



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

**REGULAR MEETING OF THE COUNCIL
OF THE VILLAGE OF LIONS BAY
HELD ON TUESDAY, FEBRUARY 1, 2022 at 6:00 PM
COUNCIL CHAMBERS, 400 CENTRE ROAD, LIONS BAY
AND VIA ZOOM VIDEO CONFERENCE**

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: 11

1. Call to Order

Mayor McLaughlin called the meeting to order at 6:02 p.m.

2. Closed Council Meeting (6:00 PM)

Proposed topics for discussion in the absence of the public:

- A. Legal Matters
- B. Personnel
- C. Awards
- D. Procurement

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* and where required, the Council does consider that the matters could reasonably be expected to harm the interests of the municipality if they were held in public:

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;
- (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;
- (g) litigation or potential litigation affecting the municipality;
- (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](#);
- (n) the consideration of whether a council meeting should be closed under a provision of this subsection or subsection (2).

CARRIED

Council anticipates reconvening the open meeting to discuss the balance of the Agenda.

The meeting reopened to the public at 7:02 p.m.

3. Reporting Out from Closed Portion of Meeting
See Item 16

4. Adoption of Agenda
Moved/Seconded

THAT Item 9Aii be considered after Public Participation, with the staff report circulated to Council and published to the website; and
THAT correspondence R1 be considered as an added Item under 9Ciii; and
THAT the agenda be adopted, as amended.

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

A. Brenda Broughton

B. Broughton commented on the application from 52 Brunswick Beach, noting her recommended amendments, as per her correspondence to Council.

- B. Nicole Lund
N. Lund commented on her expectations for purchasing a home with beach access, noting the description from realtor listing and requirements for son's needs. She urged Council to focus on their encroachment application.
- C. Gregory Banta
G. Banta commented on having also purchased in reliance on beach access, the need to understand the accuracy of the natural boundary map from 1909 and taking the time to get it right by re-surveying, support for both parties to have beach access, improvement of angle of ramp, respect for historical access and mutual respect.
- D. Michael Broughton
M. Broughton spoke in favour of the application from 52 Brunswick Beach, noting his concern with the option to alter the design as currently proposed and urged Council to make a just decision in consideration of the applicant's son's needs.
- E. Marek Sredzki
M. Sredzki commented on the budget, noting his concern of having a higher budget for green waste. He suggested having a local method of composting.

The order of the agenda was amended to consider 9Aii

9Aii. 52 Brunswick Beach

CAO DeJong presented the report, noting:

- 1909 subdivision map that created the Esplanade - overview and implications; any legal changes to the natural boundary would only take effect if legislated procedures were followed, which did not apparently happen with the 1960 subdivision map showing a more generous high water mark that previously, subsequently used by all parties – as a result, much of what was considered Esplanade in this location is actually still legally Crown land until a legislatively compliant re-survey of the natural boundary is undertaken
- Currently, the proposed landing spot of the aluminum ramp falls on Crown land and is beyond our jurisdiction
- Overview of applications: Development Variance Permit (DVP) (changes to the setback requirements on the Lunds' property) and Encroachment Agreement (airspace over Esplanade) and implications
- Overview of Council considerations appropriate for these two separate applications by the Lunds
- Overview of implications of natural boundary changes, should a re-survey be pursued by any party
- Overview of recommendations in staff report and the accompanying conditions
- Application does not include a deck extension

- Recommendation for Village not to make an application to Front Counter BC and recommendation for Village not to pursue the natural boundary changes
- Overview of options for Council
- Not dealing in this meeting with encroachment agreement for 51 Brunswick Beach

Discussion ensued on:

- Dealing with access to/over public property, not private property
- DVP as a tool to facilitate the structure within the setback area of the Lunds' property; portion of structure to be covered by encroachment agreement over Esplanade, but balance will need to be covered by foreshore lease from Crown
- Respecting access for 51 Brunswick Beach
- Application procedure: do not appreciate "do it first and ask for permission later"
- suggestion that the ramp be angled to provide separation good compromise; if that could be agreed to and if it can be angled
- From Council: not impressed how the process has gone
- Thank you to CAO; process has taken up too much time
- Council can assist with access to beach so long as it does not hamper public or other residents' access rights

Councillor Abbott noted his concerns with not following regulations and asking for forgiveness later; Would have liked to see Front Counter BC decision first

CAO DeJong clarified that section B1, enables shared access of the concrete ramp with 51 Brunswick Beach; however, Council may wish to consider that the angle of the ramp be changed to be further away than the current proposed landing pad.

Councillor Barmeier left the meeting at 7:45 p.m.

Mayor McLaughlin asked whether Council would like to consider whether they wished to include the change to the rampway angle as a friendly amendment to the motion on the floor.

Councillor Bain noted that changing the angle would be a compromise that could be made and noted that the application should have been made with Front Counter prior to this application.

Councillor Cunliffe noted that the less the foreshore is disturbed the better and will support the motion as it stands.

Mayor McLaughlin called for the applicants to speak to their application one final time.

G. Banta questioned whether the Village would support an application for revising the natural boundary.

CAO DeJong noted that the matter of the re-surveying the natural boundary does not affect the ability of Council to consider the applications that are before it and may be addressed later.

C. Lund noted that they have done all their due diligence in consultation with a registered biologist and DFO and have been in contact with Front Counter BC and stated that they poured concrete with all the parties' approvals.

CAO DeJong clarified that the application form submitted to Front Counter BC was dated as being submitted on August 6, 2021, after the concrete had been poured (July).

C. Lund noted that the application was submitted in August and he was in discussion with Front Counter BC in June.

Moved/Seconded

THAT Council approves the Development Variance Permit from 52 Brunswick Beach Road for a variance of the front/rear yard (ocean facing) setback, from 4.5 metres to 0 metres for the top of an aluminum rampway structure and its supporting elements on or over the applicant' lands, subject to:

A. 1. Stamped, certified schedules from qualified professional engineers, or other approvals in writing satisfactory to the Municipality, in accordance with the staff notes in the Information and Processes Required for Applications document, attachment 4 to the Staff Report dated for the January 11, 2022, Special Council Meeting, prior to any site work taking place.

For clarity, the DVP does not include any deck extension – this would require a separate DVP application if such an extension were to be requested in the future;

AND FURTHER THAT Council approves an encroachment agreement of an aluminum rampway structure over the Municipality's Esplanade lands to facilitate access to the foreshore from the Lunds' property at 52 Brunswick Beach Road subject to:

B. 1. Approval by the Province of the Lunds' application to Front Counter BC for a foreshore lease or license for any portions of the structure on or over Crown land, provided that such application enable shared access with the owner of 51 Brunswick to the foreshore via the concrete landing, stairs and ramp located on Crown land, a consideration which the Municipality will support in writing to Front Counter BC.

2. An irrevocable letter of credit or other credit facility acceptable to the Municipality in the amount of \$10,000 to secure the obligations of the applicants as set out in sections A.1 and B.1 above and an included requirement to remove the rampway

structure if the Province does not grant the applicants a foreshore lease or license in the terms required under section B.1 above.

3. An executed encroachment agreement with section 218 statutory right of way and section 219 covenant substantially in accordance with the new template of agreement shown in attachment 13 to the January 11, 2022 report, including the foregoing conditions in sections A.1, B.1 and B.2 above, along with the balance of fees payable in respect of the registration of the covenant in the Land Title Office.

4. Such further and other requirements as may be recommended by the Municipality’s legal counsel.

CARRIED
OPPOSED: Cllr. Abbott

6. Review & Approval of Minutes of Prior Meetings

A. Regular Council Meeting – January 18, 2022

Moved/Seconded

THAT Council approves the Regular Council Meeting Minutes of January 18, 2022, as circulated.

CARRIED

7. Business Arising from the Minutes

CFO Rooke confirmed that staff have ordered a Port-A-Potty for installation at Sunset but there have been delays due to changes in service providers; should be installed this week.

8. Unfinished Business

A. Follow-Up Action Items from Previous Meetings

No.	Date	Item Description	Action
238	November 16, 2021	Rail crossing stop signs	PWM Jaffer coordinating
242	December 14, 2021	G10 BC SPCA Rodenticide Prohibition	PWM Jaffer to follow up with BC SPCA
243	December 14, 2021	G11 E-Comm Professionals of BC re Challenges faced at e- comm	Completed
247	December 14, 2021	R4 P. Marsh re: LB Payroll inquiry	CFO Rooke to provide a report in March 2022
248	January 18, 2022	ESS/EOC DEPC	Complete
249	January 18, 2022	R2 V. Cox re Beach Park	Complete

9. Reports

A. Staff

i. 2022 Draft Water, Solid Waste and Sewer Budgets

CFO Rooke presented the report, noting,

- One change in water budget since last presentation – re-budget of hydrant parts ordered in 2021 but received in 2022

Staff responded to questions, noting:

- Overview of formula for amortization, per general accounting standards
- Accounting annotation for surplus, can adjust how presented in schedule for better clarity; will be explained in Utility Brochure sent to residents
- Not taxing for depreciation: now a requirement for grant application to budget for depreciation
- Recommendation to have a surplus when assets start to fail: maintenance costs are increasing
- Composting program costs:
 - collected every week as opposed to every second week for garbage so disposal costs are higher
 - Village allowing unlimited disposal of yard waste, comes at a cost
 - Will be reflected in new tender; suspect cost will continue to rise
- bound by Recycle BC and they combine collection services for organics and yard trimmings (cost based on weight)
- separation of types of green waste would require capacity levels that Recycle BC currently does not have

Discussion ensued on:

- Advantage of cost: combustible fuel risk reduction
- Impacts of compost on rodent population
- Yard trimmings as potential for fueling fires
- Village is one of the best providers of compost for Metro Vancouver and puts out the least amount of landfill waste

CAO DeJong noted that the water surplus being set aside is only 27% of the total depreciation; a small amount relative to the amount needed to pay for future replacement of assets.

Moved/Seconded

THAT the report “2022 Draft Water, Solid Waste and Sewer Budgets” be received for information purposes.

CARRIED

ii. 52 Brunswick Beach - Considered above

B. Mayor
None

C. Council

The order of the agenda was amended to consider item 9Ciii

iii. Resident Correspondence R1

J. Wright, resident expressed concern regarding step 1 and step 2 pricing for BC Hydro charges, noting it is unfair to communities that do not have access to other types of energy sources. She is requesting that the Village be represented through Council as an intervenor at the Utility Commission hearing where BC Hydro will present their rate application.

Discussion ensued on:

- Requirements of an intervenor; just need to fill out a form
- Costs of hydro

Moved/Seconded

THAT Council appoints Councillor Abbott to represent the Village of Lions Bay as an intervenor with respect to the BC Utilities Commission hearings on BC Hydro's two-tiered rate structure.

CARRIED

The order of the agenda resumed.

i. Councillor Abbott: Bear Smart Update, verbal report from January 27, 2022 meeting

Councillor Abbott provided a report on Bear Smart initiatives, noting:

- Goals for 2022
- Will present an article in Village Update regarding bear season
- Looking for additional volunteers
- Calendar for communications
- Participation in May 14th Bird Friendly event
- Working with staff re: green bin liners
- Working with schools for initiatives
- Work with Bylaw Enforcement Officers again starting in Spring

Discussion ensued on:

- Purpose of bear smart website and reporting to conservation officer
- Bear attractants

- Communication with conservation officer
- ii. Councillor Abbott: Bird Friendly Update, verbal progress report
- Councillor Abbott provided an update on the Bird Friendly initiative, noting:
- Application underway for Bird Friendly city, small town category
 - Points added for actions that have been taken to date
 - Nature Canada: eager to award bird friendly designation to small town – Lions Bay could be the first
 - Overview of actions to date; residents will be notified
 - May 14th: bird day: overview of groups that have been approached
 - Overview of other potential events and applications
 - Overview of other activities

CFO Rooke requested that the municipal grant application be submitted to the office this week for consideration at the next meeting.

Councillor Abbott noted a desire to undertake greater public education on the harmful use of rodenticides and commented that anticoagulants have effects on other flora and fauna.

Moved/Seconded

That Council directs staff to amend Pesticide Control Bylaw No. 430, 2011, to include reference to and compliance with Ministerial Order No. M305, 2021 regarding the restricted use of rodenticides in respect of the *Integrated Pest Management Act*.

CARRIED

D. Committees

- i. Emergency Program Committee Meeting – Minutes from January 25, 2022

Discussion ensued on:

- Wording of resolution to change to positions as opposed to individual names

Moved/Seconded:

THAT the Emergency Program Committee recommends to Council THAT Council

- (1) approves the draft Emergency Program 2022 Scope of Work, as amended;
- (2) directs staff to incorporate the Scope of Work into a contract for emergency management services with Red Cape Solutions Inc. in terms mutually satisfactory to the parties; and

(3) authorizes the Mayor and Corporate Officer to execute the agreement with Red Cape Solutions Inc.

THAT the Emergency Program Committee recommends to Council THAT Council appoint Mary Brown and Leslie Nolin as Co-Directors of the Lions Bay Emergency Support Services

THAT the Emergency Program Committee recommends to Council THAT Council appoint Edward Langford Jr. to the Committee as the manager of the Lions Bay Search and Rescue.

CARRIED

Moved/Seconded

THAT correspondence from G. Weary be added to the agenda under item 9Dii.

CARRIED

- ii. Councillor Cunliffe referenced correspondence from Climate Action Committee member G. Weary seeking information regarding watershed, firesmart and geohazard matters.

Mayor McLaughlin requested that the correspondence requests be added to unfinished business for the February 15, 2022 Council meeting.

Councillor Abbott noted that the FireSmart information is available as public record and accessible.

E. Emergency Services

- i. November and December 2021 Lions Bay RCMP Activity Report
Moved/Seconded
THAT Council receives the November and December 2021 Lions Bay RCMP Activity Report.

CARRIED

10. Resolutions

None

11. Bylaws

- A. Secondary Suite Surcharge Bylaw No. 513, 2017, Amendment Bylaw No. 603, 2022
Moved/Seconded
THAT the Secondary Suite Surcharge Bylaw No. 513, 2017 be adopted.

CARRIED

B. Utility User Rate Amendment Bylaws No. 609 and 610

Moved/Seconded

THAT Water Rates and Regulations Bylaw No. 2, 1971, Amendment Bylaw No. 609, 2022 be introduced and read three times.

CARRIED

Moved/Seconded

THAT Sewer User Rates Bylaw No. 122, 1984, Amendment Bylaw No. 610, 2022 be introduced and read three times.

CARRIED

C. Official Community Plan & Regional Context Statement Amending Bylaw No. 612

CAO DeJong provided an overview of the changes to the Regional Context Statement.

Discussion ensued on:

- Appreciation of time to make the changes
- Appreciation of simplicity of the changes
- Amendments: p. 56: remove heading at bottom of page formerly associated with deleted table
- Differentiation of land use designations: RCS refers to regional designation by Metro in the RGS as opposed to local designations within Lions Bay in the OCP Formatting changes

Moved/Seconded

(1) THAT Village of Lions Bay Official Community Plan Designation Bylaw No. 408, 2008, Amendment Bylaw No. 612, 2022 be introduced and read a first time;

(2) THAT Council confirms it has considered whether consultation is required under section 475 of the *Local Government Act*;

(3) THAT Council confirms the Official Community Plan, as amended, has been considered in conjunction with the Village of Lions Bay Financial Plan and any applicable Waste Management Plans pursuant to the *Local Government Act*;

(4) THAT Village of Lions Bay Official Community Plan Designation Bylaw No. 408, 2008, Amendment Bylaw No. 612, 2022 be read a second time;

(5) THAT an electronic Public Hearing be scheduled for February 22, 2022 at 7 pm to consider public comment in respect of Village of Lions Bay Official Community Plan Designation Bylaw No. 408, 2008, Amendment Bylaw No. 612, 2022;

(6) THAT notice of the Public Hearing be provided in accordance with the *Local Government Act*; and

(6) THAT Village of Lions Bay Official Community Plan Designation Bylaw No. 408, 2008, Amendment Bylaw No. 612, 2022 be brought back for consideration of the public comments and third reading of the bylaw at the Council meeting following the Public Hearing.

CARRIED

12. Correspondence

A. List of Correspondence to January 28, 2022

Moved/Seconded

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

G1 MP Weiler	Canada Emergency Business Account	Received
G2 LGMA	Call for member resolutions	Received
G3 FLNRO	Engagement on updates to BC's Geographical Naming Principles	Received
G4 MP Weiler	ICIP - Third Intake	Received
G5 District of Stewart	BC Wildfires Petition	Received
R1 J. Wright	BC Hydro rates	Addressed earlier in agenda
R2 C. Weiss	52 Brunswick Beach application	Received
R3 C. Weiss	52 Brunswick Beach application	Received
various	responses to previous	Received

13. New Business

None

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

None

15. Closed Council Meeting (continuance if required)

Moved/Seconded

THAT the meeting be closed to the public on the basis of matters set out in Item 2 of this Agenda.

CARRIED

The meeting was closed to the public at 9:12 p.m.

16. Reporting Out from Closed Portion of Meeting

Mayor McLaughlin reported out the following from the closed session:

- Council passed the following resolution:

THAT Council directs staff to submit an application for grant funding for the Bayview Drainage and Water Improvement Project through the *Investing in Canada Infrastructure Program – Green Infrastructure - Environmental Quality Program*; and

THAT Council supports the project and commits to the Village of Lions Bay’s share of the project up to \$825,000, including any cost overruns, to be funded by previously approved Municipal Finance Authority borrowing and transfers from reserves.

- Mayor McLaughlin also reported:

- Council received legal advice re: 51 and 52 Brunswick and those matters were discussed in public.
- Council also discussed Lions Bay Fire Rescue compensation
- Council also discussed the Citizen of the year and Citizen of Distinction awards.

17. Adjournment

Moved/Seconded

THAT the meeting be adjourned.

CARRIED

The meeting was adjourned at 9:35 p.m.

Mayor

Corporate Officer

Date Approved by Council:	February 15, 2022
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