

**MINUTES**  
**THE BOARD OF GOVERNORS OF EXHIBITION PLACE**  
**Allstream Centre – Room 206-D – Exhibition Place**  
**Friday, May 22, 2015 – 9:30 a.m.**

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The Board of Governors of Exhibition Place met in Allstream Centre – Room 206-D – Exhibition Place on Friday, May 22, 2015 at 9:30 a.m.

**PRESENT:** Mark Grimes, Chair  
Wayne Copeland, Connie Dejak, Jim Karygiannis, Mike Layton, Hugh Mansfield,  
Giorgio Mammoliti

**APOLOGIES:** Justin Di Ciano

**STAFF:** Dianne Young, Chief Executive Officer  
Fatima Scagnol, Corporate Secretary  
Alison Fowles, Solicitor, City Legal  
Barbara Cappell, Solicitor, City Legal  
Hardat Persaud, Chief Financial Officer  
Arlene Campbell, General Manager/Sales & Event Management  
Danny Chui, Manager/Capital Works  
Francesca Colussi, Director, Security & Parking Services  
Martin Kenneally, Director, Event Management Services  
Frank Martindale, Director, Operations  
Laura Purdy, Director, Sales & Marketing

**SPEAKERS:** Saad Rafi, CEO, TO2015 Pan Am Games  
Walter Oster, Chairman & CEO, Canadian National Sportsmen's Shows  
Zlatko Starkovski, President, Muzik Clubs Inc.

Mark Grimes presided and Fatima Scagnol acted as Secretary to the meeting. The meeting was called to order at 9:35 a.m.

Before proceeding with the regular business of the meeting, the Chair requested members to indicate the report on the public agenda wherein they have an interest, together with the nature of the interest. No interests were declared.

**1. MINUTES OF PREVIOUS MEETING**

On motion duly made by Connie Dejak, seconded and **CARRIED**, it was **RESOLVED** that the Minutes of Meeting of the Board of Governors held on Friday, April 24, 2015, be **AMENDED**, thereby changing the first sentence on page 7 – Item No. 17 – Taxable Parking Benefit for Exhibition Place Employees; to as follows:

Connie Dejak noted she is in support of providing complimentary parking to Exhibition Place employees and does not agree with the parking benefit being taxable and pensionable; and

that the Minutes, as amended, be **VERIFIED**.

**CONSIDERATION OF REPORTS**

The Chair proposed that the Board proceed through the reports on the agenda with members indicating those reports, by number, on which they wish to speak. The Board then proceeded with the adoption of the remaining reports and then gave consideration to those reports held for

discussion at the request of the members, not necessarily in the order that they appear on the agenda. The Board concurred with the following.

**2. 2015 CAPITAL WORKS PROGRAM – APRIL PROGRESS REPORT**

Upon the question of the adoption of Report No. 2 dated May 7, 2015 from the Chief Executive Officer with respect to the 2014 Capital Works Program – April Progress Report, it was received for **INFORMATION**.

**3. 2015 CAPITAL WORKS PROGRAM – TENDER REPORT – LED LIGHTING-DEC**

Upon the question of the adoption of Report No. 3 dated May 7, 2015 from the Chief Executive Officer with respect to a tender award to Robertson Bright Inc. for the LED Lighting at Direct Energy Centre, it was **APPROVED**.

**4. EXHIBITION PLACE MANAGEMENT REPORT – APRIL 30, 2015**

Upon the question of the adoption of Report No. 4 dated April 30, 2015 from the Chief Executive Officer and the General Manager, Sales & Event Management with respect to the Exhibition Place Management Report for April, 2015, it was received for **INFORMATION**.

**5. OCCUPATIONAL HEALTH & SAFETY REPORT – 1<sup>ST</sup> QUARTER 2015**

Upon the question of the adoption of Report No. 5 dated May 5, 2015 from the Chief Executive Officer with respect to the Occupational Health & Safety Report – 1<sup>st</sup> Quarter 2015, it was received for **INFORMATION**.

**6. 2014 AUDIT RESULTS & CONSOLIDATED FINANCIAL STATEMENTS FOR THE BOARD**

Upon the question of the adoption of Report No. 6 dated April 29, 2015 from the Finance & Audit Committee with respect to the 2014 Audit Results & Consolidated Financial Statements for the Board, it was **APPROVED**.

**7. ANNUAL RENTAL AGREEMENT – FESTIVAL MANAGEMENT COMMITTEE (“FMC”) FOR THE SCOTIABANK TORONTO CARIBBEAN CARNIVAL - 2015**

Upon the question of the adoption of Report No. 7 dated May 8, 2015 from the Chief Executive Officer with respect to an agreement for the Annual Rental Agreement – Festival Management Committee (“FMC”) for the Scotiabank Toronto Caribbean Carnival 2015, it was **APPROVED**.

**8. PRECISE PARKLINK SERVICES AGREEMENT**

Upon the question of the adoption of Report No. 8 dated May 11, 2015 from the Chief Executive Officer with respect a seven month extension to the agreement with Precise Parklink Services, it was **APPROVED**.

**9. SPECIAL EVENT PARKING RATES**

Upon the question of the adoption of Report No.10 dated May 8, 2015 from the Chief Executive Officer with respect an increase in the Special Event Rate up to a maximum of \$30, effective May 23, 2015, it was **APPROVED**.

## **10. 2016 RENTAL AND SERVICES PRICE LIST**

Upon the question of the adoption of Report No. 14 dated May 6, 2015 from the Chief Executive Officer with respect to the 2016 Rental and Services Price List, it was **APPROVED**.

## **11. AGREEMENT FOR THE PROVISION OF ELECTRICAL AND MECHANICAL SERVICES FOR EVENTS AND EXHIBITIONS AT EXHIBITION PLACE**

Upon the question of the adoption of Report No. 15 dated May 7, 2015 and the Confidential Attachment 1 to subject report, from the Chief Executive Officer with respect to an Agreement for the Provision of Electrical and Mechanical Services for Events and Exhibitions at Exhibition Place, it was **APPROVED**, subject to City Council.

## **12. ACCOUNTS RECEIVABLES – DIRECT ENERGY CENTRE, ALLSTREAM CENTRE & EXHIBITION PLACE AS AT MARCH 31, 2015**

Upon the question of the adoption of Report No. 16 dated May 6, 2015 and the Confidential Attachment 1 to subject report, from the Chief Executive Officer with respect to the Accounts Receivables for Direct Energy Centre, Allstream Centre and Exhibition Place as at March 31, 2015, it was **APPROVED**.

The Chair proposed that the Board give consideration to the reports held of discussion at the request of the members.

## **13. TO2015 CIBC Pan Am Park**

The Chair welcomed and acknowledged Mr. Saad Rafi, Chief Executive Officer of the TO2015 Pan Am Games and also welcomed and acknowledged Hollis Kosco and Mizheal Hazelton also of the Pan Am Games.

Mr. Rafi provided a brief oral overview of the events being held wherein the following was noted.

- CIBC Pan Am Park encompasses several different sites and venues located along the shores of Lake Ontario, including the historic Exhibition Place, Ontario Place and the West Channel.
- A torch relay will commence on Saturday, May 23<sup>rd</sup> and will take place through 130 streets in Toronto.
- The Rogers Centre will host the Opening Day Ceremonies.
- Pan Am events provide the athletes with the opportunity of pre-qualifying for the Olympics.
- CIBC Park will host up to 14 sports during the TORONTO 2015 Pan Am Games making it the largest sport cluster of the Games, and as such, CIBC Pan Am Park will be “action central” at the Games.
- 3,000 metric tons of sand will be delivered and installed for the beach volley ball courts.

- 25,000 fans will come to the zone which will stretch outside Allstream Centre right to BMO Field.
- There will be one Arts & Cultural event at Exhibition Place and one at Nathan Phillips Square.

In conclusion Mr. Rafi thanked Dianne Young and her team for being a fantastic resource and providing support. He further thanked Mark Grimes and members of the Board for their support of the event.

The Board entered into a brief question/answer session, wherein the following was noted.

On a question from Giorgio Mammoliti with respect to the 3,000 metric tons of sand for the beach volleyball courts and why the sand cannot stay at Exhibition Place, Mr. Rafi responded that the sand could stay at Exhibition Place but that the sand will be on parking lots and that Pan Am are working with Volleyball Canada that may be interested in obtaining the sand for its programs.

Giorgio Mammoliti noted if the sand could not stay at Exhibition Place then perhaps it could be moved to the Jane/Finch parks area for volleyball courts. Mr. Rafi advised that he could certainly discuss this with the Councillor further.

Mike Layton noted that sand is always needed at City Parks and possibly the CNE and Ontario Place.

Mr. Rafi noted that the Province has strict disposition criteria on how items are dealt with – i.e. third party would be responsible for all removal charges.

Dianne Young also noted that the beach volleyball is being held outside on parking lots and that the major show clients (i.e. Boat Show) would strongly object to losing this prime parking for the trade and consumer shows and that Exhibition Place would suffer major revenue losses, however she will coordinate a meeting Mr. Rafi, City Parks staff, and respective Councillors to discuss removal and possible use of the sand in City parks.

Mark Grimes expressed his thanks to Dianne Young, Arlene Campbell and all their staff for being very accommodating with respect to the event and he also expressed thanks to the Pan Am staff for working with the Honda Indy to have their race dates moved.

On motion duly made by Mark Grimes, seconded and **CARRIED**, it was **RESOLVED** that staff facilitate a meeting with Pan Am officials, City Park staff, Giorgio Mammoliti and Mike Layton to discuss the beach volleyball sand and where it can be relocated following the games.

#### **14. SECURITY VIDEO SURVEILLANCE POLICY V.02**

On a question from Giorgio Mammoliti as to what staff are attempting to achieve, Dianne Young responded that City Council adopted a City of Toronto Security Video Surveillance Policy report and requested that all Agencies, Boards and Commissions consider the City directions and its application to their areas of management, and given Exhibition Place follows City directives, the existing policy has been updated to meet the City direction.

On a question from Giorgio Mammoliti with respect to Exhibition Place sharing videos, Dianne Young responded that if there is a Police investigation, then videos would be shared. She further added that any licensed events, such as Pan Am, would have their own video

surveillance policy and that those proprietary tapes within the licensed areas would not be shared with Exhibition Place.

On a question from Wayne Copeland with respect to the number of hours that the security video is active, Dianne Young responded that all videos are viewed by Security staff and are monitored 24 hours a day.

On a question from Wayne Copeland with respect whether it would take a breach to access the video, Dianne Young responded that the video would be accessed if requested by the Police or Security is aware of any incident.

On a question from Jim Karygiannis with respect to the length of time video tapes are kept, Francesca Colussi responded that after a 30-day period, video tapes are erased.

Giorgio Mammoliti expressed concern that video tapes are only kept for a 30-day period given the incidents that have taken place at Electronic Dance Music events, and that these videos should be kept longer.

Francesca Colussi noted that video tapes could be kept longer but that it may take an upgrade to the current system. Dianne Young noted that staff could look into this question and report back to the Board.

On a question from Jim Karygiannis with respect to the number of requests for video tapes past the 30-day period, Francesca Colussi responded she would have to speak with her Security Services Manager and report back to the Board.

On motion duly made by Jim Karygiannis, seconded and **CARRIED**, it was **RESOLVED** that Report No. 9 dated May 8, 2015 from the Chief Executive Officer with respect to a Security Video Surveillance Policy V.02, be **APPROVED**, and **FURTHER** that, staff report back to the Board on (a) the issue of keeping video tapes longer than the 30-day period for Electronic Dance Music events; and (b) the history of the number of requests received for video tapes beyond the 30-day kept period.

#### **15. LICENSE AGREEMENT – CANADIAN NATIONAL SPORTSMEN'S SHOWS LTD. – 2016 and 2017**

The Chair welcomed and acknowledged Mr. Walter Oster, Chairman and CEO of the Canadian National Sportsmen's Shows who thanked the Board for their direction provided at its meeting of April 24<sup>th</sup>, wherein he has met with Exhibition Place staff and an agreement was reached with respect to the 2016 and 2017 license agreements.

Mark Grimes thanked staff for working with the Canadian National Sportsmen's Shows, and indicated that the show is welcomed back to Exhibition Place.

On motion duly made by Giorgio Mammoliti, seconded and **UNANIMOUSLY CARRIED**, it was **RESOLVED** that Report No. 13 dated May 11, 2015, and the Confidential Attachment to subject report, from the Chief Executive Officer with respect to the License Agreement for the Canadian National Sportsmen's Shows Ltd. for 2016 and 2017, be **APPROVED**.

**16. LEASE EXTENSION OF MUZIK CLUBS INC. – BACKGROUND INFORMATION and LEASE WITH MUZIK CLUBS INC.**

It was duly moved, seconded and **CARRIED**, that the Board deal with both Report No. 11 entitled “Lease Extension of Muzik Clubs Inc. – Background Information” and Report No. 12 entitled “Lease with Muzik Clubs Inc.” together.

The Board entered into a question/answer session wherein the following was noted.

On a question from Connie Dejak with respect to legal counsel being in attendance at the Board meeting held December 19, 2012 wherein the Board approved, subject to City Council, the extension of the Muzik lease, Dianne Young responded that yes, legal counsel was in attendance at this Board meeting.

On a question from Connie Dejak with respect to why the Garden of the Greek Gods are included in the Muzik lease when they have nothing to do with the lease, Dianne Young responded that the report adopted by the Board in December 2012 did not include the sculptures but that the Board at its meeting of December 1, 2014 directed staff to seek further amendments to the Muzik lease to address the sculptures.

On a question from Connie Dejak with respect to Alison Fowles having any concerns with the Board’s motion related to the Muzik lease extension approved on December 19, 2012, Alison Fowles responded she had no concerns.

On a question from Connie Dejak with respect to why the lease extension for Muzik is taking so long, Dianne Young provided an overview with respect to the City process and the issues that resulted, and noted that an information report related to the issues was submitted to the Board at its meeting of May 24, 2013.

On a question from Connie Dejak with respect to why the lease extension for Muzik cannot go directly to City Council, Alison Fowles responded that any approval of this lease extension is dependent on amendment to the City Official Plan.

On a question from Giorgio Mammoliti with respect to why the subject report is before the Board, Dianne Young responded that the Board requested an informational report on the Lease Extension of Muzik at its April 24<sup>th</sup> meeting.

Barbara Cappell noted that following learning of the required amendment to the City Official Plan, the Tenant was advised in January 2013, as well as the Board in May 2013, however the Tenant continued with his renovations in 2014.

It was duly moved, seconded and **CARRIED**, that Mr. Zlatko Starkovski, be allowed to address the Board.

Mr. Starkovski advised that he is quite confused with the entire process related to his lease extension.

On a question from Connie Dejak with respect to the renovation investment made to Muzik Clubs, Mr. Starkovski responded that \$5 Million has been invested.

On a question from Connie Dejak with respect to how Mr. Starkovski would categorize staff discussions with him, he responded that staff and he are still discussing the matter.

On a question from Wayne Copeland with respect to the time frame that the \$5 Million in renovations was spent in, Mr. Starkovski responded that the majority was spent in 2014.

On a question from Wayne Copeland with respect to the lease extension being approved by the Board, subject to City Council approval, and did Mr. Starkovski understand this approval process, Mr. Starkovski responded that yes he understood the motion.

On a question from Giorgio Mammoliti with respect to the discussions at meetings held with staff, Mr. Starkovski responded that meetings have been taking place with staff wherein the issues surrounding the City Official Plan have been explained, however, his legal counsel has indicated that there is no issue and that his lease extension can be submitted directly to City Council.

On a question from Giorgio Mammoliti with respect to any movement of staff to bring this lease extension to City Council, Barbara Cappell responded that staff have taken the first step – meeting with City Real Estate who have advised that the lease extension was in contrary to the City's Disposal of City Property Policy.

Dianne Young noted that without an amendment to the Official Plan, City Council will not be able approve the lease extension.

On a question from Mark Grimes with respect to taking the initial lease extension report to City Council, Alison Fowles responded that if the Board submitted the report staff would have to report on any legal and financial implications.

On a question from Jim Karygiannis with respect to terminating the existing lease with Muzik and commencing a new one, Barbara Cappell responded this would not be possible as a way of getting around the City's Disposal Policy.

On a question from Connie Dejak with respect to what steps have been taken so far to amend the Official Plan, Mr. Starkovski responded that Lynda MacDonald, Manager with City Planning and Exhibition Place staff met with him and his lawyer two months ago to look at the current tenants affected by the Official Plan – Muzik, Medieval Times and Liberty Grand, and that Ms. MacDonald advised him that if he agrees with the sculptures being removed from his leased area, then the amendment to the Official Plan will be undertaken.

On a question from Connie Dejak with respect to what the staff process is when there is an issue with a policy of Council, Dianne Young responded that if it is a policy of Council then Council can change its policy if it sees fit, however the issue related to the lease amendment for Muzik is an amendment to the Official Plan and that this is in the Provincial Planning Act issue and Council cannot change this statutory requirement.

On a question from Mike Layton with respect to page 3 of Report No. 12 from the City Solicitor and if the repairs to the sculptures have commenced, Dianne Young responded that she has been working with the Tenant and his legal counsel on the dates for the conservator to commence his repairs and finalizing same – every Monday until the month of August and then once the patio closes in the Fall, the balance of the repairs will be done.

Mark Grimes requested that the City Solicitor report back to the Board on the City Council results of the Boardwalk Café matter and the Grenadier Restaurant.

Hugh Mansfield noted that the Board needs to find a solution to this current issue as it affects other tenants.

On a question from Giorgio Mammoliti with respect to the Board appealing the City's Official Plan to the Ontario Municipal Board, Alison Fowles responded that the Board could not as the lands at Exhibition Place are City owned lands, and that the Board is an agent of the City and must act in the City's interests.

On a question from Giorgio Mammoliti with respect to the Tenant appealing the City Official Plan at the Ontario Municipal Board, Barbara Cappell responded that it is probably out of time for such an appeal.

On a question from Giorgio Mammoliti with respect to the City Solicitor providing advice to the Tenant, Barbara Cappell responded that City Lawyers are not able to provide legal advice to Exhibition Place Tenants.

On a question from Giorgio Mammoliti with respect to what capital investment has been made by all Tenants, Dianne Young responded that approximately \$500 Million has been invested by all tenants across the grounds.

On motion duly made by Giorgio Mammoliti, seconded and **UNANIMOUSLY CARRIED**, it was **RESOLVED** that Report No. 11 dated May 15, 2015 from the Chief Executive Officer with respect to the Lease Extension of Muzik Clubs Inc. – Background Information be received for **INFORMATION**; and **FURTHER** that Report No. 12 dated May 12, 2015 from the City Solicitor with respect to the Lease with Muzik Clubs Inc. be **APPROVED**; and **FURTHER** that:

- (a) Request that Exhibition Place staff set up a meeting with the Chair of the Board, the local Ward Councillor, the Chief Planner and Executive Director, City Planning Division and City Legal Services to review the appropriate actions and conditions necessary to extend the term of the Muzik lease for a period to be in excess of 21 years and to report back to the Board at its meeting of July 31, 2015 on possible directions, including any recommendations to City Council;
- (b) Staff report on all tenant leases coming due in the next 10 years; and
- (c) City Legal report on the City Council outcome of the Boardwalk Café matter and the Grenadier Restaurant, and other locations that might be in the same situation as Muzik Clubs Inc. being located with areas designated in the City's Official Plan as Parks, Open Space.

## **17. DATE OF NEXT MEETING**

The next meeting of the Board is scheduled to be held on **Friday, July 31, 2015** at 9:30 a.m.

## **18. RESOLUTION RE ABSENTEEISM**

Given there was no quorum, the resolution re absenteeism for Hugh Mansfield and Giorgio Mammoliti was **DEFERRED** from the meeting of April 24, 2015 to the May 22, 2015 meeting of the Board.

Giorgio Mammoliti advised that both he and Justin Di Ciano are members of the TRCA Board and that they both agreed that he attend that meeting and Councillor Di Ciano attended the meeting of the Board.



On motion duly made by Connie Dejak, seconded and **CARRIED**, it was **RESOLVED** that Hugh Mansfield and Giorgio Mammoliti having notified the Corporate Secretary of their unavailability to attend the April 24, 2015 meeting of the Board, be **EXCUSED**.

On motion duly made by Connie Dejak, seconded and **CARRIED**, it was **RESOLVED** that Justin Di Ciano having notified the Corporate Secretary of his unavailability to attend this meeting of the Board, be **EXCUSED**.

## **OTHER BUSINESS**

### **19. TORONTO ARGONAUTS**

Mark Grimes advised the Board that Mr. Tim Lewicki was very instrumental in ensuring the Toronto Argonauts were moving to Exhibition Place and requested that Peter Church, who was in attendance at the meeting, to express the Board's thanks to Mr. Lewicki and MLSE Officials.

## **ADJOURNMENT**

There being no further business, the Chair adjourned the meeting at 12 noon.

(Copies of the communications, reports and other documents referred to in the minutes of this meeting have been distributed to the members and copies thereof inserted as schedules to the official minutes of the proceedings of this meeting of the Board.)

\_\_\_\_\_  
Corporate Secretary

\_\_\_\_\_  
Chair

**VERIFIED** at a meeting of the Board of Governors of Exhibition Place held on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Chair