

**MINUTES OF THE SPECIAL MEETING OF CITY COUNCIL HELD ON WEDNESDAY, JUNE 30, 2010 AT 12:00 P.M. IN THE COUNCIL CHAMBER, CIVIC ADMINISTRATION BUILDING, BRANDON, MANITOBA**

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**PRESENT:** Mayor D. Burgess in the Chair, Councillor V. Barletta, Councillor E. Black, Councillor M. Blight, Councillor M. Campbell, Councillor K. Fitzpatrick (by telephone), Councillor J. Harwood, Councillor J. McCrae, Councillor G. Rice

**ABSENT:** Councillor D. Jessiman, Councillor D. Paterson

**READING OF THE CALL**

At the request of His Worship the Mayor, the City Clerk confirmed that on Thursday, June 24, 2010 notice had been given to all members of City Council including those members absent from the Council Chamber that a Special Meeting would be held this date to further consider the conditional use application for 1605 Victoria Avenue.

The City Clerk indicated that in view of the above compliance and that there was quorum, it was lawful to proceed with this Special Meeting.

**GENERAL BUSINESS:**

(A) CONDITIONAL USE - 1605 VICTORIA AVENUE (LOT 1/2, BLOCK 16, PLAN 2 BLTO)(BRYAN GUSDAL O/B/O IVAN & PAULETTE SOLOWAY)

It was noted that the public hearing on this matter was concluded at the June 21, 2010 meeting of City Council.

City Council considered a report from Planning Services dated June 28, 2010 with respect to the above.

**Barletta-Rice**

1438 That the conditional use application of Bryan Gusdal on behalf of Ivan & Paulette Soloway to allow for special needs housing for eight (8) people for the Westwind Eating Disorder Recovery Centre at 1605 Victoria Avenue (Lots 1/2, Block 16, Plan 2 BLTO) be approved, whereby such approval is hereby granted in accordance with the intent of the application dated March 25, 2010, the attached letter of intent March 24, 2010, the attached drawing and subject to:

- a) the owner/successor executing an encroachment agreement with the City of Brandon in regards to a decorative fence located on the east side of the property on the City of Brandon right-of-way;
- b) the owner/successor obtaining all necessary permits for the establishment of the Westwind Eating Disorder Recovery Centre;
- c) the owner/successor providing written confirmation from the Brandon Municipal Heritage Advisory Committee that plans have been submitted and approved for any alterations to the garage exterior; and
- d) the owner/successor entering into the development agreement attached to the report of the General Manager of Development Services dated June 28th, 2010, with such development agreement including the following clause: That the owner shall, at such time as the current use of the Westwind Eating Disorder Recovery Centre is discontinued, satisfy the following conditions:

- 1) that if the existing four garage doors are removed; the owner shall store the garage doors within the roof space of the garage; and then re-install the garage doors once the current use is discontinued;
- 2) that the owner shall remove all building materials associated with the development of the office space including: ceiling, interior walls, sub-floor, plumbing and air conditioning; and
- 3) that the garage be restored back to its use as a garage. CARRIED AS AMENDED.

Prior to City Council voting on the above, His Worship the Mayor requested that a recorded vote be taken.

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

AMENDMENT

Burgess-Blight

1439 That the above motion be amended by deleting sub-paragraph d) in its entirety and substituting the following therefor:

“d) the owner/successor entering into the development agreement attached to the report of the General Manager of Development Services dated June 28, 2010 whereby such development agreement shall include the following clause:

That the owner shall, at such time as the current use of the Westwind Eating Disorder Recovery Centre is discontinued, restore the garage back to its use as a four car garage providing such space is not required in conjunction with another use which shall require conditional use approval by City Council.” CARRIED.

AMENDMENT

Black-No Seconder

1440 That the above main motion as amended be further amended by deleting therefrom sub-paragraph d) in its entirety and substituting the following therefor:

“d) the owner/successor entering into the development agreement attached to the report of the General Manager of Development Services dated June 28, 2010, with such development agreement including the following clause:

the owner shall, at such time as the current use of the Westwind Eating Disorder Recovery Centre is discontinued, restore the garage to its original use as a garage.” RULED OUT OF ORDER

His Worship the Mayor ruled the motion out of order stating that Councillor Black's amending motion would in effect completely alter the decision on the first amending motion which had already been adopted by City Council.

1441 Black-Rice  
That the above decision of His Worship the Mayor be overruled. LOST.

Following debate on the matter by His Worship the Mayor and Councillor Black, the above motion of appeal was voted on.

ADJOURN:

Black-McCrae  
That the meeting do now adjourn (12:50 p.m.) CARRIED.

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MAYOR

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CITY CLERK