

ITEM 22
MANAGER'S REPORT NO. 22
COUNCIL MEETING 89/03/20

RE: LETTER FROM MR. BRUCE SHIPLEY WHICH AS A DELEGATION AT THE MARCH 06TH MEETING OF COUNCIL
EXCLUSION OF PORTION OF PRICE STREET BETWEEN SMITH AVENUE AND CHESHAM AVENUE FROM THE LOCAL IMPROVEMENT LIGHTING PROJECT

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendations of the Director Engineering be adopted.

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TO: MUNICIPAL MANAGER 1989 MARCH 08

FROM: DIRECTOR ENGINEERING

SUBJECT: LOCAL IMPROVEMENT PROJECT 88032, ORNAMENTAL STREET LIGHTING ON PRICE STREET, SMITH AVENUE TO PATTERSON AVENUE.

PURPOSE: TO RESPOND TO A DELEGATION REQUESTING THE EXCLUSION OF THE PORTION OF PRICE STREET BETWEEN SMITH AVENUE AND CHESHAM AVENUE FROM THE LOCAL IMPROVEMENT LIGHTING PROJECT.

RECOMMENDATIONS:

1. THAT Council confirm proceeding with the street lighting project on Price Street from Smith Avenue to Patterson Avenue, as originally initiated.
2. THAT Mr. Bruce Shipley of 3845 Price Street, Burnaby, B.C., V5G 2L1, be provided with a copy of this report.

REPORT

SUMMARY:

On 1989 March 06 Council received a delegation regarding the Local Improvement (LIP) ornamental streetlighting project on Price Street, Smith Avenue to Patterson Avenue. Mr. Bruce Shipley, the delegate representing the four affected property owners in the block of Price Street between Smith and Chesham Avenues, requested the exclusion of that block from the project. He felt there would be no significant improvement in the level of lighting and it was his contention that construction would significantly affect several trees.

Staff has reevaluated the project and although Council has legal powers to reduce the scope of work, staff would recommend that the original project limits be retained as initiated.

BACKGROUND:

Current practice requires that a written request be submitted to the Engineering Department in order for a street to be included in a proposed Local Improvement lighting program. In this particular instance, a written request from the 4000 block Price Street was submitted for improved lighting.

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The request expressed concerns of inadequate lighting and the attendant break-ins and traffic hazards.

In accordance with current practice, staff undertook a review of the proposed project to determine its overall viability. The feasibility study included an investigation of a power source, the existence of other permanent ornamental lighting in the vicinity and the consequential availability of continuity of lighting levels. These checks suggested that appropriate local improvement limits would extend between Smith Ave and Patterson Ave. Both are collector streets and therefore are logical termination points. Ornamental street lighting on Price Street would provide continuity in a finished standard of lighting, consistent with the overall objective of the streetlighting program. A higher standard of lighting is generally recognized as a means of improving the safety of pedestrians and vehicular traffic, and a deterrent to crime.

The Price Street project was initiated as part of the 1988 LIP street lighting program during November 1988. Statistics pertaining to the proposed work as presented in the Certificate of Sufficiency are as follows:

No. of property owners	-	25
Majority required to defeat	-	13
No. of objections	-	3

All three objections were received from the block of Price Street between Chesham Avenue and Smith Avenue. As required by the Municipal Act, the Municipal Clerk advised Council that insufficient objections had been received to defeat the works.

CURRENT SITUATION:

On 1989 March 06 Council received a delegation regarding the Local Improvement (LIP) ornamental streetlighting project on Price Street, Smith Avenue to Patterson Avenue. Mr. Bruce Shipley, the delegate representing the four property owners in the 3800 block of Price Street, expressed concerns that the area bounded by Smith Avenue on the west and Chesham Avenue on the east would not benefit significantly from the proposed LIP project and as such should be excluded from the project.

Mr. Shipley made specific reference to section 658 of the Municipal Act as the vehicle for exclusion of a portion of Price Street. This section of the Act relates to a request for works and not an exclusion. In order to use this section of the Act to achieve exclusion would require the property owners to defeat the original project and resubmit a petition for revised works. As council is aware, there was a very substantial margin of acceptance of the original project and Section 658 of the Municipal Act is not applicable to altering the limits of this project.

However, Section 667 of the Act, Reduction of Scope of Work, states, in part;

"where a work has been undertaken by local improvement under this Act or the former Local Improvement Act, if the work has been constructed or carried out in part and the council deems it inadvisable or impracticable to complete the work

- (a) if the frontage tax assessment roll prepared for the work has not been authenticated, the council may amend the construction bylaw in so far as it relates to the extent of the work:"

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Council could therefore reduce the scope of the work as requested by Mr. Shipley, if Council has reason to deem it inadvisable or impracticable to complete the work.

Leased lights exist on the south side of Price Street, including intersections at Smith Avenue and Chesham Avenue. However, these lights are attached to B.C. Hydro poles over which the Corporation has no control and which could be removed at some future date.

New steel poles for the proposed project would be located on the north side and would not require the removal of any trees; however, minimal trimming would be required at 3821 Smith Avenue. The pole to be located close to the intersection of Chesham Avenue and Price Street would have no impact on the trees at 3845 Price Street. Staff considered the option of locating the proposed lighting to the south side but it was found that new poles in this location would interfere with existing utility wires.

Staff are of the opinion that it would be undesirable to introduce discontinuity by removing isolated pockets of improvements from more comprehensive projects and would therefore recommend that the project be retained and proceeded with as previously approved.

Staff have discussed the ramifications of this project with Mr. Shipley and have shared with him the contents of this report.

AAS/
Attach.
cc: Municipal Clerk
Municipal Solicitor


E. E. Olson, P. Eng.
DIRECTOR ENGINEERING

