



**REGULAR MEETING OF THE COUNCIL  
OF THE VILLAGE OF LIONS BAY  
HELD ON TUESDAY, MARCH 07, 2023, at 6:00 PM  
COUNCIL CHAMBERS, 400 CENTRE ROAD, LIONS BAY  
AND VIA ZOOM VIDEO CONFERENCE**

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**MINUTES**

In Attendance: Mayor, Ken Berry  
Councillor Neville Abbott  
Councillor Michael Broughton  
Councillor Marcus Reuter

Staff: Karen Jeffery, Acting Municipal Clerk, (Recorder)

Also Present: Gallery: 6  
Online: 43

**1. Call to Order**

Mayor Ken Berry called the meeting order at 6:00 p.m.

**2. Closed Council Meeting 6:03 PM**

Proposed topics for discussion in the absence of the public:

- A. Legal
- B. Personnel

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;
- (c) labour relations or other employee relations;
- (n) the consideration of whether a council meeting should be closed under a provision of this subsection or subsection (2);

**CARRIED**

*This meeting was closed at 6:01 p.m. and returned to open session at 7:02 p.m.*

**3. Reporting Out from Closed Portion of Meeting None.**

**4. Adoption of Agenda**

Discussion ensued regarding:

- Suggestion to add First Nations Acknowledgement under New Business.
- Suggestion that exempt senior management staff attend Council meetings.
- To ask staff that work all week, and then ask them to attend meetings, is not the best use of their time; the CAO is in charge of staff time; at this point, the CAO would be the person to attend, unless a specific staff member is requested; although the former has been the practice, suggestion that it be re-examined and that staff only attend as requested by the CAO.
- Not in favour.
- Works Manager is needed to attend this meeting, and is absolutely necessary.
- Meetings would move forward more effectively if the Works Manager and CAO were in attendance, and that this would not change anything with payment.
- It is not necessary nor is it fiscally responsible; they can be called as needed.
- Recognition of that value of having the information provided by senior staff, but it has to be more effective, and more efficient and more responsible.
- Recommend that the default be that the senior staff comes to the meetings unless they are not needed. Who makes that decision?
- Cannot approve a blanket statement.

Moved/Seconded

THAT exempt senior management staff attend Council meetings.

**DEFEATED**

Moved/Seconded

THAT the agenda of the February 21, 2023 Regular Council Meeting be adopted with the following amendments: a) Strike Item 7(b)

b) Strike Item 13, Procedures and Policies

c) Strike Item 14, Correspondence (a), (b), and (c), and revert back to the way it was done before

d) Item 15, New Business, add:

- CFO to report in writing to Council a report on how staff are compensated for attending meetings
- Staff compensation considerations for attending meetings • First Nations Acknowledgement.

**CARRIED**

## 5. Public Participation (2 minutes per person)

Jamie Cunliff

Agreed that it was vital for the CAO, CFO and PWO to attend meetings is vital, given that the latter is the staff member with the most experience. Seeking a response/comment on closed meeting correspondence that was presented by Councillor Broughton.

Eric Upenieks:

- What is the protocol when a taxpayer sends a letter to Mayor and Council?
  - If it is sent to more than individual. Prior it's received by Thursday noon, prior to the Council Meeting.
- February 28, 2023, inquiry or follow up that commitments were made about the Building Inspector.
  - Correspondence must be received by Thursday noon prior to the next meeting.
- It would be best to have the letters acknowledged.
  - Will address the protocol around sending an email to indicate receipt of email.
- What discussion has taken place subsequent to Dave Butler's offer of returning at no charge to the Village?
  - Did not hear about any offer but did hear about Dave Butler's ultimatum, which was confirmed by a Councillor. CAO is looking at alternatives such as engineers, or architects to sign off.
- Would like a phone call as well as an email so I have something in writing.
  - Spoke with Dave Butler in the last week; he reiterated his original conditions, and those conditions are unacceptable to some at this table. DB's offer was communicated to the CAO on February 10, 2023 with request that it be transmitted to the Mayor. This did not occur. Dave Butler's offer goes back to an article appearing in the Watershed, one month prior. Would have been an easy solution to this, a great solution, but it has not been supported, unfortunately.
  - One of the stipulations was that the Village either not hire or let someone go who is in the room here tonight – it was unacceptable.

Tamara Leger:

- Cash flow and revenue question. Where are the Utility Bills? How much will this delay costing? Where are the system generated AP Reports from 4<sup>th</sup> Quarter? This was established by the previous Council.
  - AP reports go back a long time, but actually stopped on the last Council at one point, but Council took a resolution to bring it back.
  - Q4 AP report can be brought to the next meeting.

Dawn Mitchell:

- Expressed concerns around the new Bear Bylaw that is being proposed, in relation to costs of monitoring and enforcing, costs of issuing tickets, and cost to staff.
- Compliance with a bylaw does not mean it is supported.

- Concerned around dates and times.
- Lions Bay is surrounded by natural attractants, and we cannot remove all of those.
- We are in the bears' territory.
- Other options, there might be a willingness to pay.

**Carmon Leeson:**

- Concerns around better communication. It is extremely frustrating when commitments are made with open ended timelines. Community is not hearing back in a timely fashion.
- Gallery needs to be given longer to speak and respond.
- Concern around the impact of the late Utility Bills.

**Norma Rodgers:**

- Responding to a statement made at the last Council meeting regarding the 'Outrage' group.
- Expressed concerns around cost of staff loss, not understanding municipal rules, cancelling hiring freeze, cronyism, and municipal relationship to Mayor and Council.

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

Presentation by Events Committee: Riley Darr, Ryan Bruce. Comments included:

- LB Events Co-Chairs. First three major events.
- Easter event. Manning the affairs of the events committee. The Village was built on a sense of community. Committee has core group of around 10 people.
- 60+ volunteers all ages, for previous events.
- Keep the core events: Easter Egg Hunt, Canada Day, Halloween: Kids, Halloween Party, Fireworks; Polar Bear Swim, Trivia Night.
- Big Shout out to previous past volunteers and chairs, big shout out, and Dad's for the Halloween Party.
- Have some fun between Canada Day and Halloween.
- Been an incredible year of learning the ropes. Coming out of COVID.
- First meeting of the year with our team.
- Requested \$6,000 to support plus In-Kind from Works, and Hall Rentals.
- Also raising money through sponsors.
- Official Photographer – Events committee Website.

Discussion ensued regarding:

- You have done a wonderful job, especially from former chairs in your position. Would support getting behind you to support you.
- Never been a more important time than post-COVID.

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

### A. Regular Council Meeting Minutes of February 21, 2023

Moved/Seconded

THAT the minutes for the Regular Council Meeting held on February 21, 2023 be approved with the following amendments:

ITEM 7.C STRIKE

ITEM 10b: Amend: Mayor's Report - ...with the assistance regular correspondence requesting by election sent to Ministry of Municipal Affairs was on February 17, STRIKE Councillor Barmeier, advise that the follow up meeting will happen on Feb 23. (Agreed)

ITEM NA: Matters arising: Bylaws

ITEM 15.b Amend: Council directs the acting CAO/CFO to post for a Village Manager/CAO position as soon as possible. 15 b. cont'd, Council directs the Acting CAO/CFO to post for CFO/Treasurer as soon as possible.

ITEM 9 Action: Councillor Marcus Reuter to take lead on Speculation and Vacancy Tax.

ITEM: 258 – STRIKE 'on table' change to 'provided

ITEM: 12a bylaws STRIKE 'fourth', add 'adoption', and, put under matters arising from minutes

THAT council accept minutes as amended above from February 21, 2023.

**CARRIED**

## 8. Business Arising from the Minutes

### A. First Nations Acknowledgement

### B. Reading of Garbage Bylaw 455, (Readings)

A third reading could not be held and to add the third reading to the agenda for the March 07, 2023 meeting, following which it would be adopted at the next Regular Council Meeting March 21, or at a Special Meeting.

## 9. Unfinished Business

### A Follow-Up Action Items from Previous Meetings

### B Penny Nelson to apply on behalf of Bird Friendly

No.	Date	Item Description	Action/Person
265	February 21, 2023	Follow up with Ministry regarding Vacancy Tax	Councillor Reuter/Ongoing
266	February 21, 2023	Budget	The Acting CAO/CFO to inquire with legal counsel whether budgets are

			required to be presented to Council or the Finance Committee first.
267	February 21, 2023	Klatt Building	Staff are working with an architect to complete drawings and put out for pre-bidding.
268	March 07, 2023	Building Inspector	Building Inspector to be posted in the BAOBC (Report back)
269	March 07, 2023	CFO Position to be posted	This position needs to be posted.
270	March 07, 2023	Bird Friendly, invasive species.	Penny Nelson to apply

Discussion ensued regarding:

- Finance Committee, function, role, legality, CAO is seeking legal opinion, will report back
- Contacted Ministry of highways today regarding the repaving of this section of Lions Bay; the Ministry is very positive about moving forward with this; however, it is waiting for a post winter analysis in April 2023 to determine the best solution for ‘quiet pavement’.

## 10. Reports

### A Staff/CAO

- Brief Staff report from Acting CAO, will be presenting the budget to Finance Committee on March 14, 2023; will present budget to Council for first review.
- May 6, 2023 for By-Election; will be announced by Ministerial Order. The Minister has chosen a Chief Electoral Officer, who will choose the Deputy Election Officers.
- The Klatt building will be asking for an extension to the grant.
- Andrew Oliver will be the Project Manager for the Klatt Building at no cost to the Village.
- Refer to Addendum for full report.

### B. Mayor

- \$998,000 was awarded to the Village of Lions Bay from the Province of British Columbia.
- Confirmation, she sent out in the afternoon on Friday.
- Special Note, email, to confirm of special note: MVRD, will be getting \$50,000,000 which maybe used to benefit the Village as well. MMA will provide further guidance to municipalities.
- TransLink
- See Addendum for full report.

### C. Council

None

**D. Committees**

i) Lions Bay Beach Park

Moved/Seconded

THAT Council supports the Lions Bay Beach Park Committee recommendation and that the Chief Administrative Officer is directed to put in a request to Front Counter to begin the process of repairs to the existing jetty.

**CARRIED**

ii) Events Committee

- Grant requests are usually submitted by this time.

ii.) EPC Emergency Program (NA reporting out)

Alertable is a phone software system that is used by the majority of municipalities and is a far more effective tool than what the Village currently uses. It costs \$3,600 annually plus a one-time \$300 transition fee. This needs to be budgeted for. Does not hold information in the States.

Moved/Seconded

THAT, pending the outcome of the EPC meeting on Thursday, March 9, 2023, Council approves the transition from the current Lions Bay alert program to Alertable at a cost of \$3,600 per annum plus a one-time \$300 transition fee for a total of \$3,900.

**CARRIED**

Discussion ensued regarding:

- Emergency Program Coordinator – contract position, \$30,000 which works out to approximately +/- 1.5 days per week @ \$50/hr (discounted rate.) In the event of an emergency, the EPC Coordinator will volunteer their time.
- Emergency Contingency Fund – \$50,000, this is used in the event of an Emergency being declared and then claimed back from the province. Council will support the designation of funds to be used in an emergency. Will discuss more on Thursday.
- Community Emergency Preparedness Fund – \$10,000 unspent money from last year's grant, must be spent and claimed back by April 12, 2023. This is a 100% grant.

iv) Trees, View and Landscape

Tree Application #124 – 12 Brunswick Beach Road (Items to attach) Discussion ensued regarding:

- Application does not mention Significant Trees. Cites the bylaw regarding definitions of ‘cut’ as well as removing a branch that is bigger than 70 mm, or 3 3/4”.
- Quotes bylaw about significant trees. Applications need to be reflected in the application. The Tree Committee (TC) should know the bylaw and deal with language. The awkward, they put this permit in last year. – still do not have permit for nesting season. Why did it take so long to get to Tree Committee?
- Need to be careful with this application as to sustain damage from King Tides the road – significant trees.
- (RECORDING): Have heartwood come and assess the trees, that we would request that – the cost would be born by the applicant.
- Concern around the accuracy of actual trees that were cut.
- If Works have identified a dead tree, it should be addressed.
- Branches that droop down lower than 15 feet create a canopy. The other option is to give them carte balance on spiral thin.
- The Village would employ the arborist at the applicant’s expense.
- Dead tree leaning towards the house.
- Hiring an Arborist.
- One tree is dead or dying, Works Yard said it should take out the dead trees, and one that is in question.
- If Works Yard has identified a dead tree whether it is part of an application or not.
- Giving the applicant an option. Wise to have dead tree assessed.
- Carte blanche to spiral thin at their discretion not an option.
- Is 15’ okay?
- The arborist would report to Council.
- Dead tree leaning towards the house.
- Did not see the lean; an arborist would be able to assess.
- This tree is a potential hazard to the Village.
- The challenge with the arborist is that time may not allow for anything to get done.
- We need to look out for the dead tree that the Works yard has identified.
- MB: The Village will have the Arborist look at it
- If they want the arborist to inform their application, they can do that.
- If there is a cost to removing the dead tree, the Village will bare the cost of this. The applicant will bear the cost of the portion pertaining to their application.
- Give the applicant the choice as to which path, they want to go with.

Moved/Seconded

THAT Council approve Tree Cutting Permit Application No. 124 – 12 Brunswick Beach Road, subject to the following:

- a) The applicant can prune any existing branches that are hanging 15 feet or lower from the ground; or they can hire an Arborist appointed and under the direction of Council [Heartwood], to come and assess the trees in question. The Village will accept the Arborist's recommendation providing it falls within the existing Trees, Views, and Landscapes Bylaw No. 393, 2017. The cost of the Arborist is to be split between the applicant and the municipality to deal with both the dead tree(s) and the applicant's requests;
- b) 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; and
- c) 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:
  - i. compliance with the bylaw restrictions regarding bird nesting season
  - ii. if working from the road, a traffic control plan approved by Public Works
  - iii. damage deposit, arborist/contractor's WorkSafe BC certificate and insurance in compliance with Municipal requirements, any other Municipal bylaw requirements.

**CARRIED**

Moved/Seconded

THAT Council approves Tree Cutting Permit Application No. 127 – 70 Sunset Drive, subject to the following:

- (a) For the scope of work detailed in the application;
- (b) 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; and
- (c) 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:
  - (i) compliance with the bylaw restrictions regarding bird nesting season ii. if working from the road, a traffic control plan approved by Public Works
  - (ii) damage deposit, arborist/contractor's WorkSafe BC certificate and insurance in compliance with Municipal requirements, and
  - (iii) any other Municipal bylaw requirements.

**CARRIED**

Moved/Seconded

THAT Council approve Tree Cutting Permit Application No. 128 – 261 Stewart Road, subject to the following:

- a) For the scope of work detailed in the application, with the amendment of only topping the trees, including the deciduous, at the level of the previous topplings of the row of trees on the north side of Loggers Lane;
- b) The work only applies to trees situated on Village of Lions Bay property. SD45 would need to independently approve the cutting of trees on their property;
- c) 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; and
- d) 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:
  - i. compliance with the bylaw restrictions regarding bird nesting season
  - ii. if working from the road, a traffic control plan approved by Public Works
  - iii. damage deposit, arborist/contractor's WorkSafe BC certificate and insurance in compliance with Municipal requirements, and
  - iv. any other Municipal bylaw requirements.

**CARRIED**

## 11. Resolutions

- A. Acting Chief Financial Officer/Acting Chief Administrative Officer, be appointed as a *Screening Officer* as per Bylaw Notice Enforcement Bylaw No. 385, 2006

In discussion it was noted whomever is filling the office of Corporate Officer, would automatically be appointed.

Moved/Seconded

THAT Council appoints the office of Corporate Officer, to be appointed as Screening Officer, as per Bylaw Notice Enforcement Bylaw 385, 2006, as amended.

**CARRIED**

- B. Request for One-Year extension to December 31, 2024, for the Klatt Building Retrofit/Upgrade project

Moved/Seconded

THAT Council approve a letter to be written (by the Chief Administrative Officer) to Ministry of Municipal Affairs asking for a one-year extension to December 31, 2024, for the Klatt Building Retrofit/Upgrade project.

**CARRIED**

## 12. Bylaws

### A. Rescind Garbage & Recycling Collection Bylaw No. 455

Moved/Seconded

THAT Council rescind Garbage & Recycling Collection Bylaw No. 455, (Amendment Bylaw No. 625) – rescind the First, and Second readings that took place on February 21, 2023.

**CARRIED**

### B. First, Second and Third Reading for Garbage & Recycling Collection Bylaw No. 455, Amendment Bylaw No. 625.

Discussion ensued regarding:

- It is not enforceable as it exists. Bylaw Officers are looking for tools to enforce the bylaw. Hoping for a balance of education and thoughtful enforcement. of the bears, we can co-exist, definition of a container, to prohibit access to wildlife –
- Suggest to strike “prohibit” and replace with “deter”
- Definitions
- Wildlife containers – a container as in a garbage can, are wildlife resistant. Enclosers, are wildlife proof. Enclosers can be wildlife proof. Suggestion to strike “Wildlife resistant encloser” and “Wilder resistant container”.
- Item 6 is redundant.
- Suggestion to use the term “prevent” rather than “prohibit”.

Moved/Seconded

THAT Council read for the first time the, Garbage & Recycling Collection Bylaw No. 455, with Amendment Bylaw No. 625 replacing the word ‘prohibit’ with the word ‘prevent’ under wildlife resistant enclosures.

THAT Council read for the second time the, Garbage & Recycling Collection Bylaw No. 455, with Amendment Bylaw No. 625 replacing the word ‘prohibit’ with the word ‘prevent’ under wildlife resistant enclosures.

THAT Council read for a third time the, Garbage & Recycling Collection Bylaw No. 455, with Amendment Bylaw No. 625 replacing the word ‘prohibit’ with the word ‘prevent’ under wildlife resistant enclosures.

**CARRIED**

### C. Utilities Update

Updates to come at a later date.

## 13. Correspondence List to 12:00 Thursday March 02, 2023

- ### A. THAT the correspondence for the March 07, 2023, Regular Meeting of Council for the Village of Lions Bay be received and circulated, and that all such correspondence be acknowledged in writing and that any correspondence seeking an action within the proper jurisdiction of the Municipality is referred to the Chief Administrative Officer.

**RECEIVED**

**DISCUSSION**

- Four items of General GC SPCA, Advertisement for Strategic Planning, Garbage, Howe Sound, 21<sup>st</sup>.
- That they have been received by Council and Mayor and CAO.
- Addressed the various letters and correspondence.
- Pride Trail – tape across it, what is happening?
- Will be reaching out to Works Manager and as to what has happened with Pride Trail.
- The Mayor will deal with correspondence respectfully with all residents.

**ACTION: Emails need to be acknowledged by staff and will work with staff as to what that process might look like.**

**14. New Business**

Discussion ensued regarding:

- First Nations – on multiple times have discussed First Nations at the beginning of our meetings.
- Contacted Squamish Nation culture and education department; looking at Lions Bay School Forum, etc.
- Confer with various groups, contacted Squamish Nation, Culture and Education department, looking at other organizations that have already researched this, and having received a significant amount of Village input, the sensitive and respectful acknowledgement appears to be: we are privileged to be meeting and doing work on the traditional unceded territory of the Squamish and Musqueam Nations.

Moved/Seconded

THAT the land acknowledgement comes at the beginning of our meeting prior to any other business.

**TABLED**

Moved/Seconded

THAT the Chief Administrative Officer/Chief Financial Officer report back to Council regarding how staff are compensated for attending Council meetings.

**CARRIED**

**15. Public Questions & Comments Ehsan Monfared:**

- Thanks to all the people who make this community a great place.
- Concerns on process regarding the Garbage Bylaw.
- Prevent and Prohibit are the same.
- Deter is a different meaning.
- Bears are intelligent.

**16. Reporting Out from Closed Portion of Meeting (if applicable) None.**

**17. Adjournment**

Moved/Seconded

THAT the March 7, 2023 Regular Council Meeting for the Village of Lions Bay be adjourned.

**CARRIED**

*The meeting was adjourned at 10:31 p.m.*

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Mayor

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

Date Approved by Council:	March 21, 2023
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