

REGULAR CITY COUNCIL
MONDAY, APRIL 10TH, 2006 AT 7:30 P.M.
COUNCIL CHAMBER, CIVIC ADMINISTRATION BUILDING

A G E N D A

1. Roll Call
2. Adoption of Agenda
3. Confirmation of Minutes

REGULAR	MARCH 20 TH , 2006
SPECIAL	MARCH 28 TH , 2006
SPECIAL	MARCH 28 TH , 2006
SPECIAL	APRIL 4 TH , 2006

4. Hearing of Delegations

(A) TERRY PARLOW, PRESIDENT OF THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL 803 – LOCATION OF NEW FIRE HALL

City Manager recommends following the above, that the presentation by Terry Parlow, President of the International Association of Firefighters Local 803 with respect to concerns on the location of the proposed new fire hall be received.

(B) PERRY ROQUE, SPORTSPLEX MANAGER – TRUE SPORT CONCEPT

City Manager recommends following the above, that the presentation by Perry Roque, Sportsplex Manager, with respect to the True Sport Concept be received.

Note: This item will be dealt with further under the Order of General Business.

(C) GLEN KRUCK, BRANDON’S COMMUNITY LAND TRUST AND AFFORDABLE HOUSING COALITION

City Manager recommends following the above, that the presentation by Glen Kruck with respect to Brandon’s Community Land Trust and Affordable Housing Coalition be received.

5. Public Hearings

NOTICE TO THE PUBLIC

Under the Public Hearing process, the applicant will be given first opportunity to address City Council on his/her application following which any person wishing to make representation on the application is encouraged to come forward.

Please appreciate that any recommendation put forth by the City Manager on an application has been without the benefit of input from the applicant and/or the public.

(A) VARIATION – 1040 RICHMOND AVENUE (REID O/B/O MCMUNN & YATES BUILDING SUPPLIES (1982) LTD.)

Following receipt of all representation:

City Manager recommends that the Public Hearing with respect to the above noted application be concluded.

City Council may discuss whether to approve or reject the application once the following motion has been made.

City Manager further recommends that the variation application by Trent Reid, applicant on behalf of owner, McMunn & Yates (1982) Ltd, to vary the minimum required side yard from 3m (9.8') to 1.5m (4.9') to accommodate the construction of an accessory storage building at 1040 Richmond Avenue (Lot 3, Plan 43636 BLTO) be approved, whereby such approval is hereby granted in accordance with the intent of the application dated February 27th, 2006, the letter of intent and the attached drawing, subject to the owner or successor entering into an access agreement with the owner of the portion of Ottawa Avenue that is currently in the process of being closed.

(B) VARIATION – 91 FALCON CRESCENT (WINTERS)

Following receipt of all representation:

City Manager recommends that the Public Hearing with respect to the above noted application be concluded.

City Council may discuss whether to approve or reject the application once the following motion has been made.

City Manager further recommends that the variation application by Garry and Lorraine Winters to reduce the minimum required rear yard from 7.6m (25') to 4.572m (15') to accommodate the construction of a sunroom at 91 Falcon Crescent (Lot 14, Block 2, Plan 36846 BLTO), be approved whereby such approval is hereby granted in accordance with the intent of the application dated March 1st, 2006 the letter of intent dated February 28th, 2006, and the attached drawing.

(C) BY-LAW NO 6827 TO AMEND ZONING BY-LAW NO. 6642 WITH RESPECT TO REGULATIONS PERTAINING TO THE CR COMMERCIAL RESTRICTED ZONE, AND REZONING 1701 AND 1704 LORNE AVENUE FROM CR COMMERCIAL RESTRICTED ZONE TO RSF RESIDENTIAL SINGLE FAMILY ZONE

City Manager recommends that the Public Hearing regarding By-law No. 6827 to amend By-law No. 6642 with respect to regulations pertaining to the "CR" Commercial Restricted Zone and to rezone property located at 1701 Lorne Avenue (Lots 1/4, Block 51, Plan 2) and 1704 Lorne Avenue (Lots 12/15, Block 18, Plan 2) from CR Commercial Restricted Zone to RSF Residential Single Family Zone be concluded.

Notes:

1. Please refer to the written representation from Mr. Marlow Kirton dated April 4th, 2006 in opposition to the regulations pertaining to the CR Zone, and in support of the rezoning of 1701 and 1704 Lorne Avenue.

2. This item will be dealt with further under the Order of By-laws.

(D) BY-LAW NO. 6828 TO AMEND ZONING BY-LAW NO. 6642 ALLOWING SECONDARY SUITES AS A PERMITTED USE IN ALL RESIDENTIAL ZONES WITH THE EXCEPTION OF THE RMD RESIDENTIAL MOBILE/MODULAR HOME ZONE AND AMENDING THE DEFINITION OF "FAMILY"

City Manager recommends that the Public Hearing regarding By-law No. 6828 to amend By-law No. 6642 with respect to making secondary suites a permitted use in all residential zones with the exception of the RMH Residential Modular/Mobile Home Zone, and amending the definition of "family" be concluded.

Note: This item will be dealt with further under the Order of By-laws.

6. Communications & Petitions

7. Committee Reports

(A) MUNICIPAL HERITAGE ADVISORY COMMITTEE FEBRUARY 20TH, 2006

The Municipal Heritage Advisory Committee recommends that the report of its meeting held February 20th, 2006 be received.

The Municipal Heritage Advisory Committee recommends that arrangements be made in conjunction with the Manitoba Baseball Hall of Fame induction ceremonies, to provide transportation from Morden, Manitoba and accommodations in Brandon to Mr. Dirk Gibbons and Mr. Armando Vazquez for the purpose of attending the unveiling of a commemorative plaque to recognize the Brandon Greys Baseball team and the Mandak League, with related expenses to be funded through the Heritage Administration budget.

(B) GRANTS REVIEW COMMITTEE REPORT MARCH 22ND, 2006

The Grants Review Committee recommends that the report of its meeting held March 22nd, 2006 be received.

The Grants Review Committee recommends that the sum of One Hundred Ninety-Two Thousand Five Hundred Forty-Seven Dollars (\$192,547.00) be distributed as grants for the year 2006 to those organizations and groups included in the List of Recommended Grant Recipients – 2006 attached to and forming part of the Grants Review Committee report dated March 22nd, 2006.

8. Enquiries

9. General Business

(A) PARTICIPATION IN THE TRUE SPORT MOVEMENT

City Manager recommends that the Council of the City of Brandon recognize and affirm the core principles of True Sport as follows:

- Go For It – Always rise to the challenge. Discover how good you can be.
- Play Fair – Play honestly and obey the rules. Winning is only real when competition is fair.

- Respect Others – Respect teammates, competitors and officials, both on and off the field. Win with dignity and lose with grace.
- Keep It Fun – Have a good time. Keep a positive attitude and contribute to a positive atmosphere.
- Stay Healthy – Respect your body. Keep in Shape. Avoid unsafe activities.
- Give Back – Do something that helps your community.

and in doing so, support and endorse the True Sport concept and proclaim itself as a True Sport Community.

(B) FREEDOM OF THE CITY OF BRANDON – 1ST REGIMENT ROYAL CANADIAN HORSE ARTILLERY

City Manager recommends that by Order of the Council of the City of Brandon duly assembled in session this 10th Day of April in the year of Our Lord Two Thousand and Six, it is hereby decreed that the Freedom of the City be conferred upon all:

Soldiers

Of

The First Regiment Royal Canadian Horse Artillery

in recognition of the high esteem in which all Gunners are held by the Citizens of Brandon and of their many years of loyal and devoted service to our beloved Queen and Country, we do, by these presents, confer upon you the right, honour and distinction of exercising all customary regimental privileges when parading or marching through the streets of this City on ceremonial occasions and in particular, The Freedom of the City of Brandon Parade to be held September 30th, 2006.

(C) CONSENT FORM – FEDERATION OF CANADIAN MUNICIPALITIES BOARD OF DIRECTORS ELECTION

City Manager recommends that the City of Brandon assume the cost of Councillor D. Jessiman attending meetings of the Federation of Canadian Municipalities' National Board of Directors in the event he is elected to said Board.

(D) APPOINTMENT OF YOUTH MEMBER ON COUNCIL

City Manager recommends that a youth member be appointed to sit on City Council and to participate in its deliberations at all of its meetings open to the public on a trial basis commencing in the first week of September, 2006 and ending in the last week of August, 2007 whereby the youth member shall:

- (i) be less than 18 years of age or enrolled as a full-time student in a school;
- (ii) be a resident of the City of Brandon;
- (iii) not be counted for the purpose of determining a quorum or deciding a vote of City Council; and
- (iv) be selected on a rotating basis from an eleven member Youth Council.

(E) CONTRACT WITH INTERNATIONAL PAPER INDUSTRIES FOR RECYCLING SERVICES

Councillor Smale recommends that a report on the contract with International Paper Industries for recycling services be brought back to Council for information.

(F) FINANCIAL SUPPORT – MANITOBA BASEBALL HALL OF FAME

Councillor Black recommends that the City of Brandon offer to the Manitoba Baseball Hall of Fame to pay one-half of the costs of bringing Dirk Gibbons and Armando Vazquez to the Manitoba Hall of Fame Induction Ceremony to be held in Morden, Manitoba on June 3rd, 2006 and their subsequent trip to Brandon for the commemoration of their role with the Brandon Greys 1948-1951 team;

and further, that the City of Brandon purchase a table at the Manitoba Baseball Hall of Fame induction dinner to be held June 3rd, 2006 for members of Council and/or City staff to attend the induction of the 1948-1951 Brandon Greys Baseball Team into the Manitoba Baseball Hall of Fame.

(G) REVIEW OF REMEDIATION MEASURES FOR SITE OF PROPOSED FIRE HALL

Councillor Black recommends that a person or persons with expertise and knowledge related to environmental health and the health and safety considerations that must be addressed in the evaluation of contaminated sites, be employed to review the report and other materials that informed City Council in making its decision regarding the construction of a Fire Hall on the Weiss/Imperial Oil property located at 1st Street and Rosser Avenue with the following objectives:

- (i) to determine a proper evaluation of the extent of contamination and identify the precise nature of the measures required to remedy the situation in determining whether or not all of the tests required have been completed; and
- (ii) to determine whether the remediation measures that have been developed will in fact, remedy the site so that the Fire Hall is safe and healthy for the people who will be required to work there.

(H) NEW FIRE STATION

Councillor Rice recommends that in view of the continuing concerns about the safety and health implications of constructing a Fire Station or a Public Safety Building on the former Weiss/Imperial Oil property at the corner of 1st Street and Rosser Avenue East be it resolved that Council's decision of March 13th, 2006 to proceed with the construction of a Fire Station at this location be reconsidered;

and further, be it resolved that Council undertake to find an alternate location for a new Fire Station or Public Safety Building as soon as possible;

and further, be it resolved that the City proceed immediately with the complete clean-up of the Weiss/Imperial Oil property bound by 1st Street, Rosser Avenue, Russell Street and Pacific Avenue and other parts of the Weiss property which may be contaminated.

10. By-laws

- NO. 6802 - TO AMEND COMPLIANCE BY-LAW NO. 6664 TO PROVIDE A MORE EFFECTIVE MEANS FOR ENSURING COMPLIANCE WITH CITY OF BRANDON BY-LAWS
2ND AND 3RD READINGS
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City Manager recommends that By-law No. 6802 to amend Compliance By-law No. 6664 with respect to providing a more effective means for ensuring compliance with City of Brandon by-laws, be read a second time.

City Manager recommends that this by-law be read a third and final time.

- NO. 6822 - 2006 TAX LEVY BY-LAW
1ST READING
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City Manager recommends that By-law No. 6822 being the 2006 Tax Levy By-law be read a first time.

- NO. 6823 - TO AMEND TRAFFIC BY-LAW NO. 5483 REGARDING TEMPORARY SIGNS ON PUBLIC RIGHTS-OF-WAY
1ST READING
-

City Manager recommends that By-law No. 6823 to amend Traffic By-law No. 5483 with respect to temporary signs on public rights-of-way be read a first time.

- NO. 6827 - TO AMEND ZONING BY-LAW NO. 6642 WITH RESPECT TO REGULATIONS PERTAINING TO THE CR COMMERCIAL RESTRICTED ZONE, AND TO REZONE PROPERTY LOCATED AT 1701 AND 1704 LORNE AVENUE FROM CR COMMERCIAL RESTRICTED ZONE TO RSF RESIDENTIAL SINGLE FAMILY ZONE
2ND READING
-

City Manager recommends that By-law No. 6827 to amend By-law No. 6642 with respect to regulations pertaining to the CR Commercial Restricted Zone and to rezone property located at 1701 Lorne Avenue (Lots 1/4, Block 51, Plan 2 BLTO) and 1704 Lorne Avenue (Lots 12/15, Block 18, Plan 2 BLTO) from CR Commercial Restricted Zone to RSF Residential Single Family Zone be read a second time.

Note: Given the letter of opposition received, this by-law can only receive 2nd reading at this time.

- NO. 6828 - TO AMEND ZONING BY-LAW NO. 6642 ALLOWING SECONDARY SUITES AS A PERMITTED USE IN ALL RESIDENTIAL ZONES WITH THE EXCEPTION OF THE RMH RESIDENTIAL MOBILE/MODULAR HOME ZONE AND AMENDING THE DEFINITION OF "FAMILY"
2ND AND 3RD READINGS
-

City Manager recommends that By-law No. 6828 to amend By-law No. 6642 with respect to making secondary suites a permitted use in all residential zones with the exception of the RMH Residential Modular/Mobile Home Zone, and amending the definition of "family" be read a second time.

City Manager recommends that this by-law be read a third and final time.

NO. 6830 - TO PROVIDE FOR THE REMUNERATION OF COUNCIL MEMBERS FOR THE YEAR 2007 AND SUBSEQUENT YEARS
2ND AND 3RD READINGS

City Manager recommends that By-law No. 6830 to provide for the remuneration of members of Council for the year 2007 and for each year thereafter, be read a second time.

City Manager recommends that this by-law be read a third and final time.

NO. 6831 - TO AMEND BY-LAW NO. 6817 BEING THE 2006 SCHEDULE OF FEES FOR SERVICES AND ACTIVITIES PROVIDED BY THE CITY OF BRANDON
1ST READING

City Manager recommends that By-law No. 6813 to amend Schedule of Fees By-law No. 6817 to include changes to the Compliance Fine Schedule, license fees, and various services charges be read a first time.

NO. 6832 - TO AMEND BUSINESS LICENSING BY-LAW NO. 6009 TO INCLUDE SPECIAL LICENSE CONDITIONS FOR PUBLIC TRADE SHOWS
1ST READING

City Manager recommends that By-law No. 6832 to amend Business Licensing By-law No. 6009 to include special license conditions for public trade shows be read a first time.

NO. 6834 - TO NAME THE EAST/WEST SERVICE ROAD ON 18TH STREET NORTH BETWEEN BRAECREST DRIVE AND CLARE AND BELL AVENUES
2ND AND 3RD READINGS

City Manager recommends that By-law No. 6834 to name the East/West service road on 18th Street North between Braecrest Drive and Clare and Bell Avenues, be read a second time.

City Manager recommends that this by-law be read a third and final time.

NO. 6835 - TO CLOSE AND CONVEY A PORTION OF THE NORTH/SOUTH LANE AND THE EAST/WEST LANE TO 4TH STREET AND OPEN AN EAST/WEST LANE TO 3RD STREET IN BLOCK 32, PLAN 2
1ST READING

City Manager recommends that By-law No. 6835 to close and convey that portion of the North/South land and the East/West lane to 4th Street and to open an East/West lane to 3rd Street in Block 32, Plan 2 be read a first time.

NO. 6836 - TO PROVIDE FOR THE BORROWING OF FUNDS FOR THE REMEDIATION OF PROPERTY AT 1ST STREET AND ROSSER AVENUE AND THE CONSTRUCTION OF A FIRE STATION AND COMMUNICATIONS CENTRE BY THE ISSUE AND SALE OF DEBENTURES
1ST READING

City Manager recommends that By-law No. 6836 to provide for the borrowing of funds by the issue and sale of debentures in the amount of \$8,672,000 to be used for the remediation of the property located at the northeast corner of 1st Street and Rosser Avenue and the construction of a Fire Station and Communication Centre be read a first time.

NO. 6837 - TO PROVIDE FOR THE BORROWING OF FUNDS FOR THE PURCHASE OF THE MATERIALS RECYCLING FACILITY AND ASSOCIATED EQUIPMENT BY THE ISSUE AND SALE OF DEBENTURES.
1ST READING

City Manager recommends that By-law No. 6837 to provide for the borrowing of funds by the issue and sale of debentures in the amount of \$2,656,000 to be used for the purchase of the Materials Recycling Facility and associated recycling equipment be read a first time.

NO. 6838 - TO AMEND PESTICIDE BY-LAW NO. 6825 REGARDING REQUIREMENTS FOR THE BRANDON PESTICIDE NOTIFICATION REGISTRY
1ST READING

City Manager recommends that By-law No. 6838 to amend Pesticide By-law No. 6725 regarding requirements for the Brandon Pesticide Notification Registry be read a first time.

11. Giving of Notice
12. Announcements
13. Adjournment

J. Swidnicki
Deputy City Clerk