

Council met this day at 7:34 p.m.

His Worship the Mayor called the meeting to order.

Opening Prayer read by Councillor Eliason.

The Clerk called the roll.

Present: His Worship Mayor Norrie, Councillors Angus, Brown, Clement, Dacquay, Demare, Eadie, Fleisher, Gerrie, Gilroy, Jorowski, Lazarenko, Macdonald, Marshall, Mitchelson, Neville, O'Shaughnessy, Promislow, Rose, Savoie, Skowron, Steel, Stefanson, Taylor, Timm-Rudolph, Wachniak, Eliason and Wade.

In Attendance: Mr. R.B. Hayes, City Clerk, Mr. D.W. King, Deputy City Clerk and Mr. R. Belot, Committee Clerk.

Councillor O'Shaughnessy moved that the minutes of the meeting held on January 20th, 1988, be taken as read and confirmed, which motion was carried.

537 - Councillor Mitchelson rose and asked that His Worship the Mayor write to His Worship Mayor Klein, and members of City Council of the City of Calgary, and express congratulations, on behalf of the City of Winnipeg Council, for the exemplary fashion in which the City of Calgary and its citizens, hosted the 1988 Winter Olympics recently.

His Worship thanked Councillor Mitchelson for the suggestion, and advised that he would be delighted to write such a letter.

COMMUNICATIONS

The following communications were received as information:

538 - From the City Solicitor,

Submitting, as instructed by Council on March 25th, 1987, draft by-law to open and close the public lane bounded by Jarvis and Sutherland Avenues and Main and Austin Streets, in the Lord Selkirk-West Kildonan Community, which by-law may receive first reading only. File No. DAOC 2/86.

539 - From the City Solicitor,

Submitting, as instructed by Council on February 11th, 1988, draft by-law to rezone land located in the Riverview Neighbourhood, lying south of the lane south of Jubilee Avenue, between Osborne and Cockburn Streets, in the City Centre-Fort Rouge Community, which by-law may receive all three readings. File No. DAZ 281/87.

Moved by Councillor Gilroy,

That the rule be suspended and the following communications which were received too late to be placed on the agenda, be received as information.

Carried.

540 - From the City Solicitor,

Submitting, as instructed by Council on January 21st, 1987, draft by-law to rezone land at the south-west corner of Cathedral Avenue and Charles Street, in the Lord Selkirk-West Kildonan Community, which by-law may receive all three readings. File No. DAZ 297/86.

541 - From the City Solicitor,

Submitting, as instructed by Council on May 27th, 1987, draft by-law to rezone land on the west side of Belton Street, south of Chapman Avenue, in the Lord Selkirk-West Kildonan Community, which by-law may receive all three readings. File No. DAZ 299/86.

542 - From the City Solicitor,

Submitting, as instructed by Council on November 12th, 1987, draft by-law to rezone lands commonly known as 157 St. Anne's Road, in the St. Boniface-St. Vital Community, which by-law may receive all three readings. File No. DAZ 255/87.

543 - From the City Solicitor,

Submitting, draft by-law to correct By-law No. 4794/88, a By-law to amend Zoning By-law No. 16502 for the enactment of a zoning change in the City Centre-Fort Rouge Community.

Advising that by its By-law No. 4794/88 The City of Winnipeg rezoned the lands described therein to an "R2-T" Two-Family District, and through inadvertence, the land intended by Council to be rezoned by that By-law is identified therein by reference incorrectly to a plan as contained within By-law No. 4804/88.

Also advising that it is considered that the correction of By-law No. 4794/88 will not prejudice the public or any interested person. File No. DAZ 244/87.

CONSIDERATION OF REPORT OF THE

EXECUTIVE POLICY COMMITTEE

On motion of Councillor Savoie, the Report of the Executive Policy Committee, dated February 24th, 1988, was considered.

West Committee Room,
Council Building, Winnipeg,
February 24th, 1988.

His Worship the Mayor and Councillors:

Your Executive Policy Committee submits the following Report and recommends:

Workers Compensation.

File GU-2.8

544 - 1. In September, 1985, the Minister responsible for Workers Compensation for the Government of Manitoba established a Committee to make recommendations for improving the Workers Compensation program in Manitoba.

On July 22nd, 1986, the Commissioner of Finance, representing The City of Winnipeg, appeared before the Workers Compensation Review Committee to offer several recommendations designed to help improve the program.

In May, 1987, the Workers Compensation Review Committee submitted its report to the Minister responsible for Workers Compensation.

On September 30th, 1987, a Workers Compensation Committee was established to investigate and make recommendations relative to the workers compensation program at the City. Having analyzed the recommendations of the Provincial Workers Compensation Review Committee, the Civic Workers Compensation Committee believed it vital to respond to the recommendations of the Provincial Review Committee prior to the implementation of said recommendations.

After review of the recommendations contained in the final report of the Province it should be noted that the Review Committee has taken positive action on some of the issues raised by the City. Unfortunately, the vast majority of issues raised by the City have not been addressed, or worse yet, have been exacerbated by the various recommendations contained in the final report. The City of Winnipeg views this unfortunate development with deep concern.

The following material contains an analysis of the Review Committee's recommendations in light of the proposals put forward by the City on July 22nd, 1986. In addition, the report contains comments on other recommendations made by the Review Committee.

In reviewing the report, it should be kept in mind that, in response to the Review Committee's final report, there are five areas of primary concern to The City of Winnipeg. They are:

1. Retention of the City's status as a "Class E" employer.
2. The lack of provisions which would ensure that the Worker's Compensation Board is accountable to employers.
3. The trend to broaden unreasonably the original intent of The Workers Compensation Act from a no-fault insurance program to a system which resembles a universal health coverage scheme.
4. The absence of a specific recommendation for legislative change to deal effectively with fraud.
5. The lack of balance evident in the report, as is best demonstrated by the numerous recommendations (57) concerning the responsibilities of employers and rights of workers, while only one minority recommendation defines the rights of employers and the responsibility of workers.

The City's concerns in response to the Provincial Workers Compensation Committee's recommendations are elaborated in the material which follows.

AREAS OF AGREEMENT

LEGISLATIVE REVIEW COMMITTEE RECOMMENDATIONS 13 AND 158

Recommendation 13: Injured workers who appeal decisions of the Workers Compensation Board have the right to speedy decision-making. Time limits, congruent with our recommendations regarding a new appeal structure, should be incorporated into the legislation. For example, 30 days for primary adjudication, 60 days for a written decision at the first level of appeal and 90 days for a written decision at the final level of appeal would be reasonable. Where the Board can show that extra time is required for a thorough inquiry, an extra 30-day extension should be allowed. These time limits should be maximums; they should not become the norm.

Recommendation 158: The Workers Compensation Act should be amended to permit employers to call for a Medical Review Panel to be convened, if, as is the case for workers, they have medical support for their position.

ANALYSIS

The City's position, as stated on July 22nd, 1986, is that legislation be enacted to enable employers to have access to results and findings of Medical Review Panels, and that time limits be established at the various stages of appeal. The City recognizes and applauds the minority recommendation 158 (Farrell) and recommendation 13. If implemented, these will satisfy the City's concerns in this area.

LEGISLATIVE REVIEW COMMITTEE RECOMMENDATIONS 105 AND 106

Recommendation 105: We recommend that the present method of compensating workers on the basis of 75% of gross income be replaced by a net income formula.

Recommendation 106: Further, we recommend that in calculating net income, only the three standard deductions - Canada Pension Plan, Unemployment Insurance, and Income Tax - be considered in the formula.

ANALYSIS

The City's position, as stated on July 22nd, 1986, is that benefits be paid, as in many other jurisdictions, on 90% of net earnings; and further that the rate of compensation should be reduced to offset any automatic income benefits such as lower income tax payments arising from non-taxable compensation. Implementation of recommendations 105 and 106 will satisfy the City's concerns in this particular area.

LEGISLATIVE REVIEW COMMITTEE RECOMMENDATIONS 173 AND 174

Recommendation 173: That The Workers Compensation Act be amended to require review of the workers compensation system every four to five years.

Recommendation 174: That the Act require a balanced committee of employers and organized workers to be appointed for such a review under the auspices of a neutral chairperson.

ANALYSIS

The City's position, as stated on July 22nd, 1986, is that The Workers Compensation Act should be amended to include a new section requiring a mandatory review of the Act, programs and policies every five years. Implementation of recommendations 105 and 106 satisfy the City's concerns in this particular area.

AREAS OF DISAGREEMENT

LEGISLATIVE REVIEW COMMITTEE RECOMMENDATION 102

We recommend that a new classification system be developed with fewer categories, amended rates, and a larger spread between the rates at the top end of the scale than exists at the bottom end.

ANALYSIS

The City's position, as stated on July 22nd, 1986, is that self-insured employers should be retained. The City is designated as a Class "E" employer and as such pays 100% of all costs plus an administrative charge. This status ensures that the City of Winnipeg, with its "shareholders" being the taxpayers of this city, pays only its fair share in workers compensation costs.

In the narrative which accompanies recommendation 102, the Legislative Review Committee suggests including The City of Winnipeg in the collective liability pool.

If the City were to lose its Class "E" designation, responsibility would be incurred for a portion of the \$84 million deficit reported by the Board in its 1986 Annual Report. Since The City of Winnipeg has not contributed to the accumulated deficit, it should not be required to assume responsibility for reducing the same. The City has expressed its opposition to this proposal on a number of occasions and will continue to do so.

Information obtained from the Workers Compensation Board indicates that an average increase of 33% will be required to meet projected operating costs for 1987/88. This does not allow for any reduction of the accumulated deficit (\$84 million). Thus, it is inevitable that the collective liability will increase.

If this recommendation is implemented, a potential will exist for the City's 1988 costs to double.

LEGISLATIVE REVIEW COMMITTEE RECOMMENDATIONS 33, 35, 61, 123 and 125

Recommendation 33: The principle to be followed in the adjudication of cases involving pre-existing conditions is that the Workers Compensation Board is obligated to return the injured worker to his/her pre-injury condition or to provide fair compensation for the reduced health and/or financial status of the injured worker. The physical attributes of the injured worker, such as weight, height, gender and pregnancy should not affect claims adjudication.

ANALYSIS

The City's position, as stated on July 22nd, 1986, is that the administration of the Workers Compensation Board has deviated from the original intent of The Workers Compensation Act. Since 1982, the Workers Compensation Board has deviated greatly from its original role, that being to administer a "no-fault" insurance system. Increasingly, the Board has assumed roles traditionally filled by other federal and provincial agencies, with a corresponding overlapping of resources and transfer of costs.

It is the position of the City of Winnipeg that various of the recommendations of the Legislative Review Committee, if implemented, will cause the workers compensation system to deviate further from its original intent. The pertinent recommendations of the Legislative Review Committee will be discussed below, commencing with recommendation 33, (stated above) which deals with pre-existing conditions.

The wording of recommendation 33 does not, in itself, cause the City concern. The narrative (King and Donner) which accompanies this recommendation, however, indicates that the strict wording of the recommendation will not be adhered to, and that the City's original recommendations related to the issue of pre-existing conditions will not be acted upon.

Section 34.1 of The Workers Compensation Act allows for compensation in respect of pre-existing conditions where there is a relationship between the injury and the pre-existing condition. It is unreasonable to conclude that this particular amendment to the Act contravenes or supersedes the initial intent of section 4 (1), which stipulates that the accident must arise both out of, and in the course of employment. In support of this opinion, attention is directed to Hansard (June 8th, 1972, page 2, file 773) which specifically states that the legislative intent of section 34.1 is to provide for "payment of compensation in respect of a pre-existing condition where the workman suffers an injury and disability is due to a combination of the injury and a pre-existing or underlying condition."

Many workers are afflicted with conditions that affect their employability, but which are not related to the workplace. An excellent example of this type of situation involves workers who are born with mechanical defects of the spinal column. Such defects invariably lead to some degree of disability, regardless of the type of work undertaken by the individual. Physical labour may advance this process; however, such acceleration or enhancement is very difficult to verify through objective medical testing.

If implemented, this recommendation of the Legislative Review Committee will charge employers with the responsibility for all costs associated with medical treatment, time loss and rehabilitation for workers with non-work related difficulties. Further, the range of acceptable conditions will expand to include workers who cannot perform their work due to physical stature, obesity or pregnancy.

By allocating the expenses associated with pre-existing conditions to employers, the Legislative Review Committee is transferring costs from the health care system to the employers of Manitoba. As pre-existing conditions are quite prevalent in the general population, the costs associated with recommendation 33 will be significant.

Many other of the Legislative Review Committee's recommendations illustrate this tendency to duplicate service and transfer costs. The most significant of these are recommendations 35, 61, 123 and 125. These will be discussed separately below.

Recommendation 35: The Workers Compensation Act should be amended to state that in cases of deteriorating pre-existing conditions, compensation benefits should be paid for the period of temporary aggravation and for any permanent aggravation or enhancement resulting from the compensable injury.

ANALYSIS

In rare cases, it is possible to establish objectively that a pre-existing condition is deteriorating. Most often, objective medical evidence does not support a worker's claim that he/she is experiencing increased difficulty due to a workplace incident. For this reason, attending physicians must speculate as to whether or not the workplace accident has worsened a pre-existing condition and, if so, to what extent. As the physician's opinion will be based on the subjective reporting of the worker, workplace restrictions and permanent partial disability awards will be awarded in the absence of supporting medical evidence.

Recommendation 61: The Committee recommends that the current policy of the Workers Compensation Board, with regard to the adjudication of psychological conditions, as outlined in Board Order No. 114/84, should be revoked. We believe that it is the responsibility of the Workers Compensation

Board to adjudicate claims for psychological conditions resulting from occupational injury or illness, on their own merits, based on expert opinion regarding the severity of the impairment and of the relationship to the compensable condition.

ANALYSIS

The policy to be revoked prescribes limits concerning the range of acceptability for psychological conditions. It is the intent of the Legislative Review Committee, in revoking the said policy, to broaden the scope of acceptable conditions and even to include as compensable the cumulative stress associated with all phases of life, only part of which might be associated with workplace stress.

Psychological conditions present a set of extremely difficult problems for a claims adjudicator. Reports provided by a specialist are based on the subjective reporting of the worker who, for a variety of reasons, will attribute his or her condition to the workplace. Even in the presence of a well-documented, pre-existing history of psychological disturbance, the specialist will invariably attribute at least part of the worker's difficulties to the workplace. Given the Board's penchant to accept complete responsibility for conditions that are only partially, if at all, a consequence of the workplace, employers are likely to be burdened with financial responsibility for all psychological conditions suffered by their employees, once the implications of this policy become well known.

Further compounding this problem is the reluctance of attending specialists to provide a statement concerning when, if ever, the worker will be capable of returning to work. Workers who present with psychological difficulties are often:

- 1) involved in work that is unchallenging and/or unrewarding, although it may be well paid,
- 2) possessed of a history of conflict with immediate supervisors,
- 3) not possessed of a strong work ethic, and,
- 4) not possessed of well developed coping or problem solving skills.

For these reasons, workers who receive compensation for psychological conditions seldom return to their original jobs, nor do they make effective use of vocational rehabilitation programs. Rather, they become long-term recipients of workers compensation benefits, with the associated costs being charged to the pre-accident employer.

Recommendation 123: That workers age 60 or over receive a minimum of five years of wage loss pension if applicable.

ANALYSIS

Current procedure is to provide workers age 60 and over with a minimum of two years wage loss pension, if applicable. If implemented, the report of the Legislative Review Committee will increase this entitlement by three years across the board. Given an average compensation rate of approximately \$316.00 per week, and given that there are approximately 25 to 30 civic workers at any given time who might benefit from such a policy, the cost implications are obvious.

Recommendation 125: That the prospective wage-loss pension take into account the special circumstances of younger workers. For example, a high school student working in a fast food restaurant, who is injured and suffers a permanent disability, should be compensated on his/her true prospective earnings as an adult, not on the earnings at the time of injury.

ANALYSIS

It is currently the practice of the Workers Compensation Board to base the extent of benefits and services to be provided on the earnings of the worker at the time of the accident. Some latitude is allowed in the case of workers who are obviously working under their established potential.

In making this recommendation, the Legislative Review Committee intends to provide access to formal vocational retraining for young workers who are injured in low-paying positions.

There are a number of difficulties associated with this recommendation. For example, who is to determine what any young person's "true prospective

earnings as an adult" are? The worker may tell you that he had planned to be a Social Worker, Doctor, or Lawyer, despite the fact that he did not complete high school. The costs associated with one or two years of up-grading and four years of university level training are formidable. Further, if such services are provided for younger workers, can the Workers Compensation Board refuse the same services to older workers?

This recommendation is considered by the City to be completely unmanageable. Further, it duplicates a service already provided by the Employment and Immigration Commission - a service to which employers already contribute.

LEGISLATIVE REVIEW COMMITTEE RECOMMENDATIONS 40 AND 41

Recommendation 40: That adjudicative guidelines be published by the Workers Compensation Board outlining the meaning of the rule of presumption.

Recommendation 41: That these guidelines include the following:

- (a) That the onus is on the Workers Compensation Board to disprove a claim, not on the claimant to prove it.
- (b) That no "incident" is required for a claim to be compensable.

ANALYSIS

The City's position, as stated on July 22nd, 1986, is that the definition of an accident should show that the disablement must have some casual relationship with the work being performed.

The definition of "accident" currently utilized by the Workers Compensation Board is more liberal than that used by any other Canadian jurisdiction. Such terms as "arising out of" and "in the course of employment" suggest that one's location on a worksite, in itself, qualifies a worker for compensation. In reality, during the course of employment workers not only perform their specified duties but also take lunch breaks, leave work stations to speak to co-workers and so on. Many injuries are coincidental with the worker's attendance at the workplace, rather than a result of the same. Examples include workers who injure their backs while they are bending to tie a shoe or turning to speak to a co-worker. These types of injuries could occur anywhere, and are often more a result of pre-existing propensities related to the workers lifestyle (obesity, congenital anomaly) than the precipitating incident itself.

The City has requested that the definition of the word "accident" be changed to incorporate words similar to those which appear in the Ontario Act. This states that "the disablement must have some cause or relationship with the work being performed".

The Report of the Legislative Review Committee not only fails to recognize the wishes of the City in this matter, but in publishing recommendations 40 and 41 actually proposes further broadening of the definition of "accident".

LEGISLATIVE REVIEW COMMITTEE RECOMMENDATION 166

That The Workers Compensation Act be amended to give Worker Advisors the power to review all relevant workers compensation files and records, including policy documents which may have led to or influenced the decision.

ANALYSIS

The City's position, as stated on July 22nd, 1986, is that, on appeal, the employer should have access to all pertinent medical information and; in re-deployment after a work injury the employer's medical representative should be provided with medical information to facilitate appropriate job assignments.

Historically, the Workers Compensation Board has been recognized as exercising quasi-judicial power in its role of "deciding" disputes between the worker and the employer. The purpose of the investigation has been to clarify discrepancies in the arguments presented by these common adversaries.

If one accepts that the real adversaries in the workers compensation system are the worker and the employer, it is reasonable to conclude that the principal of natural justice can only be realized by providing both parties with equal opportunity to prepare their respective arguments, and to rebut the evidence of the other party (including access to all relevant sources of information and expertise). Recommendation 166 is fundamentally at odds with the premise of

natural justice, a premise which the Legislative Review Committee has repeatedly stated must be observed by the Workers Compensation Board.

The Workers Advisors already have an advantage over employers in that they are privy to all medical documentation contained in the worker's file. If it is the intention of this recommendation to provide access to the aforementioned documents only to the Workers Advisors, then the appeal process will become even more unfairly biased in the worker's favour. This recommendation should allow for provision of information to both the worker's representative and the employer's representative.

LEGISLATIVE REVIEW COMMITTEE RECOMMENDATION 129

We recommend that the present medical rating schedule for permanent impairments be amended to include ratings for disabilities which are now termed as "token" awards or "functional" awards. The medical rating schedule should not provide for an award where there is no disability or impairment resulting from a work injury.

ANALYSIS

The City's position, as stated on July 22nd, 1986, is that the implementation of a wage loss system that provides actual wage loss resulting from a work injury is required. The existing system of token awards granted by the Board should be eliminated.

The Legislative Review Committee's position on this issue is somewhat contradictory in that provision is made to incorporate token/function awards into the existing medical rating schedule, while stating that awards should not be granted in situations where no disability or impairment exists. If it is the Committee's intention to discontinue provision of functional awards as a means for entitling workers to Special Additional Compensation in the absence of disability, then the City strongly endorses the recommendation. However, if it is the intention of the Committee to simply incorporate this type of award into the existing medical rating schedule, then the City is strongly opposed to implementation of the recommendation.

AREAS NOT ADDRESSED BY THE REPORT OF THE LEGISLATIVE REVIEW COMMITTEE

MANITOBA REGULATION 24/77, CARDIAC AND MYOCARDIAL POLICIES

The City's position, as stated on July 22nd, 1986, called for the elimination of Manitoba Regulation 24/77 in order that firefighters' diseases might be adjudicated against criteria establishing a casual relationship to the workplace. Also called for was the amendment of current cardiac and myocardial policies to bring them in line with other jurisdictions, with any associated costs being charged to the correct source.

ANALYSIS

The City believes that these types of claims must not be accepted in the absence of objective medical evidence. The fact that a worker experiences a heart attack while at work may be coincidental with, rather than the result of, attendance at the workplace. Factors associated with lifestyle including hypertension, obesity, a history of smoking, elevated cholesterol levels, and a variety of others must be taken into consideration in the initial adjudication decision.

The degree to which the aforementioned policies are misapplied is best illustrated in a decision by the Board of Commissioners of the Workers Compensation Board to accept as compensable a heart attack that occurred while a firefighter was deep sea fishing in Florida. The cause and effect relationship between that particular accident and the worker's employment as a firefighter is, at best, extremely tenuous.

That The Workers Compensation Act requires a cause and effect relationship to be established between the accident and the workplace is evidenced in Justice DeGrave's recent decision with respect to a City firefighter's renal cancer claim (Suit No. 87-01-77319). Medical evidence did not prove a cause and effect relationship. It was on this basis that Justice DeGrave overturned the decision by the Workers Compensation Board.

ACCOUNTABILITY TO EMPLOYERS

The City's position, as stated on July 22nd, 1986, requested that the Legislative Review Committee:

1. require a five year cost projection to be undertaken for every new program or policy being contemplated for the Workers Compensation Board, and that discussions with representatives of labour and employers about the new policies, programs and their implications be undertaken;
2. establish a Corporate Board of Directors for Workers Compensation. This Board would be separate from the current Board of Commissioners and would have no responsibility for adjudication of claims. It would approve any changes in policies or programs being contemplated for the workers compensation program. Part of the Corporate Board's mandate would require it to schedule every two years a review of all administrative procedures and evaluate program policies with special regard for financial accountability. The Corporate Board would include equal representation chosen by employers and labour; and
3. require that a detailed annual budget, based on projected operational requirements and comparison with the previous year's budget and actual performance, be publicly available for scrutiny.

ANALYSIS

The Legislative Review Committee fails to address these requests in its report. In doing so, the Committee has chosen not to make the Workers Compensation Board accountable to employers or, in fact, the public at large.

COLLECTION OF OVERPAYMENTS

The City's position, as stated on July 22nd, 1986, required that the Board collect overpayments made to claimants as a result of Board error or the successful appeal of an issue by the employer.

ANALYSIS

The Workers Compensation Board incurs approximately \$350,000.00 in liabilities each year as a result of overpayments. Procedures for collecting the same are, at best, inadequate. Other provincial and federal agencies take steps to collect overpayments when such are made. It is considered unacceptable that the Legislative Review Committee has chosen not to make recommendations in this area.

PERIODS OF SEVERANCE

The City's position, as stated on July 22nd, 1986, required that, when a worker is fit to return to work, benefits should be discontinued the date the individual is declared medically fit; therefore eliminating the Board's practice of paying an additional 7 day severance period.

ANALYSIS

It is the practice of the Claims Services Department of the Workers Compensation Board to provide one week of benefits beyond the date that the worker is considered fit to return to work. It is the practice of the Board's Rehabilitation Department to pay an additional two weeks of benefits beyond that date. Given that approximately 22,000 time loss claims are established with the Board each year, the costs associated with this administrative detail are staggering.

CONFRONTING FRAUD

A major barrier to the successful prosecution of fraud cases has been a lack of specific legislation in The Workers Compensation Act related to this issue. In the briefs provided to the Legislative Review Committee by the staff at the Board, this fact was highlighted. Despite being made privy to this information, the Review Committee has chosen not to make recommendations concerning the treatment of fraudulent claims.

ANALYSIS

It is the position of the City that failure to take a firm stand concerning fraud encourages the same, and that the lack of concern demonstrated by the Legislative Review Committee is completely unacceptable.

The Committee on Finance and Administration on February 16th, 1988, considered the above information and concurred in the following

recommendations.

Your Executive Policy Committee recommends that this clause be adopted as the official position of The City of Winnipeg relative to Workers Compensation.

Your Committee further recommends that a copy of this clause be forwarded to all members of the Legislative Assembly of the Province of Manitoba.

Moved by Councillor Savoie,
Adoption of the report.

The motion for the adoption of the report was put.

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

Yea: His Worship Mayor Norrie, Councillors Angus, Clement, Dacquay, Demare, Eadie, Fleisher, Gilroy, Jorowski, Lazarenko, Macdonald, Marshall, Mitchelson, Neville, O'Shaughnessy, Promislow, Rose, Savoie, Steel, Stefanson, Taylor, Timm-Rudolph and Wachniak.

23.

Nay: Councillors Eliason and Wade.

2.

and the motion for the adoption of the report was declared carried.

CONSIDERATION OF REPORT OF THE

EXECUTIVE POLICY COMMITTEE

On motion of Councillor Savoie, the rule was suspended and the Report of the Executive Policy Committee, dated March 2nd, 1988, was considered clause by clause.

West Committee Room,
Council Building, Winnipeg,
March 2nd, 1988.

His Worship the Mayor and Councillors:

Your Executive Policy Committee submits the following report and recommends:

Assiniboine River Bank Stability Adjacent to the Granite Curling Club.

File PR-4.5

545 - 1. Riverbank instability and failure at the Granite Curling Club site currently threatens the foundation of the Curling Club structure. Remedial stabilization works are required to protect the building and property.

The Committee on Finance and Administration on March 31st, 1987, approved in principle the extension of the current lease of the Granite Curling Club at 22 Mostyn Place from August, 1995 to August 19th, 2000, on condition that the Granite Curling Club provide documentation to show the Club has a grant or funds available to make necessary repairs or replacement to the roof and walls of the rink area of the Curling Club building and in conjunction therewith requested that a report be submitted as quickly as possible advising the condition of the Curling Club building in relation to the instability of the riverbank at the southeast corner of the building.

The Committee on Works and Operations at its meeting on February 29th, 1988, considered a report with respect to riverbank stability at the Granite Curling Club site and recommended that the City carry out the riverbank stabilization works at the Granite Curling Club site on condition that the Granite Curling Club pay to the City 30% of the actual direct construction costs incurred to carry out such riverbank stabilization, which share of construction costs are estimated at \$76,500.00, such payment to be amortized over 18 equal consecutive annual installments together with interest calculated at the rate of 11% per annum and providing for prepayment without penalty.

Your Executive Policy Committee therefore recommends:

1. That the current lease for the Granite Curling Club be extended from August 19th, 1995 to August 19th, 2005, on the following conditions:
 - a) That the Granite Curling Club provide documentation to show the Club has a grant or funds available to make necessary repairs or replacement to the roof and walls of the rink area of the Curling Club building;
 - b) That the Granite Curling Club agree to pay the City 30% of the actual direct construction costs incurred to carry out riverbank stabilization, which share of construction costs are estimated at \$76,500.00, such payment to be amortized over 18 equal consecutive annual installments each to be paid not later than the anniversary date of the lease together with interest calculated at the rate of 11% per annum and providing for prepayment without penalty;
 - c) That if in the sole opinion of the City's Director of Civic Properties, the premises are structurally sound and in good repair and should there be no default under the lease, the City will extend the term of the lease for one further renewal period of 10 years, with no further right of renewal;
2. That the City proceed with the necessary riverbank stabilization work upon receipt of a letter of commitment from the Granite Curling Club in a form acceptable to the City Solicitor agreeing to the annual payments due in respect of the Granite Curling Club's share of the direct construction costs.
3. That an amount of \$362,000.00 be allocated to the Streets and Transportation Department 1988 Capital Estimates and advance approval be provided to commence work immediately.
4. That the Proper Officers of the City do all things necessary to implement the foregoing as soon as possible.

Moved by Councillor Savoie,
Adoption of the clause.

Carried.

**Acceleration of Remittance of School Taxes by
Municipalities to the Province of Manitoba and School
Divisions.**

File FL-3

546 - 2. Your Executive Policy Committee has considered the following motions adopted by the Executive Board of the Manitoba Association of Urban Municipalities relative to the Provincial Government's request for acceleration of remittance of school taxes by municipalities to the Province and School Divisions.

Your Executive Policy Committee concurs in the motions as outlined below and recommends that Council endorse the resolutions:

- "1. That the government withdraw the regulations for a period of one year till the involved parties can communicate and fully understand the impact of the said tax remittances. There is much confusion.

2. The involved parties are very concerned about the lack of consultation. Not at any time were any of the involved parties consulted. This is a democracy.....we were dictated to."

Your Committee further recommends that a copy of this clause be forwarded to the appropriate Provincial officials.

Moved by Councillor Savoie,
Adoption of the clause.

Carried.

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Moved by Councillor Eadie,
Seconded by Councillor Dacquay,

- 547 - This Council notes with sorrow the passing of Mrs. Millie Christine Bester, mother-in-law of Councillor Donald Mitchelson, and expresses its condolences to Councillor Mitchelson and Mrs. Bonnie Mitchelson, daughter of Mrs. Bester, and to other members of her family.

Carried by Silent Standing Vote.

Moved by Councillor Eadie,
Seconded by Councillor O'Shaughnessy,

- 548 - That Councillor C. Lorenc be granted leave of absence from Council this evening due to illness.

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 February 16th, 1988, has concurred in the recommendations contained therein and submits same to Council for approval and adoption.

On motion of Councillor Brown, the Report of the Committee on Works and Operations, dated February 16th, 1988, was considered clause by clause.

North Committee Room,
Council Building, Winnipeg,
February 16th, 1988.

His Worship the Mayor and Councillors:-

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

Pedestrian Railway Crossing across the
Canadian National Letellier Subdivision
Mile 0.16 opposite Edderton Avenue.

549- 1. In connection with Anti-Whistling considerations for the Canadian National Letellier Subdivision, the Streets and Transportation Department on December 3rd, 1986 had proposed sidewalk closures across the Canadian National Letellier Subdivision opposite Edderton Avenue and opposite Lee Boulevard, and recommended that By-law No. 2381/79 be amended to prohibit train whistling along the Canadian National Letellier Subdivision from the Parker Avenue crossing to the Rue des Trappistes crossing (Mile 0.15 to Mile 6.31).

The Edderton Avenue crossing was established as a pedestrian crossing by Order No. 32556 on June 29th, 1922. Drawing No. RX115 shows the crossing and the surrounding area. An October, 1986 count has shown that seventy-two pedestrians used the crossing during the period between 7:00 A.M. - 6:00 P.M. of a weekday.

The removal of the existing sidewalk crossing and construction of a sidewalk between Edderton Avenue and Byng Place along the west side of and parallel to the tracks had been estimated to cost \$9,800.00. This would give pedestrians access to the nearest public crossing of the tracks 354 metres to the south of the proposed crossing closure. A physical barrier in the form of a six-foot high eighty-five foot long chain link fence to prevent crossing opposite Edderton Avenue would cost approximately \$1,700.00.

On January 20th, 1987 the Assiniboine Park-Fort Garry Community Committee concurred in the above, and on March 4th, 1987, Council adopted Report dated February 17th, 1987 of the Committee on Works and Operations, which recommended:-

1. That pedestrian railway crossings across the Canadian National Letellier Subdivision be closed and removed at the following locations:-
 - a) Opposite Edderton Avenue
 - b) Opposite Lee Boulevard
2. That By-law No. 2381/79 be amended to delete the public crossings at Mile 7.12 and the Perrault Avenue crossing at Mile 7.34.
3. That an additional appropriation be approved and included in the 1987 Current Estimates in the amount of \$14,000.00 for removal of the crossing sidewalks and construction of a fence and a sidewalk.
4. That Canada Post be requested to relocate the mail boxes which belong to residents west of the Letellier Subdivision, from the Dairy Queen parking lot near Pembina Highway to a suitable location to the west of the railway tracks.

In response to circulations and notices subsequently carried out by the Department of Environmental Planning, some concerns were expressed with regard to the closures of Lee Boulevard crossing and the Edderton Avenue crossing.

On September 8th, 1987 the Assiniboine Park-Fort Garry Community Committee again considered the matter. Due to the fact that representation had been received from concerned citizens in the area in opposition to the closing of the walkway at Edderton Avenue, the Community Committee divided the two issues (Lee Boulevard and Edderton Avenue). The Community Committee proposed that the pedestrian railway crossing over the Canadian National Letellier Subdivision at Lee Boulevard be proceeded with subject to the following conditions:-

1. That the group mailboxes presently located along Pembina Highway be moved to a new location adjacent to Shore Street, immediately south of Bison Drive, thus negating the necessity for residents to cross the railway tracks to receive mail;
2. That a new sidewalk be installed on the south side of Bison Drive connecting Shore Street and Pembina Highway.

Construction of the sidewalk along Bison Drive from the Pembina Highway bus stop to Shore Street was subsequently approved and 60% of construction was completed in 1987. The group mailboxes will be relocated as soon as the sidewalk construction is completed early in the 1988 construction season. All concerns were settled and the pedestrian railway crossing at Lee Boulevard will be removed at the completion of these actions in the 1988 construction season and the issuance of a closing Order by National Transportation Agency.

On October 20th, 1987 the Assiniboine Park-Fort Garry Community Committee again received representations from residents in the area of the sidewalk

crossing at Edderton Avenue in opposition to the closing of the crossing. The Community Committee recommended to the Committee on Works and Operations that Council be asked to amend or repeal By-law No. 2381/79, whichever is considered most expeditious, to remove the following crossing locations of the Canadian National Letellier Subdivision listed in By-law No. 2381/79 to require the sounding of engine whistles at the crossings namely:-

1. Parker Avenue Letellier Subdivision Mile 0.15
2. Edderton Avenue Letellier Subdivision Mile 0.16

The Community Committee also proposed that the proposal to close the sidewalk crossing of the Canadian National Letellier Subdivision at Edderton Avenue not be proceeded with.

On December 7th, 1987, the Committee on Planning and Community Services approved, in principle, as to planning considerations the closing of the pedestrian railway crossing over the Canadian National Letellier Subdivision at Lee Boulevard.

The Committee on Planning and Community Services also proposed that the following be recommended to the Committee on Works and Operations:-

1. That the group mailboxes presently located along Pembina Highway be moved to a new location off Shore Street or such other suitable location in consultation with Canada Post, so as to negate the necessity for residents to cross the railway (other than at Bison Drive) in order to retrieve mail;
2. That a public sidewalk be installed between Shore Street and Pembina Highway along the south side of Bison Drive.

The Committee on Planning and Community Services further proposed that the closing of the public walkway associated with the proposed closing of the pedestrian crossing of the Canadian National Letellier Subdivision at Edderton Avenue be not proceeded with.

By-law No. 2381/79 prohibits railway engine whistling at all crossings along the Letellier Subdivision from the Canadian National Rivers Subdivision to the St. Norbert area near the south City boundary. However, National Transportation Agency rules stipulate that Anti-Whistling Orders can be enacted only for a continuous length of a railway subdivision. This means that for the Letellier Subdivision an Anti-Whistling Order is not considered possible for the entire length previously proposed, unless the Edderton Avenue crossing is either removed or has automatic crossing protection installed.

The proposed elimination from the Anti-Whistling By-law of the Parker Avenue and Edderton Avenue crossings is a feasible alternative which would allow Anti-Whistling to commence with the Byng Place crossing and apply to other crossings south thereof.

It should be noted that engine whistling is required to start 1/4 of a mile in advance of crossings and, therefore, northbound trains will start whistling 1/4 of a mile south of the Edderton Boulevard crossing if Edderton Avenue remains open and, therefore, residents of that area and north thereof will still be exposed to the whistling of trains.

During the preliminary discussions, the Winnipeg Office of the National Transportation Agency has indicated that it is prepared to consider this alternative. The appropriate implementation procedure is to amend By-law No. 2381/79 to exclude the Parker Avenue and Edderton Avenue crossings and the submission of the amended by-law to National Transportation Agency for approval and issuance of an Anti-Whistling Order.

The established warrant for installation of automatic crossing protection at level crossings used with respect to vehicles, is a vehicle/train cross product of 1,000 or higher. It has been suggested that this warrant (in the absence of a specific and "official" warrant for installation of protection at pedestrian crossings) can also be applied to pedestrian crossings by modifying the vehicular volume by the average vehicle occupancy experienced for the applicable area, in this case the City of Winnipeg, where average occupancy is 1.25 persons per vehicle. In October, 1986, seventy-two pedestrians used the above pedestrian crossing during the period from 7:00 A.M. - 6:00 P.M. Using this figure (modified by the average vehicle occupancy of 1.25) and the average rail traffic of four trains per day, a cross product of 230 results which suggests that the warrant for crossing protection is not met. The cost of installation of crossing protection for the Edderton Avenue location has been estimated at approximately \$40,000.00.

Your Committee on Works and Operations recommends:-

1. That Council's decision of March 4th, 1987, to close and remove the Edderton Avenue pedestrian railway crossing be rescinded;
2. That the City Solicitor be instructed to prepare an amendment to By-law No. 2381/79 to prohibit train whistling at all crossings from Byng Place (Mile 0.38) to Rue des Trappistes (Mile 6.31) inclusive along the Canadian National Letellier Subdivision.
3. That the proper officers of the City be authorized to do all things necessary to implement the foregoing.

Moved by Councillor Brown,
Adoption of the clause.

Carried.

(Note: See Minute No. 553 for attachment.)

**Bishop Grandin Boulevard Extension - Pembina
Highway to Waverley Street - Underpass at Canadian
National Railway Letellier Subdivision Application to
the Canadian Transport Commission.**

File SB-22

550 - 2. On March 27th, 1985, Council approved funds in the amount of \$200,000.00 in the 1985 Capital Program for a preliminary engineering design study for the extension of Bishop Grandin Boulevard from Pembina Highway to Waverley Street. The study was undertaken by UMA Engineering Ltd., and completed in October, 1986.

On March 25th, 1987 Council approved the 1987 Capital Program including the sum of \$2,141,000.00 for property acquisition and detailed engineering design. The firm of UMA Engineering Ltd., was authorized to proceed with detailed engineering design of the Bishop Grandin Boulevard Extension involving the construction of a four-lane divided roadway between Pembina Highway and Waverley Street; a partial interchange at the Pembina Highway and Bishop Grandin Boulevard intersection; and a railway grade separation at the Canadian National Railway Letellier Subdivision.

The initial stage (Stage I) of construction, at an estimated cost of \$10,693,000.00 has been included in the recommended 1988 Capital Estimates of the Streets and Transportation Department. Stages II and III of the project, in the estimated amounts of \$16,670,000.00 and \$4,225,000.00 respectively, will be budgeted for in the 1989 and 1990 Capital Estimates.

Early approval of partial funding has been requested in a report dated December 8th, 1987, to permit commitments to be made for the commencement and completion of Stage I construction works on Bishop Grandin Boulevard in 1988 and thereafter enable Stage II construction works in 1989 and Stage III construction works in 1990 to proceed to their completion and to ensure the opening of the road facility to vehicular traffic in the fall of 1990, all in conformance with the adopted project scheduling.

The component of the Bishop Grandin Boulevard Extension project which includes the grade separation of the Canadian National Railway Letellier Subdivision is presently scheduled to be tendered in late 1988 for construction commencing in January, 1989, and hence is to be budgeted for under Stage II of the project as part of the 1989 Capital Estimates.

The application is to be made under Part II, Section 17 of the Federal Railway Relocation and Crossing Act (Bill C-27) and Section 197 of the Railway Act. The City is requesting a Railway Transport Committee Order authorizing the City to construct an underpass as shown on the plans contained in the application. Within the application, the City is also requesting a special Federal grant under Section 17(5) of the Act which states:-

"(5) Out of moneys appropriated therefor by Parliament, the Minister of Transport may authorize the payment of a special grant subject to such terms and conditions as the Minister of Transport deems necessary; but the amount of the grant shall not exceed fifty percent of the costs, as determined by the Commission, of constructing the grade separation for which the special grant was recommended."

The funding requested as a special grant is detailed in Section 6.0 of the document, and is in accordance with Section 17(5) of Bill C-27. The City is requesting 50% of the total estimated eligible cost of \$3,214,000.00 or \$1,607,000.00.

Since the expiration of the Urban Transportation Assistance Program (UTAP), there has been no subsequent ongoing Federal/Provincial funding program for railway grade separations. Administrators of the Canadian Transport Commission and Transport Canada have indicated it would be unlikely that the City will receive Federal funding, especially since the City has an active project presently being cost-shared (i.e., Keewatin Underpass).

In the application to the Canadian Transport Commission and detailed in Section 6.0 of the document it was requested that Canadian National Railway contribution be five percent based on the formula for cost-sharing outlined in Section 10 of the Canadian Transport Commission General Order No. E-5 which states:-

"10. Where a grant from the Railway Grade Crossing Fund may be made, and unless otherwise ordered by the Commission in its discretion, the cost of construction of a new grade separation to be built within the limits of an existing road allowance which will eliminate an existing crossing at grade where the cost does not exceed \$625,000.00 shall be apportioned pursuant to the following formula adopted by the Commission:-

- (a) 80 percent payable from the Railway Grade Crossing Fund;
- (b) 15 percent payable by the highway authority;
- (c) 5 percent payable by the railway company."

It should be noted that the Section of General Order No. E-5 does not address costs in excess of \$625,000.00. However, it is felt that the above formula should nevertheless apply to the full cost of projects such as the Bishop Grandin Boulevard Underpass due to the fact that there is presently no formula in place to deal with railway contributions to grade separations with costs in excess of \$625,000.00.

Section 17(4) of Bill C-27 provides for the Canadian Transport Commission to recommend the portion of the costs of the construction to be borne by the railway company and the municipality, as follows:-

"(4) When the Commission makes a recommendation to the Minister of Transport pursuant to this section for a special grant, the Commission may recommend to the Minister of Transport that such terms and conditions as it thinks advisable be attached to the special grant and shall indicate the portion of the costs of the construction or reconstruction of the grade separation to be borne by the railway companies concerned and the province or municipalities, as the case may be."

In this application, the City is, therefore, requesting five percent of \$3,214,000.00 or \$160,700.00. The Canadian Transport Commission may determine that

the railway company contribution be limited to \$62,500.00 or be zero in that there is presently no existing crossing at this location. Given the above circumstances, the budget for this project has assumed no cost-sharing from either the Federal Government or a railway share. If there is no cost-sharing available, it is proposed that the project proceed with City funding.

Although the railway grade separation component of the Bishop Grandin Boulevard project is not part of the 1988 Capital Estimates, it is proposed to submit this application expeditiously due to the considerable time period normally required for such an application to be processed. Sub-section 3(d), Section 16 of Bill C-27 includes the provision that the Commission may require the applicant "to produce evidence to the Commission that the government of the province and all the municipalities that in the opinion of the Commission are concerned with or have an interest in any transportation plans submitted to it have approved those plans." Accordingly, following Council approval, it is intended that the application be forwarded through the Mayor's office to the Minister of Urban Affairs. The Province's letter of approval and the Council approval will be appended to the covering letter to the Canadian Transport Commission prepared by the Law Department, which will accompany the application.

Your Committee on Works and Operations recommends:-

1. That the document entitled "Application to the Canadian Transport Commission for the Bishop Grandin Boulevard (Route 165) Grade Separation across the Canadian National Railway Letellier Subdivision (Mile 2.45) by the City of Winnipeg on behalf of the Province of Manitoba, November, 1987" be approved and forwarded through the Mayor's office to the Province of Manitoba, Minister of Urban Affairs, for concurrence, and be submitted by the Law Department to the Canadian Transport Commission.
2. That the project proceed with City funds even if no Federal and/or railway cost-sharing is available.
3. That the proper officers of the City be authorized to do all things necessary to implement the above recommendations.

Copy of the document entitled "Application to the Canadian Transport Commission for the Bishop Grandin Boulevard (Route 165) Grade Separation across the Canadian National Railway Letellier Subdivision (Mile 2.45) by the City of Winnipeg on behalf of the Province of Manitoba, November, 1987" is on file in the office of the City Clerk.

Moved by Councillor Brown,
Adoption of the clause.

Carried.

Bus Priority Study - File TT-5

551 - 3. During 1985 and 1986, the Province and the City agreed to fund several specific innovative projects. Included in these approved projects was the Bus Priority Study. In November, 1985, requests for Statements of Interest were sent to eight consulting firms with experience in bus priority. Submissions were received from five firms. These statements were reviewed by the Study Steering Committee, which included members from the Transit Department and from the Streets and Transportation Department. Based on an assessment of the expertise of each firm, the number of firms was short-listed and requests for proposals were issued in December, 1985 to three firms. The firm of M.M. Dillon was appointed in February, 1986 to conduct the study. Work commenced in March, 1986. The initial portion of the project included extensive data collection. The consultant met several times with the Steering Committee during the course of the project to review the analyses conducted and the bus priority measures proposed. A final report and an executive summary were received from M.M. Dillon Ltd. in March, 1987, upon completion of the Consultant's review of Bus Priority Measures. A copy of the report entitled "Review of Bus Priority Measures - Executive Summary" has been distributed to all members of Council.

The objectives of the Bus Priority Study were:-

1. To identify those locations where bus priority measures would be advantageous.

2. To rank such priority measures in order of effectiveness.
3. To prepare preliminary designs and cost estimates.
4. To prepare an action plan for staged implementation.

Based on the work undertaken by the consultant, a number of bus priority measures that could be implemented over the next five years have been identified. Most of the recommended measures require detailed planning work to be completed prior to implementation. If approval-in-principle of these measures is obtained, further work will be carried out by the Transit Department and by the Streets and Transportation Department to identify the impacts, the costs, and the detailed design of each measure.

Two of the most fundamental means of improving transit service include:-

1. Increasing the operating speed of buses.
2. Improving the schedule adherence of service.

Both of these strategies have the potential to increase ridership and to reduce operating costs.

Increases in transit operating speeds will reduce in-vehicle travel times for passengers and make transit service more attractive to existing and potential users. Moreover, an increase in operating speed on routes with short headways also provides the opportunity to reduce operating costs as fewer buses are required to operate the same frequency of service on the route. Alternatively, the same number of buses can be used to provide a higher level of service if deemed appropriate.

An improvement in the schedule adherence of transit service also has the potential of attracting additional ridership. An improvement in service reliability reduces deviations from scheduled service. This results in decreased waiting times for passengers. From an operating point of view, an improvement in schedule adherence also reduces the bunching of buses during peak periods and provides for more even passenger loads on individual buses operating on a route. This reduces the need to operate extra service to accommodate fluctuations in passenger loads caused by poor schedule adherence.

An approach commonly used to improve transit service is the implementation of bus priority measures. A bus priority measure is any transit or traffic operational strategy designed to reduce the running time of buses (increasing speed) or to improve the schedule adherence of service (increasing reliability). In general, bus priority is most effective when several measures can be combined and applied to routes with frequent service that operate in the same area of the City. Bus priority measures are usually concentrated in the central business district where large numbers of buses operate and where high levels of traffic congestion have resulted in slow bus operating speeds and poor schedule adherence.

The transit system in Winnipeg encounters its greatest operating problems in the downtown and on the approaches to river crossings in the vicinity of the downtown. The high level of traffic congestion in these areas has resulted in low bus operating speeds and poor schedule adherence, particularly during weekday peak periods. While the average operating speed for the entire transit system is 18.5 kph, the average speed of buses operating on the major transit streets of the downtown is only 5-10 kph. On some streets, the average operating speed is not much higher than the average walking speed.

The existing conditions in the downtown also create problems of schedule adherence. During the rush hours up to 25% of buses operate more than three minutes behind schedule. Poor schedule adherence in the downtown also results in poorer service in areas further removed from the downtown as buses travel on their routes to the suburbs. Of particular concern is the proportion of buses running late during the 3:00 P.M. - 4:00 P.M. time period. Due to congestion and to the presence of on-street parking on major routes, many buses are delayed prior to the start of the afternoon rush hour. Consequently, on-time performance during the peak period becomes virtually impossible to achieve.

Bus priority measures are most effective when several schemes can be combined and applied to streets with large volumes of buses. There are sixteen routes in the system that operate on peak period frequencies of seven minutes or less. All of these routes operate in the downtown and fourteen of these routes operate on at least one of Portage Avenue, Main Street or Graham Avenue. Consequently, most of the proposed bus priority measures will have an impact on transit operations on these streets. Several measures will also have an impact on transit operation on other streets.

The proposed bus priority measures can be divided into the following categories:-

1. Graham Avenue Measures
2. Operating Strategies
3. Reserved Bus Lanes
4. Signal Priority for Buses in the Downtown
5. Queue By-Pass Lanes

1. Graham Avenue Measures

Four separate bus priority measures are proposed for implementation on Graham Avenue. These are:

- a) Weekday Peak Period Turning Restriction for Northbound Left Turns at Main Street and Graham Avenue

At present, all traffic is permitted to make a left turn from northbound Main Street to westbound Graham Avenue at any time. During weekday peak periods, buses making this turning movement encounter significant delays. It is proposed that this turn be prohibited for all vehicles, except buses, during weekday peak periods. There is sufficient capacity at the Main Street and St. Mary Avenue intersection to accommodate the left turns of other northbound traffic on Main Street during peak periods. There is no cost associated with the implementation of this measure. It is proposed that this bus priority measure be implemented as soon as possible.

- b) Adjustment of Traffic Signal Timings on Graham Avenue

The timings of the traffic signals on Graham Avenue were designed to accommodate north-south traffic, particularly at Main Street, Smith Street and Donald Street. Because of the nature of Graham Avenue, most of the east-west traffic is of a circulating nature. East-west traffic has encountered a significant amount of delay due to the signal timing. A number of transit routes (with a high volume of buses) operate east-west on Graham Avenue and have been subject to these delays.

A strategy to reduce the delay to buses on Graham Avenue is to adjust the signal timings at the intersections where there is a low volume of north-south traffic to favour bus operation on Graham Avenue. The cycle length of the signals at these lower-volume intersections can be changed during weekday peak periods and the specific timings can be integrated with the existing signals at Main Street, Smith Street and Donald Street to permit buses to travel between bus stops on Graham Avenue with minimal signal delay. In addition, two bus stop relocations are necessary on Graham Avenue to permit eastbound buses to take advantage of this signal progression. There is no cost associated with these measures. The adjustments to the signal timings and the bus stop relocations have already been made.

- c) Reserved Bus Lanes on Graham Avenue

As a large volume of buses operate on Graham Avenue, it is proposed that the eastbound and westbound curb lanes of Graham Avenue between Main Street and Vaughan Street be designated as reserved bus lanes. The cost to implement the Graham Avenue reserved bus lanes is estimated to be \$17,000.00. It is proposed that this measure be considered for 1989.

- d) Graham Avenue Transit Mall

Longer term transportation plans include the conversion of Graham Avenue into an exclusive transit mall. The use of the mall would be limited to pedestrians and transit vehicles. All north-south traffic would be permitted to cross Graham Avenue.

The roadway would be narrowed to include one lane for buses in each direction. The sidewalks would be widened to provide appropriate shelters, benches, information kiosks, landscaping and other amenities for transit passengers and other pedestrians. The intent of the transit mall would be to provide a focus for transit service in the downtown, to centralize transit service in the downtown, and to make it more convenient for passengers to transfer between routes. In addition, it is anticipated that the development of the Graham Avenue Transit Mall would have a

significant positive impact on future downtown development. The cost to implement the Graham Avenue Transit Mall is estimated to be \$2,600,000.00. This project is included in the Five-Year Capital Program for implementation in 1991.

2. Operating Strategies

Three strategies in the area of traffic and transit operations are proposed for implementation. These include:-

- a) Revision of Weekday Afternoon Peak Parking Restrictions At present, on-street parking on major thoroughfares is prohibited on weekdays between 7:00 A.M. and 9:00 A.M. and between 4:00 P.M. and 6:00 P.M. These restrictions have been in effect for a number of years. At the time of implementation, these time periods adequately reflected the peaking characteristics of traffic. In recent years, however, the peaking characteristics of both auto traffic and transit traffic have changed. The afternoon peak period now begins earlier. For example, there is more traffic between 3:30 P.M. and 4:00 P.M. than there is between 5:30 P.M. and 6:00 P.M.

It is interesting to note that other cities have observed a similar shift in travel demand. In fact, the Cities of Vancouver, Edmonton, Calgary and Ottawa have adjusted their afternoon peak period parking restrictions in the last few years to reflect an earlier start of the afternoon peak period.

Because all afternoon peak period buses are placed into service before 3:30 P.M. to accommodate the shift in travel demand, and because parking is permitted on major thoroughfares until 4:00 P.M., transit service is often subject to significant delay at the beginning of the afternoon peak period. Subsequent trips during the rest of the peak period are also often delayed. To overcome this problem and to more adequately match peak period parking restrictions to demonstrated transit and auto travel demand, it is proposed that the weekday afternoon peak parking restrictions be changed.

The estimated cost to implement the revised parking restrictions is \$69,000.00, and it is proposed that this measure be considered for implementation in 1988.

Note: Your Committee's report in this matter dated December 8th, 1987 entitled Amendments to Traffic Regulations By-laws has been referred by Executive Policy Committee to the Board of Commissioners for review.

b) More Through-Downtown Routings

At present, the high number of buses operating in the downtown creates problems in that buses tend to delay one another on streets such as Portage Avenue, Main Street and Graham Avenue. One strategy to minimize these delays is to reduce the number of buses operating in the downtown by combining existing downtown-terminating routes into through-downtown routes (that is, routes that operate from one suburban area, through the downtown, to another suburban area).

During 1987-88, the Transit Department will be conducting an extensive study of transit service in the downtown. The consideration of additional through-downtown routes will be one of the issues addressed in the study. It is anticipated that the implementation of any proposed service changes would begin in 1989.

c) Pulling-Away Priority for Transit Vehicles

At many locations in the City (especially at the river crossings), the roadway narrows and buses encounter delays when attempting to merge left from the curb lane. In addition, buses encounter delays while attempting to merge into traffic from bus stop bays. In many jurisdictions, motorists are required to yield the right-of-way to merging transit vehicles. Roadside signs at strategic locations and special signs on the rear of buses are used to remind motorists of this requirement. In the Province of Quebec, this rule is officially included in the traffic code. In some urban jurisdictions (such as Toronto), the program is a voluntary one.

In general, this type of bus priority measure is considered important in urban transportation. In 1986, the Roads and Transportation Association of Canada (RTAC) released a study entitled "Priority Rules of the Road for Public Transit Vehicles". The study recommended that uniform legislation be adopted across Canada to give priority to buses re-entering the traffic flow and that a standard sign be developed. In June, 1986, the Board of the Canadian Urban Transit Association (CUTA) approved these recommendations, and in February, the Board of RTAC also approved the recommendations.

During the summer of 1987, CUTA and RTAC wrote to all Deputy Ministers of Highways or Transportation to request that legislation similar to that currently in effect in Quebec be adopted by the other Provinces. In addition, CUTA has requested that a standard resolution endorsing such legislation be considered by all municipal councils that operate transit systems in Canada. It is proposed that Council endorse this resolution (identified as Appendix "A" herewith), and that the City's Official Delegation forward this resolution to the Province for consideration.

In the short-term, it is proposed that a voluntary program of pulling-away priority for buses be implemented in Winnipeg in 1988. Appropriate signs would be attached on the rear of buses. In addition, special roadside signs would be installed at those locations where significant merging delay is currently encountered. The estimated cost of implementing these measures is \$17,000.00.

3. Reserved Bus Lanes

There are three streets in the downtown area (Portage Avenue, Main Street and Graham Avenue) on which large volumes of buses operate. The introduction of reserved bus lanes on these streets would improve transit service by improving speeds, reducing delays and improving schedule adherence.

Portage Avenue and Main Street are wide thoroughfares with four lanes in each direction. It is proposed that reserved bus lanes be designated in the curb lanes on the following portions of Portage Avenue and Main Street:-

Portage Avenue:

Westbound - Fort Street to Broadway

Eastbound - Broadway to Fort Street

Main Street:

Southbound - Higgins Avenue to McDermot Avenue Portage Avenue to Assiniboine Avenue

Northbound - Assiniboine Avenue to Rupert Avenue

The estimated cost of implementing the Portage Avenue bus lanes is \$35,000.00. It is proposed that these bus lanes be considered for 1988. The estimated cost of implementing the Main Street bus lanes is \$32,000.00. It is proposed that these bus lanes be considered for 1990.

4. Signal Priority for Buses in the Downtown Area

Traditionally, the design of traffic signal timings has attempted to optimize the flow of vehicles through the street network. In recent years, the emphasis has changed. Because buses carry 30-50 times more passengers than do automobiles, the objective now is to optimize the flow of passengers (bus passengers and auto passengers) through the street network. The recent development of computer models that permit more emphasis to be placed on bus traffic in the development of signal timings has permitted the application of special signal priority for transit.

During the study, the consultants applied one of these models to the existing traffic conditions on Main Street. Although the application was a test only, the results suggested that existing delays to transit passengers and to auto passengers could be reduced if the signal timings were adjusted.

Consequently, it is proposed that the necessary data be collected and that these methods be used to analyze the signal timings in the complete downtown area. Approximately \$30,000.00 would be required for data collection and computer hardware and software. It is proposed that this work be conducted in 1988.

5. Queue By-pass Lanes

Queue By-pass Lanes are special facilities that permit buses to by-pass traffic queues at congested street intersections. The consultant suggested that queue by-pass lanes be constructed at the following intersections:-

a) Goulet Street and St. Mary's Road

b) St. Mary's Road and Marion Street

c) University Crescent and Pembina Highway

- d) Pembina Highway and Jubilee Avenue
- e) Pembina Highway and Corydon Avenue
- f) Osborne Street and Corydon Avenue

It is proposed that the construction of these facilities be integrated with any future street reconstruction work required at these sites.

The following table provides a summary of the bus priority measures proposed for implementation, with the estimated cost of each measure and the source of funds for each measure is identified. It is proposed that this bus priority implementation plan be approved in principle. A detailed report for each project will be submitted for consideration as required prior to implementation. The implementation of these measures will improve transit service. Transit operating speeds in the downtown will increase and the schedule adherence of buses will improve. These types of improvements have the potential to attract additional ridership to transit and to permit better control of transit operating costs.

Year of Implement- ation		Estimated Cost	Bus Priority Measure Source of Funds	
Already Implemented	Adjustment of Graham Avenue Signal Timings	\$0	-	
1987	Weekday Peak Period Turning Restriction at Main Street and Graham Avenue	\$0	-	
1988	Revision of afternoon peak period parking restrictions	\$ 69,000.00	Current Budget	
1988	Pulling-away Priority for Transit Vehicles		Innovative 17,000.00	\$ Transit Program
1988	Portage Avenue Bus Lanes	\$ 35,000.00	Innovative Transit Program	
1988	Passive Signal Priority in Downtown	\$ 30,000.00	Innovative Transit Program	
1989	Graham Avenue Bus Lanes	\$ 17,000.00	Innovative Transit Program	
1989	More Through-Downtown Routings	\$0	-	
1990	Main Street Bus Lanes	\$ 32,000.00	Innovative Transit Program	
1991	Graham Avenue Transit Mall	\$2,600,000.00	Capital Program	

At its meeting on December 8th, 1987, the Manitoba Motor League submitted to the Committee on Works and Operations its brief regarding the recommendations of the Bus Priority Study, and on February 16th, 1988, your Committee on Works and Operations received as information the administrative response to the brief. A copy of this material is on file in the office of the City Clerk.

Mr. Harry Claydon, President/Business Agent, Local 1505, Amalgamated Transit Union, appeared in delegation before the Committee on Works and Operations on February 16th, 1988, and filed a brief in support of the recommendations of the Bus Priority Study. A copy of the brief is on file in the office of the City Clerk.

Your Committee on Works and Operations recommends:-

1. That the report entitled "Review of Bus Priority Measures - Executive Summary" be received as information.
2. That an implementation plan of bus priority measures, as outlined in this report, be approved in principle, on the understanding that a detailed report for each project will be submitted for consideration as required prior to implementation.
3. That Council endorse the resolution contained in Appendix "A" requesting that the Province enact legislation to provide priority to transit vehicles re-entering the traffic flow.
4. That the proper officers of the City do all things necessary to implement the foregoing.

Moved by Councillor Brown,
Adoption of the clause.

Councillor Promislow asked that the individual recommendations be considered and voted upon separately, in accordance with Section 19 of The Procedure By-law.

Recommendation No. 1 was put and declared carried.

Recommendation No. 2 was put.

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

Yea: His Worship Mayor Norrie, Councillors Angus, Brown, Clement, Dacquay, Demare, Eadie, Fleisher, Gerrie, Gilroy, Jorowski, Lazarenko, Macdonald, Marshall, Mitchelson, Neville, O'Shaughnessy, Promislow, Rose, Savoie, Skowron, Steel, Stefanson, Taylor, Eliason and Wade.

26.

Nay: Councillors Timm-Rudolph and Wachniak.

2.

and Recommendation No. 2 was declared carried.

Recommendation No. 3 was put.

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

Yea: His Worship Mayor Norrie, Councillors Angus, Brown, Clement, Dacquay, Demare, Eadie, Fleisher, Gerrie, Gilroy, Jorowski, Lazarenko, Macdonald, Marshall, Neville, O'Shaughnessy, Rose, Savoie, Skowron, Steel, Stefanson, Taylor, Eliason and Wade.

24.

Nay: Councillors Mitchelson, Promislow, Timm-Rudolph and Wachniak.

4.

and Recommendation No. 3 was declared carried.

Recommendation No. 4 was put and declared carried.

(Note: See Minute No. 554 for attachment.)

Kenaston Boulevard Soil Fill Site.

File ST-6

552 - 4. The Operations Department, Construction Branch, has been negotiating with the Canadian National Railway for a site to place clean soil material on railway property. The Canadian National Railway Company is prepared to allow the City to place soil material during the period July 14th, 1987 to July 31st, 1990 provided conditions stipulated in the license are met.

The License from the Canadian National Railway was previously sent to the Law Department for its review. The terms and conditions appear satisfactory. The only change which should be made is on the License Agreement where the phrase "City of Winnipeg, Construction Department" should be replaced with "The City of Winnipeg".

Your Committee on Works and Operations recommends:-

1. That the City enter into an agreement with the Canadian National Railway Company to allow the City to dispose of surplus soil material on Railway property.
2. That the proper officers of the City do all things necessary to implement the foregoing.

Moved by Councillor Brown,
Adoption of the clause.

Carried.

553 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

554 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

COMMITTEE ON WORKS AND OPERATIONS

CONSIDERATION OF BY-LAWS

555 - On motion of Councillor Brown, By-law No. 4823/88, a By-law of The City of Winnipeg to open and close the Public Lane bounded by Jarvis and Sutherland Avenues and Main and Austin Streets, was read a first time. File No. DAOC 2/86.

Councillor Brown moved that this constitute the first reading of By-law No. 4823/88, which motion was carried.

On motion of Councillor Brown, the following By-laws were each read a second and third time, and were passed and ordered to be signed and sealed, namely:-

By-law No. 4795/88, a By-law of The City of Winnipeg to close part of Carruthers Avenue between McPhillips Street and the first North/South lane East thereof. File No. DAC 55/86.

By-law No. 4798/88, a By-law of The City of Winnipeg to open and close parts of lands on the north side of Fermor Avenue and west side of St. Anne's Road.

File No. DAOC 8/87.

By-law No. 4799/88, a By-law of The City of Winnipeg to close part of Cairnsmore Street between Machray and Church Avenues and part of Public Lane between Penninghame and Cairnsmore Streets from Church Avenue to first east/west lane south of Church Avenue. File No. DAC 39/85.

By-law No. 4801/88, a By-law of the City of Winnipeg to close Public Road, Plan 1008 and Plan 4290 - South of Springfield Road, West of Molson Street. File No. DAC 35/86.

By-law No. 4805/88, a By-law of The City of Winnipeg to close part of the public lane bounded by McDermot and Notre Dame Avenues, Sherbrook and Olivia Streets. File No. DAC 28/86.

CONSIDERATION OF REPORT OF THE
COMMITTEE ON FINANCE AND ADMINISTRATION

The Executive Policy Committee has had before it the Report of the Committee on Finance and Administration, dated February 16th, 1988, has concurred in the recommendations contained therein and submits same to Council for approval and adoption.

On motion of Councillor Macdonald, the Report of the Committee on Finance and Administration, dated February 16th, 1988, was considered.

West Committee Room,
Council Building, Winnipeg.
February 16th, 1988.

His Worship the Mayor and Councillors:

Your Committee on Finance and Administration submits the following Report and recommends:

**Sale of City-owned Land located between Scotswood
Drive South and Robindale Road, South of Betsworth
Avenue - Assiniboine Park-Fort Garry Community. File
FI-2.4.2(21)**

556 - 1. Your Committee on Finance and Administration has considered the attached Item 1 of Report No. 1 of the Technical Advisory Committee on City Properties dated February 2nd, 1988, (File AP 6516/A), relative to the proposed sale of City-owned land located between Scotswood Drive South and Robindale Road, south of Betsworth Avenue, in the Assiniboine Park-Fort Garry Community, as outlined on Misc. Plan No. APFG 6624/a and 6624/1a.

The intent to acquiring the property under the Development Agreement was to provide a buffer between the older existing homes on Robindale Road and the new development on Scotswood Drive South.

For the information of Council, the sale of the referenced land requires a two-third majority of Council pursuant to Section 144(2) of The City of Winnipeg Act.

Your Committee on Finance and Administration therefore recommends that the subject property be declared surplus to the City's needs.

Your Committee also recommends that the City accept the Offers to Purchase as listed on the attached Schedule "A" in accordance with the terms and conditions as outlined in the report submitted, which approval shall apply also to the other outstanding parcels under negotiations.

Your Committee further recommends that the Proper Officers of the City be authorized to do all things necessary to implement the above recommendation, including the execution of any documents related thereto.

Moved by Councillor Macdonald,
Adoption of the report.

Carried.

(Note: See Minute No. 557 for attachment.)

557 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

CONSIDERATION OF REPORT OF THE

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

The Executive Policy Committee has considered the reports of the concerned Community Committees and the recommendations of the Committee on Planning and Community Services, as contained in its Report, dated February 15th, 1988, has concurred in the recommendations contained therein, except as noted below, and submits same to Council for approval and adoption.

On motion of Councillor O'Shaughnessy, the Report of the Committee on Planning and Community Services, dated February 15th, 1988, was considered clause by clause.

West Committee Room,
Council Building,
Winnipeg, February 15th, 1988.

His Worship the Mayor and Councillors:

Your Committee on Planning and Community Services submits the following Report and recommends:-

**Amendment to the Development Application Fees
By-law No. 2266/79.**

File E-1

558 - 1. The Department of Environmental Planning has requested approval of the following new fees:

a) Encroachment Application Fees

At present there is no application fee for an encroachment application. The following are recommendations deemed appropriate.

i) Application fee to construct and/or erect an encroachment except those of an unusual or commercial nature
\$ 25.00

ii) Application fee for permission to erect an encroachment of an unusual or commercial nature
100.00

- iii) Application fee to maintain an encroachment related to a one and two family dwelling and accessory structure thereto
25.00
- iv) Application fee for permission to maintain encroachments which are not relative to one and two family dwellings
50.00

b) Copies of Occupancy Permits

Since 1986, legal firms have been making it a practice to request copies of issued Occupancy Permits in conjunction with property ownership transfers. The volume of these requests as the following illustrates is on a steady increase.

1986	-	66 copies of Occupancy Permits issued
June 8th, 1987	-	78 copies of Occupancy Permits issued

Because no specific reference exists in the By-law, the Department of Environmental Planning has applied Section 3.1 (document fees) at a rate of \$2.00 per Occupancy Permit copy. The Department feels that this fee is not appropriate in proportion to the City costs involved spent by staff to research and make the necessary documents available.

Section 2.11 of the By-law provides a fee of \$19.00 to copy the zoning memos and/or surveyor's certificate. The research time required for copies of Occupancy Permits parallels that of zoning memo copies. Consequently, it is recommended that copies of Occupancy Permits be added to Section 2.19 incorporating a fee of \$20.00 per copy.

c) NSF Cheques

Since the latter part of 1984, the Enforcement Branch has assumed responsibility of reimbursement of NSF cheques issued to the Department of Environmental Planning. As the following statistics illustrate, the volume of NSF cheques has increased annually.

NSF Cheques	
1984	12
1985	26
1986	35
1987 (June 8)	16

While the number of NSF cheques throughout the entire year may not appear significant in volume, the amount of time spent in achieving a satisfactory resolution is time consuming. More often than not, contact with the individual responsible for the NSF cheque must be made after normal working hours.

Although the Building By-law makes provisions that any permit purchased with an NSF cheque become invalid, it is not the normal practice to automatically cancel such permits. Conversely, while the Building By-law covers the fees paid in conjunction with permits, difficulties are expected in other areas such as zoning memorandums, encroachment by-law license fees, etc. There are no provisions in these areas for any cancellations.

Most business establishments have provisions of penalty fees where NSF cheques are involved. These range anywhere from \$5.00 to as high as \$20.00. In view of the foregoing, the Department recommends a penalty fee of \$10.00 for any NSF cheque.

d) Zoning Information

The Development Examination Branch reviews requests from real estate agents, lawyers and the general public on the zoning of a particular property. These requests number 10 to 20 telephone calls per day and between 5 and 10 letters per day.

The requests by telephone are normally replied to immediately. The problem here is that misinterpretation may occur. For example, a request for zoning on Lot 2, Block 2, Plan 22121, if not correctly heard could be given for Lot 2, Block 2, Plan 22222. Circumstances like these could result in

court cases.

It is proposed to answer all these requests with the use of a "Zoning Form Letter" with the legal description indicated on the form for which the zoning is given. It is recommended that a fee of \$5.00 be charged for a zoning form letter.

e) Downtown Winnipeg Zoning By-law

A new procedure for the processing of development applications will be followed under the Downtown Zoning By-law. The development application fees by-law does not contain therein fees for same. The following fees are recommended:

DOWNTOWN DEVELOPMENT APPLICATIONS

Development applications for new buildings \$150.00
 All other development applications..... \$ 75.00

Your Committee on Planning and Community Services after considering the above report, was of the opinion that some of the fees, given the Development Application fee increase adopted by Council on February 10th, 1988, did not reflect the cost of the service being provided and therefore recommends that the following fees be approved:-

1. That the Development Application Fees By-law No. 2266/79 be amended by adding thereto the following new fees:

(a) Encroachment Application Fees

- i) Application fee to construct and/or erect an encroachment except those of an unusual or commercial nature \$ 35.00
- ii) Application fee for permission to erect an encroachment of an unusual or commercial nature \$100.00
- iii) Application fee to maintain an encroachment related to a one and two family dwelling and accessory structure thereto \$ 35.00
- iv) Application fee for permission to maintain encroachments which are not relative to one and two family dwellings \$ 75.00

(b) Copy of an Occupancy Permit \$ 20.00

(c) NSF Cheque fee \$ 15.00

(d) Zoning Form letter fee \$ 25.00

(e) Downtown Development Applications

Development applications for new buildings

\$250.00

All other development applications

\$100.00

2. That the City Solicitor be requested to prepare the necessary amending by-law and forward same to Council for all three readings.
3. That the City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

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

Carried.

Councillor Timm-Rudolph asked to be recorded as voting in opposition to the clause in accordance with Section 49.8 of the Procedure By-law.

**Withholding of Development Applications in the
Charleswood Area of the Assiniboine Park-Fort Garry
Community.**

Files EB-1.4, EZ(DAZ), DAS and SC-2

559 - 2. On January 19th, 1988, the Assiniboine Park-Fort Garry Community Committee discussed the processing of subdivision and rezoning applications in the Charleswood area, and referred to your Committee on Planning and Community Services for favourable consideration the following motion passed by the said Community Committee, namely:-

"That all applications for subdivisions and rezoning of property in the area located south of the Hart Line between the Perimeter Highway and Elmhurst Road be frozen for 120 days, or until such time as the Streets and Transportation Department has completed an in-house study of the future transportation requirements of the Charleswood area as they relate to the needs of moving traffic both east and west as well as north and south; and

That the study show the Ridgewood east/west corridor and exactly where the route would be, and how it could be linked with the Perimeter Highway, Wilkes Avenue, and all alternatives for north/south traffic movement; and

That prior to doing the study, the Streets and Transportation Department hold public meetings to interact with interested residents to allow the residents an opportunity to provide their input, and that once the study has been completed that the Department again hold public meetings to show their findings and alternatives to the residents and to allow the residents another opportunity to discuss the alternatives."

In this regard, your Committee received representations from the President and Vice-President of Novamet Development Corporation, in the form of a brief, which is submitted herewith for the information of Council, which concludes:-

- "1) We are sympathetic with the motion submitted by the Community Committee to the point that it is apparent that residents in Charleswood deserve to be informed by the Streets and Transportation Department of the results of the numerous past studies made by them and by others relative to Charleswood. However, we believe that all the necessary studies relative to traffic in Charleswood per se have been done. We believe that the vast majority of Charleswood residents will benefit from the proposed road systems without any adverse effects.
- 2) We believe the motion in the form submitted by the Community Committee is discriminatory. If there is a need to temporarily defer development activity until the Charleswood area residents have had the opportunity to meet with the Streets and Transportation Department representatives, we believe all development activity should be deferred since all areas of Charleswood are affected by the proposed traffic routes.
- 3) If your Committee agrees to defer development in Charleswood, we request that the Committee become responsible for monitoring the progress of the proposed public meetings in order that the process does not become unnecessarily prolonged as has occurred in past "temporary" freezes.

Specifically, we believe this progress should be assessed in two months time."

Further in this regard, a late submission was received from D. Bruce MacLeod and Associates Ltd., acting on behalf of Charleswood Ponds Ltd., dated February 15th, 1988, in support of Novamet Development Corporation's presentation and the general intent of the Assiniboine Park-Fort Garry Community Committee's resolution. (A copy of which is submitted herewith for the information of Council.)

The Committee on Works and Operations on February 16th, 1988, endorsed the following recommendation and has referred the matter to the Streets and Transportation Department and the Department of Environmental Planning, to determine, in consultation with the Charleswood Ward Councillor, a schedule showing time frames for the holding of the public meetings and completion of the study referred to in the recommendation of the Committee on Planning and Community Services.

Your Committee on Planning and Community Services recommends:-

- I. (a) That all applications for development of property located north and south of the Hart Line, between Rannock and Wilkes Avenues, the Perimeter Highway and Elmhurst Road, in addition to those lands located between Eldridge Avenue and the Hart Subdivision Right-of-Way, Harstone and Buckingham Roads, be withheld for a period of 60 days, pending the Streets and Transportation Department and the Department of Environmental Planning carrying out a transportation and development in-house study of the future transportation requirements of the Charleswood area as they relate to the needs of moving traffic both east and west as well as north and south; and
 - (b) That the study show the Ridgewood east/west corridor and exactly where the route would be, and how it could be linked with the Perimeter Highway, Wilkes Avenue, and all alternatives for north/south traffic movement; and
 - (c) That prior to doing the study and within the said 60-day period herein referred to, the Departments of Streets and Transportation and Environmental Planning hold public meetings to interact with interested residents to allow the residents an opportunity to provide their input, and that once the study has been completed, that the Departments again hold public meetings to show their findings and alternatives to the residents and to allow the residents another opportunity to discuss all the alternatives.
- II. That the Directors of the Streets and Transportation Department and the Department of Environmental Planning, be directed to do all things necessary to expedite the intent of the foregoing, including, but not limited to, arranging for the public meetings and the advertising of same, in consultation with the Charleswood Ward Councillor.

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

Carried.

(Note: Copy of the brief from the Novamet Development Corporation, and the submission by D. Bruce MacLeod and Associates, referred to in the above clause, are on file in the Office of the City Clerk.)

Christmas Allowance for Social Assistance Recipients.
Files EH-1 and EH-2.1

560 - 3. On December 29th, 1987, the Chairman of the Committee on Planning and Community Services requested Civic administration to prepare a report on the policy and costs related to the issuing of a Christmas Allowance to social assistance recipients. More specifically, the report was to contain a statement on the objective of the allowance, an assessment on whether that objective is being met, a comparison of practices with other large Canadian cities, and recommendations for improvements - if any.

In the 1960's, the City of Winnipeg provided a grant to the Christmas Cheer Board and a list of the names of people in receipt of municipal assistance. The Christmas Cheer Board then provided welfare recipients with a food hamper. When a number of recipients complained that the quality of the hampers was

poor, the practice was changed. In the 1970's, municipal welfare recipients were provided with a cash allowance at Christmas (\$5.00 for each single person or family head, \$3.00 for each dependant), and were advised that this allowance could be exchanged for a hamper at the Christmas Cheer Board.

In 1982, Council approved an increase in the Christmas Allowance to \$10.00 for each single person or family head, and \$6.00 for each dependant. Since that time, social assistance recipients have been given the choice of receiving their Christmas Allowance in cash or in a voucher which can be exchanged for a hamper through the Christmas Cheer Board.

Since 1981, the Social Services Department has assisted Councillor Ann Jorowski with the distribution of toys to the City's disadvantaged children. Project Share Christmas volunteers clean and repair used toys, dress donated dolls, and knit toques, mitts, and scarves, which are then given to various local social service agencies for distribution to children in need. In 1987, the Social Services Department received 2,190 toys for distribution to children whose parents were in receipt of municipal assistance.

Social assistance rates incorporate basic goods, standard services, and conventional necessities. No provision is made in the rates for the purchase of luxury items defined to include gifts, specialty foods, cigarettes, etc. The Christmas Allowance for social assistance recipients was introduced to ensure that welfare recipients could obtain food, toys, and other items at Christmas time, which they could not purchase at other times on their regular assistance budgets.

In 1987, a Christmas Allowance was provided to 7,655 cases (single individuals and families) for a total cost of \$103,526.00, of which the City's share, after cost-sharing with senior government, was \$12,175.00; 894 families, and 3,962 single individuals (63%) chose to take the Christmas Allowance in cash; 1,220 families and 1,579 singles (37%) chose vouchers which could be exchanged for Hampers at the Christmas Cheer Board.

The Executive Director of the Christmas Cheer Board indicated that 2,212 out of the approximately 16,000 Hampers distributed to Winnipeggers for Christmas 1987, were given to recipients of City Social Assistance. Mrs. B. Beckel advised that each hamper contains food for a Christmas dinner (juice, soup, turkey, canned vegetables, instant potatoes, cake mix, etc.) and a toy valued at \$10.00 for each child fourteen years old or younger. When available, donated knitted goods (scarves, toques, mitts) are also included.

All funding for the Christmas Cheer Board is raised by the organization; no grants are received from any level of government or private funder. In past years, funding has been adequate and all those who applied for Hampers received them. Surplus funds have been used to purchase extra food for inclusion in Hampers. However, in 1987, the Christmas Cheer Board incurred a deficit of \$50,000.00, which will have to be cleared before campaign funds can be applied to Christmas, 1988 expenses.

All major Canadian cities have organizations similar to Winnipeg's Christmas Cheer Board, which distribute food Hampers and toys to the needy at Christmas time, but practices with respect to Christmas Allowances for welfare recipients vary widely across the country, a tabulation of which is attached hereto for the information of Council.

Four out of ten jurisdictions surveyed provide a cash bonus to social assistance recipients at Christmas. The Winnipeg allowance is the lowest, and Victoria, British Columbia is the highest. As well, three jurisdictions provide a special cash grant to cover children's winter clothing needs (Winnipeg does not do this).

The provision of a Christmas Allowance is complicated by a variety of factors, including the adequacy of regular assistance rates, policies and practices regarding exemptions on earned and unearned income, community attitudes, adequacy of welfare funding, and the availability of external resources. Due to the many factors involved, it is difficult to draw any definitive conclusions regarding Christmas Allowance practices across the country. It is the belief of the administration in the City of Winnipeg Social Services Department that the allowance meets both a practical and an emotional need for welfare recipients, and as the cost to the City is minimal (after cost-sharing), the allowance should be continued.

While the allowance was never based on specific items, cost-of-living increases in the past six years since the allowance was last reviewed, have substantially reduced the goods which recipients can obtain with their special Christmas funds. To control against further erosion in the purchasing power and ensure that the allowance keeps pace with inflation, it is recommended that the Christmas Allowance be reviewed annually by administration and adjusted by the same percentage as the food allowance. It is projected that City costs, after cost-sharing, would rise by approximately \$1,650.00 in 1988, and a similar amount annually thereafter.

Alternatives examined by the Committee on Planning and Community Services are:

1. Make no change, keeping the Christmas Allowance at existing rates. This would retain the spirit of the allowance, but would provide little more

than a token in the way of goods and services.

2. Discontinue the issuance of a Christmas Allowance. This would reduce social service expenditures, and eliminate the time consuming process of authorizing individual payments. On the other hand, it would also eliminate a tradition of long-standing for a group of needy people.
3. Discontinue the granting of a Christmas Allowance, but provide direct funding to the Christmas Cheer Board, with the understanding that Civic welfare recipients would be eligible to apply for hampers under the same conditions as other members of the community. The City would no longer be involved in the administration of the special allowance, but would lose the cost-sharing benefit available when the special allowance is provided directly to individual recipients. As well, recipients would lose the opportunity to chose between cash and a food hamper.

Your Committee on Planning and Community Services recommends:-

1. That the Christmas Allowance provided to social assistance recipients be increased annually by the same percentage as the food rate increase, in order that the Christmas Allowance keep pace with inflation.
2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the submission of any necessary amending By-law, for enactment by Council.

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

Carried.

(Note: Copy of the attachment referred to in the above clause is on file in the Office of the City Clerk.)

**Designation by Council of the Committee on Planning
and Community Services as the Variance and
Conditional Use Appeal Committee for the Downtown
Winnipeg Zoning By-law (By-law No. 4800/88)**

File GL-5.6

- 561 - 4. Laid over by Executive Policy Committee for further consideration.

**After Hours Emergency Services
- Social Services Department.**

File GP-1.14

- 562 - 5. Your Committee on Planning and Community Services has been advised that the volume of after-hours calls in the Social Services Department has been increasing steadily over the past four years. The management group of the Department carries the responsibility for night service three weeks per person per year.

The current arrangement, whereby management staff provides emergency response throughout the night, is a long-standing one, and most of the calls are fairly routine in nature.

The Social Services Department's after-hours response has expanded from what could be reasonably considered to be a stand-by duty to something

considerably more. Night calls have increased dramatically as follows:-

1983	795
1984	1,381
1985	1,778
1986	2,016

The average number of calls per night is six. However, it is not unusual to deal with thirty calls over a weekend. Furthermore, it is not unusual to receive all the calls between the hours of midnight and 8:00 a.m.

At the present time, the management staff of the Social Services Department, with the exception of the Director, have been responsible for duty for three weeks out of each year. In an attempt to alleviate the burden the service has become, the Director along with temporary supervisory personnel have placed their names on the list.

The Province of Manitoba is prepared to provide after-hours service to the Social Services Department of the City of Winnipeg at a per diem rate of \$40.00 per day between the hours of 5:00 p.m. and 8:00 a.m., seven days per week, with weekend and holiday coverage on a 24-hour basis. The cost to the City would be \$14,600.00 per year, based on approximately 26% of the Province's costs for salaries alone and based on a projected increase in workload of 32% (the net costs in wages for the City given the current 45% recovery on salary costs, would be approximately \$8,030.00). The Social Services Department would need to continue a stand-by after hours service for non-routine calls. The Province of Manitoba is suggesting a trial period of one month to test the feasibility of providing the service on an on-going basis.

The Personnel Department has reviewed the proposal and has advised that they anticipate no problems with the City's bargaining units in this regard.

Your Committee therefore recommends:-

1. That the City of Winnipeg enter into an agreement with the Province of Manitoba for the provision by Provincial night duty staff of after-hours emergency service.
2. That the Proper Officers of the City do all things necessary to implement the foregoing.

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

Carried.

**REZONING - Lands located at the south-east corner of
St. Mary's Road and Warde Avenue - St. Boniface- St.
Vital Community.**

File DAZ 273/87

563 - 6. An application has been received from Paul Janzen Architects, on behalf of Qualico Developments Ltd., to amend The St. Vital Town Planning Scheme 1951, by rezoning lands located at the south-east corner of St. Mary's Road and Warde Avenue, from a "C2" Commercial District to an "R3B-One" Planned Building Group District, for the purpose of constructing row-houses containing a total of 40 dwelling units.

To the east, south and south-west (west of St. Mary's Road) there are large single-family subdivisions zoned for "R-PL", "R1-4" and "R1-5" housing lots. A site on the north-east corner of Warde Avenue and St. Mary's Road has been recently approved for "C2" commercial development.

In 1985, under rezoning application DAZ 270/85, Qualico Developments Ltd. applied to rezone the subject property from a commercial to a multiple-family designation. At that time there were no specific design proposals but there was a feeling on the part of the residents, at least, that the developer was

considering 3 storey garden apartments on the 3.4 acre parcel. The Department of Environmental Planning was of the opinion that from a land use standpoint there were arguments for and against both types of development on the land in question (commercial or multiple-family). The construction of 3 storey buildings anywhere on the property in question would reduce the amount of rear yard privacy previously experienced by the property owners along Trowbridge Bay and Bruton Place. Likewise even a restricted commercial development with limitations on height and use would still generate a traffic flow, noise and general activity which would not be totally acceptable to all of the adjacent property owners. At that time a notice was circulated and a petition was submitted at the public hearings which clearly indicated that the majority of residents favoured the existing commercial zoning. The Community Committee soon afterwards rejected Qualico Developments Ltd.'s proposed rezoning to an "R3B-One" Multiple-family category.

In order to evaluate the current application before your Committee, Qualico Developments Ltd. organized a resident's meeting which was held on September 14th, 1987, and at that time a number of property owners expressed concern that the proximity of multiple-family units to their property lines would pose a problem. Qualico Developments Ltd. responded by examining the possibility of both an increased building setback and limiting the height of any future structure. The residents reviewed the design modifications proposed by Qualico Developments Ltd. and subsequently endorsed the proposed land use change.

It is the opinion of the Department of Environmental Planning that the proposed plan and use of the site is generally acceptable and probably preferable to what could be established on the site under the current commercial zoning. However, in order to reduce the level of encroachment on the privacy of existing property owners, the Department of Environmental Planning suggests that the above noted height and setback restrictions be imposed. It should be noted that the proposed "R3B-One" zoning requires that final plans be submitted for approval by the Community Committee which show the following:

- (i) The location and use of each existing and proposed building or structure; the use or uses to be contained therein; the location of entrance and loading points therefor;
- (ii) The location of all outside facilities for waste disposal;
- (iii) All curb cuts, driving lanes, parking areas, loading areas, public transportation points and illumination facilities for the same;
- (iv) All pedestrian walks, malls and open areas;
- (v) The location and height of all walls, fences and screen planting;
- (vi) The location, size, height and orientation of all signs;
- (vii) The types of surfacing, such as paving, turfing, or gravel, to be used at the various locations;
- (viii) Typical floor plans and elevations of proposed buildings and structures.

Finally, a number of the residents in the area have suggested that portions of the subject area should be set aside for tot lot purposes. The view of the property owners in the area is that there is inadequate park space available to the residents living west of Paddington Road, north of Burland Avenue. It would be impractical at this stage to make provision for a playground area within the boundaries of the land in question. Provision for internal pedestrian access to the site from Trowbridge Bay on Bruton Place was never provided for, which means that the only access to the site would be via Warde Avenue. This would be clearly hazardous for small children.

A public meeting was held before the St. Boniface-St. Vital Community Committee on November 3rd, 1987.

The following persons appeared in support of the application:

Mr. Gillis Huizinga, Qualico Developments Ltd., 30 Speers Road, Winnipeg, R2J 1L9.

Mr. P. Janzen, Paul Janzen Architects, 1221B Gateway Road, Winnipeg, R2G 1E6.

No one appeared in opposition thereto.

The St. Boniface-St. Vital Community Committee recommended that the proposed zoning change be approved subject to a number of conditions, all of

which have been incorporated within the following recommendations.

Your Committee on Planning and Community Services concurs in the recommendations of the St. Boniface-St. Vital Community Committee and recommends:-

- I. That The St. Vital Town Planning Scheme 1951 be amended by rezoning the subject land under DAZ 273/87, attached hereto and dated December 10th, 1987, to an "R3B-One" Planned Building Group District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 600(1) of The City of Winnipeg Act to provide for the following:
 - A. that the maximum height of any buildings or structures shall not be more than 35 feet (10.7 metres);
 - B. that the maximum density on the site be restricted to 11.73 dwelling units per acre.
 - C. that the final construction plans indicating the design and location of the proposed buildings, parking areas, approaches to and from the site to St. Anne's Road, fencing and landscaping be subject to the approval of the St. Boniface-St. Vital Community Committee and the Commissioner of Planning and Community Services prior to the issuance of a building permit.
 - D. that the minimum building setback from the rear property lines of residential lots along Bruton Place and Trowbridge Bay be at least twenty-five (25) feet, and that landscaping and screening be provided and maintained in the setback distance, in accordance with plans approved by the Community Committee, pursuant to item C. above; and
 - E. that a 10 per cent dedication be made by payment of a sum of money to the City in lieu of the requirement for land for open space park and recreational use based on the increase in the market value of the land, if applicable.
- II. That the City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council and that the rezoning by-law not become effective until the Zoning Agreement has been executed and registered as a first charge against the title of the land.
- III. That the Proper Officers of the City be authorized to execute said Zoning Agreement.
- IV. That in the event this application is not proceeded with expeditiously and the By-law is not enacted within two (2) years after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.
- V. That the City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

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

Carried.

(Note: See Minute No. 572 for attachment.)

**REZONING - Lands located at the south-west corner of
Stafford Street and Yale Avenue - City Centre- Fort
Rouge Community.**

File DAZ 274/87

564 - 7. An application has been received from IN-KA Project Development Ltd., 1036 - 167 Lombard Avenue, on behalf of M. Semchuk, 12

Peterboro Bay, Winnipeg, to amend By-law No. 16502, by rezoning lands located at the south-west corner of Stafford Street and Yale Avenue, from an "R1" One-family District to an "R3" Multiple-family District, for the purpose of constructing a two-storey apartment building with eight dwelling units.

The City Centre-Fort Rouge Community Committee has requested the rezoning of the Crescentwood neighbourhood (among others) to reflect dominant lot widths and areas with "R1-6", "R1-9" and other appropriate designations. The subject site now zoned "R1" (40 foot minimum lot width/4,400 square foot minimum area) would be rezoned under that policy to "R1-6" requiring a 60 foot width and 6,000 square foot area for a one-family dwelling.

There is no justification for a zoning change from "R1" to any other district within this neighbourhood. As recently as 1980 the construction of a one-family dwelling at the north-east corner of Stafford Street and Yale Avenue indicates that the subject site is entirely suitable for a one-family dwelling under current "R1" zoning. This site might be developed with a one-family dwelling had it not been marketed for commercial and/or multiple-family uses, neither of which is considered appropriate.

The application submitted indicates that the proposal would be "seniors condominiums", which is considered misleading insofar as a restriction to "seniors" could not be maintained in respect of condominium title. It is suggested that an exception for elderly persons housing, such as has been made in other locations for legitimate EPH projects, would not be appropriate under these circumstances, nor within a low density neighbourhood.

A public meeting was held before the City Centre-Fort Rouge Community Committee on November 10th and December 8th, 1987. November 10th, 1987.

No one appeared in support of the application.

The following persons appeared in opposition thereto:

Mrs. Jackie Ritchie, 178 Harvard Avenue, Winnipeg, R3M 0K6.
Edward and JoAnn Greenhalgh, 191 Kingsway, Winnipeg, R3M 0G4.
Dr. and Mrs. J. Jeffrey, 338 Kingsway, Winnipeg, R3M 0H5.
Mr. G. Alvare, 221 Academy Road, Winnipeg, R3M 0E3, on behalf of Crescentwood Homeowners Association.
Mr. and Mrs. H. Reimer, 72 Harrow Street, Winnipeg, R3M 2Y8.
C. A. E. and Margaret Jensen, 197 Kingsway, Winnipeg, R3M 0G4.
Mr. and Mrs. B. R. Chesnut, 93 Harvard Avenue, Winnipeg, R3M 0J7.
Mr. Brian Klapanski, 201 Yale Avenue, Winnipeg, R3M 0L2.
Mr. J. W. Evans, 239 Academy Road, Winnipeg, R3M 0E3.
Dr. M. J. Evans, 75 Guelph Street, Winnipeg, R3M 3A5.
Mr. John Connor, 161 Harvard Avenue, Winnipeg, R3M 0J8.
Miss Diane Gooch, 117 Yale Avenue, Winnipeg, R3M 0L1.
Mrs. Margaret D. Burbridge, 293 Yale Avenue, Winnipeg, R3M 0L4.
Mr. and Mrs. J. Zonneveld, 144 Yale Avenue, Winnipeg, R3M 0L7.
Mr. B. Chipka, 111 Yale Avenue, Winnipeg, R3M 0K9.
Mr. Mike Radcliffe, 141 Yale Avenue, Winnipeg, R3M 0L1.
Mr. George Federsel, 231 Kingsway, Winnipeg, R3M 0G5.
Mr. M. Chipka, 105 Yale Avenue, Winnipeg, R3M 0K9.
Dr. and Mrs. V. Lanctis, 60 Yale Avenue, Winnipeg, R3M 0L6.
Dr. and Mrs. R. L. Cooke, 37 Kingsway, Winnipeg, R3M 0G2.
Mr. R. Haier, 566 Gertrude Avenue, Winnipeg, R3L 0N1, on behalf of the Residents' Advisory Group.

The following persons registered their opposition by way of communication but were not at the meeting:

Phyllis Deacon, 121 Yale Avenue, Winnipeg, R3M 0L1.
Dr. and Mrs. L. Bartlett, 97 Yale Avenue, Winnipeg, R3M 0K9.
Dr. and Mrs. J. Parrott, 16 Ruskin Row, Winnipeg, R3M 2R7.
Harold and Larena Richman, One Palk Road, Winnipeg, R3M 3T5.
Mr. F. Mancini, 124 Yale Avenue, Winnipeg, R3M 0L7.
Mr. Daniel Sprague, 315 Dromore Avenue, Winnipeg, R3M 0J2.

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Mr. David E. Bowman, Q.C., 304 - 328 Broadway, Winnipeg, R3C 0T3, former resident of 241 Harvard Avenue.

Steve and Judy Owen, 160 Yale Avenue, Winnipeg, R3M 0L7.

M. Valinda Morris, 156 Yale Avenue, Winnipeg, R3M 0L7.

December 8th, 1987.

The following persons appeared in support of the application:

Mr. W. R. August, IN-KA Project Development Ltd., 1036 - 167 Lombard Avenue, Winnipeg, R3C 0V5, on behalf of Mrs. M. Semchuk.

Mr. M. Sokulski, L. M. Architectural Group, 300 - 290 Vaughan Street, Winnipeg, R3B 2L9, on behalf of Mrs. M. Semchuk.

The following persons appeared in opposition to the application:

Mr. Gordon Alvare, 221 Academy Road, Winnipeg, R3M 0E3, on behalf of Crescentwood Homeowners Association.

Mr. F. Mancini, 124 Yale Avenue, Winnipeg, R3M 0L7.

The following persons registered in opposition at the meeting but did not speak, namely:

Mrs. J. Ritchie, 178 Harvard Avenue, Winnipeg, R3M 0K6.

Miss Gertrude C. Mueller, 166 Harvard Avenue, Winnipeg, R3M 0K5.

Mrs. M. Lanctis, 60 Yale Avenue, Winnipeg, R3M 0L4.

Mr. John Connor, 161 Harvard Avenue, Winnipeg, R3M 0J8.

Mr. B. Chipka, 111 Yale Avenue, Winnipeg, R3M 0K9.

Miss D. Gooch, 117 Yale Avenue, Winnipeg, R3M 0L1.

Mr. M. Chipka, 105 Yale Avenue, Winnipeg, R3M 0K9.

Mr. Grant R. Wilson, 85 Yale Avenue, Winnipeg, R3M 0K9.

Mr. J. Evans, 239 Academy Road, Winnipeg, R3M 0E3.

Mr. Yvonne Evans, 239 Academy Road, Winnipeg, R3M 0E3.

Mr. and Mrs. J. Hearne, 46 Guelph Street, Winnipeg, R3M 3A8.

Mr. D. MacDonell, 162 Harvard Avenue, Winnipeg, R3M 0K5.

Mrs. A. McCombe, 158 Harvard Avenue, Winnipeg, R3M 0K5.

Mr. S. F. Owen, 160 Yale Avenue, Winnipeg, R3B 0L7.

Mr. Sheldon Bowles, 171 Yale Avenue, Winnipeg, R3M 0L2.

Mrs. P. Mackay, 204 Dromore Avenue, Winnipeg, R3M 0J3.

Mr. M. Radcliffe, 141 Yale Avenue, Winnipeg, R3M 0L1.

Mrs. Margaret D. Burbridge, 293 Yale Avenue, Winnipeg, R3M 0L4.

Mrs. H. Jeffrey, 388 Kingsway, Winnipeg, R3M 0H5.

Mr. and Mrs. J. Zonneveld, 144 Yale Avenue, Winnipeg, R3M 0L7.

Mr. R. P. Haier, 566 Gertrude Avenue, Winnipeg, R3L 0N1, on behalf of the Residents' Advisory Group.

The following persons registered their opposition by way of communication but were not at the meeting:

Marguerite Wood, 188 Dromore Avenue, Winnipeg, R3M 0J3.

Brian and Monique Danaher, 173 Yale Avenue, Winnipeg, R3M 0L2.

Mr. L. Cruickshank, 320 Dromore Avenue, Winnipeg, R3M 0J5.

M. Filyk, 117 Harvard Avenue, Winnipeg, R3M 0J7.

Shirley McKenzie, 751 Wellington Crescent, Winnipeg, R3M 0A7.

Mrs. B. Suderman, 202 Harvard Avenue, Winnipeg, R3M 0K6.

Mr. L. Steingarten, 34 Avonhurst Street, Winnipeg, R3M 2V1.

E. Saunders, 319 Kingsway, Winnipeg, R3M 0G6.

The City Centre-Fort Rouge Community Committee recommended that the proposed zoning change be not proceeded with. Your Committee on Planning and Community Services concurs in the recommendation of the City Centre-Fort Rouge Community Committee and recommends that the proposed zoning change to amend Zoning By-law No. 16502, by rezoning land under File No. DAZ 274/87 from an "R1" One-family District to an "R3" Multiple-family District be not proceeded with.

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

Carried.

**REZONING - Land located west of Fife Street, between
Redwood and Aberdeen Avenues - Lord Selkirk-West
Kildonan Community.**

File DAZ 288/87

565 - 8. An application has been received from DSI Development Corporation, 7 - 90 Market Avenue, Winnipeg, to amend By-law No. 4450/86, by rezoning the land bounded by Redwood Avenue, Fife Street, Aberdeen Avenue and Shaughnessy Street, from an "MP-2" Industrial Park District to an "RM-4" Multiple-family District. The land is owned by the City of Winnipeg.

The applicant proposes to rezone the lands to an "RM-4" Multiple-family District in order to establish a multiple-family complex upon the three acre site, including both senior citizens' housing as well as market housing. This complex is to be an extension of the Fred Douglas Lodge located to the immediate south.

The senior citizens' housing would be a six or seven-storey apartment building with a maximum of 75 units. The market housing, to be located on the westerly portion of the land, was to consist of a maximum of 35 attached townhouse units, although this number has been reduced to 28 as a result of Public Hearings. In addition, two small retail units and a medical clinic are to be located on the main floor of the senior citizens' building. (Establishment of these retail units and medical clinic will require separate approval under DAV 1055/87 and DCU 242/87, respectively.)

In principle, the proposal can be considered appropriate at this location as an extension to Fred Douglas Lodge. The site is bounded on the north and east by industrial uses within Inkster Industrial Park and on the west by Sisler High School.

In total, the density on the site of approximately 36 units per acre is relatively high for a suburban location. However, the proposed density on the senior citizens' portion of approximately 60 units per acre is well below that for similar uses approved by the Lord Selkirk-West Kildonan Community Committee, while the proposed density for the balance of the parcel of approximately 20 units per acre is acceptable for housing of the type considered.

Similarly, while the proposed apartment building is out of scale with development upon adjoining lands, it can be considered acceptable in light of previous approvals by the Lord Selkirk-West Kildonan Community Committee and the fact that no adjoining residential lands will be adversely affected by it.

The Streets and Transportation Department has recommended that a 9 foot widening and a sidewalk be provided along the east side of Shaughnessy Street. In addition, it objected to the provision of multiple private approaches to the townhouse units, especially along Redwood Avenue. The applicant had originally proposed these in order to maximize on-site useable open space. Amended plans were submitted to Community Committee, however, which addressed this concern.

Of final note is the existence of a 50' x 150' building lot on the north-east corner of Aberdeen Avenue and Shaughnessy Street, which has a smaller dwelling unit located thereon. This is the only parcel of land within this block not included within this development application. Ideally, these lands should be included within the subject application. However, the proposed development does represent a better alternative for this adjoining parcel than would development under the existing industrial zoning.

A public meeting was held before the Lord Selkirk-West Kildonan Community Committee on December 15th, 1987 and January 12th, 1988.

The following persons appeared in support of the application:

Mr. H. A. Haid, DSI Development Corporation, 7 - 90 Market Avenue, Winnipeg, R3B 0P3.

Mr. Bob Beaudin, Administrator, Fred Douglas Lodge, 1275 Burrows Avenue, Winnipeg, R2X 0S5.

Mr. Don Scott, 46 Mallard Way, Winnipeg, R2R 1Y1.

The following persons appeared in opposition thereto:

Mr. Peter Small, 1255 Redwood Avenue, Winnipeg, R2X 0X7.

Mr. Mark Gotch, 1261 Boyd Avenue, Winnipeg, R2X 1A6.

Mr. Clare Cremer, 2 Timmins Avenue, Winnipeg, R2R 2M2.

The Lord Selkirk-West Kildonan Community Committee recommended that the proposed zoning change be approved subject to a number of conditions, all of which have been incorporated within the following recommendations.

Your Committee on Planning and Community Services concurs in the recommendations of the Lord Selkirk-West Kildonan Community Committee and recommends:-

- I. That By-law No. 4450/86 be amended by rezoning the subject land as shown on Schedule "A" to DAZ 288/87, attached hereto and dated January 28th, 1988, to an "RM-4" Multiple-family District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 600(1) of The City of Winnipeg Act to provide for the following:
 1. That not more than 110 dwelling units shall be constructed on the subject lands; further, not more than 28 dwelling units shall be constructed on the subject lands that are not for senior citizens' residential purposes.
 2. That no permits shall be issued until plans showing location of buildings, parking, landscaping, fencing, garbage containers, elevations including building materials, and methods of ingress and egress have been submitted to and approved by the Lord Selkirk-West Kildonan Community Committee and the Commissioner of Planning and Community Services and identified as Schedule "A" to DAZ 288/87, and further, no construction shall take place except in accordance with said Schedule "A" to DAZ 288/87.
 3. That a 10 per cent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land for open space park and recreational use based on the increase in the market value of the land.
- II. That the applicant enter into a Servicing Agreement with the City to provide for the following:
 - A.1. Dedication of land for a 9-foot widening of Shaughnessy Street adjacent to the westerly limit of the subject lands.
 2. Construction of a 1.5 metre in width by 100 millimetre in thickness portland cement concrete sidewalk on the east side of Shaughnessy Street adjacent to the subject lands to the satisfaction of the Commissioner of Works and Operations.
- III. That the payment of the 10 per cent dedication be credited to the Lord Selkirk-West Kildonan Land Dedication Account.
- IV. That the City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.
- V. That the rezoning by-law shall not become effective until the said Zoning and Servicing Agreements have been executed and the Zoning Agreement has been registered as a first charge against title to the land.
- VI. That the Proper Officers of the City be authorized to execute said Zoning Agreement and Servicing Agreement.
- VII. That in the event this application is not proceeded with expeditiously and the By-law is not enacted within two (2) years after adoption of this

report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

VIII. That the City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

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

Carried.

(Note: See Minute No. 573 for attachment.)

**REZONING - Land located west of the western
terminus of Luxton Avenue - Lord Selkirk- West
Kildonan Community.**

File DAZ 294/87

566 - 9. An application has been received from the Commissioner of Planning and Community Services to amend By-law No. 4450/86, by rezoning land owned by the City of Winnipeg and located between the western terminus of Luxton Avenue and the C.P.R. right-of-way, from an "R1-4" Single-family District to a "PR" Park and Recreational District. It is intended to establish the status of the subject land as public open space.

The subject property is presently vacant. In February, 1987, an application was made by Manitoba Housing and Renewal Corporation, which proposed to establish 11 multiple-family units upon the subject lands. The Lord Selkirk-West Kildonan Community Committee recommended that said application be rejected and that the Commissioner of Planning and Community Services initiate an application to rezone the lands to a "PR" District. The proposed zoning is appropriate. It will formally designate this property as public open space and acknowledge its past and existing status as such within the community. In addition, due to site planning constraints, it would appear that any kind of development upon the subject lands will be problematical and no kind of development will be acceptable in all respects.

Jurisdiction of the subject lands should be transferred from the Land Surveys and Real Estate Department to the Parks and Recreation Department.

A public meeting was held before the Lord Selkirk-West Kildonan Community Committee on January 12th, 1988.

The following persons appeared in support of the application:

R. Lapointe, 795 Inkster Boulevard, Winnipeg, R2X IN4.

L. Nardrello, 773 Polson Avenue, Winnipeg, R2X IM3.

M. Trush, 778 Inkster Boulevard, Winnipeg, R2X IN4.

R. Trush, 780 Inkster Boulevard, Winnipeg, R2X IN4.

No one appeared in opposition thereto.

The Lord Selkirk-West Kildonan Community Committee recommended that the proposed zoning change be approved for the following reasons:

1. The proposed zoning is appropriate.
2. Any kind of development upon the site would be problematic and no kind of development would be acceptable in all respects.

Your Committee on Planning and Community Services concurs in the recommendations of the Lord Selkirk-West Kildonan Community Committee and recommends:-

- I. That By-law No. 4450/86 be amended by rezoning the subject land as shown on Schedule "A" to DAZ 278/87, attached hereto and dated January 22nd, 1988, to a "PR" Park and Recreational District.

- II. That the City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.
- III. That the Proper Officers of the City be directed and authorized to transfer jurisdiction of the subject lands from the Land Surveys and Real Estate Department to the Parks and Recreation Department.
- IV. That the City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

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

Carried.

(Note: See Minute No. 574 for attachment.)

**REZONING - Land located on the north side of
Corydon Avenue, east of Stafford Street - City
Centre-Fort Rouge Community.**

File DAZ 295/87

567 - 10. An application has been received from No. 10 Architectural Group, 310 - 115 Bannatyne Avenue, Winnipeg, on behalf of United Investments Ltd., to amend By-law No. 16502, by rezoning land located on the north side of Corydon Avenue, east of Stafford Street, from an "R3" Multiple-family District to a "C1" Limited Commercial District. The applicant proposes to utilize the existing buildings for commercial purposes.

With the exception of a florist shop at 925 Corydon Avenue, the buildings are vacant. The subject land is situated within the apartment and commercial corridor along Corydon Avenue and while parking space on the site is minimal, local commercial uses are entirely reasonable at this location.

It is considered that certain "C1" uses should be allowed only if parking can be provided as a result of redevelopment, which uses are proposed to be restricted by Zoning Agreement.

It should be noted that the land is encumbered by a Sales Agreement Caveat No. 159262, registered for the City on December 11th, 1952, which requires the owner to dedicate the southerly seven feet of the land whenever it should be needed for the widening of Corydon Avenue. The Streets and Transportation Department advises that the caveat should remain in place.

A public meeting was held before the City Centre-Fort Rouge Community Committee on January 13th, 1988.

The following persons appeared in support of the application:

Mr. B. Cosgrove, 310 - 115 Bannatyne Avenue, Winnipeg, R3B 0R3, on behalf of No. 10 Architectural Group. Mr. Ian Plant, 220 Waverley Street, Winnipeg, R3A 3L2, on behalf of United Investments Ltd.

No one appeared in opposition thereto.

The City Centre-Fort Rouge Community Committee recommended that the proposed zoning change be approved subject to a number of conditions, all of which have been incorporated within the following recommendations for the following reason:

1. It is compatible with this location on Corydon Avenue.

Your Committee on Planning and Community Services concurs in the recommendations of the City Centre-Fort Rouge Community Committee and recommends:

- I. That By-law No. 16502 be amended by rezoning the subject land as shown on Schedule "A" to DAZ 295/87, attached hereto and dated February 2nd, 1988, to a "C1" Limited Commercial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 600(1) of The City of Winnipeg Act to provide for the following:
 1. That the following uses not be permitted on the land:
 - (a) private non-profit clubs or lodges;
 - (b) restaurant;unless parking is provided at the rate of one (1) parking stall for every 100 square feet occupied by such uses;
 2. That a 10% dedication be made by a payment of a sum of money to the City in lieu of the requirement for land for open space park and recreational use based on the increase in market value of the land.
- II. That the City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

- III. That the rezoning by-law become effective when the Zoning Agreement has been registered as a first charge against the land excepting any other existing City caveats.
- IV. That the Proper Officers of the City be authorized to execute said Zoning Agreement.
- V. That in the event this application is not proceeded with expeditiously and the By-law is not enacted within eighteen (18) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.
- VI. That the City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

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

Carried.

(Note: See Minute No. 575 for attachment.)

**REZONING - Land located on the east side of King
Edward Street, both sides of Garton Avenue - Lord
Selkirk-West Kildonan Community.**

File DAZ 296/87

568 - 11. An application has been received from 74400 Manitoba Ltd., to amend By-law No. 4450/86, by rezoning land located on the east side of King Edward Street, both sides of Garton Avenue, from an "A-20" Restricted Agricultural District to a "C2" General Commercial District, to permit commercial development at a future time.

The subject property consists of two parcels of land located at the north-east and south-east corners of King Edward Street and Garton Avenue, and are presently vacant. The northerly parcel has 195 feet of frontage along King Edward Street and is 100 feet deep, while dimensions of the southerly portion are 75 feet and 100 feet, respectively.

The applicant proposes the establishment of future unspecified commercial development. This poses a number of concerns. Pavement exists in King Edward Street only as far as Garton Avenue. North of Garton Avenue, the road surface consists of a limited asphalt cap, which the District Engineer states is inadequate to accommodate traffic generated by commercial development on the subject lands. While some arrangements might be made for the applicant to pay his share of services within King Edward Street, it is not prudent for development to proceed before the installation of services is at least imminent. To do so, in fact, does not strictly comply with the provisions of Plan Winnipeg.

Of greater concern, however, is the limited depth of the lands and the fact that adjoining lands to the immediate east are being developed for single-family housing. (It may also be the case that adjacent lands to the north and south along King Edward Street might also ultimately develop for residential purposes, although no application has as yet been received.) Whether or not the subject lands can be properly developed for commercial use, providing adequate parking and landscaping, while at the same time not adversely affecting adjoining lands is questionable. There does not appear to be sufficient lot depth for typical commercial development under the proposed "C2" zoning which will still provide adequate protection for adjacent residential lands. The applicant has submitted no site plan of any kind that might demonstrate that this can be done.

The absence of any site plans is also a concern in and of itself. There has not been any indication on the part of the applicant that the application has been made as part of a specific commercial development proposal. In this regard, the subject application must be viewed, at least at this point in time, as speculative in nature.

The abutting lane to the east, which is to be closed, should be consolidated with the subject lands before development of any kind is to take place. A public meeting was held before the Lord Selkirk-West Kildonan Community Committee on December 16th, 1987.

Maurice Jeroff, 800 Airlies Street, Winnipeg, R2V 2Z6, appeared in support of the application.

The following persons appeared in opposition thereto:

Dave Langen, 231 Garton Avenue, Winnipeg, R2R 2C3.
Randie Kushnier, 74 Tamarind Drive, Winnipeg, R2G 2A6.
William Zuk, 78 Tamarind Drive, Winnipeg, R2G 2A6.
Angus W. Lindsay, 510 - 246 Roslyn Road, Winnipeg, R3L 0H2.
Garry Bistyak, 913 - 70 Whellams Lane, Winnipeg, R2G 2G8.
Menno Wiebe, 51 Quill Bay, Winnipeg, R2R 2L5.
Wayne Baldwin, 14 Orchard Lane, Winnipeg, R2S 3C5.
Don Scott, 46 Mallard Way, Winnipeg, R2R 1Y1.
Bernie Kloke, 15 Quill Bay, Winnipeg, R2R 2L4.
Grant Fraser, 43 Quill Bay, Winnipeg, R2R 2L5.

The Lord Selkirk-West Kildonan Community Committee recommended that the proposed zoning change be not proceeded with.

Your Committee on Planning and Community Services concurs in the recommendation of the Lord Selkirk-West Kildonan Community Committee and recommends that the proposed zoning change to amend Zoning By-law No. 4450/86 by rezoning land under File No. DAZ 296/87 from an "A-20" Restricted Agricultural District to a "C2" General Commercial District be not proceeded with.

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

Carried.

(Note: See Minute No. 576 for attachment.)

REZONING - Land located on the south side of Logan Avenue, between Omands Creek Boulevard and Parent Street - St. James-Assiniboia Community.
File DAZ 303/87 (c/r DASSF 390/87)

569 - 12. An application has been received from A.R.M. Properties Ltd., 70 Mandalay Drive, Winnipeg, for the rezoning of lands on the south side of Logan Avenue, between Omands Creek Boulevard and Parent Street, from an "A" Agricultural District to an "M2" Light Industrial District.

The applicant's property has a total frontage of 892.8 feet in width on the south side of Logan Avenue. Omands Creek in the westerly part of the site, physically separates the land into two parcels. The applicant proposes to rezone the most easterly 230 feet in width of the land to an "M2" Industrial District to permit the construction of a multi-tenant warehouse building. The remaining land to the west would be put under separate title; a Variance Application DAV 1129/87 and a Short-Form Subdivision Application DASSF 390/87, have been made to effect this division. The remaining westerly portion of the site would be maintained in agricultural zoning at the present time.

The subject area to be rezoned has 230 feet frontage on Logan Avenue and will have access to existing services. The rezoning of the remaining lands to the west will be subject to a further rezoning application and the extension of the municipal services along that Logan Avenue frontage in the future.

The land located on the south side of Logan Avenue, is directly south of Omands Creek Industrial Park which is being developed as a Light Industrial District.

The Creek Channel north of Logan Avenue was acquired by the City through dedication at the time the adjacent property was subdivided and rezoned. This dedication was based on a minimum 10% land requirement and the resulting creekbank dedication is 240 feet in width, that is, 120 feet in depth on each side of the centre line of the creek.

The Parks and Recreation Department has indicated that all of the lands west of the Omands Creek should be acquired by way of dedication for lineal riverbank park purposes. The land is triangular in shape and has approximately 115 feet frontage (from the centre line of the creek) on Logan Avenue tapering to approximately 20 feet (from the centre line of the creek) at the rear lot line. The total acreage in this triangle is approximately 0.79 acres. This constitutes an area equal to approximately 29.25% of the 2.70 acre site which is the subject of the rezoning application to "M2". However, as a percentage of the total 10.5 acre site area the 0.79 acre site constitutes only 7.5%. The Parks and Recreation Department has further also indicated that a strip of land on the east side of the creek should also be acquired by dedication. However, since in conjunction with such dedication a detailed assessment of the land drainage implications will also have to be made by the Waterworks, Waste and Disposal Department, it is recommended that dedication of additional lands on the east side of the creek should be deferred to a later date and be acquired when an application for rezoning of the remaining agricultural lands abutting the east side of the creek is made by the owners.

The Parks and Recreation Department has also indicated that boulevard sodding and tree planting will be required along the frontage of the subject property being rezoned.

The Works and Operations Department has indicated that existing services are in place to service the lands proposed to be rezoned, and that payment for a share of these costs will be required from the applicant.

The Streets and Transportation Department requires a 4.56 metre (15 foot) dedication along the south side of Logan Avenue for the full width of the property abutting Logan Avenue to provide for widening the right-of-way. Such a widening has been completed to the east of the site, and on the north side of Logan Avenue, both east and west of Omands Creek Boulevard.

The Department of Environmental Planning has no objection to the rezoning providing that a zoning agreement is entered into to provide for the same additional development standards as previously incorporated within the approved rezoning of the lands to the east of the subject site under File DASZ 10A/77.

A public meeting was held before the St. James-Assiniboia Community Committee on January 19th, 1988.

Mr. Jon Andjelic, 562 Templeton Avenue, Winnipeg, R2P 3S4, appeared in support of the application.

Mr. Rick Wishart, 3 Calpine Place, Winnipeg, R2Y 0S1, appeared in opposition thereto.

The St. James-Assiniboia Community Committee recommended that the proposed zoning change be approved subject to a number of conditions, all of which have been incorporated within the following recommendations, for the following reason:

"The proposed rezoning is compatible with the zoning in the surrounding area."

Your Committee on Planning and Community Services concurs in the recommendations of the St. James-Assiniboia Community Committee and recommends:-

- I. That By-law No. 16502 be amended by rezoning the subject land as shown on Schedule "A" to DAZ 303/87, attached hereto and dated January 14th, 1988, to an "M2" Light Industrial District subject to the applicant:
 - A. Entering into a Zoning Agreement with the City pursuant to Section 600(1) of The City of Winnipeg Act to provide for the following:
 1. Each building site within the land shall have:
 - a) a minimum front yard of twenty-five (25) feet; and

b) minimum side yards of ten (10) feet except where a side lot line abuts a street in which case the minimum side yard along that lot line shall be twenty-five (25) feet.

2. On any building site within the land where the parking, loading or storage of vehicles takes place within twenty-five (25) feet of an abutting street the owner of that site shall construct and maintain a landscaped buffer strip fifteen (15) feet wide designed, planted and maintained in good condition to the satisfaction of the Commissioner of Planning and Community Services.

B. Entering into a Servicing Agreement with the City of Winnipeg under File No. DASSF 390/87, in accordance with the conditions outlined in the report of the Administrative Coordinating Group dated January 8th, 1988, attached hereto and identified as Schedule "B" to DAZ 303/87, dated January 8th, 1988.

II. That the rezoning by-law become effective when the plan of subdivision approved under File No. DASSF 390/87 has been registered at Winnipeg Land Titles Office and the necessary Zoning Agreement outlined above has been registered as a first charge.

III. That the City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings when the Zoning and Servicing Agreements outlined above have been executed.

IV. That the Proper Officers of the City be authorized to execute said Zoning Agreement and Servicing Agreement.

V. That in the event this application is not proceeded with expeditiously and the By-law is not enacted within 24 months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

VI. That the City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

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

Carried.

(Note: See Minute Nos. 577 and 578 for attachments.)

**Amendment to Development Agreement AG 34/84 -
Deletion of sidewalk on west side of Holland
Boulevard - Assiniboine Park-Fort Garry Community.
File DASZ 34/84**

570- 13. Your Committee on Planning and Community Services has been advised that on October 20th, 1987, the Assiniboine Park-Fort Garry Community Committee considered a petition objecting to the installation of a sidewalk on the west side of Holland Boulevard. In this connection, the Community Committee also heard a presentation by Mr. Warren Toles, 604 Holland Boulevard, Mr. Harris Liontis, 608 Holland Boulevard, and Mr. G. Chapman, 624 Holland Boulevard, in opposition to the subject sidewalk installation.

On May 8th, 1985, Council adopted Clause 16 of the Report of the Committee on Environment, dated April 26th, 1985, in connection with the approval of a plan of subdivision and rezoning of lands located south of Bard Boulevard, and west of Park Boulevard, under DASZ 34/84, the Development Agreement for which, provided in part as follows:

"The Developer shall, at no expense to the City, construct portland cement concrete sidewalks 1.5 metres in width and 100 millimetres in thickness on the west side of Holland Boulevard between Taylor and Grant Avenues, on the north side of Taylor Avenue, west of Park Boulevard and on the south side of Bard Boulevard from Holland Boulevard to Park Boulevard, all to the satisfaction of the Commissioner of Works and Operations."

The Community Committee was subsequently advised, on September 2nd, 1986, that the residents on Bard Boulevard were not informed of the sidewalk installation requirement under Development Agreement AG 34/84, and as a result, the Committee on Planning and Community Services, on March 9th, 1987, concurred in an amendment to Development Agreement AG 34/84, deleting the sidewalk on the south side of Bard Boulevard from Holland Boulevard to Park Boulevard, which was subsequently adopted by Council on March 25th, 1987.

In view of the fact that such situations have arisen where prospective purchasers of property are not made aware of requirements under development agreements regarding the installation of sidewalks, Council recently amended its policy requirements to provide that this kind of information should be made publicly available in order for prospective purchasers to be aware of such installations.

The Community Committee has now been advised of a similar situation on Holland Boulevard, which has only come to light recently in view of the delay by the developer in installing the sidewalk on the west side of Holland Boulevard.

In view of the above, the Assiniboine Park-Fort Garry Community Committee recommends that your Committee on Planning and Community Services give favourable consideration to the sidewalk not being installed on the west side of Holland Boulevard between Bard Boulevard and Taylor Avenue, and that your Committee recommend that Development Agreement AG 34/84 be amended by deleting therefrom the requirement for the installation of the sidewalk on the west side of Holland Boulevard between Bard Boulevard and Taylor Avenue.

The Community Committee further recommended that monies derived from this deletion be applied to other public purposes in the Tuxedo Heights Ward.

On January 26th, 1988, the Committee on Works and Operations considered and concurred in the recommendation of the Assiniboine Park-Fort Garry Community Committee that the sidewalk on the west side of Holland Boulevard not be installed.

Your Committee on Planning and Community Services concurs in the recommendations of the Assiniboine Park-Fort Garry Community Committee and the Committee on Works and Operations that the sidewalk not be installed on the west of Holland Boulevard between Bard Boulevard and Taylor Avenue and recommends:-

- I. That Development Agreement AG 34/84 be amended by deleting therefrom the requirement for the installation of the sidewalk on the west side of Holland Boulevard between Bard Boulevard and Taylor Avenue and that the monies derived from this deletion be applied to other public purposes in the Tuxedo Heights Ward.
- II. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

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

Carried.

**SUBDIVISION AND REZONING - Land located on the
east side of Main Street, south of Allenford Drive -
Rural Municipality of West St. Paul.**

File DASZ 50/87

571 - 14. An application has been received from C. K. Subdivision Services Ltd., 4 Dounreay Bay, Winnipeg, for approval of a proposed plan of subdivision and a related amendment to The West St. Paul Town Planning Scheme 1959, by rezoning the lands located east of Main Street, south of Allenford Drive, from an "A1" Agricultural District to an "R1" One-family District, for purposes of creating a new public street in conjunction with approximately 32 single-family building sites and a small park area.

The subject property is located between Main Street and the Red River adjacent to and south of the Rivercrest Subdivision. It is a very long and narrow parcel of property, measuring approximately 3,450 feet by 257 feet.

An application made earlier under File No. DASZ 38/86, proposing to establish 44 single-family building sites of smaller sizes, was considered at a public meeting held May 14th, 1987, and was rejected by the Council of the Rural Municipality of West St. Paul.

The applicant now proposes to subdivide the lands into 32 single-family building lots to be serviced via piped sewage system and to have frontage along a new east/west roadway located along the southerly edge of the property. This new roadway is proposed to end in a cul-de-sac near the river, with a proposed footpath connecting it to the end of existing Deepdale Boulevard. In addition, a 1.5 acre park along the river's edge and the establishment of a site to protect historic resources are proposed.

The West St. Paul Community Plan designates the subject lands as a "Suburban Residential Area". Consequently any residential development of the lands in accordance with this Plan must be considered appropriate in principle. There are however, a number of planning concerns to be addressed.

In response to the Department of Environmental Planning's letter requesting comments about this proposal, various departments and agencies have sent their replies. There were no concerns or objections raised by the respondents, except by two provincial government departments. Their comments are summarized herein.

Historic Resources Branch of the Manitoba Department of Culture, Heritage and Recreation had previously identified a portion of the subject land as containing undisturbed historic and prehistoric archaeological materials, as well as the remains of an unidentified early historic building, which are to be protected as a heritage resource. The plan submitted provides a piece of land, approximately 32 feet by 80 feet and designated Historic Resource Site, which is to be reserved as public land and left undeveloped. In the event the plan were altered in such a way that construction activity would adversely impact the reserved area, the Historic Resources Branch would require an impact assessment to be carried out at the applicant's expense before he could proceed with the development. It would, therefore, be necessary to have approval to the final plan of subdivision from the Historic Resources Branch.

The Department of Highways has advised that the subject land, being adjacent to a Limited Access Highway (P.T.H. No. 9), is under the jurisdiction of the Highway Traffic Board. It would, therefore, be necessary to obtain a permit from the Highway Traffic Board for making any change in the use of an existing driveway and for the construction of any access to this highway or any structure within 125 feet of the edge of the right-of-way of P.T.H. No. 9.

The Department of Highways has also advised that a recent study by its consultants has recommended for P.T.H. No. 9 certain improvements including the construction of a median to separate northbound and southbound traffic with strategically located median openings to accommodate major access points. One proposed median opening is located approximately 40 metres from the south boundary of the subject land. The street in the proposal must tie onto P.T.H. No. 9 in line with this opening. This could be achieved by moving the intersection (of the new road at P.T.H. No. 9) further south, which also would eliminate the skew in the intersection now proposed. In order to accommodate the revised alignment, the developer would have to negotiate successfully the acquisition of the required additional land from the adjacent landowner to the south.

Additional traffic generated by the proposal would also warrant the accommodation, at the developer's expense, of a 10-foot paved shoulder for a distance of approximately 350 feet on the east side of P.T.H. No. 9. If the developer intended to discharge any stormwater run-off from the subject land into the P.T.H. No. 9 ditching system, Department of Highways approval must be obtained with a drainage report being submitted to that Department. Any improvements in the highway ditching system required to accommodate the subject proposal would have to be paid for by the developer.

In addition to the above comments from outside agencies, the Department of Environmental Planning considered it important to extend Deepdale Boulevard to meet the proposed street, which otherwise would end up as a cul-de-sac some 3,000 feet in length. Such a long cul-de-sac without any secondary vehicular access would be undesirable and might pose a problem, especially to emergency vehicles, in the event an obstruction took place on this road. This suggested extension of Deepdale Boulevard would result in some modification to the plan submitted.

The Historic Resources site, in order to be left undeveloped and undisturbed, could be designated a Public Reserve, in which case the ownership of the site would vest in the Rural Municipality of West St. Paul. The other alternative way to protect the site would be to continue the private ownership, while imposing necessary conditions through a zoning agreement to limit or prohibit construction activity on the site.

The riverside park proposed by the applicant could be designated a Public Reserve in which case the Rural Municipality of West St. Paul, being the owner of the land involved, would presumably assume the responsibility of maintaining the park. If the lands, used for park and any other public purposes and

conveyed to the Rural Municipality of West St. Paul, were less than the required open space dedication, the balance may be received as money paid in lieu of conveyance of land.

The aforementioned comments and concerns could be addressed by making certain modifications to the plan, as suggested on Schedule "B" attached. The minimum area of the resulting lots would be 17,480 square feet. While these lots would be larger than those serviced lots typically established in the Municipality in recent years, they would also be more compatible with the lots in the adjacent Rivercrest.

Finally, it would be necessary to establish flood proofing criteria for the subject development with respect to the 160-year flood level. Consequently, it was suggested that the applicant establish elevations before final approval in order to ascertain the extent, if any, that conditions regarding flood levels should be imposed.

A public meeting was held before the Council of the Rural Municipality of West St. Paul on January 14th, 1988.

The following persons appeared in support of the application:

Mr. Claus Koke, 4 Dounreay Bay, Winnipeg, R2K 2V8.

Mr. W. Arndt, 425 Kildarroch Street, Winnipeg, R2X 2B6.

The following persons appeared in opposition thereto:

Lorne Topolniski, 21 Allenford Drive, R. M. of West St. Paul, Manitoba, R3C 4A3.

Judy Topolniski, 21 Allenford Drive, R. M. of West St. Paul, Manitoba, R3C 4A3.

Albert Steinhauer, 1 Allenford Drive, R. M. of West St. Paul, Manitoba, R3C 4A3.

Tom Holland, 3 Norham Road, R. M. of West St. Paul, Manitoba, R3C 4A3.

Mary Holland, 7 Norham Road, R. M. of West St. Paul, Manitoba, R3C 4A3.

Delbert Richardson, 73 Norham Road, R. M. of West St. Paul, Manitoba, R3C 4A3.

Jean Richardson, 73 Norham Road, R. M. of West St. Paul, Manitoba, R3C 4A3.

Clifford Gow, 26 Deepdale Boulevard, R. M. of West St. Paul, Manitoba, R3C 4A3.

Joan Gow, 26 Deepdale Boulevard, R. M. of West St. Paul, Manitoba, R3C 4A3.

Frances Asher, 22 Chelwood Street, R. M. of West St. Paul, Manitoba, R3C 4A3.

Ben Salnikowski, 22 Norham Road, R. M. of West St. Paul, Manitoba, R3C 4A3.

Pat Tataryn, 63 Norham Road, R. M. of West St. Paul, Manitoba, R3C 4A3.

Laurie Tataryn, 63 Norham Road, R. M. of West St. Paul, Manitoba, R3C 4A3.

Robert Drain, 1 Deepdale Boulevard, R. M. of West St. Paul, Manitoba, R3C 4A3.

Marilyn Drain, 1 Deepdale Boulevard, R. M. of West St. Paul, Manitoba, R3C 4A3.

Vince Burr, 59 Norham Road, R. M. of West St. Paul, Manitoba, R3C 4A3.

Edward Watt, 70 Norham Road, R. M. of West St. Paul, Manitoba, R3C 4A3.

Nicholas Harman, 8 Chelwood Street, R. M. of West St. Paul, Manitoba, R3C 4A3.

Debra Zimmer, 33 Norham Road, R. M. of West St. Paul, Manitoba, R3C 4A3.

William Didur, 16 Deepdale Boulevard, R. M. of West St. Paul, Manitoba, R3C 4A3.

Ron Bilinski, 17 Deepdale Boulevard, R. M. of West St. Paul, Manitoba, R3C 4A3.

Marge Bilinski, 17 Deepdale Boulevard, R. M. of West St. Paul, Manitoba, R3C 4A3.

Joe Zuzanski, 37 Allenford Drive, R. M. of West St. Paul, Manitoba, R3C 4A3.

J. Hrynchuk, 88 Norham Road, R. M. of West St. Paul, Manitoba, R3C 4A3.

John Linney, 51 Norham Road, R. M. of West St. Paul, Manitoba, R3C 4A3.

Peter Macijuk, 19 Deepdale Boulevard, R. M. of West St. Paul, Manitoba, R3C 4A3.

Barbara Partridge, 18 Deepdale Boulevard, R. M. of West St. Paul, Manitoba, R3C 4A3.

Nancy Cymbalisty, 43 Allenford Drive, R. M. of West St. Paul, Manitoba, R3C 4A3.

Bernhard Schopohl, 85 Norham Road, R. M. of West St. Paul, Manitoba, R3C 4A3.

Myrna Schopohl, 85 Norham Road, R. M. of West St. Paul, Manitoba, R3C 4A3.

J. Dudzinski, 90 Allenford Drive, R. M. of West St. Paul, Manitoba, R3C 4A3.

S. Dudzinski, 90 Allenford Drive, R. M. of West St. Paul, Manitoba, R3C 4A3.

L. Kowalchuk, 93 Allenford Drive, R. M. of West St. Paul, Manitoba, R3C 4A3.

S. Kingma, 54 Allenford Drive, R. M. of West St. Paul, Manitoba, R3C 4A3.

Nancy Kurtas, 167 Diane Drive, R. M. of West St. Paul, Manitoba, R3C 4A3.

Beverly DeGrave, 23 Deepdale Drive, R. M. of West St. Paul, Manitoba, R3C 4A3.

Sister Grace Kowalski, St. Benedict's Priory, 225 Masters Street, R. M. of West St. Paul, Manitoba, R3C 4A3. Sister Annette, St. Benedict's Priory, 225 Masters Street, R. M. of West St. Paul, Manitoba, R3C 4A3.

Sister Lee White, St. Benedict's Priory, 225 Masters Street, R. M. of West St. Paul, Manitoba, R3C 4A3.

The Council of the Rural Municipality of West St. Paul recommended that the proposed plan of subdivision and rezoning be not proceeded with for the following reasons:

1. Lot sizes not compatible with Rivercrest Subdivision.
2. Water supply is proposed by wells and a water study must be done for the West St. Paul area to determine supply and quantity.
3. Road width leading to the Red River must be 99 feet wide to allow for open ditch drainage.
4. Access onto P.T.H. No. 9 has not been addressed properly.
5. Sewage plant.
6. Council felt this land is not suited for this type of subdivision due to its narrow depth after a street is added. Section 655(1) of The City of Winnipeg Act stipulates that the Council of the City of Winnipeg shall not enact a by-law that would have the effect of changing the use to which any land in the Additional Zone might be put unless the Council of the Municipality in which the land is situated has, by resolution, consented to the change.

Your Committee on Planning and Community Services concurs in the recommendation of the Council of the Rural Municipality of West St. Paul and recommends that the plan of subdivision and rezoning proposed under File reference DASZ 50/87 be not proceeded with.

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

Carried.

572 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

573 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

574 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

575 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

576 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

577 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

578 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

CONSIDERATION OF BY-LAWS

579 - On motion of Councillor O'Shaughnessy, By-law No. 4825/88, a By-law of The City of Winnipeg to amend Zoning By-law No. 16502 for the enactment of a zoning change in the City Centre-Fort Rouge Community, 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. DAZ 281/87.

On motion of Councillor O'Shaughnessy, the rule was suspended and 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. 4826/88, a By-law of The City of Winnipeg to amend Zoning By-law No. 4450/86 for the enactment of a zoning change in the Lord Selkirk-West Kildonan Community. File No. DAZ 297/86.

By-law No. 4827/88, a By-law of The City of Winnipeg to amend Zoning By-law No. 4450/86 for the enactment of a zoning change in the Lord Selkirk-West Kildonan Community. File No. DAZ 299/86.

By-law No. 4828/88, a By-law of The City of Winnipeg to amend The St. Vital Town Planning Scheme 1951 for the enactment of a zoning change in the St. Boniface-St. Vital Community. File No. DAZ 255/87.

By-law No. 4829/88, a By-law of The City of Winnipeg to correct its By-law No. 4794/88, a By-law to amend Zoning By-law No. 16502 for the enactment of a zoning change in the City Centre-Fort Rouge Community. File No. DAZ 244/87.

CONSIDERATION OF REPORT OF THE

COMMITTEE ON PROTECTION, PARKS AND CULTURE

The Report of the Committee on Protection, Parks and Culture, dated January 25th, 1988, was laid over by the Executive Policy Committee on February 3rd, 1988. The Executive Policy Committee has further considered this Report, has concurred in the recommendations contained therein, and now submits it to Council for approval and adoption.

On motion of Councillor Mitchelson, the Report of the Committee on Protection, Parks and Culture, dated January 25th, 1988, was considered.

North Committee Room,
Council Building,
Winnipeg, January 25th, 1988.

His Worship the Mayor and Councillors:-

Your Committee on Protection, Parks and Culture submits the following Report and recommends:-

Termite Control in Winnipeg

File EH-1.9

580 - 1. Council on November 12th, 1987 referred to the Executive Policy Committee Clause 1 of the Report of the Committee on Protection, Parks and Culture dated October 26th, 1987, which recommended:-

"1. That the appropriate City officials advise the owners of the termite-infested homes on Youville Street that they are required to have their yards and buildings treated for termites within the next nine months.

2. That the Province of Manitoba be requested to provide financial assistance for residential property owners affected by termites."

At the same meeting Council also referred the following motion to the Executive Policy Committee, the Committee on Protection, Parks and Culture and the Committee on Planning and Community Services:-

"WHEREAS Manitoba has been termite free until August of 1987; AND WHEREAS 10 homes on one city block must be treated for "Eastern Subterranean Termites";

AND WHEREAS it is possible that termites are present in other, as yet undetected, homes in other areas of the City;

THEREFORE BE IT RESOLVED that the City undertake the inspection of any high risk areas of eradication of the costly and destructive termite pests."

The Committee on Planning and Community Services on that date requested the Board of Commissioners to report on the need for and cost of carrying out termite inspections of any high risk areas of Winnipeg.

On December 7th, 1987, the Commissioner of Protection, Parks and Culture addressed your Committee on Protection, Parks and Culture in this regard and suggested there were three alternatives to be considered, namely:

1. The City has the powers available to it under The Health Act and could require all the residents on the City block (determined to be fifteen) to eradicate the termites at their own expense.
2. The City can require eradication by the residents (as above) and apply the Ontario-Toronto formula, that is:-

60% to be borne by the Province

25% to be borne by the City

15% to be borne by the homeowner.

This option, however, would require negotiations by the City with the Province for the proposed cost-sharing.

3. The City arrange for eradication of the termites of all fifteen residences and the costs be borne by the City-at-large.

The administration was advised of Committee's preference that options 1 and 2 above be pursued and a report was requested addressing the legal and technical aspects of implementation of said options 1 and 2.

Your Committee on Protection, Parks and Culture had previously considered two earlier administrative reports on the findings of termites in the City last August and actions that might be taken to deal with this potentially serious problem, namely "Termites in Winnipeg" dated October 5th, 1987, and "Update on Termites in Winnipeg" dated October 26th, 1987. This report deals with questions that arose in previous discussions, and its recommendations resulting therefrom.

A. TERMITE ERADICATION AND COST-SHARING:-

Co-operation between the City and the Province is needed in order to deal with the problem of enforcing eradication of termites on affected properties in Winnipeg and of cost-sharing the expense of treatment with the property owners.

1. Legal position of the City in issuing an order to property owner to eradicate termites on their property:-

The Public Health Act (Regulation P-210-R3) could be used to require property owners to get rid of termites. The City's Health Department is empowered to enforce the Act within its geographic jurisdiction. However, outside the inner City, provincial health inspectors have jurisdiction and the authority to inspect suspected property and to enforce Regulation P-210-R3. This would require a co-operative City-Province approach.

Failing the above, it is suggested the City may be able to adopt a by-law dealing specifically with such nuisances (similar to that of the City of Toronto) covering the entire City, thus enabling the City to act independently of the Province, if necessary.

2. Property known or suspected of being infested:-

The only known infestations occur on the west side of Youville Street between 339 and 367 Youville Street. Six of these properties have apparent termite infestations, i.e., 339, 343, 351, 357, 361 and 367 Youville Street. Three of these six properties had evidence of termites in their yards, i.e., 339, 343 and 351 Youville Street and three had evidence of termites in their homes, i.e., 357, 361 and 367 Youville Street. As the termites were present in property spaced along the entire block, there are undoubtedly termites in at least the yards of the other properties that were inspected but where no termites were found, i.e., 347, 349, 363 Youville Street. In order to eradicate termites on this block, all nine properties must be treated. Surrounding blocks were inspected but no additional termite-infested properties were found.

3. City of Toronto approach to termite control:-

In Toronto, termites occur in 13% of the total number of City blocks. Up until 1986, 4.3% of the houses in Toronto were infested or in imminent danger of being infested. There has been a slow but steady increase in the number of affected houses over the past twenty years. Homeowners in the City of Toronto can take advantage of provincial and municipal grants. Provincial grants cover 60% of total costs, not exceeding \$2,000.00. The City provides a grant equal to 25% of the cost of treatment, to a maximum of \$125.00. Other grants, for home repair, are available to low-income property owners. In 1986, about 375 grants were given in Toronto (totally about \$461,000.00 in provincial and \$47,000.00 in City grants). The average cost of chemical treatment in 1986 was \$813.00. The average cost of wood-soil separation was \$2,099.00 (about 70% of the houses required this work in addition to chemical treatment).

The City of Toronto hired administrative and inspection (municipal building inspectors) staff to handle grant applications and property inspections. They also hired an entomologist to design and give courses on wood-destroying insects to their inspectors. They adopted the Termite Control By-law in 1973. This by-law also gives authority to order soil treatment of adjacent properties as a preventive measure and pre-treatment of soil for new construction sites where wood structural members are used. A special task force (City, Province, University, Exterminators) advises the City. A similar cost-sharing formula (involving affected property owners, the City and the Province of Manitoba) could be developed to ease the financial burden of Winnipeggers whose properties are affected by termites. This would require the Official Delegation to meet with the Province to discuss the problem.

B. INSPECTION OF HIGH RISK AREAS FOR TERMITES:-

On November 12th, 1987, the Committee on Planning and Community Services resolved that "the City undertake the inspection of any high risk areas of Winnipeg to ensure the complete and permanent eradication of the costly and destructive termite pests". The magnitude (and resultant cost) of such an undertaking would vary with the definition of "high risk areas". If these are defined as properties where there is a regular and high volume of wood and wood-products on and off-site, the properties would include a number of commercial properties. Examples include lumber and wood salvage yards and manufacturers of doors, windows, furniture, mouldings, millwork and pre-fab buildings. There are about 100 such businesses in the City.

Undertaking thorough inspections of such properties during the summer of 1988 could be worthwhile and done at a reasonable cost. The total direct costs would include the following budget items:-

551102 Salaries, Temporary		\$15,750.00
552601 Printing, etc.		100.00
552703 Equipment Rental		2,000.00
553101 Atlases and Maps		100.00
553104 Stationery and Office Supplies	150.00	
553208 Other Operating Supplies		700.00
553209 Small Tools		100.00
553210 Uniforms, Protective and Safety	250.00	
553301 Motive Fuel and Lubricants	850.00	
	Total	\$20,000.00

Your Committee on Protection, Parks and Culture was advised that if this program is approved, an additional \$20,000.00 would have to be added to the

1988 Current Estimates (Account No. 01 251705) of the Insect Control Branch as no funds exist for this type of inspection at the present time.

On January 25th, 1988, your Committee on Protection, Parks and Culture received as information the motion which Council had referred to it on November 12th, 1987 in the above connection. Committee did not concur in the proposal that \$20,000.00 be added to the 1988 Current Estimates of the Insect Control Branch to enable it to carry out termite inspections in high risk areas of the City, on the basis that termite infestations would, in all probability, be reported by property owners as and when same were detected, thereby eliminating the need for the City to expend additional monies for such an undertaking.

Your Committee on Protection, Parks and Culture recommends:-

1. That the City use the powers of the Public Health Act (with Provincial co-operation) to require all affected property owners to eradicate termites on their infested properties.
2. That the City and Province cost-share, with the affected property owners the costs of termite control using a formula similar to that used by the City of Toronto and Province of Ontario.
3. That the proper officers of the City do all things necessary to implement the foregoing.

Moved by Councillor Mitchelson,
Adoption of the report.

In amendment,

Moved by Councillor Savoie,
Seconded by Councillor Mitchelson,

That the Report of the Committee on Protection, Parks and Culture, dated January 25th, 1988, relative to "Termite Control in Winnipeg" be amended by deleting recommendation 1. contained therein, namely:

- "1. That the City use the powers of The Public Health Act (with Provincial co-operation) to require all affected property owners to eradicate termites on their infested properties.", and that the remaining recommendations numbered 2. and 3. be renumbered 1. and 2. respectively.

Moved by Councillor Gerrie,
That the question be now put.

Carried.

Councillor Wachniak asked to be recorded as voting in opposition to the motion, in accordance with Section 49.8 of the Procedure By-law.

The amendment was put and declared carried.

The motion for the adoption of the report, as amended, was put and declared carried.

CONSIDERATION OF REPORT OF THE

COMMITTEE ON PROTECTION, PARKS AND CULTURE

The Executive Policy Committee has had before it the Report of the Committee on Protection, Parks and Culture, dated February 15th, 1988, has concurred in the recommendations contained therein, except as noted below, and submits same to Council for approval and adoption.

On motion of Councillor Mitchelson, the Report of the Committee on Protection, Parks and Culture, dated February 15th, 1988, was considered clause by clause.

North Committee Room,
Council Building, Winnipeg,
February 15th, 1988.

His Worship the Mayor and Councillors:-

Your Committee on Protection, Parks and Culture submits the following Report and recommends:-

Expansion of Dutch Elm Disease Control Program.

File PB-2

581 - 1. Dutch Elm Disease was first detected in Winnipeg in 1975, and a control program was initiated in 1976. Since 1976, the Province of Manitoba has cost-shared a portion of the City's regular Dutch Elm Disease program. From 1976 to 1983 inclusive, all identified diseased trees and trees hazardous to the spread of Dutch Elm Disease were removed prior to April 1st of the following year. This led to a very low profile existence of the disease, with losses largely confined to riverbanks and wildstand areas with little visual impact. Information from other urban centres with Dutch Elm Disease control programs indicates that due to the biological nature of the disease, a geometric increase in the incidence of the Dutch Elm Disease occurs when identified trees are not removed prior to the next growing season, resulting ultimately in the loss of high-value public and private trees. Currently, the increase in the incidence of Dutch Elm Disease in the City of Winnipeg exceeds the operational capability of the Forestry Branch to remove all diseased and hazardous trees.

The intent of the City's integrated Dutch Elm Disease control program is to successfully implement the most effective and currently accepted disease management practices in order to minimize elm tree losses within its jurisdiction. Experience elsewhere, including cities in eastern Canada and the United States, indicates that those communities adopting and maintaining continuous, timely and dynamic integrated control programs have benefitted the most in terms of stabilizing elm losses and associated costs. Such an approach allows for tree replacement programs to lessen the visual impact created by gradual tree removals, as compared to areas with inadequate or no control programs where extensive elm losses are experienced with coincident high removal costs and dramatic visual impact. To be, and remain a viable, successful and cost effective control program, allowing for publicly acceptable results and return for the tax supported initiative, all components of the management strategies must be appropriately funded with the philosophy of reflecting biological, economic and social realities.

The City of Winnipeg has experienced elm tree losses due to Dutch Elm Disease since 1975 as summarized in the following table:-

Year	Dutch Elm Disease % of Elms	Removals	Hazard Removals	Total	% of Elms
1975	7	.003	-	7	.003
1976	74	.030	-	74	.030
1977	73	.030	-	73	.030
1978	53	.020	4060	4113	1.50
1979	93	.034	3727	3820	1.41
1980	315	.120	5393	5708	2.13

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1981	757	.280	6070	6827	2.63
1982	1100	.364	5265	6365	2.52
1983	1569	.571	6392	7961	3.22
1984	1866	.679	7858	9724	4.07
1985	2219	.810	3245	5464	2.38
<u>1986</u>	<u>1290</u>	<u>.450</u>	<u>7191</u>	<u>8484</u>	<u>3.33</u>
TOTAL	9416	3.391	49201	58617	23.793

Since 1982 the Provincial Government's contribution to this program has remained constant at \$350,000.00 per annum whilst simultaneously the incidence of Dutch Elm Disease has more than doubled and inflation has significantly eroded the purchasing power of the dollar. The reduction of diseased trees in 1986 as shown above is due to the fact that only trees confirmed through laboratory analysis are included. In 1983-85, primarily due to an outburst of Dutch Elm Disease along the Red River in the St. Vital and St. Norbert areas, it was not possible to sample all suspect trees in the laboratory. Consequently, field analysis was relied upon as well. This resulted in larger increases of Dutch Elm Disease being recorded than may actually have been the case for this three year period.

In response to its request for information on the experience in other cities, your Committee on Protection, Parks and Culture was advised that aside from a five-year period, 1977-1981 inclusive during which the State of Minnesota cost-shared approximately 30% of the annual budget, the City of Minneapolis funds its own Dutch Elm Disease Sanitation Program. Private landowners are responsible for proper disposal of diseased or condemned trees no more than 20 days after written notification is given by the City of Minneapolis. Failure by the property owners to properly dispose of the identified tree(s), authorizes the City Forester to have the required removals take place. The costs of the operation are then charged to the property owner directly or, if necessary the monies owing are recovered through the tax rolls. The property owners are required to pay the first \$300.00 of the total removal costs of a diseased or hazard elm tree with the maximum annual costs (of all tree removals) not to exceed \$600.00. During the period 1977-1981, when the State of Minnesota cost-shared this program, the property owner's upper limit costs were \$300.00 per year.

The Parks and Recreation Department has occasionally augmented its ongoing Dutch Elm Disease Control Program by participating in various cost-sharing employment programs as they became available. These additional programs have proved beneficial by increasing the Parks and Recreation Department's capacity to remove more diseased and hazardous elm trees particularly along riverbanks.

Details of these funding sources are provided hereunder:-

<u>YEAR</u>	<u>ADDITIONAL FUNDING SOURCE</u>	<u>AMOUNT</u>	<u>DOLLAR FUNCTION</u>	<u>PRODUCTIVITY</u>
1978	*N.I.P.	11,125	Tree Planting	89 trees
1979	N.I.P.	39,340	Tree Planting	281 trees
1980	N.I.P.	38,335	Tree Planting	738 trees
1981	N.I.P.	24,098	Tree Planting	192 trees
1982	*C.I.P.	30,000	Pruning	1347 trees
1982	Provincial - Special Employment	110,916	D.E.D. Removal	1530 trees

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1983-1984	*N.E.E.D.	467,543	D.E.D. Removal	8004 trees
1985	Federal - Native Clan	70,000	Riverbank Cleanup	1400 trees
1985	N.I.P. (Riverborne)	37,968	Tree Planting	120 trees
1985	Challenge 85	52,633	Surveillance Activities	160 weeks employment
1986	Federal - Jobs Strategy	264,800	D.E.D. Removal	4898 trees
1986	Challenge 86	15,504	Surveillance Activities	35 weeks employment
1987	Challenge 87	15,000	Surveillance Activities	35 weeks employment
1987	N.I.P. - Proposal for tree planting being reviewed.			

* N.I.P. denotes Neighbourhood Improvement Program

* C.I.P. denotes Community Improvement Program

* N.E.E.D. denotes New Employment and Economic Development

On September 9th, 1987, Council amended and adopted Clause 5 of the Report of the Committee on Planning and Community Services, and authorized:-

1. That the City of Winnipeg participate with the Federal Government in a special Dutch Elm Disease Sanitation Project, to employ thirty-two social assistance recipients.
2. That approval be given to the addition of the sum of \$337,500.00 to the Dutch Elm Disease budget of the Parks and Recreation Department as the City's share of the cost of this project in 1987, subject to funding participation by the Federal Government.
3. That the official delegation be instructed to pursue further funding from the Province of Manitoba.

During its consideration of the 1988 Preliminary Current Estimates on February 1st, 1988, the Committee on Protection, Parks and Culture was advised that the Parks and Recreation Department remains of the opinion that a funding shortfall continues to exist and that an additional \$575,000.00 (1987 dollars) should be included in the Forestry Branch's annual budget in order to maintain a level of service consistent with proper disease control procedures. It is felt that the Province of Manitoba should once again be approached by the City's Official Delegation to cost-share this required increase in funding.

The pruning of all boulevard trees in Winnipeg, especially elms, has been in effect for approximately 50 years. The regular removal of dead branches from boulevard elm trees has been a major contributing factor in holding annual losses of these trees to Dutch Elm Disease to less than one half of one percent per annum. The devastating potential of Dutch Elm Disease was one of the primary considerations which led the City to establish the Forestry Branch in 1976. This Branch has continued with and improved upon the existing tree pruning program. The pruning cycle of the approximately 175,000 boulevard trees is completed once in every seven to ten years, with smaller trees, in need of shaping, receiving attention every 3-5 years. The elimination of dead wood, a desirable breeding site for the elm bark beetle (the vector for Dutch Elm Disease) in boulevard elms, is a main thrust of the City's pruning program. Approximately 18,300 trees are pruned yearly, with an annual program expenditure of \$440,000.00 or an average pruning cost of \$24.00 per tree.

The following two Options were considered:-

Option A - Five-Year Pruning Cycle of all Boulevard Trees

In order to achieve a five-year pruning cycle of the existing number of boulevard trees, a minimum of 35,000 must be pruned annually. This is an increase of 16,700 trees over and above the existing level. The cost of such an accelerated program, based on the average pruning cost per tree of \$24.00, would be \$840,000.00. Therefore, additional funding in the amount of \$400,000.00 would be required on a continuing basis in the Parks and Recreation Department Current Budget in order to achieve and maintain this objective. In addition, on a one-time only basis, a further expenditure of approximately \$350,000.00 would be required as a "start-up cost", for the purchase of high lift trucks and associated equipment.

The benefits of this expanded program would include the following, namely, improved vigor, extended life span and reduced mortality of all boulevard trees; increased public safety factor; reduced post-storm clean-up costs and reduced replanting costs. As well, the spread of Dutch Elm Disease would be deterred in the City, as dead and dying elm branches which provide attractive brood sites for the Native Elm Park beetle would be removed on a more frequent basis.

Option B - Pruning of Boulevard Elm Trees Only on a Four-Year Cycle

Under this option the City's approximately 84,000 boulevard elms would be pruned once every four years instead of once every seven years, as at present. The remaining boulevard trees would continue on the present pruning cycle of once every nine and one half years. Approximately 21,000 or an additional 9,000 elms must be pruned annually under this option. Although the present average pruning cost per tree is \$24.00, it is substantially higher for elm trees alone, due primarily to their larger size and is estimated at about \$35.00 per tree. Additional funding in the amount of \$315,000.00 (9,000 x \$35.00) would be required annually in the Current Budget of the Parks and Recreation Department to undertake and sustain this intensified program. As well, "a start-up", one-time only cost of approximately \$250,000.00 must be incurred for the purchase of high-lift trucks and associated equipment. In addition to the benefits normally derived from maintaining healthy elms, the benefits of this option primarily accrue to the City's Dutch Elm Disease Sanitation Program, in that the escalation of this disease would be curbed, as the dead and dying wood in boulevard elms is removed almost as quickly as it occurs.

The following is a summary of the additional funding requirements for the above options:-

<u>Particulars</u>	<u>Option A</u>	<u>Option B</u>
On-going Annual Pruning Costs	\$400,000.00	\$315,000.00
Start-up Costs	<u>350,000.00</u>	<u>250,000.00</u>
Total Additional Funding for First Year of Program	<u>\$750,000.00</u>	<u>\$565,000.00</u>

Either of these options could be undertaken by outside contractors at the above-noted annual maintenance costs with the added advantage of the "start-up costs" being eliminated. There are a number of reputable tree service firms in Winnipeg which have the capability to perform these services.

Since pruning by City forces is restricted to public trees, an obvious, major weakness in the overall Dutch Elm Disease Control Program is the lack of similar pruning of elm trees on private property. Although on a relative basis Winnipeg's Dutch Elm Disease Control Program appears to be highly effective, its success would be significantly enhanced if all elm trees regardless of ownership were maintained at the same level.

At its meeting on February 15th, 1988, your Committee on Protection, Parks and Culture considered a report from the Law Department concerning how the maintenance aspect could be handled with respect to private property. Committee was advised that the Dutch Elm Disease Act (the Act) was passed in 1980. The City's personnel dealing with Dutch Elm Disease are appointed as inspectors under that Act. Due to the co-operation of owners, to date the City has not had to use the powers in the Act to enforce pruning and/or removal of infected elm trees on private property.

Under Section 6(3) of the Act, an inspector has the right to enter private lands without consent in order to inspect elm trees. If the inspector finds an elm tree which he believes on reasonable and probable grounds to be infected and/or in danger of becoming infected, the inspector must submit a written report to the Provincial Minister responsible for administering the Act. Under Section 7 of the Act, the Minister may issue an Order to the owner requiring him, at his expense, and within the time stated in the Order, to treat or remove the infected tree. If the owner does not comply with such an order, then a Justice may issue a warrant allowing the inspector to enter the private property and cause the necessary work to be performed.

In Section 9 of the Act, any expense incurred by the Minister in doing the work is a debt due and owing the Crown. Where the person is the owner of the

premises on which the infected tree is located, the expenses incurred may be charged to the municipality where the land is located. The municipality then must pay that amount to the Provincial Minister of Finance, and the municipality may then add those expenses to the realty taxes for that land. The only difficulty is that, by the wording of Section 9 of the Act, the expenses must be incurred by the Minister. If the City performed the work, it could be argued that no expenses had been incurred by the Minister, and thus the City could not add those expenses to the realty taxes.

As a means of overcoming situations which may arise where the owner of private property refuses to comply with an order issued by the Minister, and it becomes necessary to have the work done, your Committee on Protection, Parks and Culture on February 15th, 1988 directed the Parks and Recreation Department (in conjunction with the Province of Manitoba) to develop a procedure to have the work performed by or on behalf of the Province. The Province would then be able to collect this amount from the City and the City could then add that amount to the realty taxes for the affected property.

If the additional funding is approved, the Forestry Branch could produce an informational pamphlet at an estimated cost of \$10,000.00 on the benefits of elm tree pruning, including advice on how property owners can accomplish the pruning of their own trees, in a safe, efficient and acceptable fashion. It is intended that the pamphlet be mailed out in water billings, handed out at display booths and made available at various locations throughout the City with the anticipation that additional interest in the pruning of urban trees will be generated.

Recognizing the elm losses on boulevards and other publicly maintained land, the Forestry Branch is currently administering a four-year Capital Reforestation Program involving expenditures of \$500,000.00 in 1986, \$633,000.00 in 1987, \$521,000.00 in 1988, and \$416,000.00 in 1990 whereby in excess of 1000 trees are being installed annually. Including regularly scheduled planting, approximately 4500 trees are expected to be planted each year by the City.

Your Committee on Protection, Parks and Culture recommends:-

1. That, based on the unsatisfactory experience of cities without ongoing Dutch Elm Disease Sanitation Control Programs, and the success of Winnipeg's integrated Dutch Elm Disease Control Program to date, the Parks and Recreation Department's existing strategies be continued;
2. That senior Government cost-sharing job creation programs continue to be undertaken by the City as they become available, to augment the ongoing Dutch Elm Disease control strategies;
3. That the Forestry Branch of the Parks and Recreation Department develop an informational pamphlet at an estimated cost of \$10,000.00, encouraging private property owners to maintain their elm trees in a more vigorous condition;
4. That conditional upon the Province of Manitoba cost-sharing the proposed increase, the current budget for the present ongoing Dutch Elm Disease control program in the City be expanded by \$575,000.00 annually to address the funding shortfall in the Forestry Branch's annual budget;
5. That conditional upon the Province of Manitoba cost-sharing the proposed increase, the Pruning budget of the Parks and Recreation Department be expanded by \$315,000.00 annually (Option B) to undertake and sustain an intensified program of pruning boulevard elm trees only on a four-year cycle on an outside contract basis;
6. That the Parks and Recreation Department be authorized to develop a procedure, in conjunction with the Province of Manitoba for the recovery of costs incurred by the Province and/or the City for necessary works performed in any instance where the property owner fails to comply with a ministerial order requiring him, at his expense, and within the time stated in the order, to treat or remove an infected tree on private lands;
7. That the proper officers of the City do all things necessary to implement the foregoing.

Moved by Councillor Mitchelson,
Adoption of the clause.

Carried.

**Joint Use Agreement for the Minnetonka School and
Recreation Site.**

File PR-2.3

582 - 2. The Minnetonka School and Recreation Site is a 7.4 acre site owned by the St. Vital School Division No. 6 (School Division) and is located at 200 Minnetonka Street in the St. Boniface-St. Vital Community.

The sum of \$25,000.00 was allocated in the City's 1973 Capital Budget and \$38,000.00 in the 1974 Capital Budget for the development of the Minnetonka School and Recreation Site. The project involved brush removal, levelling, grading, two baseball diamonds and one combination soccer/football field.

On June 17th, 1974 an informal agreement was completed between the City and the School Division for the use of existing facilities and the planning and development of grounds and other facilities adjacent to Minnetonka School.

On March 19th, 1984, during a meeting between representatives of the Law Department and the Parks and Recreation Department, it was ascertained that the informal agreement had not been properly authorized and that a specific Joint Use Agreement should be negotiated with the School Division in order to formalize use, maintenance and insurance arrangements at the subject site.

On May 14th, 1984, proposed terms and conditions for a Joint Use Agreement were submitted to the School Division for review and consideration and on November 14th, 1985, the School Division's Board of Trustees approved the following motion, namely, "That the Board sign a formal Agreement with the City of Winnipeg on Joint Use of the Minnetonka School and Recreation Site." By letter dated December 3rd, 1985, the Superintendent of Schools advised that the proposed terms and conditions were being reviewed. Subsequent thereto, several meetings were held between administrative representatives of the Parks and Recreation Department and the School Division to discuss and finalize the proposed terms and conditions of the Joint Use Agreement and on January 22nd, 1987, the School Division's Board of Trustees approved entering into a Joint Use Agreement at the Minnetonka Site based on the proposed terms and conditions.

The District Planner for the St. Boniface-St. Vital Community on July 9th, 1987, indicated that the Department of Environmental Planning had no objections to the proposed joint use agreement. A draft formal Joint Use Agreement prepared by the Law Department was thereafter submitted to the School Division on October 27th, 1987, for its review and consideration and on November 13th, 1987, the School Division submitted an executed copy of the subject agreement. The proposed Joint Use Agreement formalizes long standing use and maintenance arrangements at the school and recreation site and it is deemed advisable and in the best interests of both parties to have the joint use relationships clarified in a formal document.

The attached Joint Use Agreement provides for the following:-

1. Shared facilities at the Minnetonka School and Recreation Site include:-
 - gymnasium
 - other rooms in the school building as may be determined by the Works Committee,
 - grounds facilities (athletic fields and equipment)
2. The School Division shall make available for use by the City, facilities forming part of the Minnetonka School, including the gymnasium and such other rooms as may be determined by the Works Committee.
3. The School Division shall have priority of use of the grounds facilities during usual school hours and until 6:00 P.M., Monday through Friday, both days inclusive, excepting the months of July and August.
4. The City shall have priority of use of the gymnasium at least one evening each week.
5. The City shall have priority of use of the grounds facilities after 6:00 P.M., and when school is not in session.
6. The City shall apply to the School Division for use of the school building facilities, and the School Division shall apply to the City for use of the grounds facilities after normal school hours, details of such applications to be determined by the Works Committee.

7. The School Division and the City agree to establish a Joint Planning Committee consisting of equal representation from the School Division and the local Community Committee, to advise and make recommendations to parties hereto on all matters relating to the implementation of this and such other joint use agreements as may be entered into from time to time by the parties including, but without restricting the generality of the foregoing, to advise and make recommendations on the following matters:-

- i) identification of joint use school and recreation sites;
- ii) acquisition of additional lands for school and recreation purposes;
- iii) additions to school building designated for community recreational purposes;
- iv) financing and erection of recreational facilities.

8. Both parties agree to establish a Works Committee which will include the Superintendent of Schools, or designate, and the Manager of Community Parks and Recreation or designate.

The Works Committee shall:-

- i) develop procedures to carry out the harmonious and efficient day-to-day operation of the joint use facilities;
- ii) attempt to resolve any difference which may develop;
- iii) advise the Joint Planning Committee concerning any item within its jurisdiction.

9. Each party to this Agreement is responsible for the maintenance of good order and discipline amongst the persons making use of the shared facilities, and any damage which may occur while either party to this Agreement is making use of the shared facilities shall be paid for by the party responsible for the shared facilities at the time the damage occurs.

10. Each party to this Agreement shall have full use of each other's non-consumable equipment, and any damage or loss of the other party's equipment will be the responsibility of the user and will be replaced within a reasonable period of time.

11. Maintenance Responsibilities

- i) The School Division shall be responsible for the maintenance of the school building;
- ii) The City shall be responsible for the maintenance of the shared ground facilities.

12. Term of Agreement

This agreement shall be in effect for a term of fifteen years, commencing on the date of this Agreement. After the expiration of the term, the agreement shall continue in effect from year to year until such time that either party gives written notice of not less than one year prior to the anniversary date of the intention to terminate the agreement. It is expressly understood between the parties, that upon termination of this agreement or any renewal thereof, the City shall be entitled to continued use of the grounds facilities located at the Minnetonka School Site.

13. Insurance Requirements

- i) The School Division and the City to hold each other harmless;
- ii) The School Division and the City to arrange their own liability insurance with minimum limits of \$5,000,000.00 and to provide the other party with proof of coverage that such insurance has been placed.

N.B. There is no need to name the other party as an additional insured, as protection is provided under the hold harmless arrangement.

- iii) The School Division to insure the facilities against physical damage under its own Property Insurance Policy with the City added as a Named Insured to protect the City's interest in the Joint Use Properties.

The City may be required to reimburse the School Division on a pro-rated basis for any additional premiums resulting from the increased coverage.

N.B. In the event the School's insurer is unwilling to add the City, then a waiver of subrogation should be obtained from the School's property insurer.

On January 5th, 1988, the St. Boniface-St. Vital Community Committee considered and approved the proposed terms and conditions of the subject agreement.

Pursuant to Step 7 of the Procedure for the Initiation and Implementation of Joint Use Agreements approved by Council on September 9th, 1987, your Committee on Protection, Parks and Culture recommends:-

1. That the attached Joint Use Agreement between the City of Winnipeg and the St. Vital School Division No. 6 for the Minnetonka School and Recreation Site be approved.
2. That the proper officers of the City do all things necessary to implement the foregoing including the execution of the attached Agreement.

Moved by Councillor Mitchelson,
Adoption of the clause.

Carried.

(Note: Copy of the Joint Use Agreement referred to in the above clause is on file in the Office of the City Clerk.)

Margaret Grant Pool - Program Change and Transfer of Funds.

File PR-2.2

583- 3. The sum of \$72,150.00 was approved in the 1980 Capital Budget for Margaret Grant Pool, Project No. E.420-1 - Alterations to Ventilation System, Corrections for Structural Problems, Sandblasting Repairs and Painting of Pool Tank and a further sum of \$47,000.00 was approved for this project in the 1985 Capital Budget.

The following projects in the Assiniboine Park-Fort Garry Community were also approved in the 1985 Capital Budget:-

Project No.	Project	Amount
E.401-1	Swindon Way Park	\$144,000.00
E.401-2	Grandmont Park	\$146,000.00

The Civic Properties Department has advised that the Margaret Grant Pool roofing project is now complete, but that a problem, which has been ongoing for many years, exists with the crawl spaces under the pool deck with mud filling in the sump pits thereby restricting the passageway on the sides of the pool tank where the underwater lights and piping are serviced.

The Design Services Section of the Civic Properties Department was subsequently requested to look into the problem and a design has been prepared to correct same. Timber retaining walls and an enlarged crawl space to enable unrestricted access to the sides of the pool would be provided to permit servicing of the underwater lights and piping, as and when required.

The Assiniboine Park-Fort Garry Community Parks and Recreation Branch has identified surplus funds in two of its 1985 Capital projects, namely, Swindon Way Park and Grandmont Park, which could be used for this project. Furthermore, it has advised that the sum of \$26,000.00 could also be provided from its current construction and maintenance budget, for this project. Subsequent thereto, quotations were called for the project and a Purchase Order was issued for a portion of the work on December 11th, 1987, to Nel-Wil Ltd., the successful bidder, using funds which were available at the time, namely:-

Funds remaining in the Margaret Grant Pool - Alterations, 1980 Capital Account	\$ 9,277.00
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Funds from Parks and Recreation Department Current Construction and Maintenance Budget	<u>26,000.00</u>
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TOTAL FUNDS AVAILABLE AT PRESENT	\$35,277.00
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Based on the lowest quotation received, the estimated cost to carry out the necessary renovations to the pool is \$77,400.00.

The following is a reconciliation of the accounts, including the program change:-

Funds remaining in Margaret Grant Pool -

Alterations, Account No. 03-118XXX-5480500601	\$ 9,277.00
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Funds remaining in Margaret Grant Pool -

Roofing, Account No. 03-118XXX-5485510601	11,383.00
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Funds available in Swindon Way Park -

Account No. 03-118XXX-5485450601	27,322.00
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Funds available in Grandmont Park -

Account No. 03-118XXX-548-545-0602	<u>13,346.00</u>
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Total Capital Funds that would be available	\$61,328.00
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Net Capital available after deducting interest and administration charges	57,585.00
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Current Budget Funding, available from Parks	<u>26,000.00</u>
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Total Funding available for construction	<u>\$83,585.00</u>
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Estimated cost to renovate the crawl space around the pool tank	\$77,400.00
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Additional Fees	2,000.00
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Contingencies	<u>3,600.00</u>
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TOTAL ESTIMATED CONSTRUCTION COST \$83,000.00

In light of the foregoing, the project can be completed with available funds if the program change and transfer of funds are approved.

Your Committee on Protection, Parks and Culture therefore recommends:-

1. That transfer of funds in the amount of \$27,321.87 to the 1985 Capital Account for Margaret Grant Pool roof, Account No. 03-118XXX-5485510601 from the 1985 Capital Account for Swindon Way Park, Account No. 03-118XXX-5485450601, be approved with the proviso that prior to said transfer of funds, the General Manager of Parks and Recreation attest to the fact that the Swindon Way Park project has been completed as planned.
2. That transfer of funds in the amount of \$13,346.69 to the 1985 Capital Account for Margaret Grant Pool roof, Account No. 03-118XXX-5485510601 from the 1985 Capital Account for Grandmont Park, Account No. 03-118XXX-5485450602, be approved.
3. That the approved Program of Requirements for the referenced project be changed to include renovations to the crawl space around the pool tank at the Margaret Grant Pool.
4. That the proper officers of the City do all things necessary to implement the foregoing.

Moved by Councillor Mitchelson,
Adoption of the clause.

Carried.

**Extension of Hours of Operation in Licensed Premises
by the Province of Manitoba.**

File GF-2

584 - 4. On December 7th, 1987, your Committee on Protection, Parks and Culture considered and laid over for further consideration the following motion which had been referred to it by Council on December 2nd, 1987, for a report back within ninety days:-

"WHEREAS extension of bar hours of operation by the Government of the Province of Manitoba may have resulted in an increase of liquor related offences;

AND WHEREAS public concern has been expressed as a result of matters raised in the preceding paragraph;

NOW THEREFORE BE IT RESOLVED that the Standing Committee on Protection, Parks and Culture be instructed to review the above matters with the Police Department and report back to Council within 90 days, included in such report to be any recommendations said Committee deems appropriate in the circumstances."

On February 15th, 1988, your Committee on Protection, Parks and Culture once again considered the above motion in conjunction with an administrative report in this regard. Committee was advised that on December 8th, 1987, an Ad Hoc Committee comprising of Superintendent M. Allen as Chairman, Acting Inspector R. Mortimore, Division No. 22, Staff Sergeant B. Buchanan, Division No. 23 and Sergeant I. R. Patrick, Division No. 32 was appointed by the Chief of Police to review all aspects of the matter of extended hours in licensed premises, including the impact of those extended hours on calls for service.

The hours of operation for licensed premises were extended to 2:00 A.M. on July 17th, 1987 by the Manitoba Liquor Control Commission. This had the effect of bringing hours of operation in the Province of Manitoba in line with other provinces such as Alberta, Saskatchewan, Nova Scotia, British Columbia

and New Brunswick as shown on Appendix "A". The change in the hours of operation received a significant amount of attention from the media which suggested that a correlation between extended hours of operation and increases in violent crime and behaviour existed.

The Ad Hoc Committee investigated the suggested correlation between extended hours of operation and violent crime and/or behaviour and based on the limited statistics available (August through September, 1987), it found that there was no strong correlation between those two factors.

In arriving at the foregoing conclusion, the Ad Hoc Committee considered the following statistical evidence:-

TOTAL NUMBER OF MURDERS IN THE CITY OF WINNIPEG

1984 - 23
1985 - 16
1986 - 25
1987 - 30 (3 of which occurred Christmas Eve and were due to drug dispute)

There is no significant increase in murders apparent in these numbers. The Ad Hoc Committee noted that there was a greater increase in total number of murders between 1985 and 1986, prior to the advent of extended hours of operation. Statistics available to the Ad Hoc Committee indicate that of the thirty murders which occurred in 1987, liquor was a factor in fourteen. Seven of those murders occurred prior to extended hours of operation; seven occurred after the advent of extended hours. It was also noted that of the fourteen liquor related murders, five involved the use of a knife. Two of the five were prior to the advent of extended hours; three after. Two of the murders occurred in the vicinity of a hotel, neither of which involved the use of a knife.

The Ad Hoc Committee also considered the impact of extended hours of operation on Police resources. The statistics obtained covered the months of August and September, 1986 (prior to extended hours) and August and September, 1987 (after advent of extended hours).

Calls for Service related to Crimes Against Persons, and Liquor Related Offences were first considered and it was determined that in the one hour period following closing, there was a 25.7% decrease in calls after extended hours of operation were in place. With respect to Calls for Service related to Crimes Against Persons and Liquor Offences for the three hour period from 1:00 A.M. to 3:59 A.M., both prior to and after the advent of extended hours of operation, it was found that there was an 8.2% decrease in these types of calls after the advent of extended hours of operation. In fact, a significant decrease occurred in all types of Calls for Service normally associated to liquor as shown on Appendices "B" and "C" and the following illustrates this point:-

DISTURBANCES	DOWN 32%
FIGHTS	DOWN 28%
IMPAIRED DRIVING	DOWN 51%
INTOXICATED PERSONS DETENTION ACT	DOWN 53%
LIQUOR ACT	DOWN 76%
WEAPONS	DOWN 44%

On the basis of the above, the Ad Hoc Committee concluded that there was no correlation between extended hours of operation and any perceived increase in violent crime. Moreover, the available statistics appeared to indicate the opposite. Given the fact that the statistical base was limited the Ad Hoc Committee cautioned that if a further study was conducted after a greater period of time had elapsed (two to three years), it would present a clearer picture.

With respect to a proposal that representations be made to the Government of Manitoba for amendments to The Liquor Control Act that would have the effect of denying persons in possession of a knife, or other weapon, access to any licensed premises, the Ad Hoc Committee noted that of the thirty murders which occurred in the City in 1987, fourteen were liquor related and of those fourteen, five also involved the use of a knife. There is little doubt that any effort that can be made to separate people from weapons when they are drinking will be productive. If persons leave knives and other weapons at home when they go out for an evening of drinking, there is less likelihood that they will resort to the use of a weapon when a dispute erupts. The Ad Hoc Committee felt that this effort should be given the highest priority and should not be obscured by the question of negative effects of extended hours of operation but considered on its own merit. The Ad Hoc Committee also addressed several other issues and made the following observations:-

1. Happy Hours encouraging excess consumption because of cheap prices.

Proprietors of drinking establishments will use, and are in fact entitled to use enticements to encourage people to frequent a certain establishment. They are

regulated in terms of serving excessive amounts of liquor to customers. If the A.L.E.R.T. Program is finding that there are problems with persons being served too much liquor at certain drinking establishments, then that information should be passed on to the Manitoba Liquor Control Commission to assist them in their enforcement efforts.

2. Socials closing at 1:00 A.M. and young people rushing to licensed premises for another hour of drinking.

There is no doubt that many persons leaving Socials go to another location and continue their drinking. The Ad Hoc Committee suggests that persons leaving a Social would have very limited time in the hour remaining by the time they left the Social and drove to another establishment. It is more likely that these persons would continue on to house parties.

3. Off Sales of Beer. Should all beer vendors close thirty minutes prior to the closing of the beverage room?

The Ad Hoc Committee suggested that vendors which are presently closing thirty minutes early, do so to ensure that they will be able to close on time and not be confronted with a 2:00 A.M. surge. By making this type of closing mandatory, it would not impact on sales or violent crime. People will just leave a half-hour early so they can buy any more liquor that they may want.

The three areas of concern listed above tend to be "social" concerns. The Ad Hoc Committee suggested that they be best dealt with by government through educational programs and public awareness programs and should not be considered an area of concern for the Police Department.

The last issue the Ad Hoc Committee was requested to address was that of enforcement by Manitoba Liquor Control Commission Inspectors.

4. Are Commission Inspectors doing enough enforcement, and are they using their authority properly?

The Ad Hoc Committee felt that there is inadequate information available to properly address this question but that there are many instances of persons being over-served by personnel in drinking establishments. If a significant concern about enforcement in this area exists, perhaps a Staff Sergeant from the Vice Division could liaise with members of the Manitoba Liquor Control Commission Enforcement Branch to rectify this situation.

After giving due consideration to the above, your Committee on Protection, Parks and Culture recommends:-

1. That there be no change in the hours of service in licensed premises at this time, nor any extension of hours of service in the future.
2. That representations be made to the Province of Manitoba, in support of proposed amendments to The Liquor Control Act that would have the effect of denying persons in possession of a knife, or other weapon, access to any licensed premises.

Moved by Councillor Mitchelson,
Adoption of the clause.

Carried.

Restructuring of Museum Boards -

Files GC 7 and PR-9

585 - 5. On December 1st, 1986, the Committee on Protection, Parks and Culture requested The Board of Commissioners to review the administrative structure and financial reporting relationships of all museum boards with a view to submitting a recommendation as to an equivalent reporting relationship for all boards.

There are four museums operated within the City of Winnipeg which receive yearly grants from Council, namely, the St. Boniface Museum, the West Kildonan Museum, the Transcona Historical Museum, and the St. James-Assiniboia Museum. The grants to these museums can be found in the current

estimates under the section "Culture and Recreation". For 1987 the combined grant for the four museums is \$252,865.00.

Three of the four museums are staffed by non-civic employees and do not come under the union agreements applying to civic employees. On March 23rd, 1984, the Canadian Union of Public Employees was certified as the collective bargaining agency for the employees of the St. Boniface Museum and on August 11th, 1987, the Union ratified the first agreement between the Museum Board and C.U.P.E. (that agreement was negotiated with the assistance of the Personnel Department, as authorized by The Board of Commissioners).

Information on the financial reporting system of the museums is sketchy and incomplete, as is the nature of their political or administrative accountability. The fact that the City makes available yearly grants has not clarified the museums' reporting relationships. Nevertheless, the following is a brief description of the organization of each of the four museums together with its financial reporting relationship:-

St. Boniface Museum

The St. Boniface Museum is the oldest museum operated in the City of Winnipeg and has the largest grant of the four museums at \$149,176.00 for 1987. Appointments to the Museum Board are made by the St. Boniface-St. Vital Community Committee. At the present time, there are three City Councillors on the Board and the Board meets on a monthly basis. Copies of the minutes are supplied to the Community Committee as information.

Yearly estimates are drawn up by the Museum's administrator. Those estimates are then processed through the Community Committee and subsequently sent to the Budget Bureau for inclusion in the estimates for submission to Council.

The nature of the St. Boniface Museum's relationship to the City of Winnipeg is set out in The City of Winnipeg Act, and is the only civic museum whose relationship is laid out in the Act. Under the provisions of the legislation, the Museum Board is authorized to supervise the operations of the Museum without reference to, or direction, from Council or any Standing Committee. The composition and duties of the Board are also set out in The City of Winnipeg Act, as is the provision that the Board submits its annual estimates of expenditures to the Budget Bureau.

St. James-Assiniboia Museum

Membership on the Museum Board is determined yearly at the annual general meeting of the St. James Historical Museum Society. Anyone who holds a membership with the Society is eligible to sit on the Museum Board. The Museum Board is composed of twelve members and an Executive Committee comprising of a president, a first vice-president, a second vice-president, a secretary and a treasurer is appointed by the Board.

The yearly budget is drawn up by the Superintendent of Recreation for the area, in co-operation with the Museum's Executive Committee. The budget then goes to the Budget Bureau for inclusion in the estimates submitted to Council.

The Parks and Recreation Department has advised that the St. James-Assiniboia Museum has only in the last three or four years requested funding from the City. The City was approached by the Museum on the basis that both the St. Boniface and Transcona Historical Museums received funding, thereby setting a precedent for the St. James-Assiniboia Museum to receive a yearly grant, too. To date, the annual civic grant forms the vast majority of funding the Museum receives, although it does receive limited funding from both the Province and the Federal Government for hiring summer staff.

The St. James-Assiniboia Museum's administrative relationship to the City is less formal than that of the St. Boniface Museum. The St. James-Assiniboia Museum is not mentioned in The City of Winnipeg Act. Described initially as an autonomous organization of volunteers, the museum is now referred to by the Parks and Recreation Department as an association with paid staff that relies heavily on Council for funding of its operations.

It is an informal relationship that has developed, a relationship described by the president of the Museum association as one where the Museum reports to, and is responsible to, the Parks and Recreation Department. The Parks and Recreation Department, however, describes the reporting relationship as limited and informal.

West Kildonan Museum

Unlike the St. James-Assiniboia Museum, the West Kildonan Museum has no direct reporting relationship to the Parks and Recreation Department. The annual budget is prepared by the Lord Selkirk-West Kildonan Community Committee Clerk. The budget, in turn, is scrutinized by the Community Committee and is then forwarded to the Budget Bureau for inclusion in the estimates.

Members of the West Kildonan Museum Board are appointed by the Lord Selkirk-West Kildonan Community Committee. The eighteen member Board is comprised of seventeen private citizens and one City Councillor. The Board runs the day-to-day affairs of the Museum. Its estimates provide for the salaries of one caretaker and three high school students who are hired to work as tour guides. The museum remains open from Victoria Day to Labour Day.

Transcona Historical Museum

The administrative and financial reporting mechanism of the Transcona Historical Museum is spelled out in a by-law passed by Council in August, 1980. The Board reports directly to the East Kildonan-Transcona Community Committee and assists in administering the operations of the Museum, including preparation of the annual estimates.

A Board of Directors was elected, as directed by Council. However, the Board did not request reports from the curator, nor did it submit any reports to the Community Committee. No Board of Directors in actual fact existed for a period after the Council directive was passed and the curator did not report to anyone.

A Board of Directors is now in place and the Museum's budget is to be scrutinized by the local Community Committee. The Parks and Recreation Department's relationship with the Museum is that since one member of the staff is considered to be an employee of the City, the Department has been instructed to look after personnel matters in relation to the employee.

The budget is prepared by the Museum Board and the Museum attendant, and reviewed by the Community Committee and then sent to the Budget Bureau for inclusion in the estimates.

In assessing the organizational and financial reporting relationships of the museums, the reporting relationship between civic museums and City Councils in other Canadian cities was also reviewed, as follows:-

Edmonton

The major civic museum in Edmonton is the Fort Edmonton Park. The museum is governed by a Management Committee which runs the day-to-day affairs of the museum. There are twelve people on the Committee, six are appointed by the Edmonton City Council and six are appointed by the Fort Edmonton Historical Foundation. The Management Committee is responsible for maintenance of the facilities while the Foundation is to help raise funds for the museum.

The Director of the Management Committee reports to the Marketing and Major Facilities Branch of the Parks and Recreation Department who, in turn, report to the General Manager of Parks and Recreation for administrative and policy procedures. The City of Edmonton provides all operating revenues for the museum; it is included in the budget of the Parks and Recreation Department.

While officials indicate this system works, there are some practical difficulties in the day-to-day management of the museum. The Fort Edmonton Historical Foundation with its six appointees on the Management Committee, is not content to raise funds for the museum. Apparently the Foundation continually attempts to control the affairs of the Museum by trying to dominate the Management Committee.

This type of activity has raised the concern of both the Management Committee (City Councillors) and officials of the Parks and Recreation Department. In discussions with the Parks and Recreation officials it is clear this confrontation will have to be resolved soon in order to continue to run the affairs of the museum in an orderly fashion.

Calgary

Officials in Calgary indicate there are no civic museums in operation in Calgary. The Glen Bow Museum, however, which operates out of the City's Convention Centre, does receive indirect funding from City Council. The City owns the Convention Centre and provides housekeeping and maintenance services, and as well pays the heating and electrical bills. This amounts to about \$1 Million a year.

Regina

Like Calgary, Regina has no civic museums in operation. The museums in operation receive no funding from City Council and there are no funding or administrative links between the City of Regina and the museums throughout the City.

While it is certainly necessary and appropriate to take steps to ensure that uniform and appropriate accountability is assigned to museum boards and employees and to ensure that administration and financial systems are established and maintained, establishment of a reporting relationship through a civic department is only one alternative means of accomplishment of the objectives. The alternative recommended in this report involves the establishment of such direction and control through a strengthened relationship with a Community Committee accompanied by the provision of professional advice and expertise from civic support departments.

Approval of the recommendations below would maintain the current "arm's length" operating relationship between the City and the museum boards. This is consistent with the history of the four museums and would ensure preservation of the local character and community identification of those museums. In contrast, a stronger relationship between the City and the museums might result in an increased civic accountability for the funding and/or operation of those museums, and potentially the creation of a new department or sub-department to administer them.

The alternative proposed in this report is intended to address the problem which currently exists without significantly changing the status quo in other respects. While increased financial control and administrative accountability would be achieved, the operation of the museums would continue to be the responsibility of the museum boards.

On November 16th, 1987, your Committee on Protection, Parks and Culture considered administrative report relative to the review of Museum Boards and referred same to the following Community Committees having museums for their consideration and response back, namely, St. Boniface-St. Vital, Lord Selkirk-West Kildonan, St. James-Assiniboia and East Kildonan-Transcona Community Committees. All of the above Community Committees have indicated their concurrence in the proposed restructuring and reorganization of museums boards and the East Kildonan-Transcona Community Committee has advised that Councillor Marshall has been named as its representative to the Transcona Museum Board.

After consideration of all aspects, your Committee on Protection, Parks and Culture recommends:-

1. That no civic museums report through any civic department nor to any civic department head.
2.
 - (a) That all civic museums report to the appropriate Community Committee for both administrative and financial matters;
 - (b) That each Museum Board have, as a member, at least one City Councillor from the local Community Committee;
 - (c) That each museum be required to provide the Community Committee with reports at least annually including an annual audited financial report.
3. That the Committee on Protection, Parks and Culture be designated as the Standing Committee responsible for dealing with matters related to all civic museums.
4. That pursuant to 2(b) above, and the recommendation of the East Kildonan-Transcona Community Committee, Councillor Marshall be appointed as its representative on the Transcona Museum Board for 1988.
5. That the services of civic support departments (i.e., Audit, Budget Bureau, Finance, Law, Civic Properties, Personnel, etc.) be made available to the Museum Boards upon request and as soon as possible within available resources.
6. That the proper officers of the City do all things necessary to implement the foregoing recommendations.

Moved by Councillor Mitchelson,

Adoption of the clause.

Carried.

St. Boniface Museum Board -

Files GC-5 and GC-7

586 - 6. The present composition of the St. Boniface Museum Board, three Councillors and two citizen members, appears to have occurred as a result of Section 674 of The City of Winnipeg Act. The composition of that Board at the time of the passing of the Act was dictated by subsections (3) to (18) of Section 671 of the Act, which set out that no fewer than two nor more than four members of the Board would be Councillors from the Community and no fewer than one nor more than three of the members would be citizens of the Community. The members of the Board were to be appointed by the Community Committee. Since that time, Section 671 of The City of Winnipeg Act has been repealed. As a result, there is no restriction against a change of the composition of the Board. However, with the repeal of Section 671 of the Act, appointments to the Board would fall under the provisions of Rule 60.2 of the Procedure By-law No. 3200/82 of the City.

Appointments to Boards and Commissions are normally made at the first Tuesday of November in each year. However, in November, 1987, the St. Boniface-St. Vital Community Committee advised it was reviewing the possibility of making changes to the composition of the Board managing the St. Boniface Museum, and directed that the Museum Board operate with its existing members until such time as a new by-law is passed.

Acting on the recommendation of the St. Boniface-St. Vital Community Committee, your Committee on Protection, Parks and Culture submits for favourable consideration of Council proposed by-law to provide for restructuring of the St. Boniface Museum Board and updating of the regulation, management and control of the St. Boniface Museum, and recommends:-

1. That the St. Boniface Museum Board be managed by a Board composed of nine members of whom two shall be Councillors and seven shall be citizens with four of citizen members being appointed for a two-year term and three being appointed for a one-year term.
2. That, pursuant to Rule 60.2 of the Procedure By-law No. 3200/82, the following appointments be made for the terms shown hereunder, namely:-

Councillor Representatives - term expiring November 1st, 1988:

Councillor Dacquay

Councillor Savoie

Citizen Representatives - term expiring November 1st, 1988:

Mrs. Denise Kotowich

187 Edgewater Drive

Mrs. Theresa Marcoux,

602 - 115 Niakwa Road

Mrs. Lynne Champagne-Stanners,

44 Boulder Bay

Citizen Representatives - term expiring November 1st, 1989:

Mr. Neil Gaudry

666 rue St. Jean Baptiste

Mr. Wm. Rumsey

12 Bittersweet Bay

Ms. Lizanne Lachance

952 Beaverhill Boulevard

Mr. Gerard Prenovault
610 rue St. Jean Baptiste

3. That the proper officers of the City do all things necessary to implement the foregoing.

Moved by Councillor Mitchelson,
Adoption of the clause.

Carried.

**Assiniboine Park Zoo Food Services and
Souvenir Sales Program.**

File PR-7.1.1

- 587 - 7. Laid over by Executive Policy Committee for further consideration.

COMMITTEE ON PROTECTION, PARKS AND CULTURE

CONSIDERATION OF BY-LAWS

588 - On motion of Councillor Mitchelson, By-law No. 4824/88, a By-law of The City of Winnipeg to continue the St. Boniface Museum Board and to provide for a restructuring of the Board and updating of the regulation, management and control of the St. Boniface Museum, 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 Nos. GC-5 and GC-7.

INQUIRIES AND REPORTS NOT RELATED TO THE JURISDICTION
OF ANY STANDING COMMITTEE AND ANNOUNCEMENTS.

589 - Councillor Timm-Rudolph referred to recent newspaper reports involving stores on the south side of Portage Avenue, across from the North Portage Development, and inquired as to what might be done, both now and in the future, to bring about an improvement in the situation.

His Worship Mayor Norrie advised of discussions between the merchants on the south side of Portage Avenue and the North Portage Development Corporation, including representations to him directly, principally involving the matter of providing escalators for improved access to the stores on the south side of Portage Avenue. The outstanding issue at the moment is the question of who will pay for the operation of the escalators.

His Worship provided assurances that the question of the overall condition of south Portage is of concern to the North Portage Development Corporation, in view of the fact that the mandate of the Corporation extends to the lane south of Portage Avenue.

Councillor Taylor drew the attention of Council to the fact that when final approval was given to the concept of redevelopment of North Portage, Mr. Coop, President of the Corporation was present, and reference was made to vertical accesses on the south side. Mr. Coop had provided a commitment that this access related to the use of escalators. Councillor Taylor asked if His Worship and Council is aware as well that the merchants' association has not responded to communications this past fall regarding the overall plan for improving the store fronts and a marketing plan.

His Worship advised that this was recognized when additional capital to be used for the escalators was provided, and the Corporation was of the view that

this would be implemented, subject to a marketing plan and an agreement for additional capital from the merchants on the south side. This matter has not, as yet, been resolved.

With respect to costs for the operation of the escalators, His Worship advised this is approximately \$39,000.00 a year, and expressed the hope that this issue would be resolved quickly.

Councillor Taylor suggested that a reason for the stumbling block on the question of operating costs for the two sets of escalators, is as a matter of principle in that other tenants of North Portage with air rights, are doing their own development in concert with North Portage, and the Corporation is not playing an operating role in any links, including overhead walkways, escalators, elevators, etc., involving such organizations as the Kiwanis Club, and Fred Douglas Lodge.

Councillor Eliason expressed his concern, as well, for the situation, including vacant buildings on the south side, and urged that His Worship assist by any means possible.

Moved by Councillor Wade,
That Council do now adjourn.

The Clerk called the roll.

Present: His Worship Mayor Norrie, Councillors Angus, Brown, Clement, Dacquay, Demare, Eadie, Fleisher, Gerrie, Gilroy, Jorowski, Lazarenko, Macdonald, Marshall, Mitchelson, Neville, O'Shaughnessy, Promislow, Rose, Savoie, Skowron, Steel, Stefanson, Taylor, Timm-Rudolph, Wachniak, Eliason and Wade.

The motion to adjourn was put and carried and Council adjourned at 9:14 a.m.

APPROVED AND CONFIRMED

City Clerk.

Mayor.