

**MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD ON MONDAY,
OCTOBER 6, 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

ABSENT: Youth Member

ADOPTION OF AGENDA:

Blight-Fitzpatrick
820 That the Agenda for the Regular Meeting of City Council to be held Monday, October 6, 2008 be adopted as presented. CARRIED.

CONFIRMATION OF MINUTES:

Harwood-Blight
821 That the Minutes of the Regular Meeting of City Council held on Monday, September 22, 2008 be taken as read and so adopted, all statutory requirements having been fulfilled. CARRIED.

HEARING OF DELEGATIONS:

(A) BARRY WOWK - 2008 SENIOR AAA NATIONAL BASEBALL CHAMPIONSHIPS

Councillor Paterson declared a professional interest in this matter and left the Council Chamber prior to any further discussion.

Mr. Barry Wowk of the Manitoba Senior Baseball League appeared before City Council with respect to the recent 2008 Senior AAA National Baseball Championships held in Brandon. Mr. Wowk advised City Council that unfortunately, due to uncooperative weather, the 2008 Senior AAA National Baseball Championships had run a deficit of \$20,000 for the event. He requested a \$10,000 repayable loan and a matching grant of \$10,000 from Brandon City Council to help the Senior Baseball League regain solid financial footing.

Black-Jessiman
822 That the presentation by Barry Wowk requesting funds to offset the debt incurred during the 2008 Senior AAA National Baseball Championships held in Brandon in August, 2008 be received and referred to the Administration for consideration and subsequent report to City Council. CARRIED.

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

(B) DAVID WILSON - MANITOBA HERITAGE TATTOO

Mr. David Wilson appeared before City Council with respect to the recent Manitoba Heritage Tattoo held in Brandon on August 18 and 19, 2008. Mr. Wilson thanked City Council for the financial support for the event whereby he noted that the economic impact on the City of Brandon was significant. Mr. Wilson further stated that plans were underway to secure the event in 2009.

Paterson-Harwood
823 That the presentation by David Wilson with respect to the Manitoba Heritage Tattoo be received. CARRIED.

(C) KAREN OLIVER AND STANLEY COCHRANE - SALE OR LEASE OF LAND AT THE KEYSTONE CENTRE

Karen Oliver, General Manager and Stan Cochrane, President of the Provincial Exhibition of Manitoba, appeared before City Council with respect to the proposed sale or lease of land at the Keystone Centre. Mr. Cochrane expressed concerns that the loss of parking and green space resulting from the sale or lease of land would result in the loss of events such as the Folk Festival and the Super Run and would not solve the sustainability or capital challenges faced by the Keystone Centre.

Paterson-Barletta

824 That the presentation by Karen Oliver and Stan Cochrane of the Provincial Exhibition of Manitoba with respect to the proposed sale or lease of land at the Keystone Centre be received. CARRIED.

(D) ROBERT KNIGHT - PROPOSED TAXI BY-LAW

Mr. Robert Knight of Tasmanian Taxi appeared before City Council with respect to proposed Taxi By-law No. 6884. He expressed concerns with eliminating a fixed dispatch centre and allowing the use of cell phones in taxicabs and the potential effect of same on passenger safety.

Black-Paterson

825 That the presentation by Robert Knight with respect to proposed Taxi By-law No. 6884 be received. CARRIED.

(E) BRYAN EDWARDS - PROPOSED TAXI BY-LAW

Bryan Edwards, 1-United Taxi appeared before City Council with respect to the proposed Taxi By-law.

Harwood-Paterson

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

(F) SHERRY HAITHWAITE - PROPOSED TAXI BY-LAW

Sherry Haithwaite, Angel Taxi appeared before City Council with respect to proposed Taxi By-law No. 6884.

Jessiman-Fitzpatrick

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

PUBLIC HEARINGS:

(A) VARIATION APPLICATION - 649 FRANKLIN STREET (EVANS)

Danny Evans appeared before City Council in support of his application and to answer any questions.

No further representation was put forward either in support of or in opposition to the application.

Black-Paterson

828 That the Public Hearing for the variation application of Danny Evans on behalf of the owners Danny and Heather Evans for 649 Franklin Street be concluded. CARRIED.

Black-Paterson

629 That the approval of the variation application of Danny Evans on behalf of Danny and Heather Evans to reduce the minimum required north side yard of a single family dwelling from 12m (3.94') to 0.16m (0.55') to accommodate an addition to the existing house in the RLD Residential Low Density Multiple Family Zone at 649 Franklin Street (Lots 15/17, Block 10, Plan 9 BLTO) be referred to Administration for the preparation of a development agreement for submission to City Council that would be imposed as a condition of approval requiring the owner/applicant to:

- (1) submit to the City Building Inspection Section for approval, proper engineering drawings of the addition said drawings to show the addition being compliant with the building code;
 - (2) sufficiently dismantle parts of the addition to allow viewing access by the building inspection staff to determine compliance with the building code and with the engineered drawings;
 - (3) provide written certification from an engineer registered in the Province of Manitoba that the foundation installed meets the building code and was properly installed or was modified to ensure compliance with the building code;
 - (4) obtain an access agreement over the lands of the adjacent property owner to the north to ensure the applicant has maintenance access to that portion of his residence, providing the City Planning and Building Department through the Senior Planner with a copy of the agreement and the agreement shall be registered by caveat on both the applicant's property and the property to the north;
 - (5) resolve drainage problems;
 - (6) acknowledge that the variation would apply strictly for the life of the addition; and
 - (7) meet any other requirement City Administration may deem advisable. CARRIED.
- (B) BORROWING OF FUNDS TO CONSTRUCT A COMBINED FIRE STATION AND EMERGENCY COMMUNICATIONS CENTRE

City Council sat to receive representation on the proposed borrowing of funds to construct a combined Fire Station and Emergency Communications Centre.

No representation was put forward either in support of or in opposition to the proposed borrowing.

Paterson-Harwood

830 That the Public Hearing with respect to borrowing \$11,000,000 for the purpose of constructing a combined Fire Station/Emergency Communications Centre be concluded. CARRIED.

COMMUNICATION & PETITIONS:

Nil

COMMITTEE REPORTS:

(A) KEYSTONE CENTRE
VERBAL REPORT OCTOBER 6, 2008

October 6, 2008
Brandon, Manitoba

Mayor and Councillors
City of Brandon

Councillor Fitzpatrick provided an update to Council regarding the history of the Keystone Centre expenditures over the last 15 years and the lingering debt carried by the Keystone Board. He noted that past and present general managers of the Keystone Centre had worked very hard in trying to move the facility forward, but the community needed to work together to make the facility better. Councillor Fitzpatrick reported that the leadership group was scheduled to meet later this month, and that further information would be brought forward on the 2009 budget at next meeting of Council.

(B) WESTERN MANITOBA CENTENNIAL AUDITORIUM
VERBAL REPORT OCTOBER 6, 2008

October 6, 2008
Brandon, Manitoba

Mayor and Councillors
City of Brandon

Councillor Blight reported that the Western Manitoba Centennial Auditorium Board had met on September 30, 2008 and had made the unanimous decision to approach the Provincial Government for financial assistance with general manager position. Councillor Blight noted that the Auditorium would be hosting the Sisters of the Holy Rock as a fundraiser on October 25, 2008. He also extended accolades to City Administration for their assistance with the facility operational review.

Black-Harwood

831 That the verbal reports by Councillors Fitzpatrick and Blight with respect to the Keystone Centre and the Western Manitoba Centennial Auditorium respectively be received. CARRIED.

ENQUIRIES:

(452) RECREATION CENTRE GOLF COURSE

Councillor Paterson noted that area residents had raised concerns in regards to the operation of the Recreation Centre Golf Course. He enquired if a user advisory board could be considered to alleviate some of those concerns.

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

(453) RECREATION CENTRE MASTER PLAN

His Worship the Mayor referred to the Recreation Centre Golf Course Master Plan developed in 1997. He requested an update on the status of that plan, whether or not it had been used and the possibility of the rejuvenation of same.

(454) NEW WASTE DISPOSAL SYSTEM AND BINS

Councillor Black advised that he had received enquiries from area residents regarding the new waste disposal system, most specifically, the placement of the bins. He requested clarification on same.

At the request of the Chair, the Manager of Public Works, Mr. Rick Bailey, advised that all bins had been delivered to the front of the properties, however, the pick-up locations were to remain the same as the old system. He added that residents were permitted to leave their bins in the back lane all of the time if they preferred and they were not required to move them after pick-up.

Further to this issue, Councillor Black noted that at the time City Council had approved the new system he understood that the placement of the bins was to be at the choice of residents, either front or back and enquired if that plan had since changed.

Mr. Bailey responded that the intent had always been that the pick-up locations were to remain the same, except in certain areas, in which case staff continued to work with those residents to find a suitable solution.

His Worship the Mayor referred to recent reports which indicated that residents would be responsible to pay for the replacement of stolen or damaged bins and enquired if that was the indeed the case.

Mr. Bailey responded that was not the case, any stolen or damaged bins were to be replaced by the City at no charge to the residents. He reiterated that sanitation staff continued to work very closely with residents, sometimes on a one to one basis, to ensure a smooth transition. He noted that while there were many concerns which had been addressed, there was also much positive feedback received, particularly regarding the ease of ability for recycling.

Further to this issue Councillor Fitzpatrick referred to specific streets in his ward, such as Silver Birch Drive, who required assistance on a one to one basis and enquired if those consultations had been completed.

Mr. Bailey responded that some progress had been made in that area and they continued to attempt to contact each residence. In cases where they were unable to speak to them information was provided in their mailboxes which included an explanation of the new system and a contact number should any further concerns arise.

Councillor McCrae requested clarification that the bins could remain in the back lane and that there was to be no cost to the residents should the bins be damaged or stolen. Further to this issue, Councillor McCrae referred to a recent editorial in the Brandon Sun whereby the new system had been heavily criticized, noted that he felt that this criticism was unwarranted and that overall, once fully operational, this system would keep tons of recyclable items out of the landfill site.

Mr. Bailey assured Councillor McCrae, and all members of Council, that residents were permitted to leave the bins in the back lane if they chose to do so. He also reiterated that any damaged or stolen bins were to be replaced at no cost to the residents.

Councillor Campbell and Councillor Paterson enquired as to the process to be followed for people interested in the old bins for other uses, such as firewood etc.

Mr. Bailey advised that a list was being maintained at the Public Works Complex on a first come first served basis. He advised that interested individuals were to call 729-2285 and press 4 to have their name added to this list.

Councillor Rice enquired as to how apartment complexes were being handled under the new system.

Mr. Bailey advised that with some larger complexes the amount of bins which they qualified for and/or required was substantial. He advised that, for this reason, some larger complexes had elected to contract commercial pick-up.

Councillor Jessiman advised that he had received a telephone call whereby the caller indicated that they intended to take their own refuse out to the landfill rather than use the new system. He enquired if a refund or any compensation was available for them.

Mr. Bailey responded that no refund or compensation would be provided for residents who made that choice.

Councillor Campbell advised that she had been told that some old bins had been thrown in the landfill site by residents. She enquired if that was the case.

Mr. Bailey responded that was not the case and would not be permitted.

Councillor Campbell further enquired what was to be done with the leftover bins.

Mr. Bailey responded that there had been a lot of interest from the public in attaining the old bins for other purposes. He anticipated that most of the old bins would be claimed; however, any excess bins after that may in fact generate some revenue for the City.

Councillor Black referred to the mini compost containers provided and enquired as to the options for residents to dump these containers.

Mr. Bailey advised that large bins had been set up around the City for residents to dump them as well as the option to take same out to the landfill site. He further advised that the mini composters had been provided as a convenience for backyard composting and noted that residents had a choice whether or not to use them.

(455) COMPLETION OF BICYCLE PATH BETWEEN BROOKWOOD SUBDIVISION AND 34TH STREET

Councillor Fitzpatrick enquired as to the status of the completion of the bicycle path between the Brookwood Subdivision and 34th Street. He noted that this had become a safety issue with children walking to Linden Lanes School and also with individuals who were forced to walk right on Richmond Avenue. He requested a written update on the issue with a firm timeline for completion.

At the request of the Chair, the General Manager of Development Services advised that the construction of the walkway was the responsibility of the developer of Brookwood Developments. He noted that the current walkway in the area was built in phases as the development phases progressed and further, that the last piece, which was to be connected to the traffic circle was connected to the development of the detention pond to the southwest of the traffic circle. He advised that the design was underway by the engineer for Brookwood Developments, fill had been delivered to the site by the City for the construction of the required embankment but no expected completion date had been provided. He agreed to contact the developer and respond back to City Council on this matter.

(456) POTENTIAL BAN ON HANDHELD CELL PHONES IN VEHICLES

Councillor Black requested an update on the status of the City of Brandon's involvement with the Province of Manitoba on the implementation of a ban on hand held cell phones in vehicles.

His Worship the Mayor responded that the City had not been involved in those discussions as it was not within municipal jurisdiction.

(457) MURAL PROGRAM

Councillor Black referred to an article in the "Our Canada" magazine in regards to the mural program in Pembroke, Ontario. He noted that he had received several calls from residents regarding this article, most specifically in reference to the mural on the water tower, but also a mural program for the City of Brandon in general. He cited Moose Jaw, Saskatchewan and Boissevain, Manitoba as examples of towns/cities with a mural program and enquired if same could be investigated for the City of Brandon.

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

ANNOUNCEMENTS:

INTRODUCTION OF SENIOR PLANNER FOR DEVELOPMENT SERVICES

At the request of His Worship the Mayor, the General Manager of Development Services introduced Angela Clark, the new Senior Planner for the City of Brandon. He advised that Ms. Clark had come to Brandon from the City of Winnipeg where she had been involved in many areas of Urban Planning.

WARD MEETING - SOUTH CENTRE

Councillor Rice announced that a South Centre Ward Meeting was to take place Wednesday, November 5, 2008 at 7:00 p.m. at the Central Community Centre. He encouraged everyone to attend.

ATTENDANCE AT NUMEROUS EVENTS ON BEHALF OF CITY COUNCIL

Councillor Harwood announced that he had been pleased to represent His Worship and City Council at 3 separate events recently. On September 30, 2008, he attended the public forum on the dangers of cocaine in the City, inclusive of a panel discussion after the forum. On October 2, 2008 he also attended the 22nd Annual Emergency Services Conference to welcome delegates. Finally Councillor Harwood noted that, on October 3, 2008, he attended the Sisters in Spirit Vigil and Walk organized by the 2nd Year Class of Aboriginal Community Development at Assiniboine Community College whereby he commended the Class on the effort they put into this project and noted that attendance had been very good.

ATTENDANCE AT CONFERENCE IN TORONTO

His Worship the Mayor thanked Councillors who had taken his place at events during the week of September 30th as he attended a conference in Toronto on infrastructure planning. He further announced that he had had the opportunity to visit some area cities which had been working hard on renewal of their downtowns. He added that he also had the opportunity to tour the new Police Station in Kingston, which he found to be very interesting and brought back lots of information which was to be shared with City Council in the near future.

GENERAL BUSINESS:

Nil

BY-LAWS:

NO. 6884 - TO PROVIDE FOR THE LICENSING, CONTROLLING, REGULATING AND SAFETY OF TAXICABS WITHIN THE CITY OF BRANDON
AMENDMENT AND 3RD READING

It was noted that this by-law had received second reading at the September 22, 2008 meeting of City Council.

McCrae-Black

832 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 deleting section 5.15 in its entirety and substituting the following therefor:

“5.15 Hand-held cellular telephones shall be prohibited from being operated by taxicab drivers while operating a taxicab.” CARRIED.

Paterson-Campbell

833 That the by-law be further amended by deleting subsection 8.1 in its entirety and substituting the following therefor:

“8.1 The tariff of fares, inclusive of GST, which business licensees shall permit their affiliated drivers to charge or collect from passengers carried in a metered taxicab shall be according to a published tariff as established from time to time by the Council of the City of Brandon.”;

and by deleting from Clause 2 of Schedule “A” the word: "maximum". CARRIED.

McCrae-Barletta

That the by-law, as amended, be read a third and final time. NOT VOTED ON.

McCrae-Paterson

834 That third reading of By-law No. 6884 be referred until such time as a Rates By-law has been passed. CARRIED.

NO. 6899 - TO CHANGE ELECTORAL WARD BOUNDARIES IN THE CITY OF BRANDON
AMENDMENT AND 3RD READING

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

Fitzpatrick-McCrae

835 That Schedule “A” to By-law No. 6899 to change the Electoral ward boundaries in the City of Brandon, be amended whereby the boundary line between Linden Lanes Ward and the Meadows Ward shown as proceeding east and north along Silver Birch Drive between Linden Boulevard and Willowdale Crescent shall be shown as proceeding east along Silver Birch Drive from Linden Boulevard to the north south lane west of Ash Grove Boulevard then north along the north south lane to Willowdale Crescent. CARRIED.

Fitzpatrick-Paterson

836 That Schedule “B” to the by-law be amended by deleting in the section entitled: “The Linden Lanes Electoral Ward”, the words: “thence, east and north along the centre line of Silver Birch Drive to the centre line of Willowdale Crescent”. and substituting therefor the words: “thence, east along said centre line to the centre line of the north south lane west of Ash Grove Boulevard; thence, north along said centre line to the centre line of Willowdale Crescent”; and by deleting in the section entitled: “The Meadows Ward”, the words: “Silver Birch Drive; thence, South and west”, and substituting therefor the words: “the north south lane west of Ash Grove Boulevard; thence south along said centre line to the centre line of Silver Birch Drive; thence, west”. CARRIED.

Fitzpatrick-Paterson

837 That the by-law, as amended, 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. 6889, as amended, 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. 6907 - TO REZONE 1925 PATRICIA AVENUE FROM RLL RESIDENTIAL LARGE LOT ZONE TO RMD RESIDENTIAL MODERATE DENSITY MULTIPLE FAMILY ZONE (JACOBSON AND GREINER LTD.)
3RD READING

It was noted that this by-law had received second reading at the August 18, 2008 meeting of City Council.

838 Campbell-Black
That By-Law No. 6907 to rezone property located at 1925 Patricia Avenue (Lot 3, Plan 2041 BLTO) from RLL Residential Large Lot Zone to RMD Residential Moderate Density Multiple 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. 6907 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. 6918 - TO AUTHORIZE THE BORROWING OF FUNDS TO CONSTRUCT A COMBINED FIRE STATION AND EMERGENCY COMMUNICATIONS CENTRE
1ST READING

Considered was a report from the General Manager of Corporate Services dated September 29, 2008 with respect to the above.

Harwood-Paterson

839 That By-law No. 6918, authorizing the borrowing of \$11,000,000 for the purpose of constructing a combined Fire Station/Emergency Communications Centre, be read a first time. CARRIED.

NO. 6920 - TO CLOSE AND CONVEY A PORTION OF PUBLIC RESERVE EAST OF 715 - 39TH
STREEET AND NORTH OF FIRST BAPTIST CHURCH (PART OF PLAN 31229)
1ST READING

Submitted for consideration was a report from the General Manager of Development Services dated September 22, 2008 with respect to the above.

Blight-Jessiman

840 That By-law No. 6920, to close and convey a portion of the Public Reserve located east of 715 - 39th Street and north of the First Baptist Church (Part of Plan 31229) to the registered owner of Lot 8, Block 4, Plan 43096, be read a first time. CARRIED.

GIVING OF NOTICE:

(A) STRUCTURE OF KEYSTONE CENTRE GOVERNANCE MODEL

In accordance with Rule 60 of City Council Procedure By-law No. 6634, Councillor Fitzpatrick gave notice of his intent to introduce at the October 20, 2008 meeting of City Council, the following motion:

"That the Council of City of Brandon review the current structure of the Keystone Centre Governance Model, and in conjunction with the Province of Manitoba, come forward with recommendations on the restructuring of the organization."

ADJOURN:

Blight-Rice

That the meeting do now adjourn (10:41 p.m.). CARRIED.

MAYOR

CITY CLERK