MINUTES
HAMILTON FARMERS’ MARKET TRANSITION SUB-COMMITTEE
Thursday, December 16, 2010
9:00 a.m.
Council Chambers
Hamilton City Hall

Present: Mayor B. Bratina
Councillor L. Ferguson, Vice-Chair
Councillors B. Clark, J. Farr, and R. Pasuta

Absent with regrets: Councillor B. McHattie, Chair, illness

Also Present: Joanne Priel, General Manager of Community Services
Anna Bradford, Director of Culture
Cathy Masterson, Market Supervisor, Culture Division
Dave Turner, Supervisor, Heritage Facilities
Carrie Brooks-Joiner, Senior Project Manager
Rebecca Oliphant, Secretary
E. Filippone and Adam Sweedland, Legal Division
I. Bedioui and A. Grozelle, City Clerk’s Office

1. CHANGES TO THE AGENDA

The Clerk advised of the following change to the agenda:

The wrong copy of Item 7.1.1 (a) is printed in the agenda. The number of stalls indicated in subsection (a) of this Item should be ten instead of five and the maximum frontage should be 30 instead of 29 to read as follows:

“(a) That the Market Supervisor be allowed to assign up to ten stalls which are in excess of 24 feet frontage to a maximum of 30 feet frontage upon acceptance of a sound business case; and “
(Pasuta/Farr)
That the agenda for the December 9, 2010 meeting of the Hamilton Farmers’ Market Transition Sub-Committee be approved as amended.  

CARRIED

2. DECLARATIONS OF INTEREST
There were none declared

3. APPROVAL OF MINUTES OF THE PREVIOUS MEETING
(Clarke/Farr)
That the Minutes of the December 9, 2010 meeting be approved.

CARRIED

4. DELEGATIONS REQUESTS (Respecting Item 7.1)
(Clarke/Pasuta)
That the following delegation requests be approved to address Committee today:

(a) Riad Hassan, Ray’s Health Food, respecting his application results
(b) Bill and Janice Simone, respecting Market issues related to seniors
(c) Jorge Rodrigues, Ercilia’s Fine Foods, requesting to install 4 ATM machines in the market common areas
(d) Shane Coleman, Hamilton Farmers’ Market Stallholders’ Association President, respecting issues regarding newly renovated market.
(e) Jennifer Hompoth, Friends of Hamilton Farmers’ Market, respecting the transition process.

CARRIED

5. CONSENT ITEMS
None

6. PUBLIC HEARINGS/DELEGATIONS
Deferred to item 7.
7. PRESENTATIONS

(a) Proposed Expansion of Hamilton Farmers’ Market – Yale Properties Inc. (No copy (Item 7.1)

Anna Bradford made a PowerPoint Presentation which provided an overview of the Opportunity for Market Square.

Her comments included but were not limited to the following:

- Stallholder Types by Selection Priority;
- Response to high demand for stalls;
- Charts of available locations;
- Hamilton Farmers’ Market Square;
- Opportunity to Build on Success;
- Space is available now and more space will be available in the future.

Anna Bradford responded to questions from Committee:

A discussion followed respecting the delegated authority of the General Manager of Community Services to sign a lease agreement with conditions with Yale Properties Inc. It was noted that there is an urgency to open the market including the extension at the same time. Legal counsel confirmed that Joe-Anne Priel has delegated authority and staff advised that the proposed new leases would be cost neutral.

Councillor Clark expressed concerns and recommended that this issue be presented to Council.

The Mayor indicated that he did not have a problem with this after receiving an explanation from staff but asked that Clerks’ staff send out an e-mail to all members of Council indicating that if they wish that this matter be brought before them to advise the Mayor’s office and he will call a Special Council meeting next week.

(Pasuta/Clark)
That the staff presentation be received.

CARRIED
(b) Motions (Item 7.1.1):

(1) By-law amendment to permit extra frontage to accommodate coolers;

The Committee asked why this amendment was necessary and staff explained that the Architect did not take into account everyone’s equipment when allocating the spaces and also, the exact space requirements were not known until the total number of stalls have been approved.

(Pasuta/Farr)
Whereas the configuration of the renovated Hamilton Farmer’s Market has resulted in challenging spaces; and

Whereas the Market By-law 10-209 allows stalls to have a frontage of no more than 24 feet; and

Whereas existing equipment owned by stallholders cannot be accommodated in the stalls assigned;

Therefore be it resolved:

(aa) That the Market Supervisor be allowed to assign up to ten stalls which are in excess of 24 feet frontage to a maximum of 30 feet frontage upon acceptance of a sound business case; and

(bb) That the necessary by-law be passed to reflect the resolution in subsection (a), in a form satisfactory to the City Solicitor

CARRIED

(2) Amendment to the Market By-law to allow longer contract for Café

Staff requested that Committee determine the appropriate number of years for the Café lease. Committee indicated that five (5) years would be appropriate.
(Farr/Clark)
Whereas the Market Café operator is required to complete significant leasehold improvements to operate a Café; and

Whereas Market By-law 10-209 permits contracts of up to 12 months;

Therefore be it resolved:

(aa) That the Market Supervisor be allowed to sign a contract up to five years for the operation of the Market Café

(bb) That the necessary by-law be passed to reflect the resolution in subsection (a), in a form satisfactory to the City Solicitor.

Amendment CARRIED
Motion as amended CARRIED

Legal staff agreed to ensure that the appropriate conditions will be included in the lease agreement.

(c) Delegations (Referred from the December 9, 2010 meeting)

(1) Henrietta Papp

The Chair asked Mr. Papp to confirm what application she will be speaking to. She replied it is regarding Vegetable & Bulk and explained that the application is in her father’s name, Mihaly Szilagyi, but the business is legally hers. Her father operated her business when she stayed home after having her child.

Committee noted that the health inspection certificate submitted with the application is for Lesley’s Deli. Ms. Papp indicated that the deli operation is in her mother’s name, Agnes Szilagyi.

Committee noted that the insurance certificate is in the name of Roy’s Produce (Florsam.) Ms. Papp responded the Roy Munoz has been helping them out.
(2) Colin Geoffrey Millar, Millar Alexander Barristers and Solicitors, Solicitor for Charlie’s Corner Produce Market/Charlie’s Corner International

Colin Geoffrey addressed committee and indicated that he is representing Charlie’s’ Corner and the operator, Charlie Chiarelli was also in attendance. He advised that the application was denied. He met with Anna Bradford and during the meeting his request to see the application was refused.

Mr. Millar distributed a hand-out with photos of the stall. He explained that staff had indicated that the photo which illustrated artichokes for sale 3 for $1. Staff had advised him that his client’s application was eliminated because his pricing was too low which meant that the produce must be of low quality. His client disputed this statement.

Mr. Millar also raised concerns about the appeal process on behalf of his client. He was under the impression that even if he were successful there would be no space available. He now realizes that there would be space available as the City is considering an expansion of the Market.

Charlie read from a prepared statement copies of which was distributed and a copy was submitted for the Clerk’s file. He indicated that he is only asking for a reconsideration of his application for Charlie’s Corner’s and not his other location. He indicated that he will be providing 90% high quality produce and only 10% seconds as required.

Anna Bradford confirmed that the application was not incomplete but it was rejected through low grading however, a detailed list of fruits and vegetables and proof of insurance were missing. The peer review members were trying to compare 90% good quality and 10% poor quality and determined that there was a disconnect between the photos and pricing and the claim to provide first quality.
Councillor Pasuta questioned Mr. Chiarelli about the list of his produce suppliers noting that they are good local farmers.

Mr. Chiarelli indicated that he had a 32 foot stall but it could be reduced to 24 feet however he would be able to offer less variety. He indicated that he wants to follow the vision for the new market and he is willing to follow the new guidelines. There were no guidelines under the previous Market operation.

(3) Colin Geoffrey Millar, Millar Alexander Barristers and Solicitors, Solicitor for Lisa Hori of Infinity Foods

Colin Geoffrey addressed Committee representing Lisa Hori of Infinity Foods. He advised that when he met with staff he was not permitted to view the application. He was told that the products on the application were more in keeping with a retail business and not within the scope of a farmers’ market. A copy of the insurance certificate was distributed.

Lisa Hori thinks that her business does suit the market and there is a need for her product. There are no other vendors selling prepared fruits and vegetables. Customers of her stall would have the option of having a cored chopped pine apple or a whole one.

She responded to questions confirming that some products she is proposing to sell would be prepared, like croutons and some salad dressings. She is requesting a 24 foot stall so that her business can thrive. She indicated that Charlie Chiarelli is her boyfriend.

(4) Yogarani, Can Asia – Yogarani

Mithili Murugesu addressed Committee on behalf of Yogarani Vickreswaran who was also in attendance. She read from a prepared statement. She indicated that they were disappointed that their application was not approved but they would like to prove that they can fit into the new vision of the Market.
With the aid of a PowerPoint presentation, she indicated that the family run business had three stalls selling produce and their customers were visitors and citizens of Hamilton. She advised that there was a community and ethnicity bond. She said that they are ready to work with the City to make the Market successful. She is asking for reconsideration for at least one stall and she will ensure they are in compliance. She indicated that the applicant’s husband has the paperwork and he is currently out of the country.

Committee questioned her regarding the photos submitted with the application and she confirmed that they are from the internet not of their booth. A photo of the stall was included in the PowerPoint presentation. They have been in operation since 2003.

Committee questioned her respecting the documentation which was missing with the application.

(5) Paul Spera, Spear’s Produce

Paul Spera addressed committee with his wife Ann-Marie and read from a prepared statement, copies of which were distributed.

His noted that his application listed too many products. He is willing to change his proposed product list and to work with staff to fit in with the new market concept.

Councillor Farr referred to the Market By-law and noted that many of the items listed on the application are not items permitted under the by-law. Mr. Spera indicated that he needs to expand his product line to make it more profitable.

Councillor Pasuta asked Mr. Spera where he buys products.

The Committee discussed the process with respect to communicating the information to the stall holders and asked for input from Mr. Spera and staff. Staff advised that there were two training sessions prior to the
applications being completed and the stall holders were notified of the process by newsletter

Mr. Spera admitted that they were pressed for time and there was a miscommunication with his wife.

He is asking for a 12 foot stall. He advised that he picks much of the fruit himself, sometimes from his relative’s farm

(6) Roy Munoz, Country Green Garden or Country Green Fruits & Vegetables

Roy Munoz addressed Committee and explained how he became a market stall holder.

Councillor Pasuta noted that different documents had different business names and there was no consistency.

When asked if he buys locally, he responded that during the summer 80% of his produce is local and he named some farms that he buys from.

(7) Flora Munoz, Florsam Bulk, Beans, Fruits & Vegetables

Flora Munoz addressed Committee and indicated that she is the mother of Roy. She read from a prepared statement and a copy was submitted for the Clerk’s file. She advised that she sells a variety of Canadian fruits and vegetables and also some ethnic foods.

She advised that her son is married and he has his own business and there is no legal connection between the businesses as per the Market’s new requirement. She submitted a copy of the vendors permit and indicated that she does not have a Hamilton business licence.

(8) Andrzej Rudzinski, Karlik Pastry

Toshawb Wilson spoke on behalf of Mr. Rudzinski who was also in attendance. She made a PowerPoint
presentation and read from a prepared statement which was distributed. She outlined why Mr. Rudzinski's business would be a good fit for the Hamilton Farmers' Market.

Committee noted that the application was two weeks late and it couldn't even be scored.

Toshawb Wilson indicated that her PowerPoint presentation outlined the way that he was assisted by Cathy Masterson which she inferred was not very helpful.

Mr. Rudzinski indicated that every time he went to the office, the office was closed. He went during market hours. Staff confirmed that the market office does not have staff and the door is locked however, other applicants slid their applications under the door. On the final day rotating staff were available all day.

Committee asked why he didn't even complete the first part of the application which requested general information such as his business name and address.

He admitted that he has six full time employees who live in Hamilton and could have dropped off the application for him but it slipped his mind.

Committee noted that the newsletter indicated that there was a deadline and in fairness to the other applicants they must stick to the deadline.

12:25 p.m. Committee recessed to 1:00 p.m.

(9) Alan Shikatani, Future Bakery

Alan Shikatani addressed Committee. He is an employee and the owner of Future Baker, Borys Wrzesnewskyl's out of town. He advised that Future Bakery was founded in 1952. The operators brought their old world traditional recipes and the bakery was first established in Toronto. It is family owned and operated. The recipes have Ukrainian, Polish and Russian origins. A hand-out was distributed with copies of documentation and photos.
The application was submitted late due to a mix up in their office.

(10) Aney Kollanthara, Taste of India

Aney Kollanthara advised that they were not previous stall holders in the market. She addressed Committee and provided a hand out, a copy of which was kept in the Clerk’s file, which provided a profile of the business.

(11) Saji Kollanthara, Woodpecker Handicraft Gallery

Mr. Kollanthara addressed committee and provided a hand-out respecting his business profile. He is not a current stall holder of the Market. He indicated that his business is a one of a kind store. The crafts are eco-friendly and bio degradable and are imported from all over the world.

(12) Hat Huynh, The Living Kitchen

Mr. Huynh did not attend.

(13) Riad Hassan, Ray’s Health Food, respecting his application results (Added Item)

Jeanette Eby who is a member of the Friends of Hamilton Farmers’ Market indicated that she was asked to read a letter from Christopher Cutler, a concerned citizen, who could not attend. Anna Bradford confirmed that Mr. Cutler sent the letter to her on behalf of Mr. Hassan and asked if she could have someone read it.

Ms. Eby read the letter and copies were distributed.

(14) Bill Simone, and Janice Van der Borgen respecting Market issues related to seniors (Added Item)

Jeanette Eby read a letter from Bill Simone who was not able to attend and copies were distributed. His letter was in favour of keeping the market the way it is.
Janice Van der Borgen addressed Committee. She said she wants a diversified market that would serve everyone and be a meeting place for everyone.

(15) Jorge Rodrigues, Ercilia’s Fine Foods, requesting to install 4 ATM machines in the market common areas (Added Item)

As Mr. Rodrigues was unable to attend, Shane Coleman indicated that he had a letter from Mr. Rodrigues and he had asked him to read it. The Chair asked that he submit it to the Clerk.

(16) Shane Coleman, Hamilton Farmers’ Market Stallholders’ Association President, respecting issues regarding newly renovated market – request to speak before the other delegations. Powerpoint presentation. (Added Item)

Shane Coleman addressed Committee and his comments included but were not limited to the following:

- Request that the moving date be changed to January 14, 2011;
- The 3% rent increase should be allocated to the advertising sub-committee;
- May be back in 6 months time to address accessibility issues for customers – it may be difficult for customers to get up and down;
- There is not enough free parking time allowed – Market customers should have at least two hours free parking especially with the cooking demos so that customers will have time to watch them;
- Would like to see a board of directors formed with the stakeholders and Councillors;
- Agreed to look into the insurance certificate issue;
- Needs a complete list of vendors;
- Community Services staff are not health inspectors and should go through the Stallholders’ Association if they have concerns.
Staff responded that sometimes it’s obvious that action is required, for example when mold or mice are present. The Public Health inspectors can’t always act immediately.

The Committee advised Shane Coleman that the Stallholders’ Association needs to review its mandate and by-laws to ensure they are in sync with current legislation and that everyone needs to cooperate and work together.

Staff advised that the target date for the move is January 20, 2011 but they will try to make the move earlier if possible.

(17) Jennifer Hompoth, Friends of Hamilton Farmers’ Market (Added Item)

Jennifer Hompoth from the Friends of Hamilton Farmers’ Market addressed Committee with the aid of a PowerPoint presentation. Her comments included but were not limited to the following:

- She advised that they are here as taxpayers;
- The response to expand the space is appreciated;
- She hopes denied applicants can be accommodated;
- Hamilton has issues with poverty;
- The Market is an important common space where we can buy food that is affordable;
- Small and medium size farmers depend on these vendors;
- There is a way to work together;
- Application point system should be revisited to categorize “others”;
- Process should be transparent with a structure that includes multiple stakeholders;
- Take gradual steps to help stall holders back into the fold;
- It’s a social infrastructure.

(Clark/Farr)
That the delegations be received.        CARRIED
Legal staff was directed to validate proof of insurance process with risk management and report back.

**(Farr/Pasuta)**
That Committee move into Closed Session at 2:30 p.m. to deliberate the application reconsiderations and to discuss personal matters about identifiable individuals pursuant to Section 239 of the Municipal Act and Sub-Section (b), of Item 8.1 of the City’s Procedural By-law.

CARRIED

**(Clark/Pasuta)**
That Committee reconvene in Open Session at 3:00 p.m.

CARRIED

The Chair announced that the Committee has not reached a decision as more time is required for deliberations and another meeting will be held early next week.

8. **OTHER BUSINESS**

None

9. **ADJOURNMENT**

**(Clark/Farr)**
That the Hamilton Farmers’ Market Transition Sub-committee meeting be adjourned at 3:00 p.m.

CARRIED

Councillor L. Ferguson, Vice-Chair
Hamilton Farmers’ Market Transition Sub-committee