

DATE: March 17, 2025

REPORT NO: LLS-01-2025

SUBJECT: Lease Agreement for Portion of CIBC Parking Lot – Ken Brunaccioni (Dog Got It – Hot Dog Cart)

CONTACT: Justin Paylove, Director of Legislative Services/Clerk

OVERVIEW:

- This report will address a continuation of a lease agreement for the length of two (2) years for a portion of the Smithville Parkette/CIBC Parking lot with Ken Brunaccioni (Dog Got it – Hot Dog Cart).

RECOMMENDATION:

1. That, Recommendation Report LLS-01-2025, titled “Lease Agreement for a portion of the Smithville Parkette/CIBC Parking Lot – Ken Brunaccioni (Dog Got It – Hot Dog Cart)”, dated March 17, 2025, be received; and,
2. That, the request to enter into a two (2) year lease agreement with Ken Brunaccioni for a portion of lands in the Smithville Parkette/CIBC Parking Lot, be approved; and,
3. That, a By-law be presented at a future Council Meeting to authorize a two (2) year lease Agreement with Ken Brunaccioni for use of a portion of the land in the Smithville Parkette/CIBC Parking lot for his barbeque/refreshment cart.

ALIGNMENT TO STRATEGIC PLAN:

Theme #1

BACKGROUND:

In February of 2010, Township Council passed By-Law No. 2010-20, to regulate, and license refreshment vehicles, cycles and carts. The criteria set out in By-Law 2010-20 requires that the applicant provide the following:

- 1) approval of the Medical Officer of Health or designate;
- 2) approval of the Fire Chief or designate, if required;
- 3) compliance certificate under The Ontario Propane Code, if required;
- 4) a site plan setting out the proposed location of the refreshment vehicle or refreshment cart showing the location(s) from which the operator intends to sell;
- 5) every application for a license for a refreshment vehicle, refreshment cart or

- refreshment cycle shall be approved by Council;
- 6) list of types of refreshments to be sold;
 - 7) particulars re type of vehicle;
 - 8) name and address of business;
 - 9) location and times of operation;

Since 2016, the Township has entered into a lease agreement with Mr. Ken Brunaccioni (Dog Got It) to lease a portion of the Smithville Parkette/CIBC Parking lot in order to operate a Refreshment Cart (Hot Dog Cart). The lease agreement has included a clause that allowed the option for the agreement to be terminated with thirty (30) days' notice.

Mr. Brunaccioni paid his monthly lease payment of \$115 for the months that he operated his refreshment cart since 2016 as well as the refreshment cart licence fee prior to commencing operation of his cart.

CURRENT SITUATION:

In 2021, the Clerk was delegated the power to approve licensing for refreshment carts/cycles/vehicles. Additionally, in 2021, Council approved the lease agreement with Mr. Brunaccioni (Dog Got It) for a period of two (2) years, to reduce the amount of times the issue was put before Council for consideration. In 2023 and 2024, the Clerk approved Mr. Brunaccioni's refreshment application as well as the lease agreement in order to operate his refreshment cart (Dog Got It) in the Smithville Parkette/CIBC Parking lot.

With this being the fourth year, Administration is requesting Council's consideration to approve Mr. Brunaccioni's (Dog Got it) lease agreement with the Township for another two years, in order to continue to operate his hot dog cart on a portion of the Smithville Parkette/CIBC Parking lot (see attached sketch) at the existing rate of \$115/month. Mr. Ken Brunaccioni has operated his hot dog/refreshment cart at this location since 2016, and the Township has not received any written or verbal complaints from the public with respect to Mr. Brunaccioni operating his refreshment cart at this location.

Administration is recommending that the Township enter into an agreement to lease a portion of the Smithville Parkette/CIBC Parking Lot lands under the same terms as contained in the 2023 agreement, which was approved at the March 20, 2023 Administration/Finance/Fire Committee meeting. This agreement included a 30-day notice/termination clause should either party wish to terminate the agreement.

Mr. Brunaccioni has paid his refreshment cart licence fee of \$319 as well as provided monthly cheques for lease of the Smithville Parkette/CIBC Parking lot for the months of April to December 2025.

Staff circulated Mr. Brunaccioni (Dog Got It) application for a refreshment cart license to staff and agencies as required under the Township's Refreshment Cart Licencing By-law 2010-20. The Fire Department nor the Planning & Building Department had any concerns or objection to issuing his refreshment cart licence with the exception that an update will be required of his TSSA Inspection Certificate, which is required when using a cooking

stove, fryer and propane tank(s) for cooking purposes.

The TSSA Inspection Certificate expires on February 12, 2026. Additionally, Mr. Brunaccioni has provided an inspection report from the Niagara Public Health Department, which confirmed no issues. Mr. Brunaccioni will be required to provide an updated Certificate of Insurance from his insurer in the amount of two million dollars, which will need to name the Township of West Lincoln as an additional insured, prior to its expiry date in April 27, 2025.

FINANCIAL IMPLICATIONS:

The monthly lease amount and license fee will generate a minimal amount of revenue for the municipality.

INTER-DEPARTMENTAL COMMENTS:

This report was reviewed by the Clerk, CFO, and CAO.

CONCLUSION:

Administration is recommending that the Township enter into a new two (2) year lease agreement with Mr. Ken Brunaccioni (Dog Got It) to rent a small portion of lands in the Smithville Parkette/CIBC Parking Lot in order to operate his refreshment cart.

SCHEDULE(S)

Schedule - "A" Smithville Parkette/CIBC Parking Lot Map

Prepared & Submitted by:

Approved by:

**Justin Paylove,
Director of Legislative
Services/Clerk**

**Truper McBride
CAO**