



Report to: General Committee

Date Report Authored: June 8, 2011

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**SUBJECT:** Stiver Mill Farmers' Market Review  
**PREPARED BY:** Victoria McGrath x 7516, Katie Burns x 5283

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**RECOMMENDATION:**

- 1) That the staff report titled Stiver Mill Farmers' Market Review, dated June 8, 2011 be received;
- 2) And that following two successful seasons, the Stiver Mill Farmers' Market be established as an annual event;
- 3) And that permission be granted to the Unionville Village Conservancy (UVC) by way of an annual Community Event Agreement to use Town of Markham property at the Stiver Mill on Station Lane in Unionville on Sundays from 10 am to 4 pm from June to Thanksgiving, in a form satisfactory to the Chief Administrative Officer and the Town Solicitor;
- 4) And that the Mayor and Clerk be authorized to sign the Community Event Agreement with the UVC;
- 5) And that staff work with the UVC, the Markham Village BIA and other stakeholders to promote Markham farmers' markets and the local food agenda;
- 6) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

**EXECUTIVE SUMMARY:**

Not applicable.

**PURPOSE:**

The purpose of the report is to establish the Stiver Mill Farmers' Market as an annual event at the Stiver Mill property. An annual Community Events Agreement will have to be executed prior to the beginning of each market season outlining specific details such as dates, insurance, by-laws, zero waste, parking, and portable toilets. Future reports to General Committee will come forward if there are proposed changes to the agreement or to address specific issues as they may arise.

**BACKGROUND:**

The Stiver Mill Farmers' Market was established as a trial in the summer of 2009 by the Unionville Village Conservancy (UVC). Following a 2009 post-market review, permission was granted for a second year in 2010. Based on the success of these two years, the UVC plans to continue the Farmers' Market as an annual event.

The UVC is a fully incorporated not-for-profit Ontario corporation committed to the restoration of the Stiver Mill. The UVC is volunteering a range of professional expertise, operating the Stiver Mill Farmers' Market and is actively and successfully seeking grants for UVC operations.

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**OPTIONS/ DISCUSSION:****Review of 2009 and 2010 Farmers' Markets**

The Stiver Mill Farmers' Market was well-received by the community and provided an opportunity for the community to gather, connect and enjoy the market. The 2010 market included twenty booths, comprising:

- Four local farmers from Markham and Stouffville providing produce, fruit, pies and preserves, meats, honey, sauces and kettle corn
- Two BBQs
- Local artisans, pro bono animal aid, plus promotion of local businesses/professions
- Community associations

It is estimated that 8,000 -10,000 people attended the Farmers' Market each season.

Booths for 2009 and 2010 cost \$30 for the first booth and \$20 for subsequent booths.

The rental rate will increase by \$10 per day for 2011.

The Farmers' Market offered cotton bags, which lessened plastic bag use and included a hand washing facility-washroom on site at all times of market operations for vendors and public alike. All vendors were responsible for their own garbage removal. The waste generate by attendees was in accordance with the zero waste event policy and picked up weekly as part of the Annual Community Event Agreement. Most attendees of the market walked from home or the Main Street. Parking was and will continue to be monitored and has generally not been a problem.

By establishing the Stiver Mill Farmers' Market as an annual event, future reports to General Committee regarding the Farmers' Market would only come forward when a specific issue needed to be addressed or if there is a proposed change in the current agreement. Establishing the Farmers' Market as a regular event would also provide security to the Unionville Conservancy allowing for longer-term planning and investment into the Farmers' Market.

**Location**

The Farmers' Market is located at the Stiver Mill building (See Map, Figure 1). The property is located within the Unionville Heritage Conservation District. The UVC are satisfied with this location and wish to continue the Farmer's Market in the same location. Staff recommends the continued use of this site.

**Annual Community Event Agreement**

A formal agreement (Agreement) with UVC and the Town of Markham was signed for 2009 and 2010 and will be required for future seasons even after establishing the Farmers' Market as an annual event. The Town's Legal Department and the Business and Risk Analyst in Finance have provided and will continue to provide guidance in establishing the appropriate documentation (with UVC and, if necessary, the market vendors) to protect the Town against legal liability. The 2009 and 2010 agreement with the UVC addressed the following issues:

- The Town was named as an additional insured party on the policies of all parties involved in the market (farmers/vendors, UVC, etc.)

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- The farmers/vendors had a minimum of \$2 million of Commercial General Liability (CGL) insurance which must include product liability
  - The Agreement with UVC detailed who is responsible for property damage to the Town facilities, and it was not the responsibility of the Town
  - The Agreement included a hold harmless clause, holding the Town harmless for the activities of the market
  - The Agreement included reference to the need for the UVC to comply with the Town's Special Events Policy

Agreements in future seasons will be required to address all of these issues.

### **By-Laws Applying to Farmer's Markets on Town Property**

In order to facilitate the Farmers' Market at this location, the 2009 and 2010 agreement required the UVC to comply with all applicable Town By-Laws. All By-Laws were complied with in 2009 and 2010 and there were no complaints from the neighbours. The future Agreements with the Stiver Mill Farmers' Market will require the UVC read and comply with all applicable Town By-Laws.

The following By-Laws apply to the use of Town property at the Stiver Mill:

#### **By-Law 202-303 (By-Law to License and Regulate Mobile Vendors)**

- By-Law 202-303 applies to the proposed Farmers' Market and should be referenced in any Agreement between UVC and the Town.
- Pursuant to Section 2 of the By-Law, no mobile vendor shall sell or offer to sell any product in the municipality unless such person is in possession of a license issued pursuant to this By-Law. However, no license would be required under this By-Law for the purposes of the proposed Farmers' Market, as the proposed Farmers' Market would fall under the exemption for "products sold....in conjunction with and part of a community festival" under Section 7.

#### **By-Law 279-96 (By-Law to Regulate the Conduct of Persons Using the Grounds at Town Owned Property)**

- By-Law 279-96 applies to the proposed Farmers' Market and should be referenced in any Agreement between UVC and the Town.
- UVC should not be exempt from this By-Law. However, since this By-Law provides that no person may "solicit or engage in any trade, occupation, business or calling" while on Town property without a written permit issued by the Town, the "written permit" to be issued by the Town could be included in the Agreement between UVC and the Town

#### **By-Law 167-92 (By-Law for the General Management and Regulation of Parks within the Town of Markham)**

- By-Law 167-92 applies to the proposed Farmers' Market and should be referenced in the Agreement between UVC and the Town.

### **Assistance to the Stiver Mill Farmers' Market**

The Town assistance provided to the Stiver Mill Farmers' Market included site preparation in 2009 and annual site maintenance, and promotion such as the Town Page

in the Economist & Sun and the Town website (i.e. calendar), posters in community centres and banners. There was a one-time investment to prepare the site in 2009 and annual site maintenance will be required every year. The Operations Department cost breakdown is attached as Appendix 1. In an effort to promote the farmers' markets, as part of the Healthy Communities action plan under the Environment pillar of Building Markham's Future Together, Markham provided a banner for both the Markham Village BIA and the Stiver Mill Farmers' Market in 2009 and provided space on the Main Streets to hang the banners in both 2009 and 2010. The Farmers' Market and their vendors provided materials such as canopies, barbeques and weekly set-up and take-down including extra waste removal, tents or supplies, electrical supply, barricades, wash stations and insurance.

**Neighbour Concerns**

Generally, the neighbours around the Stiver Mill Farmers' Market were supportive of the market location. However, two neighbours fronting on the Farmers' Market site were impacted in terms of loss of privacy during the operation of the Farmers' Market in the 2009 season. Privacy fencing has since been constructed to address this issue in 2010. Neighbour concerns will continue to be heard by both the UVC and the Town and collaborative solutions will be sought.

**Stiver Mill Farmers' Market as an Annual Event**

The UVC has expressed a desire to continue operating the Stiver Mill Farmers' Market and, if this use is approved, will enter into an agreement with the Town to use the same location for future seasons. Staff has no concerns with the UVC continuing to use this location for the Stiver Mill Farmers' Market, however, it is expected that the UVC will comply with the Town's Special Events Policy which includes providing a zero waste venue, insurance and portable toilets.

**CONCLUSION:**

In conclusion, the Stiver Mill Farmers' Market was successful in both 2009 and 2010. Staff recommend that permission be granted to the UVC by way of a Community Event Agreement to use Town of Markham property, and that the Stiver Mill Farmers' Market continue to comply with the Town's Special Events Policy. By way of making the Stiver Mill Farmers' Market an annual event, reports to General Committee will only come forward to address specific issues that arise or changes to the terms of the annual agreement. An annual agreement will still need to be executed every year to the satisfaction of the Chief Administrative Officer and the Town Solicitor and authorized by the Mayor and Clerk. Staff do not recommend providing direct financial assistance to the Stiver Mill Farmers' Market.

**FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)**

Operations' staff provided a breakdown of costs associated with supporting the Stiver Mill Farmers' Market. In 2009, it included a one-time investment into the site and there is an annual site maintenance cost (Appendix 1).

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## **HUMAN RESOURCES CONSIDERATIONS**

Not applicable.

## **ALIGNMENT WITH STRATEGIC PRIORITIES:**

With the environment as a strategic priority, as part of the action plan promoting Healthy Communities, farmers' markets have been identified as an important element of local food promotion and security.

## **BUSINESS UNITS CONSULTED AND AFFECTED:**

Sustainability Office

Recreation

Operations

Asset Management

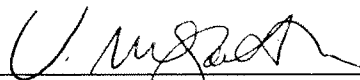
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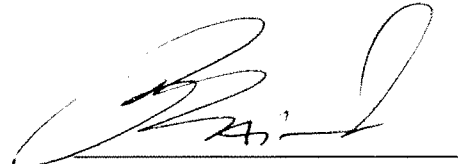
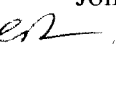
By-Laws

Planning (Heritage)

## **RECOMMENDED**

**BY:**

  
Victoria McGrath, Director  
Sustainability Office

  
John Livey, CAO  


## **ATTACHMENTS:**

Figure 1 – Area Context (7 & 9 Station Lane)

Appendix 1 – Operations' Department cost breakdown, 2009 and 2010

Appendix 2 – Stiver Mill Farmers' Market financial report, 2010

Appendix 3 – Stiver Mill Farmers' Market supporting materials