



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

**REGULAR MEETING OF THE COUNCIL
OF THE VILLAGE OF LIONS BAY
HELD ON TUESDAY, SEPTEMBER 17, 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 Norm Barmeier
Councillor Jaime Cunliffe

Staff: Chief Administrative Officer Peter DeJong
Chief Financial Officer Pamela Rooke
Public Works Manager Nai Jaffer
Office Coordinator Shawna Gilroy (Recorder)
Deputy Emergency Planning Coordinator Robert Whitney

Delegations: 1
Public: 9

1. Call to Order

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

2. Adoption of Agenda

Moved/Seconded

THAT item 8Av: CAO: ICIP Update (Verbal) be added; and

THAT item 8Avi: PWM – Kelvin Grove WWTP Update (Verbal) be added; and

THAT item 8Avii: PWM – Harvey Tank Update (Verbal) be added; and

THAT item 8Dii: CAO – Amended Resolution be added; and

THAT item 8Diii: Recommendation from the Infrastructure Committee be added; and

THAT item 9C: Relaxation of Noise Bylaw be added; and

THAT item 9D: Annual Firefighters Day Fundraising Event be added; and

THAT an additional proposed topic for closing the meeting be added under item 14B:
Acquisition of Improvements; and

THAT section 90(1)(e) be added as an additional ground for closing the meeting and

THAT the agenda be adopted, as amended.

CARRIED

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

None

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

A. Development of a View Bylaw – Brenda Broughton, David Shore, Arash Iranshahi and Marek Szredski

Ms. Broughton opened the presentation explaining why maintaining the views of Howe Sound is important in Lions Bay due to their value to the community members as well as to the value of their homes. Mr. Shore spoke next about the complexity of living on a mountainside surrounded by forest and that the growth of the trees is rapid. He further explained that the community is positively impacted by the removal of trees as they create views, sunlight and safety. Mr. Iranshahi then explained the proposed bylaw and committee in detail. Mr. Szredski was last to present but the group had reached their maximum time allowance before he was able so he provided a handout.

Council and staff asked a number of questions to the group about the proposed bylaw and Mayor McLaughlin confirmed the proposal will be discussed at the strategic planning and priorities session in the fall.

Audio: 00:44

5. Review & Approval of Minutes of Prior Meetings

A. Regular Council Meeting – July 16, 2019

Moved/Seconded

THAT the Regular Council Meeting Minutes of July 16, 2019 be approved as circulated.

CARRIED

6. Business Arising from the Minutes

None

7. Unfinished Business

A. Follow-Up Action Items from Previous Meetings

#	Meeting Date	Description of Action Item	Action
83	April 2, 2019	Item 8Aiii: Investigate option of falling outside the UCB to avoid future bylaws intended for larger municipalities	Add to strategic planning session with Item 100.
95	March 19, 2019	EV Charging Station – staff to find a location in the Village for the station	Completed – staff has come up with 3 potential locations for an EV charging station (Municipal Hall, the kiosk on other side of Harvey Creek bridge, and at the Park & Ride) IC reviewing TOR

97	July 2, 2019	Mayor McLaughlin to sign letter of support re: Biosphere Initiative Program	Completed
98	July 2, 2019	R1: Anne Crosthwait – Newcomers Event – Councillor Cunliffe to remind Council of this event closer to the date (September 26)	Completed
100	July 16, 2019	G5: Councillor Abbott to provide CAO DeJong with a suggested response to Ministry re. Rural Dividend Program	Add to strategic planning session with Item 83.
101	July 16, 2019	R1: Nattalia Hadden – Kelvin Grove Beach – PWM Jaffer to respond that funding Kelvin Grove log removals will be discussed during the 2020 budget process	Completed
102	July 16, 2019	R5: Ian Mackie – Code of Conduct – CAO DeJong to respond	Completed
103	July 16, 2019	R6: Farrah Azordegan – Filming – Mayor McLaughlin to respond	Completed

B. Direction Request – Filming in Lions Bay

This item was brought forward to the July 16th meeting and Council was to provide feedback to CAO DeJong before the September meeting. No feedback was provided prior to the meeting but Council reviewed the policy and made comments at the meeting. Three themes of feedback were provided by various members of Council during the meeting as follows:

- It was asked that the fee structure be increased to reflect the required staff time and facilities;
- It was suggested that delegation of authority should be restricted to allow Council to maintain a role in the approval process; and
- It was confirmed that public consultation proceed shortly after the draft filming policy has been developed and considered by Council.

Mayor McLaughlin and Councillor Abbott provided their handwritten notes to staff for consideration.

Moved/Seconded

THAT staff utilize the comments and notes provided by Council to draft a new filming policy for review.

CARRIED

Audio: 01:21

8. Reports

A. Staff

i. CAO: Request for Decision – Filming Application for “Lady Death”

CAO DeJong outlined the proposed filming application to take place October 10-13. He explained that 10 trucks, including a generator, would be set up at the Kelvin Grove Parking lot on the 10th and filming to commence that evening, wrapping up in the early hours of October 13; overflow vehicles will be parked at Sunset Marina. He mentioned there would be a couple of days beforehand where small crews will be on private property at 185 Tidewater which would have no effect on the neighbours. The results of the neighbourhood polling were discussed, noting that, at most, 3 neighbours were opposed, bringing the polling results in under 10% opposition, if Council adopts that threshold for this application.

Moved/Seconded

(1) THAT the film permit application for “Lady Death” be approved, subject to the following conditions:

- (a) Polling – all residences on Tidewater Way and those affected on Sweetwater and Periwinkle Place to be polled by the applicant, with no more than 10% of residences objecting – impacted residents to be offered reasonable alternative accommodation and/or compensation;
- (b) Parking – parking in the Kelvin Grove lot to be limited to approximately 10 work trucks including a generator, all to be stationed as far back in the lot as possible, with an allowance of at least 8 parking stalls near the entrance to the lot remaining available for residents and the public (additional generator to be stationed as close to 185 Tidewater as possible with efforts to be made to muffle the noise from both generators – no parking on the Tidewater Way cul-de-sac);
- (c) Hours – to be in accordance with the schedule provided by the applicant in their polling letter;
- (d) Noise – exemption from Noise Control Bylaw No. 283, 1998, subject to all steps necessary being taken to minimize noise and disturbance to residents during both daytime and nighttime hours;
- (e) LBFR - access to all fire hydrants on Tidewater Way be kept free and clear for fire apparatus;
- (f) Fees – To be set at \$1200/day for the daily filming fee; parking fees to be in accordance with the fees under the current policy.

(2) THAT the CAO be authorized to sign any filming permit or other incidental documentation.

CARRIED

Audio: 01:36

ii. DEPC: Updates to the Village of Lions Bay Emergency Program

Deputy Emergency Program Coordinator, Robert Whitney, presented a PowerPoint slideshow to Council on the status of the Lions Bay Emergency Program. He reviewed the many gaps in our current emergency program, what the Municipality is required to do in order to be statutorily compliant with regulations, what our next steps are such as upcoming staff EOC training, proactive communications to strengthen strategic partnerships with neighbouring communities and resources, further communication to residents regarding the LB Alert system and launching educational public meetings. Council advised they would like the DEPC to meet with the three existing emergency volunteer teams, Lions Bay Fire Rescue, Lions Bay Search and Rescue and Lions Bay ESS, separately before moving forward with the creation of the Lions Bay Emergency Team (LBET) and before prioritizing the strategic objectives outlined in the recommendation below. Both items were deferred until individual meetings have been held.

Moved/Seconded

(1) THAT the Report, “Current State of the Village of Lions Bay Emergency Program”, including the State of the Emergency Program PowerPoint presentation, be received.

CARRIED

Moved/Seconded

(2) THAT Council adopt the following strategic objectives to help prioritize the steps necessary to developing an effective functioning Emergency Program as required by legislation:

- (a). Ensure Statutory Compliance (in progress)
- (b). Update and streamline the Emergency Program Bylaw
- (c). Develop a fully functioning EOC
- (d). Improve disaster risk reduction
- (e). Increase community-based response capacity
- (f). Promote organizational readiness and business continuity
- (g). Strengthen our strategic partnerships
- (h). Engage with existing volunteer groups

AMENDED MOTION:

Moved/Seconded

THAT item 2 be deferred until the DEPC has met one on one with the three existing volunteer groups, LBFR, LBSAR and ESS.

CARRIED

Moved/Seconded

(3) THAT the proposal to create a Lions Bay Emergency Team (LBET) be approved and that staff be directed to put out a call for volunteer members.

CARRIED

AMENDED MOTION:

Moved/Seconded

THAT the resolution just passed under item 3 be reconsidered.

CARRIED

Moved/Seconded

THAT item 3 be reintroduced to Council after meeting with the key representatives, LBFR, LBSAR and ESS.

CARRIED

Moved/Seconded

(4) THAT the Deputy Emergency Program Coordinator convene a meeting of the Emergency Program Committee in the form it is intended to be constituted under Emergency Program Bylaw No. 566, 2019, after first meeting with the key representatives of LBFR, LBSAR and ESS.

CARRIED

Moved/Seconded

(5) THAT Emergency Program Bylaw No. 566, 2019 be introduced and read a first and second time.

CARRIED

At 9:54 pm the meeting was extended.

Moved/Seconded

THAT the meeting be extended until 11:30 pm.

CARRIED

DEPC, Robert Whitney, left the meeting at 9:57 pm.

Audio: 02:57

iii. CAO: Electronic Communications Policy Amendments

CAO DeJong explained that the Communications Policy amendments are simply to clarify and reinforce the restrictions on conducting Council and/or Committee business via email. Council opted not to amend the policy and felt that the Council and Committee members that needed to be informed that business discussions should be had during meetings and not over email had already been communicated to and therefore an amendment to the policy was unnecessary.

Moved

THAT the proposed amendments in the tracked changes draft dated September 17, 2019 be adopted.

NO SECONDER – MOTION FAILED

iv. CFO: Proposed Closure of Office on December 27, 2019

Moved/Seconded

THAT Council approve the closure of the Village Office on Friday, December 27, 2019.

CARRIED

Audio: 03:09

v. CAO: ICIP Update (Verbal)

CAO DeJong advised Council that unfortunately we did not receive the ICIP - Environmental Quality grant funding that was applied for to fund primarily the Bayview PRV and Mountain Control Valve that was taken out of the original CWWF project for the Harvey Tank. He noted the Harvey Tank Project is nearing completion and that we will have funds left over. The Province has agreed we can use the remaining funds to put towards the implementation of these two improvements with the requirement that monies over and above what is remaining will need to be funded by the municipality on top of our current 17% already paid to the CWWF grant. Specific numbers to be discussed in the Closed meeting.

vi. PWM: Kelvin Grove WWTP Update (Verbal)

PWM Jaffer advised Council that the Kelvin Grove WWTP is still functioning with half a media pack on the first rotor but we are still meeting our Permit requirements. The consultant that was hired has received written confirmation that we are able to proceed with a “like for like” replacement of our Rotating Batch Contactor (RBC) treatment plant. He further explained we are required to have a bypass permit for the period that the RBC will be down and undergoing replacement (approximately 6 weeks). The next steps are to pump out the existing chamber, take detailed measurements, perform the concrete inspection of the tank and then prepare a Terms of Reference for an RFP or Tender for the replacement plant. PWM Jaffer to update residents in the Village Update.

Audio: 03:15

vii. PWM: Harvey Tank Update (Verbal)

PWM Jaffer advised Council that the Harvey tank is up, and the roof has been leak-tested. The next step is a hydro static leak test of the walls, filling the tank to test for leaks, and finally a disinfection of the tank. He noted that procedures have been written and submitted to VCH for approval and once it has been approved, we will be able to proceed with the disinfection program, and then the tank can be commissioned. It was suggested bringing the children from the school on a tour once the tank is up and running. PWM Jaffer to update residents in the Village Update.

B. Mayor

None

C. Council

None

Audio: 03:18

D. Committees

i. Trees, Views and Landscapes Committee – Tree Application #94: 52 Brunswick Beach Road

Moved/Seconded

THAT Council receive the August 7, 2019 Trees, Views and Landscapes Committee Meeting Minutes for information with respect to Tree Application #94: 52 Brunswick Beach Road.

CARRIED

ii. Trees, Views and Landscapes Committee – Tree Application #95: 262 Stewart Road

CAO DeJong provided an on-table amended version of the proposed resolution from the Tree Committee for Council's consideration.

Moved/Seconded

THAT as requested, the applicant is permitted to cut down the Maples mentioned in the application that had been previously cut down but have re-sprouted, and clean up and remove all associated debris; and

THAT the four Cedars mentioned in the application be re-topped at the previously topped height of approximately 25', and cleaned up, and remove all associated debris; and

THAT the re-topping of the Cedars and the removal of the re-sprouting Maples may be carried out for a period of 3 years, subject only to confirmation prior to any cutting, or repeated cutting, within that period of provision to the Municipality of damage deposit, name of arborist/contractor, Worksafe BC certificate, and insurance in compliance with Municipal requirements. Clean up and removal of all associated debris is required. The Municipality has the right to amend or rescind this resolution for any reason at any time in the future.

CARRIED

Audio: 03:26

iii. Recommendation to Council from the September 16th, 2019 Infrastructure Committee Meeting

The Infrastructure Committee (IC) met and discussed the Oceanview drainage report from ISL. The following recommendation was brought forward to Council from the committee:

THAT Council recommend that staff engage again with ISL to increase the scope of the existing Oceanview Road drainage study to incorporate a hybrid of Option A and B. This option consists of diverting drainage above 260 Oceanview through a pipe to Rundle Creek and sizing the drainage system below 270 Oceanview with this reduced flow.

A cost estimate was requested; staff is waiting to hear back. Costs will be discussed further in Closed.

E. Emergency Services

i. RCMP Monthly Report

Moved/Seconded

THAT the RCMP Monthly Report be received for information.

CARRIED

9. Resolutions

A. Resolution re. Federal All Candidates Meeting

Moved/Seconded

THAT Council waive the Broughton Hall rental fees in relation to a proposed All Candidates Meeting for the upcoming federal election, provided the organizers obtain the requisite insurance coverage per Municipal policies and procedures.

CARRIED

B. Appointment of Delegate to Municipal Insurance Association of BC (MIABC)

The Mayor advised he is not available on September 24th for the MIABC Annual General Meeting, however he put forward his name as a representative for future meetings.

Moved/Seconded

THAT Council appoint Mayor Ron McLaughlin as the voting delegate for the Municipal Insurance Association of BC (MIABC) for any future meetings.

CARRIED

C. Relaxation of Noise Bylaw

CAO DeJong reviewed the request from the Lions Bay General Store and Café for one more live music session on October 5th from 3-6 pm.

Moved/Seconded

THAT Council relax the noise bylaw to allow for live amplified music on the patio at the General Store & Café on Saturday, October 5, 2019, between the hours of 3 and 6 pm.

CARRIED

D. Annual Firefighters Day Fundraising Event

The following resolution is a standing resolution and is not required to come back each year regarding the annual Firefighters Day fundraising event.

Moved/Seconded

THAT Council supports the annual Firefighter Day fundraising event, with or without alcohol, and the use of Lions Bay Beach Park on a designated day in September of each year with any Public Works or park use fees to be waived annually.

CARRIED

10. Bylaws

A. Emergency Program Bylaw No. 566, 2019 (See Item 8Aii)

This item was discussed in item 8Aii.

11. Correspondence

A. List of Correspondence to September 12, 2019

Moved/Seconded

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

- G1: Letter to Mayor's re. ChildCareBC – no response
- G2: Letter from Minister of Public Safety re. Speeding on Sea to Sky – CAO DeJong to contact the CAO's of Squamish, Whistler and Pemberton
- G3: Police Reported Crime Stats Release – no response
- G4: North Cowichan re. 2019 UBCM Resolution – Forestry – no response
- G5: CN In Your Community Publication Letter – no response
- G6: Request for Garbage Fees to be Waived for Home Dialysis Treatment – PWM Jaffer to provide information in the Village Update
- G7: 2019 UBCM Official Opposition Meeting Opportunities – no response
- G8: Request for Signatures in Support of Ride-Sharing – Mayor McLaughlin responded, no further response
- G9: Protection of Groundwater – Stop Bottling of Groundwater – no response
- G10: Species at Risk Act for the Aquatic Species – no response
- G11: RCMP Revised Integrated Team Report 2017-2019 – no response
- G12: Provincial Support for Public Libraries – no response
- G13: Letter from CUPW – no response
- G14: Invitation from Council of Community Homelessness Tables – no response
- G15: Support for Rural Communities within Metro Vancouver – no response
- G16: UBCM Clean-up of Needles – no response
- G17: Provincial Plastics Policy and Engagement – no response
- G18: International Day of Older Persons – no response
- R1: Farrah Azordegan – Filming Survey – Mayor McLaughlin to respond
- R2: Karl Buhr – Community Signage Project – CAO DeJong to respond
- R3: Jon Povill – All Candidates Debate – Mayor McLaughlin to respond
- R4: Susan Davis – Lot 52 Brunswick Beach – Mayor McLaughlin to respond

- R5: Residents of Seaview Place re. 90 Seaview Place – CAO DeJong to respond

CARRIED

12. New Business

None

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

None

Audio: 03:56

14. Closed Council Meeting

Proposed topics for discussion in the absence of the public:

Moved/Seconded:

A. Law Enforcement/Litigation

THAT the council considers that disclosure of law enforcement matters could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment.

B. Acquisition of Improvements

THAT the council considers disclosure could reasonably be expected to harm the interests of the municipality.

C. Contract Services

This item was added during discussion of item 14.

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 interest 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;

g) litigation or potential litigation affecting the municipality;

n) the consideration of whether a council meeting should be closed under a provision of this subsection or subsection (2).

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.

CARRIED

The meeting was closed to the public at 11:00 p.m.

The meeting was re-opened to the public at 11:45 p.m.

15. Reporting Out From Closed Portion of Meeting

The following was reported out:

- ICIP-EQ Grant – Council approved a resolution to the Ministry of Municipal Affairs and Housing regarding the ICIP Grant as follows:

THAT Council approve the reinsertion of one or both of the Bayview Road PRV and Mountain Drive PRV improvements, and all associated works, under the Clean Water and Wastewater Fund (CWWF) project, to be funded from the balance of the CWWF project budget remaining after completion of the Harvey Tank replacement and associated works, with any shortfall to be funded by the Municipality as a draw from reserves.

- ISL Engineering Contract – Council approved a budget to extend the Oceanview Road drainage study to incorporate a 3rd option as recommended by the Infrastructure Committee at Item 8Diii.

16. Adjournment

Moved/Seconded

THAT the meeting be adjourned.

CARRIED

The meeting was adjourned at 11:47 p.m.

Mayor

Corporate Officer

Date Approved by Council:

October 15, 2018