TO: Mayor and Members
   General Issues Committee

COMMITTEE DATE: February 19, 2014

SUBJECT/REPORT NO: Lease Agreement with Winona Peach Festival
   (Lessee), 1328 Barton Street East (Winona Park),
   Stoney Creek (PED14030) (Ward 11)

WARD(S) AFFECTED: Ward 11

PREPARED BY: John Hamilton
   (905) 546-2424 Ext. 7045

SUBMITTED BY: Joe-Anne Priel
   Acting General Manager
   Planning and Economic Development Department

SIGNATURE: 

RECOMMENDATIONS

(a) That City Council approve a new lease with Winona Peach Festival subject to the
   following terms and conditions:

   (i) Terms: The lease will cover only the following periods over a 10 year term:

   Year One: August 17 to August 27, 2014, inclusive
   Year Two: August 21 to August 31, 2015, inclusive
   Year Three: August 19 to August 29, 2016, inclusive
   Year Four: August 18 to August 28, 2017, inclusive
   Year Five: August 17 to August 27, 2018, inclusive
   Year Six: August 22 to September 1, 2019, inclusive
   Year Seven: August 21 to August 31, 2020, inclusive
   Year Eight: August 19 to August 29, 2021, inclusive
   Year Nine: August 18 to August 28, 2022, inclusive
   Year Ten: August 17 to August 27, 2023, inclusive
The Lessee has an option to extend the lease for an additional 10 years under the same terms and conditions except for the dates of use, to be determined upon renewal.

(ii) **Property:** Winona Park at 1328 Barton Street, City of Hamilton (formerly Stoney Creek), described as Part of Lots 3 and 4, Concession 2, designated as Parts 2 and 4, Plan 62R-15563 comprising approximately 15.07 acres.

(iii) **Purpose:** For the sole purpose of holding the annual Winona Peach Festival.

(iv) **Rate:** $1 per year plus applicable H.S.T. and any property taxes payable due to the occupation of the subject lands (Winona Park) by the Lessee.

(v) **Expenses:** The Lessee is responsible for all expenses.

(b) Rent to be credited to Account No. 46084-792485;

(c) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to complete the Lease Agreement for the subject lands, in accordance with the terms set out in Recommendation (a) of Report PED14030 and with By-law 04-299;

(d) That the Mayor, General Manager of Finance and Corporate Services and City Clerk be authorized and directed to execute the Lease in a form satisfactory to the City Solicitor.

**EXECUTIVE SUMMARY**

This Report seeks Council's direction to enter into a long term, 10 year lease agreement with the Winona Peach Festival for lease of Winona Park at 1328 Barton Street East, Stoney Creek. It is a 20 year commitment as the Peach Festival will have the option to renew the Lease for an additional 10 year term. The Winona Peach Festival will lease the park for 10 days annually throughout the term.

**Alternatives for Consideration – Not Applicable**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** The subject lands are being leased in accordance with the terms of a lease agreement between the City and Winona Peach Festival, as approved in 2007.
Staffing: There are no identified staffing implications arising out of the recommendation(s).

Legal: Legal Services Division will assist Real Estate Section with the development of the Lease Agreement.

HISTORICAL BACKGROUND

The information/recommendations contained within this Report primarily affect Ward 11.

The Winona Peach Festival is a popular annual event held over a three-day period at the end of August, drawing people from Hamilton, Niagara and other areas of the Province to Winona Park in Stoney Creek. This festival initiates a series of Fall fairs in and around Hamilton promoting the agricultural sector and educating attendees about agriculture and its contribution to the local economy.

The Winona Peach Festival Inc., a not-for-profit corporation, is operated by a Board of Directors made up of volunteers. In 2007, Board members approached the City, requesting a formal lease agreement for the three-day event, along with set up and close down days. This request was granted based on a five year term which expired on August 31, 2011.

In 2009, the City was approached by the Festival’s Board of Directors requesting a five year renewal. The lease approved and executed matures in August 2014. Organizers believed that a five year term will assist the Peach Festival in its efforts to secure a Trillium grant and thereby sustain the festival’s future.

Subsequently in 2013, the Festival organizers approached the City requesting a longer term agreement.

The Winona Peach Festival Inc. is a proven community partner; along with the former City of Stoney Creek, it partnered in the acquisition of the eastern section of Winona Park.

The recommended nominal rent of $1 per annum is consistent with the previous arrangements between the City and the Winona Peach Festival Inc.

Parks and Cemetery Section of the Public Works Department are responsible for this property and are in favour of renewing this agreement and support the Peach Festival and its operations.
POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The recommendation is consistent with the City’s Real Estate Portfolio Management Strategy Plan as approved by City Council on November 24, 2004, and Procedural By-Law No. 04-299. City Council, in approving the Consolidation of Routine Real Estate Matters, authorized the delegation of authority to approve the acquisition, disposition or lease as follows: to the General Manager or designate for a lease value not exceeding $150,000 annual rental; to the City Manager or designate for a lease value not exceeding $250,000 annual rental. As the lease term is in excess of five years, City Council approval is required to approve the recommendations contained within this Report.

RELEVANT CONSULTATION

• City Manager’s Office, Legal Services Division;
• Ward 11 Councillor;
• Winona Peach Festival; and,
• Public Works, Environmental Services Division.

ANALYSIS AND RATIONAL FOR RECOMMENDATION

With the lease recommendation being adopted, the Winona Peach Festival will have secured a 10 year lease at a rental cost of $1 per year terminating August 27, 2023. It will also have secured an option to renew the lease for an additional 10 years. In the past, such stability has helped the Festival secure grant monies from various sources.

ALTERNATIVES FOR CONSIDERATION

There are no alternative suggestions for consideration at this time.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN

Strategic Priority #1
A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective

1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.
Strategic Priority #3
Leadership & Governance

WE work together to ensure we are a government that is respectful to Ward each other and that the community has confidence and trust in.

Strategic Objective

3.1 Engage in a range of inter-governmental relations (IGR) work that will advance partnerships and projects that benefit the City of Hamilton.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED14030 – Location Map

JH/sd
Subject Property

WINONA PEACH FESTIVAL INC.
1328 Barton Street East, Stoney Creek
10 year lease plus 10 year renewal option
Lease term for 10 days per year from
August 2014 to August 2023