

SEPTEMBER 8, 1970

A regular meeting of the Municipal Council was held in the Council Chambers, Municipal Hall, 4949 Canada Way, Burnaby 2, B. C. on Tuesday, September 8, 1970 at 7:00 p.m.

PRESENT: His Worship, Mayor Prittie, in the Chair;
Aldermen Blair (7:10 p.m.); Clark; Dailly;
Drummond; Herd; Ladner (10:05 p.m.); Mercier
and McLean;

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN MERCIER:
"That the Minutes of the Council meetings held on August 10th and
24, 1970; September 1, 1970; and the Public Hearings on August
11th and September 1, 1970, be adopted as written and confirmed."

CARRIED UNANIMOUSLY

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DELEGATION

Mr. Kenneth Henderson wrote to request an audience with Council in connection with the paving of the lane at the rear of his property.

MOVED BY ALDERMAN DAILLY, SECONDED BY ALDERMAN McLEAN:
"That Mr. Henderson be heard."

CARRIED UNANIMOUSLY

Mr. Henderson then spoke and made the following comments:

- (a) No prior notification was received regarding the paving of the lane.
- (b) The facility which existed before was adequate for his needs.
- (c) In paving the lane, a considerable quantity of gravel was deposited in the ditch along with a thick coat of pavement. This has resulted in the culvert serving this property becoming clogged.
- (d) A high asphalt curb was constructed at the edge of the lane adjacent to his property, thus making it awkward for him to use his carport. In addition, this curb was constructed in such a manner that water from the paved surface of the lane cannot drain to the sides.

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- (e) He contacted the Engineering Department on many occasions for the purpose of having the problems rectified, but no response was shown at any time.
- (f) He at least expects the culvert serving his property to be restored to its former condition, especially when he paid for the culvert.

In response to a question, the Municipal Clerk stated that his office had mailed notices of intention to pave the lane which is the subject of Mr. Henderson's presentation on March 5, 1970. He added that ten properties were involved in the project and no objections were registered to the Notice Of Intention.

Municipal Engineer stated that the topography of the area in which Mr. Henderson lives is such that the preparation of the lane for its paving had to recognize the grades, and it was extremely difficult to pave the lane without leaving some dips or "birdbaths".

He added that it is the policy to not allow run-off water from the lane to enter private property, and this is why an asphalt curb is built.

The Engineer also remarked that the ditches serving the lane will be cleared and the windrow of gravel mentioned by Mr. Henderson would be eliminated.

MOVED BY ALDERMAN DAILLY, SECONDED BY ALDERMAN MERCIER:
"That the problems described by Mr. Henderson this evening be referred to the Municipal Engineer for the purpose of attempting to resolve them to the satisfaction of both Mr. Henderson and the municipality."

CARRIED UNANIMOUSLY

ALDERMAN BLAIR ARRIVED AT THE MEETING.

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ORIGINAL COMMUNICATIONS

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

CARRIED UNANIMOUSLY

President, British Columbia Section, Canadian Amateur Swimming Association, submitted a letter extending sincere congratulations on Burnaby obtaining the 1973 Canada Summer Games jointly with the City of New Westminster.

Rhone & Iredale, Architects, submitted a letter in which they and an Associate Firm, Canadian Environmental Sciences Ltd., indicated they are most interested in proposing comprehensive planning services for the development of the Burnaby Lake Area.

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN HERD:

"That the letter from Rhone & Iredale be referred to the Canada Summer Games (1973) Committee for attention."

CARRIED UNANIMOUSLY

Mr. R. J. Perrault, M.P. for Burnaby-Seymour, wrote to indicate that arrangements will be made for an Engineer from the Canadian Transport Commission to survey the topography of the Barnet Beach Area as soon as a written request for such action is received by the Commission.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN DAILLY:

"That Item 2 of Municipal Manager's Report No. 49, 1970, which deals with the subject of the letter from Mr. Perrault, be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

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

Proposed Barnet Beach Crossing (Mileage 120.4 - Cascade Subdivision)

The Secretary to the Railway Transport Committee of the Canadian Transport Commission has advised that the Committee's District Engineer, who is headquartered in Calgary, will make an inspection of the subject area and hold discussions about the proposed crossing with representatives of the municipality and the railway involved.

MOVED BY ALDERMAN DAILLY, SECONDED BY ALDERMAN BLAIR:

"That the report of the Manager be received."

CARRIED UNANIMOUSLY

Mrs. W. G. King submitted a letter enquiring as to the position which has been taken by the municipality in regard to air pollution from oil refineries and pollution of the Still Creek and Burnaby Lake waters by industrial concerns.

His Worship, Mayor Prittie, stated that, because Mrs. King's letter was received just after the last Council meeting, he had had the Medical Health Officer reply directly to her submission.

The Municipal Clerk read the letter which the Medical Health Officer had sent to Mrs. King, which indicated the following:

- (a) *On the evening of August 8th, the Chief Public Health Inspector was contacted at his home about an unusual cloud formation in the vicinity of Burnaby North. He went outside his house and could not observe the alleged cloud formation, and therefore assumed that it was of short duration.*

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- (b) *It is rather difficult to imagine a sulphurous cloud being emitted by any industry in Burnaby but, if this was correct, it quite probably would be revealed on statistics gathered by one of the two air pollution sampling stations in the area.*
- (c) *As regards Still Creek and Burnaby Lake, a bacterial survey of tributaries into these two bodies of water has been carried out and is still being conducted on a weekly basis.*
- (d) *Following unsatisfactory bacterial counts resulting from this sampling, the Medical Health Officer posted these bodies as being unfit for swimming or wading.*
- (e) *Action has been taken by both Burnaby and Vancouver Health Departments to eliminate sources of pollution to both Still Creek and Burnaby Lake.*
- (f) *The Greater Vancouver Sewerage and Drainage District also takes samples of the waters on a regular basis.*
- (g) *The Fisheries Department is also vitally concerned over the drainage basin and possible pollution because the waters discharge into the Fraser River via the Brunette River.*
- (h) *The Wildlife Branch and other societies keep in constant touch with the Health Department in regard to the work carried out to eliminate sources of pollution.*
- (i) *A considerable amount of work has been done over the past few years by industry in the area in controlling trade wastes entering the drainage basin. Surveillance of the situation is maintained on a routine basis by the Health Department. Any new industry locating in the municipality must satisfy the Health Department on the questions of controlling trade wastes and emissions prior to any construction being done. Changes in industrial occupancy are also controlled in the same fashion.*

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN CLARK:

"That Council concur with the points made in the letter the Medical Health Officer sent to Mrs. King and she also be advised as follows in connection with the subject of her submission:

- (a) Continuing inspections of Still Creek and Burnaby Lake to detect any form of pollution are, as indicated in the letter from the Medical Health Officer, being made. Whenever anyone is suspected of contributing pollutants to these two watercourses, or their tributaries, immediate action is taken to remedy the situation. If necessary, court action will take place if deemed justified.

Conclusive evidence must, of course, be secured before any prosecution of those suspected of polluting the waters in question takes place.

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(b) "Pollution Permits" are not issued by the municipality. Industrial concerns, in addition to being required to abate nuisances which tend to pollute the air or water, are expected to contact the Health Department whenever substances which might be termed pollutants need to be emitted or ejected. When that is done, the Health Department ensures that the emissions or ejections are made in such a manner as to be least offensive. If this is not done by an industry or there is a flagrant disregard for the regulations pertaining to pollution, then the course of action indicated under (a) above ensues.

and further, because it was understood the "sulphurous-looking" cloud emitted on August 8th emanated from the Shell Oil Company Plant, the Medical Health Officer contact that Company to ascertain precisely what occurred and, if the emission was classified as a pollutant, he ensure that there will be no repetition of the situation."

CARRIED UNANIMOUSLY

It was pointed out that the Chairman of the Pollution Committee had indicated earlier this year that a report would be submitted by the Committee as to the outcome of a meeting held between the Committee and representatives from the oil companies having refineries in Burnaby in regard to the question of air pollution from the refineries.

It was understood by Council that the Committee would be reminded that its report has not yet been submitted in connection with the matter mentioned.

President, Anmore Recreations Ltd., submitted a letter requesting that Council rezone certain municipal lands near the Clifton G. Brown Memorial Swimming Pool and Deer Lake to allow the Company to develop and operate a holiday trailer and campground complex.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN BLAIR:
"That the proposal in the letter from Anmore Recreations Ltd. be referred to the Planning Department for consideration and report."

CARRIED UNANIMOUSLY

City Clerk, City of Vancouver, forwarded a report containing a recommendation which was adopted by the Council of Vancouver on August 18th pertaining to an investigation made of a complaint regarding dust emanating from the Alberta Wheat Pool Elevator.

The report which the Clerk forwarded indicated, among other things, that a request was being made of the Manager of the Alberta Wheat Pool that, when a major breakdown occurs, the portion of the plant involved be closed until the situation has been fully corrected.

The report also contained details of the investigation that was made by staff from the City of Vancouver in connection with the subject matter.

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MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN McLEAN:
"That a copy of the submission from the City of Vancouver be forwarded to the Vancouver Heights Homeowners Association and anyone else who has corresponded with Council in regard to the Alberta Wheat Pool Elevator."

CARRIED UNANIMOUSLY

City Clerk, City of Vancouver, forwarded a report from the Board of Administration for the City containing a recommendation that was adopted by the Council of the City on September 1st to appoint an Alderman from the City as its representative to a Special Committee which is to be established to consider the problems of fire defences on the shores of Burrard Inlet.

Corresponding Secretary, Richmond Anti-Pollution Association, submitted a letter inviting a member of Council to attend a meeting of the Association on September 9th at the South Arm Community Centre in Richmond when a discussion will take place on the question of a comprehensive, interdisciplinary study of the Lower Fraser River.

His Worship, Mayor Prittie, read a letter he had sent to the Corresponding Secretary of the Richmond Anti-Pollution Association conveying his personal views on the subject of the meeting mentioned in the letter from the Association.

A suggestion was made ^{in Council} that technical personnel from the Greater Vancouver Sewerage and Drainage District should have been invited by the Association to its meeting because of their expertise in the field of sewerage treatment.

Alderman Blair indicated that he might possibly be able to attend the meeting mentioned in the letter from the Association.

Chairman of the Ways and Means, Burnaby School Concert Band, wrote to request permission to hold a Candy Drive on the evenings of October 5th, 6th and 7, 1970.

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN CLARK:
"That permission be granted to the Band to conduct its campaign at the times indicated."

CARRIED UNANIMOUSLY

Acting Minister of Health Services and Hospital Insurance submitted a letter outlining the position which has been taken by the Provincial Government with respect to the rubella vaccination programme.

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN BLAIR:
"That Item (3) of the Municipal Manager's Report No. 49, 1970, which deals with the subject of the submission from the Actng Minister of Health Services, be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

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

(3) German Measles (Rubella) Immunization Programme

Material was being distributed to each member of Council indicating the arrangements which have been made for conducting the above immunization programme. In that regard, there is a copy of a:

- (a) Letter which is being sent home with each school and kindergarten child explaining the programme and seeking consent of the parents for the immunization of the child.
- (b) Circular containing instructions regarding pre-school children.
- (c) The clinic schedule, which could be altered.

The Provincial Director of Local Health Services has advised that the total sum of money now available for the programme is \$148,777.00, which includes the Provincial contribution but does not include any "advances" guaranteed by the various municipalities.

Of the vaccine available, Burnaby will receive 7920 units.

It is now estimated that the cost to Burnaby for the vaccine will be about \$13,330.00.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN DAILLY:

"That, because the Minister of Health Services and Hospital Insurance had indicated, when the proposed implementation of the rubella vaccination programme was being considered some weeks ago, that the Provincial Government would not be contributing because of the lack of medical justification for it, the Minister be asked to advise of his reasons for apparently now accepting the medical justification for the programme; and further, the Minister also indicate whether the Provincial Government will honour Burnaby's account for the cost incurred by the municipality for our participation in the subject programme.

CARRIED

AGAINST -- ALDERMAN BLAIR

Miss B. D. Hoy, Barrister and Solicitor, submitted a letter offering, on behalf of Mr. Larry Lee, to purchase Lots 210, 214, 224, 227, 229 to 232 inclusive, 236, 239 to 241 inclusive and 243, D.L. 86, Plan 36959 for a total of \$159,900.00, with the terms of payment being 25% down and the balance, plus interest, in four annual installments.

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN HERD:

"That Item (10) of the Municipal Manager's Report No. 49, 1970, which deals with the subject of the letter from Miss Hoy, be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

The following is the substance of the Manager's Report:

(10) Lots 210, 214, 224, 227, 229 to 232 inclusive, 236, 239 to 241 inclusive and 243, D.L. 86, Plan 36959

It was being recommended that the offer from Miss Hoy be rejected for the following reasons:

- (a) The price volunteered is \$2,000.00 per lot less than the listed selling price of \$14,300.00 per lot.
- (b) The terms indicated in her letter do not conform to the municipality's terms for Agreements for Sale, which is 25% down and the balance payable in three annual installments.
- (c) There are other individual buyers who are interested in the lots and have been in contact with the Land's Department in regard to the matter.
- (d) The original objective insofar as land in the Buckingham Heights Area is concerned was to have the property for sale through the Corporation rather than through private developers.
- (e) The municipality recently invited tenders for the purchase of a number of lots in the Buckingham Heights Area and, since then, eight of the lots which were then unsold have been sold.

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

CARRIED UNANIMOUSLY

Mrs. M. Oxendale, Sales Representative for the Canada Permanent Trust Company, submitted a letter offering Lot "A", D.L. 83, Plan 22707 to the Corporation for \$15,000.00.

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN MERCIER:
"That consideration of this proposal from Mrs. Oxendale be deferred until the "In Camera" session later this evening."

CARRIED UNANIMOUSLY

The North Fraser Harbour Commissioners submitted its 1969 Annual Report.

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TABLED ITEMS

The following matters were then lifted from the table:

(a) Application to rezone:

- (i) Block 27, Expl. Plan 19908, D.L. 29, Plan 4215
- (ii) Lot 1, Block 26, D.L. 29, Plan 4900
- (iii) Block 26, Sk. 7868, D.L. 29, Plan 3035

Reference RZ #20/70

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN CLARK:
"That Item (19) of Municipal Manager's Report No. 49, 1970, which deals with the subject at hand, be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

The following is the substance of the Manager's Report:

(19) Rezoning Reference #20/70

The applicant has requested that consideration of his application be deferred again because he has not received further instructions from his client.

It was being recommended that the subject rezoning application be retabled until the applicant comes forward with additional information.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN BLAIR:
"That no further action be taken on the application to rezone the properties covered by Reference No. 20/70 until the application is revived."

CARRIED UNANIMOUSLY

(b) Business Tax

Alderman Mercier stated that he still had not had the opportunity to discuss the Assessor's Notice to Business Establishments seeking financial information to be used in connection with the imposition of the business tax.

It was understood by Council that any consideration of the matter at hand would be deferred until Alderman Mercier returns the subject.

(c) Wayburne Way (Dominion Construction Company)

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN DAILLY:
"That Item (16) of the Municipal Manager's Report No. 49, 1970, which deals with the subject at hand, be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

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

(16) Wayburne Way

The Planning Department has reported as follows on this matter:

- (a) A search was made of the Planning Department's files and no undertaking could be found that Dominion Construction Company would spend \$2,000.00 in providing a buffer between the residential and industrial zones on and near Wayburne Way.
- (b) Following discussions between the Engineering Department, the Company concerned and Alderman McLean, it was revealed that the \$2,000.00 matter was covered in a letter which Mr. Bentall of the Company sent to Alderman McLean, a copy of which was being submitted.
- (c) It is apparent that the Company has not fulfilled all requirements of the Preliminary Plan Approval, which required the landscaping of the bulk of the site.
- (d) It is therefore the intention of the Planning Department to meet with the Company to:
 - (i) obtain a commitment regarding the completion of the landscaping as required under the Preliminary Plan Approval.
 - (ii) discuss the provision of additional planting, if necessary, as suggested in Mr. Bentall's letter.
- (e) After this meeting has been held, a detailed report will be submitted to Council.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN MERCIER:
"That the report of the Manager be received."

CARRIED UNANIMOUSLY

- (d) Proposed 7-Eleven Food Store on Lot 19, Block 2, D.L. 29, Plan 3035 (SouthWest corner of Kingsway and 14th Avenue

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN DAILLY:
"That Item (11) of the Municipal Manager's Report No. 49, 1970, which deals with the subject at hand, be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

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

- (11) Proposed 7-Eleven Food Store On Property Located at the South-West corner of Kingsway and 14th Avenue

"Corner Stores", as defined in Burnaby Shops Closing By-law 1958, means a shop dealing in groceries, having a shopping area of less than 1,000 square feet, operated by a family and employing not more than one person.

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The By-law exempts corner stores completely from the Shops Closing Regulations contained in Section 858 and 859 of the Municipal Act.

The proposed 7-Eleven Food Store cannot qualify under this definition because its proposed selling or shopping area is 1,200 square feet, it would be operated by a company and not a family, and it would employ more than one person.

The Municipal Manager and the Chief Licence Inspector do not favour a relaxation of the By-law in question to satisfy the request of Mr. Buzzelle.

The main reason for the inclusion of a definition of "corner store", and their exemption from the provisions of Section 858 and 859, was because such stores were mainly located in residential districts and were operated by a family, and were likely marginal operations.

Most of these stores rely largely on "after-hours" customers.

Since then, such stores as "Mini Marts" have begun. These stores qualify because they are operated by a family under franchise. It is a deviation from the original concept but nevertheless meets the definition of "corner store".

To extend the exemption to a 7-Eleven Store would likely add further hardship to the genuine corner store operator and would, in all likelihood, lead to further requests for exemption.

The Solicitor has indicated that:

- (a) The operation outlined by Mr. Buzzelle would contravene the Shops Closing By-law in several respects.
- (b) If Council wishes to permit 7-Eleven Stores to operate in the municipality, the Shops Closing By-law would need to be amended. If that was done, all stores should enjoy the same privilege in order to avoid charges of discrimination.

Mr. J. R. Buzzelle submitted a letter requesting a relaxation of the regulations in question to permit the:

- (a) Construction of 1,200 gross square feet of retail floor area.
- (b) The name on the licence application to be the South Land Corporation (Canada) Ltd.
- (c) Store to operate from 7:00 a.m. to 11:00 p.m. seven days a week.

Mr. Buzzelle added the following:

- (a) The Southland Corporation (Canada) Ltd. is a very old established North American Company operating many successful outlets throughout the United States and the Midwestern Provinces of Canada.

- (b) These stores employ Canadian personnel, sell all Canadian products and are constructed with Canadian building materials, by Canadian construction companies and co-ordinated with Canadian professional personnel.
- (c) The end product produces a neighbourhood convenience store catering to the everyday needs of the neighbourhood with competitive prices and the country store hospitality.
- (d) The Southland Corporation has been accepted and has projects under construction and operating in Richmond, Surrey, Delta and Vancouver, and has been invited by the Mayor of Kimberly to construct a project in that area.
- (e) The Southland Corporation was extremely concerned and disappointed with the bad press received after presenting a sincere representation to Council at its last meeting.
- (f) Any further questions by members of Council would gladly be answered.

MOVED BY ALDERMAN DAILLY, SECONDED BY ALDERMAN MERCIER:
"That Mr. Buzzelle be heard."

CARRIED UNANIMOUSLY

Mr. Buzzelle stated that, if Council wished, the size of the store could be reduced to 1,000 square feet.

He also commented that perhaps later the Southland Corporation might franchise its store(s) to a family.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN DRUMMOND:
"That Burnaby Shops Closing By-law 1958 not be amended to accommodate the type of operation planned by the Southland Corporation (Canada) Ltd. because of the precedent which would be established in allowing a company to operate "corner stores"."

CARRIED UNANIMOUSLY

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MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN MERCIER:
"That His Worship, Mayor Prittie, and Aldermen Herd and Drummond be appointed as the Court of Revision to revise and correct the 1970/71 List of Electors."

CARRIED UNANIMOUSLY

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QUESTION AND ANSWER
PERIOD

ALDERMAN McLEAN enquired as to when Council could expect the Department of Highways to undertake the widening of Hastings Street.

He pointed out that the Council is being blamed by the public for the delay in undertaking the project.

Alderman McLean suggested that the municipality should erect a sign indicating that the proposed Hastings Street Widening Project was an "Unfinished Provincial Government Project".

Alderman Dailly suggested that the plywood which has been placed along the edge of the properties on Hastings Street to prevent people from falling onto the property should be replaced or improved so as to make the area more attractive.

He also enquired as to whether the Urban Renewal Scheme for Hastings Street could proceed in advance of the Widening Project.

Municipal Manager replied that the municipality does not undertake the project - private interests will.

He remarked that the absence of the widened street would be a deterrent to anyone planning to implement the Urban Renewal Scheme for the area.

He also commented that the screening referred to could be renewed, if desired.

As a result of Alderman Mercier enquiring, the Municipal Manager stated that he can have staff comment on the various U.B.C.M. Resolutions before the Council members attend the Convention of the Union next week.

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Alderman Herd enquired as to when Imperial Street from Boundary Road to Kingsway was to be widened.

Municipal Engineer stated that the Capital Improvement Programme Committee is reviewing the order of priority for this Project and would be indicating if there was to be any change in the priority.

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When Alderman Blair asked what was being done to promote the Urban Renewal Scheme for Hastings Street, the Municipal Manager replied that the municipality has done its share in preparing for the scheme. He added that a tri-party arrangement was involved in the matter. He also commented that the development call for proposals has been produced but not yet issued.

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R E P O R T S

HIS WORSHIP, MAYOR PRITTIE, submitted a report recommending that Council approve the payment of \$1,000.00 to the Canada Summer Games Committee in order to allow the Committee to honour some expenses that have been incurred thus far and to pay other accounts that are expected in the near future.

He pointed out that this sum will be recovered from the Federal Government after the Committee has met with the Department of National Health and Welfare to discuss financial arrangements in regard to the Canada Summer Games.

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

CARRIED UNANIMOUSLY

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Deputy Municipal Clerk submitted Certificates of Sufficiency covering:

(a) The installation of ornamental street lights on portions of Buckingham Drive, Gordon Avenue and Gordon Place.

(b) The construction of pavement on a number of lanes,

all as Local Improvements.

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN MERCIER:
"That the Deputy Clerk's Certificate be received and the necessary Local Improvement Construction By-laws be prepared."

CARRIED UNANIMOUSLY

ALDERMAN BLAIR LEFT THE MEETING.

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TRAFFIC SAFETY COMMITTEE submitted reports on the matters listed below as Items (1) to (9) recommending the courses of action indicated for the reasons given:

(1) Boundary Road and Albert Street

As a result of investigating a request for a two-hour parking limit at the above location, it was revealed that there was no justification for such action so it was being recommended that the request not be granted.

(2) Section 43(3) of the Street and Traffic By-law

It was being recommended that, in view of the uncertainty as to what wording should be used in amending the above Sub-section of the Street and Traffic By-law, the last sentence of the Sub-section, which reads "Such permission shall not be granted more than twice to any one person", be deleted entirely and that no action be taken to substitute the wording contained in the Department of Commercial Transport Act.

(3) Rumble Street

A complaint regarding truck traffic using Rumble Street was investigated and a suggestion made that all truck lines picking up or delivering in Burnaby be informed of the truck routes.

The greatest majority of truckers are well aware of the Truck Routing By-law and, apart from the publicity given the matter (either through the A.T.A. or trade bulletins), copies of the by-law are available through the office of the Municipal Clerk.

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Any complaints concerning truck traffic can only be resolved through enforcement.

(4) Hastings Street - Cliff Avenue - Inlet Drive

A proposal recommended to Council on July 27th that the South leg of Cliff Avenue at the above intersection be barricaded has been reviewed and the conclusion reached that, before positive action is taken on the matter, it would be worthwhile to ascertain the thoughts of the residents on Cliff Avenue between Hastings Street and Union Street.

This survey is presently being conducted and the results of it will be conveyed to Council shortly.

(5) Royal Oak Avenue from Rumble Street North

Investigation of a request for a one-hour parking limit in the 7500 Block Royal Oak Avenue revealed that there was no justification for such action so it was being recommended that the request not be granted.

(6) Boundary Road and Imperial Street

Information has been received that the City of Vancouver has established warrants for a traffic signal at the above intersection.

The proposed signal will have a fixed time controller with a leading left turn arrow for the Southbound Boundary Road to Eastbound Imperial Street movement.

The total cost of the installation is estimated to be \$5,500.00, of which half will need to be borne by Burnaby.

It was being recommended that Council authorize an expenditure of \$2,750.00 to cover Burnaby's share of the signal in question.

(7) Lougheed Mall Bus Service

As a result of considering a proposal that the Lougheed Mall bus service would be more effective if it was extended Westward on Lougheed Highway from Bainbridge Avenue or Sperling Avenue to Boundary Road, it was determined from the B. C. Hydro and Power Authority that such extension could not be justified.

In view of that, it is felt that nothing further would be gained by pursuing the proposal.

(8) 5253 Kingsway

It was being recommended that no action be taken to extend the existing "No Parking" restrictions on the East side of Royal Oak Avenue North from Kingsway an additional 100 feet because investigation revealed the lack of justification for such action.

(9) Truck Traffic - 10th Avenue

Since last reporting to Council, the problems created by truck traffic on 10th Avenue has been reviewed.

Possible alternative routes on which such traffic could travel were examined.

Particular attention was given the Eastbound movement, which could be banned by the City of New Westminster.

There are existing alternative truck routes in the municipality on which those entering and leaving the industrial area on Tenth Avenue could operate. However, those vehicles having a destination that involved the McBride Boulevard to Pattullo Bridge route would not only need to operate in a very circuitous manner, involving steeper grades and more noise, they would need to travel an additional two miles. Those trucks with a destination in Vancouver could gain access to Kingsway via 19th Street and Edmonds Street or 19th Street and Griffiths Avenue. These routes have grades which are quite steep, requiring trucks to travel in a lower gear range. The greater part of the routes are flanked by residential properties.

The suggestion that 11th Avenue be used as a truck route is considered most unsatisfactory for the following reasons:

- (a) 11th Avenue is presently classified as a minor residential street and its intersections lack traffic controls.
- (b) The existing pavement between 15th Street and Kingsway consists of a 20 foot wide asphalt cap with 4 to 6 feet wide gravel shoulders. Its intersection with Kingsway is very restrictive and would present turning difficulties.
- (c) Those trucks wishing to turn right on Kingsway and then left on 10th Avenue would find it extremely difficult to get into the left turn position because of the short distance between 10th and 11th Avenues.

It was being recommended strongly that 11th Avenue from 16th Street to Kingsway not be used as a truck route.

If a route via 11th Avenue, 15th Street and Stride Avenue to Kingsway was used, trucks outbound on 15th Street would be required to stop before entering Stride Avenue. From here, on an uphill grade, there is a steady climb to Kingsway. Trucks travelling this route would be doing so in the lower gear ranges and would create little noise.

The route is residential and would affect many more residential units than the present 10th Avenue route.

The designation of this route as a truck route cannot be supported.

For those vehicles with a destination in Vancouver that have followed a route via 11th Avenue, Hastings Street, 10th Avenue to 20th Street, then either right or left on 20th Street, they would need to follow the routings listed above for those trucks with a destination in Vancouver. The trucks destined for the Pattullo Bridge would need to travel down 20th Street to 6th Avenue, then along 6th Avenue to Stewartson Way and Columbia Street to the Bridge. 6th Avenue could not be used as an alternative to 10th Avenue because New Westminster has banned night truck traffic on it.

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Although the Committee sympathises with the complaints from the residents of 10th Avenue, it is unable to support any action which would declassify 10th Avenue as a truck route. The alternative routes involve residential streets where, for the most part, the grades are considerably steeper and the resulting noise from trucks would only bring a new list of complaints.

The Committee cannot support the reasoning that it is better to divide the truck traffic and spread it over a number of routes. Those residents now living on 10th Avenue between 18th Street and 20th Street who have had very little of the night truck traffic are bound to start registering complaints when they start receiving about 35 trips per night. At the same time, the presence of the other half of the truck traffic on 10th Avenue between Kingsway and 16th Street will do very little to resolve the present complaints regarding truck noise.

It was therefore being strongly recommended that no action be taken to change the present status of 10th Avenue from Kingsway to 16th Street as a scheduled Truck Route.

It was also being recommended that the Planning Department investigate the possibility of expanding the present industrial zoning in the subject area to encompass that part from 15th Street to Kingsway and from 10th Avenue to 14th Avenue, with particular emphasis on the provision of adequate access roads.

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN HERD:
"That all of the recommendations in the report of the Traffic Safety Committee be adopted and the conclusions endorsed."

CARRIED UNANIMOUSLY

ALDERMAN DAILLY drew attention to a situation at the Boundary Road and Grandview Highway intersection where there is congestion for the left turn movements.

Municipal Engineer mentioned that the City of Vancouver was investigating a revision in the traffic signal system at the intersection.

It was understood by Council that the Engineer would pursue the matter with the City of Vancouver to determine whether any changes are to be made.

ALDERMAN BLAIR RETURNED TO THE MEETING.

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

CARRIED UNANIMOUSLY

* * *

MUNICIPAL MANAGER submitted Report No. 49, 1970 on the matters listed below as Items (1) to (25) either providing the information shown or recommending the courses of action indicated for the reasons given:

(1) Imperial Street - Elwell Street "T" Lane from Colborne to Sperling Aves.
Dundas - Triumph Streets Lane from Carleton Ave. to Madison Ave.

The Municipal Treasurer has reported as follows in connection with the Local Improvement Lane Paving Projects certified by the Municipal Clerk on June 22, 1970 and August 10, 1970:

(a) Imperial Street - Elwell Street "T" Lane from Colborne to Sperling Avenues

Length of Work	1,500 feet
Estimated cost of work	\$3,000.00
Actual frontage	2,921.34 feet
Taxable frontage	2,424.64 feet
Owners' share of the cost of work	\$2,424.64
Estimated lifetime of the work	10 years
Frontage tax levies	5 annual installments at \$.257 per taxable front foot

(b) Dundas - Triumph Streets Lane from Carleton Avenue to Madison Avenue

Length of Work	635 feet
Estimated cost of work	\$1,270.00
Actual frontage	1,188 feet
Taxable frontage	1,188 feet
Owners' share of the cost of work	\$1,188.00
Estimated lifetime of the work	10 years
Frontage tax levies	5 annual installments at \$.257 per taxable front foot

as is required under Section 601 of the Municipal Act.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN CLARK:
"That the report of the Treasurer, as set out by the Municipal Manager, be received."

CARRIED UNANIMOUSLY

(2) Proposed Barnet Beach Crossing (Mileage 120.4 - Cascade Subdivision)

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

(3) German Measles Immunization Programme

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

ALDERMAN CLARK LEFT THE MEETING.

(4) Miscellaneous Lanes

The following additional information in respect of the three lanes which were the subject of Item (6) of Report No. 47, 1970 was being presented:

Lane	Estimated Acquisition Cost	Estimated Construction Cost	Finds In Trust	No. of Properties Benefitting
(a) Allman - Canada Way Lane (Canada Way end only)	\$2,500	\$5,000	\$1,950	18
(b) Frances-Georgia Lane (Delta to Springer)	\$780	\$6,000	Nil	28
(c) Mary Avenue Lane	\$2,000	L.I. Paving Only	Nil	8

Municipal Engineer displayed sketches of the three lanes in question and elaborated on the reasons why his Department felt they should be built.

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN MERCIER:
"That Council reaffirm its current policy of not improving the Allman - Canada Way Lane until the necessary land is acquired at nominal cost to complete the lane allowance."

CARRIED UNANIMOUSLY

ALDERMAN CLARK RETURNED TO THE MEETING.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN MERCIER:
"That authority be granted to construct the Frances-Georgia Lane between Delta Avenue and Springer Avenue, except for the portion past Lot 4, Except the West 80 feet, Block 8, D.L. 127 W3/4, Plan 1254, with a walkway being built on this part of the lane allowance."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN BLAIR:
"That authority be granted to construct the Mary Avenue Lane between 11th and 12th Avenues on the basis of the information contained in Item (6) of the Municipal Manager's Report No. 47, 1970."

CARRIED

AGAINST -- ALDERMEN McLEAN AND CLARK

HIS WORSHIP, MAYOR PRITTIE, DECLARED A RECESS AT 9:15 P.M.

THE COMMITTEE RECONVENED AT 9:25 P.M.

ALDERMAN CLARK WAS ABSENT.

(5) Tires and Recaps

It was being recommended that Council accept the tender of Crown Tire Service (B. C.) Ltd. in the net amount of \$11,667.52 for the supply of tires and recapping, as more particularly itemized in that Company's bid.

The reason for this recommendation, which is for a Company that was not the lowest bidder, is that Crown Tire Service (B.C.) Ltd. is considered to have more adequate field servicing equipment, it knows Burnaby's Fleet and its supervisory staff, and the tires involved have given good satisfaction in the past.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN DAILLY:
"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(6) Lot "A", D.L. 83, Plan 22707 (Oxendale)

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN LADNER:
"That consideration of this matter be deferred until the "In Camera" session later this evening."

CARRIED UNANIMOUSLY

ALDERMAN CLARK RETURNED TO THE MEETING.

(7) Hastings Street and Holdom Avenue

The Municipal Engineer has advised as follows in connection with the traffic signal installation at the above intersection:

- (a) The design layout for the traffic signal, which has been produced by the Department of Highways, indicates a post top mounted pedestrian head and a secondary Westbound traffic head to be located just off the existing pavement at the South-West corner of the intersection.
- (b) The pole is not being set in a location behind the future Hastings Street curb at this time because it is felt the location is too far removed from the travelled portion of the road and would not be readily observed.
- (c) When the base was poured some weeks ago, the local office of the Department of Highways was contacted and informed that the municipality thought the base was too close to the travelled lanes on Hastings Street. The Department of Highways indicated it was aware of the problem and had told its contractor to install the base some five feet further South, an instruction that was evidently not followed. The Department of Highways did advise that it was either going to construct a protective curb around the pole or have it relocated.

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- (d) The situation was recently re-examined and it was found that no action has been taken to correct the situation.
- (e) The Department of Highways was again contacted and it advised that the pole would be set back as the suggested curbing would block the exit driveway from the service station on the corner. The new location will still require a relocation of the pole when the future Hastings Street curb is built.

MOVED BY ALDERMAN DAILLY, SECONDED BY ALDERMAN BLAIR:
"That the report of the Manager be received."

CARRIED UNANIMOUSLY

(8) Attack Warning Siren Agreements

It was being recommended that the agreements covering the Attack Warning Sirens at:

Sussex Avenue and Grassmere Street (Siren #61)
Prairie Street and Byrne Road (Siren #64)

be renewed for a further five years and that authority be granted to execute the documents.

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

CARRIED

AGAINST -- ALDERMAN DAILLY

(9) Filter Equipment

The Parks and Recreation Commission was requesting that Council authorize the entering into of a contract with A. & A. Plumbing and Hearing Ltd. for the installation of a new filter system for the C.G. Brown Memorial Swimming Pool at a cost of \$6,630.00.

MOVED BY ALDERMAN DAILLY, SECONDED BY ALDERMAN HERD:
"That authority be granted to enter into the Contract mentioned in the report of the Manager."

CARRIED UNANIMOUSLY

(10) Lots 210, 214, 224, 227, 229 to 232 inclusive, 236, 239 to 241 inclusive and 243, D.L. 86, Plan 36959 (Hoy)

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

(11) Proposed 7-Eleven Food Store on Lot 19, Block 2, D.L. 29, Plan 3035 (South-West corner of Kingsway and 14th Avenue)

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

(12) Senior Citizens Housing Project (Kingsway and Edmonds - Burnaby F.P. 2)

It was being recommended that the tender of Smith Bros. and Wilson Limited in the amount of \$2,005,185.00 for the construction of the above housing project be accepted.

Municipal Manager pointed out that his recommendation should be amended to include "subject to ratification by both the Federal and Provincial Governments"

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN CLARK:
"That the recommendation of the Manager, with the amendment mentioned by him, be adopted."

CARRIED UNANIMOUSLY

(13) Miscellaneous Trucks

It was being recommended that Council accept the following tenders in the amounts indicated for the supply to the Corporation of the vehicles shown:

- (a) Three Window Van-Type Trucks - Zephyr Mercury Sales - \$7,998.06
- (b) Three 3/4 ton Pickup Trucks - Musgrove Ford Sales - \$7,952.49
- (c) Seven 1/2 ton Pickup Trucks - Westminster Motors - \$12,015.02
- (d) One Van-type truck - International Harvester- \$5,699.08
Co. Ltd.

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

CARRIED UNANIMOUSLY

(14) Municipal Hall Capital Improvement Programme

The 1970-75 Capital Improvement Programme recognized that there is no space left in the Municipal Hall and that one Department (Parks) is in rented quarters.

Money was included in the 1970 Capital Improvement Programme to provide for architectural services respecting the means of providing additional accommodation.

A staff committee has examined the matter in fair detail and developed estimates of space needs on a short and long range basis.

The conclusions of this committee (The Chief Building Inspector and the Planning Director), which were reached after close collaboration with the entire Capital Improvement Programme Committee, are that:

- (a) A new office building to house Social Welfare, Parks and Health (except Environmental Control) should be erected on a site located on the Gilpin Street side of the Municipal grounds.

- (b) The new building should be designed in such a manner as to be the first stage of a complex which could ultimately include a high-rise office building, public plaza and underground parking.

With the removal of the Welfare and Health Departments from the present Municipal Hall, it is estimated the existing Hall could be altered to accommodate other Departments sufficient for their needs for the next five to ten years, during which time some of the unknowns, such as Regional functions, may be resolved.

It was being recommended that:

- (i) A Committee of Council be established to act on the subject; to recommend the appointment of an architect; and generally to provide Council liaison with staff respecting the construction of the proposed building.
- (ii) Authority be granted to arrange for the hearing of selected architects who may be interested in undertaking the project.

Preliminary cost estimates of the proposal are:

New Building	-	\$871,460.00
Parking Structure	-	72,000.00
Alterations to existing Municipal Hall	-	196,700.00
Land (which has already been bought)	-	<u>28,062.00</u>
Total		\$1,168,122.00

The Financing Programme envisages a Tax Sale Monies By-law.

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN MERCIER:

"That a Committee of Council be appointed to deal with the question of whether Capital Improvements are required to the Municipal Hall Complex, including a review of the conclusions expressed in the report of the Manager."

CARRIED UNANIMOUSLY

(15) Senior Citizens Housing Project (Stratford Avenue-F.P. 3)

The lowest bidder for the construction of the above housing project was Klassen Construction Ltd.

A recommendation regarding the awarding of the contract for the project will be made this evening.

Municipal Manager read a letter he had received from the Architect for the project which is the subject of his report, Mr. Norman S. Jones, in which the following was offered:

- (a) *All tenders for the construction of the project in question have been examined and, as a result, all were determined to be properly completed.*

- (b) *It was being recommended that the low tender of Klassen Construction Ltd. be accepted.*
- (c) *The Company has previously constructed a senior citizens housing project and has demonstrated quality of workmanship and business performance.*
- (d) *The amount tendered by the Company is within 4% of the budget amount.*

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN DAILLY:
"That the tender of Klassen Construction Ltd. in the amount of \$1,077,000.00 for the construction of the Stratford Avenue (F.P.-3) Housing Project be accepted, subject to ratification by both the Federal and Provincial Governments."

CARRIED UNANIMOUSLY

(16) Wayburne Way - (Dominion Construction Ltd.)

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

(17) Portion of Lot 32, D.L. 40, Plan 28710
REFERENCE REZONING #22/70

The Planning Department has reported that the plans submitted by the landscaper involved with the development project on the above described property were basically acceptable but required more detail as to the location and size of the various species of plantings to be use.

The landscaper indicated the revised plans will not be available until the beginning of the week, after which a detailed report will be submitted by the Planning Department.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN DAILLY:
"That the report of the Manager be received."

CARRIED UNANIMOUSLY

(18) Lot 6, S.D. 2, Blocks 1 and 3, D.L. 43, Plan 11257
(3497 Lozells Avenue) SUBDIVISION REFERENCE #22/70

The Planning Department has reported as follows on the question of a walkway being provided as a condition of the above subdivision:

- (a) The possibility of providing such a facility running North of the subject Lot 6 from the Easterly end of Chutter Street to the existing trail on the East side of the creek was examined and, though it was concluded that this walkway is feasible, it has the following disadvantages:
 - (i) It will be necessary to remove some trees which are one of the natural assets of the area.

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- (ii) Stairs would need to be built from the top of the bank down to the water course.
 - (iii) A new foot bridge would need to be constructed across the creek to allow connection with the existing walk on the East bank of the creek.
 - (iv) The route is rather circuitous and is not lighted.
- (b) There is an already constructed walkway from the area to Government Street.
 - (c) A walkway in the location requested by residents of the area (i.e., the existing foot path across private property) cannot be provided without reducing the subdivision of the Lot 6 in question by two lots.
 - (d) It is therefore a question of accepting the existing walkway as reasonable access or constructing the walkway outlined under (a) above.
 - (e) It is felt the existing walkway adequately serves the area.

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN BLAIR:

"That Council concur with the opinion expressed in the report of the Manager that the existing walkway between Colleen Street and Government Street adequately serves the area involved."

CARRIED UNANIMOUSLY

- (19) (a) Block 27, Expl. Pl. 19908, D.L. 29, Plan 4215
 - (b) Lot 1, Block 26, D.L. 29, Plan 4900
 - (c) Block 26, D.L. 29, Sk. Plan 7868, Plan 3035
- REFERENCE REZONING #20/70

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

- (20) Senior Citizens' Housing Project (Kingsway and Edmonds Street - Burnaby F.P. 2)

Smith Bros. and Wilson Limited named Central Glass Limited in its bid for the construction of the above housing project but used the price of Garibaldi Glass and Aluminum Ltd. in the bid.

Smith Bros. and Wilson Limited has requested permission to use Garibaldi Glass and Aluminum Ltd. for the project.

It was being recommended that this request be granted.

Garibaldi Glass and Aluminum Ltd. was the low bidder for the service it is providing.

The mechanical contractor is Sengleson Installations Limited and it has been checked by the architects for technical, financial and administrative capabilities and has been found satisfactory.

The tender for the project was called with several alternate prices to provide a basis for reducing the contract price, should this be considered necessary.

The architects have recommended that no alternate prices be used because of the favourable bid.

This decision need not be made at this time and the award of the contract does not prevent further consideration of the alternate bids.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN McLEAN:
"That the recommendation of the Manager respecting Garibaldi Glass and Aluminum Limited be adopted."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN DAILLY:
"That the remainder of the Manager's Report be received."

CARRIED UNANIMOUSLY

(21) Inter-City Express (1955) Limited et al

The Municipal Solicitor has reported as follows in connection with the use being made of property known as 7976 Winston Street by the above Companies:

- (a) The expressions "truck terminal" and "cartage, delivery and express facilities" are not defined in the Zoning By-law and the dictionary definitions (if they exist) are of little help.
- (b) Moreover, little help may be derived from considering the By-law provisions dealing with M1 and M2 zones.
- (c) The M1 zone provides for the accommodation of light manufacturing uses under conditions designed to minimize conflict with surrounding uses. Certain specified commercial and service uses are permitted, including "cartage, delivery and express facilities".
- (d) The M2 District provides for the accommodation of General Industrial activities under conditions designed to minimize conflicts with surrounding uses, and also permits certain commercial and service uses, including truck terminals.
- (e) It appears that application was first made by Inter-City Express (1955) Ltd. to use the site in question. The Company's operation was described to municipal officials as a cartage and express service whose trucks were dispatched to points within the city area for delivery of goods, and goods were only and infrequently handled on the premises under exceptional circumstances.
- (f) It now appears that two other companies are using the site and they are exclusively highway hauling contractors.
- (g) The Chief Licence Inspector's interpretation of "truck terminal" to mean a place where goods are loaded and unloaded and transferred from one vehicle to another may be correct. If it is, there is little of this activity being done at 7976 Winston Street at the present time, although a representative of the property owners has pointed out that such activities have taken place and that trucks enter and leave the premises sometimes during the night and early morning.

- (h) The premises were inspected and some trucks were found thereon which could properly be described as vehicles for Inter-City Cartage, but also there were some oil tankers and other units which would more likely be used for long-distance hauling. The impression was gained that the premises were not simply being used for "cartage and express facilities".
- (i) In no sense could the operation in question presently be compared with the nearby operation of Chapman Transport, which is certainly a full-scale truck terminal with facilities for trans-shipment of goods.
- (j) The present controversy arises because the By-law uses terms which have no exact definition in ordinary usage and are not defined in the By-law.
- (k) No matter what one's opinion may be, a Zoning By-law is always construed in favour of the land-owner on the principle that he is entitled to do what he wants on his own property unless clearly restricted by law. If there is any ambiguity, it is always resolved in favour of the land-owner.
- (l) The action taken by Council at its last meeting to appoint a Committee comprising of representatives of the companies involved, adjacent property owners and municipal staff, to endeavor to effect some acceptable solution, is the course which should be pursued.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN HERD:

"That the report of the Municipal Solicitor be referred to the Special Committee mentioned by him at the end."

CARRIED UNANIMOUSLY

(22) Noise Control By-law

The Municipal Solicitor has reported as follows on the captioned subject:

- (a) The proposed By-law obviously intends to measure noise by decibels, and it is assumed that suitable measuring devices are available.
- (b) "Intermittent sound" is defined as any sound having a duration of less than five minutes. The usual dictionary meaning of intermittent is "operating at intervals" so it was being suggested that the By-law definition be re-examined.
- (c) Making the owner of property responsible for noise being emitted seems to place an unnecessary burden on him when the property is rented.
- (d) It is doubted if any court would convict anyone when the noise level is below the reading permitted by the by-law; it is also doubted if Council has the power to determine the function of the court in this manner.
- (e) The exemption of the municipality that is provided in the By-law amounts to discrimination, and this should be rectified so as to cover only emergency situations.

- (f) The By-law provides for exceptions when written permission is obtained from the municipality but does not set out any guide-lines for such action; therefore, if anyone applies for a permit, it seems the municipality must grant it or be accused of discrimination.
- (g) The By-law should not contain any reference to discretionary powers, such as the provision of sound dampening barriers and public address systems.
- (h) The parts of the By-law dealing with motor vehicles may conflict with provisions of the Motor Vehicle Act and regulations or similar Provincial legislation,
- (i) There may be other jurisdictional problems since the regulation of aircraft and railways is a Federal matter, as is Sunday legislation. It is not thought that the By-law could be attacked as being ultra vires because it concerns itself primarily with noise prevention and not the regulation of Sunday. Where the Lord's Day Act forbids certain kind of work on Sunday, the Council could not grant a permit to override the Federal legislation.

MOVED BY ALDERMAN DRUMMOND, SECONDED BY ALDERMAN MERCIER:
"That the report of the Solicitor be referred to the Noise Pollution Committee for consideration."

CARRIED UNANIMOUSLY

ALDERMAN LADNER ARRIVED AT THE MEETING.

(23) Reservoir and Watermains on 10th Avenue

The bid by the low tenderer for the construction of a reservoir on 10th Avenue is satisfactory, but it is considered that more favourable costs could be obtained for the other aspects of the tender call involving the construction of a watermain, inlet and outlet valve chambers, valves and controls in the chambers, all electrical installations, fencing and incidentals.

It was therefore being recommended that the tender of the lowest bidder, Manson Bros. Ltd., in the amount of \$107,132.00 for the construction of the reservoir in question be accepted, subject to written consent being received from the Company to remove the other items mentioned above from its bid.

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

CARRIED

AGAINST -- ALDERMAN HERD

(24) Estimates

It was being recommended that the Municipal Engineer's report covering Special Estimates of Work in the total amount of \$18,000.00 be approved.

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

CARRIED UNANIMOUSLY

(25) 6000 Block Wilson Avenue (Coblentz)

The Engineering Department has indicated that the complaint regarding the owner of the service station parking vehicles on the sidewalk is a matter of enforcement by the R.C.M.P.

The accident history at the intersection of Wilson Avenue and Kingsway reveals that only one pedestrian injury has been recorded there since 1961. There is no record of any fatalities there. The only pedestrian fatality on record for Kingsway between Patterson Avenue and Willingdon Avenue occurred in 1965, and this involved a woman who stepped from between parked vehicles West of Wilson Avenue.

Wilson Avenue between the B. C. Hydro and Power Authority railway tracks and Kingsway is a street of apartment houses. It has four foot wide concrete sidewalks on both sides in reasonably good condition; storm drainage; and a twenty foot wide pavement, also in reasonably good condition. Ditches have been backfilled as a result of the storm drainage situation to the point where they can be considered as gutters, thus allowing off-pavement parking on gravelled strips approximately eight feet to ten feet wide on each side of the pavement.

The condition of the road is considered to be good and no action other than normal maintenance appears to be warranted.

It must be accepted that the street is still unfinished; that is, there are no curbs and paving curb-to-curb. To this extent, the street compares unfavourably with others which have been brought to the ultimate standard. This situation is impossible to rectify until the money situation improves.

The cost of curb and pavement widening is estimated at \$5.50 per front foot. It would be unrealistic to offer a Local Improvement on a cash basis because of the large frontages in some cases.

The entire subject is on the Agenda for the next Traffic Safety Committee meeting and a report will be submitted by that body directly to Council.

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN MERCIER:
"That the report of the Manager be received and the substance of it be conveyed to Mr. Coblentz."

CARRIED UNANIMOUSLY

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

CARRIED

AGAINST -- ALDERMEN DRUMMOND
AND CLARK

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MUNICIPAL MANAGER submitted a Special Report dealing with the Universal Life Foundation Buildings, advising as follows:

- (a) The Corporation purchased the last remaining portion of the property on Deer Lake Avenue on April 13, 1970 for \$120,000.00. The property contained approximately 2.5 acres and there were two major buildings plus a carport on it. One of the buildings is the former "Mather" house, which was previously used as a school. The other was a smaller house, referred to as the "green" house. This had been used as a residence and office.

The "green" house is in quite good repair and the only necessary work required to make immediate use of it is some ^{roof} repair. The estimated cost of this is \$1,700.00.

The "Mather" house has had additions and has been changed internally very drastically, is much older and is in need of considerable work before it could be considered satisfactory for any public use. The roof, heating system and electrical wiring are the items of main concern. As a result of a survey, it was determined that approximately \$54,650.00 would be required to improve the premises.

- (b) On June 3, 1970, the Parks and Recreation Commission expressed the opinion that the buildings in question should be transferred to the Commission for use as an annex to the James Cowan Memorial Hall. Various facets of the Fine Arts Programme could be conducted in the larger buildings without the need for any major renovations aside from painting and decorating. The acquisition of the building would relieve the necessity of further major renovations to the James Cowan Memorial Hall to provide classrooms which are necessary for the development of the Fine Arts Programme.
- (c) The Burnaby Library Board inspected the property and advised that it was not suitable for library purposes.
- (d) During this time, it was also known that at least one of the projects under consideration by the Burnaby Centennial '71 Committee involved the use of the property. The considerations of this Committee resulted in an application to Council on August 24, 1970 to have the entire property reserved for the use of the Committee as a Permanent Commemorative Project until a more detailed report in connection with the matter could be prepared and submitted to Council, which was expected to be by September 30, 1970.
- (e) The Parks and Recreation Commission has needs of its own and is also trying to provide some accommodation for the Fine Arts Programme of Douglas College on a temporary basis.
- (f) A meeting was held on August 27th between the Manager and Messrs. Barrington and Stewart of the Burnaby Centennial '71 Committee. Among many subjects, the matter of the "green" house was discussed. As this particular building needs no internal repairs, both Mr. Barrington and Mr. Stewart agreed that a temporary use of this building for several months would not in any way interfere with the work of the Committee; it would assist the Parks and Recreation Commission in its problems; and would probably be better for the building itself than lying idle and vacant.

(g) As a decision was required immediately, the Manager advised the Commission that it could plan to use the "green" house for a minimum period of six months.

(h) In the firm belief that a good community use can be made of the "Mather" house and the "green" house for a sufficient number of years to justify the necessary repairs, it was being suggested that Council, at this time, consider making repairs to the roofs and drains of the two buildings to prevent any further deterioration of the buildings from these causes. The expenditures required are estimated to be:

"Green" house - re-roof	\$1,700.00
"Mather" house- roof	2,550.00
- gutters and rain leaders	350.00
- storm drains	750.00
- contingency for carpentering	350.00
TOTAL	<u>\$5,700.00</u>

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN McLEAN:
"That authority be granted to make the repairs to the roof and drains of the "green" house and the "Mather" house on the former Universal Life Foundation property, as more particularly described in the report of the Manager."

CARRIED UNANIMOUSLY

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

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

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

CARRIED UNANIMOUSLY

* * *

BY - L A W S

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN LADNER:
"That leave be given to introduce:

"BURNABY ROAD DEDICATION BY-LAW NO. 1, 1970" #5762

"BURNABY TRADES LICENSE BY-LAW 1950, AMENDMENT BY-LAW NO. 2, 1970" #5739

"BURNABY HIGHWAY EXCHANGE BY-LAW NO. 3, 1970" #5763

and that they now be read a First Time."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN LADNER:
"That the By-laws be now read a Second Time."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN LADNER:
"That the Council do now resolve into a Committee of the Whole
to consider and report on the By-laws."

CARRIED UNANIMOUSLY

Municipal Clerk stated that he had a letter from Canadian Pesticide
Applicators Association of British Columbia pertaining to the
subject of the Trades Licence Amendment By-law.

It was felt by Council that further consideration of this amendment
should be deferred until each member receives a copy of the letter
from the Association.

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN McLEAN:
"That the Committee do now rise and report progress on
"Burnaby Trades Licence By-law 1950, Amendment By-law No. 2, 1970"."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN LADNER:
"That the Committee do now rise and report:

"BURNABY ROAD DEDICATION BY-LAW NO. 1, 1970"
"BURNABY HIGHWAY EXCHANGE BY-LAW NO. 3, 1970"
complete."

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN LADNER:

"That:
"BURNABY ROAD DEDICATION BY-LAW NO. 1, 1970"
"BURNABY HIGHWAY EXCHANGE BY-LAW NO. 3, 1970"
be now read a Third Time."

CARRIED UNANIMOUSLY

* * *

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN LADNER:

"That the Council do now resolve into a Committee of the Whole
to consider and report on:

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 43, 1970" #5756
"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 35, 1970" #5745

CARRIED UNANIMOUSLY

BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 43, 1970 provides for the following proposed rezoning:

Reference RZ #37/70

FROM RESIDENTIAL DISTRICT TWO (R2) AND HEAVY INDUSTRIAL DISTRICT (M3) TO COMPREHENSIVE DEVELOPMENT DISTRICT (CD)

South-Westerly 10.92 acre portion of Lot 67, D.L.'s 6/10/56/148, Plan 31569
North-Westerly portions of Lot 69, D.L.'s 4/6, Plan 31569 and Parcel 1, Ref. Pl. 22345, S.D. Parcel "A", Block 17, D.L. 6, Plan 748 having a combined area of 10.57 acres

(The total area described is located North of the Lougheed Highway between the B. C. Hydro and Power Authority right-of-way along the West of the Ravine Area West of Noel Drive and Bell Avenue, and the Railway Right-of-way East of Gagliardi Way Road Allowance)

The Municipal Clerk stated that the Planning Department had reported that progress was being made in satisfying the prerequisites in connection with this rezoning proposal, and this By-law could be given third reading at this time.

BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW 35, 1970 provides for the following proposed rezoning:

Reference RZ #16/70

FROM RESIDENTIAL DISTRICT FIVE (R5) AND GENERAL COMMERCIAL DISTRICT THREE (C3) TO COMPREHENSIVE DEVELOPMENT DISTRICT (CD)

Lots 1 and 2 except part on Plan with By-law 30078, Block 2 E. part, D.L.'s 151/3, Plan 5457

(4361 Kingsway - Located on the North side of Kingsway from a point approximately 270 feet East of Chaffey Avenue Eastward a distance of 228 feet and extending through from Kingsway to Grange Street)

Municipal Clerk stated that the Planning Department had reported that the prerequisites established by Council in connection with this rezoning proposal were nearing satisfaction.

He pointed out that, for financing reasons, the applicant wishes the amendment advanced for Third Reading.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN LADNER:
"That the Committee do now rise and report the By-laws complete."

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN LADNER:

"That:

BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 43, 1970

BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 35, 1970

be now read a Third Time."

CARRIED UNANIMOUSLY

* * *

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN LADNER:

"That:

"BURNABY LOCAL IMPROVEMENT CONSTRUCTION BY-LAW NO. 23, 1970" #5758

"BURNABY ROAD ACQUISITION AND DEDICATION BY-LAW NO. 5, 1970" #5757

be now reconsidered."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN LADNER:

"That:

"BURNABY LOCAL IMPROVEMENT CONSTRUCTION BY-LAW NO. 23, 1970"

"BURNABY ROAD ACQUISITION AND DEDICATION BY-LAW NO. 5, 1970"

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

CARRIED UNANIMOUSLY

* * *

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN MERCIER:

"That leave be given to introduce:

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 44, 1970" #5759

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 45, 1970" #5760

and that they now be read a First Time."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN MERCIER:

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN MERCIER:

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

CARRIED UNANIMOUSLY

BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 44, 1970 provides for the following proposed rezoning:

Reference RZ #11/70

FROM RESIDENTIAL DISTRICT FIVE (R5) TO RESIDENTIAL DISTRICT SIX (R6)

- (a) South 133' of Lot 1, Except Expl. Pl. 16043 and Except Plan 28800, S.D. "C", Blk. 2, D.L. 75, Pl. 6877
- (b) South 133' of Lot 2, S.D. "C", Blk. 2, D.L. 75, Plan 6877
- (c) North 133' of Lot "D", Blk. 2, D.L. 75, Plan 3219 Excepting the Westerly 150' of (a) and (c)

(3180, 3150 and 3250 Douglas Road -- Located between Douglas Road and Highway 401, approximately 128 feet North of Hyde Street, and 150 feet East of Douglas Road)

BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 45, 1970 provides for the following proposed rezoning:

Reference RZ #35/70

FROM RESIDENTIAL DISTRICT FIVE (R5) TO MULTIPLE FAMILY
RESIDENTIAL DISTRICT THREE (RM3)

- (a) Lot 2, Except Expl. Pl. 8663, Blk. 5, D.L. 34, Plan 1355
- (b) Lot 1, Block 5, D.L. 34, Plan 1355
- (c) Lots 2 and 3, Sketch 8663, Blk. 5, D.L. 34, Plan 1355

(5608, 5622 and 5636 Inman Avenue -- Located on the East side of Inman Avenue from a point approximately 200 feet North of Kingsway, North-West a distance of 197.5 feet)

Some concern was expressed in Council regarding the proposed construction of a playground on the properties covered by Amendment No. 44, in such close proximity to neighbouring residential properties, as was displayed on a plan presented at the Public Hearing on this proposal.

It was also mentioned that the planting of trees on the site should be done so as to provide screening between the proposed development and the neighbouring residences.

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN MERCIER:

"That it be suggested to the developer of the properties covered by Amendment By-law No. 44, 1970 that he contact the people in the area who have expressed concern regarding the playground and screening to determine what they feel would be adequate."

CARRIED

AGAINST -- ALDERMEN LADNER
AND CLARK

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN MERCIER:

"That a letter be sent to all the owners whose properties abut the ones which are the subject of Amendment By-law No. 44, 1970 inviting them to make further representations in connection with the rezoning proposal if they wish."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN DAILLY:

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

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

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

CARRIED UNANIMOUSLY

* * *

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN MERCIER:
"That leave be given to introduce BURNABY ZONING BY-LAW 1965,
AMENDMENT BY-LAW NO. 46, 1970 #5761 and that it now be read
a First Time."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN MERCIER:
"That the By-law be now read a Second Time."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN MERCIER:
"That the Council do now resolve into a Committee of the Whole
to consider and report on the By-law."

CARRIED UNANIMOUSLY

This By-law provides for the following proposed rezoning:

Reference RZ #28/70

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

Lot 1 of Lot 8, Part North of Highway, Except Plan 21111,
D.L. 4, Plan 845

(9601/07 Lougheed Highway -- Located on the North side
of the Lougheed Highway immediately West of Austin Road,
with a frontage of 300 feet on Lougheed Highway)

The applicant for the rezoning covered by this By-law, Mr. Stuart
L. Whitehouse, submitted a letter requesting an opportunity to
address Council on the proposal.

He also indicated that he was opposed to the three prerequisites
established in connection with the rezoning because:

- (a) The first two, dealing with pedestrian access to
the Lougheed Mall, are impossible to satisfy as
the owners of the Lougheed Mall Shopping Center
refuse to participate in the matter.

The future tenants of his building are prepared
to co-operate in the matter.

- (b) The requirement to provide a renewed water service
and fire hydrant is considered unfair.

For many years, water service to the property has been
adequate.

Sept/8/1970

Since the rezoning proposal at hand was instigated by the Planning Department, it does not seem reasonable that he should be required to provide a service that is not needed under the current zoning.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN MERCIER:
"That Mr. Whitehouse be heard."

CARRIED UNANIMOUSLY

Mr. Whitehouse then spoke and reiterated the points in his letter.

When referring to the water service prerequisite, his attention was drawn to the fact that the fire hydrant was really the only requirement.

Mr. Whitehouse also stated that he has owned the property for twenty-two years and was therefore not interested in the land as a speculator.

It was pointed out to Council by the Planning Director that, if Mr. Whitehouse required a permit to make any changes in his building to accommodate his new tenants, the municipality may require him to provide different water service and possibly others before the permit was granted.

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN MERCIER:
"That Council withdraw the three prerequisites which were established in connection with the rezoning proposal covered by the Amendment to the Zoning By-law now under consideration."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN HERD:
"That the Committee do now rise and report progress on the By-law."

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN MERCIER:
"That the Council now resolve itself into a Committee of the Whole "In Camera"."

CARRIED UNANIMOUSLY