

## COUNCIL REPORT

M&C No.	2019-164
Report Date	June 28, 2019
Meeting Date	July 08, 2019
Service Area	Finance and Administrative Services

His Worship Mayor Don Darling and Members of Common Council

***SUBJECT: Licence Agreement for Moonlight Bazaar on City Property***

***OPEN OR CLOSED SESSION***

This matter is to be discussed in open session of Common Council.

***AUTHORIZATION***

Primary Author	Commissioner/Dept. Head	City Manager
<b><i>Curtis Langille</i></b>	<b><i>Kevin Fudge/Ian Fogan</i></b>	<b><i>John Collin</i></b>

***RECOMMENDATION***

1. That the City enter into a Licence agreement with Five & Dime Inc. hereby called the "Organizer" for \$1.00 to grant its agents, employees, partners and contractors access to and use the City owned property, identified as PID No. 8979 for the Moonlight Bazaar event, including the painting of a mural on the City retaining wall, and further removal of same, subject to the following terms and conditions:
  - a. the Licence shall commence on July 15, 2019 and conclude at 11:59 pm (local time) on July 21, 2019;
  - b. that Five & Dime Inc. shall, at no expense to the Licensor, obtain and maintain in full force and effect during the entire term of this Licence, a Commercial General Liability Insurance policy with policy limits of not less than five million dollars (\$5,000,000.00) inclusive per occurrence for bodily injury and property damage; which policy shall name the City as an additional insured and shall contain a cross-liability clause and host liquor liability coverage;
  - c. proof of insurance stated in (b) above is due on or before close of business July 12, 2019;
  - d. all damages, cost, claims, demands, actions, suits or other proceedings by whomsoever claimed, made, brought or prosecuted in any manner and whether in respect of property owned by others or in the Licensee does hereby indemnify and save harmless the Licensor from respect of

damage sustained by others based upon or arising out of or in connection with the use of the Licensed Area;

- e. the Organizer is responsible for security of the area and their property;
  - f. that the organizing committee has made satisfactory arrangements with the Saint John Parking Commission for the temporary relocation of the necessary parking spaces for the users of the parking lot for the length of time as noted above in (a);
  - g. the provision of washroom facilities will be the responsibility of the Organizer;
  - h. the site is to be thoroughly cleaned to the satisfaction of the City of Saint John representatives when the event has concluded;
  - i. that Five & Dime Inc. or its representatives be authorized to make application for any permit that is required in conjunction with the Moonlight Bazaar event; and
  - j. that the proponent provide \$1,000.00 to the City to be used for future maintenance of the art work, as the City deems appropriate.
2. That the Mayor and Common Clerk be authorized to execute the Licence Agreement.

### ***EXECUTIVE SUMMARY***

The organizing committee for the Moonlight Bazaar event, being Five & Dime Inc. is requesting to use the City's property, which is a commercial parking lot for part of its event this year. The event would occur on Saturday, July 20th with the organizers requiring access and use of a portion of the site during the week leading into the day of the event. This additional lead time is requested to allow an artist access to the parking lot in order to paint a mural on the retaining wall that forms part of this property. Attached is the proposed site layout for this event.

The terms and conditions contained in the recommendation of this report will be included in a Licence agreement that will provide Five & Dime Inc. and their agents the access they requested and also protect the City against any unforeseen circumstances.

### ***PREVIOUS RESOLUTION***

Common Council, at its meeting of June 3, 2019 approved a recommendation from the Chief of Police to allow the temporary closure of public streets, being portions of Canterbury and Grannan Streets, along with the consumption of

alcoholic beverages in public places in conjunction with the Moonlight Bazaar event.

### ***STRATEGIC ALIGNMENT***

Providing for entrepreneur opportunities and special events in the City's Uptown Core aid in creating a livable community that is vibrant and diverse, while providing an integrated approach to economic development.

### ***REPORT***

Further to the comments contained in the Executive Summary.

The Moonlight Bazaar event has been a huge success for the past two (2) years it has operated in the vicinity of Grannan and Canterbury Streets. It continues to grow and evolve and as a result, the organizing committee has approached the City to use the City owned parking lot for this year's event. The City lot would be occupied for the use of a beer tent along with a number of other vendor's. An artist would also be on-site during the week leading into the day of the event to paint a mural on the City's retaining wall which forms part of the property. The City's Arts and Culture coordinator and the City's Heritage Officer have reviewed the organizer's plan for this mural and are supportive. The paints to be used are not corrosive in any way to the concrete retaining wall and the design of the mural would be tasteful. The event organizer expects the mural to have a life span of ten years or more and is prepared to provide up to \$1,000.00 towards any necessary maintenance to the mural. The City at any time in the future may, if it considers it necessary, to remove and or paint over the mural.

Various City departments and agencies have been advised and are supportive of the event and the temporary use of the parking lot. The terms and conditions as set out in the recommendation contained in this report will facilitate the proposal/event and protect the interests of the City of Saint John.

### ***SERVICE AND FINANCIAL OUTCOMES***

The various City Departments involved with this proposal are supportive of this event and will coordinate their respective responsibilities for the use of this site to ensure this event is a success.

There are no financial costs to the City associated with this project other than providing the site, while the tourism benefits and Uptown added vibrancy to the City highlighting this event is significant.

### ***INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS***

Risk Management, Saint John Parking Commission, Growth and Community Development Services, Transportation and Environment Services were all

advised of this proposal and their input has been provided into this report where applicable. This report has been forwarded to the City Solicitor's office for review of the terms and conditions.

***ATTACHMENT***

1. Location Map;
2. Site Map with Letter of Request.