



**MINUTES OF THE REGULAR MEETING OF COUNCIL HELD IN
THE COUNCIL CHAMBER, CITY HALL, 141 WEST 14th STREET,
NORTH VANCOUVER, B.C., ON **MONDAY, SEPTEMBER 13,**
2004 AT 6:00 P.M.**

PRESENT:

COUNCIL MEMBERS

Acting Mayor R.N. Heywood
Councillor R.C. Clark
Councillor R.J. Fearnley
Councillor C.R. Keating
Councillor D.R. Mussatto
Councillor B.W. Perrault

ABSENT:

Mayor B.A. Sharp

STAFF MEMBERS

A.K. Tollstam, City Manager
B.A. Hawkshaw, City Clerk
S.E. Dowe, Deputy City Clerk
S. Ono, City Engineer
F.A. Smith, Director, Community Development
I. Gordon, Deputy Director of Finance
R.H. White, City Planner
K. Russell, Development Planner
T. Christie, Director of Finance
B. Themens, Manager, Capital Planning
L. Orr, Community Planner
Fire Chief R. Douglas
D. Burgess, Assistant Chief, Fire Prevention
S. Smith, Planner, Engineering Department

The meeting was called to order at 6:02 p.m.

ADOPTION OF MINUTES

Moved by Councillor Clark, seconded by Councillor Perrault

THAT the following Minutes be adopted as circulated:

1. Special Council Meeting Minutes, September 7, 2004.
2. In Camera Committee of the Whole Meeting Minutes, September 7, 2004.

CARRIED UNANIMOUSLY

CONSENT AGENDA ITEMS

{Items *7, *8, *9, *10, *11 and *12}

Moved by Councillor Clark, seconded by Councillor Perrault

THAT the resolutions listed within the "Consent Agenda" of September 13, 2004, be approved, as follows:

BYLAWS - Reconsideration and Final Adoption

- *7. "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2004, No. 7632"
(Shane McLean / Kent Halex, 1513 Ridgeway Avenue, CD-483)

THAT the said Bylaw No. 7632 be reconsidered.

(CARRIED UNANIMOUSLY)

THAT the said Bylaw No. 7632 be finally adopted, signed by the Mayor and City Clerk and sealed with the Corporate Seal.

(CARRIED UNANIMOUSLY)

CORRESPONDENCE

- *8. **James Fox, Chair, North Vancouver City Library, July 20, 2004**

Re: Allocation of North Vancouver City Library Board 2003 Operating Surplus - File: 1085-03-N9-01

PURSUANT to the correspondence from the North Vancouver City Library dated July 20, 2004 regarding "Allocation of North Vancouver City Library Board 2003 Operating Surplus":

THAT the North Vancouver City Library be authorized to allocate their 2003 Operating Surplus in the amount of \$42,712 as follows:

- \$30,000 to Collection Development and
- \$12,712 to Marketing

as outlined in the above referenced correspondence.

(CARRIED UNANIMOUSLY)

REPORTS OF COMMITTEES, COUNCIL REPRESENTATIVES AND STAFF

- *9. **Funding of Repairs to 100 West First Street - File: 4145-02-F2-01**

Report: Assistant City Engineer, September 7, 2004.

PURSUANT to the report of the Assistant City Engineer dated September 7, 2004, entitled "Funding of Repairs to 100 West First Street":

THAT supplementary funding of repairs to 100 West First Street be provided by utilizing surplus funds from completed sewerage utility projects and by deferring Project No. 54031 Jones: 15th Street to 17th Street - Sanitary Sewer Rehabilitation (included in the approved 2004 Sewerage and Drainage Utility Budget);

Continued....

REPORTS OF COMMITTEES, COUNCIL REPRESENTATIVES AND STAFF - Continued

***9. Funding of Repairs to 100 West First Street - File: 4145-02-F2-01
- Continued**

AND THAT adjustments be made as part of the preliminary 2005-2014 Financial Plan capital budget, in Fall 2004, to restore funding for the deferred project.

(CARRIED UNANIMOUSLY)

***10. Proposed Group Daycare at #101 - 38 Fell Avenue, Core Education and Fine Arts, Roc-Tone School Inc. - File: 3345-02 Fell 38**

Report: Community Planner, Community Development,
September 8, 2004

PURSUANT to report of the Community Planner dated September 8, 2004, entitled "Proposed Group Daycare at #101 - 38 Fell Avenue, Core Education and Fine Arts, Roc-Tone School Inc.":

THAT the "Zoning Bylaw, 1995, No. 6700" requirement for outdoor play space and parking be varied to accommodate the proposed group day care at #101 - 38 Fell Avenue;

AND THAT staff be requested to bring forward an amendment to "Zoning Bylaw, 1995, No. 6700", to remove the requirements for outdoor play space and revise the requirements for parking to make them more realistic for child care facilities.

(CARRIED UNANIMOUSLY)

CORRESPONDENCE - Continued

***11. Chuck van der Lee, President and CEO, Rogers Video, August 9, 2004**

Re: Rogers Santa Claus Parade - Participant Registration Guidelines
File: 4455-01

PURSUANT to the correspondence from Rogers Video dated August 9, 2004, entitled "Rogers Santa Claus Parade - Participant Registration Guidelines":

THAT the City of North Vancouver be authorized to enter the City of Vancouver's November 21, 2004 Santa Claus Parade, utilizing the service of the North Vancouver Youth Band;

AND THAT the funds be provided from the 2004 General Contingency Account;

Continued....

CORRESPONDENCE - Continued

***11. Chuck van der Lee, President and CEO, Rogers Video, August 9, 2004 - Continued**

AND THAT the District of North Vancouver be invited to participate with the City of North Vancouver and share costs for this November 21, 2004 Santa Claus Parade;

AND THAT staff report on the viability of entering a float in future parades.

(CARRIED UNANIMOUSLY)

***12. R. Scott, Chairman, North Shore Cardiac Rehab, August 28, 2004**

Re: Support the Proposal - File: 4230-01

Requested by Mayor Barbara A. Sharp

PURSUANT to the correspondence from R. Scott, Chair, North Shore Cardiac Rehab dated August 28, 2004, regarding "Support the Proposal":

THAT the North Shore Cardiac Rehab Membership Fee payable to the North Vancouver Recreation Commission be considered as an income tax deduction or credit;

AND THAT the Federal and Provincial Health Ministers, the Honourable Ujjal Dosanjh, Health Minister and the Honourable Colin Hansen, Minister of Health Services for the Province of British Columbia, be so advised.

CARRIED UNANIMOUSLY

END OF CONSENT AGENDA ITEMS.

CONFIDENTIAL REPORTS

Moved by Councillor Clark, seconded by Councillor Perrault

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

3. Section 90 (1) (f)
15. Section 90 (1) (c)

CARRIED UNANIMOUSLY

The meeting recessed at 6:03 p.m., and reconvened at 7:15 p.m., with the same personnel present and with the addition of Councillor Mussatto and Councillor Keating.

REPORT OF COMMITTEE OF THE WHOLE

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

3. Enforcement Issue – File: 3045-03/3345-02 01W 135

Verbal Report: City Solicitor

THAT a full hearing before Council be scheduled, at which time a review of The Shore Cabaret's business license would be conducted and a suspension or cancellation of its license be considered by Council.

THAT the City of North Vancouver emphasize to the owners of The Shore Cabaret our concerns about the noise being created outside their premises located at 135 West 1st Street, North Vancouver, BC.

CARRIED UNANIMOUSLY

PROCLAMATIONS

Acting Mayor Heywood read the following Proclamations:

“SUBWAY DAY FOR CHILD”, SEPTEMBER 16, 2004

“B.C. RIVERS DAY”, SEPTEMBER 26, 2004

PRESENTATION

4. Howard Nemtin, Chair, New Facilities Committee

Re: Update on Presentation House Gallery's New Facility Requirements - File: 4210-02-P1-01

Mr. Howard Nemtin, Chair, New Facilities Committee, advised that the Committee have looked at the old Aberdeen building as a possible site to which the gallery could be relocated but that the costs were prohibitive. Mr. Nemtin advised that the Committee have looked at other locations for the gallery to be located in the Lower Lonsdale area, in particular, the old machine shop site located on the Versatile Shipyards site.

Continued....

PRESENTATION - Continued

4. Howard Nemtin, Chair, New Facilities Committee - Continued

Mr. Nemtin gave some background information on the types of fundraising they have undertaken.

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

DELEGATIONS

Maureen Hayes, Co-Manager, Lower Lonsdale Community Garden

Re: Vandalism in the Lower Lonsdale Community Garden - File: 3380-02-C3

Ms. Maureen Hayes, Co-Manager, Lower Lonsdale Community Garden, advised members of Council that the community garden was seriously vandalized on September 5, 2004.

Ms. Hayes requested members of Council to consider the need for a higher gate and higher fencing around the community garden and the installation of two additional street lights to make it easier for local residents and the police to see intruders at night and also to remove the Friendship Gate from outside to inside the fenced area.

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

CORRESPONDENCE - Continued

5. Maureen Hayes, Co-Manager, Lower Lonsdale Community Garden, September 7, 2004.

Re: Vandalism in the Lower Lonsdale Community Garden
File: 3380-02-C3

Moved by Councillor Fearnley, seconded by Councillor Perrault

PURSUANT to the correspondence dated September 7, 2004 received from Ms. Maureen Hayes, Co-Manager, Lower Lonsdale Community Garden regarding "Vandalism in the Lower Lonsdale Community Garden":

THAT the Lower Lonsdale Community Garden Association and the City of North Vancouver staff work together to present some options for Council's consideration, including the lighting issue, with respect to security at the Lower Lonsdale Community Garden.

Councillor Mussatto left the meeting.

The motion was **CARRIED UNANIMOUSLY.**

MOTIONS AND NOTICES OF MOTION

6. Civic Marina at the Foot of Lonsdale – File: 4145-02-L1-01/ 3380-02-L4-01

Submitted by Councillor R.C. Clark

Moved by Councillor Clark, seconded by Acting Mayor Heywood

BE IT RESOLVED THAT City Council call for a staff report on the subject of a civic marina at the foot of Lonsdale.

Councillor Mussatto returned to the meeting.

A recorded vote was taken on the motion.

Voting in favour: Councillor Fearnley
Councillor Mussatto
Councillor Keating
Councillor Clark
Acting Mayor Heywood

Voting against: Councillor Perrault

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

REPORTS OF COMMITTEES, COUNCIL REPRESENTATIVES AND STAFF - Continued

13. 427/433 West 16th Street Development Proposal, Brent Development Ltd./REL Design - File: 3345-02 16W 427/433

Report: Development Planner, Community Development,
September 3, 2004

Moved by Councillor Mussatto, seconded by Councillor Keating

PURSUANT to the report of the Development Planner dated September 3, 2004, entitled “427/433 West 16th Street Development Proposal, Brent Development Ltd./REL Design”:

THAT staff be requested to process this rezoning application, as presented, (Option 4 of said report).

Continued....

REPORTS OF COMMITTEES, COUNCIL REPRESENTATIVES AND STAFF - Continued

13. 427/433 West 16th Street Development Proposal, Brent Development Ltd./REL Design - File: 3345-02 16W 427/433 - Continued

Moved by Councillor Clark, seconded by Councillor Keating

THAT consideration of the report of the Development Planner dated September 3, 2004, entitled "427/433 West 16th Street Development Proposal, Brent Development Ltd./REL Design" be deferred until all members of Council are present.

DEFEATED

A recorded vote was taken on the original motion.

Voting in favour: Councillor Mussatto
Councillor Keating

Voting against: Councillor Perrault
Councillor Clark
Councillor Fearnley
Acting Mayor Heywood

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

DELEGATIONS - Continued

John Rielly, Resident, West Vancouver

Re: Amendment to "Fireworks Regulation Bylaw, 1963, No. 3270"
File: 3020-01

Mr. John Rielly, resident, West Vancouver, gave a brief history of fireworks in British Columbia and how changes in political reality now make the City's "Fireworks Regulation Bylaw, 1963, No. 3270" an obsolete bylaw that does not reflect "modern day reality".

Councillor Mussatto briefly left and returned to the meeting.

Mr. Rielly requested that the City of North Vancouver's "Fireworks Regulation Bylaw, 1963, No. 3270" be amended to permit the sale of all Canadian Explosives Regulatory Branch approved fireworks in the City of North Vancouver between October 24, 2004 and October 29, 2004, inclusive, every year.

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

CORRESPONDENCE - Continued

14. John Rielly, Resident, West Vancouver, September 9, 2004

Re: Amendment to "Fireworks Regulation Bylaw, 1963, No. 3270"
File: 3020-01

Moved by Councillor Keating, seconded by Councillor Clark

THAT the correspondence dated September 9, 2004 received from Mr. John Rielly, Resident, West Vancouver, regarding "Amendment to Fireworks Regulation Bylaw, 1963, No. 3270" be referred to the Fire Chief for a report.

CARRIED UNANIMOUSLY

DELEGATIONS - Continued

Don Rutherford, Executive Director, North Shore Neighbourhood House

Re: Green Building at Ridgeway School - File: 4210-02-N1-01

Mr. Don Rutherford, Executive Director, North Shore Neighbourhood House, updated members of Council on the costs for the rebuilding of the Ridgeway Green Building to accommodate the Ridgeway Out of School Program.

Mr. Rutherford advised that after obtaining quotes from various contractors the total construction cost for the project, including G.S.T., is now \$939,888 and the project cannot proceed with the funding now in place.

Mr. Rutherford requested members of Council to approve further funding in the amount of \$200,000.

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

CORRESPONDENCE - Continued

16. Don Rutherford, Executive Director, North Shore Neighbourhood House, September 10, 2004

Re: Green Building at Ridgeway School - File: 4210-02-N1-01

Moved by Councillor Keating, seconded by Councillor Mussatto

THAT the correspondence dated September 10, 2004 received from Mr. Don Rutherford, Executive Director, North Shore Neighbourhood House, regarding "Green Building at Ridgeway School" be referred to the Capital Planning Workshop to be held Tuesday, September 28, 2004.

CARRIED UNANIMOUSLY

Recess – Public Question Period

Acting Mayor Heywood declared a recess at 9:36 p.m., for the public question period and reconvened the meeting immediately.

INQUIRIES

17. Re: Absence of Mayor Sharp from the September 13, 2004 Council Meeting – File: 1090-01

Inquiry by Councillor R.C. Clark

Councillor Clark inquired as to the whereabouts of Mayor Sharp who is absent from the Council meeting this evening.

Acting Mayor Heywood advised that an email had been received by all members of Council from Mayor Sharp advising that she is attending a Greater Vancouver Regional District forum in Europe.

Mr. Ken Tollstam, City Manager, advised that he is also only aware of the email sent by Mayor Sharp a few weeks ago advising of her absence from tonight's Council meeting.

ADJOURNMENT

Moved by Councillor Mussatto, seconded by Councillor Clark

THAT the meeting adjourn.

CARRIED UNANIMOUSLY

The meeting adjourned at 9:38 p.m.