



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

**REGULAR MEETING OF THE COUNCIL
OF THE VILLAGE OF LIONS BAY
HELD ON TUESDAY, JULY 28, 2020 at 7:00 PM
COUNCIL CHAMBERS, 400 CENTRE ROAD, LIONS BAY
AND VIA ZOOM VIDEO CONFERENCE**

MINUTES

In Attendance:

Council: Mayor Ron McLaughlin
Councillor Neville Abbott (via video conference)
Councillor Fred Bain (via phone conference)
Councillor Norm Barmeier (via video conference)
Councillor Jaime Cunliffe (via video conference)

Staff: Chief Administrative Officer Peter DeJong
Chief Financial Officer Pamela Rooke
Municipal Coordinator Karla Duarte (Recorder)

Delegations: 1

Public: 10

1. Call to Order

Mayor McLaughlin called the meeting to order at 7:07 p.m.

2. Adoption of Agenda

Moved/Seconded

THAT

- (1) The agenda be varied to consider item 8Av after item 4A; and
- (2) Item 3A Petition to Village Council re: rezoning of 35 Kelvin Grove Way be added;
and
- (3) Item 8Aiv. Parking Hot Spot Update report be added as an item under that report;
and
- (4) Item 8Biii Media coverage be added; and
- (5) Item 8Di On Table Recommended Resolution for Tree Application #103 be added as
an item under that report; and
- (6) Item 11B On-Table Correspondence be added; and

- (7) Item 14 be amended to include “C. Legal Matter” and an addition for reason for closing, (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and
- (8) The agenda be adopted, as amended

CARRIED

3. Public Participation (2 minutes per person totalling 10 minutes maximum)

A. George Liu

George Liu, presented a petition against rezoning of 35 Kelvin Grove Way and spoke to express his concerns against rezoning, noting that Lions Bay is a single-family housing community and that a dangerous precedent would be set with rezoning.

B. Richard David

Richard David expressed his concerns regarding the rezoning of 35 Kelvin Grove Way, noting that rezoning would add burden on a small group of residents and that the burden of financial compensation for the Village should not be a reason for rezoning.

C. Craig Doherty

Craig Doherty spoke regarding Council’s previous resolution for exemption to the noise bylaw at the Café. He noted the new resolution passed by Strata Council was a unanimous 2-0 to support music at the café. He noted the complaints were prejudicial to his business and music loving public of Lions Bay in the current economy when many businesses are struggling.

Mayor McLaughlin brought forward Correspondence item R10 regarding the concerns and response to the exemption to the noise bylaw.

Mayor McLaughlin asked Council whether they would like to bring a motion forward to amend the existing noise bylaw exemption resolution and there was no change to the previous motion.

Mayor McLaughlin declared a conflict of interest under the *Community Charter* and recused himself from the meeting in relation to the encroachment request at 61 Brunswick Beach Road.

Councillor Barmeier assumed the Chair

D. Russ Meiklejohn

Russ Meiklejohn spoke regarding the encroachment request for 61 Brunswick Beach Rd. and addressed several points in the report. He questioned why the Village would consider gifting space for a hot tub. He expressed concern about

the property use and structural integrity and suggested the owner consider putting it on his own property due to possible liability.

E. Dorothy Meiklejohn

Dorothy Meiklejohn noted their experience as architects and knowledge about bylaws.

4. Public Delegation Requests Accepted by Agenda Deadline (10 minutes maximum)

A. Mark Woodside on behalf of Jorge Graham – Encroachment Request for 61 Brunswick Beach Road

Mark Woodside read a letter on behalf of Jorge Graham, which noted the previous use of the property, several accolades that the house has received, compliance with local bylaws and the Residential Tenancy Act. The letter also addressed concerns from neighbours and noted that encroachments have been granted since 2004 and have been inconsistent. He noted the insurance would include naming the Village as additional insured.

Council considered Correspondence items R1, R2, R3 and R6 under 11B of the agenda.

The agenda was varied to consider Item 8Avi.

vi. CAO: Encroachment Agreement for 61 Brunswick Beach Road

CAO DeJong presented the report regarding the encroachment agreement for 61 Brunswick Beach Rd. noting that:

- Village has lots of encroachments and lots of encroachment agreements, including ones granted by this Council in Brunswick Beach.
- This application pertains to 3 separate areas: driveway area, north side of the house and a small pre-existing portion of the Esplanade.
- Delay of application not the fault of the owner.
- Noise complaints subject to noise bylaw – regardless of where the hot tub is located.

CAO DeJong Addressed questions regarding liability to the Village, Good Neighbour Bylaw No. 412, noise bylaw, and timing of application noting that:

- Liability addressed adequately in the agreement.
- Letter from Mr. Woodside addresses indemnity provision, insurance requirements (\$5 million, naming Village additional insured).
- Good Neighbour Bylaw No. 412: oriented to properties not kept in state of repair or appearance such that it detracts from use of neighbours' property. Difficult to enforce – does not have applicability to the application.

- Noise bylaw: different exemptions under bylaw. Complaints driven, unless BEO are patrolling and happen to hear something.
- Neighbour input is not necessary in all cases; no process established for requiring consultation – intended to be reviewed as part of boulevard bylaw consultation
- Confirmed that patio/deck on Esplanade pre-existed the current owner

Discussion ensued on:

- Encroachments on Esplanades in different circumstances
- Hot tub not the same as patio furniture
- Justification requirements for a hot tub
- Timing – begging for forgiveness rather than asking for permission not appropriate
- Safety: should have been reviewed by engineering
- Struggle regarding patio/deck that pre-existed
- Whether the decision could be tabled while policy is reviewed.

CAO DeJong noted that encroachment agreements would not change due to a policy review. A review would allow Council to note what the process, criteria and what emphasis would be placed. Intended to be a village wide consultation – difficult to do in current circumstances. Would have to be tabled for a long period of time, due to pandemic.

CAO DeJong confirmed that

- maintenance and repair are responsibilities of owner, according to agreement.
- Agreement would have to be amended to allow for other use
- If the agreement was not granted, property owner would have no maintenance obligations
- If no agreement: then liability could be visited upon the Village.
- If owner required to remove the hot tub, can Village stipulate uses for patio/deck?
- Licence to Occupy – can stipulate what conditions are for use of the land.

Moved/Seconded

- (1) THAT Council approve the draft Encroachment Agreement dated for reference the 20th day of February 2020 for the Licensee, Jorge Erdely Graham
- (2) THAT staff instruct legal counsel to prepare a section 219 Covenant to incorporate the said Agreement into a registrable Land Title Office document;
- (3) THAT the Mayor or Acting Mayor and the Chief Financial Officer be authorized to execute the Agreement and the Covenant.

Moved/Seconded

THAT the motion on the floor be amended to add the following to (1)
“subject to amending the agreement to preclude the use of a hot tub on licence area.”

CARRIED

MAIN MOTION AS AMENDED

Moved/Seconded

- (1) THAT Council approve the draft Encroachment Agreement dated for reference the 20th day of February 2020 for the Licensee, Jorge Erdely Graham, subject to amending the agreement to preclude the use of a hot tub on the licence area; and
- (2) THAT staff instruct legal counsel to prepare a section 219 Covenant to incorporate the said Agreement into a registrable Land Title Office document; and
- (3) THAT the Mayor or Acting Mayor and the Chief Financial Officer be authorized to execute the Agreement and the Covenant.

CARRIED

Mayor McLaughlin returned to the meeting and resumed role of Chair at 8:58 pm.

The order of the agenda resumed.

5. Review & Approval of Minutes of Prior Meetings

A. Regular Council Meeting – June 23, 2020

The following items were identified as amendments for the June 23, 2020 regular Council meeting minutes:

- (1) Item 8Ai: CFO Rooke provided an update on the grant application for the DC EV fast charger noting that the Village is not required to proceed with the project, should the expected funding not be received. She also clarified the intent was that the Village would only consider proceeding with the project if the Village received both Federal (50%) and Provincial (25%) funding.

Moved/Seconded

THAT the Regular Council Meeting Minutes of June 23, 2020 be approved, as amended.

CARRIED

B. Special Council Meeting – June 30, 2020

The following items were identified for amendment:

- (1) Item 4, first bullet point under discussion, add the word “Tuesday”.

Moved/Seconded

THAT the Special Council Meeting Minutes of June 30, 2020 be approved, as amended.

CARRIED

6. Business Arising from the Minutes

- A. Councillor Abbott requested feedback on volunteer program.

CAO DeJong confirmed three volunteers and that the program has not been completely developed.

7. Unfinished Business

- A. Follow-Up Action Items from Previous Meetings

#	Meeting Date	Description of Action Item	Action
104	September 17, 2019	Unfinished Business: Speeding on Sea to Sky and noise	Mayor McLaughlin and CAO DeJong are in communication with the Province
127	May 5, 2020	Options for Electronic Building Submissions	CAO DeJong – nothing to report
136	June 23, 2020	Request to have table plan set up in the Chamber and that staff adhere to strict distancing measures	CAO DeJong noted the new floor plan. Completed
137	June 23, 2020	G1: J. Morra re parking ticket complaint	Completed
138	June 23, 2020	G2: Metro Vancouver Mayors' re Local Government Support with Provincial Government	Completed
139	June 23, 2020	R1: K. Dyer re toilet facilities	Mayor McLaughlin to respond
140	June 23, 2020	R2: C. Bradbury re parking	Completed
141	June 23, 2020	R3: A. Dudley & E. Lofgren re parking for hikers	Completed
142	June 23, 2020	R4: Y. Godoy-Toku re parking	Completed
143	June 23, 2020	R5: N. McKenzie re Village reopening plans	Completed
144	June 23, 2020	R6: S. Jones re toilet facilities	Completed
145	June 23, 2020	R7: R. Meiklejohn re 61 Brunswick Beach	Completed

8. Reports

- A. Staff
 i. CFO: Annual Report

Council discussed friendly amendments to the report, provided suggestions for additional data and complimented staff on the report.

Moved/Seconded

THAT pursuant to section 99 of the *Community Charter*, Council has considered the Annual Report prepared under section 98 of the *Community Charter*, and any oral and written submissions and questions from the public.

CARRIED

ii. CFO: 2019 Statement of Financial Information (SOFI)

CFO Rooke noted that no changes can be made to the SOFI due to reporting standards. The purpose of presenting the report is to answer Council questions.

CFO Rooke confirmed the following:

- Expenses for Sea to Sky Network Solutions include major equipment purchases
- Purchase of 5 public works vehicles
- Clarified the statement that there were no payments to suppliers for grants and contributions exceeding \$25,000
- Metro Vancouver Regional District expense was for debt repayment

Moved/Seconded

THAT Council approve the 2019 Statement of Financial Information for submission to the Ministry of Municipal Affairs and Housing; and

THAT the 2019 Statement of Financial Information be made available for public inspection.

CARRIED

iii. CFO: 2020 Preliminary Mid-Year Review

CFO responded to questions from Council and noted:

- Grants: clean water, left over from water tank and will be used for PRVs
- Asset management phase 3: FCM grant: open intake, will be presented to Council end of fall.
- Celebrate grants awarded: UBCM grants: ESS, EOC, evacuation route planning, fire department equipment and wildfire

Moved/Seconded

THAT the report “2020 Preliminary Mid-Year Review” be received for information purposes.

CARRIED

iv. CAO: Brunswick Beach Parking Survey

CAO DeJong presented the report on the Brunswick Beach Parking Survey, noting the results of the surveys, in particular, the Brunswick Beach resident sentiments.

CAO DeJong also noted that

- the Ministry of Transportation and Infrastructure asked the Village to remove the no parking/towing signage at the Interchange.
- Dog on beach question about 50/50 for and against
- Suggested Council consider bear proof bin
- Port-a-potty will not happen

Moved/Seconded

THAT the Information Report, “Results from the Brunswick Beach Parking Survey” be received and that staff be directed to place a bear-proof garbage can on Brunswick Beach Road and provide an update of the results of the survey in the Village Update.

CARRIED

CAO DeJong noted that a resident-led recommendation is expected to be coming in September, and it may fill in broader view on dog issue

At 9:46 pm the meeting was extended to 12:00 AM

Moved/Seconded

THAT the meeting be extended to midnight.

CARRIED

CAO DeJong clarified assumptions that led towards the survey results (percentage of those who identified as Brunswick Beach residents)

CAO DeJong noted that completion of the Kelvin Grove Water Treatment plant will happen in early September, if opportunity to open access prior to completion, will do so.

CAO DeJong provided an overview of the “Parking Hot Spot” report that was circulated on-table to Council.

He noted that staff do not recommend reopening Lions Bay Beach parking lot in order to control visitation of park.

Moved/Seconded

THAT Council supports the notion of closure of Lions Bay Beach Parking lot to control visitation to the Lions Bay Beach Park.

CARRIED

Councillor Barmeier requested that a reminder to slow down sign be placed on Oceanview Rd.

CAO DeJong confirmed that signage near the school parking lot applies to the street and that the Village cannot ticket in the school parking lot.

Moved/Seconded

THAT Council received the report “Parking Hot Spot” presented at the July 28, 2020 regular meeting of Council.

CARRIED

v. CAO: Encroachment Agreement for 52 Brunswick Beach Road

CAO DeJong presented the Encroachment Agreement for 52 Brunswick Beach Road and clarified that the 3 meters refers to exclusion zone for water main and that the Board of Variance provided variation for setback for this particular property.

Moved/Seconded

(1) THAT Council approve the draft Encroachment Agreement dated for reference the 28th day of July 2020 for the Licensee, Carl Lund and Nicola Lund;

(2) THAT staff instruct legal counsel to prepare a section 219 Covenant to incorporate the said Agreement into a registrable Land Title Office document;

(3) THAT the Mayor or Acting Mayor and the Chief Financial Officer be authorized to execute the Agreement and the Covenant.

CARRIED

B. Mayor

i. Kelvin Grove Lot Rezoning

Mayor McLaughlin presented feedback on Kelvin Grove Rezoning, noting that the positives are to help fund infrastructure needs for Village, opportunity for new younger home buyers, opportunity to downsize. He noted that current capacity from the new water treatment plant is higher than before.

CAO DeJong explained the process for obtaining community feedback and potential rezoning of the lot:

- August: put out one or more information pieces: process and cost to date, concept for duplex/triplex, applicable rationale, request public feedback – VU, website, direct mail
- Sept 22 Council meeting: report to Council on feedback received and request for direction
- Staff would prepare rezoning bylaw after that meeting, depending on public feedback and Council direction
- Council to determine next steps and whether to direct staff to continue by preparing a rezoning bylaw for consideration at October 20th meeting
- Oct. 20th meeting: if directed by Council, staff would bring a rezoning application and bylaw; Council would consider 3 readings of bylaw which would be sent to the Ministry of Transportation and Infrastructure (MoTI) for consideration because of proximity to highway
- If MoTI approval granted, set date for public hearing
- After public hearing, Council would consider motion for adoption of rezoning bylaw at November or December meeting

Discussion ensued on:

- Not the first time such a concept has been discussed
- Does not hurt to talk about it
- Bigger question: setting a precedent for rezoning
- Public participation during COVID-19
- Regional Context Statement and the concept being a bigger community issue; wait until the question can be put forward for the whole Village
- Conversation needs to be continued

Moved/Seconded

THAT Council direct staff to work with our real estate professional, which would include community input for rezoning of 35 Kelvin Grove Way.

CARRIED

Opposed: Councillor Abbott

ii. Village Update Statistics

Mayor McLaughlin provided an update on Village Update readership statistics, noting that it has been steadily increasing.

iii. Media Coverage

Mayor McLaughlin noted the message to reporters he has been providing: we are a welcoming community; not only community with capacity management plan.

C. Council

Jaime Cunliffe provided an update that she was accepted to Climate Leadership Course that will be held by the Federation of Canadian Municipalities

Mayor McLaughlin requested that it be placed in Village Update.

D. Committees

i. Trees, Views and Landscapes Committee Application #103 – 95 Kelvin Grove Way

CAO DeJong presented Tree Application #103, noting the additional consideration to the resolution, which includes the recommendation by the Public Works Foreman.

Moved/Seconded

THAT Tree Cutting Permit Application #103 be approved subject to the following:

- a) Topping and trimming is to be in accordance with the photos and requested work in the application materials.
- b) The applicant may wish to consider the suggestion from Public Works to remove a few of the older trees to allow the smaller trees to grow and if so, has permission to address this in consultation with Public Works to ensure slope stability.
- c) The applicant must clean up and remove all associated debris.
- d) The tree cutting permit shall be valid for a period of three years subject only to confirmation prior to any cutting, or repeated cutting, within that period of:
 - a. Compliance with the bylaw restrictions regarding nesting season,
 - b. A traffic control plan approved by Public Works, and
 - c. Damage deposit, arborist/contractor's Worksafe BC certificate and insurance in compliance with Municipal requirements and any other requirements of the bylaw.

CARRIED

E. Emergency Services

- i. RCMP Lions Bay Activity Report – May and June 2020

Moved/Seconded

THAT Council receive the May and June 2020 RCMP Lions Bay Activity Report for information.

CARRIED

9. Resolutions

None

10. Bylaws

- A. 2020 Annual Tax Sale Deferral Bylaw No. 583, 2020

CFO Rooke presented the 2020 Annual Tax Sale Deferral Bylaw No. 583, noting that due to COVID-19, the tax sale has been deferred and clarified the process to which a tax sale occurs.

Moved/Seconded

THAT the 2020 Annual Tax Sale Deferral Bylaw No. 583, 2020 be introduced, and read a first time.

CARRIED

Moved/Seconded

THAT the 2020 Annual Tax Sale Deferral Bylaw No. 583, 2020 be read a second time.

CARRIED

Moved/Seconded

THAT the 2020 Annual Tax Sale Deferral Bylaw No. 583, 2020 be read a third time.

CARRIED

Moved/Seconded

THAT the 2020 Annual Tax Sale Deferral Bylaw No. 583, 2020 be adopted.

CARRIED

- B. Bylaw 584 – Fees Bylaw No. 497, 2016, Amendment Bylaw No. 584, 2020
CAO DeJong presented Bylaw No. 584, 2020, noting that some housekeeping items were required and to allow for different scenarios for damage deposits.

Moved/Seconded

THAT Fees Bylaw No. 497, 2016, Amendment Bylaw No. 584, 2020 be introduced and read three times.

CARRIED

THAT Fees Bylaw No. 497, 2016, Amendment Bylaw No. 584, 2020 be adopted.

CARRIED

11. Correspondence

- A. List of Correspondence to July 23, 2020

Moved/Seconded

THAT the following actions be taken with respect to the correspondence:

General Correspondence:

G1: J. Lloyd re: pay parking at Sunset Trailhead – received and responded

G2: J. Howes re: Parks and Parking restrictions – received and responded

G3: Roberts re: towing – received and responded

Council noted that they will not be responding to antagonistic non-resident correspondence

G4: Morra re: Village of Lions Bay Bylaw Complaint – received and responded

G5: Premier Horgan re: Mayors and Regional District Chairs - received

G6: Mayor and Regional District Chairs re: UBCM – received

G7: Woodfibre LNG re: extension request - comment responses - received

G8: E. Santas re: parking - received

G9 Nelson re: parking restrictions - received

Resident Correspondence:

- R1: Takhar re: post office – received and responded
- R2: Andrea B re: Parking on Mountain Dr. – received and responded
- R3: Enns re: Village parking – received and responded
- R4: Brown re: traffic calming on Lions Bay Follow Up – received and responded
- R5: T. Giovanni re: parking ticket – received and responded
- R6: Kate re: delineator request – PW Manager to respond
- R7: French and Hotte re: parking – received and responded
- R8: T. Luethy re: parking – received and Councillor Abbott to respond
- R9: L. Nolin re: parking – received and Mayor McLaughlin to respond
- R10: re relaxation of amplification bylaw granted to Craig Doherty – received and considered. CAO to respond to Strata Council
- R11: Simpson re: parking – received and Councillor Barmeier to respond
- R12: M. Gewurz re: beach concerns – received and Councillor Cunliffe to respond

CARRIED

B. On Table Correspondence

General Correspondence:

- G1: Ministry of Energy, Mines and Petroleum Resources - the Low Carbon Fuels Branch re Expression of Interest to the 2020 Part 3 Agreement Program – received

CFO Rooke confirmed that the program was oversubscribed and noted that it does not preclude us from applying next year.

Resident Correspondence:

- R1: B. Broughton re 61 Brunswick Beach Rd encroachment – received and considered
- R2: Lund re 61 Brunswick Beach Rd encroachment – received and considered
- R3: Klas re 61 Brunswick Beach Rd encroachment – received and considered
- R4: Leger re: Noise Bylaw exemption request - received

Moved/Seconded

THAT Council provide an exemption per section 6(m) of the Noise Bylaw to allow live music at **415 Timbertop Drive** on August 15 & August 22 from 7-9pm.

CARRIED

- R5: Nelson re 35 Kelvin Grove Way – received and Councillor Cunliffe to respond
- R6: Silzer re 61 Brunswick Beach Rd. encroachment – received and considered

12. New Business

None

13. Public Questions & Comments (2 minutes on any topic discussed in this meeting)

A. Philip Marsh

Spoke regarding rezoning – expressed disappointed. Will work on it to get across to Council that there is unanimous opposition.

14. Closed Council Meeting

Proposed topics for discussion in the absence of the public:

- A. ICIP Recreation Grant
- B. Awards
- C. Legal Matter

Moved/Seconded

THAT the meeting be closed to the public on the basis of matters to be considered under the following sections of the *Community Charter*:

90 (1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

- b) personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;
- (e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act*;
- (n) the consideration of whether a council meeting should be closed under a provision of this subsection or subsection (2).

90 (2) A part of a council meeting must be closed to the public if the subject matter being considered relates to one or more of the following:

- b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

CARRIED

15. Reporting Out from Closed Portion of Meeting

Mayor McLaughlin reported that the awards ceremony for the recipients of the Citizen of the Year and Citizen of Distinction will be held on July 29th with physical distancing measures.

Council passed the following resolution during the closed meeting:

Moved/Seconded

THAT staff submit an application for grant funding for the Lions Bay Beach Park Revitalization Project through the *Canada-British Columbia Investing in Canada Infrastructure Program – Community, Culture, and Recreation*; and

THAT Council supports the Lions Bay Beach Park Revitalization Project and commits the Village of Lions Bay’s share of the project of up to \$300,000, to be funded by transfers from reserves.

CARRIED

Opposed: Councillor Abbott

16. Adjournment

Moved/Seconded

THAT the meeting be adjourned.

CARRIED

The meeting was adjourned at 12:15 a.m.

Mayor

Corporate Officer

Date Approved by Council:	September 22, 2020
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