



THE CORPORATION OF THE TOWN OF COBOURG REPORT

COMMITTEE OF THE WHOLE REPORT

TO:	Mayor and Members of Council	
FROM:	Dean A. Hustwick Director of Community Services	
DATE OF MEETING:	June 03, 2019	
REPORT TITLE/SUBJECT:	Green Canoe Outfitters	
REPORT DATE:	May 30, 2019	File #

1.0 STRATEGIC PLAN

Council's new Strategic Plan (2019 – 2022) includes the following Pillar/Objective:

- *The Town supports and cares for the social and physical well-being of its citizens.*

2.0 PUBLIC ENGAGEMENT

There has been no formal public engagement on this proposal outside of the Committee of the Whole meeting on May 13 and Council meeting on May 21, 2019.

3.0 RECOMMENDATION

THAT Council receive this report for information; and

FURTHER THAT the Town respectfully thanks the proponent for his proposal.

4.0 ORIGIN

At the Committee of the Whole on May 13, 2019, Council considered a delegation from Bart Spiewak and Mandy Lee, on behalf of Green Canoe Outfitters (GCO), requesting to enter into a profit sharing agreement with the Town of Cobourg to operate their seasonal rental kiosk directly on the public beach, in 2019 between the Canada Day Weekend through the Labour Day Weekend, on the east end of Victoria Park Beach.

The proposal included the following:

- provision and maintenance of high quality kayak and stand up paddleboards for rental to beach patrons
- all necessary safety equipment such as coastguard approved personal floatation devices (PFDs), safety kits and stand up paddleboard leashes
- all renters to sign a waiver
- all staffing, management and training
- payment services for renters (e.g. cash, debit or credit options)
- if permitted, sale of beach supplies (e.g., sunscreen, beach towels, sunglasses, sun shelters, etc.)
- training of staff by experienced and certified instructors
- \$2 million insurance policy

In return for a proposed 10% profit share, GCO requested from the Town the following:

- a secure kiosk location to operate from as well as guidelines on the structure and location
- Marketing partnering such as information posted on town websites and permission to post appropriate signage throughout Victoria Park

The Committee of the Whole recommended approval of the proposal and on May 21, 2019, Council approved the following motion:

NOW THEREFORE BE IT RESOLVED THAT Council receive the delegation from Bart Spiewak of Green Canoe Outfitters for information purposes; and

FURTHER THAT Council permit Green Canoe Outfitters to locate their seasonal kiosk at Victoria Park Beach for kayak and paddle board rentals for a trial period from June 28 - September 2, 2019; and

FURTHER THAT Council instructs the CAO to negotiate and draft a Memorandum of Understanding (MOU) between Green Canoe Outfitters and the Town of Cobourg that includes:

- the size and location of the kiosk;
- operating hours;
- permitted promotional signs and flags;
- required insurance coverage; and
- details of the financial agreement and payment schedule; and

FURTHER THAT the MOU is presented to Council for final approval by June 3, 2019; and

FURTHER THAT Council instructs staff to draft a report assessing the outcome of the trial period by November 25, 2019; and

***FURTHER THAT** the staff report outlines an open application process for the provision of kayak and paddle board rentals from Victoria Beach in 2020, pending the success of the 2019 trial period.*

5.0 BACKGROUND

Earlier this year, Council reconsidered its 2018 decision to install a floating playground in Lake Ontario off of Cobourg Beach.

During the Council deliberations, the following concerns with the floating playground were raised by members of Council:

- Town's liability for any injury or accident occurring, regardless of the insurance policy of the provider (Council motion)
- inherent risks and dangers that may cause serious injury and possible death to participants as outlined in the Release of Liability, Waiver of Claims (Council motion)
- adequacy of business case
- safety record of equipment/activities
- origin and reputation of manufacturer of equipment/products as well as equipment warranties
- lifeguarding and ability to hire them
- operational impact on the community (e.g., visitors, parking, garbage, etc.)
- visual appearance and impact on views
- use of plastic products
- security
- volatility and unpredictability of the weather on Lake Ontario
- Consumer affordability

6.0 ANALYSIS

Town staff met with YMCA staff on May 16, 2019, to discuss the GCO proposal. On May 17, 2019, the YMCA sent the Town a letter summarizing the key questions and issues that would need to be addressed by GCO before proceeding with the proposed business on Cobourg Beach (attached as **Appendix A**). The letter included the following points:

Programs/Services

- Will the operator be GCO or a third-party provider contracted by GCO?
- A detailed description of programs/services (e.g., birthday parties, yoga, other classes, inflatables, etc.) needs to be provided by GCO to ensure a full risk assessment can be completed

Hours of Operation

- Location – access/egress zone must be outside of swim zone – in front of sensory garden
- Concerns with boarders being pushed into swim zone by wind/waves. How will this be managed?
- Additional buoys/ropes will need to be purchased by GCO and installed. Town and Coastguard may have to install items as a motorized watercraft may be required for this task
- Operating kiosk must be located behind the lifeguard tower so it does not obstruct site lines of lifeguards

Operating Requirements

- GCO must provide the Town with a detailed operating manual to include:
 - Safety procedures and protocols for the overall operation that includes safety plan/emergency procedures for each program offeredExamples:
 - procedures for responding to emergency situations if operating outside designated lifeguarded hours
 - Procedures for when a boarder/kayaker doesn't return on time
 - Procedures for when a boarder/kayaker is in distress
 - Procedures for the use of a motorized watercraft to monitor kayakers and paddle boarders who venture beyond the buoy lines (motorized watercraft to be provided by GCO)
 - Safety equipment requirements that align with the recommendations outlined in the Lifesaving Society Audit commissioned by the Town of Cobourg in 2018
 - Procedures for loading/unloading boards to maximize safety and not impact other beach users
- The number of paddle boards/kayaks available for rent. Higher number of watercrafts in operation = higher risk
- Minimum age of participants
- Certified life jackets to be worn by all participants at all times
- Ankle safety lines must be attached to boards/participants when engaged in activities
- Swim tests required of each participant as per recommendation of the Lifesaving Society
- Storage of equipment

Staffing

- Two certified lifeguards required to be on duty at all times based on a ratio of 1:10 participants (one stationary and one on motorized watercraft) plus one additional employee to manage kiosk
- Additional lifeguards required when ratio of paddle boarders/kayakers increase at a rate of 1:10 i.e. 30 = 3 lifeguards; 40 = 4 lifeguards etc.

Training

- Lifeguards must be Waterfront NLS certified
- All staff must participate in 22 hours of mandatory emergency training provided by the Town/YMCA and paid for by GCO at an approximate cost of \$2500
- All staff must participate in the joint YMCA/Town emergency training on June 21
- Participation on ongoing training throughout the summer at a cost to GCO

Insurance

- GCO must bear the cost of a minimum of \$5 million in liability insurance and list the Town and the YMCA as additional insured parties
- GCO must provide the Town with an acceptable liability waiver form
- The YMCA would be required to review the new business operation with its insurance provider to ensure that appropriate coverage is provided with the addition of the programs and services to the existing beach operation

The YMCA letter was provided to the Town's Emergency Planner, who responded with her own letter on May 21, 2019 (attached as **Appendix B**). In summary, the Emergency Planner added the following points:

- Risks of this proposal are the same as the floating playground;
- GCO operational area should be east of Lifeguard Station #4 and properly separated from the swimming area;
- GCO should utilize and follow the safety plan and all recommendations of the floating playground proposal, including the Aquatic Safety Audit recommendations (attached as **Appendix C**);
- Kiosk on the beach should be a tent, otherwise a building permit and full Lifeguard Station may be required;
- Risk assessment and safety audit required by the Risk Management Waterfront Committee; and
- GOC to participate in training and exercises provided by the Town and the YMCA (at its own cost).

After Council approval of the operation, Town staff sent GOC copies of the letters from the YMCA and the Emergency Planner on May 22, asking the business to respond to the various points as quickly as possible so that a Memorandum of Understanding could be drafted for Council's consideration on June 03, 2019.

On May 27, 2019, GCO responded to the Town by email with the following:

We would first like to thank all the parties involved in very quickly assessing the feasibility of Green Canoe Outfitters operating a rental kiosk from Victoria Park Beach. After careful review of the expectations and requirements as described in the documents from the YMCA and the Emergency Planner, we will be respectfully declining to move forward with our proposal. Should we choose to

bring this proposal forward in the future, we will allow sufficient time for an appropriate risk assessment of the operation independent of the precedence set by the floating water park.

Again, please share our gratefulness with the other parties and we look forward to continuing to work closely with the Town of Cobourg on future endeavours.

7.0 FINANCIAL IMPLICATIONS/BUDGET IMPACT

The financial value of GCO's proposed 10% profit share could not be assessed as a business case had not been submitted with its proposal. Furthermore, GCO withdrew its proposal before further discussions could take place on this subject.

8.0 CONCLUSION

Based on GCO's withdrawal of its request to enter into a profit sharing agreement with the Town of Cobourg to operate its seasonal rental kiosk on Cobourg Beach, it is recommended that Council receive this report for information and that the Town respectfully thanks the proponent for his proposal.

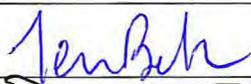
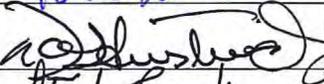
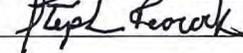
9.0 POLICIES AFFECTING THE PROPOSAL

The Town could develop a new policy to regulate and control the operation of commercial enterprises at the Waterfront. Such a policy would need to consider both the Town's *Public Engagement Policy and Purchasing Policy*.

10.0 COMMUNICATION RESULTS

Not applicable.

Approved By:

Title	Signing Official	Signature	Date
Deputy Director of Community Services	T. Behan		May 30/19
Director of Community Services	D. Hustwick		MAY 30/19
Chief Administrative Officer	S. Peacock		May 30/19