

DECEMBER 23, 1963

A Regular meeting of the Municipal Council was held in the Council Chambers, Municipal Hall, 4545 East Grandview-Douglas Highway, on Monday, December 23, 1963 at 7:30 p.m.

PRESENT: Reeve Emmott in the Chair;
Councillors Cafferky, Clark,
Drummond, Kalyk, MacSorley and
Wells

ABSENT: Councillors Blair and Harper

MOVED BY COUNCILLOR DRUMMOND, SECONDED BY COUNCILLOR MacSORLEY:
"That Councillors Blair and Harper be granted leave of absence
from this meeting."

CARRIED UNANIMOUSLY

The Minutes of the meetings held December 9th and 16th, 1963
came forward for adoption.

It was pointed out that the resolution of December 9th relating
to a proposal to instal an Industrial Waste Burner on property
at 2450 Alpha Avenue should be changed so that the action taken
by the resolution refers to "no burning of any kind without the
prior installation of the scrubber".

MOVED BY COUNCILLOR CLARK, SECONDED BY COUNCILLOR DRUMMOND:
"That the Minutes of the meeting held December 9th be amended
by incorporating the change just described and that the Minutes,
as amended, plus those of December 16th be adopted as written
and confirmed."

CARRIED UNANIMOUSLY

The matter of granting Mr. R. W. Hanson an opportunity to
address Council in respect of the matter of providing sewer
service to his property at 4118 Edinburgh Street was next
considered.

MOVED BY COUNCILLOR CAFFERKY, SECONDED BY COUNCILLOR MacSORLEY:
"That Mr. Hanson be heard."

CARRIED UNANIMOUSLY

Mr. Hanson was not present.

MOVED BY COUNCILLOR CAFFERKY, SECONDED BY COUNCILLOR DRUMMOND:
"That the matter of hearing Mr. Hanson be laid over until later
in the evening."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR KALYK, SECONDED BY COUNCILLOR MacSORLEY:
"That all of the below listed correspondence be received."

CARRIED UNANIMOUSLY

The Department of University Extension, The University of
British Columbia, submitted a circular outlining the content
of a course entitled: "Problems of Municipal Government" which
is being held January 3rd and 13th to 16th, 1964.

Recording Secretary, Burnaby Fire Fighters Association, submitted
a letter giving notice that the Association wishes to reopen its
working agreement with the Corporation to negotiate terms for
the year 1964.

MOVED BY COUNCILLOR CAFFERKY, SECONDED BY COUNCILLOR DRUMMOND:
"That the matter contained in the letter from the Association
be referred to the Municipal Manager for appropriate action."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR CLARK, SECONDED BY COUNCILLOR CAFFERKY:
"That the Council now resolve itself into Committee of the
Whole."

CARRIED UNANIMOUSLY

A proposal of the Parks and Recreation Commission to sponsor
a Ski Programme was then lifted from the table.

Municipal Manager read reports from the Municipal Solicitor on
the question of Municipal liability in connection with the
proposed Ski Programme advising that the Municipality would
only be liable for the negligence of its own employees. In
this latter regard, the Solicitor advised that no Municipal
employee would be transporting students to Seymour Mountain or
instructing them there in skiing. The Solicitor added that if
any student was injured while being transported, the claim would
be for negligence against the bus driver and the owner of the
bus and further, if any student was injured while skiing, the
claim would be for negligence against the ski instructor or ski
school.

The Solicitor also advised that, so far as the Municipality is
concerned, the bus company and the ski school are independent
contractors, with the Municipality not controlling or directing
the bus drivers or the ski instructors and therefore not being
liable for their negligence.

The Solicitor also pointed out that it is the intention of the
Parks and Recreation Commission to have the parents of students
sign a waiver of liability in favour of the Municipality and
the Commission.

The Manager added that the Solicitor had also indicated that, if Council authorizes the programme, it must do so by by-law as provided under Section 631(2) of the Municipal Act.

The Manager also furnished cost information relating to the programme conducted last year, as follows:

Gross Expenditure for rental of chartered buses -	\$ 916.00
Gross Revenue -	<u>636.00</u>
Net difference	<u>\$ 280.00</u>

MOVED BY COUNCILLOR CAFFERKY, SECONDED BY COUNCILLOR DRUMMOND:
"That permission not be granted to the Parks and Recreation Commission to subsidize the Ski Programme mentioned outside this Municipality because it is felt that since a programme of this sort only benefits a relatively few number of children, the costs in connection with the activity should be borne by the parents of the children benefiting and not the Municipality as a whole."

CARRIED
REEVE EMMOTT &
COUNCILLOR MacSORLEY -
AGAINST

Parks and Recreation Commission submitted a report advising that it wishes to develop a "tot lot" on a parcel of land measuring 109.5' x 175' adjacent a portion of the northerly boundary of the Lakeview School site.

The Commission pointed out that the property is not at present designated for park use and it was therefore requesting that Council grant the Commission permission for the development.

MOVED BY COUNCILLOR KALYK, SECONDED BY COUNCILLOR CLARK:
"That permission be granted to the Parks and Recreation Commission to develop the "tot lot" mentioned, subject to the use of the land for this purpose being cleared with the Planning Department."

CARRIED UNANIMOUSLY

Advisory Planning Commission submitted a report containing its views on the proposed new Zoning By-Law recommending that:

- (1) The proposed By-law be not accepted
- (2) The following proposals be implemented by amendments to the existing Town Planning By-Law:
 - (a) In Residential Multiple Family Type 1 zones, a maximum height of three stories be permitted if the side yards in such zones are increased to the same as is currently provided for in the construction of apartments three stories in height.

- (b) The regulations governing the construction of "high-rise" Apartments be added to the current by-law but that the floor area ratio be increased from 1.5 to 2.5.
 - (c) The clause concerning residential units over commercial buildings in commercial zones be further studied with a view to the introduction of a more reasonable and realistic regulation.
 - (d) The by-law include a provision for parking regulations in all zones except residential ones.
- (3) A study be made by competent authority to ensure that the by-law is in no way ultra vires the Municipality.
- (4) A major revision of the present by-law be made:
- (a) to remove the impractical provisions from it, giving special consideration to reducing the number of zones
 - (b) to ensure its legality
 - (c) to consolidate the by-law

and, in making the revisions, that the format of the new by-law be used and further, that a trial be made of the use of a map in addition to the metes and bounds descriptions.

The Commission also recommended that Council give serious consideration to the following proposals involving the Town Planning Board of Appeal:

- (1) An increase in the membership on the Board to a minimum of five.
- (2) An expansion of the Board's authority to enable it to permit appropriate and practical use of land within broad general requirements, as suggested in the paragraph quotation contained in the report and as set down by the Municipal Council.

MOVED BY COUNCILLOR DRUMMOND, SECONDED BY COUNCILLOR KALYK:
"That the report be received and referred to the 1964 Council for further consideration."

CARRIED
COUNCILLOR CLARK -
AGAINST

MUNICIPAL MANAGER -- REPORT NO. 72, 1963

Municipal Manager's Report No. 72, 1963, attached to and forming a part of these Minutes, was dealt with as follows:

- (1) Application for Welfare Institutions Licence (MacKenzie) - 7360 Stanley Street.

MOVED BY COUNCILLOR CAFFERKY, SECONDED BY COUNCILLOR MacSORLEY:
"That the recommendation of the Investigating Committee, as set out in the report of the Manager, be adopted."

CARRIED UNANIMOUSLY

(2) Application for Welfare Institutions Licence (Delaere) - 3875 Fir Street.

MOVED BY COUNCILLOR KALYK, SECONDED BY COUNCILLOR MacSORLEY:
"That the recommendation of the Investigating Committee, as set out in the report of the Manager, be adopted."

CARRIED UNANIMOUSLY

(3) Application for Welfare Institutions Licence (Christian Reformed Church Kindergarten) - 8255 - 13th Avenue.

MOVED BY COUNCILLOR MacSORLEY, SECONDED BY COUNCILLOR DRUMMOND:
"That the recommendation of the Investigating Committee, as set out in the report of the Manager, be adopted."

CARRIED UNANIMOUSLY

(4) Easement - Easterly 5 feet of Lot 39, R.S.D. "A" and "B", S.D. 14, Block "J", D. L. 127, Plan 19190 (Hudson)

(5) Easement - East 5 feet of Lot 55 and West 5 feet of Lot 55, Block 16, D. L. 68, Plan 11700 (Schuhart)

MOVED BY COUNCILLOR CAFFERKY, SECONDED BY COUNCILLOR DRUMMOND:
"That the recommendations of the Municipal Manager under items 4 and 5 be adopted."

CARRIED UNANIMOUSLY

(6) Investments.

MOVED BY COUNCILLOR DRUMMOND, SECONDED BY COUNCILLOR CAFFERKY:
"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(7) Arena

Messrs. Collins & Collins, Architects, were present and displayed working drawings of the proposed Arena. They also described the salient features of the building planned.

MOVED BY COUNCILLOR KALYK, SECONDED BY COUNCILLOR CLARK:
"That the report of the Municipal Manager and the information supplied by the Architects this evening be received and the recommendation of the Parks and Recreation Commission, as contained in the report of the Municipal Manager, be adopted."

MOVED BY COUNCILLOR DRUMMOND, SECONDED BY COUNCILLOR MacSORLEY:
"That the previous resolution be tabled for a period of one week."

IN FAVOUR - COUNCILLORS
DRUMMOND, MacSORLEY
AGAINST - COUNCILLORS
WELLS, CAFFERKY, KALYK
& CLARK

MOTION LOST

The first Motion, with the following amendments, was then put:

"but that the tender provide for the following alternates:

- (a) a price including the provision of parking facilities as opposed to one without these facilities;
- (b) unit prices on the cost of excavating for the building."

This Motion was Carried, with Councillors Drummond and MacSorley - Against.

(C) Two Rubber-Mounted Back-Hoes with Front End Loader.

MOVED BY COUNCILLOR CLARK, SECONDED BY COUNCILLOR MacSORLEY:
"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(9) Monthly Report of Chief Licence Inspector.

MOVED BY COUNCILLOR CLARK, SECONDED BY COUNCILLOR WELLS:
"That the report be received."

CARRIED UNANIMOUSLY

(10) Estimates

MOVED BY COUNCILLOR CAFFERKY, SECONDED BY COUNCILLOR DRUMMOND:
"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(11) Works Appropriations.

MOVED BY COUNCILLOR DRUMMOND, SECONDED BY COUNCILLOR CAFFERKY:
"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(12) Grassmere No. 2 Sanitary Sewer Project.

MOVED BY COUNCILLOR WELLS, SECONDED BY COUNCILLOR MacSORLEY:
"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(13) Allowances.

MOVED BY COUNCILLOR CAFFERKY, SECONDED BY COUNCILLOR KALYK:
"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR CAFFERKY, SECONDED BY COUNCILLOR DRUMMOND:
"That the Committee now rise and report."

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED

MOVED BY COUNCILLOR CAFFERKY, SECONDED BY COUNCILLOR MacSORLEY:
"That the report of the Committee be now adopted."

CARRIED UNANIMOUSLY

The matter of the request of Mr. R. W. Hanson for sewer service was next considered.

MOVED BY COUNCILLOR CAFFERKY, SECONDED BY COUNCILLOR DRUMMOND:
"That the request be not entertained because of the cost that would be involved in providing the service."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR KALYK, SECONDED BY COUNCILLOR CAFFERKY:
"That the Council do now resolve into Committee of the Whole to consider 'DURNABY TOWN PLANNING BY-LAW 1948, AMENDMENT BY-LAW NO. 18, 1963'."

CARRIED UNANIMOUSLY

Mr. J. Love submitted a letter urging that the property under consideration remain zoned Residential.

Councillor Cafferky reported verbally that since the meeting last Monday, he had met with representatives of Ocean View Development Limited and also certain residents in the subject area, with the result that a submission is to be made to Council indicating that the property owners adjacent the tract in question would withdraw their objections to the rezoning proposal if the property is rezoned back to Residential Two-Family after the Company completes its development plan.

MOVED BY COUNCILLOR CAFFERKY, SECONDED BY COUNCILLOR MacSORLEY:
"That the Committee do now rise and report progress on the By-Law."

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

MOVED BY COUNCILLOR CAFFERKY, SECONDED BY COUNCILLOR MacSORLEY:
"That the following resolutions passed at the Council Meeting of December 16, 1963 be rescinded:

RESOLVED: That "DURNABY DEBENTURE BY-LAW 1961, AMENDMENT BY-LAW 1963" be now reconsidered.

RESOLVED: That "DURNABY DEBENTURE BY-LAW 1961, AMENDMENT BY-LAW 1963" be now finally adopted, signed by the Reeve and Clerk and the Corporate Seal be affixed thereto."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR CAFFERKY, SECONDED BY COUNCILLOR MacSORLEY:
"That "BURNABY DEBENTURE BY-LAW 1961, AMENDMENT BY-LAW 1963"
be now reconsidered."

CARRIED UNANIMOUSLY


MOVED BY COUNCILLOR CAFFERKY, SECONDED BY COUNCILLOR KALYK:
"That "BURNABY DEBENTURE BY-LAW 1961, AMENDMENT BY-LAW 1963"
be now finally adopted, signed by the Reeve and Clerk and the
Corporate Seal be affixed thereto."

CARRIED UNANIMOUSLY

The meeting then adjourned.

Confirmed:

Certified Correct:



REEVE



CLERK