

Request for Decision

Docking Privileges at 322 McNaughton Terrace

Presented To:	Community Services Committee
Presented:	Monday, Jun 25, 2012
Report Date	Wednesday, Jun 13, 2012
Type:	Referred & Deferred Matters

Recommendation

WHEREAS on April 30th, 2012 Council passed a resolution directing staff to negotiate a docking agreement with previous users of the dock located at 322 McNaughton Terrace - Bell Park, and;

WHEREAS a meeting was held with previous dock users on May 9th, 2012 to discuss options for continued use of docking privileges at Bell Park, and;

WHEREAS the previous users have expressed preference to continue docking at the current location off McNaughton Terrace;

THEREFORE BE IT RESOLVED THAT council authorize staff to negotiate a docking lease agreement with individual boat owners who had approval from the previous owner of 322 McNaughton Terrace, and;

THAT the lease agreement include the responsibility of the users for all capital upgrades and operating costs to ensure that the docks are repaired and are safe for users, are maintained and insured, and;

THAT Council approve the docking request at Bell Park (McNaughton Terrace) to operate a float plane sightseeing business and that a lease agreement to operate off the dock be negotiated with the operator.

Finance Implications

If approved, there will be no financial implications to the City, as all costs, both capital and operating will be the responsibility of the users.

Background

On April 30th, 2012, the Community Services Standing Committee passed the following motion:

CS2012-23 Cimino/Kett: WHEREAS on August 10th, 2011, Council of the City of Greater Sudbury passed a resolution approving the purchase of 322 McNaughton Terrace located in Bell Park;

Signed By

Report Prepared By

Real Carre
Director of Leisure Services
Digitally Signed Jun 13, 12

Recommended by the Department

Catherine Matheson
General Manager of Community
Development
Digitally Signed Jun 13, 12

Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
Digitally Signed Jun 13, 12

AND WHEREAS Council approved the demolition of the building which was completed on March 23rd, 2012

AND WHEREAS the former owner included two existing docks as part of the purchase of the property;

AND WHEREAS the former owner had previous arrangements with individuals for docking privileges;

AND WHEREAS some of the individuals are owners of cottages on Ramsey Lake who do not have road access;

AND WHEREAS these individuals have requested of the City continued access for docking privileges;

THEREFORE BE IT RESOLVED that Council of the City of Greater Sudbury authorize staff to negotiate a docking arrangement with previous users;

AND THAT the negotiations include discussion on a dock location and dock improvements;

AND THAT any agreement outside of budget or outside the general public boat launching location be brought back to the Community Services Committee for consideration.

Docking Requests

As directed by Council, staff scheduled a meeting on May 9th, 2012 at Tom Davies Square with individuals who had expressed interest in continuing the use of docking privileges at Bell Park. Several individuals had docking arrangements with the previous owner and the City was notified of these arrangements through a letter from the solicitor of the former owner. The letter indicated that there were no lease agreements, rental agreements, licenses, etc. in relation to any docking privileges. Staff contacted all the names identified by the solicitor of the former owner of 322 McNaughton Terrace and three of the individuals attended the meeting.

It was suggested by staff that the existing Ramsey Lake boat launch could be an alternative although the users would be responsible for purchasing a dock for their use as the existing docks at this site are for public use with no overnight docking. Those in attendance indicated that this site was not attractive due to the amount of traffic in and out of the site, a concern for the security of their boats, lack of lighting and the lack of appropriate permanent docks at the site for their boats. All in attendance would prefer to continue docking at the location at McNaughton Terrace. Some of the individuals were interested in paying for improvements to the existing docks in order to continue to have access.

As reported to Standing Committee, the docks are in serious need of repair and should be either made safe or removed. Should the City decide to lease out the existing space to individual boat owners, a lease agreement would be necessary in addition to hold harmless and indemnity clauses as well as proof of insurance would be included as part of the agreement.

The lease agreement would also have to include items such as capital repairs, maintenance to the existing docks, signage, supervision, etc. In addition, exceptions will be necessary to allow consideration for overnight parking as an exception to the Parks By-law.

Docking/operating sightseeing tour business

With respect to the request for docking request to operate a sightseeing tour business, the Standing Committee agreed to refer this matter for public input at the public participations sessions for the proposed Parks By-law. The question as to whether or not a float plane operation was an appropriate use of Bell Park was included as part of the public survey.

In regards to the proposal, 109 responded to the question - 54% supported the proposal.

Comments identified in survey include:

- Concerns about noise, safety, water pollution
- Commercial float planes (only during specific times, not be disruptive to the area)

An operating agreement will be necessary in order to permit the commercial operation at Bell Park.

General Information

In regards to docking privileges, staff have been in contact with the Legal department, Risk Management and the Nickel District Conservation Authority in regards to issues and concerns. The following summarizes their input:

- Any work on the existing docks require consultation with Nickel District Conservation Authority regarding scope of work, authorization, permits and environmental control.
- The City would have liability obligations regarding accidents/incidents related to docking since the dock is located on City property.
- Capital improvements are necessary on the existing dock in order to ensure safety to all users.