

APRIL 21, 1975

A regular meeting of the Municipal Council was held in the Council Chamber, Municipal Hall, 4949 Canada Way, Burnaby, B.C., on Monday, April 21, 1975, at 7:00 P.M.

PRESENT: Mayor T. W. Constable, in the Chair  
Alderman G. D. Ast  
Alderman A. H. Emmott  
Alderman B. M. Gunn  
Alderman D. A. Lawson  
Alderman W. A. Lewarne  
Alderman G. H. F. McLean  
Alderman J. L. Mercier  
Alderman V. V. Stusiak

STAFF: Mr. M. J. Shelley, Municipal Manager  
Mr. A. L. Parr, Director of Planning  
Mr. E. E. Olson, Municipal Engineer  
Mr. J. Hudson, Municipal Clerk  
Mr. R. W. Watson, Deputy Municipal Clerk  
Mr. J. Plesha, Administrative Assistant to Manager

MINUTES

The Minutes of the Special Council Meeting held on April 8, 1975 came forward for adoption.

MOVED BY ALDERMAN LEWARNE:

SECONDED BY ALDERMAN AST:

"That the Minutes of the Special Council Meeting held on April 8, 1975 be now adopted."

CARRIED UNANIMOUSLY

The Minutes of the Special Council Meeting held on April 9, 1975 came forward for adoption.

MOVED BY ALDERMAN LEWARNE:

SECONDED BY ALDERMAN AST:

"That the Minutes of the Special Council Meeting held on April 9, 1975 be now adopted."

CARRIED UNANIMOUSLY

The Minutes of the Regular Council Meeting held on April 14, 1975 came forward for adoption.

MOVED BY ALDERMAN LEWARNE:

SECONDED BY ALDERMAN AST:

"That the Minutes of the Regular Council Meeting held on April 14, 1975 be now adopted."

CARRIED UNANIMOUSLY

The Minutes of the Public Hearing held on April 15, 1975 came forward for adoption.

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MOVED BY ALDERMAN LEWARNE:

SECONDED BY ALDERMAN AST:

"That the Minutes of the Public Hearing held on April 15, 1975 be now adopted."

CARRIED UNANIMOUSLY

P R O C L A M A T I O N

His Worship Mayor Constable proclaimed the week of April 20th to 26th inclusive as "Volunteer Recognition Week" in recognition of the many citizens of Burnaby contributing to the community.

B Y - L A W S

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN MERCIER:

"That:

'Burnaby Zoning By-Law 1965, Amendment By-Law No. 10, 1975' (#6639)

Rezoning Reference No. 3/75

Lot 7 S.E. Part, D.L. 11, Plan 3045

8691 Armstrong Avenue

From Residential District (R3)  
To Neighbourhood Commercial District (C1)

'Burnaby Zoning By-Law 1965, Amendment By-Law No. 11, 1975' (#6640)

Rezoning Reference No. 4/75

Pcl. A, Sk. 5573, Blk. 15, S. Pt., D.L. 74 N 1/2, Plan 2603

2878 Douglas Road

From Neighbourhood Commercial District (C1)  
To General Industrial District (M2)

'Burnaby Zoning By-Law 1965, Amendment By-Law No. 12, 1975' (#6641)

Rezoning Reference No. 5/75

Lots 7, 8, 9, 10, Blk. 7, D.L. 121, Plan 1054

4224 and 4228 Albert Street

From Residential District (R5)  
To Parking District (P8)

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'Burnaby Zoning By-Law 1965, Amendment By-Law No. 13, 1975' (#6642)

Rezoning Reference No. 8/75

Lot 98, Grp. 1, D.L. 30, Plan 44920

7487 Edmonds Street

From Service Commercial District (C4)

To Neighbourhood Commercial District (C1)

'Burnaby Zoning By-Law 1965, Amendment By-Law No. 14, 1975' (#6643)

Rezoning Reference No. 9/75

Lot 18, Blk. 2, D.L. 29, Plan 3035

7585 Kingsway

From Drive-In Restaurant District (C7) and Residential District (R5)

To Service Commercial District (C4)

'Burnaby Zoning By-Law 1965, Amendment By-Law No. 17, 1975' (#6647)

Rezoning Reference No. 19C/73

Lots 68 and 69, D.L. 81, Plan 46739

4725 and 4775 Village Drive

From Comprehensive Development District (CD)

To Amended Comprehensive Development District (CD)

'Burnaby Zoning By-Law 1965, Amendment By-Law No. 18, 1975' (#6648)

Rezoning Reference No. 13/75

Lot 19 Except Parcel "A", Explanatory Plan 12407, Block 4,  
D.L. 125, Plan 3520

5429 Lougheed Highway

From Tourist Commercial District (C5)

To Comprehensive Development District (CD)

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 MERCIER:

"That the Committee now rise and report progress on By-Laws numbered 6639, 6640, 6641, 6642, 6643, 6647 and 6648."

CARRIED UNANIMOUSLY

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The Council reconvened.

MOVED BY ALDERMAN MERCIER:

SECONDED BY ALDERMAN STUSIAK:

"That By-Law No. 6641 cited as 'Burnaby Zoning By-Law 1965, Amendment By-Law No. 12, 1975' be tabled for one week pending clarification of the question of effecting a time limit for rezoning."

CARRIED

CONTRARY: ALDERMEN LEWARNE AND  
McLEAN

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN MERCIER:

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN MERCIER:

"That the following By-Laws be now read two times:

- (a) By-Law No. 6639, cited as  
'Burnaby Zoning By-Law 1965, Amendment By-Law No. 10, 1975';
- (b) By-Law No. 6640, cited as,  
'Burnaby Zoning By-Law 1965, Amendment By-Law No. 11, 1975';
- (c) By-Law No. 6642, cited as,  
'Burnaby Zoning By-Law 1965, Amendment By-Law No. 13, 1975';
- (d) By-Law No. 6643, cited as,  
'Burnaby Zoning By-Law 1965, Amendment By-Law No. 14, 1975';
- (e) By-Law No. 6647, cited as,  
'Burnaby Zoning By-Law 1965, Amendment By-Law No. 17, 1975';
- (f) By-Law No. 6648, cited as,  
'Burnaby Zoning By-Law 1965, Amendment By-Law No. 18, 1975' "

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN MERCIER:

"That:

'Burnaby Zoning By-Law 1965, Amendment By-Law No. 16, 1975' (#6645)

Rezoning Reference No. 11/75

Lot 4, D.L. 155A, Plan 1249

7450 Meadow Avenue

From Heavy Industrial District (M3)

To Agricultural District (A1)

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'Burnaby Road Acquisition and Dedication By-Law No. 2, 1975' (#6650)

'Burnaby Local Improvement Charges By-Law 1975,  
Amendment By-Law No. 2, 1975' (#6651)

'Burnaby Lease Authorization By-Law No. 3, 1975' (#6652)

'Burnaby Lease Authorization By-Law No. 4, 1975' (#6653)

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 MERCIER:

"That the Committee now rise and report By-Laws numbered 6645, 6650, 6651, 6652 and 6653 completed."

CARRIED.

ALDERMAN GUNN CONTRARY TO  
BY-LAW NO. 6652.

The Council reconvened.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN MERCIER:

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

CARRIED.

ALDERMAN GUNN CONTRARY TO  
BY-LAW NO. 6652.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN MERCIER:

"That the following By-Laws be now read three times:

(a) By-Law No. 6645, cited as,  
'Burnaby Zoning By-Law 1965, Amendment By-Law No. 16, 1975'

(b) By-Law No. 6650, cited as,  
'Burnaby Road Acquisition and Dedication By-Law No. 2, 1975'

(c) By-Law No. 6651, cited as,  
'Burnaby Local Improvement Charges By-Law 1975,  
Amendment By-Law No. 2, 1975'

(d) By-Law No. 6652, cited as,  
'Burnaby Lease Authorization By-Law No. 3, 1975'

(e) By-Law No. 6653, cited as,  
'Burnaby Lease Authorization By-Law No. 4, 1975'

CARRIED.

ALDERMAN GUNN CONTRARY TO  
BY-LAW NO. 6652.

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"Burnaby Zoning By-Law 1965, Amendment By-Law No. 51, 1975" (#6530) came forward for Third Reading. This By-Law provides for the following proposed rezoning:

Rezoning Reference No. 20/74

Southern Portion of Lot 192, D.L. 95, Plan 37840

7252 Kingsway

From Administration and Assembly District (P2)  
To Comprehensive Development District (CD)

MOVED BY ALDERMAN LAWSON:

SECONDED BY ALDERMAN LEWARNE:

"That Council do now resolve itself into a Committee of the Whole to consider and report on 'Burnaby Zoning By-Law 1965, Amendment By-Law No. 51, 1974' (#6530)."

CARRIED UNANIMOUSLY

The Planning Department by memorandum dated April 17, 1975 reported that the prerequisites established by Council in connection with this rezoning have been satisfied.

MOVED BY ALDERMAN LAWSON:

SECONDED BY ALDERMAN LEWARNE:

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

CARRIED.

ALDERMAN McLEAN VOTED  
CONTRARY TO THE MOTION.

MOVED BY ALDERMAN LAWSON:

SECONDED BY ALDERMAN LEWARNE:

"That 'Burnaby Zoning By-Law 1965, Amendment By-Law No. 51, 1974' (#6530) be now read a third time."

CARRIED.

ALDERMAN McLEAN VOTED  
CONTRARY TO THE MOTION.

"Burnaby Zoning By-Law 1965, Amendment By-Law No. 8, 1975" (#6630) came forward for Reconsideration and Final Adoption. This By-Law provides for the following proposed rezoning:

Rezoning Reference No. 67B/70

Lot 191, D.L. 4, Plan 43399, Pt. North of Lougheed Highway

9545 Lougheed Highway

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

The Planning Department by memorandum dated April 17, 1975 reported that the prerequisite established by Council in connection with this rezoning has been satisfied.

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"Burnaby Lease Authorization By-Law No. 2, 1975" (#6649) came forward for Reconsideration and Final Adoption.

MOVED BY ALDERMAN McLEAN:

SECONDED BY ALDERMAN MERCIER:

"That:

'Burnaby Zoning By-Law 1965, Amendment By-Law No. 8, 1975' (#6630)

'Burnaby Lease Authorization By-Law No. 2, 1975' (#6649)

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

CARRIED.

ALDERMAN GUNN VOTED CONTRARY TO BY-LAW NO. 6649.

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 AST:

"That all of the following listed items of correspondence be received and those items of the Municipal Manager's Report No. 29, 1975 which pertain thereto be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

- (a) Bureau of Transit Services, Director of Transit  
Re: An Approach to Transit Planning

A letter dated April 14, 1975 was received enclosing a copy of a report of the Surrey, Delta and White Rock Transit Committee showing an approach to transit planning recently followed in those communities. On a question by Alderman Lewarne, Mayor Constable advised that the Traffic Safety Committee was deemed to be the Transit Committee for the purposes of this subject matter.

- (b) Citizens' Pet Population Control Society  
Re: Tag Day - Saturday, June 14, 1975.

MOVED BY ALDERMAN LEWARNE:

SECONDED BY ALDERMAN LAWSON:

"That the request of the Citizens' Pet Population Control Society to hold a Tag Day on Saturday, June 14, 1975 be approved."

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN MERCIER:

"That this request be tabled for one week and the said Society be requested to provide more information on their operations and length of incorporation."

CARRIED UNANIMOUSLY

- (c) Burnaby Arts Council, Mr. D. G. Dunston, For Sister City Festival Committee  
Re: Sister City Festival

A letter dated April 10, 1975 was received advising that the Burnaby Arts Council is developing a system to make bi-monthly reports available to

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Council and as well as indicating a request that a representative from Council attend monthly Board meetings.

MOVED BY ALDERMAN LAWSON:

SECONDED BY ALDERMAN MERCIER:

"That the correspondence received from the Burnaby Arts Council be referred to the Burnaby Parks and Recreation Commission."

CARRIED UNANIMOUSLY

(d) Mr. J. G. Sanderson

Re: Dissatisfaction with Service Provided by  
Department of Human Resources

A letter dated April 11, 1975 was received indicating dissatisfaction with the service provided by the Department of Human Resources. On a question of Mayor Constable the Municipal Manager advised that a report would be forthcoming on April 28, 1975 to the 'In Camera' session of Council.

(e) Mr. and Mrs. T. J. Hollinshead

Re: Sale of Municipal Property to the Ismailia Community

The correspondence advised that in light of the recent Greater Vancouver Regional District growth report it behooves the Council to conserve as much vacant Municipal land as possible.

Item 14, Municipal Manager's Report No. 29, 1975 was brought forward for consideration at this time. It was recommended that a copy of this report and the Planning Department's fact sheet on the Ismailia Community be sent to Mr. and Mrs. T. J. Hollinshead.

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN MERCIER:

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

CARRIED UNANIMOUSLY

(f) Citizen's Development Fund

A letter dated April 14, 1975 was received from The Reverend R. R. Purdy, President, expressing concern over the proposed development of the Brentwood Park Area into high density, multi-family complex as projected in Community Plan #9. Brentwood Apartment Study 1969, "Area D".

MOVED BY ALDERMAN EMMOTT:

SECONDED BY ALDERMAN LAWSON:

"That The Reverend R. R. Purdy be asked to clarify and submit information that he may have in reference to the statements contained in his correspondence as to the general and specific problems resulting from the creation of such high density complexes."

CARRIED UNANIMOUSLY



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(g) Petitioners from Brentwood Park Area

A letter dated April 14, 1975 and petition was received outlining objections to the rezoning proposed by Community Plan "D", Sketch 3, dated February 1975. On a question of Alderman Lawson the Municipal Planner advised that one meeting had already been held with the Brentwood Park Ratepayers' Association group and there was another meeting proposed in four days' time.

ENQUIRIES

Alderman Mercier

On a question of Alderman Mercier the Municipal Engineer advised that garbage pick-up was still a problem and that the routes were mixed up at the present time.

Alderman Lawson

Alderman Lawson advised that she had received a complaint from a gentleman at 6038 Cassie Avenue in regard to garbage dumped on the Municipal owned lot next door. The Engineer agreed to investigate the situation.

Alderman Lawson also enquired as to a report coming forward on accidents at the corner of Buckingham and Sperling Avenues. The Engineer advised that he would review the status of the report and advise Alderman Lawson directly.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN LEWARNE:

"That the correspondence dated April 18, 1975 from the Secretary, Burnaby Civic Employees' Local Union 23, advising therein 'This letter will serve as notice of intention to strike pursuant to Section 81 (2) (b) of the Labour Code of Canada' be received"

CARRIED UNANIMOUSLY

Alderman Stusiak

On a question of Alderman Stusiak relating to the regulations in the "Burnaby Electrical By-Law 1974" relating to underground wiring, the meeting was advised that underground wiring is required to be installed to the standard prescribed in Schedule "D" of "Burnaby Subdivision Control By-Law 1971".

MOVED BY ALDERMAN GUNN:

SECONDED BY ALDERMAN STUSIAK:

"That the Planning Department prepare a report describing in detail the status of the By-Law requirements in connection with underground wiring regulations and discussing the question of third party liability as it relates to easements for underground cable installation."

CARRIED UNANIMOUSLY

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Alderman McLean

On a question of Alderman McLean as to when the report would be due on a truck route involving Stride Avenue and Gilley Avenue, the Director of Planning advised that the Planning Department was waiting for input from the Provincial Department of Highways.

On a further question of Alderman McLean the Director of Planning advised that they had carried out preparatory work but same was not detailed on alternatives and circulation patterns.

\*\* MOVED BY ALDERMAN GUNN:  
SECONDED BY ALDERMAN LEWARNE:

"That the Planning Department bring forward a report on the location of the Marine Way alignment taking into consideration local needs."

CARRIED UNANIMOUSLY

NOTICE OF MOTION

MOVED BY ALDERMAN LEWARNE:  
SECONDED BY ALDERMAN MERCIER:

"WHEREAS the construction of a religious institution is proposed for the 4900 Block Marine Drive and the site concerned is zoned P2 - Administration and Assembly District; and

WHEREAS the preamble to the P2 zone provides - "This District provides for governmental, administrative, recreational, cultural and other related services and facilities which serve the Municipality; and

WHEREAS the proposed use for the site at 4900 Block Marine Drive is clearly of a Regional nature; and

WHEREAS the preamble to the P6 - Regional Institutional District zone provides - "This District provides for the location and regulation of large scale public institutional uses at a municipal, metropolitan or regional level";

THEREFORE BE IT RESOLVED that the Municipal Staff be instructed to bring forward a report advising as to the desirability of amending the "Uses Permitted" section of the P6 - Regional Institutional District zoning regulations to permit therein a religious institution;

AND BE IT FURTHER RESOLVED that the Ismailia Association be so advised."

\*\* FOR: ALDERMEN LAWSON, LEWARNE,  
McLEAN AND MERCIER.  
CONTRARY: MAYOR CONSTABLE,  
ALDERMEN AST, EMMOTT,  
GUNN AND STUSIAK.  
MOTION LOST.

\*\* Please see Minutes of April 28, 1975 for amendments.

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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 Committee submitted a report on the matters listed following as Items 1 to 4 either providing the information shown or recommending the courses of action indicated for the reasons given:

1. Marked Crosswalk - Willingdon Avenue/B.C.V.S. Entrance

A letter was received from Miss Joanne Cirelli of the British Columbia Vocational School Students Council regarding an apparent hazard to pedestrians at the above-captioned crosswalk. This subject was referred to the Municipal Engineer, who reports, in part, as follows:

"To ensure that the crossing is clearly visible, we intend to have the pavement markings repainted, (now completed), as soon as weather permits and we will have the condition of existing signs checked.

We are prepared to consider the possibility of installing overhead signs and/or a flashing amber light."

Your Committee would recommend that the action taken by the Municipal Engineer be ratified.

2. Pedestrian Hazard - Barker Traffic Island

A letter was received from Mrs. Florence Worrell, #206 - 3925 Kingsway, Burnaby concerning an apparent hazard to pedestrians at the above-captioned location. This subject was referred to the Municipal Engineer who reports, in part, as follows:

"With reference to the Patterson-Grange-Kingsway intersection we offer the following comments:

(1) This intersection is controlled by a fixed time traffic signal with marked crosswalks on the west and south legs.

(2) There are no immediate plans for additional pedestrian crossing control or facilities in this area. Long range planning proposals will provide pedestrian overpasses.

(3) We have recorded three pedestrian accidents at this intersection since 1960 and none since 1972."

Your Committee would recommend that no further action be taken at this time and that Mrs. Worrell be advised accordingly.

3. Rumble Street - Sidewalk and Bicycle Path

A letter and accompanying petition was received from Mrs. M. Sloof, 3956 Rumble Street, Burnaby and others, regarding the captioned subject. This matter was the subject of an interim report from the Municipal Engineer which went to Council along with the Committee's recommendation on December 30, 1974. The Municipal Engineer, in a further report, submitted the following conclusions:

"1) Sidewalks

Although there is presently no sidewalk along the north side of Rumble Street from Boundary Road to Patterson Avenue, we are of the opinion that the existing sidewalk along the south side is sufficient. Those Suncrest School students who wish to travel east and west along Rumble Street have relatively safe access to the existing sidewalk via the marked school crosswalk (complete with school patrol) directly in front of the school. However, some children prefer to walk along the grassy Rumble Street boulevards or across the school playgrounds. In either case, it is felt that additional sidewalk along this section of Rumble Street is not an urgent matter.

Rumble Street, from Patterson Avenue to McKay Avenue, is a different situation. There are no sidewalks on either side of the street and pedestrians must now use existing gravel shoulders and grass boulevards as walkways. Previous attempts by the Municipality to include this section in a local improvement sidewalk program have, in the past, been defeated by the Rumble Street residents.

Costs of constructing a sidewalk along the north side of Rumble Street have been estimated as follows:

(a) Boundary Road to Patterson Avenue .....	\$26,500.00
(b) Patterson Avenue to McKay Avenue .....	<u>8,500.00</u>
	TOTAL <u>\$35,000.00</u>

2) Bicycle Path

The construction of a suitable bicycle path along the south side of Rumble Street, from Boundary Road to Edmonds Street (a distance of approximately three miles), would involve considerable change to the existing right-of-way. Catch basins, hydrants, and utility poles would have to be relocated. There would have to be excavation, landfilling, and retaining wall construction. In addition, it would be necessary to ban all parking along the south side of Rumble Street, including the commercial areas. All but finished standard sections would need to have the pavement widened by 10 feet. The cost of construction has been guesstimated at about \$285,000.

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During the current period of budgetary restraint, an expenditure of this magnitude would have to be warranted by a strong argument in support of the proposed bicycle path. Our field investigation has shown that although the vehicle volume along Rumble Street is relatively high (e.g. in the order of 10,000 vehicles daily), the bicycle volume is almost negligible - even during the period (from 3:00 p.m. - 4:00 p.m.) when one would expect to observe children riding their bicycles home from school. Of the five schools surveyed, Suncrest Elementary students had the most bicycles stored at school (e.g. 20 - 25, depending upon weather) but very few (4) were observed travelling home along the subject route.

We have been informed that a bicycle path was constructed in the District of North Vancouver as a result of pressure from an organized cycle group. The complaints of residents inconvenienced by the necessary on-street parking ban and the observed low usage of the bicycle path, resulted in cancellation of the path. We are of the opinion that a similar situation could arise here.

This is not to say that the needs of Burnaby cyclists should be ignored. The Planning Department is currently designing a bicycle path network for the Municipality which will follow gradual inclines and minimize interaction with vehicles while still providing scenic routes. In fact they are considering routes near and parallel to Rumble Street - potentially an acceptable alternative to the requested Rumble Street path. Their report is expected to be available later this year.

In view of the observed low bicycle volume and high vehicle volume, potential inconvenience to residents resulting from necessary parking bans, high cost of construction, and potentially suitable alternatives being studied by the Planning Department, we feel that the request for a bicycle path along Rumble Street should be denied at this time."

Your Committee would recommend:

- 1) That the construction of a sidewalk along one side of Rumble Street from Patterson Avenue to McKay Avenue be reinitiated and considered for inclusion in a future local improvement program; and
  - 2) That the request for construction of the subject bicycle path along Rumble Street be denied; and
  - 3) That Mrs. M. Sloof be advised accordingly.
4. Municipal Appreciation Dinner

The members of the Traffic Safety Committee wish to express their gratitude to Council for the Appreciation Dinner and Dance held on April 12, 1975.

MOVED BY ALDERMAN McLEAN:

SECONDED BY ALDERMAN LAWSON:

"That the recommendations of the Traffic Safety Committee be adopted."

CARRIED UNANIMOUSLY

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In response to a question Mayor Constable advised that the Municipal Appreciation Dinner was for the year 1975.

The Municipal Clerk submitted a Certificate of Sufficiency dated April 17, 1975 in reference to the 1975 Local Improvement Program.

Section 589(1) of the Municipal Act provides, in part, as follows:

"589(1) .... unless within one month after the publication of the required notice, a majority of the owners representing at least one half of the value of the parcels liable to be specially charged, petition the Council not to proceed with it, the work may be undertaken as a local improvement."

Petitions have been received against Local Improvement Projects numbered 74-025, 74-028, 74-029, 74-030, 74-033, 74-034, 74-036, 74-039, 74-040, 74-043, 74-045, 74-059, in the attached schedule, and are certified as sufficient as these petitions represent a majority of the owners on each project who, in turn, represent at least one half of the value of the parcels liable to be specially charged. The Council, therefore cannot proceed with any of these projects.

Sufficient petitions against the balance of the works shown on the attached schedule have not been received and Council may proceed with the works as provided for in Section 589(1) of the Municipal Act.

MOVED BY ALDERMAN McLEAN:

SECONDED BY ALDERMAN MERCIER:

"That the Certificate of Sufficiency from the Municipal Clerk in reference to the 1975 Local Improvement Program be received and the works for which sufficient petitions against have not been received be proceeded."

CARRIED UNANIMOUSLY.

The Municipal Hall Capital Committee submitted a report dated April 17, 1975 on Renovations to the Municipal Hall and Site Development Plan and recommended the courses of action indicated for the reasons given:

Your Committee met with the Architect, Messrs. B. Freschi and C. Craig; the Chief Building Inspector, Mr. M. Jones; Construction Manager, Mr. E. Hibbs; Assistant Planning Director, Mr. D. Stenson; Planner I, Mr. S. Brady; and the Municipal Manager on April 17, 1975, to review the reports dated April 16, 1975 from the Municipal Hall Staff Committee and the Director of Planning, making specific recommendations about Municipal Hall renovations and the site development plan.

The Committee felt that rather than attempt to stage the site development work over three years, as recommended by the Staff Committee, it should be completed in two years or less.

The Committee also felt that rather than expend funds on the north-south walkway, as recommended by the Staff Committee, the funds allotted for this purpose should be kept in the Program but they should be expended on landscaping the "forest" to the south-west of the Municipal Hall and to more adequate landscaping in the "plaza" area at the new entrance to the hall.

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In summary, the Committee reviewed the recommendations made by staff and makes the following recommendations to the Municipal Council:

1. THAT Council adopt the plan for completion of the site development of the Municipal Hall grounds as shown in the report of the Director of Planning, dated April 16, 1975, except that the north-south walkway be eliminated but that the funds be kept in the Program and be allocated for landscaping improvement to the "plaza" and "forest" areas.
2. THAT Council authorize implementation of the plan for 1975 by the introduction of an amount of \$45,000 in the current Municipal Hall renovations budget.
3. THAT Council authorize that the site development work proposed for 1975, 1976 and 1977 be compressed into two years, namely 1975 and 1976; and that the Staff Committee be instructed to bring forward a revised implementation schedule and final budget estimates for the consideration of the Municipal Hall Capital Committee.
4. THAT a consultant-design team be engaged at this time to prepare the design, working drawings, and contract documents for the pedestrian bridge on an hourly basis at an estimated cost of \$13,000.
5. THAT the Municipal Engineer be authorized to commence survey and design work related to those engineering works ultimately included in the 1975 portion of the Program.
6. THAT Council indicate its willingness to enter into a land exchange with the School Board with respect to those portions of property which are to be incorporated in the Municipal site, subject to further details being worked out.
7. THAT a revised project budget of \$2,159,238 be adopted.
8. THAT an additional site development tentative budget of \$455,700 be established as separate and additional to the previously recommended project budget, and not as part of the present "scope of work" of the Architect.
9. THAT financing be obtained from the Reserve for Financing Capital Works, as outlined and recommended by the Municipal Treasurer.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN McLEAN:

"That the report of the Municipal Hall Capital Committee be received and the recommendations contained therein be adopted."

CARRIED.

CONTRARY - ALDERMAN GUNN.

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The Municipal Manager presented Report No. 29, 1975 on the matters listed following as Items 1 to 18 either providing the information shown or recommending the courses of action indicated for the reasons given:

- (1) Land Exchange and Development Agreement -  
D.L.'s 15 and 100 -  
Subdivision Reference 131/74 - Community Builders Ltd.

It was recommended:

1. THAT the Municipality accept Lots 16 to 21 inclusive, plus Lots 29, 30 and 31 within the subject subdivision; and
2. THAT Municipal properties in the subdivision be serviced at the same time as those of the developer; and
3. THAT the Municipality pay 9/62 of the actual costs of development not exceeding \$79,417.74, plus 9/62 of actual engineering inspection costs not exceeding \$3,176.71.

MOVED BY ALDERMAN LEWARNE:

SECONDED BY ALDERMAN STUSIAK:

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

CARRIED UNANIMOUSLY

- (2) Request for Approval to Conduct a Parade in North Burnaby -  
Loyal Orange Association

It was recommended:

THAT Mr. E. M. Corbett be advised that his request for permission to use those streets as outlined in his correspondence for a parade on July 12, 1975, has been approved subject to:

- a. approval by the Department of Highways, and
- b. the sponsoring organization's commitment to assign an adult marshal to monitor activity at all affected intersections when the parade is in progress.

MOVED BY ALDERMAN McLEAN:

SECONDED BY ALDERMAN LEWARNE:

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

CARRIED UNANIMOUSLY

- (3) Planning Information Program

On January 28, 1974 Council received a report on the various ways that the public are notified of a rezoning Public Hearing. The direction from Council to prepare this report was the result of some complaints received from Burnaby citizens concerning the lack of adequate notice of Public Hearings on rezoning proposals.



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In the January 28 report, it was recommended, among other things, that a subscription system be initiated whereby local neighbourhood groups who are interested in the planning of the Municipality could subscribe on a yearly basis to receive notice of Public Hearings in their area and other general planning information. On January 28, Council endorsed the concept of the Subscription System and authorized the Planning Department, in conjunction with the Municipal Clerk, to organize the system.

The Planning Department submitted a report outlining details of the information program to Council on June 17, 1974. Council adopted the report on July 2, signifying the commencement of the Planning Information Program.

MOVED BY ALDERMAN STUSTAK:

SECONDED BY ALDERMAN AST:

"That the Planning Information Program Report be received for information purposes."

CARRIED UNANIMOUSLY

(4) Limitations Act - Bill No. 8

At the present time, a damage claim resulting from negligence is subject to two time limitations:

1. A notice of claim must be filed within two months; and
2. The related action must be commenced within one year.

Both dates are measured from the date on which damage occurs.

Under Section 3(1) (d) of the new Limitations Act, the notice requirement is eliminated, and the time limit to start an action is extended to two years. These stipulations apply to actions affecting all defendants, including municipalities.

The ramifications to us are obvious. The two-month notice was useful in that we had an opportunity to not only investigate a claim while the situation was somewhat similar to the one that existed at the time of the damage; but, most important, we were able to quickly correct the problem so that someone else was not involved and we were not open to further claims. Further, after one year we could be reasonably sure that there would be no action forthcoming. We will now have to wait two years to see if any action is commenced.

Under the circumstances, it would be desirable to request the Provincial Government to consider an amendment to the Limitations Act whereby plaintiffs would be required to file a notice of claim.

It was recommended:

1. THAT the Attorney-General be requested to consider an amendment to the Limitations Act, Bill No. 8, which would require plaintiffs to file a notice of claim within a reasonably short period of time from the date on which damage occurs; and
2. THAT a copy of this report be sent to all Burnaby M.L.A.'s with the request that each lend her or his support to the proposed amendment; and
3. THAT a copy of this report be forwarded to the U.B.C.M.

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MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN STUSIAK:

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

CARRIED UNANIMOUSLY

(5) Centennial Pavilion Lease -  
Consent of Lessor

On December 9, 1974, Council upon the recommendation of the Parks and Recreation Commission authorized that the lease for the Centennial Pavilion be extended to December 31, 1974, and that a new five-year lease for the facility be commenced effective January 1, 1975. As noted in the Consent of Lessor, the lessee, S.G.A. Restaurants Mountain Limited, is now requesting the Municipality to consent to a mortgage agreement which would serve as security for a loan from the Industrial Development Bank.

The Municipal Solicitor recommends that the subject Consent of Lessor be executed by the Municipality.

It was recommended that authority be given to execute the subject Consent of Lessor on behalf of the Municipality.

MOVED BY ALDERMAN LEWARNE:

SECONDED BY ALDERMAN LAWSON:

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

CARRIED UNANIMOUSLY

(6) Tenders for the Supply and Delivery of Ready Mix Portland Cement

It was recommended:

THAT the lowest bid from Ocean Construction Supplies Ltd. for the sum of \$44,988.45 be accepted, with final payment to be based on the actual quantities and unit prices tendered, to be supplied upon demand for the period May 1, 1975 to April 30, 1976.

MOVED BY ALDERMAN LAWSON:

SECONDED BY ALDERMAN AST:

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

CARRIED UNANIMOUSLY

At 8:25 P.M. Alderman Lewarne retired from the Council Chamber.

(7) Proposed Amendments to Community Plan #2 -  
Maywood Apartment Study 1969 - Area "M"

Under the 1969 Apartment Study, a portion of the Maywood area was proposed for comprehensive high density apartment development. This area which is defined by the B.C. Hydro Right-of-Way and Beresford Street to the north, Willington Avenue and its proposed extension to Patterson Avenue to the east and south, and Central Park to the west was designated Community Plan Area #2.

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The Planning Department prepared a report which was subsequently adopted by Council to be utilized as a development guideline in the processing of individual rezoning proposals within the subject area. The report indicated a street pattern which allowed for the closure of a portion of Patterson Avenue and the development of an uninterrupted link with Central Park. A new road connection between Patterson Avenue and Willingdon Avenue was approximately 400 feet north of Maywood Street, thus providing for a larger, more readily developable area south of the new road as well as maintaining a larger area to the north. By adjustments to Kathleen Avenue and portions of Wilson Avenue and Maywood Street, two major development areas were created and served by short cul-de-sacs which would provide vehicular access to a variety of sites while prohibiting through traffic. The unnecessary road allowances could then be developed as open space and used to provide for pedestrian movements to and from Central Park.

Three rezonings (R.Z. #13/74 - Comprehensive Development using RM5 guidelines and R.Z. #25/73 and #45/72 - Comprehensive Development using RM4 guidelines) have been given Final Adoption by Council.

It was recommended that the Director of Planning's report be referred to the Advisory Planning Commission for study and comment.

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN STUSIAK:

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

CARRIED UNANIMOUSLY

At 8:30 P.M. Alderman Lewarne returned to the Council Chamber and took his place at the Council Table.

(8) Stride Avenue Development Plan

On December 30, 1974, Council received a report on the amount of taxation revenue collected annually from industrial property (including commercial) in Burnaby and its percentage of the total tax revenue as compared to that collected in other municipalities from the same source. Following is a report from the Municipal Treasurer on Council's subsequent inquiry regarding the amount of business tax, business licence, sewer and water revenues that are collected from industrial and commercial firms in Burnaby and two other local municipalities.

	Total general purpose tax	Total industrial & commercial	%	Business Licences & taxes	Water & sewer charges
Vancouver	\$58,239,323	\$20,723,155	35.56	\$15,210,005	\$6,710,915 *
Burnaby	15,782,662	3,292,924	20.86	2,894,949	1,436,308
Coquitlam	5,268,805	1,277,393	24.24	316,334	306,412

\* No sewer charges in Vancouver.

The Treasurer has written to all the surrounding municipalities but he has to date received a poor response. The only replies were from Coquitlam and Vancouver.

This is for the information of Council.

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MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN EMMOTT:

"That the report of the Municipal Manager be received for information purposes."

CARRIED UNANIMOUSLY

- (9) Application for Strata Title Approval on an Existing Duplex -  
Lot 3, Block 9, D.L. 35, Plan 14881 -  
3737/39 Brandon Street

It was recommended that the subject application for Strata Titling be approved subject to the fulfilment of Sections 6.1 through 6.7 of the Guidelines for Duplex and Condominium Conversions.

MOVED BY ALDERMAN McLEAN:

SECONDED BY ALDERMAN AST:

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

CARRIED UNANIMOUSLY

- (10) Tenders for Air Conditioning in the Justice Building

On January 13, 1975, Council authorized staff to invite tenders for the installation of air conditioning equipment in specifically designated areas of the Justice Building.

It was recommended that the lowest tender submitted by A & A Air Conditioning Ltd. in the amount of \$34,984.00 be accepted.

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN STUSIAK:

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

CARRIED UNANIMOUSLY.

- (11) Rental Agreement between The Corporation of the District of Burnaby  
and the British Columbia Assessment Authority

The Municipal Manager submitted a copy of his letter of April 17, 1975 addressed to The Executive Council, Province of British Columbia, together with a copy of a letter dated April 11, 1975, from the Acting Assessment Commissioner, all in connection with the costs involved in carrying out the assessment function.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN McLEAN:

"That the report of the Municipal Manager be received for information purposes."

CARRIED UNANIMOUSLY

- (12) Surplus Funds - 1973 Canada Summer Games

On February 17, 1975, Council upon being advised that the sum of \$55,000 is available from the surplus of Canada Summer Games, requested that the Parks and Recreation Commission be invited to bring forward recommendations for the development of a suitable recreational project. Following is a report from the Parks and Recreation Administrator on this matter.

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"At its meeting of April 2, 1975 the Parks and Recreation Commission was made aware of the fact that the sum of \$55,000 was available from the surplus of the 1973 Canada Summer Games for the development of some project that would be compatible with the objectives of the Canada Summer Games.

The Commission received several suggestions from the Parks and Recreation staff on this matter and finally decided that it would recommend that the surplus funds be used to assist with the construction of an addition to the Burnaby Lake Sports Complex Fieldhouse as there is a definite need for a larger facility in this area."

It was recommended that the surplus funds of the 1973 Canada Summer Games, in the amount of \$55,000.00 plus interest, be used to assist with the construction of an addition to the Burnaby Lake Sports Complex Fieldhouse.

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN LAWSON:

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

CARRIED UNANIMOUSLY

- (13) Undated Letter from Mr. B. A. Hendriks -  
Hestia Management Limited -  
Loose Horses

The Chief Building Inspector advises that arrangements have been made to have the four horses that are owned by the Vancouver Parks Board removed from the property at 1760 Augusta Avenue by April 30, 1975. The other contraventions that are referred to in the penultimate and concluding paragraphs of the report are now being investigated (it has been determined that the animals at 1760 Augusta Avenue are the only ones that are responsible for disturbances at the Montecito City complex).

It was recommended that Mr. B. A. Hendriks receive a copy of the report.

MOVED BY ALDERMAN EMMOTT:

SECONDED BY ALDERMAN AST:

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

CARRIED UNANIMOUSLY

- (14) Letter dated April 10, 1975 from Mr. and Mrs. T. J. Hollinshead,  
7969 Suncrest Drive, Burnaby -  
Sale of Municipal Property to the Ismailia Community

This item was dealt with previously in the meeting as Item 4(e) under Correspondence and Petitions.

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(15) Barricades - 4840 Empire Drive

On March 5, 1975, the Municipal Clerk received an undated letter from Mrs. J. Kolbus, 4840 Empire Drive, written in opposition to Council's decision to remove the barricade at Oxford Street and Delta Avenue. Mrs. Kolbus appeared as a delegation at the March 17, 1975 meeting of Council in support of her protest. Council passed the following motion at its meeting of March 24, 1975:

"That the Municipal Engineer be directed to investigate the feasibility of installing a barrier in front of Mrs. Kolbus' residence and those of her immediately abutting neighbours consisting of large boulders set in concrete, infilled with soil and additional boulders to form a rockery as well as a barricade, a barrier constructed of pilings, or a barrier in accordance with the plans submitted by Mrs. Kolbus; and further that the Municipal Solicitor advise as to whether the Municipality can carry out this proposed work on private property and if so the possible liability responsibilities."

The Municipal Solicitor advises that he can find no authority in the Municipal Act for the Corporation to enter on private property to do the type of work suggested by Mrs. Kolbus and certainly no authority for us to give financial assistance to allow the Kolbus' to do the work themselves. If the Municipality wants to accept responsibility for the situation then the barricade should be erected on Municipal property.

As the matter now stands, the Municipality is under no liability to the property-owner. However, by erecting a barricade we may be presumed to have admitted a dangerous situation exists. Further, if the barricades made the situation worse, i.e. the possibility of a large truck uprooting the barricades and both hitting the house, we certainly would be liable.

In summary, there is no legal justification to do this work on private property and doing so only increases our liability possibilities.

It was recommended:

1. THAT the Municipality not set any precedents by becoming involved in providing any form of barricade or structure to protect an individual from the negligence of others; and
2. THAT the Municipality not prohibit Mrs. Kolbus from erecting her own form of barricade at her front property line; and
3. THAT Mrs. J. Kolbus be sent a copy of this report.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN MERCIER:

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

FOR: ALDERMEN McLEAN, MERCIER  
AND STUSIAK.

CONTRARY: MAYOR CONSTABLE,  
ALDERMEN AST, EMMOTT,  
GUNN, LAWSON AND

LEWARNE.

MOTION LOST.

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MOVED BY ALDERMAN GUNN:

SECONDED BY ALDERMAN EMMOTT:

"That the Municipal Engineer bring forward a report in reference to the cost and proper type of barricade required to withstand an impact with the barricade being installed on Municipal Property.

CARRIED UNANIMOUSLY

(16) The \$ Burden of Growth Project -  
Greater Vancouver Regional District Interim Report -  
Impact of 1973 Municipal Taxation

The Municipal Manager asked the Treasurer for his comments on the G.V.R.D. \$ Burden of Growth Report as he did not feel he could support the statements made therein.

It should be emphasized that the Treasurer does not concur with statements in the report concerning the effect of a commercial/ industrial tax base on a residential bill. In his opinion, the statements made in this regard are unsupportable and the Municipal Manager concurs.

It was recommended that the copy of this report be sent to the Greater Vancouver Regional District.

MOVED BY ALDERMAN LAWSON:

SECONDED BY ALDERMAN LEWARNE:

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

CARRIED UNANIMOUSLY

(17) 1975 Annual Budget

It is suggested that Council set meeting dates for the review of the Budget as a budget must be adopted on or before May 15, 1975.

It would also be appreciated if Council would advise as to what Boards, Commissions and Department Heads it feels should be interviewed so that the appropriate arrangements can be made.

After discussion it was agreed that Friday, April 25, 1975 at four o'clock in the afternoon be set aside for budget review purposes.

(18) Contract No. 7510 - Top Soil

The Municipal requirements for topsoil were advertised in the Journal of Commerce and the Vancouver Sun, and several other companies were personally invited by the Purchasing Agent to submit bids. Only one tender was received despite the fact that three companies picked up documents.

In 1974, soil manufactured and supplied by the Parks and Recreation Department and laid down by the Engineering Department cost \$13.50 a cubic yard. The subject tender, which is for native soil, would cost \$10.50 per cubic yard.

It was recommended that the one bid received, that of Dale Ginther and Bray Contracting Ltd., in the amount of \$107,500.00 be accepted with final payments based on the unit prices submitted and actual quantities used.

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MOVED BY ALDERMAN McLEAN:

SECONDED BY ALDERMAN STUSIAK:

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

CARRIED UNANIMOUSLY

NEW BUSINESS

MOVED BY ALDERMAN MERCIER:

SECONDED BY ALDERMAN STUSIAK:

"That with reference to Land Exchange and Development Agreement - D.L.'s 15 and 100 - Subdivision Reference 131/74 - Community Builders Ltd. - being Item 1 of Manager Report No. 29, the Municipal Manager bring forward a report clarifying what the Municipality would have realized under the sale of the land to Community Builders Ltd. as was proposed for \$127,090.00 whereas the Council recommended co-development which would mean the sale of the lots for about \$270,000.00 of which the Municipal costs would appear to be \$82,500.00 meaning a profit of at least \$187,000.00 as compared to the original sale price of \$127,000.00 which is \$60,000.00 difference, and if that is the case then the Council should look at who made the initial report to sell for \$127,000.00."

CARRIED UNANIMOUSLY

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 MERCIER:

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN AST:

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

CARRIED UNANIMOUSLY