



**MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD IN
THE COUNCIL CHAMBER, CITY HALL, 141 WEST 14th STREET,
NORTH VANCOUVER, B.C., ON **MONDAY, NOVEMBER 8, 2004**
AT 5:30 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

A.K. Tollstam, City Manager
B.A. Hawkshaw, City Clerk
S.E. Dowey, Deputy City Clerk
F.A. Smith, Director, Community Development
R.H. White, City Planner
S. Ono, City Engineer
I. Gordon, Deputy Director, Finance
B. Susak, Deputy City Engineer
B. Themens, Manager, Capital Planning
F. Caouette, Director, Corporate Services
L. Orr, Community Planner
K. Russell, Development Planner
D. Sigston, Manager, Lands
T. Stokes, Acting Manager, Financial Services

The meeting was called to order at 5:30 p.m.

ADOPTION OF MINUTES

[Video Clip 1](#)

Moved by Councillor Heywood, seconded by Councillor Mussatto

THAT the following Minutes be adopted as circulated:

1. [Special Council Meeting Minutes, November 1, 2004.](#)
2. In Camera Committee of the Whole Meeting Minutes,
November 1, 2004.

CARRIED UNANIMOUSLY

PROCLAMATION

[Video Clip 2](#)

Mayor Sharp read the following Proclamation:

“VETERANS’ WEEK” - NOVEMBER 5 TO 11, 2004

Mayor Sharp presented a framed copy of the Proclamation to representatives of the Royal Canadian Legion Branch No. 118.

CONSENT AGENDA ITEMS

[Video Clip 3](#)

{Items *18, *19, *20, *21 and *26}

Moved by Councillor Mussatto, seconded by Councillor Clark

THAT the resolutions listed within the “Consent Agenda” of November 8, 2004, be approved, as follows:

REPORTS OF COMMITTEES, COUNCIL REPRESENTATIVES AND STAFF -

***18. Long Term Property Tax Strategy – File: 1650-01**

[Recommendation: Finance Committee, November 1, 2004](#)

PURSUANT to the report of the Director of Finance dated October 27, 2004, entitled “Long Term Property Tax Strategy - Report No. 2”:

THAT staff report back with options for a long term tax strategy based upon the work of the Long Term Property Tax Strategy Workgroup and the discussion at the November 1, 2004, Public Workshop;

AND THAT the Long Term Tax Strategy Workgroup be thanked for their outstanding work on this project.

(CARRIED UNANIMOUSLY)

***19. Business License Bylaw Review - File: 1660-03-05**

[Report: Planner, Community Development, October 14, 2004. Attachment 01](#)

RECOMMENDATION:

PURSUANT to the report of the Planner, Community Development dated October 14, 2004, entitled “Business License Bylaw Review”:

THAT there be no Business License fee increase for 2005;

AND THAT “Business License Bylaw, 2004, No. 7584” (Business License Interpretation/General Regulations), be considered.

(CARRIED UNANIMOUSLY)

BYLAWS - Introduction and First Three Readings

- *20. "Business License Bylaw, 2004, No. 7584" (Business License Interpretation/General Regulations).

RECOMMENDATIONS:

THAT Bylaw No. 7584 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. 7584 be read a second time in short form.

(CARRIED UNANIMOUSLY)

THAT the said Bylaw No. 7584 be read a third time in short form and passed subject to reconsideration.

(CARRIED UNANIMOUSLY)

REPORTS OF COMMITTEES, COUNCIL REPRESENTATIVES AND STAFF - Continued

- *21. **Funding Appropriation No. 0401: Ridgeway Out of School Centre - Portables/Temporary Installation - File: 1645-06-02**

[Report: Manager, Capital Planning, November 2, 2004 Attachment 01](#)

RECOMMENDATION:

PURSUANT to the report of the Manager, Capital Planning, dated November 2, 2004, entitled "Funding Appropriation No. 0401: Ridgeway Out of School Centre - Portables/Temporary Installation":

THAT an amount of \$100,000 be appropriated from the Community Enhancement Reserve Fund for the purpose of allocating the amount to the North Shore Neighbourhood House to cover for the costs of a portable and its installation to temporarily house the Out of School Centre while the Ridgeway Elementary School is being renovated;

AND THAT should any of the above amount remain unexpended after three years from the date of adoption of this resolution, the unexpended balance shall be returned to the credit of the said Reserve Fund.

(CARRIED UNANIMOUSLY)

***26. Appointment of Auditors - 2004 - File: 1635-01**

[Report: Director of Finance, November 4, 2004](#)
[Attachment 01](#)

RECOMMENDATION:

PURSUANT to the report of the Director of Finance dated November 4, 2004, entitled "Appointment of Auditors - 2004":

THAT Mayor and Council re-appoint KPMG as City Auditors for the fiscal year 2004.

CARRIED UNANIMOUSLY

END OF CONSENT AGENDA ITEMS.

CONFIDENTIAL REPORTS

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 the Committee of the Whole Section of the Council Agenda, for the following reasons respectively, for each item:

3. Section 90 (1) (i)
4. Section 90 (1) (e)
22. Section 90 (1) (e)
23. Section 90 (1) (e)
24. Section 90 (1) (e)
25. Section 90 (1) (e)

CARRIED UNANIMOUSLY

The meeting recessed at 5:34 p.m., and reconvened at 7:07 p.m., with the same personnel present and with the addition of *Councillor Fearnley.

Moved by Councillor Heywood, seconded by Councillor Clark

THAT the meeting recess to the Public Meeting scheduled for this evening.

CARRIED UNANIMOUSLY

The meeting recessed at 7:07 p.m., and reconvened at 7:08 p.m., with the same personnel present.

DELEGATIONS

[Video Clip 4](#)

Mr. Doug Green, Principal of Sutherland Secondary School, Mr. John Moffat, Principal of Queen Mary Elementary and Ms. Ann Mason, Assistant Superintendent, West Zone, School District No. 44 (North Vancouver)

Re: City Schools - Violence Prevention Grant Funding - File: 1150-03-01

Ms. Ann Mason, Assistant Superintendent, West Zone, School District No. 44 (North Vancouver) introduced Mr. Doug Green, Principal of Sutherland Secondary School and Mr. John Moffat, Principal of Queen Mary Elementary.

**Councillor Keating entered the meeting.

Mr. Doug Green, Principal of Sutherland Secondary School, gave a brief update on the use of the violence prevention grant funding that was provided by the City of North Vancouver for the 2003/2004 school year.

Mr. John Moffat, Principal of Queen Mary Elementary, gave an overview of the "How to make kids behave better" program at Queen Mary Elementary and other programs that have been implemented to prevent violence.

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

CORRESPONDENCE

[Video Clip 5](#)

5. Ms. Ann Mason, Assistant Superintendent, West Zone, School District No. 44 (North Vancouver), November 2, 2004

[Re: City Schools - Violence Prevention Grant Funding - File: 1150-03-01](#)

Moved by Councillor Mussatto, seconded by Councillor Keating

THAT the correspondence dated November 2, 2004 received from Ms. Ann Mason, Assistant Superintendent, West Zone, School District No. 44 (North Vancouver), regarding "City Schools - Violence Prevention Grant Funding" be received and filed with thanks.

CARRIED UNANIMOUSLY

Moved by Councillor Clark, seconded by Councillor Heywood

THAT the meeting recess to the recessed Public Meeting scheduled for this evening.

CARRIED UNANIMOUSLY

The meeting recessed at 7:24 p.m., and reconvened at 8:30 p.m., with the same personnel present.

Moved by Councillor Perrault, seconded by Councillor Clark

THAT the meeting recess to the Finance Committee and to the recessed Public Meeting scheduled for this evening.

CARRIED UNANIMOUSLY

The meeting recessed at 8:31 p.m., and reconvened at 8:39 p.m., with the same personnel present.

MOTIONS AND NOTICES OF MOTION

[Video Clip 6](#)

6. **Development Variance Permit Application No. 187: Scott Land & Lease and Bell Mobility/RKTG Engineering, 805 Automall Drive, DVP No. 187 - File: 3345-02 Automall 805**

Moved by Councillor Clark, seconded by Councillor Perrault

THAT consideration of the issuance of Development Variance Permit No. 187 to Scott Land & Lease and Bell Mobility/RKTG Engineering, 805 Automall Drive, be deferred until reduced lighting levels are agreed to by the North Shore Automall.

A recorded vote was taken on the motion.

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

Voting against: Councillor Mussatto

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

7. Untidy Property - 364 East 19th Street - File: 3345-02 19E 364

[Report: Property Use Inspector, Community Development, September 29, 2004](#)

Mayor Barbara Sharp invited Norman and Michele Gadsby, registered owners, of 364 East 19th Street, or owner's representative, to come forward and show cause why the City Council should not proceed with the registration against the title.

Ms. Michele Gadsby came forward at the invitation of the Mayor.

Ms. Gadsby advised that they have tidied the front yard and are working on tidying the back yard.

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

Moved by Councillor Mussatto, seconded by Councillor Keating

PURSUANT to the report of the Property Use Inspector dated September 29, 2004, entitled "Untidy Property - 364 East 19th Street":

THAT the registered owners of 364 East 19th Street be advised that the City Clerk will file notice in the Land Titles Office under Section 57 of the Community Charter:

- (a) **THAT** a resolution by the Council of The Corporation of the City of North Vancouver relating to 364 East 19th Street, AM18, Block 9A, D.L. 550, Plan 3738, has been made under this Section 57 of the Community Charter;
- (b) **AND THAT** further information respecting it may be viewed at the offices of The Corporation of the City of North Vancouver;
- (c) **AND THAT** if required clean up of the property at 364 East 19th Street is not completed within 45 days of this resolution, that staff be authorized to seek an injunction in the Supreme Court of British Columbia requiring the registered owners to comply with the "City of North Vancouver Nuisance Abatement Bylaw, 1986, No. 5659";

AND THAT staff report back in January, 2005 as to the progress of the Untidy Property located at 364 East 19th Street.

CARRIED UNANIMOUSLY

Moved by Councillor Perrault, seconded by Councillor Clark

THAT the meeting recess to the Finance Committee meeting scheduled for this evening.

CARRIED UNANIMOUSLY

The meeting recessed at 9:11 p.m., and reconvened at 9:18 p.m., with the same personnel present.

BYLAWS - Introduction and First Three Readings

[Video Clip 8](#)

Moved by Councillor Clark, seconded by Councillor Fearnley that

8. "Sewerage and Drainage Utility Bylaw, 1995, No. 6746, Amendment Bylaw, 2004, No. 7644".
9. "A Solid Waste Management Service Bylaw, 1997, No. 6920, Amendment Bylaw, 2004, No. 7645".
10. "Water Utility Bylaw, 1994, No. 6417, Amendment Bylaw, 2004, No. 7646".

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

Moved by Councillor Clark, seconded by Councillor Fearnley

THAT the said Bylaws Nos. 7644, 7645 and 7646 be read a second time in short form.

CARRIED UNANIMOUSLY

Moved by Councillor Clark, seconded by Councillor Fearnley

THAT the said Bylaws Nos. 7644, 7645 and 7646 be read a third time in short form and passed subject to reconsideration.

CARRIED UNANIMOUSLY

Councillor Clark briefly left and returned to the meeting.

11. Rezoning Application: 221/225 East 17th Street (A2M/Flexhome Ltd./ Vernacular Design Inc.): Public Hearing Follow-Up - File: 3345-02 17E 221 & 225

[Report: Assistant City Planner, Community Development, September 29, 2004](#)

Moved by Councillor Clark, seconded by Councillor Heywood

THAT the rezoning application, 221/225 East 17th Street (A2M/Flexhome Ltd./Vernacular Design Inc.) be rejected.

A recorded vote was taken on the motion.

Voting in favour: Councillor Mussatto
Councillor Heywood
Councillor Clark

Voting against: Councillor Fearnley
Councillor Keating
Councillor Perrault
Mayor Sharp

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

Moved by Councillor Keating, seconded by Councillor Fearnley

THAT the rezoning application, 221/225 East 17th Street (A2M/Flexhome Ltd./Vernacular Design Inc.) be received and filed.

A recorded vote was taken on the motion.

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

Voting against: Nil.

The motion was **CARRIED UNANIMOUSLY** by a vote of seven to nil.

BYLAWS - Second and Third Readings

[Video Clip 10](#)

Moved by Councillor Mussatto, seconded by Councillor Keating that

12. "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw 2004, No. 7638" (A2M /Flexhome Ltd./Vernacular Design Inc., 221-225 East 17th Street, CD-485) be **deleted** from the agenda.

CARRIED UNANIMOUSLY

Councillor Heywood left the meeting declaring a possible conflict of interest with regards to item 13. on the agenda as he lives across from the proposed development.

BYLAWS - Third Reading Only

[Video Clip 11](#)

13. ["Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2004, No. 7631"](#)
[\(Brook Development Planning Inc./Besharat Friars Architects, 612 Chesterfield & 645 West Victoria Park, CD-482\)](#)

Moved by Councillor Mussatto, seconded by Councillor Fearnley

THAT Council instruct staff to report by November 15, 2004 on the implications of a reduction of height of 2 storeys and a reduction to approximately 130 feet and with a reduction in density of the overall site at 612 Chesterfield Avenue and any other concessions that may be involved to achieve such changes;

AND THAT a new public hearing be called on December 13, 2004 for the public to consider such changes.

A recorded vote was taken on the motion.

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

Voting against: Councillor Perrault
 Councillor Clark

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

Councillor Heywood returned to the meeting.

BYLAWS – Reconsideration and Final Adoption

[Video Clip 12](#)

Moved by Councillor Clark, seconded by Councillor Keating that

14. “Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2004, No. 7629” (City of North Vancouver / Liquor Store Size Limitation), as amended.

be reconsidered.

CARRIED

Councillor Perrault is recorded as voting contrary to the motion.

Moved by Councillor Clark, seconded by Councillor Keating

THAT the said Bylaw No. 7629, as amended, be finally adopted, signed by the Mayor and City Clerk and sealed with the Corporate Seal.

CARRIED

Councillor Perrault is recorded as voting contrary to the motion.

MOTIONS AND NOTICES OF MOTION - Continued

[Video Clip 13](#)

15. Policy Whereby Rental Units Must Be Replaced With Rental Units Upon Redevelopment - File: 3365-05-04

Submitted by Councillor R.C. Clark

Moved by Councillor Clark, seconded by Councillor Keating

BE IT RESOLVED THAT the City of North Vancouver consider adopting a policy whereby rental units must be replaced with rental units upon redevelopment and that this matter be referred to staff for a report on the implications of same.

CARRIED UNANIMOUSLY

Moved by Councillor Mussatto, seconded by Councillor Clark

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 by the Required Two-Thirds Majority of Council Members Present.

Councillor Fearnley is recorded as voting contrary to the motion.

MOTIONS AND NOTICES OF MOTION - Continued

[Video Clip 14](#)

16. Declaration of a Moratorium on any and all Density Bonuses contained within the City's Official Community Plan - File: 3310-09-17

Submitted by Councillor R.C. Clark

Moved by Councillor Keating, seconded by Councillor Mussatto

THAT consideration of the following motion be **deferred** until the conclusion of the 612 Chesterfield Avenue rezoning application:

"BE IT RESOLVED THAT City Council declare a moratorium on any and all Density Bonuses contained within the City's Official Community Plan until a review of the subject has occurred with the opportunity for public input".

CARRIED

Councillor Clark is recorded as voting contrary to the motion.

[Video Clip 15](#)

17. Invitation to Vancouver Coastal Health Authority - File: 1165-06-01

Submitted by Councillor R.C. Clark

Moved by Councillor Clark, seconded by Councillor Mussatto

BE IT RESOLVED THAT the Vancouver Coastal Health Authority be invited to appear before City Council to discuss the redevelopment of their land holdings East of St. Andrew's Avenue.

Councillor Fearnley left the meeting at 10:32 p.m.

The motion was then **CARRIED UNANIMOUSLY.**

Moved by Councillor Clark, seconded by Councillor Keating

THAT item 27 on the agenda be brought forward for consideration at this time.

CARRIED UNANIMOUSLY

CORRESPONDENCE – Continued

[Video Clip 16](#)

27. Mayor Ralph Drew, Chair, Lower Mainland Treaty Advisory Committee, November 4, 2004

Re: Pace of Tsawwassen Treaty Negotiations

Requested by Mayor Barbara A. Sharp

Moved by Councillor Keating, seconded by Councillor Mussatto

PURSUANT to the correspondence dated November 4, 2004, received from Mayor Ralph Drew, Chair, Lower Mainland Treaty Advisory Committee, regarding “Pace of Tsawwassen Treaty Negotiations”:

THAT Mayor Barbara A. Sharp write to the Honourable Geoff Plant, Minister Responsible for Treaty Negotiations, all Lower Mainland M.L.A's and all Lower Mainland municipalities expressing the City of North Vancouver's grave concerns about the absence of consultation about the ramifications attendant upon the proposed language for the Tsawwassen Agreement in Principle.

CARRIED UNANIMOUSLY

CONFIDENTIAL REPORTS – Continued

[Video Clip 17](#)

Moved by Councillor Keating, seconded by Councillor Clark

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:

22. Section 90 (1) (e)
23. Section 90 (1) (e)
24. Section 90 (1) (e)
25. Section 90 (1) (e)

CARRIED UNANIMOUSLY

The meeting recessed at 10:52 p.m., and reconvened at 11:02 p.m., with the same personnel present and with the exception of Councillor Fearnley.

A motion was unanimously endorsed in the Committee of the Whole in camera meeting this evening to continue the meeting after 11:00 p.m., if necessary.

REPORT OF THE COMMITTEE OF THE WHOLE

Councillor Clark advised that he has a non-pecuniary interest with regards to item 23 on the agenda as he is personally involved with one of the applicants, and left the meeting.

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

**23. Appointments to the North Vancouver Recreation Commission
File: 1090-03-01/4410-01**

Report: City Clerk, October 29, 2004

PURSUANT to the report of the City Clerk dated October 29, 2004 entitled "Appointments to the North Vancouver Recreation Commission":

THAT Ms. Rill Sutherland Clarke be appointed for a partial term to conclude on December 31, 2005 to replace Ms. Patricia Sharp who has resigned and will not be completing the appointed three year term of December 31, 2002 to December 31, 2005;

AND THAT Mr. Wayne Robertson be appointed for a partial term to conclude on December 31, 2005 to replace Ms. Michele Guerin who has resigned and will not be completing the appointed three year term of December 31, 2002 to December 31, 2005.

CARRIED UNANIMOUSLY

Councillor Clark returned to the meeting.

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

**24. North Vancouver School District Property Disposition - City Priorities
File: 1150-03-11**

Report: Community Planner, Community Development, on behalf of the Interdepartmental Staff Task Group, October 26, 2004

PURSUANT to the report of the Community Planner, Community Development, on behalf of the Interdepartmental Staff Task Group, dated October 26, 2004, entitled "North Vancouver School District Property Disposition - City Priorities":

Continued....

REPORT OF THE COMMITTEE OF THE WHOLE - Continued

24. North Vancouver School District Property Disposition - City Priorities File: 1150-03-11 - Continued

THAT School District No. 44 (North Vancouver) be encouraged to:

- Invest a portion of the funding from the future sale of the Lonsdale Annex in a joint use artificial turf field and other joint use facilities in the City;
- Provide a suitably sized all-weather playing field and children's playground in the consolidation of Lonsdale Elementary and Westview Elementary Schools, and
- Invest some of the revenue generated from the sale of surplus sites in the City in projects such as:
 - upgrading Queen Mary and Ridgeway Elementary School grounds;
 - enhancing the heritage features of School Board heritage structures (e.g. historic painting, façade lighting, interpretation);
 - improving student drop-off and off-site pedestrian circulation around City elementary schools;
 - enhancing sustainability in new School District facilities in the City; and
 - enhance the safety and attractiveness of off-site pedestrian movements in the vicinity of schools (e.g. the interface between the City's "Green Necklace" and Queen Mary Elementary and Sutherland School and 19th Street/Highway No. 1 Interchange, etc.);

AND THAT staff be requested to:

- work with School District staff and Family Services of the North Shore to secure a suitable location for the Westcoast Energy Children's Centre;
- discuss with School District No. 44 (North Vancouver) adaptive reuse and compatible site redevelopment options of the Lonsdale Elementary School site including heritage preservation, family support services and possible consolidation of some existing open space frontage on Lonsdale with Rey Sargent Park should this site become surplus to the School District needs;
- explore the potential with School District No. 44 (North Vancouver) staff to include an Out of School Child Care Centre as part of the new school to replace Lonsdale and Westview Elementary Schools;
- discuss with School District No. 44 (North Vancouver) the potential for joint use opportunities as part of the redevelopment of Sutherland High School;

Continued....

REPORT OF THE COMMITTEE OF THE WHOLE – Continued

24. North Vancouver School District Property Disposition - City Priorities File: 1150-03-11 - Continued

AND THAT the report of the Community Planner, Community Development, on behalf of the Interdepartmental Staff Task Group, dated October 26, 2004, entitled “North Vancouver School District Property Disposition - City Priorities” remain in camera.

CARRIED UNANIMOUSLY

Mayor Sharp left the meeting because of a possible bias (conflict of interest), with regards to Item 25 on the agenda as she is a non-voting member of The Royal Canadian Legion.

Councillor Heywood took over the Chair as Acting Mayor.

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

25. The Legion - Community Amenity Room - File: 3345-02 15W 121

Report: Director, Community Development, November 3, 2004

PURSUANT to the report of the Director, Community Development dated November 3, 2004, entitled “The Legion – Community Amenity Room”:

THAT Mr. Dennis Burt, President of the Royal Canadian Legion Branch 118, be advised that the City of North Vancouver will take no action with respect to the Right-of-Way registered against the Community Amenity Room at this time, but will revisit the request when the issues surrounding the default on the mortgage are resolved and the Legion has had time to re-establish itself as a viable operation within Strata Lots 1 and 2;

AND THAT the report of the Director, Community Development dated November 3, 2004, entitled “The Legion – Community Amenity Room” remain in camera.

CARRIED

Mayor Sharp returned to the meeting and resumed the Chair.

INQUIRIES

Nil.

ANY OTHER BUSINESS – NEW ITEMS

Nil.

ADJOURNMENT

Moved by Councillor Clark, seconded by Councillor Mussatto

THAT the meeting adjourn.

CARRIED UNANIMOUSLY

The meeting adjourned at 11:06 p.m.