

SEPTEMBER 10, 1973

A regular meeting of the Municipal Council was held in the Council Chambers, Municipal Hall, 4949 Canada Way, Burnaby 2, B. C. on Monday, September 10, 1973 at 7:00 P.M.

PRESENT:
Mayor T. W. Constable, in the Chair
Alderman E. L. Burnham
Alderman M. M. Gordon
Alderman D. A. Lawson (7:05 P.M.)
Alderman W. A. Lewarne
Alderman G. H. F. McLean
Alderman J. L. Mercier
Alderman V. V. Stusiak

ABSENT: Alderman B. M. Gunn

STAFF PRESENT:
Mr. Melvin J. Shelley, Municipal Manager
Mr. A. L. Parr, Planning Director
Mr. V. Kennedy, Deputy Municipal Engineer
Mr. E. A. J. Ward, Deputy Municipal Clerk
Mr. B. D. Leche, Municipal Clerk's Assistant

MOVED BY ALDERMAN GORDON, SECONDED BY ALDERMAN MCLEAN:
"That the Minutes of the Council meeting held on September 4, 1973 be adopted as written and confirmed."

CARRIED UNANIMOUSLY

ORIGINAL COMMUNICATIONS

MOVED BY ALDERMAN LEWARNE, SECONDED BY ALDERMAN STUSIAK:
"That all of the below listed original communications be received and those items of the Municipal Manager's Report No. 67, 1973 which relate thereto be brought forward for consideration at the appropriate times."

CARRIED UNANIMOUSLY

Mr. Kirk Blok Andersen, President, Canadian Water Ski Association, New Brunswick Region, wrote to express appreciation for the Water Skiing Site at Deer Lake that was used for the Canada Summer Games last month.

Mr. Malcolm Nicholson, Director, Burnaby Ladies Pipe Band, submitted a letter requesting permission to hold Tag Days on September 14th and 15, 1973 for the purpose of raising funds for the Band.

MOVED BY ALDERMAN GORDON, SECONDED BY ALDERMAN MERCIER:
"That permission be granted to the Band to conduct its campaign on the dates indicated."

CARRIED UNANIMOUSLY

Mr. C. S. J. McKelvey, Executive Director, Union of British Columbia Municipalities, submitted a letter indicating the action that will be taken with respect to various resolutions Council submitted to the Executive of the U.B.C.M.

Mr. Victor J. Parker, Director of Transit, Bureau of Transit Services, Department of Municipal Affairs, wrote to advise that he will be maintaining liaison with Council and Municipal staff when proceeding with the transit planning programme for the Greater Vancouver area and that the situation with respect to the B. C. Hydro and Power Authority land on the former Central Park Line will be borne in mind in the planning.

The Honourable Daniel J. MacDonald, Minister of Veterans' Affairs, submitted a letter clarifying the position of the Federal Government in respect of the George Derby Health and Occupational Centre and advising that, if negotiations concerning the transfer of the property to the Provincial Government are satisfactory, then the Federal Government will not reserve the site for the Municipality.

The Honourable Dennis Cocke, Minister of Health Services and Hospital Insurance for the Province of British Columbia, wrote to clarify the position of the Provincial Government in respect of its interest in the George Derby Health and Occupational Centre and to advise that he will be discussing the disposition and use of the land with Council in the event the Government maintains an interest in the property.

ALDERMAN LAWSON ARRIVED AT THE MEETING.

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN MCLEAN:

"That a telegram be sent to Pierre Elliott Trudeau, Prime Minister of Canada, to read as follows:

"WHEREAS the Council of the Municipality of Burnaby wishes to bring to the attention of The Hon. Pierre Elliott Trudeau, Prime Minister of Canada, the subject of the future use of the GEORGE DERBY HEALTH AND OCCUPATIONAL CENTRE and land associated therewith, which is located in the said Municipality; and

WHEREAS this is now a matter of discussion between the Federal Government, through the Minister of Veterans' Affairs, and the Provincial Government, through the Minister of Health Services and Hospital Insurance; and

WHEREAS the Council, in the consideration of good government and good planning for residents of the Municipality of Burnaby, is of the opinion that the George Derby land should be returned to the control of the Municipality;

NOW THEREFORE BE IT RESOLVED that the Council of Burnaby request the Prime Minister to issue instructions to halt all negotiations for the transfer of the George Derby lands to the Government of the Province of B.C., for the following reasons:

- (1) The land was originally acquired, by expropriation, from the Municipality by the Federal Government.
- (2) The amount of land so acquired was excessive to the needs of the Federal Government.
- (3) The land is needed for municipal planning for Regional Parks, Community Parks, a major road connection, the Cariboo District Settlement Plan, and urban green space.
- (4) The planning for the eastern portion of the Municipality is dependent on municipal control of the land.
- (5) We have had assurances from previous Ministers of the Federal Government that the Municipality would be consulted when the Federal Government considered transfer or disposition of the land.

AND BE IT FURTHER RESOLVED that the Federal Government be asked if it will receive a delegation consisting of the Mayor, two Aldermen and one staff member to place more fully our case in the above matter."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN GORDON:

"That copies of the telegram referred to in the previous resolution be sent to the Premier of British Columbia, the Honourable Daniel J. MacDonald, the Honourable Dennis Cocke, and the Members of Parliament representing Burnaby plus the Members of the Legislative Assembly representing Burnaby.

CARRIED UNANIMOUSLY

It was understood by Council that the Deputy Municipal Clerk would, in communicating Council's decision with respect to the George Derby Health and Occupational Centre, specifically mention that the Resolution was carried unanimously.

Mr. T. I. Worobetz submitted two letters relating to the Merit Car Wash at 6755 Canada Way.

Item #16 of the Municipal Manager's Report No. 67, 1973, which relates to the letters from Mr. Worobetz, was brought forward at this time. The following is the substance of that report:

(16) Merit Car Wash - 6755 Canada Way

The Chief Public Health Inspector has submitted a report, together with an excerpt from Burnaby Noise or Sound Abatement By-Law, relating to the noise and light situation in respect of the Merit Car Wash operation at 6755 Canada Way.

It will be noted that the matter of light intensity requires further analysis by the Health and Building Departments and that this will be the subject of a further report.

It was recommended that a copy of the report at hand be sent to Mr. Worobetz and that the Chief Public Health Inspector arrange a meeting with him and other residents in the area to discuss the general situation.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN GORDON:

"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

I N Q U I R I E S

His Worship Mayor Constable stated that he had arranged a meeting with the Minister of Municipal Affairs and the Minister of Education for Monday, September 24, 1973 at 9:00 a.m. at which it was proposed to discuss the situations involving Oakalla, the Stormont Interchange of the Freeway, the East Burnaby traffic situation, Marine Way, and the Willingdon School for Girls.

It was understood by Council that the Municipal Manager would endeavour to provide Council on September 17th with reports summarizing the situation with respect to the subject matters that could be used as a basis for discussion with the two Ministers.

Alderman Lawson indicated that she would provide the Municipal Engineer with specific locations where streets and boulevards in the Brentwood area had deteriorated.

Alderman Lawson mentioned that complaints had been received that the public was being barred from using the boat ramp area at Burnaby Lake.

She indicated she would provide staff with the names of the complainants and the dates they lodged their complaints.

When Alderman McLean inquired as to whether any follow up occurs after storm sewers are installed to determine whether property owners would be interested in curb to curb treatment on their streets, the Deputy Municipal Engineer replied that practically all storm sewer work that is done is in preparation for the type of street improvement mentioned by Alderman McLean.

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Alderman McLean inquired as to what progress was being made in preparing a report dealing with the "Nelson " ravine which, because of excessive rainfall last winter, caused flooding on the property of a Chinese gardener called Wing Wong south of Marine Drive.

Municipal Manager stated that he would have a report for Council on September 17th dealing with the situation in respect of five or six ravines on the south slope north of Marine Drive.

Alderman Lewarne suggested that consideration should be given the matter of providing cuts in curbs to enable small wheeled vehicles, such as buggies, easier access to and from sidewalks adjacent to roads.

MOVED BY ALDERMAN LEWARNE, SECONDED BY ALDERMAN LANSON:

"That the Municipal Engineer submit a report indicating the feasibility of implementing a policy such as that suggested by Alderman Lewarne."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN STUSIAK:

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

CARRIED UNANIMOUSLY

R E P O R T S

HOUSING COMMITTEE submitted a report advising that it had discussed the question of green space being provided in apartment areas. The Committee indicated that a proposal was advanced that developers of apartment blocks be required to contribute to a fund that would be used to purchase land in apartment areas that was considered suitable for development as parks.

The Committee recommended that, as the matter does not come within the terms of reference of the Committee, the Planning Department be requested to prepare a report on the subject for the consideration of Council.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN MCLEAN:

"That the subject of the report from the Housing Committee be referred back to it for consideration and report, with it being understood that the Committee would elicit the opinion of the Planning Department on the matter if desired."

CARRIED UNANIMOUSLY

MUNICIPAL MANAGER submitted Report No. 67, 1973, on the matters listed below as Items (1) to (19), either providing the information shown or recommending the courses of action indicated for the reasons given.

(1) Local Improvement Ornamental Street Lighting

As a result of reviewing the policy in respect of Local Improvement Ornamental Street Lighting caused, in part, by situations which have developed during the past year or so relating to Strata Title properties and complaints concerning the method of charging for such work, a thorough investigation was made of the matter. It was concluded that the only options open to Council are:

- (a) to establish a fixed rate and fixed frontage, which is what is done now;
- (b) to establish a fixed rate applicable to the full frontage of properties;
- (c) to establish a fixed rate applicable to the full frontage but not to exceed a maximum frontage, as is the case with the Local Improvement Street Programmes;
- (d) to establish the percentage the Corporation will share in specified works;
- (e) to establish minimum frontages,

- (f) to make special rules concerning corner lots affected by the same works, corner lots affected by contiguous works and lots with front and rear boundaries affected by the same works, as Council has done.

The only scheme which will modify the effect of the current method of applying Local Improvement taxes is one which will:

- (1) assess actual frontages not to exceed 66 feet;
- (2) establish a minimum frontage of 5 feet for Strata Title properties so that they are not assessed Local Improvement taxes less than \$1.00;
- (3) establish a rule that would apply to corner lots and property affected by works on front and rear boundaries so that:
 - (a) where a parcel of land is situated at the junction or intersection of streets and the work is provided on or along more than one side of the parcel, the taxable foot frontage shall not be more than 66 feet;
 - (b) where a parcel of land is situated at the junction or intersection of streets and the work is provided on or along a second side of the parcel where a similar work is already provided on or along one side, the taxable foot frontage shall be not more than 66 feet less the taxable foot frontage already charged against the parcel for the similar work;
 - (c) where the front and rear boundaries of a parcel of land each abut on a highway, other than a lane, and the work is provided on or along both such boundaries, the taxable foot frontage shall be not more than 66 feet.

It was recommended that:

- (a) Council adopt the rules listed above as the policy for Local Improvement Ornamental Street Lighting.
- (b) Burnaby Local Improvement Charges By-Law 1971 be amended to reflect this change in policy.
- (c) The Local Improvement Ornamental Street Lighting project for the Boundary-Willingdon-Parker-Albert area be re-initiated.
- (d) Subsequently, insofar as new Ornamental Street Lighting works are concerned, the front foot rate be increased from 19.7 cents to 42.42 cents, or from \$13.00 to \$28.00 on a maximum frontage property.
- (e) Effective January 1, 1974, all existing Street Lighting Frontage Tax By-Laws be repealed.
- (f) The Municipal Manager be instructed to prepare and submit a formal application to the Department of Municipal Affairs for legislation, special to Burnaby if necessary, to permit Local Improvements to be taxed as a mill rate on realty assessments.

MOVED BY ALDERMAN GORDON, SECONDED BY ALDERMAN STUSIAK:
"That the recommendations of the Manager be adopted."

CARRIED UNANIMOUSLY

(2) 5762 Sprott Street (Slovenian Society)

The R.C.M.P. and the Municipal departments involved have received no complaints concerning the activities being carried out by the Slovenian Society at the above location.

The Health Department has discussed the proper care of grass areas on the site with an Executive of the Society who has made a commitment to institute a programme to ensure that the grass is cut, as required, on a regular basis.

The Chief Licence Inspector has been informed that the following steps have been initiated by the Slovenian Society:

- (a) Ventilation equipment has been installed in the building and it is now possible to keep the doors and windows closed during social activities to contain the noise.
- (b) Supervision of street parking is supplied so that vehicles belonging to members park in such a manner that will not inconvenience the local residents and will ensure orderly dispersal and the control of noise.
- (c) Arrangements were made to provide for regular religious services but the Clergyman became ill and was not able to perform. After being released from the hospital he died in a motor vehicle accident.

The Slovenian Society intends to continue with a regular religious programme.

It was recommended that the Slovenian Society be sent a copy of the report at hand.

MOVED BY ALDERMAN LEWARNE, SECONDED BY ALDERMAN STUSIAK:
"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(3) Kensington Park Ice Rink

It was recommended that Council authorize an extension of the completion date in the above contract with Coyne Construction Limited to September 30, 1973 without implementation of liquidation damages.

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

CARRIED UNANIMOUSLY

(4) Residential Condominiums and Conversions

The Planning Department has prepared a composite report, suitable for distribution to the public, which includes its original proposal for residential condominiums and conversions and the comments of the Advisory Planning Commission. This report will be distributed by the Municipal Clerk to interested individuals and groups who have been invited to present their views on the subject matter.

The Planning Department concurs with a recommendation of the Advisory Planning Commission that the Council review its policy in regard to parking for rental accommodations with a view to bringing this up to the same standard as that proposed for condominium developments. Further research into the matter is required and a report will be submitted when this further study has been completed.

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN GORDON:
"That the report of the Manager be received."

CARRIED UNANIMOUSLY

Alderman Lewarne suggested that, in the future, tender calls not be issued for the purchase by the Corporation of vehicles until all dealers are in possession of firm prices for the next model year.

MOVED BY ALDERMAN LEWARNE , SECONDED BY ALDERMAN LAWSON:
"That the proposal outlined above be referred to the Municipal Manager for a report."

CARRIED

AGAINST --ALDERMAN MERCIER

(9) Lot 95, D.L. 4, Plan 38739 (9041 Eastlake Drive)

The above property is owned by the Municipality.

The proposed new road pattern in the area is to eliminate the grade intersection of Gaglardi Way and Loughheed Highway by constructing an elevated grade separation structure over the southward extensions of Gaglardi Way and Eastlake Drive. The bridge structure which will approach the Eastlake Drive and Government Street road link will also bridge the Burlington Northern Railway spurline serving the Lake City Industrial Park, Stoney Creek and the Stoney Creek Walking and Riding trail system. It is possible that the subject property may be needed for either the proposed road structure or interchange road links. On September 5, 1973, the Parks and Recreation Commission requested Council to bear in mind that, if the subject property is not needed for the road structure or interchange road link, it be turned over to the Commission for development as a park.

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN GORDON, SECONDED BY ALDERMAN MERCIER:
"That the Planning Department submit a report to the Parks and Recreation Commission indicating the feasibility and costs of creating a temporary park on the property that is the subject of the above report from the Manager.

CARRIED

AGAINST -- ALDERMAN LEWARNE

(10) Monthly Report of R.C.M.P.

A report of the R.C.M.P. covering the policing of the Municipality during the month of August 1973 was being submitted herewith.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN STUSIAK:
"That the report be received."

CARRIED UNANIMOUSLY

(11) Lane Allowance - Moscrop Street and Smith Avenue

The Engineering Department is finalizing the survey of service easements in the above area. One of them would be unaffected by any new lane that was constructed for Lots 52 and 53. The easement along the western lot line of Lot 193 would be located in the proposed new lane.

It was recommended that a copy of the report be sent to those who appeared before Council on September 4th in regard to the subject lane.

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

(12) Topsoil

It was recommended that Council accept the tender of Warner's Bulldozing and Trucking Limited in the amount of \$196,855 for the supply of topsoil to the Corporation in 1973, with final payment to be based on the actual quantities and unit prices tendered.

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

CARRIED UNANIMOUSLY

(13) Contract #7, 1973 - Part A, L.I.P. Stage II, Part II
(J. Cewe Limited)

It was recommended that Council authorize an extension of the completion date in the above Contract to October 31, 1973 without implementation of the \$100.00 per day liquidated damages clause therein and direct that the Performance Bond relating to the Contract be extended for the same period of time.

It was also recommended that no further extension of time be granted in connection with the Contract, except for time lost because of impossible weather conditions or other factors that, in the opinion of the Municipal Engineer, are beyond the Contractor's control.

MOVED BY ALDERMAN GORDON, SECONDED BY ALDERMAN MCLEAN:
"That the recommendations of the Manager be adopted."

CARRIED UNANIMOUSLY

(14) Contract #7, 1973 - Part B, L.I.P. Stage II, Part II
(Castle Concrete Limited and Imperial Paving Limited)

It was recommended that Council authorize an extension of the completion date in the above Contract to October 31, 1973 without implementation of the \$100 per day liquidated damages clause therein and that the Performance Bond relating to the Contract be extended for the same period of time.

It was also recommended that no further extension of time in connection with the Contract be granted, except for time lost because of impossible weather conditions or other factors that, in the opinion of the Municipal Engineer, are beyond the Contractor's control.

MOVED BY ALDERMAN GORDON, SECONDED BY ALDERMAN MCLEAN:
"That the recommendations of the Manager be adopted."

CARRIED UNANIMOUSLY

(15) Brighton Avenue from Winston Street to Loughheed Highway

It was recommended that Council accept the tender of Capital City Construction Limited in the amount of \$71,590 for the supply and installation of road construction materials on the above portion of Brighton Avenue, with final payment to be based on the actual quantities and unit prices tendered.

MOVED BY ALDERMAN BURNEAM, SECONDED BY ALDERMAN GORDON:
"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(16) Merit Car Wash - 6755 Canada Way

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

(17) Apartment Parking

The Solicitor has advised that Council does not have the power, at the moment, to tell any apartment owners what should be included in the rent of his apartment.

MOVED BY ALDERMAN LAWSON, SECONDED BY ALDERMAN MCLEAN:
"That the report of the Manager be received."

CARRIED UNANIMOUSLY

(18) Ornamental Street Lighting

The Municipal Engineer has provided a report herewith which outlines:

- (a) the history of ornamental street lighting projects in the Municipality;
- (b) the policy governing the installation of street lights, both those owned by the B.C. Hydro and Power Authority and the Municipality;
- (c) the criteria used in establishing street lighting projects;
- (d) the objectives served and benefits provided by such projects.

This material should be considered as supplementary to that provided under Item 1 of the Municipal Manager's report earlier this evening.

MOVED BY ALDERMAN LAWSON, SECONDED BY ALDERMAN MERCIER:
"That the report be received."

CARRIED UNANIMOUSLY

(19) Telephone System - Municipal Hall

It was recommended that Council authorize the conversion of the existing telephone service in the Municipal Hall Complex to a Centrex and PAX system coincident with the moving of two departments into the West Building and the proposed renovations to the Municipal Hall.

MOVED BY ALDERMAN LAWSON, SECONDED BY ALDERMAN LEWARNE:
"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LAWSON, SECONDED BY ALDERMAN MCLEAN:
"That the Committee now rise and report."

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

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

CARRIED UNANIMOUSLY

BY - LAWS

MOVED BY ALDERMAN GORDON, SECONDED BY ALDERMAN MCLEAN:
"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. 24, 1973 (#6331)

CARRIED UNANIMOUSLY

Burnaby Zoning By-Law 1965, Amendment By-Law No. 24, 1973 provides for the following proposed rezoning:

Reference RZ #22/73

Lot "A" Except the West 150 feet, Block 81, D.L.'s 122/3/4, Plan 3348
4664 Lougheed Highway

FROM R3 TO M1 TO COMPREHENSIVE DEVELOPMENT DISTRICT (CD)

PLANNING DEPARTMENT submitted a report advising that the prerequisites relating to the above rezoning proposal have been completed.

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN GORDON:
"That the Committee now rise and report the By-Law complete."

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN GORDON, SECONDED BY ALDERMAN MCLEAN:
That:

BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 24, 1973"

be now read three times."

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN MERCIER:
"That:

- "BURNABY LOCAL IMPROVEMENT CONSTRUCTION BY-LAW NO. 24, 1973" (6348)
- "BURNABY HIGHWAY EXPROPRIATION BY-LAW NO. 2, 1973 (6349)
- "BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 23, 1969" (5517)

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

BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 18, 1973 (6301) came forward for reconsideration and final adoption.

The following are the particulars of this By-law:

Reference RZ #19A/73

Wayburne Drive/North of Moscrop Drive - Greentree Village - Phase II

FROM P4 TO COMPREHENSIVE DEVELOPMENT DISTRICT (CD)

PLANNING DEPARTMENT submitted a report advising that all of the prerequisites relating to this rezoning proposal have been fully completed.

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN MERCIER:
"That reconsideration and final adoption of Burnaby Zoning By-law 1965, Amendment By-law No. 18, 1973 be deferred until the first stage of the Greentree Village Development has been completed."

IN FAVOUR -- ALDERMEN MCLEAN, MERCIER

AGAINST -- MAYOR CONSTABLE, ALDERMEN
LEWARNE, BURNHAM, LAWSON,
GORDON, AND STUSIAK

MOTION LOST.

September 10, 1973

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN LEWARNE:

"That:

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 18, 1973"

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

CARRIED

AGAINST -- ALDERMEN MCLEAN, MERCIER