation to the City of North Vancouver to join the Forest Alliance of British Columbia as an Associate Donor", be added to the agenda as Item 3.(e).

CARRIED UNANIMOUSLY

9. CONFIDENTIAL REPORTS

Moved by Councillor Dean, seconded by Councillor Perrault

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

CARRIED UNANIMOUSLY

The meeting recessed at 6:03 p.m., and reconvened at 7:12 p.m., with the same personnel present and with the addition of Councillor Mussatto.

1. ADOPTION OF MINUTES

Moved by Councillor Dean, seconded by Councillor Perrault

THAT the Minutes of the Regular Council Meeting of October 18, 1999 be adopted as circulated.

Councillor Fearnley left the meeting.

CARRIED UNANIMOUSLY

Councillor Fearnley returned to the meeting.

9.1 REPORT OF THE COMMITTEE OF THE WHOLE

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

(a) Fee for Service of Municipal Documents, City of North Vancouver – Contract Renewal – File: 3030-03-02

Report: City Clerk, October 21, 1999

PURSUANT to the report of the City Clerk dated October 21, 1999, entitled “Fee for Service of Municipal Documents, City of North Vancouver – Contract Renewal”:

THAT the fee for serving summonses be increased by 1.96% effective November 1, 1999;

AND THAT staff negotiate contract renewals to be effective November 1, 1999 for a term to expire October 31, 2000 at the proposed 1.96% rate increase with Messrs. Tingren, Smith, Yakabuski, and Thompson;

AND THAT the Mayor and City Clerk be authorized to execute the necessary contracts with the Process Servers.

CARRIED UNANIMOUSLY

Councillor Sharp left the meeting declaring a conflict of interest regarding Item 9.1 (b) on the agenda, because this directly affects her.

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

**9.1 (b) Legal Opinion on Conflict of Interest Process
File: 1140-04-02-C1**

Verbal Update: City Solicitor

THAT the correspondence dated October 12, 1999 and October 21, 1999 received from Mr. Brian Taylor, Bull, Housser & Tupper regarding "Conflict of Interest" be released into open Council taking out any reference to items in said correspondence that remained in camera.

CARRIED UNANIMOUSLY

PROCLAMATIONS

Mayor Loucks read the following Proclamations:

"ARTS AND CULTURE WEEK", NOVEMBER 1 – 7, 1999

Councillor Sharp returned to the meeting.

"TURN OFF THE VIOLENCE DAY", NOVEMBER 18, 1999

"TOGETHER AGAINST VIOLENCE MONTH", NOVEMBER, 1999

5. MOTIONS AND NOTICES OF MOTION

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

Moved by Councillor Mussatto, seconded by Councillor Dean

THAT Development Variance Permit No.116, be issued to North Vancouver Recreation Commission, in accordance with Section 922 of the Municipal Act;

AND THAT the Mayor and City Clerk be authorized to sign and seal Development Variance Permit No. 116.

CARRIED UNANIMOUSLY

5. (b) Provincial Sales Tax – File: 1690-06

Submitted by Councillor B.W. Perrault

Moved by Councillor Perrault, seconded by Councillor Dean

WHEREAS British Columbia Municipalities and Regional Districts pay provincial sales tax on hundreds of millions of dollars in supplies, ranging from Fire Emergency Vehicles to Secondary Sewer Treatment Facilities for the benefit of all British Columbia citizens;

AND WHEREAS this taxation on local government is another form of downloading on to local governments and regional districts;

AND WHEREAS the Federal Government has already granted some reduction in the Goods and Services Tax payable by local government;

AND WHEREAS local governments have had to absorb reductions or elimination of Provincial revenue sharing grants into their operating budgets, and many have had to pass these costs on to their taxpayers in the form of property tax;

THEREFORE BE IT RESOLVED THAT the City of North Vancouver request the Union of B.C. Municipalities to petition the Province of British Columbia requesting that local government and regional districts be exempted from Provincial Sales Tax for municipal purchases.

CARRIED UNANIMOUSLY

(c) Goods and Services Tax – File: 1690-04

Submitted by Councillor B.W. Perrault

Moved by Councillor Perrault, seconded by Councillor Dean

WHEREAS Canadian Municipalities and Regional Districts pay Goods and Services Tax on billions of dollars in supplies and service, ranging from Fire Emergency Vehicles to Secondary Sewer Treatment Facilities for the benefit of all Canadian citizens;

AND WHEREAS the Federal Government has reduced the GST payable somewhat, local governments are still being taxed for GST, which is another form of downloading to local governments;

AND WHEREAS local governments have had to pass along the reduced GST cost to their taxpayers;

Continued....

5. (c) **Goods and Services Tax – File: 1690-04 - Continued**

THEREFORE BE IT RESOLVED THAT the City of North Vancouver request the Federation of Canadian Municipalities to petition the Federal Government requesting that local government and regional districts be exempted from all Goods and Services Taxes on municipal purchases.

CARRIED UNANIMOUSLY

Councillor Sharp left the meeting declaring a conflict of interest regarding Item 5. (d) on the agenda, because this directly affects her.

(d) **Conflict of Interest – File: 1140-04-02-C1**

Submitted by Councillor R.J. Fearnley

Moved by Councillor Fearnley, seconded by Councillor Dean

PURSUANT to the letter from the City Solicitor, dated October 12, 1999, entitled “Conflict of Interest”;

AND WHEREAS Councillor Sharp is married to a fire-fighter employed by the City of North Vancouver and who is also President of the fire fighters union local;

AND WHEREAS Councillor Sharp has voted on matters pertaining to the City of North Vancouver Fire Department at least fourteen times in the last two years;

AND WHEREAS Councillor Sharp has voted on matters pertaining to the hiring of a new Fire Chief for the City of North Vancouver Fire Department at least four times;

AND WHEREAS Councillor Sharp has voted on matters where she has a direct or indirect financial/pecuniary benefit to herself and/or her husband as a fire-fighter contrary to Section 231 of the Municipal Act;

THEREFORE BE IT RESOLVED THAT this Council declares Councillor B.A. Sharp disqualified from holding office, as laid out in the Municipal Act, for violating the prohibition within the Municipal Act on voting on a question in respect of a matter in which the member has a direct or indirect pecuniary interest and other sections of the Municipal Act that may be applicable.

Continued....

5. (d) **Conflict of Interest – File: 1140-04-02-C1 - Continued**

The City Clerk read out Section 214 from the Municipal Act as follows:

“Resolution Declaring Council Member Disqualified

- Section 214.** (1) If the Council considers that one of its members is disqualified from holding office, the Council may adopt a resolution declaring that the office is vacant.
- (2) Before taking action under subsection (1), the Council must notify the person affected of the proposed action.
- (3) Unless an application to the Supreme Court is made under subsection (4), an office declared vacant under subsection (1) becomes vacant 6 days after the resolution is adopted.
- (4) A person whose office is declared vacant under subsection (1) may apply to the Supreme Court for a determination of whether the person is qualified to hold the office, but the application must be commenced within 5 days after the resolution is adopted.
- (5) Within 7 days after the petition commencing an application under subsection (4) is filed, it must be served on the municipality.
- (6) On the hearing of an application under subsection (4), the court may:
- (a) declare that the person is confirmed as qualified to hold office, or
- (b) declare that the person is not qualified to hold office and that the office is vacant.
- (7) Section 147 (*status of an elected candidate*) applies in relation to an application under subsection (4) of this section.”

Councillor Fearnley read out from a prepared document, copies of which were circulated to Members of Council, the City Clerk, City Administrator and City Solicitor.

A recorded vote was taken on the motion.

Voting in favour: Councillor Dean
Councillor Fearnley

Voting against: Councillor Mussatto
Councillor Perrault
Mayor Loucks

The motion was **DEFEATED** by a vote of three to two.

Moved by Councillor Mussatto, seconded by Councillor Dean

THAT Item 2.(a) on the agenda be brought forward for consideration at this time.

CARRIED UNANIMOUSLY

Mr. Brian Taylor left the meeting.

2. DELEGATIONS

(a) Bill Lambert, Manager, Project Planning, TransLink

**Re: Status Report on North Shore Area Transit Plan
File: 1180-37/1085-03-N30-01**

Mr. Bill Lambert, Manager, Project Planning, TransLink, updated members of Council on the North Shore Area Transit Plan. He advised that the study area will include the entire North Shore and Bowen Island. The Plan will provide more frequent services, i.e. better connection to Lions Gate Hospital, and a limited express stop service along Marine Drive to Capilano College.

He advised that the service plan and implementation strategy will be presented to Council in March, 2000 and to the TransLink Board in April, 2000.

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

5. MOTIONS AND NOTICES OF MOTIONS - Continued

**(e) Building Deficiencies – 305-345 Lonsdale Avenue
File: 3310-09-01**

Submitted by Councillor D.R. Mussatto

Moved by Councillor Mussatto, seconded by Councillor Perrault

WHEREAS the building located at 305-345 Lonsdale Avenue (known as “The Metropolitan”), has recently been constructed and sold to 83 residential strata title owners and several commercial strata title owners;

AND WHEREAS the building is currently in receivership due to financial difficulties with the original development company;

AND WHEREAS some building deficiencies remain to be addressed, which are of considerable concern to the strata title owners;

THEREFORE BE IT RESOLVED THAT the receivers be directed to appear before Council to explain the timing for the completion of the outstanding deficiencies.

CARRIED UNANIMOUSLY

5. (f) Land requirements for Dumping and/or Storing –
File: 4050-05-01

Submitted by Councillor B.A. Sharp

WHEREAS the City of North Vancouver requires land in order to have somewhere to dump fill while doing upgrades/repairs, to store snow during snow removal, to store tree chips from the North Vancouver City Fire and Rescue following Christmas, and a variety of other uses for the Works Yard;

AND WHEREAS the sites for such storage and dumping for City use is being quickly eliminated due to land use pressure such as the building of parks, soccer fields or environmental protection;

THEREFORE BE IT RESOLVED THAT the City of North Vancouver do a study with recommendations in the immediate future so as to avoid having to find ourselves without a place to utilize for such work ventures that require land.

Moved by Councillor Mussatto, seconded by Councillor Dean

THAT Item 5.(f) be tabled until Councillor Sharp returns to the meeting.

CARRIED UNANIMOUSLY

(g) Conflict of Interest – File: 1140-04-02-C1

Councillor Perrault advised that she will present the following motion at the next regular meeting of Council:

WHEREAS Legal Counsel for the City of North Vancouver has advised that Councillor Barbara Sharp is clear of wrongdoing concerning the allegations of conflict of interest contained in the Notice of Motion made by Councillor Bob Fearnley;

THEREFORE BE IT RESOLVED THAT the City of North Vancouver issue a Press Release to the media clearing the name of Councillor Barbara Sharp;

AND FURTHER THAT staff provide Council with a financial analysis of how much this issue relating to conflict of interest has cost taxpayers;

AND FURTHER THAT Councillor Bob Fearnley retract his accusations and apologize publicly.

4. REPORTS OF COMMITTEES, COUNCIL, AND STAFF

(a) North Shore Area Transit Plan – File: 1180-37-02

Report: Transportation Planning Engineer, October 20, 1999

Moved by Councillor Dean, seconded by Councillor Mussatto

PURSUANT to the report of the Transportation Planning Engineer, dated October 20, 1999, entitled “North Shore Area Transit Plan”:

THAT the detailed work plan prepared by the Transit Service Planning Consultant for the North Shore Area Transit Plan study be endorsed.

CARRIED UNANIMOUSLY

2. DELEGATIONS - Continued

(b) Darryl Inglis, Project Manager for Aberdeen Block Development Ltd.

Re: 90 Lonsdale Rezoning – File: 3400-05 LONS 90

Mr. Darryl Inglis, Project Manager for Aberdeen Block Development Ltd., distributed correspondence dated October 25, 1999 regarding 90 Lonsdale Rezoning. Mr. Inglis requested that in order to assist in the heritage preservation of the Aberdeen Block Building at 90 Lonsdale Avenue (and possibly the Bank of Hamilton Building at 92 Lonsdale Avenue), by way of provision of the required parking on an off-site location, that Council endorse the following resolution:

”THAT Planning staff be directed to exhaust all efforts, prior to the Versatile Public Hearing scheduled for November 8, 1999, to secure a parking agreement with the receivers of the Versatile Shipyard lands within the scope of their rezoning application, whether directly with the City or with Aberdeen Block Development Ltd., to be located on the site known as Versatile Site No. 1;

AND THAT such parking shall be sufficient for the Aberdeen Block development’s complete parking requirements (and including the Bank of Hamilton Building if combined), be strata titled with ownership vested to the owners of the Aberdeen Block, and be paid for by Aberdeen Block Development Ltd., on a fair and equitable basis;

AND THAT Planning staff be further directed to exhaust all efforts to make available to Aberdeen Block Development Ltd., the adjacent lane for the purpose of accessing the Versatile parking facility from the Aberdeen Block by a passage under the lane, which shall be at the developer’s cost.”

Councillor Sharp returned to the meeting.

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

3. **CORRESPONDENCE**

- (a) **Darryl Inglis, Project Manager for Aberdeen Block Development Ltd. , October 20, 1999**

Re: 90 Lonsdale Rezoning – File: 3400-05 LONS 90

Moved by Councillor Dean, seconded by Councillor Mussatto

THAT the correspondence dated October 20, 1999 and October 25, 1999 received from Mr. Darryl Inglis, Project Manager for Aberdeen Block Development Ltd., entitled “90 Lonsdale Rezoning” be referred to staff for comment.

CARRIED UNANIMOUSLY

Moved by Councillor Dean, seconded by Councillor Mussatto

THAT item 5.(f) be lifted from the table.

CARRIED

5. **MOTIONS AND NOTICES OF MOTIONS - Continued**

- (f) **Land requirements for Dumping and/or Storing
File: 4050-05-01**

Submitted by Councillor B.A. Sharp

Moved by Councillor Sharp, seconded by Councillor Dean

WHEREAS the City of North Vancouver requires land in order to have somewhere to dump fill while doing upgrades/repairs, to store snow during snow removal, to store tree chips from the North Vancouver City Fire and Rescue following Christmas, and a variety of other uses for the Works Yard;

AND WHEREAS the sites for such storage and dumping for City use is being quickly eliminated due to land use pressure such as the building of parks, soccer fields or environmental protection;

THEREFORE BE IT RESOLVED THAT the City of North Vancouver do a study with recommendations in the immediate future so as to avoid having to find ourselves without a place to utilize for such work ventures that require land.

CARRIED UNANIMOUSLY

Councillor Dean left the meeting declaring a conflict of interest regarding Item 3. (b) on the agenda, because she is a Director of the BC Crime Prevention Association.

3. CORRESPONDENCE - Continued

(b) BC Crime Prevention Association, October 21, 1999

Re: Membership – File: 1040-01

Moved by Councillor Fearnley, seconded by Councillor Mussatto

THAT the City of North Vancouver pay the membership dues to the BC Crime Prevention Association.

CARRIED UNANIMOUSLY

Councillor Dean returned to the meeting.

(c) Office of the City Clerk, City of Vancouver, October 13, 1999

Re: Employment Insurance – File: 1175-04-02

Moved by Councillor Mussatto, seconded by Councillor Fearnley

THAT the following motion, as set out in the October 13, 1999 correspondence received from the Office of the City Clerk, City of Vancouver, regarding “Employment Insurance” be endorsed:

“WHEREAS according to the Chief Actuary’s report on Employment Insurance rates for 1999 the current surplus in the Employment Insurance account is \$10 billion larger than is necessary;

AND WHEREAS this surplus will continue to grow at approximately \$7 billion per year;

AND WHEREAS the current rate of Employment Insurance deductions on municipal payrolls are “excessive” and represent an unfair burden on municipal resources and employees;

THEREFORE BE IT RESOLVED THAT the Federal Government be asked to reduce employer and employee contributions to the Employment Insurance account, and that the excess surplus be given back to the municipalities, companies and their workers who have created this extraordinary surplus;

AND FURTHER THAT the Federal Government, B.C. Senators and M.P.’s and Lower Mainland municipalities be advised of Council’s action.”

CARRIED UNANIMOUSLY

3. (d) **City Clerk's Department, City of White Rock, October 18, 1999**

Re: All Candidates Meeting – File: 1175-04-01

Moved by Councillor Dean, seconded by Councillor Mussatto

THAT the correspondence dated October 18, 1999 received from the City Clerk's Department, City of White Rock, regarding "All Candidates Meeting" be received and filed.

CARRIED UNANIMOUSLY

(e) **Tom Tevlin, President, Forest Alliance of British Columbia, October 7, 1999**

Re: Invitation to the City of North Vancouver to join as an Associate Donor – File: 3520-01

Moved by Councillor Dean, seconded by Councillor Mussatto

THAT the Council resolution of October 18, 1999 which reads as follows, **be rescinded:**

"**THAT** the October 7, 1999 correspondence received from Mr. Tom Tevlin, President, Forest Alliance of British Columbia be received;

AND THAT the City of North Vancouver become an Associate Donor of the Forest Alliance by contributing \$100."

A recorded vote was taken on the **rescinding** motion.

Voting in favour: Councillor Dean
Councillor Mussatto
Councillor Sharp
Councillor Perrault
Councillor Fearnley

Voting against: Mayor Loucks

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

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

(b) **Millennium Art Festival: Update Report and Future Planning
File: 4455-03-M5**

Report: Chair, North Shore Arts Commission,
October 20, 1999

Moved by Councillor Perrault, seconded by Councillor Dean

THAT the October 20, 1999 report of the North Shore Arts Commission entitled "Millennium Art Festival: Update Report and Future Planning" and enclosed recommendation:

"THAT the City approve \$35,000 for the coordination of a Millennium Festival for the City of North Vancouver as outlined in the report from the North Shore Arts Commission, dated October 20, 1999;

AND THAT the North Shore Arts Commission be directed to embark on the next steps for the Festival according to the timeline as submitted."

be referred to the 1999 Revised Budget discussion to be held in November 1999.

CARRIED UNANIMOUSLY

6. **BYLAWS**

(a) **Reconsideration and Final Adoption**

Moved by Councillor Dean, seconded by Councillor Fearnley that

- (i) "Highways Stopping Up and Closing Bylaw, 1999, No. 7136" (A portion of West 3rd Street lying between Rem. Lot 2, District Lot 265, Plan 20540 and Lot E, Block 15 & 16, District Lot 265, Plan 14387, except LMP 27425 & LMP 37354)
- (ii) "Machinery and Equipment Depreciation and Obsolescence Reserve Expenditure Bylaw, 1999, No. 7151" (1999 Fire Equipment)
- (iii) "Highways Stopping Up and Closing Bylaw, 1999, No. 7169" (A portion of road adjacent to 201 Lonsdale Avenue)

be reconsidered.

CARRIED UNANIMOUSLY

6. (a) Reconsideration and Final Adoption - Continued

Moved by Councillor Dean, seconded by Councillor Fearnley

THAT the said Bylaws Nos. 7136, 7151 and 7169 be finally adopted, signed by the Mayor and City Clerk and sealed with the Corporate Seal.

CARRIED UNANIMOUSLY

7. COUNCIL INQUIRIES (Questions of Council Members)

Nil.

Mayor Loucks declared a recess at 9:27 p.m., for the public question period and reconvened the meeting immediately.

10. ADJOURNMENT

Moved by Councillor Dean, seconded by Councillor Mussatto

THAT the meeting adjourn.

CARRIED UNANIMOUSLY

The meeting adjourned at 9:28 p.m.