

1982 MAY 03

A regular meeting of the Municipal Council was held in the Council Chamber, Municipal Hall, 4949 Canada Way, Burnaby, B.C. on Monday, 1982 May 03 at 19:00 h.

PRESENT: Acting Mayor D.N. Brown, In the Chair
 Alderman T.W. Constable
 Alderman D.P. Drummond
 Alderman A.H. Emmott
 Alderman D.A. Lawson
 Alderman G.H.F. McLean
 Alderman E. Nikolai
 Alderman V.V. Stusiak

ABSENT: Mayor W.A. Lewarne

STAFF: Mr. D. Gaunt, Acting Municipal Manager
 Mr. E.E. Olson, Director Engineering
 Mr. D.G. Stenson, Assistant Director-Current Planning
 Mr. J.G. Plesha, Administrative Assistant to Manager
 Mr. B.D. Leche, Deputy Municipal Clerk
 Mr. C.A. Turpin, Municipal Clerk's Assistant

P U B L I C H E A R I N G

"Burnaby Highway Exchange Bylaw No. 1, 1982" - Bylaw No. 7919.
A bylaw to stop up and close to traffic a portion of road in District Lot₂ 125, Group 1, dedicated by Plan 29746 (5175 Roy Street) containing 895.5m² in exchange for a portion of Lot 35 of District Lot 125, Group 1, Plan 29746 (2293 Douglas Road) containing 189.5m².

There were no submissions received in connection with "Burnaby Highway Exchange Bylaw No. 1, 1982", Bylaw No. 7919.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN CONSTABLE:

"THAT this Public Hearing be now terminated."

CARRIED UNANIMOUSLY

M I N U T E S

The minutes of the regular Council Meeting held on 1982 April 26 came forward for adoption.

MOVED BY ALDERMAN CONSTABLE:

SECONDED BY ALDERMAN NIKOLAI:

"THAT the minutes of the regular Council Meeting held on 1982 April 26 be now adopted."

CARRIED UNANIMOUSLY

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

- (a) His Worship, Acting Mayor Brown issued the following proclamation regarding "Clean-Up Litter Week":

"WHEREAS it is desirable that we, as citizens, give support to the activities of the members of the 'Burnaby Beautification Committee' in their efforts to beautify our municipality; and

WHEREAS we have the obligation and responsibility to maintain cleanliness and tidiness in our community and surrounding areas; and

WHEREAS individually and collectively we are able to control litter and garbage, therefore eliminating any harmful effects that could be caused; and

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WHEREAS the desire has been expressed by 'Burnaby Beautification Committee' to liaise more closely with 'Outdoors Unlittered' by holding a 'Clean-Up Litter Week' at the same time as the 'Pitch-in '82 Campaign';

THEREFORE I, DONALD N. BROWN, ACTING MAYOR FOR THE DISTRICT OF BURNABY, DO HEREBY PROCLAIM the week of

MONDAY, MAY 10TH TO SUNDAY, MAY 16TH, 1982, as

'CLEAN-UP LITTER WEEK'

AND DO URGE all citizens to co-operate with the District of Burnaby in the elimination and reduction of litter and littering."

- (b) His Worship, Acting Mayor Brown issued the following proclamation regarding "Daycare Week":

"WHEREAS changing family structures and the growing work force participation of women has made daycare an urgent social need; and

WHEREAS quality daycare contributes to the well-being of all society by assuring the health, happiness and creativity of our future generations; and

WHEREAS the present level of daycare provision denies access to many parents and children who need and would benefit from these services;

NOW THEREFORE I, DONALD NEIL BROWN, ACTING MAYOR OF BURNABY,

DO HEREBY PROCLAIM THE WEEK OF MONDAY, MAY 10TH TO SUNDAY, MAY 16TH, 1982 AS

'DAYCARE WEEK'

in order to give recognition to the contribution of daycare and to the urgent need for expanding the availability and assuring the quality of daycare services."

DELEGATIONS

The following wrote requesting an audience with Council:

- (a) D.G. Alexander, 1982 April 22,
Re: Barricades - Lakeview Neighbourhood Area
Spokesman - D.G. Alexander
- (b) Mohawk Oil Co. Ltd., Manager, Property Division,
1982 April 20, Re: 975 Willingdon Avenue -
southwest corner of Willingdon Avenue and Parker
Street - sell convenience groceries
Spokesman - Claude S. Hazle
- (c) Mrs. Pat Zabudsky, 1982 April 22,
Re: South Slope school closures -
Municipal implications re land use, etc.
Spokesperson - Mrs. Pat Zabudsky

MOVED BY ALDERMAN CONSTABLE:

SECONDED BY ALDERMAN NIKOLAI:

"THAT the delegations be heard."

CARRIED UNANIMOUSLY

- (a) Mr. D.G. Alexander then addressed Council on the subject of the traffic barricades in the Lakeview Neighbourhood Area. The following is the substance of Mr. Alexander's submission:

"Mr. Alexander noted that the barricades in the Lakeview area have been in position for approximately four years and had been very satisfactory in reducing commuter traffic and speeding vehicles in that area. Mr. Alexander was concerned that Council would entertain a request for the removal of the barricades without prior notification to the neighbourhood in order that people who are in favour of the barricades could defend their retention. Mr. Alexander requested that he be notified if future requests are received by the Traffic Safety Committee, or by Council, for changes to the traffic patterns in the Lakeview area. Mr. Alexander congratulated Council on a recent decision to retain the traffic barricades in this area."

- (b) Mr. Claude S. Hazle, Property Manager, Mohawk Oil Co. Ltd., then addressed Council concerning the selling of convenience groceries at their outlet at the southwest corner of Willingdon Avenue and Parker Street. The following is the substance of Mr. Hazle's submission:

"I would like to speak to Council this evening regarding the service station located at Parker and Willingdon. Our objective is to use a portion of the existing retail building to sell convenience grocery items. To do this, we need rezoning, which will be handled in the usual manner. However, in order for our rezoning to be heard we need an amendment to a zone to reduce minimum lot size. The rezoning can be to any of the zones C1, C2, C3 or C4. Our application specifies C1. However, it now appears from the Planning report that either C2 or C4 would be more appropriate. Either would be suitable. However, the issue at hand today is the site size requirement. Council considered the pros and cons of this matter without committing to a rezoning. We would suggest to Council that our zoning bylaws require only those restrictions which are necessary for the overall public benefit, as defined in Section 702 of the Municipal Act. We would further suggest that each restriction be put to a test. Is it necessary for the public interest or is it merely a frustration for the business community? First, I would like to comment on the general concept of minimum square footage standards. While this is a common requirement, we would suggest that this is not always the best. Site utilization varies considerably depending on a number of factors, primarily the shape of the site. A triangular site, for instance, can be 20 percent less efficient than a rectangular site. Other factors include the number of driveways and the siting of the building. Therefore, two sites of similar square footage can have quite different development potential. None the less, we are familiar throughout our marketing area with the number of site requirements and we do not specifically quarrel with the need for them. The other method of controlling development is by the setting of physical standards which must be met and it is these that I would specifically like to address.

Last week I met with representatives of your Planning Department to plead our case. We displayed a site plan of the Parker/Willingdon site showing, we believe, where we meet all physical requirements. These include off street parking. It is interesting to note that there are no off street parking requirements for the retail sales area of a service station so long as automotive goods are sold. If groceries are sold, the parking requirement is six spaces, plus two staff spaces for a total of eight. We have found how these can be provided. Setbacks are provided, landscaping is provided to standards. We have met the fire safety standards which were met upon construction and do not change. I would like specifically now to address the Planning report on page 9 and I will quote, 'It is held that a proper relationship between motor fuel/automotive functions and food retailing can only be assured where sufficient site area exists to provide adequate spacial separation, maneuvering space, and physical separation between pedestrian and vehicular movements. There are no predetermined standards for any of these factors. We have to look somewhere else for indicators'. Insofar as maneuvering space is concerned, we would submit that we know more about that topic than anyone outside the industry. The service station business is competitive and customers demand ease of access and maneuvering space. Their answer to a station which does not provide this is to stop coming in, in which case the problem no longer exists.

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Throughout our formative years, we have made most, if not all of the mistakes, and paid a severe price. We can assure you that we did not make a mistake at this location. Insofar as spacial relationship between food and grocery goes, we suggest that it need not be an issue. For evidence, we submit numerous gasoline convenience stores in existence in Canada and the United States, which must all operate under the regulations of Health Department officials. They have dealt with this issue and are satisfied. All food items are adequately packaged.

We would like to specifically point out two locations for Council's consideration. The first of these is at 25th Avenue and Oak Street in Vancouver where we operate a convenience store larger than the proposed location on a site area of 11,316 square feet. I have a site plan of this installation. This is some 4,700 square feet less than Parker and Willingdon. This unit was built in 1981 and met current Vancouver zoning regulations which tend to be of a physical nature rather than meeting some square footage requirements. The second site is at Canada Way and Smith Avenue where we operate a convenience store which is slightly smaller than Parker and Willingdon, but which has three service bays. This is achieved on a lot size of 120 feet by 17.5 feet, and contains 17,100 square feet, 2,000 square feet less than the proposed site with considerably more building. I suggest to Council that these examples are day to day working models of the point I am here trying to make. Specifically, I believe that Canada Way and Smith, which I am sure Council members are familiar with, has been operating for many years, offering service to the public, and I would suggest causing no problems for the municipality. Yet, this station is classified as legally non-conforming, which in planning lingo means we would rather it wasn't there, but have no legal grounds to stop it. It could not be rebuilt if anything were to happen to it.

I would like to ask Council a very basic question. Why should that station not be there? If Council concludes, as I do, that the station serves the public well, contributes some \$7,000 a year in taxes, and causes no problems of a physical nature then, maybe, it is the bylaw rather than the station that is out of kilter. As mentioned earlier, we presented our case to the Planning Department in order that specific definable objections could be discussed and dealt with. No definable objections were raised and none are apparent in the Planning report in front of you. Insofar as the report of the American Society for Planning in their recommendations for 12,000 or 15,000 square feet, we would suggest that our station is in excess of 16,000 square feet and meets that criteria, so long as it is recognized that a service station can do other things other than sell gasoline. Without seeing the report, I would suggest it recognizes the tendency to multi use service stations. If not, it is ridiculous, since many gas bars operate quite satisfactorily on 5,000 square feet or less in shopping centres.

There are two additional items in the Planning Department report I would like to comment on. First, in section 2.1, it is stated that Mohawk Oil agreed to comply with bylaw regulations when we were applying for our original permission to rebuild. Maybe I am being paranoid, but the inference that I read is that we are now reneging on this agreement. We can assure Council that at no time did we give up our rights to request a change such as we are doing now. The second item is the petition which is on file in the Clerk's Office. The Planning Department takes issue by stating that 23.4 percent of the signatures belong to people in the neighbourhood. They do not define the boundaries of the neighbourhood, so I can't quarrel with that specific. However, I will offer some statistics of my own. First of all, 23.4 percent represents about 110 people, which I would suggest is not a bad cross section. Additionally, out of the 470 signatures, 72 percent are identifiable as being Burnaby residents, while 18 percent are non Burnaby residents. The remaining 10 percent are not identified. By assigning the 10 percent not identified in the same proportion, it would appear that over 80 percent of the signatures belong to Burnaby residents.

Members of Council, I do not consider that I am up here before you asking for a favour. It is my contention that my company has served this community well, corporately and individually, and that we have rights. One of these rights is to serve our customers in a manner in which they have demonstrated they wish to be served as long as this causes no detriment to the community at large.

I would request a motion from Council tonight to amend the regulations of either the C2 or the C4 District to permit the sale of convenience groceries as a secondary use in service stations where the site size is a minimum of 14,000 square feet and meets all of the definable physical requirements."

MOVED BY ALDERMAN CONSTABLE:
SECONDED BY ALDERMAN STUSIAK:

"THAT Item 5, Municipal Manager's Report No. 29, 1982, pertaining to this subject, be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

The following are the recommendations contained in that report:

- (1) THAT Council reconfirm that the prevailing zoning bylaw regulations regarding the establishment of combination grocery store/gas station facilities are necessary to maintain appropriate development standards.
- (2) THAT a copy of this report be sent to Mr. Claude Hazle of Mohawk Oil Ltd., Suite 325, 6400 Roberts Street, Burnaby, B.C. V5G 4G2.

MOVED BY ALDERMAN CONSTABLE:
SECONDED BY ALDERMAN NIKOLAI:

"THAT further consideration of this matter be tabled pending a further report from the Director Planning & Building Inspection on the questions raised in Council this evening."

CARRIED UNANIMOUSLY

- (c) Mrs. Patricia A. Zabudsky, 4209 Southwood Street, then addressed the members of Council and introduced Mr. Ronald E. Reimer, 4637 Carson Street and advised that Mr. Reimer would be making the presentation tonight on behalf of the delegation.

"Mr. Reimer advised the members of Council that resulting from a presentation made to the Burnaby School Board regarding the closing of south slope schools, certain items in the presentation were the responsibility of the Municipal Council and not the School Board. Mr. Reimer stated that the Riverway West area is isolated as a result of geographic factors and the location of major collectors in relationship to the residential areas of the community. The speaker stated that the school closures not only affect the children of the area, but also the community as a whole. The primary concerns of the area residents are the safety of the children and the possibility of decreasing property values that may result from the school closures. The school children will be forced to travel adjacent to streets where high traffic volumes exist as they make their way to other schools in areas where schools are not being closed. There is currently an absence of sidewalks, crosswalks in critical locations, and very few traffic signals along the routes that will have to be followed by the children on their way to school. Weather conditions and lost time are also considerations that must be taken into account. Academic requirements and the basic school facilities are also items that will have a direct bearing on the children that will be required to attend other schools as a result of the schools they presently attend being closed. Mr. Reimer advised that the impact of the school closure in the neighbourhood cannot be easily assessed. Studies have shown that school closures not only affect the children, but everybody residing in the area. The outward migration of young families is already evident in the area. People would much prefer living close to a school where they

can ensure the safety of their children. The people in the area want to know who is responsible for the devaluation in property values when there is not the attraction the property enjoyed previously? Mr. Reimer, in summary, stated that major problems were with the safety of the children and what will be done to ensure that safety, and also what will be done to ensure that property devaluation will not occur to any great extent in the area as a result of the school closure.

MOVED BY ALDERMAN LAWSON:
SECONDED BY ALDERMAN DRUMMOND:

"THAT the matter of the south slope school closures be referred to the Municipal Manager for the purposes of providing a report to Council advising what is proposed for this area regarding the establishment of recreational facilities and what steps can be taken to resolve existing traffic and safety problems."

CARRIED UNANIMOUSLY

B Y L A W S

MOVED BY ALDERMAN McLEAN:
SECONDED BY ALDERMAN NIKOLAI:

"THAT Item 2, Municipal Manager's Report No. 29, 1982, pertaining to 'Burnaby Capital Expenditure Program Bylaw 1982' #7926 be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

The following is the recommendation contained in that report:

- (1) THAT the 1982-86 Capital Budget be received, approved and the necessary Budget Bylaw be brought forward.

MOVED BY ALDERMAN CONSTABLE:
SECONDED BY ALDERMAN STUSTIAK:

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

CARRIED UNANIMOUSLY

Alderman Drummond wished it to be recorded that while he would be voting in favour of the aforementioned bylaw he had various concerns regarding major road projects outlined in the 1982-86 Capital Budget.

MOVED BY ALDERMAN McLEAN:
SECONDED BY ALDERMAN NIKOLAI:

"THAT

'Burnaby Road Closing Bylaw No. 3, 1982'	#7922
'Burnaby Highway Exchange Bylaw No. 2, 1982'	#7923
'Burnaby Budget Authorization Bylaw 1982'	#7924
'Burnaby Rates Bylaw 1982'	#7925
'Burnaby Capital Expenditure Program Bylaw 1982'	#7926

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN McLEAN:
SECONDED BY ALDERMAN NIKOLAI:

"THAT the Committee now rise and report the bylaws complete."

CARRIED UNANIMOUSLY

The Council reconvened.

MOVED BY ALDERMAN McLEAN:
SECONDED BY ALDERMAN NIKOLAI:

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN McLEAN:
SECONDED BY ALDERMAN NIKOLAI:

"THAT

- 'Burnaby Road Closing Bylaw No. 3, 1982' #7922
- 'Burnaby Highway Exchange Bylaw No. 2, 1982' #7923
- 'Burnaby Budget Authorization Bylaw 1982' #7924
- 'Burnaby Rates Bylaw 1982' #7925
- 'Burnaby Capital Expenditure Program Bylaw 1982' #7926

be now read three times."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN McLEAN:
SECONDED BY ALDERMAN NIKOLAI:

"THAT Council do now resolve itself into a Committee of the Whole to consider and report on

- 'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 111, 1981' #7773
- 'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 115, 1981' #7777
- 'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 139, 1981' #7811"

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN McLEAN:
SECONDED BY ALDERMAN NIKOLAI:

"THAT the Committee now rise and report the bylaws complete."

CARRIED UNANIMOUSLY

The Council reconvened.

MOVED BY ALDERMAN McLEAN:
SECONDED BY ALDERMAN NIKOLAI:

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN McLEAN:
SECONDED BY ALDERMAN NIKOLAI:

"THAT

'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 111, 1981'	#7773
'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 115, 1981'	#7777
'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 139, 1981'	#7811

be now read a third time."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN McLEAN:
SECONDED BY ALDERMAN NIKOLAI:

"THAT

'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 32, 1981'	#7682
'Burnaby Highway Exchange Bylaw No. 1, 1982'	#7919
'Burnaby Frontage Tax Bylaw 1982'	#7920
'Burnaby Budget Authorization Bylaw 1981, Amendment Bylaw 1982'	#7921

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

CARRIED UNANIMOUSLY

CORRESPONDENCE AND PETITIONS

MOVED BY ALDERMAN McLEAN:
SECONDED BY ALDERMAN NIKOLAI:

"THAT all the following listed items of correspondence be received and those items of the Municipal Manager's Report No. 29, 1982 which pertain thereto be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

- (a) East Burnaby Ratepayers' Association, President,
Re: 1. Refuse being dumped on George Derby Hospital Lands
2. Extra item garbage pick up service
-

A letter dated 1982 April 16 was received concerning the amount of garbage and garden refuse being dumped in and around the George Derby Hospital Lands. The East Burnaby Ratepayers' Association also requested that the municipality reinstate the extra item garbage pick up service that has been available in the past.

Council was advised that a staff report on this subject would be available on 1982 May 10 and further consideration of the matter was deferred until that time.

- (b) East Burnaby Ratepayers' Association, President,
Re: Proposed changes to Municipal Act
-

A letter dated 1982 April 16 was received advising that it was the understanding of the East Burnaby Ratepayers' Association that there are proposed changes to the Municipal Act that would change and/or limit the authority and power of elected municipal officials to govern and provide services for their electorate.

The East Burnaby Ratepayers' Association urged Council to oppose in writing forthwith, any changes to the Municipal Act which would have the above mentioned undesirable affect.

- (c) Greta Nelson, Re: We love the name "Old Orchard" - we want to keep it

A letter dated 1982 April 18 was received suggesting that Council give consideration to renaming the Metrotown area to a less sterile and more picturesque name such as Orchard City, Old Orchard or Orchard Park.

MOVED BY ALDERMAN McLEAN:

SECONDED BY ALDERMAN CONSTABLE:

"THAT the question of renaming the Metrotown area be referred to a committee which will be struck by the Mayor later this year to oversee the 90th birthday celebrations of the municipality."

CARRIED UNANIMOUSLY

- (d) The Terry Fox Canadian Youth Centre, President,
Re: Request assistance in encouraging young people to attend the Terry Fox Canadian Youth Centre

A letter dated 1982 April 08 was received requesting Council's assistance in encouraging young people in this community to attend the Terry Fox Canadian Youth Centre, and in making sure that they all have an equal opportunity to participate in this initiative of the Council for Canadian Unity.

Council's assistance can be of great value in helping to promote the Centre in this community. It was respectfully requested that Council consider sending a personalized letter expressing its support for the Terry Fox Canadian Youth Centre to people in the community such as presidents of service clubs, school principals, the chair people of home and school associations, chambers of commerce, business associations and the editors of newspapers, radio and television news services, etc.

MOVED BY ALDERMAN CONSTABLE:

SECONDED BY ALDERMAN NIKOLAI:

"THAT this item of correspondence be referred to His Worship, The Mayor, for appropriate action."

CARRIED UNANIMOUSLY

- (e) Burnaby Haida Speed Skating Club, Director,
Re: Additional ice time

A copy of a letter addressed to the Burnaby Parks and Recreation Commission dated 1982 April 22 was received requesting that the Burnaby Haida Speed Skating Club be allotted additional ice time either on Tuesdays or Wednesdays between 17:00 h and 20:00 h to have more opportunity to practice and are not at such a great disadvantage when competing with skaters who enjoy two, three, or more practices a week.

- (f) Dewdney-Alouette Regional District, Chairman,
Lower Mainland Planning Review Panel,
Re: A proposed legislative framework for intermunicipal planning in metropolitan economic areas

A letter dated 1982 April 21 was received enclosing a proposal and recommendations for a legislative framework for intermunicipal planning in metropolitan economic areas.

Council was advised that a staff report on this subject would be available on 1982 May 10 and further consideration of the matter was deferred until that time.

- (g) All Saints Coquitlam Community Festival,
Parade Director, Re: Fun entry in parade - Saturday, 1982 June 05

A letter dated 1982 April 21 was received inviting the Municipal Council to participate in the parade to be held in conjunction with the 6th Annual All Saints Coquitlam Community Festival on 1982 June 05.

MOVED BY ALDERMAN LAWSON:
SECONDED BY ALDERMAN STUSIAK:

"THAT the All Saints Coquitlam Community Festival be advised that the Burnaby Municipal Council will not participate in the parade on 1982 June 05."

CARRIED UNANIMOUSLY

- (h) A.F. Kruger, Re: Occupants at 6010 Dundas Street - problem and actual hazard

A letter dated 1982 April 26 was received advising of an extremely unsatisfactory condition existing at 6010 Dundas Street. The behaviour of the tenants at this address are such that the whole neighbourhood is disturbed and upset.

Council was advised that a staff report on this matter would be available on 1982 May 10 and further consideration of the matter was deferred until that time.

- (i) Thelma L. Bowe, Re: Strong objection to proposed construction of maximum security prison on Oakalla site

A letter dated 1982 April 22 was received voicing strong objection to the proposed construction of a maximum security prison on the Oakalla site.

- (j) Mrs. Sylvia Clarke, Re: Protest Provincial Government's proposal to construct maximum security prison

A letter dated 1982 April 19 was received protesting the Provincial Government's proposal to construct a maximum security prison on the Oakalla site.

- (k) D.F. and G.M. Mee, Re: "Get rid of Oakalla Rally"

A copy of a letter dated 1982 April 27 addressed to the Honourable Allan Williams, Attorney General, Province of British Columbia, was received advising that the writers were very impressed with the "Get rid of Oakalla Rally" held in the James Cowan Theatre on 1982 April 22. The writers urged the Attorney General to take action to get rid of Oakalla.

R E P O R T S

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN McLEAN:

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

CARRIED UNANIMOUSLY

- (a) Mayor W.A. Lewarne Re: Appointment of Acting Mayor for 1982 June and July

His Worship, Mayor Lewarne, submitted a report in which it was recommended that Alderman Douglas P. Drummond be appointed Acting Mayor for the months of 1982 June and July.

His Worship further recommended that Alderman Victor V. Stusiak substitute for Alderman Drummond as Acting Mayor for the period Saturday, 1982 June 05 to Friday, 1982 June 11 inclusive. Alderman Drummond will be attending the Annual Conference of the Federation of Canadian Municipalities during this time.

MOVED BY ALDERMAN CONSTABLE:
SECONDED BY ALDERMAN LAWSON:

"THAT the recommendations of His Worship, Mayor Lewarne, be adopted."

CARRIED UNANIMOUSLY

(aa) Special Committee struck to report on B.N.R.
Project Costs, Re: B.N.R. Overpass

The Special Committee struck to report on the B.N.R. project costs submitted a report concerning its review of the B.N.R. project.

The Special Committee recommended:

- (1) THAT this report be received and recommendations therein implemented.
- (2) THAT Council give favourable consideration to recommendations 2, 3 and 4 contained in Supplementary Item 13, Municipal Manager's Report No. 29, 1982 April 26.
- (3) THAT final reading of the bylaw proceed subject to confirmation of a detailed cost estimate to be provided by Associated Engineering Services Ltd. to the Municipal Manager. This detailed cost shall show the amount of work each year, the type of work and the estimated cost to each portion and shall be subject to provincial approval.

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN EMMOTT:

"THAT the recommendations of the Special Committee on the B.N.R. project costs be adopted."

It was agreed that each of aforementioned recommendations would be voted on separately.

Recommendation No. 1	CARRIED
	OPPOSED: ACTING MAYOR BROWN DRUMMOND AND McLEAN

Recommendation No. 2	CARRIED
	OPPOSED: ACTING MAYOR BROWN DRUMMOND AND McLEAN

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN CONSTABLE:

"THAT Recommendation No. 3, aforementioned, be amended to read as follows:

'THAT final reading of the bylaw proceed subject to confirmation of a detailed cost estimate to be provided by Associated Engineering Services Ltd. to the Municipal Manager. This detailed cost shall show the amount of work each year, the type of work and the bylaw shall be subject to provincial approval.'

CARRIED UNANIMOUSLY

Recommendation No. 3 (as amended) CARRIED UNANIMOUSLY

MOVED BY ALDERMAN CONSTABLE:
SECONDED BY ALDERMAN STUSIAK:

"THAT Recommendations Nos. 2, 3 and 4, Item 13, Municipal Manager's Report No. 29, 1982, concerning the B.N.R. grade separation project be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

The following are the recommendations in question:

- (2) THAT the method of proceeding with further construction on the project be changed to one of obtaining tenders for smaller "packages" of work, based insofar as possible on the type of construction specialty.
- (3) THAT a Loan Authorization Bylaw be brought down in the amount of \$18,750,000.00.
- (4) THAT the municipality pursue all appropriate measures in attempts to obtain an increase in the amount of the grant under the Urban Transportation Assistance Program for the B.N.R. grade separation project.

MOVED BY ALDERMAN CONSTABLE:

SECONDED BY ALDERMAN STUSIAK:

"THAT Recommendations Nos. 2, 3, and 4, aforementioned, be adopted."

CARRIED

OPPOSED: ACTING MAYOR BROWN
DRUMMOND AND McLEAN

- (b) The Municipal Manager presented Report No. 29, 1982, on the matters listed following as Items 1 to 5, either providing the information shown or recommending the courses of action indicated for the reasons given:

1. Burnaby Fire Department First Quarterly Report
1982 - January, February, March

The Municipal Manager provided a report from the Director - Fire Services containing the first quarterly report for the period 1982 January, February and March.

The Municipal Manager recommended:

- (1) THAT the report of the Director - Fire Services be received for information purposes.

MOVED BY ALDERMAN CONSTABLE:

SECONDED BY ALDERMAN NIKOLAI:

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

CARRIED UNANIMOUSLY

2. 1982-1986 Capital Budget

This item was dealt with previously in the meeting in conjunction with Item 5.(e) "Burnaby Capital Expenditure Program Bylaw 1982", Bylaw No. 7926.

3. Building Permit Tabulation Report
with Revenue/Expenditure Statement
Report No. 4, 1982 March 15-April 11

The Municipal Manager provided a report from the Chief Building Inspector containing the Building Permit Tabulation Report with Revenue/Expenditure Statement for the period 1982 March 15-April 11.

The Municipal Manager recommended:

- (1) THAT this report be received for information purposes.

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MOVED BY ALDERMAN DRUMMOND:
SECONDED BY ALDERMAN LAWSON:

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

CARRIED UNANIMOUSLY

4. Rezoning Reference #104/81
Lot "B", Block 56, D.L. 189, Plan 10995
From: Residential District (R5)
To: Residential District (R9)
21 North Hythe Avenue, Rezoning Bylaw #7779

The Municipal Manager reported that on 1982 April 26 Council passed the following motions regarding Rezoning Reference #104/81, Rezoning Bylaw #7779:

1. THAT Council establish as an additional prerequisite condition of rezoning the registration of a restrictive covenant pursuant to Section 215 of the Land Title Act against the title of the proposed lots for the purpose of limiting building heights to twenty-two feet as described in the report of the Director Planning & Building Inspection dated 1982 April 13.
2. THAT this decision be subject to the concurrence of the Municipal Solicitor.

The opinion of the Municipal Solicitor on this subject is as follows:

"Bylaw #7779 was reconsidered and tabled on 1982 February 22. At the Council Meeting on 1982 April 19 the bylaw was defeated.

Section 30 of the Procedure Bylaw precludes further consideration. If the rezoning that is the subject of that bylaw is to be proceeded with, a new bylaw should be introduced.

Section 7.8(5) of the Zoning Bylaw governs the time limit for bringing forward a new application for consideration by Council.

Section 240 of the Municipal Act is not relevant to the question. That section refers only to a bylaw that has been adopted and then returned for reconsideration."

As the passage of Bylaw #7779 was dependant upon the propriety of the motion, the motion is considered to have failed as a result of the Solicitor's opinion.

The Municipal Manager recommended:

- (1) THAT this report be received for information purposes.

MOVED BY ALDERMAN LAWSON:
SECONDED BY ALDERMAN NIKOLAI:

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

CARRIED UNANIMOUSLY

5. Delegation from Mohawk Oil Co. Ltd.
Suite 325, 6400 Roberts Street, Burnaby, B.C. V5G 4G2
Combined Service Station and Grocery Store Facility
975 Willingdon Avenue

This item was dealt with previously in the meeting in conjunction with Item 4.(b) under Delegations.

1982 May 03

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 EMMOTT:

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

CARRIED UNANIMOUSLY

N E W B U S I N E S S

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN LAWSON:

"THAT the regular Council Meeting scheduled for 1982 June 07 be cancelled."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN EMMOTT:


"THAT this regular Council Meeting do now adjourn."

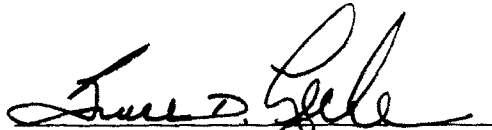
CARRIED UNANIMOUSLY

The regular Council Meeting adjourned at 21:12 h.

Confirmed:

Certified Correct:


MAYOR


DEPUTY MUNICIPAL CLERK