



**Subject: Access Protocols for Existing Beach Road End Gates**

**To: Council**

**From: Public Works Department**

Report Number: 2021-253

Meeting Date: September 27, 2021

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### **Recommendation:**

That Public Works Department Report 2021-153 be received;

That key access to the currently barriered and locked Road Ends, being Lorraine Road, Silver Bay Road, Wyldewood Road and Pleasant Beach Road be restricted to construction matters and be facilitated through the Municipal Consent process;

That the fee for key access be \$700, of which \$600 is refundable after return of key and lock in working condition to Public Works staff; and

That a fee be included in the 2022 Fees and Charges By-law for any validated site visit investigations required by City staff because of misuse of the key.

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### **Purpose:**

The purpose of this report is to provide Council with a suggested protocol for control of key access to the barriers at waterfront access road allowances.

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### **Background:**

Currently, there are seven open, unimproved road allowances which terminate at Lake Erie. Four of the roads have a locked gate structure to prevent vehicular traffic; those being:

- Lorraine Road
- Silver Bay Road
- Wyldewood Road
- Pleasant Beach Road

The remaining three road allowances are open and barrier free: those being:

- Weaver Road
- Pinecrest Road
- Cedar Bay Road

According to information reviewed by staff, all the Road Ends are accessible to pedestrian traffic and have a 66-foot Right-of-Way to Lake Erie, outside of which the beach is privately owned, with the exception of Cedar Bay which has public beach on either side. An illustration of this is attached as Appendix A.

If residents or visitors trespass on private property or make arrangements with owners to access private beaches, this becomes a private matter and is outside of the authority of staff and Council. This Report only pertains to the 66-foot publicly owned Right-of-Way access to the Lake.

From time to time, waterfront residents in these areas have requested access to the lake side of their properties for maintenance purposes. In these circumstances, contact has been made with Public Works, whereby a key has been made available to homeowners or contractors and returned upon completion. This has been the practice since a City policy does not exist with respect to restricted key access.

However, there are also circumstances where residents request keys for other reasons, such as mobility issues over the sand or a boat launch request. Others want to use golf carts to traverse the area or to carry appurtenances for their beach visit.

Over many years there have been a multitude of issues with key access to the gate structures. Keys may have been lost, duplicated without consent from staff, provided to unknown individuals and used outside of appropriate hours causing safety and noise concerns from motorized vehicles. Often individuals use the public Right-of-Way to access or even trespass onto private property. Locks have been vandalized, illegally cut, illegally replaced with private locks, and inappropriately left unlocked.

The City does not have the staff resources to constantly check on the use of the locks and gates, however, staff do react whenever an issue is reported. Requests, complaints, illegal acts and after hours call outs have been increasing over the past few years and resources are being stretched. The City's costs are also escalating for replacement locks, keys, and repairs to steel gates at these points.

Complaints of access being both too liberal and too restrictive have been received by staff for many years. A policy is recommended for clarity with respect to public access to keys and therefore entry of motorized vehicles on the Road Ends with beach access. A policy will create more efficient use of staff resources and provide the residents and public with specific guidelines for access.

It is also noted that Nickel Beach currently allows for private vehicles to traverse that particular area in a controlled and staff-supervised manner and is restricted to operating hours only. Although limited for number of entrants and hours of operation, it affords another opportunity for residents and visitors to enjoy the beach with motorized vehicles.

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## **Discussion:**

Gates will be locked and boxed with devices that minimize the ability to cut, change or vandalize the lock itself and minimize the ability to duplicate keys. There will be a fee charged for any keys provided to residents/third parties that will cover manufacturing the key, administration of providing the key, and a refundable security deposit to deter any malicious use of the key. As these costs change from year to year, it is recommended that this cost start at \$700 (\$600 refundable) for 2021/2022 and be included in the Fees and Charges By-law for Council approval moving forward.

The Fire Department will receive and maintain keys for any locks installed. EMS and Police will also be notified of any changes to the accessibility of the barriers.

## **Access Options**

### **a) Do nothing.**

With the majority of complaints/incidents coming from Road Ends which already have gates, this option is recommended for areas that are already barrier free, with complaints/issues to be monitored to determine if further action should be taken in the future. This also gives residents and visitors options to access 66 feet of beach area and the Cedar Bay beach for accessibility, boat launches and other activities that may be restricted at other barriered Road Ends.

This recommendation would not reduce complaints, conflict experienced at the four currently restricted Road Ends, nor reduce staff time and taxpayer costs dealing with issues and is therefore not recommended for those Road Ends that already have barriers.

### **b) Consideration on a case-by-case basis.**

Provide keys based upon request and individual circumstances. This would afford residents the opportunity to make application to the City for a key for various types of access needs. These could include vehicles for construction access, recreational requests or access to private property if given permission by the property owner. The issuance of a key could be of a long-term or short-term nature, depending on the situation.

In this option, staff and/or Council will have many requests from residents and visitors for keys. The stipulations, considerations and reasonings behind the requests can be

immeasurable. There will continue to be circumstances where parties do not agree with the City's decisions and the criteria to consider for approval are also subjective and numerous. Therefore, staff cannot create an all-encompassing list of variables for consideration for all circumstances. Because of this, confusion, perceived fairness, and miscommunication will be rampant and could create discord among the affected parties. This could then lead to additional staff time, costs, and other negative impacts to neighbouring properties. Situations and arrangements also change over time with different third parties and the monitoring and regulating that would occur with those changes would be difficult for staff to keep current and adjust key approval with those alterations.

This option is not recommended.

**c) Limit access to construction purposes.**

Due to the limited area of beachfront available to the general public (66 feet) at all four of the currently barriered Road Ends, limiting key access to construction use would limit the conflict of pedestrian and vehicle interaction. It would also reduce the use of public Rights-of-Way to access adjacent private beach property. Construction such as fixing seawalls or well works currently require a Municipal Consent (MC) from the City. It is recommended that the process to obtain access by key be added into the MC process when required. The only key that would be loaned out, would be controlled by the Development and Asset Supervisor through the MC. Copies would also be available to the Fire Chief, Roads Supervisor, Facilities Maintenance Supervisor and Executive Assistant to the Director of Public Works – for emergencies only. This would also minimize the number of keys created and allow for only one key that could be used at a time by those outside the organization.

Although excluding recreational vehicles (such as golf carts) or boat launching will have a negative impact on those who currently enjoy that access, other Road End options are available.

Again, Cedar Bay is the only Road End with public beach on either side and all others are bordered by private property at the beach area. A Public Service Announcement communication could be created to inform residents of this fact at an appropriate time and/or in conjunction/after Council approval of the ongoing Road Ends Study.

As noted above, Nickel Beach is also available for vehicles during operating hours and this recommendation does not exclude private property owners from making their own arrangements with third parties for access across their lands.

This recommended option will allow for clarity of key access for staff to facilitate the process. As in previous practice by Public Works staff, a pre and post inspection of the area will be conducted through the (MC) process to ensure the vehicular access is kept and left in a safe and reinstated manner before returning the security deposit for the key. Staff will also include a fee in the Fees and Charges By-law for any additional site

visits required and validated by staff for misuse of keys such as leaving the barrier/gate unlocked after working hours or damaging of the locks.

Current keys will be made obsolete once locks have been changed. There is a current list of individuals that have keys. If anyone of this list returns their keys, they will be refunded \$75. Those who are not on the list but have keys will not be given any refunds as the methodology of obtaining that specific key would not be able to be verified by staff.

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### **Internal Consultations:**

The Community Safety and Enforcement Department and the Communications Division were consulted during the creation of this Report. The Consultant managing the Road Ends Study – Sierra Planning – was also consulted to ensure there was no conflict with any works and/or information gathered to date.

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### **Financial Implications:**

The non-refundable cost for the keys will be at full cost recovery and included in the Fees and Charges By-law in the future for Council approval.

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### **Public Engagement:**

Public phone calls and emails have been submitted for the past number of years with respect to complaints, requests, and opinions on this matter of key access. Staff have also spoken to residents and visitors to beach areas while on site.

Discussions have been held between staff and the consultant to ensure alignment between the recommendations of this report and the broader strategy of enhancing the management and public experience of the City's beach roads ends.

If this Report and recommendations are approved, City Communication staff will issue a Public Service Announcement regarding keys and gate access, including a "grace period" before any locks are changed, and process implemented.

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### **Strategic Plan Alignment:**

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Service and Simplicity - Quality and Innovative Delivery of Customer Services

- Attracting Business Investment and Tourists to Port Colborne
  - City-Wide Investments in Infrastructure and Recreational/Cultural Spaces
  - Governance: Communications, Engagement, and Decision-Making
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## **Conclusion:**

That Council restrict key access to currently barriered and locked beach front Road Ends to construction projects as facilitated and approved through the Municipal Consent process.

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## **Appendices:**

- a. Illustration of Road End Allowances Ending at Lake Erie

Respectfully submitted,

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## **Report Approval:**

All reports reviewed and approved by the Department Director and the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.