



# 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 FEBRUARY 5, 2007 at 6:30 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  
Councillor Ken Wolder  
Administrator Don Reid  
Recording Secretary Sheila Blake

### 1. Call to Order

Mayor Wyman called the meeting to order at 6:30 pm.

### 2. In Camera Session regarding Emergency Coordinator Position

#### Resolution Number C-192

Moved by: Councillor Turpin  
Seconded by: Councillor Heneault

**Resolved that:** the Council does move into closed session to discuss labour relations report.

Carried...

#### Resolution Number C-193

Moved by: Councillor Heneault  
Seconded by: Councillor Turpin

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

Carried...

### 3. Approval of Agenda

- A. Alberta Creek to be added under Item 13 New Business.
- B. Update Sea to Sky Construction schedule to be added under Item 13 New Business.

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**Resolution Number: C-194**

Moved by Councillor Turpin  
Seconded by Councillor Spiers

**Resolved that:** the Agenda for the Regular Council Meeting of February 5, 2007 be approved as amended.

**Carried...**

**4. Public Participation**

**A. Louis Peterson, 90 Oceanview Road, provided a written report and advised that:**

- Lions Bay has always been a cohesive and harmonious community where a healthy spirit and perception of fairness and transparency has always been evident. He has lately been hearing concerns other than the usual highway and taxes etc.,
- On January 29, 2007 a moratorium was set on all tree cutting/pruning on municipal land until the amended bylaw came into effect. However, there appears to be some serious ambiguity surrounding a certain property where trees have been cut down. This looks like a lack of transparency; like a decision was taken prematurely,
- This evening's agenda contains four bylaws set to receive first, second and third reading. This is too many for one meeting. The concern is that insufficient opportunity has been provided for public input and amendment of these bylaws, if necessary, and
- Clearly most Lions Bay residents want to continue to live and enjoy a pleasant, village community.

**B. Jim Stephenson, 35 Brunswick Beach Road, provided a written report and advised that:**

- Seven years ago our two communities lived in a paradise with stunning views and bad pipes. The decision was made to amalgamate to enable the north part of paradise to apply for a Provincial Water Improvement Grant at no cost to south paradise. South paradise gained a water licence to Magnesia Creek,
- Today there is quarrelling about how to pay for the pipes. A detailed analysis to determine what is fair would be appreciated, and
- According to the Restructure Study, Brunswick Beach residents would pay so much per year, however, according to the proposed bylaws Brunswick Beach residents water taxes will increase from \$365 to \$865 - we are concerned.

Council advised that:

- It was agreed, during the amalgamation process, that the Brunswick Beach water improvements would be paid for by Brunswick Beach tax payers. Fourteen residents chose to pay their portion of the assessment as a lump sum payment while the remainder chose to pay off the assessment at \$365.00 annually,
- Thus, there does exist two sets of water taxes. One to cover the Brunswick Beach water improvements and central Lions Bay's pre-existing water tax, and
- Finance Manager to discuss this issue later in the meeting.

**C. Joe Kirkpatrick, 15 Brunswick Beach Road, advised that:**

- Brunswick Beach amalgamated with Lions Bay because the Brunswick Beach community was not big enough to get a Water Improvement Grant. At that time the community had a \$300,000 budget, its first Water Licence and a taxed based revenue of 20%,
- For seven years we had no road maintenance. Part of the agreement was to do our water and the roads, for which funds were in place. The public Works department has since done a tremendous job on our roads. All this is documented, and
- The public discussion about the water parcel tax increase to \$865 is my concern.

**D. Ron Williams, 251 Bayview Road, presented a letter regarding lack of policing in Lions Bay and advised that:**

- As Block Watch Captain of Block 10 and a resident of Lions Bay since 1989 his letter outlines what he considers a serious breakdown of communication relating to security in Lions Bay and the failure of the RCMP to deal with a series of vehicle vandalism incidents,
- RCMP were contacted after each incident. One resident was advised that since nothing was stolen no file number would be provided,
- He spoke to Constable Duffrey of the Squamish RCMP January 28, 2007 and assumed there would be a review of all the break-ins and information passed back to the Block Captains. However, after five days no response and none to date. Why is information not flowing back, at least to the Block Captains to enable them to keep residents informed?
- Residents are due to pay \$156 each for policing. The point is, Lions Bay has no policing, unless there is a major catastrophe. This issue must to be reviewed very carefully, we need to know what we are getting for our money. The RCMP themselves have advised they are exceedingly short of manpower and other incidents, particularly in Squamish, take priority at times.

Mayor Wyman advised that:

- This is the biggest crime wave Lions Bay has seen in years and is of great concern to us all,
- The \$156 average per head is the Provincial Government's way of recouping half the policing costs for the Province. Lions Bay is paying by far the largest proportion based on our property assessments. This inequity and the fact that we receive absolutely minimal policing has been discussed with the Attorney General,
- Council has asked that Lions Bay form part of an RCMP test program, a concept of community policing that will see constables placed in 8 communities around the Province. As yet Council has received no confirmation that Lions Bay will be considered, and
- With the continued growth of the Sea to Sky corridor north and the growth of Squamish there are ever increasing demands on the RCMP and it is understood that Squamish has only 3 or 4 members on staff. Lions Bay is paying for 75% of the cost of one policeman for 5 days out of 7. There should be no taxation without representation.

**To be discussed further under Item 7 Business Arising from Minutes.**

**E. Eammon Deegan, 1 Crystal Falls Road, regarding use of personal jet skis in our community advised that :**

- While swimming off the Lions Bay Beach last year he was buzzed by a jet skier. He called the marina but unfortunately the young woman had no idea who to contact,
- The point is safety and quality of life. Should we continue to allow the use or rental of jet skis? It's only a matter of time before someone either swimming or kayaking is run over. Jet skis definitely have a detrimental impact on our community, and
- Propose that the Mayor and Council consider more stringent controls of the use of jet skis and/or ban their use.

Council advised that:

- The Marina does not rent jet skis for exactly the reasons mentioned. The jet skis would have been privately launched, and
- Council could consider establishing a restricted zone during the upcoming review of the OCP although it was pointed out that our Municipality does not own the water rights, although Ocean Point does.

**F. Sandra Kirkpatrick, 61 Brunswick Beach Road, regarding water parcel tax advised that:**

- She moved to Brunswick Beach in December of 2000 when it was already part of Lions Bay. Water done in 2001 when construction costs covered from road into house. Lions Bay to be done in next 2 years, now 6 years. Wondering why the parcel tax for Brunswick Beach is more than Lions Bay, if construction costs are so much higher today than in 2001.

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5. Delegations

- A. **Penny Nelson regarding “Keep Lions Bay Unique” introduced Dr. Neil Berman who thanked the Mayor and Council for accepting the delegation. Berman provided a formal report (attached) of the public meeting held January 25, 2007 and presented a geological report from David Cook, Engineer and Geologist who recently investigated Lot 47.**

Mayor Wyman thanked Berman for his excellent report adding that:

- He greatly appreciated the care that has been taken in drafting this useful document which will be carefully studied by Council. He commended the group for their efforts,
- He advised that Council cannot guarantee a response before the delegation’s February 23, 2007 meeting,
- The delegation has made a persuasive case which needs to be placed before the community,
- In terms of the OCP, the feeling is that the community response will be somewhat similar to that which already exists, however, the village has changed and we are required by law to review the OCP,
- He appreciated the tip regarding the Smart Growth BC Work shop, and
- He stressed that Council has made no decision around this issue. No commitment has been made to anyone on either side nor will be made prior to a public meeting and the OCP review.

- B. **Kambiz & Farrah Azordigan regarding filming in Lions Bay reported that:**

- They are most concerned about the inconvenience caused by filming in Lions Bay and specifically at Lower Tidewater in Kelvin Grove adjacent to the parking lot,
- The noise associated with filming prevents residents getting enough sleep,
- We retire here for peace and want to take every action to ensure peace and quiet is not taken away from us, and
- Not opposed to filming as long as it takes place inside the house not in the public area in front of our house. This is a residential area – not commercial.

Mayor Wyman advised that:

- The community does have a filming policy, written two years ago and adopted last year. Recommendations for policy amendments should be sent to the Village office.
- Filming does contribute to the Village coffers and it has been suggested that a large proportion of filming income should be devoted to the area of the village where the filming was done, and
- Council agreed that this issue would form part of the OCP review process.

- C. **Ray Kisser regarding trees at Kelvin Grove Way**

Not available

6. **Adoption of Minutes of January 22, 2007**

Page 7, second bullet - delete "First meeting February 6, 7:30 pm in the Village Hall".

**Resolution Number: C-195**

Moved by Councillor Heneault  
Seconded by Councillor Wolder

**Resolved that:** the Minutes for the Regular Council Meeting of January 22, 2007 be approved as amended.

**Carried...**

7. **Business arising from Minutes**

Discussion took place around the recent increased vandalism, the lack of policing and the inequity of the increased policing costs for Lions Bay residents as follows:

- Suggest each Lions Bay resident write to the Solicitor General regarding the new policing levy of \$156 per household and the deplorable lack of policing in this community. Counter attack needed to get what the community deserves,
- Invite Inspector McPhail to attend our next Council meeting and make him acutely aware that we are not happy. Ask him to address the concerns raised at the last Council meeting to assess whether any progress has been made,
- Invite Mr. Williams to present his case to Inspector McPhail, together with other Block Watch Captains and bring the entire issue out on the table, and
- Public meeting rather than Council meeting with Block Watch Captains etc. to get Mr. William's message heard.

Council directed the Administrator to arrange a meeting with Inspector McPhail within the next month. The Mayor to draft a letter of Council's concerns, with actions items and a mail-out making the community aware of what is going on.

8. **Unfinished Business**

None

9. Reports

A. Administrator

i) **Burn Weekend - Burning of Garden Debris**

An information report dated February 5, 2007 was presented.

**Resolution Number C-196**

Moved by Councillor Turpin  
Seconded by Councillor Spiers

**Resolved that:** Council approve the dates of March 24 and 25, 2007 to permit residents to burn garden refuse under the following conditions and that this information be published in the March Seagull if possible and posted in the Post Office.

- The area of the brush pile being burned cannot exceed 1.5 metres in diameter nor 1.0 metres in height,
- Nothing can be placed within 1 metre of the burning location, and there can be no overhanging trees, hydro lines or any structure or other overhang of any sort,
- A charged water hose must be available at the site of the burning at all times,
- At no time can the burning be left unattended for any reason,
- Any resident planning to burn refuse must notify the Village Office in advance so that staff can advise Lions Bay Fire Rescue who will perform spot checks throughout the Village for safety reasons, and
- Should there be a change in weather that could make burning dangerous such as lack of rain or strong winds, the burning dates will be rescinded and burning will be prohibited.

**Carried...**

ii) **Community Service Requests covering January 2007 were presented for information**

B. Finance

i) **Water Rate Options 2007**

An information report dated February 5, 2007 was presented and the Finance Manager advised that:

- Prior to amalgamation, documents implied two specified water service areas i.e. old Lions Bay and Brunswick Beach each pay their respective share. In addition Village-wide for shared costs. Letters Patent October 1999 supported and identified those two specified areas,
- Pipe system within each area. Projection for Brunswick Beach water system infrastructure \$400,000 with annual \$1,024 per parcel. After

- additional infrastructure grant obtained final net \$150,000 and debt servicing \$365 over 20 years,
- Filtration would involve higher total cost than budgeted,
  - Each infrastructure distribution paying their own costs and the rest shared,
  - Estimated that user fees should be raised to \$500 per parcel, and
  - Lions Bay parcel tax of \$200 covers current program of remedial work and does not involve Brunswick Beach paying for infrastructure costs in old Lions Bay.

Councillor Spiers reported that disclosure of the condition of pipes in Lions Bay was not made to Brunswick Beach.

- It was pointed out that the Brunswick Beach Water restructuring was carried out with Public Works crews cutting costs by 40%,
- The Brunswick Beach Parcel Tax is fixed. It is what is required to repay the debt for Brunswick Beach water improvements,
- The actual cost of supplying water has been kept artificially low over the years in addition to the fact that the roads are in great need of repair - Council is having to cope with that,
- It costs \$500 per household to turn on the tap. Brunswick Beach is paying for its distribution and Lions Bay will pay until its distribution is to a similar standard, and
- 3,000 residents divided by costs = \$500 per household.

The Finance Manager agreed to break down the operating costs etc. and provide this information to residents prior to mailing out the property tax notices. Also, to provide an accounting of the \$300,000 received from Brunswick Beach 7 years ago.

**Resolution Number C-197**

Moved by Councillor Heneault  
Seconded by Councillor Turpin

**Resolved that:** The report of the Finance Manager dated February 5, 2007 be received.

**Carried...**

**Resolution Number C- (verbal resolution)**

Moved by Councillor Turpin  
Seconded by Councillor Wolder

**Resolved that:** the common user rate for water be set at \$500 for 2007 and billed in two phases, in March with the garbage utility levy, and in July with the property tax billing

**Carried...**

**C. Public Works**

No report

**D. Building Inspector**

No report

**E. Mayor and Council**

**i) Mayor**

Mayor Wyman presented a report dated February 5, 2007.

**Resolution Number C-198**

Moved by Councillor Heneault  
Seconded by Councillor Spiers

**Resolved that:** The Mayor's report dated February 5, 2007 be received  
**Carried...**

Mayor Wyman reported that:

- He attended the Tree Cutting Bylaw Public Meeting,
- Sea to Sky Cultural Alliance meeting held in Squamish January 23, 2007,
- Coat of Arms – Chief Herald visited the Village February 1, 2007 to discuss final details of the design with the Committee. It has been proposed that our new Coat of Arms be “unveiled” at our Canada Day Celebrations and the new Lions Bay Community Foundation launched at the same time,
- GVRD – Mayor Wyman has once again been appointed to the Sustainable Region Initiative Task Force, a nine member think tank for forward planning for the GVRD, as well as to the Parks Committee and the Committee of Mayors. He also continues to chair the Regional Cultural Task Force which will be presenting a series of recommendations later in the Spring.

Discussion re Bears to be discussed In Camera.

**ii) Councillor Spiers**

Councillor Spiers presented a report dated February 5, 2007 and reported that:

- She attended the “Keep Lions Bay Unique” presentation on January 25, 2007 hosted by Oliver Ganske and Penny Nelson. A geotechnical specialist was on hand to make a good presentation -

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Smart Growth Workshop etc. made everyone feel that they had had a voice. Peace came out of it among the different factions.

**Resolution Number C-199**

Moved by Councillor Heneault  
Seconded by Councillor Turpin

**Resolved that:** Councillor Spiers' report dated February 5, 2007 be received.

**Carried...**

**iii) Councillor Turpin**

Councillor Turpin presented a report dated February 5, 2007 and reported that:

- The Lions Bay Elementary school's new Vice Principal is Amber Pascual,
- There is a continuing problem with regard to emergency parking space at the School,
- There was a person seen lurking in the school field area, advised he was waiting for the Greyhound bus. Photo taken etc. Police took 45 minutes to arrive by which time he had left,
- She attended the "Keep Lions Bay Unique" presentation,
- The Lions Bay Fire Rescue Department held an education session at the Lions Bay School on January 26, 2007,
- She attended the Public Tree meeting January 29, 2007,
- She attended the LMTAC meeting January 31, 2007 which was concerned mainly with discussion surrounding the Twasawassen First Nations Treaty area signed in principal. A report can be found on the LMTAC web page, and
- Lantern Festival organisation continues.

Councillor Heneault advised that:

- \$1,500 has been received for the Lantern Festival from BC Hydro and \$1,000 from Peter Kiewit & Son,
- The Lantern Festival workshops are very successful but need more people, and
- People are planning block parties after the event.

**Resolution Number C-200**

Moved by Councillor Heneault  
Seconded by Councillor Spiers

**Resolved that:** Councillor Turpin's report dated February 5, 2007 be received.

**Carried...**

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**F. Committees**

No reports

**10. Resolutions**

**11. Bylaws**

**A. Water Rates and Regulations Bylaw 387, 2007 (first, second and third reading)**

**Resolution Number C-201**

Moved By Councillor Turpin  
Seconded By Councillor Wolder

**Resolved that:** Water Rates and Regulations Bylaw No. 2, 1971 Amendment Bylaw No. 387, 2007, be read for the first, second and third time.

**Carried...**

**B. Water Capital Tax Bylaw No. 388, 2007 (first, second and third reading)**

**Resolution Number C-202**

Moved by Councillor Turpin  
Seconded by Councillor Wolder

**Resolved that:** Water Capital Tax Bylaw No. 130, 1985, Amendment Bylaw No. 388, 2007, as amended, be read for the first, second and third time.

**Carried...**

**C. Sewer User Rates Bylaw No. 389, 2007 (first, second and third reading)**

**Resolution Number C-203**

Moved By Councillor Heneault  
Seconded By Councillor Spiers

**RESOLVED that:** Sewer User Rates Bylaw No. 389, 2007 be read for the first, second and third time.

**Carried...**

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**D. Waste Collection Rates Bylaw No. 390, 2007 (first, second and third reading)**

**Resolution Number C-204**

Moved By Councillor Turpin  
Seconded By Councillor Wolder

**RESOLVED that:** Waste Collection Rates Bylaw No.390, 2007, be introduced and read for the first, second and third time, as amended.

**Carried...**

Staff is directed to revisit the user rate schedule.

**12. Correspondence**

A List of Correspondence and Action Items to February 2, 2007 was presented.

**Resolution Number C- 205**

Moved by Councillor Turpin  
Seconded by Councillor Wolder

**Resolved that:** the List of Correspondence up to February 2, 2007 be received.

**Carried...**

**Resolution Number C-206**

Moved by Councillor Turpin  
Seconded by Councillor Heneault

**Resolved that:** the Administrator be authorized to sign the Agreement with 2010 Legacies Now for the *Winter Light: Spirit of Lions Bay Lantern Festival*.

**Carried...**

**Action Items**

- 1 (1)** Letter dated January 15, 2007 from Greg F. Lee President, Capilano College re Student No. 821016882

Letter of congratulations to be sent.

- 2 (16)** Letter dated January 25, 2007 from Lori Baxter, Director, Arts Now re: Contribution Agreement for *Winter Light: The Spirit of Lions Bay Lantern Festival*.

Even if rains the lights look better so come out.

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- 3 (29) Information received February 1, 2007 from Honours and Awards Secretariat, Order of British Columbia re: Nominations.
- 4 (15) Councillor Turpin advised that there is a child care crisis brought about by the Federal Government eliminating funding to the Province. As a consequence the Province has now eliminated funding for the Child Care Resource Referral service which will be closing as of September. North Shore Communities are carrying out a survey (Lions Bay and Bowen Island are not included). Everyone in Lions Bay who needs child care will be affected. She has given appropriate material to the Administrator.

13. **New Business**

A. **Letter from O. Hungr, Geotechnical Research, Inc. re Alberta Creek**

The Mayor reported that:

- Alberta Creek itself is designed to take care of a slide which would be caught in the concrete flume,
- The small 250,000 ton dam is there to protect workers,
- 4 million tons capacity – full not a problem,
- It would be difficult and dangerous to empty the dam. Heavy machinery would have to be helicoptered in. Could start another slide outside the flume, and
- Assuring letter from Highways who agreed to send in the original designer.

Council directed the Administrator to inquire of the Village lawyers whether this letter is a sufficient legal document or whether the Village needs an outside opinion or more documentation.

Council has been given to understand that the MoT carries out a regular maintenance plan to check out the debris torrents, etc. It was suggested Council obtain a letter confirming this from the MoT.

B. **Highway Construction Bulletin**

- The construction bulletin issued from the Sea to Sky Highway Improvement Project lays out the forthcoming work schedule starting February 9, 2007. Specifically it talks about round-the-clock drilling, blasting and excavation,
- Original document states local bylaws will be respected. This is not Ansell Place. This is a built up, residential area. Council is willing to relax some of our bylaws but the proposed schedule is ridiculous and not acceptable,
- Evident from events at Ansell Place the Contractor's work is extremely dangerous. Having emergency Council meeting with Kiewit tomorrow,
- MLA Joan MacIntyre moved away from the area because of this,
- David Hildreth has voiced concerns regarding the slide at Ansell Place. We must pull together every resource possible. Mayor Goldsmith-Jones must be involved because of the Seascapes and Eagle Ridge fiasco. Langford families have warned of a nightmare and only 18 houses.

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**C. Filming**

The Administrator advised that another request for filming in Lower Kelvin Grove has been received from "Men in Trees" down on the beach – one day. Equipment in parking lot and cul de sac and in our park.

There followed discussion regarding the advantages and disadvantages of filming in the Community.

**Resolution Number C- (Verbal resolution)**

Moved by Councillor Spiers  
Seconded by Councillor Turpin

**Resolved that:** the meeting continue past 10:00 pm.

**Carried...**

It was pointed out that two (2) voted against. The Administrator advised a vote is recorded, only if Council so directs.

**Resolution Number C- (Verbal resolution)**

Moved by Mayor Wyman  
Seconded by Councillor Wolder

**Resolved that:** there be a moratorium on filming for now until decided by the OCP review.

**Carried...**

**14. In Camera**

**Resolution Number C-207**

Moved by: Councillor Turpin  
Seconded by: Councillor Wolder

**Resolved that:** Council does move into closed session to discuss personnel and identifiable persons.

**Carried...**

**Resolution Number C-208**

Moved by: Councillor Turpin  
Seconded by: Councillor Heneault

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

**Carried...**

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15. **Adjournment**

**Resolution Number C-209**

Moved by: Councillor Spiers  
Seconded by: Councillor Turpin

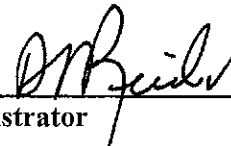
**Resolved that:** the regular Council meeting of February 5, 2007 does adjourn at 10:35 p.m. and the date of the next regular Council meeting being February 19, 2007 at 7:00 pm.

**Carried...**



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Mayor



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Administrator