

**VERO BEACH RECREATION COMMISSION MINUTES
TUESDAY, APRIL 12, 2022 – 1:30 P.M.
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

PRESENT: Chairman, Brooke Steinkamp; Vice Chairman, Christopher Woodruff; Members: Leonard Markir and Rick Gillespie **Also Present:** James O’Connell, Recreation Director; Jenny Flanigan, Assistant City Attorney and Tammy Bursick, City Clerk

1. CALL TO ORDER

Today’s meeting was called to order at 1:30 p.m. and the City Clerk performed the roll call.

2. APPROVAL OF MINUTES

A) March 8, 2022

Mrs. Steinkamp made a motion to approve the minutes of the March 8, 2022 Recreation Commission meeting. Mr. Woodruff seconded the motion and it passed unanimously.

3. PUBLIC COMMENT

Mr. Steve Newman said that he is a snowbird so this would be the last time that he would be able to speak with the Commission members regarding the tennis courts and the United States Tennis Association (USTA) until he returns to Vero Beach in October. He said most of the tennis players at Riverside Park do not want USTA. They are happy with the way it is and they love the staff. He said the documentation from USTA indicated that the annual membership fees were too low and that they would increase them. He said increasing the fees was absurd when compared to other places. At a City Council meeting it was stated that the USTA approached the City, but 32963 newspaper had a story a few weeks ago that stated that the City approached the USTA. He encouraged the Commission members to vote against the USTA taking over the Riverside Tennis courts.

Ms. Jenny Flanigan, Assistant City Attorney, reported that the City Council would be reviewing USTA’s proposal at their May 3, 2022, meeting and would be taking action at that time so this Commission’s recommendations are completed on this matter.

Mr. Newman felt that if the City was interested in looking at alternatives that they should put it out for a competitive process.

Mr. Gillespie asked if USTA would be giving a presentation on their proposal to the City Council at their May 3rd meeting.

Mr. James O’Connell, Recreation Director, said it was his understanding that USTA would be presenting information to the City Council on what it is that they do and what they could do if the City was to enter into a management agreement.

Mrs. Steinkamp thought that the USTA's Board was not allowing them to bring a proposal without a Town Hall meeting.

Mr. O'Connell explained that they would be presenting information and answering questions at the City Council meeting. They were not ready to make a proposal.

Mr. Markir read, in part, an email from Ms. Laura Bowen, Executive Director of the USTA, "*our board will not approve us submitting any framework or proposal until we have an opportunity to host a Town Hall meeting*" (email on file in the City Clerk's office).

Mr. O'Connell explained that the City Council stated that they would prefer that USTA speak and make a presentation at the May 3rd City Council meeting.

Mr. Markir questioned so the role of the Recreation Commission is not to participate in any open comments about this until after the City Council meeting.

Ms. Flanigan explained that the Commission is free to have discussions.

Mr. Gillespie said Ms. Bowen also stated in her email that they have the ability to host a Town Hall meeting separately at a local club and that they would likely pursue that option to make sure that they continue to have an open dialogue with all tennis players in the community. He said at the last Recreation Commission meeting they discussed holding this meeting so that everyone could participate.

Mr. Michael Dwyer said that he is Mrs. Gabby Dwyer's (City employee) husband. He suggested that the Commission still makes a recommendation even though the City Council has this coming before them. He said USTA is a non-profit organization and they posted over \$11 million last year. He said the back four (4) tennis courts still need to be redone and a 50/50 match in cooperation with USTA without them taking over management was something that he would like the Commission and the City Council to consider.

Mr. Markir questioned so he is suggesting that the management agreement continue, but with certain restrictions.

Mr. Dwyer said that he would like to see a participation agreement without any outsourcing of management. He then showed the Commission members a picture of his family. He said they have two (2) children and two (2) dogs. He said there was collateral consequences for a position being eliminated for someone who has worked for the City for 22-years without incident. He said that his wife is not just a tennis manager of the facility, but has in the past and currently has applied for and received a USTA grant. She also participates in several other events of the Recreation Department, such as the Aerial Antics Circus, the Christmas Drama, etc. He said not only would the City be losing a tennis manager, but a recreator with 22-years of experience. In December, 2017, USTA assumed the courts at Cocoa Beach because they were dilapidated and the administrator was retiring. He then briefly went over a few other areas where USTA took over.

He asked that if there is a Town Hall meeting that they hold the meeting at the Riverside Raquet Complex and that they wait until September or October when the winter residents are here.

Mr. Markir asked Mr. Dwyer if he and his wife spoke with Mr. O'Connell about this.

Mr. Dwyer said that he has tried.

Mr. Markir said the reason he asked was because Mr. O'Connell would be working out arrangements for an agreement between USTA and the City and it was his impression that Mr. O'Connell was concerned about protecting his employees.

Mr. Dwyer felt it was vital to have a conversation.

Mrs. Steinkamp said that she spoke with the Recreation Directors of Cocoa Beach, Fort Walton, and Gainesville and all three (3) of them said this doesn't sound like a good fit for the City of Vero Beach. She did not think it would be a terrible idea to partner with USTA in some way, but they don't seem to be pushing forward as hard as the City is pushing, which makes her question why. She questioned why would they be looking at firing someone a few years before their retirement just to save \$54,000 a year. That doesn't seem logical. She said USTA has been around for a long time and questioned why this needs to happen on June 1st. She questioned why couldn't it happen when the timing is right or when there is a need for them.

Mr. Gillespie said USTA services are still available whether they have a management contract or not. He said they could serve as an advisor, they could provide grant assistance, etc.

Mr. Dwyer said that Ms. Cindy Lawson, Finance Director, recently told the City Council that the City was in great shape and there was not a need to eliminate a position or salary.

Mr. O'Connell noted that City staff is not pushing this. It is not something that they are either supporting or fighting against. This was something that was presented to the City as a possibility and the issues got to the point where it became of interest to the City Council after it went before the Recreation Commission. He said this was not something that he is advocating for or against.

Mrs. Steinkamp asked Mr. O'Connell who presented him with the opportunity. She asked did it come from USTA.

Mr. O'Connell said USTA approached staff through a City Councilmember about the possibility of a management agreement.

Mr. Steve Newman said that is not what USTA says. The documentation from USTA is clear that the City approached them. He said the information that was provided to the City Council was very clear that USTA intended to replace people with their own. He did not think that the tennis players would object to USTA helping in some way. He said that he plays tennis in New York all summer long and has played on at least three (3) different sets of tennis courts in Queens, New York and none of them have any employees who were as good as Mrs. Dwyer and her staff. He said it was

in the newspaper a few weeks ago that someone sued one (1) of the trainers of USTA for sexual abuse. The main trainer in Vero Beach has been there for 18 years and has had no complaints.

Mrs. Steinkamp said that she did look into that and there were actually two (2) trainers who were accused of sexual abuse while employed by USTA. One (1) of them is serving a 255-year sentence. She said that she wouldn't participate in the program.

Mr. Gillespie said there are several Councilmembers present today and asked that they allow the Recreation Commission the opportunity to review any kind of proposal in order to assess the positive and the negatives and to support the City Council in any decision that comes down the road.

4. NEW BUSINESS

None

5. OLD BUSINESS

A) Guidelines for Proposals

Mrs. Steinkamp reported that at their last meeting she had some thoughts that she wanted to include in the Guidelines for Proposals. She felt that it was important to add some sort of a note on transparency, such as asking people bringing forward proposals that they provide an annual financial report including, but not limited to, how much the non-profit or private entity gives in scholarships annually and/or how much they were donating back to the City.

Mr. Gillespie asked Mrs. Steinkamp if she would be satisfied if they request transparency in their operations on an annual basis.

Mrs. Steinkamp said she would. She said a lot of them state that they offer scholarships, but the City doesn't know how many they offer.

Mr. Markir suggested adding the phrase, "*with a review on an annual basis of their benefits to the City.*"

Mr. Woodruff thought that was above the Commission's duties.

Ms. Flanigan said this goes back to the January 11th Recreation Commission meeting where they put fourth five (5) criteria suggestions for applications for the use of public Park space. At their last meeting it was discussed that as an advisory commission any direction would have to come from the City Council. The City Attorney's office then drafted a memorandum that would be presented to the City Council by the Chairman of the Commission, which is requesting more direction in evaluating proposals for use of public Park space if that is the consensus of the Commission (memorandum on file in the City Clerk's office). Mrs. Steinkamp then had the idea for an additional criteria to add regarding financial transparency of organizations running

recreation activities on public Park space. She noted that at this point, any direction would have to come from the City Council.

Mr. Markir said that he would like to do it the other way around. What Ms. Flanigan is stating is that she would like to make the criteria list and then the Commission could approve it and move it onto City Council.

Ms. Flanigan said that is not the case. She said that she put the wording verbatim of what the Recreation Commission presented into the memorandum.

Mr. Markir said with that in mind, he would be happy to add Mrs. Steinkamp's suggestion because he felt that transparency was important.

Ms. Flanigan noted that the first page of the memorandum does include the responsibilities of the Recreation Commission. She briefly went over with the Commission members what their duties are.

Mrs. Steinkamp said the Commission is identifying and delivering their recommendations and it is ultimately up to the City Council on whether to adopt them or not.

Mr. Markir said that he would be using this and would be asking anyone who comes in to make changes to public space or to make any additional use and intensity of use.

Ms. Flanigan noted that if the City Council rejects them then they would not be using them.

Mr. Markir questioned so if the City Council rejects this list then he could not ask how the proposal would result in the benefit to the space.

Ms. Flanigan explained that he could ask, but it could not be a requirement of the applicant.

Mr. Markir said that he considers this to be a consistent analysis that the City Council needs in order to be able to understand any advisory approval or disapproval from the Recreation Commission.

Ms. Flanigan referred to Chapter 7 of the Comprehensive Plan where it states in part, "*recreation and open space element goals, objectives, and policies.*" She said that should be the basis of any starting point for their questions.

Mr. Markir made a motion that the Commission amends the criteria list under item 4) – the taxpayers, to add an annual financial review. Mrs. Steinkamp seconded the motion.

Mr. Woodruff said that he liked the idea of the financials, but as a business owner he would not want his financials public in order to do business with the City. He said that would hold him back from presenting and offering a service.

Mrs. Steinkamp said that is a private entity and she thought they heard most from non-profits.

Mr. Woodruff said that he didn't want to hold anyone back from offering the City a service.

Mr. Markir questioned any agreement that the City makes to transfer public recreation land to a non-profit or a for-profit, it would be a contractual agreement.

Ms. Flanigan said that is correct.

Mr. Markir said then the stipulation for annual review could be wiped out in negotiations.

Ms. Flanigan said it could. She noted that the City could not contract around the Public Records Law so any record the City receives is a public record unless there is an exemption and there wouldn't be in this matter.

Mr. Markir said if they added this verbiage it would not be able to be held privately.

Ms. Flanigan said that is correct.

The motion passed unanimously.

B) Youth Sports Workshop

The Commission members agreed to hold a Workshop on youth sports on Tuesday, May 17, 2022 at 4:00 p.m., at the Community Center.

Mrs. Steinkamp reported that they would invite staff, parents, volunteers, etc.

6. RECREATION DIRECTOR'S MATTERS

A) Recap of the 62nd Annual Easter Egg Hunt – April 9, 2022

Mr. O'Connell, reported that they estimated about 500 children attended the 62nd Annual Easter egg hunt. He said staff did a great job and he appreciated their hard work.

Mr. O'Connell reported that they have two (2) employees leaving the City this week. One (1) employee is retiring and the other employee is moving. They would be holding a going away party at the Community Center at 12:00 p.m. tomorrow and he invited the Commission members to attend.

Mrs. Steinkamp reported that she attended the Easter egg hunt, which was fabulous.

7. CHAIRMAN'S MATTERS

None

8. MEMBER'S MATTERS

Mr. Gillespie referred to the (pre-Covid) proposal that was submitted by the Marty Fish Foundation for the revamping of the Riverside Tennis Complex. He felt at some point they should get an update on where that fits into the scheme of things.

Mr. O'Connell said there has not been much on that since Covid hit. He said Covid hit a lot of people's finances. He said that he has not had any discussions with the Marty Fish Foundation, but it was his understanding that the Marty Fish Foundation would like to bring the idea back at some point.

Mr. Gillespie said that he wanted to make sure that this is on their radar noting that the Recreation Commission would like to be involved in the discussion if they do come back with a proposal.

Mr. Woodruff reported that he normally bikes downtown and many times was unable to find a bike rack, however he drove around the area prior to today's meeting and found three (3) bike racks within 300-yards of each other.

Mr. Woodruff asked if it would be appropriate for a member of the Commission to sponsor an event.

Ms. Flanigan said donating something to the City would be appreciated.

Mr. Markir said that Mr. Gillespie would be leaving to go back up north for two (2) months this summer so they are only going to have three (3) members.

Mr. Gillespie explained that he would be gone in August and September.

The City Clerk asked the Commission members if they know of anyone interested in serving on the Recreation Commission to submit an application.

09. NEXT MEETING DATE

A) May 10, 2022

The next Recreation Commission will be held on Tuesday, May 10, 2022 at 1:30 p.m. in the City Hall, Council Chambers.

10. ADJOURNMENT

Today's meeting adjourned at 2:46 p.m.

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