

MAY 15, 1961

A Regular Meeting of the Municipal Council was held in the Council Chambers, Municipal Hall, 4545 East Grandview Douglas Highway, on Monday, May 15, 1961 at 7:30 p.m.

PRESENT: Reeve Emmott in the Chair;
Councillors Clark, Drummond,
Edwards, Harper, Hicks, Jamieson,
MacSorley and Prittie.

Reverend R. S. Faulks led in Opening Prayer.

MOVED BY COUNCILLOR JAMIESON,
SECONDED BY COUNCILLOR EDWARDS:

"That the Minutes of the meetings held
May 1st, May 8th, and May 9th, 1961 be
adopted as written and confirmed."

CARRIED UNANIMOUSLY

Executive Director, Union of B. C. Municipalities, submitted Official Notice of the 1961 Annual Convention of the Union being held in Vernon between September 27th and 29th, 1961.

MOVED BY COUNCILLOR PRITTIE,
SECONDED BY COUNCILLOR CLARK:

"That the Notice be received and its
contents noted."

CARRIED UNANIMOUSLY

Mr. J. Derhousow wrote asking that he be given written confirmation that Council had agreed to waive limitations to enable him to obtain a legal determination on the question of refunding monies paid by him with respect to the servicing of a subdivision of Block 36, D. L. 132.

An earlier letter from Mr. Derhousow dated April 27th, together with the reply from the Clerk to it dated May 2nd, were also read to Council.

MOVED BY COUNCILLOR HARPER,
SECONDED BY COUNCILLOR EDWARDS:

"That all three letters be received."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR PRITTIE,
SECONDED BY COUNCILLOR HICKS:

"That the statutory limitation period
be waived in the case of Mr. Derhousow's
claim so that an attempt can be made to
resolve the issue by Mr. Derhousow taking
action in Court for recovery of the money
in question."

IN FAVOUR - COUNCILLORS PRITTIE & HICKS
AGAINST - COUNCILLORS EDWARDS, JAMIESON,
DRUMMOND, MACSORLEY, HARPER & CLARK
MOTION LOST

Mrs. G. H. Appell, Sunnyslope Kennels, wrote requesting permission to address Council in regard to the operation of her dog kennels at 4686 Marine Drive and, in particular, to an order of Council to relocate her operation and make certain improvements in compliance with Municipal regulations.

MOVED BY COUNCILLOR PRITTE,
SECONDED BY COUNCILLOR HARPER:

"That Mrs. Appell be heard."

CARRIED UNANIMOUSLY

Mrs. Appell then spoke and pointed out that when she last appeared before Council on February 15, 1960, she indicated that a fence would be erected to minimize the possibility of dogs barking - which fence was built within a few days. She advised that a licence to operate a dog kennel was then granted and, again, this year as well. Mrs. Appell stated that the complaints concerning the nuisance caused by dogs barking emanate from one source and that this complaint is exaggerated. She emphasized that there is no barking at night now but there is the occasional barking of dogs during the days. Mrs. Appell claimed that the survey which was conducted by Municipal Officials should be considered as invalid since it was not undertaken by competent persons. Mrs. Appell further stated that the S.P.C.A. has inspected her premises and has given them the highest rating possible. She pointed out that the original approval of Council was given over five years ago and that it was through no fault of her own that, because of a new Dog Kennel Regulation By-law, her operation was now non-conforming. She stressed that it would be exceedingly difficult to move her entire operation inasmuch as cement runways and drainage facilities have been installed plus a great deal of wire fencing. Mrs. Appell added that she would therefore have to rebuild the entire operation and, in so doing, she would not be able to observe the setbacks if buildings of an equal area were constructed. Mrs. Appell further stated that she could not possibly comply with the requirements of Council within the 90 day period allowed because of limited available financial resources. Mrs. Appell concluded by requesting that the order given by Council on May 8, 1961 be rescinded.

MOVED BY COUNCILLOR HARPER,
SECONDED BY COUNCILLOR DRUMMOND:

"That the Chief Sanitary Inspector plus two assistants, together with an Inspector from the S.P.C.A., make a re-inspection of the premises of Sunnyslope Kennels and submit a report on their observations and conclusions as a result of this further inspection."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR MacSORLEY,
SECONDED BY COUNCILLOR CLARK:

"That the Council now resolve itself into Committee of the Whole."

CARRIED UNANIMOUSLY

MUNICIPAL MANAGER -- REPORT NO. 23, 1961.

(1) Local Improvement Fund.

The Manager recommended that Council pass a Local Improvement Financing By-law to permit financing of works authorized by Local Improvement Construction By-laws Nos. 4154, 4156, 4157, 4191, 4192, 4193, 4194, 4218, 4238, 4239, 4240 and 4248, pending sale of debentures.

MOVED BY COUNCILLOR HARPER,
SECONDED BY COUNCILLOR JAMIESON:

"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(2) Claim - Sheep Protection Act (Fuller).

The Manager recommended that a claim of the above noted for the loss of nine bantam hens destroyed by dogs be settled in the amount of \$12.50.

MOVED BY COUNCILLOR EDWARDS,
SECONDED BY COUNCILLOR MacSORLEY:

"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(3) Proposed Twin Sewer - Arbor Street.

The Manager reported that the Corporation is currently installing a storm sewer system in the Joffre-Dubois area and that a proposal has been advanced for the installation of twin sewers on Arbor Street. He pointed out that such an installation would result in a saving of \$1,716.00 and that the sanitary sewer would remain dry until such time as connection is made to the extension of the Greater Vancouver Sewerage and Drainage District trunk. The Manager recommended that this proposed dry sanitary sewer be installed on Arbor Street at the same time as the storm sewer.

MOVED BY COUNCILLOR HICKS,
SECONDED BY COUNCILLOR JAMIESON:

"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(4) Expropriation Statutes.

The Manager submitted a copy of a brief prepared by the Municipal Law Subsection of the Canadian Bar Association and forwarded to him by the Municipal Solicitor relative to the inquiry being held into the need for a revision of expropriation statutes and the method of determining compensation thereunder.

MOVED BY COUNCILLOR PRITTIE,
SECONDED BY COUNCILLOR HARPER:

"That the report of the Manager, together with the brief of the Canadian Bar Association, be received and the submission of the Association tabled for a period of one week."

CARRIED UNANIMOUSLY

Councillor Edwards was asked to gloss the submission of the Canadian Bar Association for the further edification of Council.

- (5) Easement - South 10 feet of Lot 3, S.D. 2, Blocks 35/37 and 52/54, D. L. 98, Plan 1597 (Morisani).

The Manager recommended that Council authorize the acquisition of the above noted easement for sewer purposes for a consideration of \$1.00 plus restoration of the easement area. He further recommended that Council authorize the execution of the easement document.

MOVED BY COUNCILLOR HICKS,
SECONDED BY COUNCILLOR EDWARDS:

"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

- (6) Tenders - Dustlaying with Road Oil.

The Manager submitted a tabulation of tenders received for the supply of material and spraying where required with road oil for the dust palliation programme of the Corporation, as follows:

TENDER
NO.

	<u>ROADS</u>		<u>LANES</u>	
	<u>"A"</u> Bunker "C" & Used Motor Oil Approx. 100,000 Gallons. <u>Price Per Gallon</u>	<u>"B"</u> Standard Oil Special Dust Layer or Equal Approx. 150,000 Gallons <u>Price Per Gallon</u>	Bunker "C" & Used Motor Oil <u>Price Per Lineal Foot -10' wide</u>	Standard Spec. or Equal
1. Scotland & Adamson Paving Ltd.	No Bid	\$ 0.1625	No Bid	\$ 0.1000
2. Johnny Saba Ltd.	No Bid	\$ 0.1625	No Bid	\$ 0.1120
3. Hi-Way Transport Ltd.	No Bid	\$ 0.1630	No Bid	\$ 0.1000
4. Dawson Wade & Co. Ltd.	No Bid	\$ 0.1900	No Bid	\$ 0.1300
5. Imperial Paving Ltd.	\$0.1200	\$ 0.1610	\$0.0935	\$ 0.1095

He recommended that the tender of Imperial Paving Ltd. be accepted.

MOVED BY COUNCILLOR EDWARDS,
SECONDED BY COUNCILLOR MacSORLEY:

"That the recommendation of the Manager
be adopted."

CARRIED UNANIMOUSLY

(7) B. C. Wrecking Co. Ltd. - application for Trades Licence
(Lot "A", Block 17, D. L. 155A, Plan 5168 and also Block
4, D. L. 155A, Plan 1249).

The Manager submitted a further report in connection with an application from the above noted Company for a Trades Licence to operate a new and used building materials yard on the above described property advising that, though the word "junk" does not have a legal definition, the Solicitor feels that it has been accepted to mean material which cannot be used for its original purpose. He advised that the property located on Meadow Avenue owned by the Company in question has been inspected and it has the appearance of a junk yard. He added that the property under application is zoned partly residential and the balance industrial, although the applicant has indicated that buildings and materials being stored would be confined to the industrially zoned portion only. The Manager also presented the views of the Planning Department on this application, as follows:

- (a) It was not anticipated when this industrial zone was created that operations of this type would occupy the land. Moreover, as Municipal services are absent in parts of this area and as some of the land is subject to periodic flooding, this industrial zoning could be considered premature.
- (b) As the majority of the industrially zoned land in this area is undeveloped, the first industry in this area immediately south of Marine Drive should set a good standard.
- (c) It might have an adverse effect on the future value of adjacent Municipally-owned land.

MOVED BY COUNCILLOR JAMIESON,
SECONDED BY COUNCILLOR HICKS:

"That the application of B. C. Wrecking
Co. Ltd. for a Trades Licence to operate
a new and used building materials yard on
Lot "A", Block 17, D. L. 155A, Plan 5168
and Block 4, D. L. 155A, Plan 1249, be
rejected."

CARRIED UNANIMOUSLY

- (8) The Manager submitted the monthly report of the R.C.M.P. covering policing of the Municipality during the month of April, 1961.
- (9) The Manager submitted the monthly report of the Fire Chief covering the operations of his Department for the month of April, 1961.

- (10) The Manager submitted the monthly report of the Chief Licence Inspector covering the activities of his Department for the month of April, 1961.
- (11) The Manager submitted the monthly report of the Municipal Engineer covering construction progress during the month of April, 1961.

MOVED BY COUNCILLOR DRUMMOND,
SECONDED BY COUNCILLOR CLARK:

"That the above four reports be received."

CARRIED UNANIMOUSLY

(12) Estimates.

The Manager submitted a report of the Municipal Engineer covering Special Estimates of Work recommending that these estimates be approved.

MOVED BY COUNCILLOR HARPER,
SECONDED BY COUNCILLOR JAMIESON:

"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(13) Expenditures.

The Manager submitted the Treasurer's report covering expenditures for the four week period ended April 21, 1961 in the total amount of \$874,501.55 recommending that they be approved.

MOVED BY COUNCILLOR MacSORLEY,
SECONDED BY COUNCILLOR HICKS:

"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(14) Parks and Recreation Commission Expenditures.

The Manager submitted a report of the Parks and Recreation Commission covering expenditures for the four week period ended April 21, 1961 in the total amount of \$36,256.28 recommending that they be approved.

MOVED BY COUNCILLOR HARPER,
SECONDED BY COUNCILLOR DRUMMOND:

"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR HICKS,
SECONDED BY COUNCILLOR EDWARDS:

"That the Committee do now rise and report."

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

MOVED BY COUNCILLOR EDWARDS,
SECONDED BY COUNCILLOR MacSORLEY:

"That the report of the Committee be now
adopted."

CARRIED UNANIMOUSLY

THE REEVE DECLARED A RECESS AT 9:00 P.M.

THE COUNCIL RECONVENED AT 9:10 P.M.

MOVED BY COUNCILLOR PRITTIE,
SECONDED BY COUNCILLOR HICKS:

"That leave be given to introduce
"BURNABY LOCAL IMPROVEMENT FINANCING
BY-LAW NO. 1, 1961" and that it be
read a First Time."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR PRITTIE,
SECONDED BY COUNCILLOR EDWARDS:

"That the By-law be read a Second Time."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR PRITTIE,
SECONDED BY COUNCILLOR EDWARDS:

"That the Council resolve into Committee
of the Whole to consider the By-law."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR PRITTIE,
SECONDED BY COUNCILLOR EDWARDS:

"That the Committee rise and report
the By-law complete."

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED

MOVED BY COUNCILLOR PRITTIE,
SECONDED BY COUNCILLOR EDWARDS:

"That the report of the Committee be
adopted."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR PRITTIE,
SECONDED BY COUNCILLOR EDWARDS:

"That "BURNABY LOCAL IMPROVEMENT FINANCING
BY-LAW NO. 1, 1961" be now read a Third
Time."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR JAMIESON,
SECONDED BY COUNCILLOR MacSORLEY:

"That "BURNABY LOCAL IMPROVEMENT FRONTAGE
TAX BY-LAW 1961"
"BURNABY LOCAL IMPROVEMENT FRONTAGE TAX
BY-LAW 1960, AMENDMENT BY-LAW 1961"
"BURNABY SEWER CONNECTION BY-LAW 1961"
"BURNABY SOIL REMOVAL REGULATION BY-LAW
1961"
be now reconsidered."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR JAMIESON,
SECONDED BY COUNCILLOR MacSORLEY:

"That "BURNABY LOCAL IMPROVEMENT FRONTAGE
TAX BY-LAW 1961"
"BURNABY LOCAL IMPROVEMENT FRONTAGE TAX BY-LAW
1960, AMENDMENT BY-LAW 1961"
"BURNABY SEWER CONNECTION BY-LAW 1961"
"BURNABY SOIL REMOVAL REGULATION BY-LAW 1961"
be now finally adopted, signed by the Reeve
and Clerk and the Corporate Seal be affixed
thereto."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR PRITTIE,
SECONDED BY COUNCILLOR CLARK:

"That the Council now resolve itself
into Committee of the Whole."

CARRIED UNANIMOUSLY