

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD ON MONDAY, SEPTEMBER 22, 2008 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 Member Greg Crisanti

ABSENT: Nil

ADOPTION OF AGENDA:

793 Harwood-Blight
That the Agenda for the Regular Meeting of City Council to be held Monday, September 22, 2008 be adopted as presented. CARRIED.

CONFIRMATION OF MINUTES:

794 Fitzpatrick-Barletta
That the Minutes of the Regular Meeting of City Council held on Monday, September 8, 2008 be taken as read and so adopted, all statutory requirements having been fulfilled. CARRIED.

HEARING OF DELEGATIONS:

(A) PERRY ROQUE, HEALTHY BRANDON IN MOTION - WALK THE TALK CHALLENGE

Perry Roque, on behalf of Healthy Brandon in Motion, appeared before City Council with respect to the Walk the Talk Challenge to be held October 1, 2008 whereby a challenge had been issued by Brantford, Ontario to have the most people per capita to walk for a total of 30 minutes on that day. Mr. Roque encouraged everyone to register and be counted as part of the challenge by calling 578-2199, or faxing 729-8244. He noted that a number of walks would be organized throughout the City of Brandon on October 1st starting at 12:10 p.m. at various locations such as the Sportsplex, Princess Park and the Brandon Regional Health Authority, and that more information could be obtained at www.brandoninmotion.ca.

795 Blight-Rice
That the presentation by Perry Roque on behalf of Healthy Brandon In Motion with respect to the Walk the Talk Challenge between the City of Brandon and the City of Brantford, Ontario be received. CARRIED.

The following proclamation was read aloud by His Worship the Mayor:

WHEREAS The City of Brandon will be “The Walking Capital of Canada”;

AND WHEREAS The City of Brandon was declared a Manitoba in Motion community by Mayor Dave Burgess in 2006;

AND WHEREAS The City of Brandon has 40 kilometers of picturesque trails;

AND WHEREAS The City of Brandon plows its trails during the winter to allow for yearlong access;

AND WHEREAS The City of Brandon has a very active Healthy Brandon in Motion committee;

AND WHEREAS The City of Brandon participated in the 2007 World Record Walk event and 1,311 Brandonites and 9 schools participated;

AND WHEREAS The City of Brandon has been declared the 7th Best Walking City in Canada by the Canadian Federation of Podiatric Medicine;

AND WHEREAS The City of Brandon has been declared the BEST Walking City in Manitoba;

NOW THEREFORE I HEREBY PROCLAIM that the City of Brandon Manitoba is indeed challenging the City of Brantford, Ontario for the title "Walking Capital of Canada" on October 1, 2008.

(B) SELESHE MULAW - PROPOSED TAXI BY-LAW NO. 6884

Seleshe Mulaw of ABC Cabs, appeared before City Council with respect to the proposed Taxi By-law. Mr. Mulaw suggested that there be a cap on the number of taxis permitted in industry.

Black-Rice

796 That the presentation by Seleshe Mulaw with respect to proposed Taxi By-law No. 6884 be received. CARRIED.

(C) BRYAN EDWARDS - PROPOSED TAXI BY-LAW NO. 6884

Bryan Edwards, United Taxi appeared before City Council with respect to the proposed Taxi By-law. He addressed three issues: fixed dispatch requirement for cars and the use of hands-free cell phones; the six car fleet requirement; and the creation of a Taxi Review Committee to regulate the industry.

Rice-Black

797 That the presentation by Bryan Edwards with respect to proposed Taxi By-law No. 6884 be received. CARRIED.

(D) ROBERT KNIGHT - TRAFFIC TICKET ACT AND CAR DISPATCH

This item was withdrawn as Mr. Knight was not in attendance at the meeting.

(E) HEIKO ZINN - PROPOSED TAXI BY-LAW

Heiko Zinn, 4-Way Taxi appeared before City Council with respect to the proposed Taxi By-law. Mr. Zinn stated that he had some reservations, but overall supported the by-law, noting that regulation of the taxi industry was required to maintain quality of the industry.

Harwood-Black

798 That the presentation by Heiko Zinn with respect to proposed Taxi By-law No. 6844 be received. CARRIED.

(F) SHERRY HAITHWAITE - PROPOSED TAXI BY-LAW

Sherry Haithwaite, Angel Taxi appeared before City Council with respect to the proposed Taxi By-law. She referred to information submitted to City Council on the use of cell phones and dispatch options that could be considered. Ms. Haithwaite questioned a reduction in age limit of vehicles and opposed increasing the required fleet size to six vehicles.

Black-Paterson

799 That the presentation by Sherry Haithwaite with respect to proposed By-law No. 6884 be received. CARRIED.

PUBLIC HEARINGS:

Nil

COMMUNICATION & PETITIONS:

Nil

COMMITTEE REPORTS:

Nil

ENQUIRIES:

(437) NEW REFUSE CONTAINERS

Councillor Campbell advised that she had received telephone calls from ward residents regarding the new refuse containers, including whether or not they were required to use the small kitchen compost bins provided. She noted that residents remained confused about the program and enquired if a public information session was planned.

His Worship the Mayor advised that residents were not required to use the small kitchen compost containers and same could be returned to the City if residents chose to do so and further that no public information session was planned.

Further to this issue Councillor Campbell sited an example of an apartment complex which formerly had two large bins but under the new system had received twelve smaller bins. She noted that this caused a problem in that the bins had taken up spots in the parking lot of the complex. She enquired as to the process for apartment blocks under the new system.

At the request of the Chair, the Acting City Manager advised that the staff of the Operations Division acknowledged that apartment complexes were unique, and had agreed to work with the owners on an individual basis if necessary. He requested that Councillor Campbell provide him with the contact information for the property owners she referred to and assured her that they would be contacted by Operations Department staff.

Councillor Campbell enquired as to the regulations for usage of the recycle bins and further, by whom were those regulations to be enforced. Further to this issue she enquired what was to happen with the old bins.

His Worship the Mayor advised that the Operations Department was working with all residents on the new system, however, if residents chose not to use any of the bins, arrangements were to be made with the Operations Department to have those bins picked up. He further advised that residents were allowed to keep the old bins for other uses and if they chose to do so, the bins were to be marked with an X. Any unmarked bins were to be picked up by the Operations Department once the new system was fully operational.

Further to this issue, Councillor Fitzpatrick enquired as to the start-up date for the new system and if a telephone number could be provided to citizens who had questions and/or concerns.

His Worship the Mayor advised that the start-up date was to be October 6, 2008 and enquiries could be made by calling the Public Works Division at 729-2285.

(438) CITY'S POSITION ON OVERLAND FLOODING AND DISASTER ASSISTANCE

Councillor Paterson referred to the ongoing issue of the City's position on overland flooding and disaster assistance and enquired if a decision had been made as to how to proceed with this issue in the future. He noted that a rainstorm such as the one in July of 2005 could happen at any time and a decision ahead of time as to the process to be followed to best assist those affected would be beneficial.

His Worship the Mayor advised that the City had no jurisdiction on disaster relief, whereby the Federal Government worked in conjunction with the Provincial Government in those situations. He further advised that the only jurisdiction City Council had was the direction taken for each disaster as it happened.

(439) ASSINIVIEW REVITALIZATION PROGRAM

Councillor Paterson requested an update on the status of the Assiniview Revitalization Program, particularly in relation to the moving of larger commercial interests away from the river.

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

(440) OVERLAND FLOODING - RESOLUTION TO THE FEDERATION OF CANADIAN MUNICIPALITIES

Further to Councillor Paterson's enquiry regarding overland flooding, Councillor Black advised that City Council had previously considered a resolution to be forwarded to the Federation of Canadian Municipalities (FCM) for their assistance with this issue. He enquired as to the status of this resolution.

His Worship the Mayor advised that a written response had been received from FCM and same would be shared with City Council.

(441) ENVIRONMENTAL ISSUES IN THE CITY OF BRANDON

Councillor Black referred to a recent letter sent to the Minister of Conservation, The Honourable Stan Struthers, and enquired if any response had been received. He added that His Worship had previously advised that he was to meet with Minister Struthers and enquired whether those discussions had taken place.

His Worship the Mayor responded that members of the Association of Manitoba Municipalities, representatives from the City of Winnipeg and the City of Brandon, himself included, had met with Minister Struthers on this issue. He advised that the Department of Conservation was working towards a joint committee which was to make a province-wide recommendation on environmental issues and from that, municipal jurisdiction was to be laid out. However, it was anticipated that most regulations would be province-wide.

(442) SHORTAGE OF CHILD CARE FACILITIES IN BRANDON

Councillor Black referred to a recent newspaper article whereby it was noted that there was a shortage of child care facilities in the City of Brandon. He enquired if this issue could be followed up on and a more comprehensive report on same be provided.

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

(443) 34TH STREET AND RICHMOND AVENUE TRAFFIC CIRCLE

Councillor McCrae requested an update on the construction of the traffic circle at 34th Street and Richmond Avenue.

His Worship the Mayor advised that construction was expected to be completed by September 26, 2008.

(444) FALL CLEAN-UP ASSISTANCE

Councillor Jessiman noted that he had received calls from area residents who enquired as to the process for spring and fall clean-up under the new refuse collection system. He advised that in the past large items such as trees etc. were picked up by the City and enquired if the process would be the same under the new system.

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

(445) 1ST STREET AND RICHMOND AVENUE RETENTION POND

Councillor Jessiman enquired if the construction of the retention pond at 1st Street and Richmond Avenue was planned for the fall of 2008.

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

(446) CONSTRUCTION OF STREET FROM BRAECREST DRIVE TO MOCKINGBIRD LANE

Councillor Jessiman enquired as to the status of the construction of the short street from Braecrest Drive to Mockingbird Lane in Monterey Estates.

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

(447) OVERGROWN CARAGANAS - 2ND AND 3RD STREETS SOUTH OF RICHMOND AVENUE

Councillor Jessiman referred to overgrown caraganas which caused problems for people who walked on the sidewalk on 2nd and 3rd Streets, south of Richmond Avenue. He requested that same be cleaned up.

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

(448) UPDATE ON COMMUNITY STRATEGIC PLAN

Councillor Blight noted that a response to a previous enquiry regarding the Community Strategic Plan had indicated that an interactive community event was to be held in the Spring of 2008 and requested an update on same.

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

(449) WEST END DOG PARK

Councillor Blight referred to an enquiry he had received from an area resident regarding the construction of a dog park in the West End of the City. He reported that he had spoken to City Administration who advised that same was being considered for 2009.

(450) SPEED OF TRAINS

Councillor Blight advised that he had received enquiries from area residents regarding the speed of trains within City limits. He reported that he had spoken with the Emergency Coordinator, Mr. Brian Kayes, who was to investigate this matter and report back to City Council.

(451) INCREASE IN THE NUMBER OF HOUSEHOLD HAZARDOUS WASTE DAYS

Councillor Blight referred to the fall Household Hazardous Waste Day held September 20, 2008, whereby he noted that residents were limited to two times per year to dispose of these items and enquired if an increase in the number of days could be considered.

His Worship the Mayor advised that this item had been discussed in a recent meeting with the Minister of Conservation and new programs were currently being considered by the Province which would increase those times. He added that City Council would be updated as soon as an answer was received from the Province.

ANNOUNCEMENTS:

RENT ABATEMENT PROGRAM - RENAISSANCE BRANDON

Councillor Barletta announced that, to date, two businesses, those being Seven Ages Productions and World Financial Group Canada had taken advantage of the new Rent Abatement Program sponsored by Renaissance Brandon. This program provided rent assistance to new tenants of the downtown area in the way of a forgivable loan. He added that Renaissance Brandon had provided \$6,825 towards this program which began September 1, 2008.

TAKE BACK THE NIGHT MARCH

Councillor Blight announced that the annual Take Back the Night March was to be held Thursday, September 25, 2008 at 6:30 p.m. in the Brandon University Courtyard.

NATIONAL RESPONSIBLE DOG OWNERSHIP WEEK

The following proclamation was read aloud by His Worship the Mayor:

WHEREAS, the Canadian Kennel Club, the primary registry for purebred dogs in Canada is a national non-profit organization which promotes the benefits that dogs bring to our society;

AND WHEREAS, the Canadian Kennel Club is committed to the furthering of responsible dog ownership in Canada;

AND WHEREAS, the Canadian Kennel Club is proud of its initiative, "National Responsible Dog Ownership Week" which brings together likeminded organizations that provide support, advice, guidance and education in the responsibilities of owning a dog;

NOW THEREFORE, I, Dave Burgess, Mayor of the City of Brandon, do hereby proclaim September 20-27, 2008 as Responsible Dog Ownership Week in the City of Brandon and encourage all citizens to practice responsible dog ownership for a safer community for all.

WESTMAN DRAGON BOAT RACES

His Worship the Mayor announced that 28 teams, including one from the City of Brandon and one in memory of Shauna Rice, founder of Funds for Furry Friends, participated in the Westman Dragon Boat Races held September 20, 2008 and a good time was had by all.

GENERAL BUSINESS:

(A) WESTERN CANADIAN MUSIC AWARDS - SEPTEMBER 24 - 27, 2009

Considered was a report from Brandon First dated September 19, 2008 with respect to the above and a presentation by Erin Brown of Brandon First and Rick Fenton, President of the Western Canadian Music Awards.

Black-Paterson

800 That the City of Brandon commit \$60,000 towards the total bid guarantee with matching support being provided by the Province of Manitoba for Brandon to host the 2009 Western Canadian Music Awards being held September 24 to 27, 2009. CARRIED.

(B) MARYLAND AVENUE/TRINITY SCHOOL SITE LAND TRANSFER AGREEMENT

Submitted for consideration was a report from the General Manager of Development Services dated September 10, 2008 with respect to the above.

Campbell-Fitzpatrick

801 That the City of Brandon enter into the agreement with the Brandon School Division attached to the report of the General Manager of Development Services dated September 10, 2008 with respect to the City acquiring from and disposing to the Division land described as the Maryland Avenue/Trinity School Site, more specifically shown on parcels B, C, D, E, F and G of Schedule "B" to the agreement and Lots 1 to 50, Block 3, Plan 300 BLTO, Lots 1 to 50, Block 4, Plan 300 BLTO, and Lots 1 to 50, Block 5, Plan 300 BLTO as set out in said agreement. CARRIED.

(C) APPOINTMENT TO THE WESTERN MANITOBA REGIONAL LIBRARY BOARD

City Council considered a report from His Worship the Mayor dated September 17, 2008 with respect to the above.

Barletta-Harwood

802 That in accordance with Subsection 15(c) of Organizational By-law No. 6650, Councillor Don Jessiman be and is hereby appointed to the Western Manitoba Regional Library Board with term of office to expire November 16, 2008. CARRIED.

(D) DEVELOPMENT AGREEMENT - EXECUTIVE HOMES (2000) LTD.
PROPOSAL TO SUBDIVIDE 1910 BELL AVENUE

Considered was a report from the General Manager of Development Services dated September 10, 2008 with respect to the above.

Paterson-Jessiman

803 That the City of Brandon enter into a development agreement with Executive Homes (2000) Ltd. as attached to the report of the General Manager of Development Services dated September 10, 2008. CARRIED.

(E) NO FURTHER READING MOTION ON BY-LAWS

Submitted for consideration was a report from Councillor E. Black dated September 18, 2008 with respect to the above.

Black-Rice

804 That Administration prepare the necessary by-law to amend City Council's Procedure By-law to include a provision whereby a motion that a by-law be given no further readings shall be deemed lost unless carried unanimously by those members present at the meeting. LOST.

AMENDMENT

Barletta-Jessiman

805 That the above motion be amended by deleting the words: "carried unanimously" and substituting therefor the words: "carried by a 2/3 majority". LOST.

BY-LAWS:

NO. 6884 - TAXI BY-LAW NO. 6884 - TO PROVIDE FOR THE LICENSING, CONTROLLING, REGULATING AND SAFETY OF TAXICABS WITHIN THE CITY OF BRANDON
AMENDMENT, 2ND AND 3RD READINGS

It was noted that this by-law had received first reading at the April 7, 2008 meeting of City Council.

Fitzpatrick-Paterson

806 That Taxi By-Law No. 6884 to provide for the licensing, controlling, regulating, and safety of taxicabs within the City of Brandon be amended by:

- (a) deleting in subsection 2.6(a), the words: "effective until December 31, 2011 only";
- (b) deleting section 2.7 in its entirety and substituting the following therefor:

"2.7 An exception to subsection 2.6(a) shall be made if, at the time of passage of this by-law, a company is operating with less than six duly licensed metered taxicabs. Those companies may continue to operate with no fewer vehicles than at the date of passage of this by-law. Should the company augment their fleet size, at any time after passage of this by-law, the new fleet size will replace the existing grandfathered fleet size. Any transfer of company ownership will terminate this exception." LOST.

Councillor Rice proposed the following amendment to reduce the number of taxi vehicles required to obtain a business license certificate from six (6) to three (3).

Rice-Black

807 That the by-law be amended by deleting in subsection 2.6(a) the words: "six (6)" and substituting therefor the words: "three (3)", by deleting in subsection 2.6(a) the words: "(see also Section 2.7)", by deleting subsection 2.7 in its entirety, and by renumbering subsections 2.8 through 2.19 as 2.7 through 2.18 respectively. CARRIED.

Fitzpatrick-Black

808 That the by-law be further amended by deleting in subsection 8.1(b), the figure: "\$0.14" and substituting therefor, the figure: "\$0.18". CARRIED.

The following amendment was then introduced by Councillor Rice to impose a ten (10) year age restriction on vehicles used in the taxi industry instead of eight (8).

Rice-Fitzpatrick

809 That the by-law be further amended by deleting subsections 3.13 and 3.14 in their entirety, and substituting the following therefor:

“3.13 Beginning March 1, 2010 and effective March 1st in each year thereafter, an age restriction not to exceed 10 vehicle model years shall be placed on all vehicles used in conjunction with the taxi industry with the exception of chartered vehicles. All vehicle additions or replacements will be required to meet the 10 year age restriction excepting vehicles already permitted under 3.12 of this by-law. Vehicles already permitted under 3.12 of this by-law are subject to a 12 year age restriction.” CARRIED.

Councillor Barletta put forward the following amendment to the by-law to remove the requirement for radio dispatch services and to allow the taxi industry to use hands-free, wireless technology within a taxicab for dispatch operations.

Barletta-Rice

810 That the by-law be further amended by deleting subsection 2.6(c) in its entirety and renumbering subsections 2.6(d) through 2.6(f) as 2.6(c) through 2.6(e) respectively, by deleting in Schedule D all references to dispatch provider, and by deleting subsection 5.3 in its entirety and substituting the following therefor:

“5.3 Dispatch operations may be carried out in a vehicle using hands free wireless cellular technology, or other similar technology in a manner that is consistent with the safety of passengers and the public.” CARRIED.

The following amendments were proposed by Councillor Rice for City Council's consideration.

Rice-Barletta

811 That the by-law be further amended by capping the number of licensed taxi vehicles allowed in the City of Brandon at seventy-five (75). LOST.

Rice-Barletta

812 That the by-law be further amended by including a provision for the creation of a Taxi Review Board to regulate the taxi industry in the City of Brandon. LOST.

Paterson-Barletta

813 That the by-law, as amended, be given second reading. CARRIED.

Paterson-Black

814 That third reading of this by-law be held in abeyance pending receipt from the Administration of the recommended wording for the amended by-law. CARRIED.

NO. 6912 - TO NAME THE STREETS IN THE DEVELOPMENT OF 1910 BELL AVENUE (OAKRIDGE ESTATES), NORTH OF OAK BLUFF DRIVE AND WEST OF 18TH STREET NORTH (PT. SE 1/4 34-10-19 WPM)
2ND AND 3RD READINGS

It was noted that this by-law had received first reading at the September 8, 2008 meeting of City Council.

815 Paterson-Fitzpatrick
That By-law No. 6912, to name the streets in the development of Oakridge Estates at 1910 Bell Avenue, North of Oak Bluff Drive and West of 18th Street North (Pt. SE 1/4 34-10-19 WPM), be read a second time. CARRIED.

816 Paterson-Fitzpatrick
That the by-law 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. 6912 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	

GIVING OF NOTICE:

Nil

ADJOURN:

Rice-Barletta
That the meeting do now adjourn (10:58 p.m.). CARRIED.

MAYOR

CITY CLERK