

**REGULAR MEETING OF THE COUNCIL
OF THE VILLAGE OF LIONS BAY
HELD ON MONDAY, JULY 19, 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 Mandryk
Office Manager Jeff Dann
Treasurer Anne-Marie Koiner
Accounting Clerk Hayley Cook (recording)

1. Call to Order

Mayor Broughton called the Regular Council Meeting of July 19, 2010 to order at 7:00pm.

2. Approval of Agenda

Resolution

Moved by Councillor Taylor
Seconded by Councillor Ronsley

Resolved that: Council approve the Agenda of the Committee of the Whole Meeting of July 19, 2010 with the following additions:

12B Sustainability and the Integrated Sustainability Plan Process

3. Public Participation

Lisa Turpin advised that she has sent an email to Mayor Broughton, Councillors Ronsley and Akerhielm suggesting it would be wise to hold another public meeting regarding Secondary Suites as many residents don't understand quite what is going on. She suggested that it would be a good idea to go over what council has found and changed. Ms. Turpin suggested the Village might be better off leaving the issue alone and that the surcharge should not be attached to solid waste. She agrees that new construction should be made legal but again suggested not trying to fix something that is not broke.

Edward Langford advised that he is not opposed to, or for regulation, but suggests that the Village is opening itself up to liability by grandfathering existing Secondary Suites with no inspection but having a surcharge. He suggested that it is fine for new construction as the Village will not be liable as they have the opportunity to perform inspections.

Mr. Langford, in reference to the surcharge, asked at what point someone asks for a credit if they have no pool, a small lawn, live below the snowline and do not create lots of garbage and recycling. Mr. Langford suggested that the administrative costs for implementing and collecting the surcharge will be more than \$10,000, which he suggests will be more than any revenue collected from the surcharge, which in effect, will lead to taxes being raised. He asked what incentive there is for people with existing Secondary Suites to come forward.

Heather Mossakowski suggested that grandfathering suites is proper but that they should come up to safety. They should be asked to have additional parking at least on their property. She advised that she agrees with the other speakers that they should be professionally inspected otherwise the Village will be at fault.

Richard Ridley suggested that the methods of calculation for the surcharge are unfair if not done on number of people in any household. He suggested that if the issue is one of fairness then a house with only three people in it should pay less for utilities than a household with more people, regardless of whether they have a suite. Mr. Ridley also commented that he has not seen any discussion about suites or articles since the public hearing and asked what had happened about all the discussion, what had happened to due process. Mayor Broughton advised that Council had followed Provincial legislation for process.

Phil Bromiley asked what is the deadline and was informed that the public hearing is the deadline.

Council agreed it would be helpful to send out information from the public hearing. Mr. Bromley commented that he had written to Council expressing his disagreement with registering suites and had not heard back. Councillor Akerhielm advised that the table had decided that the Village Manager would respond to all residents' correspondence and not have Councillor Akerhielm design responses; a decision that Council would probably change now.

Mr. Bromiley suggested that the issue of Secondary Suites has come up many times before and that the issues of cost and liability still exist. Councillor Simons responded that the public hearing was to do with the Zoning Bylaw Amendment and that there was no public hearing for the administration of the bylaw.

Mr. Bromiley asked Council what had brought the issue of Secondary Suites to the table. Council responded that they had been guided by the Official Community Plan that asks for the legalisation of Secondary Suites with a fair contribution.

Ron Williams echoed all the concerns he had heard from other residents. He commented that he knows that the Council has worked hard to get this thing through, but the Village is being compared to other communities in the Lower Mainland and this misrepresents them as they are Lions Bay. Mr. Williams suggested that the electorate has spoken at this meeting and he has not seen any alteration in the plan generally, despite residents' concerns. He suggested that a newsletter should go out to help people understand the plan; what the cost will be and what is expected in revenue. Mr. Williams asked if it is true the Amendment will not affect Brunswick

Beach and was told this is true and that a task force has been set up to look at the integration of the Brunswick Beach Zoning Bylaw.

Mr. Williams suggested that the Village will need more bylaw enforcement to enforce the new legislation. He urged Council to put the details out in a newsletter, not just on the website.

Mayor Broughton advised that families were an issue that has been taken care of; landlords will not be charged a surcharge for having family in their Secondary Suite. Coach houses have also been taken care of. Legal questions regarding the wording for owner occupied have been taken care of. Mayor Broughton advised that the policy is progressive, not swift. Council has debated the issues. Mayor Broughton advised that Council does not want to encumber landlords with a huge expense to come up to the 2010 British Columbia Building Code, but that they do encourage safety. Council has asked and re-asked legal counsel questions and they understand the costs. Mayor Broughton advised that there are 3 pieces to be looked at; the Zoning Bylaw Amendment, the policy and the enforcement policy. The policy is profoundly important.

Mr. Williams asked why Council are fast tracking the bylaw and suggested it is a mistake to do so. Mayor Broughton suggested that moving forward is important.

Martin Berneburg suggested that he is concerned that the Village needs volunteers and needs living space for the volunteers. He advised that he was pleased this meeting was taking place on a Monday as he is a volunteer firefighter and could not attend any of the Wednesday Meetings due to training. He suggested that the new bylaw will be detrimental to the living space in the Village and has heard concerns from other people that the number of Secondary Suites will diminish due to the bylaw. Mayor Broughton suggested that she does not feel this will happen as it will enable people to have Secondary Suites in their home.

Alan Henshaw suggested that the Village cannot be selective and only look at some Secondary Suites and that safety is an important issue. He suggested that when looking at fairness, is it fair if someone is away for 4 months of the year they still pay the same utilities as someone who lives in their home year round. Mr. Henshaw asked what the aim of the bylaw is.

Mayor Broughton advised that there has been lots of debate regarding the surcharge and that she has become less concerned with regards to surcharge, due to the debate. Council does not want to cost people thousands of dollars. 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 he concerns regarding the enforcement of this issue.

Darlene Reigh suggested that she is concerned that the suite legislation has been carried out mainly by two councillors and that there has been a lack of regard for the residents. The lack of information to residents has been very concerning. Ms. Reigh asked where the most recent documents are. She had not received anything after the public hearing on June 23rd. Ms. Reigh advised that the question about Brunswick Beach had not been heard until today. She suggested there are too many discrepancies for the urgency with which Council is pushing the bylaw.

Mayor Broughton agreed that the lack of information is an important point for Council to listen to and digest.

Mr. Langford suggested he has a fear that the policy being sold on grandfathering but that the bylaw makes no mention of this. He advised that the current Council could have this policy but

any future council or bylaw enforcement could have a different intent. He suggested that unless the wording of the bylaw is changed, the intent could be taken out of context and that it is hard to rescind once it's there. He advised that the bylaw tracks with the policy.

Don Edwards suggested that an upgrade would shut down an existing Secondary Suite; people have Suites for economic reasons. He asked Council why they were looking at surcharging. Councillor Akerhielm advised that most municipalities around Lions Bay have surcharges, including Vancouver. Mr. Edwards asked if Vancouver does the research themselves into who has Secondary Suites. Councillor Akerhielm advised that she did not know their administration around it. The Village of Lions Bay will ask everyone if they have an occupied Secondary Suite and if they do, they will pay 40% extra on water and solid waste (recycling, garbage and yard trimmings). Councillor Akerhielm advised that in Squamish the figure is closer to \$600, West Vancouver \$350 and that it is supposed to cover a fair contribution to Village services. The utility bill goes out every year, and it makes sense to use an existing system rather than creating a new one.

Councillor Akerhielm advised that Council has not assumed how many residents have existing Secondary Suites, and that the Village will rely on people to be honest; they have to sign something the same way they sign the Home Owner Grant. Council does not intend to keep a registry of existing Secondary Suites.

Mr. Edwards asked what will happen if in 5 years a future Council decides to make existing Suites come up to code. Lisa Turpin suggested that if under any new Council a neighbour complains about an existing Secondary Suite, the law says that the Suite must meet the requirements laid out in the new Bylaw. There is no caveat that says current Suites are exempted and that the policy is not the law. Councillor Akerhielm advised that there is no requirement for any municipality to enforce a bylaw, the policy has been written to explain why certain parts are going to be enforced, and why others are not. Councillor Akerhielm advised that the provisions are identical to the provisions in most municipalities. Ms. Turpin suggested that the bylaw should reflect the intention to grandfather existing Secondary Suites as the bylaw becomes law and is embedded.

Karen Grant suggested that she does not think people who have suites are secretive or fearful and that when she moved to the Village the utility charge was \$200 and it is now \$835. With a Suite there would now be even more of an increase. Ms. Grant suggested that it might be against Federal Law to pass a bylaw that prevents people from earning an income. The surcharge impacts landlords who are trying to earn an income.

Heather Mossakowski asked if the Village will be collecting money in case of legal action and asked if there is a nest egg to protect the Village. Mayor Broughton advised that this is a key issue and that the Village has gone to the lawyer and received advice. Mayor Broughton suggested that the Municipal Insurance Agency would likely support the interest of all Municipalities.

Councillor Simons advised that Council will be receiving an update on expenses later in the meeting and that it will include the deductible for insurance.

Heather Mossakowski commented that if the units are unsafe they should not be occupied; safety is the most important issue.

Richard Ridley suggested that Lions Bay should not just follow other municipalities blindly which is what it seems is happening. He suggested that the fee itself, unless based on per capita household is not fair. There is an implication that it is charged on water, sewer and garbage etc. Mr. Ridley suggested that if the existing Suites are not to be inspected then Council should not charge. He suggested tying the surcharge top the building permit; when someone submits a plan for a Secondary Suite the fee should go on that. He also advised that Council should look at who uses these Suites; he has rented out to 4 firefighters and 1 policeman.

Darlene Reigh asked if the revenue collected can be used for general revenue or if it has to go to utilities. Mayor Broughton advised that the recommendation is to list on the utility bill but as a separate line. Councillor Ronsley advised that the reason for putting the surcharge on that bill is for efficiency for the office to collect it. It is separate from the utility charge.

Darlene Reigh suggested it would have been good to see a business plan, to see what it will create or cost.

A resident suggested that if Council is going to compare us to anywhere it should be to Whistler as we need the suites for firefighters and young families. If we lose the young families we will lose the school.

4. Delegations

5. Adoption of Minutes

A. Regular Council Meeting of July 5, 2010

Resolution

Moved by Councillor Taylor
Seconded by Councillor Akerhielm

Resolved that: Council adopt the Minutes of the Regular Council Meeting of July 5 2010 with the following changes:

Page 3, 1st paragraph – strike “over a certain percentage of”

Page 3, 8th paragraph – “Mayor Broughton suggested that it is a very poor time for start-up and recommended September.”

Page 3, 2nd to last paragraph – spelling error “has” not “as”

Page 4, 6th paragraph should say “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”.

Page 4, 7th paragraph should say “Treasurer Koiner advised that the Bylaw Notice Enforcement Schedule should only refer to new Secondary Suites.”

Page 4, Last paragraph is struck from the minutes.

Page 5, 2nd to last paragraph – “months” not month.

Page 6, sentence below Councillor Simon’s Portfolio Report should say “Sea to Sky Clean Air Society visit was a highlight. Councillor Simons suggested their process for their open burn bylaw is very useful.”

Page 7, last paragraph – change recommended to “requested”

Page 8, 1st paragraph should say “Councillor Akerhielm advised that the definition is already in the main Zoning Bylaw.

Carried...

6. Business Arising from the Minutes

Councillor Simons asked for clarification on the effective date of the Zoning Amendment Bylaw, as the 3rd reading of the Bylaw did not have the date on it. She asked if an official statement was needed. Mayor Broughton suggested that the discussion preceding the 3rd reading was done with September 7, 2010 as the date of implementation, but that it should be checked. Mayor Broughton suggested that the concerns right now are to do with the community and wants to move forward listening to all the different voices.

Councillor Simons concurred that the date was understood and agreed upon but that when it came to the vote, it was only about the bylaw, not the date. Concerns were expressed that the effective date is going to take place after the last Council meeting of the summer and that the effective date was not mentioned at the public hearing. Mayor Broughton agreed with the concerns but advised that the date was known when the 3rd reading took place.

Village Manager Mandryk advised that he agrees with Mayor Broughton and advised that nothing speaks to the date in adopting bylaws.

7. Unfinished Business

A. Secondary Suites Administrative Policy

Councillor Akerhielm brought forward the changes made to the administration Policy at the Committee of the Whole Meeting.

- Council discussed the change to page 3 section e. The reference to the term ‘to what residents want’ will be deleted from the policy
- No reference to the exclusion of Brunswick Beach from the Policy
- Village Manager Mandryk estimates \$2500 for staff time to administrate Bylaw – double the initial estimate. Concerns have been raised about the costs of implementing and administering the bylaw; Councillor Simons requested that a breakdown be included on the website for residents to see. Councillor Simons also requested that the budget line for anticipated legal costs be included to help dispel residents’ worries
- Village Manager Mandryk advised that the Municipal Insurance Agency did not want to give a definitive answer regarding their involvement should a liability case arise from Secondary Suites, but it comes down to anything that might affect other municipalities would be of concern to them; therefore they would get involved

Heather Mossakowski suggested that those residents who do not have suites should not pay into this fund. Council advised that the \$2500 is a deductible on an insurance claim.

Mayor Broughton expressed that she has concerns over anything that could lead to litigation, as does Village Manager Mandryk, but Council has done their due diligence.

The cost of hiring a new Building Inspector was raised and Council informed residents that the current Building Inspector would be doing all the inspections and that existing Secondary Suites would not be inspected. Mayor Broughton advised that Council is concerned with safety and that education will be used to show landlords what initiatives can be taken to improve safety.

8. Reports

Resolution

Moved by Councillor Taylor
Seconded by Councillor Akerhielm

Resolved that: Council received the reports of July 19, 2010.

Carried...

A. Administration

- i) Recommendations from Committee of the Whole Meeting of July 19, 2010
- ii) Village Manager's Update Report
 - Fire Hazard Wall installed this week
 - Meeting on July 27, 2010 regarding Lions Bay Water Upgrades – will report back after that – new technologies for pipe replacement
 - Good Neighbour Bylaw infraction - neighbours are satisfied but want further change on an ongoing basis
 - JEPP Grant awarded for a new generator
- iii) RCMP: Lions Bay Activity Report & False Alarm Report
- iv) Customer Service Request Summary, 2nd Quarter Report
 - Work in progress – addresses have been stricken
 - Compliments about Works Manager Partridge passed on

B. Treasurer

- i) 2009 Audited Financial Statements – Observations
- ii) Treasurer's Statistics
 - Statistics put together on Bylaw Infraction tickets – 63 tickets, 31 warnings to date
 - Article regarding not having all 4 tyres on the roadway will be in the next Village Update
 - Home Owner Grant claimed by 17% of population – over 65
 - Home Owner Grant Claimed by 38% of population – under 65
 - Home Owner Grant not claimed by 35%

- 63 Deferrals – 8% (55 are renewals)
- Total Home Owner Grant \$225,000
- Deferments - \$500,000
- Province directly pays for 25% of Lions Bay Property Taxes
- 43% of monies stay for Lions Bay services
- Lions Bay increasing taxes less than other municipalities

iii) 2010 Year to Date – Financial Position (On-Table)

- Slowly moving towards the new format

C. Fire Chief

i) Lions Bay Activity Report

- The money in the budget for the new fire truck will be put into a contingency as there is nothing out there right now that suits the Fire Department's needs
- All home owning firefighters have completed the third responder training
- Firefighter Day will be September 11, 2010
- No more fire practice for the summer; rope work and auto-extraction training
- 2 weekends of wild lands training in August
- Need to work on new fire bylaw; fire last night on the beach at Kelvin Grove
- Speeding motorbikes through the Village are an issue right now; police to be contacted
- Fire Department to visit the school this week
- Budget talks to start with Treasurer Koiner
- Concerns about water pressure due to low water levels – public Works to measure
- Ladder that provides access to Alberta Creek needs to be padlocked

D. Public Works

i) Public Works Department Update

- Has been covered by e-posts.

E. Mayor & Council

i) Mayor Broughton – Portfolio Report

- Finance meeting for Council to be on September 13, 2010
- Monday 26, 2010 meeting for grant application for Community Centre

ii) Councillor Ronsley – Portfolio Report

- Moving forward with the library; need a new computer, internet and printer
- Invasive Species group will be coming to Lions Bay for a workshop

iii) Councillor Simons – Portfolio Report

- Climate Action and Fraser Basin Council Minutes are on table

- iv) Report - Position on Proposed Secondary Suite Bylaw Amendment and Administrative and Enforcement Policy

Councillor Simons presented a report about her position on the proposed bylaw and policy:

- Revenue from the surcharge will not offset the costs
- All homeowners should not have to sign a declaration regarding whether they have a Secondary Suite
- September 7, 2010 not an appropriate time for the bylaw and policy to be implemented
- Council should communicate to the residents more before they pass the bylaw

Mayor Broughton advised that the Village's lawyer has given the Village assurance regarding the issue of registered owners only having to occupy the house in order to have an occupied Secondary Suite. Village Manager Mandryk advised that the lawyer had said it would be a point of contention but that it should not stop the process. Councillor Simons advised that she is concerned that the wording of the zoning bylaw remains as registered owner only.

F. Committees & Task Forces

Resolution

Moved by Councillor Taylor
Seconded by Councillor Akerhielm

Resolved that: Council accept minutes on table as received.

Carried...

9. Resolutions

Resolution

Moved by Councillor Simons
Seconded by Mayor Broughton

Resolved that: Council table the resolution regarding the adoption of the Policy on Administration/Enforcing of Zoning of Enforcement Amendment Bylaw No. 423, 2010.

Opposed 3 to 2...

A. Adoption of the Policy on Administration/Enforcing of Zoning of Enforcement Amendment Bylaw No. 423, 2010.

- i) That Council of the Village of Lions Bay resolves to adopt the Policy on Administration / Enforcement of Zoning Bylaw Regulations in Regard to Secondary Suites, with the Policy coming into effect Sept. 07, 2010.

ii) That Council of the Village of Lions Bay resolves to adopt the July 13, 2010 updated version of Schedule A of Bylaw Notice Enforcement BYLAW NO. 415, 2009, with the new Schedule coming into effect Sept. 07, 2010.

Resolution

Moved by Councillor Akerhielm
Seconded by Councillor Ronsley

Resolved that: Council adopt the Policy on Administration/Enforcing of Zoning of Enforcement Amendment Bylaw No. 423, 2010.

Discussion:

Councillor Simons advised that she cannot support it if the date is not moved and Brunswick Beach is not included.

Resolution

Moved Councillor Simons
Seconded by Councillor Taylor

Resolved that: Council change the adoption date of the Policy on Administration/Enforcing of Zoning of Enforcement Amendment Bylaw No. 423, 2010 to September 20, 2010.

Councillor Simons suggested that there has been no opportunity for the Community to review the draft policy; if it is included in the Village Update in August for residents to review, Council can have another public meeting to explain it before it becomes effective. Mayor Broughton concurred that it would be wise to have the community hear the educational piece. Councillor Taylor asked if there was any reason it should not be changed to the 20th.

Councillor Akerhielm suggested that there is other work for Council to do and putting it off for 2 weeks will not achieve anything. Councillor Ronsley suggested that she would delay it if she felt there would be any benefit. She suggested the educational piece will answer all the resident's questions. Councillor Taylor suggested the date change will give 2 extra weeks to address any questions from residents regarding the policy. Mayor Broughton suggested that it is the Council's responsibility to do things in the right order, and that an educational session with the public would be helpful.

Carried...

Resolution

Moved Councillor Akerhielm

Seconded by Councillor Simons

Resolved that: Council continue the meeting for a further 30 minutes.

Councillor Simons advised that fatigue on Council should be addressed when they are being asked to pass a bylaw at 10pm. It gives no time or opportunity for debate

Carried...

Adoption of the Policy on Administration/Enforcing of Zoning of Enforcement Amendment Bylaw No. 423, 2010.

ii) That Council of the Village of Lions Bay resolves to adopt the Policy on Administration / Enforcement of Zoning Bylaw Regulations in Regard to Secondary Suites, with the Policy coming into effect Sept. 20, 2010.

ii) That Council of the Village of Lions Bay resolves to adopt the July 13, 2010 updated version of Schedule A of Bylaw Notice Enforcement BYLAW NO. 415, 2009, with the new Schedule coming into effect Sept. 20, 2010.

Moved by Councillor Akerhielm
Seconded by Councillor Taylor

Carried...

Opposed by Councillor Simons

B. Resolution for the Village Manager to sign Lease Agreement, (Lease No. L2902), with the Province of British Columbia in regards to the BC Ambulance portion of the Klatt Building.

Moved by Councillor Akerhielm
Seconded by Councillor Taylor

Carried...

10. Bylaws

A. Final Adoption of Zoning Bylaw No. 362, 2004 Amendment Bylaw No. 423, 2010

Moved by Councillor Akerhielm

Resolution

Moved by Councillor Simons
Seconded by Mayor Broughton

Resolved that: Council change the date of adoption of Bylaw No. 423 to September 20, 2010.

Opposed 3 to 2....

Resolution

Moved by Councillor Taylor

Seconded by Mayor Akerhielm

Resolved that: Council adopt Zoning Bylaw No. 362, 2004 Amendment Bylaw No. 423, 2010

Mayor Broughton advised that she would like some sort of coordination so that the policy is intertwined with the bylaw. Councillor Simons suggested that Council listen to the concerns raised regarding the wording about grandfathering and be clear that the policy does not apply to dwellings prior to September 7, 2010.

Carried... 3 to 2

Mayor Broughton and Councillor Simons opposed the motion

11. Correspondence

A. List of Correspondence to July 19, 2010

Office Manager Dann advised Council that the correspondence regarding wildfires has been put up on the Village's bulletin board and sent to the fire hall.

Resolution

Moved by Councillor Akerhielm
Seconded by Councillor Taylor

Resolved that: Council received the List of Correspondence up to July 19, 2010.

Carried...

12. New Business

A. HealthLinkBC

Council discussed the request from HealthLinkBC to have a link to their site on the Village Website.

Resolution

Moved by Councillor Taylor
Seconded by Councillor Ronsley

Resolved that: Council add the link to HealthLinkBC to the Village of Lions Bay website.

Carried...

13. In Camera

Resolution

Moved by Councillor Taylor
Seconded by Councillor Akerhielm

Resolved that: Council move In Camera to discuss matters.

Carried...

14. Adjournment

Resolution

Moved by Councillor Taylor
Seconded by Councillor Akerhielm

Resolved that: Council adjourn the Regular Meeting of July 19, 2010 at 10:27pm.

Carried...

Mayor

Village Manager