



Report to Council

Department: Community Services
Division: Community Services
Date: April 17, 2023
Prepared by: Jake Morassut, Director, Community Services
Report Number: Community Services-2023-08
Subject: Colchester Beach Water Park Lease
Number of Pages: 6

Recommendation(s)

That Community Services Report-2023-08 entitled Colchester Beach Water Park Lease prepared by Jake Morassut, Director, Community Services, dated April 17, 2023 be received;

That Council approve entering into a lease agreement with Aqua City for leased space at 87 Jackson Street in Colchester for a term of one year, subject to an additional two years, commencing May 15, 2023, subject to the general terms and conditions as outlined in By-Law 2241; and

That By-Law 2241 be read a first and a second time and provisionally adopted at the April 17, 2023 Regular Council meeting.

Purpose

To obtain Council approval to enter into an agreement with Aqua City to lease space at the Colchester Beach located at 87 Jackson Street, in Harrow to operate a floating inflatable water park.

Background and Discussion

In October 2022, Aqua City contacted Administration regarding the possibility of operating a floating inflatable water park at Colchester Beach. The Town of Essex contacted the Ministry of Natural Resources and Forestry (MNRF) to inquire if land use permissions were possible for this type of activity. After months of research, the MNRF confirmed that the waterfront is permitted to be utilized for this type of activity. In order to proceed, a Land Use Permission must be registered with the Province of Ontario.

Administration researched this type of activity to determine what requirements must be met as part of the lease agreement; to ensure risk is mitigated the Town of Essex is requiring Aqua City to undertake a safety audit by the Lifesaving Society. The Lifesaving Society is Canada's lifeguarding expert that establishes aquatic safety standards and consults on aquatic safety issues for the aquatic industry, governments, and the judiciary. The Society's suite of aquatic safety services helps aquatic facility operators maintain and improve safe pool and waterfront operations. This audit will verify Aqua City has all health and safety documentation, proper staffing, policies and procedures related to outdoor floating water parks, emergency procedures, maintenance standards, and any other information pertinent to the operation of the water park; these documents will be in compliance with the Inflatable Waterpark Safety Standards of Ontario, the Waterfront Safety Standards of Ontario, and the Inflatable Water Park Standard of Canada. Administration recommends this audit be completed as it will disclose areas where safety can be improved; administration will then, require implementation of the outcomes of the audit before proceeding with operations for the public.

To have the water park operational, Aqua City will require a barge to place concrete weights on the floor to anchor the inflatables and buoys. Once that is in place, buoys will be placed showing the perimeter of the water park area. Finally, the inflatables will be secured to the concrete weights via chains. Of note, the inflatables are made to withstand heavy winds and wave action, but they are removable should the weather require them to be removed for safety purposes.

Some other important notes regarding the lease agreement between the Town of Essex and Aqua City include:

- Aqua City will require a small tent on the beach front to allow for registration, equipment, and safety briefings,
- Emergency phones and communication between lifeguards,
- First Aid procedures,
- Participants will be required to wear lifejackets, regardless of the age and size,
- Children under five years of age will not be permitted, and children between five and ten years of age will be required to have parental supervision within arms reach while utilizing the equipment,
- Participants will utilize the water park for an hour at a time. After that hour, there is a 30 minute transition period which will allow for the existing group to exit the park, the new group to obtain a safety and rules briefing of what is permitted within the water park, inspection of equipment, and lifeguard break periods,
- All operations, inspections, staffing, safety, equipment, and maintenance will be the responsibility of Aqua City, and
- Additional requirements of the lease agreement can be found in the attached By-Law.

As this agreement is not a brick and mortar facility like the traditional leases the Town of Essex enters into, the revenue model will be similar to the revenue sharing agreement with the Essex Fun Fest midway companies, which is a percentage of sales revenues. Aqua City will pay the Town of Essex 10% of sales for the first year of operation. If the Town of Essex and Aqua City mutually agree to continue the lease in future years, the remuneration rate will be negotiated based on historical statistics and if there is an impact to the Town of Essex operations.

Financial Impact

The proposed lease will require Aqua City to pay 10% of sales revenues on a monthly basis. With no historical information and a unique business to the area, Administration cannot

determine the amount of revenue the Town of Essex will expect to see from entering into this agreement.

The Town of Essex will pay 50% of the cost for the Safety Audit and the initial Land Use Permit through the Ministry of Natural Resources. The Safety Audit will relate to the beach and waterfront as well as the inflatable water park. The cost is estimated to be approximately \$3,000.00, which will be offset with additional revenues from Aqua City through the yearly operating budget.

There are no expected costs to the Town of Essex in future years if an inflatable water park continues.

Consultations

Jackson Tang, Assistant Manager, Finance and Business Services

Kate Giurissevich, Director, Corporate Services/Treasurer

Rodney Klie, Manager, Parks and Facilities

Cynthia Cakebread, Manager, Recreation and Culture

Jay Affleck, Assistant Manager, Parks and Facilities

Maja Bakalic, Assistant Manager, Legal and Licensing

Joe Malandruccolo, Director, Legal and Legislative Services

Doug Sweet, Chief Administrative Officer

Ministry of Natural Resources and Forestry

Essex Region Conservation Authority

Colin Pyne, Youth Council Member

Lauryn Smith, Youth Council Member

Appendix "A" – Approximate Water Park Location



Link to Strategic Priorities

- ☐ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- ☒ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- ☒ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- ☐ Manage responsible and viable growth while preserving and enhancing the unique rural and small-town character of the community.
- ☒ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.
- ☒ Improve the Town's capacity to meet the ongoing and future service needs of its citizens while ensuring the corporation is resilient in the face of unanticipated changes or disruptions.

Report Approval Details

Document Title:	Colchester Beach Water Park - Community Services-2023-08.docx
Attachments:	- Water Park - Draft Lease - Council Version.pdf
Final Approval Date:	Apr 12, 2023

This report and all of its attachments were approved and signed as outlined below:

A handwritten signature in black ink, appearing to read 'Doug Sweet', with a stylized flourish at the end.

Doug Sweet, Chief Administrative Officer - Apr 12, 2023 - 11:53 AM