

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD ON MONDAY, MARCH 20TH, 2006 AT 7:30 P.M. 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 L. Brown, Councillor M. Campbell, Councillor R. Chrest, Councillor D. Jessiman, Councillor D. Paterson, Councillor G. Rice, Councillor B. Smale

ABSENT: Nil

ADOPTION OF AGENDA:

1606 Paterson-Rice
That the Agenda for the Regular Meeting of City Council to be held on Monday, March 20th, 2006 be adopted as presented. CARRIED AS AMENDED.

1607 Campbell-Black
That the Agenda be amended by adding thereto under the Order of Delegations, Item (A) Susan Lefevre - Friends and Family of Firefighters”, and by renumbering the remaining Delegation items accordingly, and that the Agenda, as amended, be adopted. CARRIED

CONFIRMATION OF MINUTES:

1608 Black-Rice
That the Minutes of the Regular Meeting of City Council held on Monday, March 6th, 2006 be taken as read and so adopted, all statutory requirements having been fulfilled. CARRIED.

1609 Blight-Barletta
That the Minutes of the Special Meeting of City Council held on Monday, March 13th, 2006 be taken as read and so adopted, all statutory requirements having been fulfilled. CARRIED.

HEARING OF DELEGATIONS:

(A) KIM DURNIN AND SUSAN LEFEBVRE – FRIENDS AND FAMILY OF FIREFIGHTERS

Kim Durnin and Susan Lefebvre appeared before City Council to express concerns with respect to locating the new fire hall at 1st Street and Rosser Avenue. They requested that a second opinion be sought on the safety of the site, perhaps through the Clean Environment Commission.

1610 Paterson-Jessiman
That the presentation by Kim Gurnon and Susan Lefebvre on behalf of the Friends and Family of Firefighters be received. CARRIED.

(B) BRENT HANSEN – THE ECONOMICS OF ZERO WASTE

Brent Hansen appeared before City Council to provide information on the economics of a zero waste landfill program. He provided a written report dated March 20th, 2006 on recovered renewable energy.

1611 Paterson-Black
That the presentation by Brent Hansen with respect to the economics of a zero waste landfill program be received. CARRIED.

(C) BERNIE CHRISP – UPDATE ON SPECIAL OLYMPICS CANADA 2006 SUMMER GAMES

Bernie Chrisp, Chair of the Special Olympics Canada 2006 Summer Games appeared before City Council to provide an update on the Games and to request free transit for participants and volunteers during the Games.

It was noted that this item would be dealt with further under the Order of General Business.

Brown-Rice

1612 That the presentation by Bernie Chrisp with respect to an update on the Special Olympics Canada 2006 Summer Games and the request for free transit for participants and volunteers be received. CARRIED.

(D) DAVID LANE AND LINCOLN POULIN – POULIN’S PEST CONTROL

David Lane and Lincoln Poulin from Poulin’s Pest Control appeared before City Council to provide input on the proposed Pesticide By-law, specifically regarding the areas outlined where pesticides would not be used such as school yards and nursing homes and the time required to obtain special permits for the control of pests, including wasps and ants. They concluded their presentation by stating that they were supportive of the by-law as a whole, with consideration being given to the above.

It was noted that this item would be dealt with further under the Order of By-laws.

Rice-Black

1613 That the presentation by David Lane and Lincoln Poulin with respect to the proposed Pesticide By-law be received. CARRIED.

(E) MARION ROBINSONG – PROPOSED PESTICIDE BY-LAW

Marion Robinsong appeared before City Council to support the proposed Pesticide By-law however she proposed an amendment to section 8(d), whereby a written request by an owner or tenant of property to include the subject property on the registry for the pesticide restriction areas, without the requirement for a physician’s declaration, would be sufficient to include the property on the subject registry. She requested that Council consider the proposed amendment prior to second reading later in the evening.

Black-Paterson

1614 That the presentation by Marion Robinsong with respect to the proposed Pesticide By-law be received. CARRIED.

(F) GLEN KRUCK – PROPOSED PESTICIDE BY-LAW

Glen Kruck, Regional Manager for the Canadian Mental Health Association, appeared before City Council with respect to the Pesticide By-law. He supported the by-law, in particular the non-use of pesticides in public areas. He did express concern on having to obtain a physician’s letter to support having a property on the registry for the pesticide restriction area, given the difficulty in obtaining same. He also addressed concerns with respect to the City and/or Province spraying without providing adequate notification. He suggested proper training for all pesticide crews, minimizing exposure to public i.e. avoiding times when students travel to and from school and a proper notification prior, during and after spraying by the City and/or Province.

Rice-Barletta

1615 That the presentation by Glen Kruck with respect to the proposed Pesticide By-law be received. CARRIED.

(G) MARK FAWCETT – DOWNTOWN BUSINESS IMPROVEMENT AREA

Councillor Paterson declared a conflict of interest for this and the following two items of business and left the Council Chamber without any further discussion.

Mark Fawcett, Chair of the Downtown Business Improvement Area, appeared before City Council to present feedback from downtown businesses on whether or not it was necessary to form a merchant's association for the downtown area.

It was noted that this item would be dealt with further under the Order of By-laws.

Chrest-Blight

1616 That the presentation by Mark Fawcett with respect to the Downtown Business Improvement Area be received. CARRIED.

(H) JIM FARTHING – DOWNTOWN BUSINESS IMPROVEMENT AREA

Jim Farthing, owner of A Wing and A Prayer, appeared before City Council to provide information on how a new business improvement area should be organized. He stated that a merchant's association to support its members and build the community, by supporting each other, was required. He suggested a "cooling off" period until after the municipal election in 2006.

Barletta-Brown

1617 That the presentation by Jim Farthing with respect to the Downtown Business Improvement Area be received. CARRIED.

(I) PAM FISHER – DOWNTOWN BUSINESS IMPROVEMENT AREA

Pam Fisher appeared on behalf of herself and her husband before City Council to provide alternatives for a downtown improvement area. She stated that a fresh start, with new people, for a new downtown was needed. She suggested a membership format similar to the Chamber of Commerce or Brandon First. She also suggested the formation of a committee to review and have input into development opportunities in the downtown area.

Barletta-Black

1618 That the presentation by Pam and Steve Fisher with respect to the Downtown Business Improvement Area be received. CARRIED.

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

His Worship the Mayor called a 10 minute recess whereby the meeting reconvened at 11:00 p.m.

PUBLIC HEARINGS:

(A) CONDITIONAL USE – 706 LORNE AVENUE (MAYALL O/B/O HARVEY)

City Council sat to receive representation on the above noted matter.

Judith Mayall appeared on behalf of the owners, Stephanie and Robert Harvey in support of the application and to answer any questions. She stated that the purpose of the application was to allow for special needs housing for the Teen Challenge home in the existing building.

Kimberly Jaskow, 335 – 8th Street, appeared in opposition to the application. She voiced concerns given the difficulties the residents of Teen Challenge had already faced, in the selection of the proposed site in the vicinity of the Beaubier Hotel and the cliental the hotel served.

Robert Halter, 706 Lorne Avenue, appeared in support of the application. He stated the property was already operating as a boarding home and noted that the proposed program would be a step in the right direction and an improvement to the community.

Trina Hayter, 707 Lorne Avenue, (Villa Louise) appeared in opposition to the application. She indicated that the area was mainly residential, with numerous historical homes. She noted concerns with respect to the loss of character, safety and the residential feel of the neighbourhood if such a use was permitted. She presented a 19 name petition in opposition to the application.

Bev Powell, real estate agent, appeared in support of the application. She suggested that the supervised program being proposed would increase the value of surrounding properties, not decrease same.

Pastor Jim Davis appeared in support of the application. He reported that he had been involved with the program for over 15 years and spoke to the positive effects the program had on its participants.

Lisa Halter, 722 – 7th Street, appeared in support of the application. She stated that the strict supervision and positive influence the program would foster would improve the neighbourhood. She also noted that the establishment of a Teen Challenge home would improve the parking situation on the street, as its participants in most cases did not own vehicles.

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

Barletta-Brown

1619 That the Public Hearing for the conditional use application by Judith Mayall on behalf of Stephanie and Robert Harvey for 706 Lorne Avenue be concluded. CARRIED.

Barletta-Rice

1620 That the conditional use application by Judith Mayall on behalf of Stephanie and Robert Harvey to allow for special needs housing for 9 persons at 706 Lorne Avenue (Part of Lot 8, Lots 9/10, Block 28, Plan 2 BLTO) be approved subject to the special needs residents receiving a clean criminal records check with respect to sexual offences and 24 hour supervision being provided. CARRIED.

(B) VARIATION – 329 BRAECREST DRIVE (HLADKY O/B/O 4847165 MANITOBA LTD.)

City Council sat to receive representation on the above noted matter.

Ted Hladky appeared before City Council on behalf of the owners in support of the application and to answer any questions. He stated that the purpose of the application was to allow for the construction of garages for the condominium units on the site.

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

Paterson-Smale

1621 That the Public Hearing for the variation application by Ted Hladky on behalf of 4847165 Manitoba Ltd. for 329 Braecrest Drive be concluded. CARRIED.

Paterson-Brown

1622 That the variation application by Ted Hladky on behalf of 4847165 Manitoba Ltd. to reduce the required separation between principal and accessory buildings from 2.4m (7.88') to 1.2m (3.94') at 329 Braecrest Drive (Lots 1/3 and the Ely 10' of Lot 4, Block 2, Plan 848 BLTO) to allow for the construction of garages be approved whereby such approval is hereby granted in accordance with the intent of the application dated February 15th, 2006, the letter of intent dated February 13th, 2006 and the attached drawing. CARRIED.

(C) BY-LAW NO. 6812 TO CLOSE AND CONVEY THE PUBLIC RESERVE IN PLAN 25746 (60 WATERLOO CRESCENT) TO ADJACENT PROPERTY OWNERS

His Worship the Mayor declared a conflict of interest and left the Council Chamber without any further discussion.

City Council sat to receive representation on the above noted matter.

No one appeared either in support of or in opposition to the application.

It was noted that this item would be dealt with further under the Order of By-laws.

Blight-Jessiman

1623 That the Public Hearing with respect to By-law No. 6812 to close and convey the Public Reserve in Plan 25746 located at 60 Waterloo Crescent to the adjacent property owners be concluded. CARRIED.

Following the above motion being voted on, His Worship the Mayor re-entered the Council Chamber.

(D) BY-LAW NO. 6816 TO CLOSE AND CONVEY THE NORTH/SOUTH LANE IN PLAN 848 AND 925, NORTH OF CENTRE AVENUE BETWEEN 1ST STREET NORTH AND WHITE SWAN STREET (CITY OF BRANDON)

City Council sat to receive representation on the above noted matter.

The General Manager of Development Services stated that while the application was being made by the City of Brandon, the request for closure and conveyance of the land had come from the owners of the North Hill IGA property.

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

It was noted that this item would be dealt with further under the Order of By-laws.

Paterson-Barletta

1624 That the Public Hearing with respect to By-law No. 6816 to close and convey the North/South lane in Plan 848 and 925, north of Centre Avenue between 1st Street North and White Swan Street be concluded. CARRIED.

(E) BY-LAW NO. 6813 TO REZONE PROPERTY LOCATED AT 1665 PATRICIA AVENUE FROM PR PARKS AND RECREATION ZONE AND DR DEVELOPMENT RESERVE ZONE TO RMD RESIDENTIAL MODERATE DENSITY MULTIPLE FAMILY ZONE AND FROM DR DEVELOPMENT RESERVE ZONE TO RHD RESIDENTIAL HIGH DENSITY MULTIPLE FAMILY ZONE (CITY OF BRANDON)

City Council sat to receive representation on the above noted matter.

The General Manager of Development Services spoke in support of the application put forward by the City of Brandon.

City Council also considered a letter in opposition to the rezoning application by Leonard and Sandra Dyck, 47 Kelsey Bay, dated March 16th, 2006.

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

It was noted that this item would be dealt with further under the Order of By-laws.

Campbell-Black

1625 That the Public Hearing with respect to By-law No. 6816 to rezone property located at 1665 Patricia Avenue (Parcel A, Plan 40470 BLTO) from PR Parks and Recreation Zone and DR Development Reserve Zone to RMD Residential Moderate Density Multiple Family Zone and from DR Development Reserve Zone to RHD Residential High Density Multiple Family Zone be concluded. CARRIED.

Paterson-Barletta

1626 That pursuant to Section 59 of Procedure By-law No. 6634, City Council resolve itself into the Order of General Business to deal with Items (D), (E) and (F). CARRIED.

GENERAL BUSINESS:

(D) GRANT-IN-AID REQUEST

Considered was a report from the General Manager of Development Services dated January 27th, 2006 with respect to the above.

Brown-Rice

1627 That as the City of Brandon intends to proceed with the milling and paving of Victoria Avenue East, a grant in the amount of \$57,500 be requested from the Manitoba Department of Transportation and Government Services under the 2006 Grant-In-Aid Program. CARRIED.

(E) 2006 CITIZEN APPOINTMENTS TO THE POVERTY COMMITTEE

City Council considered a report from the City Clerk dated March 14th, 2006 with respect to the above.

Rice-Black

1628 That the following citizen appointments be and are hereby made to the Poverty Committee, with terms of office to expire December 31st, 2006:

Marion Robinsong
Dayle Hughson
Glen Kruck

CARRIED.

(F) WATER DECLARATION

Considered was a report from Councillor B. Smale dated February 16th, 2006 in accordance with her notice of motion given at the March 6th, 2006 meeting of City Council.

Smale-Barletta

1629 That the Council of the City of Brandon hereby recognizes and affirms that:

- water is a sacred gift that connects all life;
- access to clean water is a basic human right;
- the value of earth's fresh water to the common good takes priority over any possible commercial value; and
- fresh water is a sacred legacy, a public trust and a collective responsibility

and further, that the following resolution be submitted under cover of a letter to be dated March 22nd, 2006 being World Water Day to the Federation of Canadian Municipalities in support of its having made a similar declaration and requesting that this resolution be dealt with at its 2006 Annual Conference:

“WHEREAS one in six people in the world do not have access to clean drinking water;

AND WHEREAS the United Nations Conference on Water in 1977 in Mar del Plata affirmed the rights of all persons to access clean drinking water in order to satisfy their fundamental needs;

AND WHEREAS current World Bank loans for water services in developing countries frequently require the privatization of those services or an increase in water prices, thereby jeopardizing citizens' access to safe drinking water;

AND WHEREAS the Canadian Catholic Organization for Development and Peace and KAIROS; Canadian Ecumenical Justice Initiatives have asked Canadian municipalities to assist in its effort to have the Government of Canada recognize water as a common good and access to drinking water as a basic human right;

NOW THEREFORE BE IT RESOLVED THAT the Government of Canada urge the World Bank to ensure access to clean, affordable water for the world's poor and strengthen the role of the public sector and individual communities in setting water policies and delivering and regulating water services.” CARRIED AS AMENDED.

AMENDMENT

Black-Rice

1630 That the above motion be amended by adding after the words: “clean, affordable water” the words: “provided through publicly owned and operated water utilities”. CARRIED.

Following the above motion being voted on, His Worship the Mayor read the following proclamation:

“WHEREAS water is a natural resource that connects all life;

AND WHEREAS access to clean water is a basic human right;

AND WHEREAS environmental welfare is of universal concern and deserves the utmost attention;

AND WHEREAS the value of the Earth's fresh water to the common good takes priority over any possible commercial value;

AND WHEREAS fresh water is a shared legacy, a public trust and a collective responsibility;

NOW THEREFORE, I, Dave Burgess, Mayor of the City of Brandon, in the Province of Manitoba, do hereby proclaim March 22nd, 2006 as WORLD WATER DAY in the City of Brandon.”

Following the above, a discussion took place with respect to the late hour and the number of items remaining on the Agenda to be dealt with whereby it was agreed to adjourn the meeting and table the remaining items to a Special Meeting of Council at the Call of the Chair.

ADJOURN:

Black-Paterson

That pursuant to Section 50 of Procedure By-law No. 6634, the meeting do now adjourn whereby a Special Meeting of Council shall be called for the purpose of dealing with the unfinished items of business.
(12:51 a.m.) CARRIED.

MAYOR

CITY CLERK