



**MINUTES OF THE REGULAR MEETING OF COUNCIL HELD IN
THE COUNCIL CHAMBER, CITY HALL, 141 WEST 14th STREET,
NORTH VANCOUVER, B.C., ON **MONDAY, JUNE 14, 2010**
AT 6:00 P.M.**

PRESENT:

COUNCIL MEMBERS

Mayor D.R. Mussatto
*Councillor P.J. Bookham
Councillor R.C. Clark
Councillor R.J. Fearnley
Councillor R.G. Heywood
Councillor C.R. Keating
Councillor M.L. Trentadue

STAFF MEMBERS

A.K. Tollstam, City Manager
R.G. Anderson, City Clerk
K. Kenney, Deputy City Clerk
F. Caouette, Director, Corporate Services
M. Pavao, Director Human Resources
B. Penman, Fire Chief
J. Watkins, City Librarian
R.H. White, Director, Community Development
T. Enger, OIC North Vancouver RCMP
S. Ono, City Engineer
G. Penway, Deputy Director, Community
Development
D. Sigston, Deputy Director, Corporate Services
B. Themens, Deputy Director, Finance
L. Orr, Waterfront Project Manager
E. Adin, City Planner
L. McCarthy, Community Development Worker
C. Nichols, Human Resources Officer
A. Brookfield, Executive Assistant to Mayor
J. Hodgins, Assistant to the Executive Assistant
to the Mayor
S. Wilks, Timekeeper

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

ADOPTION OF MINUTES

Moved by Councillor Clark, seconded by Councillor Keating

THAT the following Minutes be adopted as circulated:

1. Regular Council Meeting Minutes, June 7, 2010.
2. In Camera Committee of the Whole Meeting Minutes, June 7, 2010.

CARRIED UNANIMOUSLY

PUBLIC INPUT PERIOD – File: 1090-21

Nil

CONSENT AGENDA ITEMS

{Items *9, *10, *11, *12, *13, *14, *15, *16 and *17}

Moved by Councillor Clark, seconded by Councillor Keating

THAT the resolutions listed within the “Consent Agenda” of June 14, 2010, be approved, with the exception of items *12, *13, and *14, as follows:

BYLAWS - Reconsideration and Final Adoption

- *9. “Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2010, No. 8070” (TiGERi Marine Property Ltd. / Chandler Associates Architecture Inc., 700 Marine Drive, CD-583).

THAT the said Bylaw No. 8070 be reconsidered.

THAT the said Bylaw No. 8070 be finally adopted, signed by the Mayor and City Clerk and sealed with the Corporate Seal.

(CARRIED UNANIMOUSLY)

REPORTS OF COMMITTEES, COUNCIL REPRESENTATIVES AND STAFF

- *10. **Capital Budget, 2nd Level Reorganization – File: 1645-05-01**

Report: Chief Librarian, June 8, 2010.

PURSUANT to the report of the Chief Librarian, dated June 8, 2010, entitled “Capital Budget, 2nd Level Reorganization”:

THAT the \$14,000 originally approved in 2010 Capital Project for the purchase of an additional Self Check Out Machine in order to reduce congestion in the Media Room and improve customer experience be used instead as follows:

Removal of gates and partitions	\$2,000
Addition of Staff Station to Check Out Station	2,500
Removal of current desk and, new desk installed	7,000
Electrical work and floor X-rays	<u>2,500</u>
	\$14,000

continued...

***10. Capital Budget, 2nd Level Reorganization – File: 1645-05-01 -
(Continued)**

Original Request:

Self Check Out Machine.....	\$3,000
Payment Station	3,000
Millwork	5,500
Electrical/X-rays.....	2,500
	\$14,000

(CARRIED UNANIMOUSLY)

***11. 2010 Community Public Art Funding Recommendations
– File: 1665-15-01**

Report: Public Art Coordinator, The Arts Office, North Vancouver
Office of Cultural Affairs, May 31, 2010.

PURSUANT to the report of the Public Art Coordinator, The Arts Office, North Vancouver Office of Cultural Affairs, dated May 31, 2010, entitled “2010 Community Public Art Funding Recommendations”:

THAT City Council approve 2010 Community Public Art Grants in the following amounts:

1. **North Vancouver Community Arts Council..... \$7,500**
“A Rest Along the Way”
2. **Carson Graham Secondary School \$7,500**
“Coast Salish Welcome Figure”

(CARRIED UNANIMOUSLY)

REPORTS OF COMMITTEES, COUNCIL REPRESENTATIVES AND STAFF

- *15. Rezoning Application, Heritage Designation and Strata Conversion, 427-429 Alder Street (J. Lantela, CD-580)
– File: 3345-02 Alder 427-429**

Report: Planning Technician 2, Community Development,
June 9, 2010.

PURSUANT to the report of the Planning Technician 2, Community Development, dated June 9, 2010, entitled “Rezoning Application, Heritage Designation and Strata Conversion, 427-429 Alder Street (J. Lantela, CD-580)”:

THAT “Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2010, No. 8054” (J. Lantela, 427-429 Alder Street, CD-580) and “Heritage Designation Bylaw, 2010, No. 8055” (J. Lantela, 427-429 Alder Street) be considered;

AND THAT the requirement for a Public Hearing be waived based upon the positive response received from the residents in the neighbourhood as a result of the early public consultation;

AND THAT the additional community infrastructure enhancements requested by the Engineering, Parks and Environment Department referenced in the Interdepartmental Implications section of the June 9, 2010 report be endorsed;

AND THAT a covenant be prepared at the applicant’s expense securing the heritage protection and development commitments contemplated in this application;

AND THAT subject to the adoption of Bylaw No. 8054 that the Mayor and City Clerk be authorized to execute the Strata Plans pursuant to section 242 of the Strata Property Act.

(CARRIED UNANIMOUSLY)

BYLAWS - Introduction and First Reading Only

- *16. "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2010, No. 8054" (J. Lantela, 427-429 Alder Street, CD-580).
- *17. "Heritage Designation Bylaw, 2010, No. 8055" (J. Lantela, 427-429 Alder Street).

THAT Bylaws Nos. 8054 and 8055 be read a first time in short form, copy of same having been distributed to Council members and read by them.

CARRIED UNANIMOUSLY

END OF CONSENT AGENDA ITEMS

Moved by Councillor Keating, seconded by Councillor Heywood

THAT the Council Meeting recess to the Reception in the Conference Rooms A & B.

CARRIED UNANIMOUSLY

The meeting recessed at 6:04 p.m. and reconvened at 7:02 p.m. with the addition of *Councillor Bookham.

PRESENTATION

OFFICIAL CEREMONY TO CONFER FREEDOM OF THE CITY ON MS. LAUREN WOOLSTENCROFT

Mayor Darrell Mussatto and members of Council conferred the honour of "Freedom of the City" on Ms. Lauren Woolstencroft for her outstanding performance during the recent Vancouver 2010 Olympic and Paralympic Winter Games.

PROCLAMATIONS

Mayor Mussatto read the following Proclamation:

"LEGION WEEK" – JUNE 20 – 26, 2010

DELEGATION

Ms. Alana Abramson, Executive Director, North Shore Restorative Justice Society.

Re: Activities of the North Shore Restorative Justice Society
– File: 1040-03-N20-01

Ms. Alana Abramson, Executive Director, North Shore Restorative Justice Society, gave a presentation regarding activities of the North Shore Restorative Justice Society, as follows:

- restorative justice is gaining wider acceptance as an alternative to the traditional criminal justice system;
- report on activities of last year;
- circulated a summary of the society's 2009 annual report to Council;
- strong partnerships exist with the RCMP and community agencies;
- North Vancouver has one of longest standing programs;
- 95 cases, 250 people between 2008 and 2009 served
- savings in police and court resources because of the program; as much of the work is done by volunteers;
- long term committed volunteers, 12 active volunteers currently, planning to train 20 more;
- volunteer board of directors.

Mr. Greg Tolliday, board member, North Shore Restorative Justice Society, thanked the City for its consistent support of the society.

CORRESPONDENCE

3. Ms. Teresa Canning, Program Assistant, North Shore Restorative Justice Society, April 28, 2010.

Re: Activities of the North Shore Restorative Justice Society
– File: 1040-03-N20-01

Moved by Councillor Keating, seconded by Councillor Trentadue

THAT the correspondence from Ms. Teresa Canning, Program Assistant, North Shore Restorative Justice Society, dated April 28, 2010, regarding the "Activities of the North Shore Restorative Justice Society", be received and filed with thanks.

CARRIED UNANIMOUSLY

DELEGATION

Mr. Doug Ausman, Mr. Greg Pearson, Mr. Bill Curtis and Ms. Paulah Dauns, Lower Lonsdale Business Association (LLBA) Business Improvement Area Committee.

Re: Proposed Lower Lonsdale Business Improvement Area (BIA)
– File: 1040-03-L8

Mr. Greg Pearson, Director, Lower Lonsdale Business Association (LLBA) Business Improvement Area Committee, gave a presentation regarding the proposed establishment of the Lower Lonsdale Business Improvement Area (BIA), as follows:

- provided information on consultation efforts with affected commercial properties;
- indicated majority of responses from businesses received to date have been positive;
- referred Council to list of initiatives contained in their presentation material;
- July 1, 2011 is the proposed commencement date of the BIA;
- mill rate is expected to be lower than average;
- will seek further input from business owners over the summer and will bring forward to Council a preliminary budget in September.

Mr. Doug Ausman, Director, Lower Lonsdale Business Association (LLBA) Business Improvement Area Committee, then responded to questions from Council.

CORRESPONDENCE

4. Mr. Doug Ausman, Mr. Bill Curtis and Ms. Paulah Dauns, Lower Lonsdale Business Association (LLBA) Business Improvement Area Committee, June 7, 2010.

Re: Proposed Lower Lonsdale Business Improvement Area (BIA)
– File: 1040-03-L8

Moved by Councillor Keating, seconded by Councillor Trentadue

THAT the correspondence from Mr. Doug Ausman, Mr. Bill Curtis and Ms. Paulah Dauns, Lower Lonsdale Business Association (LLBA) Business Improvement Area Committee dated June 7, 2010, regarding the “Proposed Lower Lonsdale Business Improvement Area (BIA)”, be received and filed with thanks.

CARRIED UNANIMOUSLY

DELEGATION

Mr. John Lopez, Applicant, 302 East 12th Street.

Re: Reconsideration of Rezoning Application: 302 East 12th Street
– File: 3345-02 12 E 302

Mr. John Lopez, Applicant, 302 East 12th Street, made a presentation regarding “Reconsideration of Rezoning Application: 302 East 12th Street”, as follows:

- provided context behind rezoning;
- advised of his original plan for the property;
- due to exceptional condition of heritage house, sought options with city and direct neighbours;
- each duplex has been scaled down;
- is ideal neighbourhood for this development, across from multi-story development;
- majority of neighbourhood in favour of development;
- Advisory Planning Commission recommended their proposal;
- showed what development would look like in relation to neighbouring properties; showed landscape plans, use of greenspace;
- indicated other properties that have been rezoned in the neighbourhood;
- advised that project meets all city plans and bylaws;
- believes the project supports livable community and provides housing options for residents;
- urged council to reconsider their zoning application.

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

BYLAWS - Introduction and First Reading Only

5. "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2010, No. 8073" (0866726 BC Ltd./Raffaele & Associates, 302 East 12th Street, CD-584).

The following bylaw has been brought back to Council for reconsideration by Mayor D.R. Mussatto as per Section 131 of the Community Charter and Section 37(3) of the "Council Procedure Bylaw, 2004, No. 7590":

Moved by Councillor Keating, seconded by Councillor Trentadue

THAT Bylaw No. 8073 be read a first time in short form, copy of same having been distributed to Council members and read by them.

A recorded vote was taken on the motion.

Voting in favour: Councillor Heywood
 Councillor Trentadue
 Councillor Keating
 Mayor Mussatto

Voting against: Councillor Fearnley
 Councillor Bookham
 Councillor Clark

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

DELEGATION

Mr. Hamid Behmanesh, Applicant, 362 East 12th Street.

Re: Reconsideration of Rezoning Application: 362 East 12th Street
 – File: 3345-02 12 E 362

On behalf of the applicant, Mr. Farzin Yadegari, project architect for 362 East 12th Street, made a presentation regarding "Reconsideration of Rezoning Application: 362 East 12th Street", as follows:

- suggested that concerns about this project may stem from approved density and form of the Mid-Block area;
- the lot is larger than normal lots in the block as it is a corner lot;
- what is proposed is due to the size of the lot which is almost 9,000 sq ft.;
- the lot could be subdivided into two lots;

continued...

DELEGATION – (Continued)

- the proposed project has the support of planning/engineering staff and meets the intent of the OCP;
- a public open house was held and all attendees supported the proposal;
- letters of support for the proposal from neighbours have been forwarded to the City;
- the project received approval from the Advisory Planning Commission with some recommendations that have subsequently been acted upon by the applicant;
- the number of units would be the same if it was a duplex;
- the deciding factor is not the number of units but the FSR; which, for a single family unit is the same as a duplex;
- if a duplex was built on the lot it would be much larger than, and out of scale with, neighbouring duplexes;
- controlled and sustainable growth is the goal for this project;
- requested Council to reconsider this proposal in light of the clarification provided.

REPORTS OF COMMITTEES, COUNCIL REPRESENTATIVES AND STAFF

6. Rezoning Application: 362 East 12th Street (A. Elahi & H. Behmanesh/Arc Homes Inc., CD-586) – File: 3345-02 12 E 362

Report: Development Planner, Community Development,
May 11, 2010.

The following recommendation has been brought back to Council for reconsideration by Mayor D.R. Mussatto as per Section 131 of the Community Charter and Section 37(3) of the “Council Procedure Bylaw, 2004, No. 7590”:

Moved by Councillor Keating, seconded by Councillor Trentadue

PURSUANT to the report of the Development Planner, Community Development, dated May 11, 2010, entitled “Rezoning Application: 362 East 12th Street (A. Elahi & H. Behmanesh/Arc Homes Inc., CD-586):

THAT “Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2010, No. 8077” (A. Elahi & H. Behmanesh/Arc Homes Inc., 362 East 12th street, CD-586) be considered and referred to a Public Hearing;

AND THAT the additional community infrastructure enhancements requested by the Engineering, Parks and Environment Department referenced in the Interdepartmental Implications section of the May 11, 2010 report, be endorsed.

Continued...

6. **Rezoning Application: 362 East 12th Street (A. Elahi & H. Behmanesh/Arc Homes Inc., CD-586) – File: 3345-02 12 E 362 – (Continued)**

A recorded vote was taken on the motion.

Voting in favour: Councillor Trentadue
Councillor Keating
Mayor Mussatto

Voting against: Councillor Heywood
Councillor Bookham
Councillor Clark
Councillor Fearnley

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

BYLAWS - Introduction and First Reading Only

7. “Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2010, No. 8077” (A. Elahi & H. Behmanesh/Arc Homes Inc., 362 East 12th Street, CD-586).

Moved by Councillor Fearnley, seconded by Councillor Clark

THAT item 7 be deleted from the agenda.

CARRIED

REPORTS OF COMMITTEES, COUNCIL REPRESENTATIVES AND STAFF

8. Extension to Hours of Liquor Service, Mosquito Creek Bar and Grill, 2601 Westview Drive – File: 3345-02 Westview 2601

Report: Planning Technician 2, Community Development, May 5, 2010.

The following recommendation has been brought back to Council for reconsideration by Mayor D.R. Mussatto as per Section 131 of the Community Charter and Section 37(3) of the “Council Procedure Bylaw, 2004, No. 7590”:

Moved by Councillor Fearnley, seconded by Councillor Clark

PURSUANT to the report of the Planning Technician 2, Community Development, dated May 5, 2010, entitled “Extension to Hours of Liquor Service, Mosquito Creek Bar and Grill, 2601 Westview Drive”:

THAT the application to extend the hours of liquor sales to 2:00 a.m. from 1:30 a.m. for the Liquor-Primary Club licensed establishment known as the Mosquito Creek Bar and Grill be supported on the basis that:

1. The potential for noise would be minimal;
2. The impact on the community would be minimal;
3. The amendment would not result in the establishment being operated in a manner that is contrary to its primary purpose;
4. The impact on nearby residents would not be sufficient to warrant further public input.

CARRIED

REPORTS OF COMMITTEES, COUNCIL REPRESENTATIVES AND STAFF

12. 83 Chesterfield Rezoning Application (641650 B.C. Ltd. / Rafii Architects Inc., CD-589) – File: 3345-02 Chesterfield 83

Report: Planning Technician, Community Development, June 11, 2010.

Moved by Councillor Clark, seconded by Councillor Keating

PURSUANT to the report of the Planning Technician, Community Development, dated June 11, 2010, entitled “83 Chesterfield Rezoning Application (641650 B.C. Ltd./Rafii Architects Inc., CD-589)”:

THAT “Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2010, No. 8087” (641650 B.C. Ltd./Rafii Architects Inc., CD-589) be considered and referred to a Public Hearing to be held on July 5, 2010;

AND THAT “Heritage Designation Repeal Bylaw, 2010, No. 8088” (“Heritage Designation Bylaw, 1999, No. 7181” Charles Gross House, 83 Chesterfield Avenue, Reza Sabor, 545523 BC Ltd./F. Adab Architect Inc.) be considered and referred to a Public Hearing to be held on July 5, 2010;

AND THAT the existing Section 219 Land Title Act Covenant No. BP236152 be discharged from the subject property;

AND THAT the additional community infrastructure enhancements requested by the Engineering, Parks and Environment Department referenced in the Interdepartmental Implications section of the June 11, 2010 report be endorsed.

CARRIED UNANIMOUSLY

BYLAWS - Introduction and First Reading Only

- *13. "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2010, No. 8087" (641650 B.C. Ltd./Rafii Architects Inc., CD-589).
- *14. "Heritage Designation Repeal Bylaw, 2010, No. 8088" ("Heritage Designation Bylaw, 1999, No. 7181" Charles Gross House, 83 Chesterfield Avenue, Reza Sabor, 545523 BC Ltd./F. Adab Architect Inc.).

Moved by Councillor Clark, seconded by Councillor Keating

THAT Bylaws Nos. 8087 and 8088 be read a first time in short form, copy of same having been distributed to Council members and read by them.

CARRIED UNANIMOUSLY

Moved by Councillor Keating, seconded by Councillor Clark

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 respectively for each item:

- 18. Section 90 (1) (i)
- 19. Section 90 (1) (i)
- 20. Section 90 (1) (c)
- 21. Section 90 (1) (a)

Moved by Councillor Fearnley, seconded by Councillor Bookham that the motion be amended, as follows

THAT item 20 be heard in open Council.

The Chair ruled that item 20 should remain in camera and Council can determine whether or not to deal with the matter in open Council.

On a point of order Councillor Fearnley challenged the Chair on his ruling.

Mayor Mussatto asked "Shall the Chair be sustained?"

Voting to Sustain the Chair: Councillor Trentadue
 Councillor Keating
 Councillor Clark
 Councillor Heywood

Voting not to Sustain the Chair: Councillor Bookham
 Councillor Fearnley

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

The motion to amend was then **DEFEATED.**

The main motion was then **CARRIED.**

The meeting recessed at 9:32 p.m. and reconvened at 10:11 p.m. with the same personnel present.

REPORT OF COMMITTEE OF THE WHOLE

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

**18. Luciano Pucci et al v. The Corporation of the City of North Vancouver
– File: 1140-01**

Report: City Manager, June 9, 2010.

PURSUANT to the report of the City Manager, dated June 9, 2010, entitled, "Luciano Pucci et al v. The Corporation of the City of North Vancouver S.C.B.C. Action No. S98243, Vancouver Registry":

THAT City Council reconsider the application in accordance with the reasons stated in the Bull Housser Tupper letter of June 2, 2010.

AND THAT the report of the City Manager dated June 9, 2010, remain in camera.

CARRIED UNANIMOUSLY

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

19. Lower Lonsdale Business Association Request for Funding for 2010 Party at the Pier – File: 1665-01

Report: Waterfront Project Manager, June 1, 2010.

PURSUANT to the report of the Waterfront Project Manager, dated June 1, 2010, entitled, “Lower Lonsdale Business Association Request for Funding for the 2010 Party at the Pier”:

THAT the Lower Lonsdale Business Association be granted \$11,500 for the 2010 Party at the Pier event;

AND THAT the report of the Waterfront Project Manager dated June 1, 2010, and the wording of the second active clause of the recommendation remain in camera.

CARRIED UNANIMOUSLY

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

**21. Appointment to the Advisory Planning Commission
– File: 1085-03-A3-01**

Report: City Clerk, June 2, 2010.

PURSUANT to the report of the City Clerk, dated June 2, 2010, entitled “Appointment to the Advisory Planning Commission”:

THAT Mr. Paul McCann be appointed for a partial term to conclude January 31, 2013.

CARRIED UNANIMOUSLY

RECESS

Mayor Mussatto declared a recess at 10:12 p.m., for the public question period and reconvened the meeting immediately.

INQUIRIES

Nil

ANY OTHER BUSINESS – NEW ITEMS

Nil

ADJOURNMENT

Moved by Councillor Clark, seconded by Councillor Trentadue

THAT the meeting adjourn.

CARRIED UNANIMOUSLY

The meeting adjourned at 10:13 p.m.