

REPORT NO. 13 of the
ENVIRONMENT & TRANSPORTATION STANDING COMMITTEE
of its meeting held July 27, 2011

Present: Councillor Hatfield, Chair
Councillor Payne
Councillor Sleiman

Absent: Councillor Valentinis
Councillor Halberstadt

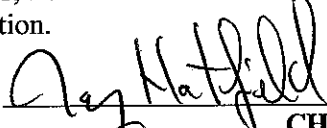
That the following recommendations of the Environment and Transportation Standing Committee **BE APPROVED:**

- Moved by Councillor Sleiman, seconded by Councillor Payne,
- I) THAT the process for collection of fees for sidewalk cafe agreements for the year 2011 **BE RECEIVED FOR INFORMATION**
 - II) THAT Council **PROVIDE DIRECTION** to Administration regarding whether sidewalk cafe fees of \$1.00 plus refundable indemnity should stretch beyond 2011.

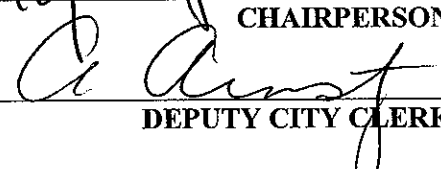
Carried.

Liveline #15365 SE2011 2

Clerk's Note: The report of the City Engineer dated July 11, 2011 entitled "2011 Sidewalk Cafe Fee Reduction Summary" is attached for information.



CHAIRPERSON



DEPUTY CITY CLERK

NOTIFICATION:				
Name	Address	Email Address	Telephone	FAX

THE CORPORATION OF THE CITY OF WINDSOR
Environment & Transportation Standing Committee

**MISSION STATEMENT:**

"The City of Windsor, with the involvement of its citizens, will deliver effective and responsive municipal services, and will mobilize innovative community partnerships"

LiveLink REPORT #: 15365 SE2011	Report Date: July 11, 2011 (PW#3112/lp-07/12/11:ebr)
Author's Name: Stacey Shyshak	Date to Standing Committee: July 27, 2011
Author's Phone: 519 255-6100 ext. 6462	Classification #:
Author's E-mail: sshyshak@city.windsor.on.ca	

To: Environment & Transportation Standing Committee

Subject: 2011 Sidewalk Cafe Fee Reduction Summary

1. RECOMMENDATION: City Wide: Ward(s): _____

- I) THAT the process for collection of fees for sidewalk cafe agreements for the year 2011 **BE RECEIVED** for information.
- II) THAT Council **GIVE DIRECTION** to Administration regarding whether sidewalk cafe fees of \$1.00 plus refundable indemnity should stretch beyond 2011.

EXECUTIVE SUMMARY:

2. BACKGROUND:

At its April 6, 2011 meeting, Council waived the sidewalk cafe fees for 2011. M96-2011 provides a \$100,000.00 placeholder in the 2011 Capital Budget for this fee reduction for sidewalk cafes.

Further to the above, CR133/2011 directed administration as follows;

*"That the "Sidewalk Café Handbook" that was adopted on February 21, 2005 **BE AMENDED** to include the changes described by this report; and*

*That the Sidewalk Café season **BE EXTENDED** by four weeks to cover the period of March 1st to November 30th annually; and*

*That Administration **BE DIRECTED** to charge \$1.00 plus an indemnity fee of \$1000.00 and to enter into agreement and all the insurance provisions with the larger sidewalk cafes that have an enclosure, pending a further report from Administration outlining the fee structure; and further*

*That Administration **BE DIRECTED** to refund all sidewalk cafes that have already submitted payment."*

3. DISCUSSION:

Administration is currently in the process of refunding sidewalk cafe fees in excess of the \$1.00 permit fee to applicants that had already made payment for the 2011 year. The \$1000.00 indemnity fee will be retained until a final inspection has been satisfactorily completed by administration at the end of the sidewalk cafe season (November 30).

For applicants submitting 3 or 5 year renewal applications in 2011, the fees are being waived for 2011 only. The annual fees calculated in the agreement will be specified according the standard fee structure for purposes of the encroachment agreement.

A report to Council will follow at the end of the sidewalk cafe season to summarize the results of the fee reduction for 2011, and to request the funds transfer from the 2011 Capital Budget placeholder account based on actual loss in revenues. To date, there has been an increase in applications from past years.

4. FINANCIAL MATTERS:

The standard fee structure for sidewalk cafe applications is outlined below:

ITEM	AMOUNT	NOTE
Application Fee	\$275.00	Paid at time of Application
Legal Agreement Preparation Fee	\$250.00	Paid at time of Application
Surcharge under CR699/85	\$100.00	Paid at time of Application. Refundable after Agreement Signed
Street Opening Permit Fee	\$132.00	Paid following CAO Approval
Indemnity Deposit	\$1000.00	Paid at time of Street Opening Permit. Refundable after final inspection.
Annual Seasonal License Fee	\$5.78 per Square Foot	Paid following CAO Approval in Monthly Instalments.

As a result of CR133/2011, for 2011, the fee structure is as follows:

ITEM	AMOUNT	NOTE
Application Fee	\$0.00	Waived
Legal Agreement Preparation Fee	\$0.00	Waived
Surcharge under CR699/85	\$0.00	Waived
Street Opening Permit Fee	\$1.00	Paid following CAO Approval
Indemnity Deposit	\$1000.00	Paid at time of Street Opening Permit. Refundable after final inspection.
Annual Seasonal License Fee	\$0.00	Waived

The 2011 Operating Budget for Sidewalk Cafe Revenue in the Development division is \$77,940. Administration is requesting direction on the fee structure for future years (2012 and onwards) as the department is not clear if this is a one-time reduction or if this should stretch beyond 2011. Many sidewalk cafe agreements are for 3 year terms and the current agreement states that the \$1.00 Permit fee and \$1000 Indemnity Deposit is only for 2011. If council approves the same fee structure in future years, the agreements will need to be amended in order to carry through the revised fees.

Furthermore the offsetting of the revenue through budget stabilization is for 2011 only and it is unknown if this is to be carried in future years.


A report summarizing the actual results of the 2011 fee reduction season will be presented to Council at the end of the 2011 season. While the loss of revenues for 2011 will be offset by a transfer from a reserve in 2011, this is not a sustainable funding source on an ongoing basis. Therefore, if Council wishes to waive the fees on an ongoing basis, the loss in revenues will need to be reflected as an adjustment to the operating budget for 2012.

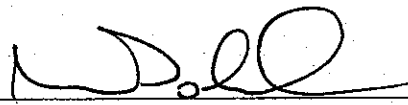
5. CONSULTATIONS:

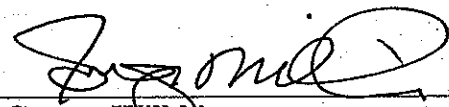
Tony Ruffolo – Office Technologist


6. CONCLUSION:

Administration presents the above structure for 2011 sidewalk cafe fee collections and agreement for information. Further direction is requested for the fee structure beyond 2011.


Stacey Shyshak
Engineer II (A)


Mario Sonego
City Engineer and Corporate Leader
Environmental Protection and
Transportation


George Wilkbi
City Solicitor and Corporate Leader
Economic Development and Public Safety


For Onorio Colucci
Chief Financial Officer/City Treasurer and
Corporate Leader Finance and Technology

(SS/lp)

APPENDICES:

DEPARTMENTS/OTHERS CONSULTED:

Name:

Phone #: 519 ext.

NOTIFICATION :

Name	Address	Email Address	Telephone	FAX