



Town of Niagara-on-the-Lake

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REPORT #: OPS-24-025 **COMMITTEE DATE:** 2024-10-22
REPORT TO: COTW-General **DUE IN COUNCIL:** 2024-10-29
SUBJECT: Memorial Tennis Courts (NOTL Tennis Club - Agreement – OPS-24-025)

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 The Lord Mayor and Town Clerk be authorized to execute the Agreement (**Appendix I**) between the Corporation of the Town of Niagara-on-the-Lake (Town) and the Niagara-on-the-Lake Tennis Club (The Club) for tennis activities at the Memorial Tennis Courts and Pavilion, located at 370 King Street.

2. EXECUTIVE SUMMARY

- Town staff and representatives from the Town of Niagara-on-the-Lake Tennis Club have been working on an Agreement that encapsulates the contributions of both parties.
- The Club uses the Memorial Tennis Courts and has an amicable working relationship with the Town.
- The Club is proposing to assume financial responsibility for the maintenance of the courts (in coordination with the Town).
- The Club would be responsible for the hydro consumption for the pavilion and tennis lights.
- The Club proposes to take on the maintenance costs in exchange for the Town not charging user fees, which is the difference from previous years.
- The Club will provide liability insurance, naming the Town as an additional insured.
- The duration of this agreement would be from 2024 until 2037.

3. PURPOSE

The purpose of this report is to request approval of an Agreement (**Appendix I**) between the Corporation of the Town of Niagara-on-the-Lake and the Niagara-on-the-Lake Tennis Club for a Town-owned park space/pavilion at Memorial Park located at 370 King Street to be used for The Club's tennis activities and clubhouse purposes.

4. BACKGROUND

The NOTL Tennis Club has been in operation for approximately fifty-two years. For the past forty years, the Club has used the Memorial Tennis Courts and maintained an amicable working relationship with the Town.

The Town has had a Memorandum of Understanding (MOU) with The Club since 2002, and over those years, The Club has contributed a percentage of the annual membership fees paid to the

Club to the Town’s operating budget. This funding has been used to support the ongoing operation of the tennis courts/pavilion. The Club has also made significant capital investments in the Memorial Courts and Pavilion. Some of the projects are as follows:

Year	Project	Project Value	Club’s Contribution
2015	Replacement of the playing surface on the four courts	\$185,000	\$20,000
2017	Replacement of the tennis court lighting systems to LED	\$60,000	\$20,000
2020	Addition of two courts to the Memorial Courts.	\$125,000	\$40,000
2023	Upgrades to the pavilion (lighting & heater), enlarging the bleacher pad, installation of a large bleacher, new sidewalk, water bottle fill station	\$27,110	\$27,110

The Club and Town made significant investments in 2022 to co-host the tennis event for the Canada Summer Games at the Memorial Park Courts, with The Club providing the majority of volunteers to support that event.

5. DISCUSSION / ANALYSIS

Over the past year, Town staff and representatives from The Club have been working on an Agreement that captures the contributions of both parties. The proposed Agreement has the Town removed from the minor maintenance projects (ie; court resurfacing, court repairs and power washing) of the courts but still responsible for the major capital replacement costs (ie; court replacement, fencing & lighting). The Club seeks to take on that financial responsibility (in coordination with the Town) from 2024 until 2037. The details of the maintenance program are as follows:

Maintenance item	Year	Cost Estimate
Resurface Court 1 & 2	2027	\$ 22,100
Resurface Court 3 – 6	2030	\$ 48,200
Resurface Court 1 & 2	2034	\$ 27,100
Resurface Court 3 – 6	2036	\$ 57,500

The Club will carry out the power washing of the courts on a schedule that is agreeable to the Town and ensures the courts can be used safely. The Club would be responsible for the hydro consumption for the pavilion and tennis lights.

The difference from previous MOUs would be that The Club is taking on the maintenance program in exchange for the Town not charging user fees.

Town staff and The Club members discussed various items and identified the roles and responsibilities of each respective organization.

The Agreement identifies the roles of the Town and The Club under the following terms:

- Responsibilities of the Tennis Facility – pavilion, clubhouse, courts, water, washrooms, operation of the courts, keys/access codes
- Governance and Reporting – governance, reporting, incidents
- Programming – programming, membership, rentals/guest fees
- Marketing – web, promotion, sponsorship
- Maintenance and Repairs – interior (clubhouse), exterior, tennis courts/fencing, landscaping, lighting, contractors, vandalism
- Lifecycle – court facility replacement, community partnership
- Financial Obligations – utilities, court resurfacing/maintenance

The proposed term of this agreement is for thirteen years (13), commencing from October 30, 2024, and extending to December 31, 2037. The Town and The Club will meet six (6) months before the expiration of this Agreement to discuss a future agreement.

The Club will provide liability insurance that is satisfactory to the Town, and the Town shall be included as an additional named insured in any policy carried by The Club.

The Town solicitor has reviewed the Agreement and provided commentary. Those changes have been made and reviewed by The Club. Town staff and The Club agree to the terms included in the Agreement.

6. STRATEGIC PLAN

The content of this report supports the following Strategic Plan initiatives:

Pillar

1. Vibrant & Complete Community

Priority

1.2 Economic Development & Community Partnerships

Action

1.2 b) Community Partnership

Pillar

1. Vibrant & Complete Community

Priority

1.2 Economic Development & Community Partnerships

Action

2.1 c) Efficiencies and Cost Reductions/Avoidances

7. OPTIONS

- 7.1 **Option 1:** Council approves the Agreement between the Niagara-on-the-Lake Tennis Club and the Town of Niagara-on-the-Lake (**Recommended**)
- 7.2 **Option 2:** Council does not approve the Agreement between the Niagara-on-the-Lake Tennis Club and the Town of Niagara-on-the-Lake and directs Staff on what they wish to achieve with the Memorial Tennis Courts and Pavilion (*Not Recommended*)

8. FINANCIAL IMPLICATIONS

The Town has negotiated terms and conditions of the Agreement for the capital replacement and maintenance of the Memorial Tennis Courts and Pavilion.

The Club would be responsible for the costs listed in the chart below:

Maintenance item	Year	Cost Estimate
Resurface Court 1 & 2	2027	\$ 22,100
Resurface Court 3 – 6	2030	\$ 48,200
Resurface Court 1 & 2	2034	\$ 27,100
Resurface Court 3 – 6	2036	\$ 57,500

The Town would be responsible for the general maintenance costs of the tennis courts and pavilion. Elements such as tennis net installation/removal (seasonal), garbage removal, water bottle fill station, and general maintenance. Staff currently have the resources in the Operating Budget to complete our obligations under this new Agreement.

There is a budget impact on the Tennis Court Cost Centre. This would be a reduction in the Membership Revenue line 650-4100-02900 of \$10,720 annually. This would have an impact on the approved 2024 Operating Budget. There would be savings in our future capital budgets as the Agreement maintains the courts as the Club's responsibility.

9. ENVIRONMENTAL IMPLICATIONS

Not Applicable; there are no environmental impacts associated with this report.

10. COMMUNICATIONS

Upon Council's approval of the Agreement between the Niagara-on-the-Lake Tennis Club and the Town of Niagara-on-the-Lake, the Clerks Division will communicate these decisions with the Niagara-on-the-Lake Tennis Club's Executive.

11. CONCLUSION

Niagara-on-the-Lake Tennis Club has been an amicable partner in providing tennis-related programming for the Memorial Park Tennis Courts users. Therefore, Staff recommends approving the Memorandum of Understanding with the Niagara-on-the-Lake Tennis Club for thirteen (13) years commencing October 30, 2024 and extending to December 31, 2037.

12. PREVIOUS REPORTS

- RC-12-024

13. APPENDICES

- **Appendix I** – Agreement - 370 King Street – Memorial Park Tennis Courts & Pavilion - NOTL Tennis Club FINAL
- **Appendix II** – 2024-XX – Agreement between NOTL Tennis Club Town By-law

Respectfully submitted:

Recommended by:



Kevin Turcotte
Manager of Parks and Recreation
Operations Department

Recommended by:



Darren MacKenzie
(A) Director of Operations

Submitted by:



Bruce Zvaniga
Chief Administrative Officer (Interim)