



Hamilton

REPORT 12-002

HAMILTON FARMERS' MARKET SUB-COMMITTEE

Monday, April 30, 2012

10:00 a.m.

**Council Chambers
Hamilton City Hall**

Present: Councillor J. Farr, Chair
Councillors C. Collins and R. Pasuta

Also Present: J. A. Priel, General Manager of Community Services
A. Bradford, Acting Director of Tourism and Culture
B. Atanas, Acting Market Manager
T. Tollis, City Treasurer
E. Filippone, Legal Division
I. Bedioui, City Clerk's Office

**THE HAMILTON FARMERS' MARKET TRANSITION SUB-COMMITTEE PRESENTS
REPORT 12-002 TO THE EMERGENCY AND COMMUNITY SERVICES COMMITTEE
AND RESPECTFULLY RECOMMENDS:**

1. Appointment of Chair

That Councillor Jason Farr be appointed Chair of the Hamilton Farmers' Market Sub-Committee.

2. Privatization of the Hamilton Farmers' Market (Item 7.1)

- (a) That the terms of reference for a Request for Information respecting the Privatization of the Hamilton Farmers' Market, hereto attached as Appendix "A", be approved and issued in a form satisfactory to the Procurement Manager;
- (b) That staff report back to the General Issues Committee by June 30, 2012 with the results of the Request for Information respecting the Privatization of the Hamilton Farmers' Market.

3. Authority to Hear and Decide on Requests for Reconsideration (Item 8.1)

Whereas section 11 of the Market By-law currently provides a stallholder whose contract has been terminated or an applicant for a stall whose application has been rejected, with a right to submit a request to appear as a delegation before the Hamilton Farmers' Market Sub-committee for reconsideration of the termination or rejection;

And whereas at its meeting of February 2, 2012, the General Issues Committee directed staff to explore alternative forms of governance for the Hamilton Farmers' Market;

And whereas during this period of transition, it is desirable to amend the reconsideration process;

And whereas requests for reconsideration may be heard more expeditiously if such requests are made to the General Manager of Community Services;

Therefore be it resolved:

- (a) That where a stallholder's contract is terminated in accordance with its terms or otherwise, or where a person's application for a stall has been rejected, the stallholder or person, as the case may be, may, within fifteen (15) days of being notified of the termination or rejection, make a formal written request to meet with the General Manager of Community Services for reconsideration of the termination or rejection;
- (b) That the General Manager of Community Services will review the matter and may affirm the termination or rejection or provide other direction on the matter;
- (c) That the decision of the General Manager of Community Services, which may be made orally or in writing, will be final;
- (d) That the necessary by-law be passed to reflect the resolution in Subsections (a), (b) and (c), in a form satisfactory to the City Solicitor;
- (e) That the by-law in Subsection (d) be effective on the date it is passed.
- (f) That the Terms of Reference of the Hamilton Farmers' Market Sub-Committee be amended to reflect the resolutions in Subsections (a), (b) and (c).

FOR INFORMATION:

(a) CHANGES TO THE AGENDA

The Clerk advised that Item B, the appointment of the Vice-Chair is not required as the Sub-Committee is composed of only three members.

The Agenda of the April 30, 2012 Hamilton Farmers Market Sub-Committee meeting was approved as amended.

(b) DECLARATIONS OF INTEREST

There were none declared

(c) APPROVAL OF MINUTES OF THE PREVIOUS MEETING

The Minutes of the March 19, 2012 meeting were approved as presented.

(d) DISCUSSION ITEMS

(i) Privatization of the Hamilton Farmers' Market (Item 7.1)

Tony Tollis responded to questions from the Sub-committee.

The Sub-committee discussed and asked questions regarding the following:

- Will the Request for Information include the Market budget?
- How much is the City subsidizing the Market?
- What will happen to the current City employees if the Market is privatized?
- Why the projected increased costs in the budget?
- If the Market is privatized, who would receive the complaints?
- Would a new operator establish new rules or would they adopt the City's Market By-law?
- Will the income of the Market increase when the outdoor market is added and through other possible expansions?
- What is the status of the stall waiting list?
- How will the Request for Information be advertised?
- What is the status of the Market sign to improve visibility?

Staff confirmed that once the responses have been received to the Request for Information, they will present all the details to Members of the General Issues Committee in order that they can make an informed decision.

On a motion, the Sub-Committee approved the staff report.

On a motion, Item A (1) (2), (3) and (4) was removed from the Outstanding Business List.

(e) MOTIONS

**(i) Authority to Hear and Decide on Requests for Reconsideration
(Item 8.1)**

Joe-Anne Priel responded to questions from the Sub-Committee regarding the motion to give the General Manager the authority to hear and decide on the requests for reconsideration of the Market Manager's decisions and noted that she would meet with the stallholder, or applicant, face to face and would seek input from Legal staff.

On a motion the Sub-Committee amended Item 8.1 by adding subsection (f) as follows:

- (f) That the Terms of Reference of the Hamilton Farmers' Market Sub-Committee be amended to reflect the resolutions in Subsections (a), (b) and (c).

The Item was approved as amended.

(f) GENERAL INFORMATION

The Sub-Committee requested an update respecting the interim Market Manager position and staff indicated that an announcement will be made soon and the candidate should be starting this week.

The Sub-Committee also discussed a tweeter and face book page for promoting the Market. Staff also indicated that the Friends of the Market have agreed to assist in this regard.

It was also noted that the Hamilton Farmers' Market was recognized as second best in Ontario by the Executive Director for the Ontario Culinary Tourism Alliance, Rebecca LeHeup.

(g) ADJOURNMENT

The Hamilton Farmers' Market Sub-committee meeting adjourned at 10:50 a.m.

CARRIED

**Councillor J. Farr, Chair
Hamilton Farmers' Market Sub-committee**

**Ida Bedioui, Legislative Co-ordinator,
Hamilton Farmers' Market Sub-Committee
April 30, 2012**

TERMS OF REFERENCE – REQUEST FOR INFORMATION

OPERATION / MANAGEMENT OF THE HAMILTON FARMERS' MARKET

1. Hamilton Farmers' Market History, Vision, Mission and Principles

1.1 History

The Market was originally founded in 1837, at the corner of York & James Streets. The Market has been in its current indoor location next to the Hamilton Public Library since August 1980. As a historic community gathering place the Market offers locally grown and produced food, a wide variety of local and international food products, artisan wares and related programming. Much more than a facility, the Market is a cultural destination in the downtown core and has been a part of this community for 175 years.

However, the Market had not kept pace with the changing preferences of the food shopping public over the past decade, nor met its potential to be a destination in the downtown core. Recognizing that the Hamilton Farmers' Market can play a much broader and important role in the City's future, the City has adopted a new vision, mission and operating principles for the Market and has made a capital investment of \$7.1M to revitalize its location, improve its street presence, provide full accessibility, functional capacity and reach its potential as a downtown destination. During the construction period, the Market was temporarily located in Jackson's Square. The facility reopened in February 2011.

1.2 Vision, Mission and Principles

Vision

Hamilton has a proud agricultural history and is a place where:

- ♦ Local food growers and producers prosper by finding local marketplaces for their products
- ♦ Every resident has access to high quality, nutritious, locally grown food
- ♦ Residents understand the value of strengthening the local economy by purchasing locally grown food
- ♦ Relationships and opportunities are built between farmers, food producers, downtown merchants, consumers, and the Hamilton community

**APPENDIX "A" TO HAMILTON FARMERS' MARKET SUB-COMMITTEE
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The Hamilton Farmers' Market plays a leading role in creating a healthy community and a prosperous local food system.

Mission

As a historic community gathering place the Hamilton Farmers' Market offers local grown and produced food and food products. It celebrates Hamilton's agricultural history and diversity by growing, nourishing and inspiring community.

Principles

The Hamilton Farmers' Market....

- values local farmers and local food producers
- offers a diversity of fresh products
- fosters an economically, ecologically and socially sustainable community
- is a sustainable and viable operation

2. Current Operation and Business Model

2.1 Overview

The Market's operation is primarily governed by municipal bylaw and by contract with each stallholder.

There are approximately 70 vendors at the Market each of whom is an independently owned and operated business. Each vendor enters into an annual contract with the City for use of an assigned stall as retail space. The Markets' operation is subsidized by approximately \$240,000 per year by the tax levy.

The Market is located at 35 York Blvd in downtown Hamilton. The current Hours of Operation are:

Tuesday: 7 am - 6 pm

Thursday: 7 am - 6 pm

Friday: 8 am - 6 pm

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Saturday: 6 am - 6 pm

The Market is closed on Mondays, Wednesdays, Sundays and all statutory holidays.

The facility includes a community demonstration kitchen/programming space; designated stalls; community information stall; washrooms; Market office; public art and the historic Birks Clock. There are seasonal outdoor stalls.

Programming is an essential part of the Market's role as a destination. Examples of events and cooking programs include:

- Free Saturday Morning Programs: Kids in the Kitchen & Market Fresh Cooking Demonstration;
- Cooking classes and educational demonstrations;
- Music and Performers;
- Lunch 'n' Learns; and,
- Seasonal events and contests.

Currently, a Market Manager employed by the City of Hamilton manages and facilitates the following:

- Administration
 - Staff Supervision
 - Budget Development and Management
 - Stallholder contracts and relations
 - Market product development
 - Programming
 - Advertising and Promotion
 - Physical Plant operation
-
- Under the current operating model, the Market Manager reports to the Community Services Department. A Market Sub-Committee composed of 3-5 members of Council approves and recommends updates to the Market By-law, though its role changes from time to time.

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This business model does not consistently facilitate timely decision making nor the operational flexibility needed to improve the effectiveness of the management of the Market and support its business operations.

2.2 Key Stakeholders

The non profit corporation Stallholder's Association is composed exclusively of vendors of the Market and was established to function as a collective voice of the stallholders and as a point of contact between vendors and Market management.

The Friends of the Hamilton Farmers' Market is a community based group that periodically advocates on behalf of market users and stallholders.

3.0 Financial Information

The attached appendices contain all pertinent financial information concerning the Market and its operation. They are as follows.

Appendix "A" - Stall Information

Appendix "B" - Maintenance Costs

Appendix "C" - Operating Costs and Revenues

Appendix "D" – Staffing Information

4.0 Council Resolution and Expression of Interest Information and Objectives

In February 2012, Council approved the Following Recommendation:

5.1 a. "That staff be directed to conduct a feasibility study on Privatizing the management of the Hamilton Farmers Market and provide a report back to the General Issues Committee for Consideration".

OBJECTIVE: The overriding objective of the above recommendation is to reduce or eliminate the current subsidy (\$212,000) that the City pays to operate the Hamilton Farmers Market.

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A major step in conducting a feasibility study on the privatization of the management of the Hamilton Farmers Market is to determine the private/public sector interest in the operation of the market. This "Request for Information" is designed to solicit two things:

- 1) Parties interested in operating the market.
- 2) If there is interest, under what conditions and what type of relationship would they prefer to have with the City. As well a description of the main principles for that relationship.

5.0 Next Steps

One or more meetings may be held with interested parties, as determined by the City, to provide an opportunity for interested parties to ask questions related to the Market as applicable to the Expression of Interest. After receipt of submissions pursuant to the terms of the Request for Information, the City will determine the feasibility of a private or private/public operation of the Market and will further determine next steps, which may include the issuance of a formal Request for Proposals. Regardless of the interest expressed through the Request for Information, it is within Council's sole discretion whether to issue a formal Request for Proposals, to continue with the current operations of the Market, or to take any other action."

6.0 Timetable -----TBD-----

HAMILTON FARMERS MARKET STALL INFORMATION

APPENDIX "A"

Stall #	Business Name	# of sq. feet	Price per Square Foot 2012	Yearly Rent 2012
10	Agro Seafood		24.53/sq. ft.	
9	Baltic Bread Products Limited		24.53/sq. ft.	
34	Pizza Creations/Gelato Fantasy (9mth. contract)		24.53/sq. ft.	
35	BMG Gourmet Foods 9 mth. Contract)		24.53/sq. ft.	
48	Vacant		24.53/sq. ft.	
40	Blackberry Hill Farm		24.53/sq. ft.	
27	Can Asia		24.53/sq. ft.	
39	Ercilia's Fine Foods		24.53/sq. ft.	
44 A	Florsam		24.53/sq. ft.	
49 B	Future Bakery		24.53/sq. ft.	
26	Genuine Bread House Bakery		24.53/sq. ft.	
56	Huong Trang Fish Market		24.53/sq. ft.	
7	Jantzi Cheese		24.53/sq. ft.	
33	Karlik Bakery		24.53/sq. ft.	
28	Latin Goods and Produce		24.53/sq. ft.	
41 B	Lee's Fresh Produce		24.53/sq. ft.	
51 A	Leslie's Deli		24.53/sq. ft.	
21	Lina's European Pastries		24.53/sq. ft.	
2	Multi Traditional Meat & Deli		24.53/sq. ft.	
49	Blair Elements / Nubian Enterprises		24.53/sq. ft.	
51 B	Odessa Olive Oils and Vinegars		24.53/sq. ft.	
32B	Our Fathers Farm		24.53/sq. ft.	

HAMILTON FARMERS MARKET STALL INFORMATION

APPENDIX "A"

53	Romano Cheese	24.53/sq. ft.
14	Spera's Produce	24.53/sq. ft.
57	Temple Greenhouses	24.53/sq. ft.
55	Thango Meats	24.53/sq. ft.
52	Vos Eggs	24.53/sq. ft.
4	Angela's Deli	27.59/sq. ft.
8	Anissa's Chicken Centre	27.59/sq. ft.
47	Bentford Orchards	27.59/sq. ft.
13	Bristol's Produce	27.59/sq. ft.
44	British Baked Goods	27.59/sq. ft.
38	Buttrum's	27.59/sq. ft.
23	Candi Werx	27.59/sq. ft.
5	Charlie's Corner Produce	27.59/sq. ft.
17	Country Green Garden	27.59/sq. ft.
24 B	Cupcake Diner	27.59/sq. ft.
19	de la terre bakery	27.59/sq. ft.
45	Fleetwood Farms	27.59/sq. ft.
25 A	Forever Green	27.59/sq. ft.
50	Global Foods & Fresh Produce	27.59/sq. ft.
16	Hieng's Produce	27.59/sq. ft.
22	Jean's Originals	27.59/sq. ft.
1	Jepson's Meats	27.59/sq. ft.
43	Josie's Flowers	27.59/sq. ft.

HAMILTON FARMERS MARKET STALL INFORMATION

APPENDIX "A"

42 A	Julia Serna Columbian Coffee		27.59/sq. ft.	
11	Julia's Poultry & Eggs		27.59/sq. ft.	
6	Ken's Chicken		27.59/sq. ft.	
15	Lesley's Flowers		27.59/sq. ft.	
24 A	Market Café		27.59/sq. ft.	
18	Petals & Ink		27.59/sq. ft.	
32 A	Ray's Health Food		27.59/sq. ft.	
12	Red Hill Coffee		27.59/sq. ft.	
3	Sam & Son International Cheese		27.59/sq. ft.	
36	Sam the Produce Man		27.59/sq. ft.	
37	Sam's Cheese and Meat's Ltd		27.59/sq. ft.	
59	Sensational Samosa Ltd.			
31	Tilly's Produce / Tilda's Tropical Delights		27.59/sq. ft.	
41 A	Truong's Produce		27.59/sq. ft.	
29	Vinnie's by Fresh Pasta (9 mth. Contract)		27.59/sq. ft.	
46	Williams Bros.		27.59/sq. ft.	

HAMILTON FARMERS MARKET STALL INFORMATION

APPENDIX "A"

Market Court

D / 42	Dilly's		24.53/sq. ft.	
B	Multi Traditional Bakery		24.53/sq. ft.	
A	Vacant		27.59/sq. ft.	
C	Vacant		27.59/sq. ft.	

Yearly Rent
2012

of sq. feet

	TOTAL	20,449.92		528,625.54
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APPENDIX "B"

Budget Details by DeptID - Draft/Requested

Year: 2012

Version: Draft

Dept: 792629: Hamilton Farmers Market Mntnce

Department	Account	2010 Actual	2011 Actual	2012 Budget Draft
792629: Hamilton Farmers Market Mntnce	Net Levy	269,487	223,181	204,030
792629: Hamilton Farmers Market Mntnce	Net Levy	269,487	223,181	204,030
	Expense	269,487	223,181	240,030
	MATERIAL AND SUPPLY	14,829	35,899	6,500
	53050: Office Supplies	222	-	-
	53051: Operating Supplies	24	1,445	-
	53059: Cleaning Supplies	5,795	12,397	6,000
	53070: Signs	-	242	-
	53074: Small Tools	-	189	-
	53405: Computer Hardware	543	387	-
	53445: Operating Equipment	4,763	1,391	-
	54720: Repairs-Equipment	-	347	-
	54728: Fire Equipment Repair	384	(267)	-
	54740: Repairs & Maintenance-Plumbing	740	1,059	-
	54915: General Maintenance/Repairs	2,359	18,709	-
	54930: Maintenance Contracts	-	-	500
	BUILDING AND GROUND	212,002	118,914	163,320
	54401: Building Repairs	2,731	-	-
	54412: Elevator/Escalator-R&M	3,039	3,382	-
	54430: Materials	-	443	-
	54435: Painting	-	61	-
	54443: Repairs-Alarm System	-	485	-
	54445: Repairs-Electrical	822	78	-
	54461: ESA Inspection	-	-	250
	54605: Building Cleaning	-	321	-
	54820: Property Cleanup/Maintenance	-	272	-
	56091: Garbage Collection	11,872	33,858	35,000
	56115: Heating Fuel - NG	17,366	15,974	11,510
	56120: Hydro	163,149	52,264	86,660
	56180: Water & Sewer	3,957	3,052	12,350
	56202: Security	9,066	8,725	17,550
	CONSULTING	-	507	-
	55801: Consulting Services	-	507	-
	CONTRACTUAL	841,432	10,177	12,000
	55358: Rent-Offices & Buildings	831,300	-	-
	55401: Advertising & Promotion	-	-	-
	55916: Contractual Services	-	462	-
	55926: Elevator Contract	3,012	7,478	11,000
	55944: Pest Control	-	2,237	1,000
	55960: Refrigeration Contract	7,120	-	-
	RESERVES / RECOVERIES	(799,498)	56,577	56,510
	59450: DIR_Facilities Recovery	31,802	56,577	56,510
	59804: Cap-Cur_Recovery_Rents & Finan	(831,300)	-	-
	COST ALLOCATIONS	-	-	-
	59540: IND_Provincial Offenses - RCL	-	-	-
	FINANCIAL	722	1,107	1,700
	52245: Vandalism	-	(0)	-
	55744: Inspection Fees	512	1,002	1,500
	55748: Licence Fees	210	105	200
	Revenue	-	-	(36,000)
	FEES AND GENERAL	-	-	(36,000)
	48300: Miscellaneous Revenues	-	-	(36,000)
	RESERVES	-	-	-
	47001: Contrib Frm Capital To Current	-	-	-

Budget Details by DeptID - Draft/Requested

Year: 2012
 Version: Draft
 Dept: 720400: Hamilton Farmers Market

Department	Account	2010 Actual	2011 Actual	2012 Budget Draft
720400: Hamilton Farmers Market	Net Levy	(123,004)	42,066	7,694
720400: Hamilton Farmers Market	Net Levy	(123,004)	42,066	7,694
	Expense	383,073	523,251	513,274
	EMPLOYEE RELATED COST	334,054	396,463	360,664
	51001: Salaries	72,833	131,487	74,634
	51101: Wages	155,889	173,405	203,138
	51106: Wages - Overtime	-	6,006	-
	51704: Shift Premium	2,645	2,354	3,160
	51706: Vacation Pay	3,954	184	3,527
	51707: Statutory Holidays	2,849	1,979	400
	51711: Retroactive Payments	-	2,279	-
	51802: Pensions - Omers	14,040	21,996	20,353
	51803: Sick Pay 100%	1,822	474	-
	51811: Government Benefit	18,472	23,065	22,785
	51815: Employer Benefits	19,997	23,180	21,906
	51821: Pay In Lieu Of Benefits	3,133	3,135	4,386
	51898: WSIB Benefit Recovery	3,673	3,690	4,154
	53127: Professional/Memberships/Dues	250	250	250
	56315: Mileage	781	412	700
	56325: Travel	26	-	-
	56328: Conferences	95	-	300
	56401: Training	47	1,108	-
	56510: Parking Expenses	33,546	1,460	960
	MATERIAL AND SUPPLY	10,276	15,145	36,930
	53022: Hobby/Craft/Art Supplies	-	53	-
	53035: Medical Supplies	-	15	50
	53050: Office Supplies	484	941	100
	53051: Operating Supplies	289	546	1,000
	53054: Operating Supplies Kitchen	-	10	-
	53059: Cleaning Supplies	-	8	-
	53070: Signs	6,823	4,900	3,900
	53251: Computer Software	461	-	-
	53445: Operating Equipment	742	5,972	30,400
	53591: Furniture And Fixtures	-	1,039	-
	53606: Food / Meals	-	230	-
	53747: Merchandise	-	-	500
	53910: Boot Allowance	-	130	-
	53925: Protective Clothing	96	-	300
	53940: Uniforms And Clothing	65	1,033	430
	54915: General Maintenance/Repairs	-	2	-
	55606: Postage/Freight/Courier	867	130	-
	55610: Printing And Reproduction	30	85	250
	57548: Meeting Expenses	420	50	-
	BUILDING AND GROUND	1,217	634	600
	54401: Building Repairs	532	-	-
	54445: Repairs-Electrical	-	230	-
	55200: Relocation/Renovation Expens	220	-	-
	56147: IP Telephony Charges	465	404	500
	CONSULTING	916	(16)	-
	55801: Consulting Services	916	(16)	-
	CONTRACTUAL	34,275	106,052	111,780
	55301: Car/Vehicle Rental	-	155	-
	55332: Rent-Cellular Phones	754	998	780
	55352: Boiler & Water Heater Rentals	-	3,775	-
	55358: Rent-Offices & Buildings	-	42,517	52,000
	55401: Advertising & Promotion	33,464	34,373	42,000
	55916: Contractual Services	43	1,316	-
	55931: Cont Services Temp Agency	-	270	-
	57614: Community Programming	-	21,449	15,000
	57681: Program Activities	13	1,200	2,000
	RESERVES / RECOVERIES	2,336	3,068	2,960
	59433: DIR_HardwareLease/Mtce Recovery	1,050	1,859	1,900
	59434: DIR_RICOH Printers Recovery	1,286	1,190	1,000
	59460: DIR_Postage/Freight/Courier	-	18	60
	59461: DIR_Printing and Reproduction	-	-	-
	COST ALLOCATIONS	-	1,906	450
	58962: Inactive - C.A. - Traffic	-	1,906	450
	Revenue	(506,077)	(481,186)	(505,580)
	FEES AND GENERAL	(506,077)	(481,186)	(505,580)
	45498: Donations	-	(100)	-
	45535: Merchandise Sales	(1,624)	(219)	(200)
	45593: Program Registration Fees	-	(1,825)	-
	45641: Union Fee Billings	(402)	(804)	-
	46040: Daily Rentals - Market	(1,715)	(1,064)	(6,000)
	46072: Monthly Rentals - Market	(602,336)	(477,174)	(499,380)
	47614: Sale of Unleaded Fuel	-	-	-

APPENDIX "D"

2012 BUDGET STAFFING INFORMATION

Position	Union Code	Job Grade	FT/PT	2012 FTE	Budgeted hours, Yr	Budgeted hours, Wk	Current step	<<< (+) > (+)	
								Total comp	GRAND TOTAL INCLUDING BENEFITS
				5.47				284,200	354,884
Market Supv- VACANT	C3	5	FT	1.00	1827	35	2	73,149	93,832
Loading Dock Attendant	C1	CR	FT	1.00	2088	40	0	48,350	62,607
Market Cleaner	C1	BR	FT	1.00		40	0	40,875	53,700
Attendant II	C1	B	FT	1.00	2088	40	3	39,877	52,498
Market Cleaner	C1	B	PT	0.22	450	0	2	9,572	10,382
Market Presentation Coord	C1	G	PT	0.75	1370	0	2	38,990	42,877
Market Clerk	C1	H	PT	0.50	910	0	3	33,388	38,987