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Item No. 11.1.8

**Halifax Regional Council
May 11, 2010**

TO: Mayor Kelly and Members of Halifax Regional Council

A handwritten signature in blue ink, appearing to read "Dan English".

SUBMITTED BY:

Dan English, Chief Administrative Officer

A handwritten signature in blue ink, appearing to read "Phil Townsend".

Phil Townsend, Acting Deputy Chief Administrative Officer - Operations

DATE: April 19, 2010

SUBJECT: Amendments to Administrative Order Number 37 - Respecting
Commerce and Vending on Municipal Lands (Site Locations)

ORIGIN

This report brings forward amendments necessary to support ongoing delivery of the license program. There are four (4) components to this amendment; housekeeping of the existing site descriptions; removing mobile canteen sites from inside Grand Parade; removing the “non-food merchandise” restriction at one existing mobile canteen site; and adding two new and relocating three existing Newspaper Box sites.

RECOMMENDATION

It is recommended that Halifax Regional Council **approve** the amendments to Administrative Order Number 37, as described in Schedule “A” attached to this report.

BACKGROUND

Street vending in HRM is governed by By-Law C-500, Respecting Commerce and Vending on Municipal Lands. Vending, by artisans and craftspeople, food vendors, or newspaper boxes, is only permitted on designated sites which are listed in Administrative Order Number 37.

The By-Law allows for new sites to be identified by vendors, reviewed by staff and then presented to Council for potential addition to the Administrative Order. Approved locations may also become less desirable over time, therefore, HRM staff or the licence holders may request that some sites be removed from the approved list. At this time, staff has identified some areas of the Administrative Order which should be addressed.

DISCUSSION

There are four (4) components to this amendment:

1. Housekeeping of the existing site descriptions
2. Removing Mobile Canteen sites from inside Grand Parade
3. Removing the “Non-Food Merchandise” restriction at one existing Mobile Canteen site
4. Adding two new and Relocating three existing Newspaper Box sites

1. Housekeeping of the existing site descriptions

Part A, Part B, and Part D of the Administrative Order lists the approved sites for Mobile Canteens which are Motor Vehicles, all other Mobile Canteens, and Newspaper Boxes respectively. The current location descriptions in the Administrative Order are too vague; they are not measured or described consistently from one site to the next. This makes it very difficult for vendors to set up their canteens or their newspaper boxes in the approved site, and also poses a challenge for staff attempting to enforce conformance to the intended approved location.

The proposed changes to the lists in Part A, Part B, and Part D provide a clear and consistent description of the site, by always providing a measurement to the approved area from the centerline of the nearest cross street. Photos with the approved area will also be provided upon request as a supplement to the written location description. This supplemental information will be available to the Licence Administrator, licence applicants, and other HRM staff.

Part D of the Administrative Order also implies a requirement for existing newspaper box sites to have concrete pads installed under the boxes where the approved site is on the grass beside the sidewalk. Before By-Law C-500 took effect in September 2006, boxes existed on these sites without a concrete pad. Since the By-Law took effect, no new pads have been installed. As the newspaper boxes are all located adjacent to existing sidewalk, Staff is proposing to remove the note at the end of the list identifying sites requiring concrete pads.

2. Removing Mobile Canteen sites from inside Grand Parade

There are currently two (2) approved Mobile Canteen sites inside Grand Parade (Part B, sites 9 and 10). HRM staff is recommending that these locations be removed from the approved list. There are challenges in getting the mobile canteen into the Grand Parade area after hours as gates are used to block vehicles from accessing the area.

Note that one vendor currently has one year remaining on their 5-year licence at one of these locations in Grand Parade. Staff intends to allow this vendor to set up in Grand Parade at the current site when gates are open, but also allow the vendor to use a site which is currently vacant on Argyle Street (Part B, Site 8) when the gates to Grand Parade are closed. This arrangement will be valid until the vendor’s current licence expires at the end of 2010. The licence holder is agreeable with this arrangement.

3. Removing the “Non-Food Merchandise” restriction at one existing Mobile Canteen site

HRM staff is also recommending that a site near Grand Parade which is designated as a “non-food merchandise only” site (Part B, site 8) be modified to allow food vendors to bid in this site. Removing the “Non-Food Merchandise” restriction at this site would provide the current licence holder at site 9 in Grand Parade an alternative location to bid on for 2011.

4. Adding two new and Relocating three existing Newspaper Box sites

The owners of the newspaper boxes proposed ten (10) potential new locations in 2009. Staff reviewed the locations and is recommending approval of two (2) new sites, three (3) site relocations. Proposed changes to the approved of newspaper box sites are summarized below:

New Site	Oxford Street near Quinpool Rd.	The site is next to a bus stop and the Oxford Theatre. There is demand for the boxes and staff believes the location is appropriate.
New Site	224 Waverley Rd.	The site is in front of a popular coffee shop. There is demand for the boxes and staff believes the location is appropriate.
Site Relocation	Robie St., East Side, South of Cunard St.	Relocated from the West Side of Robie Street, where the previous site was in front of a house and in a congested area.
Site Relocation	Martello Rd., 10m South of Spring Garden Rd.	Relocated from 50m south of Spring Garden Rd. The demand for the boxes is closer to the bus stop on Spring Garden Rd.
Site Relocation	Barrington St. near Blowers St.	Relocated from Argyle St. at the former Herald Building, where the previous site is now in a construction area.

BUDGET IMPLICATIONS

Part B (Mobile Canteens):

Licences for Mobile Canteen sites are issued by tender. The minimum bid for a cart site like the two in Grand Parade (sites 9 and 10) is \$1,150/year, and for a non-food cart site like the one on Argyle Street (site 8) is \$600/year. The current tender bid on site 9 is \$2,250 per year, site 10 is currently vacant. By eliminating the two cart sites in Grand Parade, and removing the “non-food” status of the Argyle Street location, HRM will lose a minimum of \$1,750/year in licencing fees. Based on tender bid history the potential loss may reach \$5,000. Records indicate however that one of the Grand Parade sites and the Argyle Street site have been vacant for the last couple of years, so actual revenues from Mobile Canteen licence fees are not likely to change as a result of the proposed amendments.

Part C (Newspaper Boxes):

The changes to the list of approved sites for newspaper boxes also result in a potential gain in revenue. Each newspaper box at an approved site is subject to a licence fee of \$55/year. Actual revenues will depend on the number of newspaper publishers that purchase a licence at the new sites.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality’s Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

There are no recommended alternatives.

ATTACHMENTS

Schedule A - Amendments to Administrative Order 37

**Amendments to Admin Order # 37 - Respecting Commerce and Vending on Municipal
Lands (Site Locations)
Council Report**

- 5 -

May 11, 2010

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Christopher Davis, EIT, Right of Way Engineer, 490-7462

Report Approved by:



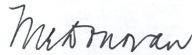
Phil Francis, P.Eng., Manager, Right of Way Engineering, 490-6219

Report Approved by:



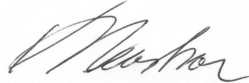
Taso Koutroulakis, P.Eng., Acting Manager, Traffic & Right of Way, 490-4816

Report approved by:



Mary Ellen Donovan, Manager, Legal Services, 490-4226

Report Approved by:



Ken Reashor, P.Eng., Acting Director, Transportation & Public Works, 490-4855

Report Approved by:



Cathie O'Toole, CGA, Director of Finance, 490-6308

Schedule A

Halifax Regional Municipality Amendment to Administrative Order Number 37

BE IT ENACTED by the Council of the Halifax Regional Municipality Administrative Order Number 37 be amended as follows:

1. Part A is deleted and the following substituted therefor:

A. SITES FOR MOBILE CANTEENS WHICH ARE MOTOR VEHICLES

1. Spring Garden Road, North Side, 32 metres West of Grafton Street
2. Spring Garden Road, North Side, 32.5 metres East of Brunswick Street
3. Grafton Street, West Side, 25 metres North of Spring Garden Road
4. Argyle Street, East Side, 18 metres South of Carmichael Street
5. Martello Street, West Side, 28 metres South of Spring Garden Road
6. Argyle Street, East Side, 20 metres North of Carmichael Street

2. Part B is deleted and the following substituted therefor:

B. SITES FOR ALL OTHER MOBILE CANTEENS

1. Spring Garden Road, North Side, 35 metres West of Grafton Street
2. Spring Garden Road, North Side, 30.5 metres East of Brunswick Street
3. Grafton Street, East Side, 71 metres North of Spring Garden Road. Non-Food Merchandise Only.
4. Grafton Street, West Side, 56.5 metres North of Spring Garden Road
5. Grafton Street, East Side, 58 metres North of Spring Garden Road. Non-Food Merchandise Only.
6. South Park Street, West Side, 96 metres South of Spring Garden Road
7. Argyle Street, East Side, 30 metres South of Carmichael Street
8. Argyle Street, East Side, 60 metres South of Carmichael Street
9. George Street, South Side, 80 metres East of Lower Water Street
10. University Avenue, South Side, 43 metres from Seymour Street
11. On the Halifax North Common, Cunard Street, South Side, 48 metres East of Princess Place
12. On the Halifax Central Common, 5816 Cogswell Street, 199 metres East of Bell Road

3. Part D is deleted and the following substituted therefor:

D. SITES FOR NEWSPAPER BOXES

Downtown Halifax

1. 1690 Hollis Street, West Side, 25.5 metres South of Prince Street
2. 1557 Hollis Street, East Side, 33.5 metres North of Salter Street *

3. 1310 Hollis Street, West Side, 27 metres North of Morris Street *
4. Barrington Street, East Side, 8 metres North of Smith Street
5. Barrington Street, West Side, 24 metres North of Morris Street *
6. Barrington Street, West Side, 19.5 metres North of Sackville Street
7. Barrington Street, West Side, 24 metres North of Duke Street *
8. Barrington Street, East Side, 124 metres North of Duke Street *
9. Lower Water Street, West Side, 54 metres North of Morris Street
10. Lower Water Street, East Side, 78 metres South of Salter Street *
11. Lower Water Street, East Side, 23 metres North of Salter Street
12. 5077 George Street, North Side, at Chebucto Landing Entrance, 2.5 metres East of Ferry

Terminal doors

13. 1799 Brunswick Street, East Side, 56 metres South of Duke Street *
14. 1590 Argyle Street, West Side, 25 metres South of Sackville Street
15. Barrington Street, West Side, 19.5 metres South of Blowers Street
16. Grafton Street, West Side, 11.5 metres South of Prince Street
17. Market Street, West Side, 36 metres South of Carmichael Street
18. South Street, South Side, 20 metres West of Hollis Street

Spring Garden Road Area

1. Spring Garden Road, South Side, 38.5 metres East of Queen Street *
2. South Park Street, West Side, 40 metres South of Spring Garden Road
3. Martello Street, East Side, 16 metres South of Spring Garden Road
4. Spring Garden Road, South Side, 35.5 metres East of Summer Street
5. Dresden Row, East Side, 34 metres North of Spring Garden Road *

Quinpool Road Area

1. 6169 Quinpool Road, North Side, 185 metres West of Vernon Street *
2. 6371 Quinpool Road, North Side, 21 metres West of Harvard Street
3. 6465 Quinpool Road, North Side, 19 metres East of Beech Street
4. 6112 Quinpool Road, South Side, 40 metres West of Vernon Street
5. Oxford Street, West Side, 43 metres South of Quinpool Road

Gottingen Street Area

1. 2131 Gottingen Street, East Side, 23 metres South of Cornwallis Street
2. 2285 Gottingen Street, East Side, 25 metres North of Prince William Street

Dartmouth

1. 55 Portland Street, North Side, 44 metres West of King Street
2. 159 Wyse Road, West Side, 17 metres North of Dawson Street
3. 30 Ochterloney Street, South Side, 10 metres East of Edward Street *
4. Atlantic Street, South Side, 86 metres East of Pleasant Street
5. Highfield Park Drive, North Side, 12 metres West of Joseph Young Street *
6. 110 Wyse Road, rear entrance to the Dartmouth Sportsplex *

Halifax Peninsula

1. Agricola Street, West Side, 40 metres North of Cunard Street
2. Agricola Street, West Side, 11 metres North of North Street
3. Agricola Street, East Side, 17.5 metres South of West Street
4. 6570 Bayers Road, South Side, 93.5 metres East of Connaught Avenue
5. Coburg Road, South Side, 27 metres East of Oxford Street
6. North Street, North Side, 51 metres West of Gottingen Street
7. North Street, North Side, 13 metres West of Robie Street
8. 5461 Inglis Street, North Side, 83.5 metres East of Bland Street
9. Inglis Street, South Side, 34 metres East of Robie Street *
10. Jubilee Road, North Side, 15 metres East of Preston Street
11. 6034 Lady Hammond Road, South Side, 144 metres West of Agricola Street
12. University Avenue, North Side, 24 metres West of LeMarchant Street
13. Robie Street, East Side, 93 metres South of Cunard Street *
14. Robie Street, East Side, 48 metres North of Spring Garden Road
15. Robie Street, West Side, 139 metres North of Almon Street *
16. Robie Street, West Side, 23 metres South of Young Street
17. Henry Street, West Side, 29 metres North of South Street
18. South Park Street, West Side, 20 metres South of Victoria Street

Other HRM Locations

1. 98 Beaverbank Road, West Side, 20 metres South of driveway *
2. 1248 Bedford Highway, West Side, 41 metres South of Meadowbrook Drive *
3. 920 Bedford Highway, East Side, 34 metres North of Moirs Mills Road *
4. Bedford Highway, West Side, 100 metres South of Melody Lane (at MSVU) *
5. Cole Harbour Road, North Side, 180 metres East of Forest Hills Parkway
6. Osborne Street, North Side, 87 metres East of Northwest Arm Drive
7. Pinegrove Drive, North Side, 44 metres East of Herring Cove Road
8. Lakelands Boulevard, East Side, 65 metres North St. Margaret's Bay Road *
9. Willett Street, East Side, 73 metres South of Lacewood Drive *
10. 224 Waverley Rd, East Side, 69 metres South of Montebello Drive *

Metro Transit Terminals

(One newspaper box cluster permitted at the following Transit Terminals at a location specified by Metro Transit)

Highfield
Portland Hills
Cobequid
Penhorn
Sackville
Dartmouth Bridge (Sportsplex)
Halifax Ferry
Dartmouth Ferry
Woodside Ferry

Notes:

* Indicates sites where boxes must be located behind the sidewalk, on the opposite side from the curb.