



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 24, 2003 AT 6:00 P.M.

PRESENT:

COUNCIL MEMBERS

Mayor B.A. Sharp
Councillor R.C. Clark
Councillor R.J. Fearnley*
Councillor R.N. Heywood
Councillor D.R. Mussatto*
Councillor B.W. Perrault

ABSENT

Councillor C.R. Keating

STAFF MEMBERS

A.K. Tollstam, City Manager
S.E. Dowey, Acting City Clerk
J.M. Rowe, Assistant City Clerk
T. Christie, Director of Finance
F. Smith, Director, Community Development
M. MacFadyen, Manager, Lands Division
L. Orr, Social Planner
L. McCarthy, Youth Development Worker
D. Pope, Manager, Environment & Parks
J. Laughlin, City Engineer
G. Penway, Planner II
K. Russell, Development Planner
S. Smith, Policy Analyst
R. White, City Planner
C. Rabold, Communications Manager

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

9. COMMITTEE OF THE WHOLE (IN CAMERA) CONFIDENTIAL REPORTS

Moved by Councillor Clark, seconded by Councillor Heywood

THAT the Council 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)(e)

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

CARRIED UNANIMOUSLY

The meeting recessed at 6:01 p.m. and reconvened at 6:17p.m. with the same personnel present and with the addition of *Councillor Fearnley and *Councillor Mussatto.

1. ADOPTION OF MINUTES

Moved by Councillor Mussatto, seconded by Councillor Heywood

THAT the Minutes of the Regular Council Meeting of March 17, 2003 be adopted as circulated.

CARRIED UNANIMOUSLY

9.1 REPORT OF THE COMMITTEE OF THE WHOLE

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

(a) 175 West 2nd Street – File: 3375-07

Report: Manager, Lands Division, March 19, 2003

PURSUANT to the report of the Manager, Lands Division, dated March 19, 2003, entitled “175 West 2nd Street”:

THAT staff be authorized to offer to purchase 175 West 2nd Street, Lots 3 & 4, Block 157, District Lot 271, Plan 735 for a maximum purchase price of \$750,000 (net of adjustments, legal fees and miscellaneous disbursements);

AND THAT the Manager, Lands Division, be authorized to negotiate and subsequently waive or remove any subject clauses as and when it is appropriate in the opinion of the City Solicitor and the Manager, Lands Division, to do so;

AND THAT the Mayor and City Clerk be authorized to execute any and all documents required to effect the acquisition of this property;

AND THAT “Tax Sale Lands Reserve Fund Expenditure Bylaw, 2003, No. 7495” (Purchase of 175 West 2nd Street) be considered;

AND THAT the report of the Manager, Lands Division, dated March 19, 2003, entitled “175 West 2nd Street” remain In-Camera.

(CARRIED UNANIMOUSLY)

**(b) Sale of City Owned Land Adjacent to 116-118 West 22nd Street
File: 3375-07**

Report: Land Agent, Community Development, March 19, 2003

PURSUANT to the report of the Land Agent, dated March 19, 2003, entitled “Sale of City Owned Lands adjacent to 116-118 West 22nd Street”:

THAT staff be authorized to proceed with the sale of City owned land with an area of approximately 800 square feet at the rear of Lots 20 & 21, Block 206, District Lot 545, Plan 2979, New Westminster District;

AND THAT the above mentioned parcel be sold subject to the following conditions:

continued..

**9.1 (b) Sale of City Owned Land Adjacent to 116-118 West 22nd Street
File: 3375-07 continued**

- The purchaser supplying the City with a consolidation plan for the existing Lots 20 and 21 plus the additional land that is being acquitted from the City;
- The purchaser grant at no cost to the City a Statutory Right of Way over the land that it is acquiring from the City;
- The land being sold based upon an upset price of \$80.00 per square foot;
- The purchaser being required to provide the City with a fully executed copy of the City's Purchase and Sale Agreement plus a certified cheque, being 10% of the purchase price upon execution of the Agreement;

AND THAT the Manager, Lands Division, be authorized to accept an offer on the City's behalf that meets all the conditions as set out in the Land Agent's report dated March 19, 2003;

AND THAT the Mayor and City Clerk be authorized to execute any documents to transfer title to the "City Lands" fully described in the Land Agent's report dated March 19, 2003;

AND THAT this offer to sell City owned land remain open until April 30, 2003.

CARRIED UNANIMOUSLY

6. BYLAWS

(b) Introduction and First Three Readings

Moved by Councillor Heywood, seconded by Councillor Clark that

- (i) "Tax Sale Lands Reserve Fund Expenditure Bylaw, 2003, No. 7495" (Purchase of 175 West 2nd Street)

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 Heywood, seconded by Councillor Clark

THAT the said Bylaw No. 7495 be read a second time in short form.

CARRIED UNANIMOUSLY

6. (b) **Introduction and First Three Readings *continued***

- (i) "Tax Sale Lands Reserve Fund Expenditure Bylaw, 2003, No. 7495" (Purchase of 175 West 2nd Street) *continued*

Moved by Councillor Heywood, seconded by Councillor Clark

THAT the said Bylaw No. 7495 be read a third time in short form and passed subject to reconsideration.

CARRIED UNANIMOUSLY

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

(a) **Skate Park - Detailed Design and Fundraising - File: 4425-03-03**

Report: Manager, Parks and Environment, March 18, 2003

Mr. Mark Vaughan, Vaughan Landscape Planning & Design gave a brief PowerPoint presentation on the detailed design and fundraising for the skate park.

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

Moved by Councillor Mussatto, seconded by Councillor Clark

PURSUANT to the report of the Manager, Parks and Environment dated March 18, 2003, entitled "Skate Park - Detailed Design and Fundraising":

THAT staff proceed with a campaign to pursue the private sector for funding/partnership opportunities for the skate park with the help of a consultant which shall be funded in the amount of \$15,000 to be taken from the General Contingency Account.

A recorded vote was taken on the motion.

Voting in favour: Councillor Mussatto
Councillor Perrault
Councillor Heywood
Councillor Clark
Mayor Sharp

Voting against: Councillor Fearnley

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

6. **BYLAWS - continued**

(a) **Reconsideration and Final Adoption**

Moved by Councillor Fearnley, seconded by Councillor Clark

THAT third reading of “Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2003, No. 7472” (Northwest Canadian Enterprises Ltd./Besharat Friars Architects, 132 East 20th Street, CD-448), as amended, **be rescinded.**

A recorded vote was taken on the motion.

Voting in favour: Councillor Heywood
Councillor Clark
Councillor Fearnley

Voting against: Councillor Mussatto
Councillor Perrault
Mayor Sharp

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

Moved by Councillor Mussatto, seconded by Councillor Clark

THAT consideration of Bylaw No. 7472, as amended, be deferred until all members of Council are present

CARRIED UNANIMOUSLY

2. **DELEGATIONS**

Nil

CONSENT AGENDA {Items 3 (a), 4 (b), 4(c), 4*(d), 4 (e), 4 (f), 6 (d)(i), 6 (d)(ii), 4*(g) and 6*(d)(iii)}

Moved by Councillor Clark, seconded by Councillor Heywood

THAT the resolutions listed within the “Consent Agenda” of March 24, 2003, be approved with the exception of Items 4*(b), 4*(c), 4*(g) and 6*(d)(iii) as follows:

3. **CORRESPONDENCE**

***(a) Ms. Laurene Clark, Greater Victoria Chamber of Commerce,
March 6, 2003**

Re: 1st Annual Forum, Private Partnerships for Public Solutions,
June 12-13, 2003, Victoria, BC - File: 1840-02-01

Requested by Mayor Barbara A. Sharp

THAT Council members be authorized to attend the 1st Annual Forum,
Private Partnerships for Public Solutions, June 12-13, 2003 in Victoria,
BC;

AND THAT the costs be paid in accordance with City Policy;

AND THAT the funds be provided from the 2003 Legislative Conventions
and Delegations Account.

(CARRIED UNANIMOUSLY)

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

***(d) Notice of Contravention - 1518 Bewicke Avenue, Lot 3,
Block 43, D.L. 547, Plan 1215 - File: 3345-02 BEW 1518**

Report: Property Use Inspector, Community Development,
March 13, 2003

PURSUANT to the report of the Property Use Inspector dated March 13,
2003 entitled "Notice of Contravention - 1518 Bewicke Avenue, Lot 3,
Block 43, D.L. 547, Plan 1215":

THAT Shuk K. Wong, registered owner of 1518 Bewicke Avenue be
advised that the City Clerk will be instructed to file notice in the Land Titles
Office under Section 700 of the Local Government Act of British Columbia:

(a) **THAT** a resolution by the Council of the City of North Vancouver
related to the property at 1518 Bewicke Avenue, Lot 3, Block 43,
D.L. 547, Plan 1215, has been made under this section;

(b) **AND THAT** further information respecting it may be viewed at the
offices of The Corporation of the City of North Vancouver.

(CARRIED UNANIMOUSLY)

4. ***(e) Summerhill Caretaker Suite - File: 3400-05 15W 135**

Report: Planner, Community Development, March 5, 2003

PURSUANT to the report of the Planner, dated March 5, 2003, entitled "Summerhill Caretaker Suite":

THAT the caretaker suite in the Summerhill supportive rental housing facility at 135 West 15th Street be allowed to be used as a respite suite;

AND THAT the applicant be responsible for any legal costs resulting from this redesignation;

AND THAT the financial compensation offered by the applicant in exchange for this change in use be allocated for pedestrian-oriented improvements in the neighbourhood;

AND THAT redesignation of the suite be subject to confirmation that it meets Level III of the Adaptable Design Guidelines.

(CARRIED UNANIMOUSLY)

***(f) Rezoning and Heritage Designation Applications - 241 West Keith Road (Johan and Ina Bothma/Synthesis Design)
- File: 3400-05 Keith 241 W**

Report: Development Planner, Community Development,
March 6, 2003

PURSUANT to the report of the Development Planner dated March 6, 2003 entitled "Rezoning Application - 241 West Keith Road (Johan and Ina Bothma/Synthesis Design)":

THAT "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2003, No. 7490" (Johan and Ina Bothma/Synthesis Design Inc., 241 West Keith Road, CD-452), be considered and referred to a Public Hearing;

AND THAT "Heritage Designation Bylaw, 2003, No. 7494" (Residence, Johan and Ina Bothma/Synthesis Design Inc., 241 West Keith Road) be considered and referred to a Public Hearing.

(CARRIED UNANIMOUSLY)

6. BYLAWS - continued

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

- (i) "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2003, No. 7490" (Johan and Ina Bothma/Synthesis Design Inc., 241 West Keith Road, CD-452)
- (ii) "Heritage Designation Bylaw, 2003, No. 7494" (Residence, Johan and Ina Bothma/Synthesis Design Inc., 241 West Keith Road)

RECOMMENDATION:

THAT Bylaw Nos. 7490 and 7494 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

END OF CONSENT AGENDA ITEMS

Moved by Councillor Clark, seconded by Councillor Mussatto

THAT the meeting recess to the Finance Committee Meeting scheduled for this evening.

CARRIED UNANIMOUSLY

The meeting recessed at 7:06 p.m. and reconvened at 7:07 p.m. with the same personnel present.

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

(b) Appointment of Council Members to Executive Positions to the Lower Mainland Municipal Association – File: 1040-03-L5-01

Moved by Councillor Mussatto, seconded by Councillor Fearnley

THAT Councillor R.J. Fearnley be authorized to be nominated for and accept an Executive position on the Lower Mainland Municipal Association Board of Directors for the 2003/2004 year, commencing May, 2003;

AND THAT North Vancouver City Council urge the LMMA to increase their fee structure to cover the cost of staffing;

AND THAT this motion be referred to the April 16, 2003 LMMA Executive Board Meeting and to the LMMA, Annual General Meeting being held in Whistler, BC, May 6 – 9, 2003, for a policy discussion;

continued..

4. (b) **Appointment of Council Members to Executive Positions to the Lower Mainland Municipal Association – File: 1040-03-L5-01**
continued

AND THAT the City Clerk be authorized to designate staff within his Department to assist with the duties associated with the Secretary/Treasurer of the LMMA, up to a value of 5% of his rate of pay;

AND THAT the LMMA. be requested to be more articulate on their goals and objectives and that the City's participation in the LMMA be subject to a successful resolve of these issues;

AND THAT this motion also be referred to the LMMA Annual General Meeting being held in Whistler, BC, May 6 – 9, 2003, and to the April 16, 2003 meeting of the LMMA Executive Board.

A recorded vote was taken on the motion.

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

Voting against: Councillor Clark

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

(c) **Municipal Funded Youth Services Review 2003**
- File: 4230-17-04

Report: Youth Development Worker, Community
Development, March 17, 2003

Moved by Councillor Mussatto, seconded by Councillor Clark

PURSUANT to the report of the Youth Development Worker, dated March 17, 2003, entitled "Municipal Funded Youth Services Review 2003":

THAT this report be received and referred to the District of North Vancouver for consideration.

CARRIED UNANIMOUSLY

**4. (g) Official Community Plan Amendment - Mid Block Designation
- File: 3380-02-M2**

Moved by Councillor Mussatto, seconded by Councillor Clark

Report: Planner, Community Development, March 12, 2003

PURSUANT to the report of the Planner, dated March 12, 2003, entitled
“Official Community Plan Amendment - Mid Block Designation”:

THAT “Official Community Plan Bylaw, 2002, No. 7425, Amendment
Bylaw 2003, No. 7491” (Mid Block Designation Special Study Area) be
considered and referred to a Public Hearing.

A recorded vote was taken on the motion.

Voting in favour: Councillor Heywood
Councillor Clark
Councillor Fearnley
Councillor Mussatto
Mayor Sharp

Voting against: Councillor Perrault

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

6. BYLAWS - continued

(d) Introduction And First Reading Only – continued

Moved by Councillor Mussatto, seconded by Councillor Clark that

(iii) “Official Community Plan Bylaw, 2002, No. 7425, Amendment
Bylaw 2003, No. 7491” (Mid Block Designation Special Study
Area)

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

CARRIED

Councillor Perrault is recorded as voting contrary to the motion.

Moved by Councillor Clark, seconded by Councillor Mussatto

THAT the meeting recess to the Finance Committee Meeting scheduled for this evening.

CARRIED UNANIMOUSLY

The meeting recessed at 7:30 p.m. and reconvened at 8:37 p.m. with the same personnel present.

Moved by Councillor Clark, seconded by Councillor Mussatto

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

CARRIED UNANIMOUSLY

The meeting recessed at 8:38 p.m. and reconvened at 8:39 p.m. with the same personnel present.

Moved by Councillor Clark, seconded by Councillor Mussatto

THAT the meeting recess to the Finance Committee Meeting scheduled for this evening.

CARRIED UNANIMOUSLY

The meeting recessed at 8:39 p.m. and reconvened at 9:30 p.m. with the same personnel present.

Moved by Councillor Clark, seconded by Councillor Mussatto

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

CARRIED UNANIMOUSLY

The meeting recessed at 9:30 p.m. and reconvened at 10:16 p.m. with the same personnel present.

6. BYLAWS - continued

(c) Second and Third Readings

Moved by Councillor Clark, seconded by Councillor Perrault that

- (i) "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2003, No. 7482" (The Corporation of the City of North Vancouver - Lands Division, Site 3a, 151 West 2nd Street, CD-450)

be read a second time in short form.

CARRIED UNANIMOUSLY

Moved by Councillor Clark, seconded by Councillor Perrault

THAT the said Bylaw No. 7482 be read a third time in short form and passed subject to reconsideration.

CARRIED UNANIMOUSLY

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

(h) Council Appointments to the Children and Youth Initiatives Special Projects Grant Committee - File: 4230-17-04

Report: Youth Development Worker, Community Development, March 19, 2003

Moved by Councillor Clark, seconded by Councillor Perrault

PURSUANT to the report of the Youth Development Worker, dated March 19, 2003, entitled "Council Appointments to the Children and Youth Initiatives Special Projects Grant Committee":

THAT the following two Council Members, Councillor R.C. Clark and Councillor D.R. Mussatto, be appointed to the City of North Vancouver Children and Youth Initiatives Special Projects Grant Committee;

AND THAT the North Vancouver School Board, School District No. 44, be invited to appoint one City School Trustee to be a member of the Children and Youth Initiatives Special Project Grant Committee to review the grant applications submitted for the year 2003.

CARRIED UNANIMOUSLY

PROCLAMATIONS

Mayor Sharp read the following Proclamation:

**“MALE SURVIVORS OF SEXUAL ABUSE AWARENESS MONTH”,
APRIL, 2003**

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

(i) Design Guidelines: Lower Lonsdale Site 3a (City Lands- 151 West 2nd Street) - File: 3400-05 2W 151

Report: Development Planner, Community Development,
March 19, 2003

Moved by Councillor Clark, seconded by Councillor Fearnley

PURSUANT to the report of the Development Planner dated March 19, 2003, entitled “Design Guidelines: Lower Lonsdale Site 3a (City Lands - 151 West 2nd Street)”:

THAT the “Lower Lonsdale Site 3a Design Guidelines and Architectural Controls”, substantially in the form attached to said report, be endorsed.

Moved by Councillor Clark, seconded by Councillor Mussatto

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

The motion was then **CARRIED UNANIMOUSLY**

(j) The Brit Restaurant - Patron Participation Entertainment Endorsement - File: 1195-11-L2-02-01

Report: Policy Analyst, Community Development, March 18, 2003

Moved by Councillor Mussatto, seconded by Councillor Fearnley

PURSUANT to the report of the Policy Analyst, dated March 18, 2003, entitled “The Brit Restaurant - Patron Participation Entertainment Endorsement”:

WHEREAS the Council has considered the following factors when assessing the application submitted by The Brit Restaurant in relation to:

continued..

4. (j) **The Brit Restaurant - Patron Participation Entertainment Endorsement - File: 1195-11-L2-02-01***continued*

- (a) The potential for noise if the application is approved;
- (b) The impact on the community if the application is approved;
- (c) Whether the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose;
- (d) The views of residents.

AND WHEREAS it has been determined, after considering the above mentioned factors, as outlined in the March 18, 2003 report, that the proposed addition of a patron participation entertainment endorsement to the liquor license does not pose a significant concern to the City;

THEREFORE BE IT RESOLVED THAT the City supports the application for a patron participation entertainment endorsement for The Brit Restaurant, Liquor License Number 218781 provided:

- (a) The entertainment (live band and dancing) ceases at midnight;
- (b) The entertainment area does not exceed 20% of the licensed floor area.

A recorded vote was taken on the motion.

Voting in favour: Councillor Fearnley
Councillor Mussatto
Mayor Sharp

Voting against: Councillor Perrault
Councillor Heywood
Councillor Clark

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

5. **MOTIONS AND NOTICES OF MOTION**

(a) **Presentation House Lands – File: 4210-02-P1-03**

Submitted by Councillor D.R. Mussatto

Moved by Councillor Mussatto, seconded by Councillor Clark

WHEREAS the Presentation House Cultural Society is hoping to remain as the main tenant of the Presentation House building;

AND WHEREAS as the original Presentation House building will probably remain as it is a significant heritage building;

THEREFORE BE IT RESOLVED THAT staff report back on options for the redevelopment of the lands surrounding Presentation House.

CARRIED UNANIMOUSLY

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

Nil.

Recess – Public Question Period

Mayor Sharp declared a recess at 10:44 p.m., for the public question period and reconvened the meeting immediately.

8. **ANY OTHER BUSINESS**

Nil.

10. **ADJOURNMENT**

Moved by Councillor Clark, seconded by Councillor Mussatto

THAT the meeting adjourn.

CARRIED UNANIMOUSLY

The meeting adjourned at 10:45 p.m.