



**MINUTES OF THE REGULAR MEETING OF COUNCIL HELD IN
THE COUNCIL CHAMBER, CITY HALL, 141 WEST 14th STREET,
NORTH VANCOUVER, B.C., ON MONDAY, APRIL 5, 2004
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
S. Ono, City Engineer
F.A. Smith, Director, Community Development
D. Pope, Manager, Parks & Environment
I. Gordon, Deputy Director of Finance
R.H. White, City Planner
K. Russell, Development Planner
F. Caouette, Manager – Special Projects
G. Penway, Assistant City Planner

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

1. ADOPTION OF MINUTES

Video Clip 1

Moved by Councillor Heywood, seconded by Councillor Mussatto

THAT the Minutes of the Special Council Meeting of March 22, 2004 be adopted as circulated.

CARRIED UNANIMOUSLY

CONSENT AGENDA {Items 9 *(d), 9 *(e), 9 *(f), 4 *(d), 4 *(e), 6 *(b)(ii),
6 *(b)(iii), 4 *(f), 4 *(g), 4 *(h) and 6 *(b)(iv)}

Video Clip 2

Moved by Councillor Keating, seconded by Councillor Clark

THAT the resolutions listed within the "Consent Agenda" of April 5, 2004, with the exception of items 9 *(d) and 9 *(e), be approved, as follows:

9. **CONFIDENTIAL REPORTS**

- (f) **Property Located at 422 – 424 East 1st Street**
File: 3345-02 01E 422-424

Report: Property Use Inspector, March 29, 2004

PURSUANT to the report of the Property Use Inspector, dated March 29, 2004, entitled “Property Located at 422–424 East 1st Street”:

THAT staff be requested to proceed with enforcement action to gain entry to the property located at 422-424 East 1st Street;

AND THAT such enforcement may include an injunction from the Supreme Court of British Columbia thereby ordering the property owner to allow City staff access to 422–424 East 1st Street for the purpose of inspecting the dwelling units.

(CARRIED UNANIMOUSLY)

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

- *(d) **Celebrating Success - File: 1815-01**

Recommendation: Finance Committee, March 22, 2004

PURSUANT to the report of the City Manager dated March 17, 2004, entitled “Celebrating Success”:

THAT the sum of \$15,000 from the extraordinary revenue for participation in the Kelowna Area Interface Fires be used to fund a “Celebrating Success” Program in 2004.

(CARRIED UNANIMOUSLY)

- *(e) **North Shore Bylaw Notice Dispute Adjudication Registry**
File: 3030-01

Report: City Clerk, March 25, 2004

PURSUANT to the report of the City Clerk, dated March 25, 2004, entitled “North Shore Bylaw Notice Dispute Adjudication Registry”:

THAT “Street and Traffic Bylaw, 1991, No. 6234, Amendment Bylaw, 2004, No. 7599” (Bylaw Registry Amendments), be considered;

AND THAT “Bylaw Notice Enforcement Bylaw, 2004, No. 7600” (North Shore Bylaw Notice Dispute Adjudication Registry), be considered;

Continued....

4. ***(e) North Shore Bylaw Notice Dispute Adjudication Registry**
File: 3030-01 - Continued

AND THAT the Screening Officer Bylaw Notice Policy (Attachment 3 of the March 25, 2004 report), be approved;

AND THAT the following positions be appointed as Screening Officers for the purpose of the “Bylaw Notice Enforcement Bylaw, 2004, No. 7600” (North Shore Bylaw Notice Dispute Adjudication Registry):

- Parking Enforcement Supervisor
- Parking Patrol Officer
- Bylaw Clerk I
- Bylaw Clerk II.

(CARRIED UNANIMOUSLY)

6. **BYLAWS**

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

- (ii) “Street and Traffic Bylaw, 1991, No. 6234, Amendment Bylaw, 2004, No. 7599” (Bylaw Registry Amendments)
- (iii) “Bylaw Notice Enforcement Bylaw, 2004, No. 7600” (North Shore Bylaw Notice Dispute Adjudication Registry)

THAT Bylaws Nos. 7599 and 7600 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 Bylaws Nos. 7599 and 7600 be read a second time in short form.

(CARRIED UNANIMOUSLY)

THAT the said Bylaws Nos. 7599 and 7600 be read a third time in short form and passed subject to reconsideration.

(CARRIED UNANIMOUSLY)

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

***(f) Applications to Community Enhancement Fund and Heritage Fund - Ridgeway School Cupola Project - File: 1665-12**

Report: Community Planner and Development Planner,
Community Development, March 18, 2004

PURSUANT to the report of the Community Planner and Development Planner dated March 18, 2004, entitled "Applications to Community Enhancement Fund and Heritage Fund - Ridgeway School Cupola Project":

THAT a total of up to \$10,000 be provided to the Ridgeway Elementary School Parent Advisory Committee from the Community Enhancement Fund for installation of elements including a bell in the cupola, exterior lighting and interpretive signage at Ridgeway Elementary School Cupola;

AND THAT this be included in the 2004 Spring capital budget portion of the 2004-2013 Financial Plan;

AND THAT a total of up to \$2,500 be provided to the Ridgeway Elementary School Parent Advisory Committee from the Heritage Fund for the services of a heritage consultant (operating budget) to assess the impact of the proposed installation of these elements.

(CARRIED UNANIMOUSLY)

***(g) Tourism Development - North Shore Tourism Consortium
File: 1600-01**

Report: Manager - Special Projects, March 30, 2004

PURSUANT to the report of the Manager - Special Projects, dated March 30, 2004 entitled "Tourism Development - North Shore Tourism Consortium":

THAT staff, in cooperation with the North Vancouver Chamber of Commerce, undertake a communication and consultation process with the business community respecting the establishment of a North Shore Tourism Marketing and Development Agency.

(CARRIED UNANIMOUSLY)

4. ***(h) Block 62/Library Development - Capital Funding Requirement
File: 3380-02-B7**

Report: Manager - Special Projects, March 31, 2004

PURSUANT to the report of the Manager - Special Projects, dated March 31, 2004 entitled "Block 62/Library - Capital Funding Requirement":

THAT "Community Enhancement Reserve Fund Expenditure Bylaw, 2004, No. 7591" (Block 62 Development Costs), be considered.

(CARRIED UNANIMOUSLY)

6. **BYLAWS - Continued**

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

(iv) "Community Enhancement Reserve Fund Expenditure Bylaw, 2004, No. 7591" (Block 62 Development Costs)

THAT Bylaw No. 7591 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. 7591 be read a second time in short form.

(CARRIED UNANIMOUSLY)

THAT the said Bylaw No. 7591 be read a third time in short form and passed subject to reconsideration.

CARRIED UNANIMOUSLY

END OF CONSENT AGENDA ITEMS.

5. MOTIONS AND NOTICES OF MOTION

Video Clip 3

(b) Privatization of Medical Services Plan Records Administration File: 3030-12/1195-01

Submitted by Mayor Barbara A. Sharp

Moved by Mayor Sharp, seconded by Councillor Keating

WHEREAS the Province of British Columbia is seeking to privatize the Medical Services Plan records administration;

WHEREAS American companies are seeking to bid on the privatization process;

WHEREAS American companies can be compelled by the US 'Patriot Act' Legislation to turn over confidential information controlled by the Corporation to the FBI without notifying Canadian officials or the individuals involved; and

WHEREAS this will result in the confidential information of British Columbia residents being turned over to American government authorities;

NOW THEREFORE BE IT RESOLVED THAT Council request the Provincial government to not privatize our personal medical records to any American company or any affiliate of an American company; and

RESOLVED THAT this resolution be sent to all North Shore MLA's and the Union of British Columbia Municipalities for their action on our behalf.

*Councillor Fearnley entered the meeting at 6:02 p.m.

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.

Video Clip 4

5. (a) **Agreement regarding the Sale of BC Rail to CN Rail**
File: 4130-02

Submitted by Councillor C.R. Keating

Moved by Councillor Keating, seconded by Councillor Mussatto

RESOLVED THAT staff be requested to seek standing for the City of North Vancouver at the Competition Bureau so that we may raise our concerns directly with the appropriate regulatory body.

A recorded vote was taken on the motion.

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

Voting against: Councillor Heywood
Councillor Fearnley

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

9. **CONFIDENTIAL REPORTS - Continued**

Moved by Councillor Clark, seconded by Councillor Heywood

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(a) Section 90 (1) (b)
- 9(b) Section 90 (1) (i)
- 9(c) Section 90 (1) (b)
- 9(d) Section 90 (1) (a)
- 9(e) Section 90 (1) (f)
- 9(g) Section 90 (1) (c)
- 9(h) Section 90 (1) (c)

CARRIED UNANIMOUSLY

The meeting recessed at 6:30 p.m., and reconvened at 8:28 p.m., with the same personnel present and with the exception of *Councillor Fearnley.

9.1 REPORT OF THE COMMITTEE OF THE WHOLE

Video Clip 5

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

**(d) Appointment to the Social Planning Advisory Committee
File: 1085-03-S11-01**

Report: City Clerk, March 22, 2004

PURSUANT to the report of the City Clerk dated March 22, 2004, entitled "Appointment to the Social Planning Advisory Committee":

THAT Alexander Capobianco be appointed for a partial term to conclude on January 31, 2005 to replace Ms. Afsaneh Sharif who has relocated to the District of North Vancouver and will not be completing the appointed term of January 31, 2003 to January 31, 2005.

CARRIED UNANIMOUSLY

Councillor Perrault declared a conflict of interest with regard to item 9.1 (e) on the agenda as she is in the process of developing a secondary suite and left the meeting.

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

Video Clip 6

**(e) Simplification of Illegal Suite Legalization
File: 3365-05-02**

Report: Manager – Inspections, March 25, 2004

THAT staff be requested to continue to examine the issues as identified in the report of the Manager – Inspections, dated March 25, 2004, entitled "Simplification of Illegal Suite Legalization" and bring forth suggestions in a timely manner;

AND THAT a Policy Committee meeting be scheduled.

CARRIED UNANIMOUSLY

Councillor Perrault returned to the meeting.

PROCLAMATIONS

Nil.

2. DELEGATIONS

Councillor Heywood declared a conflict of interest with regards to items 2. (a) and 4. (a) on the agenda as he lives across from this proposed development, and left the meeting.

Video Clip 7

(a) Chuck Brook, Brook Development Planning Inc.

Re: Rezoning Application: 612 Chesterfield Avenue (Colossus Development/Besharat Friars Architects/Brook Development Planning Inc.) - File: 3400-05 CHES 612

Mr. Chuck Brook, Brook Development Planning Inc., gave a PowerPoint presentation regarding the proposed rezoning application for 612 Chesterfield Avenue, as follows:

- Residential Development Market & Rental Housing;
- Context/Official Community Plan;
- Victoria Park Neighbourhood/Green Necklace;
- Access and Parking;
- Form of Development;
- Tenant Relocation Program for tenants living at 612 Chesterfield and 645 West Victoria Park.

Mr. Brook and Ms. Helen Besharat, Architect, then responded to questions from members of Council.

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

Video Clip 8

(a) Rezoning Application: 612 Chesterfield Avenue (Colossus Development/Besharat Friars Architects/Brook Development Planning Inc.) - File: 3400-05 CHES 612

Report: Development Planner, Community Development,
March 25, 2004

Moved by Councillor Mussatto, seconded by Councillor Keating

PURSUANT to the report of the Development Planner dated March 25, 2004, entitled "Rezoning Application: 612 Chesterfield Avenue (Colossus Development/Besharat Friars Architects/Brook Development Planning Inc.):

THAT Community Development staff be requested to process a rezoning application for 612 Chesterfield Avenue as laid out in the subject report that includes:

Continued....

4. (a) **Rezoning Application: 612 Chesterfield Avenue (Colossus Development/Besharat Friars Architects/Brook Development Planning Inc.) - File: 3400-05 CHES 612 - Continued**

1. Proposed sale of surplus land to the applicant from the lane east of the site;
2. Potential density increase on the site to provide for the following public amenities: rental housing, increased accessibility through adaptable design, LEED certification, public art and landscape improvements;
3. Working with the applicant to resolve the issue of vehicular access to underground parking that may occur from Chesterfield Avenue or West 6th Street and the potential of relocating the entry into the strata tower from the southeast to the northeast corner of the building.

A recorded vote was taken on the motion.

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

Voting against: Councillor Clark

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

Councillor Heywood returned to the meeting.

2. **DELEGATIONS - Continued**

Video Clip 9

- (b) **Stuart MacKay and Jim Pammenter of MMK Consulting Inc., and Malcolm McLaren, Chair and Wayne Saunders, Vice-Chair of North Shore Waterfront industrial Association**

Re: Consumption of Services Study - File: 1040-03-N22

Mr. Malcolm McLaren, Chair of the North Shore Waterfront Industrial Association, introduced Mr. Stuart MacKay and Mr. Jim Pammenter of MMK Consulting Inc., who gave a brief overview of the municipal tax rates for business and industry that have increased dramatically over the past two decades.

Mr. MacKay advised that the industrial property classes represent 18.6% of property taxes paid in 2003 while being 3.2% of assessed values and that industrial property tax rates are 6 to 12 times residential rates.

Continued....

2. (b) **Stuart MacKay and Jim Pammenter of MMK Consulting Inc., and Malcolm McLaren, Chair and Wayne Saunders, Vice-Chair of North Shore Waterfront industrial Association - Continued**

Mr. MacKay advised that the objectives are to compare the property taxes paid in the City of North Vancouver relative to the consumption of tax-supported municipal services for:

- Residential
- Business
- Industrial (utilities, major industry, light industry).

The results of the consumption payment ratio are as follows:

- Residential 1.0
- Industry 4.2
- Business 3.9.

Councillor Keating briefly left and returned to the meeting.

Members of the delegation then responded to questions from members of Council.

3. **CORRESPONDENCE**

Video Clip 10

(a) **Debbie Tardiff, North Shore Waterfront Industrial Association, March 30, 2004.**

Re: Consumption of Services Study - File: 1040-03-N22

Moved by Councillor Keating, seconded by Councillor Mussatto

THAT the correspondence dated March 30, 2004 received from Ms. Debbie Tardiff, North Shore Waterfront Industrial Association, regarding "Consumption of Services Study" be received and filed with thanks.

CARRIED UNANIMOUSLY

Video Clip 11

3. (b) **John Locher, City Manager, City of Fort St. John, November 26, 2003**

Re: Alternative Justice Program Funding Grants
File: 1175-04-01

Requested by Mayor Barbara A. Sharp

Moved by Councillor Mussatto, seconded by Councillor Keating

THAT the correspondence dated November 26, 2003 received from John Locher, City Manager, City of Fort St. John, regarding "Alternative Justice Program Funding Grants" be received and filed;

AND THAT the correspondence dated March 25, 2004 received from Ms. Veronica Singer, Chair, North Shore Family Court & Youth Justice Committee, be forwarded to the City of Fort St. John for information.

CARRIED UNANIMOUSLY

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

Video Clip 12

(b) **Pier Development: Parcel 3 - Official Community Plan Amendment / Rezoning / Development Permit Application (Pinnacle International/Howard Bingham Hill Architects/Durante Kruek, 158 East Esplanade) – File: 3400-05 ESPL 158 E (DP No. 3)**

Report: Assistant City Planner, Community Development,
March 25, 2004

Moved by Councillor Mussatto, seconded by Councillor Keating

PURSUANT to the report of the Assistant City Planner dated March 25, 2004, entitled "Pier Development: Parcel 3 - Official Community Plan Amendment / Rezoning / Development Permit Application (Pinnacle International/Howard Bingham Hill Architects/Durante Kruek, 158 East Esplanade)":

THAT staff be requested to process the application for an Official Community Plan height amendment for Parcel 3 (158 East Esplanade) as described in the March 25, 2004 report.

CARRIED UNANIMOUSLY

Video Clip 13

4. (c) **Council Procedure Bylaw, 2004, No. 7590 - File: 1095-01**

Report: City Clerk, March 31, 2004

Moved by Councillor Perrault, seconded by Councillor Keating

PURSUANT to the report of the City Clerk, dated March 31, 2004 entitled, "Council Procedure Bylaw, 2004, No. 7590":

THAT "Council Procedure Bylaw, 2004, No. 7590", be considered;

AND THAT resolutions honouring members of the public must be unanimously endorsed by all members of Council.

Moved by Councillor Heywood, seconded by Councillor Mussatto

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 Perrault
Councillor Heywood
Councillor Mussatto
Councillor Keating
Mayor Sharp

Voting against: Councillor Clark

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

6. **BYLAWS - Continued**

Video Clip 14

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

Moved by Councillor Perrault, seconded by Councillor Heywood that

(i) "Council Procedure Bylaw, 2004, No. 7590", as amended

be introduced and read a first time in short form, copies of same having been distributed to Council members and read by them.

CARRIED UNANIMOUSLY

Continued....

6. (b) Introduction and First Three Readings – Continued

Moved by Councillor Perrault, seconded by Councillor Heywood

THAT the said Bylaw No. 7590, as amended, be read a second time in short form.

CARRIED UNANIMOUSLY

Moved by Councillor Perrault, seconded by Councillor Heywood

THAT the said Bylaw No. 7590, as amended, be read a third time in short form and passed subject to reconsideration.

CARRIED UNANIMOUSLY

5. MOTIONS AND NOTICES OF MOTION - Continued

Video Clip 15

**(c) Workshop Session – Vancouver Port Corporation
File: 1155-06-V1-01**

Submitted by Councillor R.C. Clark

Moved by Councillor Clark, seconded by Councillor Heywood

BE IT RESOLVED THAT North Vancouver City Council invite the Chair and Chief Executive Officer of the Vancouver Port Corporation and the North Vancouver Chamber of Commerce to a workshop session to discuss issues of mutual concern.

CARRIED UNANIMOUSLY

Video Clip 16

(d) Waterfront Walkway – File: 4305-03-W2-01

Submitted by Councillor R.C. Clark

Moved by Councillor Clark, seconded by Councillor Heywood

BE IT RESOLVED THAT the Squamish Nation be invited, along with Concert Properties and the Washington Group, to a workshop session hosted by North Vancouver City Council to discuss the viability of a “Waterfront Walkway” from the west side of Fullerton Fill connecting to Waterfront Park and The Pier development.

Moved by Councillor Clark, seconded by Councillor Heywood

THAT consideration of the motion be deferred until all members of Council are present.

CARRIED UNANIMOUSLY

Video Clip 17

**5. (e) Subdivision of Property Adjacent to Highway No. 1
File: 3390-01**

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

“BE IT RESOLVED THAT City Council request a timely staff report on a method to prevent the subdivision of property adjacent to Highway No. 1.”

7. COUNCIL INQUIRIES (Questions of Council Members)

Video Clip 18

(a) North Vancouver Recreation Commission Manager of Finance and Administrative Services – File: 4410-01

Inquiry by Councillor R.C. Clark

Councillor Clark referred to the April 1, 2004 article in the North Shore Outlook regarding the dismissal of the North Vancouver Recreation Commission Manager of Finance and Administrative Services and inquired as to when the Commissioners heard about this dismissal and why an information report was not received from the Director of Recreation on this issue.

Councillor Keating advised that as a Commissioner he heard about this dismissal two weeks ago and that a full report on this issue has not been received by the Commissioners to date. Councillor Keating also advised that this issue has been referred to the Municipal Managers of the City of North Vancouver and the District of North Vancouver and that a report will be coming forward at the next North Vancouver Recreation Commission meeting, in camera.

Councillor Perrault advised that as a Commissioner she also heard about this dismissal two weeks ago and that the issue is also in the hands of the Human Resources Department.

Video Clip 19

**(b) Email from the Executive Assistant to Mayor Sharp regarding Proposed Development at 23rd Street and Westview Avenue
File: 3390-01**

Inquiry by Councillor R.C. Clark

Councillor Clark referred to the April 4, 2004 email from Craig Amundsen, Executive Assistant to Mayor Sharp to residents of the 23rd Street and Westview Avenue area regarding the subdivision of property on the west side of Westview Avenue, north of West 23rd Street.

Councillor Clark expressed his concern that the email was signed on behalf of Council and inquired as to why it was signed this way.

Continued....

5. (b) **Email from the Executive Assistant to Mayor Sharp regarding Proposed Development at 23rd Street and Westview Avenue
File: 3390-01 - Continued**

Mayor Sharp advised that she would like to have a copy of the April 4, 2004 email in front of her so that she can answer Councillor Clark's inquiry and asked why Councillor Clark did not forward his questions to her by email.

Councillor Clark advised that he felt this should be dealt with by Council as a Council Inquiry.

10. **ADJOURNMENT**

Moved by Councillor Heywood, seconded by Councillor Mussatto

THAT the meeting adjourn.

CARRIED UNANIMOUSLY

The meeting adjourned at 10:52 p.m.