Minutes – Executive Policy Committee – September 15, 2010

REPORTS

Minute No. 494 St. James Village Business Improvement Zone – Boundary Expansion (St. James-Brooklands Ward)
File FL-7.14

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and recommends to Council:

1. That the boundaries of the St James Village Business Improvement Zone be expanded west to include the area bounded by the Assiniboine River to the south, the east limit of River Lot 27 Parish of St James and Truro Street to the west and the back lanes parallel to and north of Portage Avenue between Truro Street and Rutland Street to the north, as shown on Schedule "A" to the St. James Village Business Improvement Zone By-law No. 8122/2002 outlined in Attachment "B" of the report from the Winnipeg Public Service dated September 9, 2010.

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

DECISION MAKING HISTORY:

Moved by Councillor Fielding,

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than 96 hours preceding the committee meeting, be considered by Committee.

Carried

Moved by Councillor Fielding,

That the recommendation of the Winnipeg Public Service be concurred in and forwarded to Council.

Carried

ADMINISTRATIVE REPORT

Title: St James Village Business Improvement Zone By-Law Boundary Expansion

Critical Path: Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	D. Joshi	N/A	A Robinson Deputy CAO

RECOMMENDATIONS

1. That the boundaries of the St James Village Business Improvement Zone be expanded west to include the area bounded by the Assiniboine River to the south, the east limit of River Lot 27 Parish of St James and Truro Street to the west and the back lanes parallel to and north of Portage Avenue between Truro Street and Rutland Street to the north (see Schedule A to this Report). A draft amending By-law has been attached as Attachment B.

REASON FOR THE REPORT

- The City of Winnipeg Charter provides for the creation of a Business Improvement Zone (B.I.Z.) by by-law. The "St James Village" Business Improvement Zone, continued by By-Law No 8122/2002, is one of fifteen Business Improvement Zones within the City of Winnipeg.
- An expansion of a BIZ requires an amendment to the By-law that creates the BIZ. Only Council can pass a By-law amendment.
- The Business Improvement Zone Procedures By-law sets out a mandatory process and criteria for expanding a BIZ. City Clerks and the Assessment and Taxation Department confirm that the mandatory process has been followed in this case.

IMPLICATIONS OF THE RECOMMENDATIONS

An expansion of the St James Village Business Improvement Zone will add new businesses to the BIZ.

HISTORY

The City of Winnipeg Charter provides for the creation of a Business Improvement Zone (B.I.Z.) by by-law. Changing the boundaries of the St James Village Business Improvement Zone requires an amendment to the St James Village Business Improvement By-law No. 8122/2002.

By-Law No. 7025/97 created the Business Improvement Zone known as the "St James Village Business Improvement Zone". The St James Village Business Improvement Zone By-law No. 8122/2002 continued this BIZ under the same name.

Business Improvement Zones are governed by a set of procedures and required processes, which are laid out within the Business Improvement Zone Procedures By-Law No. 8111/2002. This By-Law specifies that Council may expand a BIZ Zone to add additional businesses if certain rules are followed, namely:

- A petition must be filed with the City of Winnipeg from the applying businesses;
- The City Clerk must determine that the petition has been signed by more than 50% of the proprietors in the proposed additional area of the zone representing more than 50% of the total taxable business assessment in the proposed additional area;
- The City Clerk must give notice to all the businesses in the proposed additional area of the petition and must offer them an opportunity (30 days) to object to joining the BIZ.

All of these requirements have been met in this case.

On January 7, 2010, the Office of the City Clerk received a petition signed by businesses immediately to the west of the current St. James Village BIZ seeking to expand the BIZ boundaries to include them. Assessment and Taxation Department had reviewed: (i) the petition, (ii) the proposed expansion area, and; (iii) the relevant sections of the By-law. The proposal/petition contemplates an amendment to the existing BIZ boundary to include 9 contiguous assessment parcels. There are a total of 10 active businesses in these parcels.

The results were:

1. The petition has been signed by the proprietor for six (6) of the ten (10) active businesses, which represents **60%** or "more than 50% of the proprietors in the proposed area of the zone".
2. The businesses represented by the six (6) signatures have a combined taxable business assessment of **56.04%** of the total taxable business assessment in the proposed expansion area. This achieves the requirement for "more than 50% of the total taxable business assessment" as per the By-law.

The Assessment and Taxation Department (Taxation and Finance Division) has confirmed to City Clerks that the petition for boundary expansion to the St. James Village Business Improvement Zone was in compliance with the requirements for expansion set out in the Business Improvement Zone Procedures By-Law No. 8111/2002 ("the By-law").

As required by the By-law, the Office of the City Clerk then gave notice to all of the businesses in the proposed additional area of the zone and provided a 30-day opportunity to object to the proposal. The notice period for objections ran from July 16 to August 16, 2010. No objections were received by the City Clerks to the proposed alteration and expansion of boundaries to the St James Village Business Improvement Zone

In summary, the petition has met the requirements set forth in clauses 3(1) (a), (b) and 4(2) (a) of the By-Law No 8111/2002.

The St James Village Business Improvement Zone has participated in the process of the expansion right from the beginning. They had met with different business owners concerning benefits of a BIZ zone. The St James Village BIZ is supportive of the report and the expansion.

Accordingly, this Report recommends amending the area of the St James Village BIZ to include the blocks bounded by the Assiniboine River to the south, the east limit of River Lot 27 Parish of St James and Truro Street to the west and the back lanes parallel to and north of Portage Avenue between Truro Street and Rutland Street to the north, as seen in "Attachment "A".

FINANCIAL IMPACT

Financial Impact Statement Date: September 7, 2010

Project Name:

St James Village Business Improvement Zone By-Law Boundary Expansion

COMMENTS:

The recommendation contained in this report is that the boundaries of the St James Village Business Improvement Zone be expanded west to include the area bounded by the Assiniboine River to the south, the east limit of River Lot 27 Parish of St James and Truro Street to the west and the back lanes parallel to and north of Portage Avenue between Truro Street and Rutland Street to the north (see Schedule A to this Report).

There are no financial implications associated with this recommendation.

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

CONSULTATION

In preparing this report there was consultation with:

Internal Consultation With and Concurrence By:

- City Clerks
- Legal Services Department
- Assessment and Taxation, Taxation and Finance Division

External Consultation With:

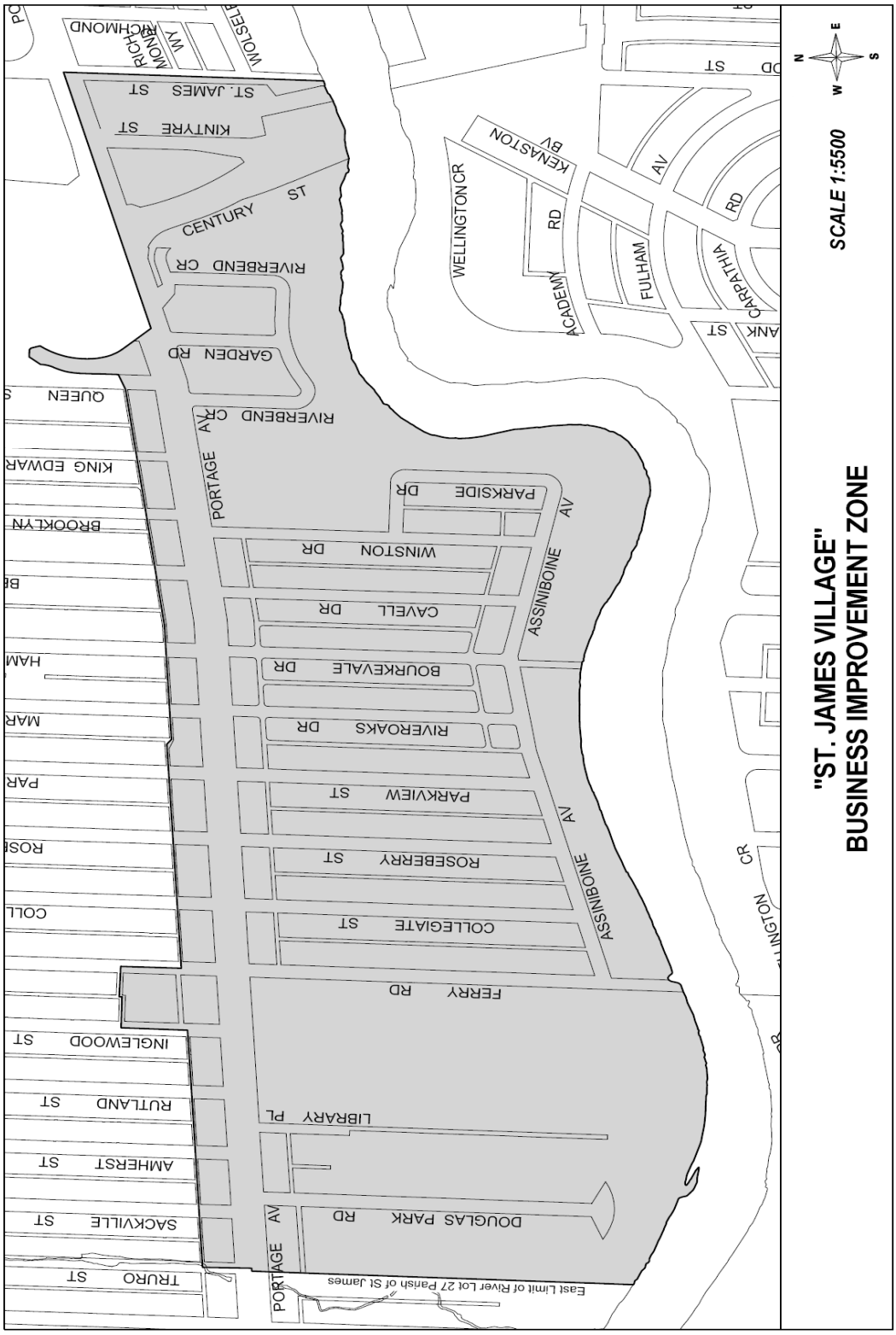
- St James Village Business Improvement Zone

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by:	Martin Pasieczka, Neighbourhood Economic Development Officer
Date:	*September 9, 2010*
File No.	

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“ATTACHMENT A”



”ATTACHMENT B”

THE CITY OF WINNIPEG

BY-LAW NO. /2010

A By-Law of THE CITY OF WINNIPEG to expand the boundaries of the St James Village Business Improvement Zone.

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

1. *The* St James Village *Business Improvement Zone By-law No. 8122/2002 is amended*

by this By-law.

2. S*chedule A is repealed and the attached document, which is identified as “Schedule “A”*

to the St James Village *Business Improvement Zoning By-law No. 8122/2002”, is substituted.*

DONE AND PASSED this day of , 2010

By-law No. /2010

SCHEDULE "A"
To The St James Village Business Improvement Zone
By-law No. 8122/2002

