

MINUTES OF THE REGULAR MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER, CITY HALL, 141 WEST 14th STREET, NORTH VANCOUVER, B.C., ON MONDAY, JULY 28, 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

ABSENT:

Councillor C.R. Keating Councillor B.W. Perrault

STAFF MEMBERS

A.K. Tollstam, City Manager B.A. Hawkshaw, City Clerk S.E. Dowey, Deputy City Clerk

F.A. Smith, Director, Community Development

I. Gordon, Deputy Director of Finance

D. Pope, Acting City Engineer G. Penway, Assistant City Planner

County Manager Charles Draige

F. Caouette, Manager – Special Projects M. Hunter, Environmental Coordinator

H. Fleming, Director of Recreation

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

1. ADOPTION OF MINUTES

Moved by Councillor Heywood, seconded by Councillor Clark

THAT the Minutes of the Regular Council Meeting of July 21, 2003 be adopted as circulated.

CARRIED UNANIMOUSLY

CONSENT AGENDA {Items 4 *(a), 4 *(b), 4 *(c), 4 *(d), 4 *(e), 4 *(f), 4 *(g), 4 *(h), 4 *(i), 4 *(j), 4 *(k), 4 *(l), 4 *(m), 4 *(n), 4 *(o), 6 *(a)(i), 6 *(a)(ii), 6 *(a)(iii), 6 *(a)(iv), 6 *(a)(v), 6 *(a)(vi), 6 *(a)(viii), 6 *(a)(ix), 6 *(b)(i), 6 *(d)(ii), 6 *(d)(iii) and 6 *(d)(iv)}

Moved by Councillor Fearnley, seconded by Councillor Clark

THAT the resolutions listed within the "Consent Agenda" of July 28, 2003, with the exception of items 4. *(c). 4. *(e), 6. *(a) (viii) and 6. *(b) (i) be approved, as follows:

4. REPORTS OF COMMITTEES, COUNCIL, AND STAFF

*(a) Information Technology Mutual Aid Agreement - File: 3100-02

Report: Director, Information Technology, July 8, 2003

PURSUANT to the report of the Director, Information Technology dated July 8, 2003, entitled "Information Technology Mutual Aid Agreement":

THAT the Mayor and City Clerk be authorized to enter into a Mutual Aid Agreement, in the form attached to the July 8, 2003 report, with other participating North Shore municipalities.

(CARRIED UNANIMOUSLY)

*(b) Re-allocation of 2002 Surplus File: 1650-06-01/1085-03-N9-01/1085-03-N5-01

Report: Deputy Director of Finance, July 23, 2003

PURSUANT to the report of the Deputy Director of Finance, dated July 23, 2003, entitled "Re-allocation of 2002 Surplus":

THAT North Vancouver City Library 2002 surplus of \$25,593 be reallocated to the Library General Reserve Fund, for expenditure as approved by the Library Board;

AND THAT the North Vancouver Museum and Archives surplus of \$732 be re-allocated to the Museum's City Special Projects Fund, for expenditure as approved by the Board of the Museum and Archives Commission.

4. *(d) Patron Participation Application - Mosquito Creek Bar and Grill File: 1195-11-L2-02-01 Westview 2601

Report: Policy Analyst, Community Development,

July 18, 2003

PURSUANT to the report of the Policy Analyst dated July 18, 2003, entitled "Patron Participation Application - Mosquito Creek Bar and Grill":

WHEREAS Council has considered the following factors when assessing the application submitted by Mosquito Creek Bar and Grill, at 2601 Westview Drive in relation to:

- (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 attached report, dated July 18, 2003, 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 of North Vancouver supports the application for a patron participation entertainment endorsement for Mosquito Creek Bar and Grill, Liquor License Number 174121.

(CARRIED UNANIMOUSLY)

*(f) Petition to Remove Trees at 855-857 West 3rd Street File: 4310-05

Report: Acting City Engineer, July 21, 2003

PURSUANT to the report of the Acting City Engineer dated July 21, 2003, entitled "Petition to Remove Trees at 855-857 West 3rd Street":

THAT the application for removal of the two black cottonwood trees located on City property adjacent to 855-857 West 3rd Street be supported, subject to the applicant's agreement to supply and install replacement street trees as required in the City's Tree Policy.

4. *(g) Petition to Remove Trees at 308 East 22nd Street File: 4310-05

Report: Acting City Engineer, July 21, 2003

PURSUANT to the report of the Acting City Engineer dated July 21, 2003, entitled "Petition to Remove Trees at 308 East 22nd Street":

THAT the application for removal of the Sawara cypress tree located on City property adjacent to 308 East 22nd Street be supported, subject to the applicant's agreement to supply and install a replacement street tree as required in the City's Tree Policy.

(CARRIED UNANIMOUSLY)

*(h) Seniors' Park and Open Space Study - File: 4300-16-03

Report: Landscape Architect, Engineering, July 21, 2003

PURSUANT to the report of the Landscape Architect dated July 21, 2003, entitled "Seniors' Park and Open Space Study":

THAT the City of North Vancouver Seniors' Park and Open Space Study dated July 2003, as attached to the July 21, 2003 report, be adopted by Council and integrated into the Engineering, Parks and Environment strategic plans and the capital budget planning process.

(CARRIED UNANIMOUSLY)

*(i) Historic Places Initiative - Proposed Joint Federal/Provincial/Municipal Contract - File: 3360-05

Report: Development Planner, Community Development, July 22, 2003

PURSUANT to the report of the Development Planner dated July 22, 2003 entitled "Historic Places Initiative - Proposed Joint Federal / Provincial / Municipal Contract":

THAT the Mayor and City Clerk be authorized to sign copies of the Service Contract referred to as Ministry Contract No. C04-HPI 0412 prepared by the Province of British Columbia Ministry of Community, Aboriginal and Women's Services, as attached to the July 22, 2003 report;

AND THAT staff be authorized to proceed with the preparation of a Request for Proposals in order to select a Consultant to assist with the work specified in the contract:

Continued....

4. *(i) Historic Places Initiative - Proposed Joint Federal/Provincial/Municipal Contract - File: 3360-05 - Continued

AND THAT funds for the amount of up to \$20,000 be allocated from the City's Heritage Fund account to augment the \$60,500 contribution from the provincial and federal governments to undertake a review and update of the existing 1994 City of North Vancouver Heritage Inventory as part of the Consultant's scope of work.

(CARRIED UNANIMOUSLY)

*(j) Rezoning Application: Lower Lonsdale Site 3A (City Lands - 151 West 2nd Street) Density Reduction - File: 3400-05 2W 151

Report: Assistant City Planner, Community Development, July 23, 2003

PURSUANT to the report of the Assistant City Planner, dated July 23, 2003, entitled "Rezoning Application: Lower Lonsdale Site 3a (City Lands - 151 West 2nd Street) Density Reduction":

THAT "Zoning Bylaw, 1995, No. 6700 Amendment Bylaw, 2003, No. 7532" (The Corporation of the City of North Vancouver, Site 3a, 151 West 2nd Street, CD-450 Text Amendment), be considered;

AND THAT the requirement for a Public Hearing be waived.

(CARRIED UNANIMOUSLY)

*(k) Rezoning Application: 265 East 10th Street (Noort Developments) - File: 3400-05 10E 265

Report: Assistant City Planner, Community Development, July 22, 2003

PURSUANT to the report of the Development Planner dated July 22, 2003, entitled "Rezoning Application: 265 East 10th Street (Noort Developments)":

THAT "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2003, No. 7533" (Merlin Wick/Noort Developments, 265 East 10th Street, CD-457), be considered and referred to a Public Hearing.

4. *(I) Rezoning Application: 1445 Mahon Avenue, CD-458 (Noort Developments) - File: 3400-05 MAHON 1445

Report: Development Planner, Community Development, July 17, 2003

PURSUANT to the report of the Development Planner dated July 17, 2003, entitled "Rezoning Application: 1445 Mahon Avenue (Noort Developments)":

THAT "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2003, No. 7534" (Merlin Wick/Noort Developments, 1445 Mahon Avenue, CD-458), be considered and referred to a Public Hearing.

(CARRIED UNANIMOUSLY)

*(m) Rezoning Application: 1956 Jones Avenue (Kevin Hughes) File: 3400-05 JONES 1956

Report: Assistant City Planner, Community Development, July 22, 2003

PURSUANT to the report of the Assistant City Planner dated July 22, 2003, entitled "Rezoning Application: 1956 Jones Avenue (Kevin Hughes)":

THAT "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2003, No. 7535" (Adolorata DeCotiis/Kevin Hughes, 1956 Jones Avenue, CD-459), be considered and referred to a Public Hearing.

(CARRIED UNANIMOUSLY)

*(n) Rezoning Legal Documents: 78-90 Lonsdale and 119-129 West 16th Street - West Coast Projects/Perkins & Co./Aberdeen Block Development Ltd./Darryl Epp File: 3400-05 LONS 78-90 / 16W 119-129

Report: Assistant City Planner, July 23, 2003

PURSUANT to the report of the Assistant City Planner dated July 23, 2003, entitled "Rezoning Legal Documents: 78-90 Lonsdale and 119-129 West 16th Street - West Coast Projects/Perkins & Co./Aberdeen Block Development Ltd./Darryl Epp":

THAT the Mayor and City Clerk be authorized to execute the covenants substantially in the form attached to the July 23, 2003 report.

4. *(o) Development Variance Permit Application - Home Office Use for Accessory Building - 719 East 4th Street File: 3358-03 4E 719, DVP No. 179

Report: Development Planner, Community Development, July 17, 2003

PURSUANT to the report of the Development Planner dated July 17, 2003 entitled "Development Variance Permit Application - Home Office Use for Accessory Building - 719 East 4th Street:

THAT Development Variance Permit No. 179 (John & Vicki McNally - 719 East 4th Street), be considered for issuance pursuant to Section 922 of the Local Government Act;

AND THAT the Public Meeting requirement be waived.

(CARRIED UNANIMOUSLY)

6. <u>BYLAWS</u>

*(a) Reconsideration and Final Adoption

- "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2003, No. 7517" (John Facini/Andrew Terrett Architect, 152-154 East 12th Street, CD-455)
- (ii) "Official Community Plan Bylaw, 2002, No. 7425, Amendment Bylaw, 2003, No. 7521" (Daniel Lo/Karl Gustavson Architect, 238 Fell Avenue)
- (iii) "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2003, No. 7520" (Rezoning Application to Expand Commercial Uses 238 Fell Avenue, Daniel Lo/Karl Gustavson Architect, Text Amendment to CD-312)
- "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2003,
 No. 7524" (Michael Henderson/Synthesis Design Inc., 329 East 12th Street, RT-1)
- (v) "Community Enhancement Reserve Fund Expenditure Bylaw, 2003, No. 7526" (Playground Upgrade Program)
- (vi) "North Vancouver Recreation Commission Agreement Bylaw, 2002,
 No. 7444, Amendment Bylaw, 2003, No. 7529" (Lonsdale Community Centre)
- (vii) "Affordable Housing Reserve Fund Expenditure Bylaw, 2003, No. 7530" (Homeless Shelter)

Continued....

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

(ix) "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2003, No. 7493" (West Coast Projects: Perkins & Company Architecture & Urban Design/Aberdeen Block Development Ltd./Darrell J. Epp Architect Ltd., 119-129 West 16th Street and 78-90 Lonsdale Avenue, CD-453)

THAT the said Bylaws Nos. 7517, 7521, 7520, 7524, 7526, 7529, 7530, and 7493 be reconsidered.

(CARRIED UNANIMOUSLY)

THAT the said Bylaws Nos. 7517, 7521, 7520, 7524, 7526, 7529, 7530, and 7493 be finally adopted, signed by the Mayor and City Clerk and sealed with the Corporate Seal.

(CARRIED UNANIMOUSLY)

*(d) Introduction And First Reading Only

- "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2003, No. 7532" (The Corporation of the City of North Vancouver, Site 3a, 151 West 2nd Street, CD-450 Text Amendment)
- (ii) "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2003, No. 7533" (Merlin Wick/Noort Developments, 265 East 10th Street, CD-457)
- (iii) "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2003, No. 7534" (Merlin Wick/Noort Developments, 1445 Mahon Avenue, CD-458)
- (iv) "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2003, No. 7535" (Adolorata DeCotiis/Kevin Hughes, 1956 Jones Avenue, CD-459)

THAT Bylaws Nos. 7532, 7533, 7534 and 7535 be 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 Fearnley, seconded by Councillor Heywood

THAT the meeting recess to the Order of Canada, Stella Jo Dean Reception, scheduled for this evening.

CARRIED UNANIMOUSLY

The meeting recessed at 6:02 p.m., and reconvened at 6:34 p.m., with the same personnel present and with the addition of *Councillor Mussatto.

Moved by Councillor Mussatto, seconded by Councillor Heywood

THAT item 6. (a) (viii) on the agenda be brought forward for consideration at this time.

CARRIED UNANIMOUSLY

6. BYLAWS - Continued

(a) Reconsideration and Final Adoption - Continued

Moved by Councillor Mussatto, seconded by Councillor Heywood that

(viii) "Tax Sale Lands Reserve Fund Expenditure Bylaw, 2003, No. 7531" (Warehouse Utility Costs)

be reconsidered.

CARRIED UNANIMOUSLY

Moved by Councillor Mussatto, seconded by Councillor Heywood

THAT the said Bylaw No. 7531 be finally adopted, signed by the Mayor and City Clerk and sealed with the Corporate Seal.

CARRIED UNANIMOUSLY

*Councillor Fearnley left the meeting at 6:36 p.m.

PROCLAMATIONS

Nil.

7. COUNCIL INQUIRIES (Questions of Council Members)

(a) Inquiry by Councillor R.J. Fearnley, July 21, 2003 Re: "Joints in Motion" - File: 4455-01

Requested by Mayor Barbara A. Sharp

Councillor Fearnley's inquiry, which was first presented at the July 21 2003 Council meeting, was then addressed. Councillor Fearnley asked Mayor Sharp if she, as the Mayor, saw any real or perceived ethical problems related to using City resources when she could be potentially receiving a direct substantial benefit of a trip to Belgium.

Mayor Sharp responded to the above inquiry by reading from a prepared statement, in which she advised that she believes it would be morally and ethically wrong to use taxpayers' resources for personal gain. She also advised that she believes it is appropriate for her to use the office of the Mayor and the resources of the office of the Mayor to support charities and fundraising activities in the community or even outside the community to a larger degree for charities such as the United Way. She also advised that taxpayers' dollars are not used to fund the travel or any other component of the "Joints in Motion" fundraiser, and that since she personally contributed to the campaign more than the estimated costs of the trip to Belgium, she does not see ethical problems with her participation in this fundraiser.

2. <u>DELEGATIONS</u>

(a) Ms. Pat Heal, Chair, North Shore Family Court & Youth Justice Committee

Re: North Shore Family Court & Youth Justice Committee 2002 Annual Report - File: 1085-03-N11-02

Ms. Pat Heal, Chair, North Shore Family Court & Youth Justice Committee, reviewed the 2002 Annual Report. Ms. Heal asked members of Council to support the recommendations as set out in the report.

Ms. Heal advised that the Committee is in the process of renewing and improving their statistics collection process.

Ms. Heal then responded to guestions from members of Council.

3. CORRESPONDENCE

(a) Ms. Pat Heal, Chair, North Shore Family Court & Youth Justice Committee, June 30, 2003

Re: North Shore Family Court & Youth Justice Committee 2002 Annual Report - File: 1085-03-N11-02

Moved by Councillor Mussatto, seconded by Councillor Heywood

PURSUANT to the report of the North Shore Family Court & Youth Justice Committee, dated June 30, 2003, entitled "2002 Annual Report":

THAT the City supports the North Shore Family Court & Youth Justice Committee:

- 1. Evaluating and improving the data collection methodology and statistics collected and presented to the Committee.
- 2. Purchasing or developing a computer program to enhance the analysis of the statistics collected.
- 3. Analyzing improved Courtwatch data over time and compare to provincial and national information.
- 4. Continuing to monitor the effects of provincial cutbacks to services and resources affecting youth and families on the North Shore and to continue to advocate when appropriate.
- 5. Monitoring the effect on the North Vancouver Provincial Courthouse of court closures (particularly partial closure of Squamish court), cutbacks to judicial resources, cuts to legal aid, cuts to victims services and other programs and to continue to advocate when appropriate.
- 6. Continuing to monitor and participate in the Provincial Attorney General's review of the mandate of Youth Court Committees.
- 7. Monitoring the implementation of the Youth Criminal Justice Act.
- 8. Expanding the monitoring of domestic violence in the community by focusing on the impact of all aspects of domestic violence on North Shore families.

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

(c) Occupant Load Calculations, Licensed Beverage Establishments - File: 3310-03-01/1195-11-L2-03

Report: Building Inspector, Community Development, July 17, 2003

Moved by Councillor Mussatto, seconded by Councillor Clark

PURSUANT to the report of the Building Inspector dated July 17, 2003, entitled "Occupant Load Calculations, Licensed Beverage Establishments":

THAT "Building Bylaw, 1972, No. 4361, Amendment Bylaw, 2003, No. 7527" (Occupant Load), be considered;

AND THAT the City of North Vancouver Occupant Load Calculation Policy for Licensed Establishments as attached to the July 17, 2003 report, be endorsed;

AND THAT the City of North Vancouver grandparent the current occupant loads with the currently established licensed beverage establishments.

Moved by Councillor Mussatto, seconded by Councillor Clark

THAT consideration of the motion be deferred to staff for further information regarding occupant load and patron participation in particular.

4. (e) City Tree Policy Amendment - File: 4310-06

Report: Acting City Engineer, July 22, 2003

Moved by Councillor Clark, seconded by Councillor Mussatto

PURSUANT to the report of the Acting City Engineer dated July 22, 2003, entitled "City Tree Policy Amendment":

THAT the amended City Tree Policy for the Management of Trees on City Property, as attached to the July 22, 2003 report of the Acting City Engineer, be endorsed.

CARRIED UNANIMOUSLY

6. BYLAWS – Continued

(b) Introduction and First Three Readings

Moved by Councillor Heywood, seconded by Councillor Clark that

(i) "Building Bylaw, 1972, No. 4361, Amendment Bylaw, 2003, No. 7527" (Occupant Load)

be deleted from the agenda.

CARRIED UNANIMOUSLY

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

(p) Ports Competitiveness - Property Tax Proposal File: 1155-06-V1-01

Report: Director of Finance, July 23, 2003

Moved by Councillor Mussatto, seconded by Councillor Clark

PURSUANT to the report of the Director of Finance, dated July 23, 2003, entitled "Ports Competitiveness - Property Tax Proposal":

THAT City Council urge the Provincial Government to:

- (a) abandon its June/July, 2003 proposal to put a property tax cap on ports;
- (b) review its application of School taxes in future in order to proportionately adjust School property tax rates for changes in the assessed values of ports businesses;

Continued....

4. (p) Ports Competitiveness - Property Tax Proposal File: 1155-06-V1-01 - Continued

(c) give serious consideration to increasing the threshold value of residential properties above \$525,000. in order to qualify for an unreduced Homeowner Grant, as well as increase the homeowner grant itself above \$470. for those under 65 and \$745 for those 65 and older, both to be indexed;

AND THAT City Council urge the Greater Vancouver Transportation Authority (GVTA) to review its application of transportation taxes in future and proportionately adjust transportation property tax rates for changes in the assessed values of ports businesses;

AND THAT the City write the Minister of Transportation and the Prime Minister and urge the Federal Government to immediately undertake revisions to the Canada Marine Act as recommended by the Canada Marine Act Review Panel, and participate in assisting West Coast ports businesses and ports communities, which play a key role in a matter of national interest.

CARRIED UNANIMOUSLY

(q) 2004 - 2013 Financial Plan Process and Objectives File: 1650-01

Report: Deputy Director of Finance, July 23, 2003

Moved by Councillor Mussatto, seconded by Councillor Clark

PURSUANT to the report of the Deputy Director of Finance, dated July 23, 2003, entitled "2004 - 2013 Financial Plan Process and Objectives":

THAT the 2004 - 2013 Operational and Capital Ten Year Financial Plan Objectives, on Attachment 1 of the July 23, 2003 report, be endorsed;

AND THAT the Finance Committee meetings for the 2004 - 2013 Financial Plan, as detailed on Attachment 2 of the July 23, 2003 report, be scheduled as follows:

Tuesday, September 30, 2003 Monday, October 6, 2003 Monday, November 3, 2003 Tuesday, January 27, 2004 Monday, February 23, 2004 Tuesday, March 16, 2004

4. (r) Skate Park - Fundraising and Corporate Partnership Opportunities - File: 4425-03-03

Report: Acting City Engineer, July 21, 2003

Mr. Doug Pope, Acting City Engineer, introduced Mr. Darcy Taylor, President, Masev Communications, who gave a PowerPoint presentation on the "Skate Park - Fundraising and Corporate Partnership Opportunities".

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

Moved by Councillor Clark, seconded by Councillor Mussatto

PURSUANT to the report of the Acting City Engineer dated July 21, 2003, entitled "Skate Park - Fundraising and Corporate Partnership Opportunities":

THAT staff, with the help of a consultant, attempt to secure appropriate private sector funding/partnership opportunities for the skate park involving corporate naming rights and associate sponsorships;

AND THAT staff work with others to explore philanthropy opportunities for the skate park;

AND THAT staff approach local skating groups to gauge interest in pursuing community fundraising for further amenities for the skate park.

CARRIED UNANIMOUSLY

5. MOTIONS AND NOTICES OF MOTION

Moved by Councillor Clark, seconded by Councillor Mussatto that consideration of the following items:

(a) "Joints in Motion" - File: 4455-01

Submitted by Councillor R.C. Clark

THAT City Council order an external audit of the Mayor's expenditure's regarding "Joints in Motion" Arthritis Society fundraising campaign, such audit to be conducted as soon as possible.

(b) City Involvement in Fundraising - File: 4455-01

Submitted by Councillor R.C. Clark

THAT a Policy Committee Meeting of Council be held to discuss the City's involvement with charitable fundraising.

be deferred until all members of Council are present.

7. COUNCIL INQUIRIES (Questions of Council Members) - Continued Nil.

Recess - Public Question Period

Mayor Sharp declared a recess at 7:46 p.m., for the public question period and reconvened the meeting immediately.

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

9.1 REPORT OF THE COMMITTEE OF THE WHOLE

Nil.

10. ADJOURNMENT

Moved by Councillor Mussatto, seconded by Councillor Heywood

THAT the meeting adjourn.

CARRIED UNANIMOUSLY

The meeting adjourned at 7:47 p.m.