REPORT OF THE

COMMITTEE ON FINANCE AND ADMINISTRATION

DATED APRIL 24, 1995

On motion of Councillor Eadie, the Report of the Committee on Finance and Administration, dated April 24, 1995, was considered clause by clause.

Moved by Councillor Eadie,
That the Consent Agenda, Clauses 1, 2 and 3 be adopted.

Carried.

Her Worship the Mayor and Councillors:

Recommendations for Amusement Tax Exemption File FL-6 (Vol. 12)

799 - 1. The Committee on Finance and Administration has considered recommendations received from the Winnipeg Arts Advisory Council for exemption to the Amusement Tax By-law.

The Committee on Finance and Administration submits draft by-law and recommends:

I. That the following list of exemptions be added to subsection 7(6) of the Amusement Tax By-law No. 3107/81, namely:

Folk Arts Council of Winnipeg:
"Folklorama" from August 6 to 19, 1995 at various locations.

The Spanish Club of Winnipeg:
"An Evening through the South of Spain" on June 16, 1995 at Centre-culturel franco-manitobain.

Winnipeg Fringe Festival (Manitoba Theatre Centre):
"1995 Winnipeg Fringe Festival" from July 14 to 23, 1995, in Old Market Square and the Exchange District.

Shakespeare in the Ruins (S.I.R.):
"A Midsummer Night's Dream" from May 15 to June 18, 1995 at St. Norbert Trappist Monastery Ruins.

West End Cultural Centre:
All productions of Winnipeg performers from March 1 to December 31, 1995 at the West End Cultural Centre.

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

Adopted by consent.

Exchange of Lands with the Fort Garry School Division - Marrington Road at Bairdmore Boulevard and at Kirkbridge Drive File FI-2.4.4.1 (Vol. 4)

800 - 2. Pursuant to Development Agreement No. AG 44/74 Council on December 21, 1977 approved the acquisition of Lots 13 and 14, Plan 12,976 from Ladco Company Limited so that the lands could be held for future School Division requirements. The funds for the acquisition came out of the 1976 capital budget.

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Block 13, Plan 12,976 was acquired by the Fort Garry School Division No. 5 in 1983 in an exchange of lands with the City. As a result of this former exchange the City acquired a 5 acre site fronting on Dalhousie Drive at the rear of Ryerson School. Terms of the exchange called for the School Division to be responsible for the local improvement levies assessed against Block 13, Plan 12,976. The area north of Bairdmore Boulevard and to the west of Marrington Road is in the process of being developed into single family residential lots.

The School Division has re-evaluated their locations for future schools in light of this recent development and decided that the lands at the south-west corner of Marrington Road and Bairdmore Boulevard would be best for a school to satisfy both their current and future needs. As a result the Fort Garry School Division No. 5 has proposed an exchange of lands as outlined in Exhibit "A".

This exchange proposal requires the School Division to pay off all outstanding local improvement levies against Block 13, Plan 12,976. In addition and in accordance with the suggestion of the Land and Development Department a condition of the exchange should require the School Division to compensate the City for the servicing costs related to any overage in serviced street frontage. It is estimated that the School Division is receiving 16.4 more feet of serviced frontage than it is transferring to the City.

The Parks and Recreation Department has reviewed the proposed land exchange and is supportive of the exchange in accordance with the following terms and conditions:

1. That the lands be exchanged on an equal area basis.

2. That a six metre wide walkway be maintained between the rear of the lots on Calderwood Bay and the site of the new school.

3. That the Fort Garry School Division agree to enter into a joint use agreement for all school grounds and facilities at the new location.

In summary this exchange would be subject to the following terms:

1. Lands to be exchanged on an equal area basis;
2. The provision of lands for a walkway as indicated on Sketch Plan 9129/2;
3. The School Division will pay off all outstanding servicing costs based on local improvement rates against Block 13, Plan 12,976; similarly, the City will pay off all outstanding servicing costs against the lands which are proposed for transfer to the School Division; in addition the School Division will compensate the City for the servicing costs related to any overage in serviced street frontage. It is estimated that the School Division is receiving 16.4 more feet of serviced frontage than it is transferring to the City;
4. The School Division will enter into a joint use agreement for all school grounds and facilities at the new location;
5. The School Division will be responsible for all costs related to the land exchange including but not limited to survey, subdivision, registration and administration costs;
6. The City will waive any dedication fee payable pursuant to the required subdivision;
7. The exchange of lands is subject to easements as required by any and all utilities;
8. The proposed exchange of lands as outlined is subject to the approval of the Board of Trustees of the Fort Garry School Division and the Public Schools Finance Board; if necessary;
9. This proposed transaction is subject to the approval of City Council.

With regard to proposed term No. 3 above the Land and Development Services Department has advised that as a result of the recent completion of servicing to Blocks 13 and 14, Plan 12,976 Ladco has invoiced the City for its share of the servicing costs. It is the intention of the Department to arrange for the payment of the servicing costs respecting Block 14, Plan 12,976 and will arrange for the payment of the servicing costs related to Block 13, Plan 12,976 by the School Division.

The Land and Development Services Department has further orally advised that the School Division will not be responsible for any further costs pertaining to the servicing of the site to be transferred to the School Division pursuant to Development Agreement No. AG 44/74.

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The School Division's proposal to exchange lands for the purposes of creating only one school site versus the two school sites that currently exist has the effect of enlarging the existing park area of 33.4873 acres to 35.4903 acres. As such, the Land and Development Services Department observes that there is an opportunity to convert the excess area of 2.003 acres into a potential residential subdivision. Although, there are a variety of potential subdivision concepts, Misc. Plan No. Riel 9129/2 (Exhibit "A") identifies for illustrative purposes one example of such a potential for subdivision. The Ward Councillor has suggested that a percentage (currently undefined) of the net sale proceeds to be generated by a subsequent sale of the excess 2.003 acres could be applied to the development of the adjacent park.

Marrington Road is designated as a "collector road" and as such it may be necessary to construct frontage roads to serve the potential linear development as shown conceptually on Misc. Plan No. Riel 9129/2. It would be appropriate to consider other development concepts such as a form of cul-de-sac which could eliminate the need for a frontage road. It is proposed that the matter of the subdivision will be addressed as part of the "Park Planning Study" as discussed hereafter.

The Parks and Recreation Department has advised that pursuant to a "Town Hall" meeting held on January 24, 1994 concerning the park as shown on Misc. Plan No. Riel 9129/2 there is a requirement to conduct a "Park Planning Study" for the subject property commonly known as "Elswood Bole Park". The Department suggests that the matter of the land exchange and subdivision be approved but that their implementation be held in abeyance pending the completion of the "Park Planning Study" in conjunction with the local area residents and the Riel Community Committee.

On March 13, 1995, Riel Community Committee concurred in the proposed exchange of lands with the Fort Garry School Division No. 5.

The Ward Councillor has suggested that a percentage (currently undefined) of the net sale proceeds to be generated by a subsequent sale of the excess 2.003 acres could be applied to the development of the adjacent park.

Pursuant to Section 156(2) of The City of Winnipeg Act, the lands proposed for exchange designated as Public Reserve, requires the approval of at least two-thirds majority of Council.

The Committee on Finance and Administration recommends:

I. That subject to the completion of the "Park Planning Study" as directed in recommendation no. III, the proposed exchange of lands with the Fort Garry School Division No. 5 as outlined herein, be approved.

II. That the Proper Officers of the City be authorized to do all things necessary to finalize the exchange of lands.

III. That the Director of Parks and Recreation be instructed to undertake all such actions necessary to immediately complete the "Park Planning Study" for Elswood Bole Park.

IV. That the Director of the Land and Development Services in consultation with the Director of Parks and Recreation be authorized to create a plan of subdivision and/or review other proposals in the approximate area of 2.003 acres and in accordance with the Council approved "Park Planning Study".

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

Copy of Exhibit "A" is on file in the office of the City Clerk.

Adopted by consent.

Proposed Leave and License Agreement - Sidewalk Cafe adjoining 171 McDermot Avenue - Pockets Bar & Grill
File ED(32) (Vol. 1)

801 - 3. In 1993, the City received a request from Rolling Rock Ltd. to establish a sidewalk cafe encroachment within the McDermot Avenue right-of-way identified on Misc. Plan No. CC 8873/1. On June 9, 1993, the Committee on Planning and Community Services approved the matter which was adopted by Council at its July 22, 1993 meeting, however for various reasons the proponent did not proceed with its proposal.

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Recently, Pockets Bar & Grill has reapplied with a revised plan for permission to establish a sidewalk cafe identified on Misc. Plan No. CC 8873/1. On April 4, 1995, the Committee on Planning and Community Services approved the matter and referred same to the Land and Development Services Department to negotiate the terms and conditions of agreement.

Briefly the negotiated terms and conditions provide for the following

Location	North side of McDermot Avenue, between Main Street and Rorie Street
Area	35.1 m² (380 ft²) shown shaded and identified as "Leave and License" on Misc. Plan No. CC 8873/1
Term	From May 15 or the date spring clean-up is completed, whichever is the later, to September 30 during each year
Hours	11:00 a.m. to 2:00 a.m. to coincide with the Applicant's business operation
Rental	$710.00 payable in advance of each season, plus an initial administrative fee of $250.00. Rental is subject to annual review by the City but in no event will it be less than that paid in the previous year
Insurance	Public Liability Insurance of at least $1,000,000.00 naming the City as additional insured and containing a cross-liability clause
Cancellation	Upon 10 days notice by either party; immediate upon default

The Land and Development Services Department has negotiated the foregoing terms and conditions of leave and license in accordance with the direction of the Committee on Planning and Community Services and the terms negotiated are consistent with agreements of a similar nature.

The Committee on Finance and Administration has considered this matter and is recommending that the agreement be cancelled if noise levels exceed 67 (db), which is the level of average conversation.

The Committee on Finance and Administration recommends:

I. That a Leave and License be granted to Rolling Rock Ltd. to permit the establishment of a sidewalk cafe as shown on Misc. Plan No. CC 8873/1, in accordance with the terms and conditions outlined in Schedule "A", and in a form satisfactory to the City Solicitor, subject to the addition of the following term:

A. The noise levels must not exceed normal conversation levels (67db) at any time.

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

Copies of Misc. Plan No. CC 8873/1 and Schedule "A" are on file in the office of the City Clerk.

Adopted by consent.