



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF THE CAO

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.*

Author's Name: Kevin Fox	Report Date: March 3, 2022
Author's Phone: 519 736 0012 ext. 2272	Date to Council: March 14, 2022
Author's E-mail: kfox@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Gibson Gallery Accessibility

1. **RECOMMENDATION:**

It is recommended that:

1. The accessibility upgrades consisting of an accessible ramp, barrier free route of travel, installation of an automatic door opener, and improvements to the accessible parking space proposed for the Gibson Gallery **BE UNDERTAKEN** in a collaborative manner with the Fort Malden Guild of Arts as noted in the report of March 3, 2022;
2. A 2022 expenditure not to exceed \$25,000 plus HST for the provision of accessibility upgrades to the Gibson Gallery **BE APPROVED** in accordance with the report of March 3, 2022; and,
3. The Treasurer **BE AUTHORIZED** to fund the 2022 expenditure relative to the provision of accessibility upgrades to the Gibson Gallery through a transfer from the AODA Compliance Reserve account in an amount not to exceed \$25,000 plus HST.

2. **BACKGROUND:**

In keeping with the Universal Design Philosophy and the Town's commitment to the provision of accessible goods and services, an accessibility review was conducted on the property at 140 Richmond Street by the Amherstburg Accessibility Advisory Committee and Administration to identify any areas of deficiency or for greater improvement in the provision of goods and services. Following that audit, the Amherstburg Accessibility Advisory Committee moved the following recommendation at its October 20, 2020 meeting:

Moved By S. Curson-Prue

Seconded By A. Kelly

That:

1. Council **CONSIDER** a transfer from the AODA Compliance Reserve Fund to **EXPLORE** partnering with the Fort Malden Guild of Arts and Crafts to fund the provision of an accessible route into the Gibson Gallery not to exceed \$20,000; **AND**,
2. Council **CONSIDER** a transfer from the AODA Compliance Reserve Fund to **PROVIDE** accessible play surfaces at one Town Park not to exceed \$20,000.

The Chair put the Motion.

	Yes/Concur	No/Not Concur
Chris Drew	X	
Christine Easterbrook	X	
Angela Kelly	X	
Robert MacMillan	Absent	Absent
Tony Pietrangelo	X	
Shirley Curson-Prue	X	
Councillor Marc Renaud	X	
William Whittall	X	

Motion Carried

This recommendation was provided to Council on December 14, 2020, and Council resolved that,

Resolution # 20201214-476

Moved By Councillor Renaud

Seconded By Councillor Prue

That:

1. Administration **EXPLORE** opportunities for a cost-sharing agreement to provide an accessible route into the Gibson Gallery using funds transferred from the AODA Compliance Reserve Fund not exceeding \$20,000, with the Fort Malden Guild of Arts and Crafts;
2. \$20,000 **BE TRANSFERRED** from the AODA Compliance Reserve Fund to replace existing inaccessible play surfaces with more accessible materials at a Town Park; and,
3. The Facility Accessibility Design Standards **BE ADAPTED** for use by the Town of Amherstburg from the City of Windsor.

The Mayor put the Motion.

Motion Carried

In accordance with the Council direction, Administration reviewed the scope of work, met with the representatives of the Fort Malden Guild of Arts. A plan to provide barrier free access was developed which would make use of existing resources and reduce the overall cost to render a fully accessible entry to the building.

3. DISCUSSION:

The Accessibility Audit conducted by members of the Amherstburg Accessibility Advisory Committee and Administration identified that the existing main entry to the building was undersized and would not allow for mobility assistive devices like wheelchairs to gain entry to the building. A side entry was of a suitable size but it lacked sidewalk access and was not at grade. Further, the accessible parking space located at the site was created prior to the current regulations and was designed in a way so that when in use it blocked access to the existing ramp. Due to the age of its construction this space also lacked the addition of an access aisle as now required under the Act, and the repurposing of the space presented an opportunity to amend that grandfathered element to provide enhanced accessibility.

The proposed solution is to extend the existing sidewalk northerly towards the door on the west side of the structure, inclusive of a ramped entry, kick and striker plate automated door opener. The type 'A' accessible parking space will be relocated in line with the new sidewalk being created, and a tactile surface plate will be added into a curb cut in line with an access aisle created to ensure perpetual safe and barrier free access from the vehicle unto the sidewalk, to the door and into the building. Existing signage and parking space line painting will need to be reconfigured to accommodate the changes.

As this building is a heritage designated property in the Town of Amherstburg, Administration has worked diligently to ensure that the works do not affect the building or its heritage features. As such the proposed work impacts only the building envelope, has no proposed alteration to historic elements of the door frame or jamb, and has only one interior component, the addition of the automated door opener. The Town's Heritage Planner has indicated that interior addition does not constitute an alteration under the *Heritage Act*. The Heritage Committee was advised of the project but indicated there were no issues with it proceeding.

The Fort Malden Guild of Arts have decided that the existing entrance on the eastern side of the building will be reworked to serve as an exit once these works are complete. This will ensure that the main point of entry and egress is rendered barrier free, affording the same essential dignity and respect to all patrons.

4. RISK ANALYSIS:

There is a risk that not taking action to address the noted deficiencies to the building's access could continue to pose a barrier to persons with disabilities. While the building itself is a grandfathered structure under the *Ontario Building Code*, the Town's lease agreement with the Guild and ownership of the land mean that the Town has an interest in the provision of barrier free access to the site. Increasing the accessibility provided

and removing an identified barrier is consistent with the Town's commitment to equality and accessibility.

There is a further risk that failing to collaborate with the Fort Malden Guild of Arts at this time could result in the municipality being unable to secure a cost sharing agreement in the future to complete these works, resulting in a higher proportion of the costs being borne by municipal resources.

5. FINANCIAL MATTERS:

Previous Council direction to undertake a cost sharing agreement with the Fort Malden Guild of Arts has resulted in an offer from that group to fund \$2,500 of the direct expenses and \$5,000 of in-kind contributions to reorient the entry around the accessible entrance and to address landscaping and other elements the works will disturb. The reorientation will ensure that the Gibson Gallery provides the same level of service to everyone as an expression of the essential dignity and respect for all persons.

The remainder of the applicable expenses, approximately \$22,500 would be funded by a transfer from the AODA Compliance Reserve account, which has been set aside in previous years, in anticipation of this work coming forward. It should be noted that the \$25,000 request is inclusive of a contingency reserve of \$2,500, which, if not needed, would remain in the AODA Compliance Reserve to fund other projects targeting increased accessibility.

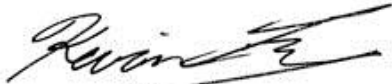
Future costs associated with the sidewalk and ramp upkeep and maintenance are addressed in the lease agreement with the Fort Malden Guild of Arts and will not be borne by the municipality.

6. CONSULTATIONS:

Fort Malden Guild of Arts
Amherstburg Accessibility Advisory Committee
Heritage Committee
Chief Administrative Officer
Senior Management Team
Heritage Planner

7. CONCLUSION:

It is recommended that approval be given to fund the works, in conjunction with the Fort Malden Guild of Arts through a cost sharing agreement, from the AODA Compliance Reserve fund which was established to address such deficiencies as identified and recommended by the Amherstburg Accessibility Advisory Committee.



Kevin Fox
Policy and Committee Coordinator

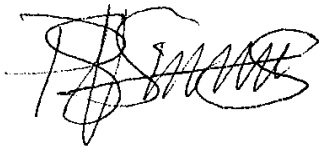
Report Approval Details

Document Title:	Gibson Gallery Accessibility.docx
Attachments:	- Gibson Gallery Accessible Walkway.pdf
Final Approval Date:	Mar 9, 2022

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



Tiffany Hong



Peter Simmons



Valerie Critchley