MOTION

Council Date: January 12, 2011

MOVED BY COUNCILLOR (Ferguson)………………………………………………

SECONDED BY COUNCILLOR…………………………………………………………

Re: Hamilton Farmers’ Market – Expansion and Market By-law Amendments

Whereas at its meeting of December 9, 2010, the Hamilton Farmers’ Market Transition Sub-committee passed a motion which provided in part:

Whereas there is a higher demand for stall space than currently available in the Hamilton Farmers’ Market, …

Therefore be it resolved:

(a) That Culture Division staff in conjunction with Real Estate staff be directed to negotiate with Yale Properties Inc. for additional vendor space adjacent to the Hamilton Farmers’ Market to expand its operation;

(b) That staff be directed to negotiate a favourable rate similar to current stall fees; …

And whereas at its meeting of December 16, 2010, the Sub-committee passed the following motion:

Whereas the configuration of the renovated Hamilton Farmer’s Market has resulted in challenging spaces; and

Whereas 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:

(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

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

And whereas at its meeting of December 16, 2010, the Sub-committee also passed the following motion:

Whereas the Market Café operator is required to complete significant leasehold improvements to operate a Cafe; and

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

Therefore be it resolved:

(a) That the Market Supervisor be allowed to sign a contract up to 5 years for the operation of the Market Café; and

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

And whereas it is desirable to enter into a lease with Yale Properties Inc. for additional vendor space adjacent to the Hamilton Farmers’ Market to expand its operation, only in the event that such expansion will be cost neutral to the City;

Therefore be it resolved:

(a) That Culture Division staff in conjunction with Real Estate staff be directed to negotiate with Yale Properties Inc. for additional vendor space adjacent to the Hamilton Farmers’ Market to expand its operation;

(b) That staff be directed to negotiate a favourable rate similar to current stall fees;
(c) That no lease with Yale Properties Inc. shall be entered into by the City for the expansion of the Hamilton Farmers’ Market unless such expansion is cost neutral to the City; and

(d) That the By-law to Amend By-law No. 10-209, being a By-law to Regulate the Hamilton Farmers’ Market, attached hereto, be passed.

Attachment
CITY OF HAMILTON

BY-LAW NO. __________

To Amend By-law No. 10-209, a By-law to Regulate the Hamilton Farmers’ Market

WHEREAS Council enacted a By-law to regulate the Hamilton Farmers’ Market being City of Hamilton By-law No. 10-209;

AND WHEREAS this By-law provides for amendments to the duration of the contract for the café and to the size of certain stalls in the Hamilton Farmers’ Market;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Subsection 6(4) of By-law No. 10-209 is deleted and replaced with the following new subsections 6(4) and 6(4a):

6(4) Except as provided in subsection 6(4a), every contract shall be for a period of no more than twelve months.

6(4a) Where the Market Supervisor has selected a person to be a stallholder with the purpose of operating a café, such contract shall be for a period of no more than sixty months.

2. Subsection 6(5) of By-law No. 10-209 is deleted and replaced with the following new subsections 6(5), 6(5a) and 6(5b):

6(5) Except as provided in subsection 6(5a), every stallholder shall occupy a stall having a frontage of no more than 24 feet.
6(5a) Where the Market Supervisor determines there are sound business or logistical reasons which make it necessary for a stallholder to occupy a stall of more than 24 feet, the Market Supervisor may assign to such stallholder a stall having a frontage of no more than 30 feet.

6(5b) The Market Supervisor shall not permit more than ten stalls having a frontage of more than 24 feet to be operated at any given time.

3. This By-law comes into force on the day it is passed.

PASSED this day of , 2011.

R. Bratina
Mayor

R. Caterini
City Clerk