



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF PARKS, FACILITIES, RECREATION & CULTURE

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

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Author's Phone: 519 736-0012 ext. 2128	Date to Council: October 23, 2023
Author's E-mail: hbailargeon@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Kings Navy Yard Park Extension Shoreline Pre-Commitment of Funding

1. RECOMMENDATION:

That:

1. Council **RESCIND** recommendations 4, 9 and 10, from Council Resolution CR20230313-008 to ensure funding which is no longer applicable is removed;
2. Council **APPROVE** capital funding for shoreline restoration work, site servicing, site work, grading, drainage and basic landscaping required for construction of phase 1 Kings Navy Yard Park Extension project located at 290, 296, and 306 Dalhousie Street to an upset limit of \$3,060,000 inclusive of non-recoverable HST;
3. Council **APPROVES** the 2024 capital budget funding, identified for Kings Navy Yard Park Extension (PAR-003-23) in the recommended 2024 5-year capital budget, from the following funding sources for immediate use on this project:
 - a. \$581,400 – Parks DC Reserve (0124)
 - b. \$1,368,600 – General Reserves (0400)
 - c. \$500,000 – Canada Community Benefit Fund (0410)
 - d. \$310,000 – Park Reserve (1010)
 - e. \$300,000 – Parkland Dedication Reserve (2005)
4. Council **DIRECT** Administration to prepare tender packages and tender work for shoreline restoration, site servicing, site work, grading and basic landscaping require to complete Phase 1 Kings Navy Yard Park Extension;

5. Should Administration not hear back from Disaster Mitigation and Adaptation Fund grant application by the time the tender closes for this work that Council **RESCIND** the direction regarding the grant application that was approved to be applied for on March 13, 2023, forgoing any possible funding from this application;
6. Should tenders fall within the approved funding in the amount of \$3,060,000 for this project that the Chief Administrative Officer and Clerk **BE AUTHORIZED** to sign and execute all and any such agreements, tenders, declarations or approvals required to fully execute the scope of work for Phase 1 shoreline restoration, site servicing work, grading, drainage and basic landscaping, satisfactory in financial content to the Chief Financial Officer and in technical content to the Director of Parks, Facilities, Recreation and Culture and further;
7. Authority **BE DELEGATED** to the Chief Administrative Officer to sign and execute any such agreements, as may be required for the necessary services to execute the scope of work for Phase 1 shoreline restoration, site servicing work, grading, drainage and basic landscaping for Kings Navy Yard Park Extension located at 290, 296 and 306 Dalhousie Street satisfactory in financial content to the Chief Financial Officer, and in technical content to the Director of Parks, Facilities, Recreation and Culture.

2. **BACKGROUND:**

See latest report for information that went to Council on September 11, 2023 attached under **Appendix A**.

3. **DISCUSSION:**

On July 19, 2023, Town Administration submitted an application for the Disaster Mitigation and Adaptation grant funding for Kings Navy Yard Park Extension shoreline restoration work. In reviewing the requirements of the grant and criteria Amherstburg would need to meet in order to qualify for funding, coupled with the high volume of competing submissions that might be better suited to fitting the criteria required for the grant, Administration is not confident we will be successful at obtaining this funding. At this time, it is unknown when we will hear back on the status of the submission.

Administration is moving forward with the project as per Council's direction on March 13 2023, working with Landmark Engineering to prepare design drawings and tender packages for Phase 1 shoreline restoration, site servicing work, grading, drainage and basic landscaping. There will be more than one tender issued for phase 1 of this project based on the scope of services and design requirements. There have been several meetings conducted with various contractors, consultants, ministry representatives and regulatory bodies regarding the design of this project and the integration of site servicing with the rest of Kings Navy Yard Park. In depth discussions include planning for phase one of the project in addition to future phases of site development taking into account planning for all utilities, drainage, power and electrical work, water supply, gas supply and removal and disposal of existing features required to meet current codes and standards. As mentioned in a prior report the southern most portion of Kings Navy Yard Park has

some large evergreen trees that are half dead or nearing the end of their life and will need to be removed in order to integrate the shoreline restoration work and planned improvements, however new trees will be planted within the expansion lands.

Landmark completed an application on behalf of the Town for approval with the Department of Fisheries and Oceans (DFO) for shoreline restoration work, and an onsite meeting was conducted between Town staff, the consultants and DFO in July to discuss the site and the project. On September 25, 2023 the Town received correspondence back from DFO granting us permission to proceed with the work discussed in the application.

Concurrently on October 12, 2023 Administration met with our consultants and Ministry of the Environment Conservation and Parks (MECP) regarding proposed work required for phase 1 shoreline restoration to keep them informed of our progress on the project.

With respect to the Ministry of the Environment Conservation and Parks (MECP) approvals, the table noted below indicates the most current schedule and timelines for approval based on the third submission:

Item	Task	Revised Schedule (27-Jul-23)	Revised Schedule (23-Aug-23)
a	Re-submit RA (2 nd Submission) (Respond to MECP comments)	16-Mar-23	16-Mar-23
b	2 nd MECP Review Period (allow up to 16 weeks)	<i>Received (11-Jul-23)</i>	<i>Received (11-Jul-23)</i>
1	Re-submit RA (3 rd Submission) (Respond to MECP comments)	25-Aug-23	01-Sep-23
2	Prepare Updated Phase One ESA report (prior to final RA report submission)	15-Dec-23	15-Dec-23
3	Final Phase Two ESA report (prior to final RA report submission)	15-Dec-23	15-Dec-23
4	3 rd MECP Review Period (allow up to 16 weeks)	15-Dec-23	15-Dec-23
5	Final RA Submission (respond to MECP comments)	05-Jan-24	12-Jan-24
6	MECP review Period and Acceptance of RA (allow up to 4 weeks)	12-Jan-24	19-Jan-24
7	Prepare Final RA Submission (respond to final MECP comments)	26-Jan-24	02-Feb-24
8	MECP Review Period and Acceptance of RA (allow up to 4 weeks)	23-Feb-24	01-Mar-24
9	Certificate of Property Use (CPU) (allow up to 4 weeks, assumes WSP is working with MECP District Engineer)	22-Mar-24	29-Mar-24
10	Posting to Environmental Registry (EBR) with 6 week public review period	03-May-24	10-May-24
11	File RSC with MECP (anticipate mid-May 2024)	10-May-24	17-May-24

Based on the schedule above it is anticipated the Town will not hear back from MECP before May 2024.

Administration is requesting approval for the necessary funding in order to move forward and tender work for Phase 1 of this project including shoreline restoration, site servicing

work, grading, drainage and basic landscaping. There is a limited window to execute any shoreline restoration in-water works. Based on DFO approvals that were recently obtained, the window for execution of this work is from late summer to mid March each year. After this window expires the Town will need to wait until the next opening which would be after August 2024 to execute any in-water work required for this project.

Approval of the recommendations in this report will allow Administration to immediately finalize and send out tenders for phase 1 including shoreline restoration, site servicing work, grading, drainage and basic landscaping, with a goal of completing the in-water work prior to March 2024. It is critical to understand that this shoreline work must be completed in order to safely open the park.

4. RISK ANALYSIS:

The Town is in the process of completing the Phase 2 Environmental Site Assessment, which includes Record of Site Condition, Conceptual Site Model and Certification of Property Use in accordance with MECP requirements. Failure to comply with regulated approvals as outlined in the Class Environmental Assessment will open the Town up to substantial financial and liability risks. That being said the Town is permitted to execute work with contractors on this property during this time frame provided the site is not opened up as a public park space until the approvals have been granted by MECP which will not happen before May of 2024 next year.

In order to start construction and rehabilitation of this site the Town has a limited window of opportunity to execute in-water shoreline work required for the re-development and stabilization of the site until mid March. Should council opt to not approve the funding for this project there is a risk work will not be executed on site until later 2024/2025 further delaying the project and opening of the park to the public. There is also a risk of negative public perception as this site has been closed for over five years.

5. FINANCIAL MATTERS:

Funding for this project was originally identified for 2025. As per Council Resolution CR20230313-008 below, Council approved the 2025 funds as a placeholder needed for a grant submission, indicated in recommendation 4 below. Recommendations 9 and 10, under this same Council Resolution, provided for the funding to be pulled forward to 2024 and available for immediate use, should the DMAF grant be awarded.

The 2024 5-year capital budget has been developed to include the \$3,060,000 in 2024 with some changes to the funding sources recommended for use. This was done as a result of the priority and importance of this project heard from residents and Council, as well as the approvals received to date allowing the work to commence, the window of time in which work can be executed to have it done in 2024 and that pulling the funding forward by 1 year had previously been supported by Council should the DMAF grant be awarded. As such, the first recommendation in this report is to rescind recommendations 4, 9 and 10 as they will not longer be required and should be rescinded to avoid any confusion on how much funding Council has approved for this project. All other recommendations in CR2023-0313-008 remain valid.

CR20230313-008

Moved By Deputy Mayor Gibb
Seconded By Councillor McArthur

That:

1. Council **APPROVE** a sole source to an upset limit of \$100,000 including a \$25,000 contingency to hire Landmark Engineers Inc. for the preparation of construction tender package, to apply for all necessary permits and ministry approvals required to carry out and construct shoreline work and other required ministry approvals in and related works in accordance with their proposal submitted under Appendix C;
2. Council **DELEGATE** authority to the Chief Administrative Officer and Clerk to negotiate, sign and execute an agreement with Landmark Engineers Inc. or any such agreement, declarations or approvals required for the implementation of the Shoreline Project, satisfactory in financial content to the Chief Financial Officer, and in technical content to the Director of Parks, Facilities, Recreation and Culture;
3. The Chief Administrative Officer and Director of Parks, Facilities, Recreation and Culture **BE AUTHORIZED** to apply to the 2023 Infrastructure Canada Disaster Mitigation and Adaptation Fund (DMAF) for the King's Navy Yard Park Extension project located at 290, 296 and 306 Dalhousie;
4. Council **DESIGNATE** the \$3,060,000 in funding identified in 2025 in the recommended 2023 5 year capital budget for the Kings Navy Yard Extension project (PAR-003-23) as placeholder funding for the Town's matching portion of the grant submission;
5. Council **DELEGATE** authority to the Chief Administrative Officer and the Director of Parks, Facilities, Recreation and Culture to approve the project scope and deliverables to maximize use of the grant;
6. Council **APPROVE** the following recommendations upon written confirmation of the Town being awarded the grant funding;
7. The Chief Administrative Officer and Clerk **BE AUTHORIZED** to sign and execute any agreements, declarations or approvals required resulting from receiving funding under the Infrastructure Canada Disaster Mitigation and Adaptation Fund grant, satisfactory in financial content to the Chief Financial Officer, and in technical content to the Director of Parks Facilities Recreation and Culture;
8. Council **DELEGATE** authority to the Chief Administrative Officer to award and issue purchase orders and or sign and execute any agreements as may be required for the necessary services to execute the scope of work for the grant projects, provided they are within approved funding;
9. Should the matching Town funding be required in 2024, Council **DIRECTS** Administration to pull forward the 2025 funding to 2024 as follows:
 - \$581,400 – Parks Development Charges (0124);
 - \$1,518,600 – General Lifecycle (0400);
 - \$310,000 – Parks Reserve – (1010);
 - \$650,000 – Parkland Dedication Reserve (2005) and further;
10. The Town's matching funding be deemed as **APPROVED** for immediate use.

The Mayor put the Motion.

Motion Carried.

In light of recent DFO approvals and critical timing for any in-water work required for the project not to disrupt fish spawning or Species at Risk, Administration is seeking approval of this funding outside of the Capital Budget deliberations to ensure the work can be completed prior to March 2024. In addition, tendering of this work at this time, and for winter season tends to provide for more reasonable tender pricing as companies have limited work scheduled during the winter months, sometimes resulting in more competitive bidding.

Given the significant amount of funding required several funding sources are needed to achieve the \$3,060,000, all of which are noted in the recommendations. Moving this funding forward to 2024 has not impacted any other capital projects in the recommended 2024 5 year capital budget, as Administration anticipated the potential need for this project to be started in 2024 and developed the budget allowing for that possibility.

Approving the funding for this project does however limit the balance in the reserves to be used for this project, leaving little flexibility to add in other projects without having to cancel or push out others. Should annual contributions to capital reserves increase, either by Council for capital reserves such as General Fund and New Capital, and or higher volumes of development occur which generate parkland dedication funding and or increased funding from other levels of government, such as Canada Community Benefit Fund and Ontario Community Infrastructure Fund the ability to include other capital projects in future years will become feasible.

6. **CONSULTATIONS:**

CAO
Deputy CAO
Manager of Parks and Naturalized Areas

7. **CONCLUSION:**

In conclusion, should Council wish to proceed with this project Administration requires approval of funding in order to tender work for the construction of Phase 1 including shoreline restoration, site servicing work, grading, drainage and basic landscaping.



Heidi Baillargeon
Director of Parks, Facilities, Recreation, Culture and Tourism

Report Approval Details

Document Title:	Kings Navy Yard Park Extension Shoreline Pre-Commitment of Funding .docx
Attachments:	- Appendix A Update on the Status of Kings Navy Yard Park Extension Lands.pdf
Final Approval Date:	Oct 12, 2023

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



Tracy Prince



Valerie Critchley



Kevin Fox