

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD ON MONDAY, SEPTEMBER 10, 2007 AT 7:30 PM IN THE COUNCIL CHAMBER, CIVIC ADMINISTRATION BUILDING, BRANDON, MANITOBA

PRESENT: Mayor D. Burgess in the Chair, Councillor V. Barletta, Councillor E. Black, Councillor M. Blight, Councillor M. Campbell, Councillor K. Fitzpatrick, Councillor J. Harwood, Councillor D. Jessiman, Councillor J. McCrae, Councillor D. Paterson, Councillor G. Rice, Youth Councillor Greg Bailey

ABSENT: Nil

ADOPTION OF AGENDA:

Blight-Harwood
329 That the Agenda for the Regular Meeting of City Council to be held on Monday, September 10, 2007 be adopted as presented. CARRIED.

CONFIRMATION OF MINUTES:

Rice-Fitzpatrick
330 That the Minutes of the Regular Meeting of City Council held on Monday, August 20, 2007 be taken as read and so adopted, all statutory requirements having been fulfilled. CARRIED.

HEARING OF DELEGATIONS:

(A) DR. DI BRANDT, BETTY PELOQUIN, KELCEY UBELL - OPPOSITION TO MALATHION SPRAYING

Dr. Di Brandt, Betty Peloquin and Kelcey Ubell appeared before City Council to provide information on the harmful effects of malathion spraying on the environment, most particularly, human life. They requested that alternative methods for dealing with viruses, such as the West Nile virus, be investigated.

Barletta-Fitzpatrick
331 That the presentation by Dr. Di Brandt, Betty Peloquin and Kelcey Ubell with respect to opposition to malathion spraying be received. CARRIED.

PUBLIC HEARINGS:

(A) BY-LAW NO. 6866 TO REZONE 25 - 26TH STREET FROM RLD RESIDENTIAL LOW DENSITY MULTIPLE FAMILY ZONE TO RMD RESIDENTIAL MODERATE DENSITY MULTIPLE FAMILY ZONE (VAN PROPERTIES MANAGEMENT)

City Council sat to receive representation on the above noted matter.

Considered was correspondence from An Van Nguyen, applicant, dated September 7, 2007, indicating his inability to be in attendance at the Public Hearing.

Jane Brunet appeared before City Council in conjunction with her letter of concern dated August 13, 2007 with respect to traffic issues in the area and the safety implications of same.

No further written or verbal representation was put forward either in support of or in opposition to this application.

332 Harwood-Blight
That the Public Hearing with respect to By-law No. 6866 to rezone 25 - 26th Street from RLD Residential Low Density Multiple Family Zone to RMD Residential Moderate Density Multiple Family Zone (Van Properties Management) be concluded. CARRIED.

(B) BY-LAW NO. 6868 TO REZONE 1 TO 47 LAUREL BAY FROM RMH RESIDENTIAL MOBILE/MODULAR HOME ZONE TO RSF RESIDENTIAL SINGLE FAMILY ZONE (BUCKLEY/SUNRIDGE HOMES LTD.)

It was noted that this item would be dealt with further under the Order of By-laws.

City Council sat to receive representation on the above noted matter.

Marie Calverley of Sunridge Homes Ltd. appeared before City Council in support of the application and to answer any questions. She stated the intent of the application was to allow for single family development.

Also considered was a letter in opposition to the subject rezoning from P. Shawn Love dated August 6, 2007 with respect to the effect the rezoning would have on his proposed development of 10 Laurel Bay.

No further written or verbal representation was put forward either in support of or in opposition to this application.

333 Campbell-Fitzpatrick
That the Public Hearing with respect to By-law No. 6868 to rezone 1 to 47 Laurel Bay from RMH Residential Mobile/Modular Home Zone to RSF Residential Single Family Zone (Buckley/Sunridge Homes Ltd./City of Brandon), be concluded. CARRIED.

COMMUNICATION & PETITIONS:

Nil

COMMITTEE REPORTS:

(A) AUDIT AND FINANCE COMMITTEE REPORT AUGUST 20, 2007

Brandon, Manitoba
August 20, 2007

The Mayor and Council
City of Brandon

Your AUDIT and FINANCE COMMITTEE, at its meeting held this 20th day of August, 2007, begs leave to report as follows and submits recommendations where deemed necessary and expedient:

Present:

Mayor D. Burgess, Chairman
Councillor K. Fitzpatrick
Councillor D. Paterson
Councillor M. Blight

Resource Personnel:

Mr. B. MacRae, City Manager
Mr. G. McMillan, General Manager of Corporate Services
Ms. D. Hitchins, Director of Finance
Mr. T. Snure, General Manager of Development Services

CHAIRMAN: Mayor Dave Burgess brought the meeting to order at 3:05 p.m.

Six Month Budget Review

Mr. McMillan presented the June, 2007 budget review to the Committee highlighting a projected budget surplus in the General Revenue Fund of \$7,311 and a projected budget surplus in the Utility Revenue Fund of \$138,662.

The Committee discussed the budget review and administration answered several questions from the Committee. The budget review was received by the Committee as presented.

2008 - 2009 Budget Mandate

Mr. McMillan presented a forecast of the 2008 - 2009 budget mandate. The preliminary figures indicate that it will be difficult to achieve the budget targets while attempting to keep tax increases at a modest level. Using 1.5% for growth in assessment and 3% for mill rate increases, the City is still facing significant shortfalls in 2008 and 2009. This is primarily due to increased salary costs, supplementary taxes expected to be lower than projected, remediation of the 1st Street and Rosser Avenue site, the new facilities outlined in the Recreation Facilities Master Plan and the new initiatives such as downtown revitalization and affordable housing.

The budget mandate being sought projected tax increases for 2008 and 2009 of 5.4% and 4.5% respectively. The Committee discussed several options to help offset the tax increase such as user fees and postponing certain projects. However, Administration already took these options into consideration when creating the budget mandate.

Motion - moved by Councillor Paterson that Administration prepare the 2008 and 2009 draft budgets with maximum property tax increases of 3% plus further increases to accommodate new debt servicing costs and to fund costs for new initiatives such as affordable housing, downtown revitalization and the implementation of the Recreation Facilities Master Plan. Carried.

Meeting adjourned at 4:00 pm.

Respectfully submitted,
"Mayor Burgess"
CHAIRMAN

Paterson-McCrae

334 That the Audit and Finance Committee report of August 20, 2007 be received. CARRIED.

Paterson-Blight

335 That Administration prepare the 2008 and 2009 draft budgets with maximum property tax increases of 3% plus further increases to accommodate new debt servicing costs and to fund costs for new initiatives such as affordable housing, downtown revitalization and the implementation of the Recreation Facilities Master Plan. CARRIED AS AMENDED.

AMENDMENT

Black-Paterson

336 That the above motion be amended by adding after the words: "downtown revitalization", the words: "skateboard plaza, a general museum" CARRIED.

(B) DOWNTOWN TASK FORCE REPORT

Considered was a report from the Downtown Task Force entitled: "Renaissance Brandon Report to Council September 10, 2007". Councillor Barletta, Chair of the Downtown Task Force, addressed City Council on the report.

Barletta-Harwood

337 That the report entitled "Renaissance Brandon Report to Council September 10, 2007" be received.
CARRIED.

Barletta-McCrae

338 That the Downtown Task Force be given the mandate to continue as Renaissance Brandon Inc. retaining the current membership of the Downtown Task Force for two years to end October 2009; appointments thereafter to be staggered and nominations to fill vacancies to be sought and received by Renaissance Brandon Inc. for recommendation to City Council. CARRIED.

On a Point of Procedure, Councillor Black requested the four motions listed on the report be addressed as one omnibus motion whereby His Worship the Mayor denied the request.

The ruling by the Chair was challenged by Councillor Black and in accordance with Procedure By-law No. 6634, he stated that the reason for his challenge was that he wanted to make an amendment to the motion with respect to the requirement for the preparation of a by-law to establish Renaissance Brandon Inc. inclusive of its mandate, structure and financial obligations.

Also in accordance with the Procedure By-law, His Worship the Mayor advised that his reason for disallowing the proposed amendment was that each motion needed to be debated and decided on its individual merit.

The subject challenge was defeated.

On a Point of Order, Councillor McCrae noted that the discussion on the motion had extended to points raised in the following motions and suggested Council debate only the motion at hand.

Clarification was sought by Councillor Jessiman with respect to whether or not the Council members who sat on the Downtown Task Force were in conflict by voting on this item whereby the City Clerk advised in accordance with The Municipal Council Conflict of Interest Act, membership on a board or committee did not constitute a conflict.

AMENDMENT

Black-No Seconder

That the above motion be amended by including after the word: "That" the words: "in principle".
NOT VOTED ON.

Prior to the above motion being seconded, it was ruled Out of Order by the Chair.

Prior to the above original motion being voted on, His Worship the Mayor requested that the vote on the motion be recorded.

FOR

His Worship Mayor Burgess
Councillor Barletta
Councillor Blight
Councillor Campbell
Councillor Fitzpatrick
Councillor Harwood

AGAINST

Councillor Black
Councillor Rice

Councillor Jessiman
Councillor McCrae
Councillor Paterson

339 Barletta-Paterson
That the boundary of the Renaissance Brandon Inc. area coincide with the area set-out in the Renaissance District by-law. CARRIED.

340 Barletta-McCrae
That the City of Brandon allocate \$250,000 to Renaissance Brandon Inc. with the understanding that Renaissance Brandon Inc. shall request a similar amount from the Province of Manitoba. CARRIED AS AMENDED.

AMENDMENT

341 Paterson-Rice
That the above motion be amended by adding thereto the words: “and to seek appropriate financial assistance from the Government of Canada consistent with aid to other cities under like circumstances.” CARRIED.

AMENDMENT

342 Black-Rice
That the above original motion be further amended by adding the following thereto: “whereby there shall be no transfer of the subject funds until a formal by-law to establish the mandate, structure and financial responsibilities of Brandon Renaissance Inc. is approved by City Council.” LOST.

Prior to the above original motion being voted on, Councillor Rice requested the vote on the motion be recorded.

FOR

His Worship Mayor Burgess
Councillor Barletta
Councillor Blight
Councillor Fitzpatrick
Councillor Harwood
Councillor McCrae
Councillor Paterson

AGAINST

Councillor Black
Councillor Campbell
Councillor Jessiman
Councillor Rice

343 Barletta-Blight
That Renaissance Brandon Inc. have as a mandate the utilization of such funding in conjunction with developments or projects that will lead to the betterment of downtown Brandon with a goal to create sufficient visible improvements and atmosphere of change and momentum to achieve and enhance a positive perception of the downtown. CARRIED.

At the request of the Mayor, a recorded vote was taken on the above noted motion.

FOR

His Worship Mayor Burgess
Councillor Barletta
Councillor Blight
Councillor Fitzpatrick
Councillor Harwood
Councillor Jessiman
Councillor McCrae
Councillor Paterson
Councillor Rice

AGAINST

Councillor Black
Councillor Campbell

(C) ENVIRONMENTAL STRATEGIC PLAN COMMITTEE OPEN HOUSE
VERBAL REPORT SEPTEMBER 10, 2007

Brandon, Manitoba
September 10, 2007

Mayor and Councillors
City of Brandon

Councillor Paterson provided a verbal report on the Open House hosted by the City's Environmental Strategic Plan Committee on September 6, 2007 at 7:00 p.m. in the main foyer of City Hall. He noted that while the attendance had been low, many worthwhile ideas had been raised.

Black-Blight

344 That the verbal report by Councillor Paterson with respect to the Environmental Strategic Plan Committee Open House be received. CARRIED.

(D) GENERAL MUSEUM ADVISORY COMMITTEE
VERBAL REPORT SEPTEMBER 10, 2007

Brandon, Manitoba
September 10, 2007

Mayor and Councillors
City of Brandon

Councillor Black provided a verbal report on the General Museum Advisory Committee whereby he noted the Committee would be co-hosting a public forum with the Brandon Municipal Heritage Committee on September 25, 2007. He advised that input would be sought from the public with respect to possible museum locations and funding requirements.

Fitzpatrick-Rice

345 That the verbal report by Councillor Black with respect to the General Museum Advisory Committee be received. CARRIED.

ENQUIRIES:

(223) INFORMATION ON THE CITY OF BRANDON

Councillor Black noted that he had received queries with respect to obtaining information about Brandon whereby he had directed the individuals to the City's web page. He enquired if, in fact, that was the appropriate direction and if the said web page contained a variety of information on Brandon and the surrounding area.

His Worship the Mayor advised that the City's web page was very thorough and contained a great deal of additional contact information.

(224) DERELICT BUILDINGS

Councillor Black enquired if the City's by-law pertaining to derelict buildings dealt with both residential and commercial buildings.

At the request of the Chair, the City Clerk advised the by-law pertained to all buildings.

(225) CASINO PLEBISCITE

Councillor Black referred to the recently released Gaming Market Study which indicated that Brandon could support a small casino and he enquired on the cost and time required to hold a plebiscite on the casino issue.

At the request of the Chair, the Senior Election Official advised that there would be a number of variables to consider with respect to running a plebiscite, however if there was no enumeration required, and one large voting location was utilized per ward, the cost would be approximately \$20,000. With respect to timelines, it was suggested that once the plebiscite ballot question had been decided, five (5) weeks would be required to allow sufficient time for securing locations, preparing voting lists, hiring staff and providing sufficient advertising and voting opportunities for the residents.

(226) NAMING RIGHTS

Councillor Paterson advised that he had raised his previous enquiry with respect to naming rights with the Administration and same was being reviewed for response to Council.

(227) JULY 2005 FLOOD CLAIMS

Councillor Paterson enquired if an update could be provided on reimbursement claims from the July 2005 overland flood.

His Worship the Mayor advised that he continued to speak with members of the Provincial and Federal Governments, however to date, there had been no change in the stance being taken by the Federal Government.

(228) LITTER CLEAN UP

Councillor Paterson noted the amount of litter in public areas and enquired who was responsible for the clean-up, the scheduled used and what the results were.

His Worship the Mayor agreed to take this matter under advisement.

(229) EASTERN ACCESS

Councillor Jessiman enquired if an update could be provided on the Eastern Access.

His Worship the Mayor advised that the Province Government supported the endeavour and was aware that the matter had been deemed a regional priority, however no time frame for completion had yet been announced.

In conjunction with the above, Councillor Black indicated that funds had been allocated in the Provincial budget for the completion of the Eastern Access and suggested His Worship the Mayor seek clarification on same.

His Worship the Mayor agreed to take this matter under advisement.

(230) FLOODING ISSUES ON VIOLET CRESCENT

Councillor McCrae noted that residents on Violet Crescent had been dealing with flooding issues from moderate and heavy rains for a long period of time and he enquired if remediation efforts could be undertaken to prevent future flooding.

His Worship the Mayor agreed to take this matter under advisement.

(231) TRAFFIC CIRCLE - 34TH STREET AND RICHMOND AVENUE

Councillor Fitzpatrick enquired if a date had been established for construction to commence on the traffic circle at 34th Street and Richmond Avenue.

At the request of the Chair, the General Manager of Development Services indicated no date had been set.

(232) COMPLETION OF CONSTRUCTION ON PRAIRIE CRESCENT

Councillor Fitzpatrick enquired if an update could be provided on the road construction taking place on Prairie Crescent.

At the request of the Chair, the General Manager of Development Services advised that the construction was 75% complete.

(233) VICTORIA WARD ISSUES

Councillor Blight reported that he had made enquiries and passed along accolades with respect to the clean up of Fotheringham Park and had made enquiries on the Fotheringham Drive drainage issues and upcoming mediation with Canadian Pacific Railway.

ANNOUNCEMENTS:

RICHMOND WARD MEETING

Councillor Campbell announced she would hold a ward meeting on September 17, 2007 at 7:30 p.m. in the Council Chamber at City Hall. She noted the items to be discussed would include drainage concerns, traffic issues, zoning and new development. She encouraged residents to attend.

POVERTY COMMITTEE MEETING

Councillor Rice announced that the Poverty Committee would hold a meeting on Tuesday, September 11, 2007 at 4:30 p.m. in the Council Chamber at City Hall. He reported that the meetings were open to the public and encouraged interested individuals to attend.

GENERAL BUSINESS:

(A) HOME BASED BUSINESS APPLICATION - 939 - 4TH STREET NORTH (FREEMAN)

Considered was a report from Corporate Services dated August 22, 2007 with respect to the above.

Paterson-Blight

346 That the home based business application of Wayne Freeman for a car stereo/remote starter installation business at 939 4th Street North, be approved. CARRIED.

(B) YOUTH COUNCIL REPORT

City Council considered a report from the City Clerk dated August 21, 2007 with respect to the above.

Black-Blight

347 That a youth member be appointed to sit with City Council and to participate in its deliberations at all its meetings open to the public 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 quorum or deciding a vote of City Council; and
- (iv) be selected on a rotating basis from a seven member Youth Council which shall be comprised of representatives from Assiniboine Community College, Brandon University, Crocus Plains Regional Secondary School, Neelin High School, Vincent Massey High School respectively and two city-at-large representatives;

and further, that should there be no interest expressed by students of one or more of the above educational institutions after a given period of advertising, one or more additional city-at-large representatives shall be selected instead;

and further, that a Youth Council membership selection committee be established whereby the committee shall be comprised of two members of City Council, two members of the Youth Council not seeking re-appointment, the City Clerk and the Youth Initiatives Co-ordinator;

and further, that His Worship the Mayor, the City Manager, the City Clerk and Deputy City Clerk conduct an orientation meeting with the newly established Youth Council. CARRIED.

(C) TENDER NO. 98/07 - CONTRACT B UNDERGROUND WORKS

Councillor Rice declared an interest in this item of business as he is employed in the industry and left the Council Chamber without any further discussion to avoid a conflict.

Submitted for consideration was a report from the General Manager of Development Services dated August 27, 2007 with respect to the above.

Campbell-Fitzpatrick

348 That the low bid of C and C Construction for Contract B Underground Works as per tender and specifications at a cost of \$394,922.50 (including GST) be accepted. CARRIED.

Following the above motion being voted on, Councillor Rice re-entered the Council Chamber.

(D) DISCONTINUED USE OF FUEL DISPENSING AND STORAGE FACILITIES

Considered was a report from His Worship the Mayor dated August 1, 2007 with respect to the above.

Burgess-Campbell

349 That an amendment be prepared to the City's Zoning By-law to designate fuel dispensing and storage facilities as a conditional use and impose in the by-law, as a condition of approval, a development agreement whereby the developer/owner of such property and any future owner would be required, once the property was no longer used as a fuel dispensing/storage facility, to have an environmental assessment carried out on the property and the property cleaned up and remediated within a specified period of time and to the satisfaction of Manitoba Conservation. CARRIED.

At the request of Councillor Black, a recorded vote was taken on the above motion.

<u>FOR</u>	<u>AGAINST</u>
His Worship Mayor Burgess	Nil
Councillor Barletta	
Councillor Black	
Councillor Blight	
Councillor Campbell	
Councillor Fitzpatrick	
Councillor Harwood	
Councillor Jessiman	
Councillor McCrae	
Councillor Paterson	
Councillor Rice	

BY-LAWS:

NO. 6868 - TO REZONE 1 TO 47 LAUREL BAY FROM RMH RESIDENTIAL MOBILE/MODULAR HOME ZONE TO RSF RESIDENTIAL SINGLE FAMILY ZONE (BUCKLEY/SUNRIDGE HOMES)
3RD READING

It was noted that this by-law had received second reading at the July 23, 2007 meeting of City Council.

350 Campbell-Fitzpatrick
That By-law No. 6868 to rezone 1 to 47 Laurel Bay (Lots 1/13 Block 3, Lots 2/24 Block 4, Plan 42059 BLTO) from RMH Residential Mobile/Modular Home Zone to RSF Residential Single Family Zone be read a third and final time. CARRIED.

In accordance with Section 137 of The Municipal Act, a recorded vote was taken on the motion to give By-law No. 6868 third reading.

<u>FOR</u>	<u>AGAINST</u>
His Worship Mayor Burgess	Nil
Councillor Barletta	
Councillor Black	
Councillor Blight	
Councillor Campbell	
Councillor Fitzpatrick	
Councillor Harwood	
Councillor Jessiman	
Councillor McCrae	
Councillor Paterson	
Councillor Rice	

NO. 6878 - TO AUTHORIZE THE CITY OF BRANDON TO ENTER INTO A FRANCHISE AGREEMENT WITH CENTRA GAS MANITOBA INC. FOR THE SUPPLY OF NATURAL GAS TO THE CITY AND ITS INHABITANTS
1ST READING

Considered was a report from the General Manager of Corporate Services dated August 22, 2007 with respect to the above.

Rice-Black

351 That By-law 6878 to enter into a franchise agreement with Centra Gas Manitoba Inc. for the supply of natural gas to the Brandon community be read a first time. CARRIED.

NO. 6880 - TO REZONE 3000 RICHMOND AVENUE EAST FROM DR DEVELOPMENT RESERVE ZONE TO MG INDUSTRIAL GENERAL ZONE (BOBIAK/CUMMING/BRADLEY)
1ST READING

City Council considered a report from the Planning Department dated August 24, 2007 with respect to the above.

Jessiman-Campbell

352 That By-law No. 6880 to rezone property located at 3000 Richmond Avenue East (Pt. NE 1/4 7-10-18 WPM) from DR Development Reserve Zone to MG Industrial General Zone be read a first time. CARRIED.

NO. 6881 - TO CREATE THE FEDERAL TRANSIT FUNDING RESERVE FUND
1ST READING

Submitted for consideration was a report from the General Manager of Corporate Services dated August 23, 2007.

Blight-Paterson

353 That By-law No. 6881 to create the Federal Transit Funding Reserve Fund, be read a first time. CARRIED.

NO. 6883 - TO REZONE 1910 BELL AVENUE FROM DR DEVELOPMENT RESERVE ZONE TO RSF RESIDENTIAL SINGLE FAMILY ZONE, RMD RESIDENTIAL MODERATE DENSITY MULTIPLE FAMILY ZONE, PR PARKS AND RECREATION ZONE AND CAR COMMERCIAL ARTERIAL ZONE (EXECUTIVE HOMES LTD. 2000, TOD ENTERPRISES LTD./NORLIT ENTERPRISES LTD.)
1ST READING

Considered was a report from the Planning Department dated August 29, 2007 with respect to the above.

Paterson-Harwood

354 That By-law No. 6883 to rezone property located at 1910 Bell Avenue (Pt. SE 1/4 34-10-19 WPM) from DR Development Reserve Zone to CAR Commercial Arterial Zone, PR Parks and Recreation Zone, RMD Residential Moderate Density Multiple Family Zone and RSF Residential Single Family Zone be read a first time. CARRIED.

GIVING OF NOTICE:

(A) REQUEST FOR CASINO PLEBISCITE

In accordance with Rule 60 of City Council Procedure By-law No. 6634, Councillor Black gave notice of his intent to introduce at the September 24, 2007 meeting of City Council, the following motion:

“That the City of Brandon conduct a plebiscite with respect to the casino issue whereby the question to appear on the ballot would be:

Do you support the establishment of a casino in the City of Brandon?"

Yes

No

ADJOURN:

Paterson-Blight

That the meeting do now adjourn. (10:20 p.m.)

MAYOR

CITY CLERK