



## Report to Council

Department: Community Services  
Division: Community Services  
Date: August 23, 2021  
Prepared by: Doug Sweet, Dir. of Community Services/Deputy/CAO  
Report Number: Community Services-2021-13  
Subject: Lease of Space to Install 2 Viewing Devices in Colchester Park  
Number of Pages: 7

### Recommendation(s)

The following three (3) recommendations are provided for Council's consideration:

1. That Community Services Report 2021-013 **entitled "Lease of Space to Install 2 Viewing Devices in Colchester Park" be received**, and further;
2. That Council approve entering into an agreement with 2633698 Ontario Ltd. (o/a Vintage Grapes) for leased space to install two (2) viewing devices within Colcheseter Park located 325 Jackson Street in Colchester for two years commencing on September 1, 2021 and concluding on August 31, 2023 with an option to renew for an additional two years beginning on September 1, 2023 subject to the general terms and conditions as outlined in By-Law 2056; and further
3. That Bylaw 2056 receives First, Second, Third readings at the August 23, 2021 Council meeting.

## Purpose

To obtain Council approval to enter into an agreement with 2633698 Ontario Ltd. (o/a Vintage Grapes) to lease space within Colchester Park located at 325 Jackson Street in Colchester to install two (2) viewing devices.

## Background and Discussion

At the June 21<sup>st</sup> Regular Council meeting, Council received correspondence from Brian McGinty who was requesting permission to install two (2) commercial viewing binocular devices at Colchester Park (see appendix A).

From: Brian McGinty

Date: June 2, 2021

To: Sweet, Doug

Subject: Proposal for High Quality Commercial Binoculars in Colchester Park

Hi Doug ,Just a quick note to follow up on our phone conversation this morning.I would like to propose installing commercial viewing binoculars capable of 40 X the human eye sight capacity, These high quality viewing machines are located throughout USA and CANADA. They are in use in niagara falls , new york harbour, San francisco and hopefully Colchester bluff and harbour, We would propose starting with two viewers located in park on bluff area. Adults and kids alike will enjoy views of passing ships , the middle islands, put in bay, Pelee island , the twin nuclear plant and list goes on.This is a win win situation with a very small footprint of land required and a huge bonus to the town and public, a real learning and family fun opportunity for everyone . this is a preliminary outline of proposal but would love the opportunity to discuss with town council and answer any questions present a video style presentation. this addition to the best park in all of essex/windsor could happen very quickly . installation and operation set up time is minimal.thankyou for bringing this idea forward to proper decision makers

Brian McGinty

At the regular Council meeting of June 21, 2021 Council approved the following motion:

**R21-06-264**

Moved By Deputy Mayor Meloche Seconded By Councillor Bjorkman

That the correspondence from Brian McGinty, Sales Representative, Buckingham Realty Ltd., dated June 2, 2021 proposing that the Town of Essex install commercial viewing binoculars be received and supported; and That Doug Sweet, Director, Community Services be directed to explore further the feasibility of the proposed commercial viewing binoculars at the Colchester Harbour.

**Carried**

Town Administration met with Mr. McGinty at Colchester Park and discussed the potential location for 2 commercial viewing binocular devices which would be located north of the accessible ramp leading to the Colchester Beach (see Appendix B).

After reviewing the proposal and suggested location, Administration is recommending the Town enter into a lease agreement with 2633698 Ontario Ltd. (o/a Vintage Grapes) to lease space within Colchester Park to install two (2) commercial viewing binocular devices. The main conditions of the lease would be:

- Lease fee per unit would be \$100/year per unit plus HST to be paid September 1st each year with CPI being add annually to the lease payments;
- The term be for 2 years with an option for an additional 2 year renewal;
- Only 2 devices would be permitted. Should more devices be requested the proponent would need to request permission from Council;
- Location to be determined in conjunction with the Town Administration;
- The proponent would be responsible for all costs to install the two units. The proponent would be required to work with Town to ensure all codes are met, line locates are completed, and devices are secured to the ground;
- The proponent would be solely responsible to maintain and sanitize the units as per manufacturers suggestions and as per current Covid restriction guidelines;
- The proponent would be responsible to collect funds from the units;

- Proponent would need to supply specifications of the units to the Administration prior to installation to ensure that the units are commercial grade; and
- That the proponent shall throughout the term of this lease, at their own expense, keep in force for the benefit of the Lessor and the Lessee, comprehensive general liability insurance in respect of injury to or death of one or more persons or property damage with limits of not less than two million (\$2,000,000.00) per occurrence.

## Financial Impact

The lease will require the proponent to pay an annual rate of \$226.00 including harmonized sales tax. It is recommended for the lease agreement that the Consumer Price Index (CPI) be incorporated into the annual rate as of September 1<sup>st</sup> prior to the the new annual term beginning.

## Consultations

Manager of Parks and Facilities

Assistant Manager of Parks and Facilities

Town Solicitor/Clerk

Manager of Finance

Assistant Manager of Businesses Services



**Appendix 'B' – Proposed location for 2 Viewing Devices in Colchester Park**



## 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:	Lease of Space to install 2 Viewing Devices in Colchester Park - Community Services-2021-13.docx
Attachments:	- By Law Vintage Grape Viewing Devices in Colchester Park Final.pdf
Final Approval Date:	Aug 18, 2021

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

A handwritten signature in black ink, appearing to read "Chris Nepszy". The signature is written in a cursive, flowing style.

**Chris Nepszy, Chief Administrative Officer - Aug 18, 2021 - 11:13 AM**