

**REGULAR MEETING OF THE COUNCIL
OF THE VILLAGE OF LIONS BAY
HELD ON MONDAY, JULY 5, 2010 at 7:00 PM
IN THE COUNCIL CHAMBERS, 400 CENTRE ROAD, LIONS BAY**

MINUTES

Present: Mayor Brenda Broughton
Councillor Peach Akerhielm
Councillor Joanne Ronsley
Councillor Ruth Simons
Councillor Gordon Taylor
Village Manager Rory Mandryk
Office Manager Jeff Dann
Treasurer Anne-Marie Koiner
Accounting Clerk Hayley Cook (recorder)

1. Call to Order

Mayor Broughton called the Regular Council Meeting of July 5, 2010 to order at 7:00pm.

2. Approval of Agenda

Resolution

Moved by Councillor Taylor
Seconded by Councillor Akerhielm

Resolved that: Council approve the Agenda of the Regular Council Meeting of July 5, 2010 with the following additions:

7A Secondary Suites Fines
7B Brunswick Beach

Carried...

3. Public Participation

4. Delegations

5. Adoption of Minutes

A. Regular Council Meeting of June 21, 2010

Resolution

Moved by Councillor Taylor
Seconded by Councillor Ronsley

Resolved that: Council adopt the Minutes of the Regular Council Meeting of June 21, 2010, with the following changes:

Page 3 – “Councillor Akerhielm advised that she and Councillor Ronsley will work with the Village Office Staff to design a form for the Secondary Suites surcharge.”

Page 3 – “The process of how this is going to be enforced was asked and it was answered that the onus will be on the homeowner; follow ups will happen on a complaint basis. Treasurer Koiner expressed her concerns regarding the enforcement of this issue.”

Page 3 – “Mayor Broughton requested that Councillor Akerhielm follow up with other municipalities to see what their administrative policy is, any legal challenges they have faced on this issue, and report back to Council on July 5, 2010”

Page 3 – Strike the paragraph “Councillor Akerhielm suggested setting up a meeting with the Village Manager and Treasurer to devise and administration policy.”

Page 4 – Councillor Simons suggested that there is a greater amount of comfort around coach houses than Council had thought” Strike next sentence.

Page 7 – “Councillor Simons advised that she went to the drop in playgroup and offered a suggestion that the Seniors’ Guild and playgroup might get together for the seniors to read to the playgroup...”

Carried...

6. Business Arising from the Minutes

Councillor Akerhielm informed Council that Village Manager Mandryk, Councillor Ronsley and she had met to discuss parking at the Marina on Lions Bay Avenue and that Villager Manager Mandryk is to talk with Mr. Wolder, the owner of the Marina.

Councillor Simons suggested that the signs around the Marina and on Lion Bay Avenue are unclear as the vegetation is overgrown.

Mayor Broughton asked if Village Manager Mandryk had replied to Jim St. Claire regarding his request for support for the minimum wage being raised to \$10. Village Manager Mandryk advised he would do so.

7. Unfinished Business

A. Secondary Suites – Policy & Fines

Draft Policy:

Councillor Simons advised of her concerns regarding the life safety hazards in Secondary Suites and what the Village would do if complaints were received from a resident regarding this issue.

Councillor Akerhielm advised that the British Columbia Building Code allow for some latitude when enforcing requirements for Secondary Suites. Therefore, the Building inspector would be

able to take into account cost and other considerations when seeking compliance, if the Village received a complaint. It was advised that the Village lawyer, Mr. Murdy had suggested the wording on this section of the Bylaw. Building Inspector Butler had advised that if a permit is sought to renovate an existing suite, then compliance would be sought.

Council agreed that they would seek further info from Building Inspector Butler in regards to the legal comments on ways around the sub-division, when new construction is occurring.

Councillor Akerhielm advised that as per discussion in the Committee of the Whole Meeting, Council had agreed to redraft the wording of the policy to make it more understandable in regards to section 5 c). Concerns were raised that there are a few detached buildings where Secondary Suites do exist. Council agreed it would be excessive to close them down so the existing Suites would be grandfathered with no new ones being permitted.

Councillor Akerhielm suggested that the enforcement policy is a progressive policy that will evolve through time.

Councillor Simons suggested that clause 5e) should have wording to reflect Council's intent. Mayor Broughton suggested that it should specifically state immediate family member as well as registered owner. Village Manager Mandryk advised that the Village lawyer had responded on this point by saying the Village was using a common approach. Councillor Akerhielm advised that this could be addressed in the policy.

Discussion took place on whether sewage was an area that should be looked at in regards to extra use due to Secondary Suites. It was decided that there is already a process in place for over use and it is an area that is covered by health regulations.

Enforcement policy will be run through Council In Camera Meeting.

Councillor Akerhielm advised that she would like staff input on the enforcement process, and is hoping to get started as soon as possible to give staff a starting point before the summer break. The plan is to propose the implementation of the Zoning Bylaw in the summer. Mayor Broughton suggested that is a very poor time for start up and recommended September. Councillor Akerhielm proposed that the third reading be done tonight, changes to the policy be made on July 19, ready for implementation in September.

Councillor Simons suggested looking at how the timeline on Secondary Suites affects other priorities for the Village staff. Village Manager Mandryk advised that the staff should be able to meet for 5 hours before the end of July to discuss the policy. Mayor Broughton suggested that adequate wording needs to be in the Zoning Bylaw for clarity, as this is where someone looks first.

Councillor Simons suggested that residents have expressed their concern over Council rushing the passing of the Zoning Bylaw. Councillor Akerhielm suggested that the process for the Zoning Amendment Bylaw began the month after Council was elected and that the process has moved along systematically and progressively.

Councillor Simons suggested that Council needs to be able to reflect and say that they have done their best in terms of setting priorities.

Council discussed the time that will be needed for administration to come up with a process for implementing the Zoning Amendment, the surcharge and enforcing the bylaw. The Village Staff are to look at the grid Councillor Akerhielm presented and play around with numbers to come up with projected expenses and revenues.

Councillor Simons suggested that if only a small number of Secondary Suites are registered and pay a surcharge then the costs of implementing the bylaw are not worth it. She asked what their objective is for the bylaw and how they should explain to the Village why we have a large expense for such a small return. Councillor Taylor suggested that the bylaw has to begin somewhere and by 2020, people will look back and say it was a good decision.

Councillor Simons asked if the system to be used for billing is still being worked on. Council discussed residents sending in the declaration electronically but Treasurer Koiner advised of the high cost that would be incurred to enable this. Councillor Akerhielm suggested that the Utility billing does not go out until February and that there is lots of time to work out the details.

Councillor Simons suggested that the entire policy administration needs to be worked out before the Bylaw is passed. Councillor Akerhielm suggested that other municipalities had not had everything in place before their Zoning Amendments regarding Secondary Suites were passed.

B. Fines

Council discussed the various fines proposed for the new Zoning Amendment Bylaw. The fines are for new Secondary Suites. The question of whether a fine can be given on multiple occasions was raised and will be looked into. The fines are a mechanism for the Building Inspector to use if people do not follow the plans they have presented.

Councillor Simons asked where it advises that the fines do not apply to Grandfathered Suites. Councillor Akerhielm advised that this would be part of the enforcement strategy and would be in the enforcement policy. Council agreed that the fines that do not apply to existing Secondary Suites would be shaded. Mayor Broughton suggested that it needs to go into the Bylaw Enforcement Notice as well.

Treasurer Koiner advised that the Bylaw Notice Enforcement Schedule should only refer to new Secondary Suites. Mayor Broughton suggested that the document needs to be easily understood and should have a date with a star and a footnote.

Councillor Simons asked how the Zoning Amendment Bylaw speaks to Secondary Suites built after a certain date.

Councillor Akerhielm advised that bylaws come into effect the day that the bylaw comes into force, as governed by the Official Community Plan. She suggested that there could be a date of implementation in the policy.

Mayor Broughton suggested that it makes it hard work when people have to sub-research different documents, and suggested having the date would help a person understand the document.

C. Brunswick zoning

Councillor Akerhielm advised that Mayor Broughton, Village Manager Mandryk, Councillor Ronsley and herself had met that morning to discuss the Zoning in Brunswick Beach. Brunswick Beach has a separate bylaw for zoning which creates some administrative challenges. The task force for zoning and building bylaws is to look at bringing the two bylaws together. A meeting will be set up with Brunswick Beach residents. The process is to start in the fall and have a discussion paper out by the end of November. When the Official Community Plan called for Secondary Suites, it was not realised that Brunswick Beach was under a different Zoning Bylaw. The two Zoning Bylaws now need to be reconciled, but discussion needs to take place first with the residents to find out their concerns.

8. Reports

Resolution

Moved by Councillor Taylor
Seconded by Councillor Akerhielm

Resolved that: Council received the reports of July 5, 2010.

Carried...

A. Administration

- i) Recommendations from Committee of the Whole Meeting of July 5, 2010
- ii) Village Manager's Update Report

Mayor Broughton expressed her thanks to the Public Works crew for all their hard work on Canada Day and thanked staff for their support. Council echoed the Mayor's thanks.

Village Manager Mandryk advised that the re-surfacing of the tennis court should be done in July and that once complete, it will be a multi-use surface.

Councillor Akerhielm requested an account of how much time Public Works spent on different projects. Village Manager Mandryk advised that this is in process. A retrospective of the last three months is to be done.

Councillor Simons asked for a timeline regarding the underground wiring to get the community on side. Mayor Broughton advised that there is a meeting set up for July 22, 2010 after which time, more will be known. The project is not being delayed, but keeping costs down is important. Village Manager Mandryk will talk with AECOM to get more idea of when something could be expected.

Councillor Simons suggested sending out communication to the Village regarding the next consultation.

B. Treasurer

- i) 2009 Financial Statements

Presentation by Bill Cox of BDO Canada at the Committee of the Whole meeting was recognised by Council.

- ii) 2009 Corporate Report

To be discussed at the next Council Meeting

- iii) Treasurer's Report

C. Public Works

- i) Public Works Department Update

- Public Works Update has been embraced in the Village Manager's Report
- Kelvin Grove Sewage Treatment Plant has been pumped
- Wade Park was cleaned today
- Kelvin Grove Beach will be cleaned tomorrow

D. Mayor & Council

- i) Mayor Broughton – Portfolio Report

- Highway Advisory Group Minutes on table
- Sound Walls to be complete by September/ October
- A Draft Request for Proposal for the Community Centre has been started by Ute Phillips

- ii) Councillor Ronsley – Portfolio Report

- iii) Councillor Simons – Portfolio Report

Sea to Sky Clean Air Society visit was a highlight. Councillor Simons suggested their process for their open burn bylaw is very useful.

E. Committees & Task Forces

- i) Bear Smart Committee Meeting Minutes June 2010

9. Resolutions

- A. Opposition to the Metro Vancouver Draft Solid Waste Management Plan, Resolutions must be received by Metro Vancouver no later than July 14th 2010.

Mayor Broughton advised how important opposition to this motion is for the Howe Sound Corridor.

Resolution

Moved by Mayor Broughton
Seconded by Councillor Ronsley

Resolved that: The Village of Lions Bay registers its opposition to the Metro Vancouver Draft Solid Waste Management Plan dated April, 2010, and request that: 'combustion', 'incineration', 'mass burn' and 'incineration via gasification' be excluded as options for waste energy recovery.

Carried... with a majority of 3 votes

Councillors Akerhielm and Simons abstained.

10. Bylaws

Resolution

Moved by Councillor Akerhielm
Seconded by Councillor Ronsley

Resolved that: Council approve the third reading of Amendment Bylaw No. 423, 2010

Discussion:

Councillor Simons questioned Mayor Broughton and Village Manager Mandryk about their satisfaction with the legal advice the Village has received, and how they feel about not having a clear consensus on the administration policy at this stage.

Mayor Broughton advised that she is satisfied with the legal advice but wants to hear from the Municipal Insurance Authority. Mayor Broughton suggested she feels that Council could work towards consensus by July 19th.

Village Manager Mandryk advised that he is not comfortable with the risk assessment but he wants it to work. He wishes for full consensus and is concerned about staff time; he suggested that the timeline for the administration process needs to be more generous with the allocation of time.

Mayor Broughton suggested that Council is close to reaching consensus and requested delaying the third reading until consensus has been achieved. Councillor Akerhielm suggested that the Committee of the Whole Meeting had shown all the changes reflected from the Public Hearing and sees no need to delay the third reading.

Mayor Broughton advised that the document can still be misinterpreted and does not understand why the family definition is not being put in there. Councillor Akerhielm advised that the definition is already in the main Zoning Bylaw.

Councillor Simons suggested that there are still issues that have not been resolved and does not feel that the document is ready.

Councillor Akerhielm advised that the implementation date would be in at the top; effective as of September 7, 2010.

A Motion to do the third reading was put on the table.

Mayor Broughton expressed that she will not be able to vote in favour. Councillor Akerhielm suggested that she does not feel consensus will be reached and is happy as it stands. Mayor Broughton suggested that by waiting consensus may be reached and asked that the motion be tabled.

Councillor Ronsley asked Village Manager Mandryk if he is comfortable now that Council has received more legal confirmation. Village Manager Mandryk advised that he has to remain worried as Lions Bay is such a small community that does not have a big tax base, but that he feels less comfortable about Council not being reconciled on this issue.

Councillor Ronsley suggested that she would go ahead with the delay if she felt that everyone would come on board but does not feel this will happen. Councillor Simons advised that she is in favour of the bylaw for Secondary Suites but is not in favour of surcharging and feels that there are still issues, for example with billing, that need to be dealt with.

Resolution

Moved by Councillor Simons
Seconded by Mayor Broughton

Resolved that: Council delay the third reading of the bylaw until July 19, 2010 or until alignment on consensus on the policy

Discussion:

Councillor Taylor advised that he had no problem, delaying the reading until July 19 but suggested that by doing so; only one vote would be gained. He suggested that Councillor Simons would not move away from having no surcharge.

Councillor Simons advised that she did not wish to move forward with surcharging for no benefit and wishes to check with the Village Lawyer regarding the date on the policy to ensure that we are grandfathering existing Suites at that time.

Mayor Broughton called for a continuation of the meeting.

Resolution

Moved by Councillor Akerhielm
Seconded by Councillor Ronsley

Resolved that: Council to extend Meeting by 15 minutes

Carried...

Motion on table:

Resolved that: Council delay the third reading of the bylaw until July 19, 2010 or until alignment on consensus on the policy

Opposed 3 to 2...

Motion Opposed by Councillors Akerhielm, Ronsley and Taylor

Councillor Akerhielm requested moving on the previous motion.

Resolution

Moved by Councillor Akerhielm
Seconded by Councillor Ronsley

Resolved that: Council approve the third reading of Amendment Bylaw No. 423, 2010

Carried by 3 votes to 2...

Mayor Broughton and Councillor Simons opposed the motion.

11. Correspondence

A. List of Correspondence to July 2, 2010

Resolution

Moved by Councillor Taylor
Seconded by Councillor Akerhielm

Resolved that: Council received the List of Correspondence up to July 2, 2010.

Carried...

12. New Business

13. In Camera

Resolution

Moved by Councillor Taylor
Seconded by Councillor Ronsley

Resolved that: Council move In Camera to discuss matters.

Carried...

14. Adjournment

Resolution

Moved by Councillor Taylor
Seconded by Councillor Ronsley

Resolved that: Council adjourn the Regular Meeting of July 5, 2010 at 10:20pm.

Carried...

Mayor

Village Manager