



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF LIONS BAY HELD ON TUESDAY, FEBRUARY 4, 2014 at 7:00 PM IN THE COUNCIL CHAMBERS, 400 CENTRE ROAD, LIONS BAY

MINUTES

PRESENT: Mayor Brenda Broughton
Councillor Scott Ando
Councillor Fred Bain
Councillor Ron McLaughlin
Councillor Joanne Ronsley
Grant McRadu, Interim CAO
Hari Suvarna, Accountant
Carol Lee, Raincoast Ventures Ltd., Recording Secretary

1. CALL TO ORDER

Mayor Broughton called the Regular Council Meeting of February 4, 2014 to order at 7:00 p.m.

2. APPROVAL OF AGENDA

Moved by: Councillor Ronsley

Seconded by: Councillor Ando

BE IT RESOLVED THAT the Village of Lions Bay Council approve the Agenda of the Regular Council Meeting of February 4, 2014, with the following amendments:

- Deletion of Item 8B i, Bullet 5 – 2014 Provisional Capital Budget;
- Addition of Item 9B – Notice of a Special Meeting of Council; and
- Addition of Item 12B – Request for Information to be provided at the February 18, 2014 Council Meeting.

CARRIED

3. PUBLIC PARTICIPATION

Mayor Broughton reviewed the procedures for Public Participation.

A. Ron Wilke

Mr. Wilke questioned the liability of the Village of Lions Bay with respect to snow removal in private parking lots. He advised that in 2004, the Works Manager had advised that the municipal trucks were not suitable for removing snow from parking lots.

Interim CAO McRadu advised that staff is currently investigating this matter.

B. Eileen Wilke

Ms. Wilke expressed concerned that Council will be considering the proposed sewer bylaw during the meeting. It was noted that the Village residents are subsidizing the sewer service provided to Kelvin Grove residents. Ms. Wilke questioned if the Brunswick residents have been billed for the 2013 water parcel tax, as Council had intended.

Ms. Wilke requested that Council defer consideration of the utility bylaws until such time as the documentation on the costs to provide the service is confirmed to be correct.

C. Jeffrey Stone

Mr. Stone posed questions and provided comments and concerns regarding:

- The party responsible for maintenance of the CN Rail right-of-way;
- A response from staff regarding to the safety concerns at Brunswick is still outstanding;
- Village actions being taken to negotiate control of RCMP activities in Lions Bay;
- Misunderstanding regarding the deadline for delegations given the change in the Council meeting days; and
- Concern about potential Village liability as a result of consumption of alcohol during Firefighters' fundraising events.

Interim CAO McRadu advised that CN Rail is responsible for the maintenance of its right-of-way.

Action Item:	Interim CAO McRadu was requested to determine the correct deadline for delegations, in accordance with the Council Procedure Bylaw, given the change in Council meeting days.
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D. Don Pollock

Mr. Pollock advised that he is a neighbour of the property that is the subject of Tree Application #36. Mr. Pollock noted that Council has considered this issue twice and the application was denied in both instances. Mr. Pollock is of the opinion that the trees in question are on located private property and therefore, the matter should not come before Council. Mr. Pollock commented that there are many more important issues that require the attention of Council.

Interim CAO McRadu reviewed the history of Tree Application #36 and recommended that Council render a decision during the Council meeting to settle the long outstanding issue or if required, request additional information to resolve the matter.

E. Anne Marie Halliday

Ms. Halliday expressed dismay that Council is reconsidering Tree Application #36, despite it having been considered twice previously. Ms. Halliday reiterated her concerns

with the removal of the trees and noted that her concerns are the same as those that have been previously expressed.

4. DELEGATIONS

A. Tree Application #36 – Neville Abbott

Mr. Abbott requested that Council support the Tree Committee's recommendations of 2010 and 2012 which have not been translated into a permit to remove two trees in front of the residence on 115 Sunset Drive. Mr. Abbott expressed concern that, in the past, a single opposing neighbour has been able to determine the outcome of an application.

Mr. Abbott advised that former Secretary-Treasurer Zaba had suggested that a property survey be undertaken to determine whether the trees in question are located on private or municipal land. He advised that he is willing to incur the cost of a property survey if Council agrees to issue a conditional permit, contingent upon the outcome of the property survey confirming that the trees are located on municipal property, allowing the trees to be removed or windowed.

A copy of Mr. Abbott's comments is retained with the agenda material for the meeting.

There was extensive discussion during which Council members offered the following comments and questions:

- This is a complex issue and an emotional case that, ideally, should be resolved in a manner that is mutually agreeable to both neighbours;
- If a mutually agreeable solution cannot be reached, it would be difficult to overturn the recommendation of the Tree Committee;
- It appears that the trees are located on municipal property and if so, the application should be considered by Council so as to avoid a negative financial impact to the resident;
- A property survey should be performed to determine if the trees in question are located on municipal property;
- An amicable solution between the neighbours would be preferred but it is unlikely to occur;
- Whether there are historic examples of Council issuing a permit where a neighbour has opposed the removal or windowing of the trees; and
- Whether there are historic examples of Council approving tree cutting on Village property despite the objections of one neighbour.

Moved by: Councillor McLaughlin
Seconded by: Councillor Bain

BE IT RESOLVED THAT the Village of Lions Bay Council affirm that Tree Application #36 be denied.

CARRIED
Councillor Ando opposed

5. ADOPTION OF MINUTES

A. Regular Meeting of Council – January 28, 2014

Moved by: Councillor Bain
Seconded by: Councillor McLaughlin

BE IT RESOLVED THAT the Village of Lions Bay Council adopt the Minutes of the Regular Council Meeting of January 28, 2014, with the following amendments:

- Page 4, Item 8B – Replace the word “establish” with “recommend” in the penultimate paragraph; and
- Page 4, Item 8B – Insert the word “Secondary” prior to “Suites” in the first sentence of the final paragraph.

CARRIED

6. BUSINESS ARISING FROM THE MINUTES

None

7. UNFINISHED BUSINESS

None

8. REPORTS

A. Mayor and Council

Moved by: Councillor Ando
Seconded by: Councillor Ronsley

BE IT RESOLVED THAT the Village of Lions Bay Council receive the reports of Mayor and Council of February 4, 2014.

CARRIED

Mayor Broughton provided an update on the Land Master Planning process.

Councillor Ando advised that the Infrastructure Committee met on January 30, 2014 to discuss its scope and mission statement. Staff has been requested to gather a number of documents and to post them on the Village website. The Infrastructure Committee has indicated that it wishes to provide input on the capital expenditure budget and deliverables.

Moved by: Councillor Ando
Seconded by: Councillor Ronsley

BE IT RESOLVED THAT the Village of Lions Bay Council approve the posting of documents requested by the Infrastructure Committee on the Village website.

CARRIED

Councillor Ando reported that the Lions Bay Playschool is conducting a survey on childcare needs within the Village and has requested that the Village transmit the survey to residents by epost.

Moved by: Councillor Ando
Seconded by: Councillor Bain

BE IT RESOLVED THAT the Village of Lions Bay Council authorize the forwarding of the link to the Lions Bay Playschool survey by epost.

CARRIED

Council Ando advised that a request has been made to permit a kettle bell exercise class to be held at the Lions Bay School during school hours.

Mayor Broughton recused herself on this matter and left the meeting.

Moved by: Councillor Ando
Seconded by: Councillor Bain

BE IT RESOLVED THAT the Village of Lions Bay Council approve the scheduling of a kettle ball exercise class to be held at the Lions Bay School during school hours.

CARRIED

Mayor Broughton rejoined the meeting.

B. Committees

i) Standing Committee on Finance

Councillor McLaughlin complimented staff on the preparation of the documents being presented to Council.

Councillor McLaughlin referred to the report titled "2014 Draft Operating Budget" that was presented to the February 3, 2014 Finance Committee. Councillor McLaughlin highlighted significant changes to 2014 revenues and expenditures recommended by staff. The Finance Committee has recommended that the 2014 operating budget be approved.

Councillor McLaughlin commented that the Finance Committee will be considering the partial funding of depreciation on a going forward basis.

Councillor McLaughlin and staff responded to questions from Council regarding:

- Whether funds for amortization would be placed into a restricted reserve for replacement of capital;

- Whether details of the expenditures for professional fees and contracted services will be provided; and
- Whether the Kelvin Grove residents will continue to be subsidized with respect to the sewer utility rate, in violation of the principle that utilities should be self-funding.

Action Item: Staff was requested to include a message in the tax notice to Kelvin Grove residents advising that sewer utility rates will be increased in 2015 to comply with the principle of self-funding and a message in the tax notice to Brunswick residents advising that water rates will be increased in 2015.

Interim CAO McRadu commented on the challenges facing the Village of Lions Bay with respect to increasing tax revenues to fund future infrastructure requirements.

Moved by: Councillor McLaughlin

Seconded by: Councillor Ronsley

BE IT RESOLVED THAT the Village of Lions Bay Council approve the 2014 Provisional Operating Budget, as presented.

CARRIED

Interim CAO McRadu advised that the 2014 Provisional Budget will be posted on the Village website for public comment prior to development of the five-year financial plan.

9. RESOLUTIONS

A. Volunteer Expense Reimbursement

Moved by: Councillor Bain

Seconded by: Councillor Ronsley

BE IT RESOLVED THAT the Village of Lions Bay Council approves reimbursement of travel and meal expenses for staff and volunteers attending the EOC training course from February 11 – 12, 2014.

CARRIED

B. Notice of a Special Meeting of Council

Moved by: Councillor Ronsley

Seconded by: Councillor McLaughlin

BE IT RESOLVED THAT pursuant to Section 127 (4) of the *Community Charter* and Article 7 (1) of the Village of Lions Bay Council Procedure Bylaw, No. 453, 2012, Council resolves to unanimously waive notice of a special Closed meeting of Council for Wednesday, February 5, 2014 at 9:30 a.m. in the Council Chambers of the Village Hall.

CARRIED

10. BYLAWS

A. Fees and Charges Bylaw No. 462, 2014 – Second and Third Reading

Moved by: Councillor Bain

Seconded by: Councillor Ronsley

BE IT RESOLVED THAT the Village of Lions Bay Council approve the second reading of Fees and Charges Bylaw No. 462, 2014.

CARRIED

Moved by: Councillor McLaughlin

Seconded by: Councillor Ronsley

BE IT RESOLVED THAT the Village of Lions Bay Council approve the third reading of Fees and Charges Bylaw No. 462, 2014.

CARRIED

B. Water Rates Bylaw No. 467, 2014 – First, Second and Third Reading

Councillor Ando commented that the Council decided in 2013 to comply with the best practice of conducting first and second reading of bylaws in one meeting, followed by third reading at a subsequent meeting and final reading at a subsequent meeting. Mayor Broughton agreed that Council had agreed to implement best practices however, that there is a need to conduct first, second and third reading at the same meeting in this instance to allow for the tax notices to be distributed on time.

Moved by: Councillor Bain

Seconded by: Councillor McLaughlin

BE IT RESOLVED THAT the Village of Lions Bay Council approve the first reading of Water Rates and Regulations Amendment 2014 Bylaw, Bylaw No. 467, 2014.

CARRIED

Moved by: Councillor Ando

Seconded by: Councillor Ronsley

BE IT RESOLVED THAT the Village of Lions Bay Council approve the second reading of Water Rates and Regulations Amendment 2014 Bylaw, Bylaw No. 467, 2014.

CARRIED

Moved by: Councillor Bain

Seconded by: Councillor McLaughlin

BE IT RESOLVED THAT the Village of Lions Bay Council approve the third reading of Water Rates and Regulations Amendment 2014 Bylaw, Bylaw No. 467, 2014.

CARRIED

C. Waste Collection Rates Bylaw No. 468, 2014 – First, Second and Third Reading

Moved by: Councillor Bain

Seconded by: Councillor McLaughlin

BE IT RESOLVED THAT the Village of Lions Bay Council approve the first reading of Waste Collection Amendment 2014 Bylaw, Bylaw No. 468, 2014.

CARRIED

Moved by: Councillor Ronsley

Seconded by: Councillor Ando

BE IT RESOLVED THAT the Village of Lions Bay Council approve the second reading of Waste Collection Amendment 2014 Bylaw, Bylaw No. 468, 2014.

CARRIED

Moved by: Councillor Ronsley

Seconded by: Councillor Bain

BE IT RESOLVED THAT the Village of Lions Bay Council approve the third reading of Waste Collection Amendment 2014 Bylaw, Bylaw No. 468, 2014.

CARRIED

D. 2015 Water and Sewer Utility Rates

Moved by: Councillor Bain

Seconded by: Councillor McLaughlin

BE IT RESOLVED THAT the Village of Lions Bay Council provide notice to residents that both water and sewer utilities will be self-sufficient, commencing in 2015.

CARRIED

11. CORRESPONDENCE

A. List of Correspondence to Friday, January 31, 2014

Moved by: Councillor Ronsley

Seconded by: Councillor Bain

BE IT RESOLVED THAT the Village of Lions Bay Council receive the correspondence up to January 31, 2014.

CARRIED

Moved by: Councillor Ronsley

Seconded by: Councillor Bain

BE IT RESOLVED THAT the Village of Lions Bay endorse the North Shore Food Charter and convey its endorsement to members of the North Shore Congress for their information.

CARRIED

Council expressed concern regarding a resident being bitten by a dog that was off-leash on the Lions Bay Centennial Trail. There was discussion regarding the need to educate residents of the requirement to keep dogs on leash on trails and to remind residents of the need to maintain control of their dogs.

Action Item:	Interim CAO McRadu was requested to include information in the Village Update on the requirement for owners to keep dogs on leash on trails and to maintain control of their dogs.
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Mayor Broughton advised that Metro Vancouver has issued an invitation to an information session on the pending organics ban.

12. NEW BUSINESS

A. Invitation to Participate in Community Consultation: Woodfibre LNG Project

Mayor Broughton advised that the community consultation on the Woodfibre LNG Project is scheduled for February 3 to 28, 2014.

Action Item:	Interim CAO McRadu was requested to inform residents of the community consultation on the Woodfibre LNG project by epost.
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B. Request for Information to be Provided at the February 18, 2014 Council Meeting

Councillor Ronsley provided information to Interim CAO McRadu and requested that it be investigated and information provided for discussion at the February 18, 2014 Council meeting.

13. PUBLIC QUESTIONS AND COMMENTS

A. Jeffrey Stone

Mr. Stone posed questions and provided comments and concerns regarding:

- Plans and timeline to hire a full time Village Manager;
- Anticipated timing for the report on the Community Centre Renewal Project;
- Suggestion that the Infrastructure Committee provide a second opinion on the staff recommendation to Council with respect to the Community Centre Renewal Project; and
- Disappointment with the decision of Council regarding the disposition of Mr. Abbott's tree application.

B. Neville Abbott

Mr. Abbott commented that a precedent has now been set where an application is denied because a neighbour expresses an objection and this should be of concern to residents. He suggested that the bylaw be changed to indicate that the approval of neighbours is required in order for an application to be approved.

Interim CAO McRadu commented that the bylaw does not require revision but administration of the bylaw could be altered to reduce the cost to the Village.

Interim CAO/Secretary-Treasurer McRadu commented that the bylaw does not require revision but administration of the bylaw could be altered to reduce the cost to the Village.

C. Carole Conlin

Ms. Conlin reported that the RCMP is aware of the dog that attacked the resident and she has also had prior negative interactions with the same dog. AThe RCMP advised her to file a report in the event of a dog attack.

Ms. Conlin questioned why an arborist had not been consulted as Tree Application #36 involved three trees growing from one root. This is similar to the circumstances surrounding the tree at Lions Bay Beach.

D. Eileen Wilke

Ms. Wilke advised that in 2013, Council decided that the utilities would be self-funded in 2014. This was not achieved due to staff turnover and other issues. Ms. Wilke stated that all residents are subsidizing the Kelvin Grove residents.

Ms. Wilke commented on the intent of amortization and the need to establish reserves for infrastructure replacement.

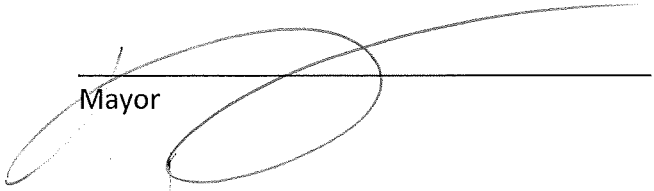
14. ADJOURNMENT

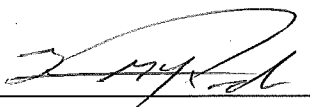
Moved by: Councillor Ando

Seconded by: Councillor Ronsley

BE IT RESOLVED THAT the Village of Lions Bay Council adjourn its Regular Meeting of Council of February 4, 2014 at 9:28 p.m.

CARRIED



Mayor

Interim CAO