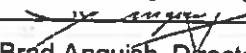


HALIFAX

P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 13.1.4
Harbour East-Marine Drive
Community Council
September 8, 2016

TO: Chair and Members of Harbour East-Marine Drive Community Council

SUBMITTED BY: Original Signed

Brad Anguish, Director of Parks and Recreation

DATE: August 17, 2016

SUBJECT: Kiwanis Club of Dartmouth Building Proposal – Graham's Grove

ORIGIN

April 7, 2016 Harbour East –Marine Drive Community Council motion:
MOVED by Councillor McCluskey, seconded by Councillor Mancini that that Harbour East-Marine Drive request a staff report addressing the Kiwanis Club of Dartmouth's building proposal. **Motion Put and Passed.**

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter:

- **Subsection 61(3)** The property vested in the Municipality, absolutely or in trust, is under the exclusive management and control of the Council, unless an Act of the Legislature provides otherwise.
- **Section 63 (1)** The Municipality may sell or lease property at a price less than market value to a non-profit organization that the Council considers to be carrying on an activity that is beneficial to the Municipality.
- **Section 63 (2)** A resolution to sell or lease property referred to in subsection (1) at less than market value shall be passed by at least a two thirds majority of the Council present and voting.

RECOMMENDATION

It is recommended that Harbour East – Marine Drive Community Council direct staff to:

1. Work with Kiwanis Club of Dartmouth to improve the public benefit of the current proposal and address the following concerns:
 - a. Inclusive public programming/access and amenities;
 - b. Barrier-free access to the building;
 - c. Location of the building to mitigate impact to parking lot;
 - d. Lease agreement consistent with other HRM partnerships; and
 - e. Cost recovery for HRM services.
2. Return to Regional Council with a revised proposal and recommendation(s) for Council's consideration.

BACKGROUND

The Kiwanis Club of Dartmouth (KCD) is a registered charity and regional chapter of Kiwanis International, a global volunteer organization. Kiwanis clubs are established in more than 80 countries worldwide and are dedicated to supporting children, young adults and responding to individual community’s needs. Since KCD was chartered in 1943, the organization has developed a variety of annual fundraising events for the purpose of charitable reinvestment in the Dartmouth community. Historically, the organization has made major contributions to the construction of parks and playgrounds, including the Dartmouth Ferry Terminal Park playground and Kiwanis Sullivan’s Pond Fountain.

In 1971, through the help of municipal grants, KCD developed the park located at 45 Grahams Grove. Recognizing the \$75,000 contribution from the organization, the City of Dartmouth officially sanctioned the park as “Kiwanis Grahams Grove Park”. Today, the HRM-owned 5.43 acre park includes a gravel parking lot, washroom facilities, open field, boat house, picnic tables, benches and multi-use trails. The park is located on the north eastern shore of Lake Banook and is used by the community for recreational canoeing/kayaking, dog walking and general park use.

On April 7, 2016, KCD gave a presentation to Harbour East-Marine Drive Community Council (HEMDCC) outlining a proposal to construct a permanent building at the Kiwanis Grahams Grove Park in Dartmouth. Subsequently, HEMDCC requested a staff report addressing the proposal.

DISCUSSION

KCD Building Proposal

KCD has proposed to provide and install a permanent modular facility at Kiwanis Grahams Grove Park to house a canteen, office space and community space, operated by the organization. KCD has stated their intention of this proposal is to:

1. Animate the park by providing a hospitality service (the ice cream canteen); and
2. Provide a community space that can be booked by event organizers and community organizations on a cost recovery basis

The organization is requesting a less than market value lease from HRM for either a minimum 20 year term or a 27 year lease which would conclude at the Club’s 100th anniversary in 2043, after which time the building would be gifted to the municipality. During the term of the lease, the organization would manage the facility and pay ongoing, maintenance, insurance and utility costs. The structure would consist of a seasonal canteen, with an office, lunch room, two private washrooms, event planning room and storage. The structure is proposed to be sited at close proximity to the parking lot, which would result in a reduction in parking (~5 spaces) and may require removal of surrounding trees. The proposal is not intended to replace the aging HRM washrooms directly behind the structure and does not include any public water fountain or washroom access.

Use of the building

As per KCD’s proposal, the canteen would be open through an exterior service window from June-September. There would be no other opportunity for commercial or office leases or rentals. KCD would require exclusive use of the facility approximately 25% of the year for administration of the annual Kiwanis Music Festival (April and May) and as a home base for their annual Christmas tree lot in December. For the remainder of the year, KCD has proposed to offer short term meeting space rentals to other charitable or sports groups who are operating community events in or from the park with rental costs based on a cost recovery basis.

Current Use of the Park

KCD has operated an ice cream canteen during the summer out of a trailer since approximately 2007 and hosted a long standing annual Christmas tree lot for approximately 15 years on the site. KCD’s seasonal canteen operations are compliant through HRM vendor licenses in accordance with By-law C-501. Their annual Christmas tree lot operations are compliant with Nova Scotia Department of Natural Resource Christmas Tree Broker or Vendor/Producer Registration. As well, the current canteen operations and building proposal are allowable under the Dartmouth Land Use By-Law. Currently, HRM provides snow removal in the parking lot for access to Kiwanis Christmas tree sales, and absorbs the cost of water and power to the canteen.

As mentioned previously, Kiwanis Grahams Grove Park and the surrounding area are used by the community for a number of passive and active recreation activities. Kiwanis Grahams Grove Park is also heavily used through HRM event bookings. Between May and October 2016, there are over twenty HRM-scheduled events on Lake Banook, the largest of which will involve approximately 400 participants and spectators.

The Dartmouth Dragon Boat Association (DDBA) is another primary user of Kiwanis Grahams Grove Park. DDBA is a non-profit organization created to promote and foster dragon boat paddling on Lake Banook. DDBA operates out of a HRM-owned boat house facility to the north of the parking lot, through a less than market value lease agreement. This group caters to all ages and has been providing dragon boat activities in Grahams Grove Park since 2006. Prior to 2006, HRM recreation provided all the paddling programs offered at Kiwanis Grahams Grove Park. Many of the programs offered by DDBA are open, without restriction, to the community, and several are provided at no cost to participants. Between April and October, approximately 25-50 participants access dragon boat programming in the evenings, up to six times weekly. The gravel parking lot generally accommodates 40-45 vehicles, which tends to be full during these programming times and events at the site.

Proposal Assessment

The KCD proposal has been assessed based on the following criteria:

- Public Benefit
- Cost Analysis
- Policy Alignment

Public Benefit

The KCD proposal outlines a building that would primarily enable continuation of the organization’s existing programming at the site. While KCD indicates that it would permit the short-term rental of the space to non-profit organizations when exclusive use of the building is not required, it does not propose broad based public benefit. The proposal does not envision public access to the washroom to replace the aging municipal washroom on the site, nor does it envision public programming within the building. Further, based on the design, neither the building nor the service window are proposed to be wheelchair accessible, further limiting overall access.

In addition, the placement of a permanent structure on the site would reduce the number of parking spaces. Therefore, based on existing park usage and programming, parking capacity challenges may result if a permanent structure, with consistent tenancy, is located as proposed.

Cost Analysis

While the proposal outlines that it is intended to be at no cost to HRM, there are a number of potential costs to consider. As noted, HRM has been historically providing services associated with the current KCD operations with no cost recovery. It is not clear in the proposal whether KCD expects continued absorption of those costs by HRM.

In addition, KCD has proposed to gift the facility to the municipality in 20 years. KCD has also proposed in the event of the organization disbanding prior to the end of the lease period, the Municipality would assume free ownership of the building and that they could offer \$25,000 bond to offset any unforeseen maintenance or termination of use costs. In either case, the municipality would be required to assume ownership of the building in the future and be responsible for recapitalization and ongoing maintenance which would exceed \$25,000.

Policy Alignment

On November 18, 2014, Regional Council approved the 2015/2016 priority outcomes to inform the development of HRM budget and business plans. Among the approved outcomes to support Healthy Communities were:

- HRM citizens have access to facilities and natural assets that enable a range of choices for structured and unstructured leisure and recreation activities; and
- Halifax is a leader in building an inclusive and accessible community where everyone can participate fully in life, including persons with disabilities and seniors.

The Recreation Blueprint is the guiding document for service delivery for HRM's Parks & Recreation. The mission of the blueprint is to enrich the lives of HRM residents and communities by facilitating and/or providing quality inclusive leisure services, facilities, and programs. Evaluation of the KCD proposal should be in direct consideration of these policies.

The proposed building design would only provide very limited opportunity for structured and unstructured leisure and recreation activities as the primary use of the building would be for KCD purposes along with short term rentals. As a result, upon completion of the lease and proposed transfer of the building to HRM, the municipality would be required to determine a future use for the building.

Partnership Precedent

Staff also examined other partnerships to determine any similar precedent with a non-profit organization donating a building on municipal park land to date. As a point of comparison, in June 2014 Regional Council approved the building of a greenhouse in Murray Warrington Park to be operated by the non-profit organization, Hope Blooms. So, while similar to the KCD proposal, the Hope Blooms' lease includes components that better meets municipal requirements and delivers public benefits, including:

- Hope Blooms provides direct educational programming aligned with HRM's youth-at-risk priorities;
- Open public access to the greenhouse during daylight/business hours;
- Activities align with HRM's Healthy Communities Outcomes specifically in regard to local food production and barrier-free program offerings; and
- Hope Blooms currently operates under a five year, less than market value lease with HRM.

Summary of Analysis

Based on the HRM Recreational Blueprint, approved Regional Council 2015/2015 priority outcomes, and partnership precedent as a basis, there are the following challenges with the current KCD proposal:

- The building is primarily proposed to be used for KCD administrative and program purposes, so there is limited opportunity for structured and unstructured leisure and recreation activities;
- Access to the exterior service window and facility are not proposed to be wheelchair accessible; thereby reducing access to persons with disabilities;
- The building does not provide open and inclusive public access. Only groups renting the facility would have use of the indoor space;
- The direct benefit to recreation and youth programming is currently undefined;

- Reduction of parking on the site which would impact programming and events;
- The proposed lease is inconsistent with other partnership agreements;
- Expected loss of trees and green space to accommodate the building; and
- HRM currently absorbs costs associated with the current KCD operation with no cost recovery. Further, it is not clear whether there would be requests for the absorption of additional costs which would be incurred by the new building.
- The proposal would also commit the municipality to future expenditures associated with the transfer of the building.

Therefore, it is recommended that staff be directed to work with KCD to address the concerns identified and, upon their resolution, present a revised proposal and recommendation(s) to Regional Council for its consideration.

FINANCIAL IMPLICATIONS

None identified.

RISK CONSIDERATION

Risk associated with this report is rated as low. Further action with the KCD proposal would require a less than market value lease approved by two thirds majority of Council.

COMMUNITY ENGAGEMENT

Kiwanis Club of Dartmouth Board of Directors is made up by members of the community.

ENVIRONMENTAL IMPLICATIONS

No environmental implications at this time.

ALTERNATIVES

Alternative 1: Harbour East-Marine Drive Community Council could direct staff to decline the building proposal request from Kiwanis Club of Dartmouth at Kiwanis Grahams Grove Park.

Alternative 2: Harbour East-Marine Drive Community Council could accept the proposal as outlined and direct staff to present a less than market value lease report to Regional Council (via Grants Committee) for consideration of the Kiwanis Club of Dartmouth proposal.

ATTACHMENTS

Attachment 1: Building Proposal Presentation from Kiwanis Club of Dartmouth

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Jenny White, Partnership Coordinator, Program Support Services, 902 420 1214

**Community Centre Project
Kiwanis Graham's Grove**

Graham's Grove History

The construction of the Rotary decimated the Corner and left the area adjacent to the lake unused and inaccessible. The later widening of the lake course between Lakes Banook and MicMac left a scarred shoreline at the outer limit of the area.

Development Of Park

The Kiwanis Club Organization had a tradition of constructing parks and playgrounds in their local areas for the benefit of the citizens

In the early seventies with the help of municipal grants, Kiwanians raised funds to make the park happen.

Kiwanian Club along with Kiwanians Neil Young and Doug Pettigrew, worked to improve the Graham's Grove site shaping what we see today. In Recognition for the work done, the city named the park after Kiwanis



Kiwanis Building Benefits:

- ✓ Kiwanis Kones /Canteen and Christmas Tree lot
- ✓ Summer Social and sporting events H.Q.
- ✓ Summer concerts series such as Kiwanis Music Festival (8,000 kids served)
- ✓ Sponsored events for schools (ie. Pumpkin Carving, Snow/Ice Sculptures)
- ✓ Kiwanis / Community Ice skating Hot chocolate events
- ✓ Excess storage shed for Kiwanis equipment, signs etc
- ✓ Foundation building block for additional projects for the community

Possible additions added to location in future: Play ground sets, Dragon Fountain (Miller Lake), etc.

Kiwanis Community Contributions

One of many contributions the Kiwanis Club of Dartmouth has made to the community is the water fountain at Sullivan's Pond.

Serving a dual purpose, the fountain provides an aesthetic value with its varied spray and color change capabilities as well as the filtering of the water through the spray function reducing weed growth as well as the challenges that come with sitting water.



Compliance With City Mandate

On June 10, 2014, Regional Council passed a motion related to the **Downtown I'm In report** to activate public spaces in the Urban Core;

One of the recommendations was **More activation of public spaces including temporary commercial uses in public spaces.**

- HRM Park and Recreation's mandate to create vibrant communities;
- HRM Municipal Charter's purpose to develop and maintain safe and viable communities.



Operating Provisions

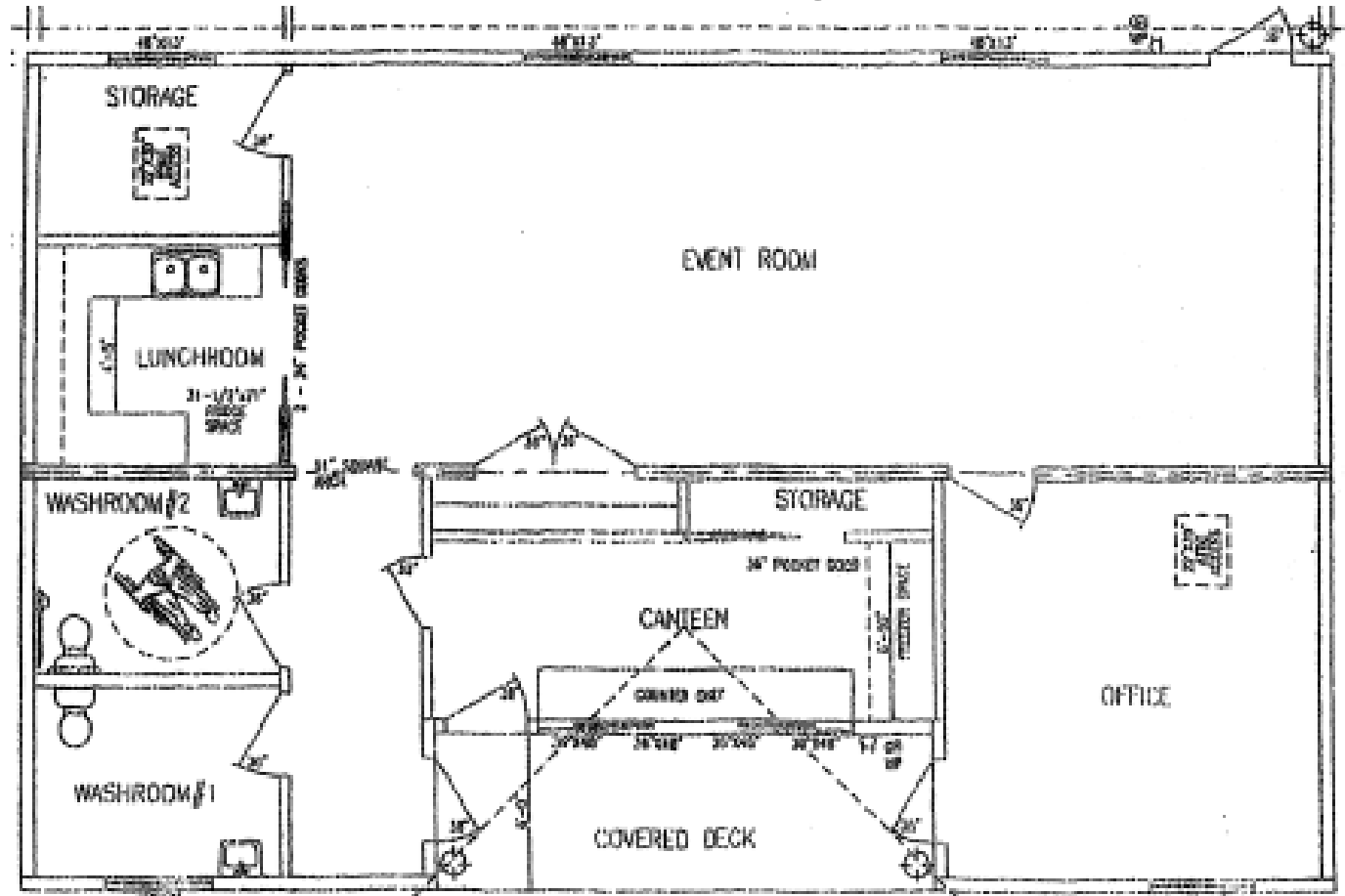
A multi year lease for the Dartmouth Kiwanis Club is requested from the Municipality to have a 32 ft by 50 ft. Building. Along with community use, operate a Seasonal Canteen and operate a Seasonal Christmas Tree Sale Lot all for non-profit and charitable purposes.

A minimum lease of 20 years or up until the Club's 100th Anniversary in 2043 at which time the building will be gifted to the Municipality.

Building Futures

(Back Building)

32 X 50



(Front Building)

Community Centre Project Kiwanis Graham's Grove

