

SEPTEMBER 27, 1976

A regular meeting of the Municipal Council was held in the Council Chamber, Municipal Hall, 4949 Canada Way, Burnaby, B.C. on Monday, September 27, 1976 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 V.V. Stusiak

ABSENT:

Alderman B.M. Gunn
Alderman F.G. Randall

STAFF:

Mr. M.J. Shelley, Municipal Manager
Mr. E.E. Olson, Municipal Engineer
Mr. A.L. Parr, Director of Planning
Mr. J. Hudson, 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 20, 1976 came forward for adoption.

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN STUSIAK:

"THAT the Minutes of the Council Meeting held on September 20, 1976 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 October 3, 1976 to October 9, 1976 as "Fire Prevention Week".

D E L E G A T I O N S

The following wrote requesting an audience with Council:

- a) Manager, Burnaby Chamber of Commerce Re: Amendment to By-law No. 6409 "Burnaby Fire Prevention By-law 1968" Re: Smoking Regulations
- b) George W. Jackson Holdings Ltd. Re: Proposed Still Creek Street, Smith Avenue to Myrtle Street Diversion
- c) Macfarlane and Company Re: Lot "C", Block 2, D.L. 162, Plan 18927 8655 Royal Oak Avenue
- d) Capital Hill Taxpayers, Mr. Harry Kirkpatrick, Re: House that has been constructed on the Corner of Dundas Street and Springer Avenue
- e) Burnaby Citizens Roads Committee Re: Central Park
- f) Joseph and Elizabeth Kovesdi Re: Sidewalk Crossing at 5340 Spruce Street

g) Superior Signs Ltd. Re:

1. Request that Electrolier Corporation be allowed to erect four signs along the front of its building; and
2. Sign By-law appeals.

MOVED BY ALDERMAN McLEAN:

SECONDED BY ALDERMAN LAWSON:

"THAT the delegations be heard."

CARRIED UNANIMOUSLY

- a) Mr. Bud Horton, Vice President, Burnaby Chamber of Commerce then addressed Council on the subject of the proposed "No Smoking By-law". Mr. Horton advised that the Burnaby Chamber of Commerce agreed with and supported the summary and conclusions presented in the Staff report. The Chamber also agreed with the provisions of the By-law proposal. The Burnaby Chamber of Commerce did not agree with the proposed amendment which deals with six inch minimum size signs. Mr. Horton suggested that a six inch lettered sign on the outside of a door which is indicated in the By-law amendment would, in fact, in some cases be larger than the shop name and it was felt this was unreasonable. The original By-law calls for letters not to be less than one inch and could, in fact, be as large as the store requires. In the case of a supermarket, it is apparent that very large signs would be required. In the case of a small store, smaller and more discreet signs would probably be required.

MOVED BY ALDERMAN McLEAN:

SECONDED BY ALDERMAN STUSIAK:

"THAT Items 17 and 21, Municipal Manager's Report No. 60, 1976 pertaining to this subject be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

The following are the recommendations contained in that report:

Item 17:

1. THAT the subject By-law be brought forward, and then tabled for two weeks so that anyone interested in expressing an opinion will have the opportunity to do so;
2. THAT Amendment No. 6904 and a copy of this report be sent to The Honourable H. McClelland, Minister of Health, and to The Honourable Marc Lalonde, Minister of Health and Welfare, when the amendment is finally adopted;
3. THAT an evaluation be made at six month intervals for one year to determine if the amendment in its existing form should be modified in any way; and
4. THAT a copy of this report be sent to the United Non-Smokers Society and the Burnaby Chamber of Commerce.

Item 21:

It was recommended that the following two amendments to By-law No. 6904 be approved and tabled with the By-law:

1. Delete second reference in Clause 2 - "By-law No. 6904 was enacted to protect public health, comfort and the environment by prohibiting smoking in designated areas";
2. The word "retail" should precede the word "store" wherever such reference is made in the amendment.

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MOVED BY ALDERMAN McLEAN:
SECONDED BY ALDERMAN AST:

"THAT the recommendations of the Municipal Manager as contained in Items 17 and 21, Municipal Manager's Report No. 60, 1976 be adopted and that the suggestion advanced by the Burnaby Chamber of Commerce receive consideration."

CARRIED

OPPOSED: Alderman Stusiak

- b) Mr. George W. Jackson, President, George Jackson Holdings Ltd. then addressed Council on the subject of the Still Creek Street - Smith Avenue to Myrtle Street diversion. The following is the text of Mr. Jackson's remarks:

"Since this subject was last discussed by Council we have circulated a petition which expresses the opinion that the temporary roadway as proposed is unsatisfactory, and further expresses the petitioners desire to have Still Creek Street constructed in a location similar to that which is shown on sheet 134 of the Manager's report of September 13, 1976. This petition is signed by the majority of the parties who signed the original petition which called for Still Creek Street to be extended through to Boundary Road.

A number of Council members inspected the site recently and we believe they now better appreciate the petitioners concern as to the inadequacy of the temporary roadway and its location.

It is our opinion that there has not been sufficient consideration as to the feasibility of constructing Still Creek Street in its ultimate location at the present time.

Therefore, we respectfully request that Council table this proposal for an indeterminate period to enable all parties concerned to have sufficient time to evaluate the feasibility of constructing a permanent road rather than the temporary roadway as now proposed."

Council was advised that a Staff report on this subject would be available for consideration on October 4, 1976 and further consideration of this matter was deferred until that time.

- c) Mr. C.H. Bergen, speaking on behalf of Macfarlane & Company, then addressed Council on behalf of F & A Construction Ltd. and that Company's request for a refund of a \$2,000 deposit submitted with a bid for the sale of Lot "C", Block 2, D.L. 162, Plan 18927 - 8655 Royal Oak Avenue. The following is the text of Mr. Bergen's submission:

"We are the Solicitors for F & A Construction Limited and as such have been asked to write this letter. We would refer to the letter of F & A Construction Limited which was undated but considered by Council at your regular meeting on the 30th of August 1976. That letter was a request for the refund of a \$2,000 deposit submitted with a bid for the sale of the above noted property.

We send this further letter only to point out that certain circumstances were not presented in the letter nor at the meeting of the 30th of August, 1976 which we feel would shed some light on the justice of the position taken by F & A Construction Limited.

The additional facts are as follows:

1. Upon a proper assessment of the use of the above noted property a decision was made to apply it for agricultural purposes. We refer to Item sixteen, Manager's Report No. 48, Council Meeting July 19th, 1976 to which is appended Item sixteen, Manager's Report No. 48, Council Meeting 19th July, 1976. This latter item is the review of the subject property by the Planning Department dated 12th July 1976. This latter item declares that 'before issuing a building permit, the Chief Building Inspector would require satisfactory evidence that a permit for the installation of a septic tank had been obtained from the Medical Health Officer (Provincial)

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and that firm arrangements had been made to supply the dwelling with electric power and public water, street and other facilities'.

2. The advertisement for the sale of this property initially was on the terms that the successful bidder would be able to either (a) demolish the dwelling and outbuildings and construct new ones or (b) upgrade the present dwelling to conform to Municipal By-law standards.
3. That the inappropriateness of using this property for a dwelling, and especially the existing dwelling, was a condition which existed at the time of the first sale proposal. It appears that the ability of the Municipality to comply with its portion of the bargain to allow for the upgrading of the existing dwelling may well have been impossible, and that contract may have been frustrated.

It appears to the writer, and it is submitted on behalf of F & A Construction Limited, that all parties involved with respect to the sale of the above noted property would benefit if all parties returned to the place in time before the property was even put up for sale. This would involve returning the deposit of the \$2,000 paid by F & A Construction Limited for the proposed purchase of that property. It would now appear that F & A Construction Limited would not have obtained that which was intended to be sold by the Municipality and intended to be purchased by F & A Construction Limited. Therefore, there is some merit in the approach that the original contract could have been rescinded and considered void. Since the only expense the Municipality has been put to is with respect to the advertising and receipt of bids, an allowance for these costs might equitably be deducted from the \$2,000.

It would seem that the Municipality has benefited substantially because of the collapsed sale previously approved for residential purposes on 15th March 1976. Since the later bidding for the property was totally rejected, presumably on the basis of paragraphs number one and two above noted, it seems only just that the Municipality recognize that they were extremely fortunate in avoiding the sale transaction on 15th March 1976.

All the above information is respectfully submitted to Your Worship and Members of the Council on behalf of F & A Construction Limited as a request that the motion previously passed, 'that F & A Construction Limited's request for the refund of \$2,000 be denied' be reconsidered and that the following recommendation be considered and adopted: 'that F & A Construction Limited's request for the refund of \$2,000 be granted.'

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN AST:

"THAT Item 20, Municipal Manager's Report No. 60, 1976 pertaining to this subject be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

The following is the recommendation contained in that report:

"THAT the request for a refund in the amount of \$2,000.00 be denied."

MOVED BY ALDERMAN McLEAN:

SECONDED BY ALDERMAN LAWSON:

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

CARRIED UNANIMOUSLY

- d) Mr. Harry Kirkpatrick, 12 North Springer Avenue, speaking on behalf of the "Capital Hill" Taxpayers, then addressed Council on the subject of a house that has been constructed on the corner of Dundas Street and Springer Avenue. The following is the text of Mr. Kirkpatrick's submission.

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"We wish to appear before Council as soon as possible regarding the matter of the house that has been constructed on the corner of Dundas Street and Springer Avenue, North Burnaby.

The enclosed paper states the way we feel, but the signing of our names or our protesting did us no good.

We are also making an appeal to the Land Appraising Office to give us a new land value assessment on our property, as we will not pay the amount we were assessed prior to this disgusting building.

We would also like to know the name of the person in your Planning Department that gave Mr. Ernie Marinovic an o.k. to build this building, and ruin everyone else's view of the city.

When we first brought this matter to the attention of Mr. Swift, the roof was not yet constructed, and IF someone had come out to see this house, we feel some changes would have been ordered by your Department.

It was brought to the attention of Mayor Constable, and he came out to see it, and when spoken to stated he 'did not approve of a home such as that in this area'.

We purchased property in a view area in order to enjoy the view and the price of same is high, but then your department gives permits to someone to build across the street and block the view that we paid for this is hardly what a person expects, and do you consider this fair?

What are the reasons to buy view property, is it not just for that, yes, a view, but that is gone now 'thanks' to someone in the Planning Department.

We still feel that the Municipality SHOULD STEP IN AND CHANGE THIS EVEN IF THE HOUSE IS COMPLETED, BECAUSE, IF YOU HAD TAKEN AN INTEREST IN WHAT THE PEOPLE WERE COMPLAINING ABOUT, IT COULD HAVE BEEN DONE THEN. Now you can tell us IT IS TOO LATE, but it is because of your DEPARTMENT, NOT BECAUSE YOU WERE NOT TOLD SOON ENOUGH AND ASKED TO DO SOMETHING ABOUT IT.

We also have been told that this house also has to have a 'fire escape' on one side, this will sure add to the beauty of it, ... just make it look even more like a 'barn' which we do not need.

The name of the person that passed those plans we want to know and we intend to see that he is not able to pass any others such as the ones for this 'so called house'."

His Worship, Mayor Constable, noted that the remarks attributed to him in the submission of the Capital Hill Taxpayers which quoted him as saying "he did not approve of a home such as that in this area" were in error. Mayor Constable stated that his remarks on this subject were as follows - "he would not like to have his view blocked by another house and that he would not commit himself to any further statement until such time as he had received a report on the subject from the Building Department".

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN McLEAN:

"THAT Item 13, Municipal Manager's Report No. 60, 1976 pertaining to this subject be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

The following is the recommendation contained in that report:

1. That a copy of this report be sent to Mr. Harry Kirkpatrick, 12 North

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Springer Avenue who represents the "Capital Hill" Taxpayers.

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN McLEAN:

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN McLEAN:
SECONDED BY ALDERMAN AST:

"THAT the Planning Department bring forward a report on methods that can be utilized in the future to eliminate instances where the development of an individual property, even though conforming to the requirements of the Burnaby Zoning By-law, could have a damaging effect on the immediately surrounding area."

CARRIED UNANIMOUSLY

e) Mr. R.G. Hills, speaking on behalf of the Burnaby Citizens Roads Committee then addressed Council on the subject of the Boundary Road widening and Central Park. The following is the text of Mr. Hills' submission:

"I am presenting this brief on behalf of the Burnaby Citizens Roads Committee, and we would like to know the outcome of the meeting held with The Honourable James Neilsen regarding the Central Park Act. Is there to be an amendment to this Act and are you supporting such Legislation?

We are not interested in the October 7th Joint Burnaby-Vancouver Open Meeting. We feel it would be in the best interest of Burnaby if you do not attend as Burnaby Council will not be in full attendance.

We are only interested in our October 5th Burnaby Open Meeting, and would like to know how many members of Council will be absent. We would like the complete Council Slate in attendance.

In the event you choose to defer the October 5th meeting, we request that this meeting be held the first week of November with the full attendance of Council. Further, we want to know if all work will cease on Boundary Road pending this meeting."

MOVED BY ALDERMAN EMMOTT:
SECONDED BY ALDERMAN STUSIAK:

"THAT the following motion as moved by Alderman Emmott and seconded by Alderman McLean 'That we organize a Public Meeting in Burnaby in the Municipal Hall Council Chamber at 8:30 P.M. on Tuesday, October 5, 1976' adopted by Council on September 20, 1976, be now reconsidered."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN EMMOTT:
SECONDED BY ALDERMAN McLEAN:

"THAT the Council of the City of Vancouver be requested to consider deferring the date of the proposed joint meeting of the Vancouver City Council and Burnaby Council which is scheduled for Thursday, October 7, 1976, to discuss with all interested parties all aspects of the widening of Boundary Road, to a future date at which time full attendance of Burnaby Council can be assured. Only four members of Burnaby Council will be available for the meeting on October 7, 1976."

CARRIED UNANIMOUSLY

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MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN McLEAN:

"THAT the Public Meeting to discuss all aspects of the Boundary Road widening scheduled to be held in the Council Chamber on Tuesday, October 5, 1976 at 8:30 P.M. be deferred to mid or late November, 1976 and that it be held in a South Burnaby School."

CARRIED UNANIMOUSLY

- f) Mr. Joseph Kovesdi, 5340 Spruce Street then addressed Council on the subject of a sidewalk crossing to service a front yard driveway at the above address. The following is the text of Mr. Kovesdi's submission.

"Approximately two months ago, sidewalks on Spruce Street have been completed. We are the only ones, who did not get a vehicle crossing although we have a paved driveway.

In February 1975 we were granted a building permit to convert our carport into a new entry. In March, we received a letter, dated March 25, 1975 that from that date on front yard parking would be illegal. At that date construction of our new entry was well on its way and obviously lots of money had been spent. If we had been advised of this at the time, we applied for a building permit in February, we would not have gone ahead with the new entry, but we would have kept our carport, because to us the use of the front yard parking is more important than the new entry. However, we were informed of this By-law too late, after construction was on its way.

Prior to the construction of the sidewalks we were advised again by letter, dated June 21, 1976 of this Zoning By-law, referring to the letter of March 25, 1975. Upon receipt of the June 21st letter, we got in touch with the Traffic Supervisor to find out what could be done about the situation before the sidewalks were constructed. We were told then, that the only way to get a vehicle crossing would be to convert our new entry again into a carport. We feel there should be made an exception since we got into this situation through no fault of ours as we did not know of this By-law when we started construction.

- There are more people on Spruce Street who got vehicle crossings, although they are parking within 25 feet of city property and most of them also have either single or double garages or carports in the back. We were advised by Engineering that these parking areas are 'legal non-conforming'. We feel that our parking area should also be classified as 'legal non-conforming'.

The property owner of 5382 Spruce Street also did get a vehicle crossing. They had just a small house until approximately two years ago. Then they built onto the front of the house. Before construction, they had a long and wide driveway, but now their driveway is only approximately 20 feet, if not much less, off city property, and not much wider than the width of a car and the driveway is right next to the property next door. Their front yard parking had changed drastically after their new addition and yet they are still able to use their front yard for parking.

Our front yard driveway would mostly just be used for the unloading of groceries and if our children have swimming lessons, skating lessons, etc. so we do not have to open and close the garage door all day long, and not for overnight parking. You practically risk your life going in and out of the car when it is parked on Spruce Street since the buses are speeding by and now the road has been widened and repaved, lots of people are using Spruce Street for through traffic at speeds nearly twice the speed limit of 30 mph."

Council was advised that a Staff report on the subject matter will be

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available for consideration on October 4, 1976 and further consideration of this subject was deferred until that time.

- g) Mr. Wilson Nicolle, General Manager, Superior Signs Ltd., then addressed Council on the subject of the erection of signs on the front of the building occupied by the Electrolier Corporation, 6102 Silver Avenue, Burnaby, and also on the question of an appeal procedure in connection with the Burnaby Sign By-law. The following is the text of Mr. Nicolle's submission.

"This is a request by Superior Signs Ltd. that the Electrolier Corp., 6102 Silver Street in Burnaby be allowed to erect 4 signs along the front of its building, northside.

This building now faces north and only the west side runs along a Street (Silver).

The Burnaby Sign By-law prohibits signs on any side except one which borders a street and it is our feeling that in this instance where the front of the building is not on an official street an exception should be made to accommodate this unusual circumstance.

There has been a clause in the current Burnaby Sign By-law or so it is stated which prohibits appeals to either a Board of Variance or to Council.

No By-law ever devised is perfect, and in consequence a situation was inevitably bound to develop where a request for an appeal under the By-law would be made.

Prior to making such an appeal Superior Signs would request that this Council amend the By-law to allow appeals which are grounded in undue hardship or unfair penalty being placed upon the user of signs as regulated by the By-law.

We have what we consider to be such a case and believe sincerely that the ultimate responsibility in such a decision should be this Council.

It is also our feeling that having a By-law which allows no appeal puts an unfair load on the employees who are asked to draw the By-law line absolutely.

If Council would make the necessary amendments to allow the appeal I am certain the fairness of the request we wish to make for our client will be evident.

If Council in this instance does not wish to go through the routine of accepting this appeal, a satisfactory arrangement could be reached by simply designating the street north of the Electrolier Building, formal address now 6102 Silver, as a street and not an alley. The signs then would be in conformation with the By-law as it stands at present."

Council was advised that a Staff Report on this subject would be available for consideration on October 4, 1976, and further consideration of the matter was deferred until that time.

BY - LAWS

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN McLEAN:

"THAT Item 8, Municipal Manager's Report No. 60, 1976 pertaining to

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

- #6912

be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

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The following is the recommendation contained in that Report:

1. That the proposed amendment to the Burnaby Street and Traffic By-law be brought forward."

MOVED BY ALDERMAN McLEAN:

SECONDED BY ALDERMAN DRUMMOND:

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN McLEAN:

"THAT:

'BURNABY FIRE PREVENTION BY-LAW 1968, AMENDMENT BY-LAW NO. 3, 1976'	- #6904
'BURNABY LEASE AUTHORIZATION BY-LAW NO. 7, 1976'	- #6910
'BURNABY STREET AND TRAFFIC BY-LAW 1961, AMENDMENT BY-LAW NO. 4, 1976'	- #6912

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 McLEAN:

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

CARRIED

OPPOSED: Alderman Stusiak to By-laws #6904
and #6912

The Council reconvened.

MOVED BY ALDERMAN DRUMMOND:

SECONDED BY ALDERMAN LAWSON:

"THAT:

'BURNABY FIRE PREVENTION BY-LAW 1968, AMENDMENT BY-LAW NO. 3, 1976'	- #6904
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be tabled for two weeks."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN McLEAN:

SECONDED BY ALDERMAN DRUMMOND:

"THAT:

'BURNABY STREET AND TRAFFIC BY-LAW 1961, AMENDMENT BY-LAW NO. 4, 1976'	- #6912
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be tabled."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN McLEAN:

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

CARRIED UNANIMOUSLY

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MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN McLEAN:

"THAT:
'BURNABY LEASE AUTHORIZATION BY-LAW NO. 7, 1976' - #6910

be now read three times."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN McLEAN:
SECONDED BY ALDERMAN STUSIAK:

"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. 17, 1976' - #6836

CARRIED UNANIMOUSLY

The foregoing By-law provides for the following proposed rezoning:

Rezoning Reference #4/76

- a) Lot 4, Block 23, D.L. 1, Plan 4231
- b) Lot 5, Except Part S.W. of Highway on Plan 25870, Block 23, D.L. 1, Plan 4231
- c) Lot 6, Except Part S.W. of Highway on Plan 25870, Block 23, D.L. 1, Plan 4231

4403, 4505 and 4511 North Road.

From: General Industrial District (M2)
To: Comprehensive Development District (CD)

The Planning Department, by memorandum dated September 23, 1976 advised that the prerequisites previously established by Council in connection with this rezoning proposal are nearing completion.

MOVED BY ALDERMAN McLEAN:
SECONDED BY ALDERMAN STUSIAK:

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN McLEAN:
SECONDED BY ALDERMAN STUSIAK:

"THAT:
'BURNABY ZONING BY-LAW 1965,
AMENDMENT BY-LAW NO. 17, 1976' - #6836

be now read a third time.

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN McLEAN:
SECONDED BY ALDERMAN AST:

"THAT:
'BURNABY ZONING BY-LAW 1965,
AMENDMENT BY-LAW NO. 2, 1976' - #6807

'BURNABY ZONING BY-LAW 1965,
AMENDMENT BY-LAW NO. 25, 1976' - #6880

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

CARRIED UNANIMOUSLY

The foregoing By-laws provide for the following proposed rezonings:

By-law #6807
Rezoning Reference #57/75

Lots 13 and 14, Block 7, D.L. 186, Plan 1124
3865 and 3871 Pandora Street

From: Residential District (R5)
To: Neighbourhood Institutional District (P1)

The Planning Department advised by memorandum dated September 22, 1976 that the prerequisites previously established by Council in connection with this rezoning proposal have been completely satisfied.

By-law #6880
Rezoning Reference #14/76

Lot 6, Block 33, D.L. 117 E 1/2, Plan 1222
4054 First Avenue

From: Heavy Industrial District (M3)
To: Parking District (P8)

The Planning Department advised by memorandum dated September 21, 1976 that the prerequisites previously established by Council in connection with this rezoning proposal have been completely satisfied.

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 DRUMMOND:

"THAT all of the following listed items of correspondence be received and those items of the Municipal Manager's Report No. 60, 1976 which pertain thereto be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

- a) Sponsoring Committee of Air Cadet Squadron #637 Re: Annual Tag Days, Friday and Saturday, October 22 and 23, 1976

A letter under date of September 16, 1976 was received requesting authority for Air Cadet Squadron #637 to hold their Annual Tag Days on Friday and Saturday, October 22 and 23, 1976.

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN McLEAN:

"THAT permission be granted for the Sponsoring Committee Air Cadet Squadron #637, to hold their annual Tag Days as requested."

CARRIED UNANIMOUSLY

- b) Royal Canadian Legion Branch 148 Re: Annual Parades

A letter under date of September 14, 1976 was received requesting permission for Royal Canadian Legion Branch No. 148 to hold its annual Church Parade on Sunday, November 7, 1976 and the Annual Remembrance Day Parade on November 11, 1976.

Item 6, Municipal Manager's Report No. 60, 1976 pertaining to this subject was brought forward for consideration at this time.

The following are the recommendations of that report:

1. That the request from the Royal Canadian Legion No. 148 for permission to conduct a parade on November 7 and 11, 1976 be approved with the understanding that the parade is to be conducted in accordance with Section 23 of the Street and Traffic By-law; and
2. That the applicant be advised the permission to use Hastings Street must be obtained from the Provincial Department of Highways.

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN STUSIAK:

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

CARRIED UNANIMOUSLY

c) City Clerk, City of Vancouver Re: Improvements to Boundary Road at Kingsway

A letter under date of September 13, 1976, was received advising that the Vancouver City Council, at its meeting on August 31, 1976 approved the following two recommendations submitted by the Council of the Corporation of the District of Burnaby:-

1. That the City of Vancouver be asked to proceed immediately with the improvements to Boundary Road between Kingsway and Thurston Street as geometrically modified in the attached sketch and including the widening of the B.C. Hydro Railway underpass to four lanes with 50/50 cost sharing as previously agreed upon; and
2. That the two Councils continue to discuss and resolve the whole question of the remainder of Boundary Road between 29th Avenue and Marine Drive.

The City Clerk also advised that his office, as instructed by Council on August 24, 1976 is arranging a meeting of interested parties on the whole question of Boundary Road including the proposed public transit system in the area.

d) Secretary, Sapperton Fish and Game Club Re: Burnaby Plans to pipe 160 feet of the Kaymar Ravine below Carson Street

A letter under date of September 17, 1976 was received protesting the planned piping of the Kaymar Ravine. The Sapperton Fish and Game Club was concerned that the proposed piping would completely destroy this stream for fish.

Item No. 3, Municipal Manager's Report No. 60, 1976, pertaining to this subject was brought forward for consideration at this time.

The following are the recommendations contained in that report:

1. That the Sapperton Fish and Game Club be provided with a copy of this Report and also Item No. 22, Supplementary Manager's Report No. 58, Council Meeting of September 20, 1976;
2. That a copy of the pertinent consultant's report and reports to Council and the Parks and Recreation Commission over the last two years outlining the extreme necessity for the work to save the ravine, protect the adjacent property and still provide an open lined channel for water be forwarded by the Engineer to the Sapperton Fish and Game Club.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN AST:

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

CARRIED UNANIMOUSLY

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- e) Mrs. Elsie Walls, 7122 Edmonds Street Re: Feel the Planning Department would be adding gross insult to injury by suggesting that the answer to the Residents problems would be Berms.

A letter under date of September 22, 1976 was received concerning traffic noise and objecting to the suggestion of the Planning Department that berms would provide some solution to the problems being encountered. Mrs. Walls also offered her views on comments made by various Aldermen when this subject was last discussed.

- f) Busters Auto Towing, 2555 Gilmore Avenue Re: Extension of Still Creek Avenue through to Boundary Road

A petition was received signed by Busters Auto Towing Ltd. and other commercial enterprises in the Still Creek Street area advising that the proposed road layout as detailed on Page 133 of the Municipal Manager's Report dated September 13, 1976 was not satisfactory to the petitioners. The petitioners strongly favoured the extension being constructed in the approximate area as detailed on Page 134 of the Manager's Report and they would like to see this accomplished in the shortest possible time.

- g) Mark and Marjorie Manderson, 3737 Carson Street

- h) Thelma Hunter, 3755 Irmin Street

- i) David and Patricia Short, 3766 Irmin Street

- j) Mrs. Jean A. Griffiths, 3745 Irmin Street

- k) Peter and Gloria Obetkoff, 3795 Irmin Street

All of the foregoing correspondents (g) to (k) inclusive, submitted letters protesting the proposed widening of Boundary Road.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN LAWSON:

"THAT Correspondence Items (g) to (k) inclusive be tabled until after the Public Meeting which is to be held in November, 1976 to discuss all aspects of the Boundary Road widening and that the correspondents be provided with as much background information on this subject as is available."

CARRIED UNANIMOUSLY

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

Item 8, Municipal Manager's Report No. 57, 1976 Council Meeting, September 13, 1976 - Still Creek Street - Smith Avenue to Myrtle Street Diversion

A staff report on this subject will be available for consideration at the Council Meeting on October 4, 1976, and no action was taken to lift same from the table at this time.

E N Q U I R I E S

In reply to a question by Alderman Stusiak the Municipal Engineer advised that a valve on a water main on Marine Drive had been replaced on Sunday, September 26, 1976 so as to cause as little disruption in water supply to neighbouring industry as possible and also to alleviate week day traffic problems.

Alderman Ast noted that he had received a complaint from a lady who had been visiting Barnet Beach. Upon attempting to leave the Beach area she had found that the gate on the Kapoor site was locked and she was unable to leave. Alderman Ast enquired if it was now Municipal policy to lock this gate.

September 27, 1976

The Municipal Manager advised that a meeting had been held with the Canadian Pacific Railway in connection with trying to get authority to cross the track for the construction of the fill that will be going in westward from Texaco to Barnet Beach. The Canadian Pacific Railway had made it abundantly clear that the crossing agreement that the District of Burnaby has on the Kapoor site is such that the Municipality is totally liable for anyone using that crossing. Part of the crossing agreement the Municipality has with the C.P.R. is that there must be a gate and it must be controlled. The Parks and Recreation Commission has installed a gate and erected stop signs at the crossing. The Manager could not provide specific information on the instance raised by Alderman Ast but emphasized that the crossing will have to be watched very closely due to the liability factor. The Municipal Manager indicated that he would bring forth a report on the specific instance of the lady being locked in referred to by Alderman Ast.

Alderman Ast stated that he had received a complaint concerning trucks parking on the Butterworth property at the end of Hillview Avenue. Trailer trucks had been parked on the property over the weekend and a fork lift has been observed operating continuously on the site. Alderman Ast requested that Staff look into this matter.

In reply to a question by Alderman Ast regarding the blockage of a lane on Edmonds Street by construction in conjunction with Rezoning Reference #30/75, the Municipal Engineer advised this matter was being checked by his Department. The complaint had come to his attention this afternoon.

NOTICE OF MOTION

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN LAWSON:

"WHEREAS the Recast Budget for the current year and the Provisional Budget for the following year are now both prepared at the same time; and

WHEREAS all expenditures for the 1977 should be provided for in the 1977 Provisional Budget; and

WHEREAS the indemnity for the Mayor and for the Aldermen is now considered annually;

THEREFORE BE IT RESOLVED that the Municipal Treasurer provide for in the 1977 Provisional Budget an increase of six per centum (6%) to the 1976 indemnities of the Mayor and Aldermen;

AND FURTHER that a By-law be brought forward to reflect the foregoing indemnity increase with the effective date to be the first day of January, 1977."

CARRIED UNANIMOUSLY

At 9:00 P.M. the Meeting recessed.

At 9:20 P.M. the Meeting reconvened with Aldermen Gunn and Randall absent.

REPORTS

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN AST:

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

CARRIED UNANIMOUSLY

September 27, 1976

- a) The Housing Committee submitted a report in which it was recommended that Council establish the policy whereby the Parkland Acquisition Levy for senior citizens residential developments be reduced to 50% of the per unit levy established for standard residential units.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN McLEAN:

"THAT the recommendation of the Housing Committee be adopted and in addition, the recommendation of the Planning Department which appears on Page 345 of the Council Agenda of September 20, 1976 as Section 5.2 in connection with RZ Reference #34/76; namely,

'THAT Council receive the report of the Planning Department and authorize this Department to work with the applicant towards a suitable plan of development for this site incorporating the principles outlined in this report, to be the subject of a further detailed submission at a later date'

be also adopted."

CARRIED UNANIMOUSLY

- b) The Information Burnaby Committee submitted a report in which it was recommended:

1. That Council concur with the format of the Logo Manual and the information contained therein;
2. That Council authorize the expenditure of \$350.00 to cover the cost of producing 200 copies of the Logo manual and that this expenditure be charged to Budget Code No. 10-07-06;
3. That Council designate the Municipal Clerk as the official to whom requests to use the Logo should be referred; and
4. That Council receive the Certificate of Registration for information and that the original Certificate be retained by the Municipal Clerk for safekeeping.

MOVED BY ALDERMAN LAWSON:

SECONDED BY ALDERMAN AST:

"THAT the recommendations of the Information Burnaby Committee be adopted."

CARRIED UNANIMOUSLY

- c) The Municipal Clerk submitted a Certificate of Sufficiency covering the 1976 Local Improvement Program - Ornamental Street Lighting.

MOVED BY ALDERMAN McLEAN:

SECONDED BY ALDERMAN STUSIAK:

"THAT the Municipal Clerk's Certificate of Sufficiency be received and that Construction By-laws covering the Ornamental Street Lighting Projects therein be prepared."

CARRIED UNANIMOUSLY

- d) The Municipal Manager presented Report No. 60, 1976 on the matters listed following as Items (1) to (21) either providing the information shown or recommending the courses of action indicated for the reasons given:

1. Retirement - Mr. Stewart A. McConnell

It was recommended that a letter of appreciation be sent to Mr. Stewart A. McConnell on the occasion of his retirement from the Municipality after 29 years of service.

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MOVED BY ALDERMAN AST:
SECONDED BY ALDERMAN STUSIAK:

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

CARRIED UNANIMOUSLY

2. Existing Restrictive Covenant over Lot 249, D.L. 85, Plan 49735
Subdivision Reference #145/74

It was recommended that Council approve the release of the restrictive covenant registered against Lot 249, D.L. 85, Plan 49735.

MOVED BY ALDERMAN McLEAN:
SECONDED BY ALDERMAN STUSIAK:

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

CARRIED UNANIMOUSLY

3. Kaymar Ravine Erosion Control Project - Letter from the
Sapperton Fish and Game Club, Box 1171, Coquitlam, B.C.

This item was dealt with previously in the meeting as Item 5(d) - Correspondence and Petitions.

4. Letter from Conse-C Enterprises that appeared on the Agenda for
the September 20, 1976 Meeting of Council (Item 5(a) - 240, 4299
Canada Way, Burnaby - Condominiums

The Municipal Manager presented a report of the Municipal Engineer outlining the main reasons for the Corporation having a longstanding policy of not performing work on private property.

It was recommended by the Municipal Manager that:

- 1) The Corporation maintain its present policy of not performing work with Municipal forces on private property; and
- 2) A copy of this report be forwarded to Conse-C Enterprises Ltd.

MOVED BY ALDERMAN McLEAN:
SECONDED BY ALDERMAN LAWSON:

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

CARRIED UNANIMOUSLY

5. Northwest Mosquito and Vector Control Association - Sixteenth
Annual Conference - Corvallis, Oregon - October 5, 6, 7, 1976

It was recommended by the Municipal Manager that Mr. D.J. Edwards be authorized to attend the Northwest Mosquito and Vector Control Association Sixteenth Annual Conference to be held in Corvallis, Oregon on October 5, 6, and 7, 1976.

MOVED BY ALDERMAN LAWSON:
SECONDED BY ALDERMAN DRUMMOND:

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

CARRIED UNANIMOUSLY

6. Royal Canadian Legion No. 148 - Request to Conduct Parades on
Sunday, November 7, 1976 and Thursday, November 11, 1976

This item was dealt with previously in the meeting as Item 5(b) - Correspondence and Petitions.

7. Tenders for Trucks

It was recommended by the Municipal Manager that:

1) Two (2) Heavy Duty Single Axle Trucks c/w Dump Boxes

A contract be awarded to the low bidder, Zephyr Mercury Sales Ltd. to supply two 1977 Model L800 Ford Trucks complete with dump boxes for the sum of \$35,106.06 including all applicable taxes;

2) One (1) Full Tilting Cab and Chassis 17,000 G.V.W.

A contract be awarded to the low bidder, Musgrove Ford Sales Ltd. to supply one 1977 Model C600 Truck for the sum of \$9,549.14 including all applicable taxes;

3) One (1) 3/4 Ton Van

A contract be awarded to the low bidder, Gary Pontiac Buick and G.M.C. Ltd. to supply one 1977 Model G.M.C. TG31305 Truck for the sum of \$5,903.19 including applicable taxes;

4) Three (3) Heavy Duty 1/2 Ton Vans

A contract be awarded to the low bidder, Gary Pontiac Buick and G.M.C. Ltd., to supply three 1977 G.M.C. TG21305 Vans for the sum of \$16,592.49 including applicable taxes; and

5) One (1) Station Wagon

A contract be awarded to the low bidder, Gary Pontiac Buick and G.M.C. Ltd., to supply one 1977 Model Pontiac 2AD35 for the sum of \$5,654.95 including applicable taxes.

MOVED BY ALDERMAN McLEAN:

SECONDED BY ALDERMAN STUSIAK:

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

CARRIED UNANIMOUSLY

8. Proposed By-law No. 6912 being the Burnaby Street and Traffic By-law 1961, Amendment By-law No. 4, 1976

This item was dealt with previously in the Meeting as Item 4(c) - By-laws.

9. National Day of Protest - Canadian Union of Public Employees - Local 23

The Municipal Manager submitted a report outlining the arrangements which had been made with the Canadian Union of Public Employees, Local 23, and the Burnaby Firefighters Association, Local 323, in order to provide essential services to the Municipality on October 14, 1976, the National Day of Protest.

MOVED BY ALDERMAN McLEAN:

SECONDED BY ALDERMAN DRUMMOND:

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN LAWSON:

"THAT Council concur with the arrangements made by the Municipal Manager relative to the National Day of Protest on October 14, 1976."

CARRIED UNANIMOUSLY

10. Data Processing

The Municipal Manager submitted a report from the Municipal Treasurer on possible changes to the Municipal Data Processing system. The Municipal Manager recommended that the following recommendations of the Municipal Treasurer be adopted.:

- 1) That Boeing Computer Services of Canada Ltd. be engaged at an approximate fee of \$3,000.00 to perform the services outlined in the Company's letter of September 17, 1976;
- 2) That the several computer suppliers be invited to make proposals without obligation to the Municipality;
- 3) That these proposals and the presentation of Boeing Computer Services Canada Ltd. be analyzed by the Municipal Treasurer; and
- 4) That a further report on this subject be made to Council in due course.

MOVED BY ALDERMAN McLEAN:

SECONDED BY ALDERMAN LAWSON:

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

CARRIED UNANIMOUSLY

11. Letter from Mr. Brian Robertson, #305 - 590 Whiting Way, Coquitlam, Re: Restricted Membership of the Village Pub Inn.

The Municipal Manager submitted a report from the Director of Planning in which it was indicated that consistent with the CD zoning of the site, the subject facility was required to obtain a General Licence as a private club, thereby restricting the use of the facility to members and bona fide guests as opposed to a General Licenced Neighbourhood Pub which permits use by the general public.

In light of the foregoing information, Mr. Robinson, as well as other residents who do not live within the prescribed one block area cannot obtain membership to the subject facility. Further, it is the responsibility of the owner/operator to observe the conditions of membership and use the facility as prescribed.

It was recommended by the Municipal Manager that a copy of this report be forwarded to Mr. Brian Robertson.

MOVED BY ALDERMAN McLEAN:

SECONDED BY ALDERMAN AST:

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

CARRIED UNANIMOUSLY

12. Burnaby Lake Sports Complex - Development Plan Concept

It was recommended that the Development Plan Concept for the Burnaby Lake Sports Complex be referred to the Parks and Recreation Commission and the Advisory Planning Commission for study and comment.

MOVED BY ALDERMAN McLEAN:

SECONDED BY ALDERMAN STUSIAK:

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

CARRIED UNANIMOUSLY

September 27, 1976

13. Delegation in connection with 5181 Dundas Street
(5N. Springer Avenue) - Lot 58, Block 54, D.L. 189, Plan 4953

This matter was dealt with previously in the meeting as Item 3(d) - Delegations.

14. Mapping

The Municipal Manager submitted a progress report from the Municipal Engineer on the Burnaby Joint Utility Mapping Program.

It was recommended by the Municipal Manager that Council authorize the appropriate signing authorities to execute the agreement for preventive maintenance between the Joint Venture and Computrex Ltd.

MOVED BY ALDERMAN McLEAN:

SECONDED BY ALDERMAN STUSIAK:

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

CARRIED UNANIMOUSLY

15. Health and Welfare Benefits - Local 23 - Canadian Union
of Public Employees' Agreements

The Municipal Manager presented a report from the Personnel Director concerning a proposed agreement to amend the Union Agreements with the Inside, Outside and Foremen employees with respect to Health and Welfare Benefits. A similar amendment agreement is being recommended to the Burnaby Public Library Board respecting the Library employees.

It was recommended by the Municipal Manager that:

- 1) The attached agreement to amend the Local 23 Union Agreements in respect to the Health and Welfare Benefits be approved; and
- 2) That the Mayor and Clerk be authorized to sign the agreements.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN DRUMMOND:

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

CARRIED UNANIMOUSLY

16. Superannuation

It was recommended by the Municipal Manager that:

- 1) Effective January 1, 1976, premiums payable to the Superannuation Commission be based on an employee's salary or wage rather than on a combination of earnings and sick pay;
- 2) Adjustments be made in reporting earnings to the Commission of employees due for retirement, for the five year period prior to retirement;
- 3) A special agreement be made with the Commissioner to compensate employees retiring in the period January 1, 1976 to date, for pension lost due to circumstances outlined in the Treasurer's report;
- 4) The employees concerned pay his or her share of the premium on the amount calculated in order to adjust the salaries for superannuation purposes; and
- 5) The Municipal Treasurer be instructed to make the necessary arrangements with the Commissioner of Municipal Superannuation.

September 27, 1976

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN McLEAN:

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

CARRIED UNANIMOUSLY

17. Ban on Smoking

This item was dealt with previously in the meeting as Item 3(a) - Delegations and Item 4(a) - By-law #6904.

18. Letter from Celest Redman that appeared on the Agenda for the September 20, 1976 Meeting of Council (Item 5(h)) - Improvements to Eton Street

The Municipal Manager submitted a report of the Director of Planning outlining his Department's thinking with regard to proposed alterations on Eton Street and reviewing, in general terms, the traffic situation in the North Burnaby area lying north of Hastings Street.

It was recommended by the Municipal Manager that a copy of this report be forwarded to Celest Redman and each of the petitioners.

MOVED BY ALDERMAN AST:
SECONDED BY ALDERMAN McLEAN:

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

MOVED BY ALDERMAN McLEAN:
SECONDED BY ALDERMAN DRUMMOND:

"THAT Item 18, Municipal Manager's Report No. 60, 1976, concerning improvements to Eton Street be referred back to Staff for additional information."

CARRIED UNANIMOUSLY

19. 1977 Local Improvement Program

The Municipal Manager presented the Cost Report prepared by the Municipal Treasurer in accordance with Section 601 of the Municipal Act covering the proposed 1977 Local Improvement Program.

It was recommended by the Municipal Manager that:

- 1) Council approve the program of works as shown in the Cost Report; and
- 2) Council instruct the Municipal Clerk to initiate the works in the usual manner.

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN McLEAN:

"THAT the following projects be deleted from the 1977 Local Improvement Program:

- 76-067 - 28 foot pavement with curbs on both sides and trees as required on Eton Street from Boundary Road to Madison Avenue.
- 76-109 - 4 foot separated sidewalk on north side of Eton Street from Esmond Avenue to Ingleton Avenue.
- 76-110 - 4 foot separated sidewalk on south side of Eton Street from Gilmore Avenue to Carleton Avenue.

and that the recommendations of the Municipal Manager be adopted for the balance of the projects shown in the Cost Report."

CARRIED UNANIMOUSLY

September 27, 1976

20. Letter from Macfarlane and Company - F & A Construction Ltd.
Forfeiture of \$2,000.00 Deposit Collapsed Sale
8655 Royal Oak Avenue
-

This item was dealt with previously in the meeting as Item 3(c) - Delegations.

21. Ban on Smoking

This item was dealt with previously in the meeting as Item 3(a) - Delegations and Item 4(a) - By-law #6904.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN AST:

"THAT the Committee now rise and report."

CARRIED UNANIMOUSLY

The Council reconvened.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN AST:

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN McLEAN:

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

CARRIED UNANIMOUSLY