



MINUTES OF THE REGULAR MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER, CITY HALL, 141 WEST 14th STREET, NORTH VANCOUVER, B.C., ON MONDAY, MARCH 5, 2001 AT 6:00 P.M.

PRESENT:

COUNCIL MEMBERS

Mayor B.A. Sharp
Councillor W.J. Bell
Councillor J.B. Braithwaite
Councillor B.W. Perrault

ABSENT:

Councillor R.J. Fearnley
Councillor C.R. Keating
Councillor D.R. Mussatto

STAFF MEMBERS

A.K. Tollstam, City Manager
B.A. Hawkshaw, City Clerk
S.E. Dowey, Deputy City Clerk
J. Laughlin, City Engineer
B. Susak, Deputy City Engineer
F.A. Smith, Director, Development Services
L. Zwarn, Administrative Manager, Dev. Servs.
K. Delaney, Design Technician – Transportation
R.H. White, City Planner
P. Markey, Environmental Health Officer
R. Birtles, Environment Health Officer

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

9. CONFIDENTIAL REPORTS

Moved by Councillor Perrault, seconded by Councillor Bell

THAT the meeting recess to the Committee of the Whole in camera, to consider the item as listed under Section 9 of the Council Agenda, for the following reason:

9(a) Section 242.2 (1) (a)

CARRIED UNANIMOUSLY

The meeting recessed at 6:01 p.m., and reconvened at 6:05 p.m., with the same personnel present.

1. ADOPTION OF MINUTES

Moved by Councillor Perrault, seconded by Councillor Bell

THAT the Minutes of the Regular Council Meeting of February 26, 2001 be adopted as circulated.

CARRIED UNANIMOUSLY

9.1 REPORT OF THE COMMITTEE OF THE WHOLE

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

(a) Appointments to the Waterfront Industrial Noise Control Committee – File: 1085-03-N2-01

Report: City Clerk, January 5, 2001

PURSUANT to the report of the City Clerk dated January 5, 2001, entitled “Appointments to the Waterfront Industrial Noise Control Committee”:

THAT Roy Robertson, Steve Cervenko and Don Pullen be reappointed to the Waterfront Industrial Noise Control Committee for a further three-year term, each to conclude on January 31, 2004.

CARRIED UNANIMOUSLY

PROCLAMATIONS

Mayor Sharp read the following Proclamation:

“INTERNATIONAL WOMEN’S DAY”, MARCH 8, 2001

2. DELEGATIONS

(a) Mr. Chris Bradley, The Brit Restaurant

Re: Business License – File: 3045-03 The Brit

Mr. Chris Bradley, The Brit Restaurant, North Vancouver, BC., expressed his concerns that the City did not enforce the Smoking Bylaw in 1999. He advised that since July, 2000 there have been numerous visits to The Brit Restaurant by Environmental Health Inspectors, City staff and Councillors.

Mr. Bradley distributed a report from Mr. Rob Birtles, Environmental Health Officer, North Shore Health, and a letter addressed to The Brit Restaurant dated July 21, 2000 from the Administrative Manager, Development Services, to everyone present.

Mr. Bradley advised that he feels it is unfair to ask him to reimburse the City for its legal costs associated with addressing Bylaw contravention directly related to The Brit.

Mr. Bradley advised that he has “No Smoking” signs posted throughout The Brit and asked Council to take into effect that he does not permit smoking in his restaurant.

4. REPORTS OF COMMITTEES, COUNCIL, AND STAFF

(a) The Brit Restaurant – File: 3045-03 The Brit

Report: Property Use Inspector, Development Services,
February 27, 2001

Mr. Paul Markey and Mr. Rob Birtles, Environmental Health Inspectors, North Shore Health, responded to questions from members of Council.

Moved by Councillor Bell, seconded by Councillor Braithwaite

PURSUANT to the report of the Property Use Inspector, dated February 27, 2001, entitled “The Brit Restaurant”:

BE IT RESOLVED THAT the Business License issued to The Brit Restaurant be suspended for a period of 30 days from the date that this resolution is adopted;

AND THAT prior to the re-issuance of the Business License, Mr. Bradley reimburses the City for its legal costs associated with addressing bylaw contraventions directly related to Mr. Bradley and The Brit Restaurant, and that all outstanding fines and tickets be paid;

AND THAT should The Brit Restaurant continue to operate while the Business License is suspended, staff be authorized to seek an injunction in the Supreme Court of British Columbia requiring The Brit Restaurant to cease operations;

AND THAT Liquor Control & Licensing Branch be advised of this resolution.

The vote upon the recommendations was taken separately, as follows:

PURSUANT to the report of the Property Use Inspector, dated February 27, 2001, entitled “The Brit Restaurant”:

BE IT RESOLVED THAT the Business License issued to The Brit Restaurant be suspended for a period of 30 days from the date that this resolution is adopted;

AND THAT should The Brit Restaurant continue to operate while the Business License is suspended, staff be authorized to seek an injunction in the Supreme Court of British Columbia requiring The Brit Restaurant to cease operations;

AND THAT Liquor Control & Licensing Branch be advised of this resolution.

CARRIED UNANIMOUSLY

Continued....

4. (a) The Brit Restaurant – File: 3045-03 The Brit - Continued

Moved by Councillor Bell, seconded by Councillor Perrault

THAT consideration of the following motion be deferred until all members of Council are present:

“PURSUANT to the report of the Property Use Inspector, dated February 27, 2001, entitled “The Brit Restaurant”:

THAT prior to the re-issuance of the Business License, Mr. Bradley reimburses the City for its legal costs associated with addressing bylaw contraventions directly related to Mr. Bradley and The Brit Restaurant, and that all outstanding fines and tickets be paid.”

CARRIED UNANIMOUSLY

Moved by Councillor Bell, seconded by Councillor Perrault

THAT staff be requested to prepare a report regarding the two other establishments mentioned in the correspondence dated February 28, 2001 from Dr. O'Connor, Regional Medical Health Officer, North Shore Health, namely Montana's, 135 West 1st Street and The Fraternal Order of Eagles, 170 West 3rd Street, North Vancouver, BC.

CARRIED UNANIMOUSLY

Moved by Councillor Perrault, seconded by Councillor Bell

THAT staff be requested to report back to Council with options regarding the legal costs associated with addressing bylaw contraventions directly related to Mr. Bradley and The Brit Restaurant.

CARRIED UNANIMOUSLY

3. **CORRESPONDENCE**

(a) **Councillor Peter Sillje, District of Fort St. James,
February 16, 2001**

Re: GST on Utility Invoices - File: 1175-05-01

Moved by Councillor Bell, seconded by Councillor Perrault

THAT the resolution attached to the correspondence dated February 16, 2001 received from Councillor Peter Sillje, District of Fort St. James, regarding "GST on Utility Invoices" be endorsed, as follows:

"WHEREAS the Liberal Party of Canada has made a previous promise to eliminate the GST and has not fulfilled that promise;

AND WHEREAS the Federal and Provincial Governments have been the beneficiaries of royalties and increased tax revenues due to higher energy prices;

AND WHEREAS the Federal Government has announced budget surpluses for the past three years;

AND WHEREAS the price of utility bills in most areas of Canada has increased dramatically in the past two years, placing undue hardship on many Canadian energy consumers who are in need of relief from these dramatic price increases;

AND WHEREAS it is offensive in the extreme to be taxed on essential products such as energy for heating, and the punitive effect of this tax is evident because the tax increases as energy costs increase;

AND WHEREAS for every dollar put back into the pockets of Canadians, there is a three times multiplier effect in stimulating the economy;

AND WHEREAS this is the only equitable and fair way to compensate Canadians who pay this punitive tax;

THEREFORE BE IT RESOLVED THAT the City of North Vancouver calls on the Federal Government to eliminate the GST on utility bills";

AND THAT this recommendation be forwarded to Prime Minister Jean Chrétien, The Honourable Paul Martin, Minister of Finance, and The Honourable David Anderson, Minister of the Environment, and Katherine Whittred, M.L.A., North Vancouver-Lonsdale, Daniel Jarvis, M.L.A., North Vancouver-Seymour, Ted Nebbeling, M.L.A., West Vancouver-Garibaldi, Jeremy Dalton, M.L.A. West Vancouver-Capilano, and Ted White, M.P., North Vancouver.

CARRIED UNANIMOUSLY

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

(b) **303 East 8th Street – Shed in Front Yard – File: 3345-02 8E 303**

Report: Planning Technician, Development Services,
February 21, 2001

Moved by Councillor Bell, seconded by Councillor Braithwaite

PURSUANT to the report of the Planning Technician, dated February 21, 2001, entitled “303 East 8th Street – Shed in Front Yard”:

WHEREAS the shed located at 303 East 8th Street is in contravention of the City of North Vancouver “Zoning Bylaw, 1995, No. 6700”;

THEREFORE BE IT RESOLVED THAT Council authorize staff to seek the appropriate relief, including an injunction, by way of the Supreme Court of British Columbia, thus requiring the removal of the illegal shed that was found to exist at 303 East 8th Street.

CARRIED UNANIMOUSLY

(c) **Traffic Calming Policy – File: 4155-01**

Report: Design Technician – Transportation,
February 28, 2001

Moved by Councillor Perrault, seconded by Councillor Bell

PURSUANT to the report of the Design Technician – Transportation, dated February 28, 2001, entitled “Traffic Calming Policy”:

THAT the Draft Traffic Calming Policy be referred to the Policy Committee.

Moved by Councillor Perrault, seconded by Councillor Bell

THAT Mr. Richard Drdyl, Community and Transportation Planner, Urban Systems, be heard at this time.

CARRIED UNANIMOUSLY

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

The original motion was then **CARRIED UNANIMOUSLY.**

**4. (d) Increased Licensed Capacity for Pubs, Lounges and Cabarets
File: 1195-11-L2-02-01**

Report: Administrative Manager, Development Services,
February 28, 2001

Moved by Councillor Bell, seconded by Councillor Braithwaite

PURSUANT to the report of the Administrative Manager, dated February 28, 2001, entitled "Increased Licensed Capacity for Pubs, Lounges and Cabarets":

THAT the Increased Licensed Capacity Process set out in Attachment 2 of the February 28, 2001 report be approved;

AND THAT "Fees and Charges Bylaw, 1993, No. 6383, Amendment Bylaw, 2001, No. 7295" be considered;

AND THAT the bylaw be amended to cover all the costs of advertising.

CARRIED UNANIMOUSLY

5. MOTIONS AND NOTICES OF MOTION

(a) Development Variance Permit Application No. 137 – Calido Enterprises Ltd., 1975 Lonsdale Avenue, Lot C, Resub 4, Block 6, D.L. 548, Plan 5081 – File: 3358-03 LONS 1975 DVP No. 137

Moved by Councillor Perrault, seconded by Councillor Bell

THAT Development Variance Permit No. 137 be issued to Calido Enterprises Ltd., 1975 Lonsdale Avenue, Lot C, Resub 4, Block 6, D.L. 548, Plan 5081, in accordance with Section 922 of the Local Government Act;

AND THAT the Mayor and City Clerk be authorized to sign and seal Development Variance Permit No. 137.

CARRIED UNANIMOUSLY

6. BYLAWS

(a) Reconsideration and Final Adoption

Moved by Councillor Bell, seconded by Councillor Braithwaite that

- (i) "Land Use Contract Bylaw, No. 5, 1972, No. 4490, Repeal Bylaw, 2001, No. 7288" (Capilano Mall)

be reconsidered.

CARRIED UNANIMOUSLY

Moved by Councillor Bell, seconded by Councillor Braithwaite

THAT the said Bylaw No. 7288 be finally adopted, signed by the Mayor and City Clerk and sealed with the Corporate Seal.

CARRIED UNANIMOUSLY

(b) Introduction and First Three Readings

Moved by Councillor Bell, seconded by Councillor Perrault that

- (i) "Fees and Charges Bylaw, 1993, No. 6383, Amendment Bylaw, 2001, No. 7295"

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

Moved by Councillor Bell, seconded by Councillor Perrault

THAT the said Bylaw No. 7295 be read a second time in short form.

CARRIED UNANIMOUSLY

Moved by Councillor Bell, seconded by Councillor Perrault

THAT the said Bylaw No. 7295 be read a third time in short form and passed subject to reconsideration.

CARRIED UNANIMOUSLY

(c) Second and Third Readings

Nil.

6. (d) Introduction And First Reading Only

Moved by Councillor Bell, seconded by Councillor Perrault that

- (i) "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2001, No. 7296" (Bank of Hamilton Chambers 92 Lonsdale Avenue/ Aberdeen Block 78-90 Lonsdale Ave, Aberdeen Block Development Ltd./Darrell Epp Architect Ltd., Maplewood Properties, Text Amendment, CD-384)

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

7. COUNCIL INQUIRIES (Questions of Council Members)

- (a) **Councillor Braithwaite's Appointment to the Federal Government's Steering Committee to monitor the National Strategy on Community Safety and Crime Prevention
File: 1085-03-N11-01**

Inquiry by Councillor Perrault

Councillor Perrault inquired as to the appointment of Councillor Braithwaite to the Steering Committee on Community Safety and Crime Prevention.

Councillor Braithwaite advised that he has been appointed to this Steering Committee as a Community/Municipal Expert and gave a brief overview of said Committee.

10. ADJOURNMENT

Moved by Councillor Braithwaite, seconded by Councillor Bell

THAT the meeting adjourn.

CARRIED UNANIMOUSLY

The meeting adjourned at 7:31 p.m.