Present: Councillors Bratina, McHattie, Clark, Pasuta, Ferguson

Also Present: Anna Bradford, Director of Culture
Carrie Brooks-Joiner, Senior Project Manager, Culture Division
Cathy Masterson, Market Supervisor (incoming), Culture Division
Rebecca Oliphant, Secretary

1. **APPOINTMENT OF CHAIR AND VICE-CHAIR**

   *(Clark/Bratina)*
   
   (a) That Councillor Brian McHattie be appointed as Chair of the Hamilton Farmers’ Market Transition Sub-committee.

   **CARRIED**

   *(McHattie/Clark)*
   
   (b) That Councillor Bob Bratina be appointed as Vice Chair of the Hamilton Farmers’ Market Transition Sub-committee.

   **CARRIED**

2. **CHANGES TO THE AGENDA**

   (i) Added as Item 2(b) – Staffing Change at the Market.

   *(Clark/Bratina)*
   
   That the June 22, 2010 agenda be approved as amended.

   **CARRIED**
Agenda Review with Chair will be scheduled for all future meetings.

2(b) **Staff Change at Market**
Dave Turner, Supervisor, Hamilton Farmers’ Market was the successful candidate for the recently posted Supervisor, Facilities Maintenance (Culture), he will continue with renovation and relocation project.

Cathy Masterson, Facility Supervisor, Cultural & Heritage Buildings (temporary) will assume the role of Market Supervisor as of July 19. Dave and Cathy will work together for one year as a transition for both positions. Dave will oversee the Market renovation project to its completion. The job switch was approved by CUPE 1041 and HR.

3. **DECLARATIONS OF INTEREST**
None declared.

4. **STRATEGY & PLANNING**

4.1 **Committee Terms of Reference and Operation**
included in binder for information.

4.2 **Project Schedule**
For the information of the committee:

Issue: Timing to move back into the renovated Market

Contractor is scheduled to turn over renovated building on September 17. The contractor has two weeks from this date to respond to deficiencies which makes the hand over date October 1\(^{st}\). An additional 4 weeks is then required to complete interior fixtures/furnishings and leasehold improvements. Once the occupancy permit is issued an additional two weeks are needed for the actual move from the temporary space to the renovated space. The lease for the temporary location ends October 30. Projected – The earliest the Market can be back in operation is November 16\(^{th}\). This results in a $62,000 pressure to keep the market in the temporary location for an additional four weeks. The original negotiation of the lease did not take into consideration the time necessary for interior finishes

4.3 **Vendor Stall Selection Criteria**
For the information of the committee:
There is demand for stall space on the Market, approx. 70 on a waiting list. Rent is currently $270 for a 10’ x 10’ stall

Renovation provides the City with the opportunity to implement the vision for a re-developed market. There are three major issues with respect to the market transition:

**Issue 1** – Not all current Stallholders can be accommodated in the renovated space

- The pre-renovation Market held 172 interior stalls.
- The renovated Market will hold 146 interior stalls.
- Building code (separate washrooms for vendors, additional fire doors) and programming (community kitchen) requirements, affected space and eliminated 26 stalls or approximately 2600 sq ft of stall space.
- There will be an additional 10 to 15 outside stalls but only Saturdays when weather permits (partial road closure of York Blvd. is required to host outdoor Market).

**Discussion re: Issue 1**

Dave has been re-working stall sizes and configuration of space to maximize the number of stalls. He will bring draft plans to next meeting.

Request to invite architect to next meeting to provide overview of reconfigured space.

**Issue 2** – need to establish a more appropriate product mix and quality product. Partnerships and stallholders holding more than 3 stalls is hindering variety of product.

**Issue 3** – current stallholders’ contracts are in effect to December 31, 2010

Three options for the selection of stallholders for the renovated market were presented:

**Stallholder Selection Option 1** - Open call for applications – spoke to Legal, would have to suspend contracts now with something called a “frustration” – frustration is our inability to fulfil the terms of the current contract due to changed circumstances.
Discussion re: Option 1
If Market stays in the temporary location until Dec 31 all contracts are complete, financial implications - $240,000 (62,000 per month) to stay in temp location,
Legal recommended declaration of frustration of the contract for all stallholders, bring them back in January 2011 based on some determined criteria.

Request to invite Legal to explore what the costs of litigation may be because the “frustration” is on the part of the City.

Stallholder Selection Option 2 – Seniority – length of participation on the Market

Discussion re: Option 2
Challenge is determining the length of time stallholders have been on the Market, some have taken over stalls from parents, grandparents – does this mean current stallholder has been on the Market for that length of time?
No definitive list, quite contentious, concerned about putting the onus on stallholders, stallholders have been asked to register in the Market office as to their seniority and to provide proof (first contract or similar) as to when they came into the Market, will bring the current list to the next meeting
Question was raised as to whether Clay Eborall, President of the Stallholders’ Association could facilitate the creation of a seniority list, Answer is no as the primary purpose of the Stallholders’ Association is to allow them buy insurance collectively, not all stallholders belong, do not self-discipline.

Option 3 – Seniority and then Open call - Bring stallholders back using seniority October 29 and then remove in January by open call when contracts are renewed

Discussion re: Option 3
Realistically will not actually get stallholders whose contracts are not renewed out of the Market until April 2011.
Criteria needs to be defensible, need to hear from Legal in order to weigh potential costs of litigation against the costs of waiting until January 2011 to move back to renovated Market.
General discussion regarding options
Local farmers and producers (as opposed to wholesalers), recognition of seniority of quality stallholders, and a revised product mix (based on recommended mix in consultants’ report) are desirable.

Suggested the development of a scoring system to evaluate applications.

Suggested an application process for outdoor stalls as they may be considered premium sites by some.

Notice of Motion:

Councillor Pasuta introduced the following Notice of Motion:

That, given the desire to further the Hamilton Farmers’ Market as a “farmers” market, the selection criteria for stallholders and stall location selection will first consider local farmers, growers and food producers.

The above information was received with final decision on move back procedure to be approved at next meeting.

5. ISSUES MANAGEMENT
5.1 Parking – FOR INFORMATION
5.2 Stall encroachments – FOR INFORMATION
5.3 Eviction

6. BY-LAW & POLICIES
6.1 Licence Agreement revisions
Culture Division staff are working with Legal on a change from current Market Contracts to Licence Agreements, will bring forward to this committee at a later date.

7. PUBLIC HEARINGS/DELEGATIONS
7.1 Delegation Request from Shane Coleman – Battlefield Farmers’ Market: Issues Regarding Market Development

The Hamilton Farmers’ Market Transition Sub-committee has determined delegation requests are premature at this time.

Anna Bradford was requested to contact Mr. Coleman and convey the decision of the Sub-committee.
8. **MEETING SCHEDULE**
   Rebecca to schedule the next meeting for mid July, require a longer meeting, tentative plan to meet monthly, can meet more often in the summer if necessary.

9. **OTHER BUSINESS**
   **Farmers’ Markets Ontario** – are currently lobbying to get a bill passed that use of the term “Farmers' Market” will require a certain percentage of farmers.
   **Financials** – for information, these are included in your binders from 2004 to 2009, annual loss has increased significantly each year since 2004, mitigated somewhat by removal of free parking, and as well waste management costs are being investigated to determine possible savings.

   **Rentals** – concern expressed as to why the amounts fluctuated, 2009 granted a one month free rent for each stall because of relocation, staff will provide an analysis for 2007 as well as an analysis of Salaries and Wages.
   **Issue:** Rents are not at market rate, have not had a depreciation value each year, should be paying common fees for hallways, washrooms, etc.
   **Action:** Anna Bradford to provide an analysis on the past five years' revenues.

   **Next meeting** –
   - Ask Legal to attend to address “selling” of stalls.
   - Ask Gary Moore, Director of Engineering Services to attend to provide information about the plans for York Blvd and to explain the necessity of partial road closures for the outdoor stalls.
   - Need to address Library concerns re: hours of the Market and Market Café, Councillor McHattie will chat with Ken Roberts, Chief Librarian, invite him to a future meeting to discuss Library concerns, may factor into the number of spaces.

10. **ADJOURNMENT**

    **(Clark/Ferguson)**
    There being no further business, the Hamilton Farmers’ Market Transition Sub-committee was adjourned at 10:45 a.m.

    **CARRIED**

    Councillor B. McHattie, Chair