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# HALDIMAND COUNTY

## Report PED-EDT-09-2018 Dunnville Farmers Market Operations For Consideration by Council in Committee on June 5, 2018

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### OBJECTIVE:

To enter into an memorandum of understanding with the Dunnville Farmers Market Association for operation of the new Waterfront Pavilion (Dunnville Farmers Market) and to address other operational items related to the new facility.

### RECOMMENDATIONS:

1. THAT Report PED-EDT-09-2018 Dunnville Farmers Market Operations be received;
2. AND THAT a Memorandum of Understanding, for a term of five years, effective July 1, 2018, between Haldimand County and the Dunnville Farmers Market Association be entered into as per Attachment #1 to Report PED-EDT-09-2018;
3. AND THAT the Mayor and Clerk be authorized to execute all necessary documents to give effect to the Memorandum of Understanding;
4. AND THAT, as the Dunnville Farmers Market Association will assume responsibility for the setting and collection of market fees, the Dunnville Farmers Market fees be removed from Schedule P of Haldimand County's User Fees and Service Charges By-law, effective January 1, 2019;
5. AND THAT the proposed User Fees and Service Charges associated with the Public Rental of the Waterfront Pavilion (Dunnville Farmers Market), to be effective July 1, 2018 be approved, and staff be directed to draft the required amendments to the User Fees and Service Charges By-law;
6. AND THAT a By-law be presented to amend Parks and Facilities By-law 1534/15 as outlined in Report PED-EDT-09-2018.

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**Reviewed by:** Lidy Romanuk, BA, EcD, CEcD, Manager, Economic Development and Tourism

**Respectfully submitted:** Craig Manley, MCIP, RPP, General Manager of Planning and Economic Development

**Approved:** Donald G. Boyle, Chief Administrative Officer

### EXECUTIVE SUMMARY:

Over the past several months, the Economic Development and Tourism Division (EDT) staff have been working with several other divisions to complete the construction of the Waterfront Pavilion (Dunnville Farmers Market) in partnership with the Dunnville Farmers Market Association (DFMA). The purpose of this report is to:

- Enter into a Memorandum of Understanding (MOU) with the DFMA for the operation of the Waterfront Pavilion (Dunnville Farmers Market) on Tuesdays and Saturdays annually between April 1 and December 31;

- Recognize the Waterfront Pavilion (Dunnville Farmers Market) and lands currently known as the Waterfront Park as a park under the County's Parks and Facilities By-law; and
- Establish a user fee for the public rental of the Waterfront Pavilion (Dunnville Farmers Market) outside of market hours.

## **BACKGROUND:**

The Dunnville Farmers Market was established in 1894 and remains a vibrant part of the County's identity. Typically twenty to thirty vendors provide services to community residents and visitors during market days from early Spring to early Winter. It is estimated the market receives approximately 700 patrons a week.

Several years ago it was identified that the existing Farmers Market structure in Dunnville had reached the end of its useful life. In 2012, significant planning was completed as part of the Dunnville Waterfront Redevelopment and Secondary Plan, including amenity options for the site and community consultation. It was during this work that an opportunity was identified for a signature/multi-use building that would include the farmers market. The plan also identified that the market should be located closer to Main Street and the proposed Waterfront Park, which Council subsequently approved.

In 2017, the construction of the new Waterfront Pavilion (Dunnville Farmers Market) was tendered and awarded through Report PED-EDT-09-2017. Construction started in Summer of 2017 and is currently scheduled to be completed in June of 2018.

Adjacent to the Waterfront Pavilion (Dunnville Farmers Market) is the former arena lands. These lands are also in the process of being redeveloped into what is currently known as the Waterfront Park with an anticipated completion date similar to the market. Both the park and market share the same civic address of 218 Main Street East, Dunnville.

## **Operation of the Farmers Market**

Currently, the operation of the Dunnville Farmers Market occurs through Haldimand County Building Controls and By-law Enforcement Division. Staff distribute yearly notification letters and applications to new and returning Dunnville market vendors, allocate stalls to the vendors and collect the seasonal fees. By-law Enforcement staff also attend the Market regularly to ensure the Market operates in accordance with all applicable County by-laws. The DFMA is responsible for collecting the daily fees and undertakes various marketing activities such as social media, a website and promotions. As well, the DFMA collects a membership fee from vendors that assists with some of the groups marketing costs and the provision of liability insurance coverage to the vendors through Farmers Markets of Ontario.

## **ANALYSIS:**

The Dunnville Farmers Market Association (DFMA) is an unincorporated organization that in partnership with Haldimand County, assists in the management and daily operations of the Dunnville Farmers Market as noted above. Most recently, the group led a very successful fundraising campaign for the new Waterfront Pavilion (Dunnville Farmers Market), raising over \$200,000 towards the project and have actively participated in the design and construction of the new building.

Upon completion of the new Waterfront Pavilion (Dunnville Farmers Market), the intent is for the DFMA to take over full operations of the market during market hours. At a high level, the Memorandum of Understanding (MOU) being proposed is very similar to how a number of services (i.e. community hall agreements) are provided, wherein a group delivers the service on behalf of the County, sets the user

rates and the County provides support in terms of major capital improvements. A similar arrangement was approved by Council in the fall of 2017 for the Hagersville Chamber of Commerce to take over operation of the Hagersville Farmers Market. The proposed MOU (Attachment 1) between Haldimand County and the Dunnville Farmers Market Association sets out the following key responsibilities:

### **Key Responsibilities of the Dunnville Farmers Market Association**

The Dunnville Farmers Market Association (DFMA) will assume the following responsibilities:

- The DFMA will have care and control of the Facility (as described in Attachment # 1 Schedule A – being the market structure and defined parking area) on market days. Generally, the market will operate annually for two (2) days per week from April 1<sup>st</sup> to December 31<sup>st</sup>. The MOU proposes that the scheduled market days/times can be changed upon mutual agreement between the Dunnville Farmers Market Association and the General Manager of Planning and Economic Development;
- Promote the Dunnville Farmers Market to existing and new vendors, as well as the public;
- Starting 2019, distribute the yearly notification letter and application to new and returning vendors outlining the deadline of when payment is required to secure stall locations, as well as the collection of fees;
- Collect fees from those vendors who attend on a weekly basis;
- Ensuring the Market operates in accordance with all relevant legislation and applicable County by-laws;
- Throughout the Term, the DFMA shall obtain and maintain a Commercial General Liability Policy with coverage for bodily injury and property damage, products and completed operations, and premise and operations liability on an occurrence basis with a limit of not less than two million dollars (\$2,000,000);
- The DFMA, at its own expense, will be responsible for ensuring vendors have access to electricity on Market days as well the opening, and cleaning/maintenance of the Waterfront Pavilion (Dunnville Farmers Market) washrooms;
- It will be the responsibility of the DFMA to ensure vendors gather and remove their own garbage at the facility at the conclusion of each Market day;
- The group will be responsible for routine cleaning and maintenance, including power-washing the exterior of the building; and
- For the first year of operation the existing financial arrangements will be maintained with the County continuing to pay utility fees and collecting seasonal vendor fees. Commencing January 1<sup>st</sup>, 2019, the DFMA will be billed a pro-rated fee for all utility costs such as hydro, water and wastewater associated with the Waterfront Pavilion (Dunnville Farmers Market) during market days.

It is intended that the new structure and partnership approach will increase visitors to the market. Staff within the Economic Development and Tourism Division will continue to work with the DFMA and the market vendors to promote the market across all available marketing platforms.

### **Key Responsibilities of the County**

Haldimand County's responsibilities shall include:

- All major capital repairs as approved by Council, which includes repairs required to ensure the structural integrity, health and safety and legislated requirements, as well as roof and eaves trough repairs;
- Washroom cleaning and maintenance on off-market days and garbage pick-up on the property;
- Snow removal during market days between April 1<sup>st</sup> and December 31<sup>st</sup>. No snow removal would occur between the months of January through March;
- Continued marketing support by the Economic Development and Tourism Division; and

- Continuing to insure the County-owned facility under the County's property policy.

If Council approves the Memorandum of Understanding set forth in Attachment 1, the following will be realized:

- Commencing in 2019, Building Controls and By-law Enforcement staff will no longer have the responsibility of securing vendors on an annual or weekly basis. However, they will still be responsible to ensure that all applicable by-laws are being adhered to by the DFMA and the market vendors;
- Economic Development and Tourism staff will continue to work with the DFMA to promote the market through various platforms including social media, Haldimand County's Community Guide, the County's weekly newspaper ads, media releases, posters, signage and under the Harvests of Haldimand brand;
- Facilities and Parks Operations will be responsible for snow removal on market days. No winter maintenance will occur during the months the market is not in operation which is a consistent level of service with other parks;
- Commencing in 2019, the County will no longer receive revenues from the operation of the Dunnville Farmers Market; and
- Future changes including extension of season, changing of operating times or market day, will require County approval upon mutual agreement between the DFMA and the General Manager of Planning and Economic Development.

### **Use of the Dunnville Farmers Market Facility Outside of Market Times**

In addition to Farmers Market occurring Tuesdays and Saturdays, the Waterfront Pavilion (Dunnville Farmers Market) will be a seasonal rentable facility in accordance with the Facility Booking and Ice Allocation Policy. The Community Development and Partnerships Division will be responsible for booking of all rentals of the facility, as is the current process for other similar facilities within the County.

### **By-law Amendments**

Given that the new Dunnville Farmers Market has been relocated now within a Public Park (Waterfront Park), housekeeping amendments to the County's Public Park and Facilities By-law 1534/15 are required to bring the use of a Farmers Market within a park into harmony with the Public Park and Facilities By-law regulations. The amendments would allow permits to be issued for the vendors (commercial enterprises) associated with the Dunnville Farmers Market, which otherwise would not be permitted in a Public Park. These amendments would also identify those facilities within the Waterfront Park that are rentable, specifically the Waterfront Pavilion (Dunnville Farmers Market). Staff is recommending that the Public Park and Facilities By-law 1534/15 be amended to reflect that the Dunnville Farmers Market is now part of Waterfront Park and include it as a rentable facility. Staff is also recommending as a housekeeping matter that the rentable facilities of all parks be updated in the Public Park and Facilities By-law. The updates are meant to make the document more user friendly by listing amenities available in each rentable park and include facilities with new names.

The amendments being proposed to the existing by-law Public Park and Facilities By-law 1534/15 are as follows:

#### **Amendment #1**

Definition 'o. **"Organized Sport or Activity"** following, has been updated to permit a Farmers Market to be an allowed activity within the Public Park and Facilities By-law 1534/15:

**PART II – DEFINITIONS**

- o. **“Organized Sport or Activity”** means a sport, game or activity pre-planned by an organization whether or not formally constituted and whether or not the players or members wear uniforms and includes any activity that is a Special Event or Farmers Market;

**Amendment #2**

That Schedule 1 of By-law 1534/15 be retracted and replaced so as now to read:

**SCHEDULE 1**

**PERMIT APPLICATIONS**

***PARKS, PAVILIONS, BALL DIAMONDS AND OTHER AMENITIES***

<b>COUNTY</b>		
	<b>Permitted Facilities*</b>	<b>Other Park Amenities</b>
<b><i>CALEDONIA</i></b>		
Caledonia Kinsmen Park	Gazebo with Hydro Pavilion with Hydro Leisure Pool	Splash Pad Tennis Courts Playground Washrooms
McKinnon Park (next to the Haldimand County Caledonia Centre)		Multi Use Court – (basketball, ball hockey, etc.) Pavilion Skate Park Playground Washrooms
<b><i>CAYUGA</i></b>		
Bob Baigent Memorial Park – Upper	Pavilion with Hydro & Water	Boat Launch Washrooms
Bob Baigent Memorial Park – Lower		Tennis Courts Skate Park
Cayuga Kinsmen Park	Diamond with Lights	Bleachers Playground Washrooms Concession
<b><i>DUNNVILLE</i></b>		
Alice & Albert Schram Park	Diamond with Lights	Bleachers Washrooms
Dunnville Central Park	Bandshell with Hydro	Wading Pool Playground Washrooms
Waterfront Park	Waterfront Pavilion (Dunnville Farmers Market)	Washrooms
Dunnville Kinsmen Park	Diamond #1 with Lights Diamond #2 no Lights – tyke size (to be built in 2018) Diamond #3 no Lights Pavilion	Bleachers Playground Washrooms Concession

Dunnville Lions Park	Diamond with Lights Pavilion Lions Park Building 25m Pool	Bleachers Tennis Courts Multi Use Court – (basketball, ball hockey, etc.) Playground Skate Park Washrooms
Dunnville Wingfield Park		Boat Launch Washrooms
<b>HAGERSVILLE</b>		
Hagersville Grant Kett Park	Diamonds #1 & #3 with Lights Diamond #2 no Lights Pavilion	Bleachers Playground Washrooms
Hagersville Park	Pavilion with Hydro & Water 2 Picnic Areas 25m pool	Splash Pad Tennis Court Multi Use Court – (basketball, ball hockey, etc.) Playground Washrooms
<b>FIELD MANAGEMENT GROUP</b>		
	<b>Permitted Facilities*</b>	<b>Other Park Amenities</b>
<b>CALEDONIA</b>		
McKinnon Park (next to the Haldimand County Caledonia Centre)	Diamond no Lights Diamonds #1 with Lights	Bleachers Washrooms Concession Batting Cage
<b>FISHERVILLE</b>		
Fisherville Lions Community Park	Diamonds #1 & #2 with Lights Diamond #3 for T-Ball no Lights Pavilion with Hydro Covered Multi-Purpose Pad for Events	Bleachers Batting cage Playground Washrooms Concession Covered Multi-Purpose Pad – (basketball, ball hockey, ice hockey – weather permitting, etc.)
<b>JARVIS</b>		
Jarvis Lions Park	Diamond #1 & #2 with Lights Diamond #3 no Lights Pavilion with Hydro & Water	Bleachers Tennis Courts Multi Use Court – (basketball, ball hockey, etc.) Walking Trail Playground Washrooms Concession
<b>SELKIRK</b>		
Selkirk Community Park	Diamond with lights Pavilion with Hydro & Water	Bleachers Playground Outdoor Rink – weather permitting

		Washrooms
<b>TOWNSEND</b>		
Townsend Lions Park	Diamonds #1 with Lights Diamond #2 no Lights Pavilion with Hydro & Water	Bleachers Tennis Courts Multi Use Court – (basketball, ball hockey, etc.) Modular Skate Park Playground Washrooms Concession

## ARENAS

<b>COUNTY</b>	
	<b>Permitted Facilities</b>
<b>Cayuga Memorial Arena</b>	NHL-sized ice pad Arena floor during off-season (April-July) McSorley Hall
<b>Dunnville Memorial Arena</b>	NHL-sized ice pad Arena floor during off-season (April-July)
<b>Hagersville Arena</b>	Ice Pad: 82'x180' Arena floor during off season (April-July) Almas Room
<b>Haldimand County Caledonia Centre</b>	Twin NHL-sized ice pads Summer ice available on one pad Arena floor available (May-July) on second pad Remax Room

## COMMUNITY HALL GROUPS

<b>COMMUNITY HALL GROUPS</b>	
Caledonia LIONS Community Centre	Canboro Community Centre
Canfield Community Centre	Cayuga Kinsmen Community Centre
Cayuga Seniors Drop-In Centre	Cheapside Community Hall
Dunnville Community Lifespan Centre	Fisherville Community Centre
Hagersville Community Centre	Haldimand Agricultural Community Centre
Jarvis Community Centre	Lowbanks Community Centre
Nanticoke Community Hall	Rainham Centre Community Hall
Selkirk Centennial Community Centre	Seneca Centennial Hall
Townsend Lions Hall	

## Amendment #3

The third and final amendment will include some minor housekeeping revisions to provide clarity throughout the by-law.

## Rentals

Facilities and Parks Operations will be responsible for the opening and closing of the facility for all rentals booked. This would include the opening and closing of the building; turning the electricity on and off before and following the rental; as well as, any additional cleaning and maintenance of the facility before and following the rental. The public will be able to rent the Waterfront Pavilion (Dunnville Farmers Market) as a whole, which includes an open air end fronting the river, and the enclosed portion. It is envisioned the structure will be suitable for a variety of uses including community events, family

gatherings and potentially other entertainment uses such as culinary related events or, concerts that could be approved through the special events guidelines.

Staff are recommending no rentals until construction has been completed and the market vendors have had an opportunity to move in and get settled. Staff's preference for 2018 is that rentals remain small in scale and private in nature (i.e. small family gatherings/celebrations). This will allow staff to work through the process for rentals, as well limit the impact of the public on the landscaping in the park thus allowing the grass to properly root. Larger scale special events will be considered in 2019 and will be vetted through the County's existing special event process. It is important to note that the facility will not be bookable until 1:30 p.m. on market days, which may limit demand for rentals especially on Saturdays. Current staffing would not allow for rentals to go beyond 4:00 p.m. at this time.

Given current staffing levels, it is anticipated that the washrooms at the new Waterfront Pavilion (Dunnville Farmers Market) will be opened on a daily basis during the summer months (typically from the Victoria Day Weekend (May) until Labour Day Weekend (September), from 8:00 a.m. to 3:30 p.m. by Facilities and Parks Operations staff.

## FINANCIAL/LEGAL IMPLICATIONS:

Currently, the County expends approximately \$2,200 annually (five-year average, 2013-2017) for hydro, portable washrooms and minor maintenance related to the operation of the Dunnville Market. This does not include the cost of staff time incurred to administer the collection of Market fees, assign stalls, etc. The five-year average revenues are approximately \$4,200 per year. Commencing in 2019, the MOU would result in approximately \$1,700 in budgeted annual net revenue no longer being received by the County. Instead, the DFMA will establish and collect all fees as a source of revenue and will administer the service previously provided by staff. The DFMA will be invoiced on a monthly basis for hydro, water and wastewater usage at the Market. This will be a pro-rated amount as determined by Haldimand County staff based on past usage information and will be re-evaluated annually as updated information becomes available. This is the same approach as was recently put in place for the Hagersville Market.

Due to timing, the current status quo for 2018 has been maintained with the County collecting seasonal fees and paying all utilities for the site. This transition year will give County staff a better understanding of the various costs related to hydro and water that the DFMA will be responsible for moving forward. For the reasons noted earlier, staff feel that establishing clear roles through a MOU will result in a better, more effective market service and allow by-law enforcement staff to focus on core responsibilities.

<b>Operating</b>	<b>2017</b>	<b>2016</b>	<b>2015</b>	<b>2014</b>	<b>2013</b>
Total Revenue	\$4,485.06	\$4,074.34	\$3,743.97	\$4,208.00	\$4,392.00
Total Expenses	\$2,254.88	\$2,401.33	\$1,744.91	\$2,552.57	\$2,092.58

Upon approval of the MOU, the DFMA will set its own Market rates. Currently, Market rates are set using the rates established annually in the County's user fee by-law. The intent is to give the DFMA more flexibility to set fees to attract more vendors. As such, staff is requesting that Council approve the removal of the Dunnville Market Fees from the user fee by-law commencing in 2019.

Similar to existing Community Hall operating agreements, approved major capital expenditures related to the Dunnville Market will be the responsibility of the County. As in the past, these expenses will continue to be addressed through the capital budget as they arise.



A user fee rate has been developed in coordination with the County's Finance Division and will be incorporated into the County's User Fees and Service Charges By-law. Costs are calculated utilizing the approved methodology with Schedule R in the Council approved User Fees and Services Charges By-law. The fee for use of the entire facility is \$169.50 including HST.

### **STAKEHOLDER IMPACTS:**

The execution of this MOU will have multiple impacts on various stakeholders. The County's Building Controls and By-law Enforcement staff will no longer be responsible for operation of the Market, but will still be responsible for ensuring the Market is adhering to applicable by-laws, and may need to provide support to DFMA staff to understand the by-laws governing the Dunnville Market and other issues.

The Community Development and Partnerships Division and Facilities and Parks Operations Division will be responsible for coordinating the rentals of the facilities and the operation and maintenance of the facility.

As per the approved recommendation in report PED-EDT-19-2017, Economic Development and Tourism will be initiating a review of the current Farmers Market by-laws later this year in time for the 2019 market season. The review will include a municipal scan of other market by-laws to ensure the revised by-laws reflect the most current trends in market operations.

### **REPORT IMPACTS:**

Agreement: Yes

By-law: Yes

Budget Amendment: No

Policy: No

### **ATTACHMENTS:**

1. Draft Memorandum of Understanding Dunnville Farmers Market Association.