



**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 9, 2002**
AT 6:00 P.M.**

PRESENT:

COUNCIL MEMBERS

Mayor B.A. Sharp
*Councillor W.J. Bell
Councillor J.B. Braithwaite
Councillor R.J. Fearnley
Councillor C.R. Keating
**Councillor D.R. Mussatto
Councillor B.W. Perrault

STAFF MEMBERS

A.K. Tollstam, City Manager
B.A. Hawkshaw, City Clerk
S.E. Dowey, Deputy City Clerk
T. Christie, Director of Finance
R.H. White, City Planner
M. MacFadyen, Manager, Lands Division
Supt. G. Tomlinson, OIC/RCMP
F. Caouette, Manager, Special Projects
C. Rabold, Communication Manager
F.A. Smith, Director, Community Development
C. Kathler, Social Planner
J. Laughlin, City Engineer
D. Pope, Manager, Environment & Parks
J. Sydor, Director, North Shore Emergency
Management Office
H. Ostevik, Acting Director of Recreation

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

9. CONFIDENTIAL REPORTS

Moved by Councillor Keating, seconded by Councillor Perrault

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)(j)

CARRIED UNANIMOUSLY

The meeting recessed at 6:01 p.m., and reconvened at 6:10 p.m., with the same personnel present and with the addition of Councillor Braithwaite.

1. ADOPTION OF MINUTES

Moved by Councillor Keating, seconded by Councillor Perrault

THAT the following Minutes be adopted as circulated:

- (a) Special Council Meeting, July 29, 2002
- (b) Special Council Meeting, July 30, 2002

CARRIED UNANIMOUSLY

PROCLAMATIONS

Nil.

2. DELEGATIONS

(a) Mr. Bahram Madjnouni, Habitek Enterprise Inc.

Re: Moratorium on New Rezoning Applications for Two or More Dwellings in the Mid Block Area, 332 East 11th Street
File: 3400-01 11 E 332

Ms. Cindy Ng, spoke on behalf of her husband, Mr. Bahram Madjnouni, Habitek Enterprise Inc., and referred to the moratorium on new rezoning applications for two or more dwellings in the Mid Block Area, 300 East Keith Road, (north side), to 300 East 13th Street (south side), adopted by Council on July 23, 2002.

Ms. Ng requested members of Council to make an exception to this moratorium by accepting their application for duplex rezoning of 332 East 11th Street, North Vancouver, BC., and allowing them to build on this property.

*Councillor Bell entered the meeting at 6:19 p.m.

Ms. Ng and Mr. Bahram Madjnouni responded to questions from members of Council.

3. CORRESPONDENCE

(a) **Mr. Bahram Madjnoui, Habitek Enterprise Inc., August 22, 2002**

Re: Moratorium on New Rezoning Applications for Two or More Dwellings in the Mid Block Area, 332 East 11th Street -
File: 3400-01 11 E 332

Moved by Councillor Bell, seconded by Councillor Braithwaite

THAT the correspondence dated August 22, 2002 received from Mr. Bahram Madjnoui, Habitek Enterprise Inc., regarding "Moratorium on New Rezoning Applications for Two or More Dwellings in the Mid Block Area, 332 East 11th Street" be received and filed.

A recorded vote was taken on the motion.

Voting in favour: Councillor Braithwaite
Councillor Perrault
Councillor Bell
Mayor Sharp

Voting against: Councillor Fearnley
Councillor Keating

The motion was **CARRIED** by a vote of four to two.

(b) **Gerry Vowles, Chair, North Shore Candlelight Tribute, July 8, 2002**

Re: North Shore Candlelight Tribute - September 21, 2002 -
File: 4455-01

Moved by Councillor Bell, seconded by Councillor Keating

PURSUANT to the correspondence dated July 8, 2002 received from Mr. Gerry Vowles, Chair, North Shore Candlelight Tribute, regarding "North Shore Candlelight Tribute":

THAT funding in the amount of \$1,000 be awarded to the North Shore Candlelight Tribute;

AND THAT this amount be taken from the General Contingency Account;

AND THAT this be subject to the District of North Vancouver granting a similar amount.

CARRIED UNANIMOUSLY

3. (c) **Lynn McPherson, Secretary/Treasurer, Lower Mainland Municipal Association, August 26, 2002**

Re: Community Charter Workshop, Saturday, September 14, 2002, 900 Quayside, New Westminster, B.C., 9:00 a.m. to 4:00 p.m. - File: 1040-03-L6

Moved by Councillor Keating, seconded by Councillor Perrault

PURSUANT to the correspondence dated August 26, 2002, received from the Lower Mainland Municipal Association regarding "Community Charter Workshop, Saturday, September 14, 2002, 900 Quayside, New Westminster, B.C., 9:00 a.m. to 4:00 p.m.":

THAT Council members be authorized to attend the Community Charter Workshop, scheduled for Saturday, September 14, 2002 in New Westminster, B.C., and that the costs be paid in accordance with City Policy;

AND THAT the funds be provided from the 2002 Legislative Conference Account.

CARRIED UNANIMOUSLY

(d) **Mr. John Strohmaier, Provincial President, Ambulance Paramedics of BC (CUPE Local 873), August 29, 2002**

Re: Core Review of the BC Ambulance Service, "On the Front Line" - File: 1040-01

Moved by Councillor Keating, seconded by Mayor Sharp

PURSUANT to the correspondence dated August 29, 2002, received from Mr. John Strohmaier, Provincial President, Ambulance Paramedics of BC (CUPE Local 873), regarding "Core Review of the BC Ambulance Service, "On the Front Line":

WHEREAS the BC Ambulance Service provides all British Columbians with Province-wide emergency medical care no matter where they live;

AND WHEREAS at a cost of \$41.00 per person, the BC Ambulance Service responds to more than 400,000 emergency calls per year and is among the most cost-effective services in North America;

AND WHEREAS the BC Ambulance Service is an essential medical service to all BC communities, answering an emergency call almost every two minutes;

Continued....

3. (d) **Mr. John Strohmaier, Provincial President, Ambulance Paramedics of BC (CUPE Local 873), August 29, 2002 - Continued**

AND WHEREAS any cuts to ambulance service funding and paramedics would mean delays when every second counts;

THEREFORE BE IT RESOLVED THAT the Council of the City of North Vancouver support maintaining a Province-wide integrated BC Ambulance Service that is adequately funded and that provides the best possible training for emergency paramedics.

A recorded vote was taken on the motion.

Voting in favour: Councillor Fearnley
Councillor Keating
Councillor Braithwaite
Councillor Perrault
Councillor Bell
Mayor Sharp

Voting against: Nil.

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

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

(a) **38 Fell Avenue - Text Amendment, Harbourside Projects II Limited - File: 3400-05 Fell 38**

Report: City Clerk, August 29, 2002

Moved by Councillor Perrault, seconded by Councillor Keating

PURSUANT to the report of the City Clerk, dated August 29, 2002 entitled "38 Fell Avenue - Text Amendment, Harbourside Projects II Limited":

THAT "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2002, No. 7413" (38 Fell Avenue - Text Amendment Harbourside Projects II Limited) be rescinded;

AND THAT "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2002, No. 7445" (38 Fell Avenue - Text Amendment, Harbourside Projects II Limited), be considered and referred to a Public Hearing.

**Councillor Mussatto entered the meeting at 6:58 p.m.

The motion was then **CARRIED UNANIMOUSLY.**

6. **BYLAWS**

(d) **Introduction And First Reading Only**

Moved by Councillor Keating, seconded by Councillor Perrault that

- (i) "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2002, No. 7445" (38 Fell Avenue - Text Amendment, Harbourside Projects II Limited)

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

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

(b) **Regional RCMP Integrated Homicide Team - File: 3200-01**

Report: Director of Finance, September 4, 2002

Moved by Councillor Perrault, seconded by Councillor Braithwaite

PURSUANT to the report of the Director of Finance, dated September 4, 2002, entitled "Regional RCMP Integrated Homicide Team":

WHEREAS the Mayor's Consultative Forum on creation of an Integrated Homicide Team within the Greater Vancouver Regional District is scheduled for September 12, 2002 and each City will be asked to support an Integrated Homicide Team (IHT);

AND WHEREAS the City does support the proposed benefits of an integrated team in terms of being more effective in solving major crimes in the Regional District;

AND WHEREAS the City has major concerns about the affordability of creating such a Team as well as the funding formula being utilized:

1. **THAT** subject to any significant new information provided at the RCMP Mayor's Consultative Forum, September 12, 2002, the City of North Vancouver advise the forum that it does not support the creation of an Integrated Homicide Investigation Team within the GVRD as currently proposed;
2. **AND THAT** if such an Integrated Homicide Team is formed by the Province, that the Federal and Provincial Governments contribute financially by paying for the incremental costs associated with its formation such that the impact on the municipalities is cost neutral;

Continued....

4. (b) **Regional RCMP Integrated Homicide Team - File: 3200-01 - Continued**
3. **AND THAT** the cost of sharing formula be revisited using major crime statistics as opposed to criminal code statistics.

CARRIED

Councillor Keating briefly left and returned to the meeting.

- (c) **Rezoning Application - 1708 Fell Avenue (Lucien & Lucille Audet/AMS Design & Project Management)**
File: 3400-05 Fell 1708

Report: Development Planner, Community Development,
August 23, 2002

Moved by Councillor Mussatto, seconded by Councillor Fearnley

PURSUANT to the report of the Development Planner, dated August 23, 2002, entitled "Rezoning Application - 1708 Fell Avenue, Lucien & Lucille Audet/AMS Design & Project Management":

THAT "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2002, No. 7447" (Lucien & Lucille Audet/AMS Design & Project Management, 1708 Fell Avenue, CD-443), be considered and referred to a Public Hearing.

A recorded vote was taken on the motion.

Voting in favour: Councillor Fearnley
Councillor Mussatto
Councillor Keating
Councillor Perrault
Mayor Sharp

Voting against: Councillor Bell
Councillor Braithwaite

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

6. **BYLAWS - Continued**

(d) **Introduction And First Reading Only – Continued**

Moved by Councillor Mussatto, seconded by Councillor Fearnley that

- (ii) “Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2002, No. 7447” (Lucien & Lucille Audet/AMS Design & Project Management, 1708 Fell Avenue, CD-443)

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

CARRIED

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

(d) **Lower Lonsdale Planning Study - Questions Arising From Council at the Site 1 and 2 Public Hearing, 170 West 1st Street and 175 West 2nd Street - File: 3400-05 01 W 170/ 02 W 175**

Report: City Planner, Community Development,
August 29, 2002

Moved by Councillor Perrault, seconded by Councillor Mussatto

PURSUANT to the report of City Planner, dated August 29, 2002 entitled, “Lower Lonsdale Planning Study - Questions Arising From Council at the Site 1 and 2 Public Hearing, 170 West 1st Street and 175 West 2nd Street”:

THAT the development regulations for Sites 1 and 2 require that 15% of all single storey units be Level II adaptable units and that a further 5% of all single storey units be Level III adaptable units;

AND THAT “Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2002, No. 7438” (The Corporation of the City of North Vancouver - Lands Division, Site 1, 175 West 2nd Street, CD-436), be held at third reading pending resolution of site consolidation.

CARRIED UNANIMOUSLY

6. **BYLAWS - Continued**

(a) **Reconsideration and Final Adoption**

Moved by Councillor Perrault, seconded by Councillor Keating that

- (i) "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2002, No. 7439" (The Corporation of the City of North Vancouver - Lands Division, Site 2, 170 West 1st Street, CD-437), as amended

be reconsidered.

CARRIED

Councillor Braithwaite and Councillor Bell are recorded as voting contrary to the motion.

Moved by Councillor Perrault, seconded by Councillor Keating

THAT the said Bylaw No. 7439, as amended, be finally adopted, signed by the Mayor and City Clerk and sealed with the Corporate Seal.

A recorded vote was taken on the motion.

Voting in favour: Councillor Fearnley
Councillor Mussatto
Councillor Keating
Councillor Perrault
Mayor Sharp

Voting against: Councillor Braithwaite
Councillor Bell

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

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

***CONSENT AGENDA {Items 4(e), 4(f), 4(g), 4(h), and 4(i)}**

Moved by Councillor Mussatto, seconded by Councillor Keating

THAT the resolutions listed within the "Consent Agenda" of September 9, 2002, be approved, as follows:

***(e) Statutory Review - Official Community Plan 2002 - File: 3330-04**

Report: Planner, Community Development, September 9, 2002

PURSUANT to the report of the Planner, dated September 9, 2002, entitled "Statutory Review - Official Community Plan 2002":

THAT the review contained in this said report concerning statutory examinations of "City of North Vancouver Official Community Plan Bylaw, 2002, No. 7425", with respect to its impact on the City's Financial and Waste Management Plans, be received and filed.

(CARRIED UNANIMOUSLY)

***(f) Lease for North Vancouver Museum & Archives Storage Facility at 1482 Columbia Street, North Vancouver
File: 3375-10-02**

Report: Property Valuator/Negotiator, Community Development, September 9, 2002

PURSUANT to the report of the Property Valuator/Negotiator, dated September 9, 2002, entitled "Lease for North Vancouver Museum & Archives Storage Facility at 1482 Columbia Street, North Vancouver":

THAT the lease between the City of North Vancouver and LMLTD Holdings Corp. for the North Vancouver Museum & Archives' storage facility at 1482 Columbia Street, North Vancouver be approved;

AND THAT the Mayor and City Clerk be authorized to execute the documentation necessary to give effect to this motion.

(CARRIED UNANIMOUSLY)

Continued....

***CONSENT AGENDA – Continued**

***(g) Somerset Green - 121 West 29th Street - Proposed Change to Landscape Covenant - File: 3345-02 29 W 121**

Report: City Planner, Community Development,
August 20, 2002

PURSUANT to the report of the City Planner, dated August 20, 2002, entitled "Somerset Green - 121 West 29th Street - Proposed Change to Landscape Covenant":

THAT landscape requirements of Clause 5(a) of the Land Title Act covenant governing the construction and maintenance of 121 West 29th Street be waived to enable the owners of 121 West 29th Street to maintain their on-site landscaping as they see fit.

(CARRIED UNANIMOUSLY)

***(h) Endorsement of the Consolidated Environmental Management Plan for Burrard Inlet - File: 4005-10-04**

Report: Manager, Environment and Parks, August 20, 2002

PURSUANT to the report of the Manager, Environment and Parks, dated August 20, 2002, entitled "Endorsement of the Consolidated Environmental Management Plan for Burrard Inlet":

THAT the Consolidated Environmental Management Plan for Burrard Inlet be endorsed.

(CARRIED UNANIMOUSLY)

***(i) Cascadia Society Zodiac Mosaic Tiles - File: 1085-03-N3-01**

Report: Chair, Arts & Culture Commission of North Vancouver
and Public Art Coordinator, July, 2002

PURSUANT to the report of the Chair, Arts & Culture Commission of North Vancouver and the Public Art Coordinator, dated July 2002, entitled "Cascadia Society Zodiac Mosaic Tiles":

THAT the Mosaic Tiles fabricated by the Cascadia Society be installed by the City at King's Mill Walk and that the installation cost of \$3,000 be funded from the 2002 Public Art Fund entitled "Miscellaneous Engineering Projects".

CARRIED UNANIMOUSLY

(End of Consent Agenda Items)

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

(j) **Council Update - Public Art Program Work to Date & Proposed Projects - File: 4420-03-01**

Report: Chair, Arts & Culture Commission of North Vancouver and Public Art Coordinator, July, 2002

Moved by Councillor Perrault, seconded by Councillor Braithwaite

THAT the report of the Chair, Arts & Culture Commission of North Vancouver and the Public Art Coordinator, dated July, 2002, entitled "Council Update - Public Art Program Work to Date & Proposed Projects" be deferred to the regular meeting of Council scheduled for Monday, October 7, 2002.

CARRIED UNANIMOUSLY

(k) **Thwaytes Landing - Request for Financial Assistance
File: 1085-03-E3**

Report: Manager, Environment and Parks, August 28, 2002

Moved by Councillor Mussatto, seconded by Councillor Braithwaite

PURSUANT to the report of the Manager, Environment and Parks, dated August 28, 2002, entitled "Thwaytes Landing - Request for Financial Assistance":

THAT The Land Conservancy of British Columbia's request for financial contribution toward the purchase of Thwaytes Landing be endorsed;

AND THAT the sum of \$5,000. be awarded to The Land Conservancy of British Columbia;

AND THAT the monies be taken from the 2002 Council Contingency Account.

A recorded vote was taken on the motion.

Voting in favour: Councillor Bell
Councillor Mussatto
Councillor Keating
Councillor Braithwaite
Mayor Sharp

Voting against: Councillor Perrault
Councillor Fearnley

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

Councillor Mussatto left the meeting.

4. (l) Drinking Water Quality - File: 4060-03-02

Report: Assistant City Engineer, September 4, 2002

Moved by Councillor Perrault, seconded by Councillor Keating

PURSUANT to the report of the Assistant City Engineer, dated September 4, 2002, entitled "Drinking Water Quality":

THAT support for the expeditious filtration of Capilano and Seymour sources be reaffirmed;

AND THAT any proposal to postpone or delay filtration of these sources beyond 2007 not be supported;

AND THAT a study be undertaken in consultation with the Medical Health Officer to evaluate the feasibility of further water quality improvements related to optimizing chlorine residual throughout the year and minimizing concentrations of Trihalomethanes and Haloacetic Acids;

AND THAT the Medical Health Officer be provided with an interim Water Quality report by December 31, 2002;

AND THAT the municipality provide the Medical Health Officer with a report and diagram or map detailing the proposed work for the year.

Councillor Mussatto returned to the meeting.

The motion was then **CARRIED UNANIMOUSLY.**

(m) Community Development 2002 Work Program - Mid-Year Review - File: 1010-04

Report: Director, Community Development, September 4, 2002

Moved by Councillor Mussatto, seconded by Councillor Keating

PURSUANT to the report of the Director, Community Development, dated September 4, 2002, entitled "Community Development 2002 Work Program - Mid-Year Review":

THAT the Community Development Department undertake an in-house residential land use study of the Marine Drive corridor based on the Terms of Reference contained in the subject report;

AND THAT the subject report be received.

CARRIED UNANIMOUSLY

4. (n) **“North Shore Emergency Management Office Agreement Bylaw” and “Emergency Plan Bylaw” - File: 3125-09-01**

Report: Director, North Shore Emergency Management Office,
August 28, 2002

Moved by Councillor Bell, seconded by Councillor Mussatto

PURSUANT to the report of the Director, North Shore Emergency Management Office, dated August 28, 2002, entitled “North Shore Emergency Management Office Agreement Bylaw” and “Emergency Plan Bylaw”:

THAT “North Shore Emergency Management Office Agreement Bylaw, 2002, No. 7417” and “Emergency Plan Bylaw, 2002, No. 7418”, be considered;

AND THAT pursuant to the “Emergency Plan Bylaw, 2002, No. 7418”, that the Council of The Corporation of the City of North Vancouver delegates, in writing, its powers and duties under the Emergency Program Act to the North Shore Emergency Management Office to amend the Emergency Plan from time to time.

CARRIED UNANIMOUSLY

6. **BYLAWS - Continued**

(b) **Introduction and First Three Readings**

Moved by Councillor Bell, seconded by Councillor Keating that

- (i) “North Shore Emergency Management Office Agreement Bylaw, 2002, No. 7417”
- (ii) “Emergency Plan Bylaw, 2002, No. 7418”

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 Keating

THAT the said Bylaws Nos. 7417 and 7418 be read a second time in short form.

CARRIED UNANIMOUSLY

Continued....

6. (b) Introduction and First Three Readings - Continued

Moved by Councillor Bell, seconded by Councillor Keating

THAT the said Bylaws Nos. 7417 and 7418 be read a third time in short form and passed subject to reconsideration.

CARRIED UNANIMOUSLY

5. MOTIONS AND NOTICES OF MOTION

**(a) Development Variance Permit Application No. 161, 903-917
Tobruk Avenue- File: 3358-03 915 TOBR DVP No. 161**

Moved by Councillor Keating, seconded by Councillor Fearnley

THAT Development Variance Permit No. 161 be issued to Clearwater Development Corporation, 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. 161.

CARRIED UNANIMOUSLY

(b) Salmonid Enhancement Programs – File: 1155-06-F3-01

Submitted by Councillor C.R. Keating

Moved by Councillor Keating, seconded by Councillor Mussatto

WHEREAS the Department of Fisheries and Oceans is proposing a \$55.5 million cut to its budget for the Pacific Region by 2003-2004;

AND WHEREAS the Minister has not denied that these cuts will include a 30% reduction in the Salmonid Enhancement Program, a 50% reduction in the stock assessment budget, and a 50% reduction in enforcement, amongst other cuts;

THEREFORE BE IT RESOLVED THAT the City of North Vancouver inform the Minister of its continued commitment to adequate funding for aggressive salmonid enhancement programs and request the Minister to clarify, in writing, which specific programs within the Pacific Region will be affected by this budget cut and what impact these program cuts will have on the City's fish habitat preservation activities;

AND THAT a copy of the motion be forwarded to all Union of British Columbia Municipalities member municipalities.

CARRIED UNANIMOUSLY

5. **MOTIONS AND NOTICES OF MOTION – Continued**

- (c) **Closing Hours of the Red Door Cabaret – File: 4020-01/
3345-01 01W 135**

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

“BE IT RESOLVED THAT Council alter the closing hours of the “Red Door Cabaret” (135 West 1st Street), so that they are the same as those at other “pubs” on 1st Street, (Sailor Hagar’s and the Rusty Gull).”

- (d) **Proposed Community Charter – File: 1020-03**

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

- “1. THAT** the City of North Vancouver Council request the Minister of State for the Community Charter to provide clarification for, and support amendments to the proposed Community Charter, prior to its introduction, as set out below:
- (a) Clarification be provided with respect to the change in wording in S.1 of the Local Government Act which refers to an “*independent*” order of government to the wording in S.1(1)(a) of the Community Charter which refers to an “*autonomous*” order of government including the reasons for the change and the intended impact of the change on local government authority.
 - (b) Clarification of S.2(2)(c) be provided as to the meaning of the phrases “*new responsibilities*” and “*provision for resources*” including what will be considered new responsibilities and how new resources will be provided.
 - (c) Clarification be provided with respect to the meaning of S.3(1) as to the definition of “*adequate powers*”.
 - (d) Clarification of the apparent contradiction between S.56 which requires notice to be given if the enactment of a bylaw would have the effect of prohibiting business and the absence of direct authority to prohibit business activities.
 - (e) Amend S.8 of the Community Charter to eliminate or limit the circumstances in which Provincial approval is required for all bylaws dealing with public health or the natural environment.

Continued....

5. (d) **Proposed Community Charter – File: 1020-03 - Continued**

- (f) Amend the Community Charter to reinstate the Building Code Appeal Board as set out in the Local Government Act of B.C.
 - (g) Amend the Community Charter to provide for legislated protection from liability associated with contaminated road beds vested in local governments under Part 3, Division 5, S. 35.
 - (h) Amend the Community Charter to reinstate the option of local governments to charge nomination fees for local government elections as currently set out in the Local Government Act of B.C.
 - (i) Amend S. 75(1)(1) to delete the reference to *“respecting municipal objectives, measures and accomplishments for the purpose of annual municipal reports”* to permit closed general discussions with municipal officers and employees.
 - (j) Amend S. 83(2) to delete the requirement to create municipal performance measures.
 - (k) Amend the Community Charter to provide for graduated penalties for failure to comply with the ethical conduct provisions of the Charter including public censure, suspension and fines.
 - (l) Amend S. 85(4) to delete the requirement for a Council member to obtain legal advice before retracting a declaration on a conflict of interest.
 - (m) Amend the Community Charter to include protection against joint and several liability, establish protection through proportional liability and include time limitations for local government liability.
2. **THAT** the City of North Vancouver Council support simplification of the process for obtaining external debt based on a municipality’s ability to pay and independent of ministerial or elector assent.
3. **THAT** the City of North Vancouver Council strongly oppose the provision for permissive tax exemption authority for Class 4 and Class 5 industries and that support for these industries be provided by the Provincial Government or through the adjustment of municipal and provincial tax rates.

Continued....

5. (d) **Proposed Community Charter – File: 1020-03 - Continued**
4. **THAT** the requirement to advertise in newspapers the recipients and amount of forgone tax from permissive tax exemptions authorized by Council be eliminated.
 5. **THAT** as a source of new and ongoing revenue the Province contribute .5% of the Provincial Sales Tax (PST) to municipalities.
 6. **THAT** the City of North Vancouver Council support the transfer of 75% of traffic fine revenue to municipalities.
 7. **THAT** the City of North Vancouver Council advise the Provincial Government of its opposition to the creation of a permanent Community Charter Council.
 8. **THAT** a copy of this motion be sent to The Honourable Ted Nebbling, Minister of State for the Community Charter, Deputy Minister Bob DeFay, Ministry of Community, Aboriginal and Women’s Services, Assistant Deputy Minister Dale Wall, Ministry of Community, Aboriginal and Women’s Services, the Union of B. C. Municipalities and North Vancouver Members of the Legislative Assembly.”

6. **BYLAWS - Continued**

(a) **Reconsideration and Final Adoption - Continued**

Moved by Councillor Fearnley, seconded by Councillor Mussatto that

- (ii) “Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2002, No. 7426” (Michael De Cotiis, 632508 B.C. Ltd., Pinnacle International Group, Howard Bingham Hill Architects, Parcels 1 and 2, 109 & 116 East Esplanade, Text Amendment, CD-393)

be reconsidered.

CARRIED UNANIMOUSLY

Moved by Councillor Fearnley, seconded by Councillor Mussatto

THAT the said Bylaw No. 7426 be finally adopted, signed by the Mayor and City Clerk and sealed with the Corporate Seal.

CARRIED UNANIMOUSLY

6. (a) Reconsideration and Final Adoption - Continued

Moved by Councillor Mussatto, seconded by Councillor Bell that

- (iii) "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2002, No. 7430" (Michael De Cotiis, 632508 B.C. Ltd., {Pinnacle International Group}/Hancock Bruckner Eng & Wright Architects, Parcel 5, 109 & 116 East Esplanade, Text Amendment, CD-393)

be reconsidered.

A recorded vote was taken on the motion.

Voting in favour: Councillor Mussatto
Councillor Perrault
Councillor Bell
Mayor Sharp

Voting against: Councillor Fearnley
Councillor Keating
Councillor Braithwaite

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

Moved by Councillor Mussatto, seconded by Councillor Bell

THAT the said Bylaw No. 7430 be finally adopted, signed by the Mayor and City Clerk and sealed with the Corporate Seal.

CARRIED

Councillor Fearnley, Councillor Keating and Councillor Braithwaite are recorded as voting contrary to the motion.

Moved by Councillor Fearnley, seconded by Councillor Keating that

- (iv) "City of North Vancouver Official Community Plan Bylaw, 1992, No. 6288, Amendment Bylaw, 2002, No. 7433" (Shipyards Development Permit Guidelines Transfer to Zoning Bylaw)

be reconsidered.

CARRIED UNANIMOUSLY

Moved by Councillor Fearnley, seconded by Councillor Keating

THAT the said Bylaw No. 7433 be finally adopted, signed by the Mayor and City Clerk and sealed with the Corporate Seal.

CARRIED UNANIMOUSLY

6. (a) Reconsideration and Final Adoption - Continued

Moved by Councillor Fearnley, seconded by Councillor Keating that

- (v) "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2002, No. 7432" (Shipyards Development Permit Guidelines Transfer from OCP)

be reconsidered.

CARRIED UNANIMOUSLY

Moved by Councillor Fearnley, seconded by Councillor Keating

THAT the said Bylaw No. 7432 be finally adopted, signed by the Mayor and City Clerk and sealed with the Corporate Seal.

CARRIED UNANIMOUSLY

Moved by Councillor Fearnley, seconded by Councillor Mussatto that

- (vi) "North Vancouver Recreation Commission Agreement Bylaw, 2002, No. 7444"

be reconsidered.

CARRIED UNANIMOUSLY

Moved by Councillor Fearnley, seconded by Councillor Mussatto

THAT the said Bylaw No. 7444 be finally adopted, signed by the Mayor and City Clerk and sealed with the Corporate Seal.

CARRIED UNANIMOUSLY

(c) Second and Third Reading Only

Moved by Councillor Mussatto, seconded by Councillor Keating that

- (i) Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2002, No. 7422" (Crawlspace Definition)

be read a second time in short form.

CARRIED UNANIMOUSLY

Moved by Councillor Mussatto, seconded by Councillor Keating

THAT the said Bylaw No. 7422 be read a third time in short form and passed subject to reconsideration.

CARRIED UNANIMOUSLY

6. (c) Second Reading Only

- (ii) "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2002, No. 7443" (AMS Design & Project Management Co. Ltd./Ankenman Marchand Architects, 227-229 East 11th Street, CD-441)

Moved by Councillor Mussatto, seconded by Councillor Keating

THAT "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2002, No. 7443" (AMS Design & Project Management Co. Ltd./Ankenman Marchand Architects, 227-229 East 11th Street, CD-441), be read a second time in short form.

Moved by Councillor Mussatto, seconded by Councillor Keating

THAT Bylaw No. 7443 be amended as follows:

- (a) By striking out Clause 3. (3) in its entirety and replacing it with:

"(3) The Principal Buildings shall not exceed a Gross Floor Area of 0.8178 times the Lot Area. Storage space located in the parking/basement area up to 0.08582 times the Lot area, and common bicycle storage located in the parking/basement up to 0.012 times the lot area shall be exempt from gross floor area calculations."

- (b) By striking out Clause 4. (d) in its entirety and replacing it with:

"(d) 3.048 metres (10.0 feet) from the west Interior Side Lot Line, and portions of the Principal Buildings used for parking purposes shall be sited not less than 0.0 metres (0.0 feet) from the west Interior Side Lot Line;"

- (c) By striking out Clause 5. (a) in its entirety and replacing it with:

"(a) Three roof projections for roof deck access shall be permitted and shall not exceed a geodetic height of 104.394 metres (342.5 feet);"

- (d) By replacing the figure "9" with the figure "10" in Clause (7).

CARRIED UNANIMOUSLY

The motion, as amended was then **CARRIED UNANIMOUSLY.**

7. COUNCIL INQUIRIES (Questions of Council Members)

Nil.

Recess – Public Question Period

Mayor Sharp declared a recess at 9:02 p.m., for the public question period and reconvened the meeting immediately.

8. ANY OTHER BUSINESS

Nil.

10. ADJOURNMENT

Moved by Councillor Mussatto, seconded by Councillor Keating

THAT the meeting adjourn.

CARRIED UNANIMOUSLY

The meeting adjourned at 9:03 p.m.