



**MINUTES OF THE REGULAR MEETING OF COUNCIL HELD IN
THE COUNCIL CHAMBER, CITY HALL, 141 WEST 14th STREET,
NORTH VANCOUVER, B.C., ON **MONDAY, OCTOBER 3, 2005**
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
S.E. Dowey, City Clerk
R.G. Anderson, Deputy City Clerk
T. Christie, Director of Finance
F.A. Smith, Director, Community Development
F. Caouette, Director, Corporate Services
S. Ono, City Engineer
D. Pope, Manager, Parks and Environment
B. Susak, Deputy City Engineer
R. H. White, Deputy Director, Community Development
B. Themens, Manager, Capital Planning
C. Amundsen, Executive Assistant to the Mayor
I. Gordon, Deputy Director of Finance
D. Hutch, Landscape Architect
K. Russell, Development Planner
G. Penway, City Planner

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

ADOPTION OF MINUTES

Moved by Councillor Clark, seconded by Councillor Heywood

THAT the following Minutes be adopted as circulated:

[Video Clip 1](#)

1. [Regular Council Meeting Minutes, September 19, 2005.](#)
2. In Camera Committee of the Whole Meeting Minutes, September 19, 2005.

CARRIED UNANIMOUSLY

PUBLIC INPUT PERIOD - File: 1090-21

Nil.

[Video Clip 2](#)

Moved by Councillor Clark, seconded by Councillor Heywood

THAT item 12, “Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2005, No. 7716” (Rob Bulfone, Breckenridge Homes Ltd./Omnicom Cascadia, 2233 Chesterfield Avenue, CD-502)”, on the agenda be brought forward for consideration at this time.

CARRIED UNANIMOUSLY

BYLAWS - Reconsideration and Final Adoption

12. “Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2005, No. 7716” (Rob Bulfone, Breckenridge Homes Ltd./Omnicom Cascadia, 2233 Chesterfield Avenue, CD-502).

Moved by Councillor Clark, seconded by Councillor Heywood

THAT item 12, “Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2005, No. 7716” (Rob Bulfone, Breckenridge Homes Ltd./Omnicom Cascadia, 2233 Chesterfield Avenue, CD-502)”, be deleted from the agenda.

CARRIED UNANIMOUSLY

CONSENT AGENDA ITEMS

[Video Clip 3](#)

{Items *4, *14, *15, *16, *17, *18, *19, *20 and *21}

Moved by Councillor Clark, seconded by Councillor Heywood

THAT the resolutions listed within the “Consent Agenda” of October 3, 2005 be approved, as follows:

REPORTS OF COMMITTEES, COUNCIL REPRESENTATIVES AND STAFF

- *4. **Appointment to the North Shore Family Court & Youth Justice Committee – File: 1085-03-N11-01**

Report: City Clerk, September 23, 2005.

PURSUANT to the report of the City Clerk, dated September 23, 2005, entitled, "Appointment to the North Shore Family Court & Youth Justice Committee":

continued...

REPORTS OF COMMITTEES, COUNCIL REPRESENTATIVES AND STAFF

***4. Appointment to the North Shore Family Court & Youth Justice Committee – File: 1085-03-N11-01 Continued**

THAT Ms. Dorothy Penman be appointed to the Community category for a partial term ending December 31, 2005, to fill the vacancy left by the resignation of Ms. Ann Roberts.

(CARRIED UNANIMOUSLY)

***14. Vancouver's North Shore Hotel Association – File: 3570-01**

Report: [Director, Corporate Services Department, September 20, 2005.](#)
[Attachment 1](#) [Attachment 2](#) [Attachment 3](#)

PURSUANT to the report of the Director, Corporate Services, dated September 20, 2005, entitled "Vancouver's North Shore Hotel Association":

THAT the tourism marketing initiative as presented by the Vancouver's North Shore Hotel Association (VNSHA) be supported subject to concurrent support from the District of North Vancouver;

AND THAT staff be requested to establish an operating agreement with the Vancouver's North Shore Hotel Association (VNSHA) including governance and accountability frameworks, work plan development, funding requirements and reporting relationships.

(CARRIED UNANIMOUSLY)

***15. Petition to Remove Tree at 318 East 10th Street – File: 4310-05**

Report: [Environmental Coordinator, September 26, 2005.](#)
[Attachment 1](#) [Attachment 2](#)

PURSUANT to the report of the Environmental Coordinator dated September 26, 2005, entitled "Petition to Remove Tree at 318 East 10th Street":

THAT the application for removal of the tree located on City property adjacent to 318 East 10th Street be supported.

(CARRIED UNANIMOUSLY)

REPORTS OF COMMITTEES, COUNCIL REPRESENTATIVES AND STAFF

***16. City Borrowing for Lonsdale Energy Corporation – File: 1040-03-F1-01**

Report: [Manager of Financial Services, September 27, 2005.](#)

PURSUANT to the report of the Manager of Financial Services, dated September 27, 2005, entitled “City Borrowing for Lonsdale Energy Corporation”:

THAT City Council hereby resolves that the Lonsdale Energy Corporation will not be sold or disposed of as long as there are any monies owing against “Loan Authorization Bylaw, 2005, No. 7714”;

AND THAT a copy of this resolution be sent to the Municipal Finance Authority and the Office of the Inspector of Municipalities.

(CARRIED UNANIMOUSLY)

BYLAWS - Reconsideration and Final Adoption

***17.** “City of North Vancouver Official Community Plan Bylaw, 2002, No. 7425, Amendment Bylaw, 2005, No. 7719” (Erroll Kitt, Eric Kitt, D. Saxer/Rivas Design, 701 East 4th Street).

***18.** “Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2005, No. 7718” (Erroll Kitt, Eric Kitt, D. Saxer/Rivas Design, 701 East 4th Street, RS-3).

***19.** “Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2005, No. 7720” (G. Borgenstrom, Noort Developments, 443 West 16th Street, RT-1).

***20.** “Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2005, No. 7721” (Adaptable Design Requirements – Clarifications/The Corporation of the City of North Vancouver).

***21.** “Taxation Exemption Bylaw, 2005, No. 7728”.

THAT the said Bylaws Nos. 7719, 7718, 7720, 7721 and 7728 be reconsidered.

(CARRIED UNANIMOUSLY)

THAT the said Bylaws Nos. 7719, 7718, 7720, 7721 and 7728 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 Heywood

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 reason:

3. Section 90 (1) (e)

CARRIED UNANIMOUSLY

The meeting recessed at 6:02 p.m. and reconvened at 6:09 p.m., with the same personnel present and with the addition of *Councillor Keating and *Councillor Mussatto.

PROCLAMATIONS

[Video Clip 4](#)

Mayor Sharp read the following Proclamations:

“WORLD TEACHERS’ DAY – OCTOBER 5, 2005

**“FIRE PREVENTION WEEK” – OCTOBER 9 – 15, 2005 and
“FIRE SERVICE RECOGNITION DAY” – OCTOBER 15, 2005**

“WASTE REDUCTION WEEK” – OCTOBER 17 – 23, 2005

DELEGATIONS

[Video Clip 5](#)

Linda Feil, Executive Director, North Vancouver Community Arts Council

Re: New North Shore Signature Event – Mountain Mardi Gras
– File: 1085-03-N10.

Ms. Linda Feil, Executive Director, North Vancouver Community Arts Council, introduced the members of her delegation, Ms. Beth Moore, Special Events Coordinator, and Ms. Villiana Vancova, Exhibition Coordinator from the North Vancouver Community Arts Council, and Ms. Dolly Hopkins, Artistic Director, and Ms. Helena Campbell, General Manager of the Public Dreams Society. Ms. Feil

gave a Powerpoint presentation regarding the “New North Shore Signature Event, Mountain Mardi Gras: The Trickster’s Carnival” as follows:

- Olympics – Event will cover the Three Pillars of Environment, Sport and Culture

continued...

DELEGATIONS

Linda Feil, Executive Director, North Vancouver Community Arts Council - continued

- The February, 2006 Event will include Individual Creative Self Expression; Workshops: Inspiring Participation; events held at Cleveland Dam-Capilano River Regional Park; Tricksters Tales; Athletes & Artists in Performance; Eco Arts; New Media; Games; Cultural Myth Making; Giant Puppets; Carnival Music; Community Celebration; Site Transformation; Circus Arts; Procession; Final Performance;
- Expenses and Revenue; sponsors, commitment of funds and request for funding of \$10,000 from the City of North Vancouver.

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

CORRESPONDENCE

[Video Clip 6](#)

5. Linda Feil, Executive Director, North Vancouver Community Arts Council, September 19, 2005.

Re: [New North Shore Signature Event – Mountain Mardi Gras](#)
– File: 1085-03-N10.

Moved by Councillor Mussatto, seconded by Councillor Keating

PURSUANT to the correspondence received from Linda Feil, Executive Director, North Vancouver Community Arts Council, dated September 19, 2005, entitled “New North Shore Signature Event – Mountain Mardi Gras”:

THAT the City of North Vancouver provide partial funding in the amount of \$7,100 for the Mountain Mardi Gras event with the funds to be provided from the 2005 General Contingency Account;

AND THAT the balance of \$2,900 of the total requested amount of \$10,000 be referred to revised budget discussions at the Finance Committee meeting scheduled for October 24, 2005.

Voting in favour: Councillor Fearnley
 Councillor Mussatto
 Councillor Keating

Councillor Perrault
Councillor Heywood
Councillor Clark
Mayor Sharp

Voting against: Nil.

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

DELEGATIONS

[Video Clip 7](#)

Glenn Taylor, President & C.E.O., Neptune Bulk Terminals (Canada) Ltd.

Re: Proposed Potash Shed Expansion Project – File: 1155-06-V1-10-01

Mr. Glenn Taylor, President and C.E.O., Neptune Bulk Terminals (Canada Ltd.), introduced Mr. Gonzalo Benitez, Vice President of Finance and Administration, and Mr. Gerry Pincher, Director of Special Projects. Mr. Taylor gave a Powerpoint presentation regarding the “Proposed Potash Shed Expansion Project” as follows:

- Neptune Bulk Terminals in the Community;
- Potash Market;
- Proposed \$93 million Expansion of the Potash storage facilities;
- Overview of Existing Facility;
- Overview of Phase I and Phase II of the Expansion;
- Community Benefits;
- Consultation with the Community.

Mr. Taylor requested support for the project from Council members. He invited Council members and the community to the Open House to be held on October 22, 2005.

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

CORRESPONDENCE

[Video Clip 8](#)

6. Glenn Taylor, President & C.E.O., Neptune Bulk Terminals (Canada) Ltd., September 27, 2005.

Re: Proposed Potash Shed Expansion Project –
File: 1155-06-V1-10-01

Moved by Councillor Keating, seconded by Councillor Clark

THAT the correspondence from Mr. Glenn Taylor, President & C.E.O., Neptune Terminals, dated September 27, 2005, regarding "Proposed Potash Shed Expansion Project", be received and filed with thanks.

CARRIED UNANIMOUSLY

Mayor Sharp declared a recess at 7:06 p.m., and reconvened the meeting at 7:10 p.m. with the same personnel present.

ADVISORY DESIGN PANEL AWARDS

[Video Clip 9](#)

Design Awards - 2004 - File: 1085-03-A1

Design Awards are presented annually by the City of North Vancouver's Advisory Design Panel to recipients in recognition of their contribution to the promotion of design excellence in building and landscape architecture.

This year the Panel has selected 3 projects for recognition.

Ms. Karen Russell, Development Planner gave a Powerpoint presentation on the recipient projects and Councillor Clark, Council representative on the Advisory Design Panel, presented the Awards to the following owners and design teams for the projects noted below:

Award of Excellence

255-265 West 5th Street

For: Excellence in architecture and landscape design exhibited by the residential development at 255/257/259/261/263/265 West 5th Street and its contribution towards the enhancement of built form in the City of North Vancouver.

Owner: Harbourview Projects Corp. (Alan Saunders, Stefen Elmitt and Blake Owen)

Architect: Charles Moorhead

Landscape Architect: Forma Design Inc. (Bill Harrison)

Award of Merit

116 West 22nd Street

For: In recognition of the significant contribution to the built environment of the City of North Vancouver made by the architecture and landscape design of the residential development at 116 West 22nd Street.

Owner: Brent Developments Ltd. (Brent Pascall)
Architect: Integra Architecture Inc. (Duane Siegreest)
Landscape Architect: PWL Partnership
Contractor: Paul Warrick Construction

continued...

ADVISORY DESIGN PANEL AWARDS - Continued

Honourable Mention

235/237/239 West 5th Street

For: In recognition of the architecture and landscape design of the residential development at 235/237/239 West 5th Street and its enhancement of the built environment in the City of North Vancouver.

Owner: William Clark and Colleen Starling
Architect: Besharat Friars Architects (Shane Friars)
Landscape Architect: Keith Koroluk
Contractor: Toikka Construction Ltd. (John Toikka)

PRESENTATION

[Video Clip 10](#)

Dave Hutch, Landscape Architect, Engineering Department

Re: The Mahon Park Project – Connecting the Community to a Rehabilitation Process – File: 4305-03-M1-09

Mr. Dave Hutch, Landscape Architect, Engineering Department, introduced Ms. Eva Antonijevic, Stewardship Co-ordinator. He then played a CTV news story from 2002 and gave a Powerpoint presentation on the “Mahon Park Project – Connecting the Community to a Rehabilitation Process”, as follows:

- Review of the Pacific Coastal Region and the temperate rainforest;
- British Columbia Biogeoclimatic zones;
- Watershed and context and the 15th Street outfall;
- Mahon Park – history, natural areas, components and inventory;
- Impact of stormwater and drainage on trails and natural areas of Mahon Park;
- Invasive plants in Mahon Park;

- Development of Action Plan;
- Review of Phase I of the Action Plan and results achieved;
- Partnerships – Evergreen, MP Steward’s Projects;
- Importance of encouraging and opening up Parks to the stewards.

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

BYLAWS - Second and Third Readings

[Video Clip 11](#)

7. “Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2005, No. 7717” (Mosquito Creek Bar and Grill, 500 – 2601 Westview Drive, CD-120 Text Amendment).

Moved by Councillor Clark and seconded by Councillor Heywood

THAT the rezoning application for 500 – 2601 Westview Drive (Mosquito Creek Bar and Grill, CD-120 Text Amendment), **be rejected.**

A recorded vote was taken on the motion.

Voting in favour: Nil.

Voting against: Councillor Mussatto
 Councillor Keating
 Councillor Perrault
 Councillor Heywood
 Councillor Clark
 Councillor Fearnley
 Mayor Sharp

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

Moved by Councillor Mussatto, seconded by Councillor Keating

THAT the said Bylaw No. 7717 be read a second time in short form;

AND THAT Bylaw No. 7717 be amended by adding a clause prohibiting exotic performances and exotic entertainment.

Moved by Councillor Fearnley, seconded by Councillor Clark

THAT consideration of the second reading of Bylaw No. 7717 be deferred until a Policy Committee on a General Policy on Liquor Licenses and a new Public Hearing are held.

continued...

BYLAWS - Second and Third Readings

7. “Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2005, No. 7717”
(Mosquito Creek Bar and Grill, 500 – 2601 Westview Drive, CD-120 Text Amendment). - Continued

A recorded vote was taken on the deferral motion.

Voting in favour: Councillor Clark
Councillor Fearnley

Voting against: Councillor Keating
Councillor Perrault
Councillor Heywood
Councillor Mussatto
Mayor Sharp

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

Moved by Councillor Heywood, seconded by Councillor Mussatto

THAT Bylaw No. 7717 be amended so that the seating capacity on the patio be limited to 60 persons and the closing time be 1:30 a.m.

Moved by Councillor Mussatto, seconded by Councillor Keating

THAT the issue of seating capacity and hours of operation be deferred until consideration of final adoption of the bylaw.

CARRIED UNANIMOUSLY

A recorded vote was then taken on the motion, as amended, on second reading of the bylaw

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

Voting against: Councillor Clark
Councillor Fearnley

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

continued...

BYLAWS - Second and Third Readings

7. "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2005, No. 7717"
(Mosquito Creek Bar and Grill, 500 – 2601 Westview Drive, CD-120 Text
Amendment) - Continued

Moved by Councillor Mussatto, seconded by Councillor Keating

THAT the said Bylaw No. 7717, as amended, be read a third time in short form and passed subject to reconsideration.

CARRIED

Councillor Fearnley is recorded as voting contrary to the motion.

REPORTS OF COMMITTEES, COUNCIL REPRESENTATIVES AND STAFF

[Video Clip 12](#)

8. **Settlement Agreement – The Shore Nightclub – File: 3345-02 01W 135**

[Report: City Manager, September 28, 2005.](#)
[Attachment 1](#)

Moved by Mayor Sharp, seconded by Councillor Mussatto

PURSUANT to the report of the City Manager dated September 28, 2005, entitled "Settlement Agreement – The Shore Nightclub":

THAT the executed Settlement Agreement documents be received and filed by the City of North Vancouver.

A recorded vote was taken on the motion.

Voting in favour: Councillor Heywood
Councillor Clark
Councillor Mussatto
Mayor Sharp

Voting against: Councillor Fearnley
Councillor Keating
Councillor Perrault

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

REPORTS OF COMMITTEES, COUNCIL REPRESENTATIVES AND STAFF

[Video Clip 13](#)

9. **Land Use Contract (LUC) Rescinding Bylaw No. 4793 (Land Use Contract between the City of North Vancouver and Owner of the Lands Occupied by the Shore Cabaret) – 135 West 1st Street - File: 3045-03 / 3345-02 01W 135**

[Report: Director, Community Development, September 27, 2005.](#)
[Attachment 1](#) [Attachment 2](#)

Moved by Councillor Heywood, seconded by Councillor Clark

PURSUANT to the report of the Director of Community Development dated September 27, 2005, entitled “Land Use Contract (LUC) Rescinding Bylaw No. 4793 (Land Use Contract between the City of North Vancouver and Owner of the Lands Occupied by the Shore Cabaret) – 135 West 1st Street”:

THAT “Land Use Contract Bylaw, 1975, No. 4793, Repeal Bylaw, 2005, No. 7729” (135 West 1st Street/The Shore Cabaret), be considered and that the requirements for the posting of a sign on-site and a Public Hearing be waived.

CARRIED UNANIMOUSLY

BYLAWS - Introduction and First Reading Only

[Video Clip 14](#)

10. “Land Use Contract Bylaw, 1975, No. 4793, Repeal Bylaw, 2005, No. 7729” (135 West 1st Street/The Shore Cabaret).

Moved by Councillor Heywood, seconded by Councillor Clark

THAT the said Bylaw No. 7729 be read a first time short form, copy of same having been distributed to Council members and read by them.

CARRIED UNANIMOUSLY

REPORTS OF COMMITTEES, COUNCIL REPRESENTATIVES AND STAFF

[Video Clip 15](#)

11. **Official Community Plan Amendment and Rezoning Application: 116 West 23rd Street (F. Connolly, Newport Consultants Ltd./Integra Architecture) – Preliminary Rezoning – File: 3345-02 23W 116**

[Report: Development Planner, Community Development, September 27, 2005.](#)
[Attachment 1](#) [Attachment 2](#) [Attachment 3](#) [Attachment 4](#)

Moved by Councillor Mussatto, seconded by Councillor Keating

PURSUANT to the report of the Development Planner dated September 27, 2005, entitled “Official Community Plan Amendment and Rezoning Application: 116 West 23rd Street (F. Connolly, Newport Consultants Ltd./Integra Architecture) – Preliminary Rezoning”:

THAT staff be requested to delay the processing of this application until a study on the Special Study Area regarding recommended land use densities has been completed, as outlined in Option 2 of the September 27, 2005 report.

CARRIED

BYLAWS - Reconsideration and Final Adoption

[Video Clip 16](#)

13. “Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2005, No. 7722” (Zoning Text Amendment – 275 Fell Avenue, North Shore Academy of Dancing/Lestachsisson Investments Inc./Brock Croome Architect, Text Amendment to CD-282).

Moved by Councillor Heywood, seconded by Councillor Clark

THAT the said Bylaw Nos. 7722 be reconsidered.

CARRIED UNANIMOUSLY

Moved by Councillor Heywood, seconded by Councillor Clark

THAT the said Bylaw No. 7722 be finally adopted, signed by the Mayor and City Clerk and sealed with the Corporate Seal.

CARRIED UNANIMOUSLY

RECESS

Mayor Sharp declared a recess at 9:21 p.m., for the public question period and reconvened the meeting immediately.

INQUIRIES

[Video Clip 17](#)

22. 2005 Municipal Election Campaign - Mayor Sharp – File: 3035-04-02

Inquiry by Councillor R.J. Fearnley on September 12, 2005

Mayor Sharp advised that the City Clerk responded in a memorandum to all Council members that the inquiry by Councillor Fearnley made on September 12, 2005 regarding 2005 Municipal Election Campaigns was not an appropriate inquiry matter.

23. Bus Service from North Vancouver – File: 1180-37-01

Inquiry by Councillor D.R. Mussatto on September 19, 2005

Mayor Sharp responded to Councillor Mussatto's inquiry of September 19, 2005 regarding why there is no direct bus service from North Vancouver to the University of British Columbia. Mayor Sharp advised that this route was discontinued and cancelled due to low ridership.

24. Student Bus Pass – File: 1180-37-01

Inquiry by Councillor D.R. Mussatto on September 19, 2005

Mayor Sharp responded to Councillor Mussatto's inquiry of September 19, 2005 regarding student bus passes for students attending Capilano College. Mayor Sharp advised that a similar bus pass program to the University of British Columbia is currently being explored for Capilano College students.

ANY OTHER BUSINESS – NEW ITEMS

Nil.

ADJOURNMENT

Moved by Councillor Mussatto, seconded by Councillor Keating

THAT the meeting adjourn.

CARRIED UNANIMOUSLY

The meeting adjourned at 9:26 p.m.