192 - Schedule "A" referred to in Clause 2 of the Report of the Executive Policy Committee dated November 27, 1996

PROPOSED AMENDMENTS TO THE CITY OF WINNIPEG TRAFFIC BY-LAW

That The City of Winnipeg Traffic By-law No. 1573/77 be amended as follows:

1. Clause 48.1 (2)(b) is repealed and the following substituted therefor:

"(b) payment of the prescribed fee of:

(i)	*Annual Overweight Permit*	*$235.00*
(ii)	*Annual Over dimension Permit*	*$ 35.00*
(iii)	*Single Trip Over dimension Permit*	*$ 35.00*
(iv)	*Single Trip Overweight Permit*	
	- up to 52,165 kg	*$ 35.00*
	- over 52,165 kg up to 60,000 kg	*$ 60.00*
	- over 60,000 kg	*$105.00"*

Schedule "B" referred to in Clause 2 of the Report of the Executive Policy Committee dated November 27, 1996

PROPOSED AMENDMENTS TO THE CITY OF WINNIPEG STREETS BY-LAW

That the City of Winnipeg Streets By-law No. 1481/77 be amended as follows:

1. *Clauses (a), (b), (c), (i), (l), (m) and (n) of Schedule "A" and Schedule "B" to By-law No. 1481/77 of the City of Winnipeg are repealed and the following substituted therefore:*

(a)	*For the erection or removal of poles or alterations to pole lines*		*$ 7.00*	*per pole*
(b)	*For each permit for the removal, replacement, or hooding of parking metres*			
	(i)	*for the removal of parking metre posts*	*$ 35.00*	
	(ii)	*for the replacement of parking metre posts*	*$ 35.00*	
	(iii)	*for the hooding and unhooding of parking metres*	*$ 70.00* *$ 15.00*	*first metre* *each additional*
	(iv)	*for each day or portion thereof a parking metre cannot be operated*	*$ 10.75*	*per metre*
(c)	*Crossing permit*		*$ 35.00*	
(i)	*Permits to make an excavation in a street.*			
		For each individual installation not exceeding 100 feet in length or portion thereof.	*$ 67.00*	
		For each additional 100 feet in length or portion thereof.	*$ 67.00*	
(l)	*Damage Deposit (as defined in Part 5)*			
	(i)	*Damage Deposits for single family dwelling*	*$300.00*	
	(ii)	*Damage Deposits for multiple family dwelling, commercial or industrial building $100.00 per 1,000 sq. ft. of floor space; minimum fee $300.00; maximum fee $3,000.00. The Damage Deposit shall be refundable to the owner after the water has been turned on and the building occupied, providing lot grade has been completed to the satisfaction of the Engineer and that the City property has not been damaged; final inspections will be provided only between the period of June 1st and November 15th of any year.*		

Schedule "B" referred to in Clause 2 of the Report of the Executive Policy Committee dated November 27, 1996 (continued)

(m)	*Permit for the use of a street*		
	(i)	*Type 'A' - no schedule required*	*$ 35.00*
	(ii)	*Type 'B' - schedule required*	*$ 50.00*
	(iii)	*Type 'C' - schedules/insurance/letters of credit, etc. required*	*$145.00*
	(iv)	*Type 'D' - annual without locations*	*$230.00*
	(v)	*for extension or renewal fee for each permit for the use of a street*	*$ 35.00*
(n)	*For each permit for the temporary use of a street for entertainment purposes*		
	(i)	*Residential block party - no schedule required*	
		- Permit fee	*$ 35.00*
		- Liability insurance premium (with applicant responsible for $2500.00 deductible)	*$130.00*
	(ii)	*Street festival and other closures schedule required*	
		- Permit fee	*$ 55.00*
		Cost of traffic control	
		- for non-profit and charitable organizations	*50% of actual cost up to $1,000.00*
		- for all other organizations	*Actual cost*

Schedule “B” referred to in Clause 2 of the Report of the Executive Policy Committee dated November 27, 1996 (continued)

PROPOSED AMENDMENTS TO CITY OF WINNIPEG STREETS BY-LAW NO. 1481/77, SCHEDULE B

(B/L 3271/82 - SEP 15/82) (B/L 3777/84 - JUL 04/84) (B/L 5041/88 - DEC 07/88) (B/L 5756/91 - JUL 31/91)

		FEE
Paved Roadways	*minimum fee for each installation up to and including two (2) square metres*	***$274.00***
	for each additional square metre	***137.00***
Graded Roadways	*per square metre*	***$ 35.00***
Paved Sidewalks	*minimum fee for each installation up to and including three (3) square metres*	***$264.00***
	for each additional square metre	***$ 88.00***
Boulevards	*minimum fee for each installation up to and including four (4) square metres*	***$ 88.00***
	for each additional square metre	***$ 22.00***
Curb	*minimum fee for each installation up to and including three (3) linear metres*	***$108.00***
	for each additional linear metre	***$ 36.00***
Latent Sinkage*	*minimum fee for each installation up to and including four (4) square metres*	***$ 20.00***
	for each additional square metre	***$ 5.00***

IN COMPUTING THE PERMIT COSTS, ANY FRACTION OF A SQUARE/LINEAR METRE SHALL BE ASSUMED TO MEASURE ONE SQUARE/LINEAR METRE.

***** *Latent Sinkage must be charged on each Boulevard Permit*

Schedule "C" referred to in Clause 2 of the Report of the Executive Policy Committee dated November 27, 1996

PROPOSED AMENDMENTS TO THE CITY OF WINNIPEG
PRIVATE APPROACHES BY-LAW

That The City of Winnipeg Private Approaches By-law No. 6546/95 be amended as follows:

1. Subsection 8 (c) (ii) be repealed and the following substituted therefor:

"(ii) The Commissioner may issue a licence under this by-law to any person upon application therefore, and upon payment by the applicant of a licence fee of $60.00 ($35.00 for renewal) and the filing of a surety bond as required by this Section."

2. Clause 1 (a) of Schedule 4 be repealed and the following substituted therefore:

"Every owner applying for authorization of a private walk, private approach or combination thereof, on a street or portion thereof, shall pay to The City of Winnipeg the following fee:

(a) Private Walk, approach or combination thereof:

Single-family dwelling conforming	*$ 35.00*
Multiple-family dwelling, commercial property and industrial property conforming	*$ 35.00*
All types non-conforming	*$110.00"*

3. Clause 2 (a) of Schedule 4 be repealed and the following substituted therefore:

"Every owner or licensed contractor applying for a permit to construct a private walk or private approach on a street or portion thereof shall pay to The City the following fee:
(B/L 836/74) (B/L 5725/91)

(a) For each approach constructed serving a property	*$ 50.00"*

Schedule "D" referred to in Clause 2 of the Report of the Executive Policy Committee dated November 27, 1996

1.	***CHURCH SIGNS***			
	Per Location - 2 signs	*$ 210.00*		
2.	***LOADING ZONES***			
	Commercial Loading Zones/Signs	*Actual Costs*		
3.	***MOVE PERMITS***			
	Final Policy (fleet/annual)	*$ 60.00*		
	Final Policy (single route blanket annual)	*$ 45.00*		
	Final Policy (single trip)	*$ 35.00*		
	Final Policy Intra City (fleet annual)	*$ 60.00*		
	Final Policy Intra City (single route annual fleet)	*$ 45.00*		
	Final Policy Intra City (single trip)	*$ 35.00*		
	Petroleum (annual fleet)	*$ 235.00*		
	Petroleum (single trip up to 52,165 kgs)	*$ 35.00*		
	Petroleum (single trip 52,166 to 56,500 kgs)	*$ 60.00*		
	RMD/TBT (annual)	*$ 235.00*		
	Special Mobile Machine (annual)	*$ 235.00*		
	Special Mobile Machine (single trip)	*$ 35.00*		
4.	***PARKING***			
	Commercial Limited Time Parking (per sign)		*Actual Costs*	
5.	***PARKING PRIVILEGE***			
	MTS Annual Corporate Waiver (actual waiver approved for two years 1996-1997 each year approved October 26/95)	*$54,315.00*		
	Parking Privilege Card (Federal & Provincial Governments, Manitoba Assembly of Chiefs)	*$ 250.00*		
6.	***RECORD SEARCHES***			
	Private Approach Record Search	*$ 95.00*		
	Traffic Signal Timing Search	*$ 95.00*		
	Traffic Data Search	*$ 95.00*		
7.	***MISCELLANEOUS***			
	Manual of Temporary Traffic Control in Work Areas on City Streets		*$ 16.00*	
	Traffic Accident Report, Annual		*$ 3.00*	
	Traffic and Pedestrian Counts		*$ 1.00*	
	Travel and Demographic Trends Report, Latest		*$ 20.00*	
	Traffic Zone Atlas	*$ 20.00*		
	Traffic Flow Maps, set		*$ 9.00*	
8.	***NEWSPAPER VENDING BOXES***			
	Newspaper Vending Boxes - Application	*$ 27.00*		
	Newspaper Vending Boxes - Renewal		*$ 21.00*	
9.	***TAXI CAB STAND***			
	Annual Fee/Parking Space - where meters are not removed	*$ 255.00*		
	Taxi Cab Stand sign installation/sign assembly		*Actual Cost*	
	Annual Fee/Parking Space - where meters are removed		*$ 510.00*	

193 - Appendix "A" referred to in Clause 3 of the Report of the Executive Policy Committee dated December 9, 1996

YORK AVENUE UNDERPASS AND FORKS ACCESS PROJECT

Cost Estimates

PROJECT COMPONENT	***ESTIMATED COST ($1997)***
1. York Avenue - Main Street to Pioneer Boulevard ➢ *Underpass* ➢ *York Roadways (4-lane)* ➢ *Main Street Reconstruction*	*$11,478,700*
2. Pioneer Boulevard - Arrival Square to Pioneer Avenue ➢ *Dualling/re-alignment*	*$ 931,600*
3. Pioneer Drive - Pioneer Avenue to Lombard Avenue ➢ *Remove Dike* ➢ *Construct berm* ➢ *Construct new roadway*	*$ 1,783,600*
4. Improvements to Pioneer and Water Avenues	*$ 152,500*
5. Underground Improvements	*$ 853,600*
	$15,200,000

Appendix “B” referred to in Clause 3 of the Report of the Executive Policy Committee dated December 9, 1996

YORK AVENUE UNDERPASS AND FORKS ACCESS PROJECT

Financial Summary

1.	Funds remaining in the York/St. Mary Capital Project are as follows:		
	Remainder of Provincial Commitment	$ 7,232,865.29	
	City Commitment	$ 4,387,000.00	
	Total Commitment (York/St. Mary Extension Project)		$11,619,865.29
2.	Additional City Budget Requirement (1998 Capital Estimates)		$ 3,580,134.71
	TOTAL PROJECT BUDGET REQUIREMENT		$15,200,000.00

Appendix “C” referred to in Clause 3 of the Report of the Executive Policy Committee dated December 9, 1996

Appendix “C” referred to in Clause 3 of the Report of the Executive Policy Committee dated December 9, 1996 (continued)

194 - Appendix “A” referred to in Clause 4 of the Report of the Committee on Protection, Parks and Culture dated December 2, 1996

THIS AGREEMENT made in duplicate this day of , A.D. 199 .

BETWEEN:

THE CITY OF WINNIPEG,

(hereinafter called "the City").

OF THE FIRST PART,

- and -

THE FORT GARRY SCHOOL DIVISION NO. 5

(hereinafter called “the School Division”),

OF THE SECOND PART,

WHEREAS pursuant to Section 407 of The City of Winnipeg Act, the City may enter into agreements with any School Division for the provision by one of the parties to the other of any services, or for the sharing of equipment, buildings, and other facilities;

AND WHEREAS the City and the School Division desire to work together to effect the maximum utilization of lands and buildings coming under their respective jurisdictions for schools, parks and recreation purposes for the maximum benefit of all citizens of the City;

AND WHEREAS joint use of the land and facilities at the Whyte Ridge School and recreation site, located at the northeast corner of the intersection of Scurfield Boulevard and Columbia Drive, in the City of Winnipeg, (hereinafter called “the school and recreation site”), as shown on Sketch attached as Schedule “A” for information only, is intended to result in the most economical provision of school and pubic recreation facilities and programs:

AND WHEREAS the total acreage of the school and recreation site is comprised of 3.101 acres owned by the School Division (hereinafter called “school lands”) and 23.422 acres owned by the City (hereinafter called “City lands”) as shown on sketch attached as Schedule “A”.

NOW THEREFORE THIS AGREEMENT WITNESSETH that the parties hereto agree each with the other as follows:

1. The School Division shall construct, as part of Whyte Ridge Elementary School located at the school and recreation site, the following facilities which shall form part of the shared facilities hereinafter described:

- gymnasium
- shower and dressing rooms
- kitchen
- community room
- equipment room
- parking lot
- grounds facilities
- supply room

2. The City agrees to pay to the School Division an amount not exceeding Two hundred Eighty Three Thousand, Two Hundred Eight Dollars ($283,208.00), subject to the approval of the expenditure of such funds by the City of Winnipeg Council, which represents the City's partial share of the cost of construction of the shared facilities described in Clause 1 hereof. Payments to the School Division will be as follows:

   (a) Fifty percent (50%) of the City's total obligation to the School Division, upon approval of the City's Capital Estimates in 1992.

   (b) Fifty percent (50%) of the City's total obligation to the School Division, upon approval of the City's Capital Estimates in 1993.

Appendix "A" referred to in Clause 4 of the Report of the Committee on Protection, Parks and Culture dated December 2, 1996 (continued)

(c) The City of Winnipeg will undertake, at its own cost, the relocation of the play structure. The School Division shall bear the cost of construction loan interest in connection with the cost of construction of all shared facilities including those which are to be paid by the City as hereinafter provided. Upon completion of the construction of the shared facilities and the relocation of the play structure the parties shall combine the direct labour and material cost of relocating the play structure and the cost of construction loan interest on the portion of shared facilities to be paid by the City (hereinafter called the "Combined Cost"). The City and the School Division shall each be liable for fifty percent (50%) of the combined cost and an adjustment between the Parties shall be made accordingly.

(d) All funds remaining after the City's financial commitment to the construction phases, shall be utilized for equipment and materials purchases, at the sole discretion of the City.

3. The City and the School Division agree to cost share the landscaping and development of the baseball diamonds and soccer field adjacent to the school land which landscaping and development shall form part of the grounds facilities referred to in Clause 6 hereof. The City's share of the cost shall be sixty-five percent (65%) and the School Division's share shall be thirty-five percent (35%). The cost sharing percentages of the City and the School Division shall be calculated on the cost of the grounds development minus the Developer's contribution. The School Division's share of the cost under this paragraph is estimated to be Thirty-Seven Thousand Five Hundred Twenty-One Dollars ($37,521.00) Fifty percent (50%) of the School Division's estimated share shall be applied to the City's first fifty percent (50%) commitment which the City is to pay upon approval for the 1992 Capital Estimates as set out in paragraph 2 (a) and fifty percent (50%)of the School Divisions's estimated share shall be applied to the City's second fifty (50%) commitment as set out in paragraph 2(b).

4. The School Division and the City agree that the shared facilities shall not be used for the purpose of accommodating a day care centre(s).

5. The City agrees to provide the land for the installation of a parking lot by the School Division. The School Division shall be responsible for all costs associated with constructing the parking lot and for all costs of maintaining the parking lot. The parking lot shall be designed in such a manner so as to accommodate a designated "drop-off area" for public use. A sign shall be installed with "Drop-Off Area - 5 Minute Parking Only - All other vehicles will be towed away." Costs of the sign shall be incorporated into the overall costs of the school building.

6. Shared facilities are identified as follows:

- gymnasium;	- dressing and shower rooms;
- equipment room with keys;	- kitchen with keys;
- grounds facilities	- parking lot;
- community room with keys;	- supply room with keys;

7. All facilities referred to in Clause 6 hereof, shall be hereinafter collectively referred to as "the shared facilities" and, except as hereinafter provided, such use shall be free of charge to the City and the School Division for the carrying out of their respective programs.

The parties agree that the priorities of use shall be as follows:

8. (a) The School Division shall have priority use of the shared facilities with the exception of the community room during normal school days until 6:00 p.m. and priority of these facilities two (2) days a week after 6:00 p.m. on normal school days. The two (2) days are to be determined by May 31st of each year.

(b) The School Division shall also have priority use of the kitchen during the normal school day until 6:00 p.m. with the understanding that the City shall have the right to access the kitchen when City programs are occurring in other shared facilities in the school during the school day. A schedule for use of the kitchen by the City shall be submitted annually to the principal of the school by May 31 of each year. Where the principal identified conflicts over use of the kitchen, the principal shall by June 30, discuss and resolve those conflicts with the Superintendent of Recreation of the Parks and Recreation Department, the City shall have priority of use after 6:00 pm and when the school is not in session.

(c) The City shall have priority of use of the shared facilities with the exception of the kitchen (3) days a week after 6:00 p.m., with one (1) of these days to be Friday and shall have priority over all

shared facilities when school is not in session.

(d) The City shall have priority use of the community room at least sixty percent (60%) of the time between 9:00 a.m. and 4:00 p.m. during normal school days and the School Division shall have priority of use forty percent (40%) during those time periods. These times are to be determined by May 31st each year. During all other periods of time the City shall have priority of use. The City shall have priority in scheduling its share of the use of the community room.

(e) The School Division and the City agree that the community room shall not be used for the purpose of a lunch room.

Appendix "A" referred to in Clause 4 of the Report of the Committee on Protection, Parks and Culture dated December 2, 1996 (continued)

(f) The School Division shall have priority use of the parking and grounds facilities during normal school days until 6:00 p.m. and the City shall have priority of use of these facilities after 6:00 p.m. during normal school days and shall have priority of use when school is not in session. The School Division shall make available to the City the use of two (2) parking stalls with electrical outlets during normal school days at no cost.

(g) The City and School Division each shall have second priority on the times controlled by the other party on the entire joint use site and both parties are required to apply through proper procedure for the use of each other's facilities.

9. Where the City uses the facilities within Whyte Ridge Elementary School at such times when caretaking services are not normally provided and such caretaking services must be provided as a result of the use by the City, the City shall reimburse the School Division the actual cost of such additional caretaking services when they are provided.

10. (a) The School Division agrees at all times to provide proper maintenance for the school building, and school lands and the parking lot (including snow and ice removal as necessary).

(b) The City agrees to provide proper maintenance for the landscaping on its lands.

11. Each party of this Agreement is responsible for the maintenance of good order and discipline amongst the persons making use of the shared facilities and any damage which may occur while either party to this Agreement is making use of the shared facilities shall be paid for by the party responsible for the shared facilities at the time the damage occurs.

12. The parties hereto agree to establish a Joint Planning Committee consisting of equal representation from the School Division and the local Community Committee of the City of Winnipeg to advise and make recommendations to the parties hereto on all matters related to the implementation of this and such other joint use agreements as may be entered into from time to time by the parties including, but without restricting the generality of the foregoing, to advise and make recommendations on the following matters:

(i) identification of joint use school and recreation sites;
(ii) acquisition of additional lands for school and recreational purposes;
(iii) additions to school buildings designated for community recreational purposes;
(iv) financing and erection of recreational facilities.

13. Resolution of minor differences, operation of the joint use facilities and administration of this agreement shall be carried out by the administration of the School Division and the administration of the Parks and Recreation Department of the City.

14. Any dispute arising from the interpretation of this agreement or disputes arising out of the application or administration of this agreement shall be considered in the first instance by the School Division and the City which shall refer any matters which cannot be resolved under established policies of the parties to this agreement to arbitration in accordance with the provisions of the Manitoba Arbitration Act.

15. The use or possession of intoxicants (alcohol in any form) in or on the school and recreation site is strictly forbidden by the Fort Garry School Board. No liquor permits shall be granted at anytime for use in Fort Garry Schools or on Fort Garry School Division property. There will be no smoking allowed in the facility.

16. This Agreement shall be in effect for a term of twenty-five years, commencing on the date hereof, and continuing thereafter, from year to year by mutual consent, provided that either party by giving notice in the month of January of any year may request a review, revision or termination of the agreement to become effective on the first day of September in the same year as notice under this Clause is given upon such terms and conditions as may be agreed upon by both parties.

17. (a) Each party hereto shall indemnify and save the other harmless from and against all actions, claims, demands, causes of actions and demands arising out of the occupiers liability by reason of the use of the facilities by such party or by any of its agents, employees, servants or other persons under its control, or by students, children or other persons making use of the jointly used facilities.

(b) Each of the parties hereto agree to arrange insurance coverage upon their liability to the other with limits of not less than Five Million Dollars ($5,000,000.00) inclusive, in respect to injury, death or

property damage, and each party shall supply to the other party an insurance certificate, both of which shall be to the satisfaction of the other.

(c) The School Division shall purchase and keep in force during the full term of this Agreement a property insurance policy covering the property located on that portion of the recreation site owned by it and used jointly hereunder by the School Division and the City, which policy shall name the City of Winnipeg to be an additional named insured thereunder, and the School Division shall file with the City a certified copy of such policy, in a form satisfactory to the City solicitor. It is understood that on demand by the School Division, the City shall reimburse the School Division for increased insurance premium paid by the School Division in respect of adding the City as an additional named insured as provided herein. It is further agreed that in the event that the School Division's Insurer is unable or unwilling to add the City as an additional named insured as described herein, the City shall be provided with a waiver of subrogation as against the City and its liability insurer in respect of the property insurance. The City may be required to reimburse the School Division on a pro rata basis for any additional premiums resulting from such coverage.

Appendix "A" referred to in Clause 4 of the Report of the Committee on Protection, Parks and Culture dated December 2, 1996 (continued)

(d) If Whyte Ridge School should be closed for use as a school, then, in that event, the City shall be entitled to continue use of the shared facilities located in the school building or, in the alternative - the School Division shall compensate the City for any and all loss incurred by such closing based on a capitalization of the City's investment in such facilities over a term of twenty-five (25) years.

18. In order to facilitate the reasonable requirements of both parties to maintain the program continuity and to allow for adequate consultation in the development of an annual program, the City and the School Division agree to meet at least two times each year to determine a mutually acceptable schedule for use of the shared facilities.

19. The burden of the Agreement shall run with the subject school lands and be binding upon the School division, its successors in title thereto, and the owners and occupiers of the said lands for the time being and the benefit of this Agreement shall enure to the City, its successors and assigns.

IN WITNESS THEREOF the parties hereto have affixed their corporate seals as attested by their proper officers in that behalf, the day and year first above written.

THE CITY OF WINNIPEG

_____
Mayor

_____
City Clerk

FORT GARRY SCHOOL DIVISION NO. 5

_____
Chairman

_____
Secretary-Treasurer

Approved as to content and
certified as to financial details:

_____
Director, Parks and Recreation Department

Approved:

_____
Commissioner of Planning and
Community Services

Certified as to form:

_____
for City Solicitor

195 - Appendix "A" referred to in Clause 6 of the Report of the Committee on Protection, Parks and Culture dated December 2, 1996

ASSINIBOINE PARK PAVILION
Terms and Conditions
Agreement between The City of Winnipeg (the ***"City"***)
and Pavilion Museum Inc. (***"PMI"***)

PMI will undertake to raise sufficient funds to renovate and restore the pavilion, pergola courtyard and surrounding areas (the ***"pavilion"***) including the construction of art galleries/museum and restaurant facilities and may include the construction of a band shell as a second phase of development as set out in PMI's initial proposal, the particulars of which would be settled by a further agreement. The restoration will be carried out in accordance with plans and specifications approved by the City's Director of Parks and Recreation (the ***"Director"***). The exterior appearance of the pavilion building will not be substantially altered, however a glassed-in restaurant will be constructed over the existing pergola courtyard.

PMI will enter into a project management agreement (in form satisfactory to the Director) which will provide for contracts with architects, contractors and others for the restoration and renovation of the pavilion and construction of the restaurant. The project will be granted to PMI on an awarded basis. PMI intends to complete construction for a July 1, 1997 (Canada Day) opening.

PMI will manage and operate the pavilion (including the galleries/museum and restaurant) for the benefit and use of the community at large, under a fifty (50) year agreement automatically renewable from year to year thereafter.

PMI will be an independent contractor fully responsible for all operating and day-to-day maintenance costs of the pavilion. PMI will renovate the structure and thereafter, the City will be responsible for structural repairs.

PMI shall be entitled to all revenues generated by the pavilion including revenues from the restaurant. While the restaurant is expected to generate revenues, the overall facility will be operated on a non-profit basis, with revenues supporting the gallery/museum and related projects.

PMI will provide liability insurance in an amount not less than $5,000,000.00. The City will provide insurance on the building and PMI will insure the leasehold improvements and contents (including art work). PMI will ensure that all sub-agreements contain similar insurance provisions.

Subject to the condition that the pavilion facilities shall always be available to the community at large, PMI will be solely responsible for the management and operation of the pavilion, including the galleries/museum and restaurant.

In the event that PMI fails to perform its covenants under the agreement, becomes bankrupt, makes an assignment for the benefit of its creditors or passes a resolution for the winding-up of PMI, then the agreement will come to an end and PMI will vacate the pavilion, without compensation.

All improvements made by PMI to the pavilion will vest in the City. The artwork however, will remain the property of PMI.

The galleries/museum in the pavilion will display the artwork of Walter Phillips, Ivan Eyer and Clarence Tillenious. No other works will be displayed in the galleries/museum.

Subject to the approval of the Director, which approval shall not be unreasonably withheld, customers of the restaurant will be permitted access through the park to the pavilion during the restaurant's regular business hours, notwithstanding that the restaurant's regular business hours may not correspond to the park's regular hours of operation.

PMI will operate the pavilion such that the pavilion facilities are exempt from property and school taxes, failing which PMI shall be solely responsible for all taxes.

The City will use its best efforts to provide parking in the vicinity of the pavilion at its existing lots for the exclusive use of visitors to the restaurant during the regular hours of operation of the restaurant.

The City shall provide snow removal service to the pavilion.

The City shall provide PMI with notice of any special event scheduled to be held within the vicinity of the pavilion.

The City shall have access and use of the pavilion at no charge, in accordance with any events which do not interfere with PMI's operation of the pavilion.

PMI will maintain books and records which may be audited by the City upon the request.

196 - Appendix “A” referred to in Clause 8 of the Report of the Committee on Protection, Parks and Culture dated December 2, 1996

THIS AGREEMENT made in duplicate this day of , A.D. 199 .

BETWEEN:

THE CITY OF WINNIPEG,

(hereinafter called "the City").

OF THE FIRST PART,

- and -

THE SEINE RIVER SCHOOL DIVISION NO. 14

(hereinafter called the “School Division”)

OF THE SECOND PART,

WHEREAS pursuant to Section 407 of The City of Winnipeg Act, the City may enter into agreements with any school division for the provision by one of the parties to the other of any services, or for the sharing of equipment, buildings, and other facilities;

AND WHEREAS the City and the School Division desire to work together to effect the maximum utilization of the lands and buildings coming under their respective jurisdictions for schools, parks and recreation purposes for the maximum benefit of all citizens of the City;

AND WHEREAS joint use of the land and facilities at the Middle Years School, located at 245 Rue le Maire, in the City of Winnipeg, identified as “School Property”, on Schedule “A” attached, and land located adjacent to School Property identified as “City-owned Property” on Schedule “A”, attached, (hereinafter collectively called "the School and Recreation Site") is intended to result in the most economical provision of school and public recreation facilities and programs;

AND WHEREAS the total acreage of the School and Recreation Site, shown outlined in bold broken line and identified as “School and Recreation Site” in Schedule “A” attached, is comprised of 1.98 acres shown hatched and identified as “”School Property”on said Schedule “A”, hereto (hereinafter called the “School Lands”) and 2.62 acres shown shaded and identified as “City-Owned Property” in said Schedule “A” (hereinafter call the “City Lands”).

NOW THEREFORE THIS AGREEMENT WITNESSETH that the parties hereto covenant and agree each with the other as follows:

1. The School Division shall construct as part of the said Middle Years School located on the School Lands the following facilities:
- Change Rooms - Gymnasium - Multi-Purpose Room - Parking Lot

2. The City shall complete on City Lands as part of the School and Recreation Site, grading and sodding work (hereinafter called “Grounds Facilities”).

3. All facilities referred to in Clause 1 hereof, and Grounds Facilities referred to in Clause 2 hereof, shall be hereinafter collectively referred to as "Shared Facilities".

4. Use of the Shared Facilities, shall be free of charge to the City and the School Division for the purpose of

carrying out their respective programs.

5 The parties agree that the priorities of use shall be as follows:

(a) The School Division shall have priority of use of the Shared Facilities during normal school days until 6:00 P.M.

(b) The City shall have priority of use of the Shared Facilities after 6:00 P.M. on normal school days and shall have priority over Shared Facilities when school in not in session.

(c) The City and School Division each shall have second priority on the times controlled by the other party on the entire School and Recreation Site and both parties are required to apply through their respective procedures for the use of each others facilities.

(d) The aforementioned Section 5 paragraphs (a), (b), and (c) to conform with the Master Agreement Article 4 “Use of Facilities” signed May 23, 1980.

Appendix "A" referred to in Clause 8 of the Report of the Committee on Protection, Parks and Culture dated December 2, 1996 (continued)

6. Where the City uses the Shared Facilities at such times when caretaking services are not normally provided and such caretaking services must be provided as a result of the use by the City, the City shall reimburse the School Division the cost of such additional caretaking services when they are provided. The School Division shall annually outline when caretaking services will not normally be provided and establish and inform the City of the rate per hour which will be charged for such caretaking services.

7. Each party of this Agreement is responsible for the maintenance of good order and discipline amongst the persons making use of the Shared Facilities and any damage which may occur while either party to this Agreement is making use of the Shared Facilities shall be paid for by the party responsible for the Shared Facilities at the time the damager occurs.

8. The parties may establish a Joint Planning Committee consisting of equal representation from the School Division and the local Community Committee of the City, to advise and make recommendations to the parties hereto on all matters related to the implementation of this joint use agreement including, but without restricting the generality of the foregoing,

(a) written policies and regulations covering the details of planning and operation of Shared Facilities which policies and regulations shall be appended hereto and may be amended from time to time by the Joint Planning Committee and said policies to be signed by all members of the Joint Use Committee;

(b) to establish a Works Committee which will consist of the following:

- one (1) member from the School Division;
- one (1) member from the Middle Years School;
- two (2) members from the City's Parks and Recreation Department Staff;

9. The Works Committee shall:

(a) Develop procedures to carry out the harmonious and efficient day-to-day operation of the Shared Facilities;

(b) Attempt to resolve any differences which may develop; between the parties;

(c) Advise the Joint Planning Committee.

10. Any dispute arising from the interpretation of this Agreement or disputes arising out of the application or administration of this Agreement which cannot be resolved under policies and regulations established under this Agreement may be resolved by arbitration in accordance with the provisions of the Manitoba Arbitration Act.

11. The School Division shall provide proper maintenance for the school building and lands and facilities located on School Lands, including snow and ice removal from the parking lot, and the City shall provide proper maintenance for the grounds and facilities located on City Lands.

12. This Agreement shall be in effect for a term of twenty-five (25) years, commencing on the date hereof, and continuing thereafter from year to year by mutual consent, provided that either party by giving notice in the month of January of any year may request a review, revision or termination of the Agreement to become effective on the first day of September in the same year as notice under this Clause is given upon such terms and conditions as may be agreed upon by both parties.

13. (a) The parties hereto shall indemnify and save the other harmless from and against all actions, claims, demands, causes of actions and demands arising out of the occupiers liability by reason of the use of the Shared Facilities by such party or by any of its agents, employees, servants or other persons under its control or by students, children or other persons making use of the Shared Facilities.

(b) Each of the parties hereto agree to arrange liability insurance coverage with limits of not less than five million ($5,000,000.00) dollars inclusive, in respect to injury, death or property damage, and each party shall supply to the other party an insurance certificate, both of which shall be to the satisfaction of the other;

(c) The School Division shall purchase and keep in force during the full term of this Agreement a property insurance policy covering the property located on that portion of the School and Recreation Site owned by it and used jointly hereunder by the School Division and the City. The School Division shall file with the City a certificate of such insurance. It is further agreed that the City shall be provided with a waiver of subrogation by the School Division in respect of such property insurance. The City may be required to reimburse the School Division on a pro rata basis for any additional premiums resulting from such coverage.

14. In order to facilitate the reasonable requirements of both parties to maintain program continuity and to allow for adequate consultation in the development of an annual program, the City and the School Division agree to meet at least two times each year to determine a mutually acceptable schedule for use of the Shared Facilities.

Appendix "A" referred to in Clause 8 of the Report of the Committee on Protection, Parks and Culture dated December 2, 1996 (continued)

15. The burden of this Agreement shall run with the subject School Lands and be binding upon the School Division, its successors in title thereto, and the owners and occupiers of the said lands for the time being and the benefit of this Agreement shall enure and be binding to the City, its successors and assigns.

IN WITNESS WHEREOF the parties hereto have executed these presents on the day and year first above written.

SEINE RIVER SCHOOL DIVISION NO. 14

Per: _____
Per: _____

THE CITY OF WINNIPEG
Per: _____
MAYOR
Per: _____
CITY CLERK

Approved as to details:

_____
Director, Land Development Department

Approved as to details and certified as to financial details:

_____
Director, Parks and Recreation Department

Certified as to form:

_____
City Solicitor

197 - Schedule “A” referred to in Clause 1 of the Report of the Committee on Planning and Community Services dated November 26, 1996

Proposed Implementation of the
Gail Parvin Hammerquist Fund
(City of Winnipeg Heritage Grants)

The City of Winnipeg
Historical Buildings Committee

October 29, 1996

Schedule "A" referred to in Clause 1 of the Report of the Committee on Planning and Community Services dated November 26, 1996 (continued)

A. INTRODUCTION

The City of Winnipeg is currently pursuing three initiatives to encourage greater investment in the retention, improvement and use of designated heritage structures within its jurisdiction.

1. ***Winnipeg Development Agreement (WDA) Program 13A - Buildings Preservation:***

   The criteria and administrative procedures for this five-year intergovernmental incentive were approved by City Council in June 1996. Applications for Phase I capital grants may be submitted up to November 15, 1996.

2. ***Proposed Municipal Tax Credit:***

   Work is proceeding on the development of a heritage conservation tax credit program with the intent of providing details for public discussion shortly.

3. ***The Gail Parvin Hammerquist Fund:***

   This Fund has been established and financed by City Council through an annual $100,000 allocation from the capital budget plus a share (5%) of revenues obtained from sales of City-owned real estate.

   The Fund is named in honour of the late Gail Parvin Hammerquist, a restoration architect with the Canadian Parks Service (now Canadian Heritage) who contributed much to the City while serving as a volunteer member or alternate on the Historical Buildings Committee for 12 years.

   In this report, the Committee proposes to begin using the Fund in the 1997 fiscal year to provide grants for eligible capital, research and heritage economic development projects.

   Following public review of these proposals, a by-law will be drafted enabling the City to make heritage conservation grants.

Policy Background

Unfavourable conditions in recent years have left many of Winnipeg's heritage structures vacant or underutilized and in various stages of disrepair. Several options to respond to this situation were put forward in the Heritage Support: Policy and Programs report approved by City Council in 1992.

Council subsequently passed a formal policy on heritage conservation grants and tax credits (Attachment 1) and took initial steps to set up the Gail Parvin Hammerquist Fund. As well, the provincial legislature amended The City of Winnipeg Act to give Council specific authority to implement grant and tax relief programs for heritage purposes (Attachment 2).

B. GAIL PARVIN HAMMERQUIST FUND:

PROGRAM OUTLINE

It is proposed that the Fund encompass grants for:

- small-scale capital projects,
- heritage research, and
- heritage economic development initiatives.

Each program will have its own criteria and annual budget. All will be administered by the City's Historical Buildings Committee and Community Planning Division.

The basic concept for each component is outlined below. For the next stage of review, the Historical Buildings Committee will submit a more detailed draft of program criteria and administrative procedures. This process is similar to the one used to develop WDA Program 13A.

Schedule "A" referred to in Clause 1 of the Report of the Committee on Planning and Community Services dated November 26, 1996 (continued)

Gail Parvin Hammerquist Capital Grants

Under this component, targeted financial support and streamlined administrative arrangements will be provided for small-scale building conservation projects.

The program will assist owners of designated structures in the restoration of their buildings' **heritage** character, architectural elements and detailing. To complement WDA Program 13A, grants also may be used to make designated buildings more accessible to persons with disabilities. Funding will not be available for ordinary maintenance or the installation of modern materials. Owners must adhere to the City's Standards for Conservation and proceed only after all required authorizations have been obtained for their projects.
Grants will be 50% of the total costs of approved capital work up to a maximum of $25,000 per project.

Only structures designated by the City of Winnipeg will be eligible. In the first two years of implementation, priority will be given to projects in the Exchange District and adjacent historic and character areas. This emphasis is in keeping with the Historical Buildings Committee's strategic plan approved by City Council in 1995.

Applications may be submitted at any time during the fiscal year (January to December) and will be processed on a first-come, first-served basis until the annual budget is committed. Submissions will take the form of a simplified conservation report containing basic information about the structure, proposed work, schedule, and financial plan. Assessment of applications will be guided by the urgency and appropriateness of the work, and by the Committee's established designation criteria and process.

Program staff will have the authority to approve qualifying projects. Proposals that entail exceptional circumstances or requests will be forwarded to the Historical Buildings Committee for review and recommendations, then to the Committee on Planning and Community Services for a final decision.

Heritage Research

Grants from this program will be used to stimulate historical research, both basic and analytical, which adds to current knowledge about Winnipeg's built environment.

Two approaches will be taken to implementation:

1. The Historical Buildings Committee will identify topics of relevance to its work and seek qualified researchers who are interested in pursuing those subjects. The Committee will publicize this information as part of an annual request for research submissions. In addition, seed money may be awarded to graduate-level university students who are prepared to undertake directed research.

   The Committee's strategic plan already contains a number of research priorities that should be addressed, both to support the City's heritage-related policies and activities and to benefit the community at large by filling gaps in the base of knowledge about Winnipeg's development. The Committee's task over the next few months will be to define its priority themes and issues in more precise and project-manageable terms.

   It is anticipated that the major portion of the annual Heritage Research budget will be devoted to this aspect of the program.

2. Provision will be made to assist projects that complement the Committee's mandate, but are planned and put forward on the basis of a researcher's own initiative. In these instances, the Gail Parvin Hammerquist Fund may become the sole project sponsor or it may participate in cost-shared partnerships with other agencies such as heritage organizations, foundations, publishers, post-secondary institutions, or other levels of government.

   Information about this option will be included in regular publicity about the Fund. The Committee also may issue a public request for independent research ideas.

In all instances, applicants must be qualified historical researchers as demonstrated by academic background, professional experience, publication record, and the quality of their proposals. They must be prepared to submit finished work that will be suitable for wide public distribution in whatever formats the Committee deems most appropriate.

Schedule "A" referred to in Clause 1 of the Report of the Committee on Planning and Community Services dated November 26, 1996 (continued)

Program staff will have the authority to approve eligible projects that involve grants valued at $25,000 or less. Proposals that entail support in excess of that amount will be forwarded to the Historical Buildings Committee for review and recommendations, then to the Committee on Planning and Community Services for a final decision.

Heritage Economic Development Initiatives

This component will focus on innovative measures to attract new investment, occupants and uses for designated structures. As well, some funds will be available to ensure the data required to support heritage-related economic development are in place and readily accessible.

The need for this type of incentive has been noted consistently during public consultations on the Heritage Support: Policy and Programs report, CentrePlan, WDA Program 13A, and most recently The Exchange Partnership's strategic action plan.

Specific suggestions have included:

- Specialized match-making or marketing and information services.

  (Examples: Tenant brokers, a housing registry to facilitate residential conversions in the Exchange District, and a registry to provide investors with data on the heritage properties available for upgrading and re-occupancy.)

- Pro-active means of linking potential sources of loan and equity capital with owners who want to conserve heritage buildings.

- A pilot project to demonstrate viable ways of achieving adaptive re-use of structures (see CentrePlan's 1995-96 action plan).

- Conferences or other educational efforts to convey information about alternative construction techniques and other `how-to' aspects of building conservation and conversion.

- Interpretive programs and activities which use historical information to expand public awareness, animate downtown streetscapes and draw more people into heritage districts.

  (Examples: Historic pedestrian and bicycle paths, interpretive nodes and heritage displays.)

These kinds of initiatives require the support of strong databases that can be used for policy and project development purposes. However, there is a dearth of such resources in Winnipeg.

It would be helpful, for example, to have economic models and evaluative studies that relate specifically to the circumstances facing heritage buildings in this city. This information could be used to project the feasibility of conservation initiatives and to assess the actual impacts of implemented programs and projects.

It also is essential to establish electronic databases which are organized, compiled and interconnected in ways that permit broad access and ready exchange and analysis of information. Even within City government, there are significant gaps in the present heritage database. Some of the deficiencies can only be met through new research, but others should be addressed by making better use of existing sources of information. As outlined in the Historical Buildings Committee's strategic plan, an investment in more appropriate technologies would facilitate networking and integration of relevant data now held by various municipal departments. Concerted efforts also should be made to review materials contained in files, libraries and archives within and outside City government in order to analyze and convert selected data into electronic formats.

Given this context, it is proposed that two approaches be used to implement Heritage Economic Development Initiatives:

1. The Historical Buildings Committee will publicly issue annual requests for project proposals aimed at attracting new investment, occupants and/or uses for designated heritage structures.

   Preference will be given to submissions which are rooted in clearly defined strategies and complement the Committee's priorities as set out in its strategic plan. Applicants should be able to demonstrate their ability to achieve the objectives and tasks they have proposed. They also should be able to demonstrate that they have the participation and support of various interests within the fields of heritage conservation and economic

development.

Schedule "A" referred to in Clause 1 of the Report of the Committee on Planning and Community Services dated November 26, 1996 (continued)

Grants of up to 50% of total approved costs will be available under this option. Funds will not be used to provide ongoing operating support to heritage organizations, marketing agencies or promotional programs.

All applications will be assessed by the Historical Buildings Committee. It will have the authority to award grants of up to $25,000. Successful proposals that entail funding in excess of that amount will be forwarded to the Committee on Planning and Community Services for a final decision.

2. A portion of the annual budget will be earmarked for heritage database development. The Historical Buildings Committee will work with other City departments, other levels of government, and interested partners in the community to prepare a database development plan and time schedule. It will then proceed to manage implementation of the strategy, subject to approval from the Committee on Planning and Community Services.

C. ADMINISTRATION

The lead responsibility for program administration under the Gail Parvin Hammerquist Fund will be assumed by the Historical Buildings Committee and the City's Heritage Planner. Additional staff resources may be obtained as required through use of term and/or fee-for-service contracts.

It is proposed that the following principles guide the Fund's budgeting process:

1. The Historical Buildings Committee will make annual recommendations to the Committee on Planning and Community Services regarding the total amount to be allocated from the Fund for the forthcoming fiscal year.

2. In the initial period of implementation, the annual budget will be distributed as follows:

   - A minimum 20% of funds will be allocated to each of the three programs (for a total of 60%).

   - 7.5% will be made available to cover program start-up costs and administration.

   - The remaining 32.5% will be allocated during the year to the three programs (not to administration) as demand and experience warrant.

In the event that some monies remain unexpended at year's end, they will be carried over and applied to the affected program's next budget. If in Year 1, for example, some funds were left unused in the Heritage Economic Development Initiatives program, they would be retained within that component and added to its minimum 20% budget allocation in Year 2.

Schedule "A" referred to in Clause 1 of the Report of the Committee on Planning and Community Services dated November 26, 1996 (continued)

ATTACHMENT 1
City of Winnipeg Policy
on Municipal Tax Credits and Grants
(adopted by City Council on December 15, 1993)

A. Municipal Tax Credits:

That the City of Winnipeg provide a tax credit up to 50% of total costs for eligible conservation work. This credit would be applied over a 10-year period against City business, amusement and realty taxes.

B. Performance Grants and Discretionary Grants:

That the City of Winnipeg provide cost-share grants on a 50/50 basis for eligible exterior and/or interior conservation work on designated heritage structures (i.e., structures on the City's Buildings Conservation List). Up to a maximum of $35,000 could be available for residential projects and a maximum of $100,000 for commercial projects.

That the City of Winnipeg develop a Discretionary Grant program for heritage conservation. Through this measure, the City could supplement a Performance Grant and/or Tax Relief in response to exceptional priority cases, as determined by need and the significance of the heritage property.

ATTACHMENT 2
Amended Section 474 of The City of Winnipeg Act
(given royal assent on November 3, 1995)

Section 474 is amended by renumbering it as subsection 474(1) and by adding the following as subsections 474(2) and (3):

By-law re grants and tax credits
474(2) The council may by by-law establish a program of grants or tax credits to encourage and assist in the renovation of buildings listed in a by-law under sub-section (1).

Contents of by-law
474(3) A by-law under subsection (2) may, without limiting the generality of that subsection,

(a) specify the taxes against which there may be a tax credit;

(b) determine the types of renovations and costs associated with renovations that are eligible for a grant or tax credit;

(c) impose terms and conditions on the entitlement to a tax credit or grant;

(d) provide for the amount, or means of determining the amount, of a grant or tax credit;

(e) establish a maximum annual grant or tax credit for each building;

(f) fix the period of time during which a tax credit may be applied to taxes or a grant may be paid;

(g) make provision for any other matter that council considers necessary or advisable.

198 - Schedule “A” referred to in Clause 2 of the Report of the Committee on Planning and Community Services dated November 26, 1996

APPENDIX “A”

PROPOSED CITY OF WINNIPEG

HERITAGE CONSERVATION TAX CREDIT

The City of Winnipeg
Historical Buildings Committee

November 1996

Schedule "A" referred to in Clause 2 of the Report of the Committee on Planning and Community Services dated November 26, 1996 (continued)

A. INTRODUCTION

The City of Winnipeg is currently pursuing three incentives to encourage the conservation and use of designated heritage buildings and other structures:

- The Winnipeg Development Agreement Program 13A - Buildings Preservation, a five-year intergovernmental initiative offering grants for eligible conservation work.

- The Gail Parvin Hammerquist Fund, financed by an annual capital allocation and a share of revenues from City property sales to provide grants for small-scale capital projects, heritage research and heritage economic development initiatives.

- A Municipal Heritage Conservation Tax Credit.

This paper sets out proposals for the design of the tax credit program. The discussions and decisions that follow will culminate in the drafting of a by-law enabling the City to establish tax relief for heritage conservation purposes.

Program Outline

Owners and long-term tenants who invest in authorized repairs and improvements to designated structures may apply for a Heritage Conservation Tax Credit that will enable them to write off a portion of approved costs against their City of Winnipeg tax liabilities.

The credit will be fifty per cent (50%) of the net private investment made in eligible work (i.e., the amount of investment exclusive of any other government grants or rebates).

This credit may be used at a recipient's discretion for up to 10 years to reduce the City property, business and/or amusement taxes applicable to the structure.

Eligible properties must be on the City's Buildings Conservation List and subject to at least one of the taxes noted above.

Implementation will occur in two phases. During the first two years after the start of the program (Phase I), applications will be received from owners or long-term tenants of designated structures of all types and uses except single-family dwellings (SFDs) occupied as residences. In Phase II, consideration will be given to including SFDs in the program. It also is proposed that during the second stage measures be put in place to identify and zone heritage character areas. This would enable a group of structures located in a business district or residential neighbourhood to be eligible for tax credits without the necessity of adding each property to the Buildings Conservation List.

Tax credits will be extended to conservation work that relates directly to the stabilization, viability or integrity of a structure and/or its heritage features. Projects will not have to meet minimum or maximum cost levels to qualify.

Once City Council has approved the criteria and conditions for assistance, the program will be administered on an ongoing basis through the Community Services Department. Should an application involve exceptional circumstances or requests, administrative approval will be conditional on a review by the City of Winnipeg Historical Buildings Committee and a final decision by the Committee on Planning and Community Services.

This program is to be evaluated two years after start-up, modified if necessary, then reviewed every five years thereafter.

Background

Unfavourable conditions in recent years have left many of Winnipeg's heritage buildings vacant or underutilized and in various stages of disrepair. Several options to respond to this situation were put forward in the Heritage Support: Policy and Programs report approved by City Council in 1992.

Council subsequently passed a formal policy on heritage conservation grants and tax credits and sought the legislative authority to implement such programs. The required amendments to Section 474 of The City of Winnipeg Act received royal assent in November 1995.

Schedule “A” referred to in Clause 2 of the Report of the Committee on Planning and Community Services dated November 26, 1996 (continued)

There are several ways to extend municipal tax incentives, e.g., by adjusting the assessed value of heritage sites, setting favourable (differential) mill rates, and reducing, rebating or deferring actual tax liabilities.

The concept proposed in this paper has been chosen because:

- The assistance will apply on a wider base than just property taxes and therefore is expected to be a more effective stimulus in the Winnipeg context.

- The credit will relate directly to the degree of work undertaken and owner/tenant effort, not just to the effects of conservation activity on property assessments or taxes.

- The value of the assistance can be estimated prior to the start of work, thus facilitating project planning and financing.

- Recipients will have a considerable degree of flexibility in determining how best to use the credit relative to their municipal tax situation.

- It is preferable to leave the system of market value realty assessments in place and to address disincentives to the preservation and use of heritage structures through a program that reduces the actual taxes payable.

B. PROPOSED CRITERIA AND CONDITIONS (PHASE I)

- To be eligible for a tax credit, structures must be designated as heritage properties under the terms of the City's Historical Buildings By-law 1474/77 (as amended).

- Undesignated structures must be evaluated by the City of Winnipeg Historical Buildings Committee, and their grade and inclusion on the Buildings Conservation List must be approved by the Committee on Planning and Community Services or City Council, as applicable. This provision includes National Historic Sites recognized by the Historic Sites and Monuments Board of Canada and properties designated under the terms of Manitoba's Heritage Resources Act.

- During Phase I, the program will be open to applications covering designated structures of all types and uses except single-family dwellings occupied as residences.

- Non-building structures (e.g., bridges) may be eligible if they, or the uses to which they are put, are assessable for City property, business and/or amusement tax purposes.

- Owners or long-term tenants of eligible structures may apply for program assistance provided they are responsible for City property, business and/or amusement taxes applicable to the site.

- Tenant-applicants must have the owner's written authorization for the proposed conservation project and a signed lease effective for 10 years following completion of the work.

- Applications may be submitted by owners or long-term tenants whose City tax payments are in arrears. However, any approval of assistance would be subject to the condition that the outstanding taxes be paid by a mutually agreed upon deadline. If that condition were not met, a formal agreement to proceed with the tax credit would not be executed.

- One application will be sufficient to cover all phases of a multiple-stage conservation project. However, any approved tax credit will be proportioned accordingly and released only as the completion of each phase of the work is satisfactorily documented and inspected.

- Except for the start-up provisions outlined later in this section, a heritage agreement must be signed and put into effect before work on an approved conservation project can begin.

- The tax credit will be fifty per cent (50%) of the net private investment made in approved costs (i.e., the amount of investment exclusive of any other government grants or rebates, including any provincial sales tax or federal goods and services tax refunds or credits recipients may be eligible for, regardless of whether they have applied for or received those entitlements).

Schedule "A" referred to in Clause 2 of the Report of the Committee on Planning and Community Services dated November 26, 1996 (continued)

- Provisions will be made to include sweat equity as an eligible source of private investment. This form of contribution will be determined and capped at the outset of the project by a signed agreement stating the hours and type(s) of work to be undertaken, the schedule for completion of the work, and the hourly rate of pay.

- Proposed use(s) and conservation work must conform with all relevant provisions of the City's Zoning and Building By-laws and with its design approval processes for designated structures and buildings in the Exchange District.

- Expenditures must be incurred in order to receive the full credit. If actual private investment is lower than originally estimated, or if not all the eligible work is done or completed as first committed by a recipient, then the dollar amount of the credit will be reduced accordingly.

- Costs in excess of original estimates will be reviewed and accommodated if they are due to structural or other conservation problems that could not have been anticipated prior to the start of work.

- Credits may be applied against the City property, business and/or amusement taxes levied on the heritage site (structure and land).

- Credits cannot be sold or transferred except in the following circumstances. If an owner-recipient wishes to sell or transfer title to their heritage property, any outstanding tax credit will continue to be available if the new owner formally agrees to assume all obligations associated with participation in the program. Otherwise, the outstanding credit will be cancelled.

- To enable the program to be administered in a cost-effective manner, the onus will be on applicants and tax credit recipients to provide all required information (reports, photographs, paid invoices, etc.) in a complete and timely fashion. The onus also will be on applicants and recipients to inform the City in a timely fashion of delays or changes in project plans.

Start-up Period

- In Year 1 of the implementation of the Heritage Conservation Tax Credit, owners and long-term tenants of designated structures may apply retroactively for assistance for work undertaken in the two years prior to the start of the program.

- Only projects that are consistent with the list of eligible work (Section C) and the City's Standards for Conservation (Attachment 1) will be considered.

- A heritage agreement must be put into effect.

C. PROPOSED ELIGIBLE/INELIGIBLE WORK

The tax credit program is intended to assist work that:
- repairs and stabilizes designated heritage structures;
- extends their life;
- conserves significant architectural or other heritage elements; and/or
- rehabilitates space to meet contemporary requirements, but in the process makes minimal changes to a building's historical integrity, including its defining characteristics, site and environment.

Eligible Work

1. Costs of labour and material or equipment for:

   - Repairs essential to the stabilization and preservation of the physical integrity of a designated building or other structure, including roof, drainage system, foundation, and exterior cladding repairs.

   - Repair or replacement of electrical, mechanical/heating and plumbing systems to meet Manitoba building code requirements or equivalencies (including fire sprinkling, air conditioning and heritage elevators).

Schedule "A" referred to in Clause 2 of the Report of the Committee on Planning and Community Services dated November 26, 1996 (continued)

- Measures to restore, upgrade or convert a heritage building to a functional state for contemporary occupancy and reuse. This may include:
  - eaves-troughing;
  - modern additions where the addition is sympathetic to original historic building;
  - new interior construction where the work is sympathetic to original fabric of the building;
  - sympathetically designed improved accessibility for the disabled;
  - asbestos removal;
- energy efficiency upgrading where this does not effect the exterior appearance of the historic building;
- doors and screen doors that match the appearance of the original historic doors;
- windows and storm windows that match the appearance of the original historic windows or storm windows.
- Measure to protect significant original heritage elements, restore elements that have deteriorated, or reconstruct those that are missing.
- Repair, stabilization and preservation of heritage ruins that are maintained on their original site.

2. Architectural, engineering and interior design fees.

Ineligible Work

- Non-heritage awnings and signage.
- Exterior paint colours not based on historical analysis.
- Application of water-repellent coatings.
- Sandblasting or other cleaning methods that may damage the building materials/finishes.
- New fences or new outbuildings.
- Landscaping or other work on the site versus the building.
- Moving of buildings.
- Work on a designated replica or reconstructed heritage building.
- Removing, preserving, storing, or reusing portions of a demolished heritage structure.
- Routine maintenance of a structure and its site.

D. PROPOSED PROCEDURES (PHASE I)

Application and Approval Process: New Projects

- Applications may be submitted at any time after the official start of the Heritage Conservation Tax Credit program.

- Where proposed projects involve undesignated structures, applications for historical designation and tax credit assistance may be submitted and processed concurrently.

- Applications will be in the form of a conservation report. Prospective applicants are expected to meet with program staff to review criteria and conditions, the scope of their proposed projects, and the degree of detail that will be required in their conservation reports. To keep paperwork to a minimum, best efforts will be made to identify an appropriate match between the requirements for documentation and the scale and complexity of each proposed project.

- Applications will be submitted to the City of Winnipeg Historical Buildings Committee, c/o the program manager.

- Projects that clearly conform with all criteria and conditions, including the scope of eligible work and the City's Standards for Conservation, will be approved for tax credits by program administrators.

- If a project entails exceptional circumstances or requests, it may receive conditional administrative approval only. The application will be reviewed by the Historical Buildings Committee, then forwarded with a recommendation to the Committee on Planning and Community Services for a final decision.

- An initial letter of authorization will be sent to each successful applicant stating that their project is eligible for a tax credit valued at a preliminary dollar amount based on fifty per cent (50%) of the net private investment in approved costs.

- A heritage agreement will be prepared.

Retroactive Projects

- During Year 1 of the Heritage Conservation Tax Credit program, prospective applicants seeking retroactive assistance for work undertaken in the previous two years may request a meeting with the program manager.

- Applications will take the form of a conservation report, the extent and contents of which will be determined during the meeting between the applicant and program manager.

- The conservation report must be supported by receipts, photographs and other forms of documentation that may be needed to verify the work done, payments made and private capital invested.

- The City may inspect the work if this is deemed necessary, even if inspections were done at the time of the project.

- Work that clearly conforms with program criteria and conditions will be given administrative approval for a tax credit.

- Applications that entail exceptional circumstances or requests may receive conditional administrative approval only. They will be reviewed by the Historical Buildings Committee, then forwarded with a recommendation to the Committee on Planning and Community Services for a final decision.

- A formal letter of authorization specifying the approved dollar value of the tax credit will be issued.

- A heritage agreement will be prepared.

E. PLANS FOR PHASE II

In addition to whatever proposals might result from the evaluation of Phase I of the Heritage Conservation Tax Credit, it is anticipated that consideration will be given to two major changes in the program for Phase II:

- Extension of eligibility to projects involving designated single-family dwellings occupied as residences.

- Development of criteria and procedures to identify and zone heritage character areas (HCAs).

- Such areas could include business districts, residential streets, or residential or mixed-use neighbourhoods. Individual buildings would not have to be designated to qualify for tax credits, but any proposed conservation work may have to comply with specific design guidelines or other requirements established as part of the arrangement to apply HCA zoning.

Schedule “A” referred to in Clause 2 of the Report of the Committee on Planning and Community Services dated November 26, 1996 (continued)

ATTACHMENT 1

Standards for Conservation

On August 9, 1995, City Council approved a Consolidated Policy for Funding the Conservation of Heritage Buildings. This policy includes a series of standards which are to be applied to specific heritage projects in a reasonable manner, taking into consideration economic and technical feasibility.

A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

1. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

   Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old design, colour, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

   Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

   Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

   New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

   New additions and adjacent new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Schedule “B” referred to in Clause 2 of the Report of the Committee on Planning and Community Services dated November 26, 1996

PROPOSED CITY OF WINNIPEG
HERITAGE CONSERVATION TAX CREDIT

SUPPLEMENTARY REPORT RE:

Historical Buildings Committee Public Consultation
November 22, 1996

Schedule "B" referred to in Clause 2 of the Report of the Committee on Planning and Community Services dated November 26, 1996 (continued)

BACKGROUND

Earlier this fall, the Historical Buildings Committee completed proposals for a City of Winnipeg Heritage Conservation Tax Credit.

At the direction of the Committee on Planning and Community Services, a discussion paper outlining the draft program was circulated to 119 organizations and individuals. Recipients were invited to attend a public consultation and/or submit written comments.

About 55 people took part in the meeting held November 22 at the Hotel Fort Garry. The group included heritage building owners, tenants and managers, prospective investors, architects, representatives of Heritage Winnipeg Inc., City personnel, and members of the Historical Buildings Committee.

In addition to the questions and suggestions presented at the forum, one written submission was received. The various points raised by participants are summarized below, followed in the last section of this report by an overview of the program's evaluation plan.

THE FEEDBACK

Responses to the Heritage Conservation Tax Credit have been positive. The proposed program generally has been characterized as:

- commendable,
- long-needed,
- a meaningful catalyst in the preservation and reuse of heritage buildings, and
- an initiative that the City should begin as soon as possible.

Public comments received to date can be grouped into three main categories:

1. Questions to clarify the program's design and criteria.

2. Proposed modifications to be made either prior to the start of the program or as experience is gained in the first phase of implementation.

3. Other public initiatives that are needed to reinforce the intended effects of the tax credit.

<u>Program Design: Clarifications and Suggested Modifications</u>

Scope of Eligible Work: Two recommendations were offered:

1. Clarify or expand the proposed list of "Eligible Work" to include all normal tenant and interior improvements to a heritage building.

2. Extend tax relief to normal/routine maintenance or operating costs associated with a heritage building since "routine maintenance" (e.g., heating, roof repair, etc.) is often just as vital to preservation as capital expenditures.

Eligible Structures: The term "non-building structures" in the program's proposed criteria includes gates, bridges, statues, fountains, heritage ruins, and other types of discrete built structures that can be designated under the purview of the City's Historical Buildings By-law. To be eligible for tax credits, these structures also would have to be subject to property, business and/or amusement taxes. Cemeteries would not qualify because they cannot be designated by the City under current by-law provisions.

Schedule "B" referred to in Clause 2 of the Report of the Committee on Planning and Community Services dated November 26, 1996 (continued)

In response to a separate query, it was noted that tax credit applications may be submitted for interior work on a heritage building even if no interior elements have been listed by the City for protection. In all cases, design and construction would have to comply with the list of "Eligible Work" and the City's "Standards for Conservation" which seek to preserve the historical integrity of designated buildings.

Tax Credit Rate: Most participants who commented on this point were of the view that a credit of 50% of net private investment is an appropriate incentive in light of local conditions for heritage conservation. It was suggested in one submission, however, that a greater level of assistance (e.g., 75%) may be needed to make some projects viable and to reverse the negative cash flows associated with some heritage buildings.

Need to Facilitate Pre-Project Financing: Concern was expressed that the proposal does not respond sufficiently to the need to secure advance financing for heritage projects. Tax credits will be available only after conservation work has been done and all accounts approved. In most instances, building owners or other investors will have to borrow funds to finance the work. It was noted that this will result in interest payments and other transaction costs that will reduce the impact of the tax credit assistance.

Ability to Transfer Credits: Questions were raised about the criterion that would limit use of tax credits to the building which is the source of the benefit in the first instance. The City was urged to be more flexible by allowing recipients to transfer some or all of their credits to other eligible properties (e.g., to other designated buildings, other buildings in a designated district, or a non-heritage development).

This change may be of particular interest to owners who obtain retroactive tax credits under the transitional provisions proposed for Year 1 of the program. Since financing for their projects already will have been arranged, these recipients may be able to make better use of their credits by applying at least some portion to the maintenance, conservation or development of other buildings.

It was suggested that more flexible transfer options would enhance the program's value as an incentive. Tax credits would continue to be awarded on the basis of the eligible work done to conserve designated buildings. The main change would be of an accounting nature related to how the assistance ultimately was applied. This may entail some additional complexity for program administrators, but the overall effect should be positive by giving investors greater opportunities to optimize their tax credit use.

Timing and Process for Establishing Heritage Character Areas: The City was urged to consider the introduction of Heritage Character Areas (HCAs) at an earlier point than Phase II of the program. During the former Winnipeg Core Area Initiative, it was found that one disincentive to investment in heritage conservation in the Exchange District was the existence of nearby non-heritage buildings considered to be sources of ongoing blight or other problems. Now as then, there are few options for addressing this issue. If specially zoned HCAs offer a new alternative, it may be advantageous to make the mechanism available to the tax credit program as soon as possible.

The public forum was told that the criteria and procedures for establishing HCAs have yet to be specified. There likely will be an application process which interested parties may pursue. As well, the City may initiate designation where there is pre-existing recognition of an area such as the Exchange District.

Tenant Benefits: As the program is now conceived, it is anticipated tax credits will be awarded to buildings as a whole. If a property has multiple tenants or condominium ownership, it is expected the assistance will flow through to some degree either indirectly (e.g., through rent levels) or by means of direct proportional sharing of benefits on a basis much like common elements are now administered in condo situations.

Schedule "B" referred to in Clause 2 of the Report of the Committee on Planning and Community Services dated November 26, 1996 (continued)

In response to a separate query, it was noted that provision has been made in the criteria to accept applications from long-term tenants because there may be circumstances in which tenants find it to their advantage to invest in restoring the historical value of the buildings they occupy. For example, a conservation project may be useful in demonstrating or promoting a tenant's business. In other instances, a tenant may have a direct stake in preservation if he/she plans at some stage to acquire the property.

Alternative Methods of Heritage Building Assessment: Participants noted that the proposal does not fully address the inequities in tax burden faced by heritage building owners. Two points were emphasized to underscore arguments that there should be new ways of assessing heritage properties:

1. The current market value assessment system does not work for single- or special-purpose structures that have lost their *raison d'être* (e.g., some railway stations and industrial facilities). The system also appears to be inappropriate for other types of heritage buildings for which there is little comparative market demand or activity. Concern was voiced about how investments in conservation work stimulated by the tax credit program might be treated by City assessors, in particular whether the post-project assessed value of improved buildings will truly reflect market conditions.

2. Some heritage structures have external or internal features (e.g., greenspace used by the public and the rotunda of the former Canadian Pacific Railway Station) that cannot generate sufficient revenues to cover the costs of their retention and maintenance. The City was urged to provide assessment and/or tax relief for investments made in, and the proportional values attributable to, such features.

Complementary Public Initiatives

Downtown Revitalization: It was suggested that heritage tax credits may not be particularly effective unless other concerted public efforts are made to stem the serious decline of Winnipeg's downtown, especially the erosion of the Portage Avenue retail district. Renewed commitment and focus are needed to attract additional investment and people to the area. Preferably this investment should reflect net new dollars and economic activity but, it was argued, as a matter of social policy it may be necessary to reallocate existing funds and activities from elsewhere in Winnipeg.

Preferential Leasing of Space in Heritage Buildings: City Council was urged to give policy preference to the leasing of heritage buildings when it seeks accommodations for its own workers and to make representations to the provincial and federal governments that they do likewise. More specifically:

1. The City was called on to translate its campus concept into a definitive plan and agreements to occupy heritage buildings in the City Hall area.

2. The provincial and federal governments were urged to reverse what appears to be a trend to avoid heritage buildings and, more generally, the downtown in favour of leasing space in renovated industrial premises. It was asserted that this trend is serving only to hasten downtown decline and inflate the values of outlying structures that are not designed to accommodate office uses. Note also was made of the detrimental effects that can occur when government tenants simply shift their occupancy from one heritage building to another within the downtown.

City Stewardship: One participant suggested that the City must assume greater responsibility for the use and appearance of the heritage buildings it already owns and occupies.

Schedule "B" referred to in Clause 2 of the Report of the Committee on Planning and Community Services dated November 26, 1996 (continued)

Regulatory Reform: As at previous public meetings on heritage conservation, concern was expressed that regulatory complications and uncertainties can be a deterrent to investments in heritage projects. It was stressed that the tax credit program needs to be well co-ordinated with and supported by the major utilities and the parties responsible for enforcing building code and other by-law requirements. Participants were assured that the City and the Historical Buildings Committee are committed to addressing regulatory issues as part of the comprehensive strategy outlined in the 1992 report, Heritage Support: Policies and Programs. New impetus will be applied to these efforts once the proposed package of tax credit and grant incentives is in place.

EVALUATION PLAN

Various tax relief programs for heritage conservation exist throughout North America. However, no model identical to Winnipeg's proposal has been found. The concept thus appears to be without precedent. It also entails a significant paradigm shift in City-private sector partnerships, and there inevitably will be a degree of 'learning by doing' on the part of all parties as implementation proceeds. For these reasons, an interactive evaluation component is being built into the program.

The first phase will proceed shortly to assist with the implementation process. It will include an analysis of a sample of heritage buildings which have undergone extensive upgrading in recent years in order to identify what the revenue impact to the City would have been if the tax credit had been available to those projects.

Subsequent phases of the plan will involve developing and refining the analytical framework, methods and models for monitoring and evaluating the program. The initial focus will be on issues such as whether the program is working as intended, whether adjustments are needed in criteria or procedures, and how local development patterns, heritage investments, City revenues, and the assessment base are being affected.

The evaluation process will be directed by Dr. Robert Fenton who is with the Economics Department at the University of Winnipeg, a specialist in resource economics, and a private consultant.

199 - Schedule "A" referred to in Clause 4 of the Report of the Committee on Planning and Community Services dated November 26, 1996

THE CITY OF WINNIPEG

BY-LAW NO. 4334/86

A By-law of The City of Winnipeg in respect to the Winnipeg Public Library Board and Library Advisory Committees of The City of Winnipeg.

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

1. This By-law may be cited as "The Library Board By-law".

2. In this By-law:

"**Area Librarian**" means the area Librarian of each Community Committee or his or her designate;

"**Board**" means the Library Board of The City of Winnipeg established by this By-law;

"**Citizen**" means a person, other than a Councillor, who is an inhabitant of and is entitled to vote in the municipal elections of The City of Winnipeg;

"**Citizen Member**" means those members of the Board appointed under section 4(1) hereof;

"**Committee**" means the Committee on Planning and Community Services;

"**Community**" means one of the communities of The City of Winnipeg;

"**Councillor Member**" means a Member of the Board appointed under section 4(2) hereof;

"**Director of Libraries**" means the person holding the office of Director of Libraries for The City of Winnipeg or his or her designate;

"**Library System**" means the Library System established by Council of The City of Winnipeg to provide library services.

ESTABLISHMENT OF THE LIBRARY BOARD AND ITS DUTIES

3. (1) There is hereby established a Library Board for the City to be known as "The Winnipeg Public Library Board" which shall have such duties as hereinafter provided.

(2) The Board in consultation with the Director of Libraries shall make recommendations and report from time to time and issue an annual report to the Committee on:

(a) library policy and budgets;

(b) administrative matters to the extent that they have significant policy or service implications on the Library System.

Schedule "A" referred to in Clause 4 of the Report of the Committee on Planning and Community Services dated November 26, 1996

(c) development of long range plans for the Library System;

(d) public involvement in the Library System.

(3) The Board shall establish, organize or participate in co-ordinating donations and fund raising programs for the benefit of the Library System.

(4) The Board shall be represented in the City's process to hire the Director of Libraries.

COMPOSITION OF BOARD

4. (1) The Board shall be composed of Sixteen (16) members and consist of two (2) Councillors and twelve (12) Citizen Members, the Director of Libraries and one (1) representative of the Province of Manitoba, all to be appointed by Council.

(2) The Councillor Members shall be appointed for one (1) year at the Organizational Meeting of Council as follows:

(i) One (1) Councillor Member from the City at large; and

(ii) One (1) Councillor from the Committee on Planning and Community Services.

(3) Twelve (12) Citizen Members and one (1) representative of the Province of Manitoba shall be nominated by the Board which Citizen Member nominations shall be representative of a wide variety of groups from within the community.

(4) The initial terms of office of the Citizen Members first appointed shall commence from their appointment at a meeting of Council held not later than the second meeting of Council following the Organizational Meeting of Council in November of 1996 for the following terms:

(a) six (6) Citizen Members shall hold office from the date of appointment to the first meeting of Council in January of 1998.

(b) the remaining six (6) Citizen Members shall hold office from the date of appointment to the first meeting of Council in January of 1999.

Thereafter the Citizen Members shall be appointed in alternate years for two year terms at the first meeting of Council in January when the preceding term expires.

(5) A former member is eligible for reappointment.

(6) After the office of a member of the Board becomes vacant by reason of death or resignation, or in case of a member being unable to act for any reason whatsoever, Council shall, at the next regular meeting, or subsequent meeting, appoint:

(i) if the member is a Councillor Member, another Councillor to complete the term of office of the Council Member who died or resigned, or is unable to act, or

(ii) if the member is a Citizen Member or a representative of the Province of Manitoba, another citizen to complete the term of office of such member who died or resigned, or is unable to act, and such appointment shall be of a citizen nominated by the Board.

Schedule "A" referred to in Clause 4 of the Report of the Committee on Planning and Community Services dated November 26, 1996

(7) No Citizen Members of the said Board shall serve more than six consecutive years commencing in 1996.

(8) The Director of Libraries shall be a non-voting member of the Board and shall take his or her seat on the Board from the date of appointment and shall continue during his or her tenure as Director of Libraries.

(9) The representative of the Province of Manitoba shall be a non-voting member of the Board and shall take his or her seat on the Board from the date of appointment of Citizen Members by Council.

CHAIRMAN AND RULES

5. (1) The Board shall select from its own voting members a member who shall act as chairman thereof.

(2) The Chairman shall have a vote on all matters requiring a decision by the Board.

(3) The Board may make rules and regulations to govern its own procedure.

LIBRARY ADVISORY COMMITTEES

6. (1) There is hereby established a Library Advisory Committee for each Community which shall be appointed by the Community Committee for the purpose of advising and reporting to the Board on Library Services within the Community.

(2) Each Library Advisory Committee shall be composed of the following:

(a) two (2) Citizen Members of the Board;

(b) the area Librarian;

(c) up to six (6) other citizens from the Community appointed by the Community Committee.

(3) The initial appointments of the citizen or citizens referred to in subsection (2) shall be made not later than at the first Community Committee meeting following the passing of this By-law or the next meeting immediately thereafter.

(4) ~~(b)~~ The term of office of the Citizen Members shall extend from the date of appointment until the first Community Committee meeting following the Organizational Meeting of Council in November 1996.

(5) All subsequent appointments of Citizens Members shall occur bi-annually at the first Community Committee meeting following the Organizational Meeting of Council in November.

(6) No Citizen Members of the said Committee shall serve longer than six (6) consecutive years.

(7) The Library Advisory Committees shall meet at least three (3) times a year at the call of the Chair.

7. By-laws No. 2165/78, 2302/79 and 2483/79 are hereby repealed.

DONE AND PASSED, in Council assembled, this day of , 1996.

- Schedule “B” referred to in Clause 4 of the Report of the Committee on Planning and Community Services dated November 26, 1996

BY-LAW NO. 6550/95

22. **The Duties and Responsibilities of the Departments comprising the Planning and Community Services Division are described hereunder:**

(3) **Library Department**

To provide and improve information services for the citizens of Winnipeg to achieve their individual goals and enhance their quality of life.

To confer with The Winnipeg Public Library Board on matters relating to Library System policy and budget with the objective of reaching agreement prior to the Department submitting any recommendations to Council, excluding, however, any information of a confidential nature as determined in accordance with City policy.

To report to the Commissioner of Planning and Community Services.

200 - Schedule "A" referred to in Clause 7 of the Report of the Committee on Planning and Community Services dated November 26, 1996

Re: Proposed Plan of Subdivision of land located on the north side of Murray Avenue between Carsdale Place and Donan Street - Lord Selkirk-West Kildonan Community - Files DASSF 523/96 & DASSF 524/96

Recommendation:

That a decision regarding the proposed plan of subdivision of land located on the north side of Murray Avenue between Carsdale Place and Donan Street, Lord Selkirk - West Kildonan Community (File No. DASSF 523/96 and No. DASSF 524/96) be withheld pending the completion of the odour control mitigation program currently underway and scheduled for completion in early 1998.

Reason:

The above-referenced applications were received in early summer and reviewed by the administration. It was recommended that the applications not be supported because they pertain to land within an odour control boundary, an area currently under study to determine the effectiveness of odour control measures. On September 17, 1996, the Lord Selkirk-West Kildonan Community Committee approved a request from Dennis Wawrykow, Solicitor, Rosenbaum & Company, on behalf of the applicant, that the application be put forward for consideration. This must now be reviewed by the Committee on Planning and Community Services.

History and Discussion:

The parcels covered by the above-referenced applications lie within one of the odour control boundaries indicated on Plate A of Plan Winnipeg. Plate A designates land use policy areas in the City of Winnipeg. Each designation corresponds with a number of policies that regulate land use within those designations. Three areas in the City have an additional stipulation indicated as WPCC (Water Pollution Control Centre). Any proposed development within 1 kilometre of the City's WPCCs is subject to Policy 5C-19 which reads as follows:

"The City shall minimize the impact of odour emissions on adjoining land uses by:

i) regulating all development within the development control lines around wastewater treatment plants and facilities through the development approval process and land use controls as defined on Plate A; and

ii) ensuring that whenever a major wastewater treatment plant or facility requires expansion or modification, an analysis of odour control methods is included in the expansion design including a review of the separation areas defined by the development control lines on Plate A."

This policy was included in Plan Winnipeg because of complaints expressed over the years from residents living in proximity to the North End and South End WPCCs. Previous reports submitted to Council on the matter of odours associated with operations at these plants identified the requirement for additional odour mitigation works at both facilities to comply with anticipated Manitoba Environment Regulatory requirements and to minimize community odour nuisance. A consulting engineer, Arthur D. Little (ADL), undertook odour audits in the vicinity of both facilities and reviewed applicable odour control technologies for future mitigation programs. Subsequently, funding required to undertake odour control pilot testing and to implement additional odour mitigation works required at both treatment facilities was included and approved in the 1995 and 1996 Capital Estimates. Plans to implement the odour control works at both facilities are currently under way.

Council, at its meeting of April 19,1995, adopted Clause 3 of the Report of the Committee on Works and Operations dated April 7, 1995, which included the following recommendation:

"That development be allowed to encroach within the one kilometre odour control line around the NEWPCC and the SEWPCC subject to the completion of the odour control mitigative program and confirmation of its success and the registering of caveats through the normal development approval process on all lots contained within the control zone advising property owners of the presence of the water pollution control centre and the potential for odour emissions on an occasional basis to the surrounding area."

This clause confirms the administrative recommendation requiring the successful completion of the odour control mitigation program before any development can be allowed to encroach within the odour control limit. The mitigation program is expected to be completed in early 1998. Subsequent to pilot testing being satisfactorily concluded in February 1997, detailed design of the full scale works will commence with construction expected through the remainder of 1997. With the successful confirmation of the effectiveness of the odour control measures, it is anticipated that allowing development into the 1 kilometre odour control zone can occur.

Schedule “B” referred to in Clause 7 of the Report of the Committee on Planning and Community Services dated November 26, 1996

October 16, 1996

TO THE CHAIRPERSON AND MEMBERS
OF THE COMMITTEE ON PLANNING
AND COMMUNITY SERVICES

RE: Proposed plan of subdivision on land located on the north side of Murray Avenue between Carsdale Place and Donan Street
Lord Selkirk-West Kildonan Community
File No: DASSF 523/96 and DASSF 524/96

Owners: Mr. Mychajlo Pyl of 453 Murray Avenue
Mrs. Charlotte Danchura of 429 Murray Avenue

Purpose: Short-form subdivision application No. DASSF 523/96 made by Mychajlo Pyl, proposes to create five (5) lots from the present holding and application No. DASSF 524/96 made by Charlotte Danchura, proposes to create three (3) lots from the present holding both as shown on attached Map 1.

Zoning: The subject lands are zoned "R1-20" Single-Family District, and as such, variances are necessary to accommodate the substandard lot widths and areas proposed under each application. The standard 10 percent cash dedication would be assessed on each new building site created prior to the release of any approved subdivision mylars for registration in the Winnipeg Land Titles Office should the application be approved.

HISTORY:

Both applications fall within the 1 km odour control limit defined within Plan Winnipeg and as shown on the attached Map 2.

The Water and Waste Department representative at the Administrative Coordinating Group meeting of July 2, 1996, noted that the properties were located within the 1 km odour control limit. The minutes of the meeting recommended that the Administrative Coordinating Group support the Water and Waste Departments position that the applications not be approved.

Confirmation was received from the Plan Winnipeg Administrator July 16, 1996 that the City is in the process of implementing odour emission control and that no development is being permitted until such time as the Water and Waste Department has completed the mitigative procedures by fall of 1997. This is in keeping with a report of the Committee on Works and Operations dated May 30, 1995, relative to the North End Water Pollution Control Centre (NEWPCC) and the South End Water Pollution Control Centre (SEWPCC) Odour Audit and Conceptual Odour Control Project. In the above noted report, recognition is given to the fact that Council on April 19, 1995, adopted Clause 3 of the report on Works and Operations dated April 7, 1995, containing the following recommendation:

I. That development be allowed to encroach within the one kilometre odour control line around the NEWPCC and the SEWPCC subject to the completion of the odour control mitigative program and confirmation of its success and the registering of caveats through the normal development approval process on all lots contained within the control zone advising property owners of the presence of the water pollution control centre and the potential for odour emissions on an occasional basis to the surrounding area.

Council recommended that the matter also be referred to Lord Selkirk-West Kildonan Community Committee and on May 5, 1995, the Community Committee concurred with the recommendations of the Committee on Works and Operations without specific reference to exemptions for "infill" situations. This concurrence is embodied within the Committee on Works and Operations report dated May 30, 1995 adopted by Council June 14, 1995.

COMMENTS:

The applicants were advised of the current policy in a letter dated July 31, 1996, and asked if they would prefer to keep the files open until such time as the work was completed at the treatment plant, whereby their respective proposals would then proceed. On August 26, 1996, Mrs. Danchura advised that the file should be kept active, with Mr. Pyl advising same on August 30, 1996.

However, on September 17, 1996 Mr. Dennis Wawykow, of Rosenbaum and Company, representing both applicants appeared as a delegation before the Lord Selkirk-West Kildonan Community Committee, expressing the view that the restriction is unwarranted and requested that the applications proceed.

The Lord Selkirk-West Kildonan Community Committee concurred in the request and directed that the proposed plan of subdivision for infill development be proceeded with.

It is clear from the correspondence on file received from the Water and Waste Department as recently as July 19, 1996, that development applications would not be supported within the one kilometre control line until the odour control works have been completed at the NEWPCC.

Legal Services was contacted for an opinion relative to the obvious dilemma of, on the one hand, Council's policy of restricting development until mitigative works are done, and on the other, the Lord Selkirk-West Kildonan Community Committee giving direction that the subdivision proposals be proceeded with.

Sharron L. Mahon of the City of Winnipeg, Legal Services has advised by letter received September 30, 1996, that while Policy 5C-19 of Plan Winnipeg obligates the City to "mitigate the impact of odour emissions on adjoining land uses" by regulating development within defined areas around sewage treatment plants (the one-kilometre odour control zone), there is no absolute prohibition contained in Plan Winnipeg against all development within the zone. Mrs. Mahon further advised that City Council has the authority to encroach on the one kilometre zone, even if the mitigative measures are not in place, provided that it considers that the City has fulfilled its obligation under Plan Winnipeg to minimize the impact of odour emissions on adjoining land.

It is not clear what would constitute the City fulfilling its obligation to minimize odour emissions other than completing the mitigative works and testing to confirm the intended results. Certainly, testing air quality every time an application to subdivide land is received is not a solution in practical terms. In view of the above described current policy of Council and the expressed concern of the Water and Waste Department the following recommendation is submitted.

RECOMMENDATION:

That the applications to subdivide lands under files DASSF 523/96 and DASSF 524/96 not be proceeded with.

However, should your Committee be of the opinion that current Council policy is insufficient for the purposes of the Lord Selkirk-West Kildonan Community, then, in keeping with past practice, your Committee may recommend that the Water and Waste Department submit a report for Councils' consideration, specifically addressing "infill" situations within the 1 km odour control line. The report should address "infill" circumstances within the control limit line for both the North End Water Pollution Control Centre and the South End Water Pollution Control Centre thereby providing consistent policy direction for both affected locations.

The above noted files, short-form subdivision DASSF 523/96 and DASSF 524/96, should be held in abeyance if this course of action is followed, until Council has given consideration to amending the present policy.

Schedule “C” referred to in Clause 7 of the Report of the Committee on Planning and Community Services dated November 26, 1996

Mr. C. A. Milroy
Ph: 986-5623
FAX: (204) 942-3820

November 7, 1996

TO THE CHAIRPERSON AND MEMBERS
OF THE COMMITTEE ON PLANNING
AND COMMUNITY SERVICES

RE: Proposed plans of subdivision on land located on the north side of Murray Avenue between Carsdale Place and Donan Street Lord Selkirk-West Kildonan Community File No. DASSF 523/96 and DASSF 524/96

At the regular meeting held by your Committee October 29, 1996, consideration was given to the above-captioned applications for subdivision on Murray Avenue.

It was the decision of the Committee to have the applications held until firstly, a report from the Water and Waste Department is provided which addresses "infill" situations within the 1 km odour control line and secondly, until the Land and Development Services Department submits a report outlining conditions of approval that may be imposed should the Committee grant the proposed subdivisions.

The following then, are the conditions of approval as requested, prepared subsequent to our initial submission dated October 16, 1996.

RECOMMENDATION:

That your Committee approve the plans of subdivision as outlined on Schedule "A" pursuant to Section 619 (1) of the City of Winnipeg Act subject to the following:

I. That the subdivision applications under Files DASSF 523/96 and DASSF 524/96 subject to Council adopting the recommendations with respect to infill development as set out in Clause 6 of the Report of the Committee on Planning and Community Services, dated November 26, 1996.

II. That subdivision application DASSF 523/96 be contingent upon the approval of variance application DAV 321/96 C and DASSF 524/96 be contingent upon approval of variance DAV 320/96 C.

III. That the final plans of subdivision shall provide for a 3.734 metre (12.25 ft.) widening to Murray Avenue along the full width of the proposed subdivisions.

IV. That the owners be required to enter into a subdivision agreement with the City affecting the subject lands that will be caveated against the titles of the lots to provide notice that the land will or may be subject to occasional odour emissions from the north end water pollution control centre. The final wording of the caveat to be determined by the City Solicitor/Manager of Legal Services.

V. That the owners be required to pay to the City 10% cash in lieu of land dedication for each new building lot created.

VI. That lot grading plans be submitted by the applicants to the satisfaction of the Water and Waste Department.

Schedule “C” referred to in Clause 7 of the Report of the Committee on Planning and Community Services dated November 26, 1996

VII. That a letter of undertaking signed by the applicants stating that:

(a) they understand that they are responsible for the costs to install separate sewer and water lot lines services from the respective mains in Murray Avenue to the property line to the newly created lots and;

(b) in the event they sell the lot they undertake to advise the new owner(s) of his/her responsibility of the above costs and drainage concerns.

VIII. That the Proper Officers of the City be authorized to execute the subdivision agreement.

IX. That the Director of Land and Development Services be authorized to sign and release the survey mylars for DASSF 523/96 and DASSF 524/96 upon compliance with the above-noted conditions, but that authority shall expire 2 years after the date of this approval unless extended by a further resolution of the Committee on Planning and Community Services.

X. That subject to and within that 2 year limitation and any extension thereof, this approval shall come into force and effect upon the said Director signing those mylars.

XI. Upon expiry of that 2 year period or any extension described in Clause VIII this approval terminates.

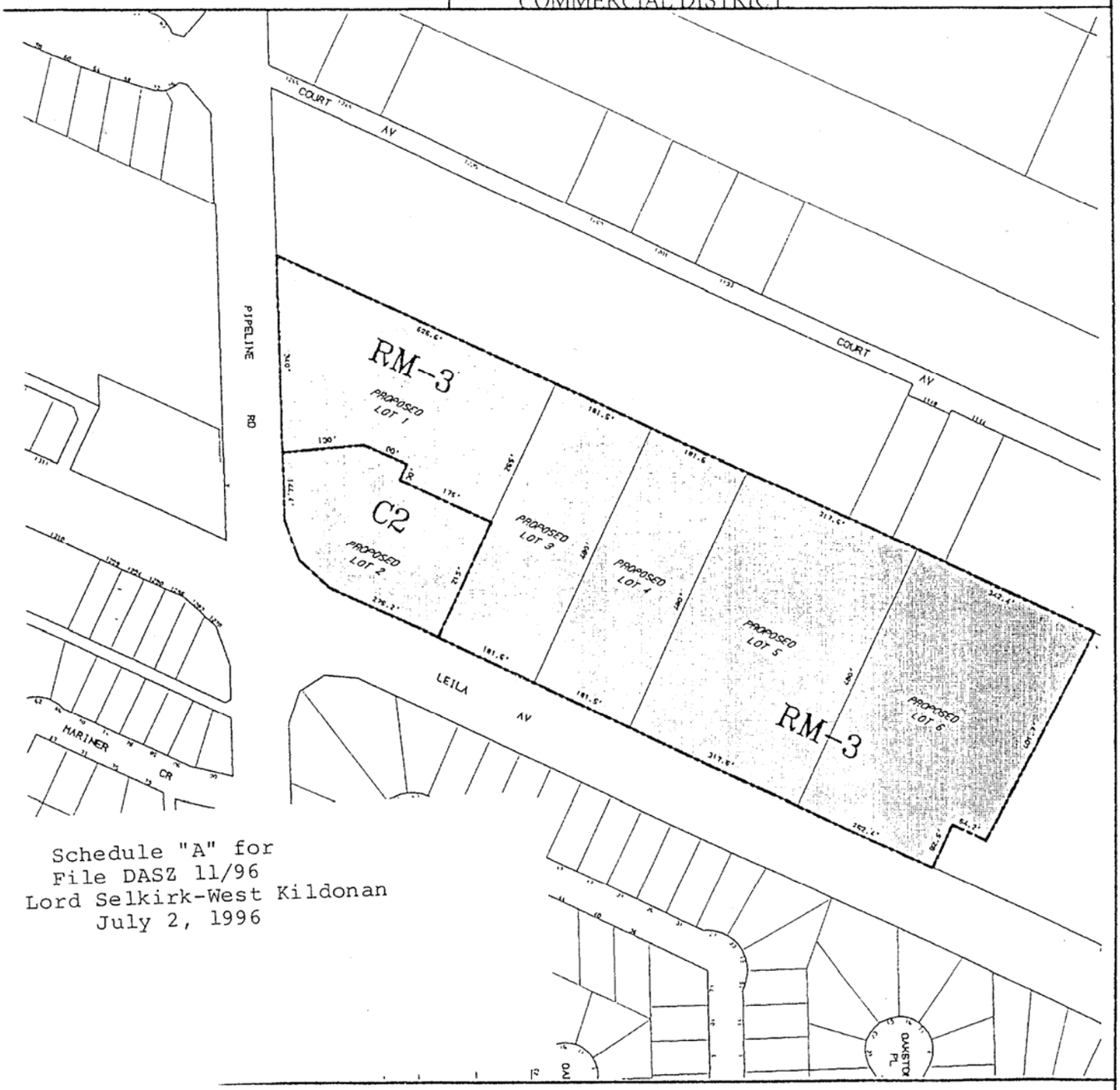
By-Law No. _____

File No. DASZ 11 / 96

Atlas Sheet No. S23

LORD SELKIRK
WEST KILDONAN
COMMUNITY

Explanation:
An application for the approval of the plan of subdivision on lands shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land located on the north east corner of Leila Avenue and Pipeline Road from an "R1-20" SINGLE-FAMILY DISTRICT to an "RM-3" MULTIPLE-FAMILY DISTRICT and a "C2" COMMERCIAL DISTRICT

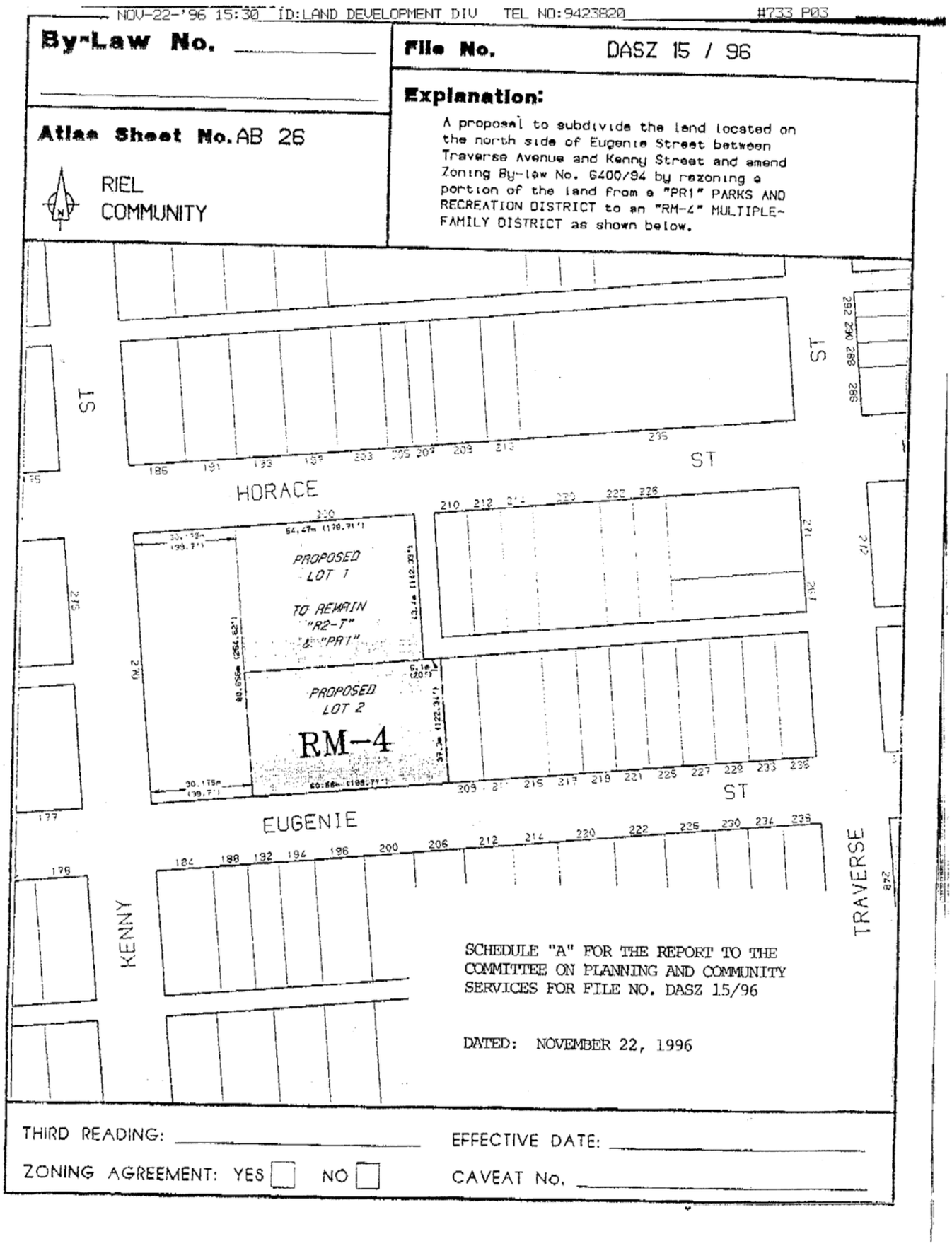


Schedule "A" for
File DASZ 11/96
Lord Selkirk-West Kildonan
July 2, 1996

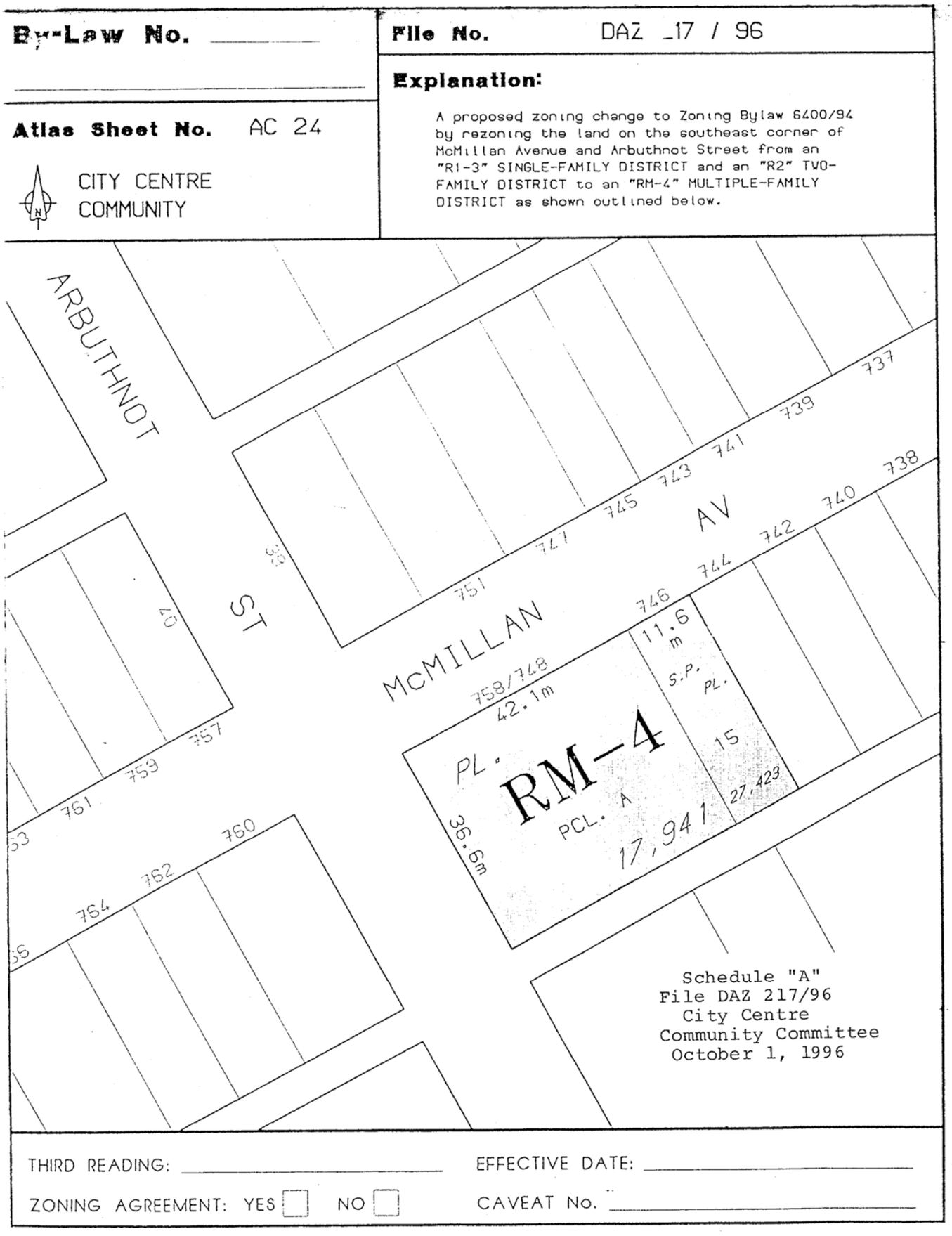
THIRD READING: _____ EFFECTIVE DATE: _____

ZONING AGREEMENT: YES ☐ NO ☐ CAVEAT No. _____

201 - Schedule "A" referred to in Clause 9 of the Report of the Committee on Planning and Community Services dated November 26, 1996



202 - Schedule “A” referred to in Clause 10 of the Report of the Committee on Planning and Community Services dated November 26, 1996



203 - Schedule “A” referred to in Clause 11 of the Report of the Committee on Planning and Community Services dated November 26, 1996

Schedule “B” referred to in Clause 11 of the Report of the Committee on Planning and



Schedule "B" for
File DAZ 217/96
City Centre
Community Committee
October 1, 1996

Community Services dated November 26, 1996

By-Law No. _____

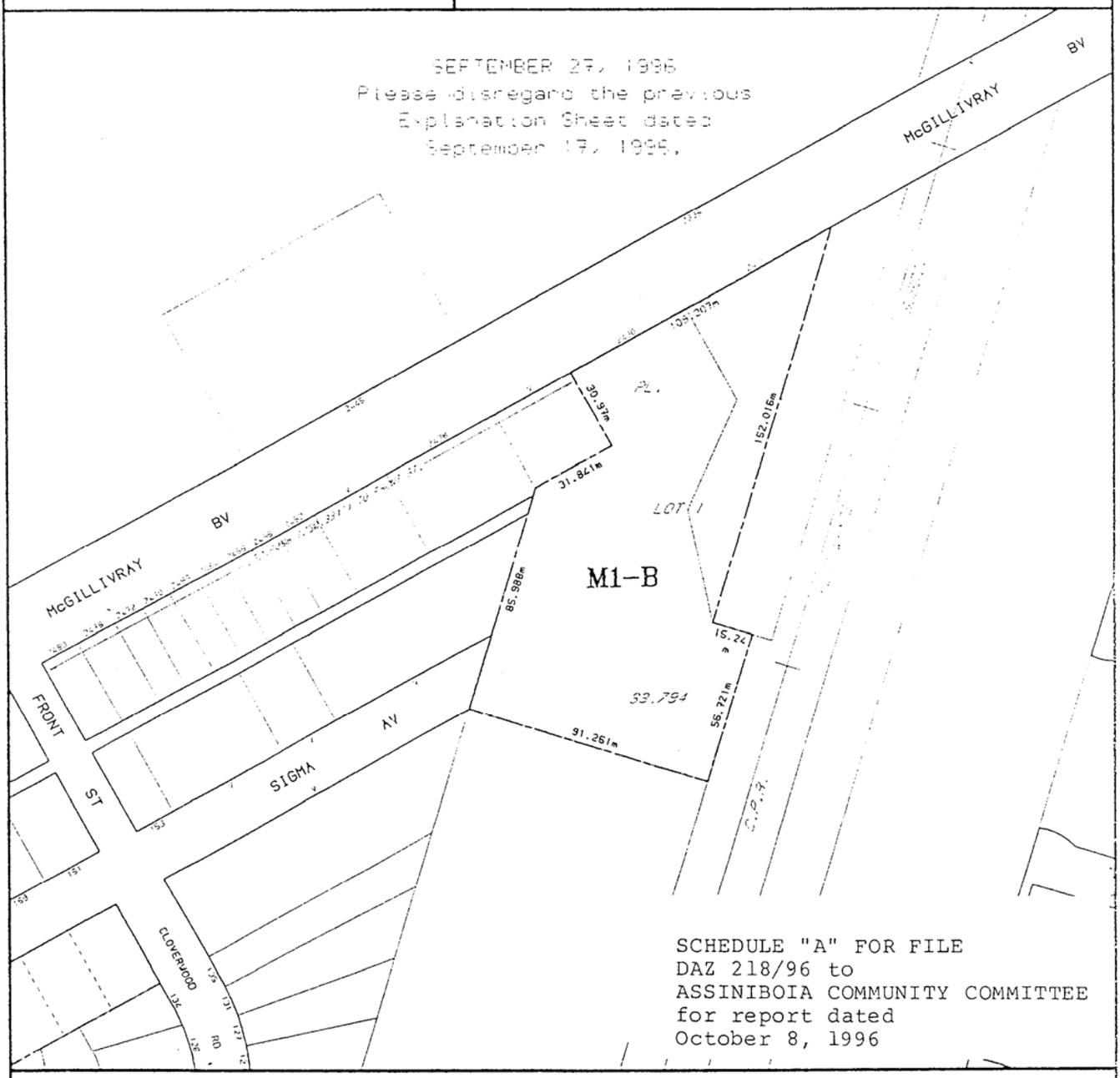
File No. DAZ 218 / 96

Explanation:

A proposal to amend By-law 6400/94 by rezoning the land on the south side of McGillivray Boulevard east of Front Street from an "A" AGRICULTURAL DISTRICT to an "M1-B" INDUSTRIAL DISTRICT as shown outlined below.

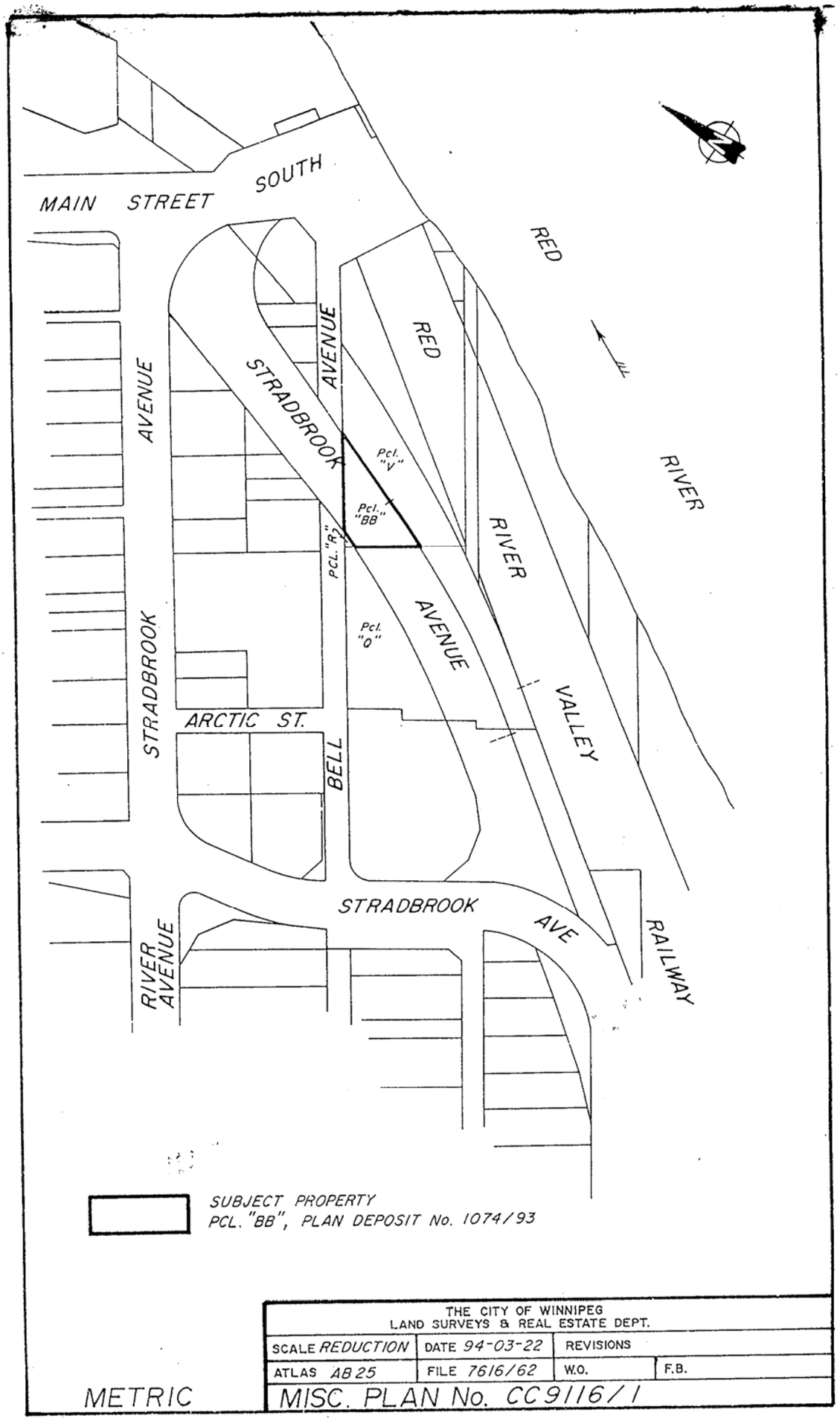
Atlas Sheet No. AJ 19

ASSINIBOIA COMMUNITY

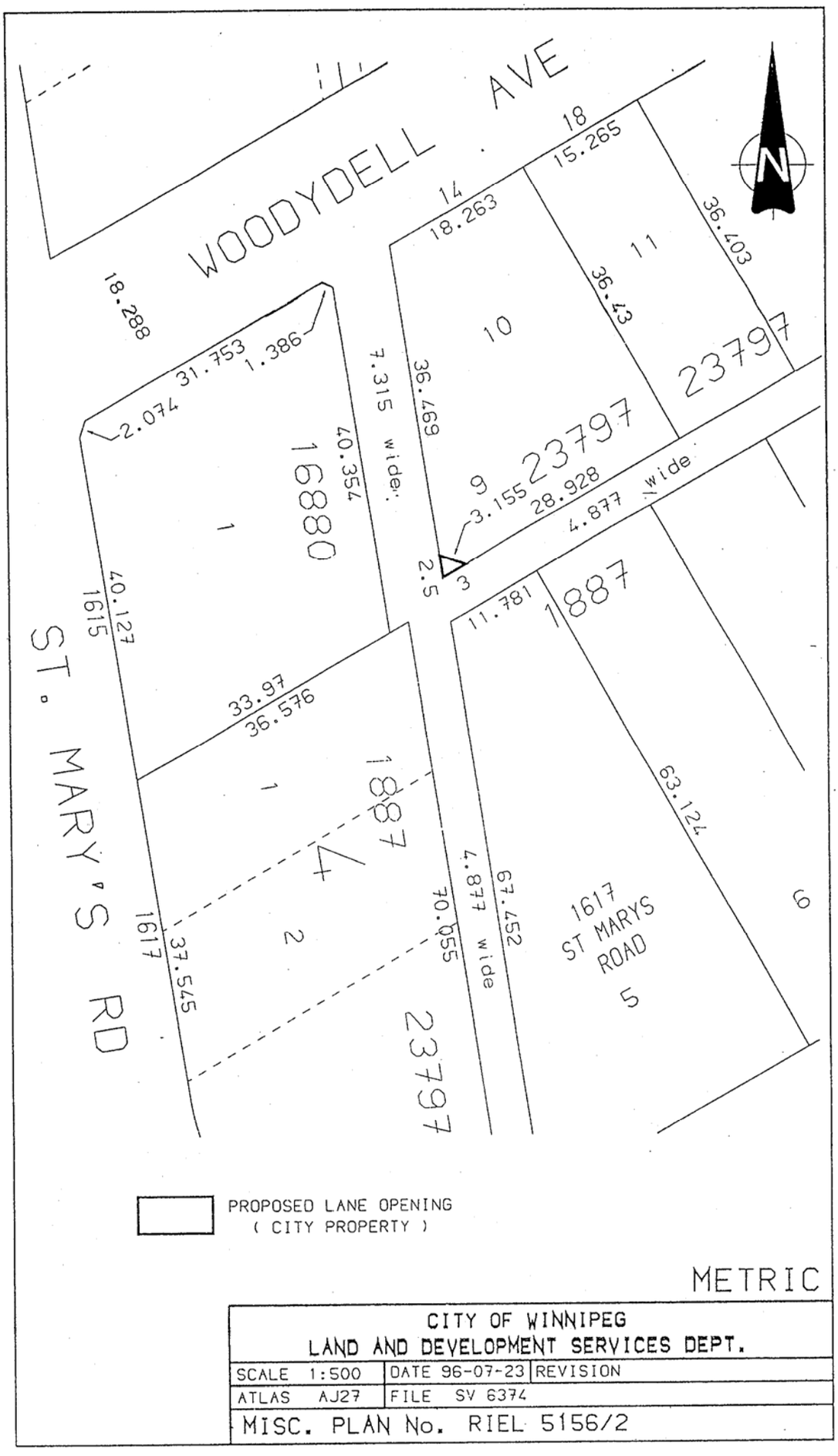


THIRD READING: _____ EFFECTIVE DATE: _____

ZONING AGREEMENT: YES ☐ NO ☐ CAVEAT No. _____



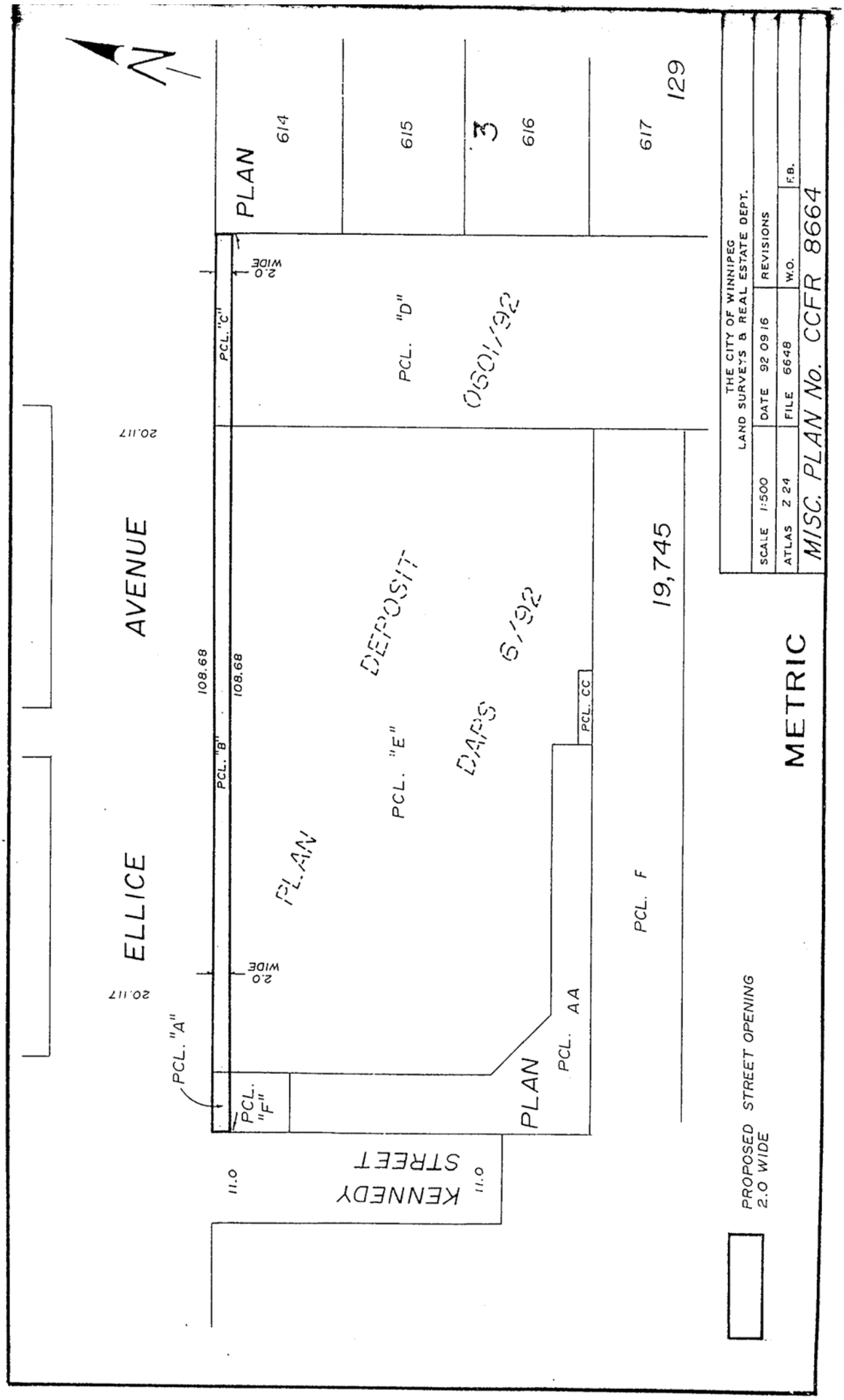
205 - Schedule "A" referred to in Clause 15 of the Report of the Committee on Planning and Community Services dated November 26, 1996



SCHEDULE "A" FOR THE REPORT TO
THE RIEL COMMUNITY COMMITTEE
FOR FILE NO. DAO 17/96

DATED: OCTOBER 9, 1996

206 - Schedule "A" referred to in Clause 16 of the Report of the Committee on Planning and Community Services dated November 26, 1996



207 - Schedule "A" referred to in Clause 17 of the Report of the Committee on Planning and Community Services dated November 26, 1996