

JULY 20, 1959

A regular meeting of the Municipal Council was held in the Council Chambers, Municipal Hall, 4545 E. Grandview Douglas Highway, on Monday, July 20, 1959, at 7.30 p.m.

PRESENT: His Worship, Reeve Emmott in the Chair;
Councillors Mather, MacSorley, Jamieson,
Edwards, McLean, Brown, Prittie.

A representative of the Salvation Army opened the meeting with a prayer.

Moved by Councillor Prittie, seconded by Councillor Edwards "That Councillor Seifner be granted Leave of Absence for this meeting".

Carried Unanimously.

Moved by Councillor Jamieson, seconded by Councillor Brown "That the minutes of the previous meeting be adopted as written and confirmed."

Carried Unanimously.

Moved by Councillor MacSorley, seconded by Councillor Edwards "That the following delegations be heard:

- (a) Chauncey M. Flack re development of property at Buchanan Street and Millingdon Avenue.
- (b) Edwards, Edwards and Edwards, re Allinger rezoning application.
- (c) J. Ryan re condition of Chaffey Avenue."

Carried Unanimously.

Mr. Chauncey M. Flack appeared and advised that he was representing an optionee on property described as Lots 8 and 9 Block 2, District Lot 119E½; which property was the subject of a rezoning application for Commercial use. Mr. Flack advised that the present owner of the subject property felt it was not suitable for residential use because of the noise factor and that therefore he was endeavouring to dispose of the property for use as Commercial. Mr. Flack also stated that the remaining owners of the "interior" property on Buchanan Street had also evinced an interest in the development of their lands for Commercial purposes since they too felt residential occupation was no longer desirable or suitable. He added that the prospective buyer of the property at the corner of Buchanan Street and Millingdon Avenue was prepared to develop it as a small Local shopping centre comprising seven stores in all.

The Municipal Manager reported verbally that he had received a draft report from the Municipal Engineer on the matter of Halifax Street in which it was being recommended that Halifax Street be developed as a major connecting link between the large shopping centre development on the east side of Millingdon Avenue and points west. The Manager suggested that before further consideration is given to the development of Halifax Street, the views of the Traffic Safety Committee be obtained in order that the ramifications evolving from its development and relationship to the traffic circulation system in the area may be appreciated and made known.

It was resolved that the applicants be directed to contact the Planning Department to ascertain the situation respecting the development proposal advanced by them and to have the reasons for its rejection by that Department explained.

Councillor Edwards wished it recorded that he would not be participating in any way whatsoever in the next matter coming before Council.

2
Mr. Robert Edwards appeared and advised that he had communicated with the Municipal Solicitor to determine whether an agreement which would bind the present owner of the property and all future purchasers to ensure that an adequate buffer zone is created to protect residences on the north side of Broadway and that he had suggested to our Solicitor that agreement could be entered into between the Corporation and Mr. Allinger to require that he plant a screening strip and then the sale of the property to the Texaco Oil Company could be consummated with the title containing a restrictive covenant in regard to the continuance of this screening arrangement. Mr. Edwards advised that our Solicitor had confirmed that the Corporation could accept an agreement with Mr. Allinger of the kind described but that it would bind only Mr. Allinger. Mr. Edwards contended that with this agreement and the subsequent conveying of the parcel to the Texaco Company with the restrictive covenant that the objections which Council had to the rezoning would be completely overcome.

The Municipal Solicitor submitted a report in connection with this matter advising that in his opinion Council could enter into an agreement with an applicant for rezoning to provide that he shall satisfy certain requirements in addition to those set out in the zoning by-law, but that consideration for this agreement should not be Council's unqualified covenant to rezone property since such a covenant would be regarded as contrary

(Edwards et al re Allinger rezoning....continued)

to public policy. He added that such an agreement may or may not be registrable in the Land Registry Office, depending on how it is drafted, and whether or not the Registrar agrees that it creates charges constituting an interest in the applicant's land. He pointed out that if the agreement is registered, subsequent purchasers will have notice of it and will be bound by its terms, but that if it is not registered, he could only suggest it contain a clause binding the applicant to inform subsequent purchasers in writing of the terms of the agreement, and, as a last resort, Council could in the face of default rezone the property once again. The Solicitor also reported that it was his view the purpose of a buffer zone is to provide some measure of protection to residential areas whenever they are adjacent to industrial areas. He added that this may be accomplished by either en-acting standards to be enforced in an industrial area when such area abuts on a residential area, or by creating buffer zones as separate and distinct zones. The Solicitor also suggested that still another method of achieving control in zoning would be by the use of development permits; which permits would be subject to such conditions as Council may prescribe. He pointed out that the present Municipal Act contains no such authority and, as he felt it would be beneficial if such power could be made available, he recommended that Council seek an amendment to the Municipal Act to provide such authority for B. C. Municipalities.

Moved by Councillor Jamieson, seconded by Councillor McLean "That the Solicitors for the applicant be directed to prepare the agreement described above and both he and the Municipal Solicitor approach the Registrar of Titles together in order to ascertain whether such a document or commitment is registrable and further, after this has been done, the Municipal Solicitor be instructed to submit a report to Council on the outcome of the joint discussions with the Registrar, and if the result is favourable, he be also instructed to prepare the necessary amendment to the Town Planning By-law for consideration by Council."

Carried Unanimously.

Mr. J. Ryan appeared and registered a protest against what he described as the deplorable condition of Chaffey Avenue north of Grange Street. He inquired as to why this street could not be graded and oiled in order that this situation could be eliminated. The Municipal Manager reported verbally that the Municipality proposed to construct a sidewalk on the east side of Chaffey Avenue from Kingsway to Grange Street and it was considered desirable to extend the normal twenty foot width of pavement to the sidewalk. He added that negotiations in regard to this pavement extension were conducted with Canada Safeway Limited, owner of the property on the east side of Chaffey Avenue, to determine whether they would be willing to accept the cost of this extra pavement. The Manager reported that the Company has agreed to pay these additional charges and as a result, the Municipality is now in a position to proceed with the paving of not only this one block, but also the remaining section of Chaffey Avenue north of Grange Street. He pointed out that this latter portion of Chaffey Avenue would receive only a twenty foot wide pavement. It was also reported that this project could be commenced immediately.

His Worship, Reeve Emmott, advised that Mr. William Brain has been selected as an "Exchange" Scout and that Mr. Brain and one other Scout from Canada were to visit Hawaii as representatives from this Country. The Reeve mentioned that Mr. Brain was a Queens' Scout and expressed the opinion that he felt Mr. Brain exemplified the true character of Canadian Youth. The Reeve extended the good wishes of the Municipality to Mr. Brain for his achievements and advised that he would send a letter to the Mayor of Honolulu with Mr. Brain extolling the many fine features of Burnaby.

Moved By Councillor Edwards, seconded by Councillor Mather "That all the letters in connection with the Delegations be received, and the individual delegates thanked for their respective presentations."

Carried Unanimously.

Mr. John A. W. Drysdale, M.P., Burnaby Richmond, submitted a letter expressing his concern at not being notified by Council of its stand on a proposal to amalgamate the North Fraser Harbour Commission with the New Westminster Harbour Commission, and requesting that he be supplied with full particulars on this matter. Moved by Councillor Jamieson, seconded by Councillor Edwards "That the letter be received and Mr. Drysdale supplied with the history of this matter."

Carried Unanimously.

His Worship, the Reeve, excused himself from the meeting and Councillor Mather assumed the role of Chairman.

Mrs. Dorothy Munnik submitted a letter advising that three times she had been prevented from making a sale of her property at 6091 Silver Avenue; in the first two instances, by the Municipality refusing to issue a business licence, and in the third case, by making unreasonable demands of the prospective purchaser. She added that in June, she ha-

applied for a permit to erect a building on McKay Avenue for the purpose of housing stock and equipment which she uses in her business but was refused because of the possible rezoning of that property. Mrs. Munnik stated that economic circumstances resulting from increased rent at the location on Kingsway which she presently occupies have dictated the need to re-locate and consolidate the business. She contended that she was being deterred from doing so by not being allowed to dispose of the Silver Avenue property and being permitted to proceed with the construction of a building on the McKay Avenue parcel.

The Manager submitted a report from the Chief Building Inspector relative to this matter in which the situation insofar as it affected that Building was explained. In this connection, it was reported that on March 23rd of this year, the Building Department received a referral from the Licence Department of an application to locate a Foundry business in the three-part shed structure on the subject property and that this licence referral was returned on the same day with a recommendation that the application be not approved because, in their opinion, the Building chosen was highly unsuitable for a Foundry occupancy. The Chief Building Inspector further reported that in the beginning of June, the Licence Department received an inquiry regarding the licencing of a motor re-wind shop in the same building, but that no application was made when the circumstances of the March 23rd application were outlined to the inquirer. The Chief Building Inspector further reported that during the second week of June, Mr. and Mrs. Munnik visited his Department and made general inquiries to a member of his staff regarding requirements for a proposed concrete block building for the McKay Avenue property, without evidence of any drawings of the proposed buildings being submitted, although it was gleaned from the discussion which took place, that the building was to be of a size in excess of two thousand square feet floor area. The Chief Building Inspector emphasized that there had been no formal application whatsoever received for a building permit from either Mrs. Dorothy Munnik or Mr. John Munnik. He added that during the discussion with both, one of his staff members informed them of the Kingsway-Central Park rezoning report and suggested at that time that a building permit for an industrial building might be withheld pending further consideration of the report by Council. He also reported that soon after the visit of Mr. and Mrs. Munnik to his Department, they received a call from the Real Estate agent handling the property requesting a report on the condition of the buildings on the subject property, which report was supplied on June 19th; this report recommending that two portions of the shed building be demolished rather than be considered for any industrial occupancy. He added that this report also stated that the rear portion of the shed might be used for some Light Industrial purpose, provided some work to complete this portion were made and they also recommended that an ancient dwelling on the same property be considered for demolition. The Chief Building Inspector pointed out that the subject property is in an area tightly built up with modest, older-type, single family dwellings with nearly all the houses being clad on the exterior with wood shingle or wood siding finish. He also pointed out that the property in question is occupied by a greater number of wood frame structures than is normally found on residentially developed property, and that the use of such buildings for industrial purposes creates a greater than normal higher risk. He stressed that it becomes imperative that some selection of type of industry be made and some fire protection be added to portions of the building to be so occupied.

Moved by Councillor McLean, seconded by Councillor Edwards "That the letter from Mrs. Munnik be received together with the report of the Chief Building Inspector, and a copy of this report be forwarded to the Munniks for their information."

Carried Unanimously.

The Reeve returned and resumed his place as Chairman.

Mrs. R. T. Wilson, President, St. Paul's United Church Women's Federation, wrote requesting the installation of a footpath on Lister Street from Smith Avenue to the entrance of the Church.

A delegation from this Church group was present and requested an audience with Council.

Moved by Councillor Prittie, seconded by Councillor Mather "That the delegation be heard."

Carried Unanimously.

Mr. Wilson appeared and advised that the footpath was chiefly for the benefit of those attending the Health Clinic at the Church and not primarily for the members of the congregation.

The Municipal Manager reported verbally that a sidewalk project is proposed to be initiated this year for the subject portion of Lister Street.

Moved by Councillor Mather, seconded by Councillor Jamieson "That the letter be received and the writer advised of the situation explained by the Municipal Manager."

Carried Unanimously.

Secretary-Manager, North Fraser Harbour Commissioners, wrote requesting the Municipality to take the necessary steps to appoint a Municipal representative to the North Fraser Harbour Commissioners.

Moved by Councillor MacSorley, seconded by Councillor Jamieson "That the Reeve be directed to meet with representatives of each of the City of Vancouver and the Municipality of Richmond for the purpose of selecting the Municipal appointee to the North Fraser Harbour Commission."

Carried Unanimously.

Executive Secretary, Burnaby Board of Trade, submitted a letter expressing the appreciation of the Board for the action taken by the Reeve in revoking a parking prohibition on the south side of Hastings Street between Esmond Avenue and Gilmore Avenue. Mr. F. Hartley and five other merchants of North Burnaby submitted a petition also in support of the action taken by the Reeve in regard to the previous matter.

Moved by Councillor Brown, seconded by Councillor Mather "That the letter and petition be received."

Carried Unanimously.

Councillor Prittie stressed that the parking restriction in question was removed because it did not serve the purpose for which it was intended, nor did it have the desired effect.

Moved by Councillor Brown, seconded by Councillor Jamieson "That the action of the Reeve in respect to the revoking of the "no parking" regulation on the south side of Hastings Street between Esmond Avenue and Gilmore Avenue be ratified in view of the apparent doubt as to the value of the restriction."

Carried Unanimously.

Mr. E. B. Dueck submitted a letter inviting members of the Council and key personnel from the Corporation to attend Opening Ceremonies of his new establishment in Burnaby on Thursday, July 23rd at 3 p.m.

Moved by Councillor Jamieson, seconded by Councillor Mather "That the invitation be accepted and that as many of the Council and Senior staff members as possible attend the occasion."

Carried Unanimously.

Mr. Rolph Macey of the Burnaby Historical Society submitted a report recounting the visit of Miss Bessie F Choate, Secretary-Treasurer of the Group, to the County of Leicestershire for the purpose of locating and photographing the burial place of Robert Burnaby.

Moved by Councillor Mather, seconded by Councillor Jamieson "That this report be received and the information contained therein duly noted."

Carried Unanimously.

The Reeve declared a recess at 8.55 p.m.

The Council reconvened at 9.05 p.m.

Moved by Councillor Jamieson, seconded by Councillor Edwards "That the Council now resolve itself into a Committee of the whole to discuss the reports of the Traffic Safety Committee and the Municipal Manager."

Carried Unanimously.

REPORT OF TRAFFIC SAFETY COMMITTEE:

Your Committee would report having dealt with the following matters:

(1) Children playing around Railroad tracks.

The Committee reported it had received a copy of a notice from the B. C. Safety Council drawing attention to the hazard of children playing around railroad tracks. They advised that they were asked by the Safety Council to consider the distribution of a similar message in this Municipality. The Committee further reported that it concurred with the thought that publicity should be given this problem and that they had accordingly requested each of the three local newspapers to either publish a reproduction of the message or insert some other form of public service notice that may prove more effective. The Committee advised Council that a notice appeared in the Burnaby Advertiser on July 16th and that one would appear in the Burnaby Courier on July 22nd.

Moved by Councillor Jamieson, seconded by Councillor Edwards "That the report of the Committee be received."

Carried Unanimously.

(2) Great Northern Railway Tracks and Boundary Road.

The Committee reported that it had investigated a hazardous condition which was alleged to have existed as a result of the presence of a deep ditch at the above location. They reported that inspection revealed that the situation could be hazardous for southbound traffic, especially during foggy weather due to the curve in Boundary Road, although to date no accidents involving this ditch have been reported. The Committee advised that they felt the situation warrants prompt treatment and recommended that a delineator post be installed on the east side of Boundary Road on the north of the G.N.R. Tracks as a warning for southbound traffic, negotiating the curve in the roadway, and also, that this post be reflectorized on the opposite side as a benefit to northbound traffic.

Moved by Councillor Jamieson, seconded by Councillor McLan "That the recommendation of the Traffic Safety Committee be adopted."

Carried Unanimously.

REPORT OF TRAFFIC SAFETY COMMITTEE (Continued)

3. Multiplicity of signs on Rumble Street in vicinity of Boundary Road.

The Committee reported that investigation disclosed that for eastbound motorists on Rumble Street near Suncrest School they are first confronted with a 30 m.p.h. sign, then a "Caution-School Children" sign, then a 15 m.p.h. playground sign, then a "Crosswalk Ahead-No Passing" sign and finally a "School Crossing- Stop When Occupied" sign, all in a short distance of some two blocks. The Committee reported it felt that while it may be necessary to post the Municipal speed limit at strategic locations, that where 30 m.p.h. signs precede a lesser speed limit by short distances, this sign would be more advantageously located beyond the limit of the "lesser speed" area. They also advised that they felt a "Crosswalk Ahead - No Passing" sign is sufficient advance warning for a school crossing and need not be supplemented by a "Caution - School Children" sign. They added that when a 15 m.p.h. speed limit for either a School or Playground zone is followed by a "Stop When Occupied" crossing, some indication should be provided to inform the motorist of the end of the speed restriction area.

The Committee recommended that no action be taken with respect to the signing situation at the subject location until the beginning of the fall term at which time the following measures should be taken:

- (a) That the existing 30 m.p.h. sign on the south side of Rumble Street east of Boundary Road be re-located to a point east of Greenall Avenue.
- (b) That the existing "Caution-School Children" sign be removed from the south side of Rumble Street east of Boundary Road.
- (c) That a sign "End 15 m.p.h." be installed on the south side of Rumble Street at the easterly limit of the 15 m.p.h. playground zone.

Moved by Councillor McLean, seconded by Councillor Jamieson "That the report be referred back to the Traffic Safety Committee for reconsideration of Item (c) as shown above."

Carried Unanimously.

4. Spruce Street from Royal Oak Avenue to Grandview-Douglas Highway.

The Committee reported it had received a petition signed by a number of residents in the 5200 and 5600 blocks Spruce Street requesting the installation of a caution sign and also a speed limitation of 20 m.p.h. in these blocks. The subject street had been inspected and the conclusion reached that there would seem to be no warrant for a special speed limit for this particular road since visibility is good throughout and there have been no reports of speeding. The Committee reported that they felt some advice should be given motorists of the presence of the pedestrian access way which was provided some time ago for pupils attending Douglas Road School, and recommended that a "Caution-School Children" sign be installed at the commencement of the school term this fall on the north side of Spruce Street approximately 150 feet in advance of the footpath. The Committee also recommended that the request for a twenty m.p.h. speed limit on the portion of Spruce Street in question be not entertained.

Moved by Councillor Mather, seconded by Councillor MacSorley "That the recommendation of the Committee be adopted."

Carried Unanimously.

5. Request for Crosswalk on Hastings Street at Madison Avenue.

The Committee reported that it felt there was considerable merit to this request but this particular intersection should not be treated in isolation since it was their view crosswalks should be installed on Hastings Street at every intersection in the business districts, but that they felt such a move at this time would be premature as they are presently in the process of assessing signing needs and other traffic requirements for Hastings Street. The Committee added that it is the policy of the Department of Highways to not encourage pedestrian crossings except at signalized intersections and since Hastings Street is a Provincial Highway they would need to gain the support of the Department in establishing painted crosswalks at each intersection. The Committee recommended that in view of the foregoing, the request at hand be not entertained.

Moved by Councillor McLean, seconded by Councillor Jamieson "That the recommendation of the Committee be adopted."

Carried Unanimously.

REPORT NO. 28, 1959 - MUNICIPAL MANAGER

1. The Manager submitted the monthly report of the Chief Building Inspector covering the operations of his Department for the period between 15th June 10th July 1959.
2. The Manager submitted the monthly report of the Fire Chief covering the activities of his Department for the month of June, 1959,
3. The Manager submitted the monthly report of the Medical Health Officer covering the operations of his Department for the month of June, 1959.
4. The Manager submitted the monthly report of the Chief Licence Inspector covering the operations of his Department for the month of June, 1959.

Moved by Councillor McLean, seconded by Councillor MacSorley "That the above four reports be received."

Carried Unanimously.

5. The Manager submitted a statement of Expenditures for the period ended 10th July 1959 in the total amount of \$1,074,035.39, recommending that the expenditures be approved.

Moved by Councillor Mather, seconded by Councillor Edwards "That the recommendation of the Municipal Manager be adopted."

Carried Unanimously.

6. Investments.

The Manager advised that following the maturity of certain investments, the funds have been re-invested as follows:

<u>Par Value</u>	<u>Security</u>	<u>Price including Accrued Interest</u>	<u>Fund</u>
\$75,000.	School Districts in the Piece 5% 1 July 1960	\$74,559.14	Reserve for U.S. Exchange \$27,000.
			Waterworks By-law 3409 \$48,000.
Yield 5.706%			

The Manager recommended that Council confirm the action of the Municipal Treasurer in making this investment.

7. Investments.

The Manager advised that idle funds of the Corporation have been invested as follows:

<u>Par</u>	<u>Security</u>	<u>Gross Price</u>	<u>Fund</u>
\$125,000.	Govt. of Canada Treasury Bills Due 9 Oct. 1959	\$123,517.50	\$55,000 Waterworks By-law 4006 \$70,000 Drainage By-law 3998
\$100,000.	Govt. of Canada Treasury 25 September 1959	98,824.50	Reserve for Future Debt Retirement \$90,000. Waterworks Bylaw 3409 \$10,000.
Yield 5.02%			

recommending that Council confirm the action of the Municipal Treasurer in making these investments.

Moved by Councillor McLean, seconded by Councillor Edwards "That the recommendations of the Municipal Manager with respect to each of the above two subjects re investments be adopted."

Carried Unanimously.

8. Re: American Public Health Association Convention.

The Manager submitted a report of the Medical Health Officer on his attendance at the American Public Health Association Conference in San Francisco on June 2nd to 5th inclusive.

Moved by Councillor Mather, seconded by Councillor Frittie "That the report be received."

Carried Unanimously.

9. Re: Conference of B. C. Association of Assessors.

The Manager reported that the 10th Annual Conference of the above Association was being held in Penticton, B.C. on September 9th, 10th and 11th. He recommended that Mr. Greensword, Mr. Mercer and Mr. Mallett of the Assessment Department be authorized to attend this Conference.

Moved by Councillor Brown, seconded by Councillor MacSorley "That the recommendation of the Municipal Manager be adopted."

Carried Unanimously.

REPORT NO. 26 - Municipal Manager (Continued)10. Appointment of Collection Agents.

The Manager reported that the Bank of Nova Scotia has opened branches at 4900 Kingsway and 778 Edmonds Street and since it is the custom of the Corporation to appoint Banks as collection agents for taxes and other Municipal receipts, recommended that these two branches be appointed as collection agents for the Corporation.

Moved by Councillor Mather, seconded by Councillor Prittie "That the recommendation of the Municipal Manager be adopted."

Carried Unanimously.

11. Janitor and Security Service - Municipal Hall, and Janitor Service at the Police Station.

The Manager reported that the contracts for these two buildings are with Modern Building Cleaning Service and that they expired on 15th May 1959. Because the Company was at that time in negotiations with its employees, the terms of the contract were extended to 1st July 1959 in order to permit finalization of these negotiations.

The Manager submitted a comparison of the rates in effect and the rates proposed as follows:

	<u>Present Rates</u>	<u>Proposed Rates</u>
Municipal Hall	\$2,307.00 per month	\$2,374.00 per month
Police Station	676.00 per month	908.00 per month

The Manager further reported that in 1956 an independent study was made to determine the desirability of contracting for this type of work which study revealed the work was highly satisfactory and the contract rates reflected an actual saving over doing the work with Municipal employees. The Manager also reported that it is customary that only a one-year contract be entered into but the Company is prepared to guarantee the new rate for a period of two years, it would be advantageous for the Municipality to accept a two year contract, unless of course, there is an economic trend reversal. The Manager also reported that the increased rates in the proposed new rates cover only the increased labor costs to the Company resulting from their new wage rates. The Manager recommended that Council authorize the renewal of the contracts with Modern Building Cleaners of Canada Limited for a two year period from 1st July 1959 at the following rates:

Municipal Hall - \$2,374.00 per month.
R C M P Building - 908.00 per month.

Moved by Councillor McLean, seconded by Councillor Edwards "That the recommendation of the Municipal Manager be adopted."

Carried Unanimously.

12. Re: Bonsor Park Youth Centre.

The Manager that he had received a letter from the Parks Superintendent in which a request was being made of Council to authorize the granting of the sum of \$4,800.00 to the Youth Centre Completion Committee of the South Burnaby Men's Club for the purpose of assisting them in carrying out the interior work to the caretaker's suite at the Bonsor Park Youth Centre. The Manager reported that he did not concur in the method of providing such a grant as it in effect makes a granting body out of a group receiving its funds for its operations through a vote of Council and, in addition, because public funds are being turned over to another organization without commitment for accounting or protection against such monies being used for purposes other than those for which they are granted. The Manager felt however that the precedent has been established and the desired results achieved in the past and since provision was made in the budget for 1959, there would appear to be no further reason why Council should not authorize the request of the Parks and Recreation Commission.

Moved by Councillor Brown, Seconded by Councillor Prittie: "That the report of the Municipal Manager be concurred in and the sum of \$4,800.00 be made available to the Youth Centre Completion Committee of the South Burnaby Men's Club for the purpose stated above."

CARRIED UNANIMOUSLY

13. Policing Contract

The Manager submitted a form of Policing Contract with the R.C.M.P. for the period June 1, 1959 to May 31, 1960 recommending that Council authorize the execution of this Contract. He pointed out that the Contract has been checked against the existing one and differs only in the number of members of the Force to be employed (56 in 1958/9 and 73 in 1959/60) and in the cost for the period of the Contract.

Moved by Councillor Jamieson, Seconded by Councillor McLean: "That the recommendation of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

14. Estimates of Work.

The Manager submitted estimates for certain special works in the sum total of \$41,210.00 recommending that they be approved.

Moved by Councillor McLean, Seconded by Councillor Mather: "That the recommendation of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

15. Signing Officers for the Corporation

The Manager reported that the retirement of Mr. C. B. Brown necessitates the preparation of a new Resolution covering bankers and signing officers and that his retirement also leaves the Corporation without a signing officer for the non-personal savings account and safety deposit box. He pointed out that one of the new Resolutions designates the Municipal Manager as the alternative signing officer for the Municipal Clerk and that another Resolution permits the Deputy Treasurer as well as the Treasurer to deal with the bank on the matter of acceptance of securities and the receiving of certain documents. The Manager submitted the Resolutions and recommended that Council approve them.

Moved by Councillor MacSorley, Seconded by Councillor Brown: "That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

Moved by Councillor MacSorley, Seconded by Councillor Brown: "That BART McCAFFERTY the Treasurer of the Corporation of the District of Burnaby (hereinafter called the "corporation"), be and is hereby authorized for and on behalf of the corporation to negotiate with, deposit with, or transfer to THE ROYAL BANK OF CANADA (but for credit of the corporation's account only) all or any cheques and other orders for the payment of money, and for the said purpose to endorse the same or any of them on behalf of the corporation either in writing or by rubber stamp.

(2) That all current account cheques of the corporation be drawn in the name of the corporation and be signed on its behalf by A. H. EMMOTT OR THE APPOINTED ACTING REEVE and signed/countersigned by BART McCAFFERTY, TREASURER, OR H. B. KARRAS, DEPUTY TREASURER.

(3) That BART McCAFFERTY, TREASURER, OR H. B. KARRAS, DEPUTY TREASURER be and is/are hereby authorized for and on behalf of the corporation from time to time to receive from the said Bank a statement of the account of the corporation together with all relative vouchers and all unpaid bills lodged for collection by the corporation and all items returned unpaid and charged to the account of the corporation, and to sign and deliver to the said Bank the Bank's form of verification, settlement of balance and release.

(4) That BART McCAFFERTY, TREASURER, OR H. B. KARRAS, DEPUTY TREASURER be and is/are hereby authorized for and on behalf of the corporation to obtain delivery from the said Bank of all or any stocks, bonds and other securities held by the said Bank in safekeeping or otherwise for the account of the corporation and to give valid and binding receipts therefor.

(5) That this resolution be communicated to the said Bank and remain in force until written notice to the contrary shall have been given to the Manager for the time being of the branch of the said Bank at which the account of the corporation is kept, and receipt of such notice duly acknowledged in writing."

CARRIED UNANIMOUSLY

Moved by Councillor MacSorley, Seconded by Councillor Brown: "That BART McCAFFERTY the Treasurer of the CORPORATION OF THE DISTRICT OF BURNABY (hereinafter called the "corporation"), be and is hereby authorized for and on behalf of the corporation to negotiate with, deposit with, or transfer to THE ROYAL BANK OF CANADA (but for credit of the corporation's account only) all or any cheques and other orders for the payment of money, and for the said purpose to endorse the same or any of them on behalf of the corporation either in writing or by rubber stamp.

(2) That all cheques of all Savings Accounts of the corporation be drawn in the name of the corporation and be signed on its behalf by BART McCAFFERTY, TREASURER, or H. B. KARRAS, DEPUTY TREASURER and signed/countersigned by J. H. SHAW, CLERK, or H. W. BALFOUR, MANAGER.

(3) That BART McCAFFERTY, TREASURER, or H. B. KARRAS, DEPUTY TREASURER, be and is/are hereby authorized for and on behalf of the corporation from time to time to receive from the said Bank a statement of the account of the corporation together with all relative vouchers and all unpaid bills lodged for collection by the corporation and all items returned unpaid and charged to the account of the corporation, and to sign and deliver to the said Bank the Bank's form of verification, settlement of balance and release.

(4) That BART McCAFFERTY, TREASURER, or H. B. KARRAS, DEPUTY TREASURER be and is/are hereby authorized for and on behalf of the corporation to obtain delivery from the said Bank of all or any stocks, bonds and other securities held by the said Bank in safekeeping or otherwise for the account of the corporation and to give valid and binding receipts therefor.

(5) That this resolution be communicated to the said Bank and remain in force until written notice to the contrary shall have been given to the Manager for the time being of the branch of the said Bank at which the account of the corporation is kept, and receipt of such notice duly acknowledged in writing."

CARRIED UNANIMOUSLY

Moved by Councillor MacSorley, Seconded by Councillor Brown: "That the said form of Lease and Rules, Regulations and Conditions applicable thereto, be and the same are hereby approved, and that BART McCAFFERTY and/or H. B. KARRAS, together with J. H. SHA/ and/or H. W. BALFOUR be and they are hereby authorized to sign the said agreement and to have access to and control of the contents of such safe deposit box, with full power to each of them to appoint substitutes in their place and stead, and the present resolution shall apply not only to the said safe deposit box but to any other safe deposit box that may be leased by this company, and that the present resolution be communicated to the Bank and remain in force until notice in writing to the contrary be given to the Manager of the Branch of the Bank in which any box is leased and receipt of such notice duly acknowledged in writing."

CARRIED UNANIMOUSLY

16. Subdivision of T. J. Meade involving a portion of Block 4, D.L. 156

The Manager reported verbally that the above noted owns three parcels of land containing approximately two acres at the south-east corner of Patterson Avenue and Carson Street and has filed an application for subdivision. He further reported that it was originally thought that the same arrangement made with respect to the "Boxer" subdivision could be entered into for the current subdivision. He pointed out that the Boxer property abuts the subject land on the east and that at the time of its subdivision, the south 33 feet of Carson Street from McKay Avenue west a distance of 469 feet was cancelled and added to the Boxer holdings in return for his conveying of a road allowance through his property one block south of Carson Street. The Manager pointed out that similar treatment could not be afforded the Meade subdivision because the small remaining portion of Carson Street to be exchanged has, according to Land Registry Office records, never been dedicated for road purposes and instead is a separate parcel of land owned by the Corporation. The Manager reported that due to the unusual circumstances brought about by the non-dedication of the "Carson Street" land, it is not possible to use the road exchange procedure and that, as an alternative, the problem could be resolved by conveying the "Carson Street" property to Mr. Meade for the sum of \$1,000 and by effecting a Land Registry Office filing simultaneously with the Meade subdivision plan. The Manager recommended that this course of action be followed.

Moved by Councillor Edwards, Seconded by Councillor Prittie: "That the recommendation of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

17. Dog Pound

The Manager reported that the B. C. Society for the Prevention of Cruelty to Animals has submitted a brief in which the policy of the Society with respect to Pound By-laws, method of destruction of dogs, and care of dogs impounded is outlined. He also reported that this brief includes a proposal to this Corporation whereby the Society would provide Pound enforcement services for a flat rate of \$7,500.00 per annum plus an annual grant equivalent to the Board fees received during the year and permission to retain for disposal or sale unclaimed dogs. The Manager advised that he construed the words "Board fees" as being collection fees for the boarding of impounded dogs until they are redeemed and since past experience indicates such fees are approximately \$120.00 per month, this would mean a total cost to the Municipality of \$7,500.00 plus 12 times \$120.00 or an aggregate sum of \$6,940.00. The Manager pointed out that the contract with Mr. Alsen which was approved by Council indicates an estimated cost to the Municipality of \$8,460.00 per year and, although both comparative figures are only estimates, the actual cost would depend, in the case of the Society, on the amount of Board fees collected and, in the case of Mr. Alsen, on the number of dogs impounded. The Manager also reported that in its brief, the Society suggests the Poundkeeper should live on the premises and also, when appearing before Council, Mr. Hughes questioned the adequacy of the new Pound. The Manager stated he felt it could be assumed from these two points that the Corporation's present Pound would not be satisfactory to the S.P.C.A. and therefore, a large capital

outlay would be required by the Municipality for another Pound with living quarters. On the matter of destroying dogs by the injection method, the Manager reported that a check with a veterinarian discloses that he would be prepared to issue a certificate as to the adequacy of this method and the competency of Mr. Alsen to perform it. With respect to the controversy regarding the "incentive" method as opposed to the "paid employee" method of dog impoundment, the Manager reported that though it cannot be denied that the incentive method could give rise to complaints if an unscrupulous operator was retained, in the case of Mr. Alsen, it is only a revision of the fees and ostensibly the same basis as he has carried out these duties for many years. He pointed out that it is only the circumstances resulting from his animal hospital having been purchased which has precipitated the new arrangement and that Mr. Alsen has always been paid on the basis of number of dogs impounded. The Manager added that to the best of information available there has been no criticism of his methods or of over-zealousness in his activities and since he is only entitled to impound dogs which contravene the By-law, he has no right to impound an animal. The Manager stated that he felt there could be no justification for criticism of strict enforcement providing there is no accusation of offensive or unfair methods of catching the dogs and, in this connection, he felt the operations of Mr. Alsen had been singularly devoid of criticism. The Manager reported that he could see no reason at this time for changing to the S.F.C.A. for the operation of the Municipal Pound and the collection of animals for impounding. He pointed out that Council has authorized a contract with Mr. Alsen and could possibly be legally liable if the terms of this contract were not carried out, that aside from the legalities, it would appear that the proposal approved by Council should be given a fair trial for a period of one year, following which the situation could be reviewed as to whether a change could be made or the contract renewed. The Manager recommended that no action be taken on the proposal of the S.P.C.A. for a period of one year and that the proposal adopted in his report No. 20 (Item 22) be implemented.

Some discussion ensued as to the wording of the recommendation and it was decided that the words "at this time" be inserted after the word "taken".

Moved by Councillor Brown, Seconded by Councillor Jamieson: "That the recommendation of the Municipal Manager, as amended, be adopted."

CARRIED UNANIMOUSLY

Moved by Councillor Prittie, Seconded by Councillor Jamieson: "That the Committee rise and report."

CARRIED UNANIMOUSLY

Council reconvened.

Moved by Councillor Prittie, Seconded by Councillor Jamieson: "That the report of the Committee be now adopted."

CARRIED UNANIMOUSLY

Moved by Councillor Jamieson, Seconded by Councillor McLean: "That leave be given to introduce

"BURNABY ROAD DEDICATION BY-LAW NO. 2, 1959"

"BURNABY LOCAL IMPROVEMENT CONSTRUCTION BY-LAW NO. 3, 1958, AMENDMENT BY-LAW, 1959"

"BURNABY ROAD DEDICATION BY-LAW NO. 3, 1959"

"BURNABY EXPROPRIATION BY-LAW, 1959"

"BURNABY LAND ACQUISITION BY-LAW NO. 2, 1959"

and that they be read a First Time."

CARRIED UNANIMOUSLY

Moved by Councillor Jamieson, Seconded by Councillor McLean: "That the By-laws be read a Second Time."

CARRIED UNANIMOUSLY

Moved by Councillor Jamieson, Seconded by Councillor McLean: "That the Council go into Committee of the Whole with the Reeve in the Chair to consider the By-laws."

CARRIED UNANIMOUSLY

Moved by Councillor Jamieson, Seconded by Councillor McLean: "That the Committee rise and report the By-laws complete without amendment."

CARRIED UNANIMOUSLY

The Council reconvened.

Moved by Councillor Jamieson, Seconded by Councillor McLean: "That the report of the Committee be adopted."

CARRIED UNANIMOUSLY

Moved by Councillor Jamieson, Seconded by Councillor McLean: "That

"BURNABY ROAD DEDICATION BY-LAW NO. 2, 1959"

"BURNABY LOCAL IMPROVEMENT CONSTRUCTION BY-LAW NO. 3, 1958, AMENDMENT BY-LAW, 1959"

"BURNABY ROAD DEDICATION BY-LAW NO. 3, 1959"

"BURNABY EXPROPRIATION BY-LAW, 1959"

"BURNABY LAND ACQUISITION BY-LAW NO. 2, 1959"

be now read a Third Time."

CARRIED UNANIMOUSLY

Moved by Councillor Mather, Seconded by Councillor MacSorley: "That

"BURNABY CENTRAL PARK LEASE BY-LAW, 1959"

"BURNABY TOWN PLANNING BY-LAW, 1948, AMENDMENT BY-LAW NO. 7, 1959"

be now reconsidered."

CARRIED UNANIMOUSLY

Moved by Councillor Mather, Seconded by Councillor Jamieson: "That

"BURNABY CENTRAL PARK LEASE BY-LAW, 1959"

"BURNABY TOWN PLANNING BY-LAW, 1948, AMENDMENT BY-LAW NO. 7, 1959"

be now finally adopted and signed by the Reeve and Clerk and that the Corporate Seal be affixed thereto."

CARRIED UNANIMOUSLY

Moved by Councillor McLean, Seconded by Councillor Edwards: "That Council now resolve itself into Committee of the Whole."

CARRIED UNANIMOUSLY

The following Resolutions proposed to be presented to the U.B.C.M. Convention were submitted for discussion by Council:

(1) RESOLVED THAT Section 2 of the Municipal Act be amended by striking out the definition of "regulating" and substituting therefor the following:

"Regulating" includes authorizing, controlling, inspecting, limiting, restricting and prohibiting.

(This is the definition of "regulating" contained in the Vancouver Charter.)

Moved by Councillor Jamieson, Seconded by Councillor Brown: "That this resolution be approved."

CARRIED
COUNCILLOR EDWARDS
ABSTAINING AND
COUNCILLOR MATHER
AGAINST.

(2) RESOLVED THAT subsection (1) of Section 462 of the Municipal Act be amended by striking out the words "by by-law" in the first line thereof.
(This amendment would enable Council to acquire lands by by-law or resolution. Council now enjoys the right to dispose of lands by by-law or resolution.)

Moved by Councillor Frittie, Seconded by Councillor McLean: "That this resolution be approved."

CARRIED
COUNCILLORS MATHER
AND EDWARDS AGAINST

- (3) RESOLVED THAT Section 483 of the Municipal Act be amended by adding thereto the following:

"and upon such filing the said real property or the estate or interest therein more particularly defined in the by-law shall be vested in the municipality."

(This amendment would vest title to expropriated lands forthwith in the municipality upon filing a certified copy of the by-law in the Land Registry Office.)

Moved by Councillor Jamieson, Seconded by Councillor McLean: "That this resolution be approved."

CARRIED
COUNCILLOR EDWARDS AGAINST

- (4) RESOLVED THAT subsection (1) of Section 699 of the Municipal Act be amended by adding thereto the following as clause (e) :

"Designate specific lands

(1) for streets, lanes or other public thoroughfares and for the widening of streets, lanes and other public thoroughfares.

(ii) for parks, schools, public buildings, parking lots and other public purposes.

(iii) for development or redevelopment of a whole area."

(This amendment would restore a power contained in the old Town Planning Act and in 1959 incorporated in the Vancouver Charter).

Moved by Councillor Brown, Seconded by Councillor MacSorley: "That this resolution be deleted."

CARRIED UNANIMOUSLY

- (5) RESOLVED THAT Section 700 of the Municipal Act be amended by adding thereto the following as subsection (b):

"The Council may as a condition of rezoning any real property require the owner thereof to enter into an agreement with the municipality containing such terms as Council may prescribe respecting the use and development of the said real property and the provision therefor of public utilities or other municipal works or services, and such agreement may be registered in the Land Registry Office as a charge against the said real property notwithstanding anything in the Land Registry Act contained.

(This amendment would enable Council to rezone real property upon the owner meeting certain conditions)

Moved by Councillor McLean, Seconded by Councillor Prittie: "That this resolution be approved."

CARRIED
COUNCILLORS MATHER, EDWARDS
AND MACSORLEY AGAINST

- (6) RESOLVED THAT Section 735 of the Municipal Act be repealed and the following substituted:

"All actions against any municipality of any kind whatsoever shall be commenced within six months after the cause of action shall have first arisen."

Moved by Councillor McLean, Seconded by Councillor Jamieson: "That this resolution be approved."

IN FAVOUR - REEVE EMMOTT,
COUNCILLORS JAMIESON,
MACSORLEY, McLEAN
AGAINST - COUNCILLORS
PRITTIE, BROWN, MATHER AND
EDWARDS
-MOTION DEFEATED -

- (7) RESOLVED THAT Section 736 of the Municipal Act be repealed and the following substituted:

"The Municipality is in no case liable for damages unless notice in writing setting forth the time, place and manner in which such damage has been sustained, shall be left and filed with the Clerk of the Municipality within 15 days from and after the date on which such damage was first sustained: Provided that in case of the death of a person injured the want of a notice required by this section is not a bar to the maintenance of the action. The want or insufficiency of the notice

required by this section is not a bar to the maintenance of an action if the Court or Judge before whom such action is tried, or, in case of appeal, the Court of Appeal, is of opinion that there was reasonable excuse for the want or insufficiency and that the defendant has not been thereby prejudiced in its defence."

Moved by Councillor Jamieson, Seconded by Councillor McLean: "That this resolution be approved."

CARRIED
COUNCILLORS MacSORLEY,
EDWARDS AND MATHER
AGAINST.

(8) RESOLVED THAT the Municipal Act be amended by adding the following as section 704 A:

(a) For regulating the use of land with respect to location, design, and construction of buildings, and for prohibiting the erection or occupation of any building or the use of land unless due provision is made for public safety and amenity, sanitary facilities, water-supply, drainage, and other works and facilities in accordance with the provisions for the time being in force by by-law:

(b) For providing for the issue of a permit (to be known as a "development permit"), and for prohibiting the development of any land or the addition to or alteration of or change in the use of any building without such permit. Upon the passing of such a by-law, the granting of a building permit for the construction or alteration of any building shall be conditional upon previously obtaining a development permit. Such development permit may be limited in time and may be subject to such conditions as the Council may prescribe. Any such by-law shall provide for the giving of such notice as the Council may deem proper:

(c) For appointing a Technical Planning Board to which the Council may delegate all or any of the powers exercisable by it under this clause:

(d) For providing for the relaxation of any provision of any zoning by-law or of any by-law prescribing requirements for dwellings, in any case where literal enforcement would result in unnecessary hardship, or would not, in the opinion of the Council be in the best interests of the municipality. Such relaxation may be limited in time and may be subject to such conditions as the Council may prescribe:

(e) An appeal under section 706 of the Municipal Act shall lie by any person who is dissatisfied by any exercise of the powers by this clause conferred, and, for the purpose of such appeal, any exercise of such powers shall be deemed to be a zoning by-law:

(f) Property shall not be deemed to be taken or injuriously affected by reason of the exercise of any of the powers by this clause conferred:

(This amendment would enable Council to more effectively control zoning.)

Moved by Councillor McLean, Seconded by Councillor Prittie: "That this resolution be approved."

CARRIED
COUNCILLOR EDWARDS AGAINST

(9) RESOLVED THAT Section 17 of the Cemetery Companies Act be repealed and the following substituted:

"Every company shall, free of charge, inter within its cemetery the bodies or remains of strangers and of persons of all denominations subject, in the latter case, to the production of a certificate of a minister or clergyman of the denomination to which the deceased belonged, or the mayor or reeve or clerk of the municipality where the deceased resided or of a justice of the peace, that the deceased's next of kin having by law a duty to bury the said deceased, are poor and cannot afford the purchase of a lot in the cemetery."

Moved by Councillor Brown, Seconded by Councillor Prittie: "That this resolution be approved."

CARRIED UNANIMOUSLY

(10) WHEREAS Section 225 (1) of the Municipal Act provides that:

"The persons entitled to vote on a by-law, submission or question are subject to any restrictions in this Act contained those persons whose names appear on the last certified list of electors."

AND WHEREAS no provision is made for updating the list of electors where a by-law, submission or question is placed before the electors generally, or on a district basis, at a time other than the general election.

AND WHEREAS those persons who qualify as owner-electors, after certification of the list of electors for a particular year, are barred from voting on by-laws or other submissions requiring assent of the owner-electors.

AND WHEREAS votes taken on such by-laws or important submissions are generally of vital concern to the property owners affected.

AND WHEREAS the subject legislation imposes an unjust curb on those persons who qualify as owner-electors after certification of the list of electors.

THEREFORE BE IT RESOLVED THAT the Union of British Columbia Municipalities make representations to the Government to amend the Municipal Act to provide that persons entitled to vote on by-laws or other submissions requiring the assent of the owner-electors shall be such persons who qualify as owner-electors for one month immediately preceding the date of voting.

Moved by Councillor Jamieson, Seconded by Councillor Brown: "That this resolution be approved."

CARRIED UNANIMOUSLY

Moved by Councillor Edwards, Seconded by Councillor Jamieson: "That the Committee now rise and report."

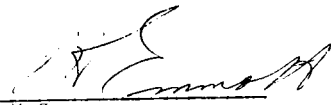
CARRIED UNANIMOUSLY

Moved by Councillor McLean, Seconded by Councillor Brown: "That the report of the Committee be adopted."

CARRIED UNANIMOUSLY

The meeting then adjourned.

Confirmed:



R E E V E



C L E R K