



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, APRIL 5, 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
  - Councillor Jaime Cunliffe
- 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: 6

**1. Call to Order**

Mayor McLaughlin called the meeting to order at 6:00 p.m.

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

Proposed topics for discussion in the absence of the public:

- A. Citizen Awards
- B. Procurement Matters
- C. Enforcement Matters
- D. Legal Matters

*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:

(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;

(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;

(g) litigation or potential litigation affecting the municipality;

(h) an administrative tribunal hearing or potential administrative tribunal hearing affecting the municipality, other than a hearing to be conducted by the council or a delegate of council;

(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 at 7 pm to consider the balance of the Agenda.***

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

Mayor McLaughlin reported out that Council discussed the following during the closed session:

- Council decided on the inscriptions for the Citizen awards
- Council agreed on the letter to Metro Vancouver regarding the Regional Context Statement and the letter will be sent out on April 6, 2022
- Oceanview lands options for development, which are to be presented in an open meeting
- A resident was identified as improperly cutting trees and made aware of the issues; fines were involved
- The Municipality will seek information from CN about their tree cutting policies

- Council was advised on the newly hired Bylaw Enforcement Officers; expect to see in Village Update
- RCMP has responded to confidential request

**4. Adoption of Agenda**

Moved/Seconded

THAT two arborist reports be considered under item 8B; and  
THAT item 9Bii Aerial and Ground Herbicide Spraying be added; and  
THAT item 9Biii E-Comm verbal update be added; and  
THAT item 9Ci Committee of the Whole meeting on April 7<sup>th</sup> discussion be added; and  
THAT item 9Cii Council of Councils verbal update be added; and  
THAT item 12B On Table Correspondence be added; and  
THAT item 13A Commercial signage 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 questioned whether Mayor McLaughlin knew about the herbicide spray and whether the Village has geohazards. He also questioned when the plans would be available for the Lions Bay Beach Park.

Mayor McLaughlin noted that M. Sredzki would receive the answers in writing.

B. Carmon Leeson

C. Leeson questioned where the decision lies with the two arborist reports regarding Tree Application No. 118.

C. Marcus Reuter

M. Reuter commented on the tree on the arborist report commissioned by the Village and noted its recommendation and that it is a significant tree, which should be viewed at a higher standard. He urged that the tree remain untouched.

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

A. Regular Council Meeting – March 15, 2022

Moved/Seconded

THAT the Regular Council Meeting Minutes of March 15, 2022, be approved as circulated.

**CARRIED**

**7. Business Arising from the Minutes**

- A. PWM Jaffer confirmed that the neighbours of 310 Oceanview Rd. were advised of the conditions of the approval of the tree cutting permit.

**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<br>Rodenticide<br>Prohibition | Council has amended the bylaw and PW will continue to work with contractor to ensure they are using animal friendly methods of control where possible |

- B. PWM: Verbal Update on status of Arborist report re. Tree Application No. 118 (Tree at Bayview and Stewart Roads)

PWM Jaffer provided an update on the tree at Bayview and Stewart Roads, noting:

- Public Works engaged an arborist before residents who also provided a report from a privately commissioned arborist
- Both reports confirm that the tree has been topped by natural means
- overview of Radix arborist report findings and recommendations
- overview of public works branch pick up during wind events
- Both reports noted that the tree is healthy
- Public Works approach comes from a risk reduction perspective; concerned that codominant split will weaken and break off again
- Tree maintenance workload will add to costs and require additional budget

Discussion ensued on:

- Budget and costs
- Risk assessment of tree is considered low risk
- Tree maintenance on boulevards
- Was a significant tree under the bylaw: original decision was wrong

Moved/Seconded

THAT Council, in reconsidering Tree Application No. 118, does not approve that the tree at Stewart and Bayview Road be removed or topped.

**CARRIED**

Staff questioned whether they would be directed to provide maintenance, per the Radix arborist report recommendations to prune smaller of the two crowns given our knowledge of risk.

Discussion ensued on:

- maintenance work to take place in the fall
- budget for required maintenance of Municipal trees will be required staff will review in the fall.

## **9. Reports**

### **A. Staff**

- i. CFO: Draft 2022 – 2026 Five Year Financial Plan  
CFO Rooke presented the five-year financial plan, noting:
  - The attachments in the report
  - The assumptions made
  - Overview of reserve funds

Staff responded to questions, noting:

- Grants are matched to expenditures
- Not able to budget for depreciation in the general fund and balance the budget
- Parking revenue lowered slightly as compliance is expected to increase
- Assume future capital grants for road, watermain and drainage work will be for green infrastructure projects only
- Phase 3 of the Asset Management Plan (80% grant funded) should be complete in late Fall; will inform the next 5 year capital plan – can review during strategic planning
- Paving funds were provided for a three year cycle: next year staff will bring forward a new budget request
- Public Works building: estimate is for like for like replacement of steel building; need to wait to see what happens with land grant application; Village will then engage someone to design public works building and obtain accurate costs
- Rescue 63 cost
- SCADA budget is for the water and sewer system

Moved/Seconded

THAT the Information Report “Draft 2022-2026 Five Year Financial Plan” be received for information purposes.

**CARRIED**

ii. PWM: Recycle BC and Lions Bay Contracts for Recycling Collection

PWM Jaffer provided an overview of the contracts with Recycle BC and responded to questions, noting:

- Recycle BC services many communities in lower mainland using the same agreements included in the report
- Recycle BC conducted a pilot program in West Vancouver for the expansion of types of recycled items including soft plastics and will report to the Province in the summer; significant issues with the curbside collection of soft plastics
- Discussion on recycling depot in Lions Bay: Village will be discussing options with provider
- If there was a local depot, a collection company would come collect it, not Recycle BC
- This contract will provide payment to the Village for recycled items
- Fining is Recycle BC’s last option: triggered if progressive contamination increases over time and is not addressed
- Service Level Credits: Recycle BC term for fines
- Residents in Lions Bay are already recycling in the way Recycle BC would like; contamination rates not high
- Education possibilities available

Moved/Seconded

THAT Council approve the terms of the agreement and financial incentives offered by Recycle BC for the curbside collection, resident education and service administration for residential and multi-family recyclable materials collection for the term of the contract;

AND THAT the Mayor and Corporate Officer are authorized to execute the Recycle BC Agreements on behalf of the Village of Lions Bay.

**CARRIED**

- iii. CAO: Verbal Update re. Project Management  
Addressed in item 16.

B. Mayor

- i. Events Committee – Verbal Update  
Mayor McLaughlin provided an update on the events committee, noting changes to the membership and future volunteerism. A minor Canada Day may be held.
- ii. E-Comm  
Mayor McLaughlin provided an update on E-comm 911 service levels.
- iii. Tree Committee Update:  
Mayor McLaughlin provided an update on the discussion held with the Tree Committee who recommended changes to the bylaw and enhancing public communication.
- iv. Aerial and Ground Herbicide Spraying  
Mayor McLaughlin noted the resident correspondence on the herbicide spraying.

Councillor Abbott provided an update on the context of the BC Timber Sales Pest Management Plan, noting the concern with herbicide spraying and urging that Council act on the matter to stop the spray.

Discussion ensued on what could be done to stop the spray, noting:

- Contacting political representatives to lobby
- Partnering with West Vancouver: CAO will contact West Vancouver

Moved/Seconded

THAT Council directs staff to produce a letter to the BC Provincial Government, MP and MLA representatives and BC Timber Sales regarding opposition to the proposed 5-year Pest Management Plan.

Staff to publish information in the Village Update.

C. Council

- i. Councillor Bain: Council of Councils:  
Councillor Bain provided an update on the Council of Councils meeting, noting that he was struck by how little Lions Bay has in common with other Metro municipalities with the commonality being that we all have “soft” water, which allows for more efficient use of detergents, thereby

decreasing the amount of chemicals flushed into our liquid waste disposal systems.

- ii. Committee of the Whole meeting on April 7<sup>th</sup> discussion  
Councillor Abbott questioned the purpose of having a meeting on geohazards, noting it should be a discussion during the Official Community Plan review.

CAO DeJong provided an update on his conversation with Dr. Jakob, noting:

- The scope of the issue and the information: a lot of information: will have thorough presentation on aspects that Village should consider
- Will be Council's decision on what to do with the information, which may simply be to receive it and ask questions
- Open meeting: opportunity for education, will be public record: beginning of conversation

Moved/Seconded

THAT the meeting on April 7, 2022 be postponed and that the matter be reconsidered by the next Council.

**MOTION FAILED**

**OPPOSED: Councillors Barmeier and Cunliffe and Mayor McLaughlin**

#### D. Committees

- i. Draft Minutes of Tree Committee Meeting on March 29, 2022 for information  
Mayor McLaughlin and CAO DeJong provided an update on the discussion held at the Tree Committee Meeting of March 29, 2022.

Fines for companies not previously viewed as part of bylaw but CAO will investigate the Village's ability to levy such fines.

#### E. Emergency Services

None

### 10. Resolutions

#### A. Attendance at LMLGA Conference

Councillor Cunliffe noted her interest in attending the LMLGA Conference for advocacy on regional transit.

CAO DeJong provided an update on his conversation with the MLA regarding transit and noted that he would forward the information to Councillor Cunliffe

and, when asked, noted that there is a line item in Translink 2050 regarding regional transit.

Moved/Seconded

THAT Council approves Councillor Cunliffe’s attendance at the Lower Mainland Local Government Association Annual Conference and AGM taking place in Whistler from May 4 to 6, 2022 and approves expenses in the amount up to \$1,200, including taxes and fees.

**CARRIED**

B. E-Comm 911 Board of Directors Nominee

Moved/Seconded

THAT the Village of Lions Bay nominates Richard Walton to represent the Village of Lions Bay on the E-Comm Board of Directors for the 2022-2023 term, such Board to be appointed by E-Comm shareholders at the June 23, 2022 Annual General Meeting.

**CARRIED**

**11. Bylaws**

A. Garbage and Recycling Fees and Bylaw Amendments

Moved/Seconded

THAT Bylaw Notice Enforcement Bylaw No. 385, 2006, Amendment Bylaw No. 611, 2022, be adopted; and

THAT Garbage and Recycling Collection Bylaw No. 455, 2013, Amendment Bylaw No. 616, 2022, be adopted.

**CARRIED**

B. 2022-2026 Five Year Financial Plan Bylaw no. 617, 2022

CFO Rooke answered questions, and clarified that the budget earmarked for GHG reduction projects can be used for projects that have the best fit for grant opportunities.

Moved/Seconded

THAT the 2022-2026 Five Year Financial Plan Bylaw No. 617, 2022 be read a first and second time.

**CARRIED**

C. Trees, Views and Landscapes Bylaw No. 393, 2007 Amendment Bylaw No. 619, 2022

CAO DeJong presented the amendments that are proposed for the Trees, Views and Landscapes Bylaw.

Discussion ensued:

- Withholding bylaw readings until more review has been conducted
- Grammatical changes
- Dilutes bylaw to involve anyone other than RP Bio who has the final say regardless of whether technicians are used
- Public Works opinion and risk assessments
- Form being part of bylaw: should leave it – keep it rigid

CAO DeJong noted that forms and creation of forms are an operational and procedural matter that does not affect policy in bylaw.

Discussion ensued on:

- process for determining affected property owners: applicants determine this per the bylaw and is checked by staff
- signage at the property will help with notification of application to anyone not directly notified by the applicant

Bylaw to be sent to the tree committee for further feedback.

Moved/Seconded

THAT Trees, Views and Landscapes Bylaw No. 393, 2007 Amendment Bylaw No. 619, 2022 be introduced and read a first, second, and third time.

**MOTION FAILED UNANIMOUSLY**

## 12. Correspondence

### A. List of Correspondence to March 31, 2022

Moved/Seconded

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

|           |                          |   |          |
|-----------|--------------------------|---|----------|
| 10-Mar-22 | G1 City of Abbotsford    | Support for Resolution for build back better funding      | Received |
| 14-Mar-22 | G2 City of Terrace       | BC Prosecution Service and the Public Interest Resolution | Received |
| 15-Mar-22 | G3 Village of New Denver | Support for Ukraine Resolution                            | Received |
| 15-Mar-22 | G4 District of Elkford   | Milk Container Recycling in BC                            | Received |

|           |                          |   |                            |
|-----------|--------------------------|---|----------------------------|
| 17-Mar-22 | G5 Global Public Affairs | Reducing Patio Application Red Tape for BC's Hospitality Sector and Economic Recovery | Received                   |
| 21-Mar-22 | G6 St. John Ambulance    | Start Me Up BC Campaign   | Councillor Bain to respond |
| various   | R1 M. Reuter             | Tree Petition   | Received                   |
| 15-Mar-22 | R2 N. Rodgers            | Tree Application 118  | Received                   |
| 15-Mar-22 | R3 S. Waterson           | Tree Application 118  | Received                   |
| 29-Mar-22 | R4 G. Cunliffe           | BC Timber Sales' 5-year Pest Management Plan  | Received                   |
| 31-Mar-22 | R5 M Sredzki             | BC Timber Sales' 5-year Pest Management Plan  | Received                   |
| 31-Mar-22 | R6 P. Nelson             | BC Timber Sales' 5-year Pest Management Plan  | Received                   |

B. List of On Table Correspondence to April 5, 2022

|          |              |                             |          |
|----------|--------------|-----------------------------|----------|
| 3-Apr-22 | T. Schneider | Herbicide spraying          | Received |
| 4-Apr-22 | V. O'Keefe   | Tree Bylaw                  | Received |
| 4-Apr-22 | P. Nelson    | Herbicide spraying petition | Received |
| 4-Apr-22 | C. Dawson    | Tree Application 118        | Received |
| 5-Apr-22 | M Reuter     | Tree Application 118        | Received |

**13. New Business**

A. Commercial Signage

Mayor McLaughlin noted one resident's concern on commercial signage.

CAO DeJong noted that the Village does not have a sign bylaw and the impugned signs are not a hazard. He also noted that in small communities there are limited opportunities to advertise and that the Village has only received one complaint to the Mayor.

Discussion ensued on sign regulations and the CAO noted there are restrictions included in the Zoning Bylaw in respect of Home Based Businesses.

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

A. Carmon Leeson

C. Leeson commented on encouraging the younger generation and finding a balanced approach, noting that he agrees with forms not being part of bylaws, that he acknowledges that tax dollars are a concern, and suggested using local vendors where possible. He noted his agreement for flexibility in budgets, thanked Council for listening regarding the tree, and his affinity for local signage.

B. Marek Sredzki

M. Sredzki questioned the CAO on producing plans for the Lions Bay Beach Park project.

**15. Continuation of Closed Council Meeting**

THAT the meeting be re-closed to the public based on matters set out in Item 2 of this agenda.

*Council does not anticipate reconvening the open meeting for any purpose other than to adjourn the meeting generally and report out if applicable.*

*The meeting was closed at 9:55 p.m.*

*The meeting reopened at 10:39p.m.*

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

Mayor McLaughlin reported out that Council has directed staff to proceed with an agreement with CORE Project Management to provide project management services for the Klatt Building project, the Lions Bay Beach Park project and the Lions Bay Avenue Connector project, subject to overall budgeting of the services coming back for review.

**17. Adjournment**

Moved/Seconded

THAT the meeting be adjourned.

**CARRIED**

*The meeting was adjourned at 10:40 p.m.*

\_\_\_\_\_  
Mayor

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

|                           |                |
|---------------------------|----------------|
| Date Approved by Council: | April 19, 2022 |
|---------------------------|----------------|