



**MINUTES OF THE REGULAR MEETING OF COUNCIL HELD IN
THE COUNCIL CHAMBER, CITY HALL, 141 WEST 14th STREET,
NORTH VANCOUVER, B.C., ON **MONDAY, NOVEMBER 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 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
B. Nelligan, Transportation Engineer
S Ono, City Engineer
A. Mairs, Transportation Planner
B. Susak, Deputy City Engineer
F.A. Smith, Director, Community Development

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

1. ADOPTION OF MINUTES

Moved by Councillor Heywood, seconded by Councillor Clark

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

CARRIED UNANIMOUSLY

CONSENT AGENDA {Items 4*(i), 6 *(b)(i), 4 *(j), 6 *(d)(ii), 4 *(k), 6 *(a)(ii),
6 *(a)(iii), 6 *(a)(iv) and (6) *(a)(v)}

Moved by Councillor Clark, seconded by Councillor Fearnley

THAT the resolutions listed within the "Consent Agenda" of November 24,
2003, with the addition of item 4. *(c), and with the exception of item 4.
*(k), be approved, as follows:

Continued....

4. REPORTS OF COMMITTEES, COUNCIL, AND STAFF

***(c) Request to Waive Fees - Water Service Upgrade at 241 West Keith Road - File: 3400-05 KEITH W 241**

Report: Development Planner, Community Development,
November 12, 2003

PURSUANT to the report of the Development Planner dated November 12, 2003, entitled "Request to Waive Fees - Water Service Upgrade at 241 West Keith Road":

THAT due to unique circumstances relating to the safety requirements for his heritage building, the incremental costs for an upgraded water connection not be charged to the owner but be paid for through the City's Heritage Fund Account.

(CARRIED UNANIMOUSLY)

***(i) Stream and Drainage System Protection Bylaw
File: 3020-03-02 STEW**

Report: Manager, Environment and Parks, October 22, 2003

PURSUANT to the report of the Manager, Environment and Parks, dated October 22, 2003, entitled "Stream and Drainage System Protection Bylaw":

THAT the "City of North Vancouver Stream and Drainage System Protection Bylaw, 2003, No. 7541", be considered and referred to a Policy Committee meeting.

(CARRIED UNANIMOUSLY)

6. BYLAWS

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

(i) "City of North Vancouver Stream and Drainage System Protection Bylaw, 2003, No. 7541"

THAT Bylaw No. 7541 be read a first time in short form, copies of same having been distributed to Council members and read by them.

(CARRIED UNANIMOUSLY)

THAT the said Bylaw No. 7541 be read a second time in short form.

(CARRIED UNANIMOUSLY)

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

THAT the said Bylaw No. 7541 be read a third time in short form and passed subject to reconsideration.

(CARRIED UNANIMOUSLY)

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

***(j) Rezoning Application: Cusano/Vernacular Design - 784 East 17th Street, RS-2 - File: 3400-05 17E 784**

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

PURSUANT to the report of the Development Planner dated November 19, 2003, entitled "Rezoning Application: Cusano/Vernacular Design - 784 East 17th Street, RS-2":

THAT "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2003, No. 7566" (Domenico and Cristina Cusano, 784 East 17th Street, RS-2), be considered and referred to a Public Hearing.

(CARRIED UNANIMOUSLY)

6. BYLAWS - Continued

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

(ii) "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2003, No. 7566" (Domenico and Cristina Cusano, 784 East 17th Street, RS-2)

THAT Bylaw No. 7566 be read a first time in short form, copy of same having been distributed to Council members and read by them.

(CARRIED UNANIMOUSLY)

6. BYLAWS - Continued

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

- (ii) "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2003, No. 7560" (The Cascadia Society for Social Working, 351 West 19th Street, CD-463)
- (iii) "Zoning Bylaw, 1995, No. 6700, Amendment bylaw, 2003, No. 7562" (AMS Design & Project Management Co. Ltd., 535 & 539 West 14th Street, RS-2)
- (iv) "Paved Lane North of West 25th Street between Westview Drive and Larson Road, Local Improvement Petition Construction Bylaw, 2003, No. 7563"
- (v) "Fees and Charges Bylaw 1993, No. 6383, Amendment Bylaw, 2003, No. 7565" (Schedule B, Schedule of Fees for Police Services)

THAT the said Bylaws Nos. 7560, 7562, 7563 and 7565 be reconsidered.

(CARRIED UNANIMOUSLY)

THAT the said Bylaws Nos. 7560, 7562, 7563 and 7565 be finally adopted, signed by the Mayor and City Clerk and sealed with the Corporate Seal.

CARRIED UNANIMOUSLY

END OF CONSENT AGENDA ITEMS.

EXPRESSION OF GRATITUDE

**Mr. Graham Oslund, Director, The Cascadia Society for Social Working
File: 3400-05 19W 351**

Mr. Graham Oslund, Director, The Cascadia Society for Social Working, thanked Members of Council for finally adopting "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2003, No. 7560" (The Cascadia Society for Social Working, 351 West 19th Street, CD-463) to permit the use as a Day Centre for adults with developmental disabilities.

Mr. Oslund presented a hand woven bag and a card of thanks signed by everyone at Cascadia to Mayor Sharp.

9. CONFIDENTIAL REPORTS

Moved by Councillor Fearnley, seconded by Councillor Keating

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

- 9(b) Section 242.2 (1)(k)
- 9(c) Section 242.2 (1)(j)
- 9(d) Section 242.2 (1)(j)
- 9(e) Section 242.2 (1)(c)
- 9(f) Section 242.2 (1)(c)
- 9(g) Section 242.2 (1)(e)

AND THAT item 9(a) be considered in open Council this evening.

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

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

- 9(b) Section 242.2 (1)(k)
- 9(c) Section 242.2 (1)(j)
- 9(d) Section 242.2 (1)(j)
- 9(e) Section 242.2 (1)(c)
- 9(f) Section 242.2 (1)(c)
- 9(g) Section 242.2 (1)(e)

CARRIED UNANIMOUSLY

Moved by Councillor Mussatto, seconded by Mayor Sharp

THAT item 9(a) on the agenda be considered in camera this evening as per Section 242.2 (1) (c) of the Local Government Act.

A recorded vote was taken on the motion.

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

Voting against: Councillor Clark

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

On a point of order Councillor Fearnley challenged the Chair with regards to a bias, a non pecuniary conflict of interest, as to Mayor Sharp's ability to remain in the Chair during consideration of item 9. (a) on the agenda this evening.

The City Clerk asked: "Shall the Chair be sustained?"

A recorded vote was taken to sustain the Chair, as follows (The Mayor is not permitted to vote and a tie vote passes in the affirmative):

Voting in favour: Councillor Mussatto
 Councillor Keating
 Councillor Perrault
 Councillor Heywood

Voting against: Councillor Fearnley
 Councillor Clark

The Chair was sustained by a vote of four to two.

The meeting recessed at 6:15 p.m., and reconvened at 9:26 p.m., with the same personnel present.

9.1 REPORT OF THE COMMITTEE OF THE WHOLE

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

(b) The Pier - Revised Phasing Negotiations
File: 3357-03-03 ESPL. E 109 & 116

Report: City Manager, November 19, 2003

THAT the action taken by the Committee of the Whole in camera regarding "The Pier – Revised Phasing Negotiations", be ratified, and the wording of the resolution and the report of the City Manager dated November 19, 2003, remain in camera.

CARRIED UNANIMOUSLY

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

**9.1 (c) Residency Requirement - Fire Department Chief Officers
File: 1835-01**

Report: Fire Chief, November 12, 2003

PURSUANT to the report of the Fire Chief dated November 12, 2003, entitled "Residency Requirement – Fire Department Chief Officers":

THAT the Fire Chief's recommendation in reference to Section 10(4) as written in "Fire Department Regulation Bylaw, 1982, No. 5437, Amendment Bylaw, 1989, No. 6040" (Living Boundaries), that the restriction of "30 percent of the total number of Fire Department members" able to live outside the area bounded by the City of North Vancouver, the District of North Vancouver, the District of West Vancouver or the Village of Lions Bay, be amended to include 30 percent of Fire Department Chief Officers with the exception of the Fire Chief and Deputy Fire Chief, for a trial period of one year from the date of ratification by Council, or at a time prior to filling a Chief Officer vacancy, be endorsed;

AND THAT the Fire Chief be instructed to bring back a report to Council at that end of the trial period on the results, along with the appropriate recommendations.

CARRIED UNANIMOUSLY

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

(e) Partnership Matter - File: 1085-03-N5-01

Report: Manager - Special Projects, November 12, 2003

THAT the action taken by the Committee of the Whole in camera regarding "Partnership Matter", be ratified, and the wording of the resolution and the report of the Manager - Special Projects, dated November 12, 2003, remain in camera.

CARRIED UNANIMOUSLY

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

**9.1 (f) Emergency Social Services - Enhanced Resources
File: 3125-07-03-01**

Report: Director, Community Development and Director, North Shore Emergency Management Office,
November 19, 2003

PURSUANT to the report of the Director, Community Development and Director, North Shore Emergency Management Office, dated November 19, 2003, entitled "Emergency Social Services – Enhanced Resources":

THAT funding be provided in the 2004 budget for the North Shore Emergency Management Office for the provision of an Emergency Social Services Director as a part-time position for a period of two years commencing January 1, 2004.

A recorded vote was taken on the motion.

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

Voting against: Councillor Fearnley
Councillor Heywood

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

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

(g) Homeless Shelter - File: 4230-27-02

Verbal Update: City Manager

THAT the City of North Vancouver forego the rent of the warehouse building that has been proposed for a temporary homeless shelter and that the improvements to this building as discussed this evening be approved in the most cost effective manner possible.

CARRIED UNANIMOUSLY

2. DELEGATIONS

(a) Alan Formanek, Festival Director, Vancouver International Mountain Film Festival, North Vancouver

Re: 7th Vancouver International Mountain Film Festival
File: 1670-03-01

Mr. Alan Formanek, Festival Director, Vancouver International Mountain Film Festival, invited the City of North Vancouver to become a sponsor for the 7th Vancouver International Mountain Film Festival scheduled to be held February 20 – 29, 2004 in North Vancouver and Vancouver.

Mr. Formanek requested a community grant from the City of North Vancouver in the amount of \$7,500.00 to cover venue and equipment rental costs and to provide for professional staff to supplement the many volunteers who have made the Festival a success each year.

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

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

(a) Council Special Events Grants for 2004 - File: 1665-02

Report: Deputy Director of Finance, November 20, 2003

Moved by Councillor Mussatto, seconded by Councillor Fearnley

PURSUANT to the report of the Deputy Director of Finance, dated November 20, 2003, entitled "Council Special Events Grants for 2004":

THAT grants from the 2004 Special Events Grants fund be awarded as follows:

Canada Day Parade Committee	\$2,000
Canada Day Committee	\$3,200
Coho Festival Society	\$5,000
Pitch-In BC	\$395
Park and Tilford Festival of Lights	\$500
Operation Red Nose	\$550
Vancouver International Mountain Film Festival	\$5,000
	\$16,645

AND THAT these grants be paid from the Council Special Events Fund;

AND THAT the additional \$2,500. requested by the Vancouver International Mountain Film Festival be referred to budget deliberations;

Continued....

4. (a) **Council Special Events Grants for 2004 - File: 1665-02
- Continued**

AND THAT grants from the 2004 Council General Contingency be awarded as follows:

Canada Day Parade Committee	\$6,000
North Vancouver Jazz Festival	\$10,000
	\$16,000

AND THAT these grants be paid from the Council General Contingency Fund.

CARRIED UNANIMOUSLY

2. **DELEGATIONS - Continued**

(b) **Ms. Holly Back, Holly's On the North Shore, North Vancouver**

Re: Street Parking Restrictions - East 2nd Street
File: 4120-02-01

Ms. Holly Back, Holly's on the North Shore, referred to the petition signed by 400 local residents and business owners in the 100 Block East 2nd Street area, expressing their dissatisfaction with the recent changes from two-hour parking to one-hour parking in that area.

Ms. Back advised that the one-hour parking time limit is inadequate for many business patrons as well as those visiting residents in the area.

Ms. Back requested that Council reconsider their decision and revert to the two-hour parking time limit that previously existed.

Ms. Back then responded to questions from members of Council.

3. **CORRESPONDENCE**

(a) **Ms. Holly Back, Holly's On the North Shore, North Vancouver,
November 17, 2003**

Re: Street Parking Restrictions - East 2nd Street
File: 4120-02-01

Moved by Councillor Mussatto, seconded by Councillor Fearnley

PURSUANT to the correspondence dated November 17, 2003, received from Ms. Holly Back, regarding "Street Parking Restrictions - East 2nd Street":

Continued....

3. (a) **Ms. Holly Back, Holly's On the North Shore, North Vancouver, November 17, 2003 - Continued**

THAT the City of North Vancouver go back to two-hour parking in the 100 Block East 2nd Street, where it was in existence before, as an interim measure, to allow staff to continue their parking review and report back to Council.

CARRIED UNANIMOUSLY

2. **DELEGATIONS - Continued**

(c) **David B. Fairey, P.Econ., Participatory Budgeting, Community-University Research Alliances (CURA) Grant Projects**

Re: Community-University Research Alliances Grant Application
- Participatory Budgeting for Vancouver Area Local
Government: Model Development and Community Capacity
Building - File: 1150-06

Mr. David B. Fairey, P.Econ., Participatory Budgeting, Community-University Research Alliances (CURA) Grant Projects, advised that the University of British Columbia School of Community and Regional Planning is conducting a study of participatory budgeting and requested that the City of North Vancouver participate in said study.

Mr. Fairey advised that involvement of the City of North Vancouver in the study would not impact very much staff time as the first phase of the study is primarily investigative, consisting mainly of a survey and documentation of budgeting methods. Mr. Fairey advised that further phases might not take place until 2005 or later.

Councillor Mussatto briefly left and returned to the meeting.

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

3. **CORRESPONDENCE - Continued**

- (b) **Dr. Penny Gurstein, Faculty Research Association, Centre for Human Settlement/Associate Professor, School of Community & Regional Planning, The University of British Columbia, Vancouver, November 5, 2003**

Re: Community-University Research Alliances Grant Application
- Participatory Budgeting for Vancouver Area Local
Government: Model Development and Community Capacity
Building - File: 1150-06

Moved by Councillor Keating, seconded by Councillor Mussatto

PURSUANT to the correspondence dated November 5, 2003 received from Dr. Penny Gurstein, Faculty Research Association, Centre for Human Settlement/Associate Professor, School of Community & Regional Planning, The University of British Columbia, regarding "Community-University Research Alliances Grant Application - Participatory Budgeting for Vancouver Area Local Government: Model Development and Community Capacity Building":

THAT staff be requested to participate in the budgeting study.

Moved by Councillor Mussatto, seconded by Councillor Keating

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

A recorded vote was taken on the original motion.

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

Voting against: Councillor Clark

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

Moved by Councillor Keating, seconded by Councillor Perrault

THAT items 4. (e), (h), (k), (g), and 6. (d) (i), on the agenda be brought forward for consideration at this time.

CARRIED UNANIMOUSLY

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

**(e) Proposed Revisions to Resident Exempt Parking Policy
File: 4120-02-03**

Report: Transportation Engineer, November 19, 2003

Moved by Councillor Fearnley, seconded by Councillor Mussatto

PURSUANT to the report of the Transportation Engineer dated November 19, 2003, entitled "Proposed Revisions to Resident Exempt Parking Policy":

THAT the new Resident Exempt Parking Policy as attached to the November 19, 2003 report, be endorsed.

Moved by Councillor Keating, seconded by Councillor Perrault

THAT the "Proposed Revisions to Resident Exempt Parking Policy" be referred back to staff to address Zone A concerns and the concerns raised by Councillor Mussatto at this evening's meeting.

CARRIED UNANIMOUSLY

Councillor Perrault advised that the City Clerk has informed her that she has a conflict of interest regarding item 4. (h) on the agenda because her home is located on Grand Boulevard.

The City Clerk advised that this is because of the proposal contained in the report that the traffic be realigned to the East side of Grand Boulevard past Councillor Perrault's home and if Councillor Perrault participated in the discussion of 4. (h) while being in a conflict of interest she could lose her seat on Council.

Councillor Perrault left the meeting.

**(h) Grand Boulevard Transportation Issues
File: 4105-03-11/4305-03-G2-02**

Report: Transportation Engineer, November 19, 2003

Moved by Councillor Keating, seconded by Councillor Mussatto

PURSUANT to the report of the Transportation Engineer dated November 19, 2003, entitled "Grand Boulevard Transportation Issues":

THAT this report be received and filed.

CARRIED UNANIMOUSLY

Councillor Perrault returned to the meeting.

4. (k) **Development Variance Permit - Gross Floor Area Exemptions for Attached Parking Garages, 1021 West Keith, Lots 2 & 3 (Lori & Paul Sampson/Fernandes Homes Ltd.)**
File: 3358-03 KEI W 1021 Lots 2 & 3

Report: Planning Technician II, Community Development,
November 13, 2003

Moved by Councillor Mussatto, seconded by Councillor Keating

PURSUANT to the report of the Planning Technician II, dated November 13, 2003, entitled "Development Variance Permit Application - Gross Floor Area Exemptions for Attached Parking Garages, 1021 West Keith, Lots 2 & 3" (Lori & Paul Sampson/Fernandes Homes Ltd.):

THAT Development Variance Permit No. 181 be considered for issuance under Section 922 of the Local Government Act;

AND THAT Development Variance Permit No. 182 be considered for issuance under Section 922 of the Local Government Act;

AND THAT notification be circulated in accordance with Section 922 of the Local Government Act and a Public Meeting be scheduled.

CARRIED UNANIMOUSLY

- (g) **Rezoning Application: 257 & 263 West 5th Street, CD-461 (Harbourview Projects Corp/Charles Moorhead Architect)**
File: 3400-05 05W 257-259 & 263-265

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

Moved by Councillor Keating, seconded by Councillor Mussatto

PURSUANT to the report of the Development Planner dated November 19, 2003 entitled, "Rezoning Application: 257 & 263 West 5th Street, CD-461 (Harbourview Projects Corp/Charles Moorhead Architect)":

THAT "Zoning Bylaw 1995, No. 6700, Amendment Bylaw, 2003, No. 7538" (Harbourview Projects Corp/Charles Moorhead Architect, 257 & 263 West 5th Street, CD-461) as revised to respond to the October 20, 2003 Public Hearing, be considered and referred to a new Public Hearing.

Continued....

**4. (g) Rezoning Application: 257 & 263 West 5th Street, CD-461
(Harbourview Projects Corp/Charles Moorhead Architect)
File: 3400-05 05W 257-259 & 263-265 - Continued**

A recorded vote was taken on the motion.

Voting in favour: Councillor Keating
Councillor Mussatto
Mayor Sharp

Voting against: Councillor Perrault
Councillor Heywood
Councillor Clark
Councillor Fearnley

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

6. BYLAWS - Continued

(d) Introduction And First Reading Only - Continued

Moved by Councillor Fearnley, seconded by Councillor Clark that

- (i) "Zoning Bylaw 1995, No. 6700, Amendment Bylaw, 2003, No. 7538" (Harbourview Projects Corp/Charles Moorhead Architect, 257 & 263 West 5th Street, CD-461)

be deleted from the agenda.

CARRIED

Councillor Mussatto and Councillor Keating are recorded as voting contrary to the motion.

Moved by Councillor Clark, seconded by Councillor Keating

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

A recorded vote was taken on the motion.

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

Voting against: Nil.

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

3. **CORRESPONDENCE - Continued**

(c) **Kerri Lore, Community Services Coordinator, Secretary to City of Coquitlam Sexually Exploited Youth Committee, October 14, 2003**

Re: Age of Consent - File: 1175-04-01

Moved by Councillor Perrault, seconded by Councillor Heywood

PURSUANT to the correspondence dated October 14, 2003, received from Kerri Lore, Community Services Coordinator, Secretary to City of Coquitlam Sexually Exploited Youth Committee, regarding "Age of Consent":

THAT the Council of the City of North Vancouver supports the following resolution and urge the Federal Government to change Canada's Age of Consent to 16 years of age:

"WHEREAS the age of consent for sexual activity in Canada is 14, one of the lowest in the world;

AND WHEREAS Canada has established a reputation internationally as a haven for sexual predators of children;

Continued....

3. (c) **Kerri Lore, Community Services Coordinator, Secretary to City of Coquitlam Sexually Exploited Youth Committee, October 14, 2003 - Continued**

AND WHEREAS the commercial sexual exploitation of children and youth represents a gross imbalance of power between an adult and a child and constitutes a form of child sexual abuse that causes extreme lifelong emotional, physical and sexual harm;

AND WHEREAS pimps, johns, pornographers and others who sexually exploit children use the age of consent to justify their actions;

AND WHEREAS adults using children to satisfy their own dangerous impulses, frustrations and need to dominate must be considered a crime and adult predators must be punished;

AND WHEREAS raising the age of consent would assist in the prosecution of child sexual predators and provide children and youth with an additional measure of protection until they reach a higher level of maturity and understanding about the issues involved in engaging in sexual activity;

THEREFORE BE IT RESOLVED THAT the Federal Government ensure the right of children to be free of adult sexual exploitation by amending the Criminal Code to state that no adult can engage in sexual activity with a child under 16 years of age.”

CARRIED UNANIMOUSLY

(d) **Barry O’Neill, President, Canadian Union of Public Employees British Columbia Division, Burnaby, November 6, 2003**

Re: Greater Vancouver Transit Authority (TransLink) Public Sector Comparator (PSC) - File: 1180-37-01

Moved by Councillor Mussatto, seconded by Councillor Keating

PURSUANT to the correspondence dated November 6, 2003, received from Barry O’Neill, President, Canadian Union of Public Employees British Columbia Division, Burnaby, regarding “Greater Vancouver Transit Authority (TransLink) Public Sector Comparator (PSC)”:

THAT the following resolution as set out in the November 6, 2003 correspondence, be endorsed, as follows:

“**WHEREAS** the Richmond/Airport/Vancouver (RAV) Project has proceeded with Requests for Proposals that include the operation and management of the new rapid transit line;

Continued....

3. (d) **Barry O'Neill, President, Canadian Union of Public Employees
British Columbia Division, Burnaby, November 6, 2003
- Continued**

AND WHEREAS part of this process is the development of a Public Sector Comparator that will facilitate a comparison of public versus private delivery;

THEREFORE BE IT RESOLVED THAT in order to eliminate any perception of bias or conflict of interest, no firm either acting as auditor to a bidder or directly involved in creating public private partnerships as part of their international work be engaged to prepare the Public Sector Comparator;

AND THAT any assumptions which are provided to the agency or firm preparing the Public Sector Comparator be made public at the time they are provided to that agency or firm;

AND THAT the Public Sector Comparator created explicitly outline the methodology used to prepare the financial analysis of risk transfer and the discount rate;

AND THAT methodology dealing with risk transfer also consider new risks being absorbed by the public sector, such as, but not limited to, possible commercial failure of a private partner;

AND THAT TransLink enter into discussion with the Auditor General of British Columbia to review the Public Sector Comparator for fairness and accuracy. These discussions would include assurances that the Auditor General's Office would be provided sufficient money and time to do the work it considered appropriate;

AND THAT the Public Sector Comparator be made public before any final decision is made with respect to a bidder and that it be made public sufficiently early to permit comment on the PSC by the public and by municipal Councils before it is given to the Auditor General for his review."

A recorded vote was taken on the motion.

Voting in favour: Councillor Clark
Councillor Keating
Councillor Mussatto

Voting against: Councillor Heywood
Councillor Fearnley
Councillor Perrault
Mayor Sharp

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

3. (e) **Councillor R.J. (Bob) Fearnley, November 18, 2003**

Re: Committee Appointments - File: 1090-03-01

Requested by Mayor Barbara A. Sharp

Moved by Councillor Keating, seconded by Councillor Mussatto

THAT Councillor D.R. Mussatto be appointed as the Council representative to the North Vancouver Chamber of Commerce.

CARRIED UNANIMOUSLY

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

(b) **Membership on Outside Agencies - File: 1040-01**

Report: City Clerk, November 6, 2003

Moved by Councillor Keating, seconded by Councillor Fearnley

PURSUANT to the report of the City Clerk, dated November 6, 2003 entitled, "Membership on Outside Agencies":

THAT the City cease to appoint Council members to the following Agencies effective December, 2003:

- The British Columbia Photography and Media Arts Society (also known as Presentation House Photography and Media Arts Gallery)
- Coho Society of the North Shore
- Presentation House Theatre.

CARRIED UNANIMOUSLY

4. (d) **Bill 75 - "The Significant Projects Streamlining Act"**
File: 1040-03-U1-01

Requested by Mayor B.A. Sharp and Councillor R.J. Fearnley

Moved by Councillor Fearnley, seconded by Councillor Mussatto

WHEREAS "The Significant Projects Streamlining Act" or Bill 75 seriously erodes municipal autonomy and independence and will result in the Province overriding municipal jurisdiction with respect to bylaws, the regulation of land use, and taxation;

AND WHEREAS Bill 75 allows for backroom deals to be made and projects approved without meaningful public consultation;

AND WHEREAS there has been a lack of consultation with the Union of British Columbia Municipalities and individual municipalities on Bill 75, which runs completely contrary to the promises contained within the new Community Charter;

THEREFORE BE IT RESOLVED THAT the City of North Vancouver requests, in the strongest possible fashion, that the Province remove the words "local government" from Bill 75;

AND THAT the City of North Vancouver support the Union of British Columbia Municipalities executive in their efforts to oppose Bill 75;

AND THAT the City of North Vancouver forward a copy of this resolution to the Union of British Columbia Municipalities and other local governments within British Columbia, and to all North Shore MLA's.

CARRIED UNANIMOUSLY

(f) **Powers, Duties and Responsibilities of Mayor and Councillors**
File: 1090-01

Report: City Clerk, November 3, 2003

Moved by Councillor Keating, seconded by Councillor Clark

PURSUANT to the report of the City Clerk dated November 3, 2003, entitled, "Powers, Duties and Responsibilities of Mayor and Councillors":

THAT the report dated November 3, 2003 be included in the Orientation Package of all new City of North Vancouver Councils.

CARRIED UNANIMOUSLY

Councillor Keating left the meeting.

5. MOTIONS AND NOTICES OF MOTION

(b) Traffic Circle and Bump Out Gardens - File: 4155-07-06-03

Submitted by Councillor R.C. Clark

Moved by Councillor Clark, seconded by Councillor Mussatto

WHEREAS traffic circles and bump outs installed on a temporary basis are to become permanent;

AND WHEREAS such areas in other jurisdictions are planted as suitable gardens, thereby beautifying same;

THEREFORE BE IT RESOLVED THAT City Council call for a staff report addressing the potential for traffic circle and bump out gardens in the City and appropriate methods of managing same.

CARRIED UNANIMOUSLY

6. BYLAWS - Continued

(a) Reconsideration and Final Adoption - Continued

Moved by Councillor Heywood, seconded by Councillor Mussatto that

- (i) "Zoning Bylaw, 1995, No. 6700, Amendment bylaw, 2003, No. 7537" (Housekeeping and Streamlining Bylaw, City of North Vancouver), as amended

be reconsidered.

CARRIED

Councillor Perrault is recorded as voting contrary to the motion.

Moved by Councillor Heywood, seconded by Councillor Mussatto

THAT the said Bylaw No. 7537, as amended, be finally adopted, signed by the Mayor and City Clerk and sealed with the Corporate Seal.

CARRIED

Councillor Perrault is recorded as voting contrary to the motion.

Councillor Keating returned to the meeting.

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

(c) **“Council Procedure Bylaw, 1992, No. 6275” – File: 3020-03**

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

“WHEREAS the “Council Procedure Bylaw, 1992, No. 6275” under Article 20, Improper Conduct, states that no member of Council shall use offensive language against the City staff;

THEREFORE BE IT RESOLVED THAT Council today reaffirm unanimously its support for that resolution.”

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

Nil.

10. **ADJOURNMENT**

Moved by Councillor Mussatto, seconded by Councillor Heywood

THAT the meeting adjourn.

CARRIED UNANIMOUSLY

The meeting adjourned at 11:38 p.m.