



# THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

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## MINUTES OF THE MEETING OF THE COUNCIL OF THE VILLAGE OF LIONS BAY HELD ON MONDAY October 17, 2006 at 7:00 P.M. IN THE COUNCIL CHAMBERS, 400 CENTRE ROAD, LIONS BAY

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Present: Mayor Max Wyman  
Councillor Linda Heneault  
Councillor Connie Spiers  
Councillor Lisa Turpin  
Administrator Don Reid  
Recording Secretary Sheila Blake  
Regrets: Councillor Ken Wolder

### 1. Pre Meeting - Strategic Planning

6:00 pm – 7:00 pm

### 2. Call to Order

Mayor Wyman called the meeting to order at 7:00 pm.

### 3. Approval of Agenda

#### Resolution Number: C-125

Moved by Councillor Spiers  
Seconded by Councillor Turpin

**Resolved that:** the Agenda for the Regular Council Meeting of October 17, 2006 be approved as presented.

Carried...

### 4. Public Participation

#### A. Don Pollock, 130 Sunset Drive regarding proposed property development in Lions Bay advised Council that:

- He wished to address the process, regardless of his personal opinion, with respect to any proposed property development processes that might occur in the Village,
- He has grave concern that the cart is being put before the horse with respect to proposed major changes in community residential construction bylaws and land use,

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- There is real concern that decisions are being made that will have long term major affects on our Village, before all information has been made available to residents for discussion and hopefully consensus leading to a desirable community plan,
  - Expansion of “Multi-Residential Housing” in any form has not been identified and incorporated into the existing OCP,
  - The appropriate vehicle to ensure the proper process for any new property development and land-use (outside of the scope of the existing OCP) is during the review of the OCP as required by Statute,
  - He strongly suggests there be a “Moratorium” on any proposed “Multi Residential Development(s)” until the existing OCP has been revised with full community input on decisions regarding desired type, scope and location of such development(s),
  - Examination of any proposed development and/or change in land-use during the OCP review will ensure full community awareness and participation in planning for future Community direction, and
  - He strongly endorses the commitment of this Council to Municipal Government that embraces full and open community participation and discussion.

Mayor Wyman admitted concern has been expressed around the process and emphasized that no decision whatsoever has been made except to provide a 90 day discussion period to publicise the proposal. Council will not make any decisions without public consultation meetings. Council will revisit the OCP late this year and into early 2007 which will clearly affect decisions made by this Council on any development issue. This Council will not take unilateral steps on such a substantial issue.

**B. Neville Abbott, 125 Sunset Drive spoke as a concerned resident advising that:**

- He strongly objects to the proposed development and was concerned that it could proceed without revisiting the OCP,
- In his opinion, these kinds of developments must not be incorporated into the revised OCP. The message from Council should be that development will not be entertained, and
- Council should say no to the proposed development until the OCP has been revised.

The Administrator advised that:

- The OCP has to be revised every 5 years pursuant to Provincial law,
- The OCP revision process is well defined and includes public meetings providing residents an opportunity to speak,
- Our OCP as it currently stands does not allow for this type of development; an amendment would be required to proceed,

- Once the OCP has been amended or otherwise, re-zoning, Bylaws, Public consultation would follow, and
- As the Village bylaws currently stand, this development cannot proceed without an OCP amendment.

**C. David Tikkanen, 120 Sunset Drive advised that:**

- He is a long time resident of the Village who has recently moved to Sunset Drive, a desirable cul de sac location where children can safely play,
- The OCP map indicates the proposed site is zoned recreational, and
- He is against the location of the proposed development.

**D. Michiel Roell, 150 Sunset Drive asked:**

- Whether the OCP revision process, involving an issue such as high density development, ever goes to the electorate for a vote, and
- Some issues are so vitally important to a Community and Council has the final say. In which circumstances does the Community have the final say?

The Administrator advised he would provide an answer to this question at the next Council Meeting.

Mayor Wyman thanked the Gallery for their valuable input advising it is part of Council's required due diligence to hear proposals, even when the Community dislikes the issue.

**5. Delegations**

**A. Harold Gienger, Tamarack Properties regarding Seniors' Housing advised that:**

- He has no intention of proceeding with the development without an OCP amendment and public consultation,
- He is disappointed that opponents of the development did not attend the public meeting,
- He had to search for available properties. The location chosen is a quiet area,
- There is an overwhelming response for this type of development from long term residents who do not want to leave the Village, including several letters of support, and
- Such a development would fill a need, while being financially beneficial to the community.

**Michael Hutchinson. Bethel Land advised that:**

- The public meeting was excellent with widespread support, 65 people attended. 550 notices of the meeting were placed in post boxes,
- The two main concerns are traffic and construction noise,

- Many things can be done to mitigate noise and disruption during the construction phase. The site allows for large buffer zones. Framing would be done off-site,
- Construction of a multi-residential development would take no longer than a single family home. Commence May – Occupancy October,
- The proponent is required to do a traffic study. An outside consultant would survey the street and provide feedback,
- There is room for parks and trails and methods of traffic calming, and
- Concerns expressed have been from directly impacted residents. We are more than willing to work with residents of Sunset to address their concerns.

In response to a question about subsidised sale of the land in question the Administrator advised that the Municipality cannot bonus or benefit any individual or business; the land has to be sold at market value. Three appraisals would be received to define market value.

**Sharon Skibinski, 140 Sunset Drive wished to point out that :**

- People move to Lions Bay to get away from traffic and crowds. Development inevitably creates more traffic, more people, and more noise thus destroying the very reason residents chose to live in this community.

**B. Kambiz Azordegan of 100 Tidewater regarding filming in Kelvin Grove advised that:**

- He respects the need for resident parking outside his home, however, it is the non-residents who park outside his home from 7 am on a Sunday, walking their barking dogs and disrupting his family's sleep,
- He accepts that we must suffer the noise of Highway construction but why must we accept the deliberate disruption and noise of filming? Why does Council allow filming in our Village? Residents of Lions Bay come here for the peace. We pay taxes that Council will protect our rights. We do not live here to provide a business for others,
- He has no quarrel with filming inside a private home but the noise and disruption from equipment outside in the parking lot is intolerable. The home owner takes the \$5,000 per day and stays in a Hotel while remaining residents must suffer,
- He has been a Director, Producer, Writer for 33 years so is well aware that filming just makes noise and profit for other people,
- Council has provided a resident parking sticker - parking is impossible because of filming,
- The Village Film Policy states residents within 1,000 metres can vote but nobody 1,000 metres away is immediately affected. We should each be considerate of everyone in our community, and
- He strongly suggests that Council either say no to all filming or change the Filming Policy to read "residents within 100 metres shall be allowed to vote".

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6. **Adoption of Minutes**

**Resolution Number: C-126**

Moved by Councillor Turpin  
Seconded by Councillor Heneault

**Resolved that:** the Minutes for the Regular Council Meeting of October 17, 2006 be approved as amended.

**Item Dii** to be amended to read "Councillor Wolder gave a reminder to follow up on the Works Yard installation of an above ground fuelling station",

**Item Diii** to be amended to read "Oceanfront development company has submitted plans to take over a portion of the Nexen Lands", and

**Item Di** – first bullet, second sentence to be amended to read "and all Councillors are invited".

**Carried...**

7. **Business arising from Minutes**

None

8. **Unfinished Business**

None

9. **Reports**

A. **Administrator**

**Resolution Number: C-127**

Moved by Councillor Spiers  
Seconded by Councillor Turpin

**Resolved that:** the Report from the Administrator dated October 11, 2006, Community Service Requests July 1 – September 30, 2006 be received.

**Carried...**

**B. Finance**

**i) Financial Statements to September 30, 2006 and 2006 Forecast**

**Resolution Number: C-128**

Moved by Councillor Heneault  
Seconded by Councillor Spiers

**Resolved that:** the Report from the Finance Manager dated October 11, 2006, Financial Statements to September 30, 2006 and 2006 Forecast be received.

**Carried...**

The Finance Manager pointed out that:

- The \$47,000 Provincial Revenue Grant would be offset in 2007 with the first year of shared policing costs,
- The decrease in filming revenues equalled approximately 1% of our tax rate, and
- Garbage costs are up 10%.

Council noted that Carney's can no longer make their green waste function work in a financially viable manner and green waste is going straight into the land fill. When Carney's contract is due for renewal the Administrator to advise that the Village is not satisfied with way in which the Village recycling has been handled.

**ii) GVRD 2007 Provisional Budget**

**Resolution Number: C-129**

Moved by Councillor Spiers  
Seconded by Councillor Heneault

**Resolved that:** the Report from the Finance Manager dated October 11, 2006, GVRD 2007 Provisional Budget be received.

**Carried...**

The Finance Manager commented that the Village pays a high cost for being part of the GVRD/TransLink organization.

**C. Public Works**

**LBPW Quarterly report**

**Resolution Number: C-130**

Moved by Councillor Turpin  
Seconded by Councillor Spiers

**Resolved that:** the Lions Bay Public Works Quarterly Report be received  
**Carried...**

**The Public Works Manager reported that:**

- Resident David Donaldson donated a skid of turf and replanted the lower beach area,
- Gates and fencing have been re-installed for the third time at Marjorie Meadows as it had been kicked down 3 times,
- The log boom at the beach has been pulled out,
- The Brunswick Beach road work is complete,
- Upper staff room is complete with computer access for all employees,
- Received good quotes for above ground tanks to be situated where the yard is entered, to facilitate Fire Trucks,
- A lot of leaks have been located on residents' properties and there is only one on municipal property left to fix, and
- There have been several instances of motorcycles/ATV's running near the Magnesia Creek intake. The gate has been vandalised and reconstructed and was bent and broken on a second occasion in order to enter under the fence. RCMP has been advised. Each occurrence costs the Village \$1,300 to do costly water sampling.

Council advised the Public Works Manager that sand has washed down the Pride Path beside the creek to the Marina washing out the step supports.

Council asked the Administrator to send a letter with respect to the vandalism at Marjorie Meadows.

**D. Building Inspector**

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**E. Mayor and Council**

**i) Councillor Heneault**

**Resolution Number: C-131**

Moved by Councillor Turpin  
Seconded by Councillor Spiers

**Resolved that:** the Report from Councillor Heneault dated  
October 17, 2006 be received.

**Carried...**

- i) The Administrator to send a letter to Victoria Rogers with respect to the filming issues mentioned in Councillor Heneault's report.
- ii) Council agreed that a decision with respect to filming in the Village will be reached at Council's long term strategic planning meeting.
- iii) It was established that complaints made to Councillors should be referred to the Administrator. Response must always be from Staff.
- iv) The Administrator advised that zoning is an independent application not bound by previous decisions.

**ii) Councillor Wolder**

**Resolution Number: C-132**

Moved by Councillor Turpin  
Seconded by Councillor Spiers

**Resolved that:** the Report from Councillor Wolder dated  
October 17, 2006 be received.

**Carried...**

**F. Committees**

**Councillor Turpin reported on the MoT Highway Focus Group Meeting.**

- Informal report is attached,
- All documents to be retained until all the focus groups meet at the October 23, 2006 Open House. The completed documents to be submitted as one package.

10. Resolutions

A. 2005 TransLink Bicycle Infrastructure Capital Cost Sharing

**Resolution Number: C-133**

Moved by Councillor Heneault  
Seconded by Councillor Turpin

**Resolved that:** Council authorize the Administrator to sign an agreement with TransLink to receive TransLink's contribution of \$3,150 in a 50/50 cost sharing program for a bicycle infrastructure project on Centre Road.

**Carried...**

B. Winter Light – The Spirit of Lions Bay Lantern Festival

**Resolution Number: C-134**

Moved by Councillor Heneault  
Seconded by Councillor Turpin

**Resolved that:** Council authorize the Administrator to sign an agreement with 2010 Legacies Now Society to receive a contribution of \$2,500 towards the initiative "Winter Light: the Spirit of Lions Bay Lantern Festival".

**Carried...**

C. Proclamation : ICBC Zero Crash Month

**Resolution Number: C-135**

Moved by Councillor Spiers  
Seconded by Councillor Heneault

**Resolved that:**

WHEREAS: The scope and magnitude of crashes in any community – large and small – are much greater than most people realize;

AND WHEREAS: ZERO CRASH MONTH will help raise awareness of local road safety issues;

AND WHEREAS: Engaging Communities and involving their citizens in an opportunity to help reduce harm on our roads;

AND WHEREAS: the Village of Lions Bay and ICBC recognize the need to work together to help reduce the number of crashes;

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AND NOW THEREFORE: The Council of the Village of Lions Bay does hereby proclaim the Village of Lions Bay as a supporter of ZERO CRASH MONTH (October 1 – 31, 2006).

**Carried...**

**11. Bylaws**

**Draft Tree Bylaw (Tree Cutting on Municipal Land)**

The Administrator confirmed that:

- This Bylaw will go to the Tree Committee for review, then to Victoria Rogers and Oliver Ganske and finally to Council for first, second and third reading prior to a Public meeting,
- This Bylaw does not affect the work of the Tree Committee which is governed by a separate set of principal and standards, and
- Fines will be set by the Court.

**Carried...**

**12. Correspondence**

**A list of correspondence for the period ending October 12, 2006 was presented in writing.**

**Resolution Number: C-136**

Moved by Councillor Heneault  
Seconded by Councillor Turpin

**Resolved that:** The List of Correspondence up to October 12, 2006 be received.

**Carried...**

1. (6) Letter dated September 20, 2006 from DF Brown, Lower Mainland Region, Regional Operations Branch, Ministry of Environment re Village of Lions Bay Landfill, PR 2059  
This item to be deferred to the next Council meeting.
2. (13) Email dated October 6, 2006 from Rafe Mair, re: Thank you for improvements to Kelvin Grove Beach.
3. (14) Letter dated October 6, 2006 from Sheila Blake re: Tamarack's Seniors' Housing Presentation.  
Germaine to items mentioned this evening. Integrate into discussions.
4. (16) Letter dated October 10, 2006 from Jo Kirkpatrick re: Thank you to Works Crew.

**13. New Business**

**A. Burning Weekend for Garden Debris**

**Resolution Number: C-137**

Moved by Councillor Heneault  
Seconded by Councillor Turpin

**Resolved that:** The Report from the Administrator dated October 17, 2006 regarding Burning Weekend for Garden Debris be received.

**Carried...**

**B. UBCM Convention Victoria October 23 – 27, 2006**

- Smoke free BC
- Plastic bags
- Treaty items LMTAC
- Senior housing and support services initiative.
- Emergency planning

**C. MoT Highway Focus Group meetings**

- Maintenance plan for quiet pavement to ensure it stays quiet. At speeds under 45k the surface becomes plugged and ineffective; different format on bridges,
- Expansion joints noise,
- Lighting - Option 2 Kelvin Grove and Brunswick Beach. Commitment to alter Lions Bay central not in place, and
- Transit stops – parking for parents – who would be designing – TransLink or Kiewit.

The Administrator to take notes from the October 17 Focus Group Meeting and make a summary for the following Focus Groups.

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14. In Camera

A. Personal pursuant to Section 90 (1) (a) of the *Community Charter* (1 Item)

B. Legal pursuant to Section 90 (1) (e) of the *Community Charter* (1 Item)

**Resolution Number: C-138**

Moved by Councillor Turpin  
Seconded by Councillor Heneault

**Resolved that:** Council move in Camera to personal and legal matters.

**Carried...**

**Resolution Number: C-139**

Moved by Councillor Heneault  
Seconded by Councillor Spiers

**Resolved that:** Council does rise and report.

**Carried...**

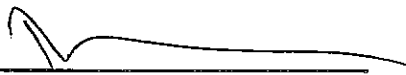
15. Adjournment


**Resolution Number: C-140**

Moved by Councillor Turpin  
Seconded by Councillor Heneault

**Resolved that:** the Regular Council Meeting of October 17, 2006 does adjourn at 10:00 p.m. and that the next Regular Council Meeting is November 6, 2006 at 7:00 pm.

**Carried...**

  
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Mayor

  
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Administrator