

September 23, 1974

A regular meeting of the Municipal Council was held in the Council Chamber, Municipal Hall, 4949 Canada Way, Burnaby, B. C. on Monday, September 23, 1974, at 7:00 p.m.

PRESENT: Mayor T. W. Constable, in the Chair
Alderman G. D. Ast
Alderman B. M. Gunn
Alderman D. A. Lawson (8:20 p.m.)
Alderman W. A. Lewarne
Alderman J. L. Mercier
Alderman V. V. Stusiak

ABSENT: Alderman A. H. Emmott
Alderman G. H. F. McLean

STAFF: Mr. M. J. Shelley, Municipal Manager
Mr. V. Kennedy, Deputy Municipal Engineer
Mr. D. G. Stenson, Acting Planning Director
Mr. J. Hudson, Municipal Clerk
Mr. J. Plesha, Administrative Assistant to Municipal Manager
Mr. B. D. Leche, Municipal Clerk's Assistant

His Worship the Mayor welcomed the members of the 6th Burnaby Mountain Venturers to the meeting.

A Public Hearing was held to receive representations on "Burnaby Highway Exchange By-Law No. 9, 1974", which involves the closure of a portion of Kathleen Avenue and creation of new roads by means of exchange (RZ #13/74).

No one appeared in connection with "Burnaby Highway Exchange By-Law No. 9, 1974".

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN LEWARNE:
"That the Public Hearing portion of the meeting be now terminated."

CARRIED UNANIMOUSLY

The Minutes of the Public Hearing held on September 3, 1974, the Minutes of the Council meeting held on September 1974 and the Minutes of the Council meeting held on September 9, 1974 were brought forward for adoption.

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN LEWARNE:
"That the Minutes of the Public Hearing held on September 3, 1974, the Minutes of the Council meeting held on September 3, 1974 and the Minutes of the Council meeting held on September 9, 1974 be now adopted."

CARRIED UNANIMOUSLY

In response to a question from Alderman Gunn, the Municipal Clerk advised that Section 10 of the "Public Officials and Employees Disclosure Act" requires a By-Law in order to designate any person employed or appointed to be a municipal employee for purposes of the said Act.

D E L E G A T I O N S

The following wrote requesting an audience with Council.

- (a) Mr. George Young, 7352 Barnet Road, re the use of a lane as primary access to a private residence at 7396 Barnet Highway.

His Worship Mayor Constable advised that Mr. Young had withdrawn his request to appear before Council at this time.

B Y - L A W S

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN GUNN:

"That:

"BURNABY EXPROPRIATION BY-LAW NO. 2, 1974"	(#6541)
"BURNABY LOCAL IMPROVEMENT CONSTRUCTION BY-LAW NO. 8, 1974"	(#6542)
"BURNABY LOCAL IMPROVEMENT CONSTRUCTION BY-LAW NO. 9, 1974"	(#6543)

be now introduced and that Council resolve itself into a Committee of the Whole to consider and report on the By-Laws."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN GUNN:

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

CARRIED

AGAINST: ALDERMAN MERCIER (BY-LAW
NO. 6541 ONLY)

THE COUNCIL RECONVENED.

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN GUNN:

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

CARRIED

AGAINST: ALDERMAN MERCIER (BY-LAW
NO. 6541 ONLY)

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN AST:

"That:

"BURNABY EXPROPRIATION BY-LAW NO. 2, 1974"	(#6541)
"BURNABY LOCAL IMPROVEMENT CONSTRUCTION BY-LAW NO. 8, 1974"	(#6542)
"BURNABY LOCAL IMPROVEMENT CONSTRUCTION BY-LAW NO. 9, 1974"	(#6543)

be now read three times."

CARRIED

AGAINST: ALDERMAN MERCIER (BY-LAW
NO. 6541 ONLY)

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN GUNN:

"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. 35, 1974" (#6501)."

CARRIED UNANIMOUSLY

This By-Law provides for the following proposed rezoning:

Reference RZ #40/73

Lot 7, Block 13, D.L. 79, Plan 8632

4241 Ledger Avenue

FROM RESIDENTIAL DISTRICT (R4) TO COMPREHENSIVE DEVELOPMENT DISTRICT (CD)

The Planning Department reported that the prerequisites established by Council in connection with this rezoning proposal are nearing completion.

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN GUNN:

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

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN GUNN:

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN GUNN:

"That "BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 35, 1974, be now read a third time."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN GUNN:

"That:

"BURNABY FIRE PREVENTION BY-LAW 1968, AMENDMENT BY-LAW NO. 2, 1974"

(#6523)

"BURNABY MUNICIPAL HALL PARKING REGULATION BY-LAW 1974"

(#6525)

"BURNABY HIGHWAY EXCHANGE BY-LAW NO. 9, 1974"

(#6539)

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

CARRIED UNANIMOUSLY

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 52, 1974" came forward for Reconsideration and Final Adoption. This By-Law provides for the following proposed rezoning:

Reference RZ #33/74

(a) D.L. 109 Except 360' x 662', Plan 744 and 3065
1861 North Road

(b) Part 360' x 662', D.L. 100S $\frac{1}{2}$, Plan 3065
2021 North Road

FROM SMALL HOLDINGS DISTRICT (A2) TO RESIDENTIAL DISTRICT (R2)

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN GUNN:

"That Item 28, Municipal Manager's Report No. 61, 1974, be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

The following is the substance of that report.

The Planning Department was requested on September 3, 1974 to submit a report indicating what provisions have been made for park and school facilities in the area where the subject properties are located.

It was the opinion of the Planning Department that adequate provision has been made for School and Park facilities to serve the proposed R2 Residential development and that the proposed development is consistent with planning guidelines and area objectives and that, as such, the rezoning should be advanced for fourth and final reading.

It was recommended that "BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 52, 1974" be brought forward for reconsideration and final adoption.

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN GUNN:

"That: "BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 52, 1974", be now reconsidered and finally adopted, signed by the Mayor and Clerk and the Corporate Seal affixed thereto."

CARRIED UNANIMOUSLY

C O R R E S P O N D E N C E A N D P E T I T I O N S

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN LEWARNE:

"That all of the following listed correspondence and petitions be received and those items of the Municipal Manager's Report No. 61, 1974, which relate thereto be brought forward for consideration at the appropriate times."

CARRIED UNANIMOUSLY

The United Way of Vancouver submitted a letter concerning the need to increase the stock of housing available to those of low and moderate income. The strain on family life caused by inadequate and too expensive housing, and the light of senior citizens and handicapped persons unable to find suitable shelter, constitute perhaps the most urgent social problem in our community.

The United Way forwarded a copy of a survey conducted by their Research Department and noted that it was one effort to ensure that housing dollars are spent effectively.

MOVED BY ALDERMAN LEWARNE, SECONDED BY ALDERMAN STUSIAK:

"That the United Way of Vancouver be advised that this Council is prepared to meet with them to discuss any proposals that organization may have which would help to alleviate this major problem."

CARRIED UNANIMOUSLY

Canadian Women's Field Hockey Association wrote to express the Association's appreciation for the excellent field hockey facilities at the Burnaby Lake Sports Complex.

Mr. R. A. Freeman, Secretary Treasurer, Lower Mainland Municipal Association wrote to advise that the next meeting of the Association would be held in Centennial Lodge, New Westminster, on Thursday, October 3, 1974 at 6:30 p.m.

The Salvation Army submitted a letter requesting that permission be granted for the Salvation Army to place their Christmas Cheer Kettles at various locations in the Municipality. The proposed dates are Friday, November 29th; Saturday, November 30th; Friday, December 6th; Saturday, December 7th; Tuesday, December 10th; and Friday, December 13th through to Tuesday, December 24th, excluding Sundays.

MOVED BY ALDERMAN AST, SECONDED BY ALDERMAN STUSIAK:

"That permission be granted to the Salvation Army to carry out their Christmas Program as outlined."

CARRIED UNANIMOUSLY

Mr. Hugh Matthews, Mann and Wright, Barristers and Solicitors submitted a letter of apology on behalf of his client, Bonny's Taxi, concerning the apparent failure of his client to reply to the Deputy Municipal Clerk's letter of July 10, 1974. Mr. Matthews noted that no reply was requested to this letter.

Mr. and Mrs. C. T. Humphrey, 3744 Linwood Street, and others, submitted a petition concerning proposed local improvements on Linwood Street between Boundary Road and Smith Avenue. It was requested that:

- (a) Sidewalks not be installed on this street as it would be too narrow for the through traffic.
- (b) A wide blacktop road with curbs only be installed, equal in width to the out to out width over the sidewalks of other roads in this district, at least 40 feet curb to curb. This will give parking space each side and safe driving space between. The cost is also less.

- (c) It is intolerable that the ditches have been left unfilled, ungraded and uncleaned, now for over two years since the storm sewers were installed.

Item 38, Municipal Manager's Report No. 61, 1974, was brought forward for consideration at this time.

It was recommended that:

- (a) Linwood Street remain on the 1976 initiation program for 28' pavement with curbswalks both sides with the option of sidewalks to be at the discretion of the property owners.
- (b) That a copy of this report be sent to the petitioners.

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN GUNN:

"That the recommendation of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

Burnaby Ladies Pipe Band submitted a letter requesting permission to hold Tag Days on Friday, October 4th and Saturday, October 5th to raise funds to assist in meeting the costs of uniforms and equipment for 1975.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN GUNN:

"That the Burnaby Ladies Pipe Band be permitted to hold Tag Days on the dates indicated above."

CARRIED UNANIMOUSLY

Mrs. Judith Gaylord, 8940 Orion Place, submitted a letter complaining of the noise created by train whistles in the area of her home.

Item 11, Municipal Manager's Report No. 61, 1974, was brought forward for consideration at this time. Following is the substance of that report:

The Municipal Engineer advised that his Department is still in the process of producing an anti-train whistling by-law that will include trains operating on the Burlington Northern Railway main line and spurs into the Lake City Industrial Park.

An interim report on the progress being made on the subject of an anti-whistling by-law was presented to Council on July 22, 1974. Since that last report a further submission has been received from the Canadian Transport Commission dated July 18, 1974 which deals specifically with the area of concern to the complainant. As noted, we can proceed with a by-law or prohibit train whistles on the main line of the Burlington Northern, however, we cannot include train movements on the Lake City Spur because of inadequate crossing protection. In this regard we would advise that we have an application into the Transport Commission for consideration of crossing signals at these spur crossings and are waiting for an answer before proceeding with a by-law application.

It was recommended that:

"A copy of this report be sent to Mrs. Judith Gaylord and to all other persons who have corresponded with Council on this matter."

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN AST:

"That the recommendation of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

Mr. J. A. Smith, 6922 Elwell Street, wrote to complain about apartment tenant's utilization of parking spaces on Elwell Street and also of excessive speeds in the adjacent lane.

Item 29, Municipal Manager's Report No. 61, 1974 was brought forward for consideration at this time. The following is the substance of that report:

The Officer In Charge, Burnaby Detachment, Royal Canadian Mounted Police reported that the problem with this type of complaint is that those responsible for enforcement generally do not know at what time the offending vehicle was parked and, therefore, rely on the chalking of tires. Following the expiration of the three-hour time limit permitted under the Burnaby Street and Traffic By-Law, the vehicle may be ticketed providing it was left between 8:00 a.m. and 3:05 p.m. He advised that Mr. Smith has received immediate response to his complaints in the past and on each occasion tires of the alleged offending vehicles were chalked.

Because of our many other commitments and priorities, this street cannot be patrolled on a continuous basis; but we will continue to respond to complaints to the best of our ability.

The Municipal Engineer reported that the subject of tenants from the two apartments on the south side of the 6900 block Elwell Street parking in front of Mr. Smith's house has been the source of continued complaints from Mr. Smith since the apartments were first built and occupied.

It is realized that the majority of the property owners would like to have that section of the public street in front of their own property set aside for their own use. However, it is pointed out that it is a public highway and serves as a means of access to one's property not as an adjunct to it.

In regard to speeding in the lane, it is advised that in previous radar checks no vehicles were found to be travelling in excess of 20 m.p.h. While we would not dispute that an occasional vehicle will exceed this limit, as will happen in most lanes, it does indicate that the lane is functioning normally.

It was recommended that:

- (a) No action be taken to provide special reserved on-street parking for the complainant;
- (b) The R.C.M.P. continue to make periodic radar checks in the area;
- (c) Mr. Smith be sent a copy of this report.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN GUNN:

"That the recommendations of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

A brief discussion ensued in reference to the use of four hour parking meters between single family zoning and multiple family zoning.

Mr. Dale Lawrence, 4005 Rumble Street, submitted a letter complaining of the complete disregard of speed limits and noise regulations by motorists using Rumble Street particularly after 5:00 p.m. daily.

Item 23, Municipal Manager's Report No. 61, 1974, was brought forward for consideration at this time. The following is the substance of that report.

The Officer In Charge, Burnaby Detachment, Royal Canadian Mounted Police, has reported as follows:

"A copy of Mr. Lawrence's letter dated September 11, 1974, concerning disregard for the speed limit on Rumble Street and flouting of the Anti-Noise By-Law by motorists has been forwarded to the R.C.M.P. for a report. Rumble Street is one of those on which vehicles have a tendency to exceed the speed limit and it is frequently patrolled by both marked and unmarked police cars.

Radar has been used on many occasions and in September, prior to the receipt of this letter, it was in operation on the 3rd, 14th and 15th. It was in operation for several hours at a time and worked by three policemen. Several violators were ticketed for speeds ranging from 40 to 56 miles per hour. On these same patrols and radar checks members also enforced the provisions of Section 7A.01 of the Motor Vehicle Act regulations pertaining to noise. The question of Mr. Lawrence's "Why have someone handing out tickets for parking offences when moving violations, vastly more dangerous and discomfoting to residents, are permitted?" can easily be refuted by the following traffic enforcement statistics for Burnaby during the period January 1st to August 31st in successive years.

	<u>1973</u>	<u>1974</u>
Radar	5,756	7,781
Parking	4,596	5,030

The suggestions put forth by Mr. Lawrence as to methods of detecting violators of the 30 m.p.h. limit are already being practiced although high speed chases in unmarked police cars are discouraged. Our efforts in respect to curbing violations on Rumble Street will be stepped up following this complaint."

The Chief Public Health Inspector advises that Mr. Lawrence's letter has been discussed by the Health Department and the R.C.M.P. It is the intention, in conjunction with the R.C.M.P. and the Engineering Department to carry out a vehicular noise enforcement program on Rumble Street. This program will be carried out as soon as possible but we would advise that such enforcement programs are complex as night or early morning hours, weather conditions and the manpower and equipment of three departments are involved.

It was recommended that a copy of this report be sent to Mr. Dale Lawrence.

MOVED BY ALDERMAN AST, SECONDED BY ALDERMAN LEWARNE:

"That the recommendations of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

Mr. and Mrs. Brian Kidd, 7553 Braeside Drive, and others, submitted a petition endorsing a proposal whereby Lot 1, Block 1, D.L. 215 and 216, Plan 10396 (7396 Barnet Highway) would be purchased by the Corporation of Burnaby for conservation or park purposes.

Item 35, Municipal Manager's Report No. 61, 1974 was brought forward for consideration at this time. The following is the substance of that report:

This matter was tabled by Council and was referred to the Parks and Recreation Commission for an opinion on the advisability of acquiring this property for park purposes and a review of park acquisition priorities to determine if such acquisition could be incorporated into the parks program in the near future.

The Parks and Recreation Commission considered this matter on September 4, 1974, at which time they received a delegation from the residents of the Westridge Area. Before making a final decision on this matter, the Commission asked the Planning Staff to ascertain if it would be possible to acquire an adequate park strip at the north end of the property to provide a park link between Burnaby Mountain and the buffer strip north of Barnet Highway.

The Planning Department has prepared this report and it will be considered at the next meeting of the Parks and Recreation Commission. Upon completion of the Parks and Recreation Commission's review, the Planning Department will submit a final report to Council.

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN AST:

"That further consideration of this matter be tabled pending receipt of the final report of the Planning Director on this subject."

CARRIED UNANIMOUSLY

Burnaby Outdoor Education Association, submitted a letter requesting permission to build nature trails on Municipal property in the areas labelled "A", "B", and "C", on the map attached to their submission. Funds would be provided through a Local Initiative Program grant which has an October deadline for the submission for applications and the Association would appreciate a reply as soon as possible.

Item 21, Municipal Manager's Report No. 61, 1974, was brought forward for consideration at this time. The following is the substance of that report:

There was not sufficient time to prepare a detailed report on this subject as Mr. Gardner's letter was not received until shortly before noon on Thursday, September 19, 1974.

Staff is aware of the October deadline by which an L.I.P. application must be submitted, and will therefore endeavour to complete a report on this matter in the immediate future.

It was recommended that a copy of this report be sent to Mr. Gardner.

MOVED BY ALDERMAN AST, SECONDED BY ALDERMAN GUNN:

"That the recommendation of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LEWARNE, SECONDED BY ALDERMAN GUNN:

"That the matter of construction of nature trails within the Municipality as being a suitable work project for restititional sentence to youthful offenders be referred to the Youth Advisory Committee for consideration."

CARRIED UNANIMOUSLY

Mrs. M. M. Stevens, 5786 Portland Street, wrote to voice her further objections to the construction of a cul-de-sac on Portland Street in front of her home. The following points were raised by Mrs. Stevens:

- (a) Removal of the three trees is a further defacement of the area. Her husband had donated this row of trees to the School Board to remove some of the harshness imposed upon the street by a bare playground.
- (b) The cul-de-sac will become a parking lot for people who drive their children to games. These people and their children climb the fence to enter the playgrounds. "No Parking" signs would prohibit residents and their guests from parking in front of their property.
- (c) She could not understand why Portland Street could not be continued across the head of the ravine as was originally intended.
- (d) She could not understand why a sidewalk was required on the north side of the street.
- (e) It would seem that the cost of two cul-de-sacs and two retaining walls (one on each side of the ravine) and elimination of the sidewalk on the north side of the street, plus elimination of the proposed asphalt walk, would go a long way toward the cost of putting the street through across the head end of the ravine.

The Municipal Manager reported that a report on this subject would be available for the Council meeting on September 30, 1974.

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN AST:

"That further consideration of this matter be tabled for one week to allow receipt of the Manager's report."

CARRIED UNANIMOUSLY

ENQUIRIES

Alderman Mercier stated that he had received a copy of a memorandum from the Solicitor concerning the Public Officials and Employees Disclosure Act. The Solicitor was of the opinion that the disclosure must be dated between January 1 and January 15 and July 1 and July 15th and must reflect a correct and accurate statement of condition at that time. Alderman Mercier noted that a disclosure may take at least a month to prepare and changes could occur in that length of time which would affect the accuracy of the statement.

The Municipal Clerk was requested to clarify this matter with the Attorney-General.

Alderman Gunn requested advise on the present status of the report on duplexing of single family units, etc.

The Manager advised that a Progress Report on this subject would be available to Council on September 30, 1974.

Alderman Gunn requested advice as to when the report on the general housing situation with relation to the availability of Federal and Provincial Grants, etc. would be coming forward.

The Manager advised that he was not in a position at this time to give an answer to Alderman Gunn's inquiry.

Alderman Gunn noted that there had been an increase in noise levels emanating from the Chevron Refinery and requested a Staff report be prepared on this subject to indicate the cause of this nuisance.

Alderman Gunn requested information as to when Staff observations on Mr. Douglas P. Drummond's report on upsets at the Chevron Refinery would be available.

The Municipal Manager advised that this report could be expected on September 30, 1974.

Alderman Lewarne inquired as to whether the Mayor had been able to obtain information on the question of super-tankers entering the Port of Vancouver.

Mayor Constable advised that he had been assured by the Minister that statements attributed to him in this respect were completely erroneous.

Alderman Lewarne stated that it was his understanding that application could be made to the B. C. Forest Service for trees that would be suitable for planting as boulevard beautification. If such trees are available at no cost the matter should be examined and arrangements made for interested citizens to pick up trees for planting.

Mayor Constable advised that the Minister of Municipal Affairs was looking into this subject matter.

Alderman Stusiak inquired as to Provincial Government plans for the beautification of the bus terminal at Kingsway and Edmonds Street.

Mayor Constable stated that he had been advised by the Provincial Government that plans for the beautification of this site were in hand.

MOVED BY ALDERMAN AST, SECONDED BY ALDERMAN GUNN:

"That Items 7(a) and 7(b) being Notices of Motion in reference to:

- (a) Point System for Traffic Violations;
- (b) Freeway Traffic Problems;

be tabled until the arrival of Alderman Lawson at the meeting."

CARRIED UNANIMOUSLY

-10-

R E P O R T S

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN MERCIER:

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

CARRIED UNANIMOUSLY

The Traffic Safety Committee submitted a report on Community Plan Area "G".

It was recommended that:

- (a) Bell Avenue remain open as an access to the Sullivan Heights area and that a traffic signal be installed at the intersection of Loughheed Highway and Bell Avenue, when appropriate, and with the approval of the Traffic Safety Committee.
- (b) the Planning Department be directed to submit a report on the feasibility of the extension of Beaverbrook Drive swinging southward east of Noel Drive to Cameron Street, on a reasonable alignment, and then proceeding to North Road to a signalized intersection.
- (c) Council concur with the Staging proposals as illustrated in Diagrams "A" to "D" attached to the report of the Committee and that the staging be implemented over a five year period and be kept under periodic surveillance by the Traffic Section, Engineering Department and the Royal Canadian Mounted Police to ensure proper transition between the various stages.
- (d) the residents of the Sullivan Heights area be advised of the proposed changes in the Traffic Patterns.

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN GUNN:

"That further consideration of the Traffic Safety Committee Report be tabled until such time as Council has had an opportunity to discuss this matter with all residents of the Sullivan Heights Area at a joint meeting to be held in the near future."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LEWARNE, SECONDED BY ALDERMAN GUNN:

"That arrangements be facilitated for Council to meet with all interested residents of the Sullivan Heights area to discuss Community Plan "G" on Wednesday, October 9, 1974 at 7:30 p.m."

CARRIED UNANIMOUSLY

The Advisory Planning Commission submitted a report on the Stride Avenue Development Plan.

Due to the steadily decreasing inventory of suitable industrial sites within the Municipality and the proximity of the site under consideration to the proposed industrial area to the north and to the Big Bend Area to the south, the Advisory Planning Commission did not concur with the recommendations contained in the Stride Avenue Development Plan insofar as the proposed residential development of the area was concerned.

It was recommended, therefore, that Council designate all the lands encompassed by the Stride Avenue Development Plan for industrial use and that the Planning Department be instructed to report on the most appropriate industrial uses which would be compatible with the site and the surrounding area.

MOVED BY ALDERMAN GUNN, SECONDED BY ALDERMAN AST:

"That further consideration of this matter be tabled until October 7, 1974 in order that the Burnaby Chamber of Commerce, Spear & Jackson (B.C.) Ltd., and Dominion Glass Ltd., and other interested parties have had an opportunity to express their views to Council on this subject."

CARRIED UNANIMOUSLY

-11-

The Municipal Clerk submitted a Certificate of Sufficiency for the paving of the lane between Nursery Street and Allman Street south from Sixth Street to the S.P.L. Lot 102, D.L. 87, Plan 25874.

MOVED BY ALDERMAN GUNN, SECONDED BY ALDERMAN STUSIAK:
"That the Clerk's Certificate of Sufficiency be received."

CARRIED UNANIMOUSLY

The Municipal Manager submitted report No. 61, 1974, on the matters listed below as Items (1) to (39), either providing the information shown or recommending the courses of action indicated for the reasons given:

(1) Appointment of a Municipal Officer to Serve as a Liaison With the Provincial Rentalsman's Office

It was recommended that the Chief Public Health Inspector be authorized to serve as the Municipality's contact with the Office of the Rentalsman for inspections on such matters as building, sanitary, electrical, health and fire prevention standards which are clearly within the area of Municipal jurisdiction, on the understanding that the services will be provided if the staff is available and that the Provincial Government will reimburse the Municipality for all costs that are incurred in this regard.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN GUNN:
"That the recommendations of the Municipal Manager be adopted."

MOVED BY ALDERMAN LEWARNE, SECONDED BY ALDERMAN MERCIER:
"That the recommendation of the Municipal Manager be amended by deleting therefrom the words "and that the Provincial Government will reimburse the Municipality for all costs that are incurred in this regard"."

The amendment was then voted on:

FOR: ALDERMEN LEWARNE, MERCIER AND STUSIAK

AGAINST: MAYOR CONSTABLE, ALDERMEN
AST AND GUNN

The votes of the members of the Council being equal for and against the question the question was negatived and declared LOST.

The vote was then taken on the original motion:

FOR: MAYOR CONSTABLE, ALDERMEN AST AND GUNN

AGAINST: ALDERMEN LEWARNE, MERCIER
AND STUSIAK

The votes of the members of the Council being equal for and against the question the question was negatived and declared LOST.

Mayor Constable indicated that he would return this matter to Council on September 30, 1974 for reconsideration.

(2) Subdivision Landscaping Agreement - Subdivision Reference #5/74

It was recommended that Council authorize the preparation and execution of the Landscape Agreement for Subdivision Reference #5/74.

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

CARRIED UNANIMOUSLY

-12-

- (3) Cost Report - Section 601 Municipal Act
"L" Lane Between Watling Street and Irmin Street East from Nelson Avenue to Irmin Street

It was recommended that the Cost Report covering the paving of the subject lane as a Local Improvement by the petition method be received and that a construction by-law be brought forward.

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

CARRIED UNANIMOUSLY

- (4) Cost Report - Section 601 Municipal Act
Lane Between Booth Avenue and Elsom Avenue South from Grassmere Street to S.P.L. Lot 153, D.L. 33, Plan 27302

It was recommended that the Cost Report covering the paving of the subject lane as a Local Improvement by the petition method be received and that a construction by-law be brought forward.

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

CARRIED UNANIMOUSLY

- (5) Application for Abatement of Percentage Additions
Section 411 of the Municipal Act

An application for abatement of percentage additions pursuant to Section 411 of the Municipal Act has been made for the following property:

Melvin D. Oxenham	Lot 7, Block 19, D.L. 121	1974 Penalties	\$7.47
4326 Frances Street	Plan 1054		
Burnaby 2, B. C.			

1974 abatements to date, including the above sum, total \$237.68.

It was recommended that the said abatement be approved by Council.

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

CARRIED UNANIMOUSLY

- (6) Preliminary Plan Approval #2381
 8335 Meadow Avenue
D.L. 155, Rem. Thereof Lease Part, Plan 3077

Application has been received by the Planning Department for the development of a lumber storage shed and a storage shed addition at 8335 Meadow Avenue. Council will note that this location is within the Big Bend Study Area. The proposed structures are 8,280 and 2,700 square feet respectively and are to be constructed of wood to match the existing buildings. The addition of these enclosures should enable the removal of temporary tarpaulins from the kiln dried lumber and therefore be beneficial toward the desired upgrading of the site.

It was recommended that Council authorize approval of the proposed structures at 8335 Meadow Avenue.

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

CARRIED UNANIMOUSLY

(7) Union Request to Reopen Collective Bargaining Agreements.

Notification has been received by the Municipal Manager from Mr. T.L. Alexander, Secretary Local 23, Burnaby Civic Employees Union, regarding the reopening of collective bargaining agreements that cover the Outside, Inside, and Foremen's Divisions.

It was recommended that Council acknowledge the notification from Mr. T.L. Alexander.

MOVED BY ALDERMAN AST, SECONDED BY ALDERMAN STUSIAK:

"That the recommendations of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

(8) Royal Canadian Mounted Police Monthly Report.

The Municipal Manager presented the R.C.M.P. Monthly Report for the month of August, 1974.

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN MERCIER:

"That the R.C.M.P. Monthly Report for August, 1974, be received."

CARRIED UNANIMOUSLY

(9) Board of Variance.

Council on September 3, 1974, requested a report on the parameters within which the Board of Variance is legally required to function. The Solicitor's only comment in this regard is that the legal parameters of the Board of Variance are clearly set out in Sections 708 and 709 of the Municipal Act. Basically, putting it very succinctly, the Board of Variance only has authority over appeals involving siting, size and shape of a building or interpretation of the By-Law.

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN LEWARNE:

"That the report of the Municipal Manager be received."

CARRIED UNANIMOUSLY

(10) Sale of Municipal Lots.

(A) Lots 288, 296 and 301, D.L.'s 86/91, Plan 46431

(B) Lots 306, 313, 314, 316, 317, 318, 322 and 323, D.L. 91, Plan 46432

It was recommended that:

- (a) The highest bidder for Lots 313, 301, 306, and 314, be accepted;
- (b) the Land Agent be authorized to negotiate the sale of the seven lots on which no bids were made, at a price of not less than \$40,000.00 per lot, with the exception of Lot 323 which would be sold for no less than \$38,000.00;
- (c) unsuccessful bidders be given an opportunity to purchase the lots on which bids have not been received in order of the amount of their original bid, prior to commencement of negotiations with other prospective purchasers.

MOVED BY ALDERMAN AST, SECONDED BY ALDERMAN GUNN:

"That the recommendations of the Municipal Manager be adopted."

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN MERCIER:

"That any or all applicants interested in buying any of the above lots receive the same consideration in the sale of these lots as those who have already submitted bids on specific properties."

The vote was taken on the amendment and it was:

CARRIED UNANIMOUSLY

The vote was then taken on the original motion as amended and it was:

CARRIED UNANIMOUSLY

- (11) Letter dated September 5, 1974, from Mrs. Judith Gaylord Re:
Train Whistles.

This item was dealt with previously in the Meeting.

- (12) Land Exchange Between the Burnaby School Board and the Corporation
Involving Confederation Park and Burnaby Heights Junior High School-
D.L.'s 188 and 122.

It was recommended that:

Council authorize the introduction of an exchange By-Law as outlined in the report of the Planning Director. A copy of the report be sent to the Parks and Recreation Commission and the School Board for information.

MOVED BY ALDERMAN AST, SECONDED BY ALDERMAN LEWARNE:

"That the recommendations of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

- (13) "Stop Auto Theft" Program.

Following is a four year statistical breakdown of both thefts of automobiles and thefts from automobiles, including parts, accessories, and personal possessions that are left unattended in vehicles.

A. <u>Thefts of Motor Vehicles</u>					1974
1970	1971	1972	1973	(Through August 31)	
608	677	825	830	702	
B. <u>Thefts from Motor Vehicles</u>					1974
1970	1971	1972	1973	(Through August 31)	
Not available	1661	1778	1557	772	

As can be seen by these figures, thefts involving automobiles in the Municipality are a major crime problem.

The Superintendent, Burnaby Detachment, Royal Canadian Mounted Police, is planning on instituting a "Stop Auto Theft" program similar in scope to the "Stop Thief" program already instituted in the Municipality. The proposed pamphlet supplied for the information of Council is a rough copy and is subject to revision.

It should be noted that the Superintendent plans to distribute the pamphlets and decals in May, 1975. He is interested in obtaining approval in principle at this time so that preparation can proceed on an orderly basis. As noted in his report, the costs will be included in the 1975 Provisional Budget if Council is receptive to the program that has been proposed; final approval of Council can be given at that time.

It was recommended that:

Council give approval in principle to the "Stop Auto Theft" program as outlined in the Superintendent's report.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN LEWARNE:

"That the recommendation of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LEWARNE, SECONDED BY ALDERMAN STUSIAK:

"That an application be made to the Province of British Columbia through the Insurance Corporation of British Columbia for a grant on the understanding that this program would be conducted as a pilot project and, if successful, could then be expanded to other jurisdictions throughout the Province.

CARRIED UNANIMOUSLY

(14) Bellwood Avenue Construction Contract #7414.

It was recommended that the lowest tender in the amount of \$47,840.37 from Jack Cewe Ltd. be accepted for the above contract, with final payment to be based on the actual quantities and unit prices tendered.

MOVED BY ALDERMAN AST, SECONDED BY ALDERMAN MERCIER:

"That the recommendations of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

(15) Section 56 of the "Municipal Act" and
Meaning of "Occupation" in Subsection 2

At a regular meeting of the Municipal Council held on Tuesday, September 3, 1974 a motion was passed that the Council seek the advice of the Returning Officer on the question of occupation which is required to be shown on the Nomination-paper and subsequently appears on the ballot-papers.

The Municipal Solicitor advises as follows by letters dated September 9th and 11th, 1974:

"This word (occupation) is not defined in the Municipal Act. The meaning given in the shorter Oxford dictionary is "the being occupied with or engaged in something; that in which one is engaged; employment, business".

In one Canadian decision, the following observation is made: "The term 'occupation' has not, so far as I can find, any technical meaning. It ordinarily means that which engages the time and attention".

In an English decision, the following comment is found. "The work 'occupation' in this Act means the business in which a man is usually engaged to the knowledge of his neighbours. The intention is, that such a description should be given that if inquiry be made in the place where the person resides, he may be easily identified".

I am not prepared to say that it was wrong for Mayor Constable to describe himself as Mayor on his nomination paper. However, the argument may be made that the word "Mayor" describes not an occupation but an office."

"My letter of September 9 was in reply to yours of September 5 in which you directed my attention only to section 56 of the Municipal Act. Section 56, of course, refers to nomination papers and it did not seem to me that the designation of Mr. Constable as "Mayor" on his nomination paper gave him any particular advantage. However, seeing Alderman Lewarne in the Municipal Hall, I spoke to him about the matter and discovered that his objection was not to the designation "Mayor" on the nomination paper, but on the ballot. Section 72 of the Act, of course, requires the ballot paper to contain, in addition to the name of the candidate, his occupation. It may be that the description "Mayor" on the ballot paper gives the incumbent an advantage.

I have not been able to find any case in point. In a Saskatchewan case dealing with a provincial election, candidates were improperly described. Had the ballot paper been correctly printed, one candidate would have been described as "Secretary-Manager, Cabinet Minister" on the ballot paper. However, he was described as "Director of Organization". The judge remarked in the course of the judgment that "Mr. Brown was a cabinet minister and possibly felt there was some advantage to have this fact under his name." However, it was the opinion of the judge (and he was not, of course, dealing with the Municipal Act) that "all of the candidates were well-known in the constituency and no literate voter exercising ordinary care, and no illiterate voter, exercising his right and duty to seek assistance from the deputy returning officer, could have been misled by the misdescription of occupations or order of the candidates on the ballot forms." The judgment, of course, did not rule on the use of the description "cabinet minister" on the ballot since the candidate Brown was not so described, although he should have been.

In this case, I suspect that not many voters would have been unaware that Mr. Constable was Mayor, whether he was so described on the ballot or not. My own view is that on the ballot his occupation should not have been given as "Mayor", although I cannot say that the use of such description was legally wrong. If his election had been challenged for that reason, the judge, if he ruled that the use of the description "Mayor" made the ballot invalid, would have had to take into account section 118 of the Act. Having due regard to this section, I doubt if he would have set aside the election.

I would suggest appropriate legislation to provide a clear answer to the question."

Section 56(2) of the "Municipal Act" provides:

"56(2) A nomination-paper shall state the name, residence, and occupation of the person nominated in such manner as to identify the candidate, and shall contain a statement subscribed to by the two nominators that, to the best of the knowledge, information, and belief of each of them, the candidate is of full age, is a person who is a Canadian citizen or other British subject, is possessed of the qualifications by law required, and is not disqualified for any of the reasons set out in section 50."

Section 72(3) of the "Municipal Act" provides:

"72(3) Every ballot-paper shall contain a list of the full names of the candidates arranged alphabetically in the order of the surnames or, if there are two or more candidates with the same surnames, of their Christian or given names, and shall show the occupation of each candidate."

Alderman Lewarne advised that he did not wish to specify the Mayor in his inquiry but also included Aldermen in same, and the report was directed to be so amended.

It was recommended that:

The Minister of Municipal Affairs be requested to comment on the meaning of the word "occupation" as it applies to nomination and ballot papers, and also, to consider the enactment of legislation that would provide clear guidelines on the use of this word in this context.

MOVED BY ALDERMAN AST, SECONDED BY ALDERMAN STUSIAK:

"That the recommendations of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

(16) Building Department Report.

The Municipal Manager presented the Building Department Report for the period August 12 to September 6, 1974.

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN LEWARNE:
"That the report of the Building Department be received."

CARRIED UNANIMOUSLY

(17) Lane in the Block Bounded by Canberra Avenue,
Empire Drive, Dundas Street and Triumph Street.

It was recommended that:

- (a) Council not proceed with authorizing the construction of the subject lane;
- (b) the petitioners be advised of Council's decision and be provided with a copy of this report.

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

CARRIED UNANIMOUSLY

**See September 30, 1974 Minutes for corrected motion.

(18) Request to Cancel the Tender on
Lot 297, D.L.'s 86/91, Plan 46431 (Woods).

It was recommended that:

- (a) the bid from Mr. Stan Woods for the subject lot in the amount of \$42,200.00 be cancelled and the deposit refunded;
- (b) lot 297 be offered for sale together with the seven unsold lots in D.L.'s 86/91 with negotiation for sale to proceed as recommended in Item 10, Municipal Manager's Report No. 61, 1974.

MOVED BY ALDERMAN AST, SECONDED BY ALDERMAN GUNN:
"That Staff prepare a report on the advisability of establishing a penalty clause in cases where a potential purchaser of Municipal Property subsequently applies to have his or her tender cancelled."

CARRIED,

AGAINST: ALDERMAN AST, GUNN

(19) Request for Extension to Contract #7410, Part B,
Storm and Sanitary Sewers - Arthon Construction Ltd.

It was recommended that Arthon Construction Ltd. be granted an extension of time of an additional twenty days in order to complete work on Contract #7410, Part "B" Storm and Sanitary Sewers, without implementation of the \$100.00 per day liquidated damages subject to the following provisions:

- (a) That all work to complete Contract #7410, Part "B" - Storm and Sanitary Sewers be completed at the unit prices contained therein; and,
- (b) That the Performance Bond and insurance matters pertaining to the contract be extended accordingly.

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

CARRIED UNANIMOUSLY

(20) Subdivision Servicing Agreement
Subdivision Reference #117/74.

It was recommended that Council authorize the preparation and execution of the servicing agreement for Subdivision Reference #117/74.

MOVED BY ALDERMAN LEWARNE, SECONDED BY ALDERMAN AST:

"That the recommendation of the Municipal Manager be adopted."

CARRIED,

AGAINST: ALDERMAN MERCIER

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN STUSIAK:

"That the Director of Planning report in reference to the rational in connection with the issues raised, namely, the lots on Canada Way not having a buffer and the matter of their depth.

CARRIED,

AGAINST: ALDERMAN GUNN

- (21) Letter dated September 18, 1974, from R.R. Gardner,
Burnaby Outdoor Education Association

This item was dealt with previously in the meeting.

- (22) Human Resources Per Capita Charge

Human Resources costs for the first three months of 1974 were shareable 85% by the Province and 15% by the Municipalities. The municipal share is payable monthly and is calculated at a rate established by the Province multiplied by the population figure of the individual municipality for last census. The rate for January to March was \$1.20; for April to June 85¢, and for July to December it will be \$1.05. Forecast for 1975 is \$1.25.

Burnaby's budget provision of \$1,357,128.00 was calculated at \$1.20 for January to March and 80¢ for April to December. Actual cost will be \$1,564,467.00 or \$207,339.00 greater than budget.

MOVED BY ALDERMAN AST, SECONDED BY ALDERMAN GUNN:

"That the report of the Municipal Manager be received."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN LEWARNE:

"That this Council go on record as being opposed to any increase in the municipal per capita welfare rate during 1974 and inform the Minister of Human Resources that Burnaby has no funds available in the Municipal Welfare budget to pay for any such increases."

At 8:20 P.M. Alderman Lawson entered the Council Chamber and took her place at the Council table.

FOR: ALDERMAN LEWARNE, MERCIER

AGAINST: MAYOR CONSTABLE, ALDERMAN

AST, STUSIAK, GUNN, LAWSON

MOTION LOST.

MOVED BY ALDERMAN GUNN, SECONDED BY ALDERMAN AST:

"That Council receive a report from the Municipal Manager, in conjunction with the Minister of Human Resources if necessary, on the past practices of the Municipality with regard to overruns of the Welfare budget that have occurred within the last five years and also the reasons for the overruns that make up the Municipality's share of the costs and what is precisely involved in the make-up of these overruns."

MOVED BY ALDERMAN LAWSON, SECONDED BY ALDERMAN MERCIER:

"That the foregoing motion be amended to provide that further payment of the Municipality's share of welfare costs, involving any increase in the per capita charges, be withheld until such time as the information requested is

received from Victoria."

The amendment was voted on and:

CARRIED,
AGAINST: MAYOR CONSTABLE

A vote was then taken on the original motion as amended and it was:

CARRIED,
AGAINST: MAYOR CONSTABLE, ALDERMAN AST

MOVED BY ALDERMAN AST, SECONDED BY ALDERMAN LAWSON:

"That the Minister of Human Resources be requested to find other means of financing overruns of the welfare budget other than by passing same on to Municipalities."

CARRIED,
AGAINST: ALDERMAN GUNN

- (23) Letter dated September 11, 1974, from Mr. Dale Lawrence,
4005 Rumble Street-Speeding and Vehicular Noise on Rumble Street.

This item was dealt with previously in the Meeting.

- (24) Burnaby Lake Sports Complex - Irrigation System.

It was recommended that Council authorize the execution of a contract between Pro Turf Limited and the Corporation of Burnaby for the installation of the irrigation system in the Burnaby Lake Sports Complex for the sum of \$36,210.00

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN AST:

"That the recommendation of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

- (25) Acquisition of Corner Truncation
Morley Street at Canada Way (West Side)
Lot 11, Block "F", D.L. 91, Plan 1869 - 6493 Canada Way (Corrioni)

The subject 10' x 10' truncation is required for the scheduled Local Improvement Program on Morley Street. Negotiations with the owners disclose that the truncation can be acquired for \$1.00, subject to the condition that a boxwood hedge approximately 2' high is relocated to the new property line at the time of construction.

It was recommended that the subject truncation be purchased for \$1.00 with the understanding that the owner's boxwood hedge will be relocated to the new property line at time of construction.

MOVED BY ALDERMAN AST, SECONDED BY ALDERMAN LEWARNE:

"That the recommendation of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

- (26) Preliminary Plan Approval #2905
Lot 43, D.L. 167, Plan 37349 - 8355 Wiggins Street.

Application has been received by the Planning Department for the installation of a new Thermal Oxidizer and two storage tanks at the subject location. As Council will note, this location is within the Big Bend Study Area.

It was recommended that Council authorize approval of the proposed installation providing the applicant meets the requirements of both the Greater Vancouver

Regional District and the British Columbia Fire Marshall's Office.

MOVED BY ALDERMAN LEWARNE, SECONDED BY ALDERMAN AST:

"That the recommendations of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

- (27) Request for Strata Title Approval on an Existing Duplex
(STA #45/74) - Lot 8, Block 8, D.L. 29, Plan 3035,
7312/14 11th Avenue

The Planning Department has received an application for Strata Title Approval of an existing duplex on the subject property. It was recommended that the subject application for strata titling of an existing duplex be granted approval by Council, subject to the fulfillment, as prerequisite to the signature of the strata plans by the Mayor and the Municipal Clerk, of Sections 6.1 to 6.6 of the Duplex Condominium Guidelines and the receipt of an affidavit of understanding of the maximum permitted use of the strata unit (i.e. single family only - one dwelling unit, including the main floor and basement).

MOVED BY ALDERMAN LEWARNE, SECONDED BY ALDERMAN LAWSON:

"That the recommendations of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

- (28) Rezoning Reference #33/74
(A) D.L. 100 Except 360' x 662', Plans 744 and 3065 (1891 North Road)
(B) Part 360' x 662', D.L. 100S 1/2, Plan 3065 (2021 North Road)

This item was dealt with previously in the meeting.

- (29) Letter dated September 10, 1974, from Mr. James A. Smith,
6922 Elwell Street - Parking on Elwell Street.

This item was dealt with previously in the meeting.

- (30) Stride Avenue Development Plan

The Planning Department submitted a report commenting on the Report of the Advisory Planning Commission as noted earlier in these Minutes.

It was recommended that:

- (a) the Director of Planning's report on the Stride Avenue Development Plan be tabled until October 7, 1974; and
(b) a copy of this report be sent to Messrs. Gary Nikolai and J.A. Milroy.

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN MERCIER:

"That the recommendations of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

NOTICES OF MOTION

MOVED BY ALDERMAN LAWSON, SECONDED BY ALDERMAN LEWARNE:

WHEREAS the incidence of traffic accidents and traffic violations have been on the increase in British Columbia during the year 1974;

AND WHEREAS the Burnaby Superintendent of the Royal Canadian Mounted Police has expressed concern for the increasing traffic violations and safety on Burnaby roads;

AND WHEREAS the attitude of irresponsible drivers has deteriorated to one of

"Who cares - why worry about it?" since the introduction of the "point system" for traffic violations in British Columbia as traffic violators no longer are inconvenienced by traffic fines or court appearances;

THEREFORE BE IT RESOLVED that the Attorney-General of the Province of British Columbia be asked to reconsider the "point system" which has apparently contributed to more drivers operating their cars in an irresponsible manner because there is no longer the inconvenience of appearance in Court or court fines which in turn, has resulted in a rapidly escalating increase in traffic violations, dangerous driving, traffic accidents, injuries and deaths, and that a copy of this Resolution be sent to the Chairman, British Columbia Police Commission, and the Burnaby Superintendent, Royal Canadian Mounted Police.

CARRIED

AGAINST: ALDERMEN GUNN, MERCIER

MOVED BY ALDERMAN LAWSON, SECONDED BY ALDERMAN STUSIAK:

WHEREAS traffic accidents in the Lower Mainland are steadily increasing and the incidence of dangerous driving on the Freeway has been observed in the form of excessive speeds, changing lanes without signalling, tail-gating for the purpose of forcing the driver in front into the other lane (either inside or outside lane) and driving on an angle into the nearest car in the next lane in an effort to force that driver to brake his or her vehicle thereby allowing the car of the dangerous driver to take that place on the road;

AND WHEREAS very few police patrols are observed working on the Freeway;

AND WHEREAS the need for a traffic patrol helicopter seems very apparent;

THEREFORE BE IT RESOLVED that the Officer-in-Charge, "B" Division, Traffic Section, Royal Canadian Mounted Police, responsible for the freeways in the area be asked to comment on the Freeway traffic problems of excessive speeds, changing lanes without benefit of a signal, tail-gating for the purpose of forcing the driver in front into the other lane (either inside or outside lane) and drivers angling in against the car in the next lane in an effort to force that driver to allow the car of the offending driver to take that place on the road; and that the Officer be asked to supply Council with a report on the plans and schedules to cope with the increased traffic problem, and if there is any intention to increase the number of patrols, reduce speed limits or employ the use of traffic patrol helicopters for the Freeways in the Lower Mainland, particularly within the Municipality of Burnaby, and that copies of this Resolution be sent to the Attorney-General of the Province of British Columbia, the Chairman, British Columbia Police Commission, and to the Burnaby Superintendent of the Royal Canadian Mounted Police.

CARRIED UNANIMOUSLY

At 9:10 P.M. the meeting recessed.

At 9:25 P.M. the meeting reconvened with Aldermen Emmott, Lewarne and McLean being absent.

(31) Rezoning Reference 24A/70.

From Comprehensive Development District (CD) to Amended
Comprehensive Development District (CD)

At 9:26 P.M. Alderman Lewarne returned to the Council Chamber and took his place at the Council table.

It was recommended that:

- (a) a rezoning By-Law be brought forward;
- (b) the rezoning be advanced to a Public Hearing on Tuesday, October 22, 1974;

(c) the following be established as prerequisites for completion of the Rezoning:

1. The submission of a suitable plan of development;
2. The deposit of sufficient funds to cover the cost of constructing the lane to the north of the site;
3. Compliance with any condominium guidelines as adopted by Council.

MOVED BY ALDERMAN LEWARNE, SECONDED BY ALDERMAN STUSIAK:

"That the recommendations of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

(32) Rezoning Reference #30/74

Condominium Townhouses

Kitchener Street/Augusta Avenue

From Residential District (R4) to Comprehensive Development District (CD)

It was recommended that:

- (a) Council authorize the introduction of a Road Exchange By-Law according to the terms outlined in Section 3.3 of the Planning Director's report contingent upon the granting by Council of First and Second readings of the subject Rezoning By-law.
- (b) Council receive the report of the Planning Department and request that a rezoning By-Law be prepared and that the rezoning be advanced to a Public Hearing on October 22, 1974, and that the following be established as prerequisites to the completion of the rezoning;
 1. The submission of a suitable plan of development.
 2. The completion of the requisite Road Exchange By-Law.
 3. The submission of an undertaking to remove all existing improvements from the site within six months of the rezoning being effected but not prior to Third Reading of the By-Law.
 4. The consolidation of the net project site into one legal parcel.
 5. The granting of any necessary easements.
 6. The deposit of sufficient monies to cover the costs of all services necessary to serve the site.
 7. The installation of all electrical, telephone, and cable servicing, and all other wiring underground throughout the development.
 8. The dedication of any right-of-way deemed requisite.
 9. The provision of a public pedestrian walkway easement from Halifax Street to Graystone Drive and the construction of a concrete sidewalk to the municipal standard.
 10. All applicable condominium guidelines as adopted by Council shall be adhered to by the applicant.
 11. The deposit of a per unit levy to go towards the acquisition and development of the proposed neighborhood park.

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN AST:

"That the recommendations of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

(33) Engineer's Special Estimates.

It was recommended that Council approve the Special Estimates of Work of the Municipal Engineer in the total amount of \$74,550.00 as detailed in the report.

MOVED BY ALDERMAN LAWSON, SECONDED BY ALDERMAN STUSIAK:

"That the recommendation of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

(34) Renewal of Lease

Blocks 4, 5, 6 and 7, D.L. 212, Plan 3080, Bestwood Industries Ltd.

It was recommended that:

- (a) the Land Agent be authorized to negotiate a further three year lease with Bestwood Industries Ltd. for the properties described as Blocks 4, 5, 6 and 7, D.L. 212, Plan 3080, to terminate on December 31, 1977, with provision in the lease that should the Municipality decide at the end of the second year of the agreement that the site will not be required by December 31, 1974, that year-to-year extensions could be considered;
- (b) the lease also include provision that should the Municipality decide at any time before the end of the second year of the agreement that the property will be required, then notice to this effect can be served which would finally terminate the lease on December 31, 1977;
- (c) it be stressed to Bestwood Industries Ltd. that on the basis of the existing implementation program, the company and its employees should assume at this point that notice to terminate the lease at the end of the second year will be forthcoming;
- (d) a copy of this report be sent to the Parks and Recreation Commission for information.

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN MERCIER:

"That the recommendations of the Municipal Manager be adopted."

MOVED BY ALDERMAN GUNN, SECONDED BY ALDERMAN LAWSON:

"That further consideration of this matter be tabled for one week pending receipt of information on the seriousness of the pollution problem created by Bestwood Industries Ltd. and an opinion from the Pollution Control Division of the Greater Vancouver Regional District as to whether it would be feasible for Bestwood Industries to install appropriate pollution control devices should a five year lease be allowed.

CARRIED,

AGAINST: ALDERMAN STUSIAK

(35) Letter dated September 17, 1974, from Mr. George Young and a Petition Regarding Property at 7396 Barnet Highway

This item was dealt with previously in the meeting.

(36) Truck Traffic on Ardingley Avenue.

On August 19, 1974, Council tabled a report on truck traffic on Ardingley Avenue and Laurel Street in order that further information could be provided on the possibility of integrating the proposed extension of Norland Avenue to Sprott Street with the Freeway. Although it is not possible to provide Council with further information on the possibility of integration until such time as comments are received from the Department of Highways, we are in a position to answer two other questions that were asked by Council when this matter was discussed, namely,

- (a) Were noise readings taken at night?
- (b) How many violators of the Burnaby Noise or Sound Abatement By-Law were charged?

Following is a report from the Chief Public Health Inspector on this subject:

September/23/1974

Re: VEHICULAR NOISE - ARDINGLEY AVENUE AND NORLAND STREET

Further to your request for additional information regarding our report on the above-noted subject, we would advise as follows:

(1) Were night readings taken?

Night readings were not taken as the results from our daytime monitoring stations (2) enabled us to support the suggestion of road relocation.

(2) How many of those violating the Noise By-law were charged?

There were no charges laid by reason of the following. The monitoring of vehicular noise falls into two categories:

- (a) one is strictly a survey where information for the records of this or other departments is required. Vehicles are not stopped as only Health Department personnel are involved;
- (b) second is an enforcement programme designed to not only measure vehicular noise emission, but also to stop all vehicles violating the provisions of the Noise or Sound Abatement By-law, obtain pertinent information from the operator, identify the type of vehicle and proceed with charges. This operation requires complete organization and the active participation of the R.C.M.P., Health and Engineering Departments.

As our objective on August 13th, 1974, was to gather background and supportive information regarding the relocation of a road due to the general movement of traffic, we chose to use the first and least expensive noise measuring method, which involved only Health Department personnel.

The results gained from the operation were twofold; one, we obtained information relevant to the request for road relocation and secondly, the need for the complete noise control enforcement programme in this area was proven.

The necessary arrangements were made with the R.C.M.P. and the Engineering Department for such a monitoring station to be operated on Monday, September 9th, 1974, at 10:00 A.M. Due to circumstances beyond the control of the Departments concerned, the monitoring date had to be advanced to Monday, September 16, 1974. The enforcement programme was carried out on that date. The time of operation was 1:00 P.M. to 3:00 P.M. There were no violators and consequently, no charges. As we are of the opinion that this area is, at times, subjected to unnecessary vehicular noise, the operation will be repeated.

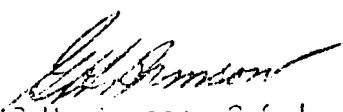
For your information, we would state that the Noise Emission Control Programme within this Municipality has been progressing on three major fronts as follows:

- (1) Industry and Commerce.
- (2) Residential.
- (3) Vehicular.

Considerable success has been achieved in the reduction of noise emission from industrial/commercial and residential sources. A goodly portion of any success encountered is due to the interest and co-operation on the part of industry and private citizens. With these programmes progressing in a satisfactory manner, we are now able to concentrate our forces on those who violate the provisions of the sections of the Burnaby Noise or Sound Abatement By-law 1972, #6052, that regulate vehicular noise emission.

We will keep you advised as to the progress of the programme.

Respectfully submitted,



854

G.H. Armonson, C.S.I. (C)
CHIEF PUBLIC HEALTH INSPECTOR

GHA/pm

MOVED BY ALDERMAN LEWARNE, SECONDED BY ALDERMAN AST:
"That the report of the Municipal Manager be received."

CARRIED UNANIMOUSLY

(37) Eastern Burrard Inlet Marine Park
Terms of Reference for a Landscape Architect

It was recommended that:

- (a) Council approve the Landscape Architect Terms of Reference as amended by the Parks and Recreation Commission and recommendations 2 and 3 contained in the Director of Planning's report dated September 11, 1974, namely:

"That a staff committee to include the Municipal Manager, the Parks and Recreation Administrator and the Director of Planning be struck to select and work with the designated Landscape Architect; and

That the staff committee undertake to recommend a Landscape Architect on the basis of the selection process outlined in the Planning Director's report."

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

Alderman Gunn expressed concern that the Terms of Reference for the Landscape architect did not take into consideration the construction of a beach in the Barnet area but concentrated solely on the recreational core area on the Kapoor property. Alderman Gunn felt very strongly that the two should be developed simultaneously and that the terms of reference of the landscape architect should be amended so as there was no doubt as to Council's intention in this regard.

It was agreed that the Staff Committee would give this matter full consideration and that Terms of Reference of the Landscape architect would clearly define the intentions of Council with regard to the development of the areas simultaneously.

A vote was then taken on the motion and it was

CARRIED UNANIMOUSLY

(38) Petition from Residents on Linwood Street Between Boundary Road and Smith Avenue.

This item was dealt with previously in the meeting.

(39) The Municipal Manager presented reports submitted by the Planning Director covering various rezoning applications.

1. Rezoning Reference 45/74.

Lot 12, DL 74N Pt., Plan 3782
5332 Still Creek Avenue.

From Truck Terminal District (M6) to General Industrial District (M2)
It was recommended that: Council receive the report of the Planning Department and request that a rezoning by-law be prepared as outlined in the report and that the rezoning be advanced to a Public Hearing to be held on October 22, 1974, and that Council establish the following as prerequisites to the completion of rezoning.

- (a) The submission of a suitable plan of development reflecting the development criteria outlined in the Planning Director's report.
- (b) the granting of an easement for public walkway purposes over the southerly 20 feet of the subject property from east to west property boundaries, if it is determined by survey that insufficient space provision exists on the present parcel containing the creek.

MOVED BY ALDERMAN LAWSON, SECONDED BY ALDERMAN AST:

"That the recommendations of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

2. Rezoning Reference 46/74.

Lots 3 and 18, Block 13, DL 117W1/2, Plan 1008
1630 and 1650 Boundary Road.

From Heavy Industrial District (M3) to Light Industrial District (M5)
It was recommended that: Council received the report of the Planning Department and request that a rezoning by-law be prepared as outlined in the report received and that the rezoning be advanced to a Public Hearing to be held on October 22, 1974, and that Council establish the following as prerequisite to the completion of the rezoning:

- (a) The submission of a suitable plan of development reflecting the concerns expressed in the Planning Department's report;
- (b) the consolidation of the properties;
- (c) the submission of an undertaking to remove all existing structures within six months of the completion of the rezoning.
The normal prohibition of removal prior to Third Reading is being excepted in view of the applicant's intention to proceed with development under the M3 regulations, accepting the inherent limitations if the amendment is not granted.

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN MERCIER:

"That the recommendations of the Municipal Manager be adopted"

CARRIED UNANIMOUSLY

3. Rezoning Reference 47/74

- (a) Lot "A" (Part of "B", "C", "D"), S.D. 1, Block 7, D.L. 2, Plan 9183
- (b) Part of East 96.35' of Lot 1E1/2, Block 7, D.L. 2, Plan 3044
- (c) Part of Lot 2, Block 7, D.L. 2, Plan 3044 as shown on Plan 3044 lying N. of Hwy. Plan 24399.
- (d) Block 8, D.L. 2, Plan 3044 as shown lying North of Highway Plan 24399
- (e) Parcel "D", Ex. Plan 45380, S.D. 1, D.L. 12, Plan 3046

9030/9256/9276/9306/9336/9362/9382 Government Street,
9275 Trans Canada Highway.

From Small Holdings District (A2) to Comprehensive Development District (CD)

It was recommended that Council receive the report of the Planning Department concerning the rezoning of the subject Phase 1 site within a Community Plan framework for the overall 16.45 acre site, and authorize the Planning Department to work with the applicant in the preparation of a suitable plan of development with the understanding that a further and more detailed report will be submitted at a later date.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN LAWSON:

"That the recommendationsof the Municipal Manager be adopted."

4. Reference Rezoning 48/74
Lot 1 Except Plans 43519 and 44669, D.L.'s 73/81, Plan 40648.

4298 Wayburne Drive

From Cemetary District (P4) to Comprehensive Development District(CD)

It was recommended that Council receive the report of the Planning Department and request that a rezoning by-law be prepared and that the rezoning be advanced to a Public Hearing on October 22, 1974, and that the following be established by Council as prerequisites to the completion of the rezoning:

- (a) The submission of a suitable plan of development.
- (b) The granting of any necessary easements.
- (c) The deposit of sufficient monies to cover the costs of all services necessary to serve the site.
- (d) The installation of all electrical, telephone, and cable servicing, and all other wiring underground throughtout the development.
- (e) The provision of a public pedestrian walkway easement and the construction of a concrete walk to the municipal standard.
- (f) All applicable condominium guidelines as adopted by Council. shall be adhered to by the applicant

MOVED BY ALDERMAN LEWARNE, SECONDED BY ALDERMAN AST:

"That the recommendations of the Municipal Manager be adopted;"

CARRIED

AGAINST: Alderman Mercier

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN MERCIER:

"That the Committee now rise and report."

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN LEWARNE:

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

CARRIED UNANIMOUSLY.

It was decided that Council would meet with the Human Resources Administrator during the week of September 30, 1974, at a time to be arranged by His Worship, the Mayor to discuss Human Resources problems and matters.

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN MERCIER:

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

CARRIED UNANIMOUSLY