



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

**REGULAR MEETING OF THE COUNCIL
OF THE VILLAGE OF LIONS BAY
HELD ON TUESDAY, MAY 5, 2020 at 7:00 PM
COUNCIL CHAMBERS, 400 CENTRE ROAD, LIONS BAY
AND ELECTRONICALLY VIA ZOOM**

MINUTES

In Attendance:

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

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

Delegations: 2 (via video conference)

Public: 7 (4 via video conference)

1. Call to Order

Mayor McLaughlin called the meeting to order at 7:09 p.m.

2. Adoption of Agenda

Moved/Seconded

THAT

- (1) The agenda be varied to consider item 4A after item 2;
- (2) THAT item 8Avii – Trees at Lions Bay Beach Park and Wade Park, be added
- (3) Item Mayor's Update on MP and MLA update regarding TransLink, be added
- (4) Item 11B on table correspondence, be added
- (5) Item 13A Public Participation be added
- (6) Item 13B Public Participation be added
- (7) The agenda be varied to consider Item 13A after item 8Aiii
- (8) Item 14E – 35 Kelvin Grove Way be added
- (9) the agenda be adopted, as amended.

CARRIED

The agenda was varied to consider Item 4A

Audio 00:2:59

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

A. Delegation: Bill Cox, Partner and Paul Fripp, BDO Canada

Presentation of Village of Lions Bay 2019 Final Audit Report to Mayor and Council

Moved/Seconded

THAT the time limit for delegations be waived.

CARRIED

Bill Cox presented highlights on the contents of the financial statements.

CFO Rooke responded to questions regarding the income statements.

Paul Fripp presented on the audit process and highlights on key audit areas and findings in those areas.

MOVED/SECONDED

THAT the report “Village of Lions Bay 2019 Final Audit Report” be received for information purposes.

CARRIED

Audio 40:35

5. Review & Approval of Minutes of Prior Meetings

A. Regular Council Meeting – April 21, 2020

MOVED/SECONDED

THAT the Regular Council Meeting Minutes of April 21, 2020 be approved, as circulated.

CARRIED

6. Business Arising from the Minutes

Councillor Abbott requested that the options around electronic building permit submissions be added to the unfinished business section of the May 19, 2020 regular Council meeting agenda.

7. Unfinished Business

A. Follow-Up Action Items from Previous Meetings

#	Meeting Date	Description of Action Item	Action
104	September 17, 2019	G2: Letter from Minister of Public Safety re. Speeding on Sea to Sky – Mayor McLaughlin	Mayor McLaughlin - ongoing

		following up with Squamish Mayor & RCMP.	
125	April 21, 2020	R4: Brenda Broughton re: taxation – Mayor McLaughlin to respond	Completed
126	April 21, 2020	Report from Council attendees at the Howe Sound Community Forum	Completed

Councillor Bain reported on his attendance at the Howe Sound Community Forum, noting the community’s infrastructure planning and the Electric Vehicle Charging project.

Audio 44:31

8. Reports

A. Staff

i. CFO: Approval of 2019 Financial Statements (Page 63)

MOVED/SECONDED

THAT the Village of Lions Bay’s 2019 Audited Financial Statements, as presented to Council on May 5, 2020, be approved pursuant to the *Community Charter section 167(1)*; AND THAT the 2019 Audited Financial Statements be included in the 2019 Annual Report pursuant to the *Community Charter section 98*.

CARRIED

ii. CAO: Parking and Bylaw Enforcement Report – verbal update

CAO DeJong provided a verbal update on parking and bylaw enforcement in the Village noting:

- Remain on lockdown in parks and parking
- Permit parking only
- Addressing parking issues as they arise
- Two new Bylaw Enforcement Officers (BEO)
- Resignation of one BEO
- Bylaw Enforcement Officers on for the weekend
- Maintaining RCMP contact on a variety of different matters
- Responded to questions regarding BEO scheduling and noted that there may be opportunities to provide bylaw enforcement on weekdays, depending on hours allotted and BEO availability.

The agenda was varied to consider item 3

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

MOVED/SECONDED

THAT Council approves more than 10 minutes for public participation.

CARRIED

1. Tamara Leger

Tamara Leger spoke regarding her concerns about the cell tower noting that she moved to Lions Bay because of the safe, community vibe. She noted the three Official Community Plan (OCP) processes that addresses the safety, security and tranquility of Lions Bay and opined that the cell tower violates the OCP and Bylaws 408 and 520. She noted that there is minimal financial return with the installation of a cell tower and urged Council to vote no.

2. Charlie Bradbury

Charlie Bradbury presented a petition against the cell tower and noted that 111 residents had signed the petition. She noted her concerns regarding perception of lack of public input, research, 5G, use of millimeter waves, topographical hazard risks, and the lack of provision of a visual representation of a cell tower on the Village's panorama. She expressed her concern regarding revenue and effect on property values. She noted that texts do not require better service.

3. Ruth Simons

Ruth Simons spoke regarding her concern about the report noting that she is not satisfied with the details in the report with respect to guarantee of cell phone providers, noting no evidence of the major telcos' business plans to lease space in Lions Bay. She also noted her concerns re the height of the tower and environmental impacts.

4. Brenda Broughton

Brenda Broughton spoke against the cell tower noting that she believes it is contrary to the OCP and urged Council to vote no. She noted her concerns on safety of the people in Lions Bay, impacts on geography and landscape and radioactive material.

5. Goli Massah

Goli Massah spoke in opposition of the cell tower. She also spoke in regard to tree application #102 – 3 Brunswick Beach noting that the trees should either be taken out completely or leave them as they are.

The agenda was varied to consider item 4B

4B. Delegation: Darren Hird, SBA Canada Inc. and Tanya Elchuck, Synergy Land Services Ltd.

Presentation re. Cell Tower Application

Moved/Seconded

THAT the time limit for delegations be waived.

CARRIED

Darren Hird, SBA Canada presented on the cell tower noting:

- Goal is to improve poor cell service for first responders, businesses and residents
- Public consultation started October 2019 and went beyond Canada Guidelines and was done as transparent as possible
- Poor cell service is like a pothole in municipal road – gets worse the longer you leave it
- Current main services come from Bowen Island site – only so much capacity
- Service will contribute to degrade year after year as usage and number of devices used also increases
- Demand and usage continue to increase, Bowen Island will be strained
- To improve service requires new infrastructure
- Topography challenging – best frequency for such areas are lower bands around 600 MHz – higher frequencies associated with 5G not effective in Lions Bay
- SBA paying for construction of tower – appealing to community
- RFP process chosen by Lions Bay is most responsible path
- Reliable service in Lions Bay was critical and is now more critical for businesses and first responders

Tanya Elchuk, Synergy Land Services Ltd. presented on:

- Summarized public consultation process – report that was submitted
- Synergy land services conducted process on behalf of SBA with direction from Village
- Community engagement included: circulation of 550-600 information packages that were hand delivered to community, in mailboxes, posters were put on four community notice boards, two newspaper ads – one in Peak and one North Shore News and consecutive notices in Village Update, open house was held.
- Results of consultation: 23 people attended open house,
- 31 participant feedback in writing. Comments collected included 18 in favour cell tower, 12 against, 1 neutral question. Concerns included visual, health safety and location.
- Requirements to engage with community were in accordance with Industry Canada timelines and far exceeded minimum requirements.
- Thank you to participants

The agenda was varied to consider item 8Aiii

iii. CAO: Cell Tower License Agreement and Public Consultation Process

CAO DeJong presented his report on the Cell Tower Agreement and Public Consultation Process noting some highlights that include:

- Commenced in 2017 at the request of the Infrastructure Committee to address reception in Lions Bay and to maintain infrastructure in Lions Bay
- October 1st meeting: Council approved agreement in principal, subject to consultation process – extensive compared to minimum requirements from Industry Canada
- Robust public consultation process and the steps taken is addressed in the report with the agreement always being presented in good faith
- Commitment of lease space from companies: competitive industry, still interest at this point
- Signal strength and location not going to be an issue – born out of process that would ensue if Council approve the project
- Lions Bay service – not going to be correctable unless Village proceeds with new infrastructure; coverage improvement required at fire hall and at school field for helicopter landings for Search and Rescue
- Amount of compensation is in line with other jurisdictions
- Impacts on the landscape not going to be visible from too many locations
- New infrastructure can enhance items addressed in the Official Community Plan, such as watershed stewardship, improvements to data collection for hydrology study, connectivity improvements
- Health implications – committed to health and safety of all residents: important to recognize that cell tower antenna itself is something separate than all other wireless devices in homes. Use of wireless devices emitting RF signals are personal choices

Mayor McLaughlin provided his statement in favour of the cell tower noting that benefits outweigh the negative effects. He recognized the height of the proposed tower was a negative.

Councillor Cunliffe noted her reasons for opposing the cell tower:

- Original intent from Infrastructure Committee was for hydrology project
- original intent also for SCADA equipment and the hope for improved cell service

- believed that project had morphed from something that was appropriately sized to be potentially at fire hall to 60m; disconnect at what point it had taken such a drastic change.
- 60 metres that will forever change landscape – no guarantee that cell coverage will be supported or enhanced
- Incongruent with mission statement: splendour and serenity
- Good show of faith would have been to have a written agreement with a provider

Councillor Barmeier noted his reasons for opposing the cell tower:

- Infrastructure Committee did not envision tower of that magnitude – digression from start to end
- Little public consultation on location
- Did not come across anyone supporting it
- Residents correspondence – mostly not in support
- Main concerns – OCP alignment
- Does not see record of public participation early on: gap too wide

Councillor Bain noted his support for the cell tower:

- Intent of Infrastructure Committee recommendation was for improvements in control of water treatment facilities; UBC hydrology study – two key functions that are important
- Infrastructure required to improve safety and quick response to do with treatment plants – still supports recommendation
- Health and safety concerns already factored in and putting cell tower not going to cause harm to citizens
- Fears unfounded – in favour of moving ahead

Councillor Abbott noted his opposition:

- Where it started not where it ended
- Issues with consultation process: did not meet the IAP2 criteria for public consultation
- Location/aesthetics
- Health issues – resident concerns and reaction to concerns

MOVED/SECONDED

- (1) THAT Council confirm the public consultation process for the SBA Canada cell tower proposal was carried out in accordance with the process approved by Council at the October 1, 2019 Council meeting;

- (2) THAT the Telecommunications Tower Option and License Agreement be approved as amended to provide for the addition of subsection 6.3(a), effective as of the 5th day of May, 2020;
- (3) THAT the Mayor and Corporate Officer be authorized to execute the said Telecommunications Tower Option and License Agreement, as amended;
- (4) THAT the Chief Administrative Officer (CAO) be authorized to execute the draft Letter of Concurrence for SBA Canada to forward to Innovation, Science and Economic Development (ISED) Canada; and
- (5) THAT the CAO be authorized to proceed with all associated steps required to give effect to the foregoing resolutions.

**OPPOSED: CLRS. ABBOTT, BARMEIER AND CUNLIFFE
MOTION FAILED**

The agenda was varied to consider item 13A

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

- a. Brenda Broughton
Brenda Broughton thanked Council
- b. Tamara Leger
Tamara Leger thanked Council

CAO DeJong thanked the delegation from SBA Canada Ltd. and Synergy Land Services for attending the meeting and for their extensive work on the application.

Audio 2:26:00

The agenda was varied to add item 8Aiv.

- iv. Trees at Lions Bay Beach Park
PMW Jaffer provided a verbal update regarding an identified dead Pacific Dogwood tree at Lions Bay Beach park and noted that staff are planning to have tree removed along with three deciduous maple trees at the locations of the pending 3PRV project. As well, several evergreen trees at the northern edge of Wade Park that are exhibit signs of large leaders, which may break off, and staff have also flagged these trees for removal. PMW

Jaffer noted that he has consulted with the Committee on Trees, Views and Landscapes and will be seeking quotes for the work.

Mayor McLaughlin requested that the information be published in the Village Update.

Councillor Abbott provided an update regarding songbird nesting season requirements from his conversation with an environmental company and Wildlife Conservation Service of Canada. He noted that traditional biologists are the most appropriate for determining whether there are songbirds nesting in a tree. He also noted the federal regulations about tree cutting during the nesting season and requested that staff follow those regulations. He noted that the regulations are somewhat relaxed on a single tree on private property.

8. Reports

B. Mayor

i. TransLink update

Mayor McLaughlin provided an update regarding TransLink and responded to questions about bus service to Lions Bay. He noted that a staff proposal for minimal service to meet critical needs was put forward but did not get any leverage. He noted that the volunteer network has been contacted to assist those in need and the core of the problem is funding and all systems are facing challenges.

Council urged that advocacy continue for local bus service.

C. Council

None

D. Committees

i. Trees, Views and Landscapes Committee – Tree Application #102 – 3 Brunswick Beach Road

CAO DeJong provided an update on tree application #102 – 3 Brunswick Beach Road and clarified his comments to the Tree Committee.

Moved/Seconded

THAT Council approves Tree Application #102 (3 Brunswick Beach Road) with the following provisions:

- a) Trees #12 & #19 – be topped at least 1m above the original cut line and remove any dead limbs
- b) Tree #13 – remove completely

- c) Tree #17 – some limbing is required up to the horizontal trim line on the marked photo
- d) Tree #14 – be topped at least 1m above the original cut line and remove any dead limbs
- e) When the climber/faller, has climbed the tree, they report any concerns regarding the health of the tree
- f) All five trees may be limbed up to the horizontal trim line on the marked photo
- g) The applicant must clean up and remove all associated debris for any and all of the above work.
- h) Although not part of the application, Jane Moloughney agreed that, after the nesting season, she would top the tree that is growing through her deck and remove any dead limbs

**OPPOSED: Councillor Abbott
CARRIED**

Audio 2:52:50

E. Emergency Services

- i. Surrey Regional Fire Dispatch Monthly Report – Lions Bay Fire Rescue
MOVED/SECONDED

THAT Council receive the Surrey Regional Dispatch Monthly Report.

CARRIED

Moved/Seconded

THAT Council extends the May 5, 2020 regular Council meeting to 11pm

CARRIED

9. Resolutions

None

10. Bylaws

- A. 2020-2024 Five Year Financial Plan Bylaw No. 574, 2020

Moved/Seconded

THAT the 2020-2024 Five Year Financial Plan Bylaw No. 574, 2020 be adopted.

CARRIED

- B. Tax Rates Bylaw 578, 2020

Moved/Seconded

THAT Tax Rates Bylaw No. 578, 2020 be adopted.

CARRIED

Audio 2:55:15

11. Correspondence

A. List of Correspondence to May 1, 2020

Moved/Seconded

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

General Correspondence

G1: Patrick Weiler re: COVID-19 Update – received

G2: E-Comm 911 re: E-Comm Annual General Meeting Deferral - received

G3: District of Lake Country re: Interest on Deferred Payments - received

G4: Metro Vancouver re: Cancellation of Council of Councils meeting - received

G5: Tracey Saxby, My Sea to Sky re: Woodfibre LNG's request to extend their EA certificate – requires response by May 19th – Council to discuss at May 19th meeting

G6: City of North Vancouver re: Property Tax Deferment - received

Resident Correspondence:

R1: Jim Cave re: Update on the state of 90 Seaview Place - received

R2: Penny Nelson re: evacuation plan for the Village – received

CAO DeJong noted that the evacuation plan was included in the 2015 update and adopted as part of emergency plan. It needs additional updating and fleshing out

R3: Pauline Brider re: translink - received

R4: Emilie Montgomery re: playgrounds – Mayor McLaughlin to respond

R5: Elise Roberts-Senior re: 262 Bus Service Cancellation – Mayor McLaughlin to respond

R6: Ehsan Monfared re: cell tower – Mayor McLaughlin to respond

R7: Mandy Clark re: cell tower – Mayor McLaughlin to respond

B. On table Correspondence to May 5, 2020

Resident Correspondence:

R1: Rose Dudley re cell tower – Mayor McLaughlin to respond

R2: Nathan Davidowicz re bus service - Mayor McLaughlin to respond

R3: Tamara Leger re cell tower - Mayor McLaughlin to respond

R4: Coridon Henshaw re translink - Mayor McLaughlin to respond

R5: LBSAR re cell coverage - Mayor McLaughlin to respond

R6: Karl Buhr re cell tower - Mayor McLaughlin to respond

R7 Brenda Broughton re cell tower - Mayor McLaughlin to respond

R8 Norma Rogers re parking closures - received

12. New Business

None

The agenda was varied to add item 13B

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

a. Goli Massah

Goli Massah spoke in regards to tree application #102 at 3 Brunswick Beach noting that trimming and topping not the best option

14. Closed Council Meeting

Proposed topics for discussion in the absence of the public:

- A. Utility Rates in respect of a particular property
- B. Negotiations in respect of a proposed service

Moved/Seconded

THAT the Council considers negotiations and related preliminary discussions respecting the provision of a proposed service may harm the interests of the Municipality if held in public.

CARRIED

- C. Confidential extra-jurisdictional information
- D. Legal advice

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:

- (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*;
- (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);

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

The meeting was closed to the public at 10:15 p.m.

The meeting was re-opened to the public at 11:21pm

15. Reporting Out from Closed Portion of Meeting

Mayor McLaughlin reported out on:

- Mayor McLaughlin to respond to a property owner regarding Council’s decision on utility rates

- Resolution passed during the closed meeting:

MOVED/SECONDED

- (1) THAT the Public Works Mutual Aid Agreement between the Village of Lions Bay and the District of West Vancouver, dated for reference April 27, 2020 (the “Agreement”), be approved;
- (2) THAT the services covered in the Agreement may be provided in an area outside the Municipality in accordance with section 13 of the Community Charter; and
- (3) THAT consent be given to West Vancouver to provide services covered in the agreement within the Village of Lions Bay;
- (4) THAT the Mayor and Corporate Officer be authorized to execute the Agreement.

CARRIED

16. Adjournment

Moved/Seconded

THAT the meeting be adjourned.

CARRIED

The meeting was adjourned at 11:22 p.m.

Mayor

Corporate Officer

Date Approved by Council:	May 19, 2020
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