

1989 APRIL 03

A regular meeting of the Municipal Council was held in the Council Chamber, Municipal Hall, 4949 Canada Way, Burnaby, B.C. on Monday, 1989 April 03 at 7:00 p.m.

PRESENT: Mayor W.J. Copeland (In the Chair)  
Alderman R.G. Begin  
Alderman D.R. Corrigan (Arrived 7:02 p.m.)  
Alderman D.P. Drummond  
Alderman E. Nikolai  
Alderman L.A. Rankin (Arrived at 7:09 p.m.)  
Alderman J. Young

ABSENT: Alderman F.G. Randall  
Alderman J.M. Sawicki

STAFF: Mr. R.H. Moncur, Acting Municipal Manager  
Mr. W.C. Sinclair, Deputy Director Engineering  
Mr. D.G. Stenson, Deputy Director Planning & Building Inspection  
Mr. J.G. Plesha, Administrative Assistant to Manager  
Mr. C.A. Turpin, Municipal Clerk  
Mrs. D.R. Comis, Deputy Municipal Clerk

M I N U T E S

1. The minutes of the regular Council Meeting and Caucus Meeting "In Camera" held on 1989 March 20 then came forward for adoption.

MOVED BY ALDERMAN NIKOLAI:  
SECONDED BY ALDERMAN BEGIN:

"THAT the minutes of the regular Council Meeting and Caucus Meeting "In Camera" held 1989 March 20 be now adopted."

CARRIED UNANIMOUSLY

D E L E G A T I O N

The following wrote requesting an audience with Council:

1. Mr. Steve Zeswick, 1989 March 29,  
Re: Recycling Project  
Speaker - Mr. Steve Zeswick

MOVED BY ALDERMAN NIKOLAI:  
SECONDED BY ALDERMAN BEGIN:

"THAT the delegation be heard."

CARRIED UNANIMOUSLY

1. Mr. Steve Zeswick, 7397 Kingsway appeared before Council to express appreciation for the introduction of the interim recycling program. The speaker provided Council with various suggestions for recycling projects to assist the Municipal recycling initiatives.

Arising from the discussion Council requested that staff look into some of the delegation's suggestions.

Alderman Corrigan entered the Council Chambers at 7:02 p.m. and took his place at the Council table.

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 DRUMMOND:  
SECONDED BY ALDERMAN NIKOLAI:

"THAT all of the following listed items of correspondence be received and those items of the Acting Municipal Manager's Report No. 26, 1989 April 03 which pertain thereto be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

1. Diego's, Paul Shmyr, Proprietor,  
1989 February 24, Re: Change in  
restaurant/nite club format

A letter dated 1989 February 24 was received from Mr. Paul Shmyr, Proprietor, Diego's requesting Council's support for an application to increase the seating in the Class C liquor licence facility.

Item No. 5, Acting Municipal Manager's Report No. 26, 1989 April 03 was brought forward for consideration at this time.

5. Letter from Mr. Paul Shmyr, Proprietor,  
Diego's 6669 Kingsway, Burnaby, B.C. V5E 1E2  
Liquor Licence Application #1/89 proposed  
increase in cabaret seating capacity.

The Acting Municipal Manager submitted a report from the Director Planning and Building Inspection advising that the Liquor Control and Licencing Branch have requested Council's comments on an application to increasing the maximum seating in the cabaret at Diego's Entertainment Complex.

The Acting Municipal Manager recommended:

- 1) THAT a copy of this report be forwarded to Mr. Paul Shmyr of Diego's and the General Manager, Liquor Control and Licencing Branch.

MOVED BY ALDERMAN BEGIN:  
SECONDED BY ALDERMAN NIKOLAI:

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

Alderman Rankin entered the Council Chambers at 7:09 p.m. and took his place at the Council table.

CARRIED  
OPPOSED: ALDERMEN CORRIGAN,  
NIKOLAI AND YOUNG

2. B.C. Transit, John Mills, Vice  
President, Planning, 1989 March 21,  
Re: Public Open House Meetings on  
North Burnaby Transit Service Improvements

A letter dated 1989 March 21 was received from Mr. John Mills, Vice President Planning, B.C. Transit outlining the Public Open House Meeting schedule for North Burnaby Transit Service Improvements.

3. Nathan Davidowicz, 1989 March 23  
Re: 1989/90 Transit Budget and Taxes

A letter dated 1989 March 23 was received from Nathan Davidowicz addressed to the Vancouver Regional Transit Commission providing various comments regarding the 1989/90 Transit Budget and Taxes.

4. Community Forum on Airport Development  
1989 March 21, Re: Proposed Expansion,  
Vancouver International Airport

A letter dated 1989 March 21 was received from the Community Forum on Airport Development requesting Council's response to various questions regarding the proposed expansion at Vancouver International Airport.

Council agreed to refer this item of correspondence to Municipal Staff for comment.

R E P O R T S

MOVED BY ALDERMAN CORRIGAN:  
SECONDED BY ALDERMAN DRUMMOND:

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

CARRIED UNANIMOUSLY

1. Municipal Clerk, Re: Certificate  
of Sufficiency, Ornamental Street  
Lighting, Project No. 88-010 and 88-016.

The Municipal Clerk submitted a Certificate of Sufficiency for Local Improvement Projects No. 88-010 and 88-016 - Ornamental Street Lighting.

The Municipal Clerk recommended:

- a) THAT Council receive the Municipal Clerk's Certificate of Sufficiency covering projects 88-010 and 88-016 of the 1988 Local Improvement Program - Ornamental Street Lighting.

MOVED BY ALDERMAN NIKOLAI:  
SECONDED BY ALDERMAN CORRIGAN:

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

CARRIED UNANIMOUSLY

2. The Acting Municipal Manager presented Report No. 26, 1989 April 03 on the matters listed following as Items 1 to 9 either providing the information shown or recommending the courses of action indicated for the reasons given:

- 1. Letter from Mr. D.N. Lockwood which appeared on the Agenda for the Council Meeting of 1989 January 23 (Item 3a) and Letter from Mr. K.S. Dockstader which appeared on the Agenda for the Council meeting of 1989 February 06 (Item 2c).  
Lane west of Gilley Avenue between Ewart Street and McKee Street. (Item 11, Manager's Report No. 9, 1989 January 30)

The Acting Municipal Manager submitted a report from the Acting Director Engineering prepared in response to Council's request for additional information regarding the lane west of Gilley Avenue between Ewart Street and McKee Street. The request for additional information is the result of concerns expressed by area residents regarding the extent of lane construction and its effect on existing landscaping and increased traffic.

The Acting Municipal Manager recommended:

- (1) THAT a Bylaw to repeal the Local Improvement Construction Bylaw No. 18, 1988, be prepared.
- (2) THAT the Director Engineering be authorized to construct and pave approximately 33 ft ofg "stub" lane west of Gilley Avenue and south of McKee Street.

- (3) THAT a copy of this report be sent to Mr. K.S. Dockstader of 8019 Gilley Avenue, Burnaby, B.C. V5J 4Y6 and Mr. D.N. Lockwood of 6191 Ewart Street, Burnaby, B.C. V5J 2X4.

MOVED BY ALDERMAN NIKOLAI:  
SECONDED BY ALDERMAN YOUNG:

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

CARRIED UNANIMOUSLY

2. Cariboo Heights - Disposal of Municipally-owned House at 7644 Cariboo Road

The Acting Municipal Manager submitted a report from the Acting Director Engineering requesting Council authority to dispose of the house and all outbuildings at 7644 Cariboo Road for the purpose of constructing a pedestrian overpass.

The Acting Municipal Manager recommended:

1. THAT the Director Engineering be authorized to dispose of all structures at 7644 Cariboo Road.

MOVED BY ALDERMAN BEGIN;  
SECONDED BY ALDERMAN NIKOLAI:

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

CARRIED UNANIMOUSLY

3. Letter from Mr. Frank Busst which appeared on the Agenda for the Council meeting of 1989 March 28 (Correspondence Item 9) No Parking Signs - Curle Avenue

The Acting Municipal Manager submitted a report from the Acting Director Engineering prepared in response to a letter of complaint from Mr. Frank Busst regarding vehicles illegally parking on Curle Avenue.

The Acting Municipal Manager recommended:

- (1) THAT a copy of this report be sent to Mr. Frank Busst, 4023 Nithsdale Street, Burnaby, B.C. V5G 1P2

MOVED BY ALDERMAN YOUNG:  
SECONDED BY ALDERMAN NIKOLAI:

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

CARRIED UNANIMOUSLY

4. Building Permit Tabulation Report No. 03 from 1989 February 20 to 1989 March 19

The Acting Municipal Manager submitted a report from the Director Planning and Building Inspection providing the building permit tabulation with revenue/expenditure statement for the period 1989 February 20 to 1989 March 19.

The Acting Municipal Manager recommended:

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

MOVED BY ALDERMAN BEGIN:  
SECONDED BY ALDERMAN DRUMMOND:

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

CARRIED UNANIMOUSLY

- 5. Letter from Mr. Paul Shmyr, Proprietor,  
Diego's 6669 Kingsway, Burnaby, B.C. V5E 1E2  
Liquor Licence Application #1/89  
Proposed increase in cabaret seating capacity  
6669 Kingsway - Diego's

This item was dealt with previously in the meeting in conjunction with Item No. 1, Correspondence and Petitions.

- 6. Letter from A.E. McKinnon which appeared on  
Agenda for the Council meeting of 1989 March  
28 (Correspondence Item 8) Covenant for  
basement finishing at 4222 Castlewood Crescent

The Acting Municipal Manager submitted a report from the Director Planning and Building Inspection prepared in response to correspondence received from A.E. McKinnon requesting removal of a basement finishing covenant registered in the Land Registry Office against the subject property.

The Acting Municipal Manager recommended:

- 1. THAT a copy of the report be sent to A.E. McKinnon,  
4222 Castlewood Crescent, Burnaby, B.C. V5G 2M2

MOVED BY ALDERMAN NIKOLAI:  
SECONDED BY ALDERMAN BEGIN:

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

MOVED BY ALDERMAN CORRIGAN:  
SECONDED BY ALDERMAN YOUNG:

"THAT Item No. 6, Acting Municipal Manager's Report No. 26, 1989 April 03 be **REFERRED** back to staff for a report on a procedure for removing restrictive covenants regarding in-law accommodation, where appropriate.

CARRIED  
OPPOSED: ALDERMEN DRUMMOND AND  
NIKOLAI

- 7. Letter from Sharon Leipert which appeared on the  
Agenda for the Council meeting of 1989 March 20  
(Correspondence Item 17) Street Cleaning - Kilrea  
Crescent

The Acting Municipal Manager submitted a report from the Acting Director Engineering prepared in response to correspondence received from Mrs. Sharon Leipert regarding street cleaning on Kilrea Crescent.

The Acting Municipal Manager recommended:

- 1. THAT a copy of the report be sent to Sharon Leipert of  
7475 Kilrea Crescent, Burnaby, B.C. V5A 3N8

MOVED BY ALDERMAN NIKOLAI:  
SECONDED BY ALDERMAN YOUNG:

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

CARRIED UNANIMOUSLY

- 8. Rezoning Reference #24/89  
Proposed CD Rezoning Amendment for a  
Proposed Office Warehouse Building  
Willingdon Business Park. (X-Ref.  
Rezoning Reference #118/87)

The Acting Municipal Manager submitted a report from the Director Planning and Building Inspection requesting Council authority to advance the subject rezoning to a Public Hearing on 1989 May 01.

The Acting Municipal Manager recommended:

- (1) THAT a rezoning bylaw be prepared and advanced to First Reading on 1989 April 17 and to a Public Hearing on 1989 May 01 at 18:45 hours and that the following be established as prerequisites to the completion of 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 Municipal Engineer. One of the conditions for the release of occupancy permits will be the completion of all requisite services at the standard statement.
  - 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 granting of any necessary easements.
  - f. The approval of the Ministry of Transportation and Highways to the rezoning application.

MOVED BY ALDERMAN NIKOLAI:  
SECONDED BY ALDERMAN DRUMMOND:

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

CARRIED UNANIMOUSLY

9. Letter from Ruth Tomsons which appeared on the Agenda for the Council Meeting of 1989 March 20 (Correspondence Item 15)  
Incident Near Metrotown

The Acting Municipal Manager submitted a report from the Officer in Charge, Burnaby Detachment, R.C.M.P. prepared in response to correspondence received from Mrs. Ruth Tomsons regarding an incident at the corner of Kingsway and Nelson involving a street fight.

The Acting Municipal Manager recommended:

- (1) THAT a copy of this report be sent to Ruth Tomsons, 4506 Inman Avenue, Burnaby, B.C.

MOVED BY ALDERMAN DRUMMOND:  
SECONDED BY ALDERMAN BEGIN:

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN DRUMMOND:  
SECONDED BY ALDERMAN CORRIGAN:

"THAT the Committee now rise and report."

CARRIED UNANIMOUSLY

The Council reconvened.

MOVED BY ALDERMAN DRUMMOND:  
SECONDED BY ALDERMAN YOUNG:

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

CARRIED UNANIMOUSLY

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

- 1. Edmonds School Redevelopment  
(Item 10, Manager's Report No. 16,  
1989 - Council 1989 February 17)

Council chose not to lift this item from the table at this time.

- 2. Item #1 - Rezoning #99/88  
(Item 1 of 23, Manager's Report No.  
22, 1989 - Council 1989 March 20)

Council chose not to lift this item of business from the table at this time.

B Y L A W S

FIRST READING

#9178	5925/60 Ninth Avenue; Portion of 5895, 6013 6074 Thorne Avenue; 6139 Trapp Avenue, Portion of 6160 Trapp Avenue	RZ #99/88
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Council chose not to deal with this item of business at this time.

CONSIDERATION AND THIRD READING

#7747	4970 Dominion Street - located on the south side of Dominion Street between Westminster and Royal Oak Avenues	RZ #54/81
#7767	4259 Victory Street - located on the north side of Victory Street between McKay Avenue and Willingdon Avenue	RZ #55/81

MOVED BY ALDERMAN NIKOLAI:  
SECONDED BY ALDERMAN YOUNG:

"THAT

Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 90, 1981	#7747
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Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 105, 1981	#7767
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be now read a third time."

CARRIED  
OPPOSED: ALDERMAN DRUMMOND TO BYLAW  
#7767

RECONSIDERATION AND FINAL ADOPTION

#8836	5511 Norfolk Street	RZ #52/87
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MOVED BY ALDERMAN NIKOLAI:  
SECONDED BY ALDERMAN YOUNG:

"THAT

Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 85, 1987

#8836

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

CARRIED  
OPPOSED: ALDERMAN DRUMMOND

N E W B U S I N E S S

Alderman Drummond

Alderman Drummond introduced and read the following Notice of Motion regarding the taxation of oil refinery tanks.

MOVED BY ALDERMAN DRUMMOND:  
SECONDED BY ALDERMAN NIKOLAI:

"THAT

WHEREAS in the past all oil refinery storage tanks could be taxed for general municipal purposes; and

WHEREAS in 1987, in a test case involving 35 tanks owned by Chevron Canada Limited, the Court's decision was to classify blending tanks as machinery rather than improvements; machinery cannot be taxed for general municipal purposes or provincial purposes; and

WHEREAS following this Court ruling, the Provincial Government in 1987 enacted legislation which intended to make all refinery storage tanks, including blending tanks, taxable except the 35 tanks included in the test case; and

WHEREAS both Chevron and Shell appealed their 1988 Assessments on the remainder of their tanks and their appeal is related to an interpretation of the new provincial legislation of 1987; and

WHEREAS if Chevron and Shell win their appeal with the Assessment Authority it will cost the Municipality of Burnaby approximately \$1 million in lost municipal taxes from the heavy industry category of the petroleum industry between the years 1987 - 1989;

THEREFORE BE IT RESOLVED that municipal staff bring forward a recommendation related to this potential loss in tax revenue which in no way penalizes residential, commercial or the light industrial taxpayers in the Municipality of Burnaby."

CARRIED UNANIMOUSLY

Alderman Rankin retired from the Council Chambers at 7:44 p.m.

Alderman Nikolai

Alderman Nikolai introduced a Notice of Motion regarding wheelchair accessibility to Metrotown to be brought before Council at the regular Council Meeting on 1989 April 10.

Alderman Nikolai read the text of the Notice of Motion as follows:

WHEREAS the Premier's Advisory Council for Persons with Disabilities promotes the achievement of equitable access for persons with disabilities such as those in wheelchairs to destinations such as the Metrotown core development, a strong regional shopping, business and entertainment focus; and



WHEREAS B.C. Transit operates an advanced light rapid transit system, in the form of SkyTrain, which does provide a highly desirable means of transportation for the use of all citizens including the handicapped; and

WHEREAS handicapped persons, especially in wheelchairs, utilizing SkyTrain must at present utilize an elevator which requires them to cross Central Boulevard at grade, a busy, wide street; and

WHEREAS the grade-separated pedestrian passerelle over Central Boulevard linking the Metrotown Skytrain station to the Metrotown core is now complete and is designed to provide for handicapped ramps when required:

THEREFORE BE IT RESOLVED THAT B.C. Transit immediately investigate and resolve to provide wheelchair accessibility from the Metrotown SkyTrain station to the Metrotown core development via the grade-separated passerelle over Central Boulevard.

His Worship, Mayor W.J. Copeland

His Worship, Mayor W.J. Copeland read a letter addressed to Director Recreation and Cultural Services, Mr. Dennis Gaunt from "Go B.C." advising that the Corporation of Burnaby has been awarded a grant in the amount of \$216,550 for the development of 10 neighbourhood parks.

Council expressed their appreciation to The Honourable Elwood Veitch, MLA Burnaby/Willingdon for his support of the Municipality's grant application.

#### E N Q U I R I E S

Alderman Drummond

Alderman Drummond enquired as to whether or not any response has been received to the Municipality's application for cost sharing from the Ministry of Highways.

Deputy Director Engineering, Mr. W.C. Sinclair advised that the Ministry of Highways has acknowledged receipt of the Municipality's application but has not yet provided a response.

Alderman Drummond made a further request of staff regarding a report to be presented to Council similar to that prepared by the District of West Vancouver, in relation to revenue sharing grants, which includes analysis of a reduction in revenue sharing grants. Alderman Drummond advised that the total revenue sharing grant is \$280 million and the portion related to unconditional grants is \$110 million, which is approximately 39% of the total of revenue sharing. In previous years, the unconditional grants amounted to 80% of revenue sharing; in the Notice of Motion previously submitted to the Provincial Government, Burnaby Council requested unconditional grants be established at 60% of revenue sharing, and staff are requested to address these disparities in the forthcoming report.

Alderman Corrigan

Alderman Corrigan enquired into the next stage of planning for Metrotown and what the next process will entail.

Deputy Director Planning and Building Inspection, Mr. D.G. Stenson advised that in keeping with the Council established policy and plan for Metrotown, staff are working toward urban design and character enhancement of the Metrotown area as the next project. Reports will be prepared to be submitted to Council regarding the introduction of walkways, more store fronts and a more pedestrian oriented environment with more open space concepts throughout the development.

Alderman Corrigan also enquired as to the status of traffic back-ups at Willingdon and Kingsway and whether or not planning is taking place with regard to resolving transportation issues in Metrotown.

1989 April 03

The Deputy Director Engineering, Mr. W.C. Sinclair advised that the Engineering Department is currently reviewing all transportation planning issues in Metrotown and that recommendations will be made to Council during forthcoming budget discussions for programs to be initiated in the 1989/90 budget year.

Alderman Nikolai

Alderman Nikolai enquired as to the rumoured sale of hydro electric power to the U.S.A. from the Burrard Thermal Plant, and whether or not this is actually taking place, and if so, what can Council do to stop the sale of power to the United States.

A staff report will be prepared in response to Alderman Nikolai's enquiry.

Alderman Drummond retired from the Council Chambers at 8:20 p.m.

MOVED BY ALDERMAN CORRIGAN:

SECONDED BY ALDERMAN YOUNG:

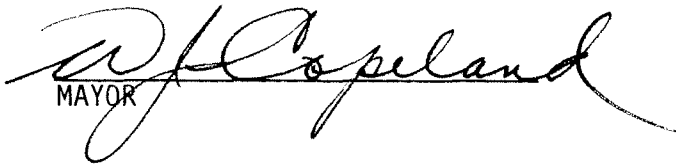
"THAT this regular Council Meeting do now adjourn."

CARRIED UNANIMOUSLY

The regular Council Meeting adjourned at 8:23 p.m.

Confirmed:

Certified Correct:

  
MAYOR

  
DEPUTY MUNICIPAL CLERK