

1987 OCTOBER 13

A regular meeting of the Municipal Council was held in the Council Chamber, Municipal Hall, 4949 Canada Way, Burnaby, B. C. on Tuesday, 1987 October 13 at 7:00 p.m.

PRESENT: Mayor W.A. Lewarne (In the Chair)  
Alderman R.G. Begin  
Alderman D.P. Drummond  
Alderman G.H.F. McLean  
Alderman E. Nikolai  
Alderman L.A. Rankin  
Alderman V.V. Stusiak

ABSENT: Alderman A.H. Emmott  
Alderman S.G. Veitch

STAFF: Mr. M.J. Shelley, Municipal Manager  
Mr. R.H. Moncur, Director Administrative & Community Services  
Mr. E.E. Olson, Director Engineering  
Mr. A.L. Parr, Director Planning & Building Inspection  
Mr. J.G. Plesha, Administrative Assistant to Manager  
Mr. C.A. Turpin, Municipal Clerk  
Mr. R.D. Seath, Administrative Officer II

His Worship, Mayor Lewarne advised that Alderman Emmott was attending a Federation of Canadian Municipality's Board of Directors Meeting in Regina and further that Alderman Veitch was attending the Commonwealth Conference being hosted by the City of Vancouver.

M I N U T E S

- (a) The minutes of the regular Council Meeting and Caucus Meeting "In Camera" held on 1987 October 05 then came forward for adoption.

MOVED BY ALDERMAN MCLEAN:

SECONDED BY ALDERMAN STUSIAK:

"THAT the minutes of the regular Council Meeting and Caucus Meeting "In Camera" held on 1987 October 05 be now adopted."

CARRIED UNANIMOUSLY

D E L E G A T I O N

The following wrote requesting an audience with Council:

- (a) Mrs. Hannah Gay, 1987 October 05  
Re: Deer Lake Avenue improvements  
Speaker - Hannah Gay

MOVED BY ALDERMAN MCLEAN:

SECONDED BY ALDERMAN STUSIAK:

"THAT the delegation be heard."

CARRIED UNANIMOUSLY

- (a) Mrs. Hannah Gay, 6176 Price Street then addressed the members of Council and firstly advised of her disappointment at Council's decision not to adhere to her request to table the Manager's Report Item dealing with her letter to Council. Mrs. Gay requested that two changes be made to the report and further advised of her general disappointment with the content of the report. The speaker advised that the Engineering Department policy of allowing public access to plans does not constitute access to information. Mrs. Gay found it difficult to read the plans and was sure other members of the public would also have the same difficulty. The speaker recommended that a change in policy be instituted that would allow public input at the preliminary stage with continuing information being provided to those most directly affected as opposed to the present policy which provides for public input at the conceptual stage. In concluding her presentation Mrs. Gay requested that the Engineering Department consider its attitude with respect to its information sharing measures.

A copy of the Delegation's presentation is on file in the office of the Municipal Clerk.

BYLAWS

FIRST READING:

"THAT

- 'Burnaby Sign Bylaw 1972, Amendment Bylaw 1987' #8870
- 'Burnaby Street and Traffic Bylaw 1974, Amendment Bylaw 1987' #8871
- 'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 118, 1987' #8872

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 STUSIAK:

"THAT the Committee now rise and report progress on the bylaws."

CARRIED UNANIMOUSLY

The Council reconvened.

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 NIKOLAI:

"THAT

- 'Burnaby Sign Bylaw 1972, Amendment Bylaw 1987' #8870
- 'Burnaby Street and Traffic Bylaw 1974, Amendment Bylaw 1987' #8871
- 'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 118, 1987' #8872

be now read a first time."

CARRIED UNANIMOUSLY

CONSIDERATION AND THIRD READING:

RZ #42/87 - 6669 Tenth Avenue  
From Residential District (R5) and  
General Industrial District (M2) to  
Comprehensive Development District (CD)  
Based on M2 General Industrial District guidelines

Alderman Stusiak was given leave to introduce a motion to amend a previously adopted motion of Council. The following recommendation was adopted, as amended, by Council at the regular Council meeting held on 1987 May 19:

- (1) THAT a rezoning bylaw be prepared and advanced to First Reading on 1987 May 25 and to a Public Hearing on 1987 June 16 at 7:30 p.m. and that the following be established as prerequisites to the rezoning:
  - (a) The submission of a suitable plan of development.

- (b) The deposit of sufficient monies to cover the costs of all services necessary to serve the site and the completion of a servicing agreement covering all requisite services. All services are to be designed and constructed to the approval of the Director Engineering. One of the conditions for the release of occupancy permits will be the completion of all requisite services.
- (c) The installation of all electrical, telephone and cable servicing, and all other wiring underground throughout the development, and to the point of connection to the existing service where sufficient facilities are available to serve the development.
- (d) The consolidation of a covenant to ensure use of the subject site by B.C. Transit only, and to preclude its separate sale prior to completion of the Tenth Avenue/Marine Way Connector to its finished standard.
- (f) The granting of any necessary easements.
- (g) The payment of property taxes for the Skytrain Maintenance Yard site.

MOVED BY ALDERMAN STUSIAK:  
SECONDED BY ALDERMAN DRUMMOND:

"THAT prerequisite (g) of Rezoning Reference No. 42/87 which reads as follows:

- (g) The payment of property taxes for the Skytrain Maintenance Yard site.

be ~~DELETED~~ and the following words substituted therefore:

- (g) THAT the warehouse facility to be constructed on Lot 76, Plan 67185, will be considered an integral part of the maintenance service facility operated by British Columbia Transit on Lot 75, Plan 67185."

CARRIED UNANIMOUSLY

CONSIDERATION AND THIRD READING:

#8697	7206 Hastings Street	RZ #118/86
#8762	6669 Tenth Avenue	RZ #42/87
#8763	5051 Still Creek Street	RZ #48/87
#8802	5000 Kingsway	RZ #8/87A

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. 9, 1987' #8697
- 'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 38, 1987' #8762
- 'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 39, 1987' #8763
- 'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 60, 1987' #8802"

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK:  
SECONDED BY ALDERMAN MCLEAN:

"THAT 'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 9, 1987', Bylaw #8697 be now **TABLED.**"

CARRIED UNANIMOUSLY

This bylaw was tabled to allow staff to provide a further report on the amendment made to the Hastings Street widening requirement.

MOVED BY ALDERMAN MCLEAN:  
SECONDED BY ALDERMAN STUSIAK:

"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. 9, 1987' #8697
- 'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 38, 1987' #8762
- 'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 39, 1987' #8763
- 'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 60, 1987' #8802

be now read a third time."

CARRIED UNANIMOUSLY

RECONSIDERATION AND FINAL ADOPTION:

MOVED BY ALDERMAN MCLEAN:  
SECONDED BY ALDERMAN NIKOLAI:

"THAT

- 'Burnaby Park Dedication Bylaw 1987' #8818
- 'Burnaby Mobile Poll Bylaw 1987' #8833
- 'Burnaby Road Closing Bylaw No. 6, 1987' #8869

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

CARRIED UNANIMOUSLY

ABANDONMENT:

MOVED BY ALDERMAN MCLEAN:  
SECONDED BY ALDERMAN NIKOLAI:

"THAT

- 'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 49, 1987' #8789

be now abandoned."

CARRIED UNANIMOUSLY

C O R R E S P O N D E N C E   A N D   P E T I T I O N S

MOVED BY ALDERMAN STUSIAK:  
SECONDED BY ALDERMAN MCLEAN:

"THAT all of the following listed items of correspondence be received and those items of the Municipal Manager's Report No. 62, 1987 October 13 which pertain thereto be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

- (a) City of Ottawa, Office of the Alderman,  
Riverside Ward, 1987 September 18  
Re: Amnesty International

A letter dated 1987 September 18 was received firstly inviting Council to become an active member of Amnesty International and secondly requested that Burnaby join in forming an "elected officials" or more simply, a "politician's" network in Amnesty International.

Council chose to take no action respecting this item of correspondence.

- (b) Solicitor General Canada, Coordinator,  
National Crime Prevention Week  
1987 August 27  
Re: National Crime Prevention Week  
- 1987 November 01 to 07 inclusive

A letter dated 1987 August 27 was received requesting the municipality to proclaim 1987 November 01 to 07 as National Crime Prevention Week within the municipality.

- (c) B.C. Transit, Corporate Secretary  
1987 September 30  
Re: Developing acceptable transit  
funding formula

A letter dated 1987 September 30 was received providing Council with the "principles" of a new transit funding formula.

MOVED BY ALDERMAN MCLEAN:  
SECONDED BY ALDERMAN NIKOLAI:

"THAT Council request from B.C. Transit copies of Agendas and Minutes of all B.C. Transit meetings."

CARRIED UNANIMOUSLY

- (d) Province of British Columbia  
Ministry of Forests and Lands  
Regional Lands Manager  
1987 October 07  
Re: Requirement of legal survey  
to facilitate free Crown grant  
for lands to form part of Deer  
Lake Park

A letter dated 1987 October 07 was received advising of the recent approval by the Lieutenant Governor in Council ordering issuance of a free Crown grant to the Corporation of the District of Burnaby for the lands located east of Willingdon Avenue which are to form part of the Deer Lake Park, subject to a legal survey at the Municipality's expense, limited to the specific purpose of a park, and subject to reversion if not so used.

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) Advisory Planning Commission  
Re: Draft Official Community Plan

The Advisory Planning Commission submitted a report informing Council of its overall expression of support for the draft Official Community Plan for Burnaby.

The Advisory Planning Commission recommended:

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

MOVED BY ALDERMAN STUSIAK:  
SECONDED BY ALDERMAN MCLEAN:

"THAT the recommendation of the Advisory Planning Commission be adopted."

CARRIED UNANIMOUSLY

(b) Traffic Safety Committee  
Re: Traffic Matters

- 1. CAMBRIDGE STREET AND ESMOND AVENUE

The Traffic Safety Committee submitted a report in response to a delegation before the Committee requesting a solution to the current problem of numerous traffic accidents at the intersection of Cambridge Street and Esmond Avenue.

The Traffic Safety Committee recommended:

- (1) THAT a diverter be placed in the intersection of Cambridge Street and Esmond Avenue as noted in the report.
- (2) THAT Mrs. Anne L. Smith, 3785 Oxford Street, Burnaby, B.C., V5C 1C1 be sent a copy of the report.

MOVED BY ALDERMAN RANKIN:  
SECONDED BY ALDERMAN MCLEAN:

"THAT the recommendations of the Traffic Safety Committee be adopted."

CARRIED UNANIMOUSLY

- 2. BURRIS/OAKLAND/WALKER/SPEHLING

The Traffic Safety Committee submitted a report recommending a course of action to be taken concerning Burris/Oakland/Walker/Sperling Avenues.

The Traffic Safety Committee recommended:

- (1) THAT Council approve the painting of left turn storage bays on Burris/Oakland/Walker/Sperling Avenues.
- (2) THAT Council approve the installation of a fully actuated pedestrian/vehicle traffic signal at the intersection of Burris Street and Walker Avenue.

MOVED BY ALDERMAN RANKIN:  
SECONDED BY ALDERMAN STUSIAK:

"THAT the recommendations of the Traffic Safety Committee be adopted."

CARRIED UNANIMOUSLY

Arising out of Council's consideration of this report item, Alderman Drummond was given leave to introduce the following motion.

MOVED BY ALDERMAN DRUMMOND:  
SECONDED BY ALDERMAN MCLEAN:

"THAT staff be directed to report back to the Traffic Safety Committee following a period of six months from the date of the installation of the traffic signal at Burris Street and Walker Avenue, providing the traffic counts on Sperling Avenue and Walker Avenue and advising of any other traffic related problems that have occurred in the area."

CARRIED UNANIMOUSLY

- (c) Mayor W.A. Lewarne  
Re: Municipal Appointees to the North  
Fraser Harbour Commission

His Worship, Mayor Lewarne, submitted a report recommending municipal appointees to the North Fraser Harbour Commission.

His Worship, Mayor Lewarne, recommended:

- (1) THAT Mrs. Irene Frith and Mr. Irvin Froese be reappointed and appointed, respectively as the Municipal appointees to the North Fraser Harbour Commission.

MOVED BY ALDERMAN STUSIAK:  
SECONDED BY ALDERMAN MCLEAN:

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

CARRIED UNANIMOUSLY

- (d) Mayor W.A. Lewarne  
Re: Council Meetings during  
the Christmas Season

His Worship, Mayor Lewarne, submitted a report concerning Council meeting dates during the Christmas season.

His Worship, Mayor Lewarne, recommended:

- (1) THAT Council meetings NOT be held on 1987 December 21 and December 28.

MOVED BY ALDERMAN BEGIN:  
SECONDED BY ALDERMAN DRUMMOND:

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

CARRIED UNANIMOUSLY

- (e) The Municipal Manager presented Report No. 62, 1987 October 13 on the matters listed following as Items 01 to 07 either providing the information shown or recommending the courses of action indicated for the reasons given:

1. Work Order:  
No. 60-14-108 - Traffic Signal, Kingsway and Willingdon

The Municipal Manager submitted a report from the Director Engineering advising that the Municipal share of a left turn phase traffic signal for southbound Willingdon Avenue to eastbound Kingsway is two thousand dollars.

The Municipal Manager recommended:

- (1) THAT Work Order No. 60-14-108 - traffic signal, Kingsway and Willingdon Avenue, be approved.

CARRIED UNANIMOUSLY

Arising out of Council's consideration of this report item, Alderman Stusiak was given leave to introduce the following motion:

MOVED BY ALDERMAN STUSIAK:  
SECONDED BY ALDERMAN MCLEAN:

"THAT Council strenuously request of the provincial government that the left turn phase for the northbound and westbound traffic at the Kingsway/Willingdon Avenue intersection be completed at the same time as the work just approved by Council for the left turn phase for southbound Willingdon Avenue and eastbound Kingsway and that funds be made available for this work."

CARRIED UNANIMOUSLY

2. Council Enquiry regarding Assessments on  
7151 Edmonds Street and 7377 Salisbury Avenue

The Municipal Manager submitted a report from the Director Finance responding to a request of Council that a report be brought forward on the "suggested incongruities in the assessed properties located at 7151 Edmonds Street and 7377 Salisbury Avenue." The Director Finance advised that as a result of the review the assessed values of some of the properties have changed. The adjustments have been made through the 1987 supplementary role and applied to the 1987 taxation year.

The Municipal Manager recommended:

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

MOVED BY ALDERMAN STUSIAK:  
SECONDED BY ALDERMAN DRUMMOND:

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

CARRIED UNANIMOUSLY

3. Rezoning Reference No 38/87  
A Portion of 8822 Boundary Road

The Municipal Manager submitted a report from the Director Planning and Building Inspection examining the proposal to register a covenant against the proposed M1 (Manufacturing District) component of the Marine Way Estates comprehensive industrial park. It is concluded that, in this particular situation, this action is warranted to ensure that potentially large, bulky buildings will not dominate the adjacent park area. Provision is also made to reduce the impact of outdoor storage yards through the provision of landscape screening elements in individual developments.

The Municipal Manager recommended:

- (1) THAT Council endorse the application of a 30 metre building setback from the easterly property line of the proposed M1 area as more particularly described in the report.

MOVED BY ALDERMAN MCLEAN:  
SECONDED BY ALDERMAN DRUMMOND:

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

MOTION DEFEATED  
FOR: ALDERMEN DRUMMOND,  
MCLEAN AND RANKIN  
OPPOSED: MAYOR LEWARNE, ALDERMEN  
BEGIN, NIKOLAI AND  
STUSIAK

4. Subdivision Servicing Agreement  
Subdivision Reference No. 65/87  
Lougheed Highway/Boundary Road

The Municipal Manager submitted a report from the Approving Officer advising that the Planning and Building Inspection Department report that the subdivider has completed requirements leading to final approval of Subdivision Reference No. 65/87.

The Municipal Manager recommended:

- (1) THAT Council authorize the preparation and execution of the servicing agreement for Subdivision Reference No. 65/87.

MOVED BY ALDERMAN NIKOLAI:  
SECONDED BY ALDERMAN MCLEAN:

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

CARRIED UNANIMOUSLY



- 5. Letter from Mr. Jozef Hajdu which appeared on the Agenda for the September 28th Meeting of Council Inlaw Suite in Two-Family Dwelling 6725-27 Lakeview Avenue

The Municipal Manager submitted a report from the Director Planning and Building Inspection written in response to a letter received expressing the writers desire to have approval for his granddaughter to live in the basement accommodation in his two-family dwelling which is located in an R5 Residential Zone.

The Municipal Manager recommended:

- (1) THAT a copy of this report be sent to Mr. Jozef Hajdu, 6727 Lakeview Avenue, Burnaby, B.C., V5E 2P6.

MOVED BY ALDERMAN MCLEAN:

SECONDED BY ALDERMAN NIKOLAI:

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

CARRIED UNANIMOUSLY

- 6. Faminow vs. District of North Vancouver Applications for In-Law Accommodations

The Municipal Manager submitted a report from the Director Planning and Building Inspection advising of the action the municipality intends to take regarding a recent decision in the supreme court of British Columbia which held that municipalities cannot restrict the occupancy of suites by reference to family relationship. An appeal is pending and for this reason staff are currently holding new applications for in-law suite licenses in abeyance and, unless otherwise directed, will continue with this approach until the legislative authority of the municipality with respect to such suites has been defined.

The Municipal Manager recommended:

- (1) THAT Council receive this report for information purposes.

MOVED BY ALDERMAN NIKOLAI:

SECONDED BY ALDERMAN MCLEAN:

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

CARRIED

OPPOSED: ALDERMAN STUSIAK

Arising out of Council's consideration of this report item Alderman Stusiak was given leave to introduce the following motion:

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN MCLEAN:

"THAT staff be requested to bring forward a report providing background information respecting the supreme court decision."

CARRIED UNANIMOUSLY

- 7. Illegal Suite Investigation Tabulation Report No. 2 From 1987 June 01 to 1987 September 30

The Municipal Manager submitted a report from the Director Planning and Building Inspection providing a tabulation report summarizing illegal suite complaints received and investigations undertaken by the Building Inspection Division between 1987 June 01 and 1987 September 30.

The Municipal Manager recommended:

- (1) THAT Council receive this report for information purposes.

MOVED BY ALDERMAN NIKOLAI:  
SECONDED BY ALDERMAN MCLEAN:

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

CARRIED UNANIMOUSLY

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 changes required to the area rezoning bounded by Canada Way, Elwell Street, Walker Avenue and Morley Street will be handled by way of a new rezoning application dealing strictly with properties on Imperial Street.

ENQUIRIES

Alderman Nikolai

Alderman Nikolai enquired as to the rules, regulations and penalties as they pertain to the use of fireworks and firecrackers. Alderman Nikolai noted that he had received a letter of complaint regarding the use of firecrackers.

The Director Administrative and Community Services, Mr. R.H. Moncur, in response to Alderman Nikolai's enquiry advised that the use of fireworks are permitted for a short period of time in conjunction with Halloween and the use of firecrackers are prohibited by law.

His Worship, Mayor Lewarne, further advised that he requested that articles be placed in the Burnaby Now detailing the rules and regulations concerning fireworks and firecrackers for the various jurisdictions in the Lower Mainland.

MOVED BY ALDERMAN STUSIAK:  
SECONDED BY ALDERMAN MCLEAN:

"THAT this Regular Council Meeting do now adjourn."

CARRIED UNANIMOUSLY

The regular Council Meeting adjourned at 9:08 p.m.

Confirmed:

Certified Correct:

  
MAYOR

  
MUNICIPAL CLERK