Report of the Committee on Protection, Parks and Culture, dated April 14, 1993

REPORT OF THE

COMMITTEE ON PROTECTION, PARKS AND CULTURE

DATED APRIL 14, 1993

On motion of Councillor O'Shaughnessy, the Report of the Committee on Protection, Parks and Culture, dated April 14, 1993, was considered**.**

Her Worship the Mayor and Councillors:

Public Tree Removal on McDermot Avenue, Albert Street and Arthur Street in the Exchange District
File PB-2 (Vol. 23)

484 - 1. By letter dated April 2, 1993, the Location Manager of Prospect Film Services requested the Secretary to The Board of Commissioners to give favourable consideration to the removal and replacement of a number of boulevard trees situated on McDermot Avenue between King and Albert Streets.

By memorandum dated April 2, 1993, the Secretary to The Board of Commissioners requested the Parks and Recreation Department to respond to the aforementioned request made by Prospect Film Services.

In a letter dated April 13, 1993, to her Worship Mayor Thompson, Tristar Pictures Inc., Burbank, California, advised that it is preparing to film the feature length movie entitled "Legends of the Fall" this summer in Alberta and Manitoba. One of the main locations for the story is Helena, Montana, circa 1915 - 1925. After an extensive search from Butte, Montana to Fort MacLeod, Alberta, the first choice for a film location was the Exchange District in central Winnipeg. However, for authentic story purposes, the more than 50 decorative trees which line both sides of the streets would need to be removed. If the trees could not be removed, Tristar Pictures advised it would not be able to film in Winnipeg.

Your Committee on Protection, Parks and Culture has been advised that the Forestry Branch of the Parks and Recreation Department has determined that the requested removal and replacement of boulevard trees could affect up to 53 Green Ash, Siberian Elm and Shubert Choke Cherry trees on McDermot Avenue and Albert Street and would cost approximately $50,032.00. If fewer trees are affected, the cost would be proportionately less.

Costs are itemized on a per tree basis in the following manner:

-	Removal	$162.00
-	Average Assessed Net Value*	155.00
-	Replacement and 2 year warranty	572.00
-	Removal and Replacement of grate	55.00
	Total average cost per tree	**$944.00**

* Assessed value of an average 15 cm (6") caliper Green Ash tree is based on the International Society of Arboriculture's (I.S.A.) "Guide for Establishing Values of Trees and Other Plants, 7th Edition" 1989. The net value is the I.S.A. average assessed tree value less the replacement cost of a 75 mm caliper Green Ash tree.

The following table lists the tree inventory for all the locations detailed for possible boulevard tree removal:

McDermot Avenue

Between King and Arthur Streets:	6 Green Ash
Between Arthur and Albert Streets:	1 Shubert Choke Cherry
Halfway between King/Albert Streets and Albert Street:	9 Green Ash

Albert Street

Between Bannatyne and McDermot Avenues:	19 Green Ash
Between McDermot Avenue and lane north of Parkade:	7 Green Ash 5 Siberian Elm 1 Shubert Choke Cherry
Total number of boulevard trees:	**48**

Your Committee has been further advised that the loss of these boulevard trees cannot be measured in removal and replacement costs alone. In downtown urban core environments, these trees provide a rare source of human comfort through shade, wind protection, filtration of atmospheric pollutants, glare reduction, and absorption of ultra violet rays. Urban trees also affect the human psyche in many non-measurable ways. Trees soften the harshness of downtown concrete, asphalt and brick structures by allowing nature to have a presence in a man-made environment. Moreover, the existing boulevard trees under consideration are somewhat more mature and established than would be the replacement trees.

The Parks and Recreation Department therefore believes that the removal of any of the subject boulevard trees for the reasons given by Tristar Pictures Inc. would impact negatively on the urban environment and would be viewed adversely by the local community, visitors and the public at large, and therefore, could not support the removal of these trees.

With specific regard to policy and process, the removal of public boulevard trees is governed by Council policy. The District Community Committee, through the Ward Councillor in whose area the trees are located, approves the removal of said trees. When the Community Committee and the General Manager of Parks and Recreation disagree on the removal decision, the Parks and Recreation Department provides a report to the Commissioner of Protection, Parks and Culture for final resolution through the Standing Committee. In view of the time restraints, such a process could not be followed and the matter was therefore brought to the Committee on Protection, Parks and Culture which is the ultimate authority for tree removals.

Your Committee on Protection, Parks and Culture heard representation from the following persons in support of tree removal:

1. Councillor Golden, Council representative to the Exchange District Business Improvement Zone.

2. Ron Hambley, Executive Director, together with Richard Walls, Exchange District Business Improvement Zone.

3. Dave Drescoe, 246 McDermot Avenue, a member of the Board of Management of the Exchange District Business Improvement Zone.

4. Pat Crowley, Producer, "Legends of the Fall", Tristar Pictures Inc., 3400 Riverside Drive, Burbank, California, together with Murray Ord, Locations Manager, Calgary, Bernard E. Narvey, Locations Manager, Winnipeg, and Jim Green, Tristar Pictures Inc., Vancouver. The delegation submitted a drawing identifying the location of 48 trees required to be removed (Exhibit "A").

Report of the Committee on Protection, Parks and Culture, dated April 14, 1993

Your Committee was advised by Mr. Pat Crowley, Producer of the film, that money will be spent on lumber, renting office space, supplies, equipment, antique autos, horses, wagons, hotel rooms, taxis, restaurants, etc. and that by the time filming is completed, Tristar will spend over $1,000,000.00 in the community at large. He further advised that filming the movie in the Exchange District will contribute significantly to Winnipeg's film future, linking an eager business community with a profitable enterprise.

Your Committee considered the following communications which were submitted:

1. Letter from Her Worship Mayor Thompson, enclosing a copy of letter dated April 13, 1993, from Tristar Pictures (Exhibit "B").

2. Letter from Doug Stephens, Chairperson, Exchange District Business Improvement Zone, in support of the film initiative (Exhibit C").

3. Letter addressed to the Chairman, Committee on Protection, Parks and Culture, from Carole Vivier, General Manager, Canadian Industries Development Office (CIDO), in support of the film location and enclosing letters from Theatrical, Stage and Film Employees - Local 63, together with letter dated April 14, 1993, from the Deputy Minister of Culture, Heritage and Citizenship (Exhibit "D").

Following considerable deliberation, your Committee on Protection, Parks and Culture recommends as follows:

I. That Tristar Pictures be granted approval to remove and replace 48 trees located on Albert Street, Arthur Street and McDermot Avenue in the Exchange District in order to film the movie "Legends of the Fall", subject to the following:

   1. Tristar Pictures reimbursing the City of Winnipeg to a maximum of $45,600.00 Canadian, for the removal and replacement of trees and providing a contingency fund in the amount of $25,000.00 for tree replacement, both payable in advance.

   2. Tristar Pictures providing a plan in advance indicating trees required to be removed.

   3. Tristar Pictures posting a performance bond ensuring recovery of all costs associated with tree removal and replacement.

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

Your Executive Policy Committee does not concur in the recommendation of the above clause and is of the opinion that this clause should not be adopted by Council.

Moved by Councillor O'Shaughnessy,
That the clause be considered.

Carried.

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

In amendment,

Moved by Mayor Thompson,
Seconded by Councillor O'Shaughnessy,
THAT Recommendation I. (3.) of the Report of the Committee on Protection, Parks and Culture dated April 14, 1993 be deleted and the following substituted therefor:

I. (3.) That Tristar Pictures provide performance security in favour of the City of Winnipeg in the amount of $250,000.00 ensuring recovery of all costs associated with tree removal, replacement and related works drawn on a financial institution or surety company authorized to do business in the Province of Manitoba satisfactory to the Acting City Solicitor.

With the concurrence of the seconder, Councillor O'Shaughnessy, and with the permission of Council, Mayor Thompson withdrew the motion.

In amendment,

Moved by Councillor Thomas,
Seconded by Councillor Hyman,

BE IT RESOLVED that if Council decides to proceed with the plan, the following conditions apply:

- The City immediately develop a specification for all types of tree removal to take place, as well as for the replanting of all new trees, and for the replanting of trees to be saved.

- All underground structures maps be reviewed prior to the removal of any of the 23 trees to be saved.

- All necessary precautions be carried out for the careful removal and storage of the 23 trees. This may mean considerable damage to the surrounding sidewalks and streets. Equal precautions should be taken for their proper replacement. This includes the provisions for securing all necessary equipment to perform these jobs.

- The specification require at a minimum: 4" calliper, well formed, vigorous growth trees, that have been root-pruned not more than one season previous, and planted in tree pits capable of holding 100 cu. ft. of soil as per the standard City of Winnipeg planting specifications.

- All work be carried out under the direct supervision of the City Forester.

- The film makers be required to post a $1,000,000.00 performance security drawn on a financial institution or surety company authorized to do business in the Province of Manitoba, satisfactory to the Acting City Solicitor, in the event that the specifications cannot be met within the current payment that is being offered. The City and the taxpayers should not be liable for what may be considerable costs not anticipated at this time.

- There be a two year replacement warranty on all new trees, and a three year replacement warranty on trees to be removed, saved, and replaced.

- Under no circumstances will the City consider the option to replace the trees with ones in planters.

The Speaker called the Deputy Speaker, Councillor Reese, to the Chair in order to participate in the debate, and after speaking, resumed the Chair.

The amendment proposed by Councillors Thomas and Hyman was put.

At the request of Councillor Golden, Council agreed to consider the last condition regarding streetscaping in the amendment separately.

The condition regarding streetscaping was put.

Councillor Golden called for the yeas and nays, which were as follows:-

Yea: Councillors Reese, Duguid, Hyman, Lazarenko, Murray, Silva, Thomas and Clement. 8

Nay: Councillors Boychuk, Eadie, Golden, O'Shaughnessy, Prystanski, Mayor Thompson and Councillor Angus. 7

and the condition regarding streetscaping was declared carried.

The remainder of the amendment was put.

The Speaker called for the yeas and nays, which were as follows:-

Report of the Committee on Protection, Parks and Culture, dated April 14, 1993

Yea: Councillors Reese, Duguid, Eadie, Golden, Hyman, Lazarenko, Murray, O'Shaughnessy, Prystanski, Silva, Thomas, Mayor Thompson and Councillor Angus. 13

Nay: Councillors Boychuk and Clement. 2

and the remainder of the amendment was declared carried.

The motion for the adoption of the clause, as amended, was put.

The Speaker called for the yeas and nays, which were as follows:-

Yea: Councillors Golden, Lazarenko, O'Shaughnessy, Prystanski, Thomas, Mayor Thompson and Councillor Angus. 7

Nay: Councillors Reese, Boychuk, Duguid, Eadie, Hyman, Murray, Silva and Clement. 8

and the motion for the adoption of the clause, as amended, was declared lost.

(Note: Appendices referred to in the above clause are on file in the office of the City Clerk.)