



CORPORATION OF THE CITY OF NEW WESTMINSTER

COUNCIL IN COMMITTEE OF THE WHOLE

March 3, 2008 3:03 p.m.
Committee Room 2, City Hall

MINUTES

PRESENT:

Mayor Wayne Wright
Councillor Jonathan Cote
Councillor Calvin Donnelly
Councillor Bill Harper
Councillor Bob Osterman
Councillor Betty McIntosh
Councillor Lorrie Williams

STAFF:

Mr. Paul Daminato	- City Administrator
Mr. Rick Page	- Corporate Officer/Director of Legislative Services
Ms. Lisa Spitale	- Director of Development Services
Mr. Jim Lowrie	- Director of Engineering Services
Mr. Gary Holowatiuk	- Director of Finance and Information Technology
Mr. Dean Gibson	- Director of Parks and Recreation
Ms. Judi Turner	- Assistant Corporate Officer

ADDITIONS TO AGENDA

MOVED and SECONDED

THAT the Agenda be varied as follows:

- *Item 2 is moved forward to be considered first*
- *Earth Hour – March 29, 2008 (added as Item 9).*

CARRIED.

All members of Committee voted in favour of the motion.

REPORTS FOR ACTION

Director of Engineering Services:

2. **Animal Services Policies (Bylaw No. 7222, 2008)** (circulated separately)

Members discussed the March 3, 2008, report from the Director of Engineering Services seeking support for recommended policies regarding mandatory spaying/neutering, returning licensed animals to their owner, and euthanizing animals. Discussion and clarification ensued. The matter of returning licensed animals to their owners was referred back to staff for consideration of a process that permits a one-time free return policy for each animal.

Staff requested an amendment to Animal Control Amendment Bylaw No. 7222, 2008 by deleting the phrase "Bylaw 7037, 2008" in the subtitle beneath the Bylaw title and inserting the phrase "Bylaw 7037, 2005" in its place.

**** MOVED and SECONDED and CARRIED, this Committee recommends**
THAT the policies set out in the March 3, 2008, report from the Director of Engineering Services, regarding mandatory spaying/neutering and euthanizing animals, be endorsed; and
THAT Animal Control Amendment Bylaw No. 7222, 2008, be forwarded to the Regular Council Meeting of March 3, 2008, for consideration of three readings.

CARRIED.

All members of Committee voted in favour of the motion.

Directors of Parks & Recreation/Finance and Information Technology:

1. **Moody Park Outdoor Pool – Financing and Construction Process Overview**

Councillor Williams left the meeting at 3:21 p.m.

Members discussed the March 3, 2008, report from the Director of Parks and Recreation, providing further information on the Moody Park Outdoor Pool – Financing and Construction Process Overview.

MOVED and SECONDED

THAT the March 3, 2008 report from the Directors of Parks and Recreation and Finance and Information Technology regarding the Moody Park Outdoor Pool – Financing and Construction Process Overview, be received for information.

CARRIED.

All members of Committee present voted in favour of the motion.

MOVED and SECONDED

THAT the recommendations as outlined in the March 3, 2008, report from the Director of Parks and Recreation, labeled as Attachments "A" and "B" be considered.

CARRIED.

Opposed: Councillor McIntosh.

**** MOVED and SECONDED and CARRIED, this Committee recommends**

THAT Council establish the deadline of April 14, 2008, for the Alternative Approval Process to proceed with securing debt for the Moody Park Outdoor Pool; and

THAT Council agrees to fund the debt servicing costs from annual gaming revenue.

CARRIED.

Opposed: Councillor McIntosh.

**** MOVED and SECONDED and CARRIED, this Committee recommends**

THAT the contract for Project Management & Construction Management Services for the Moody Park Outdoor Swimming Pool for the variable fee amount of \$330,000 and a variable fee of approximately \$288,400 for on-site personnel rates, plus general disbursements as outlined in the March 3, 2008 report from the Director of Parks and Recreation, be awarded to TASK Construction Management Inc., the bidder meeting proposal requirements and providing best overall value to the City.

CARRIED.

All members of Committee voted in favour of the motion.

**** MOVED and SECONDED and CARRIED, this Committee recommends**

THAT Council meet on March 10, 2008, with the TASK Group to discuss options for cost savings and options in the construction of the new Moody Park Pool proposal.

CARRIED.

All members of Committee present voted in favour of the motion.

3. [Construction Noise Bylaw Variance to Allow Metro Vancouver to Carry Out Sewer Interceptor Maintenance](#)

**** MOVED and SECONDED and CARRIED, this Committee recommends**

THAT City Council approve the construction noise bylaw variance application from Metro Vancouver, to allow scheduled maintenance of their sewer interceptor on Columbia Street during the week of April 4 to April 11, 2008.

CARRIED.

All members of Committee present voted in favour of the motion.

Director of Development Services:

4. College Place Hotel/Application to transfer a liquor primary license from 740 Carnarvon Street to 642 Columbia Street

Keith Coueffin, Manager of Licensing and Enforcement reviewed the February 28, 2008, report seeking council's approval of a proposed public input process relating to College Place Hotel/Application to transfer a liquor primary license from 740 Carnarvon Street to 642 Columbia Street. Mr. Coueffin responded to questions. The Director agreed to inquire into the length of time a liquor license may remain dormant. Staff agreed to request that the applicant post two signs, one each at Front Street and another at Columbia Street entrances for the subject proposal. Staff was requested to institute the Bar Watch concept initiated in Vancouver for every drinking establishment in New Westminster.

**** MOVED and SECONDED and CARRIED, this Committee recommends**
THAT staff be directed to proceed with the public input process outlined in the February 28, 2008 report from the Director of Development Services, with respect to the application from Gondola Holdings Ltd. to transfer a liquor primary license from 740 Carnarvon Street to 642 Columbia Street.

CARRIED.

All members of Committee present voted in favour of the motion.

RECESS

MOVED and SECONDED

THAT the Committee of the Whole Meeting of Council recess.

CARRIED.

All members of Committee present voted in favour of the motion.

The Committee of the Whole Meeting of Council recessed at 3:44 p.m. and reconvened at 4:06 p.m. with the following members of Council present:

PRESENT:

Mayor Wayne Wright
Councillor Calvin Donnelly
Councillor Bill Harper
Councillor Bob Osterman
Councillor Betty McIntosh

REGRETS:

Councillor Lorrie Williams

Councillor Jonathan Cote did not rejoin the meeting due to a conflict of interest as he owns a residence next door to the property which is the topic of consideration under #8 (320 Arbutus).

REPORTS FOR ACTION

8. [320 Arbutus Street/Proposed Section 57 Notice on Title](#)
- a) **Staff Report – Frank Durante, Manager of Building Inspections**
 - b) **Representations from Property Owner**
 - c) **Decision**

Frank Durante, Manager of Building Inspections, reviewed the February 14, 2008, report from the Director of Development Services, providing information regarding renovations that have been made, in violation of the Building Bylaw, to the interior and exterior of the house located at 320 Arbutus Street. Mr. Durante made the following comments:

- The reason for doing a Section 57 on title is because the house is up for sale
- Section 7.11 of Building Bylaw states that any work done in the municipality of New Westminster gets approvals and permits
- In this case, they were not obtained

Mayor Wright asked why permits are required.

Mr. Durante responded with the following:

- Permits are required for life and safety reasons
- A secondary aspect is that permits are given out when proposed work complies with other bylaws (e.g. Planning, Zoning) so Council's direction is looked after; the only way to do this is with permits
- This is one way council has to control what happens in the City is with issuance of permits
- From the life safety aspect, we will check the construction and ensure it meets all Building Code requirements
- No one knows what is put into the building that could be hazardous; this is all covered
- If it is covered over, it can be done with a contractor who will go in and check wiring and will correct if there deficiencies and go through and see that everything is OK
- If construction is covered, would have to open up the building
- The square footage exceeds what is allowed for the lot
- So we now have a problem
- Is it ok for people to do what they want
- It becomes an unfair situation
- It is important to keep things on the same level field
- Things have to comply
- If it is Council's wish to look at every individual case and grant it, they may do so, but constituents might be upset.

A member asked whether the City issues electrical permits and conducts inspections and whether gas and electrical permits were taken out.

Mr. Durante: No. Gas is provincial and typically, the gas works can be done but you can't get it authorized without a building permit in place.

A member stated a concern that work is being done inside the building but we can't get in.

Mr. Durante stated: Yes but it has to be by a licensed gas fitter.

A member: Would we have to go to the provincial government to determine what license is in place?

Mr. Durante: Yes, we can demand this.

A member: As far as you know, no gas or electrical permits were taken out?

Mr. Durante: Yes.

A member: Is it listed as a single owner on title?

Mr. Durante: Yes.

A member: Does that person speak English?

Mr. Durante: Yes.

A member: I ask because numerous voice mails and emails have been left.

Mr. Durante: Staff have had dealings with this owner and they understand English.

A member: When was the last time anyone in the City had written or verbal communication with the owner?

Keith Coueffin, Manager of Licensing and Inspections: We have had many dealings with the property owner. A couple of months ago, the owner retained a lawyer and asked that the lawyer represent the owner in all dealings with the City.

A member: Has staff met with the legal representative.

Keith Coueffin: Yes.

Mayor Wright: Are any representatives from the property owner present?

There were none.

A member moved the staff report recommendation and requested the addition of a third paragraph for the motion. The motion was seconded and discussion continued.

A member: This is important. I've driven by this address two or three times a week and watched the person work on it. He did a good job. He does good work. But I did not realize it was done without a permit. This leaves a bad message. There are other builders in town. There is an issue of public safety - electrical and gas safety. This can be a huge issue in the Lower Mainland. We have to ensure these things are inspected properly. This person is flaunting the law. It is in their best interests and the best interests of the citizens to live under the Bylaw and the Code. There are huge consequences. Why is the person's lawyer not here – he lives in the city. The person should be represented.

It is important to understand the consequences. We can put information regarding the requirements on the City Page and do a consistent education piece.

A member: On the surface, it looks like the person has done a nice job, but it stops there. It does not comply with the Building Code – the dormers could be dangerous. If we got a heavy load in a bad winter, the roof could collapse. It is cosmetically pleasing but that doesn't mean the house is safe, the way it has been done. The Building Code is there for a reason.

Lisa Spitale, Director of Development Services: It is frustrating from staff's perspective. The house was built in 1892. The Community Charter gives flexibility to deal with heritage homes and improve their life cycle. Unlike many buildings that were built later in the city, it is very supportive of being as flexible as possible. This property owner did not avail themselves of this and the property did not have the inspections.

Gary Holowatiuk, Director of Finance and Information Technology: Regarding the question raised by the Councillor – we don't place liens on tax notices.

A member: We were given legal advice about notice.

Keith Coueffin: There are comments on the tax file. This is routine and has been done with this property.

**** MOVED and SECONDED and CARRIED, this Committee recommends**
THAT the Corporate Officer be directed to file a notice in the land title office with respect to the property known as 320 Arbutus Street and having the legal description NWD Group 1, PL 2620 New West District Group 1, Plan 2620 LT 5 of LT 10 of LT 1 & 2 SBLK 6 stating that:

- (a) *The City of New Westminster City Council has approved a resolution pursuant to Section 57 (3) of the Community Charter regarding the property known as 320 Arbutus Street and having the legal description NWD Group 1, PL 2620 New West District Group 1, Plan 2620 LT 5 of LT 10 of LT 1 & 2 SBLK 6 with respect to the property being in violations of building regulations;*
- (b) *Further information about the violations of building regulations is available from the Corporate Officer at New Westminster City Hall, 511 Royal Avenue, New Westminster, BC.; and*
- (c) *A note regarding the violations of building regulations will be placed on the tax file.*

CARRIED.

All members of Committee present voted in favour of the motion.

Councillor Cote rejoined the meeting at 4:21 p.m.

5. Advisory Planning Commission's report concerning 740 Carnarvon Street (formerly College Place Hotel) (circulated separately)

Members discussed the Advisory Planning Commission report of March 3, 2008, discussing the project at 740 Carnarvon Street.

MOVED and SECONDED

THAT the March 3, 2008 report from the Advisory Planning Commission, regarding the application at 740 Carnarvon Street (formerly College Place Hotel) be received.

CARRIED.

All members of Committee present voted in favour of the motion.

Director of Parks & Recreation:

6. [2007 Filming Activity Summary](#)

Jason Haight, Acting Film Coordinator, reviewed the March 3, 2008, report from the Director of Parks and Recreation, providing a summary of filming activity in New Westminster during 2007 and outlining two specific aspects of the 2008 work plan related to filming coordination activities. He responded to questions.

MOVED and SECONDED

THAT the March 3, 2008 report from the Director of Parks and Recreation, summarizing filming activity in New Westminster in 2007 and outlining 2008 Work Plan filming coordination activity, be received.

CARRIED.

All members of Committee present voted in favour of the motion.

7. **Parks & Recreation Comprehensive Plan Status Update**

The Director of Parks and Recreation presented the March 3, 2008, report providing the status of the Parks and Recreation Comprehensive Plan and outlining the estimated timeline for completion of the project. He added that the Arts Strategy will come forward in approximately the same time line. The Director responded to questions.

MOVED and SECONDED

THAT the March 3, 2008 report from the Director of Parks and Recreation regarding Parks and Recreation Comprehensive Plan, be received.

CARRIED.

All members of Committee present voted in favour of the motion.

Councillor Donnelly rejoined the meeting at 4:40 p.m.

NEW BUSINESS

9. **Earth Hour – March 29, 2008**

A member circulated a document entitled “Earth Hour Summary” and suggested that the residents of New Westminster be encouraged to turn off their lights on March 29 as an opportunity to save energy. Rod Carle, Manager of the Electrical Utility, supported the proposal and advised that notices of the event will be placed in the local paper. It was suggested that New Westminster’s Sister Cities be invited to participate on the same day.

**** MOVED and SECONDED and CARRIED, this Committee recommends**

THAT the City of New Westminster support Earth Hour on March 29, 2008, and encourage residents to turn off their lights between the hours of 8:00 and 9:00 p.m. on that day.

CARRIED.

All members of Committee present voted in favour of the motion.

ADJOURNMENT

ON MOTION, the meeting adjourned at 4:53 p.m.

Certified Correct,

WAYNE WRIGHT
CHAIR

RICK PAGE
CORPORATE OFFICER

** Denotes recommendations referred to Regular Council meeting of March 3, 2008, for ratification.