

OCTOBER 5, 1970

A regular meeting of the Municipal Council was held in the Council Chambers, Municipal Hall, 4949 Canada Way, Burnaby 2, B. C. on Monday, October 5, 1970 at 7:00 p.m.

PRESENT: His Worship, Mayor Prittie, in the Chair;
Aldermen Blair, Clark, Dailly, Drummond,
Herd, Ladner, Mercier and McLean;

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN HERD:
"That the Minutes of the meeting held on September 28, 1970 be adopted as written and confirmed."

CARRIED UNANIMOUSLY

HIS WORSHIP, MAYOR PRITTIE, then proclaimed the period between October 4th and 14, 1970 as Fire Prevention Week.

He also mentioned that Mr. Taylor of the Columbian had drawn attention to National Newspaper Week.

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D E L E G A T I O N

Manager, Burnaby Chamber of Commerce, wrote requesting an audience with Council for the purpose of presenting a Brief in connection with proposed noise control regulations.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN DRUMMOND:
"That a delegate from the Burnaby Chamber of Commerce be heard."

CARRIED UNANIMOUSLY

Mr. Angus J. Macdonald, the Manager of the Chamber, appeared and presented the Brief mentioned in his letter.

The following were the recommendations contained in the Brief:

- (a) That "day time" be defined as those hours between 7:00 a.m. and 11:00 p.m.
- (b) That "night time" be defined as those hours between 11:00 p.m. and 7:00 a.m.

- (c) That residential areas include multiple family areas.
- (d) That the method of measuring sound either be included in the By-law or added as an appendix.
- (e) That care be taken to ensure that the tenant and not the owner of property is responsible for noise emanating therefrom.
- (f) That, if noises are to be controlled other than by a decibal level, there be a clear and concise definition as to which noises should be controlled rather than a broad one.
- (g) That the regulations proposed apply to municipal services, except those of an emergency nature.
- (h) That some indication of the levels to be allowed under permit be indicated in the By-law.
- (i) That "in-plant" public address systems be allowed no matter what wattage is necessary.
- (j) That it be provided that no industrial or commercial operation shall produce a continuous sound level greater than 65 dBA during the day and 55 dBA at night, measured at the property line, and that continuous process industries be exempted from the night time prohibitions of the By-law.
- (k) That measurement of intermittent sound also be at the property line and the same comments made earlier pertaining to permits apply.
- (l) That no regulations be introduced governing noise from motor vehicles; rather, the Council make common cause with other municipalities and interested organizations in urging the Provincial Government to take action on such matters.
- (m) That the proposal Council received from its Noise Control Committee be referred back to that Commttee for further research.

Mr. Macdonald also elaborated on some of the points made in the submission from the Chamber.

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN DAILLY:
"That the Brief submitted this evening by the spokesman for the Burnaby Chamber of Commerce be referred to the Noise Pollution Committee for consideration in conjunction with its study of other material pertaining to the subject of enacting legislation designed to control noise emissions."

CARRIED UNANIMOUSLY

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ORIGINAL COMMUNICATIONS

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN MERCIER:
"That all of the below listed Original Communications be received."

CARRIED UNANIMOUSLY

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Secretary, Parks and Recreation Commission, wrote requesting an early audience with Council to discuss "pay as you go" financing for major capital projects.

It was agreed by Council to meet with the Parks and Recreation Commission at a time to be selected by His Worship, Mayor Prittie.

Secretary, Advisory Planning Commission, submitted a letter:

- (a) indicating that it was not possible for the Advisory Planning Commission to appoint a representative to attend the Annual Planning Conference of the Community Planning Association of Canada in Winnipeg between September 27th and October 1, 1970.
- (b) conveying the appreciation of the Chairman of the Commission for the opportunity afforded a representative of the Commission to attend the Conference.

Chairman, Co-Ordinating Committee of the Hungarian Organizations in Vancouver and Vicinity, submitted a letter requesting that Council proclaim October 23rd as Hungarian Day and arrange to fly the Hungarian flag at the Municipal Hall.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN McLEAN:
"That no action be taken on the requests of the Co-ordinating Committee of the Hungarian Organizations in Vancouver and Vicinity because it is contrary to the policy of the Corporation to become involved in, and formally recognize, situations having International significance inasmuch as it is felt the role of Council is one of governing the citizens of the municipality."

CARRIED UNANIMOUSLY

Mr. Lawrence Donelan wrote to indicate that he was not prepared to accept the action taken by Council on September 8th to make no changes in the present status of 10th Avenue insofar as truck traffic on the street is concerned.

Mr. Donelan also drew attention to the noise nuisance caused by trucks using 10th Avenue.

It was understood by Council that the Municipal Clerk would, in acknowledging the letter from Mr. Donelan, inform him that the municipality currently does not have the legislation required to control emissions of noise but it is hoped a By-law designed to control such nuisances will soon be enacted.

Mr. H. L. McDonald submitted a letter in which he lodged a complaint concerning the occupancy being made of a home at 6456 McKay Avenue and the general appearance of, and activities being carried on, the property.

Municipal Engineer informed Council that the Municipal Manager had received some reports from the Departments which investigated the complaint from Mr. McDonald but had not had the opportunity of presenting them to Council.

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MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN McLEAN:
"That, in view of the statement by the Municipal Engineer, the Manager submit a report as soon as possible containing the results of the investigations made by the various departments involved with the complaint from Mr. McDonald."

CARRIED UNANIMOUSLY

Mrs. Evelyn Wood wrote to draw attention to a fence which has been erected by the occupier of property known as 8669 - 12th Avenue that she regards as constituting a hazard for children in the area because of the view obstruction the fence causes.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN LADNER:
"That Item (1) of the Municipal Manager's Report No.57, 1970, which deals with the subject of the letter from Mrs. Wood, be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

The following is the substance of the report from the Manager:

(1) 8669 - 12th Avenue

The Chief Building Inspector has had the fence mentioned by Mrs. Wood in her letter examined and measured in detail, and it has been found that the fence conforms with the height regulations set out in Section 6.14 of the Zoning By-law.

In view of the fact there is no breach of a Municipal By-law in the erection of the fence, the Corporation has no grounds on which to take any action.

It would appear to be a matter of co-operation between neighbours to take care of a situation which, although legal in all respects, at the same time creates a difficult condition for one of the two parties concerned.

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN BLAIR:
"That the complaint from Mrs. Wood be referred to the Traffic Safety Committee to determine whether any action can be taken by the municipality to minimize or eliminate the hazard she feels exists, with the Committee considering the question of designating the lane at the rear of the 8600 Block - 12th Avenue for one-way traffic movement only as a means of overcoming the hazardous situation in question."

CARRIED UNANIMOUSLY

S. D. and A. I. McKillop wrote to request that an investigation be made of a situation concerning the proposed positioning of a home on property known as 5020 Boundary Road plus activities being conducted on the property by the owner of it.

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Municipal Engineer stated that the Departments involved with the situation described in the letter from Mr. and Mrs. McKillop had completed their investigations but the Municipal Manager had not had an opportunity to forward their reports to Council.

MOVED BY ALDERMAN DAILLY, SECONDED BY ALDERMAN BLAIR:

"That action on the complaint from Mr. and Mrs. McKillop be deferred until the October 13th meeting in the expectation that the Municipal Manager will have a report on the matter at that time."

CARRIED UNANIMOUSLY

Mrs. Sylvia Clarke submitted a letter expressing concern regarding the lack of control over noise nuisances.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN DAILLY:

"That the letter from Mrs. Clarke be referred to the Noise Pollution Committee for attention."

CARRIED UNANIMOUSLY

Secretary, Lower Mainland Municipal Association, submitted a circular advance notice of a November 19, 1970 meeting of the Association in Chilliwack.

Secretary, Richmond Anti-Pollution Association, forwarded a submission apprising Council of the situation at the moment in regard to the attempt being made by the Association in having a comprehensive, inter-disciplinary study made of the Lower Fraser River.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN McLEAN:

"That the material from the Association be referred to the Pollution Committee for information."

CARRIED UNANIMOUSLY

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TABLED ITEMS

The following matters were then lifted from the table:

(a) Swangard Stadium

Alderman Ladner stated that he had still not been able to obtain the additional information he was seeking in connection with the matter of booking procedures at Swangard Stadium.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN BLAIR:

"That the subject at hand be retabled until the October 13th meeting."

CARRIED UNANIMOUSLY

(b) Defunct C.N.R. Crossing

Municipal Engineer advised that he has still not received a letter from Dillingham Corporation Canada Ltd. (Vancouver Pile Division) explaining the method intended to be used by the Company in executing detonations necessary to complete the demolition of the defunct C.N.R. Crossing.

He also commented that the next series of blasts in demolishing the crossing were not due for about 10 days.

The view was expressed in Council that, since Council will not meet again until October 13th and if the Company did not provide the Municipal Engineer with the letter being sought before that meeting, it was possible detonations would be made before Council was in a position to take positive action to prevent such blastings.

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN MERCIER:

"That the Municipal Solicitor take appropriate action to restrain Dillingham Corporation Canada Ltd. (Vancouver Pile Division) from doing any more blasting of the defunct C.N.R. Crossing until written assurance is received that the Company will commit itself to the assurances which were given verbally to the Municipal Engineer in connection with the matter about two weeks ago."

CARRIED UNANIMOUSLY

(c) Proposed Noise By-law

MOVED BY ALDERMAN DRUMMOND, SECONDED BY ALDERMAN CLARK:

"That the reports which Council have received from the Noise Pollution Committee and the Municipal Solicitor pertaining to proposed noise control regulations be referred to the Municipal Manager for the purpose of ensuring that all Departments connected with the matter collaborate in the preparation of a By-law under the provisions of Section 870 of the Municipal Act and, if that legislation is not regarded as being adequate or suitable, then an indication be provided as to the manner the Municipal Act would need to be amended to accommodate the type of legislation Council desires."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN HERD:

"WHEREAS the Provincial Attorney-General's Office has, for many years, advocated a phasing-out of Qakalla Prison;

AND WHEREAS the early development of Burnaby's North-South arterials, as well as local park development on the West end of Deer Lake, is dependent on this phasing-out;

AND WHEREAS the continuance of a Prison and its related inmate problems in the heart of a densely populated residential area is incongruous;

AND WHEREAS the Federal Prison in Matsqui is almost vacant and could be abandoned in favour of the consolidation of inmates in Eastern institutions;

AND WHEREAS the Freeway provides easy access to all the Courts of the Lower Mainland communities within a short period of time;

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THEREFORE BE IT RESOLVED that this Council request that the Provincial Attorney-General confer with the Federal penal authorities to examine the possible transfer of inmates from Oakalla to Matsqui and accelerate the phasing-out of Oakalla."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN MERCIER:
"That the Council now resolve itself into a Committee of the whole."

CARRIED UNANIMOUSLY

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QUESTION AND ANSWER PERIOD

As a result of Alderman Mercier enquiring, the Municipal Manager was directed to return his report dealing with financing for sanitary sewers for consideration at the October 19, 1970 Council meeting.

* * *

Alderman Mercier suggested that the Municipal Solicitor should submit an opinion on the legality of whether the taxpayers of Burnaby are obliged to assume Burnaby's share of the cost of operating the Douglas College inasmuch as the plebiscite which was held on the question of Regional Colleges contained no approval to commit the taxpayers to any expenditures.

Alderman Mercier was directed by Council to present his suggestion in written form.

* * *

When Alderman McLean enquired as to the progress being made in connection with the Urban Renewal Programme for the 3800 and 3900 Blocks Hastings Street, the Planning Director stated that the tender call for proposals to redevelop the area were being issued within the next two weeks.

He pointed out that the scheme envisaged is a combination of commercial and multiple family development.

* * *

R E P O R T S

MUNICIPAL CLERK submitted a Certificate of Sufficiency covering the paving of the following lanes:

- (a) McGill Street - Eton Street lane from McDonald Avenue to W.P.L. Lot 6, Block 26, D.L. 186, Plan 1124
- (b) Lane Section between Buchanan Street and Park - Crest Drive West of Woolwich Avenue
- (c) Lane North of Bevan Street from Stride Avenue to 15th Avenue

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His Certificate indicated that sufficient objections were received against the paving of the lane mentioned under (a) above so Council was estopped from doing this work.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN McLEAN:
"That the Clerk's Certificate of Sufficiency be received and Local Improvement Construction By-laws be prepared for the two surviving projects indicated in the Certificate."

CARRIED UNANIMOUSLY

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The Special Committee investigating the problems created by the operations of Inter-City Express (1955) Ltd. at 7976 Winston Street submitted a report advising that a meeting was held on September 30th and was attended by representatives of the residents of the Winlake Area and the Company concerned.

The Committee recommended that Council direct that, effective immediately, all applications for Preliminary Plan Approval for development in the area of concern be first referred to Council for a decision as to the suitability of the proposed developments in relation to the adjacent residential areas.

The Committee pointed out that positive recommendations would be submitted in the near future as soon as more detailed costing information, etc. is available on suggested alternatives.

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN McLEAN:
"That the recommendation of the Committee be adopted."

CARRIED UNANIMOUSLY

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ELECTION PROCEDURES COMMITTEE submitted a report indicating the following results from the establishment of registration booths for Resident-Electors:

- (a) Booths were established at Gilmore Avenue School, the Brentwood Shopping Centre, the Lougheed Mall, Simpsons-Sears and the Burnaby Public Library on Kingsway near Edmonds Street.
- (b) Registration was held on each Thursday, Friday and Saturday during September, and the situation was well-publicized.
- (c) Approximately 1,200 Resident-Electors were registered.
- (d) In addition, the Clerk's Department handled the registration of 150 people.
- (e) The total number of Resident-Electors, including those who re-registered from last year, is expected to be 2,000, compared with 977 for the previous year.

The Committee also reported that it has been interested in mechanizing voting procedures and has learned of a semi-mechanical voting instrument which can be purchased at reasonable cost. The Committee pointed out that this instrument allows electors to use a punch-card for the purpose of recording their votes, and would reduce operating,

labour and printing costs to a considerable extent. It was added by the Committee that the computer used in the I.B.M. of the Municipal Hall is adequate to programme the punch-cards, and therefore complete and accurate returns of election results would be produced in a much shorter time than the manual system presently employed.

The Committee indicated that a change in the Municipal Act would be required to allow for the use of mechanized voting instruments.

The Committee advised that an Election is to be held in Kitsap County, which is South of Seattle, on November 3, 1970, and the instruments mentioned earlier are to be used.

The Committee recommended that its members and the Municipal Clerk be authorized to visit Kitsap County and obtain firsthand knowledge of the manner in which the Election in question is being conducted with the use of mechanized voting instruments.

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN MERCIER:
"That the recommendation of the Committee be adopted."

CARRIED UNANIMOUSLY

* * *

MUNICIPAL MANAGER submitted Report No. 57, 1970 on the matters listed below as Items (1) to (13) either providing the information shown or recommending the courses of action indicated for the reasons given:

(1) 8669 - 12th Avenue

(This Item was dealt with previously in the meeting.)

(2) Lot 39, except Parcel "A", Expl. Plan 16876, D.L. 86, Plan 1203
(LESOSKY)
Subdivision Reference No. 61/70

The Planning Department has reported as follows on an application to subdivide the above described property:

- (a) In a letter dated May 25, 1970, Mr. Lesosky was advised by the Approving Officer that the application to subdivide the property in question was premature due to the absence of servicing and the need to develop the property as an integral part of Stage III of the Buckingham Heights Subdivision.
- (b) Mr. Lesosky subsequently wrote to the Municipal Council for an audience on the matter and, on July 13, 1970, Mr. E. Anderson addressed Council on behalf of Mr. Lesosky and presented arguments in support of the subdivision application.

- (c) The Council, at that meeting, directed the Approving Officer to discuss the problem with Mr. Anderson, bearing in mind all the pertinent points which had **been made by both to determine whether there was any possible way the aims of both the Corporation and Mr. Lesosky could be mutually accommodated.**
- (d) It was not possible to meet with Mr. Anderson until August 12th when servicing costs were discussed, including those that would be necessary to bring the road and storm sewers up to the "D.L. 86" standards. Also discussed at this meeting was the possibility of Mr. Lesosky selling the rear portion of his property to the Corporation for development as a part of the aforementioned Stage III of the Buckingham Heights Subdivision.
- (e) On September 14, 1970, a further meeting was held with Mr. Anderson, at which the following proposal was advanced:
- "Inasmuch as Mr. Lesosky does not wish to sell the rear portion of his property to the municipality, and recognizing the high cost of premature servicing, Mr. Lesosky wishes to be permitted at this time to create two lots that would not require servicing costs to be deposited, and he would allow a restrictive covenant to be placed on one of the lots which would be to the effect that the lot would not be built upon until serviced in accordance with the D.L. 86 standards, at which time Mr. Lesosky would pay his share of the servicing costs."
- (f) Such a restrictive covenant is possible under Section 24A of the Land Registry Act and, although it is an unusual procedure, it would serve the purpose of allowing Mr. Lesosky to sell the front of his property and retain the rear in an undeveloped state until the Stage III subdivision proceeds.
- (g) In accepting such a proposal, it should be recognized that it does not resolve the basic conflict of Residential use. The D.L. 86 plan accepted by Council proposes that the rear of the properties fronting Malvern Avenue be used for single family purposes compatible with the high quality of development already established in the Buckingham Heights Subdivision. To accomplish this, land acquisition and rezoning would be required.
- (h) Mr. Lesosky wishes to create two sixty-foot lots from the rear of his property and build two duplexes, a proposal that is not compatible with the D.L. 86 plan.
- (i) In view of the foregoing, it was being recommended that Mr. Lesosky's proposal be endorsed in principle, subject to the following:
- (i) The registration of a restrictive covenant, in-favour of the Corporation, prohibiting development on the rear lot owned by Mr. Lesosky until it is serviced in conjunction with Stage III of the Buckingham Heights Subdivision.
 - (ii) The rezoning of the properties shown on an attached sketch (known as B) from R5 to R1.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN LADNER:

"That the report of the Planning Department be received and be forwarded to Mr. Lesosky or his Agent, Mr. Anderson, for their views on the proposal recommended therein."

CARRIED UNANIMOUSLY

(3) Proposed Commercial Development in D.L.'s 137 and 138

The Planning Department has reported as follows on the results of negotiations with two companies interested in developing the municipally-owned property at the North-West corner of Halifax Street and Phillips Avenue:

- (a) The Council, at its June 15th meeting, authorized the offering of a lease arrangement for the subject municipal land to those who have expressed an interest in developing the property for commercial purposes.
- (b) Two companies have shown such interest, they being J. Diamond and Sons Ltd. and Knowlton Realty Ltd., and they were asked in July, 1970 whether they were interested in the type of development mentioned.
- (c) Both companies have indicated they would only be interested in purchasing the property and that, in fact, it would be extremely difficult to arrange mortgage financing for a modest commercial development on leasehold land.
- (d) In view of this situation, the Council was being asked to indicate whether it wishes to maintain its decision to lease the land or whether it would be prepared to invite the submission of development proposals and bids for the purchase of the land.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN DAILLY:

"That the Council not dispose of the municipal land which is the subject of the report from the Planning Department at this time."

IN FAVOUR -- ALDERMEN BLAIR,
DAILLY, DRUMMOND AND McLEAN:

AGAINST -- ALDERMEN CLARK,
HERD, LADNER, AND MERCIER

MOTION NEGATIVED

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN HERD:

"That the Planning Department forward to Council any proposals received for the development of the municipal land alluded to in the report of the Planning Department."

CARRIED

AGAINST -- ALDERMAN DRUMMOND

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HIS WORSHIP, MAYOR PRITTIE DECLARED A RECESS AT 8:55 P.M.

THE COMMITTEE RECONVENED AT 9:10 P.M.

ALDERMAN DAILLY WAS ABSENT.

- (4) (a) Parcel "A", Ref. Plan 4157, part South on Plan 4829 except Parcel 1, Expl. Plan 12354, Blocks 6 and 7, D.L. 4, Plan 845
(b) Parcel 1, Ref. Plan 11653, Parcel "B", Block 6, D.L. 4, Plan 845
REFERENCE REZONING #42/70

It has been the policy of Council that developers of Multiple Family housing projects in the Loughheed Mall Area who require rezoning be asked to provide a contribution for the development of school facilities and a pedestrian underpass as a prerequisite to the rezoning.

It is also the policy of Council to ask for consolidation of property as a prerequisite to the rezoning.

Inasmuch as these two policies were overlooked when the Planning Department reported on the captioned rezoning proposal, it was being recommended that the following prerequisites be established in connection with that proposal:

- (a) That a sum of money amounting to \$141.00 for each suite planned to be built on the site be deposited to cover the developer's share of the cost of providing school and underpass facilities in the area.
(b) That all of the properties concerned be consolidated into one parcel.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN McLEAN:
"That the recommendation contained in the report of the Manager be adopted."

CARRIED UNANIMOUSLY

ALDERMAN DAILLY RETURNED TO THE MEETING.

- (5) Lot "B", Block 30, D.L. 186, Plan 5371 (Seton Academy)
REFERENCE REZONING #36/70

The Planning Department has reported as follows on the above rezoning proposal:

- (a) A revised set of plans for the proposed Senior Citizens Development on this site have been received.
(b) These new plans reflect:
(i) The removal of the existing school building and the use of that area for parking purposes.
(ii) The maintaining of the gymnasium and its use as a recreational hall.

(iii) The conversion of the mansion to the use indicated in the original submission.

(iv) The use of the proposed tower for all the new accommodations.

(c) The foregoing basically reflects the proposals advanced by the Planning Department in its report of August 19, 1970.

(d) The main difference is the proposed location of the tower, which has not changed from the original proposal. This has been discussed with the Architect and a new location suggested. He is prepared to locate the tower and arrange the parking in accordance with the proposal of the Planning Department.

(e) It was therefore being recommended that, with the relocation just mentioned, the latest proposal be accepted by Council and the rezoning be advanced to a Public Hearing, subject to the submission of the required detailed plans prior to the Hearing.

In response to a question, the Planning Director stated that the "Douglas College" proposal on the "Seton Academy" site was abandoned by the Action Line Housing Society.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN MERCIER:

"That the rezoning proposal which is the subject of the report from the Planning Department be advanced to the Public Hearing which is being held on October 20, 1970, on the understanding that suitably detailed plans of the development proposed will be available for examination by all concerned at that time."

CARRIED UNANIMOUSLY

(6) Sewers- Bainbridge Avenue

Lang Log Limited has submitted new prices for the installation of sewers in the Bainbridge Avenue Area.

Its latest offer is tantamount to a new bid and results from the negotiations which were held with the Company and recognizes the desire expressed by Council when first dealing with the project in question.

The Company's proposal produces the following:

- (a) A credit of \$1,711.90, which results from adjusting the manhole footage from 122 feet to 88 feet.
- (b) A credit of \$1,548.00 which results from a price reduction of 80¢ per foot on 1,935 feet of main sewer lines.
- (c) A debit of \$404.80, which results from an increase in manhole prices of \$4.80 for 88 feet.

The net effect of the foregoing is that the new contract figure is \$45,979.18.

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The tender submitted by Construction Cartage Limited, which recognized the error in the manhole footage, is \$45,996.80.

In general, it is an excellent practice for Council not to make corrections, or adjust figures, in tenders once they have been opened.

The particular circumstances pertaining to the situation at hand are that;

- (a) The gross value of the contract is calculated, not as a firm price, but as a figure representing firm unit prices for the items in the scope of work multiplied by the estimated quantities of each item that were specified in the tender call by the Municipal Engineer.
- (b) Payment pursuant to the contract would be made on the basis of actual quantities used so the ultimate result when paying at the quoted unit prices may be different than the gross figure shown in the bids now at hand.
- (c) The Municipal Engineer made an error of about 30% in a determinable unit (manholes).

These circumstances could leave the Corporation vulnerable to a charge of inviting price cutting or "bid peddling".

On the basis of the negotiations with Lang Log Limited, the tender for the project in question should be awarded to that Company at the revised price of \$45,979.18, with actual payment to be made at the unit prices quoted.

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN CLARK:

"That all tenders which were submitted for the installation of storm drainage facilities in the Bainbridge Avenue Area be rejected and tenders be invited for that work the next time a tender call is issued for the same kind of work elsewhere in the municipality."

CARRIED

AGAINST -- HIS WORSHIP, MAYOR
PRITTIE, ALDERMEN "MERCIER
AND HERD

(7) Fire Truck

It was being recommended that Council accept the tender of Silver Line Fire Equipment Limited in the amount of \$38,262.44 (which includes the Provincial 5% tax, licence and registration) for the supply for one Thibault Model 15, 392-1000 triple combination fire truck on a Ford C900 Chassis.

MOVED BY ALDERMAN DAILLY, SECONDED BY ALDERMAN CLARK:

"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

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(8)Outdoor Burning - Lougheed Highway East of Sperling Avenue

The Fire Chief has supplied the following information in respect of the above matter:

- (a) After an inspection was made of the area and discussions were held with all parties concerned, a Special Permit was issued to burn debris on approximately 20 acres of land that was being cleared in the area East of Sperling Avenue around Lougheed Highway. This permit was issued in strict accordance with the provisions of the Fire Prevention By-law, and the area where burning was to be allowed was a minimum of 1,000 feet from the nearest residence. The situation was policed and checked periodically for smoke and fly ash nuisance.
- (b) Coincidentally and unfortunately, slash burning on Eagle Mountain and climatic conditions created a smoke problem which has not been alleviated and for which the burning on the subject property has been blamed.
- (c) Prior to any special permit being issued for any burning whatsoever, the following factors are considered:
 - (i) The distance from homes and built-up areas.
 - (ii) The materials to be burned.
 - (iii) Protection for the area involved.
 - (iv) The practicability of burning as opposed to removing the materials, bearing in mind that there may not be a suitable dumping area for stumps, etc.
- (d) The burning in question was done by contract and, in the process of people submitting bids for the burning, the Fire Department was asked by several of the bidders if burning would be permitted.
- (e) Numerous calls from citizens and groups have been received about the burning. In most cases, the Fire Department has been able to satisfy the caller after explaining the By-law and the reasons the permits were issued. However, the primary complaint was not the fact burning was creating a pollution or smoke problem but was that the complainant was restricted from burning himself and therefore felt he was being discriminated against.
- (g) The problem of the type of burning in question will continue to exist as long as there are large areas yet to be cleared and no dumping facilities are available in the municipality. The Fire Department must therefore exercise its judgement and authority whenever requests are received to burn.
- (h) As regards the burning in question, special attention and periodic inspections of the site where the subject burning occurred were made to ensure "clean" burning. Other than some smoke, the burning contributed very little to the overall air pollution problem that exists in the area.
- (i) The permits which were issued contained the following instructions:
 - (i) September 16, 1970 - "Permit to burn stumps. S. side of the 6600 Block Lougheed Highway. One pile only to be fed gradually and attended at all times with a manned bulldozer. Nothing

is to be burned to cause offensive smoke or odor, Combustible fill in the immediate vicinity is to be covered. The permit expires September 23, 1970."

- (ii) September 23, 1970 - "Permit to burn stumps for land clearing purposes on a 20 acre site on the South side of Loughheed Highway between Holdom Avenue and Sperling Avenue. One pile only to be fed gradually on non-combustible base. Combustible fill in the immediate vicinity is to be covered. The fire must be attended at all times with a manned bulldozer and in a location specified. Nothing is to be burned that will cause offensive smoke or odour. The permit expires October 3, 1970."

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN McLEAN:
"That the report of the Fire Chief, as submitted by the Municipal Manager, be received."

CARRIED UNANIMOUSLY

(9) Estimates

It was being recommended that the report of the Municipal Engineer covering Special Estimates of Work in the total amount of \$102,600.00 be approved.

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN BLAIR:
"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(10) Monthly Report of Health Department

A report of the Medical Health Officer covering the activities of his department for the month of August, 1970 was being submitted.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN CLARK:
"That the report be received."

CARRIED UNANIMOUSLY

(11) Cabin "A", 7310 Hastings Street

The above property is owned by the municipality and the cabin on it has become vacant.

The building is considered to be substandard and not worth renovating.

It was therefore being recommended that Council authorize the demolition of the building.

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MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN McLEAN:
"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(12) Social Welfare Per Capita Costs

On August 10th, 1970, it was reported to Council that the Provincial Government had increased Social Welfare costs to municipalities to \$1.15 per capita per month.

Advice has now been received that, effective September 1, 1970, the per capita charge is being increased to \$1.58.

This latest increase represents an additional monthly charge to Burnaby of \$48,163.87, or a total of \$192,655.48 for the four month period between September 1st and December 31, 1970.

The shortfall created by the first increases amounted to \$131,864.00, so the 1970 Budget will be deficient by approximately \$324,520.00.

No reason was given for this latest increase other than that it represents current costs, which must be assumed to be from the spiralling number of Social Allowance cases.

The question naturally arises as to how long the \$1.58 figure will be maintained.

Each member of Council expressed his opinion on the situation conveyed in the report of the Manager.

It was the concensus of opinion that the situation has reached the point where a confrontation should be had with the Provincial Government in order to dramatically emphasize the financial quandaries in which municipalities will find themselves as a result of the frequent increases in Social Welfare costs the Provincial Government is foisting on municipalities.

MOVED BY ALDERMAN DRUMMOND, SECONDED BY ALDERMAN LADNER:
"That the Union of British Columbia Municipalities be asked to call a meeting as soon as possible at which all facets of Social Welfare Per Capita Costs can be discussed, with the view in mind of the Union making a concerted effort to have the Provincial Government rectify the problem which is, and has been, developing for municipalities in meeting Social Assistance costs."

CARRIED UNANIMOUSLY

ALDERMAN BLAIR LEFT THE MEETING.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN MERCIER:
"That, as an expression of displeasure with what is regarded as an unfair method of assessing Social Assistance costs against the property tax base, Council refuse to pay the Provincial Government any further per capita charges this year which are not contained in the current budget."

IN FAVOUR -- ALDERMEN LADNER
AND MERCIER
AGAINST -- ALDERMEN CLARK,
DAILLY, DRUMMOND, HERD, McLEAN

MOTION LOST

MOVED BY ALDERMAN DRUMMOND, SECONDED BY ALDERMAN HERD:
"That it be recommended to the U.B.C.M. that the proposal set out
in the above motion be given consideration by all Councils in
the Province."

CARRIED

AGAINST -- ALDERMAN DAILLY

When Alderman Dailly suggested that Council should consider an
increase in the Business Tax, he was directed to present a formal
motion at a subsequent Council meeting supporting his contention
that such an increase should be made.

ALDERMAN BLAIR RETURNED TO THE MEETING.

(13) East Lake City - Rezoning No. 37/70
Stoney Creek Park - School Site

The Planning Department has reported a situation that has developed
in the applicant endeavoring to satisfy a prerequisite to the above
rezoning that an elementary school site be provided in conjunction
with the rezoning proposal, as follows:

- (a) The Council was informed on September 21st that the
School Board was not yet in a position to indicate
that the site in question and elementary school
classrooms would be available for the housing development
proposed on the property which is the subject of the
rezoning application.
- (b) The Board is currently negotiating the acquisition of
the site with Lake City Industrial Corporation Ltd.
- (c) The Board is also actively pursuing, with the Provincial
Government, the matter of funds being provided for
the school building.
- (d) The Secretary-Treasurer of the Board has indicated that
the Board's Agent, Mr. Parker McCarthy, is almost ready
to make a recommendation on the acquisition of the site.
- (e) Once the Board receives the recommendation, it will be
in a position to conclude negotiations for the acquisition
and arrangements with the Provincial Government.
- (f) Lake City Industrial Corporation Ltd. has provided a letter
setting forth its position in regard to the matter. In
its letter, the Company advises that it is willing to
convey the property in question to the School Board and
the Corporation free and clear of any encumbrances
at any time deemed appropriate so that the construction
of the elementary school can proceed. The Company
has added that it is willing to enter into voluntary
arbitration with the Corporation and the School Board
in order to arrive at a value for the property, and it
is also prepared to forego any payments for the land
until the Board has funds for the purchase of it.

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(g) It was being recommended that Council refer the letter from Lake City Industrial Corporation Ltd. to the School Board and await an indication from it that classroom facilities will be available before any further action is taken on the subject rezoning proposal.

It was drawn to the attention of Council that a representative from Dawson Developments Ltd. was present and desired an audience.

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN MERCIER:
"That the report of the Planning Department be received."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN BLAIR :
"That the representative of Dawson Developments Ltd. be granted an audience."

CARRIED

AGAINST -- ALDERMAN MERCIER

Mr. Allington appeared on behalf of Dawson Developments Ltd. and stated that his Company had no basic quarrel that a solution to the problem at hand must be found.

He commented that it was felt the School Board is able to obtain the land for the school site, whenever desired, although it is appreciated negotiations for the acquisition are not yet completed.

He pointed out that his Company has no control over the negotiations being held in connection with the matter and should not be adversely affected in pursuing the rezoning proposal desired.

He concluded by requesting that the rezoning be finalized so that the Company can proceed with its development.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN BLAIR:
"That, before taking action on the request of Dawson Developments Ltd., Alderman Ladner, as the liaison with the Planning Department, meet with a representative of the School Board to discuss the problem at hand and report back to Council on October 13, 1970."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN McLEAN:
"That the meeting extend beyond the hour of 10:00 p.m."

CARRIED

AGAINST -- ALDERMAN CLARK
AND DRUMMOND

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN DAILLY:
"That the Committee now rise and report."

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN DAILLY:
"That the report of the Committee be now adopted."

CARRIED UNANIMOUSLY

* * *

BY - LAW

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN BLAIR:

"That leave be given to introduce:

"BURNABY STREET AND TRAFFIC BY-LAW 1961, AMENDMENT BY-LAW
NO. 3, 1970"

#5781

"BURNABY LOCAL IMPROVEMENT CONSTRUCTION BY-LAW NO. 32, 1970"

#5778

"BURNABY LOCAL IMPROVEMENT CONSTRUCTION BY-LAW No. 33, 1970"

#5779

"BURNABY LOCAL IMPROVEMENT CONSTRUCTION BY-LAW NO. 34, 1970"

#5780

and that they now be read a First Time."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN BLAIR:

"That the By-laws be now read a Second Time."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN BLAIR:

"That the Council do now resolve into a Committee of the Whole to
consider and report on the By-laws."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN BLAIR:

"That the Committee do now rise and report the By-laws complete."

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN BLAIR:

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN BLAIR:

"That:

"BURNABY STREET AND TRAFFIC BY-LAW 1961, AMENDMENT BY-LAW NO. 3, 1970"

"BURNABY LOCAL IMPROVEMENT CONSTRUCTION BY-LAW NO. 32, 1970"

"BURNABY LOCAL IMPROVEMENT CONSTRUCTION BY-LAW NO. 33, 1970"

"BURNABY LOCAL IMPROVEMENT CONSTRUCTION BY-LAW NO. 34, 1970"

be now read a Third Time."

CARRIED UNANIMOUSLY

* * *

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN LADNER:

"That:

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 46, 1970" #5761

"BURNABY LEASE AUTHORIZATION BY-LAW NO. 3, 1970" #5777

"BURNABY CABARET REGULATION BY-LAW 1934, AMENDMENT BY-LAW NO. 1, 1970" #5772

be now reconsidered."

CARRIED UNANIMOUSLY

BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 46, 1970 provides for the following proposed rezoning:

Reference RZ #28/70

FROM MANUFACTURING DISTRICT (M1) TO GENERAL COMMERCIAL DISTRICT (C3)

Lots 1 and 8, Pt North of Highway, Exc. Plan 2111, D.L. 4, Plan 845

(9601/07 Lougheed Highway)

The Municipal Clerk stated that the Planning Department had reported that the prerequisites established by Council in connection with this rezoning proposal have been satisfied.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN HERD:

"That:

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 46, 1970"

"BURNABY LEASE AUTHORIZATION BY-LAW NO. 3, 1970"

"BURNABY CABARET REGULATION BY-LAW 1934, AMENDMENT BY-LAW NO. 1, 1970"

be now finally adopted, signed by the Mayor and Clerk and the Corporate Seal affixed thereto."

CARRIED UNANIMOUSLY

* * *

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN MERCIER:

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

CARRIED UNANIMOUSLY