

A regular meeting of the Municipal Council was held in the Council Chamber, Municipal Hall, 4949 Canada Way, Burnaby, B.C. on Monday, 1985 May 13 at 7:00 p.m.

PRESENT: Mayor W.A. Lewarne (In the Chair)

Alderman D.N. Brown Alderman D.P. Drummond Alderman A.H. Emmott Alderman D.A. Lawson Alderman G.H.F. McLean Alderman E. Nikolai Alderman L.A. Rankin Alderman V.V. Stusiak

STAFF: Mr. D. Gaunt, Acting Municipal Manager

Mr. J.E. Fleming, Director Administrative & Community Services

Mr. E.E. Olson, Director Engineering

Mr. D.G. Stenson, Assistant Director - Current Planning Mr. J.G. Plesha, Administrative Assistant to Manager

Mr. T.M. Dunlop, Deputy Municipal Clerk Mrs. M. Pasqua, Committee Secretary

PRESENTATION

His Worship, Mayor Lewarne, presented the 1985 Crime Prevention Award to Sergeant Ron W. Klohn of the Burnaby Detachment, R.C.M.P. The annual award in the community is sponsored by Southland Canada Inc., represented by Mr. John Clarke, and was presented to Sergeant Klohn for development of the anti-bicycle theft program which has made a significant contribution to the community in the crime prevention area.

MINUTES

(a) The minutes of the regular Council Meeting held on 1985 May 06 came forward for adoption.

MOVED BY ALDERMAN McLEAN: SECONDED BY ALDERMAN NIKOLAI:

"THAT the minutes of the regular Council Meeting held on 1985 May 06 be now adopted."

CARRIED UNANIMOUSLY

PROCLAMATION

(a) His Worship, Mayor Lewarne, issued the following proclamation regarding "National Physical Activity Week":

"NOW THEREFORE I, William A. Lewarne, Mayor of Burnaby, do hereby proclaim the day of Monday, May 27 to Sunday, June 02, 1985, as

'NATIONAL PHYSICAL ACTIVITY WEEK'

in the District of Burnaby and urge all citizens to join in the many activities planned in celebration of Physical Activity by the Burnaby Recreation and Cultural Services Department."

DELEGATIONS

The following wrote requesting an audience with Council:

(a) L.S. Hodgkins, 1985 May 05, Re: 8621 Armstrong Avenue Spokesman - Mr. L. Hodgkins

- (b) Burnaby Multicultural Society, Chairpersons, 1985 May 01, Re: Request additional financial assistance Spokesperson - Betty Souther
- (c) Society for the Prevention of Cruelty to Animals, Vancouver Regional Branch, Secretary -Manager, 1985 May 08, Re: Robert Burnaby Park Spokesman - Michael H. Weeks
- (d) Mrs. Elizabeth Elwood, 1985 May 07, Re: Appeal Parks and Recreation Commission's recommendation to rescind Bylaws 8258 and 8330 -Robert Burnaby Park Spokesperson - Elizabeth Elwood
- (e) Ron Luft, 1985 May 08, Re: No leash bylaw in Robert Burnaby Park Spokesman - Ron Luft
- (f) Sharron Moraes, 1985 May 08, Re: Anti-Leash Bylaw Spokesperson - Sharron Moraes

MOVED BY ALDERMAN BROWN: SECONDED BY ALDERMAN LAWSON:

"THAT the delegations be heard."

CARRIED UNANIMOUSLY

(a) Mr. L.S. Hodgkins, 7639 Armstrong Avenue, addressed the members of Council regarding the sale of municipally owned property at 8621 Armstrong Avenue to the Chinese Alliance Church. The delegation advised that of the 17 households contacted with respect to the property sale, all were opposed to the acquisition and consolidation of the land by the owners of the church. The householders were also opposed to further development of the north lane in the 8600 block Armstrong Avenue and all had stated a preference for the entire portion of the vacant land being designated and used for single family residential purposes.

Earlier in the meeting, the delegation had circulated copies of his submission to the members of Council, the text of which reads as follows:

"The following are some of the concerns expressed by the Armstrong Avenue residents:

P5 Zoning allows two storey construction. The impact of this would be detrimental to this mainly residential neighbourhood.

A building height of 39.37 feet for use as a church will detract from this residential neighbourhood.

The present Saturday and Sunday parking congestion will worsen.

There is already too many pockets of non residential zoning on Armstrong Avenue.

The property will be non tax generating land.

Saturday and Sunday activities on the Cariboo Hill Secondary School ball field creates parking and traffic congestion problems presently. With the proposals before us the conditions will only worsen.

Traffic will become faster with an entrance and exit to the lane, making it unsafe for the present high rate of child pedestrian traffic.

The Municipality is unable to manage vehicular traffic in the lane now. How do they expect to manage the extra burden that will come with further lane development.

Homeowners adjacent to the lane are presently not guaranteed access from the lane to their back yards without hassel and inconvenience. This will only get worse.

It seems the majority of the church congregation come from outside this community and neighbourhood.

It also appears this church is not involved in the community or neighbourhood.

Therefore it is obvious the proposal put forward is for the sole benefit of the church.

Some comments from Armstrong Avenue homeowners if Council insists on proceeding with these undesirable proposals.

Restrict future construction on this site (8611 Armstrong Ave.) to ground level only.

New lane access be non vehicular in nature. For pedestrian traffic only with accommodation for emergency vehicles (a locked gate or locked removable posts).

Church yard be enclosed and landscaped so that it does not look like an industrial or jail compound."

- (b) His Worship, Mayor Lewarne, advised that the delegation from the Burnaby Multicultural Society had withdrawn its request to appear at this evening's Council Meeting.
- (c) Mr. Michael H. Weeks, Secretary Manager of the Vancouver Regional Branch of the B.C. Society for the Prevention of Cruelty to Animals and representing the Burnaby S.P.C.A., addressed the members of Council with respect to the off leash operation of dogs in Robert Burnaby Park. The delegation advised that approximately 25 percent of Burnaby residents are dog owners and the Society would support any means by which the health level of animals would be raised. Mr. Weeks suggested that it was essential for large dogs to run free in order to maintain good health. The Society therefore faced a dilemma prior to the introduction of the off leash areas allowed in Robert Burnaby Park. The dilemma was that while the Society advocated the best possible conditions for maintaining the health and welfare of animals (e.g. allowing large dogs to run free), it was also responsible for the enforcement of municipal bylaws which require that dogs always be on a leash.

The delegation offered to lend the resources of the Society in establishing appropriate areas within the municipality for the off leash operation of dogs. It was suggested that all municipalities should have two or three areas within their boundaries where dogs would be allowed to run off leash.

(d) Mrs. Elizabeth Elwood, 8134 Fourteenth Avenue, then addressed the members of Council on behalf of citizens who support the off leash operation of dogs in Robert Burnaby Park. Mrs. Elwood read from a prepared brief, the text of which reads as follows:

"At the Council meeting three weeks ago, I presented a testimonial from the couple who live in the caretaker's residence. This testimonial stated that the off leash bylaw had not created a problem in Robert Burnaby Park. At the May 1 meeting of the Parks and Recreation Commission, the other delegation tried to discredit our testimonial by saying that the caretaker's residence was a concrete building with small, high windows, and that no one living in such a building could possibly know what was going on outside. Now Mr. Pye is not living like the troll who lived in a hole. He and his wife are an extremely pleasant couple who are often seen walking the trails of the park. Of course they know what goes on in the area, just as we know what goes own in our own backyards.

However, and this is unfortunate from our point of view, there are too many people with regard to this issue, who through no fault of their own, have the perspective of the troll who lived in a hole, because there has not been sufficient public information made available. Neither do they understand the intent of this experiment, nor the boundaries and restrictions of the area itself. And, as is always the case when people do not understand a situation, they react negatively towards it.

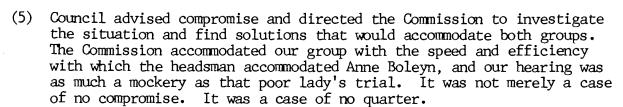
With this in mind, I have started to approach groups who have lodged complaints, so that interested parties can discuss all the implications of this experiment. I was very sorry to see we had a letter of complaint from a guide leader. Lady Baden Powell must be turning in her grave. However, I known that both Brownie packs and playschool classes take field trips through Lighthouse Park, so I will be checking with the guides to find their official attitude on this issue. I had a productive meeting with the Lakeview School Advisory Council last week, and I have meetings lined up with similar groups. I have also started canvassing our neighbourhood and have met with a 94 percent favourable response.

I think Mr. McLean made a very good suggestion at the April 22 Council meeting when he proposed that an informal meeting be set up with two or three representatives from each group so that a workable compromise could be negotiated - something that cannot be done in the formal setting of either a Council Meeting or a Parks and Recreation meeting, for such formal settings tend to result in confrontation rather than cooperation, so that an impasse is created and no one has room to move.

At the May 1st Parks and Recreation meeting, instead of following Council's suggestion to investigate the situation and find workable compromises, the Commission responded to the panic created by ignorance of the situation, and voted to recommend that Council rescind the off leash bylaws, thus eliminating the only area in all of Burnaby where dogs are allowed to walk off leash with their owners.

We have registered an appeal to the Parks and Recreation Commission on the following grounds:

- (1) One Commissioner was absent from the May 1st meeting.
- (2) The other delegations made several statements that were unsubstantiated. We believe these statements were inaccurate, and we would like the opportunity to prove that the situation has been misrepresented.
- (3) The official report from the Parks Patrol was to be presented at the May 15th meeting of the Commission. This report was supposed to provide information from an unbiased source. The staff report should be heard. To scrap this experiment now and to withhold this report is the equivalent of condemning a man before his trial has been completed and destroying the evidence that might have proved him innocent.
- (4) Two of the Commissioners made statements that indicated that they have not read all the reports on this experiment. Their lack of understanding has resulted in them publicly misrepresenting the situation. We want the opportunity to put the record straight, particularly regarding a) West Vancouver's situation; b) Dr. Curtis' article quoted by Mr. Manning; and c) staff reports on off leash areas.



The Commission responded to highly emotional arguments. However, fear and emotion are not normally allowed to dictate our laws. Polls indicate that 80 percent of the population favours a return to capital punishment. Yet what do the politicians say when presented with these statistics. 'We cannot be swayed by emotion. We must be governed by reason.'

It is not reasonable to say that all dogs are unpredictable, and therefore, none can be trusted enough to be allowed off leash. I would venture to say that any creature, if always regarded with distrust and given repressive controls, might turn vicious. If I were never given the opportunity to have fun, I might turn vicious too. Neither is it reasonable to quote gory details of dog attacks too - the name Shawn Frazer cropped up repeatedly, and there were details of injuries sustained by a child who was attacked by a dog tied to a post. Tonight, I'm sure we'll hear details of the case in the U.S. where a man was killed by his dog after collapsing and becoming entangled in the animal's chain. Of course dogs become dangers when constantly and unnaturally restrained, just as a human constantly deprived of other company or changes of scene would become dangerous and antisocial. Any dog that is antisocial should not be brought to a park, leashed or unleashed.

If the Society for Creative Anachronism can come out in full regalia and in full force, (many of them were not Burnaby residents) and practice their war games in the off leash area of the park, as they did on Sunday, May 5, and mingle in perfect harmony with the dogs and dog walkers - and the members of this society assured me that they had had no problems with the dogs in the area - then it is obvious that these fears are unfounded. This society was in the park at the busiest time of the week - a Sunday afternoon - and the members were engaging in activities that one would expect to agitate or excite a dog, yet the situation was kept under perfect control and everyone had a pleasant afternoon.

Until 1972, everywhere in Burnaby, dogs were allowed off leash as long as they were under full control of their owners. We are not proposing something new and radical. These recent bylaws are not outrageous amendments. The only outrage was changing the bylaw in the first place, without leaving some appropriate areas to be covered by the original animal bylaw so that responsible dog owners had somewhere to exercise their pets. And if that had been done, the very people who are complaining now would probably have said, 'That's reasonable.'

I cannot understand how either the Parks and Recreation Commission or the other delegation can believe that by rescinding these bylaws, the situation will improve. The reality of the situation is this: crushing this experiment and refusing us the right of appeal will be an invitation to civil disobedience. We are all aware of one basic principle. British Parliamentary Justice is based upon compliance with the intent of the law, and the intent of our leash bylaw is that dogs not be allowed to be a nuisance or a menace. Responsible dog owners will continue to comply with the intent of the law, but they will not leash their dogs on empty trails, in an empty park, through torrential rain, and during the winter season. The only difference will be that watching their dogs closely, they will be angry, indignant people with both eyes on the lookout for the pound truck. I taught high school for many years, and one of the things I learned as a teacher was that if you impose repressive restrictions on the whole school in an attempt to control the irresponsible element, even your best students will rebel and you will have anarchy on your hands. I cannot believe that Council will throw out a bylaw that says exactly what it means and return to one that has been proved ineffective time and time again both on the street and in the courts.

The other delegation has said that their main concern is the summer months, particularly weekends and after school hours. Therefore, we are certain that a compromise can be worked out. However, the Commission's offer to investigate an alternate area is tokenism, for we know how long it took them to investigate this area, and we have heard the description of the alternate area: 'One acre, possibly two, fenced, somewhere inoffensive and inaccessible.' This suggestion is impractial. The people we are representing want to walk with their dogs, to travel a course. Responsible dog owners do not need to be fenced in by this Council, and we are adamant that we will not be fenced into the equivalent of a prison yard. I am certain that this was not what Council intended when they directed the Commission to find a compromise.

I am here tonight to appeal to Council to defer their vote on these recommendations so that our appeal to the Parks and Recreation Commission can be heard and the official report from the Parks Patrol can be brought forward. I am sure that the other delegation has no more desire than we have to perpetuating the impasse we seem to have reached and will understand the need for further discussion. I am also sure that in the interests of pure justice, they will support us in our right of appeal. Thank you."

- (e) Mr. Ron Luft, 6778 Colborne Avenue, addressed the members of Council with respect to the off leash operation of dogs in Robert Burnaby Park. Mr. Luft expressed concern regarding the problem of dogs running free in municipal parks, even prior to the introduction of the experimental areas in Robert Burnaby Park. The delegation suggested that the health and welfare of pets was the owners' responsibility rather than that of the municipality and urged Council to maintain municipal parks for people rather than for animals.
- (f) Mrs. Sharron Moraes, 7991 Elwell Street, then addressed the members of Council on behalf of citizens who oppose the off leash operation of dogs in Robert Burnaby Park. Mrs. Moraes read from a prepared brief, the text of which reads as follows:

"We are here tonight to ask you to confirm the decision of the Park Commission regarding the rescinding of the off leash bylaws in Robert Burnaby Park.

This is definitely not a dog hater versus dog lover dispute. A great many of the people we are representing are dog owners, including myself. Because of the problems we are experiencing with unleashed dogs (which we have already told you about) and because our concern for the safety of people in the park, we petitioned the area within one block of the park and over 200 people, representing 95 percent of those polled, asked to have the off leash bylaws rescinded. Since we approached you last, the support to terminate the bylaws is growing immensely. Just in the last week we have collected additional signatures from Burnaby residents (as well as 50 from people in surrounding areas, which we did not include in the total). We now have a total of 1,020 Burnaby residents who have asked you to rescind the no leash bylaw. You also have letters from the Lakeview School Parents' Advisory Council and the East Burnaby Preschool supporting the position that the park is for people and that unleashed dogs present a danger. You will receive a letter this week from the Second Street Advisory Executive that states the same position. The area bordering Montrose Park, which has been mentioned as a possible off leash area, is presently being petitioned by residents. So far, over half the homes in the immediate area have been surveyed, and only one person did not sign. This is clearly not a case of one neighbourhood versus another - the support for our position has remained constant throughout Burnaby.

We suggested several compromise solutions to the Park Commission, and while the majority of people we spoke to felt that it was something they did not want to spend their tax dollars on (particularly in a time of restraint) many others felt that our compromise suggestions had merit as long as dogs and park users were separated. Many of the residents we spoke to expressed concern about the danger that unleashed dogs present to the wildlife in Robert Burnaby Park. Gary Smith, the Burnaby S.P.C.A. Manager, said that we have at least two families of deer, as well as a great many raccoons and rabbits living in the off leash area. Should they not be protected in the park from free running dogs?

As you all know, dogs are not predictable. Children and unleashed dogs together present a volatile situation - one that we do not want to see in ANY park.

On a personal note, my dog is a large Shepherd/Husky/Wolf cross. I have raised her since she was four weeks old and no one could convince me that my dog would bite anyone. I know her too well. Unfortunately, almost every dog owner feels the same way about his dog. Therein lies much of the danger!

Professional dog trainers have told us that in the current situation there is a great possibility of dogs forming packs. A dog's personality changes when in a pack and there is an even greater possibility of injury to a human.

Werner Hader of Alpine Guard and Obedience Plus told us that a pack consists of three or more dogs. When a dog is attacking it takes one person to remove one dog - one person could not remove two dogs. (Two or three large dogs being brought to the off leash area by one person is a regular occurrence).

He also said that only very rarely, when a trainer has exceptionally good control over his dog, would he be able to call off his dog once the instinct to attack took over.

Jeannine Barnhill of the Western Federation of Individuals and Dog Organizations, a dog trainer for 18 years, past president of the Junior Kennel Club and of the Siberian Husky Club of B.C., said that only about one dog in one hundred is properly trained. She stated that dogs whose temperaments are not sound often react to a scream from a child by attacking. She also stated that attacking dogs continue to go for the object they are after even if someone picks that object up. In the Shawn Frazer incident, a woman covered him with her own body and the dogs literally dragged her off to get back to the little boy who was the object of their attack. She said that no matter how well you treat and train your dog, you can NEVER remove certain instincts, including the instinct to pack and hunt. If a bitch is in season (and humans can't always tell but any male dog in the vicinity is in no doubt) an ordinarily placid dog may become aggressive. She emphasized that responsible dog owners do not want to seek the kind of problems we can expect in an off leash park area.

Dr. Carl Rothschild, a child and family psychiatrist with the Greater Vancouver Health Services said that a confrontation with a dog could have a strongly negative effect on a child, which could be lasting. An uncontrolled dog represents a physical threat to the child because the child has no control over the dog and recognizes that the dog does not have a good control over himself. Children often require psychiatric counselling after being traumatized by a dog - there may not even have been an attack - just the fear the child suffered.

Our concern is that we in Burnaby, through implementation of this no leash bylaw, are initiating another Shawn Fraser incident. It takes only one uncontrolled dog a few minutes to cause such devastation. Remember the anger of people throughout B.C. when this child was attacked. How much greater would that anger have been if this had taken place under authority of a bylaw that allowed any dog, no matter what its temperament, to run free in a park?

Ten years ago, my cousin's little girl was savagely attacked by just one large dog, and in spite of many operations she will always have a crooked eye and many facial imperfections. The suffering of the entire family, and the sacrifices they had to make for the many operations, was terrible.

One of the Park Commissioners mentioned at the last meeting that the off leash situation in West Vancouver is far from a Utopia. They recently had to hire two more staff members to deal with the problems. It seems to be working in remote areas where no one is around, but they had to go back to keeping dogs on leashes in part of Ambleside because of problems.

It was also stated that reports from the S.P.C.A., Parks employees, the Chief Licence Inspector and the Burnaby Legal Department showed serious reservations about the advisability of allowing an off leash area in a park. The Burnaby solicitor said, 'We cannot say with any assurance that a court would not assign some liability to the corporation if a dog running off leash in a park under authority of a bylaw were to injure a person'.

We feel that the probability of such a lawsuit is made greater by the fact that the dog's owner could go back to his car and leave before any authorities could arrive on the scene, but the municipality is an easy target for a lawsuit.

In the United States, off leash areas are generally not only placed in remote areas, but are fenced as well. Their dog patrol officers carry guns.

The 1,020 people we are representing tonight feel that people should be able to enjoy their parks without the fear of being confronted by unfriendly, unleashed dogs. A new subdivision of 175 homes is being surveyed adjacent to Robert Burnaby Park below the Elwell Trail, off Fourth Street. Our neighbourhood is in transition, with many young families moving in. Should they not be able to enjoy this park as other families have for years? Do all Burnaby citizens not have a duty to preserve and protect our parks for the relaxation and enjoyment of future generations? It is neither relaxing nor enjoyable to stroll through a park when around any bend in the path you may be suddenly confronted by an unfriendly, unleashed dog.

The summer months are here. The children from our area and the area below the school must go through the off leash area to get to the pool, the tennis courts, and the playground. We ask you to act now to protect their safety. What is the value of a dog's momentary happiness compared to the value of a child's future?

To ensure the continued enjoyment of our parks by all people, and to protect their safety, we ask that you implement the Park Commission's recommendation to immediately rescind the off leash bylaws."

MOVED BY ALDERMAN EMMOTT: SECONDED BY ALDERMAN DRUMMOND:

"THAT Item 08, Acting Municipal Manager's Report No. 34, 1985 May 13 be now brought forward for consideration at this time."

CARRIED UNANIMOUSLY

8. Off Leash Dog Area in Robert Burnaby Park

The Acting Municipal Manager submitted a report from the Director Recreation and Cultural Services with respect to the off leash dog area of Robert Burnaby Park. The report advises that the Parks and Recreation Commission, after reviewing all circumstances, have recommended the repealing of the dogs off leash bylaws in the subject areas of Robert Burnaby Park. The report further advises that the Commission will continue to review the question of off leash areas and make further recommendations later in 1985.

The Acting Municipal Manager recommended:

- (1) THAT Council repeal the following bylaws relating to dog off leash areas in Robert Burnaby Park:
 - a) 'Burnaby Parks Regulation Bylaw 1979, Amendment Bylaw No. 1, 1984,' Bylaw No. 8258; and
 - b) 'Burnaby Parks Regulation Bylaw 1985,' Bylaw No. 8330.

MOVED BY ALDERMAN EMMOTT: SECONDED BY ALDERMAN DRUMMOND:

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

MOVED BY ALDERMAN McLEAN: SECONDED BY ALDERMAN NIKOLAI:

"THAT consideration of this recommendation be now POSTPONED."

CARRIED

OPPOSED: ALDERMEN DRUMMOND,

EMMOTT, RANKIN AND

STUSIAK

Council postponed consideration of the recommendation until the Parks and Recreation Commission are able to receive further representations from both sides in the matter of off leash dog areas and obtain input from the S.P.C.A.

BYLAWS

FIRST, SECOND AND THIRD READINGS:

MOVED BY ALDERMAN EMMOTT: SECONDED BY ALDERMAN STUSIAK:

"THAT

'Burnaby Lease Authorization Bylaw No. 4, 1985'

#8351

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN EMMOTT: SECONDED BY ALDERMAN STUSIAK:

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

CARRIED UNANIMOUSLY

The Council reconvened.

MOVED BY ALDERMAN EMMOTT: SECONDED BY ALDERMAN STUSIAK:

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN EMMOTT: SECONDED BY ALDERMAN STUSIAK:

"THAT

'Burnaby Lease Authorization Bylaw No. 4, 1985'

#8351

be now read three time."

CARRIED UNANIMOUSLY



#8298 1520 Cliff Avenue RZ #76/84 #8300 5290 Dominion Street RZ #81/84 #8303 204 S. Madison Avenue RZ #75/84 #8338 7445 - 19th Street RZ #5/85

MOVED BY ALDERMAN EMMOTT: SECONDED BY ALDERMAN STUSIAK:

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

'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 79, 1984 #8298

'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 81, 1984' #8300

'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 84, 1984' #8303

'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 11, 1985' #8338."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN EMMOTT: SECONDED BY ALDERMAN STUSIAK:

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

CARRIED

OPPOSED: ALDERMAN McLEAN TO

BYLAWS #8298, #8300

AND #8338

ALDERMAN DRUMMOND TO

BYLAW #8303

The Council reconvened.

MOVED BY ALDERMAN EMMOTT: SECONDED BY ALDERMAN STUSIAK:

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

CARRIED

OPPOSED: ALDERMAN McLEAN TO

BYLAWS #8298, #8300

AND #8338

ALDERMAN DRUMMOND TO

BYLAW #8303

MOVED BY ALDERMAN EMMOTT: SECONDED BY ALDERMAN STUSIAK:

"THAT

'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 79, 1984 #8298

'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 81, 1984' #8300

'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 84, 1984' #8303

'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 11, 1985' #8338

be now read a third time."

CARRIED

OPPOSED: ALDERMAN McLEAN TO

BYLAWS #8298, #8300

AND #8338

ALDERMAN DRUMMOND TO

BYLAW #8303



#8297	5812 Woodsworth Street	RZ #72/84
#8342	4750 Kingsway and 6452 Fern Avenue	RZ #9/85(a)
#8343	4750 Kingsway	RZ #9/85(b)

MOVED BY ALDERMAN EMMOTT: SECONDED BY ALDERMAN STUSIAK:

"THAT

'Burnaby Zoning	Bylaw 1965,	Amendment	Bylaw No.	78,	1984'	#8297
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'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 14, 1985' #8342

'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 15, 1985' #8343

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

CARRIED

OPPOSED: ALDERMAN McLEAN TO

BYLAW #8297

CORRESPONDENCE AND PETITIONS

MOVED BY ALDERMAN STUSIAK: SECONDED BY ALDERMAN DRUMMOND:

"THAT all of the following listed items of correspondence be received and those items of the Acting Municipal Manager's Report No. 34, 1985 May 13 which pertain thereto be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

(a) John Youdale, 1985 April 26, Re: Proposed rerouting of bus route #133 (Lougheed Mall - Kootenay Loop).

A letter dated 1985 April 26 was received from Mr. John Youdale expressing concern with respect to proposed rerouting of bus route #133 in the North Burnaby area.

Item 05, Acting Municipal Manager's Report No. 34, 1985 May 13 was brought forward for consideration at this time.

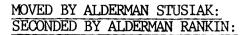
 Letter from John Youdale, 8124 Forest Grove Drive, Burnaby, B.C., V5A 4G9 Proposed Routing of Bus Route No. 133.

The Acting Municipal Manager submitted a report from the Director Planning and Building Inspection written in response to correspondence received from Mr. John Youdale regarding proposed routing of bus route #133. The report concludes with advice that a change proposed by Council substantially addresses the concerns expressed by Mr. Youdale with route linkage allowing residents from the Forest Grove area to travel westward to Brentwood where transfer to other routes could be achieved. B.C. Transit staff were in agreement with the proposed change and there would be further refinements to the transit route network with implementation of the North Burnaby (Transit) Area Plan which has been deferred to mid 1986.

The Acting Municipal Manager recommended:

(1) THAT a copy of the report be sent to:

Mr. John Youdale 8124 Forest Grove Drive Burnaby, B.C. V5A 4G9



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

CARRIED UNANIMOUSLY

(b) Barrie and Gae McFarlane, Undated, Re: Increase in volume of traffic on Walker Avenue between Burris and Kingsway.

An undated letter was received from Barrie and Gae McFarlane expressing concern at the increase in volume of traffic on Walker Avenue between Burris and Kingsway.

His Worship, Mayor Lewarne, advised that the Director Engineering is preparing a report in response to this item of correspondence to be submitted to the next regular Meeting of Council to be held on 1985 May 21.

(c) L. Wong, 1985 April 15, Re: Traffic flow on Walker Avenue.

A letter dated 1985 April 15 was received from Ms. L. Wong with respect to the traffic flow on Walker Avenue.

Item 11, Acting Municipal Manager's Report No. 43, 1985 May 13 was brought forward for consideration at this time.

 Letter from Ms. L. Wong, 6015 Walker Avenue, Burnaby, B.C., V5E 3B5 Traffic Management - Walker Avenue

The Acting Municipal Manager submitted a report from the Director Engineering written in response to correspondence received from Ms. L. Wong regarding the increase in traffic flow on Walker Avenue. The report concludes with advice that the subject area on Walker Avenue and adjacent streets is being monitored for speeding violations and action is being taken when necessary.

The Acting Municipal Manager recommended:

(1) THAT L. Wong, 6015 Walker Avenue, Burnaby, B.C. be sent a copy of the report.

MOVED BY ALDERMAN STUSIAK: SECONDED BY ALDERMAN NIKOLAI:

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

CARRIED UNANIMOUSLY

- (d) Alan and Majorie Ball, 1985 May 04, Re: Off leash bylaw in Robert Burnaby Park.
- (e) Mrs. E. Purton, 1985 April 30, Re: Against Robert Burnaby Park being used as a dog run.
- (f) Sharron Moraes, 1985 May 07, Re: Off leash area in Robert Burnaby Park.
- (g) Lakeview Parents Advisory Committee, President, 1985 May 07, Re: Unleashed dogs are a danger.

(h) East Burnaby Pre-School, 1985 May 07, Re: Robert Burnaby Park is for people, not for unleashed dogs.

> The above listed items of correspondence were received in connection with the operation of dogs off leash in Robert Burnaby Park.

(i) Killarney Champlain Citizens' Association, 1985 May 03, Re: Bus/ALRT Integration.

A letter dated 1985 May 03 was received from the Killarney Champlain Citizens' Association providing comment on the bus/ALRT integration.

His Worship, Mayor Lewarne, advised that the Director Planning and Building Inspection is preparing a report in response to this item of correspondence to be submitted to the next regular Meeting of Council to be held on 1985 May 21.

(j) Mrs. E.A. Rasmuson, 1985 May 07, Re: Asking the Corporation of Burnaby to buy my home.

A letter dated 1985 May 07 was received from Mrs. E.A. Rasmuson in which the writer requested that the Corporation of Burnaby purchase her property located 6575 McKay Avenue.

His Worship, Mayor Lewarne, advised that the Director Planning and Building Inspection is preparing a report in response to this item of correspondence to be submitted to the next regular Meeting of Council to be held on 1985 May 21.

(k) Alpha Secondary School, Students' Council Sponsor, 1985 April 04, Re: Request permission to hold parade - Friday, 1985 May 24 at 11:45 a.m.

A letter dated 1985 April 25 was received from the Alpha Secondary School requesting permission to hold a parade on 1985 May 24.

His Worship, Mayor Lewarne, advised that the Director Engineering is preparing a report in response to this item of correspondence to be submitted to the next regular Meeting of Council to be held on 1985 May 21.

TABLED MATTER

- (a) Transit Services in the Vancouver area
 - (o) Province of British Columbia, Ministry Human Resources, Minister, 1985 April 12, Re: Transit services in the Vancouver area.

A copy of a letter dated 1985 April 12 was received from the Minister responsible for Transit, Honourable Grace McCarthy, addressed to the Chairman of the Vancouver Regional Transit Commission regarding transit services in the Vancouver area. The letter responds to points raised for discussion by the Commission with respect to ALRT funding. Details of the cost sharing formula are set out in the letter.

MOVED BY ALDERMAN DRUMMOND: SECONDED BY ALDERMAN LAWSON:

"THAT this item of correspondence be now TABLED."

CARRIED UNANIMOUSLY

Council chose not to lift this matter from the table this evening.

(b) Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 10, 1985 - Bylaw No. 8337

The following matter was tabled at the regular Council Meeting held on 1985 May 06:

Alderman Stusiak:

Alderman Stusiak advised that in accordance with Section 29 of "Burnaby Procedure Bylaw 1971", Bylaw No. 6023, he wished to bring back for consideration the motion of Council as moved by Alderman McLean and seconded by Alderman Rankin, being;

"THAT the Committee now rise and report progress on

'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 10, 1985' #8337,"

which was defeated at the Council Meeting of 1985 April 29 as recorded on page 9 of the minutes of the meeting.

MOVED BY ALDERMAN STUSIAK: SECONDED BY ALDERMAN BROWN:

"THAT the motion as moved by Alderman McLean and seconded by Alderman Rankin at the regular Council Meeting held on 1985 April 29, being;

'THAT the Committee now rise and report progress on

'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 10, 1985' #8337,' be now RECONSIDERED."

CARRIED

OPPOSED: ALDERMEN DRUMMOND, LAWSON AND McLEAN

The aforementioned motion was now before Council.

MOVED BY ALDERMAN RANKIN: SECONDED BY ALDERMAN EMMOTT:

"THAT the motion as moved by Alderman McLean and seconded by Alderman Rankin at the regular Council Meeting held on 1985 April 29, being;

'THAT the Committee now rise and report progress on

'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 10, 1985' #8337,' be now TABLED."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK: SECONDED BY ALDERMAN BROWN:

"THAT the motion as moved by Alderman Rankin and seconded by Alderman Emmott at the regular Council Meeting held on 1985 May 06, being; 'THAT the motion as moved by Alderman McLean and seconded by Alderman Rankin at the regular Council Meeting held on 1985 April 29, being;

(3)

"THAT the Committee now rise and report progress on

'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 10, 1985" #8337,'

be now now LIFTED from the table."

CARRIED UNANIMOUSLY

A vote was then taken on the motion as moved by Alderman McLean and seconded by Alderman Rankin at the regular Council Meeting held on 1985 April 29, being "THAT the Committee now rise and report progress on

'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 10, 1985'

#8337,"

and same was CARRIED with Aldermen Drummond, Lawson and McLean OPPOSED.

The Council reconvened.

MOVED BY ALDERMAN STUSIAK: SECONDED BY ALDERMAN EMMOTT:

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

CARRIED

OPPOSED: ALDERMEN DRUMMOND,

LAWSON AND McLEAN

MOVED BY ALDERMAN STUSIAK: SECONDED BY ALDERMAN EMMOTT:

"THAT

'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 10, 1985'

#8337

be now read a second time."

CARRIED

OPPOSED: ALDERMEN DRUMMOND,

LAWSON AND McLEAN

REPORTS

MOVED BY ALDERMAN STUSIAK: SECONDED BY ALDERMAN BROWN:

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

CARRIED UNANIMOUSLY

(a) Mayor W.A. Lewarne

Re: Acting Mayor - 1985 June and

His Worship, Mayor Lewarne, submitted a report recommending the appointment of an Acting Mayor for 1985 June and July.

His Worship, Mayor Lewarne, recommended:

(1) THAT Alderman Douglas P. Drummond be appointed to serve in the capacity of Acting Mayor during the months of 1985 June and July.

MOVED BY ALDERMAN EMMOTT: SECONDED BY ALDERMAN LAWSON:

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

CARRIED UNANIMOUSLY

(b) Mayor W.A. Lewarne,

Re: Attendance at Annual F.C.M.
Conference

His Worship, Mayor Lewarne, submitted a report with respect to the attendance of members of Council at the Federation of Canadian Municipalities Conference on 1985 June 02 to June 06 in Calgary, Alberta. The report contains a seniority list for attendance at the 1985 Conference.

His Worship, Mayor Lewarne, recommended:

(1) THAT the 1985 seniority list for attending the F.C.M. Conference in Calgary be:

Alderman Stusiak Alderman McLean Alderman Nikolai Alderman Drummond Alderman Emmott Alderman Brown Alderman Rankin.

(2) THAT three Aldermen attend the F.C.M. Conference in 1985.

MOVED BY ALDERMAN BROWN: SECONDED BY ALDERMAN RANKIN:

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

CARRIED UNANIMOUSLY

Note: Alderman Lawson will attend the 1985 Conference as President of the Federation of Canadian Municipalities.

- (c) The Acting Municipal Manager presented Report No. 34, 1985 May 13 on the matters listed following as Item 01 to 11 either providing the information shown or recommending the courses of action indicated for the reasons given:
 - 1. Burnaby Fire Department 1st Quarterly Report 1985 January, February, March

The Acting Municipal Manager submitted a report from the Fire Chief attaching the 1st Quarterly Report for 1985 respecting the months of January, February and March.

The Acting Municipal Manager recommended:

(1) THAT the report be received for information purposes.

MOVED BY ALDERMAN STUSIAK: SECONDED BY ALDERMAN BROWN:

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

CARRIED UNANIMOUSLY

2. Retirement - Mrs. Irene Finnie

The Acting Municipal Manager submitted a report from the Personnel Director advising of the retirement of Mrs. Irene Finnie from employment with the Corporation on 1985 May 31 after 14 years of service.

The Acting Municipal Manager recommended:

(1) THAT the Mayor, on behalf of Council, send to Mrs. Finnie a letter of appreciation for her many years of loyal and dedicated service to the municipality.



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

CARRIED UNANIMOUSLY

3. Endorsement of a Decision Taken by Council "In Camera" 1985 April 22

The Acting Municipal Manager submitted a report from the Municipal Clerk regarding a decision taken by Council at a Caucus Meeting "In Camera" held on 1985 April 22 regarding extension of maximum retirement for Mrs. Dorothy E. Wrigley.

The Acting Municipal Manager recommended:

(1) THAT Council endorse at an "open" Council Meeting the decision that has been taken by Council at a Caucus Meeting "In Camera" 1985 March 22, as enumerated in the Municipal Clerk's report.

MOVED BY ALDERMAN McLEAN: SECONDED BY ALDERMAN BROWN:

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

CARRIED UNANIMOUSLY

4. Proposed Closure of Lane Allowance South Side of Lougheed Highway, West of Bainbridge Avenue, Road Closure Reference No. 4/85

The Acting Municipal Manager submitted a report from the Director Planning and Building Inspection with respect to proposed closure of the lane allowance on the south side of Lougheed Highway, west of Bainbridge Avenue. The report advises that the owner of 7018 Lougheed Highway, Microtel Limited, had submitted a request to close the subject lane allowance in connection with its negotiations to acquire privately owned property at 7092 Lougheed Highway. The report sets out recommended conditions governing the proposed closure.

The Acting Municipal Manager recommended:

(1) THAT a Road Closing Bylaw be introduced for the lane allowance on the south side of Lougheed Highway west of Bainbridge Avenue subject to the conditions outlined in the Director Planning and Building Inspection's report.

MOVED BY ALDERMAN NIKOLAI: SECONDED BY ALDERMAN LAWSON:

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

CARRIED UNANIMOUSLY

5. Letter from John Youdale, 8125 Forest Grove Drive, Burnaby, B.C., V5A 4G9 Proposed Routing of Bus Route No. 133

This item was dealt with previously in the meeting in conjunction with Item 5.(a) under Correspondence and Petitions.

1985 May 13

6. Annual Review of Corporate Planning Issues

The Acting Municipal Manager submitted a report from the Director Administrative and Community Services in connection with the annual review of Corporate Planning Issues. The report summarizes revised issues which were discussed at meetings between members of Council and the Management Committee. It was concluded that the Corporate Planning Process continues to be a useful part of the overall Management process in the Corporation and further reports will be brought forward as work progresses on Corporate Planning issues.

The Acting Municipal Manager recommended:

(1) THAT the summary of Corporate Planning Issues as attached to the report from the Director Administrative and Community Services be adopted as the revised Corporate Planning schedule.

MOVED BY ALDERMAN LAWSON: SECONDED BY ALDERMAN STUSIAK:

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LAWSON: SECONDED BY ALDERMAN EMMOTT:

"THAT the matter of adding an inventory of government assisted housing be **REFERRED** to staff for consideration and report if deemed necessary."

CARRIED
OPPOSED: ALDERMAN STUSIAK

7. Provision of Access and Site Preparation for Proposed GVS&DD Incinerator

The Acting Municipal submitted a report from the Director Planning and Building Inspection with respect to the provision of access and site preparation for the proposed GVS&DD Incinerator. The report advises of a proposal to construct a temporary access road on the Thorne Street road allowance, west of Wiggins Street and to contruct a drainage ditch on the Wheaton Street road allowance to facilitate site preparation for future construction of the proposed incinerator. The reports notes that construction of the subject works is a separate issue from the environmental considerations with respect to the proposed incinerator currently under review by Council and staff.

The Acting Municipal Manager recommended:

(1) THAT the report be received for information purposes.

MOVED BY ALDERMAN McLEAN: SECONDED BY ALDERMAN STUSIAK:

"THAT the recommendation of the Acting Municipal manager be adopted."

CARRIED UNANIMOUSLY

His Worship, Mayor Lewarne, directed that a copy of the report also be sent to the Greater Vancouver Regional District. 8. Off-Leash Dog Area in Robert Burnaby Park

This item was dealt with previously in the meeting in conjunction with Items 3.(c), (d), (e) and (f) under Delegations.

9. Letter from Mrs. Elizabeth Elwood Which Appeared on Agenda for the 1985 May 06 Meeting of Council Off-Leash Dog Area in Robert Burnaby Park

The Acting Municipal Manager submitted a report from the Chief Licence Inspector which was written in response to correspondence received from Mrs. Elizabeth Elwood suggesting that the Burnaby Dog Tax and Pound and Animal Regulation Bylaw No. 6191 be amended to specify that dog owners must "control" their dogs in all areas of the municipality. The report provides an analysis of the subject bylaw, related statutory regulations dealing with animal control and the municipality's possible liability in such matters. The report concludes with advice that the existing municipal bylaw provides clear and specific regulations and notes that it is a dog owner's responsibility to control his animal in such a way as to prevent damage or injury to property or people. More stringent controls were potentially unenforceable and less stringent control becomes subjective and open to debate or abuse.

The Acting Municipal Manager recommended:

- (1) THAT with reference to the provision in Burnaby Dog Tax and Pound and Animal Regulation Bylaw No. 6191 which allows dogs to be off leash in designated areas of parks, the leash provision of Bylaw No. 6191 not be amended; and
- (2) THAT a copy of the report be forwarded to Mrs. Elizabeth Elwood, 81234 14th Avenue, Burnaby, B.C., V3N 2B8.

MOVED BY ALDERMAN STUSIAK: SECONDED BY ALDERMAN McLEAN:

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

CARRIED UNANIMOUSLY

10. Construction of Central Boulevard & McMurray Avenue

The Acting Municipal Mananger submitted a report from the Director Engineering regarding the construction of Central Boulevard and McMurray Avenue. The report notes that the road improvements projects have been given priority for construction in 1985 and their high priority relates to the realigned bus transit system which recognizes the new ALRT and the acceleration of a major commercial core development.

The Acting Municipal Manager recommended:

(1) THAT the Municipal Solicitor be directed to bring forward a Capital Works Machinery and Equipment Reserve Fund Bylaw in the amount of \$995,000.00 being the total estimated cost of construction for Central Boulevard and McMurray Avenue.

MOVED BY ALDERMAN STUSIAK: SECONDED BY ALDERMAN McLEAN:

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

CARRIED UNANIMOUSLY

11. Letter from Ms. L. Wong, 6015 Walker Avenue, Burnaby, B.C., V5E 3B5 Traffic Management - Walker Avenue

This item was dealt with previously in the meeting in conjunction with Item 5.(c) under Correspondence and Petitions.

MOVED BY ALDERMAN STUSIAK: SECONDED BY ALDERMAN McLEAN:

"THAT the Committee now rise and report."

CARRIED UNANIMOUSLY

The Council reconvened.

MOVED BY ALDERMAN STUSIAK: SECONDED BY ALDERMAN McLEAN:

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

CARRIED UNANIMOUSLY

NEW BUSINESS

Mayor Lewarne

His Worship, Mayor Lewarne, advised that the Corporation was now in receipt of a legal buget and tax rate bylaw submitted by the Board of School Trustees, School District No. 41 - Burnaby and recommended that the tax rate bylaw of the Board of School Trustees, School district No. 41 - Burnaby be now approved.

MOVED BY ALDERMAN STUSIAK: SECONDED BY ALDERMAN EMMOTT:

"THAT the tax rate bylaw of the Board of School Trustees, School District No. 41 - Burnaby be now approved."

CARRIED UNANIMOUSLY

ENQUIRIES

Alderman McLean

Alderman McLean enquired as to the status of his request for information on possible municipal bylaw violations with respect to certain properties zoned R9.

In response, the Assistant Director - Current Planning, Mr. D.G. Stenson, advised that a response in this matter would be provided with the next agenda.

Alderman McLean then enquired as to the status of structures at the rear of the Astor Hotel.

In response, the Assistant Director - Current Planning, Mr. D.G. Stenson, advised that the structures were temporary shacks and storage sheds to hold furnishings and equipment during the renovation of the Astor Hotel.

Alderman McLean also enquired as to the responsibility for excavations in newly completed blacktop in the Kingsway/Patterson vicinity. Alderman McLean suggested that the backfill and resurfacing work carried out following these excavations was unsatisfactory and represented a hazard to traffic.

In response, the Director Engineering, Mr. E.E. Olson, advised that B.C. Hydro was responsible for the excavation and installation of new gas mains and undertook to follow up this enquiry with B.C. Hydro.

Alderman Drummond

Alderman Drummond enquired with respect to possible delay of installation of an afterburner at Web Press which had been the subject of earlier complaints with respect to local air pollution.

His Worship, Mayor Lewarne, then requested that staff investigate this matter and circulate a letter to members of Council with advice as to the installation date.

Alderman Drummond then enquired as to the procedure for appeals with respect to decisions rendered by the Board of Variance.

In response, His Worship, Mayor Lewarne, advised of the provisions of the Municipal Act and Board of Variance Bylaw for appeals.

Alderman Drummond also requested information with respect to problems associated with the new Kensington/BNR Overpass, specifically traffic backups at peak periods on Sprott Street. Alderman Drummond further requested information with respect to problems associated with concrete work on the overpass.

In response, the Director Engineering, Mr. E.E. Olson, advised that staff is investigating and would act on both improvements to traffic flow and possible concrete problems following an examination by the consulting engineers.

Alderman Brown

Alderman Brown enquired as to the effects on traffic patterns following the opening of the new Kensington/BNR Overpass.

In response, the Director Engineering, Mr. E.E. Olson, advised that traffic counts for area streets will be updated.

Alderman Nikolai

Alderman Nikolai enquired on behalf of a Broadway resident who was experiencing difficulty with parking restrictions outside her property.

In response, the Director Engineering, Mr. E.E. Olson, undertook to investigate the complaint and take appropriate action to provide a solution to the problem.

MOVED BY ALDERMAN STUSIAK: SECONDED BY ALDERMAN McLEAN:

"THAT this regular Council Meeting do now adjourn."

CARRIED UNANIMOUSLY

The regular Council Meeting adjourned at 9:59 p.m.

lim a Lusane

Confirmed:

Certified Correct:

DEPUTY MUNICIPAL CLERK