CONSIDERATION OF REPORT OF THE COMMITTEE ON WORKS AND OPERATIONS

The Executive Policy Committee has had before it the Report of the Committee on Works and Operations, dated March 31st, 1992, has concurred in the recommendations contained therein and submits same to Council for approval and adoption.

On motion of Councillor Duguid, the Report of the Committee on Works and Operations, dated March 31st, 1992, was considered clause by clause.

North Committee Room,
Council Building, Winnipeg.
March 31st, 1992.

His Worship the Mayor and Councillors:-

Your Committee on Works and Operations submits the following Report and recommends:-

Additional Closing of Part of Thomas Berry Street and Part of the East-West Lane between Thomas Berry and Bertrand Streets - St. Boniface-St. Vital Community.

File DAC 15/91

801 1. In July 1990, D.S. Lea Consultants Ltd., on behalf of the St. Boniface General Hospital, applied to close certain streets and lanes in the block bounded by Dollard Boulevard, Goulet and Kenny Streets and Tache Avenue (as shown on Misc. Plan No. SBSV 7502/8) in order to consolidate the Hospital's holdings to facilitate the proposed construction of a Hospital parkade.

These closings, included in the Hospital's application for subdivision and rezoning (referenced as DASZ 15/90) to allow for the Hospital's expansion plans, have been completed upon the enactment of By-law No. 5717/91 on June 10th, 1990, which approved said DASZ 15/90.

By-law No. 5715/91, passed on July 10th, 1991, closed the streets and lanes under Hospital's Application DAC 19/90.

In May 1991, D.S. Lea Consultants Ltd. advised that it had acquired the only privately owned property (145 Thomas Berry Street) contained within the Hospital's expansion limits. The acquisition by the Hospital of the said property rendered the subject lane and the most westerly portion of Thomas Berry Street surplus as open Rights-of-Way considering that all the immediately surrounding lands are now owned by the Hospital. Application to close and acquire the subject street and lane was therefore made on behalf of the Hospital.

The proposed additional closing (shown as "Additional Closings" on Misc. Plan No. 7502/9A) was circulated in the usual manner to interested City departments and public utilities with no objections being received in reply. Easements, however, will be required respectively by the Manitoba Hydro and Centra Gas to protect the Utilities' facilities. Easements in favour of the City also will be required for the protection of existing services until such services are relocated.

On September 10th, 1991, the St. Boniface-St. Vital Community Committee recommended that the additional street and lane closing proposed under File No. DAC 15/91 be approved.

On December 2nd, 1991, the Committee on Planning and Community Services approved as to planning considerations the proposed additional closings as shown on said Misc. Plan No. SBSV 7502/9A.

The Committee on Finance and Administration, at its February 18th, 1992 meeting, approved the terms and conditions of the proposed sale which has been agreed to by the Hospital.

Report of the Committee on Works and Operations, dated March 31st, 1992

In conjunction therewith, your Committee on Works and Operations has approved the proposal and recommends:-

1. That the City Solicitor be instructed to prepare the necessary street and lane closing by-law for submission to Council to effect the additional closings of part of Thomas Berry Street and part of the east-west lane between Thomas Berry and Bertrand Streets, in the manner shown on Misc. Plan No. SBSV 7502/9A; the by-law costs, estimated to be $200.00 plus G.S.T. applicable, and all additional costs and charges which may arise by reason of the closings of the Rights-of-Way, to be borne by the Hospital.

2. That upon first reading of the by-law being subsequently given, the City Clerk be authorized to post the necessary notices in accordance with the requirements of The City of Winnipeg Act.

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

Copy of Misc. Plan No. SBSV 7502/9A and SBSV 7502/8 regarding this proposal is on file in the office of the City Clerk.

Moved by Councillor Duguid,
Adoption of the clause.

Carried.

Lane Corner Widening at the North-east Corner of the Intersection of the Public Lane between Kurt and Herman Avenues with the Second Lane West of King Edward Street - Lord Selkirk-West Kildonan Community.

File DAO 20/86

802 2. The property identified as "Proposed Corner Cut" located at the north-east corner of the intersection of the public lane between Kurt and Herman Avenues with the second lane west of King Edward Street, shown on Misc. Plan No. LSWK 6268, has been acquired for lane corner widening purposes by the City.

The proposal has been circularized to all interested City departments and public utilities with no objections having been received and has been approved as to planning considerations by the Community Committee and the Committee on Planning and Community Services.

The construction of the corner widening has been completed and it now remains to legally open the land as public lane.

Your Committee on Works and Operations has approved the proposal and recommends:-

1. That the City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the lane corner widening at the north-east corner of the intersection of the public lane between Kurt and Herman Avenues with the second lane west of King Edward Street, in accordance with Plan No. LSWK 6268; the cost of the by-law, estimated at $200.00, to be borne by the City-at-large.

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

Copy of Misc. Plan No. LSWK 6268 regarding this proposal is on file in the office of the City Clerk.

Moved by Councillor Duguid,
Adoption of the clause.

Carried.

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Proposed Opening of a Public Lane East of St. Mary's Road between Sadler and Hindley Avenues - St. Boniface-St. Vital Community
File DAO 13/85

803 3. The lands shown as "Proposed Lane Opening" located east of St. Mary's Road between Sadler and Hindley Avenues, shown on Misc. Plan No. SBSV 6212 are City-owned and have been used by the neighbourhood residents and maintained by the District as a lane for a number of years.

District No. 5 Operations has requested that the lane be legally opened. The District proposes to make certain improvements to the lane by way of advertising a local improvement by-law when the opening has taken place.

The proposal has been circularized to all interested City departments and public utilities with no objections having been received. It has been approved as to planning considerations by the Community Committee and the Committee on Planning and Community Services.

Your Committee on Works and Operations has approved the proposal and recommends:-

1. That the City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the opening of a public lane east of St. Mary's Road between Sadler and Hindley Avenues in accordance with Plan No. SBSV 6212; the cost of the by-law, estimated at $200.00, to be borne by the City-at-large.

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

Copy of Misc. Plan No. SBSV 6212 regarding this proposal is on file in the office of the City Clerk.

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

Closings of Parts of Swailes Avenue, Public Road Plan 3075 and the Public Lane North of Beecher Avenue, and the Widening of Beecher Avenue on both sides between Ferrier and Parr Streets - Lord Selkirk-West Kildonan Community
Files DAC 9/91, DAC 14/91 and DAO 9/92

804 4 1. Proposed Lane Closing - DAC 14/91 (Lane North of Beecher Avenue)

The subject closing, as shown on Misc. Plan No. LSWK 8147/3, has been initiated by District 3 Operations in connection with the proposed widening of Beecher Avenue between Ferrier and Parr Streets, a Capital Works Project approved by Council in 1991. The proposal has been circularized to all interested City departments and public utilities with no objections having been received, and has been approved as to planning considerations by the Lord Selkirk-West Kildonan Community Committee and the Committee on Planning and Community Services. The closed

portions of the lane--with the exception of those portions contained within the limits of subdivision applications DASZ 5/91 and 6/91--are to be offered to the adjoining property owners in exchange for the portions of their property required for the widening of Beecher Avenue.

The Land Surveys and Real Estate Department has negotiated the terms and conditions of an exchange of lands with the property owner at the north-west corner of Ferrier Street and Beecher Avenue (Lots 46 to 50, Block 18, Plan 1100).

Council has approved these terms and conditions and has delegated to the Director of Land Surveys and Real Estate the authority to approve other subsequent settlements of a similar nature for this project, on the understanding that the said delegation will be exercised substantially in accordance with the same terms and conditions and that significant variances will require referral to the Committee on Finance and Administration for its consideration.

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2. Proposed Street Closing - DAC 9/91 (Swailes Avenue and Public Road)

The subject closings, as shown on Misc. Plan No. 8147/3, are necessary to facilitate applications for subdivision and rezoning submitted under DASZ 5/91 and 6/91. DASZ 6/91 has been approved as to planning considerations by the Lord Selkirk-West Kildonan Community Committee, the Committee on Planning and Community Services and by Council. DASZ 5/91 is currently being processed. The proposed closings have been circularized to all interested departments in connection with the subdivision applications. No objections to the proposal have been received.

City policy and practice provide that where the area of the lands to be dedicated by the developer for streets and lanes exceeds the lands comprising streets and lanes to be closed or cancelled - except in such cases where there are extenuating circumstances, which shall be considered by the Committee on Finance and Administration - that the closed streets and lanes be conveyed to the developer at no cost. In DASZ 6/91, the area of the streets being opened exceeds the area of the streets and lanes proposed to be closed.

The Technical Advisory Committee on City Properties, in reviewing this matter, observes that the City will require property from DASZ 5/91 for the McGregor Street Extension project. As such, the Committee recommends that consideration as to the disposition of the streets and lanes proposed to be incorporated into this proposed subdivision be deferred until this application has been fully processed.

The portion of Swailes Avenue proposed to be closed which is not contained within the limits of DASZ 5/91 or DASZ 6/91 will be offered to the owner adjoining to the south. The terms and conditions of the sale of this portion of the closed street will be the subject of a future report.

3. Proposed Street Widening DAO 9/92 (Beecher Avenue)

Beecher Avenue is to be widened as part of the Capital Works Program. The lands required for the widening are being acquired through a land exchange process involving the closing of the rear public lane lands for the land required for the widening of Beecher Avenue. In the case of the areas affected by the proposed plans of subdivision DASZ 5/91 and DASZ 6/91, the lands required for the widening of Beecher Avenue may be dedicated as street through the subdivision process.

Depending on the success of the land exchange negotiations, it may be necessary to effect additional road opening by-laws, the costs of which will be borne by the City-at-large.

The Committee on Finance and Administration, at its meeting on March 10th, 1992, approved the conveyance of the lands comprising the subject streets and lane within the limits of DASZ 6/91 to the developer for $1.00, subject to the enactment of the closing by-law.

Acting on the request of the Committee on Finance and Administration, your Committee on Works and Operations has approved the proposal and recommends:-

1. That the City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the street and lane closings of parts of Swailes Avenue, Public Road Plan 3075 and the public lane north of Beecher Avenue, and the widening of Beecher Avenue on both sides between Ferrier and Parr Streets, subject to the City successfully negotiating land exchanges involving public lanes closed or to be closed for the widening of Beecher Avenue in accordance with Misc. Plan No. LSWK 8147/3; the by-law costs of $200.00 are to be borne by the City-at-large and to be recovered in part on a one-third shared basis from each of the developers for DASZ 5/91 and DASZ 6/91 at the time the City approves the plans of subdivision for registration.

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2. That upon first reading of the by-law being subsequently given, the City Clerk be authorized to post the necessary notices in accordance with the requirements of The City of Winnipeg Act.

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

Copy of Misc. Plan No. LSWK 8147/3 regarding this proposal is on file in the office of the City Clerk.

Moved by Councillor Duguid,
Adoption of the clause.

Carried.

1992 Clean Machine Program - Winnipeg Boys and Girls Clubs Incorporated.
Files ER-1.5 and PR-2.8

805 5. The Winnipeg Boys and Girls Clubs Incorporated has been employed since 1980 for the purpose of carrying out a manual paper picking program on streets, lanes and sidewalks as a supplement to the regular street cleaning activities of the Operations Department.

That year, litter cleaning services were provided in the downtown area seven days per week during July and August.

In 1981, the agreement with the City was expanded to include weekends in the Fall. The following year, the program was further extended to weekends in the Spring. This model proved successful and operated on that basis since 1982. The continued success of the Clean Machine Program resulted in an expansion of this program in 1990 to include civic holidays occurring within the contract period and an extension to the Fall program.

The Winnipeg Boys and Girls Clubs Incorporated is proposed to be employed by the City again this year to supplement the regular core area Litter Clean-Up Program.

The program to be carried out by the Winnipeg Boys and Girls Clubs Incorporated employs youths age 12 to 17 who reside within the core area. The Club would provide a minimum of 6 members per day under adult supervision with the cleaning areas in the core area designated by the Operations Department. Each group would work for a two-week period and then be replaced by another group.

Over the course of the program, this Agreement would provide approximately 80 to 90 Winnipeg boys and girls from the core area with an opportunity to have a job and earn an income which, under normal circumstances, would not be available to them. In addition, the club members will wear uniforms consisting of T-shirts, jackets and caps which will provide a means of identification, as well as advertisement for both the City of Winnipeg and the Winnipeg Boys and Girls Clubs Incorporated.

Funds for this project have been included in the 1992 Regional Operations Street Cleaning Budget.

Your Committee on Works and Operations recommends:-

1. That the City of Winnipeg enter into an agreement with the Winnipeg Boys and Girls Clubs Incorporated to provide a litter clean up service in the downtown core area as follows:

   (a) Spring Program to operate on weekends and holidays from May 2nd, 1992 to June 28th, 1992;

   (b) Summer Program to operate seven days per week from June 29th, 1992 to August 28th, 1992;

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(c) Fall Program to operate on weekends and holidays from August 29th, 1992 to October 25th, 1992;

(d) Total cost of the Program to be $40,384.00.

2. That the Proper Officers of the City do all things necessary to implement the foregoing, including the preparation and execution of the necessary Agreement.

Moved by Councillor Duguid,
Adoption of the clause.

Carried.

Construction of a Concrete Lane Pavement in the First North/South Lane East of St. Mary's Road from Essex Avenue to Ellesmere Avenue
Files SC-3.4 and FC(1991)

806 6. A "petition for" has been received by the City with signatures on the petition representing 84.73% of the total assessable frontage for a 20' x 6" concrete lane pavement in the first north/south lane east of St. Mary's Road, from Essex to Ellesmere Avenues.

Funds in the amount of $40,000.00 were budgeted in the 1991 Capital Estimates Local Improvements Concrete Lane Pavements for the first east/west lane from Traverse Avenue to the second east/west lane north of Enfield Crescent. This local improvement was consequently deleted by the Committee on Works and Operations on July 16th, 1991.

As the project has been requested by the affected property owners, and funds are available, it is proposed that the project be proceeded with and charged to the 1991 Capital Estimates.

Your Committee on Works and Operations therefore recommends:-

1. That a concrete lane pavement on the first north/south lane east of St. Mary's Road, between Essex and Ellesmere Avenues, at a cost of $40,000.00, be constructed and be funded from surplus funds available in District No. 5 Local Improvement portion of the 1991 Capital Budget.

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

Moved by Councillor Duguid,
Adoption of the clause.

Pursuant to The Municipal Council Conflict of Interest Act, Councillor Golden advised Council that he would refrain from entering the discussion and from voting on the clause due to a potential conflict of interest because of a financial interest in the property known as Riverside Inn, 531 St. Mary's Road, which is affected, and left the Chamber.

The motion for the adoption of the clause was put and declared carried.

Councillor Golden here returned to the Chamber.

Volume of Flyers, et al, delivered to Residential Households File WT-1.3

807 7. Council, at its meeting on December 19th, 1991, referred to your Committee on Works and Operations, the following motion, namely:

"WHEREAS many households in Winnipeg want to reduce the amount of paper that comes into their homes;

AND WHEREAS City Council is attempting to develop incentives to reduce waste, to re-use and recycle;

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AND WHEREAS flyers are not recyclable and thus add to the volume of waste in our landfill sites;

AND WHEREAS long term strategies are necessary to address environmental issues and to discourage delivery of flyers to households which clearly indicate that they do not want such material;

THEREFORE BE IT RESOLVED that the Commissioner of Works and Operations, together with the Law Department, be requested to develop a by-law to stop the inordinate volume of flyers being delivered to such households."

On January 9th, 1992, the Committee on Works and Operations referred this matter to:

(1) the Administration to report regarding experience in by-law enforcement respecting this issue in Winnipeg, Montreal and elsewhere; and

(2) the Technical Advisory Committee on Waste Minimization for appropriate attention, addressing inter alia the recycling issue, type and volume of paper, etc., raised in the motion.

(1) On June 1st, 1977, Council approved a by-law entitled the Handbill and Poster By-law (1076/75) which was amended on May 8th, 1985, to prohibit the distribution of handbills on private premises if there is a sign posted that these materials are not wanted.

Winnipeg's Handbill and Poster By-law is enforced by the Streets Constables in the Operations Department, upon receipt of complaints from citizens. The prosecution lawyer for the City of Winnipeg advised that since 1990, approximately 12 offences under the by-law were prosecuted, only to charges related to posters being displayed improperly (e.g. on light standards, trees, etc.). The City's prosecution lawyer has not prosecuted any offences related to "distribution of handbills where property posted" (i.e., flyers delivered to households).

Additionally, a constitutional challenge to the City's Handbill and Poster By-law (respecting posting notices) has been filed and set down for hearing, the outcome of which will determine the by-law's legal validity. Another organization has advised that it will also be filing a case with the Manitoba Court of Queen's Bench opposing the City's By-law in the near future.

The City of Montreal was contacted regarding experience with enforcement of their By-law 8588 concerning the distribution of advertising material. As part of their regular duties, Montreal public works inspectors are responsible for enforcing the by-law, and issue a summons upon observation of an infraction to the by-law. Montreal has advised that the difficulty with enforcement of the by- law is actually catching the parties guilty of delivering flyers. Only a few summons have been issued under the Montreal by-law, but the results of these have not yet been concluded.

Two municipalities in Ontario (Ottawa and Hamilton) have attempted to pass similar by-laws but abandoned the process due to strong opposition to the proposed by-laws. Guelph, Ontario, is presently implementing a by-law similar to that of Montreal.

(2) The Technical Advisory Committee on Waste Minimization advises that flyers are delivered to Winnipeg homes from a variety of sources-- local, provincial, national, and international. At the present time, it is felt that a solution to the problem is beyond the capability of the City of Winnipeg. Regulatory and market developments could change this situation in the future.

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The Chairman of the Technical Advisory Committee on Waste Minimization undertook some initial research in early February and the issues were discussed at the February 14th and March 13th, 1992 meetings of the Technical Advisory Committee.

The flyers being delivered to Winnipeg homes from a number of sources are printed on a variety of papers using a range of different techniques. The quality of the paper for recycling can vary substantially from flyer to flyer as can the level of contaminants present. These characteristics increase the cost of recycling the paper.

The research undertaken by the Technical Advisory Committee indicates that the UNADDRESSED direct mail industry delivers about 12,000 tons of flyers to Winnipeg addresses per year. This material, which does not identify an addressee, is delivered by Canada Post, its contractors and private distribution agencies. Material addressed to an individual (e.g. fund raising solicitations from charitable groups using purchased or donated mailing lists) is not included in this amount.

Prevention of waste from this source is best undertaken by regulations which are administered by senior governments. Controls on distribution are possible, but a more effective technique would be to establish the concept of distributor responsibility for achievement of waste reduction targets.

The recyclability of this material could be increased if common standards were adopted by distributors and if a coding system to identify common categories of paper (similar to that used for plastic resins) were instituted. Such measures might permit the collection of higher grades of paper with limited contamination. These are important steps because the markets for low grade paper in Winnipeg are currently limited and the situation is likely to continue into the future. Contamination with shampoo samples, etc., would continue to be a problem.

Your Committee on Works and Operations submits the above advice as information and recommends:-

1. That no further action be taken with respect to the City's Handbill and Poster By-law currently in effect.

2. That the focus of the City's action on this issue be to pursue with the senior governments, in co-ordination with the Technical Advisory Committee on Waste Minimization, the implementation of standard materials and regulations to control the distribution of unwanted flyers.

3. That the Technical Advisory Committee on Waste Minimization continue a "watching brief" for opportunities to recycle flyers, et al, delivered to Winnipeg households.

Moved by Councillor Duguid,
Adoption of the clause.

Carried.

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COMMITTEE ON WORKS AND OPERATIONS
CONSIDERATION OF BY-LAWS

808 On motion of Councillor Duguid, By-law No. 5928/92, a By-law of The City of Winnipeg closing portions of Fournier Street between Panet Road and Warman Road, was read a second and third time, and was passed and ordered to be signed and sealed. File No. DAC 1/89.

On motion of Councillor Duguid, the following By-laws were each read a first, second and third time, the rule being suspended for the third reading of each by-law, and were passed and ordered to be signed and sealed, namely:-

By-law No. 5929/92, a By-law of the City of Winnipeg to widen the street corner at the southwest corner of Ellice Avenue and Garry Street. File No. DAO 4/92.

By-law No. 5930/92, a By-law of the City of Winnipeg to widen part of Avalon Road between Minnetonka and Darwin Street. File No. DAO 3/92.

By-law No. 5931/92, a By-law of the City of Winnipeg to widen the north side of Beecher Avenue, east of McPhillips Street. File No. DAO 2/92.

By-law No. 5932/92, a By-law of the City of Winnipeg to widen the north side of Beecher Avenue, west of Hutton Street. File No. DAO 2/92.

By-law No. 5933/92, a By-law of the City of Winnipeg to open public lane east of St. Mary's Road between Sadler Avenue and Hindley Avenue over Lots 3 and 73, SP Plan 22001, WLTO. File No. DAO 13/85.

On motion of Councillor Duguid, the rule was suspended and By-law No. 5937/92, a By-law of The City of Winnipeg to widen the southwest corner of the intersection of Eric Street and the first lane north of Maralbo Avenue, 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 No. DAO 4/76.

On motion of Councillor Duguid, the rule was suspended and By-law No. 5938/92, a By-law of The City of Winnipeg to close part of Allen Dyne Road and open (corner cut) the south-east corner of Sargent Avenue and Ferry Road, was read a first time. File Nos. DAC 19/91 and DAO 21/91.

Councillor Duguid moved that this constitute the first reading of By-law No. 5938/92, which motion was carried.