

**MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD ON TUESDAY,
FEBRUARY 18, 2014 AT 7:30 PM IN THE COUNCIL CHAMBER, CIVIC
ADMINISTRATION BUILDING, BRANDON, MANITOBA**

PRESENT: Mayor S. Decter Hirst in the Chair, Councillor S. Berry, Councillor M. Blight, Councillor J. Fawcett, Councillor J. Harwood, Councillor L. Isleifson, Councillor J. LoRegio, Councillor S. Montague, Councillor G. Rice

ABSENT: Councillor J. Chaboyer, Councillor C. Roberts

ADOPTION OF AGENDA:

Harwood-Rice
1456 That the Agenda for the Regular Meeting of City Council to be held on Tuesday, February 18, 2014 be adopted as presented. CARRIED.

CONFIRMATION OF MINUTES:

Isleifson-Blight
1457 That the Minutes of the Regular Meeting of City Council held Monday, February 3, 2014 be taken as read, all statutory requirements having been fulfilled. CARRIED.

HEARING OF DELEGATIONS:

(A) **T. HAGGARTY - HOME BASED BUSINESS APPLICATION FOR 16 MITCHELL STREET (MASSAGE THERAPY)**

Terri Haggarty appeared before City Council with respect to her operating a massage therapy service as a home based business at 16 Mitchell Street. Ms. Haggarty explained that her business would be open on a part time basis only, with an established client basis. She noted that as there would only be one client at the house at a time, there would only ever be one vehicle parked on the street and that the neighbours had been consulted and had no objections.

Harwood-LoRegio
1458 That the presentation by Terri Haggarty with respect to her operating a massage therapy service as a home based business at 16 Mitchell Street be received. CARRIED.

PUBLIC HEARINGS:

Nil

COMMUNITY QUESTION PERIOD:

Nil

COMMITTEE REPORTS:

(A) **MUNICIPAL HERITAGE ADVISORY COMMITTEE
VERBAL**

FEBRUARY 18, 2014

February 18, 2014
Brandon, Manitoba

Mayor and Councillors
City of Brandon

Councillor LoRegio advised that the Municipal Heritage Advisory Committee had recently met and confirmed the dates for the Doors Open Brandon Heritage Tours as Saturday and Sunday, July 19 and 20, 2014. He also noted that work continued on compiling a list of properties with the potential for municipal heritage designation.

LoRegio-Isleifson

1459 That the verbal report of the Municipal Heritage Advisory Committee be received. CARRIED.

ENQUIRIES:

(527) PEDESTRIAN CROSSWALK – KNOWLTON DRIVE AND KIRKHAM CRESCENT AND KNOWLTON DRIVE AND BRAECREST DRIVE

Councillor Fawcett referred to an incident involving two young children in front of Kirkcaldy School earlier today and enquired if lighted pedestrian crosswalks could be considered for the intersections of Kirkham Crescent and Knowlton Drive as well as Knowlton Drive and Braecrest Drive.

At the request of Her Worship the Mayor, the City Manager responded that, with respect to the incident at the school, he had spoken with the Principal of the school and had been assured that discussions were to take place to find alternate solutions for this specific area to ensure the safety of the children. The City Manager noted that similar to many other schools, the main issue in this area was the high traffic volumes during drop-off and pick-up times. He assured everyone that the Brandon Police Service continued to work with all schools in Brandon to ensure students the safety of students. He advised that a functional crosswalk already existed at this location, however crossing lights would be positioned too close to the 3-way stop leading to potential traffic issues and pedestrian safety concerns.

With respect to the intersection of Knowlton Drive and Braecrest Drive, the City Manager responded that the entire length of Braecrest Drive from 1st to 18th Streets was being evaluated with respect to how pedestrian traffic could best be accommodated. He noted that road improvements, inclusive of an urban cross section, were being considered for this intersection which would allow for the installation of crossing lights should it be determined that same were warranted. He agreed to keep City Council and area residents apprised of any proposed changes or improvements.

(528) BARKING DOGS IN THE VIOLET CRESCENT AREA

Councillor LoRegio advised that he had received complaints from residents in the Violet Crescent area with respect to barking dogs. He noted that the residents had reported this issue, however by the time the Animal Control Officers arrived, the barking had stopped. He enquired if Animal Control Officers were required to witness the barking or if videotaping or the complaints of several residents could be considered sufficient evidence to have fines issued. He also requested clarification on the meaning of the term "unduly disturb" as referred to in the City of Brandon Nuisance By-law No. 5806 and further, whether or not same was enforced during day time hours.

At the request of Her Worship the Mayor, the City Manager responded that Animal Control Officers were dispatched when a call was received and the area monitored in an effort to substantiate the complaint. He advised that video evidence was accepted, however, the preference was to corroborate the complaint with statements from area residents. He confirmed that action could be taken against the owner of the dog regardless of the time of day. The City Manager advised that the term "unduly disturb" was not defined in the by-law, however, a common sense approach was used to determine if there was an issue. He noted that Animal Control Officers routinely discussed complaints with dog owners and explained the by-law as well as potential charges and triggers for barking. The City Manager confirmed that the owners are encouraged to take measures to mitigate those triggers, are provided with a copy of the by-law and advised of the potential fines for non-compliance.

(529) WINTER TREE TRIMMING PROGRAM

Councillor Berry requested an update on the winter tree trimming program, inclusive of whether it was conducted on city or private property and if affected area residents were notified in advance.

At the request of Her Worship the Mayor, the City Manager responded that, led by an experienced arborist, the City of Brandon Parks Department conducted general tree trimming every winter throughout the city. He confirmed that trees located on city-owned property were pruned under this program, with the homeowners being responsible for tree maintenance on private property. He advised that tree trimming was conducted for a variety of reasons: general clean-up, health of the tree, safety concerns caused by low branches hanging over sidewalks, or to avoid potential damage to city or private vehicles.

The City Manager estimated that over 500 trees had been trimmed in the Parkdale area this winter with the work expected to be completed in the near future. He advised that crews were not expected back in this area for at least 10 years as the process rotated throughout the City of Brandon. He advised that area residents were only advised ahead of time if trees were being removed, however, he agreed to consider more ways to keep residents informed.

(530) SNOW CLEARING BY PRIVATE CONTRACTORS

Councillor Montague noted that snow clearing efforts conducted by private contractors in March 2013 had been successful. He enquired if a report on utilizing alternative service methods on a regular basis, inclusive of a cost comparison, could be provided.

At the request of Her Worship the Mayor, the City Manager agreed to provide an update to City Council on this issue.

ANNOUNCEMENTS:

ROSSER WARD ISSUES

Councillor Isleifson noted that Councillor Roberts was unavailable to deal with ward issues due to medical reasons and invited Rosser Ward residents to contact himself, Councillor Fawcett, Councillor Harwood or Councillor Rice with any concerns.

BRANDON FIRST PANCAKE BRUNCH

Councillor Isleifson announced that he and Councillor Harwood were joined by various Mayors and Reeves as well as the Brandon West Member of the Legislative Assembly and the Brandon-Souris Member of Parliament in serving brunch at the Brandon First Pancake Brunch at Canadian Forces Base Shilo on February 15, 2014.

THANK YOU TO COUNCILLOR ISLEIFSON

Her Worship the Mayor thanked Deputy Mayor Isleifson for taking over for her during her recent absence from the City of Brandon.

GENERAL BUSINESS:

(A) HOME BASED BUSINESS APPLICATION - PHYSICAL REHAB/MASSAGE THERAPY AT 16 MITCHELL STREET

Submitted for consideration was a report from the Director of Finance dated February 3, 2014 with respect to the above.

LoRegio-Harwood

1460 That the application of Terri's Massage Therapy to operate a physical rehab/massage therapy business as a home based business at 16 Mitchell Street be approved. CARRIED.

(B) 2014 GRANT-IN-AID PROGRAM

Considered was a report from the Director of Engineering and Water Services dated February 10, 2014 with respect to the above.

Isleifson-Rice

1461 That the Manitoba Department of Infrastructure and Transportation be advised that the City of Brandon intends to proceed with the paving of Victoria Avenue East from 4040 Victoria Avenue East to PTH 110 in the 2014 Road Paving Works and, further, that a grant in the amount of \$127,400 be requested from the Manitoba Department of Infrastructure and Transportation under the 2014 Grant-In-Aid Program. CARRIED.

(C) 2013 ANNUAL AUDIT REPORT - BRANDON PUBLIC WATER SUPPLY SYSTEM

City Council considered a report from the Director of Engineering and Water Services dated February 10, 2014 with respect to the above.

Harwood-LoRegio

1462 That the report from the Province of Manitoba, Office of Drinking Water entitled "City of Brandon - Public Water System Annual Audit Report - 2013" dated January 16, 2014 and the 2013 City of Brandon Public Water Supply System Annual Report dated February 10, 2014 be received. CARRIED.

(D) TENDER - WATER RECLAMATION FACILITY PHASE 3 UPGRADE, CONTRACT NO. 8

Submitted for consideration was a report from the Director of Engineering and Water Services dated February 10, 2014 with respect to the above.

Isleifson-LoRegio

1463 That the bid of Nelson River Construction Inc. to complete Contract #8 of the Phase III component of the Water Reclamation Facility Upgrade as per tender and specifications at a cost of \$427,600.00 (excluding GST) be accepted CARRIED.

BY-LAWS:

NO. 7069 TO AMEND ZONING BY-LAW NO. 6642 - TO LEGALLY ESTABLISH NON-CONFORMING DWELLING UNITS

It was noted that this by-law received second reading at the December 2, 2013 meeting of City Council.

Rice-Fawcett

1464 That By-law No. 7069 to amend Zoning By-law No. 6642 to legally allow previously established non-conforming dwelling units in the City of Brandon 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. 7069 third reading.

<u>FOR</u> Her Worship Mayor Decter Hirst Councillor Berry Councillor Blight Councillor Fawcett Councillor Harwood Councillor Isleifson Councillor Rice	<u>AGAINST</u> Councillor LoRegio	<u>ABSTAIN</u> Councillor Montague
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Councillor Montague cited ambiguity of the process as his reason for abstention.

NO. 7073 TO REZONE 1640 SYCAMORE DRIVE AND 21 WILLOWCREST AVENUE FROM CAR COMMERCIAL ARTERIAL ZONE TO RHD RESIDENTIAL HIGH DENSITY MUTIPLE FAMILY ZONE

It was noted that this by-law received second reading at the December 2, 2013 meeting of City Council.

1465 Montague-Fawcett
That By-law No. 7073 to rezone 1640 Sycamore Drive and 21 Willowcrest Avenue (Parcel A, Plan 1592 BLTO, Parcels 1/2, Plan 1287 BLTO, Parcels A/B, Plan 1269 BLTO & Parcels A/B, Plan 1547 BLTO) from CAR Commercial Arterial Zone to RHD Residential High 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. 7073 third reading.

<u>FOR</u> Her Worship Mayor Decter Hirst Councillor Berry Councillor Blight Councillor Fawcett Councillor Harwood Councillor Isleifson Councillor Montague	<u>AGAINST</u> Councillor LoRegio Councillor Rice
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NO. 7079 TO ADOPT THE NORTH GATEWAY SECONDARY PLAN

It was noted that this by-law received first reading at the December 2, 2013 meeting of City Council.

1466 Fawcett-Rice
That By-law No. 7079 to adopt The North Gateway Secondary Plan be amended by deleting Schedule "A" thereto and substituting therefor Schedule "A" attached to the report of the Community Planner dated February 4, 2014. CARRIED.

1467 Fawcett-Rice
That the by-law, as amended, be read a second time. CARRIED.

1468 Fawcett-Isleifson
That third reading of the by-law be held in abeyance pending the objectors to the by-law being given notice pursuant to Section 76(3)(a) of The Planning Act of their right to file a further objection. CARRIED.

NO. 7083 TO OPEN AS A PUBLIC ROAD A PORTION OF LYNDALE DRIVE BETWEEN 18TH STREET AND THE EASTERLY PUBLIC RESERVE

Submitted for consideration was a report from the Director of Engineering and Water Services dated February 10, 2014 with respect to the above.

1469 Montague-Harwood
That By-law No. 7083 to open the portion of Lyndale Drive between 18th Street and the Public Reserve as a public road be read a first time. CARRIED.

NO. 7086 TO AMEND ANNUAL SCHEDULE OF FEES BY-LAW NO. 7082 - CHANGES TO PARKING FINE OPTIONS AND COMPLIANCE FINES RELATING TO ANIMALS

It was noted that this by-law received first reading at the February 3, 2014 meeting of City Council.

1470 Berry-Blight
That By-Law No. 7086 to amend Annual Schedule of Fees By-law No. 7082 to change the parking fine options and compliance fines relating to animals be read a second time. CARRIED.

1471 Berry-Blight
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. 7086 third reading.

<u>FOR</u>	<u>AGAINST</u>
Her Worship Mayor Decter Hirst	Nil
Councillor Berry	
Councillor Blight	
Councillor Fawcett	
Councillor Harwood	
Councillor Isleifson	
Councillor LoRegio	
Councillor Montague	
Councillor Rice	

NO. 7087 TO NAME MATHESON AVENUE AND MARSHALL LANE LOCATED NORTH OF MIDDLETON AVENUE

Considered was a report from the Director of Engineering and Water Services dated February 7, 2014 with respect to the above.

1472 Fawcett-Isleifson
That By-law No. 7087 to name the new east/west road located north of Middleton Avenue from PTH No. 10 to Deer Ridge Road as "Matheson Avenue" and the north/south road between 925 and 1025 Middleton Avenue as "Marshall Lane" in the SW 1/4 1-11-19 WPM be read a first time. CARRIED.

GIVING OF NOTICE:

Nil

ADJOURN:

Berry-Harwood

That the meeting do now adjourn (9:06 p.m.)

MAYOR

CITY CLERK