Winnipeg

Legal Services Department • Services juridiques

INTER-OFFICE MEMORANDUM

TO:	**Marc Lemoine** City Clerk	**FROM:**	**Harold Dick** Legal Services
FILE:	G.3/2018(60)	**DATE:**	December 5, 2018

RE: Building Exterior Lighting Grant Program By-law

Please find attached the Building Exterior Lighting Grant Program By-law for enactment by Council.

This By-law is being sent for direct submission to Council pursuant to Minute No. 469 of Council's meeting on July 19, 2018 (Item No. 3 of the Report of Executive Policy Committee of July 11, 2018), in which Council resolved (in part):

That as part of a multi-year downtown public safety strategy, the following initiatives be approved:

A. That up to $300,000 from the DMR be used, over a 2 year period, for the creation of a Building Exterior Lighting Grant Program (the "Program") to support the integration of architectural lighting that creates a more inviting and safe pedestrian environment downtown, as per the parameters outlined in this report and the following:

i. That approved applicants be granted up to $5,000 to cover professional design consulting fees; and that the City match up to $10,000 in hard costs per exterior side of the building for eligible improvements;

ii. That grants not exceed 50% of the cost of the eligible works;

iii. That the number of projects eligible to receive grants be limited by the total funds available under the Program, which is recommended to be up to $300,000 for a two-year period on a first-come-first-served basis;

iv. That applicants be required to own the subject property, or be able to demonstrate authorization from the owner to complete the proposed work;

v. That all proposed work be required to fulfill the objectives of the Program and be deemed suitable under the City's existing Urban Design Review, and Heritage Review, if applicable;

vi. *That maintenance and repair of existing lighting/signage not be eligible under the Program;*

vii. *and such other parameters deemed necessary by the City Solicitor / Director of Legal Services to protect the interests of the City.*

B. *That the Program be established for a two year period that will facilitate one or more "Calls for Proposal" for application intake.*

C. *That the Director of Legal Services / City Solicitor be directed to prepare and bring directly to Council for enactment a by-law establishing the Program outlined in Recommendation 1.a., to be called the "Building Exterior Lighting Grant Program", as per the parameters outlined in this report*

The attached By-law reflects the terms of the Program approved by Council.

The attached By-law also includes the following parameters which have been included pursuant to the authority given to the City Solicitor in Recommendation A(vii) to add parameters deemed necessary to protect the interests of the City:

- Grants for professional lighting design consulting fees are not payable
    - unless they result in a design which qualifies for a lighting project grant; and
    - until the lighting project is complete;
- the designated employee is authorized to
    - establish specific criteria and requirements for projects that are designed to achieve the objectives of the Program;
    - administer the application process, including establishing time periods for applications and the application forms and information required as part of an application;
    - determine whether completed projects meet the criteria and standards of the By-law.
- appeals will be heard by the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

If you have any questions concerning this By-law, please feel free to contact me.

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HAROLD DICK
Solicitor

HD/yp

Enclosure