



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

**SPECIAL MEETING OF THE COUNCIL
OF THE VILLAGE OF LIONS BAY
HELD ON TUESDAY, SEPTEMBER 1, 2020 at 5:00 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 video conference at 5:42p.m.)
Councillor Norm Barmeier (via video conference)
Councillor Jaime Cunliffe (via video conference)

Staff: Chief Administrative Officer Peter DeJong
Chief Financial Officer Pamela Rooke (via video conference)
Public Works Manager Nai Jaffer (via video conference)
Municipal Coordinator Karla Duarte (Recorder)

Delegations: 0

Public: 7

1. Call to Order

Mayor McLaughlin called the meeting to order at 5:05 p.m.

2. Adoption of Agenda

Moved/Seconded

THAT

- (1) Item 4aiii Information Report – Increased Waste Generated at Public Garbage Receptacles be added; and
- (2) Item 6 be modified to add (f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment under reasons for closing; and
- (3) THAT the agenda be adopted, as amended.

CARRIED



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3. **Public Participation**

A. Song Jing – 30 Kelvin Grove Way

Song Jing expressed her strong opposition to rezoning the lot at 35 Kelvin Grove Way.

B. William Jing – 30 Kelvin Grove Way

William Jing expressed his strong opposition to rezoning the lot at 35 Kelvin Grove Way. He noted that his family has experienced disturbances in their daily life due to branch cutting, which has exposed highway noise, light, and dust. He expressed that rezoning would ruin their quality of life and significantly lower value of home.

C. Cindy David, 20 Kelvin Grove Way

Cindy David expressed strong opposition for rezoning the lot at 35 Kelvin Grove Way. She noted that her driveway is short and steep and extra caution has to be taken due to traffic. She further noted that should the lot be rezoned, would significantly increase traffic and pose danger to the life of her family. She noted that rezoning would set a bad precedent for other vacant lands and questioned how Council would ensure the safety of her family.

D. Philip Marsh

Philip Marsh spoke in opposition to rezoning of the lot at 35 Kelvin Grove Way. He noted his past advocacy for secondary suites and coach housing. He noted that rezoning would be a massive departure from legacy, does not enhance affordability, and would be unsightly. He noted that upper Kelvin Grove residents are unanimously against rezoning and that rezoning has been fought before. He urged Council to have a sober second thought as they were under the impression that this was a done deal.

Mayor McLaughlin confirmed that rezoning was not a done deal.

E. George Liu – 30 Kelvin Grove Way

George Liu provided a timeline of his submitted correspondence and resident petitions to Council and noted that confirmation was not received. He noted that all homeowners feel blessed to live in single-family community and that they feel upset that no one got their feedback. He noted that it is wrong to rezone without consultation. He questioned what Council will do when other lots apply for rezoning and questioned the breakdown of cost of the lot.

Mayor McLaughlin requested that staff provide a response.

F. Richard David – 20 Kelvin Grove Way

Richard David noted that their impression of the July 28, 2020 motion from the regular Council meeting was that Council directed staff to go ahead with rezoning



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and to bring it back to Council at the September 22nd meeting. He expressed his opposition to the proposed rezoning, noting that 95% of Kelvin Grove Way residents registered their objections and presented opposition. He noted there was no discussion, consultation or consideration about what rezoning would mean for community. He noted that residents yet to receive a response to the issues raised, which are the implications of Bylaw 553 on rezoning process, details of all prior offers and why they did not complete, any ongoing and past discussions of potential buyers predicated upon a rezoning, basis on which rezoning does not include a precedence. He expressed that Council has done no due diligence and provided minimal notice to residents.

Audio 00:19:10

4. Reports

A. Staff

i) Public Works Manager (PWM): Request for Decision – 3 PRV Station Project Contract Award

PWM Jaffer presented the 3 PRV Station Project Contract Award report and recommendation and the basis by which the lowest bidder was chosen.

PWM Jaffer responded to questions from Council noting:

- Both of the top two bids were from contractors equally competent and on par in terms of abilities and qualifications - just pricing differential.
- Unit rates were required in case of change order
- Work will be completed for lump sum value if there are no change orders
- No contingency value is included. The Municipality assumes risk based on unit rates that are provided in case of extra work and costs.

Moved/Seconded

- (1) THAT Council award the 3 PRV Station Project to Industria Construction Corporation in the amount of \$735,687.52 plus GST; and
- (2) THAT Council authorize the Mayor and Corporate Officer to execute contract documents substantially in the form attached.

Moved/Seconded

THAT the motion on the floor be amended to add “to the Public Works Manager’s report dated August 25th titled ‘3 PRV Station Project Contract Award’” to item 2 of the motion.

CARRIED



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MAIN MOTION AS AMENDED

Moved/Seconded

- (1) THAT Council award the 3 PRV Station Project to Industria Construction Corporation in the amount of \$735,687.52 plus GST; and
- (2) THAT Council authorize the Mayor and Corporate Officer to execute contract documents substantially in the form attached to the Public Works Manager's report dated August 25th titled "3 PRV Station Project Contract Award".

CARRIED

Audio 00:31:30

ii) PWM: Information Report – Community Centre Complex Septic System Failure and Replacement

PWM Jaffer presented the Community Centre Complex Septic System Failure and Replacement report, noting that the CAO approved the contract to replace it due to the urgency of the matter.

Moved/Seconded

THAT the Information Report, Community Centre Complex Septic System Failure and Replacement, be received.

CARRIED

Discussion ensued on delegation authority to the CAO and the need for a delegation bylaw covering approvals during emergency situations, amongst other matters.

Audio 00:38:50

Councillor Fred Bain entered the meeting at 5:42p.m.

iii) PWM: Information Report – Increased Waste Generated at Public Garbage Receptacles

PWM Jaffer provided an overview of the waste mitigation at the public garbage receptacles noting that:

- increased cleaning of port-a-potty at trail head to twice per week
- added garbage can to Sunset trailhead
- In the past, the garbage consisted mainly of dog waste. Second can also becoming overflowed



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- more than usual amount of garbage being generated - checking cans 3 times/week and emptied as they are being checked
- noticing residential bags being placed in public receptable - created restrictive plates to limit size of garbage that can be placed in the cans.
- Ordered another can
- Cost of extra staff time to maintain garbage receptacles.

Council discussed approval for additional staff to empty the garbage receptacles on weekends.

Moved/Seconded

THAT the Information Report, presented at the September 1, 2020 Special Council meeting, "Increased Waste Generated At Public Garbage Receptacles" be received for information purposes; and

THAT Council support expenditure for extra staff time for increase in waste management.

CARRIED

Audio 00:51:15

Mayor McLaughlin requested that an item regarding waste management be published in an upcoming Village Update.

- B. Mayor - None
- C. Council - None
- D. Committees - None
- E. Emergency Services - None

5. Public Questions & Comments - None

6. Closed Council Meeting

Proposed topics for discussion in the absence of the public:

- A. Employee Relations Matter
- B. Disposition of Lands
- C. Confidential Tender Information

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*:



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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:

- c) labour relations or other employee relations;
- 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;
- f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment under reasons for closing
- 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](#);
- k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public;
- n) the consideration of whether a council meeting should be closed under a provision of this subsection or subsection (2).

CARRIED

The meeting was closed to the public at 6:05 p.m.

The meeting was re-opened to the public at TIME 7:33 p.m.

7. Reporting Out from Closed Portion of Meeting

Council received an offer on the lot at 35 Kelvin Grove Way and as such, Council has asked staff to stand down on investigating options for rezoning at this time.

8. Adjournment

Moved/Seconded

THAT the meeting be adjourned.

CARRIED

The meeting was adjourned at 7:34 p.m.

Mayor

Corporate Officer

Date Approved by Council:	September 22, 2020
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