



# 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, MARCH 15, 2022 at 6:00 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  
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: 1

Public: 14

**1. Call to Order**

Mayor McLaughlin called the meeting to order at 6:03 p.m.

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

Proposed topics for discussion in the absence of the public:

- A. Citizen Awards
- B. Committee Appointments
- C. Land
- D. Legal
- E. Labour
- F. Intergovernmental Relations

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;
- (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;
- (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); and

**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 6:04 p.m.*

*The meeting was re-opened to the public at 7:00 p.m.*

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

See item 16.

**4. Adoption of Agenda**

Moved/Seconded

THAT item 10A Vi Vandalism at Wade Park be added; and

THAT item 10Ci Update on the Native Plant Garden renaming be added; and

THAT the agenda be adopted, as amended.

**CARRIED**

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

**A. Marek Sredzki**

M Sredzki commented on his disagreement with having a geological study done for Lions Bay, noting that Lions Bay has more urgent needs. He also requested project plans for the Lions Bay Beach improvement project.

CAO DeJong noted that the plans are available on the Village website.

**B. Cassandra Dawson**

C. Dawson commented on her March 15, 2022 correspondence to Council regarding the tree application no. 118, noting the rationale for the work to be finalized and the support from all the neighbours around her

**C. Carmon Leeson**

C. Leeson commented on tree application no. 118, noting that he was not consulted and his opposition to the removal of the tree and the effects of winds on his property.

**D. Marcus Reuter**

M. Reuter commented on tree application no. 118 and the petition by the group of residents on Stewart Road regarding the matter, noting they were not provided the opportunity to provide input during the process and request that the tree be preserved. He believes that the tree is significant and not unsafe and that the double leader at the top is from storm damage; he urged Council to reconsider.

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

**A. Dr. Steven Weijs, University of British Columbia (UBC) regarding the UBC Hydrology study of the Lions Bay watershed**

Dr. Weijs provided an update on the UBC Hydrology study of the Lions Bay watershed, noting:

- Objectives
- Resources available towards the study
- Streamflow information
- Extrapolation of streamflow records
- Planned work on monitoring
- Funding

Dr. Weijs responded to questions, noting:

- PHD students already working on the project, plans to hire more in September
- project relies on funding, currently pending

- One student looking at groundwater flow sources; thesis will be concluded shortly
- Electrical conductivity data have been collected but not reviewed – not conclusions drawn streams are snowmelt and rainfall fed but contain significant storage in the system, even when snowpack almost absent, still some flow
- See clear signal of electrical conductivity of water which increases with decreasing flow and is an indication of ground water
- Research is exploring how the recession of flow in absence of snow or rain input proceed over time
- Next research question will explore how the flow may change under changing climate once mechanisms, comparisons and more data is available
- Preliminary analysis of short-term data is not effective because more data is required to see a pattern; could look at basins that have similar behaviour but full data analysis has not taken place at this time

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

A. Regular Council Meeting – March 1, 2022

The following item was noted as an amendment to the March 1, 2022 regular Council meeting minutes:

- item 10Bii: add “CAO DeJong to circulate meeting dates to Council for a Committee of the Whole meeting”.

Moved/Seconded

THAT the Regular Council Meeting Minutes of March 1, 2022, be approved as amended.

**CARRIED**

**8. Business Arising from the Minutes**

- A. CAO DeJong requested that Council send available dates for a Committee of the Whole regarding Natural Hazards.

- B. Mayor McLaughlin commented on Tree Application 118 – 231 Bayview Rd.

Moved/Seconded

THAT Council reconsiders Tree Application 118 – 231 Bayview Rd.

**CARRIED**

CAO DeJong commented on application 118, noting:

- Tree that has been previously topped
- No trees outside of those in the application are affected, tree at point of land that is subject of current debate was part of application

- Spoke with Chair of tree committee who indicated the tree at the point did not look like a significant tree when they were on site
- Overview of measurement: 69.723 cm - significant tree at 70 cm
- Council to consider contractual agreements and work to date done in reliance of resolution approving application
- Council to consider Schedule D of the tree bylaw: overview of guidelines for tree committee
- Definition of affected property owner: overview of determination
- Challenges with knowing who would have potential interest in a tree
- Concerned with this setting a precedence on who gets notification
- Have worked with tree committee in the past to streamline process due to previous backlog – concern with widening the notice requirements
- With respect to petition and concerns with erosion: this tree not a factor in respect of any erosion issues
- Safety of tree: has a lean toward Stewart Road and broken branches in canopy

Discussion ensued on:

- Options: to cut tree down, leave as is or obtain more information
- Consultation process
- Compromise to let it stand and be topped as it appears to have been previously topped by man or by nature
- Clause 3.4.4 in tree bylaw; a fulsome discussion not held by Council; do not limit consultation
- Arborist consideration and cost
- Considered as a significant tree
- Top of tree has been damaged, may be a problem in the future
- Arborist to determine course of action
- all other work has been completed and would not cause a hardship
- might not be completed prior to songbird nesting season

Moved/Seconded

THAT Council directs staff to engage a third-party arborist to review the status and health of the tree located at the point of land between Bayview Road and Stewart Road, and whether topping has previously occurred.

**CARRIED**

## 9. 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
247	December 14, 2021	R4 P. Marsh re: LB Payroll inquiry	Completed
248	March 1, 2022	R1 H. Berendes re house cats	Completed
249	March 1, 2022	R2 C. Little re parking	Completed
250	March 1, 2022	R3 A. Bradshaw re parking	Completed
251	March 1, 2022	R4 R. Caspersen re parking	Completed

## 10. Reports

### A. Staff

#### i. Film Application

CAO DeJong noted that the filming company has rescinded their application but will utilize marina parking and Brunswick Pit, and will be renting the Lions Bay Beach Park parking lot for crew vehicles and a catering truck. Notification has been sent of parking plans to 35 and 50 Lions Bay Avenue for feedback and requests for mitigation of potential late night noise associated with the parking.

#### ii. CFO: 2022 Preliminary Budget

CFO Rooke requested direction on the tax rate for the budget with the following highlights:

- Supplementals have been included; cash deficit: recommend that drainage study be pulled and reconsidered in 2023
- Fire Chief noted that they have repaired forklift again so replacement costs can be delayed
- Cash deficit equates to 6.6% tax increase
- Critical bridge repairs considered under operating budget: required to keep them operating and don't add to life expectancy

Staff responded to questions, noting:

- Volunteer appreciation event: budgeted every year
- Overview of costs for parking; revenue tough to estimate; conservative estimate
- Cannot judge compliance: signage more consistent; may be a decline in parking fine revenue

- Parking system will be automated with many features to improve staff time
- Hours for bylaw based on actual with additional hours for November and December
- Overview of bin replacement; staff kept it minimal
- Discussion on why depreciation is added back in the budget

Discussion ensued on:

- Agreement to remove drainage master plan
- Lowering of cost for plaques at memorial garden to \$3,000
- Summer help and bear bins being offset by COVID grant
- Rail crossing study will go to competitive bid, and budget number is an estimate; study required whether stop signs being left in place or removed
- Communication to residents to be enhanced
- Need to be prudent and address crumbling infrastructure
- Overview of paving: Lions Bay will be first in the season due to delays from last year; request to do it in the spring

Moved/Seconded

THAT Council approves the 2022 paving budget of \$347,885 comprised of a 2021 re-budget of \$147,885 and a 2022 budget of \$200,000

**CARRIED**

Discussion ensued on whether repairs for the bridges should come from surplus or infrastructure levy.

It was recommended that repairs come from taxation, as reserves should not be used for operating costs, and too little is being put away for depreciation. Should be maintaining assets; annual preventative maintenance: shortfall coming from surplus

Moved/Seconded

THAT Council directs staff to produce a 2022 budget with a general tax increase of 6.5%.

**CARRIED**

**OPPOSED: Cllr. Abbott**

- iii. PWM: 340 Oceanview Road Encroachment Agreement & s. 219 Covenant

PWM Jaffer presented the report on 340 Oceanview Road Encroachment Agreement, noting the revised proposal with the retaining walls and treehouse being removed – s.219 covenant no longer required.

Councillor Abbot expressed some frustration that the trees were removed to fit with original plan and now that the plan has changed the trees need not have been removed. PWM Jaffer noted that the trees would have had to go regardless as the landscaping is still required and that reshaping of the front yard would have damaged the tree roots and for the construction of a tiered retaining wall in the side yard.

Discussion ensued:

- Trees on the property
- Culvert and open ditch monitoring by Public Works

Moved/Seconded

THAT the Municipality enter into an Encroachment Agreement with the Owner of 340 Oceanview Road in substantially the same form as the draft Agreement attached to this report; and

THAT the CAO or CFO and Mayor be authorized to execute the Encroachment Agreement.

**CARRIED**

iv. Addendum to Housing Needs Assessment Report

CAO DeJong presented the housing needs assessment report, noting the corrections in the report and points in the addendum.

Discussion ensued on:

- Addendum is an improvement
- resident investments on secondary suites and alternative housing options in the Village

Moved/Seconded

THAT Council approves the Addendum to the Village of Lions Bay Housing Needs Assessment Report, attached to the report titled: “Addendum to Housing Needs Assessment Report” presented to Council at the March 15, 2022 Regular Council Meeting.

**CARRIED**

v. 2012-2020 Labour Analysis

CFO Rooke presented an overview of the 2012-2020 Labour Analysis, noting:

- Increase in FTE's (4.7), unionization of office staff, reclassification of PW positions, new Emergency Management position, increased bylaw enforcement
- Increase in stability of staff

Staff responded to questions, noting

- Budgeted FTEs: more important to look at budgeted amount: look at vacancies. When staff leave, we rarely replace them right away
- CFO will send to resident who requested analysis
- Overview of public works staffing; historically relied on staff with no certifications and maintenance was not kept up; in 2017 a core service level review was prepared and showed the estimated staff compliment to meet legislative services and core services was 7 FTEs. At that time Council approved one FTE bringing the count up to 6 FTE. Since that time, PW has been trying to focus on routine maintenance but some core services not at 100%

Discussion ensued on:

- comparison to other communities: difficult due to differences in population, model, structure and small municipalities contracting out services such as finance and PW tasks, purchasing water from Metro vs running Water Treatment Plants
- purpose of benchmarking; judgement should be made on output of work
- stability and Staff retention is a healthy indicator
- KPIs: having some data drive results to support some of this discussion

Moved/Seconded

THAT the information report "2012 – 2020 Labour Analysis" be received for information purposes.

**CARRIED**

- vi. Vandalism at Wade Park  
PWM Jaffer noted that two ornamental cherry trees were cut down by chainsaw in Wade Park and he will publish the information in the Village Update.

B. Mayor  
None

C. Council

- i. Councillor Bain provided an update on the renaming of the Native Plant Garden, noting that the name will be changed to the Mary Comber Miles Indigenous Plant Garden
- ii. Councillors Barmeier and Cunliffe issued a formal apology to the Climate Action Committee for the Chairs not being present at the last committee meeting.

D. Committees

- i. Trees, Views and Landscapes Committee
  - Tree Application 119 – 220 Mountain Drive

CAO DeJong noted that the italicized words are amendments made by staff to the Tree Committee recommendations.

CAO DeJong noted that the green line is the cedar hedge only.

Discussion ensued on:

- Process to decide on affected neighbours and consultation process
- Mayor McLaughlin noted that the tree committee will be meeting with the CAO
- Request for consistency

Moved/Seconded

THAT the Trees, Views and Landscapes Committee recommends to Council THAT Council approves Tree Cutting Permit Application No. 119 – 220 Mountain Drive, subject to the following:

1. Trimming is to be in accordance with the photos and requested work in the application materials;
2. The applicant must clean up and remove all associated debris, including detailed clean up at the Bayview flume and notify the Municipality as soon as possible after the cutting to advise that this has been done;
3. The tree cutting permit shall be valid for one year subject only to confirmation prior to any cutting, or repeated cutting, within that period of:
  - a. compliance with the bylaw restrictions regarding bird nesting season,
  - b. traffic management plan *to be approved by Public Works*,
  - c. damage deposit, arborist/contractor's WorkSafe BC certificate and insurance in compliance with Municipal requirements, and

d. any other Municipal bylaw requirements;  
AND THAT Council approve routine maintenance for a period of three years before another Tree Application is required, *subject to the foregoing conditions.*

**CARRIED**

CAO DeJong to set a date in April with tree committee to discuss tree consultation process, bylaw and items from last meeting.

- Tree Application 120 – 85 Sunset Drive

Moved/Seconded

THAT the Trees, Views and Landscapes Committee recommends to Council THAT Council approves Tree Cutting Permit Application No. 120 – 85 Sunset Drive, subject to the following:

1. Topping is to be in accordance with the photos and requested work in the application materials;
2. The applicant must clean up and remove all associated debris and notify the Municipality as soon as possible after the cutting to advise that this has been done;
3. The tree cutting permit shall be valid for one year subject only to confirmation prior to any cutting, or repeated cutting, within that period of:
  - a. compliance with the bylaw restrictions regarding bird nesting season,
  - b. *traffic management plan to be approved by Public Works,*
  - c. damage deposit, arborist/contractor's WorkSafe BC certificate and insurance in compliance with Municipal requirements, and
  - d. any other Municipal bylaw requirements;

AND THAT Council approve routine maintenance for a period of three years before another Tree Application is required, *subject to the foregoing conditions.*

**CARRIED**

- Tree Application 121 – 360 Oceanview Road

*At 9:52 p.m, Councillor Barmeier declared a conflict of interest due to his proximity to the properties and trees and recused himself from the meeting.*

Discussion ensued on:

- Trees have been previously topped: looking at new leaders

- Topping has been done a while ago: 7-10 years.
- Trees are remaining and not being removed
- Request for detail, clarity in future applications

Add to unfinished business: wish list for application process to be clearer.

Moved/Seconded

THAT the Trees, Views and Landscapes Committee recommends to Council THAT Council approves Tree Cutting Permit Application No. 121 – 360 Oceanview Road, subject to the following:

1. Cutting, topping, trimming is to be in accordance with the photos and requested work in the application materials;
2. The applicant must clean up and remove all associated debris, including detailed clean up at the Bayview flume and notify the Municipality as soon as possible after the cutting to advise that this has been done;
3. The tree cutting permit shall be valid for one year subject only to confirmation prior to any cutting, or repeated cutting, within that period of:
  - a. Compliance with the bylaw restrictions regarding bird nesting season,
  - b. Traffic management plan, if applicable, *to be approved by Public Works,*
  - c. damage deposit, arborist/contractor's WorkSafe BC certificate and insurance in compliance with Municipal requirements, and
  - d. any other Municipal bylaw requirements;

AND THAT Council approve routine maintenance for a period of three years before another Tree Application is required, *subject to the foregoing conditions.*

**CARRIED**

*Councillor Barmeier returned to the meeting at 9:58 p.m.*

- Tree Application 122 – 310 Oceanview Road

Discussion ensued on:

- BC Hydro expanding time frame expansion for routine maintenance
- Whether some are significant trees

At 10:05 p.m., the meeting was extended to 11:00 p.m.

Moved/Seconded

THAT Council extend the meeting to 11:00 p.m.

**CARRIED**

Moved/Seconded

THAT the Trees, Views and Landscapes Committee recommends to Council THAT Council approves Tree Cutting Permit Application No. 122 – 310 Oceanview Road, subject to the following:

1. Topping / Trimming / Removal is to be in accordance with the photos and requested work in the application materials;
2. The applicant must clean up and remove all associated debris and notify the Municipality as soon as possible after the cutting to advise that this has been done;
3. The tree cutting permit shall be valid for one year subject only to confirmation prior to any cutting, or repeated cutting, within that period of:
  - a. compliance with the bylaw restrictions regarding bird nesting season,
  - b. if working from the road, a traffic control plan approved by Public Works
  - c. damage deposit, arborist/contractor's WorkSafe BC certificate and insurance in compliance with Municipal requirements, and any other Municipal bylaw requirements.

AND THAT Council approve routine maintenance for a period of three years before another Tree Application is required, *subject to the foregoing conditions*

**Moved/Seconded**

THAT the motion on the floor be amended to add:

- "d. that the trees are not Significant trees,
- e. that all three of the named neighbouring residents are advised when work will happen".

**CARRIED**

**MAIN MOTION AS AMENDED**

THAT the Trees, Views, and Landscapes Committee recommends to Council THAT Council approves Tree Cutting Permit Application No. 122 – 310 Oceanview Road, subject to the following:

1. Topping / Trimming / Removal is to be in accordance with the photos and requested work in the application materials;
2. The applicant must clean up and remove all associated debris and notify the Municipality as soon as possible after the cutting to advise that this has been done;
3. The tree cutting permit shall be valid for one year subject only to confirmation prior to any cutting, or repeated cutting, within that period of:
  - a. compliance with the bylaw restrictions regarding bird nesting season,
  - b. if working from the road, a traffic control plan approved by Public Works
  - c. damage deposit, arborist/contractor’s WorkSafe BC certificate and insurance in compliance with Municipal requirements, and any other Municipal bylaw requirements;
  - d. that the trees are not Significant trees
  - e. that all three of the named residents are advised when work will happen

AND THAT Council approve routine maintenance for a period of three years before another Tree Application is required, *subject to the foregoing conditions.*

**CARRIED**

E. Emergency Services

- i. January and February 2022 RCMP Report  
Moved/Seconded

THAT the January and February 2022 RCMP Report be received.

**CARRIED**

**11. Resolutions**

- A. Election Officials  
Moved/Seconded

THAT Council appoints Peter DeJong as the Chief Election Officer and Karla Duarte, Pamela Rooke and Hayley Cook as Deputy Chief Election Officers for the 2022 General Local Election.

**CARRIED**

**12. Bylaws**

A. Bylaw 611 and 616

Councillor Abbott noted that some of the suggestions have been previously made by the bear smart volunteers.

Moved/Seconded

THAT Bylaw Notice Enforcement Bylaw No. 385, 2006, Amendment Bylaw No. 611, 2022, be introduced and read a first, second and third time.

**CARRIED**

Moved/Seconded

THAT Garbage and Recycling Collection Bylaw No. 455, 2013, Amendment Bylaw No. 616, 2022, be introduced and read a first, second and third time.

**CARRIED**

B. Bylaw 615 – Bylaw Enforcement Officer Amendment Bylaw

Moved/Seconded

THAT Bylaw Enforcement Officer Bylaw No. 506, 2016 Amendment Bylaw No. 615, 2022, be adopted.

**CARRIED**

**13. Correspondence**

A. List of Correspondence to March 11, 2022

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

G1 Maple Ridge	access to recreation facilities	Received
G2 Electoral Boundaries Commission	Invitation to express views regarding electoral district boundaries	Received
G3 MP Weiler	Digital Adoption Program	Received
G4 C. Peters	Protection of Communities and Exploited Persons Act	Received
G5 BC Multiculturalism and Anti-Racism Awards 2022	Invitation to ceremony	Received
various	responses to previous	Received

**14. New Business**

None

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

- A. Carmon Leeson
- C. Leeson thanked Council for listening.

Moved/Seconded

THAT the meeting be closed to the public for the purpose of continuation of the closed meeting.

*The meeting was closed to the public at 10:14 p.m.*

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

Mayor McLaughlin reported out the following:

- a. Council decided on the Citizen of Distinction and Citizen of the Year awards and Councillor Cunliffe will coordinate the event.
- b. CAO DeJong provided an update regarding recent discussions with SD45
- c. Council discussed the potential strategy for presenting the request for the Regional Context Statement Amendment to Metro Vancouver.
- d. Council passed the following resolution: THAT Council appoints Joan Coert, Jennifer Heatherington, Nicole Balac, Hugo van Hoogstraten and Councillor Neville Abbott to the committee for a term ending December 31, 2022.

**17. Adjournment**

Moved/Seconded

THAT the meeting be adjourned.

**CARRIED**

*The meeting was adjourned at 10:44 p.m.*

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Mayor

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

Date Approved by Council:	April 5, 2022
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