



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

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**REGULAR MEETING OF THE COUNCIL  
OF THE VILLAGE OF LIONS BAY  
HELD ON TUESDAY, MAY 25, 2021 at 7:00 PM  
COUNCIL CHAMBERS, 400 CENTRE ROAD, LIONS BAY  
AND VIA ZOOM VIDEO CONFERENCE**

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**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  
Chief Financial Officer Pamela Rooke  
Public Works Manager Nai Jaffer (via video conference)  
Municipal Coordinator Karla Duarte (Recorder)

Delegations: 0

Public: 10

**1. Call to Order**

Mayor McLaughlin called the meeting to order at 6:01 p.m.

**2. Adoption of Agenda**

Moved/Seconded

(1) THAT item 3 be amended to include section 90(1)(f) from the Community Charter as a reason for closing and that items D. Correspondence and E. Legal Advice be added as proposed topics for discussion; and

(2) THAT the agenda be adopted, as amended.

**CARRIED**

**3. Closed Council Meeting (6:00 PM)**

Proposed topics for discussion in the absence of the public:

- A. Legal Invoices
- B. Curly Stewart Award
- C. Personnel

- D. Correspondence
- E. Legal Advice

*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;
- (b) personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;
- (c) labour relations or other employee relations;
- (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;
- (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).

**CARRIED**

*The meeting was closed to the public at 6:09 p.m.*

*The meeting was re-opened to the public at 6:49 p.m.*

*The Mayor called the open portion of the meeting to order at 7:01 p.m.*

**4. Reporting Out from Closed Portion of Meeting (if applicable)**

Mayor McLaughlin reported that The Curly Memorial Trust Fund Committee recommended an award winner, which was approved and that the CAO's contract was discussed, and an extension of three years was agreed to by the majority of Council.

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

A. Ruth Simons

R. Simons commented on the Village's Greenhouse Gas emissions commitment, noting that when the Village signed on to climate action charter there were three additional commitments that the Village was making: to become carbon neutral in Village's corporate operations by 2012; to measure and report on community GHG emissions and to create and complete compact energy efficient rural and urban communities. She noted other communities that have become carbon neutral and questioned whether Council was interested in achieving carbon neutrality regarding Corporate Operations.

**6. Opportunity for any persons who consider they are affected by proposed Bylaw No. 604, 2021 (see Item 12B of this Agenda) to make representations to Council**

The Mayor called for any person who deemed themselves affected by the proposed Bylaw 604, 2021 to speak and hearing no one, moved to the next item.

**7. Review & Approval of Minutes of Prior Meetings**

A. Special Council Meeting – April 30, 2021

*Moved/Seconded*

THAT the Special Council Meeting Minutes of April 30, 2021 be approved as circulated.

**CARRIED**

B. Regular Council Meeting – May 4, 2021

*Moved/Seconded*

THAT the Regular Council Meeting Minutes of May 4, 2021 be approved as circulated.

**CARRIED**

C. Special Council Meeting – May 12, 2021

*Moved/Seconded*

THAT the Special Council Meeting Minutes of May 12, 2021 be approved as circulated.

**CARRIED**

**8. Business Arising from the Minutes**

Councillor Abbott noted that he received additional feedback from neighbours on Mountain Dr. and decision around wrapping the PRVs may change due to information about the cost of the wraps.

Discussion ensued on:

- to which point consultation is necessary
- Information about the cost was published in the Village Update
- additional mail out may be done within a 300 m radius
- potential cost savings

Council directed staff to place a mail out regarding the wraps for the 3PRVs.

**9. Unfinished Business**

A. Follow-Up Action Items from Previous Meetings

No.	Date	Item Description	Status
203	May 4, 2021	G12 D Mah Day of Action Against Anti-Asian Racism	Staff published information in the Village update- Complete
204	May 4, 2021	R1 C Bradbury re Parking	Completed
205	May 4, 2021	R4 F. Azordegan re: Parking at Lower Kelvin Grove	Completed
206	May 4, 2021	K. Buhr re: sign project	Completed

*Moved/Seconded*

THAT the agenda be amended to consider item 12C be considered prior to item 9B.

**CARRIED**

**The order of the agenda was changed**

12C. Trees, Views and Landscapes Bylaw No. 393, 2007

CAO DeJong provided an overview of the proposed changes to Bylaw 393, 2007 and noted the following:

- steps that a Registered Professional Biologist would take to check for nests during nesting season
- Balance of cost and obligations of applicants against obligation to comply with Federal and Provincial acts and regulations
- Federal/Provincial legislation does not require specific level of compliance, other than being aware and not to contravene– up to the person to ensure that they comply
- Municipal tree assets – not attempting to regulate federally or provincially re. trees

Discussion ensued on:

- No outright prohibition during nesting season in other municipal bylaws
- Encourage people to do cutting in fall
- Purpose of a tree replacement program
- Nesting season, cut trees in winter, nests may be there regardless of the time of year
- Arborist: pecuniary interest, not qualified
- Nesting season: August 16<sup>th</sup>, as per federal table for “open” lands in A1 region
- Outright prohibition during bird nesting season, plan around it
- No need to go back to consult with community
- Other proposed changes to the bylaw not related to nesting season
- Application may be received noting extenuating circumstances
- What constitutes a hardship?
- Upcoming applications and encroachment agreements: no cutting during season will impact those
- Suggest changing Certified Arborist to Registered Professional Biologist and no cutting during applicable nesting season
- Provision of information to residents: put in Village Update

*Moved/Seconded*

THAT Council directs staff to amend Trees, Views and Landscapes Bylaw No. 393, 2007 to prohibit tree cutting during the applicable nesting season with the provision that a person may submit an application in cases of demonstrated hardship;  
AND FURTHER THAT a person must obtain a Qualified Professional other than a Certified Arborist to inspect the tree during nesting season.

**CARRIED**

Council noted that they do not think public consultation is necessary on the matter and that no other proposed changes are necessary at the moment.

**The order of the agenda was resumed.**

B. Trees, Views and Landscapes Committee – Tree Application No. 109 – 265  
Bayview Road

*Moved/Seconded*

THAT the Trees, Views and Landscapes Committee recommends to Council THAT Council approves the Tree Cutting Permit Application No. 109, subject to the following:

- a. Topping and trimming is to be in accordance with the photos and requested work in the application materials; The group of trees to the north of the driveway to be removed. The next group of trees to the left of the driveway entrance (south) are to be topped to the existing topped

height, and the large group further south and marked “remove” are to be removed

- b. The applicant must clean up and remove all associated debris;
- c. The tree cutting permit shall be valid for a period of three years subject only to confirmation prior to any cutting, or repeated cutting, within that period of:
  - i. Compliance with the bylaw restrictions regarding bird nesting season,
  - ii. A traffic control plan approved by Public Works, and damage deposit, arborist/contractor’s WorkSafe BC certificate and insurance in compliance with Municipal requirements and any other requirements of the bylaw.

*Moved/Seconded*

THAT the motion on the floor be amended to strike section c. i. and substitute:  
c. i. Permit shall not be effective until August 16<sup>th</sup> of any year to comply with restrictions regarding bird nesting season.

**MAIN MOTION AS AMENDED**

*Moved/Seconded*

THAT the Trees, Views and Landscapes Committee recommends to Council THAT Council approves the Tree Cutting Permit Application No. 109, subject to the following:

- a. Topping and trimming is to be in accordance with the photos and requested work in the application materials; The group of trees to the north of the driveway to be removed. The next group of trees to the left of the driveway entrance (south) are to be topped to the existing topped height, and the large group further south and marked “remove” are to be removed
- b. The applicant must clean up and remove all associated debris;
- c. The tree cutting permit shall be valid for a period of three years subject only to confirmation prior to any cutting, or repeated cutting, within that period of:
  - i. A traffic control plan approved by Public Works, and damage deposit, arborist/contractor’s WorkSafe BC certificate and insurance in compliance with Municipal requirements and any other requirements of the bylaw;
  - ii. The Permit shall not be effective between March 30 and August 16 of any year of the three-year period to comply with the general nesting season under the *Migratory Bird Convention Act* and Regulation.

**CARRIED**

## 10. Reports

### A. Staff

i. Arts Council Request for Art in the Park Program at Wade Park

*Moved/Seconded*

THAT the Lions Bay Arts Council be granted use of 10 chairs and 4 tables on Fridays and Saturdays through July and August 2021 for the Art in the Park Program at Wade Park;

AND FURTHER THAT the rental costs for the tables and chairs be waived as an in-kind donation in the amount of \$900.

**CARRIED**

ii. AP Listing Follow Up

CFO Rooke confirmed the following:

- Special features for CAO laptop
- Staff always endeavour to obtain good deals through bundling communications agreement and will do the same when contracts are up.
- Explanation of the actuarial evaluation
- Long-term sick leave not dealt with in the report
- No accounting provision to allow you to account for accruing funds to replace an employee, if on long-term sick leave; just a cost of doing business

*Moved/Seconded*

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

**CARRIED**

iii. Village of Lions Bay GHG Targets, Policies and Actions

CAO DeJong provided an overview of the report.

Discussion ensued on:

- Discussed more fully at Climate Action Committee

*Moved/Seconded*

THAT the Information Report, “Village of Lions Bay GHG Targets, Policies and Actions” be received.

**CARRIED**

iv. Speed and Traffic Data on Bayview Road at the Community School

PWM provided a summary of the report, noting:

- 85<sup>th</sup> percent of drivers doing an average of 34 km/h
- Radar sign reader placed well below the PRV

- PRV repaired May 7<sup>th</sup>
- Obtained ICBC grant for another two machines, coming in three weeks

Discussion ensued on:

- Traffic data
- Day and time of day details

*Moved/Seconded*

THAT the Information Report, “Speed and Traffic Data on Bayview Road at the Community School” be received.

**CARRIED**

- v. Update re. Implementation of Parking Plan (Verbal)
- CAO DeJong provided a verbal update on the parking plan, noting:
- Large signage order has been placed, but sign shop is delayed
  - Location data provided to Parklink for implementation of pay parking
  - Port-a-potty at Sunset: cleaning once a week; cleaning required just before long weekend

Mayor McLaughlin requested the following, based on resident feedback:

- Slow & kids playing signage at Upper Oceanview and Upper Mountain on both sides of the road.
- Port-a-potty at school parking lot and signage at or near there advising that it is there
- Road calming in front of the school
- A second Port-a-potty next to the Lions trail at Sunset and an enhanced cleaning program at all locations starting this weekend.
- Initiate garbage pickup on long weekends
- At least two signs on the way to the Lions Trail past the school advising of the rest area ahead.

CAO DeJong noted that staff is looking at temporary traffic calming, the cost of cleaning, and that staff are monitoring garbage.

Discussion ensued on:

- the need for extra port-a-potties and extra cleaning
- Garbage pick-up scheduling and monitoring
- The need for data collection prior to traffic calming solutions
- rules regarding closing trails
- School parking lot: feedback from SAR:

CAO DeJong confirmed that signage for on-street pay parking has been ordered.

vi. 245 Kelvin Grove Way Encroachment Agreement & S. 219 Covenant

PWM presented the report noting:

- Owners wish to beautify lot and redo their driveway
- Current stairs are dangerous.
- Application doesn't consist of any new retaining walls, only issue is that the drainage system has not been investigated and the condition of the drainage culvert is unknown

PWM responded to questions noting:

- Village does not know condition of the culvert, and an inventory will be conducted to understand budget request for 2022
- Requirements of the Driveway Crossing Bylaw section 4.1.5 notes the requirements for culvert maintenance and replacement by and at the expense of the Owner
- Would be a Council decision to add maintenance of culverts in the agreement.
- Approve agreement with understanding that we do not know the condition of the culvert
- Owner is aware of this
- Liability does not extend to the rest of the culvert, only the piece that is under their driveway
- Encroachment agreement just enables the continuation of the applicant's existing plan

*Moved/Seconded*

- (1) THAT the Municipality enter into an Encroachment Agreement and Section 219 Covenant with the Owner(s) of 245 Kelvin Grove Way in substantially the same form as the draft Agreement and Covenant attached to this report;
- (2) THAT the said Section 219 Covenant be registered against the property at 245 Kelvin Grove Way in the Land Title Office; and
- (3) THAT the CAO or CFO and Mayor be authorized to execute both the Encroachment Agreement and the Section 219 Covenant.

**CARRIED**

vii. 255 Oceanview Road Encroachment Agreement & S. 219 Covenant

PWM Jaffer and CAO DeJong noted:

- request for a three-meter buffer between the edge of asphalt and first retaining wall on the west side in keeping with ISL Drainage report for replacement of drainage system.
- 3m buffer allows access for equipment

- Application does not have impact on Board of Variance (BoV) requirement; application will go to BoV regarding setbacks for the carport structure on east side
- 
- Encroachment agreement does not include tree cutting permit, they still must go through the process
- Tree work that was already done, was undersized trees

*Moved/Seconded*

- (1) THAT the Municipality enter into an Encroachment Agreement and Section 219 Covenant with the Owner of 255 Oceanview Road in substantially the same form as the draft Agreement and Covenant attached to this report;
- (2) THAT the said Section 219 Covenant be registered against the property at 255 Oceanview Road in the Land Title Office; and
- (3) THAT the CAO or CFO and Mayor be authorized to execute both the Encroachment Agreement and the Section 219 Covenant.

**CARRIED**

- viii. 340 Oceanview Road Encroachment Agreement & S. 219 Covenant  
PWM Jaffer provided an overview of the encroachment agreement.

*Moved/Seconded*

- (1) THAT the Municipality enter into an Encroachment Agreement and Section 219 Covenant with the Owner of 340 Oceanview Road in substantially the same form as the draft Agreement and Covenant attached to this report;
- (2) THAT the said Section 219 Covenant be registered against the property at 340 Oceanview Road in the Land Title Office; and
- (3) THAT the CAO or CFO and Mayor be authorized to execute both the Encroachment Agreement and the Section 219 Covenant.

**CARRIED**

B. Mayor  
None

C. Council

- i. Councillor Barmeier: Lions Bay ZEV initiative Update  
Councillor Barmeier presented an update regarding the ZEV initiative, noting:
  - Scope creep

- Pass on next grant intake
- Would go in front of Climate Action Committee (CAC) to look at other models for next grant intakes
- Not looking for turnkey packages
- June 22<sup>nd</sup> grant deadline not realistic to submit on time
- Perhaps engage with engineering firm, local and perhaps pro bono

Discussion ensued on:

- Original budget was for capital
- Up to council to decide how to spend allotted money
- Make preparations today: use part of capital budget for working drawings to enhance for project for better day

Councillor Barmeier to discuss with CAC and come back with recommendation to Council.

*Recommendation:*

THAT the Information report, “Lions Bay ZEV initiative – update” be received.

**CARRIED**

D. Committees

- i. Climate Action Committee – Recommendation from May 13, 2021, meeting  
Councillor Cunliffe provided an overview of the Help Cities Lead campaign, which advocates for the reduction of carbon from buildings in all levels of government through five policies.

More information to be provided to Council prior to endorsing a letter of support for the campaign.

E. Emergency Services

- i. RCMP Report for March and April 2021  
Mayor McLaughlin noted he would be meeting with the RCMP to understand the report.

*Moved/Seconded*

THAT the March and April 2021 RCMP Report be received.

**CARRIED**

## 11. Resolutions

### A. 2021 Annual Report

*Moved/Seconded*

THAT the Annual Report required under section 97 of the *Community Charter* be available for public inspection at the Village Office and via the Village website on or before June 1, 2021; and

THAT the Annual Meeting required under section 99 of the *Community Charter* be held in conjunction with the regular Council meeting on June 15, 2021; and

THAT the notice of the Annual Meeting under section 94 of the *Community Charter* be by way of:

(a) Posting in the public notice posting places; and

(b) Publication on the Village website and in the Village Update (Village Update distribution) on June 4 and June 11, 2021, as being reasonably equivalent to notice that would be provided by newspaper publication if it were practicable.

**CARRIED**

Councillor Cunliffe noted that the CAC would like to see publication in the Village Update regarding the anti-idling bylaw. It was noted that staff would have publication in the VU and on the website by May 26, 2021.

Councillor Bain requested that information on green waste be published in the Village update.

### B. Block Watch Society Resolution

Councillor Bain provided an update regarding the status of the Block Watch membership, noting that a resident has agreed to coordinate the program. The application has been sent to staff.

Mayor McLaughlin requested that an item on the subject be published in the Village Update.

*Moved/Seconded*

THAT Council endorses the 2021 Membership Application for the Block Watch Society of BC; and

THAT Council directs staff to process the application; and

THAT the Village of Lions Bay Block Watch Program be administered by a local resident Block Watch Coordinator.

**CARRIED**

**12. Bylaws**

A. Bylaw 592 – Bylaw Notice Enforcement Bylaw Amendment

*Moved/Seconded*

(1) THAT Bylaw Notice Enforcement Bylaw No. 385, 2006, Amendment Bylaw No. 592, 2021 be adopted.

**CARRIED**

CAO DeJong noted that he would confirm the changes to the Compliance Agreement in the schedule.

B. Brunswick Beach Road Closure Bylaw No. 604, 2021

CAO DeJong presented Bylaw 604, 2021, noting:

- Replacement for Schedule A placed on table, which consists of a proper plan by surveyor
- Owners of 3 Brunswick agreed to purchase it; no objections from adjacent owners

*Moved/Seconded*

(1) THAT Road Closure Bylaw No. 604, 2021, as amended, be introduced and given 3 readings; and

(2) THAT a certified copy of Road Closure Bylaw No. 604, 2021, as at 3<sup>rd</sup> reading, be sent to the Minister of Transportation and Infrastructure for approval prior to the bylaw coming back to Council for consideration of adoption.

**CARRIED**

**13. Correspondence**

A. List of Correspondence to May 21, 2021

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

<b>Date Rec'd</b>	<b>FROM</b>	<b>TOPIC</b>	<b>ACTION</b>
3-May-21	G1 City of Campbell River Council	Logging of at-risk old-growth forests in the Province	Received
3-May-21	G2 B. Murray, Bears Matter Consulting	Resolution on need for a moratorium on Wolf Hunting in BC	Consider for next meeting
6-May-21	G3 MP Weiler	Invitation to budget discussions	Received
6-May-21	G4 MP Weiler	announcement of Youth Employment and Skills Program in agriculture	Received
6-May-21	G5 MP Weiler	Granting permanent status to temporary workers and international graduates	Received
10-May-21	G6 District of MacKenzie	support for suicide prevention hotline - 988	Received

12-May-21	G8 A Hodgson, Fair Voting BC	Resolution 5: Local Choice Tools to Improve Representation In Local Government Elections	Received
14-May-21	G9 MP Weiler	Canada Healthy Communities Initiative	Received
15-May-21	G10 A. Szewchuk	Access to public beach areas	Received
14-May-21	G11 T. Faganello, Assistant Deputy Minister	Update on the May 2021 Regional Calls	Received
17-May-21	G12 SPARC BC	Access Awareness Day - June 5, 2021	Received
18-May-21	G13 District of Tofino	Support for Expedient and Resourced Implementation of the Old-Growth Strategic Review	Received
19-May-21	G14 City of White Rock	Regional Model for Mobile Crisis Response Car Program and Proposed Charges for RCMP Attendance at Hospitals	Consider for next meeting
19-May-21	G15 MP Weiler	Budget 2021 Update	Received
19-May-21	G16 MP Weiler	Announcement of work opportunities for young Canadians	Received
20-May-21	G17 Recreation Sites and Trails BC	Trails Strategy for BC - report on findings	Received
20-May-21	G18 MP Weiler	Call for Proposals to support the Canada Greener Homes Grant	Received
20-May-21	G19 Sierra Club	Invitation to webinar "Intact Forests, Safe Communities" June 9th	Refer to CAC
3-May-21	R1 E. Montgomery	Kayak Storage	Mayor McLaughlin to respond
4-May-21	R2 K. Buhr	Signage Project and response	Mayor McLaughlin responded
6-May-21	R3 N. Davidowicz	TransLink	Received
13-May-21	R4 M & J. Trollip	Encroachment Agreement and Drainage Maintenance	Received
16-May-21	R5 E. French & D. Hotte	Parking and speeding	Mayor McLaughlin responded
18-May-21	R6 H. van Hoogstraten	Speeding	Mayor McLaughlin responded

16-May-21	R7 F. Azordegan	Parking in Lower Kelvin Grove	Mayor McLaughlin responded
17-May-21	R8 N. Rodgers	Thank you for permit only parking	Received
18-May-21	R9 R & C David	Drone concern	Staff responded and placed what to do in the VU
20-May-21	M. Reuter	Wood Burning and UCB	CAO to request that Metro attend to explain the Urban Containment Boundary; noted that Metro asks that we wait until Metro 2050.
various	various	Responses to previous letters	For Information

Councillor Abbott noted that he would respond to A. Hackstrom and P. Nelson and Mayor McLaughlin would respond to B. Stoddart and V. O’Keeffe regarding the additional correspondence that was received for the Tree Application 109 and Tree amendment bylaw.

**14. New Business**

None

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

None

**16. Continuation of Closed Council Meeting (if applicable)**

Not applicable

**17. Reporting Out from Closed Portion of Meeting**

See above

**18. Adjournment**

*Moved/Seconded*

THAT the meeting be adjourned.

**CARRIED**

*The meeting was adjourned at 10:04 p.m.*

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer

Date Approved by Council:	June 15, 2021
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