



**MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD IN  
THE COUNCIL CHAMBER, CITY HALL, 141 WEST 14<sup>th</sup> STREET,  
NORTH VANCOUVER, B.C., ON **MONDAY, JUNE 18, 2012****

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**PRESENT:**

**COUNCIL MEMBERS**

Mayor D.R. Mussatto  
Councillor D.H. Bell  
\*\*Councillor P.J. Bookham  
Councillor L.C. Buchanan  
Councillor R.C. Clark  
\*Councillor R.G. Heywood  
\*Councillor C.R. Keating

**STAFF MEMBERS**

A.K. Tollstam, City Manager  
R.G. Anderson, City Clerk  
R.H. White, Deputy City Manager  
P. Lurbiecki, Assistant City Clerk  
I. Gordon, Director, Finance  
L. Orr, Manager, Lands and Business Services  
D. Pope, City Engineer  
B. Themens, Deputy Director of Finance  
G. Penway, Director, Community Development  
E. Adin, Deputy Director, Community  
Development  
P. Penner, Planner, Community Development  
T. Barber, Deputy City Engineer  
C. Purvis, Planning Technician, Community  
Development  
S. Wilks, Timekeeper

The meeting was called to order at 5:31 p.m.

**ADOPTION OF MINUTES**

Moved by Councillor Clark, seconded by Councillor Bell

**THAT** the following Minutes be adopted as circulated:

1. Regular Council Meeting Minutes, June 11, 2012.

**CARRIED UNANIMOUSLY**

Moved by Councillor Bell, seconded by Councillor Clark

**THAT** the Public Input Period be extended to allow eleven additional speakers.

**CARRIED UNANIMOUSLY**

**PUBLIC INPUT PERIOD – File: 0550-07-01**

- Ms. H. Drugge, 24 - 616 Lonsdale Avenue, North Vancouver, regarding Item 7, “Low Level Road”.
- Mr. J. Santelli, 267 East 10<sup>th</sup> Street, North Vancouver, regarding Item 7, “Low Level Road”.
- Mr. R. Ashton, Vice President of the LWAU Union, 180-111 Victoria Drive, Vancouver, regarding Item 7, “Low Level Road”.
- Ms. M. Abbott, 406-365 East 1<sup>st</sup> Street, North Vancouver, regarding Item 7, “Low Level Road”.
- Mr. S. Niewerth, 300 Block of East Esplanade, North Vancouver, regarding Item 7, “Low Level Road”.

\*Councillor Keating and Councillor Heywood entered the meeting.

- Mr. B. Woodyatt, 204-141 East 18<sup>th</sup> Street, North Vancouver, regarding Item 7, “Low Level Road”.
- Ms. A. Nichol, 485 East 1<sup>st</sup> Street, North Vancouver, regarding Item 7, “Low Level Road”.
- Ms. N. Hanson, 333 East 1<sup>st</sup> Street, North Vancouver, regarding Item 7, “Low Level Road”.
- Mr. T. Valentene, 168 Esplanade, North Vancouver, regarding Item 7, “Low Level Road”.
- Mr. R. Polly, 842 Cumberland Crescent, North Vancouver, regarding Item 7, “Low Level Road”.
- Ms. C. Abbott, 719 East 7<sup>th</sup> Street, North Vancouver, regarding Item 7, “Low Level Road”.
- Mr. B. Curtis, 1551 Jones Road, North Vancouver, regarding Item 7, “Low Level Road”.
- Mr. A. MacKay, 310 East Esplanade, North Vancouver, regarding Item 7, “Low Level Road”.
- Mr. J. Belsheim, President of Neptune Terminals, 6179 Eastmont, North Vancouver, regarding Item 7, “Low Level Road”.
- Mr. B. Eshleman, President of Western Stevedoring, Brooksbank Avenue, North Vancouver, regarding Item 7, “Low Level Road”.
- Mr. D. Ball, 663 West Third Street, North Vancouver, at Nova Heating, regarding Item 7, “Low Level Road”.

**CONSENT AGENDA ITEMS**

**{Items \*10, \*11, \*12, \*13, \*14 and \*15}**

Moved by Councillor Clark, seconded by Councillor Bell

**THAT** the resolutions listed within the “Consent Agenda” of June 18, 2012, be approved as follows:

**REPORTS OF COMMITTEES, COUNCIL REPRESENTATIVES AND STAFF**

**\*10. Lower Lonsdale Legacy Fund – 2012 Round One Recommendations  
- File: 1850-20 LLLF-01**

Report: Community Planner, Community Development, June 13, 2012.

**PURSUANT** to the report of the Community Planner dated June 13, 2012, entitled “Lower Lonsdale Legacy Fund – 2012 Round One Recommendations”:

**THAT** the following Round One requests for funding from the 2012 Lower Lonsdale Legacy Fund be granted:

North Shore Neighbourhood House:	
Golden Circle .....	\$6,000
North Shore Women’s Centre:	
Health & Wellness Clinic .....	\$4,000
St. John the Evangelist Church	
Queen Mary Literacy Project .....	\$12,000
Irish Pipes & Drums:	
Youth Drumming Phase IV .....	\$1,300
Working Class Theatre:	
Youth Theatre Workshop & Performance .....	<u>\$4,000</u>
	<u>\$27,300</u>

**AND THAT** this report be circulated to the applicants for their information.

**(CARRIED UNANIMOUSLY)**

**\*11. Service Agreement Discussions – File: 2240-01**

Report: Deputy City Manager, June 12, 2012.

**PURSUANT** to the report of the Deputy City Manager, dated June 12, 2012, entitled “Service Agreement Discussion”:

**THAT** staff be directed to respond to the request from the Squamish Nation and to pursue discussion with the Squamish Nation Service Agreement Negotiation Committee leading to a new Service Agreement for the Mission Reserve (I.R.No.1).

**(CARRIED UNANIMOUSLY)**

**BYLAWS - Reconsideration and Final Adoption**

**\*12.** “Bylaw Notice Enforcement Bylaw, 2005, No. 7675, Amendment Bylaw, 2012, No. 8241” (Recreational Vehicle Fines).

**\*13.** “Park Regulation Bylaw, 1996, No. 6611, Amendment Bylaw, 2012, No. 8245” (Schedule F – Dogs in Parks).

**\*14.** “Dog Tax Regulation Bylaw, 2010, No. 8113, Amendment Bylaw, 2012, No. 8246” (Schedule A – Dogs in Parks).

**\*15.** “Local Area Service Bylaw, 2012, No. 8247” (Concrete Sidewalk, Curb and Gutter to be constructed on the west side of the 1800 Block of Mahon Avenue between West 18<sup>th</sup> and West 19<sup>th</sup> Streets).

**RECOMMENDATIONS:**

**THAT** the said Bylaws No. 8241, 8245, 8246 and 8247 be reconsidered.

**(CARRIED UNANIMOUSLY)**

**THAT** the said Bylaws No. 8241, 8245, 8246 and 8247 be finally adopted, signed by the Mayor and City Clerk and sealed with the Corporate Seal.

**CARRIED UNANIMOUSLY**

**END OF CONSENT AGENDA ITEMS**

Moved by Councillor Clark, seconded by Councillor Bell

**THAT** Item 8, “Notice of Motion Regarding Low Level Road” be brought forward for consideration at this time.

**CARRIED UNANIMOUSLY**

**MOTIONS AND NOTICES OF MOTIONS**

**8. Low Level Road - File: 5400-20 LLR-01**

Submitted by: Councillor P.J. Bookham

Moved by Councillor Bookham, seconded by Councillor Clark

**WHEREAS** Port Metro Vancouver has sought to impose a deadline of June 30, 2012 for Council to approve unconditionally a design for the Low Level Road;

**WHEREAS** our ability to meet the June 30<sup>th</sup> deadline has been frustrated by Port Metro Vancouver's failure to honour its responsibility to provide all necessary information regarding the impact of the proposed project prior to the Public Consultation phase, specifically a cumulative effects report that includes but is not limited to noise impacts, air quality, slope stability and traffic, and to provide detailed information on how the impacts of the Low Level Road will be mitigated;

**WHEREAS** the public response to Port Metro Vancouver's preferred design suggest that it fails to ensure the safety of cyclists and pedestrians, and that it does not adequately address the negative impacts on nearby residents;

**WHEREAS** Council has a duty to ensure the integrity of the public process, and to make thoughtful, balanced decisions that serve the interests of the community first and foremost;

*Continued...*

## **MOTIONS AND NOTICES OF MOTIONS**

### **8. Low Level Road - File: 5400-20 LLR-01 - Continued**

**NOW THEREFORE BE IT RESOLVED THAT** Council seek by mutual agreement with Port Metro Vancouver to extend the decision date in order to consider alternative designs, specifically:

**THAT** the City provide enough land to accommodate one not two additional rail lines, thereby securing the needed width to create a safe, separated multi-modal path on the South Side of the Low Level Road;

**THAT** the proposed suspension bridge and the 3rd Street overpass be removed from the agreement;

**THAT** should Port Metro Vancouver fail to agree to extend the deadline, that Council reject their preferred design.

Moved by Councillor Heywood, seconded by Councillor Bell

**THAT** Ms. Sheri Plewes, Vice President of Infrastructure Design, Port Metro Vancouver, be permitted to address Council regarding Item 8.

**CARRIED**

Councillor Clark is recorded as voting contrary to the motion.

Ms. Plewes then responded to Councillor Heywood's question regarding time frame for the Low Level Road project.

A recorded vote was then taken on the motion.

Voting in favour: Councillor Bookham  
Councillor Clark

Voting against: Councillor Bell  
Councillor Heywood  
Councillor Buchanan  
Councillor Keating  
Mayor Mussatto

The motion was **DEFEATED** by a vote of 5 to 2.

Moved by Councillor Keating, seconded by Councillor Clark

**THAT** Item 7, “Low Level Road Project – Approval to Proceed” be brought forward for consideration at this time.

**CARRIED UNANIMOUSLY**

**REPORTS OF COMMITTEES, COUNCIL REPRESENTATIVES AND STAFF**

**7. Low Level Road Project – Approval to Proceed – File: 5400-20 LLR-01**

Report: City Engineer, June 6, 2012

*The following recommendation was moved by Councillor Keating and seconded by Councillor Clark on June 11, 2012 and was on the table for discussion:*

**PURSUANT** to the report of the City Engineer, dated June 6, 2012, entitled “Low Level Road Project – Approval to Proceed”:

**THAT** the Low Level Road Project (generally configured as presented at the Public Meeting as the Preferred Design on May 23, 2012) be approved to proceed;

**AND THAT** the Preferred Design be modified to include the reconfiguration of the intersection of St. Andrew’s Avenue and East Esplanade to include provision for a south bound left turn from St. Andrew’s Avenue onto 300 East Esplanade and parking on the south side of the 200 Block of East Esplanade;

**AND THAT** staff be directed to work with Port Metro Vancouver to develop agreements that adequately protect the City’s interests before the construction of the new road proceeds;

**AND THAT** the Mayor and Clerk be authorized to sign any necessary agreements.

Moved by Councillor Clark, seconded by Councillor Bookham

**THAT** the foregoing motion be amended to add the following wording to the end of the last active clause:

“subject to Port Metro Vancouver sponsoring a new noise study.”

**DEFEATED**

*Continued...*

**7. Low Level Road Project – Approval to Proceed – File: 5400-20 LLR-01  
- Continued**

A recorded vote was then taken on the original motion.

Voting in favour: Councillor Heywood  
Councillor Buchanan  
Councillor Keating  
Councillor Bell  
Mayor Mussatto

Voting against: Councillor Bookham  
Councillor Clark

The motion was **CARRIED** by a vote of 5 to 2.

Moved by Councillor Bell, seconded by Councillor Keating

**THAT** the meeting recess to the Public Hearings scheduled this evening.

**CARRIED UNANIMOUSLY**

The meeting recessed at 7:11 p.m. and reconvened immediately with the same personnel present.

Mayor Mussatto declared a recess at 7:11 p.m. The meeting reconvened at 7:16 p.m. with the same personnel present.

Moved by Councillor Bell, seconded by Councillor Clark

**WHEREAS** Port Metro Vancouver has stated their belief that proceeding with the latest “preferred design” for the Low Level Road project will result in improvements in air quality and reduced noise from operations of Port Metro Vancouver tenants, including CN Rail Operations;

**AND WHEREAS** to facilitate determination following project construction of new levels of air quality and noise reductions, appropriate new Canadian-based where possible, base line studies are needed for both air quality and noise levels;

*Continued...*



**7. Low Level Road Project – Approval to Proceed – File: 5400-20 LLR-01  
- Continued**

**THEREFORE BE IT RESOLVED THAT** City staff be requested to obtain, at Port Metro Vancouver’s expense, new independent studies by professional air quality and noise consultants based on criteria to be established by the City Engineer, to establish appropriate base lines before construction begins and to be repeated for comparison purposes one year after project completion and used to determine future mitigation measures if needed.

Moved by Mayor Mussatto, Seconded by Councillor Keating

**THAT** consideration of the motion be deferred until the City hears back from Port Metro Vancouver on these issues.

**CARRIED**

Moved by Councillor Bell, seconded by Councillor Buchanan

**THAT** the meeting recess to the recessed Public Hearing regarding 364 West 15<sup>th</sup> Street scheduled this evening.

**CARRIED UNANIMOUSLY**

The meeting recessed at 7:25 p.m. and reconvened at 7:55 p.m. with the same personnel present.

**BYLAWS - Second and Third Readings**

3. “Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2012, No. 8237”  
(Daniel Diebolt, Kerschbaumer Design, 364 West 15<sup>th</sup> Street, CD-623).

Moved by Councillor Keating, seconded by Councillor Bell

**THAT** the said Bylaw No. 8237 be read a second time in short form.

**CARRIED UNANIMOUSLY**

Moved by Councillor Keating, seconded by Councillor Bell

**THAT** the said Bylaw No. 8237 be read a third time in short form and passed subject to reconsideration.

**CARRIED UNANIMOUSLY**

Moved by Councillor Keating seconded by Councillor Bell

**THAT** the meeting recess to the recessed Public Hearing regarding 211-217 West 1<sup>st</sup> Street scheduled for this evening.

**CARRIED UNANIMOUSLY**

The meeting recessed at 7:59 p.m. and reconvened at 8:50 p.m. with the same personnel present

**BYLAWS - Second and Third Readings**

4. "City of North Vancouver Official Community Plan Bylaw, 2002, No. 7425, Amendment Bylaw, 2012, No. 8239" (First Quay Holdings Ltd., Rafii Architects Inc., 211-217 West 1<sup>st</sup> Street).

Moved by Councillor Keating, seconded by Councillor Buchanan

**THAT** the said Bylaw No. 8239 be read a second time in short form.

**CARRIED**

Councillor Heywood is recorded as voting contrary to the motion.

Moved by Councillor Keating, seconded by Councillor Buchanan

**THAT** the said Bylaw No. 8239 be read a third time in short form and passed subject to reconsideration.

**CARRIED**

Councillor Heywood is recorded as voting contrary to the motion.

5. "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2012, No. 8238" (211-217 West 1<sup>st</sup> Street, Zoning Amendment Application to CD-382 Zone, First Quay Holdings Ltd., Rafii Architects Inc.).

Moved by Councillor Keating, seconded by Councillor Buchanan

**THAT** the said Bylaw No. 8238 be read a second time in short form.

**CARRIED**

Councillor Heywood is recorded as voting contrary to the motion.

*Continued...*

5. "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2012, No. 8238" (211-217 West 1<sup>st</sup> Street, Zoning Amendment Application to CD-382 Zone, First Quay Holdings Ltd., Rafii Architects Inc.). - Continued

Moved by Councillor Keating, seconded by Councillor Buchanan

**THAT** the said Bylaw No. 8238 be read a third time in short form and passed subject to reconsideration.

**CARRIED**

Councillor Heywood is recorded as voting contrary to the motion.

Moved by Councillor Keating, seconded by Councillor Buchanan

**THAT** the meeting recess to the recessed Public Hearing for 730 Marine Drive scheduled for this evening.

**CARRIED UNANIMOUSLY**

The meeting recessed at 9:09 p.m. and reconvened at 9:39 p.m. with the same personnel present

### **BYLAWS - Second and Third Readings**

6. "Zoning Bylaw 1995, No. 6700 Amendment Bylaw, 2012, No. 8244" (730 Marine Drive Holdings Ltd., Rositch Hemphill & Associates Architects Inc., CD-625).

Moved by Councillor Keating, seconded by Councillor Buchanan

**THAT** the said Bylaw No. 8244 be read a second time in short form.

A recorded vote was taken on the motion.

Voting in favour: Councillor Buchanan  
Councillor Keating  
Councillor Clark  
Councillor Bell  
Mayor Mussatto

Voting against: Councillor Bookham  
Councillor Heywood

The motion was **CARRIED** by a vote of 5 to 2.

6. “Zoning Bylaw 1995, No. 6700 Amendment Bylaw, 2012, No. 8244” (730 Marine Drive Holdings Ltd., Rositch Hemphill & Associates Architects Inc., CD-625). - Continued

Moved by Councillor Keating, seconded by Councillor Buchanan

**THAT** the said Bylaw No. 8244 be read a third time in short form and passed subject to reconsideration.

**CARRIED**

Councillor Bookham and Councillor Heywood are recorded as voting contrary to the motion.

### **COUNCIL REPORT - File: 0550-04-01**

Councillor Clark:

- represented the City at Folkfest as MC, and noted former Council member Stella Jo Dean was in attendance at the event.

### **PROCLAMATION**

Mayor Mussatto read the following Proclamation:

**“NORTH SHORE KEEP WELL SOCIETY WEEK” – JUNE 18 - 22, 2012**

## **MOTIONS AND NOTICES OF MOTIONS**

### **9. Shark Fin Harvesting - File: 3900-01**

Submitted by: Councillor C.R. Keating

Moved by Councillor Keating, seconded by Councillor Buchanan

**WHEREAS** shark fin harvesting is an inhumane and wasteful practice serving a very narrow and sometimes criminal marketplace;

**AND WHEREAS** shark fin harvesting, by taking large and increasing numbers of an "apex" species whose reduction in the ocean eco-system has significant impacts upon other species;

**NOW THEREFORE BE IT RESOLVED THAT** City staff be asked to bring forward bylaws banning the possession, sale, and distribution of shark fin within the City;

**AND THAT** the City call on the Provincial Government to implement a province-wide ban on the possession, sale, and distribution of shark fin;

**AND THAT** the City call on the Federal Government to ban the import of shark fin into Canada;

**AND THAT** this resolution be forwarded to the Premier of BC, the Prime Minister of Canada and to all UBCM municipalities.

Moved by Councillor Bookham, seconded by Councillor Heywood

**THAT** consideration of the motion be deferred until Councillor Keating reports back on this issue.

**DEFEATED**

The original motion was then **CARRIED**

Moved by Councillor Clark, seconded by Councillor Keating

**THAT** the Council recess to the Committee of the Whole In Camera, to consider the item as listed under the Committee of the Whole Section of the Council Agenda, for the following reasons:

2. Section 90(1)(k) & 2(b)

**CARRIED UNANIMOUSLY**

The meeting recessed at 10:11 p.m. and reconvened at 10:15 p.m. with the same personnel present with the exception of \*\*Councillor Bookham.

## **REPORT OF COMMITTEE OF THE WHOLE**

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

### **2. Study of a Municipal Police Force – File: 7580-01**

Report: City Manager, June 13, 2012.

**PURSUANT** to the report of the City Manager, dated June 13, 2012, entitled “Study of a Municipal Police Force”:

**THAT** the City proceeds with hiring Perivale & Taylor to update the 2009 Police Study;

**AND THAT** funding for the City’s portion of the study be taken from our Police budget;

**AND THAT** the report of the City Manager, dated June 13, 2012, entitled “Study of a Municipal Police Force” remain in camera.

**CARRIED UNANIMOUSLY**

## **RECESS**

Mayor Mussatto declared a recess at 10:17 p.m., for the public question period and reconvened the meeting immediately.

## **INQUIRIES**

### **16. City Manager’s Goals and Objectives, Performance Review and Succession Planning meeting – File: 2730-01**

Inquiry by: Councillor R.C. Clark

Councillor Clark inquired of Mayor Mussatto as to when the City Manager’s Goals and Objectives, Performance Review and Succession Planning meeting was scheduled to be held.

The City Manager advised that the meeting was scheduled for Tuesday, July 24, 2012.

## **ANY OTHER BUSINESS – NEW ITEMS**

Nil.

**ADJOURNMENT**

Moved by Councillor Keating, seconded by Councillor Buchanan

**THAT** the meeting adjourn.

**CARRIED UNANIMOUSLY**

The meeting adjourned at 10:19 p.m.