



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

**REGULAR MEETING OF THE COUNCIL
OF THE VILLAGE OF LIONS BAY
HELD ON TUESDAY, APRIL 2, 2019 at 7:00 PM
COUNCIL CHAMBERS, 400 CENTRE ROAD, LIONS BAY**

MINUTES

In Attendance:

Council: Mayor Ron McLaughlin
Councillor Neville Abbott
Councillor Fred Bain
Councillor Jaime Cunliffe

Regrets: Councillor Norm Barmeier

Staff: Chief Administrative Officer Peter DeJong
Chief Financial Officer Pamela Rooke
Public Works Manager Nai Jaffer
Recording Secretary Carol Lee

Delegations: 0

Public: 1

1. Call to Order

Mayor McLaughlin called the meeting to order at 7:06 p.m.

2. Adoption of Agenda

Moved/Seconded

THAT Item 8Bi – Events Committee Update be added; and
THAT Item 8Bii – Village Update Rotation be added; and
THAT Item 8Cv – Howe Sound Community Forum be added; and
THAT the agenda be adopted, as amended.

CARRIED

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

A. Jim Cave

Mr. Cave expressed opposition to the proposed Metro Vancouver Bylaw to Restrict Wood Burning Appliances (proposed Metro Vancouver bylaw). He noted that Lions Bay residents have few alternate fuel sources to heat their homes. Mr. Cave advised that

when the wood burning appliance is properly installed and operating correctly, there is no visible smoke emitted. The proposed Metro Vancouver bylaw to prohibit Village residents from using a renewable resource to heat their homes is punitive.

Mr. Cave noted his expectation that, in the future, there will be an onus on the resident to engage a technician to certify that the wood burning appliance complies with emission standards. Therefore, there is also a potential future cost implication to the proposed Metro Vancouver bylaw.

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

None

5. Review & Approval of Minutes of Prior Meetings

A. Special Council Meeting – March 12, 2019

Moved/Seconded

THAT the Special Council Meeting Minutes of March 12, 2019 be approved as circulated.

CARRIED

B. Regular Council Meeting – March 19, 2019

Moved/Seconded

THAT the Regular Council Meeting Minutes of March 19, 2019 be approved as circulated.

CARRIED

6. Business Arising from the Minutes

A. March 19, 2019 Regular Council

- Item 8Ai – CAO DeJong reported that the wording on the type of projects that would be funded through the segregated infrastructure reserve would not be provided at the meeting.
- Item 9 – Mayor McLaughlin requested that the drafting of the letter to the Chair and Board of Metro Vancouver seeking support for Lions Bay’s request to be considered eligible for the Rural Dividend Program be moved to unfinished business.

7. Unfinished Business

A. Follow-Up Action Items from Previous Meetings

#	Meeting Date	Description of Action Item	Person Responsible
76	March 19, 2019	Staff to consider the creation of a policy for the Infrastructure Committee and report back to Council.	CAO DeJong
77	March 19, 2019	G1: Legislative Assembly of BC – CAO DeJong to respond advising that accessibility standards will be investigated when the	CAO DeJong

		Building Bylaw is reviewed	
78	March 19, 2019	R1: Don Shaw – Train Whistle – CAO DeJong to respond advising that whistling cessation applications are very involved and require costly processes which the Municipality is not presently in a position to pursue.	CAO DeJong
79	March 19, 2019	R2: George Liu – Climate Change – Mayor to respond re: outcome of March 19 discussion.	[strike]
80	March 19, 2019	R3: Jon Povill – Recovering Climate Change Delegation – Mayor to respond re: outcome of March 19 discussion.	[strike]
81	March 19, 2019	R3: Gordon Cornwall – Recovering Climate Change Delegation – Mayor to respond re: outcome of March 19 discussion.	[strike]

8. Reports

A. Staff

i. CFO: Draft 2019–2023 Five Year Financial Plan

CFO Rooke reviewed the draft 2019–2023 Five Year Financial Plan (Plan) which is required under the *Community Charter*. The Plan draws from the 2019 provisional budget and extrapolates revenues and expenses for the five year period based on the assumptions listed in the report.

Capital expenditures include all of the projects outlined in the Infrastructure Master Plan Loan Authorization Bylaw (Loan Authorization Bylaw) and assumes all projects will be undertaken in the next five years with the costs offset by grant revenue and Municipal Financing Authority (MFA) borrowing. The Loan Authorization Bylaw expires in 2021, subject to the adoption of a Temporary Borrowing Bylaw.

Councillor Abbott commented that he is uncomfortable proceeding with a 10% infrastructure levy without a clear definition of “infrastructure” and greater public participation.

Staff provided clarification that infrastructure is considered a tangible capital asset (TCA) or item included in the asset management plan. The use of infrastructure levies and reserves are becoming increasingly common by local governments, with all expenditures from such capital reserves requiring council approval.

Councillor Abbott recommended that the infrastructure reserve expenditures be limited to those items included in the Infrastructure Master Plan (IMP) and expressed concern that, in the future, the infrastructure reserve could be used for non-critical issues. The CAO noted that the IMP was limited in scope and does not include anything more than a

cursory review of drainage. It also doesn't include any of our other significant assets, such as the Municipal complex, the Klatt Building or the Public Works Yard. He also noted that current Council cannot bind the decisions of future councils.

With respect to the concern regarding the need for greater public participation, it was noted that the proposal to incorporate a 10% infrastructure levy in the 2019 budget has been included in two editions of the Village Update. There has been virtually no feedback received in response on the Village Update articles; residents have not expressed disagreement with the proposed infrastructure levy to the Mayor and/or Councillors; and no delegations or speakers have registered to provide input at the Council meeting on the 2019 budget.

Councillor Abbott provided an on-table item titled "Core Values for the Practice of Public Participation". CAO DeJong distributed an on-table document titled "3 Pillars for Effective Public Participation" (which includes the Core Values) and noted that there is always a spectrum of appropriate public participation depending upon the topic and the circumstances.

Councillor Abbott proposed a three-step public participation process:

- A flyer seeking input on the financial health of the Village to be delivered to all households by April 12, 2019
- Some questions could be included, a referendum or survey not to be undertaken
- Discuss and review at Council meeting on May 7, 2019, prior to adoption of the 2019–2023 Five Year Financial Plan Bylaw
- If required, a Special Council Meeting could be held before or after May 7

It was suggested that the time required to embark on a substantially different consultation process had passed. It was recommended that the budget process be reviewed in due course to determine if process improvements can be made for the 2020 budget and 2020 –2024 Five Year Financial Plan processes.

CFO Rooke provided the following information in response to questions from Council:

- The non-cash amortization expense has no financial impact
- The change in the anticipated land sale net revenue from 2018 to 2019 is due to market conditions
- Funding for the sewer study and replacement of the water plant damaged disk will be provided from the sewer surplus
- The breakdown of total capital expenditures by Water, Sewer and General Fund

Moved/Seconded

THAT Council receive the report "Draft 2019–2023 Five Year Financial Plan" for information purposes.

CARRIED

ii. CAO: CN Lease re: Lions Bay Beach Parking Lot

CAO DeJong presented the report on the CN Lease for the Lions Bay Beach Parking Lot that was provided with the agenda material. The Village is awaiting confirmation from CN regarding amendments to the conditions attached to the Municipality's liability insurance policy with the MIABC. CN has already agreed to reduction of the requirement for environmental liability insurance from \$10 million to \$2 million as a result of an environment baseline assessment obtained by the Municipality.

In response to a question from Council, Public Works Manager Jaffer advised that it is anticipated that the paving will be completed prior to May 18, 2019.

Moved/Seconded

- (1) THAT the lease between the Canadian National Railway Company and the Village of Lions Bay dated May 1, 2018, (the "2019–2023 CN Lease") be approved in substantially the form attached; and
- (2) THAT the Mayor and the Chief Administrative Officer be authorized to execute the 2019-2023 CN Lease, subject to any minor amendments regarding insurance terms to be agreed as between CN and the Municipality.

CARRIED

iii. Office Coordinator: Resident Survey Results – Proposed Metro Vancouver Bylaw to Restrict Wood Burning Appliances; and

8Ci Councillor Abbott: Request for Decision – Proposed Metro Vancouver Bylaw to Restrict Wood Burning Appliance

Councillor Abbott reviewed the survey results presented in the document titled "Review of Metro's proposed bylaw to limit use of residential wood burning" that was provided on table.

Councillor Abbott proposed the following action items for Council or staff:

- Write to Metro Vancouver requesting exemption be granted along with others who are outside the Urban Containment Boundary (UCB), including a copy of the survey and summary of results
- Investigate the option of falling outside the UCB to avoid future bylaws intended for larger or densely populated municipalities to align with Bowen Island, Anmore, Belcarra, etc. (CAO will follow up with Metro for further information re. the UCB when corresponding re. support for the Rural Dividend Fund)
 - It was agreed to include this action in unfinished business
- Follow up regarding resident questions about being part of Metro Vancouver. Staff to produce a high-level cost benefit analysis and review of options for Council discussion:
 - It was agreed that this proposed action would be considered during the next strategic planning session

- Review and revise building bylaw to ensure new installations of wood burning appliances are in line with the proposed Metro Vancouver Bylaw:
 - CAO DeJong will include this action during the review of the Building Bylaw
- Educate residents (repeat annually in October) through website and follow-up Village Updates regarding what to burn, how to cure wood, etc.:
 - It was agreed to include an article in one of the October 2019 editions of the Village Update
- Contact BC Hydro to explore possibilities of being excluded from second tier hydro for heating purposes where gas is unavailable. Also, investigate if this program could be linked to other energy options such as solar power:
 - Councillor Abbott agreed to obtain details from the resident who has this arrangement in place.

Moved/Seconded

THAT the Information Report, “Resident Survey: Proposed Metro Vancouver Bylaw to Restrict Wood Burning Appliances” and “Review of Metro’s proposed bylaw to limit use of residential wood burning” be received.

CARRIED

Moved/Seconded

THAT a letter be written to Metro requesting an exemption be granted to the Village of Lions Bay, along with others who are outside the Urban Containment Boundary, including a copy of the local survey and summary of results.

CARRIED

B. Mayor

i. Events Committee Update

Mayor McLaughlin reported that the Events Committee is organizing a gala event at a private residence on June 22, 2019 to raise funds for the Lions Bay Beach Park.

Mayor McLaughlin requested that CFO Rooke provide information on the issuance of tax receipts for Events Committee’s gala event.

ii. Village Update Rotation

Council agreed to the following rotation for the preparation of articles for the Village Update:

- April 5 – Councillor Cunliffe
- April 12 – Mayor McLaughlin
- April 19 – no articles
- April 26 – Councillor Abbott
- May 3 – Councillor Barmeier
- May 10 – unassigned
- May 17 – Councillor Cunliffe.

It was suggested that Councillors be invited to review how their articles appear in the printed version of the Village Update before publication. CAO DeJong will speak to staff regarding the practical implications of implementing this suggestion.

C. Council

i. Councillor Abbott: Request for Decision – Proposed
Metro Vancouver Bylaw to Restrict Wood Burning Appliance

This item was discussed under Item 8Aiii.

ii. Councillor Abbott – Citizen of the Year/Citizen of Distinction

CAO DeJong advised of the process utilized previously for selecting the Citizen of the Year and Citizen of Distinction. Councillor Abbott suggested that a call for nominations for the Citizen of the Year and Citizen of Distinction be issued, along with the criteria for each award. The CAO indicated that staff will work on putting something together.

iii. Councillor Cunliffe/Abbott – Canada Day Update

Councillor Cunliffe reported that the Arts Council has not responded to the request that it assume responsibility for planning the children’s portion of the Canada Day celebration. Mayor McLaughlin undertook to speak further with the Events Committee planning for the celebration when meeting with them next week.

iv. Councillor Cunliffe – Volunteer Week

Councillor Cunliffe provided an update on arrangements for Volunteer Week and the celebration planned for the Lions Bay Beach Park on April 11th at 5 pm.

v. Councillor Bain – Howe Sound Community Forum

Councillor Bain noted that Howe Sound Community Forum will be meeting on April 26, 2019 on Gambier Island and Councillors are welcome to attend.

D. Committees

None

E. Emergency Services

None

9. Resolutions

None

10. Bylaws

A. 2019-2023 Five Year Financial Plan Bylaw No. 560, 2019 –
First and Second Reading

Moved/Seconded

THAT the 2019-2023 Five Year Financial Plan Bylaw No. 560, 2019 be read a first time.

CARRIED
OPPOSED: CLR. ABBOTT

Moved/Seconded

THAT the 2019-2023 Five Year Financial Plan Bylaw No. 560, 2019 be read a second time.

CARRIED
OPPOSED: CLR. ABBOTT

11. Correspondence

A. List of Correspondence to March 28, 2019

Moved/Seconded

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

- G1: City of Victoria Resolutions – No response
- G2: Property Assessment and Taxation Systems – Received; no response
- G3: Request for Local Government to Support C.O.R.E.Y. – No response
- R1: Anthony Tobin and Andrew Wilton – Forest Fires – Councillor Bain to respond by advising that sites that pose a risk for interface fires can be reported to the Village and that steps will be taken to raise public awareness of Firesmart practices as summer approaches
- R2: Jon Ponvill – Port Moody PACE Program – Mayor McLaughlin to respond to advise that the Village will await a decision from the Federation of Canadian Municipalities (FCM) on program funding to support this initiative
- R3: Gordon Cornwall – Recovering Climate Costs Delegation (Response from Mayor) – No further response
- R4: Kambiz Azordegan – Lower Kelvin Grove Issues – Mayor McLaughlin to respond

At 10:00 pm the meeting was extended until 11:00 pm.

Moved/Seconded

THAT the meeting be extended until 11:00 pm.

CARRIED

- R5: McLaughlin & Doherty – Volunteer Week – Mayor McLaughlin to respond to Mr. Doherty
- R6: David Waller – Woodburning Appliances, Revenue and Capital Expenses for Lions Bay – Received
- R7: Ian and Danielle Mackie – Metro Wood Smoke Ban – Received
- R8: Stefanie Reuter – Proposed Wood Burning Restrictions – Received
- R9: Vivienne O’Keeffe – Proposed Metro Vancouver Bylaw – Received
- R10: Marcus Reuter – Proposed Wood Burning Ban – Received

- R11: Rod Baker – Wood Burning – Received
- R12: Jim Cave – Wood Burning Fireplaces in the GVRD – Received
- R13: Robert Dickinson - Enough Already – Received
- R14: Marek Sredzki – Metro Vancouver Bylaw to Restrict the Use of Wood-burning Appliances – Received
- R15: Carole and Mark Bajus - Wood Burning – Received
- R16: Jo Wright – Fireplace Ban and Heat Pumps – Received
- R17: Montgomery Family – Fireplaces – Received
- R18: Jaime Cunliffe - Opt Out Please – Received
- R19: Jon Povill - Wood Burning Ban Input – Received
- R20: Ruth Simons - Wood Burning Bylaw – Received
- R21: Jerry Blackwell - Proposed Bylaw Feedback – Received
- R22: Werner Nolte - Wood Burning Appliances – Received
- R23: Jennifer Monroe - Wood Burning Appliances – Received
- R24: Janet and Keith Cozens - Wood Burning Survey – Received
- R25: John Phillips - Proposed Bylaw to Restrict Use of Wood Burning Appliances – Received
- R26: Tina Schneider - Do NOT Restrict the Use of Wood-burning Appliances – Received
- R27: Elke Schneider - Proposed Bylaw to Restrict Wood Burning Appliances – Received
- R28: Jim Cannell - Wood Burning Appliances – Received
- R29: Jan Erik Schneider - Stop Fireplace Ban, Request to Leave Metro Vancouver – Received

CARRIED

12. New Business

None

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

None

14. Closed Council Meeting

Proposed topics for discussion in the absence of the public:

- A. Sale of 52 Brunswick Beach Road and Sale of 35 Kelvin Grove Way
- B. Personnel – Labour Relations

A. Sale of 52 Brunswick Beach Road and Sale of 35 Kelvin Grove Way

Moved/Seconded

THAT Council considers the disclosure of information in respect of the sale of 52 Brunswick Beach Road and sale of 35 Kelvin Grove Way could reasonably be expected to harm the interests of the municipality.

CARRIED

B. Motion to Close 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:

- (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
- (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;
- (n) the consideration of whether a council meeting should be closed under a provision of this subsection or subsection (2).

CARRIED

Mayor McLaughlin advised that Council does not anticipate reconvening the open meeting for any purpose other than to adjourn the meeting generally.

The meeting was closed to the public at 10:09 p.m.

The meeting was reopened to the public at 11:07 p.m.

15. Reporting Out from Closed Portion of Meeting

It was reported that the sale of 52 Brunswick Beach Road closed on April 1, 2019.

16. Adjournment

Moved/Seconded

THAT the meeting be adjourned.

CARRIED

The meeting was adjourned at 11:08 pm.

Mayor

Corporate Officer

Date Approved by Council:

April 16, 2019