REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED APRIL 6, 1999

On motion of Councillor Steek, the Report of the Standing Policy Committee on Property and Development, dated April 6, 1999, was considered clause by clause.

Moved by Councillor Steek,
That the Consent Agenda, Clause 12, be adopted.

Carried.

Proposed Amendment to License By-law No. 6551/95 - Sign Erector, Window Installer, Awning & Canopy Installer, Crane Operator And Window Washer
File EL-1 (Vol. 31)

590 - 12. The Standing Policy Committee on Property and Development has been advised that the trades of a Sign Erector, Window Installer, Awning and Canopy Installer, Crane Operator and Window Washer most often require the person carrying out the trade to do so on and over City property including streets, sidewalks, boulevards and other publicly accessible areas.

Currently the City of Winnipeg License By-law No. 6551/95 provides that only a Sign Erector and a Window Installer are required to obtain a licence to carry on the trade, and pursuant to Section 4 (15) of the by-law, is required to maintain in force a bond of indemnity.

The existing definition of "Sign Erector" means a person who erects or repairs wall signs or projecting signs. This definition does not include a person erecting or repairing any other type of sign including free-standing signs.

The existing definition of a "Window Installer" means a person who installs or repairs any windows of a commercial or industrial building which are adjacent or near to a public street. This definition does not include a person that installs or repairs window that are either on a commercial or industrial building that is not adjacent or near to a public street or the windows of residential properties whether adjacent or near to a public street or not.

In addition, a person carrying on the trade or trades of an "Awning and Canopy Installer", "Crane Operator" or "Window Washer" are not required to obtain a licence, liability insurance or a bond of indemnity under the current requirements of the License By-law No. 6551/95.

The Manitoba Building Code is in place to ensure that the public is not exposed to undue risks near work sites through proper use of barricades, warning devices and other safety measures. However, the Code does not require the contractor to obtain liability insurance or a bond of indemnity.

Recent accidents involving Window Washers in both Winnipeg and Selkirk, Manitoba occurring in August 1998, and although rare, are indicative of the ever-present danger that exists for the contractor and members of the public passing near or beneath the work site. In the three publicized incidents, window washers fell; one to his death; one with serious injuries and one without serious injury. In all cases it was fortunate that passers-by were not injured and property was not damaged.

The existing definition of a "Sign Erector" and "Sign" are very narrow in their present form and do not cover the wide variety of signs that are erected, repaired or serviced in the City of Winnipeg. As an example, the definition section of Zoning By-law No. 6400/94 (Zoning Part Twelve - Signs) includes over 30 different types of signs. Only 25 sign erectors are licensed with the City, although approximately 100 sign companies advertise in the MTS Yellow Pages. Expanding the definition to include all signs would provide the public and the City with some measure of protection and level the playing field within the industry.

The existing definition of a "Window Installer" is narrow in its present form and does not cover the wide variety of situations and locations where windows and or doors are installed, repaired or serviced in the City of Winnipeg. Currently only a Window Installer that installs or repairs windows of a commercial or industrial building which are

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adjacent or near to a public street is required to be licensed. A Window Installer that performs essentially the same work on buildings that are either residential or commercial/industrial but not adjacent or near to a public street is not required to obtain insurance, a bond of indemnity or a license nor is a person installing, repairing or servicing doors. Expanding the definition to include any window or door anywhere, would provide the public and the City with some measure of protection and level the playing field in the industry. Only 17 Window Installers are licensed with the City, although approximately 77 window companies advertise in the MTS Yellow Pages.

Currently, the Property and Development Services Department issues building permits for the installation of signs in the City. Permits are currently issued only to persons licensed to carry on the trade of a "Sign Erector" but only if the sign fits within the existing definitions of "Sign" and "Sign Erector". Persons erecting or repairing a sign that does not fall within the definitions are able to obtain building permits and continue to operate without being required to obtain insurance, a bond of indemnity or a licence. Requiring a licence from all persons installing, repairing or servicing all signs will permit the Zoning and Permits Branch to restrict issuance of Building Permits to licensed persons only.

Currently the License By-law does not require a person to obtain a licence to install, repair or service an awning or canopy, to operate a crane or to wash windows. These trades are performed on or near all types of buildings including buildings or structures adjacent to or on public streets, in close proximity or over public thoroughfares and often from overhanging equipment. Approximately 18 contractors are installing, repairing or servicing awnings and canopies, and approximately 34 are washing windows in the City. Cranes are being operated by at least 22 contractors in the City.

The License By-law requires that any person carrying on trade as a "Sign Erector" or "Window Installer" obtain a licence from the City. Prior to the licence being issued the applicant must provide the City with a bond of indemnity in the amount of $10,000.00 covering the period for which the licence is required and pay to the City the licence fee of $60.00. Currently these trades are not required to obtain or keep in force a comprehensive liability insurance policy.

A bond is used to respond to loss or damage sustained because of, or in connection with, the trade covered by the bond, regardless of fault. A bond is "no-fault". A liability insurance policy will respond to the same loss or damage, only if the insured is liable. In order to obtain a bond of indemnity an applicant would be required to pass a rigorous review by the Surety underwriter of its financial position. This requirement tends to weed out "fly-by-night" operators. In the event a bonded person or company fails to make good any loss or damage, the injured party can make a claim against the bond directly to the Surety. Today's business can find itself at risk through no fault of it's own. Business activity creates new risks that may or may not be identified. Insurance and bonds are the most commonly used strategy for managing most risks.

By expanding the definition of "Sign Erector" and "Window Installer", including "Awning & Canopy Installer", "Crane Operator" and "Window Washer" in the License By-law and requiring the licensee to maintain in good standing a comprehensive liability insurance policy and a bond of indemnity including the City of Winnipeg as an additional named insured in a cross-liability clause would address some of the risk. The insurance and bond would provide the City and its residents with some reasonable degree of protection.

A review of the relevant by-laws of other Canadian Cities indicates that other Cities currently license these trades but in different ways (Schedule 1).

The City of Winnipeg License By-law No. 6551/95 currently defines "Sign Erector" to mean any person who erects or repairs wall signs or projecting signs, and "Window Installer" to mean a person who installs or repairs any windows of a commercial or industrial building which are adjacent or near to a public street.

The Administration recommends that the definitions in the License By-law be expanded as follows:

"Sign Erector" means a person who erects, repairs or services any sign

"Window Installer" means a person who installs, repairs or services any window or door

And that the following definition for "Sign" be added to the License By-law:

"Sign" means any writing (including letter, word, or numeral), pictorial representation (including illustration or decoration), emblem (including device, symbol, logo, or

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trademark), flag (including banner, or pennant) or any other figure of similar character which:

i) is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure; and/or
ii) is used to announce, identify, direct attention to, or advertise.

But does not include a mobile sign that is mounted on a trailer, vehicle, stand, or similar support structure which is designed in such a manner that the sign can be readily relocated to another location and is license/permitted by Zoning and Permits Branch.

And that the requirements be amended to require that no licence to carry on the trade of a "Sign Erector" or "Window Installer" shall be issued until the applicant provides the City with and maintains in force for the period of time a license is required the following:

i) a comprehensive insurance policy with the minimum limit of coverage per occurrence of $1,500,000.00, and;
ii) a bond of indemnity in the amount of $10,000.00.

And that the License By-law No. 6551/95 be further amended by adding to the by-law the following new trades, definitions, fees and requirements:

i)	"Awning & Canopy Installer"	means any person who installs, repairs or services any awning or canopy on any building, but does not include a licensed sign erector or window installer.
ii)	"Awning"	means a shelter projecting from and supported by the wall of a building and designed to be collapsible, retractable and generally but not necessarily constructed of fabric or similar non-rigid material.
iii)	"Canopy"	means any non-retractable covered or enclosed rigid structural framework attached to and extending outward from a building and includes but is not limited to such structures as theatre marquees and does not include any structurally integrated architectural feature such as lintels, sills, mouldings, architrave's and pediments or any free-standing structures over petroleum pumps.
iv)	"Crane Operator"	means any person who operates an overhead crane, aerial ladder or similar device on, near, adjacent to or over any public street but does not include a licensed awning & canopy installer, sign erector, window cleaner or, window installer.
v)	"Window Washer"	means any person who washes or cleans any window but does not include a licensed window installer.
vi)	License Fee	1998 - $ 60.00 1999 - $ 64.00 2000 - $ 68.00 2001 - $ 72.00 2002 - $ 76.00 2003 - $ 80.00
vii)	Requirements	No license to carry on the trade of an Awning & Canopy Installer, Crane Operator, or Window Washer shall be issued until the applicant provides the City with and maintains in force for the period of time a license is required the following: i) a comprehensive insurance policy with the minimum limit of coverage per occurrence of $1,500,000.00, and;

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ii) a bond of indemnity in the amount of $10,000.00.

Council approval is required to amend the License By-law to include the trades of Awning & Canopy installer, Crane Operator and Window Washer and to amend the definitions of "Sign Erector" and "Window Installer".

The Standing Policy Committee on Property and Development recommends:

I. That the City of Winnipeg License By-law No. 6551/95 be amended as follows:

1. By deleting the existing definition of a "Sign Erector" and replacing it with a definition that means a person who erects, repairs or services any sign.

2. By deleting the existing definition of "Sign" and replacing it with a definition that includes all signs.

3. By deleting the existing definition of "Window Installer" and replacing it with a definition that means a person who installs, repairs or services any window.

4. To include the following trades with corresponding definitions and fees in the Licence By-law as trades requiring a license:
   (i) Awning & Canopy Installer
   (ii) Crane Operator
   (iii) Window Cleaner

5. To amend the by-law to require the trades of "Sign Erector", "Window Installer", "Awning & Canopy Installer", "Crane Operator" and "Window Washer" to maintain in force and provide to the City of Winnipeg a comprehensive liability insurance policy with a $1,500,000.00 minimum limit of coverage per occurrence.

6. To amend the by-law to require the trades of "Sign Erector", "Window Installer", "Awning & Canopy Installer", "Crane Operator" and "Window Washer" to maintain in force and provide to the City of Winnipeg a bond of indemnity in the amount of $10,000.00.

II. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the preparation of the necessary amending by-law.

Copies of documents referred to in the above clause are on file in the office of the City Clerk.

Adopted by consent.

Proposed Amendment to License By-law No. 6551/95 - Christmas Tree Vendor
File EL-1 (Vol. 31)

591 - 13. The Standing Policy Committee on Property and Development has been advised the City of Winnipeg License By-law No. 6551/95 currently does not contain a provision allowing for a specific licence for a vendor selling only natural Christmas trees.

Adding the recommended new license category of "Christmas Tree Vendor" and requiring each of the estimated 25 locations selling natural trees to obtain a license will allow the City to recover part of the costs associated with the disposal of the trees after Christmas. The cost of collection and disposal, with regular refuse collection of the discarded trees, at $50.00 per tonne, is 29 cents per average 13 pound Tree. The number of trees disposed of in this manner is not known.

The Solid Waste Division of the Water and Waste Department also operates a chipping program for the recycling of the discarded trees. The program provides for drop off spots in the City of Winnipeg where trees may be brought to be recycled into wood chips and the public is encouraged to bring a bag and return home with wood chips for their own use. During the 1997/1998 season the City chipped 16,300 trees. The cost of $ 25,000 or $1.53 per tree included posters and handbills. This cost increased to approximately $1.75 per tree due to an increase in maintenance and advertising costs.

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Currently the License By-law does not define the trade of "Christmas Tree Vendor" and the by-law does not require a person carrying on this trade to obtain a specific licence. The vendor could fall into the license category as a "Transient Trader" with an applicable license fee of up to $500.00 for the first location and up to $400.00 for each additional location. These fees are high considering the nature of the trade.

Each year, mainly during the months of November and December, vendors set up at approximately 25 locations in the City of Winnipeg to sell natural Christmas trees. Currently all "Christmas Tree Vendors" are required to obtain a Development Permit under the Zoning By-law No. 6400/94 for a temporary use event. This permit is required each year and is obtained from the Property and Development Services Department at a cost of $50.00. This permit is required for all trades carrying on business at specific premises within the City.

A review of the License By-laws of seven (7) major Canadian Cities indicates that only the Cities of Regina, Saskatoon and Calgary currently require Christmas Tree Vendors to obtain a license specific to their trade. The applicable license fees are as follows:

Regina	$150.00	Not applicable to resident business with commercial premises that pay business tax on the respective location from which it conducts the sale of the trees. Annual license
Calgary	$100.00	First year, new license
	$ 75.00	Renewals in subsequent years Annual license
Saskatoon	$ 58.00	Annual license

Council approval is required to amend the License By-law to include the trade and the accompanying fee schedule.

The Standing Policy Committee on Property and Development recommends:

I. That the License By-law No. 6551/95 be amended by adding the trade of "Christmas Tree Vendor" to Schedule "A" of the By-law requiring the trade to be licensed under the authority of the By-law with the following definition:

"Christmas Tree Vendor"
means any person, whether occupying permanent or other premises in the City or not, who offers natural Christmas trees for sale in premises in the City or in or from any vehicle, or in any other place in the City.

II. That Schedule "A" of the License By-law No. 6551/95 be further amended to include the licence fees for a five (5) year period for Christmas Tree Vendor as outlined in Schedule I.

III. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the preparation of the necessary amending by-law.

Moved by Councillor Steek,
Adoption of the clause.

In amendment,

Moved by Councillor Timm-Rudolph,
Seconded by Councillor Angus,

THAT Recommendation I of the clause be amended by adding the words "excepting not for profit organizations and service clubs" after the words "means any person" in the definition of Christmas Tree Vendor.

The Speaker returned to the Chamber and resumed the Chair.

The amendment was put and declared carried.

The motion for the adoption of the clause, as amended, was put.

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Councillor Eadie called for the yeas and nays, which were as follows:-

Yea: Councillor Steek. 1

Nay: Councillors Angus, Clement, De Smedt, Gerbasi, Lubosch, Smith, Deputy Mayor Thomas, Timm-Rudolph, Vandal, Eadie, O'Shaughnessy and Lazarenko. 12

and the motion for the adoption of the clause, as amended, was declared lost.

Council recessed at 11:58 a.m., and reconvened at 1:34 p.m., same members present, except Councillors Lubosch, Prystanski and Timm-Rudolph.

Councillors Clement and Steek entered the meeting after Council had reconvened.

The City of Winnipeg License By-law No. 6551/95 - Review of License Fees
File EL-1 (Vol. 31)

592 - 14. The Standing Policy Committee on Property and Development has been advised that Schedule A to the License By-law No. 6551/95, which set the licence fees for 81 trade categories for the period 1993 to 1997 has expired.

The existing Schedule A to the License By-law set the licence fees for all trades for a five year period, from 1993 to 1998, at a level that attempted to recover the City's costs for inspection, enforcement and administration. This schedule has expired. Full cost recovery was not achieved.

The proposed amended Schedule A would set licence fees for the period 1999 to 2004 at a level that would result in full cost recovery by the end of that period, by raising some fees, lowering others, such as those for vending machines, and streamlining some trades by eliminating extra charges for additional chairs, tables, lanes, screens, vehicles, machines and other units.

On March 3, 1997, the former Committee on Finance and Administration requested a review of the license fees applied to vending machines. On June 1, 1998, this request was reaffirmed by the Standing Committee on Property and Development. The review was conducted along with the broader review of all licence fees for the 78 trades currently licensed under the License By-law.

A comprehensive review of the licence fees under the License By-law No. 6551/95 was carried out with input from various other civic departments that provide inspection and enforcement services under the by-law. Costs associated with the inspection, enforcement and administration of the by-law were received from the Winnipeg Police Service, Environmental Health Services, Building Services, Legal Services, Fire Services and Licence Services and were used to develop the five (5) year licence fee Schedule "A". A review of the licence trades, methods of calculating licence fees and methods of payment have resulted in several further proposals as follows:

1. A proposed five-year fee schedule that will achieve full cost recovery for inspection, enforcement and administrative costs.

2. Elimination of extra charges for additional chairs, tables, lanes, screens, vehicles, machines and other units used by trades already licensed as a Beauty Salon, Barber Shop, Billiard Parlour, Bowling Alley, Cinema, Karting Track, Shooting Gallery and Coin-Operated Laundry. Existing Zoning By-laws and in some cases the respective Community Committees will continue to have the authority to limit the number of additional items for those trades that require the approval of the Community Committee. Licence fees have been set at an average for each of these trades thereby eliminating the constant need for re-inspection and adjustment of licence fees.

3. Elimination of the trade of Drive-Inn Theatre. Currently only one exists in Headingley. Should any new venture result in the construction of a new Drive-Inn Theatre, the existing trade of Cinema would apply.

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4. The addition of lower license fees categories for the following trades that are already licensed as a similar trade, resulting in corresponding lower inspection and enforcement costs:

   a) Ice Cream Freezer operated by a licensed Food Handling Establishment
   b) Precious Metals Dealer operated by a licensed Pawnbroker, Second Hand Dealer or Antique Buyer
   c) Second Hand Dealer operated by a licensed Pawnbroker

5. The elimination of reduced fees for the following trades as cost recovery was not being achieved:

   a) Second Hand Dealer operated by an Auctioneer
   b) Concert Hall carried on in premise by a person assessed for business tax
   c) Tobacconist carried on by a Cigarette Vending Machine Operator
   d) Used Material Yard operated by an Auctioneer

6. Improved enforcement procedures have resulted in greater compliance by vending machine operators. During the calendar year of 1998, approximately 4000 more licenses have been issued for vending machines than during 1997. It is estimated that at least an additional 1,000 to 2,000 more licences will be issued during 1999. A corresponding decrease in enforcement costs coupled with the proposed amendment to the definition of a vending machine and a reduction in the number of licence categories prompts us to recommend a substantial reduction in the licence fees.

7. An amendment to the by-law that will require all vending machines operated in the City to be identified with an annual licence sticker. Currently, annual licence stickers are only required to be affixed to non-electric machines. This proposal would allow for an identical process to identify all licensed vending machines and will permit operators to move their machines about the City at will without being required to report the move to the Licence Services Branch or amend their licenses. All vending machines would be operated on a non-premise specific basis.

8. Moving the trade of a Plant Stall to a calendar year license schedule. Plant Stalls are generally operated during the months of April to September. As most trade license years begin on June 1st, this traditionally spans 2 separate license years, resulting in increased administrative costs.

9. The elimination of the requirement for Massage Therapists to provide personal photographs as a license requirement. Massage therapists are professionals in their trade and providing the photos serves no valuable purpose.

10. Amendments to Section 5 of the by-law will provide for payment of the full years license fee for new applications, the implementation of a prescribed fixed date for payment of license fees, the implementation of prescribed late payment fees, a refund process for cancelled licenses and a replacement policy for damaged licenses, plates, badges and stickers. New applications result in the City incurring the full years cost for the inspection and administration of the application, therefore it is recommended that the license fee be paid in full. Establishing a requirement for payment at the time of application for new applications, fixed payment dates and late payment penalties will result in payments for licenses being made on a more timely basis resulting in reduced enforcement and administrative costs.

Implementation of these proposals will result in a more streamlined license process and permit the City to achieve full cost recovery for the inspection, enforcement and administration of the License By-law No. 6551/95 within five (5) years. Expected additional revenue over the course of the five years should be approximately $1,300,000.00.

Council approval is required for a by-law amendment to replace the existing Fee Schedule “A” with the revised Fee Schedule “A”.

The Administration recommended that effective June 1, 1999, the City of Winnipeg License By-law No. 6551/95 be amended as follows:

I. By replacing the existing Schedule “A” to the by-law with the amended Schedule “A”.

II. By replacing Section 5 of the by-law with the amended Section 5 as follows:

   5 (1) Amount & Payment of Licence Fees.

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(a) Except as hereinafter provided, the applicant shall pay to the Chief Licence Inspector the full year licence fee for the applicable licence year or portion of the licence year remaining as set forth in Schedule "A" to this by-law.

(b) Except as hereinafter provided every person required to renew a licence under the provisions of this by-law shall pay the prescribed licence fee on or before the date fixed for payment. The date fixed for payment shall be:

(i) in the case of a person required to be licensed by the 1st day of January in any year, the second business day of February in that year;

(ii) in the case of a person required to be licensed by the 1st day of June of any year, the second business day of July in that year;

(iii) in every other case, 30 days after the date of the licence invoice.

(c) Every person who has failed to pay the prescribed licence fee on or before the date fixed for payment, shall pay to the City by way of penalty and in addition to the prescribed licence fee, an amount of 5% of the licence fee or $5, whichever is the greater, for each 30 day period that has expired beyond the fixed payment date.

5 (2) Refunds.

(a) Except as hereinafter provided, where a licensee ceases to carry on a business and surrenders his existing licence and any licence sticker, badge or plate issued with that licence, the Chief Licence Inspector shall refund that licence and shall pay a refund of the licence fee calculated at the rate of one-twelfth of the annual licence fee for each full month that the licence remains in effect from the date of the refund application.

(b) No refund shall be payable under clause (a) where the amount of that refund would be less than the amount set forth in item 80 of Schedule "A".

(c) This subsection does not apply to the following trades: carnival, flea market promoter, itinerant salesman, motor raceway, outdoor mobile food vending unit, plant stall, psychic reader, rides, shooting gallery, souvenir book seller, souvenir seller, temporary food handling establishment, transient trader.

5(3) Damaged licence, licence plate, badge or sticker.

Where any licence, licence plate, badge or sticker becomes damaged, defaced, obliterated or otherwise illegible the licensee shall forthwith apply to the Chief Licence Inspector for a replacement. Upon surrender of the damaged, defaced, obliterated or illegible licence, licence plate, badge or licence sticker and payment of the fee as set forth in item 79 of Schedule "A", the Chief Licence Inspector shall issue a replacement except, that a replacement license shall only be issued where the trade is not required to be issued a licence plate, badge or licence sticker.

III. By deleting Section 6 to the by-law pertaining to licence transfers.

IV. By amending the definition of "vending machine" to mean any vending machine which is specifically listed in item 76 of the amended Schedule "A".

V. By amending Section 40(2) to read as follows:

(2) The following provisions apply with respect to all vending machines which are licensed under clause 76 of Schedule "A":

(a) a number of heads or dispensing devices mounted on a single stand or support will be deemed to be one machine;

(b) licenses will be issued to permit all vending machines to be operated throughout the City and will not relate to any specific premises;

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(c) The Chief Licence Inspector shall provide every person licensed to operate any vending machine with a licence sticker and every person to whom such a sticker has been provided shall affix the sticker in a conspicuous place on the machine and in a manner satisfactory to the Chief Licence Inspector. Any machine found without the properly affixed licence sticker shall be deemed to be unlicensed.

VI. By amending Section 4(2) (a) of the by-law to eliminate the requirement for a "massage therapist" to provide photographs.

VII. By amending Section 7(1) (a) to include the trade of "plant stall" in the calendar year from January 1st to December 31st of any year.

VIII. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the preparation of the necessary amending by-law.

Due to a tie vote, the Standing Policy Committee on Property and Development submits this matter to Council without recommendation.

On May 19, 1999, the Executive Policy Committee recommended concurrence with Recommendations I to III and VI to VIII of the Administration; laid over for up to 30 days, Recommendations IV and V pertaining to vending machines for advice from the Administration and recommended that Schedule "A" referred to in Recommendations I and II be amended accordingly.

At a Special Meeting on May 26, 1999, the Executive Policy Committee reconsidered Recommendations IV and V and in this connection considered Administrative reports from the Chief Administrative Officer.

The Executive Policy Committee recommends:

I. That its decision of May 19, 1999 be reconfirmed to concur with Recommendations I to III and VI to VIII of the Administration with the following amendment to Recommendation II, namely:

A. that sections (i), (ii) and (iii) under 5 (1) (b) be deleted and that the last sentence in 5 (1) (b) be amended to read as follows:

"The date fixed for payment shall be the first day of the new license year."

II. That Recommendations IV and V of the Administration be concurred in.

Moved by Councillor Steek,
That the clause be considered.

Carried.

Moved by Councillor Eadie,
That the recommendations of the Executive Policy Committee be adopted.

Carried.

Councillor Angus asked to be recorded as having voted against the recommendation of the Executive Policy Committee, in accordance with Rule 50.7 of the Procedure By-law.

(See Minute No. 622 for attachment)

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED MAY 4, 1999

On motion of Councillor Steek, the Report of the Standing Policy Committee on Property and Development, dated May 4, 1999, was considered clause by clause.

Moved by Councillor Steek,
That the Consent Agenda, Clauses 2,3,4,5,6,7,8,9,10,11 and 12, be adopted.

Carried.

Proposed Amendments to Downtown Winnipeg Zoning By-Law and Manitoba Building Code to encourage Residential Development Downtown
Files GG-2 (Vol. 24) and FL (Vol. 6)
[c/r EB-1.1.1 (Vol. 4)]

593 - 1. On July 22, 1998, Council passed the following motion:

WHEREAS it is desirable to have a vibrant and successful downtown;

AND WHEREAS the City has taken steps to reconstruct the downtown including making it clean, attractive and safe;

AND WHEREAS Winnipeg's downtown has numerous spaces suitable for multi-use development including housing;

AND WHEREAS it is desirable to encourage multiple family dwellings and particularly high density dwelling units in the downtown;

AND WHEREAS By-law No. 7199/98 established a program of property tax credits or refunds to encourage and to assist in the construction or purchase of new buildings;

AND WHEREAS there are a number of heritage incentive programs which can be applicable to designated buildings;

NOW THEREFORE BE IT RESOLVED that By-law No. 7199/98 be amended to allow for all tenure forms of owner-occupied dwellings, whether as condominiums or free-holds: and all built-forms such as detached, attached ground floor access, or multi-store for tax assistance to new or renovated buildings to create multiple unit properties within the downtown area as defined by By-law No. 4800/88;

AND BE IT FURTHER RESOLVED THAT the Administration be requested to prepare a zoning by-law amendment to allow for residential, mixed use, commercial and live/work spaces on properties in the downtown;

AND BE IT FURTHER RESOLVED THAT the Administration prepare building code equivalencies on building conversion projects in the downtown;

AND BE IT FURTHER RESOLVED THAT the City include funding for a public awareness program to promote the opportunities for incentives for development including housing in the downtown area.

The above Council Motion deals with four components:

A. A new by-law or an amendment to By-law No. 7199/98 to define tax credit program criteria for downtown new home buyers

On March 9, 1999, Council considered the annual review undertaken on the New Home Buyers Municipal Tax Assistance Program. Various alternatives for the program were outlined including a revised program to target the Winnipeg core area. The New Home Buyers Municipal Tax Assistance Program was not extended by Council.

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Also, the City of Winnipeg and Manitoba Housing are currently participating in a Residential Market Analysis for downtown and adjacent neighbourhoods. The analysis has two goals:

i) to assess the market demand for housing in Winnipeg Centre (downtown and adjacent neighbourhoods); and,

ii) to recommend and prioritize actions, based upon the findings, to support expanded living opportunities in Winnipeg Centre.

The analysis will include financial pro formas and cost implications of encouraging residential development, a review and evaluation of current programming, comparison of other cities' initiatives, and action plans to further support for residential development. The analysis is to be completed by July 1999. The results will provide a foundation upon which governments can develop appropriate policies and programs to support private investment in city centre housing.

The Property and Development Services Department therefore recommended that any new incentive program be deferred until the results of this analysis are available.

B. Changes to the Downtown Winnipeg Zoning By-law No. 4800/88

The Downtown Winnipeg Zoning By-Law No. 4800/88 represented a new approach to property zoning, whereby the zoning for each property is comprised of six (6) designators indicating regulations relating to Residential Use, Non-Residential Use, Bulk, Parking and Loading, Signs and Urban Design.

Within the by-law area, there are three (3) Residential Group designations; "Ra", "Rb" and "Rc". The residential use regulations and the zoning map indicating the boundaries of Residential Use Groups are outlined on Appendix II.

The "Rb" and "Rc" Residential Use Groups permit dwelling units, either alone or in combination with commercial uses, however, within those areas designated "Ra", dwelling units are not permitted by right, but may be allowed subject to a Conditional Use approval.

Those areas designated "Ra" vary widely in character. They include: riverbank lands, The Forks site, the Portage Avenue and Portage and Main commercial areas, the Exchange District and the City Hall/Chinatown areas.

It is understood that the intent of the Council instruction is to remove any obstacles to housing development imposed by the zoning by-law thereby making downtown more attractive to residential development and to mixed use development. At the same time, it may not be appropriate to allow dwelling units on all downtown lands, particularly riverbank lands.

The Property and Development Services Department therefore recommended that an application be initiated to consider a rezoning of the majority of the "Ra" Residential Use Group A lands to "Rc" Residential Use Group C, as outlined on Appendix I.

It is proposed that The Forks, all riverbank lands and the retail centre along Portage Avenue between Eaton's and The Bay should remain as "Ra" and therefore should not be included in this application.

The "Rc" Residential Use Group C would allow dwelling units and apartment hotel residential type uses in conjunction with commercial uses outlined in the accompanying Non-Residential Use Group designation. As such, mixed use developments and live/work spaces would generally be allowed. However, in order to further promote live/work uses, the Administration recommended that the text of Downtown Winnipeg Zoning By-Law No. 4800/88 also be amended by including provisions for home occupations similar to the home occupation section of Zoning By-Law No. 6400/94 which covers the remainder of the City outside the downtown.

In accordance with Subsection 4(1) of the Procedure By-law No. 5400/90, the Community Committee is designated as the hearing body for a proposed rezoning by-law involving a change in the zoning classification of any land. Subsection 4(2) states that for text amendments, Standing Policy Committee on Property and Development is the hearing body. There is no subsection dealing with a combination of a rezoning of land and a text amendment, and therefore the Administration recommended that the applications be combined and that Standing Policy Committee on Property and Development be designated as the hearing body.

Report of the Standing Policy Committee on Property and Development dated May 4, 1999

C. Manitoba Building Code equivalencies on building conversion projects

The third issue, that of preparing code equivalencies on building conversion projects in the downtown, presents a problem which the City cannot resolve by itself in that the Manitoba Building Code is the responsibility of the Province of Manitoba.

It has been stated by a number of heritage building owners that strict compliance to the Manitoba Building Code would be cost prohibitive if all three criteria of heritage preservation, life safety and cost effective renovations are to be met.

Alternative solutions or equivalencies that are proposed as a means of achieving code compliance depend on the current code requirement under consideration and often tend to be project specific. However, when dealing with a specific class of existing buildings such as turn of the century warehousing, certain key code issues always surface regardless of the building being considered. For example, the current code requires that all buildings over four storeys in height be of noncombustible construction. In fact much of the warehousing that could be converted to residential use is combustible (wood) construction. It is necessary to develop an equivalency to the code requirement. Once the equivalency is developed, it may be possible to adopt a special code or by-law and then apply it to similar buildings.

A general solution in the form of a set of fire safety alternatives for these heritage buildings is desirable. Such alternatives would become “acceptable code solutions” or could be incorporated in to the existing regulations which then become universal for this type of structure.

The Property and Development Services Department is currently preparing a report that deals with the development of a strategy for fire safety alternatives for Winnipeg’s downtown heritage buildings. This proposal will focus only on the conversion of warehouse or similar use buildings to residential occupancies with minimal ancillary occupancies on the ground floor, such as retail or offices.

The proposed fire safety alternatives for heritage buildings would still require that an owner, architect or engineer demonstrate that compliance with the safety intent of the requirements has been achieved.

The Fire Safety Alternatives Report will:

a) Identify potential strategies that the City can use to meet its concurrent redevelopment goals of heritage preservation, fire safety, and cost effectiveness; and,

b) Select a strategy that best suits the City’s needs by reflecting the shared values of the various stakeholders. The findings of the report will be presented at a symposium on Heritage Building Renovation being sponsored by the Exchange District Business Improvement Zone and the Property and Development Services Department in Spring 1999.

D. A public awareness program to promote the opportunities for incentives

The last issue, that of providing funding for a public awareness program to promote the opportunities for incentives for the development of housing in the downtown area, should be deferred until the residential market analysis is completed and the need for an incentive program is determined.

Council approval is required in order to implement the program as outlined in the Council Motion of July 22, 1998. There is no financial impact associated with the administrative recommendations.

The Standing Policy Committee on Property and Development recommends:

I. That the Director of Property and Development Services be instructed to initiate an application to consider rezoning land under Downtown Winnipeg Zoning By-Law No. 4800/88, as outlined on Appendix “I”, from an “Ra” Residential Group A to an “Rc” Residential Group C to permit housing more widely throughout the downtown, and to amend the text of the Downtown Winnipeg Zoning By-Law No. 4800/88 by including provisions for home occupations and live/work spaces.

II. That Standing Policy Committee on Property and Development be designated as the hearing body to deal with this particular application for rezoning of land and text amendment.

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III. That the City of Winnipeg submit the "Strategy for Fire Safety in Heritage Buildings" report to the Manitoba Minister of Labour and Minister of Culture, Heritage and Citizenship for their review and a recommendation that the Manitoba Building Code be amended to allow alternative requirements for the rehabilitation of existing heritage buildings.

IV. That the Province of Manitoba be requested to provide enabling legislation for a five year property assessment (municipal/school) freeze for the conversion of buildings in the Downtown area for residential use.

V. That for deliberations on the Current Estimates, funds in the amount of $500,000.00 be included for an incentive program for the conversion of buildings in the Downtown area for residential use.

VI. That a public awareness program to promote the opportunities for incentives for the development of housing in the downtown area be deferred at this time.

VII. That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing, including the execution of any documents relating thereto.

Copies of the documents referred to in the above clause are on file in the office of the City Clerk.

Moved by Councillor Steek,
Adoption of the clause.

Carried.

Proposed Policy and By-law Amendment - Waiving of Development Permit Fees under Development Fees By-law No. 6965/97 File GL-5.8.1 (Vol. 1)

594 - 2. The Standing Policy Committee on Property and Development considered report dated April 1, 1999, from the Director of Property and Development Services, with respect to developing a policy and criteria for waiving and/or refunding development application fees.

The Development Fees By-law No. 6965/97 states, under Section 18, Fee Adjustments:

> "The Committee on Planning and Community Services may, if it deems advisable in regard to a development application, direct the Commissioner of Planning and Community Services to:
>
> (a) Refund all or part of a filing fee for any development application that is withdrawn prior to the required public meeting or approval process, as the case may be.
>
> (b) Waive all or part of a filing fee and advertising fee for any development application."

Refunds for development permit fees related to building permits, variances and conditional uses totalled $22,551.29 during 1998. These refunds resulted from administrative errors, the withdrawal of applications, and decisions from the Standing Policy Committee on Property and Development.

The waiving or refunding of development application fees has historically occurred on a project basis. The underlying rationale for waiving fees has generally been based on perceived social, economic or physical benefits that accrue to the City.

On February 4, 1999, the Standing Policy Committee on Property and Development requested the Administration to submit policy recommendations regarding the waiving of development fees for "non-profit" groups and organizations.

Subsection 149(1)(l)3 of The Income Tax Act defines a non-profit organization, in effect, as:

Report of the Standing Policy Committee on Property and Development dated May 4, 1999

> "a club, society or association that .....was not a charity ....and that was organized and operated exclusively for social welfare, civic improvement, pleasure or recreation or for any other purpose except profit, no part of the income of which was payable to, or was otherwise available for the personal benefit of, any proprietor, member or shareholder...."

Organizations within the City of Winnipeg that may qualify as non-profit organizations by providing public service and benefits to the community include:

- 250 day cares and nurseries
- 900 churches
- 400 schools and universities
- 200 community centres
- 600 associations, clubs and organizations

This represents a total of 2,350 groups and organizations. The average fee charged for variance, conditional use and rezoning applications is $500.00.

The Administration outlined that formulating eligibility criteria for non-profit organizations or groups that is based on social and/or economic merit would be difficult to structure, measure and apply. Criteria would have to include:

- a determination of official non-profit status;
- a measure of tangible social and/or economic benefit to public; and
- a measure of the population that benefits from the activities of the organization or group.

In addition, it can be argued that social and economic benefits are captured by the City from the establishment of any new use, whether non-profit or for-profit. The establishment of a business in a deteriorating neighbourhood may, for example, create local jobs and improve the streetscape. As a result, it is suggested that the policy be directed at neighbourhoods that require social, economic and physical improvement.

Council has established programs and initiatives for the enhancement of certain neighbourhoods within the City of Winnipeg under, for example, the Winnipeg Development Agreement, the Manitoba Winnipeg Community Revitalization Program and the former Core Area Initiatives Program.

The Administration therefore suggested that these neighbourhoods should be targeted for the waiving and/or refunding of fees under this policy. It was also recommended that the authority for adjusting development application fees, under this neighbourhood policy, should be delegated to the appropriate Community Committee.

The Standing Policy Committee on Property and Development recommends:

I. That Council adopt the following policy and criteria for the waiving and/or refunding of development application fees:

   A. That the waiving and/or refunding development application fees be limited to the filing fee for variance, conditional use and re-zoning applications and shall not include any advertising fees.

   B. That the appropriate Community Committee be delegated the final authority to waive and/or refund development application fees for not-for-profit corporations.

II. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the preparation of the amending by-law,

Copies of the documents referred to in the above clause are on file in the office of the City Clerk.

Adopted by consent.

Report of the Standing Policy Committee on Property and Development dated May 4, 1999

Proposed Plan of Subdivision - land located at 2065 Dugald Road - East Kildonan-Transcona Community

DASSF 508/99

595 - 3. The Standing Policy Committee on Property and Development has been advised that an application has been submitted by Pollock and Wright, Land Surveyors, on behalf of Canadian National Railway to subdivide land located at 2065 Dugald Road.

The Administrative Coordinating Group recommended that approval of the application be subject to the Applicant amending the plan to extend the 50 foot widening to the Dugald Road right-of-way, and the Developer being required to enter into Servicing and Subdivision Agreements containing specific conditions.

On April 20, 1999, the East Kildonan-Transcona Community Committee considered report dated March 15, 1999, from the Chairperson of the Administrative Coordinating Group, recommending that the proposed plan of subdivision be approved subject to the Developer entering into Servicing and Subdivision Agreements with specified conditions.

The East Kildonan-Transcona Community Committee concurred in the recommendations, with the following amendment to Condition 2. of the Servicing Agreement, namely:

- That Clause 2 be deleted in its entirety and replaced with the following:
  "2. The Developer shall pay to the City its share of the cost of land drainage trunk services at such time as land drainage sewers are installed by the City based on the rate for those services existing at that time. The Developer's share of the cost of trunk services shall be paid by way of an annual special levy therefor over a twenty (20) year period commencing with the year following the year in which the services are installed. The City shall be allowed to file a caveat to register the Developer's obligation."

On May 4, 1999, the Standing Policy Committee on Property and Development considered the proposed plan of subdivision and approved the following amendment, which has been incorporated in the recommendations as set out below, as follows:

- That Clause 2 of the Servicing Agreement be deleted in its entirety and replaced with the following:
  "2. The Developer shall pay $9,801.00 per acre as its share of the cost of land drainage trunk facilities installed or to be installed by the City and benefiting the proposed subdivision."

The Standing Policy Committee on Property and Development concurred in the recommendations of the East Kildonan-Transcona Community Committee, as amended, and recommends:

I. That the plan of subdivision on land located at 2065 Dugald Road be approved, subject to the following:

A. The Developer entering into a Servicing Agreement containing the following:

1. The Developer shall pay $38.00 per front foot as its share of the cost of local wastewater sewer service being provided by the interceptor sewer.

2. The Developer shall pay $9,801.00 per acre as its share of the cost of land drainage trunk facilities installed or to be installed by the City and benefiting the proposed subdivision.

3. The Developer shall pay $36.00 per front foot as its share of the cost of the existing watermain in Dugald Road. (If prior to execution of the servicing agreement it is determined that the Developer has been exempted by virtue of a previous agreement, this condition will not apply).

4. The Developer shall pay $1,650.00 to defray the City's administration and associated costs related to the preparation and implementation of the servicing agreement.

B. The Developer entering into a Subdivision Agreement to provide that no new buildings or structures be located within the most southerly 76 feet of the most easterly 687 feet (209.4 metres) of the land within the proposed subdivision.

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II. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the execution of any documents related thereto.

Copies of the documents referred to in the above clause are on file in the office of the City Clerk.

Adopted by consent.

Proposed Amendment to Subdivision and Rezoning - land located at the southeast corner of Kenaston and McGillivray Boulevards - Assiniboia Community
File DASZ 22/98
[c/r EP-1.1(PW 7/98) (Vol. 1)]

596 - 4. On December 16, 1998, Council approved a plan of subdivision and related zoning change for lands located at the southeast corner of Kenaston and McGillivray Boulevards to allow for commercial development, subject to a number of conditions including the following conditions contained within the Report of the Administrative Coordinating Group dated September 10, 1998, which forms part of that Council approval:

8. The Developer shall, at no expense to the City, cut off and abandon the existing water and wastewater service connections.

9. The Developer shall, at no expense to the City, construct a wastewater sewer in Kenaston Boulevard from Scurfield Boulevard north to service the proposed lots fronting on Kenaston Boulevard.

10. The Developer shall, at no expense to the City, construct separate water and wastewater connections to service each lot, i.e. joint services will not be allowed.

The Developer's Consulting Engineers and the City's Water and Waste Department have further discussed the above conditions. It has been agreed that provision of proper sewer and water services for the total site can be accomplished by revising the above Clause 8, deleting the above Clauses 9 and 10 and replacing same with a new Clause 9, providing that revisions, as set out below, are made to the Report of the Administrative Coordinating Group dated September 10, 1998.

The Standing Policy Committee on Property and Development recommends:

I. That the Council approval of December 16, 1998, with respect to the proposed subdivision and rezoning of land located at the southeast corner of Kenaston and McGillivray Boulevards under File DASZ 22/98, be amended to provide the following revisions to the Report of the Administrative Coordinating Group dated September 10, 1998, namely:

A. Clause 8 be amended to read:

"The Developer shall, at no expense to the City, cut off and abandon the existing water, wastewater and land drainage service connections that will no longer be required to serve the proposed development."

B. Clauses 9 and 10 be deleted in their entirety, and replaced with the following Clause 9:

"The water, wastewater and land drainage services shall be private and shall be the joint responsibility of all the present and future property owners. The Developer shall execute a joint servicing agreement which shall obligate all present and future owners of the proposed lots to be jointly responsible for the proper use, maintenance, repair and replacement of the water, wastewater and land drainage facilities."

II. That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing, including the execution of any documents relating thereto.

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Copies of the documents referred to in the above clause are on file in the office of the City Clerk.

Adopted by consent.

Proposed Subdivision and Rezoning - land located at 2136 Pembina Highway, southeast corner of Thatcher Drive and Pembina Highway - Riel Community
File DASZ 1/99 [c/r DAV 23/99D]

597 - 5. The Standing Policy Committee on Property and Development has been advised that an application has been received from Copperfield's Computer Books Ltd., 1389 Pembina Highway, Winnipeg, for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning the subject land outlined from an "R1-6" Residential District to an "RM-L" and "C1" Commercial District to permit the establishment of a bookstore and future multiple-family housing.

The following is the present site description:

Site Area:	Southeast corner of Thatcher Drive and Pembina Highway
Existing Land Use and Zoning:	Slightly less than an acre in size (overall area approximately 39,000+ square feet)

The following is the surrounding land use and zoning:

North:	North of Thatcher Drive are several small businesses, one of which is zoned "C1-5" and a concentration of multiple-family buildings
South:	The subject site abuts Southwood Golf Course to the south zoned "PR-2" Public Reserve
East:	To the east on Thatcher Drive are large single-family homes which are well established and zoned "R1-6" Residential
West:	Across Pembina Highway is an array of large free-standing commercial buildings and a small commercial mall area, which is zoned "C2"

Essentially the applicant proposes to purchase the subject property, split it in half, and rezone the front portion to a "C1" Commercial category in order to accommodate a bookstore. The rear half of the property, upon which currently rests a single-family dwelling is to be, at some future time, possibly re-developed into a 3 to 4 unit condo complex or a bed and breakfast facility. The proposed book store outlet (Copperfields) will not exceed a total floor area of 3,700 square feet and will have a residential appearance. It will, at its highest point be 26 feet high. The building itself will be set 47 feet back from Pembina Highway and there are a minimum 12 parking spaces provided at the front of the building. A delivery area is to be situated at the north side of the building.

Most of the existing vegetation will be maintained and incorporated into the site plan, particularly that which lies adjacent to Thatcher Drive. Additional landscaping is to be installed along the Pembina frontage. Primary access to and from the site will be via Pembina Highway. Existing access to Thatcher Drive will be eliminated. At this juncture, there are no detailed floor plans for the interior of the bookstore itself.

The subject lot lies at the southeast corner of Thatcher Drive and Pembina Highway. It has 147 feet of frontage along Pembina Highway and a north side yard of 220 feet along Thatcher Drive. For several years, developers on behalf of the owner of the property have been submitting various development options related to the re-development of the site. Most inquiries centered on the possibility of rezoning the property to a medium density multiple-family zoning category, the intent being to construct anywhere from 15 to 35 condominium units on the site. The Planning and Land Use Division's position has always been to discourage a conversion of the site from what is currently a single-family zoning to a medium or high density multiple-family zoning category particularly when orientation and access was always towards Thatcher Drive. It was felt that a small cluster condo development perhaps 4-8 units overall might have been feasible provided that existing vegetation was largely maintained and adequate buffering from neighbouring properties was provided for. Because of the proximity to what is a very busy intersection, it has always been the Division's intention that primary access to the site, in the event of a re-development, should always be via Pembina Highway.

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The proposal made by the applicant, Copperfield's Books Ltd., is the first which requires a limited commercial zoning and also the first which offers a complete orientation of the new building towards Pembina Highway. The proposed 3,000+ square feet book store is residential in appearance and will occupy the west half of the overall lot. The existing residence is to be maintained on the east half of the lot and at for the time being will continue to be a separate single-family lot owned by the proprietors of the Bookstore. Both structures would be accessed via Pembina, and the Thatcher Drive approach being eliminated. The applicant has requested that the rear lot be rezoned to a low-density "RM-L" Multiple-Family category in order to possible facilitate construction of a 3 to 4 unit condominium at sometime in the future. They have also discussed converting the existing dwelling into a bed and breakfast facility which would not require a rezoning but rather a conditional use application for a home occupation. In either case, it is our view that a multiple-family rezoning is premature for the following reasons.

It has been brought to our attention that discussions are ongoing relative to the possible closure of Thatcher Drive at a point just east of the Pembina Highway intersection. Should such an eventuality occur, a T-type lane turnaround would be established at the west end of Thatcher Drive necessitating the acquisition of a small portion of the frontage property adjacent to the aforementioned residence.

Until that issue is resolved, a rezoning of the rear half of the subject property to an "RM-L" Multiple-Family zoning would, in our view, be premature and inappropriate.

The Administration therefore recommended that the commercial component of the application be approved but that the “R1-6” Single-Family zoning on the proposed rear lot 2 be retained at this time. However, in the context of the Zoning Agreement, it is suggested that certain listed “C1” Commercial uses be prohibited. In addition, it is recommended that final site plans incorporating details related to building location, exterior building materials, parking areas, approach, garbage facilities, extensive landscaping/fencing/lighting and signage be submitted to and endorsed by the Riel Community Committee and the Administration prior to the issuance of any building permits.

Public Hearings were held before the Riel Community Committee on March 9, 1999 and April 13, 1999. One person was heard in support of the application, eighteen persons registered in opposition, and three persons registered for information thereto.

The Riel Community Committee recommended that the proposed subdivision and rezoning be approved for the following reason:

1. The proposed commercial development on Pembina Highway is appropriate and will not be an intrusion on the residential neighbourhood.

The Standing Policy Committee on Property and Development concurred in the recommendations of the Riel Community Committee and recommends:

I. That the plan of subdivision proposed under File DASZ 1/99 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 1/99 dated March 1, 1999, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into an agreement with the City to provide for a cross access easement agreement, to the satisfaction of the Director of Public Works, providing for access on proposed lot 1, in favour of proposed lot 2.

II. That the Director of Property and Development Services be authorized to certify any documents in connection therewith.

III. That Zoning By-Law No. 6400/94 be amended by rezoning proposed lot 1 as outlined on Schedule "A" for File DASZ 1/99 dated March 1, 1999, to an "C1" Commercial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 591(1) of The City of Winnipeg Act to apply to the subject site and to contiguous land (proposed lot 2) owned or leased by the applicant, to include the following conditions:

   A. That final construction plans indicating the design and location of the proposed building including elevations and details of exterior finishing materials, accessory parking and loading areas, fencing, landscaping, free-standing signage, garbage enclosures and approaches be subject to the approval of the Chief Administrative Officer or designate and the Riel Community Committee prior to the issuance of a building.

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B. That the following "C1" uses be listed as prohibited on the subject site.
   1. Animal hospital, Veterinary clinic
   2. Drug Store
   3. Grocery, Confectionery more than 200 square feet in area
   4. Mail Order Business
   5. Recycling Depot for the Collection of Materials
   6. Post Office Courier Depot
   7. Shelter House.

IV. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land and the increase of one (1) additional lot.

V. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

VI. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

VII. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office and when the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against the subject lands.

VIII. The Plan of Subdivision shall be approved and signed by the Director of Property and Development Services within two (2) years of the date of passage of the aforementioned by-law.

IX. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Adopted by consent.

(See Minute No. 623 for attachment)

Extension of Time - Proposed Rezoning - land located on 1880-1952 St. Mary's Road - Riel Community
File DAZ 208/95 [c/r DASSF 516/96]

598 - 6. The Standing Policy Committee on Property and Development has been advised that the solicitor for the applicant, Frank Bueti of Scurfield Tapper Cuddy, 1000 - 330 St. Mary Avenue, Winnipeg, has advised the Property and Development Services Department that they have been unable to proceed with the registration of the Zoning Agreement Caveat because one of the vendors of the land has reneged on his agreement and they are in the midst of litigation to compel the delivery of the title to the property to his client. The litigation is expected to be concluded by the fall of 1999. Therefore, they are requesting a further one year extension in order to complete the subject rezoning application

On November 29, 1995, Council adopted Clause 6 of the Report of the former Committee on Planning and Community Services dated November 10, 1995, which recommended approval of the subject rezoning to an “RM-1” Multiple-Family District a “PR1” Parks and Recreation District, as outlined on Schedule “A”, to allow for the construction of a multiple-family development subject to the execution of a zoning agreement.

Recommendation IV contained in the said clause stipulates:

“IV. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within 24 months after adoption of this report by Council the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.”

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Recommendation VII of the said clause further stipulates:

> "VII. That the Rezoning By-law shall become effective when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office provided that the said effective date occurs within 12 months from the date that the said Rezoning By-law is adopted by Council."

The Rezoning By-law No. 6866/96 was passed by Council on July 24, 1996. The enactment section of the by-law required that the Zoning Agreement caveat be registered in the Winnipeg Land Title Office by July 24, 1997, failing which the by-law shall expire unless that date is extended by a resolution of City Council and that registration is completed before any such extended date. An extension of time was previously granted to January 24, 1999. This extension has now expired.

The Administration has reviewed the applicant's request and is of the opinion that approval for an extension of time would be acceptable in view of the fact that the City's interests remain secured and circumstances leading to the original approval are unchanged.

On April 13, 1999, the Riel Community Committee concurred in the administrative recommendation that the time limit to provide for the enactment of Rezoning By-law No. 6866/96 be extended to January 24, 2000.

The Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and recommends:

I. That an extension of time to January 24, 2000 be granted to provide for the enactment of Rezoning By-law No. 6866/96.

II. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Adopted by consent.

(See Minute No. 624 for attachment)

Proposed Rezoning - land located on 399 - 445 McPhillips Street, southeast corner of Jarvis Avenue and McPhillips Street - Lord Selkirk-West Kildonan Community
File DAZ 206/99 [c/r DAV 126/99D]

599 - 7. The Standing Policy Committee on Property and Development has been advised that an application has been received from Mycom Group Inc. (Dave Harapiak), 1208 - 220 Portage Avenue, Winnipeg, to amend Zoning By-Law No. 6400/94 by rezoning the subject land outlined from an "M3" Industrial District to an "M1" Industrial District to allow for an array of existing uses permitted under the "M1" Industrial Category.

The following is the present site description:

Site Area:	Approximately 8 acres; 1,300 feet of frontage along McPhillips Street
Existing Land Use and Zoning:	A multi-tenant mall (8± tenants); zoned "M3" Industrial

The following is the surrounding land use and zoning:

North:	Properties are zoned "M2" Industrial and developed with a range of uses
South:	C.P.R. Winnipeg Yards and Underpass zoned "M3"
East:	C.P.R. Winnipeg Yards zoned "M3" Industrial
West:	A range of "M1" and "M3" Industrial; Manitoba Lotteries owns a large parcel west of McPhillips Street and operates a Casino on that site

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The multi-tenant mall and the uses onsite have been operating without incident since 1993. In order to continue to operate, a rezoning is required for the site. Over 150 parking stalls are available for customer use.

The subject property is situated at the southeast corner of Jarvis Avenue and McPhillips Street and is referred to as the McPhillips Business Mall. In 1993, the following specific uses were approved by the Board of Adjustment for the subject property by way of use variance for a maximum of five (5) years: 1) martial arts studio, and 2) general merchandise retail store. The former Planning Department recommended approval at that time.

Since the aforementioned uses at the subject site cannot be accommodated for a further period of time via the previous approval process, a rezoning to an Industrial category which provides for the uses in question is required. The Planning and Land Use Division therefore endorses a rezoning to "M1" Industrial District in order to maintain all of those uses previously approved under DAV 918/93C. The Martial Arts Studio will need a variance but due to changes to The City of Winnipeg Act, this use can be approved for a period of time beyond the original five (5) years granted by DAV 383/93C. The Division recommended this use be approved for the life of the building under DAV 126/99D.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on April 13, 1999. Three persons were heard in support of the application, and no persons registered in opposition thereto.

The Lord Selkirk-West Kildonan Community Committee recommended that the proposed subdivision and rezoning be approved for the following reason:

1. The proposed rezoning is appropriate at the referenced location.

The Standing Policy Committee on Property and Development concurred in the recommendations of the Lord Selkirk-West Kildonan Community Committee and recommends:

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A", for File DAZ 206/99 dated April 6, 1999, to a "M1" Industrial District.

II. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land if applicable.

III. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

IV. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

V. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

Adopted by consent.

(See Minute No. 625 for attachment)

Proposed Zoning Agreement Amendment - land located at 20 Island Shore Boulevard, southwest corner Bishop Grandin Boulevard - Riel Community
File ZAA 3/99 [c/r DASZ 42/85]

600 - 8. The Standing Policy Committee on Property and Development has been advised that an application has been received from Chartier and Associates, 570 Portage Avenue, Winnipeg, to amend the Zoning Agreement affecting the subject property outlined by allowing a business (pizza pick-up/delivery restaurant, in Unit 13) to operate until 3:00 a.m., instead of being restricted to the hours of 7:00 a.m. to 10:00 p.m.

The following is the present site description:

Report of the Standing Policy Committee on Property and Development dated May 4, 1999

Dimensions:	The applicant occupies the most northerly unit (Unit 13) in the multi-tenant facility. The amendment applies only to the Pizza business.
Existing Land Use and Zoning:	Take-out/Delivery Pizza Business, zoned "C2" Commercial

The applicant wishes to extend the permitted hours of operation under By-Law No. 4358/86 (DASZ 42/85) from 10:00 p.m. to 3:00 a.m. in order to accommodate his take-out restaurant business.

Under By-Law No. 4358/86 (DASZ 42/85), it was stipulated in the Zoning Agreement that no business would be allowed to operate between the hours of 10:00 p.m. and 7:00 a.m.

The applicant, who operates a Pizza delivery and pick-up business, maintains that the hours of operation are too restrictive and is requesting that he be allowed to remain open until 3:00 a.m. The proposed amendment is not intended to apply to all tenants but has only been requested by the single aforementioned tenant (Unit 13). In fact, most of the existing businesses operate on a 9:00 a.m to 5:00 p.m. basis and would not and will not be requesting extended hours of operation.

It is the view of the Administration that a five (5) hour extension to 3:00 a.m. is excessive but it would be willing to endorse an extension to 1:00 a.m. The extension will apply to the subject pizza delivery business and not specifically to specific floor space, thereby making allowance for the subject business to move into alternate floor space on the site.

A Public Hearing was held before the Riel Community Committee on April 13, 1999. Three persons were heard in support of the application, no persons registered in opposition, and one person registered for informational purposes thereto.

The Riel Community Committee recommended that the proposed zoning agreement amendment be approved for the following reason:

1. The Ward Councillor noted that the Island Lakes Residents Group was supportive of the application, but he did not wish to recommend a trial period for the extended hours of operation because of the difficulty he had in correlating the potential problems between skateboarders and the pizza delivery business at the subject location.

The Standing Policy Committee on Property and Development concurred in the recommendations of the Riel Community Committee and recommends:

I. That Zoning Agreement DASZ 42/85 (By-Law No. 4358/86) dated April 9, 1986, be amended to extend the hours of operation to 1:00 a.m. for the subject take-out/delivery pizza business.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 42/85 (By-Law No. 4358/86) dated April 9, 1986, as approved in aforesaid Recommendation I.

III. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

IV. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

Adopted by consent.

Proposed Street Name Change - Poulin Street to Beaulieu Street and Marion Place to Poulin Drive - Riel Community Committee File SC-3.14(35) (Vol. 1)

601 - 9. The Standing Policy Committee on Property and Development has been advised that the Property and Development Services Department received a request from Poulin's Exterminators, 24 Marion Place, Winnipeg, to change their existing street name from Marion Place to Poulin Drive, citing the following reasons:

Report of the Standing Policy Committee on Property and Development dated May 4, 1999

1. Poulin's Exterminators is the only address on Marion Place.
2. Drivers often get confused between Marion Place and Marion Street. Once they become lost, access to where they wanted to be is limited and difficult.
3. The new bridge makes the Poulin building less visible, so the name change would help our customers to locate them.
4. The Poulin family have occupied this property since 1945 and have no plans or intentions to move or sell the property in the foreseeable future.

At the present time Poulin Street already exists within the Riel Community. Poulin Street runs between Mission and Plinguet Streets, as outlined on Schedule "A". There are no dwellings or businesses which are addressed off Poulin Street. Therefore the applicant has selected "Beaulieu" from the Riel Community Reserve Street Name List to rename the existing right-of-way. "Beaulieu" was set aside to be used in the St. Boniface Ward. This would allow "Poulin" to now be utilized instead of Marion Place.

The Property and Development Services Department has no objection to the street name request as "Beaulieu" does not duplicate or sound like any existing streets and "Poulin" would still remain within the Riel Community.

On April 13, 1999, the Riel Community Committee considered and concurred in the recommendations contained in the report dated March 25, 1999, from the Subdivision Officer, with respect to the proposed street name changes.

On May 4, 1999, the Standing Policy Committee on Property and Development was advised by the Subdivision Officer, Property and Development Services Department, that By-law No. 4145 which would have changed a portion of Marion Street to Marion Place, was passed but not legally registered. However all records indicate that Marion Place has been in common usage since 1960.

The Standing Policy Committee on Property and Development concurred in the recommendations of the Riel Community Committee, as amended, and recommends:

I. That the currently registered street name "Poulin Street" be changed to "Beaulieu Street", and that the portions outlined as "Marion Place", but legally registered as "Marion Street" be changed to "Poulin Drive", both as outlined on Schedule "A" dated March 25, 1999, be approved, and that in approving these changes, Council authorize the following:

   A. That the Director of Property and Development Services be requested to provide the necessary legal description to the City Solicitor/Manager of Legal Services for the purpose of preparing a by-law.

   B. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law for approval by Council for registration in the Winnipeg Land Titles Office and that the street name change become effective upon third reading.

   C. That the City Solicitor/Manager of Legal Services, upon passage and adoption of the by-law by Council, be authorized to publish the street name change to two daily newspapers having a general circulation throughout the City of Winnipeg.

   D. That the City Clerk be requested, upon passage of the by-law to provide the relevant Community Clerk with a copy of the by-law and this report for the purpose of changing all pertinent records and notifying all persons affected by the by-law,

II. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Adopted by consent.

(See Minute No. 626 for attachment)

Report of the Standing Policy Committee on Property and Development dated May 4, 1999

Proposed Street Name Change - A portion of Public Road, Plan 9280 to Kenaston Boulevard - Assiniboia Community Committee File SC-3.14(34) (Vol. 2)

602 - 10. The Standing Policy Committee on Property and Development has been advised that it had recently been brought to the attention of the Property and Development Services Department that a portion of the right-of-way legally known as Public Road, Plan 9280 is commonly being known as Kenaston Boulevard.

It should also be noted that only that portion of Public Road, Plan 9280 is being recommended for change because the remainder of Public Road, Plan 9280 extends a further 3,161.5 feet west of the area shown shaded and outlined on Schedule "A".

Therefore, it is now necessary to name that portion of Public Road, Plan 9280, as outlined on Schedule "A" dated March 24, 1999, to "Kenaston Boulevard".

On April 20, 1999, the Assiniboia Community Committee considered and concurred in the recommendations contained in the report dated March 24, 1999, from the Subdivision Officer, Property and Development Services Department, that a portion of the right-of-way legally known as Public Road, Plan 9280, as outlined on Schedule “A” dated March 24,1999, be changed to “Kenaston Boulevard”.

The Standing Policy Committee on Property and Development concurred in the recommendations of the Assiniboia Community Committee and recommends:

I. That a portion of the right-of-way legally known as Public Road, Plan 9280, as outlined on Schedule "A" dated March 24, 1999, be changed to "Kenaston Boulevard", and that in approving this change, Council authorize the following:

   A. That the Director of Property and Development Services be requested to provide the necessary legal description to the City Solicitor/Manager of Legal Services for the purpose of preparing a by-law.

   B. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law for approval by Council for registration in the Winnipeg Land Titles Office and that the street name change become effective upon third reading.

   C. That the City Solicitor/Manager of Legal Services, upon passage and adoption of the by-law by Council, be authorized to publish the street name change in two daily newspapers having a general circulation throughout the City of Winnipeg.

   D. That the City Clerk be requested, upon passage of the by-law to provide the relevant Community Clerk with a copy of the by-law and this report for the purpose of changing all pertinent records and notifying all persons affected by the by-law.

II. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

Adopted by consent.

(See Minute No. 627 for attachment)

Report of the Standing Policy Committee on Property and Development dated May 4, 1999

Proposed Rezoning - land located on St. Mary's Road, east side, north of Warde Avenue - Riel Community
File DAZ 203/99

603 - 11. On April 28, 1999, Council referred back to the Standing Policy Committee on Property and Development, Clause 7 of its Report dated April 6, 1999, as outlined on Appendix "A".

The Standing Policy Committee on Property and Development recommended therein that the land located on the east side of St. Mary's Road, north of Warde Avenue, be rezoned to "C1" and "C2" Commercial District, to allow for a church and accessory parking lot, subject to terms and conditions.

On May 4, 1999, the Standing Policy Committee also considered a report dated May 3, 1999, from the Senior Planner, Property and Development Services Department, and approved the following amendments, which have been incorporated in the recommendations as set out below:

- That Clause I(A)(2) with respect to the Zoning Agreement be amended to read:

  "2. That use of the site be restricted to the following uses:
  a) Church, synagogue or similar place of worship
  b) Day care centre
  c) Accessory gymnasium and office, kitchen, play-rooms, library, sanctuary and storage areas."

- That Clause 1(B)(i) with respect to the Servicing Agreement be amended as follows:

  "i) That the Developer shall pay its share of the cost of services, not including the sidewalk, installed or to be installed by the City in St. Mary's Road. That share shall be based on 50% of the frontage of the "C1" zoned lands only and shall be calculated by utilizing the rates therefor prevailing at the time payment is made."

The Standing Policy Committee on Property and Development therefore recommends:

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land, as outlined on Schedule "A" for File DAZ 203/99 dated March 1, 1999, to a "C2" Commercial District, subject to the following:

A. That the applicant enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 591(1) of The City of Winnipeg Act, to provide for the following:

1. That final site plans illustrating proposed location of buildings, building profile, points of access/egress, signage, landscaping/fencing, parking areas, exterior lighting and garbage enclosures be submitted to and approved by the Manager of Planning and Land Use and the Riel Community Committee prior to the issuance of any building permits.

2. That use of the site be restricted to the following uses:
   a) Church, synagogue or similar place of worship
   b) Day care centre
   c) Accessory gymnasium and office, kitchen, play-rooms, library, sanctuary and storage areas.

3. That the maximum height of the proposed church, in accordance with plans submitted be restricted to thirty-three (33) feet.

B. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated February 25, 1999, with the following amendment:

i) That the Developer shall pay its share of the cost of services, not including the sidewalk, installed or to be installed by the City in St. Mary's Road. That share shall be based on 50% of the frontage of the "C1" zoned lands only and shall be calculated by utilizing the rates therefor prevailing at the time payment is made.

Report of the Standing Policy Committee on Property and Development dated May 4, 1999

II. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

III. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

IV. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

V. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

VI. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

VII. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

Adopted by consent.

(See Minute No. 628 for attachment)

Proposed Amendment to License By-law No. 6551/95 and Proposed Amendment to By-law No. 201/71, a By-law to Impose a License Fee in lieu of Business Tax - Minimum Fines File EL-1(Vol. 31)

604 - 12. On July 12, 1995, Council referred the following motion to the Executive Policy Committee:

WHEREAS The City of Winnipeg's License and Zoning By-laws are being constantly violated by a growing number of businesses;

AND WHEREAS many of these businesses see the fines imposed as simply the cost of doing business;

AND WHEREAS our enforcement officers lack the authority to effectively close these businesses down immediately and therefore these businesses can operate for months without penalty;

THEREFORE BE IT RESOLVED that The City of Winnipeg request from the Provincial Government the power to impose minimum fines for violations of the License and Zoning By-laws for those businesses who refuse to comply;

AND BE IT ALSO RESOLVED that The City of Winnipeg request from the Provincial Government the power to padlock such businesses by the License and Zoning Departments for those businesses who continually violate License or Zoning orders.

On February 21, 1996, Council adopted Clause 12 of the Report of Executive Policy Committee dated February 7, 1996, recommending that the City convey to the Province of Manitoba the urgency of the matter, and requested that Part 5 of The City of Winnipeg Act be amended to accommodate a minimum fine.

On June 29, 1998, amendments to The City of Winnipeg Act came into force which expanded and specified the City's powers to establish penalties for offences. Prior to the amendments, on summary conviction, the available penalties were limited to a maximum fine of $1,000.00 and/or imprisonment for a term of not more than six months for an individual, and a maximum fine of $5,000.00 for a corporation. The City did not previously have the power to legislate or impose minimum fines or maximum fines.

Report of the Standing Policy Committee on Property and Development dated May 4, 1999

Now, pursuant to subsection 149 (1.3) of The City of Winnipeg Act, Council has the discretion to establish a minimum and maximum penalty for an offence, which includes the authority to establish progressively higher penalties, that exceed the former limits, for repeat offences.

Subsection 149 (1.5) of The City of Winnipeg Act provides that where no other penalty is established, a person who is guilty of an offence is liable on summary conviction in the case of an individual, to a fine of not more than $1,000.00, or to imprisonment for a term of not more than six months, or both, and in the case of a corporation, to a fine of not more than $5,000.00. Therefore, the penalties established in subsection 149 (1.5) will apply where minimum fines or maximum amounts are not otherwise stipulated. It should be noted that the establishment of minimum fines by the City does not remove the discretion available to a judge in sentencing. Subsection 7(1) of The Summary Convictions Act provides that if a justice is satisfied from the evidence at a trial, or from information received after a plea of guilty, that an offence with which an accused is charged occurred through accident or under circumstances not wholly attributable to the fault of the accused, the justice may:

(a) where a minimum fine is prescribed, impose a fine that is less than the minimum;
(b) reprimand the accused;
(c) suspend the sentence;
(d) grant a conditional or absolute discharge.

Therefore, the establishment through legislation, by Council, of minimum and maximum fines serves to provide a more definitive and effective range of penalties for enforcement and sentencing purposes. While in some instances a judge may impose a lesser sentence than the minimum fine, in general, a minimum and maximum fine for an offence presents a judge with an appropriate range for the exercise of discretion in sentencing. Amendments setting minimum and maximum fines and progressively higher fines for subsequent convictions relating to recurring offences are required in both by-laws in order to provide for the consistent application of enforcement policies.

The Standing Policy Committee on Property and Development recommends:

1. That the City of Winnipeg License By-law No. 6551/95 be amended by repealing Section 42 of Part III, Miscellaneous Provisions, and substituting it with the following:

42. (1) Subject to subsection (2), a person who, contrary to subsection 3(1) of this by-law, carries on a trade which is listed in Schedule "A" to this by-law without having a valid and subsisting licence from the City, is guilty of an offence and is liable on summary conviction to the following penalties, which shall not exceed $15,000.00:

(a) for a first offence, to a fine that is not less than the amount of the annual licence fee for the trade being carried on;

(b) for a second offence, to a fine that is not less than two times the amount of the annual licence fee for the trade being carried on;

(c) for a third or subsequent offence, to a fine that is not less than three times the amount of the annual licence fee for the trade being carried on.

(2) Where the annual licence fee for a trade is less than $50.00, the fine prescribed under subsection (1) shall not be less than $50.00.

42.1 A person who contravenes a provision of this by-law, other than subsection 3(1), is guilty of an offence and is liable on summary conviction to the following penalties, which shall not exceed $15,000.00:

(a) for a first offence, to a fine of not less than $100.00;

(b) for a second offence, to a fine of not less than $500.00;

(c) for a third or subsequent offence, to a fine of not less than $1,000.00.

42.2.1 Notwithstanding the penalties prescribed in sections 42 or 42.1, an individual may also be liable on summary conviction to imprisonment for a term not exceeding six months or to both imprisonment and a fine as specified herein.

Report of the Standing Policy Committee on Property and Development dated May 4, 1999

II. That the City of Winnipeg By-law No. 201/72, being a by-law to impose a license fee in lieu of business tax upon certain persons carrying on business in The City of Winnipeg, be amended by adding, after Section 2, the following:

2.1 (1) Subject to subsection (2), a person who, contrary to subsection 1(1) of this by-law, carries on business in the City of Winnipeg and fails to take out an annual licence from the City, is guilty of an offence and is liable on summary conviction to the following penalties, which shall not exceed $5,000.00:

(a) for a first offence, to a fine that is not less than the applicable annual licence fee;

(b) for a second offence, to a fine that is not less than two times the applicable annual licence fee;

(c) for a third or subsequent offence, to a fine that is not less than three times the applicable annual licence fee.

(2) Where the annual licence fee is less than $50.00, the fine prescribed pursuant to subsection (1) shall not be less than $50.00.

III. That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing, including the execution of any documents relating thereto.

Adopted by consent.

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED MAY 6, 1999

On motion of Councillor Steek, the Report of the Standing Policy Committee on Property and Development, dated May 6, 1999, was considered clause by clause.

Moved by Councillor Steek,
That the Consent Agenda, Clauses 1 and 2, be adopted.

Carried.

Proposed Sale of City-owned lands - east side of McPhillips Street north of the Future Transportation Corridor - Athena Holdings Ltd. or Nominee - Lord Selkirk-West Kildonan Community
File FI-2.4(34) (Vol. 4)

605 - 1. The Standing Policy Committee on Property and Development has been advised that the Property and Development Services Department is in receipt of an offer to purchase the subject City-owned properties on the east side of McPhillips Street, north of Storie Road and the Future Transportation Corridor, outlined as Parcels B and C on Misc. Plan No. 10571.

Parcel A, as outlined on Misc. Plan No. 10571, was acquired under The Expropriation Act in 1976 as part of the lands required for the future Kildonan Transportation Corridor. Settlement of the compensation for the expropriation was finalized October 26, 1979.

The subject City-owned properties (Parcels B and C, as outlined on Misc. Plan No. 10571) were acquired in 1982 as part of the lands required for the McPhillips Street widening project and are surplus to the City's requirements for the project.

The Property and Development Services Department is in receipt of an offer to purchase the subject City-owned properties. Terms and conditions, in addition to the City's standard terms and conditions are as follows:

1. Parcels B and C are to be consolidated with the adjacent lands.

2. The purchaser has 180 days to satisfy the following due diligence conditions:
   (a) re-zoning the property to the satisfaction of the purchaser;
   (b) that environmental investigations and soil testing are to be to the satisfaction of the purchaser.

It is the intention of Athena Holdings Ltd. (First Professional Management Inc.) to re-zone the property for commercial purposes as the area develops.

The Public Works Department has indicated that Parcels B and C are surplus to their requirements and that Parcel A may be required for an interchange in the future. The Public Works Department has recommended against the sale of Parcel A and has indicated that the land could be leased.

The total acquisition costs for Parcels B and C was approximately $10,000.00 on a prorated basis. The price offered for the properties is within the range of values as established by the Property and Development Services Department. The Department recommended approval of the sale of Parcels B and C as outlined, and further recommended that the Department be instructed to negotiate the terms and conditions of a lease for Parcel A and report back to the Standing Policy Committee on Property and Development.

The Standing Policy Committee on Property and Development recommends:

I. That Council declare Parcels B and C, as outlined on Misc. Plan No. 10571, to be surplus to the City's requirements.

Report of the Standing Policy Committee on Property and Development dated May 6, 1999

II. That the sale of Parcels B and C, as outlined on Misc. Plan No. 10571, to Athena Holdings Ltd. or Nominee be approved, for the price of $11,910.00, subject to the following:

a) terms and conditions as outlined;
b) Athena Holdings Ltd. or Nominee's finalization of acquisition of the adjacent lands; and
c) negotiations with the Property and Development Services Department of a lease for Parcel A, as outlined on Misc. Plan No. 10571.

III. That the Property and Development Services Department be instructed to negotiate the terms and conditions of a lease for Parcel A, as outlined on Misc. Plan No. 10571, to Athena Holdings Ltd. or Nominee and report back to the Standing Policy Committee on Property and Development.

IV. That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing, including the execution of any documents relating thereto.

Copies of the documents referred to in the above clause are on file in the office of the City Clerk.

Adopted by consent.

Proposed Property Acquisition - east side Rutland Street, north of Silver Avenue - Legion Memorial Park - Assiniboia Community File FI-2(31) (Vol. 3)

606 - 2. The Standing Policy Committee on Property and Development has been advised that recent negotiations have resulted in a reasonable purchase/sale proposal which would resolve an outstanding issue regarding the subject property, which is located within Legion Memorial Park and is being used for public purposes.

In 1929, the Rural Municipality of St. James sold the subject property to James William Clark. According to the current title holder, James Ian Clark, the Rural Municipality required some of his family-owned lands situated on Brooklyn Avenue and so initiated a land exchange, which resulted in the Clarks owning the subject property.

Sometime during 1961/1962, the Legion Memorial Park was developed by the Rural Municipality of St. James and the subject property was encompassed as part of the Park which contains a developed running track.

The subject property was zoned for residential use until 1970 when the "R1" Residential zoning of the St. James Planning Scheme 1960 was replaced by Zoning By-law No. 1558 which changed the zoning to a "PR" Parks and Recreation District.

Upon amalgamation in 1972, the Legion Memorial Athletic Grounds, now referred to as Legion Memorial Park, came under the jurisdiction of the unified City of Winnipeg. There were, however, still a few privately-owned properties within the boundaries of the Park.

On November 23, 1988, the City's former Board of Commissioners instructed the former Land Surveys and Real Estate Department to undertake negotiations for a proposed acquisition of the subject property and report back on the results of negotiations. This was in response to the owner's request that the City purchase the subject property. Until recently, the owner's price expectations were higher than the Property and Development Services Department was prepared to recommend.

The subject property is located north of Silver Avenue, on the east side of an unimproved portion of Rutland Street, and is legally described as Lot 16, Block 11, Plan 1296. The subject property is 7.62 by 30.48 which equals 232.3 square metres (±2,500 square feet), and can be described as a rectangular non-buildable, unserviced vacant lot on a physically unimproved street, contained within the boundaries of Legion Memorial Park and developed as part of the Park for public use.

Report of the Standing Policy Committee on Property and Development dated May 6, 1999

The City of Winnipeg has been in occupation of the subject property and using the same for public park purposes since at least 1972. The owner has argued in the past that he has been unable to realize a reasonable return on his investment, and that additionally, his family has been burdened with paying taxes on these lands for approximately 30 years while the City (the public) has been the beneficial user of the lands without making any rental payments.

The Legal Services Division has in the past advised that the property owner could either obstruct access to the lands or provide notice to the City that it shall not use the lands.

Formal negotiations with the current owner date back to 1989. Over this period of time the owner has been seeking as much as $50,000.00 for the property. In 1991, the negotiations reached the point where the then Land Surveys and Real Estate Department advised the owner that it would recommend to City Council a payment of up to $5,550.00, which was the property's assessed value at the time. The owner at that time took the position that he would not settle for any less than $15,000.00.

Negotiations were held in abeyance until recently when the owner contacted the Real Estate Division of the Property and Development Services Department and a new series of negotiations led to the current proposed settlement, which is based on the current assessed value.

The Real Estate Division is of the opinion that the "market value" of this property is somewhat less than the assessed value. However, given that this property has no real "market", due to there being no effective demand for property such as this, it is not feasible to apply the market value concept, i.e. the City is the only practical buyer.

Given the history and the facts of the matter, i.e. the owner has paid the taxes to date; the City has been (and continues to be) the beneficial user of the property; a negotiated settlement in the amount proposed is reasonable and would avoid any future legal action; the Property and Development Services Department therefore supports the proposed settlement as reasonable and in the City's best interests. The Parks Planning Branch of the Property and Development Services Department supports acquisition of the property.

There is currently $4,000.00 allocated for this proposed acquisition in a budget certificate against the Land Acquisition for General Unspecified Purposes Account. The Urban Planning Branch has forwarded a report to the Assiniboia Community Committee with a recommendation that the balance of the monies required ($4,500.00) be allocated from the Assiniboia Community's Land Dedication Reserve Account.

The financial impact sheet is on file in the office of the City Clerk.

The Standing Policy Committee on Property and Development recommends:

I. That the proposed acquisition of the "subject property", as outlined on Misc. Plan No. 7380/1, be approved at a price of $6,900.00, in accordance with the terms and conditions outlined on Schedule "A", subject to available funding outlined in Recommendation II.

II. That the Urban Planning Branch of the Property and Development Services Department be instructed to identify an appropriate account containing funds in the amount of $8,500.00 for this proposed acquisition.

III. That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing, including the execution of any documents relating thereto.

Copies of the documents referred to in the above clause are on file in the office of the City Clerk.

Adopted by consent.

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED MAY 17, 1999

On motion of Councillor Steek, the Report of the Standing Policy Committee on Property and Development, dated May 17, 1999, was considered clause by clause.

Moved by Councillor Steek,
That the Consent Agenda, Clause 3, be adopted.

Carried.

Proposed Amendment to Zoning By-law No. 6400/94 - Temporary Signage and Structures for 1999 Pan Am Games
File DAZ 209/94 (Vol. 3)
[c/r GC-8.9 (Vol. 3)]

607 - 1. The Standing Policy Committee on Property and Development has been advised that at present, the corporate sponsors of the 1999 Pan Am Games require zoning variances to install temporary signage. The Pan Am Games Society (Wpg. 1999) Inc., itself will also require variances to permit the location of temporary structures with regard to required setbacks, lot coverage, and parking.

In order to streamline the approval process, it is proposed that the Director of Property and Development Services or his designate be given the authority to approve such signage and structures administratively.

Such approvals would obviously be time-limited, and would not include mobile signs. There is no financial impact associated with this proposed amendment.

The Standing Policy Committee on Property and Development submits draft by-law and recommends:

I. That Zoning By-law No. 6400/94 be amended, and the necessary amending by-law be enacted, in order to permit the administrative approval of temporary signage and structures for the 1999 Pan Am Games.

II. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the execution of any documents related thereto.

Moved by Councillor Steek,
Adoption of the clause.

In amendment,

Moved by Councillor Steek,
Seconded by Councillor Thomas,

THAT Recommendation I of the clause be amended by adding the words “and use variances” after the words “temporary signage and structures”.

The amendment was put and declared carried.

The motion for the adoption of the clause, as amended, was put and declared carried.

Report of the Standing Policy Committee on Property and Development dated May 17, 1999

Proposed Amendment to By-law No. 145/72 - A By-law to License Raffle Lotteries File EL-6 (Vol. 2)

608 - 2. The Standing Policy Committee on Property and Development has been advised that insufficient revenues are being generated from the licensing of raffle lotteries to cover the costs of administration and enforcement of the lottery license by-law. However, licensing fees currently charged by the City of Winnipeg are much lower than the licence fee that would be charged for an equivalent licence at The Manitoba Gaming Control Commission. The License Branch has consulted with the Manitoba Gaming Control Commission and has developed Raffle Lottery Terms, Conditions and Guidelines that are consistent with the terms, conditions and guidelines used by the Commission.

The License Branch of the Community Services Department currently issues approximately 1,800 licences per annum for raffle lotteries, generating approximately $18,000.00 in licence fee revenue under By-law No. 145/72.

At the present time, the City of Winnipeg has authority to license raffle lotteries with a maximum prize value of $3,000.00. This authority comes from the Province of Manitoba through the Order-in-Council 524/97. The current by-law has been in force since 1972 and no increase in the maximum prize value has occurred since that time. The Administration recommended that the City of Winnipeg in conjunction with the Manitoba Gaming Control Commission make a recommendation to the Province to increase the authority of the City of Winnipeg to license raffle lotteries from a maximum prize value of $3,000.00 to a maximum prize value of $10,000.00.

The City of Winnipeg charges a licence fee of 1% of prize value while The Manitoba Gaming Control Commission charges 1.5% of gross receipts (tickets sold x selling price per ticket). Using the current fee schedule of 1% of prize value, the absolute maximum fee the City can charge currently is $30.00. This would be for a raffle lottery with a prize value of $3,000.00. In contrast, if The Manitoba Gaming Control Commission licensed a raffle lottery with a prize value of $3,000.00 the licence fee could range from approximately $45.00 to $540.00 depending on the value of the tickets sold.

Actual fees collected by the City for raffle lotteries vary from as little as 30 cents up to $30.00, with the average fee being in the neighbourhood $10.00. Considering the administrative time involved to process the application, issue the licence, as well as inspection and enforcement, the current pricing scheme is insufficient to cover the City's costs. The Administration recommended that the licence fee be based on 1.5% of the total value of tickets printed. Although statistics are not maintained for the number of tickets printed by an organization, the increase to a minimum fee of $25.00 will increase revenue by approximately $25,000.00.

The City of Winnipeg currently charges a licence fee at the time of application based on the total prize value. The proposal is to continue to charge a licence fee at the time of application but base the licence fee on the value of the tickets printed. As stated previously, the Commission charges a licence fee on the net proceeds after the event. By collection the licence fee at the time of application as proposed, no additional costs will be incurred by the City for a collection process thereby keeping operating costs to a minimum.

All raffle lottery schemes, no matter how small, must be licensed according to the requirements of the Criminal Code. While licensing is compulsory a minimum fee for a raffle licence equivalent to a Civic Charities permit is not unreasonable. A Civic Charities Permit is $25.00. A similar amount of work is required on the part of the City for both methods of fund raising.

A review of financial statements received for raffle lotteries held in 1998 indicates that the proceeds from raffle lotteries was $1,590,000.00; the average gross receipts per raffle were $2,950.00; the average retail value of prizes awarded was $1,000.00; the average cost of prize awarded was $600.00; the average licence fee paid was $10.00; and, the average funds raised for charitable purposes was $1,800.00. Given that the average gross receipts from raffle lotteries was $2,950.00, and there were approximately 1,800 licences issued in 1998, if the fee had been based on 1.5% of gross receipts, licence fee revenue would have been approximately $44,000.00, an increase of $29,000.00 or 293% if licence volume remained constant.

The Manitoba Gaming Control Commission licensed approximately 175 raffle lotteries that have a prize value in excess of $3,000.00. Should the prize value for lotteries licensed by the City be increased from $3,000.00 to $10,000.00, the volume increase in licences would not be unmanageable since it is estimated that the Commission only issues about 35 licences in the City with prize values between $3,000.00 and $10,000.00. The additional revenue that would be generated by licensing of these raffles is estimated to be approximately $20,000.00 however this revenue has not been factored into the financial impact. In addition, it is likely that raffles that are currently

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licensed by the City would increase their prize value and raffle proceeds accordingly.

Currently an incentive exists for organizations to reduce their prize values below $3,000.00 and obtain a licence from the City rather than from The Manitoba Gaming Control Commission because of the differential in the licence fees and our high volume of licences may well be attributable to our current pricing scheme. Once equity in pricing becomes known, we may in fact see our volume decrease. It is difficult to estimate the effect this shift may have on revenues, but it is clear that the current pricing scheme is insufficient to meet expenses.

On May 4, 1999, the Standing Policy Committee on Property and Development reviewed the fairness and impact of a fee calculated at 1.5% of the value of tickets printed on smaller organizations holding small raffles. The Committee also expressed an interest in obtaining the authority for the City to increase the maximum prize for raffles that the City can license from $10,000.00 to $20,000.00. The matter was subsequently referred back to the Administration for further review and report back.

On May 17, 1999, the Standing Policy Committee on Property and Development considered report dated May 15, 1999, from the Director of Community Services and the Manager of Community Environmental Health, Safety and Protection Services, in this connection.

The Standing Policy Committee on Property and Development recommends:

I. That the City approach The Manitoba Gaming Control Commission to request that the Commission and the City make a joint recommendation to the Province of Manitoba to increase the authority of the City of Winnipeg to license raffle lotteries from a maximum prize value of $3,000 to a maximum prize value of $10,000.00.

II. That the Terms and Conditions of Raffle Lottery License in By-law No. 145/72 be rescinded and replaced by the Terms and Conditions as outlined in Appendix 1, including the following changes to the fee structure:

(a) That the current licence fees for raffle lotteries be replaced with a fee calculated at a rate of 1.5% of the value of the prizes; and,

(b) That where a licence fee, when calculated as in (a), is less than $25.00 a minimum non-refundable licence fee of $25.00 be implemented.

III. That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing, including the execution of any documents relating thereto.

Copies of the documents referred to in the above clause are on file in the office of the City Clerk.

Moved by Councillor Steek,
Adoption of the clause.

In amendment,

Moved by Councillor Steek,
Seconded by Councillor Vandal,

THAT the clause be amended by replacing the word “prizes” with the words “tickets printed” in Recommendation II (a).

The amendment was put and declared carried.

The motion for the adoption of the clause, as amended, was put and declared carried.

Councillors Angus and O’Shaughnessy asked to be recorded as having voted against the clause, in accordance with Rule 50.7 of the Procedure By-law.

Report of the Standing Policy Committee on Property and Development dated May 17, 1999

Proposal to Declare City-owned lands located on the south side of Almey Avenue at Ravelston Avenue West as surplus - East Kildonan-Transcona Community File FI-2.4(33) (Vol. 2)

609 - 3. On March 24, 1999, Council referred back to the Standing Policy Committee on Property and Development, Clause 5 of its Report dated January 8, 1999, as outlined on Appendix "A", for further consideration once the issue of the Area Action Plan (which encompasses the lands at Almey Street and Lagimodiere Boulevard) has been dealt with by the East Kildonan-Transcona Community Committee and the Standing Policy Committee on Property and Development.

On May 17, 1999, the Standing Policy Committee on Property and Development heard in delegation Deputy Mayor Thomas, Councillor Lubosch, and private citizens, Fred Kaita and Christine Ridout, as well as Zen Glesby, Glesby Development Ltd., Paul McNeil, DS-Lea Consultants, and Marcel Chartier, Chartier and Associates, in this connection.

On May 17, 1999, the Standing Policy Committee on Property and Development further considered Clause 5 of its Report dated January 8, 1999, and reaffirmed its recommendations contained therein, with the amendments recommended by Executive Policy Committee on March 17, 1999, which have been incorporated in the recommendations set out below.

Pursuant to Section 156(2) of The City of Winnipeg Act, all sales of property designated or acquired for park purposes, requires the approval of at least two-thirds majority of Council.

The Standing Policy Committee on Property and Development therefore recommends:

I. That the "subject City property", as outlined on Misc. Plan No. 10460/2, be declared surplus to the City's requirements.

II. That the sale of the subject City property, as outlined on Misc. Plan No. 10460/2, be approved to Glesby Development Ltd. or Nominee, in accordance with the terms and conditions as outlined.

III. That the sale proceeds be allocated to cover the relocation and upgrading costs for the Parks and Open Spaces (Public Works Department) works yard, with the provision that no new structures shall be erected on the site of the relocation (849 Ravelston Avenue) until such time as the Standing Policy Committee on Public Works has approved same; and until the Standing Committee on Fiscal Issues has approved the funding.

IV. That the Proper Officers of the City be authorized to do all thing necessary to implement the foregoing, and the execution of any documents related thereto.

Adopted by consent.

(See Minute No. 629 for attachment)

Request for Proposals - 476 / 480 Main Street - former Ashdown Hardware Store (Big 4 Sales building) - City Centre Community File FI-2.4(32) (Vol. 7)

610 - 4. The Standing Policy Committee on Property and Development was advised that the former Ashdown Hardware Store located at 476 Main Street, originally constructed in 1904, was acquired by the City by purchase in 1995. The building is included on the Inventory of Historic Buildings under the Historical Buildings By-law No. 1474/77.

On January 8, 1999, the Standing Policy Committee on Property and Development instructed the Administration to prepare a Request For Proposals for the former Ashdown Hardware Store (Big 4 Sales building) at 476/480 Main Street, and recommended that Council declare the subject property to be surplus to the City's requirements.

Report of the Standing Policy Committee on Property and Development dated May 17, 1999

On January 27, 1999, Council declared the former Ashdown Hardware Store (Big 4 Sales building) at 476/480 Main Street to be surplus to the City's requirements.

Four proposals were received by the deadline on April 22, 1999, from the following three Offerors:

- Kern-Hill Co-op Ltd. o/a Kern-Hill Furniture Co-op - Development of the building's main floor as a furniture store, furniture gallery and urban bistro, with the upper floors as housing.

- Pace-Greentree Builders Ltd. - Two proposals on the development of the building's main floor as retail (heritage mall, restaurant, drug store and food store) with the upper floors as condominiums.

- The Arts Exchange Consortium - Development of a prototype building as a start to the Artist's Village concept for Winnipeg's Exchange District. Floors 1 and 2 would consist 15,000 square feet of public arts space including new homes for the Manitoba Contemporary Dancers and the Manitoba Conservatory of Music. Floors 3 and 4 would consist of 15,000 square feet of commercial rental space. Floors 5 and 6 would consist of approximately 14 units of affordable artists live/work space.

The four proposals were reviewed by an Evaluation Committee, whose members were selected based on their training and experience related to the Evaluation Criteria developed for the purpose of evaluating Proposals received and as approved (on February 4, 1999) by the Standing Policy Committee on Property and Development. The Evaluation Committee Members were the Manager of Civic Accommodations, the Manager of Business Liaison, the Historic Buildings Planner, the Investment Strategies Coordinator, and the Senior Negotiator, all from the Property and Development Services Department.

The evaluation process included that the Evaluation Committee considered each Proposal received for compliance with the Minimum Submission Requirements contained in Section 2.0 of RFP No.117-99. The four proposals received were deemed in compliance with the Minimum Submission Requirements.

Evaluation Committee members individually rated each Proposal based on the Evaluation Criteria and using the Evaluation Model as described/presented in Request For Proposals No. 117-99. The total criteria category score and a total proposal score for each of the four proposals is outlined on the Evaluation Model Summary. An overview of the four proposals, based on select characteristics (conceptual, financial, heritage, park/greenspace, and traffic/parking) is outlined on the Proposal Submission Overview.

There is no financial impact associated with administrative recommendation that the proposal received from The Arts Exchange Consortium, in response to RFP No. 117-99, be approved in principle, subject to purchase agreement terms and conditions acceptable to both parties. A financial impact will be prepared to accompany the administrative report documenting the purchase agreement terms and conditions.

The Standing Policy Committee on Property and Development recommends:

I. That Council approve in principle, the proposal received from The Arts Exchange Consortium, in response to Request For Proposals No. 117-99, for 476/480 Main Street, subject to purchase agreement terms and conditions acceptable to both parties.

II. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the execution of any documents related thereto.

Copies of the documents referred to in the above clause are on file in the office of the City Clerk.

Moved by Councillor Steek,
Adoption of the clause.

Carried.

Councillor Angus asked to be recorded as having voted against the clause, in accordance with Rule 50.7 of the Procedure By-law.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

CONSIDERATION OF BY-LAWS

611 - On motion of Councillor Steek, the following by-laws were read a first, second and third time, the rule being suspended for the third reading of each by-law, and were passed and ordered to be signed and sealed, namely:

By-law No. 7443/99, a by-law of The City of Winnipeg to open part of McGregor Street between Machray Avenue and Cathedral Avenue File DAO 8/97

By-law No. 7444/99, a by-law of The City of Winnipeg to widen part of the west side of Sturgeon Road, north and south of Hallonquist Drive File DAO 5/98

By-law No. 7445/99, a by-law of The City of Winnipeg to open Sterling Lyon Parkway, east of Kenaston Boulevard File DAO 11/98

By-law No. 7446/99, a by-law of The City of Winnipeg to close Lanark and Renfrew Streets and the adjoining public lanes between Wilkes Avenue and the Canadian Northern Railway Plan 359 File DAC 13/97

By-law No. 7447/99, a by-law of The City of Winnipeg to widen Panet Road and Reenders Drive west of Lagimodiere Boulevard, north of Regent Avenue File DAO 3/99

By-law No. 7448/99, a by-law of The City of Winnipeg to widen the southeast corner of Taylor Avenue and Waverley Street File DAO 13/98

By-law No. 7449/99, a by-law of The City of Winnipeg to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located on the southeast corner of Jarvis Avenue and McPhillips Street in the Lord Selkirk-West Kildonan Community
File DAZ 206/99

By-law No. 7450/99, a by-law of The City of Winnipeg to amend By-law No. 7437/99 being a by-law to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located on the east side of Chadwick Crescent south of Kildare Avenue in the East Kildonan-Transcona Community File DASZ 42/87 (Phase 1C)

By-law No. 7451/99, a by-law of The City of Winnipeg to amend By-law No. 7438/99 being a by-law to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located on the east side of Redonda Street north of Rothshire Drive in the East Kildonan-Transcona Community File DASZ 42/87 (Phase 1D)

By-law No. 7453/99, as amended, a by-law of The City of Winnipeg to amend the Unified Zoning By-law No. 6400/94 File DAZ 209/94

By-law No. 7455/99, a by-law of The City of Winnipeg to amend By-law No. 6551/95, being The City of Winnipeg License By-law File EL-1 (Vol. 31)

By-law No. 7456/99, a by-law of The City of Winnipeg to amend By-law No. 201/72, being a by-law to impose a license fee in lieu of business tax upon certain persons carrying on business in The City of Winnipeg. File EL-1 (Vol. 31)

By-law No. 7457/99, a by-law of The City of Winnipeg to amend By-law No. 6551/95 being The City of Winnipeg Licence By-law. File EL-1 (Vol. 31)

On motion of Councillor Steek, the rule was suspended and the following by-laws were read a first, second and third time, the rule being suspended for the third reading of each by-law, and were passed and ordered to be signed and sealed, namely:

By-law No. 7452/99, as amended, a by-law of The City of Winnipeg to amend By-law No. 6551/95, being The City of Winnipeg License By-law. File EL-1 (Vol. 31)

Standing Policy Committee on Property and Development - Consideration of By-laws (continued)

By-law No. 7470/99, as amended, a by-law of the City of Winnipeg to regulate the licensing of raffle lotteries. File EL-6 (Vol. 2)

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

QUESTION PERIOD

612 - Inasmuch as Council did not support the proposed amendment to the License By-law to include Christmas Tree Vendors, Councillor Angus requested clarification about a statement made by the Chairperson, Councillor Steek, that the vendors would now be subject to a $450.00 vendors license and, if accurate, asked what Council could do to alleviate the charge.

Councillor Steek advised that if Council had adopted Clause 13 of the Report of the Standing Policy Committee on Property and Development, dated April 6, 1999, a Christmas Tree Vendor license would have cost $50.00 whereas a traders license of approximately $125.00 would be currently required. He further noted that a Christmas Tree Vendor License had been proposed as an alternative in response to concerns that churches and other non-profit organizations had previously not been paying the traders fee.

Councillor Angus requested Councillor Steek to seek clarification from the Administration and provide Council with a decision before the season starts in December, reiterating that Council did not support a license fee of $50.00 and certainly did not support a casual traders licence fee.

Councillor Steek agreed to have the Administration report to Council on the matter.