

SEPTEMBER 8, 1975

A regular meeting of the Municipal Council was held in the Council Chamber, Municipal Hall, 4949 Canada Way, Burnaby, B.C. on Monday, September 8, 1975, at 7:00 P.M.

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

ABSENT: Alderman B. M. Gunn
Alderman G. H. F. McLean

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

M I N U T E S

The Minutes of the Council Meeting held on September 2, 1975, came forward for adoption.

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN STUSIAK:

"THAT the Minutes of the Council Meeting held on September 2, 1975, be now adopted."

CARRIED UNANIMOUSLY

D E L E G A T I O N S

The following wrote requesting an audience with Council:

- (a) Mr. N. A. McAskill, 8288 Burnlake Drive,
re Local Improvement on Burnlake Drive (Ornamental Street Lighting).
- (b) Mr. N. W. Hullah, Burnaby Lake Properties Ltd.,
re Expropriation of Lots 4 to 9 inclusive, Block 4, D.L. 14, Plan 3047.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN AST:

"THAT Delegation (b) aforementioned, Mr. N. W. Hullah, Burnaby Lake Properties Ltd., not be heard."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN LAWSON:

"THAT Delegation (a) aforementioned, Mr. N. A. McAskill, 8288 Burnlake Drive, now be heard."

CARRIED UNANIMOUSLY

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Mr. N. A. McAskill, 8288 Burnlake Drive, then addressed Council and requested that Council not proceed with Local Improvement Project No. 75-024 "Ornamental Street Lighting" on Burnlake Drive from Government Street to W.P.L. Lot 101, D.L. 40, Plan 44446 (8234 Burnlake Drive), despite the fact that petitions received against the work by the Municipal Clerk were not sufficient to defeat the project. Mr. McAskill stated that he considered the initiation of this Local Improvement Project had been premature. He noted that at the time the work was initiated there were only five residents out of 17 lots that were notified. He did not feel that a Local Improvement should be initiated while the Assessment Roll still shows 66% of the properties with a similar assessment valuation in interim ownership and for sale. Mr. McAskill contended that this created a situation where residents were not allowed to vote on a Local Improvement for which they will be obliged to pay. Mr. McAskill further noted that while the estimated cost of the proposed works is not great it will add significantly to the already high tax bill. He and fellow property owners on Burnlake Drive do not need or want the proposed ornamental street lighting.

MOVED BY ALDERMAN LEWARNE:

SECONDED BY ALDERMAN MERCIER:

"THAT Council not proceed with Local Improvement Project No. 75-024 'Ornamental Street Lighting' on Burnlake Drive from Government Street to W.P.L. Lot 101, D.L. 40, Plan 44446."

CARRIED.

CONTRARY: ALDERMAN LAWSON.

BY - LAWS

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN MERCIER:

"THAT Item 2, Municipal Manager's Report No. 56, 1975, be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

The following are the recommendations of that report:

1. THAT Council reaffirm its decision of March 10, 1975, to approve renewal of the lease on Water Lot 5870 for one year to commence on February 26, 1975, and subject to other conditions as specifically included within Item 18, Municipal Manager's Report No. 17, 1975;
2. THAT the By-Law be lifted from the table.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN MERCIER:

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN MERCIER:

"THAT 'Burnaby Lease Authorization By-Law No. 7, 1975' (#6684) be now introduced and that Council resolve itself into a Committee of the Whole to consider and report on the By-Law."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN MERCIER:

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

CARRIED UNANIMOUSLY

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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 MERCIER:

"THAT 'Burnaby Lease Authorization By-Law No. 7, 1975' (#6684) be now read three times."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN LEWARNE:

"THAT:

'Burnaby Zoning By-Law 1965, Amendment By-Law No. 26, 1975' (#6698)

'Burnaby Zoning By-Law 1965, Amendment By-Law No. 27, 1975' (#6699)

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 AST:

"THAT all of the following listed items of correspondence be received and those items of the Municipal Manager's Report No. 56, 1975, which pertain thereto be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

- (a) Mr. and Mrs. L. C. Davis, 4190 Watling Street,
 - (b) Mr. and Mrs. E. Kennedy, 4247 Napier Street,
 - (c) Mr. C. L. Whitehurst, 7749 Joffre Avenue,
 - (d) Mr. G. W. Woods, 7209 Dow Avenue,
 - (e) Mr. and Mrs. D. McKay, 4517 Parker Street,
 - (f) Mrs. Muriel McKay, 4517 Parker Street,
 - (g) Mr. A. G. Phillips, 3845 Pandora Street,
 - (h) Mr. and Mrs. A. Rutledge and Mrs. R. A. Quinn, 6180 McKay Avenue,
 - (i) Mrs. June Tratch, 4606 Frances Street,
 - (j) Mrs. G. Joslin, 6508 Waltham Avenue,
 - (k) Mr. Harry Green, President, Canadian Union of Public Employees (B.C. Division),
- all submitted letters expressing opposition to the proposal that The Corporation of the District of Burnaby "contract out" the collection of Burnaby's garbage and refuse.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN AST:

"THAT all of the aforementioned correspondents be furnished with copies of reports received by Council on the subject of Contracting Out of the Collection of Burnaby's Garbage and Refuse including Item 3, Municipal Manager's Report No. 56, 1975, which will be considered later this evening."

CARRIED UNANIMOUSLY

- (1) Mrs. K. F. Aikenhead, 7261 Jubilee Avenue, submitted a letter dated August 27, 1975, concerning a flooding condition on the sidewalk in front of her property.

Council was advised that a Staff Report on this subject would be available for consideration on September 15, 1975, and further consideration was deferred until that time.

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(m) Mrs. A. Lesley, 7864 17th Avenue, submitted a letter dated August 30, 1975 concerning the preservation of the Sprott-Lubbock Farm, 5740 Canada Way.

Council was advised that a Staff Report on this subject would be available for consideration on September 15, 1975, and further consideration was deferred until that time.

(n) Mr. John D. Holdom, Publicity Chairman, Branch 148, Royal Canadian Legion, submitted a letter requesting permission for Branch 148 to donate approximately 3000 Golden Tulip bulbs. Branch 148 suggested that these bulbs be planted in prominent locations such as Confederation Park and Burnaby Mountain. Other locations for display could be approved subject to Parks Authority approval.

Council was advised that a Staff Report on this subject would be available for consideration on September 15, 1975, and further consideration was deferred until that time.

ENQUIRIES

Alderman Mercier requested information as to the precise location that a householder was obliged to place his garbage containers in relation to his property lines to ensure that the garbage would be collected by Municipal crews on the appointed days. It would appear that there is some conflict between the provisions of the Burnaby Refuse By-Law 1967, as amended, and the red stickers that are being applied to garbage containers by the collection crews.

It was agreed that the Municipal Engineer review and report on this matter.

Alderman Lewarne noted that a traffic hazard existed at the intersection of Willingdon Avenue and Imperial Street which was caused by vehicles parking too close to the corners of the intersection. Alderman Lewarne suggested that parking within a stipulated number of feet from the intersection should be prohibited and requested that this matter be investigated by the Traffic Department.

Alderman Lewarne requested information on the status of discussions with the North Slope Ratepayers Association, the Municipal Planning Department, and Chevron Canada Ltd. with regard to the expansion program. Alderman Lewarne noted that considerable bulldozing activity was taking place on Lot 34 and inquired if the Planning Department was aware of this activity.

Mr. Stenson advised that there was nothing current at the present time and the Planning Department was waiting to report back to Council on the matter of the rezoning by-law at which time the various alternatives which are available will be brought to Council's attention. Mr. Stenson said that the Planning Department was not aware of the work being done on Lot 34.

It was agreed that this matter would be checked by Staff and a report would be submitted if appropriate.

Alderman Lawson reported that she had received complaints of unauthorized dumping in the ravine at the foot of Coldicutt Road. Alderman Lawson noted that there was a lot of landscape and building debris at this location. Alderman Lawson further noted that someone must have a key to the Municipal gate to gain access to this point.

It was agreed that this matter would be checked by the Municipal Engineer and the necessary corrective action initiated.

Alderman Stusiak noted that no action had been taken to landscape the Kingsway/Edmonds Street bus loop as had been promised by the Minister of Municipal Affairs and suggested that His Worship, The Mayor, raise this matter with the Minister once again.

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Alderman Lewarne also noted that the landscaping at the Casa Loma Apartments on Kingsway was in a deplorable condition and suggested that this matter be brought to the attention of the Provincial Government. His Worship, The Mayor, agreed that this would be done.

R E P O R T S

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN LAWSON:

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

CARRIED UNANIMOUSLY

His Worship, Mayor Constable, recommended that Alderman Stusiak be appointed Acting Mayor for the period June 9 to 11, 1975, inclusive, as he and the Acting Mayor will be out of the Municipality during that period.

MOVED BY ALDERMAN LAWSON:

SECONDED BY ALDERMAN MERCIER:

"THAT the recommendation of the Mayor be adopted."

CARRIED UNANIMOUSLY

The Municipal Manager presented Report No. 56, 1975, on the matters listed following as Items (1) to (23) either providing the information shown or recommending the courses of action indicated for the reasons given:

- (1) Burnaby Kingsway Branch Public Library Parking
Regulation By-Law 1975, By-Law No. 6689

The Municipal Manager reported as follows:

"Council, at its meeting of August 18, 1975, adopted the subject by-law, however, while the matter was being considered by Council at its meeting of August 5, 1975, the adequacy of the \$10.00 fine in relation to costs was questioned.

For information of Council, the 'Burnaby Municipal Hall Regulation By-Law 1975' also provides a \$10.00 fine for violations.

With respect to the subject by-law, it is intended that adequacy of the fine be assessed within approximately six months after adoption of the by-law. At that time, consideration will be given to the question of whether or not a reasonable portion of administrative costs are being recovered, and whether or not the \$10.00 fine is an adequate deterrent."

It was recommended that a copy of this report be sent to the Burnaby Public Library Board.

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN LAWSON:

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

CARRIED UNANIMOUSLY

- (2) Lease of Water Lot 5870, MacMillan Bloedel Limited, and Revised
Administrative Fee Structure for Lease of Water Lots

This item was dealt with previously in the meeting as Item 3(a) under By-Laws.

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(3) Refuse Services

The Municipal Manager reported as follows:

"Council has expressed some concern about the accuracy of public statements that have been recently released by the Canadian Union of Public Employees with respect to the Municipality's intention to proceed with an evaluation of the refuse collection system. The Municipal Manager, in compliance with instruction received from Council, on September 3, 1975 spoke to the President of the local Union in this regard, and advised him of the Municipality's position on this matter which is essentially as follows:

Council has not instructed staff to call for tenders for garbage collection as a whole. Staff has been asked to only prepare contract documents (for Council's approval) for the purpose of calling for tenders for the collection of garbage from strata title developments. At present, garbage from these condominium-type developments is being picked up by private companies and paid for by the owners.

The decision to award a tender to a private contractor for garbage collection from these particular developments is not implicit in Council's decision to call for tenders. It is in fact a method of testing the market and only when tenders are received can we decide whether or not we should increase Municipal forces and undertake the necessary capital expenditures to handle this additional service.

Before a decision to award a tender, serious consideration will be given to economic feasibility, public relations and quality of services with the 'good of the taxpayers' being of paramount importance.

On August 11, C.U.P.E. placed a full page advertisement in the Columbian. Included in the advertisement was a coupon that the public could use to request further detailed information on the Union's viewpoints relative to refuse collection services in Burnaby. Attached is the material that was sent to those who requested such information. Also attached is a Union 'Fact Sheet' for employees.

As directed by Council on September 2, 1975, staff is sending pertinent report items on refuse collection to those persons who correspond with Council on this matter.

This is for the information of Council."

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN MERCIER:

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

CARRIED UNANIMOUSLY

(4) Signing Officers for Municipal Bank Accounts

It was recommended that the signing officers for the various Municipal Bank Accounts be as follows:

Trust, Agency and Capital Savings Account N.P. 15

Bart McCafferty, H.B. Karras, N. Bohan, A.M. Lewis, any one of them; and M.J. Shelley, J. Hudson, R.W. Watson, Mayor T.W. Constable or Acting Mayor, any one of them

Payroll - cheques are imprinted with the following:

"Not negotiable over twelve hundred dollars"

Bart McCafferty, H.B. Karras, N. Bohan, A.M. Lewis, any one of them.

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Human Resources - Imprest Account No. 1, cheques not exceeding \$1,000.00:

C.C. MacKenzie, W. Rasmussen, F.J. Ellis, any one of them; and

- Imprest Account No. 1, cheques in excess of \$1,000.00:

C.C. MacKenzie, W. Rasmussen, F.J. Ellis, any one of them; and Bart McCafferty, H.B. Karras, N. Bohan, A.M. Lewis, any one of them.

Current Account

Mayor T.W. Constable or Acting Mayor, and Bart McCafferty, H.B. Karras, N. Bohan, A.M. Lewis, any one of them.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN AST:

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

CARRIED UNANIMOUSLY

- (5) Request for Approval to Issue Preliminary Plan Approval #3244
Lot 11, Block 7, D.L. 173, Plan 1034 - 6151 Throne Avenue

It was recommended that the Planning Department be authorized to issue Preliminary Plan Approval to the proposed development at 6151 Thorne Avenue.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN AST:

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

CARRIED UNANIMOUSLY

- (6) Speed Bumps - 800 Block Boundary Road

The Municipal Manager presented a report of the Municipal Engineer on the above subject as follows:

"It has recently been brought to our attention that the owner, (a Mr. J. Funaro) of homes #830 to #850 Boundary Road has installed two asphalt speed bumps in the rear lane. The bumps are of two different dimensions with the bump shown as 'A' on the attached sketch being 18 inches wide and 3 inches high. The bump indicated as bump 'B' is 48 inches wide and 3 inches high. In addition, it should be noted that bump 'A' has been placed at an angle in the lane.

While bump 'A' meets the cross section of the recent Council approved Alpine design its position could cause it to deflect a vehicle from its intended path. The bump described as 'B' does not meet the cross section standard adopted by Council."

It was recommended:

1. THAT the subject speed bumps be removed;
2. THAT Mr. J. Funaro be assessed for the removal of the speed bumps;
3. THAT, should Mr. J. Funaro wish bumps to be installed in the subject lane, he make application to the Municipal Engineer;
4. THAT Mr. J. Funaro be sent a copy of this report.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN LEWARNE:

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

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MOVED BY ALDERMAN MERCIER:

SECONDED BY ALDERMAN EMMOTT:

"THAT only Bump 'A' referred to in the Municipal Engineer's report be removed."

FOR: ALDERMEN EMMOTT AND MERCIER.

CONTRARY: ALDERMEN AST, LAWSON, LEWARNE
AND STUSIAK.

MOTION LOST.

MOVED BY ALDERMAN EMMOTT:

SECONDED BY ALDERMAN MERCIER:

"THAT Recommendation No. 2 of the Municipal Manager 'THAT Mr. J. Funaro be assessed for removal of the speed bumps' be deleted."

FOR: ALDERMEN EMMOTT AND MERCIER.

CONTRARY: ALDERMAN AST, LAWSON, LEWARNE
AND STUSIAK.

MOTION LOST.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN LEWARNE:

"THAT Mr. J. Funaro be assessed for removal of the speed bumps only if it can be legally shown that he was entirely responsible for their original installation."

CARRIED UNANIMOUSLY

A vote was then taken on the original motion as MOVED by Alderman Stusiak and SECONDED by Alderman Lewarne "THAT the recommendations of the Municipal Manager be adopted", as amended, and it was CARRIED UNANIMOUSLY.

(7) Speed Bumps - 5700-5800 Keith Street

The Municipal Manager presented a report of the Municipal Engineer on the installation of speed bumps in the lane at the rear of 5700-5800 Keith Street as follows:

"The residents of the south side of the 5700-5800 Keith Street requested the Municipality install speed bumps in the lane at the rear of their properties.

In complying with Council's most recent decision on the installation of speed bumps we advised the applicants that if they were prepared to pay for the costs of speed bumps in their lane then the Municipality, under a Council directive, would install them. The applicants accepted this offer and sent in the money to have the lane controlled by speed bumps.

On Friday, August 29, 1975 Municipal crews installed three asphalt speed bumps of the design established by Council, 18 inches wide and 3 inches high. To warn motorists of the presence of the bumps, signing was erected at each end of the lane advising 'Lane controlled by speed bumps'. In addition, weather permitting, the bumps will be painted yellow.

The above report is for the information of Council."

MOVED BY ALDERMAN MERCIER:

SECONDED BY ALDERMAN STUSIAK:

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

CARRIED UNANIMOUSLY

(8) Speed Bumps - Spacing

Council, at its meeting of June 9, 1975, adopted the resolution that the Municipality endorse the design of the 'Alpine' type of speed bumps which are 18" wide and 3" high to be placed singly in a lane.

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With regard to spacing of bumps in lanes the Engineer is of the opinion that, if we are to prevent motorists from exceeding the 15 m.p.h. limit between bumps, the bumps should be spaced at a minimum of 100 feet and a maximum of 130 feet apart with actual distance depending upon the individual situation in the field.

For information of Council, the speed bumps which are the subject of Item 7, Report No. 56, September 8, 1975, immediately preceding this item, were installed at 120 foot intervals.

It was recommended:

THAT Council approve of spacing of speed bumps in lanes at 100 to 130 foot intervals, with actual distances to be determined in the field.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN LEWARNE:

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

CARRIED UNANIMOUSLY

(9) Proposed Road Closure and Sale of Redundant Road Allowance
Road Closure Reference #9/75

It was recommended:

1. THAT a Road Closing By-Law be introduced as outlined in the report of the Director of Planning;
2. THAT the subject 17 foot strip of road allowance be sold to the owners of Lot 11, D.L. 44 and 78 for \$3,000.00 or \$1.66 per square foot with the understanding that all legal survey and survey costs would be borne by the purchasers.

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN MERCIER:

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

CARRIED UNANIMOUSLY

(10) Railway Relocation and Crossing Act

The Municipal Manager reported as follows:

"On April 23, 1974, Mr. Stuart Leggatt, M.P., sent a copy of the new Railway Relocation and Crossing Act which he felt would be of interest to us in view of the problems that are being experienced with train crossings in Burnaby. Council upon receipt of the submission on May 27 requested the Greater Vancouver Regional District to investigate the feasibility of preparing a plan of the railway situation in the Greater Vancouver area, and also, to indicate whether any efficiencies could be effected by eliminating some railway lines or minimizing their use.

The Municipal Clerk in a letter dated June 4, 1975 requested the G.V.R.D. to provide a current status on this matter. The reply that has been received is contained in the following report from the Director of Planning.

Council will be kept informed as further efforts are made by staff to have a study conducted on railways that are located in the area.

Reference is made to the Municipal Clerk's July 4th, 1975 letter addressed to Mr. G. W. Carlisle, Director of Finance and Administration, G.V.R.D. requesting information on the status of a study, mentioned in the June 14th/74 correspondence from the G.V.R.D., which would examine '... the potentiality of various railway rights-of-way for transit patronage ...' and Burnaby's June 3rd/74 request on '... whether the Regional District feels any efficiencies could be effected in eliminating some of the railway lines (in the Lower Mainland area) or minimizing their use.'

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On August 25/75 Mr. Gerard Farry, Senior Associate of the G.V.R.D. Planning Dept. advised the Burnaby Planning Dept. that the above mentioned study has not been advanced in 1975 as had been proposed earlier because of a staff shortage and because very little funding is available from Ottawa through the Railway Relocation and Crossing Act for such a study. Furthermore, we are advised that currently there appears to be no clearly defined division of responsibility in matters of this nature between the Province and the G.V.R.D."

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN MERCIER:

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LAWSON:

SECONDED BY ALDERMAN LEWARNE:

"THAT a copy of this report be forwarded to Mr. Stuart Leggatt, M.P."

CARRIED UNANIMOUSLY

- (11) Municipal Consent to Easements Affecting
Daon's Centurion Estates -
3737 Bartlett Court

It was recommended that Council authorize the Mayor and Clerk to sign the requisite consent forms allowing the subject easements to be registered.

MOVED BY ALDERMAN MERCIER:

SECONDED BY ALDERMAN LEWARNE:

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

CARRIED UNANIMOUSLY

- (12) British Columbia Assessment Authority
Frontage Tax - Business Tax Assessments

It was recommended that a by-law be brought down to appoint the British Columbia Assessment Authority as Assessor for The Corporation of the District of Burnaby for the purpose of processing business tax, local improvement and other frontage tax rolls as Council may direct from time to time, the appointment to run from year to year until such time as the by-law may be amended or rescinded.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN MERCIER:

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

CARRIED UNANIMOUSLY

- (13) Washington State Conference on Senior Services
Bellingham, Washington, September 10 - '12, 1975

It was recommended that Marian Reid, Marie Morgenson and Corinne Parrott be authorized to attend the Washington State Conference on Senior Services at Fairhaven College, Bellingham, Washington, on September 10, 11 and 12, 1975.

MOVED BY ALDERMAN LAWSON:

SECONDED BY ALDERMAN AST:

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

CARRIED UNANIMOUSLY

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(14) Brentwood Community Plan #9

Apartment Area "D"

Letter from the Brentwood Park Ratepayers Association
That Appeared on the Agenda for the September 2, 1975,
Meeting of Council

It was recommended:

1. THAT the letter from the Brentwood Park Ratepayers Association which appeared on the Agenda of the Council Meeting held on September 2, 1975, be referred to the Planning Department for inclusion in the comprehensive report on Apartment Area "D" which will be submitted to Council in the near future, with the understanding that the report will include a revised community plan proposal which has resulted from ongoing discussions with the Association and other interested residents and developers in the area;
2. THAT a copy of this report be sent to the Brentwood Park Ratepayers Association.

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN LEWARNE:

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

CARRIED UNANIMOUSLY

(15) Lochdale and Capitol Hill Community Hall Associations

The Municipal Manager submitted a report from the Parks and Recreation Administrator on the above subject as follows:

"The Lochdale and Capitol Hill Community Halls have been operated for many years by the Lochdale Community Hall Association and the Capitol Hill Community Hall Association under lease agreements. These leases have expired and after discussing the matter with the Legal and Lands Departments, it has been agreed that a licensing agreement with each Association would be just as effective as a lease agreement and would avoid the complication of obtaining a tax exemption.

The agreements would include the following policies set out by the commission and the rent would be \$1.00 per year.

The administration and operation of the Community Halls shall be carried on by the 'Community Hall Associations'.

Each Community Hall Association shall be composed of two delegates from each Burnaby community group wishing to make regular use of the hall.

The Community Hall Association shall report annually to the Parks and Recreation Commission, in writing, on the activities conducted in the halls, and on any other matter which they believe may be of concern to the Commission.

The Community Hall Associations shall prepare annual financial statements of the hall operations, and shall submit these to the Parks and Recreation Commission.

The Parks and Recreation Commission shall be empowered to rule on any matter pertaining to hall operation, maintenance or improvement, as the agent for the owner (The Corporation of Burnaby). Such rulings must be honoured by the Community Hall Associations.

The Parks and Recreation Commission, at its meeting of September 3, 1975, approved the recommendation that licensing agreements be executed between The Corporation of Burnaby and the Lochdale and Capitol Hill Community Hall Associations for the operation of the Lochdale and Capitol Hill Community Halls at a fee of \$1.00 per year for each hall."

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It was recommended that Council authorize licensing agreements as follows:

1. Between The Corporation of the District of Burnaby and the Lochdale Community Hall Association for the operation of Lochdale Community Hall at a fee of \$1.00 per year;
2. Between The Corporation of the District of Burnaby and the Capitol Hill Community Hall Association for the operation of Capitol Hill Community Hall at a fee of \$1.00 per year.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN LEWARNE:

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

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN LAWSON:

"THAT further consideration of the foregoing report be tabled pending elaboration of the proposed role of the Parks and Recreation Commission in the administration of these Community Halls."

CARRIED UNANIMOUSLY

- (16) Petition Dated July 25, 1975, from Property Owners in the 100 Block, Fell Avenue - Request for Local Improvement

The Municipal Manager submitted a report from the Municipal Engineer on the above subject as follows:

"A petition was received by Council at the August 5, 1975 meeting requesting the opening and paving of the subject lane. The Engineering Department at that time reported for the information of Council that they wished to review the request in concert with other Municipal Departments. A further report was submitted to Council at the meeting of September 2, 1975 outlining the Planning and Engineering Departments views and recommendations.

Council considered the Engineering Department's report and asked that cost estimates be prepared for opening and paving of the subject lane.

The cost estimates as prepared by the Engineering Department for the work are as follows: to construct and pave portions of Dundas Street and Pandora Street to a lane standard and to construct the lane itself is \$9,500. This cost expense, under existing policy, would be totally that of the Corporation. The estimate to pave the lane would be \$3,000. This cost would be shared between the abutting owners and the Corporation. The actual shares cannot at this time be determined because an assessment roll of foot frontages is required to ascertain the abutting owners shares. These rolls are prepared subsequent to presentation of a valid petition for 'capping' of lanes."

It was recommended:

1. THAT Item 16, Municipal Manager's Report No. 54, 1975 be lifted from the table;
2. THAT the subject lane not be improved at this time;
3. THAT the matter be reconsidered when the question of the park strip alternative to Scenic Drive has been finally resolved;
4. THAT a copy of this report Item and also copies of Report Items 16 and 17, Municipal Manager's Report No. 54, 1975, be sent to the petitioners.

MOVED BY ALDERMAN EMMOTT:

SECONDED BY ALDERMAN STUSIAK:

"THAT Item 16, Municipal Manager's Report No. 54, 1975, be now lifted from the table."

CARRIED UNANIMOUSLY

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MOVED BY ALDERMAN MERCIER:

SECONDED BY ALDERMAN STUSIAK:

"THAT Recommendations 2, 3 and 4, aforementioned, of the Municipal Manager be adopted."

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN MERCIER:

"THAT the question of constructing the subject lane be referred to the Budget Committee with a view to having the necessary funds to accomplish this work included in the 1976 Budget."

CARRIED UNANIMOUSLY

(17) Subdivision Servicing Agreement - Subdivision Reference #39/75

It was recommended that Council authorize the preparation and execution of the Subdivision Servicing Agreement for Subdivision Reference #39/75.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN MERCIER:

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

CARRIED UNANIMOUSLY

(18) Promotional Publicity for Parks and Recreation Money By-Law

It was recommended that Council authorize the execution of a contract with Torresan/Rose Marketing Communications Ltd. for the promotion of the Parks and Recreation Money By-Law at a cost not to exceed \$20,000.00.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN LEWARNE:

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

CARRIED

CONTRARY: ALDERMAN MERCIER.

(19) Quotations for Ductile Iron Water Pipe

It was recommended that a Purchase Order be issued to the low bidder, Canron Limited, for the supply of 1,206 feet of 10-inch, 2,304 feet of 8-inch and 432 feet of 4-inch ductile iron pipe which is required for the balance of the 1975 Waterworks Program in the amount of \$23,031.16, including all taxes.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN MERCIER:

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

CARRIED UNANIMOUSLY

(20) Tenders for Big Bend Watermains - Contract #7517 - Phase II

It was recommended that a contract be awarded to Sonora Construction Limited for the sum of \$305,218.23 to be based on actual quantities at unit prices tendered.

MOVED BY ALDERMAN LAWSON:

SECONDED BY ALDERMAN LEWARNE:

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

CARRIED UNANIMOUSLY

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(21) Engineer's Special Estimates

It was recommended that the Special Estimates of the Municipal Engineer in the total amount of \$475,000.00 to cover the increase in estimate related to the cost of purchasing materials for the Big Bend Watermains Phase II and the anticipated award of the installation to Sonora Construction Limited be approved.

MOVED BY ALDERMAN LEWARNE:

SECONDED BY ALDERMAN MERCIER:

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

CARRIED UNANIMOUSLY

(22) British Columbia Hydro and Power Authority
Underground Cable Easement - Permission to
Enter and Construct on Municipal Land

It was recommended that Council authorize the execution of the "Permission to Enter and Construct" agreements involving Municipal lands legally described as Lots 5, 6 and 7, D.L. 15, Plan 209 except Part on R.P. 991, N.W.D. by the Mayor and Clerk subject to the following conditions:

1. THAT the form of the agreement is approved by the Municipal Solicitor and includes provision for the approval of the precise location of the underground cable by the Municipal Engineer and the Director of Planning prior to construction of the transmission facility;
2. THAT British Columbia Hydro and Power Authority provide the Municipality with a surveyor's plan locating all significant trees and land features and that the proposed transmission facility be located to ensure preservation of all significant trees;
3. THAT once a firm route has been established and approved by the Municipal Engineer, the Director of Planning and the Parks and Recreation Commission, hoarding is placed at the drip line of the trees designated for preservation prior to construction.
4. THAT a copy of this report be forwarded to the Parks and Recreation Commission.

MOVED BY ALDERMAN LAWSON:

SECONDED BY ALDERMAN MERCIER:

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

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN MERCIER:

"THAT Condition No. 3 of the aforementioned recommendation of the Municipal Manager be amended by deleting the word 'hoarding' and substituting 'a simple and adequate identification' be placed at the drip line of the trees designated for preservation prior to construction."

CARRIED

CONTRARY: ALDERMAN LAWSON.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN LAWSON:

"THAT the 'Permission to Enter and Construct' agreements with British Columbia Hydro and Power Authority be amended to include the following additional condition:

5. THAT should future development in the area in question require the relocation of the underground transmission line, the relocation will be carried out at the expense of the British Columbia Hydro and Power Authority. "

CARRIED UNANIMOUSLY

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(23) Expropriation of Property

Lots 4 to 9 inclusive, Block 4, D.L. 14, Plan 3047
Mutual Development Corporation Limited (Hullah)

Council have before them a plea from Burnaby Lake Properties Ltd. (N.W. Hullah Corporation Ltd.) that either the Mayor and Council approve a land exchange or give favourable consideration to compensation at today's market value in the acquisition of the above cited property.

Your Acting Manager will not attempt to respond to the points raised in Mr. Hullah's letter. We are now on the verge of litigation and any indiscreet action or statements publicly made by your Acting Manager or by Council at this time could conceivably jeopardize Council's position in a court action.

The subject acquisition for park on behalf of the Greater Vancouver Regional District commenced in 1969. Negotiations being fruitless, Council, on 1 February 1971, passed By-Law No. 5844 to expropriate the property.

Although the land in question had been expropriated, the Arbitration Board was not set up to determine value because the Company applied to the Supreme Court of B.C. for a declaration that Burnaby's expropriation by-law was ultra vires and therefore invalid.

This action was heard on 1 November 1972 and was dismissed, Council being so advised on 6 November 1972.

This decision of the Supreme Court was appealed on 18 September 1973 and the appeal was dismissed by the Court of Appeal.

Since then, numerous conversations have taken place between members of the staff and Mr. Hullah and/or his lawyer in an attempt to persuade Mr. Hullah to appoint a nominee to the Arbitration Board, without success. We are now in the process of filing a notice to Mr. Hullah, through his lawyer, that if a nominee is not appointed by a certain date, we will make an application to the Supreme Court for the appointment of a representative for Mr. Hullah and his Company on the Arbitration Board.

Mr. Hullah has proven himself most difficult to deal with and has done everything within his power to delay resolution of this problem, except on his terms.

MOVED BY ALDERMAN LEWARNE:

SECONDED BY ALDERMAN LAWSON:

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

CARRIED UNANIMOUSLY

(24) "Burnaby Dog Tax and Pound and Animal Regulation
By-Law 1972, By-Law No. 6191"

The Municipal Manager reported verbally that he had received advice from the Municipal Solicitor that the wording of the "Violation Ticket" proposed in conjunction with the subject By-Law is the same language used in the Criminal Code, the Summary Convictions Act, and the form of the Traffic Ticket Information authorized by the Motor Vehicles Act. The Municipal Solicitor noted that the words chosen have the sanction of long usage and should be adopted in the proposed ticket unless there is some compelling reason of which the Solicitor is not aware for the language adopted by Council. The Solicitor would strongly recommend that the language originally proposed should be adopted.

MOVED BY ALDERMAN LAWSON:

SECONDED BY ALDERMAN EMMOTT:

"THAT the following amending resolution adopted by Council on September 2, 1975 (Page 21, Council Minutes, September 2, 1975) be now rescinded:

'THAT the phrase 'The informant says that he has reasonable and probable grounds to believe and does believe that the person named above committed the offence described above' as contained in the ticket information be

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amended to read: 'The informant states that there are reasonable and probable grounds to believe and the informant does believe that the person described above committed the offence described above.' "

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LEWARNE:

SECONDED BY ALDERMAN MERCIER:

"THAT the recommendations of the Municipal Manager as contained in Item 8, Municipal Manager's Report No. 54, 1975, as further amended by the aforementioned motion, be now adopted."

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 MERCIER:

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

CARRIED UNANIMOUSLY