



MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER, CITY HALL, 141 WEST 14th STREET, NORTH VANCOUVER, B.C., ON WEDNESDAY, AUGUST 10, 2005 AT 6:30 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

T. Christie, Acting City Manager
R.G. Anderson, Acting City Clerk
J.M. Rowe, Assistant City Clerk
G. Penway, City Planner
J. Goulden, City Solicitor
S. Ono, City Engineer
T. Wilson, Property Use Inspector
A. Robinson, Bull Housser Tupper
T. Sliwinski, Technical Assistant 1
P. Melville, Manager, Inspections
R.H. White, Deputy Director, Community Development

Acting Mayor Heywood called the meeting to order at 6:41 p.m.

ADOPTION OF MINUTES

Moved by Councillor Keating, seconded by Councillor Fearnley

THAT the following Minutes be adopted as circulated:

1. Regular Council Meeting Minutes, July 25, 2005.
2. In Camera Committee of the Whole Meeting Minutes, July 25, 2005.

CARRIED UNANIMOUSLY

Moved by Councillor Mussatto, seconded by Councillor Fearnley

THAT "Any Other Business – New Items" be considered at this time.

CARRIED UNANIMOUSLY

ANY OTHER BUSINESS – NEW ITEMS

Moved by Councillor Mussatto, seconded by Councillor Fearnley

THAT the Block Party Permit Application for the 200 Block of West 24th Street be added to the agenda, as item 5 in camera, this evening.

CARRIED UNANIMOUSLY

Moved by Councillor Mussatto, seconded by Councillor Perrault

THAT the Council 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:

3. Section 90 (1) (i)
5. Section 90 (1) (f)

CARRIED UNANIMOUSLY

The meeting recessed at 6:43 p.m. and reconvened at 7:03 p.m., with the same personnel present and with the addition of *Mayor B.A. Sharp.

BUSINESS LICENSE REVIEW HEARING

4. The Shore, 135 West 1st Street - File: 3045-03/3345-02 01W 135

Mayor Sharp gave opening remarks and advised Council that the onus is on the City to establish reasonable cause and that only evidence presented this evening should be considered.

Mr. James Goulden, City Solicitor, reviewed the procedure for the Business License Review Hearing.

Mr. Derek Creighton, Legal Counsel for The Shore, gave some opening remarks and asked Council to consider the proposal put forward by The Shore.

Mr. Goulden called the following witnesses for the City of North Vancouver:

- Mr. Tony Wilson, Property Use Inspector, City of North Vancouver
- Mr. Mark Bliss, Representative of BKL Sound Consultants Ltd.
- Ms. Geraldine Coates, 212-108 West Esplanade, North Vancouver
- Ms. Nikoo Razavi, 1209–155 West 1st Street, North Vancouver
- Mr. John Grano, 608-155 West 1st Street, North Vancouver
- Mr. James Nicholson, 2-170 West 1st, One Park Lane, North Vancouver
- Ms. Carol Rowan, 405-124 West 1st Street, North Vancouver

continued..

**4. The Shore, 135 West 1st Street - File: 3045-03/3345-02 01W 135
*continued***

- Ms. Sue Kelly, 5-107 West 1st Street, North Vancouver
- Ms. Sharon Percival, 410-108 West Esplanade, Tradewinds, North Vancouver
- Mr. Terry Clark, 405-170 West 1st Street, One Park Lane, North Vancouver

The witnesses were sworn in by Mr. Goulden. Mr. Goulden then asked each witness a series of questions.

Mr. Creighton then cross examined the witnesses.

The witnesses then responded to questions from members of Council.

Mr. Goulden advised that he had called all his witnesses and that he would turn the proceedings over to Mr. Creighton.

Mayor Sharp recessed the meeting at 9:56 p.m.

The meeting reconvened at 10:08 p.m. with the same personnel present.

Moved by Councillor Fearnley, seconded by Councillor Heywood

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

Mr. Creighton, Legal Counsel, The Shore, gave a brief opening statement.

Mr. Creighton then called the following witnesses for The Shore:

- Mr. Alan Le Texier, Vice President of LTS Pro Sound & Lighting
- Inspector Howard Eaton, OIC Operations, RCMP North Vancouver Detachment

Moved by Councillor Fearnley, seconded by Councillor Mussatto

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.

CARRIED UNANIMOUSLY

4. **The Shore, 135 West 1st Street - File: 3045-03/3345-02 01W 135**
continued

- Ms. Melissa Thornley, Urban Bridge Foundation
- Ms. Valerie Clark, 13th and Lonsdale, North Vancouver
- Ms. Vivian Kranenburg, on behalf of the Lower Lonsdale Business Association
- Mr. Ivan Leonard, 215 St. Andrew's Avenue, North Vancouver
- Mr. Brook Burgess, Media company
- Mr. David Campbell, Bar Manager, The Shore, and resident of 606 One Park Lane, North Vancouver
- Mr. Chris Childs, Manager, The Shore
- Mr. Derek Pink, Co-owner of The Shore
- Mr. Dave Kershaw, Co-owner of The Shore

Mayor Sharp declared a recess at 12:41 a.m., August 11, 2005.

The meeting reconvened at 12:49 a.m., August 11, 2005 with the same personnel present.

The witnesses were sworn in by Mr. Goulden. Mr. Creighton then questioned each witness.

Mr. Goulden then cross examined the witnesses.

The witnesses then responded to questions from members of Council.

Mr. Goulden gave closing remarks and reminded Council that the onus is on the City to establish reasonable cause and that Council's decision should be based only on what was heard this evening.

Mr. Creighton gave closing remarks.

Moved by Councillor Fearnley, seconded by Councillor Perrault

THAT that the Business License for The Shore be cancelled pursuant to Section 60 of the Community Charter.

A recorded vote was taken on the motion.

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

Voting against: Councillor Mussatto
 Councillor Keating
 Councillor Clark

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

Moved by Councillor Mussatto, seconded by Councillor Clark

THAT the Council recess to the Committee of the Whole In Camera to deal with item 5.

CARRIED UNANIMOUSLY

The meeting recessed at 2:40 a.m. and reconvened at 2:55 a.m., August 11, 2005, with the same personnel present.

REPORT OF 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:

- 5. Block Party Permit Application re 200 Block West 24th Street
File: 4140-10-02 24W/3040-01**

Requested by Councillor D.R. Mussatto

THAT the Block Party Permit Application for the 200 block of West 24th be approved without the consent signature of one resident;

AND THAT staff be requested to review the "Street and Traffic Bylaw, 1991, No. 6234" with regards to Block Parties.

CARRIED UNANIMOUSLY

ADJOURNMENT

Moved by Councillor Heywood, seconded by Councillor Mussatto

THAT the meeting adjourn.

CARRIED UNANIMOUSLY

The meeting adjourned at 2:56 a.m., August 11, 2005.