Report - Executive Policy Committee - January 21, 2009

Item No. 3 Annual Report on Community Groups occupying City-owned Facilities - Amendments to By-law No. 89/2005 eFile FL-2.5

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 21, 2009, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submits the following to Council:

1. That the table in Section 2 of the Community Groups Occupying City-owned Facilities By-law No. 89/2005 be amended by:

    A. Adding Winnipeg South Minor Baseball Association Inc. and Manitoba Baseball Association Inc. at 7050 Wilkes Avenue;
    B. Adding Tennis Manitoba Inc. at 999 Sargent Avenue;
    C. Substituting St. Boniface/St. Vital Baseball Club Inc. and Manitoba Baseball Association Inc. for Manitoba Baseball Association in respect of 836 St. Joseph Street;
    D. Substituting Charleswood Senior Centre Inc. and Charleswood Historical Society Inc. for Charleswood Seniors Community Resource Centre in respect of 5006 Roblin Boulevard;
    E. Substituting Elmwood Resource Centre and Area Association Inc. for Elmwood Resource Centre Recreation Building at 75 Brazier Street;
    F. Substituting Transcona Retired Citizens Organization Inc. for Kinsmen Club of Transcona Seniors Centre in respect of 328 Whittier Avenue;
    G. Substituting Dufferin Seniors Citizens Inc. for Dufferin Senior Citizens Group Seniors Centre at 377 Dufferin Avenue;
    H. Substituting North Winnipeg Nomads Minor Football Inc. at 80 Sinclair Street for North Winnipeg Nomads Football at Old Ex Grounds;
    I. Substituting Pavilion Gallery Museum Inc. at 55 Pavilion Crescent for Assiniboine Pavilion at Assiniboine Park;
    J. substituting Assiniboine Park Bandshell Inc. at 45 Pavilion Crescent for Lyric Band Shell Outdoor Theatre at Assiniboine Park;
    K. Deleting Kelvin Community Centre at 281 Henderson Hwy; and
    L. Deleting Legion Memorial Park Recreation Building at 470 Rutland Avenue.

2. That the Acting City Solicitor/Manager of Legal Services be requested to prepare the necessary amending by-law for submission to Council.

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

Report - Executive Policy Committee - January 21, 2009

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 21, 2009, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to Council.

RE: **Annual Report on Community Groups Occupying City-owned Facilities - By-law 89/2005**

FOR SUBMISSION TO: **Executive Policy Committee**

ORIGINAL REPORT SIGNED BY: **Director of Planning, Property and Development**

REPORT DATE: **January 12, 2009**

RECOMMENDATIONS:

1. That Council amend the table in Section 2 of the Community Groups Occupying City-owned Facilities By-law 89/2005 by:

    (a) adding Winnipeg South Minor Baseball Association Inc. and Manitoba Baseball Association Inc. at 7050 Wilkes Avenue;
    (b) adding Tennis Manitoba Inc. at 999 Sargent Avenue;
    (c) substituting St. Boniface/St. Vital Baseball Club Inc. and Manitoba Baseball Association Inc. for Manitoba Baseball Association in respect of 836 St. Joseph Street;
    (d) substituting Charleswood Senior Centre Inc. and Charleswood Historical Society Inc. for Charleswood Seniors Community Resource Centre in respect of 5006 Roblin Boulevard;
    (e) substituting Elmwood Resource Centre and Area Association Inc. for Elmwood Resource Centre Recreation Building at 75 Brazier Street;
    (f) substituting Transcona Retired Citizens Organization Inc. for Kinsmen Club of Transcona Seniors Centre in respect of 328 Whittier Avenue;
    (g) substituting Dufferin Seniors Citizens Inc. for Dufferin Senior Citizens Group Seniors Centre at 377 Dufferin Avenue;
    (h) substituting North Winnipeg Nomads Minor Football Inc. at 80 Sinclair Street for North Winnipeg Nomads Football at Old Ex Grounds;
    (i) substituting Pavilion Gallery Museum Inc. at 55 Pavilion Crescent for Assiniboine Pavilion at Assiniboine Park;
    (j) substituting Assiniboine Park Bandshell Inc. at 45 Pavilion Crescent for Lyric Band Shell Outdoor Theatre at Assiniboine Park;
    (k) deleting Kelvin Community Centre at 281 Henderson Hwy; and
    (l) deleting Legion Memorial Park Recreation Building at 470 Rutland Avenue.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary amending by-law for submission to Council.

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

Report Summary

Key Issues:

- At its meeting held on April 27, 2005, Council approved the Community Groups Occupying City-owned Facilities By-law 89/2005, which requires an annual update by the Director of the Planning, Property and Development Department.

- The Public Service has completed a review of the Community Groups Occupying City-owned Facilities By-law 89/2005 List and is requesting the following:

    - the addition of the Winnipeg South Minor Baseball Association Inc./ Manitoba Baseball Association Inc. and Tennis Manitoba Inc. occupancies to the List;

    - the updating of the List to reflect new agreements approved in 2008 by substituting: the St. Boniface/St. Vital Baseball Club Inc./ Manitoba Baseball Association Inc. at 836 St. Joseph St.; Charleswood Seniors Inc. and the Charleswood Historical Society Inc at 5006 Roblin Blvd.; the Elmwoood Resource Centre and Area Association Inc at 75 Brazier St; the Transcona Retired Citizens Organization Inc. at 328 Whittier Ave.; the Dufferin Seniors Citizens Inc. at 377 Dufferin Ave.; the North Winnipeg Nomads Minor Football Inc. at 80 Sinclair St. and,

    - the amending of the List for housekeeping purposes by substituting Pavilion Gallery Museum Inc. at 55 Pavilion Crescent for Assiniboine Pavilion at Assiniboine Park; Assiniboine Park Bandshell Inc. at 45 Pavilion Crescent for Lyric Band Shell Outdoor Theatre at Assiniboine Park; and deleting the Kelvin Community Centre at 281 Henderson Hwy. and Legion Memorial Park Building at 470 Rutland Avenue.

Implications of the Recommendation(s):

General Implications

(x) None

( ) For the organization overall and/or for other departments

( ) For the community and/or organizations external to the City

( ) Involves a multi-year contract

Policy Implications

(x) No

( ) Yes

Regulatory Implications

(x) None

( ) Eliminates or reduces regulatory impact

( ) Proposes regulatory impact

Environmental Implications
(x) No

( ) Yes

Human Resources Implications
(x) No

( ) Yes

Financial Implications
(x) Within approved current and/or capital budget

( ) Current and/or capital budget adjustment required

Report

REASON FOR THE REPORT:

At its meeting held on April 27, 2005, Council approved the recommendations within an Administrative Report dealing with Community Groups Occupying City-owned Facilities and By-law 89/2005, (the "By-law").

The By-law requires the Director of the Planning, Property and Development Department to annually review the list of non-profit organizations contained in the By-law for the purpose of determining whether the organizations continue to use the corresponding properties. The Director of the Planning, Property and Development Department has completed this review and has identified a number of issues that require changes to the By-law.

In accordance with the procedural rules of By-law 89/2005, this Report is being submitted to Council for approval.

HISTORY:

Properties owned and occupied by the City are exempt from municipal and school taxes pursuant to the Municipal Assessment Act (MAA). However, in the past, the MAA eliminated that exemption where the City-owned properties were occupied by a third party.

In 2000, the City requested that the Province of Manitoba amend the MAA to provide for exemptions for City-owned properties that were occupied by non-profit groups operating community centres.

In 2004, the Province of Manitoba amended the MAA to eliminate the restriction on the exemption for City-owned properties occupied by non-profit groups operating

community centres. However, the amendment is only applicable where the groups and properties are identified in a By-law.

At its meeting held on April 27, 2005, Council approved a list, prepared by the Public Service, of properties and occupiers for exemption.

At its meeting held on December 6, 2006, Council approved the 2006 Annual Report regarding the Community Groups Occupying City-owned Facilities – By-law 89/2005.

At its meeting held on March 19, 2008, Council approved the 2007 Annual Report regarding the Community Groups Occupying City-owned Facilities – By-law 89/2005.

DISCUSSION:

1. Recent Additions to By-law 89/2005

The Public Service has prepared several reports regarding additional City-owned properties and occupiers to be added to the By-law in 2008. The Reports are summarized as follows:

Reports wherein Council has not considered and approved the addition of occupiers to the By-law:

- Winnipeg South Minor Baseball Association Inc. and the Manitoba Baseball Association Inc. – 7050 Wilkes Avenue - Standing Policy Committee on Property and Development Approval

  This report sought approval to enter into a lease agreement with the Winnipeg South Minor Baseball Association Inc. and the Manitoba Baseball Association Inc. for the use the Charleswood Rd. Facility for amateur baseball related purposes. The essential terms of the lease are outlined in the attached Schedule "A". The City Assessor advises that this property is eligible for inclusion in By-law 89/2005.

- Tennis Manitoba Inc. – portion of Cindy Klassen Recreational Complex - 999 Sargent Avenue - Standing Policy Committee on Property and Development Approval

  This report sought approval to enter into a lease agreement with the Tennis Manitoba Inc. for the use of a portion of the Cindy Klassen Recreational Complex for amateur tennis related purposes. The essential terms of the lease are outlined in the attached Schedule "B". The City Assessor advises that this property is eligible for inclusion in 89/2005.

2. Update of the Community Groups Occupying City-owned Facilities By-law List during 2008:

The Winnipeg Public Service has completed a review of agreement activities in 2008 and is recommending several updates to the List as follows:

- St. Boniface/St. Vital Baseball Association Inc. and the Manitoba Baseball Association Inc. – 836 St Joseph Street - Standing Policy Committee on Property and Development Approval

The report sought approval to enter into a lease agreement with the St. Boniface/St. Vital Baseball Association Inc. and the Manitoba Baseball Association Inc. for the use of a portion of Whittier Park for amateur baseball related purposes.

At its meeting held on April 27, 2005, Council approved the inclusion of the Whittier Park baseball facility onto the Community Groups Occupying City-Owned Property By-law 89/2005. In 2005, the occupier is only identified as the Manitoba Baseball Association Inc. The Winnipeg Public Service is therefore requesting that the occupier name be updated by substituting the St. Boniface/St. Vital Baseball Club Inc. and the Manitoba Baseball Association Inc. for the Manitoba Baseball Association Inc. in respect of 836 St. Joseph Street;

- Charleswood Senior Inc. and the Charleswood Historical Society Inc. - Council Approval

This report sought approval to enter into a lease agreement with the Charleswood Seniors Inc. and the Charleswood Historical Society Inc. for the use of a portion of the former Charleswood Municipal Building for senior centre and historical centre purposes.

At its meeting held on April 27, 2005, Council approved the inclusion of the Charleswood Seniors Inc. use of the former Charleswood Municipal Building at 5006 Roblin Blvd. onto the Community Groups Occupying City-Owned Property By-law 89/2005. In 2005, the occupier is only identified as the Charleswood Seniors Inc. as the occupier. The Winnipeg Public Service is therefore requesting that the occupier name be updated by substituting the Charleswood Senior Centre Inc. and the Charleswood Historical Society Inc. for the Charleswood Seniors Community Resource Centre in respect of 5006 Roblin Boulevard;

- Elmwood Resource Centre and Area Association Inc. – 75 Brazier Street Standing Policy Committee on Property and Development Approval

This report sought approval to enter into a lease agreement with the Elmwood Resource Centre and Area Association Inc. for the use of a portion of the Elmwood Resource Centre Recreation Building for neighbourhood resource centre purposes.

At its meeting held on April 27, 2005, Council approved the inclusion of the Elmwood Resource Centre Recreation Building at 75 Brazier Street onto the Community Groups Occupying City-Owned Property By-law 89/2005. In 2005, the occupier was referenced as the Elmwood Resource Centre Recreation Building. The Winnipeg Public Service is therefore requesting that the occupier name be updated by substituting Elmwood Resource Centre and Area Association Inc. for Elmwood Resource Centre Recreation Building at 75 Brazier Street;

- Transcona Retired Citizens Organization Inc. – 328 Whittier Avenue - Standing Policy Committee on Property and Development Approval

This report sought approval to enter into a lease agreement with the Transcona Retired Citizens Organization Inc. for senior centre related purposes.

At its meeting held on April 27, 2005, Council approved the inclusion of the Senior Centre at

325 Whittier Avenue onto the Community Groups Occupying City-Owned Property By-law 89/2005. In 2005, the occupier was referenced as the Kinsmen Club of Transcona Seniors Centre. The Winnipeg Public Service is therefore requesting that the occupier name be updated by substituting the Transcona Retired Citizens Organization Inc. for the Kinsmen Club of Transcona Seniors Centre in respect of 328 Whittier Avenue;

- Dufferin Seniors Citizens Inc. for Dufferin Senior Citizens Group Seniors Centre at 377 Dufferin Avenue – Standing Policy Committee on Property and Development Approval

This report sought approval to enter into a lease agreement with the Dufferin Senior Citizens Inc. for senior centre related purposes.

At its meeting held on April 27, 2005, Council approved the inclusion of the Senior Centre at 377 Dufferin Avenue onto the Community Groups Occupying City-Owned Property By-law 89/2005. In 2005, the occupier was referred to as the Dufferin Senior Citizens Group Seniors Centre. The Winnipeg Public Service is therefore requesting that the occupier name be updated by substituting Dufferin Seniors Citizens Inc. for Dufferin Senior Citizens Group Seniors Centre at 377 Dufferin Avenue.

- North Winnipeg Nomads Minor Football Inc. at 80 Sinclair Street for North Winnipeg Nomads Football Old Ex Grounds – Standing Policy Committee on Property and Development Approval

This report sought approval to enter into a lease agreement with the North Winnipeg Nomads Minor Football Inc. for amateur football programming purposes.

At its meeting held on April 27, 2005, Council approved the inclusion of the Football Facility at 80 Sinclair St. onto the Community Groups Occupying City-Owned Property By-law 89/2005. In 2005, the occupier was referred to as the North Winnipeg Nomads Football Ex Grounds.

The Winnipeg Public Service is therefore requesting that the occupier name be updated by substituting North Winnipeg Nomads Minor Football Inc. at 80 Sinclair Street for North Winnipeg Nomads Football Old Ex Grounds.

3. Review of the Community Groups Occupying City-owned Facilities By-law List and Housekeeping Updates:

The Winnipeg Public Service has completed a review of the list of community groups occupying City-owned facilities and is recommending several housekeeping updates as follows:

- Substituting Pavillion Gallery Museum Inc. at 55 Pavillion Crescent for the Assiniboine Pavillion at Assiniboine Park;

At its meeting held on April 27, 2005, Council approved the inclusion of the Assiniboine Park Pavilion in Assiniboine Park onto the Community Groups Occupying City-Owned Property By-law 89/2005.

In 2005, the occupier name and address was referred to as the Assiniboine Pavilion at Assiniboine Park. The Winnipeg Public Service now has new information and is requesting that the occupier name and address be updated by substituting Pavillion Gallery Museum Inc. at 55 Pavillion Crescent for the Assiniboine Pavillion at Assiniboine Park.

- Substituting Assiniboine Park Bandshell Inc. at 45 Paviliion Crescent for the Lyric Bandshell Outdoor Theatre at Assiniboine Park.

  At its meeting held on April 27, 2005, Council approved the inclusion of the Lyric Park Bandshell in Assiniboine Park onto the Community Groups Occupying City-Owned Property By-law 89/2005.

  In 2005, the occupier was referred to as the Lyric Bandshell Outdoor Theatre at Assiniboine Park. The Winnipeg Public Service now has new information and is requesting that the occupier name and address be updated by substituting Assiniboine Park Bandshell Inc. at 45 Paviliion Crescent for the Lyric Bandshell Outdoor Theatre at Assiniboine Park.

- Deleting the Kelvin Community Centre – 281 Henderson Hwy. as they no longer occupy the subject premises;

  At its meeting held on April 27, 2005, Council approved the inclusion of the Kelvin Community Centre onto the Community Groups Occupying City-Owned Property By-law 89/2005 List.

  The Kelvin Community Centre has been decommissioned and as such, this occupancy should be deleted from the List.

- Deleting the Legion Memorial Park Building - 470 Rutland Avenue as a separate lease agreement has been concluded with the Rods Football Club for the operation of this building and fields.

  At its meeting held on April 27, 2005, Council approved the inclusion of the Legion Memorial Park Building onto the Community Groups Occupying City-Owned Property By-law 89/2005 List.

  The Rods Football Club Inc. now occupies the subject building and adjacent fields and has been added to the List and as such, the Legion Memorial Park Building occupancy should be deleted from the List.

Financial Impact Statement Date: December 19, 2008

Annual Report on Community Groups Occupying City-owned Facilities - By-law 89/2005

COMMENTS:

The recommendation in this report is that Council amend the table in section 2 of the Community Groups Occupying City-owned Facilities By-law 89/2005. There are no financial implications associated with this recommendation.

"Original Signed By"
Mike McGinn, CA
Manager of Finance

IN PREPARING THIS REPORT THERE WAS:

Internal Consultation With and Concurrence By:

Legal Services Division

Assessment and Taxation Department

External Consultation With:

Not applicable

THIS REPORT SUBMITTED BY:

Department	Planning, Property and Development
Division	Real Estate
Prepared by:	D. Armstrong
PPD File No.	8641

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Schedule "A"

Landlord:	City
Tenants:	Winnipeg South Minor Baseball Association Inc. and the Manitoba Baseball Association Inc.
Leased Lands:	Southwest of Charleswood Rd. and Wilkes Avenue shown on Misc. Plan 13047.
Use:	Amateur baseball
Term:	Five (5) years commencing April 1, 2007
Renewal:	One-Five (5) year option
Rent:	$1.00 per annum plus GST
Realty Taxes:	To be added to By-law 89/2005 List of Community Groups occupying City-owned property
Admin Fee:	$500.00 per annum
Cancellation:	Upon one hundred eighty days (180) days written notice by either party
Insurance:	Tenants to provide Comprehensive General Liability in the amount of $2.0 Million dollars all inclusive including all necessary endorsements, All Risk Property Insurance for all buildings, contents, stock and equipment, as well as, boiler and machinery insurance.
Tenant Responsibilities:	To pay all operating costs including utilities, to maintain the leased lands in a good and operating condition and in accordance with Schedules to be finalized, no assignment without written consent, no sub-letting, no placement of signage or advertising and leasehold improvements without prior written approval of the Landlord.
City Responsibilities:	To monitor the existing landfill cover and to rectify any matters relating to breaches.

Schedule "B"

Landlord:	City
Tenant:	Tennis Manitoba Inc.
Leased Lands:	Portion of the Cindy Klassen Tennis Facility as shown on the attached Misc. Plan 12649/1
Use:	Amateur Tennis and related activities
Term:	Five (5) years commencing June 1, 2008
Renewal:	One-Five (5) year option
Rent:	$1.00 plus GST
Realty Taxes:	To be added to the By-law 89/2005 List of Community Groups occupying City-owned property
Admin Fee:	$500.00 plus GST per annum beginning in 2008
Cancellation:	Upon one hundred eighty days (180) days written notice by either party
Insurance:	Tenants to provide commercial general liability in the amount of $5.0 Million dollars inclusive including all necessary endorsements, as well as all risk property insurance for any stock and equipment stored on site.
Tenant Responsibilities:	To operate the facility in accordance with the Business Plan to be attached to the agreement as Schedule "A", to pay all operating costs including utilities, to maintain the leased lands and any leasehold improvements or portable structures situated on-site in a good and safe operating condition, and, the tennis courts in accordance with Schedule "B", to supply, maintain, replace the tennis court nets required for all courts and to install and remove same at the beginning and end of each season within the term, to ensure free general public access at all times during the duration of the lease agreement, to provide gate locks to secure access to the tennis courts, no assignment without written consent, no sub-letting without approval of Landlord, no placement of signage or advertising without approval of Landlord and no leasehold improvements without approval of the Landlord.
City Responsibilities:	To provide regular park maintenance surrounding the tennis courts, including grass cutting, weed control, garbage removal and annual parking lot clean up and maintenance; To complete safety inspections of the tennis court surface; To provide technical support and resource capacity; To designate a location to situate the rental trailer/clubhouse on an annual basis; and, To repair or correct any vandalism incidents on or near the tennis court facility.
Special Conditions:	To be allowed access to the washrooms and water supply at the front of Sargent Park Indoor Arena for tennis court operations and to the electrical box for the purpose of turning the power on and off to the tennis court lighting system and access to the arena parking lot in a manner acceptable to the Director of Planning, Property and Development. To make the facility available to the City for the hosting of international, national and local sporting events upon receipt of ninety (90) days written notice.