



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

**REGULAR MEETING OF THE COUNCIL
OF THE VILLAGE OF LIONS BAY
HELD ON MONDAY, NOVEMBER 1, 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
Treasurer Anne-Marie Koiner
Accounting Clerk Hayley Cook (recorder)

1. Call to Order

Mayor Broughton called the Regular Council Meeting of November 1, 2010 to order at 7:00 pm.

2. Approval of Agenda

Resolution

Moved by Councillor Akerhielm
Seconded by Councillor Taylor

Resolved that: Council approve the Agenda of the Regular Council Meeting of November 1, 2010 with the following additions:

12D John's Bridge
12E Land Survey of Community Centre Property
6B Wood First Policy

3. Public Participation

Reenie Rose, a Lions Bay home owner asked Council to consider a relaxation on the late payment fine for her Property Tax Payment. The owner paid the tax on July 14, 2010, the due date; however, the payment did not go through. Once the owner found this out on July 15, 2010 the payment was put through again and it cleared on July 16, 2010. The fine the owner is facing is \$822 which is equivalent to 2000% interest. The District of West Vancouver charges 5% initially and then adds a further 5% at a later date. Treasurer Koiner advised Council and the resident that the fine is guided by the Community Charter. The Local Government Act section 233 states that

each Municipality must decide how to implement the 10% penalty. The Village of Lions Bay Bylaw 67 adopted June 15, 1977 changed the due date of Property Tax from July 2 to July 14 and had the 10% penalty in effect immediately, as opposed to two 5% penalties. As the penalty is imposed as a bylaw, the Village cannot go against it.

Council agreed that the bylaw should be taken up as a cause to view and potentially amend for next year.

Mr. John Dudley presented a letter that he had dropped off at the Village Office in the morning. The letter is intended to bring awareness to the issue of flailing in the Village and the damage caused to a garden by Public Works. An old Cedar tree was cut back, exposing views of the water tower, an Acuba was cut to almost ground level and a Horse Chestnut tree was destroyed. Mr. Dudley advised that it will be impossible to regain their privacy in this area.

Mrs. Rose Dudley added to the previous presentation, adding that the property in question, at the top of Oceanview Road does not look like it is private property; however the boundary extends 56 feet past the gate. Public Works did not know that it was their frontage. The issue for Mrs. Dudley is flailing itself, which she suggested is disgusting and unnecessary. Mrs. Dudley suggested that Public Works be trained as they do not know what they are doing.

Council asked if they could offer the Dudley's' fast growing shrubs to help increase the privacy that has been lost. The issue was added to New Business as item 12F.

Pieter Dorsman, Chair of the Community Centre Task Force presented an update:

- Consultant retained
- 2 of the 3 sessions have been completed and they have a basic plan for cost assessment
- Next phase is a public meeting on November 13, 2010. Public notices are to go out – want to attract as many people as possible
- The task force has received lots of input from different areas of the Community and has been working with the School District
- Donor has been updated with the progress and is keen to continue

Council suggested looking at the Age Friendly Survey on the Village's website as it contains lots of comments regarding what the seniors in the Village are looking for.

4. Delegations

A. Lions Bay Native Plant Committee

Louis Peterson, Chair of the committee advised that it is now the Lions Bay Educational Native Plant Committee. The committee would like to be adopted by the Council, to aid the application of grants; formal recognition is required for a number of grants that they wish to apply for. Mr. Peterson suggested that the ideas behind the Lions Bay Educational Native Plant Committee are a good fit with the Official Community Plan; they respect nature and are concerned for the environment. The Committee wishes to educate the Village and restore and preserve the native and indigenous flora.

Council advised that for the Committee to be adopted by Council it would require a Council member to sit on the Committee. The question was added to the agenda as 9B.

The issue of tree removal was raised. Mr. Peterson suggested that it would be unfortunate if tree removal had to be done in the future. It is not yet clear if the trees in question are on Municipal land as two more pins need to be located to establish the boundaries.

5. Adoption of Minutes

A. Regular Council Meeting of October 18, 2010

Resolution

Moved by Councillor Taylor
Seconded by Councillor Ronsley

Resolved that: Council adopt the Minutes of the Regular Council Meeting of October 18, 2010, with the following changes:

Page 3, 6A should state “Mayor Broughton thanked Councillor Akerhielm for producing this approach to a Sustainability Plan.”

Page 3, 6A spelling correction to “principle”

Page 3, 7A i) should say “Steven Bridger of AECOM, BC Hydro, BC TELUS, Marcel Eigenmann were at the last meeting held at AECOM offices on October 14, 2010. TELUS and Shaw are doing the trenching together which will result in the trenching costs being reduced by two thirds.”

Page 3, 7A ii) should state “Councillor Akerhielm advised that there still maybe 6 poles still up...”

Page 4, 8B should say “Treasurer Koiner has advised that 130 hours have been devoted by Office Staff and Public Works to the Potential Underground Wiring Project.”

Page 4, 8E i) should state “Mayor Broughton reported that the consulting firm, C.E.I. is providing the Lions Bay Community Task Force with estimated construction and design costs for phase 2 of the project. There will be an open house at the Village Hall on November 13, 2010 where all the community is invited. There will be 3 different designs with estimated costs. The Village should have an idea on the long term operating costs.”

Page 4, 8E iv) change to “Councillor Simons reported that the volunteer resident has finished mock up designs for the trail signs.” Councillor Simons also presented the Climate Action Task Force minutes of October 7, 2010.” Last sentence to be struck.

Page 4, last paragraph change to “WHEREAS the budget for the installation of the new watermains in Lower Lions Bay has had grant money available since early 2009...”

Page 5, Add Resolution I and state that “After discussion, the resolution was withdrawn and will be brought back at a later date.

6. Business Arising from the Minutes

A. Sustainability Plan for the Village of Lions Bay

As per the plan schedule, the pillars are to be agreed on by November 15, 2010. Currently the 8 that have been presented will be used, unless other suggestions come forth.

B. Wood First

Council discussed the recent bylaws adopted by Nakusp, Midway and other British Columbia Municipalities that support the use of wood in their building projects. It was suggested that the province looks favourably if you support the initiative and it may help with grant funding. The initiative asks that you “optimize” the use of wood and does not require a specific ratio. Councillor Simons will share the idea with the Community Centre Task force and get a response.

7. Unfinished Business

A. Discussion: Resolution Regarding Watermain Installation, Lower Lions Bay – will be discussed later

B. Council’s Direction Regarding Micro-Hydro Project

Council discussed the 2002 report on a micro-hydro energy plant at Magnesia Creek. The Green Energy Task force has gone on visits to Furry Creek and Eagle Lake in West Vancouver to look at the pressure reducing valves. Since the report, construction costs have increased and the task force wants to know what Council’s objectives are with this project; revenue or cost-reduction? Council agreed that cost reduction is the main objective.

It was suggested that the idea of micro-hydro projects are at the bleeding edge right now and that it would benefit the Village to wait and see what new technology has to offer. There is a lot to be learnt from the current project in West Vancouver. They are very transparent about their project. It was suggested that all the municipalities along the Howe Sound should get together on the issue and approach BC Hydro. If the water rates were relented on, the project would be more attractive.

Noise and the impact on landscaping are issues that would need to be looked at. The look of the creeks would be changed as there would be no water flow. It looks to be too hard right now but the idea should be work-shopped more. The Task Force are to go on a tour in the new year of the various areas within the Village that would be suitable for such a project.

C. Fines and Enforcement related to Fire Bylaw – re Burning of Garbage

Residents need to be educated about the negative effects of burning garbage in their fireplaces and the fines that may be imposed if a complaint is received. No letters of complaint have been received yet.

8. Reports

Resolution

Moved by Councillor Taylor
Seconded by Councillor Akerhielm

Resolved that: Council received the reports of November 1, 2010.

Carried...

A. Administration

- i) Recommendations from Committee of the Whole Meeting of November 1, 2010
- ii) Village Manager's Update Report
 - The Village Office sign is in place
 - Office staff met with Councillor Akerhielm regarding bylaws and enforcement. Councillor Akerhielm was very reassured by the staff's knowledge and practices
 - \$500 fee for wire removal on the Centennial Trail - \$1100 had been budgeted
 - Bus Kiosk design not on table yet but has been vetted by the Ministry of Transport
 - Concrete pads to be done for Wednesday if they are to be free

It was suggested that there should always be a report presented by Public Works as it covers big issues.

B. Treasurer

- i) Treasurer's Report

Report covers October 18, 2010 to present. Council discussed the draft Utility Billing form and statutory declaration that will be sent out to residents in February. The statutory declaration must be signed and returned to the office to get the Secondary Suite surcharge taken off the bill. It was suggested that a number of residents will pay the billing without returning the declaration, leading to additional work for the Office as reminder letters will need to be sent out. The idea that educating the residents over the next couple of years is preferable to separating the 2 documents and getting the statutory declarations signed earlier was put forth. Council agreed to keep the issue open and discuss further in emails.

- ii) Treasurer's Report on Property Tax Penalty – move discussion to Letters of Correspondence

C. Fire Chief - No report presented

D. Public Works

- i) Public Works Department Update

E. Mayor & Council

- i) Mayor Broughton – Council Report

- Emergency Plan is being worked on
- Sound Wall Meeting with Ministry of Transport
- Translink to become more expensive
- Thank you to Public Works Manager Partridge, Tyam Construction and Ministry of Transport for work on the Centennial Trail
- Thank you to Lions Bay Fire Rescue and Karen Jeffrey for the Halloween celebrations
- Thank you to Trudi Leuthy for work on Remembrance Day Service

ii) Mayor Broughton – HAG Minutes October 6th, 2010

Town House residents meeting with Ministry of Transport, November 2, 2010

iii) Mayor Broughton – 40th Anniversary Minutes October 12th, 2010

Third meeting to be held on November 9, 2010

iii) Councillor Akerhielm – Portfolio Report

Council discussed the meeting with the Brunswick Beach residents regarding the merging of the Zoning Bylaws. It was suggested the residents don't feel strongly about the issue. Only one letter has been received so far regarding parking being an issue if Secondary Suites were allowed. The new Zoning bylaw is being deconstructed to see what impact it would have on Brunswick Beach.

iv) Councillor Ronsley – Portfolio Report

v) Councillor Simons – Portfolio Report

- Bylaw policy review – feedback on fire bylaw
- Filming – no feedback yet

vi) Councillor Simons – Public Arts and Design Meeting Minutes October 14, 2010

vii) Councillor Simons – Updated Polling Report October 28, 2010 - Move to later

viii) Councillor Taylor

F. Committees & Task Forces

9. Resolutions

A. Resolutions Regarding Watermain Installation, Lower Lions Bay

All information pertaining to the Watermain Installation was brought forward. Council looked at the timeline schedule prepared by using information from AECOM. The amount of time needed to announce the Public Hearing regarding the Special Area Tax needed for the beautification was the main point of discussion, in regards to when the definitive costs are in and when the residents have been polled. The complete costs will not be known until the tender has been awarded,

private residences have got quotes, and the number of residences that want to keep the poles is known, as this will affect how many reverse dips there will be.

The date the grant will be awarded is January 15, 2011. Ground needs to be broken on March 31, 2011 at the latest for the Watermain replacement, in order to qualify for the Stimulus funds that the Village has already been awarded.

Council discussed how many properties the costs will be divided between and which properties are exempt. The original figure of 62 was given to the Village by BC Hydro. The ways in which the costs are to be divided were also discussed, with the square footage of the property being suggested as the way that makes sense. The need to be clear on which properties are paying for the costs was noted and Council agreed that the way in which the costs would be divided should be put to the residents at the November 15 meeting. However, Council felt that it would be their role to make the decision.

The fact that any trenching on private property has to be simultaneous with the public portion was noted; therefore the residents would have to be ready. This needs to be added to the timeline. Council was advised that quotes are being done on several properties.

The amount of staff time being spent on the project was raised. It was suggested that all the discussions that have taken place, have led to the costs of the Watermain replacement project going down. Underground wiring is part of the Official Community Plan.

The question was asked at what point on the timeline is the point where Council stops with the underground wiring portion, and what number of residents being opposed, makes it stop. The end of February was suggested for the time, no figure was decided on as the magic number for stopping the project.

How Council is going to make its decision about imposing the Special Area Tax was asked. The discussion needs to be continued. In order for the bylaw to be passed, 50% of the parcels and 50% of the assessed land value have to agree.

There is no critical number for the Beautification Grant; the grant will be awarded, it is then up to the Village whether they go ahead with it. The grant will take \$160,000 off the cost of the project.

Council agreed that if the polling of the residents is done in February, that is not enough time. An improved version of the timeline will be presented at the next meeting.

WHEREAS the grant for the installation of new watermains in Lower Lions Bay was awarded in 2009, and

WHEREAS further delays in the installation of new water mains in Lower Lions Bay could put at risk the adequate supply of water for fire-fighter, and/ or cause the Village to incur costs to repair watermains in the area if there are leaks or damage to them, and

WHEREAS the project now under way to work with residents to achieve burial of utility wires, along with installing the new watermains, may delay the installation of watermains,

Resolution

Moved by Councillor Akerhielm
Seconded by Councillor Ronsley

Resolve that: therefore it be resolved that Council of the village of Lions Bay directs the project proponents that if attempts to incorporate wire burial in the overall project would mean that installation of the watermain could not be completed by July 15, 2011, installation of the new watermains in Lower Lions Bay, are to proceed without wire burial.

Carried...

10. Bylaws

A. Fire Bylaw, Revised Draft

Page 3, was changed to say “policy direction of Council”

Motion

Moved by Councillor Akerhielm
Seconded by Councillor Simons

Resolved that: Council approve the second reading of the revised draft Fire Bylaw

Carried...

11. Correspondences

Resolution

Moved by Councillor Taylor
Seconded by Councillor Ronsley

Resolved that: Council received the List of Correspondence up to November 1, 2010.

Carried...

A. List of Correspondence to November 1, 2010

B. Letter from Resident – Parking

Letter 2 re: the Native Plant Committee. Note to be sent to Mr. Peterson to say that Councillors Akerhielm and Ronsley will join the Committee.

Letter 3re: paving. Council agreed not to pave.

Letter 4 re: Seaview parking – an email saying thank you to be sent back.

Letter 5 – action already taken.

Council discussed the 10% penalty on the late Property tax payment as discussed in the public participation. Treasurer Koiner suggested that the Village offers 12 days interest free by having July 14 as the due date and that the Village does not have the resources to send out reminders if we were to go to 5% fine instantly and then a further 5% at a later date.

Treasurer Koiner advised that there were 49 late Property tax payments this year and that the 10% penalty goes to the Village. The issue is to be brought back on the next agenda.

12. New Business

A. 40th Anniversary Banner

Next meeting is on November 9, 2010.

There is enough money in Council's budget to have a \$350 banner made.

B. Notification to Residents on Matters of Health and Safety

Council discussed how best to get messages out to residents concerning issues of health and safety. Electronic notice boards were suggested, one for each on and off ramp. The sandwich board currently used outside the Village Office has been hit by vehicles three times. Village Manager Mandryk is to look into different options.

C. School Community Connection 2010, Round 2

Grant – is being worked on by Council.

D. Johns Bridge

The middle bridge is to be named John's bridge.

E. Land survey of Community Centre Property

The Ministry of Transport easement is to be looked at. A land survey is needed.

F. Flailing Training and Community Sensitivity

To be put onto the next agenda.

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
Seconded

Resolved that: Council adjourn the Regular Meeting of November 1, 2010 at 11:05pm

Carried...

Mayor

Village Manager