



CITY OF  
ST. CATHARINES

## Corporate Report

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**Report from** Transportation and Environmental Services, Administration

**Date of Report:** August 22, 2013

**Date of Meeting:** August 26, 2013

**Report Number:** TES-268-2013

**File:** 56.2.3

**Subject:** James Street Civic Square – Live Entertainment Service Agreement

### Recommendation

That Council authorize 2292600 Ontario Inc. / Gord's Place Inc. to program live entertainment within the James Street Civic Square area; and

That 2292600 Ontario Inc. / Gord's Place Inc. enter into a Service Agreement detailing the conditions and requirements for the provision of live entertainment as generally described in this report and to the satisfaction of the Director of Transportation and Environmental Services; and

That the City Solicitor be directed to prepare the necessary agreement documents and by-laws. FORTHWITH

### Background

The City's Creative Cluster Master Plan recommended the creation of a new civic square. The Downtown Development and Revitalization Committee (DDRC) subsequently identified James Street and Market Square as their preferred location for a new civic square and at its meeting of February 21, 2013, established a Civic Square Sub-Committee for the purpose of planning and promoting the creation of this civic space. The DDRC has identified continued improvement in the public realm as a key priority, including the creation and improvement of outdoor gathering spaces as a means to promote social and economic vitality.

On July 22, 2013, Council authorized the temporary closure of James Street from the old Courthouse southerly to King Street from August 1 to November 1, 2013, for the purpose of installing a "pilot" Civic Square outdoor seating area and amenity space. Further to that meeting, staff received a request from the proprietor of Gord's Place restaurant (80 James Street) requesting approval to install a licensed patio area in front of their business to complement the Civic Square. The applicant also submitted a proposal to provide various services associated with event programming, security and maintenance of the Civic Square space in exchange for a waiving of application and rental fees for the licensed patio. On August 12, 2013, Council approved an outdoor sidewalk patio in front of 80 James Street. The motion to waive the fees associated with

the sidewalk patio for one year based on the closure of James Street as a pilot project was not supported by Council.

## **Report**

Discussions between staff and 2292600 Ontario Inc. / Gord's Place Inc. (Gord's) are on-going. Gord's has indicated that, at a minimum, they would like to relocate the live musical entertainment that they currently provide in their back patio, Wednesday through Sunday nights, to the public stage location within the Civic Square. Gord's has also indicated that they are interested in providing live musical entertainment in the Civic Square during the lunch time period.

Based on their background and demonstrated success in the provision of entertainment within their own commercial establishments, staff is in support of Gord's proposal to program the Civic Square space. In order to facilitate the provision of entertainment, staff recommends that an agreement be developed that clearly defines respective expectations, obligations and responsibilities. As indicated, discussions with Gord's are on-going with respect to this agreement. However, at this point, staff envisions that an agreement generally be in accordance with the following terms:

- provision of evening entertainment within the Civic Square Wednesday through Sunday, weather permitting, September through October
- provision of lunchtime entertainment within the Civic Square up to seven days per week, weather permitting, September thru October, but not to conflict with the current Market performances
- provision of security and oversight for scheduled events throughout regular business hours
- assist with the decor and design of the Civic Square area
- all in accordance with the City Zoning and Noise By-Laws

## **Financial Implications**

Staff is of the opinion that the services contemplated through this agreement do provide benefit to both Gord's and the City. Staff recommends that the agreement with Gord's include compensation for services provided. Discussions to date have suggested that this amount be approximately equal to the amount that Gord's was required to pay as rent for the sidewalk patio for 2013. Staff recommends that the compensation amount be set to a maximum of \$2,000.

## **Notification**

It is in order to notify the proponent, Mr. Paul Angelo De Divitiis, owner of 2292600 Ontario Inc. / Gord's Place Inc., 80 James Street, St. Catharines, ON L2R 5C1, and the property owners abutting James Street between Church Street and St. Paul Street.

### **Prepared & Submitted & by:**

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and  
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### **Approved by:**

Ron Tripp, P.Eng.  
Director, Transportation & Environmental Services