

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD ON MONDAY, OCTOBER 1, 2018 AT 7:00 PM IN THE COUNCIL CHAMBER, CIVIC ADMINISTRATION BUILDING, BRANDON, MANITOBA

PRESENT: Mayor Rick Chrest In The Chair, Councillor Shawn Berry, Councillor Ron W. Brown, Councillor Jan Chaboyer, Councillor Barry Cullen, Councillor Kris Desjarlais, Councillor Jeff Fawcett, Councillor Jeff Harwood, Councillor John LoRegio, Councillor Glen Parker, Councillor Lonnie Patterson

ABSENT: Nil

ADOPTION OF AGENDA:

Chaboyer-Harwood
1502 That the Agenda for the Regular Meeting of City Council to be held on Monday, October 1, 2018 be adopted as presented. CARRIED.

PRESENTATIONS:

(A) MELANIE DUBOIS – RECOGNITION OF BRANDON AS A BEE CITY

Ms. Melanie Dubois, on behalf of Bee City Canada, presented the City of Brandon with the Bee City Certificate in recognition of the commitment to develop, restore and preserve pollinator-friendly habitats across Brandon.

CONFIRMATION OF MINUTES:

Parker-Cullen
1503 That the Minutes of the Regular Meeting of City Council held Monday, September 17, 2018 be taken as read and so adopted, all statutory requirements having been fulfilled. CARRIED.

HEARING OF DELEGATIONS:

(A) AMANDA-ROSE BOURGET, BRANDON NEIGHBOURHOOD RENEWAL CORPORATION - BRANDON HOUSING CONTINUUM AND BOARDING HOUSES

Amanda-Rose Bourget, Brandon Neighbourhood Renewal Corporation appeared before City Council with respect to the housing continuum in Brandon. Ms. Bourget stated the need for affordable housing in Brandon and how affordable housing was different for each individual. Ms. Bourget provided information concerning boarding houses, the benefits, negative stigma and regulatory process.

Harwood-Parker

1504

That the presentation by Amanda-Rose Bourget of the Brandon Neighbourhood Renewal Corporation with respect to the Brandon housing continuum and boarding houses be received. CARRIED.

PUBLIC HEARINGS:

(A) CONDITIONAL USE APPLICATION – 1604 VICTORIA AVENUE

City Council considered a report from the Legislative Services Department dated September 19, 2018 with respect to the above.

Ryan Nickel, Chief Planner provided an overview of the conditional use application for 1604 Victoria Avenue noting that the intent of the application was to allow for a 7-room boarding house. Mr. Nickel clarified that the Planning Commission had previously approved the application.

Pan Li, spoke on behalf of the applicants Derek and Wie Yu and provided interpreter services. Mr. Li noted that the applicants planned on living in the home with their parents while providing clean affordable living for tenants and that parking would be made available on the west side of the home.

Karen and Jim Lewthwaite, 522 - 16th Street spoke in favour of the conditional use and noted they were strong supporters of affordable housing initiatives within the City. Ms. Lewthwaite extended their sympathy for the applicants with their financial struggles and supported them in their future endeavor to receive revenue from their boarding house.

Amanda-Rose Bourget, Affordable Housing Coordinator for the Brandon Neighbourhood Renewal Corporation spoke in favour of the application. Ms. Bourget referenced the City of Brandon's Affordable Housing Plan and that strove to provide each person in Brandon the opportunity to secure housing that was adequate and affordable for their individual circumstances. Ms. Bourget stated that boarding houses were identified as an important part of Brandon's housing continuum and that the application would add needed affordable housing rooms.

David Pedersen, 536 - 15th Street spoke in opposition to the conditional use application. Mr. Pedersen expressed his concerns over the lack of regulations for boarding houses.

Vicki Hanwell-McLean, 528 - 15th Street spoke in opposition of the application. Ms. Hanwell-McLean expressed concerns for future of the neighbourhood, noting that many revenue homes were not maintained, and there was no certainty the owners would continue to live in the home.

Diane Lamb, 521 - 16th Street provided comments from Neil McQuarrie of 525 - 15th Street and spoke in opposition to the application. Ms. Lamb stated concerns with noise, traffic, garbage, anti-social behavior, and absentee landlords.

Garry Miller, 431 - 16th Street spoke in opposition to the conditional use application. Mr. Miller stated a boarding house had a lot of negative connotations associated to it and that the area was made up of single family homes.

Bernie Mullins, 544 - 16th Street spoke in opposition to the application. Mr. Mullins noted that initially the applicants had proposed a boarding house for 4 individuals, which was then changed to 8 and was now 7 rooms. Mr. Mullins disagreed that the application would keep with the character of the community.

Eric Platz, 519 - 16th Street spoke in opposition. Mr. Platz stated that the single family character of the neighbourhood would be upended by the approval of a boarding house and this use was not compatible with the general area.

David Swayze, 526 - 16th Street spoke in opposition to the conditional use application. Mr. Swayze stated many concerns including the safety of the tenants in the home, the character of the neighbourhood, and traffic congestion. Mr. Swayze stated there was a need for rules and regulations in place concerning boarding homes.

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

Patterson-LoRegio

1505 That the public hearing with respect to the conditional use application to allow for a boarding house at 1604 Victoria Avenue be concluded. CARRIED.

Berry-Parker

1506 That consideration of Conditional Use Application C-12-18-B to allow for a boarding house at 1604 Victoria Avenue (Lot 38/40, Block 10, Plan 16 BLTO) be referred to the October 15, 2018 regular meeting of City Council. LOST.

Patterson-Chaboyer

1507 That Conditional Use Application C-12-18-B to allow for a boarding house with a maximum of seven (7) sleeping rooms each occupied by one tenant in the Residential Low Density (RLD) Zone at 1604 Victoria Avenue (Lot 38/40, Block 10, Plan 16 BLTO) be rejected. CARRIED.

1508 Chrest-Cullen

That the meeting be recessed for five minutes (10:15 p.m.) CARRIED.

COMMUNITY QUESTION PERIOD:

Nil

COMMITTEE REPORTS:

(A) AD HOC COMMITTEE - REVIEW OF BRANDON GENERAL MUSEUM AND ARCHIVES LTD. (BGMA)

City Council considered a report from Councillors Patterson and Brown with respect to the above.

BACKGROUND:

The BGMA was established by City Council in March, 2007. The City of Brandon is the sole member of this not-for-profit organization. Due to ongoing concerns with the BGMA's current location, including increasing utility costs, City Council passed the following motion on March 5, 2018:

"That an Ad Hoc Committee be established to review the operating future of the Brandon General Museum & Archives Inc. whereby the Ad Hoc Committee shall be comprised of:

- Two (2) Members of City Council, one of whom currently sits on the Brandon General Museum & Archives Board
- One (1) current citizen member of the BGMA Board
- Three (3) Citizens-at-large

and further, that a report and recommendations be presented to City Council no later than September 30, 2018."

On April 16, 2018, City Council Appointed the following members to the Ad Hoc Committee:

Councillor Ron Brown
Councillor Lonnie Patterson
Gregory Steele, BGMA Inc. Board Member
Elaine Alvis, Citizen Representative
Erich Stumme, Citizen Representative
Gordon Wallman, Citizen Representative

The Committee met on April 29, May 10, July 24, and August 22, 2018.

RECOMMENDATIONS:

That the following recommendations be undertaken by the City of Brandon in partnership with the Brandon General Museum and Archives (BGMA) in order to ensure the long-term sustainability of a general museum and archives in Brandon:

- The City of Brandon should identify one staff person to be the lead on working with the BGMA to implement these recommendations.
- In order to reduce operating costs, the City of Brandon and BGMA work together to find interim office, display, and storage space within existing city facilities while a new, permanent location is found.
- That the City of Brandon make necessary policy changes to allow more than one member of the BGMA.
- The City of Brandon and BGMA work together to identify a skills matrix for the BGMA Board to assist with recruiting new board members.
- As part of implementing the Culture Plan, the City of Brandon should work with museums and archives in Brandon and Area to hold a Summit of Museums and Archives in order to strengthen collaboration amongst these organizations integral to culture in Brandon.
- BGMA should focus efforts on applying for funding under the Government of Canada Legacy Fund.
- BGMA should review its Vision and Mission to ensure it encompasses the entire history of this territory from when it was it was inhabited only by Indigenous People to present day.

Brown-Patterson

1509 That the Ad Hoc Committee's recommendations with respect to the Brandon General Museum and Archives be received. CARRIED.

ENQUIRIES:

(336) UPDATE ON KEYSTONE CENTRE GOVERNANCE MODEL

Councillor LoRegio enquired if an update on the Keystone Centre governance model could be provided.

His Worship the Mayor responded that the Keystone Leadership Group had met on September 17, 2018 with the meeting being chaired by the Honourable Jeff Warton, Minister of Municipal Relations. His Worship advised that the Group had agreed to proposed improvements to the governance structure that allowed for a more streamlined governance with the Keystone Board being better able to effectively manage the facility. Mayor Chrest confirmed that the documentation was expected to be finalized in the Fall and would be presented to City Council as soon as it was completed.

(337) UPDATE ON THE RESIDENTIAL SCHOOL BURIAL SITES INCLUDING TURTLE CROSSING CAMPGROUND

Councillor Fawcett requested an update on the ongoing discussions with respect to Residential School Burial Sites, inclusive of Turtle Crossing Campground.

His Worship the Mayor responded that several meetings had taken place with respect to this issue. His Worship advised that this process was being jointly undertaken by Sioux Valley First Nation, the City of Brandon, the Province of Manitoba Indigenous & Northern Relations, the Turtle Crossing Campground property owner, the Brandon Urban Aboriginal Peoples' Council, and the site researcher Katherine Nichols.

Mayor Chrest noted that these meetings had been very positive with all parties in agreement that a dignified and appropriate solution to properly commemorate the graves of these children must be found. His Worship advised that further research to verify the parameters of the burial site was required. Mayor Chrest stated that despite this being a sensitive and unfortunate part of Canada's history, Brandon had a very cooperative team working together to create a dignified remembrance of those who passed away at the Brandon Residential School. He agreed to keep City Council updated as the process progresses.

(338) DRAINAGE CONCERNS RELATED TO DEVELOPMENT AT 1054, 1056 AND 1058 - 7TH STREET

Councillor Patterson advised that residents had raised concerns with respect to incomplete work related to drainage at the site of the recent development at 1054, 1056 and 1058 - 7th Street. She enquired if the developer had been contacted regarding this issue to ensure that additional water from the development was not drained onto neighbouring properties.

At the request of His Worship the Mayor, the City Manager responded that the Planning & Buildings Department staff had contacted both the Developer and the Contractor of 1054, 1056 and 1058 - 7th Street and raised concerns regarding the site drainage deficiencies. He confirmed that site inspections determined that the landscaping did not comply with the approved plans of the City of Brandon Lot Grading, Drainage and Elevations By-law.

Mr. Sage stated that both the Developer and the Contractor had assured staff that the landscaping would be completed in compliance with the approved plans by late fall. He advised that the Planning & Buildings Department staff continued to monitor the progress at this site to ensure the work was completed in a timely manner.

(339) SPEEDING ON PATRICIA AVENUE BETWEEN 1ST AND 9TH STREETS

Councillor Brown advised that speeding vehicles continued to be a problem on Patricia Avenue between 1st and 9th Streets. He enquired if a speed survey during peak traffic times could be conducted by the Brandon Police Service.

At the request of His Worship the Mayor, the City Manager responded that the Brandon Police Service had taken this matter under advisement, a speed survey would be conducted and a report to City Council would be provided in the near future.

(340) REQUEST FOR CROSSWALK AND SIGNAGE ON PORTOLA DRIVE AND COBALT CRESCENT

Councillor Brown advised that a resident had requested a pedestrian crosswalk and signage be installed at the intersection of Portola Drive and Cobalt Crescent and enquired if this matter could be investigated.

At the request of His Worship the Mayor, the City Manager responded a review of the area would be completed by the Traffic and Transportation Planner and full report on this issue would be provided to City Council upon completion of same.

(341) SAFETY CONCERNS AT INTERSECTION OF E. FOTHERINGHAM DRIVE AND CENTENNIAL BOULEVARD

Councillor Cullen advised that safety concerns such as overgrown hedges and the speed of traffic in the area had been raised with respect to the intersection of E. Fotheringham Drive and Centennial Boulevard. He noted that this intersection was a hub of activity with children crossing, school buses stopping and school staff attempting to cross traffic to pull into the parking lot and enquired if a full review of the area could be conducted.

At the request of His Worship the Mayor, the City Manager responded that a full review of the area would be completed by the Traffic & Transportation Planner with a full report and recommendations to be provided to City Council upon completion of the review.

ANNOUNCEMENTS:

ELECTION DAY WORKERS

The City Clerk announced that workers were still needed for Election Day on October 24, 2018. She advised that a basic knowledge of Microsoft Excel was required, however training would be provided prior to Election Day. The City Clerk noted that workers would be compensated for both the training and working at the polling stations and encouraged those interested to contact the Senior Election Official at (204) 729-2236 or via the website at www.brandonvotes.ca.

GENERAL BUSINESS:

(A) THE PUBLIC INTEREST DISCLOSURE (WHISTLEBLOWER PROTECTION) AMENDMENT ACT

City Council considered a report from the Director of Legislative Services dated September 24, 2018 with respect to the above.

Patterson-Fawcett

1510 That the Province of Manitoba be advised of the City of Brandon's intent to opt into the statutory whistleblower protection for its municipal employees under The Public Interest Disclosure (Whistleblower Protection) Amendment Act. CARRIED.

(B) QUOTATION – IBM V5000 EXPANSION

Submitted for consideration was a report from the Director of Information Technology dated September 27, 2018 with respect to the above.

Harwood-LoRegio

1511 That the bid from Horizon Computer Solutions for the purchase of the IBM V5000 expansion equipment as per quotation and specifications at a cost of \$90,501.84 (net of GST) be accepted. CARRIED.

(C) DEVELOPMENT AGREEMENT PARAMETERS FOR OVERSIZED SERVICES AND DEVELOPER REIMBURSEMENT

Considered was a report from the Manager of Strategic Infrastructure dated September 24, 2018 with respect to the above.

Berry-Harwood

- 1512 That the Development Agreement Parameters for Oversized Services and Developer Reimbursement as outlined in "Attachment A" to the report from the Manager of Strategic Infrastructure dated September 24, 2018 be approved. CARRIED.

(D) MORRISON SUBDIVISION NEIGHBOURHOOD PLAN

City Council considered a report from the Planning, Property and Buildings Department dated September 25, 2018 with respect to the above.

Berry-LoRegio

- 1513 That the Morrison Subdivision Neighbourhood Plan attached to the report of the Chief Planner dated September 25, 2018 be adopted. CARRIED.

ALTERATION – ORDER OF THE DAY:

Berry-Cullen

- 1514 That pursuant to Section 59 of Procedure By-law No. 6634, the Orders of the Day be altered whereby City Council shall resolve itself into the Order of By-laws to consider By-law No. 7208 to rezone the property located at 1700 - 30th Street from DR Development Reserve Zone to RSD Residential Single Detached, RLD Residential Low Density and OS Open Space zoning districts. CARRIED.

BY-LAWS:

NO. 7208 TO REZONE 1700 – 30TH STREET FROM DEVELOPMENT RESERVE ZONE TO RESIDENTIAL SINGLE FAMILY DETACHED, RESIDENTIAL LOW DENSITY AND OPEN SPACE ZONES

City Council considered a report from the Planning & Buildings Department dated September 20, 2018 with respect to the above. It was noted this by-law received second reading at the July 16, 2018 meeting of City Council.

Berry-Parker

- 1515 That By-law No. 7208 to rezone property located at 1700 - 30th Street (Lots 1 to 48 Block 16 Plan 291 BLTO) from Development Reserve (DR) to Residential Single Detached (RSD), Residential Low Density (RLD) and Open Space (OS) zoning districts 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. 7208 third reading.

FOR

Mayor Rick Chrest
Councillor Shawn Berry
Councillor Ron W. Brown
Councillor Jan Chaboyer
Councillor Barry Cullen
Councillor Kris Desjarlais
Councillor Jeff Fawcett
Councillor Jeff Harwood
Councillor John LoRegio
Councillor Glen Parker
Councillor Lonnie Patterson

AGAINST

Nil

ALTERATION - ORDERS OF THE DAY:

Berry-Patterson

1516 That the Orders of the Day be altered and City Council resolve itself back into the Order of General Business. CARRIED.

GENERAL BUSINESS:

(E) APPLICATION TO SUBDIVIDE 1700 – 30TH STREET

Submitted for consideration was a report from the Planning and Buildings Department dated September 20, 2018 with respect to the above.

Berry-Chaboyer

1517 That the application to subdivide property at 1700 30th Street (Lots 1 to 48 Block 16 Plan 291 BLTO) to create 24 lots, public reserve and a public road, be approved subject the owner or successor entering into a Development Agreement subject to the following conditions:

1. The Developer agrees to construct 24 residential units as per the proposed site plan.
2. The Developer agrees to provide written confirmation that necessary arrangements have been made for postal service and that the pick-up / drop off location of the community mail box has been determined between the Developer and Canada Post; to the approval of Canada Post.
3. The Developer agrees to pay a contribution towards thirty (30) boulevard trees. The amount of payment for such trees will be calculated at the time of execution of this development agreement and based upon the City's tree contract pricing for the current year. Payment in full will be required at the time of execution of the development agreement.

4. The Developer agrees to provide a landscaping plan showing the location of the thirty (30) boulevard trees. Tree species will be determined by the City of Brandon at the time of planting.
5. The Developer agrees to contribute towards the oversizing of future downstream land drainage piping and pond infrastructure in an amount to be determined by the City at the time of the construction of the oversized services. Payment in full will be required prior to commencement of warranty with the City for all below and above ground infrastructure.
6. The Developer agrees to contribute \$384.00 per unit for 24 units totaling \$9,216.00. This contribution will be held in a reserve account and applied towards the upgrade of Maryland Avenue from 26th Street to Marquis Drive. Payment in full will be required at the time of execution of the development agreement.
7. The Developer agrees to dedicate a 9.144m wide strip of land, south of the proposed RLD lots to the City for the purpose of public reserve land.
8. The Developer agrees to develop the public reserve by constructing a 3.0m wide asphalt multi-use walking path, including but not limited to sod, trees and ditching. The design and landscaping of the public reserve is to be reviewed and accepted by the City Engineer prior to the issuance of any development/building permits.
9. The Developer agrees to dedicate a 7.925m wide strip of land, south of the proposed public reserve to the City for the purposes of the future Maryland Avenue right-of-way.
10. The Developer agrees legally open, extend and construct all public rights-of-way proposed as per the site plan and to extend all below and above ground municipal services. The Developer will be required to submit design drawings as prepared by a professional engineer; such design is subject to review and acceptance by the City Engineer.
11. The Developer agrees to construct a temporary, secondary emergency access at the westerly dead-end of Marquis Crescent to the westerly dead-end of Maryland Avenue. Such access must be designed by a professional engineer according to TAC Standards and Brandon Fire and Emergency Services requirements. The access will be required to exist until such time as the public right-of-way is extended or permanent secondary access is established.
12. The Developer agrees to enter into a drainage easement agreement with the City of Brandon for the proposed public LDS outlet located on private property. The easement agreement is to be executed and registered on title in series with the Plan of Subdivision.

13. The Developer agrees to contribute \$4,404.41 in lieu of land dedication. The contribution takes into consideration the dedication of the public reserve land as per Clause 7.
14. The Developer agrees to provide a construction access plan. The construction access plan is to be reviewed and accepted by the City Engineer.
15. The Developer agrees to provide the City with a Detailed Cost Estimate for all work proposed to be completed within the City's right-of-way. The Detailed Cost Estimate is to be prepared by the Developer's Consulting Engineer and is submit to review and acceptance by the City Engineer.
16. The Developer agrees to provide to the City a Letter of Credit in the amount of 15% of the total cost of the detailed cost estimate; the total of which must be approved by the City Engineer.

And that Administration be authorized to prepare a Development Agreement containing all conditions and requirements to protect the City's interests in accordance with any procedures, policies, by-laws and Acts. CARRIED.

BY-LAWS:

NO. 7195 TO AMEND SOUTHWEST BRANDON SECONDARY PLAN BY-LAW NO. 7080

City Council considered a report from the Planning and Buildings Department dated August 7, 2018 with respect to the above.

Berry-Chaboyer

1518 That By-law No. 7195 to amend the Southwest Secondary Plan By-law No. 7080 be amended by deleting policy 6.2.7 in its entirety and replacing with the following:

"Where developers construct oversized infrastructure as per Section 3.2.6, they shall be reimbursed for the additional costs incurred in accordance with the Council-approved Development Agreement Parameter for oversized services and developer reimbursement." CARRIED.

Berry-Chaboyer

1519 That By-law No. 7195, 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. 7195 third reading.

FOR

Mayor Rick Chrest
Councillor Shawn Berry
Councillor Ron W. Brown
Councillor Jan Chaboyer
Councillor Barry Cullen
Councillor Kris Desjarlais
Councillor Jeff Fawcett
Councillor Jeff Harwood
Councillor John LoRegio
Councillor Glen Parker
Councillor Lonnie Patterson

AGAINST

Nil

NO. 7217

TO REZONE 1015 – 13TH STREET FROM RESIDENTIAL LOW DENSITY ZONE TO COMMERCIAL NEIGHBOURHOOD ZONE

Submitted for consideration was a report from Planning and Buildings Department dated September 21, 2018 with respect to the above.

Patterson-Chaboyer

1520

That By-law No. 7217 to rezone property located at 1015-13th Street (Lots 25/26, Blocks 11, Plan 193 BLTO) from RLD Residential Low Density Zone to CN Commercial Neighbourhood Zone be read a first time. CARRIED.

NO. 7218

TO REZONE 660 – 7TH STREET AND 725 VAN HORNE AVENUE FROM INDUSTRIAL RESTRICTED ZONE TO RESIDENTIAL MODERATE DENSITY ZONE

Considered was a report from Planning and Buildings Department dated September 20, 2018 with respect to the above.

Patterson-Parker

1521

That By-law No. 7218 to rezone property located at 660 - 7th Street & 725 Van Horne Avenue (Lots 1/5 & Pt. Lots 27/30, Block 71, Plan 8, Parcel A Plan 43705 & Parcel A, Plan 51401 BLTO) from IR Industrial Restricted Zone to RMD Residential Moderate Density Zone be read a first time. CARRIED.

NO. 7219

TO AMEND PROCEDURE BY-LAW NO. 6634 RE: ORDERS OF THE DAY, PRESENTATIONS AND DELEGATIONS

City Council considered a report from the Director of Legislative Services dated September 24, 2018 with respect to the above.

Harwood-Patterson

1522 That By-law No. 7219 to amend Procedure By-law No. 6634 with respect to the general order of business, presentations and delegations, and general housekeeping amendments be read a first time. CARRIED.

NO. 7220 COUNCIL INDEMNITY BY-LAW - TO PROVIDE FOR THE REMUNERATION OF MEMBERS OF COUNCIL AND TO REPEAL BY-LAW NO. 6830

Submitted for consideration was a report from the Director of Legislative Services dated September 24, 2018 with respect to the above.

Patterson-Harwood

1523 That By-law No. 7220 to provide for the remuneration of members of Council and to repeal By-law No. 6830 be read a first time. CARRIED.

GIVING OF NOTICE:

(A) ALLOCATION OF SURPLUS FUNDS FROM 2014 ELECTION CAMPAIGN TO BRANDON YOUTH CENTRE

In accordance with Rule 60 of City Council Procedure By-law No. 6634, Councillor Patterson gave notice of her intent to introduce at the October 15, 2018 regular meeting of City Council, a motion to allocate the surplus funds from her 2014 Election Campaign to the Brandon Youth Centre.

ADJOURN:

Berry-Chaboyer

That the meeting do now adjourn (11:04 p.m.) CARRIED.

MAYOR

CITY CLERK