

Council Meeting Number 02-2024
Addendum
Tuesday, December 19, 2023

Committee of the Whole “Closed Meeting”

The consent of Council is requested for the **addition** of Committee of the Whole “Closed Meeting” Item a., and the renumbering of the remaining items accordingly.

- a. Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board, and advice that is subject to solicitor-client privilege, including communications necessary for that purpose - Update on Ontario Land Tribunal Proceedings.

Reports

The consent of Council is requested for the **addition** of Report Number 08: Received from the Arts, Recreation & Community Policies Committee.

Report Number 08: Received from the Arts, Recreation & Community Policies Committee

1. Approval of Kingston Music Strategy and Implementation Plan

That the Kingston Music Strategy, attached to Report Number ARCP-24-002 as Exhibit A, be approved as presented; and

That the City, through the Arts & Culture Services Department, enter into an Amending Agreement to the existing Service Level Agreement with Tourism Kingston to support the implementation of the Kingston Music Strategy; and

That subject to the Tourism Kingston Amending Agreement being finalized to the satisfaction of the City Solicitor, that the Mayor and Clerk be authorized to execute the Amending Agreement; and

That the City transfer \$200,000 from funds previously approved in the capital budget of the Arts & Culture Services Department to Tourism Kingston to support the implementation of the Kingston Music Strategy and the services as agreed to by the City of Kingston and Tourism Kingston through the proposed Amending Agreement; and

That Council direct staff to report back to Council by Q1 2025 with updates on the implementation of the Kingston Music Strategy and to develop funding strategies in partnership with Tourism Kingston to continue the Music Officer position and the Music Office beyond 2024.

(Exhibit A to Report Number ARCP-24-002 is attached to the Addendum as schedule pages 1-42)



KINGSTON MUSIC STRATEGY

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EXECUTIVE SUMMARY

The City of Kingston, in collaboration with Nordicity, has developed a robust artist-centered Music Strategy. This work comes out of the City of Kingston's 2021 Creative Industries Strategy (CIS), which identified music as a local creative sector with high potential. To realize the full benefits of a thriving music industry, the CIS recommended the development of a sector-specific strategy that would enable economic development, support economic recovery due to the impact of the COVID-19 pandemic, maintain activity, and facilitate growth.

A thriving music industry **directly benefits musicians and those working in the industry**. It also provides wide-reaching benefits to a city as a whole; for instance, it can enhance the vibrancy and livability of a city by activating public and cultural spaces, and revitalizing underdeveloped areas – which, in turn, attracts new residents and businesses. At the same time, a thriving industry has significant economic impacts. It contributes to GDP, creates employment opportunities, generates tax revenues, and incites spending among residents and tourists in other adjacent sectors such as hospitality and transportation. Lastly, a thriving music industry has immense social impacts. Music provides residents and tourists with unique experiences to enjoy, which makes a city a more attractive place to live and visit. Music also provides a rich opportunity to celebrate a city's diversity, enhancing the visibility of various communities and encouraging a greater sense of understanding. Given the number of positive outcomes, cultivating a strong and vibrant music industry has become a growing point of interest for many municipalities worldwide.

For a city of its size, Kingston is distinctly unique from other municipalities in the level of music activity that has burgeoned organically without an existing Music Strategy to date. The volume of artists that have emerged from the city – and the vigor with which businesses, volunteer-led events and organizations, and part-time ventures are run across all facets of the industry – stand as a testament to Kingston's connection and excitement when it comes to music. As a result, this Music Strategy builds on the rich activity already taking place within the city's borders; it celebrates Kingston's past successes, addresses where there is room for improvement and cohesion, and ultimately paves a coordinated path forward towards a shared vision: for Kingston to be recognized as **a hub and incubator for musician development, music careers and a strong music scene, where music is ubiquitous and can be seen and heard by all**.

Four strategic pillars – **Cultivate Spaces and Places, Empower and Invest in Talent, Amplify Connection and Visibility**, and **Bolster City Leadership and Support** – form the foundation of the

Strategy. Each pillar forms an important building block that supports the growth of a vibrant music industry in Kingston and brings Kingston closer to realizing its vision. Recommendations accompany each pillar, as well as supporting actions that were developed based on the key needs and opportunities identified across engagements with the Kingston community and members of the city's local music ecosystem.



INTRODUCTION

Kingston punches well above its weight as a mid-sized, culturally vibrant city that is home to rich music activity. The city has a **strong local music community**, the cornerstone of which is a **live music scene** featuring many music-focused events, a broad range of performance **venues**, and the lasting connection to **beloved Canadian musical acts** such as The Tragically Hip. Indeed, Kingston's music industry has in previous years contributed significantly to Ontario's GDP in the areas of live performance and sound recording. Though the economic ramifications of the COVID-19 pandemic disproportionately affected the music industry – especially live music – Kingston has resumed cultural events and activity, creating an environment for creative industry professionals to emerge with new and exciting offerings.

The Kingston Music Strategy will help realize the full benefits of a **thriving and diverse** local music industry, and advance Kingston's music industry as **sustainable, viable in the long-term**, and **conducive to growth**. Importantly, a music industry is more than its live music scene: it is an ecosystem comprised of businesses, individuals, and organizations involved in the creation, production, distribution, teaching, performance, and promotion of music.

Within the City, the Arts and Culture Services Department – who led the development of the Kingston Music Strategy – functions as a municipal agency that supports cultural vitality in the community. The work of the department was established through the City's first-ever Kingston Culture Plan (2010) and subsequent arts and culture-based strategies and continues to evolve in response to Council Strategic Priorities and in response to community needs. This Department, in collaboration with other key partners such as Tourism Kingston, will be invaluable in championing and actioning the Music Strategy.

Overall, a music strategy should take a holistic approach that values and preserves successful music industry elements and the local identity. As a result, this Strategy does not set out to remove or replace successful ventures already in operation; rather, it has been designed to help connect a myriad of pre-existing dots. By setting out to support existing ventures and successes while simultaneously filling gaps in the ecosystem, it provides a cohesive direction and lays out priorities to create a music sector that is aligned in achieving a unified vision.

Methodology and Process

The process to develop the Kingston Music Strategy was divided into **three phases** of work, each with their own distinct goals and deliverables.

The **first phase** focused on understanding the **lay of the land** in Kingston and setting up research frameworks that would set up the direction future phases would follow. Activities completed in Phase 1 included ten discovery interviews held with key Kingston music industry players, a background document review of municipal policies and bylaws to understand the strategic context in which the Kingston Music Strategy would live, a review of key music strategies in select jurisdictions within Canada and around the world, and preliminary research to inform a music asset mapping exercise and economic impact assessment of Kingston's music ecosystem (the highlights of which are provided in a section below).

In the **second phase** of developing the Kingston Music Strategy, a rigorous **public engagement** process was carried out that involved gathering input from players in the local music community. These engagements built on the work undertaken in the Research and Discovery phase. Engagements included two roundtables, nineteen interviews, a public open house (which saw over 150 people in attendance) and an online survey (which received 456 completed responses).

The **third and final phase** saw the creation of Strategy itself, built from the key needs and opportunities identified in the first two project phases. This phase also involved an extensive validation process of the recommendations and actions included in the Strategy, which saw input gathered from numerous groups including internal City of Kingston teams, City partners, and the broader Kingston community.





Definitions of Key Terms

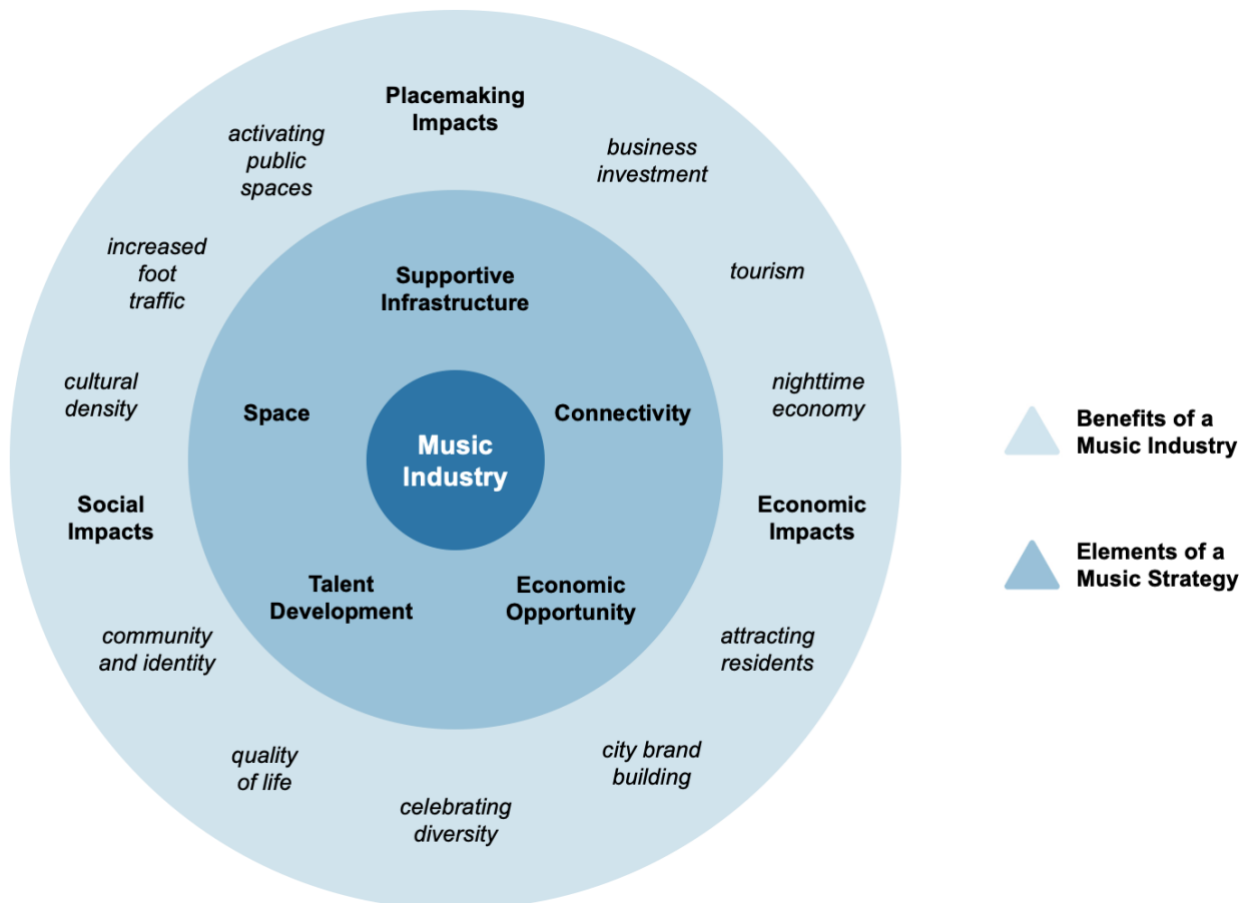
This section provides definitions of key terms and phrases used throughout this document.

- ▶ **Infrastructure:** The word “infrastructure” can refer to both physical and organizational structures, but for the purposes of this Strategy, infrastructure will refer to organizational structures needed for the operation of a given entity (unless otherwise specified).
- ▶ **Musicians and artists:** Individuals directly involved in the creation and performance of music. Professional musicians and artists are defined as those who make, or are trying to make, music their occupation; emerging musicians and artists are those who are in the earliest stages of their careers (who may or may not be professional).
- ▶ **Music industry workers:** Those who are working in one or more of the various facets of the industry (including, but not limited to, event and festival organization, sound and stage tech, music publishing, artist management, concert booking and promotion, and so on) in a professional capacity, meaning they make a living, or a part of their living, from this work.
- ▶ **Music creatives:** A catch-all term to describe musicians and music industry workers.
- ▶ **Music business:** Any for-profit or non-profit business with a focus on the creation, distribution, performance, management, teaching, or learning of music.
- ▶ **“The City” versus “the city”:** The City (in proper form) refers to the Corporation of the City of Kingston. When used as an improper noun, the city refers to Kingston in a broader, collective sense based on its geography and population.
- ▶ **Tourism:** For the purposes of this Strategy, tourism is defined as the act of spending time more than 50km from home in pursuit of recreation, relaxation, and pleasure.

WHAT IS A MUSIC STRATEGY?

Overall, a Music Strategy (such as this one) sets a course of action for a city to realize the full benefits of a thriving music industry. In so doing, this type of strategy can enhance a city’s cultural vibrancy, while ensuring the necessary supports are in place for a music community to thrive.

While a vibrant music industry directly benefits musicians and those that work in the music industry, it also provides other important benefits to a city as a whole. These benefits of a strong music industry include economic, social, and placemaking impacts.





Economic Impacts: A vibrant music industry aligns well with many economic growth goals and objectives that cities strive to achieve. The music industry contributes to GDP, creates employment opportunities, and generates tax revenues through direct and indirect expenditures. Music is a labour-intensive industry, meaning a large portion of company expenditures go towards wages and salaries. Musicians themselves are entrepreneurs and business entities, contributing to economic growth as well. Music businesses also pay business taxes and directly contribute to the economy through operations expenses. A vibrant sector also creates jobs and incites spending in other sectors, such as entertainment, hospitality, transportation, and advertising through spillover and indirect impact. For instance, people may come to a city for a festival or concert, but then also spend money on a hotel and meals out.



Social Impacts: Music also improves the quality of life for residents of a city. Entertainment districts and clustering of music assets can create cultural density, which in turn draws other creative and innovative individuals and other sectors to the city such as film, television, and live events. Music provides residents and tourists with unique experiences to enjoy, which makes a city a more attractive place to live, and it also lends to a sense of identity and belonging in a city, strengthening community ties. Additionally, music provides a rich opportunity to celebrate a city's diversity, enhancing the visibility of various communities and diasporas and encouraging a greater sense of understanding. Music is also central to our health and wellbeing, having been found to help those who struggle with mental health issues as it releases pleasure receptors in the brain.



Placemaking Impacts: Placemaking is the process of shaping public space by harnessing the values and ideas of the people who use it. A strong local music industry can greatly contribute to placemaking in a city by increasing its vibrancy and livability. Music forms a significant part of a city's cultural fabric and identity and contributes to its brand – that is, how residents and non-residents alike perceive the city. Place making initiatives that incorporate live music can activate public and cultural spaces and attract new residents to the area, who in turn contribute to the local economy by starting businesses, creating jobs, and driving innovation. A thriving live music scene can also help to revitalize underdeveloped areas of a city by bringing new life and energy to street-level activity, which can increase foot traffic for nearby businesses while attracting more business development activity. In turn, lively and appealing neighbourhoods can quickly become sites of even more artistic and cultural vibrancy, attracting even more residents, businesses, and investment to the area, and fueling tourism.

Cultivating a strong and sustainable music ecosystem has become a growing point of interest for many governments worldwide, given the number of positive outcomes it generates for a city. In pursuit of such benefits, Ontario cities including Toronto, Hamilton, London, Barrie, and Ottawa have recently adopted or refreshed their approaches to supporting a vibrant music ecosystem.

Music strategies should and ultimately do vary across jurisdictions; however, there are several key elements that are needed for a city's music industry to succeed. The Kingston Music Strategy has been developed with a consideration of the following elements – but has ultimately been tailored to the unique context, strengths, challenges, and opportunities of its local industry determined through rigorous engagement with the community. The key elements needed for a city's music industry to succeed include:

- ▶ **Supportive Infrastructure:** To support the growth of a vibrant music industry, a city must ensure that it has built the infrastructure necessary for it to succeed. Reducing any barriers in terms of infrastructure (i.e., physical spaces, policies, by-laws, processes, etc.) is an important way to enable a music industry to thrive and allow the industry to focus its energy on making and growing music.
- ▶ **Space:** A vibrant music industry requires a range of affordable and accessible types of space for musicians to create and perform – whether publicly or privately owned.
- ▶ **Talent Development:** The success of a music industry is largely dependent on the talent available. As a key element of music strategies, cities will often focus on cultivating a talent pipeline by attracting and retaining local talent to the area. Doing so requires that a city has opportunities spanning early career talent to established talent.
- ▶ **Connectivity:** A visible and connected music industry is a successful one. Connectivity can be thought of in terms of connecting the industry with itself, to adjacent sectors, and to audiences.
- ▶ **Economic Opportunity:** A vibrant music industry requires that musicians and music industry workers have enough access to opportunities where they can generate income within a city. Providing economic opportunities will also help a city retain its music talent.

Many of the above noted areas are also reflected in the Ontario Live Music Strategy, a vision for the growth and development of Ontario's live music industry. These key provincial elements are also applicable to Kingston's municipal context.

A common feature of many music strategies is **the establishment of a city-run music office**, typically run by a music officer (who is closely connected to and/or embedded in the music sector). Having a dedicated person to coordinate and/or execute the Strategy is considered one of the most effective ways to help create the conditions for a successful local music industry. As such, music offices and/or officers are most often structured so that there is a reporting relationship with the municipality. For example, music offices and/or officers are present in many of the Canadian and international cities that are known for strong local music ecosystems and that have international music reputations such as Toronto, London (Ontario), Seattle, Austin, Melbourne, and more.

The **typical mandate** of a Music Officer includes (but is not necessarily limited to):

- ▶ Acting as the music community's main point of contact for help navigating City Hall policies and regulations;
- ▶ Working with and remaining connected to the music community on opportunities and challenges;
- ▶ Leading ongoing collaboration between the City and community;
- ▶ Playing an advocacy and education role within City Hall, ensuring the City is aware of and sensitive to the issues and challenges faced by the music industry;
- ▶ Developing and delivering music-specific programming, including educational and professional development opportunities, aimed at supporting and growing the local industry;
- ▶ Maintaining a public facing music webpage and musician/music business directories;
- ▶ Developing, monitoring, and reporting on key performance indicators that are directly related to industry growth;
- ▶ Championing and leading the implementation of municipal music strategies.



CONTEXT AND BACKGROUND

In its current state, Kingston is seen to be a place where live music lives – particularly rock music, but also a strong classical music scene, and active communities around many other genres. Though the Kingston community agrees that the city’s heavy affiliation with a rock identity has had its benefits in the past in helping put Kingston on the map, **the local sector has organically expanded** and shows immense potential for continued growth if the right conditions are created. Additionally, Kingston’s geographic location along the Montréal-Toronto corridor puts the city near other major music markets in neighbouring cities. This proximity presents opportunity for greater traffic and industry access while also creating competition and a need for Kingston to strengthen its presence. This strategy aims to reinforce and amplify the foundation already in place to grow a music industry by positioning Kingston as a hub and incubator for music creatives, where music careers can grow and be made sustainable, and in which the rich local diversity of music can be seen and heard everywhere and experienced by all. This means **building and nurturing all facets of the local music industry**, from live music to creation and recording, to professional development; and encouraging activity across all genres, from rock and pop, to classical, jazz, electronic music, hip-hop, and more.

Tourism spending should also be acknowledged as a driver of economic benefit and a positive impact of a strong local music industry. Large-scale festivals and concerts are drivers of music tourist visits, but smaller venues and initiatives are also important. Strategically and holistically strengthening the asset landscape has the potential to increase the number of tourists attracted to Kingston, which naturally leads to other benefits including increased spending with hospitality providers, transit, and retail businesses.

Tourism Kingston, through its Integrated Destination Strategy (2022-2027), is already focused on the creative industries, with priorities to develop a creative industries tourism plan and tourism initiatives and engage local artists in workforce development to support economic development, labour, and outputs of product. Tourism Kingston also houses the Kingston Film Office and recently hired a Music Commissioner whose role is to foster and promote the city’s musical community by providing artist development and music tourism initiatives. Prior to this, Tourism Kingston had developed various initiatives focused on storytelling and marketing of the creative industries including film and music, which also has been woven into the Kingston brand.

Profile of Kingston's Music Ecosystem

Kingston's music industry is comprised of a varied selection of assets¹ and a sizeable workforce.

Conservatively, there are **approximately 220 music assets** (notably including some 78 music venues, 18 radio stations, and 5 festivals) in Kingston with approximately **1,100 employees**, including part-time and contract workers. Music assets are relatively spread out throughout the city, but significant clustering of assets in **downtown** Kingston and moderate clustering **west of downtown** Kingston can be observed.

Local music businesses **employ an average of five employees**, including one full-time employee, one part-time employee, and three temporary/contract employees. A **significant majority of their expenditures are spent within Kingston**, suggesting minimal economic leakage (and greater indirect impacts of the Kingston industry). Music business expenses have increased in Kingston since pre-pandemic days – the reasons for this are varied, but high inflation and the associated decrease in purchasing power of goods and services are a significant reason.

It is estimated that there are approximately **310 professional musicians** in Kingston, who have an average annual income of \$18,000; however, most musicians living in Kingston are not making most of their living from music-related work, and nearly half of musicians are **making less now** than they were prior to the COVID-19 pandemic. Most musicians in Kingston only work part-time, but also spend a significant amount of time on unpaid activities; most individuals do not work full-time in music. Musicians in Kingston spend an average of 11 hours per week on paid tasks, versus an average of **18 hours per week on unpaid tasks**. The challenge of making a living as a full-time musician or music industry professional is not unique to Kingston; it is a known and common systemic barrier in the larger music industry, regardless of location. However, as a result of this reality, one of the intents of this Strategy is to create conditions at a local level to provide professional musicians with increased potential to benefit economically.

The economic impacts of the Kingston music industry are significant. Overall, it is estimated that **music businesses** in Kingston created over **\$2.4M in direct GDP contributions** in 2022. In addition, the direct impact of music businesses created approximately **330 full-time equivalent (FTE) jobs**. Combined with indirect and induced impacts, music businesses generated over **\$5.6M in GDP** and supported more than **360 FTE jobs** and over **\$4M in income generation**. It is further estimated that **musicians** in Kingston created over **\$2.7M in direct GDP contributions** in 2022. In addition, the direct impact of musicians created approximately **155 FTE jobs**. Combined with indirect and induced impacts, musicians generated just under **\$5M in GDP** and supported more than **185 FTE jobs** and **\$2.7M in income generation**.

¹ Defined as spaces, businesses, professional uses, professional individuals, organizations, and festivals.

| | |
|--------------------------------------|--|
| 220 music assets | musicians generated \$5M in GDP |
| 1,100 music employees | music business generated \$5.6M in GDP |
| 310 professional musicians | music audiences spent \$8.6M In the community |

Audiences in Kingston are passionate and enthusiastic about music, and they represent a vital component of the city's vibrant music ecosystem. 65% of the sampled Kingston population spends money on music-related events, products, and/or services at least once per month, and 53% indicate they attend a live music event at least once per month. Conservatively, it is estimated that Kingston residents spend \$65 in the community before or after a music activity, which (when combined with Nielsen data²) equates to at least \$8.6M spent annually in the community before and after music activities.

Kingston's audiences are diverse and varied, with key groups each exhibiting their own unique behaviours and preferences towards music. Some of these key groups are outlined on the following page.

² Nielsen Canada, Canada Music 360 2018: Report Highlights pg. 9.

| Audience Group | Behaviours and Preferences |
|-------------------------------|--|
| Music Industry Workers | <ul style="list-style-type: none"> ▶ Attend live music events 3-5 times per month, 1-2 times per month, or less than once per month ▶ Consume music through paid streaming services, video platforms, radio, and concerts; consume music through concerts and festivals at a higher rate than other groups ▶ Discover new music through word of mouth, concerts and events, social media, radio, and other web sources (such as music-related blogs and websites) ▶ Prefer rock; folk/indie/alternative, jazz, classical, R&B and blues; and pop acts most ▶ Primarily motivated to attend music events to support the artist(s) they're seeing, to listen to the music they like, to discover new music, and to support the venue/event they're at |
| Ages 18-24 | <ul style="list-style-type: none"> ▶ Attend live music events either less than once a month or 1-2 times per month ▶ Consume music through paid streaming services, video platforms (such as YouTube and Vimeo), concerts, and radio. ▶ Discover music primarily through word of mouth, playlists on streaming platforms, social media, attending concerts/events, suggestions made by streaming platforms, and radio. ▶ Prefer rock; folk and/or indie and/or alternative; and pop music acts the most. ▶ Primarily motivated to attend music events to listen to music they like; to support the artist(s) they're seeing; to spend time with friends and/or family; and to escape, relax, and have fun. |
| Ages 45 + | <ul style="list-style-type: none"> ▶ Attend live music events either less than once a month or 1-2 times per month ▶ Consume music through concerts, radio, video platforms, and physical formats (such as CDs and records). Occasionally consume music through festivals. ▶ Discover new music through word of mouth, radio, attending concerts and events, social media, and other web sources (such as music-related blogs and websites) ▶ Prefer rock, folk/indie/alternative, classical, R&B and blues, and jazz music acts the most ▶ Primarily motivated to attend music events to listen to music they like, to support the venue or event they're at, to discover new music, and to meet new people |

Kingston's Strengths and Challenges

Research and engagements with the Kingston community revealed several strengths and opportunities, as well as challenges and risks associated with the local music ecosystem.

Strengths and Opportunities

- ▶ The volume of artists that have emerged from the city – and the vigor with which businesses, volunteer-led events, organizations, and part-time ventures are run across all facets of the industry – stand as a testament to Kingston's connection to, and excitement for, music.
- ▶ The recent hiring of a Music Commissioner at Tourism Kingston has led to notable accomplishments including the launch of Bandwidth (a program that provides free professional development and networking for local musicians), collaboration and support for the Broom Factory (an all-ages event space in the efforts of engaging youth in all facets of the music industry), consultation with other music offices across Ontario, development and delivery of the Slight Music Video Program (matching local production companies with local musicians), and Kingston's nomination for Canadian Music City of the Year in 2023.
- ▶ Many concerts, festivals, conferences, and exhibitions are available to the public, such as – but not limited to – Downtown Kingston Business Improvement Area's various programs (Music in the Park, Limestone City Blues Festival, Homegrown Music Festival, Kingston Buskers Rendezvous), the Skeleton Park Arts Festival, Spring Reverb, as well as presenting programs offered by the City of Kingston (Grand Onstage), the Isabel Bader Centre for the Performing Arts, and large-scale concerts at the Leon's Centre.
- ▶ The city has a strong musical history stemming from notable music alumni (The Tragically Hip, Moist, Sarah Harmer, The Glorious Sons, the Headstones, and Bedouin Soundclash), which lends itself nicely to solidifying Kingston's reputation as a music talent generating powerhouse.
- ▶ There are strong pockets of music activity and genres that exist in Kingston, including a formidable rock scene, as well as strong classical, jazz, and blues scenes. Other burgeoning pockets of music activity exist (including in the hip hop, punk, and electro-house genres), that could be further promoted to increase the diversity of music – and talent – in Kingston.
- ▶ A unique position along the Toronto-Ottawa-Montréal corridor provides Kingston with an opportunity for greater traffic for music events and performances. Given its location, the city is often a stop on bigger acts' tours, and boasts venues suitable for both smaller (e.g., Broom Factory, Musiikki Café, the Grad Club, the Mansion) and larger shows (e.g., Leon's Centre, Kingston Grand Theatre).
- ▶ Kingston is home to an abundance of emerging talent, with three accredited post-secondary institutions (Queen's University, St. Lawrence College, and Royal Military College of Canada) with

strong music programs spanning performance, education, music production and media, and arts administration.

- ▶ Kingston's creatives can access funding support through grants available via the Ontario Arts Council, Canada Council for the Arts, Canada Media Fund, and FACTOR. There are also local funding opportunities available through the City of Kingston Arts Fund (CKAF).
- ▶ Opportunities exist to further grow the local music industry's economic potential, including by further tourism. For instance, Kingston enjoys a robust summer tourist season complete with music events and performances; music offers an opportunity to attract visitors in the off-season, as well through performances and events.
- ▶ There is potential to continue to find collaboration between music and interrelated sectors in Kingston including theatre and film, which can help further drive economic potential in each sector and provide greater career opportunities for Kingston's music creatives.

Challenges and Risks

- ▶ Though the cost of housing in Kingston remains lower than the proximate cities of Toronto and Ottawa, availability of affordable housing and the increased cost of living continues to place major strain on those in the music industry.
- ▶ While Kingston's unique location is an asset, it also means that the city must actively compete with Toronto, Ottawa, Montréal, and New York for talent, visiting tourists, music tours, and events.
- ▶ There is a lack of varied, accessible, affordable space for creation, rehearsing, and performance; the shortage of designated rehearsal space is a particular pain point, as it limits musicians' ability to effectively practice and grow their craft – especially when paired with a restrictive noise bylaw.
- ▶ Important music-related spaces in Kingston have closed because of economic difficulties caused by the COVID-19 pandemic, and others could be at risk of closure in the economic uncertainty of the post-pandemic recovery period.
- ▶ Kingston is well-equipped with both large venues and small venues but lacks a mid-sized venue that is a necessary step for local artists' career growth and can lead touring acts to pass over Kingston.
- ▶ Some emerging talent in Kingston face difficulties in being absorbed in the local music industry, and need opportunities specifically targeted to those in the early career stages to help establish and advance their careers.
- ▶ Many music creatives in Kingston generally lack industry-specific business skills.
- ▶ The top challenge noted among musicians and music industry workers is low and/or insufficient pay for work, followed by not enough paid opportunities.

Key Needs

Many needs were identified across Kingston's music community. These key needs, as outlined below, act as the rationale behind the overall direction of the Strategy.

Space

- ▶ More affordable spaces to create and rehearse music.
- ▶ Diversified venues beyond bars and restaurants that are music-first and showcase Kingston's diverse music offerings.
- ▶ Mid-sized venues that enable musicians to move their careers and their audiences along the venue ladder from smaller to larger venues.
- ▶ Further leverage of public spaces, including City owned facilities, to provide more informal places and opportunities for young and emerging artists to perform.

Standards

- ▶ A need for presenters and venues to foster professionalism and professional standards.
- ▶ A need for artists to understand how to assert their value and to be paid fair wages when being contracted to perform or provide services.
- ▶ Advocacy by the City and its partners for fair wages and for presenters and venues to meet professional standards.

Funding and Paid Opportunities

- ▶ More income opportunities for musicians, including paid performances of varying sizes/scales across the city.
- ▶ Career advancement opportunities for youth and early-career professionals, such as internships and residencies.
- ▶ More local funding support for emerging artists and music industry workers, as well as greater awareness among the music community of funding opportunities that go beyond local sources.

City Support

- ▶ Assistance and support in helping musicians and music industry workers navigate City processes.
- ▶ Creation of more music-friendly bylaws and policies.

- ▶ Greater support for music-related businesses to help bolster the music ecosystem, especially in the creation and maintenance of much needed creative space.

Awareness and Promotion

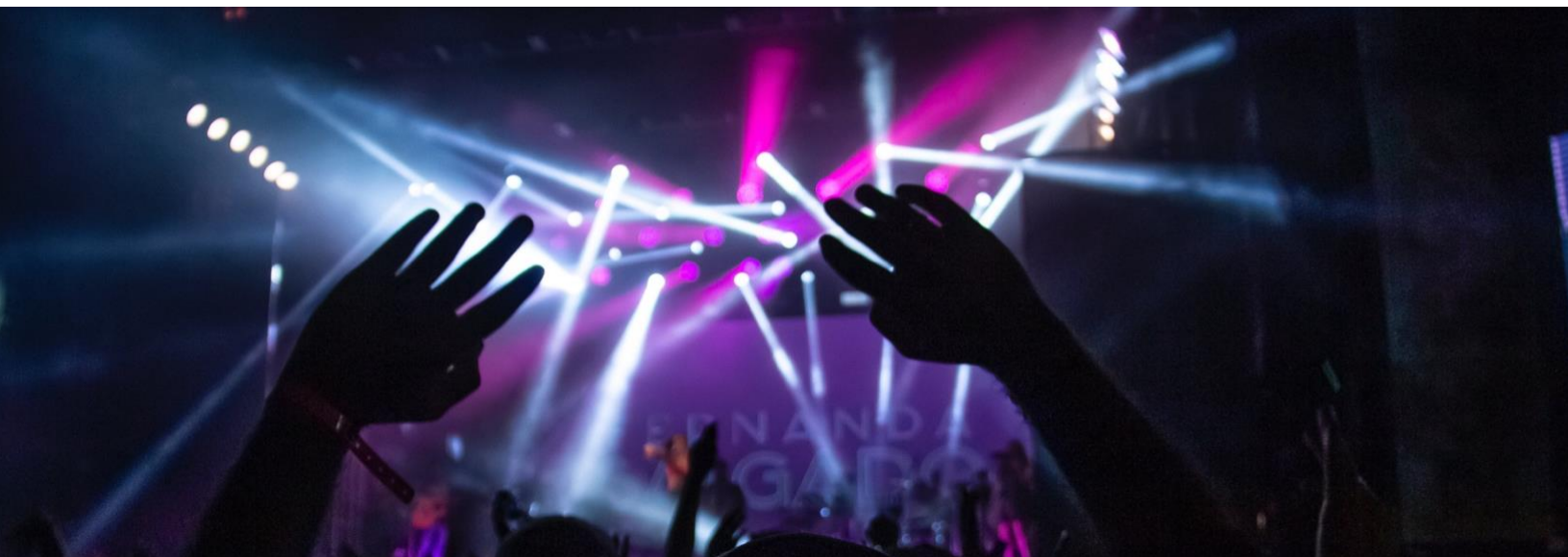
- ▶ Promote greater audience awareness along with the diversity of music offerings.
- ▶ More opportunities and channels to display and promote music-related community news and events.
- ▶ A need to explore the creation and enhancement of visual indicators of music to help solidify Kingston's musical identity and celebrate local activity.

Connection

- ▶ Greater connection and collaboration within the music community.
- ▶ Creation of more touchpoints between music and other creative industries (i.e., film, interactive media, theatre) – and among all levels of industry (including travel, trade, and sports).

Talent

- ▶ Tap into and invest in Kingston's steady stream of talent from local post-secondary institutions and secondary schools to foster a strong talent pipeline.
- ▶ Accessible and inclusive supports for youth and early-career professionals that help facilitate barrier-free entry to the local industry.
- ▶ Greater connection and collaboration between the industry, the City, and secondary and post-secondary institutions to support interest and advancement in career pathways related to music.





What Role Does the City Play?

As is the case in all strategies, in all municipalities, there are tools and factors both within and beyond the control of the City of Kingston.

The City of Kingston, like any other city in Ontario, is primarily empowered to govern and regulate how land is used within its jurisdictions. The elements the City has control over include (but are not necessarily limited to) property taxes, zoning, the use of City-owned spaces, financial assistance and granting, and coordination (in that the City can act as a convenor of key parties).

Additionally, many elements that impact the music industry, both locally and more broadly, are beyond the City's control. These elements include inflation rates and their impact on the affordability of living, migration trends and population size, building and fire codes, funding programs from other levels of government, public health regulations, and the sale of private property (though zoning can *influence* the eventual use of properties).

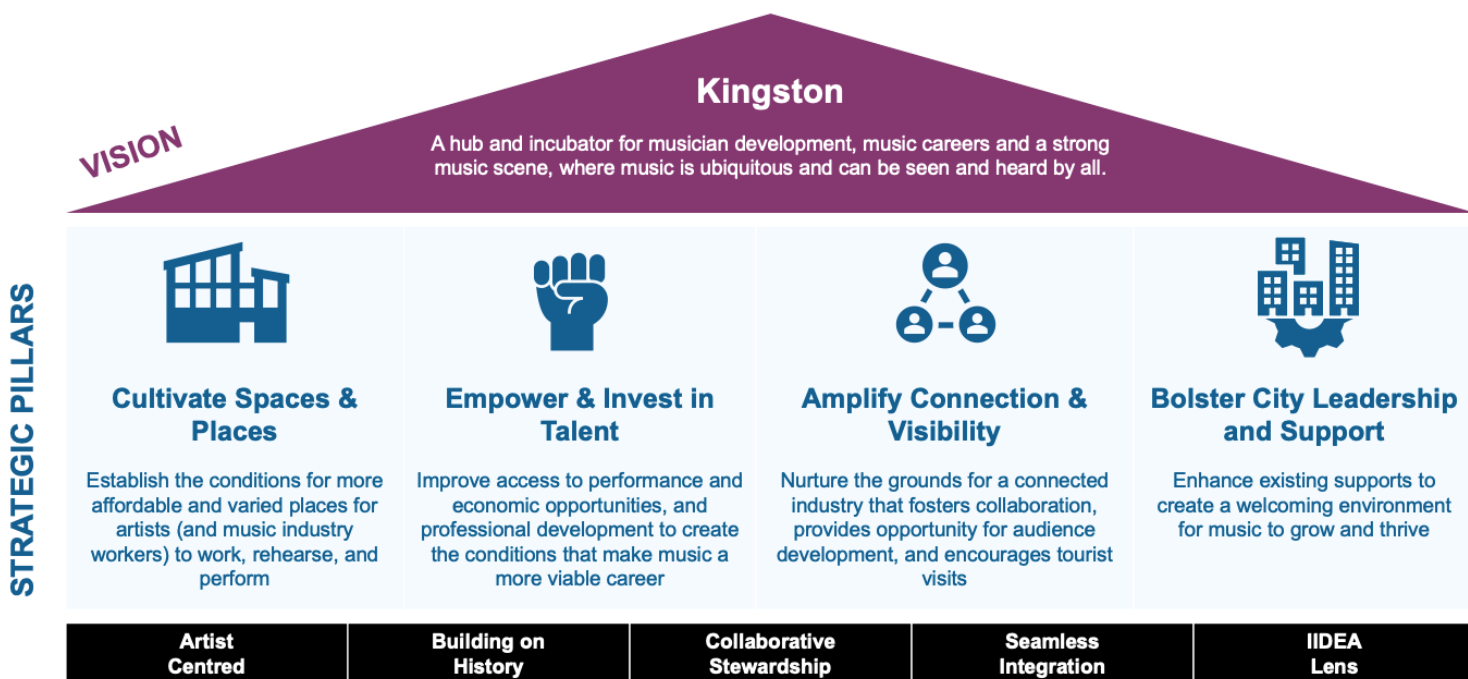
This Strategy aligns with and seeks to **advance broader City priorities** as outlined in the City of Kingston's Strategic Plan (2023-2026). In particular, this Strategy aligns with Council's first, third, and fifth priorities, ('Support Housing Affordability', 'Build an Active and Connected Community', and 'Drive Economic Growth') in exploring various opportunities that address the livability concerns affecting the music sector, and prioritizing workforce development and opportunities for youth.

Finally, the City of Kingston is one key player in this Strategy. While the City will play a central role, most importantly championing the Strategy and advancing its actions in the years to come, **the key to executing a successful music strategy is a coalition of allies with a shared vision** for promoting music in the community. Those who have additional tools, resources and influence can supplement what is currently available to City. Tourism Kingston, the Kingston Economic Development Corporation, local post-secondary institutions, school boards, the Union of Professional Musicians, venues, local musicians and businesses, and the general Kingston community are some of the other bodies whose enthusiasm, expertise, and involvement is critical for the successful execution of this Strategy.

THE STRATEGY

The strategic framework for the Kingston Music Strategy includes the following components:

- ▶ **Vision:** The big picture **aspiration** for Kingston’s music industry, based on discussion with the City and community. This vision is intended to help those with a vested interest in Kingston’s music sector visualize a long-term future direction. In other words, this vision may not be achieved in the next five years – it is what the Strategy helps work towards building.
- ▶ **Strategic Pillars:** Four key pillars have been identified – each can be viewed as a priority area that together form the foundation of a vibrant music industry in Kingston. Please note these pillars are not presented in any priority order.
- ▶ **Foundational Principles:** Core guiding **principles** that underpin the entire strategy.
- ▶ **Implementation Plan:** The successful execution of the Music Strategy will require sufficient financial and human resources. Please see the “Implementation” section for further details on the required resources, as well as a timeline and next steps for actioning the Strategy.



FOUNDATIONAL PRINCIPLES

Addendum Meeting 02 December 19, 2023

Vision

The overarching vision for Kingston's music strategy is to position Kingston as **a hub and incubator for musician development, music careers and a strong music scene, where music is ubiquitous and can be seen and heard by all.**

Achieving the aspiration relies on Kingston building on and amplifying the foundational successes and strengths the local industry has already built, and supporting, attracting, and retaining music creatives, and promoting the vibrancy of musical activity.

Foundational Principles

Nordicity has identified the following **five foundational principles** that permeate the entire framework, and should be considered in all facets of the strategy:

1. **Artist Centred** – Artists form the core of Kingston's music industry, and as such, the strategy must be artist-centred. Keeping artists' needs in mind should be considered in each step of the Strategy along with the benefits they accrue.
2. **Indigenization, Inclusion, Diversity, Equity and Accessibility (IIDEA) Lens** – A music industry is strengthened when it is diverse, equitable, inclusive, and accessible to all. The IIDEA lens, as expressed in Kingston's most recent Equity, Diversity, and Inclusion Workplan (which incorporates social equity, accessible services, systemic change, intersectional approach, and Indigenization & decolonization into daily practice), and equity-related points in Council Strategic Priorities 2023-2026 (Foster a Caring and Inclusive Community), is a critical lens that gets applied as the Strategy is actioned. For instance, when thinking about spaces and types of venues, promoting diverse genres, policies, and audience access.
3. **Collaborative Stewardship** – Advancing the Strategy will be a collaborative effort among the City, the music community, Tourism Kingston, Kingston Economic Development Corporation, secondary and post-secondary institutions, and other key partners that include those involved in the implementation of Kingston's 2021 Creative Industries Strategy. The music community in Kingston is eager to have more City support and investment going forward but want to (and should) maintain a role in championing this work.
4. **Seamless Integration** – Ensuring the Music Strategy aligns well with and supports relevant existing policy frameworks is essential not only to ensure its own success, but support the success of other pre-existing City strategies, including the City of Kingston's Strategic Plan (2023-2026), the 2021 Creative Industries Strategy (CIS), the 2020 Integrated Economic Development Strategy, and the 2022-2027 Integrated Destination Strategy (IDS).
5. **Building on History** – This Strategy seeks to amplify and build upon past and continuing activity in Kingston's music scene. In doing so, the Strategy celebrates Kingston's past successes, while

exploring new avenues where there is room to grow and work together towards a coordinated direction for Kingston's future.

Strategic Pillars

In identifying and analyzing the themes that emerged from the research presented in this report, four strategic pillars (i.e., overarching goals) were developed that form the framework for the Music Strategy: **Cultivate Spaces and Places, Empower and Invest in Talent, Amplify Connection and Visibility, and Bolster City Leadership and Support.**

Each pillar contains a set of key recommendations (i.e., what should be achieved) along with supporting actions (i.e., what steps can be taken). Considerations for implementation can be found in the Appendix.



PILLAR 1: CULTIVATE SPACES AND PLACES

Goal statement: *Establish the conditions for more affordable and varied places for artists (and music industry workers) to work, rehearse, and perform.*

Investing in spaces and places for artists to create and perform will strengthen Kingston’s ability to attract, retain, incubate, and support the development of artists in the city – ultimately strengthening its local music industry. Varied and affordable spaces will increase the level of music activity possible in the city, promote and support a diversity of artists, improve citywide vibrancy, and signal Kingston as an attractive place for visiting artists looking to create and perform. Moreover, new and improved music spaces will help establish Kingston as a true music destination for visitors looking to experience Kingston’s rich diversity of music offerings across all seasons – thus increasing tourism spending.

To meet this future, artists in Kingston require affordable space to create and rehearse to better hone their musical craft. Without the ability to rehearse, their ability to create music, and indeed perform it, suffers. Artists also need varied and diverse performance spaces that support a range of genres (that are music-first venues, beyond bars and restaurants) and address gaps in the venue ladder. For musicians who develop their audience base and income through performance, the venue ladder offers opportunities at every career stage: emerging artists begin in the smallest local venues, eventually may progress to playing larger stages, and in due course to concert halls or arenas. This venue ladder is essential for the development of artists - without it, music careers would struggle to gain momentum, or fade away completely. Venues of all sizes must be carefully nurtured to ensure Kingston can leverage the true artistic and economic promise they offer. In Kingston, the absence of mid-sized music venues is particularly felt as artists grow out of small venues and bars but have not yet amassed enough traction to fill larger concert halls or arenas. Additionally, to better support artists, music industry workers, and audiences, spaces need to be high quality.

Impacts: Ability to retain (and attract) more artists to Kingston, positioning the city as a community that is attractive to artists because of the supports and opportunities available; Opportunity to showcase a wider diversity of talent and expand the Kingston musical brand that is inclusive of a broad range of genres, styles, and cultures; Attract mid-sized acts and support more local talent career advancement that can be helped, in part, by addressing the venue ladder gap; More vibrant scene, as venues are visual indicators of music activity, which also leads to broader audiences and increased local appreciation for music; and Increased spending opportunities for local and non-local audiences, increasing the demand for live and recorded music as well as overall tourism spending.

Recommendations:

- ▶ Support the creation and retention of accessible, affordable, and varied spaces for musicians and music workers to create, rehearse, and progress in their careers.
- ▶ Enable music career progression by ensuring Kingston offers a range of small, medium, and large sized venues that are both publicly and privately owned.
- ▶ Further support professional presentation opportunities and standards.

Supporting Actions:

1.1: Identify spaces that can be revitalized and repurposed to support music creation and affordable living, such as by exploring subsidized live-work spaces in underutilized City sites and land (as identified in City Council's Strategic Plan 2023-2026).

1.2: Support community and industry efforts to create and activate music spaces, hubs, and incubators where artists can gain access to resources and support.

1.3: Work collaboratively with the Planning & Development Department to review development applications for possible opportunities to include the creation of music spaces.

1.4: Address gaps in music infrastructure and work with community partners to develop a mid-size music venue and performance hall (approximately 400-700 standing capacity) for live performance and audience development.

1.5: Consider any future music infrastructure-related needs and gaps in the development of a cultural capital policy (as identified in City Council's Strategic Plan 2023-2026).

1.6: Partner with local post-secondary institutions and school boards to make existing performance spaces available for use during off-seasons.

1.7: Leverage outdoor City-owned public spaces for new performance opportunities, with a focus on getting outside of the downtown core.

1.8: Explore partnerships with the Union of Professional Musicians to create professional venue standards guidelines.

PILLAR 2: EMPOWER AND INVEST IN TALENT

Goal statement: *Improve access to performance opportunities, economic opportunities, and professional development to create the conditions that make music a more viable career, especially for those from equity-deserving communities.*

To thrive, musicians and music industry workers in Kingston must have more opportunities to advance their careers in the city, grow as entrepreneurs, and be connected to the right professional development opportunities (such as business skills). By investing in its local talent, Kingston will enable music creatives to better generate revenue – helping to drive economic growth in the local industry – and increase the potential for emerging creatives to build and sustain careers in the city. Investing in professional development opportunities in the industry enables Kingston to develop a more robust music ecosystem.

Investing in talent means fostering a strong talent pipeline that is inclusive and representative of Kingston's diversity, and connecting this talent to opportunities to help fill gaps in the ecosystem, as well as providing talent with the right skillsets to succeed. These areas are key opportunities for the City to work alongside secondary schools (via local school boards) and post-secondary institutions (i.e., Queen's University and St. Lawrence College).

While cultivating a pipeline is important, at the same time these music creatives must be able to make a living more easily in Kingston. As such, this pillar also considers creating more performance and economic opportunities to sustain artists – who are the heart Kingston's industry – as well as helping them navigate an industry known to rapidly and frequently change.

Impacts: Increased ability for Kingston music creatives to build longstanding, sustainable careers in the city – thus helping to retain and attract talent, and expanding the perception of Kingston beyond a city known for live music; Greater opportunity for local artists and music industry workers to increase their income; Enhanced ability to develop and support artists throughout career levels (from emerging through established); and Strengthened cross-sector partnerships and enhanced development of Kingston's music ecosystem

Recommendations

- ▶ Expand professional development and performance opportunities for musicians and music industry workers that support career growth and viability.
- ▶ Activate partnerships to enhance professional development offerings in Kingston to create a music workforce equipped for success.
- ▶ Develop policies and incentives that ensure fair compensation for performers.

Supporting Actions:

2.1: Develop new programming and performance opportunities that promote local musicians and access to music in neighbourhoods across Kingston.

2.2: Continue to prioritize live performance opportunities at the Kingston Grand Theatre, at the City's major events, and other civic programming, with a focus on showcasing diverse music talent and building local audiences.

2.3: Partner with local experts, community organizations, and post-secondary institutions to expand reach of City-sponsored residency programs (including the Local Arts Residency at the Kingston Grand Theatre) for both musicians and music industry workers, develop barrier-free workshops, programming, toolkits and resources on building a career in music. Ensure all awareness of available training and learning opportunities locally.

2.4: Work with community partners to deliver an annual music industry conference to facilitate professional development, capacity building, and networking opportunities.

2.5: Create a city-wide campaign to promote the City of Kingston's ongoing commitment to paying artists fair wages, with the intent of garnering public support for fair payment standards.

2.6: Consult with Kingston's Union of Professional Musicians to develop workshops and learning opportunities for local musicians including on performance contracts and fee negotiation.

2.7: Enhance awareness of grant funding opportunities available (locally, provincially, and federally) to local musicians, and explore how the City of Kingston Arts Fund (CKAF) could support musicians – including the creation of music (recording projects) and supporting emerging musicians and industry workers.

2.8: Identify collaborative opportunities between the City and local school boards and post-secondary institutions to provide Kingston youth access to early-career supports and services.

PILLAR 3: AMPLIFY CONNECTION AND VISIBILITY

Goal statement: *Nurture the grounds for a connected industry that fosters collaboration, provides opportunity for audience development, and encourages tourist visits.*

Increased connection and visibility leads to an industry and public that are better informed about the opportunities available in music, and helps further Kingston's reputation as a music hub. A more connected music industry produces more organic collaboration and idea sharing. Through improved connections between music and other creative industries (e.g., theatre, film & media, etc.), Kingston creatives will be exposed to expanded career opportunities – thus leading to greater economic potential. A music industry that is visible and well-promoted to residents and visitors alike contributes to placemaking and will lead to increased local and tourist spending, encourage community engagement, and create opportunities to showcase Kingston's diversity of talent and music offerings.

This pillar encompasses three key parts: 1) creating connectivity within the music industry itself (as well as with adjacent creative industries), 2) connecting artists and audiences, and 3) supporting the visibility and promotion of Kingston artists and music (and its various genres) on a wide scale.

It is important to ensure there are connections within the music industry and other adjacent creative industries to help with networking, expand the tightknit musical circle currently present in Kingston, and create more opportunities for emerging talent looking to get a start. It is also important to develop audiences to widen the potential fan base for local music creatives. Doing so must consider expanding the awareness of musical offerings for residents, as well as positioning Kingston as a go-to place for music for out-of-town visitors. Additionally, a supported industry is also one that is visible and well-promoted in the local community and beyond.

Impacts: Increased collaboration, unity, and knowledge sharing across Kingston's industry; Increased economic potential and opportunity for Kingston's artists – particularly emerging artists; More cross-pollination among creative industries; Improved public recognition and awareness of Kingston's diverse musical offerings, in terms of styles, genres, and cultures; Heightened status of Kingston as a vibrant and unique music destination; Increased music-related spending on the part of residents and visitors that drives the growth of the music sector as well as tourism activity

Recommendations

- ▶ Enhance sightlines between the City of Kingston, its key partners, and local music industry.
- ▶ Increase connections within the local music industry and to other creative industries.
- ▶ Boost Kingston's profile as a music hub for artists and audiences.

Supporting Actions

3.1: Establish a Kingston Music Working Group, comprised of community champions and working members of the Kingston music industry, to represent and advocate on behalf of musicians and the music industry, and help ensure successful implementation of the Kingston Music Strategy (and any future music strategies).

3.2: Develop and promote a centralized music directory including Kingston musicians and businesses. Assess the opportunity to leverage the ReelScout platform used for film, managed by the Film Office and Tourism Kingston.

3.3: Review duplication of efforts regarding event listings/calendars (i.e., those offered by Kingston Live, Kingston Arts Council, Tourism Kingston, Downtown Kingston, and City of Kingston) to create clearly defined resources for music audiences.

3.4: Develop a plan that identifies ways in which the City and its key partners can support promotion of arts and culture events, including music events and opportunities (such as the distribution of posters at community centres, public libraries, outdoor posting, street banner program, and more).

3.5: Facilitate networking opportunities for local musicians, both within music sector and other creative industries, through further investment of existing programs (i.e., Bandwidth by Tourism Kingston, and the Slight Music Video Program by Kingston Canadian Film Festival) and collaborate with partners to create new initiatives.

3.6: Expand visibility and scope of YGK Music to better promote local musicians (i.e., create online artist profiles, partner with local community radio stations, include playlists on other websites and in more public spaces, and offer performance opportunities for featured musicians) and evaluate current selection criteria in terms of diversity goals.

3.7: Identify a set of existing and new visible indicators of a vibrant music ecosystem to heighten the status of Kingston as a music hub and destination.

PILLAR 4: BOLSTER CITY LEADERSHIP

Goal statement: *Enhance existing infrastructure to become a city that creates possibilities for the industry and supports a more vibrant music scene.*

A vibrant local music industry is supported and enabled by the infrastructure put in place by its local government. Music-friendly processes and procedures, bylaws, and policies in Kingston that are clearer and more easily navigated will create the conditions for local artists, music industry workers, and music businesses to thrive. This improved infrastructure will also create strengthened connections between the City and the music industry, increased music activity in the city (thus contributing to Kingston's status as a music destination), and improved inclusion and access by removing barriers.

As noted in consultations, there is room to make changes at the City-level towards more music-friendly bylaws, especially with regard to noise and other bylaws, and more. This pillar also includes making the City more easily navigated by the industry.

More structured City support is also critical to advancing this work in the form of an empowered Music Officer, and formalized Kingston Music Office. In general, a Music Office(r) is charged with executing strategic actions (such as those described in this document) that contribute to the Strategy's overall vision. To do so, the Office(r) should have a degree of autonomy in how and when they undertake these actions. That autonomy can be enabled by locating the role (of Music Officer) within an arms-length organization, though it is important to retain a reporting relationship with the overall strategic objectives (and thus the City). While a Music Office(r) can work effectively as part of a larger organization (e.g., one promoting the development of the creative industries), it is crucial that the role itself remain focused on music. Using these degrees of freedom, the Office(r)'s decisions should be informed by continual liaisons with members of the industry (e.g., via an advisory group).

Impacts: Solidified reputation of Kingston as an artist-centred city; Increased ease of starting and running a music business in Kingston; Ability for more music, events, and music businesses in Kingston through simplified processes and more music-friendly accommodations; and Better communication and increased sightlines between the City and the local music industry.

Recommendations

- ▶ Establish structural City support for music.
- ▶ Position the City of Kingston as a music leader by acting as a key liaison and coordinator in the music scene.
- ▶ Enable a thriving industry through more-musician and audience-friendly bylaws and policies.
- ▶ Align the Kingston Music Strategy with existing economic development and tourism related strategies to support a strengthened music economy.

Supporting Actions

4.1: Ensure the existence of a Music Officer whose primary role would be to lead the implementation of the Kingston Music Strategy, in collaboration with the City's Arts & Culture Services Department, while acting as a contact point between the City and the music industry.

4.2: Expand the work and impact of the Officer over time by establishing a standalone Kingston Music Office, while exploring the relative benefits of various reporting relationships. The mandate of such an Office would be to assist in the execution of music strategies (such as this one) and to nurture the growth of the local music industry and those who work in it.

4.3: Create a public facing webpage where members of Kingston's music community can learn about the Music Officer's (and, when applicable, Office's) work, activities, programs, and impact.

4.4: Review and revise the existing noise bylaw to allow opportunity for more music activity across the city.

4.5: Explore music-friendly parking rules and regulations, including designated load-in zones near music venues for musicians' use, and special parking and/or loading passes for performing musicians.

4.6: In consultation with relevant local businesses, ensure that zoning bylaws are appropriate for Kingston's diverse range of music businesses (including both commercial and non-profit).

4.7: Establish means for monitoring key local industry metrics, emerging local issues related to barriers and bylaws, as well as emerging trends and practices in other jurisdictions.

4.8: Explore the creation of supports for musicians and music businesses, such as rebates for recording expenses incurred by local musicians and companies using local recording professionals, equipment, and/or spaces.

IMPLEMENTATION

An implementation plan outlines the resources and steps required to successfully execute a strategy. It serves as a roadmap, providing guidance and structure to ensure the efficient and effective implementation of a strategy. The purpose of an implementation plan is to bridge the gap between the planning phase and the actual execution of a project.

By defining necessary resources and dependencies, an implementation plan enhances coordination, communication, and accountability among the Kingston Music Strategy's owners, and ultimately ensures a systematic and organized approach.

Detailed implementation considerations for each pillar can be found in the Appendix of this Strategy.

Timeline

This Strategy does not have a set tenure or expiration. Therefore, actions have been categorized according to whether they should be prioritized in the immediate or shorter term (approximately over the first 2 years), the medium term (in the following approximately 3-4 years), and longer term (in the following 5 years and beyond).

Investment

Financial investment from the City will be required to effectively execute this Strategy and facilitate the growth of the local music industry. The total investment that will be required **will depend on a number of factors** (such as the scope and nature of various programs developed as a result of this Strategy), but the cost of certain short-term recommendations and actions can be estimated:

- ▶ In the short term (2024 and 2025), the cost of a Music Officer is approximately \$100,000-\$150,000 annually – excluding specific programming costs (which can only be determined once those programs have been created).
- ▶ A feasibility study for the adaptive re-use or refurbishment of an existing space, as outlined in Pillar 1, is estimated to cost approximately \$65,000.

In the **longer term**, the annual cost to run a full Kingston Music Office is estimated to be approximately **\$250,000 to \$375,000 annually**, excluding specific programming costs. Expenses involved with a fully operational Music Office include salaries for the Music Officer, a junior Music Office employee (like a supervisor), and an administrator; marketing and outreach; research and awareness; and general office costs and operating contingency.

While the required annual investment in the short term is known, the full annual investment needed to implement this Strategy in the long term will need to be higher. Investing in the local music industry through implementation of this Strategy presents a unique opportunity to enrich local cultural vibrancy, stimulate economic growth, and foster community engagement. To ensure adequate funding is available for implementing the Kingston Music Strategy, the City may **research and secure external grant funding opportunities**, such as those available through FACTOR, the Ontario Arts Council, the Canada Council for the Arts, corporate sponsorships, the SOCAN Foundation, and more.

By boosting support for local musicians, venues, and businesses, Kingston can strengthen and grow a dynamic ecosystem and bolster the creative economy. In time, this investment will yield economic and social returns in the form of job creation, higher GDP contribution, a more attractive city for residents and visitors, and a thriving community that stands out on the cultural map.

Actioning the Kingston Music Strategy

As with any successful strategy, the implementation of the Kingston Music Strategy will require considerable attention and energy. It will also involve input from a variety of individuals and groups with experience and vested interest in the local music industry. Successful implementation of this Strategy is contingent on **appointing the right combination of people into crucial roles and teams**.

To begin, the **Music Officer** (as described in Action 4.1) will be the primary individual responsible for championing and leading the implementation of this Strategy, and as such, is the highest priority action in this Strategy. To ensure the most efficient use of public funds, the Officer's role should (where possible) build on existing community relationships and programming, such as the Music Commissioner position within Tourism Kingston and its music portfolio.

Irrespective of how the Music Officer position is created, their responsibilities and remit will need to respond to the city's evolving music-related needs. As such, the **Kingston Music Office** (as described in Action 4.2),

to be established after the Officer is in place, will be instrumental in assisting with the implementation of this Strategy, as well as nurturing the growth of the local music industry and those who work in it.

Conditions that enable such an Office to be optimally effective include (but are not limited to): stable funding, the ability to respond quickly to emerging needs, and the ability to influence - but not be overly bound by - municipal regulations (such as bylaws). At the same time, the Office should have a clear reporting relationships to the City and other relevant organizations. As such, it would be evaluated upon its ability to achieve key performance indicators that are directly related to industry growth (e.g., aggregate venue capacity, number of working artists, etc.). These KPIs should (where possible) also be made available to the music community in Kingston, so they have a keen sense of what is working in the City's Music Office.

The needs of the local industry are likely to continually evolve, and the implementation of the Strategy will require regular consultation directly with Kingston's music community. The **Kingston Music Working Group** (as described in Action 3.1), comprised of community champions and working members of the Kingston music industry, will represent and advocate on behalf of the local industry (on a volunteer basis). Their main roles could include advising the Music Officer and Office on local music-related needs, monitoring music-related trends and practices emerging in other jurisdictions within Canada and abroad, and acting as an approving body for any future Music Strategies.

Next Steps

Because a large number of actions in the Strategy are dependent on the presence of a Music Officer and Office, **appointing the Officer (action 4.1) is the first step in this process**. The creation of the Music Office and assembling the Kingston Music Working Group are also key to ensuring the successful implementation of other items in this Strategy over time, and therefore should be among the first items addressed by the Officer. Developing programming through paid live performance opportunities, professional development, and networking for musicians is also an immediate next step that can start, in parallel with the appointment of the Officer. Exploring the creation of new spaces for music, as well as funding opportunities for musicians and music-related businesses and projects, can also be started right away.

With priorities and actionable steps clearly articulated, the City of Kingston will aim to strike a resonant chord with the community, growing and nurturing a vibrant and inclusive musical landscape. Together with partners, talented musicians, dedicated members of the music community, and passionate residents, the City will help orchestrate a future where music thrives and enriches the lives of all who live, learn, work, and play in Kingston.

APPENDIX: IMPLEMENTATION CONSIDERATIONS



Pillar 1: Implementation Considerations

| Supporting Action | Responsibility & Key Partners | Resources Needed | Dependencies |
|-------------------|---|--|--|
| 1.1 | Music Officer and Office City of Kingston | Can align with City of Kingston's Strategic Plan (2023-2026) around exploring live-work spaces such as an innovative adaptation of Centre 70 and Portsmouth Olympic Harbour. | Music Officer, Music Office (4.1, 4.2) |
| 1.2 | Music Officer and Office City of Kingston Kingston Economic Development Corporation | Existing resources. Additional funding may be required to support a targeted mechanism (e.g., property tax offset) if pursued; budget line in Music Office operating budget. | Ties into supports for musicians and music businesses (4.8) Music Officer, Music Office (4.1, 4.2) |
| 1.3 | City of Kingston | Existing resources. | Ties into re-evaluating zoning (4.6) |
| 1.4 | City of Kingston Kingston Economic Development Corporation Tourism Kingston | Additional funding may be required for a feasibility study to scope out a mid-size venue. | None |
| 1.5 | City of Kingston Kingston Economic Development Corporation Tourism Kingston | Existing resources. | Music Officer (4.1) |
| 1.6 | Music Officer and Office St. Lawrence College, Queens University (Isabel Bader Centre) | Leverage existing resources at the post-secondary schools. Consider offering subsidies for these spaces through municipal grants or through sponsorships. | Music Officer, Music Office (4.1, 4.2) |
| 1.7 | Music Officer and Office Neighbourhood/community associations Greater Kingston Chamber of Commerce Downtown Kingston BIA | Funding required to support new programming and paid performance opportunities. Explore sponsorships for continued performance opportunities (sponsored by the City) in order to maintain fair wages for artists. | Ties into public showcases and performance opportunities (2.1, 2.2) Music Officer, Music Office (4.1) |
| 1.8 | Music Officer and Office Union of Professional Musicians | Existing resources | Music Officer, Music Office (4.1, 4.2) |

Shorter term (0-2 years)
 Medium term (3-4 years)
 Longer term (5+ years)

Pillar 2: Implementation Considerations

| Supporting Action | Responsibility & Key Partners | Resources Needed | Dependencies |
|-------------------|--|--|--|
| 2.1 | Music Officer and Office City of Kingston | Existing resources; incorporate into operating budget for the Music Office. | Music Officer, Music Office (4.1, 4.2) Ties into leveraging outdoor spaces (1.7) |
| 2.2 | Music Officer and Office Kingston Grand Theatre City of Kingston | Existing resources. | Music Officer, Music Office (4.1, 4.2) |
| 2.3 | Music Officer and Office Post-secondary institutions School boards <i>*Can make use of City-PSI-Student Working Group noted in City's Strategic Priorities</i> | Leverage existing resources from local post-secondary institutions and school boards in developing toolkits. | Resources could be listed on virtual home for Music Office (4.3) Music Officer, Music Office (4.1, 4.2) |
| 2.4 | Music Officer and Office KPP Concerts Various music organizations in the community | Additional funding required to establish new programs; leverage pooled resources with partners, and explore sponsorship opportunities. | Music Officer, Music Office (4.1, 4.2) |
| 2.5 | Music Officer and Office City of Kingston Union of Professional Musicians | Leverage resources from the Union. Additional funding required for promotional efforts; part of operating funding of Music Office. | Music Officer, Music Office (4.1, 4.2) |
| 2.6 | Music Officer and Office Union of Professional Musicians | Leverage resources from the Union. | Music Officer, Music Office (4.1, 4.2) |
| 2.7 | Music Officer and Office City of Kingston Kingston Arts Council | Existing resources; to be examined through external City-led review of CKAF. | None |
| 2.8 | Music Officer and Office St. Lawrence College Queens University School boards Various music organizations in the Kingston community <i>*Can make use of City-PSI-Student Working Group noted in City's Strategic Priorities</i> | Existing resources; leverage additional resources through strategic partnerships. | Music Officer, Music Office (4.1, 4.2) |

Shorter term (0-2 years)
 Medium term (3-4 years)
 Longer term (5+ years)

Pillar 3: Implementation Considerations

| Supporting Action | Responsibility & Key Partners | Resources Needed | Dependencies |
|-------------------|--|--|--|
| 3.1 | Music Officer and Office | Existing resources. | Music Officer (4.1) |
| 3.2 | Music Officer and Office Kingston Film Office Tourism Kingston | Funding required to create and maintain directory; leverage ReelScout database used by Film Office. Maintenance should be part of operating budget for Music Office. | Music Officer, Music Office (4.1, 4.2) |
| 3.3 | Music Officer and Office Community partners (e.g., Kingston Live) Tourism Kingston | Additional capacity required to update and maintain database (see 'Music Office' in 4.2). Funding required to maintain database; allocation of Municipal Accommodation Tax (MAT). | Music Officer, Music Office (4.1, 4.2) |
| 3.4 | Music Officer and Office | Existing resources. | Music Officer (4.1) |
| 3.5 | Music Officer and Office Community partners for greater promotion (e.g., community radio stations) | Funding required to create new programs and further invest in existing ones; part of operating budget for Music Office. Consider exploring sponsorship opportunities. | Music Officer (4.1) |
| 3.6 | Music Officer and Office Community partners for greater promotion (e.g., community radio stations) | Funds required for enhancements to the YGK program (i.e., offering performance opportunities for featured artists); to be built into Music Office budget. | Music Officer, Music Office (4.1, 4.2) |
| 3.7 | Music Officer and Office Tourism Kingston Kingston Economic Development Corporation Downtown Kingston BIA Post-secondary Institutions Local event organizers and arts organizations | Funding leveraged via the Municipal Accommodation Tax (MAT). | Music Officer, Music Office (4.1, 4.2) |

Shorter term (0-2 years)
 Medium term (3-4 years)
 Longer term (5+ years)

Pillar 4: Implementation Considerations

| Supporting Action | Responsibility & Key Partners | Resources Needed | Dependencies |
|-------------------|--|--|--|
| 4.1 | City of Kingston Tourism Kingston | Additional resources needed for the operational cost of employing a Music Officer. In other Ontario jurisdictions, cost falls between \$100,000 and \$150,000 per year. This position could be pursued through a Service Level Agreement with Tourism Kingston and their existing Music Commissioner role. | None |
| 4.2 | City of Kingston Tourism Kingston | Additional resources needed for the total annual operating budget required for a Music Office. Annual operating budgets can fall between \$250,000 and \$375,000 annually, excluding specific programming costs (including approx. \$80,000-\$110,000 for a Supervisor). If pursued, this annual operating budget would include an additional position (e.g., a Supervisor) that would support the Music Officer. | Music Officer (4.1) |
| 4.3 | Music Office City of Kingston | Existing resources. This action could entail expanding the current music microsite on Visit Kingston. | Music Officer; Music Office (4.1, 4.2) |
| 4.4 | City of Kingston | Existing resources; currently in review. | None |
| 4.5 | City of Kingston | Existing resources. | Ongoing review of various bylaws supported by monitoring local issues (4.7) |
| 4.6 | City of Kingston | Existing resources. | Ongoing review of various bylaws supported by monitoring local issues (4.7) |
| 4.7 | Music Officer and Office City of Kingston | Resources available under the Music Office (e.g., additional capacity in the form of a Supervisor to assist in maintaining ongoing trends research and community engagement). | Music Officer, Music Office (4.1, 4.2) Could be explored as part of Terms of Reference for the Kingston Music Working Group (3.1) |
| 4.8 | Music Officer and Office City of Kingston | Additional funds may be required depending on support pursued (e.g., offsets, rebate); budget line in Music Office operating budget. | Music Officer, Music Office (4.1, 4.2) |

Shorter term (0-2 years)
 Medium term (3-4 years)
 Longer term (5+ years)

Key Performance Indicators

| Pillar | Key Performance Indicators |
|------------------------|---|
| <p>Pillar 1</p> | <ul style="list-style-type: none"> Completion of a feasibility review of existing spaces Increase in number of new and pre-existing spaces transformed for music use Increase in music spaces available for rehearsal and performance Increase in varied number of venues and rehearsal spaces that suit a range and diversity of artists and genres Creation of a mid-sized venue Increase in number of outdoor spaces available for music use Increase in music activity in across the city Increase in paid performance opportunities for artists Increase in domestic and visitor spending and foot traffic across areas with music activity Increase in number of venues paying fair wages (i.e., minimum union rates) Improved connection between the union, artists, and venues Increase in quality and standardization of music venues (i.e., accessibility, lighting, safety, code of conduct, etc.) |
| <p>Pillar 2</p> | <ul style="list-style-type: none"> Increase in number of performance opportunities available for local artists Increase in community awareness of diverse music talent Creation of toolkits and professional development resources Improved access to professional development resources and opportunities among the music community Increase in number of students pursuing varied careers in the music ecosystem Increase in awareness and participation in available training and supports Enhanced status of Kingston as a hub for music creatives Increase in use and enforcement of contracts between artists and venues Increase in artist fees in alignment with union rates Increase in music business activity and revenues Reduced sector reliance on local funding support Increase in industry-ready students graduating from secondary and post-secondary institutions Increase in collaboration between industry and post-secondary institutions Increase in local funding for the industry Increase in number of emerging artists supported and incubated by local funding |

| Pillar | Key Performance Indicators |
|------------------------|--|
| <p>Pillar 3</p> | <p>Establishment of Kingston Music Working Group Increase in engagement and visibility with Kingston's music industry Increase in visibility of music activity across the sector Increase in music-related tourism spending in all seasons Increase in visibility/awareness of music offerings in all seasons Increase in promotion of local artists to the local community and visitors Increase in community awareness of diverse music offerings in Kingston Increase in attendance numbers at local events, performances, festivals Increase in number of collaborations across the music industry and adjacent creative sectors</p> |
| <p>Pillar 4</p> | <p>Appointment of a Music Officer Establishment of a Music Office, and additional supporting music office positions Increased visibility, prioritization and integration of music in City initiatives Increase in music activity in the city Reduction in complaints from music community in relation to bylaws and policies Increase in communication touchpoints/channels between the music community and City Implementation of offsets and/or rebates Increase in music business activity</p> |



KINGSTON MUSIC STRATEGY



**Council Meeting Number 02-2024
Addendum Number 2
Tuesday, December 19, 2023**

Reports

The consent of Council is requested for the **addition** of Clause 4 to Report Number 06:
Received from the Chief Administrative Officer (Recommend).

4. Minor Amendments to the Kingston Public Market By-Law

That the first clause of the Recommendation in Report Number 24-044 be deleted and replaced with the following:

That the By-Law attached to Report Number 24-051, "A By-Law Respecting the Kingston Public Market", be presented to Council for all three readings.

(See By-Law Number (95), 2024-109 attached to Addendum Number 2 as schedule pages 4-22)

(The Report of the Chief Administrative Officer (24-051) is attached to Addendum Number 2 as schedule pages 1-54)

Communications

The consent of Council is requested for the **addition** of Communication Number 02-76.

02-76 Correspondence received from Christine Sypnowich with respect to Farmers' Market and Good Process, dated December 18, 2023.

(Distributed to all members of Council on December 18, 2023)

By-Laws

The consent of Council is requested for the **addition** of By-Law Number 95.

95) A By-Law Respecting the Kingston Public Market

Three Readings

Proposed Number 2024-109

(Clause 4, Report Number 06)



**City of Kingston
Report to Council
Report Number 24-051**

To: Mayor and Members of Council
From: Lanie Hurdle, Chief Administrative Officer
Resource Staff: None
Date of Meeting: December 19, 2023
Subject: Minor Amendments to the Kingston Public Market By-Law

Council Strategic Plan Alignment:

Theme: 4. Foster a Caring and Inclusive Community

Goal: 4.2 Help address food insecurity and sustainability.

Executive Summary:

This report is supplemental to Report Number 24-044 regarding approval of the Kingston Public Market. The by-law attached as Exhibit A to this report (Report Number 24-051) includes minor updates to the Kingston Public Market By-Law included with Report Number 24-044 based on feedback received by vendors.

This report and approval of the by-law are time sensitive since Loving Spoonful's notice provides an end of contract as of December 31, 2023. This by-law will ensure that there is an operational framework in place in January to support vendors active in the winter as well as planning for the Spring of 2024. The original by-law went through an engagement process and was presented at ARCP through [Report Number ARCP-21-007](#).

Recommendation:

That the first clause of the Recommendation in Report Number 24-044 be deleted and replaced with the following:

That the by-law attached to Report Number 24-051, "A By-Law Respecting the Kingston Public Market", be presented to Council for all three readings.

December 19, 2024

Page 2 of 3

Authorizing Signatures:

ORIGINAL SIGNED BY CHIEF

ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

| | |
|--|--------------|
| Paige Agnew, Commissioner, Growth & Development Services | Not required |
| Jennifer Campbell, Commissioner, Community Services | |
| Neil Carbone, Commissioner, Corporate Services | Not required |
| David Fell, President & CEO, Utilities Kingston | Not required |
| Peter Huigenbos, Commissioner, Major Projects & Strategic Initiatives | Not required |
| Brad Joyce, Commissioner, Infrastructure, Transportation & Emergency Services | Not required |
| Desirée Kennedy, Chief Financial Officer & City Treasurer | Not required |

December 19, 2024

Page 3 of 3

Options/Discussion:

City staff received comments and feedback from a few vendors on the proposed by-law respecting the operations of the Kingston Public Market. This by-law was the same as the by-law that was approved by City Council in 2021 and implemented until 2023, at which time the public market was managed by Loving Spoonful.

The proposed changes are listed below:

1. Hours of operations - change from 7:30 am to 8:30 am for vendors to be at their stalls during June, July and August and from 8 am to 9 am for vendors to be at their stalls during other months of operations. This was raised as a concern for produce vendors that travel longer distances.
2. Cancellation, Postponement and Rainchecks (Section 6) - Remove the reference to "where possible" to provide vendors with more certainty that at least 4 weeks' notice would be provided unless exempted by City Council.

Contacts:

Lanie Hurdle, Chief Administrative Officer, 613-546-4291 extension 1231

Other City of Kingston Staff Consulted:

Tony Gargaro, Manager, Recreation Services, Recreation & Leisure Services

Jon Hayter, Supervisor, Special Events & Marketing, Recreation & Leisure Services

Exhibits Attached:

Exhibit A - A By-Law Respecting the Kingston Public Market

Exhibit B - Report Number ARCP-21-007 - Local Food Strategy and Amendments to the Kingston Public Market By-Law

City of Kingston By-Law Number 2024–XX
A By-Law Respecting the Kingston Public Market

| | |
|-------------------------|------|
| 1 st Reading | date |
| 2 nd Reading | date |
| 3 rd Reading | date |
| Passed | date |

City of Kingston By-Law Number 2024-XX
A By-Law Respecting the Kingston Public Market

Interpretation 2
Administration 4
Application of By-Law and Prohibitions 5
Licence Agreements and Daily Permits 5
Allocation of Stalls and Eligibility for Renewal 6
Cancellation, Postponement and Rainchecks 6
Jury..... 7
Schedules 7
Inspection & Enforcement..... 7
Offences & Administrative Penalties..... 8
General..... 9

Public Market By-Law

City of Kingston By-Law Number 2024-XX

A By-Law Respecting the Kingston Public Market

Whereas:

The *City* is a single-tier municipality incorporated pursuant to an order made under section 25.2 of the *Municipal Act, 2001*;

Subsection 5 (1) of the *Municipal Act, 2001* provides that the powers of a municipality must be exercised by its council;

Subsection 5 (3) of the *Municipal Act, 2001* provides that a municipal power must be exercised by by-law unless the municipality is specifically authorized to do otherwise;

Pursuant to subsection 10 (1) of the *Municipal Act, 2001*, a single tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public; and

Pursuant to section 113 of the *Municipal Act, 2001*, a local municipality may establish, maintain and operate a farmers market, a flea market and other similar types of markets, and may regulate a farmers market, a flea market and other similar types of markets of any person including regulating the hours of operation of a market.

Therefore, Council enacts:

1 Interpretation

1.1 This by-law may be cited as the *Public Market By-Law*.

1.2 In this by-law:

"Administrative Policies Committee" means the Administrative Policies Committee designated by *Council* or, in the event of organizational changes, another committee designated by *Council* to carry out the committee's responsibilities for appeals under this by-law;

"City" means The Corporation of the City of Kingston;

"Council" means the Council of the *City*;

"craft" means an item of decorative design and handicraft, or an item produced by hand and consisting of a one-of-a-kind or studio production work, and generally includes those items made with some degree of artistic purpose, but excludes mass-manufactured items;

Public Market By-Law

"**daily permit**" means a permit issued by the *City* to a *stall holder* pursuant to this by-law governing the *stall holder's* use and occupation of a *stall* for one day;

"**jury**" means the *market jury* established by the *manager* pursuant to Schedule D of this by-law;

"**licence agreement**" means the licence agreement entered into by the *City* and the *stall holder* pursuant to this by-law governing the *stall holder's* use and occupation of a *stall*;

"**manager**" means the Manager of Recreation & Leisure Services for the *City*, the *manager's* delegate, or, in the event of organizational changes, the manager of the appropriately titled department;

"**market**" means the City of Kingston public market located at Springer Market Square, as approximately shown on Schedule A;

"**market clerk**" means the *person* designated by the *manager* to manage the *market*;

"**market season**" means from January 1 to December 31 in each year;

"**Municipal Act, 2001**" means the *Municipal Act, 2001*, S.O. 2001, c.25;

"**person**" includes an individual, a corporation, a partnership, and an association;

"**producer**" means a *stall holder* who produces a minimum of 80% of their product;

"**Provincial Offences Act**" means the *Provincial Offences Act*, R.S.O. 1990, c. P.33;

"**re-seller**" means a *stall holder* who produces less than 80% of their product and/or buys their product either locally or from wholesalers;

"**stall**" means that portion of the *market* licensed by the *City* to a *stall holder* pursuant to a *daily permit* or *licence agreement*, as the case may be; and

"**stall holder(s)**" means a *person* who has entered into a *licence agreement* with the *City* for the use and occupation of a *stall*, or who has received a *daily permit* from the *City* for the use and occupation of a *stall*.

1.3 For the purposes of interpreting this by-law:

(a) a reference to any legislation, regulation, or by-law or to a provision

Public Market By-Law

- thereof includes a reference to any legislation, regulation or by-law enacted, made or passed in substitution thereof or amendment thereof;
- (b) any reference to legislation or by-laws includes all of the regulations made thereunder; and
- (c) “include”, “includes” and “including” indicate that the subsequent list is not exhaustive.
- 1.4 This by-law will not be interpreted as exempting any *person* from the requirement to comply with any other *City* by-law or federal or provincial legislation. In the event of conflict between the provisions of this by-law and any other *City* by-law, the more restrictive provision will apply.

2 Administration

- 2.1 The *manager* is responsible for the administration of this by-law.
- 2.2 Where this by-law provides that the *manager* may do an act, the *manager* may, when doing the act, seek and consider information or documents from any *person*, and may consult with other *City* employees, legal counsel, or other advisors, all as the *manager* considers necessary.
- 2.3 Where this by-law provides that the *manager* may do an act, it may be done by an individual authorized by the *manager* to do the act.
- 2.4 Every application for a new *licence agreement*, or a renewal of an existing *licence agreement*, must be submitted to the *manager* in the form provided.
- 2.5 Every application for a new *licence agreement*, or a renewal of an existing *licence agreement*, must be accompanied by the full licence fee, as set out in *City of Kingston By-Law Number 2005-10, “A By-Law to Establish Fees and Charges to be Collected by The Corporation of the City of Kingston”*, together with the jurying fee referred to in Schedule D, if applicable.
- 2.6 Despite subsection 2.5 of this by-law, a *producer* may request a 50% fee reduction in exchange for a bi-weekly donation to a local food program or organization that supports the most vulnerable populations in the community, subject to and in accordance with the terms of the *licence agreement*.
- 2.7 The *manager* will review each complete application and will grant or refuse to issue a *licence agreement* or *daily permit*, as the case may be, and will notify the applicant of its decision in writing.
- 2.8 All applications for a *craft stall* or the sale of *crafts* must include a detailed description of the *crafts* to be offered, as well as information on how the *crafts* are produced. All such applications are subject to the *jury* process described in Schedule D.

Public Market By-Law

- 2.9 A *person* whose application for a *licence agreement* or a renewal of a *licence agreement* has been refused, or a *person* whose *licence agreement* has been terminated may, within 15 days of being notified of the *City's* decision, submit an application to appeal to the *Administrative Policies Committee* for a review of the decision. A *person* whose application for a *daily permit* has been refused has no right of appeal and the decision of the *manager* is final.
- 2.10 On appeal, the *Administrative Policies Committee* has the power to affirm the decision of the *manager* to refuse or terminate the *licence agreement*, or to direct the *manager* to issue, renew or reinstate the *licence agreement*.
- 2.11 Decisions of the *Administrative Policies Committee* are final.

3 Application of By-Law and Prohibitions

- 3.1 This by-law applies to the use of the *market*. Non-*market* civic events held in Springer Market Square will be regulated by the *City of Kingston First Capital Place Policy*, the *City of Kingston Special Events Policy for City Parks and Facilities*, and all other applicable *City* policies.
- 3.2 No *person* will sell, offer for sale, display, distribute or hand out any item in, on or at the *market* without a valid *licence agreement* or a *daily permit* issued under the provisions of this by-law.
- 3.3 No *person* will knowingly submit an application for a *licence agreement* or *daily permit* that contains false, misleading or deceptive information.
- 3.4 No *stall holder* or employee of a *stall holder* will discriminate in the carrying on of business against any member of the public on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability.
- 3.5 No *stall holder* may sell, offer for sale, display, distribute or give any live animal, including any live bird, live fish, or live reptile, at the *market*.

4 Licence Agreements and Daily Permits

- 4.1 Each *stall holder* is required to execute a *licence agreement* or to obtain a *daily permit* prior to accessing or using the *stall*. Each *licence agreement* and *daily permit* will contain the terms and conditions specified in this by-law, including the general provisions set out in Schedule C of this by-law, subject to any modifications or additional provisions which may be made to those general provisions as reasonably required by the *manager* and approved by the *City's* Director of Legal Services.
- 4.2 No *stall holder* will transfer or assign their *licence agreement* or *daily permit* or

Public Market By-Law

sublicence or allow any other *person* to occupy the *stall* without the prior written consent of the *manager*.

- 4.3 Every *stall holder* must comply with all applicable federal, provincial, and municipal laws and regulations governing the use and occupation of the *stall* and the operation of the *stall holder's* business at the *stall*.
- 4.4 A *stall holder* may request a temporary suspension of its obligations under the *licence agreement*, subject to and in accordance with Schedule E of this by-law.
- 4.5 All *stall holders* must display their *stall* card in a prominent place in their *stall* at all times.

5 Allocation of Stalls and Eligibility for Renewal

- 5.1 *Stalls* will be allocated to *stall holders* based on seniority and compliance with the attendance requirements set out in subsection 5.3 below, except between November 1 and March 31 inclusive, when *stalls* will be offered by availability and seniority. Seniority will be determined by the number of consecutive years that the *stall holder* has maintained a *stall* at the *market*.
- 5.2 In allocating *stalls* to new *stall holders*, preference will be given to *producers* who live within a 100-kilometre radius of the geographic boundaries of the City of Kingston.
- 5.3 In order to be eligible for renewal of a *licence agreement*, a *stall holder* must achieve 80% attendance at the *market*, during the days and at the times specified in Schedule B, in the *stall holder's* best three months of the previous *market season*, subject to subsection 5.4 below. For clarity, in calculating the 80% attendance threshold, inclement weather days, as determined by the *manager*, will be excluded.
- 5.4 Despite subsection 5.3, a *producer* is only required to maintain a minimum attendance of one day per week during the *producer's* best three months of the previous *market season* in order to be eligible for renewal of a *licence agreement*.

6 Cancellation, Postponement and Rainchecks

- 6.1 Any *licence agreement* or *daily permit* may be cancelled by the *manager* at any time for breach of any provision of the *licence agreement*, *daily permit*, or this by-law.
- 6.2 The *City* may, without notice, require the closure and/or vacation of the *market* at any time due to a real or perceived emergency. For purposes of this subsection 6.2, an emergency includes any public emergency, such as a pandemic and/or epidemic as deemed to be such by the *City* in its sole discretion.

Public Market By-Law

- 6.3 If the *market* is required by the *City* for a special event, including a program, filming activity or civic event approved by the *City*, the *manager* may, upon at least four weeks' notice to the *stall holders*, require the closure, vacation and/or postponement of the *market* on the days and at the times specified in the notice. Such notice will include any scheduled rain dates for the special event. In addition to the notice period, the following terms and conditions will be applicable in the case of a cancellation or postponement:
- (a) in the case of postponement, the *market* day will be rescheduled to the next available Friday, where reasonably possible;
 - (b) the *City* must display signage at the *market* announcing the cancellation/postponement for a period of at least one week prior to the cancellation/postponement;
 - (c) the *City* and Tourism Kingston must announce the cancellation/postponement on their websites and through social media channels.
- 6.4 Rain checks will only be offered to *daily permit* holders who have paid the daily fee, and who are required to vacate the *market* prior to 11:00 a.m. due to inclement weather. Rain checks will not be offered to *licence agreement* holders.

7 Jury

- 7.1 The composition and duties of the *jury* with respect to the sale of *crafts* at the *market* are set out in Schedule D of this by-law.

8 Schedules

- 8.1 The following schedules are attached to and form part of this by-law:
- Schedule A – Market Layout
 - Schedule B – Market Days and Hours
 - Schedule C – General Provisions for Stall Holders
 - Schedule D – Composition and Duties of the Jury
 - Schedule E – Requests for Temporary Absences

9 Inspection & Enforcement

- 9.1 The *manager*, the *market clerk*, and any authorized agent or employee of the *City*, has the right, at any time and from time to time, to inspect the *stalls*, and all property, equipment, products and fixtures in the *stalls*, to determine whether the requirements of this by-law are being complied with, and no *person* will obstruct,

Public Market By-Law

hinder or otherwise interfere with such an inspection.

10 Offences & Administrative Penalties

- 10.1 Every *person* is guilty of an offence as provided for in the *Provincial Offences Act* if the *person*:
- (a) contravenes any provision of this by-law;
 - (b) hinders, obstructs or interferes with the *manager* in the exercise of the *manager's* powers and duties; or
 - (c) hinders, obstructs or interferes with a *person* authorized by the *manager* to do an act in the exercise of that *person's* authority to do the act.
- 10.2 Every officer or director of a corporation who knowingly concurs in the contravention of any provision of this by-law is guilty of an offence as provided for in the *Provincial Offences Act*.
- 10.3 Every *person* who is convicted of an offence under this by-law is liable to a minimum fine of \$500 and to a maximum fine of \$100,000 pursuant to subsections 429 (1) and (3) of the *Municipal Act, 2001*.
- 10.4 A *person* who is convicted of an offence under this by-law is liable, for each day or part of a day that the offence continues, to a minimum fine of \$500 and a maximum fine of \$10,000, and the total of all daily fines for the offence is not limited to \$100,000 as provided for in section 429 of the *Municipal Act, 2001*.
- 10.5 When a *person* has been convicted of an offence under this by-law, the Ontario Court of Justice or any court of competent jurisdiction may, in addition to any other penalty imposed on the *person* convicted, make an order:
- (a) prohibiting the continuation or repetition of the offence by the *person* convicted; and
 - (b) requiring the *person* convicted to correct the contravention in the manner and within the period that the court considers appropriate.
- 10.6 The *City* may collect unpaid fines for a contravention of this by-law in accordance with the following:
- (a) the *City* treasurer may give notice that if any part of a fine for a contravention of this by-law remains unpaid after the fine becomes due and payable under section 66 of the *Provincial Offences Act*, including any extension of time for payment under section 66 or 66.0.1 of the *Provincial Offences Act*, the treasurer may give the *person* against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date one which it is payable, which must be not less than 21 days after

Public Market By-Law

the date of the notice;

- (b) if the fine remains unpaid after the final date specified in the notice, the fine is deemed to be unpaid taxes for the purposes of section 351 of the *Municipal Act, 2001*.

11 General

- 11.1 If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law that each and every provision of this by-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.
- 11.2 This by-law will come into force and take effect on the date it is passed.

Public Market By-Law

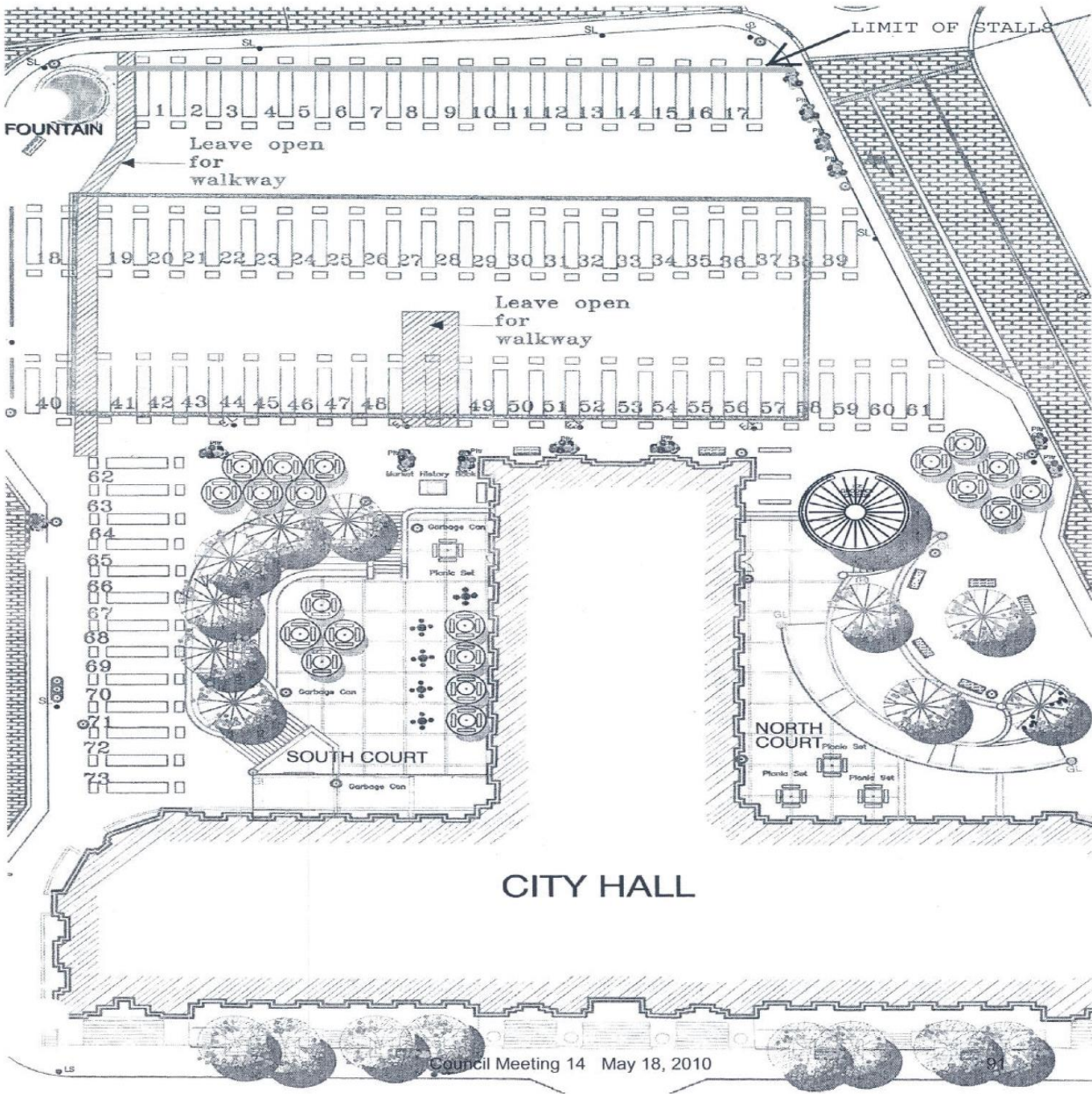
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| 1 st Reading | date |
| 2 nd Reading | date |
| 3 rd Reading | date |
| Passed | date |

Janet Jaynes
City Clerk

Bryan Paterson
Mayor

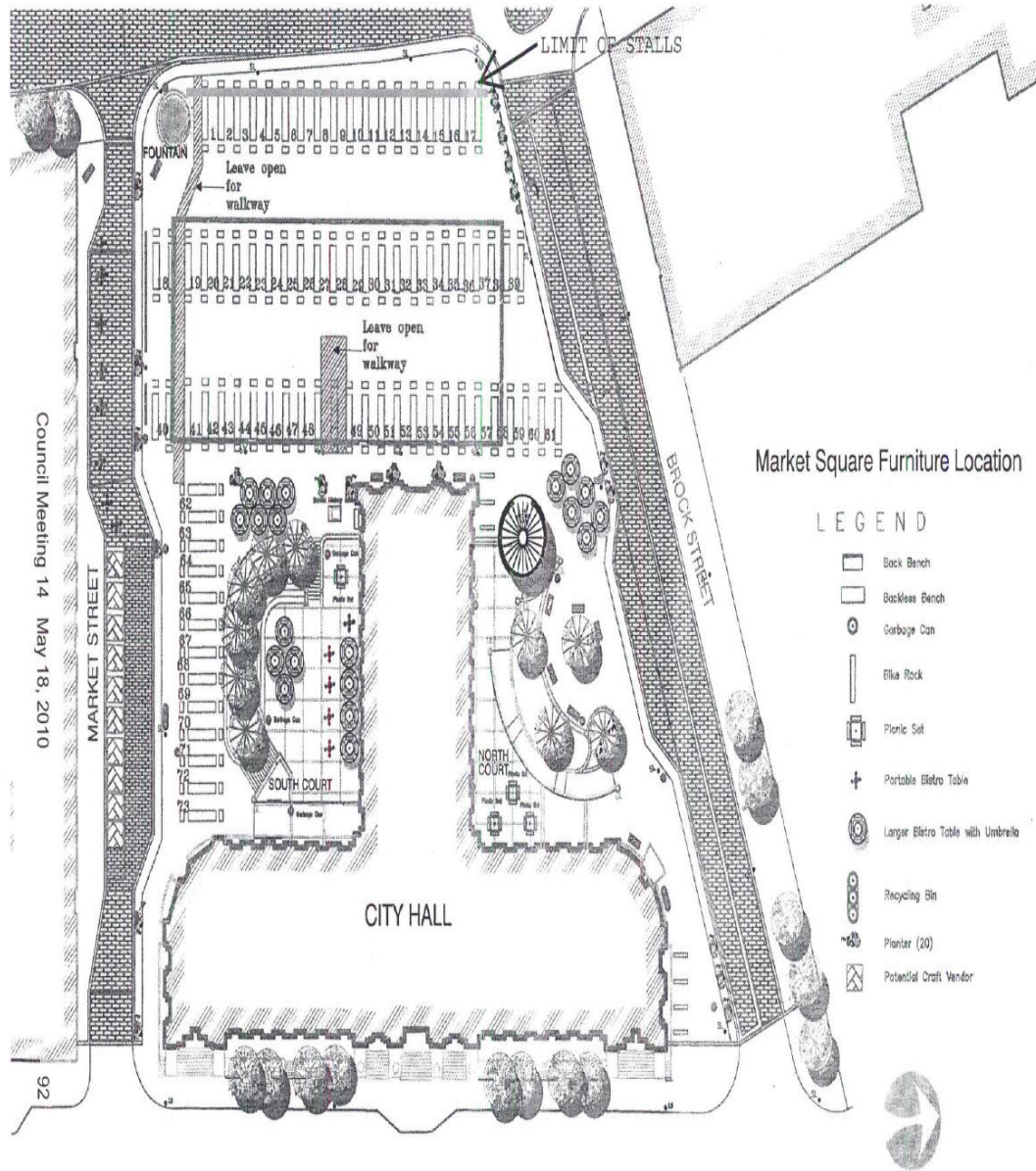
Public Market By-Law

Schedule A
Market Layout



Public Market By-Law

Schedule A Continued



Council Meeting 14 May 18, 2010

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Public Market By-Law

Schedule B

Market Days and Hours

- 1) The *market* will run during the *market season* on the following days: Tuesday, Thursday, and Saturday.
- 2) The regular *market* operating hours are as follows:
 - a) 8:30 a.m. to 5:00 p.m. from April 1 to October 31; and
 - b) 9:00 a.m. to 5:00 p.m. from November 1 to March 31.
- 3) *Stall holders* must set-up their *stall* no earlier than 6:00 a.m. and no later than 8:30 a.m. on *market* days during the months of June, July and August, or by 9:00 a.m. during any other calendar month, unless otherwise authorized by the *market clerk*. All *stall holders* must vacate the *market* by no later than 6:00 p.m. each day.
- 4) If a *stall* remains unoccupied by 8:30 a.m. during the months of June, July and August, or by 9:00 a.m. during any other calendar month, the *market clerk* has the right to offer the *stall(s)* to the other *stall holders* in attendance for use on the subject day. Unoccupied *stalls* will be allocated based on seniority pursuant to subsection 5.1 of this by-law, subject to the following provisions:
 - a) if a *producer* or *re-seller stall* is unoccupied, a *producer* or *re-seller* who is in attendance may request to relocate to that *stall* at no additional cost. If no *producer* or *re-seller* requests to be relocated, or if more than one *producer* or *re-seller* requests to be relocated, the unoccupied *stall* will be allocated based on seniority in the manner described above; and
 - b) if a *craft stall* is unoccupied, a *craft stall holder* who is in attendance may request to relocate to that *stall* at no additional cost. If no *craft stall holder* requests to be relocated, or if more than one *craft stall holder* requests to be relocated, the unoccupied *stall* will be allocated based on seniority in the manner described above.
- 5) The *market clerk* may reassign *stalls* to improve the compatibility and appearance of the *market*, and to assure that no *stall holder* is isolated.
- 6) Despite the foregoing, *craft stall holders* may operate on regular *market* days in the produce area of the *market*, provided space is available.
- 7) During the months of April to October inclusive, *producers* and *re-sellers* may offer for sale *craft* products, provided that the *craft* products do not occupy more than 10% of the display area of the *stall*, and provided the *crafts* have been approved by the *jury* in accordance with Schedule D.

Public Market By-Law

- 8) During the months of November to March inclusive, *producers* and *re-sellers* may offer for sale *craft* products, provided that the *craft* products do not occupy more than 20% of the display area of the *stall*, and provided the *crafts* have been approved by the *jury* in accordance with Schedule D.

Public Market By-Law

Schedule C

General Provisions for Stall Holders

1. Market Sales

- 1) The *stall holder* will not use or permit the use of a *stall* for any purpose other than the following:
 - (a) the retail sale of raw or processed product of an agricultural crop, industry or enterprise, such as, by way of example, fruits and vegetables;
 - (b) food sampling in accordance with the provisions of the *Health Promotion and Protection Act*, R.S.O. 1990, c. H.7, and all public health regulations, rules and guidelines; and
 - (c) the retail sale of *crafts* approved pursuant to Schedule D of this by-law.
- 2) No *craft* vendor will occupy more than one *stall* in the *market*.

2. Attendance

Stall holders must use reasonable efforts to notify the *market clerk* in advance if the *stall holder* is unable to attend the *market* on a scheduled *market* day in accordance with the *market* hours set out in Schedule B.

3. Vehicles and Parking, No Obstructions

- 1) *Stall holders* are permitted to park their vehicles in their designated *stall* on regular *market* days, during the hours set out in Section 2 of Schedule B, so long as the *stall* is being actively operated for business.
- 2) *Stall holders* are only permitted to park their vehicles in their designated *stall*. Any vehicle that will not fit on a double *stall* will not be permitted in any other location on the *market*.
- 3) *Stall holders* must maintain their vehicles, trailers and associated equipment, and must take whatever precautions are necessary to ensure that there is no fluid leakage on the *market*, including placing cardboard or other materials under the oil pan of the vehicle. *Stall holders* must minimize vehicle idling at the *market* in accordance with the *City's* idling by-laws.
- 4) The *stall holder* will not obstruct and will not permit the obstruction of any sidewalks, including by way of placement of awnings, signs, fixtures or products. Awnings may be permitted to overhang onto a sidewalk if the *manager* determines that the awning does not interfere with pedestrian and/or other traffic or adjacent *stalls*.

Public Market By-Law

4. Operating Requirements

All *stall holders* must comply with the operating requirements set out in the *licence agreement* or *daily permit*, including all insurance, indemnification, maintenance, and cleaning requirements set out in the *licence agreement*.

5. Community Purpose Stalls

Despite the provisions of this by-law, one *stall* in the *market* will be reserved for community purposes on *market* days in a location designated by the *City*. During the period from November 1 to March 31 in each year, the *City* will reserve six *stalls* for community purposes, in locations designated by the *City*. The community purpose *stall(s)* will be available on a daily, first-come, first-served basis, upon application in writing to the *market clerk*. Each application for a community purpose *stall* must be for one date only.

6. Sale of Ice Cream Products

The sale of ice cream products from mobile carts is permitted in the *market* on regular *market* days; provided, however, that such sales only take place from the two internal roadways between Brock Street and Market Street. The ice cream vendor will not block internal vehicular traffic that is ongoing throughout *market* days or interfere with any *stall holder's* ability to do business. Ice cream vendors must also obtain and abide by the terms of all other *City* permits as required.

7. Modification of Conditions

These conditions may be modified or added to as provided for under subsection 4.1 of this by-law.

Public Market By-Law

Schedule D

Composition and Duties of the Jury

- 1) All first-time applications for the sale of *crafts* at the *market* will be referred to the *jury* for the purpose of ensuring that the *crafts* to be offered meet established criteria.
- 2) The *jury* will consist of three individuals appointed by the *manager* who are not *stall holders*. Members of the *jury* will be chosen based on their experience in *crafts* and their knowledge of *craft* techniques. Employees of the *City* will not be eligible to sit on the *jury* in a decision-making capacity; however, *City* employees may be present to advise and make recommendations to the *jury*.
- 3) The applicant for the sale of *crafts* must be present in person (or virtually if the jurying process is conducted electronically) for the jurying process.
- 4) Members of the *jury* will be compensated at a rate set by the *manager* from time to time.
- 5) Any *person* may appeal the decision of the *jury* to the *manager* within 15 days of being notified of the *jury's* decision. On appeal, the *manager* has the power to affirm the decision of the *jury*, or to approve the application.

Schedule E

Requests for Temporary Absences

The *manager* may grant temporary sabbaticals/leaves of absence (a “*temporary absence*”) to *stall holders* for a period not to exceed 12 months in the aggregate. Requests for a *temporary absence* must be submitted in writing to the *manager* and will be governed by the following provisions:

- 1) The written request for a *temporary absence* must be received by the *manager* before February 1 of each year;
- 2) The written request for a *temporary absence* must include the *stall* number and the reason for the *temporary absence*;
- 3) Requests for *temporary absences* will only be granted due to medical or health conditions, or other circumstances beyond the reasonable control of the *stall holder*;
- 4) In order to request a *temporary absence*, the *stall holder* must be in good standing under the terms of the *licence agreement* and this by-law; and
- 5) The *manager* will respond in writing within 15 business days and will either approve or deny the request for a *temporary absence*. The decision of the *manager* is final.



City of Kingston
Report to Arts, Recreation & Community Policies Committee
Report Number ARCP-21-007

To: Chair and Members of the Arts, Recreation & Community Policies Committee

From: Lanie Hurdle, Chief Administrative Officer (CAO)

Resource Staff: Kate Lillicrap, Project Manager, Office of the CAO

Date of Meeting: March 9, 2021

Subject: Local Food Strategy and Amendments to the Kingston Public Market By-Law

Council Strategic Plan Alignment:

Theme: 5. Foster healthy citizens and vibrant spaces

Goal: 5.6 Leverage and promote food security solutions in partnership with others.

Executive Summary:

In 2019, City Council approved its strategic priorities which included the support and promotion of local food and food security solutions. In November 2020, City Council endorsed amendments to its strategic priorities which included to support increased access to local food and security and specifically included reviewing by-laws and regulations that apply to food markets in Kingston.

City staff have put together a high-level framework to support and promote local food which is divided into three (3) different categories: production, processing and distribution. Although the framework requires the contribution of multiple organizations and businesses, the City will have a role and responsibilities to advance action items to strengthen and link the three (3) categories to better support local food and food security.

This report provides high-level information on the three (3) categories within the food strategy framework but focuses primarily on proposed changes to farmers' market operations which are part of the food distribution category of the framework.

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City staff have identified five (5) markets (Kingston Public Market, Memorial Centre Farmers’ Market, Westbrook Farmers’ Market, West Market Kingston and Community Harvest Market) where local foods are sold. It is important to note that the Kingston Public Market is the only market that is not designated as a farmers’ market as its composition does not include sufficient farmers growing local food. A farmers’ market is defined as ‘a central location at which a group of persons who operate stalls or other food premises meet to sell or offer for sale to consumers products that include without being restricted to, farm products, baked good and preserved foods, at which the majority of people operating the stalls or other food premises are producers of farm products, who are primarily selling or offering for sale their own products’. (Ontario Regulation 562, Section 1(1), KFL&A website).

Kingston Public Market and the Memorial Centre Farmers’ Market are located on City-owned properties but have very different operating models. The Kingston Public Market is governed primarily through the City By-law 2006-118 while the Memorial Centre Farmers’ Market is governed by its own set of policies as established by its Board of Directors. The Westbrook Farmers’ Market is located on private property and is governed by a church committee and policies. The Community Harvest Market is located on private property and is supported by the Kingston Community Health Centres. Historically, the West Market had been located on City property (Centre 70), and in 2020 was located on private property and governed by a Board of Directors.

| Name of Market | Operating Location | Characteristics | Governance Model |
|---------------------------------|---------------------------|--------------------------------------|--|
| Kingston Public Market | Springer Market Square | Expecting ongoing operations in 2021 | City By-law 2006-118 |
| Memorial Centre Farmers’ Market | Memorial Centre | Expecting ongoing operations in 2021 | Board of Directors - Policies |
| Westbrook Farmers’ Market | Westbrook United Church | Operations in 2021 are unknown | Managed by the Westbrook United Church |
| West Market Kingston | Reddendale Mall | Operations in 2021 are unknown | Board of Directors - Policies |
| Community Harvest Market | 31 Weller Avenue | Expecting ongoing operations in 2021 | Supported by the Kingston Community Health Centres |

In late 2020 and in early 2021, City staff held meetings and discussions with key stakeholders including the National Farmers Union, Loving Spoonful, Memorial Centre Farmers’ Market representatives, the Kingston Public Market Vendors Association Board of Directors and the Rural Advisory Committee to better understand the unique needs of various markets and ways to improve supports to local farmers. Furthermore, staff received written feedback from the Community Harvest Market, Westbrook Farmers’ Market, and West Market Kingston.

A number of potential changes were identified for the City to better support farmers’ markets. It was clear that most stakeholders felt that the Kingston Public Market needs major changes in the long-term to be able to attract and retain local farmers. In 2012, staff presented a report and

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study complete with a number of recommendations to improve the Kingston Public Market to the Arts, Recreation & Community Policy Committee ([Report Number ARCP-12-007](#)).

City staff are proposing several amendments to [By-Law 2006-118](#), "A By-Law Respecting the Kingston Public Market", including several housekeeping items as well as staff recommended changes to better support the Kingston Public Market, based on feedback received during the engagement process and in recognition of some of the concerns raised by stakeholders. Recommended changes are discussed further in the Options/Discussion section of this report. Staff are recommending that the existing By-Law be repealed and replaced as per Exhibit A (Draft By-Law) to this report.

City staff are also recommending some short-term and long-term options for other food markets.

The by-laws are being recommended for all three readings in order to have the changes in place for the 2021 market season.

Recommendation:

That the Arts, Recreation & Community Policies Committee recommend to Council the following:

That the by-law attached as Exhibit A to Report Number ARCP-21-007, "A By-Law Respecting the Kingston Public Market", be presented to Council for all three readings to repeal By-Law Number 2006-118, as amended, in its entirety;

That Council direct staff to assign required resources to support the Kingston Public Market Vendors Association to develop a self-governing not-for-profit corporation with the intent to establish a different operating model for 2022; and

That Council endorse waiving fees for the Kingston Memorial Centre Farmers' Market as well as the West Kingston Market, should it be operating on City owned property in 2021; and

That Council endorse an option for a 50% reduction in fees for producers at the Kingston Public Market, as described in Report Number ARCP-21-007; and

That a by-law be presented to Council for all three readings to amend By-Law Number 2005-10, "A By-Law to Establish Fees and Charges to be Collected by The Corporation of the City of Kingston", as amended, attached as Exhibit B to Report Number ARCP-21-007, in order to remove the \$142.60 Sabbatical Leave and Leave Of Absence Fee for the Kingston Public Market and reduce the Casual Produce fee from \$48.76 per day to \$30 per day; and

That Council endorse the proposed short-term changes to all markets and direct staff to pursue long-term changes as described in Report Number ARCP-21-007.

Authorizing Signatures:

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

Lanie Hurdle,
Chief Administrative Officer

Consultation with the following Members of the Corporate Management Team:

| | |
|---|-------------------------------------|
| Paige Agnew, Commissioner, Community Services | Not Required |
| Peter Huigenbos, Commissioner, Business, Environment & Projects | <input checked="" type="checkbox"/> |
| Brad Joyce, Commissioner, Corporate Services | <input checked="" type="checkbox"/> |
| Jim Keech, President & CEO, Utilities Kingston | Not Required |
| Desirée Kennedy, Chief Financial Officer & City Treasurer | <input checked="" type="checkbox"/> |
| Sheila Kidd, Commissioner, Transportation & Public Works | Not Required |

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Options/Discussion:**Background**

In 2019, City Council endorsed its strategic priorities covering the City Council term from 2019 until 2022. These strategic priorities directed staff to “Leverage and promote food security solutions in partnership with others”. In the Strategic Priorities Implementation Plan, endorsed by Council, staff indicated that as part of this priority, the City should provide better support to community-led initiatives that support local food production and expand on farm-to-table programs. Some of these initiatives were intended to be connected to social enterprises. There were two (2) deliverables included within the strategy:

- Develop guidelines to streamline processes/licenses and infrastructure for farmers’ markets, community gardens and edible forests in 2021.
- Work with Tourism Kingston to help support the farm-to-table initiatives included in the Culinary Strategy.

In November 2020, City Council reviewed and adjusted some of the deliverables under its strategic priorities in response to the impact of the COVID-19 pandemic within the community. Local food and food security became even more important in the context of the pandemic and the following deliverables were added by Council to the strategic priorities:

- Review Springer Market Square Public Market by-law to increase the availability and prioritize access to local food in Q2 2021.
- Support the establishment of a Food Hub as initiated by the Social Service Relief Task Force for food program coordination and food distribution in collaboration with other community organizations by Q3 2021.

This report provides the Arts, Recreation & Community Policies Committee with an overview of the local food strategy framework, which will be subject to an additional Council report, but focuses on proposed changes to farmers’ markets and the Kingston Public Market in order to improve supports to local farmers.

Local Food Strategy

The purpose of the Local Food Strategy is to facilitate and implement opportunities for residents to produce, distribute and access more local foods through the development of new social enterprises, support donations to local food programs and advancing the Culinary Strategy.

The Local Food Strategy has the following goals and objectives:

- 1) Increase local food production
- 2) Increase local food distribution and access to food

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- 3) Increase food security for vulnerable populations
- 4) Invest in results-based partnerships and programming
- 5) Increase efficiency of food systems including decreased costs and reduction in greenhouse gas due to transportation of food
- 6) Build collaborations between organizations, including private sector

The Strategy also has three (3) different categories within which community organizations, businesses and the City have a responsibility to implement actions, procedures/processes and policies to achieve the goals of the Local Food Strategy. The following includes the categories as well as examples of how the City can contribute to advance each category:

- Food Production – Improve access to City-owned and private lands for food production. This could include lands that could be acquired by the City or partnerships with property owners could be established to secure access to additional lands that could be utilized for farming purposes. These lands could be in both the urban or rural areas of the City.
- Food Distribution – Improve access to and facilitate access to more locations where local farmers can sell their products. This includes farmers' markets on City properties and private properties as well as the facilitation between local farmers and restaurants. This work will require collaboration with Public Health.
- Food Processing – Improve development of business models and social enterprises to support local food security initiatives and artisan food product development. This also includes the Kingston Culinary Strategy led by Tourism Kingston and private sector low impact food processing as part of the Integrated Economic Development Strategy.

Markets

In 2020, there were five (5) markets in Kingston (Westbrook Farmers' Market, West Market Kingston, Community Harvest Market, Memorial Centre Farmers' Market, and the Kingston Public Market) with two (2) of them located on City-owned properties (Kingston Public Market and Memorial Centre Farmers' Market).

Westbrook Farmers' Market

The Westbrook Farmers' Market is located at the Westbrook United Church at 3526 Princess Street (approximately a 5-minute drive from the Cataraqui Town Centre). The market was founded in 2016. The number of market vendors has fluctuated from 10 (in 2016) to 5 (in 2019). The market did not operate in 2020 due to the pandemic, and it is uncertain at this point whether the market will operate during the 2021 season due to pandemic-related restrictions and challenges. The Westbrook Farmers' Market does not have a Board of Directors, however, it has historically been overseen by a Church Committee. In the past, the Market has had challenges with the City's sign by-law in order to promote its market.

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West Market Kingston

In 2019, West Market Kingston was located on the Centre 70 property where it had been operating since 2018. At that time, the West Market was invoiced \$3,995.96 to access this City property, followed by the submission of a fee waiver application, which was approved by the City. In 2020, West Market Kingston pivoted dramatically due to the COVID-19 pandemic into a year-round Farmers' Market location with online ordering and curbside pickup. The pick-up location in 2020 was located at the Reddendale Mall at 730 Front Rd Unit 11. In 2020, there were 25 year-round market vendors. At the time of this report, there are no plans for the West Market to operate due to a number of challenges. West Market has identified a need for more marketing support.

Community Harvest Market

Formed in 2009 to address the closure of the only grocery store in north Kingston, Community Harvest Kingston's goals are to increase access to local, healthy food; provide education on the benefits of eating a healthy diet; and to build community. The market occurs once a month (from June – October) at 31 Weller Avenue, St. Matthew's United Church. In 2019, the market hosted eight (8) vendors (5 produce, 1 prepared food and 2 crafts). The Community Harvest Market does not have a Board of Directors but receives support from Kingston Community Health Centres. The market did not operate during the 2020 season due to the pandemic.

Memorial Centre Farmers' Market

The Memorial Centre Farmers' Market is 100% producer operated – meaning that the market is governed by a volunteer Board of Directors. The market was founded in 2012 to increase access to sustainably produced local foods in Kingston. The market was initiated by farmers, in collaboration with the Williamsville Neighbourhood Association. All products sold at the market are grown and produced within about 100km of the market. The market hosts over 45 vendors.

Memorial Farmers' Market categories and Vendor Breakdown*

1. **Agricultural** - 19 (Vegetables – 7, Mushrooms – 1, Fruit – 2, Maple Syrup - 1, Honey – 1, Flowers – 1, Dairy – 2, Meat – 4)
2. **Prepared/Baked foods** - 20 (includes ready-to-eat meals as well as things like condiments, sunflower oil, kombucha, cider, coffee)
3. **Craft** - 13 (includes crafters, skincare, pet treats)
4. **Food Court** - none

*this list is based on the primary goods of each vendor - of course there is some overlap (for example, if a vegetable vendor also sells some prepared foods)

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Kingston Public Market

The majority of stakeholders' feedback has focused on the Kingston Public Market which is the only market not designated as a farmers' market due to the number of resellers at the market. Established in 1801, the Kingston Public Market has been operating in the Springer Market Square which is regulated under a City of Kingston By-Law.

Over the years, the number of market vendors have reduced for a variety of reasons. 2020 was an usual year due to the COVID-19 pandemic but Table 1 below shows that there has been a reduction in all categories of vendors since 2009.

Table 1 – Kingston Public Market Vendors Since 2009

| Year | Producers | Re-sellers | Crafters | TOTAL |
|-------|-------------------------|-----------------------|------------------------|-------------------------|
| 2009 | 25 | 7 | 18 | 50 |
| 2010 | 24 | 7 | 13 | 44 |
| 2011 | 24 | 7 | 13 | 44 |
| 2012 | 25 | 7 | 14 | 46 |
| 2013 | 20 | 7 | 14 | 41 |
| 2014 | 19 | 7 | 12 | 38 |
| 2015 | 23 | 3 | 13 | 39 |
| *2016 | 21 | 3 | 13 | 37 |
| 2017 | 23 | 3 | 13 | 39 |
| 2018 | 22 | 3 | 13 | 38 |
| *2019 | 17 | 3 | 13 | 33 |
| 2020 | 17 (13 attended) | 3 (2 attended) | 11 (6 attended) | 31 (21 attended) |

*2016 – two vendors on sabbatical (one producer (farmer/grower) and one artisan)

*2019 – one vendor on sabbatical (artisan)

The following definitions are currently applicable to the Kingston Public Market:

- Producers - A vendor who produces its products
- Re-sellers - A vendor that sells others' goods
- Crafters - A vendor who creates their own crafts from raw materials and shall include artists in all media

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It is important to note that the producers are defined as vendors that produce some of their products but could also include reselling as well based on a review of producers at the Kingston Public Market. The current by-law requires vendors to produce or grow a minimum of 80% of their goods in order to be classified as a producer, otherwise they are classified as re-sellers.

Engagement and Feedback from Stakeholders

City staff have had discussions with Loving Spoonful, the National Farmers Union, the Memorial Centre Farmers' Market representatives, Tourism Kingston, the Board of Directors and vendors from the Kingston Public Market. There were many comments made about major changes that should be implemented at the Kingston Public Market in order to better support local farmers. A number of recommendations will need to be considered for the 2022 market season as they will require significant changes that will not be implemented for the 2021 market season which will start in the Spring.

Staff have also taken into consideration other markets and are proposing some changes in order to improve supports to all markets with the community. It is important to recognize that some options may not be feasible in 2021 due to the pandemic or the complexity of longer-term opportunities and recommendations.

Below are some of the key points that have been raised during the engagement process and some suggestions to address some of the concerns raised by stakeholders.

2021 Proposed Changes:

Amendment to By-Law 2006-118, "A By-Law Respecting the Kingston Public Market"

1. Better defined categories for the Kingston Public Market

There are a number of definitions utilized to define vendors that grow all or in part their produce or goods. There are also definitions that needed to be revised and updated to reflect the current and future use. Staff are suggesting that definitions be amended to include:

- Producer – A Stall Holder who produces a minimum of 80% of their product.
- Reseller – A Stall Holder who produces less than 80% of their product and/or buys their product either locally or from wholesalers.
- Crafter – A vendor who creates their own crafts from raw materials and shall include artists in all media.
- Food Sampling – A vendor can prepare, display and sell samplings of food prepared from their produce within the Public Health regulations.
- Special Events – Any program, filming activity or civic event which has been approved by the City of Kingston to be held in the Springer Market Square.

A number of additional definitions have been streamlined to simplify the by-law. Overall, the language has been simplified, especially related to hours of occupancy, moves and operations.

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The overall hours of operation will not change but vendors will be allowed to depart the market at any time during the day.

2. More attendance flexibility at the Kingston Public Market

This point was raised by all key stakeholders as the most crucial aspect of the current City by-law that has to change in order to retain current local producers and attract new local producers. Currently, the by-law specifies that local producers have to attend 66% of the three (3) days (Tuesday, Thursday and Saturday) in order to maintain their seniority. This attendance requirement is not realistic for a number of local producers as they need to actually grow or produce on the farm which takes up the majority of their time. Staff are suggesting that the attendance requirements be changed to a minimum of one (1) day per week for producers (as defined to be producing or growing 80% of their products). This reduction in attendance will not impact the seniority of producers.

3. Reduction of Fees

The fees for the Kingston Public Market’s seasonal and casual vendors are outlined in the Fees and Charges By-Law as follows:

| Springer Market Square – Basic License Rate | Rate |
|---|-------------|
| First Row Corner | \$916.59 |
| First Row | \$841.37 |
| Second Row Corner | \$841.37 |
| Second Row | \$770.35 |
| Third Row Corner | \$841.37 |
| Third Row | \$700.88 |
| Market Street Stall 67 to 78 – Parking Provided | \$700.88 |
| Market Street Stall 67 to 78 – Parking Not Provided | \$424.16 |
| Casual – Produce | \$48.76 |
| Casual – Craft | \$48.76 |
| Advertising | \$17.17 |

Staff are suggesting an option for a 50% fee reduction for producers at the Kingston Public Market in exchange for a donation on a bi-weekly basis to various local food/meal organizations such as the Food Bank, Loving Spoonful, Martha’s Table, etc. The fee reduction can be requested at the beginning of the license agreement with a donation commitment or applied at the end of the season when a producer has been able to donate surpluses on a bi-weekly basis. If it is applied at the end of the season, producers would still have to provide information on

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donations and a reimbursement would be provided. A list of programs and organizations will be provided within the license or permit. The tracking of food donations will also be provided through the license or permit process.

Staff are also recommending reducing the Casual Produce fee from \$48.76 per day to \$30 per day. The proposed rate is based on the feedback received from stakeholders, primarily farmers, and to encourage producers that are starting to sell on a casual basis.

Staff are also recommending that the application fee of \$142.60 for the Kingston Public Market sabbaticals and leaves applications be removed from the by-law.

It is important to note that the City of Kingston covers the cost of administration of the Kingston Public Market which includes a Clerk position and marketing. Therefore, fees applied to vendors will be utilized to cover these costs.

Other Markets

The Memorial Centre Farmers' Market is administered differently and pays one fee to access the Memorial Centre property. The 2020 fee was \$5,427.96. The West Market Kingston did not operate in 2020 but during its first year of operation (2019) it was charged a fee of \$3,995.96 to access Centre 70.

Staff are recommending that City fees be waived for independent not-for-profit markets that operate on City property and do not require significant City investment. This means that fees would be waived for the Memorial Centre Farmers' Market to use the Memorial Centre property, the West Market Kingston to use the Centre 70 property and potential signage fees applicable to Westbrook Farmers' Market. From 2016 to 2020, the Memorial Centre Farmers' Market was approved for \$2,500 towards permit fees annually, which is the maximum fee waiver amount available through the Waiver of Fees Policy. In 2019, the West Market was approved under the same policy for the maximum fee waiver of \$2,500. These were approved with no-draw down to the Waiver of Fees budget as per the policy (4.7.8 In instances where the activity planned does not impact access to the facility by the public; it is deemed by the Director not to compromise potential revenue from other organizations; and it is not expected to result in additional costs for the City; the organization may be recommended for a waiver of fees without utilizing the approved budget allocation to offset the loss of revenue (i.e. free drama event in a City Park)).

The intent is to provide these independent not-for-profit markets with the ability to reduce their costs while contributing to local food security.

4. Dependability at the Kingston Public Market

Feedback provided by key stakeholders indicated that it was important for the City to maintain the three (3) days scheduled Kingston Public Market as much as possible. The current by-law includes a notice period of 1 week for either cancellation or relocation during a special event.

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City staff recognize that in the last five (5) years, there was one (1) instance when the City reduced the Kingston Public Market's hours of operation on a Saturday to facilitate the Tragically Hip concert in the Square. In the last decade, the market was displaced once for the production of a major film (Crimson Peak). This filming production took place before the establishment of the Kingston Film Office and therefore the City did not have any formal processes to facilitate discussions with filming companies and key stakeholders. Since the filming of Crimson Peak, there have been a lot of changes in terms of working with filming companies and stakeholders which have led to more collaborative approaches that have been applied recently through the filming of Locke & Key on Springer Market Square.

In 2019, City staff worked with the Kingston Public Market and conducted a survey of its vendors to establish a different process for notification as a result of an increased demand for access to the Springer Market Square for the purpose of filming. Following the survey in 2019, the following terms were agreed to by all parties until the end of 2020:

- Limited to a maximum of 4 Tuesdays per year;
- Minimum 2 weeks advance notice required;
- City to display signage announcing change for at least 1 week in advance;
- City and Tourism Kingston to announce change on website and through social media channels;
- Any requests beyond or outside 4 Tuesdays per year would be presented for further discussion/negotiation with the Market's designated representative(s).

It is staff's understanding that the terms listed above and that expired at the end of 2020, were generally successful but feedback received by staff indicates that stakeholders are proposing longer notification period. A number of stakeholders were suggesting six (6) to eight (8) weeks' notice and one stakeholder was suggesting that cancellation or displacement should never happen regardless of the circumstances or opportunities.

Staff took into consideration feedback from stakeholders as well as balancing situations and opportunities that may arise. Staff also took into consideration the fact that the current by-law provides for one (1) week notice and that special events have resulted in instance of one (1) reduced hours of operations (from 5 pm to 3 pm) and one (1) relocation in the last decade (10 years). Staff also recognize that the Kingston Film Office has also significantly improved the planning process for all stakeholders in the last few years. Therefore, staff are recommending that the notification period be increased from one (1) week to four (4) weeks where possible and if a shorter time frame is required, the Film Office would liaise with the Vendors Association. Staff have received input from the Kingston Film Office indicating that more than 4 weeks' notice would be extremely difficult to accommodate for most productions. Although not as much time as recently suggested by some stakeholders, this change would double the notice time frame that was piloted in 2020 and is significantly more than what is currently in the by-law (1 week notification).

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Staff recognize that the process for filming has significantly improved with the work done through the Kingston Film Office and therefore staff are recommending additional language in the by-law to strengthen the process which will include display of signage announcing changes at least 1 week in advance as well as information being distributed through social media channels. City staff and the Kingston Film Office will work with the Kingston Public Market Vendors' Association to minimize impacts.

5. Creating a more inviting space

A number of stakeholders mentioned that it is important to create a more inviting space and opportunities for people to spend time at the Kingston Public Market. Staff are proposing to include the option of food preparation and sampling as part of the market experience. Furthermore, staff will be including some language around the look and feel of tents/stalls at the market to ensure cohesion.

Other Changes to Markets in 2021:

6. Provide additional marketing support for all markets

Stakeholders indicated that marketing efforts could be improved to continue to support the growth and sales for their vendors. During the stakeholder engagement, it was mentioned that all markets could benefit from some marketing support from the City and other partners such as Tourism Kingston. Staff are proposing to work with Tourism Kingston to include information on the Visit Kingston website about all markets and their offerings. Furthermore, the City will also improve information on all markets on its website and social media. Staff will work with partners to investigate other marketing opportunities.

7. Additional food programming in the Kingston Public Market

There were discussions with key stakeholders about the possibility of adding chef cooking demonstrations and food preparation and sampling opportunities. Some of these initiatives may be part of a vendor's offerings while others will be completely independent or part of an event. This will be implemented in partnership with Public Health. A definition was added in the Kingston Public Market By-Law to enable this offering. The by-law also indicates that there could be a Holiday Market and a night market for various occasions that could be administered separately. It is important to note that the operations of these separate markets or initiatives will not be subject to the Kingston Public Market By-Law.

Long Term Proposed Changes:

1. Market Manager

Stakeholders have indicated that it would be beneficial for the City to create a Market Manager position that would not only support the Kingston Public Market but that would also provide support to other food markets within the City. Currently, the City has a part-time market clerk

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which essentially monitors vendors stalls and provides support to vendors as required. It was noted that this position is required as long as the market set-up remains unchanged from its current structure. The Market Manager would be an additional position or an amended position that would provide marketing and promotional support. Staff will consider this for 2022 with possible contributions from the City and other partners. There is also a possibility for the Kingston Public Market to hire its own Market Manager (similar to Memorial Centre Farmers' Market) should it change its governance model and become self-sustaining. This option needs more discussions and consultation.

2. Year-Round Market

A number of stakeholders have identified the need to establish an indoor year-round market. Currently, the Kingston Public Market allows for year-round use of the market by vendors but this is entirely outdoors. The Memorial Centre Farmers' Market makes use of some of the barns during the winter but there is not proper heating and lighting. Significant alterations would be required to make the buildings appropriate for an indoor market. Staff will review option in 2021.

3. Change the Kingston Public Market model to a farmers' market

This was raised by some key stakeholders as the preferred model for the future of the Kingston Public Market which is the only market not designated as a farmers' market. A verified local farmers market is defined as a producers-only, community-driven (not private) multi-vendor farmers' market featuring only the actual farmers, growers and producers of the products they sell. This could also include a change in market layout, etc. It is important to review the potential impacts on re-sellers and the viability of a 3 days per week market if producers cannot achieve attendance of 3 days per week. Based on additional comments and feedback received from the Rural Advisory Committee and stakeholders, staff are recommending that the first step should be to provide support to the Kingston Public Market Vendors Association to establish itself as a not-for-profit self-governing organization that can establish its own regulations, similar to other markets within the City. Staff are recommending that appropriate resources be made available to the Vendors Association in 2021 in order to advance this model and possibly issue a request for information or proposal for the 2022 operating season. As individual vendors/businesses at the Kingston Public Market have their own needs and interest it is unclear at this point if there is interest from the overall Association. Staff do believe that it will be impossible to obtain clear information or direction from the Association until a discussion about a self-governing model is initiated by resources assigned by the City.

4. Over-arching Market Association

Stakeholders indicated that this could be an end state for markets in Kingston. This would bring together the different markets, leverage marketing and funding opportunities, etc. There would be one body to govern markets and consistency across the various locations. This is a much longer-term endeavor and would require a lot of facilitation and planning.

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Existing Policy/By-Law:

By-Law No. 2006-118, A By-Law Respecting the Kingston Public Market

By-Law No. 2005-10, A By-Law to Establish Fees and Charges to be Collected by The Corporation of the City of Kingston, as Amended

Notice Provisions:

None

Accessibility Considerations:

None

Financial Considerations:

The Memorial Centre Farmers' Market is administered differently and pays one fee to access the Memorial Centre property. The 2020 fee was \$5,427.96. The West Market Kingston did not operate in 2020 but during its first year of operation (2019) it was charged a fee of \$3,995.96 to access Centre 70. At this point, it is unknown if the West Market Kingston will be operating on 2021 and if it will relocate to Centre 70. Therefore, staff had budgeted for revenues of about \$5,430 for the Memorial Centre Farmers' Market.

It is also unknown how many producers will attend the Kingston Public Market and how many of them will request a reduction in the license fees. Assuming that the number of producers are similar to 2020 and about 3/4 of them (9 producers out of 13 who attended in 2020) request a 50% reduction at the highest rate (\$916), it is anticipated that there would be a loss of revenue of about \$4,410. The reduction in producer daily permits is not significant but would represent an additional loss of revenues from \$48.76 to \$30 per day.

In total, expected loss of revenues compared to the 2021 budget would be in the range of \$10,000 - \$12,000, including daily permits. Staff believe that this could be accommodated without any significant impacts on the overall budget.

Contacts:

Lanie Hurdle, Chief Administrative Officer 613-546-4291 extension 1231

Other City of Kingston Staff Consulted:

Megan Knott, Executive Director, Tourism Kingston

Kate Lillicrap, Project Manager, CAO's Office

Jaclyn Grimmon, Manager, Recreation Programs

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Jenna Morely, Associate Legal Counsel

Exhibits Attached:

Exhibit A – “A By-Law Respecting the Kingston Public Market”, and to Repeal By-Law Number 2006-118, as Amended, in its entirety

Exhibit B – A By-Law to Amend By-Law Number 2005-10, “A By-Law to Establish Fees and Charges to be Collected by The Corporation of the City of Kingston”, as Amended

By-Law Number 2021-XX

A By-Law Respecting the Kingston Public Market, and to Repeal By-Law Number By-Law 2006-118, in its Entirety

Passed: Meeting Date, 2021

A By-Law Respecting the Kingston Public Market

Whereas Section 113 of the *Municipal Act, 2001*, S.O. 2001, c. 25 authorizes municipalities to pass by-laws to establish, maintain, operate and regulate markets;

And Whereas pursuant to Section 113 of the *Municipal Act, 2001*, Council enacted By-Law 2006-118, "A By-Law Respecting the Kingston Public Market";

And Whereas Council desires to repeal and replace By-Law 2006-118;

Now Therefore the Council of The Corporation of the City of Kingston hereby enacts as follows:

1. Definitions

In this By-Law:

"**Administrative Policies Committee**" means the Administrative Policies Committee designated by Council or, in the event of organizational changes, another committee designated by Council to carry out the committee's responsibilities for appeals under this By-Law;

"**City**" means The Corporation of the City of Kingston;

"**Council**" means the Council of the City;

"**Craft**" means an item of decorative design and handicraft, or an item produced by hand and consisting of a one-of-a-kind or studio production work, and generally includes those items made with some degree of artistic purpose, but excludes mass-manufactured items;

"**Daily Permit**" means a permit issued by the City to a Stall Holder pursuant to this By-Law governing the Stall Holder's use and occupation of a Stall for one day;

"**Jury**" shall mean the Market jury established by the City's Manager of Recreation & Leisure Services pursuant to Schedule D of this By-Law;

"**Licence Agreement**" means the licence agreement entered into by the City and the Stall Holder pursuant to this By-Law governing the Stall Holder's use and occupation of a Stall. The licence is not a lease in the legal sense and does not afford lease rights and remedies under the *Commercial Tenancies Act* or otherwise under applicable law;

"**Manager**" means the Manager of Recreation & Leisure Services for the City, or his or her designate, or, in the event of organizational changes, the manager of the appropriately titled department;

"**Market**" means the City of Kingston public market located at Springer Market Square, as approximately shown on Schedule A;

"**Market Clerk**" means the Person designated by the Manager to manage the Market;

"**Market Season**" means:

| | Item | Dates |
|------|-------------|---------------------------|
| i) | Produce | January 1 to December 31; |
| ii) | Craft | January 1 to December 31; |
| iii) | Antiques | April 1 to November 30; |

"**Person**" includes an individual, partnership, association, firm or corporation;

"**Producer**" means a Stall Holder who produces a minimum of 80% of their product;

"**Re-seller**" means a Stall Holder who produces less than 80% of their product and/or buys their product either locally or from wholesalers;

"**Stall Holder(s)**" means a Person who has entered into a Licence Agreement with the City for the use and occupation of a Stall, or who has received a Daily Permit from the City for the use and occupation of a Stall; and

"**Stall**" means that portion of the Market licensed by the City to a Stall Holder pursuant to a Daily Permit or Licence Agreement, as the case may be.

2. Administration

2.1 The City's Recreation & Leisure Services department is responsible for the administration of this By-Law.

2.2 Every application for a new Licence Agreement, or a renewal of an existing Licence Agreement, shall be submitted to the Manager in the form provided.

2.3 Every application for a new Licence Agreement, or a renewal of an existing Licence Agreement, shall be accompanied by the full licence fee, as set out in City of

Kingston By-Law Number 2005-10, "A By-Law to Establish Fees and Charges to be Collected by The Corporation of the City of Kingston", together with the jurying fee referred to in Schedule D, if applicable.

- 2.4 Notwithstanding Section 2.3 of this By-Law, a Producer may request a 50% fee reduction in exchange for a bi-weekly donation to a local food program or organization that supports the most vulnerable populations in the community, subject to and in accordance with the terms of the Licence Agreement.
- 2.5 The Manager shall review each complete application and shall grant or refuse to issue a Licence Agreement or Daily Permit, as the case may be, and shall notify the applicant of its decision in writing.
- 2.6 All applications for a Craft Stall or the sale of Crafts must include a detailed description of the Crafts to be offered, as well as information on how the Crafts are produced. All such applications are subject to the Jury process described in Schedule D.
- 2.7 A Person whose application for a Licence Agreement or a renewal of a Licence Agreement has been refused, or a Person whose Licence Agreement has been terminated may, within 15 days of being notified of the City's decision, submit an application to appeal to the Administrative Policies Committee for a review of the decision. A Person whose application for a Daily Permit has been refused has no right of appeal and the decision of the Manager is final.
- 2.8 On appeal, the Administrative Policies Committee has the power to affirm the decision of the Manager to refuse or terminate the Licence Agreement, or to direct the Manager to issue, renew or reinstate the Licence Agreement.
- 2.9 Decisions of the Administrative Policies Committee are final.

3. Interpretation

- 3.1 Any reference herein to any by-law or Act of any government shall be construed as a reference thereto as amended or re-enacted from time to time or as a reference to any successor thereto then in force.

4. Application of By-Law and Prohibitions

- 4.1 This By-Law applies to the use of the Market by Stall Holders. Non-Market civic events held in Springer Market Square will be regulated by the City's First Capital Place Policy, the City's Special Events Policy for City Parks and Facilities, and all other applicable City policies, as amended or replaced from time to time.
- 4.2 No Person shall sell, offer for sale, display, distribute or hand out any item in, on or at the Market without a valid Licence Agreement or a Daily Permit issued under the

provisions of this By-Law.

- 4.3 No Person shall knowingly submit an application for a Licence Agreement or Daily Permit that contains false, misleading or deceptive information.
- 4.4 No Stall Holder or employee of a Stall Holder will discriminate in the carrying on of business against any member of the public on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability.
- 4.5 No Stall Holder may sell, offer for sale, display, distribute or give any live animal, including any live bird, live fish or live reptile, at the Market.

5. Licence Agreements and Daily Permits

- 5.1 Each Stall Holder shall be required to execute a Licence Agreement or to obtain a Daily Permit prior to accessing or using the Stall. Each Licence Agreement and Daily Permit shall contain the terms and conditions specified in this By-Law, including, without limitation, the general provisions set out in Schedule C of this By-Law, subject to any modifications or additional provisions which may be made to those general provisions as reasonably required by the Manager and approved by the City's Director of Legal Services.
- 5.2 No Stall Holder shall transfer or assign their Licence Agreement or Daily Permit or sublicense or allow any other Person(s) to occupy the Stall without the prior written consent of the Manager.
- 5.3 Every Stall Holder shall comply with all applicable federal, provincial, and municipal laws and regulations governing the use and occupation of the Stall and the operation of the Stall Holder's business at the Stall.
- 5.4 A Stall Holder may request a temporary suspension of its obligations under the Licence Agreement, subject to and in accordance with Schedule E of this By-Law.
- 5.5 All Stall Holders shall display their Stall card in a prominent place in their Stall at all times.

6. Allocation of Stalls and Eligibility for Renewal

- 6.1 Stalls will be allocated to Stall Holders based on seniority and compliance with the attendance requirements set out in Section 6.3 below, except between November 1 and March 31 inclusive, when Stalls will be offered by availability and seniority. Seniority will be determined by the number of consecutive years that the Stall Holder has maintained a Stall at the Market.

- 6.2 In allocating Stalls to new Stall Holders, preference will be given to Producers who live within a 100-kilometre radius of the geographic boundaries of the City of Kingston.
- 6.3 In order to be eligible for renewal of a Licence Agreement, a Stall Holder must achieve 80% attendance at the Market, during the days and at the times specified in Schedule B, in the Stall Holder's best three months of the previous Market Season, subject to Section 6.4 below. For clarity, in calculating the 80% attendance threshold, inclement weather days shall be excluded.
- 6.4 Notwithstanding Section 6.3, a Producer is only required to maintain a minimum attendance of one day per week during the Producer's best three months of the previous Market Season in order to be eligible for renewal of a Licence Agreement.

7. Cancellation, Postponement and Rain Checks

- 7.1 Any Licence Agreement or Daily Permit may be cancelled by the City at any time for breach of any provision of the Licence Agreement, Daily Permit, or this By-Law.
- 7.2 The City may, without notice, require the closure and/or vacation of the Market at any time due to a real or perceived emergency. For purposes of this Section 7.2, an emergency shall include any public emergency, such as a pandemic and/or epidemic as deemed to be such by the City in its sole discretion.
- 7.3 If the Market is required by the City for a special event, including, without limitation, a program, filming activity or civic event approved by the City, the Manager may, upon at least four weeks' notice to the Stall Holders, where possible, require the closure, vacation and/or postponement of the Market on the days and at the times specified in the notice. Where possible, such notice will include any scheduled rain dates for the special event. In addition to the notice period, the following terms and conditions will be applicable in the case of a cancellation or postponement:
- In the case of postponement, the Market day will be rescheduled to the next available Friday, where reasonably possible;
 - The City must display signage at the Market announcing the cancellation/postponement for a period of at least one week prior to the cancellation/postponement;
 - The City and Tourism Kingston must announce the cancellation/postponement on their website and through social media channels.
- 7.4 Rain checks will only be offered to Daily Permit holders who have paid the daily fee, and who are required to vacate the Market prior to 11:00 a.m. due to inclement weather. Rain checks will not be offered to Licence Agreement holders.

8. Jury

8.1 The composition and duties of the Jury with respect to the sale of Crafts at the Market shall be as set out in Schedule D of this By-Law.

9. Schedules

9.1 The following schedules are attached to and form part of this By-Law:

Schedule A – Market Layout

Schedule B – Market Days and Hours

Schedule C – General Provisions for Stall Holders

Schedule D – Composition and Duties of the Jury

Schedule E – Requests for Temporary Absences

10. Inspections

10.1 The Manager, the Market Clerk, and any authorized agent or employee of the City, shall have the right, at any time and from time to time, to inspect the Stalls, and all property, equipment, products and fixtures therein, to determine whether the requirements of this By-Law are being complied with, and no Person shall obstruct, hinder or otherwise interfere with such an inspection.

11. Offence and Penalty Provisions

11.1 Every Person, other than a corporation, who breaches any provision of this By-Law, or contravenes an order issued under this By-Law, is guilty of an offence, and on conviction, is liable to a fine of not more than \$10,000 for a first offence and \$25,000 for any subsequent offence.

11.2 Every corporation that breaches any provision of this By-Law, or contravenes an order issued under this By-Law, is guilty of an offence, and on conviction, is liable to a fine of not more than \$50,000 for a first offence and \$100,000 for any subsequent offence.

11.3 If this By-Law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the Person convicted.

12. Validity

12.1 If a court of competent jurisdiction declares any provision, or any part of a provision, of this By-Law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-Law that each and every provision of this By-Law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

13. Repeal of By-Law 2006-118

13.1 By-Law 2006-118, "A By-Law Respecting the Kingston Public Market", as amended, is hereby repealed in its entirety.

14. Commencement

14.1 This By-Law comes into force and take effect on the date of its passing by Council.

Given All Three Readings and Passed: Meeting date, 2021

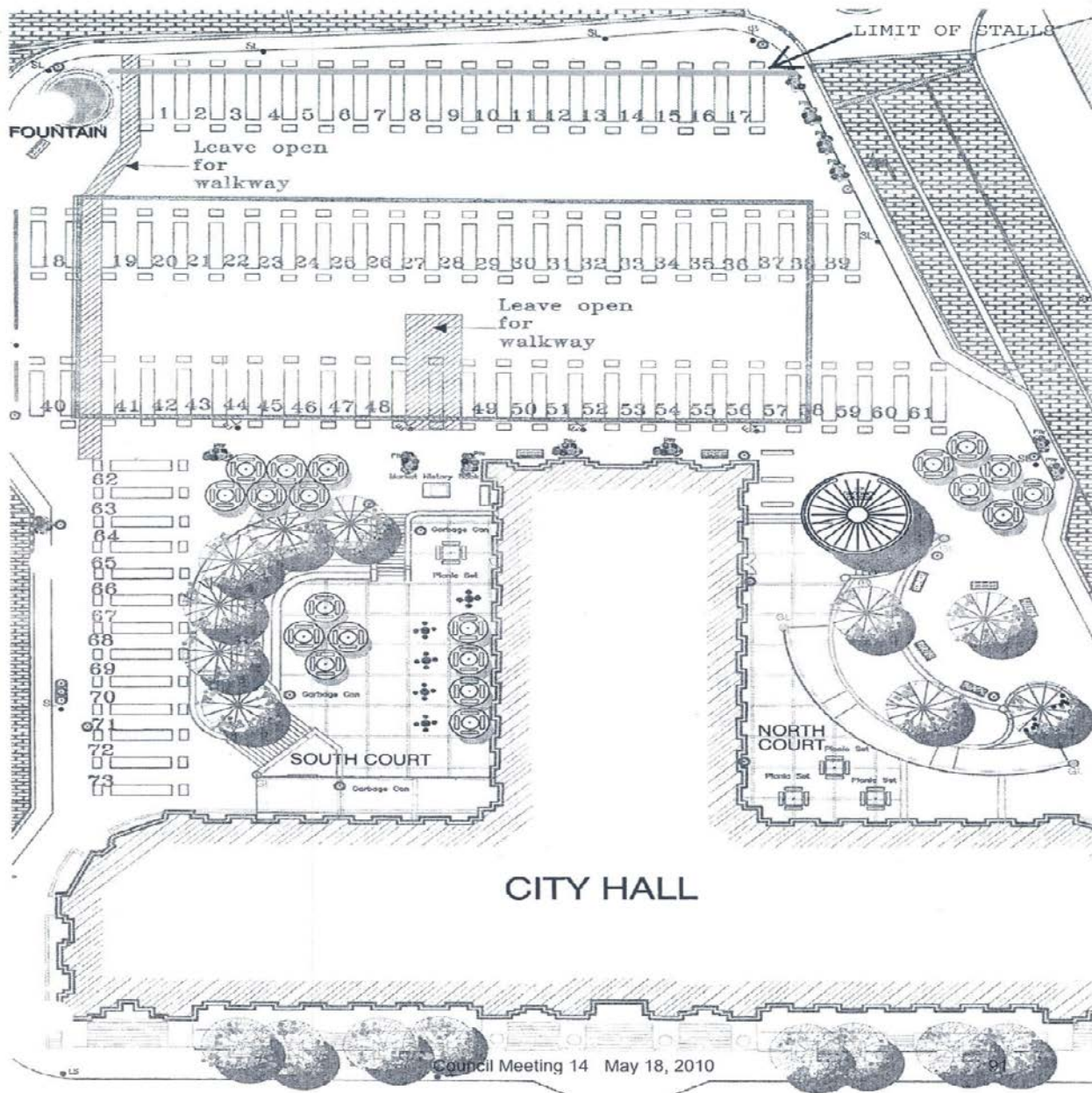
John Bolognone

City Clerk

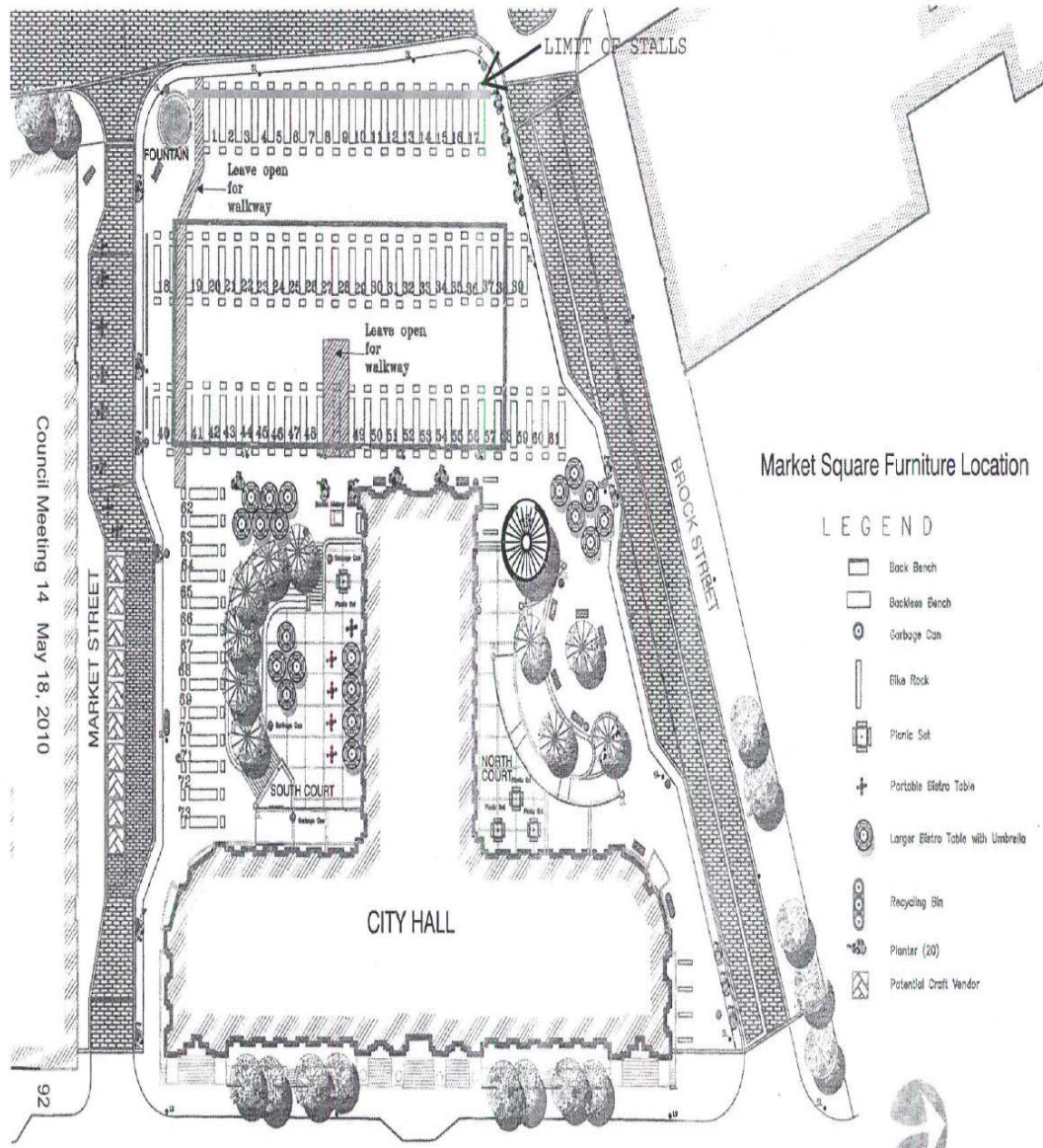
Bryan Paterson

Mayor

Schedule A Market Layout



Schedule A Continued



Schedule B
Market Days and Hours

- 1) The Market will run during the Market Season (as defined in Section 1 of this By-Law) on the following days:
 - a) Produce and Craft – Tuesday, Thursday, Saturday; and
 - b) Antiques, Produce and Craft – Sunday.

- 2) The regular Market operating hours shall be as follows:
 - a) 8:30 a.m. to 5:00 p.m. from April 1 to October 31; and
 - b) 9:00 a.m. to 5:00 p.m. from November 1 to March 31.

- 3) Stall Holders shall set-up their Stall no earlier than 6:00 a.m. and no later than 7:30 a.m. on Market days during the months of June, July and August, or by 8:00 a.m. during any other calendar month, unless otherwise authorized by the Market Clerk. All Stall Holders must vacate the Market by no later than 6:00 p.m. each day.

- 4) If a Stall remains unoccupied by 7:30 a.m. during the months of June, July and August, or by 8:00 a.m. during any other calendar month, the Market Clerk shall have the right to offer the Stall(s) to the other Stall Holders in attendance for use on the subject day. Unoccupied stalls will be allocated based on seniority pursuant to Section 6.1 of this By-Law, subject to the following provisions:
 - a) if a Producer or Re-Seller Stall is unoccupied, a Producer or Re-Seller who is in attendance may request to relocate to that Stall at no additional cost. If no Producer or Re-Seller requests to be relocated, or if more than one Producer or Re-Seller requests to be relocated, the unoccupied Stall will be allocated based on seniority in the manner described above; and
 - b) if a Craft Stall is unoccupied, a Craft Stall Holder who is in attendance may request to relocate to that Stall at no additional cost. If no Craft Stall Holder requests to be relocated, or if more than one Craft Stall Holder requests to be relocated, the unoccupied Stall will be allocated based on seniority in the manner described above.

- 5) The Market Clerk has the right to reassign Stalls to improve the compatibility and appearance of the Market, and to assure that no Stall Holder is isolated.

- 6) Notwithstanding the provisions of the foregoing, Craft Stall Holders may operate on regular Market days in the produce area of the Market, provided space is available.

- 7) During the months of April to October inclusive, Producers and Re-Sellers may offer for sale Craft products, provided that the Craft products do not occupy more than 10% of the display area of the Stall, and provided the Crafts have been approved by the Jury in accordance with Schedule D.

- 8) During the months of November to March inclusive, Producers and Re-Sellers may offer for sale Craft products, provided that the Craft products do not occupy more than 20% of the display area of the Stall, and provided the Crafts have been approved by the Jury in accordance with Schedule D.

Schedule C
General Provisions for Stall Holders

1. Market Sales

- 1) The Stall Holder shall not use or permit the use of a Stall for any purpose other than the following:
 - (a) the retail sale of raw or processed product of an agricultural crop, industry or enterprise, such as, by way of example, fruits and vegetables;
 - (b) food sampling in accordance with the provisions of the *Health Promotion and Protection Act*, R.S.O. 1990, c. H.7, and all public health regulations, rules and guidelines;
 - (c) the retail sale of Crafts approved pursuant to Schedule D of this By-Law; and
 - (d) the retail sale of antiques, on the day specified in Schedule B only.
- 2) No Craft vendor shall be permitted to occupy more than one (1) Stall in the Market.

2. Attendance

Stall Holders must use reasonable efforts to notify the Market Clerk in advance if the Stall Holder is unable to attend the Market on a scheduled Market day in accordance with the Market hours set out in Schedule B.

3. Vehicles and Parking, No Obstructions

- 1) Stall Holders shall be permitted to park their vehicles in their designated Stall on regular Market days, during the hours set out in Section 2 of Schedule B, so long as the Stall is being actively operated for business.
- 2) Stall Holders shall only be permitted to park their vehicles in their designated Stall. Any vehicle that will not fit on a double Stall will not be permitted in any other location on the Market.
- 3) Stall Holders shall maintain their vehicles, trailers and associated equipment, and shall take whatever precautions are necessary to ensure that there is no fluid leakage on the Market, including, without limitation, placing cardboard or other materials under the oil pan of the vehicle. Stall Holders shall minimize vehicle idling at the Market in accordance with the City's Idling By-Law.

- 4) The Stall Holder shall not, and shall not permit the obstruction of any sidewalks, including by way of placement of awnings, signs, fixtures or products. Awnings may be permitted to overhang onto a sidewalk if the Manager determines that the awning does not interfere with pedestrian and/or other traffic or adjacent Stalls.

4. Operating Requirements

All Stall Holders shall comply with the operating requirements set out in the Licence Agreement or Daily Permit, including without limitation, all insurance, indemnification, maintenance, and cleaning requirements set out therein.

5. Community Purpose Stalls

Notwithstanding any of the provisions of this By-Law, one Stall in the Market will be reserved for community purposes on Market days in a location designated by the City. During the period from November 1 to March 31 in each year, the City will reserve six Stalls for community purposes, in locations designated by the City. The community purpose Stall(s) shall be available on a daily, first-come, first-served basis, upon application in writing to the Market Clerk. Each application for a community purpose Stall shall be for one date only.

6. Sale of Ice Cream Products

The sale of ice cream products from mobile carts shall be allowed in the Market on regular Market days; provided, however, that such sales shall take place only from the two internal roadways between Brock Street and Market Street. The ice cream vendor shall not block internal vehicular traffic that is ongoing throughout Market days or interfere with any Stall Holder's ability to do business. Ice cream vendors shall also obtain and abide by the terms of all other City permits as required.

7. Modification of Conditions

These conditions may be modified or added to as provided for under Section 5.1 of this By-Law.

Schedule D
Composition and Duties of the Jury

- 1) All first-time applications for the sale of Crafts at the Market shall be referred to the Jury for the purpose of ensuring that the Crafts to be offered meet established criteria. A jurying fee shall be charged to each applicant at the time application is made.
- 2) The Jury shall consist of three individuals appointed by the Manager who are not Stall Holders. Jurors shall be chosen based on the following criteria:
 - a. experience in Crafts; and
 - b. knowledge of Craft techniques.

City staff shall not sit on the Jury in a decision-making capacity; however, staff may be present to advise and make recommendations to the Jury.

- 3) The applicant must be present in person (or virtually if the jurying process is conducted electronically) for the jurying process.
- 4) Jurors will be compensated at a rate set by the Manager from time to time.
- 5) Any Person may appeal the decision of the Jury to the Manager within 15 days of being notified of the Jury's decision. On appeal, the Manager has the power to affirm the decision of the Jury, or to approve the application.

Schedule E Requests for Temporary Absences

The Manager (as defined in Section 1 of this By-Law) has the authority to grant temporary sabbaticals/leaves of absence (a “**Temporary Absence**”) to Stall Holders for a period not to exceed 12 months. Requests for a Temporary Absence must be submitted in writing to the Manager and will be governed by the following provisions:

- 1) The written request for a Temporary Absence must be received by the Manager before February 1 of each year;
- 2) The written request for a Temporary Absence must include the Stall number and the reason for the Temporary Absence;
- 3) Requests for Temporary Absences will only be granted due to medical or health conditions, or other circumstances beyond the reasonable control of the Stall Holder;
- 4) In order to request a Temporary Absence, the Stall Holder must be in good standing under the terms of the Licence Agreement and this By-Law; and
- 5) The Manager will respond in writing within 15 business days and will either approve or deny the request. The decision of the Manager is final.

By-Law Number 2021-XX**A By-Law to Amend By-Law Number 2005-10, “A By-Law to Establish Fees and Charges to be Collected by The Corporation of the City of Kingston, as Amended.”****Passed:**

Be it resolved that the Council of the Corporation of the City of Kingston hereby enacts as follows:

1. By-Law 2005-10, being “A By-Law To Establish Fees and Charges to be Collected by The Corporation of the City of Kingston”, as amended, is hereby further amended as follows:
 - a. Schedule A of By-Law 2005-10, Springer Market Square - Daily Rates, deletes the Casual Produce fee of \$48.76 per day and replaces with \$30 per day; and
 - b. Springer Market Square - Additional Fees, deletes the Sabbatical Leave and Leave Of Absence fees in entirety.
1. This By-Law shall come into force and take effect on the date of its passing.

Given all Three Readings and Passed: Meeting Date, 2021

John Bolognone
City Clerk

Bryan Paterson
Mayor

**Council Meeting Number 02-2024
Addendum Number 3
Tuesday, December 19, 2023**

Delegations

The consent of Council is requested for the **addition** of Delegation Number 1.

1. William Henderson and Chris Ackerman will appear before Council to speak to Clause 3 of Report Number 06: Received from the Chief Administrative Officer (Recommend) with respect to Kingston Public Market – 2024 Operations.