REPORT OF THE

COMMITTEE ON FINANCE AND ADMINISTRATION

DATED APRIL 7, 1994

On motion of Councillor Eadie, the Report of the Committee on Finance and Administration dated April 7, 1994, was considered clause by clause.

Moved by Councillor Eadie,
That Consent Agenda items, Clauses 1,2,3,4,5,6 and 7 be adopted.

Councillor Murray requested that Clause 1 be pulled from the Consent Agenda.

The motion to adopt the Consent Agenda, Clauses 2,3,4,5,6 and 7 was put and declared carried.

Her Worship the Mayor and Councillors:

Amendment to License By-law No. 4007/85 File EL-1 (Vol. 28)

643 - 1. The City of Winnipeg License By-law No. 4007/85 regulates and controls the trades of dating and escort services and massage parlours. Currently, the by-law includes a clause restricting these trades from operating in five out of six of the former wards.

Subsections 25(5) and 34(8) of the License By-law state that no person shall carry on the trade of a dating and escort service or massage parlour proprietor in any of the following communities within the City: Assiniboine Park - Fort Garry, East Kildonan - Transcona, Lord Selkirk - West Kildonan, St. Boniface - St. Vital, and St. James - Assiniboia.

Due to fairly recent changes to the ward boundaries and the renaming of the area of communities, an amendment to the License By-law is required to correctly describe those areas of the City previously designated as parts of the City in which the two trades may not be carried on. The area previously comprising the City Centre - Fort Rouge Community is as outlined on Attachment "A" by way of a map indicating street boundaries.

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

I. The provisions of The City of Winnipeg License By-law No. 4007/85 relating to the trades of "Massage Parlour Proprietor" and "Dating and Escort Services" be amended.

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.

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

Moved by Councillor Eadie,
Adoption of the clause.

In amendment,

Moved by Councillor Murray,
Seconded by Councillor Silva,
That the clause be amended to delete the words "City Centre - Fort Rouge Community" and replace it with the words "area covered by Zoning By-law No. 4800/88".

Moved by Councillor Thomas,
That the clause be referred back to the Committee on Finance and Administration.

Carried.

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

Report of the Committee on Finance and Administration dated April 7, 1994

Winnipeg Humane Society
Files EL-4 (Vol. 26) and FG-1.1 (W)

644 - 2. Your Committee on Finance and Administration, at its meeting on November 22, 1993, approved funding in the amount of $10,000.00. chargeable to the "One-Time" category of the 1993 Special Grant Account, to the Winnipeg Humane Society. During deliberation of the matter, your Committee directed the Animal Services Branch of the Finance Department, in consultation with the Winnipeg Humane Society, to report back on the feasibility of establishing a line item for the next three years for those services provided by the Humane Society that are not performed by the City, thereby omitting the need for the Humane Society to annually apply for a special grant.

Your Committee on Finance and Administration referred this matter to its Ad Hoc Committee on Licensing and Animal Control for review. On March 15, 1994, the Ad Hoc Committee considered report dated March 9, 1994, from the Commissioner of Finance and Administration, in this connection, and heard representation from the Executive Director of the Winnipeg Humane Society in support of an agreement with the City of Winnipeg for the provision of services involving the pick up of injured animals and the capture and housing of cats from multiple cat households.

Following deliberation, the Ad Hoc Committee requested the Administration to consult with the appropriate parties to negotiate a three-year agreement with the Winnipeg Humane Society for the provision of services that are the City's responsibility by statute or by by-law, namely: the pick up of injured stray dogs and removal of cats; and incorporating therein the establishment of a funding formula relative to the above provision of services in order to justify the level of funding allocated to the Society. It was also the general consensus of Ad Hoc Committee that funding for the Winnipeg Humane Society be placed as a line item in a current operating budget rather than the organization making an annual application for a Special Grant.

It was also noted that the Winnipeg Humane Society plays a significant role in the care of and prevention of cruelty to animals within the City of Winnipeg. The Humane Society is the only organization handling stray and unwanted cats, and in addition, has a very active adoption program for both dogs and cats. In the past eight years a grant has been given to the Winnipeg Humane Society in order to recognize this contribution detailed as follows:

1984	$40,000	1989	$42,436
1985	40,000	1990	40,000
1986	41,200	1991	40,000
1987	42,436	1992	45,000
1988	42,436	1993	10,000

On April 7, 1994, your Committee on Finance and Administration considered and received as information report dated March 25, 1994, from the Commissioner of Finance and Administration, outlining three options if it was to be the City's intention to enter into a three-year agreement with the Winnipeg Humane Society for the provisions of services which are the City's responsibility by statute or by by-law as outlined above. Your Committee also heard representation from the Executive Director of the Winnipeg Humane Society in support of a funding agreement with the City.

As a result of the numerous services provided by the Winnipeg Humane Society to the citizens of our City in animal protection and safety, your Committee on Finance and Administration at its meeting on April 7, 1994 was of the view that the City of Winnipeg and the Winnipeg Humane Society enter into a three-year agreement, covering the years 1994, 1995 and 1996, and that the agreement not be on a fee for service basis. In this connection, your Committee on Finance and Administration approved an additional appropriation in the amount of $45,000.00 to the Winnipeg Humane Society as the funding for the year 1994.

Your Committee on Finance and Administration therefore recommends:

I. That funding in the amount of $45,000.00 be placed as a line item in the 1995 and 1996 Current Estimates for the Winnipeg Humane Society for the numerous services the Society provides to the citizens of our City in animal protection and safety, and that same not be included in the Animal Services Branch budget.

II. That a review of the proposed agreement between the City of Winnipeg and the Winnipeg Humane Society be undertaken in the third year, namely in 1996, in order to afford the opportunity for the matter to be considered during the review process of the 1997 Current Estimates.

Report of the Committee on Finance and Administration dated April 7, 1994

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

Adopted by consent.

Amusement Tax Exemptions
File FL-2.5 (Vol. 8)

645 - 3. Council on September 22, 1993, adopted as amended by Executive Policy Committee, Clause 8 of the Report of the Committee on Finance and Administration dated September 3, 1993, to enact amendments to the Amusement Tax By-law in order to change the exemption process and eliminate the perceived abuse in the current amusement tax system.

Under the proposed amendments to the Amusement Tax By-law, applications for exemption require review by the Winnipeg Arts Advisory Council, subsequent consideration by the Committee on Finance and Administration, and implementation through a by-law of Council for recommended approvals.

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

I. That subsection 7(6) of By-law No. 3107/81 be amended by adding the following at the end of the list of exemptions contained therein:

"Rossdale Ukrainian Dance School for a Dance Recital on May 7, 1994, at the Pantages Playhouse Theatre;

Royal Winnipeg Ballet for "Dance Spectrum" on June 13, 1994, at the Pantages Playhouse Theatre;

Rozmai School of Dance for an Annual Dance Recital on May 18, 1994, at the Pantages Playhouse Theatre;

Winnipeg Jewish Community Council for "Noah Witman Concert" on May 30, 1994, at the Pantages Playhouse Theatre; and,

Winnipeg Youth Chorus for "Joseph & The Amazing Technicolor Dreamcoat" on May 24-27, 1994, at the Centre Culturel Franco-Manitobain."

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.

No. 75 Barber Street - Discharge of Caveats
File FI-2(34) (Vol. 2)

646 - 4. Council on March 23, 1994, referred back Clause 8 of the Report of your Committee on Finance and Administration dated February 28, 1994, with respect to the proposed discharge of existing Caveats registered against the property located at 75 Barber Street, shown on sketch plan 350/75.

On April 7, 1994, your Committee on Finance and Administration again considered Item No. 3 of Report 1A of the Technical Advisory Committee on City Properties dated February 11, 1994 (File 5620), in this connection.

On October 1, 1975, Council approved the purchase by the City of No. 75 Barber Street for $6,000.00 under the Neighbourhood Improvement Program for the purpose of establishing a group home in the North Point Douglas area, in conjunction with the Argyle High School.

On April 21, 1976, Council approved the transfer of the property to Barber House Inc. for $1.00 subject to the condition (registered as a Caveat against the title) that if the property was not used or ceased to be used as a group foster home, ownership to the property would revert to the City.

Report of the Committee on Finance and Administration dated April 7, 1994

On June 15, 1977, Council consented to the placing of a $30,000.00 mortgage on the property in favour of Central Mortgage and Housing Corporation to facilitate repair works required to the premises at the time.

In 1984, Naturas Inc. succeeded to and took over the assets of Barber House Inc., agreeing to be bound by the original terms of the sale of the property to Barber House Inc. To reinforce the applicability of the original agreement, the Law Department filed another Caveat as against Naturas Inc.

Council, on April 4, 1990, upon request made by Naturas Inc., authorized the withdrawal of the Caveats registered against title to 75 Barber Street (to facilitate its sale) provided that the Caveat is transferred to an alternate property to be acquired by Naturas Inc. The Company, however, decided not to proceed with the matter, advising that it would in the meantime, continue to use the property as originally intended.

Early in 1992, Naturas Inc. requested that it be allowed to transfer the property to Kinew Housing Corporation for use as a "shelter for 18 to 22 year olds who are bona fide students of Argyle Alternative High School and who are identified as in need of shelter and support."

Council, on March 25, 1992, approved the above request subject to a successful application for Conditional Use to permit the use of the property as above stated.

In October 1993, Naturas Inc. advised that because of Kinew Housing's inability to secure funding needed to upgrade the property from Central Mortgage and Housing Corporation, the proposed transfer of 75 Barber Street to Kinew Housing would not proceed. Naturas, which no longer requires the property, has requested that it be allowed to sell the property and reimburse the City 50% of the net proceeds of the sale. The net proceeds would be calculated after all expenses related to the sale are deducted including payment of the $8,000.00 mortgage balance; taxes; and incidental expenses.

Naturas Inc. and Barber House Inc., were formerly two separate non-profit organizations managing homes for children. In 1983, the two corporations amalgamated under the name Naturas Inc. to become one non-profit entity with one Board of Directors. Presently, the principals of the corporation are the following: Gerry Moore, President; Jim Martin, Vice-President; and Gracie Beidler, Secretary-Treasurer.

An appraisal prepared for Naturas Inc. in December 1993, estimates the market value of the property to be $36,000.00. The Land Surveys and Real Estate Department has also reviewed the market and is of the opinion that the Naturas estimate of value falls within an appropriate range of values.

The Administration is of the view two options are available to the City for consideration, and are as follows:

1. Require Naturas Inc. to reconvey the property to the City pursuant to the original agreement.

   Under this option, the City will assume the existing Central Mortgage and Housing Corporation mortgage for the balance of the principal owing, i.e. $8,000.00. The City, however, will be acquiring an improved property rather than the original building the City conveyed to Barber House Inc. in 1976.

2. Release the Caveat(s) to facilitate sale subject to the City sharing in the net proceeds of the sale up to 50% thereof.

   Considering that for nearly 20 years the property has met the originally intended purpose for which it was purchased and considering further that Naturas Inc., a non-profit organization, has incurred debts through its ownership of the property, this option appears to be a reasonable alternative. This will allow Naturas Inc., to pay out the mortgage and to recover some of the debts it had incurred while holding title to the property.

The Community Programs Division, Planning Department is supportive of the Naturas Inc. proposal.

Your Committee on Finance and Administration therefore recommends:

I. That Council rescind its decision of March 25, 1992 authorizing the transfer of the subject property to Kinew Housing Corporation and amendment of the Caveat to provide for use of the house as a shelter for 18 to 22 year old students of Argyle Alternative High School.

II. That the discharge of existing Caveats registered against title to the property be authorized to enable Naturas Inc. to sell the property, subject to the City being reimbursed an amount equivalent to 50% of the net proceeds of the sale but in any case no less than $6,000.00.

Report of the Committee on Finance and Administration dated April 7, 1994

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

Copy of Sketch Plan No. 350/75 is on file in the office of the City Clerk.

Adopted by consent.

Redemption of 808 St. Matthews Avenue from Tax Sale by Instalments
File FL-2.4 (Vol. 11)

647 - 5. On April 7, 1994, your Committee on Finance and Administration considered a report dated January 31, 1994, from the Commissioner of Finance and Administration, with respect to the above-referenced request for the redemption of 808 St. Matthews Avenue from Tax Sale by instalment payments.

The City of Winnipeg Act Section 255(4) states the following:

> Notwithstanding section 245 and subsection (1), but subject to subsection (5), the city, if authorized by by-law, may enter into an agreement in writing with an owner of, or a person who has an interest or estate in, or a charge on, land that has been sold for taxes, for the redemption of the land from the tax sale and the payment of all taxes payable in respect of the land subsequently accrued to the date of the agreement and during the currency of the agreement by instalments.

On November 3, 1993, J. Gabriele through his Solicitor, David J. Skinner of the law firm of Taylor, McCaffrey, requested to be allowed to redeem his property from Tax Sale by instalments. On April 7, 1994, J. Gabriele made representation to your Committee on Finance and Administration in support of the redemption.

The payment plan negotiated includes monthly payments of $1,000.00. J. Gabriele has paid $3,500.00 on the subsequent taxes, which is equivalent to a down payment. The application demonstrates that this proposal would retire the present indebtedness of $29,085.72, plus future years projected taxes in approximately 64 months, as outlined in Schedule "A".

J. Gabriele is in the process of refurbishing the property and attempting to re-open the previous business that operated from there.

Your Committee on Finance and Administration therefore recommends:

I. That a redemption from Tax Sale of 808 St. Matthews Avenue by consecutive monthly instalments of $1,000.00 be granted.

II. That the Acting City Solicitor be requested to prepare the By-law authorizing the agreement on a one year conditional basis.

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

Adopted by consent.

Leave and License Agreement - Sidewalk - Cafe Cousins Deli, 55 Sherbrook Street
File ED(32) (Vol. 1)

648 - 6. Your Committee on Finance and Administration has considered Item No. 1 of Report No. 1A of the Technical Advisory Committee on City Properties dated March 24, 1994, (File 39/134) with respect to the above-referenced leave and license agreement in the City Centre Community Committee.

At its meeting held October 26, 1993, the Committee on Planning and Community Services approved an application on behalf of Cafe Cousins Deli to permit the establishment of an encroaching sidewalk cafe into Sherbrook Street, north of Wolseley Avenue, as outlined on Misc. Plan No. CC 9113.

Report of the Committee on Finance and Administration dated April 7, 1994

The Committee on Planning and Community Services then referred the matter to the Land Surveys and Real Estate Department to negotiate terms and conditions of agreement. Negotiations have resulted in the following terms and conditions of the proposed Leave and License and are consistent with previously approved sidewalk cafe agreements; namely:

Area:	Land shown dotted as "Leave & License Area" on Misc. Plan No. CC 9113, with the cafe area limited to that area hatched on said plan. No physical improvements are permitted within the balance of the Leave and License area.
Term:	From May 15 or the date spring clean-up is completed, whichever is the later, to September 30 during each year
Hours:	10:00 a.m. to 2:00 a.m.
Rental:	$150.00 payable in advance of each season, plus an initial administrative fee of $250.00
Insurance:	Public liability insurance of at least $500,000.00 naming the City as additional insured and containing a cross-liability clause.
Cancellation:	Upon 10 days notice by either party; immediate upon default.

This matter is being processed concurrently to the City Centre Community Committee for its approval.

Your Committee on Finance and Administration therefore recommends:

I. That a Leave and License Agreement to Cafe Cousins Deli be approved to permit the establishment of a sidewalk cafe in accordance with the terms and conditions outlined above, in a form satisfactory to the Acting City Solicitor.

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.

Copy of Misc. Plan No. CC 9113 is on file in the office of the City Clerk.

Adopted by consent.

Show Home Program - Markham Place and South Tuxedo
File FI-2.4(35) (Vol. 1)

649 - 7. Your Committee on Finance and Administration has considered Item No. 2 of Report No. 1A of the Technical Advisory Committee on City Properties dated March 24, 1994, (Files 5604/1-C & 4823/3-B) with respect to a renewal of the Show Home Programs on Markham Place and South Tuxedo in the Riel and Assiniboia Community Committees respectively.

On April 15, 1992, Council approved a Show Home Policy and Builders Program for the City's Markham Place Residential Development in order to be competitive with industry standard incentive packages. On May 26, 1993, Council renewed the Markham Place Initiative for a second year.

Since the start of the Markham Place Initiative, four show homes have been built and eight lots sold under the builders program. The City has the seventeen lots left in the subdivision as shown on Misc. Plan No. RIEL 7359/12J. Further renewal of the Initiative would benefit the sales program.

Since being tendered in June 1993, the City has only sold one lot and has nineteen lots remaining in the South Tuxedo subdivision. The Land Surveys and Real Estate Department would therefore like to extend the Show Home and Builders Program to South Tuxedo as an aid to marketing the lots shown on Misc. Plan No. ASBA 7553/12. A revised Show Home and Builders Program is identified as "Markham Place/South Tuxedo Initiatives", as outlined on Schedule "A".

Implementation of the "Initiatives" would not preclude the Land Surveys and Real Estate Department from continuing to sell the remainder of the lots in Markham Place and South Tuxedo independently.

Additional incentives, over past years Show Home policy, include a 10% rather than 5% discount/rebate on all lots, not just the show home site alone, and a reduction from 4 to 3 months during which the Show Home is to remain open for public view.

Report of the Committee on Finance and Administration dated April 7, 1994

It would be anticipated, that at the discretion of the Director of the Land Surveys and Real Estate Department, this Show Home Program would remain in effect until such time as both projects are sold out.

All sales would be approved by the Director of the Land Surveys and Real Estate Department in accordance with the delegated authority granted by Council at its meeting held July 21, 1993. Said authority requiring quarterly reporting to the Committee on Finance and Administration.

The Technical Advisory Committee on City Properties in considering this matter recommends that Item I A. a) be amended to require the builder to proceed with construction within reasonable time after sale approval and therefore it be deleted and replaced with the following:

"I A. a) Builder to select one Lot and Build Show Home on Lot; construction to commence within 2 months of sale approval."

Furthermore, the Technical Advisory Committee on City Properties is of the view that a time limit be placed on the reservation of lots for the builder and therefore recommends that the existing term
I B. e) be deleted and replaced with the following:

"I B. e) Choice of four lots, including Show Home Lot, be held for Builder for one year."

Your Committee on Finance and Administration therefore recommends:

I. That the Show Home Program, as outlined on Schedule "A", incorporating the revisions as suggested by the Technical Advisory Committee on City Properties, be approved.

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.

Copy of attachments referred to in the above clause, including Misc. Plan Nos. RIEL 7359/12J and ASBA 7553/12, are on file in the office of the City Clerk.

Adopted by consent.

REPORT "A" OF THE

COMMITTEE ON FINANCE AND ADMINISTRATION

DATED APRIL 7, 1994

650 - Pursuant to The Municipal Council Conflict of Interest Act, Councillor Eadie advised that he would refrain from entering the discussion and from voting on the following clause, because of a conflict with business interests, and left the Chamber.

On motion of Councillor Clement, Report "A" of the Committee on Finance and Administration dated April 7, 1994, was considered.

Moved by Councillor Clement,
That Consent Agenda item, Clause 1 be adopted.

Carried.

Her Worship the Mayor and Councillors:

Proposed Acquisition - 856 Marion Street
- C.H.E. Services Limited
File FI-2.4(35) (Vol. 1)

651 - 1. Your Committee on Finance and Administration has been advised that the prospective owner of the warehouse located at 856 Marion Street has requested the City waive its caveat registered against the property requiring that the occupant use it solely as a hide house. The subject property at 856 Marion Street, located south of Marion Street and accessed via a right-of-way over City lands running parallel with the Canadian National Railway Tracks is shown as Parcel "E" on Sketch Plan No. SBSV 7780/9A.

With the purchase of the Public Markets on January 23, 1991, the City took title not only to the Public Markets land but also all of the interests on title, one of which is a caveat registered in 1916 and amended in 1969, requiring that the subject property be "used for the purpose of selecting, curing, preparing and warehousing hides and skins of all kinds..." By way of explanation, Clause 7 of the original agreement goes on to say "use...not in competition with the business of the Vendor and for no other purpose or purposes whatsoever." Further, Clause 10 of the 1916 Agreement states "in the event the said lands and buildings not being so used in accordance with the true intent and meaning of this agreement, the said lands and buildings shall revert to the Vendor under the terms hereof."

In a letter dated April 30, 1993, the Solicitor, on behalf of the Vendor, requests that the City relinquish its rights to a reconveyance of the property because:

"At the time the Agreements were executed the then registered owners of the property in question were actively engaged in the abattoir and subsequently in the curing of hide and skin business...Our client was unable to carry on its hide and skin business under the Agreement because there was a 'lack of available material with which to operate the said plan and business'..."

At the time of the City's purchase in 1991, the subject property was being used for the curing of hides, and therefore as such, the reversionary interest was not an issue.

On January 6, 1994, your Committee on Finance and Administration directed the Administration to enter into negotiations for the acquisition of the property located at 856 Marion Street, at a price not to exceed $150,000.00, subject to the City being provided with a satisfactory Environmental Audit.
Your Committee on Finance and Administration also directed that subject to the successful completion of the aforesaid proposed acquisition, the administration negotiate with the existing occupant of the property, Ashley Leibl, for lease of the subject premises at a nominal amount, inclusive of a two year cancellation clause.

The Land Surveys and Real Estate Department has now completed its negotiations with C.H.E. Services Limited. The Department provided the vendor with the terms and conditions, as identified on Schedule "A", and the vendor has advised that it is prepared to accept these terms subject to the following changes:

Report “A” of the Committee on Finance and Administration dated April 7, 1994

- With respect to Condition No. 4 dealing with the adjustment of property taxes, the owner’s Solicitor has indicated that his client requires that the tax adjustment date be September 1, 1993. Normally the adjustment date is coincident with the date of possession and which was proposed by the Department to be no later than July 1, 1994.

- With respect to Condition Nos. 5 and 6, the Company has indicated that the City will be buying the property on an 'as is basis' rather than on the proposed basis that the fixtures and operating equipment are to be in good working order as of the date of possession.

  With respect to the property being in compliance with all existing building codes, zoning restrictions, bylaws, fire restrictions and free from any outstanding work orders, the Vendors have indicated that they are prepared to perform the requirements as set out in the Order to Repair issued by the City’s Planning Department by letter dated May 14, 1993.

- With respect to Condition Nos. 7 and 8, the Company has stated that it will provide the City with an Environmental Audit completed in April of 1993. It is of the opinion that there have been no changes to the land and buildings since that date and therefore the Environmental Audit should be satisfactory to the City’s needs. The Company’s representative has further stated that should the April 1993 Audit not be satisfactory to the City then it would provide a current Environmental Audit to the City’s satisfaction.

The above appears to represent the owner's final position with respect to the proposed terms and conditions identified on Schedule "A".

With respect to the second part of your Committee on Finance and Administration’s January 6, 1994 directive, regarding the negotiating of a lease of the subject premises with the existing occupant of the property, Ashley Leibl, the Land Surveys and Real Estate Department has not yet undertaken same in view of the fact that your Committee on Finance and Administration has yet to approve the proposed terms and conditions of purchase and in view of the potential redevelopment of the former Public Markets site which may require the demolition of the subject improvements. The owner’s representative has indicated that Ashley Leibl (A.L. Industries Ltd.) concurs with the proposed terms and conditions as amended herein.

The terms and conditions of settlement provide for the receipt of vacant possession. Both the existing tenant (A.L. Industries Ltd.) and the Vendors have agreed to this provision. Any subsequent tenancy to A.L. Industries Ltd. will require an amendment to or a discharge of the City's restrictive use caveat.

Inasmuch as adequate funding has not been identified to date, your Committee on Finance and Administration, at its meeting on April 7, 1994, referred this issue to the Board of Commissioners to identify the necessary funding resources to acquire the subject property.

Your Committee on Finance and Administration therefore recommends:

I. That the subject property located at 856 Marion Street, shown as Parcel "E" on Land Surveys and Real Estate Department's Sketch Plan No. SBSV 7780/9A, be acquired in accordance with terms and conditions as identified on Schedule "A", incorporating therein the Vendor's suggested amendments, namely:

   (a) With respect to Condition No. 4 dealing with the adjustment of property taxes, the tax adjustment date be amended from no later than July 1, 1994 to September 1, 1993.

   (b) With respect to Condition No. 5, the City will buy the property on an 'as is basis' rather than on the proposed basis that the fixtures and operating equipment are to be in good working order as of the date of possession.

   With respect to Condition No. 6, and the property being in compliance with all existing building codes, zoning restrictions, bylaws, fire restrictions and free from any outstanding work orders, the Vendors perform the requirements as set out in the Order to Repair issued by the City’s Planning Department by letter dated May 14, 1993.

   (c) With respect to Condition Nos. 7 and 8, the Company will provide the City with an Environmental Audit completed in April of 1993. Should the April 1993 Audit not be satisfactory to the City, the Company will provide a current Environmental Audit to the City’s satisfaction.

Report "A" of the Committee on Finance and Administration dated April 7, 1994

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.

Copy of attachment(s) referred to in the above clause, including Sketch Plan No. SBSV 7780/9A, are on file in the office of the City Clerk.

Adopted by consent.

(See Minute No. 650 for disclosure of conflict by Councillor Eadie)

Councillor Eadie here returned to the Chamber.

COMMITTEE ON FINANCE AND ADMINISTRATION

MOTIONS

Moved by Councillor Eadie,
Seconded by Councillor Clement,

652 - WHEREAS Council has enacted amendments to the Amusement Tax By-law to change the exemption process in order to eliminate the perceived abuse in the current amusement tax system;

AND WHEREAS under the proposed amendments, applications for exemptions will require review by the Winnipeg Arts Advisory Council, consideration by the Committee on Finance and Administration, and implementation through a by-law of Council;

AND WHEREAS several applications for amusement tax exemptions have been received which require consideration in order that the organizations may offer tickets for sale;

AND WHEREAS the Winnipeg Arts Advisory Council has considered and recommends that the Winnipeg Youth Orchestra Inc. and the Winnipeg Heather Bells Ladies Pipe Band be granted amusement tax exemptions for their respective events on May 2 and 12, 1994;

THEREFORE BE IT RESOLVED that The City of Winnipeg Amusement Tax By-law No. 3107/81 be amended by inserting the following at the end of Subsection 7(6) thereof, to approve the following exemptions:

"Winnipeg Heather Bells Ladies Pipe Band for Tartan Tunes & Tales Concert on May 12, 1994, at 181 Riverton.

Winnipeg Youth Orchestra Inc. for Sounds of Spring Annual Recital on May 2, 1994, at the Centennial Concert Hall."

Carried.

COMMITTEE ON FINANCE AND ADMINISTRATION

CONSIDERATION OF BY-LAWS

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

By-law No. 6394/94, a By-law of the City of Winnipeg to enter into an Agreement with Sherwood Foods Inc. to redeem certain property from Tax Sale by instalments in accordance with Section 255 of the City of Winnipeg Act. File FL -2.4 (Vol. 11)

By-law No. 6404/94, a By-law of the City of Winnipeg to amend the Amusement Tax By-law No. 3107/81. File FL-2.5 (Vol. 8)

By-law No. 6405/94, a By-law of the City of Winnipeg to amend the Amusement Tax By-law No. 3107/81. File FL-2.5 (Vol. 8)