



Subject: Farmers' Market MOU and Amended By-law

To: Council

From: Chief Administrative Office

Report Number: 2021-100

Meeting Date: April 26, 2021

Recommendation:

That Chief Administrative Office Report 2021-100 be received; and

That Council approve a Memorandum of Understanding (MOU) between the City of Port Colborne and the Downtown Business Improvement Area (Downtown BIA) regarding the Port Colborne Farmers' Market Operations; and

That a by-law to enter into a MOU with the Downtown BIA and a by-law amending By-Law No. 6500/67/17 Being a By-law to Establish and Regulate the Port Colborne Farmers' Market, be brought forward.

Purpose:

The purpose of this report is to seek Council approval to enter into a Memorandum of Understanding (MOU) between the City of Port Colborne (City) and the Port Colborne Downtown Business Improvement Area (Downtown BIA) regarding the transition and management of the Port Colborne Farmers' Market. The report also seeks approval of the amended Farmers' Market By-law.

Background:

At the March 8, 2021 meeting, Port Colborne Council approved the Downtown BIA's proposal to manage and operate the Port Colborne Farmers' Market as an eighteen-month pilot project and directed staff to draft a MOU and amend the current Farmers' Market By-law.

Discussion:

The Port Colborne Farmers' Market has a long and valued tradition in Port Colborne. The Downtown BIA will be assuming operations of the Farmers' Market on an eighteen-month pilot project. To ensure a smooth transition a MOU has been drafted. The City will remain the governing body for the Farmers' Market and will provide support.

The eighteen-month pilot project will begin on April 30, 2021 and will end on September 30, 2022. Upon commencement of the term, the City and the Downtown BIA will re-evaluate the partnership and the potential renewal of the MOU will be considered.

In addition to the MOU, the Farmers' Market by-law had to be updated to reflect the new reporting structure, the new hours of operation, and to clarify the financial reporting.

The MOU states that the Downtown BIA is responsible for the following:

- Gaining approval from Niagara Region Public Health to begin operating the Farmers' Market. Under COVID-19 restrictions, Public Health must approve the number of vendors and the allowable capacity of people inside the market. This information must be communicated to the City.
- On-site operations including but not limited to set-up, tear-down, traffic control, signage, and compliance with the by-law.
- Administrative responsibilities including but not limited to correspondence, vendor recruiting, processing invoices, and marketing.
- Recruiting and managing volunteers as needed for traffic control and other market responsibilities.
- Adhering to the City of Port Colborne Farmers' Market By-law and Farmers' Market Ontario Regulations.
- Ensuring all vendors submit certificates of insurance (COI) naming the City of Port Colborne as additionally insured. All COI's must be sent to the City. All vendor applications must be shared with the City as well.
- Vendors that have been at the Farmers' Market in prior years must be given preference to attend the market again.
- Expansion requests must be made to the City at the completion of the pilot project term.
- Register and pay for annual membership and insurance costs to Farmers' Market Ontario.

The MOU states that the City is responsible for the following:

- Continue normally scheduled maintenance efforts including street sweeping, park maintenance, garbage and snow removal.
- The City will provide road barricades for the closure of Market Square.
- City Event staff will work with the Downtown BIA for compliance with the by-law and this MOU. Event staff will keep in contact regularly to support the Farmers' Market.

- Assist with promotion of the Farmers' Market at the request of the Downtown BIA.
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Financial Implications:

The City of Port Colborne will provide \$2,500 in funding, allocated from the Joint Ventures/Special Projects budget. This funding will provide the support the Downtown BIA needs to be up and running for the 2021 season. It will also help stabilize and grow the Farmers' Market moving forward.

Under this new partnership, the City will still incur costs from vendor hydro usage. With vendor revenue now going to the Downtown BIA, the City will recover the hydro costs through the following:

- Hydro fees have been recovered by the City through an additional vendor fee, that was paid by vendors who required access to hydro. The Downtown BIA will continue to charge vendors the hydro access fee. This revenue will be remitted to the City in order to recover the hydro costs the City will still incur.
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Conclusion:

At the March 8, 2021 meeting, Council directed staff to move forward with the Downtown BIA managing the Farmers' Market Operations. Staff have drafted a MOU and amendments to the Farmers' Market By-Law to help facilitate this transition.

Appendices:

- a. Draft Farmers' Market Amended By-Law
- b. Draft Farmers Market MOU By-Law
- c. Farmers Market MOU

Respectfully submitted,

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Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final approval is by the Chief Administrative Officer.