

VERO BEACH RECREATION COMMISSION MINUTES

Tuesday, March 9, 2021 – 1:30 p.m.

City Hall, Council Chambers, Vero Beach, Florida

PRESENT: Chairman, Brooke Malone; Vice Chairman, James “Rock” Tonkel; Members: Brooke Steinkamp (arrived at 1:36 p.m.), Samuel Lapeyre, Alternate Member #1, Steven Newman, and Alternate Member #2, Christopher Woodruff **Also Present:** Recreation Director, James O’Connell; Assistant Recreation Director, Patty Howard; Assistant City Attorney, Jenny Flanigan and Senior Administrative Assistant, Rita Hawkins

Excused Absence: Judy Jones

1. CALL TO ORDER

Chairman Malone called today’s meeting to order at 1:30 p.m. and the Senior Administrative Assistant performed the roll call.

Mrs. Malone stated that they have a new Recreation Commission member, Mr. Steve Newman and she asked him to introduce himself to the Commission.

Mr. Newman gave a brief report on his background and history.

2. MISSION STATEMENT

Mrs. Malone read the Recreation Commission’s Mission Statement.

3. APPROVAL OF MINUTES

A) February 9, 2021

Mr. Tonkel made a motion to approve the minutes of the February 9, 2021 Recreation Commission meeting. Mr. Lapeyre seconded the motion and it passed unanimously.

4. PUBLIC COMMENT

A) **Converting some Tennis Courts at Riverside Park to Pickleball Courts – Mr. Ken Roberts**

Mr. Ken Roberts said he would like to thank the City of Vero Beach for all they have done for Pickleball. He is not at today’s meeting representing Pickleball University, the entity who operates the Pickleball courts at Pocahontas Park. He said currently there are 700 members, which is a tremendous amount of people using 12 courts. This year they had 100 people that did not turn in memberships due to the amount of people, so next year there might be 800 members. They have been in touch with the Recreation Department and Riverside Tennis and they have some recommendations they would like to make to City Council. Mr. Roberts proceeded to give a Power Point presentation on new proposed Pickleball courts (attached to the original minutes). They do not want to displace anyone, but they are looking for alternate places to play Pickleball. This is why they are proposing to convert two (2) of the tennis courts at Riverside Park to seven (7) or eight (8) Pickleball courts. They are not asking the City to pay anything to convert the courts. He said in the beginning the City received thousands of dollars from the Pickleball group because they

had to pay rent on the courts for the first two (2) years. The new contract with the City gave the Pickleball group control of the courts along with the maintenance of them. The Pickleball group had to completely resurface six (6) of the courts. He hopes the Recreation Commission will pass this on to the City Council. He heard there have been some discussions with the Mardy Fish Foundation about trying to do something with the Riverside Park tennis facilities. He did see a plan and it looks like a nice facility, but he does not know where the funding would come from or when it would happen. It might take two (2) months, several years, or maybe not happen at all. On the plans there was some space marked for two (2) Pickleball courts where the old racquetball courts were located.

Mr. Tonkel stated that they have to determine what kind of conflicts exist and what people are asking for with playing tennis and Pickleball, converting the courts, the cost involved, etc.

Mrs. Malone asked Mr. Roberts if the long term future plans he was talking about was inclusive of all racquet sports as well as Pickleball.

Mr. Roberts stated that was kind of a gray area because the plans looked like the Pickleball courts were combined with youth tennis courts, so he is not sure.

Mrs. Malone asked Mr. Roberts if the Pickleball group would pay to convert the courts.

Mr. Roberts replied yes, they would pay to resurface the courts and add the poles and nets.

Mrs. Steinkamp said she read something about converting courts in order to accommodate tennis and Pickleball on the same courts. It was a simple conversion of painting the different colored lines and lowering the net for Pickleball. Is that something that could work as a short term fix while they work on a long term solution.

Mr. Roberts stated that they are open to any options to get more courts.

Mr. Newman asked how much does the Pickleball organization pay to the City over a year and how much do their members pay.

Mr. Roberts said how much the City receives would be a question to ask Pickleball University. He explained that new members pay a \$100 initiation fee and a \$100 annual membership and existing members pay \$100 for a yearly membership.

Mr. Newman explained that tennis players pay over \$200 for an annual membership at Riverside Racquet.

Mr. Lapeyre asked Mr. Roberts if he had a sign in sheet for the Pocahontas Park Pickleball courts like the one he presented for the Riverside Park tennis courts.

Mr. Roberts explained that the Pocahontas facility holds 48 people at once and by 11:00 a.m. they are full and there are at least another 48 people waiting. He would say that there are 100 people who play daily from 8:00 a.m. to 11:00 a.m. People also play in the evening because the courts have lights.

Ms. Michael Gibbons, City resident, said she plays tennis at Riverside Park. She asked if the courts are converted will the people who come to play Pickleball be required to have a membership

with Riverside Racquet. The tennis players have to pay an annual membership, which is much higher than the Pickleball annual fee. Tennis players also pay fees to play at Riverside Park. She said she played tennis today and every court was full. She asked if anyone has thought about converting the two (2) tennis courts at Charles Park into six (6) Pickleball courts.

Mrs. Malone explained that the Recreation Commission is just an Advisory Commission and they cannot make any decisions on what membership costs should be. That would be between City Council and the Recreation Director. The Commission is here to help make a decision on whether the people of the community are interested in having that space changed.

Ms. Gibbons stated that she plays Pickleball at her community, but they have to play with a tennis net, which is much different. Ever since they painted the lines on the courts for Pickleball no one plays tennis anymore because the lines are very confusing.

Mr. Tonkel asked if there have been any discussions between the tennis players and the Pickleball group in terms of coming up with an agenda for some kind of compromise for using City facilities.

Ms. Gibbons replied not that she is aware of, but there is plenty of land at Riverside Park to build Pickleball courts.

Mrs. Steinkamp asked if people pay a fee to use the Charles Park tennis courts.

Mr. Jim O'Connell, Recreation Director, replied no, those tennis courts are open to the public. They do not get the traffic like Riverside Park, but the courts are well used.

Mrs. Malone asked what hours are the courts at Riverside Park used by paying members.

Mr. O'Connell replied that the pro shop is open Monday thru Friday from 8:00 a.m. to Noon and then 5:00 p.m. to 9:00 p.m. Saturday it is open 8:00 a.m. to noon and closed on Sunday. The tennis courts are open for free play when the pro shop is closed.

Mr. Newman said a few years ago there were proposals made to the City and that is how Pickleball University got the courts at Pocahontas Park. He said there were a significant number of neighbors around Riverside Park who objected to allowing Pickleball courts at the Park because of the noise. He explained that all of the Riverside Park tennis courts are used two (2) or three (3) times a week by the St. Edward's School tennis teams. This is an arrangement with the City where they use the Riverside Park tennis courts and the City in turn uses the St. Edward's School's facilities for their summer camps. If two (2) of the courts are taken away, that violates the contract with St. Edward's School and they will not allow the City to use their facilities for free.

Ms. Jenny Flanigan, Assistant City Attorney, explained that St. Edwards School's position is that it would be a breach of contract and then they would not honor their end of the contract with the City.

Mrs. Patty Howard, Assistant Recreation Director, stated that it is a partnership between the school and the City. The City uses the St. Edward's School's facilities for their Aerial Antics Circus, which is a huge event for the children. In return, the school is able to use the Riverside Racquet complex for their tennis practices and tournaments.

Mr. Tim Carvo (spelling might not be correct), Vero Beach resident, said he is a tennis instructor for the Mardy Fish Children's Foundation and he has also coached the St. Edward's Middle School tennis team. In September 2018, City officials inquired of the Mardy Fish Foundation about the possibility of a partnership. The City was looking for ways to help with their operating costs of their recreational facilities. The Mardy Fish Foundation was open to pursuing a public partnership and there was a lot of encouragement from the City to move forward. They talked about doing a face lift of the entire tennis facilities at Riverside Park and they hoped to get a lot of the funding from the United States Tennis Association (USTA). The USTA liked the idea and they had representatives come for a site visit. Out of that came some renderings of what the facilities would look like, but then they were hit with the pandemic. The Mardy Fish Foundation took a small step towards a partnership by holding youth tennis lesson last year. It was a once a week class and they had over 50 participants. He would hate to see the two (2) tennis courts lost. Some of the tennis people met yesterday and concluded they want to work with the Pickleball group to help them create what they need from the ground up rather than subtracting the tennis courts that are there. He thinks the two (2) groups can work together.

Mr. Allen Campbell, Riverside Racquet Club member, said he and his wife play tennis three (3) days a week. He is convinced that with the exception of two (2) or three (3) months out of the year the courts are always full. This could be the end of his involvement with Riverside tennis if they are converted. He does not believe that tennis and Pickleball can coexist. The distraction of the painted lines and the shrill sound of the pickleball interferes with a tennis player's concentration. He suggested that they go to the County and ask about utilizing some of the property at the Indian River County Fairgrounds to build Pickleball courts. That is what the Indian River Soccer Association did in the 1990's. They raised the money and 25 years later they built the soccer complex.

Mr. Rodger Harmon (spelling might not be correct), said he has been a snowbird in Vero Beach for 30 years and he played at Riverside Park throughout that time. He agrees that tennis and Pickleball are not compatible in proximity with each other. There is already a problem with parking at Riverside Park with all the events and activities that take place there. It will be even worse if they have 700 Pickleball players and 200 tennis players added to that.

Mrs. Malone asked why are the two (2) games not compatible. Is it just the quickness of the Pickleball game.

Mr. Newman explained that tennis balls and tennis racquets are softer, so tennis is a quieter game. The Pickleball racquets and balls are much harder making it a louder sport. That is why the neighbors of Riverside Park opposed this last time.

Ms. Flanigan reported that at the March 2, 2021 City Council meeting a bid contract was approved for the resurfacing of the tennis courts at Riverside Park and Charles Park. She would recommend that the Commission make a motion to add this item to next month's agenda, allow public comment and then make their recommendation to City Council.

Ms. Ruth Stevens, City resident, said she has been playing tennis at Riverside Park for over 20 years. She brought some information with her on the decibel levels of Pickleball and the source of this report is from Ron Jones, of Pickleball Drive. The report states that the decibel level of people playing Pickleball falls in the range of 60 to 70 decibels. A whisper is 20 decibels, a conversation at home is 50 decibels, and vacuums and washing machines are 70 decibels. The

Environmental Protection Agency (EPA) recommends that anything under 85 decibels is acceptable, so Pickleball is well below that level.

Mr. Gary Braskowski (spelling might not be correct), said that he and his wife have spent the last two (2) winters in Vero Beach and they would like the courts to stay as they are. They hope that Vero Beach continues to embrace tennis. They also play Pickleball, but they do not want to lose the tennis courts, because that could possibly affect their decision to keep coming back to Vero Beach.

Mr. Newman said that when this came up before Pickleball University was offered the opportunity to build courts on the old Dodgertown property.

Mr. O'Connell stated that property is now owned by the County, so if they wanted to pursue it they would have to go through the County.

Mr. Tonkel asked if they have ever discussed leaving the tennis courts as they are and creating a new Pickleball facility.

Mr. O'Connell replied no, they have not pursued any information on building new Pickleball courts. They realize that Pickleball has grown and there is a need for more courts, but they have also seen that same growth with tennis. The Pickleball group has only been at Pocahontas Park for a short time and they have grown so fast that they have almost out grown that facility, but they have not looked at building new courts yet.

Mrs. Malone said she knows that the Mardy Fish Foundation has been a topic of conversation for quite a long time and there are community members who are involved in trying to get that partnership to happen. This is something that might take years to fall into place, but it could also happen fairly quickly and they would have an upgraded tennis facility. She asked if the courts absolutely have to be resurfaced now only to have everything knocked down or changed in a few years.

Mr. O'Connell replied yes, they need to be resurfaced. The Riverside Park tennis courts have gone past the five (5) year recommended time frame. If they get into an agreement with the Mardy Fish Foundation it will not change the layout of the tennis courts, so it is still a good idea to move forward with the resurfacing. If they get involved with the Mardy Fish Foundation, they will probably follow the same model and terms of the lease agreement like they have with Pickleball University. When that time comes, he will have a discussion with the Recreation Commission on the accessibility to the tennis courts, memberships, and what the programing will look like. There will almost be a complete turn over on who is running the facility if that plan comes to fruition. If that plan includes Pickleball courts or not is probably another issue to be heard.

5. NEW BUSINESS

A) Discuss the use of Beach Parks and Beaches for Equipment Rental Activities

Mrs. Malone said the Commission was tasked with discussing what they thought about the City beaches, beach access, and concession licensing at the City Parks and beaches.

Ms. Flanigan suggested that they break it down and discuss if they would make a recommendation to allow chair and umbrella rentals, which have very little liability and maybe they could have

another discussion on allowing water sports activities such as kayaks, paddleboards, etc. What City Council wanted them to look at is what other cities do, what are the best practices, and give input on what is specific to Vero Beach.

Mr. Tonkel asked if anyone has any ideas on what an ideal beach vendor operation should provide to customers and citizens who want a particular service, or are they using history as the current model to proceed.

Mrs. Steinkamp stated that she looked at a lot of places. Based on what she could find on their website, it looks like Miami does it all themselves. She also looked at Key West and they have private businesses on their public beaches that do rentals and all kinds of fun vendors, but they cater more towards tourists than Vero Beach does.

Mr. Woodruff replied that Miami's concessionaires and vendors are private businesses with contracts. They are not run by the City.

Mrs. Steinkamp said that Miami has all of their vendors listed on their website so it is a well thought-out process. She does not know what their contracts look like, but she has an idea of what they should include. City Council's biggest concern is with liability and to make sure the vendor would cover the City with their insurance. She said she heard complaints about the chair and umbrella vendor's storage facility being an eyesore and having a permanent structure on City property is not something they felt was ideal. She would think that anyone wanting to do a concession would be required to have a mobile storage facility where they would bring their equipment and then take it away at the end of the day. The City needs to outline more about what they will require from the vendor such as permitting, licensing, insurance, etc.

Ms. Flanigan reported that the City terminated the contract with the concession beach vendor. Shark Bait was the only one (1) the City had, but potentially there could have been more. During the City Council meeting they brought up the best practices to make sure they keep the beach very Vero.

Mrs. Steinkamp said she did not have a problem with the chairs and umbrellas and she actually appreciated that service. She would not want to see chairs and umbrellas lined up all along the beach, but in small areas it looks fine.

Mr. Woodruff explained that the City of Jensen Beach has a concession for the rental of chairs and umbrellas along with a City owned facility with a small restaurant, so it is almost identical to Jaycee Beach. He feels it is very convenient to have chair and umbrella rental options available, especially if people are visiting. He said his business is very similar to this so he will never vote on this matter. His opinion is that the City should offer rentals, but write a contract with very specific laws, rules and regulations. He said he found businesses on line that will drop off equipment, but his concern is if people are not from Florida they might not know how fast storms pop up and to put the umbrella down. If they have chairs and umbrellas and a storm hits people take shelter, but there is no monitoring of the rental equipment and that can be a safety concern.

Mrs. Malone stated that she spent quite a bit of time on this because she was not sure how she felt. What she noticed is that the contract they had was pitiful in comparison to some of the contracts that cities are putting into place and the management of them. Not only do they address they type of equipment, but also the quality, the condition, and the upkeep of the equipment the vendors have to meet. The fees in the contract the City had were the smallest ones by a long shot.

In reviewing other cities contracts, she found an overwhelming amount of concessions for items other than chairs. Some of the smaller towns that resemble Vero Beach are doing similar concessions at their larger beach accesses, so there were minimal vendors for chairs and umbrellas and some are allowing food trucks. When she heard that the income from the City's contract in 2019 was only \$800, it indicated that the equipment was not being rented.

Ms. Flanigan said that is correct. That is what City Council saw and they are concerned on whether a vendor concession would be a viable business.

Mr. Woodruff said that Shark Bait proposed this concession to the City and it was probably hard to build that business from the ground up. That is probably why the fee structure was set up like it was, because they did not know what he would make. If they do this again he would recommend they put it out to bid for proposals.

Ms. Flanigan explained if they make a recommendation to City Council to allow vendors it would be nonexclusive for the bidding process, so other businesses could apply. The awarded contract would be exclusive and be the only one (1) operating at the site.

Mr. O'Connell said he believes they would only have one (1) operator per site, but that would not exclude other business from renting the same items and delivering them to the customers. He believes they would limit the number of businesses they would accept.

Mrs. Malone said if they are renting things on site she believes they would have to be exclusive. The vendor the City had the contract with wanted to expand into renting items like kayaks and paddleboards on site, but there are also several other businesses in town whose business model is to bring kayaks or paddleboards to customers at the various parks.

Ms. Flanigan stated that question was brought up at the City Council workshop. How do they limit the amount of business if they allow one (1) how do they address the others. They want to know how other communities handle this.

Mrs. Steinkamp explained that when the contract goes out for bid, the bids come in, and the City selects the businesses and they have a contract for a certain amount of years. When the contract expires everyone is able to bid again.

Ms. Flanigan stated that the Commission's job is to recommend to City Council whether concession vendors should be allowed.

Mr. Woodruff said he is comfortable with beach only vendors, but not at locations like Riverside Park.

Mrs. Malone said she could see allowing chair rentals even at Jaycee Beach, because it is north of all the hotels.

Mrs. Steinkamp stated that people do not have to be staying at the hotels to rent the chairs, they will rent them for the day.

Mrs. Malone said South Beach would absolutely be a good spot for a vendor, such as a food truck. As far as for permanent structures and renting water equipment she is not comfortable with that.

Mrs. Steinkamp said she is not sure about having permanent structures, but she does not have a problem with renting a few kayaks or paddleboards.

Mr. Tonkel asked if there is any consensus among the Commission and the Recreation Director on where and what services should be allocated, what the contract should include, etc.

Mrs. Malone replied that is what they are doing now.

Mr. Newman agreed that City Council would have to deal with the liability issue. He asked what happens when someone gets injured and they sue the concessionaire and also sue the City, do the courts hold the City liable.

Ms. Flanigan said the liability on renting a chair or an umbrella is very minimal. The issue with water sports, is that the vendor would need to add the City as additionally insured and they would have to have waivers signed by each person using the equipment. Generally as long as they cover all their requirements they are fine, so usually the City or the local government would be indemnified. There is always the possibility the City could be found liable, but they would take all the precautions necessary for that not to happen.

Mr. O'Connell said he has a couple of concerns. He does not know if there is space or the proper layout for a permanent structure at Jaycee Park or Humiston Park. South Beach currently has something resembling a storage structure that is kind of out of the way. His other concern is if they are contracting with a local business to provide these services and there are other businesses providing the same services does the City want to be competing with other local businesses. He understands that the vendor is paying for that right with the contract, but by putting these businesses on their beaches they are part of the City, at least perceptually.

Mr. Woodruff said that most people do not know it is a separate business providing the equipment rentals at the hotels and resorts.

Mr. O'Connell said the Recreation Department gets very few calls asking where to rent chairs. Again he asks, does the City want to be in this business and he would say no.

Mrs. Malone said she has to kind of agree, but she still likes the idea of food trucks.

Mr. O'Connell replied that food trucks might be a separate subject. It would not be a permanent structure, it is not an investment by the City, and perceptually it does not belong to the City.

Mrs. Steinkamp asked if it would be necessary to have a storage shed on site.

Mr. Woodruff said that the chairs and umbrellas are canvas and they need to be stored out of the sun and rain.

Mr. Lapeyre said the prior agreement that the City had is not a good example and it was not a model contract. It sounds like other cities of a comparable size (to the City Vero Beach) have found a way to do this correctly. He said maybe they should leave the chair and umbrella rentals up to the hotels and resorts.

Mrs. Malone said she agrees, leave it up to the private businesses.

Mr. Woodruff said it would probably be more achievable if the City was a partner in it, but if not, it might not be a worthwhile investment for a business. If the City does not want to be a partner then the Commission should recommend not moving forward.

Mr. Tonkel asked if their conclusion is that most people who use the beaches can provide what items they need to enjoy their visit. He said it sounds like they are leaning towards making a recommendation not to allow vendors.

Mrs. Steinkamp asked Mr. Tonkel if he is recommending that they do away with it entirely.

Mr. Tonkel replied yes, that is what he is hearing. He feels it is difficult to enforce.

Mrs. Steinkamp asked if they have heard from the public, either for or against having a vendor at the City beaches.

Mr. Tonkel said if they make their recommendation to City Council and they feel that a public opinion survey is needed they will do that.

Mr. Newman asked if the City has done a study done to find out what financial benefits the City would receive.

Mr. O'Connell replied no. They just know how much they were not making on the previous contract. They know the structure of the contract was not optimal and even in better times they were not making much money. The financial aspect to the City is never going to be an overwhelming amount. This is more about using space in the City Parks to provide a service to the public.

Mr. Tonkel made a motion that the Recreation Commission's decision is to recommend that the City not allow contracts with any private concessionaires at any of the City beach sites. Mrs. Malone seconded the motion and it passed unanimously.

6. OLD BUSINESS

- A) For Information Purposes only – The Public Hearing for the Resolution Adopting Revised Recreation Programs and Community Events Rate/Fee Schedule will be held on March 16, 2021 at 8:30 a.m.**

7. RECREATION DIRECTOR'S MATTERS

Mr. O'Connell announced that the Book King Software system is set to launch on April 1, 2021 and they are training on it now. It is a computerized registration software package that the City is in contract with and they are anxious to get it implemented. He reported that the Humiston Park bathroom remodel project is progressing. The Community Center bathroom remodel contract was awarded by City Council and they are waiting on the building permits. The contract was also just awarded for the resurfacing of the tennis courts. He said they are currently accepting applications for the spring and summer camps.

Mrs. Howard announced that the 61st annual Easter egg hunt will be at Mulligan's Beach House Bar and Grill on March 27, 2021 starting at 10:00 a.m. They will be COVID compliant as per the Center of Disease Control's (CDC) guidelines, so masks are going to be required. The

Firefighters Fair performances will take place at the Indian River County Fairgrounds. The shows will be on Saturday, March 13th at 1:30 p.m. and 3:00 p.m. and on Tuesday, March 16th at 6:00 p.m.

Mr. Tonkel asked how is the response to the spring and summer camps.

Mrs. Howard explained that March is usually kind of a slow month for camp registrations, but right now they have about 20 to 30 children signed up. She will provide them with actual figures next month.

Mr. O'Connell stated that they will be going into camps this year with all the COVID 19 requirements as last year, but hopefully they will be able to eliminate some of that.

8. CHAIRMAN'S MATTERS

None

9. MEMBER'S MATTERS

Mr. Newman asked if the public hearing for the new Recreation rates is at a City Council meeting.

The Senior Administrative Assistant replied that it will be at the City Council meeting in the Council Chambers on March 16, 2021 at 8:30 a.m.

Mr. Newman said at a future Recreation Commission meeting he would like them to discuss youth sports, what takes place in Vero Beach, and how the City can be helpful in that regard.

Mrs. Malone replied sure, they could put that on next month's agenda or a future agenda to discuss.

Mr. O'Connell stated that he would be prepared to discuss what the City offers and what the County offers.

10. NEXT MEETING DATE

A) April 13, 2021

The next Recreation Commission meeting is scheduled for April 13, 2021 at 1:30 p.m.

11. ADJOURNMENT

Today's meeting adjourned at 3:08 p.m.

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