



FONVCA AGENDA THURSDAY Feb 16th 2006

Place: DNV Hall 355 W. Queens Rd V7N 2K6

Time: 7:00-9:00pm

Chair: Maureen Bragg – Save Lynn Canyon Park

Telephone/email: 604-985-7272 m.bragg@shaw.ca

1. Order/content of Agenda

2. Adoption of Minutes of January 19th

3. Old Business

3.1 Shirtsleeve Session with Council

Confirmed date: Wed April 19th/2006

Topics:

- Role/representation of Associations
- Conflict of interest legislation/interpretation
- Budget process (see financial reporting

requirements at

<http://www.cserv.gov.bc.ca/lqd/infra/munfin/download.html>)

3.2 Panorama Drive Street-End

http://www.fonvca.org/agendas/feb2006/Panorama_Letter.pdf

to Council from FONVCA

- Status of Plaque request.

4. Correspondence Issues

4.1 Business arising from 3 regular emails:

4.2 Non-Posted letters

0 this period. Would normally be emailed to FONVCA members only and circulated at the meeting for discussion.

4.3 FONVCA letter re: TRANSLINK Process

http://www.fonvca.org/agendas/feb2006/Translink_Letter.pdf

5. New Business

Council and other District issues.

5.1 Legality of Bylaw 7549 (BC Rail Lands)

- staff bias?
- alleged conflict of interest?
- misinformation?
- Court appeal requirements/timing/costs (10 electors, 45 days, etc)
- Filing with Ombudsman

<http://www.ombud.gov.bc.ca/publications/documents/OmbudsComplaint/index.html>

5.2 Report on Council's Feb 13 Mtg

5.3 To "Key" or not to "Key"?

Secret Ballot proposal – Corrie Kost

5.4 Secondary Suites in RM Zone - Corrie

<http://www.fonvca.org/agendas/feb2006/waive.pdf>

Legality of waving public hearing (under section 890 where zoning change is consistent with OCP)

Section 890 in

http://www.qp.gov.bc.ca/statreg/stat/L/96323_26.htm

http://www.civicinfo.bc.ca/LocalGovernmentAct/data/qsdoc150_1092.html

6. Any Other Business

6.1 Legal Issues

Ethics & Public Hearing References:

<http://www.ethics.ubc.ca/people/mcdonald/conflict.htm>

http://www.mcaaws.gov.bc.ca/charter/advisory_materials/ethical_conduct.htm

<http://www.bccla.org/positions/political/91conflictinterest.html>

<http://www.dnv.org/article.asp?c=541>

Hubbard case and recent appeal (partial overturn) at

<http://www.sms.bc.ca/logo/2003/winter/winter2003-2.html>

<http://www.sms.bc.ca/logo/2003/winter/winter2003-3.html>

<http://www.courts.gov.bc.ca/Jdb-txt/SC/03/16/2003BCSC1678.htm>

<http://www.sms.bc.ca/client/2005/dec2005-1.html>

Ethics:

<http://www.legis.gov.bc.ca/cmt/36thParl/CMT13/hansard/so1112.htm>

<http://www.dnv.org/upload/documents/cpolicy/c1053011.pdf>

Community Charter:

http://www.cserv.gov.bc.ca/charter/advisory_materials/ethical_conduct.htm

7. Chair & Date of next meeting.

March 16th 2006

Attachments

*List of Email to FONVCA of last 36 months - **BUT ONLY FOR SUBJECTS WITH NEW ENTRIES**

OUTSTANDING COUNCIL ITEMS

-Cat Regulation Bylaw

-Review of Zoning Bylaw

-Securing of vehicle load bylaw

-District-wide OCP

-Snow removal for single family homes bylaw

Correspondence Ordered by Subject

* means new emails during
16 Jan 2005 →
12 Feb 2006

Only subjects with new
entries are listed - ordered ~
by volume since 18 Nov/2002

TRANSLINK /INSTAC/ Transportation / RAV / Fuel Taxes /GVRD

Dan_Ellis_9jan2003.pdf
Elizabeth_James_3feb2003.pdf
Maureen_Bragg_4feb2003.pdf
Ernie_Crist_14feb2003c.pdf
Ernie_Crist_26feb2003.pdf
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Ernie_Crist_24may2003.pdf
Elizabeth_James_28may2003.pdf
John_Hunter_7jun2003.pdf
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Brian_PLatts_14dec2003b.pdf
Elizabeth_James_15dec2003.pdf
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* [Richard_Walton_1feb2006.pdf](#)

Mountain biking/Parking issue/Alpine Plan /Pay Parking

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Council Ethics / Conflict of Interest

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* [Cathy_Adams_20jan2006.pdf](#)

FONVCA

Minutes of January 19th 2006

Attendees:

David Knee(Chair Pro-Tem)
Maureen Bragg Norgate Park C.A.
John Miller Save Lynn Canyon Park
Diana Belhouse Lower Capilano C.R.A.
Hugh Murray Delbrook C.A.
Val Moller Lower Capilano C.R.A.
Corrie Kost Lions Gate N.A.
Monica Craver Edgemont C.A.
Cathy Adams Upper Lynn R.A.
Eric Andersen Lions Gate N.A.
Dan Ellis Blueridge C.A.
Lynn Valley C.A.

Jenny Knee Notetaker

Meeting started: 7 :05pm

1. ORDER/CONTENT OF AGENDA

Add: 6.2 Shirt sleeves meeting with council
6.3 50 m. Rule for bylaw infractions
6.4 Berkley Landslide
6.5 Bus Depot relocation

2. ADOPTION of Dec 15th MINUTES

Adoption of Minutes of December 15th approved with Corrections of following additional attendees:

Allan Orr Seymour C.A.
John Hunter Seymour C.A.
Liz James (Guest) C.A.G.E

Move/seconded by John/Maureen, passed unanimously

3. OLD BUSINESS

3.1 Translink Taxes Skyrocket - Corrie gave a handout re: the impact of the doubling of Translink taxes for property owners on the North Shore (was to be \$60/yr for average home but was additional \$140/yr thus bringing the total contribution to about \$300/yr) for homes in DNV.

3.2 Purpose of Community Associations – Corrie asked if the criteria we put forward to Council for official recognition of a Community Association is still valid or do we want to change it? After some

discussion it was decided that as District staff are monitoring the validity of the Associations by requesting documentation of Annual General Meetings on a yearly basis this meets the criteria.

As there were some concerns expressed by a Councilor at the Community Facility Meeting as to whether the Association spoke for the entire community a suggestion was made that this should be a topic for future Shirt Sleeves meetings.

4. CORRESPONDENCE ISSUES

4.1 Business arising from 11 regular emails – No major issues.

4.2 Non-posted letters –0 this period.
No discussion.

5. NEW BUSINESS

5.1 Learning from Katrina –

Corrie referred to a good report posted on the web, by Todd Litman of the Victoria Transport Policy Institute re problems with locating public services in poor locations in the event of a disaster. Care should be taken on locating the bus depot so that access to them is not compromised following a major disaster like a storm or an earthquake.

5.2 Opening Waterfront Street-ends-

Maureen reported on the approval by Council in a 4-3 vote to spend \$80,000 to open up the Panorama Dr. Street end and change the zoning of the Lowry Lane property being to PRO. For the Lowry Lane site \$40,000 is needed to remove a very aggressive weed.

Moved Maureen/ seconded Diana - **Brian to write a follow-up letter** to his original letter to Council requesting these projects be done, applauding them for their difficult decision on approving this improved access to the Waterfront and that FONVCA is looking forward to further improved waterfront access in the near future. It was also recommended that more funds be provided in the upcoming 2006 budget. Letter to also request that staff advise us when these works can be scheduled so as to give assurance that current funds are not lost. To cc James Ridge. Carried unanimously.

Corrie applauded Maureen for her tenaciousness in getting this issue approved.

Diana suggested it would be appropriate to have a plaque in memory of longtime local resident Bill Blakely installed in the park. The Deep Cove C. A. may still have some funds set aside for this. Dave will follow up with the Deep Cove C.A.

Diana asked if a lease is being paid on one of the District owned properties just down from the street end that is being used by a resident. Will check the leased property list and bring to next meeting.

5.3 GVRD Population estimates –

Corrie distributed GVRD estimates of population growth for the different GVRD municipalities. Growth in North Vancouver City actually dropped slightly from 2002 (46,864) to 2005 (46,759)! North Vancouver District is creeping up at about that 1/3%/yr from 85,905 in 2001 to 87,083 in 2005. West Van growth was about 1/2%/yr from 2002 to 2005.

6. ANY OTHER BUSINESS

6.1 Translink Board terms of reference -

Dave got a copy of their terms of reference which showed that the board is valid for a calendar year regardless of if they are re-elected in an election year, 15 position on the Board 8 people are required for a quorum, the three positions on the board for three Provincial representatives (MLA's) have been vacant for some time as the ones on the Board resigned and no one else was appointed. The concern expressed was that decisions were being made by a board constituted of some members who are no longer elected officials - thus further weakening the democratic process. We should **consider requesting the Board change their terms of reference so as to not to have any meetings between municipal election day and the new Board being installed** (in a municipal election year). Corrie said we have almost three years before it will again be an issue. Will work on this as a background project.

6.2 Shirt Sleeve meeting –

Dave, when he recently met with the Mayor, asked if he would be in favour of a shirtsleeve meeting with FONVCA. The Mayor indicated that one in the spring would be fine but he would be away 5-15 March. Cathy will check on FONVCA member's availability and will set it up with staff. **FONVCA members are to bring potential topics to next FONVCA meeting (Feb 16th).**

6.3 50 Metre rule for bylaw infractions –

This is a Council Policy and only applies to reporting illegal secondary suite use,

Some members would like to know when this was approved - **Dave will follow-up.** Corporate policy 9-4555-1 | Illegal Secondary suites reporting amended Feb 5th 2001

6.4 Berkley Landslide –

Corrie had attended Monday night's meeting and reported on the issues that are still being resolved. Legalities not brought out - Municipal act and Charter state the Municipality cannot do private work on private property. As an incentive to get the work done by about March/2006, the permit costs are being waived, as well as being given a \$ 500 grant. Maureen referred to the mandatory (realtors) disclosure statement initiated in the early 1990 when selling a property.

6.5 Bus Depot –

The public Hearing is still open and will be reconvened on 24th Jan. There are some **process issues** that have arisen that should be responded to so they do not happen again: It was reported that an e-mail from district staff was placed in a public area of Woodcroft apartments which appeared to lobby support for the Bus depot. **Concern was also expressed that additional time restraints are being placed on public input** - after everyone has been allowed to speak up to 5 minutes for the first time. The break-up, say of a 20 minute presentation, into 4 pieces is inappropriate. Dave will talk to District.

7. CHAIR AND DATE OF NEXT MEETING

Next Meeting on the usual 3rd Thursday of month:
February 16th, 2006.

Pro-tem Chair will be **Maureen Bragg** – Save Lynn Canyon Park Tel: 604-985-7272 email: **m.bragg@shaw.ca**

Meeting adjourned 9:35pm

Subject: FONVCA Letter re: 2882 Panorama Dr.

From: Brian Platts <bplatts@shaw.ca>

Date: Tue, 31 Jan 2006 14:18:28 -0800

To: Richard Walton <rwalton@dnv.org>, Alan Nixon <anixon@dnv.org>, Janice Harris <janice_harris@dnv.org>, Lisa Muri <lisa_muri@dnv.org>, Mike Little <mlittle@dnv.org>, Doug Mackay-Dunn <dmackay-dunn@dnv.org>, Robin Hicks <rhicks@dnv.org>, NVD Council <dnvcouncil@dnv.org>

CC: James Ridge <James_Ridge@dnv.org>, FONVCA <fonvca@fonvca.org>

Mayor & Council:

At the December meeting of the *Federation of NV Community Associations* (FONVCA), a discussion took place regarding the alleged illegal construction at 2882 Panorama Drive, and specifically the impact on the adjacent road end.

As a result of this discussion, the following motion was moved and carried unanimously:

"That FONVCA write to Council requesting the District take appropriate action to protect the public's interest and that the homeowner be required to restore, at his expense, both his own and municipal property to pre-illegal construction condition."

FONVCA is aware that Council recently approved the expenditure of capital funds to open-up the street end adjacent to the property in question. The above motion is not intended to be in conflict with the plans to open the street end for public access. The intent of the motion is to ensure that none of the alleged illegal construction results in any increased cost to the municipality or, indeed, that such action be rewarded in any way.

Sincerely,

Brian Platts

Federation of NV Community Associations

3187 Beverley Crescent

North Vancouver, B.C.

V7R 2W4

Subject: FONVCA Letter re: Translink Board

From: Brian Platts <bplatts@shaw.ca>

Date: Tue, 31 Jan 2006 14:13:07 -0800

To: Richard Walton <rwalton@dnv.org>, Alan Nixon <anixon@dnv.org>, Janice Harris <janice_harris@dnv.org>, Lisa Muri <lisa_muri@dnv.org>, Mike Little <mlittle@dnv.org>, Doug Mackay-Dunn <dmackay-dunn@dnv.org>, Robin Hicks <rhicks@dnv.org>, NVD Council <dnvcouncil@dnv.org>

CC: James Ridge <James_Ridge@dnv.org>, FONVCA <fonvca@fonvca.org>

Mayor & Council:

At the December meeting of the *Federation of NV Community Associations* (FONVCA), a lengthy discussion took place regarding a particular meeting of the Translink Board that took place on December 7th, 2005. The concern expressed by members of FONVCA was that only 9 of the 12 Translink board members were present, and of those, only 5 were duly elected municipal officials.

As a result of FONVCA's discussion, the following motion was moved and carried unanimously:

"That FONVCA would like to know the legal, ethical and moral validity of decisions made at the Dec 7th Translink Board meeting which were made by citizens no longer elected, involving expenditures of \$3.2 billion."

In light of the above motion, we respectfully request that District Staff pursue FONVCA's inquiry in the attempt to obtain some direct answers from Translink with respect to how those who longer held office were permitted to continue to serve on the Board and vote on issues.

Sincerely,

Brian Platts

Federation of NV Community Associations

3187 Beverley Crescent

North Vancouver, B.C.

V7R 2W4

February 6/2006

Dear Agnes Hilsen,

I am concerned that Council's actions exceeded their authority when, without any prior notification, and without appropriate authorization, they passed a motion to waive the Public Hearing with respect to agenda item 5 – namely Rezoning Bylaw 1211 – Secondary Suites in Grousewoods. Although section 890 (4) of the LGA (which ironically was appropriately used in agenda item 4 to waive the holding of its public hearing) allows the waiving of a public hearing, it cannot do so here since the Upper Capilano Plan does not allow secondary suites in any other zone than single family. Such a use is inconsistent with RM zoning and thus the plan.

Somewhat secondary, is that a piecemeal approach is being taken since the issue of Bed and Breakfast, (see section 405A of the zoning bylaw) allowed in single family zones, would still not be permitted in these single family homes.

I suggest that council rescind their decision, come back with a more comprehensive bylaw, which includes all uses normally allowed in single family zone, and take that to a public hearing.

Yours truly,

Corrie Kost
2851 Colwood Dr.
North Vancouver, V7R 2R3