

SEPTEMBER 20, 1976

A regular meeting of the Municipal Council was held in the Council Chambers, Municipal Hall, 4949 Canada Way, Burnaby, B.C. on Monday, September 20, 1976, commencing at 7:00 P.M.

PRESENT:

Mayor T.W. Constable, in the Chair
Alderman G.D. Ast
Alderman D.P. Drummond
Alderman A.H. Emmott
Alderman D.A. Lawson
Alderman G.H.F. McLean
Alderman F.G. Randall
Alderman V.V. Stusiak

ABSENT:

Alderman B.M. Gunn

STAFF:

Mr. M.J. Shelley, Municipal Manager
Mr. E.E. Olson, Municipal Engineer
Mr. K.K. Ito, Planning Department
Mr. J.S. Belhouse, Planning Department
Mr. J. Plesha, Administrative Assistant to Manager
Mr. J. Hudson, Municipal Clerk
Mr. R.W. Watson, Deputy Municipal Clerk

PUBLIC HEARING

A Public Hearing was held in regard to:

"BURNABY HIGHWAY EXCHANGE BY-LAW NO. 6, 1976" - #6907

No Delegations appeared in regard to the subject matter.

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN STUSIAK:

"THAT this Public Hearing be now terminated."

CARRIED UNANIMOUSLY

MINUTES

The Minutes of the Council Meeting held on September 13, 1976 came forward for adoption.

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN STUSIAK:

"THAT the Minutes of the Council Meeting held on September 13, 1976 be now adopted."

CARRIED UNANIMOUSLY

The Minutes of the Public Hearing held on September 14, 1976 came forward for adoption.

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN STUSIAK:

"THAT the Minutes of the Public Hearing held on September 14, 1976 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) Robert R. Westover Re: By-law to Ban Public Smoking
- b) R. Hills, Burnaby Citizens Roads Committee Re: Boundary Road

MOVED BY ALDERMAN McLEAN:

SECONDED BY ALDERMAN RANDALL:

"THAT the Delegations be heard."

CARRIED UNANIMOUSLY

- a) Robert R. Westover Re: By-law to Ban Public Smoking

Mr. Westover spoke on the following brief:

"This problem with the smoking ban is to where it shall apply. There seems to be two opposing perspectives to the problem. One perspective is to treat smoking as a horrible addiction with enormous and long term costs to the entire society, therefore, as this thinking goes, it must be completely banned as heroin now is. The other perspective is that smoking is a relatively harmless pastime or at most, a habit effecting only the smoker and not to be banned at all. Both perspectives are narrow and ignore important points. With the wealth of information and documented evidence about the direct and indirect effects of smoking, a few people still believe smoking to be harmless. However, they may not be aware of the subtle dangers such as increased job absenteeism or damage to buildings of tobacco hot ash, damage to floors, carpeting, furnishings and other contents; death and disability from tobacco related fires as well as the fire damage to buildings and contents and even increased job productivity loss of smokers. Even beyond these things there is something given very little thought by smokers - something which makes smoking the more incidious; that is the effect on the unwilling victims of the smoker. If any other addict forced their addiction on others it would be considered an assault. Would an alcoholic be permitted to force some other drinker cheap whiskey? Would a heroin addict be permitted to force someone to take his devil's concoction? Should a tobacco addict be permitted to force someone to breath his smoke? When he lights up in public with his cigarettes, cigar, pipe others must breath his smoke. These others, whether very young or very old, male, female or a female with the growing seed of life within her, they must all breath the poisons of the tobacco addict. If you will remain an addict I have no great quarrel with that. I believe all may do as they wish with their life or their health, but no one, no one, has the right to force their addiction on others. No one has the right to pollute the air even if they themselves want to breath that pollution. Everyone everywhere should have the right to access to any public establishment of any size, with any number of personnel, without having to breath the smoke of some tobacco addict and to be protected from fire damage to themselves or their property. This problem is just as real in a small establishment as it is in a very large one. As I point out in my letter, the public smoking ban would cause no loss of business unless it were selective giving possible unfair and undeserved advantage to shop owners who might not ban smoking. The other point which we have failed to cover satisfactorily is the admonition for a separate By-law. I believe that this would be particularly useful because if we incorporate it in any other By-law such as a Fire By-law or a Health By-law, then we will be referred simply to an amendment of such and such By-law. If it is referred instead to a separate Smoking Ban By-law, or other similar type wording, it would then be pointed to with a little more authority and be used more in reference by other communities as it would then be a step forward for Burnaby as a rather unique move. Thank you Your Worship."

- b) Mr. R. Hills, Burnaby Citizens Roads Committee Re: Boundary Road

Mr. Hills appeared before Council and spoke as follows:

September 20, 1976

"Mr. Mayor and Council Members, I am here tonight representing the Burnaby Citizens Roads Committee. At the August 16, 1976 Council Meeting a Motion was put forward and carried that a meeting be held in October to discuss all the aspects of the widening of Boundary Road. I would like to know if the date and location has been set and what the format will be in regard to this public meeting. Will citizen participation be allowed and to what extent? Will we be allowed to submit briefs and will there be a question and answer period. I would appreciate an answer tonight so that I can take this back to my Committee members.

Mayor Constable indicated that procedures followed would be generally those of a public meeting and suggested citizen participation by way of presentations of briefs and a question and answer period would be part of the meeting.

MOVED BY ALDERMAN EMMOTT:

SECONDED BY ALDERMAN McLEAN:

"THAT we organize a public meeting in Burnaby in the Municipal Hall Council Chambers at 8:30 P.M. on Tuesday, October 5, 1976."

CARRIED UNANIMOUSLY

BY - LAWS

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN RANDALL:

"THAT:

'BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW
NO. 38, 1976'

- #6909

'BURNABY LOAN AUTHORIZATION REFERENDUM BY-LAW
1976'

- #6911

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 RANDALL:

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

CARRIED UNANIMOUSLY

The Council reconvened.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN RANDALL:

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN RANDALL:

"THAT:

'BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW
NO. 38, 1976'

- #6909

'BURNABY LOAN AUTHORIZATION REFERENDUM BY-LAW
1976'

- #6911

be now read two times."

CARRIED UNANIMOUSLY

September 20, 1976

It was requested that:

'BURNABY STREET AND TRAFFIC BY-LAW 1961,
AMENDMENT BY-LAW NO. 4, 1976'

- #6912

be withdrawn from the Agenda.

MOVED BY ALDERMAN McLEAN:

SECONDED BY ALDERMAN RANDALL:

"THAT:

'BURNABY EXPROPRIATION BY-LAW 1976'

- #6894

- 'BURNABY HIGHWAY EXCHANGE BY-LAW NO. 6, 1976'

- #6907

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 LAWSON:

"THAT all of the following listed items of correspondence be received and those items of the Municipal Manager's Report No. 58, 1976 which pertain thereto be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

- a) Conse-C Enterprises Ltd., President - Re: Information Burnaby Bulletin, August 1976

A letter under date of September 7, 1976 was received commenting on several matters relating to condominium owners in the August edition of the Information Burnaby Newsletter.

The Municipal Manager advised that a Staff report would be available at the September 27th, 1976 meeting of Council.

- b) Province of British Columbia, Motor Carrier Commission - Re: In The Matter of an Application of Hugh Lindsay, D/B.A. North Burnaby Taxi to the Motor Carrier Commission pursuant to the Motor Carrier Act published as Number 538

Correspondence under date of September 3, 1976 advising that the application of Hugh Lindsay is granted for 11 new limited passenger vehicle licences with 5 passengers carrying capacity to operate in the following manner - Terminal point from which vehicle will be operated is Burnaby, B.C.

Service that may be rendered - Charter trips only, for business originating in the Municipality of Burnaby transporting a person or group of persons, under charter, to any point in British Columbia.

- c) Minister of Housing - Re: Extension of the availability of Land Servicing Agreements providing short term financing for Municipalities under Section 215A of the Municipal Act

A letter under date of September 1, 1976 was received announcing the extension of the availability of land servicing agreements providing short term financing for Municipalities under Section 215.A of the Municipal Act.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN AST:

"THAT the subject correspondence be referred to the Housing Committee of Council."

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d) Minister of Housing - Re: Conversion Loans (Leasehold and Conversion Mortgage Loan Act)

A letter under date of September 10, 1976 was received enclosing a copy of a new Information Circular dealing with conversion loans. It was noted that the amounts of these loans have now been increased from \$12,000 to \$15,000 for the first new unit and from \$6,000 to \$9,000 for each additional unit. It was also noted that the whole of the Greater Vancouver Regional District and the Capital Regional District have now been designated for this purpose.

e) Mr. Brian Robertson - Re: Restricted membership of The Village Inn Pub, 9540 Erickson Drive

A letter under date of September 10, 1976 was received protesting the restricted membership of the Village Inn Pub situated at 9540 Erickson Drive, Burnaby to one block in area. It was indicated that although Mr. Robertson had voted in favour of the Pub as he was living within the half mile radius, he finds he cannot now become a member.

The Municipal Manager advised that a Staff report on the subject matter would be available at the September 27, 1976 meeting of Council.

f) Mr. J.E. Keays - Re: Regulations which would require Dog Owners to be responsible for the Removal of their animals' defecations on Public and Private Property

A letter under date of September 7, 1976 was received requesting enacting regulations in regard to the above noted subject.

The Municipal Manager advised that a Staff report would be available at the September 27, 1976 Meeting of Council.

g) United Non-Smokers Society, Treasurer - Re: More information relating to proposed new By-law

A letter under date of September 15, 1976 was received providing additional information in regard to the proposed new Non-Smoking By-law and including the California Clean Indoor Air Act of 1976.

The Municipal Manager reported as follows:

"Appearing on the agenda for the September 20, 1976 meeting of Council is further information from the Non-Smokers Society on smoking.

Council was advised that a report and a By-law on a proposal to ban smoking in designated public places would be available for consideration on September 20, 1976. We are now in the process of making some fairly major modifications to the proposed By-law as a result of information that has been received from concerned citizens and organizations. Most of the work has been done, and we believe that we will be in a position to submit both a report and a By-law to Council on September 27, 1976. Mr. A. MacDonald of the Burnaby Chamber of Commerce and Mr. Larry Wanjoff of the United Non-Smokers Society have been notified accordingly."

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN AST:

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

CARRIED UNANIMOUSLY

September 20, 1976

h) Petition - Re: Proposed alterations to Eton Street

A Petition under date of September 15, 1976 was received urgently requesting that Council look into the plans for curbing Eton Street from Boundary Road to Willingdon Avenue on their behalf. It was indicated that at the present time the Traffic Planning Department is recommending that Eton Street be narrowed to 28 feet when it is curbed to slow down traffic as is being done on other residential streets in Burnaby. It was suggested that some plan is necessary to divert the existing traffic to avoid accidents and congestion if the street is to be narrowed.

The Municipal Manager advised that a Staff report would be available at the September 27, 1976 Meeting of Council.

i) Ann Brown - Re: Preserve Central Park for all time

A letter under date of September 16, 1976 was received suggesting that Council go over it, under it or around it but please preserve Central Park for all time.

The following additional correspondence was received as well relating to the above noted subject.

j) Mrs. D. Norman - 7938 Nelson Avenue, Burnaby, B.C.

k) Martin and Lucy Vick - 3791 Carson Street, Burnaby, B.C.

l) Mrs. Laura J. Ervin - 4259 Watling Street, Burnaby, B.C.

MOVED BY ALDERMAN LAWSON:

SECONDED BY ALDERMAN STUSIAK:

"THAT the subject correspondence be tabled pending a further Staff report on the subject matter and further that the previous Council report on the subject be forwarded to the correspondents."

CARRIED UNANIMOUSLY

T A B L E D M A T T E R S

- a) Sale of Corporation Land - Lot 44, D.L. 69, Plan 50300
3975 Regent Street East of 3942 Myrtle Street
(Item 7, Manager's Report No. 57, 1976 - Council Meeting
September 13, 1976)

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN RANDALL:

"THAT the subject matter be lifted from the table."

CARRIED UNANIMOUSLY

The Municipal Manager provided a report of the Land Agent in regard to the above noted subject.

It was recommended by the Municipal Manager that the property be sold for \$157,000.00 subject to the conditions as outlined in the Land Agent's report which Council received on September 13, 1976.

The Motion of September 13, 1976 was then on the floor.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN RANDALL:

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

CARRIED

OPPOSED: Alderman Ast and Drummond

September 20, 1976

- b) Still Creek Street - Smith Avenue to Myrtle Street Diversion
(Item 8, Manager's Report No. 57, 1976 - Council Meeting
September 13, 1976)
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The Municipal Manager provided a report of the Municipal Engineer in regard to the above noted subject.

It was recommended by the Municipal Manager that:

1. This Report Item be tabled until September 27, 1976; and
2. George W. Jackson Holdings Ltd. be provided with a copy of this report.

MOVED BY ALDERMAN LAWSON:

SECONDED BY ALDERMAN AST:

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

CARRIED UNANIMOUSLY

ENQUIRIES

On a question of Alderman McLean the Municipal Engineer advised that he would be checking into the question of a problem of center line painting on Canada Way and Willingdon recently and would advise him accordingly.

Alderman Randall advised of the Notice of Motion for the following Meeting of Council relating to Burnaby's withdrawal from membership in the Union of B.C. Municipalities. It was stated the Notice of Motion was prompted by the Anti-Labour Resolutions considered at the recent annual convention.

Alderman Stusiak advised of a Notice of Motion relative to increasing Council indemnities for the year 1977 in the amount of a 6% increase.

On a further question of Alderman Stusiak relative to the takeover of Welfare Administration costs by the Province, the Municipal Manager advised that they were able to reconcile the figure of \$367,000 approximately being an Administration sum of \$335,531 plus building rental for the seven month period involved.

On a question of Alderman Drummond relative to impost fees the Municipal Manager advised that he had had a brief discussion with the Department Official on this subject and it was stated that the fees that Burnaby were charging had a rational base and did not appear to be excessive. The numbers then quoted were numbers that were used by other Municipalities. It was stated the Department of Municipal Affairs would be putting out guidelines as to what would be acceptable in the way of impost levies. It was noted Burnaby's levies for park purposes were a 50/50 cost sharing.

On a question of Alderman Ast it was indicated correspondence had been received from the Minister of Housing in regard to Council's correspondence under date of August 10, 1976 relating to the disposition of the Quesnel Green Units. Mayor Constable advised that the Council had written the Minister of Housing supporting the Northern Bethune Co-operative's view that a commitment had been made to turn the units over to the Co-operative and supporting their stand in this matter. Alderman Ast suggested that MacInnes Place was not selling and that there were approximately 1,000 other units sitting around empty. It was suggested that Mayor Constable follow

through on the original action of Council.

On a question of Alderman Stusiak the Municipal Clerk advised that a report would be forthcoming in regard to Mobile Polls for the 1976 election.

R E P O R T S

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN AST:

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

CARRIED UNANIMOUSLY

a) Traffic Safety Committee

A report under date of September 15, 1976 was received advising that the Annual Conference of the Western Canada Traffic Association would be held in Edmonton, Alberta on October 13, 14 and 15, 1976.

It was recommended that two members of the Traffic Safety Committee be authorized to attend the Annual Conference of the Western Canada Traffic Association in Edmonton, Alberta on October 13, 14 and 15, 1976.

MOVED BY ALDERMAN RANDALL:

SECONDED BY ALDERMAN STUSIAK:

"THAT the recommendation of the Traffic Safety Committee be approved."

CARRIED UNANIMOUSLY

b) Municipal Manager

The Municipal Manager presented Report No. 58, 1976 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. Building Department Report

The Municipal Manager provided a report of the Chief Building Inspector covering the operations of his Department from August 16, 1976 to September 10, 1976.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN McLEAN:

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

CARRIED UNANIMOUSLY

2. Engineer's Special Estimate

The Municipal Manager provided a report of the Municipal Engineer covering special estimate of work in the total amount of \$10,000 to cover construction of 570 feet of concrete walkway on Bell Avenue from Horne to Government.

It was recommended by the Municipal Manager that the estimate be approved as submitted.

MOVED BY ALDERMAN McLEAN:

SECONDED BY ALDERMAN RANDALL:

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

CARRIED UNANIMOUSLY

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3. Proposed Sale of Municipal Property - Lot 394, D.L. 87,
Group 1, Plan 48101 - 7770 and 7868 Burris Street

The Municipal Manager provided a report of the Land Agent in regard to the above noted subject.

It was recommended by the Municipal Manager that the subject lot be sold to Mr. William Rye for \$44,000.00.

MOVED BY ALDERMAN McLEAN:

SECONDED BY ALDERMAN RANDALL:

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

CARRIED

OPPOSED: Aldermen Ast and Stusiak

4. American Public Works Association Convention
October 6, 7 and 8, 1976 / Wenatchee, Washington

It was recommended by the Municipal Manager that the Municipal Engineer be authorized to attend the American Public Works Association Convention in Wenatchee, Washington on October 6, 7 and 8, 1976.

MOVED BY ALDERMAN RANDALL:

SECONDED BY ALDERMAN STUSIAK:

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

CARRIED UNANIMOUSLY

5. Western Canadian Cities Labour Relations Conference

It was recommended that the Personnel Director be authorized to attend the Western Canadian Cities Labour Relations Conference in Edmonton, Alberta on October 12, 13, 14 and 15, 1976.

MOVED BY ALDERMAN LAWSON:

SECONDED BY ALDERMAN AST:

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

CARRIED UNANIMOUSLY

6. Subdivision Servicing Agreement
Subdivision Reference #87/76

The Municipal Manager provided a report from the Director of Planning regarding the proposed Servicing Agreement for Subdivision Reference #87/76.

It was recommended by the Municipal Manager that Council authorize the preparation and execution of the Servicing Agreement for Subdivision Reference #87/76.

MOVED BY ALDERMAN LAWSON:

SECONDED BY ALDERMAN AST:

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

CARRIED UNANIMOUSLY

7. Subdivision Servicing Agreement
Subdivision Reference #56/75

The Municipal Manager provided a report from the Director of Planning regarding the proposed Servicing Agreement for Subdivision Reference #56/75.

It was recommended by the Municipal Manager that Council authorize

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the preparation and execution of the Servicing Agreement
for Subdivision Reference #56/75.

MOVED BY ALDERMAN LAWSON:
SECONDED BY ALDERMAN AST:

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

CARRIED UNANIMOUSLY

8. Lease of Municipal Land to the Astor Hotel Ltd.
0.152 Acre Portion of Parcel "A" of Lot 4, D.L. 153
Group 1, N.W.D.

The Municipal Manager provided a report of the Land Agent in regard to the parcel of property that the Municipality is leasing to the Astor Hotel for parking purposes.

It was recommended by the Municipal Manager that:

1. The subject property not be sold at this time; and
2. Council approve renewal of the subject lease for a term of 20 years.

MOVED BY ALDERMAN RANDALL:
SECONDED BY ALDERMAN McLEAN:

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

CARRIED UNANIMOUSLY

9. Surplus Funds - Burnaby Loan Authorization By-law No. 9, 1971
By-law No. 6006, Bonsor Park Pool

The Municipal Manager provided a report from the Municipal Treasurer regarding a proposed appropriation of surplus funds.

It was recommended by the Municipal Manager that:

1. A By-law be brought down to authorize the surplus funds in By-law No. 6006 to be spent to supplement the funds provided by Burnaby Loan Authorization Referendum By-law 1971, By-law No. 6020, to complete the works named in said By-law; and
2. A By-law be brought down to amend By-law No. 6020 whereby \$174,000 in additional funds may be borrowed on authority of By-law No. 6020.

MOVED BY ALDERMAN EMMOTT:
SECONDED BY ALDERMAN STUSIAK:

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

CARRIED UNANIMOUSLY

10. Lease of Kapoor Property - Noble Towing Ltd.

The Municipal Manager advised that Council on May 17, 1976 established a rate of \$0.045 per square foot per annum for use of a water lot on the foreshore of Burnaby by Noble Towing. The term of the lease arrangement covers the period March 1 to September 30, 1976. It was indicated the firm requires the use of the subject waterlot for one additional month. As this is a reasonable request, it is recommended that it be approved as submitted.

It was recommended by the Municipal Manager that:

1. The lease arrangement with Noble Towing for use of the subject

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waterlot be extended from September 30 to October 31, 1976 subject to the same conditions that were established by Council on May 17, 1976, on the understanding that it will be the final extension; and

2. The Parks and Recreation Commission be advised accordingly.

MOVED BY ALDERMAN RANDALL:
SECONDED BY ALDERMAN STUSIAK:

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

MOVED BY ALDERMAN McLEAN:
SECONDED BY ALDERMAN EMMOTT:

"THAT the recommendation number 1 be amended by deleting the word 'final' from the recommendation."

FOR: Aldermen Emmott and McLean
OPPOSED: Mayor Constable, Aldermen Ast,
Drummond, Lawson, Randall and
Stusiak

MOTION DEFEATED

A vote was then taken on the original Motion and CARRIED UNANIMOUSLY

11. Renewal of Lease - Justice Building
6355 Gilpin Street, Burnaby, B.C.

The Municipal Manager provided a report from the Land Agent regarding the proposed renewal of the lease relative to the Justice Building. It was indicated that the Chief Building Inspector and the Land Agent agreed that the work required for the finishing of rooms in the Justice Building should be undertaken by the Provincial Government. It was noted in the Land Agent's report the Municipality, under terms of the lease, will reserve the right to approve all plans for alterations or finishing which the Lessee may wish to have done on the premises.

It was recommended by the Municipal Manager that Council approve renewal of the lease subject to the conditions as outlined in the Land Agent's letter dated August 31, 1976 to Mr. V. Scanlon, Senior Property Agent with the Department of Public Works.

MOVED BY ALDERMAN AST:
SECONDED BY ALDERMAN DRUMMOND:

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

CARRIED UNANIMOUSLY

12. Edmonds Street / Petition and Brief that was presented to
Council on September 13, 1976

The Municipal Manager provided a report from the Director of Planning on this matter which included the following recommendations:

"1. The Council authorize the Planning Department in co-ordination with the Municipal Engineer and Parks and Recreation Administrator to investigate the design feasibility and cost of including noise attenuation measures within the future Edmonds Street Road allowance between 16th Street and 19th Street as discussed in this report on the understanding that a further report will be submitted to Council,

2. A copy of this report be sent to Mrs. E. Walls."

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It was recommended by the Municipal Manager that the Director of Planning's recommendations be adopted.

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN McLEAN:

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

CARRIED UNANIMOUSLY

13. Letter from Mrs. Ann Shackleton which was received by Council on September 13, 1976 (Item 4e) - Royal Oak Avenue

The Municipal Manager provided a report from the Director of Planning relating to Mrs. Shackleton's correspondence to Council expressing her concern on proposed improvements on Royal Oak Avenue.

It was recommended by the Municipal Manager that a copy of this report be sent to Mrs. Ann Shackleton.

MOVED BY ALDERMAN AST:
SECONDED BY ALDERMAN RANDALL:

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

CARRIED UNANIMOUSLY

14. Stride Avenue Pit Filling Operation
(Item 11, Report No. 13, March 1, 1976)

The Municipal Manager provided a report of the Municipal Engineer in reply to enquiries raised by Council at the September 13, 1976 meeting.

It was recommended by the Municipal Manager that Southwest Contracting Ltd. be awarded an extension of their current Contract #7503 to December 31, 1976, subject to the extension of the necessary insurance and bonding.

MOVED BY ALDERMAN LAWSON:
SECONDED BY ALDERMAN STUSIAK:

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

CARRIED UNANIMOUSLY

15. Sign By-law

The Municipal Manager provided a report from the Director of Planning in regard to the number of applications that have been received for signs in recent years.

MOVED BY ALDERMAN DRUMMOND:
SECONDED BY ALDERMAN McLEAN:

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

CARRIED UNANIMOUSLY

16. Sale of Corporation Land, Lot 44, D.L. 69, Plan 50300,
3975 Regent Street East of 3942 Myrtle Street
(Item 7, Report No. 57, September 13, 1976)

This subject matter was considered previously under Item 6(a) - Tabled Matters.

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17. Correspondence from the Non-Smokers Society
Proposed Ban on Smoking in Stores

This subject matter was considered previously under Item 5(g) - Correspondence and Petitions.

18. Tenders for Two Heavy Duty Tractor - Loader Backhoes
(Item 4, Report No. 57, September 13, 1976)

The Municipal Manager provided a further report from the Purchasing Agent on this matter. It was indicated the Purchasing Agent did not advise the lowest bidder that the recommendation to Council would be that the second lowest bid be accepted. The Purchasing Agent simply evaluated the merits of the bids received on the basis of the information that was contained in the warranty statement, submission of which, incidentally, was required by the tender document. This statement clearly advises that any warranty work to be done by either of the two suppliers would be on a gratis basis only if the equipment was delivered to the suppliers' shops at the purchaser's expense.

It was recommended by the Municipal Manager that:

1. Item 4, Report No. 57 dated September 13, 1976 be lifted from the table; and
2. A contract be awarded to Walkem Machinery and Equipment Ltd. to supply two (2) Case Model 580C machines as specified for the sum of \$41,409.00 including all applicable taxes. ✓

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN RANDALL:

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

CARRIED UNANIMOUSLY

19. Still Creek Street/Smith Avenue to Myrtle Street Diversion
(Item 8, Report No. 57, September 13, 1976)

This subject matter was considered previously under Item 6(b) - Tabled Matters.

20. Rezoning Applications

The Municipal Manager provided a report of the Director of Planning covering various rezoning applications as follows:

- 1) RZ #21/76 Application for the rezoning of
Lot 66, D.L. 29, Plan 38396
From: Residential District (R5)
To: Multiple Family Residential District (RM1)
7459 - 12th Avenue

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN McLEAN:

"THAT the recommendations of the Director of Planning as contained on Page 307 of the Council Agenda of September 20, 1976 be adopted."

CARRIED UNANIMOUSLY

- 2) RZ #26/76 Application for the rezoning of
Southern 60' of Lots A & B, Block 25, D.L. 80,
Plan 16273
From: Neighbourhood Institutional District (P1)
To: Residential District (R2)
5584 Kincaid Street

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MOVED BY ALDERMAN McLEAN:
SECONDED BY ALDERMAN AST:

"THAT the recommendations of the Director of Planning as contained on Page 314 of the Council Agenda of September 20, 1976 be adopted."

CARRIED UNANIMOUSLY

- 3) RZ #28/76 Application for the rezoning of
Lots 3 & 4, S.D. 6, Block 5, D.L. 74 S 1/2
Plan 2730
From: Residential District (R3)
To: Residential District (R5)
4730/34 Canada Way

MOVED BY ALDERMAN AST:
SECONDED BY ALDERMAN RANDALL:

"THAT the recommendations of the Director of Planning as contained on Page 319 of the Council Agenda of September 20, 1976 be adopted."

CARRIED

OPPOSED: Aldermen Emmott, McLean and Stusiak

- 4) RZ #30/76 Application for the rezoning of
East half of Carlton Avenue between
Canada Way and Norfolk Street, D.L. 69
From: Residential District (R5)
To: Community Institutional District (P5)
Carlton Avenue

MOVED BY ALDERMAN AST:
SECONDED BY ALDERMAN RANDALL:

"THAT the recommendations of the Director of Planning as contained on Page 325 of the Council Agenda of September 20, 1976 be adopted."

CARRIED UNANIMOUSLY

- 5) RZ #32/76 Application for the rezoning of
Lot 81, D.L. 59, Plan 37737
From: Residential District (R2) and Heavy
Industrial District (M3)
To: Heavy Industrial District (M3)
2671 Lake City Way

MOVED BY ALDERMAN AST:
SECONDED BY ALDERMAN McLEAN:

"THAT the recommendations of the Director of Planning as contained on Page 331 of the Council Agenda of September 20, 1976 be adopted."

CARRIED UNANIMOUSLY

- 6) RZ #33/76 Application for the rezoning of
Lot 1, Block 9, D.L. 199 E 1/2, Plan 2855
From: General Industrial District (M2)
To: Light Industrial District (M5).
4306 Dawson Street

MOVED BY ALDERMAN LAWSON:
SECONDED BY ALDERMAN RANDALL:

"THAT the recommendations of the Director of Planning as contained on Page 338 of the Council Agenda of September 20, 1976 be adopted."

CARRIED

OPPOSED: Aldermen McLean and Stusiak

- 7) RZ #34/76 Application for the rezoning of

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Lot 217, D.L. 80, Plan 34884, and Parcel 1 of
Lot "B", D.L. 80, Plan 5296
From: Residential District (R4)
To: Comprehensive Development District (CD)
4880 and 4892 Canada Way

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN RANDALL:

"THAT the recommendations of the Director of Planning as contained on
Page 345 of the Council Agenda of September 20, 1976 be adopted."

MOVED BY ALDERMAN McLEAN:

SECONDED BY ALDERMAN LAWSON:

"THAT Rezoning Reference #34/76 be referred to the Housing Committee."

CARRIED UNANIMOUSLY

- 8) RZ #35/76 Application for the rezoning of
Lot 28, Block 4, D.L. 96N, Plan 2189
From: Service Commercial District (C4) and
Residential District (R5)
To: Service Commercial District (C4)
6605 Arcola Street

MOVED BY ALDERMAN RANDALL:

SECONDED BY ALDERMAN STUSIAK:

"THAT the recommendations of the Director of Planning as contained on
Page 351 of the Council Agenda of September 20, 1976 be adopted."

CARRIED UNANIMOUSLY

- 9) RZ #36/76 Application for the rezoning of
Lot 4, Blocks 12 & 13, D.L. 94, Plan 2723 and
Lot 5, Block 13, D.L. 94, Plan 2723
From: Special Industrial District (M4)
To: Service Commercial District (C4)
6610 and 6630 Royal Oak Avenue

MOVED BY ALDERMAN McLEAN:

SECONDED BY ALDERMAN RANDALL:

"THAT the recommendations of the Director of Planning as contained on
Page 358 of the Council Agenda of September 20, 1976 be adopted."

CARRIED UNANIMOUSLY

- 10) RZ #37/76 Application for the rezoning of
Lot 4, Block 3, Sk. 8125 exc. Pt. on Plan 21109,
D.L. 59, 136 & 137, Plan 3050; Lots 1 & 2, Block 3,
D.L. 59, Plan 9334; Lot 3, S.D. 4, Block 3, D.L. 59,
136 & 137, Plan 14985
From: Neighbourhood Commercial District (C1) and
Small Holdings District (A2)
To: Comprehensive Development District (CD)
7111 Lougheed Highway, 2820/2808/2776 Bainbridge Avenue

MOVED BY ALDERMAN RANDALL:

SECONDED BY ALDERMAN McLEAN:

"THAT the recommendations of the Director of Planning as contained on
Page 366 of the Council Agenda of September 20, 1976 be adopted."

CARRIED UNANIMOUSLY

21. Subdivision Reference #174/75 - Restrictive Covenant

The Municipal Manager provided a report from the Director of Planning regarding the need to restrict all house construction in the above noted development to a minimum slab elevation in order to utilize proposed sewer connections.

It was recommended by the Municipal Manager that Council authorize the preparation and execution of the restrictive covenants as outlined in the Director of Planning's report.

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN STUSIAK:

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

CARRIED UNANIMOUSLY

22. Kaymar Ravine Erosion Control Project

The Municipal Manager provided a report of the Municipal Engineer indicating that correspondence had been received from the Regional Director of the Fish and Wildlife Branch of the Department of Recreation and Travel Industry advising that the erosion control works being conducted in the Kaymar Ravine contravened portions of Sections 33 and 34 of the Fisheries Act. It was indicated that the Fish and Wildlife Branch have agreed that the work can resume subject to the following:

- 1) As soon as the minor revisions are made to the outlet chamber to convert it temporarily into a sedimentation chamber which will be cleaned out regularly;
- 2) Cleaning of the drainage ditch below Marine Drive may be necessary if the natural high flows do not prove self-cleaning;
- 3) The Fish and Wildlife Branch desire mitigation for the lost portion of the Kaymar Ravine for fish life, i.e., improve the Big Bend drainage ditch downstream of the Kaymar Ravine or some other south slope watercourses;
- 4) Provide the Fish and Wildlife Branch with the opportunity to review all similar projects in the future; and
- 5) If the temporary sedimentation chamber proves unsuccessful in removing sufficient silt, it may become necessary to construct a further sedimentation pond and the only suitable location is in the rear yard of a new lot on which a house is being constructed at 8395 Roseberry. The Land Agent will investigate the possibility of such temporary use of this property.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN McLEAN:

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

CARRIED UNANIMOUSLY

23. Rezoning Reference #40/76

The Municipal Manager provided a report of the Director of Planning in regard to rezoning reference #40/76 including the following recommendation of the Director of Planning:

"That the Council advise the Chief Building Inspector to withhold the issuance of building permits on the subject properties pursuant to Section 707 of the Municipal Act unless the applications conform to the requisite R1 zoning regulations;

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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 19, 1976; and

That the owner of Lot 342 be informed that any dwelling to be constructed on Lot 342 must conform to the requisite R1 regulations, but due to the specific circumstances surrounding the current and proposed zoning of subject properties, and in fairness to the owner of Lot 342, the Land Agent be authorized to negotiate to acquire the subject property if the owner does not wish to conform to the R1 zoning regulations and so notifies Council prior to or at the Public Hearing for the subject rezoning."

It was recommended by the Municipal Manager that the Director of Planning's recommendations be adopted.

MOVED BY ALDERMAN RANDALL:
SECONDED BY ALDERMAN EMMOTT:

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

CARRIED
OPPOSED: Alderman Stusiak

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN EMMOTT:

"THAT the Committee now rise and report."

CARRIED UNANIMOUSLY

The Council reconvened.

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN RANDALL:

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN RANDALL:

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

CARRIED UNANIMOUSLY