

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF
THE VILLAGE OF LIONS BAY
HELD ON MONDAY, JULY 20, 2009 at 7:00 PM
IN THE COUNCIL CHAMBERS, 400 CENTRE ROAD, LIONS BAY**

Present: Mayor Brenda Broughton,
Councillor Peach Akerhielm
Councillor Joanne Ronsley
Councillor Ruth Simons
Councillor Gordon Taylor
Village Manager Rory Mandryk
Treasurer Anne-Marie Koiner
Office Manager Anne Page (recording)

1. Call to Order

Mayor Broughton called the Regular Council Meeting of July 20, 2009 to order at 7:00 pm.

2. Approval of Agenda

Resolution

Moved by Councillor Ronsley
Seconded by Councillor Taylor

Resolved that: the Agenda of the Regular Council Meeting of July 20, 2009 be approved with the following additions:

1. Item 8ciii): Underpass Project
2. Item 12 E: Vegetation on Streets
3. Item 12F: Village Update
3. Item 12G: Fire Rescue for Ocean Point

Carried...

3. Public Participation

A. Lisa Turpin regarding Citizen of the Year and Communication of Bylaws

Lisa Turpin thanked Council for presenting her with the 2009 Citizen of the Year Award. She advised Council that:

- communication of bylaws especially Traffic & Parking bylaw changes could impact many residents because they won't know it's on the table,
- the proposed bylaw changes were not on the Village's website, and

- her email was not forwarded to Mayor & Council.

Council clarified with staff that emails to Mayor & Council are always forwarded to all Council members and the Village Manager and they are generally but not always included in the List of Correspondence.

Councillor Akerhielm suggested that additional communication regarding potential changes to bylaws be done in the future.

Mayor Broughton left the Council Chambers at 7:06 pm and Councillor Simons assumed the Chair.

B. Michael Broughton regarding construction at 200 Lions Bay Avenue

Michael Broughton advised Council that:

- the construction at 200 Lions Bay Avenue is a continuing series of events,
- he initially came to Council to receive clarification of the building and zoning bylaws with respect to the ongoing construction at 200 Lions Bay Avenue,
- in his opinion accessory structures have been constructed in non-compliance with the zoning bylaw, the fireplace built inside the setback and the BBQ is not in compliance and requests that it be taken down,
- steel scaffolding has now been erected for the fireplace chimney with a portion of the scaffolding overhanging the Broughton property which has since been removed,
- the owners have added 6 to 8 feet on top of the existing fireplace chimney with another 5 feet to go further up,
- he asked if a stop work order for the BBQ structure on the property line within the side-yard setback be ordered so that the situation can be sorted out. He noted that he has been advised that a building permit is not required for this structure and that he has been served with a lawyer's letter to cease and desist his actions.

Councillor Taylor asked what is the greatest concern with the construction. Michael Broughton advised that the two structures, the brick fireplace and BBQ with posts and a roof.

Council asked if they were permanent structures and were advised they were freestanding and the BBQ had a brick base with wooden posts with dormers and a roof.

Councillor Simons advised that Village Manager Rory Mandryk, Building Inspector Dave Butler and herself met on site and will get back to Michael Broughton regarding his concerns.

C. Michael Eland regarding construction at 200 Lions Bay Avenue

Michael Eland advised Council that:

- he has been the general contractor at 200 Lions Bay Avenue for two years,
- he checked with the Building Inspector to ensure that structures were compliant,
- prior to the BBQ being constructed the Building Inspector requested a survey,

- he has complied with everything that was required prior to the start of construction,
- the building, plans have not changed, however following the recommendations of fire marshall the chimney is going higher to go beyond the tree line,
- the Building Inspector advised the contractor that if there was a stop burn order issued then they couldn't burn anyway,
- the chimney is engineered,
- he noted that the reasons why the structures can't be built seem to be changing,
- the fireplace can be moved 4 feet outside of the setback area, only a portion of it (60%) sits within the sideyard setback and it can be moved to outside of the side yard setback. Lions Bay Fire Chief Andrew Oliver met with the contractor and requested that the structure be built higher.

This item to be discussed In Camera.

Mayor Broughton returned to the Council Chambers at 7:25 pm and resumed as Chair.

4. Delegations

None

5. Adoption of Minutes of the Regular Council Meeting of July 6, 2009

Resolution

Moved by Councillor Akerhielm

Seconded by Councillor Ronsley

Resolved that: the Minutes of the Regular Council Meeting of July 6, 2009 be approved with the following changes:

1. Item 3A: fourth bullet, sentence should read "...participants will be doing on site visits to micro hydro projects in the Sea to Sky Corridor".
2. Item 5A: sentence should read, "Village staff have the Lions Bay Fire Rescue Operating Guidelines and will complete the required formatting. Councillor Simons is working on the new Fire Bylaw with the Fire Chief and will be reporting back."
3. Item 6A: sentence should read, "Kelvin Grove parking lot will not be considered at this time."
4. Item 8Bi) sentence should read, "The Village discontinue discussions with Impark and its proposal for patrol services."
5. Item 8Ciii) sentence should read, "the Landscaping Committee plans to combine native and non-native species using funds from the Trees for Tomorrow grant and is looking after the berm."

Carried...

6. Business Arising from the Minutes

A. Lions Bay Community Garden

This item was discussed at the Regular Council meeting of July 6, 2009 (Item 6A) where it was recorded that Mayor Broughton advised that use of MoT land cannot be considered until the fall and that Mayor Broughton and Councillor Ronsley will meet to discuss this issue.

B. Review of Building Bylaw regarding accessory structures

Mayor Broughton left the Council Chambers at 7:37 pm.

Councillor Simons assumed the Chair and provided plans for 200 Lions Bay Avenue showing placement of fireplace and BBQ under construction and provided the following information:

- The conservatory and pool required a Building Permit,
- The Fire Chief visited the site with the Building Inspector to review the location of the fireplace for safety reasons,
- The Fire Chief suggested that the fireplace be moved back to the proposed original location closer to the rear of the property with the chimney above the tree line and to reverse the location of the two structures,
- The structures did not require a Building Permit therefore there was no need to inspect further and the Building Inspector saw them recently when he went on site.
- Questions to the Building Inspector: is it in side-yard? (Yes), does it require a Building Permit? (No) Is the chimney something that the Building Inspector or bylaw dictates? The Building Inspector explained that it was not in violation of the zoning bylaw. In a response to those two issues, it is very clear that the extension that was dictated by the Fire Chief complies and that no Building Permit is required. Wording in the zoning bylaw regarding the definition of structure is a debatable point. Under the definition of building which is used or intended for use or occupancy, a structure could include a building.

Councillor Taylor suggested that the structures were clearly accessory structures that encroach in side-yard setback and if the Village followed the letter of the law they would be removed, however the Building Inspector has signed off on these structures.

Discussion ensued regarding where the side yard and rear yard set backs are and the need to confirm these points with the Building Inspector.

Further discussion of this item was referred to In Camera.

Mayor Broughton returned at 7:59 pm. and resumed the Chair.

7. Unfinished Business

None

8. Reports

A. Administration

- i) Recommendations from Committee of the Whole Meeting of July 20, 2009**
- ii) Customer Service Requests to July 16, 2009**
- iii) Council Action Items from previous Council meetings**
- iv) Squamish RCMP Lions Bay Activity Report – June 2009**
- v) Squamish RCMP Lions Bay False Alarm Report – June 2009**
- vi) AECOM Monthly Progress Report – Water Treatment Upgrades – Harvey Creek/Magnesia Creek**

Council was advised that the first project meeting will be held July 21, 2009 at 10 am with Alexander Construction, Council members and senior staff.

B. Treasurer

- i) Financial Review (January to June 2009)**

Treasurer Anne-Marie Koiner presented a detailed financial written review from January to June 2009 and advised Council that:

- some items have not been posted that will affect the variances presented,
- 3 types of garbage cans for public areas will be sourced out,
- She will be attending a solid waste forum and will bring more information to Council.

C. Mayor & Council

- i) Mayor Broughton – Portfolio Report**
- ii) Councillor Ronsley – Portfolio Report**
- iii) Councillor Simons - Portfolio Report**

Councillor Simons advised that regarding the Underpass Project, the Ministry of Transportation has advised that the Village cannot affix or paint anything onto the walls. The Underpass Project needs to be advertised soon to complete phase I for the Olympics. There is no funding in the current budget for this project so funds will need to be raised. There is a deadline for submissions and there will be an open house for the public to review the submissions. The jury's recommendations will be presented to Council. Staff were requested to include the Village's Coat of Arms on the project cover prior to advertising.

Councillor Simons advised that the new signage at Village Office will cost approx. \$3,000, will be made of cedar and aluminum with a target date of some time in November.

Resolution

Moved by Councillor Ronsley
Seconded by Councillor Taylor

Resolved that: Council support the Village of Lions Bay Underpass Project Call for submissions.

Carried.

Councillor Simons advised that the Bear Smart Committee will request than an e-post be sent out and have arranged for advisory decals to be made and installed on the dumpster at the Emergency Building.

Resolution

Moved by Councillor Ronsley
Seconded by Councillor Akerhielm

Resolved that: Council receive the reports from the Administration, Treasurer and Mayor & Council.

Carried....

9. Resolutions

A. Towing Policy

Resolution

Moved by Councillor Ronsley
Seconded by Councillor Taylor

Resolved that: Council adopt the Towing Policy.

Carried...

B. Screening Officer Bylaw Notice Policy

Resolution

Moved by Councillor Simons
Seconded by Councillor Ronsley

Resolved that: Council adoption the Screening Officer Bylaw Notice Policy.

Carried...

C. 2010 Torch Relay Event

Resolution

Moved by Councillor Akerhielm
Seconded by Councillor Ronsley

Resolved that: Mayor and Council support the February 4, 2010 Torch Relay celebrations held within the Village of Lions Bay.

Carried...

D. Authorization to award tender for painting of Village Office/Community Hall Complex and Emergency (Klatt) Building

Resolution

Moved by Councillor Akerhielm
Seconded by Councillor Taylor

Resolved that: Council authorize the Village Manager to award the tender for painting of the Village Office/Community Hall Complex and Emergency (Klatt) Building to a maximum of \$15,000.

Carried...

10. Bylaws

A. Bylaw No. 412 – Good Neighbour Bylaw (third reading)

Resolution

Moved by Councillor Akerhielm
Seconded by Councillor Ronsley

Resolved that: Bylaw No. 412 – Good Neighbour Bylaw be given third reading.

Carried...

Councillor Akerhielm advised that she would like to see enforcement of the Good Neighbour bylaw begin during this summer.

B. Bylaw No. 413 – Traffic and Parking Bylaw (third reading)

Resolution

Moved by Councillor Akerhielm
Seconded by Councillor Ronsley

Resolved that: Bylaw No. 413 – Traffic and Parking Bylaw be given third reading.

Carried...

C. **Bylaw No. 414 – Parks Regulations Bylaw (third reading)**

Resolution

Moved by Councillor Akerhielm

Seconded by Councillor Taylor

Resolved that: Bylaw No. 414 – Parks Regulations Bylaw be given third reading.

Carried...

D. **Bylaw No. 385 – Bylaw Notice Enforcement Amendments, with Schedule A (rescind first and second reading)**

Resolution

Moved by Councillor Akerhielm

Seconded by Councillor Ronsley

Resolved that: Council rescind first and second reading of Bylaw 385 – Bylaw Notice Enforcement Amendments, with Schedule A.

Carried...

E. **Bylaw No. 415 – Bylaw Notice Enforcement Amendments, with Schedule A (first, second and third reading)**

Resolution

Moved by Councillor Akerhielm

Seconded by Councillor Ronsley

Resolved that: Bylaw No. 415 – Bylaw Notice Enforcement Amendments, with Schedule A be given first reading.

Carried...

Resolution

Moved by Councillor Akerhielm

Seconded by Councillor Ronsley

Resolved that: Bylaw No. 415 – Bylaw Notice Enforcement Amendments, with Schedule A be given second reading.

Carried...

Resolution

Moved by Councillor Akerhielm

Seconded by Councillor Taylor

Resolved that: Bylaw No. 415 – Bylaw Notice Enforcement Amendments, with Schedule A be given third reading.

Carried...

11. Correspondence

A. List of Correspondence to July 16, 2009

The List of Correspondence up to July 16, 2009 was presented.

Council requested that all emails be included in the Correspondence binder.

Council requested that a meeting be scheduled with the Minister of Tourism at the UBCM Convention in September 2009 in Vancouver.

Resolution

Moved by Councillor Akerhielm
Seconded by Councillor Ronsley

Resolved that: the List of Correspondence be received.

Carried...

12. New Business

A. Travel Expense Policy

It was agreed that staff will formulate a clear policy, as example but not based on West Vancouver's policy and bring it back to Council.

B. Public Garbage Cans & Garbage Cans at Parks

The Public Works Department will service the public garbage cans at the parks and high volume areas on Mondays and Fridays in addition to the regular pickup by Smithrite on Wednesdays.

C. Signage for Hiker Overflow Parking at School Gravel Lot

It was agreed that a dual-lock system be used for the School Gravel parking lot and that one side would be West Vancouver School District's lock and the other side the Village's lock and also a dual lock at Sunset.

Signage needs to be made up to advise residents and visitors that overflow daytime hiker parking is available at the school gravel lot with one sign at the school and one sign at Sunset Drive trailhead.

D. Regional Development Indicators

This item was for information of Council.

E. Vegetation on Streets

It was agreed that residents would be requested via the Village Update to trim shrubs bordering the roadways so as to not block visibility. This was identified as a safety issue which could result in pedestrians being pushed out onto the streets from sidewalks.

F. Village Update

Content for the next Village Update was discussed.

G. Fire Rescue for Ocean Point

This item will be brought forward for discussion in mid to late September, 2009.

13. In Camera

Resolution

Moved by Councillor Akerhielm
Seconded by Councillor Simons

Resolved that: Council move In Camera to discuss matters.

Carried...

Resolution

Moved by Councillor Taylor
Seconded by Councillor Ronsley

Resolved that: Council revert back to open meeting.

Carried...

14. Adjournment

Resolution

Moved by Councillor Taylor
Seconded by Councillor Simons

Resolved that: Council adjourn the Regular Council Meeting of July 20, 2009 at 11:00 pm.

Carried...

Mayor

Village Manager

