Agenda – Council – November 16, 2011

Report – Executive Policy Committee – November 9, 2011

Item No. 3 By-law to Establish the Zone d'amélioration commerciale Saint-Norbert Business Improvement Zone

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 9, 2011, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submits the following to Council:

1. That a By-law (Schedule A) be enacted to establish the Zone d'amélioration commerciale Saint-Norbert Business Improvement Zone and that the boundaries of this new Business Improvement Zone include the area bounded by the contiguous line and shaded area as seen on the map, shown on Schedule A to the draft By-law.

2. 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 – November 9, 2011

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 9, 2011, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to Council.

ADMINISTRATIVE REPORT

Title: By- Law to Establish the Zone d'amélioration commerciale Saint-Norbert Business Improvement Zone

Critical Path: Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	B. Thorgrimson	N/A	D. Joshi, COO

RECOMMENDATIONS

1. That Council enact a By-Law (draft attached as Schedule A) to establish the Zone d'amélioration commerciale Saint-Norbert Business Improvement Zone and that the boundaries of this new BIZ include the area bounded by the contiguous line and shaded area as seen on the map, that is Schedule A to draft attached By-Law.

REASON FOR THE REPORT

- The City of Winnipeg Charter directs that City Council may, by by-law establish a business improvement zone.
- The Business Improvement Zone Procedures By-law No. 8111/2002, sets out a mandatory process and criteria for establishing 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

The establishment of the Zone d'amélioration commerciale Saint-Norbert Business Improvement Zone will create a new Business Improvement Zone within the City of Winnipeg.

HISTORY

The City of Winnipeg Charter provides for the creation of a Business Improvement Zone (B.I.Z.) by by-law. Establishing the Zone d'amélioration commerciale Saint-Norbert Business Improvement Zone requires a By-Law to passed by City Council as stated within the City of Winnipeg Charter:

Establishment of business improvement zones

436(1) Council may by by-law establish a business improvement zone, but only if council has

(a) passed a by-law under section 437; and

(b) received a petition from businesses in the proposed zone that meets the requirements established in the by-law under clauses 437(b) and (c).

Content of by-law establishing a zone

436(2) In a by-law establishing a business improvement zone, council must

(a) fix the boundaries of the zone;

(b) establish a management board for a zone and fix

i. the number of members of the board, which must include one Councillor, and

ii. the terms of office of members of the board;

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 establish a BIZ if certain rules are followed, namely:

- A petition must be filed with the City of Winnipeg from the applying businesses in the proposed area of the zone;
- 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 Dec 9, 2010, the Office of the City Clerk received a petition signed by businesses within the St Norbert Business Community seeking to establish a Business Improvement Zone. Assessment and Taxation Department had reviewed: (i) the petition, (ii) the proposed zone boundary area, and; (iii) the relevant sections of the By-law. The proposal/petition contemplates the establishment of a BIZ Boundary, as seen on "Attachment A", to include 96 contiguous assessment parcels. There are a total of 22 active taxable businesses in these parcels.

The results were:

1. The petition had been signed by the proprietors for twelve (12) of the twenty two (22) active taxable businesses, which represents **54.55%** or "more than 50% of the proprietors in the proposed area of the zone" as per By-Law.
2. The businesses represented by the twelve (12) signatures have a combined taxable business assessment of **82.70%** of the total taxable business assessment in the proposed 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 establishment of the Zone d'amélioration commerciale Saint-Norbert Business Improvement Zone has met the requirements for establishing a BIZ, set forth in clause 3(1)(a) of 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 gave by mail on Jan 25, 2011, notice to all of the businesses in the proposed area of the zone and provided a 30-day opportunity to object to the proposal. The notice period for objections ran from Jan 28th to Feb 28th, 2011. One objection was received by the

City Clerks to the proposed establishment the Zone d'amélioration commerciale Saint-Norbert Business Improvement Zone.

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

The business community in Saint Norbert, along with Entreprises Riel participated in the process of the BIZ establishment.. There were a number of informational meetings held with business owners concerning and explaining the establishment and benefits of a BIZ.

Once the By-law is enacted, this Zone will become the sixteenth Business Improvement Zone within the City of Winnipeg.

Accordingly, this Report recommends establishing the BIZ of the "Zone d'amélioration commerciale Saint-Norbert Business Improvement Zone" to include the boundary as seen in "Schedule A".

FINANCIAL IMPACT

Financial Impact Statement **Date:** October 18, 2011

Project Name:

By- Law to Establish the Zone d'amélioration commerciale Saint-Norbert Business Improvement Zone

COMMENTS:

The recommendation in this report is that Council enact a By-Law (draft attached as Schedule A) to establish the Zone d'amélioration commerciale Saint-Norbert Business Improvement Zone and that the boundaries of this new BIZ include the area bounded by the contiguous line and shaded area as seen on the map, that is Schedule A to draft attached By-Law. ANy funding for the new BIZ will be accommodated within existing capital and/or current budgets.

As such, 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:

- Entreprises Riel

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by:	Martin Pasieczka, Neighbourhood Economic Development Officer
Date:	*October 20, 2011*
File No.	

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"Schedule A"

THE CITY OF WINNIPEG

BY-LAW NO.

A By-law of THE CITY OF WINNIPEG to establish the "Zone d'amélioration commerciale Saint-Norbert Business Improvement Zone"

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

Title

1 This By-law may be cited as the **"Zone d'amélioration commerciale Saint-Norbert Business Improvement Zone" By-law.**

Zone d'amélioration commerciale Saint-Norbert Business Improvement Zone established

2 A Business Improvement Zone known as the " Zone d'amélioration commerciale Saint-Norbert Business Improvement Zone" is hereby established.

Area of the Zone

3 The area of the Zone d'amélioration commerciale Saint-Norbert Business Improvement Zone is described by the shaded area bounded by a continuous dark line shown on the map attached as Schedule "A" to this By-law, which Schedule forms part of this By-law.

Composition of the Board

4 The Board of the Zone d'amélioration commerciale Saint-Norbert Business Improvement Zone consists of

(a) one member of Council appointed by resolution of Council; and

(b) four individuals elected or appointed from member businesses according to the procedure set out in the Business Improvement Zone Procedures By-law.

First General Meeting

5(1) The member of Council appointed under clause 4(a) to the Board of the Zone d'amélioration commerciale Saint-Norbert Business Improvement Zone shall, within 60 days of the coming into force of this By-law, call a General Meeting of the members of the Business Improvement Zone and shall serve as the Chair or appoint a Chair for the General Meeting.

5(2) Notwithstanding the Business Improvement Zone Procedures By-law No. 8111/2002, at the General Meeting called under subsection (1) the members of the Zone d'amélioration commerciale Saint-Norbert Business Improvement Zone shall elect all four elected members of the board.

5(3) The terms of two of the members of the Board elected at the first Annual General Meeting of the Zone d'amélioration commerciale Saint-Norbert Business Improvement Zone terminate at the next Annual General Meeting of the Zone. The terms of the other two members of the Board elected at the first Annual General Meeting terminate at the third Annual General Meeting of the Zone. The Chair at the

first Annual General Meeting of the Zone must, prior to the election, specify which positions on the Board are to be filled for a one year term and which are to be filled for a full two year term.

DONE AND PASSED, this day of , 2011.

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Mayor

_____
City Clerk

Approved as to content:

_____
Director of Planning, Property and Development

Approved as to form:

_____
For Director of Legal Services/City Solicitor

Schedule “A”



"ST NORBERT"
BUSINESS IMPROVEMENT ZONE