

# STAFF REPORT

THE CORPORATION OF THE TOWN OF COBOURG



<b>Report to:</b>	Mayor and Council Members	<b>Priority:</b>	<input checked="" type="checkbox"/> High <input checked="" type="checkbox"/> Low
<b>Submitted by:</b>	Teresa Behan, Deputy Director Community Serves <a href="mailto:tbehan@cobourg.ca">tbehan@cobourg.ca</a>	<b>Meeting Type:</b>	Open Session <input checked="" type="checkbox"/> Closed Session <input type="checkbox"/>
<b>Meeting Date:</b>	May 26, 2021		
<b>Report No.:</b>	Community Services-033-21		
<a href="#">Submit comments to Council</a>			

**Subject/Title:** Status and Options for Cobourg Victoria Beach for the Summer of 2021.

## RECOMMENDATION:

THAT Council receive the Staff Report for information purposes and;

FURTHER THAT Council provide direction to Municipal Staff regarding the status of the Cobourg Victoria Beach for the 2021 Summer Season with the endorsement of one of the options as outlined in the Staff Report.

## 1. STRATEGIC PLAN

Not Applicable

## 2. PUBLIC ENGAGEMENT

This Report is placed on the Committee of the Whole Agenda 10 days in advance of the meeting and to be considered by Council in open session.

In addition, from February 2 to February 23, 2021 the Parks and Recreation Committee conducted a survey on Engage Cobourg and asked the following questions as part of the survey:

*"If the pandemic continues into the summer of 2021, what level of public access to Victoria Park Beach would you consider appropriate?"*

Over 1400 Cobourg residents responded to this survey and their recommendations have helped to form the recommended actions proposed in this report.

### 3. PURPOSE

This report provides a summary of recommendations for Council to consider to manage Victoria Beach for the 2021 Summer Season.

### 4. ORIGIN AND LEGISLATION

As the time of writing this report, the Province is in a Stay-at Home-Order under a third declared State of Emergency across the province, which states that every individual shall remain at the residence at which they are currently residing at all times unless leaving their residence is necessary for one or more of the purposes outlined within the Regulation.

In addition at the time of writing this report, as of May 20, 2021 the province was still in a Provincial Shutdown Order. Prior to May 20, 2021 under this Order Provincial Order, pursuant to Schedule 3 of O. Reg. 82/20 called **Schedule 3- Places that must close or that are Subject to Conditions in Shutdown Zone**, Section 4 speaks to Outdoor Recreational Amenities as follows:

*4. (1) Subject to subsections (2) to (5), each person responsible for an outdoor recreational amenity shall ensure that it is closed.*

*(2) An outdoor recreational amenity may be open for persons who need access for purposes of maintenance, safety, law enforcement or other similar purposes.*

*(3) An outdoor recreational amenity **that is a park or recreational area may be open for the purposes of permitting persons to walk or otherwise move through the park or recreational area.***

New announcements made on May 20, 2021 at 3:00 P.M. the Premier and the Provincial Government shared the new three (3) Step Reopening Plan for the Province starting with outdoor recreational amenities, as it gradually prepares to ease pandemic restrictions. The start of the three-tier plan is likely to begin on the week of June 14. It is expected that the province will remain in each step for at least 21 days to monitor the impacts on case numbers as restrictions are relaxed before moving to the next stage.

As part of the announcement, the Province has announced the reopening of recreational amenities prior to the phased reopening plan to take effect Saturday May 22, 2021 at 12:01 A.M. This also changes the outdoor limits for social gatherings and organized public events to be expanded, which will allow these amenities to be used by up to five (5) people.

The following is the new Amending Regulation to O.Reg 82/20 can be found by clicking this [link](#).

In addition to the Reopening Ontario Act O.REG. 82/20 amendment, the Provincial Stay-at-Home Order was also amended to include the following wording:

#### **Requirement to remain in residence**

1. (1) Every individual shall remain at the residence at which they are currently residing at all times unless leaving their residence is necessary for one or more of the following purposes:

16. Exercising, including,

1. walking or moving around outdoors using an assistive mobility device, or
2. using an outdoor recreational amenity that is permitted to be open.

As an interpretation, Beaches are to be included in the definition of a park or recreational area and are permitted to open, however are subject to the restrictions set out in entirety of the Ontario Regulation 82/20 and the Provincial Stay-at-Home-Order under Regulation 265/21, but as we know, these restrictions have been considerably amended to be less restrictive.

As noted within previous reports to Council these regulations do not preclude a municipality from completely closing a beach under its own existing authority which Cobourg Municipal Council did last year with the passing of the June 1, 2020 Resolution and closing the beach until August 31, 2020.

## 5. BACKGROUND

### **Order of Events 2020 Summer Season:**

On Monday June 1, 2020, Cobourg Council held a Special Meeting to discuss a May 11, 2020 Staff Report regarding the potential closure of Cobourg Beach due to COVID-19 related concerns. Council directed staff to close the Beach until August 31, 2020 utilizing metal fencing and increased enforcement. It also requested that staff provide Council at its June 22, 2020 Committee of the Whole Meeting with additional information regarding the possible re-opening of the Beach.

On June 04, 2020, municipal staff officially completed and executed Municipal Council's direction and closed Cobourg Beach to all public access.

At its regular meeting on June 29, 2020, Cobourg Council confirmed that the Beach would remain closed until August 31, 2020.

At the August 31, 2020 Regular Council Meeting the following motion was passed which was the last decision by Council in the 2020 for the Summer Beach Season.

*NOW THEREFORE BE IT RESOLVED THAT Council extend the closure of Victoria Park Beach until after the Labour Day weekend; and*

*FURTHER THAT the beach be reopened on weekdays only, beginning on Tuesday, September 8, 2020, with the continued closure of the beach on Saturdays and Sundays until October 14, 2020, when the fencing will be removed and the beach reopened.*

### **Order of Events 2021 Season:**

On Wednesday May 19, 2021, Municipal Council received a report at a Special/Emergency Council meeting called by Mayor Henderson regarding the recommended action from the Town's Emergency Control Group regarding an interim closure of the Cobourg Beach for the remainder of the current Stay-at-Home Order under the Emergency Declaration by the Province.

The following motion was approved on May 19, 2021:

*THAT Council receive the Staff Report for information purposes; and*

*FURTHER THAT Council provide direction to Staff on interim measures at Victoria Park Beach during the current extended Stay-at-Home Order as recommended by the Town of Cobourg Emergency Control Group in collaboration with the Halliburton Kawartha Pine Ridge District Health Unit (HKPRDHU).*

*The Emergency Control Group is recommending to temporarily close the beach until the end of the Provincial Stay-at-Home Order and until Council makes a final decision on the status of the Beach at the Monday June 7, 2021 Regular Council Meeting.*

## **6. ANALYSIS**

As detailed in the background of this Staff Report and through discussions with Council regarding options on the status of the Beach during the COVID-19 Pandemic, there is the collective goal to ensure the safety of residents, businesses and visitors while visiting the Cobourg Beach area.

The purpose of this Staff report is to provide options for Council to make a decision regarding the status of Victoria Beach for the 2021 Season.

The options outlined within this staff report are different from those that were presented to Council at this time in 2020. The situation with respect to the COVID-19 Pandemic has changed in our community, and communities across the province. We are well on our way on the journey toward vaccinating large numbers in our community and the roll-out happening across the Province. Although there is good news related to the options for vaccination, the other change is with respect to the introduction of variants of concern, a higher risk of transmission, and the gaps in information about unknown community transmission.

The next section outlines the Staff Recommendations as well as some other considerations that Council can use to help frame their decision on an option for the status of Cobourg Beach for 2021.

### **OPTION #1:**

THAT Council direct staff to implement the closure of Victoria Beach immediately an in effect until Friday September 10, 2021 inclusive, with the installation of metal fencing and barriers with emergency access points as necessary.

### **OPTION #2**

THAT Council direct staff to open Victoria Beach on weekdays and close the beach on weekends and public holidays (July 1, August 2, and September 6, 2021) starting May 31, 2021 and in effect until Friday September 10, 2021; and

FURTHER THAT staff install metal fencing and barriers with emergency access points and utilize beach signage, and a communication plan, to ensure users understand the Provincial Orders and Physical Distancing and other requirements as set out by Federal, Provincial and Public Health authorities; and

FURTHER THAT a maximum beach occupancy load of 1,200 people be established to facilitate physical distancing, and that authority be delegated to

Town of Cobourg By-law Enforcement and Cobourg police Service to temporarily close the beach if overcrowding occurs.

### **OPTION #3**

THAT Council direct staff to open Victoria Beach open to the public, without fencing by May 31, 2021; and

FURTHER THAT staff utilize beach signage and a communication plan to ensure users understand the Provincial Orders and physical distancing or other requirements as set out by Federal, Provincial and Public Health authorities.

### **Discussion:**

Below is discussion on the Public Beach Survey that was conducted in early 2021 to gather input from the public and as well as further discussion on some of the recommendations that are included within the staff report that may need further clarification.

### **Public Survey Results- Cobourg Beach**

The following information was gathered from the 1,400 local respondents of the Town of Cobourg Parks and Recreation Advisory Committee survey that was conducted through the Town of Cobourg's Public Engagement Platform – Engage Cobourg:

If the pandemic continues into the summer of 2021, what level of public access to Victoria Park Beach would you consider appropriate?

Answers are as follows:

Survey Question	Results
Beach open on weekdays only – fenced and closed on weekends. (same as September 2020),	<b>30%</b>
No Public access – full closure and fencing,	<b>24%</b>
Other * detailed below	<b>21%</b>
Beach open full-time with numbers monitored and limited.	<b>17%</b>
Beach open full time with “household pods” roped off to facilitate physical distancing.	<b>8%</b>

The following is a sample of the other ideas that were provided by Cobourg residents related to the Status of the Cobourg Beach.

Other ideas include the following:

- Open to residents only, have areas on the beach for residents, show id etc. There will be signage if the beach is open, that you should only be visiting beaches or parks in your own health unit, this will not be enforced by the Town of Cobourg unless mandated by the Federal or Provincial governments or the Health Unit.

Details of all answers for “other” can be found under Appendix I in the Public Engagement Report, Victoria Park Beach use Survey, completed by the

## **Communications and Signage**

Town Staff realize the importance of communicating decisions on the Cobourg Beach to the community and will ensure that a comprehensive plan is in place working with corporate communications that ensures we deploy a wide variety of tactics including print media, social media channels and site signage. Staff are prepared to communicate any decisions that are made and will ensure that we employ all tactics mentioned above, and detailed below.

**Town Entry Signage** - Installation of roadway signage which can be installed along major entry/exit roadways within the Town of Cobourg to ensure traffic coming from the east and west would see it. Five (5) large 4x8' signs to be erected with the verbiage specific to the decision of Council on the status of the beach.

### **Beach Signage:**

To reflect the decision of Council, Staff will prepare signage that clearly communicates the status of the beach to all users. In addition the Town will provide up to date communications on provincial health measures and restrictions, as well as similar signage that is seen at public spaces and areas outlining self-screening questions and reminders of health measures if symptoms are present.

### **Online and Electronic Communications:**

Once Council has provided direction to staff on the 2021 management plan for Victoria Park Beach the Communications Department will work closely with the Community Services Division on the creation of a multi-tiered communications strategy to ensure residents and tourists are well informed of Council's direction and potential operational changes.

The Communications Department will utilize all online, print and broadcast media targeting a tourism population demographic spanning a 45-minute radius both west and east. Based on the direction provided by Council, the plan will include tactical elements such as the creation of a customized webpage with user friendly URL, print and radio advertisements, media interviews and a geo-targeted digital and social media campaign.

The goal of the multi-tier communications strategy will be to ensure residents and potential tourists are well-informed of Council's direction regarding the operational status of the Victoria Park Beach and the potential implications for the summer of 2021.

## **By-law Enforcement and Delegation to Close Beach beyond stated Capacity**

In each of the options as outlined within the staff report the Cobourg Beach will be regularly enforced through By-law Enforcement in partnership with the Cobourg Police in line with all current by-laws and Provincial Orders based on the four (4) E's of Enforcement as follows **Engage Explain Educate and Enforce**. The Town of Cobourg By-Law Enforcement Department will be monitoring the Waterfront Area on a daily basis from 8:30 A.M. until 7:00 P.M. daily and on occasion through to 8:00 P.M. based on observations on activity no matter what decision is made on

the status of the Beach. This enforcement also includes all areas outside of the Cobourg Beach and enforcement will occur across the Waterfront and all other enforcement duties across the Town of Cobourg daily.

As noted in some of the options on the Cobourg Beach Status, Staff is recommending that delegation be provided to enforcement staff for permission to close the beach once it has been determined that occupancy has been reached and physical distancing paired with available space is compromised with increased numbers at the Cobourg Beach. This option and delegation would only occur when there is confirmation by By-law Enforcement that the beach is at capacity which Staff is recommending be set at 1200 persons based on the area and factoring and combination of groups of 2 to 5 persons with two meters of physical distancing maintained by each group.

In addition it should be noted that the once it is determined that capacity is reached and/or physical distancing and health measures are not being followed based on numbers and to the best of the ability of patrons, By-law will close the entrance to the beach for the day. Signs would be erected and communication would be provided that the Beach capacity has been reached for the day and will reopen the next day. By-law Enforcement with the assistance of Cobourg Police would make sure that persons on the beach would realize that capacity has been reached no longer in/out abilities permitted.

### **Resident Only Access (Comments from Beach Survey)**

The Town of Cobourg Public Victoria Beach has been a public beach for more than 100 years. During this time there have never been restrictions on who can enter Victoria Beach for the day to enjoy the shore of Lake Ontario. Cobourg Beach is considered to be a jewel of the Great lakes and an attraction experience that is shared by other municipalities along the lakeshore. In addition, the Town of Cobourg has made the pro-active decision to ensure that inclusiveness, equity and diversity is a foundation that should be consistently portrayed across our organization and in our community. In the Council strategic plan the Town's vision states: **Cobourg...a vibrant inclusive community where everyone has access to meaningful opportunities and experiences.**

In regards to questions raised about allowing Town of Cobourg residents and Northumberland County Residents to be the only visitors permitted to utilize the Cobourg Beach, this action would not be recommended by Municipal Staff.

The Town the Town of Cobourg does not currently restrict access to publicly owned open space based on residency status. This form of exclusion infringes on the specific rights of an individual to utilize public open space.

Pursuant to the Ontario *Human Rights Code*, it is a provincial law that ensures that everybody has equal rights and opportunities without discrimination in areas such as jobs, housing and services. The *Code's* goal is to prevent discrimination based of origin. All other Ontario laws must agree with the *Code*.

Part One (1) of the Code deals with Freedom of Discrimination. The Code protects people from discrimination in specific situations. Under the Code, you have the

right to be free from discrimination in five parts of society – called social areas – based on one or more grounds.

The five social areas are: employment, housing, services, unions and vocational associations and contracts.

### **Services**

You have the right to be free from discrimination when you receive goods or services, or use facilities. For example, this right applies to:

- stores, restaurants and bars
- hospitals and health services
- schools, universities and colleges
- **public places, amenities and utilities such as recreation centres, public washrooms, malls and parks**
- services and programs provided by municipal and provincial governments, including social assistance and benefits, public transit and policing
- services provided by insurance companies
- classified ads in a newspaper.

This section also applies to businesses, government, community agencies and other organizations in Ontario.

The exclusion of individuals based on residency can lead to certain breaches of rights on the use of public spaces. In addition the Town of Cobourg is one of the larger employment areas within the County of Northumberland which attracts many individuals to work and contribute to the provision of services in our community.

In summary the Town of Cobourg is not recommending that the beach be restricted to Cobourg/Northumberland County residents. This shift in practice on the operating of public spaces would need to be further reviewed and understood by Council in regards with respect to all of the effects this could have on individuals and the Community.

### **Public Health Measures**

Staff have consistently communicated with the Health Unit and ensured adherence to Public Health Guidance for Public Beaches on a regular basis. The previous guidelines are attached to this report. Staff understand that a newer version of these guidelines are to be released soon and a copy will be provided and circulated to Council and the public by Municipal Staff.

Options #2 and #3 presented in this Staff report would require the Town to implement and communicate important and applicable Public Health protocols and restrictions.

Option #2 would include limiting access points with fencing and gates as well as implementing protocols regarding the direction of the flow of bathers on the Beach and within the surrounding area through in an out access. This option would also allow for capacity limits to be enforced on potential crowds and have the ability to stop any additional bathers from entering which would limit the risk of overcrowding.



Additionally with the closing of the Beach on weekends and statutory holidays, and just during the week, would help to limit weekend gatherings which would also help to limit the large volume of gatherings that are anticipated in the hotter summer months.

In summary as per Health Guidelines, an increase in signage will occur if the beach is open and a detailed COVID-19 safety plan will be drafted and published online for residents and visitors to review prior to coming to the Beach.

### **Future Considerations:**

#### **Cobourg Beach Cameras**

An additional measure for Council to consider could be the installation of live beach viewing cameras. This would enable those wishing to visit the beach an opportunity to determine what the current status is, and how busy the beach is that day. A similar system is set up in Wasaga Beach which is included in the picture below. These cameras would only be lived streamed with no archive or storage function, as well as individuals would not be able to be identified. The use of the cameras would assist in demonstrating to the public the capacity of the beach at that moment in time, and they can make the determination if they would like to visit the beach based on their level of comfort with the current situation regarding COVID-19. If Council were to consider this option, an amendment would need to be made on the video surveillance policy to allow for this passive camera to be installed only for live streaming. Staff can provide more detail to Council upon request should Council want to explore this option further for a future decision.

#### **Beach Cameras**

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#### **Thank you for visiting our live cameras!**

**Please note:** These cameras are provided for your viewing pleasure however, from time to time they may experience technical difficulties. As soon as we become aware, we work to correct the problem as quickly as possible during regular business hours.

Please check back if the image is not currently available. Thank you for your patience.

#### **Main Beach Cam**



#### **Sunset Cam**



## **7. FINANCIAL IMPLICATIONS/BUDGET IMPACTS**

The financial and budget implications related to this staff report will be based on the decisions made by Municipal Council.

Below are the anticipated costs for each option.

**Option 1** - Keep beach closed and fenced until September 11, 2021.

Fence - \$ 16,100

Signage - \$ 2,500

**Option 2** - Fenced and open Monday to Friday

Fence - \$ 16,100

Signage - \$ 2,500

Opening fence and closing each week, \$ 300.00 each week

Camera and internet - \$ 11,500 - \$ 13,500

**Option 3** – Open

Signage - \$ 2,500

Camera and internet - \$ 11,500 - \$ 13,500

Members of Council should note that within the approved 2021 Town of Cobourg Budget, there were no expenses allocated for opening or closing the beach.

## **8. CONCLUSION**

THAT Council provide direction to Municipal Staff regarding the status of the Cobourg Victoria Beach for the 2021 Summer Season with the endorsement of one of the options as outlined in the Staff Report.

APPROVED BY CAO:

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

**Tracey Vaughan, Chief Administrative Officer - May 21, 2021 - 6:05 PM**