



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

**REGULAR MEETING OF THE COUNCIL
OF THE VILLAGE OF LIONS BAY
HELD ON TUESDAY, OCTOBER 16, 2018 at 7:00 PM
COUNCIL CHAMBERS, 400 CENTRE ROAD, LIONS BAY**

MINUTES

In Attendance:

Council: Mayor Karl Buhr
Councillor Fred Bain
Councillor Norm Barmeier
Councillor Jim Hughes

Regrets: Councillor Ron McLaughlin

Staff: Chief Administrative Officer Peter DeJong
Chief Financial Officer Pamela Rooke
Office Coordinator Shawna Gilroy (Recorder)

Delegations: 0

Public: 12

1. Call to Order

Mayor Buhr called the meeting to order at 7:00 p.m.

2. Adoption of Agenda

Moved/Seconded

THAT item 8Aviii: Filming Application – New Resolution Productions Inc. be added; and
THAT item 8Ci: Verbal Report from Councillor Bain be added; and
THAT item 11B: Correspondence M. Broughton be added; and
THAT item 11C: Correspondence L. Peterson be added; and
THAT the agenda be adopted, as amended.

CARRIED

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

Moved/Seconded

THAT Council waive the maximum 10 minute time restriction to allow for up to 8 people to speak for 2 minutes each.

CARRIED

A. Carole Conlin

Ms. Conlin queried whether Mayor-elect McLaughlin will take his Oath of Office and abide by it and whether the Council members will see that the law, improvement and good government of the Village is carried out as per the *Local Government Act* and the *Community Charter* concerning Council matters and speak up. Due to a prior commitment, Ms. Conlin had to leave but left Council with materials which questioned the appropriateness of how a conflict of interest was handled at the October 2, 2018 Council meeting, particularly by Councillors Bain and McLaughlin. The conflict of interest related to Councillor McLaughlin and his personal relationship to Millenia Architecture. The materials also alleged a pecuniary conflict of interest due to Councillor McLaughlin's wife doing bookkeeping for Millenia [although that matter was investigated in 2014 and the opinion of esteemed legal counsel was that there was no pecuniary conflict of interest]. Ms. Conlin's material noted the 2014 issue with the Community Hall and the same architect which cost more than \$193,000 to design a building the residents could not afford nor approve borrowing for. She queried how much public money will the two Councillors and the architect cost the Village residents if Council fails to uphold the Oath of Office.

B. Dominic Main

Mr. Main introduced himself as part of the film production company who has applied to film in our area. He explained that they do this in a lot of neighbourhoods and understand that Lions Bay has a 100% polling policy, but that most municipalities work with a 90% polling policy. He advised that polling is a successful way of contacting neighbours and it allows them to speak with a homeowner and address any concerns residents may have. He noted that in his 15 years of experience he had never had a poll under 90% nor not addressed everyone's concerns.

C. John Price

Mr. Price, who also works with the film production company, advised Council that he was in the area today polling for the film project. He determined that they almost have full support; a few residents had expressed some concern which they are addressing, and only one resident was against it.

D. Jaime Cunliffe

Ms. Cunliffe expressed that film is a good opportunity for the Village, while managing the inconvenience that it may cause to some neighbours, but overall is a good opportunity for revenue into the Village. She also felt that a 100% polling policy is out of line from what is current. She noted that she lived in Gastown for years and there was filming all the time and people were always compensated for it. Ms. Cunliffe lives in

Kelvin Grove where the movie will be filmed, although is one street up and was not polled, but would have been in favour if she was.

E. James Mole

Mr. Mole James advised Council that he lives on Sweetwater and supports the filming. He believes there is one individual who does not support it and thinks he is adverse to anything happening outside of his house for the past several years and believes the film company should suggest compensating the gentleman by offering him a hotel for a week if he is not willing to listen to any noise whatsoever outside of his house. He expressed concern that the Village will be losing out on revenue for the sake of one person, which did not strike him as being in the best interest of the Village.

F. Michael Broughton

Mr. Broughton introduced himself as a former member of the Highway Advisory Group for the Sea to Sky highway upgrade. They worked very closely with the Ministry of Transportation and Infrastructure (MOTI) and spent thousands of hours negotiating for the citizens of Lions Bay, also having in mind visitors from all over the world. He referenced the October 5th Village Update regarding the potential highway speed increase from 60 km/h to 70 km/h through the Village. Mr. Broughton understood Council had received several emails with concerns from other residents with respect to this. He applauded Council for their creativity at looking at different solutions and supports innovative ideas, but had a number of concerns with the proposal. He noted there was a very clear understanding with MOTI that the 60 km/h speed limit was part of a very carefully negotiated sound mitigation strategy on which they spent hundreds of hours on the impact of sound. Mr. Broughton's concern was that since there is lot of data not yet considered, which has been provided to Council, and based on that information it is very important Council holds off on the 70 km/h increase, which could put the Village in some jeopardy because there is an obligation on MOTI to obtain sound levels to the best of their ability. If the Village initiates an increase to the speed limit, the residents who have been promised a sound level that is not achieved, the Village could be liable. If the Village initiates a speed increase, they are no longer obligated. He strongly encouraged that Council not support proceeding with the speed limit change and reiterated that he strongly supports Council initiative in trying to resolve the problem, just not in this way.

Mayor Buhr thanked Mr. Broughton for his time and efforts in working for the best interests of Lions Bay, but noted that the initiative to increase the speed limit has been Council policy for over a year and has been carefully studied by MOTI engineers. The Mayor noted that the fact of the matter is that no one is doing the speed limit and in fact, 85% of them are doing 90-100 km/h. The incremental change to 70 km/h is intended to try and get more people to drive at or close to the speed limit in an effort to reduce both noise and accidents.

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

None

Audio: 00:25

5. Review & Approval of Minutes of Prior Meetings

A. Special Council Meeting – June 9, 2015

Moved/Seconded

THAT the Special Council Meeting Minutes of June 9, 2015 be approved as circulated.

CARRIED

B. Regular Council Meeting – October 2, 2018

Moved/Seconded

THAT the Regular Council Meeting Minutes of October 2, 2018 be approved as circulated.

CARRIED

6. Business Arising from the Minutes

A. October 2, 2018 Regular Council Meeting Minutes

Item 8Ai from the previous meeting:

Councillor McLaughlin requested that the following statement be read into the record in his absence by CAO DeJong:

“At the last meeting of Council on October 2, 2018, I inadvertently failed to declare a conflict of interest with respect to the proposal from Millenia Architecture for various parking lot and street layout work, despite having previously dealt with a conflict regarding this firm due to my wife providing accounting services for the firm. I apologize for putting Council in an awkward position and will be sure not to let it happen again.”

CAO DeJong also apologized for failing to remember that there was an issue regarding Councillor McLaughlin and Millenia and that he should not have allowed Councillor McLaughlin to vote on the motion to rescind the improperly passed resolutions prior to recusing himself from any further discussion of the matter.

CAO DeJong went on to advise that Mayor Buhr may require, pursuant to section 131 of the Community Charter and section 35 of Procedure Bylaw No. 476, 2015, as amended, that Council (absent Councillor McLaughlin) reconsider and vote again on resolutions from the October 2, 2018 Regular Council Meeting.

Mayor Buhr then stated: “Pursuant to section 131 of the Community Charter and section 35 of Procedure Bylaw no. 476, 2015, as amended, I require that Council

reconsider and vote again on the following resolutions from the October 2, 2018 Regular Council meeting:

Firstly, Item 13, which the Corporate Officer says should not have been put to a vote with Councillor McLaughlin present.

In reconsideration of this matter I move:

THAT the resolutions at Item 8Ai of the October 2, 2018 meeting be rescinded.”

Seconded

UNANIMOUSLY OPPOSED

Secondly, Item 8Ai from the meeting of October 2, 2018. Mayor Buhr briefly reminded Council what the matter entailed and then continued.

“In reconsideration of this matter I move the following:

THAT the proposal of Millenia Architecture Corp dated August 30, 2018, be approved to be undertaken in the following order and subject to the following conditions:

- (a) CN Lot layout;
- (b) Sunset Lot layout;
- (c) Municipal Precinct layout up to but not including any survey work, pending cost estimates for such survey work and sufficient budget to proceed.

AND THAT the CAO be authorized to sign the accepted proposal on behalf of the Municipality.

Seconded

UNANIMOUSLY CARRIED

Audio: 00:36

7. Unfinished Business

A. Follow-Up Action Items from Previous Meetings

#	Meeting Date	Description of Action Item	Action
32	February 6, 2018	Mayor Buhr and CAO DeJong to work on a Terms of Reference for a Lions Bay Trail Maintenance Committee	In progress

56	July 3, 2018	G4: City of North Vancouver – Notice to Withdraw from the North Shore Bylaw Notice Dispute Adjudication Registry Agreement – CAO to follow up	In progress
58	September 4, 2018	R2: Kelvin Grove Parking – Liz Bell – Mayor Buhr to respond	In progress
59	September 4, 2018	R4: Gate at End of Lions Bay Avenue – Max Wyman – CAO DeJong to respond and to look into the situation regarding control over use of easement	In progress
60	October 2, 2018	CFO to email the grant funding breakdown for the ICIP – Community, Culture and Recreation Grant to Council.	Complete

Audio: 00:38

8. Reports

A. Staff

i. CAO: Traffic and Parking Layouts for CN Lot, Sunset Lot and Central Lions Bay

This item was discussed under item 6A.

Moved/Seconded

THAT the Traffic and Parking Layouts for CN Lot, Sunset Lot and Central Lions Bay report be received.

CARRIED

ii. CFO: RFD – MFA Equipment Financing

CFO Rooke briefed Council on the Public Works truck purchase details.

Moved/Seconded

THAT the Council of the Village of Lions Bay authorizes up to \$390,000 be borrowed, under Section 175 of the Community Charter, from the Municipal Finance Authority, for the purpose of purchasing five Public Works trucks; and

THAT the loan be repaid within five years, with no rights of renewal.

CARRIED

Audio: 00:40

iii. CFO: Information Report – Accounts Payable Cheque Listing

Council reviewed the Accounts Payable Cheque Listing and queried a few items.

Moved/Seconded

THAT the report “Accounts Payable Cheque Listing” be received for information purposes.

CARRIED

Audio: 00:45

iv. Office Coordinator: Howe Sound Marine Reference Guide

A motion was made by Council at the November 7, 2017 meeting combining two options requested by the Ocean Watch Task Force by rounding the amount up, however the formality was that Council choose either A or B, not both. Due to this, staff was unable to pay the dues and brought forward the options again so that Council could choose one or the other.

Moved/Seconded

THAT Council rescind the resolution passed on November 7, 2017 regarding the Howe Sound Marine Reference Guide.

CARRIED

Moved/Seconded

WHEREAS the Ocean Watch Task Force of the Howe Sound Community Forum, of which Lions Bay is a member, has recommended that Forum members endorse preparation of a Howe Sound Marine Reference Guide (“Guide”), and that its local government members contribute an aggregate \$20,000 per year for three years to its production;

NOW THEREFORE the Council of the Village of Lions Bay resolves to support such recommendation and to make a proportional contribution to the Howe Sound Marine Reference Guide as outlined in Scenario A: \$631.76 per year for three years.

CARRIED

Audio: 00:52

The on table filming application was moved to be discussed after item 8Aiv.

Audio: 01:43

v. CAO: Verbal Update on the Status of the Removal of the Magnesia Creek Infiltration Gallery

CAO DeJong advised that the protected galvanized steel screen was removed as well as the fill material and large black HDPE infiltration pipe. The old screen would need to be

properly mounted and a handrail reinstalled. He noted that expected completion would be Wednesday.

Moved/Seconded

THAT Council receive and approve the CAO's verbal update on the nature of the removal of the Magnesia Creek Infiltration Gallery.

CARRIED

Audio: 01:45

vi. CAO: Verbal Update re. Parking Signage, CN Parking Lot, and Lions Bay Beach Park

CAO DeJong updated Council on the following items:

- Parking Signage – staff is awaiting an order of “Permit Required” signs without the May-Sep text for installation because we have run out.
- CN Parking Lot – the backhoe is out of commission for two weeks while the digging boom and hydraulics are repaired. Our current schedule is presently taken up by removal of the infiltration gallery and the annual pump out of the waste water treatment plant and the preparation of Council Chambers, and the installation of a developer driven water service at 61 Brunswick Beach.
- Lions Bay Beach Park – the shower pad has been formed and poured and is sufficiently secured to install the shower this week. The fence repairs are 90% complete, painting will commence in the spring and the handrails are being fabricated.
- CN parking lot – the drainage that was designed has been signed off by the engineer but work is on hold pending resolution of our lease agreement.
- 35 Kelvin Grove lot – water service was installed, sanitary and storm services to be installed by the end of the week.

Moved/Seconded

THAT the verbal update regarding Parking Signage, CN Parking Lot and Lions Bay Beach Park be received.

CARRIED

Audio: 01:58

vii. CAO: RFD – Rural Dividend Program Lobbying

Moved/Seconded

THAT staff prepare a letter to the Minister of Forests, Lands and Natural Resource Operations from the Mayor indicating reasons why the Village of Lions Bay should be eligible for the Rural Dividend Program, and other programs based on rural and/or small populations.

CARRIED

viii. Filming Application – New Resolutions Productions Inc.

This item was discussed after item 8Aiv.

Due to the outdated Filming Policy No. 0903 which currently requires a 100% polling result, Council discussed the on table Film Application at length. It resulted in approval of the application by way of amending the policy (for this application only until the Policy itself can be reconsidered in due course) from 100% to 90% polling and raised the fees from \$300 per day to \$1,200 per day. They also advised that the film crew poll Periwinkle and the top portion of Kelvin Grove, which would double the amount of polling they had been instructed to do.

Moved/Seconded

1. THAT, in respect only of the film application for “A Midnight Kiss”, the polling support requirement in Lions Bay Filming Policy No. 0903 be amended from 100% to 90%, with lack of objection constituting “support” after five or more reasonable attempts to poll each of the residences on Tidewater Way, Sweetwater Place and Periwinkle Place, as well as the residences on the lower portion of Kelvin Grove Way from 10 Kelvin Grove Way to 165 Kelvin Grove Way;
2. THAT the film permit application for “A Midnight Kiss” be approved, including relaxations of relevant portions of Noise Bylaw No. 283, 1998, subject to no more than 10% of the affected residences polled as listed above being opposed;
3. THAT, in respect only of the film application for “A Midnight Kiss”, the fee schedule in the Filming Policy be amended to \$1,200 per day;
4. THAT fire apparatus access in the Tidewater Way cul-de-sac be provided for in accordance with the approval of the Fire Chief; and
5. THAT the CAO be authorized to sign the filming permit and any other incidental documentation related to the film application for “A Midnight Kiss”.

CARRIED

B. Mayor

None

Audio: 02:01

C. Council

i. Verbal Report from Councillor Bain

Councillor Bain read aloud the following comments:

“Karl, this evening is your last scheduled official meeting as Mayor, as you well know. We would be remiss if we did not take a minute to say to you what we think. Ron was unable to attend this meeting, and as he and I served the full four years with you, we have collaborated on this short note.

Ron wrote recently to you: ‘There have been some glitches along the way but boy did you pull the sled with strength and leadership. Thank you. I have not met a more selfless and determined person whose mantra was all about making Lions Bay better and spent every waking, and sometimes sleeping, hours doing so’. I concur.

You brought a personal skill level second to none. Your energy and drive is infectious and unstoppable. On behalf of your colleagues and our residents, we thank you. We know the term has come at a great personal expense to you (in frustration) but know that your efforts are extremely appreciated.

-Ron and Fred”

Moved/Seconded

THAT the verbal report from Councillor Bain be received.

CARRIED

D. Committees

None

E. Emergency Services

None

9. Resolutions

None

10. Bylaws

A. 35 Kelvin Grove Way Delegation Bylaw No. 553, 2018

Moved/Seconded

THAT 35 Kelvin Grove Way Delegation Bylaw No. 553, 2018 be introduced and read a first, second and third time.

CARRIED

Audio: 02:05

11. Correspondence

A. List of Correspondence to October 11, 2018

Moved/Seconded

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

- G1: Community, Culture and Recreation Funding Stream – no response
- G2: Foster Family Month – no response
- G3: Non-Medical Cannabis – no response
- R1: Highway Speed – Brenda Broughton – received and responded to, no further response

CARRIED

The highway speed correspondence in items 11A, B and C were discussed together.

CAO DeJong indicated that he had previously reviewed many years of HAG Committee minutes and noted that there had been many successes in lobbying and getting the Province and its contractors to make improvements for the sake of residents and the Village of Lions Bay. He noted that the Municipality is not a party to the Concessionaire Agreement between the Province and its contractors and, from an email by one of the residents, it appeared that the Province had provided a flat rate of compensation to some residents, particularly along Panorama, which was wholly inadequate to address or mitigate the effects of highway noise from the expanded highway. He indicated that he had not seen nor heard of any contractual agreement between MOTI and the Village of Lions Bay in terms of highway speed. He reiterated that the highway is not the Municipality's jurisdiction and that we should be under no liability in terms of decisions that are made within the jurisdiction of the Province.

B. Correspondence M. Broughton – On Table

This item was discussed in item 11A.

C. Correspondence L. Peterson – On Table

This item was discussed in item 11A.

12. New Business

None

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

Neville Abbott

Mr. Abbott mentioned to Council that the cannabis discussion was on the news which he happened to catch a bit of, and that it sounded like rules can be applied to each municipality with respect to whether they want cannabis to be smoked within their jurisdiction or not, and that it should be looked into for Lions Bay. He also queried if it was the municipality who did the work on Magnesia Creek. Lastly, Mr. Abbott discussed Ms. Conlin's public participation at the beginning of the meeting which was directed at Council regarding their Oath of Office, and whether a response would be sent to her in terms of the discussion Council had after she left. CAO DeJong indicated he would look into the regulation of where one can smoke cannabis; he also replied that Public Works staff had done the work in Magnesia Creek to remove the Infiltration Gallery as the quote for a contractor to do it was too high; CAO DeJong will also respond to Ms. Conlin.

14. Closed Council Meeting

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:

- 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;
- 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;

CARRIED

The meeting was closed to the public at 9:35 p.m.

The meeting was re-opened to the public at 9:53 p.m.

15. Reporting Out From Closed Portion of Meeting

Council approved the award of a Real Estate listing agreement for the new parcel at 35 Kelvin Grove Way to Kim Taylor, of Royal LePage Sussex Realty, and that the CAO be authorized to execute the contract on behalf of the municipality at a list price of \$980,000.

Council also rescinded a resolution which had become moot, instructing the Mayor to write a letter to the Government of Canada and the Province of BC relating to the CWWF grant funding for the Harvey Water Tank Project.

16. Adjournment

Moved/Seconded

THAT the meeting be adjourned.

CARRIED

The meeting was adjourned at 9:54 p.m.

Mayor

Corporate Officer

Date Approved by Council:	November 20, 2018
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