



**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 7, 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
J.M. Rowe, Assistant City Clerk
F. Caoutte, Manager Special Projects
F.A. Smith, Director, Community Development
R.H. White, City Planner
J. Laughlin, City Engineer
L. Orr, Social Planner
P. Penner, Planner I
D. Hutch, Parks Technician
G. Penway, Planner II
T. Christie, Director of Finance
B. Susak, Deputy City Engineer
R. Spencer, Development Planner
C. Kathler, Social Planner

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

Moved by Councillor Keating, 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) (c)

CARRIED UNANIMOUSLY

The meeting recessed at 6:01 p.m. and reconvened at 6:04 with the same personnel and with the addition of *Councillor Mussatto.

1. ADOPTION OF MINUTES

Moved by Councillor Keating, seconded by Councillor Mussatto

THAT the Minutes of the Regular Council Meeting of September 30, 2002 be adopted as circulated.

CARRIED UNANIMOUSLY

9.1 REPORT OF THE COMMITTEE OF THE WHOLE

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

- (a) Leave of Absence Without Pay Request – June Kirkcaldy
- File: 1800-06/1880-03-09**

PURSUANT to the report of the Director of Human Resources, dated September 27, 2002, entitled “Leave of Absence Without Pay Request”

THAT Ms. June Kirkcaldy be granted a leave of absence without pay for three (3) months;

AND THAT authority be granted to extend this Leave of Absence without Pay further, if requested, provided that satisfactory medical certification is received by staff.

CARRIED UNANIMOUSLY

PRESENTATION

Re: 2010 Olympic Games and Paralympic Games - File: 4455-03-01

Mr. John Furlong, President and Chief Operating Officer, Vancouver 2010 Bid Corporation, introduced the members of his team; Mr. Ken Baker, Executive Director, Environment and Sustainability; Mr. Marti Kulich, Consulting Producer, Ceremonies & Festivals and Mr. Sam Thiara, Community Consultation Manager.

The delegation then gave a PowerPoint presentation on the following topics: Bid Status; Why Bid for the 2010 Games; Proposed Lower Mainland Venues; Proposed Whistler Venues; The Cypress Venue; Transportation – A Multi Modal Solution; Sustainability Policy and Aboriginal Participation and Support; Ceremonies & Festivals; Culture and Some Regional Legacies; Games Impact; The 5 Rings Concept; Samples of Activities within the Five Rings; Friendship Festivals; Global TV Impact and The Real Story.

Members of the delegation then responded to questions from members of Council.

PRESENTATION

Re: Moodyville History Website - File: 4305-03-M2

Mr. Dave Hutch, Parks Technician, Parks and Environment Department gave a brief overview of the background information that led up to the launch of the Moodyville History Website (<http://www.cnv.org/moodyville/index.html>).

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

Councillor Mussatto briefly left and returned to the meeting.

PROCLAMATIONS

Mayor Sharp read the following Proclamations:

“INTERNATIONAL TENANTS DAY”, OCTOBER 7, 2002

“SHELTER WEEK”, OCTOBER 13 - 19, 2002

“CANADA’S CITIZENSHIP WEEK”, OCTOBER 14 - 20, 2002

“AUTISM AWARENESS MONTH”, OCTOBER, 2002

“COMMUNITY LIVING MONTH”, OCTOBER, 2002

“FOSTER FAMILY MONTH”, OCTOBER, 2002

Councillor J.B. Braithwaite raised on a Point of Information and asked Mr. Hawkshaw, City Clerk, to read a News Release about his retirement. The News Release announced that Councillor Braithwaite will not be seeking re-election on November 16, 2002. The News Release covered details of his career in social work and of his many achievements over 23 years of political life.

Mayor Sharp and Members of Council expressed their sadness at his announcement but wished him well in his retirement.

6. BYLAWS

(a) Reconsideration and Final Adoption

Moved by Councillor Mussatto, seconded by Councillor Keating that

- (i) “Financial Plan Bylaw, 2002, No. 7398, Amendment Bylaw, 2002, No. 7449” (Revised 2002-2011 Financial Plan).

be reconsidered.

CARRIED UNANIMOUSLY

6. (a) Reconsideration and Final Adoption *continued*

Moved by Councillor Mussatto, seconded by Councillor Keating

THAT the said Bylaw No. 7449 be finally adopted, signed by the Mayor and City Clerk and sealed with the Corporate Seal.

CARRIED UNANIMOUSLY

CONSENT AGENDA {Items 3 *(a) and 3 *(b)}

Moved by Councillor Mussatto, seconded by Councillor Keating

THAT the resolutions listed within the "Consent Agenda" of October 7, 2002 be approved, as follows:

3. CORRESPONDENCE

*** (a) Ms. Valerie Thom, Program Manager, Pitch-In British Columbia, September 28, 2002**

Re: PPP - Public-Private-Partnerships and 2003 Pitch-In Canada Week April 21-27, 2003 - File: 1040-03-P8

PURSUANT to the correspondence from Ms. Valerie Thom, Program Manager, Pitch-In British Columbia, dated September 28, 2002:

THAT a donation in the amount of \$395.00 be provided to Pitch-In British Columbia and that the funds be provided from the 2002 General Contingency Account.

(CARRIED UNANIMOUSLY)

*** (b) Mr. Esio Marzotto, Festival Chair, Rotary Club of Lions Gate, North Vancouver, September 5, 2002**

Re: Christmas Lights for Kids Sponsorship Program
File: 4230-17-08-01

PURSUANT to the correspondence received from Mr. Esio Marzotto, Festival Chair, Rotary Club of Lions Gate, dated September 5, 2002 re Christmas Lights for Kids:

THAT the City provide a sponsorship of the Poinsettia level of \$500.00 with the funding provided from the 2002 General Contingency Account.

CARRIED UNANIMOUSLY

End Of Consent Agenda Correspondence

4. REPORTS OF COMMITTEES, COUNCIL, AND STAFF

- (a) **Listing of Capital Items Over \$100,000. Requested for 2003**
File: 1645-06-01

RECOMMENDATION: Finance Committee, September 30, 2002

Moved by Councillor Keating, seconded by Councillor Mussatto

PURSUANT to the Information Report of the Deputy Director of Finance, dated September 26, 2002, entitled, "Listing Of Capital Items Over \$100,000 Requested For 2003":

1. **THAT** the following projects listed in the September 26, 2002 Information Report be referred to the 2003-2012 Capital Plan for consideration in the new year and possibly be included in the random public survey for ranking:

DESCRIPTION	AMOUNT
Parks & Environment	
Mahon Water Park	350,000.
Parks & Greenways, Victoria Park/Keith Road Loop	500,000.
Works Yard	
Yard Operation Improvements	300,000.
Community District Energy System	1,300,000.
North Vancouver Recreation Com.	
Centennial Theatre Lighting Dimmer Replacement	98,000.
Fire Equipment	
Fire Truck (Pumper) Replacement	625,000.
Public Art Annual Contribution, increase to	120,000.
Public Art Increase to 1.25% of Capital	187,500.
Block 62/Library Project	1,000,000.
New Museum at Shipyards Project	1,000,000.
Proposed Contributions to Affordable Housing Reserve	260,000.
TOTAL	\$5,740,500.

CARRIED UNANIMOUSLY

4. (a) **Listing of Capital Items Over \$100,000. Requested for 2003
File: 1645-06-01 continued**

Moved by Councillor Keating, seconded by Councillor Mussatto

2. **THAT** the following projects of a basic infrastructure nature, as marked with an *, be included in the October 28, 2002 Preliminary Capital Bylaws:

DESCRIPTION	AMOUNT
Parks & Environment	
*Playground Upgrade Programs	200,000.
*Cemetery Master Plan Implementation	150,000.
Streets and Transportation	
Pavement Management:	
*Queensbury, 3 rd Street to Keith Rd.	140,000.
*3 rd St., Moody to Queensbury	150,000.
*3 rd St. Hill, Queensbury to Heywood	100,000.
*Keith, Chesterfield to St. George's	300,000.
*Traffic Calming Implementation Ridgeway	100,000.
Works Yard	
*Yard Ventilation Upgrades	125,000.
*Works Yard Vehicles Replacement	455,000.
North Vancouver Recreation Com.	
*Harry Jerome Pool Water Filtration System Replacement	99,000.
*Harry Jerome Pool Chamber Heating-Ventilation System Replacement	210,000.
*Harry Jerome Pool Chamber Roofing Replacement	135,000.
Fire Equipment	
*Light Truck Replacements (4)	140,000.
*Electronic Document Management System	125,000.
TOTAL	\$2,429,000.

AND THAT the City not consider median improvements for 2500 Lonsdale and 2300 Westview in the 2003 Capital Plan.

CARRIED UNANIMOUSLY

4. (b) **Listing of Capital Items Over \$100,000. Requested for 2003
File: 1645-06-01**

RECOMMENDATION: Finance Committee, September 30, 2002

Moved by Councillor Perrault, seconded by Councillor Braithwaite

PURSUANT to the Information Report of the Deputy Director of Finance, dated September 26, 2002, entitled, "Listing Of Capital Items Over \$100,000 Requested For 2003":

THAT the September 20, 2002 report of the Social Planner, entitled "Indoor Lawn Bowling Facility: Community Enhancement Fund" be brought forward as a report to Council;

AND THAT the funding for the Indoor Lawn Bowling Facility be deleted from the proposed 2003 Capital Items list;

AND THAT the Indoor Lawn Bowling Facility project be referred to the Parks & Recreation Advisory Committee and any other appropriate bodies, for comment.

CARRIED UNANIMOUSLY

- (c) **Listing of Capital Items Over \$100,000. Requested for 2003
File: 1645-06-01**

RECOMMENDATION: Finance Committee, September 30, 2002

Moved by Councillor Bell, seconded by Councillor Keating

PURSUANT to the Information Report of the Deputy Director of Finance, dated September 26, 2002, entitled, "Listing Of Capital Items Over \$100,000 Requested For 2003":

THAT staff explore the possibility of ownership of the Green Building at Ridgeway Elementary School and report back prior to this coming forward in the Capital Plan.

CARRIED UNANIMOUSLY

2. DELEGATIONS -

(a) Mr. Gaspar Remedios, North Vancouver

Re: "Marine/Hamilton" Neighbourhood Traffic Calming Plan -
File: 4155-07-02

Mr. Gaspar Remedios expressed his opposition to the proposed traffic calming for the Marine Drive/Hamilton area. Mr. Remedios stated that he and several others in his strata complex did not feel that speed humps were necessary on Tobruck Avenue and that other measures should be considered, such as posting 'local traffic only' signs and some two-way stop signs. Mr. Remedios urged Council not to make a costly mistake by installing speed humps and then subsequently having to remove them.

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

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

(d) Marine/Hamilton Neighbourhood Traffic Calming Plan - File: 4155-07-06-02-M1

Report: Transportation Technician, July 11, 2002

Mr. Kevan Delaney, Transportation Technician, gave a brief presentation on the proposed traffic calming measures for the Marine/Hamilton Neighbourhood and then introduced Mr. Richard Drdul, Transportation Planner, Urban Systems Limited, who outlined the methodology used in the surveys and the data obtained from this process. Ms. Adrienne Lee spoke on behalf of the Marine/Hamilton Neighbourhood Traffic Residents Association to lend support to traffic calming plan for their neighbourhood.

Mr. Delaney and Mr. Drdul then responded to questions from members of Council.

Moved by Councillor Mussatto, seconded by Councillor Keating

PURSUANT to the report of the Transportation Technician dated July 11, 2002, entitled "Marine/Hamilton Neighbourhood Traffic Calming Plan":

THAT the "Marine/Hamilton Neighbourhood Traffic Calming Plan" be endorsed;

AND THAT staff be directed to proceed with implementation of temporary and permanent traffic calming measures in 2003/2004 as identified in the plan;

AND THAT staff monitor the effectiveness of speed humps on Tobruck Avenue and closely survey area residents to determine their effectiveness.

CARRIED UNANIMOUSLY

4. (e) **Pedestrian Crosswalk In-Pavement Lights - Fell Avenue at 17th Street - File: 4155-03**

Report: Transportation Technician, August 15, 2002

Moved by Councillor Keating, seconded by Councillor Mussatto

PURSUANT to the report of the Transportation Technician dated August 15, 2002, entitled "Pedestrian Crosswalk In-Pavement Lights - Fell Avenue at 17th Street":

THAT staff be directed to proceed with the installation of In-Pavement Lights at the pedestrian crosswalk on Fell Avenue at 17th Street.

CARRIED UNANIMOUSLY

(f) **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, October, 2002

Moved by Councillor Keating, seconded by Councillor Perrault

PURSUANT to the report of the Chair, Arts & Culture Commission of North Vancouver and Public Art Coordinator, dated October, 2002, entitled "Council Update - Public Art Program Work to Date & Proposed Projects":

THAT the public art projects as outlined in the October, 2002 report be endorsed.

CARRIED UNANIMOUSLY

Councillor Braithwaite and Councillor Keating left the meeting

CONSENT AGENDA {Items 4*(g), 4*(h), 4*(i), 4*(j), 4*(k), 4*(l), 4*(m), and 4*(o)}

Moved by Councillor Mussatto, seconded by Councillor Perrault

THAT the resolutions listed within the "Consent Agenda" of October 7, 2002, be approved, as follows:

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

***(g) Permissive Taxation Exemption - Local Government Act, Section 341 - File: 1625-04-01**

Report: City Clerk, October 2, 2002

PURSUANT to the report of the City Clerk dated October 2, 2002, entitled "Permissive Taxation Exemption - Local Government Act, Section 341":

THAT "Taxation Exemption Bylaw, 2002, No. 7450", be considered.

(CARRIED UNANIMOUSLY)

***(h) North Vancouver Chamber of Commerce Taxation Exemption - Local Government Act, Section 344.1 - File: 1625-04-01**

Report: City Clerk, October 2, 2002

PURSUANT to the report of the City Clerk dated October 2, 2002, entitled "North Vancouver Chamber of Commerce Taxation Exemption - Local Government Act, Section 344.1":

THAT "Taxation Exemption Bylaw, 2002, No. 7451" (North Vancouver Chamber of Commerce), be considered.

(CARRIED UNANIMOUSLY)

***(i) Civic Awards Dinner - 2002 - File: 1815-02-02/1800-06**

Report: Human Resources Officer, September 16, 2002

PURSUANT to the report of the Human Resources Officer dated September 16, 2002, entitled, "Civic Awards Dinner - 2002":

THAT staff be authorized to make the necessary arrangements for the holding of a Civic Awards Dinner to be held on Thursday, November 21, 2002;

AND THAT Councillor Perrault be appointed as the Council representative to the staff committee making the necessary arrangements for the Civic Awards Dinner.

(CARRIED UNANIMOUSLY)

4. ***(j) Development Variance Permit - Sign Variance - 1567 Lonsdale Avenue - File: 3358-03 Permit No. 162**

Report: Planning Technician, Community Development,
September 25, 2002

PURSUANT to the report of the Planning Technician, dated September 25, 2002, entitled "Development Variance Permit - Sign Variance - 1567 Lonsdale Avenue":

THAT Development Variance Permit No. 162, attached to the September 25, 2002 report of the Planning Technician, be considered for issuance under Section 922 of the Local Government Act;

AND THAT the Public Meeting requirement be waived.

(CARRIED UNANIMOUSLY)

***(k) Community Grant to Canadian Mental Health
- File: 1085-03-S11-01**

Report: Social Planner, Community Development,
October 1, 2002

PURSUANT to the report of the Social Planner, dated October 1, 2002, entitled "Community Grant to Canadian Mental Health":

THAT the request from the Canadian Mental Health Association to reallocate the \$2,000 Community Grant, be approved.

(CARRIED UNANIMOUSLY)

***(l) Official Community Plan 2002 (Bylaw No. 7425) - Public Hearing
Input - File: 3330-04**

Report: Planner, Community Development, September 17,
2002

PURSUANT to the report of the Planner, dated September 17, 2002, entitled "Official Community Plan 2002" (Bylaw No. 7425) - Public Hearing Input":

THAT in addition to other affected individuals, businesses, and organizations, the Vancouver Port Authority be invited to participate in the Special Studies proposed for the 200 and 300 Block of East Esplanade, and the St. David's/St. Andrews Duplex Area (3rd Street to Park Street);

AND THAT the "City of North Vancouver Official Community Plan Bylaw, 2002, No. 7425", be revised at second reading pursuant to the changes indicated in this report;

continued..

4. ***(l) Official Community Plan 2002 (Bylaw No. 7425) - Public Hearing Input - File: 3330-04 continued**

AND THAT this report be distributed to the Vancouver Port Authority, the Moodyville Garden Society, the Parks & Recreation Advisory Committee, the North Shore Advisory Committee on Disability Issues, the City Library, and Mr. David Perfitt for their information.

(CARRIED UNANIMOUSLY)

***(m) Presentation House Gallery - Planning for the Future in Lower Lonsdale - File: 4210-02-P1-01**

Report: City Planner, Community Development, September 26, 2002

PURSUANT to the report of the City Planner, dated September 26, 2002, entitled "Presentation House Gallery - Planning for the Future in Lower Lonsdale":

THAT Community Development staff be directed to facilitate discussions between the Presentation House Gallery Facility Committee and Pinnacle International to determine if a capital cost-free facility for a new Photo and Media Arts Gallery on the Shipyards site is feasible.

(CARRIED UNANIMOUSLY)

***(o) Rezoning Application: 153-165 West 23rd Street/158-160 West 22nd Street (Constro International Investments Ltd./Brook Development Planning Inc.) - File: 3400-05 23W 165**

Report: Development Planner, Community Development, October 2, 2002

PURSUANT to the report of the Development Planner, dated October 2, 2002, entitled "Rezoning Application: 153-165 West 23rd Street/158-160 West 22nd Street (Constro International Investments Ltd./Brook Development Planning Inc.)":

THAT "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2002, No. 7448" (Constro International Investments Ltd./Brook Development Planning Inc., 153-165 West 23rd Street/158-160 West 22nd Street, CD-444), be considered and referred to a Public Hearing.

CARRIED UNANIMOUSLY

End Of Consent Agenda Reports

(n) **Rezoning Application - Bomax Holdings Ltd./Besharat Friars Architects, 133 West 23rd Street, CD-440 - File: 3400-05 23W 133**

Report: Development Planner, Community Development,
September 11, 2002

Moved by Councillor Mussatto, seconded by Councillor Bell

PURSUANT to the report of the Development Planner dated September 11, 2002, entitled "Rezoning Application - Bomax Holdings Ltd./Besharat Friars Architects, 133 West 23rd Street, CD-440":

THAT "Zoning Bylaw, 1955, No. 6700, Amendment Bylaw, 2002, No. 7442" (Bomax Holdings Ltd./Besharat Friars Architects, 133 West 23rd Street, CD-440), be referred to a Public Hearing.

Councillor Braithwaite and Councillor Keating returned to the meeting

CARRIED

Councillor Fearnley is recorded as voting contrary to the motion.

2. **DELEGATIONS - continued**

(b) **Mr. Michael McDonald, Principal, Kasian Kennedy, Architecture Interior Design and Planning Incorporated**

Re: Proposed Development of the Former Dave Buck Ford Site at
879 Marine Drive - File: 3400-05 MARI 879

Mr. Eric H. Carlson, President, Anterra Retail Properties Ltd. gave a brief overview of his company and outlined their plans for the site at 879 Marine Drive. Mr. Carlson introduced Mr. Michael McDonald, Principal, and Ms. Geraldine Rayner of Kasian Kennedy, Architecture Interior Design and Planning Incorporated and Mr. James Smerdon of Hudema Consulting Group Limited. Mr. McDonald gave a PowerPoint presentation with respect to the conceptual proposal for the development of the former Dave Buck Ford site located at 879 Marine Drive.

Members of the delegation then responded to questions from members of Council.

3. **CORRESPONDENCE** - continued

(c) **Ms. Geraldine Rayner, Kasian Kennedy, Architecture Interior Design and Planning Incorporated, September 12, 2002**

Re: Proposed Development of the Former Dave Buck Ford Site at 879 Marine Drive - File: 3400-05 MARI 879

Moved by Councillor Mussatto, seconded by Councillor Bell

PURSUANT to the correspondence received from Ms. Geraldine Rayner, Kasian Kennedy, Architecture Interior Design and Planning Incorporated, dated September 12, 2002 re "Proposed Development of the Former Dave Buck Ford Site at 879 Marine Drive":

THAT the said correspondence be received and filed.

CARRIED UNANIMOUSLY

6. **BYLAWS** - continued

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

Moved by Councillor Keating, seconded by Councillor Mussatto that

- (i) "Taxation Exemption Bylaw, 2002, No. 7450".
- (ii) "Taxation Exemption Bylaw, 2002, No. 7451" (North Vancouver Chamber of Commerce).

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 Keating, seconded by Councillor Mussatto

THAT the said Bylaw Nos. 7450 and 7451 be read a second time in short form.

CARRIED UNANIMOUSLY

Moved by Councillor Keating, seconded by Councillor Mussatto

THAT the said Bylaw Nos. 7450 and 7451 be read a third time in short form and passed subject to reconsideration.

CARRIED UNANIMOUSLY

6. (c) Second and Third Readings

- (i) “City of North Vancouver Official Community Plan Bylaw, 2002, No. 7425”.

Moved by Councillor Mussatto, seconded by Councillor Keating

THAT third reading of “City of North Vancouver Official Community Plan Bylaw, 2002, No. 7425”, as amended, be rescinded.

CARRIED UNANIMOUSLY

Moved by Councillor Mussatto, seconded by Councillor Keating

THAT Bylaw No. 7425, be amended at second reading by revising it in accordance with the following:

5.7.10 - Level I: “Coach house units shall be subordinate in size to the principal building and are subject to Council approval through a rezoning process. Coach house guidelines will be prepared. As with all accessory secondary suites, coach house units may not be stratified under the Condominium Act.”

5.7.10 - Level Four: “Most of the development in this range has been two and three bedroom townhouse, but other smaller unit types are also encouraged to provide more affordable housing.”

6.2: “Providing safe, unobstructed access for all people including persons with disabilities or mobility challenges.”

6.3: “The Pedestrian Access Guidelines are applicable to renovations and retrofits as well.”

6.3: “Accessible Pedestrian Traffic Signals.”

6.12.8: “To work with transit authorities to provide a regional public transportation system that is fast, comfortable, convenient, accessible and effective.”

6.13.3: “To install more accessible pedestrian traffic signals in collaboration with the North Shore Advisory Committee on Disability Issues (ACDI), while being sensitive to the noise impacts on neighbouring residents.”

6.13.4: “To continue to install accessible bus stops and appropriately located curb cuts for people with disabilities.”

continued..

6. (c) Second and Third Readings *continued*

- (i) “City of North Vancouver Official Community Plan Bylaw, 2002, No. 7425” *continued*

9.10.1 viii: “Provide for trail systems that include wheelchair accessible grades wherever practical.”

9.10.5(v): “To undertake a study to investigate the role of the City, the private sector, or non-governmental organizations in providing and maintaining garden plots in areas accessible to the higher density residential areas of the City;” and

10.7.7: “To ensure that existing and new public facilities and amenities are available for community use, are accessible for persons of varying mobility, hearing and visual abilities, and address local priority needs.”

10.8.5: “To encourage all library facilities to provide, where practical, accessible materials for persons with disabilities.”

CARRIED UNANIMOUSLY

Moved by Councillor Mussatto, seconded by Councillor Keating

THAT the said Bylaw No. 7425, as amended, be read a third time in short form and passed subject to reconsideration.

CARRIED UNANIMOUSLY

(d) Introduction And First Reading Only

Moved by Councillor Keating, seconded by Councillor Mussatto that

- (i) “Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2002, No. 7442” (Bomax Holdings Ltd./Besharat Friars Architects, 133 West 23rd Street, CD-440).

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

CARRIED

Councillor Fearnley is recorded as voting contrary to the motion.

6. (d) Introduction And First Reading Only *continued*

Moved by Councillor Keating, seconded by Councillor Mussatto that

- (ii) "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2002, No. 7448" (Constro International Investments Ltd./Brook Development Planning Inc., 153 - 165 West 23rd Street/158 - 160 West 22nd Street, CD-444)

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

(p) Non-Market Rental Housing Project Feasibility - File: 3365-05-04

Report: Social Planner, Community Development,
September 3, 2002

Moved by Councillor Keating, seconded by Councillor Braithwaite

PURSUANT to the report of the Social Planner, dated September 3, 2002, entitled "Non-Market Rental Housing Project Feasibility":

THAT staff bring back a report assessing the current potential for purchase of an existing rental apartment building using Affordable Housing Reserve Funds for the purposes of adding to the non-market housing stock;

AND THAT staff report back on potential opportunities to partner with non-profit housing societies with resources, in creating an affordable housing project;

AND THAT any proposal is considered in the context of the 2003-2012 Preliminary Capital Plan.

CARRIED UNANIMOUSLY

4. (q) **Lower Lonsdale Legacy Fund Grant Guidelines
- File: 3380-02-C2-01**

Report: Social Planner, Community Development, September
27, 2002

Moved by Councillor Keating, seconded by Councillor Mussatto

PURSUANT to the report of the Social Planner, dated September 27, 2002, entitled "Lower Lonsdale Legacy Fund Grant Guidelines":

THAT the Lower Lonsdale Legacy Fund Grant Guidelines be approved;

AND THAT Finance staff be directed to bring forward a Bylaw for \$60,000 with a three-year term for allocations from this Fund;

AND THAT in accordance with direction from Council dated November 19, 2001, \$3,000 be released from this Fund to North Shore Neighbourhood House for the Queen Mary Community Project once the funding Bylaw has been adopted.

CARRIED UNANIMOUSLY

(r) **Planning Study - Mid Block Attached Housing Designation
Review - File: 3380-02-M2**

Report: City Planner, Community Development,
September 10, 2002

Moved by Councillor Bell, seconded by Councillor Braithwaite

PURSUANT to the report of the City Planner, dated September 10, 2002, entitled "Planning Study - Mid Block Attached Housing Designation Review":

THAT Community Development be directed to survey the neighbourhood on the topic of the maintenance, removal or extension of the mid block designation for Attached Housing all as outlined in the September 10, 2002 report.

CARRIED UNANIMOUSLY

5. MOTIONS AND NOTICES OF MOTION

(a) Proposed Community Charter – File: 1020-03

Submitted by Councillor C.R. Keating

Councillor Mussatto briefly left and returned to the meeting.

Moved by Councillor Keating, seconded by Mayor Sharp

PURSUANT to the report of the Director of Finance, dated October 2, 2002, entitled “Notice of Motion - Community Charter”:

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.
 - (f) Amend the Community Charter to reinstate the Building Code Appeal Board as set out in the Local Government Act of B.C.

continued...

5. (a) **Proposed Community Charter – File: 1020-03 – continued**

- (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 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.
- (k) 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.
- (l) 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.
- (m) Amend S.’s 100, 101 to clarify that the role of Mayor and Council be described in terms of their legislative responsibilities, setting policy, assigning or appropriating resources and performance measurement. Reference to programs should be adjusted to reflect the role and responsibility of the CAO (S. 132). This might be accomplished by changing S. 101 (2) (d) to read: “through the Chief Administrative Officer, to direct the implementation of the policies and management of the programs of the municipality.”
- (n) Amend S. 108(6) to allow 2/3’s of those eligible to vote as opposed to 2/3 of the full Council complement.
- (o) Amend S. 133 to ensure that the Corporate Officer (City Clerk or Deputy) be in attendance at all Council meetings.

continued...

5. (a) **Proposed Community Charter – File: 1020-03 – continued**

- (p) Amend S. 136(1) to read “ The Mayor may suspend a municipal officer or employee if the Mayor considers this necessary. (As opposed to the Mayor MUST.....)
 - (q) Amend S. 155 to prevent frivolous and vexatious complaints that can create tremendous administrative burden.
 - (r) Amend S’s 181(2) and 182 to require that any change to tax rates, limits and ratios should require public consultation and only be taken through legislative debate. (As opposed to a simple regulation by the Lieutenant Governor in Council).
 - (s) Eliminate S. 255(2) thus allowing service on a vehicle for a parking offense to suffice.
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.
 4. **THAT** as a source of new and ongoing revenue the Province contribute .5% of the Provincial Sales Tax (PST) to municipalities.
 5. **THAT** the City of North Vancouver Council support the transfer of 5% of traffic fine revenue to municipalities.
 6. **THAT** the City of North Vancouver Council advise the Provincial Government of its opposition to the creation of a permanent Community Charter Council.
 7. **THAT** the Provincial Government urge the Federal Government to allocate a portion of the GST and Federal fuel taxes to local governments in B.C.
 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.

CARRIED UNANIMOUSLY

5. (b) **Representation by Leaders of all Parties at the Annual Union of British Columbia Municipalities Convention**
- File: 1040-03-U1-02

Submitted by Councillor C.R. Keating

Moved by Councillor Keating, seconded by Councillor Mussatto

THAT the City of North Vancouver request the Union of British Columbia Municipalities to alter its rules to ensure that the leaders of all parties who received a minimum of 5% of the popular vote in the most recent Provincial Election be invited to speak at its annual convention regardless of whether they are recognized as official parties by the Legislature;

AND THAT copies of this resolution be forwarded to the Union of British Columbia Municipalities and all member municipalities.

Moved by Councillor Braithwaite, seconded by Councillor Keating

THAT the motion be deferred until the next Regular Meeting of Council, scheduled for Monday, October 21, 2002;

AND THAT the City Clerk be requested to report on parties who obtained 5% of the popular vote in the Provincial Election.

CARRIED UNANIMOUSLY

7. **COUNCIL INQUIRIES (Questions of Council Members)**

(a) **Meeting with Chair Hobbs, North Vancouver Recreation Commission – File: 4410-01/1090-01**

Inquiry by Councillor R.J. Fearnley

Councillor Fearnley asked Mayor Sharp to clarify why the City did not participate in the farewell dinner for Mr. Gary Young, and enquired about a meeting that was held without the knowledge of City Council. Councillor Fearnley produced a letter signed by Councillor Denault of the District of North Vancouver and intimated that a meeting had been held without his knowledge. Councillor Fearnley provided a copy of the letter to the City Clerk signed by Councillor Denault.

Councillor Mussatto states that he is not sure if this particular letter of Councillor Denault's was reported out or if the subject was still an in-camera item.

Councillor Braithwaite requested that the inquiries be separated with respect to the second question: that being the meeting without Council knowledge.

continued..

7. (a) **Meeting with Chair Hobbs, North Vancouver Recreation Commission – File: 4410-01/1090-01***continued*

Councillor Braithwaite advised that he had called an informal meeting with Mayor Sharp, Councillor Perrault and Mr. Hobbs, Chair of the North Vancouver Recreation Commission.

Councillor Bell asked Councillor Braithwaite why he had called a meeting and not informed Council?

Councillor Braithwaite responded that any citizen can request a meeting of anyone and ask anyone to attend and that it was an informal get together.

(b) **Rumour regarding the City of North Vancouver breaking away from the North Vancouver Recreation Commission – File: 4410-01/1090-01**

Inquiry by Councillor R.J. Fearnley

Councillor Fearnley asked Mayor Sharp if there was any truth to the rumour that the City of North Vancouver is considering breaking away from the North Vancouver Recreation Commission.

Mayor Sharp responded that the rumour was unfounded as there had been no discussion about the City of North Vancouver breaking away from the North Vancouver Recreation Commission.

Mayor Sharp asked the City Clerk on a ruling on how to proceed. The City Clerk indicated that under Inquiry the question is to be asked and the answer provided.

Councillor Bell asked the City Clerk for a copy of the legal opinion regarding the subject of debate after the inquiry has been made.

The City Clerk said he would provide the information requested.

Moved by Councillor Mussatto, seconded by Mayor Sharp

THAT the requirements of the Procedure Bylaw to terminate the meeting at 10:30 P.M., be waived, and the meeting continue to 11:00 P.M., if necessary.

CARRIED UNANIMOUSLY

Moved by Councillor Mussatto, seconded by Councillor Keating

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(b) Section 242.2 (1) (i)

CARRIED UNANIMOUSLY

The meeting recessed at 10:15 p.m. and reconvened at 10:42p.m. with the same personnel present.

9.1 REPORT OF THE COMMITTEE OF THE WHOLE

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

(b) Legal Opinion re Red Door Cabaret - File: 3345-02 01W 135

Report: City Manager, October 7, 2002

PURSUANT to the report of the City Manager, dated October 7, 2002, entitled "Legal Opinion re Red Door Cabaret":

THAT the City of North Vancouver file a complaint with the General Manager of the Liquor Control and Licensing Branch under Section 20(1)(c.1) of the Liquor Control and Licensing Act;

AND THAT the October 7, 2002 report of the City Manager, entitled "Legal Opinion re Red Door Cabaret", remain in-camera.

CARRIED UNANIMOUSLY

10. ADJOURNMENT

Moved by Councillor Bell, seconded by Councillor Fearnley

THAT the meeting adjourn.

CARRIED UNANIMOUSLY

The meeting adjourned at 10:44 p.m.