

Subject: MCC – Revised Draft Licence Agreements – Pelham Panthers Hockey Club Limited and Pelham Junior Hockey Club

Recommendation:

BE IT RESOLVED THAT Council receive Report # 2023-0199 Town Solicitor, MCC – Revised Draft Licence Agreements – Pelham Panthers Hockey Club Limited and Pelham Junior Hockey Club, for information;

AND THAT Council authorizes and directs the Town to enter into a licence agreement with Pelham Panthers Hockey Club Limited in the form attached hereto;

AND THAT Council authorizes and directs the Town to enter into a licence agreement with Pelham Junior Hockey Club for concession and vending machine operations at the Meridian Community Centre in the form attached hereto.

Background:

On August 16, 2023, Council approved draft agreements with Pelham Panthers Hockey Club and Pelham Junior Hockey Club for operations at the Meridian Community Centre, which were to be reviewed with the licensees, and also approved a 60-day extension of the existing licence agreement if needed to permit finalization of the draft agreements and Council approval of same.

The licensees requested substantive revisions to the draft agreements, with the result that the 60-day extension of the existing agreement has been implemented. Staff have engaged in discussions with the licensees and have prepared revised draft agreements, which are appended to this report. The revisions are highlighted in yellow for ease of reference. The licensees are prepared to sign the revised draft agreements if approved by Council. The licensees are not prepared to engage in further negotiations or to agree to additional revisions.

Analysis:

The revisions to the draft agreements previously approved by Council are as follows:

Pelham Panthers Hockey Club Limited

- **Section 1.1:** The term of the agreement has been changed from three years to five years.

Staff recognize that Council has not been uniformly supportive of a longer term; however, staff note that the agreement can be amended at any time during the term by mutual agreement and that the Town has the ability to terminate the agreement with 90 days' notice. Staff also note that the request for a longer term is primarily driven by the preferences of the Greater Ontario Junior Hockey League (GOJHL) and not the team itself. If a longer term is unavailable at the MCC then the team may be required to relocate. Staff are of the view that the Town is adequately protected by the amendment and termination provisions in the revised draft agreement and that a term of five years is appropriate.

- **Section 4.7:** The language of paragraph b. has been revised to make clear that the Town will receive a portion of admission fees collected only for tickets in excess of 500.
- **Section 5.1:** The annual licence fee has been changed from a fee with annual incremental increases from \$1000 to \$1500 to a flat fee of \$1250 per year. Charging the same annual licence fee for the duration of the term is consistent with other licence agreements between the Town and MCC user groups.
- **Section 5.3:** This section has been simplified to provide that the team will pay adult ice rental rates for games and the youth rental rate for other operations. Staff are of the view that this is appropriate as the team has advised that it does not operate tournaments or clinics for adult players.

Pelham Junior Hockey Club

- **Section 1.1:** The term of the agreement has been changed from three years to five years to align with the draft agreement for the hockey team. Staff support this change for the reasons set out above.
- **Section 3.5:** This section has been revised to give the parties the ability to vary the hours of operation of the concession by prior agreement as there may be changes to the MCC event schedule that would make the regular hours unsuitable for either or both of the parties.

Financial Considerations:

The financial considerations associated with the proposed agreements are reviewed in Report #2023-0183.

Alternatives Reviewed:

Council may not approve the proposed revisions to the draft licence agreements.

Council may direct further revisions but as noted above, the licensees are not prepared to negotiate or revise the agreements further.

Strategic Plan Relationship: Community Development and Growth

The proposed agreements support the operations of a GOJHL team in Pelham, which supplies community entertainment, supports local businesses, facilitates youth development and encourages support for other community initiatives.

Consultation:

Staff consulted the licensees in preparing the revised draft licence agreements. The Chief Administrative Officer and Director of Recreation, Culture and Wellness were consulted in the preparation of the revised draft agreements and this report.

Other Pertinent Reports/Attachments:

1. Revised Draft Licence Agreement – Pelham Panthers Hockey Club Limited
2. Revised Draft Licence Agreement – Pelham Junior Hockey Club

Prepared and Recommended by:

Jennifer Stirton, BSc(Hons), LL.B.
Town Solicitor

Approved and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer