REPORT OF THE

COMMITTEE ON PROTECTION, PARKS AND CULTURE

DATED JULY 5, 1993

On motion of Councillor O'Shaughnessy, the Report of the Committee on Protection, Parks and Culture, dated July 5, 1993, was considered clause by clause.

Moved by Councillor O'Shaughnessy,
That the Consent Agenda items 1,2,3,4,5 and 6 be adopted.

Councillor Thomas requested that Clause 4 be pulled from the Consent Agenda.

The motion to adopt the Consent Agenda, Clauses 1,2,3,5 and 6 was put and declared carried.

Councillor Thomas asked to be recorded as having voted against Clause 6, in accordance with Rule 50.7 of the Procedure By-law.

Her Worship the Mayor and Councillors:

Declaration of Parks and Recreation Property as surplus - Lot 1, Block 6, Plan 7569 - southeast corner of Kildare Avenue and Wayoata Street - East Kildonan-Transcona Community
File PR-7(33) (Vol. 1)

862 - 1. On March 5, 1993, the Land Surveys and Real Estate Department received a request to purchase City-owned property located south of Kildare Avenue and east of Wayoata Street and comprising an area of 0.16 acres.

The subject property forms part of an open space buffer strip extending, in part, from Pandora Avenue to Kildare Avenue, east of Wayoata Street. Based upon an examination of legal survey plans for the immediate area, it appears the property was originally dedicated to the City as part of the residential subdivision situated east of Wayoata Street and south of Kildare Avenue in order to buffer the residential lots from Wayoata Street.

The subject City-owned property located between Kildare Avenue and the first lane south is situated adjacent to property owned by Kildare Investments Ltd., identified on Plan No. EKT 8781/1, attached as Appendix "A". At the present time, a portion of City-owned buffer strip identified as Parcel "C" is utilized for vehicle access to a service station situated on land owned by Kildare Investments Ltd. referenced as Parcel "B" on the aforementioned plan. Being as the Kildare Investments Ltd. wishes to subdivide Part Lot 2 into Parcels "A" and "B", it requires access to Wayoata Street via City-owned Parcel "D" for development purposes.

City-owned property identified as Parcel "C" and Parcel "D" are not required for residential buffer strip purposes.

In addition to reviewing the open space status of the aforementioned buffer strip, the Parks and Recreation Department contacted the Streets and Transportation Department to determine potential need for the property. The Department indicated that the subject buffer strip is not required for future streets and transportation purposes.

The Parks and Recreation Department is supportive of declaring the subject property as surplus and selling the property to Kildare Investments Ltd.

Your Committee on Protection, Parks and Culture therefore recommends:

I. That the property identified on Plan 60-93, (Appendix "B"), be declared as surplus to the Parks and Recreation Department.

II. That the Director of Land Surveys and Real Estate be authorized to negotiate the sale of the subject surplus property to Kildare Investments Ltd.

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III. That the net proceeds from the aforementioned surplus City-owned property be credited against the Parks and Recreation Department contribution to general revenue in 1993.

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

Pursuant to Section 156(2) of The City of Winnipeg Act, the sale of property designated or acquired for parks purposes requires the approval of at least two-thirds majority of Council.

Adopted by consent.

(Note: Appendix "A" and "B" referred to in the above clause are on file in the office of the City Clerk)

Extension of Contracts for the Management and Supervision of the:
1. Harbour View Golf Course and Recreation Complex
2. Golf Operations at John Blumberg Golf Course
Files PR-6.2 (Vol. 4) & PR-6.6 (Vol. 6)

863 - 2. On April 14th, 1982, the contract for the management and supervision of the Harbour View Golf Course and Recreation Complex was awarded to Mr. Harry Brotchie. Since that time he has had the contract rewarded or renewed three times. The current contract for the Harbour View Golf Course and Recreation Complex expires on March 31, 1994.

Since December 1st, 1983, Mr. Ben Smirnov has been the Contractor providing the services for the management of the golf operations at the John Blumberg Golf Course and for the cross-country ski operations at the Windsor Park and John Blumberg Golf Courses. During that time, he has had the contract renewed on four occasions. The current contract expires on November 30, 1993.

For some time, the Parks and Recreation Department has been considering various options for the operation of municipal golf courses brought about by a variety of requests, inquiries and directives. On May 10, 1993, the Committee on Protection, Parks and Culture appointed an Ad Hoc Committee to examine the future operations and options of the municipal golf courses. The Ad Hoc Committee has advised that in order to allow sufficient time for the review, it will not be making any recommendations until some time in 1994. With the expiry of the management agreements for the John Blumberg and Harbour View Golf Courses in late 1993 and early 1994, it is necessary to take some action regarding their management prior to the recommendations of the Ad Hoc Committee.

The current contract for the Harbour View Golf Course and Recreation Complex expires on March 31, 1994 and does not provide for the extension of the agreement for any period of time. However, Mr. Brotchie has verbally indicated a willingness to extend the term of the contract for a one year period with the current conditions. Mr. Brotchie has fulfilled all contractual obligations to the City and has provided excellent service to the public.

The current contract for the management of golf operations at John Blumberg Golf Course and the management of the cross-country ski operations at Windsor Park and John Blumberg Golf Courses expires on November 30, 1993. The contract contains a clause that states "That at the sole discretion of the City this contract may be renewed under the same terms and conditions for two additional one (1) year options".

Mr. Smirnov has verbally indicated his interest in having the contract renewed as per the conditions of the current contract. As far as the City is concerned, Mr. Smirnov has met the conditions of the contract and has provided quality service to the public. He has endeavoured to increase the attendance at the John Blumberg Golf Course during a time of decreasing attendance at the public courses and has worked co-operatively with groups to provide quality skiing experiences.

Your Committee on Protection, Parks and Culture recommends:

I. That approval be given to extend the agreement for the management and supervision of Harbour View Golf Course and Recreation Complex with Mr. Harry Brotchie, with the current conditions, by a one year term to expire March 31, 1995.

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II. That the City exercise its right to renew the agreement for the operation of golf operations at John Blumberg Golf Course and the management of the cross-country ski operations at Windsor Park and John Blumberg Golf Courses, for a one year term to expire November 30, 1994, with Mr. Ben Smirnov.

III. That the Proper Officers of the City do all things necessary to implement the foregoing, including preparation and execution of the contract documents.

Adopted by consent.

Declaration of Parks and Recreation Property as Surplus, known as Lots 32 through 35, Block 2, Plan 771 - Southwest corner of Roy Avenue and Cecil Street - Lord Selkirk-West Kildonan Community File FI-2.4(34) (Vol. 1)

864 - 3. On March 12, 1993, the Parks and Recreation Department received a request from the Planning Department to sell City-owned property located south of Roy Avenue and west of Cecil Street, comprising an area of 0.23 acres to the Weston Residents Housing Co-op for the development of four units of non-profit family housing.

The property is situated within the Weston neighbourhood. The neighbourhood is bounded by the CPR Main line to the north, McPhillips/Weston Streets to the east, Notre Dame Avenue to the south and Keewatin Street to the west.

The current population of the Weston neighbourhood is 6,006 residents. In accordance with the departmental standard of 3.86 acres of open space per 1,000 population, the subject neighbourhood should have 23.16 acres of open space. The City currently owns 21.81 acres of open space in the Weston neighbourhood. In combination with 7.25 acres of open space owned by the Winnipeg School Division, the Weston neighbourhood currently has 29.06 acres of open space which represents a current public open space surplus of 5.90 acres.

In addition to the absence of demonstrated need for additional open space in the Weston neighbourhood relative to the departmental standard, five additional factors were considered in support of disposing of the subject property; as follows:

1. Reduction in Vandalism:

   At the present time, the subject property is basically undeveloped with the exception of being graded and sodded. A series of boulders are situated along Roy Avenue to restrict vehicular access.

   The Community Programs Division (Planning Department) indicates that site furnishings were removed several years ago due to vandalism and the attraction of undesirable late night activity at the site. Being as the site currently provides an opportunity for vandalism activity in the neighbourhood, the sale and subsequent private development for other than open space would serve to reduce such potential in the future.

2. Additional Capital Development Cost:

   Inasmuch as the site is not essentially developed for public use at this time, there is the potential that the current conditions could precipitate requests by local residents for park improvements and upgrading. General improvements to upgrade the site to the status of a neighbourhood park have been estimated at approximately $65,000.00. Given the lack of need for such a property within the open space inventory of the neighbourhood; the projected estimated expenditure of funds for site upgrading and on-going maintenance would not be in the City's public cost benefit interests at this time.

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3. Current Operating Cost:

The property is currently maintained by the Parks and Recreation Department. By disposal of the property, the Department will accrue savings of approximately $633.00 per year.

4. Sale Proceeds from the Property:

The sale of the property would likely result in a cash inflow to the City which could preferably be credited against the Parks and Recreation Department contribution to general revenue during 1993.

5. Increase of Property Tax Roll:

Given the proposed development of four housing units on the site, a long term increased assessed tax value of the property would result in addition to a direct, immediate cash flow to the City.

In consideration of the recent endorsement by Council towards the disposal of properties under the jurisdiction of the Parks and Recreation Department determined to be surplus to public open space needs, as a means of contributing to fiscal budgetary constraint, the subject 0.23 acre site affords one such budgetary opportunity during 1993.

On July 5, 1993, the Committee on Protection, Parks and Culture considered a recommendation from the Lord Selkirk-West Kildonan Community Committee, namely;

1. That the property identified on Plan No. 46-93, be declared surplus to parks and recreation needs and disposed of accordingly;

2. That the net proceeds from the sale of the surplus City owned property be credited against the Parks and Recreation Department contribution to general revenue in 1993;

subject to the Ward Councillor receiving written communication from the Weston Community Residents Association and the Weston Residents Housing Co-op outlining their comments relative thereto.

On July 5, 1993, the Committee on Protection, Parks and Culture considered a communication from the Weston Residents Housing Co-op Ltd. confirming that they have no objection to declaring the property surplus on the condition that the property's use should be residential in nature and any development should maintain the character of the neighbourhood.

Your Committee on Protection, Parks and Culture recommends:

I. That the property identified on Plan No. 46-93, be declared surplus to the Parks and Recreation Department.

II. That the Director of Land Surveys and Real Estate be authorized to negotiate the sale of the subject surplus property to the Weston Residents Housing Co-op.

III. That the net proceeds from the sale of the aforementioned surplus City-owned property be credited against the Parks and Recreation Department contribution to general revenue in 1993.

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

Pursuant to Section 156(2) of The City of Winnipeg Act, the sale of property designated or acquired for parks purposes requires the approval of at least two-thirds majority of Council.

Adopted by consent.

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Amendments to Alarm By-Law No. 4676/87 File GF-2 (Vol. 40)

865 - 4. Council on March 24, 1993, passed By-law No. 6155/93, amending By-law No. 4676/87, being a by-law of the City of Winnipeg to regulate and control burglary and robbery alarm systems and to require permits therefor. The amendment provides for an annual permit fee for an alarm system (residential - $20.00; commercial - $30.00; suspension renewal - residential $20.00; suspension renewal - commercial $30.00).

Council on May 26, 1993 ruled automatic referral of the following motion to the Committee on Protection, Parks and Culture:

> "Whereas the City of Winnipeg enacted an alarm by-law to encourage property owners to install alarms to protect their property;
>
> And Whereas thousands of Winnipeggers have done so, and in doing so have received a reduction in their insurance policy premiums and also a saving to the taxpayers of Winnipeg by providing a deterrent that means less involvement by the Police Department;
>
> And Whereas Council enacted an annual fee structure of $20.00 per resident that installs an alarm system whether they are connected to the Police Department or not;
>
> And Whereas this hidden form of tax is a penalty on a home owner's decision to protect their property;
>
> Therefore Be It Resolved that Council request the Committee on Protection, Parks and Culture to revisit the issue with a view to proposing a fee structure that will encourage people to protect their property, and report back to Council."

On June 23, 1993, Council adopted Clause 1 of the Report of the Executive Policy Committee dated June 16, 1993, recommending that By-law No. 4676/87 be further amended to require the implementation date for alarm permit fees to become effective one month later on August 1, 1993, to enable the matter to be resolved prior to the implementation date of August 1, 1993.

Your Committee on Protection, Parks and Culture has considered five alternatives, including the implementation of an annual permit fee.

The five alternatives were examined by the Police Department against the following "system requirements":

1. There must be some monetary return to the City of Winnipeg. A small percentage of property owners (less than 10%) are receiving extraordinary service from the Winnipeg Police Department. In direct costs this service is valued at $500,000.00 (Alarm Permit Administration Fees - $85,000.00, and officer response costs - 8 person years @ $50,000.00). Metro Toronto Police determined it costs $80.00 to answer every alarm. Using this estimate, false alarms cost the City of Winnipeg $1,222,000.00 per annum.

2. Assurance of accuracy of the data in the Police Computer System. The Alarm Permit System requires that permit holders identify two keyholders who may be contacted in the event of an alarm. At the present time the data concerning the 30,000 permit holders is "suspect" at best, and at worst is totally inaccurate. Permit holders have moved, taking their alarm system with them, or have left it with the new occupant. Keyholders have died or moved and in the majority of cases the police have not been notified of the any of these change. In May of 1992 lists of Permit Holders were sent to monitoring firms for validation. A random sample revealed a twelve month delay in response, and in excess of 20% of the records were inaccurate. It should be noted that these are the "best" records.

3. That it not significantly increase the administrative work load of the City of Winnipeg, including any requirement for Court attendance or dramatically increased Suspension Appeals before the Committee on Protection, Parks and Culture.

4. All citizens, including those owning alarm systems, should be assured of prompt, effective police response. Sanctions for false alarms should not be so onerous as to make any citizen hesitant in tripping an alarm system to immediately summon the police.

The following alternatives were considered by your Committee on Protection, Parks and Culture

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1. $30.00 fee for new alarm permits
No suspensions
$25.00 fine for third to fifth false alarm in a six month period

This alternative (proposed by the Alarm Association) does **not** meet the system requirements. The one time registration fee would generate $90,000.00 per annum - slightly more than the cost to administer the program. The monies realized from fines after three false alarms in six months would be minimal. This system would do nothing to ensure data accuracy. This system has police issuing offence notices to keyholders (not the resident) which would result in officers appearing in court for every not guilty plea. Finally, the association suggests that if no keyholder is available, the police would have the option of not attending. The liabilities of this inaction are immeasurable and the proposal was not deemed acceptable to the Police Department.

2. Minimum Fine of $100.00 for every false alarm

This alternative would recover all costs associated with attending false alarms, however it would not ensure accuracy of data. The administrative implications of this system would be horrendous. Police officers would have to find the Permit Holder to serve the offence notice and then would have to appear in court for all not guilty pleas. With a fine of $100.00 it is the Police Department's belief there would be a high percentage of not guilty pleas. The most troubling aspect of this system is that it may encourage false crime reports and may cost some citizen their life. Facing a fine of $100.00, a home owner may simply report a crime - for example he could break a $10.00 window or simply state that the unlocked rear window was opened setting off the alarm and scaring away a non-existent culprit. This of course would result in police reports, investigation and costs. Even more distressing is the possibility that a clerk in a convenience store or an elderly person in their home may hesitate before pressing an alarm button. This hesitation, because of a $100.00 fine, may cost some person their life. This was not an acceptable proposal to the Police Department.

3. Alarm Companies assessed a fee based on the percentage of false alarms generated by their clients. Police costs could be set at a nominal one million dollars and the fee would be based on the previous year's experience

This alternative would recover all costs associated with false alarms and would encourage a further reduction in false alarms. The minimal fee for local alarms (not monitored) would ensure data accuracy for that group but all other data would continue to be suspect. Administrative costs would be unchanged and the citizens of Winnipeg would continue to receive service at the present level. This proposal would receive considerable opposition from the alarm industry and in the long run would result in an increase in monitoring fees to Alarm Permit Holders in excess of the original proposal. This was an acceptable but not a recommended alternative of the Police Department.

4. Form a City of Winnipeg Alarm Monitor Section

This alternative would take considerable research before implementation could be considered. However, with an average alarm monitoring fee of $200.00 this system could generate $6,000,000.00 per annum, enough to pay for all associated costs and produce an income for the City of Winnipeg. The yearly fee would ensure accurate data and although administrative costs would be higher they would be stable and easily recouped. This alternative may increase service to the citizens of Winnipeg, however would meet with considerable opposition from the alarm industry. This was an acceptable but not a recommended alternative of the Police Department.

5. Annual Permit Fee for an Alarm System

This alternative does meet all four requirements. It would recover approximately $600,000.00 per annum with the minimal charge to the residential permit holder of $1.67 a month. It would ensure that all computer data is validated on a yearly basis. There would be few administrative changes required to enact this system. Finally, the system would not discourage anyone from using their alarm system in time of real or perceived crisis. This alternative was recommended by the Police Department.

Your Committee on Protection, Parks and Culture after considering all aspects of this matter, recommends the following:

I. That the City of Winnipeg Alarm By-law be amended as follows:

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a) to require a one-time registration fee in the amount of $30.00 to be charged for all security alarm permits issued in the City of Winnipeg;

b) to require a $15.00 fee to be charged to update all changes to alarm permits;

c) to establish a $50.00 fine for all false alarms on summary conviction notice to the owner of the premises.

II. That any previously approved direction adopted by Council be amended accordingly.

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

Your Executive Policy Committee recommends:

1) That recommendation I. a) be amended by adding at the end thereof the following:

"and further, that Administration be directed to include with the invoice billing, a letter of explanation outlining reasons for the amendments to the City of Winnipeg Alarm By-law.

2) That recommendation I. c) be deleted and substituted with the following:

"(c) to provide that in the event of a false alarm the permit will be automatically cancelled and may be renewed, subject to subsection 4 (10) (e) of the by-law, on payment of a $50.00 fee."

Moved by Councillor O'Shaughnessy,
Adoption of the clause.

In amendment,

Moved by Mayor Thompson,
That the recommendation of Executive Policy Committee be adopted.

Moved by Councillor O'Shaughnessy,
Seconded by Councillor Prystanski,
BE IT RESOLVED that the clause be referred back to the Committee on Protection, Parks and Culture and that implementation of a registration fee for all alarm systems be further delayed for another 60 days.

Carried.

Dakota Waterplay Park Development
Capital Program Change
Files PR-2 (Vol. 76) & FC(1993)

866 - 5. In 1991, $375,000.00 was approved in the Capital Estimates for the development of a children's waterplay facility in the former Seine Valley Ward.

In March, 1992, Gusco Construction Ltd. was awarded the contract to construct the Dakota Waterplay Park Development at a total project cost of $412,500.00 with the shortfall of funds in the amount of $37,500.00 being approved for transfer from surplus funds in the 1990 Capital Account for Community Centre Parking Lot Improvements Program. In order to proceed with the project, it was also necessary to defer $31,560.00 of site furnishings and landscaping from the program of requirements. On July 12, 1992, the Dakota Waterplay Park was officially opened.

On July 23, 1992, the Provincial Department of Health advised the City that corrective measures must be put in place to eliminate water ponding in the soft landscaped areas prior to authorization of an operating permit, and on July 29, 1992, the Provincial Department of Health authorized the operating permit, subject to maintaining a separation of the pool and hard surface apron from the soft landscaping as a short term solution for the 1992 season.

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The Dakota Waterplay Park is somewhat of a unique facility in that it is the only young children's water play/wading pool facility in South St. Vital and therefore, drawing from a population catchment area of approximately 27,000 to 42,000 plus population. The facility was also designed to be barrier free and fully wheelchair accessible, by the elimination of retainer curbs that are typical in traditional wading pool construction. The overwhelming popularity and success of the facility has also created two primary items that need to be addressed prior to the 1993 operating season.

Item 1 - Correct surface ponding of stagnant water in the soft landscaped areas adjacent to pool apron, as required by the Provincial Department of Health.

The capacity attendance, continuous circulation of participants throughout the entire pool area and the barrier free wheelchair accessible design have resulted in excessive volumes of water being deposited in the soft landscaped areas adjacent to the pool apron and creating the potential for stagnant ponding. The permanent solution is to extend the concrete apron and provide additional surface drainage within the extended apron at an estimated cost of $32,400.00.

Item 2 - Provision of site furnishings as required to complete the project.

In order to proceed with the construction of the project in 1992, it was necessary to delete and defer $31,560.00 of items from the program of requirement. Included on the deferred list of items was $8,100.00 for site furnishings including benches, waste receptacles, bike racks, umbrellas, and signage.

The Parks and Recreation Department considers this project to be a high priority for completion prior to the 1993 operating season in light of the Provincial Department of Health requirement for a permanent solution to the stagnant water ponding and the necessity to provide site furnishing to complete the project.

The Parks and Recreation Department has reviewed the 1993 Capital Estimates and is of the opinion that $40,500.00 of the St. Vital Outdoor Swimming Pool ($80,000.00) 1993 Capital Project, can reasonably be deferred to the second phase of this project as identified in the 1995 Capital Estimates at $112,000.00. This would result in lower priority work either being further deferred or absorbed into on-going maintenance and repair.

The Parks and Recreation Department recommended to your Committee that funds in the amount of $40,500.00 be transferred from the St. Vital Outdoor Swimming Pool 1993 ($80,000.00) Capital Account 5493510501 to Dakota Waterplay Park 1991 Capital Account 5491450501 to complete the program and satisfy the requirements of the Provincial Department of Health.

Your Committee on Protection, Parks and Culture has considered this matter and has recommended that funding for the upgrading of the Dakota Waterplay Park be considered in the 1994 Capital Estimates.

Your Committee submits this matter for the information of Council.

Adopted by consent.

Change in Composition of the St. Boniface Museum Board

File PR-9.3 (Vol. 4)

867 - 6. Your Committee on Protection, Parks and Culture has considered Clause 6 of its Report dated April 8, 1993, which was referred back to it by Executive Policy Committee on June 9, 1993, namely:

"Your Committee on Protection, Parks and Culture has received a request from the Riel Community Committee that Section 4(a) of By-law No. 4824/88 governing the regulation, management and control of the St. Boniface Museum Board be amended to reduce the Councillor representation on the Board from two Councillors to one Councillor.

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Your Committee on Protection, Parks and Culture was advised by the Riel Community Committee that inasmuch as the St. Boniface Museum is located within the Community of Old St. Boniface, that the St. Boniface Ward Councillor should be the Council representative on the Museum Board, as a Councillor from another jurisdiction or ward may hamper the Board's operations. Further, the Museum Board members have indicated their preference to operate and carry on meetings in the Official Language of French, and in this capacity Councillor Golden, who is currently appointed as the additional Council representative to the Board, feels that he would be imposing a burden upon the Museum Board to have a translator available at each meeting for his benefit.

Your Committee on Protection, Parks and Culture concurs in the request of the Riel Community Committee and recommends:-

I. That Section 4(a) of By-law No. 4824/88 being a by-law of the City of Winnipeg to continue the St. Boniface Museum Board, be amended to provide for a total of 8 members, of whom one (1) shall be a representative of Council.

II. That the City Solicitor be requested to prepare the necessary by-law to implement the intentions of Recommendation I. above."

Your Committee on Protection, Parks and Culture has given further consideration to the foregoing recommendations and reaffirms its recommendations as outlined above and again submits said Clause with a recommendation for its adoption.

Adopted by consent.

Councillor Thomas asked to be recorded as voting against the clause, in accordance with Rule 50.7 of the Procedure By-law.

COMMITTEE ON PROTECTION, PARKS & CULTURE

CONSIDERATION OF BY-LAWS

868 - On motion of Councillor O'Shaughnessy, By-law No. 6183/93, a By-law of the City of Winnipeg to amend By-law No. 4824/88, being a by-law to continue the St. Boniface Museum Board and its regulation, management and control, was read a first, second and third time, the rule being suspended for the third reading, and was passed and ordered to be signed and sealed. File PR-9.3 (Vol. 4)

Councillor Thomas asked to be recorded as having voted against the second and third reading of the by-law, in accordance with Rule 50.7 of the Procedure By-law.

The Speaker called the Deputy Speaker, Councillor Reese, to the Chair in order to participate in the debate.