

DECEMBER 18, 1961

An Adjourned Meeting of the Municipal Council was held in the Council Chambers, Municipal Hall, 4545 East Grandview-Douglas Highway, on Monday, December 18, 1961 at 7:30 p.m.

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

ABSENT: Councillors Jamieson, MacSorley  
and Prittie.

The following wrote requesting an audience with Council:

- (a) Mr. George McLean re subdivision requirement.
- (b) Mr. C. Kind (Glenburn Meat Market) re compensation for loss of business.

MOVED BY COUNCILLOR HARPER,  
SECONDED BY COUNCILLOR CLARK:

"That both of the above noted delegations  
be heard."

CARRIED UNANIMOUSLY

Mr. McLean first appeared and made reference to his letter in which he stated that a requirement of the Planning Department that he dedicate an additional 13 feet from the south end of his property for road purposes would not serve the Municipality in any way. In his letter, Mr. McLean further advised that the alienation of this 13 feet would adversely affect his property since:

- (a) It would sever his driveway;
- (b) The road allowance would encroach three feet into his carport;
- (c) He would be required to remove a new fence and reconstruct it;
- (d) The road allowance would encroach eight feet on his concrete patio;
- (e) A portion of his concrete steps would need to be removed;
- (f) Thirteen feet of lawn and the shrubs thereon would need to be removed.

He pointed out in his letter that all of these items would cost approximately \$1,200.00 to instal.

Mr. McLean further advised that he had willingly donated 20 feet of land for the widening of Fir Street some two years ago in order to facilitate the paving of this street at that time. He claimed that no indication was given to him then that the Municipality would ultimately require an additional thirteen feet for road purposes.

Mr. McLean pointed out that there were three occasions when the Municipality could have acquired the thirteen feet in question, they being:

- (a) When the original acreage was subdivided in 1953;
- (b) Upon a subsequent subdivision of the property;
- (c) When the Local Improvement paving was being undertaken.

The Planning Director, in his capacity as Approving Officer,

submitted a report on the request of Mr. McLean that Council relieve him from a requirement which is a condition precedent to the approval of his subdivision advising that this matter arose as a result of an application by Mr. McLean for preliminary approval of this subdivision and the conditional approval of the Planning Department dated September 6, 1961 which was subject to:

- (1) The dedication by Mr. McLean of the south 13 feet of his property for the purpose of widening Fir Street to 66 feet;
- (2) The dedication and construction by him of a north - south lane.

The Approving Officer further reported that the matter at hand has been discussed with Mr. McLean on several occasions and it has been pointed out to him that the requirement in question cannot be waived since:

- (a) Fir Street has been dedicated to a width of 66 feet for its entire length between Boundary Road and Huxley Avenue, except where it is contiguous to the parcel owned by Mr. McLean; therefore, to exempt him from a requirement that has applied to the other owners similarly affected would not be a defensible action;
- (b) The 66 foot allowance would be required to properly accommodate the eventual street, sidewalk, and grading features of Spruce Street and also the grading of the lane entrance onto Spruce Street;
- (c) Additional property would have to be purchased, or retaining walls constructed, when further street development requires an enlarged allowance or a possible traffic hazard necessitates improvements - a responsibility that is not felt rests with the Corporation.

The Approving Officer also submitted that two Building Permits have been issued in past years - one for a house and the other for a carport - and, if the buildings have been located in accordance with these Permits, the loss of improvements mentioned by Mr. McLean would have been negligible.

The Approving Officer also reported that the Municipal Engineer had informed him that he clearly recollected that the matter of acquiring 13 additional feet was considered at the time the 20 feet was acquired but, because of reasons of interim inconvenience to Mr. McLean, this matter was not pursued then. The Approving Officer emphasized that the Municipal Engineer has submitted that at no time was there any suggestion that finally 33 feet would not be required for Fir Street.

MOVED BY COUNCILLOR EDWARDS,  
SECONDED BY COUNCILLOR CLARK:

"That the request of Mr. McLean be referred to the Planning Committee for investigation and report as soon as possible."

CARRIED UNANIMOUSLY

Mr. C. Kind of the Glenburn Meat Market next appeared and requested that Council reconsider its decision to compensate him for only 20 days of closure rather than the 25 which actually occurred. Mr. Kind mentioned that he had already received payment for five days (\$250.00) plus \$100.00 for meat shrinkage

and, because he was closed a total of 25 days he contended that he was entitled to be paid for the remaining 20 days (\$1,000.00).

MOVED BY COUNCILLOR DRUMMOND,  
SECONDED BY COUNCILLOR HARPER:

"That the claim of Mr. Kind be settled in full by payment of an additional amount of \$250.00, subject to a release being obtained from Mr. Kind."

CARRIED UNANIMOUSLY

President, Burnaby Community Council, wrote requesting that the Corporation give the Community Council a grant of \$2,000.00 to assist in overcoming a deficit in connection with the 1961 Red Feather Drive.

Reeve Emmott, as Chairman of the Grants Committee, recommended that the request of the Burnaby Community Council be acceded to.

MOVED BY COUNCILLOR DRUMMOND,  
SECONDED BY COUNCILLOR HARPER:

"That the recommendation of the Reeve be adopted."

CARRIED UNANIMOUSLY

Burnaby Day Co-Ordinating Committee submitted a statement of receipts and expenditures covering the activities of the Committee during Burnaby Birthday Week.

The Committee pointed out that it over-spent its budget by \$109.83 due to an unexpected expense arising.

The Committee recommended that Council approve this over-expenditure of \$109.83.

MOVED BY COUNCILLOR HARPER,  
SECONDED BY COUNCILLOR EDWARDS:

"That the recommendation of the Committee be adopted."

CARRIED UNANIMOUSLY

The Returning Officer submitted a report in accordance with Section 107 of the Municipal Act setting forth the results of the votes taken and the number of votes cast for each candidate at the Municipal Election held on December 7, 1961. He advised that the following persons had the highest number of votes for the various offices shown and that each had the majority indicated:

REEVE: (For term ending December 31st, 1963)

Majority

EMMOTT, Alan Herbert

29

Majority

COUNCILLORS: (For term ending December 31st, 1963)

BLAIR, W. A.	88
CLARK, Warren Robert	70
HARPER, Malcolm J.	351
KALYK, Helen	166

SCHOOL TRUSTEES: (For term ending December 31st, 1963)

DALY, James William	3,084
McKEE-WILSON, Dorothy	165

The Returning Officer also submitted a report in connection with the vote taken on December 7, 1961 on "Burnaby Debenture By-Law 1961" advising that 7,726 persons voted in favour and 4,591 voted against the said By-law, and further, that the three-fifths majority required was 7,390.

MOVED BY COUNCILLOR EDWARDS,  
SECONDED BY COUNCILLOR CLARK:

"That the above reports of the Returning Officer be received."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR EDWARDS,  
SECONDED BY COUNCILLOR HICKS:

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

CARRIED UNANIMOUSLY

MUNICIPAL MANAGER -- REPORT NO. 69, 1961.

(1) Claim - Johnstone (6157 Patrick Street).

The Manager submitted a report on a claim of the above noted for damages occasioned by the flooding of their basement and backyard recommending that the claim be settled in full by payment of the amount of \$150.00, subject to the Corporation obtaining the usual release discharging it from any further liability in connection with this matter.

MOVED BY COUNCILLOR EDWARDS,  
SECONDED BY COUNCILLOR HICKS:

"That the recommendation of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

(2) Ornamental Street Lighting - Cascade Heights Area.

The Manager submitted a report explaining why the low tender received for the above noted installation was approximately 40% below the estimate provided by the Consulting Engineers on this project.

MOVED BY COUNCILLOR HARPER,  
SECONDED BY COUNCILLOR HICKS:

"That the report of the Manager be  
received."

CARRIED UNANIMOUSLY

(3) Swimming Pool - Sperling Avenue and Sprott Street.

The Manager submitted a tabulation of the tenders received for the construction of the above noted swimming pool, as follows:

	-A- <u>STRUCTURAL STEEL</u>	-B- <u>STRUCTURAL GLUED LAMINATE LUMBER</u>	-C- <u>ADD FOR CERAMIC TILE POOL DECK</u>
1. BURDETT CONSTRUCTION CO. LTD.	\$233,400.00	\$246,040.00	\$ 4,330.00
2. J. OLUND CONSTRUCTION LTD.	246,646.00	259,613.00	4,344.00
3. GEORGE BORN CONSTRUCTION LTD.	221,885.00	234,885.00	4,600.00
4. BIELY CONSTRUCTION CO. LTD.	222,613.00	231,888.00	3,913.00
5. FRANK STANZL CONSTRUCTION LTD.	240,705.00	255,146.00	4,120.00
6. GREENALL BROS. LTD.	239,947.00	255,052.00	5,288.00
7. H. J. HENNINGSON & SONS LTD.	246,900.00	259,171.00	4,100.00

The Manager advised that the Architects on this project (McCarter, Nairne and Company) are reviewing the tenders and will be submitting their analysis of them very shortly.

The Manager mentioned verbally that the results of the Architects examination are set out under Item 12 of his report this evening.

- (4) The Manager submitted a report of the Municipal Engineer covering Special Estimates of Work in the amount of \$34,934.00 recommending that they be approved.

MOVED BY COUNCILLOR HICKS,  
SECONDED BY COUNCILLOR EDWARDS:

"That the recommendation of the Manager  
be adopted."

CARRIED UNANIMOUSLY

- (5) The Manager submitted a report of the Municipal Engineer covering Special Estimates of Work in the amount of \$118,000.00 recommending that they be approved.

The Manager requested that Item 33-67 (amounting to \$14,400.00) be deleted since it is not intended to proceed with this work at this time.

MOVED BY COUNCILLOR EDWARDS,  
SECONDED BY COUNCILLOR HARPER:

"That the estimates presented, except  
Item 83-67, be approved."

CARRIED UNANIMOUSLY

(6) Sewer Agreement - Lake City Industrial Corporation.

The Manager reported that under the terms of an agreement entered into in 1960 with Webb & Knapp governing the construction of a sewer main to serve the Lake City Industrial area, the Company accepted responsibility for the annual carrying charges on the installation, with the provision that these charges would be reduced as the Corporation made use of the sewer.

He advised that the advent of the Sewer Utility has raised the question as to whether the Company should be relieved of the agreement since the Lake City Industrial area is subject to sewer charges.

The Manager advised that it was his opinion the creation of this Utility, together with the sewer frontage tax and sewer charges, offers a complete new set of circumstances.

He recommended that the agreement with Webb & Knapp be cancelled because of this situation.

MOVED BY COUNCILLOR HICKS,  
SECONDED BY COUNCILLOR CLARK:

"That this item be tabled until the  
next meeting of Council."

CARRIED UNANIMOUSLY

(7) Easement - Westerly 5 feet of Lot 19, S.D. 16, Block 2,  
D. L. 25, Plan 1339 (Fiedler).

The Manager submitted a report recommending that Council authorize the acquisition of the above described easement, which is required for drainage purposes, for a consideration of \$1.00 plus restoration of the easement area.

He also recommended that Council authorize the execution of the necessary documents.

MOVED BY COUNCILLOR CLARK,  
SECONDED BY COUNCILLOR EDWARDS:

"That the recommendations of the  
Municipal Manager be adopted."

CARRIED UNANIMOUSLY

(8) Air Pollution.

The Manager submitted a report that a survey of the air pollution situation has been completed and an observation made by the Medical Health Officer that this Municipality has not suffered an influx of air pollution to a point where the abatement of nuisance would be of a lengthy and difficult nature.

The Manager advised that the Medical Health Officer has suggested:

- (a) That since the report is very general and more specific information would be required, the Health Department be empowered to check the Municipality through a series of sample collections and laboratory analysis. The Manager pointed out that the cost of this survey would be less than \$1,500.00 since personnel of the Health Department would be used in it and further, that the survey would take approximately six months;
- (b) That all incoming plans for industrial and commercial developments be approved by both the Health and Fire Departments for air pollutant factors prior to a Building Permit being issued.

The Manager advised that he concurred with the first suggestion of the Medical Health Officer provided it is the intention of the Municipality to do something positive about the matter of air pollution control but that he did not concur with the second one because he considered it premature. In this regard, he explained that there would be no point in having applications for Building Permits scrutinized by the Health and Fire Departments unless these Departments were empowered to insist upon conformity with some law.

He added that the first step should be a determination of the extent to which air pollution control should be established, then a By-law should be passed, and then the mechanics of controlling air pollution should be established.

MOVED BY COUNCILLOR DRUMMOND,  
SECONDED BY COUNCILLOR CLARK:

"That the Health Department be directed to conduct the study set forth under Item (a) above."

CARRIED  
COUNCILLOR HARPER -  
AGAINST.

MOVED BY COUNCILLOR DRUMMOND,  
SECONDED BY COUNCILLOR CLARK:

"That the recommendation of the Municipal Manager on the second suggestion of the Medical Health Officer be adopted."

CARRIED UNANIMOUSLY

(9) Claim - James Pennington.

The Manager recommended that a claim of the above noted for damages caused to his automobile as a result of striking a valve box in the road be settled in full by payment of the sum of \$107.23, subject to the necessary release being obtained.

MOVED BY COUNCILLOR HARPER,  
SECONDED BY COUNCILLOR HICKS:

"That the recommendation of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

- (10) The Manager submitted a report of the R.C.M.P. covering policing activities during the month of November, 1961.

MOVED BY COUNCILLOR EDWARDS,  
SECONDED BY COUNCILLOR HICKS:

"That the report be received."

CARRIED UNANIMOUSLY

(11) Debenture Sale.

The Manager submitted a report advising that five tenders were received for the purchase of a \$795,000.00 issue of debentures.

He recommended that the tender of A. E. Ames & Co. Ltd. on behalf of themselves, Wood, Gundy Co. Ltd., Dominion Securities Corporation Ltd., and The Canadian Imperial Bank of Commerce, in the amount of \$100.161 plus accrued interest per \$100.00 debenture for the purchase of this issue at 5½% dated December 15, 1961 and maturing December 15, 1963 to 1976 inclusive, be accepted.

MOVED BY COUNCILLOR EDWARDS,  
SECONDED BY COUNCILLOR HICKS:

"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(12) Swimming Pool - Sperling Avenue and Sprott Street.

The Manager submitted a further report on the above noted matter advising that the Architects, McCarter, Nairne and Partners, have examined the bids received for the construction of this swimming pool and have commented on the two low tenders, as follows:

"By including ceramic tile instead of a cement topping finish, the tender of George Born Construction Ltd. would be \$41.00 less than that of Biely Construction Co. Ltd. but the unit prices for excavation of the site indicates that the rate of the first noted Company is 60¢ per cubic yard whereas the rate for the second Company for this same work is 49¢ per cubic yard.

When making further comparisons, it was found that the tender of George Born Construction Ltd. would in fact exceed that of Biely Construction Co. Ltd. and that therefore a recommendation could justifiably be made that the contract be awarded to Biely Construction Co. Ltd.

Also, since no resilient flooring price was received and all contractors used bids sent to them by resilient flooring companies, we would recommend that all tenders be ruled admissible."

The Manager reported that the tender price, including the ceramic tile, was below the estimate of \$260,000.00 originally made so he recommended that the ceramic tile finish be selected in preference to the cement topping finish.

The Manager also pointed out that the swimming pool project is a Winter Works item and therefore the length of time required to complete it would have a considerable effect on the return the Corporation can expect to receive from the Senior Governments. In this regard, the Manager pointed out that George Born Construction Ltd. estimates that it would require 35 weeks to



complete the job while Biely Construction Co. Ltd. indicates that it can do the job in 26 weeks.

The Manager concluded that on the basis of the Architect's evaluation of the two low tenders and the estimated length of time required to complete the project, it appears that the second lowest tender is actually the most advantageous for the Corporation.

He recommended that the contract for the construction of the swimming pool be awarded to Biely Construction Co. Ltd.

(13) Swimming Pool Site - Sperling Avenue and Spratt Street.

The Manager submitted a report advising that following approval of the Parks Development By-law by the ratepayers, consideration was immediately begun on the matter of integrating the proposed Civic Arena and the swimming pool developments and, as a result, it was felt desirable that the swimming pool site should be lowered by three feet to make the relationship between it and the site of the proposed Arena more congenial.

He added that it is not felt this lowering of the swimming pool site should in itself be accepted as a cost of the swimming pool project but rather a cost of the development of an overall site in the subject area.

He advised that this lowering would not increase the cost of the swimming pool but that an additional sum of approximately \$1,500.00 would need to be found pending a final decision on the overall site development. He pointed out that provision was made in the tender call for the swimming pool for unit prices on earth removal and that it is possible and practicable to make use of this provision at this time so that construction of the swimming pool need not be delayed.

MOVED BY COUNCILLOR EDWARDS,  
SECONDED BY COUNCILLOR HARPER:

"That the recommendation of the Architect's under Item (12) respecting the admission of tenders be adopted."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR EDWARDS,  
SECONDED BY COUNCILLOR HICKS:

"That the recommendation of the Manager under Item (12) relative to the use of a ceramic tile finish be adopted."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR EDWARDS,  
SECONDED BY COUNCILLOR HARPER:

"That the elevation of the swimming pool site be lowered by three feet, as outlined under Item (13) above."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR EDWARDS,  
SECONDED BY COUNCILLOR HARPER:

"That the recommendation of the Manager  
that the tender of Biely Construction Co.  
Ltd. be accepted be adopted."

CARRIED  
COUNCILLORS DRUMMOND &  
CLARK - AGAINST.

MOVED BY COUNCILLOR CLARK,  
SECONDED BY COUNCILLOR HICKS:

"That the Committee now rise and report."

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

MOVED BY COUNCILLOR HICKS,  
SECONDED BY COUNCILLOR EDWARDS:

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

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR EDWARDS,  
SECONDED BY COUNCILLOR HARPER:

"That leave be given to introduce  
"BURNABY PREPAYMENT OF TAXES BY-LAW, 1961"  
and that it be read a First Time."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR EDWARDS,  
SECONDED BY COUNCILLOR CLARK:

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

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR EDWARDS,  
SECONDED BY COUNCILLOR CLARK:

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

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR EDWARDS,  
SECONDED BY COUNCILLOR CLARK:

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

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

MOVED BY COUNCILLOR EDWARDS,  
SECONDED BY COUNCILLOR CLARK:

"That the report of the Committee be  
adopted."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR EDWARDS,  
SECONDED BY COUNCILLOR CLARK:

"That "BURNABY PREPAYMENT OF TAXES  
BY-LAW 1961" be now read a Third Time."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR DRUMMOND,  
SECONDED BY COUNCILLOR CLARK:

"That "BURNABY DEBENTURE BY-LAW, 1961"  
"BURNABY SPECIAL SURVEY ASSESSMENT BY-LAW, 1961"  
"BURNABY LOCAL IMPROVEMENT CONSTRUCTION BY-LAW  
NO. 24, 1961"  
"BURNABY ROAD DEDICATION BY-LAW NO. 2, 1961"  
"BURNABY STREET NAMING BY-LAW, 1961"

be now reconsidered."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR DRUMMOND,  
SECONDED BY COUNCILLOR EDWARDS:

"That "BURNABY DEBENTURE BY-LAW, 1961"  
"BURNABY SPECIAL SURVEY ASSESSMENT BY-LAW, 1961"  
"BURNABY LOCAL IMPROVEMENT CONSTRUCTION BY-LAW  
NO. 24, 1961"  
"BURNABY ROAD DEDICATION BY-LAW NO. 2, 1961"  
"BURNABY STREET NAMING 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 EDWARDS,  
SECONDED BY COUNCILLOR HICKS:

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

CARRIED UNANIMOUSLY