



2021 Division Road North
Kingsville, Ontario N9Y 2Y9
(519) 733-2305
www.kingsville.ca
kingsvilleworks@kingsville.ca

Date: April 26, 2017
To: Mayor and Council
Author: Jennifer Astrologo, Director of Corporate Services
RE: 2017 Farmers' Market and 5 Year Agreement
Report No.: CS-2017-011

AIM

To seek Council's approval of the five (5) year Licence Agreement for the operation of the Farmers' Market (the "Market") in the parkette south of the property known municipally as 28 Division Street South.

BACKGROUND

At the March 13, 2017 Regular Council Meeting, Council passed the following motion:

245-2017 Moved by Councillor T. Neufeld, seconded by Councillor T. Gaffan

Council authorize administration to prepare a Licence Agreement for the operation of the Kingsville Farmers' Market, for a five-year term, and bring back the necessary authorizing by-law for passage at a future Regular Meeting.

DISCUSSION

In accordance with the above motion, a five-year agreement was drafted to allow the Market to operate in the "parkette", which is located immediately south of the property known municipally as 28 Division Street South, Kingsville.

The bulk of the terms and conditions of the agreement remain the same as previous years' agreements. The Agreement has been circulated to Ms. Meleg for review and comment and she has advised that the Market is agreeable to the terms and conditions as stated. Below are the main changes to the Agreement:

1. Provision 2 extends the Agreement for 5 years. This will allow the Market to operate through to the conclusion of the 2021 market season.
2. Rather than identify a specific date for the first and final days of the market for the 2018-2021 seasons, the Agreement outlines that each season the Market cannot open sooner than the 2nd Saturday of May and must be conclude by the 2nd Saturday of October.

In her presentation to Council, Ms. Meleg requested that vendors be permitted to park on the grass behind their tents. This request is not supported by Administration. Allowing vehicles to park on the grass may cause damage to the parkette area. Administration does not recommend that the discretion to park on that grassy area be given to the vendors of the Market. Rather, it is Administration's position that the status quo be maintained with respect to the parking situation. This position has been conveyed to Ms. Meleg.

Additionally, Ms. Meleg requested that the Market be permitted to set up at Cedar Beach during the Explore the Shore event. The Cedar Beach property is owned by four (4) different property owners. The Town leases the parking lot area of Cedar Beach from ERCA. Administration does not recommend that the Town grant permission to the Market to set up in the parking lot area for the reasons that follow. There may be encroachment issues to consider with respect to the adjacent property owners. The Town cannot confirm that the vendors, their tents and vehicles would all fit on the space that is leased by the Town. Further, since the Town leases the parking lot area, if the Market set up in that area, there would be no place for visitors to park and for safety reasons, parking along the roadway should be discouraged.

However, if the Town were to give permission, pursuant to the Agreement the Market would still be required to obtain permission from ERCA. Similarly, if the Market wanted to set up on property not controlled by the Town, it would need to seek permission from that property owner. The request to set up at Cedar Beach for the Explore the Shore event is in the preliminary stages and is separate and apart from the Lease Agreement. Ms. Meleg indicated to the Director of Corporate Services that she would reach out to the Town if the Market wanted to pursue this option.

LINK TO STRATEGIC PLAN

To develop an economy based on our strengths and opportunities that will retain existing and attract new businesses.

FINANCIAL CONSIDERATIONS

The Town does not currently charge for the use of green space. If, in the next five (5) years, the Town implemented a policy whereby a rental fee would be charged for the use of green space, there would be no opportunity for the Town to collect any amounts from the Market for use of the parkette.

CONSULTATIONS

Senior Management Team

RECOMMENDATION

That Council approve the five (5) year Agreement between the Town and the Farmers' Market, which would be in effect for the 2017 through to the 2021 market season, and authorize the Mayor and Clerk to execute the Agreement on behalf of the Town.

Jennifer Astrologo

Jennifer Astrologo, B.H.K. (hons), LL.B
Director of Corporate Services

Peggy Van Mierlo-West

Peggy Van Mierlo-West, C.E.T.
Chief Administrative Officer