

Parks and Recreation Advisory Committee Meeting

to be held via Zoom

Wednesday, November 27, 2023

at 9:30 a.m.

1. **Call Committee Meeting to Order**
We acknowledge that Penticton, where we live and work, is on the traditional lands of the Syilx People in the Okanagan Nation.
2. **Adoption of Agenda**
3. **Adoption of Minutes**
 - 3.1 Minutes of the August 28, 2023 Parks and Recreation Advisory Committee Meeting
Recommendation:
THAT the Parks and Recreation Advisory Committee adopt the minutes of the August 28, 2023 meeting as presented.
4. **New Business**
 - Anderson 4.1 Appointment of the Chair and Vice-Chair
Recommendation:
THAT the Parks and Recreation Advisory Committee appoint _____ as the Committee Chair and _____ as Vice-Chair.
 - Anderson 4.2 2024-2026 Meeting Schedule
Staff Recommendation:
THAT the Committee set the 2024 meeting schedule and time as follows; January 24, April 24, July 24 and October 23, 2024 at 9:30 a.m.
AND THAT the Committee set the 2025 meeting schedule and time as follows; January 22, April 23, July 23 and October 22, 2024 at 9:30 a.m.
AND THAT the Committee set the 2026 meeting schedule and time as follows; January 28, April 22, July 22, 2026 at 9:30 a.m.
 - Raposo 4.3 Bishops Snow and Marine Report
Staff Recommendation:
THAT the Parks and Recreation Advisory Committee recommends that Council direct staff to issue the three (3) year License to Use Agreement renewal with Bishop's Snow and Marine Ltd., operating as Pier Water Sports, for the use of approximately .55 ac. of Rotary Park foreshore and use of the building for the operation of water leisure activities on Okanagan Lake.
5. **Next Meeting**
6. **Adjournment**

Parks and Recreation Advisory Committee Meeting

held via Zoom
Monday, August 28, 2023
at 9:30 a.m.

Present: John Archer
Juliana Buitenhuis
Brenda Clark
Joanne Grimaldi
Susan Fraser

Council Liaison: Isaac Gilbert, Councillor

Staff: Anthony Haddad, General Manager of Community Services
Kristen Dixon, Interim CAO & General Manager of Infrastructure
Kelsey Johnson, Manager of Recreation, Arts and Culture
Hayley Anderson, Legislative Assistant

Regrets: Cameron Baughen
Victoria Jaenig
Don Mulhall
Marc Tougas

1. **Call to Order**

The General Manager of Community Services called the Parks and Recreation Advisory Committee to order at 9:53 a.m.

2. **Adoption of Agenda**

It was MOVED and SECONDED

THAT the Parks and Recreation Advisory Committee adopt the agenda of August 28, 2023 as presented.

CARRIED UNANIMOUSLY

3. **Adoption of Minutes**

It was MOVED and SECONDED

THAT the Parks and Recreation Advisory Committee adopt the minutes of May 31, 2023 as presented.

CARRIED UNANIMOUSLY

4. **New Business**

4.1 Appointment of Committee Chair and Vice-Chair

This item was moved to the next meeting.

4.2 Kings Park Clubhouse

The Manager of Recreation, Arts and Culture provided the Committee with an update on the Kings Park Clubhouse.

4.3 Arena Use Analysis

The Manager of Recreation, Arts and Culture provided the Committee with an update on the Arena Use Analysis.

4.4 Sport Strategy/Needs Assessment – 2024 Budget Request

The Manager of Recreation, Arts and Culture provided the Committee with an update on the Sport Strategy/Needs Assessment – 2024 Budget Request.

5. **Next Meeting**

The next Parks and Recreation Advisory Committee meeting is scheduled to be held on November 27, 2023 at 9:30 a.m.

6. **Adjournment**

It was MOVED and SECONDED

THAT the Parks and Recreation Advisory Committee adjourn the meeting held on August 28, 2023 at 10:44 a.m.

CARRIED UNANIMOUSLY

Certified Correct:

Hayley Anderson
Legislative Assistant

Committee Report

File No: 4320-80

Date: November 27, 2023
To: Parks and Recreation Advisory Committee
From: Sheri Raposo, Land Administrator

Subject: Licence to Use Agreement – Bishop’s Snow and Marine Ltd. Operating as Pier Water Sports

Staff Recommendation

THAT the Parks and Recreation Advisory Committee recommends that Council direct staff to issue the three (3) year License to Use Agreement renewal with Bishop’s Snow and Marine Ltd., operating as Pier Water Sports, for the use of approximately .55 ac. of Rotary Park foreshore and use of the building for the operation of water leisure activities on Okanagan Lake.

Strategic priority objective

Vision: A vibrant, resilient and healthy waterfront city focused on safety, livability and vibrancy.

Background

On October 17, 2023, staff brought forward the request to Council to refer the three (3) year License to Use Agreement renewal with Bishop’s Snow and Marine Ltd., operating as Pier Water Sports, for the use of approximately .55 ac. of Rotary Park foreshore, and use of the building for the operation of water leisure activities on Okanagan Lake, to the Parks and Recreation Advisory Committee for their review and recommendation.

With the following outcome:

8.2 License to Use Agreement – Bishop’s Snow and Marine Ltd. Operating as Pier Water Sports

370/2023 **It was MOVED and SECONDED**

THAT Council refer the three (3) year License to Use Agreement renewal with Bishop’s Snow and Marine Ltd., operating as Pier Water Sports, for the use of approximately .55 ac. of Rotary Park foreshore, and use of the building for the operation of water leisure activities on Okanagan Lake, to the Parks and Recreation Advisory Committee for their review and recommendation.

CARRIED UNANIMOUSLY

Bishop's Snow and Marine Ltd (Pier Water Sports) is a family-owned business. It employs 12 to 14 employees each season, many of whom are local youths from the community. They have been operating out of Rotary Park in Penticton since 1998. This year will be their 25th season. Pier Water Sports has requested a 3 to 5 year License to Use Agreement (LTU) extension.

The business offers rentals of ski boats, surf boards, pontoon boats, kayaks and parasailing as well as instructing water activities. Mr. Bishop has a fleet of 12 boats and 10 seadoos. Their newest addition this year is a 34 ft., 10-passenger Lake Monster towable boat tube that they take customers on. They also have the only Waterski Canada, certified professional instructor and school in Penticton. Since 1998, their financial investment in this business exceeds \$1 million, as follows:

- Building rebuild and upgrade \$80,000
- Dock System \$104,000
- Fuel system upgrade \$20,700
- Rental equipment inventory \$853,000

History

A history of the tenure over the Rotary Park foreshore location to the current Licensee:

- 1998 Pier Water Sports retained tenure over the space until 2002
- 2003 an RFP under Beach & Park Vending program resulted in a 3 year LTU with an option to renew for two additional years for the purpose of offering water leisure activities on Okanagan Lake. Granted to proponents George Bishop, Robert Bateman, John Cain, and Robert Grey. The RFP submission included replacing an existing kiosk with a prefab structure with an attached covered patio and expand their existing floating docks at a cost of \$21,000. The option to renew was exercised
- 2006 a 2 year LTU under the Beach & Park Vending program was provided to Pier Water Sports
- 2009 a 5 year LTU (with an option to renew on mutually agreed terms) was granted and a building permit was issued for renovations to the building
- 2013 the renewal option was granted for 5 additional years
- 2018 staff brought a report to Council, requesting an additional 5 year LTU for Pier Water Sports. With the condition that prior to the start of the 2019 season, a compliant fueling system within the licensed area be installed, at the operator's expense. This condition was completed. This current agreement expires December 31, 2023

Existing Use

The current use of this property is P2 – Parks and Recreation. Permitted uses in this zone are:

- accessory use, building or structure
- carnival
- community garden
- government service
- indoor amusement, entertainment and recreation
- outdoor market
- public parking lot

Park Land Protection and Use Policy References

The Park Land Protection and Use Policy references the following sections regarding a License to Use for a portion of public park land that is a permitted use in a Park Zone:

3.3. Protect public ownership

- 3.3.1. The City of Penticton may issue a License to Use for a portion of public park land to support a Permitted Use in a Park Zone. These licenses are typically for a short term or seasonal in nature, up to a maximum of three (3) years, and shall be approved in accordance with the zoning procedure for Permitted Uses outlined in this policy.

5.1. Permitted Uses

- 5.1.1. Permitted Uses within any Park Zone and no other uses than those provided for in the list of permitted uses in the Zoning Bylaw shall be allowed on City park land.

As the land, where the building is located, is dedicated parkland, the Park Land Protection and Use Policy requires new agreements or renewal of agreements within our parkland follow the following procedure:

- Step 1: Application to renew submitted to City staff
Step 2: Proposal brought forward to Open Council meeting
Step 3: Circulation of application to City Departments and Parks and Recreation Advisory Committee
Step 4: City staff conduct License Review to confirm conditions of license met and license in good standing
Step 5: City staff review findings with Parks and Recreation Advisory Committee
Step 6: Parks and Recreation Advisory Committee review application and feedback from staff
Step 7: Parks and Recreation Advisory Committee would then make a recommendation to Council to approve or deny the renewal

License to Use Summary

The proposed three year term of the License to Use agreements will be from January 1, 2024 to December 31, 2026.

The Licensee will continue to be responsible for utilities, property taxes, and all repairs and maintenance necessary to maintain the facility in a safe and first class condition and not to utilize an area larger than the licensed area. Staff have obtained a current appraisal for this area. The LTU fee will be based on that appraised value at \$11,000 annually plus CPI. The Licensee will be required to carry \$10,000,000 (Ten Million Dollars) liability insurance.

Analysis

As part of our Council Report, dated October 17, 2023, Council, was provided with a few different recommendation options, these are as follows:

Alternate recommendation options provided to Council

Option 1

Staff Recommendation

THAT Council refer the three (3) year License to Use Agreement renewal with Bishop's Snow and Marine Ltd., operating as Pier Water Sports, for the use of approximately .55 ac. of Rotary Park foreshore, and use of the building for the operation of water leisure activities on Okanagan Lake, to the Parks and Recreation Advisory Committee for their review and recommendation

Option 2

Waive the Park Land Protection & Use Policy and Renew with Existing Operator

THAT Council direct staff to not present a report to the Parks and Recreation Advisory Committee, and renew the License to Use agreement, for a 3-Year term or a 5-year term, at a rate of \$11,000 per annum, plus CPI to Bishops Snow and Marine operating as Pier Water Sports.

Option 3

1-Year Extension prior to RFP

THAT Council direct staff to enter into a one year extension agreement with Pier Water Sports and direct staff to refer the three year LTU agreement to Parks and Recreation Advisory Committee and issue an RFP for an operator for use of the facility and foreshore location.

Request for Proposal Process

Should Council wish to seek a competitive process for use of this area; a competitive process through an RFP can be considered. A three year time period for a Licence to Use is outlined in the policy, however depending upon a proposal that may come forward, a longer time period may be considered appropriate, up to, in staff's review a maximum of five years. Should the RFP process be supported by Council, after review by the Committee, staff will commence this process immediately to ensure that a new LTU agreement is in place for the 2024 season.

Based on the Parkland and Protection and Use Policy, council did chose the staff recommendation.

The Parks and Recreation Advisory Committee does have the option to provide staff with an alternative recommendation, to provide to Council. These recommendations are summarized below:

Option 1 (staff recommendation): THAT the Parks and Recreation Advisory Committee recommends that Council direct staff to issue the three (3) year License to Use Agreement renewal with Bishop's Snow and Marine Ltd., operating as Pier Water Sports, for the use of approximately .55 ac. of Rotary Park foreshore and use of the building for the operation of water leisure activities on Okanagan Lake.

Option 2: THAT the Parks and Recreation Advisory Committee recommends that Council direct staff to issue a one (1) year agreement with Pier Water Sports, and staff will issue an RFP to seek an operator for a three (3) or five (5) year License to Use term of the facility and foreshore location.

Option 3: That the Committee does not recommend the City enter into a License to Use Agreement for this land, building and foreshore location.

After receiving the Committee's recommendation to Council, staff will bring this matter back to Council at their December 12, 2023 regular Council meeting.

Attachments

Attachment A – Aerial - Licence area

Respectfully submitted,

Sheri Raposo, Land Administrator

Attachment A

Licence area outlined in blue.

