



**REGULAR MEETING OF THE COUNCIL
OF THE VILLAGE OF LIONS BAY
HELD ON TUESDAY, JULY 4, 2023 at 6:00 PM
COUNCIL CHAMBERS, 400 CENTRE ROAD, LIONS BAY
AND VIA ZOOM VIDEO CONFERENCE**

MINUTES

In Attendance: Mayor Ken Berry
Councillor Neville Abbott
Councillor Michael Broughton
Councillor Jaime Cunliffe (joined at 6:06 p.m.)
Councillor Marcus Reuter

Also Present: Marina Blagodarov, Acting Municipal Coordinator
Karl Buhr, Public Works Manager
Joe Chirkoff, Village Controller
Deanna Campbell, Local Government Consultant (via videoconference)
Randy Diehl, Provincial Special Advisor (via videoconference)
Kelsey Guenette, Raincoast Ventures Ltd. (via videoconference)
(Recorder)

Public: 9 in person; 18 via videoconference

1. Call to Order

Mayor Berry called the meeting to order at 6:05 p.m.

2. Closed Council Meeting (6:00 PM)

Proposed topics for discussion in the absence of the public:

- A. Labour
- B. Legal

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;
 - (f) law enforcement, if the Council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;
 - (g) litigation or potential litigation affecting the municipality;
 - (k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the Council, could reasonably be expected to harm the interests of the municipality if they were held in public;
 - (l) discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [*annual municipal report*];
 - n) the consideration of whether a council meeting should be closed under a provision of this subsection or subsection (2)
- 90 (2)** (b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

CARRIED

The meeting returned to open session at 7:04 p.m.

3. Reporting Out from Closed Portion of Meeting

This item was deferred until after conclusion of the closed session.

4. Adoption of Agenda

Moved/Seconded

THAT the agenda of the July 4, 2023 Regular Council Meeting be adopted with amendment to invoke Section 131 of the *Community Charter* to reconsider the following resolutions from the June 20, 2023 Closed Session of the Regular Council Meeting, under Item 8.:

- BE IT RESOLVED THAT Council hereby directs that, for a period lasting through Council's summer recess and to be revisited thereafter, there be no inclusions within the Village Update from any member of Council or other uses of the Village's communication system to residents by members of Council unless approved in advance by Council;
AND THAT any communications from Staff within the Village Update or otherwise as above be confined to brief operational updates;
AND THAT the approving jurisdiction and authority for the Village Update and other electronic communications to residents shall reside within the sole discretionary

authority of the Acting Municipal Coordinator, in consultation with contractor Campbell on an ad hoc basis, as determined to be necessary by the Acting Municipal Coordinator.

- BE IT RESOLVED THAT Council hereby directs that the authority of approving jurisdiction over Agendas be within the sole purview of the Acting Municipal Coordinator, in consultation with contractor Campbell on an ad hoc basis, as determined necessary by the Acting Municipal Coordinator.

CARRIED

(Councillors Abbott and Reuter opposed)

5. Public Participation

A. Pieter Dorsman

Pieter Dorsman spoke on housing affordability concerns in the Village.

B. Craig Doherty

Craig Doherty re-stated a previous request for an exemption to the noise bylaw for the Lions Bay General Store & Café.

Moved/Seconded

THAT the noise bylaw exemption request be added to the agenda.

CARRIED

C. Kambiz Azordegan

Kambiz Azordegan raised concerns regarding parking in the Village and requested the formation of a Parking Committee.

D. Greg Weary

Greg Weary expressed concerns related to speeding occurring on the highway.

E. Norma Rodgers

Norma Rodgers requested clarification on when the Annual Municipal Report would be posted.

Council noted that staff were awaiting information from the auditors, but the Annual Municipal Report would be completed shortly.

F. Randi Byrne

Randi Byrne requested tree cutting near roadways for increased fire protection.

6. Delegations

A. None.

7. Review and Approval of Minutes of Prior Meetings

A. Regular Council Meeting – June 20, 2023

Moved/Seconded

THAT the Regular Council Meeting Minutes of June 20, 2023 be approved as presented.

CARRIED

8. Business Arising from the Minutes

Council discussed the following resolution:

- BE IT RESOLVED THAT Council hereby directs that, for a period lasting through Council's summer recess and to be revisited thereafter, there be no inclusions within the Village Update from any member of Council or other uses of the Village's communication system to residents by members of Council unless approved in advance by Council;
AND THAT any communications from Staff within the Village Update or otherwise as above be confined to brief operational updates;
AND THAT the approving jurisdiction and authority for the Village Update and other electronic communications to residents shall reside within the sole discretionary authority of the Acting Municipal Coordinator, in consultation with contractor Campbell on an ad hoc basis, as determined to be necessary by the Acting Municipal Coordinator.

Amendment to the Main Motion:

Moved/Seconded

THAT the main motion be amended to replace "unless approved in advance by Council" with "except in areas of direct responsibility", and to strike the third paragraph.

DEFEATED

Main Motion:

Moved/Seconded

BE IT RESOLVED THAT Council hereby directs that, for a period lasting through Council's summer recess and to be revisited thereafter, there be no inclusions within the Village Update from any member of Council or other uses of the Village's communication system to residents by members of Council unless approved in advance by Council;

AND THAT any communications from Staff within the Village Update or otherwise as above be confined to brief operational updates;

AND THAT the approving jurisdiction and authority for the Village Update and other electronic communications to residents shall reside within the sole discretionary authority of the Acting Municipal Coordinator, in consultation with contractor Campbell on an ad hoc basis, as determined to be necessary by the Acting Municipal Coordinator.

CARRIED

(Mayor Berry and Councillor Broughton opposed)

Council discussed the following resolution:

- BE IT RESOLVED THAT Council hereby directs that the authority of approving jurisdiction over Agendas be within the sole purview of the Acting Municipal Coordinator, in consultation with contractor Campbell on an ad hoc basis, as determined necessary by the Acting Municipal Coordinator.

Amendment to the Main Motion:

Moved/Seconded

THAT the main motion be amended to remove “on an ad hoc basis, as determined necessary by the Acting Municipal Coordinator.”

DEFEATED

Main Motion:

BE IT RESOLVED THAT Council hereby directs that the authority of approving jurisdiction over Agendas be within the sole purview of the Acting Municipal Coordinator, in consultation with contractor Campbell on an ad hoc basis, as determined necessary by the Acting Municipal Coordinator.

CARRIED

(Mayor Berry and Councillor Broughton opposed)

9. Unfinished Business

A. Follow-Up Action Items from Previous Meetings

VILLAGE OF LIONS BAY FOLLOW-UP ACTION ITEM LIST				
ACTION NO.	DATE	ITEM/ACTION/DESCRIPTION	PERSON	STATUS
265	February 21, 2023	Follow up with Ministry regarding Vacancy Tax and report back to Council.	Councillor Reuter	Ongoing
283	June 20, 2023	Emergency Planning Committee meeting be scheduled.	ECP Coordinator	Complete
284	June 20, 2023	Contact the local Member of Parliament and Member of the Legislative Assembly to inform of CN Rail’s request and seek required support.	Councillor Broughton	Ongoing

285	June 20, 2023	Apply for the Disaster Mitigation and Adaptation Fund or otherwise report back to Council.	Staff	Due to current workflow and deadlines, work on this application will not start until July 10, 2023.
286	June 20, 2023	A Fire Smart representative, in conjunction with the Fire Chief, be contacted to provide a presentation on measures to mitigate wildfire risks.	Council to appoint a representative.	Ongoing
287	June 20, 2023	Update diesel reports with recent information and report back to Council	Public Works Manager	Ongoing
288		Minutes of a recent Committee of the Whole meeting be provided to Councillor Jaime Cunliffe for review.	Acting Municipal Coordinator	Complete

The following updates were provided:

- 265: It is recommended that Council pass a resolution to convey to the Minister of Finance that the Village be excluded from the Speculation and Vacancy Tax; a notice could be included in the Village Update to request information from affected residents
- 283: Complete
- 284: The local Member of Parliament (MP) is supportive of the Village having control of its roadways, and a CN Rail contact will be provided by the MP
- 286: Ongoing
- 287: Ongoing with no estimated deadline
- 288: Complete – Council discussion will ensue during an upcoming strategic planning session.

Moved/Seconded

THAT a correction of inaccurate information on the tax notices brochure be added to the Village Update.

CARRIED

Moved/Seconded

THAT Council approve the noise bylaw exemption request for the Lions Bay General Store & Café as presented for the 2023 season.

CARRIED

10. Reports

A. Staff

- i. Accounts Payable Cheque Listing Report
The Accounts Payable Cheque Listing Report was provided for information.

Moved/Seconded

THAT Council receive the Accounts Payable Cheque Listing Report for information.

CARRIED

- ii. Email User Access Rationalization Report
A report titled “Email User Access Rationalization” was provided for information.

Moved/Seconded

THAT Council receive the Email User Access Rationalization Report for information.

CARRIED

- iii. Stop and Other Signage at Lions Bay’s Three At-Grade Railway Crossings
Discussion ensued regarding CN Rail’s signage requirements for at-grade railway crossings in the Village. The Public Works Manager advised that the CN Rail Agreement is required to be signed but would not affect the ongoing signage discussion/issue.

Moved/Seconded

THAT Council approve the signing of the CN Rail Agreement for the additional set of lights.

CARRIED

- B. Mayor
None.

- C. Council
None.

D. Committees

- i. Climate Action Committee: Local Government Climate Action Program
Action: It was requested that Joe Chirkoff, Village Controller, complete a first draft of the Local Government Climate Action Program Report for the Climate Action Committee’s review.

Moved/Seconded

THAT Council approve staff time to file the required Local Government Climate Action report by July 31, 2023; and

THAT Council approve staff to work with members of the Climate Action Committee to help obtain relevant supporting information; and

THAT staff submit the required report on time in order to meeting the funding requirements for 2023.

CARRIED

E. Emergency Services
None.

11. Resolutions

None.

12. Bylaws

None.

13. Correspondence

A. List of Correspondence to June 29, 2023

The list of correspondence was included with meeting materials for information.

Discussion ensued on defamatory issues, parking concerns, tree debris, a local sign allegedly in violation of the Good Neighbour Bylaw, and the Annual Municipal Report.

14. New Business

None.

15. Public Questions & Comments

None.

16. Conclusion

Moved/Seconded

THAT the open meeting be now adjourned.

CARRIED

The open meeting adjourned to a closed session at 9:34 p.m.

Mayor

Corporate Officer

Date Adopted by Council:	July 18, 2023
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