

JULY 9, 1959

An Adjourned meeting of the Council was held on July 9, 1959 at 2:00 p.m. in the Committee Room, Municipal Hall, 4545 East Grandview-Douglas Highway, Burnaby, B. C.

PRESENT: His Worship Reeve Emmott in the Chair;
Councillors Mather, MacSorley, Jamieson,
Seifner, Edwards

Moved by Councillor Mather, Seconded by Councillor Seifner: "That Items 2, 3, 4 and 5 of the Agenda be dealt with first."

CARRIED UNANIMOUSLY

Moved by Councillor Mather, Seconded by Councillor Seifner: "That "BURNABY ROAD ACQUISITION AND DEDICATION BY-LAW NO. 3, 1959" and "BURNABY TOWN PLANNING BY-LAW, 1948 AMENDMENT BY-LAW NO. 6, 1959" be now reconsidered."

CARRIED UNANIMOUSLY

Moved by Councillor Mather, Seconded by Councillor Seifner: "That "BURNABY ROAD ACQUISITION AND DEDICATION BY-LAW NO. 3, 1959" and "BURNABY TOWN PLANNING BY-LAW 1948, AMENDMENT BY-LAW NO. 6, 1959" be now finally adopted, signed by the Reeve and Clerk and the Corporate Seal be affixed thereto."

CARRIED UNANIMOUSLY

Moved by Councillor Jamieson, Seconded by Councillor Seifner: "That "BURNABY TOWN PLANNING BY-LAW 1948, AMENDMENT BY-LAW NO. 7, 1959" be now read a First Time."

CARRIED UNANIMOUSLY

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

CARRIED UNANIMOUSLY

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

CARRIED UNANIMOUSLY

The following rezoning contained in the Amending Town Planning By-law was considered in view of the strong petition received from residential abutting owners:

FROM RESIDENTIAL TWO-FAMILY TO COMMERCIAL

All that area bounded by Balmoral Street east property lines of Lots 5 and 8, S.D. "C", Blocks 2/3, D.L. 96N, Plan 1349, Kingsway and Colborne Avenue, save and except the north 20 feet thereof and those portions presently zoned "Commercial"

The Director of Planning explained that this rezoning was the subject of two applications and that it was the intention of one applicant to commence a trailer sales business on the eastern most portion of the site. It was suggested the property could be utilized for Commercial purposes under its present zoning, i.e. 125 feet perpendicular from the Kingsway frontage and that the rear portions could remain zoned residentially and thus protect the amenities of the complaining residents on Balmoral and Elwell Streets.

Moved by Councillor Jamieson, Seconded by Councillor Seifner: "That this rezoning be deleted from the By-law and tabled for further consideration and the Director of Planning be requested to further discuss development plans with the applicants."

CARRIED UNANIMOUSLY

Moved by Councillor Jamieson, Seconded by Councillor Seifner: "That the Committee do now rise and report the By-law complete as amended."

CARRIED UNANIMOUSLY

Council reconvened.

Moved by Councillor Jamieson, Seconded by Councillor Seifner: "That the recommendation of the Committee be adopted."

CARRIED UNANIMOUSLY

Moved by Councillor Jamieson, Seconded by Councillor Seifner: "That "BURNABY TOWN PLANNING BY-LAW 1948, AMENDMENT BY-LAW NO. 7, 1959" be now read a Third Time."

CARRIED UNANIMOUSLY

Moved by Councillor MacSorley, Seconded by Councillor Jamieson: "That leave be given to introduce "BURNABY CENTRAL PARK LEASE BY-LAW, 1959" and that it be read a First Time."

CARRIED UNANIMOUSLY

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

CARRIED UNANIMOUSLY

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

CARRIED UNANIMOUSLY

Moved by Councillor MacSorley, Seconded by Councillor Brown: "That the Committee do now rise and report the "BURNABY CENTRAL PARK LEASE BY-LAW, 1959" complete without amendment."

CARRIED UNANIMOUSLY

The Council reconvened.

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

CARRIED UNANIMOUSLY

Moved by Councillor MacSorley, Seconded by Councillor Brown: "That "BURNABY CENTRAL PARK LEASE BY-LAW, 1959" be now read a Third Time."

CARRIED UNANIMOUSLY

Resolutions for submission to the Union of B. C. Municipalities Convention in September, 1959 were considered as follows:

"WHEREAS the Land Registrar at one time was the authority on subdivision matters; and WHEREAS over a period of years the responsibility for securing a desirable pattern of subdivision and the conditions of servicing and so forth that have to be met by subdividers has been transferred from the Registrar's Office to the office of the Approving Officer with the Council's of the Municipalities exercising control by the adoption of Subdivision Control By-laws and WHEREAS the Registrar is still left with sole authority for the cancellation of plans with possible detriment to Planning objective and public works of the municipalities THEREFORE BE IT RESOLVED that the Provincial Government be asked to amend the Plans Cancellation Act by the inclusion of a new section as Section 14A:

"No plan of subdivision may be cancelled or amended, in whole or in part, without the consent in writing of the Approving Officer of the Municipality in which the lands covered by the plan or part of the plan proposed to be cancelled or amended are situate."

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

CARRIED UNANIMOUSLY

"WHEREAS Section 69 of the Land Registration Act requires that where a subdivision plan deals with lands in the municipality, it shall be tendered to the Clerk of the Municipality for examination and approval by the Approving Officer, and shall be accompanied by an examination fee of \$2.00 etc. and WHEREAS a great deal of time must be expended by members of the municipal staff in dealing with such applications at the expense of the taxpayer THEREFORE BE IT RESOLVED that the Department of Municipal Affairs be asked to provide legislation permitting the municipality to make a further charge over and above the examination fee as reimbursement for time and expense of the municipality in servicing the application for subdivision."

Reeve Emmott vacated the Chair and was replaced by Acting Reeve Mather.

Moved by Reeve Emmott, Seconded by Councillor MacSorley: "That this resolution be rejected."

CARRIED UNANIMOUSLY

"WHEREAS Division 3 of Part 21 of the Municipal Act makes no reference to charging of fees for rezoning applications and
 WHEREAS a considerable amount of time is spent by Municipal Officials in servicing such rezoning applications and
 WHEREAS section 700 of the Municipal Act requires advertising of intention to rezone
 THEREFORE BE IT RESOLVED that the Department of Municipal Affairs be requested to amend the Municipal Act to permit municipalities to make a charge for rezoning applications and to recover advertising costs from the applicants.

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

CARRIED
 AGAINST: COUNCILLOR
 JAMIESON

His Worship, Reeve Emmott resumed the Chair.

"WHEREAS an interpretation of Sections 612 and 613 of the Municipal Act requires that local improvement charges be levied against exempt property but that such charges be paid by the municipality, and
 WHEREAS it is considered that local improvement charges on exempt property should not be borne by the public-at-large but by the owners of the exempt property, and
 WHEREAS the Vancouver Charter, Section 504 reads as follows:

"Every parcel of real property which is exempt from real property taxation under Part XX, except Crown lands and real property vested in the City (otherwise than by purchase at a tax-sale), shall nevertheless be liable to be specially assessed and to be taxed under this Part. The right or interest of an occupier of Crown lands shall be so liable."

THEREFORE BE IT RESOLVED that the Provincial Government be requested to amend the Municipal Act to make the same provision for other municipalities in the Province as is available to the City of Vancouver by Section 504 of the Vancouver Charter.

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

CARRIED UNANIMOUSLY

His Worship the Reeve reported on a public meeting held in the Vancouver Heights area to consider protests against the installation of a 60 K.V. power line by the B. C. Electric Company. A representative of the Company was present and explained the position and the plans of the Company and the position of the Municipality and those steps taken to locate a route for the power line with the least possible objection to residential properties was explained by the Reeve. The Vancouver Heights Ratepayers Association requested that a public hearing be held before the Public Utilities Commission and July 20th was the date set by the Commission for such hearing. In the meantime, instructions were issued to the Company to stop work on the installation. His Worship the Reeve suggested the Council should make representations at the hearing and requested authority to draw and present a brief.

Moved by Councillor Brown, Seconded by Councillor MacSorley: "That the report of the Reeve be received and authority be granted to the Reeve to prepare a brief and represent this Corporation at the Public Hearing."

Reeve Emmott vacated the Chair and was replaced by Councillor Mather

CARRIED UNANIMOUSLY

His Worship the Reeve reported on an approach made by Mr. Murphy, representative of a firm interested in locating a series of Litter containers in the Burnaby area. This firm were distributors of such containers in other areas in the Lower Mainland. Prior considerations were given to a similar proposition whereby the distributor would be required to pay a \$5.00 fee for each container. However, the Murphy Company was not prepared to pay this fee. The containers would carry advertising space from which the distributors derived their revenue. His Worship the Reeve submitted that the Manager considered this to be worthy of approval and recommended a contract be drawn up permitting the Murphy Company to instal containers in Burnaby subject to suitable arrangements for cancellation of the contract being made.

Moved by Reeve Emmott, Seconded by Councillor Brown: "That the proposal of the Murphy interests to locate Litter containers throughout Burnaby be approved in principle and that the Manager be authorized to draw the required contract for formal execution by the Council."

CARRIED UNANIMOUSLY

Reeve Emmott resumed the Chair.

The Municipal Clerk requested clarification of the intent of the resolution adopted at the meeting held July 6th with regard to the filing of a Statutory Declaration following certification of the List of Electors by those persons who were duly qualified and who had been omitted from the List of Electors. It was suggested that the filing of a Statutory Declaration could become cumbersome and that it would perhaps be better to press for a revival of the former provision whereby a Certificate was issued by the Returning Officer to those persons deleted from the list through manifest error.

Moved by Councillor Edwards, Seconded by Councillor MacSorley: "That the resolution passed at the meeting held July 6, 1959 adopting this resolution be rescinded."

CARRIED UNANIMOUSLY

Moved by Councillor Edwards, Seconded by Councillor MacSorley: "That a new resolution be drawn for submission to the U.B.C.M. Convention providing that a manifest error involving the omission of a qualified elector's name from the List of Electors may be corrected by Certificate of the Municipal Clerk, Returning Officer or Municipal Assessor."

CARRIED UNANIMOUSLY

2 The Council resolved into a Committee of the Whole at 4:10 p.m. to consider further the Kingsway - Central Park Line District Planning Report dated March 25, 1959. Purpose of the Committee of the Whole meeting was to consider further the objections raised to the general plan and in this connection a proposal to consider the impact of the proposed rezonings in area sections was advanced.

Moved by Councillor Mather, Seconded by Councillor MacSorley: "That discussion on the report be on the basis of its application to the entire area."

CARRIED
AGAINST: COUNCILLOR
JAMIESON

Considerable discussion followed on the effect of the proposed rezonings upon property owners within the general area due to retroactive nature of the plan, the result of Council approval in principle to the plan and the supporting evidence presented by the Planning Department.

Moved by Councillor Edwards, Seconded by Councillor MacSorley: "That in view of the availability of insufficient evidence the Council cannot at this time adopt the plan in principle."

Moved by Councillor Jamieson, Seconded by Councillor Mather: "That the main motion be tabled pending a field trip through the area by the Council with Planning Department representatives."

IN FAVOUR: COUNCILLORS
JAMIESON AND MATHER
AGAINST: COUNCILLORS
BROWN, MACSORLEY AND
EDWARDS
TABLING MOTION LOST

A vote was then taken on the main motion with the following results

IN FAVOUR: REEVE EMMOTT
COUNCILLORS MACSORLEY
AND EDWARDS
AGAINST: COUNCILLORS
JAMIESON, BROWN AND
MATHER
MOTION NEGATIVED

The Reeve vacated the Chair and was replaced by Acting Reeve Mather.

Moved by Reeve Emmott, Seconded by Councillor Brown: "That approval be granted to the plan in principle with the exception of that area proposed for change bounded on the west by the east boundary of the lane east of Palm Avenue and the said boundary projected to Kingsway, on the north by Kingsway, on the east by the west boundary of Block 9, D.L. 96, Plan 950 (south Burnaby High School Site) on the south by the B. C. Electric Central Park main line and Spur Line rights-of-way."

MOTION CARRIED
COUNCILLOR EDWARDS
OPPOSED

REPORT NO. 27, 1957 -

The Executive Assistant to the Municipal Manager reported verbally on tenders received for the purchase of two Graders, pointing out that two lowest bids from Aveling -Barford and Austin-Western were not recommended since these machines did not comply with the specification. It was also submitted that considerable consideration had been given machines equipped with torque converters but that the additional expenditure involved amounting to \$6,125.70 for the lowest bid in this class was not considered justified. It was recommended that bids received for two Adams Graders with standard transmission be accepted for the sum of \$37,301.25.

Moved by Councillor MacSorley, Seconded by Councillor Jamieson: "That the recommendation of the Executive Assistant be adopted."

CARRIED UNANIMOUSLY

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

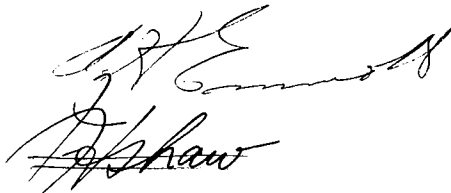
CARRIED UNANIMOUSLY

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

CARRIED UNANIMOUSLY

The meeting then adjourned.

Confirmed:


 REEVE


 CLERK